

THE RELIGIOUS POLICY OF THE RUSSIAN EMPIRE IN THE CAPTURED TERRITORIES OF THE POLISH - LITHUANIAN COMMONWEALTH (ON THE EXAMPLE OF THE VOLYN PROVINCE AT THE END OF THE 18TH - THE FIRST HALF OF THE 19TH CENTURY)

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Abstracts

The article investigates the peculiarities of the implementation of the religious policy of the Russian Empire in the territories that were captured as a result of the partitions of the Polish-Lithuanian Commonwealth, on the example of the Volyn province in the late eighteenth and early nineteenth centuries. The role of local administration, in particular governors, in the implementation of the imperial confessional policy and the mechanisms of integration of the Orthodox Church into the state apparatus are analyzed. It is established that after the November Uprising of 1830-1831, religious policy was radicalized, which manifested itself in the forced liquidation of the Greek Catholic Church and increased control over the Roman Catholic clergy. Particular attention is paid to the analysis of court cases involving the clergy and mechanisms for protecting the religious rights of the Orthodox peasantry. On the basis of archival materials, the authors reconstructs the legal and procedural mechanisms for considering religious offenses and highlights the specifics of the clergy's inclusion in the judicial system of the empire. The authors demonstrate the dichotomy between declarative religious tolerance and the practical implementation of integration mechanisms, as well as the complex interaction between central and local authorities in matters of confessional policy. The study reveals the role of the religious factor as an instrument of socio-cultural transformation and unification of the controlled territories within the Russian Empire.

Keywords: Russian Empire, Volyn province, religious policy, Orthodox Church, Greek Catholic Church, Roman Catholic Church, governors, judicial system, church proceedings, confessional integration.

Formulation of the Problem

The incorporation of the territories of the Polish-Lithuanian Commonwealth into the Russian Empire actualized the problem of implementing effective mechanisms of administrative and socio-cultural integration of the annexed regions, which were characterized by a higher level of socio-economic and cultural development compared to the internal provinces of the empire. The religious factor became a crucial element in the implementation of the imperial integration policy. The religious heterogeneity of the population of the annexed territories, dominated by the Greek Catholic and Roman Catholic denominations, created significant obstacles to the implementation of the unification policy of the Russian Empire. Orthodoxy, which was viewed by the authorities as the ideological basis for integration and a means of consolidation with the “Great Russian people,” did not have a sufficient social base in the region.

The imperial administration was faced with a dichotomy between the declared principles of religious tolerance and the need to pursue a strict confessional policy. The latter included: the systematic elimination of the Greek Catholic Church structure; forced conversion of the population to Orthodoxy; and restrictions on the extraterritorial ties of the Roman Catholic Church. The local authorities had to ensure both stability and loyalty in the newly occupied territories and prevent conflicts on religious grounds.

The purpose of this study is to highlight what kind of integration mechanisms were used by the authorities of the Russian Empire to the multi-confessional population of the occupied territories on the example of the Volyn province in the end of the 18th to the First Half of the 19th century. The role of local governors play in these processes was to deepen the understanding of the use of Orthodoxy as a tool for strengthening power and integrating different peoples and territories into the state. The imperial authorities viewed the religious factor not only as an instrument of spiritual influence, but primarily as a mechanism of socio-cultural transformation and unification of the controlled territories. How was the clergy included in the judiciary of the territories captured in the Polish-Lithuanian Commonwealth?

Analysis of Recent Publications

Religious policy in the occupied territories was reflected in the works of imperial historiography representatives and church leaders, but some of them were openly

propagandistic and aimed to justify the liquidation of Greek Catholicism.¹ They describe the voluntary nature of the conversion to Orthodoxy, but the facts cited by the authors substantiate the opposite opinion. Thus, Archbishop W. Luzhynsky's 1839 trip to the provinces created from the territories of the former Polish-Lithuanian Commonwealth to collect signatures for the adoption of Orthodoxy is described as a feat, since in each area the clergyman faced mortal danger.² The fact of “mortal danger” could have been an exaggeration of the real risks to emphasize the importance of Luzhynsky's mission and justify the authorities' harsh measures. On the other hand, the resistance of the population indicates the unwillingness to join the Russian Orthodox Church, as well as the difficulties of integrating new territories into the Russian Empire.

