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**FEATURES OF MATRIMONIAL RELATIONS OF LAYMEN
IN THE SOUTH OF UKRAINE IN THE LATE XVIII CENTURY**

The article deals with the influence of the Church, customary and secular law on marriage and family relations, the specificity of these relations is revealed. The author investigates the influence of the Church on family relationships of laymen of South Ukrainian lands in the 18-th century. The empire had a significant impact on marriage and family relations. The intervention of secular power in this sphere of relations is shown. Since the beginning of the 18-th century not only Nomocanon, but also the decisions of Synod and decrees of the emperor, which corrected canon law, were the main source of family law.

Keywords: marriage, family, marital relationship, divorce, wedding, ecclesiastical court.

For centuries the family is the strongest link of society and most effectively preserves the culture of the people. In family life is stored and transmitted from generation to generation social heredity, which plays an important role in public life. Family – it's a kind of a social microcosm, its structure is a smaller model of society. Family contains all human relationships inherent to the society. Marriage and family relationships are the quintessence of political, economic, social and legal institutions. The evolution of the family is closely linked to the evolution of public relations. So the study of marriage and family is important for studies of the movement of the population, the study of legal relations, the development of economic and social systems.

Knowing the type of family that prevails in certain areas it is possible to predict other characteristics of the region. Family – it's a kind of soil of history of the state, which opens a careful researcher deep structures of our past.

Marriage and family relations – a very conservative type of relations in society. In the XVIII-th century there have been important changes in the system of marriage and family law of Russian Empire. The main role was given to the religious meaning of marriage, not to the property nature of the contract of marriage, as it was before. Marriage was recognized as one of the sacraments.

Methodological basic for this research is the historical anthropology. This work was prepared in line with the new trends in modern historical research – social history, history of everyday life, micro-history and gender studies. A characteristic feature of this methodology is to focus on the daily practices of the society, the shift of attention from the event history in the direction of the history of self-consciousness of people of past ages, their social value orientations in everyday practices and mentality.

The purpose of this article – the study of marriage and family relations in the Southern Ukraine in the last quarter of the XVIII-th century, the Church's role in marriage and divorce, taking into account the features of the region.

Novelty of the research lies in the fact that it analyzed the sources, which contain important information regarding the reconstruction of marriage and family relations, including legal demographic, economic, social, interpersonal communications, as well as the tradition of marriage as the foundation of family formation. An important issue is the interaction of the customary, canon and secular law in family relations, features of traditional society, the mechanisms of its regulation, mixing of ethics and rules of conduct in the dairy life.

Important methodological task was understanding the role of the Orthodox axiology in shaping patterns of behavior and moral attitudes in the mass consciousness of the people of traditional society and their impact on everyday family relationships. For the study of the history of marriage and family relations of the laity of the XVIII-th century it was necessary to use large range of published and unpublished sources. The sources of the research are materials of secular and religious origin.

Basic of the study of marriage and family relations of the laity of the XVIII-th century was the clerical documentation, in particular materials of judicial and administrative practices. This is due to the fact that the published sources are mainly official. Archival documents and manuscripts contain material of individual level.

To archival sources that used in the study of marriage and family relations of the laity of the Russia. Orthodox Church in the XVIII-th century belong the documents of the diocesan level. There are funds of spiritual consistory – higher collegial body in the diocesan administration and spiritual board – diocesan authorities of the districts.

Valuable sources for the preparation of this study were found in the funds of spiritual boards – local collegial church judicial and administrative institutions. They subordinate to the diocesan bishop and spiritual consistory. Spiritual Boards considered such cases: blasphemous, heretical, about Old Believers, divorce, and forced marriages. Spiritual boards were the subsidiary bodies of the diocesan administration. They were executive authorities and have the right to decide certain cases.

Spiritual boards were intermediate between the clergy of the diocese and consistory. Their functions were: to announce orders of diocesan authorities and monitor their implementation, to oversee the conduct of civil status (registration of marriages, births, deaths); to receive reports of churches, to conduct the investigation into the affairs of the clergy, to solve the current issues of church life of their district. Spiritual boards were required three times a year to send to the consistory records of prosecutions, progress and results of investigations, as well as of the decisions.

