

AXIOLOGICAL LEGITIMATION OF AUTHORITY IN THE KAZAKH WORLDVIEW: CHARISMA, JUSTICE, AND THE INSTITUTION OF BIYS

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Abstract. This article examines how authority gained public recognition in traditional Kazakh society through the relationship between charisma, justice, and the practice of «biys». It reconstructs the values and procedures through which authority came to be regarded as legitimate and presents their interaction as an analytical model. The methodological framework combines historical-philosophical and cultural-historical analysis, comparative-philosophical, axiological, hermeneutic, and systemic-structural approaches, together with principles drawn from philosophical anthropology, the philosophy of culture, and legal pluralism. The analysis draws on 33 historical, legal, ethnocultural, anthropological, and theoretical works selected for their direct relevance to the research question. Claims concerning the late seventeenth and eighteenth centuries are reconstructed retrospectively from later legal compilations and nineteenth-century descriptions. The findings suggest that a «biy's» authority rested less on formal office than on the party's voluntary choice, knowledge of custom, eloquence, consistency between word and conduct, and the public assessment of earlier decisions. The acceptance of adjudication depended on its substance as well as public hearings, attention to both parties, reasoned argument, the possibility of appeal, and the social consequences of reconciliation. The analysis develops the «Moral Authority – Justice – Reconciliation» model to explain legitimacy as a public relationship renewed through adjudication, public

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reasoning, and reconciliation, while relating Kazakh historical experience to theories of charisma, procedural justice, and legal pluralism.

Key words: authority, charisma, legitimacy, justice, institution of biys, customary law, Kazakh worldview.

Introduction

The question of power in Kazakh society has most often been studied within the frameworks of khanate governance, political structure, and customary law. These studies have made a significant contribution to elucidating the status of khans and sultans, the formation of state institutions, and procedures for resolving disputes. Nevertheless, the question of why the words and decisions of those who exercised power were accepted, and according to which value-based criteria the community deemed them appropriate, requires separate analysis. In the Kazakh worldview, power was regarded not only as a social privilege but also as a duty to preserve the unity of the people, settle disputes fairly, and bear collective responsibility.

Max Weber distinguishes the traditional, charismatic, and legal-rational bases of obedience to authority as ideal types [1]. David Beetham links legitimacy to conformity with rules, justification through shared beliefs, and visible acts of consent [2]. Pierre Bourdieu regards recognition as a key condition of symbolic power [3], whereas Tom Tyler demonstrates that being heard, respectful treatment, and neutral procedures also influence the acceptance of decisions [4]. The legal pluralist approach makes it possible to analyze how custom and communal norms operate alongside state law within the same society [5]. In this article, legitimacy denotes the legally and morally recognized condition of power, whereas legitimation refers to the process through which such recognition is formed and renewed. The term power is used in the sense of the capacity to influence and make binding decisions; authority is used to denote socially recognized power.

Assessing nomadic society solely by the standards of a centralized bureaucratic state does not fully reveal the distinctive features of its political organization. David Sneath urges attention to aristocratic orders and status relations [6], while J. Daniel Rogers shows that political organizations in Inner Asia were networked and multilevel [7]. These arguments provide grounds for viewing Kazakh political culture as a system in which the status of the khan, the moral authority of biys, consultative traditions, and communal norms interacted.

In Kazakhstani scholarship, A. Seidimbek describes the Council of Biys as a mechanism connecting the khan's authority with respected representatives of the community [8]. S. Zimanov examines the legal, rhetorical, and conciliatory functions of the biy court [9]; T. Kultelev systematizes responsibility and judicial procedure under customary law [10]; and Sh. Ualikhanov specifically addresses the relationship between the biy court and everyday life [11]. Yet these works do not fully integrate charisma, justice, procedure, and reconciliation into a single value system that secures the recognition of authority. This article therefore aims to elucidate that relationship

on the basis of historical material and to substantiate the «Moral Authority – Justice – Reconciliation» model. The study proceeds from the hypothesis that the authority of a biy rested less on formal office than on moral authority, fair deliberation, and the ability to conclude disputes through reconciliation, and that it was reassessed in every new adjudication.

Over recent decades, political philosophy, legal anthropology, and historical sociology have witnessed a significant increase in studies that reconsider the cultural and axiological foundations of legitimacy. Whereas classical political theory long prioritized the legal foundations and institutional organization of power, contemporary humanities scholarship pays greater attention to the moral, symbolic, and cultural mechanisms of public recognition. From this perspective, the stability of power is understood not merely as a product of legal procedures or coercive resources, but as a social phenomenon closely connected with systems of shared values, historical memory, and cultural institutions of authority. Accordingly, analyzing the legitimacy of power through the internal cultural logic of historical experience has become an important direction in contemporary political-philosophical research [12]. The political culture of Kazakh society offers a distinctive historical experience for studying these questions. Under a nomadic social structure, power often operated not through an administrative apparatus or formal legal institutions, but through public trust, moral authority, and collectively established understandings of justice. In such circumstances, the public status of a holder of power was reassessed in every new dispute, council, or adjudication and continually reaffirmed by the community. This feature reveals the dynamic nature of legitimacy in Kazakh society and suggests that static institutional models in contemporary political theory cannot fully explain it [13].

At the same time, international scholarship on the cultural legitimation of power in nomadic societies has largely been limited to the structure of political organizations, legal systems, or nomadic statehood. The axiological mechanisms of public recognition of power especially the interrelationship among charisma, justice, and social reconciliation have not been sufficiently examined as an independent theoretical model. The historical practice of the Kazakh institution of biys makes it possible to reconsider precisely this issue, because authority here was connected not only with legal competence, but also with moral standing, rhetorical competence, and socially accepted principles of justice. Accordingly, the article does not treat the public recognition of power in traditional Kazakh society merely as a descriptive historical question; rather, it analyzes it as a historical-philosophical model that expands the cultural boundaries of contemporary theories of legitimacy. The proposed «Moral Authority – Justice – Reconciliation» model understands authority not as a legally granted status fixed in advance, but as a social relationship continually reproduced through an individual's moral authority, fair procedure, and social agreement. From this perspective, the study both offers a new interpretation of traditional Kazakh political culture and seeks to supplement contemporary philosophical and anthropological theories of legitimacy with the experience of nomadic civilization.

