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## **THE STRUGGLE OF THE GREEK-CATHOLIC PRIESTS FOR THE LEGAL STATUS OF THE UKRAINIAN LANGUAGE IN THE SECOND POLISH REPUBLIC (1921–1939)**

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# THE STRUGGLE OF THE GREEK-CATHOLIC PRIESTS FOR THE LEGAL STATUS OF THE UKRAINIAN LANGUAGE IN THE SECOND POLISH REPUBLIC (1921–1939)

V.Ya Markovskiy<sup>1</sup>, I.Z. Toronchuk<sup>2</sup>

## Abstract

*The purpose of the research under studies is to reveal the peculiarities of the language policy of Interwar Poland regarding the Ukrainian-speaking population of Eastern Galicia between the two World Wars, as well as to determine the attitude of the Ukrainian Greek Catholic Church (UGCC) to this issue.*

*The Ukrainian Greek-Catholic clergy has always struggled for its right to keep church records and to issue metric books in Ukrainian. It also upheld the natural persons' right to have their names and surnames transcribed in compliance with the national tradition, in other words, according to the Ukrainian spelling rules. The above attempts and efforts led to the fact that some Greek-Catholic priests were brought to criminal liability.*

*Based on the analysis of certain normative-legal acts, archive sources and specialized literature, the article under discussion investigates the legislation and judiciary of the Second Polish Republic in the field of language legal relationship. In particular, it carries out a profound analysis of public-legal disputes between the bodies of legislative power on the one hand, and the Greek-Catholic clergy – on the other. The conflict of interests lay in the fact that Polish executive bodies of state power intended to make Greek-Catholic ministers keep parish registers in the Polish language (or Latin), but not in Ukrainian. The Greek-Catholic priests regarded themselves not subject to the jurisdiction of the secular authorities and, consequently, ignored those requirements, which, eventually, resulted in a number of trials. Besides, the article under studies presents the legal position of the prosecutor's office of the Second Polish Republic and that of the Greek-Catholic priests (together with their lawyers) in the above legal conflict.*

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**Keywords:**

*Church; national minority; state language; legal liability; "the war of metrics».*

**1. Introduction**

Understanding in the Ukrainian-Polish relations reached at the stage of modern Ukrainian statehood, covered a thorny path from the suppressed inter-ethnic conflict to the modern friendly support of Poland of present euro-integration aspirations of Ukraine. At the same time, one should not deny negative historical experience, at least in order to avoid the recurrence of the mistakes of historical predecessors.

After the collapse of Austria-Hungary (1918) the revived Polish state began a tight linguistic policy towards national minorities. Its purpose was to maximize the public sphere of the use of the Polish language, and to narrow the scope of the use of other languages as much as possible. First of all, it concerned the Ukrainians, who accounted for 14% of the population of Interwar Poland, and were the most numerous national group that appeared after 1921 under its jurisdiction. The linguistic discrimination of Ukrainians in Interwar Poland, in particular the Ukrainian Greek Catholic priests, had a very negative resonance and aroused considerable resistance of the Ukrainian society at that time. One of the manifestations of this conflict is the so-called "war of metrics" between the Greek-Catholic clergy and the officials of the Second Polish Republic resulted in the attempts of the last to make a transcribed record of the Ukrainian surnames in metric books according to their national traditions.

**2. Theoretical Background**

The purpose and the objectives of the article require the elaboration of studies that analyze the legal norms which determine the legal status of national minorities in the Second Polish Republic and their linguistic rights. With that end in view, the laws in the field of Interwar Polish language relations have been analyzed [1, 2, 3], as well as the sub-normative legal acts issued by the highest executive authorities for their clarification [4, 5]. Among Polish researchers, contemporaries of the Second Polish Republic, we should note the work of the advisor of one of the committees of the Polish Sejm L. Zelenewski [6] and the work of the Polish lawyer K. Kiyerski devoted to the issues of national minorities [7]. One should also mention the study of the modern Polish researcher on language legislation of the Second Polish Republic E. Ogonowski. In the monograph on the analysis of the linguistic relations in the Interwar Poland, the author described the conflict between the Polish authorities and the Ukrainian Greek Catholic Church (hereinafter - UGCC) quite thoroughly [8]. At the same time, in his work we

do not find certain judicial documents covering the positions of the parties in the mentioned court proceedings, including those stored in the archives of the city of Lviv.

