

KEY FORMS AND FEATURES OF LAND TENURE IN THE CONTEXT OF HISTORY OF HUMAN CIVILIZATION

***L.M. Koval, PhD in Economics, Doctoral student
Khmelnitsky Cooperative
Trade and Economic Institute***

This article analyzes forms of land tenure developed in the historical, socio-economic and political development of humanity. The concept of "agrarian civilization" is substantiated and its chronological limits are defined. An attempt of forming a coherent, concise picture of agrarian history from the standpoint of evolutionary, cyclic, and civilization theories was made. Key forms of land tenure for each stage of the civilized unit are given.

Keywords: agrarian civilization, land tenure, state, community, latifundium, lease, farming, agro-industrial complexes, and agricultural policy.

Introduction. Land is the basis and the main condition of human existence, that is why from the time of the first countries the question of finding a rational system of land tenure and then – optimal forms of agriculture arose.

The purpose and objectives. Implementation of comprehensive, concise description of the main forms of land tenure in the context of civilization: from the founding of the first states (IVth – III^d millennium BC) to modern times (80s of XXth century.).

Research Methods: Comparative historical method, induction and deduction, abstraction technique.

Results. The concept of "agrarian civilization" is substantiated and its chronological limits are set. A coherent, concise picture of agrarian history from the standpoint of evolutionary, cyclic, and civilization theories is formed. Key forms of land tenure for each stage of the civilized unit are given: Ancient East – a combination of public and state patterns of ownership; Antiquity – the evolution from public ownership to the property of aristocracy (slaveholders); Roman Empire – the state is a legal owner of the land, at the same time – a large landholding with the concession of land, medium-sized landholding (villas – prototypes of farms), the slaveholding farmstead; Middle Ages- public ownership of land is transformed into the royal and feudal property, from the XIVth – XVth century – the establishment of the lease; New Era – the evolution of small peasant property, feudal money rent and lease into the capitalist rent and lease, the principles of the market economy are formed; Modern age – the farm as the dominant form of land ownership, the transformation of agriculture into an industrial area, the formation of agro-industrial complexes.

Conclusions. A distinct cyclical nature is traced in the changes of the priority forms of land tenure: public and communal land tenure disappears with the formation of the state; in the period of absolutism land is a means of formation of centralized states. The industrial revolution, industrialization, growth in

consumption contribute to dominance of farms; formation of large agricultural associations, using the most advanced achievements of science and technology, government subsidies, grants.

Keywords: agrarian civilization, land tenure/ownership, state, community, estates, leases, farming, agro-industrial complex and agricultural policy.

"And God said, "Let there be a vault between the waters to separate water from water." So God made the vault and separated the water under the vault from the water above it. And it was so. And there was evening, and there was morning—the second day." (Genesis 1:6-8). The fact that the Earth was designed for life is recorded in the Holy Scripture. "The heaven of heaven is the Lord's: but the earth he has given to the children of men."(Ps. 113:24); "From one man he made every nation of men, that they should inhabit the whole earth; and he determined the times set for them and the exact places where they should live." (Acts 17:24,26) "Then God said, "Let us make mankind in our image, in our likeness, so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals, and over all the creatures that move along the ground." (Genesis 1:26).

In the first pages of the Bible the man is entrusted with cultivating and taking care of the earth. "The Lord God took the man and put him in the Garden of Eden to work it and take care of it." (Genesis 2:15). Earth as the foundation of life is positioned in the words of the Creator to the first man, Adam, "By the sweat of your brow you will eat your food" (Genesis 3:19) [4]. In determining the land as the base and the necessary condition for the existence of mankind, from the time of the first states the question of finding a rational system of land tenure and then – optimal forms of agriculture arose, and that played a key role in various stages of civilization development of mankind.

Methods of research: research peculiarities of economic and legal aspects of the analysis of the agrarian history of mankind led to the use of comparative historical method, induction and deduction, and abstraction technique.