Research Methodology

The study is based on historical-philosophical and theoretical methods of analysis. To identify the historical origins, cultural content, and mechanisms of public recognition underlying the axiological legitimation of authority in the Kazakh worldview, historical-philosophical, cultural-historical, comparative-philosophical, axiological, hermeneutic, and systemic-structural approaches were applied in an integrated manner. These methods made it possible to treat power as an integral moral, spiritual, and legal phenomenon formed within a specific sociohistorical environment rather than as something reducible to formal competence.

The historical-philosophical method was used to reconstruct the evolution of ideas about power in traditional Kazakh society and the relationships among the khan's status, the authority of biys, customary law, consultative traditions, and communal recognition. The historical scope of the study extends from the late seventeenth century through the nineteenth century. Claims regarding the seventeenth and eighteenth centuries were reconstructed retrospectively from legal compilations recorded at a later date, nineteenth-century descriptions, and texts of normative memory. Such sources were treated not as complete records of particular events, but as texts reflecting established patterns of historical consciousness concerning power, the just «biy», and public order. The cultural-historical approach was directed toward analyzing the legitimation of power in the contexts of nomadic life, oral culture, kinship and communal ties, traditions of council and reconciliation, and colonial reforms. This approach enabled Kazakh political culture to be understood within its own social structure and value logic, rather than being assessed directly according to the standards of the modern bureaucratic state.

The comparative-philosophical method was used to compare the Kazakh concepts of «qasiet», «bedel», «justice», and «reconciliation» with theories of charisma, legitimacy, symbolic power, procedural justice, and legal pluralism [14]. The comparison was not intended to equate these concepts, but to identify their explanatory potential and cultural limits. Weberian charisma was therefore used not as an equivalent of the biy's innate qasiet, but as an analytical tool for explaining how personal qualities, through recognition by the community, become a relation of authority. The hermeneutic method was used to interpret the semantic layers of sayings attributed to biys, compilations of customary law, historical descriptions, and later philosophical and legal studies. The unit of analysis was an individual sentence, a conceptual proposition, or a meaningful fragment describing a particular procedure. The materials were interpreted through the categories of «moral authority», «qasiet», «justice», «hearing», «evidence», «reconciliation», «compensation», and «public recognition». This was not a frequency-based content analysis; rather, it was a qualitative interpretation aimed at revealing the moral-normative, symbolic, and historical significance of the texts.

Axiological and systemic-structural analysis made it possible to treat the recognition of power as a system of interconnected values and procedures. Within

this framework, moral authority was identified as the initial condition for seeking adjudication, justice as the substantive and procedural basis of the decision, and reconciliation as the outcome that reorganized social relations after conflict. The components operate not only in one direction but also through feedback: a just decision strengthens moral authority, a durable reconciliation consolidates public trust, and the weakening of authority affects the acceptance of the next adjudication. This structure was used to provide a theoretical basis for the «Moral Authority – Justice – Reconciliation» model. The study's general framework draws on the principles of philosophical anthropology and the philosophy of culture. Human beings are treated not as passive subjects of power, but as agents who make moral choices, evaluate justice, and participate in public recognition. Power, in turn, is understood as a cultural relationship among the individual, the community, tradition, and normative order. From the perspective of legal pluralism, the biy court is analyzed not as a closed and immutable system, but as an institution that interacted with the khan's authority, Islamic legal concepts, and, later, the imperial administration.

It included 33 publications directly relevant to the research question: 11 historical-legal works and retrospective sources, 6 ethnocultural and anthropological studies, and 16 theoretical works on legitimacy, charisma, justice, and legal pluralism. Selection criteria included direct relevance to the topic, historical or theoretical significance, clarity of source status, and balance between Kazakhstani and international scholarship. The principal historical claims were checked by comparing different types of sources. The study is not a systematic literature review, but a targeted analysis aimed at historical-philosophical interpretation and theoretical model building.

Conceptual Boundaries: Legitimacy, Moral Authority, and Qasiet

The article distinguishes the meanings of its key concepts. «Qasiet» denotes an exceptional moral-spiritual quality recognized as belonging to a person. «Bedel» denotes the recognition of those qualities in social practice and their transformation into enduring trust. «Charisma» is used as a comparative theoretical concept explaining how such recognition develops into a relation of authority. A biy's moral authority was not limited to an innate personal quality; it was formed through legal knowledge, eloquence, consistency between word and deed, and the public assessment of previous decisions. This distinction avoids directly transferring the Weberian ideal type onto Kazakh material while preserving its explanatory value [15].

Although justice and reconciliation are interconnected, they are not identical in meaning. Justice refers to a decision's conformity with established norms, proportionality, and the hearing of the parties. Reconciliation describes how social relations are regulated after that decision. Not every agreement can be considered just: a compromise reached under pressure from a more powerful party may outwardly end a conflict without receiving public recognition. Reconciliation is therefore not an alternative that substitutes for justice, but an outcome that follows adjudication by an authoritative biy and fair procedure. The «Moral Authority – Justice – Reconciliation»

model is intended to show not a simple sequence of three concepts, but the order of their mutual influence.

