

# THE PROBLEM OF THE JURIDICAL NATURE OF THE UKRAINE'S UNION WITH MUSCOVY\*

*Dedicated to Professor Andriy Yakovliv*

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The problem of the juridical nature of the Ukraine's union with Moscow has interested scholars for a long time. In addition to this interest the problem has a long and impressive literature. The most recent treatment in Ukrainian historical literature and those resumes dealing with its present state are to be found in the works of Hrushevsky, Yakovliv, and Doroshenko.<sup>1</sup>

According to the late Hrushevsky, "an overwhelming majority of scholars found that the Ukraine, upon coming under the supremacy of the tsar of Muscovy, continued to retain its state rights and attributes and for this reason the state-political evaluation of this act hovered between such forms of state unions as personal or real union, and a vassal-protectorate. There were only a few scholars, who, after considering the centralist trends of Moscow and the reservations introduced by the latter, which in the process reduced the Ukraine's sovereign rights to zero, termed the union of the Ukraine and Moscow an incorporation, although incomplete, or an annexation with the reservation of autonomous rights (Nol'de, Rozenfeld)."<sup>2</sup>

In this presentation it is accepted as a fact—by both Ukrainian and older Russian historians—that the union of the Ukraine and Moscow was a union of two nations. Professor Sergiyevich has concluded: "In the seventeenth century the incorporation of

\* This article has been edited and abridged slightly by Professor Yakovliv.

1 M. Hrushevsky, *Istoriya Ukrayiny-Rusy*, (Kiev, VUAN, 1931), Vol. IX Part 2 (Khmelnychchyna, 1654-1657).

A. Yakovliv, "Ukrayins'ko-moskovski dohovory v XVII-XVIII st.," *Pratsi ukrayinskoho instytutu* (Warsaw, 1934), Vol. XIX.

D. Doroshenko, "Narys istoriyi Ukrayiny," *ibid*, Vol. I (1932), Vol. II (1937), Vol. IX, XVIII (1934).

2 Hrushevsky, *op. cit.*, p. 866.

Little Russia was based on a union of states.”<sup>3</sup> And Professor Filipov asserted, “With the annexation of Little Russia, the Muscovite state, hitherto a simple state, became a compound, because at this moment the process of a union of two states was taking place.”<sup>4</sup> These opinions of two eminent Russian scholars sufficiently illustrate this point.

With the retention of her rights and liberties, the independent Ukraine joined the Muscovite state under certain conditions (the act of the *Zemski sobor* of October 1, 1653 stated that the “Cherkassy have today by a sovereign oath become free people”<sup>5</sup>). It does not matter how we designate the relationship which was to follow—the entire scale from autonomy to alliance is evident in literature—since we have before us two nations.

However, the term “subjection of Little Russia” has found its way into historical literature, particularly Russian; it appears in schools and everyday life. How did this term arise? Its source is in historical documents and, as a matter of fact, Muscovite documents of the period related to the Pereyaslav Treaty, as well as subsequent documents, contain the words subjection (*poddanstvo*), perpetual subjection (*vechnoye poddanstvo*), subject (*poddany*), subjects (*poddanyie*).<sup>6</sup>

The record of the *Zemski sobor* of October 1, 1653 does not use these words in its resolutions and does not mention “subjection,” although such expressions as subjection and subject are to be found in its other sections but in another connection.<sup>7</sup> Subsequent documents have a generous sprinkling of it. It started on March 27, 1654 when the tsar responded to the request of the hetman and the Zaporozhian Host by agreeing to take compassion on God’s churches and the Christian people and “receive you under our tsar’s glorious protection.”<sup>8</sup> This formula was

<sup>3</sup> N. Sergiyevich, *Lektsii i izsledovaniya*, p. 103.

<sup>4</sup> A. Filipov, *Uchebnik istorii russkago prava*, p. 359.

<sup>5</sup> *Ibid.*, p. 414.

<sup>6</sup> *Sobraniye gosudarstvennykh gramot i dogovorov*, III, 495. (Hereafter, *SGGD*.)

<sup>7</sup> *Ibid.*, p. 488.

<sup>8</sup> *Akty, otnosyashchiesya k istorii Yushnoi i Zapadnoi Rossii*, X, 502-3. (Hereafter, *AYuZR*.)

repeated in the tsar's decrees, "Under our sovereign's glorious protection. . . they have pledged faith to us for perpetual subjection."<sup>9</sup> This became the standard for subsequent decrees which usually mentioned this "perpetual subjection."<sup>10</sup>

The tsar called the hetman a "subject" in his letters to him<sup>11</sup> and, in writing about the hetman to the boyars, he also ordered them to address him in this fashion.<sup>12</sup> This term was also applied to other "Cherkassy," such as officers and townspeople.<sup>13</sup> It was also used by the boyars in their correspondence with the hetman,<sup>14</sup> or in their references to him in their reports to the tsar.<sup>15</sup>

The Ukrainians even used this term to refer to themselves. Until the Pereyaslav Treaty, the letters of the hetman to the tsar and boyars did not use the term "subject," but the customary expression of courtesy in vogue at that time was used.<sup>16</sup> After the oath the hetman and the Host signed in the following way: "Your sovereign highness' loyal subjects and most humble servants."<sup>17</sup> In the articles delivered in Moscow by the Ukrainian envoys, S. Bohdanovych and P. Teterya, the expression "his sovereign highness' subjects, Bohdan Khmelnytsky, the hetman, and the entire Russian Christian people," was used.<sup>18</sup> Thereafter, this standard was the rule.<sup>19</sup> Secretary General Vyhovsky imitated the hetman and signed his name in the same way, usually adding the words, "subject and servant," and also, "footstool."<sup>20</sup> Similar

<sup>9</sup> *Ibid.*, to the nobles, p. 495; to the hetman in Chyhyryn county, p. 496; to Hadyach, p. 497; to Subotiv and Novoselytsya, p. 499; to Medvedivka, p. 500.

<sup>10</sup> For example, the writ to Pereyaslav of April 13, 1654, *ibid.*, p. 534; the writ to Kiev of July 16, 1654, *SGGD*, III, 529.

<sup>11</sup> *AYuZR*, p. 657.

<sup>12</sup> *Ibid.*, p. 658.

<sup>13</sup> *Ibid.*, p. 511.

<sup>14</sup> *Ibid.*, p. 513.

<sup>15</sup> *Ibid.*, p. 685.

<sup>16</sup> *Ibid.*, pp. 70, 96.

<sup>17</sup> *SGGD*, III, 501.

<sup>18</sup> *AYuZR*, p. 478.

<sup>19</sup> *AYuZR*, X, 261-2, 728, 670, 610, 718, 733, 438, 550, 320, 436, 740, 724, 318, 599. See also, *SGGD*, III, 517.

<sup>20</sup> *AYuZR*, X, 740, 736.

terms were used in appeals to the Muscovite sovereign by officers, communities, Cossacks, and nobles.<sup>21</sup>

In the official acts, writs, and other documents issued by Muscovy and in the Ukrainian letters and petitions, the terms "subjects" and "subject" started to cling to the hetman, the Host, the officers, different classes, towns and individuals.

These terms were used so frequently in communications with Muscovy that they became indispensable additions to the rank and name of the closings. In time, the word acquired a meaning bordering on some honorary profession and was envied by those who did not possess it. Thus, in 1678, Bishop Gedeon of Lutsk, Prince Svyatopolk-Chetvertynsky, wrote to the tsar: "Although we are not worthy of being your subjects, still we pray for this. You are the only Orthodox tsar in the world, as the sole sun in the sky."<sup>22</sup>

Sometimes it assumed all the aspects of a privilege and those who possessed it would not share it with others. Thus, after March 17, 1674, when the colonels of the Right-Bank took an oath to the tsar to be received "in perpetual subjection according to their rights and liberties," those of the Left-Bank were denied the right to call themselves the tsar's subjects, as if that right belonged only to the former group.<sup>23</sup> This idea of "subjection" was even instilled in schoolchildren. Public celebrations were held in honor of this. Thus, in 1674 in Kiev, the students from Mohyla College staged a dialogue in honor of the tsar as a "sign of faithful subjection."<sup>24</sup>

## II

Obviously, the simplest thing would be to accept the present meaning of the word, "subject." Frequently, when people read about the "subjection" of the Ukraine, they accept the word in

<sup>21</sup> *Ibid*, p. 472, 516, 614, 765, 767.

<sup>22</sup> K. Kharlampovich, *Malorossiiskoye vliyaniye na velykorusskuyu zhizn*, (Kazan, 1914), I, 341.

<sup>23</sup> *SGGD*, IV, 302.

<sup>24</sup> K. Kharlampovich, *op. cit.*, I, 413. He added that the *voyevoda*, Prince Trubetskoi, expressed a wish that this dialogue be printed (see, V. A. Undolski, *Ocherk slavyano-russkoi bibliografii*, Moscow, 1871, No. 881).

its present meaning without further analysis. Our modern science of law interprets this term as indicating the relationship between the citizens and the state, the individual and the collective; thus, they attribute to the term a clear meaning, understandable by all.

"By subjection or citizenship," according to Gradovski, "we understand the sum total of relations which tie a human being exclusively to a given land and its government. A person can only belong to one political body, one state. As Herman Schultze correctly observed, 'The duty of loyalty and obedience cannot be divided among several states.'"<sup>25</sup>

According to a later and more accurate definition, subjection means the juridical connection between the individual and the state. In the field of international law, as it pertains to individuals, subjection determines the personal status of an individual abroad (a synonym of nationality) and within this meaning it is a modern concept. In the field of political law, subjection determines the rights and duties of a person in relation to the state.

According to some scholars, e. g., Seidel and Jellinek, it is impossible to define isolated elements of subjection. It consists of the sum total of an individual's rights and duties, which are founded upon the law of the land. Therefore, subjection does not have an immutable meaning, since it varies with the passage of each new law. It is even more difficult to come up with a definition which would apply to subjection in all states. Thus, according to Leband: (1) subjection imposes a duty of obedience to the state authorities regardless of whether the person is within the state or abroad. Obedience means not merely passive submission, but also positive activity in carrying out those responsibilities due the state (particularly, military service). (2) Subjection is also connected with loyalty, i. e., it imposes the responsibility of not acting to the detriment of the state; an alien can be prosecuted for acts detrimental to the state but not for treason.<sup>26</sup>

<sup>25</sup> A. Gradovski, *Nachala russkago gosudarstvennago prava*, (St. Petersburg, 1875), I, 194.

<sup>26</sup> M. Braun, "Poddanstvo," *Entsiklopedicheski slovar Brokhauza*, 47, pp. 70-1.

From the viewpoint of modern science, the problem of the so-called dual subjection (dual citizenship) might also be considered, since it will be met with many times. "Multiple subjection is an anomalous phenomenon, contrevening the accepted idea of the state," said Gradovski.<sup>27</sup> Modern authors agree with him. One of them finds that "dual subjection is an anomaly, because the demands imposed upon its subjects by one state are frequently incompatible with the simultaneous subjection to two, e. g., loyalty, military service."<sup>28</sup>

From all that has been said above, it is most pertinent for us to bear in mind that subjection refers to the relationship between the individual and the collective, i. e., the citizen and the state according to modern views. However, certain formulas are derived from the above quotations which may not, under any circumstances, be applied to older times. Legal concepts, which are often very familiar to us, have not been in existence for ages, but have acquired their meaning by constant development, supplementation, and change. Filipov writes: "Legal concepts which have become apparent after a sequential study of individual stages of national awareness of law and which have influenced in one way or another the organization of institutions and the formulation of juridical norms at a given moment of the law's development, are not constant magnitudes through the ages. On the contrary, they have been subject to constant change which is directly related to the development of the entire complex of social intercourse in the given country. No matter what juridical concept is considered in history, be it the concept of nationality, supreme authority, crime and punishment, property, or an institution which either by itself or in unison with others carries out certain functions in the state, etc., each has been subject to changes over a period of centuries. Finally, it comes before us as a complete picture, capable of being separated into its component parts. And it is precisely in this way that it appears in modern juridical theory or legislation of different countries."<sup>29</sup>

<sup>27</sup> Gradovski, *op. cit.*, p. 194.

<sup>28</sup> Braun, *op. cit.*, p. 72.

<sup>29</sup> Filipov, *op. cit.*, p. 2.

An illustration of this continual evolution of juridical concepts is provided by Jellinek, an eminent German scholar, and it is precisely from the field which most interests us. "The concept of subjection," he says, "was only fully developed after the downfall of the feudal state. . . ." <sup>30</sup>

With the development of juridical norms, those terms which were applicable to them were filled with a different content. This process encompassed life in general, for in the living language of any nation changes are observed in the meaning of words—frequently of profound depth—while the word retains the same linguistic form. This phenomenon can not be overlooked, since we must contend with it in order to solve our problem. Let us take the word *boyarin* (boyar). It signified different ideas during the course of centuries and, particularly in Ukrainian, was subject to profound changes. During the period of the Galician-Volhynian kingdom, a *boyarin* was a person of great power, one who belonged to the circle of magnates who ruled the state. During the Lithuanian-Rus' principality, the *boyarin* had nothing in common with his predecessor except personal freedom. In the modern vernacular, the word *boyarin* still exists in the wedding ritual, but its meaning is purely ceremonial and its existence just as ephemeral as "prince" in the same ritual. The word is identical in all three instances, but the meaning entirely different. <sup>31</sup>

Another example is supplied from the Russian language. The words, "well-born nobility" (*blagorodnoye dvoryanstvo*), had merged into a single indivisible unit during the last period of the Empire. And yet there was a time when this permanent adjective of the noble estate, "well-born," had no connection with the nobility at all, but was a epithet of a higher order, applicable only to grand princes and grand princesses, the children of the tsar. It was only during the time of Peter I that the adjective *blagovernny* (truly faithful) replaced *blagorodny*; the latter was applicable to the rank-and-file nobility. <sup>32</sup>

<sup>30</sup> G. Jellinek, *Pravo sovremennogo gosudarstva*, 1903, p. 479.

<sup>31</sup> Novitski, *op. cit.*, p. 4.

<sup>32</sup> Gradovski, *op. cit.*, p. 230.

After considering these facts, we must agree with Nol'de, who, having explained the meaning and limits of the "rights and privileges" of the Ukraine after the union, observed: "This task is further complicated by the fact that the people of the seventeenth and eighteenth centuries did not know these forms of political thought to which we have become accustomed and in their documents do not answer many questions which seem basic to us. In this connection it must first be noted that the documents of the seventeenth and eighteenth centuries do not contain a clear idea of the fact that in these acts the matter concerned the relations of two political units, Russia as an entirety and Little Russia. This abstract construction was unknown to the people of the period. For them, juridical relations between Russia and Little Russia were relations between the tsar and the hetman with the Host."<sup>33</sup>

The words of M. Solovyov assume a deep significance against the background of the differences in acceptance of facts, their interpretation, and the ultimate expression of them in words and deeds. He said in a different connection, "Problems which appear incapable of being detached from the present time and the habit of transposing modern demands to the past ages, greatly impede the study of history and a correct understanding of the past; and by the same token they impede the modern connection with them."<sup>34</sup>

A truly grave error is committed by the historian who approaches the past with the yardstick of the present, subordinating past conditions to modern patterns, e. g., imputing twentieth century meanings to seventeenth century terms. Modern norms and patterns cannot be applied to the past, and the modern meaning of certain words cannot be applied to the same words in old documents. The modern meaning of these documents is not important. What is important is the meaning intended by the people who wrote them, the purposes they wished to achieve, and how the documents were interpreted by contemporaries.

<sup>33</sup> B. Nol'de, *L'Ukraine sous le protectorat russe*, p. 34.

<sup>34</sup> Solovyov, *Istoriya Rossii s drevneishikh vremen*, XIII, 143.



