

ПИТАННЯ СОЦІОЛОГІЇ, ФІЛОСОФІЇ ТА ТЕОРІЇ ПРАВА

RELIGIOUS ORGANIZATIONS OF UKRAINE IN THE REVOLUTION OF DIGNITY

Dobrodum O.V., DSc, Professor of the Department of Philosophy, Kyiv National University of Culture and Arts; **Bokoch V.M.** PhD. in Political Science, Associate Professor of the Department of International Politics, Uzhgorod National University

***Summary.** The analysis of the attitude of various churches, religious organizations in Ukraine to the Revolution of Dignity, and the forms of their participation in this action of popular protest. It is shown that the level of participation and activity of religious organizations in the public-political protest was different - at once they clearly expressed their political position, supported Maidan and its participants, others were hesitant, others were held back or deliberately opposed it. Religious organizations that did not participate in the Revolution of Dignity pursued mainly their own mercantile interests. Their social and political passivity is caused by fear of the authorities, with whom they have until recently cooperated, dependence on her, the fear of losing her commitment. Among those who favored and actively participated in the Revolution of Dignity were the Ukrainian Orthodox Church of the Kyiv Patriarchate, the Ukrainian Autocephalous Orthodox Church, the Ukrainian Greek Catholic Church, many Protestant Cults, Muslims, Jews, and other denominations. Among the church hierarchs, the head of the Ukrainian Orthodox Church of the Kyiv Patriarchate, Patriarch Filaret, was particularly interested in the events on the square.*

Opponents of Maidan ranked themselves as Russian Orthodox Church, part of the episcopate, clerics and believers of the Ukrainian Orthodox Church, under the jurisdiction of the Moscow Patriarchate, the Ukrainian Orthodox Greek Catholic Church, the Church of the "Embassy of God". The greatest intolerance to Maidan and its participants was the Russian Orthodox Church, which was closely associated with the official Russian authorities. Different attitudes of churches and religious organizations to the Revolution of Dignity and the different activities they participate in events related Square features both confessional and their exposure to different political parties, differences in social and political orientation, political culture and social activity hierarchy, priests, ordinary believers. Maidan convincingly proved that Ukrainian churches, religious organizations faced the same problems as the Ukrainian society as a whole: which vector of development was chosen - European or pro-Russian. This indicates that, despite the different attitudes of churches and religious organizations to Maidan to support such basic values as national independence, unity and territorial integrity of Ukraine, a non-violent way of resolving social and political conflicts, most of them were alone. The conclusion that his participation in the Revolution Advantages churches, religious organizations, religious leaders helped change the political regime, the cleaning power of authoritarianism and corruption as well as the movement of Ukraine to Europe. Their presence on Maidan made him not only purely protest, but also a spiritual action. Maidan significantly influenced both the socio-political situation in Ukraine and the nature of state-church and social-religious relations. After its completion, many churches, religious organizations, their leaders began to critically rethink their former relations with the authorities, to determine their place in the new socio-political conditions. Religious organizations have taken an important lesson from Maidan: to be closer to the people than to power. For many, the Revolution of Dignity has made it possible to adjust their political and civic stances. Thanks to the participation in it, many of them significantly strengthened their pro-Ukrainian patriotic orientations. Fundamental changes after Maidan Ukrainian government (president, government, parliament) gave impetus to the important issues of relations of church and state that this is not resolved, the convergence of secular and religious education, the introduction of chaplains and others. Maidan increased the authority of churches, religious organizations, contributed to their convergence, demonstrated their solidarity and readiness for interfaith cooperation. It was on Maidan that an important step was taken towards the establishment of civil society and civil religion in Ukraine.

Key words: Maidan, EuroMaidan, Revolution of Dignity, power, religion, church, religious organizations.

Among the largest socio-political protests in Ukraine was the Kyiv Maidan, later called the Revolution of Dignity. This mass action of the people against the authorities, which at that time was in the hands of representatives of the Party of Regions, was the result of a high level protest sentiment in Ukrainian society, caused by crisis phenomena in the Ukrainian economy, a decrease in the standard of living of the population, an outrage of corruption and criminality, the removal of people from the authorities, bribes of voters during election campaigns, gross falsifications of the results of people's will, and so on. In other words, the main reason for Maidan was an "enormous fatigue from the regime" (Viktor Yelensky).

