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УДК 930.253:94(477)“16”

### THE BENDERY CONSTITUTION AND PYLYP ORLYK AND HIS GOVERNMENT-IN-EXILE IN SWEDEN IN 1715–1720\*

**ABSTRACT.** The period 1709 to 1720 was of historic importance in the Ukrainian struggle for freedom and independence. On April 5, 1710, on Turkish territory in Bendery, Ukraine’s first constitution was inaugurated. The main author was Orlyk. After the Battle of Poltava in June 1709 King Charles XII of Sweden and the newly elected Hetman Pylyp Orlyk were in exile. In the fall of 1709 Hetman Ivan Mazepa had died in Moldavian Bendery. Orlyk, his chancellor, was elected hetman of Ukraine in the spring of 1710.

The Bendery Constitution is not only an expression of the rights of a free Ukrainian people. It may be the main earliest document in modern Ukrainian intellectual history. The constitution is probably also the oldest constitution in the world of the modern era. The first Ukrainian constitution confirmed the status of the “ancient Cossack nation” and its century long struggle for freedom and independence. It guarantees the supremacy of a Kyiv metropolitan. A large number of the rights of the Cossacks are provided for as well as the protection by the king of Sweden.

In 1714 around 40 of the Ukrainians in Moldavia left for exile together with Swedes returning home. The journey across Europe first ended in Stralsund (Swedish Pommerania) in May 1715. Later that year to avoid capture Hetman Orlyk and the Ukrainians (including parts of the government) left Stralsund by ship for Ystad, Sweden. Orlyk and family came to reside in the fortress city of Kristianstad in southern Sweden 1716 to 1719 while his government continued to Stockholm. During 1719 to 1720 Orlyk joined them in the Swedish capital.

The Ukrainian government-in-exile in Stockholm was supported by the Swedish government of Frederic I and especially by the prominent Swedish politician Daniel von Höpken. The latter aided Orlyk and his ministers financially and most likely with living quarters. In June 1720 von Höpken in a letter advised the king that Orlyk should be financially supported and be given the opportunity to leave Sweden to continue the fight for freedom and independence of Ukraine and lead the Ukrainian Cossacks against Russia. In January 1719 Orlyk had been greatly encouraged by the Treaty of Vienna between Austria, Hannover and Saxony against Russia and its aggressive policy in Eastern Europe.

\* This lecture was originally given in Kristianstad, Sweden, on June 20, 2019, in commemoration of the 300-year-anniversary of Pylyp Orlyk’s residing in Kristianstad.

In a last letter dated Stockholm October 10, 1720, Orlyk wrote in Latin to King Frederic I that when leaving Sweden he first planned to visit the King of Great Britain, then Vienna and after that via Hungary go further east.

In foreign policy Orlyk's best hope was King George I of Great Britain. He was willing to go to war against Russia but in the end could find no partners. British naval squadrons entered the Baltic Sea from 1719 to 1721 but could not attack Russian ports. The result was that George I advised Frederic I to conclude peace with Peter I on what terms he could. At Nystad in 1721, however, the question of Ukraine's freedom and independence was not on the agenda of the Swedish negotiators.

The Bendery constitution of 1710 remains as a monument to Ukraine's first main attempt to break away from Russian domination. Full freedom and independence of Ukraine was finally achieved in 2014.

KEYWORDS: The Bendery Constitution; Ukraine's First Constitution; Orlyk's government-in-exile.

On April 5, 1710, Ukraine's first constitution was inaugurated in Bendery in present Moldova. At the time King Charles XII of Sweden and the newly elected Hetman Pylyp Orlyk were in exile after the Battle of Poltava in June 1709. Later in May King Charles approved the constitution as Protector of Ukraine. In 1715 Hetman Orlyk arrived with his family to Ystad on the southern coast of Scania, a Swedish General Government, from Stralsund in Swedish Pomerania in Germany.

On April 14, 2010, Riksarkivet (National Archive) in Stockholm celebrated the Tercentenary of the Constitution with a series of lectures and an exhibition of Ukrainian documents in Swedish care. One of these is a condensed copy of the constitution in Latin probably written by Orlyk himself, who was the main author of the original constitution<sup>1</sup>.

