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Iulianna Tsvietkova

Abstract: The article is dedicated to problems of different legal population mentality of the regions of Ukraine, as can be demonstrated on sample of the collegial and sole forms of government. The evolution of governments in different parts of Ukrainian lands from early Middle Ages till nowadays was affected by various political forces and definite circumstances, what caused significant peculiarities. The main tradition and specific feature of governmental development realized in tendency to support collegial ruling on Western Ukraine and sole ruling in Eastern.

Keywords: Collegial and sole government; Western, Central, Eastern Ukraine; mentality of population

Ukraine is one of the largest East European states by the territory and population. However, with the exception for the rare brightest events, during the last 23 years of its independence, it has not attracted much attention either from the European community, or from the large community of scientists. Last year brought many changes in attitude to our country and made it the subject of discussion in various circles of European politics and society.

Events that took place in our country in recent years are quite ambiguous. In order of its understanding we have to know that the reasons for these events are various. Some of these reasons lie on the surface. These are: the difference in the economic development of different regions of Ukraine, absence of single political field, short-sighted politicians, insufficiently advanced civil society, diversity of population, sad results of the long stay in the Soviet Union, which undoubtedly influenced the culture and mentality of individuals and entire populations, and of course, the aggressive powerful neighbor. One of the reasons that led to the crisis events

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in our society and the state is the difference in the mentality of the population of different regions of Ukraine. This difference is due to the fact that historically various regions of our country were part of different countries, or even in one administrative field, had their own features of development.

This article is dedicated to demonstration of the difference in the legal mentality of different regions of Ukraine using the example of the perception and attitudes of the population to various forms of government. This issue is actual now, as one of the key points of the modern crisis were the withdrawal of President Viktor Yanukovich followed by the early election of President Poroshenko. The western and central Ukraine accepted this situation absolutely normal – the first president went away, the Parliament announced the new election on which the new president was win, so get his place. The western and few regions of south Ukraine doubted that the Parliament had the right to announce the new election in the absence of due President, so the afterward election of Poroshenko and acts of Cabinet of Ministers are illegal. And the problems of this situation there are not in the formal legislation, but in people's minds and opinions about the correct and incorrect behavior of the authorities.

The main purpose of this paper is to show the evolution of the forms of government in different regions of Ukraine, determine the reasons a specific form of government was set, and therefore the impact of these processes on the legal mentality of the population.

Describing various forms of government in different areas, greater emphasis shall be made not on the classic division of forms of government in monarchy – republic, but the division on the basis of collegiality on the sole - collegial governance.

The main reason for this approach is to determine the effect that the legal forms of government cause to the mentality of the population, for what the factor of collegiality is brightly distinctive. For usual citizens the ways of transfer of the sole supreme power (elected or inherited by) and the duration of the person's stay in power in practice are not so important unless the persons in power abuse their position. The topic of collective power has more influence on the people's

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minds both through the possibility for each individual person to participate in the management process (at least at the level of municipal government) and through the methods and motivations for decision-making, responsibility, stability of authorities and ultimately through the removing from the governmental officials.

Comparative analysis of the evolution of the forms of government in the different regions of Ukraine and their impact on the mentality of the people in this article shall be made on the basis of the models of governance, specific to the different territories and the different time periods. For the regional models operation in the western part of Ukraine (Volyn, Galicia, the Carpathian land), in the central part (Kyiv, Cherkasy, Vinnitsa), in the south (The Black sea region) and the east (Kharkiv, Donbass) are proposed. As for the time period characteristic of the most distinct and highlights functioning government for a particular territory will be considered. Namely these are the period from X to XIII century (Kievan Rus), period from XVI to XVIII century. (Rzech Pospolita, the Muskovy Kingdom and Hetmanat), period from XIX till the beginning of the XX century (the rule of the Russian and the Austro-Hungarian Empires), XX century (USSR) and the period from the year 1991 till now (the Independence period).

Forms of government in the principalities of Kievan Rus (X-XIII cc.)

Several governmental institutions traditionally used in the principalities of Kievan Rus: the Prince, the Snem (The Chamber), the Boyar Council, the Viche (Assembly). Despite of the fact that almost every Principality of Kievan Rus had all four institutes of management, their role in making important political, economic and military decisions varied depending on the particular principality. Of these institutes the most numerous was the Viche (Assembly) - it was attended by all adult men who settled in the area. The Assembly could take place anywhere, but if it was happened in the Principality's capital, it was considered as the whole principality Assembly. It could be called independently spontaneous or initiated by other bodies – Prince or Boyar Council. In the minds of the population the Assembly played a significant role, as it created

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awareness of the ordinary residents' impact on the important decisions, their taking part in the ruling of their lands. Boyar Council has gathered usually on their own initiative and consisted of the representatives of the wealthiest families of the city or principality. Sometimes Boyar Council functions were performed by the Snem (Chamber) - a compact body that convened only at the request of the Prince and performed advisory functions.