The issues of the linguistic relations and the analysis of the linguistic legislation were systematically analyzed by the members of the Union of Ukrainian Advocates (hereinafter - U.U.A.), the printed body of which was the legal journal "Life and Law" [9, 10]. Ukrainian attorneys at that time were direct participants in the events. Among the researchers of the interwar period is the interesting work of R. Dombchevskyi [11]. Among modern scholars of this problem it is worth noting the works of I. Hlovatskyi [12] and M. Hetmanchuk [13].

The judicial documents related to these processes are in the funds of the Central State Historical Archives of Ukraine in Lviv (Fund No. 151 in the Court of Appeal in Lviv and the Fund No. 205 in the Prosecutor's Office of the Court of Appeal, Lviv), and their introduction to scientific circulation is a novelty of the research. Therefore, the main sources of the research are the materials of the cases of the administrative proceedings against Greek Catholic priests for supposedly violations of the language legislation of the Second Polish Republic. The materials of the criminal cases dealing with the record of the Ukrainian surnames in metric books in accordance with the rules of Ukrainian grammar are also worked out. In historical and legal science, these trials are known as the "war of metrics."

### **3. Argument of the paper**

The position of a priest and the Church in matters of language was of great importance, since the Greek Catholic clergy historically constituted almost the largest stratum of the Ukrainian intelligentsia of Galicia, in particular during the period 1919-1939. The archival sources show that the national policy of the Second Polish Republic caused an active resistance of the Ukrainian Greek Catholic Church (hereinafter - the UGCC) in Galicia. The most active Uniate priests participated in the elections to the state authorities, campaigned the Ukrainian people for the separation of Galicia from the Second Polish Republic and the creation of their own state, urging the parishioners to resist the local government and police. Instead, the power of Interwar Poland conducted administrative and criminal proceedings over the UGCC. In particular, this also refers to the attempts to force Greek Catholic priests to make correspondence with the authorities of the Church exclusively in Polish by means of litigation and various penal sanctions.

The conflict of interests consisted in the fact that the Polish authorities aimed to make the Greek-Catholic priests to conduct metric books in Polish (or Latin), and not in Ukrainian; as well as to make

correspondence with the state authorities exclusively in the Polish language. The Greek Catholic priests, on the contrary, considered themselves to be ineligible to the jurisdiction of the secular authorities of the Polish state and ignored these requirements, which resulted in a series of trials.

For a long period of time, the UGCC authorities in Galicia conducted books of acts of civil status, the so-called metrics. In 1784 the universalist of the Austrian emperor Joseph allowed to organize the conduct of metrics and made it legislative in 1787. This is evidenced both by the authors of the Ukrainian [14] and the Polish studies[15], which concerned the linguistic issues. The metrics fixed such legal facts as birth, death and marriage of local residents.

In metric books, when registering the birth of a child and entering into a marriage, the names of the parents were indicated, in particular the mother's maiden name. The records of metrical books from the time of Austria (Austro-Hungary), and later the Second Polish Republic were considered official, and were of legal significance. During its existence, from 1918 to 1939, the Second Polish Republic used the services of the Church which provided for the registration of acts of civil status. The conduct of metrics was carried out exclusively by parish priests at their own expense and efforts. The State authorities recognized and used the metric records that *de jure* served as an official register of acts of civil status.

