



UDC 340.123

EVOLUTION OF VIACHESLAV LYPYNSKYI CONCEPTION OF TERRITORIAL PATRIOTICISM IN PRESENT-DAY CONDITIONS OF UKRAINIAN STATE FORMATION

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SUMMARY

The political and legal analysis of the so-called conception of territorial patriotism is carried out. This conception is a part of Viacheslav Lypynskyi (1882–1931), a well-known Ukrainian political and public figure, creative heritage. The influence of his views on the state and the right to modern complex and ambiguous processes of state formation in Ukraine is traced.

Key words: Ukrainian political and legal thought of XXth century, political nation, conception of territorial patriotism, national and patriotic vectors of state building.

ЭВОЛЮЦИЯ КОНЦЕПЦИИ «ТЕРРИТОРИАЛЬНОГО ПАТРИОТИЗМА» ВЯЧЕСЛАВА ЛИПИНСКОГО В СОВРЕМЕННЫХ УСЛОВИЯХ УКРАИНСКОГО ГОСУДАРСТВА

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АННОТАЦИЯ

Осуществлен политико-правовой анализ концепции «территориального патриотизма» как составляющей творческого наследия Вячеслава Липинского (1882–1931 гг.), известного украинского политического и общественного деятеля. Прослежено влияние его взглядов о государстве и праве на современные сложные и неоднозначные процессы государственного строительства в Украине.

Ключевые слова: украинская политико-правовая мысль XX в., политическая нация, концепция территориального патриотизма, национальный и патриотический векторы государственного строительства.

REZUMAT

Este realizată analiza politică juridică a conceptului de „patriotism teritorial”, ca parte a patrimoniului creativ al lui Vyacheslav Lypynskogo (1882-1931 gg.), binecunoscuta figură politică și publică ucraineană. Urmărite influența opiniilor sale asupra statului și dreptul la un proces de astăzi complex și ambiguu de construire a națiunii în Ucraina.

Cuvinte cheie: gândire ucraineană politică și juridică a secolului XX, o națiune politică, conceptul de patriotism teritoriale, vectori naționale și patriotice de construirea națiunilor.

Formulation of the problem. The actuality of scientific research provides insight into the fact that modern dramatic geopolitical processes, hybrid challenges, including military ones in Europe and in the whole world, put forward the issue of restoration of the sovereignty of Ukraine, as a result of Putin's Russia aggression. In defense of national statehood the citizens have risen: the military, the police and the caring volunteers of different nationalities – Ukrainians, Russians, Jews, Hungarians, Moldovans, Belarusians – the representatives of the Ukrainian political

nation, the active part of civil society, in other words those who sincerely consider Ukraine as their homeland.

At the same time, the events of recent years have seen some disappointment with the domestic electorate in the ideas of extreme nationalist parties. Interestingly, that the Ukrainian society in general was reluctant to Volodymyr Hroisman appointment to one of the highest state positions; did not cause any significant objections the appointment of former Georgian President Mikhael Saakashvili to the position of Odessa Regional State

Administration Chairman. It is important to note that the ideas of national tolerance of the Ukrainians should be taken as a product of wartime. At the dawn of independence of the Ukrainian state, a politician Viacheslav Chornovil, maybe somewhat naively expressed about such a Ukraine, where Russian citizen life will be better than in Russia, and Jews – not worse than in Israel.

The relevance of research. All of this, in our opinion, is the evidence of superiority of conscious patriotism over the narrow nationalism, on the one hand, and



a guarantee not only of survival, but also of further successful development of the Ukrainian state, on the other. In this regard, the ideas of Viacheslav Lypynskyi, who was the first among the representatives of the domestic political and legal thought, developed the conception of so-called “territorial patriotism”, which is more than ever relevant.

State of the research. By now, within the science of state and law history, there is no special and comprehensive investigations of Lypynskyi’s views focused on state and law history. The main issue of this scientific research has its own historiography presented, unfortunately, only by domestic scientists.