In the funds of spiritual boards there are unique documents, based on which we can reconstruct the daily life of the man of the XVIII-th century his life values and ideals, analyze marriage and family relation, to establish the preconditions of family conflicts, to investigate the causes and consequences of divorce.

Since the late 20-early 30's of the XVIII-th century continues further colonization of the Southern regions of Ukraine, due to the spontaneous transition of

Ukrainians organized resettlement of state peasants, Cossacks return to the old place, and the settlement of people from the neighboring Slavic states. Social and ethnic structure of the region has been patchy. And this, of course, affects the customs, morality and rules of conduct. Due to the fact that the Southern Ukraine was an international area, then we met frequently intermarried. This has contributed to the mutual influence of people in the culture and life [1, p. 22].

In 1775 for the benefit of imperial policy was eliminated Zaporizhzhya Sich. Since that time, it began the new period in relations between the official church and laity in Southern Ukraine. For a long time the clergy in the lands of Zaporizhzhya Sich subordinate the metropolitan of Kiev and Russian church hierarch (since the end of the XVIII-th century), but in fact, rule was broken [2, p. 5].

The church was much more depending on the local secular authorities, Zaporizhia Army than from the highest state authorities of the Russian Empire. It kept focus on the interests of the congregation, not the state. The destruction of Sich meant for Southern Ukraine a new level of integration in the empire-wide structure, as well as the orientation of the local clergy to the new imperial policy. Ukrainian church loses understanding of the interests and needs of the people, becoming indifferent to everything except its own interests [3, p. 74].

Russian government considered religiousness as a criterion of loyalty of population to government policy and means of controlling this population [4, p. 72]. Autocracy has sought to transform the clergy of Southern Ukraine in the agents of its policies, in the cogs of the bureaucratic machine, the operation of which had to ensure the effective implementation of plans of imperial power. But it was done not in full. Prevented a number of reasons: the imperfection of legislative regulation of the functions of the clergy and lack of training of priests; traditions and specifics of the southern region; the dependence of the clergy from the congregation, whose interests often do not coincide with the interests of authorities.

Laws that regulated marriage and family relations were so complicated that the clergy could hardly understand them. Priests adapted to the needs of the parishioners, they often had to use customary law in marriage and divorce, and it displeased the church hierarchy [5, p. 3]. New laws in many cases did not simplify the situation and confused priests.

Not only the complexity of the legislation was the cause of law violation. The transformation of the religious consciousness of the parishioners especially those in the upper classes, took place. This process was influenced by government policy, it subordinated the spiritual authority to the secular power. Freer than before the reign of Peter I, in relations with the clergy felt representatives of the lower classes. For example, the Cossacks considered clergy as an equal, or even subjugate. Also in the minds of migrants stuck idea of South-Ukrainian region as the free region, which gave them a reason to feel more free from certain formalities for marriage. The result was that the congregation, which according to the rules of the church and civil marriage law could not be husband and wife, thought it possible to prove the pressure on the parish priests or offer them a reward for illegal actions [6, p. 282].

At the end of the XVIII-th century came a series of decreets that define minimum age of young people who could marry. It confirmed violation of the prohibition to marry until a certain age stipulated by the law. Such violations of the law occurred because of a material interest, because of ignorance of the law and under pressure.

In practice, there were cases that the girls were married at 13–15 years old, boys 15–16 years old married. Synod issued a special decree on August 5, 1775 opposed marriages between 13–15 years old children, and marriage of children without parental consent and serfs without the consent of the landowner. Synod decrees, issued July 31, 1779 and December 10, 1781 confirmed the ban to marry minors [7, p. 111].