The hetman was a prolific writer and his works include memos dedicated to Ivan Mazepa, political manifestos, and the "Travel Diary", 1720–1732. The diary has been published by Harvard University Press in 1988–1989.

#### *Defending the Rights of a Free People – Ukraine's First Constitution*

The constitution is not only an expression of the rights of a free Ukrainian people. It should also be regarded as maybe the main earliest document in modern Ukrainian intellectual history. Most likely it is also the oldest constitution in the world of the modern era.

In the fall of 1709 Hetman Ivan Mazepa had died in Moldavian Bendery. Pylyp Orlyk, his chancellor, was elected as hetman of Ukraine in the spring

<sup>1</sup> Diplomata Muscovitica Cosacica collection also has letters of commanders and subcommanders to the Swedish Royal House during the Great Northern War: Nikita Boyusoh in 1710, Josip Kijrilenko in 1710, Konstantin Gordienko in 1712, Ivan Malasjeritj in 1720, and Vasilij Jerojeov in 1721. The spelling of the names is the one used by the archive. The letters exist only in translation with the exception of an original letter from Konstantin Gordienko in 1712.

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of 1710. This election is commented on by Johan Henrik von Kochen<sup>2</sup> in the chancellery diary. At the time he was a clerk at the Swedish field chancellery and he wrote in German on April 6 (the translation from German is mine): “The hetman insignias were turned over to the new military commander, the fältherre<sup>3</sup>. These formal acts were carried out so that it could not be said that the Swedes had influenced the election. The command scepter, the bulava, was handed over, placed on an expensive cushion, as a sign of Orlyk’s elevation by the Cossacks to the new position. After the election there was a church ceremony and an oath was sworn anew. Then they came to His Majesty the King”.

Von Kochen does, however, not mention the constitution in the diary.

Orlyk was no doubt the main author of the document. He had mainly three co-authors, which I will mention in passing here. As the document is described in the preamble as “Treaty and Covenant of Laws and Liberties of the Zaporozhian Host” it would seem natural that Otaman Konstantyn Hordienko was a co-author of the constitution. Being the Otaman of the Zaporozhian Sich from 1702 to 1713 he joined the Swedish-Ukrainian alliance in March 1709 at the then headquarters of the Swedish Army.

As reflected in the first constitution of Ukraine the sociopolitical order of Zaporozhia was based on the political equality of the Cossacks. The principle of general elections was applied to all representative bodies in the territory including the supreme Sich Council.

During the 1700s there was a change in the society and a higher group of “notables” or “senior fellows” was introduced and most Cossack officers were after that elected from this group. It is important to note that the Zaporozhian Host mentioned in the constitution was the official name used by the Cossacks for the Hetman State. So when the host is mentioned it does not only refer to Zaporozhia but also to the Hetman State. This is somewhat complicated but should be remembered as the terms Ukraine or Hetman State are not mentioned in the constitution.

Another author of the Bendery Constitution was Colonel Andrii Voinarovsky. He was the nephew of Mazepa and in competition for the hetmanship with Orlyk.

The third co-author of the constitution was Hryhor Hertsyk. He was the brother of Anna Hertsyk, the wife of hetman Pylyp Orlyk. Hryhor Hertsyk followed Orlyk to Sweden and lived in Stockholm 1716–1720. Hertsyk was the general osaul in Orlyk’s government-in-exile.

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<sup>2</sup> Johan Henrik von Kochen (1681–1758) was a German-Baltic nobleman. His father had been a Swedish trade agent in Moscow in 1678. Christopher von Kochen was also a Swedish intelligence agent. His son later became baron, state secretary in the Foreign Office and court chancellor.

<sup>3</sup> This was an often used Swedish term (“general”) to designate the hetman of Ukraine.

Orlyk made notes in the margin of the Ukrainian version of the constitution: I composed it according to a certain plan, following the way such treaties were being composed by other nations. I was using specimens in the library of Mr Gustav Henrik von Müllern, to whom I used to show at that time different articles of the Treaty<sup>4</sup>.

