

DOI: <https://doi.org/10.34069/AI/2024.75.03.17>

How to Cite:

Zakharchuk, A., Kravchenko, A., Bondarenko, N., Kulikov, O., & Koretskyi, S. (2024). State and legal mechanisms in the formation of the ethnic identity of ukrainians (17th to Early 20th Century). *Amazonia Investiga*, 13(75), 197-210. <https://doi.org/10.34069/AI/2024.75.03.17>

State and legal mechanisms in the formation of the ethnic identity of ukrainians (17th to Early 20th Century)

Державно-Правові Механізми у Формуванні Етнічної Ідентичності Українців (XVII–поч. XX ст.)

Received: January 4, 2024

Accepted: February 27, 2024

Written by:


Andriy Zakharchuk¹ <https://orcid.org/0000-0001-8224-9210>**Alla Kravchenko²** <https://orcid.org/0000-0001-8429-2183>**Nataliia Bondarenko³** <https://orcid.org/0000-0001-9370-301X>**Oleksii Kulikov⁴** <https://orcid.org/0000-0002-5400-4133>**Serhii Koretskyi⁵** <https://orcid.org/0000-0001-6465-7712>


Abstract


Unlike Eastern Ukraine, the territorial belonging of Western Ukrainian lands was determined by contractual agreements between European states. Reforms in Austria, and later in Austria-Hungary, as opposed to Russia, were based on the principles of Enlightenment ideology and values such as freedom, human rights, constitutionalism, and parliamentarism. In the medium-term perspective, this led to the Western Ukrainian community developing a sense of national consciousness, political organization, and the values of European civilization by the end of the 19th century. In this article, based on a comparative analysis of the historical experience of the Ukrainian community within two empires – the Russian and the Austro-Hungarian – the evolution of the process of


Анотація


На відміну від Східної України, територіальна належність західноукраїнських земель визначалася договірними угодами між європейськими державами. Реформи в Австрії, а згодом і в Австро-Угорщині, на відміну від Росії, базувалися на засадах ідеології Просвітництва та таких цінностях, як свобода, права людини, конституціоналізм і парламентаризм. У середньостроковій перспективі це призвело до того, що наприкінці XIX ст. у західноукраїнській спільноті сформувалися почуття національної свідомості, політичної організації та цінностей європейської цивілізації. У статті на основі порівняльного аналізу історичного досвіду української спільноти в межах двох імперій – Російської та Австро-Угорської –

¹ Doctor of Law, Professor, Department of Legal Support of Business Security, Faculty of International Trade and Law, State University of Trade and Economics, Kyiv, Ukraine.  WoS Researcher ID: C-4321-2019

² Doctor of Philosophy, Head of the Department of Philosophy, Sociology and Political Science, Faculty of International Trade and Law, State University of Trade and Economics, Kyiv, Ukraine.  WoS Researcher ID: N-2338-2016

³ PhD in Law, Associate Professor, Faculty of International Trade and Law, State University of Trade and Economics, Kyiv, Ukraine.  WoS Researcher ID: GQP-5840-2022

⁴ PhD in Law, Associate Professor, Faculty of International Trade and Law, Department of Legal Support of Business Security, State University of Trade and Economics, Kyiv, Ukraine.  WoS Researcher ID: JUU-5434-2023

⁵ Candidate of Law, Associate Professor of the Department of Law, Kyiv Cooperative Institute of Business and Law College of Economics and Law, Kyiv, Ukraine.  WoS Researcher ID: JTV-7086-2023



national identity is examined. The study was conducted using general methods of scientific knowledge, in particular, analysis and synthesis, induction and deduction, abstraction, specification, and formalization. During the study, the author analyzed the peculiarities of the state and legal mechanisms for forming the ethnic identity of Ukrainians in the seventeenth and early twentieth centuries. The prerequisites of Ukrainians' ethnic self-identification are considered. The author analyses the historical and cultural foundations of establishing the Ukrainian nation with the modern state-building process.

Keywords: identity, ethnicity, societal ideal, state-building, national consciousness.

Introduction

The historical development of the Ukrainian lands that became part of the Russian Empire is characterized by their formation under the influence of diverse factors. During the period of the Liberation Struggle, this occurred on the basis of agreements. Colonization took place with migrants from Ukraine settling in the border territories of the Muscovite Tsardom. Furthermore, the expansion of the South Ukrainian lands resulted from conflicts with the Crimean Khanate. Throughout these processes, the government attempted to limit or prevent the realization of the Ukrainian population's own identity.

The beginning of the 20th century is marked by the struggle of the Ukrainian community for sovereignty and state independence. Such state-building experience holds exceptional significance for reevaluating and assessing the processes of state construction in the last 30 years. It was also characterized by the development of new theoretical and legal principles related to the construction of a modern Ukrainian state.

However, a necessary precondition for Ukraine's successful realization of its potential is the widespread integration into the global and primarily European community. This would necessitate its active cooperation with various international organizations in the matter of reforming the national legal system.

In this regard, it is worth noting that the contradictions related to the formation of the state and societal ideal were influenced by the fact that Ukrainian lands, divided between two

розглядається еволюція процесу формування національної ідентичності. Дослідження проводилось з використанням загальних методів наукового пізнання, зокрема аналізу та синтезу, індукції та дедукції, абстрагування, конкретизації та формалізації. У ході дослідження автором проаналізовано особливості державно-правових механізмів формування етнічної ідентичності українців у XVII на початку XX ст. Розглянуто передумови етнічної самоідентифікації українців. Автор аналізує історико-культурні основи становлення української нації в умовах сучасного державотворчого процесу.

