

Divorce in Ukraine under Russian rule in the 19th – early 20th centuries: legal accessibility VS. Reality

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Abstract.

The purpose of the article is to assess the degree of accessibility to divorce in Ukraine under Russian rule during the 19th and early 20th centuries, to identify the legally recognized grounds for marital dissolution, and to compare these formal provisions with the actual ability of spouses to terminate their marriage, as illustrated through specific case studies. **The methodology of research** is based on a combination of general scientific (analysis, synthesis, generalization, comparison, systematization), special historical methods (historical-structural, historical-comparative, constructive-genetic) with the scientific principles of historicism, objectivity, and systematicity. **Scientific novelty** of the work lies in the fact that for the first time in Ukrainian historiography, the process of divorce has been considered as a component of the everyday life of different strata of society; specific examples and unique archival materials demonstrate the complexity of divorce from a legal point of view among both the Orthodox and Catholic and Jewish populations of Ukraine under Russian rule; statistical information on the level of divorce among the population of the Russian Empire and other countries of the world has been introduced; the place of the Volhynian Governorate in these processes has been demonstrated. **Conclusions.** Divorce in Ukraine under Russian rule in the 19th – early 20th centuries was a rare phenomenon, the reasons for which were not only Christian morality, which sharply condemned the act of divorce, but also bureaucratic aspects, strict requirements of legislation, both secular and church. However, at the beginning of the 20th century, against the background of the processes of emancipation and modernization, the proportion of divorces increases, and adultery becomes the main reason for divorce among Orthodox Christians. The power to conduct divorce belonged to the highest church authorities (for Orthodox Christians, to the Holy Synod), and only at the beginning of the 20th century was secular legislation allowed to regulate the act of divorce to a greater extent than before. Nevertheless, the discussion on the transfer of divorce cases to secular authorities, as well as on the liberalization of the divorce process, remained a discussion in the columns of the periodical press of that time until 1917, one of the reasons for which was the church's unwillingness to give up its power. When it was impossible to officially dissolve a marriage, it was necessary to resort to such actions as separation of spouses and bigamy.

Keywords: adultery, census, divorce, marriage, Synod, Ukraine under Russian rule, Volhynian Governorate.

Розлучення у підросійській Україні у XIX – на початку XX ст.: юридична доступність VS. реальність

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Анотація.

Метою статті є визначити ступінь доступності розлучення в підросійській Україні у XIX – на початку XX ст., продемонструвати приводи до розлучення, зафіксовані юридично, й співставити їх (на конкретних прикладах) із реальною можливістю членів подружжя розірвати свій шлюб. **Методологія дослідження** ґрунтується на поєднанні загальнонаукових

(аналіз, синтез, узагальнення, порівняння, систематизація), спеціально-історичних методів (історико-структурний, історико-компаративістський, конструктивно-генетичний) із науковими принципами історизму, об'єктивності, системності. **Наукова новизна** роботи полягає в тому, що вперше в українській історіографії розглянуто процес розірвання шлюбу як складову повсякденного життя різних верств суспільства; на конкретних прикладах та унікальних архівних матеріалах продемонстровано складність розлучення з юридичної точки зору як серед православного, так і серед католицького та іудейського населення підросійської України; введено в обіг статистичну інформацію про рівень розлучення серед населення Російської імперії та інших країн світу; продемонстровано місце Волинської губернії у даних процесах. **Висновки.** Розлучення у підросійській Україні в XIX – на початку XX ст. було явищем рідкісним, причинами чого була не лише християнська мораль, яка різко засуджувала акт розірвання шлюбу, так і бюрократичні аспекти, жорсткі вимоги законодавства, як світського, так і церковного. Однак на початку XX ст., на тлі процесів емансипації та модернізації, частка розлучень зростає, а перелюб стає основною причиною до розірвання шлюбу серед православних. Повноваження з проведення розлучення належали вищій церковній владі (у православних – св. Синодові), і лише на початку XX ст. світському законодавству було дозволено регулювати акт розірвання шлюбу більшою мірою, ніж раніше. Тим не менш, дискусія щодо передачі справ про розлучення світським органам влади, а також щодо лібералізації процесу розлучення так і залишилася дискусією на шпальтах тогочасної періодичної преси до 1917 року, однією з причин чого була незгода церкви відмовлятися від своєї влади. За неможливості офіційно розірвати шлюб доводилося вдаватися до таких дій, як роздільне проживання подружжя, двошлюбність.

Ключові слова: Волинська губернія, підросійська Україна, перелюб, перепис, розлучення, Синод, шлюб.

The Problem Statement. A notable social trend in contemporary Ukraine, significantly accelerated by the full-scale Russian invasion in 2022, is the sharp increase in divorce rates. In 2024, Ukraine reached a striking benchmark: according to data from the Ministry of Justice and the judicial system, there were 141.8 thousand divorces registered against 150.2 thousand marriages! Prior to the war, the ratio was somewhat more optimistic, with approximately one to 1.5 divorces per two marriage (Dorosh, Chervonenko, 2025).

While in the present day the dissolution of marriage – particularly in cases without children – has become relatively straightforward, the situation in the 19th and early 20th centuries was considerably more complex. This was true not only in Ukraine under Russian rule but also across much of the contemporary world. The advent of modernity – accompanied by the expansion of capitalism, the emergence of new technologies, the rise of emancipation movements, the secularization of culture, and the gradual erosion of the traditional family model – stimulated public discourse regarding the liberalization of divorce laws. Nevertheless, most marriages at the time continued to be arranged based on economic considerations or prevailing social conventions.

The Analysis of Sources and Recent Research. The source base for this study consists of both manuscript and published materials. The first group includes documents from the State Archives of Zhytomyr Region (DAZhO), specifically: fond 1 (Volhynian Ecclesiastical Consistory), fond 18 (Volhynian Chamber of Criminal Court), fond 19 (Volhynian Joint Chamber of Criminal and Civil Court), and fond 178 (Lutsk-Zhytomyr Roman Catholic Ecclesiastical Consistory). These collections contain divorce cases involving Orthodox and Catholic spouses, investigative materials, correspondence with the Holy Synod and other governmental bodies. Due to the bureaucratic delays and the protracted nature of the divorce process, such documents frequently include references to the closure of proceedings or the absence of a final verdict.

