

The *Eastern European History Review* is an international and interdisciplinary annually online and open access peer-reviewed journal about studies on Central and Eastern Europe in the Modern Age (XIV–XIX). The Journal is also the expression of the Study Center CESPOM (Centro Studi sull'età dei Sobieski e della Polonia Moderna – Center Study on the Age of Sobieski and Modern Poland) of the University of Tuscia, born in 1997.

It publishes articles with significant approaches and original interpretations in all research fields concerning Central and Eastern Europe, with specific attention to the History Sciences.

This Special Issue of *Eastern European History Review* deals with the history of diplomacy and its executors – diplomats (ambassadors, legates, nuncios, internuncios, agents and others) – in the seventeenth century's Polish-Lithuanian Commonwealth.

As a state conglomerate culturally and politically, closely connected to Western Europe, and for its specific institutional form of a “noble republic”, the Commonwealth has created, in the field of diplomatic practice, institutions, principles and ceremonies unique in the European context.

The focus of the volume is the historiographic stream of the *New Diplomatic History*, without withdrawing from classic approaches that remain an important field of research.

Tracing the salient moments and facts of the complex history of the seventeenth century of the Polish-Lithuanian Commonwealth, the volume – with the participation of authors from different parts of Europe and beyond – constitutes an international opportunity to reflect on issues and topics of old and new diplomatic history.

Diplomats and Diplomacy in the Early Modern Polish-Lithuanian Commonwealth (XVII century) constitutes a result of the research activity and scientific collaboration inherent to the project directed by Dr Dorota Gregorowicz *The Holy See and the crisis of sovereignty of John II Casimir Vasa and Michael Korybut Wiśniowiecki's election (1660–1669)*, n. 2018/28/C/HS3/00176, financed by the National Science Centre, Poland.

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DIPLOMATS AND DIPLOMACY

IN THE EARLY MODERN POLISH-LITHUANIAN COMMONWEALTH (XVII CENTURY)

Edited by

Dorota Gregorowicz and Alessandro Boccolini



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EASTERN EUROPEAN HISTORY REVIEW: LA RIVISTA

Il Comitato redazionale e scientifico è lieto di presentare al pubblico la rivista scientifica *Eastern European History Review*.

Con un carattere internazionale e interdisciplinare, una cadenza annuale e una fruibilità *open access* la rivista focalizza i propri interessi sulle dinamiche occorse nell'Europa Orientale durante tutta l'età moderna (XIV-XIX). *Eastern European History Review* è espressione del Centro Studi dell'Università della Tuscia CESPoM (Centro Studi sull'età dei Sobieski e della Polonia Moderna) nato nel 1997 per intuizione del Prof. Gaetano Platania, Direttore Emerito della Rivista.

L'iniziativa editoriale che presentiamo nasce dall'evidente mancanza in Italia di una rivista scientifica relativa alla storia dell'Europa centro-orientale in Età Moderna, nonostante la penisola abbia giocato un ruolo fondamentale per la Storia e la Cultura di una parte integrante del continente, a torto considerata come lontana e periferica.

Consapevoli di questo, il Comitato ha posto quale obiettivo primario della *Eastern European History Review* quello di offrire uno spazio di riflessione e di discussione su temi che appartengono alla storia dell'Europa centro-orientale, e insieme alle relazioni - politiche e culturali - che questa vasta area del Vecchio Continente ha avuto con l'occidente d'Europa, e l'Italia in particolare, incoraggiando il dialogo tra studiosi e esperti di settore, e tra differenti approcci della ricerca scientifica.

Il Comitato Redazionale e Scientifico

EASTERN EUROPEAN HISTORY REVIEW: THE JOURNAL

The Editorial and Scientific Board are proud delighted to present the *Eastern European History Review* under the aegis of Sette Città Editore.

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It publishes articles with significant approaches and original interpretations in all research fields concerning Central and Eastern Europe, with specific attention to the History sciences.

The editorial initiative we present comes from the obvious lack of a journal, in Italy, concerning the history of Central and Eastern Europe during the Modern Age, this despite its fundamental role in the history and culture of that part of the continent, wrongly considered distant and peripheral.

Quite the contrary is true, in fact. Main objective of the journal is to create a space for reflection and discussion on topics pertaining to Central and Eastern Europe, but also relations with Continental Europe, encouraging dialogue between scholars and experts in the field, and between different approaches of scientific research.

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INTRODUCTION

The crisis of political history, particularly profound since the 1960s and the subsequent cultural turn, has penalised the scientific investigation of “international” relations¹ in the early modern period for many years². Over the last decades, though, there have been several calls for new methodological and conceptual approaches to diplomatic studies, some of them extraordinarily fruitful and inspiring³. Nowadays, as Tracey Sowerby observed, «the *New Diplomatic History*, no longer so new, has become a broad church. It has successfully integrated wider concerns into a field that was once dominated by the study of bureaucracy and foreign policy»⁴. Integrated, but not replaced, which is also essential to emphasise. That is mainly why scholars no longer consider diplomacy and foreign policy making as coterminous, but do assimilate plenty of different aspects diplomatic practice entailed.

One cannot notice that from the point of view of contemporary research on the early modern history of diplomacy, the Polish-Lithuanian Commonwealth constitutes an interesting phenomenon that has not been sufficiently developed yet, especially in the international forum of researchers along with their various historiographical traditions. There are still many blank spots in exploring this topic, which remain open to a contemporary historian. This special issue of *Eastern European History Review* seeks to encourage a more profound reflection on particularities and significance of the Polish-Lithuanian diplomatic practice in the early modern period, especially during the seventeenth century, by conveying into conversation an international set of scholars from Poland, Lithuania, Belarus, Ukraine, Hungary, Italy, Spain, Sweden and Australia, interested in various aspects of diplomatic history. By bringing consciousness of diplomatic agency to bear on various areas of cultural and political practice, our authors have pressed their research beyond the horizons of their “national histories” that continue to dominate most treatments of premodernity.

On the threshold of the early modern period, *Rzeczpospolita* found itself among the political entities that adopted the praxis of permanent diplomatic missions exchange very late (only in the eighteenth century), relying on the old system of extraordinary embassies, of medieval provenance. However, the Polish-Lithuanian Commonwealth was no exception on a European scale. The general rules for foreign relations’ conduct appeared similar in Portugal, Scotland, Hungary, Scandinavia (Sweden and Denmark), Switzerland, and several German states⁵.

Federico Chabod considered the permanent diplomatic service, next to the professional army and elaborated bureaucratic apparatus, as the basis for the affirmation of the “early modern state”⁶. *Rzeczpospolita* did not possess any of these elements, but can it be denied the character of statehood from a historical point of view⁷? Subsequently, for Matthew Smith Anderson, the history of early

1 I put the word “international” in quotation marks, considering the imperfection of this concept for the analysis of political relations in early modern Europe. Cf. Tracey A. Sowerby, “Early Modern Diplomatic History”, *History Compass*, 14, 9 (2016): 444.

2 Stefano Andretta, *L'arte della prudenza. Teorie e prassi della diplomazia nell'Italia del XVI e XVII secolo* (Roma: Binklink, 2006), 7.

3 Karl W. Schweizer and Matt J. Schumann, “The Revitalisation of Diplomatic History”, *Diplomacy & Statecraft*, 19, 2 (2008): 149-86; John Watkins, “Toward a New Diplomatic History of Medieval and Early Modern Europe”, *Journal of Medieval and Early Modern Studies*, 38, 1 (2008): 1-14; Diana Carrió-Invernizzi, “A New Diplomatic History and the Networks of Spanish Diplomacy in the Baroque Era”, *The International History Review*, 36, 4 (2014): 603-18; Dorothea Nolde, “Was ist Diplomatie und wenn ja, wie viele? Herausforderungen und Perspektiven einer Geschlechtergeschichte der frühneuzeitlichen Diplomatie”, *Historische Anthropologie*, 21, 2 (2013): 180-98.

4 Sowerby, “Early Modern Diplomatic History”, 441.

5 Giuseppe Galasso, “Le relazioni internazionali nell’età moderna (secoli XV–XVIII)”, *Rivista Storica Italiana*, 111, 1 (1999): 10.

6 Federico Chabod, *Idea di Europa e politica dell’equilibrio* (Bologna: Mulino, 1995).

7 Adam Watson, *The Evolution of International Society. A Comparative Historical Analysis* (London-New York: Routledge, 1992), 185-86: «The kingdom of Poland had increased its power and influence by a dynastic union with Lithuania and expansion eastward, and had made itself the principal bulwark of Latin Christendom on the eastern marches. But the heterogeneous population, the dual governmental structure of Poland-Lithuania and the practice of elective monarchy prevented its consolidation into an effective stato». Cf. Jan Sowa, *Fantomowe ciało króla. Peryferyjne zmagania z*

modern diplomacy constituted a slow but increasingly evident evolution towards the system of permanent representation. He considered contacts between polities that failed to conform to that model «less developed ones, [...] where diplomacy was less important and diplomatic organisation more primitive». Anderson believed that from the point of view of diplomatic practice, one could speak of two “separate Europes” and that «between these two Europes there were as yet only slender links»⁸. Nowadays, historiography views the issue of permanent diplomatic posts in a significantly different way. As Riccardo Fubini suggests, the general deficiency of institutionalisation of the then diplomacy makes the equality of residency and modernity dubious⁹. Also, Sowerby appropriately stated that «the exchange of resident ambassadors did not extend across all of Europe. Rather, asymmetrical relations were not uncommon within Europe and continued to be so into the eighteenth century»¹⁰.

Therefore, nothing could be more erroneous than assuming the passivity of the Polish-Lithuanian Commonwealth on the “international” arena of early modern Europe. The young Polish Vasa dynasty, the more as it functioned within the elective monarchy, manifested a strong need to affirm its position on the European forum. Moreover, the necessity to maintain intensive contacts with foreign partners was caused by the continuous involvement of *Rzeczpospolita* in armed conflicts on various fronts. Due to its geopolitical position, the vastness of the territory and the leading role for the implementation of the Catholic Reform, Poland-Lithuania occupied a distinctive part in the entire system of “international” relations of early modern Europe. All the more so, its specific tradition and political practice concerning the implementation of foreign policy, conducting diplomatic activity outside its borders, as well as accepting foreign legations *in loco*, requires further attention of contemporary historiography.

