

UDK [378.4.093.5:342.9](477.83-25)ЛНУім.І.Франка(091)"1945/1975":001.891

THE STATE OF ADMINISTRATIVE LAW SCIENCE AT THE LVIV UNIVERSITY (1945–1975)

Nazar Shpak

*Ivan Franko National University of Lviv,
1, Universytetska Str., Lviv, Ukraine, 79000,
e-mail: nazar.shpak@lnu.edu.ua
ORCID: 0000-0002-4767-3283*

The history of legal science at the Law Faculty of Lviv University has a number of gaps, in particular, the post-war period when the Western Ukrainian territories became part of the Soviet Union is poorly studied.

The article traces the influence of Marxist-Leninist ideology on the formation of administrative law science in 1945–1975.

The author examines the duties and areas of work of lecturers, personnel policy (both at the Law Faculty and at the university as a whole), secondments of faculty members to research centres of the republics to analyse and study the practical activities of state and local authorities, conducting of specialised lectures outside the educational institution, as well as mutual visits to practical and lecture classes for the purpose of ideological control.

The author also examines the process of forming departmental libraries: checking literature for ideological content, removing 'ideologically harmful' books, and appointing persons responsible for the ideological unification of specialised literature. Special attention is paid to work with students whose research was directed in the appropriate ideological direction. All these aspects represent the direction of development of administrative law science and its formation during this period.

Keywords: law faculty, administrative law science, Marxism, Leninism, Bolshevik ideology, the status of science, ideological education, teaching, history of law, history of the university.

DOI: <http://dx.doi.org/10.30970/vla.2024.79.160>

Based on the analysis of the orders of rectors and vice-rectors of Lviv University and archival sources stored in the archival unit of the Ivan Franko National University of Lviv, we aim to trace the development of administrative law science of this institution in the postwar period, namely, in 1945–1975. Our main interest is the influence of the Marxist-Leninist paradigm on the activities of the Department of Administrative and State Law, namely, on the areas of research and features of the educational process.

This issue is rather understudied. The existing works of Ukrainian and Polish specialists briefly describe the postwar period, in particular, it was covered in the works of the following scholars: Volodymyr Kakhnych, Borys Tyshchuk, Ihor Boiko, Taras Andrusiak, Mykola Kobyletskyi, Vasyl Nor, Volodymyr Kachmar, as well as contemporary Polish researchers Adam Redzik, Magdalena Peter.

The advent of Soviet rule caused dramatic changes in the educational and scientific process at the Law Faculty. First and foremost, the changes consisted in the introduction of ideological and political education in the spirit of Marxism-Leninism for all specialities. This negative trend continued in the 1970s.

Administrative law science was then centered on the Department of State Law. As of 1940, the list of disciplines taught by the staff of specified department included three subjects: State Law of the USSR, Administrative Law of the USSR, and Financial Law of

the USSR [1, p. 71-72]. The Department also had an administrative law office headed by senior laboratory assistant Dr. Marian Zimmerman [1, p. 76-77].

Free academic life was suppressed not only by ideological shackles, but also by frankly bizarre orders of the administration: from May 20, 1940, any meetings and sessions at the university were prohibited without the personal permission of the rector Mykhailo Marchenko [1, p. 148], which made it impossible for faculty and departmental councils and meetings to function as usual.

Like the rest of university life, administrative law science was within the tight framework of the ideological bias of the university administration. This is evidenced by the orders to verify the personal information of employees and students whose fate is intertwined with the Lviv State University (LSU). Order No. 31 of March 22, 1946, declares that hiring and transferring from one position to another can only take place after the appropriate paperwork has been completed. Control over the implementation of this order was entrusted to the personnel department, and severe penalties would be imposed for violations [11, p. 60]. Already in 1951, military and passport registration of employees was introduced [7, p. 137], and since 1952, all persons graduating from the LSU or leaving it had their documents returned only after submitting a special certificate from the Scientific, Student and Department Libraries [9, p. 195].

The motives of the Soviet authorities are more directly described in Order No. 233 of July 20, 1947, which states that the work on the study and selection of management personnel in institutions of higher learning and their subdivisions has major shortcomings, in some cases, personnel are allowed to hold managerial positions without sufficient prior study of their business and political qualities [3, p. 165]. It was believed that such problems arose due to superficial familiarization with personnel, based only on questionnaire data, without prior call and conversation. In order to eliminate these shortcomings and create a reserve pool of employees, this year the personnel files were reviewed again and a regional competition for vacant positions was announced. In the 1970s, the situation was the same, as evidenced by the candidate's minimum exams for the Department of State and Administrative Law: a foreign language, Marxist-Leninist philosophy, and an exam in the speciality [10, p. 7].

