
PRESERVING THE NATIONAL IDENTITY OF THE UKRAINIAN MINORITY AND THE POLISH LAW

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The process of forming legal regulations regarding the protection of identities of national and ethnic minorities in Poland has been complex and long-lasting. Though the existence of national and ethnic minorities in the Polish territory is not a question of several years or decades ago.

The definition of identity, as such, is a field of interest of multitude sciences, hence finding one and universal definition is hardly possible. This vast multitude of definitions accounts for the fact that the term of identity has become interdisciplinary¹.

The definition of identity originating from Latin means identity and continuity. In its colloquial use it has been introduced as late as the 20th century. As Stanisław Kawula underscores, debates regarding identities have been pending in two directions – psychodynamic and sociological ones². Such an approach to the issue of identity both in social psychology and sociology mainly addressed to

¹ M. Karkowska, T. Skalski, *Kultura, socjalizacja, tożsamość*, Kraków 2010, p. 61.

² P. Kawula, *Wielorakość kultur w dyskursie pedagogiki społecznej*, Olsztyn 2008, p. 24 za., *Słownik socjologii i nauk społecznych*, ed. G. Marshall, Warszawa 2004, p. 402.

„[...] the sphere of autodefinition of a social actor – individual and collective one. With this respect they can be described as a set of representations, judgments and beliefs of such an actor about himself”³. This model of understanding the identity has been adopted, among others, by postmodernism⁴.

Yet, such an approach did not fully account for the understanding of the term of identity. The process of globalization, migrations and changes to social structures resulted in that Touraine found that should be further specified. In his opinion this “complex pattern of group affiliations of the unit within the contemporary society, “blurred” social categorization boundaries, brisk changes to the lives of people, their changing interests and ideological sympathies”⁵ resulted in the fact that sociology had to interfere deeper with the processes of ““creation” of the social actor”⁶. Within the course of these processes the key element was producing self identities being the so-called autodefinitions, often different from hitherto institutionally placed units within the social structure⁷.

Defining of the term of identity is an indispensable component in the process of understanding the situations of ethnic and national minorities in the process of voicing their rights in the country where many issues are decided upon by the majority, which is not interested in the problems of minorities. The problem of ethnic and national minorities, in itself, is nothing new not only to Poland, but also in Europe. In general, it has been estimated that until around the mid-nineties of the 20th century, the whole of Europe was inhabited by 288 different minority groups, which comprised of around 100 million people. In this time it accounted for around 13–14% of all inhabitants of Europe⁸. Only these figures them-

³ Encyklopedia socjologii, ed. K.W. Frieske, Vol. 4, Warszawa 2002, p. 252.

⁴ P. Kawula, *Wielorakość kultur w dyskursie pedagogiki społecznej*, Olsztyn 2008, p. 34.

⁵ Z. Bokszański, *Tożsamości zbiorowe*, Warszawa 2007, p. 24.

⁶ *Ibidem*.

⁷ *Ibidem*.

⁸ Por. T. Białek, *Międzynarodowe standardy ochrony praw mniejszości narodowych i ich realizacja na przykładzie Białorusi, Litwy i Ukrainy*, Warszawa 2008, p. 16.

selves show that the undertaken problem is not a marginal issue as it encompasses a large community.

With the analysis of the subject literature in the context of historical development of the protection of rights of ethnic and national minorities, their development can be basically divided into the three periods: “early” – lasting from the year 1555 (The Peace of Augsburg and The Council of Trent) until the end of World War I, interwar period (League of Nations) and Post-war period (with the functioning global system of UN and regional systems)”⁹. As handling the issues of all ethnic and national minorities in Poland is impossible here, this article discusses the issues related to the Ukrainian minority. Certainly another definition problem stems here. Until present, there is no definition of minority as yet, which would be flexible enough to be treated as a popular term. As Tadeusz Białek has emphasized „international legal acts pertain to definitions of either ethnic or national minorities, or racial or national origin only through pinpointing them without providing characteristics of the term, whereby we can discern a certain tendency that in universal documents the term ‘ethnic minorities appears more of ten, and European documents would rather use the term: “national minorities”¹⁰.

Such an approach brings about certain consequences in form of a problem of differences between the national minority and ethnic minority.

