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THE ACTIVITY OF VOLODYMYR STAROSOLSKYI AS A LAWYER AND PUBLIC ACTIVISTS IN PROTECTING THE LANGUAGE RIGHTS OF UKRAINIANS IN THE SECOND POLISH REPUBLIC

<http://doi.org/10.23939/law2024.43.088>

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The article examines Volodymyr Starosolskyi's contributions as a lawyer, public figure, and scholar of constitutionalism, specifically focusing on his role in defending the language rights of Ukrainians in the Second Polish Republic. This is explored within the broader context of the Ukrainian national question in the early 20th century. The article highlights the political, legal, and social realities of the time, detailing Starosolskyi's involvement in judicial political processes against Ukrainians in Poland, as well as his political and legal writings.

The study is based on a significant range of sources, including Volodymyr Starosolskyi's correspondence, scientific treatises on language policy, and courtroom speeches. These materials provide a comprehensive understanding of his worldview and beliefs. Particular attention is given to the formation of his ideas, which were shaped by prominent Ukrainian public figures and legal scholars, such as I. Voloshyn, R. Dombachevskyi, M. Glushkevych, S. Dnistrianskyi, K. Levytskyi, and I. Franko.

The article also uncovers lesser-known aspects of Starosolskyi's legal practice, including his active participation in the Union of Ukrainian Lawyers, a professional association dedicated to defending the national rights of Ukrainians. Additionally, it analyzes the judicial political trials of the 1930s, in which Starosolskyi defended the language rights of Ukrainians.

The author concludes that Starosolskyi's involvement in the human rights movement in Western Ukraine, particularly in response to the Polish government's discriminatory policies, became the driving force of his legal and public work. His advocacy for Ukrainian language rights was a central aspect of his broader efforts to address Ukraine's national and socio-political challenges and to realize the vision of an independent Ukrainian state.

Keywords: Volodymyr Starosolskyi; language rights of Ukrainians; human rights; national rights; Second Polish Republic.

Problem Statement: The policy of national oppression actively pursued by the Polish state during the interwar period (1918–1939) in the occupied Western Ukrainian territories aimed to eradicate any signs of their Ukrainian identity, bringing the issue of the legal status of the Ukrainian language to the forefront of

the human rights movement in Galicia. Volodymyr Starosolskyi's active participation in this movement as a lawyer, coupled with his strong political and civic stance, contributed to the development of a scholar whose diverse scientific interests were predominantly centered on issues related to the theory of state (constitutional) law. He had his own perspective on the role of language in the life of a nation and state. The ideas and conclusions he formulated through both practical activities and scholarly research remain relevant today, not only in the context of re-evaluating the legacy of this prominent Ukrainian jurist but also in effectively utilizing his ideological and theoretical contributions and practical experience.

Analysis of the study of the problem: Modern research on the history of domestic political and legal thought includes only initial attempts to understand the theoretical legacy of Volodymyr Starosolskyi and to demonstrate its significance for the theory and practice of state-building and law-making in Ukraine (studies by P. Stetsyuk, T. Andrusiak, and S. Maksymovych). Among the important areas of the multifaceted work of this prominent Ukrainian jurist that have been overlooked by legal scholars and require in-depth, specialized research is his effort to protect one of the fundamental rights of individuals, citizens, peoples, and nations—the right to language.

In terms of reflecting the political, legal, and social realities of that era, the contributions of Volodymyr Starosolskyi in judicial political processes against Ukrainians in Poland, his public and political activities, etc., the source base for this problem is enriched by the works of Ukrainian historians and political scientists such as I. Kedryn, O. Zhernokleev, I. Raykivskyi, T. Ogorodnyk, Yu. Drevnytskyi, V. Potulnytskyi, I. Kresina, O. Panok, V. Zgurska, and others.

The purpose of the article is to analyze Volodymyr Starosolskyi's role in defending the language rights of Ukrainians in the Second Polish Republic within the context of his professional, social, political, and scholarly activities.

Presentation of the main material: A defining characteristic of Volodymyr Starosolskyi's personality, which distinguishes him not only as an outstanding public and political figure, organizational theorist, active participant in the student movement in Galicia, authoritative party leader, but also as a professional lawyer, successful advocate in political trials, talented teacher and scholar, ideological mentor to Ukrainian youth, publicist, editor, and publisher, is his sincere devotion to serving the nation and his commitment to the idea of Ukraine's state independence. This dedication is evident throughout all his multifaceted activities and creative endeavors. His desire to defend the Ukrainian national idea, which he viewed as the foundation for the restoration of Ukraine's statehood and political independence, motivated his participation in the human rights movement established in Western Ukrainian lands in response to the occupation policies of the Polish authorities. In addition to directly providing legal assistance to those fighting for the national rights of Ukrainians in the newly formed Second Polish Republic, this movement organized various activities aimed at addressing particularly pressing Ukrainian political issues.