In these notes six additional names were mentioned as having deliberated on the articles.

The first Ukrainian constitution confirmed the status of the “ancient Cossack nation” and its century long struggle for freedom and independence. It guarantees the supremacy of a Kyiv metropolitan. A large number of the rights of the Cossacks are provided for as well as the protection by the king of Sweden.

The title (Treaty and Covenant of Laws and Liberties of the Zaporozhian Host) could indicate that it was to some extent modeled on the “pacta conventa” the Polish nobility made with the newly elected kings<sup>5</sup>.

In the condensed version of the copy preserved at the Swedish National Archive there is no preamble. The lengthy preamble is in fact a short history of the Cossacks from ancient time to the era of the Great Northern War. God, it says, the most righteous judge punished the Cossacks “reducing it to the state of almost perpetual ruin”. Finally he made them subject to the Polish kingdom. God was however not “unceasingly angry” because he restored the Cossack people to its original freedom: “He brought forth a fervent defender of the Orthodox religion and of the rights and liberties of our fatherland, the valiant Hetman Bohdan Khmelnytsky. He liberated the Zaporozhian Host and the oppressed Ruthenian people from Polish servitude”.

It is of special Swedish interest that the preamble mentioned that Khmelnytsky was aided not only by divine help. He also had what in the preamble is called “the invincible assistance of His Most Serene Majesty Charles X, King of Sweden, of immortal and glorious memory”.

At this point it might be of interest to dwell shortly on the people name Ruthenian. First a few words on how in the era of Pylyp Orlyk the Ukrainians regarded their origin. It was claimed that the origin was foreign and that the original name of the Cossacks was Khazars (Cosari) which were ruled by their own kings, or kagans, related to the Byzantine emperors by marriage. This was the beginning of the Cossacks as defenders of Christendom. For the services rendered the Cossack/Khazars received a set of what was described as “ancient

<sup>4</sup> O Pritsak, ‘The First Constitution of Ukraine (5 April 1710)’ in *Cultures and nations of Central and Eastern Europe: essays in honor of Roman Szporluk* (Ukrainian Research Institute, Harvard University 2002) 472.

<sup>5</sup> All quotes from the constitution are from: *Towards an Intellectual History of Ukraine: An Anthology of Ukrainian Thought from 1710 to 1995* (Lindheim R ed, G.S.N. Lucky 1996).

laws and liberties” (leges et libertates). The Ukrainian Cossacks regarded themselves as a free people (gens libera).

Ruthenian is a historic name for Ukrainians. The latin name is Rutheni. Originally it was the designation of a Celtic people of ancient Gaul. It came to be applied to the inhabitants of Kyivan Rus’ because of the practice during the Middle Ages to name new peoples after extinct ancient peoples. The first use of this people name was in Annales Augustiani in the year 1089. For centuries thereafter Rutheni was used to designate most East Slavs, especially Ukrainians. Russians were called Moscovitae.

Khmelnysky, conscious that he had an obligation to serve as a guardian of the Orthodox Christian “antemurale”, accepted the Orthodox tsar of Muscovy as protector. As Muscovy did not respect the Cossack’s rights and privileges Khmelnysky was forced to change his protector. The new one was the grandfather of Charles XII, Charles X Gustavus. Pylyp Orlyk later believed that he was following in the footsteps of his great predecessor as had Ivan Mazepa.

#### *The Preamble*

In the preamble it is presented that the Zaporozhian Host, after it had been orphaned by the death of its foremost commander-in-chief, did not abandon its desire for freedom. It placed its confidence in God’s help and in the protection of the Most Serene and Mighty King of Sweden. In order to further the cause it decided, in order to advance it, to improve the military administration by electing a new hetman in Bendery. Here the Zaporozhian Host had come together for a public council with their leader, Otaman Konstantyn Hordienko. In a free vote they elected Pylyp Orlyk to take care, as hetman, of the public affairs of the fatherland, to consult, guide and direct. Some hetmans had dared to usurp absolute power, which were beyond the limits of reasonableness and law. Burdens had been put on the common people. The generals and the otaman had now, in order to prevent lawlessness, entered into an agreement that the treaty and covenant expressed in the sixteen articles of the constitution should be valid. It was to be observed and preserved not only by Pylyp Orlyk but by his successors, the future hetmans of the Zaporozhian host.

