

КНИГОЗНАВСТВО

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PRIVILEGED PRINTING HOUSES IN L'VIV DURING THE EPOCH OF POLISH-LITHUANIAN COMMONWEALTH (THE 16TH TO 18TH CENTURIES)

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A concise consideration is given to the varieties of privileged status given to printers and booksellers in Polish-Lithuanian Commonwealth and well-known holders of the status till 1772 have been indicated. Special attention is focused on the *L'viv Dormition Brotherhood which enjoyed monopoly rights for printing in Cyrillic for two centuries*.

Key words: publishing in Polish-Lithuanian Commonwealth during the 16th to 18th centuries, privilege, L'viv, L'viv Dormition Brotherhood.

The legal conditions under which printing houses functioned in the former Polish Commonwealth differed considerably from the legal situation in other European countries. Already during the early periods of history, printing, recognized as a craft, operated there within the framework established by artisan and merchant associations and then by the emergent capitalist economy. Regarded as 'arts' [*artes*] in Poland, printing was connected with the Cracow Academy and remained outside the guild system. The consequence of this situation was that it had to function under three legal systems: territorial law, municipal law and Church law.

The owners of printing houses set up in towns, like the owners of other productive establishments, had to fulfill all their obligations towards the town and State, imposed by the municipal law, which was principally based on Magdeburg law in the Polish Commonwealth: the duty to acquire town citizenship and purchase real property in the town, to join a merchant or artisan association, to pay municipal and State taxes, customs duties, tolls, and to be subject to town jurisdiction¹. These were encumbrances that required considerable efforts to discharge; it was the more so difficult for the printers because it was extremely expensive to start a print shop, provide printing equipment and purchase paper. Furthermore, the incurred cost of printing paid for itself very slowly, and in the case of some publications it was necessary to resort to publishing title editions after many years. Under those circumstances, the Polish burgher-printers, less well-off than their West European counterparts, sought to find more favorable conditions for conducting printing activities.

Such opportunities were created in the legal system of the former Polish Commonwealth, in which privileges appeared as statutory law developed. These applied to such legal transactions that were provided for in statutory law but could not extend to all of its subjects. Special legal actions, confirmed by privileges, made it possible to assign this right to a specific natural or legal entity, thereby enabling this entity to legally conduct a particular

¹ Juda M. *Przywileje drukarskie w Polsce*. – Lublin, 1992. – S. 21.

activity. A privilege, creating a substantive right, could at the same time exempt the holder from general statutory law. Consequently, the provisions of privileges did not apply to everybody but only to those covered by the royal grace².

The owners of printing houses were among the beneficiaries. The prerogatives that they obtained on the basis of privileges depended on the type of the charter and the legal reality that it created. The broadest rights were granted by the privilege of *servitor* [service-provider] status, which appeared in Poland during the reign of the last Jagiellonians. It consisted in that some burghers, usually royal purveyors, were exempt from town jurisdiction and were subject to royal jurisdiction, thus being included in the king's service. The *servitores* were also exempt from any financial duties to the town or State, and were not subject to any restrictions imposed by the guild system³. They exercised this right all over the State territory. This made their business activities more free and gave them a more favorable economic position in relation to competitors who did not have such rights. Similar effects could be obtained by applying for the privilege of membership of the Cracow Academy. Having satisfied the requirement of registration in the University register, a print shop owner acquired all rights vested in the members of academic community: exemption from taxes, customs duties, tolls and tithes, and being subject to Rector's jurisdiction except cases of severe criminal offences⁴.

Apart from the king's *servitor* status there was also the status of bishop's *servitor*. Under this status the printer was subject to bishop's jurisdiction and exercised privileges vested in the Catholic clergy, who were essentially exempt from all taxes⁵.

The *servitor* status was effective in Polish law until 1764. The decision of the Sejm [Parliament] abolishing this kind of rights stemmed from Enlightenment reforms, of which one principle was that all real property owners in a town should bear the same burdens. However, in the case of printing activities, another instrument was found, which permitted the granting of the same rights as before: this role came to be fulfilled by the royal privilege entitling one to establish a printing house⁶.