As E. Ogonovski notes, the state institutions in their administrative activities required statistical information contained in the metrics. Such information was also important for military mobilization work, as it contained data on the age, a number of male population of certain administrative units. The Polish government officials believed that priests should provide such information for public needs, analyze it, summarize and send aggregated data to the competent authorities. Thus, in 1921-1922, the Polish authorities sent the letter in the form of instructions to the leadership of the UGCC with the requirement for the conduct of metrical books in Latin, as well as the compilation of extracts from metrics in Latin and not in Ukrainian [8: 203]. Statistics on the number of people expected to be sent to the local state administrations should have been compiled by the priests in Polish.

#### **4. Arguments to support the thesis**

Contrary to this, the leadership of the UGCC considered inadmissible the efforts of the authorities of the Second Polish Republic to introduce the Polish language in its clerical work and correspondence. For example, the letter of the Church's guidance to the Lviv Court of Appeal, dated December 28, 1921 read: "The Metropolitan Greek Catholic Ordinariate has the honor to request that the Polish authorities use the Ukrainian language

## THE STRUGGLE OF THE GREEK-CATHOLIC PRIESTS...

in correspondence with us and all the bodies of the UGCC, as it was used to be under the Austrian authorities. No occupying power, whether Russian or German, and now Polish, has the right to inflict such a crime on us " [16: 86]. It should be noted here that before passing own laws in the field of linguistic relations in 1924 the Second Polish Republic applied language legislation of Austria and Austria-Hungary.

On December 21, 1921, the Lviv Voivodship issued a circular No.5364 to all village elders in the voivodship districts and the city mayor of Lviv concerning the conduct of metric books by Greek Catholic priests. There was a requirement that, in correspondence with parish governments, the local authorities were to adhere to the instructions of the Austrian Ministry of Internal Affairs dated December 20, 1859, No. 12466 and of July 4, 1866, No. 2166, according to which "correspondence with them should be in Ukrainian, with the exception of metric cases when the Greek Catholic government acts as metric organs, which are entrusted with the state to conduct metric books " [17:2]. However, voivod K. Grabovski in the same instruction expressed his own opinion that the correspondence between the state authorities and all local powers should be carried out in Polish, as an official language, introduced by the order of the Austrian emperor long ago since June 4, 1869, No. 2354.

R. Dombchevsky (contemporary of the Interwar Poland), a Ukrainian language researcher, pointed out that during the Austro-Hungarian period, the correspondence of the Uniate Church with the authorities was carried out in the Ukrainian (Rus') language: "In this respect, the Austrian authorities stood the position that the UGCC afforded to conduct records of the deceased, marriage and birth certificates of the Ukrainians in accordance with the instructions of the Minister of Internal Affairs and the Minister of Justice on language since March 9, 1900, p. 3257. The governments and courts obliged to address Greek-Catholic governments in metric cases in Ukrainian" [11: 43]. Kost' Levytskyi in his work on the status of the Ukrainian language in Austria-Hungary claimed the same [14]. The same was true with the language of the conduct of metrics during the Austro-Hungarian period. Polish and Ukrainian sources indicate that the language of metrics was mainly Latin. But the use of the necessary information on metrics, that is, the implementation of extracts from metrics and the preparation of the necessary certificates, could also be fulfilled in a language that was native to one or another interested person.

The situation changed somewhat with the adoption in 1924 of the new language legislation of the Second Polish Republic, in particular, the Law of July, 31,1924, №73, P. 724 "On the state language and the language of government of the state and self-government bodies of administrative

power" [1:19]. In accordance with Article 1 of the Law, Polish is proclaimed the state language of the Second Polish Republic. This norm was fixed by the provisions of the 2nd paragraph of Art. 1, where it was clearly stated: "all self-governing and administrative authorities use the state language both in internal and external activities, excepting cases specified in the articles of the law" [1]. Referring to the provisions of the above-mentioned laws, in 1926, the Minister of Religious and Public Education, Stanislaw Grabsky, sent a letter to the leadership of the UGCC with the request to carry out official correspondence with the authorities exclusively in the state language [8: 205]. The official government position was probably brought to consideration of the lower-level public authorities and served as an manifestation for action.