Power in the Kazakh tradition was not concentrated in a single center or based on a single status. The authority of the khan rested on genealogical right and political tradition. The influence of the biy, zhyrau, batyr, and orator depended on their public service and socially recognized standing. Consultative traditions, the views of elders, and customary norms provided the social basis for implementing adopted decisions. In light of these features, three levels of legitimation can be distinguished: genealogical-traditional, moral-reputational, and communal-normative. The genealogical-traditional level expressed the historical foundations of the khan's status and political unity. A. Seidimbek's analysis of the concept of «tore» demonstrates the significance of genealogical right [8, p. 45]. Yet in actual political life such status had to be justified by fulfilling public duties, heeding counsel, and maintaining internal balance. At the level of moral authority, the standing of a biy was manifested in knowledge of legal custom, the ability to command assent through speech, the capacity to find a proportionate solution to a complex dispute, and the trust accumulated through earlier adjudications. The communal-normative level operated through customary observances, qun (compensation), ayyp (penalty), oaths, testimony, and procedures of reconciliation. The community was not merely a subject expected to obey a decision; it was also the environment that recognized the biy's authority and assessed the justice of the adjudication. The association of authority with responsibility in Kazakh family and kinship traditions further supports this interpretation [16].

In the practice of «biys», the recognition of a decision did not depend solely on the personal qasiet of one individual. A biy gained trust through knowledge and character; the parties initiated adjudication by appealing to a particular biy and presenting their arguments; witnesses and the assembled public took part in the open consideration of evidence; elders and councils defined the communal meaning of reconciliation; and a sultan, administrator, or the community influenced implementation of the decision. None of these participants could by themselves confer full recognition upon a decision. The force of adjudication depended on their interaction and shared recognition of established norms.

Channels of Public Validation of Moral Authority

The authority of a «biy» did not arise from a one-time election or a mandate granted from above. It was consolidated through three interconnected channels. First, the parties' voluntary appeal to a particular biy constituted a practical assessment of his prior decisions and character. Next, the biy's reasoning, appropriate application of customary norms, and ability to answer counterarguments were tested in public. The final measure was the decision's subsequent effects: if reconciliation endured and the dispute did not recur, authority was strengthened; if a one-sided adjudication led to an appeal or renewed conflict, the biy's influence weakened [11 77–104].

In Sh. Ualikhanov's 1864 note, three years of data from district prikazes (administrative boards) are presented. In the Karkaraly district, biys completed

171 cases between 1860 and 1862. During the same period, no complaints alleging injustice in biy decisions were recorded in the Karkaraly, Kokshetau, and Bayanaul districts, while only a small number were recorded in the Akmola district [11, p.106]. Ualikhanov also reports that some Russian plaintiffs and defendants chose the biy court. These data do not mean that every adjudication was flawless: opportunities to file complaints, the completeness of procedural documentation, and the quality of administrative reporting were limited. Nevertheless, the parties' choice of the «biy» court in comparison with other judicial arrangements, together with the small number of recorded complaints, may be regarded as indirect indicators of the «biy's» public authority.

The consolidation of authority in this manner prevents the informal character of the institution of biys from being assessed one-sidedly as a weakness. In an environment with a limited apparatus of coercion, implementation of decisions relied on social ties, communal opinion, and reciprocal obligations. Because disputing parties could not fully withdraw from kinship, economic, and neighborhood relations, refusing to accept the decision of an authoritative biy was an act with consequences for the wider social environment. Although the biy had no written mandate, his adjudication acquired an institutional character through the community's repeated recognition. The establishment of a biy's authority therefore depended not only on formal procedure but also on the continual renewal of public trust [17].

Charisma, Qasiet, and Public Moral Authority

It would be inaccurate to equate Weberian charisma completely with the Kazakh concepts of «qasiet» or «bedel». It is useful for interpreting the Kazakh material only when understood as a relationship between a person recognized as exceptional and the community that recognizes that exceptional quality. P. Smith shows that charisma is constituted through cultural codes [18], while P. Joosse analyzes it as the outcome of followers' recognition and shared interpretation of events [19]. The influence of a Kazakh biy likewise arose not from individual talent alone; it depended on the public recognition of eloquence, legal knowledge, and moral character.

The first foundation of a biy's authority was command of speech. In an oral legal culture, speech was not merely oratory; it was a means of presenting evidence, expressing public judgment, and calling the parties to reconciliation. Bourdieu's symbolic power is evident here: the force of speech depended not only on linguistic skill but also on the socially recognized right to speak [3 p. 38]. The second foundation was consistency between the biy's words and deeds. If the conduct of a person who demanded justice was itself questionable, the authority of his adjudication also weakened. The third foundation was the outcome of previous decisions. A biy became known not through a single witty expression, but through a repeated ability to find proportionate solutions without rupturing social relations. This feature whereby a «biy's» authority was reassessed in each new dispute may provisionally be called «tested charisma». The term denotes charisma not as an immutable personal trait but

as a relationship dependent on public recognition, and thus corresponds with Joosse's argument [20].

Justice was one of the principal criteria determining recognition of the institution of biys. Its substantive dimension lay in the decision's conformity with established norms, the harm caused, and the parties' responsibility. Its procedural dimension concerned hearing both parties, comparing evidence, showing respect, and explaining the reasons for the decision. If either dimension was weakened, the public weight of the adjudication diminished.

Amartya Sen associate's justice with comparative reasoning aimed at reducing actual injustice rather than with an abstract model of perfectly just institutions [21]. A biy was expected not simply to apply an established norm, but to consider the circumstances of the dispute, the extent of harm, kinship obligations, and the parties' need to continue living within the same social environment. Justice therefore appeared not as simple equalization, but as the simultaneous assessment of proportional responsibility and the social consequences of a decision.

Research on procedural justice shows that voice, neutrality, and respect affect the recognition of authority [22]. T. Tyler and J. Jackson argue that the voluntary acceptance of legal authority depends on trust and moral alignment [23]. The public conduct of biy adjudication, the parties' opportunity to present their arguments, and the hearing of witnesses can be compared with these criteria. The aim is not to present the biy court as a historical equivalent of the modern court. The important point is that procedure had a legitimating significance of its own, apart from the outcome of the decision. Social status, wealth, kinship influence, and gender inequality affected actual disputes. The image of the just biy should therefore be understood not as a complete description of historical life, but as a public expectation intended to restrain such influences.