Published sources include the First General Census of the Russian Empire, vol. 8: Volhynian Governorate (Pervaia vseobshchaia perepis, 1904), which provides statistical data on the number of married and divorced individuals in the region. Also used are legal and normative acts of the Russian Empire, both of a general nature (Svod Zakonov, 1857), and specific regulations governing individual institutions, particularly ecclesiastical ones (Ustav, 1841). Another important source is the periodical press: newspapers such as “Kievlіanin” (Kyiv), “Rada” (Kyiv), “Volyn” (Zhytomyr), and “Iuzhnyi Kray” (Kharkiv), which not only contain statistical data but also journalistic commentary on the growing relevance of divorce in contemporary society, including numerous examples from the lives of ordinary people.

The historiography of the topic includes works by pre-Soviet, Soviet, and contemporary Ukrainian and international scholars. The earliest group is represented by the compendium edited by V. Maximov (Maximov, 1909), which provides one of the most comprehensive overviews of imperial Russian legislation on divorce, covering not only Orthodox Christians but also Catholics, Protestants, Jews, and Muslims. Statistical data on marriage and divorce in the Russian Empire can also be found

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in the article by M. S. Toltz (Toltz, 1977). The Lviv-based scholar Oksana Kis explores divorce through the lens of traditional Ukrainian culture, with particular attention to Austro-Hungarian legislation (Kis, 2012). Notable recent contributions include studies by O. Borodenko and V. Tuchynskyi, which examine the history of rural families in Ukraine under Russian rule (Borodenko, 2019; Borodenko & Tuchynskyi, 2023a; 2023b). Among international researchers, the works of B. Mironov (Mironov, 2000) and V. Bezgin (Bezgin, 2020) deserve mention for their emphasis on everyday life among the peasantry. Valuable insights are also provided by V. Ponomariova and L. Khoroshilova (Ponomariova, Khoroshilova, 2009; 2021), who focus primarily on the cultural life of noblewomen. Legal aspects of divorce in the Russian Empire are explored in the writings of O. Iatsenko (Iatsenko, 2013) and O. Vaniushina (Vaniushina, 2024).

The Purpose of the Article to assess the degree of accessibility to divorce in Ukraine under Russian rule during the 19th and early 20th centuries, to identify the legally recognized grounds for marital dissolution, and to compare these formal provisions with the actual ability of spouses to terminate their marriage, as illustrated through specific case studies.

The Results of the Research. At the end of the 17th and the beginning of the 18th century, there were up to 26 legally recognized grounds for divorce in the Russian Empire. However, starting in 1723, their number was reduced to five: 1) adultery; 2) prolonged absence of one spouse, exile, or imprisonment; 3) entry into monastic life; 4) close blood relationship; and 5) entering into a new marriage while a previous spouse was still alive (Mironov, 2000, p. 174). The process of secularizing marriage law in the Russian Empire began under Peter I. During his reign, exile to settlement was introduced as a legitimate reason for divorce. At the same time, however, certain previously valid grounds – such as incurable contagious diseases, attempted murder of a spouse, or cruel treatment – were excluded (N. T., 1902b, p. 1). From the 1760s onward, the Holy Synod increasingly restricted access to divorce, seeking to subject it strictly to ecclesiastical law and to place it under the exclusive jurisdiction of formal church courts presided over by bishops. The state effectively transferred control over marital matters to the Church. By the first half of the 19th century, the clergy had succeeded in making formal divorce possible only with the approval of the ecclesiastical court and only under strictly defined canonical conditions. Divorce came to be viewed as a sin that undermined the sanctity of marriage. Until 1917, the dissolution of marriage remained an exclusive prerogative of the Church (Mironov, 2000, p. 175–176).

In 1850, divorce was also permitted on the grounds of “physical incapacity for marital cohabitation”. According to Professor B. Mironov, the restrictive list of acceptable reasons for divorce had dire consequences: in some cases, men physically abused their wives to force them into entering a convent (Mironov, 2000, p. 174–175).

By the early 20th century, only four grounds for divorce were officially recognized for Orthodox Christians: 1) the husband's conviction followed by exile or deportation with the loss of civil rights; 2) the husband's unexplained absence for a period of five years (the search procedure often extended this period before a divorce could be authorized); 3) inability to engage in marital relations, provided this condition existed prior to the marriage; 4) adultery, proven by at least two witnesses (N. T., 1902b, p. 1).

In January 1909, the Ministry of Justice proposed amendments to the new Civil Code to include syphilis, contracted by one of the spouses, as a valid ground for divorce. However, the medical authorities opposed the proposal, arguing that with contemporary treatment methods, the illness was no longer considered incurable and could at most justify temporary separation. The issue was to be reviewed by the State Duma (K voprosu o razvode, 1909). In 1912, Archbishop Antonii of Volhynia submitted a proposal to the Holy Synod to introduce an additional reason for divorce: in cases where an Orthodox Christian had converted to Catholicism for the purpose of marriage but later repented and sought to return to Orthodoxy and dissolve the marriage, such a divorce should be permitted (K reforme, 1912). That same summer, members of the medical council addressed Metropolitan Antonii of St. Petersburg, proposing the inclusion of additional grounds for divorce, such as physical incapacity, tuberculosis, and alcoholism (K voprosu o razvode, 1912b).

The Ministry of Justice, particularly under the influence of K. Pobedonostsev, developed a draft law aimed at removing divorce proceedings from the jurisdiction of the ecclesiastical authorities. However, this initiative faced strong opposition from religious figures. For instance, in the summer of 1912, Nikanor, Bishop of Olonets and Petrozavodsk, stated: “Marriage is a sacrament, the grace of which remains upon the couple eternally. It cannot be dissolved by secular authority... The entire process of handling divorce cases cannot be entrusted to the secular courts, as this would, in effect, reduce marriage to a merely civil institution. In my view, both the beginning and the end of the matrimonial process must remain under the authority of the Church. The middle part... may be delegated to the secular authorities, who should conduct investigations and assess the validity of the grounds submitted for divorce” (K voprosu o razvode, 1912a).

