

Lesson 11: The German (Magdeburg) Law, Humanism, Reformation, and
Counter-Reformation in the Ukraine

Between 1070 and 1340, some great changes occurred in Western Europe. The expedition of Boleslaw, the Polish prince, in 1068-1069, ended with the occupation of Kiev, which was done as a favor to one of the members of the Rurikid dynasty. The only gain which he got was some borderlands. This was all. In 1340, an expedition occurred. But this time it was led by a Polish king, not a Polish prince. It was Casimir the Great. This expedition, after some preliminaries, ended with the incorporation of the former kingdom of Galicia-Lodomeria into the Polish crown. There was no opposition, no irredenta on the side of the classes who had to defend the Regnum Russia, so to say. An historian has to answer why this was possible. With the Polish occupation, 100 years of independent existence was at an end. The answer is that in that particular period, between 1070 and 1340, some very important changes took place. First of all, we have the further development of what was left of feudalism and the further development of countries whose culture was based on Catholic Christianity. Something came into being in the West which distinguished Western Europe from non-Western Europe. It doesn't matter if it was China or the Islamic caliphate or Rus'. It was the basis of what came into being only in the Western sphere--the secularization

of culture and the idea of personal freedom and national democratic states, based on these preliminaries.

I do not want to go into details, but I would like to make one point. What was feudalism in the **classical** meaning of this term in approximately the Carolingian period to 1,000 A.D.? It was the complete fusion of the economic and political obligation in the reciprocal relations between feudal giver and feudal holder--lord and vassal. Barons in the feudal diagram require subdivisions and only the biggest barons owed their allegiance to the king. Although the justice that was administrated within this very cheap system, was of a very inferior sort. It did protect the peasant at minimal. Ultimately, the peasant depended on the good nature of his baron and since the barons finally recognized the value of milking a fat cow, the system of Carolingian feudalism was working very well. Certainly, we have a period of more or less feudal bandits, in any event, at the moment when the hereditary system was introduced in this baronage, then the nationalization of the former robbers occurred. Certainly, they would oppose any superior power, whether king or prince, and a very important struggle began, which ended in the West with the victory of the barons (the Magna Carta, the Golden Bull, etc.). Unfortunately, in the Ukraine, the struggle of this type ended

in the victory of Roman and of Daniel. So, practically, the barons in Galicia and Volhynia lost interest in the given state. The state became the obligation of the prince. The prince ruled via his people and, of course, they had allegiance only toward him. There was no nationalization of the territory. At the moment when the barons saw that it was possible to get privileges granted by the Polish crown as it was possible to get privileges granted by the Hungarian crown, Certainly, in 1340, they poisoned their prince and the Polish army, which was in the vicinity of Lvov, took it. Although we do not have all the source material, this incident could hardly be regarded as accidental. During the period of princely Rus', especially as concerned with the territories of the Ukraine, it was not possible for the barons to reach the stage of nationalization. It only happened in 1711, in the Pacta at constitutions between the Zaporozhian Host and the exiled Pylyp Orlyk. It was approximately five centuries too late.

If we take the development of the Roman Church during the second half of the eleventh century, especially the very powerful figure of Gregor VII and what happened there--I mean the elevated education of the priests and the fight of investiture. You see the problem was--I will return to the Galician situation: King Daniel made his former marshal bishop. He had no

education nor theological studies. Certainly, he depended only on the power of the prince. At the moment he lost the favor of his prince, he was dismissed. At the moment we have organized in a centralized way national churches in Europe, which to a certain degree coincide with the new organized units which were organized according to the principle: one crown, one unit. This was the basis for what later developed into nations. Whether it was the case in 1301 in Hungary or as it was the case in Bohemia at the same time, or some seventy years later in Poland. Whether the dynasties died out or not, it made no difference, because the idea, the conception of the crown and of the conception of some religious or political entity was merged and in existence. By 1340, this was not the case. It is very interesting to compare the situation in Galicia-Lodomeria with the situation in Poland. Practically speaking, it was only in 1300 that Poland emerged as one unit. It was when the Bohemian king Waclaw, Prince Waclaw, occupied Polish territories and was crowned king. Then we have the struggle between Wladislaw Loketek and the different princes. In the meantime, Loketek had on his side barons and the higher clergy. Since 1300, there was nationalization of the Polish territory. The ideal unit, the Polish crown, came into being. It was 1300. Boleslaw Iurii Troidenowicz tried to organize something like

