

UDK 342.4 (477)

I. VILCHINSKA

*Iryna Vilchinska, D.Sc. in Political Studies, professor,
professor of Kyiv National University of Culture and Arts*

THE MAIN CONSTITUTIONAL IDEAS OF THE UKRAINIAN DISSIDENT – REPRESENTATIVES OF THE CULTURAL-EDUCATIONAL TENDENCY

On 4 September, the most progressive part of people honours Vasyl Stus memory who was the famous Ukrainian poet of the 60s of XX century. On this day in 1985, in the strange circumstances he died at the punishment cell of the Soviet labor reformatory with «harsh regime» for people who are blamed in «especially dangerous state crimes». It is situated in the village Kuchin, Chusovoi district in Perm region.

We can see the importance of V. Stus works for world cultural-art heritage in the fact The importance of creative works of Vasyl Stus to the world cultural and artistic heritage evidenced by the fact that one of the reasons for the massacre of Ukrainian oppositional activist was the accident with Heinrich Böll. Heinrich Böll, the Nobel laureate proposed to nominate V. Stus for the Nobel Prize of Literature. Undoubtedly, V. Stus got such international recognition not only due to his literary talent.

In 1992, the Museum of the History of Political Repression «Перм-36» was established on the territory of the former corrective labour camp GULAG BC-389/36 in 130 kilometres from Perm. At the beginning of March 2015, the administration of the museum announced the liquidation of the museum. The main reason of it was the pressure of the state authority. A. Terentiev, the former police head of the Soviet colony № 36 with harsh regime said that the museum was the slander the Soviet fair reformatory system. He added that the activity of the museum was based on the fascist and anti-state ideology, it hold the propaganda for «banderivschuna». There were many «bandits, punishers, spies and dissidents» in the reformatory¹.

There were many famous Soviet dissidents in the colony «Перм-36». The Ukrainians were S. Kovalev, V. Marchenko, N. Scharansky, L. Lukyanenko etc.

Some time passed, the Russian media gave the information about transformation of the Museum of Political Repressions into the National State Memorial of GULAG. It shows the attempts of the Russian authorities to discredit the Ukrainian dissident movement and to rehabilitate the activities of Soviet punishers.

According to the recent events, the scientific interest to the oppositional activity of the Ukrainian dissidents has increased. The purpose of the article to analyse the main constitutional ideas of the Ukrainian dissidents-representatives of the cultural-educational tendency because their ideas are contradictory. For example, at one period, I. Lusak-Rudnucski criticized the intellectual and political dissidents in Ukraine because he thought that they had been «intolerant and denied human rights, the pluralistic character of the state, power of laws and the representative government of the Western style». All in all, he stated that «the dissident movement was an important phenomenon of the national life. The scientist also underlined the great role of the struggle for human and national rights concerned the general world development of the human freedom»².

Many different researches of the foreign scientists are devoted to the analysis of the dissident movements. They are A. Podrabunek, L. Alexeeva, Ya. Bilotcherkovuch, Kennet S. Farmer, S. Vessie etc. Various Ukrainian historic scientists, philosophers, literature critics are interested in this topic. They are O. Bazhan, L. Vedmid, Iu. Danyiuk, B. Zakharov, H. Kasianov, V. Derevinskyi, I. Dobranska, R. Korohodskyi, V. Lytvyn, V. Moroz, A. Rusnachenko, L. Tarashynska etc.

Dissident (lat. *dissidens*) is a non-conformist, a renegade, views which differ the standard ones. The term appeared in the Middle Ages and meant people who disagreed with religious norms. Later the development of dissident movements led to the enlargement of its influence on the social conscience, the spreading in the society and using as the basis for the opposition movements. According to the mentioned-above we can say that a dissident is a person whose ideas, views and actions differ the norms of the dominant ideology and real practice of the ruling regime»³.

Not surprisingly, in modern time the people who support oppositional political ideas to the official ideology were called «dissidents». Naturally, the dissident movements appeared and got popularity in the Soviet Union in 50s-70s of XX century as a specific reaction on Khrushchov's «Thaw» after the years of Stalin's crucial repressions.

