The Road to Legalization of the Ukrainian Greek Catholic Church

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At the pseudo-council of L’viv that took place on March 8-10, 1946, the Ukrainian Greek-Catholic Church (UGCC) supposedly liquidated itself and “returned” to the Russian Orthodox Church.1 As Bohdan Bociurkiw and other scholars have demonstrated, this event was orchestrated by the Soviet security police, with the cooperation of the Patriarchate of Moscow, which had been revived less than three years before.2 Since the UGCC was deemed to no longer exist, parishes that identified themselves as Greek-Catholic could not register with the authorities under the USSR Law on Religious Associations of 1929. Consequently, Greek-Catholic priests could not carry out their duties legally, and were subject to penalties if they did. And yet, there was no known legal document explicitly prohibiting the existence of the Greek-Catholic Church. This made it difficult to agitate for legalization in a technical sense; the Church found itself not so much illegal as extra-legal.3

The anomalous status of the UGCC provided the authorities with a pretext for persecuting its priests, monastics, and laity. The most active members of the Church could be

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1 Діяння Собору Греко-Католицької Церкви 8-10 Березня 1946 у Львові (Львів: видання Президії Собору, 1946).
3 Thus, as late as May 31, 1991, M. Kolesnyk, chairman of the Ukrainian SSR Council on Religious Affairs, replying to a letter from Myroslav Ivan Cardinal Lubachivsky, pointed out that his Church could not be “rehabilitated” because “there exist no government decisions, judicial or legislative acts prohibiting its activity” (copy in the author’s possession).
exiled to other parts of the USSR, and thus removed as influences on Ukrainian society. Nevertheless, the absence of legal status had certain advantages. The authorities could not control or co-opt the clergy. Infiltration was difficult. There were no parish councils to undermine the priests’ authority, as was the case with the Orthodox Church. Moreover, a Church existing beyond the law did not have to face the problem of at least implicitly recognizing an anti-religious and politically illegitimate state, and of the ethical compromises that this might entail. Thus, its moral authority among the people, as well as abroad, remained intact.

For these and other reasons, not all members of the UGCC favored legalization. Even in the 1980s, when legalization appeared to be a possibility, some of the leaders of the catacomb Church opposed it. Why, then, did it become a rallying cry for many Greek-Catholic activists?

There were good reasons to favor legalization. A Church without a visible presence in society had only limited possibilities of serving the needs of the faithful and teaching the faith to succeeding generations. Its contacts with the outside world were limited. The teachings of the Second Vatican Council of 1962-1965, for example, did not reach many of the clergy and believers. A catacomb Church risked becoming isolated from the rest of Christendom, its spiritual growth stunted. It also had little opportunity to grow in numbers.

Legalization, it must be noted, could mean more than one thing. Basically, it meant that the law would recognize the existence and functioning of the Church. It could also mean the registration of parishes and other Church institutions with the local state authorities. Registration meant, in effect, conforming to the 1929 Law on Religious Associations, as amended, and accepting its many restrictions on religious activity, including the education of children and proselytism. The overall intent of that law was to contain religion within an approved structure, permitting state surveillance and control, while fostering the gradual

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4 This changed in the 1990s. See Peter Galadza, “The Reception of the Second Vatican Council by Greco-Catholics in Ukraine,” Communio 27 (Summer 2000), 312-39.
withering away of religion as a social phenomenon. Thus, legalization in this second sense remained controversial.

During Soviet Premier Nikita S. Khrushchev’s anti-religious campaign in 1958-1964, many Orthodox churches were closed in Ukraine. Among them were formerly Greek-Catholic churches in western Ukraine. An unintended result of this campaign was that Greek-Catholic clergy and believers began to hold services in these closed churches. At the same time, the faithful began to present petitions for legalization to the local authorities, though these were routinely rejected.6 In 1979, for example, believers in the villages of Mshana and Zavadiv, L’viv region, demanded the legalization of UGCC parishes.7

On September 9, 1982, the Initiative (or Action) Group for the Defense of the Rights of Believers and the Church was formed, with the political dissident Iosyp Terelia as its chairman and Fr. Hryhorii Budzins’kyi as secretary. Born in 1943, Terelia was from the town of Svalyava in the Transcarpathian region. The three other members of the group were Stefaniia Pettrash-Sichko and two priests identified only as Fr. Dionisii and Fr. Ihnatii. It appears to have been formed from Terelia’s Central Committee of Ukrainian Catholics. Its goals were legalization of the UGCC and the defense of its rights. When Terelia was arrested on December 24, 1982, Vasyl’ Kobryn took over as acting chairman, becoming full chairman on March 1, 1984. The Initiative Group published the Chronicle of the Catholic Church in Ukraine, the first issue of which appeared in January 1984. By March 1986, nine issues of the Chronicle had made their way to the West; a tenth issue had been confiscated during the arrest of Vasyl’ Kobryn in L’viv on November 11-12, 1984.8