this, but the boyars did not like it for one or another reason, because they were Orthodox and this was only possible within the Roman Catholic system of cultural unity. But, by 1300, and by 1330, Loketek still had a great problem. By that time, the towns, which were created on the basis of German (Magdeburg) law, were German. There was a struggle of the mayor of Cracow, Albrecht, against Loketek. By that time, what had its origin in feudalism was now creating the idea of the Polish crown. The cities were excluded. The nationalization of the cities occurred approximately one hundred years later. Since this is a very essential problem, we have to go to the problems of the cities in general. In 1961, there was a very interesting discussion organized by Harvard and M.I.T. The result of this discussion is the publication called The Historian and the City, edited by Oscar Handlin of Harvard and John Burkhardt of M.I.T. Here, Robert Lopez presents a very ingenious definition of the city:

In the earliest handwriting that we can read (hieroglyphic), the ideogram of a city consists of a cross enclosed in a circle. The cross represents the convergence of roads which bring in and redistribute men, merchandise, and ideas. This convergence entails the quickening of communication, which is nearly always a great

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advantage, but may become a handicap if speed grows so frantic that the city has no time to keep its share in the incoming goods and to impress its mark on the goods it re-exports. This circle in the hieroglyph indicates a moat or a wall. This need not be materially erected so long as it is morally present, to keep the citizens together, sheltered from the cold, conscious of belonging to a unique team, proud of being different from the open country, and from the other states. The wall too may become a common obstacle if it is too high and tight, if it hinders further growth, above all, if it frustrates the opportunity of exchanges beyond it."

No other definitions, according to Mr. Lopez, seem more fitting than the Egyptian one, the oldest of all. Some scholars disliked this definition. One of them was Professor Gershenkron of Harvard, who also participated in the discussion:

"Professor Lopez's reference to the Egyptian symbol of the city, the cross within the circle, the wall and the crossroads, is admirable, both because it is so illuminating for some types of medieval towns and because it illustrates the urge to let a favorite

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sub-category drop its prefix. No one would want to quarrel with the appropriateness of the circle. No one would deny that the nature of some important medieval cities is very properly intimated by a symbol which stands for a market serving long-distance trade. But are we really sure that there were no other medieval cities for which other inscribed symbols may be much more suitable? Is it not difficult to think of a few different symbols which could be placed within the circles very fittingly--a compass, a hammer, a chisel, or a weaver's shuttle or a tailor's needle? In other words, is it legitimate in discussing the medieval city to forget so completely the industrial development which took place within its walls and that determined so decisively the character of many, though by no means of all, towns in medieval Europe?"

I think that in both cases, we have certainly very important moments, but still, in my opinion, it is not enough to make a very precise characteristic, as we have in linguistic terminology, for example. What is the city of the European type? This is the subject of our discussion in opposition to all creations of that kind.

First of all, we should not forget Isidore of Seville, who, in very

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early times, stressed that the city was not made of stones, but of men. This is the most important problem. Here, I share the definition of my former colleague at the University of Hamburg, Otto Bruner, who, in the Vierteljahresschrift für Sozial- und Wirtschaftsgeschichte in 1953, presented the following definition of the European city, the city we are concerned with. The essential criteria of the European city, which distinguishes it decisively from cities of any other culture, including that of ancient Greece and Rome, is the legal separation of the urban and rural communities. In Europe after 950, the city forms a separate region, with its own civic peace, with its own law, and a definite city limit within its peculiar laws are valid. The problem is that if the most decisive moment is the participation of human beings, then what keeps human beings--I mean its legal structure--is the most important one. Taking this definition as a basis, we can divide the cities first into two groups, the post-950 cities and the pre-950 cities and those cities not in Western Europe after 950. This non-European type of city can again be divided into the so-called oriental city and into the polis (Bruner's terms). Both had in common that there was no special law for the city which would be different from the law of the rural community. Certainly,

