Variety of Legal Spaces in Ruthenian Lands of Poland-Lithuania during Medieval and Early Modern Times

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via Zoom

Agnieszka Bartoszewicz (Warsaw)

The Legal Culture of Peasants. A Case Study of the Futoma Bench Court (The Second Half of the Fifteenth and the First Half of the Sixteenth Centuries).

This contribution aims to study the legal culture of peasants living in the Ruthenian territory of the Polish Kingdom in the second half of the fifteenth and first half of the sixteenth centuries, and, in particular, the practises of judicial jurisdiction in rural courts. The records of the bench courts in Futoma (150 km west of Lviv) provide a wealth of information for this study. There are about 300 records from the second half of the 15th century (since 1446) and several dozens from the first decades of the 16th century. They were written at the court meetings by various scribes, mostly the priests of the local church or sometimes the educated inhabitants of the village (e.g. miller or innkeeper). The records contain information on financial transactions, as well as notes on various conflicts, and the act of the last will and pious bequests. The source material allows us to study the "legal everyday" of the village of Futoma and to raise important questions about the legal culture of peasants. The basic question is which role the court in the lives of the inhabitants and who participated in its activities. How often did the bench meet and what procedures were followed? Is it possible to accept the rules of German law by village offices and clients of the bench court? What role did writing and written evidence play? Other issues raised in the paper will be discussed as factors affecting the legal space of the village. In the case of Futoma, the role of the nobles, the local priests and the relations between peasants and the inhabitants of the neighbouring towns and villages must be taken into account. Is the influence of the Ruthenian law distinguished? Did Futoma peasants have legal contact with the inhabitants of the villages governed by the Ruthenian Law or Wallachian Law? The answer to this question not only presents the legal culture of a village, but also enables the legal pluralism of the Ruthenian lands in the Polish Kingdom more widely.

Jürgen Heyde (Leipzig).

Negotiating Legals Spaces. The Armenian Statute in 16th century L'viv

The "Armenian Statute" presented by the Armenian community of Lviv and approved by King Zygmunt of Poland in 1519 was based on earlier Armenian codifications, of which the Datastanagirk of Mxitar Goš (1184) is most frequently mentioned. Its text encompassed civil as well as religious laws that were however severely altered to match local conditions. Apart from legal aspects it contained also passages referring to Armenian history. Together they served as markers for drawing cultural boundaries against the non-Armenian environment.

The history of the Statute had its origin in the attempts of the Armenian Elders of Lviv to counter the marginalization of Armenians in the town by the Burgher community and the decline of Armenian communal structures with a new ethnoreligious narrative of community.

In the first part the paper explains the background of the conflict about Armenian self-government and Magdeburg law in Lviv at the turn of the 15th and 16th centuries. The main part presents the links between the Armenian statute, the Datastanagirk, and Magdeburg Law and discusses three selected elements of the Statute: the introduction, the paragraphs on social order and on criminal law as constituents of an Armenian ethnic narrative. It highlights elements of identity building maneuvering between integration into Polish society and the demarcation of difference towards their non-Armenian surroundings.

Leslie Carr-Riegel (Münster/Budapest)

Monetary Unity and Plurality in Ruthenia (1340-1600)

This paper proposes to discuss the various currencies circulating in the region of Ruthenia from (1340-1600) from the conquests of Casimir the Great in the region, to the period just after the Union of Lublin in 1586. This time-frame marks the transition when Ruthenia was incorporated into the burgeoning Poland Lithuania. The paper proposes to analyze the use of currencies and the establishment of monetary unions as a measure of political and legal integration within the Kingdom of Poland and later the Commonwealth of Poland-Lithuania. Placed as it was, at a critical juncture between Central Europe and the Black Sea, Ruthenia stood as an important trading hub

and received influences from all sides. Included in this mix was it's currency. Not home itself to prominent precious metal mines, Ruthenia was dependent upon outside sources for its coinage. During the Late Medieval period, Mongol silver sommi, Tartar dirham (yarmark), Prague groschen, Hungarian golden florins, and Ottoman akçe, all circulated simultaneously. This plurality of coinages in circulation complicated tabulation and exchange and raised transaction costs.