Hence, the facts and terms of the past must be approached using the yardstick of the past; no exception can be made in regard to the problems of "subjection." It must not be forgotten for a single moment that the Pereyaslav Treaty was concluded in the seventeenth century; political ideas and concepts were entirely different and political ideas were conceived in different terms.<sup>35</sup>

It is not always possible to enter into the spirit of another epoch and to appreciate its atmosphere, but it is our duty to make such an attempt. That is the reason for the attempt to explain the meaning of "perpetual subjection."

In order to be able to answer the question posed, we have to begin with a *determination of the true contents of the Ukraine's "subjection"* and then proceed to explain the meaning of the word itself during that period.

The true contents of "subjection"—what did the "rights and liberties" of the Zaporozhian Host consist of exactly—have already been explained by Ukrainian and foreign scholars. In our presentation of earlier analyses, we only have to attend to some additional facts, place some neglected source material in place, emphasize some unutilized points, which are significant in our opinion, and then unify all this material.

Our task is more complicated when we come to the explanation of the term "subjection" during the period of the Ukraine's union with Muscovy. This undertaking, in all probability not attempted by anyone else, will require enlisting the aid of spheres that lie beyond this author's specialization, the history of language and the history of law: philological, i. e., what a given word was supposed to mean at the time, and provide illustrations of how Ukrainians, Muscovites, and neighbors understood the word; and juridical, i. e., what contents a given formula had in the Muscovite laws of the seventeenth century.

If we are in error as to some points, it is up to the linguists and lawyers to offer arguments and conclusions, amendments or additions, reservations or rebuttals.

<sup>35</sup> Yakovliv, *op. cit.*, p. 37.

## III

First, the contents of the meaning of "perpetual subjection" must be analyzed on the basis of contemporary documents. The tsar wrote in a writ of March 27, 1654 to Hetman B. Khmelnytsky and the entire Zaporozhian Host: "That in the present year 162, by the grace of God, Hetman Bohdan Khmelnytsky and the entire Zaporozhian Host have come under our majestic hand and pledged faith to us, the great sovereign, and to our sovereign's children and successors in perpetual subjection...."<sup>36</sup>

The essence of the Pereyaslav event was explained in more detail, and with emphasis upon some very important aspects, in the tsar's writ to Secretary General I. Vyhovsky of April 12, 1654: "And we, the great sovereign, for the glory of the Orthodox Christian faith and the holy churches of God, and for no other purpose, save this, that all true believing Orthodox Christians be liberated from Latin persecutions and oppression, have accepted you under our sovereign hand. You have pledged faith to us, the great sovereign, according to immaculate Christian commandment, and you will serve us, the great sovereign and our ruling children and successors with faith and truth, and desire the good in all measure and you will remain under the hand of our sovereign highness with towns and lands forever inseparable, and for the Kiev and Chernihiv principalities and for all of Little Russia not to wish another ruler."<sup>37</sup>

In the oath sworn by the Ukrainians to the tsar in Pereyaslav, they promised according to the *Chinovnaya kniga* to "remain with lands and towns under the sovereign's high hand forever inseparable," and to "serve and aim and desire good and in all to do the sovereign's will, without any hesitation, as was written in the promise."<sup>38</sup>

As it appears from these excerpts, the essence of "perpetual subjection" consisted in the fact that the hetman and the entire Zaporozhian Host came under "the majestic hand of the sover-

<sup>36</sup> *AYuZR*, X, 491.

<sup>37</sup> *Ibid.*, pp. 575-6.

<sup>38</sup> *Ibid.*, p. 228.

eign" together with "lands and towns" which made up the grand principalities of Kiev and Chernihiv and of all Little Russia, and at the same time they pledged the Muscovite monarch "not to leave him ever, to serve him in faith and truth, and to submit to his will."

It must be emphasized that all the documents relating to the Pereyaslav Treaty and its drafting, such as B. Khmelnyts'ky's letters to the tsar, the articles of the treaty, the writs of the tsar and Buturlin's "List of Articles" and others, contain, as far as the Ukraine is concerned, all those elements which, even under present standards, determine a state: government, territory, and population. The Zaporozhian Host, i.e., the Ukrainian state with its government, the hetman, and the territory, "lands and towns" and population ("all the Christian Russian people," "all the Orthodox people," "the honorable military and all people") were entering a certain relationship with Muscovy.<sup>39</sup> The irrefutable statehood nature of the Zaporozhian Host, is reinforced by the additional monarchical elements inherent in the aforementioned titles of the principalities of Kiev and Chernihiv and of all Little Russia which the Ukraine delivered to the tsar of Muscovy along with "subjection."<sup>40</sup>

The hetman, who, according to contemporary customs, personified the state of the Zaporozhian Host, which he headed, affirmed the treaty with Moscow on the transfer to "subjection" by oath, but under certain conditions: the Ukraine submits "under the majestic hand of the sovereign" preserving inviolate her "rights and liberties," which were guaranteed earlier by the tsar's word. Buturlin, the head of the tsarist mission, assured the Pereyaslav Council that the tsar's word is "never broken,"<sup>41</sup> and this promise was subsequently confirmed by a series of writs issued in Moscow.

Nol'de summarizes the rights which the tsarist authority had acquired over the Ukraine and the rights of the Zaporozhian Host, guaranteed by the same treaty: "The limits of dependence

<sup>39</sup> *Ibid.*,

<sup>40</sup> M. Hrushevsky, *Velyka, Mala, i Bila Rosiya* (Kiev, 1917).

<sup>41</sup> *AYuZR*, Vol. X.

were defined so obscurely that it is difficult to draw any clear juridical conclusions from the formulas in the acts pertaining to the matter. What precisely 'subjection' consists of is explained in the writs in the following manner: 'To serve us, the great sovereign and our son the tsarevich Aleksei Alekseyevich, and our heirs, to serve us and to submit to us and to wish us all good, and to go there, where our highest command orders, against the enemies of our state and to fight them, and in all things to be in our will and in our obedience forever.' The concluding words are so categorical that it would appear as if Little Russia had been completely subjugated by Muscovy. But the acts obviously do not attach too much weight to this formula, because, while it appears that the formula should make everything else superfluous, they recite carefully, one after the other, the prerogatives of the Muscovite authorities in the Ukraine."<sup>42</sup>

This Russian scholar lists the tsar's prerogatives in the following order: the hetman's duty was to serve faithfully and wage war on the tsar's enemies; certain restrictions upon foreign relations and even the prohibition of them in time, and the right of the tsar to maintain in the Ukraine military commanders with their units. <sup>43</sup> "This list," writes Nol'de, "exhausts the question of Moscow's influence upon the Ukrainian administration during the first period of Little Russia's autonomy until Peter I. All else is within the realm of the 'rights and privileges' of the Ukraine."<sup>44</sup>

In his work on this subject, A. Yakovliv, after careful consideration of the problem indicated by Baron Nol'de, came to the following conclusion regarding the scope of the tsar's rights: "The rights of the Ukraine which were due the tsar of Muscovy according to the Treaty of 1654 were restricted to the fictitious right of receiving monetary tribute and overseeing the Ukraine's foreign relations, and this only in certain cases. This, and perhaps also the very name 'subjects,' covers the whole essence of the term 'subjection' expressed so categorically in the writ of the

<sup>42</sup> Nol'de, *op. cit.*, p. 41.

<sup>43</sup> *Ibid.*, pp. 39-43.

<sup>44</sup> *Ibid.*, p. 44.

tsar.”<sup>45</sup> This author continues: “No matter how categorical this meaning of ‘subjection,’ it cannot be explained in this manner, as if the Ukraine had united with Muscovy forever and had lost her independent national existence by becoming part of the Muscovite state. The text says that the Ukraine has to be under the majestic hand of the tsar, but according to all her previous rights and privileges and according to all the articles of the treaty. And these rights, privileges, and articles, as we shall see later, reduce ‘subjection’ to a mere nominal protection of the tsar over the Ukraine.”<sup>46</sup>

And M. Hrushevsky characterizes the condition of Ukrainian statehood at the time: “Actually, even after coming under Muscovite supremacy, the territory of the Ukraine was considered as the territory of the Cossack Host, ‘the Cherkassian cities’ were separated by customs and political boundaries from the tsardom of Muscovy. . . her people were under the protection of the Host and they even thought in terms of the army, as we have seen. The Metropolitan calls the hetman ‘leader and commander of our land.’ The highest social stratum was the nobility, which ‘served in the Zaporozhian Host.’ The omni-national character of the hetman’s power, and its control over the entire population of the Ukraine, is emphasized in the Muscovite formula of the hetman’s investiture. The Ukrainian structure was based on her own laws, guaranteed by the treaty with Moscow; in the acts of union the term ‘rights and liberties’ are used. These had existed under the great princes of Rus’ and Poland; the tsarist government can broaden them, but not curtail them. To the extent that life in the Ukraine was governed by this right, the interference of the tsarist authorities was not tolerated.”<sup>47</sup>

Having listed the actual content of the Ukraine’s subjection, as it appears in sources and as it is interpreted, the characteristics which appear upon analysis of its essence and which make it even more peculiar and even more incompatible with modern

<sup>45</sup> A. Yakovliv, *op. cit.*, p. 41.

<sup>46</sup> *Ibid.*, p. 38.

<sup>47</sup> Hrushevsky, *Istoriya* . . . , pp. 866-7.

concepts as applied to that term must be considered. And these are: incompleteness, instability, and duality.

The incompleteness of this subjection is explicable in what has previously been said, i. e., it had been much restricted. This was perceived in Moscow, which used every opportunity and attempted at any cost to curtail these "rights and liberties." She used every possible means to introduce new amendments, which were to her benefit, into the context of the treaties in order to change the incomplete subjection into full dependence. If Moscow considered Khmelnyts'ky a "subject" of the tsar, then, says A. Yakovliv, in her own eyes this subjection was peculiar and incomplete. It was only in Bryukhovetsky's time, who "threw all the cities of Little Russia at the tsar's feet" and declared that it was not proper for a hetman to rule over subjects, only for monarchs, that it was stated that "Little Russia comes under the complete subjection of his sovereign majesty."<sup>48</sup> But this formulation (of Rigelman), which holds that in 1665 Ukrainian subjection (*poddanstvo*) actually changed into complete dependence (*sovershennoye poddanstvo*), does not conform to reality. First, the Ukrainian people in shedding their blood, lodged an active protest. Second, the Moscow resolutions of 1665 were destined for a brief life, since they were shortly cancelled by the Hlukhiv Treaty of D. Mnohohrishny in 1669.<sup>49</sup>

It is precisely in this treaty that we find the contraposition of the two powers, the Ukraine and Moscow, and their interests. Matters of a special Ukrainian resident minister in Moscow, Muscovite escapees in the Ukraine, Ukrainian war prisoners in Muscovy, the return of property confiscated during the war, and, particularly, the prohibition against Ukrainians trading in tobacco and spirits within the boundaries of the Muscovite tsardom—all these clearly indicate the incompleteness of subjection.<sup>50</sup>

Even much later, during the election of Hetman I. Mazepa in 1687, a special resolution had to be introduced into the articles of Kolomak at Moscow's request and against many protests which

<sup>48</sup> N. Rigelman (Riegelman), *Letopisnoye povestvovaniye o Maloi Rossii*, II, 85.

<sup>49</sup> Yakovliv, *op. cit.*, p. 103.

<sup>50</sup> *Ibid.*, pp. 100-3.

asserted that the Ukraine was "the land. . . of the hetman's regiment" and was different from the Muscovite state. The tsar's decree imposed upon the newly-elected hetman the duty "to unify the Little Russian people with the Great Russian people by all measures and means and to bring them into inseparable and firm union by marriages and other conduct, so that they would be together under one government of the tsar's excellent highness of one Christian faith, and that nobody would voice such statements that the Little Russian land is the hetman's regiment, but instead, they should proclaim in unison: the hetman and officers and the Little Russian people together with the great Russian people of his most excellent sovereign majesty of the autocratic state, and residents of Little Russian cities are free to move to Great Russian cities."<sup>51</sup> If in 1687 such extraordinary measures were required to achieve at any cost a real union of the Ukraine and Muscovy and the closest approach between the Ukrainian and Russian people, it is apparent that contemporaries "of the hetman's regiment" sharply and clearly opposed their Ukrainian state to the Muscovite and the hetman's authority to the tsar's.

However, even after Poltava we encounter the "Little Russian state" along with the "Great Russian." In a book published in 1713 by the Kiev-Pecherska Lavra in honor of Prince D. Golitsin, the dedication mentions his mission to Turkey, undertaken "for the common good of both states, the Great Russian and the Little Russian."

The existence of two states during Peter I's time, a fact noted by the scholars of the Lavra, was surely considered by the Muscovite tsars. It must be emphasized that the tsars themselves looked upon the Ukraine, notwithstanding its "perpetual subjection," as a state separate from that of the Muscovite tsardom.<sup>52</sup> In the seventeenth century the tsars readily gave concessions to

<sup>51</sup> *SGGD*, IV, 556.

<sup>52</sup> It is sufficient to recall that even a boundary and customs office, which separated the Ukrainian territory from Muscovy, existed until 1754, when they were abolished by an order of the Senate (*Polnoye sobraniye zakonov*, Vol. I, Nos. 10218, 10258, 10486. Hereafter, *PSZ*).

foreign merchants and entrepreneurs and hired many foreigners, particularly for the military services. Many of these people were accepted as "subjects." And here is a fact which speaks for itself: In granting privileges and letters patent to these foreigners, the tsars of Muscovy stated clearly that they had effect in the "Great Russian tsardom of our sovereign majesty."<sup>53</sup> The tsar would not even think of granting foreigners privileges which would be valid in the "Little Russian state."<sup>54</sup> The Ukraine was a different state and the tsar had no right to interfere in the internal affairs of the Ukraine, in the so-called "Little Russian principality," in the principalities of "Kiev, Chernihiv, and all Little Russia."

There is further evidence of Moscow not being sure of the "subjection" of the Ukraine and of the imperfection and unfinished state of the union in a prayer which had been printed in Moscow annexes long before 1718 and used until 1734. It was a prayer to Saint Metropolitan Oleksiy and was read in churches in the name of the tsar and his family. It read: "May the throne of Kiev unite with the God-erected throne of Moscow and may the Little Russian principality join the God-protected Great Russian tsardom."<sup>55</sup> Therefore, from the viewpoint of Muscovy, notwithstanding the "perpetual subjection" of Bohdan Khmelnyts'ky and his successors, the union of the Ukraine and Muscovy was not an accomplished fact: even after the union there were still two thrones and two states; prayers were offered to God for many years for their union.

The area of church life offers very interesting evidence of that "subjection" and discloses the cardinal differences between Moscow's policy in this respect in Byelorussia, which had been annexed directly by the Muscovite tsardom, and the Ukraine, which had agreed to come under the supremacy of the tsar, but had remained independent. The tsar's authority was quite different

<sup>53</sup> SGGD, IV, 594-5. This was a letter patent of Tsars Ivan and Peter to refugees "of the Evangelical faith" who escaped from France, issued at the intervention of Frederick III of Brandenburg on January 21, 1689.

<sup>54</sup> Hrushevsky, *Istoriya*..., p. 866; *AYuZR*, X, 575-8; SGGD, III, 529.

<sup>55</sup> Kharlampovich, *op. cit.*, p. 501, note 3.



on land which was considered within his control, while a different measure was applied to the neighboring Ukrainian church, although it was bound to him in a certain way.

In Byelorussia, which had been conquered "by the sword," annexed immediately to the Muscovite tsardom, and actually joined with the Patriarchate of Moscow, Moscow did not tarry with the appointment of their own administrators and bishops.<sup>56</sup> Moscow did not dare do anything like that in the Ukraine, no matter how much she was tempted to do so, and the Ukrainian Church remained independent of Moscow for a period of thirty-two years following the Treaty of Pereyaslav (1654-1686).<sup>57</sup> The tsar's orders had no force in the Metropole of Kiev and it continued to be governed by its "old rights."<sup>58</sup>

It might be said in this connection that political supremacy and canonical hierarchy are two different things. The answer to this, however, is that at that time in the Ukraine the elements of religion, politics, nationality were closely intertwined with social matters. The prime motive, as evidenced in contemporary Ukrainian and Russian documents, for the union on both sides was "one faith";<sup>59</sup> it would be natural to assume that there should be a church union. There were many reasons why this expected event did not materialize, but we cannot pause here to analyze them.