Results. Historical sources, based on archaeological evidence attest that agricultural era in human development takes the longest time – from the advent of agriculture (about 8 thousand years ago) to the emergence of high-grade industrial production (mid XVIIIth century BC). An important stage of agrarian civilization is the Neolithic Revolution, culminating on the verge of the IVth–III^d millennium BC. This concept is substantiated by the British archaeologist G.V. Child [11] as "the transition period from the stage of appropriation economy to the reproductive economy, from hunting and gathering to agriculture, animal husbandry and paleometallurgy." According to Ukrainian economists-theorists A. Chukhno, A. Filipenko, A. Halchynskiy, I. Lukinova Y. Pavlenko, P. Yukhymenko, P. Leonenko [9; 13], the end of the Neolithic revolution initiated agrarian civilization; the first scientific and technological revolution (the industrial revolution) of the last third of the XVIIIth century – mid XIXth century established industrial civilization, within which under the influence of modern scientific, technical and technological revolution of the late 70-ies – early 80-ies of XXth

century the establishment of a post-industrial civilization took place.

Thus, agricultural civilization, when land and agriculture were the dominant of the economic development, covers the period of about 6000 years. The outlined approach is in tune with Alvin Toffler's wave concept of society development, according to which there are three major "waves" of mankind: agricultural, industrial, and post-industrial [10].

The issues of land tenure and land use, which have been the subject of research since antiquity, are reflected in the writings of Aristotle and Xenophon; the first specialized research in this area include the ancient Roman authors: treatise "On Agriculture" by Lucius Columella and Marcus Terentius Varro, "Agriculture" by Cato the Elder, agrarian reforms brothers of Tiberius and Gaius Gracchi [2; 3; 6].

The necessity of work for everyone, and the priority of agriculture – "the purest of all arts" is grounded in the writings on theology of St. Augustine with the words of Apostle Paul: "He who does not work, neither shall he eat" [3]. The question of the optimal system of land tenure and land use is widely reflected in the writings of the Physiocrats.

Of particular interest are the works of Max Weber on the development of economy and society [5; 6, 33-66]. The issue of land tenure, agricultural development in the context of economic history of mankind is researched in fundamental collective works of P. Yukhimenko, P. Leonenko, P. Buriak, V. Yukish, T. Ovchinnikova and others. [9; 13]. Features of the agrarian history of Ukrainian lands were the subject of scientific research of the representatives of the scientific school led by I. V. Rybak and V. V. Nechytailo, and are also reflected in the research of P. P. Panchenko, V. A. Shmarchuk [8] and others.

Problem. The aim of the study is the implementation of a comprehensive, concise description of the main forms of land tenure in the context of civilization: from the founding of the first states (IVth – III^d millennium BC) to modern times (80-s of XXth century).

The main material of research. Issues of ownership and use of land as a basic resource of economic development arose in the era of the first states – Mesopotamia, Babylon, Egypt. For all these countries a common feature was employment in agriculture by means of irrigation systems, whose construction and maintenance caused the formation of the first state formations. The land that was owned by the community, gradually passed into the possession of the pharaohs and temples; in particular, the pharaohs passed part of their estates with the peasants attached to them to noblemen.

In ancient China, communal land ownership was replaced by state (imperial) ownership of land; the function of direct land fund management fulfilled one of the three highest officials (Vana); landed aristocracy got part of land in the hereditary possession and the rest was distributed among different social strata on conditional land use rights; in VIIIth – III^d centuries BC private, hereditary land ownership and land tax were established [13].

The crisis of slavery in the Middle East led to decline of the Babylonian kingdom and Egypt, that was why the centre of antiquity moved to the

Mediterranean.

In world history, a new period began, known under the conventional name of an ancient (approx. I millennium BC – approx. I millennium AD). In antiquity the proportion of slaves in the population increased from 10 to 50%; thus, slaves were the main labour force, in agriculture in particular; as a result of it free farmers became bankrupt.

The geographical location of ancient Greece – at the intersection of trade routes, the perception of cultural and economic achievements of the peoples of three continents – Europe, Asia and Africa, the availability of sheltered bays, natural resources, and building materials provided early development of trade, commerce, navigation. Greeks were artisans and traders in the period, when the nations of other lands were engaged in hunting, herding or agriculture.