In majority of countries this definition problem has not been legally regulated with the exception of Hungary and Poland.

According to the simplest definition provided by *Encyklopedia Powszechna PWN [Comprehensive Encyclopaedia of the National Scientific Publishing House]* national minorities are ‘communities that permanently inhabit a certain territory of a country, being different from majority of its inhabitants (or from politically ruling community) by features, which cause that they are perceived distinct in social consciousness and in social relations sometimes trigger discrimination. Such features can be religion, language and national identity”¹¹.

⁹ Ibidem.

¹⁰ Ibidem, p. 22.

¹¹ Nowa Encyklopedia Powszechna PWN, Warszawa 2005, Vol. 4, p. 253.

The subject of a short analysis will be the situation of the Ukrainian minority in the Polish soil. Earlier historic sources regarding taking care of citizens in Poland, among others, regardless of their origin head for the March Constitution of Poland. On 17 March 1921, the Parliament passed “the March Constitution of Poland, which, among others, guaranteed the protection of life, freedom and mind of each citizen regardless of their origin, nationality, race and religious beliefs¹². Despite such law, in reality ‘with harmonious cohabitation of all the nations in the Republic of Poland, on the principle of mutual respect was [only] supported by the Polish Socialist Party. [It] postulated territorial autonomy for the Ukrainians”¹³. Yet, that was too weak a party to have Any influence on the policy in the country. Thereby it could not help find an agreement between the Ukrainian minority and the Polish government.

As emphasized by B. Halczak and R. Drozd, despite constitutional legacies ‘the Policy of the State of Poland in the years 1921 and 1926 was vividly hostile towards the Ukrainian people. [...] Terms ‘Ukrainian nation’ or ‘Ukrainians’ were not acceptable. The Ukrainians were made to use the name ‘The Rusins’. At the same time, however, the existence of the ‘Russian nation’ was not recognized, treating ‘the Rusins’ as a regional group of the Polish nation or a nation of specified national affinity”¹⁴.

An additional problem for Poland in this period was a difficult economic situations. The outbreak of a huge crisis in 1929 has aggravated the situation. Unemployment in all sectors contributed to the popularity of the slogan ‘Poland for the Poles’ disseminated by the National Democracy. In practice, such an approach led to reducing the participation of non-Polish community in working on various posts not only in the national service. Radical representatives of the National Democracy also voiced for limiting business activity, they

¹² R. Drozd, B. Halczak, *Dzieje Ukraińców w Polsce w latach 1921–1989*, Zielona Góra–Słupsk 2010, p. 11.

¹³ *Ibidem*.

¹⁴ *Ibidem*, p. 17.

demanded ‘handing Polish farming land to Polish peasants and making it unable for non-Polish people to study at universities’¹⁵.

The year 1935 did not make the situation of the Ukrainian minority any better. With the April Constitution of Poland introduced on 23 April 1935, the position of national minorities much deteriorated. The President obtained vast power, which was almost unlimited. The President was elected by the assembly of Electors that largely limited the chances of a representative of national minorities for presidency. It was simply impossible¹⁶. Then it also turned out that ‘respecting minorities’ rights exclusively depended on the good will of the head of state’¹⁷.

The situation in which Poland found itself after regaining independence and land, which had been under foreign occupation, reflected in that many politicians claimed that entire polonization of the country would strengthen it. Additionally Poland, despite reclaiming independence, still did not have good relations with the neighboring countries. Some highlighted that full polonization is formidable. Yet it was possible to ‘consolidate the country (...) through winning the favour of national minorities for the benefit of the Republic of Poland’¹⁸. This approach to the issues of national minorities resulted in taking on action leading to full polonization of non-Polish community.

When analysing the length of the process of writing an act regulating the situation of the national minorities, it should be stressed that it must have been the longest period in the history of Poland. The work on the act lasted as long as the three successive cadencies of the Parliament. As T. Białek puts it ‘despite the bills were ready, there was no political will to regulate the subject matters, claiming, at the same time, that among others Poland is in principle a homogenous country and guarantees of particular rights and freedoms for national minor-

¹⁵ *Ibidem*, p. 13.

¹⁶ *Ibidem*, p. 12.

¹⁷ *Ibidem*.