The 16 articles of the constitution could possibly be divided into four thematic groups:

#### *Articles I–III*

Articles 1–3 dealt with general Ukrainian affairs. The Orthodox faith was to be the faith of Ukraine and independent in relation to Moscow.

*Articles IV–V*

In these articles the interests of the Zaporozhian Cossacks were reflected. They were the majority of the Bendery emigration from Ukraine. The hetman was obligated to, with the help of King Charles XII, to expel the Russians from Zaporozhian territories.

*Articles VI–X*

Most importantly these articles limited the powers of the hetman and established a Cossack Parliament. This was a sort of extended council of officers, which was to meet three times a year. It was to consist not only of the general staff and regimental colonels but also of, and I quote, “outstanding and worthy individuals from each regiment”.

*Articles XI–XVI*

In these articles the rights of towns were given protection. The taxation of peasants and poor Cossacks was furthermore limited.

The Bendery Constitution is based on the idea of the natural law and the contractual origin of state. Thus the people of Ukraine made a treaty with the hetman transferring to him a share of their freedoms for the sake of securing internal consent and external safety of the state. The document formulated principles of division of representative and executive powers and impartiality of judiciary subordinate only to the law. Pylyp Orlyk’s constitution preferred constitutionalism over the idea of state absolutism and consent enforcement. The latter dominated in Europe at the time. Constitutionalism was not introduced in constitutions until after around 1750 when French philosopher Baron de Montesquieu presented his views on the division of power. In the late 18th century these were present in the American constitution and the Polish constitution of 1791.

For nearly three centuries the Bendery Constitution has been hidden away. There were some attempts to revive it when Ukrainian statehood was restored in 1917–1920. After Ukraine’s independence was again restored in 1991 the Orlyk Constitution now has the status of a monument of Ukrainian philosophical and legal thought. To many Europeans including Ukrainians it was before 2010 however little known.

It is important to underline that as a legal document this constitution contains elements of the natural law theory and the theory of the division of power in public administration into three independently functioning branches – legislative, executive, and judicial.

We must ask ourselves if the document is based on hetman Orlyk’s and his co-author’s ideas or if they were influenced by West European philosophers and jurists.

The French philosopher and jurist Montesquieu has been credited with being the father of the theory of the division of political power. He sharply criticized the absolutist rule in France.

The Englishman John Locke (1632–1704) had also developed similar ideas.

Concerning Montesquieu as an originator of the ideas of the Bendery Constitution it must be noted that he was born in 1689 and did not publish his first works of importance until 1721 (“The Persian Letters”, 1721; “Considerations on the Causes of the Greatness of the Romans and of Their Decline”, 1734; “The Spirit of the Laws”, 1748). The last mentioned work in 1748 of course being the most important. Instead of Orlyk being influenced by Montesquieu one could suggest the possibility of the French philosopher and legal scholar having had the opportunity to study the works and documents of Orlyk, whose son Hryhor Orlyk after all was in French service during the lifetime of Montesquieu.

What about John Locke (1632–1704)? Locke was much older than de Montesquieu. In 1690 he had detailed the constitutional development based on the theory of natural law as well as the institution of human rights in a natural environment (freedom, equality and ownership). His “Two Treatises on Government and Essay Concerning Human Understanding” were published 20 years before the Bendery Constitution.

Pylyp Orlyk could well have been influenced by Locke but also by Dutch jurist Hugo Grotius and the German legal scholar Samuel von Pufendorf. We don’t know about the influences but Orlyk was the first in modern times in 1710 to use the idea of division of power in a constitution. Then there is of course possible classical scholars like Aristotle, Plato and Polybius. His theory of “mixed government” greatly influenced the founding fathers of the American Constitution. Sellers opined that Americans understood the Roman constitution primarily through the writings of Polybius<sup>6</sup>. It was readily available in four recent printings, and after 1787 in excerpts from a translation reproduced in John Adam’s “Defense of the Constitutions of the United States of America”.