One of the most notable actions organized by Galician human rights defenders in support of Ukrainians' rightful demands regarding their socio-political situation in Poland was the formation and implementation of an active civic and legal stance advocating for the free development and use of the Ukrainian language in all spheres of public life, particularly within the judiciary. The leading role in this crucial matter was played by the Union of Ukrainian Lawyers, whose mission, as a professional association of lawyers, according to its chairman, Dr. Kost Levytskyi, was "not only to defend the constitutional rights of members of the bar, but also the rights of the entire nation, because Ukrainian lawyers are not just practitioners of the same profession, but first and foremost citizens and public figures" [1, p. 60]. Beginning with the first General Meeting held in Lviv on May 20, 1923, and continuing through sixteen years of active and multifaceted work, the defense of the Ukrainian language rights in courts, state agencies, and institutions remained a priority for the Union as a whole, as well as for its individual members.

The issue of linguistic equality gained urgency and intensity due to judicial political processes, which became so widespread that by 1932–1934 they had turned into a chronic and widespread phenomenon [2, p. 18; 3], becoming one of the most characteristic features of contemporary life for Ukrainians in Poland [4, p. 269]. This situation united prominent lawyers and political figures of Western Ukraine around the Ukrainian cause. Most of them were members of the Union of Ukrainian Lawyers and actively participated in its governing bodies, publications, and the development and implementation of joint socially beneficial initiatives and programs. This engagement enabled them to effectively utilize their potential in defending the national rights of the Ukrainian people and to draw upon the knowledge and experience of their colleagues.

In this context, it is particularly noteworthy to highlight the efforts made to address the protection of the rights of the Ukrainian language by individuals such as I. Voloshyn, F. Evyn, V. Starosolskyi, R. Dombachevskyi, and M. Glushkevych [1, pp. 47, 49, 52, 59–60; 5, pp. 23–24]. They provided theoretical justification for the linguistic rights of the Ukrainian nation through the writing and dissemination of academic and journalistic works, conducting legal reviews, and offering comparative analyses and evaluations of relevant legislation (e.g., R. Dombachevskyi [6], K. Levitskyi [7], V. Starosolskyi [8], I. Voloshyn [9]). Equally significant for promoting the struggle for native language rights was the organization of various joint informational and educational events. These events, which featured not only prominent lawyers from Eastern Galicia who were members of the Union of Ukrainian Lawyers but also representatives of other Western Ukrainian organizations and institutions (including public and professional associations, academic societies, print media, etc.), played a crucial role in influencing public opinion through their activities and objectives.

One of the most notable events in this context was the conference of Ukrainian lawyers and representatives of central institutions and the press, held in Lviv on June 4, 1931. The conference defined the participants' common goal as “a conscious and consistent effort to make Ukrainian citizens aware of the significance and weight of the right to language for the life and existence of the nation, as an act of civic education for members of the modern nation” [10, p. 25]. Based on this objective, the key theses acknowledged the full extent of Ukrainians' native language rights in Poland and emphasized their shared duty to take immediate and united action to defend these rights against unjust restrictions and systematic violations by the Polish authorities. Among the Ukrainian lawyers who actively participated in the conference were those who had already made significant contributions to improving the unjust situation faced by the Ukrainian language in Galicia at the turn of the century, as well as those who had previously shown only limited interest in language issues (including K. Levitskyi, S. Fedak, V. Starosolskyi, L. Hankevich, M. Voloshyn, E. Davydyak, R. Dombachevskyi, O. Nadraga, O. Nazaruk, M. Glushkevych, O. Maritchak, and others).

Considering the diverse areas in which Volodymyr Starosolskyi engaged in the defense of the language rights of Ukrainians in the Second Polish Republic, it is clear that his participation in addressing this issue was complex and multifaceted. His public and political work was directly and complementarily connected with his professional, scientific, and journalistic activities.

From the very first days of his involvement in the Ukrainian human rights movement in Western Ukraine, Volodymyr Starosolskyi became an active figure after returning from emigration to Lviv in 1928. He represented the defense against the Polish government's political prosecutions of Ukrainians—members of the OUN (Organization of Ukrainian Nationalists), UMO (Ukrainian Military Organization), and public and political figures of various ideological orientations [11, p. 488]. The issue of linguistic inequality became immediately and acutely apparent to him. For example, during a meeting of members of the Lviv delegation of the Union of Ukrainian Lawyers on September 29, 1928, Volodymyr Starosolskyi highlighted the increasing number of cases where, due to Polish jurors' lack of understanding of the Ukrainian language, “Ukrainian courts face a very unfortunate dilemma: to speak in Polish, thereby potentially saving a truly innocent client, or to speak in Ukrainian, knowing that the innocent may be convicted” [12, p. 41].

