

19 The Contractual Principle and Right of Resistance in the Ukraine and Moldavia

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The contractual principle and the right of resistance (*ius resistendi*) served as major legal and conceptual tools of European nobilities in their struggle with monarchical absolutism. These concepts were prevalent throughout early modern Western Europe. And they were a well-known and often-utilised feature of the nobility's 'ideological arsenal' in Poland and Hungary. What has not been established, however, is how far the influence of these concepts extended to the east. They were absent in Russia proper and in the lands under direct Ottoman rule. But what of countries such as Left-Bank Ukraine or Moldavia which, although under the indirect rule of tsars and sultans, were known to be under strong Polish influence? Did their elites evince a familiarity with, and an acceptance of, the principle of a contractual, mutually-binding relationship between a sovereign and his subjects and its corollary, the right of resistance? To deal with this question we will examine two critical junctures in the political history of early eighteenth century Ukraine and Moldavia — the decision in 1708 of Hetman Ivan Mazepa of Left-Bank Ukraine to reject the overlordship of the Russian tsar, and the rejection in 1711 of Ottoman sovereignty by the Moldavian hospodar, Dimitrie Cantemir. Hopefully this undertaking will allow us to establish how far, and in what form, feudal constitutional principles extended beyond the eastern borders of Poland and Hungary.

One of the most controversial issues in the historiography of Russian–Ukrainian relations revolves around a dramatic event which occurred on 26 October 1708. At the height of the Great Northern War, the seemingly invincible armies of Charles XII of Sweden were pushing deep into the domains of Peter I of Russia. The fate of the Romanov

dynasty and of Russia itself seemed to hang in the balance. Suddenly, unexpectedly, the beleaguered Tsar received shocking news: Ivan Mazepa (1639–1709), Hetman of the Cossack Ukraine and one of Peter's most trusted associates, had abandoned him to join the invaders.¹ A large part of the Ukrainian Cossack elite and several thousand rank-and-file Cossacks followed their Hetman in crossing over to the Swedes.

Mazepa left no tract or discourse explaining his behaviour. He was a man of action, not a political theorist. Moreover, Cossack Ukraine was not a hospitable environment for political theorising. What is available, however, are recorded fragments of his conversations in 1706–8 which provide us with a vague but serviceable notion of his political values. Noted down by Pylyp Orlyk, the Hetman's personal secretary and later chancellor of the Ukrainian Cossacks (the Zaporozhian Host), this little-known and seldom utilised account serves as one of our major sources.² Moreover, the treaties which Mazepa concluded with the Poles and Swedes as well as the *pacta conventa* which the Ukrainian émigrés concluded with Mazepa's successor provide a wealth of insights relevant to our topic.

The event that brought the relationship between the Russian sovereign and the Ukrainian Cossack elite to its most decisive crisis was the Great Northern War. For the Cossacks this conflict was a new and harrowing experience. Its depressing length, its arduousness and its huge human and material losses were painful, but not new for Mazepa's men. For the Ukrainians the frightening novelties of the Great Northern War lay elsewhere. For the first time since accepting the overlordship of the tsars in 1654, the Ukrainian Cossacks had to march far beyond the borders of their own land to engage the Swedes, a people with whom they had no quarrel. (Prior to the Great Northern War, the Ukrainians fought alongside the Russians only in the Ukraine, and against such traditional enemies as the Poles, Ottomans and Tatars.) Previously they had their own commanders; now Peter I began to impose foreign commanders upon them. But most unnerving and demoralising for the Cossacks, especially their officer class (*starshyna*), were rumours that the Tsar intended to reorganise them according to European regimental models.³ To comprehend the impact of this on the Cossack elite, one must recall that their military organisation corresponded with their socio-economic structure. To tamper with the former meant disrupting the latter. It would mean upsetting the established order, that is, the traditional rights and privileges of the Zaporozhian Cossacks, which the tsar had agreed to

respect in the Pereiaslav Treaty of 1654.⁴ And, as far as the Hetman and the Cossack elite were concerned, to attack tradition and age-old custom was the greatest wrong anyone, the tsar included, could commit.