Modern studies of religious policy in the Ukrainian lands are characterized by a wide range of issues. I. Balyas characterizes the relationship between representatives of the Uniate, Roman Catholic, and Orthodox clergy through the prism of confrontation and antagonism. The authority of the Orthodox was negatively affected by the fact that the imperial government turned the church on the Right Bank into a specific state agency and the priests into its officials. The author also suggests that the newly annexed territories lacked qualified Orthodox priests, and therefore often young people who had neither proper education, nor life experience, nor spiritual culture were appointed to deanery positions.³ In his dissertation research, A. Boyarchuk cites the opposite facts, proving that spiritual needs were met by 30-40-year-old clergy with sufficient life experience. A characteristic feature was their education. In theological seminaries and colleges, students were required to have a thorough knowledge of the Russian language and a good knowledge of the history of Russia and the Russian Orthodox Church. The problem was not so much the low culture of the clergy as the fact that Volyn parishes were served by priests who were educated in Russified educational institutions and brought an alien Russian culture to the people⁴.

¹ П. Крашевич. *Очерк истории Православной церкви на Волыни*. [P. Krashevych. Sketch of the history of the Orthodox Church in Volyn.]. СПб., 1855, 157.; П. Батюшков. *Волинь. Историчні долі південно-західного краю*. [P. Batyushkov. Volyn. Historical destinies of the south-western region]. Дніпропетровськ, 2004. 424.

² М. Коялович. *История воссоединения западно-русских униатов старых времен*. [M. Koyalovich. History of the reunion of the Western Russian Uniates of old times]. СПб., 1873, 400.

³ І. Баляс. Роль уніатського кліру в суспільно-політичному житті Волинської губернії в першій третині XIX ст. *Наукові праці історичного факультету Запорізького національного університету*. [I. Balyas. The role of Uniate clergy in political life of Volyn province in the first third of the XIX century]. No. XXXV (2013): 46–50.

⁴ А. Боярчук. *Православне духовенство Волинської губернії: формування, матеріальне забезпечення, громадська та душпастирська діяльність*. Дисертація на здобуття наукового ступеня кандидата історичних наук. [A. Boyarchuk. Orthodox clergy of Volyn province: formation, material support, social and pastoral activities. Dissertation for the degree of Candidate of Historical Sciences.]. Східноєвропейський національний університет імені Лесі Українки. Луцьк, 2019, 240.

The situation of the Uniate Church in the cities and towns of the Volyn province was covered by V. Bilyk,⁵ and in the Lutsk district by A. Boyarchuk.⁶ O. Buravskiy summarized the confessional policy of the Russian autocracy in Right-Bank Ukraine.⁷ Among the Polish researchers of the situation of the church of an earlier period, we note D. Wereda, who covered the history of the Uniate Church on the territory of the Kyiv Metropolis in the 18th century.⁸ A. Mironowicz studies religious life on the Polish-Eastern border in the 19th and 20th centuries.⁹ Among the authoritative researchers are W. Kołbuk¹⁰ and T. Chynczewska-Hennel.¹¹ There are no studies in historiography that would specify the measures taken by local authorities, in particular governors, to implement state policy. Some information is contained in the study of R. Holii, who highlighted the conversion of Uniate churches in the Volyn province on the example of rural parishes of the Dubno district. However, the researcher does not extend this experience to other territories of the province.¹² The integration activities of the Volyn provincial administration were studied by A. Shevchuk and O. Markevych.¹³

⁵ В. Білик. Унійна церква в містах та містечках Волинської губернії (перша третина XIX ст.). *Науковий вісник Східноєвропейського національного університету імені Лесі Українки*. [V. Bilyk. The Uniate Church in the Cities and Towns of the Volyn Province (First Third of the XIX Century)]. No.6 (2018): 16–23.

⁶ А. Боярчук. Православне духовенство Волині: особливості формування (кінець XVIII – перша половина XIX ст.). *Наукові праці історичного факультету Запорізького національного університету*. [A. Boyarchuk. Orthodox clergy Volyn: features of formation (the end of XVIIIth–first half of XIXth Centurys)]. No. 46 (2016): 87-91.

