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**HISTORICAL-LEGAL AND ECONOMIC FEATURES OF PRE-COOPERATION FORMATION
IN THE CONDITIONS OF COMMUNITY SOCIETY**

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Abstract

In the theory of the international cooperative movement, the time of the legal birth of cooperation is considered to be the beginning of the 18th – the end of the 19th centuries. This historical period is characterized by the stratification of the social composition of society into the bourgeoisie and hired workers, which served as the economic and legal reason for the creation of cooperatives. However, social classes, divided into the oppressors and the oppressed, have always existed, except for a classless primitive society. The emergence of elements of primitive cooperation, or pre-cooperation, has been observed throughout world history.

Keywords

Precooperation – Community – Social needs – Common law – Legal regulation

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Introduction

The cooperative movement is confidently striding the planet for the second century. Disparate cooperative organizations created in England, France, Russia and other countries, during this time strengthened the legal position, proved their viability. Under the cooperation in economic and legal literature refers to a specific form of socio-economic organization of consumers and small producers in the prevalence of commodity-money relations. Cooperation is created in order to jointly protect the economic interests of both consumers and producers, to survive in the harsh conditions of competition in the market, and to maintain and strengthen their social and legal status.

The unique possibilities of cooperation, which is able to organically combine group and individual interests, traditions and innovations, ideological and economic principles, have not been studied enough, which opens up prospects for work in this direction, including within the framework of international legal science. Cooperation is gaining more and more popularity on the globe, is very diverse, today it has more than 120 types.

Literature review

In the work on the article, the works of famous foreign and Russian scientists in the field of our research were used, including classic scientific works, monographs, dissertations, study guides and periodicals.

The legal countdown of cooperation has been going on since 1844, when artisans of the English town of Rochdale founded the Rochdale Society of Fair Pioneers. The question arises: why the first cooperatives, in the modern sense, were born precisely at this time. One of the answers is given by the Russian cooperative classic M.I. Tugan-Baranovsky: “the social prerequisite for the emergence of cooperation was the change in the social composition of society”¹.

Historical circumstances serve as a baseline appearance of cooperation, K. Marx (1843) considers the emergence of the bourgeois class, who owned the assets and funds, and the class of wage-workers, who had no other source of life other than the existence of the work. During this period there was also mass ruin of small proprietors - peasants and artisans, a significant number of their transition to the employees². A study of the reasons for the emergence of cooperatives revealed that social classes didn't arise in the 18th century, but, as F. Engels proves, under a slave system, in which slave owners and slaves stood out, as well as free peasants, artisans, and townspeople³. In rural communities of Ancient Greece, free farmers carried out cooperation of work and mutual assistance. In large estates and communities, the prerequisites for the naturalization and economic autonomy of agriculture developed⁴. It is known that in ancient Rome, notes A.I. Kosarev, along with large latifundia, community agriculture was preserved⁵.

¹ M. I. Tugan-Baranovsky, Social foundations of cooperation (Moscow: Yurait, 1921).

² C. Marx y F. Engels, Sochineniya (Moscow: Gospolitizdat, 1961).

³ C. Marx y F. Engels, Sochineniya...

⁴ P.A. Kropotkin, Mutual assistance among animals and people as an engine of progress (Moscow: Voice of Labor, 1922).

⁵ A. I. Kosarev, Roman private law (Moscow: Jurisprudence, 2008).

According to D.V. Guryev, community activity can be considered a prototype of cooperation, with which it is brought together by the unification of the labor efforts of a specific group of people and the common goal of collective work - satisfying the vital interests of members of this group⁶, which served as the beginning of primitive cooperation. The early sources of pre-cooperation can also be found under feudalism, when the formation of craft and trade guilds, partnerships, and artels began. They united people on professional, social and even religious grounds, but they had a common goal - to protect the needs and interests of their members. At this time, the final division of pre-cooperation into consumer and production took place.

The English scientist at the end of the 18th century in J. Rogers left behind a work devoted to the centuries-old development of guild production in Great Britain. In the study, he noted that the guild's activities include the organization of mutual assistance by artisans: "rich members of the guild bequeathed money to their poorer brothers to support their lives"⁷.

Another British scientist D.N. Anvin studied industrial organization in the craft and trade guilds of England in the late Middle Ages. He reflected the analysis materials of a large number of archival sources in a monograph in which he concluded that the changes occurred not only from the general development of guilds, but also from acute social upheavals, increased competition, and the emergence of new forms of production⁸.

