

THE CONCEPT OF *REPUBLIC* IN THE GRAND DUCHY OF LITHUANIA IN THE EPOCH OF THE FIRST STATUTE OF LITHUANIA

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ABSTRACT *The Renaissance in Europe is associated with new achievements not just in culture, art and economic life, but also in the field of political thought, where there was a return to examples of political theory and action from the times of Antiquity. The reception of Western ideas can also be noticed in the Grand Duchy of Lithuania in the late 15th and mid-16th centuries, where, in addition to the state's official title, general concepts such as res publica, dominium and patria were also used. In this paper, the author analyses these concepts in public and private texts in order to answer the following questions: what meaning did the words Rech' Pospolitaya and res publica have in 16th-century written records (primarily the First Statute and Second Statute of Lithuania)? How were these concepts perceived by the authors of the mentioned documents; is their depiction as venerated of Antique ideals warranted? And finally, to what extent are the ideas mentioned reflected in the actual state order in place in the Grand Duchy of Lithuania at the turn of the 16th century, independent of the rhetoric being used in public texts and other documents?*

KEYWORDS: *republic, commonwealth, Grand Duchy of Lithuania, Renaissance, political theory, political thought.*

In the context of early Lithuanian history, the word *republic* is, to this day, primarily associated with the joint state of Lithuania and Poland, the *Polish-Lithuanian Commonwealth*.¹ In this case, the

¹ Rimvydas Petrauskas refers to the concept of the *common good* (*res publica*) when talking about the increase in the two countries' political, economic and cultural cooperation in the times of Sigismund the Old. According to the author, the conditions of having a joint ruler for both states gradually instilled the concept of *res publica* (R. Petrauskas, 'Lietuvos Didžioji Kunigaikštystė nuo 13 a. iki Liublino unijos (1569)', *Visuotinė lietuvių enciklopedija*, vol. 12 (Vilnius, 2007), p. 499); Leonidas Donskis associates the Lithuanian state's republican and democratic traditions with the period after the Union of Lublin (L. Donskis, *Pilietinis ugdymas* (Vilnius, 2010), p. 12).

common good (*res publica*) would infer being *common with Crown Poland*. However, we know of a remark by Mikalojus Radvila the Black at the 1563 to 1564 Polish Sejm that Lithuania was entering the union *cum respublica sua bene ordinata*.² Some time ago, the Lithuanian literature researcher Darius Kuolys drew attention to the fact that the concept of republic can be found in Lithuanian sources at least from the reign of Grand Duke Alexander Jagiellon, that is, well before the Lublin Union, and independently of Crown Poland.³ This fact prompted us to look into the concept of the republic in the Grand Duchy of Lithuania (GDL) before the middle of the 16th century.

Except for Kuolys' work, we do not know of any literature dedicated to this topic; the concept of republic in the GDL in the period under discussion has probably not received special attention from researchers.⁴ It is characteristic that before the publication of the mentioned author's work, in Lithuanian translations of early texts, the word 'republic' was not used at all, being conveyed instead by the concepts 'state' or 'common good'.⁵ Nevertheless, at a universal level, the concept of the republic, with its roots stretching back to Antiquity, has been examined by various historians of political thought in a manner similar to other related concepts, such as *patria* ('fatherland') or *dominium* ('lordship'). The different connotations of these words in various Medieval treatises and other texts have been analysed by, among

² J. Bardach, 'Uczone prawo w II statucie litewskim', *1566 metų Antrasis Lietuvos Statutas* (Vilnius, 1993), p. 22; idem, 'Statuty litewskie w ich kręgu prawnokulturowym', *O dawnej i niedawnej Litwie* (Poznań, 1988), p. 39.

³ D. Kuolys, *Res Lituana. Kunigaikštystės bendrija. Pirmoji knyga: Respublikos steigimas* (Vilnius, 2009), pp. 119, 123–124; idem, *Apie Respubliką. Iš archyvų ir ambonų* (Vilnius, 2022).

⁴ Jūratė Kiaupienė looks into material from the second half of the 16th century, J. Kiaupienė, „Mes, Lietuva“. *Lietuvos Didžiosios Kunigaikštystės bajorija XVI a.* (Vilnius, 2003), pp. 132–134; the British historian Robert Frost devoted some attention to this problem too (R. Frost, *The Oxford History of Poland-Lithuania. Volume I: The Making of The Polish-Lithuanian Union, 1385–1569* [Oxford, 2015], pp. 335, 348, 422–423).

⁵ See: *Pirmasis Lietuvos Statutas (1529 m.)*, eds. I. Valikonytė, S. Lazutka, E. Gudavičius (Vilnius, 2001); *Šešioliktojo amžiaus raštija*, eds. A. Samulionis, R. Jurgelėnaitė, D. Kuolys (Vilnius, 2000).

other authors, Ernst H. Kantorowicz, Antony Black and James H. Burns,⁶ whose contributions will be used in this paper. The concept of fatherland is discussed in Jūratė Kiaupienė's monograph on the Lithuanian nobility in the 16th century.⁷ Understanding the content of the mentioned concepts can also be facilitated by the already rather copious research on the GDL political nation (and its separate members), its self-awareness, and institutions empowering magnates and nobles to participate in the governance of the country.

The source base used for the purposes of this analysis consists of: 1 privileges issued by Lithuania's grand dukes (land privileges, etc.); 2 the First and Second statutes of Lithuania; 3 the Lithuanian Chronicles (Bychowiec Chronicle); and 4 magnates' letters.

Several problems can be distinguished in the issues that make up the object of this research paper, namely, the GDL political community's concept of *republic*. Analogous to the perception of 'the city' (*civitas*) in the social sense, as a privileged community of free merchants and craftsmen,⁸ Kuolys suggests understanding 'republic' as a political community, a political nation.⁹ In the work mentioned earlier, the author tried to answer the question of whether the land privileges of the grand dukes may be considered as acts of establishment of this community.¹⁰ However,

⁶ A. Black, 'Christianity and Republicanism: From St. Cyprian to Rousseau', *The American Political Science Review* 91(3) (1997), pp. 647–656; Idem, 'The Political Community', *Political Thought in Europe, 1250–1450* (Cambridge, 1992), pp. 14–41; J.H. Burns, *Lordship, Kingship and Empire. The Idea of Monarchy 1400–1525* (Oxford, 1992); E.H. Kantorowicz, 'Pro Patria Mori in Medieval Political Thought', *The American Historical Review* 56 (3) (1951), pp. 472–492; idem, *The King's Two Bodies. A Study in Mediaeval Political Theology* (Princeton, New Jersey, 1997).

⁷ J. Kiaupienė, '„Tėvynė yra istorijos sukurta tautos buveinė“', J. Kiaupienė, *„Mes, Lietuva“*, pp. 120–135.

⁸ E. Gudavičius, *Lietuvos istorija, Nuo seniausių laikų iki 1569 m.*, Vol. 1 (Vilnius, 1999), p. 90.

⁹ D. Kuolys, *Res Lituana*, p. 126: 'the rather consistent use of the *republic* concept in official documents from the beginning of the 16th century pointed to both the existence of a common society in the two states then negotiating the conditions for their union and the existence of a separate political community in the Grand Duchy of Lithuania. This kind of use of the republic concept remained in place until the very end of the 18th century.'