As the war and Peter's modernising progressed, the Cossack elite began to panic. Orlyk describes how they put pressure on Mazepa: 'just as we always prayed to God for the soul of Khmelnytsky and blessed his name for freeing Ukraine from the Polish yoke, so we and our children will forever curse your soul and bones if, as a result of your hetmancy, you leave us in such slavery'.⁵ The grievance that finally led Mazepa to the side of the Swedes involved the issue of protection. When Charles XII and his Polish ally, Stanisław Leszczyński, began to move into the Ukraine in the autumn of 1708, Mazepa — who, like all Cossacks, was fearful of a Polish return there — turned to his Russian sovereign for aid. According to Orlyk, their discussion went as follows:

I [Mazepa] proposed to his Tsarist Majesty that, should the Swedish king and Stanisław divide their troops and the former go into the Muscovite realm and the latter (Stanisław) into the Ukraine, we, with our weak army, ruined by frequent campaigns and wars, would not be able to defend ourselves against the enemy. Therefore, I requested from his Tsarist Majesty ... that he be so pleased as to give us at least 10 000 of his regular troops. His Tsarist Majesty replied to me: 'Not only 10 000, but I cannot even spare ten men; defend yourself as best you can'.⁶

For Mazepa this was the last straw. Confronted by the threat of a Polish invasion, a disaster which would not only devastate the land, but also destroy the Cossack order established more than fifty years earlier, the Ukrainian vassal received from his Russian sovereign a blunt refusal of aid. To be sure, Peter had, first and foremost, to care for his Russian lands. But that was just the point: an insurmountable distinction had been drawn between the interests of the Tsar and those of the Hetman. For Mazepa this meant that the Pereiaslav Agreement of 1654 — the basis of his loyalty to the Tsar — was no longer mutually beneficial and, therefore, no longer binding.

Later, the Hetman explained his decision to open secret negotiations with the invading Swedes and Poles as follows:

If we no longer had the strength to defend Ukraine and ourselves, why should we have gone to our doom and destroyed our Motherland. God and the entire world would see that we had to do this out

of necessity, striving as a free and unconquered people for the means of self-preservation. But, if the necessity had not been so pressing, I would not have altered my loyalty to the tsar.⁷

Mazepa's line of argument is striking for the way in which certain phrases and ideas are repeated and stressed: rights and privileges; overlordship freely chosen and open to recall; and always the issue of protection. They clearly reflect the contractual principle, European feudalism's most common regulator of the political relations between sovereigns and regional elites. And an integral part of it was the famous *ius resistendi*, which could be invoked if the vassal had good reason to believe that his lord was breaking his obligations. Throughout Europe, the contractual principle rested on the prevailing cornerstone of legal and moral authority — custom. The German *Schwabenspiegel*, one of the primary codifications of customary law in East-Central Europe, provided a concise summary of the principle: 'We should serve our sovereigns because they protect us, but if they no longer defend us, then we owe them no more service'.⁸ Mazepa's position could not have been stated more succinctly.

Mazepa realised that if the Ukrainians rejected the overlordship of the Russian tsar they would probably have to accept that of the Polish king, or of some other recognised sovereign. Therefore, prior to his defection, he negotiated a secret treaty with Stanisław Leszczyński, which was to regulate the Ukraine's future relationship to Poland. Unfortunately, the text of this treaty has not survived. But a prominent participant in the conspiracy reported that Mazepa

presented us with a document from King Stanisław This document contained guarantees of the same liberties for the Ukraine as those which the Polish Crown and the Lithuanian Duchy enjoyed. ... Mazepa was thanked for placing the Ukraine under the [Polish] king's sovereignty and he was assured that the Zaporozhian Host and all Ukraine would be granted all the rights and privileges they desired.⁹

Apparently, this treaty was modelled on the Hadiach pact of 1656. That earlier pact — which was never implemented — had been meant to draw the Ukrainians away from Moscow and back into the Polish-Lithuanian Commonwealth. It granted the Ukraine equal status with Poland and Lithuania in the Commonwealth, and promised the Cossack elite similar rights and privileges as those enjoyed by the Polish *szlachta*.¹⁰

The pact with Leszczyński paved the way for an understanding with his powerful ally and protector, Charles XII of Sweden. It seems that, despite the mutual assurances in their treaty, neither Mazepa nor Leszczyński completely trusted the other. Mazepa probably believed that if he could obtain the *imprimatur* of the Swedish king on his agreement with the Polish king, it stood a much better chance of being honoured. Indeed, in time Mazepa and his followers chose to view the treaty with Charles XII as superseding the one with Leszczyński.¹¹