In August 1912, the newspaper "Kievlianin" informed its readers about proposed reforms to divorce law initiated by the Minister of Justice and the Holy Synod. According to the draft, the ecclesiastical authorities would retain the right to attempt reconciliation between spouses seeking divorce. If such attempts proved unsuccessful, the Church would determine whether the grounds for divorce were sufficiently established and, if so, would grant the divorce and define its legal consequences. The investigation of adultery and physical incapacity for marital cohabitation, however, was to be fully transferred to the jurisdiction of the secular court. During the investigation of such cases, the civil court, upon the petition of either spouse, could permit them to live separately. Such a petition had to be submitted in person. The list of legally recognized grounds for divorce was also expanded. In addition to the four existing ones, four more were proposed: incurable insanity, incurable venereal disease, attempted murder of a spouse, and moral or physical cruelty by one spouse towards the other (Brakorazvodnaia reforma, 1912).

In the final version of the draft, only the latter two were retained under the jurisdiction of the ecclesiastical court. According to a commentator in "Kievlianin", it would have been more reasonable to transfer all grounds for divorce to the civil court, leaving only the formal act of divorce itself under the purview of the Church (Novshestva, 1912). Nevertheless, by early 1913, "Kievlianin" reported that the Synod was preparing to review a revised list of grounds for divorce developed by a special advisory council. The proposed list included: physical incapacity for marital cohabitation; prolonged absence of one spouse; adultery; loss of civil rights and exile; conversion from Orthodoxy to another faith; conversion to non-Christian sectarianism; cruel treatment; attempted murder of a spouse; mental illness or insanity; and syphilis posing a risk to the health of the spouse and offspring (Povody k razvodu, 1913).

At the beginning of the 20th century, the topic of divorce was also addressed at an international congress of jurists in London, reflecting the pan-European scope of the issue. One speaker noted that divorce law in England remained highly restrictive, recognizing only adultery as a legitimate ground – though in the case of the husband's infidelity, it counted only if accompanied by cruelty or financial neglect of the wife. Furthermore, divorce proceedings in England were accessible primarily to the wealthy. The congress concluded that Russia's legal approach to divorce was closer to that of Catholic countries, where "the divorce process is more procedurally complex and remains fully within the jurisdiction of the ecclesiastical court" (Ponomariova, Khoroshilova, 2009, p. 154).

We present for consideration official statistical data on the number of divorces in the Russian Empire, as well as their distribution according to recognized grounds. According to the Central Statistical Committee of the Ministry of Internal Affairs of the Russian Empire (1893), in 46 Orthodox dioceses of European Russia (excluding the Kholm-Warsaw region), between 1867 and 1886, divorces were granted on the following grounds: 1) the husband's unexplained absence – 10 943 cases, averaging 547 per year; 2) loss of civil status – 4077 cases, averaging 204 per year; 3) adultery – 1652 cases, averaging 83 per year; 4) physical incapacity for marital relations – 212 cases, averaging 11 per year. Thus, over the 20-year period, a total of 16 884 marriages were officially dissolved, averaging 845 divorces per year (N. T., 1902b, p. 1). By comparison, during the decade 1841–1850, the Church sanctioned only 770 divorces in total – an average of 77 per year – despite the fact that the Orthodox population at the time numbered approximately 43 million (Mironov, 2000, p. 176).

Table 1.

Dynamics of Divorce among the Orthodox Population of European Russia, 1867–1886
(Toltz, 1977, p. 144)

Period	Average Annual Number of Divorces	Number of Divorces per 1000 People
1867–1871	722	0,013
1872–1876	823	0,014
1877–1881	821	0,013
1882–1886	1023	0,016

During the same period, an average of 577 196 marriages were registered annually in European Russia. This means that, on average, there were 14.7 divorces per 10 000 marriages. To better contextualize this figure, it is useful to compare it with data from other religious denominations in Russia and with statistics from European countries. Among Lutherans and Reformed Protestants in Russia, the divorce rate was significantly higher – 66.8 divorces per 10 000 marriages. In France, during the initial years following the legalization of divorce (1885–1886), the rate reached 220 per 10 000. Between 1877 and 1886, the divorce rate per 10 000 marriages in other European countries was as follows: England – 18.5; Austria – 41.1; Hungary – 63.8; Sweden – 73.2; Alsace and Lorraine –

100.8; Saxony – 302.8; Switzerland – 470.1; and Hamburg – as high as 689 divorces (N. T., 1902b, p. 1).

Between 1905 and 1913, a total of 23 087 divorces were recorded in European Russia – an average of 2565 per year, or 0.029 divorces per 1000 people. For comparison, the divorce rate had been 0.002 per 1000 in 1841–1850 and 0.014 per 1000 in 1867–1886. In 1912, 3532 divorces were registered among a population of 115 million Orthodox Christians, and in 1913, there were 3791 divorces among 98.5 million Orthodox citizens. A significant proportion of these divorces occurred in urban areas (Bezgin, 2020, p. 27). Notably, the grounds for divorce also shifted during this period. By the early 20th century, the proportion of divorces granted on the basis of proven adultery had risen dramatically, accounting for up to 95 % of all cases (Toltz, 1977, p. 145). Meanwhile, in the 1900s, the divorce rate per 1000 people was 0.02 in Austria-Hungary, 0.04 in Great Britain, 0.5 in France, 1.6 in the United States, and 2.2 in Japan (Mironov, 2000, p. 176).

Table 2.

Divorces among the Orthodox Population of European Russia in the Mid-19th – Early 20th Century (Mironov, 2000, p. 176).

Grounds for Divorce	Number of Divorces (absolute)		Share of Total Divorces (%)	
	1841–1850	1905–1912	1841–1850	1905–1912
Adultery	31	18 801	4,0	97,4
Physical incapacity for marital life	15	449	2,0	2,3
Bigamy (marriage while previous spouse alive)	287	–	37,3	–
Unexplained absence and exile to Siberia	409	46	53,1	0,3
Close blood relationship	28	–	3,6	–
Total	770	19 296	100,0	100,0

In the press of the time, we occasionally find humorous or ironic accounts related to divorce. For example, in 1912, the newspaper “Kievlianin” reported that a 72-year-old man filed for divorce from his 65-year-old wife, accusing her of adultery that had occurred 17 years earlier. Both the wife and witnesses confirmed the claim. However, the Synod rejected the request for divorce and instructed the petitioner’s spiritual father to “remind him that he has already reached an age when earthly matters should be set aside, and concern for the soul must come to the forefront” (Redkiy brakorazvodnyi protsess, 1912).