With the regions incorporation into the Kingdom of Poland however, a concerted effort was made to integrate Ruthenian currency with that of the rest of the kingdom. This policy of adjustment would continue to hold true for other parts of the eventual Polish-Lithuanian Commonwealth but a united common currency was achieved only in 1569. Until then, the constitute parts of the Commonwealth, Mazovia, Prussia, Lithuania, Poland, and Ruthenia failed to share a common coin. In Ruthenia, this bid for an ever closer union of currency is notable. Between the 1340s and 1600 various ways and means were used to unify Ruthenian currency as a means to better amalgamate and economically fortify the region. The ebb and flow of this effort helps track the plurality of political influences in the region and the success or lack thereof, in bringing Ruthenia into the Polish-Lithuanian fold can provide a fruitful measure by which to evaluate the success of this policy and the varied interests of players at the time.

Magdė Vosyliūtė (Leuven)

Defining the Legal Market Space in the Grand Duchy of Lithuania 1588-1795: the Case Study of the Duchy of Samogitia

The early modern market space and its legal framework in the Grand Duchy of Lithuania is a largely unexplored topic. The markets in cities and towns were instrumental in the economic history of the Grand Duchy of Lithuania since the enactment of the Third Lithuanian Statute in 1588, which designated urban spaces as dedicated trade spaces (*Chapter 14, Article 8*). This legal framework, coupled with the market privileges bestowed upon cities and towns, has given rise to a historical problem in scholarly tradition, as it predominantly associates market activities with legal urban spaces. However, it should be noted that rural trade did not cease to exist following its prohibition in 1588; instead, it persisted as a part of the informal economy. Hence, a reevaluation

of the market space within the GDL has the potential to broaden our understanding of feudal spatial stratification in historical discourse and reexamine prevailing assumptions regarding the participation of various social groups in the market.

The legal relationship between the urban market space and illegal trade is visible through various urban privileges and other documents. Because urban privileges, like Magdeburg Rights, had distinct legal and spatial limits, a jurisdictional predicament emerged regarding which entity possessed actual control over the countryside—whether it was the state, the towns, or the landed nobility. This problem also questions the historiographic explanation of the underdevelopment of cities and towns, being the fault of the self-interested, profit-seeking nobles that opposed strong cities. Regrettably, these discussions seldom grant agency to the urban communities, which, if given consideration, would challenge their role in shaping excessively protectionist policies and fostering inhospitable environments for attracting trade.

The Duchy of Samogitia, with its dense urban network, serves as a case study for this problem. The region attracted many merchants from the Baltic ports, who in sources appear to have been recalcitrant of the urban economic laws, trading directly with Samogitian peasants. Consequently, legal disputes over market space and the problematic enforcement thereof became commonplace, evident in urban privileges and other urban and manorial documents. Through their analysis, one can explore the complicated legal world of trade and how the market space was perceived by the different social groups. This paper reconsiders the spatial and legal limits of the market space in the early modern Grand Duchy of Lithuania.

Olha Hul (Lviv)

Legal pluralism and the jurisdictional conflicts in Lviv in the 16th century

Due to the privilege given to Lviv by Casimir the Great in 1356 the burghers were liberated from the jurisdiction of royal law-courts and officials, the judicial authority of town alderman (wójt, advocatus) was stated and the lands were granted to the city. Except this, the Magdeburg law privilege brought the first evidence of the legal segregation within the community: it was granted to all inhabitants of the town, even to non-Catholics, or, as the document listed them, “other people living in that town, namely Armenians, Jews, Saracens and Ruthenians”. The

communities had a choice to subordinate fully to the legal jurisdiction of the municipal institution and town alderman who acted due to the German law or to decide any cases in their own court according to the rights of their community heading by the alderman. This proves that already then the town population was far from being homogeneous. the city residents were rather different from each other.