⁷ О. Буравський. Конфесійна політика російського самодержавства на Правобережній Україні та Білорусі (кінець XVIII – початок XIX ст.). *Наукові записки Тернопільського національного педагогічного університету ім. Володимира Гнатюка. Серія: Історія*. [O. Buravskiy. Confessional Policy of the Russian Autocracy in the Right Bank Ukraine and Belarus (end of XVIII - beginning of XIX centuries)]. No. 1, P. 2 (2016): 13-18.

⁸ D. Wereda. *Biskupi unickiej metropolii kijowskiej w XVIII wieku*. [D. Wereda. Bishops of the Uniate Metropolis of Kyiv in the 18th century]. Lublin, Wydawnictwo Werset, 2013, 375. <https://diasporiana.org.ua/wp-content/uploads/books/20629/file.pdf>

⁹ А. Myronovych. *Kościół prawosławny na ziemiach polskich w XIX i XX wieku*. [A. Myronovych. The Orthodox Church in the Polish lands in the 19th and 20th centuries]. Białystok: Wydawnictwo Uniwersytetu w Białymstoku 2005, 390 s.

¹⁰ W. Kołbuk. *Kościoly wschodnie na ziemiach dawnej Rzeczypospolitej 1772-1914*. [W. Kolbuk. Eastern churches on the lands of the former Republic of Poland 1772-1914]. Lublin: Redakcja Wydawnictw KUL, 1992, 617.

¹¹ T. Chynczewska-Hennel. The Political, Social, and National Thought of the Ukrainian Higher Clergy, 1569–1700. *Harvard Ukrainian Studies*. Vol. 26 (Number 1-4) (2002-2003): 97-152.

¹² Р. Голій. Конверсія уніатських храмів у Волинській губернії (на прикладі сільських приходів Дубенського повіту). [R. Holii. The conversion of the Uniate churches of Volyn province (on the example of the rural parishes of Dubensky district)]. *Наукові записки. Серія «Історичне релігієзнавство»*. No.8 (2013): 49-60.

¹³ А. Шевчук, О. Маркевич. Інститут городничого / полицмейстера в системі управління Російської імперії кін. XVIII — 60-х рр. XIX ст. (на матеріалах Волинської губернії). [A. Shevchuk, O. Markevych. Institute of Governor/Police Chief in Governance System of Russian Empire of the Late 18th Century – 60s of the 19th Century (on Materials of Volyn Hubernia)]. *Емінак: Науковий щоквартальник*. No. 3 (2023): 29–50. DOI номер: 10.33782/eminak2023.3(43).657.; А. Шевчук, О. Маркевич. Справник у системі управління Волинською губернією (кінець XVIII — 1860-ті рр.). [A. Shevchuk, O. Markevych. Spravyk in Volyn Province Administrative System (end of the 18th century – 1860s)]. *Емінак: Науковий щоквартальник*. No. 3 (2022): 9–25. DOI номер: 10.33782/eminak2022.3(39).588

Presentation of the Main Material

The implementation of religious policy was ensured by the highest provincial leadership, depending on the policy of the emperors. First of all, the authorities took care of a convenient diocesan division for administration. By the Synodal decree of August 4, 1799, the territorial boundaries of Orthodox dioceses and provinces coincided. The territory of the Volyn-Zhytomyr diocese coincided with the boundaries of the Volyn province, which made it easier to control religious and political life. The authorities were also interested in the condition of cathedral buildings in the annexed provinces. Orthodox cathedrals were located in nine county towns: Zhytomyr, Ostroh, Novohrad-Volynskiy, Zaslavl, Rivne, Ovruch, Kovel, Lutsk, and Volodymyr-Volynskiy (none in Dubno, Kremenets, and Starokonstantyniv). The amount of money allocated for their maintenance increased compared to the imperial staffing list (1764) for such needs. Additional funds were allocated for the maintenance of an increased number of clergy and churches.¹⁴ The residence of the bishop and the consistory was located in Ostroh. Under the patronage of Governor-General T. I. Tutolmin, liturgical books were brought from the synodal printing house.¹⁵