Comparing the level of participation of the Boyar Councils and the Assemblies in the politics of various principalities, we can observe a tendency: the more westward is the principality, the more in it is the role of these collective bodies. From the very beginning of the principalities this situation was caused by geopolitical factors: eastern principalities (Pereyasliv, Chernihiv) were located on the border with aggressive nomadic Pechenegs and Kipchaks tribes, so for a quick response to a permanent threat they needed a strong individual power of the prince-warlord-chieftain with his professional guard; the more western lay a principality, the lower was the external military threat and the more important was trade with Europe, thus giving the strength to the local trade and craft aristocracy, embodied in the local nobility. In the early stages of the tribes in Halych and Volyn lands council of elders was the body elected by the Assembly, based on the experience and usefulness of candidates for the elders of society. Subsequently, positions in the council of elders were inherited for several rich and influential families who formed the local aristocracy. Boyar Council took over most matters of the local domestic and foreign policy, gradually stripping those powers from assembly and thus becoming the main authority. Feature of the Boyar Council in Halych and Volyn land was that, unlike other similar councils of the Slavic tribes, it has retained its importance and influence despite the general trend for centralization of power in Rus, Hungary and Poland. Including the XIV century the local boyar aristocracy was able to maintain its independence through ownership of the lands on the right of unconditional inheritance rather than princely benefice.

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Princely power from the very beginning of the Slavic tribes in Halych and Volyn had some peculiarities. Prince personified military power: he was the commander-in-chief, responsible for the collection and arrangement of troops, their training, for war-and-peace negotiations, and finally – for the battle, which always required personal involvement. In the early stages of the development of the state institutions of Halych and Volyn in XI century a prince was elected for a term. This term was not usually clearly determined, but apparently everything has been driven by the internal and external political situation and the military and diplomatic successes of the Prince himself and the troops under his control. First Princes had been elected by the Assembly, later this right moved to the Boyar Council, although Council sometimes proposed the candidature of the prince to the Assembly for the further formal approval.

After the conquest of Halych and Volyn Princes Vladimir the Great and Yaroslav the Wise, tried to put their children and grandchildren on the thrones of Volyn and Halych; between 1052 and 1054 years, Rostislav, eldest grandson of Yaroslav received from his grandfather possessions in the region¹, but local nobles hardly welcomed such policy. As long as the authorities in Kiev were centralized and concentrated in the influential hands, Halych and Volyn aristocracy more or less subordinated to Rurik's descendants, though at the same time continuing to conduct its own foreign and domestic policies. But once Kiev faced to “games of thrones”, attacks of nomads or any other problems - the support to the princes planted from the center of the state declined, and they had to negotiate and come to a compromise with the local nobility on their own.

The Boyar Council of Volyn and Halych impersonated economic trade and finance power. This makes a substantial distinction not only from the similar bodies in eastern principalities of Rus but also from European ones, where the nobles made a military strata dependent from the ruler through suzerainty relationships. The consequences of introduction of suzerainty relationship were the unconditional loyalty and significant proprietary dependence of vassal.

1 Котляр Н.Ф. *Древнерусская государственность*. СПб.: «Алетейя», 1998, 168 с.

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Agriculture and looting became the main source of feudal income, and this opposes the nobles to the bourgeoisie, which is involved in trade and craft.

The situation in Volyn and Halych lands was quite different. The power of local nobles (the Boyars) formed and strengthened far before the establishment of the princes' rule. Therefore there were no significant beneficiary holdings since the nobles already amassed the lands and moreover, not as a fief (hereditary, conditional, dependant from the higher ruler) but as an allodia (unconditional perpetual full/unlimited private property).

In case a prince proclaimed himself the ultimate owner of the lands this would not have changed the balance significantly, because besides of agriculture local nobles also thrived on craft and trade. Volyn and Halych land were a bridge between the Central and Eastern Europe. Rivers Dniester and Southern Bug provided major trade routes. Cherven and other cities were developing steadily. Mining in Carpathia provided valuable minerals. All of these factors led to the boost in trade and craft, centers of which were controlled by the local nobles.

So, contrary to the Western European and Eastern Rus traditions, the nobles of Volyn and Galicia in XI-XII centuries comprised not a military strata of the fief holders dependent from the higher ruler, but a practically independent strata of trade-craft-agricultural aristocracy.

The major indicator of the influence of the boyar family was not a prince attitude embodied in the forms of holdings and privileges, but the wealth in the forms of lands, mines and deposits, guilds of craftsmen, monetary turnover.

Such situation significantly influenced the relationships between the nobles and the princes after XI century when the princes became appointed from Kiev instead of being elected by the local Assembly. A prince had no means to subdue the nobles and accordingly trusted no local nobility but relied only upon the mercenary guard brought from Kiev. In 1097 prince David attempted to increase his influence on the Boyar Council by trying to introduce its meetings in the prince's palace. The nobles looked upon prince as a threat to their status and a potential usurper of their powers and tried to prevent prince from influencing local politics and often opposed princes.

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Sometimes princes addressed the local Assembly for the support in their struggle with the Boyar Council, but being for the locals a strangers from the far off capital rarely they succeeded.

In 1156 fragmentation of Volyn principality starts: smaller principalities emerged – Lutsk, Belz, Cherven, Dorogobuzh and the main of Volodymir. The fragmentation weakens the power of princes and increases the role of the Boyars Councils in each separate principality or holding. This process lessening the boundaries of the princes control had no effect on the trade and commercial ties which were the basis for the boyars power.

In the chronicles of this period the terms “boyars” and “town population” become identical, that emphasizes the trade and craft character of Volyn nobles.

