

¹ Бородкина Т. Проблемы и перспективы развития института государственной защиты потерпевших, свидетелей и иных участников уголовного судопроизводства // «Мировой судья». – 2010. – № 4.

² Смолин А. Защитой свидетелей займется особое подразделение. 24.06.2009. URL: <http://www.pravo.ru>.

³ Резолюция по итогам слушаний на тему: «Система защиты потерпевших и свидетелей в Российской Федерации. Проблемы и перспективы» // Официальный сайт Общественной палаты Российской Федерации. URL: www.oprf.ru.

⁴ Государственная программа «Обеспечение безопасности потерпевших, свидетелей и иных участников уголовного судопроизводства на 2009–2013 годы» // Официальный сайт Правительства Российской Федерации. URL: www.government.ru.

⁵ См.: Федеральный закон от 25.12.2008 г. № 275-ФЗ «О ратификации Соглашения о защите участников уголовного судопроизводства» // СПС «КонсультантПлюс».

⁶ Полиция десяти стран Балтики – за единую систему защиты свидетелей // <http://rus.delfi.ee/arhive.php?id=7033075>.

Резюме

Стаття стосується одного з істотних аспектів боротьби із злочинністю – захисту свідка. Без активного і добросовісного свідка неможливе повноцінне судочинство. Особливо актуальний інститут захисту свідків у справах про організовану злочинність, корупцію, тероризм.

Ключові слова: державний захист, матеріальне стимулювання, відповідальність за ухилення, міжнародну співпрацю.

Резюме

Статья затрагивает один из существенных аспектов борьбы с преступностью – защита свидетеля. Без активного и добросовестного свидетеля невозможно полноценное судопроизводство. Особенно актуален институт защиты свидетелей по делам об организованной преступности, коррупции, терроризме.

Ключевые слова: государственная защита, материальное стимулирование, ответственность за уклонение, международное сотрудничество.

Summary

The article deals with one of essential problems of crime control – protection of witnesses. Proper justice is impossible without an active and conscientious witness. Witnesses' protection is especially actual in cases concerning organized crime, corruption and terrorism.

Key words: governmental protection, financial encouragement, responsibility for evasion, international cooperation.

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RESPUBLICA BENE ORDINATA. REMARKS ON THE PARTICIPATION OF ORTHODOX ELITE IN THE EXERCISE OF POWER IN THE 15TH AND 16TH CENTURY REPUBLIC

The problem of posts and offices in the 15th and 16th century Republic was debated already a hundred years ago by J. Wolff. In his *Senatorowie i dygnitarze Wielkiego Księstwa Litewskiego 1386–1795* [The Senators and Dignitaries of the Grand Duchy of Lithuania 1386–1795], he gathered data on Lithuanian officials (excluding landowners and poviats officials): starosts, ministers and dignitaries.¹ Despite minor mistakes, his work was trail-blazing. The author's lapses were revised by S. Ptaszycki² and Z. Radzimicki³. J. Wolff, however, did not look into the religious persuasion of persons occupying various functions in the state apparatus. Also later, this issue was dealt with rather incidentally and superficially. However, today, when attempts are made to look at the Republic as a common home of Poles, Lithuanians, Ukrainians and Belarusians, the problem in question comes forth as paramount.

As commonly known, Ruthenians, who were the followers of the Orthodox Church, arrived in Poland during the reign of Casimir the Great (1333–1370), when the king annexed the lands belonging to the princes of Halych-Vladimir, i.e. Halych Ruthenia⁴. Members of the Orthodox Church accounted for one third of the population of the state, which thus ceased to be religiously homogeneous⁵. At the same time, also the Grand Duchy of Lithuania expanded in to the land of Ruthenians, who became its citizens. Because until 1385 the Lithuanian princes did not persecute the followers of the Orthodox religion, and even strove to create an independent organizational structure of the Orthodox Church in Lithuania, the Orthodox saw the Grand Duchy as their own state. The situation changed after the Union in Kreva, when Lithuania accepted the Catholic faith. In both states bound by a political union, the Jagiellonians began to impose constraints on the Orthodox Ruthenians, fearing their political competition. However, due to the fact that the Orthodox made up a significant percentage of the population of the Crown and the Grand

Duchy of Lithuania, and in consideration of religious peace among their subjects, the Jagiellonians were not very rigorous about observing these restrictions. This enabled the Orthodox magnates to participate in the political life of both states, and especially in the ethnic territory of the Grand Duchy of Lithuania and the Ruthenian lands of the Crown. As the integration between the Crown and the Grand Duchy of Lithuania proceeded, the Republic became the common state of the Polish, Lithuanian and Ruthenian nobility. The Ruthenian political elite played a vital part nationwide, since the Orthodox citizens of the Republic were nominated to high state positions.