Authority forbade parishioners marry without the consent of the persons subordinate to which they were. So the decree of the Synod from 1783 confirmed the ban to marry without the consent (written evidence) of the military regimental commanders. However, there were cases of violation of this decree. For example, in 1786 a junior sergeant of the third Belarusian musketeer battalion Ivan Neumann married the girl Marina without permission from commanders. He gave money to the priest of Nikopol church of the village Pereshchepina Matthew Tsugalovsky. When this case was transferred to Aleksopol spiritual board the priest justified by saying that Ivan Neumann assured him that he had received consent to marry from his commander Lieutenant Charles Abelimazow. It ended in the fact that Matthew Tsugalovsky was fined. He gave a written promise not to marry the military without written evidence of the regimental commanders [8, p. 134–139].

Several documents of the highest state authorities forbade marriages of persons staying in the relationship. Kinship system, which did not give the right to marriage, was very difficult. Priests were obliged to interview the bride and groom, their family members and guarantors to examine written documents on the subject of the interference for the wedding. But such a procedure has not been a guarantee of validity of a marriage.

In the South of Ukraine there were many violations in marriage. Frequent marriages were illegal, illegality which revealed accidentally after many years of marriage. The clergy was very difficult to identify the circumstances that made it impossible to wedding, especially is the bride and groom tried to hide them. For South Ukraine this problem was more acute than for many other regions. Southern Ukraine intensely populated. To the new settlements came immigrants from different parts of the state and from abroad. Therefore, in many cases, the priests knew little of their parishioners.

Big problem was to prevent marriages between persons who were in the spiritual relationship, in particular godparents. Such a relationship was difficult to defect, because during the baptism of a child could be several pairs of godparents, not all of them were recorded in the register, so it was impossible to trace their kinship. It was more difficult to trace the lack of marriages among children of pairs of godparents, which were also prohibited by church.

In addition, there was a huge number of decrees and regulations that regulated the marriages of Orthodox persons of other faiths; regulated the right of soldiers'

wives eunuchs' wives, wives whose husbands were sentenced to life imprisonment; defined the rights of landowners to marry a serf; forbids wedding of treasury students before graduation and children of soldiers before their entry into military service, etc. So we can imagine a huge amount of problems and disputes that had priests in connection with the regulation of marriage and family relations in Southern Ukraine.

Some priests violated the law for personal gain or under pressure of secular officials. In general cases of illegal marriages, which were considered by the consistory and spiritual government of Southern Ukraine in the last quarter of the XVIII-th – the middle of the XIX-th century, constituted a significant percentage of other cases of violations of the representatives of spiritual department [6, p. 287].

Divorce was possible in the case of information that the marriage was illegal, or at the initiative of one of the spouses. Divorce was also allowed in the case of exile of one spouse to prison or settlement, if there is a request in the case of prolonged absence of the wife or husband, as well as the claim for divorce. The basis for such claims was physical inability to cohabitation and adultery. In general, church and state were against divorce. They did everything to reconcile the spouses. There was even the notion «temporary divorce» until the case was decided under the law [9, pp. 106–107].

In event of divorce because of physical disability to cohabitation, the relevant claim can be submitted only 3 years after the wedding. At the same time it was mandatory medical examination. In 1784, Slavyansk spiritual consistory considered the case on the physical inability to married life merchant Athanasius Seleznev, who lived in the town Novoselitsy of Ekaterinoslaw County. With his wife Tatiana Egorova he was legally married 8 years. Tatiana's father married her in 14 years. After a medical examination doctors confirmed Seleznev's physical inability to marriage. T. Egorova divorced her husband and allowed her to remarry [8, p. 89–92].

It was very difficult to get a divorce by filing a lawsuit with the charge of adultery. The church argued that the divorce on the grounds of adultery was not required. The couple could reconcile. Therefore, in cases of adultery priests should influence the couple all possible moral and religious means, so as not to bring to divorce. Even if there were clear evidences of adultery diocesan authorities considered a priority of preservation of the family, created as a result of a legal wedding [10, p. 122].