Later on, the local administration was charged not only with helping to maintain the proper condition of church buildings, but also with the construction of new ones. This information was to be reflected in the governor's reports. The governors indicated the number of Orthodox churches built and repaired, and their condition was always compared to that of Catholic churches.¹⁶ The most effective in this regard was Governor M. I. Komburley (1806-1815), appointed from the internal provinces, whom the authorities fully trusted politically and entrusted with the most difficult tasks.¹⁷ He was one of the first to notice the dilapidated state

¹⁴ Об учреждении Соборных церквей в некоторых городах на денежном окладе; об ассигновании суммы на жалование священно и церковнослужителям оных церквей и о перемене названий Епархий для единообразия по названию тех губерний, в коих кафедры их состоят. [On the establishment of cathedral churches in some cities on a salary; on the appropriation of a sum for the salaries of the priests and clergy of these churches; and on the change of the names of dioceses for uniformity according to the names of those provinces in which their pulpits are situated]. *Полное собрание законов Российской империи*. Изд. 1-е. Т. XXV. Санкт-Петербург, 1830, № 19070, 751.

¹⁵ А. Боярчук. *Православне духовенство Волинської губернії: формування, матеріальне забезпечення, громадська та душпастирська діяльність*. Дисертація на здобуття наукового ступеня кандидата історичних наук. [A. Boyarchuk. Orthodox clergy of Volyn province: formation, material support, social and pastoral activities. Dissertation for the degree of Candidate of Historical Sciences.]. Східноєвропейський національний університет імені Лесі Українки. Луцьк, 2019, 57.

¹⁶ Отчеты Волинского губернатора о состоянии губернии за 1804-1811 гг. [Reports of the Volyn governor on the state of the province for 1804-1811]. ЦДІАК, Ф. КМФ 11, Оп. 1, Спр. 91, 455 арк.

¹⁷ А. Шевчук, О. Маркевич, op. cit., 39; О. Маркевич. Феномен М. І. Комбурлея або хроніка правління волинського губернатора. [O. Markevych. The Phenomenon of M.I. Komburley or the Chronicle of the Rule of the Volyn Governor]. *Проблеми історії України XIX — початку XX ст.* No. 19 (2011): 59–72.

of Orthodox churches. In a report for 1806, the governor described the extremely poor situation of Orthodox peasants who could not maintain churches. The governor noted that without government assistance, the old churches would “fall apart completely.”¹⁸ The delimitation of church lands proved to be a difficult task. The authorities lobbied for the interests of the Orthodox clergy, and in case of disputes created special commissions consisting of delegates from local residents and clergy, who, together with surveyors, had to delimit arable land, hayfields, and other lands.¹⁹

For some time, the government did not interfere in relations with the clergy; more attention was focused on improving the authority of the Orthodox Church, which was to be facilitated by the foundation of Orthodox churches. However, no “big construction” was planned. Instead, the local administration began to control the observance of holidays by Catholic estate owners. This issue became highly politicized. The law prohibited the use of peasant labor on Sundays and during major church and imperial family holidays. Supervision of this was initially carried out by the clergy, and later it was transferred to the governor.²⁰

The analysis of archival materials allows us to reconstruct the legal and procedural mechanism for considering cases of violation of the religious rights of the peasantry through coercion to work on Sundays and holidays. According to the judicial procedure, the initial consideration was carried out by district courts, where judges were elected by representatives of the local noble corporation, after which the cases were transferred for revision to the criminal department of the Volyn Main Court.²¹ In cases of particular complexity, special investigative commissions were created.²² Procedural practice provided for a multi-level system of court decision-making: after the case was heard, the district court proposed a decision and the documentation was mandatorily sent for revision to the Volyn Main Court. After a second

¹⁸ Отчеты Волынского губернатора о состоянии губернии за 1804-1811 гг. [Reports of the Volyn governor on the state of the province for 1804-1811]. ЦДАК, Ф. КМФ 11, Оп. 1, Спр. 91, Арк. 35.