The special issue of *Eastern European History Review*, *Diplomats and Diplomacy in the Early Modern Polish-Lithuanian Commonwealth (XVII century)*, opens with a group of articles regarding some general institutional and technical aspects of the functioning of the Polish-Lithuanian diplomatic service.

Dorota Gregorowicz (*Diplomacy of the Commonwealth, Diplomacy of the King: the Peculiarity of Foreign Policy Making in the Seventeenth Century Poland-Lithuania*) deals with the topicality of research on the history of diplomacy in the early modern Poland-Lithuania, in the context of scant development of permanent diplomatic missions. The article presents considerations on the subjectivity of the *ius legationis* in *Rzeczpospolita*. Gregorowicz reflects on the competencies of the monarch and of the Commonwealth (personified in the *sejm* and Senate councils) in this matter. To this end, she primarily analyses the content of the sixteenth – and seventeenth-century parliamentary constitutions regarding the conduct of foreign policy. Moreover, the article refers to political practice as a determining factor for the legal structure of Poland-Lithuania.

The Union of Lublin (1569), as the basis for the execution of a joint diplomatic activity of the early modern Polish-Lithuanian Commonwealth, is analysed by Marius Sirutavičius (*Partnership in a Union with Diverging Interests: Cooperation between the Kingdom of Poland and Grand Duchy of Lithuania in Diplomatic Activities at the Turn of the Sixteenth and Seventeenth Centuries*). The author emphasises the initially divergent interests of both states in addressing the directions of the foreign policy of *Rzeczpospolita* (especially concerning contacts with Muscovy) and their influence on the functioning of the diplomatic service. Moreover, Sirutavičius draws attention to the evolution and gradual uniformisation processes of the Polish and Lithuanian visions of conducting foreign policy,

nowoczesną formą (Kraków: Universitas, 2011). According to Sowa, «the concept of the “ghost body of the King” [inspired by Ernst Kantorowicz] marks a notional horizon in which *Rzeczpospolita* presents itself as a non-existent state entity, or in the process of its disappearance, utterly unsuitable for any modern form of social, political and economic organisation, which took shape in Europe from the early modern age, with the nascent capitalism and parliamentarism» (285). Sowa’s perspective is certainly interesting, although historically not sustainable. Translation in English is of the author.

8 Matthew S. Anderson, *The Rise of Modern Diplomacy 1450–1919* (London-New York: Longman, 1993), 27–8.

9 Riccardo Fubini, *La “residentialité” de l’ambassadeur dans le mythe et dans la réalité: une enquête sur les origines* (Paris: PUF, 1998); Id., “Diplomacy and government in the Italian city-states of the fifteenth century (Florence and Venice)”, in *Diplomacy and Early Modern Culture*, eds. Robyn Adams and Rosanna Cox (New York: Palgrave Macmillan, 2011), 26–8.

10 Sowerby, “Early Modern Diplomatic History”, 442.

which took place in the initial period of the reign of Sigismund III Vasa, pointing to the multilateral origins of those developments.

The problem of the source material's characteristics for studying the history of diplomacy is discussed by nunciatures' specialists Henryk Litwin and Paweł Duda in a joint article *Correspondence of Warsaw Nuncio Antonio Santa Croce with Roman Catholic Bishops from 1629 – Frequency, Intensity and Content*. The researchers focused on the analysis of "internal" correspondence maintained by the apostolic nuncio with hierarchs of the Polish-Lithuanian Catholic Church, underlining its parallel importance in relation to the mainstream canals of diplomatic information exchange (between the Polish-Lithuanian periphery – nunciature's chancellery and Roman centre – Secretariat of State).

Finally, the first part of the book includes the reflection of Michał Salamonik on some non-institutional structures and mechanisms of diplomatic activity in the early modern Polish-Lithuanian Commonwealth, along with the case study on the diplomatic context of the postal and news-spreading duties of the Gdańsk merchant and postmaster Francesco Gratta [1613–1676] (*News Agents and Postmasters: Background Figures or Active Diplomats?*).

The second part of this book is devoted to diplomacy as to the art of great politics' conduct and to the geopolitical position of Poland-Lithuania in seventeenth-century Europe. The advantages of diplomatic negotiations as an alternative to pursuing *Rzeczpospolita's* foreign policy in the military field are highlighted here. This group of articles may seem of a more traditional topicality. Still, it is significant to accentuate its emphasis on the multilateral character of early modern diplomatic relations, strongly including the subject of the Polish-Lithuanian Commonwealth.

Miguel Conde Pazos analyses the impact of the Catholic Monarchy's diplomacy on the involvement of *Rzeczpospolita* in the pan-European conflict (*Spanish Diplomats in the Polish-Lithuanian Commonwealth during the Thirty Years' War*). This example perfectly illustrates the breadth of political, economic and dynastic interactions that were determined by the diplomatic activities of all major European countries, even those geographically distant from each other. Conde Pazos also draws attention to the personal profile of diplomats sent on specific missions and to their respective political culture, experience, and preparation for dedicated charges.

The role of political nuances and, at first glance, of less important elements in conducting a diplomatic activity is treated by Ryszard Skowron (*Palatinate: the Key to Europe. On the Art of Diplomacy of Władysław IV Vasa*). The author points to the role of a seemingly secondary German state, as well as to the complicated system of ties between single European states at that time, in the perspective of the implementation of the great political and dynastic plans of the Polish-Lithuanian monarch, primarily related to his efforts to reclaim the Swedish throne. In fact, it is worth observing how the interests represented and defended through early modern diplomatic negotiation were primarily dynastic, typical of the sovereign families that divided the European spaces between themselves¹¹. In his article, Skowron has distinguished two basic categories defining Władysław IV's foreign policy: peace tactics (diplomatic activity and matrimonial policy) and war (military involvement in connection with the events of the Thirty Years' War).

The English point of view on the last years of the Polish Vasas' rule and on the election of 1669 is presented by Aleksandra Ziober (*The Last Years of the Reign of John Casimir Vasa and Interregnum after his Abdication in the Light of Reports of Francis Sanderson and Robert Yard*). The author shows how the image preserved in diplomatic accounts of various backgrounds' services allows us to recreate the historical narrative for many research topics with more detail. Thus diplomacy becomes a way of acquiring knowledge about single courts and state entities. Ziober also refers to the degree of understanding of the particular form and functioning of the Polish-Lithuanian political structures in seventeenth-century Europe.

The universalist-political dimension of the Holy See's diplomats' activity during the short reign of Michał Korybut Wiśniowiecki (1669–1673) is discussed by Alessandro Boccolini (*Diplomacy and Papal Politics during the "Unfortunate" Reign of Michał Korybut Wiśniowiecki*). The author analysed the

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Claudio Rosso, "Burocrazia, fiscalità, diplomazia", in *Storia d'Europa e del Mediterraneo. Dal Medioevo all'età della globalizzazione*, sez. 5: *Età moderna (secoli XVI–XVIII)*, vol. XII: *Popoli, stati, equilibri di potere*, ed. Roberto Bizzocchi (Salerno-Roma: Salerno Editrice, 2013), 43.

activity of the then apostolic nunciature primarily in the context of the relations between the Polish-Lithuanian Commonwealth and the Ottoman Empire, as well as the papal vision of *Rzeczpospolita* as *Antemurale Christianitatis*.

As Barbara Stollberg-Rillinger observed, «another major theme within recent reassessments of early modern diplomacy has been non-verbal communication. The early modern diplomatic ceremonial was essential to the expression of hierarchies»¹². In fact, in the third part of the book, we deal with a set of texts referring to the issues of diplomatic ceremonial, as «in early modern European diplomacy, the relationship between the ceremonial symbols and the mechanisms of power was closer and carried more weight»¹³.

In Marta Szymańska's article, *The Ceremonial of Receiving of Albrycht Stanisław Radziwiłł and his Stay at the Courts of Western Europe as a Royal Envoy during the Journey of Prince Władysław Vasa 1624–1625*, the diplomatic role of the Lithuanian magnate, member of the Vasa Prince's retinue during Władysław's educational trip around Europe, as well as the diplomatic dimension of the entire enterprise, seemingly unrelated to the implementation of the Polish-Lithuanian foreign policy, are discussed. One of the key aspects of the study is how the ceremonial applied to the Prince's retinue members indicated the diplomatic nature of the expedition.

Mariusz Sawicki (*The Coronation Parliament of John III Sobieski in French-Language Reports Sent to London*) presents a picture of the anointing act and then the entire coronation *sejm* (1676) of the later victor from Vienna. The author shows the image that French diplomats, present at that time in Poland-Lithuania, created in their reports on the events of Sobieski's coronation: its political, social and ceremonial aspects. Interestingly, those reports were sent in London and not in Paris. Sawicki shows himself fully aware of the strengths and weaknesses of historical interpreting similar creation that any external observers could create.

Ewelina Sikora (*Feasting and Fasting in Moscow: Peace Negotiation Between Poland-Lithuania and Muscovy as Seen Through Eating and Drinking Customs*) takes up the theme of feasting as an essential element of Polish-Lithuanian diplomatic practice during the missions to Muscovy. The article constitutes an important contribution for developing further research on material culture in the field of the history of diplomacy¹⁴, also in the context of ceremonial treatments and traditional usages.

Finally, Gaetano Platania draws attention to the institution of obedience missions that Polish-Lithuanian kings traditionally sent to the papal court in order to certify their loyalty to the Catholic Church and its superior (*Michał Radziwiłł's Obedience Embassy in the Rome of Pope Innocent XI Odescalchi between Diplomacy and Ceremonial*). The author presents a case study, a picture of the *Rzeczpospolita's* envoy's entry to the Eternal City in 1680, putting Michał Radziwiłł's mission in the large political context of the Holy League's organisation. The ceremonial becomes here an authentic baroque, theatrical representation, still, by no means deprived of its political importance.

The last part of the book is devoted to a series of outstanding personalities of diplomats operating in the context of seventeenth-century *Rzeczpospolita*. Many scholars have adopted an actor-centred approach to inquiry early modern diplomacy, and such career case studies result as extremely useful. Placing ambassadors at the heart of the analysis offers a rich research perspective regarding the relationships they cultivated, their contacts and personal capacities, as well as the individual factor in conducting foreign policy that has always accompanied the great policy's sketches.