It should be borne in mind that the personnel policy of the rulers accommodated their own political agenda; in a sense, it was about the king promoting his own people. King enjoyed the *potestas distributiva* for privileges, offices, ranks and emoluments. At the same time, of mighty influence over the ruler in the appointment to offices were different dignitaries and aristocrats, who represented active pressure groups. Effectively, in order to obtain a lower-level office, it was necessary to ensure the backing of one of the highest dignitaries. For the appointment purposes, the candidate's wealth was also crucial, since it was necessary at the preliminary stage of the career when considering quick promotion by the ruler. Therefore, offices, especially the top ministerial positions, were held by a relatively small group selected from among several families. Those people guarded their financial privileges; hence offices were often bequeathed from father to son⁶. Consequently, some people, wishing to collect great fortune, expanded their assets by purchases, exchanges and transactions with other landowners, as well as through inheritance, and appropriation of the ruler's domains. As a matter of fact, the dominance of the magnates did not seal the career and promotion paths to the most talented and resourceful individuals of lower status, but such windows of opportunity were scarce. Most often, promotion was associated with rendering considerable services to the ruler over many years. The religious persuasion was of less importance.

The Orthodox appear in various state offices in the Kingdom of Poland beginning with the annexation of Halych Ruthenia. These were not isolated cases, since the Czech king, John, threatened by Casimir the Great and seeking the espousal of the curia, reported to the pope in 1345 about the king filling offices with Ruthenians. In a special bull, Pope Clement VI reprimanded the Polish king and accused him of collaborating with pagan Lithuania and «schismatic» Ruthenia⁷.

Also in the 15th century, the representatives of the Ruthenian nobility occupy various offices and serve as dignitaries in the Ruthenian land of the Crown⁸. At that time, the Orthodox elite in the Polish Kingdom were equated with the Catholic one. In 1432, the Orthodox boyars of the land of Lutsk were granted the privileges of the Polish nobility when their land was annexed by the Crown. Of similar character was the privilege of 1430 issued in Jedlnia, which promised equality before law of the Polish and Ruthenian nobility. This decision had far reaching implications for the creation of a community of interests and a gradual development of a political nation⁹. This process – as corroborated by research – was linked with Polish expansion to the East, especially Red Ruthenia and Volhynia, but the 15th century sources confirm the participation – except for the land of Belz¹⁰ – of the nobility of Ruthenian origin. As A. Janeczka points out, «It has full ownership rights, access to offices, participates in public life, and is hardly distinguishable from the nobility of Polish descent¹¹».

The Grand Duchy of Lithuania, after its state union with the Polish Kingdom, initially maintained a formal prohibition on the participation of the Orthodox elite in the exercise of power. For the first time, the followers of the Orthodox Church were barred from senior offices in the state under the 1400 privilege of Władysław Jagiełło (ca. 1351–1434)¹². Similarly, in the Union of Horodło of 1413, in the document item no. 10, the king made a pledge that the offices of voivode and Vilnius and Trakai castellan, modelled after their Polish equivalents, be filled only by Catholics, like other «life land tenures» (*terrare officia perpetua*)¹³. Indeed, the community that yielded the highest dignitaries was quite hermetic (through the combining of offices, just a few people held sway). At times, most prominent representatives of the lower strata of landed gentry in Lithuania, or local elite from the Ruthenian provinces of the Grand Duchy were permitted to state and court positions. In this way, in line with the policy of the Lithuanian elite in the Grand Duchy, Lithuanian boyars' and lords' influence was entrenched, while excluding from power the Ruthenian Orthodox, although they constituted a majority.

However, in Ruthenia within the Grand Duchy, knyaz districts existed and were hereditary principalities as late as in the 15th century¹⁴. The power of knyazs, mostly of the Orthodox persuasion, was of a sovereign nature. Most certainly, because of their origin, they were also the members of the hospodar council, which did not yet have clearly defined powers at that time. Of course, we mean the so-called «broad council.» Initially, hospodars used knyazs, who were gradually losing their sovereign principalities, for the interests of the state and placed them in land offices. As evidenced by L. Korczak, already under the rule of Vytautas, they were nominated viceroys in the so-called districts (annexed lands) devoid of sovereignty. Hence, the viceroy of Polotsk in 1409 was Ivan Semenowicz Baba Drucki, the viceroy of Kiev in the years 1422–1432 was Michał Ivanowicz Holszanski, and the viceroy of Vitebsk during the reign of Swidrygiello was Vasil Semenovich Krasny. Supported by Swidrygiello, knyazs filled court offices and collectively backed the ruler during the civil war¹⁵. With the increasing domination of hospodars in individual lands, the knyazs' influence was lessened and they were substituted with governors (starosts) appointed by the hospodar and directly dependent on him. They were equated with other strata affected by the privilege. Anyhow, Casimir the Jagiellonian (1427–1492) entrusted them with the main offices. Around 1486, Knyaz Alexander Yuryevich Holszanski was appointed governor of Grodno; he later became a Vilnius castellan. In 1485, Knyaz Ivan Yuryevich Zaslavsky was nominated governor of Vitebsk, and Knyaz Semen Yuryevich Holszanski starost of Lutsk; the latter was later promoted to the governor of Novgorod and hetman¹⁶. Even in the early 17th century, the princes

of Slutsk enjoyed a hereditary right to sit in the council¹⁷. During the reign of Sigismund the Old (1506–1548), they participated in the diet, which replaced the former «broad council».