Famous Russian cooperation theorist M.I. Tugan-Baranovsky investigated the social prerequisites for the emergence of pre-cooperation in world history, the conditions for its formation and development in rural communities of pre-revolutionary Russia⁹. Russian scientist P.A. Kropotkin studied the features of the disintegration of communities into independent farms, the causes of the loss of social traditions of mutual assistance between its former members, the replacement of community relations with commodity-money¹⁰.

Modern Russian scientists A.Yu. Kuzubova, G.B. Polyak and A.I. Markov analyze the historical and economic aspects of the relationship of the land community and cooperation, the importance of pre-cooperation in the development of the world economy^{11,12}. In the textbook "Economic Theory" edited by V.D. Kamaeva (2003) highlights the evolution of market relations and the historical stages of their formation in pre-cooperation¹³.

⁶ D. V. Guriev, The formation of social production (Moscow: Politizdat, 1973).

⁷ J. E. T. Rodgers, Six Centuries of Work and Wages (Ontario: Batoche Books, 1884).

⁸ V. D. Kamaev, Economic theory: a textbook for higher education (Moscow: Vlados, 2003).

⁹ V. I. Solovieva, State regulation of small business in the Russian Federation. Science and cooperation: a view of young researchers: international materials. Stud. scientific Conf. (Belgorod: Publishing House BUKEP, 2015).

¹⁰ P. A. Kropotkin, Mutual assistance among animals and people as an engine of progress (Moscow: Voice of Labor, 1922).

¹¹ A. Yu. Kuzubova, Land community and cooperation: mutual influence and interdependence in the realities of the nineteenth century. Socio-economic, legal and humanitarian aspects of the modernization of the Russian economy: an inter-university collection of scientific papers (Voronezh, 2010).

¹² G. B. Polyak y A. N. Markov, History of the world economy (Moscow: Unity, 2002).

¹³ M. I. Tugan-Baranovsky, Social foundations of cooperation (Moscow: Yurait, 1921).

There are scientific publications of the authors on this issue. V.V. Nevlev studies the ethnosocial nature of the legal origin of pre-cooperation in the Russian Empire¹⁴. A.V. Nevleva explores the features of the economic adaptation of Estonian cooperation to market conditions at the end of the last century¹⁵. L.V. Solovyova in the course of the history of economic doctrines highlights the process of formation of market relations in a community¹⁶. V. I. Solovyova considers the features of state regulation of the community activity of small business in the Russian Federation¹⁷.

Some aspects of the problem under study have been reflected or touched on in contemporary articles of journals of the international SKOPUS system.

M. Ahmadian analyzes the development of rural communities, including community and cooperative ones, and studies the impact of social actions leading to sustainable transformations of society. It offers a set of influencing parameters on the evolution of society¹⁸.

M. Dickmann, L. Toivsen from Germany consider the current state of rural cooperative communities, offer new directions for the development of their socio-economic activities¹⁹. A. Picon, S. Pemberton in the Journal of Rural Studies highlight the social status of older people living in remote places from cultural centers. They talk about their mobility when combined into cooperatives to solve their life problems²⁰.

Z. Si & L. Zhou study agrarian changes in the rural areas of modern China, suggest ways to overcome the food security crisis through the state and cooperative systems using the experience of ancient Chinese communities²¹.

B. Traore describes the characteristics of the migration of rural residents and the spread of their cooperative activities in the Republic of Mali²². We will dwell on this in more detail. In the rural tribal communities of Africa, historically, the origins of pre-cooperation existed. Currently, the most developed agricultural and credit cooperatives.

¹⁴ V. V. Nevlev, The history of the cooperative movement in the southern regions of Russia: legal support: a monograph (Belgorod: Epicenter, 2018).

¹⁵ A. V. Nevleva, Economic adaptation of Estonian cooperation to market conditions at the end of the last century. The competitiveness of the economy in the era of globalization: the Russian and international aspects: collection of scientific work. V International Scientific - practical conf. (Belgorod: Publishing House "Belgorod" NRU "BelSU", 2016).

¹⁶ L. V. Solovyova, History of Economic Thought: A Study Guide: in 2 hours (Belgorod: Publishing house BUKEP, 2019).

¹⁷ L. V. Solovyova, History of Economic Thought...

¹⁸ M. Ahmadian, "Resilience, community action and societal transformation: People, place, practice, power, politics and possibility in transition", Journal community development Vol: 50 num 2 (2019): 277-278.