As a result of scientific research carried out by various authors, there were many of purely historical and political researches devoted to certain aspects and problematic issues of Lypynskyi’s diverse creativity i.e. the essence and meaning of principle of territorial patriotism for the modern Ukraine; the formation of national elite (aristocracy); the problem of national identity and the implementation Lypynskyi’s views on the ongoing process of state building in Ukraine. First of all, it refers to the works of such authors as V. Malynovskyi [1], Ya. Pelenskyi [2], P. Kraliuk [4].

The purpose of this article is to analyse the political and legal heritage of Viacheslav Lypynskyi, especially his conception of “territorial patriotism”, with an important thesis: only an orderly system of the effective state bodies can guarantee a self-assertion of a self-sufficient Ukrainian nation.

Main material. An important and interesting topic of national science history of political and legal doctrines, including the Ukrainian political and legal thought, is the extremely versatile creative heritage of Viacheslav Lypynskyi (1882–1931) as an outstanding thinker, publicist and public and political figure, who was the founder and a representative of the Ukrainian conservative school of public opinion and was distinguished by the desire for broad philosophical justification of his own political and legal doctrine.

Viacheslav Lypynskyi understood the essence of the principle of *territorial patriotism* at the beginning of the XX century under the conditions of the non-statehood of Ukraine, which was under different occupation regimes, as the awakening

of the feeling of solidarity and unity of all permanent residents of the Ukrainian land, irrespective of their ethnic origin, class position, religion, socio-cultural level and other conditions. Thus, the love of the native land (the Ukrainian land) that caters to all its residents, is an objective prerequisite for the creation of an organic and natural socially national union. The feeling of love for the native land, as the organizational integrity, according to Viacheslav Lypynskyi, is a necessary and only possibility of that closest connection of people in the world, which is called *nation*. Calls to social and class or national intolerance, opposition of the Ukrainians to other citizens of non-Ukrainian nationality, according to the thinker, is a devastating phenomenon, which will lead to mutual hate and struggle, hostility.

Consequently, the notion of the elite of the nation – aristocracy – from the point of view of Viacheslav Lypynskyi, is connected not so much with the Ukrainian nationality but with the phenomenon of Ukrainian statehood. So, the territorial factor plays a more important role in the formation of the spirit of aristocracy than the national factor. The scholar also derives the notion of patriotism from this ultra-important state factor, defining it as consciousness of one’s territory (but not the territory itself), love for one’s land, homeland and for all, without exception, residents. He criticizes the extreme, refined nationalism, which is based on the consciousness of community, and not territory. Viacheslav Lypynskyi notices that the absence of the feeling of territorial patriotism, which touches foreign elements that populate Ukraine, has always played a destructive role in the creation of Ukrainian statehood. “Ukraine, according to the thinker, was always a nest, which supplied the fanatics of exterritorial belief and position. Our history does not know the Ukrainian patriots and Ukrainian patriotism with the exception of some individuals and episodes. Not possessing patriotism – not having the consciousness of one’s territory and the feeling of unity of all residents – we could not have our own state, there was no Ukrainian patriotism, that is, the consciousness of one’s own Ukrainian territory” [1].

The question arises as to how actual is Lypynskyi’s stated conception and to what extent it can be used in the process of modern national state-building in

Ukraine on the way to the formation of a legal, democratic, European, successful state. It should be noted that the problem of national identity was highlighted in different ways in the corresponding theories. The beginning of the political discourse on that problem was put in 1907 by the German historian F. Meinecke in his work “World Bourgeoisie and the National State”. Today, the political and legal science distinguishes between *three significant trends that originate from the theory of nationalism*: primordialist, modernist, and postmodernist. The first takes ethnicity as an objective (primordial, that is, original) characteristic of humanity. E. Gellner and B. Anderson, the theorists of that approach, put the national identity into the basis of state construction that can unite the nation and develop a national idea – the main motive of the process of state creation [2, p. 33–39].

