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М. ГРУШЕВСЬКИЙ ПРО УСТАНОВЧУ ВЛАДУ УКРАЇНСЬКОГО НАРОДУ

Анотація. У статті зазначається, що українські історики і правознавці отримали можливість вивчити багату творчу спадщину та нові актуальні аспекти історії державо-і правотворення в творах М.С. Грушевського з часів горбачовської «перебудови». Доводиться, що сучасні вітчизняні дослідники звертають увагу на концепцію «національної ідеї», державного будівництва Київської Русі, козацької республіки Б. Хмельницького, конституційного процесу періоду УНР, організації конституційного процесу в творчості видатного державознавця, яка є актуальною й на сьогодні. Акцентується увага, що без вивчення цієї концепції неможливе дослідження не лише історії УНР, а й історії вітчизняного державотворення. У статті акцентується увага на важливості актуальних проблем конституційної реформи в Україні, що передбачають наступність, урахування традицій та історичного досвіду організації і функціонування державної влади, концептуальних засад здійснення установчої влади. Доведено, що історична відсутність законодавчо врегульованого складу, компетенції і процедури Генеральних, полкових і сотенних козацьких рад давали підстави царському уряду перебрати на себе право дозволу чи заборони їх скликання, визнання чи невизнання їх рішень. Відтак визначальним у державотворенні для М. Грушевського було верховенство народу, його установчої влади. М. Грушевський був впевнений, що «піднятий загальний матеріальний рівень життя» народу, духовної культури, «певний моральний ригоризм конче потрібний для успіху, розвитку й твердості демократичного ладу... Тільки тоді, коли держава, громада стане не пустою вівіскою, ...а дійсним центром мислі і волі, предметом культу, релігії, яким вона була для старинного елліна або римлянина; тоді тільки збудується Велика Україна».

Ключові слова: Київська Русь, Козацька республіка, народовладдя, установча влада, представництво, верховенство народу.

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M. HRUSHEVSKY ON THE CONSTITUENT POWER OF THE UKRAINIAN PEOPLE

Abstract. The article notes that Ukrainian historians and jurists have the opportunity to study the rich creative heritage and new current aspects of the history of state and law-making in the works of MS Hrushevsky since the time of Gorbachev's "perestroika". Attention is drawn to the fact that Ukrainian historians and legal scientists have the opportunity

to study the rich creative heritage and new current aspects of the history of state and law-making in the works of M.S. Hrushevsky. The study proves that modern Ukrainian researchers pay attention to the concept of "national idea", state building of Kyivan Rus, the Cossack Republic of B. Khmelnytsky, the constitutional process of the period of the Ukrainian People's Republic, the organisation of the constitutional process in the works of prominent statesman, which is relevant to this day. It is emphasised that without studying this concept it is impossible to explore not only the history of the Ukrainian People's Republic, but also the history of national statehood. The study places emphasis on the importance of current issues of constitutional reform in Ukraine, making provision for continuity, taking into account the traditions and historical experience of the organisation and functioning of state power, the conceptual foundations of the exercise of constituent power. It is proved that the historical absence of legally regulated composition, competences, and procedures of the General, regimental and hundreds of Cossack councils gave the tsarist government grounds to take over the right to allow or prohibit their convening, recognition or non-recognition of their decisions. Therefore, M. Hrushevsky defined the supremacy of the people and its constituent power as the decisive factor in state formation. Hrushevsky was convinced that the "increased general material standard of living" of the people, spiritual culture, "a certain moral rigor is absolutely necessary for the success, development and firmness of democracy... Only when the state, the community becomes not an empty sign, but a real centre of thought and will, the object of worship, religion, which it was for the ancient Greeks or Romans; only then the Great Ukraine will be built".

Keywords: Kyivan Rus, Cossack Republic, democracy, constituent power, representation, supremacy of the people.