¹⁰ D. Kuolys, *Res Lituana*, p. 128.

the word 'republic', much like any other concept encountered in sources, may be understood in a variety of ways. The publishers of the scholarly text of the First Statute of Lithuania stress: 'It is impossible to predict how much the translation of each word will determine future research on the First Statute of Lithuania, but it is clear that any success does and will depend on its accurate interpretation.'¹¹ It is here that questions arise, which I shall seek to answer in this paper: what meaning do the words *Rech' Pospolita* and *res publica* have in 16th-century written documents (primarily the First and Second statutes of Lithuania)? How were these concepts perceived by the authors of these documents, members of the GDL political nation? Is their depiction as venerators of Antique ideals warranted? And finally, to what extent are the ideas mentioned reflected in the actual state order in place in the GDL at the turn of the 16th century, independent of the rhetoric being used in public texts and other documents?

The end of the 15th century (the reign of Grand Duke Alexander of Lithuania, when the word *republic* began to be used to refer to the GDL) and the second half of the 16th century (the Second Statute of Lithuania of 1566) constitute the chronological boundaries of this research. Nevertheless, the context of European political thought and the search for the origins of ideas fostered by the intellectual elite of the GDL will on occasion force us to overstep these boundaries.

The concept of republic

Darius Kuolys found the earliest instance of the title of *republic* being given to the state of the GDL in a letter dated 25 June 1501 from the Grand Duke Alexander of Lithuania to his brother Frederick.¹² Only a few days after the signing of a treaty with

¹¹ *Pirmaisė Lietuvos statutas* (Vilnius, 1991), p. 327.

¹² D. Kuolys, *Res Lituana*, op. cit., p. 123. Earlier instances may also be found: at the request of the Vilnius bishop-elect Albertas Taboras of 28 August 1492, Alexander confirmed his predecessors' grants to the Vilnius Cathedral and its chapter, releasing them from all taxes. The sovereign refers to the concerns of the Republic, 'over which our heart is torn with daily worry for the well-being of the subjects' (*Codex diplomaticus ecclesiae cathedralis necnon dioecesis Vilnensis*, eds. J. Fijałek, W. Semkowicz

Walter von Plettenberg, the Grand Master of Livonia, in Cēsis Castle (21 June 1501) regarding joint military action against Ivan Vasilyevich, the Grand Prince of Moscow,¹³ appealing for support in receiving the Polish crown, Alexander promised to join the GDL to the Kingdom of Poland 'because it is through the incorporation of each that the republic will stand to benefit, especially in this period of war – *per quam incorporationem utriusque respublica felicius stabit, maxime sub hac tempestate bellorum*.'¹⁴ The author suggests that the concept of republic may have entered the Jagiellon brothers' vocabulary from the writings of Marcus Tullius Cicero (106–43 BC), which both had read in their youth as pupils of Jan Długosz.¹⁵ The question whether the understanding of the Ancient Roman orator of what a republic is corresponds with that of Alexander and Frederick Jagiellon, and whether it can be compared at all is less relevant if *res publica* is meant to suggest that the political nation is protected *from* the ruler's tyranny (Darius Kuolys weaves his narrative around this very idea).¹⁶

Darius Kuolys associates the beginning of the republican order in the GDL with Alexander Jagiellon's land privilege issued on 6 August 1492;¹⁷ however the term *republic* itself is not used in the text. Even though we may encounter the odd use of the word in

[Kraków, 1932–1948], No 389, pp. 446, 762: [...] *inter alias Reipublicae curas, quibus cor nostrum cotidiana solitudine pro subditorum salute distrahitur* [...]).

¹³ *Lietuvos Metrika* (1427–1506). *Užrašymų knyga 5*, eds. A. Baliulis, A. Dubonis, D. Antanavičius (Vilnius, 2012), pp. 348–350.

¹⁴ D. Kuolys, *Res Lituana*, p. 123.

¹⁵ *Ibid.*, pp. 114, 124.

¹⁶ See A. Black, *Political Thought in Europe* (Cambridge, 1992), p. 19: 'From Cicero and other Roman sources burgeoned the idea of the *respublica* or public domain as a distinct category in human affairs, in which were located those good things which affect all together (see: *On Duties* II.21). As well as this rather positive idea of the state, Cicero also gave the Middle Ages and Renaissance a strategic link between the state and liberty in the sense of protection of person and property against violence and the lawless will of tyrant, savage, brigand or ... of magnates, the powerful ones. And he gave a language, a framework of educationally accredited rhetorical and literary concepts within which the desire for security, liberty, property and rights might be expressed.'

¹⁷ D. Kuolys, *Res Lituana*, p. 119: 'It was precisely the year 1492 that gave rise to the concept of the Lithuanian Republic, developed and entrenched in public texts in the 16th century.'

the Lithuanian written heritage already in the first two decades of the 16th century (such as Mykolas Glinckis' letter to the Holy Roman Emperor Maximilian I Habsburg of 1509, see below),¹⁸ probably the most representative examples regarding the objectives raised here (and political ideas generally) are the writings created in the circle of Albertas Goštautas, among which the First Statute of Lithuania, confirmed by Sigismund the Old in September 1529, holds a special place. Darius Kuolys' statement that the concept of republic was developed and entrenched in public writings in the 16th century is well illustrated by the frequent use of the concept by the authors of the Second Statute of Lithuania in 1566 (in the original Ruthenian redaction, the words *Rech' Pospolita* are written 22 times).¹⁹ Therefore, we shall begin the analysis of its meaning from these two fundamental texts from the legal world of the GDL.

¹⁸ S.C. Rowell, 'Nolite confidere in principibus: Mikhail Glinckis, Sigismund the Old and the Council of Lords', *Faworycy i opozycjoniści: król a elity polityczne w Rzeczpospolitej XV–XVII wieku*, eds. M. Markiewicz, R. Skowron (Kraków, 2006), p. 92. The concept was used also in the 1506 privilege of Sigismund the Old, see D. Kuolys, *Res Lituana*, op. cit., p. 128. Loyalty, virtue and merit in serving the ruler and *republic* was the typical formula Alexander Jagiellon used as motivation for granting domains to his councillors (bishops and magnates) through the course of 1505 (*Codex diplomaticus ecclesiae cathedralis necnon dioecesis Vilnensis*, No 591, pp. 702–704; *Lietuvos Metrika* (1387–1546). *Užrašymų knyga* 25, eds. D. Antanavičius, A. Baliulis [Vilnius, 1998], No 224, pp. 277–278; Lietuvos mokslų akademijos Vrublevskių biblioteka Rankraščių skyrius (Lithuanian Academy of Sciences Wroblewski Library Manuscripts Department, LMAVB RS), F1–39).

¹⁹ It is significant that the concept of the 'the republic of the Grand Duchy of Lithuania' and 'the Lithuanian Republic' functioned not only among the Grand Duke of Lithuania and magnates of the GDL, but also among the Crown aristocracy and chroniclers already during the reign of Sigismund the Old (*Acta Tomiciana* (1519–1521), ed. T. Działyński, Vol. 5 [Poznań, 1855], No 112, p. 117 [Piotr Tomicki to Mikalojus Mikalojaitis Radvila, November 1519]: *Non libenter video, quod nonnulla differentia suborta est inter vram. Mgciam. et dnum. palatinum trocensem, nunc presertim, cum ista respublica Mg. ducatus Lithuanie sit in tantis fluctibus et discriminibus constituta; Miechow, Mathias de. Chronica polonorum* [Cracovia, 1521], p. 367: *Consiliarij autem Poloniae de hac maiestatis regiae benignitate erant contenti, non indignum putantes rem in Lithuaniam reici tanquam propter auctoritatem illius reipublicae, quia tanquam domesticum Lithuaniae negocium esset; Scriptores rerum polonicarum*, ed. J. Szujski, Vol. 2 [Kraków, 1874] [Chronicle of Bernard Wapowski (Vapovius)], p. 75: *Quibus Sigismundus rex rite ordinatis, omnium copiarum praefectis mandavit, atente providerent, ne Respublica Lituana ab hoste Moscovita aliquod acciperet detrimenti*).

