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ILLEGAL MARRIAGES: VIOLATION OF THE MATRIMONIAL REQUIREMENTS BY THE UKRAINIAN ORTHODOX POPULATION DURING THE XVIIIth – THE FIRST HALF OF THE XIXth CENTURIES

Abstract. The Purpose. The article deals with the problem of illegal marriages among the Ukrainian Orthodox population of the XVIIIth – the first half of the XIXth centuries. **The Scientific Novelty.** The study of the common people family life in the context of various directions of a historical anthropology has determined the topicality, the scientific novelty of the issue under analysis and the need to study a significant array of sources of an administrative, procedural and legal direction, especially, the ego-documents from seven state archives. **The Methodology of the Research.** The research objectives were solved at the sensory and rational levels of cognition, but with the use of the general scientific (analysis and synthesis, abstraction and concretization, verification, etc.), special historical methods – prosopographic, a critical analysis and sources deconstruction and the principle of objectivity. **The Conclusions.** The marriages of persons of both sexes were considered invalid: if concluded between one or both mentally disabled brides; not divorced but remarried; divorced, when one representative of the couple did not have a permission for a new marriage and violated this requirement. The factors that caused a disorderly marital mobility and illegal marriages have been determined – the restrictions on divorce rights, an uncontrolled mobility of the population, the lack of an effective institution of a passport control, church ceremony weddings of brides not in their native parishes, a long-term absence of one marital partner, documents falsification, giving false information by witnesses, etc. It has been determined that violation of matrimonial requirements could give rise to a special type of adultery – bigamy (polygamy (polygyny) and polygamy (polyandry)). According to a civil law, an invalid marriage was terminated and the bigamist had to return to his legal spouse. In the case of divorce – the victim had the right to form a new family union, and the bigamist as a violator was doomed to celibacy. Soldiers' wives had a special status: the divorce process had certain restrictions. Since 1812, on condition of an unknown absence of a military man for seven years, his wife could file for divorce. Beginning in 1841, no terms of a military man absence were taken into account by the court, only a documentary evidence of the death of an officer or soldier allowed his wife to remarry.

Key words: bigamy, church wedding ceremony, illegal marriage, matrimonial requirements, soldier's wife.

НЕЗАКОННІ ШЛЮБИ: ПОРУШЕННЯ МАТРИМОНІАЛЬНИХ ВИМОГ УКРАЇНСЬКИМ ПРАВОСЛАВНИМ НАСЕЛЕННЯМ XVIII – ПЕРШОЇ ПОЛОВИНИ XIX ст.

Анотація. Мета дослідження. У статті порушено проблему незаконних шлюбів серед українського православного населення XVIII – першої половини XIX ст. **Наукова новизна.** Вивчення родинного життя простолюду в контексті різних напрямів історичної антропології визначило актуальність, наукову новизну досліджуваного питання та необхідність опрацювання значного масиву джерел директивно-розпорядчого, процесуально-юридичного спрямування, передусім матеріалів его-документів із фондів семи державних архівних установ. **Методологія дослідження.** Розв'язання дослідницьких завдань відбувалося на чуттєвому та раціональному рівнях пізнання, але із застосуванням загальнонаукових (аналіз і синтез, абстрагування та конкретизація, верифікація тощо), спеціально-історичних методів – просопографічного, критичного аналізу та деконструкції джерел, та дотриманням принципу об'єктивності. **Основні результати.** Недійсними визнавалися шлюбні поєднання осіб обох статей: укладені між одним або обома психічно недієздатними нареченими; нерозлучених, але наново незаконно одружених; розлучених, коли один представник подружньої пари не мав дозволу на нове вінчання та порушив цю вимогу. Визначено чинники, які спричиняли неупорядковану шлюбну мобільність і незаконні одруження, – обмеження шлюбнорозлучних прав, неконтрольований рух населення, несформованість дієвого інституту паспортного контролю, вінчання наречених не в рідних парафіях, довготривала відсутність одного шлюбного партнера, фальшування документів, надання неправдивих відомостей свідками тощо. Встановлено, що порушення матримоніальних вимог могло

