

# The Fourth Universal of the Ukrainian Central Council of the Ukrainian People's Republic, as a Result of One of the Stages of the Ukrainian Revolution

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**Abstract.** The article is devoted to the analysis of the historical and legal conditions of the Central Council and its activities through the prism of the adoption of the Fourth Universal, as a result of the peak of rule-making of the Ukrainian Central Council. The urgency of this issue is conditioned upon the main developments of the Ukrainian Central Council, which maneuvered between the responsibilities of Russian officials and the national consciousness of Ukrainian patriots and the victory of the “spirit of Ukrainianness” of Ukrainian state interest, based on the turbulent events of the Ukrainian Revolution. The aim of the article is to analyse the historical and legal basis for the adoption of the Fourth Universal of the Ukrainian Central Council as a legal statement of the desire of Ukrainians for independence at the initial stage of struggle and independence. The methodological basis of the study was a set of methods and approaches, including: dialectical method allowed studying the nature of historical and legal conditions of the Central Council and its activities through the prism of the Fourth Universal, historical and legal research method conditioned upon the need for historical approach in general and scientific methods, such as descriptive-chronological, which allowed forming the historical background of the study, comparative-historical, which provided an opportunity to compare the development of the studied institutions with similar institutions of this period, formed in other societies; formal-legal method allowed studying the subject of research in terms of purely regulatory regulation; institutional approach is used to comprehensively understand the role of the studied institutions in society, their impact on the legal system. The state policy is analysed through the principles and the main content of the legislation in the direction and support of the national movement and the development of the first elements of Ukrainian statehood. The activity of the Ukrainian intelligentsia was studied through the study of empirical material, namely, M. Hrushevsky – a great historian and strategist, permanent Chairman of the Ukrainian Central Council, which allowed to understand the worldview and political beliefs, namely the ideas of populism and federalism. The position of the belated, adopted under the pressure of external and internal factors, the Fourth Universal, which proclaimed independence and renunciation of autonomy, and became a shining example of the state position of the Ukrainian intelligentsia of the early twentieth century. The purpose of the Ukrainian Central Council in the context of state building after centuries of statelessness is analysed, because since the eighteenth century there was no pro-Ukrainian state development, despite the public demand that prevailed in society. The general principles of each universal are highlighted, which gave an opportunity to understand the phased development of the Ukrainian Central Council and give a historical and legal assessment

**Keywords:** Ukrainian idea, Ukrainian intelligentsia, national consciousness, General Secretariat, federalisation, autonomy, M. Hrushevsky

## Introduction

The issue of gaining independence and state independence has always been acute for the Ukrainian nation. The Ukrainian revolution of the twentieth century (from 1917 to 1921) became an important natural phenomenon caused by the powerful national liberation struggle of Ukrainians, the revival of an independent state (proclamation of the Fourth Universal of the Ukrainian Central Rada) and the flourishing of the Ukrainian political nation. The urgency of the historical and legal context of socio-political and socio-cultural events of the Ukrainian Revolution is conditioned upon the study of the content of state independence to the right to be called the Independent Free Sovereign State of the Ukrainian people and gaining state status “stateless people”.

A significant contribution to the study of the events of the Ukrainian Revolution (1917-1921), and in particular the significance of the Fourth Universal of the Ukrainian Central Rada, was made by Ukrainian and foreign scholars, both participants in these events and modern scholars: I. Lysyak-Rudnytsky, who in his historical essays covered his views on many issues of the Ukrainian Revolution of 1917-1921, clearly defined the role of the February Revolution in shaping the national consciousness of Ukrainians, and the proclamation of the Fourth Universal aimed to proclaim the sovereignty of the Ukrainian People's Republic, did not contain significant fundamental accents, compared to previous universals, but only clarified and detailed the provisions of the

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Third Universal [1, p. 11-27]. O. Bochkovskyi was guided by the assertion of tribal kinship as a nation-building factor. The scientist believed that at a certain stage of historical development "racial moment", ie the desire of small Slavic peoples to unite precisely based on belonging to Slavs and the creation of a national state development, G. Lukyanova noted that the establishment of legal culture plays an important role in legal monuments (for example, Universals of the Ukrainian Central Council) [2, p. 211; 3]. And also a significant contribution to this issue was made by: P. Miliukova [4], M. Hrushevskyi [5; 6], M. Paliy [7], I. Terliuk [8], M. Kovalchuk [9], M. Braichevskyi [10], I. Rozputenko [11], V. Vershiuk [12], I. Lebedeva [13], V. Yablonskyi [14], L. Mohylnyi, O. Liashchenko [15] and others. If we talk about the state of research on this issue, it should be noted that this topic was widely studied until the century of the Ukrainian Revolution, but does not lose its relevance in the time of new threats and challenges facing Ukraine. It is also worth examining the events of 1917 in retrospect of the methods and errors of countering Russian aggression that we have observed since 2014 against Ukraine, under the pretext of defending certain fictitious "Ukrainian state formations" that are de facto of Russian interest.