Res publica and dominium in the First Statute of Lithuania

In the First Statute of Lithuania, the term *res publica* is used in four different articles (I.10, III.6, IV.2 and VII.30), a total of five times. In all five cases, the compilers of the Lithuanian translation of the Statute translated it as 'public good'.²⁰ Thus, in Article X of Chapter I, the ruler promises not to issue court case postponement notices ('interdictions'), except in three possible instances: 'if in the name of the *republic* [my italics] someone is in the captivity of one of our enemies; second, if someone is in the service of the *republic* in our states; third, if someone is truly ill'.²¹

Already here, in the very first instance where the word 'republic' is used in the Statute, we encounter the interpretative subtleties of the concepts used in the text. Antony Black, a student of the famous Cambridge professor Walter Ullman, states that up to the middle of the 17th century, the word *respublica* meant 'state' in a general sense.²² We see that in the quoted article from the First Statute of Lithuania, especially in the second part of the passage, such a rendering of the concept applied in the original text would fit perfectly.²³ Yet, at the same time, we might notice that another word is used in the same sentence, which the editors of the Lithuanian text decided to translate as 'state'. This is the Ruthenian *panstvo*, or the Latin *dominium*.²⁴ The context of the sentence implies that it refers to the ruler's patrimony. In this case too, Darius

²⁰ *Pirmasis Lietuvos Statutas* (Vilnius, 2001), pp. 129, 150, 156, 207. Kuolys, when citing Article VI of Chapter III, decided against translating the *res publica* concept, but rather left the Lithuanian version of the word, *respublika* (D. Kuolys, *Res Lituana*, p. 148).

²¹ *Pirmasis Lietuvos Statutas* (Vilnius, 2001), p. 129; *Pirmasis Lietuvos Statutas* (Vilnius, 1991), pp. 70–73: 'pervoe, koli by khto o *rech pospolitoiu* [here and henceforth highlighted by the author] v nepriatelei nashykh v niatstve byl; drugoe, koli by khto byl na sluzhbe *pospolitoe rechi* v panstvakh nashikh'; 'primo dum quis pro *re publica* apud hostes nostros fuerit in captiuitate; secundo dum quis fuerit in seruicio *reipublice*.'

²² A. Black, *Christianity and Republicanism*, p. 647: 'Until the mid-seventeenth century, *respublica* (commonwealth) was a word for "state" in general.'

²³ Nota bene, Albinas Jovaišas chose precisely this variant of the word's translation when editing the Lithuanian text of Sigismund's commendation text from 1529 (*Šešioliktojo amžiaus raštija* [Vilnius, 2000], p. 61; c.f. D. Kuolys, *Res Lituana*, op. cit., p. 139).

²⁴ *Pirmasis Lietuvos Statutas* (Vilnius, 1991), p. 388.

Kuolys' decision to convey this concept using the Lithuanian word for lordship (*viešpatystė*) seems completely warranted, as it allows for the accentuation of the exceptional content of the concept. In effect, in the text of the Statute, we come across two different ways of identifying the state. How are the state as 'republic' (*rech' pospolita, res publica*) and the state as 'lordship' (*panstvo, dominium*) different?

Darius Kuolys was inclined to juxtapose these two concepts of state. According to him, the early understanding of the state as the ruler's patrimony was gradually replaced by the republican concept of the state, where the ruler is elected by free citizens, is obliged to take into consideration the opinions of the Council of Lords when making decisions, and seeing to the common good in the state is entrusted to an ever-larger body of nobles. According to this concept, Lithuania followed a path that led from being the ruler's patrimony to the aristocratic Republic of Lithuania, and, taking another step further, to a parliamentary commonwealth of nobles of the whole land. Lithuanians, who were generally used to being only the subjects of the ruler, were transformed into *free subjects – citizens of the commonwealth, citizens in their fatherland*.²⁵ Mečislovas Jučas, apparently, adhered to a similar concept, and being a representative of early Lithuanian historiography, stated that 'the author of the Bychowiec Chronicle was a proponent of the increase in the political power of Lithuania's magnates and their Council of Lords, and was against the strengthening of the duke's authority.'²⁶

Nonetheless, this scheme remains problematic. Even if the two concepts of state in the First Statute of Lithuania were correctly recognised and discerned, must one be contrasted with the other? More recent historiography tends to abandon the dichotomy between the ruler's and the magnates' authority.²⁷ Perhaps thanks to

²⁵ D. Kuolys, *Res Lituana*, pp. 160, 253, 255.

²⁶ M. Jučas, *Lietuvos metraščiai ir kronikos* (Vilnius, 2002), p. 125.

²⁷ This is one of the main accents in Petrauskas' narrative (R. Petrauskas, *Lietuvos diduomenė XIV a. pabaigoje–XV a. Sudėtis–struktūra–valdžia* (Vilnius, 2003), pp. 167–168, 194, 195–208, 209–211). According to Andrei Ryčkov, newer 'research on the genesis of the Council of Lords, the chancery, the ruler's court, early officers

distinguishing between the terms *rech' pospolita* and *panstvo* (but not contrasting them), the First Statute of Lithuania just happens to harmoniously combine these two concepts into a cohesive whole, which satisfies the state's needs. Let us now return to the text of the Statute.

Article VI of Chapter III (on civil law) declares 'Regarding the preservation of old land privileges and customs, which are described, confirmed and acknowledged in those privileges, or the writing and expansion of new ones that should contribute to our benefit and that of the *republic*, only after sufficient deliberation, and also with the knowledge and approval of our councillors of the Grand Duchy of Lithuania, and their consent, will the latter be judged and managed.' Article II of Chapter IV (marriage and family law), on the regulation of the property of widows, states that 'those childless widows that live under the status of widow cause much harm to the *republic*.' Finally, Article XXX of Chapter VII (criminal law) foresees punishment for those who conceal evil-doers 'or who give them some kind of advice or support and thereby act against the *republic*'.²⁸ Thus, we can see that in all these cases where the *rech' pospolita* concept is applied, we can understand that reference is made to the state or to that which influences not one individual but a wider community of people, the country's society, not necessarily just the state's political community.

James H. Burns paid particular attention to the problem of lordship (*dominium*).²⁹ According to him, the word *dominium* is first of all a judicial term, matching the fundamental concept in

and the seimas showed that the aristocracy did not appropriate the authority of the grand dukes, but had always coexisted with it according to the principle of symbiosis'. (A. Ryčkov, *Judo bučiny: valdovo išdavystės samprata Lietuvoje (XIII a. pabaiga – XVI a. vidurys)* (Vilnius, 2018), pp. 17–18).

²⁸ *Pirmasis Lietuvos Statutas* (Vilnius, 2001), pp. 150, 156, 207; *Pirmasis Lietuvos Statutas* (Vilnius, 1991), pp. 110–111, 122–125, 216–217.