Enthronement of the prince, his rights and duties here depended almost completely on the Boyar Council decisions. There were numerous cases when the Boyar council invited princes in Halych or banished in case of dislike for his overall policies or separate deeds. There were also the cases of the Boyars of Halych leading their own foreign policy, independent from the rest of the Rus interests and views. For example in 1189,² 1208 and 1211 they invited the Hungarians de facto transferring Halych from one state to another. Interesting is that, then the Halicians found the Hungarian rule to be also dissatisfactory, they aided the return of these lands back to Rus under the rule of Rostislaviches branch of Rurikoviches. In their turn the Rostislaviches punished the betrayal of Boyars not by the mass repressions but by the slight increase in taxes. This fact proves that these acts of the boyars were neither extraordinary nor unacceptable. Vice versa, in fact the princes recognized the right of Halicians to determine the fate of their land.

While accepting the prince to the throne the boyars set the terms not only for his political activities, war and peace declaration, the issues of the military advances or trade contacts with the neighboring countries, but even for their private life and the order of the throne inheritance. The chronicles tell the story of Yaroslav Osmomysl, one of the most powerful of the

2 Полное Собрание Русских Летописей, *Ипатьевская летопись*, т. 2 М.: «Языки русской культуры», 663 с.

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Rostislavyches, who was forced by the boyars to abandon his favorite and return to his legal marriage which was substantially a political alliance. When Yaroslav wanted to legate his throne not to his legal son, but to the bastard, he had to address to the Assembly (and it was not the Assembly of just a city of Halych – it was the all-principality Assembly) for the support and approval of all the people.

The further events indicate that the all-principality Assembly proved to be less powerful than the Boyar Council of the Halych-town, for after the death of Yaroslav the Council cancelled the decision of the Assembly and enthroned the legal son of the prince.³

With the further fragmentation of Rus despite of the periods of centralization of the princes' power in Halych the Boyar Council retained their huge influence on the external and internal policies. The boyars organized numerous military campaigns, cities defense and even an attempt to face the invasion of the Mongols Horde. After the degradation and demise of the Rurikovyches dynasty in these lands the boyars lead negotiations with the official authorities of Lithuania, Poland and Hungary with regard to further status of the lands of Halych and Volyn, the rights and privileges of their population. And there was a long period the boyars governed these lands before the royal governors were appointed, for example boyar Dmytro Dedko governed Lvov even in the time Halych de-jure became a part of the Kingdom of Poland. In his rule he get support of Boyar Council, and, like the official representative, led negotiations and assigned treaties.⁴

In eastern principalities of Kievan Rus in the period from IX to XIII centuries the Boyar Council and the Assembly steadily lost their role in the internal policies decision making, contrariwise the power of princes grows. This tendency can be remarkably observed in the

3 *Полное собрание русских летописей. Ипатьевская летопись 1187 г.* Москва: Языки русской культуры, 1998, с. 563, 656

4 Бойко І.Й. *Органи влади і право в Галичині у складі Польського Королівства (1349 – 1569 рр.)* Львів: Вид-во ЛНУ, 2009, с. 103 - 105

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chronicles mentioning the Boyar Councils and the Assemblies held and the issues of their meetings. In Kyiv the Boyar Council influenced the enthronement of the prince several times, approximately once per 30-40 years: invitation of Oleg in 882, transfer of the throne to Yaroslav in 1024, expelling of Iziaslav Yaroslavich, invitation of Vladimir Monomakh in 1113, invitation of Iziaslav Mstislavich in 1146. But in the principalities of Pereyaslav and Chernihiv the Boyar Council and the Assembly as a maximum merely influence the decisions of the prince (the decision to start war against the Kypchaks in Pereyaslav) but they have no possibility to choose a prince. In Kyiv Assemblies took part so often, than even were certain places for different questions the Viche (Assembly) gathered: main questions of war and peace, problems of whole principality gathered the Assembly on Sofia' Maidan, questions of local trade or community conveniences – on Podol or bank of Pochaina river.⁵

Finally following the agreement signed by the Princes Assembly in Liubech of 1097 positions of princes in Kyiv, Chernihiv and Pereyaslav become hereditary through direct man line. Therefore the role of any collegial body was finally downed to nothing and the power concentrates in the hands of the sole ruler.

By the beginning of the XIII century the boyars of Chernihiv and Pereyaslav become completely dependent from the prince since they received the agricultural feuds from him in exchange for loyalty, the commerce was in the hands of merchants, though independent from the prince but not represented in the Boyar Council and thus having no practical influence on the government.

Before the invasion of the Mongols in 1239-1240 the rulers of Pereyaslav and Chernihiv concentrate all of the functions of the power in one hand: judicial, legislative and executive. In the mentality of the population of the Eastern principalities the military function was the sole

5 Толкачова Н. *Правові звичаї в історії українського народу. Про українське право*. Київ: Вид-во КНУ, 2008, с. 208

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responsibility of the prince. When the princes of Pereyaslav and Chernihiv facing the threat of the invasions of Kypchak and Mongols tried to raise a people militia the population refused with words “We feed your guard – they are to fight”. Thus in the mentality of the population of the eastern principalities the power is more and more viewed as the sole person power and the population separates itself and its fate from the governmental functions.