All these types of privileges constitute one group that may be defined as privileges exempting the recipient from town jurisdiction and subjecting him to the conferrer's jurisdiction. It should be noted that *servitor*-printers were merely one of occupational groups that enjoyed such prerogatives.

Privileges that were vested only in the group dealing with the production and distribution of books were publishing privileges. They were granted not only to printers, publishers and booksellers but also to the authors of books. These prerogatives appeared already in the early period of development of the printing art, their main function being to secure the exclusive rights of printing, reprinting and selling books covered by them. With the increasingly growing number of titles and copies of books and slowly rising demand for them, instruments were sought that would secure a market for publications offered on sale. That was the role that the publishing privileges came to fulfill. Their period of effect was most often limited but it could be extended by applying for the confirmation of rights acquired earlier. They provided for sanctions that successfully safeguarded against illegal reprints: confiscation of books and high fines⁷. These kinds of legal acts also influenced the financial condition of

² Szymański J. *Nauki pomocnicze historii*. – Warszawa, 2001. – S. 457.

³ *Historia państwa i prawa Polski* / red. J. Bardach. – Warszawa, 1966. – T. 2: Od połowy XV wieku do 1795. – S. 62.

⁴ Juda M. *Przywileje drukarskie w Polsce...* – S. 22.

⁵ *Ibidem*. – S. 23.

⁶ *Ibidem*. – S. 25.

⁷ *Ibidem*. – S. 26.

printing shops because they protected their owners against illegal editions and, consequently, gave them greater chances to sell and thereby refund their expenditures. They thus defined the scope of legality and illegality of printings.

The law within which Old Polish printing houses operated implied that there was a circle of conferrers who had powers to issue printing privileges. They were the kings (and during an interregnum, Archbishop of Gniezno, who exercised the function of interrex), bishops, and Rector of the Cracow Academy. Their acts in law were restricted by the scope of the law within which they functioned.

The group of privileged printing houses in the Old Polish period (until 1772) also included print shops operating in L'viv. Their owners enjoyed almost all of the aforementioned types of privileges, which were conferred by the authorities that had powers in this respect (apart from Rector of the Cracow Academy).

L'viv was a multinational, multi-denominational and multicultural city: it was the seat of the Roman Catholic archbishopric of L'viv transferred from Halych, there were Orthodox bishops and then Uniate and Armenian ones. Hence the printing houses operating there tried to satisfy the book needs not only of those Churches as institutions but also of their faithful. The geographical situation of L'viv on the trade route running from East to Western Europe and the comparatively small distance from Cracow made competition on the publishing and book market very intense and it was necessary to make considerable efforts to meet these difficult demands. No wonder that the owners of almost all printing houses made great endeavors to gain privileges, owing to which they could obtain more favorable economic conditions for productive operation and a monopoly of the publications published. They sought such prerogatives both from State authorities represented by the king and from Church authorities represented by the local hierarchs, but not only, because the Orthodox Church Brotherhood with the Assumption [*Uspennya*] of Virgin Mary Orthodox Church received support from the patriarchs of the Eastern Church in Antioch and Constantinople.

The privileges of the king's *servitor* status were enjoyed by several printing house owners and booksellers in L'viv, who operated mainly in the 18th century. They include a printing house owner and bibliopole Paweł Józef Golczewski, whom the king granted, on March 1, 1736, the privilege to set up a print shop and the accompanying privilege of *servitor* status⁸. Despite such support from the royal authority, he encountered a number of difficulties on the part of the competing Jesuit printing house and the publisher of Zamość calendars Stanisław Duńczewski, the more so that Golczewski oriented his publishing business towards calendar editions. Another printing house owner and king's *servitor* was Ivan Fylypovych, on whom this privilege was conferred on September 14, 1752⁹. He also obtained support from the L'viv metropolitan chapter and the town council. Apart from printing work he also was engaged in large-scale engraving business that extended far beyond the L'viv area. Five years after the first privilege, the king granted him and his successors another charter, this time to print Church Slavonic books. This privilege, however, infringed upon the rights of the Orthodox Church Brotherhood's stauropelial printing house; consequently, the Brotherhood took him to the episcopal and royal courts. As he did not have sufficient support, Filipowicz relinquished this right and confined himself to publishing Polish-Latin books and other printed matter. His heirs obtained the king's confirmation of all the previous