Uładzimir Padalinski develops the topic of the diplomatic activity of Mikhayla Haraburda (*Diplomatic Activity as the Basis of Political Advancement and Material Reward in the Sixteenth-Century Grand Duchy of Lithuania: The Case of Mikhayla Haraburda*). It is a specific case study of a multiple envoy of

12 Barbara Stollberg-Rillinger, "Zeremoniell, Ritual, Symbol: Neue Forschungen zur symbolischen Kommunikation in Spätmittelalter und Früher Neuzeit", *Zeitschrift für Historische Forschung*, 27, 3 (2000): 389-405. Cf. Sowerby, "Early Modern Diplomatic History", 445.

13 Jan Hennings, "The Semiotics of Diplomatic Dialogue: Pomp and Circumstance in Tsar Peter I's Visit to Vienna in 1698", *The International History Review*, 30, 3 (2008), 515.

14 Cf. Harriet Rudolph, "Entangled Objects and Hybrid Practices? Material Culture as a New Approach to the History of Diplomacy", in *Material Culture in Modern Diplomacy from the 15th to the 20th Century*, eds. Rudolph and Gregor M. Metzger (Oldenbourg: De Gruyter, 2016), 1-28.

the Polish-Lithuanian Commonwealth to Muscovy and Crimea. Padalinski shows the dynamics with which the involvement in the implementation of foreign policy could determine both the political career and the social status of a diplomat in the noble context of *Rzeczpospolita*. His study also provides an outstanding example of the Lithuanian ambassador's *cursus honorum*.

Krzysztof Zbaraski's Constantinopolitan mission is examined by Tetiana Grygorieva (*The "Decisive Embassy" of Prince Krzysztof Zbaraski to Constantinople (1622–1623) and European Diplomacy amidst the 'Thirty Years' War*). The article rejects the bilateral vision of Polish-Lithuanian and Ottoman diplomatic contacts, presenting the image of Zbaraski's expedition in a broad European context, including, *inter alia*, political relations of both countries with Transylvania, as well as their involvement in the events of the Thirty Years' War.

Peter P. Bajer presents a diplomatic career as a path of personal development and one of the ways to build a social position in the early modern *Rzeczpospolita*. The author observes the case of foreign newcomers or/and their families (based on the example of Scottish immigration), the desirable result of who was usually obtaining a noble status in the Polish-Lithuanian Commonwealth (*The Career of Jerzy (George) Bennet, the Scottish Agent of the Radziwiłł Family*)¹⁵.

The diplomatic mission as a field for the realisation of personal interests of a diplomat, in addition to the tasks provided by representing his political superior, is presented by Aleksandra Skrzypietz (*Between the King's Instructions and the Ambassador's Ambition. Cooperation Between Melchior de Polignac and Polish Magnates*). The author shows how diplomatic feedback could have influenced the evolution of the instructions entrusted to ambassadors and, consequently, had a direct impact on their political activity. Skrzypietz presents Polignac not only as a performer but as a co-creator of the French political program towards the *Rzeczpospolita* ruled by John III Sobieski. Finally, she explains the difficulties encountered by ambassadors of foreign countries in approaching the complex political and social context of the early modern Polish-Lithuanian Commonwealth.

The activities of diplomats of Pope Innocent XI in Poland-Lithuania and at the imperial court, as well as the nature of their regular contacts with the Roman Curia, are presented by Claudia Curcuruto (*Francesco Buonvisi and Opizio Pallavicini. Correspondences and Activities of Two Apostolic Nuncios in the Service of Pope Innocent XI Odescalchi. 1676–1689*). The author focuses on the communicative aspects of the activities of the apostolic nunciatures. She presents diplomats as mediators between radically different (geographically, politically, culturally) realities (not only on the line of the royal/imperial court and the papal court but also between local bishops and the Bishop of Rome – the pope). Finally, the issue of mediation, as one of the crucial elements of early modern diplomatic practice, is presented by Béla Mihalik on the example of the activity of a relative of the Polish-Lithuanian monarch Augustus II the Strong (1697–1706, 1709–1733) – Bishop of Győr, Christian August (*The King's Cousin, the Emperor's Bishop. Christian August of Saxe-Weitz as Mediator between Poland and the Holy See*). It is another text that highlights the problem of the personal interests of diplomats in carrying out their missions. In the case of Wettin, these were primarily the efforts to obtain the cardinal's hat. As observed by John Watkins, «the time has come for a multidisciplinary reevaluation of one of the oldest, and traditionally one of the most conservative, subfields in the modern discipline of history: the study of premodern diplomacy»¹⁶. Contemporary research on the history of diplomacy in the early modern *Rzeczpospolita* is doing quite well, but it still requires a reorientation and innovation of methodological approach. The history of diplomacy should no longer be seen as an abstract account of negotiations and treaties, disconnected from parallel social, economic and cultural aspects. Indeed, as this collection of studies demonstrates, historiography is continually discovering new research fields in matter. Among those contained in the presented volume, we can indicate: legal and institutional forms of early modern “international” relations, nature of diplomatic sources and character of the narrative present in the documents, multilaterality and complexity of the early modern interstate connections,

15 Recently on similar issues: Michał Salamonik, *In Their Majesties' Service. The Career of Francesco De Gratta (1613–1676) as a Royal Servant and Trader in Gdańsk* (Huddinge: Södertörns högskola, 2019); Wojciech Tygielski, *Dylematy włoskiego emigranta. Giovanni Battista Jacobelli (1603–1679), śpiewak i kapelan nadworny, kanonik warmiński* (Warszawa: Muzeum Pałacu Króla Jana III w Wilanowie, 2019).

16 Watkins, “Toward a New Diplomatic History”, 1.

their religious and confessional nature¹⁷, diplomatic ceremonial and non-verbal communication, tools and techniques used by ambassadors, *people* as direct implementers of the “art of diplomacy”, their *cursus honorum* and mechanisms of social advancement, cultural image expressed in diplomatic documents, social, economic, commercial and dynastic causes that determined political choices, as well as material culture in diplomacy¹⁸. This volume will undoubtedly contribute to the further development of contemporary analysis of these issues. We would like to continue to engage in new methods, ask additional questions, and rethink how early modern Polish-Lithuanian diplomacy is currently being studied.

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¹⁷ Cf. *Confessional Diplomacy in Early Modern Europe*, eds. Roberta Anderson and Charlotte Backerra (London-New York: Routledge, 2021).

¹⁸ Cf. Daniela Frigo, “Politica estera e diplomazia: figure problemi e apparati”, in *Storia degli antichi stati italiani*, eds. Gaetano Greco and Mario Rosa (Roma-Bari: Laterza, 1996), 117.

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DIPLOMACY OF THE COMMONWEALTH, DIPLOMACY OF THE KING: THE PECULIARITY OF FOREIGN POLICY MAKING IN THE SEVENTEENTH-CENTURY POLAND-LITHUANIA¹

ABSTRACT

The Polish-Lithuanian Commonwealth clearly stood out from the European institutional and legal systems of the early modern era. One of the elements of its “uniqueness” was the way of conducting foreign policy and, consequently, the organisation of diplomatic service.

The western European historiography does not address the peculiar structure of the Polish-Lithuanian diplomacy against early modern interstate relations. The only commonly noted characteristic of the diplomatic practice of the Commonwealth seems to be the lack of official permanent representations at European courts, as well as the reluctance to accept foreign embassies within the borders of the state. The Polish historiography does undertake the topic, but the existing works are dated and often overcome, requiring to be complemented.

The purpose of this article is to systematise and determine the specifics of the diplomatic activity of Poland-Lithuania from the institutional and juridical point of view, with particular attention paid to the nature of the *ius legationis* which operated in *Rzeczpospolita* state. Its two potential entities are confronted: the king and the Senate along with the *sejm*. The analysis is based primarily on the parliamentary constitutions, the supreme source of law for the Polish-Lithuanian state. Another goal of the presented study is to highlight the role of political practice in shaping foreign policy, which often stood in opposition to the formal legal structure of the Commonwealth. Finally, the article constitutes a discussion with the voices present in the historiography and an invitation for the scholars to further launch the topic.

KEYWORDS: Polish-Lithuanian Commonwealth; Sovereignty; Diplomacy; *Ius legationis*; Foreign policy.

It is a well-known fact that the Polish-Lithuanian Commonwealth stood out from the European institutional and legal systems of the early modern era (although it was not an unusual phenomenon). One of the important elements of its “uniqueness” was the way of conducting foreign policy and, consequently, the organisation of diplomatic service.

In principle, western European historiography does not address the problem of the peculiar structure of Polish-Lithuanian diplomacy against early modern interstate relations. Perhaps the only commonly noted characteristic of the diplomatic practice of the Commonwealth is the lack of official permanent representations at European courts, as well as the reluctance to accept foreign legations within the borders of the state².

The purpose of this article is to systematise and determine the specifics of the diplomatic activity of the Commonwealth from the institutional and legal point of view, with particular attention paid to the nature of the *ius legationis* which operated in the Polish-Lithuanian state. The starting point for this analysis will be a counterposition of its two potential entities: the king and the Senate along with the *sejm*. It will be based on the parliamentary constitutions, the supreme source of law for *Rzeczpospolita*

¹ The paper is a result of the research project *The Holy See and the crisis of sovereignty of John II Casimir Vasa and Michael Korybut Wiśniowiecki's election (1660–1669)*, n. 2018/28/C/HS3/00176, financed by the National Science Centre, Poland.

² This was also noted by contemporaries, e.g. Abraham de Wicquefort. Cf. Stanisław E. Nahlik, *Narodziny nowożytnej dyplomacji* (Wrocław-Warszawa: Zakład Narodowy im. Ossolińskich, 1971), 58.



state. Another goal of the presented study will be to highlight the role of political practice in shaping foreign policy, which often stood in opposition to the formal legal structure of the Commonwealth.