Ключові слова: ідентичність, етнічність, суспільний ідеал, державотворення, національна свідомість.

states (the Russian Empire and Austria-Hungary), oriented themselves towards two different social and state-legal mechanisms, each with its own content.

The relevance of the topic is underscored by the fact that, at the beginning of the 20th century, Ukrainians were confronted with the necessity of fighting for the sovereignty of their own state – the Ukrainian People's Republic. From the aforementioned, the research objective is formulated, which consists of analyzing the process of the formation of national identity. The formulated objective has also determined the research subject, namely, the state-legal and self-governing institutions of those societies that included Ukrainian lands. The formulated research objective and subject have defined the temporal framework of the study - from the 17th century, a period of gradual limitation and elimination of Ukrainian statehood by Russia, to the annexation of Ukrainian lands by Austria in the late 19th century, coinciding with the implementation of bourgeois reforms in these states.

Therefore, the objective of this article is to clarify how, in the conditions of territorial dispersion and belonging to different state organisms, on the one hand, the loss of statehood attributes, and on the other hand, the process of consolidating the Ukrainian society took place.

The purpose of the study is to analyze the socio-political and state-legal factors that influenced the formation of the worldview of Ukrainian society.

Literature review

The issue of the peculiarities of the state and legal mechanisms of forming the ethnic identity of Ukrainians in the seventeenth-early twentieth centuries within the general process of ethno- and nation-building forms a scientific circle of interest for several contemporary scholars. Numerous publications on the subject have been made in scientific journals.

The theoretical aspects of the consolidation of the Ukrainian nation in different political, socio-economic and internal cultural conditions are reflected in the studies of several contemporary scholars (Salnikova et al., 2022; Terliuk, 2021). Among the array of research results, it is worth highlighting the work (Boyko, 2022), which fundamentally examines the influence of neighboring states on the formation and development of the Ukrainian legal tradition.

At the same time, some scholars (Andrusiak, 2008) draw attention to the problem of identifying the factors influencing the formation of the Ukrainian population's legal consciousness in the regional context. Several authors (Demyanko, 2001; Ramji-Nogales, 2022) study the mental characteristics of Ukrainians' political consciousness.

The near complete cessation (or biased approach based on politicized or ideologized conceptual foundations) of research in Soviet Ukraine on issues of Ukrainian identity led to the absence of fundamental works on the mentioned topic. However, it has been proven that the tradition of Ukrainian national self-awareness, through the prism of state-legal development, dates back to ancient times (Dontsov, 1951).

Despite certain divergences associated with the evolution process of any society, it has been established that each society goes through three stages: in the first stage, a small group of scholars collects historical documents and folklore, fearing that the uniqueness of the nation will be eradicated under the pressure of imperial culture; in the second cultural stage, an unexpected "resurgence" of the nation's language occurs, with its use in science and education; and in the third political stage, the development of nationally-oriented programs takes place, declaring the aspiration for self-governance. This general model aligns with the evolution of Ukrainian national consciousness (Subtelny, 1998).

As a result, we find the outcomes of prolonged theoretical work in the field of state and law, historical-ethnographic and folklore heritage, historical works, literary studies in Galicia, works in the field of economics and social studies. However, in the Soviet socio-political literature of Ukraine, this thematic content did not find continuation. Essentially, in the 1930s, at the turn of two centuries, the practice of a synthetic approach to researching issues of Ukrainian national consciousness, initiated in social studies, was disrupted.

Ukrainian researchers of the mid-19th to early 20th century, a time when attention to national history was growing, often equated the term "people" with another term – "nation". Discussions related to clarifying the meanings of the terms "nation" and "society" sometimes point to the multiplicity of characteristics, or they limit themselves to certain attributes that do not cover the full spectrum.

In Soviet academia, events of the investigated period were viewed in the context of preparing and conducting the socialist revolution. Therefore, anything that did not fit into the concept of Soviet state-building was perceived as reactionary, not aligned with social progress. Specifically, national-state building, which contradicted Bolshevik strategy based on class struggle theory, was classified as bourgeois-nationalist and anti-people.

Within the context of these approaches, a system-critical approach to scientific research gains significant importance.

Methodology

The manuscript's theoretical and methodological foundation consists of a combination of philosophical, general, and specific scientific research methods. The fundamental principles of scientific inquiry include objectivity, comprehensiveness, methodological pluralism, a concrete-historical approach, the unity of theory and practice, and the synergy of knowledge. The underlying methodological approach is the dialectical method, which allows for the examination of the proposed topic in its development, employing concepts such as "worldview," "contradictions," "culture," "transformation," "freedom," and more. The dialectical combination of retrospective and logical methods enables the tracing of the specifics of the historical development of states that included Ukrainian lands. By employing the

category of “planetary-historical,” the essence of events within local-historical, socio-legal formations is analyzed.

Results and discussion

The formation of ethnic identity, as evidenced by global experience, becomes most active under the influence of objective and subjective factors related to the state-building process. Additionally, in the context of losing statehood, there arises a need both for analyzing the reasons behind such relations and the conditions that impact both the process of ethnic identity and the content of state doctrine.

It has been established that the territory of Ukraine evolved from three parts: the Dnieper region and Western Ukraine, as two ethnographic centers of Ukrainian identity, and a third area - a wide zone of later colonization encompassing the east and south of Ukraine. In Eastern Ukraine, as a specific region, we can distinguish the Sloboda Ukraine. The mass resettlement movement gained widespread popularity in these territories during the Liberation Struggle under the leadership of Bohdan Khmelnytsky. The Moscow government allocated significant territories where settlers established their own orders and structures.