⁸ Wierzbowski T. *Materiały do dziejów piśmiennictwa polskiego i biografii pisarzy polskich*. – Warszawa, 1904. – T. 2: 1526–1830. – Nr 170/15; *Drukarze dawnej Polski od XV do XVIII wieku*. – Wrocław, 1960. – Zesz. 6: Małopolska – Ziemia Ruskie / oprac. A. Kawecka-Gryczowa oraz K. Korotajowa i W. Krajewski. – S. 103.

⁹ Wierzbowski T. *Materiały do dziejów piśmiennictwa polskiego...* – T. 2. – Nr 170/38; *Drukarze dawnej Polski...* – Zesz. 6. – S. 99.

rights and privileges in a document issued on November 7, 1770¹⁰. We should also remember about the booksellers and publishers who had L'viv branches of their 'enterprises' and were holders of *servitor* status, for example Jerzy Förster of Gdańsk¹¹, the Warsaw and Cracow bookseller Krzysztof Różycki¹², a L'viv and Cracow bibliopole Józef Mościcki¹³ or members of the Hebanowski family¹⁴.

Mykhailo Sliozka, in turn, a print shop owner with a very interesting life story because he often changed his protectors, was the only printer in the former Polish Commonwealth who held the title of bishop's *servitor*. He received it from the Catholic Metropolitan Archbishop of L'viv Stanisław Grochowski on August 5, 1638. This privilege was subsequently confirmed by Archbishop Mikołaj Krasnowski on November 14, 1645¹⁵. Sliozka printed not only Polish but also Ruthenian books, having obtained a special privilege to publish the latter. However, this provoked a sharp response from the Orthodox Church Brotherhood's printing house, which staunchly defended its rights, and as a result he had to give up this kind of activity.

The establishment that had the widest publishing rights was the stauropiegial printing house. It obtained legal protection not only from the Polish kings but also from the heads of the Orthodox Church. It held a monopoly of printing books in Cyrillic and closely guarded this right for over two centuries, often engaging in long-lasting lawsuits with those who attempted to break this monopoly.

The privilege issued by the Patriarch of Antioch on January 15, 1586 started a whole series of documents of this kind. These rights were confirmed in the documents issued by the Patriarch of Constantinople, Theophilos on May 28, 1586 and by the Orthodox Bishop of L'viv, Mykhailo Rogoza on December 10 that year. Once again the granted rights were confirmed by Jeremiah, Patriarch of Constantinople on January 7, 1590 and for the second time by Mykhailo Rogoza, already the Kyiv Metropolitan. It was also him who issued on behalf of the bishops assembled at the Synod of Brest another document of this kind and repeated this charter on his own behalf on January 31, 1592 r.¹⁶ The final approval for the establishment of the Orthodox Church Brotherhood's printing house and its publishing rights was granted on January 15 by King Sigismund III Vasa, who endorsed all the earlier rights conferred by the Church authorities, adducing the laws recognized by the Coronation Sejm that ensured freedom of religion. This privilege was repeatedly confirmed by his successors until as late as August III the Saxon¹⁷. As a result, the Brotherhood had an exclusive monopoly of publishing books printed in Cyrillic and addressed to the Ruthenian population who inhabited not only the Ruthenian regions in the former Polish Commonwealth, but also in the Grand Duchy of Lithuania, the State of Muscovy and in the Balkan countries. It also supplied Byzantine-Slavonic liturgical books to the Orthodox Church¹⁸.