Catholic community adopted a model of self-government generally known as "German Law" – with a judge (Latin *advocatus*, German *Vogt*, Polish *wójt*) who presided at the law court ordinarily consisting of 6 to 12 jurymen (Latin *seniores, scabini*). Armenian judicial autonomy was based on the activities of the secular Armenian court, which consisted of Armenian seniors (*seniores*) under the chairmanship of the city alderman. They operated in accordance with the Codex of Armenian Law composed by Mkhitar Gosh. In addition, the so-called Armenian Spiritual Court of the archbishopric jurisdiction of the Lviv Armenian nation"). It consisted of 2 clergy and 4 secular members (Armenian elders).

A Jewish judicial autonomy based on activity of a Jewish court and a Jewish judge who was elected by Ruthenian voivode as a king's governor (this person always was Cristian). Cases in which a Jew sued a Jew were within jurisdiction of a qahal court, cases in which a Christian sued a Jew were within jurisdiction of a voivode court. If a Jew sued a Christian, cases depended on an origin of this person – if he was a burgher, it was within jurisdiction of a city court (ława), if a nobleman – of a borought court, an Armenian – of a court of Armenian elders. A district governor (*starosta*) was responsible for court cases involving Jews living in suburbs. The royal court was an institution to which Jews addressed their appeals against decisions of other authorities. Unlike Armenian and Jewish communities which had their own judicial autonomy, Ruthenians didn't create their own judicial structures, which they could establish according to the privilege of 1356.

From the beginning of the sixteenth century these communities were trying to take over the full power in the city; and it was the main cause of social conflicts in the municipality.

Alexandr Osipian (Leipzig)

Facilitating international trade and legal pluralism: Armenian law courts in late medieval and early modern Poland-Lithuania.

This paper examines the uses of justice by Armenian merchants – Polish, Ottoman and Persian subjects – doing their trade in Poland-Lithuania. It explores the issue of how these merchants experienced and used various legal infrastructures in Poland-Lithuania and influenced the legal practices of Armenian law courts there.

Foreign settlers – Armenians, Germans, Jews, Karaites, and Vlachs – were granted legal autonomy by the Polish kings in the late Middle Ages and by the powerful noblemen in their private towns in 16th-17th centuries. Armenian communities emerged in Ruthenian lands of Poland-Lithuania in fourteenth century and adopted themselves to a legal model known as "German Law" or "Magdeburg Law" (Magdeburger Recht) – with judge (advocatus, Vogt, wójt) who presided at the law court ordinarily consisting of 6 to 12 jurymen (seniores, scabini). At the same time, Armenian courts in Poland operated in accordance with the Codex of Armenian Law (Datastanagirk) composed in the twelfth-century Armenia. Its Latin translation – "Statuta iuris armenici" – was confirmed with some changes by the Polish king in 1519.

After abdication of the office of Armenian wójt in Lviv in 1469, most of the civil cases between the local (Armeni domestici) and foreign (Armeni forensi) – mainly Persian and Ottoman – Armenian merchants were considered in the city court which operated in accordance with "German Law." On the other hand, the foreign Armenians used another possible option – the Armenian consistory court in Lviv/Lemberg which was composed of Armenian clergymen and laymen, and presided by Armenian archbishop. Therefore, the Armenian consistory court, having no jurisdiction over the business cases of the foreign Armenians, was actually turned into their legal representative and appropriated the legal functions – translation and apostil or legal confirmation of the documents – it was never granted by the Polish kings. Thus, the Armenian consistory court acted as additional but unauthorized judicial mediator between foreign Armenians and the city jury of Lviv/Lemberg. The Armenian consistory court not only provided foreign Armenians with the authorized translation of the letters of attorney and letters of support, but also with legal support necessary to apply to the city jury. Actually, it could be considered as preliminary or introductory judicial instance which considered the claims of the foreign plaintiffs and established an authenticity of the submitted documents.

The Ottoman sultans granted the exterritorial jurisdiction to the Polish Armenian caravans in the Ottoman domains. Armenian caravanbashi – a headman of caravan – represented caravan in the negotiations with local authorities. He also executed functions of the judge during the trip.

