

FREE UNION

DRAFT OF A UKRAINIAN POLITICAL AND SOCIAL PROGRAM

INTRODUCTION

... Despite the fact that we have made use of the political views of persons from various parts of Russia, and despite our profound conviction that, for the present at least, no part of Russia can make practical progress without the general reform of this entire State, we have not given our political and social program even the outward semblance of an all-Russian program, but offer it as a proposition adapted to the area best known to us, i.e., to the regions inhabited predominantly by *Ukrainians or Little Russians*—from the eastern districts of the Kingdom of Poland* to the foothills of the Caucasus.

It is our opinion that a truly all-Russian program can come about only as the sum of regional programs, as a truly all-Russian political organization only from the alliance of the regional organizations behind them. For this reason we think that at present the most important problem in gaining political freedom for the peoples of Russia is the formation of *regional political societies* capable of rallying as many people and representative groups as possible behind specific political and social demands. These societies would then unite for joint action to transform Russia in accordance with these demands. We have concluded, therefore, that it would be most suitable to formulate the political and social aims already widespread as a proposed constitution for such a regional society and to submit it for public approval, especially by inhabitants of Ukrainian regions. We consider the name Free Union the most appropriate in view of the present status of the Ukraine and adjoining regions. The basic principles of such a society are fully in accord with the traditions of the Ukrainian people and have found expression through organizations even in darker times, as for example in the Society of United Slavs in 1824-25 and in the group of friends of Shevchenko known as the Brotherhood of Cyril and Methodius in the 1840's. The potential adherents of such a society exist in the Ukraine and are even active in various spheres of social life, both as individuals and as members of groups. They lack only a stable, specific organization, which alone can ensure a systematic approach, and, consequently, extensive and successful action. We shall consider our task accomplished if our present proposal serves in the working out of a definitive program, one which its authors, living in the country itself, can carry out as their own.

* Drahomanov speaks here not about pre-partition Poland, but about the so-called Congress Kingdom [ed.].

DRAFT CONSTITUTION FOR THE UKRAINIAN SOCIETY FREE UNION

Part I

THE AIMS OF THE SOCIETY

I. A society, Free Union, should be formed in Ukrainian territory to work for the political, economic, and cultural emancipation and progress of the Ukrainian people and of the other races living among them in settlements.

Note. Because the Ukrainian people live in various States — Russia, Austria (in Galicia and Bukovina) and Hungary (in the eastern Comitats)—and under varying political conditions (even though under significantly similar social and cultural conditions), different methods should be employed in each of these. For this reason, separate political societies — completely independent rather than branches of a single organization — should be formed in each of the above areas. The very nature of things would cause these societies to agree on a certain degree of solidarity.

The present draft, worked out with the help of Ukrainians from Russia, has the Russian Ukraine almost exclusively in mind.

II. Free Union should cooperate with similar societies among other peoples whose interests are similar to those of the Ukrainian people.

Note. In order to facilitate such cooperation, Free Union should allow persons of various nationalities to become members, should found its own chapters in Ukrainian settlements in other lands, and should help form similar societies among peoples with related interests.

III. Free Union's most important task in Russia at present and in the near future should be to reorganize the State on the basis of *political freedom* on approximately the following principles:

1. *Political freedom* should be construed as:

A. The rights of man and citizen:

- (a) Immunity of the person from degrading punishments and capital punishment.
- (b) Immunity of the person and home from the police if they have no warrant from the court.

Note I. A person apprehended *flagrante delicto* can be arrested by anyone, but must be turned over to the judiciary authorities immediately.

Note II. No one should be tried by a special court. Criminal courts, except for magistrates courts, should provide trial by jury.

- (d) Freedom of residence and occupation.
- (c) Inviolability of private correspondence and telegrams.

- (e) Inviolability of nationality (recognition of the native languages in private and public life).
- (f) Freedom of conscience (belief and disbelief) and of any public religious services and rituals which do not offend the public sense of decency.