¹⁹ А. Шевчук, О.Маркевич. Служба землеміра у Волинській губернії наприкінці XVIII — в першій третині XIX ст.: улаштування, кадровий склад, діяльність. [A. Shevchuk, O. Markevych. The Service of Land Surveyor in Volyn Province at the End of the Eighteenth - First Third of the Nineteenth Centuries: Organization, Staffing, Activities]. *Український історичний журнал*. Iss. 2 (2024): 90. DOI номер: <https://doi.org/10.15407/uhj2024.02.077>

²⁰ О строжайшем наблюдении губернским начальством о неупотреблении крестьян к господским работам в воскресные и праздничные дни. [On the strictest supervision of provincial authorities on the non-use of peasants for work on Sundays and holidays]. *Полное собрание законов Российской империи*. Изд. 1-е. Т. XXXV. Санкт-Петербург, 1830, №27 549, 582-583.

²¹ Ведомость, представленная губернатору Волынским главным судом о нерешенных делах, оставшихся в уголовном департаменте суда на 1 января 1825 г. [Statement submitted to the governor by the Volyn chief court on unresolved cases remaining in the criminal department of the court as of January 1, 1825]. Державний архів Житомирської області (далі – Держархів Житомирської обл.). Ф. 70. Оп. 1. Спр. 18. Арк. 10 зв.

²² Реестр поступивших в 1837 г. прошений и жалоб. 1837 г. [Register of petitions and complaints received in 1837]. Держархів Житомирської обл. Ф. 70. Оп. 1. Спр. 46. Арк. 7.

review, the appellate institution announced the verdict, which was submitted to the civilian governor for approval, and only then did the decision come into force.²³ An illustrative precedent is the case of 1825, when Kyiv Governor I. Kovalev approved the verdict in the lawsuit filed by the peasants of Stokov against the landowner Abramovych for forcing them to work on Sundays and holidays. It is noteworthy that the Skvyra District Court initially failed to establish the evidence base and accused the villagers of slander. The situation was remedied only after the intervention of the criminal department of the Kyiv Main Court, which ordered the landowner to stop the practice of involving peasants in work on holidays and Sundays.²⁴ This case from a neighboring province demonstrates the sporadic nature of peasants' victories.

Comparative analysis of court cases demonstrates the systemic nature of the bias of district courts: almost all proceedings were characterized by the absence of establishing the factual basis at the initial stage of consideration. The Volyn Main Court received cases from various district courts: in 1806 from Starokostiantynivskiy (the case of V. Rotarovskiy) and Zaslavskiy (the case of Martytskyi);²⁵ in 1816: from Novohrad-Volynskiy (the case of Vorochynskiy in Tokariv village, which was considered for 8 years),²⁶ in 1825: Ovruch (the case of the Zelenevskys in the town of Norinsk regarding the forced labor on holidays, resolved within a month) and Zhytomyr (the case of exceeding the norms of serfdom and the use of physical violence by administrator Milishevsky against residents of the village of Barashi).²⁷

Archival materials demonstrate the mechanisms of administrative control over the observance of canon law and the protection of religious rights in the context of the imperial confessional policy of the first third of the nineteenth century. An illustrative case is that of 1828. In the neighboring province of Podillia, the Podillia Provincial Board initiated administrative interference in the activities of the Proskuriv District Court in the case of Count J. Komarovskiy, the owner of an estate in the village of Pakhutyntsi. The landowner's offense was of a twofold nature: first, unauthorized interference in church administration through the illegal appointment of a church elder (which was the prerogative of the dean and lower zemstvo court), and second, violation of the religious rights of the peasantry through coercion to work

²³ А. Шевчук. Судова влада в житті суспільства Правобережної України (кінець XVIII – перша третина XIX ст.). [A. Shevchuk. Judicial Power in the Life of the Society of Right-Bank Ukraine (late XVIII - first third of the XIX century)]. Житомир: Видавець Євенок О. О., 2022, 159-182.

²⁴ Книга регистрации одобренных решений суда киевским губернатором. 1825 г. [Book of registration of approved court decisions by the Kyiv governor. 1825]. ЦДІАК України. Ф. 484. Оп. 1. Спр. 161. Арк. 10.

²⁵ Генеральный реестр дел уголовной палаты и уголовного и временных уголовных департаментов с 1796 г. по 1826 г. [General Register of Cases of the Criminal Chamber and the Criminal and Temporary Criminal Departments from 1796 to 1826]. Держархів Житомирської обл. Ф. 16. Оп. 3. Спр. 2. Арк. 341 зв., 350.