породжувати особливий вид перелюбу – бігамію (багатоженство (полігінія) і багатомужество (поліандрія)). Відповідно до цивільного законодавства, недійсний шлюб припиняв дію, а бігаміста зобов'язували повернутися до законного шлюбного партнера. У випадку із розлученням – постраждала особа мала право на утворення нового сімейного союзу, а бігаміст як порушник був приречений на безшлюбність. Особливий статус мали солдатки: шлюбнорозлучний процес мав певні обмеження. З 1812 р. за умови безвісної відсутності військового чоловіка впродовж семи років дружина могла подати позов на розлучення. Починаючи з 1841 р., жодні терміни відсутності не бралися судом до уваги, лише документальне підтвердження смерті офіцера чи солдата давало змогу дружині військового повторно укласти шлюб.

Ключові слова: бігамія, вінчання, незаконний шлюб, матримоніальні вимоги, солдатка.

The Problem Statement. It was impossible for outsiders to comprehend the inner world of family relations, because the family environment of the majority was usually “closed” to outsiders. Different family collisions and conflicts, certain motivating factors that led to illegal weddings, family breakdowns, were not always known to the community. Sometimes such circumstances were revealed unexpectedly: first and foremost, by not indifferent members of the community, including members of the parish clergy, who monitored the observance of the Christian morality by parishioners. Marital violations became the subject of a public debate when cases gained notoriety. After the revelation of illegal acts in a matrimonial sphere, the measure of punishment for violators was determined in accordance with the norms of law or a court sentence. **The Scientific Novelty.** The specifics of family relations, the disinterest of educated representatives of the past in describing the life of the common people and, conversely, the marked interest of modern researchers in the history of an everyday life of the XVIIIth – the XIXth centuries determined the topicality of the issue and influenced the choice of the research strategies.

The Orthodoxy, as a dominant religion in the Ukrainian lands, recognized the lawful monogamous marriage between a man and a woman. This form of marriage is still dominant nowadays. Sometimes such marriage lasted for a lifetime of two matrimonial partners, but monogamy was not always lifelong. In cases of widowhood, divorces, new family unions could arise – a gradual polygamy (Rybakovskyi, 2003, pp. 184–185). In some cases, illegal marriages were formed, being forced or on purpose. Such illegal marriages became the subject of our study.

The purpose of the research is to analyze illegal marriages and the factors, which led to their appearance among the Ukrainian Orthodox population of the XVIIIth – the first half of the XIXth century.

In the context of using certain provisions of a historical fiction, especially the popularization of this problem among a wide range of readers interested in the historical past of the Ukrainian people, the author tried to pay attention not to well-known figures, but to ordinary people. The shift of the historiography focus to the study of illiterate common people is complicated by the lack of biographies about their origins and peculiarities of a family life. The research of this issue became possible owing to identifying and deciphering of individual recollections, slips of the tongue, marital motivations about the family life of certain people, which are presented in the ego-documents.

The source base of the research is represented by the directive administrative documents and materials of the funds of seven state archival institutions in: Vinnytsia, Kyiv, Poltava, Sumy, Chernihiv, Kharkiv regions and the Central State Historical Archive of Ukraine in Kyiv. The author used the classification of act sources, which can be found

in the collection “Business Documentation of the Hetmanate of the XVIIIth Century” (Dubrovina, 1993, p. 32).

The analysis and interpretation of the studied court cases information of various clerical departments, the documentation of a civil law contributed to the formation of certain interpretations and conclusions. The research goals required the application of a modern approach to the sources – a combination of the principle of objectivity, sensory and rational levels of cognition with the general scientific (analysis and synthesis, abstraction and concretization, verification, etc.) and special historical methods.

Different spheres of a historical anthropology made it possible to combine the methods of studying the socio-religious history, the history of an everyday life, the history of emotions, diseases, a sexual behaviour, and etc. The use of the prosopographic analysis method contributed to the study of this problem by singling out legal and illegal marital relations, righteous and antisocial behavioral strategies of people (Offenshtadt, 2011, pp. 143–144). The method of a critical analysis of sources prompted the author not to trust “the word” written, but to check, to compare the information with other revealed facts. Using the deconstruction method, important information was singled out from the texts of the written sources, which contributed to the systematization of information, the interpretations and the formulation of conclusions. Established by the civil law, a public opinion marital norms of behaviour and individual traits of offenders were revealed.

