

Confessional Civilising in Ukraine

The Bishop Iosyf Shumliansky
and the Introduction of Reforms
in the Diocese of Lviv 1668-1708

PIOTR WAWRZENIUK

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Cover illustration: Title page of Shumliansky's *Metryka*

*Пам'яті
моїх дідів, підляських Русинів – Олі,
Леонтія, Марії, Юліана –
присвячую*

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Notes

In this book, the Library of Congress system for the romanization of cyrillic letters has been used. However, there have been a few modifications. The soft sign (“ъ”) transcription has been left out. I have written “Lviv” instead of “L’viv” et cetera. In last names ending with “ий”, “й” has not been transcribed. The readers will thus find “Shumliansky” instead of “Shumlianskyi”. The ligatures in the romanization of “ж”, “ц”, “я”, “ю” and “є” have not been used.

When presenting old publications, the Cyrillic letters no longer in use have been romanized because of the problems adapting the software needed to produce the original old signs.

The names of the people in the cases studied have been written in their original seventeenth or eighteenth century version and this may deviate from modern Ukrainian and Polish orthography. Contemporary names of the towns and villages in the Diocese of Lviv are used, so the reader may easily put them on a map. Consequently, the names of the towns in contemporary Poland are written in Polish. One will thus find “Przemyśl”, not “Peremyszl” and “Jarosław”, not “Iaroslav”.

The East Slavic population of the eastern parts of the Polish Crown territory is called “Ruthenian”, which is the early modern term, and sometimes “Ukrainian”, which is the modern term.

Abbreviations

AiuZR	Arkhiv Iugo-Zapadnoi Rossii (The Archive of South-Western Russia)
APPrz, ABGK	Archiwum Państwowe w Przemyślu, Archiwum Biskupstwa Grecko-Katolickiego (The State Archive in Przemyśl, The Archive of the Greek-Catholic Diocese)
LNB	Lvivska Naukova Biblioteka V. Stefanyka NAN Ukrainy (Stefanyk Scientific Library of the Ukrainian Academy of Sciences in Lviv)
NML	Natsionalnyi Muzei u Lvovi (The National Museum in Lviv)
Rkk	Rukopys kyrylychnyi (Cyrillic manuscript)
Rkl	Rukopys latynskyi (Roman manuscript)
Sdk	Starodruk (Old print)

1 Introduction

1.1 A diocese under reform

In present day Ukraine, one of the strongest institutions is the Greek Catholic (Uniate) Church. This is a religious body which preserves its rituals and customs but declares loyalty to and union with the Roman Catholic Church. It is this union with Rome that made the Greek Catholic Church a powerful influence during the first period of Ukrainian independence.

This is an account of the period of the reform and transition from Greek Orthodoxy to Greek Catholicism in the late seventeenth and early eighteenth centuries in the large and important Diocese of Lviv in the west of Ukraine. This was one of the last Ukrainian dioceses to join the union with the Roman Catholic Church. In 1668, Iosyf Shumliansky, a nobleman and military officer, was appointed as Greek Orthodox Bishop. He had already secretly agreed to bring his diocese closer to Roman Catholicism and the Polish nation building movement. He avoided “shock therapy” and only in 1700, after more than thirty years of gradual reform among the parish priests, did the Diocese fully join the union with Rome.

The period studied corresponds with the agonising reconstruction of the area after the enormous destruction caused by the mid-seventeenth century wars. Even after the catastrophe of *the Deluge*, the Diocese of Lviv was subjected to further invasions and wars. Part of the Diocese was occupied by Ottoman troops for a long period. Thus, the religious transition also had to take account of the need to reconstruct. Therefore, there were great regional differences in the ability to implement religious reform.

This thesis focuses on attempts to reform the parish clergy. Priests did not live isolated lives; they were married, they lived like peasants and among peasants. Often their lifestyle and habits were indistinguishable from their parishioners. Documents from the Consistorial Court of Lviv are based on conflicts between priests and their parishioners and colleagues. However, the material has considerable potential for describing social tensions and everyday life in Ukrainian Orthodox parishes – something historians have seldom studied. The material also gives us an insight into how priests were perceived by the nobility and church hierarchy (from the higher social group), and by the peasantry (from the lower or equivalent social group).

The transition from Greek Orthodoxy to Greek Catholicism brought about a need to renegotiate the role and status of the priest in his local parish.

Much of this renegotiation had to do with creating a social and psychological distance to the peasantry, and a social and psychological closeness to the nobility. As this thesis shows, this was not an easy process and often led to violent conflict.

1.2 The Polish-Lithuanian Commonwealth

In 1667, the year of Iosyf Shumliansky's election to the office of Greek Orthodox Bishop of Lviv, the Polish-Lithuanian Commonwealth saw the end of the wars and conflicts that had plagued the country for two decades. The Commonwealth had just ceded the Palatinates of Smolensk and Chernihiv and Left-bank Ukraine to Muscovy, in accordance with the unfavourable Truce of Andrusovo. This was signed after the long war of 1654-1667. In 1668, when Shumliansky was consecrated, King Jan Kazimierz abdicated. Not only the Diocese of Lviv but the whole country seemed to be facing a new beginning. At least for the Diocese of Lviv, this was true although the lasting peace was far away. In fact, the cycle of wars in the Commonwealth's territory that started with the uprising of the Zaporozhian Cossacks led by *Hetman* (commander-in-chief) Bohdan Khmelnytsky in 1648, did not end until 1721.¹

Even though the Commonwealth was diminished by the Truce of Andrusovo, it was one of Europe's biggest states and stretched from the Baltic coast in the north, to the steppes on the Polish-Ottoman border in the south, and from the Palatinate of Poznań in the west to the Dnipro (Dnieper) River and beyond in the east (see the map). After the political Union of Lublin in 1569 (following the dynastic Union of Krewo in 1385), the Crown of Poland was divided into palatinates (*województwa*), counties (*ziemie*) and districts (*powiaty*). The Grand Duchy of Lithuania was divided into palatinates and districts in 1565-1566.²

¹ Frost, Robert, *After The Deluge. Poland-Lithuania and the Second Northern War 1655-1660* (Cambridge 1993), p. 1-2.

² “Вялікое Княства Літоўскае. Тэрыторыя, адміністрацыйны падзел ВКЛ”, in *Вялікое Княства Літоўскае Энцыклапедыя у двух тамах* (Мінск 2005), p. 34-39.

Figure 1. The Polish-Lithuanian Commonwealth in the mid-seventeenth century, before the Truce of Andrusovo. The map is a reprint from Robert Frost, *After The Deluge*, p. xxiii.



1.3 The political nation: the nobility triumphant

By the mid-seventeenth century, the nobility (*szlachta*) accounted for between six and eight per cent of the population.³ This social group ruled Poland-Lithuania. The noble estate monopolised power in the Commonwealth and the kings had limited freedom of action. Since 1374, the nobility had enjoyed freedom from taxation without the estate's consent. The principle of *Neminem Captivabimus* established in 1430-33 stipulated that no noble could be imprisoned without a trial. The *Nihil Novi* Act of 1505 meant that no new laws could be passed without the agreement of the nobles. By applying the *nihil novi* principle, the nobility was able to block royal initiatives and design its own legislation. Gradually between 1496 and 1543, the peasantry became practically enserfed. They were not allowed to leave the land without the lord's consent, or to appeal against the verdicts of the lord's court. During the same period, *corvée labour* was imposed.⁴ After the death

³ Frost, *After the Deluge*, p. 10.

⁴ Lukowski, Jerzy, *Liberty's Folly. The Polish-Lithuanian Commonwealth in the Eighteenth Century* (London 1991), p. 9-10.

of Sigismund II August in 1572, the right to elect the king was added to the list of the nobility's privileges. These rights and privileges were gathered and codified in the so-called *Henrician Articles*, named after the first elected king, Henri of Anjou. Thereafter, each elected candidate was obliged to accept the articles along with the *Pacta Conventa*, a set of requirements and obligations formulated individually for each new king. Failure by the king to observe any part of the agreement provided the nobility with the legal right to renounce its loyalty to the king.⁵

The nobility was the only political estate in Poland-Lithuania. The legislative organ of the Commonwealth, the *Sejm* (Diet), comprised the King, the Senate and the Envoys. The Senate had 150 members. This body consisted of high state officials (ministers, palatines, castellans, and the *Starosta* of Samogitia) and Roman Catholic bishops.⁶ There were 172 envoys, who were elected locally at provincial *Sejmiki* (Dietines). They were obliged to follow the instructions laid down by their electorate.⁷ Thus the *Sejm* normally consisted of at least 322 members in addition to the king. The envoys from the *sejmiki* of (dietines) Royal Prussia varied in number⁸ and could therefore increase this number.

The *Liberum veto* gave individual envoys the right to block legislation or to break up the *Sejm* or *Sejmik*. It was first used to dissolve the *Sejm* in 1652 after a six-week session. With time, the use of the *Liberum veto* increased, with considerable help from the neighbouring states of the Commonwealth, who soon realised its politically undermining qualities.⁹

The ethnically diverse noble nation (*naród szlachecki*) was bound by the myths of noble equality and common ancestry. According to the first, all nobles were equal, regardless of their wealth and influence. In real life, it was nothing like that. Magnates, extremely wealthy nobles who could own several hundred villages and dozens of towns, dominated the political stage regionally or – in the case of a few families – at the Commonwealth level.¹⁰ The myth of the common heroic ancestry (*Sarmatism*) helped to create a sense of unity among the nobility and was also a way for the nobles to differentiate themselves from the common people of the Commonwealth. The Sarmatians were supposedly an ancient Iranian tribe that had once conquered Ancient Rome.¹¹ It was believed that the mere fact of Sarmatian noble descent guaranteed an individual's "virtue, bravery, [and] patriotism."¹² Among people of such ancestry, there was no place for non-nobles apart from in

⁵ Lukowski, *Liberty's Folly*, p. 10.

⁶ Frost, *After the Deluge*, p. 10.

⁷ Lukowski, *Liberty's Folly*, p. 89.

⁸ Frost, *After the Deluge*, p. 11.

⁹ Davies, Norman, *God's Playground. A History of Poland. Volume I. The Origins to 1795* (Oxford 1981), p. 346-347.

¹⁰ Lukowski, *Liberty's Folly*, p. 16-18.

¹¹ Lukowski, *Liberty's Folly*, p. 21-22.

¹² Bogucka, Maria, *Staropolskie obyczaje w XVI-XVII wieku* (Warszawa 1994), p. 25.

exceptional cases. In the Lithuanian part of the Commonwealth, the myth of the Grand Duchy's nobility's Roman origins corresponded to the Polish myth of the Sarmatian descent.¹³ It was considered that the only legitimate way to enter the noble ranks was by brave deeds on the battlefield. Few people were rewarded with ennoblement: from the end of the 16th century to the last partition of Poland-Lithuania in 1795, fewer than 1000 people were ennobled.¹⁴

Seventeenth century writings suggest that there was a common fear that burghers, peasants and Jews would enter the noble estate. Such pretenders could copy the behaviour and life style of the nobility. In the seventeenth century, the laws against plebeians who wore dress and accessories associated with nobility were intensified. They were, however, notoriously ignored.¹⁵ Still, the mere copying of dress and behaviour was not sufficient to be accepted by the nobility. An impoverished nobleman, Walerian Nekanda Trepka, wrote a manuscript in which he painstakingly listed the families of the pretenders. He claimed that the shoddy behaviour of the pretenders would sooner or later reveal their true, tainted origins, no matter their fine dress or stately residence.¹⁶

The nobility despised tradesmen and craftsmen, and urban culture altogether. The town was considered to be noisy, crowded, smelly and full of thieves and robbers. The noble ideal was to live a tranquil, self-sustained country life. Physical work was detested. There were only a few professions that were appropriate for a nobleman. They were found in the judicial system, in the army, in the Church or in the administration of royal or magnate estates.¹⁷

1.4 The judiciary

The court system of the Commonwealth mirrored its social divisions. As elsewhere in contemporary Europe, there was no unified judicial system but different courts for the nobility, townsmen, clergy, peasants and Jews.¹⁸ The Roman Catholic Church had established a jurisdiction of its own in the thirteenth century. By the second half of the sixteenth century, ecclesiastical courts had definitely lost control over the nobility (and partly over the other estates).¹⁹

¹³ Suchocki, Jerzy, „Geneza litewskiej legendy etnogenetycznej. Aspekty polityczne i narodowe”, *Zapiski Historyczne*, 1987, Vol. 52, p. 27-66.

¹⁴ Tazbir, Janusz, *Kultura szlachecka w Polsce* (Poznań 1998), p. 29,

¹⁵ Tazbir, *Kultura szlachecka*, p. 44, 52-53.

¹⁶ Bogucka, *Staropolskie obyczaje*, p. 31-32.

¹⁷ Tazbir, *Kultura szlachecka*, p. 33-34, p. 17-18, p. 20.

¹⁸ Lukowski, *Liberty's Folly*, p. 101.

¹⁹ Borucki, Marek, *Temida Staropolska* (Warszawa 2001 [1979]), p. 110, p. 118-119.

The courts of the nobility applied customary law. The Commonwealth lacked a codified collection of laws. There were two main types of courts for the nobility: *ziemski* and *grodzki*. The former functioned for a palatinate (*województwo*) or a county (*ziemia*), while the latter was often located at the seat of a *starostwo*. The *ziemski* courts were civil courts. They primarily dealt with selling and buying landed estates and property, registering contracts, mortgages and so on. The *grodzki* court was basically a criminal court.²⁰

The townspeople were subject to the jurisdiction of the municipal courts. The judicial framework used by a town was normally determined by its owner (Crown, Church or Nobility). Most often, it would be German law i.e. *Magdeburg Law*. Ideally, all townspeople would be under the jurisdiction of the Magistrates Court but this was not the case. Nobles and clerics who lived in towns were not subject to town jurisdiction and enclaves (*jurydyki*) existed. A *jurydyka* was an area that originally belonged to a town, but became somehow detached from the town jurisdiction. *Jurydyki* were frequently in the hands of the nobility and had their own councils and judicial institutions. They also competed with town guilds by circumventing the town's restrictions and regulations.²¹ For people in military service, there were *Hetman Courts*.²²

Since most of the peasants were serfs, they were under the judicial control of the landowning seignior. In practice, a village council headed by a *soltys* was elected by the villagers or appointed by the lord. The village court normally met at the local inn, the multifunctional centre of the community. The lord of the village was the sole instance of appeal unless the village was situated on a Crown estate.²³

Theoretically, the ecclesiastical system of justice of the Greek Orthodox Church in the Polish-Lithuanian Commonwealth was still regulated by the *Nomokanon*, an eleventh century decree by the Kyivan Grand Prince Iaroslav the Wise. In the sixteenth century, King Sigismund I reconfirmed this decree. This granted clerics immunity from lay jurisdiction and gave the Church the right to administer its revenue. The Greek Orthodox Church formally retained jurisdiction over all matters of faith and other religious matters, and over the inhabitants of the many church estates. Mironowicz claims that in the sixteenth century, royal power limited the jurisdiction of the Greek Orthodox Church by intervening on various occasions. The Greek Orthodox judiciary was also the subject of the Roman Catholic clergy's attention. There were cases when Greek Orthodox clerics applied to the royal court in cases when conflicts could not be solved within the Orthodox

²⁰ Borucki, *Temida*, p. 28-29.

²¹ Borucki, *Temida*, p. 130-131; Lukowski, *Liberty's Folly*, p. 76-77.

²² Bogucka, Maria, "Law and Crime in Poland in Early Modern Times", *Acta Poloniae Historica*, LXXXI, 1995, p. 176.

²³ Borucki, *Temida*, p. 196-197, p. 203.

Church.²⁴ During his administration, Iosyf Shumliansky had to fight against lay jurisdiction over the internal affairs of the Ruthenian Church.²⁵

1.5 Religious toleration

The expansion of the Grand Duchy of Lithuania and the Polish Crown into the principalities of the Kyivan Rus in the fourteenth century brought a large Greek Orthodox population into the future Commonwealth. After the dynastic union between the Crown of Poland and the Grand Duchy of Lithuania in 1385, the Grand Duchy officially became Roman Catholic. Greek Orthodoxy in the Grand Duchy turned from being the dominant religion into a tolerated secondary religion. Roman Catholic expansion was given full political support, while the construction of new Greek Orthodox churches and renovation of old ones was banned until the middle of the fifteenth century. Catholics were also given preference to high office. These discriminatory impositions ceased in the Grand Duchy in 1447, when the Grand Duke Kazimierz granted all the nobility the right to candidate to higher office. In 1551, the discriminatory practices were forbidden after the intervention of King Sigismund II August.²⁶ During the last decade of Sigismund's reign (he died in 1572), the rights and privileges of the Orthodox Christians were made equal to those of Catholics. This step was intended to make the Ruthenian nobility more positively inclined towards the proposed political union between the Crown and the Grand Duchy. This union was signed in Lublin 1569. In accordance with the Union of Lublin, most of the Ukrainian lands (formerly Lithuanian Left-bank and Right-bank Ukraine, Volhynia and Podlasia) were transferred from the Grand Duchy of Lithuania to the Polish Crown.²⁷

Ever since the conquest and incorporation of the Ruthenian principalities, the status of the Orthodox Church in a Catholic dominated country had been of crucial political importance. Mironowicz highlights a major difference between the territory of the Grand Duchy and that of the Polish Crown. The multiethnic structure of the pre-Reformation Grand Duchy with Ruthenian (Belarusian and Ukrainian), Lithuanian, Polish, Jewish, Tatar and Armenian elements made any attempts to apply the mono-confessional model of the Roman Catholic West doomed to failure. In the territories of the Polish Crown, however, the political elites were under the strong influence of the

²⁴ Mironowicz, Antoni, *Kościół prawosławny w dziejach Rzeczypospolitej* (Białystok 2001), p. 32, p. 35.

²⁵ Andrusiak, Mikołaj, *Józef Szumlański. Pierwszy biskup unicki lwowski (1667-1708). Zarys biograficzny* (Lwów 1934), p. 148.

²⁶ Mironowicz, *Kościół prawosławny* p. 22, p. 24; Сагановіч, Генадзь, *Напус гісторыі Беларусі ад старажытнасці да канца XVIII стагоддзя* (Мінск 2001), p. 102.

²⁷ Gudziak, Borys, *Crisis and Reform. The Kyivan Metropolitanate, the Patriarchate of Constantinople, and the Genesis of the Union of Brest* (Cambridge, Mass. 1998), p. 72.

Roman Catholic hierarchy and had predominantly negative sentiments towards Greek Orthodox Christians. Frequently, they were considered to be an alien body.²⁸ The union between Greek Orthodoxy and the Vatican attained at the Council of Florence in 1439 had no influence in Poland for different reasons. The Roman Catholic Church in Poland, the Grand Duchy and parts of the political elite were not keen to accept equality between the two confessions – one of the points of the Union of Florence.²⁹

The appointment of laymen to high ecclesiastical office had posed a problem for the Greek Orthodox Church since the Ottoman conquest of Constantinople. In the sixteenth century, the power of the Greek Orthodox Church over the selection, election and consecration of bishops had been abandoned. The sole power to appoint an Orthodox bishop belonged to the king. This left the way open for the appointment of royal protégés and for the sale of high offices. Similar conditions governed the appointment of abbots (*ihu-meny*) and certain parish priests. The Orthodox clergy were, if not directly appointed, then at least approved, by the local lord.³⁰

However, it has been claimed that the tradition of several ethnic groups and faiths living within the same political body had a benevolent influence on the later development of Polish-Lithuanian religious toleration.³¹ In order to achieve confessional peace, religious freedom of the nobility was declared in the Warsaw Confederation Act of 1573. This right of religious freedom had been included in the *Henrician Articles* from the time of the first elected king and formed part of the constitution of the Commonwealth. By 1573, the Reformation had for a long time influenced the religious life of the Commonwealth and had reaped considerable success among the nobility. Approximately one sixth of its numbers converted to Calvinism or Lutheranism, the former being the most widespread religion. Calvinism's claim that the lawful representatives of believers had the right to oppose a ruler who persecuted the true faith suited the nobility well.³²

The Polish-Lithuanian Roman Catholic Church adapted to the agenda of the Council of Trent at an early stage. The Council, held in the years 1545-48, 1551-1552 and 1562-1563, decided upon a package of measures to reform the Roman Catholic Church and to combat the Reformation.³³ Religiosity among the faithful was to be strengthened and the souls lost to the Protes-

²⁸ Mironowicz, *Kościół prawosławny*, p. 26-27.

²⁹ Gudziak, *Crisis and Reform*, p. 43-45.

³⁰ Mironowicz, *Kościół prawosławny*, p. 33-35.

³¹ Tazbir, Janusz, *A State Without Stakes. Polish Religious Toleration in the Sixteenth and Seventeenth Centuries* (Warszawa 1973), p. 31-32.

³² Tazbir, *A State without Stakes*, p. 54-56.

³³ Дмитриев, М. В., „Центробежные и центростремительные тенденции в развитии европейского христианства”, in Флоря, Б. Н. (ed.), *Брестская уния 1596 г. и общественно-политическая борьба на Украине и в Белорусии в конце XVI – начале XVII в. Часть I. Брестская уния 1596 г. Исторические причины* (Москва 1996), p. 19-20.

tants were to be won back.³⁴ As elsewhere, the Roman Catholic Church in Poland-Lithuania emerged reinforced and revitalised after the Council. The Roman Catholic Church in Poland-Lithuania had approved important parts of it in the 1560s and accepted the Trentine Agenda in its entirety in 1577.³⁵

With the advance of the Catholic Reform, the practice of religious toleration waned considerably. In 1564, several years before the adoption of the Trent Agenda, the Jesuits arrived.³⁶ With the accession of the fiercely Catholic king, Sigismund III Vasa, in 1587, the Catholic Reform movement in the Commonwealth gained in strength. At the beginning of his rule, there were twenty-five Protestant Senators in the Senate. At his demise in 1632, there were only five. The king, more often than not, gave the Senate seats to Catholic appointees rather than to Protestants. At the same time, the numbers of the Protestant nobility decreased. While the old Catholic generation passed away, a new sort of nobility took their place in the political arena. The generation of politicians, who placed political interests and state matters above religious ones, were being replaced by men educated at Jesuit schools who put religion in prime position and were negatively inclined towards religious dissenters.³⁷ By the last quarter of the seventeenth and the first decades of the eighteenth century, a polonization process among the ethnically non-Polish nobility was increasing rapidly. The concepts of “noble birth, Polish patriotism and Catholic faith began to merge.”³⁸ In addition to the advancing the Catholic Reform, this tendency was strengthened by the mid-seventeenth century wars with non-Catholic states: Lutheran Sweden and Prussen-Brandenburg, the Orthodox Ukrainian Cossacks and Muscovy, and Calvinist Transylvania. Thus, the general Polish Catholic attitude towards religious dissent grew increasingly negative.

1.6 Confessionalisation in the Polish-Lithuanian Commonwealth

In the early modern era, religion enjoyed an important role in society. During the post-Reformation period of the sixteenth century, Europe experienced a considerable national and political mobilisation along confessional lines. During the past twenty years, scholars have used the term *confessionalisation* to describe the process. Its name stems from *confessio*: a declaration of faith. Starting with the Lutheran *Confessio Augustana* in 1530, West-

³⁴ Olin, John C., *Catholic Reform. From Cardinal Ximenes to the Council of Trent 1495-1563* (New York 1990), p. 1-37.

³⁵ Tazbir, *A State without Stakes*, p. 86; Дмитриев, „Центробежные” in Флоря (ed.), *Брестская уния*, p. 26.

³⁶ Tazbir, *A State without Stakes*, p. 86.

³⁷ Tazbir, *A State without Stakes*, p. 161-165.

³⁸ Tazbir, *A State without Stakes*, p. 167-169, citation p. 167.

ern Churches formulated their declarations of faith. Within decades, the adherents of Calvin, the Roman Catholic Church and the Anglican Church composed and wrote down their own complex, theological viewpoints. In accordance with the *confessionalisation* paradigm, churches allied themselves with emerging early modern states. Religious and ecclesiastical institutions were, in turn, exploited by territorial princes “as [a] means of achieving the uniform docility of all subjects.”³⁹ The church-state alliance provided the opportunity to internally shape the religious community and also made it possible to “export” religious-political convictions to other places.⁴⁰

The main aim of *confessionalisation* was „die Einheit von politischen und religiösen Raum”.⁴¹ In this model, there was hardly any difference between religion and politics: “religious change was also a political change.”⁴²

However, the Commonwealth was not an ideal place for the confessional model of state building. Rather than being an instrument for laying the foundation of the modern state, *confessionalisation* in the Polish-Lithuanian Commonwealth resulted in the virtual annihilation of the Protestant minority from the political scene. It strengthened the “mental and ideological ties of the nobility” who overwhelmingly returned to the Roman Catholic faith. The authority of the noble landlords increased.⁴³ The Protestants of the Commonwealth tried but never succeeded in creating a common, shared identity. Neither was a common document in a *confessio* spirit formulated. The Protestant group lacked “offensive self-organisation and politicisation.” Calvinists and Lutherans could co-operate with each other, but they had problems in accepting the more radical sects and the Antitrinitarians. According to Winfried Eberhard, the process of *confessionalisation* in the Polish-Lithuanian Commonwealth became decentralised and regional because it took place in the noble and clerical estates.⁴⁴

If the lord of the estate or town was determined enough, his confessional agenda was launched. After purchasing a village near Oświęcim, the noble-

³⁹ Karant-Nunn, Susan C., “Neoclericalism and Anticlericalism in Saxony, 1555-1675”, *Journal of Interdisciplinary History*, XXIV: 4 (Spring 1994), p. 615-616.

⁴⁰ Schilling, Hans, „Das Konfessionelle Europa. Die Konfessionalisierung der europäischen Länder seit Mitte des 16. Jahrhunderts und ihre Folgen für Kirche, Staat, Gesellschaft und Kultur“, in Bahlcke, Joachim; Strohmeyer, Arno (eds.), *Konfessionalisierung in Ostmitteleuropa. Wirkungen des religiösen Wandels im 16. und 17. Jahrhundert in Staat, Gesellschaft und Kultur* (Stuttgart 1999), p. 13-14.

⁴¹ Eberhard, Winfried, „Voraussetzungen und strukturelle Grundlagen der Konfessionalisierung in Ostmitteleuropa“, in Bahlcke; Strohmeyer (eds.), *Konfessionalisierung*, p. 97.

⁴² Schilling, „Das konfessionelle Europa“, in Bahlcke; Strohmeyer (eds.), *Konfessionalisierung*, p. 22-23, citation p. 16.

⁴³ Eberhard, „Voraussetzungen und strukturelle Grundlagen“, in Bahlcke; Strohmeyer (eds.), *Konfessionalisierung*, p. 101.

⁴⁴ Eberhard, „Voraussetzungen und strukturelle Grundlagen“, in Bahlcke; Strohmeyer (eds.), *Konfessionalisierung*, p. 96 (citation), p. 102.

man Christopher Koryciński instructed his new subjects to either convert to Catholicism or leave the estate. On the Crown estates, Sigismund III Vasa (1587-1632) banned the propagation of Protestantism and the establishment of reformed churches on crown lands. City ordinances formulated in the sixteenth and seventeenth centuries often regulated the confessional question, church attendance, Confession, observance of the fast et cetera.⁴⁵

1.7 The Union of Brest and its consequences

The Greek Orthodox Church had its share of contact with the vibrant, reforming Catholic Church. In the 1590s, the Greek Orthodox leadership in The Commonwealth began to explore the possibility of forming an ecclesiastical union with the Roman Catholic Church. The earlier union arising from the Council of Florence had long been aborted. Such an agreement became a reality in 1596 and was concluded with the support of King Sigismund III and the Vatican. The Union of Brest was signed by all but two of the Orthodox bishops. The Union created the Uniate Church (nowadays often called Greek Catholic). It recognised the authority of the Pope and the Catholic principles of faith, but kept its Eastern rituals and customs. The three main guidelines of the new post-Trentine policies were “integration, unification and centralisation”. According to Moscow historian Mikhail Dmitriev, the Union was a continuance of Catholic Reform “on certain conditions in a certain region.”⁴⁶ This view is not alien to one of the historians of the Union, Borys Gudziak, who confined his interpretation of the background to the Union and the Union itself in the very title of his work, “Crisis and Reform”.⁴⁷

The Union of Brest also inspired further unifying actions in the Commonwealth and beyond its borders. Within a few decades, the Union functioned as a model for the unionising work among the Orthodox Christians in Hungary and the Armenians in the Polish Crown.⁴⁸

The Union of Brest, however, did not develop as intended. A Uniate church uniting all former Orthodox Christians was not created. Two Orthodox bishops, Mykhailo Kopystensky (Przemyśl) and Hedeon Balaban (Lviv), refused to sign the Union of Brest.⁴⁹ The division did not follow any geographical or social boundaries. Instead, it ran straight through the church

⁴⁵ Tazbir, *A State without Stakes*, p. 101-102.

⁴⁶ Дмитриев, „Центробежные” in Флоря (ed.), *Брестская уния*, p. 25.

⁴⁷ Gudziak, *Crisis and Reform*.

⁴⁸ Sysyn, Frank E., “The Formation of Modern Ukrainian Religious Culture”, in Plokhyy, Serhii; Sysyn, Frank E., *Religion and Nation in Modern Ukraine* (Edmonton and Toronto 2003), p. 21.

⁴⁹ Mironowicz, Antonii, *Prawosławie i unia za panowania Jana Kazimierza* (Białystok 1997), p. 17-18.

hierarchy, the clergy and all the social groups of the Eastern Rite churches.⁵⁰ The king viewed the Uniate Church as the only legal Eastern Church in the Commonwealth: it was understood that it took over the rights and privileges of the Orthodox Church. However, the legal framework halted the ambitions of the king. In fact, the Greek Orthodox Church remained legal. The Sejm confirmed this and declared the churches equal in 1607, 1609, 1623, 1627 and 1631.⁵¹ The mere number of confirmations carried out indicates a state of discord. Indeed, during the first twenty-five years after the union's conclusion there were frequent conflicts about whole dioceses, monasteries, churches and benefices, as well as about the legal position of the two churches. However, the Uniate Church practically took over the legal rights of the Orthodox Church and a substantial part of the churches and monasteries at the local level. A very important failure of the Union was that the Uniate bishops did not gain seats in the Senate as promised, and thus were relegated to a second-class position in the Catholic power structure.⁵² One of the main goals of the Ruthenian bishops was thus obstructed. Frank E. Sysyn has found that "desire to obtain political influence and find favour with the ruler explains the Union of Brest to a considerable degree."⁵³

After the death of the Orthodox bishop of Lviv Hedeon Balaban, Evstafii Tysarovsky was appointed bishop. He had declared his willingness to accept the Union, but once installed, remained Orthodox during his whole administration (1607-1647).⁵⁴ In 1620, the Patriarch of Jerusalem, Teofanes, appointed a whole new Orthodox hierarchy. He consecrated a Kyivan Metropolitan and six bishops: Przemyśl, Polatsak, Volodymyr, Lutsk, Chelm och Pinsk. The act took place at the instigation of the Cossacks commanded by Hetman Petro Konashevych Sahaidachny, after an earlier agreement between the Moscow Patriarch, the Patriarch of Jerusalem, and the Zaporozhian Cossacks. External power thus entered the Orthodox question in the Commonwealth.⁵⁵

A Greek Orthodox Church was restored in 1632-1635, during an interregnum and the first years of the reign of Władysław IV Vasa. A royal commission, with the purpose of dividing the property of the Eastern Churches on the Crown lands, was appointed. The judicial decrees against the Orthodox

⁵⁰ Хинчевська-Геннель, Тереза, „Берестейська Унія в XVII столітті з польської точки зору”, in Гудзяк, Борис; Турій, Олег (eds.), *Держава, суспільство і Церква в Україні у XVII столітті. Матеріали Других „Берестейських читань”* (Львів 1996), p. 91.

⁵¹ Litwin, Henryk, „Status prawny Cerkwi prawosławnej i greckokatolickiej w Rzeczypospolitej w XVII wieku”, *Barok* III/2 (6) 1996, p. 11.

⁵² Mironowicz, *Prawosławie i unia*, p. 33.

⁵³ Sysyn, „The Formation”, in Plochy; Sysyn, *Religion and Nation*, p. 16.

⁵⁴ Mironowicz, *Prawosławie i unia*, p. 29.

⁵⁵ Mironowicz, *Prawosławie i unia*, p. 34-35.

Church were declared invalid.⁵⁶ The two eastern churches, the Greek Orthodox and the Uniate, were once again declared equal. The Orthodox Church was given the right to own printing presses and establish schools. The Polish historian, Jan Dziegielewski, has found that the religious policy of Władysław IV was generally guided by political considerations. The regulation of the situation with regard to the Orthodox Church took place during a tolerant period of the king's reign.⁵⁷

The reign of Jan Kazimierz Vasa (1648-1668) coincided with a long series of wars. The situation of the Orthodox and Uniate Churches varied according to the military and political circumstances. The Uniate Church was supposed to be abolished altogether according to the Commonwealth-Cossack treaties of 1649 (Zboriv) and 1658 (Hadiach), but the Polish-Lithuanian side did not ratify the parts of the treaties that dealt with union matters.⁵⁸ Jan Kazimierz deliberately added confusion to Uniate-Orthodox relations by appointing Uniate bishop candidates for dioceses that already had Orthodox bishops. Simultaneously, the Orthodox nominees were not withdrawn. This legally dubious procedure brought further chaos and increased rivalry between the churches.⁵⁹

After the abdication of Jan Kazimierz in 1668, the aim of state policy towards the Greek Orthodox Church was complete abolishment. Only candidates favourable to the Union would be appointed to the vacant bishop offices. Shumliansky had promised to repay his appointment by bringing his diocese into the union with Rome as soon as possible.⁶⁰ This policy left the legal sphere (regulated by the truce and the peace treaty with Muscovy) untouched, but was efficient.⁶¹

According to the Uniate Metropolitan of Kyiv, Kypriian Zhohovsky, Jan III Sobieski's idea was to isolate the Orthodox Church from the influence of the Patriarchs of Constantinople and Muscovy, for the sake of Polish-Lithuanian *raison d'état*.⁶² During Sobieski's reign (he died in 1696) and shortly after, three relatively densely populated Greek Orthodox dioceses with several thousands parishes accepted the union: Przemyśl in 1691, Lviv in 1700 and Lutsk in 1702. It was not until then that the weight decisively moved to the Uniate side. From 1702, one diocese, the Belarusian Diocese of Mahileu, a handful of monasteries and the brotherhoods of Lutsk and Lviv remained Greek Orthodox.⁶³

⁵⁶ Dziegielewski, Jan, *O tolerancję dla zdominowanych – polityka wyznaniowa Rzeczypospolitej w latach panowania Władysława IV* (Warszawa 1986), p. 89-90; Mironowicz, *Prawosławie i unia*, p. 55-56, p. 61.

⁵⁷ Dziegielewski, *O tolerancję*, p. 99, p. 113-115, p. 140-144.

⁵⁸ Mironowicz, *Prawosławie i unia*, p. 97-123, p. 171-176.

⁵⁹ Litwin, „Status prawny”, p. 19.

⁶⁰ Mironowicz, *Prawosławie i unia*, p. 221-222.

⁶¹ Litwin, „Status prawny”, p. 21.

⁶² Mironowicz, *Kościół prawosławny*, p. 223.

⁶³ Mironowicz, *Prawosławie i unia*, p. 263.

1.8 The Union: a disputed issue

The Union of Brest has left its mark on historiography, particularly in areas where it was formerly or is currently valid: Belarus, Ukraine, Poland and Russia. It has been debated, interpreted and reinterpreted. Some claim that most of the research undertaken has mirrored the researchers' views about "society, politics and religion," and has been influenced by their religious and national sentiments and antipathies.⁶⁴ Here I will briefly present an overview of the main interpretations of the recent historiography of the Union.

When analysing Polish historiography, Teresa Chynczewska-Hennel finds that it has been influenced by dramatic events in Poland's past. There was an inclination towards glorification of the Union in nineteenth century historiography (the concept of a "bridge" to the east). However, the recent tendency has been to underline the negative influence of the Union on Polish-Lithuanian state structure. In a radical non-factual interpretation, Zbigniew Wójcik has claimed that the creation of an autocephalous Polish-Lithuanian Greek Orthodox Church would have been better for the state than the promotion of the Uniate Church. This step might have spared the Commonwealth many problems in its Eastern provinces, probably even the final debacle of the partitions.⁶⁵

To varying degrees, Chynczewska-Hennel and Antoni Mironowicz adhere to the negative view of the Union as a malevolent factor in the Commonwealth. During the whole of the seventeenth century, the Union had consequences that deviated from the harmonising intentions of its fathers. Chynczewska-Hennel maintains it split where it was supposed to unite. Neglecting the requirements of the remaining Orthodox believers, particularly the Cossacks, and obstructing the project of a joint Eastern Patriarchate of Kyiv for both the Uniates and the Orthodox Christians, led to the bloody showdown of the Khmelnytsky Uprising in 1648.⁶⁶ Mironowicz also evaluates the Union in negative terms. To him, the Union "provoked confessional conflicts, activated separatist tendencies within the Ruthenian society and worsened the international relations of the state." The alienation of the Orthodox Christians meant that they were no longer prepared to defend the country to the same degree. In fact, Mironowicz claims that the state seems to have done everything to push the Orthodox population into opposition towards the Commonwealth.⁶⁷

⁶⁴ Марозава, Святлана, „Брэсцкая Унія ў нацыянальна-культурным развіцці Беларусі (Гістарыяграфія праблемы)”, in Біч, МБ; Лойко, ПА (eds.), *3 гісторыі уніяцтва ў Беларусі* (Мінск 1996), p. 5.