Jan Jerzy Sowa (Warsaw).

Soldiers and civilians between military and civilian justice in Red Ruthenia and Volhynia in the second half of the 17th century.

The military in the early modern period largely functioned as a separate legal space (Rechtsraum according to Jan Willem Huntebrinker). This involved the existence of a separate military law (the so-called articles of war) as well as a separate military judiciary. Naturally, the civilian population did not always agree with the legal privilege of soldiers, and in many European countries special regulations were created regarding the trial of the mixed cases (between soldiers and civilians). In the early modern Polish-Lithuanian Commonwealth since the turn of the 16th and 17th century such regulations concerned primarily the so-called sprawy ukrzywdzonych (causae iniuriatorum, 'cases of the injured') – civilians injured by the army. The subject of my paper will be everyday court practice in cases of wronged people

in Red Ruthenia and Volhynia in the second half of the 17th century. It was in those territories that most of the troops of the Polish Crown Army were stationed, and the Lithuanian Army often entered that area. My intention will be to show the strategies used by the participants

in the cases mentioned above. I would like to present how they used the multiplicity of different legal systems and jurisdictions to their own benefit, how the civil and military judiciary interpenetrated and complemented each other. It will also be important to present the social background of the ongoing processes. The source basis for the paper are the preserved records of the military chancery of the Great Crown Hetman Stanisław Jabłonowski from the 1680s and 1690s, as well as court registers (księgi grodzkie and księgi ziemskie) from the area of Red Ruthenia and Volhynia from the same period (mainly registers from Kremenets, Lviv and Volodymyr).

Tetiana Hoshko (Lviv).

Changes in the legal ideas of the burghers on the Ruthenian lands of the Polish Crown under the influence of the ideas of Renaissance Humanism (the 15th - first half of the 17th century).

The middle and end of the 16th century was the heyday of humanism in the Polish lands. There was an atmosphere of discussions among intellectuals, which purpose was improving the church, law, state, public life, as well as the education of a person who would meet the ideals of a new era. At this time, such outstanding figures as Andrzej Modrzewski, Mikołaj Rej, Szymon Szymonowicz, Stanisław Orzechowski, and others wrote their works. Key centers spreading humanistic ideas in the Polish Kingdom at that time were Krakow and Gdańsk], as well as Kyiv, Lviv, Ostroh, Przemyśl, Zamość in the Ruthenian lands. One of the important areas that shape a person's mentality is the law within which the person lives. Legal literature greatly contributed to the formation and development of legal ideas. One of the areas disseminating humanistic ideas was law. The ideas of the Reformation changed the burghers' system of values and their perception of law, including town law.

We can trace the influence of the ideas of Humanism and the Reformation on pages of legal codes of 16th century. There were changes in the doctrine of charity, in the notions of good and evil, "honest and dishonest" professions, crimes and punishment, marriage, children, human age, language, the law as such, etc. The very fact of an attempt to systematize the town law in a language understood by the majority of the population is the evidence of the penetration of the ideas of Humanism into the lawyers' environment. The idea of the need for the new law was reflected in the poetry and literature of the time, for example, in the writings by Jan Dzwonowski or Mikołaj Rej.

However, medieval ideas still influenced the treatises by Groicki, Szczerbicz, and Kuszewicz. These were, for example, the idea of the divine nature of the law, the sacred significance of the oath, the separation of the secular and ecclesiastical power (the theory of two swords), the relationship between the soul and body, etc. This symbiosis of tradition and innovation, the ideas of the Middle Ages and early modern era was a distinctive feature of town law codes of the late 16th and early 17th centuries. This goes in line with the idea expressed by John Monfasani that the Renaissance can be considered as the concluding phase of the Middle Ages: "Viewing the Renaissance as the concluding phase of the Middle Ages does not deprive the Renaissance of its own rich complexity as a period. Rather, the Middle Ages that culminate in the Renaissance gives a fresh impulse to reconceptualizing the Middle Ages and allows us to escape

the dead-end of an ‘early modern period’ that was not modern at all, or, at least, no more modern than the Middle Ages”.