The first point of the treaty which was signed between the Ukrainians and Swedes in April 1709 was the most important: Charles XII (who was anxious to obtain Ukrainian support at a crucial point in the Great Northern War) promised to protect the Ukraine, and not to make peace with the Tsar until the Ukrainians were completely and permanently freed from Moscow and restored to their former rights and privileges. The rest of the terms were of a technical nature: in essence they enumerated the military and logistical support that the Ukrainians were to provide to the Swedes in the war against Peter. Thus, both the Polish and Swedish pacts were similar in that they rested on a *quid pro quo* arrangement, in which the Ukrainians received guarantees of protection and their rights and liberties in return for accepting overlordship and rendering military aid.

Under the circumstances it is not surprising that Peter I decided to mitigate the autocratic image of the Muscovite tsar. During the propaganda war that raged in the Ukraine prior to the battle of Poltava, he too stressed his respect for the Ukrainians' rights and his concern for their land's welfare. Thus, one of his manifestos stated:

We can assert without shame that no people under the sun can boast of their liberty and privileges more than the Little Russian [Ukrainian] people under our Imperial Highness, because not a single penny from the Little Russian land is allowed to be taken into our treasury. ... And with our troops, maintained at our own expense, we defend the Little Russian land, the Holy Orthodox churches, monasteries, towns and villages from the Muslim and heretic onslaught.¹²

In another manifesto, Ivan Skoropadsky, who was chosen by Peter to replace Mazepa, also declared that 'the Tsar promised with his own gracious lips and signed with his own hand the royal order which preserves our liberties and graciously guarantees our rights'.¹³ Thus, even the autocratic Muscovite tsar had to adopt — if only temporarily — the rhetoric which characterised the sovereign–elite conflicts in such lands as Poland and Hungary.

The above-mentioned treaties were meant to regulate the Ukraine's external relations, that is, the relationship with its Polish and especially its Swedish sovereigns. However, the Mazepa affair also produced an exceedingly important document regarding the Ukraine's internal order. On 22 September 1709 Mazepa died in exile near Bender, a town in Ottoman-controlled Moldavia. On 5 April 1710 his followers, who included a large part of the Cossack elite and about 5000 rank-and-file Cossacks, elected Pylyp Orlyk as his successor. In conjunction with this election, the new Hetman and his electors formulated a document that has been described as 'the first constitutional act in Ukraine, with the help of which the ruling class independently made its one and only attempt to establish a legal foundation for the political system of Ukraine'.¹⁴

Clearly modelled on the Polish *pacta conventa*, the so-called 'Bender Constitution' was, first and foremost, an agreement between the newly elected Hetman and the Cossack elite over the scope of the former's authority and the latter's rights and privileges.¹⁵ It also dealt with a number of other major and pressing issues touching religious, political and socio-economic life in the Ukraine. (One of them was the guarantee that Magdeburg law would be preserved in its cities.) A theme which was sounded at the outset was that the Ukrainians were a free, unconquered people, who voluntarily entered into a union with the Muscovite tsars and could therefore freely dissolve it. However, the primary thrust of the document was anti-absolutist. It decried not only the absolutism of the Muscovite tsars, but also the absolutist tendencies of previous Ukrainian Hetmans. For example, the Bender Constitution states that 'previous Hetmans, being under the absolute monarchy of Moscow, became so impudent as to take for themselves absolute power in contradiction to what is right and just, and in this manner brought great harm to the ancient customs, rights and liberties of the Zaporozhian Host'.¹⁶ These 'absolutist' tendencies are further denounced at several points in the text.

To thwart their Hetmans' arrogation of power, the exiled Cossack elite inserted into the treaty several clauses which gave it the right to monitor closely the behaviour and policies of the Hetman by means of a council composed of its members. And echoing the ancient medieval principle of *Quod omnes tangit* the elite repeatedly stressed that the Hetman could take no measures regarding the Zaporozhian Host without first consulting its members. Thus, according to the 'Bender Constitution', the Hetman was to be little more than an administrator of the land and an implementer of the policies approved by its elite.