²⁹ J.H. Burns, *Lordship, Kingship, and Empire. The Idea of Monarchy 1400–1525* (Oxford, 1992), pp. 16–39; see especially p. 18. C.f. S.C. Rowell, 'Dynastic bluff? The road to Mielnik, 1385–1501', *Lithuanian Historical Studies* 6 (2001), p. 17: 'Alexander bequeathed his patrimony in Poland and Lithuania to his brother Sigismund, whatever that might mean – landed estates or the Crown itself.'

Roman law. In Roman law, the concept expresses the absolute and exclusive right of ownership and control.³⁰ As we know, the list of books attributed to Albertas Goštautas, the Grand Chancellor of the GDL, contains books from the Justinian legal code (*Instituta, Digestum vetus, Digestum novum*, etc).³¹ Even though at this point we cannot discern whether the concept was actually adopted from Roman law with full certainty, the possibility cannot be dismissed.³²

This term appears 14 times in the First Statute. Mostly in the first, state, and third, civil law, chapters.³³ In all cases, it is clear that reference is being made to the land, or in other words the territory of the GDL, while also highlighting its belonging to the ruler's person: *s panstva nashogo* (I.2); *v panstve nashom* (I.3); *v panstvakh nashikh* (I.10); *v panstve nashom, Velikom kniaz'stve Litovskom* (I.21, 25; VI.5); *panstva ego milosti, Velikogo kniaz'stva* (III.1). This approach to the GDL space as the ruler's inheritable property (patrimony) was universally acknowledged by the magnates themselves. Not only did the magnates not oppose the concept of the state as the ruler's patrimony, but they themselves identified the ruler with the state. Diplomatic correspondence with Moscow's magnates from the times of Alexander constantly reasserts that the aim of negotiations is 'peace among the rulers'

³⁰ J.H. Burns, *Lordship, Kingship, and Empire*, p. 18: 'The word *dominium* is primarily a legal term, corresponding to a fundamental concept in Roman law. In that system it refers essentially to an absolute and exclusive right of ownership and control'. C.f. J. Bardach, 'Uczone prawo w II statucie litewskim', *1566 metų Antrasis Lietuvos statutas* (Vilnius, 1993), pp. 21–22.

³¹ K. Gudmantas, 'Alberto Goštauto biblioteka ir Lietuvos metraščiai', *Knygotyra* 41 (2003), pp. 21, 24.

³² Even now the influence of Roman law on the Second Statute of Lithuania is particularly highlighted (see, for example, J. Bardach, *Statuty litewskie a prawo rzymskie* (Warszawa, 1999)). Sławomir Godek indicates that this influence is evident even in the First Statute, and thus needs more comprehensive research (S. Godek, 'Elementy prawa rzymskiego w prawie spadkowym I Statutu Litewskiego', *Pirmasis Lietuvos Statutas ir epocha* (Vilnius, 2005), pp. 107–131, 109–110). See also: S. Ehrenkreutz, 'Zagadnienie wpływu prawa rzymskiego na statuty litewskie', *Pamiętnik VI powszechnego zjazdu historyków polskich w Wilnie 17–20 września 1935 r.* (Lwów, 1935), pp. 189–196.

³³ *Pirmasis Lietuvos Statutas* (Vilnius, 1991), pp. 66, 70, 82, 86 (Chapter I), 108 (Chapter III), 168 (Chapter VI).

(*zgoda mezhi gosudarey*).³⁴ Jonas, the Bishop of Vilnius, and Jurgis Radvila, emissaries of the GDL Council of Lords to Sigismund the Old, appealed to him as follows in 1526:

Naiasneishyi a milostivy koroliu! Slugi vashoe milosti, panove rady Velikogo Kniaz'stva Litovskogo, brat'ia nasha, poletsyli nam moviti pered maistatomie vashoe korolev'skoi milosti o ninesh'nikh pilnikh a velikikh potrebakh rechi pospolitoe togo tam' panstva vashoi milosti ot'chyznogo Velikogo Kniaz'stva Litov'skogo.³⁵

'Your Grace's patrimonial lordship', the identifier of the GDL repeatedly used in this text, undoubtedly reflects the aristocracy's favourable position on this kind of concept for the state. James H. Burns says that in the Middle Ages, lordship (*dominium*) could be associated both with ownership [of land, objects] and with government [people]. It would be wise to note that even when we are talking about government, this kind of authority is indicated as being completely reconcilable with 'political' relations, the word 'political' being understood as the opposite of 'despotic'.³⁶

The 'republicanism' of neither Albertas Goštautas nor the other magnates was deemed as being 'anti-monarchic'³⁷ in any way in the epoch of the First Statute of Lithuania, as they themselves, the councillor lords of the GDL, wanted to secure the king's crown for the successor to the grand duke's throne even when Lithuania had no king.³⁸ The members of the Council of Lords regretted that

³⁴ M. Sirutavičius, 'Diplomatinės veiklos normos Lietuvos Didžiosios Kunigaikštystės ir Maskvos valstybės santykių praktikoje (XV–XVI a. sandūroje)', *Lietuvos istorijos metraštis 2002.2* (2004), pp. 5–26. It may also be added that, according to Ryčkov, 'In the epoch of the First and also the Second and Third Statute of Lithuania, the concept of treason in Lithuania, unlike in Poland, was not distinguished from high treason against the ruler as a crime, but remained a constituent element of this kind of offence' (A. Ryčkov, *Judo bučiny*, p. 144).

³⁵ *Lietuvos Metrika (1506–1539). Užrašymų knyga 7*, eds. I. Ilarienė, L. Karalius, D. Antanavičius (Vilnius, 2011), p. 597.

³⁶ J.H. Burns, *Lordship, Kingship, and Empire*, pp. 24–25.

³⁷ C.f. 'Respublikonizmas', *Blackwell politinės minties enciklopedija*, ed. D. Miller (Vilnius, 2005), p. 467. Black indicates that those who rejected the authoritarian law of the monarch usually used terms other than *respublica*, such as *politeia*, *democratia*, *regimen mixtum* or *regimen ad populum* (A. Black, 'Christianity and Republicanism: From St. Cyprian to Rousseau', p. 647).

³⁸ *Lietuvos Metrika (1506–1539). Užrašymų knyga 7*, op. cit., pp. 597–602 ('Letter from the Council of Lords of the Grand Duchy of Lithuania to King Sigismund over

Vytautas never received the crown promised to him, whose period of reign was idealised as a golden age.³⁹ In turn, unable to attend the parliaments of the GDL, the ruler would advise the lords to pass resolutions as if he himself were present.⁴⁰ The functionality of organic analogy widespread in Medieval Europe that depicted the state as a political body with the king as its head hides in the fact that it allows for sidestepping inflexible schemes of opposition between the ruler and his subjects: one cannot have either a body without a head, or a head without a body.⁴¹ Even though this theory is not clearly formulated in the GDL,⁴² we believe it is well reflected in the self-awareness of the political nation during the epoch under discussion.

the reinstatement of the Kingdom of Lithuania (1526); *Šešioliktojo amžiaus raštija*, pp. 65–74). The opposite approach was expressed later, on the eve of the Union of Lublin in around 1564, where it was written: '*vis vocabuli* to ukazuje, iż wódz, to jest *Dux*, mniejszą niewolą czyni niż *Rex*, bo *Dux* wieździe, Król rządzi, a w rządzeniu większa się władza i moc i panowanie zamyka', *Ibid.*, p. 243.