The Analysis of Scientific Research and Publications. Some aspects of divorce conditions in the lands of the Russian Empire were analyzed by the Russian and Ukrainian researchers: B. Mironov (Mironov, 2003), N. Nizhnik (Nizhnik, 2006), M. Tsaturova (Tsaturova, 1991), I. Petrenko (Petrenko, 2010). The issues of an everyday life, a marital, marginal, antisocial behaviour of Volyn population during the XVIth – the first half of the XVIIIth centuries were discussed by N. Starchenko (Starchenko, 2017, pp. 81–112) and I. Voronchuk (Voronchuk, 2018, pp. 82–109; Voronchuk, 2019, pp. 69–80). O. Dziuba analyzed the private life of the Cossack officers in the XVIIIth century on the materials of the epistolary genre (Dziuba, 2012).

The Statement of the Basic Material. Marriages were recognized as illegal when they were concluded with violations of the matrimonial requirements defined by the Orthodox doctrine and directive administrative acts of the matrimonial requirements. Let’s name some of them. Marriages were not recognized as legal and valid: 1) marriages concluded by the use of violence or insanity of one or both brides; 2) a new marriage, when the previous marriage was not abolished by the spiritual authority; 3) a marriage, in which one partner after divorce and termination of the family union, was forbidden to make a new married couple (Svod zakonov, 1857, p. 8).

These conditions of marriage, which declared the very marriage invalid, outlined the objectives of the research. Firstly, we will try to analyze the above-mentioned directive administrative acts of the above-mentioned matrimonial norms, according to which family unions were declared invalid. Secondly, we will “humanize” the declarative material by providing examples from the lives of different families. Thirdly, we’ll single out the reasons, which led to illegal marriages. Fourthly, we’ll pay attention to the marital relations of a military personnel. We’ll highlight some risks for women, who dared to marry a soldier or officer. We’ll determine the conditions under which a soldier’s wife could make a new family union legally. Fifthly, we’ll explain the specifics of using a certain terminology.

Based on the interpretation of the first provision of the marriages illegality, parents or guardians of the Orthodox faith, who forced their children to marry, were punished by the

spiritual court in accordance with the revealed offense. The guilty relatives were subjected to a church penance and could be imprisoned for a term of six months to one year (PSZRI, 1846, p. 972). In the case of insanity of one of the marriage partners, the law provided for the certification of a mental illness by doctors in a written form. Such information (a certified document) was sent to the clergy, and then, probably, to the Synod, where the decision was made to terminate the marriage (PSZRI, 1830c, p. 42). For instance, in 1773 a resident of the village of Belausovka, Vasyl Semeniuta asked to be allowed to remarry. The reason for it was his wife's mental incapacity. During the year and a half of living together, the wife suffered from the fits of the "black disease" (epilepsy): during the fits, the woman did not control her behaviour, ran away and barely survived. We assume that the parents concealed the fact of their daughter's mental disorders, which were not noticeable before the marriage, but the disease showed its symptoms. According to the civil law, Pyriatyn spiritual authority granted a permission for divorce (SAPR, f. 801, d. 1, c. 364).

According to the second point of marriages invalidation, the phenomenon of bigamy arose, i.e., this type of adultery, when a new marriage was concluded in spite of the previous legal marriage, which was not broken. The violator of matrimonial norms is called a bigamist. "Instruction for priests starosta" № 1612 of 26 December 1697 recommended to inform of these cases the Holy Patriarch (PSZRI, 1830a, p. 422). In the Act document of 1722 such "copulations" were called "stupid marriages" and according to the articles of the Spiritual regulations of 1721 they were the subject to the jurisdiction of the Synodal court (PSZRI, 1830b, p. 650). This form of adultery gave the spouse of the bigamist couple the right not to continue a legal cohabitation with him and to make a new family union (Nizhnik, 2006, pp. 168–169). If a man had several wives at the same time, this phenomenon was called polygyny. As it turned out from the court cases under analysis, a fairly common form of an illegal marriage in the Ukrainian lands was polyandry: one woman could have several husbands at the same time (Rybakovskyi, 2003, p. 215). In such situations, the question often arose: what kind of marriage should be considered valid if the bigamist could have several spouses?