¹⁰ Central Archives of Historical records in Warsaw (henceforward AGAD), Księgi Kanclerskie, vol. 48, part 2, pp. 198–199.

¹¹ AGAD, Metryka Koronna, vol. 180, f. 87.

¹² Ibidem, vol. 222, f. 166v–168r.

¹³ Wierzbowski T. *Materiały do dziejów piśmiennictwa polskiego...* – T. 2. – Nr 170/6.

¹⁴ Ibidem. – Nr 170/7; Jagiellonian Library in Cracow, ms 221, pp. 31–34.

¹⁵ *Drukarze dawnej Polski od XV do XVIII wieku...* – Zesz. 6. – S. 241–242.

¹⁶ *Monumenta Confraternitatis Stauropignae Leopoliensis.* – Leopoli, 1895. – T. 1. – Nos. 81, 88, 89, 135, 142, 211, 212.

¹⁷ AGAD, Metryka Koronna, vol. 186, f. 81; vol. 258, f. 143; Wierzbowski T. *Materiały do dziejów piśmiennictwa polskiego...* – T. 2. – S. 88, nr 10; Zubrzycki D. *Historyczne badania o drukarniach ruskosłowiańskich w Galicji.* – Lwów, 1912. – S. 74–82.

¹⁸ *Drukarze dawnej Polski od XV do XVIII wieku...* – Zesz. 6. – S. 203–209; Juda M. *Podstawy prawne publikacji wydawnictw dla Kościołów wschodnich w Koronie i Ziemiach Ruskich w XVI–XVIII w. // Folia Bibliologica: Biuletyn Biblioteki Głównej UMCS.* – [Lublin, 1993]. – R. 36/37: 1988/89. – S. 7–20.

The king's protection also covered Jakub Mościcki, who, by virtue of the privilege issued on July 15, 1671, became not only one of His Majesty's printers but also secretaries¹⁹. Paweł Golczewski, having first obtained the status of king's *servitor* on December 6, 1743, received, together with Stanisław Duńczewski, Academy of Zamość professor, the right to print and sell Emmanuel Alvarez's *Grammar*, the handbook recommended for schools by the Jesuit *ratio studiorum*. We should note at this point that permission was given by the Jesuit printing house in Kalisz, which had the exclusive right to print and sell this handbook at that time²⁰. The privilege to establish a printing house and an engraving shop was also conferred upon Teofil Trockiewicz, who did not start the shop, however²¹. The Szlichtyn brothers: Łukasz, Sebastian, Kazimierz and Piotr also applied to the king for the right to conduct printing activities in L'viv and for protection of publications. Their endeavors ended in success on January 20, 1770. This is the date of their privilege issued by King Stanislaus August Poniatowski²².

The history of privileged printing houses in L'viv and the analysis of their publishing achievements protected by law prompt some reflections. The printing privileges played a significant role in the process of restoration, reform and defense of Orthodox faith against the Uniates. This can be observed most clearly in the case of the stauropegial printing house. The charters issued for it by the heads of the Orthodox Church obligated it to conduct its printing activities in accordance with the recommendation of its superior authorities. The Brotherhood was the stronghold of the Orthodox Church in the Ruthenian territories, and the printing house supported it bravely, defending itself against the loss of monopoly of printing books in Cyrillic. This threat was real on the part of the printing houses associated with the Uniate faith: these enjoyed greater support from the king's authority. At the same time the Brotherhood's printing house did not seek to become involved in the type of activities conducted by the Orthodox printing house of Pecherska Lavra in Kyiv²³.

