



50 LITAS COIN TO MARK
475th ANNIVERSARY OF THE FIRST
STATUTE OF LITHUANIA

Silver Ag 925

Quality proof

Diameter 38,61 mm

Weight 28,28 g

The words on the edge of the coin:

BŪKIME TEISĖS VERGAI,
KAD GALĖTUME NAUDOTIS LAISVĖMIS
(BE SLAVE OF LAW TO ENJOY FREEDOMS)

Designed by Petras Repšys

Mintage 1 000 pcs

Issued 2004 m.

THE FIRST STATUTE OF LITHUANIA

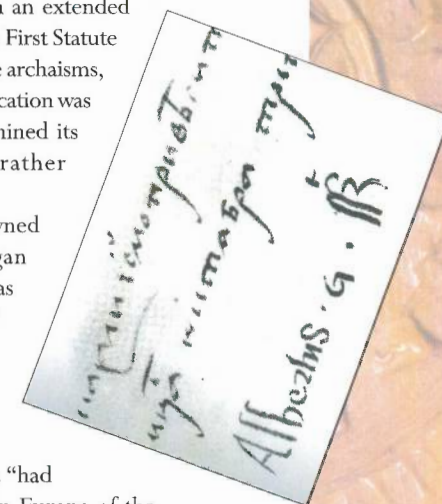
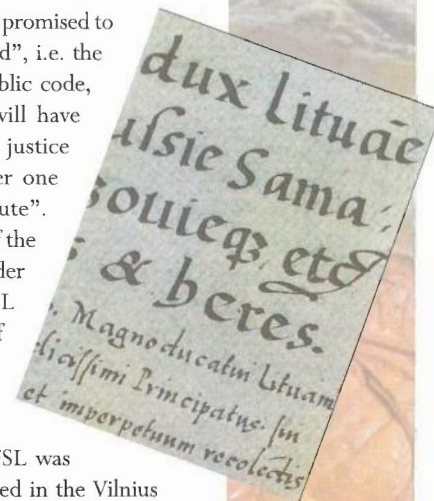
Modern historiography has provided sufficient substantiation for the phenomenon of the Grand Duchy of Lithuania (GDL) - a very intensive, fast Europeanisation of the State of Lithuania. It is universally agreed that such rapid social modernisation is best revealed in a high-level legal system, embodied in three statutes of Lithuania. Effective across the GDL, i.e. in a state whose society consisted of several nations (today representing the self-dependent states of Lithuania, Belarus and the Ukraine), the Statute of Lithuania not only had practical legal significance but also played a great role in the development of that multinational and multiconfessional society. Thus, the Statute of Lithuania is a unique legal, cultural and historical monument of several nations.

The development and adoption of the Statute of Lithuania was based on the maxima "The country is built on the foundations of law". The universal interest in the codification of law, which arose across Europe in the 16th century, was related to the prevalence of law as a conception of value, strengthening of the state's sovereignty doctrine, an important attribute of which is own law, as well as to an intensified dissemination of the study of law. However, the trends in legal codification that emerged in other countries at that time remained practically unrealised or, at most, represented the first stage of development of the codification doctrine. Whereas in the State of Lithuania, the really ambitious universal legislative codification programme, i.e. the development of the First Statute of Lithuania (FSL), was implemented.

The development of the Statute was first publicly declared in the privilege of the Grand Duke of Lithuania Alexander to the land of

Volyn in 1501. The privilege promised to introduce in "our homeland", i.e. the GDL, a common-to-all public code, and "then all our lands will have to adhere to one law and justice will be administered under one law according to the Statute". Prepared in the chancery of the GDL - most probably under the guidance of the GDL Chancellor and Palatine of Vilnius Mikalojus (ca. 1470-1522) and Jonas (1474-1522) Mikalojaitis Radvilas, the text of the FSL was deliberated and even adopted in the Vilnius Seimas in the summer of 1522. However, after that it was still edited and improved for seven years, when the new GDL Chancellor and Palatine of Vilnius Albertas Goštautas (1522-1539) played a major role. Yet the codification of the FSL also involved the participation of GDL nobles, who aimed at legalising in the Statute their possibly widest rights and privileges and limiting the power of the gentry. Therefore the new version of the FSL was only adopted in the summer of 1529 in the Vilnius Seimas, and on September 29 of the same year an ordinance of the King of Poland and the Grand Duke of Lithuania Sigismund the Old announced the code to be effective on the entire territory of the GDL.

The FSL original was written in Old Byelorussian, the recognised official written language of the time. The Statute's drafters themselves called it "The Written Law" (*Писана писанье*), but shortly afterwards (in 1530), in the introduction of untitled (written) copies of the text translated into the Latin language, it was already called Statute (*Statuta seu iura scripta*). Since the FSL had not been published, and from 29 September 1529, as was required by the said ordinance, all public officials, judges and courts were to observe the laws of the Statute, a great many of its transcripts were pretty soon produced by clerks. At present, out of nine transcripts of the original that scholars are aware of, in the Latin



and Old Polish (translated in 1532) languages, only seven have survived. Paradoxically enough, today we do not have a single transcript of the Statute - written and adopted in Vilnius, the capital of the State of Lithuania, - in Lithuania (all have been kept abroad: 5 in Poland, 1 in Germany and 1 in Russia), and the original FSL has been lost.

The First Statute of Lithuania was edited and codified in the context of rapid formation of estate monarchy, development of the democracy of the nobility, the spread of humanistic ideas of the Renaissance, and proliferation of educated nobles skilled in Lithuanian customary law and having mastered the treasures of the European Christian culture. These and other favourable conditions and circumstances decided the Statute's quite sizeable volume. It consisted of thirteen chapters, of which 243 articles were in the primary and 282 in an extended redaction. While the First Statute contains quite ample archaisms, the concept of codification was modern and determined its progressive and rather perfect content.

