

## IOANNIKII MALYNOVSKYI AS AN ENLIGHTENER OF THE HISTORY OF LAW

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### ABSTRACT

**Aim.** The purpose of the study is to research the career of Professor Ioannikii Malynovskyi in higher education, his contribution to its development, the goals of the university education.



**Methods.** In the study several different methods were used in the system and interaction. A dialectical method, which boils down to the fact that all phenomena in society have a beginning and an end. The historical method was used to take into account historical traditions, socio-cultural roots of the state and law. A logical-semantic method was also used to help define the conceptual apparatus used in the study. Formal-legal method was used to analyse and disclose legal concepts.

**Results.** The research showed that Malynovskyi conducted scientific researches in the chosen field and by getting acquainted with the heritage of national and world culture. The professor made considerable efforts in education to democratise higher education, in particular, by admitting women to higher education in Western Siberia. He defined the goals of university teaching: 1) to learn to acquire knowledge, the method of scientific research and, 2) to get acquainted with the current state of science. The scientist was the first to create a chronologically consistent, comprehensive subject course on the history of Rus' law.

**Conclusions.** Malynovskyi's contribution to the democratisation of higher education already belongs to history, but his scientifically based recommendations on the goals of university education and means of achieving it are not without relevance today, but especially on the practical side in training future legal practitioners which are topical for today.

**Keywords:** Malynovskyi, way to education, higher education, legal education, science, university, lectures, textbook

Malynovskyi was born on November 4, 1868 in the town of Ostroh, Volyn Province (now Ostroh, Rivne Region, Ukraine) into a family of a small craftsman. His father, Oleksii Semenovych Malynovskyi, was engaged in the manufacture of "Romanov" fur coats. His mother, Stepanyda Feliksivna, a housewife, was illiterate. In addition to Malynovskyi, the family had three other children: the eldest son, Volodymyr, the youngest, a son Isaac and a daughter Maria. Both parents, according to the matrix records of the children, were of the Christian faith.

The future academician studied brilliantly at the local parish school and progymnasium. When Malynovskyi was 15-years old, the family suffered a terrible tragedy - in the spring of 1884, in a clay quarry, his father and brother Volodymyr died tragically as a result of a landslide. The family was left without means of subsistence. Relatives helped them to survive. In the summer of the same year, Malynovskyi's uncle took the talented young man to Kyiv, where he passed the competitive exam with an excellent mark and became a scholarship holder of the Kyiv Collegium of Pavlo Galagan, an elite educational institution run by the Ministry of Public Education and under the auspices of St. Volodymyr University, where only 30 students from really poor families studied and were on full board.

The board left a noticeable mark in the life of Malynovskyi. Later, he gratefully mentioned the famous Ukrainian philologist and folklorist Pavlo Zhytetskyi and other teachers who instilled in him a desire to master the achievements of world and national culture. Here he received the first skills in creative research and editorial work: he edited a student

newspaper together with the future world-famous orientalist Agatangel Krymskyi.

After graduating from the collegium in 1888 Malynovskyi entered the Faculty of History and Philology of the Kyiv Imperial University of St. Volodymyr, but later moved to the Faculty of Law, where under the influence of Professor Mykhailo Volodymyrskyi-Budanov showed interest in domestic (Ukrainian) law and under his leadership completed a student graduate thesis on criminal law under the Lithuanian statutes. The work was deservedly awarded a gold medal by the University Council and recommended for publication. It was first published in the University Gazette, and later published in a separate publication entitled "The Doctrine of Crime under the Lithuanian Statute" and received a positive response, in particular, from the Law Society at St. Petersburg University in the person of Professor Aleksandr Mikhelson (Malynovskyi, 1894). Thus Malynovskyi while still a student distinguished himself by a significant achievement in the educational and scientific school of Western Rus' Law – educational and scientific direction, in which the history of Ukrainian (and Belarusian) law stood out from the history of Russian law, where the history of the law of Ukrainian people during the time of the Grand Duchy of Lithuania and the Polish-Lithuanian Commonwealth was practically ignored.

In 1892 Malynovskyi graduated from the university with the hope and dream to dedicate himself to teaching and research. He is left as a master's student. But life decided otherwise. Due to unfavourable financial conditions in 1892-1895, he was forced to teach in the families of landowners in Poltava and Kyiv, to teach law in the Kyiv Cadet Corps. In Kyiv he was also formed as a public and educational figure: in the mid-1890s he became a member of several educational societies, including a member of the People's Readings Commission at the Kyiv Medical Society, he was elected the secretary of this commission and the head of the People's Auditorium; he spoke before the citizens with pleasure. In 1897 he printed and published his brochure *How They Fought in the Old Days and How They Are Fighting Now* imbued with the ideas of humanism (Yaremchuk, 2002).

The year 1898 was a turning point in the life of Malynovskyi: he passed the last master's exam, received the position of private associate professor at the University of St. Volodymyr, chose the issue of the Council of the Grand Duchy of Lithuania, which was not studied in science at that time, as the topic of his research. But in the summer of the same year he married Mariia Konyska, the daughter of the famous writer and public figure, the author of the lyrics of the spiritual anthem of Ukraine *God, almighty and only, save Ukraine for us* by Oleksandr Konyskyi, and received an offer from the Ministry of Education to perform the duties of extraordinary law professor in newly established Tomsk Imperial University. The offer was accepted and at the end of the summer of the same year the newlyweds Malynovski moved to Tomsk (Usenko & Tsygankova, 1993).

During the Tomsk period of his life (1898-1913) Malynovskyi succeeded as an excellent lecturer of higher education, as a scientist, as a public educator and politician.

At Tomsk University Malynovskyi as the acting extraordinary professor at the Department of Rus' Law, the head of this department, participated in the organisation of both the department and the faculty, prepared a course of lectures on the history of law, which he taught, and later the courses of encyclopedia of law, history of criminal and civil law, and history of corporal punishments in Russia (Fominykh, 1966). The professor's lectures, as noted by his students, were always interesting. The lecturer carefully prepared for them. At first he wrote them down, later read them to Marusia (as Malynovskyi affectionately called his wife), and only then did he consider himself prepared for the lecture. Along with this he used classroom time in a unique way. Of the eight weekly hours allotted to him, he devoted only two to actual lectures. At the same time, for example, he did not read the full course of the history of Rus' law, but focused only on the introduction and some special issues like the history of autocracy, a brief history of local government etc. The remaining six hours were devoted to practical classes in the form of interviews with students, reading author's abstracts and debating them, reading and commenting on primary sources. All classes were filled with reflections on the prospects of the country's development, the place of a scientist in society, the importance of higher education. This is how the teacher Malynovskyi distinguished himself in his first lecture, given on November 9, which was presented in sufficient detail in the newspaper *Sibirskii Vestnik* of November 12, 1898. He concluded this lecture with words, which the audience and the colleagues greeted with loud applause:

The study of the evolutionary development of law is the subject of the history of law. "Searching for the truth" is the commandment given to its students by legal science, this is its educational value. The realisation that the truth is not Pallas Athena, who came out of the head of Zeus, but the fruit of the mental labour of mankind throughout its history, forces a scientist to be modest and not to disguise his/her ignorance in the toga of idle talk. (Malynovskyi, 1898, p. 8)

Malynovskyi based his lectures on the history of law on the views of his teacher, professor Mykhailo Vladymyrskyi-Budanov, on particularly important issues of teaching and studying these university academic disciplines, but at the same time he was guided by his understanding of the goals and means of university teaching. He noted that textbooks are needed only in primary and secondary schools, because "subjects" are taught here. In each subject, the student is required to acquire knowledge in a certain amount and in accordance with a certain programme. This required amount of knowledge is contained in textbooks approved by the competent authority for use in schools. There are no "subjects" in high school, there should be no textbooks. The transformation of university science into a "subject"

and the emergence of “textbooks for students” should be considered abnormal. Sciences are studied in universities. More or less scientific knowledge is the destiny of a few scientists. But the proverb “ars longa, vita brevis” also applies to them. As for students, the requirements for them should be limited to the following framework: you cannot know everything, but you can and should: 1) learn to acquire knowledge, i.e. learn the method of scientific research, and 2) get acquainted with the current state of science. They are two goals of university teaching. The means to achieve these goals are individual work of students and professorial lectures, which are supplemented by textbooks (Malynovskyi, 1900).

By the way, the professor also deduces a similar position regarding the goals of university education from a number of literary works by Anton Chekhov, in which the writer, in one way or another, literally covered this issue, namely, that to study (at university), i.e. to seek the truth “means to get acquainted with the sciences. Primary schools, libraries and reading with foggy pictures cannot be the means to this end. The real tool is the temple of science, the university” (Malynovskyi, 1904, p. 7). And then Malynovskyi for the first time also speaks about the study of lawyers in high school (although later he somewhat clarifies this point of view):

Science, as a branch of spiritual activity, is the search for the truth and meaning of life. Science should not pursue any practical goals. The purpose of science is truth... If we look at legal sciences from this point of view..., we will say this: legal sciences do not pursue practical purposes, they do not contain the practical knowledge which is necessary for a practical lawyer – a judge, a prosecutor, an attorney; the purpose of legal sciences is to clarify the meaning and truth in the phenomena of legal life; therefore, the task of the Faculty of Law is not to train practical lawyers, but to train educated lawyers. (Malynovskii, 1904, p. 8)

So, the initiative of students, he wrote, should be expressed in reading the literature of this science and in independent work on its sources. The university provides a student with all the conditions that guarantee the success of his or her initiative: a student uses university educational and auxiliary institutions (library, museums, laboratories, etc.), they also use the guidance and instructions of professors (during practical classes and in each case when guidance is needed). Students’ individual work in the history of Rus’ law is to read historical and legal works and to get acquainted with the methods used by the authors of these works. An even more reliable way to master scientific methods is to familiarise yourself with the memorials of law for an independent solution of a particular scientific issue.

The main purpose of professorial lectures is to acquaint students in a systematic way with the main issues of this science in its current state. Pursuing mainly this goal, in his lectures the professor does not lose sight of the first goal: systematically teaching the main content of science, the professor in his lectures also points out the paths that human thought took to the

discovery of scientific truths, i.e. introduces students to the method of scientific research. Textbooks are not substitutes, they complement professors' lectures. And in the presence of a textbook an oral lecture keeps its separate value. The professor, in addition to his duties as a teacher, monitors the constant movement of science and participates in this movement as one of the researchers. Only through an oral lecture can a professor acquaint his students with the current state of science. The textbook, published even a year or two ago, may contain provisions that have already been refuted by later research. Besides, a live word of the professor has a quality that a written word does not have: an oral lecture can stimulate the curiosity of students, turn their minds to certain scientific issues. But a spoken word does not leave a solid mark, it is forgotten or distorted. Therefore, a printed course is a necessary aid when listening to lectures (Malynovskyi, 1900).

It should be noted that Malynovskyi fully adhered to the methodology he defined to achieve the goals of university education. He wrote and published a number of textbooks as supplementary material to his lectures, in particular, *Textbook on the History of Russian Law* Tomsk, 1900; *Lectures on the History of Russian Law. 1st Edition. Program. Introduction. Literature. Sources* Tomsk, 1907; *Lectures on the History of Russian law. 2nd Edition. History of State Law* Tomsk, 1907; *Lectures on the History of Russian law. 3rd Edition. History of Criminal Law. History of Civil Law* Tomsk, 1907. As primary sources he recommended to students ancient chronicles, treaties of the princes of Kyiv Rus' with Byzantium, *Ruska Pravda* in several editions, other regulations of Ukraine-Rus', Novhorod and Pskov Judicial Charters, Kazimir's Code of Laws of 1468, Lithuanian Statutes of 1529, 1566, 1588, Privileges of Volyn, Kyiv and other Ukrainian lands, acts of the Archaeographic and other commissions on the legal life of the Ukrainians in the past, etc., as well as items personally collected by him in archives, museums of Kyiv, Vilno, Warsaw, Krakow, St. Petersburg, Moscow and others cities of the Russian Empire and foreign states, arranged by the author, in particular, related to the Council of Lords of the Grand Duchy of Lithuania (*Collection of Materials Relating to the History of the Council of Lords of the Grand Duchy of Lithuania* Tomsk, 1901; *Collection of Materials Relating to the History Council of Lords of the Grand Duchy of Lithuania. Addition* Tomsk, 1912).

In Tomsk, Malynovskyi gained fame as a recognised scientist in Russia, and an intellectual scientist. Here he penned such diverse scientific and educational works as *Russian Social Life In the Poetic Image of A. S. Pushkin* (1899), *In Memory of Pushkin* (1899), *University In the Works of A. P. Chekhov* (1905), *Social Significance of Gogol's Literary Activity* (1910), magazine and newspaper articles *On the Eve of the Zemstvo System In Siberia* (1900), *Siberian Antiquity. Essays* (1900-1903), *Voivodship Administration In Siberia* (1903), *Common Law of Siberian Foreigners* (1909), *Siberia and Cultural Issues* (1910), *The Past of Tomsk* (1912).

