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**DEMOCRATIC TRADITIONS OF THE EUROPEAN
UNIVERSITIES AS THE DEVELOPMENT ASSURANCE
OF UKRAINIAN HIGHER EDUCATION INSTITUTIONS
IN INTERWAR PERIOD**

ABSTRACT. The article deals with the study of the Ukrainian scientists' activities in one of the largest and most notable centres of Ukrainian political emigration since the early twenties of the 20th century – in the Prague one. It has been pointed out that the Ukrainian intellectuals in foreign countries did not abandon their thoughts about the restoration of a united sovereign state. The Ukrainian state and legal thought development were associated both with the functioning of the Ukrainian Free University as well as other higher education institutions and with the broad involving of European democratic traditions during the emigration period.

The professors had to solve such important and difficult tasks as: to create independent university courses on many disciplines for Law Department which programmes had already been significantly expanded in Prague. Having a complicated scientific and methodological work the Ukrainian scientists performed a responsible task successfully; dozens of legal courses were compiled and partially published, most of the specialized

courses differed in originality and made a significant contribution to the development of legal thought and science. Regarding the teaching activity of scientists in emigration, and in the past many of them were lawyers-practitioners and statesmen, we should note that their reports and lecture materials are characterized by deep preparation, content, thoughtfulness and consistency of the basic idea development.

The training of Ukrainian youth in higher education institutions in Czechoslovakia was completely saturated not only with European worldview and methodological approaches, but also retained progressive national-state traditions.

The forced situation, in which legal scientists got, brought them to such a theoretical and practical level of training of legal staff, to which we are only approaching today.

This stage was viewed by young people as temporary and did not even imagine that they would remain in the West forever; prepared to “return home not empty-handed”.

Thus, modern legal education and science need advanced more thorough research on the legal refinement of legal scholars in exile. University students and postgraduate students should take an active part in events where scientists and students of law faculties of Ukrainian higher schools in Europe are popularized. It is advisable to organize discussions about state-legal, socio-political views, cultural activities of figures. It is also necessary to intensify the individual search for the scientific activities of Ukrainian emigration in certain areas of law.

KEYWORDS: Ukrainian Free University; legal education; interwar period; emigrant scholars; state.

A significant contribution to the development of domestic legal science has been made by Ukrainian lawyers in emigration who determined the legal basis of the legal nature phenomena. Law science is of paramount importance in the life of society, it directs its influence on social phenomena, on the person's formation and development, it is especially important nowadays when the authority of law and state in people's minds is at an extremely low level.

The peculiarity of diaspora scholars' legal thinking was the combination of theoretical reflections about the Ukrainian nation future with the considerations of the failure reasons experienced by Ukrainians on the way of state building. They created a number of legal concepts and different theories of Ukrainian statehood, investigated the historical stages of its formation in the context of Ukraine's foreign policy relations with other countries and peoples, possible federal forms for Ukraine in order to implement the Ukrainian state and entire idea. In their works the state and legal concepts appear as a philosophy and a program of the national state creation.

*Expansion of Views on the Interpretation of Ukrainian Legal Education
and Science in European dimension*

One should refer to the history of the Ukrainian scientific institutions functioning in Europe during the interwar period where the teaching and researching of law individual branches took place. The Ukrainian professors' initiative in organizing work on foreign lands in difficult financial situation

and the value of their scientific research for modern legal science are certain not to have been sufficiently clarified.

In the post-liberation struggle period Vienna began to play a major role for Ukrainian emigration. N. Polonska-Vasylenko recalls that the city suffered from the war to a small degree and became a refuge centre for a lot of Ukrainian emigration, mainly intellectuals from Galicia and Bukovina. In 1920 the intelligentsia, among which there were a lot of lawyers, organized lectures, academic reports on various disciplines including legal ones. There were plenty of participants whereas both the topics and the contingent of participants were incidental. So those participants, who were present, had or didn't have a university education, there were lots of women who aimed to widen a gymnasium education. The reports were met with great success, which became one of the impetuses to organize systematic courses¹.