⁶⁵ Хинчевська-Геннель, „Берестейська Унія”, in Гудзяк; Турій, (eds.), *Держава, суспільство*, p. 87-88.

⁶⁶ Хинчевська-Геннель, „Берестейська Унія”, in Гудзяк; Турій, (eds.), *Держава, суспільство*, p. 94-95, 97.

⁶⁷ Mironowicz, *Prawosławie i unia*, p. 17 (citation), p. 236.

However, the Canadian-Ukrainian historian, Serhii Plokhii, rejects the view that the Khmelnytsky Uprising was mainly provoked by the confessional policy of the state. For him, the religious factor was first added to the Cossack agenda after the initial shocking successes of the Uprising. The Cossacks depicted the Polish king as a tyrant who had broken the constitution of the Commonwealth by limiting the religious liberty of the Greek Orthodox believers. His Orthodox subjects, the Cossacks, were thus provided with a pretext for rejecting the rule of the “tyrant”, and seeking the protection of Muscovy, which was sympathetic to the co-religionists. It was only in the aftermath of the Pereiaslav Treaty in 1654, between the Cossacks and Muscovy, that the religious factor gained in strength as a way of explaining and legitimising the Uprising.⁶⁸ Nevertheless, the religion played great role for the Ruthenians. The Greek Orthodoxy traditions and the Kyivan heritage were important intellectual factors in shaping the Ruthenian/Ukrainian national consciousness within the nobility and, to a lesser extent the Cossacks, in the period from the late sixteenth to the mid-seventeenth century.⁶⁹

Moscow scholar, Boris Floria, uncovers two main interpretations of the historiography of the Union: one among Orthodox and the other among Uniate historians. The Orthodox interpretation originates from the Russian church historian, Metropolitan Makarii Bulgakov. In his interpretation, the Union was a result of the external intervention in the affairs of the Orthodox Church. In *Istoriia russkoi tserkvi (History of the Russian Church)*⁷⁰, Bulgakov portrayed King Sigismund III Vasa and his followers, together with the Roman Catholic Church leadership and the Jesuits, as the combined forces behind and the main instigators of the Greek Orthodox hierarchy’s decision to seek the Union.

The Uniate interpretation originated in the 1980s with Julian Pelesz, the Greek Catholic Bishop of Przemyśl. In Pelesz’s „Geschichte der Union der ruthenischen Kirche mit Rom von der ältesten Zeit bis auf die Gegenwart,”⁷¹ the initiative belonged to the religious representatives of the Ruthenian Society (the Greek Orthodox hierarchy), which acted independently. They had the support of the Polish-Lithuanian authorities and the Roman Catholic Church, but were not pressured. The Ruthenian bishops had realised the need

⁶⁸ Плохій, Сергій, „Священне право повстання: Берестейська унія і релігійна легітимація Хмельниччини”, in Гудзяк, Борис; Турій, Олег (eds.), *Держава, суспільство і Церква в Україні у XVII столітті. Матеріали Других „Берестейських читань”* (Львів 1996), p. 1-2, p. 10-11. Plokhii repeats his standpoint in Plokhii, Serhii, *The Cossacks and Religion in Early Modern Ukraine* (Oxford 2001), p.184-185.

⁶⁹ Chynczewska-Hennel, Teresa, *Świadomość narodowa szlachty ukraińskiej i kozaczyzny od schyłku XVI do połowy XVII w.* (Warszawa 1985), p. 133-146.

⁷⁰ Макарий [Булгаков], *История русской церкви, т. 9* (Санкт Петербург 1879).

⁷¹ Pelesz, Julian, *Geschichte der Union der ruthenischen Kirche mit Rom von der ältesten Zeit bis auf die Gegenwart* (Würzburg-Wien 1878-1880).

to reform the Orthodox Church and come to grips with its obvious shortcomings, particularly the influence of laymen over church matters.⁷²

At the end of the nineteenth and in the first decades of the twentieth century, Orthodox Ukrainian historians, Orest Levytsky and Mykhailo Hrushevsky, enriched the interpretation of the Union's origins. Levytsky searched for the causes of the Union not merely in the intervention of the secular authorities in the Catholic Church. He also emphasised the tensions within Orthodox society over religion, notably between the bishops and the lay confraternities.⁷³ To the frustration of the Orthodox hierarchy, the confraternities claimed the right to appoint and discharge priests. The confraternities saw it as their task to make sure that the clerics behaved in accordance with their vows. A cleric was supposed to pay attention only to ritual matters, and leave other matters, particularly finance, to the confraternity. However, in the Diocese of Lviv, only the Dormition confraternity in Lviv had such powers. In 1586, the confraternity was placed under the direct jurisdiction of the Patriarch of Constantinople, and was thus out of reach of the Bishop of Lviv.⁷⁴ Hrushevsky supported Levytsky's thoughts and suggested that these tensions reflected the development of the intellectual and religious life of Ruthenian society from the last third of the sixteenth century.⁷⁵ Floria claims that succeeding generations of Orthodox scholars returned to the less sophisticated interpretation of Bulgakov.⁷⁶

To Borys Gudziak, the US-Ukrainian historian and Rector of the Ukrainian Catholic University in Lviv, there was an internal crisis within the Orthodox Church. These were to be solved by the union with the Roman Catholic Church. The Greek Orthodox hierarchy wanted to emancipate the church from lay interference in church matters. A memorandum prepared by the Ruthenian leadership shows that they wanted to establish firm control over the church. In addition to that, there was a need to re-establish the authority that had been undermined by the Patriarch of Constantinople's concessions to several lay confraternities granting them considerable autonomy from episcopal authority. They also wanted to raise the second-class status of the Ruthenian clergy, and increase the power, rights and privileges of the church leadership. In the increasingly confessionalised reality of the Commonwealth, they sought to find ways to strengthen their Church and regain its integrity: "Desperate, weak and disoriented, and ultimately, mindful of the biblical imperative of unity, the Ruthenian hierarchs began to pursue

⁷² Флорія, Б. Н. (ed.), *Брестская уния 1596 г.*, p. 8-9.

⁷³ Левицкий, Орест, „Внутреннее состояние западнорусской церкви в Польско-Литовском государстве в конце XVI столетия и Уния”, in *Архив Юго-Западной России*, ч. 1, т. 6 (Київ 1884).

⁷⁴ Ісаєвич, Ярослав, *Братства та їх роль в розвитку української культури XVI-XVIII ст.* (Київ 1966), p. 71-72.

⁷⁵ Грушевський, М. С., *Історія України-Руси* т. 5 (Львів 1905); Грушевський, М. С., *Культурно-національний рух на Україні в XVI-XVII віці* (Львів 1912).

⁷⁶ Флорія, Б. Н. (ed.), *Брестская уния 1596 г.*, p. 9-11.

integration with one of the adversaries.” They chose the mighty post-Trent Roman Catholic Church.⁷⁷

Mironowicz, who is openly sympathetic to the Orthodox Church, sees internal reform as already underway in the form of lively activities in the Orthodox Church confraternities, and the revival of the intellectual and spiritual life of the Greek Orthodox Church in the Commonwealth. By the end of the sixteenth century, the revived Greek Orthodox Church began to show “a positive tendency.” Still, the debilitating influence of the lay authorities over church matters impeded the Church’s operational possibilities. Besides that, Mironowicz maintains that the Union was canonically dubious. The Act of Union of Brest was concluded without the customary participation of the representatives of believers. In addition, it was illegal to leave the mother Church of Constantinople without the consent of a General Synod of the Church. Mironowicz also sees the Jesuits as active propagators of the Union.⁷⁸

Other Orthodox scholars have stressed the deep rifts the Union caused with Orthodox traditions and canons. The Union enforced on believers was also detrimental to the interests of the Polish-Lithuanian state. At the same time, it ruined the domestic Kyivan Orthodox traditions within the Commonwealth. They were eradicated after the Eastern territories of the Commonwealth were taken over by Moscow. The remnants of the Orthodox Church were placed under the jurisdiction of the Moscow Patriarch, and the Uniate Church began a process of polonisation and latinisation.⁷⁹

Bolesław Kumor, a Catholic scholar, has a positive view and claims that the Union was implemented peacefully and with tolerance, in contrast to the ferocious implementation of Russian Orthodoxy by the Tsarist regime in the nineteenth century. The union also brought the Orthodox population closer to the more progressive West.⁸⁰

The literature presented above represents a macro approach. It mainly concentrates on the relations between church and lay institutions. Thematically, the literature deals with the problems of the creation of the Union and its immediate or long-term consequences on a macro scale, for example for the whole, rather indistinct group of “Orthodox” Christians in the Polish-Lithuanian Commonwealth. In contrast, this study deals with the repercussions of those events and processes in one single diocese on the deanery and parochial level. In a way, Shumliansky’s ambitions were very much the

⁷⁷ Gudziak, *Crisis and Reform*, p. 209 (citation), p. 220-222.

⁷⁸ Mironowicz, *Unia i prawosławie*, p. 19-20; Mironowicz, *Kościół prawosławny*, p. 43-54 (citation p. 54), p. 57-58.

⁷⁹ Bendza, Marian, „Sposoby realizacji unii brzeskiej”, in Gajek, Jan Sergiusz and Nabywaniec, Stanisław (eds.), *Unia brzeska z perspektywy czterech stuleci* (Lublin 1998), p. 57-65; Naumow, Aleksander, „Unia religijna jako podział kultury”, in Gajek and Nabywaniec (eds.), *Unia brzeska*, p. 179-187.

⁸⁰ Kumor, Bolesław, „Geneza i zawarcie Unii Brzeskiej”, in Gajek and Nabywaniec (eds.), *Unia brzeska*, p. 27-56.

same as those of his pro-union Ruthenian predecessors. He aimed at strengthening church institutions vis-à-vis lay people and institutions. Realistic as he was, the Bishop worked on several levels at once, maintaining good relations with the political elites of the Commonwealth and promoting the reform of the parish clergy.

The long-term impact of the Union and its subsequent fate in the Russian (abolition) and Habsburg (preservation, institutionalisation) Empires together with the collective confessional and political accounts passed down the generations, have definitely left their mark. Even today the Union remains just as controversial an issue as it was in early modern times.

1.9 The aim of the thesis: the guiding questions

As the following part of the thesis will maintain, the actions of Shumliansky were a response to, and part of, *confessionalisation* in the Polish-Lithuanian Commonwealth. A successful adaptation to the situation required transformation, but this did not happen although several reforms were initiated. An initial step in the reform of the Church was to change the attitudes of the clergy.

The aim of this study is to investigate how the requirements brought by *confessionalisation* were managed on the diocesan and parish levels. The work includes an analysis of the work and influence of the Court on the parish clergy, Shumliansky's instructions to the clerics, and the parochial relations between the believers and the clergy, and between the clergy themselves. A set of questions can be formulated:

- What were episcopal expectations about the behaviour of the parish clergy?
- What behavioural models did the Bishop put forward?
- How efficiently did the Consistorial Court function? What were Shumliansky's prospects of influencing the lives and disciplining the behaviour of the parish clergy?
- What were the main problems faced by the Ecclesiastical Court?
- From which groups in society did the plaintiffs, who were most often in conflict with the parish clergy, come from?
- What expectations did the parishioners and colleagues have of the parish clergy?
- What was the status of the parish clergy in the local community?

2 The theoretical framework

This chapter briefly explains the theoretical presuppositions of the thesis and attempts to place the findings of this study in a wider context. As the main bulk of the source material shows people involved in interaction and communication, it seemed natural to borrow explanatory tools from sociology, and a method of reading and interpreting sources from historical anthropology.

As the *Introduction* to this study has shown, the nobility viewed itself as a spiritually and socially elevated group compared with the burgher and peasant estates in the Commonwealth. At the same time, the group monopolised political power, including law making and taxation. The nobility was already very large and there was a fear that if more people entered the noble estate, there would be more competition for positions of power. Considerable pressure grew to limit the number of legal ennoblements.

This chapter suggests that the more insecure and threatened a dominant (*established*) group felt about its social position, the more extreme and implausible characteristics it attributed to a dominated or marginalised (*outsider*) group. This may explain why Shumliansky instructed the clergy to refine their manners and create a certain social distance from the parishioners. These changes in behaviour were seen as a way of overcoming the poor image of the Ruthenian clergy. The socially constituted mechanisms not only of exclusion and stigmatisation but also of self-help and self-defence presented below will help to explain the intentions of the Bishop and some of the actions and behaviour of the parish clergy. The events analysed in this thesis can easily be put in a wider human context of interaction and communication.

2.1 The civilising process and refinement of manners: combatting *group disgrace*

In the late 1930s, the German sociologist Norbert Elias coined the term “the civilising process.” It defines a long transition period from the late Middle Ages to modern times. During this time, a softening of individual manners and an increased control over impulses and emotions occurred. The degree of shame, fear, repugnance, delicacy and self-constraint apparent in the rela-

tions between people increased over time. The threshold for “good manners” and refinement of behaviour expected of a person wishing to be and remain reputable was constantly raised and self-constraining mechanisms were internalised.⁸¹

At the royal court, feudal warriors were forced into a process of pacification and subjection. They were transformed from fierce soldiers into polite courtiers with a complicated etiquette. The courtiers had to find new ways of distinguishing themselves from the socially ambitious, economically strong burgher elite. One way of achieving this was through the refinement of “courtly” manners, including the moulding of spontaneous drives and a firmly strengthened affect control. Foresight and the ability to plan one’s actions and to look into the past and the future became necessities. The ability to mould one’s urges and foresee the actions of one’s antagonists became crucial for an individual’s political and social survival.⁸²

Refined manners began in the royal court but were adapted by wider and wider circles of the population, from the burgher estate and down the social scale. This in turn required even more refined manners, stricter etiquette and stronger suppression of spontaneous drives on the part of the elite group that wished to distinguish itself. These tendencies reinforced one other. It was thus a process that went on for centuries.⁸³

In his work on popular culture in early modern Europe, Peter Burke has identified a separation between the sacred and the profane that was required by “the reformers”, the higher clergy, from the mid-sixteenth century. The clergy was to be reformed initially in order to teach the populace. The clergy were forbidden from participating in traditional peasant festivals. They were told “to conduct themselves with the gravity and decorum appropriate to their sacred status.”⁸⁴ Burke also discovered a “separation” of the upper and lower classes through “the withdrawal” of “the clergy, the nobility, the merchants and the professional men” from popular culture. This cultural gap was primarily felt in regions where the language of the upper social groups was different from the language of the broad mass of the people. In Bohemia after 1620, the elite spoke German while the people in general spoke Czech. In Norway, the elite spoke Danish and in Finland, Swedish was a sign of refinement. To Burke, this resulted in “two languages, two cultures.”⁸⁵

In a Ukrainian context, the upper classes spoke predominantly Polish whilst the people spoke Ruthenian/Ukrainian. The clergy were probably somewhere in between. Iosyf Shumliansky wanted the parish clergy who

⁸¹ Elias, Norbert, *The Civilizing Process. Sociogenetic and Psychogenetic Investigations*, (Oxford 2003 [1939]). The work was originally published in Basel as *Über den Prozes der Zivilisation*.

⁸² Elias, *The Civilizing Process*, p. 397-398.

⁸³ Elias, *The Civilizing Process*, p. 423-425.

⁸⁴ Burke, Peter, *Popular Culture in Early Modern Europe* (Aldershot 1999 [1978]), p. 216.

⁸⁵ Burke, *Popular Culture*, p. 270, 272.

were well integrated in peasant culture to approach the ideals of behaviour of the nobility, and distance themselves from the people. This was intended to improve the status of the clergy in the eyes of the nobility. If one uses Elias's terms, the plan of the Bishop was to lessen or abolish the *group disgrace* of the Orthodox clergy. The parish clergy shared the disgrace with the enserfed peasantry, with whom they were frequently likened.

Group charisma and *group disgrace* are "stereotypes of collective self-praise and collective abuse of castes or classes."⁸⁶ Uneven relations occur when one group succeeds in monopolising the sources of power. If the balance of power remains uneven, an *established-outsider* relationship is likely to persist. The *outsiders* are always described in negative terms. They are characterised as "dirty, morally unreliable and lazy."⁸⁷ In Stephen Mennell's interpretation of Elias, "the creation of *group charisma* by and for a more powerful, established group is inseparable from the imposition on and internalization of *group disgrace* by members of an outsider group."⁸⁸

2.2 The rationality of violence

One of the primary problems that Shumliansky confronted was that the parish clergy were so violent. They fought with the parishioners and with each other. However, it was necessary to curb the amount of violence stemming from the priests.

Humans seldom show thoroughly uniform, correct or "civilised" behaviour. There is not, and has never been, such a standard of behaviour. It has always been a negotiated and highly contested issue. Departing from this somewhat naïve presupposition, this section focuses on the causes of violence, its circumstances and the behaviour of the spectators/witnesses. This knowledge will be useful when specific cases of violence are studied.

Several of the cases that appeared before the Ecclesiastic Court concerned the use of violence by priests. People can act in many ways when confronted with physical threats. They can chose to fight back, or they can try to avoid conflict. To Dutch anthropologist, Anton Blok, violence within a community should be considered "as a changing form of interaction and communication, as a historically developed cultural form of meaningful interaction." It should not always be dismissed as senseless and irrational.⁸⁹ The meaning of violence varies with historical circumstances and depends on our opinions about "offenders and victims, spectators and bystanders, witnesses and au-

⁸⁶ Elias, Norbert, *The Norbert Elias Reader*, Goudsblom, Johan; Mennell, Stephen, (eds.) (Oxford 1998), p. 107, p. 112 (citation 107).

⁸⁷ Mennell, Stephen, *Norbert Elias, An Introduction* (Oxford 1992 [1989]), p. 121-122, citation p. 122.

⁸⁸ Mennell, *Norbert Elias*, p. 120.

⁸⁹ Blok, Anton, *Honour and Violence* (Cambridge 2001), p. 104.

thorities.”⁹⁰ Blok notes that violence can take on ritual forms. It frequently “has the character of theatre in which things are ‘said’ as much as they are ‘done’.” Its effective use depends on its symbolic form and on how it is carried out.⁹¹ Not least, violence is often honorific and appears in situations when a need to make oneself respected exists.⁹² Violence has also been viewed as a form of social control.⁹³ Shumliansky tried to intervene in the traditional ritualised parish violence involving priests. It was a very difficult attempt.

To British historian, Susan Dwyer Amussen, brawls and witchcraft illustrate the social meaning of violence in early modern English society. For an offender, brawling or cursing were often ways of “enforcing particular behaviour: they had a disciplinary purpose.”⁹⁴ Opposing concepts of status and social obligation, or a different understanding of financial and moral obligations could cause a brawl. Actually, no one had the authority to engage in such violence, but “authority was claimed by virtue of a code of conduct, property, status or class.”⁹⁵ By being violent, one could claim rights, power and authority that otherwise would not be granted. In other words, “violence was used to assert one’s place and to try to make the world conform to an ideal.”⁹⁶ Attempts to exercise power would also include some forms of violence. It was always prevalent in people’s lives. Simultaneously, spontaneous violence was seen as a tool chiefly used by the poor, as those in authority could exercise power in other forms: judicial, economic or political. The poor, on the other hand, “were not expected to have any other way to gain their ends.” While violence was a part of everyday social relations, there were limits to its use and extent in the popular notion: the violence employed had to be proportional to the offence or the offender.⁹⁷ Thus physical violence within popular culture is a sign of being in a subordinate position. The violence of priests in the Diocese of Lviv may have been connected with low status within the community.

German historian, Martin Dinges, noted the theatrical dimensions of conflict solving when he studied the records from the Municipal Court of Paris from the eighteenth century. The act of purification of one’s honour had to be deliberately carried out in public because honour had a public status. An inn or a street near a court of law could be the scene of purifying measures.

⁹⁰ Blok, *Honour and Violence*, p. 106.

⁹¹ Blok, *Honour and Violence*, p. 109.

⁹² Blok, *Honour and Violence*, p. 9.

⁹³ Senechal de la Roche, Roberta, “Collective Violence as Social Control”, *Sociological Forum*, Vol. 11, No. 1 (Mar., 1996), p. 101.

⁹⁴ Dwyer Amussen, Susan, “Punishment, Discipline and Power: The Social Meanings of Violence in Early Modern England”, *The Journal of British Studies*, Vol. 34, No 1 (Jan., 1995), p. 23.

⁹⁵ Dwyer Amussen, “Punishment, Discipline and Power”, p. 26.

⁹⁶ Dwyer Amussen, “Punishment, Discipline and Power”, p. 31.

⁹⁷ Dwyer Amussen, “Punishment, Discipline and Power”, p. 32-34, citation p. 33.

Such actions were intended to gain the attention of a specific audience: the immediate social milieu of the “acting” or “purifying” party. Purification of one’s honour was the main goal.⁹⁸

Ukrainian historian, Natalia Starchenko, described the theatrical or “paratheatrical” characteristics of physical violence. When studying what she has defined as “the spectacle of conflict” between nobles in the region of Volhynia in the sixteenth century, she found that aggressive measures were dramatised - in a way staged - in front of the people from the neighbourhood. Starchenko found that the spectators were not merely passive witnesses. They intervened, if they considered the display of aggression was getting out of hand. The ritualisation of everyday life along with the collective character of the ritual made several places extremely suitable for theatrical action. Places where many people gathered, such as the town square, the market, the court, the festival feasts and the church, logically became arenas for the “theatre” of violence.⁹⁹

Among the parish clergy, status related violence often erupted in public places. The village and its surroundings could be the scene. The local inn, the parish feast, the public road, the cemetery, even the church were places of violent attacks or attempts to carry out attacks.

2.3 Society and war

The eastern parts of the main deaneries (*namiesnictwa generalne*) of Lviv and Halych constituted a troubled Commonwealth frontier for a considerable amount of time. War leaves deep marks on society. Out of turmoil, a damaged posttraumatic social fabric develops. The very foundations of subsistence, behavioural patterns and mentality may change. The ability of a post-war society to cope with crises is frequently reduced.¹⁰⁰ US psychologist, Abraham W. Maslow, claims that one can hardly go on to actualise a broader moral agenda, when one’s most essential needs are not satisfied. Once a person is no longer hungry and thirsty, he or she can proceed further and satisfy psychological needs not directly connected to mere survival. An individual is no longer driven by the deficiency motivation and becomes a more open, accepting, appreciative person. A different kind of motivation occurs, that of self-actualisation.¹⁰¹

⁹⁸ Dinges, Martin, *Der Mauermeister und der Finanzrichter. Ehre, Geld und soziale Kontrolle im Paris des 18. Jahrhunderts* (Göttingen 1994), p. 17-30.

⁹⁹ Старченко, Наталя, „Публічність як домінанта культурної традиції”, in *Mediaevalia Ucrainica: Ментальність та історія ідей*, Том V, (Київ 1998), p. 74-78.

¹⁰⁰ Summerfield, Derek, “The Social Experience of War and Some Issues For the Humanitarian Field”, in Bracken, Patrick J.; Petty, Celia (eds.), *Rethinking the Trauma of War* (London 1998), p. 16-20.

¹⁰¹ Maslow, Abraham W., *Towards a Psychology of Being*, (New York 1998 [1962]), p. viii-xi.

This study argues that the involvement in brawling and violent acts on the part of the parish clergy involved claiming or reclaiming one's position and status on the individual level within the parish. The circumstances of the analysed situations, the words said and the way of acting before, during and after the conflicts, can reveal a parish priest's image of his position in local relations. It shows how rank and position were claimed on an individual level. At the same time, a number of burning issues about a parish priest's everyday life may appear. The study provides a few suggestions as to the expected role of the priest in the local order. Shumliansky's difficulties in introducing his agenda in the Diocese, with the exposed situation in the border areas, is explained. However, it is also possible that the very success of Shumliansky's reforms lay behind some of the violence because they aimed at changing and improving the priests' status among the peasantry. Sudden unexpected behaviour might have provoked some people.

2.4 The methodological approach

The nature of the source material encourages a certain methodological approach. A society distant in time might be as culturally different from one's own as a contemporary society on another continent with considerably different cultural and material conditions.¹⁰² Therefore, a historical anthropological approach can be useful in providing an insight into the world of the parish clergy. Historical anthropology has been characterised as “deliberately qualitative”, microscopic and concentrating on specific types of cases. This study predominantly concentrates on small communities, interpreting the social interaction “in terms of that society's own norms and categories.” It concerns the study of seemingly trivial routines and rituals as important representations, confirmations and reproductions of “a certain world view.”¹⁰³

Carlo Ginzburg has highlighted the potential of formerly ignored, “unimportant” available testimonies. The historian sets off by studying small details or clues and carries on the investigation until a larger, explanatory whole has been produced, very much like a detective.¹⁰⁴ Swedish historian David Gaunt has noted that often the particular has been studied in order to say something about the general. E.P. Thompson has suggested that “one way to discover unspoken norms is to examine the untypical episode or situation.” Accordingly, a riot casts light on the norm of calm years whilst “a

¹⁰² Gaunt, David, *Memoir on History and Anthropology* (Stockholm 1982), p. 15-16.

¹⁰³ Burke, Peter, *The historical anthropology of early modern Italy. Essays on perception and communication* (Cambridge-London-New York 1987), p. 3-4.

¹⁰⁴ Ginzburg, Carlo, *Ledtrådar. Essäer om konst, förbjuden kunskap och dold historia*, (Häften för kritiska studier), Stockholm 1989, p. 8-39.

sudden breach of deference enables us to better understand the deferential habits which have been broken.”¹⁰⁵

In the work of Ukrainian historian, Natalia Iakovenko, the anthropological approach to history “is not [about] the war, but a variety of testimonies about it; not [about] the institutions and forms of authority, but the image of the authority and one’s subjection to it; not [about] the Church, but the perception of the faith and the expressions of piety; not [about] the deeds, but the combination of the motivations and intentions behind the deeds.”¹⁰⁶ In short, it is about the people’s testimonies about phenomena and events, about searching for the ways in which they perceived certain situations rather than the study of the situation as such.

Since the source material of this study mainly consists of the protocols of the proceedings of the Consistorial Court of Lviv, the very nature of the material permits the use of “particular for the study of general”. One finds situations that were considered to have deviated from the norm sufficiently to be brought under the scrutiny and probably sanction of the Court. The people who attended the Court were either accused of committing a crime or a misdemeanour, or had a complaint to make.

As will be showed, the conflicts, notably the ones involving insults or violence, often had their own developmental logic. A study of the development of such situations, could provide information about the “normality” that was breached. Frequently, one analytically fruitful way out of the seemingly “regular” court case is to search for the initially unexplainable words and phrases, the Ginzburgian “small details” and “clues”. After collecting such details from several cases and putting them in a broader societal context, one may discern the motivation and driving forces behind such events.

¹⁰⁵ Gaunt, *Memoir*, p. 17.

¹⁰⁶ Яковенко, Наталя, *Паралельний світ. Дослідження з історії уявлень та ідей в Україні XVI-XVII ст.* (Київ 2002), p. 8-9.

3 The source material

3.1 The protocol books of the Consistorial Court of Lviv

The main documents used in this work consist of the protocol books of the Consistorial Court of Lviv during the time of Bishop Iosyf Shumliansky (1668-1708). The records cover the years 1668-1674, 1679-1689, 1692-1696 and 1700-1706.¹⁰⁷ It is impossible to say whether the gaps depend on the faint interest of the Bishop and the clergy, the political and military turmoil of the late seventeenth and early eighteenth centuries, the later calamities of the twentieth century or simply the poor condition of the archives.¹⁰⁸ However, the information that remains provides a good insight into several aspects of the life of the parish clergy. The gaps in the documentation are not systematic but incidental.

Even if it was dangerous times, one finds it hard to believe that the Court actually did not function during the periods that are absent in the protocol books. It seems logical that no documents have survived from the great part of the 1670s as most of the decade brought war to the very part of The Commonwealth where Shumliansky's Diocese was situated. Aleksander Czołowski maintains that the sturdy Bishop participated as a soldier in all of the war campaigns of Jan III Sobieski.¹⁰⁹

The protocol books are transcriptions of the Court proceedings. The transcripts are, therefore, well formulated and in legible handwriting. The transcripts are based on annotations taken during trials and a certain number of these annotations survive and are recognisable by the hasty handwriting and many corrections. One suspects that far from everything has been transcribed

¹⁰⁷ The protocol books used in this work are in the following volumes: NML, Rkk 151 (1668-1674), Rkl 175 (1679), Rkl 61 (1680-1686), Rkl 58-1 (1681-1684), Rkl 58-2 (1684-1687), Rkl 58-3 (1687-1689), Rkl 58-4 (1689), Rkl 58-5 (1692-1693), Rkl 58-6 (1693-1696), Rkl 59 (1700-1703), Rkl 58-7 (1704) and Rkl 58-8 (1705-1706).

¹⁰⁸ For a comprehensive description of the Manuscript Department of the National Museum in Lviv, see Скочилас, Ігор, *Генеральні Візитації Київської Унійної Митрополії XVII-XVIII Століть. Львівська-Галицька-Кам'янецька єпархія. Том 2: Протоколи генеральних візитацій* (Львів 2004), p. l-lxx.

¹⁰⁹ Czołowski, Aleksander, *Jan III i Miasto Lwów* (Lwów 1929), p. 27.

from the original records. Some of the original minutes have apparently been bound into the record books without being transcribed. The poor quality of the handwriting and the degree to which the words and whole sentences have been crossed out in some of the record books suggest that they are original annotations.¹¹⁰ In the consistorial records, there is confusion about dates: material from 31st December 1701 appears between 14th December 1700 and 10th January 1701,¹¹¹ suggesting that mistakes were possible or that transcribed copies were sometimes bound into the book accidentally. However, an ambition to keep two separate books, one for the court proceedings and another for the court decrees and verdicts, seems to only have been partly followed. In the documents, one finds references to decrees supposedly registered in a separate books of decrees. There are also extended descriptions of the proceedings with subsequent judgements in a single piece of text. Sometimes the judgement appears several pages later in the very same book; sometimes pieces of information seem to have been completely lost. Very likely, the official decrees must have been issued and handed over to the winning party. In order to enable a request for information about a decree to be made, it would have been necessary to keep a record of the decrees in a special book. This information would often have been needed to put affairs in order on a local level.

Initially, the intentions of the court were ambitious. However, the decorative and calligraphic perfection of the inaugural pages of the first book from 1668-1674 soon declined into disorder. One finds judgements, protocols from the proceedings, testimonies, copies of the judgements, and copies of the summonses to the court all mixed together. Often the material is not recorded in chronological order.¹¹² Probably, several books have been lost during the years. This was probably the case with the elusive judgement books (or “protoculos”) that from time-to-time were referred to. According to the protocol books, the decrees were supposed to be recorded there. One of the volumes starts with the year 1686. Inside, however, one also finds cases from 1680-1686. The book ends with cases from the year 1684.¹¹³ The contents of the volume frequently coincide with two other volumes that cover the years 1681-1687. Seldom do the “double” cases complement each other.¹¹⁴ Perhaps there were several judges and each kept his own book. Skochylas found that the Mohylian division of the administrative and judicial functions of the court were not implemented in the Diocese of Lviv in the last decades of the seventeenth and first decades of the eighteenth century. He also found documentation belonging to the Episcopal Chancellery and

¹¹⁰ NML, Rkl 58-8 seems to contain raw material only. Often, it was often compiled “in the field”, on the local synods.

¹¹¹ NML, Rkl 59.

¹¹² NML, Rkl 58-7 contains several such cases.

¹¹³ NML, Rkl 61.

¹¹⁴ NML, Rkl 58-1 and 58-2.

the Consistorial Chancellery in the consistorial minutes.¹¹⁵ Indeed, summonses to the Court and the reports from investigations support his assertion. There were no separate books of the court proceedings. In several of the protocol books, one also finds notes with summonses to the court, short accounts of the ecclesiastical commissioners-interrogators, and pleas and complaints bound in between the pages. Only occasionally do they have any connection with the cases on the nearest pages. Obviously, when the minutes were transcribed, they were not always sewn into the books in chronological order. The original records from the proceedings, as well as the clean transcriptions, could have disappeared. Considerable time might have passed between a trial and a judgement and the laborious process of transcribing and bookbinding. One should also be aware of the probability that not everything might have been viewed as important enough to be transcribed.

The records of the Consistorial Court in Lviv are mainly written in Polish and in Latin script. As the forthcoming chapters will show, Latin words and phrases appear in many of the recorded cases, as the technical language for judicial terms (*paena, monitorium, excommunicatio, inquisicio de vita et moribus*) or when describing subjects considered somewhat shameful, such as the naked buttocks (*nuda posteriora*) of a priest. However Ruthenian, written in Cyrillic script, is the sole language used in the book covering the years 1668 to 1674.¹¹⁶ In the succeeding volumes, Ruthenian appears irregularly. In the books covering the years 1704 to 1706, the use of Ruthenian is limited to personal names, notably of the parish clergy. It is also found in some of the decrees and the declarations made by various individuals. The colourful polonised Ruthenian and ruthenised Polish in the volumes should be of great interest to scholars who deal with historical linguistics. Besides Polish, Ruthenian and Latin, Church Slavonic was also used. This language was usually used for events in the church calendar and citations from the Bible. Church Slavonic numerals were frequently used in the first protocol book, but rarely in the later volumes.

One might argue that sources such as the protocols of the Consistorial Court are problematic, since they originate from an authority, rather than from the subjects being studied. US scholar David Sabean noted that the material left by the local courts in Württemberg provides a foundation for study of several aspects of the peasant culture. He remarked that “we cannot get to the peasant except through the lord.”¹¹⁷ The same applies to the Consistorial Court protocols and the information about the parish clergy and the

¹¹⁵ Сковчиас, Ігор, „Акти духовних судів українських церковних установ XVII – XVIII ст.”, *Вісник львівського університету*, випуск 34, серія історична (Львів 1999), р. 428-429.

¹¹⁶ NML, Rkk 151.

¹¹⁷ Sabean, David Warren, *Power in the Blood. Popular culture and village discourse in early modern Germany* (Cambridge 1988), p. 2-3, citation p. 3.

community. The way of reading and interpreting the sources suggested in chapter 2 will facilitate the work with the sources.

3.2 *Metryka* and the cathedral tax register 1681-1686

In 1687, Iosyf Shumliansky published *Metryka, albo reiestr (The Register)*.¹¹⁸ The book was intended for the parish clergy. The book gave practical and moral advice on how to run a parish.¹¹⁹ It tried to introduce stability into the ecclesiastical organisation at its most fundamental level: the parish. Its name came from the initial instructions from Shumliansky to the priests about keeping parish records (metrical books) of baptisms, marriages, deaths and other vital matters.¹²⁰ This was a practice that began in Catholic and Protestant religions in the late sixteenth and early seventeenth centuries.¹²¹ *Metryka* also contained the Bishop's expectations about the proper behaviour of the parish clergy, and basic information about the proper procedure when consecrating marriages and celebrating church holidays. I have used the book to clarify the Bishop's expectations of the parish clergy. Directly and indirectly, it also highlighted the problems that according to the Bishop were prevalent in the Diocese of Lviv. Ivan Franko and Mykola Andrusiak have earlier commented on *Metryka* in their studies. The former was probably the first one to acknowledge Shumliansky's noble ambitions for the clergy, although he never developed his findings further.¹²²

The third constituent part of the sources used in this thesis is the tax book of the Lviv Greek Orthodox Diocese from the years 1681-1686. It provides information about the parish clergy who paid *katedratyk* tax (referred to in the book as "table" tax – *stolowe*) and their geographical location. The disordered and untidy way in which some new parishes were added to the register suggests that the rows and years in the book were written in advance. Otherwise there would have been no need to add parish priests whilst the

¹¹⁸ Iosyf Shumliansky, *Metryka, Albo Reiestr Dlia Poriadku Tserkvy Sviatoi i Snadnieishoi Informatsiei, Dukhovnym Svietskim (The Register For the Better Order of the Holy Church And Reliable Information for Parish Priests)* (Lviv 1687). The book used in this work is NML, Sdk 694.

¹¹⁹ Ісаєвич, Ярослав, *Українське книговидання. Витоки. Розвиток. Проблеми* (Львів 2001), p. 339.

¹²⁰ Shumliansky, *Metryka*, p. 4.

¹²¹ Hollingsworth, T. H., *Historical Demography* (Ithaca-New York 1968), p. 139 – 196. The chapter 5 – "Vital Registration Data" gives an introduction to genesis and development of parish records in most European countries, with particular stress on the times after the Reformation and the Council of Trent. According to Hollingsworth, the parish records in Poland "were universal by the second half of the sixteenth century" (p. 174). Probably, "Poland" here is limited to the Roman Catholic Church.