This document was formally confirmed by Charles XII who had also taken refuge in Bender. Despite a nearly successful invasion of Ukraine that the so-called Mazepists launched in 1711, together with Charles and their Tatar and Polish allies, they failed once again to dislodge Russian rule in their homeland, and most of them ended their careers in exile. Nonetheless, the *pacta conventa* which they formulated in 1710 came to be viewed as an important reflection of the views and values that were prevalent among the Ukrainian Cossack elite in the early eighteenth century.

The events that led the Hospodar of Moldavia, Dimitrie Cantemir (1673–1723) to enunciate his political views and values were strikingly similar to those of the Mazepa case. In 1710 the Ottoman Porte appointed the seemingly trustworthy Cantemir to the sensitive post of Moldavian Hospodar. At about the same time, Peter I, having disposed of Charles XII and Mazepa at the Battle of Poltava, became involved in a war with the Ottomans. Despite its great distance from Russia, the principality of Moldavia seemed to Peter a promising place in which to engage the Turks.¹⁷ During the first decade of the eighteenth century dissatisfaction with Ottoman rule there reached a high point. Because of the losses in territory and revenue that it had suffered in Hungary and elsewhere, the Porte had an acute need to exploit its remaining vassal lands. Thus, the duties and tributes which the Moldavians paid to the Porte increased steeply during the late seventeenth and early eighteenth centuries. Since those added burdens coincided with the sharp economic decline that characterised Eastern Europe as a whole during this period, the impact on the Moldavian population was that much greater. Moreover, the long wars which the Holy League had conducted against the Porte during the final quarter of the seventeenth century led to tremendous devastation, famine and pestilence in the principality.

In writing of these difficult times, the Moldavian boyar chronicler Miron Costin asked, ‘O Lord, who can express the suffering inflicted upon us by the heathens?’ and hoped that ‘God will prepare for our land a different fate ... and give us, after this terrible period, a freer age.’¹⁸ From the Moldavian (and Wallachian) point of view, the most feasible alternative to Ottoman rule was Russian overlordship. For decades prior to 1710 Moldavian and Wallachian Hospodars had approached the tsars with requests for aid and appeals to accept them under ‘their high hand’. Therefore, when Cantemir was elevated to the office of Hospodar and a huge Russian army led by Peter himself

began moving towards Moldavia, the stage was set for a Russian–Ottoman war, during which the new Hospodar and part of the Moldavian elite would attempt to break away from Ottoman overlordship and accept that of the Tsar instead.

Almost as soon as he arrived in Jassy, the capital of the principality, Cantemir established secret contacts with Peter. Sometime in late February or early March 1711 he dispatched several envoys to meet the advancing Russians and negotiate a military alliance with the Tsar. Peter quickly agreed to the terms proposed by the Hospodar, and on 13 April 1711, at Lutsk in Volhynia, a Moldavian–Russian alliance was concluded, on the understanding that it would be made public only after the entry of the Russians into Moldavia. In early June, when the Russians entered the principality, Cantemir openly joined them. At this point he issued a manifesto to all the inhabitants of Moldavia in which he explained the reasons for his decision to side with Peter I and called on them to rise up against the Ottomans. In Moldavian historiography these two documents — Cantemir’s treaty of alliance with Russia and the subsequent manifesto to the inhabitants of the principality — are generally considered to be the most important and revealing political statements of the seventeenth and eighteenth centuries. My argument here is that they are also manifestations of Cantemir’s view that a contractual relationship existed between Moldavia and its Ottoman sovereigns, and of his claim to a Moldavian variation of the right of resistance.

The treaty of 1711 was drafted by Cantemir himself, and apparently Peter I accepted it *in toto*.¹⁹ Let us briefly consider its main points. For the Tsar, the treaty provided for sovereignty (‘protection’) over Moldavia and military assistance from the Hospodar for the duration of the coming campaign. Cantemir, for his part, requested and received the following terms: his family was to have hereditary claim to the Hospodar’s title, ‘in accordance with old Moldavian custom’; the Hospodars were to exercise complete authority in the principality; and in case of Ottoman victory, the Tsar was to provide the displaced Hospodar with appropriate compensation in Russia. In addition to defining the relationship of the Hospodar to his new sovereign, the treaty also dealt with the burning issue of the Hospodar’s relationship to the Moldavian elite.