<sup>56</sup> *Ibid.*, p. 171. The consecration, for example, of Kalikst Ritoraysky as Bishop of Polotsk in Moscow on March 8, 1657.

<sup>57</sup> This very deep difference in the behavior of the tsarist government in religious matters in Byelorussia and the Ukraine is the more significant in that its source did not lie in a difference of views and plans of Moscow regarding Ukraine and the Western lands, but in her actual inability of having her own way in the "Cherkassian cities," i. e., the territory of the Zaporozhian Host. The inability flowed from the legal position of the Ukraine and her Church at the time, dangerous perhaps, not by reason of the Pereyaslav Treaty, as by the fact that in defense of the Church stood the entire, mighty military force of the Ukraine. The Church of Kiev was at that time nominally under the supremacy of the Patriarch of Constantinople, and the Ukraine, as we have seen, remained a separate and independent nation even after "subjection."

<sup>58</sup> Kharlampovich, *op. cit.*, I, 74.

<sup>59</sup> It is sufficient to recall the record of the *Zemski sobor* of October 1, 1653.

We must bear in mind the general importance of religious matters during this period and, particularly, its acuteness during the as yet unfinished struggle with Poland. The Church with its elective structure occupied a peculiar position in contemporary Ukraine. The clergy, whose role in the nation was so important, was not a caste, but was continually supplemented by all social classes of the nation; it represented the flesh and blood of the people and was intimately tied to them in a thousand ways. The clergy was at the forefront in cultural work and active in politics, where its influence was frequently felt. In the Ukraine of that time, according to K. Kharlampovych, "church and temporal politics were closely interwoven; and to the extent that the higher clergy participated in political matters, so the Cossack officers, and particularly the hetman, introduced their views into the realm of Church politics."<sup>60</sup> The Mohyla-Mazepa College produced church princes and statesmen, educating equally future scholar-monks and soldiers. We see the signatures of church fathers on the hetman's acts of election; and lay persons taking part in elections of metropolitans, bishops, and superiors of monasteries. Mykhaylo Vuyakevych, who was a lay delegate to the Lavra for the election of the superior, suddenly became the Archimandrite of the Pecherska Lavra (he had been a military judge) and ended his days in a monk's cowl. We encounter Hetman Pylyp Orlyk at the beginning of his career as capitular secretary of the Metropole of Kiev. We might also mention such typical figures (who are still quite antithetical): Metropolitan Iosyf Nelyubovych-Tukalsky and the Byelorussian Bishop Metodiy Filymovych, who played political roles.

It is necessary to point this out in order to get a clear idea of the large and significant area of Ukrainian life which was formally and actually beyond the limits of Muscovite rule during the first decades of subjection.

A further serious gap in the true value of subjection was caused by its instability, its temporary nature. This particular problem will be analyzed later in section V.

<sup>60</sup> Kharlampovich, *op. cit.*, p. 180.

Finally, the last characteristic of this subjection was its duality, i. e., the dual subjection of a part of the Ukraine, the Zaporozhian Sich with the lands which were part of its "Free Lands." This duality was circumscribed and guaranteed by treaties. The Andrusiv Treaty of January 20, 1667 recognized in article 3 that Zaporizhzhya was under dual subjection to Poland and Muscovy: "And the Zaporozhian Cossacks are to be obedient to both rulers and carry out common service against Turkish and Tatar attacks; all of them are permitted the free exercise of their religious faith."<sup>61</sup> According to Kostomarov, "Zaporizhzhya was subject to two states at the same time."<sup>62</sup>

The anomaly of dual subjection might be disregarded from the standpoint of modern law.<sup>63</sup> However, we must not lose sight of the fact that some norms of the European Middle Ages were carried over into modern times: Feudal lords could be simultaneously vassals of several monarchs.<sup>64</sup> The position of Zaporizhzhya remained nominally in dual dependency until the Perpetual Peace of 1686.<sup>65</sup> In fact, it was independent and this made the term "subjection," in relation to this integral part of the Ukrainian territory, pure fiction; it had no meaning, nor validity.

Thus, after a factual analysis of its contents and an explanation of its peculiarities, very little remains of this subjection.<sup>66</sup>

#### IV

It is not our task to offer here a survey of historical events which took place after the Pereyaslav Treaty, nor to concern ourselves with international relations concerning the Ukraine, nor, finally, to analyze the relations between the Ukraine and Moscow as they ultimately developed. Our purpose is to shed some light on this "subjection" from the Ukrainian and, in part, from the foreign point of view, using as our basis the formulas found in

<sup>61</sup> D. Bantysh-Kamenski, *Istoriya Maloi Rossii* (Moscow, 1822), II, 47.

<sup>62</sup> M. Kostomarov, "Ruyina," *Rus'ka istor. biblioteka*, XVI, 162.

<sup>63</sup> Gradovski, *op. cit.*, p. 194.

<sup>64</sup> Braun, *op. cit.*, p. 70.

<sup>65</sup> Bantysh-Kamenski, *op. cit.*, p. 169.

<sup>66</sup> See Vladimirski-Budanov, *Obzor istorii russkogo prava*, pp. 112-3.

documents of that period, principally in the salutation and closing. While it is true that not all documentary material of this period has been surveyed from this diplomatic aspect, nevertheless, we are able to cite some examples. It is proper to note here the initiative of Professor Ivan Krypyakevych and his noteworthy studies in this field.

The Ukrainians, carefully underlining this "subjection" in papers to Moscow, or writing it out calligraphically next to the words "Of the Zaporozhian Host," or next to the writer's rank—in some instances as if they were sacramental words belonging to "his imperial highness" and in other instances, words belonging to domestic Ukrainian affairs or international relations—do not always carry it out. They do not sign themselves "subjects," they are not in a hurry to display it before the eyes of the world, and they likely to forget about the existence of "his highness." Occasionally, with an inborn Ukrainian sense of humor, they would makes jokes about it.<sup>67</sup>

In this connection there is an interesting occurrence which took place during the hetmanate of Ivan Vyhovsky. The Muscovite envoy, boyar Khitrovo, complained to the hetman during the Council of Pereyaslav in January 1658, on the tsar's orders, that the hetman had signed his name as a "free subject" in a letter to the tsar, while it was proper to sign it simply as "subject of your imperial highness" and not to use the word, "free." He also wrangled with the hetman because the latter, in communicating with the Crimean khan did not sign his name as a "subject of his imperial highness, the tsar."<sup>68</sup> In reference to the "free subjects," the hetman said that it was an error and promised that it would not occur again.<sup>69</sup> In the published material there are many significant instances when the hetman, or other officials, in addressing the tsar omit "subjects" from their signature. Thus, B. Khmelnyts'ky in his letter to the tsar of July 4, 1654, which dealt with the Vydubysky Monastery, signed himself,

<sup>67</sup> Kharlampovich, *op. cit.*, p. 186.

<sup>68</sup> *AYuZR*, IV, No. 58 and Yakovliv, *op. cit.*, pp. 56-7.

<sup>69</sup> *Ibid.*

“hetman with the Zaporozhian Host of his imperial highness”; he did not use the word “subjects” in the signature, but confined himself merely to “servants.”<sup>70</sup> The colonel of Kiev, Antin Zhdanovych, in his petition to the tsar, also signed his name without “subject.”<sup>71</sup> And Hetman Ivan Vyhovsky, in his reply to the complaint transmitted through envoy Khitrovo, signed his name: “Hetman Ivan Vyhovsky of the Zaporozhian Host of his imperial highness,” without adding “subject.”<sup>72</sup> If we are not dealing with words omitted through editorial oversight, then all this is very significant, especially so in view of the fact that everything pertaining to the tsar’s title and person was strictly followed in the Muscovite chanceries.

If the possibility of error is admissible in these texts dealing with the relations with Muscovy, there is no doubt about documents from Ukrainian life. In the internal affairs of the Ukrainian state, the hetman’s signature contains no reference to this “subjection.” There is, for example, a whole series of proclamations from 1656, which were issued to persons or cities. In these, the hetman signs his name: “Bohdan Khmelnyts’ky, his own hand.”<sup>73</sup>

“Particularly significant,” says Professor Krypyakevych, “is the title ‘hetman with the Zaporozhian Host’ without any additions and where no mention is made of dependence on anyone.”<sup>74</sup> This title, which was customarily used by Bohdan Khmelnyts’ky after the liberation from Poland, is encountered in proclamations even after the transition to the tsar’s authority. Thus, a proclamation issued in Chyhryn on April 21, 1654, begins: “Bohdan Khmelnyts’ky, Hetman with the Zaporozhian Host, make it known by this our writing to whomever is concerned...” and ends: “Bohdan Khmelnyts’ky, in his own hand.”<sup>75</sup> Krypyakevych

<sup>70</sup> *AYuZR*, X, 740.

<sup>71</sup> *AYuZR*, III, 541.

<sup>72</sup> *AYuZR*, VII, No. 75.

<sup>73</sup> *AYuZR*, III, 544-6, 549.

<sup>74</sup> I. Krypyakevych, “Studiyyi nad derzhavoyu B. Khmelnyts’koho,” *Zapysky Naukovoho Tovarystva imeni Shevchenka*, CXLVII, 58.

<sup>75</sup> *AYuZR*, III, 507.

subsequently notes, "after 1654, the title 'hetman with the Zaporozhian Host' appears in the proclamation of March 9, 1656."<sup>76</sup>

In the area of foreign relations, those acts which were issued by the Military Chancery to other sovereigns, or which came from them to the hetman, contain no mention of this "subjection." Thus, in relations with Turkey, B. Khmelnyts'ky signed ian Host of his imperial highness."<sup>77</sup> Hetman I. Vyhovsky signed his name in the same way in his transactions with the his name without the title "subject" in "hetman of the Zaporozh-Crimea."<sup>78</sup>

In the Treaty of Alliance concluded on September 7, 1656 between the Ukraine and Transylvania, Yury Rakoczy negotiated with the "illustrious hetman and with the entire Zaporozhian Host."<sup>79</sup> This historical document even reached Moscow under the title: "The peace of the Transylvanian Prince with his grace, the Pan hetman, and entire Zaporozhian Host, resolved for all time..."<sup>80</sup>

Emperor Ferdinand III, when dispatching the mission of Parchevich to the Ukraine in January 1657, directed him to "our illustrious and truly beloved Bohdan Khmelnyts'ky, Zaporozhian General-Hetman..."<sup>81</sup> And the envoy of "the Roman Emperor by the grace of God the most august head of all Christian sovereigns" at an audience with the Hetman addressed him as follows: "I am disclosing this message of fatherly love of the holy imperial majesty to your illustrious and magnificent lordship and your excellent councilors, who constitute this glorious and martial republic."<sup>82</sup>

From this point of view, the relations with Sweden are probably most significant. First, it must be noted that, in Swedish

<sup>76</sup> Krypyakevych, *op. cit.*

<sup>77</sup> Hrushevsky, *Istoriya...*, IX, 1098.

<sup>78</sup> *AYuZR*, IV, 58.

<sup>79</sup> *AYuZR*, III, 546.

<sup>80</sup> *AYuZR*, II, 547.

<sup>81</sup> *Ibid.*, p. 594.

<sup>82</sup> Yakovliv, *op. cit.*, p. 48.

opinion, the Treaty of 1654 in no way diminished the rights of the Ukraine as an independent state, since it left "the freedom of the nation whole and inviolate."<sup>83</sup> Likewise the Korsun Treaty with Sweden of October 1658, recognized "the Zaporozhian Host as a free nation, subject to no one."<sup>84</sup> King Charles-Gustave addressed his message of November 3, 1656, thus: "To our illustrious and our well-beloved lord, Bohdan Khmelnyts'ky, Hetman of the Cherkassian and Zaporozhian Armies,"<sup>85</sup> and the hetman signed the letter of June 28, 1656 to Queen Christina: "To your most illustrious highness from the most well-wishing of all your friends, B. Khmelnyts'ky with all the Zaporozhian Host."<sup>86</sup>

The old hetman ostentatiously emphasized his alliance with Sweden before the Muscovite envoys; deliberately turning his attention to the Swedish envoy, Lilienkrona, he stated openly that "he, the Hetman, wishes to be the friend of the friends and enemy of the enemies of the Swedish king" and that he can even "march immediately, both against Poland, as well as against Moscow."<sup>87</sup>

Buturlin, the Muscovite envoy, vainly taunted the hetman (whose life was already ebbing) and recriminated against him bitterly, writing the following report to Moscow: "And we, your servants, spoke to Hetman Bohdan Khmelnyts'ky with much resentment: 'How did it happen that he, the Hetman, had forgotten the fear of God and the oath and his faithful subjection, which he promised you, the great sovereign, and today is sending all kind of greetings and is giving armed aid to the Swedish king, the enemy of our great sovereign?'"<sup>88</sup> Bohdan Khmelnyts'ky stood firm, insisting "that the alliance of the Ukraine and Sweden antedates the alliance with the tsar and that the hetman trusts the Swedes, because the Swedish word is sure."<sup>89</sup>

<sup>83</sup> *Ibid.*

<sup>84</sup> V. Lypynsky, *Ukrayina na perelomi*, (Kiev, 1920), p. 163.

<sup>85</sup> *AYuZR*, III, 518.

<sup>86</sup> Hrushevsky, *Istoriya...*, IX, Part 2, p. 916.

<sup>87</sup> Lypynsky, *op. cit.*, p. 51.

<sup>88</sup> *AYuZR*, III, 588.

<sup>89</sup> Lypynsky, *op. cit.*, p. 52; Hrushevsky, "Shvedsko-Ukrayinsky soyuz," *Zapysky Naukovoho Tovarystva imeni Shevchenka*, Vol. XCII, Lviv.

It was an odd triangle: The Ukraine at the base tied by treaties of alliance to the right and left with Moscow and Sweden, who, irreconcilably hostile, converged at the apex, each in open warfare against the other.

These illustrations furnish ample material in reply to the question posed: What precisely was subjection? Was it not one of the unique and essential duties flowing from the oath of "perpetual subjection" and the relative agreements to fight the enemies of the tsar? But here we see the Ukraine, tied by treaty with Moscow, helping Sweden with whom the latter was at war.

What in reality remained of "subjection," "perpetual subjection" at that? Actually, nothing!

Bohdan Khmelnyts'ky, who, after the liberation from Poland was an "autocrat," i. e., the ruler of the Ukrainian state of the Zaporozhian Host and completely independent, remained, after the treaty with Moscow, the same kind of "autocrat."

It is significant that scholars of different periods, nations, schools, and tendencies have agreed in their evaluation of this fact.

It will perhaps not be out of place to quote two scholars, one Russian and one Ukrainian. "Khmelnyts'ky, remembering that he made subjection to Turkey only nominal, both in fact as well as juridically, and in this instance without paying any attention to the fact that he was violating a treaty with the tsar (but without severing the juridical connection), actually remained the very same independent sovereign (*nezavisimym gosudarem*) of Little Russia as he had been before," wrote Rozenfeld.<sup>90</sup>

"Formally, B. Khmelnyts'ky was perfectly right in considering that the Vilna agreement violated the Treaty of 1654. Therefore, he continued to conduct himself as if the treaty had ceased to exist, and, while nominally in treaty relations with Moscow, he actually ruled the Ukraine completely independent of Moscow," wrote Professor A. Yakovliv.<sup>91</sup>

<sup>90</sup> I. Rozenfeld, "Prisoyedineniye Malorossii k Rossii," *Istoriko-yuridicheski ocherk*, Petrograd, 1915.

<sup>91</sup> Yakovliv, *op. cit.*, p. 43.



Although both authors start from different points, employ different arguments, and blame different parties for violating the treaty, their conclusions are similar and they agree on one of the points of this work, namely, Bohdan Khmelnyts'ky was, even after the oath of "perpetual subjection," a ruler independent of all.