¹²² Франко, Іван, "Іосиф Шумлянський – последний православный епископ львовский и его "Метрика", in *Твори в двадцати томах, Том XIX – Філософські, економічні та історичні статті* (Київ 1956), p. 513-514.

taxes were collected.¹²³ Apparently, the book was prepared sometime about 1680-1681. The tax register is used to map the regional variations in tax payments and to determine the administrative boundaries of the Diocese of Lviv. As a supplement, Shumliansky's, *Metryka Rukopolozhennykh*, has been used.¹²⁴ It contains the names, parishes and deaneries of all clergy ordained by Shumliansky during his whole episcopacy. In a handful of cases, it has been used to detect the geographical origins of the clergy found in the protocol books in cases where no clear information about the deanery or region from which the priest came was available.

In a recent work, Skochyliias points out issues he believes have been neglected by historical research in Ukraine. Among them, the history of everyday life and history from below can be found. Given the importance of religion in the life of the people in early modern Ukraine, greater use of the formerly neglected ecclesiastical source material is desirable and productive. At the same time, Skochyliias adheres to a confessionalisation paradigm. According to him, one cannot interpret the confessional relations in the Ruthenian lands of the Commonwealth only in terms of ecumenism and peaceful coexistence.¹²⁵

The court protocols and *Metryka* provide an opportunity to study one of the most important (apart from believers in general) constituent elements of the Church: the parish clergy. *Metryka*, the instruction book written by Shumliansky for the parish clergy, makes it possible to study the Bishop's view of the situation, his image of the qualities and shortcomings of the parish clerics, and the desirable ways in which they should act. The protocols of the Consistorial Court reveal detailed information about episcopal power over the lower clerics in the Diocese of Lviv. We know much about the Bishop's ambitions but not very much about the nature, precision and quality of the tools that were supposed to realise these ambitions.

Given the potential of these records as historical sources, the protocols from the Ecclesiastical Court of the Diocese of Lviv have seldom been used and only to a small extent. This is in contrast to the documents about the political endeavours of Bishop Iosyf Shumliansky, or the implementation of the Union of Brest that have been the subject of numerous publications. Ihor Skochyliias and Mykola Andrusiak have used the protocols of the Ecclesiastical Court only to a limited degree. Andrusiak's use of the court protocols does not extend beyond what was needed to write the Bishop's biography, Andrusiak's primary task. Skochyliias concentrated on the functioning of the Ecclesiastical Court "in the field" during the first years of the eighteenth

¹²³ NML, Rkl 157, p. 4b-5 is illustrative of the parish clergy that was added to the register.

¹²⁴ NML, Rkk 89, *Metryka Ili Spisaniie Rukopolozhennykh Ot Iasne V Bohu Prevelebnaho Ieho Mylosty Ottsa Iosyfa Shumlianskoho. Bozhiieiu Mylostiiu Episkopa Lvovskoho, Halytskoho I Kamiantsa Podolskoho*.

¹²⁵ Скочилияс, *Генеральні Візитації*, p. xvi-xxvii.

century. This choice was logical as his work was dedicated to the visitations of the Diocese of Lviv during the later part of the eighteenth century.

An analysis of the cases concerning the discipline of the parish clergy provides a unique opportunity to study microcosmic local relationships – a drama with the parish clergy and the parishioners as the main performers.

3.3 Selecting the source material

Only the court cases where parish clergy were defendants have been included in this analysis. Geographically, the main deaneries of Lviv and Halych are focused upon. The territory was more or less equivalent to the Lviv and Halych counties (*ziemia*) of the Ruthenian Palatinate. The other constituent parts of the Diocese of Lviv, the main deanery of Kamianets Podilsky in the Podilian Palatinate and deaneries in the Bratslav Palatinate, has not been included in this study. Podilia was under Ottoman rule during the years 1672-1699. The Peace Treaty of Buchach in 1672 placed most of the Commonwealth's territories in the Ukraine (including the Palatinate of Bratslav) under control of the Ottoman Empire. Although the Ottomans only controlled the town-fortress of Kamianets Podilsky and its surroundings after 1683, most of the region became a veritable no man's land. Both sides in the conflict carried out the strategy of "burned soil" that gradually desolated and depopulated this already heavily afflicted part of the Commonwealth.¹²⁶ In the protocol books, one finds only a handful of cases from the Podilian part of the Diocese. The rebuilding and repopulating work started once the territory was regained after the Treaty of Karlowitz in 1699.

The administrative division of the Diocese of Lviv in the tax register of 1681-1686 has been used in this analysis. This administrative division is probably a reflection of the administrative order throughout the Diocese of Lviv over a long period. The presupposition is that those years, chronologically placed in the middle of Shumliansky's administration, mirror the state of things long before and after the register was compiled. A register of the clergy made sometime between 1701 and 1708 reveals somewhat different divisions, with some deaneries gone but others created.¹²⁷

The main deaneries of Lviv and Halych were each divided into seventeen smaller deaneries. The main deanery of Lviv contained the deaneries of Berezhany, Bibrka, Busk, Dolyna, Dunaiv, Hlyniany, Holohory, Kamianka Strumylova (nowadays Kamianka Buzka), Kniahynychi, Kulykiv, Lviv, Shchyrets, Strilyska (now Novi Strilyshcha), Ternopil, Zhovkva, Zhydachiv and Zolochiv. The main deanery of Halych included the deaneries of Bil-

¹²⁶ Kołodziejczyk, Dariusz, *Podole pod panowaniem tureckim. Ejalet kamieniecki 1672-1699* (Warszawa 1994), p. 133; Davies, *God's Playground*, p. 471.

¹²⁷ NML, Rkk 144.

shivtsi, Buchach, Chortkiv, Halych, Kalush, Kulachkivtsi, Kolomyia, Pidhaitsi, Potik, Rohatyn, Sniatyn, Solotvyna, Stanislaviv (Ivanofrankivsk since 1962), Terebovlia, Tysmenytsia, Ustia (now Ustia Zelene) and Voinyliv.¹²⁸ The deanery of Busk formally belonged to the Uniate Diocese of Chelm and Belz. However, most of its parishes preferred the authority of the Greek Orthodox Bishop of Lviv. The deanery returned to the Diocese of Chelm and Belz in the first years of the eighteenth century.¹²⁹

Undoubtedly, these numerous deaneries had to be managed and supervised. The next chapter presents the Diocese in general and the man who attempted to reform and change it, Bishop Iosyf Shumliansky, in particular.

¹²⁸ NML, Rk1 157.

¹²⁹ Скорчилиас, Ігор, „Адміністративно-територяльний устрій Львівської єпархії в першій половині XVII ст.: межі єпархії, поділ на офіціалати та деканати (спроба картографування)”, in Каць, М.П (ed.), *Картографія та історія України. Збірник наукових праць* (Львів-Київ-Нью-Йорк 2000), p. 151.

4 A change underway: the Diocese of Lviv and Bishop Iosyf Shumliansky

The main parts of the Diocese of Lviv were relatively densely populated. The farming conditions were favourable, except for the mountainous Subcarpathian areas where cattle breeding was common. Therefore, the number of parishes and their relative wealth was greater than for the other Uniate or Greek Orthodox eparchies in the Polish-Lithuanian Commonwealth. The average size of a parish was 18 to 19 km². One may compare this with the average size of a parish in the neighbouring Metropolitan Diocese and the Diocese of Chełm which were 82 km² and 39 km². Generally, there was one Uniate Church parish per village in the south-west dioceses, but in large villages there were sometimes two or more parishes. There was a total of 2 508 Uniate parishes in the Diocese of Lviv in 1772. Most of the believers lived in rural areas. In the second half of the eighteenth century, the percentage of urban parishes was low, only 13.1 per cent.

The Uniate Church was relatively poor compared with the Roman Catholic Church. Prior to 1772, only 1.5 per cent of the Uniate parish churches were built of stone or brick whilst several buildings were constructed of whatever material was available: planks, turf, mud or even dry twigs.¹³⁰ The Uniate clergy was considered to be on a lower intellectual level than the Roman Catholic clergy. The Uniate clergy were held in contempt but were nevertheless subject to taxation at a higher rate than the Roman Catholic clergy, whose contribution to state taxes was normally voluntary.¹³¹ In the eyes of the Polish state officials, the Uniate Church remained a second-class, inferior institution.¹³²

In fact, once the Diocese of Lviv accepted the union with Rome in 1700, the situation of the Church did not change significantly. In the eighteenth century, the Roman Catholic hierarchy in the Commonwealth continued to view the Uniate Church and its believers as inferior. Although the clerics of

¹³⁰ Kołbuk, Witold, *Kościół Wschodnie w Rzeczypospolitej około 1772 Roku* (Lublin 1998), p. 46 – 52; Litak, Stanisław, *Od Reformacji do Oświecenia. Kościół katolicki w Polsce nowożytnej* (Lublin 1994), p. 175.

¹³¹ Litak, *Od Reformacji*, p. 182; Gudziak, *Crisis and Reform*, p. 74; Śliwa, Tadeusz, „Kościół greckokatolicki w latach 1696 – 1764”, in Kumor, Bolesław and Obertyński, Zdzisław, (eds.) *Historia Kościoła w Polsce* (Poznań – Warszawa 1974) p. 464-465.

¹³² Хинчевська-Геннель, „Берестейська Унія”, in Гудзяк and Турій, (eds.), *Держава, суспільство*, p. 99.

both confessions were supposed to be equal, this was hardly the case. This situation was de facto sanctioned by Benedictus XIV's edict, *Etsi pastoralis*, in 1742.¹³³

The ambitious reformist agenda of the Synod of Zamość in 1720¹³⁴ was implemented rather slowly. The decisive changes for the Ruthenian Church came after the partition of the Polish-Lithuanian Commonwealth. After the first partition in 1772, Empress Maria Theresa decreed in 1774 that the Uniates be called Greek Catholics. The measure was supposed to underline their equal status with the Roman Catholic Church. During the rule of Maria Theresa and her son Joseph II (died 1790), it was decided that the Greek Catholic clergy should benefit from formal higher education. Seminars in Lviv and Vienna were set up for this purpose. At the same time, the hierarchical and administrative structures of the Church were modernised.¹³⁵ It took a dedicated, determined and strong (absolutist) state to modernise the Ruthenian Church.

The number of Uniate and Greek Orthodox parishes in The Commonwealth was high and grew even more during the seventeenth century, not least because establishing new parishes was comparatively easy. This process continued until the eighteenth century when the Uniate hierarchy gained more effective control at the parish level. However, even the eighteenth century saw a growing number of parishes. The new parishes, however, meant a life of poverty for parish priests and their families and, at best, a rather simple church building.¹³⁶ There are doubts as to whether the reported number of parishes from the eighteenth century is accurate. Cases have been recorded where abandoned parishes remained in the registers and documents.¹³⁷

Between 1681-1686, 1367 parishes were recorded in the main deaneries of Lviv and Halych.¹³⁸ According to the register written sometime between 1703 and 1708, the Lviv and Halych main deaneries had 1578 parishes.¹³⁹

¹³³ Półwiartek, Józef, „Parafie greckokatolickie diecezji przemyskiej w XVIII wieku. Stan organizacyjny, pozycja gospodarcza i społeczna”, in Stępień, Stanisław (ed.), *Polska – Ukraina. Tysiąc lat sąsiedztwa. T. 3. Studja z dziejów grekokatolickiej diecezji przemyskiej*, (Przemyśl 1996), p. 94.

¹³⁴ Among several decisions, the Synod of Zamość subjected the Uniate clergy to many rules from the Roman Catholic Canon Law. The bishops were instructed to found priest seminaries in their dioceses. One new single *Trebnik* would be compiled and replace the manuals that were formerly used. The decisions of the Synod were approved by the Pope Benedictus XIII in 1724; „Замойські сабор 1720”, Вялікое Княства Літоўскае, p. 647.

¹³⁵ Himka, John-Paul, *Religion and Nationality in Western Ukraine. The Greek Catholic Church and the Ruthenian National Movement in Galicia, 1867-1900* (Montreal-Kingston-London-Ithaca 1999), p. 5-7.

¹³⁶ Litak, *Od Reformacji*, p. 172-173.

¹³⁷ Kołbuk, *Kościół Wschodnie*, p. 48.

¹³⁸ NML, Rkl 157, p. 1-43.

¹³⁹ Скочиляс, Ігор, „Недатований реєстр духовенства, церков і монастирів львівської єпархії за владництва Йосифа Шумлянського”, *Записки НТШ*, Том CCXL (Львів 2000), p. 536-537.

There was thus a growth of more than 200 parishes in one generation. This indicates an energetic reconstruction in progress.

Eighty per cent of all the parishes with a Uniate or Greek Orthodox population were under the patronage of a feudal lord or his agents. Roman Catholics constituted an overwhelming majority of the landowners. The patrons did very little for the Uniate or Greek Orthodox communities but let the parishes vegetate rather than operate. The institution of patronage had its roots in the Kyivan Rus and the division of the Rus into principalities. After the dynastic and political unions between the Grand Duchy of Lithuania and the Polish Crown, the power to appoint bishops and high and middle-ranking ecclesiastical offices within the Greek Orthodox Church, passed to the King of Poland and other high potentates of the Commonwealth. On the parish level, the local lord had to confirm the appointment of a parish priest. Often, the parish priest about to be appointed had to appease the lord with ready money. Further up the hierarchy, the ecclesiastical offices were given to the most politically powerful candidates, frequently laymen who, of course, were not trained (often not even inclined) to deal with religious matters.¹⁴⁰

Once installed, the cleric could find it rather hard to make ends meet. According to Polish scholar, Józef Półciwiatek, who has investigated the situation in the north-western parts of the Diocese of Przemyśl in the eighteenth century, the acreage of arable land and pastures granted by a lord (*beneficium*) would only cover the most basic needs of a priestly household. If the land was granted by the lord, its use could be connected to duties and obligations normally placed on the peasantry. In a crisis, for instance after wars, the land could be withdrawn or exchanged for land of poorer quality at the lord's will. Normally, servants could not be afforded, nor could parish priests use serfs to cultivate the land like their Roman Catholic colleagues did. Most of the Ruthenian clergy had to manage the farming themselves. Compared to a Roman Catholic parish priest, a Uniate cleric had a considerably weaker financial position. This was because of smaller acreages of church land, lower obligatory contributions by the parishioners and smaller parishes with fewer inhabitants.¹⁴¹ The most common acreage of church land utilised by the Ruthenian clergy in the Diocese of Przemyśl ranged from 0.5 to 1 *lan*, a land measure unit that was equivalent to circa 16. 8 ha.¹⁴²

The Diocese of Lviv was situated in a region that was severely devastated by wars in the middle and the second half of the seventeenth century. Approximately one quarter of the population of the Polish-Lithuanian Commonwealth died during the wars of the mid-seventeenth century. This de-

¹⁴⁰ Litak, *Od Reformacji*, p. 179, Gudziak, *Crisis and Reform*, p. 60-65.

¹⁴¹ Półciwiatek, „Parafie greckokatolickie”, in Stępień (ed.), *Polska – Ukraina*, p. 95-97.

¹⁴² Śliwa, Tadeusz, „Przemyska diecezja greckokatolicka w XVIII w (do 1772 r.)”, in Stępień, Stanisław (ed.), *Polska – Ukraina. Tysiąc lat sąsiedstwa. T. 3. Studja z dziejów grekokatolickiej diecezji przemyskiej* (Przemyśl 1996), p. 89.

struction was repeated during the Great Northern War¹⁴³, which was another serious blow to the region. The demographic decrease in the neighbouring counties (*ziemie*) of the Ruthenian Palatinate, the more westerly situated Przemyśl and Sanok, has been estimated at 56.8 and 54.7 per cent respectively.¹⁴⁴

The Kamianets Podilsky main deanery suffered the greatest losses. In 1700, the year after the Ottoman forces abandoned the area, there were approximately 40 churches in the whole region, while the register compiled between 1703 and 1708, during the intense repopulation of the region, reported 283 active churches.¹⁴⁵

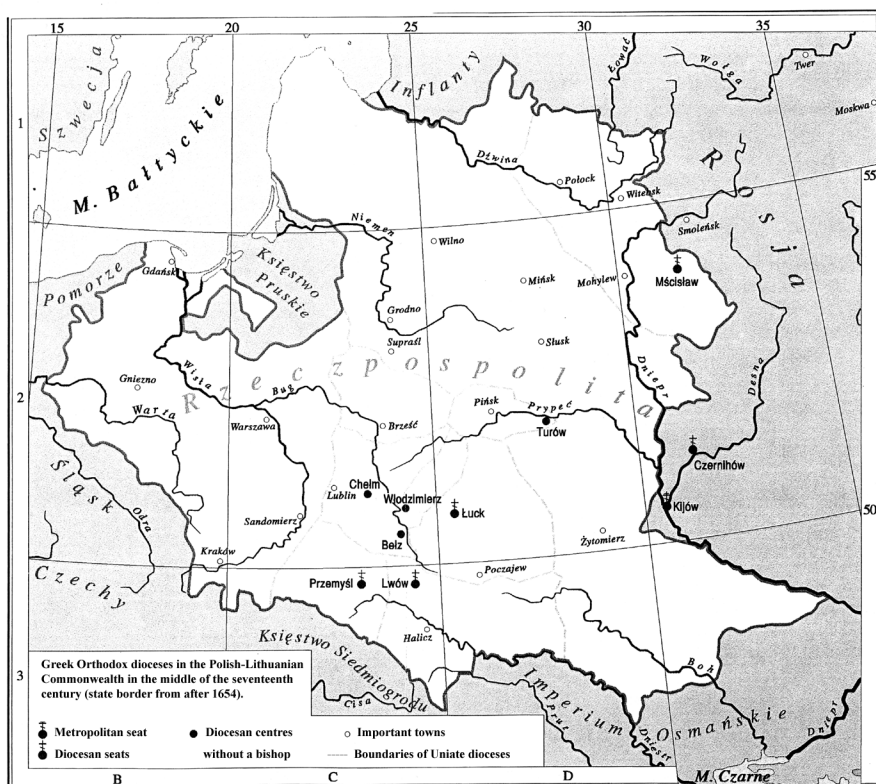
In the seventeenth century, the territorial boundaries of the Greek Orthodox eparchies mainly followed the former borders of the Principalities of Rus, the Polish Crown and the Grand Duchy of Lithuania. The way in which the Church structures had developed in a given region had a certain influence, too. At the time of the Union of Brest's implementation in the Diocese of Lviv, there were three main deaneries: Lviv, Halych (with its seat in Krylos) and Kamianets Podilsky. The full official name of the diocese was the "Eparchy of Lviv, Halych and Kamianets Podilsky". The name indicated the past transition of the seat of the diocese from Halych to Lviv, the administrative boundaries of Lviv and Halych counties, and the Palatinate of Podilia. All three towns were administrative centres. Skochyliias claims that the use of the full name would enhance the status of the Bishop and strengthen his authority.

¹⁴³ Motylewicz, Jerzy, *Miasta ziemi przemyskiej i sanockiej w drugiej połowie XVII i XVIII wieku* (Przemyśl-Rzeszów 1993), p. 12 – 17; Davies, *God's Playground*, p. 288.

¹⁴⁴ Motylewicz, *Miasta ziemi przemyskiej*, p. 41.

¹⁴⁵ Сkochилияс, „Недатований реєстр”, p. 539.

Figure 2. The Greek-Orthodox dioceses in the Polish-Lithuanian Commonwealth, From Mironowicz, *Kościół prawosławny*, map section.



The boundaries of the deaneries in the Diocese of Lviv often coincided with groups of landed estates. For instance, the Deanery of Dunaiv corresponded mainly to the group of landed estates of the Roman Catholic Diocese of Lviv. The boundaries of the deaneries could change according to the wishes of the owners of grand estates, the number of parishes in the deaneries and the development of church administration in general.¹⁴⁶

4.1 The reformer

Iosyf Shumliansky (Bishop from 1667 to 1708), began his career in the Greek Orthodox Church but later became the Uniate Bishop of Lviv. He came from the Greek Orthodox gentry in the Sub-Carpathian region of the Ruthenian Palatinate. His family was renowned for being benefactors of

¹⁴⁶ Скориляс, Ігор, „Адміністративно-територяльний устрій”, p. 153, p. 158-159.

Greek Orthodox churches and monasteries. Józef Szumlański, as his name was in Polish, was born in 1643 into a family with seven children: five sons and two daughters. Ivan (his name before taking monastic vows) could not anticipate financial support from his family or through inheritance. He had to find his career somewhere else. He served in the armoured cavalry from the age of seventeen. When he was put forward as a candidate for the Bishopric of the Diocese of Lviv in 1667, he was still a member of the royal armoured cavalry and married to a Roman Catholic. The latter had given him a reputation as an apostate among Greek Orthodox Christians. His biographer, Andrusiak, mentions that the Bishop was reported to be “indifferent” to Orthodoxy. His lack of concern was presumably shaped by years of military service among Roman Catholics.¹⁴⁷ Innokentii Vynnytsky, whom Shumliansky consecrated as Bishop of Przemyśl claimed that the Bishop of Lviv “managed to get the diocese only because of his Catholic convictions”.¹⁴⁸

Shumliansky made two Catholic confessions of faith in 1677 and 1681 when he secretly accepted the union with the Roman Catholic Church.¹⁴⁹ In March 1677, Shumliansky made a declaration of faith to the Roman Catholic Church before the King, a handful of Jesuits and the Uniate Kyiv Metropolitan, Kypriian Zhohovsky. This led to numerous royal nominations and favours for Shumliansky and strengthened the rights of the Ruthenian clergy. Sobieski instructed the administrators and leaseholders of his private and Crown estates to make the Ruthenian Orthodox clergy under Shumliansky equal to the Roman Catholic clergy. This meant exemption from a multitude of public and private taxes and duties. In return, the Ruthenian clergy was instructed to follow Shumliansky’s teaching. The Bishop’s reward was the administration of the estates of the Kyivan monasteries in Volhynia.¹⁵⁰ Four years later, in March 1681, Shumliansky declared his admission to the union with Rome before the Roman Catholic Bishop of Kyiv and several state and church dignitaries. At his side were Innokentii Vynnytsky, the Bishop of Przemyśl, and Archimandrites Varlaam Sheptytsky of Univ and Sylvester Tvorovsky of Ovruch. The royal commissioneers and Sobieski accepted almost all the *puncta* concerning the admission to the union with the Roman Catholic Church that were jointly formulated by the Uniate and Orthodox bishops. Simultaneously further estates of the Kyivan Cave Monastery were placed under Shumliansky’s administration.¹⁵¹

The Diocese of Lviv did not officially enter the Union of Brest until 1700. Shumliansky’s biographer interprets the Bishop as a person who was neither a crypto-Uniate nor the Union’s enemy. Rather, he views Shumliansky as a

¹⁴⁷ Andrusiak, *Józef Szumlański*, p. 21-24

¹⁴⁸ Балик, Борис І., Інокентій Іван Винницький. Єпископ Перемиський, Самбірський, Сяніцький (1680-1700), (Analecta OSBM, Series II, Sectio I), Рим 1978, p. 57.

¹⁴⁹ Andrusiak, *Józef Szumlański*, p. 74, p. 91.

¹⁵⁰ Andrusiak, *Józef Szumlański*, p. 74-76.

¹⁵¹ Andrusiak, *Józef Szumlański*, p. 88-92.

defender of the rights of the Ruthenian Church in general. Before becoming a Uniate, he acted with the aim of acquiring royal favours and privileges that would improve the situation of the Church and its clergy. Thanks to his manoeuvrings, the rights of the Uniates and Orthodox Christians became equal to those of the Roman Catholics. He extracted as many favours as he could from his long-time friend and patron, Jan III Sobieski.¹⁵² Not until his position was threatened and he was losing ground in his own diocese due to measures taken by King August II (elected in 1696), did Shumliansky decide to officially enter the union with Rome. Among the measures directed against Shumliansky was the ban on access to the town of Kamianets Podilsky that was returned to the Commonwealth in 1699. The jurisdiction was passed instead to Innokentii Vynnytsky, the Uniate Bishop of Przemyśl.¹⁵³ Shumliansky was distrusted – during a very long time he has not delivered, although a lot of faith and favours had been invested in him.

Shumliansky was a client of Jan Sobieski, the Grand Hetman of the Crown, who in 1674 was elected King of Poland and Grand Duke of Lithuania. Sobieski supported Shumliansky in several ways. In March 1675, Shumliansky was nominated as an administrator of the Kyivan Metropolitanate. When motivating the nomination, the King mentioned Shumliansky's "piety, experience and kindness towards us and the Commonwealth."¹⁵⁴ A few days later, he instructed the Dormition Confraternity in Lviv to let Shumliansky live in the same house as his predecessors, something the confraternity who owned the building had previously refused. Sobieski justified his request by Shumliansky's services to the Commonwealth. The Bishop also needed the residence, Sobieski maintained, because the King wanted Shumliansky near him when he resided in Lviv.¹⁵⁵

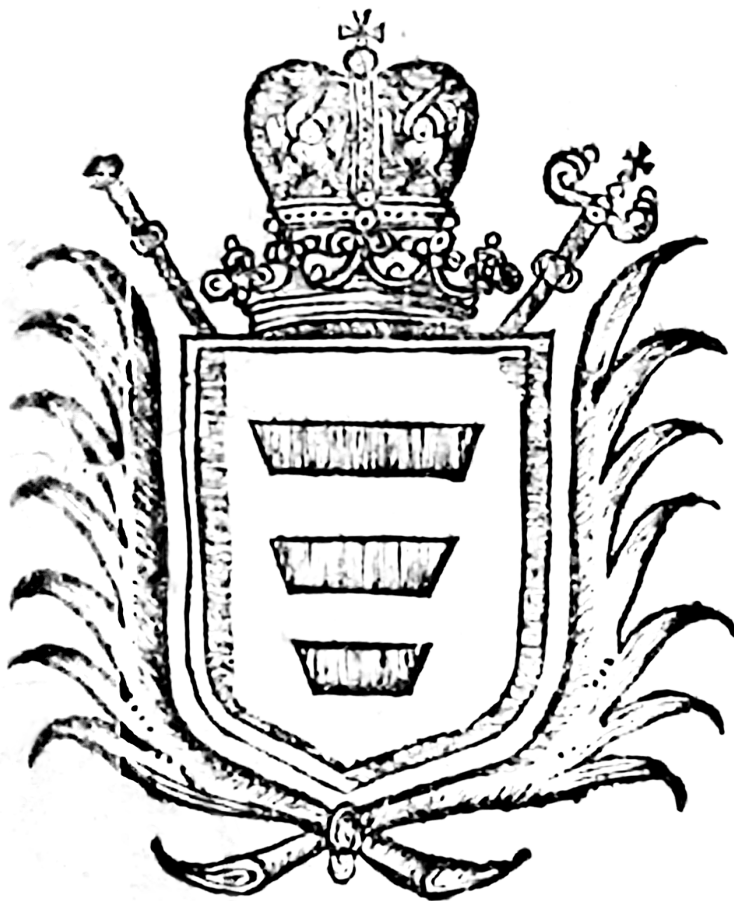
¹⁵² Andrusiak, *Józef Szumlański*, p. 110.

¹⁵³ Andrusiak, *Józef Szumlański*, p.112-119.

¹⁵⁴ AIuZR, part 1, tom 10, p. 723.

¹⁵⁵ AIuZR, part 1, tom 10, p. 724-725.

*Figure 3. Iosyf Shumlansky's coat of arms – three chovna (boats). On the illustration, one finds a coat of arms that combined his family's coat of arms with the symbols of his episcopal powers, from Shumlansky, Iosyf, *Zertsalo*, p. 2.*



Sobieski supported Shumlansky in his fight to retain his diocese during the conflicts with the second Bishop of Lviv, Ieremiia Svystelnytsky, during the reign of Michał Korybut Wiśniowiecki (ruled 1669-1673). The protection was important. To Andrusiak, it is obvious that “Shumlansky was able to hold on to the Diocese of Lviv only thanks to personal friendship with Jan

Sobieski.”¹⁵⁶ The conflict had its roots in the two candidates that King Jan Kazimierz nominated in the 1660s to be Bishop of Lviv’s Greek Orthodox Diocese. It was an immediate result of a conflict between the administrator of the Kyivan Metropolitanate, Antonii Vynnytsky (who backed Svystelnytsky), and Shumliansky. Finally, it led to Svystelnytsky’s removal by the Sejm in 1676. The conflict did not lack dramatic details. Among them, one finds the rivals and their clients and relatives storming churches in order to take over the building and its contents. This included the Lviv Cathedral of St. George and the Cathedral Church in Krylos. Several people were injured or killed. Shumliansky showed his determination and a great degree of political judgement by combining legal action with real threats and violent acts. He vigorously either ignored decrees obstructive to his cause or tended to interpret them to his advantage.¹⁵⁷

Andrusiak considers the conflict over the Diocese of Lviv to be a good illustration of the consequences of the practice of choosing non-ecclesiastical candidates for bishoprics in the Greek Orthodox Ruthenian Church. To him, “such bishops, having their own personal interest in mind, were not guided by moral principles in their strife.” He points out that the lack of a firm procedure for the election and consecration of bishops paved the way for the conflicts that arose.¹⁵⁸

The Bishop seemed to strive to maintain a jurisdictional vacuum in his Diocese. In 1678, a year after his second secret agreement to the union with the Roman Catholic Church, he still had not announced this publicly, although he had promised to do so. While rejecting the jurisdiction of the Greek Orthodox Kyivan Metropolitan, Antonii Vynnytsky, he also prevented the believers in his Diocese from appealing to the Uniate Metropolitan of Kyiv, Kypriian Zhohovsky, as the latter would make his union-friendly manoeuvres more or less clear to a large group of believers. The Bishop’s declarations of loyalty to the Uniate Metropolitan remained on paper.

After the death of Greek Orthodox Kyivan Metropolitan, Antonii Vynnytsky, in 1679, the Polish kings appointed no further metropolitans of Kyiv. Shumliansky was appointed to be administrator of the Metropolitanate once again, an office he kept to 1700. According to Balyk, Shumliansky made his Catholic declaration of faith in 1677 because relations between the King and Antonii Vynnytsky had improved. The King granted Vynnytsky the title of Metropolitan, and Shumliansky lost his short-lived title as the administrator of the Kyivan Metropolitanate. Shumliansky feared he would be placed under the jurisdiction of the Kyivan Metropolitan.¹⁵⁹ Apparently, he chose a crypto-Uniate façade in order to play both sides. The strategy placed him and

¹⁵⁶ Andrusiak, *Józef Szumlański*, p. 65.

¹⁵⁷ Andrusiak, *Józef Szumlański*, p. 36-60.

¹⁵⁸ Andrusiak, *Józef Szumlański*, p. 63.

¹⁵⁹ Балик, Інокентій Іван Винницький, p. 59-61, Andrusiak, *Józef Szumlański*, p. 63, Блажейовський, Дмитро, *Ієрархія Київської Церкви (861-1996)* (Львів 1996), p. 269.

his Diocese in a conveniently loose relationship with the Uniate and Greek Orthodox hierarchies, with the royal power as the sole overseeing authority. At the same time, his reputation among the Orthodox Christians remained good. According to Andrusiak, Shumliansky “pretended to be a warm adherent of the union before Zhohovsky and the King, while [pretending] to be its adversary among the Orthodox.”¹⁶⁰

Shumliansky applied a similar *modus operandi* in the years after 1685, when the earlier Bishop of Lutsk, Hedeon Chetvertynsky, was appointed as Greek Orthodox Metropolitan by the Tsar. Shumliansky was assigned to administer the Diocese of Lutsk (after Chetvertynsky). He arranged for the election of his brother Alexander (later Bishop Atanasii) as the Bishop of Lutsk and had him consecrated. At the same time, Shumliansky ignored Chetvertynsky’s Metropolitan authority, and tried to virtually erase the memory and visual signs of him in his former diocese. In a letter to the Crown Hetman and Ruthenian Palatine Jabłonowski, Chetvertynsky complained that Shumliansky had his *antymins*¹⁶¹ removed from altars in several churches and that he prevented the clergy in the Diocese of Lutsk from keeping in contact with Chetvertynsky. He stated that Shumliansky’s brother was inappropriate as a priest, and that he had been chosen and consecrated without the agreement of the Metropolitan.¹⁶² Chetvertynsky’s grievances turned out to be fruitless. After all, he had left his own diocese and fled to Kyiv in 1684, because his determined defence of Orthodoxy had made him intolerable to Polish-Lithuanian authorities. In practice, he no longer had any jurisdiction over the Orthodox Church in the Commonwealth. Shumliansky contacted the Patriarch of Moscow, who since the 1686 Grzymułtowski Peace Treaty between Poland-Lithuania and Muscovy was the highest jurisdiction and official protector of the Polish-Lithuanian Greek Orthodox Church. Shumliansky declared him and the other Greek Orthodox bishops (his brother and Innokentii Vynnytsky in Przemyśl) to be faithful adherents of the Greek Orthodox Church, promising to remain the Patriarch’s faithful sons. He asked for political support in the campaign for liberating the Greek Orthodox clergy in Poland-Lithuania from “burdens and taxes”, and asked for funds for the Cathedrals of Lviv and Halych. Invoking the “tradition” of the Halych Metropolitanate, he asked the Patriarch to restore the Metropolitanate for the remaining Greek-Orthodox bishops in the Commonwealth. He underlined his merits as a pastor and benefactor of the Church, alluding to himself as a suitable candidate. He also sent letters with similar messages to

¹⁶⁰ Andrusiak, *Józef Szumlański*, p. 86.

¹⁶¹ *Antymins* – a liturgical cloth placed on the altar during the mass. It depicts Christ in the tomb, the tools of his tortures, and the four evangelists; “АИТИМІНС”, *Словник церковно-обрядової термінології* (Львів 2001), p. 23.

¹⁶² Andrusiak, *Józef Szumlański*, p. 95-96.

the Tsar and the Tsarina. By this time, he had secretly declared his intentions regarding the unification with Rome twice, in 1677 and 1681.¹⁶³

During the Ottoman rule in Podilia during the last quarter of the seventeenth century, Iosyf Shumliansky faced competition from a Kamianets Podilsky Metropolitan, Pankratii. He was installed with support from the Ottoman administration and administered his rather diminished diocese from 1681 to 1690. In 1679, Pankratii also visited St. George Cathedral in Lviv where he ordained a few priests.¹⁶⁴

When summarising Shumliansky's struggle with Svystelnytsky and his political endeavours, Andrusiak found that, "The life of this Bishop reflected the life of the Commonwealth's nobility in the second half of the seventeenth century and the beginning of the eighteenth century."¹⁶⁵ Iosyf Shumliansky died in Lviv in July 1708.¹⁶⁶

4.2 Shumliansky and the legacy of Petro Mohyla

Iosyf Shumliansky faced the centralised, vigorous and dogmatically steadfast Roman Catholic Church whose post-Trentine reforming project had entered its second century. While being a pioneer of the post-Trentine Agenda in his diocese, Shumliansky used it for his own political purposes. After all, strengthening the see also meant strengthening its political status and respect among the Polish- Lithuanian establishment and the Roman Catholic curia. The late Greek Orthodox Metropolitan of Kyiv, Petro Mohyla, undoubtedly inspired his ambitions and agenda.

Petro Mohyla (1633-1647) initiated a set of reforms in the Kyivan Metropolitanate. The French scholar, Ambroise Jobert, has likened Mohyla's activities to the introduction of the Trentine Agenda by the Polish Roman Catholic bishops in previous years. Mohyla aimed to increase respect for the Ruthenian Greek Orthodox clergy, subject the religious confraternities of laymen to ecclesiastical authority, and make sure the clergy observed Canon Law. He refused to consecrate as a bishop, a candidate who had been married twice when a layman. He opposed the remarriage of parish clergy and personally supervised the preparation of candidates for the priesthood.¹⁶⁷ Mohyla's source of inspiration was close by. The Uniate Metropolitan of Kyiv (residing in Navahrudak in the Grand Duchy of Lithuania), Veliamyn Rutsky (1613-1637), initiated a set of reforms that led to the establishment of a

¹⁶³ Andrusiak, *Józef Szumlański*, p. 96-97, citation p. 97.

¹⁶⁴ Скоцилас, Игор, „Територіальне розміщення організаційних структур Галицької (Львівської) православної єпархії на Поділлі”, unpublished manuscript.

¹⁶⁵ Andrusiak, *Józef Szumlański*, p. 2.

¹⁶⁶ Andrusiak, *Józef Szumlański*, p. 149.