*The aim of the article* is to analyse the historical and legal basis for the adoption of the Fourth Universal of the Ukrainian Central Council as a legal statement of the desire of Ukrainians for independence at the initial stage of struggle and independence. *The aim of the article* is to clarify the preconditions and aspirations of Ukrainian society as a mature nation of Ukrainians to independence through the proclamation of the Fourth Universal of the Ukrainian Central Rada.

### Development of Preconditions and Basis of the Ukrainian Revolution

The historical and legal dimension of socio-political and socio-cultural events of the early twentieth century of the Ukrainian Revolution of 1917-1921 is explained by large-scale events of national awakening, which became a transitional point (point of no return) of Ukrainian state thought, which resulted in such state establishments – Ukrainian People's Republic (1917), the Ukrainian State "Hetmanate" (1918) and the Directory (1918-1920). Notably, in the temporal dimension they did not last long for objective reasons (constant political strife, external aggression, etc.), but became in fact a statement of self-determination of Ukrainians in recent history.

To better understand the realities of the development of the state and the establishment of the Ukrainian state, it is necessary to consider the historical and legal conditions that directly or indirectly influenced its functioning. They were conditioned upon the difficulties of geopolitical location, between West and East, and the inability to influence their fate to move from the status of "object" of international law to the status of "subject of international law" [11, p. 4].

In the early twentieth century, the Russian and Austro-Hungarian empires were in danger of collapse conditioned upon certain cultural, political, economic, social differences in society. Significant territory and backwardness in the development of some regions from the metropolis also did not contribute to the consolidation into one whole society, and the complete subordination of personal interests to the interests of the state was a necessity for the preservation of empires. Under such circumstances, the collapse of empires was near,

but every political party and organisation saw its solution to this difficult situation. In February 1917, the fall of the Russian Empire took place, the so-called Provisional Government came to power, the Ukrainian idea and the establishment of the Ukrainian nation were to grow on such favorable grounds, and the Ukrainian question was to be resolved.

However, according to O. Bochkovskyi, in the Russian Empire was an acute issue of national affairs of Finns and Poles. As for other peoples, their aspirations were not given much importance based on the concept of a purely national state [3, p. 154]. As evidenced by the works of the same O. Bochkovskyi "Finland and the national question" that the Ukrainian question does not exist at all, and the Ukrainian national movement, according to the Russian public, is fiction, Ukrainian separatism – the invention of a handful of chauvinistic intellectuals [16, p. 269]. As I. Terliuk appropriately noted, a nation is formed on the basis of two components: national consciousness and national identity. In view of this, it can be stated that in the twentieth century, these factors became crucial in the formation of the Ukrainian nation and found expression in the state formations mentioned above [8].

Ukrainian historian I. Lysyak-Rudnytsky described the role of the February Revolution in the development of Ukrainian consciousness: "In 1917, when the magic of the empire dissipated, thousands of yesterday's "Little Russians" almost overnight became nationally conscious Ukrainian patriots of potential separatists" [17, p. 8]. It is worth noting the following that an important place in the process of disintegration of the "prison of nations" was played by the March Revolution of 1917. However, we should not ignore the opinion of the American historian M. Palia on the fact that the events of March created the conditions for the peoples of the Russian monarchy to win the right to self-determination and national liberation, but without belittling the February revolutionary events that led to the destruction of the Russian state [7].

On March 17, 1917, the Ukrainian Central Rada was established in Kyiv at a meeting of representatives of Ukrainian parties, cultural institutions, student societies, and military organisations. The bright leaders of this meeting were V. Vynnychenko (writer, Ukrainian Social Democratic Workers' Party), V. Naumenko (teacher, Society of Ukrainian Progressives), M. Kovalevsky (lawyer, Ukrainian Party of Socialists-Federalists), M. Mikhnovsky (lawyer, military club named after Hetman P. Polubotko). The strategist of the Ukrainian sovereignty, Professor M. Hrushevsky, who was in exile in Moscow at the time, was actually elected Chairman of the Ukrainian Central Council. According to the socialist ideology of the participants of the Ukrainian Central Rada, the main principles of activity can be identified, namely legal equality and social justice in society, while declaring the abolition of private ownership of land.