As the historical experience suggests, the formation of a political (state) nation always precedes the crystallization of nation, which occurs in the depths of ages and generations (ethnoses). Only such historic order of precedence provided many existing *state nations* with the opportunity to be preserved and progress. In the process of political self-determination, the element of which is the national identity, the main role is played by the territory of the state. Since the territory of ethnogenesis determines the type of business activities, and, accordingly, the main aspects of interaction and relationship between people that in the course of time are consolidated in the form of a common national culture (customs, rituals, myths, norms and rules of behaviour). The territory itself becomes the symbol of the nation, since its historical memory is closely connected with it. As A. Smith said: “The nation and the territory must, as they say, belong to each other <...> The land should be a “historical” land, “a native land”, “a cradle” of our own people, even if it is not a land of initial origin <...>” [1]. Thus, “historical territory” is definitely one of the most important features of national identity and a component of the standard Western model of nation.

In the same way, the formation of national states in the 18th – 19th centuries took place, which was the result of the struggle for equality of all citizens in the times of the French revolution. As an alternative of feudal absolutism, the concept of



“nation-sovereign” was introduced as the only collective entity that determines the full legitimacy of the power and state through the electoral process. Classical substantiation of this concept was suggested by the French thinker J.-J. Rousseau, who put the idea of “native character” into the center of the political life of a community, trying to bring it to the real-life program of the formation of the modern political nation. The highest power in the state, according to J.-J. Russo, must necessarily convey the common will of the nation that included all the residents of France of that time [3, p. 181–188]. Consequently, in the course of permanent revolutionary events, *the concept of the nation* was formed, according to which the notion “a representative of the nation” was identified with the fundamental notion of “the citizen of the state”. The so-called “etatic” (from the French *etat* – “state”) interpretation of the nation is the most widespread nowadays in the Western countries where *national states* were formed long ago. The formation of nations as historical communities there was associated with the development of market relations, which resulted in the development of civil society, which, exactly, is the nation. Its nature consists in overcoming the ethnic distinguishing of people, in bringing them to the widest system of social, economic, political and cultural relationships. Consequently, the basis of national identity is the territorial principle and civil rights [4].

The theory of nation in North America got even more political character, since the American nation was formed by a political and territorial principle. Thus, one of the fathers-founders of the USA T. Jefferson (1743–1826), concluding his arguments with regard to the American nation, wrote: “<...> The general idea is to create a united nation of Americans in the sphere of international politics and individual nations in the field of purely internal affairs” [5, p. 225–232]. That certain awareness of the American nation was shaped in the course of a long and violent political and military struggle for independence. Thus, the USA never formed territorial and administrative units by an ethnic feature, at the same time ethnic and cultural peculiarities united people on a cultural basis (*E pluri-bus unum* – “Of many – the only one”).

That approach to the formation of statehood allowed the modernists (R. Wil-

liams, J. Habermas, P. Niedermuller) to point out that national identity in existing societies is no longer based exclusively on ethnicity, but rather on the basis of citizenship, and the values of democracy have to prevail over false and painful concentration on the own identity. In the authors’ opinion, the concept of territorial patriotism fits into a modernist approach (a political nation) to some extent, although they also have a significant discrepancy, as the latter focuses on democratic values, in contrast to the priority of Viacheslav Lypynskyi’s patriotism – love to the united Motherland [6, p. 36].

Postmodernists shift the accents from the notion of “identity” to the derivative concept of “identification”, considering the nature of identity from the point of view of creation rather than being. According to S. Hall, the understanding of identity lies not in seeking the answer to the question “Who are we?” or “Where did we come from?”, but in – “What were we able to become?”, “How are we represented and how does it concern our ability to represent ourselves?” [7, p. 131].

In the authors’ opinion, it was the former totalitarian USSR, which included Ukraine, where the project under the name of “Soviet people” was introduced, whose purpose was to create a united community of Soviet people wiping off national peculiarities and various historical roots, which in a way corresponded to the postmodernist approach. Everybody knows well what it resulted in – the collapse of the multi-national empire and the exacerbation of inter-ethnic relations with the possibility of armed clashes and wars, some of which have not been completed to this day [8].