The immediate reason for this action was the decision of the Cabinet of Ministers of Ukraine to suspend the process of preparation for the conclusion of the Association Agreement between Ukraine and the European Union. The peaceful protest was a reaction of the Ukrainian society to this decision of the

government. However, after the beating and violent break-up of its participants at Maidan in Kyiv on the night of 29 to 30 November 2013 by the special unit "Berkut", this protest turned into a large-scale civil disturbance against the then criminal-oligarchic regime.

In addition to political parties, public associations, citizens, churches, religious organizations, clergymen and believers of different confessions - Orthodox, Roman and Greek Catholics, Protestants, Muslims, Jews and others - entered the ranks of the protesters of Maidan. Among the religious organizations, which from the very first days clearly formulated and publicly expressed their position on Maidan, was the Ukrainian Orthodox Church of the Kyiv Patriarchate. Her head Patriarch Filaret supported the idea of European integration of Ukraine, he immediately took the side of the protesters. In numerous statements, appeals, interviews, he strongly condemned the brutal use of force against the participants of Maidan, called on the authorities and opposition to seek compromise and reconciliation. The priests of this church received from him a blessing to provide pastoral care to the protesters of Maidan.

On the side of those who were on Maidan, there was the Ukrainian Autocephalous Orthodox Church and its followers. As archbishop of this church, Igor Isichenko noted, "I am proud that our priests, without waiting for orders, recommendations, were on Maidan from the first day" [1].

The Ukrainian Catholic Church, its hierarchs, clerics and believers demonstrated great activity in the Revolution of Dignity. The synod of the church, its head, the supreme archbishop Sviatoslav, immediately condemned the violence of law enforcement forces against the participants of Maidan and declared solidarity with them of Greek Catholics. The priests of this church took part in the mobilization of believers for a trip to Kyiv on Maidan, and were from the first to the last day with their flock. One of them said: "The mission of the church is to be together with its people ... If we, priests, did not come to Maidan, it would be a shame for us" [2]. Publicly announcing disobedience to the then Ukrainian authorities, teachers and students of the religious educational institutions of the Ukrainian Greek Catholic Church joined the ranks of the protesters of Maidan. Cardinal Lubomir Gusar in his speech at the national veche called the participants of the Revolution of Dignity a "true Ukraine". The activity of the Ukrainian Greek Catholic Church on Maidan was the reason why it was threatened by the then authorities a possible deprivation of registration and cessation of activity of its religious organizations.

The Roman Catholic Church and catholic believers participated in the activities of Maidan. Roman Catholics' support for the European choice of Ukraine was due to their long-standing desire to get closer to the believers of the same religion in different countries of Europe, to visit its holy places and its religious center Vatican without hindrance. The need for the support of the protesters also arose from the social doctrine of the Roman Catholic Church, which allows the protest of the people in case of attack upon its honor and dignity. The bishop of this church, Stanislav Shirokoradyuk, said: "The Church can no longer remain silent ... The days of this power are counted" [3].

Many Protestant religious organizations, including the Ukrainian Christian Evangelical Church, the Church of Evangelical Christians of Ukraine, the Church of Independent Evangelical Churches of Ukraine, the "New Life" Church, the Brotherhood of Independent Churches and missions of Evangelical Christians of Baptists of Ukraine, the German Evangelical Lutheran Church in Ukraine and others, supported Maidan, its goals and slogans.

However, not all churches, religious organizations in Ukraine timed their orientation in the situation, supported Maidan and its participants. For example, unlike most protestant associations that directly participated in this protest action, the Seventh-day Adventist Church initially showed passivity. Its then president, Viktor Alekseenko, stated that "the Seventh-day Adventist Church does not participate in political actions, believing that its mission is to preach the gospel to the world, rather than direct or indirect political activity. Each member of the church, in turn, has the right to express his personal and civic and political position" [4]. However, over time, he changed his views on Maidan and took direct part in its actions, in particular, he prayed at popular assemblies [5].

The then head of the All-Ukrainian Union of Churches of Evangelical Christians Baptists Vyacheslav Nesteruk, also initially stated that "we always try to be apolitical ... We have no activity on Maidan" [6]. However, the teachers of theology of the religious educational institutions of this church in an open letter disagreed with their leader, noting that this is his personal opinion, and not the position of the whole church. At the same time, they stated that the Baptists as a part of the people respected the choice of people and cannot remain indifferent to the fact that the authorities abuse their powers, corrupt courts make illegal decisions, and the power structures protect not the people but the government [7].