Both in form and substance, the treaty is conceived as a statement of reciprocal rights and obligations. The Moldavian Hospodar and elite agreed to accept the overlordship of the Tsar and to provide him with military aid in return for his protection and guarantee of their

customary rights and prerogatives. Indeed, on 8 May 1711 Peter issued a manifesto in which he stated that 'we will not impose upon them [the Moldavians] any kind of autocratic power ... and we will retain them under our protection as a free and allied people.'²⁰ We have here, therefore, the striking case of a Russian tsar entering into an agreement which is more reminiscent of the Polish *pacta conventa* than of Muscovite autocratic principles.

This raises the question of whether the Polish *pacta conventa* were used as a model by Cantemir. While the Hospodar did not refer directly to this Polish practice, there is little doubt that he and the Moldavian elite were well acquainted with Polish political, legal and constitutional principles. In 1700, a Polish envoy, Rafael Leszczyński, described Cantemir as 'a man knowledgeable in the Latin language and with an excellent education, as if he had been schooled in Poland'. Moreover, a version of the 1711 agreement contains an article dealing with boyar rights which clearly states that they are to be 'as it is in the Polish country'.²¹ And on several occasions prior to 1711 the Moldavian boyars had attempted to establish the type of nobiliary regime in their land which was clearly modelled on the Polish one.

The treaty was formulated after considerable deliberation and consultation. The chronicler, Nicolae Costin, notes that before Cantemir sent off his envoys to Peter I, he 'perused books throughout the winter'²²; while the Racovița chronicle states that after the Hospodar had formulated 'his suggestions for the practices of the country and the rulers', he called together all the boyars and went through the treaty point by point. In the words of the chronicle: 'After each article Dimitrie asked the boyars, "Is this suggestion good?" To some the boyars responded, "good", and to others, "it is not good". And here they remained until they had improved all the articles'.²³ Because of the thorough discussion of the boyars' privileges contained in several versions of the 1711 treaty, some historians view it as the first codification of the rights of the Moldavian elite.

On 4 June 1711, after the Russian troops had entered Moldavia and he had openly joined them, Cantemir issued a proclamation to his countrymen.²⁴ Its purpose was twofold: it called on the Moldavians to rise and mobilise their forces against the Ottomans, and it sought to justify the rejection of Ottoman overlordship. The manner in which Cantemir rationalised the uprising is especially noteworthy. His primary argument was that the Moldavians had the right to reject Ottoman sovereignty because the latter supposedly broke the original compact

which brought Moldavia under the Sultan's rule. Specifically, Cantemir claimed that in an agreement concluded in 1511 Bogdan, the son of Stephen the Great of Moldavia, and a 'complete monarch' (*plenarius possessor*), agreed to accept Ottoman overlordship under the following conditions: '[He] made peace with an oath, with an agreement that Moldavia was not to be subjected to any other tribute except that of 4000 *galbeni*, 40 horses and 24 falcons'.²⁵ This paltry amount was only symbolic and its payment did not give the Ottomans the right to infringe upon Moldavia's far-ranging autonomy. Cantemir clearly implied that the 1511 treaty was a bilateral and mutually binding agreement between the Ottoman overlord and his new Moldavian vassal. Because the Porte failed to live up to this agreement, by steadily raising the initial tribute and interfering in Moldavian affairs, Cantemir's proclamation of 1711 argued that the Moldavians had the right, even the duty, to rise against the Ottoman 'oath-breakers'. Thus, in the words of a modern Romanian historian, Cantemir's proclamation was an attempt to provide 'a solid justification for political action, which rested on a historical basis'.²⁶

There is, of course, a major problem with Cantemir's argument: the 1511 treaty to which he referred to is generally recognised by modern historians to be a political myth. Cantemir acknowledged that the original of the treaty did not exist, because it was supposedly destroyed by the Poles in 1686. Romanian historians conclude that while there may be a kernel of truth to the Hospodar's assertions (the initial payment of tribute was indeed quite small), there is no historical proof that the 1511 treaty as described by Cantemir was ever concluded.²⁷ Moreover, it is highly unlikely that the Ottoman Sultan, who did not recognise the principle of reciprocal rights and obligations between ruler and ruled, would have ever agreed to an arrangement such as the one described in the 1711 proclamation.