Let me now turn to a short commentary on some of the more important articles.

#### *Article I*

It is fitting that cultural and educational matters are treated in this article I. These matters are of great importance to every state. Also is stated here that the Ukrainian Church was to be subordinated directly to Constantinople.

<sup>6</sup> See for instance: M Sellers, *American Republicanism: Roman Ideology in the United States Constitution* (New York University Press 1994).

*Article II*

This article deals with foreign policy priorities of Ukraine as protection from Sweden as a guarantor of the country's independence and territorial integrity. Also the fraternal relations with the Crimean Khanate are mentioned.

*Article VI*

In this article legislative power is granted to the General Rada (council) represented by the general corps of officers, civilian city colonels, general councilors (sound-minded and well-respected delegates from regiments), regimental officers, captains, and representatives of the Zaporozhian Sich. The General Rada was to convene three times a year: in January (Christmas time), April (Easter), and October (Day of the Holy Virgin the Protectress). It was to deal with matters of state security, common welfare, and other civil issues, hear the hetman's reports and take no-confidence votes, and elect general officers on the hetman's recommendation.

*Article VII*

The hetman's absolutist governmental powers were drastically reduced (see also article 6 and 8). The hetman could not dispose of the state treasury and lands on his own, pursue his own staff placement and foreign policies, set up an administration subordinated to him personally, and punish the guilty. He was, however, furnished with real estate and clearly stipulated profits in line with his exalted position.

For the first time in modern history this constitutional document envisioned division of power of the judicial branch from other governmental institutions. It was independent in handing down certain rulings. This makes this short article maybe the most important of all and I quote from it: "Should any general officers, colonels, general councilors, nobles, or other military officials, as well as common people, commit an offense by insulting the hetman's honor or are guilty of committing any other crime, His Excellency the Hetman shall have no right to punish the culprit with his own authority. Such a case – criminal or any other – shall be referred to the military General Court. Everybody is to bow to the impartial court decision no matter how unpleasant it may be".

*Article IX*

The clauses of the Bendery Constitution do not declare human rights as we see them today, but certain government officials are responsible for implementing the rights of certain groups of the population. Treasurers are to take care of the treasury, look after mills and incomes, and see that these served public, not personal, interests. The hetman himself has no right



to encroach on the military treasure or its revenues or to turn them to his advantage. He is to content himself with his own incomes provided for by his high office.

Articles 9, 10, 12, and 14–16 should in reality be regarded as the first anti-corruption provisions of Ukraine that are aimed at establishing a fair and responsible way of governing the country.

*Article X*

This article deals with the introduction of civilian colonels, the use in the text of the term “county” instead of “regiment,” and other provisions, may be regarded as the intention of the constitution’s authors to establish a civilian territorial setup for the State of Ukraine, along with the military system of mobilization of the Zaporozhian Army, and to separate military offices from civilian ones. The provision according to which regimental officers were to be elected by two social strata – the Cossacks and the “common people” (peasants and burgers) – was a major step toward introducing universal suffrage (so far, exclusively for men).

The hetman is obliged to make every effort and constantly see to it that ordinary Cossacks and civilians do not suffer from excessive oppression, ravaging requisitions and dispossessions. Military and civilian officials are forbidden to force Cossacks and civilians to do private work unless they are their servants. It is also not allowed to force craftsmen to do work for officials without due remuneration or to exempt Cossacks of their duty in order to do some private work for their masters.

*Article XIII*

Another important part of the constitution was the provision raising the local government to the constitutional level. The norms of international (Magdeburg) law, which was valid in continental Europe since the Middle Ages, were translated into Ukraine’s constitution. The cities of Ukraine had been living under Magdeburg Law for centuries and this law had been under attack since 1654 and the attacks had been increasing since 1700: “The capital city of Kyiv and other Ukrainian cities with their city administrations shall retain unshakably the rights and privileges granted to them in good faith. The constituent assembly shall make a decision to this effect with due respect for this act, which is subject to confirmation by the hetman’s government”.