Order No. 810 of the Minister of Higher Education of the USSR "On the Work of the Ivan Franko State University of Lviv of June 28, 1949" was adopted and clarified by Rector's Order No. 230 of July 11, 1949. It focuses on ideological and educational work, which had a number of drawbacks at the LSU. It focuses on ideological and educational work, which had a number of drawbacks at the LSU. Firstly, it was necessary to review all personnel and dismiss those who did not meet the requirements; improve the work of the university, check the library collections, create programs for all courses, work on improving the qualifications of lecturers, and pay more attention to student training. In addition, a course was taken to struggle against the manifestations of bourgeois nationalism and cosmopolitanism of the West. Considering this, it was intended to hold regular lectures and discussions with lecturers and students on Marxist-Leninist theory, propaganda of the ideas of Soviet patriotism, and information about the achievements of Soviet science, technology, and culture [5, p. 97-103]. It was after this order that an extensive review of the literature in the library's repositories and at the university departments took place in order to identify books that could be made publicly available by their ideological content [6, p. 36].

The first mention recorded as such is in the rector's order No. 26 of 19 March 1946, which states that deans and heads of departments should immediately organise the libraries of all offices, seize ideologically harmful literature and transfer it to the special collection

of the Scientific Library, make an inventory in the journal, compile a systematic catalogue and transfer books that are not related to the field of expertise of the Department to the library as well. The supervision of the work was entrusted to specialists from the library, because they had to pay special attention to harmful literature [2, p. 56]. The supervision of the process was entrusted to specialists from the library, as they had to pay special attention to harmful literature [2, p. 56]. Subsequently, inspections and control over departmental libraries were carried out on a regular basis. For example, on 7 May 1948, a three-person commission was created to inspect the literature at the Department of History of Ukrainian Literature and Slavic Philology [9, p. 242]. The inspection report with a list of books to be withdrawn was transferred to the special collection, and the head of the library's special collection was obliged to timely acquaint the heads of departments with the relevant documents of the censorship authorities on the withdrawal of literature, and laboratory assistants were obliged to visit the Scientific Library on a monthly basis for instruction in the management of departmental libraries [8, p. 334].

In 1949, the Oblit of Lviv began to introduce stricter control over the use of foreign literature. It should be noted that during this period, most of the rector's orders began to be published in Russian; until then, Ukrainian was the language used, with occasional Russian-language documents appearing. This also indicates that Soviet pressure on various structural units of the western Ukraine was increasing.

The "Socialist Commitments of the Department of State and Administrative Law for 1973" indicates that the state of literature at the departments was important for the Soviet system, where a separate paragraph states that the department's literature stand should be replenished with materials from the joint solemn meeting of the Central Committee of the CPSU, the Supreme Council of the USSR, and the Supreme Council of the RSFSR dedicated to the 50th anniversary of the USSR [10, p. 12].

It is worth mentioning that the trips to the largest scientific centres of the republics (Moscow, Kyiv, Leningrad, Kharkiv, etc.) were necessary for the development of administrative law science, its study, and analysis of the practical activities of central state and local authorities in other regions of the republic. There were no pre-war regulations and pre-war Soviet legal literature in Lviv, as well as legislative collections of other Soviet republics, materials and legal literature from foreign countries. All this influenced the possibility of developing important scientific problems [10, p. 41].

Analysing the work plan of the Department of State and Administrative Law for the academic year 1973–1974, the following main areas can be distinguished: educational and methodological work, ideological and educational work, scientific work, raising the ideological and political level of the members of the Department and public activities [10, p. 1-5]. The educational process had an ideological and political orientation. Classes and written works of students had to contain the latest achievements of science and be politically saturated with the spirit of offensive, Marxist-Leninist ideology.

In order to continuously monitor the ideological and theoretical level, classes were held in an open format and mutually attended, and plans for ideological education were made at the beginning of each semester.

The topics of special courses taught at the department extended the study of the theory of Marxism-Leninism, the struggle against bourgeois ideology, in particular Ukrainian bourgeois nationalism, the study of the practice of socialist communist development, and the latest achievements of science.

At the meetings of the department, they discussed students' academic performance, the results of the final examinations, the level of students' discipline, and the improvement of lecture delivery methods and seminar/practical classes, development of measures to

improve production practice, preparation for publication of methodological manuals on the subject of the Department.

