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**THE ROLE OF THE RUSSIAN ORTHODOX CHURCH IN
MARRIAGE AND FAMILY RELATIONS IN THE SOUTH OF
UKRAINE IN THE LATE XVIIITH CENTURY**

- Abstract -

The article deals with the influence of the church, customary and secular law on marriage and family relations, as revealed by the specifics of these relations. The author investigates the influence of the Church on the family relationships of the laity from the Southern Ukrainian lands in the 18th century. The empire had a significant impact on marriage and family relations. The intervention of secular power in this sphere of relations is shown. Since the beginning of the 18th century, the main source of family law was not only Nomocanon, but also the decisions of the Synod and the decrees of the emperor, which corrected canon law.

Keywords: marriage, family, marital relationship, divorce, wedding, the ecclesiastical court.

For centuries the family was the strongest link of society and most effectively preserved the culture of the people. In family life is stored and transmitted from generation to generation the social heredity, which plays an important role in public life. Family is a kind of a social microcosm, its structure is a smaller model of society. Family contains all human relationships inherent to society. Marriage and family relationships are the quintessence of political, economic, social and legal institutions. The evolution of the family is closely linked to the evolution of public relations. So the study of marriage and family is

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important for studies regarding the movement of the population, the study of legal relations, the development of economic and social systems.

Knowing the type of family that prevails in certain areas is possible to predict other characteristics of the region. Family is a kind of soil of history of the state, which opens to a careful researcher deep structures of our past.

Marriage and family relations are a very conservative type of relations in society. In the XVIII-th century there were important changes in the system of marriage and family law of the Russian Empire. The main role was given to the religious meaning of marriage, not to the property nature of the contract of marriage, as it was before. Marriage was recognized as one of the sacraments.

The methodological basis for this research is historical anthropology. This work was prepared in line with the new trends in modern historical research – social history, history of everyday life, micro-history and gender studies. A characteristic feature of this methodology is to focus on the daily practices of society, the shift of attention from the event history in the direction of the history of self-consciousness, of people, of past ages, their social value orientations in everyday practices and mentality.

The purpose of this article is the study of marriage and family relations in Southern Ukraine in the last quarter of the XVIII-th century, the Church's role in marriage and divorce, taking into account the features of the region.

The novelty of this research lies in the fact that it analyzed the sources which contain important information regarding the reconstruction of marriage and family relations, including legal, demographic, economic, social, interpersonal communications, as well as the tradition of marriage as the foundation of family formation. An important issue is the interaction of the customary, cannon and secular law in family relations, features of traditional society, the mechanisms of its regulation, the mixing of ethics and rules of conduct in dairy life.

Important methodological task was understanding the role of the Orthodox axiology in shaping patterns of behavior and moral attitudes in the mass consciousness of the people of traditional society and their impact on everyday family relationships. For the study of the history of marriage and family relations of the later part of the XVIII-th century it was necessary to use large range of published and unpublished sources. The sources of the research are materials of secular and religious origin.

The basics of the study of marriage and family relations of the later part of the XVIII-th century was the clerical documentation, in particular materials of judicial and administrative practices. This is due to the fact that the published

sources are mainly official. Archival documents and manuscripts contain material of individual level.

To archival sources that were used in the study of marriage and family relations of the laity of the Russia. To the Orthodox Church in the XVIII-th century belong the documents of the diocesan level. There are funds of spiritual consistory – higher collegial body in the diocesan administration and spiritual board – diocesan authorities of the districts.

Valuable sources for the preparation of this study were found in the funds of spiritual boards – local collegial church judicial and administrative institutions. They subordinate to the diocesan bishop and spiritual consistory. Spiritual Boards considered such cases: blasphemous, heretical, about Old Believers, divorce, and forced marriages. Spiritual boards were the subsidiary bodies of the diocesan administration. They were executive authorities and have the right to decide certain cases.

Spiritual boards were intermediate between the clergy of the diocese and consistory. Their functions were: to announce the orders of the diocesan authorities and monitor their implementation, to oversee the conduct of civil status (registration of marriages, births, deaths); to receive reports from churches, to conduct investigations into the affairs of the clergy, to solve the current issues of church life of their district. Spiritual boards were required three times a year to send to the consistory records of prosecutions, progress and results of investigations, as well as of the decisions.