The phenomenon of bigamy arose as a result of the restriction of divorce rights. The changes in the civil law during the XVIIIth century reduced their number from twenty-six to five or six (Nizhnik, 2006, pp. 71–110; Mironov, 2003, p. 174). The uncontrolled movement of people, unregulated mechanism of certification of persons or its obvious violations, ultimately, had the following consequences: a disorderly marital mobility, providing false information about persons, falsification of documents, registration of illegal church weddings in non-native for brides parishes, and etc. Thus, one of the main matrimonial requirements was violated: the prohibition of the second marriage if the spouses of the first married couple were alive and not divorced.

Various factors caused illegal marriages. Firstly, the long absence of men due to a military service. Secondly, one spouse could be employed somewhere for a long time or be considered missing, a fugitive, and etc. The conclusion of a new marriage became possible on condition of the submission of documents on the divorce or death of one representative of the first marriage. These and other legal norms were regulated by separate directives and administrative acts.

According to the Decree of the Synod of May 22, 1723, if the second marriage was invalid, the bigamist had to return to his first family (PSZRI, 1830c, p. 42). Despite the requirements of the directive administrative document, the priests resorted to illegal actions: they drew up

false divorce certificates and performed an illegal wedding ceremony. Therefore, by other Decrees of the Synod of December 11, 1730, July 10, 1767, representatives of the parish clergy were forbidden to commit these atrocities and the need was emphasized to bring them to justice, in particular, to deprivation of a spiritual dignity. The pastors had to keep to the decrees and they filled in a written form (PSZRI, 1830d, p. 348; PSZRI, 1830f, p. 171).

According to the terms of the Decree of the Synod of October 15, 1777, regimental priests were to receive the information during confession from soldiers, officers and other lower ranks and that information had to be recorded in the name books. In the documents there were registered the data on a social origin, a marital status and former place of residence (indicating the province, county, village, for serfs – the estate). For spouses, the territorial origin of the wife or the date of her death had to be registered. The information on alive or dead military men was submitted to the Holy Synod annually. In case of death of the military men, their wives, who lived mainly with relatives or parents, received the so-called death certificates of their husbands (PSZRI, 1830h, pp. 565, 865, 918; PSZRI, 1830i, p. 289; Borodenko, 2019, pp. 8–14). In paragraph 12 of the Instruction of August 28, 1797, the field priest was ordered to marry regimental servicemen only with a permission certificate, written by the commanders, the absence of alive wives from previous marriages or the presence of certificates of wives' death (PSZRI, 1830k, p. 701).

The Decree of July 4, 1748 regulated the resolution of property issues on condition of the conclusion of a legal matrimonial union. Thus, the Decree prohibited the validity of property relations in an illegal marriage. However, only the Senate Decree of June 26, 1774 regulated clearly the invalidity of marriage on the condition of marriage of the second representative of the couple if one of the spouse from the first marriage was alive (PSZRI, 1830e, p. 873; PSZRI, 1830g, p. 654). In support of this thesis, other Decrees were initiated on October 13, 1777, September 13, 1779, February 28, 1780, October 15, 1781, which were fixed in the civil law of 1832 (PSZRI, 1830g, pp. 654–655; PSZRI, 1830h, pp. 565, 863–864, 918; PSZRI, 1830i, pp. 288–289; Svod zakonov, 1832, p. 18).

The records of ego-documents showed that men of different social strata had several wives in different marriage unions. These are mainly those social categories of the population who, as a result of their professional activities, lived separately from their families or were absent for a long time, were outside the family circle. Military men or officers' / soldiers' wives were at risk. A certain record holder, who married three times, twice illegally, was a man, Maxym Petrovych Diachenko, from Borzensky district, whose social origin is unknown. In 1776 the man had three wives, who were alive and lived in different settlements (SACHR, f. 679, d. 14, c. 1060). In 1778 the Cossack, Leontiy Krasovsky, from the village of Seredyna-Buda had three wives and his second wife was alive (SASR, f. 624, d. 1, c. 20). In 1794 Fedir Morozenko had three wives, who were alive; Vasyl Pavlenko had three wives in 1784 (SAPR, f. 801, f. 1, c. 244; CSHAIK, f. 127, d. 1043, c. 59). A separate court case of a bigamist was considered by the Yampil county court of Podilsk province during 1865 – 1869, according to which the landowner Fokelman was accused of polygamy (SAVR, f. 474, d. 1, c. 1451). A nobleman Ustyn Fedotov Podvynsky was accused of having two wives and was punished by exile in Siberia in 1861. He was deprived of privileged estates and assigned an ecclesiastical repentance (SAKR, f. 227, d. 1, c. 1060).

