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BIRTH OF «OLD EUROPE»: PRINCELY CONVENTIONS, REGULATIONS, REGULATION DEEDS AND CODES, AS POLITICAL INSTRUMENTS OF CRISES SETTLEMENT*Ihor Melnichuk*

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Actuality of the chosen problem is conditioned by the increased attention of world historical science to a few public phenomena, which on the present stage of epoches' change, technological modes and political elites are key for understanding of causes and possible effects of civilization crisis into which humanity presently entered. We talk about authority, its political instruments and relationships with social environment.

The «European civilization cell» which remains one of dominant in world cultural-ethical space and got used traditionally to determine the rules of game for all humanity is conditional, and during its history it experienced similar crises once or twice.

One of them was observed in XI-XIII century, when the map of Europe was newly formed, and the young states searched for political instruments for overcoming of general turbulence which was outpoured in interindividual wars, protracted conflicts of traditional monarchist elite with a new-born feudal oligarchy, appearance of new powerful task forces which required own political rights.

A research purpose is bringing in of attention to a few such instruments, which were empirically found by a ruska political elite – conventions of ruskikh princes, and also acceptance by them regulations and codes as a legal base for the settlement of crises in political relationships with other layers of society.

In alike forms such measures which were called to take off tension in the state, for initiatives of basic political players were used in England, Germany, Poland, France etc. In addition, we offer systematization of conventions of princes after forms, tasks and chronology.

A chosen problem is comparatively scantily explored – with the different depth of analysis a few Russian researchers applied to it by the last decades: A. Gorskiy, V. Sverdlov, O. Schavelev, Y. Schapov.

Conventions of princes were conducted under exceptional circumstances, when there was a

requirement in the general decision of princely elite apex on questions concerning foreign and internal policy. An academician B. Grekov considered at one time, that Lyubeckiy convention in 1097 was the first in princely history [1, s. 499]. Indeed, this «snem» is known in literature, taking into account its importance for the subsequent fate of Rus, but he was not the first in chronology of similar collections.

Lyubechi had the proclaimed retreat from the family chart of inheritance and passing to new, patrimonial principle of political structure of Rus: «Each holds his own patrimony», that opened a way to formation of regional dynasties, and also it was certainly the first time when princes succeeded in collective actions against polovciv.

Convention was a decision of a sharp problem of «derelict» princes, who caused conflicts and undermined state principles. Also it satisfied ambitions to certain sovereignty of the mightiest principalities in the persons of their heads.

It's known that Kyiv, Turiv and Pinsk were left to Grand prince Kievan Svyatoslav Izyaslavich, Pereyaslav – to the pereyaslavskiy prince Volodymyr Monomakh, Rostovo-Suzdal'ska earth, Smolensk and Biloozero – to the Chernihiv prince Oleh Svyatoslavich, Chernihiv and Sivershchyna, Murom, Riazan and Tmutarakan – to his brother Davyd, the Volhynia prince Davyd Igorovich held a life tenancy of Volyn and Lutsk. Terebovlia, Cherven' and Peremishl' were assigned to prince Vasyloko Rostyslavych (together with his brother).

Convention in Lyubechi completed reorganization of the political system of the state, taking off the row of problems which stood before a princely elite, and putting the row of new ones. Internal dynastic disputes were carried within regional dynasties, that caused the series of «snemiv» between relatives-claimants upon the tables of destiny. Disputes about Kyiv and other cities which were to be left under the ownership of the Ryurikovichi became sharp.

But snemy or their inverse images occurred before. Gorodetskiy convention 1026/27 when Mstyslav Tmutarakanskiy and Yaroslav Mudryi

«divided Rus on Dnieper» was the first known case of consultations and princes' decision-making (in this case concerning peace). Altogether in domongolskyi period princes held 170 meetings [2, p. 271].

Contingently we would divide princely conventions into four categories:

1. «Snemi» of exceptionally representatives of the Rurikovich dynasty for the decision of general ruskikh problems which influenced on the subsequent fate of the state. There were presented the leaders of main branches of clan – strongest princes of destiny who had the real power, cities and military force. To conventions of such a type we would attribute one of Yaroslav's descendants for his announcement of testament and order of throne inheritance [2, p. 152-159], two «snemi» of Yaroslavichi, which is known from «Ruska Pravda» [2, p. 272]; convention in Orshi on July, 10, 1067, which resulted in polockyi prince Vseslav's imprisonment, and in a year – the revolt of Kievans. Convention 1026/27 is an exception.

Here we separate out the convention in Vyshgorod on May, 20, 1072, which next to the ideological filling – canonization of Boris and Hlib in presence of a metropolitan had also a legislative task – acceptance of «Pravda Yaroslavichiv» which is no less important »[3, p. 455-459].