³⁹ *Ibid.*, pp. 15, 71–72; A. B. Zakrzewski, *Wielkie Księstwo Litewskie (XVI–XVIII w.). Prawo–ustrój–społeczeństwo* (Warszawa, 2013), p. 40; plg. *Sbornik imperatorskago Russkago istoricheskago obshchestva*, vol. 35 (St Petersburg, 1882), p. 71 (Jonas Zabe-rezinskis to Ivan Patrikeyev, 29 September 1492, Navahrudak): 'i rozmoval' tvoia mi-lost' o zgotu mezhi gosudarei, a mezhi slov' pripomianul' esi zhit'e velikogo kniazia Vasil'ia Vasil'evicha z' nashim' gosudarem' z' velikim' kniazem' Vitovtom', v' ktorom' zhit'i i dokonchan'i mezhi sebe byli'.

⁴⁰ J. Kiaupienė, I. Lukšaitė, *Lietuvos istorija: Veržli Naujųjų laikų pradžia: Lietuvos Didžioji Kunigaikštystė 1529–1588 metais*, vol. V (Vilnius, 2013), p. 177.

⁴¹ 'The organic analogy was [...] a favourite rhetorical, literary and philosophical device. It signified the relationship between members (*membra*, 'limbs') as that of parts having separate functions within a single unit, and at the same time suggested that a society was a structure with a common interest, and perhaps a common motive, purpose and will. It did not, however, necessarily imply any particular mode of organisation for society or structure of authority within it. It is true that the commonest political use of the organic analogy was to draw attention to the different functions of different parts, and then to insist that the king or ruler, as head, must be obeyed. But it could equally well be used to point out the duties of rulers to other parts and the need for fraternal harmony' (A. Black, *Political Thought in Europe*, p. 15).

⁴² In the Union of Mielnik of 23 October 1501, not ratified by the Lithuanian mag-nates, the ruler of Poland and Lithuania is referred to as 'the one head of the same body' (*eidemque corpori unum caput, unus rex, unusque dominus*) – *Akta unji Polski z Litwą 1385–1791* (Kraków, 1932), no 82, p. 144; D. Kuolys, *Res Litwana*, pp. 124–125.

Was the GDL of the early 16th century a republic?

The quoted extracts from the First Statute of Lithuania, and other contemporaneous and later⁴³ remarks by magnates, show that they acknowledged and defended the grand duke's patrimonial rights to lordship over the GDL. The concept of republic is used in the Statute, although it is not particularly strongly highlighted (this is evident from the fact that *rech' pospolita* is encountered only in Article X, whereas *panstvo* appears already in the very first articles of the code), and we have no evidence that the magnates consciously pursued any particularly republican ideals, such as citing Cicero in the Preface to the Third Statute of Lithuania at the end of the 16th century.⁴⁴

If we consider the ruler's election, the supremacy of law, collective decision-making principles and the ethos of civil engagement to be the backbones of a republican state order,⁴⁵ then all these things were of course functioning in the consciousness of the GDL political nation.⁴⁶ As we mentioned, the beginning of the GDL republic is sometimes held to be the 1492 land privilege of Alexander Jagiellon. Historiography emphasizes that this is the first instance in which the practice of the ruler consulting with the magnates, which had already existed, is formally recorded and sanctioned.⁴⁷ The ruler promised to take all decisions in unison

⁴³ Mikalojus Radvila the Black, 1 February 1564, in Warsaw (Ibid., pp. 182–184).

⁴⁴ *Pirmasis Lietuvos statutas*, p. 376.

⁴⁵ One of the possible definitions of a republic was suggested by the aforementioned Antony Black: 'I will define *republic* (as an ideal type) to mean: (1) an institutional order in which rulers are elected and subject to law, major decisions are taken by groups, and the people are assigned some part in the polity; and (2) a political ethic according to which citizens have a duty to serve the common good and a right to fair and equal treatment by public authorities' (A. Black, *Christianity and Republicanism*, p. 647).

⁴⁶ The draft of the 1501 Union of Mielnik, albeit never realised, containing the principle *ut sit [...] rex [...] in loco et tempore assignatis per praesentes et ad electionem convenientes votis communibus eligatur [...]* (*Akta unji Polski z Litwą*, No 82, p. 144), only really repeated the rule from earlier treaties. Even the idea formulated by the dynasty limiting the spectrum of choices, whereby rulers could only be direct descendants of Jogaila, could only be implemented with the approval of the magnates (R. Petrauskas, *Lietuvos diduomenė*, p. 194).

⁴⁷ The privilege is kept at AGAD, parchment 7383; earlier publications of the document (*Zbiór pamiętników do dziejów polskich*, ed. W.S. Broel-Plater, vol. 1 (Warszawa, 1858), pp. 17–29; *Codex diplomaticus Poloniae*, vol. 1, ed. L. Ryszczewski (Varsavia,

with the lord councillors, and to not take offence if they did not find something in their favour, but to do everything as advised.⁴⁸ At the same time, on the occasion of coronation of the newly elected grand duke, representatives of the GDL lands were invited to the first *seimas* in the country's history: the tradition of parliamentary representation began,⁴⁹ even though in around 1530 the Grand Chancellor of Lithuania Albertas Goštautas admitted, when listing the differences with Polish customs, that the nobility comes here to see us only to learn what we (the magnates) have decided.⁵⁰

On the issue of legal culture, historiography finds that Alexander Jagiellon's land privilege of 1492 was one of the sources for the First Statute of Lithuania.⁵¹ Points about the presumption of innocence and personal accountability for crimes were, among others, transferred from the mentioned privilege to the Statute. It should, however, still be noted that both points were included in Casimir Jagiellon's privilege of 1447, and in even earlier ones as well: the same ruler's privilege to the Navahrudak area in 1440, and Žygimantas Kęstutaitis' land privilege of 1434.⁵²

1847), pp. 345–352) contain inaccuracies. Historiography: R. Frost, *The Oxford History of Poland-Lithuania* (Oxford, 2015), pp. 304–305; J. Kiaupienė, R. Petrauskas, *Lietuvos istorija. Nauji horizontai: dinastija, visuomenė, valstybė: Lietuvos Didžioji Kunigaikštystė 1386–1529 m.*, vol. IV (Vilnius, 2009), pp. 318–319, 421–422; K. Pietkiewicz, *Wielkie Księstwo Litewskie pod rządami Aleksandra Jagiellończyka* (Oświęcim, 2014), pp. 81–84; F. Papée, *Aleksander Jagiellończyk* (Kraków, 2006), pp. 13–14.

⁴⁸ Points four and five in the second part of the privilege: 'Item quecunque consilia et causas cum dominis consiliariis nostris determinabimus et statuemus atque concludemus, ea cum nemine alio immutare, corrigere aut deordinare debemus. Item quando aliqua consilia et negocia, in consultatione cum dominis nostris tractanda evenerint et ipsis dominis non placebunt, pro isto super eos commoueri non debemus, sed quecunque nobis consulent, pro nostra et communi vtilitate istud nos efficiemus' (AGAD, parchment 7383).

⁴⁹ For more detail, see: R. Petrauskas, 'Lietuvos Didžiosios Kunigaikštystės Seimo ištakos: Didžiojo kunigaikščio taryba ir bajorų suvažiavimai XIV–XV a.', *Parlamento studijos* 3 (2005), pp. 9–32; idem, 'LDK Seimo susiformavimas Vidurio Rytų Europos luominių susirinkimų raidos kontekste', *Parlamentarizmo genezė Europoje ir Lietuvos atvejis. Tarptautinės mokslinės konferencijos medžiaga* (Vilnius, 2008), pp. 5–15.