Reconciliation in the practice of biys performed a broader function than a compromise that merely suspended a dispute. It was directed toward acknowledging the harm caused, assigning responsibility, and regulating the parties' subsequent relationship. Whereas qun and ayyp materially acknowledged the injured party's claim, public reconciliation enabled opposing parties to continue living within the same social space. Such a decision cannot be said to have eliminated vengeance entirely, but it reduced the risk of a dispute expanding into a wider interclan conflict. From this perspective, reconciliation appears not simply as punishment, but as a practice aimed at compensating for harm and reorganizing a disrupted social relationship [24]. This similarity does not justify equating the historical biy court with a modern institution of restorative justice.

Nor should reconciliation be assumed to have been benevolent and voluntary in every case. When power and status were unequal, the weaker party could be compelled to accept an agreement. For this reason, in the proposed model reconciliation serves the recognition of authority only when it rests on adjudication by an authoritative biy and fair procedure. Hearing the parties, ensuring proportionality between harm and responsibility, and explaining the basis of the decision publicly distinguish voluntary agreement from compelled silence. When these requirements are absent, reconciliation may conceal a conflict temporarily rather than resolve it. The analysis therefore

considers not only whether an agreement was reached, but also the conditions and moral grounds on which it was accepted.

The Institution of Biys: Legal Pluralism, Speech, and Reconciliation

Restricting the institution of «biys» to a judicial function alone understates its cultural and political significance. A biy applied customary norms to a specific dispute, compared the parties’ arguments, and provided a moral justification for implementation of the adopted decision. V. Martin shows that custom and imperial law interacted through negotiation in the Kazakh steppe [25], while P. Sartori analyzes the complex relationship among Sharia, local practice, and administration in Central Asia [26]. From this perspective, the biy court constituted a legal space in which several normative orders intersected.

The first item of historical-textual evidence comes from Sh. Ualikhanov’s «Note on Judicial Reform». He writes that biys were not formally elected and confirmed, and that their public significance rested on personal authority. A biy acted as an adjudicator only when the parties appealed to him; once he lost authority, such appeals ceased [11, p. 79]. Ualikhanov also notes that cases were heard orally and publicly, that representation was permitted, and that decisions could be appealed. These observations indicate that authority generated initial trust, while its preservation depended on procedural openness and subsequent public assessment of the decision.

The second item of evidence concerns judicial procedure. According to T. Kultelev, a case was initiated by the claim of the injured or otherwise interested person, and the oral arguments of both parties were heard in an adversarial setting. Before issuing a judgment, the biy sought to reconcile the disputants [10, p. 119]. Hearing the parties and comparing their evidence were not limited to preparation for a decision. This procedure recognized each party’s right to speak and increased the possibility of reconciliation.

The third item of evidence concerns qun, ayyp, and kinship responsibility. A. Levshin writes that qun was applied not only to homicide but also to several types of serious offense, and that the kin group participated in paying it [27]. Materials on customary law show that compensation, oaths, testimony, and reconciliation were used in combination according to the nature of the case. This arrangement did not negate individual guilt, but sought to regulate the consequences of harm within the wider kinship environment.

Table 1. Historical-Textual Evidence and Model Components

Source or Practice	Moral Authority	Justice	Reconciliation and Social Outcome
Sh. Ualikhanov: voluntary choice of a biy, cessation of appeals when authority is lost, public adjudication, and the possibility of appeal [11]	The parties’ trust and the authority established by earlier decisions	Publicity, oral deliberation, representation, and appeal	Public acceptance of the decision; the low number of complaints as an indirect indicator of recognition

T. Kulteleev: initiation of proceedings upon a claim, adversarial hearing of the parties, and encouragement of reconciliation [10]	Appeal to a competent biy	Hearing both parties' arguments and comparing evidence	Possibility of reconciliation before judgment
A. Levshin and materials on customary law: qun, ayyp, and kin-based compensation [30; 31]	The biy's competence to apply the norm to specific circumstances	Proportionality between harm and responsibility	Compensation for harm and reorganization of relations

Source: Compiled by the authors.

The cited evidence does not fully cover the practice of biys in every region and period. Nevertheless, each source reveals recurring procedures: choosing a biy on the basis of authority, hearing the parties publicly, and concluding a dispute through compensation or reconciliation. These recurring features constitute the historical basis of the proposed model.

M. Gluckman shows that conflict, when regulated through appropriate procedures, can contribute to the restoration of social relations [28]. In a nomadic environment, disputants could not entirely withdraw from ties of pasture use, trade, marriage alliance, and mutual aid. Reconciliation was therefore both a practical and normative solution aimed at preventing prolonged vengeance. At the same time, legal pluralism should not be romanticized: which norm was recognized as law was intertwined with relations of power and access to resources.

Comparison of the sources indicates that biy adjudication consisted of several successive stages. A dispute began with a claim by an interested party, while the choice of a biy depended on trust and established authority. The circumstances of the case were presented orally, and the opposing party and witnesses were heard. The biy adapted the customary norm to the specific circumstances and explained the reasons for the decision in public. Finally, implementation of the adjudication was secured through compensation, a penalty, or reconciliation [10, p. 119]. This sequence shows that the biy's function was not limited to pronouncing judgment, but also encompassed building trust, comparing evidence, and reorganizing social relations.

Zheti Zhargy, associated with the reign of Tauke Khan, and the participation of authoritative biys in councils are important for understanding the value-based character of Kazakh political culture. Later historical memory may have idealized the activities of Tole, Kazybek, and Aiteke biys. It is therefore methodologically unjustified to equate this practice with a modern parliament or the principle of separation of powers. In this article, the term «Council of Biys» does not denote a permanent institution whose composition and powers remained unchanged in all periods. It refers to the practice whereby authoritative biys assembled at the khan's court or during major disputes and influenced collective decisions [8, p. 54].