Table 3 provides documented statistical data on divorced individuals living in Volhynian Governorate in the late 19th century.

Table 3.

Distribution of the Population of Volhynian Governorate by Marital Status (1897)

(Pervaia vseobshchaia perepis naseleniia, 1904, p. V)

In absolute numbers

Marital Status	Ages 15–39		Ages 40–59		Ages 60 and over		Age Unknown		All Age Groups	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Never married	278 104	201 321	4193	4383	1558	1795	162	165	284 017	207 664
Married	307 244	373 796	197 499	169 106	56 560	28 796	121	183	561 424	571 884

Table continuation

Widowed	3354	11 409	14 065	41 072	27 196	40 240	29	51	44 644	92 772
Divorced	354	1139	159	337	90	101	4	8	607	1585
Marital status unknown	232	221	107	251	131	321	117	64	587	857
Total	589 288	587 886	216 033	215 049	85 535	71 253	433	474	891 279	874 762

In percentages

Marital Status	Ages 15–39		Ages 40–59		Ages 60 and over		Ages Unknown		All Age Groups	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Never married	47,19	34,25	1,94	2,04	1,82	2,52	37,41	34,81	31,86	23,74
Married	52,14	63,58	91,43	78,59	66,12	40,41	27,95	39,24	62,99	65,38
Widowed	0,57	1,94	6,51	19,09	31,80	56,48	6,70	10,76	5,06	10,61
Divorced	0,06	0,19	0,07	0,16	0,11	0,14	0,92	1,69	0,07	0,18
Marital status unknown	0,04	0,04	0,05	0,12	0,15	0,45	27,02	13,50	0,07	0,09
Total	100	100	100	100	100	100	100	100	100	100

It is worth noting that at that time (1897), only 1132 divorces were officially registered in the Russian Empire, with the number of divorces in European Russia amounting to 0.06 % per 1000 individuals of the Orthodox population. By 1913, this figure had increased to 0.15 % (Ponomariova, Khoroshilova, 2009, p. 153–154).

In addition to divorce, the Russian Empire also permitted, albeit unofficially and “on purely moral grounds”, the legal separation of spouses without the formal dissolution of marriage (Maximov, 1909, p. 372). Grounds for such separation included a husband’s violent behavior, misappropriation of joint property, cruelty, failure to provide for the family, immoral or vagrant lifestyle, adultery, mental or venereal illness, and inability to engage in marital cohabitation. Between 1889 and 1896, a total of 18 912 petitions for legal separation were submitted in the Russian Empire, averaging 2364 per year. Of these, 69 % originated from residents of Moscow and St. Petersburg. The majority of petitions were filed by women: in 1893, out of 2161 applications, 1899 (87 %) were submitted by women, of which 1523 (80 %) came from wives of petty bourgeois and peasant background (N. T., 1902a, p. 2).

Let us consider, using cases from DAZhO, the possibility for Orthodox and Catholic individuals to exercise their right to divorce. A marriage could be dissolved only through a formal court proceeding initiated by a petition from one of the spouses. Unilateral termination of marriage without court involvement, even by mutual consent, was strictly prohibited (Svod zakonov, 1857, Art. 45–46). The divorce process involved several stages. The petition for divorce was submitted to the Ecclesiastical Consistory, i.e., the diocesan authority, which delegated trusted individuals to attempt reconciliation between the spouses, urging them to remain in the marital union. If these attempts failed, the judicial process commenced, and the respondent was required to appear in person. A typical procedure followed this pattern: submission of a petition by one of the spouses, provision of the necessary documents, an official oath on the Bible, a court hearing, confirmation of the decision by the Synod, the possibility of appeal, and the eventual issuance or rejection of the divorce (Iatsenko, 2013, p. 192–193).

Thus, adultery – considered a “violation of the sanctity of marriage” – was established by the fact of sexual relations between one of the spouses and an outside party. A defendant’s own admission of having committed adultery was not taken into account unless it was corroborated by the circumstances of the case and accompanied by evidence that clearly confirmed it (Svod zakonov, 1857, Art. 47).

According to the Statute of Ecclesiastical Consistories (1841), “The principal proofs of adultery were to be recognized as: a) the testimony of two or three direct eyewitnesses; and b) the birth of

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children outside of lawful wedlock, confirmed by parish register records and evidence of an illicit relationship with an outside party. Other forms of evidence – such as letters confirming the defendant's illicit affair; testimonies of witnesses who were not direct eyewitnesses but had reliable knowledge of the matter or had heard rumors; statements by so-called “search witnesses” about the defendant's immoral lifestyle; and others – could be considered valid only when combined with one of the main types of evidence or when their totality clearly indicated a crime” (Ustav, 1841, Art. 252). As a consequence of divorce due to adultery, the plaintiff was granted permission to remarry, while the guilty party was prohibited from entering into a new marriage and was subjected to church penance in accordance with ecclesiastical rules (Ustav, 1841, Art. 256). This punishment was mitigated by the law of May 28, 1904, which amended Article 253 of the Statute of Ecclesiastical Consistories by abolishing the lifelong prohibition on remarriage for those found guilty of violating marital fidelity. Under the revised provision, a new marriage was permitted after the completion of ecclesiastical penance, the duration of which depended on the degree of guilt and repentance. In the case of repeated adultery, however, the guilty party was sentenced to lifelong celibacy (Vaniushina, 2024, p. 90).