It is clear therefore that the unusually erudite and sophisticated Cantemir (whose famous books dealt at length with Moldavia's legal traditions, the nature of government and the rights of subjects) simply and consciously fabricated a political myth. Why? It seems to me that by claiming the 1511 treaty as a contractual agreement between the Porte and Moldavia he could in 1711 invoke his land's legal, moral and religious right to resist its sovereign. In doing so, he attested to the fact that some of the political and legal views which were widespread in Hungary and Poland were also present in Moldavia.

Neither the principality of Moldavia nor the Hetmanate in Left-Bank Ukraine was a full-fledged *Ständestaat*. Nevertheless, *stände-*

staatlich thinking was — implicitly if not explicitly — very much part of the political *Weltanschauung* of the Moldavian and Ukrainian Cossack elites. Both elites were relatively new by East European standards. Despite the fact that they were under the overlordship of sultans and tsars who did not recognise reciprocal rights and obligations in the sovereign–elite relationship, there is sufficient evidence to indicate that during their formative phase in the late seventeenth century it was the *szlachta*-elite of neighbouring Poland–Lithuania rather than that of the Russia or the Ottoman Empire that served as their model. And this acceptance of the Polish model made the *starshyna* of Left-Bank Ukraine and the boyars of Moldavia, especially during the decisive times of Mazepa and Cantemir, into Europe’s easternmost spokesmen of the contractual principle in sovereign–elite relations and of an elite’s right of resistance.

Notes

1. The classic study of Mazepa is N. Kostomarov, *Mazepa i Mazepyntsi* (St Petersburg, 1895). For more recent studies see B. Krupnitsky, *Hetman Mazepa und seine Zeit* (Leipzig, 1942); O. Ohloblyn, *Hetman Ivan Mazepa i ioho doba* (New York, 1960); and B. Kentschynskyj, *Mazepa* (Stockholm, 1962). Because stereotypical and often highly inaccurate perceptions of Mazepa and the Ukrainian Cossack leadership abound, it should be emphasised that Mazepa and many of his associates were unusually well-educated and sophisticated individuals. Born into a well-established Orthodox noble family on Right-Bank Ukraine, Mazepa studied in the Kiev Academy and the Jesuit College in Warsaw. In his youth he served as a courtier in the court of the Polish King, Jan Casimir, who dispatched him to Germany, France and Italy to complete his education. Mazepa also participated in diplomatic missions on behalf of the King.
2. For a recent study of Orlyk see O. Subtelny, *The Mazepists: Ukrainian Separatism in the 18th Century* (Boulder, Colo., 1981). In 1721, Orlyk summarised these conversations in his long letter to Stefan Iavorsky which was published in *Osnova*, xi (St Petersburg, 1862) 1–29. (Henceforth: Orlyk to Iavorsky).
3. For a thorough treatment of Ukraine during the Great Northern War see Kostomarov, *Mazepa i Mazepyntsi*, 242–65 and Ohloblyn, *Mazepa*, 251ff.
4. The sharp differences between Ukrainian and Muscovite political practices and values were already apparent during the negotiation of the Pereiaslav Treaty of 1654 which brought Ukraine under the sovereignty of the tsars. The Ukrainians demanded that the representatives of the

tsar swear an oath to respect their rights just as the Polish kings did in the *pacta conventa*. However, the Muscovite representatives refused to take such an oath, on the grounds that the authority of the tsar could not be limited. For a discussion of this confrontation see J. Basarab, *Pereiaslav 1654: A Historiographical Study* (Edmonton, 1982), 129 and *passim*.