N. Masanov shows that modes of regulation in Kazakh nomadic society were adapted to mobility and spatial connections [29]. Under such conditions, consultative

assemblies served as arenas where information, regional interests, authority, and agreement converged. Materials on customary law indicate that their composition and procedures varied by region and period [30]. The advisory influence of biys is therefore best described not as an institution that replaced the khan's authority, but as a moral-political mechanism that supplemented it with publicly recognized moral authority [31].

Colonial reforms altered this established relationship. P. Sartori analyzes how procedures for electing qadis and biys were adapted to the aims of imperial administration [32]. V. Martin shows the negotiated character of relations between Kazakh political culture and the imperial administration [33]. Incorporating the status of biy into administrative procedure did not immediately eliminate earlier channels of public recognition, but it significantly changed the formation of authority and the biy's competence. This historical transformation demonstrates that the institution of biys changed in response to its political environment.

The evidentiary status of Zheti Zhargy must likewise be assessed with caution. The surviving versions are not unchanged copies of a complete official code produced at a single moment. They combine rules recorded in different periods, legal memory, and later interpretations. In this article, therefore, Zheti Zhargy is treated not as a uniform written law applied identically across all regions, but as a cumulative designation for a legal tradition aimed at systematizing the khan's authority, the practice of biys, and communal norms [31 p. 158]. This position does not deny the significance of normative renewal during the reign of Tauke Khan, but guards against equating the idealized image in later national memory with actual historical practice.

The analysis shows that the legitimation of the institution of biys cannot be explained through a single concept. Moral authority generated the initial trust required to listen to a biy, but an unjust decision weakened that trust. Justice formed the moral basis of adjudication; yet if the parties were not heard, even a substantively correct decision could be perceived as coercion. Reconciliation made it possible to end the conflict, but unless it rested on moral authority and fair procedure, it remained a temporary agreement imposed on the weaker party.

The novelty of the model lies not in the names of its three concepts, but in showing how they interacted during biy adjudication. Legitimacy is treated not as a pre-given status, but as a public relationship reassessed in every dispute. Personal moral authority is combined with procedural justice, while the outcome of adjudication is evaluated not only by the pronouncement of a judgment, but also by compensation for harm, cessation of conflict, and preservation of subsequent relations. In this respect, the model supplements the theoretical dimensions proposed by Weber, Beetham, and Tyler through the concrete procedures and social outcomes found in Kazakh historical material.

The relationships within the model do not operate in only one direction. A previous just decision strengthens a biy's authority, and established authority creates the conditions for his words to be heard in a new dispute. When the parties understand the basis of a decision through fair procedure, the likelihood that reconciliation will be accepted increases. A durable resolution of the dispute consolidates subsequent public trust. Charisma thus appears not as an immutable personal quality, but as relational

authority formed through just practice and reassessed in every new situation. This conclusion demonstrates that procedure possessed independent significance even within an oral legal culture.

The «Moral Authority – Justice – Reconciliation» model can be compared with the three dimensions of legitimacy described by D. Beetham [2, p. 20]. Conformity with rules corresponds to the substantive and procedural dimensions of justice; justification through shared beliefs corresponds to the cultural and moral foundations of authority; and visible acts of consent correspond to the public acceptance of reconciliation. The distinctive feature emerging from the Kazakh material is the integration of oral deliberation, personal authority, and post-dispute social outcomes within a single process. From this perspective, the legitimacy of power is not a status granted once and for all, but a public relationship renewed through every adjudication.

The Kazakh material shows that charisma may be formed not only in situations of extraordinary leadership, but also in everyday legal practice. Oral contestation, public argument, the possibility of appeal, and calls for reconciliation differed from the procedures of a written bureaucratic court, yet they served to secure acceptance of decisions. Under conditions of legal pluralism, the *biy* coordinated different norms with the specific features of a dispute and participated in finding a solution the community could accept. These features define the model's principal contribution to general political and legal theory.

Table 2. Structure of the «Moral Authority – Justice – Reconciliation» Model

Component	Principal Indicators	Legitimizing Function
Moral Authority	Eloquence; knowledge of tradition; consistency between word and deed; public trust	Creates the initial trust needed to heed the <i>biy</i> 's words and seek his adjudication
Justice	Neutrality; hearing; evidence; proportionality; responsibility	Grounds the decision's conformity with norms and the public acceptance of the procedure
Reconciliation	Settlement; compensation; negotiation; reorganization of relations	Ends the conflict and enables the parties to continue their relationship within the same social space

Source: Compiled by the authors.

Conclusion

The recognition of power in traditional Kazakh society did not depend solely on formal status or the capacity to use force. The khan's authority rested on genealogical tradition, while the influence of a *biy* was formed through the parties' voluntary choice, legal knowledge, eloquence, consistency between word and deed, and the public assessment of previous adjudications. The community, witnesses, elders, and other representatives of power participated to varying degrees in the public deliberation, acceptance, and implementation of decisions.

Historical-textual evidence indicates that a biy's authority was reassessed in every new dispute. Justice was measured not only by the substance of a decision, but also by hearing the parties, comparing evidence, hearing the case publicly, and allowing for appeal. Reconciliation was directed toward compensating harm and regulating the parties' subsequent relationship. The «Moral Authority – Justice – Reconciliation» model shows how these phenomena influenced one another: authority opens the way to adjudication, fair procedure strengthens acceptance of the decision, and durable reconciliation consolidates subsequent public trust.

The proposed historical-philosophical analysis shows that the legitimacy of power in the Kazakh worldview is not a simple manifestation of legal competence or political domination, but a complex axiological phenomenon formed through cultural values, moral responsibility, and public recognition. From this perspective, the «Moral Authority – Justice – Reconciliation» model is presented not only as an analytical structure for explaining traditional Kazakh political culture, but also as a theoretical approach that makes it possible to study the cultural nature of legitimacy from a comparative civilizational perspective. The findings provide a basis for reconsidering the political culture of nomadic societies in relation to contemporary political philosophy, legal anthropology, and cultural studies. The model may also be applied in comparative analyses of traditional institutions of authority among Central Asian peoples, studies of the transformation of oral legal culture, and research into contemporary public trust and institutional legitimacy from the perspective of historical continuity. The article thus makes a distinct scholarly contribution by reinterpreting Kazakh historical experience within global theories of legitimacy.