During the Tomsk period, the professor, without interrupting the educational sphere of work, worked extremely productively in the scientific sphere,

devoting himself mostly to the subject of education. In addition to numerous magazine and newspaper articles as well as publications not directly related to the history of law, he also published his more or less major works such as *Serfdom in the works of Gogol* (1889), *Exile to Siberia* (1900), *Serfdom in the works of Shevchenko* (1901), *The oldest Russian aristocracy* (1903); *Speech before the debate (declared at a public meeting of the Faculty of Law of St. Vladimir's University on February 1, 1904 Tomsk, 1904, Council of the Grand Duchy of Lithuania in connection with the Boyar Duma of ancient Russia. Part I. The Boyar Duma of ancient Russia* (1903), *Council of the Grand Duchy of Lithuania in connection with the Boyar Duma of ancient Russia. Part. II. Council of the Grand Duchy of Lithuania. 1<sup>st</sup> Edition* (1904), *Questions of law in the works of A. P. Chekhov* (1904); *People and power in Russian history* (1905), *Bloody revenge and the death penalty. 1<sup>st</sup> Edition* (1908), *Bloody revenge and the death penalty. 2<sup>nd</sup> Edition* (1909), *Starting page of the history of the Russian intellectuals (answer to the authors of 'Vekhi')* (1909), *Russian writers-artists on the death penalty* (1910), *Council of the Grand Duchy of Lithuania in connection with the Boyar Duma of ancient Russia. Part I. Council of the Grand Duchy of Lithuania. 2<sup>nd</sup> Edition* (1912).

Of course, these scientific works were used by the scientist (and not only by him) in the teaching process. Scientific work in two parts *Council of the Grand Duchy of Lithuania in Connection with the Boyar Duma of Ancient Rus* (1903-1904) in 1904 was defended by Malynovskyi at the University of Kyiv as a thesis paper for a master's degree in state law, and scientific work *Council of the Grand Duchy of Lithuania in Connection With the Boyar Duma of Ancient Rus* (1912) was defended in 1912 at Kharkiv University as a thesis paper for the degree of Doctor of State Law. Both parts of the work in 1914 were awarded the prize of Pompei Batiushkov of the Russian Academy of Sciences.

In the above scientific works and textbooks, the history of domestic law is studied by the author so fully and thoroughly, which makes it possible to distinguish from his teachings the history of the origin and development of those branches of law of the Ukrainians, which the author considered indirectly, such as procedural (judicial) (Popeliushko, 2014) or penal enforcement law (Matviichuk, 2020), which were an organic unity with criminal law, and with civil and state law, if we consider them from the standpoint of modernity, at the beginning of their development.

But the professor's educational work was not limited to Tomsk University itself. Malynovskyi takes an active part in student and cultural and educational organisations. As an active fighter for the democratisation of education, a staunch supporter of equal civil rights for men and women, in 1906 in Tomsk he personally, as well as with the assistance of Siberian deputies of the State Duma of Russia, managed to organise the Society for the Promotion of Women's Higher Education in Siberia, which, in turn, at first achieved admission of women to the university as auditors, and in 1910, despite the resistance of conservative forces – the opening of the Siberian Women's University (Fominykh, 1980).

In Tomsk, Malynovskyi, as one of the leaders of the democratically-minded part of intellectuals, often gave public lectures on his favourite subject – the literary work of Russian and Ukrainian writers through the prism of their attitude to Russian reality, their civic stance on education reform, etc. The greatest publicity was received by his speeches, which were later published in the above-mentioned and other brochures, for example, *The Question of Serfdom in Russian Fiction* (1912). Malynovskyi's public lectures were always popular with the audience. When, for example, in October 1904 he delivered a report entitled *Questions of Law in the Works of A. P. Chekhov*, according to contemporaries, "the hall and choirs were so crowded that many of those who tried to enter the hall had to stand in the next corridor or return home" (Mikhalchenko, 1966, p. 96).

As during the Kyiv period of his life, Malynovskyi continued to carry out educational work among the common people, teaching at the men's and women's departments of the city evening general education courses. At the same time, he did this contrary to the orders of the trustee of the West Siberian District, Leonid Lavrentyev, who forbade him to teach there, considering such work "humiliating" for the professor (Fominykh, 1980).

In Tomsk Ioannikii Oleksiiovych edited the progressive-democratic popular in Western Siberia newspaper *Siberian Life* worked as an honorary justice of the peace of the city. In 1905 he joined the Cadet Party and soon headed its Tomsk cell. Active educational, public, social and political activities bear results. He became famous not only in Tomsk, Western Siberia, but also in Russia generally. In the wake of his popularity, Malynovskyi had every chance to become a deputy of the Third State Duma of Russia, but refused in favour of another candidate.

However, the greatest authority was brought to him, of course, by a monograph in two issues *Bloody Revenge and Death Penalties* (Malynovskyi, 1908), in which he from a scientific historical and legal standpoint on the basis of rich empirical material proved the existence of a genetic link between blood revenge as a manifestation of human animal instinct-savage, and the death penalty, as murder by a court sentence. The scientist argued that the only difference between them is that the former is carried out at the will of an individual, and the latter – at the will of the state. The revolution in Russia in 1905-1907 was also a manifestation of bloody revenge, as a response to social inequality and social injustice in Russian society, which gave rise to the evil that grew into revenge. Government terror, as a response represented by repression in the form of the death penalty, is also not essentially a criminal punishment, but a bloody revenge based not on the idea of law but on sheer force. Thus, the death penalty must be abolished as a national disgrace and a crime against the dispensations of Christianity. The great principle of holiness and inviolability of human life must become an inviolable law of coexistence.

The book caused a loud public response throughout Russia. It was widely discussed in scientific circles, in the press, among politicians, including the State Duma of Russia. The great Russian writer Lev Tolstoi, for example,



saw in this work “its great significance for the liberation of Russian society from the terrible hypnosis of villainy in which it is held by a pathetic unspoken government” (Tolstoy, 1984, pp. 738-739) and expressed “confidence that thanks to the authority of science that impresses the masses and to the feeling of indignation of the evil with which it is imbued, it will be one of the main figures of this liberation” (Tolstoy, 1984, pp. 738-739).