With its administrative-territorial structure and state-legal status, the Sloboda Ukraine region stood out due to its distinctiveness. Here, five Sloboda Cossack regiments were formed, which constituted both military and administrative-territorial units. The regiments were led by colonels and regimental elders. The authority of the colonel was often passed down through inheritance within representatives of the same lineage (Panashenko, 1991: 283-314).

The population was accustomed to having “a representative of the same lineage at its head” (Doroshenko, 1992). However, despite granting the Cossacks full internal autonomy within the regimental organization, the Moscow government did not consolidate the Sloboda regiments under the authority of a single individual, as was the case in Hetmanate. In matters of national significance, the colonels were subordinate to the voivode, who was located in Belgorod. These actions were taken to prevent the emergence of a distinct territorial unity among the Cossacks.

Gradually, a policy of limiting local self-governance was implemented. Judicial and criminal cases in Slobozhanshchyna were

removed from the jurisdiction of the colonels and transferred to the Belgorod Provincial Chancellery. The Cossacks retained the right to appeal the decisions of the regimental elders to the Belgorod voivode, with the actions of the latter subject to the Kursk Supreme Court. From that point on, the appointment and approval of colonels and sotniks of the Sloboda Cossack regiments were carried out by government officials appointed by the tsar. In Sumy, a governing body called the “Chancellery of the Commission for Establishing Sloboda Regiments” was established, led by Prince Shakhovskiy and two staff officers. The chancellery’s task was to reorganize the regimental structure (Panashenko, 1991: 283-314).

The system of local administration also underwent changes. The regimental town halls, which were established concurrently with the formation of regiments, were renamed as chancelleries. These chancelleries were granted the rights and functions of the chancelleries of Russian provincial governorates. All matters handled by regimental chancelleries were resolved based on nationwide laws and imperial decrees. Legal proceedings within the regiments followed Russian legislation. (Liberation War and Reunification of Ukraine with Russia. The Beginning of Feudalism’s Decline and the Emergence of Capitalist Relations (Serhiienko et al., 1979).

From the mid-18th century, there was an increasing effort by autocracy to standardize the governance system towards the expansion of imperial orders. The Sloboda-Ukrainian Province was abolished, and in its place, the Kharkiv Vicegerency was established. The division into provinces was abolished.

At the end of 1796, the Kharkiv Vicegerency was once again transformed into the Sloboda-Ukrainian Province. However, this did not significantly alter the overall governance system. Thus, by the beginning of the 19th century, all territorial-administrative distinctions between Slobozhanshchyna and other parts of the Russian Empire disappeared. The standardization of governance forms led to the elimination of the autonomous system’s specific features. Ukrainians were deprived of the right to head local authorities, local self-governing bodies were abolished, and legal proceedings were conducted based on imperial laws.

The geographic division at its core is overlaid with factors and peculiarities of the legal status.

Finally, one must also consider the third “line of division” associated with the confessional factor: the contradiction between the Orthodox and Greek-Catholic traditions in Ukrainian Christianity (Nahorna, 1998)

In the works of scholars from the Ukrainian diaspora, it is noted that at the beginning of the First World War, the Ukrainian lands were distributed by state affiliation as follows: territories known in Ukrainian geographical terminology as Right-Bank (in relation to the Dnipro River) Ukraine (Russian official name “*Southwestern Krai*”); Steppe Ukraine (Russian name “*Novorossiia*”), and Slobozhanshchyna, as well as Ukrainian lands in the Don and Transcaucasus, were part of the Russian Empire. Galician-Bukovynian territories were within the framework of the Austrian state organism. Transcarpathian Ukraine (also known as “Hungarian Ukraine” or “Rus of Hungary”) belonged to the Kingdom of Hungary (Yurchenko, 1971).

The realization of the unity of the territory, through the prism of the administrative-territorial structure, of the central part of Ukrainian lands, begins in the years of the Mid-17th Century Liberation War.

After the Pereyaslav Council, the state and legal status of Ukrainian lands was determined by an agreement between Bohdan Khmelnytsky and the Moscow Tsar, known as the “*Articles of Bohdan Khmelnytsky*” or “*Articles of the Zaporizhian Host*.” Ukraine retained features of statehood such as autonomous self-governance led by a hetman, territorial-administrative and judicial bodies, and the right to diplomatic relations with other countries (except Poland and Turkey).

Subsequently, the state and legal status of Ukraine, through the actions of certain leadership groups, was characterized by limitations on rights and privileges. The so-called ‘Moscow Articles’ strengthened the positions of the Tsarist regime in Ukraine (taxation of the population, maintenance of Russian troops at the expense of the Ukrainian peasantry and bourgeoisie, etc.) (Honcharenko, 1997a).

The terms of the agreement between the Tsarist government and Hetman Demyan Mnogohrishny were supplemented with new provisions, which were categorically formulated to prohibit the hetman and his government from having diplomatic relations with other countries, reduce

the size of the Cossack army to 30,000, and have Moscow voivodes with military garrisons in Ukrainian cities (Honcharenko, 1997b).

It is worth noting that while eliminating the features of Ukrainian statehood, the Tsarist government simultaneously tried to expand the rights and privileges of the Cossack leadership. The “*Kolomatsky Articles*” declared privileges for the Cossack leadership, the inviolability of property granted by royal decrees, and the bestowal of noble titles based on merit (Honcharenko, 1997c). Through such measures, the government sought to prevent the formation of independence-seeking tendencies within the Cossack elite.