List of references

- 1 Weber M. Economy and Society: An Outline of Interpretive Sociology. – Berkeley: University of California Press, 1978. – 1469 p.
- 2 Beetham D. The Legitimation of Power. 2nd ed. – London: Palgrave Macmillan, 2013. – 336 p.
- 3 Bourdieu P. Language and Symbolic Power. – Cambridge: Polity Press, 1991. – 302 p.
- 4 Tyler T.R. Why People Obey the Law. – Princeton: Princeton University Press, 2006. – 320 p.
- 5 Griffiths J. What Is Legal Pluralism? // The Journal of Legal Pluralism and Unofficial Law. – 1986. – Vol. 18, No. 24. – P. 1–55. – DOI: 10.1080/07329113.1986.10756387.
- 6 Sneath D. The Headless State: Aristocratic Orders, Kinship Society, and Misrepresentations of Nomadic Inner Asia. – New York: Columbia University Press, 2007. – 288 p.
- 7 Rogers J.D. Inner Asian States and Empires: Theories and Synthesis // Journal of Archaeological Research. – 2012. – Vol. 20, No. 3. – P. 205–256. – DOI: 10.1007/s10814-011-9053-2.
- 8 Сейдімбек А. Қазақ әлемі: этномәдени пайымдау. – Алматы: Санат, 1997. – 464 б.
- 9 Зиманов С.З. Казахский суд биев – общекультурологическая ценность. – Алматы: Арыс, 2009. – 408 с.

- 10 Культелеев Т.М. Уголовное обычное право казахов. – Алма-Ата: Издательство Академии наук Казахской ССР, 1955. – 302 с.
- 11 Уәлиханов Ш.Ш. Сот реформасы туралы жазба // Шығармалар жинағы: 5 томдық. – 2-бас., толықт. және өнд. – Алматы: Қазақ совет энциклопедиясының Бас редакциясы, 1985. – 4-т. – 77–104 бб.
- 12 Барнард А. Антропология тарихы мен теориясы / қазақ тіліне ауд. Ж. Жұмашова. – Астана: Ұлттық аударма бюросы, 2018. – 240 б.
- 13 Moore S.F. Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study // *Law & Society Review*. – 1973. – Vol. 7, No. 4. – P. 719–746. – DOI: 10.2307/3052967.
- 14 Merry S.E. Legal Pluralism // *Law & Society Review*. – 1988. – Vol. 22, No. 5. – P. 869–896. – DOI: 10.2307/1227745.
- 15 Smith P. Culture and Charisma: Outline of a Theory // *Acta Sociologica*. – 2000. – Vol. 43, No. 2. – P. 101–111. – DOI: 10.1177/000169930004300201.
- 16 Joosse P. Becoming a God: Max Weber and the Social Construction of Charisma // *Journal of Classical Sociology*. – 2014. – Vol. 14, No. 3. – P. 266–283. – DOI: 10.1177/1468795X14536652.
- 17 Sen A. The Idea of Justice. – Cambridge, MA: Harvard University Press, 2009. – 496 p.
- 18 Sunshine J., Tyler T.R. The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing // *Law & Society Review*. – 2003. – Vol. 37, No. 3. – P. 513–548. – DOI: 10.1111/1540-5893.3703002.
- 19 Tyler T.R., Jackson J. Popular Legitimacy and the Exercise of Legal Authority // *Psychology, Public Policy, and Law*. – 2014. – Vol. 20, No. 1. – P. 78–95. – DOI: 10.1037/a0034514.
- 20 Martin V. Law and Custom in the Steppe: The Kazakhs of the Middle Horde and Russian Colonialism in the Nineteenth Century. – Richmond: Curzon, 2001. – 244 p.
- 21 Sartori P. Visions of Justice: Sharia and Cultural Change in Russian Central Asia. – Leiden; Boston: Brill, 2016. – 392 p.
- 22 Gluckman M. Politics, Law and Ritual in Tribal Society. – Oxford: Basil Blackwell, 1965. – 339 p.
- 23 Llewellyn K.N., Hoebel E.A. The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence. – Norman: University of Oklahoma Press, 1941. – 392 p.
- 24 Tamanaha B.Z. Understanding Legal Pluralism: Past to Present, Local to Global // *Sydney Law Review*. – 2008. – Vol. 30, No. 3. – P. 375–411.
- 25 Benda-Beckmann F. von. Who's Afraid of Legal Pluralism? // *The Journal of Legal Pluralism and Unofficial Law*. – 2002. – Vol. 34, No. 47. – P. 37–82. – DOI: 10.1080/07329113.2002.10756563.
- 26 Арғынбаев Х. Қазақтың отбасылық дәстүрлері. – Алматы: Қайнар, 2005. – 216 б.
- 27 Ғабитов Т.Х., Жолдубаева А.Қ., Ибекеева С.Е., Әбдінасыр Н. Мәдени антропология: оқулық. – Алматы: Дарын, 2024. – 448, [1] б.
- 28 Honeychurch W. Alternative Complexities: The Archaeology of Pastoral Nomadic States // *Journal of Archaeological Research*. – 2014. – Vol. 22, No. 4. – P. 277–326. – DOI: 10.1007/s10814-014-9073-9.
- 29 Масанов Н.Э. Кочевая цивилизация казахов: основы жизнедеятельности номадного общества. – Алматы; Москва: Социнвест; Горизонт, 1995. – 320 с.
- 30 Левшин А.И. Описание киргиз-казачьих, или киргиз-кайсацких, орд и степей. Ч. 3: Этнографические известия. – Санкт-Петербург: Типография Карла Крайя, 1832. – 304 с.