Therefore, the question arises: which of the given approaches is the most acceptable for modern Ukraine? Taking into account that the level of national identity of Ukrainians significantly differs depending on the regional affiliation, it is extremely difficult to give an unambiguous answer to this question. In addition, multi-ethnicity is a significant factor in the formation of the Ukrainian political nation, and this process is not complete yet. L. Shkliar distinguishes a number of segments in the ethnical and cultural national space of Ukraine formed in it as a result of historical conditions. First of all, the authors mean the elite ethnos – Ukrainian. The state policy toward it is caused by the mo-

tives to restore historical justice, the brutal violation of which, in the context of imperial and foreign regimes, led to significant deformations in the functioning of the Ukrainian language, education, cultural and spiritual life of the Ukrainian people who experienced genocide, deportation, language genocide, russification, polonization and other violent experiments, rather than by the desire to dominate the other segments [9, p. 103–117].

The second segment makes the Russian ethnic community and Russian-speaking Ukrainians, who in the result of revival of the elite ethnos culture feel a certain threat to the preservation and development of the linguistic and cultural environment that they are used to. The third segment covers the rest of the national minorities and is on the stage of development. The fourth segment concerns ethnos for which the territory of Ukraine is a historical homeland, and outside it there are no conditions and opportunities for a full-fledged national life and development (Crimean Tatars). However, being as usual in a significant minority among other ethnic groups, they are the subject to the assimilation pressure, which in some cases threatens to bring irreversible processes. Some of them resist the assimilation tendencies that began in the Soviet era, considering the democratic Ukrainian statehood as a historic opportunity to preserve and revive national identity, in particular within the Crimean-Tatar national autonomy [10].

Given the complexities of socio-political life and other realities of the post-totalitarian and transitional society, an optimal political model of Ukraine’s development and the orientations of a national-state project should take into account the principle of reconciliation of differences in the model of the so-called “consociational democracy” created by Arend Lijphart as “the most promising form of democracy for multi-composed societies, and the only possible form of democracy for societies with a particularly high degree of multi-composition” [3, p. 187]. In this process, the solution of two strategies should be combined: the revival and establishment of ethno-national awareness (language, education, faith, culture, elites), and the incorporation of representatives of all the nationalities that live in Ukraine into this area, with simultaneous provision of the comprehensive,



full-fledged development of their original native cultures. In the conditions of a globalized society, the world hybrid war, a market economy, the formation of features of the Western type democracy, the fierce pressure of the former Russian metropolis, it is possible to do this only in terms of the new project “Modern Ukrainian State”, which should be attractive to all its residents and have one national hope. In another case, national minorities will perceive this process as so called “forced ukrainianization”, which will only increase off-central tendencies and lead to sad, opposite of expected consequences, internal destabilization. Undoubtedly, the Ukrainian national idea should be an attractive political project of the nation’s future, a vital factor of the national development that takes into account the current, historically determined, pluralistic nature of Ukrainian people [11, p. 78–83].

According to T. Voropai, it is possible to fulfill this task on the basis of a post-modernist approach, which “corresponds to a real historical situation, when the national identity is not reborn, but is created in qualitatively new parameters synchronously with the process of democratic nation-formation. Since we are establishing a nation, a national state here and now, we must form and represent a common Ukrainian identity in the world – not patriarchal-archeological-folklore, but quite modern. It is necessary to rely on today’s and future tasks not only on yesterday’s and ancient realities. It does not mean to renounce our past, it means to learn from our mistakes” [12, p. 212–213].

Sharing this approach to some extent, the authors should point out that western developed democracies completed difficult and problematic stages of the historical formation of their nation-states long ago, in the course of which the elements of coercive minority assimilation or racial segregation (USA) were implemented. The Ukrainian people belonging to various empires and other neighboring states for some time were permanently an object of the mentioned assimilation experiments, which seriously harmed the national culture and memory, and the archetype of Ukrainians in general. Therefore, the treatment of this suppressed illness with the transformation of the Ukrainian nation from stateless into state-creating is the fundamental task of internal geopolitics [13].

The modern Ukraine in this process can be compared with the Italy of the “Second Risorgimento” (“Revival”). It is about the unification of numerous kingdoms and townships in 1861–1871 into the Italian nation state. That was the time, when the national hero of Italy, Giuseppe Garibaldi, declared a famous program slogan: “We have created Italy, now it is necessary to create Italians!” [14, p. 35]. With the revival of the Ukrainian state in 1991, there was a task to finally form a Ukrainian political ideology with the transformation of artificial “Soviet man” into a natural Ukrainian. At the same time, the apparent experience of liberal democrats shows that traditional coercive methods of public unification do no longer work, and the best possible way to ensure the consolidation of political nation and the loyalty of national minorities is the acknowledgement of their diversity, the sense of individuality, but not its suppression. At the same time, the policy of the state should be aimed at tireless and purposeful bringing Ukrainians up and making true patriots-citizens, political citizens.