By the end of the 17th century and the first half of the 18th century, Russia underwent a transition from an estate-representative monarchy to an absolutist monarchy. The absolutist monarchical authority aimed to eliminate the specific features of the administrative-territorial structure and the state-legal status possessed by the peripheral regions of the empire, such as the Don, Yaik, as well as the Baltic States and Ukraine. For this purpose, there were restrictions and the elimination of any signs of autonomous governance.

Autocracy unified the governance system towards the expansion of the overall imperial state mechanism. In Ukraine, the regimental administrative-territorial division was abolished, and the “*Regulation for the Governance of Governorates*” that applied to all of Russia came into effect. A nationwide system of administrative-territorial rule was introduced, involving the division into viceroys, led by viceroys (generals-governors), responsible for the “strict and complete collection from all his subordinates.” The position of the general-governor in Right-Bank Ukraine held particular importance, exerting influence over local authorities. As a result, Russian autocracy not only managed to eliminate all remnants of Ukraine’s autonomy but also established a rigid regime of governance over the territory, which, effectively, became an integral part of the empire. Consequently, Ukrainian society needed time to formulate the content of the doctrine of national consciousness and directions for socio-political development.

During the gradual expansion of the Russian Empire towards the Black Sea, specific features of the state-territorial structure of these lands were being formed. It is worth noting that the

decisive role in colonizing the southern territories belonged to settlers from Left-Bank and Right-Bank Ukraine.

A significant reorganization of the administrative-territorial structure of the southern lands began in 1764. By the imperial decree, New Serbia and the Novoslobodsk Cossack Regiment were transformed into the Novorossiysk Governorate. The governance of the governorate was carried out by two departments - military and civilian. Soon, the Ukrainian Line was incorporated into the Novorossiysk Governorate, and the cities of Kremenchuk and Vlasivka, as well as 13 hundreds of the Poltava Regiment, were annexed.

The administrative-territorial structure of the Novorossiysk Governorate was being shaped by the imperial government in line with the overall state-wide transformations.

Subsequently, with the annexation of Crimea, shifts occurred in the state-territorial structure of the region. The lands of the former Crimean Khanate saw the creation of the Taurida Province. Seeking to prevent the restoration of statehood for the peoples of Crimea, the government established six districts, the administration of which included Crimean feudal lords who received corresponding ranks and were equated in their rights to the Russian nobility (Panashenko, 1991: 283-314).

Formation of the governance mechanism in the southern lands, in the context of the overall imperial policy, engendered within the Ukrainian community, which actively participated in the colonization of these territories, a realization of a not-so-temporary unity, not only based on territorial commonality but also on shared societal ideals.

With the aim of standardizing the governance system and strengthening autocratic-police power locally, in the Ukrainian lands by the late 18th century, a pan-Russian administrative structure was extended. The territory of Ukraine was divided into governorates and counties.

The inclusion of Ukrainian territories into the Russian realm occurred against the backdrop of complex political and legal relations in Eastern Europe. On the other hand, the state-legal tradition of Russian autocracy was based on the idea of eliminating elements of Ukrainian statehood. Concurrently, the government established principles of territorial organization

that were meant to hinder the revival of Ukrainian national consciousness.

It is not coincidental that Russian legislation emphasizes the pivotal role of the governor, a key figure in the middle tier of the bureaucratic state apparatus. The governor was responsible for implementing governmental policies. Notably, in pan-Russian legislative acts, there were attempts to distinguish the functions of civilian and military governors, delineating their responsibilities from those of vice-governors, gubernatorial administration, prosecutor, treasury and judicial chambers, and the head of the nobility. At the same time, the recurrent reference to the issue of "bounds of authority" underscores the absence of clearly defined spheres and limits of their competence in practical life. The question of the governor's position within the state administrative apparatus was also raised. The establishment of the Ministry of Internal Affairs sought to subordinate the governor to its structure, whereas according to previous laws, the governor was answerable solely to the emperor. Conversely, the governor received dozens of directives regarding his responsibility for censorship, fire safety in factories and plants, oversight of nobility elections, activities of other "presence" entities, conscription, passport regulations, and more (Shandra, 1998).

As a result of the uprising on the territory of Poland, the imperial government established the Kyiv General-Governorship, which included the Kyiv, Volyn, and Podillya governorates.

Right after suppressing the uprising, the Russian government initiated an intensified offensive against all remaining vestiges of administrative-territorial autonomy in Right-Bank Ukraine. In doing so, it aimed to eradicate the consequences of the national liberation movements of the Polish and Ukrainian peoples. On October 30, 1831, a law came into effect aimed at eliminating the specific features of the administrative structure of the Western provinces and establishing pan-imperial regulations. According to the conclusion of the State Council, approved by the emperor, the Russian language was introduced not only into the judicial system of the Kyiv governorate but also in the Podillya and Volyn governorates. By a specific, Senate-announced decree, the governor-general was appointed responsible for the resettlement of the former nobility to the Caucasus (Shandra, 1998).

The abolition of serfdom brought about a certain transformation of social relations. In rural areas,

local self-governing bodies began to form. As a result, the resolution of significant matters related to village life was entrusted to the village council. For addressing current affairs, the village council selected a village elder. Several villages together formed a “volost” with a “volost elder” at its head.

