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ОСОБЛИВОСТІ ШЛЮБНО-СІМЕЙНИХ ВІДНОСИН ЕТНІЧНОЇ ГРУПИ УКРАЇНСЬКИХ КАРПАТ - ГУЦУЛІВ

FEATURES OF MARITAL AND FAMILY RELATIONS OF HUTSULS, ETHNIC GROUP IN UKRAINIAN CARPATHIANS

У статті аналізуються проблеми сімейно-шлюбних стосунків гуцулів, досліджуються форми сімей і характерні риси сімейних відносин. Найбільшу увагу автор звертає на особливості і шлюбу в гуцулів. У контексті цього в статті вивчено правові аспекти зазначеної проблематики. Автор розглядає типи і структуру гуцульської сім'ї, їх внутрішньосімейні стосунки. Тут доводиться думка, що виховання дітей у гуцулів мало сакральний характер.

Ключові слова: гуцули, етнічні групи, сімейні стосунки, сім'я, обрядовість, звичаї, традиції, шлюб, громада, усиновлення.

Dear scholars and all present, I am sincerely grateful for the opportunity to visit the United States during this highly professional conference.

Both Appalachian Mountains and Carpathians have a lot in common, and we also encounter many similar problems. I believe colleagues, who have already visited us, evidenced this too.

Scientists from our University as well as each of you are working on the issues of the mountainous region, its people, and their legal relations.

At current stage of development of science, it is particularly important to study the history and culture of ethnic and ethno-confessional groups that inhabit the following regions of Ukraine: Boikivshchyna, Hutsulshchyna, Pokuttia, Lemkivshchyna

Due to complex historical destiny of the Carpathian region, the objective internal differences have developed within the same ethnic group, as reflected in the dialects and peculiarities of the Ukrainian language, traditional architecture, national clothes, traditions and rituals.



Today, Ukraine pays particular attention to the spiritual culture of the nations, the preservation of essential human values.

In the report we discuss the following topics:

1. The choice of partner and marriage by the Hutsuls. Legal aspects.
2. Types and structure of the Hutsul family.
3. Intrafamily relationships.
4. Parenting by the Hutsuls.

Hutsulshchyna is the land of magnificent beauty, picturesque nature, steep cliffs, fast-flowing rivers, green valleys, distinctive traditions. All this charms people who walk into Hutsul land.

Those who visited this beautiful land noted the Hutsul features that distinguished them from other ethnic groups. Hutsuls as mountain people possess such traits as inborn pride, ambition, love of freedom and sincerity, quick temper.

Hutsuls were always close to nature and believed in its mighty secret power. Hutsuls were notable for their strong and beautiful physique, extraordinary energy and freedom in movements. The positive features of Hutsul people included their hospitality, good humor, honesty, sensitivity, honor and pride in their people. However, pride is already something traditional. It has even turned into vanity. As for hospitality of Hutsuls, it was acknowledged by everyone who had visited their surroundings. Hutsuls' ambitions were sometimes so deep, that they talked about themselves with others in plural form. In addition, Hutsuls were candid, they knew no guile. Helpfulness to strangers has never passed into subservience because of Hutsul's pride. Moreover, Hutsul's house was always tidy and his attire was rather intricate.

Hutsul family is a group of people based on personal attachment, which members are linked by common life, mutual help and moral responsibility. It is also called rodyna (from Ukrainian rid - kin), because family was born in the bosom of kin and coexisted with it, using family and religious ties.

At the same time, rodyna can have a meaning of kinship of several families living apart (parents and children, brothers, sisters, uncles and so on).

Marriage has long been considered one of the most important events in person's life. Therefore, this matter received considerable attention.

In Hutsulshchyna, marital legal traditions indicate broad authority of parents in marrying children.

Parents concluded a special type of marriage contract – intertsysa on the basis of verbal agreement, which regulated the ownership rights of the future husband and wife.

The direct confirmation of this was the preliminary conclusion of marriage contracts between parents about the future marriage of underage children (in front of witnesses, sometimes in written form). There was a "deposit" that served as a guarantee, a certain amount of money usually given to the parents of a girl. If parents of the boy failed to comply with the conditions on the contract, the deposit remained with the girl's parents, and if the latter violated the agreement, they had to return it. Parents forced the marriage using various means of violence against the will of the children, strict penalties in case of disobedience. In cases of marriage against the will of parents, they could disinherit the children. Marriages without consent and blessing of parents were judged and considered unhappy by the people.