⁵⁰ *Lietuvos istorija*, t. IV, pp. 319.

⁵¹ Z. Kiaupa, J. Kiaupienė, A. Kuncevičius, *Lietuvos istorija iki 1795 metų* (Vilnius, 1998), p. 216.

⁵² H. Bierastavy, 'Przywilej Kazimierza Jagiellończyka dla Wielkiego Księstwa Litewskiego z 1447 roku. Kształtowanie się treści na tle tekstologii aktu', *Rocznik lituanistyczny* 7 (2021), pp. 16–17.

| 1492 | 1529 ⁵³ |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Item predictis prelatiſ, principibus, baronibus, nobilibus et civitatibus predictarum terrarum Magniducatus Lithvanie, Russie, Semogithie dedimus, quod ad nullius hominis delationem sive accusationem, publicam vel occultam, seu quamvis suspicionem sinistram, ipsos principes, barones, nobiles et cives castigare volumus seu punire quacunque pena, scilicet bonorum ablatione, pecuniaria, carcerum aut sanguinis, nisi prius in iudicio manifesto, iuris ordine catholico observato, actore et reo personaliter constitutis, realiter fuerint convicti, qui post iudicium et convictionem huiusmodi, iuxta consuetudinem et iura, sicut in Regno Polonie, debent castigari et sentenciari, secundum suorum excessuum qualitatem et quantitatem.</p> | <p>Concedimus ipsis prelatiſ, ducibus, baronibus, nobilibus et ciuitatibus terrarum Magni ducatus Lithuanie, Russie, Samagithie etc., quod ad nullius hominis delacionem vel accusationem, publicam aut occultam, seu suspicionem sinistram ipsos principes, barones, nobiles et ciues punire volumus, nec mulctare pena aliqua pecuniaria, sanguinaria, carceraria aut bonorum alienatoria, nisi qui prius in iudicio publico more iuris catholici, actore et reo personaliter comparentibus, legitime fuerunt conuicti, qui post iudicium et condemnationem secundum consuetudinem iurium catholicorum puniri debent et sentenciari iuxta grauitatem aut leuitatem excessuum suorum.</p> |
| <p>2. We ensure also for the prelates, dukes, barons, nobles and townspeople of the mentioned Lithuanian, Ruthenian and Samogitian lands of the Grand Duchy that we do not wish to punish or deal any sort of punishment on account of any person's public or private denunciation or accusation, or for any unfounded suspicion against those dukes, barons, nobles or townspeople, such as the seizure of property or punishment by monetary means, imprisonment or blood, if they have not been factually convicted in a public court following Catholic law procedures with the plaintiff and defendant personally participating; but if such a court hearing and conviction do occur, according to custom and laws, as in the Kingdom of Poland, they must be punished and convicted in accordance with the severity and quantity of their offence.</p> | <p>1.1. Firstly for the listed prelates, dukes, bannered lords, nobility and cities of the listed lands of the Grand Duchy of Lithuania, Ruthenia, Samogitia and other lands of the Duchy, we acknowledged that, in the event of public or secret informing or accusation against them by any person, without reasonable grounds, we do not wish to accuse nor punish – by means of money, blood, arrest or property divestiture – any of those dukes or bannered lords, nobility or townspeople ahead of the public Christian order of law issued by the court, which the plaintiff and defendant would obviously stand before and would ultimately be imprisoned, where after the court hearing and such verdicts of guilt, in accordance with Christian customs of law must be punished and convicted relative to the severity and magnitude of their crimes.</p> |

⁵³ Text and translation of the Statute based on: *Pirmasis Lietuvos Statutas* (Vilnius, 1991; 2001).

| 1492 | 1529 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Item quod pro crimine cuiuspiam, nulus alius, nisi is, qui peccavit et deliquit, semper tamen iuris catholici ordine observato, convictus iudicialiter et sententiatus, puniatur. Ita <i>videlicet quod</i> nec uxor pro crimine sui mariti, nec pater pro crimine filii et e converso, nec aliquis cognatus aut servus, nisi dum quis particeps esset criminis delinquentis, criminibus lese Maiestatis solum exceptis.</p> | <p>Item pro alterius facto non debet puniri, nisi ille, qui deliquit, semper tamen ordine iuris catholici observato. Et non conuictus iure ne puniatur, et nec vxor pro delicto mariti sui, nec pater pro delicto filii, nec filius pro patre, nec eciam alius cognatus et nec seruus pro domino.</p> |
| <p>3. Also, no one will be punished for any crime except for the person who did sin and commit the said crime, yet always adhering to the Catholic order of law: being legally convicted and declared guilty; such that neither a wife shall be blamed for her husband's guilt, nor a father for his son's, and vice versa, no relative or servant [shall be blamed], unless they were a party to the perpetrator's crime, except for the crime of insulting His Royal Highness.</p> | <p>I.7. Also, no other person must be punished or convicted for anyone else's offence, only they who are guilty. And specifically in every case, in accordance with the Christian order of law, unless found guilty by a court, neither a wife for her husband's offence nor a father for his son's offence must be punished, likewise, no relative nor servant for the crime of their lord.</p> |

The introduction and first chapter of the First Statute of Lithuania depict the ruler as the source of law. In the opinion of the Statute's publishers, the concept of the monarch as living law (*Rex viva lex*) is acknowledged.⁵⁴ At the same time, we notice that even though many articles make reference to the grand duke's land or enemies, and not that of the state, in other articles the ruler has an obligation to the estate of nobles. The problem of the ruler being simultaneously above the law and beholden to the law was already raised by John of Salisbury in the 12th century.⁵⁵ This author decided that the ruler was free and at the same time bound by law as it was expected of him to be guided by his innate sense of justice, and as such, on account of his status, he must honour the law and equality out of a love of justice and equality in themselves, and not out of

⁵⁴ *Pirmais Lietuvos Statutas* (Vilnius, 2001), pp. 262, 265.

⁵⁵ *Blackwell politinės minties enciklopedija*, pp. 254–255.

any fear of being punished;⁵⁶ after all, tyrants are at the mercy of God.⁵⁷ An echo of these ideas, one might say, can be found in an extract from the Lithuanian Chronicles, which describes what ensued after a conflict between Alexander Jagiellon and certain members of the Council of Lords: 'And then the Vilnius bishop Taboras remarked to the king: "Your Grace, my king! Your wrath has borne down on us without due reason, but ignited by someone, as we did not rise up against you, our ruler, but only defended our rights and privileges in trying to protect them. And that is why, our most gracious leader, I, as the pastor of this state and Your Highness, must strive to draw you, our ruler, to honour our rights and granted privileges. And if someone were to decide to violate them, may God exact His revenge on every one of them".'⁵⁸ This excerpt from the Lithuanian Chronicle could be seen as reflecting the views of its author or inspirer Albertas Goštautas (not necessarily the actual words of the Bishop of Vilnius Albertas Taboras), and possibly also the attitudes of a broader circle of magnates in the ruler's circle.⁵⁹

A view widely promulgated in historiography is that the most important concept in Medieval political theory was the supremacy of the law. The law was not meant to express the ruler's power, but defend his subjects from the ruler's arbitrary self-will.⁶⁰ On the other hand, this was already clear to thinkers in Antiquity: the citizens of a state are obliged to do good deeds either voluntarily or forced by the law.⁶¹ It seems to be no surprise that Augustinus Rotundus associated the virtuousness of the Lithuanian lords with adherence to Roman law.⁶² Stanisław Orzechowski, who polemised

⁵⁶ E.H. Kantorowicz, *The King's Two Bodies*, p. 96: 'He is free and *legibus solutus* because he is "expected to act on the basis of his innate sense of justice," and because he is bound *ex officio* to venerate Law and Equity for the love of justice herself, and not for the fear of punishment.'