INTRODUCTION

Ever since M.S. Hrushevsky returned to Ukrainians during Gorbachev's "perestroika", historians and legal scientist, upon studying his rich creative heritage, discovered in it increasingly relevant aspects in the history of domestic state and law-making. They are primarily reflected in the multivolume work of the scientist called "History of Ukraine-Rus", other historical studies and in his journalism. The historian's reflections on the constituent power of the Ukrainian people, presented in a historical context, are extremely meaningful and valuable. M. Hrushevsky saw its beginnings in veche assemblies since the creation of the state – Kyivan Rus, formulated a conclusion: the Russian-Ukrainian community was imbued with the spirit of democracy and equality, autocracy. It is interesting to study the interpretation of the competence of the chamber by scholars as an extraordinary body of direct democracy, its interaction with the princely power. An important aspect in the historical study of the origins of domestic parliamentarism by scholars is its study of the formation of the Sejm representation in the Grand Duchy of Lithuania, the Commonwealth, where Ukrainian magnates and gentry also gained parliamentary experience.

M. Hrushevsky paid considerable attention to the historical analysis of the Cossack self-government, the general Cossack councils. He provides information on the composition, competence, procedure of the General Cossack Councils, calls them the "Ukrainian Sejm", refutes Russian information on the composition, the significance of the decisions of the Pereyaslav Council of 1654¹. In subsequent volumes of his multivolume work, the journalism of the scientist of the early 20th century provides valuable

¹ Pereyaslav agreement with Moscow. What was it about? (2019). Retrieved from <https://www.radiosvoboda.org/a/donbass-realii/29700051.html>.

information about the Ukrainian representation in the Austro-Hungarian Parliament, in the State Duma of Russia. With the beginning of the National Liberation Revolution and the organisation of the Ukrainian Central Rada (UCR) in 1917, as evidenced by the journalistic works of its Chairman, the prospects for "free political work" and the establishment of democracy were determined. Hrushevsky saw the task of transforming the Central Rada into the highest representative body of Ukraine, the "revolutionary parliament", as an urgent problem in the organisation of state formation. The wide organisation of local self-government bodies, fruitful measures on elections of the UCR, representation of not only Ukrainian citizenship, but also national minorities also draw attention of the researchers.

According to M. Hrushevsky, the UCR became the main factor of people's representation and democratic state formation – for the first time in the history of Ukraine. As shown by his works and public speeches, Hrushevsky attached great importance to consolidating democratic traditions in state-building – *veche*, Cossack councils of the Hetmanate, self-regulating Radas, initiated by the first Russian revolution of 1905-1907. Hrushevsky highly valued the III Universal of the UCR¹, which legislatively established the restoration of national statehood in the form of the Ukrainian People's Republic (UPR), consolidated the legal status and functions of the Central Rada and its government – "to make laws and rule". This outstanding statesman considered the IV Universal, which proclaimed the independence of the UPR as a parliamentary republic with a unitary system and democratic regime, and the Constitution of the UPR to be the logical peak of state-forming and legislative activity of the UCR².

According to the works of M. Hrushevsky, he and other UCR figures have long been captivated by the illusion of a federal connection with Bolshevik Russia, for which modern researchers blame them. However, Hrushevsky knew the political ideals and moods of the people better, understanding the real and complex circumstances of state formation. A study of the works of the scientist convinces that the Central Rada in the UPR and the Ukrainian National Rada in the West Ukrainian People's Republic began the history of national parliamentarism in the 20th century, and the Congress of the Working People in 1919 established a conciliar national representation. The works of the scientist confirm that the assertion of Soviet statehood in Ukraine and the proclamation of "sovereignty" of the Radas was never fulfilled in Soviet times. According to Hrushevsky's ideas, the parliament constitutes as the main factor in democratic state-building as a body of people's representation. Based on historical experience and traditions, the current constitutional reform in Ukraine has significantly expanded the scope of competence of the Verkhovna Rada of Ukraine, accelerated the process of decentralisation of public administration, the establishment and development of a parliamentary-presidential republic, the European model of the state.