Extensive rights and responsibilities of parents and limitations for choice marriage of young people were rooted in the very nature of private family life and difficult material living conditions of Hutsul people. So naturally, parental experience and sober calculation regarding the material aspects of life of the future couple had greater weight and authority than desires of young people based purely on personal feelings and preferences. Moreover, rather than wealth itself, parents preferred such traits as diligence, honesty, reputation, "good kin" of future son-in-law or daughter-in-law.

But it would be a mistake to consider marriage due to purely material calculation, parental coercion and ignoring the will of the young people as a generally legalized marriage norm by Hutsuls. In particular, this is contrary to the preservation and adherence to the ancient custom of bridegroom and bride expressing their consent during courtship, engagement and wedding itself. Seeing the newly-weds as passive mutes is exaggerated in view of the active sociable youth life in Hutsulshchyna, traditionally free relationships and more. In general, the formal advantage was still on the side of bridegroom and bride, since marriage could not take place against their categorical refusal. At the same time, marriage without parental consent was in principle not excluded and considered valid.

A necessary condition for marriage was the lack of close blood relationship, and also lack of relationship of godparents. Along with a categorical impossibility of marriage with infidels, Hutsuls avoided marriages not only with foreigners but even with residents of Prycarpathian villages and villagers who have recently settled among them, unless they have already become well accustomed to local life and traditions.

Important customs were the absence of blood relationship between the marriage candidates and the ban on marriages within the same family.

The conclusion of early marriage and marriage to fellow villagers were traditional.

Agamy was generally condemned by society, although this rule had exceptions too. One son or one daughter could refuse the marriage, in order not to divide the estate and take care for younger sisters and brothers.

The most important part of the marriage agreement was certainly a question of giving movable and immovable property to the newly-weds.

Bride's father gave her a dowry, in Ukrainian – prydanе, or posah. Vино, prydanе, posah meant property for the bride, and sometimes for the bridegroom who was going to live with the bride's family. In some areas, these notions



had a somewhat different meaning. Maino (property) included land, livestock, money, posah (dowry) contained things for mandatory wedding chest: clothing, linens, dishes, bedding and small household implements.

Preparation of the chest was the responsibility of each girl and her mother. Parental assets were traditionally considered to be the property of the bride.

Tradition demanded the transfer of inheritance and power in the family to the eldest son, on condition of providing the suitable portion of inheritance to other heirs. In some cases, they could be received by mother, elder brother, the only daughter. If there was no eldest son in the family, then younger children were coming into inheritance according to parental will. Reluctance to split the inheritance (land) contributed to leaving inheritance to the sole successor, and the rest received money.

Besides legally capable heirs, adopted and illegitimate children had the right to receive inheritance too. For orphans, this problem was regulated by existing legislation.

Roles in matchmaking differed depending on how conservative was a system of land tenure and land use. In the conservative system, the role of young people themselves was very small, because the contract was not about their love, but about the "land" which belonged to parents.

There was the general rule that the daughter-in-law went into the husband's family. But in unequal marriages, the poor man could also go to live with the wife's family. This so-called adoption varied due to reason, there were three kinds of it – at own will, at the will of the parents, and on the invitation. In the first case, the position of son-in-law was similar to the hired worker, unequal in the family. Son-in-law was not the head of the family that is why the attitude of the community towards him was dismissive. In the third case, son-in-law was usually invited when there was no head of the family, which was approved by community.

First of all, customary law regulated the foundations of marriage and family relations. Legal ability to marry started with the achievement of the appropriate age of consent. Hutsul girls got married since they were 16-17, and boys married after the achievement of proper physical development, maturation, achievement of necessary skills in the men's household work. Later, because of universal conscription, Hutsuls got married after military service, after becoming 24 years old. There was a custom to follow the seniority while marrying daughters. Younger sisters could not get married before the older ones.

Regarding the procedure of marriage in Hutsulshchyna, as well as in Ukraine in general, the legal condition of its validity was a formal church wedding and the traditional wedding ceremony.

But it was typical that the family union and marital status were legitimized only after the implementation of national ritual of marriage. Moreover, not only the wedding ceremony as a whole had the legal nature, but also separate components of ceremonial and symbolic actions. Thus, the procedure of ritual courtship and engagement had important legal consequences, as it meant public expression of will of the parties to marry and agreement on the matters of property in life of the future couple.