The procedure for divorce among Orthodox Christians can be illustrated through a specific case. On February 1, 1910, Tymofii Zarytskyi, a peasant from the Zhytomyr district, submitted a petition to Archbishop Antonii of Volhynia, requesting not only the dissolution of his marriage to the peasant woman Olena Mamula, but also permission to remarry. According to his account, his wife had repeatedly committed adultery, left him after only a few months of cohabitation, and subsequently gave birth to a child fathered by another man. Olena Mamula consented to the divorce and admitted to marital infidelity, but justified her actions by stating that she had never loved her lawful husband and had endured constant physical abuse during the marriage. Initially, Tymofii and Olena were offered the opportunity to undergo a reconciliation procedure, but the husband refused. On August 27, 1911, the bailiff of the third estate in Zhytomyr district conducted, under oath, the interrogation of three witnesses, all of whom confirmed that Tymofii and Olena had long been living separately and that a child had indeed been born. The investigation revealed that the marriage had been contracted in 1903, and the child was born three years later, at a time when the couple was no longer living together. Nevertheless, the boy had been baptized and registered in church records as Tymofii's son. On August 13–14, 1912, the Volhynian Ecclesiastical Consistory issued its verdict: the marriage was to be dissolved on the grounds of the wife's adultery. Both Tymofii Zarytskyi and Olena Mamula were granted permission to remarry, but under specific conditions: the husband could do so immediately, while the wife had to observe a seven-year period of ecclesiastical penance under the supervision of a priest, as she was found guilty of marital infidelity. The official date of the divorce was recorded as April 24, 1913. On May 22, 1916, Olena Mamula submitted a petition requesting a reduction in the duration of her penance, so that she could remarry and engage in household activities. The authorities granted her request on July 7, 1916, citing the fact that she had actively fulfilled the prescribed penance for two years, as confirmed by the priest Mykhailovsky (DAZhO, f. 1, inv. 38, c. 66, p. 1–83 verso).

It is important to note that, under the law, only the innocent party in a case of marital infidelity had the right to petition for divorce. An illustrative example is the case “On the dissolution of the marriage of Hlykeriia Yukhymchuk and her husband Semen” (1909). Hlykeriia Yukhymchuk, a peasant woman from the Lutsk district, submitted a petition to Archbishop Antonii of Volhynia and Zhytomyr requesting the dissolution of her marriage to her unloved husband, Semen. The petitioner claimed she had been subjected to cruel treatment and physical abuse, and had been forced to endure repeated infidelities. Eventually, she had no choice but to leave her husband and enter domestic service. However, the difficult circumstances of her life led Hlykeriia into a life of promiscuity. She acknowledged that returning to her husband would be morally unacceptable – especially as he had already found a new partner and intended to marry her. For this reason, Hlykeriia admitted her guilt, expressed her willingness to bring forth witnesses who could confirm the fact of her adultery, and did not object to paying the required stamp duty. Nevertheless, her request for divorce was denied, as according to the law, it was her husband Semen – not she – who was entitled to file the petition (DAZhO, f. 1, inv. 37, c. 34, p. 1–8).

Among Catholics, obtaining a divorce on the grounds of adultery was nearly impossible. A telling example is the case “At the request of Ihnatii Babynskyi for the dissolution of his marriage with his wife Franciszka” (1911). On May 5, 1911, Ihnatii Babynskyi, a peasant from Kyiv, submitted a petition to the Volhynian Consistory requesting the dissolution of his marriage to the townswoman Franciszka Borowska, with whom he had contracted marriage on September 19, 1899. According to the petitioner, his wife had not been chaste prior to their wedding, had been unfaithful during the marriage, and had infected him with syphilis. On March 13, 1908, Franciszka disappeared without a trace, and her whereabouts remained unknown. Nevertheless, the Lutsk-Zhytomyr Roman Catholic Ecclesiastical Consistory rejected Ihnatii Babynskyi's petition, stating that “the reasons given – his wife's adultery with other men and her unexplained disappearance – do not, under the canonical rules

of the Roman Catholic Church, constitute grounds for the dissolution of marriage" (DAZhO, f. 178, inv. 40, c. 44, p. 6 verso).

In order for the unexplained absence of a husband or wife to serve as legal grounds for divorce, three conditions had to be met: it was necessary to prove that a legal marriage had indeed been contracted between the petitioner and the missing spouse; that the spouse was genuinely absent without trace; and that the absence had lasted for at least five years (Svod zakonov, 1857, Art. 54). A petition for the dissolution of marriage was submitted to the Ecclesiastical Consistory at the petitioner's place of residence, along with an official extract from the parish register confirming the marriage. The petition was required to specify where the couple had lived, whether they had cohabited, where and when they had last seen each other, the time and circumstances of the spouse's disappearance, when and from where the last known information about them had been received, as well as the immovable property owned by either spouse, their social status, and the type of occupation or service held by the missing person. In addition, the petitioner had to list all known relatives – both their own and those of the missing spouse – and indicate their places of residence. The petitioner could also submit other types of evidence attesting to the spouse's absence. Upon initiating the case, the Consistory would issue summonses through police authorities to all relatives and individuals who might have knowledge of the missing person. It could also contact the provincial administration in order to locate any possible evidence. A public notice of the petition had to be published in a newspaper distributed throughout all parishes. If this process led to the discovery of the missing person's whereabouts, the case was closed and the marriage was not dissolved. Only if no information emerged within one year from the date of publication would the Consistory, at the request of the petitioner, begin considering the merits of the case (Ustav, 1841, Art. 234–237; Svod zakonov, 1857, Art. 57–60).

The unexplained absence of a husband or wife lasting five years or more appears as a recurring legal formula in the files of the Lutsk-Zhytomyr Roman Catholic Consistory. On April 23, 1911, Josefa Browkowska submitted a petition requesting the dissolution of her marriage, stating that her husband had been sent to penal servitude on December 22, 1900 – meaning she had lived without him for over ten years. Mrs. Browkowska also asked for permission to contract a new marriage. However, her petition was left "without action", as she had failed to pay the required fee of two 75-kopeck revenue stamps (DAZhO, f. 178, inv. 40, c. 24, p. 1–9). In continuation of this theme, the case "At the request of Yosyf Shubartovskiy for permission to enter into a new marriage" (1911) provides further insight. On May 10, 1911, Yosyf Shubartovskiy from the Volodymyr-Volynskiy district submitted a petition to the Lutsk-Zhytomyr Roman Catholic Consistory, asking for permission to remarry, as fourteen years had passed since his wife Varvara had gone missing. After paying the required stamp duty, the case was reviewed; however, the petition was denied. The official reasoning stated: «the unexplained disappearance of one of the spouses, according to the canonical rules of the Roman Catholic Church, is not grounds for the dissolution of marriage» (DAZhO, f. 178, inv. 40, c. 62, p. 4 verso–7).