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if you take the Asian city--it doesn't matter if it is a Chinese city or whether it is Moscow at this or that time or whether it is Baghdad-- what they all have in common is that you have free and non-free people there. What distinguishes the European city after 950 from these other types of cities is that whoever entered the walls of the city was a free man. It was not possible to have slaves in the city. "Die Stadtluft macht frei"--this was the basic idea of the European city. How did this European city come into being?

Just a few words, because it is very important. By 400 A.D. the Roman legions left Limus and Gaulia and some parts of Germania inclusive of the occupied part of Britannia. They were the prey of all possible Germanic peoples. We have the migration of peoples, the dark ages, and so on. The system of the Roman economy and Roman organization was based on the polis. What is the difference between the oriental city and the polis? The polis was self-governed, while the oriental city belonged to someone. The Roman empire was a confederation of polises. This system of the cities, especially after 600, when the Mare Nostrum was divided in two, in constant struggle between the Moslem and Christian areas, we have the situation where, here, the system of Roman cities collapsed.

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Instead, we have the system of emporia called vik in Germanic, portus in Romance, magus in Celtic, or pogost in Slavic. This was more or less the place of redistribution of articles of commerce. This is the period when the economy in Europe based, as the cities were destroyed, on visiting merchants. But their residences were somehow in this territory. By 950, we have a very important situation. Otto I, who for this or that reason, felt that he some obligation toward Christianity, especially after his victory over the Hungarians at Augsburg in 955, he created a new type of city. He himself was poor. But the negotiators and merchants were rich and they dictated to him a law. He had to accept it. So we have for the first time that a city is coming into being. It is organized by people with prestige and wealth. They are asked to stay permanently. They do it but under such or another conditions. This is the beginning of the European city. Then we have the development of communes, as they are later called, in Italy, in Flanders, and in different parts of Germany, the territories which were economically important at that time. Now, since Magdeburg was the birthplace of the modern city and our Western civilization, a civilization based on the achievements of 950. This, of course, is the most important date in the history of mankind. From that point of view, we will understand

that the moment when very important element, the moment if it was possible to nationalize this very important, then we have the basis for the modern nation in the Western European sense.

If you look at the history of the kingdom of Galicia and Lodomeria, we saw that we have the same situation as in the Polish territories. During the second half of the thirteenth century, we have several cities that got the German law, the first being Volodymyr in Volhynia, then, of course, Lvov or Lemberg, Kamianets-Podils'k in the Lithuanian period. Of course, I cannot now give you the history of the Magdeburg law in the Ukrainian territories, but what I shall stress is that the German colonizers who came to Volhynia or to other Ukrainian territories were Roman Catholics. There was a great barrier between them and the native population. This is still a period when the religious moment plays an important role. Later, of course, they were affected by the reformation and this had some interesting results in the Ukrainian political theory. But, essentially, Poland was in a better situation, because it was the Polish development of a culture based on feudalism and Roman Catholic civilization. At the moment when the Polish crown gained prestige, it was the beginning of nationalization of German burghers. It happened during the fifteenth century. Now, in the

time when in Poland and in other places in Europe, the idea of a crown came into being, there was no such idea in the East. Now, the German burghers had an opposition. The rulers granted them privileges, but the gentry was opposed. When the Polish crown occupied a given territory, it was clear that they would the support of the Polish crown. This was the reason why the cities in the Ukraine later developed into Polish cities, in spite of the fact that they originally had the same possibility of developing into Ukrainian cities as Polish cities did in Poland. In both cases we had Germans. Ultimately, they had to nationalize, if there was something which could impress them. But in spite of this, later we have an interesting development. At the moment when the Cossack administration took over, after Khmelnytsky's uprising, the Magdeburg law was the basis of all great cities on the territory of the Ukraine, and even the Muscovite administration had to accept that in the twelve leading cities of the Ukrainian territories, Magdeburg law had to be preserved. The cities were: Kiev, Chernihiv, Pereiaslav, Starodub, Nizhyn, Ostrog, Koselets, Povhar, Siversk, Poltava, and so on.