¹⁹ M. Dickmann y L. Toivsen, "Non - participants interest in CSA Insights from Germany", Journal of rural studies – Elsevier Vol: 69 (2019): 1-10.

²⁰ A. Picon y S. Pemberton, "The patadox of mobility for older people in the rural- urban fringe", Journal of rural studies – Elsevier. Vol: 70 (2019): 9-18.

²¹ Z. Si y L. Zhou, "One family, two systems: Food safety crisis as a catalyst for agrarian changes in rural Chine", Journal of rural studies – Elsevier Vol: 69 (2019): 87-96.

²² B. Traore, "Characterization of Link between Migration and Local non-agricultural Diversification of Rural Households in Fologna (Mali)", American journal of rural development Vol: 7 num 1 (2019): 6-13.

Today, in African countries, the credit cooperative model plays an important role in the development of local economies. Regardless of the fact that the state provides independent and independent cooperative assistance. These laws contradict each other, contribute to the agrarian development of African countries.

Methods

The theoretical and methodological basis for writing this work is legislative, regulatory and instructional documents, certain provisions of legal theory, the history of the state and law, and legal laws. Based on the topic of the problem under study, the methodology of the article was built on a set of methods: universal (dialectics, metaphysics), general scientific (analysis, synthesis, comparison, forecasting, modeling of social and legal processes, systemic and functional) and particular scientific (historical, statistical, formal-legal and comparative legal).

Results and discussion

Their use in the research process allowed us to create the necessary picture of a theoretical basis, to determine the practical state of affairs in the history of pre-cooperation, to identify mechanisms of legal regulation of various aspects of pre-cooperative activity in unstable conditions of historical time.

The writings of scientists from all over the world, starting from the 19th century, traditionally reflected diverse aspects of the view that the first true cooperatives were created in the second half of the 18th and first half of the 19th centuries. One of them is called the Rochdale Society of Fair Pioneers, established by a group of artisans working in a cotton factory in the English town of Rochdale, in the north of the country. Before it there were other cooperative communities, but the Rochdale community was first legally formalized and therefore gained fame. The cooperative set the goal of acquiring food and household goods at lower prices than in stores.

Around this time in France (1848-1852), the "Society of Lyon United Workers" was operating. Like Rochdale, Lyon society was consumer. If the first was aimed at changing the economic, social and legal principles of society, the second was only to get rid of the poverty of older workers, but there was no problem of changing the social system.

It was believed that the main reason for the birth of co-operation was the emergence of the bourgeoisie class and employees. It is difficult to agree with such a conclusion, since even following the theory of classes, the division into oppressors and oppressed has always been. Class clearance occurred during long historical process. There were classes of slaveholders and slaves, feudal lords and serfs, the bourgeoisie and workers.

The prerequisites for the emergence of cooperatives didn't originate in the eighteenth century, with a sharp social polarization of society, but long before that - with the beginning of the slave system. At the same time, the appearance of cooperatives was not associated with the stratification of society, they didn't explain why previous events didn't lead to similar results.

Public associations of the pre-cooperative period performed the same social functions in supporting the most poorly or less protected groups of the population as modern

cooperatives. They practiced joint work aimed at satisfying the vital interests of members of such associations.

In slave-owning Egypt and Ancient Greece, in addition to the main classes, there were also free peasants and artisans who led a community lifestyle²³. In ancient Rome, communal agriculture was preserved. Peasant communities carried out cooperation of work and mutual assistance, they supported economic and legal autonomy²⁴.

If we explain the meaning of cooperation as a joint activity for common purposes, then conducting a community economy is ideal for providing community members with everything they need from food to housing. At the same time, there was a division of labor according to professional skills — plowmen, builders, blacksmiths, weavers, and others. The results of the joint work were used for domestic consumption in the community, surplus products could be supplied for sale outside it.

Therefore, community activities can be considered the main prerequisite for modern cooperation. They are united by the joint work of a certain group of people and the common goal of such work is the satisfaction of the vital interests of these people²⁵. The historical disintegration of communities into independent family farms has become the main reason for the loss of cooperative relations between its former participants. Commons were replaced by commodity - money relations between now independent entities of economic and economic activity²⁶.

It should be noted that the community, despite the affinity of activity, was not a real cooperative, as it didn't always express the social and economic goals of its members. According to A. Yu. Kuzubova, "The community has historically been a forced association of individuals belonging to the same social stratum. Cooperation was created artificially as a voluntary association of representatives of various social strata. Cooperation assumed voluntary cooperation in the economic sphere, without claiming to intervene in the privacy of its members²⁷."