The Department had a scientific club that focused on developing issues that would help students deepen their Marxist-Leninist outlook. The department's agitators, who were assigned to an academic group, took into account the individual characteristics, proclivities, and interests of each student and shaped their political outlook. The core of the propaganda was the idea of proletarian internationalism, friendship of peoples, educating students on the revolutionary and fighting traditions of the "Soviet people", students' deep awareness of belonging to a single socialist homeland, respect for all nations and nationalities, and intransigence towards manifestations of bourgeois ideology of anti-communism or Zionism [10, p. 2].

The department's work plan mentions that practitioners and students' scientific clubs are invited to the department's meetings on scientific work [10, p. 3]. They systematically discussed new monographic studies, legislative acts, and considered topical issues of legal science. Since involving students in research was an important means of ideological and political education and a form of individual work with students, each lecturer was obliged to supervise the research work of 4-5 students [10, p. 4]. An important part of the lecturers' work was the discussion of handwritten research papers, textbooks, dissertations, and essays submitted to the department for review from other universities, for example, the lecturers of the Department reviewed the abstracts of the dissertation of A. Yeriomin "Acts of Local People's Control Authorities in the USSR" and A. Bekerska "Legal Regulation of Special Funds of Budgetary Institutions" [10, p. 15], participation in the preparation of articles for the faculty's printed scientific compilation, participation in the LSU conference dedicated to the results of the academic year's scientific activities. Separate meetings were held to review reports from lecturers on the progress of their research plans.

Lecturers of the Faculty of Law had considerable authority, so they were involved in the study, generalisation and improvement of the practice of the state apparatus, they also made recommendations for improving the activities of state authorities, provided advice to deputies of the Soviets, practitioners, gave lectures to them, participated in seminars of deputies of the Soviets, employees of executive committees of public organisations [10, p. 4].

In the 1970s, lecturers were also obliged to improve their ideological and theoretical level by studying the ideological theoretical heritage, through the decisions of the CPSU Central Committee Congress, Leonid Brezhnev's reports, in particular the one on the 50th anniversary of the Union of Soviet Socialist Republics, the Supreme Council of the USSR, and the Supreme Council of the RSFSR. They were supposed to use their knowledge for political and legal propaganda among the population by conducting public lectures. Together with other departments, they had to participate in all political and cultural events arranged by public organisations of the university or faculty. In addition, to conduct lectures outside the educational institution among the population of Lviv and the region, for example, there is mention in the work plan of the department of the school of "Young Lawyer" at the Lviv Palace of Pioneers [10, p. 5]. For instance, the head of the Department, Associate Professor V. Chushenko, delivered a lecture "Democratic Principles of the Soviet Electoral System" to the Lviv Regional Organisation "Znannya" and later presented the same topic on Lviv Radio. Representatives of the Department gave lectures at the interregional professional development courses for party and Soviet workers held by the Lviv regional committee of the party. During the academic year 1973–1974, the lecturers of the Department of State and Administrative Law delivered 86 lectures, in addition to 9 lectures on the election campaign for the Supreme Council of the USSR [10, p. 24-25].

Archival documents indicate that mutual visits were the main form of control over the quality of lectures, seminars and practical classes. For example, in 1974 there were 21 such “checks” during the academic year [10, p. 21] and attention was paid to the classes of all hourly paid employees. The students were given assignments for seminars and practical classes in which they received unsatisfactory grades. Students' individual work was monitored, colloquia, mandatory consultations and interviews were held, and students were given additional assignments on seminars and practical classes in which they had previously received unsatisfactory grades. For ideological influence, students underwent an internship in the executive committees of local councils for 2 to 3 weeks, after which they had to receive approval from the commission [10, p. 23].

The Department of State and Administrative Law maintained contacts with law faculties of universities in the cities of: Kyiv, Minsk, Kharkiv Law Institute, the Institute of State and Law of the Academy of Sciences of the USSR and others, which also had its impact on the formation of science [10, p. 15].