One of the reasons of the development of the protest manifestations was the exacerbation of the anti-Communist trends in the world. We can belong to these manifestations such events as the Berlin rebellion (16–17 June 1953), the Hungarian revolution (23 October – 31 December 1953), the Poznan June (28–30 June 1956), the Praha spring (5 January – 21 August 1968). The most important result of them was the doctrine of the excellent society or «real socialism» (Bregnev's doctrine). Its task was to save the existed political system and to avoid the disintegration of the «Social camp». This state policy led to the destruction of the Khrushchev's period and a new wave of political repressions.

The Dissident movements is an opened opposition movement against the official state authority. Its main ideas are the realization and defence of the human rights and freedoms and the democratization of the society. The Soviet dissidents had such requirements as to provide the right of freedom of dignity, religious and ideological beliefs and the right of national self-manifestation, the possibilities of an independent state for every Soviet republic. They also called for building a democratic regime; the right to leave the Soviet Union, the right of political activity, the control the state's authority in the field of the human rights. The last one was the main issues in the Helsinki act of 1975.

Afterwards, the dissidents got popularity in the different parts of the Soviet Union. Then it gained the international context. The Ukrainians also actively took part in those processes.

In spite of the differences among various trends of dissidents, all of them have some similarities. They are the constitutional system of the USSR and the Ukrainian Soviet Socialist Republic. We can see it in many documents. They contained such requirements as the enlargement of the civil rights and freedoms, democratization of the society, the elimination of the totalitarian communist regime, the reduction of the party's bureaucratic authority, the development of Ukrainian language and culture, fight against total Russification, the stopping of the political repressions, the real possibility of Ukraine to get the independence etc.

The date of the formation of Ukrainian dissidents' ideology is 1955. That year the Ukrainian political prisoners wrote «Opened Letter» to the UN. It said about the disfranchised state of the Ukrainians.

In March 1953, Lviv opposition group «Ukrainian revolutionary centre» (URC) prepared the Manifest. It consisted of thirty-three principles of freedom. They are the implementation of the democratic political system, the independence of Ukraine, the fixing of the state borders of a nation in the area of Ukrainian ethnicity, pluralism, peoples' voting on the most important social-political life, free critic of the government, the electoral character of the main state institutions etc.

It is wondered but the Ukrainian opposition movement united the representatives of the different ideologies such as democracy, national-communism, integral nationalism etc. All of them had their vision of the future political social transformations. This variety of the ideas led to the creation of the various trends of Ukrainian dissidents. We can divide Ukrainian dissidents into four following groups:

- 1) Cultural-Educational dissidents;
- 2) Democratic (movements of the main human rights) dissidents;
- 3) National dissents or movement for independence;
- 4) Religious dissidents.

The basis of the cultural dissident movement was the representatives of Arts. Particularly, many writers and poets took part in the movements. They are L. Kostenko, V. Symonenko, I. Drach, I. Svitluchnyi, E. Sverstuk, Yu. Shelest, S. Telnuk, M. Vingranovsky, I. Dzuba, N. Svitluchna, V. Stus and the others. All of them are called «men of the sixties». They were a new generation of the art youth who announced about themselves at the end of 1950s XX century. Those young people support the ideas of the revival of Ukrainian traditions, language, culture, the freedom to create. They also fought against the distortion of Ukrainian history and the modernity, the imperial policy of the communist party, the repressions and ideological persecutions.

Due to the activities of I. Dzuba, E. Sverstuk and I. Svitluchnyi many Kyiv artists (A. Gorska, G. Sevruc, L. Semukina, G. Zubchenko, G. Yakutovych, G. Gavrulenko) and cinematic – theatrical figures (L. Osyka, S. Paradzhanov, I. Mukolaichuk, L. Kadurova) joined the Club of creative youth (Kyiv). In time, they extended their contacts with the followers in Ivan-Frankivsk (D. Griniv, I. Shovkovyi), Ternopol (S. Sopelyak, M. Marmus), Dnipropetrovsk (I. Sokulsky, G. Pruhodko), Lviv (the Kalunycies, M. Osadchy, Ya. Mukutka, Z. Popadiuk, L. Starosolskyi, S. Shabatura), Kharkiv (A. Zdorovyi, I. Kravtsiv), Cherkasy (K. Matviiuk, B. Chornomaz), Odessa (N. Strokata, O. Riznykiv).