A scandal erupted at the state level concerning the marriage of Osyp Hannibal, a captain of marine artillery. The officer married Ustyna Tolsta, a widow, when his marriage to Maria Pushkina was not dissolved. To repent of the illegal marriage, O. Hannibal was sent to

a long-term campaign to the North Sea by ship according to a Decree of 1784. A little daughter, born by Ustyna Tolsta, was endowed with a part of the real estate, which was at the disposal of the department of an aristocratic guardianship (PSZRI, 1830j, p. 1033). A similar decision to terminate the second illegitimate marriage was made by the Senate Decree of April 25, 1807 on Olexander Yelchaninov, a commissioner. Both men were ordered to return to their first wives (PSZRI, 1830l, p. 1180).

Some men lived with their new wives illegally until an accident or the death of a military man revealed their crime. In particular, as a result of the death of Mark Bayev, a soldier of Okhtyrka unit, it became clear that the man was in an invalid marriage with a middle-class girl Melania Vasylichenkova. The offense was considered in October 1825, when neither the soldier nor his illegitimate new-born son were alive, and Melania's lawsuit for adultery with Mark was transferred to Okhtyrka clergy board (SAKhr, f. 40, d. 15, c. 965).

However, there may have been the cases of marital irregularities by both: the military men and their wives. For instance, in 1752 Agrypyna Kovalieva was punished by beating and the divorce with the second illegitimate man, because the first husband of hers was alive, he was a Cossack (SASR, f. 960, d. 2, c. 239). Iryna Avdieieva from Romny married a neighbour, Herasym Kulipanchenko, from the village of Kalynivka in 1762. She did not wait for her husband to return from a military service and even gave birth to a child. Shortly, after a ten-year absence, her ex-husband returned in 1763 and expressed a desire to live with her as one family. The spiritual consistory did not dissolve Iryna's marriage, but allowed the retired soldier to remarry another woman. Mykyta Hryhoriev, a priest from Kalynivka, who performed the illegal sacrament of marriage according to the false testimony of a witness, was fined for 5 rubles for violating an executive discipline (SASR, f. 960, d. 2, c. 634). The latter example was, apparently, exceptional due to the fact that one of the divorce requirements came into force: the unknown absence of one matrimonial partner for more than five years (PSZRI, 1830m, p. 363). Instead, the man returned to his first wife in ten years.

The life story of Danylo Yemets, a military serviceman, who went on the Crimean campaign in 1777, is an example of legal matrimonial conditions violation due to the inaccuracy of people's testimonies and the lack of documentary information on his life. Ivan Vynohradovsky, a fellow villager, allegedly told Danylo's wife, Uliana Chernyshova, false information about her husband's death and gave a false testimony to Fedir Savytsky, the priest. A representative of the parish clergy, having information that Danylo Yemets died, conducted the sacrament of Ulyana's marriage to Fedir Skrypchenko. Soon Korniy Pylypenko, a soldier, returned from a campaign on vacation. During a meeting in Bakhchisarai, Danylo Yemets asked Korniy Pylypenko to visit Danylo's wife. Visiting Danylo's wife, Korniy revealed the soldier wife's betrayal. A court investigation began concerning the illegal marriage of Ulyana and Fedir, which lasted during 1780 (SASR, f. 960, d. 2, c. 1413).

Stefanyda Hrytsenko, a resident of Berezan, got married illegally for the second time. In 1800 the bigamist married a peasant Kalinichenko secretly from her first husband, who served in the army. The priest performed the ceremony of the marriage sacrament in accordance with the testimony of those, who confirmed that the bride was a widow. When the soldier, her first husband, returned from service, the case became public (SAPR, f. 801, d. 1, c. 1485).