¹⁸ *Ibidem*, p. 15.

ities members are set out in special acts and regulated by international legal standards that Poland abides”¹⁹.

As late as 6 January 2005. The Parliament adopted an Act on ethnic and national minorities and regional language. The act officially recognized nine national minorities across Poland, to which we include, Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian and Jewish, as well as four ethnic minorities – Karaimian, Lemka, Gypsy and Tatarian²⁰. Such a dichotomy clearly indicates the existence of the Ukrainian national minority and the Lemka ethnic minority and opts for distinctiveness of the two groups. However, the ones specified in the act do not account for a complete list of minorities, which exist in the Polish territory. They are only the ones, which the Polish law recognized as ethnic and national minorities since they met all the conditions jointly that the act sets out.

Pursuant to the legacies of Art. 2 of the quoted Act, the national minority is ‘a group of Polish citizens which meets jointly the following conditions: 1/is less in number than the rest of the population of the Republic of Poland; 2/ is particularly distinct from other citizens with its language, culture or tradition; 3/ strives to preserve its language, culture or tradition; 4/ is conscious of its own historic national collectivity and opts for its demonstration and protection; 5/ its ancestors have inhabited the present territory of the Republic of Poland for at least 100 years; 6/ assimilates with the nation organized in their country”²¹. Similar conditions are to be met by ethnic minorities, yet the principal difference is the fact that it does not assimilate with the nation organized in their country. The act sets out that the ethnic minority is ‘a group of citizens which meets jointly the following conditions: 1/ is less in number than the rest of the population of the Republic of Poland; 2/ is clearly distinct from other citizens with their language, culture or tradition; 3/ strives to preserve its language culture or tradition; 4/ is conscious of its own historic ethnic collectivity

¹⁹ T. Białek, *Międzynarodowe standardy ochrony praw mniejszości narodowych...*, p. 31.

²⁰ Ustawa z 6 stycznia 2005 r. o mniejszościach narodowych i etnicznych oraz o języku regionalnym (Dz. U. 2005, No. 17, pos. 141).

²¹ *Ibidem*, art. 2.

and opts for its demonstration and protection; 5/ its ancestors have inhabited the present territory of the Republic of Poland for at least 100 years; 6/ does not assimilate with the nation organized in their country”²². The above regulations of the Act set out only the conditions to be met by a group to be included to ethnic or national minorities.

When analyzing the legacies of the above Act, we can definitely state that it is in concord with international standards. Among others, it is demonstrated by such legacies that “each single person belonging to a minority has a right to free will regarding treating them as belonging to or non-belonging to a minority, whereby such a choice or exercising rights connected with such a choice shall not yield negative consequences, and furthermore, nobody shall be obliged to prove his appurtenance to the given minority”²³.

The Act also sets out that ‘it is forbidden to apply any measures timing to assimilate persons belonging to a minority, if such measures are exercised against their will.’²⁴ In further parts the prohibition of discrimination due to appurtenance to a national minority group is highlighted²⁵. The authorities are obliged to support, protect and take care of a multicultural dialogue²⁶. Further chapters discuss, among others, the use of a minority language, system of education and culture, issues related to the regional language and the activities of organs in charge of ethnic and national minorities. Passing of the above Act conspicuously facilitated the process of activating Ukrainian leaders in order to start a broader activity connected with preserving the Ukrainian identity among the Ukrainian minority occupying Poland.

The statistics of the National Census carried out in 2002 show that in total there are 444.6 thousand people claiming other nationality than Polish, among which the Ukrainians are the group of 31 thousand people²⁷. By no means is the data complete as many of them did not admit their

²² *Ibidem*, art. 3.

²³ *Ibidem*, art. 4, p. 1, 3.

²⁴ *Ibidem*, art. 5, p. 1.

²⁵ *Ibidem*, art. 6, p. 1.

²⁶ *Ibidem*, art. 6, p. 2.

²⁷ GUS [General Statistical Office], *Wyniki Narodowego Spisu Powszechnego*

nationality. It is estimated, though, that Poland is inhabited by around 250 to 300 thousand people. There should be added to it people declaring Lemkos origin – 5.9 thousand people have admitted such origin. Until present it has been estimated that in Poland there are 50 to 80 thousand of them. This means that this population constitutes a large percentage of non-Polish population.