The 1864 Zemstvo Reform envisaged the creation of self-governing bodies at the intermediate level: gubernia zemstvo assemblies and their executive bodies – gubernia zemstvo administrations, as well as county zemstvo assemblies and county zemstvo administrations. Elections to the zemstvo institutions were based on property qualification and estate affiliation. Their authority was centered around addressing matters of education, healthcare, and road construction. However, even in this limited form, zemstvos expressed their opposition to absolutism. Fearing that zemstvos might evolve into national-political centers, the imperial government introduced them in Left-Bank Ukraine and, only in 1911, in Right-Bank Ukraine (Dnistrovsky, 1992).

A more radical reform was the judicial reform, which provided free access to legal protection for all residents and ensured the election, independence, and tenure of judges. The institution of lay jurors was introduced, district courts of justice and courts of peace with clearly defined functions were established. However, estate courts persisted, which, although dealing with minor cases, remained vestiges of the old system.

During the post-reform period, the so-called “peasant policy” was primarily implemented in villages and volosts (administrative units). Despite the social and legal limitations and the structural imperfections of the self-governing bodies, the attention of the peasants was directed towards the volost. After the abolition of serfdom and the implementation of other reforms in the 19th century, the volost administrations transformed into a source from which the Ukrainian rural population drew all the necessary laws, acts, regulations, instructions, explanations, and excerpts needed for public and family life.

However, at the same time, the agricultural population exhibited apathy towards state affairs, particularly towards local governance bodies. Since performing administrative functions was inadequately compensated, peasants regarded elective positions as a burdensome obligation.

The separation of rural workers from their own farms led to tangible losses. The unique peasant lifestyle that had developed over centuries fostered distrust of government institutions: the duties performed by deacons, sovy, starostas, elders, and village heads were often perceived by peasants as a service that brought no respect or profit (Prysiashniuk, 1999: 23-32).

The attitude of Ukrainian peasants towards self-governing bodies had another aspect. Often, rural and volost officials were chosen from among “quiet,” weak-spirited villagers who turned a blind eye to violations of laws, government decrees, and local authorities’ orders. Village and volost assemblies were seen by “active” participants in the communities not primarily as a form of state and legal life, but as an opportunity for yet another interaction, a kind of collective leisure (Prysiashniuk, 1999: 23-32).

The process of involving Ukrainian peasants in the activities of local governance occurred sporadically and was not controlled by the state. The participation of farmers in representative assemblies, much like in the medieval era, remained primarily formal. Meanwhile, those in positions of actual power, often hailing from a farming background, quickly isolated themselves and socially distanced from their fellow villagers. However, while maintaining their agricultural mentality and worldview, they aimed to derive benefits from it within the bounds of traditional ways of life (Prysiashniuk, 1999: 23-32).

In a primitive understanding of the essence and specificity of state power and their own rights, Ukrainian peasants behaved passively at assemblies. Reluctantly attending such gatherings, except for a few who considered themselves community leaders, they knew in advance that no major issues would be resolved there. During these gatherings, peasants were mostly present as mere attendees. Often, they had no opportunity to participate in the discussion of specific matters. There were instances where attendees were not even aware of the topics under consideration.

The average Ukrainian peasant simplistically accepted, misconstrued, and interpreted rights, legality, and the communal nature of personal and societal interests, rendering them incapable of providing anything constructive in the face of clannishness and bureaucratic power, including at the local level. The legal consciousness of Ukrainian peasants during the post-reform decades was characterized by the preservation of

patriarchal norms of customary law: money borrowed was often given “on trust,” without formal debt documents, and only 20% of claims in volost courts were substantiated by documents.

The development of power relations in Ukraine was based on ideals reflecting the worldview (mentality) characteristics of Ukrainian society and, primarily, the peasantry, which constituted nearly 9/10 of the population.

In a political and legal understanding, mentality reflects a certain level of individual social consciousness, as well as the associated spectrum of life positions and behavior models that claim independence from officially defined ideological orientations and political-legal orientations. It’s a unique political-psychological thesaurus shared among members of a socio-political group or organization, enabling them to perceive and evaluate the existing political-legal reality, and act within it according to established societal norms and behavior patterns while understanding and perceiving each other adequately (Demyanko, 2001: 93-100).

The majority of Ukrainian researchers, when analyzing the Ukrainian character, have considered the decisive influence of geographical and geopolitical factors, economic life, and other factors.

Methodological approaches associated with the study of issues related to legal culture, especially the meanings of “law” and “legislation,” can be found in the work “*The Spirit of the Laws*” by Montesquieu. In this work, Montesquieu attempts to determine the content of laws based on certain natural factors, primarily geographical ones. State-legal relations are influenced by factors such as climate, soil, terrain, customs, traditions, religious beliefs, population size, material well-being, and the prevailing “order of things” as a whole (Tymoshenko, 1998: 767-768). Montesquieu emphasizes that while certain regularities exist, legislators should also consider the mental characteristics of a specific ethnic group.

In addition to this, the influence of the geopolitical factor should also be considered. In his interpretation of Ukraine’s position between the East and the West, Ivan Lysiak-Rudnytsky under the term “West” understood Europe as a community of European nations united by similar characteristics. He emphasized the Western, European nature of Ukraine while acknowledging the existence of strong non-

Western elements within the Ukrainian national identity (Lysiak-Rudnytsky, 1994: 1-9.)