²⁶ Ibid. Арк. 771.

²⁷ Ibid. Арк. 1198, 1200.

on holidays. This combination of violations demonstrates a typical conflict between the landlord's authority and church jurisdiction. Procedural litigation, which lasted until 1830, resulted in a differential punishment; the housekeeper was fined 30 rubles for forcing peasants to work on Sundays and holidays, and the priest was acquitted of charges of misconduct brought by the landowner.²⁸ This case illustrates the complex system of interaction between different levels of administrative and judicial power in the protection of religious rights and church autonomy, and demonstrates the mechanisms of implementation of imperial confessional policy at the local level through the system of judicial and administrative bodies.

It is necessary to dwell on the jurisdiction of the clergy. During the investigation, they were deprived of the right to serve in the parish, as was the case with an acquitted priest who had been under suspicion of committing a crime for ten months. For such negligence in 1804, Judge V. Chopovsky was fined.²⁹

In the context of the legal system of the Russian Empire in the early nineteenth century, cases involving a representative of the clergy were characterized by a special procedural order. A representative of the clergy was necessarily involved in the investigation. Territorial jurisdiction determined that offenses committed in rural areas were subject to consideration by the district court, which was dominated by representatives of the local noble corporation.

An illustrative example of such judicial practice is the case of 1802, when an investigation was conducted into the suspected murder of a serf S. Androshchuk by priest H. Livitsky in the town of Chervone. Investigative actions were carried out collectively by a judge of the Zhytomyr Lower Zemstvo Court (a police institution), priest M. Zelenskyi, and a “medical official” (district doctor) who examined the body. The investigation materials were sent to the district court, and the suspect was left at his place of residence until summoned. The death occurred due to a domestic conflict; the serf was absent from Sunday liturgy and instead carried water to a tavern owned by Jews. During a quarrel at the well, the priest pushed the peasant away and he died on the third day.³⁰

The system of punishment applied in this case is of particular scientific interest. The verdict of the criminal department of the Volyn Main Court of 1803 provided for a combined

²⁸ Дело об угнетении крестьян с. Пахутинцы помещиком графом Комаровским и принудительных работах в праздничные дни. 1828-1830 гг. [The case of the oppression of peasants in the village of Pakhutynsi by the landowner Count Komarovsky and forced labor on holidays. 1828-1830]. Держархів Хмельницької обл. Ф. 2. Оп. 1. Спр. 272. Арк. 1, 9-10 зв.

²⁹ А. Шевчук, *op. cit.*, 447.

³⁰ По обвинению священника Г. Ливицкого в убийстве крестьянина Андрощука. 1802 г. [On the charge of the priest G. Livitsky in the murder of the peasant Androshchuk. 1802]. Держархів Житомирської області. Ф. 2. Оп. 1. Спр. 167. Арк. 1, 16-16 зв.

punishment: material compensation in the amount of 25 kip (a monetary unit in the Grand Duchy of Lithuania, in imperial proceedings equal to 31 rubles, 25 kopecks) and church penance.³¹ The institute of church penance, regulated by the decree of the Holy Synod of July 11, 1851, included a set of the following religious practices: obligatory attendance at services on holidays and Sundays, the performance of ritual actions (25 bows before the iconostasis with the reading of the Publican's Prayer), fasting, and confession without the right to receive communion. In the early 20th century, the archaic nature of this type of punishment and its inconsistency with the legal norms of the time were noted.³² The case of priest G. Livitsky demonstrates the complex interaction of different legal traditions and institutions in resolving criminal cases involving the clergy, and also illustrates the tendency towards the gradual secularization of the empire's legal system.