Since this is so, then the term "subjection" in which we are interested, has little in common with the contemporary meaning of the word. What then was its meaning in the seventeenth century?

## V

"Perpetual subjection" sounds definitive. It would seem that the Ukraine had subjected herself to the tsar of Muscovy forever, that there would be no end or limit to this "subjection."

First, the adjective at the beginning of the term, "perpetual." An exact definition of this word is necessary, because even today there are attempts to accept this word in its literal sense.<sup>92</sup> It is not important, however, how this word is understood and explained by modern scholars: what is important is the meaning it possessed for those who used it three centuries ago.

Irrefutable facts of Ukrainian history for fifty years following the Treaty of Pereyaslav prove that the Ukrainians regarded the agreement with Moscow of 1654 as a temporary, transitional combination, having little in common with "eternity." The Swedish alliance of Bohdan Khmelnyts'ky had as its objective the strengthening and safeguarding of the independence of the Ukraine, but this agreement with the Swedish king, an agreement, it must be emphasized, equally "perpetual," did not formally sever the ties with Moscow. Only Khmelnyts'ky's successors struck out all obligations in regard to the tsar of Muscovy and substituted a rapprochement with other nations. It is sufficient to recall the Hadyach Treaty of I. Vyhovsky with Poland, P. Doroshenko's protection of the Ukraine by Turkey, and, finally, the Ukrainian-Swedish alliance of I. Mazepa. All these events, which followed one another within a comparatively short time,

<sup>92</sup> E. g., H. Fleischhacker, *Aleksej Michajlovic und Bogdan Chmelnickyj*, pp. 44-5.

are difficult to reconcile with the "perpetuity" of relations with Moscow. Actually, these events exclude the "perpetuity" of the Ukraine's subjection.

Poland did not recognize any "perpetuity" in this subjection of the Ukraine to Moscow. She believed that the "subjection" was temporary, and the official representatives of Poland openly declared this to the Russians. Thus, for example, at the reception given for the envoys of the Polish king, Jan Gninski and Pawel Broskowski in Moscow in December, 1671, they stated: "We consider Hetman Demyan Mnohohrishny a subject of his imperial highness only during the armistice years, and when these years are over, then he will be considered a subject of his highness the king."<sup>93</sup>

Let Moscow deny these historical facts by explaining the above-mentioned treaties of the Ukraine as "Little Russian vacillation" or in the formula of Peter I: "All the hetmans, from the first to the last, are traitors."<sup>94</sup> Let them disregard the clearly-stated Polish opinion about "perpetual subjection" as something temporary. Let them allege that the Poles did not sign and did not recognize the Pereyaslav Treaty, and that, as an interested party, they could not very well assume a different attitude. It is unnecessary to enter into petty polemics; however, it must be pointed out that Moscow herself was not sure of this "perpetuity" and by her subsequent policy proved that she regarded Ukrainian "subjection" as a temporary affair.

This first appeared during the peace negotiations in Vilna between Muscovy and Poland in connection with the proposed offer of the Polish crown to Tsar Aleksei Mikhailovich, even at the expense of Ukraine, as the widely-circulated rumor had it. During that sharp exchange between Khmelnyts'ky, who was seriously ill, and Buturlin in the summer of 1657, the former said: "The great sovereign was merciless with me and the Zaporozhian Host in making peace with the Poles and by wishing to hand over our Fatherland to them."<sup>95</sup> Even if in this year

<sup>93</sup> Solovyov, *op. cit.*, XII, 77.

<sup>94</sup> Bantysh-Kamenski, *op. cit.*, p. 222.

<sup>95</sup> Yakovliv, *op. cit.*, p. 40 and Fleischhacker, *op. cit.*, p. 50.

these were only plans or rumors of plans, the Muscovite policy had to consider them as real and be prepared to give all of the Ukraine or part of it to Poland without any regard for the "perpetuity" of the recent treaty.

This was shown in the Andrusiv Treaty. The tsar, in accepting B. Khmelnyts'ky with the entire Zaporozhian Host, and, it must be emphasized once more, "with cities and lands" under his high hand, had automatically obligated himself to defend these "cities and lands" from enemies and also to keep them "perpetually" inviolate.<sup>96</sup> Moscow, on the sole basis of the Andrusiv Treaty and at her own volition, presented Poland with the Right-Bank Ukraine and brought to nought the "perpetuity" of the Pereyaslav Treaty.<sup>97</sup> In truth, if the tsar of Muscovy considered himself authorized to turn this "perpetual subjection" of a part of the Ukraine into a temporary one by a unilateral act after only thirteen years (1654-1667), then what was to prevent him, if it seemed convenient, to do the same with another part of the Ukraine, the Left-Bank, by refusing to keep it?

This was the precise aim of the well-known radical project of O. Ordin-Nashchokin: to give up the Ukraine once and for all in order to get a free hand for the struggle with Sweden in the north for access to the sea.<sup>98</sup> While it is true that the tsar did not agree to this, principally because of religious reasons,<sup>99</sup> still, that project originated with none other than the chancellor of the Muscovite state, who was the soul of the foreign policy and the most talented diplomat of his time and nation. It is very likely that his opinion, which was expressed with such force and finality and for which he did not hesitate to sacrifice his brilliant career by refusing to depart from it,<sup>100</sup> demonstrated more than anything else that in Moscow's eyes the Ukraine's "perpetual subjection" was unstable and evanescent. It was not without

<sup>96</sup> SGGD, III, 529.

<sup>97</sup> PSZ, Vol. I.

<sup>98</sup> Matveyev, "Moskva i Malorossiia v upravleniye Ordyna-Nashchokina posolskim prikazom," *Russki arkhiv*, 1901, Book II,

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

reason that in the Ukraine, where the Andrusiv Treaty had provoked much indignation, they talked of nothing else but the fact that "the tsar did not need the Ukraine, for he surrendered her to the Poles along with Kiev."<sup>101</sup>

Finally, "perpetuity" was refuted by the articles of the treaties themselves, beginning with Pereyaslav. The restriction of the treaty's duration, formally "perpetual," to the comparatively short period of a person's lifetime, was evidenced by the repeated conclusion of a new and the confirmation of the old treaty by each new hetman. A. Yakovliv says in this connection: "The Treaty of 1654 was qualified as 'perpetual,' yet its legal force was binding only for the period of the hetmanate of B. Khmelnyts'ky. During the period of B. Khmelnyts'ky's successors, on the occasion of the election of a new hetman, a new treaty was concluded between the Zaporozhian Host, headed by the new hetman on the one side, and the tsar of Muscovy on the other."<sup>102</sup> And he continues: "On the basis of the thesis accepted by us that the Treaty of 1654 was a bilateral act manifesting the will of two parties with equal rights and considering the juridical-state concept of the time, terminology, and the use of the forms of personification in the place of abstract ideas, the fact of the confirmation of the Treaty of 1654 and of the conclusion of additional agreements on the occasion of a change of hetmans must be explained in this way: On every change of the person of the hetman, who personified the Ukrainian state, the Treaty of 1654 lost one of the contracting parties, the Ukraine, and so, it automatically lost its legal force."<sup>103</sup> Had the original treaty really been concluded in "perpetuity," then it would have been binding forever, not only on B. Khmelnyts'ky, but on all his successors. They would not have been required to confirm it and conclude new articles every time. These articles, which were in the nature of official bilateral documents, were binding also on Moscow and placed a very definite limit to this "perpetuity": the lifetime of a human being, i. e., until the end of the hetman's life, or

<sup>101</sup> Yakovliv, *op. cit.*, p. 92.

<sup>102</sup> *Ibid.*, p. 3.

<sup>103</sup> *Ibid.*, p. 4.

even for a shorter period in the event of voluntary resignation or removal of the hetman from office. Such precisely was the official commentary to the word, "perpetual." This was accepted by Moscow and even dictated by her as is evident in the Konotop Articles of Hetman Samoylovych. The *obozny*, the officer corps, and the Cossacks, in confirming the article proposed in the name of the tsar, "promised to serve the tsar, his children, and heirs, without fail unto death."<sup>104</sup>

Therefore, it was not only for the Ukrainians and Poles that this "perpetuity" contained elements of impermanence, but Moscow also considered that it bordered on instability, being restricted to a human lifetime.

If we refer to diplomatic terminology of the period we can see that the word "perpetual" was widely used in treaties and international acts of the time. Enough examples are furnished by the Ukraine alone from the Pereyaslav Treaty through the remaining years of B. Khmelnyts'ky's life. The latter himself, in addition to "perpetual subjection" to Moscow, swore an oath of "perpetual alliance" with Sweden<sup>105</sup> and signed a "perpetual alliance of friendship" with Transylvania, a treaty "concluded forever."<sup>106</sup>

When we turn to Moscow, we find that in her various chanceries this word was widely used. Thus, in addition to the renowned "Perpetual Peace" of 1686, to which this word seems to adhere with particular force, it was also applied elsewhere in the seventeenth century, e. g., the Peace of Polyanov, signed by Poland and Muscovy on May 17, 1634. The fate of the above "perpetual conclusion," which was of very short duration, parallels some other state acts of Muscovy and various international agreements of the period. This supplies us with material which helps explain the precise content of the word "perpetual" in tsarist diplomatic terminology of that time.

This "perpetual conclusion" was confirmed by the two monarchs in their own name, and the name of their children and suc-

<sup>104</sup> *Ibid.*, pp. 109-10.

<sup>105</sup> Yakovliv, *op. cit.*, p. 46.

<sup>106</sup> *AYuZR*, III, 546-7.

cessors "by kissing the Cross . . . and instruments under seal,"<sup>107</sup> and this "perpetual confirmation was to be unchanged forever."<sup>108</sup> Within sixteen years the actual situation gave rise to the need for a new confirmation of the peace which had allegedly been concluded forever. And within a short time the *Zemski sobor* of October I, 1653 put a definite end to what had been meant to last forever.

Contemporary Muscovites did not interpret the word "perpetual" literally and conceded the possibility of a termination of "perpetual" treaties at any moment. Authoritative evidence of this is provided in the "Compact" (*ulozheniye*) of Tsar Aleksei Mikhailovich. Section VII of this codex begins: "The sovereign, tsar, and Grand Prince Aleksei Mikhailovich of all Rus' is at *peace forever and to the end* with the Polish, Lithuanian, German and other surrounding states." Article 1 reads: "And if some measures will be taken against a state and war will begin, it will be at the time the sovereign deigns to revenge himself against another's hostility."<sup>109</sup> Apparently the thesis of "perpetual peace" with all neighboring states as expressed in the preamble to the section was most categorically "peace forever." But Article 1 of this section already includes the antithesis: War may put a time limit to "perpetuity." And this might occur at any moment the "sovereign deigns." It depends on the will, feeling, or mood of only one person.

What kind of "perpetuity" is it that can be terminated at any moment? The answer is that the chancery language of contemporary Muscovy understood the word "perpetual" in a fairly restricted sense; the real meaning becomes clearer in those documents where the word is counterposed against another. For example, in the protocol on the cessation of military operations between the hostile armies signed in Andrusiv on May 25, 1666, we read: "And in this time, by the Grace of God, we shall decide in our pleasant accord, upon the desired perpetual or temporary

<sup>107</sup> *SGGD*, III, 529.

<sup>108</sup> *Ibid.*

<sup>109</sup> *PSZ*, I, 8-9.

peace.”<sup>110</sup> In the preamble to the agreement between Moscow and Sweden, concluded in Valliesar, the plenipotentiaries of the two contracting parties sought “an everlasting peace between the two great sovereigns, but they could not conclude such peace at the present time, and, therefore, they have now reached an armistice between the two great sovereigns and potentates and their great kingdoms and sovereignties.”<sup>111</sup>

We can conclude from these excerpts that in the seventeenth century diplomatic terminology of Moscow the word “perpetual” was counterposed to the word “temporary,” and “perpetual peace,” to “armistice.” Perhaps it would not be in error to say that at this time the northern neighbors of the Ukrainians understood the term “perpetuity” to mean something permanent, without a limit in time; however, while lasting and without determination in time, it could have a natural ending in time. In any event, it had nothing in common with “eternity.”<sup>112</sup>

In addition to this evidence from the highest governmental levels, it would not be amiss to quote a document from everyday life. During the first half of the seventeenth century and for some time thereafter until the union with Moscow, the Ukrainians carried out a fairly heavy migration to Muscovy, which was the

<sup>110</sup> *Ibid.*, p. 639.

<sup>111</sup> *Ibid.*, p. 469.

<sup>112</sup> We must beware of a confusion of terms: it is necessary to distinguish expressions in the Church language then used in Moscow, and in living Russian. The former was a dead language preserved only in the bible and official books, and it was disappearing from literary works; the latter was alive in daily usage and the vernacular, and was making its way into writings and documents which were closer to life and its needs. Hence a certain difference in the meaning of ecclesiastical terms rooted in the ossified Old Church Slavonic, and of terms of diplomacy and law reflecting daily changes and closely connected with the living vernacular which is more susceptible to foreign influence. The word “eternal” is precisely an example of this difference. While the ecclesiastical language in use in Moscow at that time operated in abstract categories and understood “eternal” as endless in time: “eternal life” (after death), “eternal salvation or eternal punishment”; in the diplomatic usage and in legal terminology, *vechny* was not endless at all, but merely permanent. Therefore, it must be emphasized that “eternal life” in the Muscovite use of that time was not “eternal life” in the ecclesiastical sense, but life on earth with a finite meaning.

result of the continuous warfare and the Polish persecution of the "pious." Kharlampovych has collected a wealth of interesting material on this subject. Thus, with reference to the migration of Ukrainian monks to the lands of Muscovy, he cites a number of examples and provides the customary formula under which these facts were recorded by officials in the first Muscovite city across the border and which was adhered to in subsequent administrative correspondence. This was: "He came to the sovereign's name for perpetual life."<sup>113</sup> These documents indicate that these words "perpetual life" meant "to the end of his life."<sup>114</sup> Here, then, "perpetual" concludes with a person's life, sometimes even sooner. And "perpetual life" in Muscovy frequently ended by returning home for one reason or another. Sometimes these people would return in droves. According to Kharlampovych: "The years 1635 and 1636 marked the period of return to the southwest of those Ukrainian monks who had left to 'live forever' in the tsardom of Muscovy."<sup>115</sup> Just as in state matters, the "perpetuity" of life, which usually ended with the person's death, could also be terminated earlier by a poor friar by his voluntary return to his native land. Thus, the term "perpetual" as taken from everyday life extended merely to the "end of a lifetime." It coincided exactly with the official interpretation of the word as issued by the Foreign Office. This was evident in the formula of the oath "in perpetual subjection," and "irrevocable until death comes," which was taken by the Zaporozhian Host in Kozacha Dibrova.<sup>116</sup>

As indicated by the example of the monks' migration for "perpetual life," the contemporary meaning of the word "perpetual" was not connected with "eternity" or infinity, but with a lifetime as the termination of the outside limit of "perpetuity."

Criminal law of the tsardom of Muscovy, and, subsequently, of the Russian Empire used the word "perpetual" in the sense of "for life." In the second half of the seventeenth century a com-

<sup>113</sup> Kharlampovich, *op. cit.*, p. 72.

<sup>114</sup> *Ibid.*, p. 59.

<sup>115</sup> *Ibid.*, p. 51.

<sup>116</sup> Yakovliv, *op. cit.*, pp. 109-10.



mon kind of punishment in Muscovy was exile. According to M. Vladimirski-Budanov, "every banishment was perpetual or, to put it better, it was at first so considered."<sup>117</sup> Further, in addition to "perpetual exile" during the time of Peter I, we encounter "perpetual penal servitude,"<sup>118</sup> and then during Elizabeth's reign in addition to the latter,<sup>119</sup> there was also "perpetual settlement."<sup>120</sup> Later, in Catherine II's reign, there was added "perpetual imprisonment."<sup>121</sup> Particularly significant is the explanation, perhaps unintentional, of the term "perpetual" in Catherine's *Nakaz*. She planned to substitute for the death penalties "perpetual imprisonment," which was to be coupled with the labor of the condemned "continuing throughout his life."<sup>122</sup> Thus, in the penal system of both the tsardom and the Empire, "perpetual" meant "for life."

