

## SOVIET LAW AND THE NATIONALISATION OF CHURCH PROPERTY ON THE EXAMPLE OF THE LVIV SEMINARY DURING THE SOVIET AND GERMAN OCCUPATION OF 1939-1945

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**Abstract:** The attitude of the clergy and faithful of the Catholic Church during the Soviet regime (1945-1991) had a great influence on the preservation and survival of religiosity and the national identity of many people in the territory of the USSR. Thanks to the heroic attitude of the clergy and laity, who, by exposing themselves to the danger of arrest and labor camps, were able to be martyrs of the 20th century of the Soviet regime, the faithful received sufficient spiritual support and kept their faith. The article aims to present selected aspects of the social and religious life of the Roman Catholic community of Lviv in the Soviet Union in the years 1945-1991. The main question is the presentation of the attitude of the Lviv clergy towards the Soviet authorities in 1945-1991 and the covert pastoral activity among the faithful.

**Keywords:** Church, Lviv churches, priests, the Soviet Union, the Soviet law.

### 1 Introduction

The issue of nationalization of church property during the Soviet and German occupation of 1939-1945, remains acute and open to Ukraine today. In addition to violent appropriation of church heritage by state authorities, there were a number of actions that were approved at the state level. However, despite the legislative law, such deeds were cruel in relation to people and clerics.

The article reveals the key problems of the process of nationalization of church property on the example of the Lviv seminary. The aspects of the transformation of committed action are highlighted. And also analyses the activities of the Roman Catholic Church during the World War II.

Relevance of the topic consists in insufficient coverage of this issue in Ukrainian historiography. So far, some facts and documents remain inaccessible to free access. The purpose of this study is a comprehensive analysis of the activities of the occupying regimes in Ukraine, on the example of the Lviv Theological Seminary; determining the legality of the nationalisation of church property and the subordination of the work of the church to Soviet authorities.

### 2 Literature review

The main aspects of the coverage of key issues of the article are analysed on the basis of such sources and works of researchers as: Constitution of the USSR, Vatican Council II, N. Belyakova (2008), B. Mikhalevsky (2007), R. Dzvonkovski (2003), O. Dzera (1996), A. Hlebovich (1991), S. Bizun' (1994), A. Glovacki (1997). These researchers were engaged in the study of the laws of Soviet power on religion and church, covered the position of religion in the Soviet period. The analysis of Moscow documents "About the Religion and the Church, collection of documents" (1963), "Lviv Church Cathedral, documents and materials 1946-1981" (1992) was important during the study of the topic.

However, a comprehensive approach to the study of the church activity during the reign of the occupying regimes was not carried out. Based on the available sources of information, the general provisions on the work of the Roman Catholic Church and its ministers during the German and Soviet occupation were analysed and formed in this article.

Researchers who studied the situation of religion in Ukraine during the Soviet period: J. Krętosz (2004), J. Zimny (2000), J. Volchanski (1995), J. Cherniakievich (1987), J. Krukovski (1993). In addition, these works cover reliable information about the lives of the priests and the acts committed by the Soviet and German authorities in relation to the clergy. The article

comprehensively analyses the attitude of the Soviet and German authorities to religion in general and to its individual clergies taking into account individual aspects which are covered in the above-listed publications.

### 3 Result and discussion

On 10 June 1918 the first Soviet Constitution was approved, on which all relations of the state were built. Paragraph 13 states that every person has the right to freedom of conscience, so the church is separated from the state and the school from the church. Also, the law allows freedom of religious or anti-religious propaganda. The separation of state from Church and school from Church becomes the basis for the anti-Catholic struggle of the Soviet state. That is why the Constitution of the USSR treats believers and non-believers unequally. Only freedom of worship is guaranteed to believers, whereas freedom of atheistic propaganda is guaranteed to non-believers. The teaching and religious education of children and young people up to the age of eighteen was banned. Public teaching of religion in general was forbidden.

On January 23, 1918, a decree of the People's Commissars was signed. One of the points of the above decree stated that all ecclesiastical and religious communities are subject to the general rules on private associations and do not enjoy any privilege or support from the State, nor from local and autonomous institutions. These associations have no ownership or legal personality. In subsequent legislative acts the name church association was replaced by the name group of believers. All church property was nationalised.

The Instruction of the People's Commissariat of 28 August 1918 stipulated that a minimum of twenty persons (twenties) constituted a group of believers who could obtain registration for worship activities and receive the use of the building and property necessary for worship. This committee was the entity running and responsible for the church. Under Soviet law, a priest was only employed by this committee. The activities of such a group were limited and subject to strict control by the state administrative authorities. Through nationalisation, church property and equipment became the property of the state. According to state law, the church was managed not by a priest - the parish priest - but by the so-called "twenties". The "twenties" had to sign a contract with the state to rent the church, keep an inventory of religious objects. Also, to inventory new objects donated or from other institutions, objects of worship that is not the private property of citizens. The state had the right to completely control the activities of the committee. Many times, the violation of this unjust agreement was associated with great consequences, up to and including the closure of the church.