Note. This freedom implies the abolition of the State church and the transformation of all ecclesiastical institutions into private organizations, to be maintained solely by voluntary contributors and administered according to their wishes, without any aid or interference by public authorities.

- (g) Freedom of speech, the press, the theatre, and education.
- (h) Freedom of assembly, petition, and manifestation (through posters, banners, processions, etc.), provided public order and security are not disturbed or threatened.
- (i) Freedom to form societies and associations.
- (j) The right to bear arms and hold military exercises provided public order and security are not disturbed or threatened.
- (k) The right to take action in civil or criminal courts against officials and public institutions for illegal infringement upon the rights of the individual.
- (l) The right to resist illegal acts by officials.
- (m) The equality of all in civic rights and duties.

Note I to section A. The rights of man and citizen may not be abrogated or restricted by any law or decree, except for restrictions legally imposed in time of war. Even under such circumstances no person who is not in the army may be tried by a military or any other special court.

Note II to section A. The preservation of the above rights is the responsibility of local justices of the peace, who should be authorized, under their own responsibility, to request the cooperation of nearby troops, whose duty it is to give such help.

B. Self-Government:

- (a) Local:
Communal (village and town);
Volost [group of villages];
Uyezd [district]; and
Regional.¹
- (b) State

¹ The regions into which the Russian Empire should be divided, with geographic, economic and ethnographic conditions *all* taken into consideration, would be approximately as follows: the Northern, Lake, and Baltic regions, Lithuania, Poland, Byelorussia, Polesia, Kiev, Odessa, Kharkiv, Moscow, Nizhni Novgorod, Kazan, Urals, Saratov, Caucasia, Western Siberia, Eastern Siberia, Cossack lands (Don, Kuban, and Terek), and Central Asia.

2. This self-government should be vested in *meetings* or in elected *assemblies*, to which all officials should be responsible, except judges, whose status should be specially defined.

Note. In general the present judicial system, according to the statutes of Nov. 20, 1864, can be considered satisfactory.

3. All persons 21 years of age and over should have the right to vote and to be elected to various representative assemblies and to communal, *volost* and district offices. However, only persons 25 years of age and over should have the right to be elected to regional and state assemblies or offices.

Note I. The laws on electoral colleges and districts should be such that those elected would represent not only the inhabitants of all the localities, but also, as far as possible, all types of occupations, and minorities as well as majorities.

Note II. Voters should have the right to give mandates to their delegates.

4. Village affairs should be administered by the *village meeting* and by the *executive committee* and *chairman* elected by it.
5. In cities and towns, *volosts* [groups of villages], districts, and regions, *councils* should be created to administer public affairs. These councils should be elected on the basis of special laws on electoral colleges and electoral districts, in accordance with III, 3. The councils will elect *Executive committees*.
6. Village meetings, as well as city, *volost*, district, and regional councils, should have the right to delegate the execution of their decisions not only to the chairmen and executive committees, but also to special individuals or committees.
7. Village meetings, as well as city, *volost*, district, and regional councils, should have the right to charge their executive committees with taking action in civil or criminal courts against any officials who commit illegal acts.
8. In their territories the communal, *volost*, and district authorities described in paragraphs 4 and 5 should administer the local public economy (public property, markets, fairs, etc.), public works (means of communication, public buildings, post offices, etc.), welfare (sanitation, food supply, charity, insurance, epizootic control, etc.), and public elementary education as well as secondary education if possible.
9. The regional councils, executive committees, and other bodies appointed by them should: legislate for and administer the regional public economy, public works, and welfare where they are beyond the means of a single district; supervise all economic activity in the region (agri-

culture, mining, forestry, crafts, industry, etc.), and take measures for the conservation and proper exploitation of the region's natural resources. They should also take measures for safeguarding and increasing the wealth of the inhabitants of the region, supervise public education in the region, and administer secondary schools maintained at the expense of the region, as well as higher educational and learned institutions (academies, etc.).