Maintaining such differences for the most part, it should be remembered that the community was not, however, a coercive organization, since withdrawal from the community was allowed with the allocation of its share of its participant. It should be borne in mind conscious participation in the community economy. It made it possible to more fully satisfy the needs of community members than in private households. In the community there was a certain division of labor with a specific specialization, as in the individual compound they were absent. Private traders had to do all kinds of agricultural and other work themselves.

²³ N. V. Filinova, *The history of the state and law of Ancient Greece, Hellenistic states and Ancient Rome: a training manual* (Berlin: Direct Media, 2015).

²⁴ A. I. Kosarev, *Roman private law* (Moscow: Jurisprudence, 2008), 221-222.

²⁵ D. V. Guriev, *The formation of social production* (Moscow: Politizdat, 1973).

²⁶ P. A. Kropotkin, *Mutual assistance among animals and people as an engine of progress* (Moscow: Voice of Labor, 1922).

²⁷ A. Yu. Kuzubova, *Land community and cooperation: mutual influence and interdependence in the realities of the nineteenth century. Socio-economic, legal and humanitarian aspects of the modernization of the Russian economy: an inter-university collection of scientific papers* (Voronezh, 2010).

Similar roots of pre-cooperation can also be found in the era of feudalism, when a large number of a wide variety of trade, craft and other professional community associations were born. They represented various types of corporations and associations, depending on the characteristics and criteria of these professional associations. Similar professional communities existed earlier in antiquity; they are mentioned by Plutarch²⁸. In the Roman Empire, especially in the cities of Northern Italy, they were known as collegia. The regulation of their activities was determined by the internal charters and laws of Rome.

The best development of professional associations in the form of guilds, communities, societies was received in the late period of the Middle Ages with the birth of manufacturing. The basis of the economic leap was the emergence of new technologies and the specialization of production. They demanded the creation of production lines from the extraction of raw materials to the final product.

This contributed to the development of industrial cooperation, which, unlike consumer, had other goals. It didn't imply the use by the community of the products received, but its sale to an external consumer. At the same time, production associations simultaneously solved the tasks of providing material assistance to their members. However, this period of history is characterized not only by the development of guilds and other communities, but also by increased competition, a sharp change in the social environment.

The emergence of new early capitalist forms of production led to the impoverishment of some experienced artisans and small traders with professional skills. They were forced to go to larger owners as wage laborers. Then cooperative formations played the role of mutual aid societies, in which more successful entrepreneurs supported less successful compatriots.

In this, one can see a certain analogy with modern trade unions that provide social and material assistance to workers in a particular profession. Similar forms of community and vocational formations in cooperative history and theory are called "pre-cooperative farms." Legally, they were not cooperatives, as they were called associations, communities and others. Membership in them cannot be recognized as completely voluntary, the community and the guild didn't only imply financial participation in affairs. They needed personal work, social ties, which made it difficult for both entry and exit from the community.

Historical changes in the social structure of states caused the destruction or reduction of the role of existing aid institutions, such as the community, and served as the next prerequisite for the emergence of pre-cooperation. Social transformations in Europe, starting from the middle of the eighteenth century, occurred in connection with a significant increase in the number of urban residents. Moreover, the increase in citizens didn't occur due to natural fertility, but a large influx of population from the countryside.

In England, "enclosure" was widespread since the sixteenth century, when large landowners leased their land to communities for farming. Then they began to return these lands back for the organization of sheep husbandry, since it was more profitable to trade wool and meat. As a result, rural communities found themselves without means of subsistence; the only way out for peasants was migration to cities.

²⁸ P. A. Kropotkin, Mutual assistance among animals and people as an engine of progress (Moscow: Voice of Labor, 1922).

In other cases, except for revocation lease contract is concluded not with communities, and with the rich farmers, applying the means of mechanization. Such farms received better results at lower costs than in community production. Together, this led to an outflow of the rural population. As a result, community ties were broken between its former members.

With a growing number of urban residents, the poorest had the least economic protection. Manufactured hired workers, small traders and entrepreneurs, people from rural areas most of all needed the simplest types of social support. In such cases, people turned from old memory to community mutual assistance. They tried to adapt the old social ways of support, for this they began to create mutual aid societies, changing their legal and economic rules. The basis was not the conditions for joint activity, as a way of obtaining life benefits, but the combination of the product of individual labor, as a source of the required means of subsistence.