For the first time in history the city (polis) replaced and took control of the village. Greece did not have enough grain of its own production that's why agriculture was secondary [13]. Arable land, grassland, natural resources, which originally belonged to the community, then moved to the aristocracy. Greeks specialized in growing wheat, barley, breeding orchards, vineyards and olive groves. Marketability of agriculture increased. In search of sources of raw materials and marketing outlets for finished products Greeks actively colonized the Black Sea region, creating there Greek settlements that had the function of units of trade with the local population. However, the main cause of the Great Greek colonization was the shortage of land due to population growth and its concentration in the hands of the nobility. It was in the northern Black Sea coast that the ancient Greeks traded with the Scythians, which (Scythians tiller) some researchers believe the ancestors of modern Ukrainians (VIIth century BC – III^d century AD) [1; 9; 11; 13].

The crisis of slavery, impoverishment of free producers led to the decline of Greece and Rome became subsequent centre of world civilization. Reforms of king Servius Tullius (middle of the VI century BC) destroyed the remnants of the tribal system, dividing the Roman population into 6 categories based on property characteristics. Fight for the land started, which formed large land ownerships. "Laws of XII Tables" (middle of the Vth century BC) protected private property, economic and political rights of slaveholders, legally fixed the institute of debt bondage. During the second half of IVth century BC there were attempts to limit the seizure of public land by aristocracy, upper limit of land ownership – 500 jugers (125 ha) and the rate of fields to graze cows (100 head of cattle and 500 small livestock) were established.

Establishment and strengthening of slave relations was promoted by territorial expansion, active military policy, led by the Roman Republic. By the middle of the III^d century BC all the territory of modern Italy was captured. In the first century BC Rome became a world power from the Atlantic Ocean in the west to the Tigris and Euphrates in the east.

The Roman state was considered the legal owner of the land. Land ownership was an honor senator (nobles), the profits of which were mainly from the land. The land was being attempted to purchase by the riders – rich men, who were engaged

in trade, taxes, usury.

The main form of slave-owning economy was villa-estate – estate covering 25-100 hectares of the land, which was treated by 50-60 slaves. As a result of the concentration of the land, cheap slave labor latifundiums with tens of thousands of hectares of the land and a large number of slaves were formed.

Territorial conquests led to the expropriation of the land in the colonies which was declared state wealth, was distributed to the nobles, was sold to the riders and was leased. In many places colonies were formed, where the lands were given to the veterans and Roman poor. A fight for the land was an important sign of economic development in Rome. There were appeared agrarian projects, which limited the seizure of state lands, but they were unsuccessful. In the I-II centuries AD changes were begun in the organization of production in possessions of the large landowners.

Latifundiums were divided into small plots (parcels), which were granted on lease to the columns – small farmers; large rent was spread on the Law of Emphyteusis, preces – convention land tenure, when the land was given to the term defined by its owner. Rent relations appeared as natural and cash payments, processing [3; 6].

The fall of Rome under the onslaught of the barbarians marked the beginning of a new page in human history – the Middle Ages, during which a lot of economic and scientific achievements of Antiquity are lost, ruralization economy is taken place, thus this period in the scientific literature is called "agrarian civilization" [3].

The formation of feudal economy vividly is illustrated by the Frankish kingdom (V-IX centuries). In the V – at the beginning of VI century on "Salichna Pravda" in the Frankish kingdom there was the process of transformation of agricultural community in the neighborhood, which was dominated by individual small farm families. Territorial sovereignty, collective ownership of all land belonged to the community. In hereditary use of large families, members of which were joint household, there were plots (parcels) of arable lands, gardens, vineyards, forests and meadows, pastures for cattle. The right to private property was distributed to households and movable property. Indivisible lands were the common property of the community. Franks did not know the right of way (free disposal) of the land. The land was inherited by the sons and brothers of the deceased, and at their absence passed to the community. In the process of colonization of Gaul part of the land, mainly Imperial, was appropriated by kings, warriors, gentlefolk. It was inevitable dualism between collective property and parcelama farms in the community. Property differentiation was begun.

In VIII-IX centuries in the Frankish society it was coup in agrarian relations, accelerated the process of creating a feudal economy. Wars became his catalyst with Arabs, Germanic and Slavic tribes. Wars required a large number of soldiers who got the lifelong land donation – beneficium– on condition of execution of military service and the vassal oath of allegiance to the King-seignior. There was beneficially – convention-official, temporary land tenure, which was based on seignior-vassal relations. The right of ownership of the land was remained for the Lord, who gave it. Later beneficium turned into a fiefdom (hereditary land tenure).