The lawyers of the 16th century well understood the eclectic nature of current town law and its partially local nature. In the legal consciousness of lawyers, it was not so much German law as a local one. In fact, it was a symbiosis of various legal postulates that had been rooted in the German, Polish customary, canonical, and Roman laws. The popularity of legal literature in the burghers’ environment in the 16th and 17th centuries testifies to the development and growth of the legal consciousness of townspeople.

Thus, as the ideas of Humanism and the Reformation spread in society, they also influenced the understanding and interpretation of law. The law had to be clear and understandable. The public good and justice were at the foundation of everything, and only insofar as the law embodied these principles, it could be effective in society. Decisions had to be made following the rules of written law and nothing could contradict the rule. The law was to be understood, as was the punishment for the crime, and therefore it was to be written in the plain (vernacular) language. Under the same circumstances, everyone should be equal before the law.

Mykhailo Tupytsia (Lviv).

From Zamość to Mukachevo: Reception of the Zamość Synod Resolutions in the Mukachevo Eparchy in the 18th Century.

The Ruthenian Uniate Church of the Polish-Lithuanian Commonwealth adopted the resolutions of the Council of Trent at the Synod of Zamość in 1720. These legal norms became fundamental law for the Uniate Church in the Polish-Lithuanian Commonwealth. They codified the centuries-old legal tradition of the Kyivan Church and adopted some of the theological and administrative innovations of the Catholic way of managing the community. This made it possible to carry out the process of unification and disciplining the religious community, which significantly affected the identity of this community.

Until now, there is a discussion about whether the Zamość decrees were adopted only on the territory of the Kyiv Uniate Metropolitanate. Back in the 1960s, Fr. Oleksandr Baran assumed the adaptation of the resolutions of the Zamość synod on the territory of the Mukachevo eparchy.

However, due to the lack of source materials, these statements remained at the level of hypotheses. Unreasonably considering the Mukachevo eparchy as an isolated community, modern researchers also refute O. Baran's thesis. The common problem of all previous studies is the lack of a sufficient source base.

According to the results of archeographic research, it was possible to discover ten protocols of the soborchics of the local clergy of the Mukachevo eparchy. In these protocols, each parish priest of the eparchy signed the confirmation of the Zamość resolutions. Along with it, the catechism for believers of the Mukachevo eparchy was directly reprinted from the catechism of Kyivan metropolitan Lev Kishka. Besides it, a number of the charters, statutes and correspondence of hierarchs show the program of the reforms according to the Zamość norms. In addition to these documents, a large amount of indirect information indicates the adoption of the resolutions of the Synod of Zamość on the territory of the Mukachevo eparchy.

The newly discovered materials analysis will allow the reproduction of the process, details, and scale of adopting Zamość legal norms. This, in turn, will allow us to approach the issue of expanding the influence of the Kyiv Metropolitanate on the Mukachevo eparchy, particularly at the level of legal norms. Such a study should become an additional argument in refuting the thesis about the Mukachevo eparchy as an isolated space.

Veronika Buteyko-Bujon (Paris)

Intersecting Realities. The formation of a polycentric legal and juridical system in the Ukrainian lands in the 16th century (Comparative Approach).

The Neo-Modern era is a complex period of transition in European history. It was marked by profound structural changes, including those in law and legal practices. At the same time, numerous traditions inherited from the past continued to exist and develop. In this matter, the Ukrainian lands, which were part of the Grand Duchy of Lithuania and since 1569 were part of the Polish-Lithuania Commonwealth, were no exception. Moreover, they represent an exceptionally interesting field for research into the formation of neo-modern communities.

Within the framework of the proposed problems, it seems possible to illuminate – in historical dynamics and in a comparative pan-European perspective – the two intersecting realities of the time, i. e. innovation and tradition.