The privilege also guarded the orthodoxy of liturgical books of the Eastern Church. The Catholic Church used the printing privilege as an excellent instrument in the work of reform and standardization of liturgy, which was crowned by the Tridentine decisions²⁴. Certain attempts in this area, concerning Byzantine-Slavonic liturgy can be observed in the reforming activities of Petro Mohyla, but their scope never had the character that could be observed in the Uniate Church²⁵. The Latinization of this faith undoubtedly resulted in the noticeably confessional nature of these books and in the endeavors to reform and standardize Greek Catholic liturgy. It is symptomatic that it was then that there were numerous attempts to break the monopoly of the Brotherhood's stauropegial printing house. The situation did not essentially change with the L'viv Orthodox Church Brotherhood going over to the Uniate side in 1708. These activities were also supported by the king. At this point the censorship function of the printing privilege makes itself felt. The king's or bishop's *servitor* could not do anything that would not have conformed to the will of the issuer of a privilege charter,

¹⁹ Różycki E. O drukarni Jakuba Mościckiego 1670–1674 // *Roczniki Biblioteczne*. – 1980. – R. 24. – S. 21.

²⁰ Juda M. *Przywileje drukarskie w Polsce...* – S. 96.

²¹ AGAD, *Księgi Kanclerskie*, vol. 31, part 2, pp. 162–163.

²² *Ibidem*, vol. 43, pp. 395–396.

²³ Juda M. *Ochrona prawna wydawnictw reformacyjnych w Polsce w XVI–XVIII wieku // Odrodzenie i Reformacja w Polsce*. – 1994. – S. 55–61.

²⁴ Juda M. *Przywileje drukarskie w Polsce...* – S. 31–51.

²⁵ Narbutt O. *Historia i typologia ksiąg liturgicznych bizantyńsko-słowiańskich. Zagadnienie identyfikacji według kryterium treściowego*. – Warszawa, 1979. – S. 36 et seq.; Jobert A. *Od Lutra do Mohyły. Polska wobec kryzysu chrześcijaństwa 1517–1648*. – Warszawa, 1994. – S. 271.

otherwise he lost his rights and was brought to marshal's or curial courts. The documents entitling one to establish a printing house contained clauses that prohibited the printing of books opposing State and Church laws. Legal protection covered only law-abiding publications. The stauropegial printing house under the king's protection was in an exceptional situation, but in successive documents the kings always adduced the guaranteed freedoms of religion. Moreover, from the Union of Krevo on, apart from the short period in the first part of the 17th century, the Orthodox Church was a legal Church and its hierarchy was recognized by the Polish State.

ПРИВІЛЕЙОВАНІ ДРУКАРНІ У ЛЬВОВІ В ДОБУ РЕЧІ ПОСПОЛИТОЇ (XVI–XVIII ст.)

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Коротко розглянуто різновиди привілейованого статусу, який могли набути друкарі та книгарі у давній Речі Посполитій, а також названо найвідоміших власників такого статусу у Львові до 1772 р. Особливу увагу звернуто на Успенське Ставропігійське братство, яке протягом двох століть мало монополні права на друк кирилических видань.

Ключові слова: книговидання у Речі Посполитій XVI–XVIII ст., привілей, Львів, Успенське Ставропігійське братство, Михайло Сльозка, Ян Филипович, Павел Юзеф Гольчевський, брати Шліхтини.

ПРИВИЛЕГИРОВАННЫЕ ТИПОГРАФИИ ВО ЛЬВОВЕ В ЭПОХУ РЕЧИ ПОСПОЛИТОЙ (XVI–XVIII ВВ.)

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Кратко рассмотрены разновидности привилегированного статуса, который могли получить типографы и книготорговцы в древней Речи Посполитой, а также названы самые известные владельцы такого статуса до 1772 г. Особое внимание обращается на Успенское Ставропигийское братство, которое на протяжении двух веков владело монопольным правом на печатание кириллических изданий.

Ключевые слова: книгоиздание в Речи Посполитой XVI–XVIII вв., привилегия, Львов, Успенское Ставропигийское братство, Михаил Слёзка, Ян Филипович, Павел Юзеф Гольчевский, братья Шлихтины.

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