The transformation of free peasants on dependent ones and loss of the land rights were different. One such way is a violent land sales, fulfillment of certain household compulsions for the benefit of the king and his deputies. Peasants, losing land as property, kept it as a condition of manage, were attached to it as users of the land parcels [3; 7; 12].

In England, which belonged to the Roman Empire from the first century AD, the slave-owning system of ownership was not formed. Peasant free neighborly-territorial community-mark predominated in Anglo-Saxon period (V-XI centuries). Significant in size hereditary-family parcels-hides on 120 acres (48 ha), colonization possibilities, primitive agriculture, mutual help were providing long (compared to the Frankish state) preservation of public property. English falkland – parcel of the land, which was owned for "national law", but the growth of power of nobility made the inevitable formation of large ownership and conversion of small proprietors on dependent peasants.

A decisive factor was the Royal gift (VII century) to monasteries, earls (noblemen) the land with free people (land acquired for the document) with rights to revenue collection, fisk, the court, the imposition of fines. In fact, the king gave not the land, and power over the free peasants, the right of immunity. Materials of the first (1085-1086 pp.) census of population and land tenure in the history of England and all over Europe, which was called "Books of the Last Judgment", legally recorded domination of feudal relations in English society.

So, in V-X centuries in Europe feudal economy was formed based on private ownership of the feudal lord to the land and the dependence of the peasants on feudal. Victory of the large land tenure over small one, formation between the landowners and the peasants of relations of domination and subordination, and within the ruling layers – protection and service had decisive value. These transformations were accelerated by war, external expansion, legislative and tax policy of the states, sanction it of immunity system and suppression of the resistance of the peasants.

Mature feudal relations (XI-XV centuries) in all countries of Europe had a classical form; at the first stage (XI – XIII centuries) feudal land ownership was dominated which was developed in three kinds – royal, secular and spiritual. System of entail gave an opportunity to inherit the land to the eldest son fully or two thirds of it (to prevent the division of plots) [3; 7].

There was a new agrarian revolution that changed the economic structure of feudal possessions in XIV-XV centuries in different regions. In France, main economic forms were censiva, lease and hiring. Censiva – conventional hereditary possession on the basis of payment of a fixed cash qualification gave the opportunity to the peasants without restrictions on the part of seignior to sell, to bequeath, to lay the land, gave maximum economic and legal possibilities. The lease provided up to 80% of the income of seigneurs. A tendency to the formation of the peasant land ownership was determined.

In England, the process of restructuring took place in several stages. In the 15th century the establishment of bondhold became widespread. Farmers have

become “koplholders” i.e. land users “for life” in accordance with special documents, copies of which were kept in the local church. Moreover, they had to make annual payments for the right to use the land. Reduction of arable land contributed to the development of stockbreeding, especially sheepbreeding that did not require a lot of money and brought significant gains. Lords, rich peasants began to unite their acres and enclose them. This land fell under the law of the forced rotation of crops, landowners could manage it independently. It later became one of the factors of urbanization, when impoverished peasants, who lost the all land rights, began to move to cities in large numbers.

Increased feudal reaction, the emergence of feudal tendencies were typical for Central Europe and Russia. In Eastern Europe in the second half of the 12th century in the northeastern and north-western part of the Kievan state as a result of its feudal fragmentation formed independent feudal state entities that have evolved in terms of dependence on the Golden Horde. From the 14th century Muscovy became most economically and politically powerful. It united Russ lands into a single state. During the 12th-15th centuries patrimonial land ownership intensively formed in these lands. It stemmed from the princely gifts, freehold, land procurement. At the turn of the 12th-13th there emerged the system of incomes when Prince delegated the collection of state taxes to secular lords to reward their duties of governors, as well as judicial and administrative, fiscal functions. Significant amounts of land were in "black" tenure.

In the second half of the 15th century personal dependence of the peasants increased. In 1497 p. Code of Law was published by Ivan III, restricting farmers' transfer to other lands the week before Yurii Day (November 26) and the week after it on condition that they have paid all constraints and charges for the use of the yard and outbuildings. This focus on the evolution of agrarian relations was determined by the development of internal and external markets for agricultural products, weakness of cities, colonization opportunities, which because of lack of workers complicated the organization of the feudal economy [12].