THE PROBLEM OF RESIDENCY

The emergence of the “early modern states” at the turn of the fifteenth and sixteenth centuries, as well as the broader dynamisation of the geopolitical situation in Europe at that time, required an effective system of mutual contact and control. As a result of the process that accompanied these needs, the art of diplomacy was developed. It was created not only as a means to maintain a political balance between the centres of power, which was an alternative to military solutions, but also due to the pressure of economic growth and cultural development, which affected Europe at the turn of the era. The primary purpose of the early modern diplomatic service, just as it is today, was to regulate the multi-level relations between states, plan joint action, reconcile common interests, and gather information.

The common practice characterising early modern diplomacy was its permanent and residential character, developed in the fifteenth century by a number of Italian states, and then adopted, over many years of evolutionary change, at most European courts, even if with numerous exceptions. The Polish-Lithuanian state was one of such, but among others also Hungary, Portugal, Sweden or Scotland need to be mentioned³.

In Poland, the diplomatic development proceeded in a manner analogous to other European countries up to approximately the first half of the sixteenth century. While in most of them the dispatchment and reception of permanent envoys gradually established, in the Commonwealth, the medieval experience was consolidated. The diplomatic practice continued to be characterised by missions launched *ad hoc* for a strict purpose and for a limited duration, in order to solve specific foreign policy issues.

The complex nature of the statehood of the Commonwealth, as well as the possibility of both its members (the Polish Crown and the Grand Duchy of Lithuania) to act autonomously in the “international” arena, proved problematic for conducting foreign policy. In terms of functionality of the union concluded between the two countries in 1569, one of the fundamental acts determining Polish-Lithuanian diplomatic practice must therefore have been the act of the Union of Lublin, which established a coherent foreign policy for both countries:

Foedera aut pacta, that is – the agreements and alliances with the neighbouring nations, after the Warsaw arrangement cannot be held, nor any envoys can be sent for important issues, without the approval of both nations, and the agreements previously held – should they be harmful to one of the unified states – are no longer in power⁴.

Nevertheless, what is worth noting is that in particular periods, such as the *interregna*, the two states, parts of the Commonwealth, in practice granted each other the autonomous right of legation. Interestingly, «in the case of the Crown [of Poland], the actions taken were treated as the actions of the Commonwealth. The Grand Duchy of Lithuania was sidelined, although it also operated as a part of the Commonwealth»⁵.

Unlike European countries which established permanent diplomatic missions, the diplomacy of the

3 Czesław Nanke, *Historia dyplomacji, część 1: Rozwój form dyplomatycznych* (Kraków: Księgarnia S. Kamińskiego, 1947), 66, 83; Adam Przyboś, Roman Żelewski, *Dyplomaci w dawnych czasach* (Kraków: Wydawnictwo Literackie, 1959), 37.

4 “O Xięstwie Litewskim przywilej około uniey Wielkiego Xięstwa Litewskiego z Koroną, na walnym seymie lubelskim, od panów rad duchownych y świeckich, y posłów ziemskich roku pańskiego 1569 uchwalony”, in VL, II, 90: «Foedera aut pacta, abo zmony, y przymierza z postronnemi narody, wedle spolney zgody Warszawskiey, napotym żadne czynione, ani stanowione żadni też Posłowie w rzeczach ważnych do obcych stron posyłani byđz nie maią, iedno za wiadomością y radą spolną obudwu narodow: a przymierza, abo stanowienia, z którymkolwiek narodem przedtym uczynione, ktoreby były szkodliwe ktorey stronie, dzierzane byđz nie maią». All the translations from Polish to English are made on behalf of the author. Cf. Nahlik, *Narodziny nowożytniej dyplomacji*, 45.

5 Henryk Wisner, “Dyplomacja polska w latach 1572–164”, in *Historia dyplomacji polskiej*, vol. II: 1572–1795, ed. Zbigniew Wójcik (Warszawa: PWN, 1982), 122.

Commonwealth did not develop its centralised foreign affairs secretariat, which would collect and process all information coming from abroad, as well as those sent overseas (or, at least, the sources which could document the existence of such a cell have not survived to this day). Therefore these messages were often scattered and collected in the face of an emerging need. They were managed by a chancellery, which did not seem to have specialised any separate bodies for this purpose, although it was likely to have assembled professionals in specific cultural and linguistic areas in its structures. Diplomats travelling on missions from the Commonwealth were not always obliged to maintain regular correspondence with the court and the chancellery, while for most permanent diplomatic offices, the weekly flow of letters was the norm. Nevertheless, Polish-Lithuanian diplomats were required to submit a final report to the *sejm*, which was then inserted to the Crown Metrica⁶, and in the case of the diplomats sent by the king – a semi-private report. That, however, was not a binding rule but rather an established custom. From a legal perspective, the submission of diplomatic reports to the *sejm* became a duty only in the second half of the seventeenth century, which is confirmed by the contents of *pactorum conventorum* of both Michał I Korybut Wiśniowiecki (1669) and John III Sobieski (1674)⁷.

The attitude of nobility towards foreign diplomatic missions to the Commonwealth, and in particular to the institutions of permanent diplomatic offices, should be regarded as distrustful and negative. As early as 1593, in one of the Sejm constitutions, one may find the following record concerning the presence of foreign envoys in the territory of the Commonwealth in the absence of the monarch: «We do not see any reason for envoys of secular princes of the lands adjacent to ours to enter the territory of the Crown, while we are away»⁸. At that time, it clearly referred to the then travels of Sigismund III Vasa to Sweden, but could also constitute an interesting precedent for the future (e.g. for the departure of Władysław IV Vasa to Baden in 1638). It is remarkable to note that this constitution mentions the confessional aspect of the missions, referring to the distinct principles of the diplomacy of the Holy See in the territory of the Commonwealth. The formal recognition of this uniqueness came during the *interregnum* of 1587, when an exception to the earlier provisions in this matter was made for nuncio Annibale Di Capua, through the advocacy of the queen dowager Anna Jagiellon⁹.

Therefore, the practice dictated by political necessity was to dispatch to the Commonwealth seemingly interim envoys, who could then extend their stay under various pretexts. New diplomats usually arrived in the Commonwealth before the end of the previous mission to ensure the office's continuity. Stanisław E. Nahlik considered that this process influenced the formation of *quasi*-permanent¹⁰ diplomatic offices in the seventeenth-century Poland-Lithuania.

Such reluctance was also characteristic of the opposite variant of diplomatic practice: establishing permanent missions abroad. For example, in 1621, a permanent diplomatic office of the Commonwealth was sought in Istanbul. In the negotiation of Khotyn (Chocim), the Polish party agreed to this demand of the Turkish party, but when the treaties were confirmed, the grand envoy Krzysztof Zbaraski was ordered to renounce it. Another envoy to the Sultan's court, Krzysztof Serebkowicz, on the insistence of the Grand Vizier to remain in Istanbul as a resident, replied that this would be detrimental to the Commonwealth. Serebkowicz argued against the validity of the analogies which were supposed to be drawn from the fact that the envoys of England, France or Venice resided in Istanbul:

It's a waste of breath to talk about things, which have never happened and now will not happen, we adhere to the old customs, [...] if you put us on an equal footing with foreign envoys, you are doing

6 Przyboś and Żelewski, *Dyplomaci*, 41. Cf. AGAD, MK, LL; Ryszard Skowron, *Dyplomaci polscy w Hiszpanii w XVI i XVII wieku* (Kraków: Universitas, 1997), 228.

7 "Articuli pactorum conventorum", in VL, V, 14-5; "Articuli pactorum conventorum", in VL, V, 140. Cf. Wójcik, "Organizacja dyplomacji", 328-29.

8 "Konstytucje seymu walnego warszawskiego, roku pańskiego 1593", in VL, II, 342: «Przyczyny, aby Posłowie od panów świeckich Koronie przyległych, w niebytności naszej tu do Korony wjeżdżać mieli, nie widzimy». Cf. Wisner, *Rzeczpospolita Wazów, II: Wojsko Wielkiego Księstwa Litewskiego, dyplomacja, varia* (Warszawa: Neriton, 2004), 246-47.

9 Dorota Gregorowicz, *Tiara w grze o koronę: Stolica Apostolska wobec wolnych elekcji w Rzeczypospolitej Obojga Narodów w drugiej połowie XVI wieku* (Kraków: PAU, 2019), 245. Cf. "Konfederacja generalna warszawska roku 1587", in VL, II, 231.

10 Nahlik, *Narodziny nowożytnej dyplomacji*, 59.

us harm because they stay at the Sublime Porte for their trade and their commerce rather than for any message¹¹.

22

As in the case of many legations sent to the Commonwealth, which were not permanent, but maintained continuity of operation¹², in some European courts regular agencies of Polish-Lithuanian monarchs were formed (starting with those in Rome, Naples and Madrid, in connection with the case of Neapolitan sums, ongoing for decades¹³). These were permanent (*de facto*, not *de jure*) royal offices, whose character Stanisław Grzybowski described as “semi-private”¹⁴. Their role in shaping the “international” policy of the Polish-Lithuanian state should not be underestimated. These regular and long-term missions provided not only the king but also, in a sense, the Commonwealth, with important contacts and information regarding political, economic, and cultural affairs. In addition to the above-mentioned institutions involved in the affairs of the Neapolitan sums, which were established already in the sixteenth century, the practice of sending permanent representatives to foreign courts became more widespread only in the first decade of the reign of Władysław IV Vasa. However, it should be emphasised that they were royal offices, which were not dispatched on behalf of the Commonwealth¹⁵. More to the point of the permanent mission in Istanbul, due to the political situation, it was established only in 1678, under the constitution of the *sejm* of Grodno. The first envoy of the Commonwealth at the Sultan’s court was Samuel Proski, as evidenced by the payment of his fixed salary from the treasury of state by way of his position¹⁶.