1. MATERIALS AND METHODS

Researchers pay attention to the relevance of both Hrushevsky's studies in general and the concepts of the "national idea", the constitutional construction of the UPR period, the organisation of the constitutional process in the work of a prominent statesman [1-9].

¹ (III) Universal of the Ukrainian Central Rada. (2017, November). Retrieved from <http://gska2.rada.gov.ua/site/const/universal-3.html>.

² Constitution of the Ukrainian People's Republic. (1918, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/n0002300-18#Text>.

Without its study, it is impossible to investigate not only the history of the UPR, but also the history of Ukrainian statehood. Nowadays, Hrushevsky's works are referred to by legal scientists of various branches of law. In the context of this study, the publications of researchers on topical issues of constitutional reform in Ukraine are extremely important, which provides for continuity, taking into account the traditions and historical experience of the organisation and functioning of state power, conceptual foundations of constituent power [10-14]. The purpose of this article is a brief study of the the UCR Chairman's justification of the doctrine of constituent power, which seems very relevant in the context of the state and problems of the current constitutional reform in Ukraine. The methodological framework of the study of the constituent power of the Ukrainian people according to the historical intelligence of Hrushevsky is developed at the philosophical, general scientific, and special scientific levels. The study predominantly used the dialectical method, anthropological, axiological, and institutional approaches were used.

The dialectical method provided an opportunity to consider the establishment and development of the constituent power of the Ukrainian people and to identify the specific features of the formation of the state in Kyivan Rus. Axiological and institutional approaches allowed to consider such fundamental categories as "princely-druzhina system", "feudalism", "democracy", etc., which serve as the basis for building the constituent power of the Ukrainian people. General scientific methods of analysis and synthesis, induction and deduction contributed to the development of understanding of the constituent power of the Ukrainian people in the works of M. Hrushevsky, provided an opportunity to investigate the state system and identify the forms of government. The basis of special scientific research of the constituent power of the Ukrainian people in the works of Hrushevsky were historical legal and comparative legal methods. The comparative legal method is of particular importance for this study in the current conditions of the rule of law. Based on the comparative legal method of study of the constituent power of the Ukrainian people according to M. Hrushevsky, it is concluded that the supremacy of the people and its constituent power was definitive in the state formation.

2. RESULTS AND DISCUSSION

For Hrushevsky, constituent power is primary to other powers. As a historian, he noted the millennial traditions of public self-government rooted in the Ukrainian people. It existed in the social, pre-state life of the Slavic tribes [15]. According to the scientist, with the formation of the state in Kyivan Rus, "the princely-druzhina system did not go deep into the mass of the people, it was not adopted as a whole system, as Western feudalism, it did not take deep root, remaining something superficial, quite loosely attached to the people. The community remained the complete master of its lands, its affairs, and only in the more important affairs faced the princely system" [16]. The Russian-Ukrainian community was imbued with the spirit of democracy, equality, and autocracy.

Interestingly, Hrushevsky, like other leading Ukrainian and Russian political scientists of the second half of the 19th – early 20th century, refusing to interpret the form of government in Kyivan Rus as a "feudal monarchy", began to distinguish three bodies of supreme power – the prince, the boyar council, and the veche [17] or only two bodies – the prince and the veche [18-20]. M. Hrushevsky was less categorical in his

conclusions. Thus, "in moments of respect the Veche acted as a true sovereign" [21], but in the conditions of Kyiv centralisation (under Vladimir the Great, Yaroslav the Wise, Vladimir Monomakh – *В.М.*) it remained in the role of an emergency body and its supremacy was gained only in Novgorod, where "political self-government... brings the princely power to the background by a strong development of Veche's political functions, in other lands it shows its life weakly and rarely after the separation of land" [22]. This opinion of the scientist will later be developed by historians of law of the Ukrainian Free University in Prague – R. Lashchenko, S. Dnistrianskyi, M. Chubatyu, S. Fedoriv [23-26]. Thus, R. Lashchenko generally believed that "the Veche was the supreme people's body of power, it reflected the supreme will of the people". S. Dnistrianskyi went even further: "The Ukrainian state has a long history of parliamentarism, which begins with the existence of the Veche of the princely era, when the functioning of the latter gave the rule of the Kyiv princes the most democratic nature".