The accuracy of this explanation of the word is corroborated by the Latin text of the Andrusiv Treaty, where the Russian word *vechny* was translated not into *aeternus* and *aeternalis*, but into *perpetuus*, viz., *perpetua pax stabilitatur*.<sup>123</sup> This is also confirmed by the French translation of the Latin text of the Andrusiv Treaty contained in Scherer's *History of the Ukraine*: "*une paix perpetuelle*."<sup>124</sup>

On the basis of this material, our attempt to explain the term within the meaning of the period undermines seriously not only the "eternity" of subjection beyond time, but also its stability within time. In any event it proves conclusively that the worn coin of diplomatic currency cannot be taken at face value and that certain rigid formulas of chanceries and historical phraseology cannot be taken too literally.

<sup>117</sup> Vladimirski-Budanov, *op. cit.*, p. 358.

<sup>118</sup> *Ibid.*, p. 435.

<sup>119</sup> *Ibid.*, p. 371.

<sup>120</sup> *Ibid.*, p. 372.

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*, p. 372.

<sup>123</sup> Scherer, *op. cit.*, II, 251.

<sup>124</sup> *Ibid.*, p. 252.

## VI

Now to turn to the problem of "subjection" and the Ukrainians' understanding of it. It must be borne in mind that a seemingly identical word in related languages frequently has a different meaning and often represents entirely different ideas. We must therefore consider what the word was supposed to mean to the Ukrainian and to the Muscovite people. We must introduce comparative material from our neighbors and confirmation from Western Europe, and, having explained the agreements and divergences, seek an answer to the question posed.

The word "subjection" was not unfamiliar to contemporary Ukrainians; it was long known from the relations with Poland. It denoted the usual complex of relations with changing standards, depending on success or failure, fortunes and actual disposition of forces, "rights and liberties" of the Zaporozhian Host, and their relation to the king and Crown. "Subjection" to the Polish Republic, which once had been considered "a natural thing"—a fact which could not be forgotten later by Poland—was destroyed by the Khmelnyts'ky movement, "voided by the Cossack sword," and the Ukraine was transformed into an independent state. The Ukraine became absolutely free. But it was not easy for Poland to forget the past, and King Jan Casimir in a proclamation to the Ukrainian people of June 1654, wrote: "Out of our usual affection for our subjects, we warn you that you should come to your senses early and remain in the subjection which is natural to us and the Polish Republic."<sup>125</sup>

The Ukraine severed her ties with Poland, but the acceptance of Polish law remained. As to subjection, there are traces even today in the political and social sphere.<sup>126</sup>

The Ukrainians of B. Khmelnyts'ky's time, when asking the tsar for protection, made use of this precise term. The *Sobor* on

<sup>125</sup> *SGGD*, III, 523. A Muscovite translation of this or a similar document, dated February 28, 1654, appears in *SGGD*, III, 506.

<sup>126</sup> See, Scherer, *Annales de la Petite Russie*, (Paris, 1728), I, 851; *AYuZR*, X, 472; M. Drahomanov, *Propashchy chas*, (Lviv, 1909), p. 28; and the Hlukhiv articles of D. Mnohohrishny of 1669.

“Lithuanian and Cherkassian Affairs,” as was evidenced by the record of the proceedings, had been called “in order to inform the mission of the Zaporozhian Hetman B. Khmelnyts’ky that they most humbly petition to pass under the high hand of the sovereign in subjection.”<sup>127</sup>

The meaning of “subjection” for those who represented the Ukraine in negotiating the Pereyaslav Treaty was made clear in certain sections of the drafts of the articles, which were taken to Moscow in the name of the Zaporozhian Host by S. Bohdanovych and P. Teterya, and from the hetman’s instructions to the envoys.<sup>128</sup> First, the wish was clearly expressed in the Ukrainian part, as noted by Professor A. Yakovliv, “that future relations between the Ukraine and Muscovy should be of the same order as relations between Hungary, Moldavia, Wallachia, and the Turkish Sultan, i. e., as a result of the Treaty of 1654 between the Ukraine and Muscovy, relations of nominal vassalage were to be established, with the Ukraine paying Muscovy a monetary contribution in the form of a tribute.”<sup>129</sup>

Thus was the essence of the new treaty and of “subjection” understood by the political leaders of the Ukraine at that time. How was this relationship, which came into being as a result of the treaty between the Ukraine and Muscovy, described by the Ukrainian public in general, by contemporaries of these events, by representatives of succeeding generations in public documents, everyday life, historical works, and literary writings? To pose this question is tantamount to offering a theme for a separate study, a study not yet undertaken, but nevertheless very interesting. We cannot undertake this task. Here we offer only a few illustrations from the past. In writings and declarations of public leaders, the clergy, officers, and writers of the past we encounter words which denominate “subjection.”

A Cossack chronicler considered the union of the Ukraine and Muscovy as an alliance: “There in Council were read pacts

127 *SGGD*, III, 481.

128 Yakovliv, *op. cit.*, p. 22.

129 *Ibid.*, p. 39.

of that alliance before drafting and preparation," wrote Samiylo Velychko.<sup>130</sup> Hetman P. Orlyk in his *Devolution of Ukraine's Rights* called Khmelnyts'ky's pacts a "solemn treaty of alliance."<sup>131</sup>

Representatives of the higher Ukrainian clergy characterized this act as a "union." Monks, sent to Warsaw in 1654 by the Metropolitan of Kiev and by "other people of the clergy," informed the king (of Poland) in the name of those who had sent them "that they cannot remain in union with the people of Muscovy and that they never wanted it."<sup>132</sup> The spiritual fathers offered very significant motives for this inability "to remain in union" which cannot be discussed here because of lack of space.<sup>133</sup>

Let us pause for a moment on this word union (*soyedineniye*) employed by the Ukrainian clergy to describe the ties between the Ukraine and Muscovy after the Pereyaslav Treaty. The word was attributed to the metropolitan in a report of the conversation held by the monks in Warsaw; some one else delivered this report to the tsarist government, and it has come down to us in this Moscow edition. However the word not only described the relations of the Ukraine and Muscovy, but, in general, in the diplomatic acts of Eastern Europe of the time, the word indicated ties of friendship, which were established by a treaty between contracting parties. Thus, e. g., the protocol of the *sobor* of 1653 on the Peace of Polyana stated that it was concluded by the two monarchs, the Polish and the Muscovite, their children and successors, "in brotherly friendship and love, and in union."<sup>134</sup> The Moscow announcement of the Bakhchisarai Treaty of May 1681, informed all that henceforward the sultan and khan will remain in "firm union" with the tsar.<sup>135</sup>

Whether the bishops and superiors had used that very word or whether it had only been imputed to them in the Moscow

130 S. Velychko, *Litopys*, I, 95.

131 P. Orlyk, "Vyvid prav Ukrayiny," *Stara Ukrayina*, 1925, pp. 1-11.

132 *AYuZR*, X, 773.

133 *AYuZR*, X, 773 and Kharlampovich, *op. cit.*, I, 178-9.

134 *SGGD*, III, 482.

135 *Ibid.*, IV, 381.

chancery, cannot now be determined, inasmuch as it has come down to us through Muscovite hands. But this is not important. What is important is that in the Muscovite diplomatic terminology of the time, the word (union) meant *friendly relations between two states*.

Among the Ukrainians, however, the most frequently used word to indicate that "subjection" was defense (*oborona*) or the widely accepted Latin term, protection. Authors of this, and later periods, do not differ from us in defining the essence of the Treaty of 1654, as we shall see in section VII.

We found at the bottom of one of the proclamations of B. Khmelnyts'ky (October 10, 1656) the following note: "And this proclamation is issued two years after subjection."<sup>136</sup> Another proclamation contains an explanation of what type of subjection the matter referred to. At the bottom of a copy of the proclamation of April 21, 1654, there is written in a different hand: "In this year, he, Hetman Bohdan Khmelnyts'ky, came under the protection of his imperial highness and accepted articles from his imperial highness."<sup>137</sup>

The term "defense-protection" runs like a red thread through Ukrainian documental and literary monuments. It is present in solemn documents of great state importance, in declarations for foreign and domestic use, in correspondence, historical works, and personal notes. It is applied both to the union with Muscovy and to other political alignments undertaken by the Ukraine to safeguard her independence. It must be noted that in the opinion of Ukrainians as well as foreigners, "protection" in no way restricted the independence of the Ukrainian state.

An extraordinarily lucid formulation and statement of this idea came from Hetman I. Mazepa: "I had decided to write a letter of thanks to his imperial highness for this *protection*, and to list in it all the insults to us, past and present, the loss of rights and liberties, the ultimate ruin and destruction being prepared for the whole nation, and, finally, to state that we had bowed

<sup>136</sup> *AYuZR*, III, 508.

<sup>137</sup> *Ibid.*, p. 549.

under the high autocratic hand of his imperial highness as a free people for the sake of the one Eastern Orthodox faith. Now, *being a free people, we are freely departing*, and we thank his imperial highness for this *protection*. We do not want to extend our hand and spill Christian blood, but will await our liberation *under the protection* of the Swedish king."<sup>138</sup>

"And in truth," wrote Professor Doroshenko, "they came to an understanding with Charles (in Velyki Budyshchi on April 8, 1709) concerning a new Ukrainian independence under the protection of the Swedish king."<sup>139</sup> The grounds for this transfer under Swedish "protection" are given in the Constitution of the Ukraine (*Pacta et constitutiones legum libertatumque...*) which was adopted in Bendery in 1710: "The illustrious Hetman, Ioann Mazepa, moving forward in truth and zeal for the unity of the Fatherland, the rights and liberties of the military, and wishing most passionately to see during the time of his rule as hetman, and after his death to leave for the everlasting glory of his memory, this Fatherland, our beloved mother, and Zaporozhian Host, the cities and countryside not only inviolate, but under greater and multiplied freedoms, flowering and prosperous, has *submitted to the unbroken protection* of the most glorious Swedish king."<sup>140</sup>

This same word, "protection," designating Ukrainian-Muscovite relations from 1654 on, is used in the *Short Summary of the Reasons Prompting the Ukraine, or, Properly Speaking, Forcing Her to Forsake the Protection of Muscovy*. This work is very interesting and valuable for understanding Ukrainian ideology; and, according to M. Hrushevsky, "in spirit and form it is very close to the Charter of 1717." It was discovered in the Swedish State Archives by N. Molchanovski.<sup>141</sup> The term "protection" is used systematically throughout this document.<sup>142</sup>

<sup>138</sup> *Ibid.*, p. 508.

<sup>139</sup> D. Doroshenko, "Mazepa v istorychniy literaturi i v zhytti," *Pratsi naukovooho instytutu u Varshavi*, Vol. XLVI, 1938.

<sup>140</sup> Hrushevsky, "Shvedsko-Ukrayinsky soyuz," *op. cit.*, Vol. CXII.

<sup>141</sup> Doroshenko, "Mazepa v istorychniy...", *op. cit.*, pp. 28-9.

<sup>142</sup> *Ibid.*, pp. 27-8.

Hetman Pylyp Orlyk, in his well known memorandum written in French in 1712 under the title *Déduction des droits de l'Ukraine*, also very firmly describes "eternal subjection" with the word "protection."<sup>143</sup>

Later documents also use the same term in referring to this subject. It is also encountered in literary works concerning Ukrainian history. Below are a few sample quotations from the renowned *Istoriya Rusov*.

On meeting B. Khmelnyts'ky, the Crimean khan complained about the former's "union with Moscow and his placing himself with his people *under the protection* of the tsar."<sup>144</sup> In connection with the ceding of the Right-Bank Ukraine to Poland by Peter I, there is mention of "free land, remaining only under Russian *protection*, with its own rights and special provisions from the tsars."<sup>145</sup>

The view that subjection was "protection" typified the political outlook of the entire educated class of the Ukraine in the eighteenth century, and this outlook was transmitted to their heirs and children in the nineteenth century. And this specific meaning was so deeply rooted among the enlightened strata of the Ukrainian people that it even influenced the work of Rigelman. We must not forget that he was a Russified German, a Russian patriot, who, "although he had lived the greater part of his life in the Ukraine, was a stranger to all local tradition."<sup>146</sup> He finds among the Ukrainian Cossacks "haughty ideas"; they believe "that they have the right to remain forever free, under no one's rule, and only under the 'protection' (*zashchita*) of those lands with which they maintain relations. Therefore, they do not consider themselves anyone's subjects."<sup>147</sup> Thus, this author, a stranger, speaks of the political outlook of Ukrainians and

<sup>143</sup> See, Hrushevsky, "Shvedsko-Ukrayinsky soyuz," *op. cit.*

<sup>144</sup> See, "Deduction des droits de l'Ukraine," *Stara Ukrayina*, 1925, I-II.

<sup>145</sup> *Istoriya Rusov*, (Moscow, 1846), p. 134.

<sup>146</sup> *Ibid.*, p. 220

<sup>147</sup> Doroshenko, "Mazepa v istorychniy..." *op. cit.*, p. 5.

is unable to reject the Ukrainian term "defense-protection," translating it into the Russian, *zashchita*.<sup>148</sup>

The same word "protection" is applied by Ukrainians both to the "subjection" or "union" with Muscovy of 1654 as well as to the alliance with Sweden of 1708.<sup>149</sup> The object of this continuous search for protection, at first as a defense against Poland and, then, Muscovy, was always the desire to safeguard the independence of the Ukrainian state. This leading idea of the period of the hetmanate has been forcefully expressed by Pylyp Orlyk, that ideologist of, and unwavering fighter for, independence, in his instruction to the envoys, which he dispatched to Constantinople on November 3, 1711.<sup>150</sup>

Even after her "subjection," foreign rulers treated the Ukraine as a completely independent state, whose alliance with Moscow did not damage her sovereignty. The envoy of the Crimean Khan, Alkas Kegito, said to B. Khmelnyts'ky: "And now you, the Hetman, and the Secretary General with all the officers have *concluded eternal peace (primirye)* with his highness, the tsar, without our knowledge."<sup>151</sup> Thus, in Crimean eyes, "eternal subjection" meant "eternal peace." We have already encountered this word *primirye* and it meant, as was evident from the Ukrainian treaty with Transylvania, "alliance."<sup>152</sup> This term was derived from the Polish *przymierze* (alliance) and its more detailed meaning is given in Linde's *Dictionary of the Polish Language*.<sup>153</sup>

Thus, for both Ukrainians and foreigners, "subjection" meant *primirye*, *przymierze*, or peace, agreement, alliance in friendship, defense pact, protection, or, simply, alliance.

The content of "eternal subjection" was, as we can see from the opinion of the Ukrainians, the neighbors, partners, and

148 B. Olkhivsky, *Vilny narid*, (Warsaw, 1937), p. 21 and Rigelman, *op. cit.*, p. 1847.

149 Some later Ukrainian writers stressed the connection between alliance and protection, e. g., M. Drahomanov, *op. cit.*, p. 112.

150 Doroshenko, "Mazepa v istorychniy..." *op. cit.*, p. 28.

151 *AYuZR*, X, 593.

152 "Alliance in friendship," "armistice," "eternal," in *AYuZR*, III, pp. 546-7.

153 *Słownik języka polskiego*, (Warsaw, 1807-1812), II, 1211.



states allied with or favorably disposed towards the Ukraine, not the same as it is now, in the twentieth century. It was entirely different even in other aspects: It did not apply to relations between the individual citizen and the collective-state, only to relations between states. It did not apply to internal affairs of a state, only to external affairs of two governmental bodies. It was not of state law, only of international law.

## VII

How was this word "subjection" interpreted in the works of foreign authors who analyzed the great historical event of the union of the Ukraine and Muscovy or just mentioned it briefly.