But such educational, scientific, social and political activities of the scientist were not well received by the tsarist authorities. It annoyed the authorities. It was criticised and persecuted by the trustee of the West Siberian Educational District, Leonid Lavrentyev, who hated the professor for becoming one of Siberia’s most famous cadets, accused him of co-organising the student riots in Tomsk during the 1905-1907 revolution, and therefore prevented his career growth and wrote denunciations to the Ministry of Public Education demanding his removal from teaching. He wrote a total of 25 such denunciations. In the summer of 1910, Lavrentyev refused Malynovskyi an international scientific trip, and in the autumn of the same year the Ministry, on his submission, did not approve the professor’s election as a dean of the law faculty and banned the editing of the newspaper *Siberian Life*. But the greatest irritation and the harshest reaction from the authorities was caused by the work *Bloody Revenge and Death Penalties*. It turned out to be fateful in the life of Malynovskyi and his family. A deputy Heorhii Zamyslovskyi from the Black Hundred, for example, at the State Duma meeting devoted almost his entire speech to Malynovskyi, unreasonably accusing him of almost all earthly sins: organising the student riots in Tomsk, calling for the murder of Vladimir Purishkevich who was one of the leaders of the right-monarchical bloc in State Duma, undermining the autocracy in the work *Bloody Revenge and Death Penalties*. Therefore, he called for the reprisal against the “revolutionary professorship”.

The consequences of both the denunciations and Zamyslovskyi’s speech did not take long to appear. The General Directorate of Press recognised the book *Bloody Revenge and Death Penalties* as anti-governmental; Minister of Public Education Lev Kasso dismissed the professor from teaching at the university due to “unreliability”; on the initiative of the Minister of Justice Ivan Shcheglovitov, the prosecutor of the Tomsk district court instituted criminal proceedings against Malynovskyi under item 1 and item 2 of Art. 129 of the Criminal Code – for incitement to rebellious acts and to the overthrow of the existing system.

Malynovskyi was tried twice. Both times behind closed doors. The case was so high-profile that it was written about in the press throughout the trial. He was first tried in March 1912 by the Tomsk District Court. When he was given the opportunity to speak in court, he said:

As a research scientist, I am used to telling the truth and only the truth. In my book, which brought me to the dock, I told the truth about the phenomena of the surrounding reality, which is shrouded in a bloody atmosphere. I said what my scientific conscience suggested. I don’t know what sentence awaits me here. But I know that history will justify me. (Fominykh & Nekrylov, 2012, p. 6)

The court found that “this work is, of course, of a scientific nature” (Fominykh & Nekrylov, 2012, p. 6) and acquitted Oleksiiiovych due to the absence of *corpus delicti*. Following the prosecutor’s cassation protest, the Senate overturned the acquittal and referred the case to the Omsk District Court. This court considered the case of Malynovskyi in September 1912 and acquitted him under paragraphs 1 and 2 of Art. 129 of the Criminal Code, but found him guilty under paragraphs 3 and 4 of the same article of the Criminal Code – on “incitement to disobey the laws” (Fominykh & Nekrylov, 2012, p. 15), sentenced him to “imprisonment for one month without deprivation or restriction of rights” (Fominykh & Nekrylov, 2012, p. 29). To destroy the work *Bloody Revenge and Death Penalties*. A decree on the occasion of the 300th anniversary of the Romanov dynasty (amnesty) “saved” the scientist from serving his sentence (Fominykh & Nekrylov, 2012).

But the hardships, including the fire that occurred at night in the last days of August 1912 (according to the unproven version the fire was started by the Black Hundreds), as a result of which the house of Malynovskyi and everything acquired by the family were completely burned down, as well as a beautiful library, did not break the rebellious professor. The progressive community did not shy away from him either. After Malynovskyi’s dismissal from Tomsk University, in the spring of 1913 he was elected an ordinary professor of the Department of Rus’ Law at both Kazan University and Yaroslavl Law Lyceum. But the Minister of Public Education did not approve any of these elections, and on October 7, 1913, he appointed Malynovskyi an extraordinary professor of the history of Rus’ law at the University of Warsaw, which was then considered the most reliable in the Russian Empire. Under the threat of losing his favourite teaching job forever, on the advice of friends, the scientist accepted this appointment.

As Malynovskyi noted in his autobiography, he went to Warsaw with concern, because he found himself among the “well-meaning” professors, being appointed by the minister without their desire. Fortunately, worrying was in vain. The first lecture was attended by the trustee of the Warsaw Academic District, the rector and almost all professors, and students filled the assembly hall and corridor. He was greeted with applause, and after the lecture there was a loud and prolonged standing ovation (Malynovskyi, 1921).

The professor liked Warsaw for its cleanness and the love of Poles for flowers and greenery. In Warsaw, he correctly assessed the political psychology of Poles, their attitude to the Russians. The Russians in Warsaw were unwanted and considered conquerors (Ivannikov, 2015). But relations with professors and students were good. That is why he devoted himself here exclusively to teaching and research.

Malynovskyi was working at the University of Warsaw from October 1913 to July 1915. Here in 1914 he finalised and published his textbook on the history of law, also in the form of lectures, where he first included elements of Lithuanian-Rus’ law based on the Kazimir’s Code of Laws of 1468

and the Lithuanian Statutes of 1529, 1566, 1588 (Malynovskyi, 1914). Here in 1915 he also wrote the work *War and Court* in which the author, almost the first in history, among other issues, put forward an idea (by the way, when the First World War was already in full swing and when the Germans were already bombing Warsaw from the air) to resolve international disputes “not by force, but by law, not by war, but by court” (Malynovskyi, 1915, p. 30), and expressed his views on the conditions of impartiality, autonomy, independence of judges and their capacity for a responsible and difficult duty of justice, namely:

To ensure this capacity, judicial figures are subject to high requirements of moral and educational qualifications. People of dubious reputation, people of dishonest professions are not allowed to participate in the administration of justice. Further, a necessary condition of the judicial service is the receipt of scientific legal education in higher educational establishment. The court stands guard over the law; its task is to apply abstract norms of law, legal norms to specific cases of life. Judicial officials must be lawyers, experts in law. Practical knowledge of law, i.e. knowledge of court proceedings, mastering the current legislation are necessary. The drafters of the Judicial Statutes demanded practical knowledge from judicial officials: they introduced the institutes of candidates for judicial positions and assistant attorneys at law. Future judicial officials should acquire practical training through direct judicial practice under the guidance of attorneys at law, in the chambers of prosecutors and investigators, in civil and criminal divisions of the court. But even more important is the scientific study of law. A scientifically educated lawyer will easily and without complications understand all the intricacies of practice. Not only that, he will bring to this practice a clear understanding of the case, broad bright views, will rise above the standard routine, formal cavil. Only the scientific study of law is able to give the knowledge of laws, about which Roman jurists said: ‘scire leges non verba earum tenere, sed etiam vim ac potestatem’. Such knowledge of the laws is necessary for the court to be a body of law and truth (Malynovskyi, 1915, p. 9-10).