In evaluating this situation, Starosolskyi rightly observed that a Ukrainian lawyer, forced to choose between national interests and the interests of the client, is deprived of the opportunity to fully perform the

primary function of his profession in a democratic society—to protect not only private, individual rights but also political rights of civic significance. Despite the complexity of the situation, this is only one aspect of the issue. It should not be forgotten, as the jurist himself noted, that such neglect of the linguistic rights of Ukrainians by state officials—whose “duty to understand the language of the population is the first prerequisite, the first qualification of a government official” [13, p. 55] – is, first and foremost, indicative of significant obstacles faced by Ukrainian citizens in Poland in exercising other fundamental rights and freedoms, including the right to judicial protection.

It is noteworthy that the period of active legal practice from 1928 to 1939, during which Volodymyr Starosolskyi boldly declared and asserted his position in the defense of clients regarding the political, legal, and social realities of Ukrainian life in Galicia under Polish control, also coincided with the peak of his interest in the status of the Ukrainian language. This alignment is entirely logical, given that, as a lawyer, legal scholar, specialist in state (constitutional) law, and a true social democrat and patriot, he could not remain indifferent to the pressing legal issues faced by Ukrainians under the Polish government’s assimilationist policies. His observations of the negative impacts of national and language discrimination against Ukrainians, both as a participant in court proceedings and in dealings with bar self-government bodies, further reinforced his engagement with these issues.

Therefore, it was natural that, when in 1936 the revision of legislation concerning the organization of the bar reached its final stage, and the draft of the new law, approved by the Chief Bar Council in Warsaw, moved from a discussion thesis to the concrete text of a new positive law, Volodymyr Starosolskyi was among the first to scrutinize the Council’s unchanged stance on the language issue. He regarded the history of the adoption of the relevant article in the draft law, which retained the current law’s stipulation that Polish would be the official language of bar self-government, as a clear indication of this stance. The persistent demands of the Lviv Bar Council to amend this to allow for the use of other languages, as specified by individual laws, were firmly rejected. Instead, the law was amended to include the opposite provision that “prescriptions of other laws on the government language do not apply” [8, p. 20].

Volodymyr Starosolskyi’s concerns proved well-founded. Two years later, the norm of the new bar organization law, which had already been adopted, or rather its uneven interpretation and application by the newly established District Bar Council in Lviv, marked the beginning of a new chapter in the struggle for Ukrainian language rights in the Second Polish Republic, involving Ukrainian lawyers. This time, the issue was the right of these lawyers to use their native language in their interactions with the Bar Councils as bodies of bar self-government.

Volodymyr Starosolskyi, representing the Lviv Bar Chamber on the District Bar Council, along with his colleagues M. Voloshyn and V. Lytsynyak, were among the first to oppose an initiative supported by other Council members. This initiative aimed to mandate that lawyers and law candidates use only Polish in their written and oral communications with the Bar Council and its bodies, as well as with the Disciplinary Court. Failure to comply with this requirement could result in such communications being disregarded. In their joint written submission to the District Bar Council, Starosolskyi and his colleagues provided a legal assessment challenging the validity of this decision. They conducted a detailed analysis and comparison of various legislative acts regulating language issues in Poland, arguing that the law on the organization of the bar, which granted self-government to lawyers, was being used to disadvantage Polish citizens of Ukrainian nationality who had become lawyers or law candidates. They concluded that this was unjustly depriving them of rights guaranteed to other citizens, particularly “the right to use their native language in relation to state and self-governing authorities and unions” [14, p. 4].

This position was further developed through the activities of the Union of Ukrainian Lawyers, whose members, utilizing legal avenues, launched an extensive campaign to defend their language rights before the self-governing bodies of lawyers. The significance of this campaign was heightened by the realization that it was not merely about correcting the misinterpretation and application of legal norms, or even about eliminating the illegal restrictions on the rights of Ukrainian lawyers. The core issue was the fundamental support for the largest Ukrainian national minority in Poland, ensuring their guaranteed rights and

opportunities for free development. This aspect is crucial for understanding the broader context and practical significance of the legal status of the Ukrainian language in addressing the Ukrainian national question within the historical and political realities of the time.