On the one hand, the example of the development of Statutory legislation (the Lithuanian Statutes of 1529, 1566, and 1588) and, in particular, its criminal component, provides an opportunity to reveal the issues of rationalization and unification of customary rights, the progressive formation of a unified legislation, the establishment of a binary procedural system, crystallization of the hierarchy of criminal offenses, as well as to analyze the forms, content and role of cultural and legal transfers.

On the other hand, the analysis of the process of creating the new judicial system and the study of the judicial practices of the criminal courts allows us to illuminate the inter-normativity that existed, in the Ukrainian lands during this period, as well as para-, infra- and extra-legal practices.

This, in turn, helps to comprehend the phenomenon of legal pluralism and the formation of a polycentric legal structure. In fact, this cluster structure, balancing between tradition and innovation, became one of the distinctive features of the Neo-Modern Compromise culture emerging in the lands of the Polish-Lithuanian Commonwealth.

All the above questions have long been the focus of my scientific research, the results of which were partially published in the monograph “Criminalité et violence sur les terres ukrainiennes aux XVIe siècle. Étude comparative (Pologne, Pays-Bas, France)”. Thus, I would like to offer a brief synthesis that reveals the outlined above aspects of the proposed problems.

Iurii Zazuliak (Lviv)

Abducted Women and Anxious Patriarchs. Abduction of Women and Ambiguities of Noble Honour in Galicia (Red Ruthenia) during the 15th-16th Centuries.

A paper discusses shifting meanings and ambiguities of the practice of abduction in the local contexts of gender relations, law, and violence in late medieval and early modern Galicia (Red Ruthenia). One can say that abduction constantly oscillated between a sexual transgression and crime on the one hand, and customary practice of familial and matrimonial politics, rooted in the

contemporary patriarchal order and daily violence, on the other. I would like to show how this contemporary ambiguous perception of abduction as a specific type of the gendered violence as well as a means of regulating of familial conflicts and matrimonial behavior resulted in various legal strategies of dealing with legal cases of abduction in local courts and marked legal narratives of abduction with considerable ambiguity and drawbacks.

Furthermore, I intend to highlight the complex and dynamic interplay between agency and institutional and normative constraints of legal system and patriarchal order in the legal cases of abduction. Abduction can be situated within a wider social process of the reproduction of patriarchy which tended to reconfirm established gender roles within the male-dominated world of the late medieval nobility. Abduction of women was one of the manifestations of the contemporary masculine culture of local nobility with its propensity to enmity and violence. The cases of abduction conveyed the image of the local noble society as a world, in which noblemen competed over women in the same way as they did it over land, dependent peasants, and power. Success or failure in such a competition was one of the significant criteria, according to which noble's honor and status were determined and measured.

The analysis of abduction suggests the crucial importance of the concept of female honor and gender symbols for the discourse and practice of inimical relations. It has been often stressed by historians that male and female concepts of honor in traditional European societies were constructed asymmetrically with respect to the importance, given to norms of proper sexual conduct. The constitution of woman's honor was much more depended on the constant assessment of the accordance of her sexual behavior to the communally accepted or imposed moral and legal visions of gendered roles. Men were regarded as guardians of woman honor and her sexuality, and it was through them that a woman secured her position and her honor by gaining their legitimate protection. Abduction emerges in this context as a social drama, in which women were objects of both desire and danger, and in which these fears and obsessions about honor and gender control were revealed and manipulated.

I suggest that the pursuit of honor in cases of abduction could have quite ambiguous effects. Claims of abduction in courts could be potentially damaging to honor of all actors, regardless the role they played in such litigations. Some of the charges of abduction were manifestation of the excessive litigiousness of contemporary society. Legal actions in cases of abduction reveal much uncertainty about veracity of claims and proofs leading to suspicions of calumny. Thus, bringing

accusations of abduction to the court had sometimes unintended, but ruinous consequences for the plaintiff's own honor. From this point of view, cases of abduction not only re-established, but also revealed tensions within patriarchal order as well as indicated implicit potentials for women to challenge a power of their male guardians, and to pursue their own interests in the family politics.