It should be acknowledged that the clarified requirements of the scientist for university legal education presented here have not lost their significance and relevance today, at least in Ukraine.

Due to military activities in Poland, the University of Warsaw was evacuated to Rostov-on-Don in July 1915. Malynovskyi moved together with the university, and continued his teaching and research work at the Don University, as well as public and, extremely actively, political activity.

In addition to the University of Don, in Rostov-on-Don the professor lectured at the Higher Women’s Courses, at the Polytechnic, Commercial and Archaeological Institutes, at the teacher’s courses, and in the first half of 1920 also at the Polytechnic Institute of Ekaterinodar, hiding from the Bolsheviks who captured Rostov-on-Don (Morozova, 2013).

In the Rostov period of his life he wrote and published such scientific works as *In memory of a teacher (experience in characterising the scientific and*

teaching activities of Prof. M. F. Vladimirsky-Budanov) (1917), *History of the Russian social system* (1919), as well as his generalising previous works and significantly extended *Lectures on the History of Russian Law* (1918), which, on the one hand, for the first time in science combined scientific knowledge on the subject, tasks, literature, sources of history of law, history of state, criminal, civil and judicial law of all Slavic peoples in all their historical times, including the peoples of democratic Great Novgorod, aristocratic Grand Duchy of Lithuania and the Polish-Lithuanian Commonwealth, monarchical Muscovy and not only the Russian people, as it had been done before, and thus, on the other hand, became the first and only at that time complete academic course on the history of law, in which this history was presented in chronological order, rather than depending on events or figures, as history in Russia was traditionally presented.

Here Malynovskyi showed himself as an active public figure: as one of the founders of the Society for the Promotion of Higher Education, a founder and director of the People's University, a founder and chairman of the cooperative publishing house Edinenie a chairman of the union of researchers.

When preparations for the establishment of the All-Ukrainian Academy of Sciences (VUAN) began in Ukraine in 1918, Malynovskyi was invited to come to Kyiv and nominate his candidacy for an academician of the first convocation. The professor agreed, and the social and economic department of the academy elected him an academician. But the election was also assumed at the general meeting of the academy, with the written consent of the candidate. Oleksiiovych was unable to confirm his consent in writing due to the lack of communication between Rostov and Kyiv due to the civil war. For this reason, as a former student of the professor at Tomsk University, who at that time lived in Rostov-on-Don and often communicated with his teacher, noted in his memoirs that his election as an academician did not take place that time.

In Rostov-on-Don, Malynovskyi also proved to be a real politician, one of the leaders of the Cadet Party and its ideologue. He perceived the February revolution as the spring of the Russian revolution, with the conviction that the country was on the eve of a better future, and therefore gave all his strength, intelligence and abilities to the new cause.

In 1917, in the "dual power" period, he was elected as first a mayor of Rostov-on-Don, later - a councilor of "duma", a chairman of its cultural and educational commission, a representative of Rostov in the so-called State Meeting, held in August 1917 in Petrograd. Given the political situation, he wrote articles for the newspaper *Priazovskii Krai* which he edited himself, newspapers *Donskaya Volna*, *Rodina*, *Narodnik* including information about facts of outrages, massacres, robberies, executions by the Bolsheviks when they came to power in February 1918, political opponents and innocent people, including his comrade, scientist and professor Andrei Collie; he also wrote and published brochures *Constituent Assembly*, *Monar-*

*chy and Republic, United Russia, Party of People's Freedom and Revolution, F. F. Kokoshkin and others.*

After the occupation of the city by the Germans and coming to power of General Pietr Krasnov, the professor was again offered the position of a mayor. But because the offer came from a very right-wing general, he declined it. When General Anton Denikin came to power (1919) and published a declaration of his goals which were to establish united Russia, to convene a Constituent Assembly, and other democratic measures appealing to the professor, he joined the anti-Bolshevik movement and agreed to work in its civil government as a member of the Council in the management of public education. In the absence of the Minister of Public Education, Malynovskyi performed his duties.

With the arrival of the Bolsheviks in Rostov for the second time, in May 1920, the sanctions of the Don Cheka he was required to continue working at the Don University. The professor flatly refused to receive the sanction in writing. Here is how he motivated the refusal:

1. As a high school teacher and a figure of science and education, I consider it below my dignity to apply on my own initiative to the institution which is called to monitor the political credibility of citizen, to allow me to engage in my professional activities.
2. I also consider that demanding sanctions by its decision from a third-party institution that pursues other goals that have nothing to do with science and education is not in line with the tasks of the Trade Union of Cultural and Education Workers.
3. I believe that it is fundamentally unacceptable to confuse politics with science and education. School in general and higher education in particular must be outside of politics. In the darkest days of the old regime politics interfered with the school, and this caused a great damage to the school system. With the new system, these mistakes of the past should be avoided.
4. In any case, at present the questions of political credibility is no longer in force under the amnesty announced by the All-Russian Central Executive Committee of the Soviets.
5. Pointing out that political interference in school affairs is unacceptable and because of the amnesty announcement the question of political credibility disappears, I do not want to resort to hiding my political convictions from my comrades since the committee is interested in them (Ivannikov, 2012, p. 34).

The Bolshevik Cheka of Don could not tolerate such "impudence" on the part of a university professor. On July 30, 1920, Malynovskyi was arrested, accused of counter-revolution, namely, that he was an implacable and ideological enemy of the Soviet regime, a chairman of the Cadet Party on Don, the Minister of Education at the Special Meeting of the Commander-in-Chief of Southern Russia General Denikin, the author of pamphlets and newspaper articles directed against the Soviet regime.

Malynovskyi did not admit his guilt in the counter-revolution and testified during interrogation, in particular, about his publications of the so-called anti-Soviet nature:

I will not deny that after the October coup, when I was almost exclusively engaged in teaching and cultural and educational activities, sometimes, very rarely, I wrote against the new Soviet regime in newspaper articles. But I wrote not against the idea of the Soviet regime, the power of all working people, in accordance with my convictions, but against those wrong methods of government which the Soviet government itself is already rejecting... In my publicised articles I protested against those methods of governing the Soviet regime that contradicted my beliefs about law, freedom, justice, and the value of culture. (Case 71174 FP, *Sectoral State Archive of the Security Service of Ukraine*, p.36)

Nevertheless, by the resolution of the board of the Don Cheka of August 12, 1920, the professor together with other professors of Don University Oleksii Zhander, Oleh Uspenskyi and Zinovii Gudinkov were sentenced (in absentia) to death (execution) as “conscious and irreparable enemies of the workers” (Okipniuk, 2010, p. 89). **By the way, the eldest married daughter** of Malinovskyi, Mariia Zhodzhaieva, was sentenced to imprisonment in a concentration camp “until the end of the civil war” (Okipniuk, 2010, p. 90) by the same extrajudicial verdict for her public activity during the regime of Denikin.