Therefore, there is every indication that the nobility, just as they did not want any permanent diplomatic representations of foreign states at the Polish-Lithuanian court, saw no greater need to dispatch their residents abroad¹⁷. The apogee of the nobility’s disinclination for permanent representations of foreign states fell during the reign of John II Casimir, Michał I Korybut Wiśniowiecki and John III Sobieski, when «foreign envoys used to meddle on behalf of their principals»¹⁸. Under the constitution of the *Sejm* of 1683, all foreign missions were formally banned from permanent residence in the Commonwealth:

Infinitely we resolve that the foreign ambassadors, legates, and by whatever name they are called, not only at our court but also in our states, will not reside. And if in the course of a *sejm*, and in between

11 AGAD, MK, LL 30, *Report of Krzysztof Serebkowicz, HM envoy to the Sublime Porte*, Warsaw 14 March 1624, 43. Cit. Wisner, “Dyplomacja polska”, 133: «Szkoda o tym mówić, czego nie bywało nigdy i teraz nie będzie, my się trzymamy starych zwyczajów, [...] jeśli nas kładziecie z posłami cudzoziemskimi równo, krzywdę nam czynicie, gdyż oni raczej dla handlów i kupiectwa swego u Porty mieszkają, a nie dla żadnego poselstwa». Cf. Abraham de Wicquefort, *Memoires touchant les ambassadeurs et le ministres publics* (Cologne: Marteau, 1676), 386; Władysław Czapliński, “Dyplomacja polska w latach 1605–1648”, in *Polska służba dyplomatyczna XVI–XVIII wieku: studia*, ed. Zbigniew Wójcik (Warszawa: PWN, 1966), 250.

12 For example, the French and Brandenburg, as well as imperial, diplomatic offices, especially in the second half of the seventeenth century. Cf. Czapliński, *Polska a Prusy i Brandenburgia za Władysława IV* (Wrocław: Wrocławskie Towarzystwo Naukowe, 1947); Maciej Serwański, *Francja wobec Polski w dobie wojny trzydziestoletniej 1618–1648* (Poznań: Wydawnictwo Naukowe UAM, 1986); Andrzej Kamieński, *Polska a Brandenburgia-Prusy w drugiej połowie XVII wieku: dzieje polityczne* (Poznań: Wydawnictwo Poznańskie, 2002).

13 The term Neapolitan sums (Polish: *sumy neapolitańskie*) refers to a loan made in 1557 by Bona Sforza, dowager Queen of Poland and Grand Duchess of Lithuania, to Philip II of Spain. The debt was never repaid and continued to be disputed between Polish monarchs and the Kingdom of Spain during the entire early modern period. Cf. Klemens Kantecki, *Sumy neapolitańskie. Opowiadania historyczne* (Warszawa: Gebethner & Wolff, 1881); Ryszard Skowron, *Olivares, Wazowie i Bałtyk. Polska w polityce zagranicznej Hiszpanii w latach 1621–1632* (Kraków: “Historia Iagellonica”, 2002), 19–33; Id., “L’eredità di Bona come oggetto di gioco sull’arena internazionale nel XVI e XVII secolo”, in *Bona Sforza. Regina di Polonia e duchessa di Bari*, eds. Maria Stella Calò Mariani and Giuseppe Dibenedetto (Roma: Nuova comunicazione, 2001), 227–47.

14 Grzybowski, “Organizacja służby dyplomatycznej”, 173. Cf. Wisner, “Dyplomacja polska”, 142–43.

15 Czapliński, “Dyplomacja polska”, 250–51.

16 “Konstytucje seymu walnego ordynaryjnego sześciedzielnego w Grodnie, roku pańskiego 1678”, in VL, V, 282.

17 Cf. Wisner, “Dyplomacja polska”, 143.

18 “Konstytucje seymu walnego ordynaryjnego sześciedzielnego warszawskiego, roku pańskiego 1683”, in VL, V, 322: «Posłowie cudzoziemscy interesami pryncypałów swoich mięszać zwykli».

two *sejms*, the legation of any of the foreign senators arrived; then those who arrive we allow to stay for three weeks before the audience; and we ask each of the messengers to depart three weeks after, and we will not permit them to dwell beyond that time. And after the hearing, they should leave the borders of our kingdom within three weeks¹⁹.

It should be emphasised that from Sobieski's perspective, the cited constitution *O Posłach cudzoziemskich* could be a legal solution formulated instrumentally and aimed at discrediting the French representation in the Commonwealth as well as the nobility supporting it. As a result, the king gained support for the idea of war against the Ottoman Empire and for an alliance with the imperial court. Paradoxically, in Sobieski's time, permanent diplomatic outposts began to form, both Polish-Lithuanian at foreign courts and foreign in the Commonwealth. It stemmed from the need to coordinate military activities within the Holy League (in 1686, establishments of permanent missions became one of the conditions of the Treaty of Perpetual Peace)²⁰.

This kind of approach originated from mental and cultural factors; as Grzybowski noted, «permanent legacies are generally unpopular at this time and are considered unnecessary, both by active politicians and by theorists»²¹. It does not seem appropriate to link the nature of the Polish-Lithuanian legations directly to financial matters, although they were certainly not irrelevant²². Also, pointing to the electiveness of the monarchy as a key factor for the failure of the Commonwealth to establish permanent diplomatic missions, is not a convincing hypothesis²³. The cultural aspect of the distrust which the nobility retained of foreign presence and interference in politics seems dominant.

It is worth noting, that although in historiography the apostolic nunciature is generally regarded as the only permanent diplomatic outpost in the early modern Commonwealth²⁴, it was a diplomatic mission accredited by the king and functioning at the monarch's court. If a nuncio was to be accredited to the estates of the Polish-Lithuanian Commonwealth, the missions of papal diplomats could take place only following the terms of subsequent *sejms*. The specificity of the apostolic nunciature as a permanent diplomatic institution – not established in the Commonwealth, but rather with the king; and countenanced by the nobility, is legitimised by the confessional character of this institution, as well as by the dual nature of papal authority. In this sense, one can adhere to the controversial opinion of Rajnold Przeździecki, who denied the permanent character to the nunciature in Poland-Lithuania²⁵. On the other hand, the apostolic nunciature undoubtedly functioned continuously and permanently, still, only as accredited to the monarch.

IUS LEGATIONIS

Ius legationis was, and still is, one of the primary attributes of state sovereignty. It implies the right of an entity belonging to the “international” order to send its own and receive foreign diplomatic representatives, with the mutual consent of those concerned²⁶. For the early modern Commonwealth, the identification of this entity in interstate or diplomatic relations creates doubts arising from both:

19 “Konstytucje seymu 1683”, in VL, V, 322. Cf. Wójcik, “Dyplomacja polska w okresie wojen drugiej połowy XVII wieku (1648–1699)”, in Wójcik, *Historia dyplomacji polskiej*, II, 270.

20 I would like to thank Zbigniew Hundert for joint reflections on the role of the war against the Ottoman Empire in the development of the Polish-Lithuanian diplomatic service.

21 Stanisław Grzybowski, “Organizacja służby dyplomatycznej 1573–1605”, in Wójcik, *Polska służba dyplomatyczna*, 173–74.

22 Cf. Przyboś and Żelewski, *Dyplomaci*, 59–60.

23 Nahlik, *Narodziny nowożytnej dyplomacji*, 58.

24 In the Commonwealth, the Prussian legation, which dates back to the beginning of the sixteenth century, had a unique position as a diplomatic office of a vassal. This mission was continued, however, throughout the whole seventeenth century, even after the feudal relationship between Poland-Lithuania and Prussia ceased to be in force. Cf. Nahlik, *Narodziny nowożytnej dyplomacji*, 58.

25 Rajnold Przeździecki, *Diplomatie et protocole à la cour de Pologne*, vol. 1 (Paris: Les belles lettres, 1937), XX, 19.

26 Cf. Nahlik, *Narodziny nowożytnej dyplomacji*, 37.

the specific republican structure of the Polish-Lithuanian state and its character of a composite monarchy²⁷.

Since the competence in the field of conducting foreign relations is described neither in the medieval statutes of the Kingdom of Poland, nor in the constitutions of the successive *sejms* of the Jagiellonian era, it seems that foreign policy was a traditional monarchical prerogative, in terms of executive power, and did not need an additional legal definition. However, it should be emphasised that in Poland, since the Middle Ages, it had been based, in a sense, on the position of the nobility. As noted by Przyboś and Żelewski, «a striking expression of the dependence of princes in the field of foreign policy was the presence of dignitaries who stood by their side during the conclusion of international agreements, as it were, vouching that the treaties are kept by their sovereigns»²⁸. Yet, it seems that this model did not deviate from the one present in other European monarchies of the time.

Ius mittendi et excipiendi legatos, later called *iur legationis*, underwent an important evolution at the beginning of the early modern era and was strongly associated with the vision of sovereign power. Such concept may be observed in both: the diplomatic practice and the political and legal theory of the time (Pierre Ayrault, Hugo Grotius, Carlo Pasquale, Frederic Marselaer, Abraham de Wicquefort, François de Callières)²⁹. Krzysztof Warszawicki defined an envoy as a man dispatched by one monarch to another³⁰. However, this concept does not fully align with the actual situation in the Commonwealth and throughout Europe. Problems and discussions were caused by the very status of sovereignty in mixed monarchies, as well as the identification of their subjectivity in “international” relations. Modern historiography tends to support the views less prevalent in the discussed era, known from earlier, renaissance works (among others of Konrad Braun and Jakub Przyłuski³¹). It states that *iur legationis* is recognised not only by sovereign state authorities but also by non-sovereign political entities, cities, as well as other types of public organisations³². Also between seventeenth-century authors many agreed to the polycentricity of *iur legationis*, without questioning its connection to power and sovereignty. This view (especially with regard to the Holy Roman Empire) was held by e.g. Herman Kirchner, Johann Ernst Krosnitzki and Gerard von Stöcken³³. Based on the works of these authors, along with the diplomatic practice observed throughout early modern Europe, it seems that it is indeed possible to speak of «the interpretation of law based on political aspirations which can interfere with the coherence of certain political groups, classified by historiography as “composite” or “polycentric” monarchies»³⁴. In the Commonwealth, the subject scope of *iur legationis* was indeed treated liberally, in a way «reminiscent rather of a medieval state of the matter»³⁵, in which the question of sovereignty seems to be of less importance³⁶. In this context, interesting remarks on the “domestic”

27 Cf. John H. Elliott, “A Europe of Composite Monarchies”, *Past & Present*, 137 (1992): 48-71.

28 Przyboś and Żelewski, *Dyplomaci*, 28.

29 Nahlik, *Narodziny nowożytnej dyplomacji*, 37-8; Wójcik, “Dyplomacja polska”, 258.

30 Grzybowski, “Organizacja służby dyplomatycznej”, 171-72. Cf. Bolesław Boczek, “Krzysztofa Warszawickiego nauka o państwie i dyplomacji”, *Studia i Materiały z Dziejów Nauki Polskiej. Historia nauk społecznych*, 1 (1957): 134-35.