In the mid-15th century, the representatives of the aristocratic Sapieha family Clan Lis made their way into the political career. The Sapiehas descended from the Ruthenian Orthodox boyars from the land of Smolensk. Several of them occupied prominent state offices¹⁸.

In the second half of the 15th century, the grand council was composed of the following Orthodox Ruthenians: Ivan Ilinicz, governor of Vitebsk, Smolensk and Bratslav, Jurasz Ivanovich, governor of Bratslav, voivode of Kiev, Ivashko Goycewych, governor of Vitebsk, Novgorod and Polotsk, Jerzy Semenowicz, knyaz of Halshany, Olelko Vlodimierovych, duke of Kiev, Alexander Soltan, hospodar marshal and governor of Novgorod and Stanko Sudywojowych, hospodar marshal and governor of Grodno¹⁹.

At the end of the 15th century and the beginning of the 16th century, despite the formally prohibited participation of the Orthodox in the ducal council, the number of Ruthenian lords sitting on the council increased. In 1501, the second son of Ivan Ilinych, Jerzy Ivanovitch Ilinych, became a Lithuanian marshal and the governor of Lida. In 1510 he assumed the office of Brest starost and in 1514 was nominated governor of Kaunas. Three years later he was appointed Lithuanian court marshal²⁰. For a short period in 1500, Michal Ostrogski became the starost of Lutsk and governor of Volhynia; he was a brother of Knyaz Konstantin Ivanovich Ostrogski. His death in 1501 interrupted his official career²¹. In the period between 1493 and 1510, despite the legal ban, Duke Alexander Yurevich Holszanski occupied the office of Vilnius castellan²².

In the late 15th and early 16th century, the best example of an illustrious political career of an Orthodox aristocrat was that of Duke Konstantin Ivanovych Ostrogski, the younger brother of Michal Ostrogski. In 1497 Alexander offered him the newly created office of the grand hetman of Lithuania, that is, the commander-in-chief of the Lithuanian military²³. In the same year, he became the governor (starost) of Braslav, Vinnitsia and Zwinograd, and in 1507, also of Lutsk. Also from 1507, he was the marshal of the land of Volhynia. The duke gained recognition as a victorious commander in many battles against the Tartars and Moscow. His most eulogized victory was that of Orsha in 1514. His military achievements elevated him, as the first Orthodox, to the top position in the hospodar council. This was accompanied by the bestowal of land property. Even before 1500, Alexander the Jagiellonian offered him ten privileges for property in southern Ruthenia along with tax concessions. In the subsequent years, he obtained further land (as far as in the Trakai province)²⁴. During the reign of Sigismund I the Old, «the deserved captain and the winner from Orsha» was the castellan of Vilnius in the years 1510–1522; after that, with much confidence placed in him by the ruler, he received the office of voivode of Trakai (1522). The monarch indeed made a reservation that the nomination of the Orthodox Ruthenian to this office was exceptional; still it was the first time when the existing ban was compromised; what is more, after some changes in the existing hierarchy, the knyaz took the leading position in the ducal council. This caused some resistance of other lords, so the king issued an extraordinary privilege which stipulated that in the future the ruler would fill top offices only with Lithuanian Catholics. Close contacts with the monarch meant that Knyaz Konstantin often stayed in Krakow, exposed to the Latin culture; but despite its undoubted allure, he was chiefly Ruthenian and played a prominent role among the Orthodox (e.g. he had a decisive voice in the staffing of key church offices in the Archdiocese of Kiev)²⁵.

Ostrogski's nomination aroused much controversy because speaking of the highest offices King Sigismund I the Old, in the document issued at the diet in Grodno on 25 March 1522, made a pledge to: «ejusmodi dignitates atque officia cuicunque Ruteno dare aut conferre absque consilio majorum consiliariorum nostrorum, sed duntaxat Lithuano, catholice et romane fidei eodem dignitates conferri debent...»²⁶ At the diet in Vilnius on 18 October 1529, due to the acknowledgement of Sigismund Augustus as the Grand Duke, the ruler upheld the Catholic precedence to the offices in Vilnius, Trakai and land perpetual offices. Besides, he also banned the Orthodox from entering the grand ducal council and extended these restrictions on the court offices. The relevant document reads: «Quae quidem dignitates: palatinatus, castellanatus necnon officia perpetua terrestria et curiae nostrae non conferantur a nobis et successoribus nostris nisi catholicae fidei culturibus et romanae ecclesiae subiectis (...) et ad consilia nostra, dum pro bono reipublicae tractantur, non admittantur nisi ipsi catholici et indigenae m. ducatus huius, quia saepe disparitas cultus et diuersitas nationum diuersitatem induci animorum et consilia patent talibus credita, quae traduntur secrete observanda»²⁷.» These provisions resulted primarily from the pressure of magnates from the Lithuanian ethnic lands; they wished to maintain the highest offices in the Grand Duchy of Lithuania²⁸.