The figure of M. Hrushevsky deserves special attention, who had no illusions about Ukrainian sovereignty and relations with the Provisional Government in the activities of the Ukrainian Central Council. Unlike some leaders of the socialist parties, who had a majority in the Central Rada and the General Secretariat and sincerely and unequivocally believed that federalisation was the only correct and compromise political solution between Kyiv and Petrograd. As noted by the Russian historian and politician of the early twentieth century P. Milyukov, a significant contribution to

the development of Ukrainians' desire for self-determination, the right to decide their own affairs in their national interests movement of Galicia, in the Austro-Slavic lands and the present moment pursues a flexible tactic, which he used against Vienna, and now against Petrograd centralism" [4]. Sam M. Hrushevskyi, in the first stage of the revolution, wrote in "What we want autonomy and federalisation" that we need to take the experience of creating American states to unite society and opposed federalisation to full independence, citing such confederations as the Brazilian or Swiss [5, p. 137].

It can also be concluded that M. Hrushevskyi realises that through the implementation of the idea of federalisation at the initial stage of the struggle, it is possible to gain full sovereignty. It is clear that the Russian liberal intelligentsia also pursued a strategic and balanced goal, as a desire for complete separation from Russia, as federalisation could be based on full trust and equality between its members, which Petrograd certainly could not agree to. It should be noted that at the initial stage of development of the Ukrainian Central Council was a representative institution, a parliament in which political life was booming. The ideological instigators of the creation of this collegial body were Ukrainian independents and their leader M. Mikhnovsky. The opinion of the Ukrainian researcher M. Kovalchuk is relevant, who notes the Ukrainian-Russian relations as a struggle of two revolutions that defended different socio-political and ethno-national values [9].

In its appeals and universals, the Ukrainian Central Council, along with choosing the optimal form of government as the highest territorial unit of the state and further development, paid attention to the current issue of changing the status of the Ukrainian language as a threat to the Ukrainian state. This can be seen from the analysis of the recall of the Ukrainian Central Council of March 9, 1917 [18], the resolution of the People's Council of March 19, 1917 [19], the First Universal of the Ukrainian Central Council [20], the Law of the Ukrainian Central Council "On Approval of the Ukrainian Language Trade Sphere" of March 24, 1918 [21]. It is clear that such steps of the Ukrainian Council contradicted the views of the Russian political elite. For example, representatives of the Russian Constitutional Democratic Party believed that the greatness of Russian culture and the rapid industrialisation of society would be the key to the assimilation of national minorities, and "the language of capitalism in this part of the world should be Russian."

It is necessary to consider the fact that the Russian government recognised the national principle as the main one in the division of the state, which undoubtedly had a positive effect on relations with national minorities and became the foundation for the future development of the Ukrainian state. It is also worth noting that before Ukraine's independence in the early 1990s, scholars portrayed the Ukrainian Central Rada as a deeply provincial organisation that did not influence the political life of the continent and did not recognise the nation's desire for independence. Which was a misjudgment, because more than thirty states recognised the Ukrainian state [10, p. 133]. Let us consider in more detail the courageous and progressive rule-making of the Ukrainian Central Council, and emphasise the Fourth Universal as the highest achievement of its activity.

### Analysis of the Fourth Universal as a Way to Ukraine's Independence

Four Universals of the Ukrainian Central Rada became striking acts of the Ukrainian Central Rada that ensured the development of Ukrainian statehood. Each of them was accepted in certain historical and legal realities and had its own far-sighted goal through the solution of these problems. The first was adopted as a reaction to the reluctance to grant autonomy to the Provisional Government and declared Ukrainian autonomy within non-monarchical Russia. Based on the content of the document, a number of main positions of the Ukrainian Central Council can be identified: the autonomy of Ukraine within Russia; introduction of the institute of the highest legislative body; re-election of the local administration considering the Ukrainian party positions in society; coordination of local authorities with the Ukrainian Central Council. In connection with these positions, the Provisional Government of Russia, through its delegates, recognised the Ukrainian Central Rada as a local body of the Russian government, as prescribed in the Second Universal of the UCR [6].

The first serious step towards the independence of the Ukrainian People's Republic was made with the proclamation of the Third Universal of the Ukrainian Central Council, which in contrast to the highly poetic call of the First Universal "we will create our lives alone" becomes more pragmatic [23, p. 105], and the main message of the Third Universal is the political and volitional decision "From now on Ukraine becomes the Ukrainian People's Republic" [24, p. 398]. According to the Fourth Universal, the General Secretariat takes its place in the executive branch and, finally, receives the status of a full-fledged Ukrainian government, the absence in the text of a list of delegated powers [10]. It is also worth noting that the democratisation of the executive branch takes place only after the proclamation of independence of the Ukrainian People's Republic, a bill on provincial councils was developed with the involvement of all segments of the population [13, p. 22-30].