31 Konrad Braun, *De legationibus libri quinque* (Mainz: Behem, 1548), I, *passim*; Jakub Przyłuski, *Leges seu statuta ac privilegia Regni Poloniae omnia* (Kraków: Szczucin, 1553), 838.

32 Grzybowski, “Organizacja służby dyplomatycznej”, 171-73. Cf. Boczek, “Krzysztofa Warszawickiego nauka”, 134-35; Nahlik, *Narodziny nowożytnej dyplomacji*, 36; Indravati Félicité, “Droit et pratique diplomatique à l’époque moderne. Quelques réflexions à partir de l’expérience de diplomates du Nord”, in *Esperienza e diplomazia. Saperi, pratiche culturali e azione diplomatica nell’Età moderna (secc. XV-XVIII)*, eds. Stefano Andretta, Lucien Bély, Alexander Koller and Géraud Poumarède (Roma: Viella, 2020), 146; Francesco Senatore, “Le ambascerie della città di Capua”, in *Ambassades et ambassadeurs en Europe (XV^e-XVII^e siècles)*, eds. Jean-Luis Fournel and Matteo Residori (Geneve: Droz, 2020), 150.

33 Hermann Kirchner, *Legatus: eiusque iura, dignitas et officium duobus libris explicata* (Lich: Kezelius, 1604), III, 10-27; Johann E. Krosnitzki, *Exercitatio politica de legationibus* (Jena: Typis Lippoldianis, 1610), 6, 15, 16; Gerard von Stöcken, *De iure legationum dissertatio* (Altdorf: Hagen, 1657), 2. Cf. Nahlik, *Narodziny nowożytnej dyplomacji*, 39.

34 Félicité, “Droit et pratique diplomatique”, 146. Cf. Elliott, “A Europe of Composite Monarchies”, 48-71.

35 Nahlik, *Narodziny nowożytnej dyplomacji*, 46.

36 It is worth mentioning the example of 1609, when during the Zebrzydowski’s Rebellion the nobility acted as a subject in foreign relations. Cf. Agnieszka Pawłowska-Kubik, *Rokosz sandomierski 1606-1609. Rzeczpospolita na politycznym rozdrożu* (Toruń: Wydawnictwo Naukowe UMK, 2019), 420.

diplomacy of the Commonwealth, presented by Andrzej Maksymilian Fredro³⁷, then developed by Zbigniew Wójcik³⁸, should be also mentioned. According to Nahlik:

It is difficult to resist the impression that there was a connection between this liberalism [described above] and the terminology used in Poland, which used the same name – *poseł*, *legatus* – to describe two different functions: internal – political (as an elected member of the *sejm*) and diplomatic (as an envoy)³⁹.

In the context of the European discourse on *ius legationis*, in relation to the Commonwealth, most historians point to the monarch as the entity competent in “international” relations, and to the Polish-Lithuanian foreign policy and diplomacy – as a royal prerogative. However, it is emphasised that with the grounding of the free royal election principle and the introduction of the Henrician Articles (1573)⁴⁰, the royal force in foreign policy was reduced, and this process, due to the current political situation and the general weakening of the monarch’s position, progressed throughout the seventeenth century⁴¹. In the Commonwealth, the control over the monarch in foreign policy was exercised by the Senate council, an advisory body and representation of the estates to the king during the period between *sejms*⁴².

And although – as Henryk Wisner wrote in *Historia dyplomacji Polski* – the monarch remained the supreme figure, he henceforth, could not, or rather: he was not expected to dispatch and receive envoys, declare war and make peace «without hearing the Crown councils of both nations, and without intervening in the matters of *sejm*»⁴³. The problem is that the *passus* from the Henrician Articles quoted by the historian seems to have been not only incorrectly interpreted but also even misquoted. Its full wording is as follows:

In the affairs of the Crown, which shall concern our person and our dignity, our envoys dispatched to other lands, the envoys from others to hear, soldiers to be gathered or received, we and our descendants shall not start or progress, without the **advice** of the Crown councils of both nations, not intervening in the matters belonging to the *sejm*. And those legacies that would not concern the Commonwealth and could be progressed according to their time and needs: therefore, these we will always be able to progress, **informing** the senators of the Crown councils who would live with us⁴⁴.

Thus, Wisner clearly equated the quoted fragment to his construct representing the Commonwealth as an autonomous entity in foreign policy. One cannot agree with his thesis, according to which the Henrician Articles «gave the king the initiative [on foreign policy], but the decision was left to the Senate»⁴⁵. Nevertheless, the classical interpretations of Grzybowski and Wójcik are expressed similarly, though less radically⁴⁶. However, could limiting the king’s position in conducting foreign policy through political practice, rather than a legal act, actually imply diminishment of the formal royal

37 Andrzej M. Fredro, *Vir Consilii monitis ethicorum necnon prudentiae civilis praeludente apparatus oratorii copia ad civiliter dicendum instructus* (Leopoli: Typis Collegii S.J., 1730), 422.

38 Wójcik, “Dyplomacja polska”, 309-10.

39 Nahlik, *Narodziny nowożytnej dyplomacji*, 47.

40 Henrician Articles: legal acts formulated during the *interregnum* after the death of Sigismund II Augustus, written during the election of 1573, which contained the most important regulations concerning the exercise of power in the state, and defining the relations between the *sejm* and the monarch. Together with *pactorum conventorum*, they formed the basis of the political system of the early modern Commonwealth. Cf. Dariusz Makieła, *Artykuły henrykowskie (1573–1576): geneza, obowiązywanie, stosowanie: studium historyczno-prawne* (Warszawa: Vizja Press, 2012).

41 Wisner, “Dyplomacja polska”, 115.

42 Urszula Augustyniak, *Wazowie i “królowie rodacy”* (Warszawa: Semper, 1999), 179.

43 Wisner, “Dyplomacja polska”, 115. Cf. “Litterae confirmationis articulorum Henrice Regi antea oblatum”, in VL, II, 150.

44 “Litterae confirmationis articulorum Henrice Regi antea oblatum”, in VL, II, 150-51.

45 Wisner, *Rzeczpospolita Wazów*, II, 236.

46 Grzybowski, “Organizacja służby dyplomatycznej”, 149; Wójcik, “Dyplomacja polska”, 242.

prerogative within *ius legationis*? The fact that the content of the Henrician Articles interfered with the monarch's position regarding the conduct of "international" policy is not disputed. Yet, I would like to show that at least during the seventeenth century, this did not affect the formal subjectivity of the monarch in interstate relations, nor did it disturb his *iuris legationis*.

The Henrician Articles indicated the need to seek the advice of the Senate (for affairs of the Commonwealth) or to inform the Senate council (for royal affairs) in order to take any steps in the field of foreign policy. The confirmation of the restrictions imposed on the monarch in terms of the conduct of foreign policy can be noticed later, in one of the constitutions of the coronation *sejm* of Sigismund III Vasa of 1588. At then, one of the elements of the Henrician Articles was recalled, according to which the monarch had no right «ever to hear, to receive, to dispatch envoys, without informing lords senators especially those at the court»⁴⁷. However, it does not seem likely that, within the letter of these acts, the senators' decisions became formally binding on the king. In this context, however, it should be pointed out that the "advice", Latin *consilium*, in the legal language of the epoch had a much stronger meaning than today. Although the "advice" remained a certain point of view put forward by the said entity, it proved to be binding on the legal practice of the era. The monarch could (and was expected to) accept it, but he was not formally obliged to do so. If he did not follow the "advice", the king had to face the consequences of political nature (e.g. after the Zebrzydowski's Rebellion, the king seemed to pay more attention to the Senate's opinion⁴⁸). Therefore, I agree with Nahlik's statements, according to which «Polish elective Kings **should have** appointed envoys either on the "advice" of the Senate, or after "informing" it, or at least the resident senators»⁴⁹. A similar opinion was expressed by Stefania Ochmann-Staniszevska, who wrote: «according to the Articles, the king committed [...] **to coordinate** foreign policy with the Senate»⁵⁰, as well as by Andrzej Wyczański, when writing that the king «could act independently, but in practice, he **consulted** the so-called Crown council»⁵¹. Nevertheless, the royal obligation to seek "advice" could not constitute the loss of the royal prerogative in the conduct of foreign policy. At the utmost, the practical application of this prerogative could, to a greater or lesser extent, be impeded by the current political situation⁵².

In this context, it is worth recalling that it was the personal decision of the monarch to convene the Senate council. The senators had the right to express their opinion, but there was no discussion during the council meetings. It was the king who made final decisions after summarising the proceedings⁵³. Additionally, until the introduction of the constitution *De reddenda ratione Senatus consultorum* of 1641⁵⁴, the minutes of the Senate councils were not presented in writing and submitted to the *sejm* for discussion, and therefore remained secret. While convening the Senate council, the monarchs also had the opportunity to influence its composition, avoiding unfavourable senators, for example, by postponing the sending of the letters informing about the date of the meeting⁵⁵. Thus,

47 "Konstytucje seymu walnego, koronacyi krolewskiej, roku bożego 1588", in VL, II, 252: «Nigdy pakt y foedera także legacyi słuchania, odprowowania, wysyłania, okrom wiadomości Panow Senatorow, zwłaszcza na dworze będących». Cf. Wisner, *Rzeczpospolita Wazów*, II, 237; Maciej Pieńkowski, *Trudna droga do władzy w Rzeczypospolitej. Sejm koronacyjny Zygmunta III 1587/1588 i sejm pacyfikacyjny 1589 roku* (Warszawa: Wydawnictwo Sejmowe, 2020), 184.

48 Czapliński, "Dyplomacja polska", 209.

49 Nahlik, *Narodziny nowożytnej dyplomacji*, 126.

50 Stefania Ochmann-Staniszevska, *Dynastia Wazów w Polsce* (Warszawa: PWN, 2007), 40. Cf. 48-9.

51 Andrzej Wyczański, *Polska w Europie XVI stulecia* (Poznań: Wydawnictwo Poznańskie, 1999), 114.

52 Especially in the period between Seyms, the monarch was presented with great opportunities for independent conduct of foreign policy Cf. Przyboś and Żelewski, *Dyplomaci*, 31; Ochmann-Staniszevska, *Dynastia Wazów*, 40.