Thus, in Western Europe in the period of mature feudal economy decreased the value of liege economy, while the role of peasant economy was on the rise. Economic and legal possibilities for farmers expanded, however feudal lords continued to be exclusive owners of the land. Land rents, items of personal dependence of the peasants from the land owner remained in force. In the countries east of the Elbe progressive forms of restructuring liege – peasant relations began to be displaced by feudal tendencies.

Great geographical discoveries of the 15th – 17th century mark a new era of economic history of mankind, the focus of economic life moves from the field of agricultural trade towards the sphere of trade and production; global market emerges, sea states create systems of colonial possessions in Africa, America, Australia and a “price revolution” takes place. This revolution is characterized by the increase in the number of times the prices for industrial and agricultural products as a result of importation to Europe a significant amount of gold and silver from America.

Peasant fiefs evolved in small peasant property, feudal money rent – into the

capitalist rent, hired labor was used. Transition to the farmer economy is observed. As a result of it, there comes a rapid ruin of feudal economies and development of main capitalistic principles and the market economy.

For European agricultural policy in the 19th – early 20th century the main goal was to preserve large estates. Agriculture developed on farmer basis (land rent from landlords in the UK, small land tenure and rent from France, redemption of land by peasants from the feudal lords of Germany, property differentiation of the peasantry). The agrarian crisis of the late 19th century accelerated the mechanization of agriculture.

Agrarian sector in the U.S. was developing in a peculiar way. In this country farming as a dominant form of land tenure was established in the first half of the 19th century. Civil War and the abolition of slavery ensured the concentration of much of the land in government possession. In 1862 the U.S. government adopted the “Homestead Act”, which gave the right to every U.S. citizen after he payed \$ 10 registration fee to receive 160 acres of land that became his property after five years of residence, cultivation and development therein. The area of cultivated land increased by 2.2 times; at the beginning of the 20th century there were 5.8 million farms in the U.S., which were formed as a result of land purchase from the state and large landowners. USA became one of the major exporters of grain and meat to the world market (from 1862 to 1901 wheat exports increased by almost 5 times, corn exports – by 16 times, which led to the agrarian crisis in Europe in 1875-1896. In this period wheat prices on world markets fell by almost a half) [13].

The conquest of foreign market by the U.S. was due to the fact that the American farmer cultivated land that was free of rent, while European peasants and farmers were forced to pay significant amounts of rent.

After completion of World War I and World War II, farming has become an industrial sector and the number of those employed in this sector declined significantly. In American agriculture land rent was common. The number of farmers – complete land owners in the U.S. was 62%, they accounted for 35.3% of agricultural land. Among large landowners in the U.S. were monopolies and the state itself. Joint-stock companies emerged in U.S. agriculture. In 1966 one American farmer could feed 43 people and the requirements for his qualification and training were higher than in industry.

In Germany in 1947-1949 occupation authorities carried out an agrarian reform. The law on land ownership was redistributed 178.5 thousand he or 1.3% of agricultural land.

Land reform in Japan in 1947-1949 included the forced retirement of state land that rented and more than 1 he. Sale conducted under the supervision of land committees. The land was regulated and paid government bonds. Then land was resold to farmers at low prices. To 1949 it was sold 1.63 million he of land. 13% of the land was rented.

All developed countries have formed agro industrial complex (AIC), consisting of own production, as well as industries producing and supplying industrial products, employment and transportation, processing and marketing of agricultural products. With the so-called vertical integration financial capital

combined all stages of the manufacturing process in sectors of agribusiness. In the 60 years the U.S. has developed some type of agricultural marketing. Industrial companies have created a network of bases and marketing centers (dealers). Their responsibilities included the implementation of agricultural machinery, maintenance, supply of chemicals. They actively intervene at all stages of production, provided loans.

Cooperation for combining economic resources, particularly dairy farming, horticulture, and gardening has widespread. In the U.S. it accounted for almost 40% of sales of commodity products. Agriculture developed in terms of enhanced government regulation, whose main task was to stabilize markets of agricultural products, prices and farm income. State allocations provided to protect the soil from erosion, the irrigation works, land improvement, forestry fund. Research work carried out, usually by governments.