10. On all matters within their competence, village meetings, as well as *volost*, city, district, and regional councils, should have the right to issue binding decrees (not contrary to the laws and common interests of the State union), to fix taxes in order to meet public requirements in their competence, and to enter into relationships and agreements with similar institutions within the state in order to satisfy their common needs.

Notes to paragraphs 4-10. I. The details of the relationships among the above institutions, with their varying degrees of competence, should be determined by special statutes. It is essential, however, that these statutes should provide, insofar as is possible, that institutions with wider competence should not become superior to those with more limited competence, but that each should have a maximum of independence in its own field, particularly in matters financed by it. The supervision of education referred to should consist of research and advice rather than command.

II. Similarly, the relationship between representatives of the government of the whole State (ministers and regional governors) and agencies of local self-government should be determined by special statutes. In order that local self-government be real, it is essential that the representatives of the State be able to override only such decrees and acts by the agencies of local self-government as are contrary to the fundamental laws and common interests of the State union, and that disagreements arising in this manner be settled by the Senate (Supreme Court). The State official in question should be legally responsible for overriding these decrees and acts.

11. The police in the cities, districts, and their subdivisions should be under the jurisdiction of the respective councils. Local police officials should be responsible to these regardless of the manner of their appointment.
12. In addition to the functions in paragraphs 8, 9, 10, and 11, the local elected authorities should control the assessment and allocation of direct State taxes. The regional councils should also conduct a preliminary study of all drafts of financial laws for the State as a whole and should express their opinions on these to the state legislatures. They should also legislate on local affairs: the application of electoral laws, territorial divisions, codification of customary law, etc.

13. Affairs concerning the entire Russian State union and the legislation of the State as a whole should be in the hands of two councils:
 - A. The State Council, whose members should be chosen by electoral colleges in the electoral districts, according to a special law on the basis of paragraph 3, and
 - B. The Union Council, whose members should be elected by the regional councils.

Note. The Regional Councils should give mandates to their representatives in the Union Council and should have the right to replace these representatives at any time.

14. Both these councils should appoint an interim committee to act while they are not in session.
15. Ministers, appointed by the Chief of State, should be responsible to both councils, which should also have the right to impeach them.
16. In addition to its role in the legislation and administration of the whole State, the Union Council, as the representative of the regions, should in particular manage the State property, a resource common to all the regions. The Union Council should administer these resources for the common good, on the basis of laws enacted jointly with the State Council, after consultation with the District and Regional Councils. The latter should inform the Union Council of the needs to be served by the use of above-mentioned resources.
17. All the councils should be required to convene at definite periods for regular sessions. Special sessions of these councils may, however, be convened by the respective executive committees and the interim committee or at the request of one third of the council members. In the event of war or regional rebellion, the State and Union Councils should convene automatically if not convened by either the Chief of State or the interim committee. They should remain in session until they themselves decide on a recess.
18. The Chief of State can, with the consent of the Union Council, dissolve the State Council. In such a case, however, the Union Council will also be dissolved, and the proclamation to this effect should also set the date for the election of new members to these councils. The publication of this proclamation should be accompanied by the convening of the regional councils, which should remain in session until the convening of the new Councils of the whole State.
19. In the event of usurpation of State power, the regional councils should meet on their own initiative and should take measures to restore law and order. In such an event the troops stationed in the regions should obey the regional councils.