Thus, domestic historians, following Hrushevsky, called the veche people's assemblies as an extraordinary body of direct democracy the form of exercise of constituent power by the people of the Kyivan Rus era. This body had a wide competence of "summoning" princes. M.S. Hrushevsky counted that in the time between the rule of Yaroslav the Wise and the Mongol campaign, there were about fifty changes of princes on the Kyiv "table", which were based on the decisions of the council. They concluded a "riad" (agreement) with the prince or, as the chronicles show, a decision was made not to accept or expel the prince, sometimes – to try him, to resolve the issue of war and peace, to organise the people's militia, etc. The Veche's constituent power was recognised as primary to other authorities in the Kyiv state. With the beginning of the fragmentation of Rus, according to Hrushevsky, "the further development of princely power, the princely-druzhina element generally stopped; the community gains greater influence, greater presence in resolution of political affairs" [16].

In Galicia and Volhynia in the 12th-13th centuries, according to the chronicles, the Veche manifested itself quite rarely, it lost its significance as an organ of direct democracy. M.S. Hrushevsky noted: in Volhynia the druzhina and boyars reached a significant development. Even in Galicia, the political significance of the community was insignificant. In most cases, it considered the issues raised by princes and boyars, seeking approval of their proposals [27]. Summing up his reflections on the Veche as a body of "democracy", Hrushevsky wrote: "in general, the Veche considers itself entitled to interfere in all spheres of political life, organisation or management of the lands, and such right in this respect is recognised for it and the princes. But, having made an amendment, ...the Veche returned the current management to its usual owners". It was "a correction of the princely-druzhina management, but it did not engage in the ruling itself" [21]. In its customary law, the community valued natural rights, was "imbued with the spirit of democracy, equality, autocracy!" [16] Thus, in cases of exercise of its constituent power, when required by the political life of the state, this constituent power combined the exclusive rights of the people, both natural and secured by the "riad" with the princes.

As a historian, M.S. Hrushevsky condemned attempts in Russian historiography to create a separate "Russian" history, "the history of Russian law". According to the scientist, "it is impossible to include the Kyiv state in the history of the Great Russian people", "the genealogy of the Moscow dynasty" of the Russian tsars. "Sewing the Kyiv

state to the beginning of the state and cultural life of the Great Russian people "creates an eclectic nature of "Russian history" [16]. The transition of Ukrainian lands under the supremacy of the Grand Duke of Lithuania, according to Hrushevsky, did not bring significant changes in power structures, and the traditions of state life of Kyivan Rus and Principality of Galicia–Volhynia were adopted along with their legal provisions, becoming the Lithuanian-Russian state. Ukrainian lands remained autonomous, because the Grand Duke, according to the chronicle, "entered into friendship" with local feudal lords, consolidated by the traditional "riad" [28]. At the end of the 15th century, the Lithuanian Council of Lords became the estate-representative body of power in the Grand Duchy of Lithuania, which grew out of the advisory boyar council under the Grand Duke. According to the Lithuanian Statute of 1529¹, the Grand Duke undertook "not to diminish the lords in anything, observe all the old decrees, and agree the new ones with the lords". Other subjects of the Duchy had no representation until the Lithuanian Sejm was formed in the 15th century, and in 1565 their lower echelon was formed – powiat sejmiks [29].

Hrushevsky connected their origin with the veche tradition, the social life of communities in Russia. In his opinion, the transition of Russian lands under the rule of the Grand Ducal governors had little effect on their self-government. "Princes, boyars, burghers in the affairs of the locals have long gathered in the veche" [30]. Measures to unite the Grand Duchy of Lithuania, strengthen centralised government and rapprochement with the Kingdom of Poland influenced the transformation of the veches of the main cities of the lands into representative bodies – the sejmiks. They also began to elect ambassadors to the "great" seims, to discuss and decide local affairs, to determine the amount and timing of payment of monetary and in-kind taxes, to draw up "decrees", letters to the Grand Duke, etc. Hrushevsky noted that zemstvo and powiat sejmiks also "created an appellate instance for local courts".