According to chronology we can mention the princes' convention in 1077 [2, p. 272], convention on the river Zhyliana «for peace» of Yaroslav's grandchildren, which is known from graffiti of Sophia cathedral, which according to O. Shchaveliov's reconstruction occurred in December, 04, 1093 [4, p. 3-5]; mentioned above Liubetskyi convention 1097; Gorodetskyi convention 1098 assembled by the dynasty leaders for organization of punishment for Sviatopolk's perjury, as he took Vasylo Rostyslavych as a prisoner, who was later blinded by Sviatopolk's brother David; convention in Uvetychi 1100, when conciliation of princes and redistribution of possessions took place, also there was reached an understanding about joint home guard against polovci; convention on the river Zolotchi 1101 for making peace with polovci; convention 1145 – the first «snem» of princes in the XII century where the heir to the Kievan throne was proclaimed [5, p. 317-318]; general «snem» of ruski princes 1223 before the battle on the Kalka, where was made a decision to war with the Mongols.

It's important to mention that all significant conventions on the boundary of XI and XII centuries were initialized by the most active and farming politician among princes who distinctly

distinguished main home and foreign political tasks of the moment – Volodymyr Monomakh.

2. Conventions where peace treaties with polovetski khans were signed. So far as polovetski raids happened practically every ear such meetings were held regularly. We can discover it from Monomakh's «Povchannia...»: «I made twenty without one peaces with polovci in father's presence and without him...» [6, p. 461].

As we can notice, during 50 years of principedom Volodymyr Monomakh didn't manage to make peace with nomads for a long period. Except presents there were other meaningful diplomatic techniques such as captives exchange and intimidation of opponents (Monomakh, according to his memories, set 109 «best polovetski princes from bonds» loose and executed 17 young khans).

Describing conventions of princes and polovetski nomads O. Shchaveliov mentions that «In XII century they were strictly held in spring at the beginning of new year or immediately after change of Kievan prince» [2, p. 275] (author transl.).

3. Conventions of separate branches of the Rurikovich dynasty for solving of internal dynastic problems started after Liubeckyi «snem» and from XII century became regular. As an example let's remember conventions of the Ol'govychi fixed in the chronicle (1142 – twice, 1145, 1206) [2, p. 274], conventions of princes on Galytsko-Volynski lands which took place in Mongols days [5, p. 317-318] etc.

4. The «extended» conventions with involvement of other elite layers which also became a regular fixture from XII century: Dolobsk convention (spring 1103) with the participation of Monomakh's and Sviatopolk's armed forces to set out against the polovci [6, p. 190]; «somn» in Kiev 1231 where the bishop rostovskyi Kyryl was nominated, and where besides church elite representatives Volodymyr Ruriovich, Rostyslav Volodymyrovych, the captain of the thousands Ioan Slavnevych, Mykhailo Vsevolodovych, Rostyslav Mykhailovych, Mstyslav Mstyslavych, Yaroslav, Iziaslav and Rostyslav Borysovychi were present [6, p. 456-457].

Prince in Rus was not only personification of legislature but also its creator. Certainly, an imperious princely elite was oriented on approved by time norms of ordinary right, legislative experience of Byzantium and other states, norms of church right, but at the same time successfully perfected them, adapting to ruski realities and leaning on everyday princely judicial practice. A prince initiated and endorsed by «cross kissing» or signature (by a seal) all kinds of regulatory legal

acts, known in Rus.

a) Agreements («riady») with the foreign states, decisions of «snemy», in the special cases «riady» with an armed force and city viche (e.g. in Novgorod);

b) Princely Regulations presented starts of Old Russian legislative activity. Beginning from the stage of «collection of lands» the first Kievan princes by Regulations controlled the volume of contribution from subject principalities. Later Regulations controlled relations and distributing of judicial power with Church, order of management and legal proceeding in cities and earths which through princely spares and donatives passed to the boyars. For today none of princely Regulations is saved in original, but from numerous lists such texts are known: «Regulation of prince Volodymyr about tithe, Church courts and people» [7, p. 488-509; 8, c. 12-84]; «Regulation of prince Yaroslav about Church courts» [8, p. 85-140].

There is one very interesting for the historian list of «Regulation of prince Yaroslav about the order of supervision after renovation of Novgorod streets, including the list of square meters of Novgorod earth» [7, p. 510-530].

Also researchers are acquainted with lists of other legislative orders of executives concerning settlement of relations with other influential political layers: «Regulation of Novgorod prince Vsevolod about Church courts, people and trade measures» [8, p. 153-158]; «Regulation of Novgorod prince Vsevolod Mstyslavych to the merchant organization of Ivan on Opokah church» [8, p. 158-166]; «Regulation of Galytskyi prince Lev Danylovych to the cathedral church Dormition in Krylos near Galych, dated 1301, March, 8, Galych, about landed estates, tithes, courts and church people» [8, p. 166-172] (author transl.).