With the financial assistance of the Ukrainian Journalists and Writers Union, whose members were such prominent lawyers as S. Dnistryanskyi, S. Shelukhin, M. Lozynskyi and others², the organized scientific reports and systematic courses became the reason for the Ukrainian Free University (UFU) foundation in Vienna in January, 1921³. Education here was available and free of charge for men and women who were over 16.

Ukrainian Legal Education in Czechoslovakia in the 20th and 40th of the Twentieth Century

The largest number of Ukrainian academic youth was in Czechoslovakia and therefore in the autumn of 1921 the university was transferred to Prague⁴; there the students met the commitment and received a significant financial assistance from Czech citizenship and authority, the president in particular. The operating of the university in Prague began with the winter term of 1921–1922. The UFU system was arranged according to the other Western European universities models and mainly according to the old Karlov University. For full 24 years the University worked in Prague until the year of 1945 when it was forced to transfer its institution to Munich where most of the professors headed by the rector – A. Yakovliv, the vice-rector – D. Doroshenko, the deans – V. Shcherbakivskyi and L. Shramchenko moved⁵.

S. Vidnyanskyi emphasizes that the UFU in Prague used the democratic traditions of the Czech University; the UFU work facilitated the solving of complex problems connected with institution forming, developing and

¹ Наталія Полонська-Василенко, 'Український Вільний Університет (1921–1971)' [1971] 1/2 (29/30) Український історик 17.

² Симон Наріжний, *Українська еміграція. Культурна праця української еміграції 1919–1939: матеріали, зібрані С. Наріжним до частини другої* (Федорук О голов редкол, Вид-во ім Олени Теліги 1999) 65, 66.

³ 'Український Вільний університет в Празі. Історія зародження – організація – виклади в зимовім семестрі 1921–22' *Свобода* (14 листопада 1921, № 265) 4.

⁴ Наріжний (н 2) 65.

⁵ 'З діяльності Українського Вільного Університету у Мюнхені' *Свобода* (12 січня 1949, № 8) 4.

establishing its cooperation with the Karlov University and the Czech government institutions. According to S. Vidnyanskyi, the particularities of the activity in the Ukrainian university as a non-state higher school caused certain problems in the work of the higher school, material security in particular, concerning the relations with other Ukrainian organizations and institutions, between the professor teaching staff and student associations. It happened due to the fact that the institution was committed not from state funds⁶. The researcher cites 'Theses of the Ukrainian university situation and its needs in Prague, expressed by the presenters and speakers at the private information meetings of the Ukrainian university professors and students on April 7th and 14th, 1923', where the core idea is that 'the UFU is a nationally recognized institution, it can in no case be interpreted as a political factor and as an institution of a local nature'⁷.

The initial basis of the professorial boards in the law department included old and well-known Ukrainian professors. In their turn they attracted the other members of the professorial boards – those Ukrainians who were known for their respective scientific works and for appropriate professional knowledge in the field of jurisprudence. Wider involvement of scientific forces depended to a large extent on the material resources that were available in the UFU. The Ukrainian Free University was headed by the Senate, which (in 1921–1922) included Professor, Doctor O. Kolessa – the rector; Professor, Doctor S. Dnistrianskyi – the vice-rector and the dean of Law Department; Professor, Doctor S. Rudnytskyi – the dean of Philosophy Department; Professor, Doctor V. Starosolskyi – the pro-dean of Law Department and the secretary of the Senate⁸.

The Ukrainian university in Prague became a national one; it united the professors and students from all Ukrainian territories. So in 1923 in general there were 18 Prydnipryanets, 6 Galicians, 3 Bukovinians among 28 members of the teaching staff at the university; 18 of them were ordinary professors, 5 of them were extraordinary ones, 3 of them were associate ones and 2 of them were lecturers. According to M. Lozynskyi, there worked 7 ordinary professors, 3 extraordinary professors, 1 associate professor in Law Department.