53 Cf. Wójcik, "Organizacja dyplomacji w drugiej połowie XVII w.", in Id., *Polska służba dyplomatyczna*, 265.

54 VL, IV, 6.

55 Cf. Tadeusz Wasilewski, "Litewskie rady senatu w XVII wieku", in *Studia z dziejów Rzeczypospolitej szlacheckiej*, eds. Krystyn Matwijowski and Zbigniew Wójcik (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 1988), 85-94; Jacek Krupa, "Rady Senatu za Jana III Sobieskiego (1674-1696)", *Studia Historyczne*, 35/3 (1992): 307-28; Ochmann-Staniszevska, *Dynastia Wazów*, 48-53; Ead., "Projekty reformy Rady Senatorów Rezydentów w pismach politycznych czasów Jana Kazimierza Wazy", *Czasopismo Prawno-Historyczne*, LX/1 (2008): 203-13; Pawłowska-Kubik, *Rokosz sandomierski*, 412-13.

Grzybowski and Wójcik correctly drew attention to the fact that with the waning position of the king in the Commonwealth (in various fields), over the seventeenth century, the relationship between his prerogative and the real possibilities for conducting autonomous foreign policy was determined by the current personal political influence as well as the personality of the monarch⁵⁶.

In connection with the risk of undermining the royal authority and bearing political consequences in the case when the autonomous decisions of the king were different from «the **advice** of the Crown councils»⁵⁷, a peculiar duality in the conduct of foreign policy developed: the breakdown into the official diplomacy of the Commonwealth and the unofficial royal diplomacy⁵⁸. Apart from the diplomatic projects commenced with the consent and knowledge of the *sejm* and the Senate council, corresponding activities were undertaken on the exclusively royal orders. Another advantage of the monarch was the ability to give additional (and often secret) instructions to the envoys dispatched abroad on behalf of himself and the Commonwealth, as well as oral instructions given during individual meetings with an envoy, which usually preceded the mission⁵⁹. Wisner, however, reduced autonomous royal diplomacy to dynastic policy, presumably contradicting the laws of the Commonwealth. In fact, the Vasas ran their dynastic policy on a large scale to strengthen the position of the young dynasty, stabilise its authority at European courts, and, on the other hand, build the strength of the royal faction in the Commonwealth. However, this did not mean automatically acting to the detriment of the state. The conclusions drawn by Wisner, who, on the other hand, admitted himself that utilitarianism and the drive to achieve immediate goals were the keys to the seventeenth-century Polish-Lithuanian diplomacy, are all the more surprising⁶⁰. It is obvious that the monarch's autonomous diplomatic practice, independent of the *sejm*, proved to be the fastest and most effective way of conducting foreign policy⁶¹.

In addition to the Senate council, the Royal Chancellery played an important complementary role to the royal prerogative in foreign policy⁶². However, this was not, as it seems, a limiting role, although, again, the Henrician Articles obliged the monarch to use the official seals (Chancellor's or vice-Chancellor's) in diplomatic correspondence instead of the private seal (the so-called "cubiculum seal", used by the royal secretary)⁶³. It was the Chancellor and the Vice-Chancellor who were responsible for the organisational aspects of foreign policy and diplomacy in the Commonwealth: editing correspondence, receiving envoys, issuing instructions and listening to reports⁶⁴. The position of the chancellery was further strengthened by the fact that a Chancellor was a lifetime office. Thus individuals seeking political emancipation (e.g. Jan Zamoyski) were able to influence the royal policy. On the other hand, the lack of a formal division of competencies between the Chancellor and the vice-Chancellor⁶⁵ significantly weakened the position of these officials in relation to the monarch. The king could use the seal of the one with whom the political cooperation was better at the given moment (e.g. the one he nominated himself) and not the one he "inherited" in the office from his predecessor⁶⁶.

As Wisner emphasised, «invariably, no matter in whose formal name the documents were issued, it

56 Wójcik, "Dyplomacja polska", 244; Grzybowski, "Organizacja służby dyplomatycznej", 145.

57 "Litterae confirmationis articulorum Henrice Regi antea oblatum", in VL, II, 150-51.

58 Przyboś and Żelewski, *Dyplomaci*, 37; Grzybowski, "Organizacja służby dyplomatycznej", 148.

59 Grzybowski, "Organizacja służby dyplomatycznej", 184-85; Wójcik, "Dyplomacja polska", 245; Wisner, *Rzeczpospolita Wazów*, II, 278.

60 Wisner, "Dyplomacja polska", 153.

61 Wójcik, "Organizacja dyplomacji", 260; Id., "Dyplomacja polska", 243.

62 Cf. Przyboś and Żelewski, *Dyplomaci*, 31-2.

63 "Literae confirmationis articulorum Henrico Regi antea oblaturum", in VL, II, 152. Cf. "Artykuły pactorum conventorum stanów tey Rzeczypospolitey Korony Polskiej, y W.X. Litewskiego y państw do niey należących", in VL, IV, 95; Augustyniak, *Wazowie i "królowie rodacy"*, 47.

64 Nahlik, *Narodziny nowożytnej dyplomacji*, 68; Wisner, "Dyplomacja polska", 125; Wójcik, "Dyplomacja polska", 249.

65 Wójcik, "Dyplomacja polska", 249; Augustyniak, *Historia Polski 1572-1795* (Warszawa: PWN, 2008), 82. Cf. Nahlik, *Narodziny nowożytnej dyplomacji*, 68; Wojciech Krawczuk, *Pieczęcie Zygmunta III Wazy* (Kraków: Uniwersytet Jagielloński, 1993), 3.

66 On the tactics of the Vasas to subdue the Senate council cf. Ochmann-Staniszevska, *Dynastia Wazów*, 51-5.

can be assumed that [their] content was determined by the king⁶⁷. The fact that the monarch did not conduct his foreign policy on his own, and relied largely on trusted ministers is, however, clear, as evidenced by the documents he issued *in blanco*⁶⁸. From a geopolitical perspective, the Lithuanian Chancellery organised the relations of the Commonwealth with Moscow, while relations with Turkey, Crimea, Persia, the papacy, as well as the countries of western Europe, remained in the hands of the Crown sealers. Thus, also empowerments, instructions, letters and documents of all kinds were, or should have been, issued respectively by the Crown or Lithuanian Chancellery, and stamped respectively with the Crown or Lithuanian seal (by the respective Chancellor or Vice-Chancellor)⁶⁹. In the context of the role of the Royal Chancellery in Polish-Lithuanian diplomatic practice, it is important to draw attention to the role of the royal secretaries. From the second half of the fifteenth century, a Great Secretary was appointed to substitute the Chancellors usually absent from the king⁷⁰. This practice continued into the early modern era. The role of the Great Secretary was, therefore, essential. The other secretaries also played an important part being additionally involved in diplomatic activities⁷¹. It strengthened the position of the monarch because it was him to appoint and take a special oath from them personally⁷².

In some cases, dictated by the intensifying war conditions during the seventeenth century, considerable competencies for foreign policy were also transferred to Hetmans⁷³. They referred primarily to the relations with the courts directly involved in the conflicts with the Polish-Lithuanian south-eastern borders: Istanbul, Crimea, Transylvania, Moldova and Wallachia⁷⁴.

Particular to the Polish-Lithuanian diplomacy was the time of the physical absence of the monarch, and therefore, above all, of *interregna*. At that time, the Commonwealth was headed by the Primate, who, however, did not assume the competencies derived from *ius legationis*, but only the functions of the supreme representative. *Interregna* were the only political situations in which *ius legationis* acquired collegial characteristics and was granted to the Commonwealth, or rather to the Senate council, which temporarily replaced the monarch. Wicquefort confirmed such reasoning in his work:

After the death of Sigismund Augustus, the King of Poland, and after the election of the Prince d'Anjou, the Senate of the Commonwealth sent a solemn legation to France, which was recognised as such, and so were the ambassadors treated. One can say that Poland is, in fact, a Commonwealth, because the Senate representing it has the right to dispatch ambassadors; it [the Commonwealth] also bestows its name and powers on the envoys⁷⁵.

The fact that the Senate council temporarily assumed the functions of the central authority of foreign policy during *interregnum* was justified by tradition and, as the only viable solution, was usually met with no opposition. In practice, since the first *interregnum* (1573–1574), one could observe the issuance of all documents of an “international” nature on behalf of the “Crown councils”; only during the activity of the convocation and election *sejms* were they issued on behalf of the “estates”⁷⁶.

67 Wisner, *Rzeczpospolita Wazów*, II, 283.

68 Wisner, *Rzeczpospolita Wazów*, II, 284.

69 Wisner, “Dyplomacja polska”, 125, 129; Id., *Rzeczpospolita Wazów*, II, 279–80.

70 Mirosław Korolko, *Poczet sekretarzy królewskich Zygmunta Augusta (1548–1572)* (Wrocław: Zakład Narodowy im. Ossolińskich, 1986), 145; Augustyniak, *Wazowie i “królowie rodacy”*, 189.

71 Cf. Skowron, *Dyplomaci polscy w Hiszpanii*, 221–22.

72 Grzybowski, “Organizacja służby dyplomatycznej”, 157.

73 Wójcik, “Dyplomacja polska”, 260.

74 Przyboś and Żelewski, *Dyplomaci*, 32–3; Nahlik, *Narodziny nowożytnej dyplomacji*, 69; Wójcik, “Dyplomacja polska”, 251; Czapliński, “Dyplomacja polska”, 216–17; Wójcik, “Organizacja dyplomacji”, 270. For more general considerations see Przemysław Gawron, *Hetman koronny w systemie ustrojowym Rzeczypospolitej w latach 1581–1646* (Warszawa: Neriton, 2010), 107–13, 356–59.