In Southern Ukraine dioceses, as well as in the neighboring dioceses and in the whole country, the number of divorces was negligible. But there was the specificity of the region: here, in contrast to the situation in the whole Empire, most of the marriages were dissolved because of bigamy. Knowing about practical impossibility to get a divorce some people chose more effective way to dissolve a marriage – an escape. Then the new wedding took place in other town or village. It was very difficult to find fugitives and gave them a good chance to live in illegal marriage for a long time. Foundation of new settlements in Southern Ukraine, coming of immigrants from different parts of Russian Empire and from abroad, migration without serfdom for some period, big quantity of military detachments in this region made for the success of illegal marriages. For example, in 1778, Slavyansk spiritual consistory considered the case on the bigamy of Evdokiya Krivonosenko. She had one husband Ivan Krivonosenko – Cossack of Gadyach regiment. Evdokiya was legally married at

the age of 15. Then she made an escape because of brutality of her husband and re-married Dmitry Boyko, who knew that his wife already had one husband. At the time of consideration of this case the couple fled again [8, pp. 62–67, 72–74].

These considered sources of diocesan origin contain valuable and important information that give us possibility reproduce and preserve the collective memory of the people past centuries. Information of different groups of documents gives valuable material for detailed study of socio-cultural history and family relations. The sources are of different nature. Variety of historical sources their nature, origin and purpose undoubtedly adds value to the information fields, which they create.

So, at the end of XVIII-th century Russian state paid much attention to the regulation of functions of clergy in marriage and family relations. Russian Orthodox Church played an important role in public and state life. It should be emphasized, in Southern Ukraine traditions of regulation of marriage and family relations by customary law were preserved longer than in other Ukrainian regions. But over time, due to the increasing role of the Russian autocracy and Orthodox Church in southern Ukraine, customary law dies. Marriage, divorce and other matters of marriage and family relationships become the prerogative of ecclesiastical authority that regulated and sanctified them.

The influence of Orthodox Church on family relations of laymen in the 18-th century was investigated; the conditionality of marriage-domestic relations by interests of Russian empire was pointed out. The researcher showed the infringement of the secular authority into marriage-domestic relations. For example, the main source of marriage law during the 18-th century was not only Nomocanon, but also synodicons and emperor's edicts, which corrected canon law.

On the base of original sources the ethics of marriage-domestic relations and the standards of behavior were found out. The researcher payed special attention to conflicts in family life. The role of clergy in everyday practices of laymen was reconstructed. During the 18-th century the laymen were drawn towards established marriage-domestic traditions. It was found out that sometimes parish priests not conscientiously attended to their duties, infringed marriage-domestic regulations and gave laymen negative examples.

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ОСОБЛИВОСТІ ПОДРУЖНІХ ВІДНОСИН МИРЯН НА ПІВДНІ УКРАЇНИ НАПРИКІНЦІ ХVІІІ СТОЛІТТЯ

У статті розглядається вплив церкви, звичайного і світського права на шлюб і сімейні відносини, показано специфіку цих відносин. Автор досліджує вплив церкви на сімейні відносини мирян південно-українських земель у 18-му столітті. Імперія мала значний вплив на шлюбно-сімейні відносини. Відображено втручання світської влади в цю сферу відносин. З початку 18-го століття основним джерелом сімейного права є не тільки Номоканон, але й рішення Синоду та укази імператора, які коригували канонічне право.

Ключові слова: шлюб, сім'я, подружні відносини, розлучення, весілля, церковний суд.

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ОСОБЕННОСТИ СУПРУЖЕСКИХ ОТНОШЕНИЙ МИРЯН НА ЮГЕ УКРАИНЫ В КОНЦЕ ХVІІІ ВЕКА

В статье рассматривается влияние церкви, обычного и светского права на брак и семейные отношения, показана специфика этих отношений. Автор исследует влияние церкви на семейные отношения мирян южно-украинских земель в 18-м веке. Империя оказала значительное влияние на брачно-семейные отношения. Показано вмешательство светской власти в эту сферу отношений. С начала 18-го века основным источником семейного права является не только Номоканон, но и решения Синода и указы императора, которые корректировали каноническое право.

Ключевые слова: брак, семья, супружеские отношения, развод, свадьба, церковный суд.