

DRAHOMANOV AND THE ENGLISH-SPEAKING WORLD

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Drahomanov had a great appreciation of the civilization of the English-speaking world and of the ideas which developed and took root there. He showed this in many of his works and in his correspondence with his contemporaries. He underlined the principle of respect for the free human personality which is the basis of all social and political life in the English-speaking world, and considered the Anglo-Saxon spirit as an example to be followed by other peoples, particularly his own, the Ukrainians.

It is worthwhile to show the extent of Drahomanov's appreciation by indicating the references in some of his principal works. The most complete treatment is in one of his latest, "Ancient Charters of Liberties," which in 1894 was published simultaneously in Bulgarian in the review of the Ministry of Public Education, *Blgarski Pregled (Bulgarian Review)* and in the Ukrainian Review *Zhyttya i Slovo (Life and Word)* which appeared at Lviv.

In the introduction to this work Drahomanov used the comparative method in the study of the progress of social and political ideas. He described how the theory of liberalism developed and found its most logical form—federalism. He emphasized that in the 18th century, England triumphed over the absolutism of its kings, while preserving its system of constructive medieval liberties. These then developed according to the new demands of the governmental organization (cabinet-ministerial parliamentary system) and the new conception of personal rights (right of petition, freedom of the press, freedom of conscience, later extension of the franchise, etc.).

Drahomanov noted that these English rights were transplanted to the New World, where the North American colonies, preserving the basic values of English constitutional law, finally refused to accept not only royal absolutism, but also the absolutism of the Parliament in London, where they had no representation. Thus, after Switzerland and the Netherlands, the third federal republic

within the Western tradition was formed, the United States of America. In the new and already systematic constitutions of the various States, personal rights are formulated more clearly and profoundly, in accordance with the formulas of the new political science, though they are still based on English traditions.

Drahomanov stressed that it was inevitable that the part of Europe where the old free institutions were built upon should influence the other part where monarchic and bureaucratic absolutism prevailed. Even in the absolutist States a liberal movement was born which justified its existence by an appeal to historic free institutions.

This movement can already be observed in 18th century France, where the Great Revolution proclaimed, in accordance with the American example, the Rights of Man and Citizen. As we see in his remarks on the Program of the Ukrainian Socialists-Federalists in 1880, Drahomanov considered these Rights of Man and Citizen as the "only solid basis for all the other rights of our nation, the only thread which can guide the Ukrainians who are under the power of the Russian tsar."

He added that studies of the ancient free order of the Middle Ages show that attempts to limit the absolutism of the monarchs and their clerks were directed toward administrative and judicial questions rather than to strictly political ones.

It became evident, that this ancient free order gave the citizens a certain system of self-government and corporative life, very maladroit according to modern ideas, but such that the citizens developed the habit of controlling the course of public affairs, the art of directing these affairs themselves, and the ability to make effective use of their legal rights. These studies have not only opened up new perspectives to historico-political science, but have also given scientific bases to new civic aspirations.¹

This is why, according to Drahomanov, the "political archeology" of Europe is of such vivid interest, and why it attracted so many

¹ M. Drahomanov, *Ancient Charters of Liberty* (Vienna, 1915), p. 33.

scholars, among them the author of "Ancient Charters of Liberties" himself.

Drahomanov analysed the political order of Saxon and Norman England, the first Charters of liberties, the rights of the Catholic Church, and the beginnings of conscious liberalism in England, which finally led in 18th century England to the parliamentary solution when the ministerial cabinet system evolved from Parliament, i.e. when England became a *de facto* republic behind a monarchic facade.²

Thus the result in England was that constitutional monarchy and political liberty had two fundamental bases: 1) the absolute necessity of a judicial tribunal to punish any Englishman, and 2) the equal necessity of the approval of Parliament to subject any Englishman to the payment of taxes.

The right of Parliament to control State expenses and to legislate developed, becoming the principle which later jurists taught that England is governed by the King in Parliament, that is that the king without Parliament is not a legal master.³

Drahomanov's work was interrupted at this point. The following chapter was to have been devoted to Dutch charters of liberties. But his death, on June 18, 1895, made this impossible.

Ivan Franko, one of Drahomanov's pupils, an eminent author and scholar of Ukrainian Galicia and the editor of *Life and Word* added to the incomplete work:

There is no one who would be able to finish it in such a thorough manner and with that large and serene point of view which was a characteristic of the unforgettable M. Drahomanov.⁴

Although Drahomanov did not live to devote a special volume to the charters and constitutions of the North American colonies and States, we can still find many of his thoughts on the government of this new democracy, particularly on its federal character.

In the program of the periodical *Hromada (Community)*

² *Ibid.*, p. 70.

³ *Ibid.*, p. 80.