¹⁶⁷ Jobert, Ambroise, *Od Lutra do Mohyły. Polska wobec kryzysu chrześcijaństwa 1517-1648* (Warszawa 1994), p. 272.

number of elementary schools maintained by the Basilian Order, and a seminary. Rutsky came from a Calvinist family. He was educated at Charles University in Prague, in Würzburg and at the Greek College in Rome. When introducing his reforms, Mohyla was inspired by the reforms undertaken by Rutsky in the Uniate Church. Mohyla's reform aspirations could be seen while he was still the Archimandrite of the Kyiv Cave Monastery. In 1632, Mohyla founded the Kyiv College that was modelled after Catholic colleges.¹⁶⁸ The reforms of Rutsky and Mohyla have been viewed as a way of facing of the challenge from Roman West by adopting parts of its institutional and educational agenda.¹⁶⁹

Of course, Shumliansky knew about Mohyla's reforms. He lamented the discontinuity of the reforms, which ceased with the death of Mohyla in 1647. The keeping of the parish records could not be maintained because of "the great persecution of the Church in these times" i.e. the time of *the Deluge*, when the clergy had no time for the preservation of records and sometimes had to run for their lives.¹⁷⁰

The production and maintenance of the church court protocols was a result of the Mohylian reforms conducted from 1634 to 1635, when an ecclesiastic Consistory was constituted along the European model. The Consistory's task was to investigate and judge in ecclesiastical matters. Its jurisdiction seems to have been confined to the clergy and to transgressions of Canon Law. In 1640, Mohyla separated the administrative and judicial functions of the episcopal Consistorial Courts in the Kyivan Metropolitanate. In the Diocese of Lviv, the regular maintenance of the Consistorial Court minutes seems to have started after the installation of Shumliansky in 1668.¹⁷¹ In the neighbouring Diocese of Przemyśl, the records start in 1661, from the time of the episcopacy of Antonii Vynnytsky.¹⁷²

Mohyla founded the Kyiv College, adding the teaching of the Polish and Latin languages to Greek and Church Slavonic which were the standard languages of Orthodox schools. He argued that the Ruthenians had to learn these languages in order to participate in the political life of the Commonwealth and to defend the Greek Orthodox faith. *Trebnik*, a gigantic book of 1600 pages with instructions and teaching to the clergy about church rites and services, was published in Kyiv in 1646. It was supposed to replace the earlier handbooks that had been printed in several Ruthenian printing centres.¹⁷³ Mohyla's death left the church with initiated reform and further aspi-

¹⁶⁸ Plokhii, *The Cossacks and Religion*, p. 90-91, p. 96; "Руцкі", *Энцыклапедыя Гісторыі Беларусі*, Том 6 (Мінск 2001), p. 146.

¹⁶⁹ Sysyn, "The Formation", in Plokhii; Sysyn, *Religion and Nation*, p. 12-13.

¹⁷⁰ Shumliansky, *Metryka*, p. 6b.

¹⁷¹ Сковчиляс, Ігор, „Акти духовних судів”, p. 427-428.

¹⁷² APPrz, ABGK, Supplement 1.

¹⁷³ Shevchenko, Ihor, *Ukraine Between East and West. Essays on Cultural History to the Early Eighteenth Century* (Edmonton-Toronto 1996), p. 170-171.

rations but no efficient system for carrying them out. Iosyf Shumliansky continued the Western inspired reforms of Mohyla. It was up to the Bishop to design the ecclesiastical system in the Diocese of Lviv in accordance with the needs and capabilities of the Diocese.

4.3 Reforming the Diocese of Lviv in a European context

From the late sixteenth century, a “new sort of priest” started to emerge in Europe. This was a person who had greater social status and was more aloof from his flock. Often, he received a long education: the Catholic priests in seminaries and the Protestant priests at universities.¹⁷⁴ There were local variations, but the general tendency for the Protestant Churches and the Roman Catholic Church was the same.

Ecclesiastical visitations to rural parishes in Saxony showed a considerable degree of harmony between the priests and the rest of the population in most matters up to 1577. However, later visitations exposed the priests’ growing discontent with their parishioners’ customs and morals. Whereas the first generation of priests after the Reformation stemmed from rural regions and were recruited from the former Roman Catholic clergy, the later generations of priests were predominantly recruited from urban areas and had been socialised into Lutheranism from the childhood. By 1575, half of the Saxon parish clergy had a university education. By 1617, nearly all of the rural priests had passed through institutions of higher learning.¹⁷⁵

During the second half of the sixteenth and the first part of the seventeenth century in Calvinist Transylvania (neighbour to the main deaneries of Lviv and Halych in the south) and Calvinist parts of Hungary, the social status of the reformed clergy was enhanced by improved education and strict regulation of priestly behaviour and dress. In 1629, the clergy was, as a group, ennobled.¹⁷⁶ Simultaneously, the Transylvanian authorities were making steps to improve the quality of the Greek Orthodox clergy. These attempts were interrupted by Transylvanian Orthodox Church’s adherence to the union with Rome. The Transylvanian Uniate Church, with the Bishop residing in Gyulafehérvár, was offered legal protection by the Habsburgs, and the clergy were ennobled as an estate.¹⁷⁷

In Sweden, the multiple tasks (teaching, keeping registers, guarding morality) of the parish clergy required a good knowledge of, and decent rela-

¹⁷⁴ Burke, *Popular Culture*, p. 271.

¹⁷⁵ Karant-Nunn, “Anticlericalism”, p. 615-620, p. 627-628.

¹⁷⁶ Murdock, Graeme, *Calvinism on the Frontier 1600-1660. International Calvinism and the Reformed Church in Hungary and Transylvania* (Oxford 2000), p. 242, p. 231.

¹⁷⁷ Murdock, *Calvinism*, p. 139-140.

tions with parishioners. A priest should be a behavioural model for the parish and, among other things, abstain from extensive drinking which was considered a catalyst for bad behaviour and rude habits. The parishioners thought a priest who frequented an inn was neglecting his duties. There were differing opinions about the question of socialising and drinking with parishioners. Finally, a commission at the *Riksdag* of 1680 decided that it was better for the clergy to drink with parishioners at feasts rather than not. It was seen as a way of facilitating good contact and social relations with the parishioners, and worth the risk. There was a condition attached to social drinking: the ecclesiastical oath should not be broken at the festivities.¹⁷⁸ A closer study of the Swedish dioceses in the seventeenth century undertaken by Gothenburg historian Göran Malmstedt, has shown that the hierarchy was often dissatisfied with the behaviour and appearance of the parish clergy. There were repeatedly urged not to dress extravagantly, not to let their hair grow too long, not to fraternise with unsophisticated, suspicious people, not to engage in trade too much, and not to combine priestly duties with those of being an inn keeper.¹⁷⁹

Malmstedt has compiled research findings about the behaviour of priests in several European regions. In the Roman Catholic dioceses of Lyon and Grenoble, terrified bishops found that priests behaved no differently from the peasantry, and frequently ignored the rule of celibacy and drank heavily. In the Roman Catholic Diocese of Speyer in Germany, the situation was very much the same. In the Diocese of Lyon, the reform agenda of the Church seemed to have been first adopted by priests in the early eighteenth century.¹⁸⁰

The Roman Catholic hierarchy in the Commonwealth considered a well-educated and well-behaved parish clergy a prerequisite for promoting the Trent Agenda among believers. The main correctional stress was thus placed on reforming the clergy. The parishioners were spared the immediate attention of the Church if they attended church regularly and knew some very fundamental elements of the faith.¹⁸¹

During the seventeenth century, the Roman Catholic Church in Poland-Lithuania was in a rapid process of “ennoblement”. The clergy of noble origin monopolised most higher offices.¹⁸² According to the founding document of the Roman Catholic priest seminary in Lviv, candidates of noble origin had precedence to acceptance at the seminary. During the period prior to 1772, 96 out of the 210 students at the seminary were of noble origin, 49

¹⁷⁸ Stadin, Kekke, *Stånd och genus i stormaktstidens Sverige* (Lund 2004), p.188, p. 191-193.

¹⁷⁹ Malmstedt, Göran, *Bondetro och kyrkoro. Religiös mentalitet i stormaktstidens Sverige* (Lund 2002), p. 88-93.

¹⁸⁰ Malmstedt, *Bondetro*, p. 119-121.

¹⁸¹ Wiślicz, Tomasz, *Zarobić na duszne zbawienie. Religijność chłopów małopolskich od połowy XVI do końca XVIII wieku* (Warszawa 2001), p. 23.

¹⁸² Tazbir, *Kultura szlachecka*, p. 116-117.

were of magnate origin and 65 of peasant origin.¹⁸³ At the same time, the identity of the nobility was changing during the seventeenth century, from a polyglot, multi-ethnic and polyreligious one, to the point where the use of the Polish language and adherence to Roman Catholicism were emphasised as important manifestations of loyalty to the Commonwealth.¹⁸⁴

The Orthodox community felt the impact of this process. By the 1630s, Polish was used by Orthodox polemicists to reach a wider audience. Frank E. Sysyn suggests that the Polonisation or “acculturation” of the Ruthenian nobility was not so much caused by the discriminatory practices of the Polish-Lithuanian government, but by the gradual social and political integration of this group into the Commonwealth. The Catholic polemical literature depicted the Ruthenian culture as inferior. Polish nobles who were influenced by this sort of literature came to despise the Ruthenians in general, and had no understanding for Orthodox nobles who cherished and preserved their heritage. Although large numbers of the Ruthenian nobility converted to Catholicism and adopted a new Polish identity, there were nobles who resolutely defended the old faith and the Ruthenian language. It was hard to withstand the manifold pressures to adapt. “The opportunity to participate in the Commonwealth’s politics and institutions and to make suitable marriages for their children argued strongly for assimilation, while the increasing influence of the Counter-Reformation and the Jesuit order on the Catholic nobility and educational system made loyalty to Orthodoxy and maintenance of a separate identity more and more difficult.”¹⁸⁵ Latin Christian political domination undermined the position of the Greek Orthodox Church. While “Latin Christian culture evolved and flourished, the Orthodox of Ukraine found themselves representatives of an increasingly isolated and inadequate cultural tradition.”¹⁸⁶

According to Natalia Iakovenko, the majority of the Ruthenian nobility remained Greek Orthodox up to the middle and second half of the seventeenth century. Conversions were common among the small group of magnate and princely Ruthenian families who had specific marital and political strategies.¹⁸⁷

Although located on the periphery and ravaged by wars, the Diocese of Lviv was in no way isolated from the processes described above. A considerable number of the clergy must have experienced the processes described above in one way or another. The Bishop would make sure this was the case

¹⁸³ Krętosz, Józef, *Organizacja archidiecezji lwowskiej obrządku łacińskiego od XV wieku do 1772 roku* (Lublin 1986), p. 211, 213.

¹⁸⁴ Tazbir, *A State Without Stakes*, p. 167-169. Tazbir claims the concept of “noble birth, Polish patriotism and Catholic faith began to merge” (p. 167).

¹⁸⁵ Sysyn, Frank E., *Between Poland and the Ukraine. The Dilemma of Adam Kysil, 1600-1653*, (Cambridge, Mass. 1985), p. 32-36, citation p. 36.

¹⁸⁶ Sysyn, “The Formation”, in Plokhyy, Sysyn, *Religion and Nation*, p. 11.

¹⁸⁷ Яковенко, *Паралельний світ*, p. 38, p. 60.

through the work of the Court, attempting to accomplish a change that would respond to the tendencies described above. He also formulated his demands in a handbook for the parish clergy. The next chapter deals with Iosyf Shumliansky's expectations of the parish clerics and his model for the regional ecclesiastical world.

5 Iosyf Shumliansky's model for the parish clergy

This chapter deals with Iosyf Shumliansky's specific requirements about the behaviour of the parish clergy in the Diocese. It investigates the behavioural expectations the Bishop had of his clergy, and the behavioural code proposed by him. Along with the work of the Court, which was a mixture of a reaction to the behaviour of disobedient priests and the prevention of inappropriate behaviour by all priests, the Bishop attempted to influence the clergy through his writings.

The Bishop published two works: *Zertsalo* (*The Mirror*) in 1680 and *Metryka, Albo Reiestr* (*The Register*) in 1687.¹⁸⁸ Both appeared before he publicly declared himself in favour of the Uniate Church. According to the Bishop's own description, *Zertsalo* contained the fundamental principles of the Church. Sections dealt with the Seven Sacraments, the Ten Commandments and the Articles of Faith.¹⁸⁹ *Metryka* gave practical advice on how to run a parish as well as the place of the parish priest in the Church organisation.¹⁹⁰

The name came from the initial instructions of Shumliansky to the priests about metrical books (called *Metryka*). Shumliansky declared that his instructions, such as the keeping of parish records, were nothing new to the Church but needed to be implemented in every parish. The practice was mentioned in the Bible and in the book *Trebnik* by the Kyivan Metropolitan, Petro Mohyla. Unfortunately, the dramatic times of "great persecutions" hampered record keeping (the Bishop was probably referring to wars with the Cossacks, Muscovy, Sweden and Transylvania in the mid-seventeenth century and with the Ottoman Empire in the 1670s). Record keeping needed to be taken up again.¹⁹¹ In general, the Bishop's view of what a parish register ought to contain did not deviate from the basic forms used elsewhere in Europe. A record needed to include information about baptisms, marriages and burials in a parish.¹⁹²

¹⁸⁸ Shumliansky, Iosyf, *Zertsalo do preizrinnia i latviishoho zrozuminnia viry sviatoi* (Roughly: *The Mirror for Better Seeing and Understanding of the Holy Faith*), (Univ 1680); *Metryka* is introduced in chapter 3.

¹⁸⁹ Shumliansky, *Metryka*, p. 31, p. 48b. Shumliansky comments *Zertsalo*.

¹⁹⁰ Ісаєвич, *Українське книговидання*, p. 339.

¹⁹¹ Shumliansky, *Metryka*, p. 2-7.

¹⁹² Hollingsworth, *Historical Demography*, p. 139-141.

5.1 The role of the well-behaved priest in the local community

Shumliansky decided to write *Metryka* “in our native Ruthenian dialect” rather than in Church Slavonic so the book would be understood by everyone.¹⁹³ Besides Church Slavonic, he expected the parish clergy to learn Polish or Latin because they were called “ignoramuses” by the Roman Catholic clergy “and sometimes just by anyone” (*a chasom i liada kto*). There were many Orthodox clerics who simply could not read or understand Latin or Polish. The Bishop maintained that in the eyes of a nobleman, a priest who had not mastered Latin or Polish was a simpleton, no matter how well he had mastered Church Slavonic or Ruthenian.¹⁹⁴ A priest’s mastery of Polish and Latin should be proficient enough so “a priest would be able to converse politically with a lord and answer wisely, if presented with a problem” (*zheby sviashchennyk z Panom politychne mohlsia rozmovyty i na zadane iakoi trudnosti umieietne otpoviedyty*). The educational level of the Ruthenian clergy should “at least” correspond to that of the Roman Catholic clergy.¹⁹⁵ The Polish language in the seventeenth century used the term “political” in order to designate what in modern times is “polite”. According to Polish historian, Władysław Łoziński, “political” behaviour in the eyes of the nobles entailed “courteous manners, social tact, [and] avoidance of coarse habits” (*wykwintne maniery, delikatność towarzyska, wystrzeganie się prostackich nałogów*). A person whose behaviour offended good company would be called a “non-political” (*niepolitycznym*) person.¹⁹⁶ One senses parallels with the use of “polite” and “impolite” in present day language. The Latin adjective *politum* means “polished” or “refined”.

Shumliansky’s text describes priests whose behaviour required considerable fine-tuning. Shumliansky did not hide his distaste for improperly dressed priests and the way in which they might affect the opinion of surrounding society. He dedicated one chapter to “the good manners and customs, through which you can gain the benevolence, [and] be held in high repute by the lords, gain the respect of the communities and parishioners, and Our Pastoral /.../ Love” (*U Panov lasku, povahu, i u hromad i parokhiian svoikh poshanovanie, i u Nas Pastyria /.../ Liubov sobi ziednaty*).¹⁹⁷

In the first place, clergy should behave towards the lords so that the lords would be positively inclined towards them. The words *benevolence* and *repute* are synonymous with moral virtues of kindness, generosity, goodwill and not least charity, and suggest they may be granted or not. Indeed, the source material provides examples of how a bad relationship between the

¹⁹³ Shumliansky, *Metryka*, p. 29.

¹⁹⁴ Shumliansky, *Metryka*, p. 41.

¹⁹⁵ Shumliansky, *Metryka*, p. 41b.

¹⁹⁶ Łoziński, Władysław, *Życie polskie w dawnych wiekach*, (Kraków 1969 [1907]), p. 187.

¹⁹⁷ Shumliansky, *Metryka*, p. 43-43b.

priest and the local lord could lead to a deterioration in the conditions of life in an entire parish.¹⁹⁸ To have a benevolently inclined lord who held a priest in high repute could be crucial.

A priest should expect to be met with *respect* from the community and the parishioners. This had, to some degree, to be reciprocated, or at least presupposes a certain degree of interaction that shapes the context of respect. Finally, given the hierarchical structure of the church, the love of Shumliansky was a form of paternal love. In an outline of a letter, one finds Shumliansky calling an unnamed dean his “Son in Christ.”¹⁹⁹ One gets an idea of how this paternal-filial love was to be gained – by following the Bishop’s instructions about behaviour and dress code.

5.2 Pure bodies - pure souls

The parish clergy constituted the most important link between the Bishop and the great majority of his spiritual subjects. No wonder the question of the clergy’s behaviour was of great importance to Shumliansky. Logically, a well-behaved and educated clergy could also mean a well-disciplined one, which was the ideal. If attained, this could result in spiritual improvement and increased institutional and financial efficiency. A well-disciplined clergy would be more likely to generate a steady income from taxation, and would not mortgage or sell church chattels or books. Not least, it would improve the reputation of the Bishop. However, there were obstacles to the establishment of a well-behaved and polyglot clergy.

Approximately, half of *Metryka* is dedicated to the introduction of the civilising demands of Shumliansky. The manners of the priests were to be refined. They were also asked to abstain from too friendly socialising with parishioners. First of all, the deplorable results of extensive drinking were widely described. Drunkenness was the main cause of conflicts. Second, Shumliansky underlined the importance of regularly attending Confession. Finally, the Bishop paid a great deal of attention to proper dress and the improved public appearance of the clergy.

According to Shumliansky, the clergy had to be morally brave and watchful. A priest had to observe sobriety, since “sobriety is the mother and the foundation of all good.”²⁰⁰ A sober priest had positive characteristics such as “devotion, honesty, humility, modesty, purity, peacefulness, decency, discernment and piety”. Such a person was able to read and learn from the Holy Scriptures and teach them to others. He could perform the Holy Sacraments correctly and with the proper respect. He could give wise advice to his pa-

¹⁹⁸ NML, Rkl 58-3, p. 40, Rkl 59, p. 21b-22.

¹⁹⁹ NML, Rkl 58-8, p. 82b.

²⁰⁰ Shumliansky, *The Record*, p. 33b.

rishioners. Demons were afraid of him. The magnates praised a sober priest - Shumliansky had experienced this himself. At the same time, the parishioners appreciated a sober priest. He offended no one and was a good role model for the entire community. Not least, a sober soul enhances the body.²⁰¹

Shumliansky's text reveals that the pastoral body did not always "embellish" the soul. "Drunkeness is the source of all evil."²⁰² Shumliansky urged his readers "to see with the eye of common sense" how "a drunkard distinguishes himself from the sober". The drunkard was dirty, wore dirty clothing and had an unpleasant appearance: uncombed hair, unbuttoned shirt and bare chest.²⁰³ For a priest to appear in such a state could be considered a sin. It offended people and made them laugh at such priests because it showed he lacked judgement and could burst into "devilish songs or gross jokes". It seems that the line between offensive and ridiculous behaviour was thin. Devilish songs and gross jokes could both amuse and offend, depending on the context. Maybe, the locals were beyond amusement because there was a change of attitudes underway. Some were offended because they had certain expectations and were sensitive about the behaviour of the clergy. On the other hand, some people laughed and merely aggravated the scene created by the misbehaving priest.

Drinking damaged one's health and was dangerous to the soul. A person might die from drinking, without understanding the significance of the situation and being remorseful for his sins. Shumliansky said that if a priest died suddenly when drunk he would be judged as a drunk and be placed in hell together with other drunkards to drink for eternity from the bowl of God's wrath.²⁰⁴

Nobody listened to a drunken clergyman. Decent people might even leave the church covering their ears so as not to hear such a sermon. At best, the priest would attract some other lost souls just as drunk as he was. At the same time, a priest who drank could not hold the liturgical services, rites and prayers at the right time and in the right way, not even during festival days. Sometimes they might work anyway, blinded by their drunkeness, without being aware of the impropriety of the situation. Shumliansky questioned the ability of such priests to get up in the middle of the night to go and provide the Sacraments for newborn children, women giving birth, or persons close to death. If alcohol prevented a priest from providing the Sacraments to a dying person, the Lord would keep the cleric responsible.²⁰⁵

Both the soul and the body of a priest must be pure. For the soul, regular Confession was recommended, at least each fourth to sixth week. A priest should not celebrate a mass when angry or un-reconciled with anyone. As to

²⁰¹ Shumliansky, *The Record*, p. 34.

²⁰² Shumliansky, *The Record*, p. 35.

²⁰³ Shumliansky, *The Record*, p. 35b.

²⁰⁴ Shumliansky, *Metryka*, p. 36 – 39, citation p. 36.

²⁰⁵ Shumliansky, *Metryka*, p. 37b-39.

the body, it was important that the visible appearance of a priest was as immaculate as possible. He should be washed and clean, his beard and hair combed, his hands washed and his nails cut. The clothes and shoes should be clean and in good condition; no sandals, wooden or plaited footwear would be appropriate for a priest to wear.²⁰⁶ Compared to the West European books on manners cited by Norbert Elias, Shumliansky stopped short of telling priests how they should sit at the table, what utensils to use to put food into their mouths, and with what object to wipe their mouths. Shumliansky's problems were much more basic and had to do with the identity of the priest whereas European studies regarding manners also dealt with relations between social groups where eating and conversation over class boundaries were important. One reason for this difference was that as Orthodox priests were not accepted by the nobility there was no need to introduce the priests to aristocratic manners.

Shumliansky asked the readers rhetorically to consider whether the clergy who attended the local synods in the Diocese were sufficiently motivated to stay sober and not socialise on a low level "with the common people" (*z pospolytymy liudmy*) in the inns. At feasts and after baptisms, weddings and funerals, the clergy were advised to be "cautious", so they could leave the event sober and spare the people any temptation to mock them. Not least, they should always be sober in public places.²⁰⁷

Everything had its rightful place. The parish clergy should know the restrictions, the limits and the forms of socialising with the congregation. An urge to stay out of the inns ended with the instruction:

Do not socialise with people not of your own rank if there is no need. When mingling with your equals on appropriate occasions, do not let any idle or foul words come out of your mouth. (Z liudmy ne svoiei kondytsii kromie potreby nuzhnoi ne perestavai, i zrovnymy sebe pry slushnoi okazii zostaiuchy statkui, slov prazdnykh ile hnylykh z ust nevypushchai)²⁰⁸

The deeply concerned Bishop dedicated *The Supplement* of his book to recommend the proper dress code. According to Shumliansky, his predecessors had acted insufficiently in this important matter. The priests didn't care about the way they looked and this often made them indistinguishable from the peasants. The clergy was on its way to losing the respect of both the lords and the serfs (*hynet povaha Dukhovenstvu Nashemu tak ot panov, iako i u poddanykh*). The priests used improper clothes privately and were also shameless enough to wear them publicly. Shumliansky made the picture as clear as possible. He ordered that "none of Our clergy should ever dare to leave home [and] to appear publicly wearing only a russet overcoat girdled

²⁰⁶ Shumliansky, *Metryka*, p. 44b-45b.

²⁰⁷ Shumliansky, *Metryka*, p. 39b.

²⁰⁸ Shumliansky, *Metryka*, p. 40b.

as [if he was] a sheaf [of grain].” (*aby zhaden z dukhovenstva Nasheho ne vazhyl sia nihde na publyku v iednoi tylko sukmani iak snop podpasaieshysia z domu vykhodyty*).²⁰⁹ The russet overcoat (*sukmana*) was a part of typical peasant dress.

Pedagogically, the last chapter of *Metryka* ends with “an image of a parish priest” (*mirskoho sviashchennyka izobrazheniie*). He was intended as the model the priests should follow. To make sure everyone understood the message, the picture was provided with a citation from Corinthians 1:16: “I urge you, then, be imitators of me.” He *was* a proper priest. The clothes were clean and his cloak was well tailored and gave a ceremonial impression. His hat was lined with fur and was probably expensive. His hair and beard were combed. The beard was cut, while the long locks orderly rested on his shoulders. His footwear seemed to be some sort of boot – no plaited or wooden shoes were allowed. He appeared as a peaceful, upright, sober man who looked straight into the eyes of the observer. The priest had a walking stick in his right hand and a Bible in the left hand (near his heart). The Bible in his hand suggests that he was consulting the Scriptures and teaching them to others when the need arose. The stick signalled his readiness to go and provide his parishioners at different stages of life with appropriate Sacraments. The massive church buildings (strongly over-dimensioned for most of the parishes) suggest that a good priest would not be very far from the church.²¹⁰

Earlier in Shumliansky’s book, there was another illustration. The clerics surrounded the Bishop (presumably Shumliansky). Their heads were respectfully bowed and they held their caps in their hands. One of the priests (to the left on the picture) was watching the Bishop attentively. The clerics held bibles in their hands. They *were* also model priests. They were listening attentively and respectfully to the teachings of the Bishop. His over-dimensioned raised index finger underlined the significance of this paternal moment of tranquil teaching and learning. The text under the illustration provided an instruction borrowed from Proverbs 4:1 and 4:2: “Hear, O sons, a father’s instruction, and be attentive, that you may gain insight; for I give you good precepts: do not forsake my teaching.”²¹¹

²⁰⁹ Shumliansky, *Metryka*, p. 51b-53, the citation p. 52b-53.

²¹⁰ Shumliansky, *Metryka*, p. 54.

²¹¹ Shumliansky, *Metryka*, p. 26b.

Figure 4. “Be imitators of me” – the model priest, Shumliansky, *Metryka*, p. 54.



Figure 5. “Be attentive that you may gain insight” – the Bishop and the assembled parish clergy. The signs under the podium of the Bishop are Church Slavonic numerals that provide information about the year of the production of the picture: 1687. Shumliansky, *Metryka*, p. 26b.



ЗНАЙШИТЕ ЧАДА НАКАЗАНІИ ОУГО, Н ВНИМАТЕ РАХУМСТВО И СЛІМ
ШАНІА, ДА БЛГЪ ДАН БЛ. СЛОВА МІЛО НЕ ШІТАВАЛІТЕ. ПРН: СЪІІІА

Shumliansky emphasised that priests had a special dignity and should not mingle with persons below their estate. But there was also a gender perspective. Priests should not travel to markets or festivals with their wives in the

same wagon because “the infidel Jews” might laugh at them. “The rabble pokes fun at them”, and the lords held them in disrespect, while the whole of Orthodox Ruthenia was ashamed. The priests were asked not to complain about or make any excuses about their poverty, the economic impositions of the lords and the disrespect from the parishioners. If they remained sober and followed his instructions, there would be no reason for such shameful voyages.²¹² In the neighbouring Diocese of Przemyśl, the Eparchial Synod headed by Bishop Innokentii Vynnytsky instructed the clergy to abstain from trade or face suspension. The same appeal was made to priests who drank or lived licentiously.²¹³

This did not just concern the spectacle of a priest travelling with his wife publicly (the Polish Roman Catholic clergy was supposed to live in celibacy). Apparently, it was more about the mere fact of engaging in trade publicly. As mentioned in the *Introduction*, trade as a profession was widely detested by the nobility.

5.3 Appropriate knowledge

Iosyf Shumliansky pleaded that his motives for setting up the printing press in Lviv were to improve the quality of the clergy and to generate more income for the Cathedral in Lviv. The Cathedral of St. George with its numerous clerics needed money. The welfare of the church, not private gain nor the promotion of family interests, made him act, he said. The cost of setting up the printing press was considerable. The least the parish clergy could do in return was to buy *Metryka* which ought to be in the hands of every priest. After all, its size and weight were practical. Some priests did not refrain from spending money on “inebriating drink” which could make them lose their senses. Shumliansky wondered rhetorically why they could not buy his book which would make them “wiser in God”?²¹⁴

Although the Bishop stressed the need for education, no regular priest seminaries were open in the Diocese of Lviv during the episcopate of Shumliansky. In his testament, he generously donated funds to churches, monasteries (even a number of Orthodox monasteries were endowed) and personal favourites, but not for the founding of a school or a seminary.²¹⁵ In the Ruthenian Orthodox Church, the office of parish priest was often hereditary and spiritual and educational qualifications were of secondary importance.²¹⁶

²¹² Shumliansky, *Metryka*, p. 39b-40.

²¹³ Winnicki, Inocenty, *Ustawy Rządu Duchownego i Inne Pisma*, Stępień, Stanisław (ed.), (Przemyśl 1998), p. 51.

²¹⁴ Shumliansky, *Metryka*, p. 50-50b, citations p. 50b.

²¹⁵ Andrusiak, *Józef Szumlański*, p. 147, p. 186.

²¹⁶ Pelczar, Roman, *Szkolnictwo w miastach zachodnich ziem województwa ruskiego (XVI-XVIII w.)* (Rzeszów 1998), p. 222.

The Bishop urged priests to make sure their sons were educated and this seems to confirm the claim the priest office was becoming hereditary, but it also points to the importance of school, particularly to the church hierarchy.²¹⁷

Shumliansky's recommendations for a priest's education were laconic at best. A priest candidate should possess "appropriate knowledge" (*nauku zhodnuu*).²¹⁸ An external examiner approved by the Bishop should check the candidates for the priesthood. A priest candidate should bring a letter of recommendation from a dean or gromada and written consent from the landlord. If a dean's candidate for the priesthood showed up at the Cathedral improperly dressed or without the required documents, the dean would be tried at the General Synod of the Diocese, and condemned to undergo public penance if found guilty.²¹⁹ Probably, the candidates were supposed to be taught at schools in Lviv, Jarosław, Kraków or even Kyiv – towns mentioned later in the book as proper seats of learning.²²⁰ Shumliansky realised the need to reform although the impact of his undertakings was very limited compared to the Roman Catholics in the Commonwealth and the Protestant churches in Western and Central Europe.

Shumliansky had three main reform aims regarding the parish clergy in his Diocese. First, the clergy's educational level should be improved. Second, the priests should control their drinking habits. Finally, the clerics were expected to pay much more attention to the way they dressed. His aims focused less on theology and matters of belief than on outward forms of behaviour.

Every example of behaviour and dress presented in the book could generate further *group disgrace* for the clergy. Because of the low educational level, the clergy had been called "ignoramuses" by the Roman Catholic clergy (and sometimes by laymen too), and viewed as "simpletons" by the nobility. Shumliansky's solution was to raise the linguistic skills of the clergy. The priests were expected to learn Polish and Latin, and be able to converse with those who were sceptical of the skills of the clerics.

Because of extensive drinking, several clergymen neglected their duties vis-à-vis the Church and the parishioners, endangering the souls of the flocks and the shepherds. It also brought about visits to forbidden places such as inns, and socialising with people of the wrong rank. It exposed the clergy in the eyes of the local high society, and tempted the common people to mock the priests and thus damage their reputations. The clergy should stay sober in public places. The parish priests should make sure they acquired their rightful status in society. They should know their place and watch their tongues.

²¹⁷ Shumliansky, *Metryka*, p. 42.

²¹⁸ Shumliansky, *Metryka*, p. 30.

²¹⁹ Shumliansky, *Metryka*, p. 30b-31b.

²²⁰ Shumliansky, *Metryka*, p. 42-42b.

To dress in clothes associated with peasants was obviously viewed as something that contributed to the *group disgrace* of the clerics and labelled them as *outsiders* among the dominant social group in the Commonwealth i.e. the nobility. Therefore, to dress in a proper way became very important. No wonder the Bishop thought it wise to provide an illustration in his book for the clergy. Again, as in the case of appearing drunk, the deeply improper act of appearing in public in a “shameful” state, dressed in a peasant outfit was mentioned.

When the Bishop instructed the priests, he clearly pointed out noble behavioural standards to them, even using the vocabulary of the nobility (“political”/*politychne*). Polish and Latin were to be learned in order to meet the social expectations of the noble estate (middling nobility rather than petty gentry), and peasant-like clothes were not to be worn.

It is unknown whether the bulk of the clergy was able to comprehend the noble orientated agenda. After all, there were several kinds of nobles. Still, the strong position or *group charisma* of the nobility was beyond question. Several references to its education and dress were supposed to provoke a reaction among the clergy reading the book. At the same time, the clergy was supposed to differ from the peasantry in a similar way as the elite differed from the lower classes in the Eliasian *civilising process* i.e. by the refinement of manners.

Among several of the pitfalls awaiting the parish clergy, the consumption of alcohol was pointed out as the prime danger. Firstly, extensive consumption would affect the very consumer and his body and soul would be corrupted. Once the parish priest in charge of *curum animarum* was affected, the parishioners would suffer - in this world and the next.

The difference between “private” and “public” is interesting. Shumliansky appeared to accept that even if it was undesirable, it was perhaps acceptable if priests dressed improperly at home. A dangerously improper situation arose as soon as priests appeared “among the people” in their improper peasant-like outfits. It appears there were many groups: noble, peasant, sometimes Jewish that observed what was going on, and had certain expectations about the behaviour of the Orthodox clergy. The priests ought to be aware that they were being watched and judged, and that they would most likely be detested if they did not follow Shumliansky’s instructions. After almost twenty years of his episcopacy, Shumliansky had heard most of the excuses of the clergy. He seemed unimpressed. He had seen and heard it all before. Now he demanded, he commanded. The clergy was supposed to bring about benevolence, respect and love and be held in high repute. They were not to offend anyone by the way they dressed or behaved.

In 1691, a Church Synod was held in the part of the Kyivan Metropolitanate under Moscow rule. It was headed by the Metropolitan Varlaam Iasynsky and issued a set of instructions to the clergy. The behavioural aspects of a cleric’s life (with regard to candidates for the priesthood) were

only touched upon. The parish clergy was informed about what sins they were empowered to absolve, and what sins required episcopal permission. The instructions also sought to regulate the clergy's attendance at Confession. The parish clerics should be in possession of Innokentii Gizel's (Archimandrite of the Cave Monastery in Kyiv) book *Mir so Bohom i cheloviekom* (*In Concord with God and Man*). The deans should make sure the parish clergy owned the book or had a hand-written copy made. They should also examine whether the clergy had actually mastered the book's teachings. Sons of priests should be sent to Kyiv schools before being ordained. The deans were urged not to accept candidates for the priesthood who were not properly educated, not of the right age and lacked the proper moral prerequisites. The instructions also mentioned the proper procedure for consecrating a marriage, and instructed the clergy to keep two records: one of baptisms and one of marriages. Petro Mohyla's *Trebnik* was to be consulted about how to keep such records. Finally, deans were instructed not to let the clergy move from one parish to another without episcopal consent.²²¹ It is evident that the civilising endeavours in the style of Shumliansky were not at all important, whether because of different problems or different priorities.

5.4 Summary

Iosyf Shumliansky expected the parish clergy to live in sobriety, tidiness and act in a manner he considered appropriate for the ecclesiastical estate. He urged the clergy to improve their educational level, and to dress correctly – definitely not in clothes or shoes reminiscent of peasant dress. The nobility and the Roman Catholic clergy were the models put forward by the Bishop. The clergy was supposed to approach the educational level of the nobility and Roman Catholic clergy and parish clerics should assert their place in society. They should know with whom to socialise, on what occasion, and how. The Bishop condemned visiting inns or drinking excessively at local feasts. His demands have been interpreted as civilising attempts (refinement of manners, higher erudition et cetera) aimed at abolishing the *group disgrace* and the relative *outsider* status of the bulk of the clergy.

The proper behaviour, however, had to be secured not only by the instructions, but also by sanctioning behaviour and acts considered as improper. The next chapter illuminates the functioning of the Consistorial Court and investigates Shumliansky's possibility of influencing the behaviour of the clergy through the work of the Court.

²²¹ "Kievskii Sobor 1691 goda", *Kievskiiia Ieparkhialnyiia Viedomosti*, 1865 g. N. 8, p. 313-329.

6 The Consistorial Court at work: the extent of ecclesiastical justice

This chapter deals with the efficacy of the Consistorial Court. Consequently, it also examines Iosyf Shumliansky's prospects of influencing the behaviour of the parish clergy. First it is necessary to present some basic information about the procedures and work of the Consistorial Court.

The term "consistory" has several meanings. Nowadays, it normally means a congregation of cardinals presided over by the Pope. This congregation discusses and takes decisions about the most crucial questions concerning the government of the Catholic Church.²²² In the Roman Catholic Archbishopric of Lviv during early modern times, the Consistory could be characterised as an archiepiscopal chancellery. It was an organisation that originated from merging the offices and functions of the Officer General (*oficjal generalny*) and the Vicar General (*wikariusz generalny*). The former exercised the judicial power in the Archdiocese, while the latter's task was to help the Archbishop run the administrative affairs of the see. The Archbishop appointed the Officer General. The office ceased automatically when the Archbishop died or moved to another diocese.²²³ In John Calvin's Geneva, the Consistory was an institution introduced to control Christian behaviour, rather than pure aspects of belief. It was supposed to settle disputes about marriage, morals and business. In the time when the Protestant religion was still very new, it was supposed to instruct the residents of Geneva about their new religious obligations.²²⁴

The first surviving church court minutes of the Ruthenian Greek Orthodox Church are from the mid-seventeenth century. They were a result of the Mohylian reform conducted in 1634 and 1635, when a Consistory was constituted after the general European model. Its task was to investigate and judge ecclesiastic matters. Its jurisdiction seems to have been confined to the discipline of the clergy and transgressions of Canon Law. Originally, its members were educated monks with long experience. The decisions of the Consistory had to be approved by the Metropolitan. In 1640, Mohyla sepa-

²²² "Consistory", *New Catholic Encyclopedia*, (New York 1967), p. 217.

