

Here, the 'RJ – Standpoint of the Week' publishes a polemic article with a rather critical view of the nature of the modern Ukrainian state and society. The article has been written by three scientists from the Odessa Institute of Democracy and Human Rights: Alexander Muchnik (a distinguished Ukrainian lawyer), Mikhail Baymuratov (a doctor of law and distinguished Ukrainian scientist), and Oleg Dolzhenkov (a doctor of political science).

THE UKRAINIAN SYSTEM

Alexander Muchnik, Mikhail Baymuratov,
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What we understand by the Ukrainian System, and we understand this to be *the stereotype of mass behaviour, which, regardless of the change of historical epochs, economic conditions, forms of statehood, political regimes and other attributes of social behaviour engrained in Ukraine, inalterably manifests itself in an aggressive xenophobia, everlasting avarice, unrestrained envy, total indifference to the merits of other people and a stubborn rejection of legal values*, has repeatedly become the subject of observations, experience and reflection of the most prominent Ukrainian leaders of the country's cultural, artistic and scientific life.

On July 2, 1942, the film maker, writer and dramatist Alexander Petrovich Dovzhenko wrote the following in his diary: 'In something very dear and important, we, the Ukrainians, are undoubtedly a secondary, a bad and a pitiable nation. We are a stupid and petty, colourless nation and our mutual disrespect, lack of solidarity and mutual support, our carelessness about our fate and the fate of our culture are indeed stunning... and do not manage to stir good feelings in anyone, because we simply do not deserve them. Our callousness, cowardice, treachery and pilatianism, our rudeness and stupidity are, in essence, a bill of indictment and something that humanity should hate us for, if it ever pays any thought to us. We totally fail to

project ourselves correctly in both our history and reality. Our psyche is neither state-oriented, nor is it national or vernacular. We do not have any real dignity, and our notion about personal freedom is individualistic, anarchic and wishful (hence our individualism and chieftain attitudes). It is not a popular statehood understanding...of freedom as a necessity. Our Ukraine is a perpetual widow, and we are this widow's children.' (author's note: this is our translation from the Ukrainian language).

All of this is true. Moreover, modern history allows us to add new definitions to this list of tribulations. But that is not the point here. The point that is worth addressing is exactly what the root source is of all these troubles and discrepancies, which have been plaguing the residents of this territory since the dawn of times?

If we make an attempt to offer a brief description of the Ukrainian System, the roots of its appearance can be traced back to the time when it was included in the territory of the Austro-Hungarian empire, approximately since 1863. The work of Lvov historian Leonid Sokolov, 'The roots of hatred', was devoted specifically to this issue. In particular, this expert notes that, in order to 'realise the source of the Ukrainian political movement, which is permeated by the fierce hatred of Russia and initiated in Austrian Galicia, totally detached from Russia, to find the roots of

this hatred, one needs to' have a deeper understanding of the history of this region. It was exactly during this period, when the participants of the failed Polish resurrection of 1863-1864 began to work out the technology of inciting interethnic discord in Russia. The Danube empire party also made its contribution to this ill-fated business.

The results of this 'work' became evident during the First World War in the form of concentration camps (Theresienstadt and Thalerhof), where over 200 thousand inhabitants of Austrian Galicia, who were convicted by the Austrian authorities based on compromising information from their compatriots as to their sympathies towards the Russian language, the Russian culture and the Russian people, ultimately found their last refuge. One special work by the Ruthenian historian, writer and poet Vasily Romanovich Varvik (1889-1970), entitled 'Theresien and Thalerhof', was devoted to this tragic page in the history of Galician Russophiles. This phenomenon obtained its ignoble face in full through the Organisation of Ukrainian Nationalists (OUN) and its most sinister existence – in collaboration with the Nazi, genocidal and ethnic cleansings of the World War Two period. The most notorious of such instances were seen in the Babiy Yar, Khatyn and the Volynskaya carnage. Anatoly

Vasilyevich Kuznetsov (1929-1979) perpetuated the deeds of such collaborators in all their 'beauty' in his documented novel 'Babiy Yar'.

The most distinct feature of the Ukrainian System is the deplorable circumstance that **almost all events, persons, neighbouring countries, as well as our past, present and future are viewed by its satellites through the prism of vivid ethnic-related feelings.** On that note, they are so acute that the time has come where ethnic 'law', ethnic 'legal consciousness' and ethnic 'legal relations' are described as the predominant categories of political existence. In

have been extremely harmful to those political forces that, in their troubled minds, are associated with the specific ethnic group(s) they loath.

In essence, **we live in a state where ethnic-related feelings have almost completely paralysed constitutional law.** Ethnic preferences are taking on a party-related and political tint, which further degrades the Ukrainian Constitution, divesting it of any support on the part of the country's consolidated population. Ethnic confrontation has permanently established itself in the Ukrainian context, submitting such notions as common sense, sense of self-preservation,

the sad precedents is 'the most Ukrainian one', according to its virtual press secretary, the President of Ukraine. He has easily begun to promote the concept of building an 'ethnic' state, together with the development of 'ethnic' law. It is clear why – one cannot establish such norm-building without having a specific kind of state. Moreover, one can clearly determine the law supported by the state by the content of its actions. Thus, with the support of such an 'ethnic' state, such 'ethnic' law has become the factual constitution of Ukraine, and the legal constitution has begun to resemble a virtual image. The causes of this phenomenon are clear – in essence, 'ethnic' law has found many ardent supporters, something which the constitutional law, alas, has still failed to achieve.

Ukraine has virtually found itself on the brink of a schism and ultimate disintegration. All Ukrainian citizens face a fateful choice – they need to either choose the Ukrainian System or the Ukrainian Constitution. Unfortunately, there is no third option. Actually, the way out of this vicious circle is quite evident, and it has already been suggested in an article by Nikolay Alexandrovich Shulga, a doctor of social science and a professor, which was published in the Kiev weekly newspaper '2000' under the rather eloquent title 'Ukraine will come to ruin by xenophobia, unless Ukrainians don't eradicate it themselves'. **Time will show whether the heroes of this article will have enough power to fight the Ukrainian System itself.** However, even today it can be clearly stated that no system can be overcome, unless it is first opposed by another, more viable and more attractive system. We would like to see this alternative system of values include such values as dignity, freedom and human rights. ■



our opinion, ethnic-related passions have become so intense that legal logic cannot compete with them. Ethnic-motivated feelings have become the determining factor, which has substituted the legal estimates of thinking about statehood. On many occasions, I have witnessed the unchanging and unambiguous reaction of people who, without hiding their ethnic preferences, were sincerely happy when their favourite political authority has violated the constitutional rights of its political competitors. Without any doubts as to whether there has been a violation of the Ukrainian Constitution, these people have fully supported such policies only because they

and responsibility for future generations to its will. The power of ethnic-motivated feelings has demonstrated to the whole world the impotence of legality in the moods and considerations of most residents of Ukraine. Ethnic discord has taken precedence over human solidarity. As a result, a tragic change in notions has taken place, whereby **nationalistic feelings on the part of a portion of the Ukrainian population are portrayed as being the national interests of the whole country.**

This development has quickly resulted in the formation of higher state powers on the basis of ethnic differentiation rather than on any kind of legal foundation. One of

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