According to the representation, composition, competence and procedure, the national seims in the United Commonwealth of the Kingdom of Poland and the Grand Duchy of Lithuania in the 16th century became a real legislative body, where both Ukrainian magnates and nobility gained parliamentary experience [31]. With the formation of the united Rzeczpospolita in 1569, its parliamentary system (the bicameral sejm of the embassy and senate, the nobility zemstvo and powiat sejmiks) exercised the powers of the constituent, legislative power, and other parliamentary functions. The main fighters for the rights of the Ukrainian people, according to Hrushevsky, were Ukrainian ambassadors to the Sejm – representatives of the Volhynia, Bratslav, Kyiv, and other lands of the nobility [21]. However, the strengthening of the policy of Catholicisation and Polonisation, economic oppression in the Ukrainian lands brought closer the National Liberation War of the Ukrainian people, the revival of its statehood and its constituent power. Even in the Polish-Lithuanian era, the Cossacks became the main subject of preservation and transformation of veche forms of democracy, development of democratic traditions of the Ukrainian people, protection of their customary rights and freedoms. From the second half of the 16th century, its main centre was Zaporozhian Sich, where the Cossack self-government operates with its highest body – the General

¹ Statutes of the Grand Duchy of Lithuania. (1529). Retrieved from: https://chtyvo.org.ua/authors/Pankov_Anatolii/Statuty_Velykoho_kniazivstva_Lytovskoho_Tom_I_Statut_Velykoho_kniazivstva_Lytovskoho_1529_roku/

Military Council. It will begin the genesis of the highest legislative body of the Ukrainian Cossack state during the Liberation War of the mid-17th century. According to Hrushevsky, "the military council strongly resembles the old Ukrainian veche" [30]. From the very beginning of the existence of the Cossack councils (on the general military, regimental, and company levels) there were two "circles" – the council of the prosperous class of Cossacks or, as Hrushevsky called it, the "closer council", and the general council. The former often preceded the latter and offered its decision to the general council. With the victory of the National Liberation Revolution, the General Cossack Council became the highest authority of the Cossack Republic. It acquired the importance of the body of exercise of the sovereign power of the people. The Polish king stated: in Ukraine "all control, all power belongs to the Cossacks, they appropriate jurisdiction, establish laws". M. Hrushevsky cited the content of the letters of the Polish voivode to B. Khmelnytsky and the king, which conveyed the fears of Polish magnates and nobility caused by the Cossack state formation [32].

With the beginning of the Liberation War and the growth in the Cossack army, the increasing presence of the representatives of the peasantry, the bourgeoisie, and the clergy in the General Councils, the councils acquired national significance and a certain representation. Thus, Hrushevsky wrote about the "Ukrainian Sejm", the "Kyiv Congress" in February-March 1650, provided information about the preparation of the Chyhyryn General Council in 1652: the hetman sent letters to all colonels, osavuls, centurions, and all Cossacks "officials", so that they would come to him "for counsel", to the "General Sejm". The above mentioned "closer council", which apparently set the agenda and the norm of representation at the Chyhyryn Council, took place on Palm Sunday, and the "Great Council" – on Easter. The norm of representation at the convened General Council was established each time by the Hetman and the "closer council".