Forms of Government on Ukrainian lands in XIV - XVI

The period of Mongol rule practically exterminated the representatives of the princes' dynasties and practically all of the lands of the Kievan Rus faced the decentralization of power and its concentration in the hands of the local nobles. In all the principalities collegial bodies – the Boyar Councils and the Assemblies regain their former powers. This thesis is proven by the fact that in 1362 at the battle of Blue Waters Kyiv and Chernihiv-Siversk lands were represented by the troops of the local nobles collective bodies, not princes.

After the victory over the Mongols the principalities of Kyiv, Pereyasliv, Volyn and Chernihiv subdued to formal supremacy of the Grand Duchy of Lithuania.

Each principality had an appointed prince, which nevertheless had to agree his actions with the local Boyar Council. The similar practice was widespread through all of the territory of the GDoL as well on the local levels, as on the central level, where the Great Duke was strictly controlled by the Council of the Nobles, the collegial body of the secular and church feudal holders. During XIV-XV century the authorities of the Council of the Nobles steadily increased both in the spheres of internal and external policies until it finally merged with Polish Sejm.

In this period Halych was under the Polish rule. Royal representatives here agreed with the local Boyar Council on the sharing of responsibilities: the Boyar Council was not to intervene in the political issues in exchange they got wide opportunities to manage the economic sphere. Further on all of the significant cities in the land of Galicia obtained town law following the example of

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the Magdeburg Charters. In accordance to the standard agreement the city was run by the elected Council headed by the burgomaster, dealing with all the issues except for external policy. Therefore Halych was able to maintain the traditions of local self-government despite of the strong centralization trends in the Kingdom of Poland.

Volyn also was not bypassed by the self-government process. In this land the wealthy merchants amalgamated with the families of nobles constituting the powerful city lobby of the great magnate dynasties of the Ostrozhskie, Vyshniiovetskie, Zbarazskie and Chartoryjskie, which not only dealt with the self-government issues, but were also free to invite a prince disregarding the interests of the GDoL and the Kingdom of Poland. At the beginning of XV local nobles invited the proscribed Svydrigajlo to the prince throne and supported his rule until the very death of the latter in 1452.

The lands of Kyiv demonstrate a far lesser level of self-governance.

The invasion of Mongol disastrously hit not only the economic might of Kyiv but also its political status. Starting from XIII there were neither wealthy merchants here, nor mighty feudal to struggle for their rights. The rule of the Lithuanian princes Volodymir Olgerdovich, Olelko Volodymirovych, and Semen Olelkovich though improved the position of local elite but did not enable them to create a collegial governing body. As a result in 1471 when Poland decided to dismiss the principality of Kiev and to appoint a royal government to rule the area the chronicles characterized the resistance as unorganized and spontaneous. The governor Gastald quickly suppressed the resistance and started ruling Kiev.

Uniting of the GDoL and the Kingdom of Poland into one state significantly increased the role of collegial bodies. Rzech Pospolita was created by the way of holding a number of wide assemblies of the local elites, hence further on it was run by the collegial bodies as well on the

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central as on the local levels. The country was ruled by the greater Sejm which comprised of the representatives of nobility throughout the whole country dealing with all the issues of internal and external politics including the election of the king. At the local level at the wojewodstvas were dealt by the local sejmiks (little assemblies) comprising of all of the local nobility, and the representatives of clergy and merchants. As concerns the territorial structure Rzech Pospolita was rather a federation the authorities and the real abilities of the local powers were significant. Namely the collegial sejmiks were the source of power in the conscience of the population since their decisions significantly influenced the everyday life of the people.

The cities with their self-government right were ruled by the by the elected Council headed by the burgomaster, holding in hands all the economic and internal policy issues together with the judicial power.

At the end of XIV the principality of Chernihiv was conquered by the Kingdom of Muskovy. Further on Muskovy extended its power to Slobozhanshchina – eastern step lands, before controlled by Nomads. These lands as well as the Kyiv land suffered severely from the Mongol invasion and the rule of the Golden Horde. Local elites were practically exterminated and the local self-government was reduced to the levels of the separate villages. Extension of the Moscow rule on these territories undoubtedly improved their economic position. Territories were fragmented and given as feuds to muscovite or loyal local nobility. The authorities power in Muskovy were build on two main principles: God-establishing and feudalism (votchina – feud, getting for military services in Tsar's army). This customs build strong centralizing tradition under Tsar' authorities and without dividing or transferring any governing possibilities to other bodies.⁶ As a result, no effective collegial local governing bodies were created on Ukrainian

6 Мудриевська Л.М. *Вотчинні засади у формуванні і діяльності монаршої влади в Московській Русі 17 ст. у працях Ф.В. Тарановського. Земля і земельні відносини в історії права, держави і юридичної думки.* Симферополь: Вид-во ТНУ, 2009, 243-248 с.

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lands. The Kingdom of Muscovy had more centralized power compared to the GDoL and the Kingdom of Poland. The Boyar Council here was rather a consultative body, than a counterbalance of the Tsar's power. Consecutively the collegial bodies at the local level were either the same consultative body to a local prince or did not exist at all. The active focus on liquidation of the local principalities fixed this tendency and widens it all over Slobozhanshchina.