⁵⁷ *Blackwell politinės minties enciklopedija*, p. 254.

⁵⁸ *Lietuvos metraštis. Bychovco kronika*, ed. R. Jاسas (Vilnius, 1971), pp. 170–171.

⁵⁹ For more about this episode in relations between the ruler and magnates, see also: A. Ryčkov, *Judo bučinyš*, pp. 133–135.

⁶⁰ J.H. Burns, *Lordship, Kingship, and Empire*, p. 71.

⁶¹ See, for example, Aristotle, *Politika*, translated by M. Strockis (Vilnius, 1997), p. 108 (1266b): the role of laws is to educate the citizenry.

⁶² A. Rotundas, 'Lenko pasikalbėjimas su lietuviu [1562]', p. 144.

with Rotundus, condemned Roman law, alleging that its most important principle was entrenched in the phrase uttered by Ulpian, one of the authors of Roman law, *quod principi placet legis habet vigorem*, what pleases the prince has the force of law.⁶³ In other words, in terms of the relationship between the ruler and the law, Roman law is applied to the benefit of the former. It is said that in seeking to strengthen the throne, Casimir Jagiellon found support in Roman law, which had found fertile ground at the university in Krakow.⁶⁴ According to Rotundus, in the years of his childhood, the Lithuanian lords looked upon Roman law somewhat more favourably than did the Poles; however, they were just as harshly opposed to everything that could be associated with absolutism and tyranny. Ulpian's famous sentence was interpreted by the English jurist Henry of Bracton as going against the spirit of absolutism already in the 13th century. The author stated it was 'not the king who promulgated laws as he pleased [but] only after discussion with the magnates and on their advice', and that 'the king's pleasure is Law only insofar as it is an authoritative promulgation by the king of what the magnates declare to be the ancient custom.'⁶⁵ In this regard, Bishop Albertas Taboras' speech, which was likely inspired by Albertas Goštautas, is clearly Bractonian.

Pro patria mori in the self-awareness of GDL magnates

According to Jūratė Kiaupienė, only representatives of the privileged estate of nobles belonged to the community known as the political nation, who consciously and actively participated in state and political activities, i.e. held various offices in the administrative and court apparatus, and made up the backbone of the state in the Early Modern Period. In the 16th century, the political nation consisted of intellectuals and authors of historiographical, politi-

⁶³ J. Bardach, 'Statuty litewskie w ich kręgu prawno-kulturowym', pp. 37–38.

⁶⁴ Z. Ivinskis, 'Kazimieras Jogailaitis (1427 XI 29 Krokuvoje – 1492 VI 7 Gardine)', *Lietuvių enciklopedija*, vol. 11 (1957), p. 266.

⁶⁵ Based on E. Kantorowicz, *The King's Two Bodies*, p. 152: [*Quidquid principi placuit, legis habet vigorem*] *id est, non quidquid de voluntate regis temere presumptum est, sed quod magnatum suorum consilio, rege auctoritatem praestante et habita super hoc deliberatione et tractatu, recte fuerit definitum.*

cal, and publicistic texts, which contained the highest number of written formulas of patriotism.⁶⁶ Indeed, the search for expressions of civil consciousness and patriotic formulae recorded in writing before the mid-16th century is no easy task, so it is no surprise that the question of how the Lithuanian nobility perceived the fatherland is not widely discussed in historiography.⁶⁷ An interesting case showing that in the epoch of the Second Statute of Lithuania the republic was also understood as the fatherland is Article VI in Chapter I, where we find *rech' pospolita* in the Ruthenian redaction, yet *patria* in Latin.⁶⁸

The earliest declaration of serving the republic that we know of is in the letter from Duke Mykolas Glinskis to the Holy Roman Emperor Maximilian of Austria from 1509. Finding himself in an unfavourable situation after the murder of his opponent Jonas Zaberezhinskis, and wishing to reconcile with Sigismund the Old and return to the GDL from Moscow, Glinskis asked for the emperor's intercession, lest 'all our tireless services for the commonwealth [*erga communem rem publicam*] be not despised for the sake of a private man'.⁶⁹ Likewise, in a memorial addressed to Queen Bona in 1525, Albertas Goštautas repeatedly underlines his loyal service and merits to the republic (the word is used 15 times in

⁶⁶ J. Kiaupienė, '„My, Litwa“ – formuła patriotyzmu narodu politycznego Wielkiego Księstwa Litewskiego w XVI wieku', *Formuły patriotyzmu w Europie wschodniej i środkowej od nowożytności do współczesności* (Kraków, 2009), p. 19.

⁶⁷ J. Kiaupienė, „Mes, Lietuva“, p. 121.

⁶⁸ *Statut Vialikaha kniastva Litoŭskaha 1566 goda* (Minsk, 2003), p. 53: *I.6 Tezh' ustavuiem', khtoby kol'viek' s' poddannnykh' nashikh' s' panstva nashogo utiek' do zemli niepriiatiel'skoie umyslom' zlym' na zradu ku shkode nam' Gospodariu i Rechy Pospolitoj, takiy chest' tratit'; a esli by poiman' byl', togdy i gorlom' maiet' byti karan'; Statut Litewski drugiej redakcyi* (1566), ed. F. Piekosiński (Kraków, 1900), p. 5: *Quisquis hinc animo perfido in patriae nostrumque exitium ad hostes confugerit, famam et honorem perdet, et si captus fuerit, capitis poena afficiendus praeterea est.*; Comp. J. Kiaupienė, „Mes, Lietuva“, p. 133.

⁶⁹ S.C. Rowell, *Nolite confidere*, p. 92–93: 'From Glinsky's own protestations to the emperor it seems clear enough that the duke did appreciate the difference between public service and private affairs, asking that "all our tireless services for the commonwealth [*erga communem rem publicam*] be not despised for the sake of a private man [Zabrzeziński]" (...) // [93] Even though he had no established patrimony, Glin-sky knew his *patria* was the Grand Duchy of Lithuania; he expected the grand duke to be his father.'

the letter),⁷⁰ and accuses his opponent Konstantinas Ostrogiškis for having done the opposite: akin to a new Mykolas Glinskis, with his insidious intent he wishes to harm the state by consorting with other Ruthenians.⁷¹ In relating the mentioned events from the Glinskis Rebellion, Albertas Goštautas recorded what is likely to be the epoch's most evident declaration of a patriotic position. In response to Glinskis' request not to obstruct his intention to seize Vilnius, Goštautas should have replied: 'For us, the nobility, it does well neither to abandon the fatherland, for which we must be prepared to die, nor to break our [oaths of] allegiance to the Lord successor to the throne, but we [must] take up arms against traitors of our ruler and put up brave resistance.'⁷² In this declaration, we can infer another case where civic ideas are drawn from Classical Antiquity, this time from the verse by Horace.⁷³

Conclusions

In conclusion, we can state that even though the spread of the concept of a republic (evidenced by its more frequent use in state legal documents and the written legacy of the ruling elite) is indeed rather synchronous with the expansion of magnates' and nobles' prerogatives and the evolution of parliamentarianism, the causal bond between these two phenomena is not immediately apparent. In the hitherto existing historiography (prior to the work of Darius Kuolys), the process of the nobility's involvement in the state's governance was presented more as a struggle for their own interests

⁷⁰ 1525-06-02, Albertas Goštautas to Queen Bona, *Šešioliktojo amžiaus raštija*, pp. 31–54; *Acta Tomiciana*, vol. 7, pp. 258–269.