Another court case of the accused Yevdokia Petrivna Chernihivska, was considered for five years (1802 – 1807). The soldier's wife did not wait for the return of her husband Sava Tarasov from the conscription. Bribing a priest from another parish for 15 rubles and providing false evidence, the woman entered into an illegal marriage with Mykola Lievashenkov in

the “village” of Shylynka. During the court case consideration, the couple was forbidden to live in the same house, emphasizing the prohibition of any personal meetings. The court’s decision was never announced, because Yevdokia died in 1807 (SACHR, f. 679, d. 2, c. 117).

Pelaha Bebeskovna’s first husband, who was in the army service as a “driver”, returned home six years later and demanded a reunion with his lawful wife by her divorcing with another husband, whom she had secretly married. The court case consideration lasted for six years (1776–1782). As a result, the decision was made: “divorced from marital cohabitation”. The woman returned to her first husband (SAPR, f. 801, d. 1, c. 512, pp. 1, 3, 28).

The Senate Decree of 1812 № 25.140 emphasized the illegality of weddings even in case of the soldier’s absence for seven years. In this case, the divorce of the military man was declared invalid and the new family union had no legal force. Children born in such families were considered illegitimate and were under the care of the military board (PSZRI, 1830n, pp. 352–353; SAPR, f. 801, d. 1, c. 2013). The Charter of the clerical consistories of March 27, 1841 further restricted the rights of soldiers’ wives to divorce. Since then, any absence of male servants had not been taken into account. Soldiers’ wives could remarry only after providing parish priests with certificates from the military units about the death of their husbands (PSZRI, 1842, p. 250).

According to the Civil code of 1857, soldiers’ wives had the right to make a request for a divorce when their husbands escaped from the service, were not found within a five-year period, and were not re-enlisted in the military service. Wives of the soldiers, who went missing at the front or were taken prisoners, were allowed to remarry on condition of a ten-year absence of a serviceman, and on condition of a certificate from regimental commanders, stating the time of a husband’s disappearance (Svod zakonov, 1857, p. 11; O venchaniï vdov, 1878, pp. 268–270; O venchaniï vdovykh soldatok, 1872, p. 737; Po predmetu venchaniya, 1872, pp. 413–414). A similar order was received by Chernihiv Provincial Board in the summer of 1855 (SASR, f. 630, d. 2, c. 48, p. 3).

Therefore, in case of bigamy, the newly formed marriages of soldiers or officers’ wives had to be annulled. It is noticeable that the law showed tolerance towards the conscripts. Beginning in 1841, women, who married military men took too many risks, as they were, in fact, doomed to a lonely life, raising children alone, and almost being deprived of divorce rights. Probably, having found themselves in the status of a soldier’s wife without the actual right to divorce, some women resorted to an illegal cohabitation with other men. Such was the illegal union of a soldier’s wife Synytsyna with the nobleman Sosnytsky. The lawsuit of the cohabitants was considered for two years (1867–1869) (SAVR, f. 474, d. 1, c. 1452).

Some women, on the other hand, deliberately pretended to be a non-existent soldier’s wife. This was Maria Yakivna Sushchenkova, who was prosecuted by the Zmiiv county court on May 19, 1825 for “theft and arson”, because a woman set fire to the house of the Shydlovsky’s heirs and stole 16 rubles 40 kop. from Ivan Yablonsky. The suspect in the crime testified that she was the wife of a recruit, a former Kharkiv resident Yefym Korovkin, with whom she allegedly married in the autumn of 1812 in Valkovsky county of Nova Vodolaha settlement in Preobrazhenska Church (the wedding ceremony was allegedly conducted by a priest Fedor). In response to a request for a marriage certificate, which was based on the records of the metric book of the church mentioned above, it became clear that such a registered family union did not exist (SAKhR, f. 40, d. 15, c. 414). Apparently, wanting to avoid punishment for the crimes committed, the woman “covered up” by a social status of a soldier’s wife.