The next Constitution comes into being in 1936, as the fruit of the First Congress of the Councils of the USSR. Chapter X of this Constitution contains the rights and duties of USSR citizens. The aim of this chapter was to secure religious freedom for every citizen; therefore, the church was separated from the state and with it from the school.

At first sight, it seems that religious freedom in the Soviet state is based on the Constitution, but this is an illusion. However, it gives to these principles its own interpretation completely different from that adopted in democratic states based on liberal ideology. Characteristic of the USSR's constitutional system was the lack of basic equality of citizens irrespective of religion. Consequently, citizens who manifested themselves as believers were treated worse than other non-believing citizens. In public life, people who manifested their religious beliefs were unfit for to take up positions in political life. Believers were restricted in their parental rights: they could not bring up their children

according to their religious beliefs, in civil matters, as they could not defend their good name offended by communist propaganda. In 1977, the next supplemented Constitution of the USSR was issued, but there are no changes concerning religion or church matters. What is characteristic of this amended Constitution is that it gives more right to atheistic propaganda or atheistic activities of various kinds.

The tactics of the Soviet authorities against the Church and the clergy were based on their own legislation and other additional instructions. In accordance with the Constitution, separation of the State from the Church, also the separation of schools from the Church, confiscation of Church property, imposition of high taxes on religious communities in order to close such communities, closure of churches and their use for various purposes: warehouses, sports halls, clubs, animal beehives; the liquidation of Catholic schools, ban on preparations for the priesthood in the Soviet Union, liquidation of holidays.

The Catholic Church on the territory of the USSR was deprived of any legal personality. The attitude of the communist regime towards the Catholic Church was political monism. This monism assumed that the only force guiding the life of society was to be the communist party. All social forces, including Church institutions, were to be subordinated to the communist party ruling over the whole society. Hence, the extent to which the Church exercised its freedom to exercise its functions in the communist state was limited by the state authorities both by law and administratively.

In Soviet law, the state owned all church property, assets and even liturgical vessels. Also, Soviet law had no term for a parish, a deanery or a diocese, all of which were referred to as places of worship” and the clergy as “servants of worship”. Every ecclesiastical institution, on the territory of the Soviet Union, was treated as a private association registered at the request of twenty people, but even they had no legal personality. Virtually all churches as private associations in the USSR were treated equally. In practice, the degree of freedom of individual churches varied depending on their degree of submissiveness to the Soviet authorities. The greatest degree of freedom was enjoyed by the Russian Orthodox Church, although this is a separate and rather broad topic.

The Soviet authorities tried in every way possible to destroy any manifestation of religiousness. Administrative and criminal repressions were used, propaganda fought, and the activities of the security apparatus focused on so-called operational work. This term is used to describe the process of active disclosure and processing of people, facts and issues in order to prevent, recognise and detect hostile activity.

The most widespread method was the nationalisation, “assimilation” of the church, seminary and religious property. The Catholic Church, in the eyes of the atheist regime, was an ideological enemy with large estates and no chance of survival. The material basis of the Church was hit above all. In December 1939, church property was nationalised. Therefore, every effort was made to destroy not only the Latin rite Church, but also the Armenian and Greek Catholic Church. On the shoulders of the remaining priests of the Archdiocese of Lviv fell the task of protecting the long-standing Catholic tradition that had manifested itself in the various nations and cultures living in Lviv. The time of Soviet occupation was an exceedingly difficult time for the Catholic Church and especially for the Lviv archdiocese. Before World War II, the Lviv archdiocese comprised 416 parishes, which consisted of 28 deaneries, and 1,079,108 Catholics. The city of Lviv, which was once called *urbis catholicissima*, had more than 30 Roman Catholic churches before World War II, and only 4 after the war.

As a result of the World War II, more than 30 per cent of the pre-war Polish state and 90 per cent of the territory of the Archdiocese of Lviv, and from these lands 6 units of church administration, found themselves within the borders of the USSR. These included significant parts of the Vilnius and Lviv

archdioceses, the Peremyshl archdiocese, and the entire Diocese of Lutsk. Within the borders of the USSR were about 560 parishes, including 346 from the archdiocese of Lviv, 140 from the diocese of Lutsk and 75 from the diocese Peremyshyl. As a result of various actions on the part of the Soviet authorities, 2492 clergymen of various confessions left Ukraine, and 434 clergymen of various confessions left Zazbruchansk Ukraine. It can be assumed that Roman Catholicism predominated among the clergy of various denominations. Despite all difficulties, trips to the West, despite the liquidation of parishes and religious and ecclesiastical institutes, many priests decided not to leave the territory of the USSR and people.