Віталій Михайловський (Kyiv)

Агенти впровадження. Перше покоління судових урядників Руського та Подільського воєводств (1434-1450).) [Agents of implementation. The first generation of legal court clerks in Rus' and Podolian woivodeships]

У статті буде проаналізовано перше покоління урядників земських та підкоморських судів Руського та Подільського воєводства за 1434–1450 роки. Хронологічні межі обумовлені утворенням у 1434 р. цих двох воєводств у складі Польського королівства, поширенням на їх терени коронного права ті початком функціонування земських і підкоморських судів. Середина XV ст. є тієї межею, до якою доведені більшість джерельних публікацій, що дозволяють більш повно проаналізувати цю урядницьку групу, що складається щонайменше з тридцять шість осіб. За цей час певні уряди перебували у триманні одного урядника, а на деяких побувало до трьох осіб. Утворення станових судових органів стало одним з головних досягнень місцевої шляхти, що принаймні від 1420-х роках домагалася зрівняння у своїх правах із коронною шляхтою. Значна частина шляхти, що від 1370-х років отримувала земельні надання на території Руського домена короля, разом з місцевою шляхтою отримали від 1434 р. нове право, нові уряди та нові судові установи. Натомість частина урядів та установ діяли і перед 1434 р. Свідченням цього є наприклад поява урядів підкоморія у Львівській землі у 1420-х роках та діяльність сяноцького земського суду від 1423 р. Окремо розглядається активність судових урядників у публічно-правових акціях таких як присутність у якості свідка на королівських, старостинських документах та участь у якості суддів, учасників та свідків розмежуванні маєтків у майбутньому Руському воєводстві. Аналіз судових урядників торкатиметься наступних питань: а) прізвище / прізвисько, герб, територія походження; б) урядницька кар'єра до 1434, у разі наявності такої, в) досвід участі у публічно-правових акціях; г) урядницька

кар'єра після 1434 року та її траєкторія; ґ) маєток у відповідному воєводстві, землі, повіті де вони тримали свої уряди; д) родинні та клієнтарні зв'язки. Для кращого сприйняття, інформація по відповідних завданнях, буде узагальнена у таблицях. Реалізація цих завдань дозволить краще зрозуміти персональний склад першого покоління судових урядників, їхнє походження, досвід урядування, кар'єру, родинні та клієнтарні зв'язки у новостворених Руському та Подільському воєводствах.

Оксана Вінниченко (Lviv)

Тестаменти бездітних мешканців Львова у XVII ст.: причини укладення та спосіб розпорядження майном [Last wills of childless residents of Lviv in the 17th century: Reasons for making and method of disposing property]

Укладення тестаментів як актів, що регламентували функціонування спадково правового інституту в усіх системах права ранньомодерної Речі Посполитої було у певному конфлікті із правом на спадок природніх спадкоємців. Їх права захищалися законом та звичаєм з одного боку, а з іншого кожен спадкодавець мав право на укладення заповіту і висловлення останньої волі, яка захищалася правом та мала обов'язково виконуватися. Руська, польська, вірменська, єврейська громади, проживаючи у ранньомодерному Львові, який користувався магдебурзьким правом, користувалися також окремими групами привілеїв та дотримувалися правових звичаїв. Відтак тестаментове спадкове право кожної з громад на практиці мало свої особливості та навіть окрему правову регламентацію, як, зокрема, було у вірмен. Дослідження міських тестаментів та процедури їх укладення в рамках німецького та вірменського права показують, що цей юридичний акт був справою публічно правовою та нерідко укладався за присутності безпосередніх прямих спадкоємців задля отримання консенсусу на конкретні розпорядчі формулювання у тестаментах. А це свідчить про неможливість заповідача на свій розсуд розпоряджатися своїм майном. Відтак доцільність писати тестаменти для ранньомодерних міщан є цікавою проблемою для дослідження, особливо, коли йдеться про заповідачів, які були бездітними. Загалом практика функціонування тестаментів у міському праві Речі Посполитої не є дослідженою. Це зумовлено, зокрема, дуже об'ємною джерельною базою для великих міст, яка є

складною для опрацювання з одного боку (у декількох містах збереглися майже повні комплекти міських книг), та недостатньою репрезентативністю джерел в малих містах.