Volodymyr Starosolskyi's theoretical insights into this problem can be seen in his discussions on the concept of "national freedoms"—a specific category of human and civic rights related to an individual's status as a member of a nation. Starosolskyi viewed these freedoms as an initial, albeit imperfect, attempt to address national issues within states that encompass multiple nations. Although the specific content of these freedoms varied in terms of legal prescriptions and their actual implementation, three main directions in which they evolved were clearly evident: ensuring all citizens, regardless of nationality, had equal access to public authority, guaranteeing the right to freely use one's native language in public spheres, and providing the opportunity to establish or demand the establishment of national schools from the state in certain cases.

Therefore, based exclusively on the atomistic view of the nation as merely a collection of state citizens who spoke the same language and shared other common national characteristics, this approach "accepted nothing but the individual interests of these units, the characteristically identical individual interests of a certain number of these units" [15, p. 171–172]. The limitations of this perspective, which became especially pronounced in both theory and practice by the end of the 19th century, led to the gradual emergence of a new understanding. According to this revised view, the nation is no longer seen as a mere aggregate of individuals but as a cohesive community whose legal status as a whole must be regulated. This shift implied a change in the established view of the rights and freedoms that the state should guarantee its citizens as members of the nation (with language rights being among the most significant) and their role in addressing the national issue. As Volodymyr Starosolskyi demonstrates, even the existence of very broad and properly secured individual national freedoms, which "in the given historical conditions, helped the national community to emerge, and now the forms and symbols in which it manifests itself" [16, p. 260], cannot fully address the needs and interests of the nation as a collective whole.

Conclusions. Volodymyr Starosolskyi's involvement in the human rights movement in Western Ukraine, organized by Ukrainian lawyers in response to the Polish government's discriminatory policies towards Ukrainians in the Second Polish Republic, provided him with significant practical experience. This involvement was not only a key aspect of his work as a lawyer and public figure but also a domain where his principal political and scientific views were distinctly manifested. The protection of Ukrainian language rights, as a priority within this movement, aimed to address the pressing issues of Ukrainian national and socio-political life at the time and to uphold the concept of an independent Ukrainian state.

This focus was clearly reflected in Volodymyr Starosolskyi's professional and public-political activities, which tackled urgent issues related to the legal status of the Ukrainian language in the judiciary and other public spheres. His work demonstrated a close connection between his understanding of national freedoms—guaranteed to individuals of a specific nation—and their role in safeguarding the unified interests of the nation as a whole.

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Дата надходження статті: 20.07.2024

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**ДІЯЛЬНІСТЬ ВОЛОДИМИРА СТАРОСОЛЬСЬКОГО ЯК АДВОКАТА
ТА ГРОМАДСЬКОГО ДІЯЧА У СФЕРІ ЗАХИСТУ МОВНИХ ПРАВ
УКРАЇНЦІВ В ДРУГІЙ РЕЧІ ПОСПОЛІТІЙ**

Розглядається участь Володимира Старосольського як адвоката, громадського діяча та вченого конституціоналіста у захисті мовних прав українців в II Речі Посполитій в контексті вирішення українського національного питання на початку XX століття. В статті висвітлюються реалії тогочасного політико-правового та соціального життя, участь В. Старосольського у судових політичних процесах над українцями в Польщі, його політико-правові трактати.

Дане дослідження містить значну джерельну базу. Це зокрема епістолярна спадщина, наукові трактати щодо мовної політики, судові виступи В. Старосольського. Всі ці матеріали дають комплексне уявлення про його світоглядні позиції та переконання. Особлива увага акцентується на формуванні поглядів В. Старосольського, вплив на які мали відомі українські

громадські діячі та вчені юристи: І. Волошин, Р. Домбачевський, М. Глушкевич, С. Дністрянський, К. Левицький, І. Франко.

В статті приводяться маловідомі факти адвокатської діяльності В. Старосольського. Це, зокрема, його активна участь в роботі Союзу Українських Адвокатів, одним із основних завдань якого, як професійного адвокатського об'єднання, став захист національних прав українців. Автором також проаналізовані судові політичні процеси на яких адвокат В. Старосольський в 30-их рр. ХХ ст. захищав мовні права українців.

Автор статті приходить до висновку, що участь у правозахисному русі в Західній Україні, що був організований українськими адвокатами у відповідь на дискримінаційну політику польського уряду щодо українців у II Речі Посполитій, стала для В. Старосольського справою, над якою він плідно попрацював як адвокат та громадський діяч і в якій втілювалися основні його політичні й наукові погляди та ідеї. Захист мовних прав українців як один із пріоритетних напрямків цієї участі був спрямований перш за все на вирішення проблем українського національного та суспільно-політичного життя, реалізації ідеї незалежної національної Української держави.

Ключові слова: Володимир Старосольський; мовні права українців; права людини; національні права; Друга Річ Посполита.