We believe that the Law of July, 31, 1924 № 73, P. 724 contradicted international commitments of Poland, adopted by Warsaw at the Versailles Conference in solving the problem on the inclusion of Eastern Galicia and other Ukrainian ethnic territories in the Second Polish Republic. As it is known, the international obligations of the state have a higher force compared with domestic laws.

#### **5. Arguments to argue the thesis**

Soon, the Greek Catholic priests were prosecuted for supposedly "non-compliance" with the requirements of the legal norms of language legislation. In particular, it concerns the decision of the Supreme Court in Warsaw dated May 24, 1930 in a criminal case against priest Severyn Matkovsky (case No. II 3.K.686 / 29). The Criminal Chamber of the Supreme Court of the Second Polish Republic considered two questions, namely: "Is the priest who keeps the metric books of the Greek Catholic religion obliged to comply with the requirement of the state authority to prepare and submit an extract from the metric in the state language, or if he is allowed to prepare a certificate in a native language? Another question was if there existed criminal sanctions for a person in case of disobeying the requirements of the state authority?" [17: 19].

After discussing the case, having heard the lawyer of the accused (Anton Gorbachevskiy) and the prosecutor's submission, the Supreme Court established that an accused priest could not be prosecuted since the law of July 31, 1924 did not provide for any criminal sanction for his violation. The court grounded its decision: "The failure to comply with the requirement of a public authority by a Uniate priest to prepare a certificate in the state language can not be recognized as a crime on the basis of the law of 31.07.1924, №73, P. 724 "On the state language and the language of the bodies of the state and self-government authorities", since this law does not contain any norms that would provide for a particular punishment (such

## THE STRUGGLE OF THE GREEK-CATHOLIC PRIESTS...

requirement is also not found in the law of July 31, 1924, No. 78, P. 757 "On the language of legal proceedings " [17: 19].

At the same time, the Supreme Court of the Second Polish Republic refused to solve the problem on the language in which the priest should submit statistical references (reports) at the request of the state authorities: either in the state (in Polish) or in the native language of the priest (in Ukrainian). In this particular case, the court avoided deciding this matter, referring to the fact that it was not in its competence.

Such a position of the Supreme Court in Warsaw forced the local authorities to look for ways to bring " the guilty persons" to administrative (and not criminal) liability.

The decision of the Supreme Court on the failure of prosecuting violations for language legislation had positive effects. In particular, the criminal proceedings against the priests in a number of district courts of Galicia had been stopped, namely in the Zolochiv District Court and in the district court of Peremyshl' [17:42].

However, this positive fact was of short-term effect for the Uniate priests. At the end of the 1930s, the bodies of Justice of the Second Polish Republic still substantiated how to prosecute them. It should be noted that the Polish Ministry of Justice regarding the above decision of the court in case of Severin Matkovsky, expressed its own opinion in the letter to the President of the Court of Appeal in Lviv dated 02.11.1930, which read: "Together with the opinion expressed by the Supreme Court, one could claim against the recognition of the rightness of another point of view, namely: the actual situation presented above (the provision by the priests at the request of the local administration of statistical information is in a non-state language) is a crime in accordance with the order of the ministers of internal affairs and Ministry of Justice and the highest authority of the police dated of 09/30/1857. №198" [17: 29].