²²³ Krętosz, *Organizacja*, p. 78-79.

²²⁴ Kingdom, Robert M., "The First Calvinist Divorce", in Mentzer, Raymond A. (ed.), *Sin and the Calvinists. Morals Control and the Consistory in Reformed Tradition*, (Sixteenth Century Essays & Studies, Volume 32), Kirksville 2002, p. 2.

rated the administrative and judicial functions of the Episcopal Consistorial Courts in the Kyiv Metropolitanate. According to the same reform, a group of four people managed the Ecclesiastical Court. In the Diocese of Lviv, the consistent maintenance of the Consistorial Court minutes seems to have started after the consecration of Iosyf Shumliansky in 1668.²²⁵ Beyond the eastern border of the Polish-Lithuanian Commonwealth, the clergy of the Moscow Patriarchate was instructed by the Synod of 1667 to keep parish records of baptisms and marriages, and to undertake a census of parishioners.²²⁶

In the cases analysed in this thesis, the court intervened whenever a transgression of Canon Law or an offence by a parish cleric of the Greek Orthodox (Uniate after 1700) Church against a lay or ecclesiastical person, was suspected or had been reported. Whenever there was disorder, it obviously had to be restored as the salvation of the delinquent and all those around him could be endangered. A drunk and misbehaving priest often neglected his parochial duties. There was a risk that church services would be carried out incorrectly or irregularly. The Sacraments, including Confession and Extreme Unction, might not be provided when they were needed. If people died without their Confession having been heard or without Extreme Unction having been administered, or if sickly newborn babies passed away without baptism, their souls would be barred from the paradisiacal afterlife and condemned to eternal damnation.

The Court was not just for the clergy but was also open to a wide range of people who had a complaint to make about the way the clergy had treated them. The ecclesiastical prosecutor's (*instigator duchowny*/*instigator spiritalis*) main task seems to have been to bring any clergy suspected of uncanonical acts or other improper deeds under the Court's scrutiny. The prosecutor would present the nature of the suspected offence to the Court. For many years, Vasyl Lopushynsky, the parish priest of the Resurrection Church in Lviv seems to have functioned as the ecclesiastical prosecutor in the Lviv Court. He was mentioned as the prosecutor in 1684 and 1702, and as the prosecutor's deputy in 1689.²²⁷

The court usually assembled in the cathedrals in Lviv and Krylos (near Halych). The third most common place for the court proceedings was the episcopal landed estate of Perehinske. From time to time, the court travelled through the deaneries and held sessions in various places. With reference to the early eighteenth century, this procedure has been called "the triennial local synod" because it tried to return to each location every three years. According to the Lviv historian, Ihor Skochylias, such synods had three

²²⁵ Сковчиляс, Ігор, „Акти духовних судів”, р. 427-428; Жуковський, Аркадій, *Петро Могила й питання єдності церков* (Київ 1997 [1969]), р. 99.

²²⁶ Levin, Eve, *Sex and Society in the World of the Orthodox Slavs 900-1700* (Ithaca-London), р. 21.

²²⁷ NML, Rkl 61, р. 55b Rkl 59, р. 67b; Rkl 58-3, р. 71b.

functions. First of all, the visits to the deaneries also functioned as episcopal visitations. Secondly, they functioned as church meetings for the entire clergy of the deanery. Finally, such visits included the proceedings of the Consistorial Court. This combination was aimed at facilitating the efficient government of the Diocese.²²⁸ Shumliansky's biographer, Andrusiak, claims that the Bishop made a tour of the Diocese annually, at least in the early years of his episcopacy. At this time he also carried out his pastoral duties: ordaining priests and punishing offenders of Canon Law.²²⁹

Probably, not all transgressions of Canon Law and other incongruities in matters of faith came to the attention of the Consistorial Court. First of all, for a case to be tried, it presupposed that the *infamatio* process had functioned as it should. It had been used since the Middle Ages to find offending parish clergy by gathering information from the locals about any suspected misdeeds.²³⁰ Since the organisational structure of the Diocese of Lviv in the second half of the seventeenth century seems to have been similar to that of the neighbouring Diocese of Przemyśl, we may take a glance at the instructions outlined by its bishop, Bishop Innokentii Vynnytsky. The information about sinning and erring had to be passed upwards through a chain of command. It had to work itself up first through the priest appointees (*protopop* - a priest supervisor chosen by ten priests), then the deans (*namiestnik*) up to the main dean (*namiestnik generalny*). The main dean could thereafter bring the matter before the Consistorial Court.²³¹ Probably, he started the whole procedure by contacting the ecclesiastical prosecutor and presenting the case to him.

There was no ecclesiastical police to track down suspected culprits, arrest and interrogate them, and bring them to court. The defendants were expected to appear once summonses had been issued and handed over to them by the Court, particularly if they were clerics. Attendance at court was part of ecclesiastical discipline. A cleric absent from such proceedings without sending someone to represent him or informing the court about the reason for his absence was deemed as disobedient (*contumax*), and was called again. Successive absences were very likely to result in varying degrees of excommunication. Interrogations often took place during the proceedings. If the court did not consider the evidence to be sufficient for a verdict, an investigation was instigated. "Ecclesiastical commissioners" (*komisarze duchowni*) were appointed. They visited the locality and undertook an investigation "on the spot" (*na gruntach/na gruncie*), collecting testimonies from the people presented by the litigants.²³² The decrees of the Court were based on documents compiled by the commissioners, or on the commissioners' recommenda-

²²⁸ Сkochиляс, Ігор, „Акти духовних судів”, р. 429-430.

²²⁹ Andrusiak, *Józef Szumlański*, p. 136.

²³⁰ Сkochиляс, Ігор, „Акти духовних судів”, р. 431-432.

²³¹ Winnicki, *Ustawy Rządu*, p. 48-54.

²³² NML, Rkl 61, p. 22b; Rkl 58-1, p. 48-48b; Rkl 58-1, p. 56b.

tions.²³³ If a party questioned the conclusions of a report, or there were inconsistencies in the way an interrogation had been conducted, the decree and the interrogation could be declared void. This occurred on 16th May 1684, when a previous interrogation and the decree that followed it were annulled because of “the imprudence of the commissioners.” A new interrogation was commissioned.²³⁴ In May 1669, the parish priest of Matsoshyn protested against the actions of Herasym, Dean of Zhovkva and Kamianka Strumylowa. The Dean had been responsible for carrying out an investigation that, according to the priest, has been conducted in a “private way.” The complaint was recorded.²³⁵

There were normally four steps when a case was brought to court. There was the opening of the case, the presentation by the parties and a description of the problem, the proceedings when the parties were given an opportunity to speak and present witnesses, and the judgement of the court. The opening of the case was followed by presentations by the plaintiff and the defendant. Then the so-called “dispute” (*kontrowersia*) took place, when the *instigator spiritualis* (*instigator duchowny*), and/or the plaintiffs, presented their points of view and version of the events. The plaintiff was allowed to present its view of the case first. Then the defendant had the opportunity to contest the allegations of the plaintiff.²³⁶ The whole process might include witnesses, who were asked to confirm their statements by taking an oath.²³⁷

Polish-Lithuanian society was socially inflexible. The possibilities for upward social mobility were negligible. The terminology used to characterise the parties in the cases mirrored the social and judicial standing of the litigants. A land owning serf would always be designated as “industrious” (*pracowity*). Free individuals with various privileges, and functions such as *sołtys*, millers or foresters would be called “honest” (*uczciwy*).²³⁸ A town dweller with a more prestigious function would be called “reputable” (*ślawetny*), while “honest” was acceptable for other town inhabitants.²³⁹ Nobles were characterised as “wellborn” (*szlachetnie urodzony*) if they owned an estate. A person referred to only as “noble” (*szlachetny*) was a considerably poorer gentleman, probably owning no more than a field.²⁴⁰ Among the noble titles were *administrator* and *podstarości* (*starosta* deputy or simply a deputy of a relatively rich nobleman). The term “gentleman” (*Pan*) was used

²³³ NML, Rk1 58-2, p. 17-17b.

²³⁴ NML, Rk1 58-2, p. 1-1b.

²³⁵ NML, Rkk 151, p. 34.

²³⁶ NML, Rk1 58-5, p. 57b; Rkk 151, p. 32.

²³⁷ NML, Rk1 59, p. 77-77b; Rkk 151, p. 70-71.

²³⁸ Ćwiek, Zbigniew, *Z dziejów wsi koronnej w XVII w.* (Warszawa 1966), p. 122-113; p. 119, p. 127.

²³⁹ Wiśniewska, Halina, *Świat płci żeńskiej baroku zaklęty w słowach* (Lublin 2003), p. 208-209.

²⁴⁰ Łozinski, *Życie polskie*, p. 201.

in all noble titles.²⁴¹ The variety of titles was great. For instance, one finds *Królewicz* “prince”, when one of Jan III Sobieski’s sons was mentioned.²⁴²

Michel Foucault characterises the early modern penal system as designed to punish in an extremely cruel way, clearly exhibiting the power and status of the punishing institution (normally the state) to the public.²⁴³ The possibility for the Court of Lviv to punish offenders was considerably less than that of a secular authoritarian ruler. The court primarily operated by exacting financial sanctions and short-term imprisonment. Fines were exacted in *grzywna*, which was a monetary nominal (not a coin) that was equivalent to 48 *groszy*, which in turn was approximately 1.5 Polish *złoty* (1 *złoty* = 30 *groszy*). *Złoty* and *grosz* were regular coins in the Commonwealth’s monetary system.²⁴⁴ The most common fines were 5, 10, 15, 20 *grzywna*. These sums were equivalent to 8, 16, 24 and 32 *złoty*. For more grave offences, fines of 30 or 50 *grzywna* (45 or 80 *złoty*). These fines were reserved for clerics who repeatedly misbehaved in a grave way e.g. parish priests who drank excessively, beaten parishioners, and neglected church services or other spiritual obligations. Thus the fines could be financially devastating for a cleric who paid 5 or 10 *złoty* per annum in cathedral tax. In 1677, the average price of an ox in Lviv was 1260 *groszy*, which was equivalent to 42 *złoty* or 26, 25 *grzywna*. The cost of a horse in 1660 was 50 *złoty* or 31, 25 *grzywna*. A barrel of salt cost approximately 120 *groszy* (2, 5 *grzywna*) in 1676 and 77 *groszy* (1, 6 *grzywna*) in less violent 1677.²⁴⁵ In 1701, the average price of an ox in Lviv was 21.7 *złoty*. For a horse one paid 50 *złoty*, or 31.25 *grzywna*. In 1703, the cost of one barrel of salt was 60 *groszy*, which accounted for 1.25 *grzywna*.²⁴⁶

The length of imprisonments varied considerably. There was an “un-specified” sentence of imprisonment until such time as a defendant has paid compensation to the plaintiff or fines to the court.²⁴⁷ Theoretically, one could pay and leave the very same day as a trial. There were imprisonments of two or three days for minor battery or for a priest who consecrated a marriage of a man who had broken a betrothal. For battery, the defendant could be sentenced to one or more weeks. For consecrating a marriage he knew was wrong, even if he did so under force, the parish priest of Cholhany was given a four-week sentence along with a one-year suspension. A sentence of three months imprisonment was handed down to a priest who was found guilty of

²⁴¹ NML, Rkl 58-5, p. 52b; Rkl 58-7, p. 18; Rkl 58-7, p. 9b; Rkl 59, p. 25b.

²⁴² NML, Rkl 59, p. 14.

²⁴³ Foucault, Michel, *Discipline and Punish. The Birth of the Prison* (New York 1995), p. 32-57.

²⁴⁴ Зварич, Володимир; Шуст, Роман, *Нумізматика. Довідник* (Тернопіль 1998), p. 165, 89.

²⁴⁵ Hoszowski, Stanisław, *Ceny we Lwowie w XVI i XVII wieku* (Lwów 1928), p. 180, p. 198, p. 183.

²⁴⁶ Hoszowski, Stanisław, *Ceny we Lwowie w latach 1701-1914* (Lwów 1934), p. 20, p. 19.

²⁴⁷ NML, Rkl 59, p. 17; Rkl 58-1, p. 62.

revealing what he had heard in Confession and appropriating money from a deceased person.

There were a variety of church penalties including “pastoral non-blessing” (*niebłogosłowieństwo Pasterskie*), “obedience” (*poslushaniie*) and minor or major forms of excommunication. In 1668 the priest, Evstafii Devochka, was sentenced to a “pastoral non-blessing” and “fierce punishment” (*strohaia karnost*) to be decided upon by the bishop. He had attempted to take over a Ternopil parish despite the objections of the Dean.²⁴⁸ The length of *poslushaniie* (at the Cathedral or a monastery of the court’s choice) could vary from two weeks (for acting against one’s ecclesiastical vocation, drinking, brawling)²⁴⁹ to one year and six weeks (for disrespectful behaviour vis-à-vis one’s father, beating him).²⁵⁰ An excommunication was sometimes followed by a public announcement about the excommunication in the parish or the local community. Those cases always concerned clear-cut or repeated acts of disobedience and disrespect vis-à-vis ecclesiastical authority.²⁵¹ For neglecting duties, selling church books or just *exorbitationes* and “excesses”, a parish priest could be suspended or permanently removed from a parish. Such a punishment was often combined with several weeks of incarceration in addition to a fine.²⁵² If a graver offence or a combination of grave offences (drunkenness, disobedience, consecrating uncanonical marriages, simony) was found to have taken place, removal from a parish could be combined with defrocking.²⁵³ The severest punishment entailed the priest’s beard and/or hair being shaved, stripping him of the possibility of even pretending to be a clergyman, physically branding him as a renegade, and shaming him before the people present in court.²⁵⁴

6.1 Regional differences

Mere ambition and declarations of intention seldom bring about the realisation of one’s plans. More often than not, there are obstacles in the path of attaining a state of perfection. In this part of the study, Shumliansky’s possibility of influencing the situation in the deaneries is investigated. The analysis will answer the question about how efficiently the court functioned, and illuminate Shumliansky’s prospects of influencing the clergy. Firstly, the locations of the proceedings are mapped out. The accessibility to ecclesiastical justice by the clergy from different deaneries is analysed. Did the fre-

²⁴⁸ NML, Rkk 151, p. 4.

²⁴⁹ NML, Rkl 58-3, p. 69b.

²⁵⁰ NML, Rkl 59, p. 32b.

²⁵¹ NML, Rkl 59, p. 56; Rkl 59, p. 59.

²⁵² NML, Rkl 59, p. 14-14b; Rkl 58-6, p. 116b; Rkl 58-5, p. 56-56b.

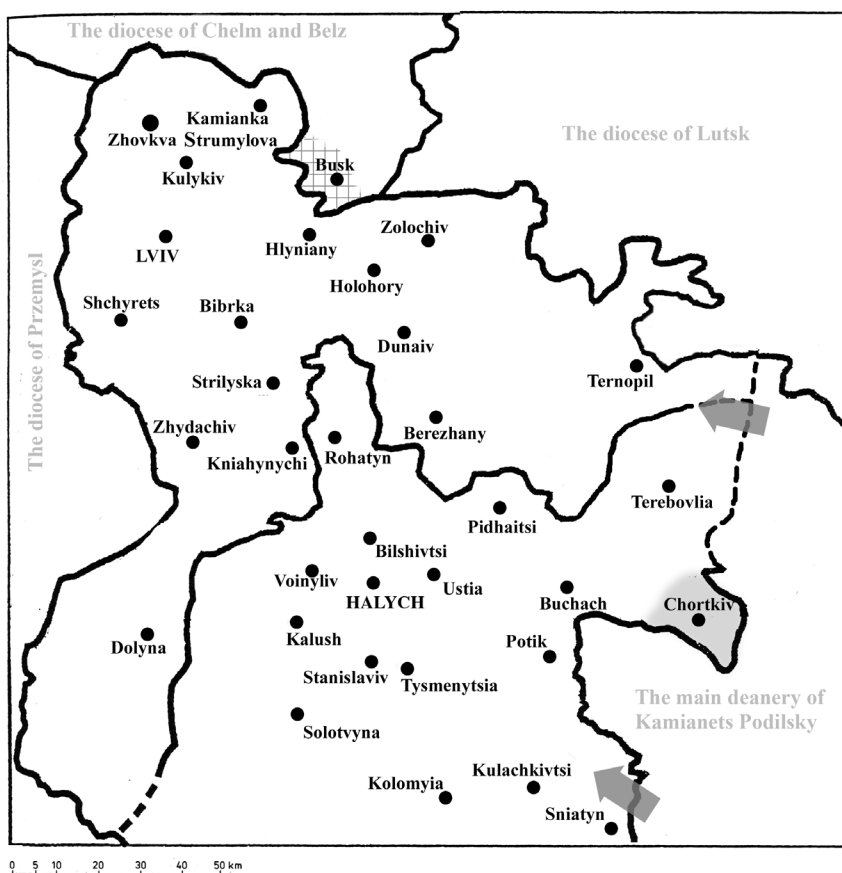
²⁵³ NML, Rkl 58-5, p. 26b; Rkl 58-1, p. 60b; Rkl 58-3, p. 32b-33.

²⁵⁴ NML, Rkl 59, p. 3b; Rkl 58-1, p. 60b.

quency of appearing before the court depend on the distance to the court? Did the clergy from the deaneries close to the location of proceedings appear at court more often? Or, since it costs money to have a trial, was there a correlation between the frequency of litigation and a deanery's financial strength? The amounts of cathedral tax – referred to as *katedratyk* or *stolowe* tax – paid by the deaneries in the years 1681 to 1686 have been studied in order to rank the regions according to financial strength. The deaneries that paid the most, the average, very little or nothing at all have been compared with the frequency of litigation in the deaneries.

The results reveal that regional variations did occur and that the impact of Shumliansky's civilising attempts was focused on certain areas. The frequency of the participation of defendants from different deaneries in legal proceedings reveals considerable differences in the accessibility of the Court to the parish clergy. There were regions that would, or could not, participate in the process. Those differences probably hindered Shumliansky's civilising attempts and the court's ability to mould the clergy's behaviour. The map below shows the main deaneries of Lviv and Halych with their respective subordinate deaneries.

Figure 6. The Lviv and Halych main deaneries and their respective subordinate deaneries. Busk deanery did not officially belong to the Diocese of Lviv, but was counted among its deaneries in the tax register anyway. The arrows indicate the main Tatar invasion routes. The deanery of Chortkiv was under Ottoman rule when the tax register was compiled. This map has been adapted from a map presented in Скориляс, „Адміністративно-територіальний устрій”, р. 169.



The table below includes all cases where the location of the proceedings and the deanery of the defendant have been mentioned. I have concentrated on the defendants because there are many cases where the ecclesiastical prosecutor was the plaintiff. It is hard to discern the prosecutor's regional origins. Defendants were also more often mentioned by name and geographic origin than were the plaintiffs. Perhaps the prosecutor resided in Lviv but travelled to the countryside together with the Court. The tables show the deaneries in which the court proceedings took place, the number of cases taken up in

respective deaneries and the locations where the proceedings took place during 1668 to 1708.

Table 1. *The Lviv main deanery and the subordinate deaneries where Consistorial Court sessions took place, the name of the location of the proceedings and the number of cases heard*

Deanery	Location of the proceedings	Number of cases
Lviv	Lviv	417
Zhydachiv	Chertizh, Zhydachiv	34
Dolyna	Dolyna, Hoshiv	29
Kamianka Strumylova	Kamianka Strumylova	3
Shchyrets	Rumno, Brodzie	3
Zolochiv	Zolochiv	2
Kulykiv	Kulykiv, Zapytiv	2
		490

Source: Rkk 151, Rkl 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, 59, 61.

Table 2. *The Halych main deanery and subordinate deaneries where Consistorial Court sessions took place, the name of the location of the proceedings and the number of cases heard*

Deanery	Location of the proceedings	Number of cases
Halych	Krylos	113
Kalush	Perehinske, Kalush	101
Kolomyia	Kolomyia, Zhukiv	12
Rohatyn	Rohatyn	6
Tysmenytsia	Tysmenytsia	4
Stanislaviv	Stanislaviv, Patsykiv	4
Pidhaitsi	Zavaliv, Bokiv	4
		244

Source: Rkk 151, Rkl 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, 59, 61.

The sessions took place in seven deaneries in the main deanery of Lviv and seven deaneries in the main deanery of Halych. Seven hundred and thirty four cases were heard. Travelling sessions were held in many deaneries. In total, the Court operated in fourteen of the thirty-four deaneries in the Lviv and Halych areas of the Diocese. Most of the defendants had to travel - at least to some extent. The low number of proceedings in deaneries situated in relative proximity to the main locations i.e. Lviv, Krylos and Perehinske (in the southern most part of the Kalush deanery) is noteworthy. Litigants from the deaneries close to Lviv such as Bibrka, Kulykiv, Shchyrets and Zhovkva

could reach Lviv within a few hours. Clergy from the deaneries of Halych, Stanislaviv, Pidhaitsi, Voinyliv and Tysmenytsia probably found it relatively convenient to reach Krylos, a village situated a few kilometres from Halych. The clergy from the deaneries of Subcarpathian Solotvyna and Dolyna did not have to travel very far in order to reach Perehinske in the southern part of the Kalush deanery. Perehinske and Kalush were located between several deaneries: Dolyna, Voinyliv, Halych and Stanislaviv. No proceedings took place in the eastern most deaneries such as Sniatyn, Kulachkiivtsi, Potik, Buchach, Chortkiv, Terebovlia and Ternopil, while the deaneries of Pidhaitsi, Zolochiv and Kolomyia had rather few cases: four, two and twelve respectively.

The two tables below have been created in order to investigate how the proximity to the location of court proceedings might have affected participation in court proceedings. Each table shows one of the two main locations for proceedings: Lviv and Krylos, and the number of defendants from the respective deaneries who attended the proceedings there.

Table 3. *Court sessions in Lviv and the number of defendants per deanery*

Deanery of the defendant	Number of cases
Lviv	118
Shchyrets	57
Kulykiv	42
Zhovkva	30
Zhydachiv	29
Bibrka	22
Kamianka Strumyl'ova	18
Dolyna	10
Strilyska	10
Hlyniany	9
Berezhany	7
Pidhaitsi	7
Terebovlia	7
Zolochiv	7
Ternopil	4
Tysmenytsia	4
Ustia	4
Busk	3
Dunaiv	3
Holohory	3
Kalush	3
Sniatyn	3

Solotvyna	3
Stanislaviv	3
Halych	2
Kniahynychi	2
Kulachkivtsi	2
Kolomyia	2
Voynyliv	2
Chortkiv	1
	417

Source: Rkk 151, Rkl 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, 59, 61.

Litigants from eleven deaneries of the main deanery of Lviv (including the defendants from Lviv deanery) appeared most frequently at the court proceedings in Lviv. The defendants from the deaneries of the main deanery of Halych - Kolomyia, Voynyliv, Sniatyn, Stanislaviv, Terebovlia and Kalush - were rarely summoned to proceedings in Lviv. The table below explains this finding to a degree. Understandably, the litigants preferred a nearby location to a long and insecure trip through the countryside to a more remote place. This was probably one of the reasons why the Court moved between various locations in the Diocese.

Table 4. *The main deanery of Halych's sessions in Krylos and the number of defendants per deanery*

Deanery of the defendant	Number of the cases
Kalush	21
Halych	9
Solotvyna	9
Stanislaviv	8
Tysmenytsia	8
Ustia	6
Dolyna	4
Kolomyia	3
Rohatyn	3
Sniatyn	3
Zhydachiv	3
Kulykiv	2
Pidhaitsi	2
Voynyliv	2
Berezhany	1
Bibrka	1
Dunaiv	1

Holohory	1
Strilyska	1
Terebovlia	1
Zolochiv	1
	90

Source: Rkk 151, Rkl 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, 59, 61.

Again, there were more cases from the deaneries in close proximity to the location of the proceedings. The six deaneries most frequently represented were all from the main deanery of Halych. The seven deaneries with the smallest number of defendants were all, but two (Terebovlia, and Bilshivtsi - not presented above because there were no cases from this deanery), from the main deanery of Lviv. The distance to the location of the proceedings was an important factor when people were called to court.

There were, however, other realities other than the mere distance that affected the frequency of court appearances. The relative wealth and security should have had a considerable effect on court appearances. According to the tax register from 1681 to 1686, it seems that the proceedings often took place in areas that paid the highest amount of cathedral tax.²⁵⁵ For most of the deaneries, the size of the tax was recorded only for the period 1684 to 1686. For the years 1681 to 1683, an empty space was left.²⁵⁶ The two tables below show which deaneries paid the highest amount per parish priest in the Lviv and Halych main deaneries. The tables contain all deaneries except those that did not pay any tax: Lviv, Hlyniany and Kulachkiivtsi. It is assumed that cathedral tax often was in proportion to the ability to pay, and thus reflects the financial well-being of the parish.

Table 5. *The average sum in zloty paid by a priest/deanery in cathedral tax in the main deanery of Lviv 1684-1686. Deaneries are sorted according to the size of the payment per priest*

Deanery	Number of priests	Total amount paid during 1684-1686	Average sum per priest
Zhovkva	28	725	25.89
Kulykiv	33	640	19.39
Strilyska	32	506	15.81
Kamianka Strumyl'ova	28	415	14.82
Dolyna	61	842	13.80
Zolochiv	71	973	13.70
Kniahynychi	17	221	13
Berezhany	40	449	11.22
Busk	26	276	10.69

²⁵⁵ NML, Rkl 157. As the name – *stolowe* or *katedratyk* ("table tax" or "cathedral tax") – indicates, the revenue was reserved for the sustenance of the bishop and his court.

²⁵⁶ Only two parish priests in the deanery of Buchach in the Halych main deanery paid the tax in 1683 – NML, Rkl 157, p. 33b.

Bibrka	50	445	8.9
Shchyrets	48	331	6.89
Holohory	36	172	4.77
Zhydachiv	77	300	3.89
Dunaiv	15	57	3.8
Ternopil	24	53	2.20
	<i>Total: 586</i>	<i>Total: 6405</i>	<i>Average: 10.93</i>

Source: Rkl 157, p. 1-21.

The parish clergy of the subordinate deanery of Lviv did not pay any cathedral tax. Most probably, this was either because of episcopal privilege or because other financial burdens had been placed on the clergy in the vicinity of one of the Commonwealth's main towns. Hlyniany did not pay the tax because of a privilege granted by the Sejm in 1677. The town was so destroyed by enemies and domestic troops, that it was released from all taxes and other obligations for a period of 15 years. The Sejm hoped this measure would stimulate the resettlement and rebuilding of the town.²⁵⁷ The rural area of the Hlyniany *starostwo* must have been similarly destroyed, since no payments from the area were recorded. The five deaneries that paid the highest amount of the tax paid 3128 *złoty* in total which is nearly half of the total sum of 6 405 *złoty* from the sixteen paying deaneries. Among the top five richest deaneries, Zhovkva and Kulykiv have among the highest number of defendants in the main deanery of Lviv. However, this is not a perfect match. Obviously, both the distance to the court, and the relative wealth of the deaneries determined the frequency of court appearances. In the Halych main deanery, the situation looked somewhat different.

Table 6. *The average sum in złoty paid by a priest/deanery in the main deanery of Halych 1684-1686*

Deanery	Number of priests	Total amount paid during three years	Average sum per priest
Kalush	58	945	16.29
Rohatyn	54	696	12.9
Stanislaviv	26	315	12.11
Solotvyna	32	378	11.81
Halych	40	345	8.62
Bilshivtsi	24	186	7.75
Voinyliv	33	254	7.69
Pidhaitsi	34	215	6.32
Tysmenytsia	81	485	5.98
Ustia	52	260	5
Potik	24	75	3.12
Chortkiv	34	95	2.79
Kolomyia	100	185	1.85
Buchach	23	40	1.73

²⁵⁷ "Gliniany", *Słownik Geograficzny Królestwa Polskiego I Innych Krajów Słowiańskich*, Tom II (Warszawa 1881), p. 584.

Sniatyn	53	90	1.69
Terebovlia	32	5	0.15
	<i>Total: 700</i>	<i>Total: 4569</i>	<i>Average: 6.53</i>

Source: Rkl 157, p. 21b-43.

The five richest tax payers in the main deanery of Halych accounted for over half of the total tax paid in the deanery: 2 679 out of a total of 4 569 *zloty*. These five deaneries coincide also with the five deaneries with the highest number of defendants in court proceedings. Only the Rohatyn deanery, with the second highest average tax per priest, is not among the five deaneries with the highest number of defendants in court proceedings in Krylos.

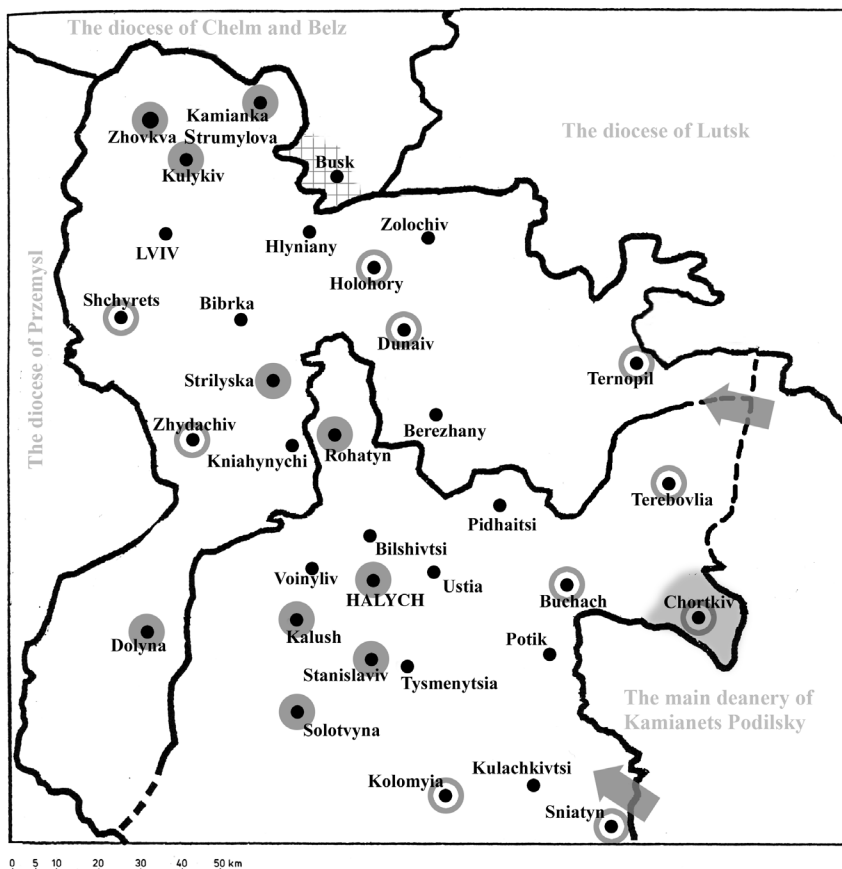
In the main deaneries of Lviv and Halych, the distance to the court and the amount of the tax paid by the deaneries influenced the degree to which the clergy participated in court proceedings. Among the deaneries of the main deanery of Lviv with the highest numbers of defendants, one finds both deaneries that provided a steady inflow of tax to the cathedral, and deaneries that were close to the location of the proceedings, even though they paid rather small sums (Shchyrets, Bibrka). The proximity to the court, and the level of tax paid seems to have affected the ability to attend court and, as a logical conclusion, the inclination to bring cases to the Court's attention. These hindrances probably affected smaller conflicts which would probably have been left to solve themselves in distant and poor parishes.

In the main deanery of Halych, the level of the taxes paid seems to have been more relevant to court attendance. Four of the five richest deaneries are among the most frequently represented deaneries during court sessions. This financial astuteness probably did not appear suddenly, but developed from the living conditions in the deaneries. Probably, the deaneries that paid had been better protected from enemy violence and/or were situated along important highways with considerable commerce and trade, and were, to a lesser degree, ravaged by wars and enemy incursions. One may presume that the court was probably more inclined to organise court proceedings in territories where the risk of being attacked, besieged, abducted or killed was considerably smaller than those traditionally open to enemy attacks.

If one divides the deaneries of the Diocese into two groups: one group that paid most taxes, and a group of deaneries that only paid small amounts of tax, and puts the result on a map, a striking result appears. The deaneries that paid most are concentrated in the western and central parts of the main deaneries of Lviv and Halych. They form a "bow" that goes from Solotvyna, Stanislaviv, Halych and Rohatyn, and all the way up to the northernmost deanery in the Diocese, Kamianka Strumylova. The majority of the deaneries that paid nothing or very little in episcopal tax (sixteen deaneries out of twenty four) are found in the eastern part of the see. The exemptions were

Lviv and Hlyniany that did not pay at all, Zhydachiv that paid very modestly, and Shchyrets and Bibrka that paid an average amount.

Figure 7. The most and least tax paying deaneries in the main deaneries of Lviv and Halych. The most paying deaneries are marked with grey circles, the least with white circles. Busk deanery did not officially belong to the Diocese of Lviv, but was counted among its deaneries in the tax register anyway. The arrows show the direction of the Tatar invasion routes. The deanery of Chortkiv was under Ottoman rule when the tax register was compiled. The map has been adapted from a map presented in Скочиляс, „Адміністративно-територяльний устрій”, p. 169.



In order to explain this result, one can look into the stormy history of the region. The section below investigates the correlation between court proceedings, proximity to the court, taxes paid and war operations that took place in the 1670s and 80s. It argues that wars and the havoc they reaped on

several parts of a Diocese, placed strong constraints on the influence of the Bishop and the Court in the most affected territories. The need to rebuild and resettle destroyed parishes seems to have taken priority over the need to reform the morals of the priests. This created a temporary “zone” where poorly paid priests could gather. At the same time they probably were relatively free to live an “unreformed” style of life. Thus, it is possible that there were cases of clerical misbehaviour that had to be tolerated because they took place in a zone of reconstruction.

6.2 Antemurale Christianitatis

For several decades in the seventeenth century, the situation in the Polish-Lithuanian Commonwealth truly lived up to the noblemen’s self-perceived image of the country as “the bulwark of Christendom” (*Antemurale Christianitatis*). The 1640s, 50s and 60s were marked by wars with Zaporozhian Cossacks, Muscovites, Swedes and Transylvanians, and the 70s and 80s meant continuous warfare with the Ottoman Empire. In general, the noble mansions in parts of the Commonwealth “such as the Ukraine, Podilia, Volhynia, all the Ruthenian palatinate” were provided with permanent outlook towers where night guards were placed in case of attack.²⁵⁸ Lviv historian, Aleksander Czołowski, claimed the lesser nobles imitated the magnates and royal starostas. Almost every noble mansion was turned into a *fortalitium* (fortress) in order to be able to face a sudden enemy raid (no-one could expect help from the regular army). Only the eighteenth century, which was a relatively calm period, saw the mansions take a less defensive form, long after the Tatar raids had ceased.²⁵⁹

The history of the castles in the Lviv and Halych counties of the Ruthenian Palatinate give an idea of the amount of destruction that took place.

Ottomans captured the Chortkiv Castle in 1672 and 1676. It was in the hands of the Potocki family for a short time in 1683, but was not regained permanently until 1699. Budzaniv in the Chortkiv deanery surrendered in 1672. The garrison and the civilian people inside were killed. In 1675, the castle was besieged and taken again. The Ottomans overran the Castle of Iahelnytsia, eight kilometres south of Chortkiv in 1672. The nearby Ianiv Castle was captured in 1675. After the Ottoman takeover of the Podilia province, the new authorities undertook a population census in 1681. In the Iazlovets district (*sandzak*) including Chortkiv, 97 settlements were registered. Only 39 were populated. In Chortkiv and the vicinity, only 8 out of 35 settlements (22.9%) were populated.²⁶⁰ Husiatyn Castle was lost and re-

²⁵⁸ Łozinski, *Życie polskie*, p. 72.

²⁵⁹ Czołowski, Aleksander, *Dawne zamki i twierdze na Rusi Halickiej* (Lwów 1892), p. 3.

²⁶⁰ Kołodziejczyk, *Podole*, p. 137-139.

gained several times during the Turkish wars. The nearby Sidoriv Castle was taken in 1672, then abandoned in face of the approaching enemy in 1675. The garrison withdrew to Terebovlia, which withstood an intensive siege that pounded its defences before the rescue force sent by Jan III Sobieski arrived. In 1685 and 1688, the Tatar forces suddenly took the castle and the town, taking hundreds of people into captivity in order to sell them as slaves or hold them for ransom. They looted and burned the town.²⁶¹ The Castle of Potik (Potok Złoty) was captured and burned in 1676. Buchach Castle, 15 kilometres north of Potik, and the nearby Podzámcze Castle were captured and destroyed the same year.²⁶² The destruction and disorder caused then and in the following years must have been enormous. In 1706, Stefan Potocki, the great guardian of the Crown (*Strażnik Wielki Koronny*) and the owner of the Buchach and surrounding villages, referred to “the great, almost 30 long years of ruin”. This was after he had instructed the people who had settled or planned to settle in Buchach to register their holdings in the books of the town council.²⁶³ The Ottoman forces destroyed the Castle of Ternopil in 1675. Zolochiv Castle surrendered to the Turks in 1672. It was only rebuilt in 1686.²⁶⁴ Halych Castle was destroyed in 1676 during the Zhuravno campaign but was soon rebuilt. The Ottoman forces besieged the Castle of Hvizdets in the vicinity of the deanery seats of Kulachkiwtsi and Kolomyia in 1674. Rakovets Castle in the vicinity of Horodenka in the Kulachkiwtsi deanery was captured twice: in 1672 and in 1676. It was rebuilt and used as a supply store during Jan III Sobieski’s Walachian campaigns in 1685 and 1691, only to face repeated looting by marauding domestic troops.²⁶⁵ The Tatars burnt the castle, the Dominican monastery and the whole town of Iezupil south of Halych in 1676. The Castle of Mykulyntsi in the deanery of Terebovlia was taken and destroyed during the Turkish war in the second half of the seventeenth century. Mykulyntsi was situated along a route often used by Tatar invaders, between Ternopil in the north and Terebovlia in the south. The Castle of Zavaliv in the Pidhaitsi deanery was besieged and captured in 1675. Its defenders and the estate owner, the Makowiecki family, were led off to seven years of captivity. Several of them never returned. The Pidhaitsi Castle had been destroyed only a few days before. In 1675, after withstanding several Turkish and Tatar storms, the Castle of Pomoriany was abandoned by its defenders and then burned by the victorious forces.