In contrast to the previous several thousand strong General Councils, the Pereyaslav Council of 1654 had a rather modest representation. If, according to the Russian voivode V. Buturlin, it was a "meeting of the entire people", "a large number of all ranks of people, Cossacks, and burghers", then M. Hrushevsky clarified: the Council was attended by about 200 people from the army, about half of them were regiments officers and Cossacks, the other – centurions, not counting the burghers [32]. Researchers and historians have established that there were about 300 members of the Pereyaslav council, together with the burghers, as it is known that the oath to the Russian tsar was then sworn by 284 people [33]. Thus, was this council "complete", i.e., legitimate for making a fateful decision for the Ukrainian people? As a rule, the lack of proper representation gave reason not to recognise the decisions of the General Council to those regiments whose Cossacks did not take part in it [21]. This pretext was used by the tsarist government not to recognise the validity of the decisions of individual General Councils.

Above all, the Cossack customary law referred to their competence constituent powers – election of the Hetman and the General Officer Staff (Hetmanate), sanctioning (adoption) of laws, such as the Charter "On the structure of the Zaporizhian Host" of 1648¹, conditions of the international agreements and unions, the organisation of military campaigns, control and, following the example of the Sejm of the Rzeczpospolita,

¹ State power in Ukraine during the liberation war of 1648-1654. (2020). Retrieved from <https://ru.osvita.ua/vnz/reports/history/35751/>

judicial functions. Recognised and permanent authority of the Cossack "circle" remained its control over the observance of Cossack rights and freedoms by the Hetman and the General Officer Staff. Decisions of the Cossack Council, especially the "black" councils convened on the initiative of the Cossacks themselves, as Hrushevsky notes, could be unpredictable and even dangerous for the Hetman's power. Thus, the lower Cossacks, dissatisfied with the terms of the Treaty of Zboriv, proclaimed Khudoliy their Hetman at the general meeting, which forced B. Khmelnytsky to resort to severe measures against the arbitrariness of the Cossacks [32].

A characteristic shortcoming of the procedure of the General Councils, according to Hrushevsky, was the lack of established representation, ochlocratic habits of the Cossack "circle", especially the "black" councils, which took place "among the noise and fury" [21]. Even during the times of Khmelnytsky, instead of convening the General Council, "ordinary officers' congresses" began to be convened by the hetman. "The competition of the Military Council with the closer council transformed into the struggle of the Cossack demos against the officers' oligarchy". It tried to seize the fate of the Hetman's government, removing or weakening the electoral system, the Cossack democracy, violating the sovereign will of the people [21]. The lack of legally regulated composition, competences and procedures of the General, regiment, and company Cossack councils gave grounds to the tsarist government to take over the right to allow or prohibit their convening, recognition or non-recognition of their decisions. After the death of B. Khmelnytsky, their constituent function was reduced mainly to the approval of the candidacies of the Hetman and General Officer Staff proposed by the tsarist government officials. The incomplete parliamentary development of the General Council and the Officers' Council was a consequence of many aspects, first of all, of the almost continuous war, the policy of autocratic Russia in Ukraine.

After the liquidation of the reign of hetmans by the tsarist government of Russia, the "Ukrainian idea", according to Hrushevsky, was most fruitfully developed by the founders and ideologues of the Cyril and Methodius Brotherhood. It "is important that here, for the first time, we see attempts to theoretically formulate the Ukrainian idea in the political and social spheres in the spirit of progress and freedom" [21]. The state and legal opinions of Cyril and Methodius Brotherhood members had a significant impact on the civil movement of the Ukrainian intelligentsia, who initiated Ukrainophilism, began to develop ideas of human and civil rights, democratic republic and federalism.

Influenced by the ideas of the Great French Revolution and the warm wave of the "spring of nations" in 1848 in Europe, with the adoption of the constitution in Austria and the establishment of the Reichstag, Western Ukrainians in Galicia, Bukovina, and Transcarpathia began to gain parliamentary experience, establish political parties and defend their political and economic rights. M. Hrushevsky, despite the intense scientific work, is deeply concerned about the fate of his people, political and electoral battles in Galicia, the matter of Ukrainian representation in the Austro-Hungarian Parliament and regional parliaments. In a series of journalistic articles (Galician Sejm, On Elections, *Nasha Politika*, etc.), he analysed and aptly characterised the shortcomings and "pressure points" of the electoral process, exposed the unfair "geometry" of constituencies in agreement with the Polish minority, administrative interference in the election process, "negligence of public control" over parliamentary activities by elected ambassadors, their

unprincipledness, ignoring the subject of the constituent power, etc. [16; 35; 36]. Hrushevsky concluded: "The current electoral system must be broken in the interests of parliamentarism" and noted that this experience will "renew Ukrainian parliamentary policy and give it a new scope and strength".