It will be appropriate to mention I. Lysyak-Rudnytsky, that: "The Third and Fourth Universals reflect two successive stages of Ukrainian state building. But they can be considered as manifestations of two different alternative concepts of Ukrainian statehood: federalist and independent" [1, p. 11-27]. The proclamation of the Fourth Universal was intended to proclaim the sovereignty of the Ukrainian People's Republic by the Central Rada and did not contain significant fundamental emphases compared to previous universals, but only clarified and detailed the provisions of the Third Universal. But the historical value of the Fourth Universal, adopted on January 9, 1918, is difficult to overestimate in historical and legal terms, and is often underestimated.

It is clear that the adoption of this document was positively received by the Ukrainian intelligentsia, which supported the idea of independence during the activities of the Ukrainian Central Council, and throughout his life fought in different political conditions for Ukraine's independence [15, p. 81-91]. Also noteworthy is the fact of the inspired struggle for independence through the awakening of national consciousness and emigration of the government of the State Center of the Ukrainian People's Republic [14, p. 155-165].

Also, the adoption of the Universals contributed to the formation of the legal culture of the Ukrainian people. According to V. Lukyanova, legal culture is formed by legal monuments (for example, Universals of the Ukrainian Central Rada), it is an integral part of universal culture. At the same time, a cultural society is one where a comprehensive system of normative legal acts based on generally accepted human values prevails, where individual rights are valued and protected, the rule of law prevails [24, p. 211].

With the adoption of the Fourth Universal, Ukraine has finally consolidated at the legislative level all the features of the state. It proclaimed: "From now on, the Ukrainian People's Republic becomes an independent, independent, free, sovereign State of the Ukrainian People." The historical and legal significance of the Fourth Universal is the proclamation of a sovereign state, and the division of the whole epoch into "before" and "after" in the minds of millions of Ukrainians, the completion of a difficult stage of Ukrainian national liberation struggle. This universal can be defined as the apogee of the rise of the Ukrainian nation in the crisis period of the history of the early twentieth century.

Proclaiming the Universal, the Ukrainian Central Rada declared that in foreign policy it would strive for peaceful coexistence with neighboring states, and in domestic politics it reaffirmed the powers of the Ukrainian Central Rada until the convening of the Ukrainian Constituent Assembly. They introduced the institute of the Council of People's Ministers instead of the General Secretariat as the highest executive body of Ukraine. A certain dissonance in the analysis of the Universal is introduced by the fact that with a call to repel the Bolsheviks, a willful decision was announced to disband the army and organise the people's militia. To reset the local government, it is proposed to re-elect local authorities. The authorities undertook to hand over the land to the peasants before the start of spring work to resolve the agrarian issue, which was acute during the national liberation struggle.

It is worth noting the connection between the political sympathies of the command of the army of the Ukrainian People's Republic, which operated under the Central Rada, and political parties to maintain power in the republic. Excessive politicisation was the reason for the lack of a capable army and a determining factor during the hetman's coup [26, p. 124-135]. The Council of People's Ministers was instructed to begin the restoration of the industry as soon as possible and reformat it for the manufacture of civilian goods. The state took control of the most important sectors of the economy (banking, trade, pricing, control over the market of strategic most profitable goods, exports and imports). It will be pertinent to note that all nations of the Ukrainian People's Republic have been granted the right to national autonomy with respect for all democratic freedoms. As noted by R. Bochkovskyi, that one of the best developments of the Fourth Universal is the national-personal autonomy granted to national minorities as a progressive factor in uniting society [2, p. 603].

### Conclusions

Despite the fact that the activities of the Ukrainian Central

Council were quite short (from March 1917 to December 1918), and the Fourth Universal was adopted before the overthrow of the Ukrainian Central Council, but the fact remains that at this stage of Ukrainian statehood can be identified a number of domestic and external gains.