Divorce in cases involving penal servitude or exile to Siberia was regulated in a specific manner. The right to petition for the dissolution of marriage could be exercised if the spouse of the convict chose not to accompany the sentenced individual into exile voluntarily (Ustav, 1841, Art. 231–232; Svod zakonov, 1857, Art. 50).

Another legitimate ground for divorce was the inability of a husband or wife to perform sexual functions or consummate the marriage. Two conditions were required for such a petition to be considered valid: the incapacity had to be natural (i.e., congenital or pre-existing) and must have existed prior to the marriage; and at least three years had to have passed since the wedding (Ustav, 1841, Art. 245–246; Svod zakonov, 1857, Art. 48–49). The Ecclesiastical Consistory considered only thorough medical examinations of the afflicted spouse, which were conducted by the Medical Board (Likarska uprava), carefully reviewing the intimate details of the couple's relationship. Once the inability to consummate the marriage was confirmed, the petitioner was granted permission to remarry, while the respondent was sentenced to lifelong celibacy (Ustav, 1841, Art. 256). In cases of this kind, a medical examination alone was deemed sufficient. There were no courtroom hearings, no adversarial proceedings, and no witnesses were summoned (Maximov, 1909, p. 86).

On January 4, 1912, the peasant woman Mykhalyna Karabiiivska submitted a formal objection to the Lutsk-Zhytomyr Roman Catholic Ecclesiastical Consistory in response to her husband's statement dated August 6, 1911. She claimed that prior to marriage she had barely known her husband and discovered on their wedding night that he was impotent. On January 12, 1912, she appealed to the Diocesan Administrator, Prelate Baevskiy, requesting that her petition be forwarded to the Pope in order to obtain a dispensation allowing her to remarry. During the investigation, the Medical Department of the Volhynian Provincial Administration requested that the Consistory summon the peasant Victor Karabiiivskiy for a medical examination, which was scheduled for May 19, 1912. On January 23, 1914, relatives of Karabiiivskiy, including his brother, were questioned. Ultimately, Mykhalyna Karabiiivska was denied the annulment of her marriage. Nevertheless, she continued to pursue justice. On April 2, 1915, her appeal was heard by the Mogilev Archdiocesan Council for

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Marital and Other Matters. The petitioner contested the findings of the initial medical examination and submitted three medical certificates attesting that she remained a virgin. The decision of the ecclesiastical appellate court was to instruct the lower court to verify Karabiiievskia's virginity through a new medical commission. Should her virginity be confirmed, the case was to be referred to His Holiness the Pope with a request to grant a dispensation to the Karabiiievskyi couple. The final outcome of the case remains unknown; however, the file contains statements from physicians who disputed the claim of the woman's virginity. (DAZhO, f. 178, inv. 40, c. 59, p. 1–122).

In Orthodox practice, sexual incapacity was not always considered a valid ground for divorce, as the illness had to have existed prior to the marriage and had to be proven. A case in point is "On the dissolution of the marriage of Illia Kondratiev due to his wife Olena's illness" (1909–1910). Illia Kondratiev, an assistant class supervisor at the Ostroh Gymnasium, first appealed to the Volhynian Ecclesiastical Consistory in 1899. He referred to Article 37, Volume X of the Code of Laws, claiming that after their marriage, his wife Olena began to show signs of mental illness, including hallucinations and nervous seizures. A second petition followed in 1903. It was soon clarified that, under current legislation, marriages contracted under the condition of insanity of one of the spouses fell within the scope of criminal law and had to be considered by a criminal court. Accordingly, the ecclesiastical consistory advised Kondratiev to refer the matter to the district court. However, on August 18, 1904, the prosecutor of the Lutsk District Court declined to consider the case. On December 20, 1908, Kondratiev again petitioned the Volhynian Consistory for divorce and was again rejected, with a renewed recommendation to seek a solution through the district court. Eventually, Kondratiev turned to the Holy Synod. The Synod agreed to proceed and ordered the consistory to verify Olena's medical condition, which was carried out by the Medical Department of the provincial administration. It was confirmed that since the age of 14, Olena Kondratieva had suffered from periodic nervous breakdowns lasting two to four weeks, although at the time of examination she was in a "lucid interval". Therefore, on February 10, 1910, the Synod rejected Kondratiev's petition for divorce, reasoning that his wife suffered from "periodic and rather short-term psychosis" and that "such a condition does not fall under the legal definition of insanity" as set out in current legislation. The case file contains multiple subsequent appeals from Kondratiev to the Volhynian Consistory, each accompanied by new medical evidence, and each followed by repeated refusals to reopen the case. The last document in the file is dated July 31, 1918: Illia Kondratiev, by then a teacher at the Cherkasy Men's Gymnasium, once again appealed to the Volhynian Consistory to declare his marriage invalid, emphasizing that the petition he submitted to the Synod in 1910 had still not been resolved. The petitioner expressed strong hope in the newly established laws of the Ukrainian State (DAZhO, f. 1, inv. 37, c. 28, p. 1–65).

Let us reiterate: the grounds for divorce were limited to mental disorders that had originated prior to the marriage. For instance, in February 1909, the Volhynian Ecclesiastical Consistory denied a petition for divorce submitted by Nataliia Shymanska, a peasant woman from the Kovel district, who also sought permission to remarry. The petitioner claimed that her husband, Nykyfor Shymanskyi, had gone insane during his military service, that is, after their marriage. The Consistory concluded: "...a mental disorder that developed after the marriage, according to the law, cannot serve as grounds for divorce" (DAZhO, f. 1, inv. 37, c. 24, p. 2).

Some archival files contain petitions for the search of missing wives. For example, on May 31, 1882, the Lutsk-Zhytomyr Roman Catholic Ecclesiastical Consistory received a request from a peasant, Anton Zarembo, seeking assistance in locating his wife, Maria, who had disappeared eleven years earlier. The reasons for the search were quite mundane: Zarembo needed a helper in managing the household, as his parents were elderly and he himself was already 38 years old. The petition included a physical description of the missing woman: 29 years old, of medium height, dark blond hair, an elongated face with a scar on the left side. Zarembo concluded his petition by stating that, if his wife was still alive, she should be sent to him through the local zemstvo administration; however, if she was deceased, he requested permission from the consistory to remarry. The outcome of the case remains unknown, but subsequent pages of the file contain reports from rural deans (e.g., of Lutsk, Zvenyhorod, and others) indicating that Maria Zarembo could not be located in any of the parishes within their jurisdictions. The proceedings continued from 1882 to 1897 (DAZhO, f. 178, inv. 28, c. 542, p. 1–68).