The first Russian revolution of 1905-1907 became a wake-up call for Ukrainians, and with the establishment of the State Duma, "the society went further and further in its critique of the modern regime and restructuring projects", it was for the first time given, albeit limited, the opportunity to fight for public administration and legislation, as Hrushevsky wrote in the article "The Constitutional Question and Ukrainianness in Russia" [16]. It made provision for the establishment of parliamentary government and decentralisation of the Russian state, granting the regions national or territorial autonomy, a clear definition of the status and powers of the federation, including Ukraine. Hrushevsky's constitutional draft stipulated three levels of self-government and organisation of representation: "community self-government; elected councils of smaller districts (volosts) and councils of wider districts (powiats) sent by them; regional sejms and the central parliament elected by them". Such a system of representation would be more effective in protecting country-wide and national interests: the sovereign right of the people should establish rules for the coexistence of community members within the state and determine the principles on which the government should operate. The scientist has repeatedly noted that there is only one, and also the simplest and most rational way – the broad decentralisation of the state and the organisation of self-government in national territories [2]. He came to the conclusion: "without the transformation of Russia into a free union of peoples, its complete renewal is inconceivable". M. Hrushevsky's words about the State Duma of Russia: "the current parliament is only a rehearsal, after which a true play will begin", have acquired a prophetic meaning. The February Revolution of 1917 in Russia and the fall of the autocracy, the beginning of the National Liberation Revolution in Ukraine naturally led to the formation of a socio-political centre – the Central Rada. Returning from exile to Kyiv, on March 19, 1917, M. Hrushevsky spoke in Ukrainian veche about the prospects of "free political work", the establishment of democracy and democratic autonomy as part of the future Russian Federal Republic [37].

The All-Ukrainian National Congress, convened by the Central Rada on April 5-7, 1917, joined its membership, elected M. Hrushevsky the Chairman of the UCR, legitimised its national, social, and party representation, and laid the legal foundations for the "revolutionary parliament". The head of the UCR was fully aware of the need to transform it into a full-fledged "national parliament" through the establishment of universal suffrage and territorial elections [38]. M. Hrushevsky's immediate task was to organise local committees, where they had not then existed, a network of county, city, and provincial councils to hold elections to the national parliament. Such territorial bodies were supposed to promote the representation not only of Ukrainian citizenship but also of national minorities. The formation of a strong democratic system was a "great cause". In the "Report on the state system of Ukraine based on the requirements of life and the theory of state law" at the Congress of Ukrainian Lawyers in June 1917, the Chairman of the UCR emphasised: the Ukrainian people have long lived a state life, the thread of state life was never interrupted in Ukraine. The Treaty of Pereyaslav united two independent states. He spoke again about the need for autonomy of Ukraine as part of federal Russia based on full equality of peoples, including national minorities [38]. He would continue developing

these federal illusions at the Congress of Peoples in Kyiv on September 10, 1917: "For all the people of Ukraine, federalism is not a transitional stage to state independence! On the contrary, for us, Ukrainians, state independence is not ahead, but behind us... We do not consider the federation as a path to independence, but as a path... to the federation of Europe and further to the federation of the entire world" [38]. In his draft Constitution, he noted that the supreme right belongs to the Ukrainian people, which would be implemented in a democratic republic through the National Assembly of Ukraine as part of the Federal Russian Republic [38].