In the context of the functioning of the judicial system in the first quarter of the nineteenth century, a case from 1823 is illustrative, when the Novohrad-Volynskyi magistrate conducted proceedings with the participation of an interdepartmental board that included representatives of the clergy and the military. The subject of the proceedings was an offense committed in 1819, regarding the illegal intrusion of officials of the State Vodka Tax Farm S. Berkovych and M. Slovak into the private home of a burgher M. Klymets. The procedural peculiarities of the case were that the investigative actions were carried out by the district *striapchy* (a legal officer responsible for investigative procedures in the Russian Empire). The circumstances of the proceedings indicate a violation of the inviolability of the home during a religious rite of remembrance, which was attended by representatives of the Orthodox clergy, a priest and a deacon of the cathedral church. The formal reason for the invasion was a suspicion of illegal purchase of a bottle of vodka. The magistrate's judgment demonstrates a differentiated approach to punishing different categories of offenders: civilians were fined five rubles with allocations to the Social Welfare Boards, while the punishment of the soldier was delegated to the relevant agency. In accordance with the current procedural practice, the verdict was subject to mandatory revision by the criminal department of the Volyn Main Court.³³ In general, it can be stated that this case illustrates the complex system of interagency cooperation in the judicial system of the early 19th century, the specifics of the division of jurisdiction between civilian

³¹ Ibid. Арк. 31-31 зв.

³² М. Горчаков. Церковное покаяние. [M. Gorchakov. Church Penance]. *Энциклопедический словарь Брокгауза и Ефрона: в 86 т. Т. 38 (75)*. Санкт-Петербург, Семеновская Типолитография (И.А. Ефрона) 1903, 77-78.

³³ Протоколы Новоград-Волынского магистрата за 1823 г. [Protocols of the Novograd-Volynskogo magistrate for 1823]. Держархів Житомирської обл. Ф. 9. Оп. 1. Спр. 42. Арк. 21-23.

and military institutions, as well as the mechanisms for protecting the private rights of citizens in confrontation with representatives of fiscal structures.

O. Omelchenko substantiates the institutional significance of involvement of estate representatives in the judicial process as an important element of legitimization of court decisions. The researcher argues that the presence of a deputy from the social stratum concerned performed a dual function: on the one hand, it ensured public recognition of the court verdict, and on the other hand, it served as a procedural guarantee of compliance with legal norms and the principle of justice in court proceedings.³⁴

After the November (Polish) uprising of 1830-1831, the odious Kyiv governor-general D. Bibikov (1837-1852) took personal control of the Russian Empire's religious policy in the occupied territories of the Polish-Lithuanian Commonwealth. He ordered the Volyn governor to secretly organize supervision of the Catholic clergy in order to prevent them from allying with imperial soldiers of Catholic faith.³⁵ This task became particularly acute, as the authorities wanted to ensure stability and prevent possible unrest in connection with the liquidation of the Uniate Church, which the authorities tried to disguise as a voluntary accession to the Orthodox Church.³⁶

The Kyiv governor-general personally assessed the actions of the Volyn governor. Thus, in a letter to O. P. Maslov (1836-1839) dated June 20, 1836, he called the latter's actions in Mytelne and Lechany in the Dubno district too cruel, which could have caused strong opposition. The governor's order to arrest priest Chervynskiyi, *dyak* Dymchevskiyi, and local economist Savytskyi, who, according to Maslov, were holding back the transition to Orthodoxy, caused the clergyman's dissatisfaction. D. Bibikov, on the other hand, believed that such arrests in the territories where the uprising³⁷ had recently raged were unjustified, and that the locals should have been persuaded gently. Instead, the Volyn governor found himself in a somewhat different reality. Orthodox priests who were converting Uniates to Orthodoxy

³⁴ О. Омельченко. «Законная монархия» Екатерины Второй: Просвещенный абсолютизм в России. [O. Omelchenko. «Lawful Monarchy» of Catherine the Great: Enlightened Absolutism in Russia]. Москва: Юрист, 1993, 283.

³⁵ Переписка с Департаментом духовных дел иностранных исповеданий и волынским гражданским губернатором об установлении надзора полиции за католическими священниками, совершающими духовные требы среди нижних воинских чинов. 1839 г. [Correspondence with the Department of Spiritual Affairs of Foreign Confessions and the civil governor of Volyn on the establishment of police supervision over Catholic priests performing spiritual services among lower military ranks. 1839 г.]. ЦДІАК України. Ф. 442. Оп. 789 а. Спр. 106. Арк. 25 зв.

³⁶ В. Білик, *op. cit.*, 16–23.