This was not entirely successful as the Orthodox still occupied different offices – and even the top ones. A good example is the Chodkiewicz family. From 1501 Alexander Ivanovich Chodkiewicz (1457–1549) was the governor of Pusk; in the years 1505–1509, hospodar marshal, from 1530, governor of Knyszyn and then voivode of Novogradok in the years 1544–1549. Likewise, his son Gregory (Hrehory) Chodkiewicz (ca. 1500–1572 or 1573) was of the Orthodox persuasion but held several important functions. In the years 1544–1559, he was a Lithuanian land official, then governor of Vitebsk (from 1554), voivode of Kiev (from 1555), castellan of Trakai (from 1559). For his merit in the war with Moscow, King Sigismund Augustus (1530–1572) appointed him castellan of Vilnius (from 1564), Lithuanian field hetman (from 1561) and, finally, grand hetman of Lithuania (from 1566)²⁹. As a follower of the Eastern rite, he fostered the development of the Orthodox Church. In the years 1544–1561, Hieronym Chodkiewicz was the castellan of Trakai³⁰. At the same time, also other representatives of the Orthodox community occupied various offices. In 1551, the governor of Novogradok was Alexander Ivanovych Polubinski. The same office was held by Ivan Hornostaj between 1551 and 1558. In years 1558–1569, the voivode of Podlasia was Vassily Tyszkiewicz³¹.

Probably during the first half of the 16th century, a specific type of Ruthenian nobility emerged referred to as «*gente Ruthenus natione Polonus*», that is, Ruthenian by birth and Pole by nationality; this phrase was coined by Stanisław Orzechowski, an outstanding writer of the time; he lived near Przemyśl and was a recognized spokesman for the noble «golden liberty»; all his life, he fought for full equality of the Orthodox³². This became possible thanks to the empowerment of the Ruthenian nobility. As pointed out by N. Jakowenko, «through the participation in the diet life, an average nobleman, even if he only had one electoral vote, became involved in the political thought, in the discussing of the problems of the state, politics and law. This helped combine the awareness of Ruthenian descent with a sense of belonging to the Polish political nation³³.»

The final acts formally limiting access to offices were documents dated 1547 and 1551, which upheld the provisions of the Union of Horodlo³⁴. In the document of 1547, the king undertook on his own and of his successors' behalf to nominate only Catholics to all ranks, voivodeships, castellanies, «life land tenures,» as well as court positions. In addition, only Catholics were to be admitted to the grand ducal council³⁵. Similarly, in the document from 1551, the rules on his own and his successors' behalf pledged himself to refuse the followers of the Orthodox Church ranks and offices or membership in the grand ducal council³⁶. However, on 7 June 1563, according to the view formulated in 1564 that «the differences among us [i.e. Lithuanians and Poles] be levelled, and everything that might impede this sacred and needed thing should be knocked out of the way³⁷,» the king abolished all prior restrictions (in fact, not observed previously). The privilege states that, «ot toho czasu nie tylko tyje panowie szlachta i bojary albo potomkowie ich wsich ziemi naszich toho sieho państwa naszoho darowania priwiljew i nadania wsich woinostiej i praw ziemskich uŷywati i s nich sia weseliti majut, kotoryje sut' poddani Kostieiu rymському i kotorych tei prodkowie klejnoty i herby w Korunie Polskoj przyjmowali, ale tei i wsi insze stanu rycerskoho i szlachetskoho jak litowskoho tak i ruskoho narodu, odnoŷy byli wiery chrestianskoje...» Similarly, «all of the knights of the noble status of Christian faith» were able to apply for any office, rank and membership in the grand ducal council. Since then, «no knight or nobleman of Christian belief» could not be refused the exercise of these rights³⁸. The ruler saw this as a step towards the union, of which he was an ardent and active proponent. For these reasons, the privilege of 1563, was confirmed and broadened (by listing the Ruthenian knyazs next to the nobility) on 1 July 1568 in Horodlo and at the diet in Grodno, preparing the foundation for the union, and in the very act of the Union of Lublin in 1569³⁹. The privilege of Horodlo reads: «tyje artykuŷy dwa w pierwszom priwilju naszom porownanyje, tak mieti choczem i zostawujem, a objasniam jawnie i znacznie sim listom i priwiljem naszym tomu pierwszomu wilen-skimu niczoho nie ubliŷajucz, odnoŷy szto tam w tom priwilju opisan panom szlachtie obojeho zakonu i wiery chrestianskoje rymського zakonu Litwie, a hreczeskoho Rusi, a kniaziej w onom priwilju nie naznaczono i nie postanowieno, ani o nich tam zmienki nie wczinieno, kotorych prodkowie i oni sami wsie to czynili, szto wyszej o narodzie tom siawnom Welikoho Kniazstwa acz dwojeho zakonu chrestianskoho ludiej ale odnoŷy i odnakoho narodu opisano i pomienieno⁴⁰.» The king explained the rationale of his action in 1568 as follows: «tot to narod ruskij do takowoho spoinoho ziuczenia, y braterstwa unii chutliwi i hotowi sut i odnak zo wsimi to jest pospoi z bratieju Litwoju toho poiedajut i tomu sia majut i choczut mieti⁴¹.»