Due to the lack of organizational unity among Muslim believers in Ukraine, they also failed to develop a common platform on Maidan. Thus, the Religious Directorate of Muslims of Ukraine "UMMA" from the very beginning of Maidan declared that the Muslims are patriots of Ukraine, an integral part of the Ukrainian people, and called on their supporters to stand on the side of the participants of the Revolution of Dignity. Significant personal activity in the actions of Maidan was demonstrated by the head of this directorate the mufti Said Ismagilov. At the same time, the head of another center of the Religious Directorate of Muslims of Ukraine - Ahmet Tamim at first did not publicly speak about Maidan, referring to the fact that his position on this issue is contained in the collective statements of the All-Ukrainian Council of Churches and Religious Organizations. In his view, Muslim believers should determine on their own their position to Maidan.

"Sympathizers of Maidan" was also a significant part of believing Jews. Jacob Bleich, chief rabbi of Kyiv and Ukraine, said that "every Jew living in Ukraine can and must express his or her civil position. I know many Jews who are now on Maidan. They have this right "[8].

Representatives of Ukrainian neo-pagans from the RUNVira (Native Ukrainian National Faith) and Buddhists were present and prayed on Maidan.

The participation of churches, religious organizations, and clerics in the activities of Maidan took place in various forms. These were spiritual welfare and moral support of its participants, realization of services, church ceremonies, prayers, sermonizing, meeting of other spiritual needs, speeches of priests on Sunday's popular assemblies, etc. During the biggest threats of a forceful dispersal of Maidan, the priests together with the activists, carried a night watch and prayed. In Kyiv churches and monasteries of different denominations were places of refuge, overnight and heating for activists of Maidan, of collecting warm clothes and products, giving food, water, medicines, and assisting the wounded activists. Priests of various churches, religious organizations participated in the burial of killed heroes of the Heavenly hundreds of Maidan. There were interconfessional prayer tents on Maidan, where daily services were held, and a religious council from representatives of different religions operated. Along with national-state symbols, religious and church symbols, slogans of religious content were used.

Not only certain confessions, but also the All-Ukrainian Council of Churches and Religious Organizations reacted to the developments of Maidan. It adopted consolidated statements and appeals to authorities, believers and the entire Ukrainian people, in which it supported the European choice of Ukraine, condemned the attempts to incite separatism, and appealed to the preservation of the territorial integrity of the state. Members of this council met the representatives of the then government, opposition leaders, called on them to engage in constructive dialogue, offered their mediation functions.

Not only churches, religious associations in Ukraine and their leaders, but also international religious organizations and heads of influential churches in the world expressed their solidarity with participants of the Kyiv Maidan. Among them are Pope Francis and Ecumenical Patriarch Bartholomew.

However, among the churches, religious organizations, there were also those who occupied an openly hostile position towards Maidan. Most it was characteristic of the Russian Orthodox Church. Her head patriarch Kiril strongly opposed the European integration of Ukraine, encouraged Ukrainians to join the "Eurasian values." He supported the then Ukrainian authorities, calling Maidan "revolutionary rebellion", which in his opinion "threatens the spiritual unity of Russians and Ukrainians", condemned the priests who "incite" the people.

Maidan became a serious test for the Ukrainian Orthodox Church, which is in unity with the Moscow Patriarchate. And although there actually existed two internal trends - pro-Russian and pro-Ukrainian, in general, it was close to the then political regime. Being in close contact with the authorities, the church and its leadership constantly felt pressure from their side. However, the then primate of the church metropolitan Volodymyr, despite attempts to force him to oppose Maidan, was not openly on the side of the authorities. Before the beginning of this protest, he, along with other members of the All-Ukrainian council of churches and religious organizations, supported Ukraine's course on European integration, and later condemned the use of force to the protesters. Separate clergymen of this church went on their own to Maidan, became a living shield between its participants and security forces. A group of orthodox priests in address to all people of goodwill in Ukraine has declared its desire to "get closer to christian Europe". The rector of the Uzhgorod Theological Academy belonging to the Ukrainian Orthodox Church, archimandrite Victor (Bed) initially brought the teachers and students to a protest action in his city, and then joined the participants of Maidan in Kyiv.