So to sum up our revision of various forms of the governance on the lands of Ukraine from XIII till XVI we can observe the trend of diminishing of the role of collegial governing bodies on the way from the west to the east, what illustrate the governmental tradition of countries, ruling there. Collegial bodies in the western lands of Halych and Volyn ruled almost every aspect of internal and external policy including election of the prince which was looked upon rather as a war chief than an independent political player. On the lands of Eastern Podolie and Kiev collegial bodies performed the functions of internal and economic governance, the sole ruler of the land was fore mostly appointed here by the central power and in the cases of conflict with the local population he was able to maintain his role and position by force. Eastern lands of Chernihiv and Slobozhanshchina being ceded under control of the Kingdom of Muskovy, which was more centralized compared to the Great Duchy of Lithuania and the Kingdom of Poland, were run solely by the local princes. Collegial bodies of the local representatives here functioned as a consultative body or mere administrative assistance body.

Forms of Government on Ukrainian lands in XVI – XIX cc.

The development of the various bodies of governance on the different lands of Ukraine in XVI – XVIII was conditioned by the specific of the state governments of the countries then controlling these lands. Thus Halych, Volyn, Western Podolie were a part of Rzech Pospolita. So the ideas of effective collegial government bodies spread widely both on local and the state levels. Rzech

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Pospolita was ruled by the Sejm assembling representatives from all of its lands to decide on the major issues of internal and external policy. Alongside with the governors local sejmiks acted in the separate regions enjoying the wide powers to decide on the self-government issues and what is very important – participation in this body was relatively open. The sessions of the greater Sejm and local sejmiks were open and public and any of participants could take part in the debates. The institute of the defending representative was established to protect interests of those not let in the Sejm personally. The interested person could address any deputy of the Sejm, and the deputy could report and lobby the issue on the session. The practice of sejms action formed the general understanding among the population of the ideas of interests protection via collegial bodies of governance, ability of interested persons to influence the decisions of the authorities, the natural character of authorities rotation.

The lands of the central Ukraine were not that stable from the point of view of the methods of the government. Starting their development in XVI as a frontier of the Rzecz Pospolita with a specific less liberal status the central Ukraine has appeared under the Cossacks rule and then from the mid-XVII become a part of the Russian Empire.

As a frontier zone these lands were managed by the voevodas or governors, who traditionally descended from the powerful magnate families. Sejmiks here were called much more rarely and the majority of the sejmik depended on the local magnate governors coalition which naturally made them less flexible in making decisions. Local population did not take part in sejmiks, because it was rather more efficient to address the magnates or their representatives directly in order to solve their problems. Such situation was not favorable for the sejmiks and other collegial government bodies to gain a reputation of the effective player in the internal policy. Local self-government although effective existed only on the village level. And the quantity of self-governed cities was three times less than this of Western Ukraine, so made the public role of city councils lesser.

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A number of Cossacks appraisal finished by the rokosh of Bogdan Chmielnitsky led to Zboriv peace treaty of 1649. By this treaty the Central Ukraine become a separate subject of federation within the Rzecz Pospolita with its own governance system. This territory comprised of Brazlav, Kyiv and Zaporizha regions were headed by hetman, who was elected by the great assembly of the Cossacks and was subdivided into the territories of the regiments and the companies with their own local self-government. Hetman had the majority of the government functions but had to report to the Cossacks assembly and could be re-elected at any moment. Regiments' and companies' territories were governed by the local colonels and company commanders, who were elected in the local Cossacks assembly in the same way as hetman. Compared to the previous model of governance at these territories the difference of the new model was rather not in the bigger collegiality (for the major decisions were still made by hetmans, colonels, company commanders and their confidants) but in bigger potential for rotation and increased transparency for the Cossacks assemblies were held at the open space and any person could took part and speak up. The main achievement of this model, endoubtly, was imprinting into popular mentality ideas of "population" ruling, because on practice mostly every person have a possibility to announce themselves "a cossack", so to get a access to governing.⁷

XVI – XVIII is the period when the Kingdom of Muskovy, soon becomes the Russian Empire, started to increase steadily its presence in the Ukrainian lands. This process had a number of stages. Before 1654 (the treaty by Chmielnitsky on submission of the Hetmanat to the Tsar) Muskovite control covered only Slobozhanshchina and Sivershchina (which makes approx. 10% of the modern Ukrainian lands), Andrusiv peace with Poland extended the control to the lands of the Left Bank of Dnieper (totaling 30%), first and third division of Poland added Right Bank (totaling 60%) and as a sequence of the numerous Russian-Turkish wars the Empire extended its

7 Худояр Л.В. *Методологічна роль категорії «рівність» у дослідженні засад правового ладу України-Гетьманщини. Методологічні проблеми історико-правових досліджень*. Київ-Сімферополь: «Доля», 2011, 465-470 с.

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controls to the southern territories, which totally gave control over the lands making 80% of the modern Ukraine. In line with the increase in territorial controls the Kingdom of Muskovy extended the jurisdiction of its governmental bodies, but this process lagged behind the formal redrawing of the borders. The major reason for this slow pace was the significant difference in the governing bodies' traditions: contrary to the decentralized powers of the Rzecz Pospolita and quite anarchic, rapidly changing power in the Hetmanat, Russia was inclined to centralize sole supreme power. In the analyzed period the functions of the Boyars Duma diminished to nothing, and then Duma itself turns into formal meeting club, and all of the power becomes concentrated in the hands of the Tsar (later the Emperor). Similar processes are going at the levels of the local self-government not only minimizing the degree of collegiality but also changing the ways of getting into power. The regiment-company structure where the local powers were elected conditionally freely from the local elite gets replaced by the system of regions and governors, who are appointed by the central power with the further rotation within the other lands of the Russian Empire. Such system was strange to the local population and this factor did slow down its steady pace. Nevertheless by the beginning of the XIX century the governance on all of the Ukrainian lands under Russian Empire control were standardized to the imperial patterns.