The two secret instructions regarding the above decision of the Administrative Court on the language of the correspondence of Greek Catholic priests with the state authorities signed by the President of the Lviv Court of Appeal Mr. M. Zbrovski are worth mentioning. They were addressed to the heads of the district and city courts of the Lviv Appellate District (an instruction dated 02.12.1935) and to the local authorities of the prosecutor's office (an instruction dated December 9, 1935). It is clearly stated here that the Greek Catholic priests would bear administrative liability if they continued to correspond with the state authorities in a non-state language. Here is the literal translation of the instruction: "In connection with my instructions from 06.09.1930 № 26670/30, dated 10.03.1931, No. 1203/31 and 23.10.1934, No. 30536/34, I declare that in this case the legal



status has not undergone any changes. According to the current regulations, the priests of all believes of the Catholic Church conduct metrics in the field of activity entrusted to them by the state, and the documents they issue have the status of public documents. Accordingly, they are public officials and oblige when issuing extracts from metrics and certificates for official purposes and correspondence in these cases with the court and other authorities to comply with the instructions of the requirements of the law on the state language (...) The state language is Polish language and, therefore, all statistical and other references should be made exclusively in the state language. In the case of the resistance of Greek-Catholic priests, the courts should apply to the provincial elders with the submission on the enforcement of sanctions in accordance with the requirements for compulsory proceedings in the administration" [17: 62]. This requirement of the Supreme Administrative Court was sent for consideration to all courts of Galicia.

#### **6. Dismantling the arguments against**

Another step in the pressure on the Greek Catholic priests was to bring some of them to criminal liability (in 1938-1939) for the conduct of metric books in Ukrainian, and, more precisely, to write in metric books the names of Ukrainian parishioners in Latin letters, in accordance with the requirements of the Ukrainian spelling. In other words. a transcribed record of the Ukrainian surnames was made according to their national traditions, though written in Latin.

Prior to the ZUNR proclamation, metric books were predominantly in Latin, and only somewhere in Ukrainian. At the time of the National-Liberation movements, during a very short period of Ukrainian statehood, the UGCC introduced the conduct of metrics in Ukrainian. However, after the defeat of these liberation processes, the Second Polish Republic appealed this initiative of the Greek Catholic Church.

This, in particular, is indicated by the instruction of the secretariat of the Lviv Voivodship dated 21.12.1921, number 5364, addressed to all chiefs in the districts of the voivodship and the mayor of Lviv. The instruction dated 03.11.1919 stressed that "The Metropolitan Ordinariate made a claim that all Greek Catholic Ordinarians should conduct records in metric books in Ukrainian" [17:1]. The Lviv voivode K. Grabovski emphasized that the indicated instruction of the leadership of the UGCC contradicts the current order of the Austrian Ministry of the Interior dated 16.09.1875, No. 1767, which states that the conduct of metric books should be made in Latin. He also referred to the Decree No. 96 of April 20, 1854, in which the priests were forbidden to conduct metrical books in Rus' (that is in Ukrainian), the language under criminal prosecution. In this decree, the head of the Lviv

## THE STRUGGLE OF THE GREEK-CATHOLIC PRIESTS...

Voivodship noted that the extracts from the metric books should coincide with the records to the metrics, and they should be executed only in Latin. Local administrative authorities undertook to bring the specified requirements to the organs of the UGCC and to control their implementation.

In due course, on December 4, 1930 the President of the Court of Appeal in Lviv sent the heads of the district and county courts the order №36651/30 on the need for strict control of the Greek Catholic priests in the field of metric books conduct: "In resolving metric cases, the voivodship government noted that the Greek Catholic priests who conduct metrical books, while making records of birth, death and marriage, groundlessly distort the names so that they are given the Rus' (Ukrainian) phonation, even without the requirement of the interested persons, or even contrary to their will. The parties are given the extracts by the priests, which literally do not correspond to the records in the metrics, arbitrarily change the sound of the surnames correctly recorded in the metric books. In addition, it should be noted that metric books and the extracts from them are to be in Latin. Other official records from the metric books, which are literal extracts, must be completed in Polish as a state language. A distortion in the form of an unauthorized change in a person's surname registered in a metric or extracts from it is not allowed (...). In case of the fact that the sound of the person's surname in metrics or extracts does not coincide with the records in metric books, such documents should be questioned and modified at the expense of the perpetrator. Those who disobey the directions must be forced to comply with the decree in accordance with the order on compulsory proceedings in the administration dated 22.03.1928 (Articles 42-45)" [17:1].