A separate clause is devoted to the Zaporozhian Sich, which indicates that the document guaranteed the Sich’s autonomy within the limits of the Ukrainian state.

For these short comments on some of the articles of the constitution I am in debt to Judge Viktor Shyshkin of the Constitutional Court of Ukraine, who has published on the Orlyk Constitution<sup>7</sup>.

*After the Constitution:*

*Pylyp Orlyk and His Government-in-exile in Sweden 1715–1720*

After leaving Moldavia in 1714 members of Orlyk's government lived in Stockholm 1716–1720. Swedish documents confirm that seven Ukrainian "officers" (government officials) resided in the Swedish capital<sup>8</sup>.

When Hetman Pylyp Orlyk arrived in Sweden with his family and government in November 1715 the Ukrainians were divided into two groups. Orlyk and his family were given residence in the city of Kristianstad. The government officials travelled on to Stockholm.

They were:

Judge General Kliment Dolhopoly, who passed away in 1719 in Stockholm.

Adjutant General Hryhor Hertsyk was the brother of Orlyk's wife. He left Sweden via Malmö-Copenhagen to Poland with Fedor Nachimovskiy and Fedor Mirovych in 1720. He was later arrested in Warsaw and brought as prisoners to St. Petersburg.

Adjutant General Fedor Myrovych.

Asaul Ivan Hertsyk.

Judge General Fedir Tretyak.

Banner Carrier Afanasiy Hertsyk.

Bulavnik Fedir Nachymovsky.

Ivan Mazepa's nephew Andrey Voynarovskiy never came to Sweden. He was in 1716 abducted and captured by a Russian dragoon commando in Hamburg, Germany, and deported to Siberia, where he died living in misery.

His wife Anna Voynarovska, born Myrovych, travelled to Sweden and in negotiations with the government in Stockholm received repayment of the private loan of Hetman Mazepa to Charles XII. Her father, colonel Myrovych, was among the Ukrainian prisoners-of-war captured by the Swedish Army at the battle of Lacowiche in 1707. He was brought to Sweden and died a captive in the Swedish city of Gothenburg<sup>9</sup>.

During 1719 and 1720 Ukraine's Hetman Pylyp Orlyk and his government-in-exile cooperated with a prominent Swedish government official, Daniel von Hoepken (1669–1741). The German born von Höpken was from Melau near Stade in northwestern Germany. He was an influential foreign policy official

<sup>7</sup> V Shyskin, 'A constitution ahead of its time. Pylyp Orlyk's legislative act of 1710' (25 September 2007) The Day.

<sup>8</sup> 'S.U. ang. kosackfältherren Orliks pension och Woynarowskis fordran samt ang. fri bostad i Stockholm för statens orientaliska kreditorer. Den 21 maj [1719]' [1719] 2, 1 Riksdagsakter 33.

<sup>9</sup> B Haggman, *Hetman Filip Orlik – en ukrainsk frihetskämpe i Sverige 1715–1720* (Förlag 2014) 74-84.

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and a friend of Orlyk since their time in Bender. Von Höpken was greatly influenced by English and Dutch policies of naval power which also influenced Orlyk's thinking on foreign policy<sup>10</sup>.

When Charles XII and Orlyk in the spring of 1716 resided in the Swedish city of Ystad von Hoepken served in the field chancellery of the king. There he came to know the Ukrainian leader. Later in high office in Stockholm the German-Swedish count had good relations with the Secret Committee (Sekreta utskottet) of the Swedish parliament. In 1719 to 1721 von Höpken was influential in the peace policy of King Frederic I and a peace negotiator for several years. These negotiations resulted in the peace treaty of Nystad in 1721.

A wealthy man von Höpken supported Pylyp Orlyk and his government with loans and most likely living quarters. Von Hoepken had real estate in central Stockholm and outside the capital. Near the Royal Castle von Hoepken owned a large house and he had estates at Fågelbro on Värmdö and in Fågelsta near Salem close to the city of Södertälje south of Stockholm<sup>11</sup>.