In the U.S., regulatory functions performed by the Ministry of Agriculture, State Commodity Credit Corporation (TCC), the administration of land. In 1953 – 1964 pp. government implemented a 25-47% gross yield of wheat, 9-16% of maize, barley, 4-32%, 15-62% cotton, 9-48% tobacco. For non-assembled crop farmers received compensation amounting to 45-50% of its value. These advantage mainly large farms received 93% of government payments. American farmers were guaranteed a stable income.

France was second after the U.S. exporter of agricultural products. It was the only country in Western Europe that exported grains, dairy products and wine. This trend continued in 1970-80, when the country became one of the largest suppliers of dairy products, wine, sugar [13].

An important factor in the development of agricultural production in the 60s was the Common Agricultural Policy of countries – EU member states; its purpose was raising the living standards of workers farms share the same agricultural prices, Market Regulation major agricultural commodities. In 1968 were eliminated duties on products of countries – members of the Community. Developing on an industrial basis, 70 to 80 years of agricultural production leading countries entered a new stage of development. The most common form of the family were, partnerships and so-called other farms.

In the U.S., 3% of the population engaged in agriculture, food provides a full population. Products of this industry also exported abroad. This has been achieved through intensive professional training of producers, the wide application of diverse, high-quality technology and communications, comprehensive public assistance farming.

In 70 to 80 years the UK government has paid great attention to the development of national agricultural production. Farmers started to get the government subsidies for the implementation of manufacturing high quality products. The Government has introduced regular additional payments to farmers for increasing productivity of crops and livestock productivity. The use of mechanization, electrification and chemicals in industry were ended. The state has set high prices for agricultural products, encouraging farming production, but the industry provides the population with production by 75%. Much of the UK food

was imported from European countries.

70's and 80's are characterized by a high level of agriculture in Western Germany. There were observed the following trends as concentration, use of chemicals and computerization of production. Import of products of this industry was reduced to a minimum. In the 80s it almost provided the population with food. During this period, the German agriculture suffered intense competition in European markets partners in the common market – farmers of France, Italy and the UK. To survive in this situation, the German farmers helped generous government subsidies, and the highest level of mechanization of production.

In the socialist countries in the second half of the 40s was carried out agrarian reform, which included the confiscation of land from large owners, monasteries and transfer of small and landless farmers (except Poland and Yugoslavia). Some of the land became the property of the state. It was organized the state farms, research stations. Mortgage and other debts farms were liquidated. During the 50s farms were cooperated, 60s were a period of intensification based on mechanization, chemicals, electrifying. During this time, the socialist countries develop agriculture at a faster rate than the economically developed countries.

In 70-80-ies the agriculture of socialist states was experiencing a protracted crisis. In most of them dominated collective- and state farms, there was a lack of own grain. The USSR, Poland, Czechoslovakia imported grain from year to year. Many agricultural operations were performed manually. The intensification of the industry was delayed, which together with other reasons of political and economic nature caused a systemic crisis of collective- and state farm system.

Conclusions. Thus, the conducted research allows to trace a distinct cyclicity in the changes of priority forms of landowning and use of land resources. The first known form of landowning – social and communal disappears gradually with the formation of the state, which becomes the main manager of available land. Pharaohs, kings, emperors, who represent the state in the era of absolutism, use land resources as an opportunity to strengthening and maintenance of power as a means of centralized states formation, affording a right to large landowning to aristocracy and soldiers ; they in their turn, give land to the peasants on terms of rent or refining system. The regularity is traced, when large latifundia are cultivated by slaves in the era of Antiquity and dependent peasants-serfs (a new form of slavery) – in the Middle Ages, partially – in a new time ; " attached " to the land farmers – in the first half of the XX century.

Side by side with a large landowning in the era of daily Roman Empire there already exist villas – the prototypes of farms. Geographical discoveries, industrial revolution, industrialization shift the focus of interests in the sphere of production and trade, which coincides with the crisis and the destruction of large private landowning. The industrialization of agricultural sector, the increasing volumes of consumption cause the development of farms, which work on rented or own land ; large agricultural association come into being, where the most advanced achievements of science and technology are used. The common tendency in the second half of the XX – and the beginning of the XXI centuries is the state financing of agriculture, subsidies and compensations directed to the ensuring of

product availability and food security of countries; the state supervision on the rational distribution and use of land resources.

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