Sometimes the wives of the servicemen moved with their children to the place of redeployment of military units. The disorder of the family life of the lower ranks made it difficult for the troops to function. Most of the troops did not have sufficient facilities for the families of conscripts and the means to improve their well-being, taking into account the fact that the troops moved from place to place during the campaigns. Taking into account these circumstances, the Order of the Military Ministry of May 14 – June 17, 1866 introduced marriage restrictions, namely: unmarried soldiers were forbidden to marry before an indefinite leave; lower-ranking non-commissioned officers were allowed to marry after five years of service, but on condition of a written and signed document, prohibiting a petition to the military treasury for the provision of a premises to live and additional expenses for the maintenance of their families; married servicemen were not allowed to take their families to military locations or they were told to keep them at their own expense (PSZRI, 1868, pp. 550–551).

While recognizing the first marriage as valid and terminating the illegitimate of the second one, state institutions and religious authorities did not explain the ways to establish the conditions for the existence and relations of the reunited family. After the official divorce of people, who were illegally married, the question arose: how to adjust the cohabitation of people in the previous family, if one of the couple already had another, perhaps, more loving person. This issue often made church courts deviate from church rules (Nizhnik, 2006, p. 173). By Article 222 of the Spiritual Consistory Statute of 1841, the authorities tried to regulate the relations of reunited families in the following way: if the abandoned person did not want to be married to a bigamist, the marriage partner, who did not violate the rules of the law was allowed to divorce and remarry. Instead, a person, who violated the matrimonial requirements was to be doomed to celibacy forever (PSZRI, 1842, p. 249).

Thus, the violator of matrimonial requirements came under the third point of non-recognition of certain family combinations as legal. The category of persons, who were not allowed to remarry included those matrimonial partners, who violated another requirement: cohabitation after the wedding church ceremony. Violators of this marriage norm had to be solitary in a monastery for life. Punished by celibacy were those guilty persons, whose act of adultery was proved in court as a result of divorce proceedings (PSZRI, 1842, pp. 246, 252; Polnoye sobranie postanovleniy, 1910, pp. 585–596).

We assume that such a rule of civil law was not always complied with. In particular, the marriage of Andriy Hrytsay, a Cossack of the Constantynivska Hundred, to Feodosia Matvienko was not recognized because of the return of her first husband, Yefym Kiyash. The woman resumed cohabitation with her first matrimonial partner, and Andriy Hrytsai, who was left alone with a young child by the illegitimate wife, asked Romensky Clergy Board for permission to remarry another woman on March 27, 1783, and soon he obtained a conciliatory opinion (SASR, f. 960, d. 2. c. 1414, p. 1). Thus, the above-mentioned family situation is a proof of the unresolved nature of many issues of reunited families, especially the affiliation of illegitimate children – to a mother or father, guardianship authorities, the military department, and etc.

The Conclusions. The research made it possible to analyze three conditions under which marriages were considered to be illegal. The marriages concluded by the use of violence or a mental incapacity of one or both brides were declared invalid; spouses, who did not get divorced but remarried illegally; persons, who broke off the family union but did not have any permission for a new wedding and violated this requirement.

The provided examples of illegal marital manifestations allowed to reveal various cases of bigamy, namely: polygyny and polyandry. We believe that the phenomenon of bigamy was

caused by restrictions on divorce rights, uncontrolled movement of the population, lack of an effective institution of passport control, forgery of documents, providing false testimonies by eyewitnesses, church weddings ceremonies of brides not in their native parishes. The above-mentioned factors could lead to a disordered marital mobility and illegal marriages. In the case of revealing of polygamy by a husband or a wife, the bigamist was obliged to return to his first lawful wife or her lawful husband. However, the mechanisms for the existence of reunited families and the maintenance of children from illegally married partners were not regulated. Since 1841 the victim had the right to divorce, while the bigamist was punished with a lifelong celibacy. The category of violators of matrimonial requirements primarily included persons, whose professional interests were related to a long-term absence from the family circle.

In case of absence of any information for five years about one member of the couple, the other matrimonial partner had the right to divorce and make a new family. In 1812 the divorce law of female soldiers' wives was limited to seven years of absence of the serviceman, and since 1841 no period of time was taken into account, only a documentary evidence of an officer's or soldier's death allowed a widowed woman to remarry. Wives, whose husbands escaped from the military service or were imprisoned, had somewhat broader rights.

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