Von Hoepken wrote to the Swedish king on June 21, 1720, to advise His Majesty that it was important that Orlyk was financially supported and given opportunity to leave Sweden for the continent, where he could continue to fight for the freedom and independence of Ukraine and lead the Ukrainian Cossacks in support of Sweden against Russia.

In October 1720 Orlyk and his son Hryhor Orlyk left Sweden. The hetman had rightly been encouraged by the Vienna Alliance of January 5, 1719 between Austria, Hannover and Saxony against Russia and its aggressive policy in Eastern Europe.

CONCLUSION. Orlyk's last two years in Sweden were to a great extent useful for his continued struggle to free Ukraine. According to some Swedish sources he had a number of letters of recommendation from King Frederic I. It has not been possible to find these letters in archives.

One royal letter dated September 25, 1720, is said to express support for the Zaporohian cossacks. It was taken to Ukraine on one of the diplomatic missions of the exile government in Stockholm. According to Swedish slavacist and author Alfred Jensen<sup>12</sup> the Secret Committee of the parliament on June 25 the year of his departure for the continent decided to repay 20,000 thalers of the loan provided by the Hetmanate to Charles XII during 1708 to 1709.

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<sup>10</sup> Helander A, *Daniel Niklas v. Höpken 1669–1727* (Isaac Marcus, 1927).

<sup>11</sup> Research Report "Fastighetsforskning, Cybele 1, Västerlånggatan 50 / Tyska Brinken 28, Stockholm", 2017, (in the archive of Bertil Haggman).

<sup>12</sup> A Jensen, *Les émigrés ukrainiens en Suède* (Léopol 1910) [Extrait des Mémoires de la Société scientifique ukrainienne Ševčenko, XCII].

In a last letter to King Frederic I Orlyk wrote that he expected a difficult journey first to "the almighty and plenipotentiary king of Great Britain, then to Vienna and to the east via Hungary".

New research can hopefully be expected in Sweden on Orlyk's residence in Sweden from 1715 to 1720. Personally I have initiated a study of the letters in German and Swedish by the hetman during his residence in the city of Kristianstad from 1716 to 1719.

The close alliance between Sweden and Ukraine was unique. The Ukrainian struggle for freedom and independence failed in the beginning of the XVIII century but today Ukraine since 2014 has achieved real independence. Ivan Mazepa's and Pylyp Orlyk's dream has come true and Sweden fully supports Ukraine. At the 310<sup>th</sup> anniversary year of the Bendery Constitution in 2020 it is important that Ukraine has progressed further on the path to full membership in the European family of nations.

## REFERENCES

### Bibliography

#### *Authored books*

1. Sellers M, *American Republicanism: Roman Ideology in the United States Constitution* (New York University Press 1994) (in English).
2. Haggman B, *Hetman Filip Orlik – en ukrainsk frihetskämpe i Sverige 1715–1720* (Förlag 2014) 74-84 (in English).
3. Helander A, *Daniel Niklas v. Höpken 1669–1727* (Isaac Marcus 1927) (in Swedish).
4. Jensen A, *Les émigrants ukrainiens en Suède* (Léopol 1910) (in Swedish).

#### *Edited books*

5. Pritsak O, 'The First Constitution of Ukraine (5 April 1710)' in *Cultures and nations of Central and Eastern Europe: essays in honor of Roman Szporluk* (Ukrainian Research Institute, Harvard University 2002) (in English).
6. *Towards an Intellectual History of Ukraine: An Anthology of Ukrainian Thought from 1710 to 1995* (Lindheim R ed, G.S.N. Lucky 1996) (in English).

#### *Newspaper articles*

7. Shyskin V, 'A constitution ahead of its time. Pylyp Orlyk's legislative act of 1710' (25 September 2007) *The Day* (in English).
8. 'S.U. ang. kosackfältherren Orliks pension och Woynarowskis fordran samt ang. fri bostad i Stockholm för statens orientaliska kreditorer. Den 21 maj [1719]' [1719] 2, 1 *Riksdagsakter* 33 (in Swedish).