The most renowned scholars, who began studying the Statute as early as in the 19th century, primarily as a monument of legal culture, noted that such a majestic legal code "had not been available in Europe of the time" (Wacław Aleksander Maciejowski). Contemporary researchers, seeing the Statute of Lithuania also as a cultural phenomenon of the Renaissance in Europe, have emphasised that due to the historical conditions the Statute surpassed feudal European codes of the time, that its pre-eminence was additionally driven by the ideas of the Renaissance having provided it with many humanistic features and exclusive secularity, and come to a conclusion that legislation in the GDL

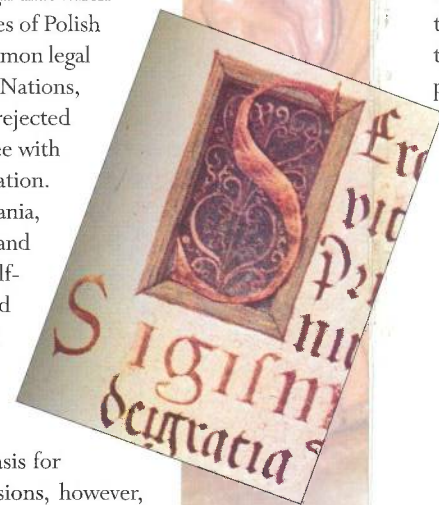
had a prominent and even exclusive place in Central and Eastern Europe (Juliusz Bardach). Already the First Statute was characterised by sizeable volume and subject matter of legal relations regulation, covering the key branches of law (state, military, civil, matrimonial and family, care, civil, etc.). The maturity and modernity of the GDL legal thought (and, therefore, of the society) is also testified by the dynamism of legal codification remarkable for Europe of that time: over 60 years, as many as three statutes were developed and issued (in 1529, 1566 and 1588).

It is universally recognised that the idea of the rule of law is highly pronounced in the statutes of Lithuania, the purpose of which is protection of the rights and freedoms of all citizens (nobles). As a result, even the First Statute (not to speak of the Third one) has recently often been called a kind of a constitution of GDL nobility, in which the privileged position of the nobles is entrenched in law and their mutual relations as well as their relationship with the ruler are regulated. The inclusion into the Statute of Lithuania of a special chapter regulating the status of women (first of all of their property status) should be considered a unique phenomenon in feudal law. A great many documents bear testimony to the nobles' pride in, and even their public demonstration of delight about their rights laid down in the Statute, although not all of them were as educated as the Chancellor Leonas Sapiega (1557–1633), named Solon of Lithuania, or Andrius Volanas (ca. 1530–1610) to cite Cicero: "Let us be slaves of law to be able to use freedoms". Or to formulate the *credo* of all the nobles as Kristupas Radvila did: "The essence of homeland is not frontiers, not limits, not wealth, but rights and freedoms".



It is important to emphasise that Lithuanian nobles conceived the structure of the state and the legal system established in the First Statute as a very important guarantor of the GDL statehood. Indeed, the Statute had developed such a conception of a sovereign state, which, according to Professor Edvardas Gudavičius, "Poland never lived up to in any of its codes". Article 1 of Chapter III should be held the basis of the legal status of the GDL statehood, as it unequivocally stressed that the GDL was a fully sovereign state, which the ruler undertook to protect "from any disrespect and disgrace". So the FSL, as if having "fused" the rights of the estate of nobles with the statehood of Lithuania, became also the basis for the self-consciousness as a state.

The peculiarities of Lithuania's political development decided that the conception of the Statute as the highest value not only survived but even strengthened in the 18th century. In local diets (*seimeliai*) noblemen required their delegates to protect "the right" Statute of Lithuania "based on centuries-long practice" in the Seimas and not to agree making a slightest amendment to it. The Statute's authority was so high that when the 1776 Seimas decided, by votes of Polish representatives, to develop a common legal code of the Republic of the Two Nations, Lithuanian nobles categorically rejected the project, i.e. they did not agree with the unification of law in preparation. By protecting the Statute of Lithuania, they also defended their freedom and the foundation of their state's self-dependence. When Poland realised it would not make Lithuania abandon the Statute, it was decided in the Four-Year Seimas in 1790 that the Statute of Lithuania should be made the basis for common civil law. These discussions, however, were interrupted by the second partition of the Republic of the Two Nations in 1793. And in the middle of the 19th century, when the Russian authorities had already repealed the validity of the Statute of Lithuania (in 1840), it remained a



symbol of the GDL statehood. In the document of the 1863 rebel organisation, entitled "Lithuanian Catechism", the question "What is a Lithuanian?" has "The one who believes in freedom and adheres to the Statute" as the answer. Thus, even after three hundred years had passed since the Statute of Lithuania came into force, for the Lithuanian nobles who revolted against tsarism the Statute remained the estate's value and a mouthpiece of the traditions of the old statehood of the GDL that prevailed during the revolt.

It must be stressed that the Statute, which established the legal system developed in Lithuania, supplemented with specific features inherent in the European legal system, enriched the Central and East European culture. The neighbouring countries appreciated these achievements: as a source of ancillary (subsidiary) law, the Statute was used in Polish courts; many things were borrowed from the Statute by the drafters of the 16th–17th century Russian codes and in the early 18th century – by the drafters of the Ukrainian law codes.

The impact of the Statute of Lithuania on the law of other European countries speaks about the cultural communication process in Europe of the time, in which Lithuania also was an active participant.

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Lithuanian Collectors Coins

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