⁴ *Ibid.*, p. 80.

which Drahomanov published in Geneva, beginning in 1878, we find interesting reflections on the United States. He wrote:

There will never be peace among men, whoever and wherever they may be, as long as they are without liberty. . . . Both educated Ukrainians and Ukrainian peasants should join with the Europeans and Americans in their striving for social liberties, and should install these on their territory.⁵

In 1884 Drahomanov published a pamphlet in Geneva entitled *Draft Constitution for the Ukrainian Society Free Union*. In essence it was a social and political program for Ukrainian federalism. This pamphlet is divided into two parts, the first the statutes and the second comments on these. In the commentary Drahomanov postulated as the basis of political liberty the guarantee that "no one may be judged by an extraordinary court. In criminal cases the tribunal must be a jury." He added:

The conscious and clairvoyant partisans of freedom in North America, at the very time of the struggle for independence, did not fear, either for military or political reasons, to legislate that no one, except members of the armies or navies on active service, might for any reason whatsoever be subject to martial law, or be punished according to this. (cf. §29 of the Constitution of Maryland).⁶

In connection with the defense of political liberty in its two aspects, personal liberties and self-government, Drahomanov added:

There is no doubt that both of these may be safeguarded better in proportion as the organs of the administration and the police, at all levels, depend upon the population and are put into power by direct or indirect election. This is why it is a matter of course that for us it would also be the most desirable to have a police and administrative regime such as those in the federal republics of Switzerland and the United States.⁷

Drahomanov wished for the transformation of tsarist Russia and of Austria-Hungary into federal unions. He proposed a federal

⁵ *The Selected Works of M. P. Drahomanov*, Vol. I (Prague-New York, 1939), pp. 116-118.

⁶ *The Collected Political Writings of M. P. Drahomanov*, Vol. I (Paris, 1905), p. 314.

⁷ *Ibid.*, p. 321.

government with a bicameral legislature. The federal council which he projected was not to be similar to the upper chambers or senates of the European States, but to the Senate of the United States or the Swiss Council of States.

The function of the federal chamber is not to serve as a conservative brake to the progressive movement of the national assemblies, but to prevent the passage of acts by the central government or the national assemblies which are contrary to the primordial interests of each region.⁸

Drahomanov wrote that as for the general

effects of centralism or federalism upon progress, it is indeed true that sometimes the former makes it possible to adopt progressive laws and measures before the majority of the population in all parts of the State realizes their necessity. But this same centralization also makes it possible to enact reactionary measures, contrary to the will of the majority, not only in the various regions but often in the whole country. Progressive legislation becomes a fiction in a centralized State because it is easier to use power destructively than constructively. The forcible introduction of progressive measures before public opinion is ready for them only provokes an irritation which, thanks to the centralized political regime, accumulates in the single chamber and leads to a repeal of the progressive legislation just as rapid as its enactment. A federal government is not subject to such extreme movements of the political pendulum, and therefore the progress which it makes is more real and not subject to retrogression.⁹

It is undeniable that Drahomanov's ideas are a prophetic description of the development which took place in social and political life on the territory of the former empire of the Romanovs after the October Revolution in 1917.

Drahomanov wrote further:

In observing the political history of Switzerland, the Netherlands, England and Scotland, and the United States, countries which to the present remain examples of free lands which should be followed by all the nations of the earth, we see that their political revolutions have primarily been directed against the bureaucracy which

⁸ *Ibid.*, p. 326.

⁹ *Ibid.*, p. 327.

was foreign to the local population. These revolutions were able to halt the growth of this bureaucracy at the beginning, and thus have preserved corporative, local, and national self-government.¹⁰

In this respect Drahomanov noted that one of the complaints in the American Declaration of Independence was that the English government had

“erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out our substance.” The rights of man and citizen had the opportunity to grow within this framework of self-government, and finally they were systematized in the constitutions of the various States of the North American federal republic, beginning with Virginia on June 1, 1776. Thence the idea of these rights spread to France and the other European countries.¹¹

The comparison which Drahomanov made almost seventy years ago between Europe and the United States is still instructive.

To understand all the difference between the ideas current in the North American federal republic and in the “one and indivisible” French Republic on personal rights, the most essential of all political rights, it is enough to notice the following fact. The National Convention, in the name of popular sovereignty, first arrogated to itself the power of judging the king, then introduced revolutionary tribunals which were the exclusive organs of that same Convention. It made a political dogma not only of the will of the people but also of popular vengeance, and proclaimed inquisitorial laws about suspected persons. However, from the beginning the North American States were determined to safeguard in their constitutions the rights of man and citizen even from the despotism of the sovereign people, which is usually represented by the legislative assembly, if not by the mob in the capital! Thus paragraphs 25 and 30 of the constitution of Massachusetts prescribe that no one may be judged guilty of treason or of any political offense by the legislative branch. In the administration of this Commonwealth the legislative department may never make use of the power reserved to the judiciary and, on the other hand, the judiciary and executive departments may never depart from their competence, so that in this Common-

¹⁰ *Ibid.*, pp. 330-331.

¹¹ *Ibid.*, p. 331.

wealth there may be a rule of law and not of men. (Similar provisions are made in the constitutions of Virginia, North Carolina, and other States.)¹²

Drahomanov feared that in his time the evolution of Russia and its political institutions would "be more apt to be of the French than the Anglo-Saxon type" precisely because of the centralized and nationally intolerant traditions of the Muscovite State.

He emphasized another characteristic feature of the government of the United States: the relation between the civil and the military authorities. Although the population had had to give the military its due during the Revolutionary War, it knew how to keep the military within the limits of the law, thanks to fundamental constitutional provisions. That the military must always be subordinated to the civil authority is expressly stated in §20 of the constitution of Delaware, as it is in the constitutions of Massachusetts, Maryland, Virginia, North Carolina, and other States.

Thus we see how great was Drahomanov's appreciation of the English-speaking world and of American federal democracy. Just as the Ukrainian national poet of the first half of the 19th century, Taras Shevchenko, dreamed of the time when a Ukrainian Washington would bring a new and just law, so the learned patriot of the second half of that century, Mykhaylo Drahomanov, showed his fellow countrymen what the bases and implications of that law were.

¹² *Ibid.*, p. 333, n.