## БЕНДЕРСЬКА КОНСТИТУЦІЯ, ПИЛИП ОРЛИК ТА ЙОГО УРЯД У ВИГНАННІ В ШВЕЦІЇ У 1715–1720 РОКАХ\*

АНОТАЦІЯ. Особливе історичне значення у боротьбі України за свободу і незалежність мав період з 1709 по 1720 рр. 5 квітня 1710 р. на турецькій території, у Бендерах, була укладена перша Конституція України. Її основним автором був П. Орлик. Після битви під Полтавою у червні 1709 р. король Швеції Карл XII і новообраний гетьман П. Орлик опинилися у вигнанні. Восени 1709 р. у Бендерах помер гетьман І. Мазепа. Навесні 1710 р. гетьманом України був обраний П. Орлик – його генеральний писар.

Бендерська Конституція – це не тільки вираження прав вільного українського народу. Можливо, це найбільш ранній документ у сучасній українській історії філософської думки. Ця конституція, ймовірно, також є найдавнішою конституцією сучасної епохи у всьому світі. Перша українська конституція засвідчує статус “давнього козацького народу” та його багатовікову боротьбу за свободу і незалежність. Вона гарантує верховенство Київського митрополита, а також забезпечує значний обсяг прав козацтва та передбачає протекцію з боку короля Швеції.

У 1714 р. приблизно 40 українців виїхали з Молдови і вирушили у вигнання до Швеції, разом зі шведами, які поверталися на свою батьківщину. Ця подорож Європою спочатку закінчилася у Штральзунді (Шведська Померанія) у травні 1715 р. Пізніше того ж року, щоб уникнути переслідування, гетьман П. Орлик та інші українці (включаючи частину уряду) залишили Штральзунд на кораблі й вирушили в Істад (Швеція). П. Орлик та його родина оселилися у місті-фортеці Крістіанстаді на півдні Швеції (1716–1719 рр.), а його уряд вирушив до Стокгольма. У 1719–1720 рр. П. Орлик перебував разом зі своїм урядом у шведській столиці.

Український уряд у вигнанні в Стокгольмі мав підтримку шведського уряду Фрідріха I і, зокрема, видатного шведського політика Д. фон Хепкена. Він допомагав П. Орлику і його міністрам із фінансами та, швидше за все, з житлом. У червні 1720 р. Д. фон Хепкен у своєму листі королю рекомендував надати П. Орлику фінансову підтримку, а також забезпечити можливість виїхати зі Швеції, щоб продовжити боротьбу за свободу і незалежність України й очолити українське козацтво проти Росії. Віденський договір, укладений у січні 1719 р. між Австрією, Ганновером і Саксонією проти Росії та її агресивної політики в Східній Європі, надав П. Орлику суттєву підтримку.

В останньому листі, який був написаний П. Орликом королю Фрідріху I латиною у Стокгольмі 10 жовтня 1720 р., він пише, що, залишаючи Швецію, спочатку має намір відвідати короля Великої Британії, потім Відень, а потім через Угорщину рушити далі на схід.

\* Ця лекція була спершу прочитана в Крістіанстаді, Швеція, 20 червня 2019 р., до 300-річчя від часу проживання П. Орлика у Крістіанстаді.

У зовнішній політиці найбільші надії П. Орлик покладав на короля Великої Британії Георга I. Він був готовий піти війною проти Росії, але, в підсумку, не зміг знайти союзників. Британські морські ескадри входили в Балтійське море у період з 1719 по 1721 рр., але не змогли атакувати російські порти. У результаті, Георг I порадив Фрідріху I укласти мир із Петром I на тих умовах, які будуть можливі. Однак у 1721 р. у Ністаді на порядку денному переговорників питання про свободу і незалежність України не стояло.

Бендерська Конституція 1710 р. залишається пам'яткою першої значної спроби України вирватися з-під російського панування. Повної свободи і незалежності остаточно було досягнуто у 2014 р.

Ключові слова: Бендерська Конституція; перша Конституція України; уряд П. Орлика у вигнанні.