The representatives of other dissident trends (L. Luk'yanenko, V. Chornovil, Yu.-B. Shuhevych, I. Gel, Ya. Lesiv, M. Jemilev, brothers Goruns etc) joined the artist youth. Thus, the feature of Ukrainian dissident movement became its evolution from cultural educational ideas to the political, state, legal and religious ones. «Absolutely different people with various points of views become dissidents. All of them had their own reasons to disagree with the totalitarian regime. Mostly, they were ruled by the private factors – violence, liar, absence of justice of the Soviet authority. Their reasons and views were different but they had a common enemy – the crucial system» – B. Zaharov says⁴.

In the article, we consider the constitutional views of Ukrainian writers – V. Symonenko, V. Stus and I. Svitlychny.

Stus Vasyl is an Ukrainian poet, civil activist, and active participant of the dissident movement of 1960s–1980s. The most popular of his works are «From camp papers» (1982), «The Letter to the Presidium of the High Soviet of the USSR» (1976), «I blame» (1975) and the others.

The main idea of Stus's poetry is the saving of the human dignity and the fighting against the Soviet regime's tyranny.

First of all, he criticized the constitutional system of USSR. He blamed the state authority for breaking of the human rights and freedoms. In his «Letter to the Presidium of the High Soviet of the USSR» he wrote: «The people only are thinking over the constitutional space of their freedoms but the government has already been shooting»⁵.

In Stus's opinion, the policy of the Soviet authority is antihuman. It is manifested in the form of the limitation of the people's freedoms. They are the freedom of a word, freedom of conscientiousness, freedom of the moving. The violation of the freedom of words is caused by the high level of the Soviet censorship. The freedom of beliefs is persecuted due to the state policy of the scientific atheism. The villagers don't have their passports, it leads to the limitation of the freedom of moving «...for our society we have to defence of the human rights. I belong to such rights to the world inside, the right to think, to have own principles, worldview, character, habits. They are minimal which don't differ usual things»⁶.

In the poetry «In Mariinka the corns stand» V. Stus criticized the relationship between people and the state. In the letter «I blame» Stus underlines that in the Soviet Union the repression system has become the state policy.

Stressing the fictitious nature of the policy «criticism of the Stalin's cult» in the poem «To the critics of Stalin» V. Stus says that the democratization of the political regime needs not only the criticism of the leader, we also have to remove from power all supporters of the former regime. At the same time V. Stus is openly opposed to the Soviet-socialist government: «I have fought for democratization but it is rated as an attempt to slander the Soviet system»⁷.

In the poem «According to the chronicles of the Watcher» and «One Hundred Years after the Sich died...» V. Stus proclaims that the tragedy of the Ukrainian people is the lack of their state and their passeism faith, which deprives people of aggressiveness in defending their national interests. The main task of the Ukrainian people is to struggle for their dignity and independence. The poet emphasizes that the public policy of the Soviet Union does not allow peoples to develop national cultures of the Soviet republics. The formal development of national cultures can only to mythologize the past and to form the inferiority of other nations comparing with «Russian» nation. In Ukraine, the lack of intelligence, its harassment and the censorship of historical memory have already led to the creation quasi-national culture, characterized by Provincialism and Servilism. Unfortunately, V. Stus does not fully understand the basic tasks of the opposition struggle: «... my love for my native people, my anxiety concerning the crisis of the Ukrainian culture are considered as the nationalism...»⁸.

According to V. Stus, the example of the struggle for their rights and the national development for the Ukrainian people and other peoples of the Soviet Union should be Polishes who opposed the tyranny of W. Jaruzelsky's regime. V. Stus added that Ukraine was not ready for the consolidated combat because of the lack of a unified resistance movement and its «holy» patriotism. Analysing the possibilities of the same movements in the Soviet Union, poet distinguishes two main types of the movements. They are national-patriotic and trade union. In his opinion, the national-patriotic will not be successful, because it should be based on intellectuals who were destroyed in the Soviet republics during the 1920s–1950s. Therefore, the most effective way of protecting human rights and improving the social conditions is the trade union movement. It consists of the universal requirements the whole people as the right for normal production conditions, decent wages and living standards.