In an appeal to the government of the USSR, the Initiative Group presented a Memorandum detailing the steps to be taken for legalization of the UGCC. The appeal was signed by Iosyp Terelia as chairman, Fr. Hryhorii Budzins’kyi as secretary, and three members: Stefania Pettrash-Sichko, Fr. Dionisii, and Fr. Ihnatii. Interestingly, among the

8 Ibid., 256; For My Name’s Sake: Selections from the Writings of Yosyp Terelya (Keston, Kent, UK: Keston College, 1986), 5, 20. Андрій Сороковський, «Ініціативна Група Захисту Прав Віруючих і Церкви» Богословія (Рим) том 50 (1986), ст. 67-82.
points was that the Church obligated itself to observe all the laws and regulations of the state and to teach its faithful to do likewise. However, the following point stated that since the Church was subordinate to the Pope of Rome, “any submission to the Soviet authorities is impossible.” In the following sentence, it stated that “the law on the separation of the Church from the state should be observed.”

On July 12, 1983, the Committee for the Defense of the Catholic Faith in L’viv prepared an appeal to the Minister of Internal Affairs of the Ukrainian SSR in Kyiv. It was signed by Vasyl’ Kobryn, acting chairman, and Fr. Hryhorii Budzins’kyi as secretary. The document demanded the cessation of false propaganda about the supposed self-liquidation of the UGCC in the pseudo-council of L’viv of March 1946. It requested that the minister instruct the regional executive committees in the western regions of Ukraine to not impede the registration of Catholic parishes. Citing the Constitution of the USSR, the appeal declared that the government had no right to liquidate the Catholic faith or church.

In March 1985 President Mikhail Gorbachev took office and undertook a broad range of reforms as part of his program of glasnost’ (open discussion of social problems) and perestroika (rebuilding of society). In the following years he restored religious liberty and ordered the release of practically all prisoners of conscience. These changes raised hopes for legalization of the UGCC, prompting a discussion in the Ukrainian diaspora and particularly in church circles.

On August 4, 1987, a group of 206 Ukrainian Greek-Catholic believers and clergy declared to Pope John Paul II that they were leaving the underground and asked him to do everything possible to bring about the legalization of their Church in the USSR. The appeal was signed by Bishops Pavlo (Vasylyk) and Ivan (Semedi), twenty-three priests, two

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9 Osyp Zinkevič i Taras Lončina, red. Martirologія українських церков. Том II. Українська Католицька Церква. (Торонто і Балтімор: Смолоскіп, 1985), ст. 663-65. The editors date this appeal to the year 1980, even though the founding document of the Initiative Group is dated 1982.

10 Ibid., 654-56.

11 See, for example, the brief historical survey prepared by Fr. Iwan Dacko of Myroslav Ivan Cardinal Lubachivsky’s chancellery in Rome and dated July 27, 1986, titled «Питання легалізації Української Католицької Церкви в Україні» (manuscript in the author’s possession). The issue of legalization came up during the Beerfurth meetings of leading Ukrainian Catholic clergy and laity in the European diaspora in 1986 and 1987.
monastic brothers and ten sisters, and 169 lay believers.\textsuperscript{12} Before long, public demonstrations were being held for the rights of the UGCC, and a hunger strike took place in Moscow.\textsuperscript{13}

Meanwhile, the Ukrainian diaspora in Europe, North and South America, and Australia supported these efforts. Thus, in November 1987, the Ukrainian Patriarchal World Federation (UPSO) urged U.S President Ronald Reagan to raise the issue of legalization when he met with President Gorbachev the following year. The issue gained international recognition. Thus, the president of the International Helsinki Federation raised it in Moscow in January 1988. In reply Konstantin Kharchev, head of the Soviet Council on Religious Affairs, characterized legalization of the UGCC as an inter-church matter, while government spokesman Gennadii Gerasimov ruled it out altogether.\textsuperscript{14}

The Millennium of the Baptism of Rus’ in 1988 provided a further impetus for legalization. On September 10-11, 1988, some 40,000 pilgrims comprising bishops, clergy, and laity, including some from Ukraine as well as the diaspora, convened at the Polish shrine of Jasna Góra at Częstochowa. On this occasion, diaspora laity from UPSO met with a lay committee from Ukraine.\textsuperscript{15} In western Ukraine, Greek-Catholic faithful continued to circulate petitions for the legalization of their Church. Thus, the villagers of Borzhavs’ke sent a petition with 1,500 signatures to Moscow, bringing the total number of signatories to an estimated 10,000, according to the new unofficial journal “Khrystiians'kyi Holos” (Christian Voice). Lay activist Ivan Hel’, who attempted to deliver a petition with 5,451 signatures to the USSR Supreme Soviet in February 1988, told an Italian correspondent that even more signatures would be collected and submitted to Pope John Paul II.\textsuperscript{16}

