

References:

1. Дуглас Д. Вильгельм Завоеватель. Викинг на английском престоле / Д. Дуглас. – 2005. – С. 527.
2. Тищик Б. Й. Історія держави і права зарубіжних країн (середні віки) / Б. Й. Тищик. – Львів, 2006. – С. 246, 248.
3. Штокмар В. В. История Англии в Средние века / В. В. Штокмар. – Санкт-Петербург, 2005. – С. 49.
4. Англо-український словник [Електронний ресурс] – Режим доступу до ресурсу: <https://uk.glosbe.com/en/uk>.

THEORIES OF THE ORIGIN OF THE EASTERN SLAVS

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East Slavic tribes - a group of Slavic tribes, located on the territory of modern Ukraine, Belarus and Russia, whose ancestors were Anti and Dulibians (Volynians), they lived on the territory between the Carpathians, the Pripyat and the Middle Dnieper. The term "Slavs" most definitely comes from the name of one of the tribes (Slovenians). And the main state education at that time was Kiyvan Rus.

Kiyvan Rus existed from VII - the first half of the XIII centuries. Due to the fact that the center of the East-Slavic state for many centuries was Kiev, in historical literature, Rus received the name "Kiyvan Rus". The very term Kiyvan Rus is of a book origin and originates not from sources but from the pages of historical works of the first half of the XIX century.

The problem of the origin of Kiyvan Rus has long been of interest to researchers. Scientists can not reach a unanimous opinion on this issue, therefore, a number of concepts emerged devoted to him.

Theories of the origin of the statehood of the Eastern Slavs can be divided into two groups:

1) **General:**

- **Patriarchal Theory** (Aristotle, R. Filmer, N. Mikhailovsky, M. Pokrovsky). According to this theory, the state comes from the patriarchal family, as a result of its expansion: the family - a set of families (the village) - a set of settlements (state).

- **The Theological Theory** (Thomas Aquinas, Petro Mohyla) is based on the idea of divine creation of the state in order to realize the common good.

- **Contractual (natural-legal) theory** (G. Grotius, B. Spinoza, J. Kozelsky, I. Kant). This theory is based on the idea of the state of origin as a result of an agreement (treaty) as an act of reasonable will of people. The unification of people into a unified state union is seen as a natural demand for the preservation of the human race and for ensuring justice, freedom and order.

- **Organic theory** (G. Spenser) identifies the process of the emergence and functioning of the state with a biological organism (the state is similar to a living organism).

- **The theory of violence** (E. Durand, L. Gumplowicz, K. Kautsky) explains the emergence of the state as a result of wars, violent conquest by some people of others.

- **The materialist (class) theory** (K. Marx, F. Engels, V. Lenin) is based on the thesis of the economic reasons (the presence of private property) of the emergence of the state that gave rise to the split of society into classes with opposing interests, with which you became acquainted with the theory of the state and rights);

2) **Applied**, that is, most likely in relation to the origin of the origins of statehood in the eastern Slavs. In general there are about 15 theories.

Soviet historiography affirmed the so-called **theory of the ancient Rus "cradle" or "triune" theory**. According to this concept, Kiyvan Rus as a "cradle of three fraternal peoples" was an ethnically homogeneous state of the mythical "ancient Rus people", which had a common culture, customs, life, economy, etc. And, consequently, Kiyvan Rus was equally a state of Ukrainians, Russians and Belarusians. In the Soviet period, this theory of the "common cradle" of the three "brotherly" peoples became a dogma. And it is not strange. After all, it enabled the Russian ideologists to include the history of Kiyvan Rus in the history of the Russian state, arguing, besides, that one of the peoples brothers was already in the "common cradle" to be older. This theory created the impression of "projection into the past of a homogeneous Soviet people, planned for the future". M. Hrushevsky was the first to refute the idea of the so-called "single cradle" of the birth of three related Slavic peoples: Ukrainians, Russians and Byelorussians. In contemporary national historiography, the prevailing opinion is that the Kiyv-Rus' state was primarily a state of the Ukrainian people. The main territory of its formation was the Middle Dnieper.

The theory of natural-historical (autochthonous development) is grounded at the beginning of the XX century. The supporters of this theory were prominent Ukrainian historians (V. Antonovich, M. Hrushevsky and others.) Proponents of this theory argue that the Eastern Slavs existed political and socio-economic preconditions for the creation of their state: a high level of development of industrial relations, there was property differentiation, there was a delight by the elders of communal lands, numerous military campaigns, which resulted in a large number prey

The Norman theory, developed in the second half of the eighteenth century, became widespread. the German scientists who were invited by Catherine II to work at the Russian Academy of Sciences G. Bayer, G. Miller and A. Schleser, who, without any critical analysis of the chronicle of Nestor's chronicle, "Povist' Mynulykh Lit" formulated the concept according to which the Old Rus state arose in the result of the establishment of it by the Vikings and argued about the