31 Материалы по обычному праву казахов. Сборник I. – Алма-Ата: Издательство Академии наук Казахской ССР, 1948. – 350 с.

32 Sartori P. Judicial Elections as a Colonial Reform: The Qadis and Biys in Tashkent, 1868–1883 // *Cahiers du Monde russe*. – 2008. – Vol. 49, No. 1. – P. 79–100. – DOI: 10.4000/monderusse.9120.

33 Martin V. Engagement with Empire as Norm and in Practice: Kazakh Nomadic Political Culture in the 1820s–30s // *Central Asian Survey*. – 2017. – Vol. 36, No. 2. – P. 145–164. – DOI: 10.1080/02634937.2016.1203289.

Transliteration

1 Weber M. *Economy and Society: An Outline of Interpretive Sociology*. – Berkeley: University of California Press, 1978. – 1469 p.

2 Beetham D. *The Legitimation of Power*. 2nd ed. – London: Palgrave Macmillan, 2013. – 336 p.

3 Bourdieu P. *Language and Symbolic Power*. – Cambridge: Polity Press, 1991. – 302 p.

4 Tyler T.R. *Why People Obey the Law*. – Princeton: Princeton University Press, 2006. – 320 p.

5 Griffiths J. What Is Legal Pluralism? // *The Journal of Legal Pluralism and Unofficial Law*. – 1986. – Vol. 18, No. 24. – P. 1–55. – DOI: 10.1080/07329113.1986.10756387.

6 Sneath D. *The Headless State: Aristocratic Orders, Kinship Society, and Misrepresentations of Nomadic Inner Asia*. – New York: Columbia University Press, 2007. – 288 p.

7 Rogers J.D. Inner Asian States and Empires: Theories and Synthesis // *Journal of Archaeological Research*. – 2012. – Vol. 20, No. 3. – P. 205–256. – DOI: 10.1007/s10814-011-9053-2.

8 Seidimbek A. *Qazaq alemi: etnomadeni paiymdau* [The Kazakh World: An Ethnocultural Interpretation]. – Almaty: Sanat, 1997. – 464 b.

9 Zimanov S.Z. *Kazahskij sud biev – obshchekul'turologicheskaja cennost'* [The Kazakh Court of Biys as a General Cultural Value]. – Almaty: Arys, 2009. – 408 s. (in Russ.)

10 Kultelev T.M. *Ugolovnoe obychnoe pravo kazahov* [Kazakh Criminal Customary Law]. – Alma-Ata: Izdatel'stvo Akademii nauk Kazahskoj SSR, 1955. – 302 s.

11 Ualikhanov Sh.Sh. *Sot reformasy turaly zhazba* [A Note on Judicial Reform] // *Shygarmalar zhinagy: 5 tomdyq. – 2-bas., tolyqt. zhane ond.* – Almaty: Qazaq sovet enciklopedijasyryn Bas redakcijasy, 1985. – 4-t. – 77–104 bb.

12 Barnard A. *Antropologija tarihy men teorijasy* [History and Theory in Anthropology] / qazaq tiline aud. Zh. Zhumashova. – Astana: Ulttyq audarma biurosy, 2018. – 240 b.

13 Moore S.F. Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study // *Law & Society Review*. – 1973. – Vol. 7, No. 4. – P. 719–746. – DOI: 10.2307/3052967.

14 Merry S.E. Legal Pluralism // *Law & Society Review*. – 1988. – Vol. 22, No. 5. – P. 869–896. – DOI: 10.2307/1227745.

15 Smith P. Culture and Charisma: Outline of a Theory // *Acta Sociologica*. – 2000. – Vol. 43, No. 2. – P. 101–111. – DOI: 10.1177/000169930004300201.

16 Joosse P. Becoming a God: Max Weber and the Social Construction of Charisma // *Journal of Classical Sociology*. – 2014. – Vol. 14, No. 3. – P. 266–283. – DOI: 10.1177/1468795X14536652.

- 17 Sen A. *The Idea of Justice*. – Cambridge, MA: Harvard University Press, 2009. – 496 p.
- 18 Sunshine J., Tyler T.R. *The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing* // *Law & Society Review*. – 2003. – Vol. 37, No. 3. – P. 513–548. – DOI: 10.1111/1540-5893.3703002.
- 19 Tyler T.R., Jackson J. *Popular Legitimacy and the Exercise of Legal Authority* // *Psychology, Public Policy, and Law*. – 2014. – Vol. 20, No. 1. – P. 78–95. – DOI: 10.1037/a0034514.
- 20 Martin V. *Law and Custom in the Steppe: The Kazakhs of the Middle Horde and Russian Colonialism in the Nineteenth Century*. – Richmond: Curzon, 2001. – 244 p.
- 21 Sartori P. *Visions of Justice: Sharia and Cultural Change in Russian Central Asia*. – Leiden; Boston: Brill, 2016. – 392 p.
- 22 Gluckman M. *Politics, Law and Ritual in Tribal Society*. – Oxford: Basil Blackwell, 1965. – 339 p.
- 23 Llewellyn K.N., Hoebel E.A. *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence*. – Norman: University of Oklahoma Press, 1941. – 392 p.
- 24 Tamanaha B.Z. *Understanding Legal Pluralism: Past to Present, Local to Global* // *Sydney Law Review*. – 2008. – Vol. 30, No. 3. – P. 375–411.
- 25 Benda-Beckmann F. von. *Who's Afraid of Legal Pluralism?* // *The Journal of Legal Pluralism and Unofficial Law*. – 2002. – Vol. 34, No. 47. – P. 37–82. – DOI: 10.1080/07329113.2002.10756563.
- 26 Argynbaev H. *Qazaqtyn otbasylыq dasturleri [Kazakh Family Traditions]*. – Almaty: Qainar, 2005. – 216 b.
- 27 Gabitov T.H., Zholdubaeva A.Q., Ibekeeva S.E., Abdinasyr N. *Madeni antropologija: oqulyq [Cultural Anthropology: Textbook]*. – Almaty: Daryn, 2024. – 448, [1] b.
- 28 Honeychurch W. *Alternative Complexities: The Archaeology of Pastoral Nomadic States* // *Journal of Archaeological Research*. – 2014. – Vol. 22, No. 4. – P. 277–326. – DOI: 10.1007/s10814-014-9073-9.
- 29 Masanov N.E. *Kochevaja civilizacija kazahov: osnovy zhiznedejatel'nosti nomadnogo obshchestva [The Nomadic Civilization of the Kazakhs]*. – Almaty; Moscow: Socinvest; Gorizont, 1995. – 320 s.
- 30 Levshin A.I. *Opisanie kirgiz-kazach'ih, ili kirgiz-kajsackih, ord i stepej. Ch. 3: Etnograficheskie izvestija [Description of the Kirghiz-Kazakh, or Kirghiz-Kaisak, Hordes and Steppes. Part 3: Ethnographic Information]*. – Saint Petersburg: Tipografija Karla Krajja, 1832. – 304 s.
- 31 *Materialy po obychnomu pravu kazahov. Sbornik I [Materials on Kazakh Customary Law. Collection I]*. – Alma-Ata: Izdatel'stvo Akademii nauk Kazahskoj SSR, 1948. – 350 s.
- 32 Sartori P. *Judicial Elections as a Colonial Reform: The Qadis and Biys in Tashkent, 1868–1883* // *Cahiers du Monde russe*. – 2008. – Vol. 49, No. 1. – P. 79–100. – DOI: 10.4000/monderusse.9120.
- 33 Martin V. *Engagement with Empire as Norm and in Practice: Kazakh Nomadic Political Culture in the 1820s–30s* // *Central Asian Survey*. – 2017. – Vol. 36, No. 2. – P. 145–164. – DOI: 10.1080/02634937.2016.1203289.