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\textsuperscript{12} Архив Самиздата № 6097, citing the Chronicle of the Catholic Church in Ukraine No. 26.
\textsuperscript{13} Дмитришин, op. cit., 279.
\textsuperscript{15} Матеріали до історії українського патріархального руху (Андрій Сороковський, упорядник) (Львів: Свічадо, 2009), ст. 56-57.
\textsuperscript{16} Keston News Service (Keston, Kent, UK) No. 296, 17 March 1988. A tabulation of 48 petitions and similar documents addressed to the Supreme Soviet of the USSR and requesting legalization of the Ukrainian Catholic Church, received from various towns and villages in the L’viv, Ivano-Frankivs’k, Ternopil’, and Transcarpathian regions, prepared at the Rome chancery of Cardinal Lubachivsky probably in the following year, yielded 5,483 signatures (memorandum in the authors’ possession).
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On November 29, 1989 Fr. Iaroslav Chukhnii announced that a majority of parishioners of the Transfiguration Church in L’viv were returning to the UGCC. On December 1, President Gorbachev, meeting in Rome with Pope John Paul II, agreed to allow Ukrainian Greek-Catholics to register their communities with the authorities according to Soviet law. Simultaneously, the Council on Religious Affairs announced that Greek-Catholic communities could register. (Evidently, the decision had been made in advance.) In the following months, hundreds of officially Russian Orthodox parishes in western Ukraine returned to the UGCC. Many, however, joined the newly revived Ukrainian Autocephalous Orthodox Church, in many cases at least in part because of its patriotic support of Ukrainian independence. Disputes over parish property and over the use of church buildings arose in many towns and villages.

In the spring of 1990, a quadripartite commission comprising representatives of the Holy See, the Russian Orthodox Church, the newly renamed Ukrainian Orthodox Church (heretofore the Ukrainian exarchate of the Russian Orthodox Church), and the UGCC convened to work out the division of parishes. When it became clear that the Orthodox delegations were manipulating the process to their advantage, Ukrainian Greek-Catholic Archbishop Volodymyr Sterniuk, after consulting with diaspora clergy, walked out. The various inter-confessional disputes in the parishes occupied the courts for a number of years.

Meanwhile, an international congress of UGCC laity took place in Lublin, Poland, on March 30-April 1, 1990. Laity from Poland met with those of the Ukrainian diaspora and Ukraine. The formerly catacomb Bishop Iuliian Voronovs’kyi of Ukraine and Archimandrite Lubomyr Huzar from Italy attended. Among the laity were Ivan Hel’, chairman of the Committee for the Defense of the UGCC, Ivan Hrechko, and Iryna Kalynets’. On June 25-26, 1990, Pope John Paul II convoked the First Extraordinary Synod of Bishops of the UGCC in Rome, attended by ten formerly underground bishops from Ukraine.17

On October 1, 1990, a revised USSR Law on Freedom of Conscience and Religious Associations was enacted. A comparatively liberal document, it simplified the procedure for state registration of parishes. October 9, 1990, “Pravda” published the Resolution of the

17 Матеріали, ст. 58.
USSR Supreme Soviet of October 1, 1990 “On the Implementation of the USSR Law on Freedom of Conscience and Religious Organizations.” Accordingly, on November 8, 1990, the Executive Committee of the L’viv oblast Council of People’s Deputies issued a decision registering the charter (statut) of the Metropolitanate of Kyiv and Halych of the UGCC.18 However, under article 3 of the Soviet implementation resolution, in order to obtain legal personality, previously registered religious organizations had to submit their charters to the executive committees of district or city councils of people’s deputies by July 1, 1991, retaining their registered religious affiliation. They would be registered within a month of submitting their charters. On the other hand, religious organizations that were not previously registered, were newly formed, or had changed their religious allegiance – in other words, Greek-Catholic or Autocephalous Orthodox parishes – could only submit their charters after July 1, 1991. Moreover, article 6 of the resolution provided that only registered religious organizations could apply to local councils and state organizations for transfer of property (including church buildings and other facilities) for their use for religious and administrative purposes free of charge. Thus, the resolution gave Russian Orthodox parishes in Ukraine, known since January 1990 as “Ukrainian Orthodox,” a head start in obtaining property.