In 1974, the Department of State and Administrative Law consisted of 8 lecturers, 6 of whom had a PhD in Law: V. Chushenko, Head of the Department, PhD in Law, Associate Professor; C. Bazylevych, PhD in Law, Associate Professor; V. Preobrazhenska, PhD in Law, Associate Professor; H. Bondarenko, PhD in Law, Associate Professor; E. Martianov, PhD in Law, Associate Professor; E. Korol, Lecturer; L. Alekseichyk, lecturer; L. Boryslavskyi, PhD in Law, Assistant Professor. In addition, the Department had 6 people working on an hourly basis: M. Pianov, Head of Lviv Customs; V. Kroichyk, senior inspector of Lviv Customs; V. Yakhontov, PhD in Law, senior researcher at the Lviv Branch of the Institute of Economics of the USSR Academy of Sciences; I. Politov, PhD in Law, Associate Professor of the Department of Scientific Communism of the Lviv Polytechnic Institute; A. Kamianskyi, senior lecturer at the Lviv Special Secondary School of Police of the USSR Ministry of Internal Affairs; H. Kryvytskyi, PhD in Law [10, p. 15-16]. This data demonstrates that the Department employed lecturers who had higher academic degrees and were honoured scholars, as well as practitioners who directly used their knowledge and skills to improve administrative law science in general.

The repressive methods of the Soviet government had an impact on personnel policy, on the research topics of the lecturers of state and administrative law of the Faculty of Law, in particular, on the content of the departmental library. However, despite these factors, lecturers had a direct impact on both science and the state apparatus, acting as consultants and speakers at the highest state bodies, which had its effect.

Список використаних джерел

1. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 3. Спр. 5. 398 арк.
2. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 6. Спр. 14. 191 арк.
3. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 6. Спр. 22. 225 арк.
4. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 6. Спр. 35. 256 арк.
5. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 6. Спр. 41. 375 арк.
6. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 6. Спр. 42. 209 арк.
7. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 6. Спр. 64. 137 арк.
8. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 6. Спр. 65. 383 арк.
9. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 6. Спр. 72. 201 арк.
10. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 23. Спр. 33. 41 арк.
11. Архів ЛНУ у Львівській обл. Ф. Р-119. Оп. 28. Спр. 10. 282 арк.

References

1. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 3. Case 5 (in Ukrainian).
2. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 6. Case 14 (in Ukrainian).
3. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 6. Case 22 (in Ukrainian).
4. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 6. Case 35 (in Ukrainian).
5. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 6. Case 41 (in Ukrainian).
6. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 6. Case 42 (in Ukrainian).
7. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 6. Case 64 (in Ukrainian).
8. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 6. Case 65 (in Ukrainian).
9. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 6. Case 72 (in Ukrainian).
10. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 23. Case 33 (in Ukrainian).
11. Arkhiv LNU u Lvivskij oblasti. Stock P-119. Description 28. Case 10 (in Ukrainian).

**СТАН АДМІНІСТРАТИВНО-ПРАВОВОЇ НАУКИ
В ЛЬВІВСЬКОМУ УНІВЕРСИТЕТІ (1945–1975 РР.)*****Назар Шпак***

*Львівський національний університет імені Івана Франка,
вул. Університетська, 1, Львів, Україна, 79000
e-mail: nazar.shpak@lnu.edu.ua
ORCID: 0000-0002-4767-3283*

Історія правової науки на юридичному факультеті Львівського університету має низку лакун, зокрема малодослідженим є повоєнний період, коли західноукраїнські території увійшли до складу Радянського Союзу.

У статті простежується вплив марксистсько-ленінської ідеології на формування адміністративно-правової науки впродовж 1945–1975 рр.

Розглянуто обов'язки та напрямки роботи викладачів, кадрова політика (як на юридичному факультеті, так і в університеті загалом), відрядження професорсько-викла-дацького складу працівників у наукові центри республік для аналізу та вивчення практичної діяльності державних та місцевих органів влади, проведення профільних лекцій за межами навчального закладу, а також взаємовідвідування практичних та лекційних занять з метою ідеологічного контролю.

Також розглянуто перебіг формування кафедральних бібліотек: перевірки літератури за ідейним змістом, вилучення «ідеологічно шкідливих» книг та призначення осіб, відповідальних за ідейну уніфікацію спеціалізованої літератури. Окрему увагу приділено роботі зі студентами, чиї наукові дослідження спрямовувалися у відповідне ідейне русло. Всі ці аспекти репрезентують напрямок розвитку адміністративно-правової науки та її становлення в цей період.

Ключові слова: юридичний факультет, адміністративно-правова наука, марксизм, ленінізм, більшовицька ідеологія, становище науки, ідеологічне виховання, викладацька діяльність, історія права, історія університету.

*Стаття: надійшла до редакції 17.10.2024
прийнята до друку 19.11.2024*