20. In the case of impeachment, a High Court, composed of members of the criminal department of the Senate (Supreme Court) and the Union Council, should meet to try ministers for abuse of office and to try members of the State and Union Councils for treason.
21. The Chief of State should appoint Senators (Supreme Court Justices) for life terms, selecting them from candidates recommended by the Union Council. These candidates must have an advanced degree in law and should previously have served in the courts or as representatives to the regional or State Council.
22. The district and regional councils, as well as the Chief of State, should have the right to challenge the constitutionality of the laws passed by the State and Union Councils. Such cases should be decided by the Senate in a joint session of all departments.
23. The Constitution of the State should not be amended without the approval of two-thirds of the State and Union Councils and without ratification by the State Assembly.
24. The State Assembly should be composed of all the members of the State and Union Councils, with the addition of sufficient special deputies, elected by the regional councils, that the number of special deputies plus members of the Union Council be equal to the number of members of the State Council.
25. It should be the duty of the Chief of State to make public the laws passed by the State legislatures, Senate decisions annulling them, and the decrees of the State Assembly; to see to the execution of these laws and decisions; and to prosecute violations.

Note. The Chief of State may be an hereditary Emperor or an elected President of the All-Russian State Union elected for a fixed term. In the first case the ministers should be responsible for his actions as indicated in paragraphs 15 and 20, while in the second case he himself should be responsible according to these paragraphs.

IV. The most important of the above-listed principles for the political reorganization of Russia are (1) the rights of man and citizen and (2) local self-government. Any attempt to govern all Russia through a central representative assembly without the recognition and safeguarding of these rights and without local self-government must be considered as giving as little protection to the cause of freedom in general and to the interests of the Ukraine in particular as does the present organization of the Russian Empire.

V. After all, or the most important parts of the above plan or a similar one for the political reorganization of Russia are fulfilled, members of Free Union must strive to alleviate the social injustices now oppressing the inhabitants of the Russian Ukraine and to guarantee each of them a means of

livelihood and opportunities for development. With this in mind, members of Free Union should, acting in freedom through agencies of self-government, take all steps toward:

1. Alleviating the burdens of military duty until such time as international relations make it possible to replace the standing army with temporarily recruited militias.

Note. One way of alleviating the burden of military duty would be to reduce the size of the State army and the period of service in it; create regional militias; and divide military duty between the State army and these regional militias.

2. Changing all taxes into direct, graduated income taxes.

Note. It is obvious that the present taxes and levies, such as the poll tax, identity document tax, excise taxes, etc., are a crying injustice and should be either abolished or completely revised at the first opportunity.

3. Making elementary, secondary and higher education accessible to all. Elementary education should be free for children from poor families. In addition there should be partial, or if necessary, complete allowances from public funds to cover the living expenses of the school child. More capable students should receive similar help to attend secondary schools and universities.
4. Establishing orphanages, old peoples' homes and homes for the care of the sick and crippled at public expense; and establishing public pension funds for disablement and old age benefits.
5. Limiting the number of working hours per day, especially of women and children, to the amount compatible with health and physical and mental development.

Note. Factory work by children under 14 years of age should be unconditionally prohibited.

6. Establishing boards to mediate between employers and workers. These should be chosen to represent both parties.
7. Improving workers' housing, reducing their rent and facilitating the purchasing of houses by workers' families and by workers' cooperatives.
8. Providing, insofar as possible, a share in the use or ownership of land or forests to every peasant, through the allocation of State lands, emigration to unoccupied territory, facilitation of the purchase of small holdings through public credits and grants, public purchase of great private estates in land or forests, etc.

Note 1. The contracts, based on the Peasant Statutes of Feb. 19, 1861, which deprived the peasants of their due share of the land or

gave them the so-called one-fourth share, should be re-examined and provision made for compulsory sale to the peasants if necessary.

Note II. In localities where the purchase agreements reached after 1861 impose payments on the peasants on the basis of overvalued land, general State funds, equal to the amount of overpayment, should be used to supplement the special peasant tax funds.

9. Increasing the income from the land and the earnings of the workers through the organization of public supply stores and through placing contracts for public supplies directly with the farmers and workers. These contracts should be administered by public (preferably communal) institutions.
10. Supporting and developing communal and cooperative ownership or leasing of land, and supporting and developing all other cooperatives.
11. Repurchasing mines, water resources, forests, railroads, etc., as non-profit public utilities by the State, the regions, districts, *volosts* (groups of villages) or communes, using the cooperative method of production and operation wherever possible.