When deciding on lifting the restrictions, the ruler probably wanted to ensure that all gained full equality of political rights. For during that time, many offices in Lithuania and Poland were held by Protestants, thus any limitations in this regard affecting the followers of the much older Eastern Church were perceived as anachronistic. J. Bardach claims that from the mid-16th century on, the issue of religion ceased to play an important role, as the magnates of Lithuania proper were no longer exclusive representatives of Catholicism but also of Calvinism which was gaining in importance. At the same time, the Reformation fell to the fertile ground among some Ruthenian families, which brought them together with the Lithuanian lords in a religious solidarity⁴². In his opinion, the Lithuanian lords renounced this privilege also because, considering the approaching union, they intended to win the support of the Ruthenian magnates and gentry (Orthodox) to counter the annexation inclinations of the Crown in relation to Volhynia and Podlasia⁴³. The king's decision was a reward for the Ruthenians who had shown complete loyalty and fidelity during the armed conflict with Moscow; the king also wanted to obtain further support on the issue⁴⁴. The ruler also had to take account of the attitude of the nobility. At the beginning of the 16th century, when the nobility began the struggle for power and actually reached for it through the adoption of the *Nihil Novi* Constitution, ensuring their participation in the legislative power exercised by the parliamentary deputies elected by the local assemblies (diets), they proved that religious differences were of minor importance for them. To defend against the king and senators, they relied on solidarity and not religion, which led to an unprecedented religious toleration in Europe. Suffice it to say that the leader of the gentry's executive movement and Speaker of the Sejm at the time of Sigismund Augustus, Mikołaj Sienicki, was born in the Orthodox family and turned Protestant⁴⁵. The final equality of the Orthodox lords and nobility also followed from the many manifestations of the ruler's endorsement of the Eastern Church, when he appeared as a guardian of rights and property of the Orthodox Church⁴⁶.

Upon the annexation of Halych Ruthenia to the Polish Kingdom, some concerns were raised whether the new elite would be loyal to the new homeland. A similar controversy accompanied the inclusion of the Ruthenian lands to the Grand Duchy of Lithuania. It should be noted, however, that both the elite and the general Orthodox public remained loyal towards the two states, and then from 1569 to the Polish-Lithuanian Commonwealth, despite some limitations placed on them. Such a condition continued until the mid-17th century. It resulted from the deepening ties and attachment to the new countries as if they had been their own. Although in the initial period, the Ruthenian nobility of the Orthodox persuasion did not enjoy the same rights as Catholics, still these restrictions were gradually reduced, and the Orthodox religion only in exceptional cases prevented from holding a public office. When in the

mid-16th century all the restrictions were lifted, the Republic became a common state of the Polish, Lithuanian and Ruthenian gentry. In the Crown, only Poles pursued political careers. On the other hand, in the Grand Duchy of Lithuania, top offices were held by Lithuanian lords and Ruthenians were seldom high in the official hierarchy⁴⁷; yet, they occupied positions in the broad hospodar council because of being viceroys in the Ruthenian provinces and starosts and governors of extensive districts. The policy of filling offices changed substantially during the reign of Sigismund III Vasa (1587–1632). Having no respect for religious toleration, the ruler strongly favoured Catholics.

¹ Wolff J. *Senatorowie i dygnitarze Wielkiego Księstwa Litewskiego 1386–1795*, Kraków 1885. The author shares the results of his research also in *Kniaziowie litewsko-ruscy od końca XIV wieku*, Warszawa 1895.

² Ptaszycki, S. *Dostojnicy litewscy. Rozbiór krytyczny i uzupełnienie dzieła Józefa Wolffa «Senatorowie i dygnitarze Wielkiego Księstwa Litewskiego (1388–1795)»*, Kraków 1885, Warszawa 1886 (the author mistakenly gives the date of 1388 instead of 1386 in the book title).