The archival documents under consideration provide grounds to assert that the Catholic Church did not recognize divorce. Instead, it permitted only a separation from bed and board (*separatio a mensa et thoro*) upon petition by one of the spouses. Such separation could be granted by ecclesiastical authorities under three conditions: 1) adultery; 2) cruel treatment; and 3) the accusation of one spouse of a crime subject to trial and criminal punishment (Maximov, 1909, p. 259).

A few words should be said about permissions for separation and divorce among clergy and non-Christians. According to canonical regulations, a priest whose wife was accused of adultery was prohibited from performing ecclesiastical duties. In 1912, the Holy Synod issued a decree allowing clergy to live separately from their wives. As a result, the wives of priests who were not living with their

husbands due to the husbands' fault were denied the right to obtain separate residence permits and were not entitled to financial support from their husbands. Clergymen who were separated from their wives against their own will were not subject to any punishment; however, wives who left their husbands were subject to ecclesiastical penance (*epitimia*) (*Razdelnoe zhitelstvo*, 1912).

According to Russian legislation, divorce proceedings among Muslims, Jews, and pagans were handled by the courts of their respective religious authorities and institutions. The primary grounds for divorce included adultery, prolonged absence, and the deprivation of a spouse's property rights (Maximov, 1909, p. 16, 280, 314). The newspaper "Kievlianin" provides insight into Jewish divorce practices. In 1900, rabbis in various cities began issuing so-called conditional divorces for Jewish women whose husbands were serving in the military and being deployed to the Far East. These conditional divorces became formally valid if the wife could prove that her husband had gone missing. Given that, under Jewish law, a husband's consent was crucial for initiating divorce, many Jewish women sought to obtain such consent in advance – in case their husbands ceased to communicate or could no longer be located (*Uslovnye razvody*, 1900).

In 1903, the newspaper "Kievlianin" reported that a Jewish couple, identified as N., petitioned the Odesa rabbinate for a divorce. Notably, the wife had previously converted to Orthodox Christianity, and therefore the request for divorce was submitted to the Kherson Ecclesiastical Consistory. The consistory raised no objections and ultimately granted the woman permission to remarry – without requiring a divorce under Jewish law. However, the rabbinate refused to support this decision, as the husband, according to Jewish law, was still considered legally married and thus prohibited from entering into a new marriage. In response, the acting city rabbi submitted a petition to the Holy Synod, requesting that the decision of the Kherson Consistory be annulled (*Evreiskiy razvod*, 1903).

The shortcomings of existing legislation were also criticized by columnists in other regional newspapers. In July 1904, a commentator for the newspaper "Iuzhnyi Kray" expressed indignation over the law that permitted remarriage for individuals divorced on the grounds of adultery: "If marriage is to be regarded as the observance of a sacrament in its sacred purity, then how can one explain that a marriage, defiled twice by both parties, must remain indissoluble? This is utterly incomprehensible – especially after the law of May 28 granted both divorced spouses the right to enter into a new, legally sanctioned and church-blessed marriage. According to the current law, the situation is as follows: if I was unfaithful to my wife, but she remained faithful, I am allowed to remarry after divorce. However, if I was unfaithful and she also was unfaithful, divorce is no longer permitted, and I cannot remarry. In other words, I am deprived of the right to a new marriage and severely punished – not for my own fault, which in both cases is the same – but for the fault of my wife" (*Obozrenie gazet*, 1904).

The divorce procedure was often lengthy and burdensome. As a result, some spouses, tired of waiting for legal separation, chose to live as they pleased. In 1908, a columnist for the newspaper "Rada" criticized the bureaucratic nature of the process: "It was once reported in newspapers – even official ones – that divorce procedures had been simplified. But clearly, this does not apply to ordinary people. In the Tarnogród parish of Bilgoraj County, for instance, several townspeople submitted divorce petitions to the Holy Synod four years ago. The priest has reminded the Synod about these cases more than twenty times, but to no avail. Now, tired of waiting for divorce, the individuals involved informed the priest that they would simply live together without formal marriage. And such behavior is still considered highly unusual in our society" (*Po Ukraini*, 1908). In April 1909, "Rada" reported on a proposed divorce reform bill, which suggested transferring jurisdiction over divorce cases from the ecclesiastical authorities to civil courts. The Synod had become overwhelmed by the volume of paperwork, with a quarter of all divorce petitions left unresolved each year. The Ministry of Justice proposed that the determination of adultery and incompatibility for marital life should no longer rest with monastic authorities but with civil judges. Ecclesiastical consistories, however, reacted negatively to the draft law (*Zakonoproekt*, 1909).

The urgency and demand for handling divorce cases is reflected in advertisements published in the pages of regional newspapers such as "Volyn", printed in Zhytomyr. In an issue from 1908, one reads: "I specialize in handling all categories of divorce cases in all ecclesiastical consistories. I accept petitions concerning: enrollment in the nobility, acquisition of Russian citizenship, and issuance of foreign passports. I draft various business documents related to matters processed by administrative and judicial institutions, as well as ecclesiastical consistories, including petitions to His Imperial Majesty. I provide legal advice in cases of inheritance, adoption, and legitimation of children. Address: Zhytomyr, Moskovska Street, No. 16. Collegiate Secretary Vsevolod Oleksandrovych Kacharovskiy. Office hours: 9–11 a.m. and 4–7 p.m." (*Brakorazvodnye dela*, 1908). A similar advertisement appeared in 1909: "All categories of divorce cases in all consistories are handled by Private Attorney of the Zhytomyr District, Kostiantyn Hryhorovych Sydorov. Zhytomyr, Mykolaivska Street, No. 4" (*Brakorazvodnye dela*, 1909). Such services were not limited to the Zhytomyr region. As early as 1904, the newspaper "Kievlianin" featured comparable notices: "I handle divorce cases in all consistories. Kyiv, Annenkovska (Lutheranska) Street, No. 6, Apt. 30. Lomakin. Available from 4 to 7

p.m.” (Brakorazvodnye dela, 1904). These advertisements highlight the existence of a semi-professional legal service infrastructure that had emerged in response to the complexity and slow pace of ecclesiastical divorce proceedings in the Russian Empire.