A contemporary of the events of 1654, the French author P. Chevalier, in a book published in 1663, discussed the relations of B. Khmelnyts'ky with Muscovy, which led to "subjection," and noted that in 1654 the hetman *submitted to Muscovite protection*.<sup>154</sup> The well-known Dutch geographer of this period, Cellarius, in his book which was well known among his contemporaries, *Regni Poloniae descriptio nova*, published in Amsterdam in 1659, also used the term "protection" to describe the relations which developed between the Ukraine and Muscovy after Pereyaslav.<sup>155</sup>

Later, Maximilian-Emanuel, Duke of Würtemberg, commander of a dragoon regiment of Charles XII, who died shortly after Poltava, left very interesting *Memoires*, which were published subsequently in Amsterdam and Leipzig in 1740. He writes about the "Ukraine, or the land of the Cossacks, a province which was *under the protection* of the Muscovites."<sup>156</sup> Because the rule of the tsar, who had begun to treat the Cossacks like slaves and like his own subjects, had turned into a Muscovite yoke, the hetman was waiting for an opportunity to regain his independence;<sup>157</sup> therefore, he went to meet the Swedish king to place himself under his protection.<sup>158</sup>

<sup>154</sup> P. Chevalier, p. 9.

<sup>155</sup> Cellarius, *Regni Poloniae descriptio nova*, (Amsterdam, 1659).

<sup>156</sup> Maximilien-Emanuel duc de Würtemberg, *Memoires*, p. 283.

<sup>157</sup> *Ibid.* p. 284.

<sup>158</sup> *Ibid.*, p. 293.

Voltaire in his famous work, *Histoire de Charles XII, roi de Suède* gave the following terse, and at the same time apt, formula of the Ukraine's desire for independence: "L'Ukraine a toujours aspiré a être libre." He noted that the geographical position of the Ukraine, surrounded by three great powers, Poland, Turkey, and Muscovy, compelled her to seek a protector and she first submitted to the protection of Poland, then, Muscovy. However, both protectors attempted to enslave her and deprive her of her rights.<sup>159</sup>

I.B. Scherer, author of the well-known *Annales de la Petite Russie*, customarily employs the word "protection" to describe Ukrainian relations with neighboring states. He says that the Ukrainians, after remaining under the protection of Lithuania and the Polish Crown, "submitted to the protection of Great Russia."<sup>160</sup> When he talks of the vicissitudes of this union this term is frequently used. Thus, B. Khmelnyts'ky during a critical period in the struggle for freedom harangues his countrymen that they "have no other way of saving their country, their wives, their children, even their own lives, than by submitting to the protection of the tsar of Great Russia."<sup>161</sup> "The Host, officers and Cossacks unanimously accepted this idea of the hetman and sent envoys to the tsar of Muscovy. They would propose, in the name of the whole nation, that he should take under his protection the Cossacks and the entire Ukraine, on the condition of full and complete liberty and preservation of their privileges."<sup>162</sup> The tsar agreed to this and "assured them of his protection."<sup>163</sup> The Muscovite mission headed by the boyar V. Buturlin, "after negotiating the preliminary articles of the treaty with B. Khmelnyts'ky and the Cossacks, promised in the name of their sovereign to take them under the protection of Great Russia with the reservation of all their rights, privileges, and liberties without

<sup>159</sup> Pages 165-6.

<sup>160</sup> Scherer, *op. cit.*, I, 93.

<sup>161</sup> *Ibid.*, II, 58.

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

exception, on their word and oath to remain forever under the protection of Russia. . . ."<sup>164</sup>

If we turn to the *History of the Ukraine* by J. C. Engel—for its time a very thorough work—we find the following discussion of the subject of our research. In explaining “the history and conditions of Khmelnyts’ky’s submission under Russian defense,”<sup>165</sup> he points out the acceptance by the Russian envoy of all conditions which were demanded.<sup>166</sup> Then he describes the defensive agreement: “Thus, this defensive union was then concluded, and it was one of the most impressive increases of Russian power.”<sup>167</sup> It was completed by the mission of Bohdanovych and Teterya to “deliver to the tsar the solemn act of submission and to bring the acts, which confirmed all the privileges, from there.”<sup>168</sup> In another place he calls this defensive union simply an “alliance.”<sup>169</sup> Thus, Engel considered the Ukraine’s “subjection” an alliance, a defense, or a “protection.”

Finally, Lesur, an author of the Napoleonic period, in his *Histoire des Cosaques* followed Scherer and considered the Ukraine’s “subjection” as moving “under the protection of Russia.”<sup>170</sup>

It is understandable that these ideas and expressions of the above authors cannot be considered sufficient material for final conclusions. But a certain characteristic must be considered. All these authors are unanimous in their opinion that the newly-established relations between the Ukraine and Muscovy were essentially a protection, a defense, or an alliance.<sup>171</sup>

<sup>164</sup> *Ibid.*, p. 59.

<sup>165</sup> J. C. Engel, *Geschichte und Bedingungen der Unterwerfung Chmelnickis unter moskauischen Schutz 1654*, pp. 191, 195.

<sup>166</sup> *Ibid.*, p. 194.

<sup>167</sup> *Ibid.*

<sup>168</sup> *Ibid.*, p. 192.

<sup>169</sup> *Ibid.*, p. 200.

<sup>170</sup> C. L. Lesur, *Histoire de Cosaques*, pp. 396, 398. See footnotes 6, 7, 9.

<sup>171</sup> Interesting details are to be found in the Swedish State Archival material in the publications of the Kiev Archeographic Commission (N. Molchanovsky and Aleksandrenko) and in D. Doroshenko’s *Ukraine im Lichte der Europäischen Literatur* and *Mazepa v zhytti ta literaturi*.

## VIII

How did the Ukraine's neighbors to the north understand this "subjection"? What was the meaning attributed to it by those who used it in Moscow in the seventeenth century? As far as Moscow was concerned, the term "subjection" was alien. According to their law, the inhabitants of the tsardom's territory were "people of all ranks of the Muscovite state." We find this definition in the Muscovite code of law, the *Statute* of Tsar Aleksei Mikhailovich.<sup>172</sup>

This term of nationality distinguished the Muscovite people from the others; the citizens of other states had their national names: Polish, Lithuanian, Crimean, Cherkassian people.<sup>173</sup> On occasion, Polish people are called "the Polish king's people," or, simply, the "king's people"; and the "Cherkassian people" are termed "Khmelnysky's people" or "of the Cherkassian cities."<sup>174</sup> Thus it appears that calling people in this manner was used to designate their nationality, i. e., an adherence to this or that state body.<sup>175</sup>

Sometimes the name, which was established by law, "people of all ranks of the Muscovite state" appeared in documents either in a long, or shortened, form, according to the particular application.<sup>176</sup> Variations encountered in documents of the period are "the sovereign's people of all ranks" or "people of the Muscovite cities."<sup>177</sup> For their part, the Ukrainians also applied this designation to the Muscovite people during the time of Khmelnytsky.<sup>178</sup>

<sup>172</sup> PSZ, I, 5.

<sup>173</sup> AYuZR, X, 661, 673, and SGGD, III, 488.

<sup>174</sup> AYuZR, X, 702 and Hrushevsky, *Istoriya...*, IX, 757.

<sup>175</sup> Kostomarov, *Russkaya istoriya v zhizneopisaniyakh*, II, 20; *Sobraniye pisem tsarya Alekseye Mikhailovicha*, p. 65; SGGD, III, 489; AYuZR X, 589; SGGD, III, 486; Solovyov, *op. cit.*, XVIII, 1116; SGGD, III, 529 and AYuZR, X, 589. 587. 507.

<sup>176</sup> SGGD, IV, 154 and AYuZR, X, 500.

<sup>177</sup> Karpov, *op. cit.*, p. 36; AYuZR, X, 512, 677, 228, 575, 589, 514, 663, 687; SGGD, III, 529 and IV, 154, 156; Filipov, *op. cit.*, p. 433.

<sup>178</sup> Kharlampovich, *op. cit.*, I, 77.

Thus, in legislative acts the Muscovite people, persons belonging to the Muscovite polity, were called "people of all ranks of the Muscovite state." However, in their attitudes and relations toward the tsar, the entire population of the tsardom were servants (*kholopy*). From the "lowest to the highest," from the "black drafting man" to the prince descended from Ryurik, not excluding the foremost dignitaries in the state, all of them in their addresses to the tsar designated themselves by demeaning and contemptible names. They dared not mention their dignity of birth or the high office granted from above; they were all, equally, servants who looked up to and addressed the tsar as God.<sup>179</sup>

A few examples will suffice. In petitions to the tsar we read: "your servants, Vas'ka Buturlin, Ivashka Alferov and Larka Lopukhin, bow their foreheads,"<sup>180</sup> or "your servants, Fed'ka Kurakin, Fed'ka Volkonski and Andryushka Nemirov."<sup>181</sup> Even later, at the time of Peter I, we encounter signatures of Prince Boris Golitsin as "your servant, Borisko," or "your very lowest slave, Borisko Sheremetyev."<sup>182</sup> And who were these people? Vasil Buturlin was a *blizhny* boyar, a vicegerent (the highest honorary title in the Muscovite tsardom) and the great envoy to the Ukraine. Alferov and Lopukhin were the former's colleagues in the mission to the Ukraine; the first was a governor (*okolnichy*) and a vicegerent, the second, a high clerk of the council (*dumny dyak*).<sup>183</sup> Kurakin, Volkonski, and Golitsin represented the first princely families. The latter was a tutor of the tsar and Sheremetyev was a field marshal.<sup>184</sup>

We need not pause here to analyze the reasons for this boundless disparagement of human dignity, nor how it came about, nor

179 Romanovich-Slavatinski, *op. cit.*, p. 152 and Kostomarov, *op. cit.*, II, 466.

180 *AYuZR*, X, 41.

181 *Ibid.*, p. 409.

182 Romanovich-Slavatinski, *op. cit.*, p. 151.

183 *AYuZR*, X, 276.

184 Romanovich-Slavatinski, *op. cit.*, p. 151.

what explanation Russian science offers for it;<sup>185</sup> the fact remains: Before the tsar, the "people of all ranks" of the Moscovite tsardom were "servants."<sup>186</sup>

Compared with this, another fact becomes more vivid and deserves to be emphasized. The Ukrainians, even after the "subjection" of the Ukraine to the tsar, were not, and never became, "servants." They were "subjects" and that was all. From the beginning and through the union, the Moscow authorities referred to them as "subjects." In relations with the Muscovite power, including the tsar, they appeared as such and even added the term "subject" to their signatures.<sup>187</sup>

Generally speaking, the term "subjection" did not seem to hold any position in the domestic affairs of the Muscovite state. It was not needed in the structure of its state body, nor in the functioning of its administration; nevertheless, it was known in Moscow. This was evident from the external affairs concerning aliens and, sometimes, even touched the Muscovite people.

In addition to the Ukrainians, to whom this word was applied systematically after 1654, it was also applied to foreigners who were accepted in the service of the tsar. This was evident from the letters patent which were issued to foreigners, who desired to remain "in subjection" after they entered the tsarist service, for freedom of passage to Muscovy. A good example was the warrants of January 21, 1689 issued to "Christians of the Evangelical profession."<sup>188</sup>

Occasionally, people of the Muscovite tsardom are also termed "subjects" in international treaties, e. g., in the Valliesar Treaty

<sup>185</sup> Some explain this as the "possible consequences of Tatar rule," Romanovich-Slavatinski, *op. cit.*, p. 152. Others see the "private law nature of the relationship between the ruler and his servant," Filipov, *op. cit.*, p. 437.

<sup>186</sup> A. Lakiyer, *Istoriya titula gosudarei Rossii*, 1847, pp. 139-40; *Akty yuridicheskoye*, Nos. 38-41, 34, 35, 36.

<sup>187</sup> Kostomarov, "Ruyina," *op. cit.*, p. 179; D. Bantysh-Kamenski, *Istoriya Maloi Rossii* in the table supplement. For further examples of the use of the word, see *AYuZR*, X, 591, III, 596, 591. For the use of the word "serf" see *AYuZR*, X, 323-4, 325, 727, 721, 720, 197.

<sup>188</sup> *SGGD*, IV, 595.

of 1658 there are subjects of both parties, Sweden and Muscovy.<sup>189</sup> This transformation of the people of the Muscovite tsardom into "subjects of his sovereign highness," which they were not at home, was necessitated by the international nature of this act in order to equalize the expressions of a bilateral agreement, which was equally binding on both high parties signing it. It must be added that the terminology of the treaty evidences western influences.<sup>190</sup>

This sporadic costuming of the Muscovite people in the garb of "subjects" had no effect on their internal standing, i. e., their relations with the Muscovite state. One might say that this "export" appellation of the Muscovites as "subjects" left them in the eyes of the law and the tsar "people of the Muscovite sovereign" and "servants" as of old. The word, "subject," used in some treaties in application to the Muscovite people, did not go beyond diplomatic chanceries and did not affect the matter; Moscow, as far as the mass of the population was concerned, did not know the term "subject." Its application in Russian law to designate the relation of an individual person to the state and its authority is a phenomenon of a much later period, the end of the eighteenth century.

This fact is confirmed by Russian legal history, both during the tsardom and the Empire. Professor Romanovich-Slavatinski in his *History of Russian State Law* notes the main evolutionary stages in the designation of people belonging first to the Muscovite and then to the Russian state. Some of the details shed light upon our subject. The line of evolution was: servant-slave-subject. Romanovich-Slavatinski said: "During the Muscovite period the people became servants in relation to the tsar."<sup>191</sup> Almost on the threshold of the transformation of the Muscovite tsardom into the Russian Empire, the word servant (*kholop*) by an order of Peter I of January 1, 1702 was changed into slave (*rab*). This word remained in force almost to the end of the

189 PSZ, I, 470-72.

190 PSZ, I, 469.

191 Romanovich-Slavatinski, *op. cit.*, p. 151.

eighteenth century, when Catherine II changed it to "subject" following the pattern of Western Europe: *sujet*, subject, *untertan*.<sup>192</sup>

The date when the term "subject" made its entrance into Russian state law, i. e., in 1786, must not be ignored in its relation to the Ukraine. The "subjection" of the Ukraine occurred in 1654 and this term must be explained in its meaning at that time.

## IX

The resolution of the *Zemski sobor* of October 1, 1653 did not mention "subjection" and did not use the word.<sup>193</sup> This is not surprising. But in the text of the record, where the government's exposition and discussion leading up to the resolution are noted, we encounter "subjection" and "subjects" several times. This *Sobor*, as is known, was called especially to deliberate and resolve "Lithuanian and Cherkassian Matters," i. e., the problem of the Ukraine and the related decision of a possible change of attitude towards Poland. The theme of deliberations of the *Sobor* as officially determined was: "former and present falsehoods" on the part of Poland, which contributed to the "violation of the eternal agreement," and the dispatch of the mission of Hetman B. Khmelnyts'ky and the Zaporozhian Host to the tsar to seek acceptance "under the sovereign's high hand in subjection."<sup>194</sup> Thus, in the record of deliberations the term "subjection" was used first in connection with a Ukrainian request. The next time we encounter the word is in a discussion of the oath of King Jan Casimir. He had taken a pledge upon his coronation to defend equal religious rights. The king's breach of that promise freed his subjects from the duty of loyalty and made them free people.<sup>195</sup> Moscow finds that she is negotiating with a land "free from subjection to the king,"<sup>196</sup> and this fact is stressed by

<sup>192</sup> *Ibid.*, p. 152; *PSZ*, No. 16329.

<sup>193</sup> *SGGD*, III, 488, 489.

<sup>194</sup> *Ibid.*, p. 481-2.

<sup>195</sup> *Ibid.*, pp. 487, 489.

<sup>196</sup> Cf. footnote 5.