Social prerequisites played an important role in the emergence of pre-cooperation. However, this was not enough; economic reasons are necessary for the formation of cooperatives as economic entities. The main economic prerequisite for the emergence of cooperation, according to many foreign and domestic scientists, was the transition of market relations in communities into the main form of management. This transformation, in their opinion, occurred only at the turn of the eighteenth and nineteenth centuries.

Here it is necessary to make a number of criticisms, for this we will go back a little. In many economic studies²⁹ it is proved that market relations in history took a long time to form and didn't end even today.

The first stage of their occurrence was observed in the early stages of the development of human society, even in the Neolithic era. At the stage of primitive society, the separation of types of labor began, which served as the first step in the foundation of market relations. During slavery, there was a division of labor between agriculture and industry.

At the second stage, initial attempts were made to form a market in the ancient period. The conditions were created for the flourishing of the culture of the ancient world - the Greek state, the Roman Empire, then the countries of modern Europe. The interchange of goods, trade acquired significant value, so these relations are called market.

At the third stage - during the Middle Ages, trade guilds are created, and commercial law is formed - Lex mercatoria. The legal regulation of market relations has begun. It is presented in the form of agreements, unwritten rules and customs, charters of communities and guilds, city laws. The most important step in the development of market relations is the period when the feudal formation has been destroyed, and it was replaced by capitalism. Decade 1873 - 1883 were a period of rapid, but rather peaceful development of capitalism.

Economic prerequisites together with historical and social conditions contributed to the fact that not land became the main capital, but labor and trade. At the same time, the

²⁹ L. V. Solovyova, History of Economic Thought: A Study Guide: in 2 hours (Belgorod: Publishing house BUKEP, 2019) y G. B. Polyak y A. N. Markov, History of the world economy (Moscow: Unity, 2002).

market didn't develop spontaneously, but through rulemaking was controlled by the state. It encouraged the freedom of economic relations, tried to pursue a social policy, creating some mechanisms of social protection for less affluent people. To do this, they actively involved them in economic activity, creating preferences for such public organizations as cooperation.

The small number and economic weakness of scattered cooperatives required the use of more advanced and modern management methods in their activities. Since the level of equipment and technologies was approximately equal for everyone, the basic development of the economic structure of cooperatives concerned their organization — management, participation of members, distribution of income, and sales of products. All this together helped to create modern cooperation.

Conclusion

The main reason for the emergence of "pre-cooperative" consumer communities was the economic nature of the societies themselves. The preconditions for pre - cooperation can be observed from the time of the primitive communal system, when the foundations of the communal way of farming were formed in the form of joint labor of all members of the community. The results of their work were considered to be general, irrespective of labor participation. Community management relied on collective ownership of land and other natural resources: forests, lakes, rivers, and marine areas, which were the basis of prosperity for the entire community. Such a way was common for autonomous communities and allowed to solve social problems related to the survival of people. As a result, a system of consumer farms was formed, consisting initially of communities, then of tribal and family formations.

At the next stages of the development of human society, large communities were divided. Smaller farms were separated from them, which, due to the underdevelopment of commodity-money relations, continued to maintain their autonomy, to provide for the needs of the community on their own. Together, a product was created for internal use. If its surplus was sold outside the community, then the proceeds from the sale were used for the needs of community education.

The centuries-old communal order at the turn of the 17th-18th centuries was disrupted by the industrial revolution, which caused not only mechanization and production growth, but also a sharp change in the social structure of society. The impoverishment of the peasantry, which in search of livelihoods, was forced to look for work in the cities. The growth of the urban population due to the influx of rural residents, their weak social security, the presence of previous experience of mutual assistance in rural communities served as social prerequisites for the emergence of consumer cooperation in this period.

In addition to social conditions, the formation of cooperatives also needed economic reasons. Such a basic economic prerequisite was the formation of market relations and their transition into the main economic system. This happened at the turn of the 18th-19th centuries with the change of the main economic resource that provided the social needs of people in urban life. The common resource and the results of its cultivation ceased to be the basic resource. The main economic base became money, finance capital.

People could work in different places and unite according to other criteria - living together or worship, common interests. The combination of financial resources in the form

of cooperative contributions made it possible to consider the various social needs of persons united in cooperatives. Co-operation, having a long evolutionary path in the history of the world, using their pre cooperative development of social and economic background of community mutual, came to the modern form, which is widely used by the second century throughout the world.

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