Given the considerable legal difficulties associated with obtaining a divorce, people often resorted to alternative, informal means of resolving marital conflict. In rural areas during the second half of the 19th and early 20th centuries, so-called “self-initiated divorces” became increasingly common. In such cases, following a serious quarrel, a husband and wife would decide to separate and live apart without any legal proceedings. Attitudes toward divorce in the countryside were generally negative. Although a second marriage was not officially condemned, it was often viewed with superstitious apprehension – villagers believed it would be short-lived and unhappy. A third marriage, however, was widely regarded as unacceptable and sinful. In the peasant worldview, a second marriage was deemed necessary primarily in cases where a widower had small children and there was no woman in the household to care for them. In such situations, a widow was considered the most suitable candidate for remarriage (Bezgin, 2020, p. 25, 29).

One way to remarry without obtaining a legal divorce was through the unlawful act of entering into a second marriage – committing bigamy. However, if such a case was uncovered, the consequences for the man were severe. For instance, in February 1898, the newspaper “Kievlianin” reported the case of 31-year-old Kostiantyn Chervinsky, which was examined behind closed doors by the Kyiv Court of Justice with the participation of local estate representatives. The sentence for bigamy: exile to Siberia (Dvoezhenstvo, 1898). Similarly, in April 1904, the same court convicted the accountant N. A. Sobinevsky of bigamy. His sentence included deprivation of all civil rights and noble status, ecclesiastical penance, and imprisonment for 2 years and 9 months (Dvoezhenets, 1904). Over time, however, punishments for bigamy became more lenient. In 1910, the Kyiv Court of Justice sentenced the peasant Samson Rymarchuk to the loss of civil rights and three years’ imprisonment. Yet the court resolved to petition the Minister of Justice to request clemency from the Emperor and to substitute the sentence with three months of imprisonment without loss of rights (Dvoezhenstvo, 1910). A particularly interesting case concerns “the soldier’s wife Stefaniida Hryhorivna Matviichuk”, who was charged with bigamy in 1877. Having received official notification of her first husband’s – Ivan Matviichuk’s – death, she remarried. The Volhynian Chamber of Criminal and Civil Court declared the second marriage lawful (DAZhO, f. 19, inv. 8, c. 332, p. 1–6). Less fortunate was the peasant woman Kapitolina Horvatovska, who, wishing to marry the Zhytomyr nobleman Vasyl Poliaskovsky, forged a death certificate for her still-living husband and declared herself a widow. In 1866, the Volhynian Chamber of Criminal Court sentenced Horvatovska to eight months in prison, and Poliaskovsky to four months (DAZhO, f. 18, inv. 2, c. 772, p. 50 verso –51). Information about “dvomuzhnytsi” (bigamist-women) – women who sought to remarry while their first husbands were still alive – also appeared in contemporary press (Dvumuzhnitsa, 1911).

In order to prevent cases of bigamy among Jews, a Rabbinical Commission was established in 1910 under the Ministry of Internal Affairs. The commission mandated that rabbis were to require grooms to present specific documentation prior to marriage: a birth (metric) certificate and proof of registration with the local military conscription office. If the groom was from another city, a written permit from the rabbi of his place of residence was also required. Furthermore, rabbis were now obligated to affix their official signature to the passports of both the bride and groom (Dvoezhenstvo sredi evreev, 1910).

From time to time, the pre-Soviet press reported cases of wives being “sold”. On 13 June 1907, the newspaper “Kievlianin” related that the peasant Mykhailo Mazepa (village of Vilshany, Kharkiv district), “a revolutionary hanger-on and a liberal who, during the days of revolutionary frenzy, spoke in favor of women’s equality”, had recently sold his wife to the peasant Mykola Khrystoiev for 50 rubles. Mazepa quickly drank away the 3 rubles he had received as a deposit and never handed over his wife. The unlucky buyer was left to show the receipt to his fellow villagers and ask what he ought to do. The document read: “I, the undersigned, Mykhailo Andrianovych Mazepa, a peasant of the village of Vilshany, have sold my wife to the peasant Mykola Pavlovych Khrystoiev for the price of 50 rubles. I have taken a deposit of 3 rubles; the remaining money [is to be paid] upon receipt of the goods – my wife. [Signed] M. A. Mazepa” (Prodazha zheny, 1907).

A similar report appeared in the newspaper “Kievlianin” on 19 August 1909. Two peasants from the Simferopol district K. Oliinyk and I. Tymchenko, in the presence of witnesses, requested the local clerk to draw up a deed documenting the sale by the former of his wife, Kharytyna Oliinyk, to the latter “in eternal and irrevocable possession” for the sum of 3 rubles. They invited the local policeman and, under his supervision, delivered the “sold” wife to Tymchenko’s home, along with her dowry, which included a trunk, bedding, and other belongings (Prodazha zheny, 1909).

Conclusions. Divorce in Ukraine under Russian rule in the 19th – early 20th centuries was a rare phenomenon, the reasons for which were not only Christian morality, which sharply condemned the act of divorce, but also bureaucratic aspects, strict requirements of legislation, both secular and

church. However, at the beginning of the 20th century, against the background of the processes of emancipation and modernization, the proportion of divorces increases, and adultery becomes the main reason for divorce among Orthodox Christians.

The power to conduct divorce belonged to the highest church authorities (for Orthodox Christians, to the Holy Synod), and only at the beginning of the 20th century was secular legislation allowed to regulate the act of divorce to a greater extent than before. Nevertheless, the discussion on the transfer of divorce cases to secular authorities, as well as on the liberalization of the divorce process, remained a discussion in the columns of the periodical press of that time until 1917, one of the reasons for which was the church's unwillingness to give up its power. When it was impossible to officially dissolve a marriage, it was necessary to resort to such actions as separation of spouses and bigamy.

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