²⁶¹ Czołowski, *Dawne zamki*, p. 14-15, 10-12, 20-21, 44-45; „Trembowla”, *Słownik Geograficzny Królestwa Polskiego I Innych Krajów Słowiańskich*, Tom XII (Warszawa 1893), p. 464; Bayger, Jan Aleksander, *Powiat Trembowelski. Szkic Geograficzno-Historyczny I Etnograficzny* (Lwów 1899), p. 245.

²⁶² Czołowski, *Dawne zamki*, p. 40, p. 10.

²⁶³ LNB, Czołowski 393/II, p. 27/45.

²⁶⁴ Aftanazy, Roman, *Dzieje rezydencji na dawnych kresach Rzeczypospolitej. Tom 7. Województwo ruskie. Ziemia halicka i lwowska* (Wrocław 1995), p. 53, p. 155, p. 198-199, p. 599-600.

²⁶⁵ Aftanazy, *Dzieje rezydencji*, p. 67, p. 69; Czołowski, *Dawne zamki*, p. 18-19, p. 42-43.

Examples of strongholds that withstood sieges were the great defensive Castle of Berezhany and the strong fortress of Brody. The Turkish forces avoided the latter because of its defensive capabilities.²⁶⁶ Another castle that was never taken was Stare Selo in the vicinity of Bibrka. Pniv Castle in the deanery of Tysmenytsia also seems to have withstood the sieges of the Turkish wars.²⁶⁷ These surviving fortresses had to be passed if one wanted to continue on the road towards Rohatyn or Bibrka, Busk or Kamianka Strumylowa, and Lviv. Pniv had to be passed on the way to Kalush, Solotvyna or Dolyna.

Earlier in the seventeenth century, the Ruthenian Palatinate was often plagued by Tatar raids, for instance in the years 1605 to 1633. Polish historian, Maurycy Horn, found that it took until the years preceding 1648 before agriculture was fully restored. Fifteen years of peace, tax reductions and exemptions along with new investments by an estate, village or town owner were needed to bring the process of reconstruction to a successful end.²⁶⁸

Because states had great financial problems, a tax reduction was a sure sign of a crisis. In 1676, the Dietine of the Ruthenian Palatinate in Sudova Vyshnia freed several towns in the region of Zhydachiv from *czopowe* (reserved for military purposes) tax. The nobles instructed their representatives in the Sejm in Warsaw to permit the Zhydachiv region to be exempt from the stationing of troops there for a period of ten years because the region has been laid to waste and the people starved.²⁶⁹ While the soldiers would of course be good for the defence, their food and lodging would cost the poor population too much. In 1677, the Sejm decided that the desolated town of Pidhaitsi was tax exempt for a period of 12 years.²⁷⁰ As already mentioned, the same session exempted Hlyniany from taxes and duties for a period of 15 years. The royal commissioners who inspected the town of Shchyrets in 1661 noted that they would ask the king to ease the tax and burden of duties on the desolated town so it could be rebuilt.²⁷¹

The deaneries that paid small amounts or no cathedral tax at all first appeared in the Consistorial Court in the mid-1680s, after the most destructive phase of the wars. Most of these deaneries first appeared in the Court after the Polish victory over the Ottomans forces at Vienna in 1683 and the relative change in the fortunes of war. The first case from the deanery of Tere-

²⁶⁶ Aftanazy, *Dzieje rezydencji*, p. 260, Czołowski – *Dawne zamki*, p. 7.

²⁶⁷ Czołowski, *Dawne zamki*, p. 5-7, p. 33-34, p. 49, 51.

²⁶⁸ Horn, Maurycy, *Skutki ekonomiczne najazdów tatarskich z lat 1605-1633 na Ruś Czerwoną* (Wrocław 1965), p. 134-135.

²⁶⁹ Лаба, Василь, *Історія села Гніздичів від найдавніших часів до 1939 року* (Львів 2000), p. 5.

²⁷⁰ "Podhajce", *Słownik Geograficzny Królestwa Polskiego I Innych Krajów Słowiańskich*, Tom VIII (Warszawa 1887), p. 386.

²⁷¹ "Szczyrzec", *Słownik Geograficzny Królestwa Polskiego I Innych Krajów Słowiańskich*, Tom XI (Warszawa 1891), p. 852.

bovliia appeared in the court in 1684,²⁷² from the deanery of Sniatyn in 1687.²⁷³ From the Chortkiv deanery, there was also one case, in May 1704.²⁷⁴ There was not a single case from the Buchach deanery. The notable exception was the deanery of Bilshivtsi. There were no cases from this deanery in the court at all, although it was the sixth highest tax payer in the Halych main deanery.

Most of the destroyed strongholds and castles mentioned above functioned as regional centres, designed to protect the area and shelter the people living in the region during times of war. If several of them were ruined, the population of the countryside where the Turks or Tatars passed through would have been less protected in the future. On invasion the people usually fled from their homes, farms and fields, which the enemy soldiers routinely plundered. If the farmers returned they found they had no houses, tools, animals or even seed for sowing the next year. Thus devastation in the rural areas could be enormous. The ability of the population to support their clergy financially must have been very limited.

6.3 The consequences of war

The section below deals with the consequences of war in the main deaneries of Lviv and Halych. Firstly, it provides basic information about the financial and social aspects of the catastrophes. Later, it discusses some psychological predicaments they might have caused, and their possible impact on local society.

As mentioned earlier in chapter 2, war leaves deep and lasting marks on a society. The very foundations of subsistence may change fundamentally. In the decades following the wars of the mid-seventeenth century, the Lviv area was no exception. In the Lviv county only, 45 out of 100 pre-war (that is pre-1648) peasant farms on the royal estates survived the cataclysm, while the number of cultivated *lan* (feoff) land measure units fell from 1 012 to 232. In the Polish-Lithuanian Commonwealth as a whole, it took over one hundred years before the acreage of cultivated land reached the size from before the time of *the Deluge*.²⁷⁵ This was before the Ottoman invasions and intensified Tatar raids in the last three decades of the seventeenth century. The long-term consequences of war were harsh. Abandoned fields were soon covered with bushes and trees. The cost and the total input of work needed to recover the arable land increased. The decrease in the number of cattle (be-

²⁷² NML, Rkl 58-1, p. 86.

²⁷³ NML, Rkl 58-2, p. 72b.

²⁷⁴ NML, Rkl 58-7, p. 5b.

²⁷⁵ Rutkowski, Jan, *Studia z dziejów wsi polskiej XVI-XVIII w.*; Kula, Witold (ed.) (Warszawa 1956), p. 92-94. This chapter of the book, „Przebudowa wsi w Polsce po wojnach z połowy XVII wieku”, appeared originally in *Kwartalnik Historyczny* in 1916.

cause of looting and diseases) impaired the supply of fertiliser for crops, and meat and dairy products for the population. Finally, the number of presumptive consumers and buyers of products and goods decreased.²⁷⁶ Whilst it is widely accepted that the decimated post-plague population in medieval Europe in the long-term received improved wages as a result of a labour shortage, this did not occur in the Polish-Lithuanian Commonwealth in the short-term after the wars of the mid-seventeenth century. The number of land-owning peasantry (*kmiecie*) decreased because of a lack of capital, while the landless increased in numbers. In order to limit the consequences of a decrease in income, the noble estate owners relied on landless wage labourers. Since the nobility often controlled the financial means for the reconstruction of agriculture, the nobles were able to dictate matters. The war years involving endless movement of troops, billeting of soldiers and paying war tributes drained the peasants of their cash reserves.²⁷⁷

The territory of the Diocese of Lviv experienced frequent Tatar raids, successive Ottoman invasions, and John III Sobieski's war operations in the area south of the Dnister River in the middle of the 1670s. Needless to say, the outbreak of the Great Northern War and the Swedish army's march through the region along with the occupation of Lviv in 1704 hardly improved the situation.

Not least, war affected the prices of important provisions such as cereals. Prices in Lviv increased after the Ottoman and Polish wars in the 1670s. The wars in the mid-seventeenth century and in the 1670s were the periods when the price of agricultural products was at its highest price.²⁷⁸ In the years of deepest hardship and the Swedish occupation (1704-1705), the prices remained the same as in the preceding years. This, however, has been interpreted as falling demand and supply. The wars might have emptied the countryside of agricultural products but the number of presumptive buyers decreased too. Impoverishment, bad nutrition, disease and decrease in purchasing power took their toll.²⁷⁹

In situations similar to those described, people rarely think further than fulfilling their most substantial needs. When one's stomach is empty or one's house destroyed, family members abducted, cattle taken away or killed, the moral agenda set by an absent bishop has a feeble chance of being realised. It has been mentioned earlier that Maslow has suggested that one cannot actualise a broader agenda, if one's basic needs are not satisfied. The realisation of the most "pre-potent" need, to secure one's survival, gains the upper hand. Very likely, a person whose relatives or whole family have been abducted or killed, whose cattle have been slaughtered or decimated, whose

²⁷⁶ Kula, Witold, *Rozwój gospodarczy Polski XVI-XVIII w.* (Warszawa 1993 [1947]), p. 135-136.

²⁷⁷ Rutkowski, *Studia*, p. 104-106.

²⁷⁸ Hoszowski, *Ceny we Lwowie w XVI*, p. 123-124.

²⁷⁹ Hoszowski, *Ceny we Lwowie w latach 1701-1914*, p. 135-136.

house has been burned or looted, whose food supplies were repeatedly emptied by passing troops, does not dedicate the time to fulfil the desires of a faraway ecclesiastical authority.

6.4 Summary

This chapter found that the efficiency of the Court's work was limited because of the depressed and unstable situation in the part of the Commonwealth where the Diocese of Lviv was situated. Shumliansky's possibility of influencing and moulding the clergy must thus have been reduced. The need to secure one's survival rather than following ecclesiastical discipline was the reality faced by many clerics in several deaneries, particularly in the eastern parts of the main deaneries Halych and Lviv.

7 Types of litigation and categories of plaintiff

The former chapter showed that the influence of the Bishop and the Court over the situation in several of the deaneries was limited because of the insecure situation in the eastern parts of the Diocese. Still, there were many deaneries in the western and central areas that were safe enough to frequently attract the attention of the ecclesiastical authority.

This chapter proceeds with the study of the work of the Consistorial Court by presenting the most common types of litigation. The categories of litigation presented below have been created in order to highlight the most common issues faced by the Court and the Bishop. The chapter also presents the most common categories of plaintiff in the cases concerning the parish clergy. After the types of litigation have been presented, the categories of plaintiff will be presented. After all, committing a crime was a form of interaction - although obviously not a welcome one. I presuppose that the types of litigation and the people involved in them mirror, to a considerable degree, the social world of the parish clergy.

Before the study proceeds, the main types of litigation will be presented in the table below.

Table 7. *The types of offence among the parish clergy in the Consistorial Court of Lviv 1668-1708*

Type of litigation	Number of cases	Per cent of the total number
Official misconduct	213	33.2
Finance	115	18
Defamation	42	6.5
Violence	116	18
Not known/other	156	24.3
Total	642	100

Source: NML, Rkk 151, Rkl 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, 59 and 61.

Before the investigation proceeds, it is necessary to explain the category “not known/other”. It contains the cases where accusations were missing. In a few cases, the types of accusation did not fit into the categories presented here. This was the case with several parish priests in Novytsia, which in 1684

were accused of pretending to be “suspect doctors.” An investigation was set up. Unfortunately, no further information survived from this intriguing case.²⁸⁰ In another case, the elderly Samuel Lukashevych accused the parish priest of the Resurrection Church in Halych of refusing him a shelter in the church hospital. The court decreed that, according to its letter of privilege, the Church of the Resurrection and the confraternity were free to accept or deny anyone access to the hospital as they saw fit.²⁸¹ In most of the “not known/other” cases, it is impossible to identify the type of accusation. It would be no more than educated guesswork. Of course, such an investigation would still need a verdict registered in the protocol book and this was not always the case. Although there are many cases in the “not known/other” category, there is nothing to suggest that, were the accusations known, the proportion of different types of litigation would differ from those presented above and discussed below.

7.1 Official misconduct

Since official misconduct was the most common accusation, one of the Consistorial Court’s main functions seems to have, on the whole, been adhered to i.e. upholding ecclesiastical discipline among the clergy of the Diocese.

The term, “official misconduct,” groups together a number of breaches of ecclesiastical order committed by the clergy. With regard to the clergy of the Kyivan Metropolitanate, Petro Mohyla’s *Trebnik* pointed out the most crucial canonical issues to be treated. In *Metryka albo reiestr*, Shumliansky referred directly to Mohyla’s *Trebnik*. The Bishop’s expectations in *Metryka* along with comments found in the protocols, and the sanctions of the Court have been used to define cases as official misconduct. Some customary practices have been influential, too.

Among the most common breaches of Canon Law was when a priest consecrated a marriage without following the proper procedure. When mentioning such a procedure in *Metryka*, Shumliansky referred to Petro Mohyla’s *Trebnik*. According to Mohyla, there should be no consanguinity between future spouses. The couple should not have been forced to marry by parents, relatives or lords. The groom and bride should be examined on their knowledge of the Creed, the Lord’s Prayer, Ave Maria and the Ten Commandments. Those who did not know these had to learn them before the marriage could be consecrated. It was uncanonical to consecrate the marriage of an abducted bride or groom. The same applied to marriages consecrated secretly or without witnesses. For procedure to be correct, both priests must be consulted when partners from two separate parishes planned to marry. Mo-

²⁸⁰ NML, Rkl 58-1, p. 79.

²⁸¹ NML, Rkl 58-3, p. 50-50b.

hyla warned clerics about consecrating marriages of runaways and loose people. People who were assumed to be still married, such as the wives of soldiers, or war captives or absent men, should also be dealt with very cautiously if they tried to remarry. Such a remarriage could not be consecrated unless the Bishop gave his blessing. In order to be canonical, the marriage banns should be announced in the local church three times. However, this could unearth obstacles to a marital union. If any suspicion of grave offences or committed sins arose, the Bishop had to decide whether or not to permit the marriage. The couple's marriage should be consecrated by their own parish priest, or with his permission. The canonical age to marry was fifteen for the groom and twelve for the bride. There were also several periods when no marriages could be consecrated, notably during fasts.²⁸² In the *Metryka*, Shumliansky provided the wording for the marriage banns. If a person intended to marry for a third time, the Bishop should be contacted in order to have the marriage approved. The Dean could be contacted, if the Bishop was too far away. The Dean in turn should report to the Bishop at the General Synod. The marriage of couples from other parishes should not be consecrated unless the priest of that parish had been consulted. For this procedure, Shumliansky provided a short text, too.²⁸³

The parish priest of Iakubiv from the Dolyna deanery was summoned to the court by the *instigator spiritualis* for having consecrated an uncanonical marriage. He was found guilty, sentenced to pay a 30-*grzywna* fine and was imprisoned for an unspecified length of time. The couple, whose marriage the priest consecrated, were excommunicated until they showed up in Court to explain themselves.²⁸⁴ In 1692, the parish priest of Nadvirna was accused of the same crime. He was found guilty and was suspended until he paid the ecclesiastical fines.²⁸⁵ In 1684, the parish priest of Porshna was accused of consecrating the marriage of a woman who already had a husband. He was declared not guilty, because he had not been informed that this was the case.²⁸⁶ In September 1681, Stephan, the parish priest of Pikulovychi was sentenced to a 30-*grzywna* fine and three days imprisonment. He was found guilty of consecrating a marriage where the groom had broken an earlier betrothal.²⁸⁷ The church court protocols do not reveal the consequences for couples where the consecration of their marriage challenged Canon Law, apart for the Iakubiv couple mentioned above.

Stephan, the parish priest of Pikulovychi would be punished even more. There were customary elements that influenced the work of the Court. They

²⁸² Mohyla, Petro, *Eukholohion albo Molitoslov ili Trebnik* (Kyiv 1646), p. 359-363. The book used in this thesis is stored at NML, Sdk 277.

²⁸³ Shumliansky, *Metryka*, p. 13-16.

²⁸⁴ NML, Rkl 58-3, p. 48b.

²⁸⁵ NML, Rkl 58-5, p. 26b-27.

²⁸⁶ NML, Rkl 61, p. 51b.

²⁸⁷ NML, Rkl 58-1, p. 13b-14b.

mirrored the social realities of the Polish-Lithuanian Commonwealth in the late seventeenth century. Among the cases of official misconduct, the cases when a marriage was consecrated, but did not have the consent of the local lord, have been included. To let one's serf marry someone from a different estate could mean a decrease in manpower. A serf could not leave the estate without the consent of the owner. A newly wedded wife was often expected to move to the husband's village. The court frequently annulled unsanctioned marriages between serfs from different estates. If one of the spouses was not allowed by the owner to move, the marriage had very limited chances of surviving in the long run. In the reality shaped by a nation of serf owners, the consecration of such a marriage was a misdemeanour. For consecrating such marriage, Stephan, the parish priest of Pikulovychi, was imprisoned until he paid the fine and apologised to the owner of the village whose serf's marriage he had consecrated.²⁸⁸

Other accusations considered worthy of scrutiny included: revealing the content of a Confession and displaying a denigrating attitude towards the local confraternity. Such charges faced Ieremiia, the parish priest of St. Michael's Church in Halych.²⁸⁹

Neglecting priestly duties was also classified as official misconduct. The parish priest of Benkiv was found guilty of having omitted services and even conducting services when drunk. His lifestyle provoked the indignation of the congregation (*zzgorszeniem ludzkim życie swoje prowadzi*). Since "excesses" were mentioned, but the priest had not insulted anyone or committed violence, the case was classified as official misconduct.²⁹⁰

Being absent from court without a valid reason (such as illness), without sending a representative, or at least contacting the court, was also classified as official misconduct. Of importance for this definition was if the court protocol mentioned a second absence or further disobedience (*secundo contumax*). Sometimes, a new summons (*monitorium*) was issued. Often, a lesser form of excommunication was issued as a way of punishing the culprit for non-attendance. This suspended the priest from his role in society until he placed himself under the discipline of the Consistorial Court. Sometimes, a single instance of contumacy was enough to be excommunicated.²⁹¹ If one continually ignored a summons, discharge from the parish and the clerical estate was a possible scenario.²⁹² Konstantyn, the parish priest of Vorona "did not care about his excommunication" and did not appear before the court when summoned. The protocol called him "a rebel". The cleric was discharged from the parish and excommunicated. The punishment was announced in all churches of the diocese. Whoever wished, could capture Kon-

²⁸⁸ NML, Rkl 61, p. 13-13b.

²⁸⁹ NML, Rkl 58-3, p. 19, 19b-20.

²⁹⁰ NML, Rkl 58-3, p. 34-34b.

²⁹¹ NML, Rkl 58-7, p. 31b; Rkl 58-4, p. 4; Rkl 58-3, p. 71b.

²⁹² NML, Rkl 59, p. 56.

stantyn and bring him to face ecclesiastical justice.²⁹³ In a few grave cases of multiple contumacy, the punishment of excommunication was combined with relegation from the parish and the priestly office, and a public announcement of these measures in the local churches.²⁹⁴

Among the more colourful cases of official misconduct, is the case of Vasył, the “old” parish priest of Iaseniv, who was found guilty of having witnessed and consecrated the oath of a band of robbers at the inn where he amused himself on one of the days of the last week of Great Lent.²⁹⁵

Quite often, litigious priests did not implement what had been previously decided or agreed by the Consistorial Court. Only the cases when one of the parties failed to heed an earlier verdict of the Court – an institution of the Church – have been defined as official misconduct. The cases concerning breaches of “friendly settlements” have not been defined as official misconduct. In such cases, friends or relatives of the litigants negotiated a solution tolerable to both sides.²⁹⁶ Not to follow such settlements was viewed as a breach of agreement, but at a stage when it had not yet reached the Consistorial Court.

The table below illuminates what categories of people were plaintiffs in official misconduct cases.

Table 8. *The number of official misconduct cases and convictions per category of plaintiff*

The plaintiffs	Number of cases	Number of convictions
Confraternities	8	7
Deans	7	4
Gromady (congregations)	15	11
Instigator spiritualis	78	35
Jews	2	-
Lay officers of the church	7	2
Nobility	24	12
Not known	18	3
Orthodox/Uniate parish clergy	28	15
Pracowici (industrious/serfs)	9	4
Roman Catholic clergy	3	2
Uczciwi (honest), sławetni (reputable), town dwellers	14	8
TOTAL	213	103

Source: NML, Rkk 151, Rkl 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, Rkl 59, Rkl 61.

²⁹³ NML, Rkl 59, p. 59.

²⁹⁴ NML, Rkl 58-7, p. 3b; Rkl 58-6, p. 104.

²⁹⁵ NML, Rkl 58-5, p. 30b.

²⁹⁶ NML, Rkl 58-5, p. 6b; Rkl 58-1, p. 81b.

Not surprisingly, *instigator spiritualis* was the most common plaintiff in cases of official misconduct. It was his job to pursue such cases. His actions notably concentrated on the cases of uncanonically consecrated marriages²⁹⁷, improper deeds and behaviour²⁹⁸ along with disobedience vis-à-vis ecclesiastical authority.²⁹⁹ However, he only won half of the cases.

The table shows that the confraternities and *gromady* seldom undertook legal action in vain. Usually, their grievances were real and led to the punishment of the priest. These groups of believers, the confraternities approved by the Church, *gromady* a customary village institution³⁰⁰, probably did not act before the situation had become more than critical. In most of the cases with convictions, the priests had misbehaved badly and in a variety of ways.

Among the congregation (*gromady*) cases, neglecting religious services and Sacraments (with parishioners passing away without Extreme Unction having been administered and Confession having been heard)³⁰¹ and selling church chattels were common offences.³⁰² There were cases of priests neglecting duties, being drunk and causing disorder,³⁰³ constant quarrels and disturbances with parishioners (with the services being affected)³⁰⁴, “*scandala, excessis, exorbitantia*”³⁰⁵, and mortgaging church property.³⁰⁶

Among the confraternity cases, one finds more uniform reasons behind litigation: not following an earlier decree being the most common reason behind litigation.³⁰⁷

The most common types of litigation brought to the Court by the nobility were cases concerning the consecration of uncanonical marriages (10) and cases concerning priestly behaviour (7).

7.2 Finance

Several types of cases presented below concern the settlement of potential conflicts rather than preventing specific cases of improper behaviour.

A common problem was how to divide property or claims to property within a priest's family. The serf Jacko Jaszyn brought his former son-in-

²⁹⁷ NML, Rkl 58-5, p. 71; Rkl 58-3, p. 19.

²⁹⁸ NML, Rkl 58-1, p. 79b.

²⁹⁹ NML, Rkl 58-1, p. 58; Rkl 58-1, p. 26-26b.

³⁰⁰ *Gromada* could mean a gathering of village representatives to discuss, decide or judge upon the local matters and community problems; Cwiek, *Z dziejów wsi*, p. 107-108. In the source material it seems to denote the parish congregation with its rights and obligations vis-à-vis the priest / the Church.

³⁰¹ NML, Rkl 58-1, p. 58b.

³⁰² NML, Rkl 61, p. 34.

³⁰³ NML, Rkl 58-6, p. 21.

³⁰⁴ NML, Rkl 58-6, p. 120.

³⁰⁵ NML, Rkl 58-7, p. 12.

³⁰⁶ NML, Rkl 59, p. 13-13b.

³⁰⁷ NML, Rkl 58-6, p. 22; Rkl 151, p. 62; Rkl 58-6, p. 118b.

law, Symeon, the parish priest of Porshna from the Lviv deanery, to the court session in Lviv. He requested that the defendant return the dowry of his deceased daughter, Symeon's wife.³⁰⁸ Sometimes, the litigants agreed upon compensation or a set of measures to be undertaken by one or both of them. Such an agreement could include paying the cost of a barber surgeon or paying compensation for bruises and pain inflicted on a person. Stephan Markiewicz, the parish priest of Cherniv, took legal action against the priest, Mikołaj Koblański from Stanislawiv. The defendant had refused to pay a "friendly settlement" of 80 *złoty* to the plaintiff as compensation for battery. The awkward perpetrator was condemned by the Consistorial Court to pay 120 *złoty* instead.³⁰⁹ Sometimes the case concerned compensation for pastures or cultivated fields having been damaged by a priest's cattle. If such an agreement was not abided by, the case was taken to court. Most probably, it would strengthen the claims of the party that was to be compensated.³¹⁰ In cases where there was a breach of an agreement originally determined in court, they have been classified as official misconduct. To disobey the court was a definite breach against ecclesiastical authority as well as against the plaintiff.

The financial cases include those concerning the division of income from one parish or the income from one village with two parishes.³¹¹ In the case of the parish priests of Hrebenne, ecclesiastical commissioners worked out a settlement together with the priests. According to this agreement, the priests should share the income from the parish more equally. The Court appointed the Dean of Kulykiv to divide the church lands between the clerics.³¹² Ivan, the Deacon of Didushytsi Velyki in the deanery of Dolyna, accused the parish priest Vasyl of not sharing the parish income with him. Vasyl was also accused of having attempted to remove the deacon from his ancestral soil. The court decided the matter should be investigated.³¹³

A number of the cases reveal problems between different generations. Occasionally, the court made arrangements for elderly priests' "pensions" by making agreements that left them with a few undemanding duties but secured an income for them. In 1695, this was the case with "the old man" (*staruszek*) Michał, who could no longer carry out his pastoral duties in the parish of Vytvytsia in the Dolyna deanery because of old age. He was brought to the Consistorial Court by the Vicar of Vytvytsia, Gabriel Koka. The court decided that the younger priest should pay his disabled elder colleague 5 *złoty* four times a year, stipulating the exact dates the payments were due. The elderly Michał was instructed to behave respectfully vis-à-vis

³⁰⁸ NML, Rk1 58-3, p. 56b-57.

³⁰⁹ NML, Rk1 58-6, p. 30.

³¹⁰ NML, Rk1 58-6, p. 9-9b, p. 11.

³¹¹ NML, Rk1 58-6, p. 71b.

³¹² NML, Rk1 58-6, p. 115.

³¹³ NML, Rk1 58-7, p. 25.

the vicar, particularly on occasions such as church festivals and feasts. Nor should “the old man” intervene in parish matters and put obstacles in the way of the vicar. The court grasped the occasion and instructed the young priest to take good care of the souls entrusted to him, and to build a fence around the cemetery.³¹⁴ The problems had begun almost three years earlier. In August 1692, the noble *collatores* (in this case, the local gentry who had the right to appoint a priest) in the parish of Vytvytsia in the deanery of Dolyzna, accused the parish priest of no longer being able to carry out his duties properly because of his great age. The Court instructed a vicar to be appointed. The nobles were asked to find a sustainable financial solution for the parties.³¹⁵ Apparently, a solution acceptable to both clerics was never implemented. In September 1692, the court proceedings at the local synod in the Zhydachiv deanery found the claims of Vasyl, “the old” parish priest of Krupsko, to be invalid. The plaintiff complained that the younger priest, Alexei, had used one third of the parish without the official right to do so. The plaintiff was instructed to share equally with his colleague, because the parish had always had two parish priests. Vasyl was instructed not to hinder the younger priest from running his half of the parish.³¹⁶

Sometimes, there was a disagreement about the right of possession with regard to a church building. The builder of the church, along with a priest, could claim the exclusive right to use the church vis-à-vis a party who actually used the church or claimed the right to it, too. The church land, its division and utilisation was a common reason for conflict.³¹⁷ If requested, one was supposed to produce documents that would support one’s claims. Symeon, the former parish priest of Zymna Voda in the vicinity of Lviv, brought Jan, his successor, to court in 1684. It turned out that the plaintiff could not produce the document regarding the pastoral blessing for the Zymna Voda appointment. He was instructed to cease to intervene in matters of the parish.³¹⁸ At the local synod of Kolomyia in 1703, the former parish priest of Lanchyn sued Pawel, the current parish priest. He accused the defendant of illegally having taken over the parish. An investigation was instigated.³¹⁹ Hryhory, the newly ordained priest of Kropyvnyky, *did* have the consent and the blessing of the pastor. Unfortunately, he could not produce the necessary documents from the “Kalush Castle” (*praesenta*, the appointment or ordination of the priest by the local lord or his deputies) and the *gromada*. Alexei, the parish priest who was already in place and had his papers in order, could stay, although it turned out that Hryhory’s father had built the church of St. Nicolas in Kropyvnyky on his own land. Hryhory and

³¹⁴ NML, Rkl 58-6, p. 55-55b.

³¹⁵ NML, Rkl 58-5, p. 7b.

³¹⁶ NML, Rkl 58-5, p. 32b-33.

³¹⁷ NML, Rkl 58-6, p. 31b, p. 32b; Rkl 58-7, p. 41.

³¹⁸ NML, Rkl 58-2, p. 5.

³¹⁹ NML, Rkl 59, p. 26.

his relatives had to content themselves either with having the church moved away from their land or receiving land in exchange. The measures were to be financed by the *gromada*.³²⁰ The descendants of a deceased priest could successfully claim a right to the office of parish priest. Anastasia, the widow of the deceased parish priest of Hlibovychi, convinced the court to reserve the part of the parish formerly used by her husband for her son Konstantyn. The youngster had been provided with a *praesenta* from the local lord. Since her son was too young to become a parish priest, the widow was instructed to employ a vicar for a period of five years. Ihnat, the parish priest who used the other half of the parish, would be excommunicated, if he did not content himself with his share or if he hindered Anastasia and her son from using their share. In the meantime, the juvenile was expected to learn his future profession, so he might be ordained in the future.³²¹

Occasionally, a case about the division or utilisation of the parish was settled after an investigation undertaken in the local community by ecclesiastical commissioners. Theodor and Kozma, the parish priests of Stilsko, were instructed to follow the decision of the commissioners. After all, the Bishop had already approved it. Excommunication awaited the cleric who breached the decision of the court.³²²

Yet another point of discord occurred when a plaintiff recognised his recently lost or stolen belongings in the hands of another clergyman. There were also cases when valuables deposited in the hands of the clergy (notably, deposited before an expected attack of an approaching enemy) were not fully returned or never reached their owner, once the danger was over.³²³ Ivan, the parish priest of Hlyboke, was fined 10 *złoty*, imprisoned and suspended for four weeks. The court at the local synod of the Kalush deanery in Perehinske found him guilty of having taken the book of Anton, the other parish priest in Hlyboke.³²⁴ A somewhat spectacular case was heard on 7th May 1686 at proceedings in Lviv Cathedral. The parish priest of Sivets accused the parish priest of Dobrobliany of having dug up the exceptional amount of 1800 *złoty* hidden by the plaintiff. The defendant denied the charge so the court instigated an investigation.³²⁵

Finally, cases concerning the debts of priests have been placed in the finance category. Creditors had little choice but to bring a matter before the Consistorial Court if a debtor was under ecclesiastical jurisdiction. In 1694, the parish priest of Lashki was imprisoned until he paid the debt claimed by

³²⁰ NML, Rkl 58-2, p. 33b, p. 37-38. In the protocols, the word “Castle” in the protocols refers to either the residence of the local lord or an administrative and judicial centre of a larger unit of either private or Crown estates (*Starostwo*), rather than a particular building or fortification.

³²¹ NML, Rkl 58-3, p. 31b-32.

³²² NML, Rkl 58-2, p. 4b.

³²³ NML, Rkl 58-6, p. 41-41b, p. 51; Rkl 58-7, p. 12b; Rkl 58-3, p. 14.

³²⁴ NML, Rkl 58-5, p. 26.

³²⁵ NML, Rkl 58-2, p. 53.

the *ihumen* (abbot) of the Monastery of Lviv Cathedral. In the same year, “the infidel Jew”, Zelik Nantenowicz, brought Hrehory Mokrytsky, the parish priest of St. Nicolas in Lviv, to court on four occasions. The outcome of the case remains unclear.³²⁶

In the table below, the plaintiffs in the finance category are presented.

Table 9. *The number of cases and convictions per type of plaintiff in the finance category*

The plaintiffs	Number of cases	Number of convictions
Confraternities	4	1
Deans and abbots	6	2
Lay officers of the church	8	2
Nobility	14	3
Not known	5	-
Parish clergy	43	15
Pracowici (industrious/serfs)	4	1
Uczciwi (honest), sławetni (reputable), town dwellers	16	7
Jews	4	2
Roman catholic clergy	3	1
Gromady	4	1
Instigator spiritualis	4	2
TOTAL	115	37

Source: NML, Rkk 151, Rkl 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, Rkl 59, Rkl 61.

Clearly, a parish cleric was often in conflict with a colleague in a financial case, particularly if it was about sharing the income from a parish. Those cases constituted more than one third of the total number of property cases. The *honest* and *reputable* categories of people, and town dwellers in general, were the second most common type of plaintiff.

What is striking is that it was rather hard, compared to other categories of cases, to have a cleric convicted in a property case. No more that fifty per cent of cases resulted in conviction for the three most common categories of plaintiff. One may compare this with an almost ninety per cent conviction rate for cases with confraternities as plaintiffs (7 cases of 8) with regard to official misconduct, or the number of convictions in the cases with *gromady* as plaintiffs (11 convictions per 15 cases) in the same category. In the official misconduct category, the nobility reached fifty per cent for convictions. Apparently, the church guarded what it considered its belongings and estates and was disinclined to modify the frail balance that prevailed. The resources seem to have been meagre, poverty more the rule than the exception.

³²⁶ NML, Rkl 58-6, p. 18.

7.3 Defamation

The category “defamation” is interesting because it reveals which social groups felt offended by the words and deeds of the parish clergy. The mere fact that a person felt offended by another individual suggests a minimum of a common social arena. The plaintiff in a case certainly felt his honour or his good reputation had been tainted by the offender and should be rectified publicly in court, rather than through immediate violent or verbal intervention.

Sometimes, defamation cases were provoked by a conflict about money or property. After the property dispute between the parish priest of Mlynyska (Zhydachiv deanery) and the plaintiff in this case, Hryc Kuciera, was solved, the priest was instructed not to offend the plaintiff again or he would face excommunication.³²⁷ The parish priest of the town church in Kamianka Strumylowa, Jan Chreniowski, was instructed to apologise to anyone he might have offended. He might have done more than just insult someone because his punishment included compulsory service at the Monastery of Lviv Cathedral, further unspecified “ecclesiastical penances” and an obligation not to drink any alcohol other than beer.³²⁸ One seldom finds the acts, deeds or words which led to litigation. In most of cases, only “insult” or “offence” was mentioned, without any further details.

The plaintiffs were divided into eight main groups.

Table 10. *The number of cases and convictions per type of plaintiff in the defamation category*

The plaintiffs	Number of cases	Number of convictions
Confraternities	1	1
Deans	4	-
Lay officers of the church	1	1
Nobility	16	11
Not known	3	2
Parish clergy	9	3
Pracowici (industrious/serfs)	1	1
Uczciwi (honest), sławetni (reputable), town dwellers	7	4
TOTAL	42	23

Source: NML, Rk1 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, 59 and 61.

Although some groups remain beyond comparison because of the low numbers (confraternities, *pracowici*), one group deserves comment. The nobility were most likely to take legal action when they felt they had been insulted

³²⁷ NML, Rk1 58-2, p. 64.

³²⁸ NML, Rk1 58-2, p. 61-61b.

by parish priests (16 out of 42 cases). They were rather successful in getting a guilty verdict (11 convictions out of 16 cases i.e. 68 per cent). There was a certain weight behind the claims of the nobility. Among the eleven priests found guilty of insulting nobles, five lost their parishes, and six were imprisoned and fined. Apparently, there was a degree of truth in Shumliansky's description of the negative view the nobility had of the parish clergy. Its impact can clearly be seen in the table above. On the one hand, it appears that the parish clergy and the nobility had frequent contacts. Clearly, some priests held their local noblemen in contempt. On the other hand, it is obvious that the nobility was very sensitive to the behaviour, gestures and words of the parish clerics.

Among the parish clergy, false accusations were a dominant reason for litigation. Out of nine cases, five were about false accusations or accusations. Two of these were about *public* false accusations,³²⁹ one was about a false accusation³³⁰, one about reciprocal accusations and insults,³³¹ and one was simply about an accusation.³³² The two cases that led to convictions were about false accusations.³³³ Thus the priests were highly sensitive to the offences, and most of all, accusations, that could ruin their reputations.