The population resisted the substantial change in the governance model. It resulted in the numerous rebellion uprisings. The population of the eastern territories accepted the Russian reforms more tolerantly for they have a longer experience of leaving under the rule of the sole rulers. The population of the Right Bank and Volyn resisted stronger for the sharpness of the situation was added by the religious (many Catholics and greek-catholics lived there), national (these areas were less unified ethnically) and economic (economy here was more liberal and bourgeois relationship prevailed) factors.

After the divisions of Poland and wars with the Ottoman Empire Halych, Bukovina and the Carpathia appeared under the control of the Austrian Empire and obtained a title: "The Kingdom

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of Galicia and Lodomeria”. Despite that Austria tried to impose imperial control over these lands the degree of resistance from the local population was much lower than in other lands of Ukraine. As well as Russia Austria also appointed its governors, but due to reforms of Maria-Theresia and Josef II the actions of the governors were agreed with the local collegial bodies of self-government, which were formed from the local elite. Thus the population retained the ability to influence the governmental processes and loyalty to the governmental bodies through the understanding of their succession from the previous system. Under Austrian governance Lviv Council using its legislation functions passed special Statute of Lviv Town based on Austrian Act 03.12.1863, where points of giving town citizenship, regulation of police work, markets and wages control were directed to Town Council. Town Council consists of 100 persons and got supreme power with legislation and executive possibilities. Also, president of town was elected.⁸ Contrary to the Russian Empire Austrian Empire welcomed the creation of the local self-governance bodies at the lowest self-governance level – villages elderships, town councils which comprised of the local population, were elected by the electors qualified by the property and residency, and dealt with the local administration.

Centralization and the exclusive sole power of the Russian Empire governing bodies continued up to the 60-es of the XIX century and led to the deep economic crisis. As a consequence of the Alexander II reforms the idea of the creation of the collegial elected bodies was introduced. The population welcomed this idea with the great enthusiasm. Centralized governmental system and appointment the governors from the top for the short period, thus making them not interested in the long-term development of the regions under control was considered to be one of the major reasons for the economic crisis. Alexander II reforms foresaw the creation of the elected bodies in each territorial unit: district councils, city councils (dumas), juries.

8 Кіселичник В.П. *Порівняльний історико-правовий підхід у дослідженні історії міського права Львова. Проблеми теорії та історії держави і права*. Львів-Київ: Вид-во ЛДУВС, 2011, 150-153 с.

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District reform of 1864 envisaged the creation of the collegial bodies to deal with the issues of medicine, education, innovations, culture and trade on the district and regional levels. These bodies were formed by the electors having the land property.

City reform of 1870 envisaged the creation of city councils (dumas) to deal with administering and development of the cities. These were also collegial bodies elected by the tax payers.

Creation of juries as a collegial body of judgment which can include any twelve-honest citizen not only promoted law and order, but increased the ability to take into account customs and traditions of the region. This was very actual for the Russian Empire since its borders and legislation were combining very different groups of the people varying in the ethnicity, religions, languages, cultures, etc. District juries made the first level courts, number of the district juries made the district court of appeal.

Reforms of the 60-es XIX in the Russian Empire enhanced the role of the local collegial government bodies, but they had no impact on the sole rule in the higher imperial organs. Absence of the parliament or other bodies independent from the Tsar hindered the development of the Empire and its population and caused criticism towards the regime. The inhabitants of the Right Bank and Volyn were amongst the most severe critics because these lands just recently became imperial and the population did not see the new order there as the only possible. Besides that the population was able to compare their lives with the conditions in the neighboring regions of Austrian Empire, where the situation was far better.

Forms of Government on Ukrainian land in XX – XXI cc.

World War I and further revolutions were the great test for the population of Ukraine for it were the seven years of war and cede of the control over the land to the various countries: existed in XIX and newly created ones. The control over the territories changed so rapidly and frequently that the governing bodies were unable to start or continue their activities.

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Finally in the year 1921 the borders of the countries embracing Ukrainian lands were set stable for 18 years. Transcarpathia ceded to Czechoslovakia, Western Ukraine – to Poland, Bukovyna – to Romania, and the Eastern, Central and Southern Ukraine – to the USSR.

In USSR the Party Congress was the highest governmental body, combining legislative and executive branches. Central Committee of the Party organized the Congress, chose the delegates, determined the agenda and proposed decisions.⁹ Further Central Committee split into Politbureau and Orgbureau. Before the start of the Stalin's repressions the activity of the Party Congresses and the Central Committee was generally transparent and public. However in the 30-es as a consequence of the internal politics getting harsh the activities of all the governing bodies became closed authoritarian and remote from the interests of the population. Besides the collegial form of these bodies the decision they made were unanimous with no discussion in fact merely accepting the orders from the very top of the Party hierarchy. Installation of the Soviet system by Lenin and Stalin actually reproduced the absolute monarchy tsarist model of the beginning of the XIX century, though it looked as a collegial democratically elected power representing the interests of the majority of the population.