Here one should take into account the fact that in Ukraine there are significant differences from the Italy of the nineteenth century which makes this process more difficult. In that time Italy, the avant-garde of the national revival was Piedmont, which was the most highly developed, economically self-sufficient and intellectually advanced part of Italy. The Ukrainian nation, language, culture, and historical heritage were formed in the north-western region of the state’s modern territory which today gradually yields to the south-eastern part of the state by economic power and the number of population (2/3 of the national GDP is produced by the regions, which administratively and ethnically were not Ukrainian at Khmelnytskyi’s time). As Viacheslav Lypynskyi noted: “The politically destructive influence of these static causes of the absence of state grows in the direction from the north-west to the south-east – like fertility and race chaotic mixture grow on the Ukrainian land. Our steppe black-soil lands are most affected by the disease of the absence of state; and the least – the forest – moor – mountainous stripe, where Halytsko-Volyn State, and Lithuanian-Russian principality and the left-hand, Chernihiv and

North-Poltava Hetman states became alive and developed”. Given these conditions, it is quite obvious that the East and the South cannot act as a locomotive for the formation of the Ukrainian identity, conversely, they are an inhibitory factor that slows down this movement [15, p. 34–44]. It is the authors’ opinion that is that circumstance which is the biggest internal challenge in the process of forming the Ukrainian political nation, and the project under the name “Ukraine” will depend on overcoming it.

Conclusions. Consequently, the concept of territorial patriotism, formulated by Viacheslav Lypynskyi, has not lost its actuality on the modern stage of the Ukrainian state-and-law-making. The authors agree with V. Malynovskyi on the facts that:

- the basis of the creation of a nation-state must include the paradigm of poly-ethnicity, a social, political harmony on the basis of a general-consensus goal (national idea) – the formation of a modern European legal and democratic state, in which the rights and freedoms of man and a citizen are undeniably secured and the quality standard of living complies with European standards;

- Ukraine as a common homeland in the official, internationally recognized framework should be the most important value for all its lawful citizens;

- the state may not be an end in itself, but an instrument that ensures the fulfillment of the goal, a legitimate mechanism of self-assertion of a self-sufficient nation;

- cultivating both universal, state self-respect, patriotism and convincing other nations of the progressive heritage of nationalities, including those which make up the great Ukrainian nation;

- Ukrainians must unambiguously link their future with the strengthening and progressive development of the national state of the Ukrainian nation [1].

At the same time, the authors find it necessary to add to the list their own considerations:

- tolerance for national minorities should not only be preserved, but also constantly taken into account in the daily practice of interethnic life;

- law enforcement agencies of the state must resolutely prevent the appearance of great-power chauvinism of any origin – regardless of Russian, Polish, Ukrainian, etc.



– it is possible, with the participation of all political forces, to develop a peculiar Charter of the Ukrainian Patriot, guaranteeing the immutability of the course taken;

– it is necessary to study the historical experience of European states, which in the past or now solve such problems.

According to this position, the policy of consolidation of the Ukrainian political nation, besides humanitarian aspects, may include economic and other factors which define a high standard of living of citizens as well as the development of democratic institutions, including local and regional authorities, the establishment of the supremacy of law and the formation of a developed public society. Only such a symbiosis will be able to ensure the preservation of the Ukrainian nation – the state as an integral part of the European community within the framework of strategic European integration and the creation of favorable conditions for the prospects of its development in the newest complex historical conditions of globalization, global hybrid war, etc. [16].

Viacheslav Lypynskyi sought the unity of all permanent residents of the Ukrainian land, regardless of their ethnic origin, class membership, religion, socio-cultural level, and other factors. Obviously, his concept of “territorial patriotism” has not lost its relevance to this day in the context of the ongoing process of forming a modern Ukrainian political nation.

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