However, among the hierarchs and priests of the Ukrainian Orthodox Church there were those who openly demonstrated their negative attitude to the participants of the protest action. This refers, in particular, to one of the representatives of the pro-Russian wing in this church, metropolitan of Odessa and Izmail, Agafangel, who openly stated that "all the forces of hell have gathered in Maidan" [9]. Naming the participants of Maidan "rebels", in support of the state authority of that time, was also the governor of the Kiev-Pechersk Lavra metropolitan Pavlo. At the time when the participants of Maidan demanded the resignation of the President of Ukraine Viktor Yanukovich, during his service he compared him with his Jesus Christ and assured that "the Church is with you to the end" [10]. These words of the metropolitan caused a wave of indignation both in secular and religious circles, including among the clergy of the Ukrainian Orthodox Church, who demanded that he spoke on his behalf, and not on behalf of the whole church. The Ukrainian society also threw up the words of one of the priests of this church, Andriy Tkachev, who, in his sermon, cursed the Maidanites who "occupied the whole of Kiev" and are "scary enemies of our future." And although after a "frank conversation" with him in the metropolia, he apologized for his harsh and aggressive remarks to the protesters, but his position on Maidan "remained as it was" [11]. Among the clergy of the Ukrainian Orthodox Church there were those who tried to balance between the authorities and the protesters. Thus, Archbishop George Kovalenko, the then spokesman of this church, declared that "among us are those who are on Maidan, those outside Maidan, and those who are against Maidan. However, this does not prevent us from being united in Christ" [12]. He condemned the establishment of prayer tents and the practice of worship on Maidan, which allegedly provided the colours of the "sacred war" to the political struggle for power, subjected to the condemnation and presence and activity of the Ukrainian Greek Catholic Church on it, calling its position "political uniate," and the activity " proselytic-political "[13]. Peoples protest action was attempted to oppose the politicized Orthodox public organizations "People's Cathedral", "Union of Orthodox Brotherhoods", "Orthodox Choice", "Faithful Cossacks" and others. Under religious slogans, they conducted pro-Russian directed "religious processions", other religious-political campaigns, campaigned against the European Union, called for entry into the Customs Union, attempted to organize "Orthodox anti-Maidan". However, the Ukrainian Orthodox churches, on behalf of which they spoke, separated from them, condemned their activities as politicizing religious and church life. In its position on Maidan, the Ukrainian Orthodox Church did not take into account the fact that the negativism of a large part of society in relation to the power with which it had close ties at that time could later be transferred to it itself. Among those who condemned Maidan, there was also the Ukrainian Orthodox Greek Catholic Church (the soggole of the dictatorship). Her estimates of popular protest were rather aggressive and close to the position of Russian authorities and the Russian Orthodox Church. The statements and actions of the representatives of this church revealed hostile attitude not only to the participants of Maidan, but also to Ukraine as a whole. In the monasteries of the premonitions, materials were revealed that confirmed their anti-Ukrainian activities and cooperation with Russia. The Maidan and the church "Embassy of God" took a negative impression. Senior pastor of this church, Sunday Adelaja, publicly stated: "Neither I nor the leadership of the church" Embassy of God "plan to hold any demonstration or prayer on Independence Square" [14]. While at the time under investigation in a criminal case, he had nothing left to agitate his supporters for the support of the then Ukrainian authorities. As we can see, the range of attendance and participation of churches, religious organizations in the Revolution of Atonement was different. Some of them immediately came to the side of the protesters; others, especially at first, were difficult to navigate and publicly oppose the authorities, with which they, mainly pursuing their own mercantile interests, had until recently co-operated. Their passivity towards Maidan is due to fear of the authorities, dependence on her, the fear of losing her commitment. Moreover, according to the Protestant pastor Anatoliy Kalyuzhny, a certain "theological understanding of the situation" was characteristic of some denominations - "once it is written that all power is from God, it means that we must humbly accept any power" [15]. The unequal attitude of various churches and religious organizations to the Revolution of Dignity is due not only to their confessional features, but also to their being under the influence of various political forces, differences in socio-political orientations, levels of political culture and public activity of hierarchs, priests, ordinary believers. Although the majority of churches and religious organizations were the only ones in support of the basic values of state independence, unity and territorial integrity of Ukraine, non-violent conflict resolution.

In general, in the action of civil protest, the majority of religious organizations of different denominations in Ukraine acted on the side of opposition forces to the current power of political forces.