³ Radzimicki, Z. *Siowo o namiestnikach rusko-litewskich i marszałkach ziemi wojewskiej*, Kraków 1885.

⁴ Casimir the Great first conquered the land of Sanok (1344) and later (1349–1366) Halych, Brest, Vladimir and Kremenets. Cf. Drabina, J. *Religia na ziemiach Polski i Litwy w średniowieczu*, Kraków 1989, p. 85.

⁵ Tazbir, J. *Tradycje tolerancji religijnej w Polsce*, Warszawa 1980, p. 12.

⁶ The author is not handling the yet unresolved matter of succession of offices in Poland.

⁷ Theiner, A. *Vetera Monumenta Poloniae et Lithuaniae*, vol. 1: 1217–1409, Romae 1860, p. 628.

⁸ See indexes in: *Akta grodzkie i ziemskie z czasów Rzeczypospolitej Polskiej z archiwum tak zwanego bernardzkiego we Lwowie*, vol. 13 and 17, Lwów 1888–1901; Hruszewskij, M. *Istoria Ukrainy-Rusy*, vol. 6, Kyjiv-Lwów 1907, p. 237.

⁹ Pyżewski, J. «Rola Kościoła na pograniczu etnicznym polsko-ruskim,» In *Wiadze państwowe a związki wyznaniowe w Polsce XVI–XX wieku*, Warszawa 1968, p. 43.

¹⁰ According to A. Janeczek, the shortage of nobility in the land of Belz resulted from the anti-boyar policy of Siemowit IV, Duke of Mazovia, who owned the land of Belz; he deprived the Ruthenian boyars of land and bestowed it on the newcomers from Mazovia. However, the annexation in 1462 of the land of Belz to the Crown renewed contacts with Ruthenia and in the years 1570–1580 the families of Ruthenian origin in the Belz province accounted for 15 percent of the nobility, cf. Janeczek, A. *Osadnictwo pogranicza polsko-ruskiego. Województwo bełskie od schyłku XIV do początku XVII w.*, Wrocław-Warszawa-Kraków 1991, pp. 73–80, 124.

¹¹ *Ibidem*, p. 76.

¹² *Volumina legum* (hereinafter VL), vol. 1, 1st ed., Ohryzko, I., Petersburg 1859, pp. 27–29.

¹³ «Unia horodelska z 1413 r.,» In *Akta unii Polski z Litwą (1385–1791)*, Kutrzeba, S., Semkowicz, W., eds., Kraków 51 (1932), pp. 60–72; cf. also Biednow, W. *Prawosławna Cerkiew w Polsce i Litwie (po Volumina Legum)*, Jekatierinosław 1908, p. 25. The limitations imposed by the Horodlo Privilege on the Orthodox nobility, except for the top offices, were abolished by the Trakai Privilege of Grand Duke Sigismund Kestutaitis on 6 May 1434 (*Codex epistolae saeculi decimi quinti*, Sokołowski, A., Szujski, J., Lewicki, A., eds., vol. 3, Kraków 22 (1894)). The translation of the privilege act into Polish is available in: Czermak, W. «Sprawa rywnouprawnienia schizmatyków i katolików na Litwie (1432–1563),» *Rozprawy Akademii Umiejętności. Wydział Historyczno-Filozoficzny. Seria II* 19 (44) (1903), pp. 374–376.

¹⁴ Of particular importance in Ruthenia was the Duchy of Kiev, seized by the Grand Duchy of Lithuania in the mid-14th century. In 1438, i.e. after the defeat of Swidrygiello in Ruthenia, it became a sovereign principality in the hands of the Orthodox Olelkovich family: Alexander-Olelka and since 1454, Semen. Semen ruled as the life governor of the Grand Duke, hence some incline to support the opinion that the Duchy of Kiev lost its sovereign character already in 1454, cf. Korczak, L. *Litewska Rada Wielkksiążka w XV wieku*, Kraków 1998, p. 32. However, Semen understood his function differently and kept naming himself «the prince of the Grand Duchy of Kiev.» At the same time, he was the opponent of Casimir the Jagiellonian and was proposed by the anti-Jagiellonian opposition to take over the grand ducal throne. In order to strengthen his position, he sought an agreement with Moscow, backed the rights of the Metropolitan of Moscow to control the Orthodox Church in Ruthenia, and in 1460 he acknowledged the Grand Duke of Moscow as the head of the Orthodox Ruthenia. After Semen's death in 1470, Casimir the Jagiellonian removed Michal Olelkovich aspiring to take power in Kiev and in 1471 created in the land of Kiev the third voivodeship in the Grand Duchy of Lithuania after Vilnius and Trakai (Urządnicy województw kijowskiego i czernihowskiego XV–XVIII wieku. *Spisy*, Janas E., Kiaczewski, W., eds., Kyrnik 2002, pp. 5–6). Michal Olelkovich, then one of the leaders of the Lithuanian Orthodoxy, moved to the opposition. His goal was to overthrow the Jagiellonians and come to the grand ducal throne.