In addition to high taxes on the functioning of churches, the next stage of the struggle was the elimination of all religious symbols (crosses, paintings) from school buildings, chapels were closed and religious books were withdrawn from libraries. The reorganisation of schooling on the Soviet model was followed by atheist indoctrination. Attempts to isolate young people from the Church in the first half of 1940 were fostered by the abolition of religious holidays and the introduction of a six-day allowance, which made regular attendance at Sunday mass difficult. Catechisation for primary school pupils was carried out at parishes. A striking fact was the liquidation of the faculty of theology at the Jan Kazimiezh University in Lviv. Increasing repressions on the part of the Soviet and German occupants caused considerable confusion in the functioning of the entire social life, including the Church and the seminary.

On February 5, 1940, the professors and alumni of the Major Seminary, together with the Faculty of Theology in Lviv, were expelled by the Soviet authorities from their seminary. After which they found accommodation in monasteries, vicarages and private houses on the territory of Lviv, continuing their theological studies in such an almost clandestine way. With the German occupation the conditions for the functioning of the Seminary, and with it the Faculty of Theology, improved considerably. Therefore, already in July 1941, the Lviv seminary regained its former building, which had been nationalised by the Soviet authorities. On September 2, 1941, another academic year began, to which not only candidates sent home by the Soviet authorities, but also new candidates were admitted. It should be noted that the German authorities forbade the admission of theology students for the first year. According to this decree, students could only be taken on to complete their education accepted before 1939. It is worth noting that from the academic year 1941-1942 there were no major changes in the composition of the lecturers. After the murder of Rev. Dr. W. Komornicki on the Vuleckie Hills and the death of Rev. Prof. Stefan Leon Skibnievski, Rev. Dr. Franciszek Koniechny (and Rev. Dr. Marian Rekhovich) became the new lecturers. From September 1942 the lectures on Biblical Studies were taken over by Fr W. Prokulski SJ. From 1944 Fr Koniechny was replaced by Fr M. Renkas. The result of the activities of the Seminary and the Faculty of Theology during the German occupation was the reception of the sacrament of priesthood by 23 alumni.

Having learnt about the disobedience of the order by the seminary authorities, the German authorities entered the seminary buildings and ordered to leave it to all the students who did not show the document of taking over from 1939. A tragic blow for the seminary was the fact that on 27 January 1942 the Germans arrested the rector of the seminary, Fr. Dr. Stanislaw Frankel, the vice-rector Stanislaw Bizun’, and four of the seminary’s alumnus. One of the greatest merits of Fr. S. Frankel was that he recovered part of the seminary buildings and reactivated the normal cycle of studies. One of the charges by the Gestapo was, to denounce and prove Fr. S. Frankl, that he had given a patriotic sermon to the seminarians during the Christmas holidays. As a result, from November 1942, Fr. S. Frankl was in the prison hospital on Bilinski Street and was later transferred to Zamarstyn. On 15 April 1943 he was freed by a Home Army unit and remained in hiding. On 26 June 1944 he died of tuberculosis in the Reformati monastery in Lviv. He was buried in the Janovska Cemetery in Lviv under the name “Jan Gliniecki”. After the arrest of Fr. S. Frankel, the clerical

authorities did not appoint a new rector, these duties were performed by Fr. S. Bizun' until June 1945. Only in September 1945 Fr. J. Stepa was appointed as the new rector.

#### 4 Conclusions

Despite numerous difficulties and persecutions during the World War II, 76 priests graduated from the Lviv seminary. It is worth noting that part of the ordination took place in the seminary church in Lviv in complete secrecy and with the windows covered. After the end of the World War II, the new Soviet government cancelled the Lviv seminary again in September 1945. After the last ordination of 8 new priests, which took place in the Church of Our Lady of Thorns on 21 September 1945, the seminarians and their superiors left Lviv on 15 October 1945 for new quarters at the Bernardine Monastery in Kalvaria Zebzhydovska.

On 10 June 1948, a report on the religious situation in Ukraine came out, drawn up by the Council for Religious Cults, in which the opinion was repeated several times that the priests who remained in the territory of present-day Ukraine were spies for the Vatican and that their work was directed against Soviet power and aimed at anti-Soviet activities.

It must be said that after Stalin's death in 1953, the Soviet authorities no longer used such macabre forms of struggle against the Catholic Church involving the extermination of the clergy. A semblance of "freedom of the Soviet citizen" was applied but the authorities used other methods which, however, led to the same goal, namely the atheisation of Soviet society. There was a Council for religious affairs in the Supreme Soviet of the USSR, whose main task was to control religious life throughout the country and to apply various kinds of legal provisions that prevented the free exercise of pastoral duties. On the spot, this office was held by a so-called confessional who, in close cooperation with the KGB (Soviet Police), decided whether this priest would be allowed to work or not. Therefore, similar orders of the Soviet regime could not be left without a reaction of the hierarchs of the Catholic Church. In its limited capacity, the Church could not oppose the atheistic regime with its militant anti-church propaganda. As a result, a large number of churches were closed or blown up, and a large number of priests were arrested or deported to Kazakhstan, some giving their lives.

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