The professional training of the UFU attendees and students provided for the acquirement of knowledge in various fields of law, the personnel's training for the Ukrainian state formation because, as R. Petryshyn writes, in the early twenties of the 20th century the Ukrainian emigration believed that staying abroad was a temporary phenomenon and expected a quick return to their homeland. It is the Ukrainian Free University, as a powerful and the first

⁶ С. Віднянський, *Культурно-освітня і наукова діяльність української еміграції в Чехо-Словаччині: Український вільний університет (1921–1945 рр.)* (1994) 27.

⁷ Там само.

⁸ Український Вільний університет в Празі. Історія зародження – організація – виклади в зимовім семестрі 1921–22 (н 3) 3.

Ukrainian high school in emigration, which had to educate and train specialists among the Ukrainian student youth during this time⁹.

The UFU students (attendees) of Law Department could be:

- a) ordinary students of different genders who would submit the necessary documents about finishing education at a secondary school;
- b) extraordinary students of both genders who had completed a lower secondary school or teacher's lyceum;
- c) students (the so-called hospitants) of different genders who would be enrolled by the dean of the department.

The UFU students could simultaneously study at the Karlov University and vice versa.

According to the curriculum for the winter semester of 1921–1922 approved by the Ministry of School Affairs and Education of the Czechoslovak Republic on October 5th, 1921, the following courses were taught at Law and Social Sciences Department (Legal Department): 1. Theory of Law: Professor, Doctor S. Dnistrianskyi – General Science of Law (3 hours per week); 2. History of Law: Professor, Senator S. Shelukhin – History of Ukrainian Law (3 hours per week); Associate Professor K. Loskyi – Institutions of Roman Law (3 hours per week); 3. Civil Law: Professor, Doctor S. Dnistrianskyi – Exercises in Civil Law (2 hours per week); 4. Criminal Law: Professor D. Koropatnytskyi – General Part of Criminal Law (3 hours per week); 5. State Law: Professor, Doctor V. Starosolskyi – Course of State Law (3 hours per week), Professor, Doctor M. Lozynskyi – Selected Issues in Ukrainian State Law (1 hour per week); 6. Administrative Law: Professor, Doctor D. Koropatnytskyi – About Self-Government (2 hours per week); 7. International Law: Professor, Doctor M. Lozynskyi – Review of International Law (2 hours per week); 8. Economic Sciences: Professor, Doctor I. Ganytskyi – Ukrainian Co-operative Movement and its Economic Foundations (1 hour per week)¹⁰.

In 1921 M. Lozynskyi determined the fact of the Ukrainian Free University existence in Prague as a loud protest against the Polish occupation regime in Galicia where the Poles not only seized the Lviv University but also tortured Ukrainian professors and students in prisons for the private Ukrainian university foundation¹¹.

The professors had to solve such important and difficult tasks as: to create independent university courses on many disciplines for Law Department which programmes had already been significantly expanded in Prague. Having a complicated scientific and methodological work the Ukrainian scientists performed a responsible task successfully; dozens of legal courses were

⁹ Р. Петришин, 'Науково-педагогічна діяльність української еміграції в країнах Центральної і Західної Європи (1919–1939 рр.)' (автореф. дис. канд. пед. наук, 2007) 12.

¹⁰ Український Вільний університет в Празі. Історія зародження – організація – виклади в зимовім семестрі 1921–22 (н 3) 3.

¹¹ Там само.

compiled and partially published, most of the specialized courses differed in originality and made a significant contribution to the development of legal thought and science¹².

CONCLUSIONS. Regarding the teaching activity of scientists in emigration, and in the past many of them were lawyers-practitioners and statesmen, we should note that their reports and lecture materials are characterized by deep preparation, content, thoughtfulness and consistency of the basic idea development; undoubtedly, this means the presence of high qualities in academic teaching. The professors and associate professors of the high school were close to the youth they taught, to their attendees and they were able to get close to the audience. The attendees found not a purely formal but a spiritual attitude in the teachers. The materials of the lectures make it possible to “draw a portrait” of each professor’s personality and to find out to what extent the professors expressed themselves in the scientific activity and in the personal attitude towards the students. Despite the problems faced by teachers in a foreign country they were imbued with humanity, great love and respect for the law and person.