On March 30, 1991, Major Archbishop Myroslav Ivan Lubachivsky returned to Ukraine. Among the many administrative problems now confronting his newly legalized Church were those involving the registration of its institutions. These issues, which were studied in the Major Archbishop’s chancery, were actually rather complex. Which institutions were to be legalized: the Church as a whole, the Metropolitanate of Kyiv and Halych, the separate eparchies and archeparchy, the archepiscopal chancery, individual parishes, or all of the above? What about monasteries, seminaries, church brotherhoods, and missionary societies? At what level was registration needed: at the republican level, the oblast (regional) level, or the level of local councils? Did the Church also need to register with the Ukrainian SSR Council on Religious Affairs, and the Ministry of Justice (as a “civic organization”)?

18 Document in the author’s possession.
Moreover, these questions could not be definitively answered until a Ukrainian law on religion was promulgated.  

This occurred on April 23, 1991, with enactment of the Ukrainian Law on Freedom of Conscience and Religious Associations, based on the all-Soviet law of the previous year. This statute, together with the resolution of the Supreme Soviet of the Ukrainian SSR on its implementation, provided for turning over church buildings to religious communities, taking into account the rights of the owners at the time of nationalization as well as of the present owners. Maintaining separation of church and state as well as school from church, in accord with the constitution, the new law permitted parents to raise their children in accord with their faith, guaranteed citizens equality regardless of their religion, declared the equality of all religions before the law, and granted religious organizations participation in social life and media access, while forbidding participation in the activity of political parties or rendering financial aid to them. While religious organizations were not required to register with the authorities, if they did so they would gain legal personality, including the right to own property, and their income would be free of taxes. Registration of a parish charter with the executive committee of the regional (oblast’) council of people’s deputies could be accomplished by at least ten people aged eighteen or over. Church “centers” or “administrations” could register their charters with the All-Union and Ukrainian SSR Council for Religious Affairs. Other religious organizations, such as monasteries or seminaries, would register with the republic’s Council for Religious Affairs. In accord with the new law, on May 28, 1991, the Council of Ministers of the Ukrainian SSR confirmed the charter of the UGCC. An amended charter of the L’viv Archeparchy of the Metropolitanate of Kyiv and

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20 For discussion in the Supreme Soviet of the Ukrainian SSR on the draft law, published in “Radians’ka Ukraina” on June 12, 1990, p. 2, see Третя Сесія Верховної Ради Української РСР дванадцятого скликання, Бюлетень № 27, ст. 30-59, № 28, ст. 55-76. For a learned commentary on the draft, see Ю.А. Розенбаум, «К разработке проекта Закона СССР о свободе совести», Советское государство и право (Москва) № 2, 1989, ст. 91-98.
Halych of the UGCC was confirmed by the L’viv oblast council. A model parish charter was also approved.21

Legalization of the UGCC had several consequences. It meant that by registering with the state, Church institutions would attain legal personality, and thus the capacity to sue or be sued in the courts, and to own property. Consequently, the UGCC became involved in lawsuits concerning property disputes with other Churches.

Legalization also resulted in the influx of priests from the Russian Orthodox Church. Some had once been Greek-Catholic priests, others had been crypto-Catholics. With their seminary educations and Soviet habits, they often found themselves at odds with the catacomb clergy, who in some cases saw them as turncoats or opportunists. The many diaspora clergy who came to Ukraine in the 1990s, with their Western education and outlook, shaped in part by Vatican II, did not always see eye to eye with the other two groups.

By bringing the Church out of the catacombs and into the open, legalization required a change in the clergy’s conduct and mentality. The Major Archbishop’s entourage from Rome and the diaspora had the task of bringing order and efficiency to a Church accustomed to the informal arrangements of the catacombs. Some clergy weathered these changes better than others. Some reportedly looked back with a certain fondness to the dangerous yet in some ways freer days of an underground existence.22

The organizational challenges were indeed daunting. The metropolitan and archeparchial more Latin and some with a more Byzantine orientation, required mediation. Tensions between monastic orders had to be defused.

Finally, legalization compelled the UGCC to conform to Soviet (and later, Ukrainian) law, particularly the Law on Freedom of Conscience and Religious Associations.23 At the

21 Матеріали ст. 59. The efforts of Myroslav Soltys and other dedicated laity in L’viv were crucial in obtaining registration.
22 See administration in L’viv had to be set up. Lines of authority had to be established. Seminaries and monasteries needed to be organized. Conflicts among different groups of priests, some with a Дмитришин, op. cit., 276.
same time, it provided the Church with recourse to the protections (and, potentially, the restrictions) of international law.24

In the final analysis, legalization was not an end, but a means. It enabled the Church to fulfill its mission in the new conditions of religious liberty.