7.4 Violence

Clearly, there were situations where all possibilities of solving a problem in a peaceful way were considered as lacking by at least one of the parties particularly if alcohol was involved. "Violence" encompasses cases from petty violence such as a slap in the face or pulling a beard to one case of manslaughter.

The local society was not a peaceful one. The phrase, "without mentioning any reason" (*bez dania zadney przyczyny*), uttered by several plaintiffs against defendants suggests that there might be reasons that made a violent assault explicable.³³⁴ When Jan, the parish priest of Sukhovolia, hit a man with a stick, the court found that the cleric had been provoked. Still, his behaviour was unacceptable, probably because his action was not in proportion to the provocation. He was fined, instructed to make an apology and pay the expenses of his victim. The incident must have been considered important, since the whole *gromada* was plaintiff against the priest in the case.³³⁵ Sometimes, it could be the other way around. When the peasant, Iwanowy, took

³²⁹ NML, Rkl 61, p. 11b; Rkl 58-1, p. 11b.

³³⁰ NML, Rkl 58-1, p. 47b.

³³¹ NML, Rkl 58-1, p. 38.

³³² NML, Rkl 58-2, p. 84b.

³³³ NML, Rkl 61, p. 11b; Rkl 58-1, p. 47b.

³³⁴ NML, Rkl 58-3, p. 55b; Rkl 58-6, p. 8b; Rkl 58-5, p. 59b.

³³⁵ NML, Rkl 58-1, p. 89.

legal action against Onufry, the parish priest of Hrybovychi, the defendant was declared not guilty. The court found that the plaintiff had provoked the defendant too much. Iwanowy faced penance whilst the priest went unpunished.³³⁶ Particularly, those who came to court to make an *obductio* of bruises and wounds (when the body of the person making the complaint was examined and the bruises and wounds were described and recorded in the book) seemed unaware of the reasons for the assault. Out of the eleven *obductio* or *protestatio* cases of violence (registering the battery in case legal action was pursued in the future by the person making the complaint) five claimed they were unaware of the reasons behind the claim of battery.³³⁷ In the eyes of the court, to be subjected to a beating by the parish priest without a good reason made the crime look graver.

In the table below, the types of plaintiff who accused the parish clergy of violent acts are presented.

Table 11. The number of cases and convictions per type of plaintiff in the violence category.

The plaintiffs	Number of cases	Number of convictions
Confraternities	4	3
Deans	4	2
Gromady (congregations)	11	8
Instigator Spiritualis	13	6
Jews	6	1
Lay officers of the church	4	1
Nobility	11	6
Not known	7	5
Parish clergy	21	16
Pracowici (industrious/serfs)	17	6
Roman catholic clergy	1	1
Uczciwi (honest), slawetni (reputable), town dwellers	17	8
TOTAL	116	63

Source: NML, Rkl 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, 58-7, 58-8, 59 and 61.

The greatest group among the plaintiffs was the parish clergy, followed by all the categories of town dwellers and a group of free people: the honest (uczciwi). Serfs (industrious) constituted the third biggest group of plaintiffs. The *instigator spiritualis* promoted a plaintiff's case in thirteen cases.

Several of the cases involving violence between the parish clergy stemmed from the material situation in the village or a parish that they both

³³⁶ NML, Rkl 58-3, p. 6.

³³⁷ NML, Rkl 61, p. 2; Rkl 58-5, p. 59b; Rkl 61, p. 5b; Rkl 59, p. 24b; Rkl 58-6, p. 4.

shared. Basically, the conflicts were about sharing the all too meagre resources. In 1701, the parish priests of Iezupil were in conflict about sharing the income from the parish. Jakub Drohomirecki accused Symeon of battery. The case was investigated.³³⁸ Theodor and Stephan, the parish priests of Beleiv in the Dolyna deanery, experienced problems too. When drunk, Theodor interrupted a church service being held by Stephan, the plaintiff in the case. Stephan complained that Theodor hit and beat him at the inn. The court discharged the defendant from the parish, but the plaintiff was also fined 30 *grzywna* for drinking in the inn.³³⁹ The conflict between Jakow the “old” and Jakow the “young”, who were parish priests of Kunin in the Zhovkva deanery, had gone so far that a list of mutual accusations from each litigant was recorded in the protocol book. Battery was amongst the serious reciprocal accusations. The multitude of misdemeanours that emerged from the lists made the Court, that resided in Lviv Cathedral in July 1688, discharge both priests from the parish and the ecclesiastical estate.³⁴⁰ This case is presented more closely in the following chapter.

In eight cases out of eleven, noble plaintiffs accused clerics of hitting them or members of their families. The parish priest of Krehkiv was accused of beating the noble Sielecki at the Krehkiv Monastery on a festival day. The priest was sentenced to imprisonment until he paid the ecclesiastical fine to the court and compensation to the plaintiff.³⁴¹ Mikołaj Jasiński, the parish priest of St. Michael in Kamianka Strumylova, was found guilty of beating the son of the noble lieutenant of cavalry, Zbyjevsky. The defendant was sentenced to three days in prison, a 6-*grzywna* fine and 6 *grzywna* in compensation to the plaintiff, to whom he also had to apologise.³⁴² Martyn, the parish priest of Zhuravno, was brought to court by the noble, Rudzki, in September 1681. The defendant was accused of attacking the plaintiff at the local inn. The priest was sentenced to a 30-*grzywna* fine. He also had to pay the expenses of the plaintiff and apologise for the offence caused by his action. In addition, the court instructed him to avoid the inn in the future.³⁴³ The conflict between these two parties probably originated much earlier. In August 1681, the same priest was accused of “shedding the blood” of the noble Rudzki, insulting him, and threatening the plaintiff’s child. On that occasion, he was found guilty of frightening the child, and was instructed to pay a 30-*grzywna* fine to the court, and to apologise to the plaintiff.³⁴⁴ In three cases, the nobles actually intervened in the name of a serf or the local community. Noble Wierzchowski appeared in court with the serf, Paszko,

³³⁸ NML, Rk1 59, p. 32.

³³⁹ NML, Rk1 58-2, p. 35-35b.

³⁴⁰ NML, Rk1 58-3, p. 46b-47.

³⁴¹ NML, Rk1 58-3, p. 15-15b.

³⁴² NML, Rk1 58-5, p. 57.

³⁴³ NML, Rk1 58-1, p. 11b-12.

³⁴⁴ NML, Rk1 61, p. 12b.

who had been beaten by the parish priest of Borshchiv. The priest was found guilty and was sentenced to a three-day imprisonment, a 10-*grzywna* fine, and to provide an apology. He was also discharged from the parish, as it turned out that he had no *praesenta*.³⁴⁵

Gromady usually represented one or several peasants from the local community. Their presence as a plaintiff often marked a collective weariness about the behaviour of a particular cleric. The parishioners of Navariia in the vicinity of Lviv brought their priest Symeon to court twice in July 1681. On 9th July, he was accused of drunkenness, causing brawls, insulting behaviour and wife beating. He was sentenced to two weeks imprisonment and discharged from the parish.³⁴⁶ Apparently, this verdict was not implemented, probably thanks to some form of mediation. However, only ten days later, on 19th of July, Symeon was brought before the court again, this time accused of battery and drinking at the inn. This time he was sentenced to two weeks imprisonment and had to undertake a declaration of sobriety. If he broke his oath not to drink, he would lose the parish.³⁴⁷ Symeon seemed unpopular in the neighbourhood. The noble, Jan Kazimierski, the administrator of Navariia, accused him of insulting him and brawling at the local cemetery. These accusations, brought to the court on 4th July, were not confirmed. Instead, the court allowed the priest to take legal action against the plaintiff.³⁴⁸ When the *gromada* of Iarychiv brought the parish priest, Michaił, to the court, he “eternally” lost the parish when found guilty of beating Taras from Iarychiv, of inciting disorder, and of drunkenness.³⁴⁹ Semion Gawalewicz, the parish priest of Lysovychi, was accused of several offences of battery and being in conflict with the *gromada*. He was found guilty and faced two weeks imprisonment and a 30-*grzywna* fine. Apparently, the conflicts were deep and considered hard to solve because the Court allowed Semion to look for another parish to administer.³⁵⁰

7.5 Summary

This chapter’s aim was to present the main problems faced by the Ecclesiastical Court and the most common categories of plaintiff in the cases concerning the parish clergy. It was found that the most common type of litigation against parish priests was that of official misconduct (213 cases), a category that contained several misdemeanours against the canons of the Church,

³⁴⁵ NML, Rkl 58-3, p. 19.

³⁴⁶ NML, Rkl 61, p. 6b.

³⁴⁷ NML, Rkl 58-1, p. 3-3b.

³⁴⁸ NML, Rkl 61, p. 5b.

³⁴⁹ NML, Rkl 58-1, p. 29-29b.

³⁵⁰ NML, Rkl 58-2, p. 45-46.

clerical customs and ecclesiastical discipline. There were 116 cases concerning violence, 115 concerning finance and 42 cases concerning defamation.

The social groups that appeared as plaintiffs most frequently were parish clergy (101 cases), nobility (65 cases), honest/reputable/town dwellers (54) and *gromady* (26), the collective representative body of rural parishioners. The most common plaintiff for a parish cleric to face was a colleague. The nobles, the second most common plaintiff category, appeared primarily in the role of administrators or owners of estates. The number of nobility as plaintiffs in cases concerning violence (11) suggest that the social distance between them and the parish clergy was considerable. At least, this was greater than in cases with serfs/industrious as plaintiffs (17 or 28 cases if *gromady* are also counted) or the honest, reputable and town inhabitants (17) category of plaintiffs. The number of cases of violence involving nobility indicates that there was great tension over attempts by the priests to raise their status. Thus reforming priests were caught in friction both upwards and downwards. They were not accepted by the nobility, and were detaching themselves from the peasantry. They were also often in conflict with the inhabitants of towns.

8 Priests and peasants

This chapter illuminates the expectations of the parishioners and the parish clergy who appeared as plaintiffs with regard to the behaviour and way of life of a priest. It seeks to find the reasons for the inability or unwillingness of several parish clergy to cope with Shumliansky's stipulations in *Metryka* and in the ordinary work of the Consistorial Court. The chapter focuses on the limits between acceptable and tolerable actions. Obviously, given the character of the sources, unacceptable and intolerable actions emerge from the analysis. The image presented is the one created by the expectations of local society, expressed openly or concealed behind the complaints and accusations. Finally, the chapter attempts to map out the social position of the clergy in the local community and how it was shaped and negotiated. The cases analysed in this chapter were among the best documented in the protocols of the Consistorial Court. Apparently, it was very important to record these cases in detail. Probably, they were viewed as instrumental in mediating the ideal order both for those in court and their communities at home.

Several cases where violence was employed are studied. A study of the circumstances, personalities and stakes involved can reveal a good deal about the local community. In accordance with Anton Blok's and Susan Dwyer Amussen's suggestions presented in chapter 2, violence is viewed as socially significant and full of social meaning. It is treated as a form of communication, a situation where a message is delivered, depending on the opponents, the audience and the meaning of the message itself. The findings of Natalia Starchenko and Martin Dinges about the meaning of the theatrical proportions of the honour purifying acts will also be applied.

This text will suggest that considerable numbers of clergy lived (and were expected to live) a part-time peasant's life. The parish clerics were evidently expected to carry out the duties related to their office: conduct services, provide sacraments and maintain church buildings. However, at the same time they were provided with arable land, which they were expected to cultivate. In a parish, a priest could meet considerable social pressure to directly engage in husbandry and to supply himself and his household with food.

The status of the parish clergy in the local community could be strongly contested. The cases of violence analysed below show that a brawl could erupt easily if "wrong" words were used by one of the parties. Those words

questioned the higher status of the clergy and placed it on the level of the peasantry. The violent interventions were public acts of purification of one's supposedly maligned status and honour, a way of mediating, promoting and acquiring the position one sought. There were several clerics who could not observe the agenda set by the church authorities. Quite a few of them seemed to have lived a life socially and financially close to the peasantry from whom Shumliansky expected the clergy to keep a social distance.

Before the analysis starts, Shumliansky's image of the behaviour expected of the clergy will be briefly summarised. This should be kept in mind when exploring the parish's social relations. By dressing and behaving correctly and differently, the parish clergymen were supposed to distance themselves from the common parishioners and assume the role of paternal advisor. Sobriety, good behaviour, education and tidiness were the key words in the Bishop's instructions to his clergy. If the instructions were followed, the clergy would gain the respect of the whole rural society: the parishioners, the lords and the catholic clergy. Too close socialising with the parishioners, inappropriate socialising between the clergy, and participation in the magic aspects of popular culture had to cease.

8.1 The parishioners and the priests

One can get an approximate image of an ideal priest, as requested by the community, if one reverses behaviour exhibited by parish priests in the accusations brought before the Consistorial Court. Most of the cases described below have been analysed by reversing the form of behaviour shown in the accusations and statements of the plaintiffs and *instigator spiritalis*. This methodology rests upon a presumption that if certain behaviour was detestable or unacceptable, its opposite must have been acceptable and desirable.

The parishioners of Navariia accused their priest of provoking commotions, assaulting people and drinking with "various people", obviously people of bad reputation. The cleric did not "deny [this] convincingly" (*fortiter negabat*).³⁵¹ Rather than behaving in this way, he should have shown humility and calm, kept peace with his neighbours, and abstained from drinking at the inn with "various" (*rožnemi* - in these circumstances probably more synonymous with "loose" rather than "certain") evidently disreputable people. He should have been cautious about his social affiliations.

"The whole gromada" of Iarychiv complained about their priest Michał, who had beaten up one of the parishioners and committed other unspecified violations that conflicted with an earlier decree of the Court. It was decreed that the priest should be instantly discharged from the parish, if he committed the slightest misdemeanour in the future. Apparently, this priest had a

³⁵¹ NML, Rkl-58-1, p. 3-3b, citation p. 3.

long history of misbehaviour and had been brought to court earlier. The parishioners begged the court to remove him from the parish. The Court agreed, since it was deemed that this priest “conducts himself in such rough ways, assaults people, drinks, [and] creates disorder”. In addition, the Dean of Kulykiv, the closest authority of this cleric, testified that Michał had disregarded the church services and was generally slothful.³⁵²

In another case, complaints by the parishioners were used in the investigation about the behaviour of the parish priest in Kamin. Two clergymen and two local nobles were appointed to carry out the investigation. The court issued detailed instructions as to what matters would be investigated. The witnesses were asked if the priest had beaten a parishioner, Panko Dudyn, and denied him access to the sacraments. It also investigated whether the priest was a frequent customer at the local inn and whether he started fights with peasants (*chlopami*) who amused themselves there. The witnesses were asked “whether he [the priest] has fraternised with the Jew” (*Jako się z Żydem pobratał*); and whether he had stolen a shirt from a Jew. Finally, the matter of whether the priest had caused the exodus of people from the village, and who was to blame for breaking an earlier decree by the Bishop was investigated.³⁵³ Again, there were accusations of battery, of denying access to the sacraments and of the priest’s socialising and visiting the “wrong” places, as well as theft and the supposed “fraternity” with a Jew. This and the former case show that not only where the socialising took place was important (certainly not the inn!) but also the choice of the company. “Loose” people and Jews (infidels) were seen as suspect.

Dmitri, an elderly parish priest of Nahorna Church in Shchyrets, could no longer carry out his duties as required. The church was reported to be “in ruins”. In addition to that, there was some friction between the parishioners about what to do because of the cleric. The parishioners were instructed to present the Bishop with a new candidate for priest within twelve weeks. In the meantime, they were not to obstruct Dmitri from carrying out his pastoral duties or using the *beneficium* (the church land and the income from the parish). When the services and the property of the church were neglected, radical measures such as finding a replacement priest were employed. Dmitri could not carry out his duties because of old age. In addition, he was unable to handle the quarrelsome atmosphere in the parish. Probably, old Dmitri experienced obstacles in his daily work and faced intimidation from the distressed parishioners. They were warned by the court to keep the peace in future.³⁵⁴

A priest who seriously and aggressively misbehaved could face the open contempt of the parishioners. After their parish priest had been punished for

³⁵² NML, Rkl-58-1, p. 29.

³⁵³ NML, 58-2, p. 40b-41, citation p. 41.

³⁵⁴ NML, Rkl-58-1, p. 46-46b.

notorious drunkenness, neglect of church services and insulting behaviour, the parishioners of Kahuiv were instructed to treat him with “respect and honesty”. The priest was allowed to return to the parish but was to be dismissed if he was found guilty of similar excesses again.³⁵⁵ The cases of Mykhail, the parish priest of Iarychiv, and the parish priest of Kahuiv illustrate that the Ecclesiastical Court viewed its punitive measures as conclusive. Once a priest had been subjected to penalties, the parishioners were expected to let him return and run the parish without any intervention. If a former transgressor regressed to crime after the repentance, he would find no understanding. The Court would intensify the punishment and sometimes go as far as dismissal.

The parishioners could expect the priest to contribute to the financial obligations of the local community. The parishioners of Pokrivtsi brought their two priests to the Ecclesiastical Court for not paying the *hyberna*, a tax levied for the maintenance of troops during the winter. The affronted priests had ceased to carry out church services, while one of the parishioners had taken away the priest’s cow on the request of the leaseholder of the village. It was found that there had been a lot of antagonism between the priests and the parishioners. The parties in the conflict used judicial and non-judicial measures. However, the court found that public law and the *starosta* of Zhydachiv exempted the priests from such obligation. Thus, *gromada* was not to demand payment from the clerics. The clerics were instructed not to seek retribution. They should provide *all* parishioners with the Sacraments without any exemption.³⁵⁶

A good illustration of the expectations of the local society is provided by the few surviving documents from the ecclesiastical commissioners’ visits to the localities. They were sent by the Consistorial Court to investigate grievances and accusations “on the spot”, that is in the very community where the problems originated. After compiling the documents, the commissioners sealed them and gave them to the litigants who were supposed to bring them to court.

The case between the two parish priests of Krupsko in the Zhydachiv deanery was scrutinised in court on 12th January 1694. Typically enough, the case was between the parish priests Wasyl (“the old”) and Alexei (“the young”). The ecclesiastical commissioners had already visited the locality, bringing back a list of accusations against the plaintiff. It appears to have been concluded after questioning the local people about the behaviour of the clerics. No wonder Wasyl did not show up in court that day. The full list of accusations and complaints is presented below. It illustrates more closely the way in which such documents were composed and, of course, the variety of complaints and accusations that were found so grave and serious.

³⁵⁵ NML, Rkl-58-1, p. 58b-59, citation p. 59.

³⁵⁶ NML, Rkl 58-1, p. 46b-47.

The accusations against Wasyl were plentiful:

- “Enormous scandals” (*niezmierne Scandala*), *bezchyniia* and *exorbitationes* unfitting for an ecclesiastical person.
- He had accused a parishioner of witchcraft, but had not proven it.
- He had sold the church silver endowed to the church by some people and mortgaged other church *apparata*.
- There have been repeated incidents of disorder, fights and repeated shedding of blood (*rozkrwawienia*) in the local cemetery.
- He rang the church bell like an alarm, but without any reason.³⁵⁷
- He played cards “with the boys at the inn” and publicly used tobacco at feasts and church festivals.
- He quarrelled at the inn where he also fought people.
- He attempted to rape several female parishioners, and a witness claimed he had seen him with the witness’s wife.
- He has consecrated a marriage between a brother and a sister.
- When drunk, he had called a few female parishioners “spectres.”
- He had often conducted services without the Deacon.
- He had consecrated the oil for Extreme Unction himself.
- He had offended the Dean who reproached him for having consecrated the oil.
- He slashed the face of the younger parish priest with an axe at the cemetery.
- He had brought people to the attention of the local lord, although “this was not what he was supposed to do.”
- He had neglected the episcopal decree about the proportion of the younger parish priest’s share of income from the parish.
- He had erected other obstacles and *exorbitationes* for the younger priest, “bringing ruin upon the Church of God and obvious inconvenience to the people in the maintenance of services” (*przez co Cerkwie Bozey ruina a Ludziom niewygoda w nabozenstwie byc musiała*).³⁵⁸

There were at least three representations in the ecclesiastical commissioners’ report. The Church was represented in the opening and final *puncta*. *Scandala* and *exorbitationes* is Latin, a language beyond the lexical limits of the rural population of Krupsko. *Bezchyniia* is Church Slavonic and means “defiance”, also an unlikely term to be used by the parishioners. The reasoning about what was appropriate for an ecclesiastical person would appear to represent the ecclesiastical commissioners. The ecclesiastical commissioners must also have formulated the concluding sentence of the document which

³⁵⁷ NML, Rkl 58-6, p. 7b.

³⁵⁸ NML, Rkl 58-6, p. 8.

claims that the parishioners must have experienced “inconvenience”, that is that services were not held regularly. The dramatic image of the Church of God in ruins seems also to be an account by the commissioners.

The voice of the parishioners is frequently represented in the document. There were several issues the people had with the older parish priest. A priest should not accuse the people without proof, as in the case with the parishioner accused of witchcraft by Wasyl. Nor was calling female parishioners “spectres” tolerated. The object of such accusations could easily fall into disrepute and be seen an object of interest by the local community or the lord. The priest should take good care of church property, rather than pawning it as in the case regarding the church silver and *apparata*. Nor was he expected to disturb the peace and start fights. The card playing at the inn with “the boys” and the problem of the public use of tobacco seem to be complaints made by the commissioners. The word “publicly” (*publicznie*) can hardly be attributed to the vocabulary of the parishioners. However, the word appears in Shumliansky’s *Metryka* when unwanted behaviour or ways of dressing were mentioned. The quarrelling and brawling at the inn were probably equally discrediting in the view of the parishioners and the ecclesiastical commissioners. Rape and adultery need no comment, nor does the incestuous union the priest had consecrated. The parishioners expected the priest to run the parish properly and show solidarity to the parish rather than bringing the locals to the attention of the lord. This was “not what he was supposed to do”, the text claimed. The ringing of the bell as if it was an alarm was noted because such an act could hardly be popular in times when enemy incursions were common, life insecure and the countryside was being rebuilt after the calamitous 1670s. One senses the “young” parish priest Alexei’s testimony when celebrating the services without a Deacon, consecrating the oil for the administration of Extreme Unction, slashing the face of the young parish priest with an axe, neglecting an earlier decree (see the text below) by the Bishop, and insulting the Dean are mentioned.

Wasyl was found guilty. He was discharged from the parish and from ecclesiastical office altogether. He had to repay the Church for whatever he had taken and pay compensation to the woman he had injured. The marriage he had consecrated was annulled. He was excommunicated for not appearing in court when he had been summoned. Alexei, the younger parish priest of Krupsko was allowed to stay at the parish in accordance with his *praesenta* and the pastoral blessing.³⁵⁹

The case had originated one and a half years earlier, at the local synod of Zhydachiv in September 1692. Wasyl brought Alexei to court, claiming he appeared out of the blue – without *praesenta* – and took over one third of the parish. The court found Wasyl’s claims to be invalid, since Alexei’s papers were in order. He had acted in accordance with what had been agreed with

³⁵⁹ NML, Rk1 58-6, p. 8b.

the owner of the village, and had recently been ordained by the Bishop. The parish had always had two priests but Wasyl had got used to running the parish on his own, since there had been no second priest for a considerable length of time. Alexei was to hold a service every third week and pay one third of the parish's obligations to the Bishop.³⁶⁰ Probably, this was the decree ignored by Wasyl according to the account of the case a year and a half later. This solution apparently did not work in Krupsko.

So far, it has been determined that the priest should remain sober and act humbly. He should avoid suspect places and company. Obviously, the parishioners considered "loose people" and Jews to be the wrong type of people for priests to associate with. The duties of the priest should be carried out blamelessly. The services and sacraments should be provided regularly and when needed. Church property should be looked after and kept in good condition. The priest should respect the parishioners. He should not accuse them falsely, and certainly not complain to the lord and break the village solidarity. If a priest did not meet these expectations, he would face the open resentment of the parishioners. On the other hand, the clergy could even the score and block the parishioners' access to church services and the Sacraments.

The case between the parish priests of Krupsko provides some indication as to the behaviour expected of the parish clergy by their colleagues. First of all, the matter of dividing the income from the parish correctly was crucial for ecclesiastical peace of mind, and accordingly for peace in the parish. Secondly, a well-behaved and rhetorically skilled priest could easily win over a misbehaving colleague. Alexei reported the misdemeanours of Wasyl. For that, he must have known what was acceptable and what was not.

This was barely the case with the parish priests of Kunin in the Zhovkva deanery. "Jakow the Old" brought "Jakow the Young" to court on 30th July 1688. Both clerics brought a list of accusations, compiled by the ecclesiastical commissioners. They are presented in full, since they add several new elements to the understanding of a parish's and a priest's conception of the local parish world.

"Jakow the Old" was accused of:

- Contempt for the Sacraments and changing of names when baptising
- Allowing a parishioner to die without Confession and Extreme Unction, although Jakow was timely informed about the state of his parishioner.
- He offended the honour and authority of his pastor *verbis*.
- He showed people his *nuda posteriora* asking them to kiss it.
- "Jakow the Old" lived as a notorious drunkard, causing "great offence to the people", and he neglected church services.

³⁶⁰ NML, Rk1 58-5, p. 32b-33.

- He employed witchcraft and fortune telling by women.³⁶¹
- During a mass when the Gospel was read and wearing liturgical clothes, he rushed from the altar and quarrelled with a man in the church and wanted to hit him.
- He tended to beat people with a stick in the presence of the ecclesiastical commissioners, when the testimonies were being collected in the parish church (*teraz przy Commisarzach Duchownych porywał sie z rozkiem na ludzię bic w Cerkwi*).
- The priests often took *apparata* from one other and hid them, they quarrelled all the time and threatened each other with witchcraft and death.
- “Jakow the Old” had barred people from church services for personal reasons.
- He was appointed to the parish *ad importunam instantiam*, without *praesenta* of the lord and the consent of the *gromada*.

The list of the misdemeanours of “Jakow the Younger” included:

- He held services in irregular ways, without *praesenta* and the *gromada*’s consent.
- He drank notoriously and “constantly smoked tobacco” (*tiutium ustawnie kurzy*).
- He neglected the services and, although young, refused to learn and exercise in the church procedure (*porządkach Cerkiewnych*).
- He had committed adultery, which had been proved³⁶²
- He attempted to hit a man in the church
- He quarrelled, caused offence and assaulted people when drunk, and “persecuted them at various places” (*po różnych miescach napas-tuie*).
- The Holy Sacrament had been taken away from the church and hidden by one of the priests, or someone else, without their knowledge.
- “Jakow the Young” quarrelled constantly with the old parish priest and threatened to kill him and to use witchcraft (*także przegrza się zabiciem y czarami na niego*).

During the investigation, witnesses gave their testimonies under oath. For all the above *puncta*, the Court decided to discharge both of the clerics from the parish and the clerical estate. The Dean of Zhovkva was instructed to appoint a vicar, while a priest from the neighbouring village should take care of the church key.³⁶³

³⁶¹ NML, Rk1 58-3, p. 46b.

³⁶² NML, Rk1 58-3, p. 47.

³⁶³ NML, Rk1 58-3, p. 47b.

The case contained deeds that were clear cases of misdemeanour against both the parishioners and the hierarchy. The parents and godparents surely found the changing of names during baptisms offensive. A neighbour passing away without receiving the Sacraments could hardly have increased respect for the older priest. One can only imagine the anxiety of the family about their relative's afterlife. The naked pastoral buttocks were a disrespectful and offensive act. As to the use of magic and fortune telling, it is impossible to discern whether the parishioners reported it as a grievance or if the commissioners found out about it by questioning the people. To the Church, such activities were deeply deplorable. It is unclear whether the priests claimed to use malicious magic, or simply shared a number of folk beliefs seen as malevolent by the Church hierarchy. The testimonies of the parishioners drove "Jakow the Old" to a violent reaction in the presence of the commissioners – an act that was immediately recorded. It hardly improved the general image of him. "Jakow the Old's" stormy nature was exposed by the incident during the church service, too. As in the case of the Krupsko priests, the use of tobacco was mentioned among the accusations – "the young" priest smoked it "constantly". It remains unclear to whom this habit seemed most distressing. It is possible that the hierarchy saw smoking as improper for a cleric, although Shumliansky does not mention it in his book. Finally, the excesses of both priests and the threat of using witchcraft and lethal violence hardly influenced the atmosphere in the parish in a positive way. The services and Sacraments had been neglected, and respect for the Church diminished because of the behaviour of its representatives.

So far, the most obvious expectations of the parishioners and the parish clergy have been presented. The text below offers further variations of this picture. It digs a little bit deeper than the preceding chapters, searches for Ginzburgian "symptoms" and "clues," and attempts to put them into a comprehensive whole.

8.2 The church key and the plough

Sometimes the parishioners undertook an action considered by the court to be illegal, in order to replace a priest. The case between Andrei, the parish priest of Holosko, and his parishioners is the most informative one. It reveals a certain gap in the perception of the obligations and way of life expected of the parish clergy. On the one hand, there was the church hierarchy represented by the court and Andrei who could be considered a "model priest" with a scholarly and spiritual inclination. On the other hand, there was the local community, whose expectations differed considerably from those of the churchmen and who expected the priest to live like a farmer.

On 14th May 1669, Andrei's case came to court. According to him, several parishioners had decided to replace him. They had made a deal with the

new candidate at the local inn while drinking. This group claimed to represent the whole parish. They came to the house of the priest and demanded he hand over the keys to the church. Andrei pointed out that he was still awaiting the final decision of the Bishop about his appointment. He refused to hand over the keys.

On the Day of Apostle John the Evangelist, Andrei's rival, the priest Ioann (the former parish priest of Vynnyky), asked for the keys and offended Andrei by questioning his legitimacy of birth. The day after, Lesko Voloshyn and Anton Vasylievych approached him in Holosko cemetery. This time, Voloshyn tried to take the keys by force (*gvaltovne*) and would have beaten the plaintiff, had Andrei not withdrawn. According to the defendants' (Ioann the priest, Voloshyn, Vasylievych and Semko Lazarchyk) version of events, Ioann, the former priest of Vynnyky, was visiting friends in Holosko when asked if he could take over the parish. The discontented told him that they could not see "why this priest of ours neither sows nor ploughs" (*shcho sia dieiet zhe toi sviashchennyk nash ni sieiet nie oraiet*). "Whether he will like it here or not" (*iemu tsy budet u nas tsy nebudet podobno*), it would still be best if he sought his office somewhere else.³⁶⁴ The fields of the priest were being cultivated by his neighbour, "a Pole" (*Liakh*). On a direct question from the parishioners, Andrei answered that he did not know where the Bishop wanted him to be posted, but he was in this parish until further notice. When again urged to hand over the keys, he refused, and there was some kind of "commotion", since he denigrated the parishioners who confronted him as "peasants" and "serpents" (*nas otets Andrei sromotyl nazyvaiuchy nas khlopamy handiukamy*). According to the witness, Iakov Lazarchuk, the rival candidate, priest Ioann, claimed he could pay the costs involved in changing the priest. The parishioners who supported Andrei asked Ioann to leave the parish in peace. They claimed that the replacement of the current priest "would not take place without problems", (*bo nebezturbatsii by bylo*). The parish had already experienced enough problems, and Andrei had barely survived through the winter. At the churchyard, the three lay defendants: Voloshyn, Vasylievych and Lazarchyk started a commotion using "spiteful words." They offended the priest and the people who were present. The moderate parishioners intervened to help Andrei, and "there was some noise between us." The lay defendants and the priest Ioann were convicted of insulting Andrei's honour by trying to remove him from the parish "with malicious incorrigibility" (*zloslyvoiu zavzhatystiu*).³⁶⁵ They were sentenced to jail until they had each paid a huge 50-*grzywna* fine (30 to the Bishop, 20 to the Court). If there had been any bloodshed during the scuffle in the churchyard, they would have had to pay for the ritual repurification of the holy place. Ioann was suspended from his priestly rank until the Bishop

³⁶⁴ NML, Rkk-151, p. 31-32, citations p. 32.

³⁶⁵ NML, Rkk-151, p. 33.

would issue a new pastoral blessing. He was commanded to ask Andrei to forgive him, and never again involve himself in Holosko parish matters. Andrei was to remain in office with the pastoral blessing. Ioann and the parishioners were commanded to respect the Court decree.³⁶⁶

However, this state of affairs did not last long. One and a half years later, on Friday after the Day of the Patronage of the Holy Mother of God in 1670, Andrei was once again facing a parishioner in court, the serf Anton Vytrykush.³⁶⁷ When the priest had been absent, Anton had gone to Andrei's wife and "treacherously" lured her into giving him the key to the church. Andrei's unsuspecting wife handed him the key and also a cross. After getting the key, Anton took the cross to the church and "happily ran straight to the plough" (*pobieg vesoly my nohamy dopluha*), where Mykhail, the former parish priest of Spas and the alleged instigator behind the plot (according to Andrei), awaited him. On the next day, Anton and two other parishioners "of the same way of thinking" came to Andrei. They told him that Anton had the key, and informed him "in the name of the whole parish" that he had to leave his office, "You no longer have a place with us, we have a different priest" (*bolshe u nas mistsa ne maiesh, maiemo iuzh inshoho pevnaho sviashchenyka*). He was told to move as soon as possible. Addressing them as "gentlemen" (*panove*), the priest replied that he could not understand why they were being so hasty. They should wait for the arrival of the Bishop, or at least they could have waited until Sunday, and he would have given them the key without delay. After all, they had taken the key on earlier occasions without his opposition.³⁶⁸ He said he was worried about the lack of episcopal consent for handing over of the key. The parishioners did not fear the Bishop, "He has nothing to do with the church key and neither with us", and claimed the full authority to be in control of the key (*do kliucha tserkovnoho, i do nas niechoho nie maiet, my maiemo vladzu sviashchennykovi kliuch vziaty i daty*). When finalising his complaint before the court, Andrei produced a written pastoral blessing signed and sealed by Bishop Iosyf Shumliansky, humbly begging the court for justice.³⁶⁹ Anton Vytrykush was condemned to one week in the Cathedral jail, but he would not be released until he handed over the key. Anton was barred from Sacraments for twenty weeks, and was to undergo public penance. The defendant and the *gromada* of Holosko were instructed to apologise to the Bishop and all the clergy for the great insult caused by Anton's action. Mykhail the former parish priest of Spas would be summoned to the Court for being the instigator of what happened.³⁷⁰

³⁶⁶ NML, Rkk-151, p. 34.

³⁶⁷ NML, Rkk-151, p. 97.

³⁶⁸ NML, Rkk-151, p. 98.

³⁶⁹ NML, Rkk-151, p. 99.

³⁷⁰ NML, Rkk-151, p. 100-101.

What is striking in this case is not only the obvious degree of disharmony within the parish, between some of the parishioners and the priest, but also the self-confidence of some of the peasant parishioners. They believed they had the power to remove the priest, and felt confident about that right. When asked about the course of events, Anton, the major defendant, merely confirmed the statements of the priest, without adding anything. Apparently, there had been a growing conflict about the appointment of the priest for a considerable time, since Lazarchuk, the witness in the previous case in 1669, mentioned the problems the parish had had with *several* previous parish priests (*bo zhesmosia nezednym naturbovaly*). Within the space of seventeen months (May 1669 - October 1670), the parishioners produced two rival candidates. At least in Andrei's version of events, the contenders played an active, if not instigating role in the process. The 1669 setback for the three oppositional parishioners did not discourage the opposition among the parishioners from seeking radical solutions once again. The parishioners appear to have been lacking in sophisticated political skills but were able to win in a temporary local power game.

The priest Andrei possessed rhetorical skills. He produced statements containing what he thought the ecclesiastical authorities wanted to hear. He depicted himself as an obedient servant of the Church and his pastor (note the references to the episcopal authority), and was careful to follow the instructions of the ecclesiastical hierarchy. On the other hand, he also claimed he would accept the will of the parishioners as long as the Bishop approved the changes. He portrayed himself as a person who favoured harmony in the community above keeping his parish office. He did not lack dramatising skills. In the beginning of Andrei's account of events, he threw suspicion on his adversaries by pointing out that the scene of the initial plot was the inn. Shumliansky considered the site a repugnant one for clergy. In the Ecclesiastical Court in the Diocese of Lviv, it appeared frequently in cases where the Court punished the clerics.