In work for systematization and publication of princely Regulations, regulation deeds, «letters» and regulation records, we'll mark works of Y. Golubynskyi, metropolitan Makarii (Bulgakov), M. Vladymyrskyi-Budanov, V. Beneshevych. The whole academic edition of these acts till XV century is prepared by Y. Shchapov. Today a lot of researchers refer to it as well.

Princely regulation deeds which set hard legal norms for officials and simultaneously regulated and rationed duties of feudal dependent population. This acts first appeared since Lithuanian Rus, then like separate norms became a part of Code of Lithuanian-Ruska and Moscow state (Sudebnika 1497). They represented the evolution of ruske right in the direction of

subsequent differentiation of population on elite and mass: for example, if in the «Ruska pravda» «vyra» for ignominy, wounds and beatings counted for to the categories: princely man – otrok-«lyudyn» – other, when according to Dvinskii regulation charter 1397 it was set «po otechestvu» depending on ancestors' merits, gentility and social position of a resentful person [9, p. 157-159]. Besides Regulation charters regulated court procedures, court duties, duties for merchants, specified criminal law questions etc. Regulation charters also continued the practice of legal division of competencies and lands, state and church jurisdiction, provision or confirmation of salary and privileges for church institutions and separate personalities [8, p. 173, 176, 179, 182-186.].

The top of prince legislative idea was law code «Ruska pravda» written by Yaroslav the Wise, complemented and extended by his sons in «Pravda of Yaroslavichiv». Historians unite these documents under the general name the Short release of «Ruska Pravda» or «Korotka Pravda». Volodymyr Monomakh even more substantially elaborated and remade this code, taking into account the accumulated experience of princely legal practice. Incorporated afterwards by rewriters, all three releases got the name of «Poshyrena Pravda» [10; 11]. We will not examine into details in the historical-political and legal analysis of this document as large literature of authorship of foreign and native historical and legal coryphaeus is devoted to the «Ruska pravda»: M. Grushevskyi, P. Tolochko, B. Grekov, A. Zimina, V. Klyuchevskyi, D. Lykhachov, I. Petrov, V. Rogov, M. Sverdlov, M. Tykhomyrov, V. Yushkov and others. We'll mention that this document is in fact the fixation of the legal system in Kievan Rus. It appeared at a most seasonable time for decentralized state, played the key role in unification of different traditional norms of different Rus regions. It penetrated managerial experience of Byzantium and the brightest events of princely legal practice. From the political point of view «Ruska pravda» is called to regulate relations between princely armed force elite and community, breaking contradictions between social groups.

Summarizing the above analysis given the political and legal instruments produced princely elite layer of regulation for public relations and overcoming internal crises, we can confidently say that he has been very effective mechanism for its time phased development of the country in line with European trends. During the birth of «Old Europe,» Rus political elite, despite the permanent

aggression from the steppe and a number of crises could bring Kievan state, and its successors to in the leading countries of the continent and maintain this position throughout the period.

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Мельничук Ігор Народження «Старої Європи»: князівські з'їзди, Статуту та кодекси як політичні інструменти врегулювання криз

Представлена спроба загальної характеристики та систематизації окремих політичних інструментів правлячої еліти середньовічної Русі: з'їзду князів, княжих Статутів, юридичних кодексів. До значущих етапів еволюції політичної системи держави додані історико-політичні ремарки. Робиться висновок про свідому діяльність правлячих кіл щодо подолання політичних та економічних суперечностей між елітними колами, оптимізації політичної системи у цілому.

Ключові слова: князівські з'їзди, Статуту, статутні грамоти, Руська правда, криза

Мельничук Игорь Рождение «Старой Европы»: княжеские съезды, Уставы и кодексы как политические инструменты урегулирования кризисов

Представлена попытка общей характеристики и систематизации отдельных политических инструментов правящей элиты средневековой Руси: съезда князей, княжеских Уставов, юридических кодексов. К значимым этапам эволюции политической системы государства добавлены историко-политические ремарки. Делается вывод о сознательной деятельности правящих кругов по преодолению политических и экономических противоречий между элитными кругами, оптимизации политической системы в целом.

Ключевые слова: княжеские съезды, Уставы, уставные грамоты, Русская правда, кризис

Melnichuk Ihor Birth of «Old Europe»: princely conventions, Regulations, regulation deeds and codes, as political instruments of crises settlement

There is an attempt of general description and systematization of separate political instruments of ruling elite of medieval Rus, especially convention of princes, princely Regulations, legislative codes. Historical and political notes are added to the meaningful stages of evolution of the political system of the state. There is a conclusion about conscious activity of rulings circles on overcoming of political and economic contradictions between elite circles, optimization of the political system on the whole.

Keywords: princely conventions, Regulations, regulation deeds, Ruska pravda, crisis

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