Іншим важливим питанням є те, чому попри обмеження можливостей вільного волевиявлення щодо спадкового майна в міських тестаментах, де співіснують різні системи права (германське, слов'янське, вірменське), цей спадково правовий інститут є популярним і затребуваним. Для дослідження усіх цих питань дуже важливим є й християнський контекст тестаментування як такого. Оскільки проповідницька література та підручники «*ars bene moriendi*» закликають мирянина чинити тестаменти та піклуватися про свою душу, а не про родичів.

Метою нашої статті є дослідження практики заповідання у тестаментах львівських міщан XVII ст., які не мали спадкоємців і перед смертю опинилися у ситуації вибору спадкоємців та вирішення долі усього свого майна.

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Привілей і право в політичному дискурсі шляхти Руського й Белзького воєводств у світлі сеймикових актів з останньої чверті XVI і першої половини XVII століть [Privilege and law in the political discourse of the nobility of the Rus' and Belz woivodeships in the light of acts of the Dietines from the last quarter of the 16th and the first half of the 17th centuries]

Право займало важливе місце в політичному дискурсі Речі Посполитої, який озвучували представники її «політичного народу» – шляхти. І недаремно, адже цей стан у пізньому середньовіччі та ранньомодерному часі зосередив у своїх руках виняткові права й привілеї, що стало підставою для його екзистенції та його позицій (у першу чергу політичних, але не тільки) в Польсько-Литовської держави. Тому сама категорія «право» виявилось постійним предметом у різноманітних дискусіях про державу (монарха) й особистість, соціум і окремі суспільні групи та наявність у них або поширення на них тих чи інших прав, прерогатив і привілеїв. Подібні дискусії найперше знайшли відображення у правничих трактатах і політичній публіцистиці, і саме на них головну увагу традиційно звертають увагу в історіографії. Натомість для загалу «шляхетського народу» важливішими були практичне розуміння прав і привілеїв як усього «рицарського» стану й окремих його

представників, так і інших станів та суспільних груп. Цей практичний вимір якнайкраще проявився в ухвалах місцевих шляхетських зібрань – сеймиків, на які з'їжджалися обиватели окремих земель і воєводств. Звісно згадки про права і привілеї в сеймикових актах не мали такого системного характеру, як у творах правників і політичних публіцистів, проте для учасників сеймиків вони не були предметом абстрактної, лише теоретичної дискусії. У своїх інструкціях сеймикуюча шляхта давала конкретні вказівки щодо вдосконалення права своїм послам, а ті на вальних (загальнодержавних) сеймах мали добиватися їх прийняття у виглядів окремих законів (сеймових конституцій). А позаяк всього в публічному просторі Речі Посполитій діяло 69 місцевих сеймиків, які творили нижню ланку парламентсько-представницької системи Польсько-Литовської монархії та, водночас, виконували функції регіональних політичних і самоврядних органів, то й позиція їхніх учасників була позначена регіоналізмом. У доповіді я спробую показати як шляхтичі, які брали участь у сеймикових зібраннях Руського й Белзького воєводств (їх документація збереглась відносно краще й повніше – порівняно з іншими українськими воєводствами), трактували права й привілеї. Місцева шляхта говорила як про загальні права й привілеї духовного та світських станів, так і про їх практичну реалізацію у повсякденному житті. Йшлося про такі важливі для шляхтичів аспекти, як право старе і право нове, писане право, сила права, цілісність і захист прав, права окремих земель і провінцій, привілеї свого воєводства, королівське право, прерогатива обирати монарха, право власності, нобілітаційні привілеї, право патронату, права міст, аж до права кадуку чи пожиттєвого права.

Суттєвим для розуміння місця, яке право займало у свідомості тодішньої руської й белзької шляхти, є також частота та контекст випадків, коли учасники сеймикових зібрань апелювали до права в текстах своїх ухвал.