The fact that Andrei was not a farmer and could "neither sow or plough" suggests that he had been detached from the agricultural production that was crucial for a priest's food supply. He could have been of relatively well-to-do urban or gentry origin, although the way the Court addressed him does not suggest the latter. He could not, or would not, plough. When under pressure, Andrei did not abstain from calling his opponents "peasants" and "serpents", words that not only underlined their lowly origin and position, but also their perfidy. Obviously, they did not consider themselves to be either "peasants" or "serpents", as they took offence at that term. One and a half years later, when Anton carried off the church key and *apparata*, Andrei again used the image of the unworthy peasant when promoting his cause. Anton, he claimed, "happily ran straight to the plough", without comprehending the consequences of his deed. Anton thus returned to the utmost symbols of peasant work, to the plough and the fields where he belonged. He

was seen in the fields with the alleged instigator behind all this, the former parish priest of Spas. In 1669, Andrei mentioned he had used the word “gentlemen” (*panove*) when talking to the peasants, but the latter in their turn claimed the priest had spoken rather offensively. The conflict about farming: whether a priest should plough or not and whether the symbols of the church should be seen in the fields, are a key element. If Andrei was not of urban or noble origin, at least he had had some degree of institutionalised education, and possessed some knowledge of the rules of etiquette prevalent in Polish nobility and burgher society. The word he claimed he used (vocative plural *panove*, nominative singular *pan*) was of Polish origin, while according to him, the peasants called him *hospodyn*, Ruthenian for “lord.” Apparently, the association with an outsider (the Pole/Roman Catholic who toiled on the priest’s land) further aggravated the situation in the eyes of some of the parishioners. Otherwise, there would have been no point in mentioning the fact. At worst, this could have raised questions about the jurisdiction of the church land and begun a process of its detachment from the village land. Maybe, the *gromada* possibly saw the fact of a stranger and a Catholic farming as a disrespectful encroachment on the land given to the Orthodox Church. The priest hardly had enough food to survive the winter. He probably had to be fed by the parishioners, who scarcely lived a life of plenty. The sources do not reveal whether Andrei’s inability to support himself by farming was the only or main reason for the two fruitless attempts at his removal, but it was clearly important. This was the first problem the instigators for a change of priest brought forward in their conversation with the former parish priest of Vynnyki. Combined with Andrei’s incapacity to farm, the feasible cultural differences mentioned above could have made him an intolerable social and economic burden for some of the parishioners. Probably this burden was greatest for the wealthiest parishioners, since they would be the first expected to feed the priest. These parishioners expected to be in control of both the key and the plough.

Andrei (in accordance with the view of the Orthodox Church authorities) evidently limited the parishioners’ role to the latter, denigrating the peasant who “ran” to the fields and the plough carrying off the church key. To Andrei, he was to take care of church matters, while the parishioners were to do the sowing and ploughing, as well as provide him with basic food.

To parishioners, the intolerable priest had to be deprived of the means of access to the church. He faced a clear message of being unwanted. The material hardly provides for an alternative interpretation. Had Andrei misbehaved in any other way, his opponents would surely have mentioned these things in court, but we do not hear that he was a drunk or neglectful. Any and all misdemeanours could have and would have been used against him, in order to weaken his position and strengthen the case of his rivals and their supporters. Apparently, Andrei carried out his pastoral duties as expected. It seems that he abstained from drinking excessively and did not harass his parishioners.

Probably, he was pretty close to the figure that later crystallised as Shumliansky's model priest. If that is so, there were obviously many laymen and priests who were not ready to accept such a priest. On the other hand, opinion seems to have been divided.

When the discontented parishioners had the local lord on their side and, in addition, the priest turned out to be a reprobate, the Court had little choice but to remove him. Semion Gawalewicz, the parish priest of Lysovychi, was forced to leave his parish, although the Court considered the claims of the landlord to be exaggerated, and the parishioners had assaulted the priest in church and carried off the church books. The Court found that the lords placed "uncommon burdens" on the priest. The parishioners, who complained against the priest several times at the local lord's mansion, caused the supposedly negative feelings of the landholder towards the priest. The Ecclesiastical Court viewed several of their complaints as groundless. Still, because of the lord's low regard for the priest, Semion had the court's blessing to try to find another parish. In reality, this meant he had to go. He was instructed not to leave the church property until the *gromada* covered all his expenses. This included money invested in the maintenance of the church building and compensation for the forthcoming harvest, if the priest decided to leave before the crop was ripe. No new priest would be appointed if the parishioners defied the decree of the court. Apparently, Semion had no problems taking care of the farming or taking care of the property entrusted to him, but he had made himself unbearable in other ways. It was found that the priest was guilty of denigrating his ecclesiastical estate. The church and the inn had witnessed the priest beating people and falling victim to assaults. It is hardly surprising that excessive drinking and causing disorder in the neighbourhood completed the list of the priest's transgressions. Semion was sentenced to two weeks in prison in Lviv Cathedral's jail and a fine of 30 *grzywna*. The parishioners who had beaten the priest, created a commotion in church and taken the church books without permission, were also punished. Because of the removal of the books from the church no divine services could be held. Semion's father-in-law and his two brothers-in-law, along with two other parishioners, were subjected to a pastoral non-blessing. They were barred from taking the Sacraments. The decree warned neighbouring clergy not to provide the condemned parishioners with any "Christian Sacrament" or they would find themselves among the non-blessed, too.³⁷¹

In this case, just as in the case of Andrei the parish priest from Holosko, the parishioners claimed their authority vis-à-vis the unwanted priest by simply depriving him of the means of celebrating mass. In the case of Andrei, it was the key and the church *apparata*, while Semion Gawalewicz found himself without the church books. But Semion had misbehaved seri-

³⁷¹ NML, Rk1 58-2, p. 45-46.

ously even in the eyes of the Court (assaults, drunkenness et cetera), while Andrei was viewed as impeccable. The local lord's disdain of the priest was the main contributing element in the removal of Semion, who had also made himself impossible in the local community and was even pursued by his kinsmen. However, the Church could not let the behaviour of the parishioners pass without sanction, no matter if the priest had misbehaved or not. The community had attempted to circumvent ecclesiastical jurisdiction by making complaints to the local lord. They had also tried to execute authority over the priest by beating him and carrying off the church books. The *gromada* was just as much at odds with the Church hierarchy as Semion.

The seizure of the church key was a common complaint among the agitated parishioners. Most often, the Consistorial Court would not sanction such an action but in December 1681 the church key of the parish priest of St. Theodore in Lviv was taken by the confraternity of the church (plaintiff in the case) with the approval of the Court. The priest had beaten and offended a member of the confraternity when he had appeared to take his key. The confraternity brought the case to court and apparently won. Further sanctions against this priest were not mentioned and the final outcome of the case remains unclear.³⁷² The parish priest of Chartoryia was found to have falsely accused a peasant of taking away his church keys and installing his son-in-law as parish priest. It was discovered that the parish priest had committed *scandala varia*, among them extensive drinking, quarrelling at the inn and neglecting his duties (one of the parishioners has passed away without Confession). He had not attempted to get *praesenta* from the local lord, which had resulted in the church keys being taken away from him several times at the will of the lord. In order to be allowed to stay anyway, he had accepted serf-like obligations and duties, bringing disgrace upon his vocation and the Church, it was maintained.³⁷³ The church authority could intervene by taking away the church key from a misbehaving priest. Vasyl, the parish priest of the Holy Saviour Church in Mykolaiv had hidden the keys in order to prevent the Dean from taking them. They were to be taken from him because the priest worked without *praesenta*, and refused to conduct a service in the Dean's church after being ordained.³⁷⁴ When the young and the old parish priests of Kunin were dismissed from the parish simultaneously, the parish priest of Dobrosyn took care of the church keys whilst the Dean of Zhovkva found a vicar.³⁷⁵ The removal of the keys had of course obvious practical advantages (physically barring undesirables from access to the church), but also had a symbolic meaning. Since there were always people present, it was an act of semi-public disapproval. It was a display of broken

³⁷² NML, Rkl 61, p. 16-16b.

³⁷³ NML, Rkl 58-3, p. 40-41b.

³⁷⁴ NML, Rkl 58-3, p. 22b.

³⁷⁵ NML, Rkl 58-3, p. 47b.

trust and expectations, an act that signified a sanctioned or unsanctioned removal from office.

The practice was probably inspired by the actions of the Orthodox confraternities that experienced a boom in the late sixteenth and early seventeenth centuries. Those organisations interpreted the cleric's role as confined to ritual matters. Finance and other matters should be left to the confraternity.³⁷⁶ The behaviour of the Ruthenian parishioners described above fits well into the general trend noted by scholars who have studied the relationship between priests and parishioners in early modern Europe. Parishioners interpreted that relationship as a contractual one. If a contract was breached by a cleric, the parishioners viewed it as legitimate to intervene by barring the priest from further work. This occurred sometimes if clerics refused to provide the requested Sacraments timely, insulted or threatened parishioners, or declined to contribute their rightful share of taxes and obligations as perceived by parishioners. Malmstedt found that the erudition and pedagogical skills of a parish priest were only of secondary importance to the parishioners.³⁷⁷

8.3 The parish priest: a sociable neighbour

Shumliansky attempted to draw a clear social demarcation line between a priest and his parishioners. However, a priest was traditionally a central figure in the local community and was often integrated into it in a different way than the Bishop and the Court wished. He was invited to participate in important and festive social events in the parish. On these occasions, the opportunity arose for the sort of equal intermingling that so alarmed the Greek Orthodox and Uniate hierarchy, since these "occasions" often deteriorated into veritable festivals of bad behaviour.

The sources (see the section about a model parish priest to the *gromada*) and the scholarly literature indicate that many of the parish clergy lived as part-time peasants, toiling on the land granted to them by the community. Accordingly, it must have been hard, perhaps impossible, for such a person to refrain from participation in the social world of his flock. In fact, the priests seem to have taken part in such activities rather keenly, probably viewing the participation as part of their responsibilities. The peasant-like work and material conditions of the Ruthenian clergy³⁷⁸ hardly improved their likelihood of following the instructions of the higher clergy and distancing themselves from peasant life. As the case about Andrei, the parish priest of Holosko, suggests, the parishioners could get very upset with a

³⁷⁶ Исаевич, *Братства та їх роль*, p. 71-72.

³⁷⁷ Malmstedt, *Bondetro*, p. 122-123, p. 125.

³⁷⁸ Półcwiartek, „Parafie greckokatolickie”, in Stepień (ed.), *Polska-Ukraina*, p. 94-95.

priest who lived in accordance with the expectations of the church authorities and kept his distance. Although it is hard to know whether all priests fully comprehended what was expected of them, one can assume that given the choice between total obedience to the instructions of a distant hierarchy and the social requirements of the neighbourhood, the latter could easily gain the upper hand.

8.4 Priests or peasants: the village feast

Village feasts provided an opportunity to create an atmosphere of equality and solidarity within the community. Food, drink and laughter created a carnival-like feeling of togetherness. It would be very difficult for a priest to avoid being drawn into a village feast.

A couple of priests went too far on one such occasion in the village of Pidliska in the summer of 1668. A number of village priests attended a dinner festivity along with an unspecified group of people, probably parishioners. Several were already drunk. According to Nykola, the parish priest of Zapytiv, he was beaten badly at dinner in the house of the commoner Ioann Sarypak. He and the parish priest of Pidliska arrived at the feast and found Mykhail, the parish priest of Sulymiv; Petro, the priest of the village parish of Iarychiv; and Iakov, the priest of the town parish of Iarychiv together with their wives and several laymen. They were socialising and drinking *horilka* (vodka). After relishing the dinner, they took up drinking again. Nykola asked Mykhail, the parish priest of Sulymiv, to stop verbally abusing Iakov, the town parish priest of Iarychiv, whom he had called “ordynets” and “taryn.”³⁷⁹ These were common terms for enemy Tatars (“ordynets” stemmed from “orda”, Polish for “Horde”), who frequently ravaged Ruthenian lands. The main goal of these Muslim intruders was to plunder and take captives who could be held for a ransom or sold as slaves. In other words, the offensive phrases uttered by Mykhail were synonymous with “robber” and “infidel.” Nykola asked the drinking partygoers to calm down and stop offending his colleague, appealing to them twice using the words “priests, peasants, it is better to keep silence” (*popy, khlopy, lipshe movchaty*). Petro immediately offended him with “incautious and indecent words.” The people present tried to prevent Petro and his father-in-law Mykhail from assaulting Nykola. They succeeded only partly in their moderating mission: Nykola received two blows to the face. Nykola deemed it wise to leave. He withdrew from the room in order to thank the host and depart. He was then grabbed by the beard by Petro and dragged out into the yard. There, Nykola was thrown into the mud, while Petro beat him on the head and face, kneeled his chest, and beat him “in any way he pleased” (*iakosiamu podo-*

³⁷⁹ NML, Rkk-151, p. 14-15, citation p. 15.

balo). Then Nykola was assaulted by Mykhail, Petro's father-in-law who beat him with his walking stick. Soon, the wives of Petro and Mykhail joined the brawl. They beat Nykola and trampled him into the mud with such ferocity that "the people barely managed to drag them away" (*zaledvo liude ini-eshin otnialy*). The aggressors had to be held back several times. Nykola, the plaintiff, asked the Consistorial Court for justice and brought witnesses. The defendants, Mykhail and Petro, claimed they had never fought with the plaintiff nor pulled his beard, but admitted they "were about to jump on him" because he had called them "peasants" (*khlopy*).³⁸⁰

According to the first witness, Bardolomei, "a citizen" of Pidliska, Nykola the parish priest of Zapytiv had asked Mykhail to stop dishonouring the parish priest of Iarychiv. Nykola said, "Priests, peasants, people, you do not know what you are saying" (*popy, khlopy, liuda, shcho hovoryte samy neviedaiuchy*). Then, the witness continued, "The wives and others laughed at that." When Nykola repeated his request that they stop, Petro got angry, "saying some good words, and some indecent", irritated at having been called "peasant." Mykhail tried to hit Nykola with his glass, and later with the *horilka* bowl, but people held him back twice.³⁸¹ Nykola left the room and sat down with another group, and *horilka* was given to him. Mykhail found him and hit him in the face twice, until people held him back and prevented further attacks. Nykola went to thank the host before leaving. When he was leaving the building, Petro attacked him again, pressing him into the mud and beating him. Nykola's cap disappeared, and the two were separated by the people, who "did not let the fighting go on any more" (*liude nedopustyly bytysia im bolshe*). When Nykola asked for his cap back, Petro attacked him again, grabbing his beard and pushing him up against a fence. Petro's wife, and her father, Mykhail, joined the fight (the latter using his walking stick). Nykola started to yell for help, and people separated them once again. His beard had been partially ripped off by Petro. His cap could not be found. When the rowdy couples were leaving, Petro's wife addressed Nykola pointing out, "The cap is here, son of a whore, but I am not your errand boy." When Nykola approached their carriage in order to take his cap, they attacked him again. Petro grabbed Nykola's beard again. When the witness saw this, he separated the three, but received two blows to the face from Petro's wife.

The testimony of the second witness dealt only with what happened outside. He saw Nykola thrown to the ground and battered by Petro, his father-in-law and their wives. The people tried to keep them back, but Mykhail could still reach Nykola with his stick and Petro would not let the beard go. The witness did not see what the wives were doing because he was standing too far away. Petro and Mykhail had to face imprisonment for one week, and

³⁸⁰ NML, Rkk-151, p. 15.

³⁸¹ NML, Rkk-151, p. 15-16, all citations p. 15.

compensate the plaintiff for his “pain” and legal expenses “through good friends.” They were instructed to either buy a new cap or find and return the old one. This for “committing such an excess among the people on a festival day /.../ while living off the ecclesiastical bread [*na khliebie duhovnym*] and daring to commit such a brutish sin against the Holy Spirit and their brother [*i v Dukhu Sviatom bratu svoiemu vazhytsia byztyialsko to vchynyty*].”³⁸² According to the contemporary Ruthenian theologian, Ioanykii Galiatovsky, wrath was among the sins against the Holy Spirit.³⁸³

This incident was a family affair. The father, the mother, the daughter and the son-in-law carried out the attack. It was an immediate answer to Nykolash’s verbal action. The reason for discontent was frankly pointed out: being called *khlopy*. The company’s way of distinguishing themselves was an almost immediate physical attack on the person who they experienced as questioning their social status and dignity. It was preceded by the “good” and “bad” words uttered by Petro, indicating that there might have been some hesitation, but the drive to intervene violently took the upper hand. The drawn out beating communicated a clear message to the people present. Apparently, there was little social pressure among the priests on the parish level to conduct themselves differently from the parishioners and observe strict self-control. From their point of view, beating and humiliating Nykola was purely rational. One immediately thinks of Blok’s suggestions about the “rationality” of violence as presented in chapter 2. There were clear honorific aspects to the violent actions of the priests and their wives. They felt offended by the word “peasant” (*khlop*), because it was derogatory. The dying Ruthenian prince, Oleksandr Oztrozky, was reported to have uttered the words “popie, chłopie” to the Orthodox priest who came to give him the Last Rights. The prince was infuriated over the person whom his Ruthenian servants brought to his deathbed. Even if one may question the reliability of the Jesuit who described this event in 1623 for the purpose of propaganda (the prince’s serious doubts about his Orthodox faith in such critical circumstances)³⁸⁴, the negative meaning of the term is clear: an unworthy, distasteful person of lowly origin. Hedeon Balaban, the Bishop of Lviv at the end of the sixteenth century, was reported to have called two confraternity members from the town of Holohory for “peasants.” The two asked the bishop to explain a question related to faith, a request that enraged the Bishop.³⁸⁵ Perhaps this explains why the wives of the delinquent priests intervened in the fight when there clearly was no need to save their husbands’ skins from a raging brute. The offence affected their social position, too. The violent quartet slapped and trampled its straightforward message into Nykola. He was made

³⁸² NML, Rkk-151, p. 16-17, citation p. 17.

³⁸³ Довга, Лариса, „Уявлення про гріх та чесноту в українських текстах XVII ст.”, *СОЦІУМ. Альманах соціальної історії*. Випуск 3 (Київ 2003), p. 245.

³⁸⁴ Яковенко, *Паралельний світ*, p. 20-21 (citation p. 20).

³⁸⁵ Ісаєвич, *Братства та їх роль*, p. 72.

to rapidly abandon his request and driven out of the house, where the assault continued. Nykola was left silenced, punished and humiliated, left at the scene of the assault without his cap, an important part of a priest's outfit. The higher status of the assaulters had been publicly restored, a future questioning of it curtailed.

The people who were present at the scene separated the attackers from Nykola several times – four times according to his own version and as many as six times in the version of the first witness. There are no indications of counter-violence on Nykola's behalf, not by the local priest with whom he arrived, nor by the priest whose honour he was in fact defending. The witnesses showed no clear contempt or sympathy to any of the parties. This suggests that the attackers were allowed to state their messages up to the limits of what Nykola's body could bear without the infliction of serious injuries. The spectators intervened as soon as Nykola cried out for help, or when they considered the brawl had become too violent. Very much as in the research of Dwyer-Amussen into the social meanings of violence in early modern English society, a certain degree of violence was allowed. Indeed, it was about proportions. When the offenders were losing control over the violence, the spectators intervened.

Violence had its own choreography. The violent acts were supposed to implement one's view in a very manifest and public way, whether the reasons were honorific or related to the priestly office. The violence was a message, and the purifying act was staged and performed for an audience that contained the immediate social surroundings of the persons involved, in a way reminiscent of Dinges and Starchenko's suggestions. The immediate violent intervention appeared as an efficient way of communicating and implementing one's authority. They were *not* peasants. On the other hand, the violent reaction suggests that the status of the clergy could be contested and ambiguous, and that the difference between the parish clergy and the parishioners could be perceived as negligible, particularly in the context of a village feast.

The cases analysed here, and the questions presented above, suggest that the church hierarchy's and parishioners' image of how a priest was supposed to act concurred on several points. There was agreement about the need for the clergy to be sober, to hold services on time, to provide the Sacraments, and maintain the church buildings. Yet, the authority of the parishioners vis-à-vis the priest (the right to replace the priest), and the question of whether the priest should toil on the land and support himself and his family with food could be a source of conflict. Several of the priests misbehaved and seem to have lived in a state of chronic conflict with the local community because of their behaviour (most notably drunkenness). The expectations of the church authorities could not be met since the priests were socially and mentally too close to the parishioners. They were expected to live a life of a part-time priest and full-time peasant. The case of Andrei, the parish priest

of Holosko, shows that there were priests who were willing and able to adapt to the new church agenda. Andrei, the parish priest of Holosko, faced disdain from several of the parishioners, to whom he was more or less unacceptable.

8.5 Expectations and disappointments

Thanks to the witness statements, the skills of the scribe of the Court and other factors that enabled us to have a record of the case about the parish priests Bazyli from Kryvchytsi and Stephan from Myklashiv in an extended and informative narrative, it remains one of the analytically most pregnant cases. There are the testimonies of the three witnesses brought to the court by Bazyli, the parish priest of Kryvchytsi, as well as the decree of the Court recorded some days later.

The first witness, “honest” Grzegorz Kowalski, presented hair that had supposedly been ripped from the head of Bazyli during the brawl. He collected it from the priest’s clothes after the brawl. However, the witness did not see the thrashing of the priest. He arrived just in time to prevent the fight from starting again. Stephan insisted on a renewed brawl, but the witness took Bazyli to his house. There they stayed until the priest came to his senses. The witness found it necessary to mention that the victim was not drunk. The second witness, “industrious” Stanisław Muzyka from Kryvchytsi, saw the brawl when he drove by on his cart. Stephan, along with two men, pulled Bazyli’s hair. Seeing this, the witness jumped from the cart and separated the fighters. Then he took a “juvenile” from Kryvchytsi with him, as he was bleeding from the face. According to Stanisław Muzyka, Stephan the parish priest of Myklashiv, was “more drunk” than Bazyli, the parish priest of Kryvchytsi.³⁸⁶ The third witness, “honest” Grzegorz Wiszatycki the “juvenile”, left the most detailed testimony. When walking home on Lychakiv Street through the Halych suburb of Lviv, he saw two priests sitting in the hall of Grzegorz Kowalski’s house. They were drinking *gorzałka* (vodka) and beer. Bazyli invited his parishioner to join them. They treated him to some beer. The deacon from Myklashiv and the servant of the parish priest of Myklashiv were also there. Stephan picked up a book of Bazyli’s, read it for a short while, and claimed that he had never seen nor been in possession of such a book. Bazyli answered, “God provides me so.” (*mnie Pan Bog tak daie*)³⁸⁷ Stephan did not agree. “Well, it is not quite God who provides you,” (*ba prawie Pan Bog ci daie*) he claimed. “If I was the bishop, I would order the parish priest of Lysynychi, the parish priest of Myklashiv and the parish priest of Kryvchytsi to plough the land and not behave like drones” (*bywszy Ja Władyką, kazałbym Ja tak Łysienickiemu, Mik-*

³⁸⁶ NML, Rkl 61, p. 41b-42.

³⁸⁷ NML, Rkl 61, p. 42.

laszowskiemu, y Krzywczykiemu Duchownym w polu plugiem orac nie za ledaczym chodzie).³⁸⁸ Bazyli was unconvinced, “Do not show me work, that I can do without” (*nie ukazuy ty mnie roboty kiedy ia sie mogę bez tego obeyść*). This enraged Stephan. According to the witness, he “started to offend the parish priest of Kryvchytsi”, saying “[you] peasant, [you] priest, you [better] work as I do” (*Chłopie, Popie, rob ty tak iako ia robię*). After uttering this, he hit the parish priest of Kryvchytsi with a walking stick. The brawl started. The deacon and the servant from Myklashiv joined in on the side of their parish priest. Grzegorz Wiszatycki attempted to keep the brawlers apart, but was hit in the face twice. The brawlers tried to take his sabre, but he prevented this just as Stanisław Muzyka arrived in his cart.³⁸⁹

The verdict issued some time later found the priests to be equally guilty of “committing such great scandal” (*tak wielkie scandalum popelnione*). Each one of them was sentenced to two weeks in prison and a 30-*grzywna* fine. They were ordered to apologise to each other and never to engage in brawling again.³⁹⁰

While the first witness, Grzegorz Kowalski, in whose house the critical event took place, claimed Bazyli was not drunk at all, the second witness, Muzyka, maintained that Stephan, the parish priest of Myklashiv was *more* drunk than Bazyli. If Bazyli had been sober, or at least less drunk than Stephan, the guilt could perhaps have been passed to the latter. Although the testimonies about the sobriety of Bazyli differ somewhat, they were supposed to have a positive impact on his cause. Sobriety mattered to the ecclesiastical authority (here represented by the Court), and the witnesses, or at least Bazyli, who could have instructed them, knew that. Combined with the *obductio* of the bruises of Bazyli³⁹¹, the testimonies were supposed to more or less have freed him from any suspicion.

The pulling of hair should be seen as more than an expression of outrage by the parish priest of Myklashiv. It could have been a conscious act rather than a spontaneous act of rage. An act supposed to cause humiliation. In the pictures illustrating *Metryka albo reiestr*, Shumliansky’s handbook for the parish clergy, there are long-haired priests with tidily combed hair and beards. In the protocol books, there are examples of parish priests sentenced to degradation by having their hair (or beard or both hair and beard) cut by order of the Court.³⁹² The seemingly unplanned pulling of hair could have been an act of symbolic degradation, or more probably, the deprivation of the victim’s honour.

³⁸⁸ NML, Rkl 61, p. 42b.

³⁸⁹ NML, Rkl 61, p. 42b.

³⁹⁰ NML, Rkl 61, p. 43.

³⁹¹ NML, Rkl 61, p. 42b. Among several bruises on Bazyli’s arms and back, he has been bit on the right blade-bone.

³⁹² NML, Rkl 59, p. 4; Rkl 58-1, p. 60b.

Once again, as in the cases of Andrei the parish priest of Holosko, and the priests at the feast in Pidliska, the events were confined to a rather small area. In the first case we had Holosko and Vynnyky, situated on opposite sides of Lviv. In the second case there were Zapytiv, Sulymiv, Iarychiv and Pidliska. Then there were Kryvchytsi, Lysynychi and Myklashiv. All villages mentioned were in the vicinity of Lviv. They were all within a day's walk. The conflicting parties were priests in neighbouring or relatively close villages. They did not brawl with strangers. Authority was claimed and reclaimed in a close-knit community, among people who knew one other, and in familiar milieus (the street, the inn, the feast, the church or the churchyard).

The book Bazyli carried was only the catalyst for what happened. It is not known whether Stephan could not afford the book, or the content seemed startling to him. By indirectly calling Bazyli a drone, he suggested that the parish priest of Kryvchytsi should toil on the land rather than pass the job to others and parade the highways carrying fancy books. One senses material causes: the priests should be more or less equal, and toil on the land. After all, this was what Stephan, the parish priest of Myklashiv, would do if he were bishop! One senses a degree of disapproval towards ecclesiastical authority. Probably, there were changes going on, changes that Stephan could discern, but not fully comprehend. Stephan did not believe in providence, at least not in the case of Bazyli's accessibility to books. Rather than that, there are purely material causes rather than the result of divine intervention. Bazyli (maybe along with the parish priest of Lysynychi) should toil on the land as Stephan did. Bazyli ostentatiously refused, being certain of his position in the village. This enraged Stephan and provoked the attack.

Once again, there is the explosive combination of "peasant" and "priest" (the word *pop* indicating only a Greek Orthodox and later a Uniate priest, not a Roman Catholic one). Probably, Stephan evoked Bazyli's "true" associations for him. At the feast in Pidliska, and at this time, the words were used before a brawl broke out. In Pidliska, the words were uttered by the one who was beaten, on Lychakiv Street by the perpetrator.

It seems that many of the priests were fully aware of, and acted in accordance with their somewhat elevated social position. At the same time, they intermingled with parishioners and commoners in a way unacceptable to episcopal authority and in a way that hardly distinguished them from the parishioners. They wished the division to be there, but they seemed on occasion to have behaved in ways that would make this division unclear to the local community as a whole, certainly to the nobility. This put their status and honour in question. They could become violent if offended by being called a combination of "peasant" and "priest", or encourage others to be violent by using these words themselves. At the same time they were socialising with commoners (as Mykhail and his son-in-law), or advocating a type of a priest who toiled on the land (as Stephan from Myklashiv did).

To put it clearly, the dividing line between the commoners and priests was more of a negotiated, contested one, and a “sensed” one rather than a “real” one. It was hazy and vague, and perceived as such by several priests. It had to be vigorously (ferociously), theatrically and publicly defended. No wonder the brawls started in situations where someone perceived his position to be threatened. After all, both the clerics, Andrei from Holosko and Bazyli from Kryvchytsi, whose behaviour was questioned in the cases presented above, seemed to have had tolerable relations with their parishioners. The commoners were free to visit Andrei’s house and collect the church *apparata*. Bazyli did not abstain from consuming alcohol with his parishioners in a place where passers-by could see him, where he was exposed to anyone. The distance was not too great for the serf, Stanisław Muzyka, to resolutely jump off his cart in order to stop the brawl between the parish priests of Kryvchytsi and Myklashiv.

Both Stephan, the parish priest of Myklashiv, and Bazyli, the parish priest of Kryvchytsi, were found equally guilty of the brawl. It was the result of a public scandal caused by the two clerics. Two priests engaged in a brawl, assisted by lay people, all of whom had drunk together in a place where people could easily see them, on one of the main roads to and from Lviv, in the shadow of its defence walls. If the Court reasoned, as Shumliansky did in his book a few years later, that the event was the gravest combination, short of bigamy and sacrilege, of a priest’s professional taboos. The word *publicly* appears several times in the book and the court protocols.

8.6 Summary

This chapter’s goal was to search for the reasons for the parish clergy’s indisposition or unwillingness to live up to the expectations of the Bishop. The respective expectations of the parishioners and the parish clergy about the behaviour of the parish clerics, along with their position in the local parochial world, were studied.

It was found that the expectations of the parishioners deviated from those of the church hierarchy on a few crucial points. The priests could be expected to show solidarity vis-à-vis the peasants. They were not supposed to bring the parishioners to the attention of the lord. Sometimes, they could be expected to contribute to the village by carrying out duties and paying taxes requested by the local lord. It seems that there was a disagreement as to the role of the priests. They were not merely seen as pastors, but as fellow villagers, who were supposed to cultivate the land, as the case of the parish priest of Holosko showed. The clergy were also expected to participate in festive events in the village. Once there, the priests hardly observed the expectation of the Bishop to drink cautiously.

The parish clergy's main problem seems to have been financial matters (dividing the income from the parish and related problems). In the case involving violence between two clerics from the same parish, financial matters were the main reasons for the outbreak of violence.

The case between Bazyli, the parish priest of Kryvchytsi, and Stephan, the parish priest of Myklashiv, indicated that opinion was divided about who should cultivate the land and what tasks should be carried out by the parish clergy.

The cases presented above have shown that the status of the parish clergy in the local community could be contested and frail. Repeatedly, this status had to be defended. The position of the parish clergy was violently, publicly and vigorously renegotiated. The message had to be clear and public, because the disgrace and stigma that the parish clergy were exposed to, was public. The ripped beards, the bite marks and the bruises were visual messages screamed for the respect of the community.

The question remains as to how the nobility was to be convinced about the parish clergy's qualities, if their position was attacked by fellow priests, and had to be defended among commoners. The chances of success were minimal.

9 Conclusions

The aim of this study has been to learn how the requirements of *confessionalisation* were managed on a diocesan and parochial level in the Greek Orthodox and, from 1700, the Uniate Diocese of Lviv. During the forty years investigated i.e. 1668 to 1708 (the period of the episcopacy of Iosyf Shumliansky), the Diocese experienced unprecedented confessionalising pressures at state and regional levels. The Polish king, Jan III Sobieski, supported Iosyf Shumliansky because the Bishop was expected to bring the Diocese of Lviv into the Uniate organisation. Working secretly at first, and then publicly from 1700, this effort meant that Shumliansky must build up a loyal priesthood who would assist him in interpreting joining the Uniate Church as a positive step. For this, the priesthood needed to be reoriented to be positive to the values of Polish religious culture and consequently needed to learn to be negative to some of the values of the Orthodox religious culture. In this study, the Lviv and Halych main deaneries (*namiesnictwa generalne*) have been included, but not the third main deanery of Kamianets Podilsky. During most of the period covered by this study, various parts of this main deanery were under Ottoman rule for many years.

If Shumliansky was the star, the parish priests were the main supporting actors in the transition: firstly to attain a European standard in civilised priestly behaviour, and secondly to propagate for the Uniate connection. As an instrument for his reforming ambitions, the Bishop had a Consistorial Court at his disposal. It started its work during the first year of Shumliansky's administration, when the Diocese was Greek Orthodox. After nineteen years of his episcopacy, Shumliansky published an important book, *Metryka albo reiestr*, that contained a collection of instructions to the parish clergy about their pastoral role. His demands on the clergy and the function and influence of the Consistorial Court have been the main focus of the analysis in this study. Since the parish clergy were the most numerous and geographically most widespread group at the Bishop's disposal, the inappropriate actions of clerics have been the subject scrutinised in this thesis.

It was found that the Bishop was not completely in control of all parts of the Diocese, but had some control over the western and southern parts. Particularly difficult was the situation in the eastern parts of the Lviv and Halych main deaneries. During a considerable period of Shumliansky's episcopacy, the Polish-Lithuanian Commonwealth was involved in wars that ravaged the whole Diocese and there were intermittent Tatar raids. Very few

cases from deaneries such as Terebovlia, Chortkiv or Sniatyn appeared in the Consistorial Court. The Court also avoided visiting the most exposed deaneries. Lack of control and the blank necessity to secure survival in these areas made ecclesiastical discipline a secondary matter among the parish clergy in the eastern deaneries. However, the area around Lviv itself felt the full brunt of the “civilising” efforts of Shumliansky. In the western parts of the Diocese, a large number of priests were summoned to court. Here one can see the start of the civilising process. However, this process was unfinished when Shumliansky died in 1708.

With regard to disciplining priests, the most common type of litigation in the Consistorial Court was *official misconduct*, followed by *violence*, *finance* and *defamation*. The parish clergy was the most common group of plaintiff, followed by nobles and *honest/reputable/townsmen*. The nobility appeared mostly in their roles as administrators or owners of landed estates.

In *Metryka*, Shumliansky required the clergy to become sober and clean. The clerics were required to enhance their educational level. The parish priests’ educational level needed to rise to reach that of the Roman Catholic clergy or the nobility. Simultaneously, they were to distinguish themselves from the serfs by dressing and behaving differently. The dress of a priest should not be reminiscent of peasant dress. This proved not so easy to implement as many priests were very poor and lived from what they could grow in their fields. They had to plough and perform other agricultural tasks. Shumliansky demanded that the clerics should know and guard their elevated position in the local community. They should know with whom and how to socialise, and whom to avoid. Shumliansky condemned drinking with the parishioners in the inns and exorbitant drinking at parish feasts as improper for a cleric. This also proved not easy to implement, as the role of priest was traditionally central to parish festivities, and the parishioners expected the priest to participate fully. Generally, the instructions of the Bishop were aimed at narrowing the cultural gap between the parish clergy and the nobility by encouraging them to learn Polish and Latin. This was also to be brought about by the parish clerics adapting noble behavioural models.

This thesis uses Norbert Elias’s suggestions about a situation where one group positions itself higher than another group considered as “uncivilised”, “disgraced”, or unworthy. It also utilises the sociologist’s thoughts about *group charisma* and *group disgrace*. The demands of Shumliansky have been interpreted as an attempt to consciously distinguish the Ruthenian, Greek Orthodox (from 1700 Uniate) parish clergy from its traditional “undesirable” close association with the peasantry, a disgraced group despised by the Polonised nobility. By approaching noble standards in education and behaviour, the Orthodox clergy was supposed to relieve itself of the existing *group disgrace* and *outsider* status that the association with the peasants/serfs brought upon them in the eyes of the nobility. In this way, they could approach the behavioural and educational standards, and *group cha-*

risma of the *established* nobility. There were obstacles to this scenario, however.

Typically, the expectations of the parishioners about the behaviour of the parish priests deviated from that of the church hierarchy. The villagers often saw the priest as a leading member of the village who had to show solidarity with the congregation and cultivate the land provided to him by the *gro-mada*. The priest was expected to participate in all the festive occasions and alcohol consumption was central to these occasions. The source material reveals that clerics did not and probably could not abstain from excessive drinking on such occasions. The context of living close to the peasantry made it difficult to create a dignified cultural distance. Priests who attempted to follow the ideals of Shumliansky, could find themselves in direct conflict with the parishioners.

The independence of the parish clergy in the local community was often frail. It had to be defended and could be the subject of violent negotiations. In this thesis, the use of violence has been regarded as a means of communication and interaction. When brawling publicly, clerics vigorously claimed the position and status that had been denied to them. By giving the sceptics a good thrashing, the priests showed the local people that they were serious in their claims to be leaders of the peasant community. However, it was definitely not dignified behaviour in the eyes of the church hierarchy. The procedure was staged and genuine at the same time. One may raise the question as to whether the parish clergy could convince the nobility about their quality and rank, if they were denigrated by their colleagues who called them peasants.

The pressure posed by the increasing confessional mobilisation by the Roman Catholic authorities and church hierarchy forced Shumliansky to finally publicly accept the union with Rome in 1700. Much earlier, at least according to *Metryka* and the work of the Consistorial Court, the parish clergy had begun to be subject to the gradual transition: to “confessional civilising”. It was confessional, because it was inspired by the reforms undertaken in the dominant church, the Roman Catholic Church. The Roman Catholic clergy and the nobility were presented as semi-models in Shumliansky’s book. It was about civilising, because the Orthodox clergy was supposed to refine its manners, dress and social affiliations, and assume a social position above the wide mass of the peasantry with which it was frequently likened. It seems that Shumliansky’s endeavours bore little fruit during his own administration. However, it laid a good foundation for the later Uniate Bishops of Lviv to use, once the Uniate Church started its institutional and intellectual integration in the 1720s.

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Confessional Civilising in Ukraine

The Bishop Iosyf Shumliansky and the Introduction of Reforms in the Diocese of Lviv 1668-1708