A number of ceremonial and ritual actions, such as symbolic "bride buying", bride coating, farewell to home and family, meeting-adoption in the home of the bridegroom's parents and others, fixed transition of bride from her own family, from authority of father and mother into the bridegroom's family, under the authority of husband and his parents in legal terms.

There have been marriages too, the legal registration of which was hampered by certain economic circumstances or formal problems; the people called it to live on faith. Such voluntary marital cohabitation was caused by economic reasons, formal obstacles to marriage and different life circumstances (older age, indifference to marital requirements and so on). There was also a special ritual that fixed the actual cohabitation which included the mutual oath of faithfulness with two burning candles and the pile of salt.

It should be mentioned that the customary law did not know the formal divorce.

In practice, there was only an actual divorce, the departure of one of the spouses from family and the related division of property between them. Usually, the person who left the family took the personal belongings, and the party that remained on the farm continued to take care for children.

Divorce was rare, it was considered unacceptable in terms of morality, especially when the couple had children. The community justified divorce only in cases of infertility and adultery. But the church often denied divorce even in these cases.

Along with the organizational structure, customary law regulated more important aspects of family life as productive and social group, status and relationships of its members, the legal regime of family property, the order of succession. Under customary law, coming of age did not free children from parental authority and did not automatically give them rights to family property. Children acquired property rights only with marriage and were completely released from parental authority only after leaving parental families in order to live independently.

There are two types of families by Hutsuls: small and large.

A small (simple, individual) family consists of a married couple (or a parent) with unmarried children or without children.

A large family (composed, undivided) contains two or more small families. Large family is characterized by common production and consumption, subordination and extended composition. In a large family, all the members of the younger generations had gathered around the couple of oldest generation, and blood relatives were joined by their wives, for example, wives of children and grandchildren.



Large family consisted of several individual families, united by kinship through the male line, with the common property and leadership. The family was led mainly by the oldest member of the family. It could be composed of brother, sister, grandfather, grandmother, grandchildren, father-in-law, mother-in-law, sister-in-law, uncle and other relatives; the relationship between them was determined by the nature of affinity.

For a large family, there was typical one or another peculiar form of relationship and or a combination thereof. Depending on the relationship, there are two types of undivided families: parental (parents and their married children living together) and fraternal (two or more married brothers living together).

A small family as a historical form of marriage and family organization is the result of the ongoing process of disintegration of old patriarchal and later large family.

Statistical and ethnographic data suggest that since the end of the XVIII century, small family was the main ethnographic type throughout the Carpathians.

It was characterized by some regional differences, including traditional legal system and way of life. But its main features remained common.

It performed as an independent and indivisible economic unit and consisted preferably of two generations, spouses and their unmarried children, had its separate household, own production means (land, tools), home, utility buildings and more.

Small family can be full (spouses and unmarried children), incomplete (only one of the spouses and unmarried children) and elementary (only spouses).

Folk traditions demanded order and harmony in everyday family life based on wise and demanding leadership of the head of the family, subordination and obedience of all its members. "Who needs a treasure, if there's harmony in a family". It also argues the critical importance of a family head, "a family without a head is not a family".

The Hutsul family was led by gazda, father, who concentrated a lot of power in his hands. He represented the family to the community, state and Church, supervised agricultural work, managed money. Property management by individuals was impossible. Property could be sold or transferred by head of the family, namely owner or his wife with the permission of her husband according to the customary law.

Gazda enjoyed considerable prestige in the family, as he was formally the owner of the estate and it depended on him, how he will divide this estate among the heirs.

According to the Ukrainian customary law, every adult member of the Hutsul family had his share in the joint estate, and upon separation he had the moral right to it. However, Gazda was usually interested in his acquired or inherited estate remaining intact as long as possible. So father helped his son build a house and gave him part of the field to use, and thus postponed partition of the estate to a later day. This provided him authority in the family and guaranteed certain privileges at a time when he was no longer able to work: the final word in all matters, honorable place at the table (sometimes better food and beverages) and the most convenient place to rest.

In large undivided family, the head (grandfather, father, or in their absence – mother, elder brother) possessed great authority.