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**Қазақ дүниетанымындағы биліктің аксиологиялық легитимациясы:
Харизма, әділет және билер институты**

Аңдатпа. Мақалада дәстүрлі қазақ қоғамындағы биліктің қоғамдық мойындалу негіздері харизма, әділет және билер тәжірибесінің сабақтастығы арқылы қарастырылады. Зерттеудің мақсаты - биліктің қоғамдық мойындалуына негіз болған құндылықтар мен рәсімдерді тарихи-философиялық тұрғыдан қайта құрып, олардың өзара байланысын аналитикалық модель түрінде ұсыну. Әдіснамалық негіз ретінде тарихи-философиялық және мәдени-тарихи талдау, салыстырмалы-философиялық, аксиологиялық, герменевтикалық және жүйелік-құрылымдық тәсілдер, сондай-ақ философиялық антропология, мәдениет философиясы және құқықтық плюрализм қағидалары қолданылды. Зерттеу корпусына тақырыпқа тікелей қатысты 33 еңбек енгізілді; олар тарихи-құқықтық, этномәдени-антропологиялық және теориялық еңбектер болып жіктелді. XVII ғасырдың соңы мен XVIII ғасырға қатысты тұжырымдар кейін хатқа түскен құқықтық жинақтар және XIX ғасырдағы сипаттамалар негізінде ретроспективалық тұрғыдан жасалды. Талдау би беделінің ресми мәртебеден гөрі тараптардың ерікті таңдауына, құқықтық білімге, шешендікке, сөзі мен ісінің сәйкестігіне және бұрынғы төреліктердің қоғамдық бағасына сүйенгенін аңғартты. Шешімнің мойындалуы оның мазмұнымен бірге істің жария қаралуына, тараптарды тыңдауға, дәлелді уәжге, шағымдану мүмкіндігіне және бітімнің кейінгі әлеуметтік нәтижесіне тәуелді болды. Зерттеудің негізгі нәтижесі ретінде «Бедел - Әділет - Мәміле» моделі ұсынылды. Ол легитимдікті алдын ала берілген мәртебе емес, әр дауда қайта расталатын қоғамдық қатынас ретінде түсіндіреді және қазақтың билік тәжірибесін харизма, процедуралық әділет пен құқықтық плюрализм теорияларымен салыстыра талдауға мүмкіндік береді.

Түйін сөздер: билік; харизма; легитимдік; әділет; билер институты; әдет құқығы; қазақ дүниетанымы.

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Аксиологическая легитимация власти в казахском мировоззрении: харизма, справедливость и институт биев

Аннотация. В статье рассматриваются основания общественного признания власти в традиционном казахском обществе через взаимосвязь харизмы, справедливости и практики биев. Цель исследования - историко-философски реконструировать ценности и процедуры, придававшие власти легитимный характер, и представить их взаимосвязь в виде аналитической модели. Методологическую основу составили историко-философский и культурно-исторический анализ, сравнительно-философский, аксиологический, герменевтический и системно-структурный подходы, а также принципы философской антропологии, философии культуры и правового плюрализма. В исследование включены 33 работы, непосредственно связанные с темой; они объединены в историко-правовую, этнокультурно-антропологическую и теоретическую группы. Выводы о практиках конца XVII-XVIII веков сделаны ретроспективно на основе позднее записанных правовых сборников и описаний XIX века. Анализ показывает, что авторитет бия опирался не столько на формальный статус, сколько на добровольный выбор сторон, знание обычая, красноречие, единство слов и поступков, а также общественную оценку прежних решений. Признание решения зависело от его содержания, публичности разбирательства, заслушивания сторон, аргументированности, возможности

обжалования и последствий примирения. Основным результатом исследования стала модель «Авторитет - Справедливость - Примирение», которая объясняет легитимность как общественное отношение, заново подтверждаемое в каждом споре, и связывает казахский исторический материал с теориями харизмы, процедурной справедливости и правового плюрализма.

Ключевые слова: власть; харизма; легитимность; справедливость; институт биев; обычное право; казахское мировоззрение.

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