In his notes V. Stus pays great attention to the condition of the «modern» Ukrainian intelligentsia and its role in the national development. V. Stus thinks the activities of the Helsinki Group is the «High Math», which is incomprehensible to the masses, a «cowardly, respectable movement», doomed to failure without the support of the population and a clear project for reforming the political regime of the Soviet Union. This movement did not put forward any social and political demands, and had only isolated cases. Its behaviour led to the spread of the Soviet dissidents «social pessimism».

Vasyl Symonenko is a Ukrainian writer of the 1950s–1960s, a publicist and journalist. His selected works are a diary «Edges of thoughts» (1962–1963), «Letters to John Svitlychny» (1962–1963), the article «Our dear homeland» (1962), «The people are the highest judge» (Notes by IV plenum of the Writers' Union) (1963), the poem «Through the Century» (1955), «Always we are Russia with you» (1956), «Kurdish brother» (1963) etc.

V. Symonenko political views are the synthesis of the pro-Soviet ideological position and constitutional democratic ideas. The reason of it is the duality of his work. As a poet he defended romanticized principles of pluralism, freedom, equality, and a journalist of the newspaper «Youth of Cherkassy» supported the official Leninist concept of development. In 1962 he wrote the poem «Our dear homeland» is a kind of ode of the October Revolution and Soviet power and «Where is you executioners of my people?». Its title explains everything. Thus, among the constitutional ideas of V. Symonenko we can distinguish two trends - the Soviet and democratic.

The Soviet trend is represented by the poetry of the 1950s and journalism of the 1960s. V. Symonenko believes that the main purpose of the Soviet society is to build communism. The way to do it is a class struggle, which is headed by the communist «Leninist» party. The poet says that the October Revolution is not only an explosion of popular anger and hatred against the exploiters, but also a manifestation of the people's love for the motherland.

He pays attention to the friendship and brotherhood of the peoples of the Soviet Union in the struggle for communism. Among all the republics, the writer specifically highlights Russia and its inextricable link with Ukraine, caused by a number of historical, cultural and geographical factors. «Friendship and brotherhood of peoples united in the great commonwealth of socialist nations - one of the main and essential features of Soviet patriotism. Side by side the children of Soviet peoples have caught in fighting and defending freedom, side by side, they are going to

light the top of human aspirations – communism»⁹. So, in the poem «Kurdish brothers» the poet calls for a fight against imperial chauvinism and its supporters, who are the biggest obstacle for national development of any nation.

The democratic trend of V. Symonenko's works includes many issues such as political criticism of the Soviet regime, humanism and fight against chauvinism as destructive phenomenon of society. In the poem «The thief» V. Symonenko criticized the social system of the USSR for fraud of the idea of equality. He underlines the disparities between urban and rural populations. Inequality manifests itself in the system of collective farms where the farmers can not use the results of their labor. Following the Renaissance Italian philosopher J.-P. della Mirandola, the author proclaims that the human dignity is the highest value in society. Love for life and liberty are the main driving forces of a man.

V. Symonenko also underlines the high level of bureaucratization of the state apparatus, which negatively affects the political course.

Ivan Svitlychny is a famous Ukrainian poet, translator, literary critic, journalist, human rights activist, a leader of the Ukrainian resistance movement of the 1960s–1970s. The main works are «Open Letter to M. Bazchan» (1974), «The Speech at the plenum», a poem «I am a dissident», «Three freedoms» (1977), «Kurbas» (1977), «In the epoch of the Restoration», «I Love homeland...» (1977), a translation of P.-G. Berenger «Mad Men» (1970).