Activists of the Central Rada did not abandon the prospect of federal ties with Bolshevik Russia and the proclamation of the Ukrainian People's Republic in the III Universal¹, readiness to "save Russia". Only the "Bolshevik invasion" forced the UCR to adopt the IV Universal, to proclaim the independence and autonomy of the free, sovereign state of the Ukrainian people. M. Hrushevsky believed that the proclamation of the independence of the Ukrainian People's Republic did not conflict "the traditional idea of federalism, leaving this matter to the Ukrainian Constituent Assembly", and imposed great responsibility on Ukrainian democracy. Hrushevsky believe that the Ukrainian people had to reject the illusion of a "united front", the solidarity of the peoples of the former Russian state, as it was slowing down, disorganising Ukrainians' efforts [38]. Later, in 1919, in the work "Separate Ukraine" he came to the conclusion: "Federalism was compromised by the fighters for a united Russia... Further, there can be no question of any obligation for Ukrainians to federate invariably within the former Russian state. ... All-Russian convention of regions from "Moldavians" to "Finns" has gone down in history and no one is obliged to bring it back to life [37]. However, a year later, in the conditions of the victory of the Soviet government in Ukraine, in the work "Ukrainian Party of Socialists-Revolutionaries and its tasks", Hrushevsky approved the Soviet form of the federation of socialist republics [39]. The beliefs of the socialist-revolutionary prevailed in the political opinions of the scientist. Modern researchers blame the Ukrainian historian for his federalism: for him, "the idea of federalism has always been dominant" [40], "Hrushevsky and his followers in 1917-1918 found themselves not at the level of challenges of book history, but a real one", "tradition of Drahomanov-Hrushevsky parted ways with the real needs of the Ukrainian national liberation movement", "in the political heritage of a great scientist and a meager politician" [9].

As a contemporary and an activist, M. Hrushevsky knew challenges and the real needs of the national liberation movement, political sentiments, and ideals of the people better than current critics. He was fully aware: "One cannot make the same law for Siberia and Ukraine" [37]. For him, federalism was a step towards an independent Ukrainian statehood, which he associated with the decentralisation of Russia, its transformation into a federal, democratic state [41]. In the conditions of the First World War and Civil War, the aggressive policy of Bolshevik Russia, these hopes and expectations could not be fulfilled. V. Vynnychenko also testified to the practical calculations of the Central Rada: "To think that this connection will be broken in the near future would be a simple, unnecessary dream, and not a real political analysis. On the other hand, independence is also impossible due to the international situation..." [42].

¹ (III) Universal of the Ukrainian Central Rada. (2017, November). Retrieved from <http://gska2.rada.gov.ua/site/const/universal-3.html>

CONCLUSIONS

The proclamation of the independence of the Ukrainian People's Republic demanded the constitutional consolidation of its new status. The Constitutional Commission of the UCR, with the participation of M. Hrushevsky, prepared and promulgated the draft Constitution on December 10, 1917, finalised and adopted it at the last meeting of the Central Rada on April 29, 1918. "Charter on the state system, rights and freedoms of the UPR" defined in the UPR the affiliation of the sovereign right to the people, which it exercises through the National Assembly. Ukraine was proclaimed a sovereign democratic republic where citizens are guaranteed broad rights and freedoms. In the future parliamentary republic, the principle of separation of powers was to apply: "Ukrainian National Assembly, which directly exercises the highest legislative power and forms the highest executive and judicial power of the Republic of Ukraine". The Constitution of the Ukrainian People's Republic was an act of exercise of the constituent power of the people, its sovereignty.

Determinant in state formation for M. Hrushevsky was the supremacy of the people, its constituent power. State power – "only by choice of the people! This is called a democratic system – so that the people rule by themselves". In the pamphlet "On the Brink of New Ukraine", as its foundations laid down by UCR legislation, he saw "a raised general material standard of living" of the people, spiritual culture, "a certain moral rigor... absolutely necessary for success, development, and firmness of democracy... Only when the state, the community will become more than an empty word, but a real centre of thought and will, the object of worship, religion, as it was for the ancient Greeks or Romans; only then the Great Ukraine will be built".

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