The Cossack administration, due to their origin, were not happy about the special position of the cities. Whenever they had the possibility,

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they dismissed these laws and this was the reason why the cities, which possessed Ukrainian organizations, but had obstacles in the case of their national identity put into their way. Nevertheless, the very fact that there were communes in the Ukrainian territories based on the Magdeburg laws, are of very great importance. If it would be necessary to make a demarcation line between where Europe par excellence ends, it was the frontier of the German law. And the territories, which for one reason or another never experienced self-government, they just remained without the sphere of the secularized civilization. This is the problem which we have to face even today in choosing between the two big powers.

The cities played an especially important role during the sixteenth century, because in the moment we had the struggle for the Rus' faith, the cities organized a system of brotherhoods to improve the education of the clergy and to introduce printing. Without the participation of the cities and the active participation of civic organizations, the revival of the Ukrainian national and cultural life, which is very impressive, would be impossible.

The middle of the eighteenth century brought a new cultural development to the Ukraine. It was the period of the departure from Byzantine literary

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tradition and of approach to Western European standards. The Renaissance and Reformation reached the Polish-Lithuanian Commonwealth late, only at the beginning of the sixteenth century, almost simultaneously. For that reason, these influences were intermingled and modified in the Ukraine, where they appeared thirty or fifty years after they reached Poland.

Already in the sixteenth century, the European Renaissance was already declining. The Italian renaissance of the fourteenth and fifteenth centuries was the revival of antiquity, classical Greek and Latin literature, and on this basis of the world and of man. Only one civilization discovered man, not God--this was the civilization of ancient Greece. All other civilizations discovered God first. The renaissance was the first milestone along the primal path to be marked out subsequently by the voyagers of discovery, by the reformation, by the scientific revolution of Copernicus, Gallileo, and Newton, by the industrial revolution, by the French revolution, by parliamentary reform in Great Britain, and so on. It was the awakening of individualism, especially in the arts, or in other words, the recognition of man's right to challenge ecclesiastical and secular authority. Before all, the awakening of interest in nature as an object of scientific experiment and research, as well as an object of artistic representation.

In Poland, the first generation produced the Calvinist Nicholai Rey.

The second generation produced Jan Kochanowski, the renaissance man.

Something like that also happened in the Ukraine, with greater or lesser intensity. Fortunately, the weakest of them was the interest in nature.

In large measure, the weakness of the renaissance concept in the Ukraine was determined by the fact that the carriers of the cultural tradition of that time were still predominantly Churchmen and that the attention of the secular consumers of cultural values was likewise directed. We have the period of the struggle for the survival of the Rus'ian faith. This determined it.

In the Ostrog Academy (1580-1640), attempts were made to establish secular learning, but this center was short-lived. Professor Cyzevs'kyi assumes that the obscure sect, called the Judaizers, a name given them by their enemies later, shows certain renaissance and also some Hassidic influences. As none of their original works have been preserved, the basis of their religious rationalism, the unusually great importance they attached to the Old Testament, and their official hostility to the Church is unsure. Their translations, however, from Old Hebrew, the Holy Scriptures, the logic of the Jewish philosopher Moses Mamonides, then, very interesting,

The introduction to the philosophy by the Arabic philosopher, Ali-Khazali, who sought to pacify the struggle between the Orthodox religion and the mystics, and the pseudo-Aristotlean physiogamy have survived. The Judaizers moved from Kiev to Novgorod, because their patron, of the Jogailo dynasty, Michael Olekhkovich, left Kiev for Novgorod. They could only continue for a short period of time. At the moment when Moscow took over they were totally annihilated both physically and spiritually.