The lands of the western Ukraine which were included into Poland had more democratic rule. According to the law of the 1922 "On the basics of the wojewodztwo self-government (particularly Lviv, Ternopil and Stanislaw wojewodztwo)" two chamber sejmiks with the broad authorities were established. In accordance with the Constitution of the year 1921 Poland by itself was a parliamentary republic and had the powers split into branches: the legislative vested in the hands of the two-chambered National Congress and the executive – to the President and

9 Золотухина Т.А. *Основные этапы исторического развития законотворческой деятельности в России. Историко-правовая реальность у глобальному та регіональному вимірах.* Київ-Сімферополь: «Доля», 2012, 1 ч., 333-335 с.

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the Cabinet who were to report to the Parliament. All of the organs were multiparty and the elections were sufficiently free.

Likewise the Bukovina lands belonging then to Romania and Pidkarpatska Rus belonging then to Czecho-Slovakia had their own collegial organs of the local self-government and the local population was able to take part in the forming of the central government organs. Multiparty system and democratic character of the election increased the population consciousness, encouraged its active role in the law-making and management processes and maintained the previously existing traditions of the collegial government.

Thus traditional models of the government were getting further strength in the minds of population of Ukrainian lands in the first half of XX century. Western lands of Ukraine being under authorities of the European countries maintained quite democratic tradition of the collegial power. Otherwise the eastern and central Ukraine in the USSR get under the harsh and authoritarian rule of the sole governor – first Lenin then Stalin.

By the results of World War II Ukraine (Ukrainian Soviet Socialistic Republic in the Soviet Union structure) obtained all the territories which its modern borders include. Comparing with 1939, it got Zakarpattia from Hungary, Bukovina and Budzhak from Romania, Western Ukraine from Poland. In 1954 by the decree of Verkhovnyi Sovet (Supreme Council) of the Soviet Union Crimea was transferred to Ukrainian borders.

During WWII eastern regions of Ukraine suffered much more than the western ones. Western regions were mostly agricultural, with low level of urbanization unlike the eastern, where after the Stalin's program of Industrialization from 1928 till 1939 near 20 electric plants, more than 100 heavy industrial plants and factories were built, more than 90 mines were opened.¹⁰ Level of

10 Литвин В. *Історія України*. Київ: «Наукова думка», 2010, 510 с.

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urbanization here also was higher – there were 18 cities, population of which tripled in 10 pre-war years, thou in Central Ukraine there were just 2. Active military operations and great battles in eastern Ukraine ruined a lot of infrastructure and industrial objects, 50% of population was lost. So, the rebuilding and repopulation mostly embraced currently the eastern Ukraine. After the industrial rebuilding and renovation the demand for certain professional workers population was satisfied by migration from the depth of the Russian lands. Eastern Ukraine and its population, by the idea of Soviet leaders, had to become “the face of new soviet people who resurrected after great trials”. Quick rebuild of towns and industries, new infrastructure, quickly growing young population of working professions (privileged and earning in the Soviet Union) made the eastern Ukrainian regions in mentality of millions of people to look like a kind of promised land with the bright future for everybody who lives there.

Western, newly accepted territories were also rebuild, but not with the same diligence. The new territories were not basic “soviet”, local population resisted soviet ideology and soviet rules, for example, Galichina and Volyn had numerous partisan anti-soviet movements till 1954. The heavy industry – privileged soviet sphere of economy – played no important role here, the region remained agricultural, and as such it was considered depressive by the soviet mentality.

The schemes of governing all over the territories of Soviet Ukraine were similar: despite the federation status, all operative bodies were centralized in Moscow. There were elected governments both on the local and the republican levels, however their status was not more than a mock – the real power was in the hand of the Communist Party bodies. Besides of the merely decorative role of the local governments the candidates for elections were proposed by the Communist party authorities from either Communists or loyal to the Communists persons.

The situation in governing has been changed after M. Gorbachev announced reformation program “Perestroika” (“Rebuilding”). One of the political reforms in this program was

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pluralism of political parties. In western and central Ukraine few anti-communist parties with liberal and/or nationalistic ideas like Narodnyi Ruh (1988) immediately arose, and on nearest elections 1990 they got certain percent in local and republican collegial bodies. Eastern Ukraine has demonstrated its loyalty to the Communist and the various later created Socialist Parties: on Parliament elections 1998 in the east communists got approx. 40%, in the center – 25%; on parliament elections 2002 accordingly 35% and 15%.

Meanwhile, the western and central Ukraine during 1990-2010 created the local form of public collegial protests usually called “Maidan”. “Maidan” – is a traditional name of the main square in a town where the governmental buildings situated. As it was mentioned before, historically on such central squares were the place for the different types of Assemblies. In the history of modern Ukraine Maidan meetings start in 1989, when in the main cities of western and central Ukraine political demonstration were organized. One of the differences of Maidan like a form of political protest is its non-moving character: usually demonstrations are the people moving in the column by defined route. This is more spectacular, but it does not last long, taking only several hours. However, Maidan is static: peoples come on the central square and stand (or sit or even live) there. With the support of volunteers, who organizes tents, food, medicine and media assistance, with the rotation of participants and supporters Maidan could act during several months and its continuity depends only on the persistence of the people and their interest in the problems they want to solve. One of the main Maidan character is its peaceful process – through the all maidans taking place in Ukraine for 25 years it was only last one with victims and aggressive behavior of the participants.