The constitutional ideas of I. Svitlychny cover the problem of fundamental rights and freedoms in the Soviet Union. It is noted that the Constitution does not guarantee the availability of its implementation because it all depends on the interpretation of laws. In «The open letter to M. Bazchan», written in the camp in December 1975, he said: «The relevant articles of the constitution and articles of the Codes are formulated in such a way that they can be interpreted as an expression of the broadest democracy and as a consequence of severe reactions – it all depends on who treats and for what. It makes the constitution not a guarantee of the rights and freedoms but the subject of political speculation for those who can hunt and gamble – of course in the interests of socialism»¹⁰.

The writer analyses freedom of speech and the government censorship in his works. The manipulation of measures of the government censorship are highlighted in the poems «Stop or the System of Interpretations» and «During the Restoration», and the tendency to limitation of the human freedom is reviewed in the poem «Three freedom».

I. Svitlychny from an ethical point of view considers the survival of the individual in the circumstances of the violent authoritarian regime and the ways of inside protest: «Is everything done within the law - and then we raise the question of humanism of the most humane laws in the world that sanctify such a brutal tyranny and shamelessly trampling of human dignity and civil liberties...»¹¹.

The existential meaning of a dissident life as ideal of resistance and struggle is portrayed by the poet in «I am a dissident». It reveals the image of the dissident as the embodiment of basic moral principles of humanity – love, kindness, justice, courage, honesty and devotion to their beliefs. In the opinion of Svitlychny, the dissident sacrifices his well-being and freedom for the sake of the internal independence. The writer thinks it as the only way for fighting. It manifests itself in two forms – the writing of petitions to the authorities and the starvation. According to the poet, the last one is the most efficient in the Soviet political regime.

Thus, we can conclude that the main political ideas V. Stus are to reform the state on democratic principles, the struggle of the Ukrainian people for independence, freedom from slavery psychology, the revival of the Ukrainian intelligentsia as a prerequisite for the development of the Ukrainian people as a political nation. V. Symonenko penalized such issues as the development of constitutional and democratic values, freedom of speech, freedom of movement, equal opportunities etc. I. Svitlychny stresses the need to keep the constitutional requirements to overcome the Soviet censorship.

Thus, we can see the views of the men of the Sixties is a synthesis of democratic constitutional values (freedom of speech and movement, equal opportunities etc.) and pro-Soviet positions in building a state on the basis of left-wing movements. The misunderstanding of the basic causes of hopelessness and cruelty of the totalitarian Soviet regime partly led to incapacity views of the men of the Sixties. However, the representatives of cultural and educational trends did their best to fighting against totalitarian regime. V. Moroz notes: «...A small group of people spreads sparks over Ukraine, and they fell down immediately melted ice long time indifference ... to the end of the Ice Age Dawn of Ukraine ... the fear has passed»¹².

Overall progressive universal democratic ideas in conjunction with national cultural and state-of independence aspirations, the protection of fundamental rights and freedoms, the prospects of reforming bureaucratic ruling apparatus sixties significantly influenced the development of Ukrainian constitutionalism and in the future – the formation of an independent Ukrainian state. Therefore, further study of constitutional ideas of Ukrainian dissidents, including the sixties, today seems promising area of scientific research.

All in all the men of the Sixties influenced the development of the Ukrainian constitutionalism and the formation of the independent Ukrainian state by their progressive universal democratic ideas, national cultural and states views and the perspectives of the reformation of the state authority. Thus, the research of the constitutional ideas of the Ukrainian dissidents is still actual for future political development of Ukraine.

¹ Музей истории ГУЛАГа «Пермь-36» под угрозой закрытия [Электронный ресурс]. – Режим доступа: <http://museumshechenko.org.ua/post.php?id=554&lang=ru>

² Лисак-Рудницький І. / Юридична енциклопедія: В 6 т. / Редкол.: Ю. С. Шемшученко (голова редкол.) та ін. – К.: Укр. енцикл., 1998 / [Електронне видання]. – Режим доступу: <http://leksika.com.ua/11200611/legal/lisyak-rudnitskiy>

³ Бажан О. Дослідження проблем дисидентського руху в Україні у сучасній та вітчизняній історіографії / О. Бажан // З архівів ВУЧК – ГПУ – НКВД – КГБ. – 2001. – № 2. – С. 7.