Moscow voluntarily and publicly, e. g., V. Buturlin's speech to the Council of Pereyaslav.<sup>197</sup>

In addition we find mention in this document of the fact that the hetman had been approached by the Turkish sultan who had called him into "subjection."<sup>198</sup> The Ukraine's relations with the Porte made Moscow want to prevent the Ukrainian-Turkish rapprochement; it was to be prevented at all costs. The fear that "they would enter into the subjection of the Turkish sultan or the Crimean khan" is noted in the record as one of the decisive facts contributing to the resolution of the *Sobor* "to accept the hetman and the entire Zaporozhian Host with their cities and lands."<sup>199</sup>

While on the subject of the reason for the Ukraine's being accepted "under the tsar's high hand," it should be noted that among those motives, as recorded in this historical document, first place goes to *unity of faith*. This main reason for the union of two neighboring states of people of the same faith, stressed with particular emphasis in documents of 1654, is willingly returned to by Moscow in her relations with the Ukraine and in Moscow's appeals in similar circumstances to other lands of kindred faith. The Ukrainians did not fail, both in Ukrainian-Muscovite matters and in international events, to attach the proper significance to this precise element of "unity of faith," thus marking it as the principal reason for the union. It must also be noted that in the historical sources we have examined, there was no suggestion of *tribal unity*, and no thought of *community of nationality*.<sup>200</sup>

Moscow documents relating to the developments connected with resolutions of the *Zemski sobor* contain references to sub-

197 SGGD, III, 497-8.

198 *Ibid.*, p. 487.

199 *Ibid.*, p. 489.

200 For information on the motives which led to the acceptance of the Ukraine "into subjection" see SGGD, III, 529, 482, 484, 488, 472-3; on the unity of faith, see p. 488. In addition, see *AYuZR*, X, 503, 575 and SGGD, III, 529. On the Ukrainian attitude toward unity of faith, see, *AYuZR*, III, No. 197; SGGD, III, 495; *AYuZR*, X, 700-1, 588-9; Kostomarov, *Russkaya istoriya...*, II, 308; Hrushevsky, "Shvedsko-Ukrayinsky soyuz," *op. cit.*, pp. 11-12, 7, 9.

jection and subjects. Buturlin, speaking during the Council of Pereyaslav, asserted that the hetman and the Zaporozhian Host had become "free from subjection to the king."<sup>201</sup> Then the term "subjection" was repeated several times in his report of the well-known incident of the oath, "in Moscow the sovereign's subjects have always trusted the tsars..." and "every subject should trust his sovereign," etc.<sup>202</sup> Again, "our sovereign's subjects" are mentioned in the speech delivered in the tsar's name by the high council clerk, who greeted the mission after its return to Moscow. This expression was also used in the writs delivered to V. Buturlin and his associates in appreciation of their settling that "indecent matter," i. e., the Cossacks' demand of an oath by the tsar, to the advantage of the Moscow government.<sup>203</sup>

In the actual relations between the Ukraine and Muscovy, starting with the first letter of B. Khmelnyts'ky to the tsar of January 8, 1654 after the union, the words "subjection" and "subject" occur constantly and it is a rare document that does not contain them. While Moscow did not use the term "subjects" for her own people, she knew it and applied it to foreigners, primarily, the Ukrainians.

We shall not discuss the origin of this term in Muscovite law, except to state that its source is foreign.<sup>204</sup> The meaning imputed to it by Moscow in the seventeenth century is of prime concern here. An analysis of the documents of this period and a comparison of them will be of help in this respect. This method will give us an approximate idea of what the people of Muscovy in the seventeenth century understood by the term "subjection."

First, let us recall the resolution of the *Zemski sobor*, which provided that the tsar should accept the Zaporozhian Host "with their cities and lands under his sovereign hand."<sup>205</sup> Those who

<sup>201</sup> *SGGD*, III, 497-8.

<sup>202</sup> *AYuZR*, X, 225-6.

<sup>203</sup> *Ibid.*, pp. 712-3, 716.

<sup>204</sup> For the influence of the west upon Moscow in the seventeenth century, see Vladimirski-Budanov, *op. cit.*, pp. 222 f., 381.

<sup>205</sup> *SGGD*, III, 488-9.

were responsible for the resolution obviously considered the expression "into subjection" and "under the tsar's high hand," as identical. In other documents, similarly authoritative, we find a confirmation of this in tsar's name.<sup>206</sup> In accepting the Ukraine on directions from his sovereign, V. Buturlin—and this point must be emphasized here—made a promise in the tsar's name to hold the hetman and the entire Host "in defense and protection."<sup>207</sup> These words must be stressed, because the speech was made according to prior instructions and its phrases could not but reflect the Muscovite government's position at the time. The essence of the historical event of 1654 is contained in the fact—as it appears from V. Buturlin's "List of Articles"—that the Zaporozhian Host was brought under "the sovereign's high hand."<sup>208</sup>

The tsar's writs of March of the same year and those of later date customarily connect the two expressions "under his high hand" and "into subjection," using the almost constant formula: "They came under our sovereign high hand... and swore an oath... for eternal subjection."<sup>209</sup>

The Andrusiv Treaty calls the Ukrainian Cossacks of the Right-Bank, which was being ceded to Poland, "Polish subjects," and both the tsar and king accepted Article 4, which obligated them not "to accept under their protection" Cossacks from the opposite shore of the Dnieper, who were ascribed to the other party.<sup>210</sup> It would appear from this that the makers of the treaty, including the Muscovite diplomats, thought the terms "subjection" and "protection" (*oborona*) to be interchangeable.

Of these expressions above, the most common were "into subjection" and "under the high hand," used either interchangeably or side by side. They were supposed to determine the attitude of the Ukraine to the tsar; but we encounter in documents the same words to determine the relations of the Ukraine to other

<sup>206</sup> *AYuZR*, X, 503.

<sup>207</sup> *SGGD*, III, 497-8, 499.

<sup>208</sup> *AYuZR*, X, 228.

<sup>209</sup> *AYuZR*, X, 495-500, 554; *SGGD*, III, 529.

<sup>210</sup> Bantysh-Kamenski, *op. cit.*, II, 47.

monarchs, or the tsar to other lands. A few excerpts taken from documents of the period are offered as an example. Several reflect the opinions of people who were not Muscovites, but this does not diminish their value as evidence; all the words are in the Moscow edition and written in the Russian language. The terminology with which we are concerned comes from the Foreign Office or its representatives and, of necessity, reflects the official Moscow position.

First, to recall the record of the *Zemski sobor* of October 1, 1653, which has already been quoted in another connection: "They should not be relased into subjection to the Turkish sultan or the Crimean khan," because the sultan had called the hetman "into his subjection."<sup>211</sup> Somewhat later I. Vyhovsky mentions the same matter to the tsar's envoy; Vyhovsky said that the sultan had appealed to the Ukrainians to come "under his hand."<sup>212</sup> The same applied to Ukrainian relations with Poland. The Crimean khan tried to convince B. Khmelnyts'ky "that he should be in subjection to the Polish king as before" and "the Zaporozhian Host should be under the king's hand as before."<sup>213</sup> From the words of Kievan monks, emissaries of the Ukrainian Metropolitan to Warsaw in 1654, Ivan Taflari related to the high clerk Larion Lopukhin, imputing the words to the king, that "the clergy wishes to be under his imperial hand as before."<sup>214</sup> The same terms are found in documents of the Muscovite diplomatic chanceries dealing with other lands or nations, which came, or were to come, under the tsar's supremacy, e. g., in a chancery report based on information furnished by the same Taflari there is the assurance that the Hospodar of Wallachia "will certainly come under the sovereign's hand."<sup>215</sup> And in the articles of submission of 1660 of the Nogai nobleman, Kaziya, the tsar ordered him, his associates, and underlings "to

<sup>211</sup> *SGGD*, III, 487, 489.

<sup>212</sup> *AYuZR*, X, 700-1.

<sup>213</sup> *AYuZR*, X, 590, 666.

<sup>214</sup> *Ibid.*, pp. 773-4.

<sup>215</sup> *Ibid.*, p. 775.

be under his sovereign high hand.”<sup>216</sup> The same expressions are used in documents of this and later periods, where the matter concerned the “subjection” of other rulers, the Northern Caucasus, Georgia, Wallachia, and Muntenia.<sup>217</sup>

On this basis, we may conclude the following: In the Muscovite documents of this time the expressions “into subjection,” “under the high hand,” and its variant, “protection,” are equal in meaning. They sometimes are used side by side, sometimes separately, and, sometimes, they replace each other. The terms are applied to Ukrainian relations not only with the tsar of Muscovy, but also with other neighboring monarchs; the terms are also applied by Moscow in the tsar’s name to other lands under similar circumstances.

It is especially significant that Moscow used identical words to determine the relation of the Ukraine to the tsar, as it developed following the Pereyaslav Treaty, and the relation of the Ukraine to the sultan, as it was projected and later put into effect. “Subjection” to the sultan by the Christian rulers of South-eastern Europe comprehended the totality of relations with the Sublime Porte, long established and well-known; it was similar to vassalage. Therefore, the same applied to the mutual relationship of the Ukraine and the tsar, on one hand, and with the sultan, on the other. We can assume that the meaning of “subjection” was not understood otherwise in Moscow.<sup>218</sup>

If our conclusions are correct and we have rightly determined the meaning of the term in Moscow immediately after the act of union, if the expressions quoted above reflect the position of the tsarist government in its relations with the Ukraine—then the definition of “subjection” as understood in Moscow would not be too far from the meaning given the word by Ukrainians

<sup>216</sup> SGGD, IV, 67.

<sup>217</sup> The geographic terminology of the Danubian principalities has not always been followed in Ukrainian historical literature. Following terms used by these sources, we have used: Muntenia and Muntenian to denote Ugro-Wallachia with Bucharest as its capital; and Wallachia, Wallachian to denote Moldavia with its capital of Jassy.

<sup>218</sup> See, Yakovliv, *op. cit.*, pp. 22, 46-7.

and their neighbors, i. e., "subjection" was "defense, protection, alliance."<sup>219</sup>

That this was in contrast to the essence of the Muscovite tsardom and the secret objectives of its policy, was another matter. But these aspects—once Moscow had grown stronger—took precedence over all other considerations and were manifested in subsequent relations with the Ukraine.

We are even more deeply convinced of the correctness of our conclusions when we answer the question which arises: Who were those "subjects," so frequently mentioned in documents concerning the union of the Ukraine and Muscovy, whom the tsar possessed, or thought he possessed, or intended to possess? If we know on one hand that the term "subject" was alien to the Muscovite law of the seventeenth century, then on the other hand we may not disregard the references to some other "subjects" besides the Ukrainians, which are encountered in historical sources in connection with the unification of the two states.<sup>220</sup>

If, as has been established by Russian science, the entire mass of the population of the Muscovite tsardom was merely "people of the Muscovite state" or "servants," who then were the "subjects"?

## X

The tsar himself answered the preceding question. In his letter to B. Khmelnyts'ky of June 1, 1654 informing the hetman that he had already started the march against the Polish king, Aleksei Mikhailovich wrote: "And with us, the great sovereign, are our sovereign highness' *subjects*, the Georgian and Siberian tsareviches, and our boyars and colonels with numerous armed men."<sup>221</sup> Those "subjects, the Georgian and Siberian tsareviches" are mentioned in Khmelnyts'ky's reply to the tsar from Mezhyrych of June 11, 1654. <sup>222</sup> The same "subject tsareviches" are encountered in documents of this and later periods issued in

<sup>219</sup> Cf. the concluding paragraph of section VI.

<sup>220</sup> *AYuZR*, X, 225, 284.

<sup>221</sup> *AYuZR*, X, 659.

<sup>222</sup> *Ibid.*, p. 669.

the tsar's name, e. g., the Siberian and Kasimovian tsareviches in the correspondence with the Swedish king,<sup>223</sup> or in the writ to Colonel Petro Roslavets of February 1, 1676.<sup>224</sup> To these "subjects" we might add others, these of Crimea, Cherkassy, etc.<sup>225</sup>

What were these "subject tsareviches"? Who were they? Where did they come from and what were they doing in Moscow? What was their role near the tsar's person? What position did they occupy in the structure of the Muscovite state?

These questions were answered by Kotoshikhin in his well-known work. He said: "The Siberian and Kasimovian tsareviches, who were baptized in the Christian faith, are of the tsar's rank. They are above the boyars in dignity; but they do not attend or sit in any council, because it is not customary, since their states and they themselves became subjects after the war period of not long ago. They fear them also."<sup>226</sup> He further stated that the tsareviches "service" consisted of occupying the place closest to the tsar during ceremonies, walking with their arms in his, and seeing him every day to pay their respects. They were given large houses and considerable property and were married to daughters of wealthy boyars. Those who did not possess sufficient property received financial subsidies from the tsar; their titles were inherited by their children.<sup>227</sup> In addition to these details, recent works of Russian historians add more information.<sup>228</sup> The tsareviches were present at parades and were at the tsar's side during receptions for foreign envoys and it was their duty to meet them.<sup>229</sup>

The most frequently encountered tsareviches are the Siberian; they stayed in Moscow most of the time and led a courtier's life

<sup>223</sup> Velyaminov-Zernov, *Izledovaniye o Kasimovskikh tsaryakh i tsarevichakh*, St. Petersburg, Vol. III, p. 396 and Vol. V, p. 452.

<sup>224</sup> *Ibid.*, p. 397 and Rigelman, *op. cit.*, II, 150-2.

<sup>225</sup> Belorukov, "O Posolskom prikaze," *ChMOID*, Moscow, 1906, Bk. III, pp. 92-3.

<sup>226</sup> Kotoshikhin, *O Rossii v tsarstvovaniye Alekseya Mikhailovicha*, (St. Petersburg 1884). Quoted from Velyaminov-Zernov, *op. cit.*, III, 422-3.

<sup>227</sup> *Ibid.*

<sup>228</sup> See Velyaminov-Zernov's monumental work.

<sup>229</sup> Belorukov, *op. cit.*, pp. 92-3.

almost exclusively.<sup>230</sup> Further, in addition to the Crimean and Cherkassian, the Kasimovian tsars and tsareviches are mentioned constantly. They were descended from the family of the khans of Kazan and had received the principality of Kasimov as a vassalage from Moscow. They were used by Moscow against their own kinsmen. After accepting Christianity they preserved their titles, but the scope of their authority was more and more restricted. Former tsars of Kasimov were treated by Moscow as true sovereigns. However, during the period under consideration, this was a thing of the past and the Kasimovian tsarevich Vasili Arslanovich had been reduced to the rank of a "common serving" tsarevich like the Siberian, performing at the tsar's court the same functions as the latter.<sup>231</sup> There is one interesting feature: during the period when the Kasimovian tsars held real power in their land, their tsardom was under the jurisdiction of the Foreign Office. This was still the situation during the first half of the seventeenth century and Velyaminov-Zernov considers it "an important fact," perceiving in it "a special kind of privilege of the Kasimovian tsardom." Velyaminov-Zernov listed persons of their dynasty, who "at least from external circumstances, were the equals of foreign rulers."<sup>232</sup> This conclusion of the eminent Russian orientalist should be borne in mind for it is significant.

Then there was the Georgian tsarevich, Nikolai, the youngest in point of age, but the highest in rank, occupying first place.<sup>233</sup> This "subject," who had been mentioned along with the Siberian tsareviches in the tsar's letter of June 1, 1654, is doubly interesting: First, he subsequently reigned in his homeland under the name of King Irakli I;<sup>234</sup> second, Kotoshikhin provides some facts concerning him, which supplement the picture of a "subject" and help explain the contemporary Muscovite meaning of the word "subjection." Kotoshikhin says that the Georgian

<sup>230</sup> Velyaminov-Zernov, *op. cit.*, III, 209.

<sup>231</sup> *Ibid.*, p. 421 and 319.

<sup>232</sup> *Ibid.*, p. 486; Yakovliv, *op. cit.*, p. 47; Vladimirski-Budanov, *op. cit.*, p. 191.

<sup>233</sup> Velyaminov-Zernov, *op. cit.*, p. 421.