VI. The economic measures outlined above constitute the minimum program for members of Free Union after the foundation of political freedom has been established in Russia. Following the establishment of political freedom, members who consider these measures insufficient can honorably leave Free Union. They can then act according to their own judgment.

Conclusion. The aims of the Ukrainian society Free Union can be summed up as follows:

I. General civic aims:

(a) *The rights of man and citizen—the indispensable condition for personal dignity and development.*

(b) *Self-government—the basis for progress toward social justice.*

II. Specific national aim:

Political freedom—as a means for the return of the Ukrainian nation to the family of civilized peoples.

Part II.

THE SOCIETY'S MEANS OF ACTION

Introductory note. In every social question the issue of means is subsequent to that of ends. Means depend on constantly changing circumstances, and hence it is impossible and consequently unnecessary to determine them fully in advance. The most important thing in every political society is to

gather together as many members as possible clearly aware of their goal. These members will then find the most expedient means of attaining their goal. Therefore the following recommendations make no claim of being complete; they are merely an attempt to indicate certain methods, primarily for disseminating the basic ideas of Free Union among various strata of the population.

I. In order to achieve the aims set forth in the first part of the *Draft Constitution*, it is essential to found throughout the Ukraine chapters of Free Union composed of adults with, as far as possible, definite occupations and representing all present classes of the population.

Note. It is clear from what has been said that members of Free Union should refrain from inciting young people to political struggle before they are prepared for it and to acts which might prevent them from being conscious and influential political figures in due time when they have obtained general and professional training.

II. It should be the unconditional duty of members of Free Union, in addition to all other duties they assume under the present statutes, to work to improve their intellectual and ethical standards and to strive to occupy as prominent places as possible in all causes benefiting society.

Note. Familiarity with the political, social, and cultural life of the Western European peoples, as well as the most detailed knowledge of their native land, should be recommended as particularly desirable for members of Free Union.

III. All Free Union activity should be in accord with the aims outlined above, in detail and in spirit. They should also be in accord with the general rules of morality.

Note I. All theft and public fraud should be strictly unacceptable to members of Free Union.

Note II. Murder (an act contrary to the fundamental rights of man and citizen) should never be the aim either of Free Union or any of its chapters. If, however, a member of Free Union commits a political murder, in self-defense or through incitement by extreme injustices of the government and its servants, he must assume full personal responsibility for this.*

IV. Never losing sight of their main goals—the uniting of all inhabitants of the Ukraine in action for the freedom and welfare of their native land, as well as the union of all present classes of the population of the Ukraine in a single whole, all parts of which enjoy equal rights—members of Free Union should also seek out in every locality and in every class, ways of life, tradi-

* Of course "theft" and "murder" here refer to the political "expropriation" and assassination of the terrorists. [ed.]

tions, and aspirations which might serve as a natural basis for introducing the aspirations of the Union, i.e.:

1. Members of Free Union should seek out in various localities and classes of the population of the Ukraine recollections of former freedom and equality such as, for example, the self-government of the *povits* (districts) under the Lithuanian Law, the self-government of the cities under the Magdeburg Law, the secular and ecclesiastical self-government of the villages and *volosts* (groups of villages), the brotherhoods (lay orders), Cossack self-government (in the hundreds, regiments and the entire Hetmanate), the congresses of the various estates during the Hetmanate, the Sich and the autonomous territory of the Zaporozhian Host, etc. They should strengthen these traditions and relate them to present-day concepts of liberty and equality among civilized peoples.
2. Inasmuch as even the imperial Russian laws (e.g., the 1787 Patent of Nobility) protected noblemen from deprivation of their liberty and property without due process of law and stipulated that noblemen had the right to petition the crown concerning their needs and privileges, members of Free Union who are nobles should rouse their class to demand the abolition of such things as exile without trial and the emergency statutes on security, and also to demand general reorganization of the political structure of Russia. In addition, Ukrainian nobles who are members of Free Union should call the attention of their peers to the recent popular origin of the Ukrainian nobility from the originally elective Cossack elders. They should point out that the seizure of the people's land by the elders was extremely unjust and that this gives an even greater moral obligation to the Ukrainian noblemen to speak out against autocracy and to redeem themselves before the common people for the injustices done them.
3. Members of Free Union who come from the classes of artisans and from the peasantry, as well as all other members, should, in their dealings with these classes, focus and give direction to their dissatisfaction with their present situation. At the same time, they should spread the realization that the tsarist bureaucratic autocracy is unable to provide for the material welfare of the working classes, even if the tsar and the officials really desired to do so. In addition, members of Free Union should spread a realization of the advantages of political freedom for the workers, even if present economic relationships were not to change immediately. They should also prove the need of political freedom to enable the working classes to begin to change these relationships themselves.
4. Working among the peasants and town people, members of Free Union should devote special attention to the evangelical brotherhoods

(the so-called *Stundists*, *Moloķans*, Men of God, etc.), seeking to explain to them the relationship between freedom of conscience and political freedoms and striving to foster their inclinations to free thinking, to weaken mysticism, and to direct the idea of religious brotherhood toward that of civic and economic solidarity, and to extend the idea of such solidarity beyond denominational limits.

Note. The best means for the latter could be the familiarizing of our sectarians with the related development of Protestant sects and the cooperative movement in Western Europe, particularly in Holland and Great Britain, from the Anabaptists and Socinians (whose teaching reached the Ukraine in the 16th and 17th centuries) to Robert Owen and the present-day workers' unions.

5. With persons of the military profession, members of Free Union should seek to enlarge the idea of that group that it is the soldier's duty to defend his homeland from outside enemies to the idea that it is necessary to defend the homeland from all that harms it, including disastrous internal administration. At the same time military personnel of Ukrainian origin should be reminded that their true home land is now enslaved by a power which is harmful and alien to it. At the same time that they encourage military personnel to refuse support to a despotic government and to render real aid in the liberation of Russia, and especially of the Ukraine, members of Free Union should propagate the idea that, in the interests of true fraternity and development, the army should not seize power, even in the event of struggle against the government, but that it should only overthrow violators of civil liberty and protect civil self-government against all attempts upon it.

V. Members of Free Union should make special efforts to be elected to various offices and assemblies of peasant, noble or *Zemstvo* institutions in the villages, cities, districts and provinces in order to direct the course of public affairs according to the aims of Free Union, and in particular in order

1. to promote public meetings and assemblies for petitions to the government on the need to reorganize Russia on principles of political freedom;
2. in the event the government is obdurate, to incite the meetings and assemblies to refuse it support, e.g., to refuse to perform the duties of taxation and recruitment, etc., now required of them under the law, and finally to incite these meetings to direct attempts to remove tsarist officials from the administration and to attempts to bring about self-government on their own initiative, calling upon the representatives of other areas to do the same.

VI. The main concern of Free Union at present and in the near future should be to unite in all strata of the population sufficient forces to compel the

autocratic government of Russia to concede to its enslaved population the rights of man and citizen and to grant self-government. This would necessitate first of all the coordination of *zemstvo* and military forces. Even before these forces are fully assembled, however, members of Free Union can, as circumstances allow, undertake various types of action against the government: manifestoes, disobedience, and even attacks to arouse the people and spread among them the conviction that the government of Russia must be changed in accordance with the ideas of Free Union. Its members can also participate in similar actions initiated by other groups.

Note. When members of Free Union incite others to actions such as described above, they must not fail to share in the responsibility for them.

Part III.

THE SOCIETY'S INNER ORGANIZATION

This will largely depend on fortuitous circumstances and therefore cannot be precisely determined in advance, and of course cannot be made public.