Many scientists-lawyers paid a great deal of attention to historical events and personal historical research in their reports. In particular, in lectures on criminal law by S. Shelukhin, who worked in Prague, much attention is paid to history. The scientist studied the events of the past to determine the law structure of the past legal life. However, in spite of the great importance, he gave to the historical aspects of legal life, he should not be called solely as a historian of law because he was interested in the legal life of the past not as itself but as a degree of that modern day understanding. His view was directed to the future. S. Shelukhin turned to the past only to understand and explain the legal processes that took place in the conditions of his life and activity.

The facts of history were of enormous importance for the researchers in the context of emigration because due to these facts they were able to show the view and opinion of the people to a certain law institute and its changes.

The Ukrainians tried to use the time of forced staying in emigration with the greatest benefit for themselves and for the future of their state. The task was to get high quality education, to adopt the methods of the developed European states, to return to Ukraine, to use their own knowledge and skills for the development of its rights, politics, economy, science, education.

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ДЕМОКРАТИЧНІ ТРАДИЦІЇ ЄВРОПЕЙСЬКИХ УНІВЕРСИТЕТІВ ЯК ЗАБЕЗПЕЧЕННЯ РОЗВИТКУ УКРАЇНСЬКИХ ЗАКЛАДІВ ВИЩОЇ ОСВІТИ У МІЖВОЄННИЙ ПЕРІОД

АНОТАЦІЯ. Стаття присвячена дослідженню діяльності українських учених в одному з найчисленніших і найпомітніших центрів української політичної еміграції з початку 20-х років ХХ ст. – Празі. Визначено, що українські інтелектуали у зарубіжжі не полишали думок про відновлення об'єднаної суверенної держави. В еміграційний період розвиток української державно-правової думки пов'язувався з функціонуванням Українського Вільного Університету, інших закладів вищої освіти, широким залученням Європейських демократичних традицій.

Професорам довелося вирішувати важливе та складне завдання: створювати самостійні університетські курси з багатьох дисциплін для правничого відділу, програми яких вже у Празі були значно розширені. При складній науково-методичній роботі вчені-українці успішно виконали відповідальне завдання; були складені й частково опубліковані десятки правничих курсів, більшість спеціалізованих курсів відрізнялася оригінальністю і становить значний внесок у розвиток правової думки й науки. Щодо педагогічної діяльності учених в еміграції, а в минулому ба-

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гато з них були правниками-практиками, державними діячами, то відзначимо, що їхні доповіді та лекційні матеріали вирізняються глибокою підготовкою, змістовністю, продуманістю, послідовністю розвитку основної думки.

Підготовка української молоді у закладах вищої освіти Чехословаччини наскрізь була просякнута не лише європейськими світоглядними та методологічними підходами, а й зберігала прогресивні національно-державницькі традиції.

Вимушена ситуація, в яку потрапили вчені-правники, вивела їх, на нашу думку, на такий теоретично-практичний рівень підготовки юридичних кадрів, до якого ми сьогодні лише наближаємося.

Цей етап молодь розглядала як тимчасовий і навіть не уявляла собі, що вона залишиться на Заході назавжди; готувалися до того, щоб “повернутися додому не з порожніми руками”.

Таким чином, сучасна юридична освіта й наука потребує досконаліших, ґрунтовніших досліджень правового доробку вчених-правників у еміграції. Студентам та аспірантам університетів слід брати активну участь у роботі наукових гуртків, конференцій, де популяризуються вчені, викладачі, вихованці правничих факультетів українських вищих шкіл в Європі. Доцільно організовувати дискусії з приводу державно-правових, громадсько-політичних поглядів, культурницької діяльності діячів. Також слід активізувати індивідуальний пошук щодо наукової діяльності української еміграції в окремих галузях права.

Ключові слова: Український Вільний Університет; правова освіта; міжвоєнний період; учені-емігранти; держава.