<sup>234</sup> *Ibid.*, p. 216 and cf. *AYuZR*, X, 659.



tsarevich was held in the esteem due a "real tsar's son" and that there was the possibility of his marriage to a princess, the tsar's daughter or sister, because "he is not a captive and is of the same faith." He further adds that the tsar does not rule over his land [i. e., Georgia] and only with his [the tsarevich's] permission signs himself, the Georgian."<sup>235</sup>

Thus, we know who these tsareviches were and what they did. Kotoshikhin places them above the boyars, the highest rank in the state. Their first rank was also acknowledged in contemporary documents, which cite listings akin to Peter's "Table of Ranks."<sup>236</sup> The tsarist social ladder started with the masses, the so-called "drafting people," and passed through "*stolniki*, governors, people of the *duma*, vicegerents, and boyars." Above all this, at the very summit, were the "subjects of our sovereign highness, the tsareviches."<sup>237</sup>

We can give some general characteristics of these subject-tsareviches. They were of foreign origin and from families of rulers of eastern or southern lands. Some of them were pagans or Moslems who had themselves, or whose sons had, accepted Christianity; others were Orthodox for many generations. On becoming tsareviches, they served, i. e., carried out honorary court functions at the tsar's throne. In regard to their external dignity, which was not connected with authority or influence, they held first rank in the state hierarchy, being above the boyars. Although most of them had lost the lands which had belonged to their dynasties, they still retained their titles. However, while being only nominal tsareviches, they still retained their "tsarist rank."<sup>238</sup>

In addition to tsareviches, we also find a tsar among the "subjects." This was the Imeretinian tsar, Argil, who, in his petition to the tsar of November 1654, stated among other things, "He bows humbly, remaining beneath your firm, supreme hand, your

<sup>235</sup> Kotoshikhin, *op. cit.*, p. 22.

<sup>236</sup> VeIyaminov-Zernov, *op. cit.*, III, 396-7.

<sup>237</sup> *Ibid.*, p. 395.

<sup>238</sup> Kotoshikhin, *op. cit.*, p. 22

subject, Tsar Argil.”<sup>239</sup> This “subject-tsar” is mentioned in many acts, e. g., the Muscovite tsars send their “kind word to our sovereign highness’ subject, Argil, tsar of the Imeretinian land,<sup>240</sup> or they order him “to remain in subjection beneath our sovereign highness’ autocratic hand,”<sup>241</sup> or Argil turns to them in supplication as “your subject, Tsar Argil.”<sup>242</sup>

It would be worthwhile to examine by a more detailed analysis of documents the circumstances which led to the “subjection” of Georgia. Unfortunately, we are at present unable to do so.<sup>243</sup>

<sup>239</sup> *SGGD*, IV, 641.

<sup>240</sup> *Ibid.*, p. 474 (April 20, 1682).

<sup>241</sup> *Ibid.*, p. 476.

<sup>242</sup> *Ibid.*, p. 641.

<sup>243</sup> Unfortunately, circumstances do not permit it. We are missing some notes taken from *PSZ*, among them the act of subjection of Tsar Aleksandr.

Addendum to footnote 243): After looking over the notes and material left by the late V. Prokopovych in order to put them in order, I have found some notations from *PSZ* relating to the “subjection” of the Georgian Tsar Aleksandr, mentioned in footnote 243. They are quoted below, although perhaps not in the same order as the author would have done.

1) “The boyars debated: This is new and unusual matter: if we accept Tsarevich Aleksandr, will we not set the Turkish and Crimean people against us?” Solovyev, *op. cit.*, X, 103).

2) “May 10, 1653. Writ to the Imeretinian Tsar Aleksandr with his son, brother, and with all his subjects, regarding his remaining in *eternal subjection* to the Russian sovereigns. (Prayer—long, seal—golden, suspended. Motif—Christian faith.)

“We sent to him (Aleksandr) messengers of our imperial highness... to bring him, Aleksandr the tsar and his nearest people to kiss the cross so that he, Aleksandr the tsar, and his children and his grandchildren and the entire Imeretinian state should be under the high hand of HRH in *eternal subjection*...” (*PSZ*, I, 280).

3) Tsar Aleksandr requested: “Not to estrange us, please, from his imperial highness’ hand and from enemies keep them in defense and *protection*...” (*ibid.*).

4) /continuation of Writ/ “and in this note (obviously of the tsar’s envoys) it was written: the tsar of the Imeretinian land for himself, for his son, and for his brother Mashuka, and for their close kin, for us, the great sovereign’s imperial highness, kissed the cross so that he, Aleksandr the tsar, and his son, Tsarevich Bahrat, and his brother Mashukye (or Mamukye) and their children, and their grandchildren and their near people with the entire Imeretinian land, should be under our imperial highness and our imperial children and grand-

For the time being we must confine ourselves to just two observations: first, Georgia's "subjection" was of an earlier date; second, it was purely nominal. According to Gradovski: "During the time of Tsar Feodor Ivanovich (1584-1598) there was established, for the time being, a nominal supremacy over Georgia (the Iverian land) and some other Caucasian lands. Therefore, the following was affixed to the title: 'Sovereign of the Iverian Land of the Georgian Kings and of the Kabardinian Land of Cherkassian and Gorski Princes and Sovereign and Master of Numerous States.'"<sup>244</sup> This formula of the tsars title which might be called the Caucasian formula, subsequently supplemented and perfected, should be kept in mind. We shall refer to it again.<sup>245</sup>

Kotoshikhin also states categorically that the tsar's supremacy over Georgia was nominal: "And his land (Georgia) is not possessed by the tsar; it is only with his permission that he writes Georgian in his title to Christian potentates, but he does not

children, whom God, the great sovereign, will later give, eternal subjection and forever inseparable, and they should not join any other ruler..." (*ibid*)

5) and 6) "We, the great sovereign, tsar and Grand Prince, Aleksei Mikhailovich, autocrat of all Russia, have been gracious to the master of the Imeretian land, Aleksandr the Tsar, and his son..." (*PSZ*, I, 279).

"And Tsar Aleksandr and his children, and *grandchildren who shall come later* and all who will later be tsars in the Imeretian land, shall keep this our tsarist writ unto themselves, and in all things to us, the great sovereign, our imperial highness and our imperial children and *grandchildren* and later being Russian great sovereigns, tsars and great princes, give service and joy, and wish well, without any cunning and the seeking of honors and elevation, and remain under our imperial highness' high hand, and to remain inseparable from our imperial children and grandchildren and later Russian great sovereigns, tsars and great princes, *until the end of their lives*, and after kissing the cross." (*PSZ*, I, 280).

7) The Patriarch Filaret gave an order to the bailiffs: "If Aleksandr will ask to be admitted to church, then you answer him that he may not go to church as a *khokhol*, because now he has changed into a *khokhol* and calls himself a Pole, and in the Russian state they do not admit Poles to churches..." (Solovyev, *op. cit.*, I, 103). (Andriy Yakovliv.)

<sup>244</sup> Gradovski, *op. cit.*, I, 158.

<sup>245</sup> *SGGD*, IV, 474.

[use this term] when he writes to Moslems.”<sup>246</sup> He explains this in more detail in a separate chapter of his work devoted to the problems of “why the Muscovite tsar writes to Christian states using his complete great titles.” In such titles, the tsar mentions his supremacy over the lands of the Kartalinian and Georgian kings and Cherkassian and Gorski princes, but he does “not use these titles in addressing Moslem states.”<sup>247</sup> Kotoshikhin, well versed in these matters because of his previous service, asks: “What is the reason for this?” In his answer he states first of all that the “Iverian, Kartalinian, and Georgian kingdoms are under the rule of, and [owe] the greatest obedience to, the Persian Shah”; the tsar writes that he is the master of these lands “for his own glory”; and that the allegation that they are “eternal subjects, is not true,” because their position is analogous to that of the Duke of Courland. Finally, he concludes that this Caucasian title should not be used by the tsar for substantial, formal reasons—“he should not use [this title] in writing to the Persian Shah.”<sup>248</sup>

These conclusions of the talented writer and emigre are very valuable. In discussing these “subjects” and illustrating their position without prejudice, he adds much which helps in the solution of the problem.<sup>249</sup>

Among those subjects we have genuine sovereigns, who in fact head their own states, but who have come under “subjection,” using the terminology of the period, “with cities and lands.” We see in “subjection” certain lands, which contain all the elements of nationality, government, territory, and population.

For example, the land of the Don Host, formed a state body and concluded an alliance with Muscovy, without losing its independence. From 1549 the Don Cossacks designated themselves, as was noted by M. Vladimírski-Budanov, “subjects.” At ap-

<sup>246</sup> Kotoshikhin, *op. cit.*, p. 30.

<sup>247</sup> *Ibid.*, p. 43.

<sup>248</sup> *Ibid.*, pp. 43-4.

<sup>249</sup> It must be added that his letter to the Tsars Ivan and Peter of November 1694 was written from his own territory, *SGGD*, IV, 641.

proximately the same period the Caucasian rulers began to offer their "subjection" to the Muscovite tsars. After the conquest of Kazan, the khan of Siberia offered to pay tribute to Ivan IV, but "his subjection was only nominal."<sup>250</sup>

Another real ruler with his own land and substantial armed forces appeared in the second half of the seventeenth century. This was Kapsulat, a Cherkassian prince, who was also "our sovereign highness' subject."<sup>251</sup>

We must also consider the Danube principalities, the immediate neighbors of the Ukraine. The history of their relations with Moscow offers analogous examples of "subjection."

Thus, in 1654, immediately after the union of the Ukraine and Muscovy, negotiations began concerning the "subjection" to the tsar of the Wallachian Hospodar. We offer some excerpts from the papers of an official of the embassy, Tomilo Porfiriev, who traveled in April-June of that year "to the Moldavian land, to *voyevoda* Stefan."<sup>252</sup> This official was sent on a special mission to ascertain whether it was true that "the Moldavian master bows his forehead to the sovereign in subjection."<sup>253</sup> The hospodar assured him "under oath, while repeatedly looking at an image of God, that he wishes to be under the tsar's hand with all his possessions."<sup>254</sup> Porfiriev added bitterly that "his sworn statements were unreliable,"<sup>255</sup> because the *voyevoda*, the master of the Moldavian land, submitted "to the high hand of his imperial highness as a form of flattery, not in truth."<sup>256</sup> This statement is of interest to us because of the terms used to determine future relations between the *voyevoda* and the tsar.

In addition to Wallachia there were also projects concerning the "subjection" of neighboring Muntenia. The Muntenian envoy to the hetman, as it appears from the report of Petro

<sup>250</sup> Vladimirski-Budoanov, *op. cit.*, p. 112.

<sup>251</sup> SGGD, IV, 369-70.

<sup>252</sup> AYuZR, X, 577.

<sup>253</sup> *Ibid.*, p. 501.

<sup>254</sup> *Ibid.*, p. 581.

<sup>255</sup> *Ibid.*

<sup>256</sup> *Ibid.*, p. 603.

Protasyev, was supposed to have told B. Khmelnyts'ky: "Since he, the hetman, had come under the high hand of our sovereign highness in eternal subjection, their *voyevoda*, Konstantin, with all his land also wishes to be under your sovereign highness' high hand."<sup>257</sup> On their part the Muscovite delegates advised the Muntēnian envoy that "his *voyevoda* and master should send emissaries "to seek the kindness of his imperial majesty" in coming under "the tsar's high hand."<sup>258</sup> Again in a conversation with I. Vyhovs'ky the Muntēnian envoy speaks of his Hospodar's intention to come "under the high hand of his sovereign highness in eternal subjection."<sup>259</sup> These words require no further comment. The terminology is, as we can see, identical.

Of signal interest to us is a writ of the tsars Ivan and Peter of the late seventeenth century to Ivan Shcherban Cantacuzenu, "*voyevoda* and master of the Muntēnian land."<sup>260</sup> In this writ, dated December 28, 1688, the tsars replied to the Hospodar's request "to liberate all living Orthodox Christians from the yoke of martyrdom and to accept them in eternal subjection under the high autocratic hand of our sovereign highness,"<sup>261</sup> in the following manner: "In reply to your letter to us, the great sovereign, our imperial majesty, your request that you are seeking the mercy of our imperial majesty and that you wish to be in subjection for the sake of the unity of Christians of the Orthodox faith, under our great sovereign, autocratic hand with your lands, is looked upon with favor and beneficently praised."<sup>262</sup> The tsars referred twice to the same motive, "the unity of Christians of the Orthodox faith," and advised the Hospodar not "to join other foreign states and not to surrender and not to issue papers confirming subjection."<sup>263</sup> For their part they promised to "de-

<sup>257</sup> *Ibid.*, p. 700.

<sup>258</sup> *Ibid.*

<sup>259</sup> *Ibid.* p. 701.

<sup>260</sup> *SGGD*, IV, 591.

<sup>261</sup> *Ibid.*, p. 592.

<sup>262</sup> *Ibid.*

<sup>263</sup> *Ibid.*, p. 593.

fend Muntenia from enemies" and that their "imperial mercy and defense will never be refused and that in all you can be sure of our sovereign mercy."<sup>264</sup>

A later document provides some interesting material on this point; this was Kantemir's act of submission to Moscow prior to the pogrom on the Pruth. We can discern here the tone long familiar to us.<sup>265</sup>

Fate saved the Danube principalities from "subjection" to Muscovy. With the exception of Bessarabia, Moscow was unable to annex them, but she opposed their liberation from Turkish dependence.

Thus, in the material dealing with the "subjection" of different lands, we observe the same expressions, the same terms, the same usage—in other words, a similarity of values.

From the foregoing, we believe that we can state fairly accurately who were the "subjects" in Moscow in the seventeenth century, and, at the same time, we can bolster our previous conclusions regarding the contemporary meaning of the word "subjection." The tsar's subjects were a peculiar category of people, beyond and above the population of the realm. They were small in number but of varied composition. Despite their heterogeneity, these people had certain common ties binding them together. They were either titular tsareviches with representative functions at court, or emigre tsars who lived on charity, or even actual rulers of their own territories. However, all of them were people of the "tsarist rank" who accepted for themselves and their lands certain obligations to the "great sovereign."

"Subjection" and imperial dignity did not exclude each other. One could be a prince, hospodar, hetman, tsar, or to use a general Muscovite term, "sovereign," and at the same time be a "subject."

The tsar's subjects were *vassals* in various degrees of dependency; sometimes, and this must be emphasized, this dependency was purely nominal. These were lands which accepted "sub-

<sup>264</sup> *Ibid.*

<sup>265</sup> Solovyov, *op. cit.*, XVI, 60.

jection" to the tsar on certain conditions, i. e., the tsar's "defense-protection" was only formally recognized by them. In such a case the tsar's supremacy was a *protectorate*.

And Bohdan Khmelnyts'ky's "subjection" was precisely this type. He was the "sole-ruling autocrat of Rus'," "Prince of Rus'," "glory of the Christian monarchs," "his hetman's highness," "hetman-general of the Zaporozhian Host by the grace of God," "*clementia divina generalis dux exercituum Zaporoviensium*." By the Treaty of Pereyaslav, the great hetman with the Zaporozhian Host joined the "Eastern Orthodox Tsar" in such subjection. This is quite evident, in our opinion, from our analysis of historical documents, which concern the union of the Ukraine with Moscow, and from a comparison of them with monuments relating to the "subjection" of tsars and princes of the Caucasus or the Hospodars of the Danube principalities.

Do these facts not prove conclusively that even after the Treaty of 1654, the Ukraine remained an independent state and the tsar had no actual control over her? The tsar was satisfied with her nominal dependence and with "newly-acquired titles."

By proceeding along somewhat different paths from our predecessors, by applying a different method, and by using heretofore unutilized material, we have arrived at the same conclusions as those resulting from historical and legal studies (Professor Andriy Yakovliv has summarized these in his latest work on the subject). The rights possessed by the Ukrainian state on the basis of articles, by which she joined Moscow in partnership, "reduce," said Professor Yakovliv, "subjection to a mere nominal protection of the tsar over the Ukraine."