Varangian origin of the dynasty of the n princes, while affirming the backwardness of the Eastern Slavic tribes, as evidenced by the alleged failure of their own state creation. In addition, as an argument put forward the ancient Normans origin of some Rus names, etc. And the very name "Rus" is, according to the supporters of this theory, from the Finnish name of the Swedes - "Ruotsi." But today it has been proved that part of the "Povist' Mynulykh Lit," which refers specifically to the formation of the East Slavic state in the days of the Prince of Kyiv Mstislav Vladimirovich (the son of Vladimir Monomakh), was corrected

The Antinorman theory. Against Normanism, the first, in the middle of the eighteenth century, was the Russian scientist M. Lomonosov, who pointed to the scientific failure of the Norman theory. Lomonosov, referring to the chronicle "Povist' Mynulykh Lit", which mentions that the Slavic and Rus languages are one and the same, argued that the Vikings are Slavs. Lomonosov, knowledgeable in history, is much worse than in physics or chemistry, did not read the originals of sources, but his critics were asked by the majority extremely convincing. The struggle against Normanism was extended by V. Belinsky, M. Chernyshevsky, M. Dobrolyubov. Convincingly prove that the formation of the Ancient Nation was a natural result of the socio-economic and political development of the eastern. Historians of Ukrainian law noted that Varangian military leaders, who later became Rus princes, found in Rus the formed socio-political system and the right based on the ancient customs of the Slavs. Vardzugi only accelerated this process. The influence of the Varangians on Rus could not have been decisive either because the Scandinavian peoples were then at the same level of development as the Rusiches, and could not bring here what they did not have. This theory insists that the name "Rus "Comes from the name of the rivers in Central Ukraine - Ros, Rostavitsa.

Derived from the Norman is **the commercial theory** of the origin of statehood in Rus, the founder of which is believed by Russian scientist V. Klyuchevsky. The researcher refers to the known fact of the long existence of the trade route "from the Vikings to the Greeks". It was paved by Scandinavian merchants and soldiers who accompanied them. Having settled in Novgorod, traders understood the benefits of combining the territories along the trade route under one authority. Proponents of this concept argued that the location of Kyiv in the middle of the trade route "from the Vikings to the Greeks," stimulated the formation of a state with a center in Kyiv.

In Western historiography, there are also attempts to explain the emergence of the Ancient Nation from the standpoint of **the theory of pan Turkism**, according to which the dynasty of the Kievan princes was of Turkic origin, and the Old Rus state, respectively, formed by the Khazar Khanate. The supporter of this concept, Professor Harvard University, a Ukrainian of origin O. Pritsak proves that the fields were not Slavs, but the Khazars. One of their tribal branches became the ancestor of the genus Kiya, who founded the Rusiches capital and his own dynasty. However, this political doctrine was also rejected by specialists as having nothing to do with historical reality. The "merit" of the Khazars was only that they forced

the Eastern Slavs to consolidate their efforts to fight for their existence and thus accelerated the process of their unification into a single state.

Thus, the emergence of the Old Rus state was the result of the socio-economic and political development of the Eastern Slavs and was caused by the following factors:

- a) territorial, ethnic, religious and cultural commonality of the Eastern Slavs;
- b) close economic ties within the East Slavic array;
- c) common desire of our ancestors to combine their efforts in the struggle against the enemies, first of all with the nomads from the wild steppe.

References:

1. Nestor Litopysets' Chronicle of Rus. Povist' Mynulykh Lit, P. 25-135. - access mode: http://aps-m.org/wp-content/uploads/2017/03/Litopisec_Litopis-Ruskiy_1_Litopis-Ruskiy-Povist-minulih-lit_RuLit_Net.pdf
2. O. Pritsak, Pokhodzhennya Rusi, P. 423-449. - access mode: <http://history.org.ua/LiberUA/966-513-215-6/966-513-215-6.pdf>
3. Hrushevsky M. Istoriya Ukrayiny–Rusy... - P. 410-417, 422-428, 366-377, 191 - access mode: <http://diasporiana.org.ua/wp-content/uploads/books/3799/file.pdf>
4. Юридична енциклопедія : [в 6-ти т.] – Київ : Українська енциклопедія ім. М. П. Бажана, 2002. – Т. 4 : Н – П. – 720 с.
5. Gumplovich L. Zahal'ne vchennya pro derzhavu / L. Gumplovich. – 1910.

CONSTITUTIONAL STATE: ESSENCE, FEATURES, DISTRIBUTION OF THE WORLD

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The essence of the notion of a constitutional state.

Throughout the history of mankind, constitutional state remains one of the most important influential instruments. Therefore, the question of its essence is recognized as the key in the field of law and is reduced to the clarification of the constitutional features of the political and legal organization of society, which reflects the power mechanism of a democratic system, is based on the rule of law and seeks to fulfill the social function in ensuring the interests of people and people. The science of constitutional law, in connection with the identification of the necessary potential of power, the functioning of the state mechanism is taken to look for a new model of the state on its properties of origin, existence and development on the basis of the Constitution. It should be emphasized that one of the features of a modern constitutional state is the realization of its right, which means the proclamation of the principle of recognition of law, its observance and