At the initial stage, the internal achievements of state formation and consolidation of society include the struggle for territorial autonomy, first without severing ties with the Russian state, and later the proclamation of an independent state based on the principles of parliamentarism and democracy. It should be noted that the leaders of the Ukrainian national liberation struggles of 1917-1921 tried to build an advanced socio-political system based on unity in society, led by the pro-Ukrainian intelligentsia. An important achievement is the lack of delegated powers of the center's autonomy in the text of the Fourth Universal, which is undoubtedly a great achievement given the political and historical context. External achievements include Ukraine's breakthrough into the international arena, conditioned upon the Brest Treaty of February 9, 1918 with the countries of the Fourth Union, which recognised the Ukrainian People's Republic as a subject of international law. Although, in fact, such recognition and external commitments for peacekeeping had fatal consequences for the Central Council. On the one hand, the Ukrainian intelligentsia had a high level of education that allowed them to take on managerial functions, and on the other hand, the lack of experience that would give composure, pragmatism and speed of making the right decisions in specific historical conditions played a crucial role.

We can highlight a number of failures: procrastination with the declaration of independence (the status of an independent state with effective institutions of power would provide an opportunity for assistance from neighboring independent states, as equals in status); non-resolution of land (agrarian issue); lack of combat-ready troops. The ideological differences and sluggishness of the leaders of the Ukrainian Central Rada found expression in a society where destructive sentiments prevailed in the absence of a national leader who, with his charisma and foresight, could unite the entire pro-Ukrainian elite.

Thus, it can be stated that the Ukrainian Central Rada in a short time managed to lay the foundations of Ukrainian statehood and allowed future generations to revive Ukraine after the trials of the Holodomor, war and occupation by the Soviet regime. Therefore, without the progressive work of the Central Council, the success of the awakening of the Ukrainian nation in the late twentieth century would be difficult to imagine. And the study and analysis of the provisions of the late, adopted under the pressure of external and internal factors, the Fourth Universal, which proclaimed independence and renunciation of autonomy, is a clear example of the state position of the Ukrainian intelligentsia of the early twentieth century. Of course, it is difficult to cover the whole layer of the turbulent events of the Ukrainian revolution, but the analysis of the events of the past century will give hope that conditioned upon the experience of repeating miscalculations and failures in the future will not be.

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## Четвертий Універсал Української Центральної Ради Української Народної Республіки, як підсумок одного із етапів Української революції

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**Анотація.** Стаття присвячена аналізу проблематики історико-правових умов становлення Центральної Ради та її діяльності через призму прийняття Четвертого Універсалу, як підсумку вершини нормотворчості Української Центральної Ради. Актуальність цієї проблематики зумовлена висвітленням основних напрацювань Української Центральної Ради, яка лавірувала між обов'язками чиновників Російської держави і національною свідомістю українських патріотів та перемоги «духу українства» державницького інтересу українства, виходячи з бурхливих подій Української революції. Метою статті є аналіз історико-правових засад прийняття Четвертого Універсалу Української Центральної Ради як юридичної констатації прагнення українців до самостійності на початковому етапі боротьби та незалежності. Методологічною основою дослідження став комплекс методів та підходів, серед яких: діалектичний метод дозволив дослідити природу історико-правових умов становлення Центральної Ради та її діяльності через призму прийняття Четвертого Універсалу, історико-правовий метод дослідження зумовлений як необхідність історичного підходу загалом, так і таких конкретно-наукових методів, як описово-хронологічний, який дозволив сформулювати історичне тло дослідження, порівняльно-історичний, який забезпечив можливість порівняння розвитку досліджуваних інституцій з подібними інституціями цього періоду, що формувалися в інших суспільствах; формально-юридичний метод дозволив вивчити предмет дослідження в розрізі суто нормативно-правового регулювання; інституційний підхід використано для комплексного осмислення ролі досліджуваних інституцій в суспільстві, їх вплив на правову систему. Проаналізовано державну політику через принципи та основний зміст законодавства у напрямі підтримки національного руху та формування перших елементів української державності. Досліджено через вивчення емпіричного матеріалу діяльність української інтелігенції, а саме, М. Грушевського – великого історика та стратега, незмінного Голови Української Центральної Ради, що дало можливість зрозуміти світогляд та політичні переконання, а саме ідеї народництва та федералізму. Вивчено та проаналізовано положення запізнілого, прийнятого під тиском зовнішніх та внутрішніх чинників, Четвертого Універсалу, що проголошував самостійність та відмову від автономії, і став яскравим прикладом реалізації державницької позиції української інтелігенції початку ХХ століття. Проаналізовано мету діяльності Української Центральної Ради в контексті побудови держави після століть бездержавності, тому що від ХVIII століття проукраїнського державного утворення не було, всупереч суспільному запиту, який панував у суспільстві. Висвітлено загальні засади кожного універсалу що дало можливість зрозуміти поетапність напрацювань Української Центральної Ради та дати історико-правову оцінку

**Ключові слова:** українська ідея, українська інтелігенція, національна свідомість, Генеральний секретаріат, федералізація, автономія, М. Грушевський