³⁷ It is about the November Uprising of 1830-1831.

themselves appealed to provincial officials to have officials present during the conversion to prevent the actions of Polish landowners.³⁸

According to R. Holii, the rules that determined the conversion of the Uniates were developed without taking into account the true mood of the population. From the point of view of St. Petersburg synodal officials, the Uniates welcomed the innovations and wanted to join Orthodox parishes. The real state of affairs was that it was the efforts of local leaders who managed to organize such a transition, who did not disdain to use force and, if necessary, provided economic incentives. An example of the latter was the order of the Volyn governor to allocate funds to the landowner Countess Orhurgova to repair the Orthodox chapel in Dobrotyn to replace the liquidated Ostrovska and Pereveridivska chapels.³⁹ As a result, in just one year, 507 out of 592 Uniates in Dobrotyn converted, 92 of whom joined through the persuasion of priest Topachevsky, and the remaining 415 through the efforts of a civilian official, i.e., more than 82% through the direct efforts of the local administration. Although R. Holii does not undertake to extend this experience to other counties of the Volyn province, the influence of the local administration on religious policy was undoubtedly significant.⁴⁰

As for the Catholic Church, the government did not prohibit its activities, but controlled the building of churches. Relations with the Vatican were limited. After the November Uprising of 1830-1831, the authorities took more decisive measures. In 1840, the center of the Catholic diocese was transferred from Lutsk⁴¹ and the Orthodox diocese from Pochayiv to Zhytomyr.⁴² In 1845, the Lutsk-Zhytomyr Theological Seminary began its activities in the old monastery building. Thus, the Volyn governor had more control over the activities of the Catholic clergy, whom the government accused of supporting the rebels and was wary of their loyalty to the new government.

Conclusions

³⁸ Р. Голій, *op. cit.*, 53.

³⁹ Countess Orhurgova continued to obstruct the conversion to Orthodoxy, despite all the efforts of the governor, in particular, she restrained those who wanted to get married in the Orthodox Church.

⁴⁰ Р. Голій, *op. cit.*, 49-55.

⁴¹ Д. Бовуа. Гордиев узел Российской империи: Власть, шляхта и народ на Правобережной Украине (1793-1914). [D. Beauvois. The Gordian Knot of the Russian Empire: Power, Nobility and People in Right-Bank Ukraine]. Москва : Новое литературное обозрение, 2011, 495.

⁴² О перемещении кафедры Волынского епархиального архиерея из Почаевской лавры в Житомир, и об открытии в Волынской епархии нового Викариатства. [On moving the chair of the Volyn diocesan bishop from Pochaev Lavra to Zhitomir, and on opening a new Vicariate in the Volyn diocese]. Полное собрание законов Российской империи. Изд. 2-е. Т. XV. Санкт-Петербург, 1854, Отделение первое, №13 835, 627.

Thus, in the context of imperial religious policy in the incorporated territories of the Polish-Lithuanian Commonwealth in the late 18th - first half of the 19th century, there is a clear dichotomy between declarative religious tolerance and the practical implementation of integration mechanisms. The periodization of religious policy demonstrates a clear division associated with the November Uprising of 1830-1831: while the first period was characterized by the search for compromises with regional elites, the second was marked by the radicalization of confessional unification through the liquidation of the Greek Catholic Church, forced Orthodoxization, and the restriction of extraterritorial ties between the Roman Catholic Church and the Apostolic See.

The imperial administration implemented a comprehensive strategy to strengthen Orthodoxy through material support for the clergy, the development of church infrastructure, and the use of the judicial system as a tool to protect the religious rights of the Orthodox peasantry, in particular, the observance of holidays and Sundays. However, the effectiveness of these mechanisms was limited by the policy of compromise with the landowning elite, which led to the actual leveling of judicial protection of the rights of serfs.

Particular attention should be paid to the integration of the clergy into the imperial judicial system through the mechanism of estate representation in criminal proceedings, which reflected the syncretic nature of the legal system of the early 19th century with its combination of secular and ecclesiastical jurisdiction. At the same time, the policy toward the Roman Catholic Church was characterized by greater moderation, which was due to the confessional affiliation of the regional elite and the need to maintain socio-political stability in the region.

Thus, the religious policy of the Russian Empire in the incorporated territories demonstrates a complex dialectic between unification trends and the need to preserve regional specificity, which was reflected in the gradual implementation of integration mechanisms and a differentiated approach to different faith communities.

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