The National Census of 2011 shows that the situation has largely improved. 48 thousand people residing in Poland declared the Ukrainian nationality, including 36 thousand people, claiming it to be their first one. If we include those Lemkos, who declared their origin and there were 10 thousand of them, with seven thousand people claiming it to be their first nationality, it gives us a large number of people, who, among others, by declaring their nationality try to preserve their identity. Referring to both Ukrainians and Lemkos here is not an accidental matter. Pursuant to the Act, Lemkos are included to the ethnic minority. Among historians there are still pending disputes as to the origin of the Lemkos. Some of them think that Lemkos are of Rusin origin, still vast majority claims that Lemkos originate from the Ukrainian nation, hence we could not omit discussing this issue here.

Viewed from historical perspective, in spite of various revolutions, there has come a time in which the Act gives them a tool to fight for the preservation of their identity in the territory of Poland. With regard to the legislation, there are various undertakings whose major objective is an effort to maintain the identity and pass it onto further generations. Yet, another question arises here if the Ukrainian minority is able to use the legislation properly to protect its identity and pass it onto further generations?

Currently we have been observing various actions, whose main objective is to show the majority that the minority exists, operates, creates, educates and instructs. Owing to the legislation, it is easier for the Ukrainians to form different societies. They also issue their own periodical. They educate children and teenagers, particularly at places where there are

bigger concentrations of people of Ukrainian origin. Selected schools teach Ukrainian. It is also possible to take the maturity exam in Ukrainian. The following table presents the figures regarding students attending Ukrainian and Lemkos language classes in the Lubuskie Province.

Fig. 1: Teaching the Ukrainian and Lemko languages in the Lubuskie Province (as on 31 March 2012)²⁸

District	Borough	Town	Type	Language	Number of students
District of Municipality of Zielona Góra	City of Zielona Góra	ZIELONA GÓRA	Junior High School	Ukrainian	5
District of Municipality of Zielona Góra	City of Zielona Góra	ZIELONA GÓRA	Grammar School	Ukrainian	7
Międzyrzeczki District	Międzyrzecz	MIĘDZYRZECZ	Junior High School	Ukrainian	7
Nowosolski District	Nowa Sól	NOWA SÓL	Grammar School	Lemko	1
Strzelecko-drezdenecki District	Strzelce Krajeńskie	STRZELCE KRAJ.	Junior High School	Lemko	6
Sulęciński District	Torzym	TORZYM	Junior High School	Lemko	4
Zielonogórski District	Nowogród Bobrzański	NOWOGRÓD BOBRZAŃSKI	Junior High School	Ukrainian	12
Żagański District	Szprotawa	WIECHLICE	Kindergarten Units	Ukrainian	1
Żagański District	Szprotawa	WIECHLICE	Grammar School	Ukrainian	3
Total:					46

²⁸ Data acquired from School-Board in Gorzów Wlkp. based on the Educational Information System (updated: 13.07.2012).

Through such action the Ukrainians show that they own their culture, tradition, language and religion, which make them distinct from the Polish majority, But the fact that they are distinct does not mean, however, that they are inferior or strange. Owing to legal regulations we can get acquainted with minorities' culture better and with this we are able to understand our own culture and ourselves better.

Taking care of minorities' interests lies not only within the interest of the majority, yet in the time of globalization and intensive immigration and mobility of people, multinationality is now nothing alien in European countries. This is why the laws regarding the minorities' rights must be permanently monitored to deter now often unique cultures from disappearing. Only by taking care of minorities through creating the proper legal system may lead to a multicultural coexistence of multitude cultures in one area.

By the example of the Ukrainians in Poland only the proper laws may contribute to the fact that the minority will outlast and will form an interesting contribution to the development of the culture of the majority. Europe has always been multicultural, yet now it should be made legal uniform, as to in each country minorities could enjoy the support of the majority.

Abstract

The article presents the process of maintaining identity of Ukrainians in reference to Polish law. This example indicates that regulations regarding minorities must be monitored constantly to avoid vanishing of unique culture. Only formation of appropriate legal system can lead to coexistence of diverse cultures on the same area. Europe has always been multicultural, but nowadays unification of law is crucial.