By their participation in the Revolution of Virtue, they, their spiritual leaders, helped increase the political activity of the protestors, eliminate the then criminal-oligarchic regime, the movement of Ukraine in the European direction. Thus, they participated not only in the action of people's protest, but in the civilizational choice of Ukraine. The presence of churches, religious organizations, clergymen on Maidan made him not only a protest but also a spiritual action. As the philosopher and theologian Michael Cherenkov noted, "the very name" Revolution of Dignity "carries a huge spiritual symbolism" [16]. Maidan significantly influenced not only the socio-political situation in Ukraine, but also the nature of state-church and social-religious relations. After its completion, many churches, religious organizations, their leaders began to critically rethink their former relations with the authorities, to determine their place in the new socio-political conditions. If before Maidan they were more focused on the current power, then during the protest action - on the people, on society as a whole. Through its participation in the Church Revolution, religious organizations have demonstrated that they are important and effective institutions of civil society. For many churches, religious organizations of clergy, believers, Maidan became a kind of indicator, which made it possible to adjust their political and civic stances. Thanks to Maidan, many of them significantly strengthened their pro-Ukrainian patriotic orientations. The radical change of the Ukrainian authorities (the president, the government, the parliament), which took place after Maidan, gave an impetus to the resolution of important issues of relations between the state and the church, in particular the convergence of secular and religious education, the introduction of chaplains, etc. Maidan increased the authority of churches, religious organizations, contributed to their convergence, demonstrated their solidarity and readiness for interfaith cooperation. It was on Maidan that an important step was taken towards establishing a civil religion in Ukraine. Maidan convincingly confirmed that socio-political and religious processes in Ukraine are in close contact and interaction and require further joint political and religious studies.

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УСТАВНІ ГРАМОТИ ВЕЛИКОГО КНЯЗІВСТВА ЛИТОВСЬКОГО – ЧИННІ ДЖЕРЕЛА СЕРЕДНЬОВІЧНОГО ПРАВА НА УКРАЇНСЬКИХ ЕТНОГРАФІЧНИХ ТЕРИТОРІЯХ

Захарченко П.П., доктор юридичних наук, професор, професор кафедри історії права та держави юридичного факультету Київського національного університету імені Тараса Шевченка

Анотація. У статті аналізуються джерела права середньовічної України у період перебування її у складі Великого князівства Литовського. Їхній зміст до наших часів дійшов у так званих уставних грамотах, які здійснювали правове регулювання різноманітних галузей права в окремих суб'єктах литовської федерації. Саме у цей період великі князі литовські розпочинають видання специфічних джерел права, які мали характер підтверджувальних грамот, наданих раніше прав і вольностей окремим землям чи іншим адміністративно-територіальним одиницям. Вони були своєрідними угодами між Вільно та окремою автономною землею. Уставні грамоти визначали правове становище окремої території в політичній системі всієї держави. Саме за їхньою допомогою здійснювалося нормативне забезпечення функціонування органів місцевого самоврядування. Крім того, центральна влада намагалася ними розмежувати компетенцію органів місцевої влади, а саме воєвод, намісників, державців. Стверджується, що надання уставних грамот розпочалося з XIV ст., як поодинокі явище, а в XV ст. цей процес набув масового характеру.

Показана структура уставних грамот, які були однотипними і склалися з таких елементів як вступ, викладу основного змісту та закінчення. За своїм змістом норми уставних грамот визначали ступінь залежності окремих областей від сюзерена та регламентували їхнє внутрішнє життя. На сьогоднішній день відомо дванадцять привілеїв, окремі з них надавалися українським територіям.

У роботі проаналізований текст кількох грамот, адресованих українським землям, зокрема, Волинській, Київській землі, а також Більському повіту.

Ключові слова: Велике князівство Литовське, джерела права, грамоти, привілеї, земля.

Abstract. The article analyzes the sources of the law of medieval Ukraine during its period of being in the Grand Duchy of Lithuania. Their content up to our time has come to the so-called charters, which carried out the legal regulation of various branches of law in separate subjects of the Lithuanian federation. It was during this period that the Grand Dukes of Lithuania began publishing specific sources of law that had the character of confirmatory letters, granted earlier rights and freedoms to individual lands or other administrative-territorial units. They were kind of agreements between Vilna and a separate autonomous land. Statutory charter defines the legal status of a particular territory in the political system of the entire state. It was through their assistance that normative support was provided for the functioning of local self-government bodies. In addition, the central government tried to differentiate them from the competence of local authorities, namely voivods, governors, statesmen. It is argued that the issuance of charter letters began with the XIV century as a single phenomenon, and in the XV century this process has become massive.

The structure of the charter letters, which were of the same type and consisted of such elements as introduction, presentation of the main content and the ending, is shown. In its content, the rules of statutory letters were determined by the degree of dependence of certain areas from the supervisor and regulated their internal life. To date, twelve privileges are known, some of which were granted to Ukrainian territories.

The paper analyzes the text of several letters addressed to Ukrainian lands, in particular Volyn, Kyiv land, as well as Bilsky County.

Key words: The Grand Duchy of Lithuania, sources of law, charters, privileges, land.