In the funds of spiritual boards there are unique documents, based on which we can reconstruct the daily life of the man of the XVIII-th century, his life values and ideals, analyze marriage and family relations, to establish the preconditions of family conflicts, to investigate the causes and consequences of divorce.

Since the late 20s and early 30s of the XVIII-th century continues the colonization of the Southern regions of Ukraine, due to the spontaneous transition of Ukrainians organized for the resettlement of state peasants, Cossacks return to their old places, and the settlement of people from the neighboring Slavic states. The social and ethnic structure of the region was patchy. And this, of course, affected the customs, morality and rules of conduct. Due to the fact that the Southern Ukraine was an international area, peoples frequently intermarried. This contributed to the mutual influence of people in their culture and life¹.

In 1775, for the benefit of imperial policy, the Zaporizhzhya Sich was eliminated. Since that time, there began a new period in the relations between the

¹ Валентина Борисенко, *Нова весільна обрядовість у сучасному селі (на матеріалах південно-східних районів України)*, Київ, 1979, с. 22.

official church and the laity in Southern Ukraine. For a long time, the clergy in the lands of Zaporizhzhya Sich were subordinate to the metropolitan of Kiev and the Russian church hierarchy (since the end of the XVIII-th century), but in fact, the rule was many times broken².

The church was much more dependent on the local secular authorities and the Zaporizhia Army than on the highest state authorities of the Russian Empire. It kept focus on the interests of the congregation, not the state. The destruction of the Sich meant for Southern Ukraine a new level of integration in the empire-wide structure, as well as the orientation of the local clergy towards the new imperial policy. Ukrainian church loses understanding of the interests and needs of the people, becoming indifferent to everything except its own interests³.

The Russian government considered religiousness a criterion of loyalty of the population towards government policy and the means of controlling this population⁴. Autocracy has sought to transform the clergy of Southern Ukraine into the agents of its policies, into the cogs of the bureaucratic machine, the operation of which had to ensure the effective implementation of the plans of imperial power. But it was not done in full. It was prevented by a number of factors: the imperfection of legislative regulation of the functions of the clergy and the lack of training of the priests; the traditions and specifics of the southern region; the dependence of the clergy from the congregation, whose interests often did not coincide with the interests of authorities.

Laws that regulated marriage and family relations were so complicated that the clergy could hardly understand them. Priests adapted to the needs of the believers, they often had to use customary law in marriage and divorce, something which displeased the church hierarchy⁵. New laws in many cases did not simplify the situation and confused the priests.

Not only the complexity of the legislation was the cause of law violation. The transformation of the religious consciousness of the believers, especially those from the upper classes, took place. This process was influenced by government policy, it subordinated the spiritual authority to the secular power. The

² Валерій Ластовський, *Канонічне право: особливості еволюції в Україні в епоху феодалізму*, Черкаси, 2002, с. 5.

³ В'ячеслав Мордвінцев, *Російське самодержавство і Українська православна церква в кінці XVII-XVIII ст.*, Київ, 1997, с. 74.

⁴ Роман Шиян, *Особливості церковного устрою та релігійного життя південноукраїнського козацтва в останній чверті XVIII ст. (Міжконфесійні взаємини на півдні України XVIII-XX століття)*, Запоріжжя, 1999, с. 72.

⁵ Александр Фотинский, *К характеристике семейных и общественных отношений казачества в последние годы существования Сечи Запорожской* (Чтения в Историческом обществе Нестора Летописца). Киев, 1901, Кн. XV, С.3.

representatives of the lower classes felt freer than before the reign of Peter I in their relations with the clergy felt. For example, the Cossacks considered the clergy an equal, or even a subordinate. Also in the minds of migrants stuck idea of South-Ukrainian region as the free region, which gave them a reason to feel more free from certain formalities for marriage. The result was that the congregation, which according to the rules of the church and civil marriage law could not be husband and wife, thought it was possible to put pressure on the parish priests or offer them a reward for illegal actions⁶.