The Old Church Slavonic text of the Psalter and of the Liturgical books were printed in 1491 by a German, Feuer, in Cracow. It is still not known whether the initiative for printing these books originated in Rus' circles. In the year 1519 in Prague and in 1529 in Vilna, the capital of Lithuania, books of the Bible were printed by Francis Skoryna. His belief that the Bible was the encyclopedia of all knowledge and literature, which he expressed in the prefaces to his publications, is characteristically Protestant. Between 1556 and 1600, numerous vernacular translations of the Scriptures appeared.* This was also the beginning of linguistic studies in the Ukraine. It is enough to name here the famous grammar of the Church Slavonic, by Meletii Smotrec'kyi (1619), which remained until the nineteenth century the only grammar of Church Slavonic, then the "Leksys"

by Zyzanii Tustanovs'kyi (1596), a Church Slavonic-Ukrainian dictionary; and a big Church Slavonic-Ukrainian dictionary "Leksykon Slavenorosskyi" by the Moldavian Pamva Berynda (1627). Until 1653, until the tragedy of Timish Khmelnyts'kyi, Moldavia was a part of the Ukrainian cultural commonwealth in the same way as Persians who created the discipline of Arabic lexicography because they had to learn Arabic. In the same way, the first and the largest dictionary as to the Ukraine of his time was created by a Moldavian, Pamva Berenda.

That Church Slavonic was not replaced by the Ukrainian vernacular of that time for another two centuries was due in no small part to the authority of the apologist for middle Ukrainian literary figure. Curiously enough, it was Ivan Vyshens'kyi, the greatest middle Ukrainian literary figure. Curiously enough, Vyshens'kyi, who wanted to keep the Church Slavonic language as an umbrella embracing the entire Orthodox world in the struggle against the Catholic world, himself used a language which was far from being Church Slavonic. It was rather middle Ukrainian, used also by the reformers. The sixteenth century reformation spread quickly through the East Central European territories and did not meet any major obstacles, since even before Luther, Bohemia experienced the Hussite pre-reformation,

which spread in part by the Croats in Hungary and also affected Rus' in the Lithuanian Commonwealth. Already in the middle of the sixteenth century, a wide strata of the Polish nobility and the urban population were stepped in Luther's and Calvin's teachings. Some influential Rus' Orthodox nobles were attracted by Luthernism and Calvinism, but the most were among the Anti-Trinitarians, the so-called Socinianists. The Polish Anti-Trinitarianists were closely connected with the stay in Poland of the Italian Unitarians, Francesco Stancaro (1559), Lelio Sozini (1558), and Fausto Sozini (Socinus, 1579). The basic force which helped the Anti-Trinitarianists and the other Protestant religions in Poland as well as in Europe and in the Lithuanian part of the Commonwealth in the Rus' territories were the noblemen, who protected and supported the community's schools and printing houses. From 1569, the city of Rakow, near Sandomierz, was the major center of Anti-Trinitarianism in Poland. It had a school and from 1602, an Academy (it was destroyed by a mob in 1638), in which the Polish and foreign socinists gathered. In this school, young people were educated, theological literature was printed, and theology as a science cultivated. The living representatives of the Ukrainian socinianists were products of this school. There is no definite evidence as to how early

Socianism appeared in the Ukraine. But we can assume that it appeared in Kiev and Volhynia simultaneously. In one of the polemical works of the Jesuit, Father Zebrowski, published in Cracow in 1597, it is stated that it is superfluous to guard the country's frontiers from the Turks, when the "Turks of the Interior"--Socinianism--settled in Volhynia and Kiev itself. The prominent Ukrainian families of Chaplych, Shpanovs'kyi, Seniuta, Pron's'kyi, Nemyrych, and so on were all Anti-Trinitarians by the end of the sixteenth and beginning of seventeenth centuries. The Nemyrychs played a very important role in the history of Ukrainian political ideology. They were descended from the old gentry Rus' family, which owned large estates in the Kievan and Volhynian voevodstvas. Many were known as zealous defenders of the Orthodox faith and as founding members of the religious fraternities, bratstva. Stephan Andreievych Nemyrych, the Kievan vice-steward and bailiff, who acted in the first half of the seventeenth century was the first in the family to become the protector of Socianism. He had three sons, who were active in the Socianist movement, Iurii, Vladyslav, and Stepan. They were reared from childhood in the Socianian religion and contributed much to the sect's progress as did their father. Iurii became widely known for his activities in Ukrainian political affairs after the revolution of Bohdan