He managed the family property, divided responsibilities among its members, organized and controlled economic activities, monitored religious and moral lives of each member of the family, upbringing of children, cared for consent and order. His word was decisive in solving family disputes and conflicts, his orders and instructions were carried out unconditionally. But this authority was not unlimited and could not become despotic. The landlord had to consider the opinion of all adult family members, lead them well by example; important matters were resolved at the family council.

In a small family, leadership also belonged traditionally to husband, father, all family members were obliged to obey him, but he often did the most important male household work, he was responsible to community for well-being and inner harmony in a family.

Ethnographic materials demonstrate close attention to the intrafamily relationships and their dependency on the relationship of spouses – husband and wife.

It is well known, that homework was ran by the wife of Gazda – Gazdynia. Although she was legally subject to her husband, she was independent in housekeeping.

In large undivided family, household was led by the senior mistress, usually mother (mother-in-law) in parental family, wife of the elder brother in fraternal family.

There had been various injustices in the distribution of responsibilities, attitudes towards seniors by young daughters-in-law. But the head of the family had to ensure that no injustice occurred.

Composition of the small family, where the whole household was based on the work of spouses, provided woman with more autonomy and greater rights. Woman could also manage gains of the household. There has long been established a traditional division of labor into "man's work", "woman's work", "common work" in the family.

The man was responsible for all "household work" (tillage, construction, threshing grains, caring for livestock, making agricultural implements, providing fuel, fodder, etc.), the woman was responsible for «housekeeping» (maintaining order in the house and around the house, cooking, working in the vegetable garden, spinning, making fabric, sewing clothes, upbringing of children and so on. In a small family, in addition to the full amount of housework, the woman was forced to perform a significant part of the common man chore (making hay, harvesting, etc.).

Folk customs required to honor the woman, protect her and her dignity in the family: "Without woman like without hands", "Without mistress the house stinks like emptiness", «Man is the head in the house, and woman is the soul".



Children, whatever age they were, were not permitted to disrespect their parents, it was considered a great evil and sin from a religious point of view (as a violation of God's commandments – "Honor thy father and thy mother") and was judged by community. In cases of conflict between parents and children, both custom and public opinion favored the first, even when their position was not entirely fair. External manifestation of respect for parents was the obligatory appeal to them using the polite form of "You".

Mother played a special role in the family relationships.

Ingratitude of children, treating mother unfair was considered by folk tradition as a violation of the fundamental ethical principles of family and society in general, a crime, the retribution for which is inevitable.

Customs approved friendly relations, amiable feelings between other family members, including siblings. Tradition demanded subordination not only in the relationship between parents and children, but also between siblings. The head was the first to sit down at the table; the rest followed him (by seniority). The elder brother and sister had an advantage over younger siblings, the latter had to obey them. If the father died, it was the elder brother's duty to take care of younger brothers and sisters and their marriage.

After getting married, daughters usually left their family and moved to live with husband. They received dowry from parental house. Although dowry was used by the whole family, it was private property of the wife. This rule of customary law was common for the whole territory of Ukraine. If her husband died, daughter-in-law had the right to remain in his family, but she usually returned to parents, taking the dowry with her. If a widow remarried, she usually took her dowry from father-in-law, but could not claim the inheritance after her first husband.

Along with economic function of the family, birth, growth, education and upbringing of children were considered the most important. This difficult and complex obligation was associated with many difficulties and sacrifices of parents. Childlessness considered a true misfortune for the family.

Folk tradition imposes on parents a primary duty of raising a child well, helping it grow into full-fledged human: "If you learned how to have a baby, you should also learn to raise it".

Upbringing of Hutsul children was carried out mainly in the family. After children became three or four years old, family was joined by community. Upbringing was divided into several stages: from birth to 7 years, from 7 to 14 years, from 14 years. According to this timetable and using the principles of humanity, consistency and continuity, they carried out a comprehensive labor, mental, moral and religious education: Sunday schools, catechesis and recollections. Every Hutsul child lived through several age stages which determined its basic social and age status. For children of both sexes, there were rules of morality developed by folk tradition or Christian worldview, which they had to adhere.

The study on family life of Hutsul people gave reason to believe that the relationships in a Hutsul family were mostly humane; although they were dependent on several factors (the problems were rooted in the patriarchal extended family, in an unequal or arranged marriage).

Marital relationships in a small family were based on the principle of egalitarianism, but in a rather peculiar way: the man was a bearer of authority, and the woman was an indicator of his influence. Therefore, family and marriage by Hutsuls were and are the basis of their coexistence.

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