It should be noted that the Lviv Voivodship made a claim to the Court of Appeal in Lviv about assisting the voivodship government, local authorities and the head of Lviv in the fight against such "illegal" actions of the priests.

As a result, in 1938-1939, a number of Greek Catholic priests were sentenced by the courts of the Second Polish Republic for recording the names of their parishioners in metric books in Latin, but Ukrainian in pronunciation. The prosecution was carried out in accordance with Part 1 of Art. 287 of the Criminal Code of the Second Polish republic adopted in 1932 for making false information about the circumstances of legal significance [18] 37. We have directly processed six of such criminal cases. However, as evidenced by the archival documents, from 1938 to 1939 there were at least 122 of such cases filed by the Polish courts of the Lviv Appellate District [19].

The judgements of the courts stated that the Greek Catholic priests as officials, while registering the acts of civil status in metric books, introduced allegedly false information about the circumstances that are of legal significance. This was done in the way of putting down in the books of the born "nomen et conditio" the surnames in the generic case in Latin letters but in Ukrainian phonation. For example, in the case of the Greek Catholic priest Julian Tatomyr we come across the surnames:

- 1) Luzeckyi instead of the correct Luzecki;
- 2) Wolańskiy instead of correct Wolański;
- 3) Jaworskiyi instead of the correct Jaworski [20].

In the justification of the verdicts, the courts of the first instance (district and city courts) noted that the Greek-Catholic priests allegedly deliberately distorted the Polish names by recording them in the Ukrainian sounding. They acted in spite of the fact that the same names were already written in metric books in the "correct" Polish sound, for example: Luzecki, Wolański, Jaworski. The accused Greek Catholic priests, though not denying the fact, however, did not admit their guilt. They referred to the fact that they performed the records, according to the statements of the parties, who wished that the names of the children were recorded in Ukrainian sound, in accordance with their national traditions.

*The legal position of the accused priests and their protection.* In the case against Fr. Julian Tatomyr, the defendant's lawyer appealed to the court to bring witnesses of the case, who could confirm that their surnames sounded like they were brought to the defendant's metric. The indicated names ended in "skiy" and "tskyi" and the parents demanded that their the children's names were to be recorded like this. The lawyer Ivan Rogutskiy argued that the names of the witnesses belong to the Ukrainian nationality and should be recorded in accordance with the requirements of the Ukrainian grammar, which is approved by the school administration [20: 36].

Another defendant, Fr. Mykola Yednak, bases his actions on the fact that "the parish never had a person under the name Olkhovetski, but it was Vilkhovetskiyi, and the same surname was given by the father of the child in a statement on the baptism" [21: 4].

Another accused, Fr. Mykola Tymkiv, during the trial explained that he issued birth certificates not on the basis of metrical books, but on the basis of "status animarum", since "on the instructions of the ecclesiastical authority he obliged to indicate the names in Ukrainian pronunciation" [22: 7].

*The position of the prosecutor's office.* In the case against Fr. Julian Tatomyr, the prosecutor of the Sambirsky District Court, based his accusation on the following: "... the court did not sufficiently study the case and, therefore, did

## THE STRUGGLE OF THE GREEK-CATHOLIC PRIESTS...

not see the actions that can be qualified under Article 96 of the Criminal Code" On the betrayal of the state ". The war for language, for school, or the rights of this kind, is an obvious atrocity. The struggle for these rights is only a form and is a means to create a spirit of hatred leading to war, and its solution would be equivalent to the loss of part of the state. This is precisely the purpose of such elements as the accused priest. It looks like a small safe creek that entangles masses, but actually has the goal of creating a wave of conflict at the appropriate moment" [21: 2].