The day after the verdict of the Don Cheka, on July 25, 1920, on direct line to the Presidium of the Cheka with a request to authorise the application of the supreme measure of punishment (execution) of convicted professors, indicating that due to martial law these persons will be shot without the authorisation of the Cheka. Initially, the collegium of the Cheka, under the signature of the Cheka Deputy Chairman Ivan Ksenofontov, approved the verdict, but soon sent another telegram, proposing to send Malinovskyi’s case to Moscow if possible. At the suggestion of the Cheka Collegium, which was expressed in the same telegram, on August 2, 1920, the Collegium of the Don Cheka decided to separate Malinovskyi’s case into a separate proceeding and send it to the Cheka together with the arrested. In was in Moscow that the punishment for the scientist had to be finally determined (Okipniuk, 2010).

This became possible only because Professor Malynovskyi was a well-known and extremely respected man in Russia. For his dismissal the Cheka, Cheka, various party and state bodies received numerous appeals from his colleagues, some public figures, prominent representatives of the Bolshevik Party and the Soviet government, such as, People’s Commissar of Public Education of the **Russian Soviet Federative Socialist Republic (RSFSR) Anatolii Lunacharskyi**, People’s Commissar of Justice of the RSFSR Dmitrii Kurskyi, writer Maksim Gorkyi, a party activist and Vladimir Lenin’s wife Nadiezhda Krupska.

However, the implementation of the resolution of August 2, 1920 was delayed for almost six months. Lunacharsky, who had a personal conversation with the convicted professor in August 1920 in the Rostov prison, came to Moscow to speed up the consideration of the case and transfer Malynovskyi from Rostov-on-Don. The scientist was taken to Moscow

only in December 1920. On December 22, 1922, he was sentenced to fifteen years in a concentration camp on a new charge, again in absentia but also as a counterrevolutionary. Further appeals of Malynovskyi himself and other people, institutions and the organisations were obviously considered personally by the Chairman of the Cheka of the RSFSR Feliks Dzerzhynskyi, since on the title page of the criminal case he inscribed a resolution – “henceforth, do not contact me on the question of Professor Malynovskyi” (Case 71174 FP *Sectoral State Archive of the Security Service of Ukraine*, p. 1).

On the basis of the decree of the All-Russian Central Executive Committee of the RSFSR dated March 31, 1921, which established a five-year maximum sentence, on May 19, 1921 Malinovskyi’s sentence was reduced to five years in prison.

Malynovskyi was serving his sentence in the Ivanovo special purpose camp and in other Moscow camps. Even while in prison, he did not change his life principles and continued his educational and scientific activities as much as possible. Only in the Ivanovo camp, working as a bookbinder in a printing workshop, he gave about 40 lectures to convicts and staff on the history of Rus’ culture. In addition, the scientist-prisoner was the secretary of the cultural and educational commission of the camp, headed the law office for convicts, taught at a school for eradication of illiteracy. In the camp he wrote the history of the Ivanovo camp.

While serving the sentence, and then this was being practiced, the professor was involved in teaching and scientific work. In particular, having a residence permit in a private apartment with the obligation to check in at the camp at the appointed time, he taught the history of culture at the Petrovsky Workers’ Faculty, served as a secretary of the Commission of Philosophy and Methodology at the Academic Center, was a full member of the Institute of Soviet law (now the Institute of State and Law of the Russian Academy of Sciences), worked in the Central Archives as an archivist and archivist-consultant, published in the Moscow magazines *Soviet Law*, *Law and Life* At the Institute of Soviet Law, working as a secretary of judicial law and criminology, in the section of constitutional law and in the department of legal materials, Malynovskyi also participated in the development of the first Criminal Code of the RSFSR, in writing a textbook on criminal law, in preparing other valuable scientific papers in the field of Soviet law, such as “The Criminal Code of the RSFSR and the Old Criminal Legislation”, “Decisions of the People’s Courts as a Material for the Study of Revolutionary Legal Awareness”, “Historical and Psychological Foundations of the Soviet Constitution”, “Review of Newspaper Materials on Soviet Law” (Okipniuk, 2010).

Malynovskyi regretted very much that the manuscript *Course on the History of the Russian Political and Social System in Connection with the History of the National Economy*, written by him during his staying in Rostov Prison, had disappeared forever, as well as the manuscripts confiscated during his arrest: *Essays on the History of Russian Culture*, *On the Question of the Estab-*

*ishment of Serfdom in Russia, History of the Working Class in Russia*, extracts from the Cathedral Code, the Ipatiev Chronicle, ancient charts and various drafts (Malynovskyi, 1920).

Malynovskyi was released from the camp in February 1924 at the urgent request of Lenin's wife, Krupska, two months earlier than the term set by the court. In April 1925 he was elected an academician of the All-Ukrainian Academy of Sciences, at the Department of Customary (People's) Law. In January 1926, the scientist moved to Kyiv. At the Academy he headed the Commission for the study of Customary Law of Ukraine, the Criminal Law Section for the study of Customary Law, the Law Society at the Ukrainian Academy of Sciences, was a member of the Commission for the study of Western Rus' and Ukrainian Law, and was a full member of the Archaeological Commission.

His most significant scientific works written in Ukrainian and published under the name of O. Malynovskyi, O. O. Malynovskyi, Onykii Malynovskyi as an academician are: "Review of Archival Materials on the History of Western Rus' and Ukrainian Law Located in the Ancient Depository in Moscow" (1926), *Punishment and Means of Social Protection* (1926), *On Studios on Crime and Criminals* (1927), *Property Punishments and Personal Punishments* (1928), *Crime and Punishment in Primitive Society* (1928), *Soviet Correctional Labor Institutions Compared to Bourgeois Prisons* (1928), *The Ancient State System of the Eastern Slavs and Its Later Changes* (1929).

As an academician of the All-Ukrainian Academy of Sciences, Malynovskyi was practically not engaged in educational, social work and political activities, but he did not change his life credo – he actively fought against bureaucracy, nepotism and other negative phenomena in the Academy and in science in general, openly opposed interference of Soviet and party bodies in scientific activities.