At the end of the XVIII-th century came a series of decrees that defined minimum age of young people who could marry. It confirmed as prohibition to marry before a certain age stipulated by the law. Such violations of the law occurred because of a material interest, because of ignorance of the law and under pressure.

In practice, there were cases when girls were married at 13-15 years old, boys 15-16 years old married. Synod issued a special decree on August 5, 1775 which opposed marriages between 13-15 years old children, and marriage of children without parental consent and serfs without the consent of the landowner. Synod decrees, issued July 31, 1779 and December 10, 1781 confirmed the ban to marry minors⁷.

Authority forbade parishioners to marry without the consent of the persons subordinate to which they were. So the decree of the Synod from 1783 confirmed the ban to marry without the consent (written evidence) of the military regimental commanders. However, there were cases of violation of this decree. For example, in 1786 a junior sergeant of the third Belarusian musketeer battalion Ivan Neumann married the girl Marina without permission from commanders. He gave money to the priest of Nikopol church from the village Pereshchepina, Matthew Tsugalovsky. When this case was transferred to Aleksopol spiritual board the priest justified by saying that Ivan Neumann assured him that he had received consent to marry from his commander Lieutenant Charles Abelimazow. It ended with the fact that Matthew Tsugalovsky was fined. He gave a written promise not to marry the military without written evidence of the regimental commanders⁸.

Several documents of the highest state authorities forbade marriages of persons staying in the relationship. The kinship system, which did not give the right to marriage, was very difficult. Priests were obliged to interview the bride and

⁶ Ігор Лиман, *Російська православна церква на півдні України останньої чверті XVIII – середини XIX ст.*, Запоріжжя, 2004, с. 282.

⁷ Виктор Гольцев, *Законодательство и нравы в России XVIII века*, Санкт-Петербург, 1896, с. 111.

⁸ Дмитро Яворницький, *До історії степової України, Дніпропетровськ*, 2004, с. 134-139.

groom, their family members and guarantors to examine written documents on the subject of the interference for the wedding. But such a procedure was not a guarantee of validity of a marriage.

In the South of Ukraine there were many violations in marriage. Many marriages were illegal, illegality which revealed accidentally after many years of marriage. The clergy had it very difficult to identify the circumstances that made it impossible to conduct a wedding, especially if the bride and groom tried to hide them. For South Ukraine this problem was more acute than for many other regions. Southern Ukraine was intensely populated. To the new settlements came immigrants from different parts of the state and from abroad. Therefore, in many cases, the priests knew little of their parishioners.

A big problem was how to prevent marriages between persons who were entered in the spiritual relationship with particular godparents. Such a relationship was difficult to defect, because during the baptism of a child there could be several pairs of godparents, not all of them were recorded in the register, so it was impossible to trace their kinship. It was more difficult to trace the lack of marriages among children of pairs of godparents, which were also prohibited by church.

In addition, there was a huge number of decrees and regulations that regulated the marriages of Orthodox persons of other faiths; regulated the right of soldiers' wives, eunuchs' wives, wives whose husbands were sentenced to life imprisonment; defined the rights of landowners to marry a serf; forbade wedding of treasury students before graduation and children of soldiers before their entry into military service, etc. So we can imagine a huge amount of problems and disputes that had priests in connection with the regulation of marriage and family relations in Southern Ukraine.

Some priests violated the law for personal gain or under pressure from secular officials. In general cases of illegal marriages, which were considered by the consistory and spiritual government of Southern Ukraine in the last quarter of the XVIII-th – the middle of the XIX-th century, constituted a significant percentage of other cases of violations by the representatives of spiritual department⁹.

Divorce was possible in the case of information that the marriage was illegal, or at the initiative of one of the spouses. Divorce was also allowed in the case of exile of one spouse to prison or settlement, if there is a request in the case of prolonged absence of the wife or husband, as well as the claim for divorce. The basis for such claims was physical inability to cohabit and adultery. In general, church and state were against divorce. They did everything to reconcile the

⁹ Ігор Лиман, *Російська православна церква на півдні України...*, с. 287.

spouses. There was even the notion «temporary divorce» until the case was decided under the law¹⁰.