As a result, the geopolitical factor contributed to certain character traits of Ukrainians, such as an extraordinary desire for freedom, national sovereignty, and natural democratic tendencies. These traits have led to the formation of various local forms of self-realization at local-societal and individual levels, including tendencies towards anarchism. According to Mykola Kostomarov, who characterized Ukraine as a social community that from ancient times didn’t want to recognize “neither king nor lord.” Dmytro Yavornytsky, a renowned researcher of Cossack history, described the Zaporozhian Cossack as a guardian of the state and societal ideals of the Ukrainian people, a social phenomenon that acted as a “living herald of freedom” and a “living protest against violence and slavery” (Demyanko, 2001: 93-100).

In conclusion, at the beginning of the 20th century, the idea emerged within the sphere of Ukraine’s socio-political thought that only the Ukrainian peasantry could be the creator of the national-state ideal. This perspective was motivated by the belief that only the Ukrainian peasantry, unlike the russified proletariat, preserved spiritual traditions. The majority of left-leaning politicians in both parts of Ukraine adhered to this viewpoint. The relevance of this issue is driven by distinctive retrospective parallels that Ukrainian society has experienced over the last 150-200 years. In a generalized form, these parallels reflect the following directions of social transformation: from a police state to democracy, from a monarchical (totalitarian) political regime to a liberal (liberal-democratic) one; from a natural-consumer (planned-administrative) economic system to a market-oriented (social-market) one (Boyko, 2022).

For the Ukrainian ethnos, a crucial aspect in the formation of their mentality was the pronounced autochthony and the development of a way of life in accordance with their occupations. Indeed, the mentality of the Ukrainian peasantry has its roots in the agrarian culture of our ancestors. Ukrainians are an autochthonous ethnic group that has inhabited the same lands for millennia, and their primary occupation has been agriculture. The connection between Ukrainians and the land was strong and multifaceted. Ukrainian peasants loved the land, treating it as sacred. Agricultural practices were accompanied by numerous warnings and rituals, largely tied to

natural cycles and the agricultural calendar (Apanovych, 2000: 3-5).

The Ukrainian peasant developed and solidified a sense of being a master, relying on their own abilities and showing personal initiative. The environment and work on the land shaped their understanding of good and evil, as well as their internal moral principles and norms of behavior. For the Ukrainian agricultural worker, achieving a good result in land cultivation was tied to morality, practical benefit, skillfulness, and aesthetic satisfaction. However, under one essential condition: the land on which they labored, nurtured, and cared for should belong to them. From ancient times, Ukrainians had a traditional inclination toward individual land ownership and private property. According to divine and human justice, the material wealth earned through hard work should not be wasted or appropriated by others. It should belong to the one who acquired it - the owner, as well as those for whom they live, work, and save. This includes those who inherit the owner's property - their family, the most crucial unit of human society, which ensures the connection between generations and the continuity of the lineage. This family is the carrier of spiritual values.

However, the individualistic principles within the family and community relations of Ukrainian peasants, as a rule, did not hinder the organization of such important and necessary collective labor. This is evident, in particular, through joint field work, communal labor efforts ("tolokas"), long-distance trade caravans ("chumaks"), carting, village-based collective work groups ("artils"), and cooperatives. Cooperation was almost always voluntary.

In the latter half of the 19th to the early 20th century, due to the aforementioned traits of their mentality, Ukrainian peasants could not come to terms with the notion that industry and trade were superseding agriculture in the societal economy. This was coupled with another deeply ingrained stereotype in their socio-cultural consciousness - the prioritization of physical labor over intellectual pursuits. It has been demonstrated that it is in this context that one must seek one of the reasons for the peasants' aversion and contempt towards the "masters," a term they typically applied to landowners, entrepreneurs, merchants, officials, and the intelligentsia (Prysiashniuk, 1999: 23-32).

The distinctiveness of Ukrainian peasants, coupled with socio-legal limitations within

administrative and judicial domains, and the imperfect state of rural democracy, resulted in their secondary role within society. One of the pivotal questions in this posed problem is to what extent the peasantry was prepared for a "free" existence (Marandici, 2020). Introduced through reforms into semi-market relations, the peasantry had to rapidly adapt to forms of state life previously unfamiliar to them. The liberalization of socio-political life in rural areas created certain opportunities for improving the social status of farmers through pursuing career ambitions. However, the reality was that the majority of legal cases involving landowners and clergy resulted in unfavorable outcomes for peasants. Due to their low socio-legal status, lack of resources, bureaucracy in the judicial system, and more significantly, the fear harbored by the farmers who believed that winning a legal case against the "masters" was a futile endeavor, cases initiated by peasants were rarely heard.

In our view, the absence of support for reforms from the Ukrainian peasantry was influenced by the fact that "property rights and the enforcement of contracts through legal institutions became the foundation for economic growth in Great Britain, the Netherlands, Germany, the USA, and other countries that protected these rights. For this reason, liberalism is associated with economic growth and modernization. Historically, the most favorable class for liberalism was the class of owners, not only landowners, but also numerous business owners and entrepreneurs from the middle class, whom Karl Marx referred to as the bourgeoisie" (Fukuyama, 2020).

As a result of the First Partition of Poland in 1772 and the Third Partition of Poland in 1795, Galicia, and according to the Austro-Turkish Convention of 1775 concluded in Constantinople, Bukovina, became part of the Austrian Empire. Galicia, along with certain Polish territories, was designated as a separate region known as the "Kingdom of Galicia and Lodomeria," with its center in Lviv. This region was administratively divided into 19 districts, of which 12 were situated within the territory of Eastern Galicia, where the Ukrainian population resided. In 1786, Bukovina, with its center in Chernivtsi, was annexed to Galicia as a separate district.