On Saturday, November 17, 1928, the Section of Public Law at the All-Ukrainian Academy of Sciences, in the presence of relatives and supporters, honoured its Chairman of the Section, Full Member of the Academy of Sciences, Academician Malynovskyi on his 60th birthday and more than 30 years of uninterrupted scientific work. On behalf of the team, the Research Fellow of the Academy N. Alexandrov delivered the following speech:

"Dear Mr. Ioannikii Oleksiiovych... Willingly fulfilling this pleasant duty for me and dwelling today on the stages of your brilliant and productive path, I would like to point out that in many areas of human knowledge, whether the field of law, the field of history, politics, or the field of fiction, you equally left a trace which is deep and shiny, like a diamond, bright as lightning. In the field of law, in particular, in the field of criminology, under the difficult political conditions of the tsarist autocracy you gave your descendants a huge and extremely valuable work: "Studies on the Death Penalty", attracting the attention of contemporaries – professionals and society. And no matter how valuable your talented analysis of facts and events is, how high your scientific synthesis is, it is unlikely they, even these valuable aspects of highly productive,



creative work do not fade before the powerful force of the human spirit, before the great influence on the work of your human heart, it, this power enchants, gives tone and direction to all the creative inquisitive thought, which conducts a shining feeling of “love for man” through the work ... This was the reason why under the fragrant petals of roses that crowned your painstaking work, thorns have appeared on your difficult scientific path... Objective unbiased history and your future biographer will tell your descendants about them. The immortal, unfading power of your influence in various forms of transmission of your inquisitive thought was also great: professional and public lectures, textbooks that you wrote, newspapers that you edited, and magazines with which you collaborated, and, finally, the books and the books that you have made as a valuable contribution to the scientific treasury... And for this you deserve all possible honour and glory, Ionniki Oleksiiovych.

We are not going to draw a line at this milestone... under your multifaceted work: oh no! ... Go further, forward and forward, cheerfully and relentlessly, as you have been joyfully walking along your scientific path so far, gaining happiness in the process of objective thinking and strengthening work. ... Your muse is always with you, above you and in yourself: it fills your whole essence and with an outstretched hand shows you a wonderful happy path of objective creativity, continuous scientific work...

Fascinated, we, your colleagues and students, turn our admiring gaze to the muse of unprecedented moral beauty and, committed, we beg: let this muse write many more years, tens, hundreds, thousands of glorious pages for the benefit of descendants and humanity” ([Memories of unknown student of I. Malynovskiyi (1951)]. Copy in possession of M. Ts. Shabat)

Congratulations from the Commission of Western Rus’ Law were made by Serhii Boresynok (a few years later he publicly branded Malynovskiyi as “a great powerman who in Soviet times sought to get rid of, but still did not get rid of his false methodological approaches” (Yaremchuk, 2002, p. 45), who joined to what the previous speaker expressed and said, among other things, the following:

There are different holidays in people’s lives: there are church holidays connected with the name of the Holy Trinity, with the name of the Holy Mother of God, with the name of the holy saints of God; there are civil holidays, so-called high-solemn days in memory of high-ranking heroic people, in memory of historical events, etc.; and finally there are holidays for individuals, family holidays, on the occasion of anniversaries, birthdays, weddings, etc. While the first two groups of holidays – church and civil – are celebrated by people with different beliefs, different views and convictions, different thoughts and goals, – family holidays bring together a small circle of people but with complete unanimity, with the same thoughts, with one desire to merge together – all for one and one for all. Today we, the members of the Commission, have come to you, deeply respected Ioanniki Oleksiiovych, imbued with full unity of thoughts, one frank feeling and respect for you, as your students, as your friends, with one good wish to congratulate you on your anniversary and Saint’s day with one heartfelt gratitude for your attention to us, for your leadership, and

sincerely wish you and your highly respected wife Maria Olexandrivna all the best, fulfillment of all your wishes and hopes. And so that our desires do not turn out to be weak and powerless, we reverently turn to the Almighty Creator and your Patron Ioannikios with a bow, may they give you and your family a happy, useful life, good health and vigorous longevity for the glory of you and your descendants. ([Memories of unknown student of I. Malynovskyi (1951)]. Copy in possession of M. Ts. Shabat)

In response, Malynovskyi sincerely thanked his colleagues and like-minded people and concluded:

I was going from Moscow to Kyiv, full of hope; a cherished dream finally came true: I could devote myself completely to scientific work, which I could not have done before, and I considered it my duty to devote all my strength to diverse social work and to be torn to pieces.

Unfortunately, the dream did not come true completely, the health is undermined by all occasions in the past, does not allow doing everything I would like to do. I was ready to accept the fact that the jig was over, that life had already been spent. Your present arrival and your assessment of my work with you in a relatively short time, and at the same time in a period of decline, inspire me with vigour and strengthen the weakening forces. Thank you from the bottom of my heart! (Malynovskyi (personal communication, 1928). Copy in possession of M. Ts. Shabat)

But the wishes of colleagues and the dreams of Malynovskyi did not come true. In the USSR, the flywheel of persecution and repression, the destruction of the progressive liberal intellectuals was already gaining momentum. It became common practice to evaluate the scientific work of scientists in terms of compliance with the dogmas of Marxism-Leninism-Stalinism. After the fabricated process of the Union for the Liberation of Ukraine", hard times came for most scientists. In the summer of 1930, a mass purge began in the All-Ukrainian Academy of Sciences. Suffice it to say that the next issue of the works of the commission headed by Malynovskyi was destroyed in the printing house. It became clear that a scientist, a well-known public and political figure in the past, a representative of the old professorship had no place in the Academy. He, along with several prominent scientists, was fired and expelled from full membership in the Academy as a "pseudo-scientist". Left without his favourite job, with his health undermined by severe life trials and without means of subsistence, the academician died in need and oblivion on January 12, 1932. Malynovskyi was buried at the Baikove Cemetery in Kyiv (Popeliushko, 2016).

In 1992, Malynovskyi was reinstated in the lists of the Academy of Sciences of Ukraine, and in 1993 he was rehabilitated in a criminal case of 1920 by the prosecutor's office of the Rostov region of the Russian Federation. Today, streets in the towns of Ostroh and Rivne are named in his honour, and the Educational Scientific Institute of Law of the National University of Ostroh Academy named after Malynovskyi.