Khmel'nytsky. He studied at the Rakow Academy, where he became a friend of Faustus Socini's grandson, Andrii Vyshyvati, now a member of the Ukrainian gentry. In 1631, Nemyrych, Vyshyvati, and other co-religionists went abroad to advance their education. They went to Gdansk, to Holland, England, and France, where they went to the Sorbonne to hear the famous Hugo Grotius. The political conception introduced by Nemyrych were based on the theories of Hugo Grotius. Upon returning home, Iurii Nemyrych proclaimed himself a zealous advocate of Socinianism and helped to propagate it in the Ukraine.

In 1655, Nemyrych, as many other of his co-religionists, having no desire to defend the Catholic King of Poland, Jan Kasimierz, in his struggle with the Protestant Swedish king, Charles X Gustav, decided to join Khmelnytskyi's revolutionary army. It was he, who after the death of Khmelnytsky, became the right-hand man of Khmelnytskyi's successor and leader of the Orthodox nobility who had joined the Cossacks, Ivan Vyhovs'kyi. Nemyrych was the creator of a unique in East Europe program. While still in Holland, he became familiar with local republican concepts and conceived the idea of a federative union of republics based on the teachings of Grotius. Now he decided to apply this idea in his homeland. The conditions in the Hadiach treaty, between Vyhovs'kyi and Jan Kasimierz, in 1658, which were

composed by Nemyrych are the complete expression of this. According to this agreement, Ukraine united with Poland, as an independent country under the name of the Great Rus' principality. It was entitled to its own parliament, supreme tribunal, state officials, treasury, coinage, and its own army. Two academies, with university rights, were to be established-- one in Kiev, and the other in another suitable locality, as well as a great number of other schools with guarantees of free education and with special places to study the sciences. Freedom of printing of books was also guaranteed. Nemyrych plunged all his enthusiasm into this endeavor. He accepted Orthodoxy, the religion of his forefathers, so that could rise in his homeland. He even invited his co-religionists who were oppressed in Poland, to join him in his great plans. He asked them to return to the Orthodox Church in order to unite with the free Cossacks and to enter the ranks of the citizens of the Great Rus' principality. He was successful.

In the spring of 1659, Nemyrych hurried to Warsaw with the Cossack ambassadors to attend the Diet, which would ratify the Treaty of Hadiach. There Nemyrych made a speech and the treaty was ratified. The king received him and, at Vyhovs'kyi's request, made him the first chancellor of the Great Rus' principality. Unfortunately, this brilliant project, born as a

product of Ukrainian Protestantism, was not to become reality. As soon as the ratification became known, the Moscow succeeded in inciting the mob and Nemyrych and the Hadiach Union were cut to pieces in 1659.

The Western European Baroque came from the Lithuanian capital Vilno. Vilno also transmitted to the Ukraine the art of engraving. The cultural intercourse between Vilno and the Hetmanate was very lively during the first half of Mazepa's reign. (One should not forget that Mazepa's successor, Pylyp Orlyk, was from Vilna.) In the West, baroque was an attempt at a synthesis of the renaissance and the middle ages. It fully recognized the newest achievement of science, took over from the renaissance the discovery of antiquity, retaining certain individual features of the renaissance. But Baroque and the study of nature advanced again the question of theology. It placed Christianity beside antiquity, but the baroque cultivated the form of works inclined toward a variety curiosities, to move and to excite the human being. Although Ukrainian baroque is extraordinarily rich, it acquired its own original qualities of its own, in the conditions which prevailed during the renaissance. It produced in the Ukraine a very rich verse poetry, polemical literature, and architecture.