⁴ Захаров Б. Напрями і течії дисидентського руху в Україні (1956–1987) / Б. Захаров [Електронний ресурс]. – Режим доступу: http://www.nbu.gov.ua/old_jrn/Soc_Gum/drzb/2011_4/Zaharov_B.pdf

⁵ Словами за права: одвічна боротьба Василя Стуса [Електронний ресурс]. – Режим доступу: http://h.ua/story/345092/news_897021.html#ixzz4Jwdr1Pp7

⁶ Там само.

⁷ Там само.

⁸ Там само.

⁹ Симоненко В. Наша рідна вітчизна / Симоненко В. А. Твори: У 2 т. Т. 2: Статті. Рецензії. Нариси. Виступи. Листи. Автографи. Документи біографічного характеру / Симоненко В. А. – Черкаси : Брама–Україна, 2004. – 320 с.

¹⁰ Світличний І. Відкритий лист М. Бажану / Світличний І. Голос доби : Кн. 1. Листи з «Парнасу» / І. Світличний ; [упоряд. Л. Світлична]. – К. : Сфера, 2001. – 544 с. – С. 519.

¹¹ Там само. – С. 525.

¹² Мороз В. Серед снігів / В. Мороз. – Торонто : [б.в.], 1972. – 31 с.

Резюме

Вільчинська І. Ю. Конституційні погляди українських дисидентів – представників культурно-просвітницького напрямку.

У статті аналізуються основні конституційні погляди українських дисидентів – представників культурно-просвітницького напрямку. Найбільша увага приділяється аналізу ідей реформування суспільного устрою СРСР (демократизація, подолання свавілля влади та надмірної бюрократизації), розвитку національної культури, прогресивним конституційним правам і свободам людини, серед яких: свобода слова, свобода совісті, свобода пересування, гідне життя, рівність і под.

Ключові слова: дисиденти, культурно-просвітницький напрям, конституційні ідеї, В. Стус, І. Світличний, В. Симоненко.

Резюме

Вильчинская И. Ю. Конституционные взгляды украинских диссидентов – представителей культурно-просветительского направления.

В статье анализируются основные конституционные взгляды украинских диссидентов – представителей культурно-просветительского направления. Наибольшее внимание уделяется анализу идей реформирования общественного устройства СССР (демократизация, преодоление произвола властей и чрезмерной бюрократизации), развития национальной культуры, прогрессивным конституционным правам и свободам человека, среди которых: свобода слова, свобода совести, свобода передвижения, достойная жизнь, равенство и т.д.

Ключевые слова: диссиденты, культурно-просветительское направление, конституционные идеи, В. Стус, И. Светличный, В. Симоненко.

Summary

Vilchinska I. The main constitutional ideas of the Ukrainian dissident – representatives of the cultural-educational tendency.

The article analyzes the main constitutional ideas of the Ukrainian dissident – representatives of the cultural-educational tendency. The greatest attention is paid to the analysis ideas reformation of social structure of the USSR (democratization, overcoming the arbitrariness of the authorities and the excessive bureaucratization), development of national culture, a progressive constitutional rights and freedoms of man, among that: freedom of speech, right of conscience, freedom of movement, deserving life, equality etc.

Key words: dissidents, cultural and educational tendency, the constitutional ideas, V. Stus, V. Symonenko, I. Svitlychny.

УДК 342.728

Н. П. ГАЄВА

Надія Петрівна Гаєва, кандидат юридичних наук, старший науковий співробітник Інституту держави і права ім. В. М. Корецького НАН України

ЗАСАДИ ВЗАЄМОДІЇ ОРГАНІВ ДЕРЖАВНОЇ ВЛАДИ І ОБ'ЄДНАНЬ ГРОМАДЯН: ТЕОРЕТИЧНИЙ АСПЕКТ

Нині питання взаємодії органів державної влади і об'єднань громадян (як громадських організацій, так і політичних партій) для України складне і неоднорідне. Це зумовлено певними реальностями суспільного та державного життя. Тому, щоб знайти правильний підхід до розуміння засад взаємодії органів державної влади і об'єднань громадян, необхідно передусім усвідомити їх похідний характер від більш широких та глобальних явищ, що відбуваються в громадському суспільстві та державі.