¹⁵ Korczak, L., *opt. cit.*, pp. 34–35.

¹⁶ *Ibidem*, p. 35.

¹⁷ *Ibidem*, p. 33.

¹⁸ Cf. Michalewiczowa, M. «Sapieha Bohdan,» In *Polski siownik biograficzny* (hereinafter PSB), vol. 24, Wrocław-Warszawa-Kraków 1992–1993, pp. 591–593; Michalewiczowa, M. «Dwan Sapieha (zm. 1517),» In PSB, vol. 24, pp. 613–618; Lulewicz, H. «Paweł Sapieha na Kłodniu (zm. 1579),» In PSB, vol. 25, Warszawa-Kraków 1994, pp. 128–131; Lulewicz, H. «Paweł Sapieha,» In PSB, vol. 25, pp. 131–133; Lulewicz, H. «Bohdan Sapieha h. Lis,» In PSB, vol. 24, pp. 593–594; Lulewicz, H. «Sapieha Bohdan na Bojkach h. Lis,» In PSB, vol. 24, pp. 594–596.

¹⁹ Korczak, L. *opt. cit.*, pp. 50, 80–81, 84–86, 94, 98, 100; Mironowicz, A. *opt. cit.*, p. 196.

²⁰ Boniecki, A. *Poczet rodów*, Warszawa 1883, p. 97; Mironowicz, A. *Podlaskie ośrodki i organizacje prawosławne w XVI i XVII wieku*, Białystok 1991, p. 98, note 130.

²¹ Wolff, J. *Kniaziowie*, p. 346; Pietkiewicz, K. *Wielkie Księstwo Litewskie pod rządami Aleksandra Jagiellończyka*, Poznań 1995, p. 100.

²² *Urządnicy centralni i dostojnicy Wielkiego Księstwa Litewskiego XIV–XVIII wieku*, Lulewicz, H., Rachuba, A., eds., Kyrnik 1994; Mironowicz, A. *Kości i prawosławie w państwie Piastów*, pp. 215–216.

²³ Wolff, J. *Senatorowie*, p. 448.

²⁴ Pietkiewicz, K. *opt. cit.*, pp. 129, 136; Kempa, T. *Konstanty Wasyl Ostrogski (ok. 1524/1525–1608) wojewoda kijowski i marszałek ziemi wojewskiej*, Toruń 1997, pp. 16–18.

²⁵ Wojtkowiak, Z. «Ostrogski Konstanty.» In PSB, vol. 24, p. 487; Kempa, T. opt. cit., p. 19. For example, in 1507, King Sigismund I the Old gave him the right to nominate the superior in the monastery of the Holy Trinity in Vilnius, cf. Mironowicz, A. *Kościyi prawosiawny w państwie Piastów*, p. 224.

²⁶ *Acta Tomiciana per Stanislaum Gorski, can. Cracovien. et Plocensem*, t. 6, Posnaniae 36 (1857), pp. 43-44.

²⁷ *Archiwum Komisji Historycznej*, vol. 7, Kraków 1900, pp. 280-281.

²⁸ According to A. Japieski, the privilege of 1529 and likewise the document from 1522 were intended against all non-citizens of the Grand Duchy of Lithuania, regardless of denomination, and not only against the Orthodox, cf. Japieski, A. *Zygmunt Stary a Kościyi prawosiawny*, Warszawa 1937, p. 163. W. Czermak supports another view; he claims that the privilege of 1529 did not prevent all Ruthenians from holding offices, but only the Ruthenian schismatics, cf. Czermak, W. opt. cit. p. 392.

²⁹ The Chodkiewicz's case deserves special attention: Hetman Hrehory remained Orthodox; his brother Hieronym converted to Calvinism and had a son named John (1537-1579) who was appointed grand marshal at the age of thirty. The proliferation of sects discouraged him to turn Protestant and at the diet in 1572 he publicly converted to Catholicism, cf. Jobert, A. *Od Lutra do Mohyi*. Polska wobec kryzysu chrześcijaństwa 1517-1648, Skkowska, E. (Transl.), Warszawa 1994, p. 106.

³⁰ Mironowicz, A. *Kościyi prawosiawny w państwie Piastów*, pp. 215-216.

³¹ Chodyncki, K. «Geneza rywnouprawienia schyzmatykyw w Wielkim Ks. Litewskim. Stosunek Zygmunta Augusta do wyznania grecko-wschodniego.» *Przegląd Historyczny* 22 (1919-1920), p. 135.