⁷¹ *Šešioliktojo amžiaus raštija*, p. 34; *Acta Tomiciana*, Vol. 7, p. 260.

⁷² *Šešioliktojo amžiaus raštija*, p. 42; *Acta Tomiciana*, Vol. 7, p. 263; *non licet nobis patriciis patriam, pro qua moriendum est, deserere, domino hereditario fidem violare, sed contra proditores eius arma sumere et fortiter resistere.*

⁷³ E.H. Kantorowicz, 'Pro Patria Mori', p. 474: 'We need only to mention the name of Cicero or that of Horace, whose second "Roman Ode" (III, 2) is alluded to in the title of the present paper, in order to conjure up that huge compound of ethical values which in Rome were inseparable from the death *pro patria* and which later were revived by Petrarch and the early humanists, with their new standards of civic virtues and merits'; p. 491: 'It would be wrong to underrate the role which humanism and revived antiquity have played in the emotional revaluation of the ancient *pro patria mori* in modern times.'

than as an idealistic concern for the common good. Thus, even if we should not necessarily extract any grand political theories from the concepts they used, besides judicial and philological subtleties, the evolution of parliamentarianism and quality of politics determined by the civic involvement of ever wider layers of society and legal culture (including the academic/university education of magnates empowering the better reception of European humanist and Ancient authors) in the Renaissance should by no means cease to be an object of attention among researchers of the past, neither at the level of the GDL nor universally.

The term *res publica* (*rech' pospolita*) used in Lithuanian legal acts of the first half of the 16th century should not be associated with the union of Lithuania and Poland. The First Statute of Lithuania, exacted from the ruler and created by the GDL political community, protected those civic rights and prerogatives that are considered the elements of republicanism, but the concept of republic itself is not accentuated. In the Statute itself, and in other writings from that epoch, the term dominium (*panstvo*), referring to the ruler's patrimonial dominion, is encountered more frequently. The ideal that functioned in the self-awareness of the aristocracy was not aimed against the monarch's rule. Magnates were more likely to identify service to the republic with serving their ruler. We can take a risk and state that, based on the organic analogy coming from the Middle Ages, the GDL political nation acknowledged the ruler as the head of the mystical body that was the state.

Generally speaking, political practice in the GDL was in alignment with the *republican* model suggested by the historian of political thought Antony Black (an elected ruler held accountable to the law; important state decisions would be made by the monarch only with the participation of the Lord councillors; meetings of representatives of the nobility would sometimes be organised; there was an understanding of the political nation's duty to serve in the name of the common good and the Antique ideal of sacrificing one's life for the fatherland if needed; the clearest evidence of understanding the right to be judged in accordance with the principles of justice and equality before the law in the times of Sigismund the Old was the goal of compiling and having the ruler authorise the First Statute of Lithuania).

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RESPUBLIKOS SAMPRATA LIETUVOS DIDŽIOJOJE KUNIGAİKŠTYSTĖJE PIRMOJO LIETUVOS STATUTO EPOCHOJE

Santrauka

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Renesanso laikai Europoje siejami su naujais laimėjimais ne vien kultūros, meno, ekonominio gyvenimo, bet ir politinės minties srityje, kur atsigręžta į antikinius politinės teorijos bei veikimo pavyzdžius. Vakarietišku idėjų recepcija pastebima ir Lietuvos Didžiojoje Kunigaikštystėje, kurios valdančiosios dinastijos ir kiti politinio elito atstovai nuo jaunystės turėjo galimybę per keliones ir aukštąjį mokslą susipažinti su Vakaruose vyravusiomis intelektualinio gyvenimo srovėmis. Visa tai darė įtaką samprotavimams apie valstybę, jos įstatymus ir piliečių vaidmenį siekiant bendrojo gėrio. XV a. pabaigoje–XVI a. viduryje Lietuvos Didžiąjai Kunigaikštystei nusakyti šalia oficialaus valstybės vardo buvo pasitelkiamos bendrinės sąvokos, kaip antai *res publica*, *dominium*, *patria*. Šiame darbe analizuojamos minėtos sąvokos viešuosiuose ir privačiuose tekstuose siekiant atsakyti į klausimus: kokią prasmę XVI a. rašto paminkluose (visų pirma Pirmajame ir Antrajame Lietuvos Statutuose) turėjo žodžiai *reč pospolitaję* ir *res publica*? Kaip šias sąvokas suvokė minėtų paminklų kūrėjai, LDK politinės tautos atstovai? Ar pagrįstai galima juos vaizduoti kaip antikos idealų puoselėtojus? Galiausiai – kiek minėtos idėjos atsispindi realioje XV ir XVI a. sandūros LDK valstybės santvarkoje nepriklausomai nuo viešuose ir kitokio pobūdžio tekstuose vartojamos retorikos?

Nors *respublicos* sąvokos plitimas (vis dažnesnis vartojimas valstybinės teisės dokumentuose ir valdančiojo elito rašytiniame palikime) iš tiesų gana sinchroniškas su didikų ir bajorų prerogatyvų plėtimu bei parlamentarizmo raida, priežastinis ryšys tarp šių dviejų reiškinių nėra akivaizdus. XVI a. pirmosios pusės Lietuvos tei-

sės aktuose vartojamas terminas *res publica* (*reč pospolitaja*) nesietinas su Lietuvos ir Lenkijos unija. LDK politinės bendruomenės iš valdovo išsirūpintas ir sukurtas Pirmasis Lietuvos Statutas sergėjo pilietines teises ir prerogatyvas, kurios laikomos respublikoniškumo elementais, tačiau neakcentuojama pati respublikos sąvoka. Tiek pačiame Statute, tiek kituose epochos tekstuose dažniau sutinkamas valstybės – valdovo tėvoninės viešpatystės įvardijimas. Diduomenės puoselėtas idealas nebuvo nukreiptas prieš monarcho valdžią. Tarnystę respublikai didikai veikiau tapatino su tarnyste valdovui. Galima rizikuoti ir teigti, kad remiantis viduramžiais paplitusia organine analogija, LDK politinė tauta pripažino valdovą kaip valstybės mistinio kūno galvą. LDK politinė praktika bendrais bruožais atitinka viduramžių politinės minties istoriko Antony'io Blacko pasiūlytą *respublikos* modelį: valdovas buvo renkamas ir laikomas pavaldžiu įstatymui; svarbūs valstybiniai sprendimai buvo monarcho priimami tik dalyvaujant Ponams tarėjams, kartais rengiami bajorijos atstovų suvažiavimai; politinė tauta suvokė pareigą tarnauti bendrajam gėriui bei pripažino antikinį idealą prirėkus aukoti gyvybę už tėvynę; aiškiausias įrodymas, kad Žygimanto Senojo laikais buvo suvokiamas teisės būti teisiu pagal teisingumo ir lygybės prieš įstatymą principas, yra valdančiojo elito įgyvendintas sumanymas surašyti Pirmąjį Lietuvos Statutą ir siekis, kad šį paskelbtų valdovas.