In new Ukrainian history there are 3 great Maidans. The first one was held on December 2000 – March 2001 with the slogan “Ukraine without Kuchma”, when people protested against the proposition of President Leonid Kuchma to increase the president authorities in the Constitution.

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It was finished with the negotiations between Kuchma and opposition leaders and leaving the Constitution unchanged.¹¹

The second one was organized on November 2004 – January 2005 to support opposition candidate for Presidency Yushenko and to prevent falsifications during President elections and got the name of “Orange revolution” (by the colors of Yushenko political party). Approximately over 1 million people took part in “Orange revolution” only in Kiev. Maidans in other western-Ukrainian cities were less crowded.

The third, and the last Maidan has started on November 2013 like a traditional peaceful demonstration for signing the Association Agreement with the EU and consisted of approx. 1000 people, but after attempts of President Yanukovich to dismiss its by riot police, its grew to a waste protesters camp. Further use of riot police and other special forces led to bloody street battles where 168 persons were killed. In January Verkhovna Rada passes the set of laws forbidding collective meetings, introducing censorship, criminalizing protests and increasing the repressive abilities of the executive branch. This has only blown the protests up. All over western and central Ukraine in the main cities maidans spontaneous meetings started, which finally led to the siege and taking over the local governmental buildings. On the Eastern and Southern Ukraine meetings also took part, but there they were not so crowded and stabile. As a result, Yanukovich fled to Russian Federation accompanied with some members of the Cabinet and his other companions.

The most interesting nuance of the events is that real cause of the wide popular demonstration was not the first reason which crowded Maidan with people in November – V.Yanukovich refuse to sign the EU Association, but his further acts to disperse this demonstration. And the more efforts V.Yanukovich gets to disperse it, the more people in Central and especially in Western

11 *Державотворчий процес в Україні 1991-2006* Під ред. Смолія В.А. – К.: «Наукова думка», 2007, 910 с., С. 199

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Ukraine were ready to take part in it. V.Yanukovich himself was the person from Eastern Ukraine (Donetsk), and maybe that is why in his typical Eastern Ukrainian mentality his acts was enough comprehensive – the idea of common manifestations of Maidan type was never popular in Eastern Ukraine, and maybe he has not seen anything unusual or problematic in forbidding people to act this way. Western and Eastern Ukraine reaction was absolutely logical if we put attention to long traditions of self-governing and the lots of people taking parts in ruling and decision-making process in Western and Central Ukraine through ages.

But by flee of V.Yanukovich conflicts of mentalities in this current cause have not ended. His flee together with a lot of governmental officials started the long discussion in the Parliament on the further acts. It looks like that have to be announced the new President elections, but in Ukrainian law there was no such reason for announcement as “flee of the previous President”, all other points in the legislation dedicated to announcing the new elections were also invalid. So the Parliament took the responsibility of possible accusation in unconstitutional act and proposed the formula “to announce the elections of President because of self-withdrawing of previous President” and decided to form new Cabinet of Ministers without President assignment (it also was not in line with the procedure prescribed in the Ukrainian legislation).

And, as a main illustration to all topics of this current article, the reaction of the population to these Parliament acts demonstrated the differences of Ukrainian mentality in different regions. The population of Eastern Ukraine and Crimea (where President V.Yanukovich and his political party got majority of votes) could not accept Parliament’ decision because in their eyes the President and his Cabinet of Ministers were the main state authorities, and the Parliament like collegial body could not be more powerful than a personal, sole leader. That is why all Parliament decision after Yanukovich flee are invalid, and it was not possible to arrange new President elections or to form new Cabinet of Ministers without President Yanukovich assignment. Southern Ukraine doubted in the legitimacy of the Parliament’s act, but agreed that unusual situation have to provide unusual decisions, the country could not exist without

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authorities, so in the absence of the President the Parliament had to solve the problem. Central Ukraine accept power of President and power of Parliament like two parallel lines of authorities, so the Parliament, in the absence of President, have to take it obligation for itself because the collegial body is more powerful than a sole. All its decisions, by opinion of Central Ukrainian population were enough legitimized. Western Ukraine has not understood the topic of discussion between Eastern, Southern and Central Ukrainians. In their eyes the President, like a sole body is not important in comparison of might of the Parliament, which is a collegial body, so the absence of President means nothing if the Parliament is still on duty.

The result of this misunderstanding between different regions of Ukraine becomes one of the reasons that the high enough percent among Eastern Ukrainians supported the Russian military invasion on the Ukrainian territories (by different data approx. 50% in Crimea and 30% in Donbass).

So, on the materials proposed in this article me, Iulianna Tsvietkova, try to show to the auditory and to every curious person the roots, explanations, causes and results of different relation of the population in Ukraine to the question of the role of the collegial and the sole government and the balance between them. This relation was formed through the centuries by different reasons and has clear tendency to the popularities of collegial governments westward in Ukraine and sole government eastward in Ukraine. We hope that the new history of Ukraine like unitary independent state faced towards Europe will help to overcome the differences between Ukrainian regions and to build new powerful democratic state based on the European values in the politics, economics, culture and society.

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