Emperors Maria Theresa and her son Joseph II implemented reforms based on the understanding that the strength of the state depended on the level of personal freedoms and the spread of education among the population.

The state and legal development of Ukrainian territories were influenced not only by the constitutional structure of Austria but also by the impact of Western European Enlightenment ideology, which encompassed elements of democracy, humanism, and legality. Despite substantial resistance from administrative and territorial authorities, the Polish elite, the state and legal reforms in Austria nurtured the concept of personal autonomy across all aspects of life and unified the Ukrainian community towards a common national goal (Matskevych, 2007: 134-137).

It is within the circles of Ukrainian scholars that the notion emerged that the Ukrainian population of Galicia, in contrast to the Right-Bank Ukraine, fostered a societal ideal aimed at achieving Ukrainian statehood. Among the array of factors that shaped the process of nation-building in Galicia, researchers emphasize the civilization affiliation with the Western European realm. This manifested in legislation and the populace's ability to employ the state and legal mechanisms to address the needs of Ukrainian state development (Andrusiak, 2008: 13-16).

The pivotal role in the formation of Austria's state and legal system was played by the revolution of 1848-1849. Under the influence of these revolutionary events, the country's state and legal development evolved towards constitutionalism. According to the provisions of the so-called "opened" (bestowed by the emperor) Constitution, the authority of the emperor was partially curtailed, and limited democratic freedoms were proclaimed (Salnikova et al., 2022). From the perspective of the Ukrainian community's priorities, the reforms carried an ambivalent character. The separation of Bukovina from Galicia did not facilitate the process of Ukrainian consolidation. Concurrently, Bukovina was granted the status of a separate autonomous region with the title of "*duchy*." The rights of the newly established duchy were defined by the imperial patent (decree) of September 29, 1850, which encompassed the Constitution of the region and the Electoral Law for local representative authorities. Of particular note is the third paragraph of the Constitution, which asserts that all nations residing within the region are equal, and each nation possesses an inalienable right to safeguard and develop its nationality and language (Dobrzhanskyi, 1999).

By gaining the right to participate in representative governmental bodies, Ukrainian deputies not only acquired experience in

statecraft but also utilized the parliamentary platform to address tasks of national and state development. This was supported by specific legal provisions. The Constitution stipulated that the Duchy of Bukovina was an integral part of the empire, and its connection with other lands was established based on the Constitution through representation in the Reichsrat (parliament). From the perspective of the state and legal status of the region, a positive aspect was the establishment of governing bodies. The convening of the regional sejm, endowed with certain legislative powers, and the organization of the regional department as a permanent executive structure were foreseen (Usenko & Kirsenko, 2008).

Additionally, constitutional law in Galicia, while granting certain privileges to large landowners, restricted the possibility of Ukrainian representatives accessing legislative bodies and enabled the bureaucratic apparatus to exert a wide influence over all spheres of life within the Ukrainian community of Galicia (Matskevych, 1999: 91-92).

An important step in terms of further safeguarding Ukrainian national priorities was the issuance by Emperor Franz Joseph of the "Regional Statute and Seim Electoral Ordinance for the Kingdom of Galicia and Lodomeria with the Grand Duchy of Krakow," which, with minor modifications, remained in effect until the First World War.

According to the provisions of the "Statute," the supreme authority was declared to be the regional seim, with the executive branch being the regional division. The seim was elected for a term of 6 years. It possessed the right to establish regional laws, particularly in matters of economy and finance, public affairs, church issues, education, and more (Terliuk, 2021). The competencies of the regional seim extended to matters concerning the protection of forests and fields, water usage, establishment of public management bodies, regional transportation routes, establishment of public and professional schools, decisions about the language of instruction in educational institutions, formation of local budget revenues and expenditures, and so forth.

Within the framework of the existing legislation, the seim could discuss nationwide laws and communicate with central government authorities, expressing its opinions on all matters brought before it by the government. For the needs of the region, the seim was allowed to

establish additional local taxes up to 10% of the main state tax. The decisions of the seim only took effect after being approved by the emperor. The work of the seim was led by the regional marshal and his deputy, who were appointed by the emperor from among the deputies, based on the recommendation of the region's president (Dobrzhanskyi, 1999).

During the period between seim sessions, the full power was concentrated in the hands of the regional division. The division was responsible for day-to-day management of the region's economy and institutions, represented the region in all legal matters, prepared necessary documents for seim sessions, and reported on its activities to the seim.

The revolution of 1848 and subsequent defeats in wars with France, Piedmont, and Prussia led to the further evolution of the Austrian state. In 1867, the multinational Austrian state transformed into the dualistic constitutional Austro-Hungarian Monarchy. State-legal relations were built on the principles of centralization in the sphere of defense, financial system, foreign and customs policy. Simultaneously, in order to shape nationwide priorities, representative structures known as "Delegations" were established, composed of 60 deputies from the Austrian and Hungarian parliaments. This arrangement for forming nationwide policies allowed representatives of national minorities, including the Ukrainian minority, to advocate for their own socio-political priorities.

An important feature of the laws of the 1860s was the wide proclamation of democratic values. The texts declared the equality of all citizens of the empire before the law, equal opportunities in occupying state positions, freedom of movement, inviolability of private property, confidentiality of correspondence, the right to submit petitions and requests, freedom of speech and press. Article 19 of the Constitution held exceptional significance, where it was stated:

All peoples of the state are equal and each people has the unassailable right to preserve and develop its nationality and language. The state recognizes the equality of all regional languages in schools, state institutions, and public life. In regions where several peoples reside, educational institutions must be organized in such a way that without using force to study another regional language, each of these peoples has the necessary

opportunities for education in their native language (Dobrzhanskyi, 1999).