In the case against Fr. Yuri Malitsky, a Greek Catholic priest from the Borschiv town of Borshchiv district (Chortkiv district court), the prosecutor argued that the actions of the priest were planned by the Greek-Catholic clergy hostile to the Polish state: "For several years, part of the clerical system has been systematically acting in the direction of destruction and maturation traces of Polish origin among those who grew up in Poland and lost it because of the planned action of enemies. A vivid evidence of this is the criminal activity of the Greek-Catholic clergy hostile to Poland, who changed and continues changing purely Polish surnames. Such activities undermine the foundations of consolidation, which is the strongest armor against internal and external enemies" [23: 14].

In the case against Fr. Julian Tatomyr, the prosecutor insisted that the problem lies in the reasons of dissatisfaction of the Ukrainian population. "It is necessary to take into account the fact that a priest is a true authority for village people. The priest uses his influence on the peasants for their anti-state purposes. The priest implants in a clap's mind a feeling of dissatisfaction with the Polish state, rouses a separatist mood, infuriates hatred for the Polish state and prepares a ground for the revolution " [20: 13].

Concerning the case against Fr. Nikolai Tymkiv, which was tried in Kolomyia district court, the prosecutor claimed that "only sharp reprisals and immediate punishment could keep the priests from further crimes" [20: 36].

These approaches are characteristic of all indictments of the prosecutor's office and can testify to the extremely negative attitude of public authorities towards nationally conscious Greek Catholic priests. At the trial, the prosecutor's office noted that such facts (the registration of Ukrainian surnames in the authentic sounding) were massive and this action was carried out by Greek Catholic priests in order to please secular politicians and was of nationalist character.

The arguments of the defense were not taken into account by the court, and they supported the prosecution's charges. However, in five of the six court cases, which were considered in the district courts on the charge of

the Ukrainian priests in violation of Part 1 of Art. 287 of the Criminal Code of the Second Polish Republic in 1932, the prosecutor's office appealed against the court sentences in connection with the fact that the punishment did not correspond to the seriousness of the offense and was too soft. In four cases, when the court imposed a sentence for a term of two weeks up to 9 months with deferral of execution, the prosecutor's office insisted on changing the decision of the district courts and immediately bringing the verdict to execution.

In their judgments, the judges argued that the priests as officials were well aware of the fact that the change of a name could only occur in accordance with the requirements of the administrative procedure. According to the court, the defendants realized that the records in the books of civil acts were to be confirmed by the circumstances based on the documents, and not on the arbitrary and controversial statements of the parents, and, therefore, they acted knowingly to "ukrainianize" the Polish surnames. Consequently, the court verdicts established that such actions of the priests damaged the public and private interests of an individual arising a possible misunderstanding in his origin [21: 4].

We have also processed other materials of the court cases on the conviction of the Greek Catholic priests from Kolomyia, Sambir, Chortkiv, Borshchiv and Terebovlya counties. The number of cases of accusations of Greek Catholic priests under Part 1 of Art. 287 of the Criminal Code of the Second Common Polish is quite significant, and their geography covers all three provinces of Eastern Galicia. There is a register of criminal cases instituted in 1938 and 1939 against the Uniate clerics accused of conducting metrical books in Ukrainian. The largest number of such criminal cases was tried by the district prosecutor's offices in Zolochiv - 35, in Stryi - 11, in Lviv, Sambir, Chortkiv - by sevens of such cases [19: 6].

Obviously, the majority of the Ukrainian Greek Catholic priests did not serve the punishment imposed by the authorities of the Second Polish Republic due to the beginning of the World War II.

At the same time, the events with the persecution of the priests before the beginning of the war because of their patriotic stand intensified the conflict between the Poles and Ukrainians. However, it is also evident that the causes of this conflict are hidden in the interwar period. The Galician Ukrainians considered the Poles to be invaders who suppressed with the help of weapon (including through the powers of the Entente) their national liberation struggle during the period 1918-1920.