³² Orzechowski's mother, Jadwiga Baraniecka, was the daughter of an Orthodox priest. His father, also Stanisław, was a Polish Roman Catholic nobleman. On the subject of Stanisław Orzechowski's literary activity, see: Starnawski, J. «Wstępy.» In Orzechowski, S. *Wybrany pism*, Starnawski, J., ed., Wrocław 1972; Starnawski, J. «Stanisław Orzechowski w sądach współczesnych i potomnych.» In *Z dziejów kultury i literatury ziemi przemyskiej*, vol. 2, Przemyśl 1973, pp. 11-21; Kosmanowa, B. «Stanisław Orzechowski (1513-1566) jako polemista religijny.» *Euhemer. Przegląd Religioznawczy* 4 (1975), pp. 21-33.

³³ Jakowenko, N. *Historia Ukrainy od czasów najdawniejszych do końca XVIII wieku*, Hnatiuk, O., Kotycska, K. (Transl.), Lublin 2000, pp. 112-113. According to M. Hruszewski, this process already occurred during the 15th century. This is how the author justifies it: «The community of class interests and the desire for equality not only de jure, but in reality with the privileged Polish lords, all comforts and honours formerly reserved to the Polish nobility and magnates, the influence of noble culture and the Catholic element, which was developing here and flooded more and more Ukrainian lands, and finally – mixed marriages with Poles and vice versa – all these factors and influences...were quick and effective.» (Hruszewski, M. opt. cit., vol. 6, p. 238)

³⁴ According to K. Chodyncki, these acts applied to all originating from outside the Grand Duchy of Lithuania proper, regardless of denomination, cf. Chodyncki, K. opt. cit., pp. 110-113.

³⁵ *Archiwum Komisji Prawniczej*, vol. 7, p. 290.

³⁶ *Ibidem*, p. 297.

³⁷ «Zygmunt August krył polski i wielki ksiązk litewski na sejmie w Warszawie 13 marca 1564 r. odstępuje sukcesję na Wielkie Księstwo Litewskie Koronie Polskiej.» In *Akta unii Polski z Litwą*, 90, pp. 179-180, (quot. p. 180).

³⁸ *Monumenta Reformationis Polonicae et Lithuanicae*, series I, 1, Wilno 1925, pp. 14-19, (quot. pp. 16-17).

³⁹ Bardach, J. «Unia lubelska, jej geneza i znaczenie.» In *Pamiętnik X Powszechnego Zjazdu Historyków Polskich w Lublinie w 1969 r.*, vol. 3, Warszawa 1971, p. 399; Chodyncki, K. opt. cit., pp. 101-131.

⁴⁰ *Monumenta Reformationis Polonicae et Lithuanicae*, pp. 20-28, (quot. p. 24).

⁴¹ *Ibidem*, p. 27.

⁴² Bardach, J. *Studia z ustroju i prawa Wielkiego Księstwa Litewskiego*. XIV-XVIII w., Warszawa 1970, p. 50.

⁴³ *Ibidem*.

⁴⁴ Halecki, O. *Od unii florenckiej do unii brzeskiej*, Niklewicz, A. (Transl.), vol. 1, Lublin 1997, pp. 222-223; Piotrowicz, W. *Unia i dziedzina kościelna w Polsce*, Wilno 1933, p. 12.

⁴⁵ Grzybowski, S. «Mikołaj Sienicki. Demostenes sejmów polskich.» *Odrodzenie i Reformacja w Polsce* 2 (1957), pp. 91-132.

⁴⁶ Chodyncki, K. opt. cit., pp. 80-93.

⁴⁷ The political role of Ruthenian senators, however, was much more significant than their number. The Orthodox Lithuanian-Ruthenian dignitaries were accountable for the creation and implementation of the Eastern policy of the Republic.

Резюме

Стаття присвячена впливу та ролі православних еліт у державницьких процесах 15–16 століть на теренах Польщі та України. Автор аналізує вплив співпраці православного та католицького нобілітету на формування права та держави.

Ключові слова: Республіка *bene ordinata*, православна еліта, державотворчі процеси 15–16 століття.

Резюме

Статья посвящена влиянию и роли православных элит на государственные процессы 15–16 столетий на территории Польши и Украины. Автор анализирует влияние сотрудничества православного и католического нобилитета на формирование права и государства.

Ключевые слова: Республіка *bene ordinate*, православная элита, государственные процессы 15–16 веков.

Summary

The article discusses the problem of filling offices by the officials of the Orthodox persuasion in the 15th and 16th century Republic. The Orthodox nobility had been able to sit in offices until the ascension of King Sigismund III Vasa to the throne in 1587; the ruler showed little respect for religious toleration and strongly favoured Catholics in his nominations.

Key words: *Respublica bene ordinate*, Orthodox nobility, Catholic nobility, formation state processes.

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