75 Wicquefort, *Memoires*, 41.

76 Grzybowski, “Organizacja służby dyplomatycznej”, 149.

Finally, a few words about the political practice determining the activities of the Polish-Lithuanian diplomatic service, regardless of the existing constitutional forms. As Nahlik aptly noted, «a specific influence on the *ius legationis* was exerted by the gradual restriction of such rights of the king, progressing throughout the entire elective monarchy's period»⁷⁷. It should be emphasised that this restriction was the result mainly of political practice and not of legal evolution. Throughout the seventeenth century, the royal prerogative to conduct foreign policy remained essentially intact, but the constitutions of the successive *sejms* defined political practice increasingly to the detriment of the monarch. Urszula Augustyniak drew attention to this progressive fragility of the monarch's position, stressing that the king in the Commonwealth had no right to make the most important decisions, for example, to declare an offensive war without the prior consent of the estates⁷⁸. Initially, this was not due to the lack of appropriate monarchical prerogatives, but rather to the overlap in this aspect with personal freedom of the nobility and the mechanisms for convening *levée en masse*. Thus, the monarch was *de facto* deprived of the possibility of making autonomous decisions regarding the offensive war from the onset of elective monarchy. This problem was elaborated on by Ryszard Skowron, who noticed the actual paralysis in the conduct of active foreign policy without the possibility of deploying troops overseas. At the same time, Skowron drew attention to the ways to circumvent this problem, for example, by organising the enlistment of troops for campaigns taking place abroad⁷⁹. Moreover, as Czapliński and Wisner noted, the Polish-Lithuanian state has indeed started several wars in its early modern history, although the *sejm* had never given its consent to any of them (e.g. in 1600, with Michael the Brave, in 1601, with Sweden, in 1609, with Moscow). This was when a given conflict was presented as the defense of one's own lands, not the conquest of others⁸⁰. However, it seems that such policy can only be attributed to the reign of Sigismund III Vasa, as it was finally curtailed by the constitution of the *sejm* of 1613 *O podnoszeniu woien y przyjmowaniu woysk*, which read:

We declare and sign what the old statuses and constitutions of the war state, as we want the following to be the eternal and unshakable law: we and our successors, kings of Poland, if there were a need to start an offensive war, or if a foreseen danger reached the Commonwealth and there were a need to hire mercenaries, or a need to gather *levée en masse*; this would not be done, and, additionally, under no pretext a war would be started, without consulting the *sejmiki* and without the unanimous, overt and explicit agreement of the *sejm* of the Commonwealth; this will be the duty written in the law⁸¹.

From the formal perspective, the royal *ius legationis* was questioned only during the reign of John III Sobieski. Present in historiography, the thesis about depriving the monarch of *ius legationis* at the *sejm* of 1683, was introduced by Zdzisław Kaczmarczyk and Bolesław Leśnodorski in 1957, and widely repeated thereafter (among others by Przyboś, Żelewski, and Wójcik). According to it, the act was supported by two constitutions of the *sejm* (one limiting the temporary stay of foreign envoys in the Commonwealth, the other forbidding the king to dispatch and receive legations on his own)⁸². Is there indeed any documentary confirmation for such a statement? The aforementioned constitution O

77 Nahlik, *Narodziny nowożytnej dyplomacji*, 46.

78 Cf. Augustyniak, *Wazowie i "królowie rodacy"*, 47.

79 Cf. Skowron, "Preliminaria wojskowe z okresu polsko-hispańskich rokowań sojuszniczych w Neapolu (1639–1641)", *Studia i Materiały do Historii Wojskowości*, 42 (2006): 237–38.

80 Czapliński, "Dyplomacja polska", 218–19; Wisner, *Rzeczpospolita Wazów*, II, 249–53.

81 "Konstytucje seymu walnego koronnego w Warszawie roku 1613", in VL, III, 80: «Statuty dawne y konstytucje o wojnie deklarując, postanawiamy y waruiemy, za wieczne y nigdy niewzruszone prawo to chcąc mieć: iż My, y Sukcessorowie nasi Krolowie Polscy, gdzieby Nam abo offensivum bellum zacząć przyszło, abo gdyby niebezpieczeństwo iakie na Rzpltą przyszło przez Nas upatrowane, y potrzeba było ludzie służebne przyjmować, a pogotowiu, gdyby pospolite ruszenie uchwalone bydź miało: czynić tego, y prorsus żadney woyny Nullo practextu wszczynać nie mamy, bez proponowania na Seymiki, y bez pozwolenia zgodnego, iawnego, a wyraźnego na Seymie wszech Stanow: a to pod obowiązkiem w prawie wyrażonym». Cf. "Artykuły pactorum conventorum stanów tej Rzeczypospolitey Korony Polskiej, y W.X. Litewskiego y państw do niej należących", in VL, IV, 94–5.

82 Zdzisław Kaczmarczyk and Bolesław Leśnodorski, *Historia państwa i prawa Polski od połowy XV w. do r. 1795* (Warszawa: PWN, 1957), 299. Cf. Przyboś and Żelewski, *Dyplomaci*, 31; Wójcik, "Dyplomacja polska", 242.

Posłach cudzoziemskich limited the period of stay of foreign envoys in the Commonwealth to 12 weeks, but *de facto*, it did not come into political practice⁸³. The second of the laws mentioned by Kaczmarczyk and Leśnodorski cannot be found in any of the constitutions of the *sejm* of 1683. Therefore, one can speak about a fundamental change in the conduct of the foreign policy of the Commonwealth only with the inauguration of the Wettin rule. Augustus II the Strong circumscribed the royal *ius legationis* in his *pactorum conventorum* of 1697 (although he did not renounce it)⁸⁴ and then shifted almost the entire burden of his diplomatic activities related to the Polish-Lithuanian state to Saxon structures⁸⁵.

SUMMARY

As Nahlik noted, in early modern Europe, two basic concepts have developed around *ius legationis*. According to the first of them (let us call it absolutistic), *ius legationis* was directly connected with the sovereign territorial authority. In line with the second, the prerogatives under *ius legationis* were divided into a number of political entities⁸⁶. The latter concept is, of course, much more relatable to the complex political reality of the early modern Polish-Lithuanian state.

In the seventeenth-century Commonwealth, no specialised bodies for coordinating foreign policy and diplomatic activities were developed. Wójcik writes about the then «decentralisation of government» of the Polish-Lithuanian diplomatic service⁸⁷ and this description must be seen as apt. Indeed, in the political practice of the seventeenth century, the Senate council was able to control the foreign policy of the monarch effectively, and the *sejm* took the critical decisions in the field of war and peace, although its role was limited not only by the cadence of assemblies but also by inefficiency and frequent disruption of the proceedings. However, it seems that from the institutional and legal perspective, one cannot speak of the *ius legationis* of the Commonwealth in the seventeenth century. It belonged to the monarch then⁸⁸, although, in practice, he could not fully exercise it.

Based on the above considerations, it is worth asking if the king, by taking autonomous decisions in the field of foreign policy of the Commonwealth, contrary to the opinion of the Senate council (which, in fact, occurred relatively rarely), went beyond his prerogatives. Wójcik stated it was the case, citing the example of the actions of John Casimir Vasa during the Polish-Muscovite negotiations in Durowicze (1664)⁸⁹. Conversely, in the light of this analysis, it seems that from the formal point of view, the king did not exceed his powers at that time but only opposed the generally accepted practice.

As Skowron noted, early modern Polish-Lithuanian diplomatic service had a number of characteristics specific to its functioning, but also a lot of typical features⁹⁰. Among the main differences, one should mention the lack of formal permanent missions (both foreign in the Commonwealth and Polish-Lithuanian ones abroad), the lack of diplomatic service secretariat (which entails research difficulties due to the lack of institutional sources), as well as the legal distinction between the king and the Commonwealth (and, as a result, the «duality of the diplomatic network»). Among the similarities can be identified the ceremonial aspects of the Polish-Lithuanian diplomatic service, a similar system of

83 "Konstytucje seymu walnego ordynaryjnego sześćniedzielnego warszawskiego, roku pańskiego 1683", in VL, V, 322

84 "Articuli pactorum conventorum, inter status Serenissimae Reipublicae Polonae, tam sentorij, quam equestris ordinis Regni et Magni Ducati Lithuaniae omniumque ad eadem dominia annexarum, ab una, et Serenissimum Principem Fridericum Augustum", in VL, VI, 16-7.

85 Jerzy Gierowski, "Dyplomacja polska doby saskiej (1699–1763)", in Wójcik, *Historia dyplomacji polskiej*, II, 388–89.

86 Nahlik, *Narodziny nowożytnej dyplomacji*, 37.

87 Wójcik, "Dyplomacja polska", 242, 261.

88 Cf. Augustyniak, *Wazowie i "królowie rodacy"*, 110. Although Wójcik challenged this view, writing that «in the Commonwealth, the center of foreign policy and diplomacy in the second half of the Seventeenth century was the Senate council» (Wójcik, "Organizacja dyplomacji", 267–68).

89 Wójcik, "Organizacja dyplomacji", 262–63; Id. "Dyplomacja polska", 244–45.

90 Skowron, *Dyplomaci polscy w Hiszpanii*, 219.

diplomatic ranks, as well as the general purposes of the foreign policy conducted⁹¹.

A present-day historian's view of the early modern interstate relations is often too "institutional", while it would require an almost interpersonal approach, as this was also the nature of these relations, dominated by individual actors – rulers, ministers, diplomats, merchants and couriers⁹². In Polish historiography, however, the situation seems to be converse. Thus far, many historians have been preoccupied with a detailed analysis of diplomatic practice and specific activities of the Commonwealth in foreign policy. In contrast, less attention has been paid to the institutional aspects of the functioning of its diplomatic service (with the notable exception of Nahlik), whereas the latter play a fundamental role in the strategies of conducting "international" policy and diplomatic activity⁹³. Hence the idea of creating this article, which, I hope, will introduce international readers to this insufficiently understood aspect of the Polish-Lithuanian Commonwealth's history.

91 Cf. Przyboś and Żelewski, *Dyplomaci*, 59-60.

92 Félicité, "Droit et pratique diplomatique", 143.

93 Cf. Félicité, "Droit et pratique diplomatique", 146.

ABBREVIATIONS

AGAD: Archiwum Główne Akt Dawnych w Warszawie.

MK: *Metrika Koronna*.

LL: *Libri Legationum*.

VL: *Volumina Legum: przedruk zbioru praw staraniem XX. Pijarów w Warszawie, od roku 1732 do roku 1782, wydane, 9 vols.* Petersburg: Ohryzki, 1859–1889.

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