**6. Conclusions.** The language legislation of the Second Polish Republic (in the case of the laws operating in the territory of Eastern Galicia) does not contain any norms that would include a criminal or any

## THE STRUGGLE OF THE GREEK-CATHOLIC PRIESTS...

other form of liability for its violation. The gaps in language legislation were used by the justice bodies for the restriction of the right to use the native language in public spheres of life. At the same time, the laws of that time in Poland lacked solid legal guarantees for the protection of the Ukrainian language rights.

The legal norm for applying to the state authorities in native language was extremely restrictive in the judicial practice of Interwar Poland.

The judicial practice testifies that the judicial bodies of the Second Polish Republic brought Greek Catholic priests both to administrative and criminal liability. This was done *de jure* on the basis of the article of the Criminal Code on making false information about circumstances that are of legal significance. The priests were brought to administrative liability for not fulfilling the requirements of the local authorities to adhere to the status of the state language.

Regarding the conduct of metrics and business correspondence of the Church with the state authorities, the justice system and the state administration authorities of the Second Polish Republic served the norms of the new Polish law as well as the regulatory framework of the former Austria and Austria-Hungary. The judicial system applied both special subordinate legal acts adopted in Austria, and those issued after the entry into force of the Austro-Hungarian Constitution in 1867. This was done contrary to the fact that the laws on the language of the Second Polish Republic in their final part included a provision for the expiration of all previous normative acts concerning the language of the bodies of the state power and self-government authorities and the language of the judiciary.

Such arbitrary application of the legal-normative acts of Austria, the Austro-Hungarian Empire and the laws of the Second Polish Republic hardly increased the faith in justice and the judicial system of Interwar Poland of the Polish citizens of Ukrainian nationality. On the contrary, disbelief in the ability to achieve justice in the court led to disrespect and hostility of Ukrainians to the Polish state of that time. As is known from history, some of them began to replenish the ranks of radical nationalist organizations who chose the way to solve their national problems in an illegal way.

The policy of the justice bodies concerning the UGCC negatively set the Ukrainian priests against the Second Polish Republic. According to the Warsaw opinion, the Ukrainian Greek Catholic clergy took an active part in anti-Polish campaigning of the Ukrainian population. Uniate priests participated in the struggle to raise the legal status of the Ukrainian language, and favoured campaign for the creation of an independent Ukraine. The

above resulted in an inter-ethnic conflict on the linguistic and religious grounds between the Poles and Ukrainians.

Every priest who was aware of his nationality and clearly articulated his position on the national politics of the time of Poland realized that he would necessarily be subjected to repression from the side of the Polish state.

However, we must admit that everything is made in comparison. The national policy of the "semi-fascist" Interwar Polish state (according to some definitions) was much more legal than the Soviet or, for example, the Nazi regime. Contrary to the chauvinistic nature of some of its representatives, the Polish administrative and judicial system acted in a legal framework, leaving the defendants with the right to judicial protection, appeals in higher instances, appeals to public opinion and the international commonwealth. Unfortunately, in the Soviet Union at the end of the 1920s and the 30s even such formal guarantees of justice were completely absent.

The Second Polish Republic was definitely a step-mother for Ukrainians but a civilized one, enlightened and cultural (meaning legal culture) in nature. A Ukrainian teacher, priest, politician could have hoped to challenge the actions of the Polish authorities if they violated the national legislation of the Second Polish Republic or its international obligations. Instead, the the former "native" Ukrainian SSR (in the sense of national statehood) with its own "bourgeois nationalists" behaved more brutal towards its people, without any respect to human and civil rights, allegedly guaranteed by the Constitution of the USSR and the Ukrainian SSR, and the criminal procedural norms of the Ukrainian Soviet legislation.

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