The evolution of state-legal institutions in the Austro-Hungarian Empire occurred within the broader context of European democracy. The peoples of the empire, including the Ukrainian population, gained the opportunity to advocate for their own state-legal ideals based on proclaimed political and legal priorities and utilizing legal means.

The realization of Ukrainian national priorities was also tied to the improvement of the judicial system. The Law on Judicial Authority stipulated that the organization and jurisdiction of courts should be defined by separate laws. All judges were declared independent. Judicial proceedings, both in civil and criminal cases, were conducted openly. The submission of complaints in criminal cases was envisaged. The right to amnesty was granted to the emperor. He also had the authority to mitigate punishments imposed by the court (Dobrzhanskyi, 1999).

The judicial system was characterized by the separation of judicial and administrative functions at all stages of the legal process, as well as the establishment of a jury court. The Criminal Procedure Code expanded the jurisdiction of jury courts and included 22 types of serious crimes within their jurisdiction, which carried a minimum prison sentence of five years, as well as nine crimes and two politically motivated offenses (Kulchytskyi & Boyko, 2001: 138).

The state-legal system of Austria, and later the Austro-Hungarian Empire, evolved over a long historical period. The highest authority in the country experienced several profound crises, but each time managed to enact reforms that facilitated the modernization of societal relations.

Conclusions

It has been established that the formation and realization of these ideals largely depend on the awareness of one's own ethnic identity, influenced by the characteristics of the state-territorial structure.

At the beginning of the 20th century, the territory of Ukraine was part of two empires: the Russian and the Austro-Hungarian. These circumstances greatly influenced the process of shaping socio-political ideals, the content of which was determined by the peculiarities of the formation

of territories inhabited by Ukrainians. The state-legal development of the Left-Bank Ukraine (*Hetmanate*), associated with the events of the Liberation War, established a tradition of Cossack regimental structure with distinct features of sole authority vested in the hetman. Throughout the 18th century, the Cossack leadership, led by the hetman, was unable to preserve autonomous governance due to the imperial policies of the Russian autocracy.

In the territory of Sloboda Ukraine, at the level of regimental administration, a tradition of hereditary power was formed. A characteristic feature of the establishment of autocratic rule in the southern regions of the empire was the absence of a tradition of state-building. The formation of governing bodies in Novorossiia occurred within the framework of overall imperial reforms (Wilson, 2024).

Starting from the late 18th century, the process of forming imperial governing structures in Ukraine began. The state-territorial system underwent changes. These government measures, alongside the goal of unifying the governance system of the empire's territories, aimed to eliminate the traditions of Cossack statehood.

Within the *guberniya* (province) territory, the monarch's representative – the governor – concentrated both police and administrative authority in their hands. In addition to general functions, it was the governor's duty to suppress even the slightest manifestations of national-liberation movements (Ramji-Nogales, 2022: 152). In cases where such movements took on the form of armed struggle (like the Polish uprising of 1830), the government introduced the position of a general-governor, endowed with unrestricted police and administrative powers over the territories of several guberniyas.

The abolition of serfdom brought about changes in the system of state authority in the Russian Empire. The judicial system and local self-governing bodies needed further refinement. The era of liberalism in the late 19th to early 20th century presented ample opportunities for socio-political activities. However, the reforms undertaken did not find support among the majority of Ukrainians, especially the peasantry. Political and legal nihilism among Ukrainians stemmed from the absence of mechanisms linking central authority and society. Moreover, autocracy viewed any form of pluralism with distrust, leading to harsh repressive policies against national movements. This fueled Ukrainian skepticism towards democratic

reforms at the local level, which, while conceptually democratic, were often unviable. Contradictions also arose from the merging of peasants' socio-economic aspirations with the national ideals of the intelligentsia. Consequently, there arose a need for scholarly works that analyzed the process of forming legal consciousness in Ukrainian and Russian societies, as well as the establishment and programmatic demands of Russian and Ukrainian political parties.

Despite the contradictions in socio-political development, the annexation of Galicia and Bukovina to the Austro-Hungarian Empire had certain positive consequences, unlike the perspectives formulated in Soviet historical approaches. In the 1860s, a constitutional order was established in Austria-Hungary, and broad democratic freedoms were proclaimed. According to the Constitution, the Ukrainian community gained the right to autonomous existence and development, as well as participation in both national and local parliamentary elections. Over the next decades, political, economic, and socio-cultural life became more active, and the Ukrainian population came to realize the significance and unity of their ethnic territory.

The process of national awareness was influenced not only by the impact of European philosophical and legal doctrines within the territories of states that encompassed Ukrainian lands, but also by the practical realization of these doctrines through the lens of the socio-political practices of the Ukrainian community. Western Ukrainians were afforded the opportunity to express and defend their national and socio-economic interests within the parliament. Thus, the Ukrainian community of the Austro-Hungarian Empire, unlike that of the Russian Empire, gained the chance to participate in political, organizational, and cultural activities. This underscores the need for attention to the issue related to the activities of political parties in Western Ukraine and their representatives in parliament.

However, at the same time, the contradictions in the position of the Ukrainian community were driven by economic and social backwardness, as well as a low level of legal culture. To this, one should add the growing influence of Poles in local self-governing bodies. These circumstances prevented the full utilization of the rights and freedoms guaranteed by the Austrian Constitution and prevailing legislation.

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