## REFERENCES

- [1] Case 71174 FP. (n.d). *Sectoral State Archive of the Security Service of Ukraine*. <https://ssu.gov.ua/haluzevyiy-derzhavnyi-arkhiv>
- [2] Fominykh, S. F. (Ed.). (1966). *Professora Tomskoho unyversyteta. Biograficheskii slovar. Vypusk I. 1888-1917 [Professors of Tomsk University. Biographical dictionary. Issue I. 1888-1917]*. Malinovskii Ioannikii Alekseevich (pp. 161-165). Tomsk University.
- [3] Fominykh, S. F. (Ed.). (1980). *Tomskiy unyversytet. 1880-1980 [Tomsk University. 1880-1980]*. Tomsk University Publishing House.
- [4] Fominykh, S. F., & Nekrylov, S. A. (2012). Neugodnyy vlastyam professor: kak uvol'nyali I. A. Malinovskogo iz **Imperatorskogo Tomskogo universiteta [Disliked by the Authorities Professor: How I. A. Malynovskyi was Fired from the Imperial Tomsk University]**. *Proceedings of the 1<sup>st</sup> International Scientific-Practical Conference "Malynovskyi readings"* (pp. 6-29). Ostroh Academy National University Publishing House.
- [5] Ivannikov, I. A. (2015). Professor Ioannikii Alekseyevich Malinovskiy: zhizn' i deyatel'nost' [Professor Ioannikii Alekseevich Malinovskiy: Life and Work.] *Bulletin of the Faculty of Law of the Southern Federal University*, 3, 84.
- [6] Ivannikov, I. A. (2012). Nauchnaya i obshchestvennaya deyatel'nost' professora I. A. Malinovskogo na yuge Rossii [Scientific and Social Activities of Professor I. A. Malinovskiy in the South of Russia]. *Proceedings of the 1<sup>st</sup> International Scientific-Practical Conference "Malynovskyi Readings"* (p. 34). Ostroh Academy National University Publishing House.
- [7] Malynovskyi, I. (1894). *Uchenie o prestuplenii po Litovskomu statutu [The Doctrine of Crime Under the Lithuanian Statute]*. Typography of the Imperial University of St. Vladimir, V. I. Zavadsky.
- [8] Malynovskyi, I. (1898). *Siberian Herald*. November 12. E. Korsh.
- [9] Malynovskyi, I. (1900). *Uchebnoe posobie po istoriy russkago prava [Textbook on the History of Russian Law]*. S. Yakovlev.
- [10] Malynovskyi, I. (1904). *Universitet v sochineniyakh A. P. Chekhova [University in the Works of A. P. Chekhov]*. Publisher of Collaborative Society of A.A. Levenson.
- [11] Malynovskyi, I. (1908). *Krovavaya mest' i smertnyya kazni. Vypusk I [Bloody Revenge and Executions. Issue I]*. Typo-Lithography of the Siberian Publishing Association.
- [12] Malynovskyi, I. (1914). *Lektsii po istorii russkago prava. Vypusk I. Vvedenie. Literatura. Istochniki. Istoriya gosudarstvennogo prava [Lectures on the History of Russian Law. Issue 1, Introduction. Literature. Sources. History of State Law]*. Typography of the "Russian Society".
- [13] Malynovskyi, I. (1915). *Voyna i sud (po povodu yubileya sudebnoy reformy 1864 goda) [War and the Court (On the Occasion of the Anniversary of the Judicial Reform of 1864)]*. Typography of the Warsaw Educational District.
- [14] Malynovskyi, I. (1920). *Dnevnik [Diary]*. Private archive of I. Malynovskyi's granddaughter, M. Ts. Shabat.
- [15] Malynovskyi, I. (1921). *Avtobiografiia [Autobiography]*. Private archive of I. Malynovskyi's granddaughter, M. Ts. Shabat.
- [16] Malynovskyi, I. (personal communication, 1928). Copy in possession of M. Ts. Shabat
- [17] Matviichuk, M. (2020). Pohlyady I. Malynovskoho na zarozhennyya ta stanovlennyya kryminal'no-vykonavchoho prava [I. Malinovskiy's Views on the Origin and Formation of Criminal Executive Law.] *European Political And Law Discourse*, 7(6), 174-181.
- [18] Mikhalchenko, S. I. (1966). Kiyevskaya shkola v rossiyskoy istoriografii (shkola zapadnorusskogo prava) [Kiev School in Russian Historiography (School of Western Russian Law)]. Briansk University Publishing House.
- [19] Morozova, O. M. (2013). Narrativ professora I. A. Malinovskogo [Narrative of Professor I. A. Malynovskyi.] *Proceedings of the 2<sup>nd</sup> International Scientific-Practical Conference "Malynovskyi Readings"* (p. 29). Ostroh Academy National University Publishing House.
- [20] Okipniuk, V. T. (2010). Arkhivno-slidcha sprava O. O. Malynovskoho yak istorychne dzherelo [Archival and Investigative Case of O. O. Malynovskii as a Historical Source.] In I. B. Usenko (Ed.). *Scientific Heritage of O. O. Malynovskii and Modernity: Proceedings of the All-Ukrainian scientific-practical conference* (December 4-6, 2008, Rivne) (pp. 87-92). Institute of State and Law of the National Academy of Sciences of Ukraine named after V. M. Koretskyi.
- [21] Popeliushko, V. O. (2016). Ioannikii Olesiivych Malynovskyi (1868-1932). Vstupna stattia do

- perevydannya roboty: Starodavnyi derzhavnyi lad skhidnykh slovia i yoho piznishi zminy [Ioannikii Malynovskiy (1868-1932). The Ancient State System of the Eastern Slavs and Its Later Changes]. Ostroh Academy National University Publishing House.
- [22] Popeliushko, V. O. (2014). Stanovlennia sudu i sudochnystva na terenakh Ukrainy v robotakh prof. I. Malynovskoho i Suchasnist [Formation of Court and Judicial Proceedings in Ukraine in the Works of Prof. I. Malynovskii and Modernity.] *Proceedings of the 3<sup>rd</sup> International scientific-practical conference "Malynovski readings"* (pp. 16-23). Ostroh Academy National University Publishing House.
- [23] Tolstoy, L. (1984). *Pis'ma (1882-1910) Sobraniye sochineniy. V 22 t. T. 19-20.* [Letters (1882-1910). Collection of Works in 22 volumes (Vol.19-20)] (pp. 738-739). Artistic Literature.
- [24] Usenko, I., & Tsygankova, E. (1993). U poshukakh istorychnykh koreniv suchasnosti. Do 125-richchia vid dnia narodzhennia O. O. Malynovskoho [In Search of Historical Roots of Modernity. To the 125th Anniversary of the Birth of O. O. Malynovskii] *Bulletin of the Academy of Sciences of Ukraine*, 9, 74-77.
- [25] Yaremchuk, V. (2002). *Pryzabuti postati ukrainskoi istoriografii XX stolittia: bioistoriografichni narysy* [Forgotten Figures of Ukrainian Historiography of the XX Century: Biohistoriographic Essays]. Ostroh Academy National University Publishing House.