5. Orlyk to Iavorsky, 8.
6. Orlyk to Iavorsky, 14.
7. Orlyk to Iavorsky, 15.
8. For a discussion of the extent to which German customary law extended into Eastern Europe, see E. Nowak, 'Die Verbreitung and Anwendung des Sachsenspiegels' (Diss. Hamburg, 1965). Regarding the influence of German law in the Ukraine see A. Jakovliv, *Das Deutsche Recht in der Ukraine and seine Einflüsse im 16–18. Jahrhundert* (Leipzig, 1942) and D. Bagalei, 'Magdeburgskoe pravo v gorodakh Levoberezhnoi Maldorossii', *Zhurnal Ministerstva narodnago prosveshcheniia*, 1982, 1–56.
9. 'Dopros Apostola' (December 1708), in 'Istochniki Malorossiiskoi istorii, 1691–1722', in *Chteniia v imperatorskom obshchestve istorii i drevnostei rossiiskikh* (Moscow, 1859) 214. For a source collection dealing with Mazepa's secret contacts with the Poles, see also O. Subtelny, *The Letters of Ivan Mazepa* (New York, 1975).
10. The Ukrainian Cossack elite carefully studied the Hadiach treaty in order to review what precedents had been set for a reunion with Poland–Lithuania. According to Orlyk, the Cossack *starshyna* 'took counsel as to the means of defending themselves [from Peter I's reforms] and read the treaty of Hadiach which the colonel of Myrhorod had taken out of the Pechersk library'. See Subtelny, *The Mazepists*, 188.
11. For the text of the treaty see Kostomarov, *Mazepa i Mazepyntsi*, 515. See also G. Adlerfelt, *Histoire militaire de Charles XII*, vol. iv (Amsterdam, 1740) 8, and Kentrschynskyj, *Mazepa*, 333.
12. 'Ukaz vsemu malorossiiskomu narodu', 6 November 1708, in *Pisma i bumagi imperatora Petra velikago* (Moscow, 1975–77), viii, pt. 1, 276.
13. Skoropadsky's manifesto, 8 December 1708, 'Istochniki', 198.
14. M. Vasylenko, 'The Constitution of Pylyp Orlyk', *The Annals of the Ukrainian Academy of Arts and Sciences in the US*, 1958, no. 3–4, 1273.
15. The document was originally written in Latin and entitled *Pacta et Constitutiones Legum Libertatumque Exercitus Zaporoviensis*. The text was first published in 'Perepiska i drugii bumagi korolia Karla XII', in *Chteniia v Obshchestve istorii iz drevnostei rossiiskikh* (Moscow, 1847), i, 1–19. A Russian version of the document may be found in 'Istochniki', 242–57.
16. *Ibid.*, 255.
17. For an overview of Ottoman rule in Moldavia, see O. Subtelny, *Domination of Eastern Europe: Native Nobilities and Foreign Absolutism, 1500–1700* (Montreal, 1986) 59–67.
18. M. Costin, *Opera alese: letopisețul Tării Moldovei* (Bucharest, 1965) 225.

19. The text of the treaty and its analysis may be found in P. Panaitescu, 'Tratul de alianță dintre Moldova și Rusia din 1711', *Studii*, xiv (1961) 897–915, and in M. Holban and L. Demény, 'Originalul și traducerea latină a 'Diplomei lui Petru I' dată lui Dimitrie Cantemir', *Ibid.*, xxvi (1973) 198–210. A discussion of the various versions of the treaty may be found in H. Kirichenko, 'O russko-moldavskikh otnosheniakh v pervom desiatiletii XVIII v.', *Uchenie zapiski Kishinevskogo gosudarstvennogo ped. instituta*, vi (1957) 21–9. See also C. Serban, 'Dimitrie Cantemir dans l'historiographie roumaine et étrangère', *Revue Roumaine d'Histoire*, xii (1973) 919–45.
20. A. Pippidi, 'Politica și istorie în proclamația lui Dimitrie Cantemir din 1711', *Studii*, xxvi (1973) 934.
21. *Ibid.*, 936; Panaitescu, 'Tratul del alianța', 913.
22. St. Ciobanu, *Dimitrie Cantemir in Rusia* (Bucharest, 1925) 105.
23. Panaitescu, 'Tratul del alianța', 913.
24. For a thorough analysis of this document see Pippidi, 'Politica și istorie', 923–46.
25. *Ibid.*, 941. Both Cantemir and Mazepa stressed that their people accepted the overlordship of their respective Ottoman and Russian monarchs voluntarily, not as a result of conquest. Apparently the Moldavian and Ukrainian leaders believed that this obligated their sovereigns to respect their traditional rights and liberties.
26. Pippidi, *loc. cit.*
27. *Ibid.*, 942. The 'loss' of the original document which supposedly guaranteed a land's elite its rights and liberties was not uncommon in Eastern Europe. For example, the original of the 'Privilegium Sigismundi Augusti' of the Livonian *Ritterschaft* was also 'lost'. And although there is little doubt about the authenticity of the Pereiaslav Treaty of 1654, the original of this document also disappeared soon after the conclusion of the treaty.