In event of divorce because of physical disability to cohabitation, the relevant claim could be submitted only within 3 years after the wedding. At the same time, there was a mandatory medical examination. In 1784, Slavyansk spiritual consistory considered the case on the physical inability for married life merchant Athanasius Seleznev, who lived in the town Novoselitsy of Ekaterinoslaw County. With his wife Tatiana Egorova he was legally married 8 years. Tatiana's father married her when she was 14 years. After a medical examination doctors confirmed Seleznev's physical inability for marriage. T. Egorova divorced her husband and she was allowed to remarry¹¹.

It was very difficult to get a divorce by filing a lawsuit with the charge of adultery. The church argued that the divorce on the grounds of adultery was not required. The couple could reconcile. Therefore, in cases of adultery priests should influence the couple all possible moral and religious means, so as not to come to divorce. Even if there was clear evidence of adultery, diocesan authorities considered a priority of preservation of the family, created as a result of a legal wedding¹².

In Southern Ukraine dioceses, as well as in the neighboring dioceses and in the whole country, the number of divorces was negligible. But there was the specificity of the region: here, in contrast to the situation in the whole Empire, most of the marriages were dissolved because of bigamy. Knowing about practical impossibility to get a divorce some people chose more effective way to dissolve a marriage – an escape. Then the new wedding took place in other town or village. It was very difficult to find fugitives and gave them a good chance to live in illegal marriage for a long time. Foundation of new settlements in Southern Ukraine, coming of immigrants from different parts of Russian Empire and from abroad, migration without serfdom for some period, big quantity of military detachments in this region made for the success of illegal marriages. For example, in 1778, Slavyansk spiritual consistory considered the case on the bigamy of Evdokiya Krivonosenko. She had one husband Ivan Krivonosenko – Cossack of Gadyach regiment. Evdokiya was legally married at the age of 15. Then she made an escape because of brutality of her husband and remarried Dmitry Boyko, who knew that

¹⁰ Михаил Руднев М., *Церковное судопроизводство по делам о расторжении брака* (Христианское чтение), 1902, № 1, С. 106-107.

¹¹ Дмитро Яворницький, *До історії степової...*, с. 89-92.

¹² Ігор Лиман, *Державна церква і державна влада: Південна Україна (1775-1861)*, Запоріжжя, 2004, с.122.

his wife already had one husband. At the time of consideration of this case the couple fled again¹³.

These considered sources of diocesan origin contain valuable and important information that give us possibility reproduce and preserve the collective memory of the people past centuries. Information of different groups of documents gives valuable material for detailed study of socio-cultural history and family relations. The sources are of different nature. Variety of historical sources their nature, origin and purpose undoubtedly adds value to the information fields, which they create.

So, at the end of XVIII-th century the Russian state paid much attention to the regulation of functions of clergy in marriage and family relations. The Russian Orthodox Church played an important role in public and state life. It should be emphasized that in Southern Ukraine traditions of regulation of marriage and family relations by customary law were preserved longer than in other Ukrainian regions. But over time, due to the increasing role of the Russian autocracy and the Orthodox Church in southern Ukraine, customary law died. Marriage, divorce and other matters of marriage and family relationships become the prerogative of ecclesiastical authority that regulated and sanctified them.

The influence of the Orthodox Church on family relations of laymen in the 18-th century was investigated; the conditionality of marriage-domestic relations by interests of the Russian empire was pointed out. The researcher showed the infringement of the secular authority into marriage-domestic relations. For example, the main source of marriage law during the 18-th century was not only Nomocanon, but also synodicons and emperor's edicts, which corrected canon law.

On the base of original sources the ethics of marriage-domestic relations and the standards of behavior were found out. The researcher paid special attention to conflicts in family life. The role of the clergy in the everyday practices of laymen was reconstructed. During the 18-th century, the laymen were drawn towards established marriage-domestic traditions. It was found out that sometimes parish priests not conscientiously attended to their duties, infringed marriage-domestic regulations and gave laymen negative examples to follow.

¹³ Дмитро Яворницький, *До історії стенової...*, с. 62-67, 72-74.