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The paper presents a case study of the eighteenth-century diplomatic struggle between the Polish–Lithuanian Commonwealth and the Russian Empire over the legal status of the Duchy of Courland and Semigallia and its ruling house. The main purpose of the research is to analyse the circumstances leading to the enthronement of Charles Christian Wettin as the Duke of Courland (1759‒1763), discover the tools of Russian international policy and review goals and resources of both Polish–Saxon and Russian sides of the conflict. History, Law and International Relations combine in the interdisciplinary research on the ‘Couronian Question’. From this perspective, Courland and its Duke remain the objects, and the Commonwealth and the Tsardom of Russia – the subjects of the study.

* Expedition of Frederick August I of Saxony to Livonia in 1700‒1701 in the light of the Lithuanian Civil War.
** Military Actions in the Polish–Lithuanian Commonwealth during the Russian Intervention in 1764.
The Duchy of Courland and Semigallia

Key words: the Duchy of Courland and Semigallia, the Russian Empire, the Polish–Lithuanian Commonwealth, Diplomacy, House of Wettin.

INTRODUCTION

The Couronian Question was the long-lasting rivalry of the northern European powers over the influence in the Duchy of Courland and Semigallia throughout the eighteenth century. The fief of the Polish–Lithuanian Commonwealth turned to be the battleground of the interests of the clashing powers: the Tsardom of Russia, the Kingdom of Prussia, and the Electorate of Saxony. Despite the Saxon–Polish personal union, the political goals of Dresden often contradicted those of Warsaw. Still, it was Russia that appeared to be the greatest threat for Courland.

Moscow’s increased activity in the area can be dated back to 1710 and occupation of Swedish Livonia (Vidzeme) confirmed by the Treaty of Nystad in 1721. Seizure of the Baltic provinces and the growing power of Russia was followed by intensified interest in the Duchy of Courland that was devastated after the Swedish occupation (1701–1709) and hardly protected by the Commonwealth struggling for its own survival in the Great Northern War. The death of the young Duke Frederick William (1698–1711), preceded by his marriage to the Russian princess Anna Ioannovna (the Duchess of Courland in 1711–1730 and then the Empress of Russia in 1730–1740), marked a significant caesura and the beginning of Muscovy’s interventions in Jelgava (Mitau).

Only the Empress Catherine II’s (1762–1797) rise to power marked a new direction in Russian foreign policy, installing loyal servants upon the Couronian throne who ruled until the third partition of Poland–Lithuania and the final annexation of the Duchy. Henceforth, the Tsardom had controlled the whole territory of the historical Livonian Order. Still, the zenith of the ‘Couronian Question’, especially in terms of the diplomatic
crisis, occurred in 1763, when Catherine II reinstated Ernest Johann Biron (1737‒1741 and 1763‒1769) as the Duke of Courland after an exile, dating from 1741. The importance of this particular moment was indicated by Klauspeter Strohm in the title of his book on the ‘Couronian Question’. Also, Heinrihs Strods admitted that the international contest between the powers was over in 1763, with elimination of Saxony. Moreover, Prussia’s possibility to be an active actor co-responsible for the election of another dukes of Courland was lost. According to Strods, Poland–Lithuania surrendered its claims shortly after the enthronement of Peter Biron (1769‒1795).

It must be admitted that Heinrihs Strods used most significant sources describing the ‘Couronian Question’ as a whole. Still, he did not really analyse the content and meaning of particular démarches and statements exchanged by Warsaw and St Petersburg. The crucial documents issued in 1758 by the Crown Grand Chancellor Jan Małachowski and Russian Minister to Poland–Lithuania Heinrich von Gross are just mentioned. While describing the rising conflict in 1762 and 1763, Strods was not willing to focus on the condition of the Polish–Lithuanian diplomacy and how divided and unorganised activities undertaken in Warsaw were.

Strods centred on the Couronian perspective and how the neighbouring states affected Duchy’s fate. Although he referred to Charles Christian’s reign in two chapters of his great work, he mainly described Duke’s relations with Couronian nobility, and then, his rivalry with Ernest Johann Biron. I would like to take a look on the international level and objectives of the powers behind those two characters. Thanks to this approach I can limit the scope of the research, taking into account mostly the sources relevant for Poles and Russians. Fortunately and surprisingly, some of the significant statements by King Augustus III (1733‒1763), Catherine II and her court can be found in the English edition as the topic was widely discussed in the British press. Also, the book released by Father Franciszek Paprocki
seems to be a completely unknown source, and I am happy to introduce some useful remarks based on the information from that volume issued in 1759.⁴

I believe that circumstances leading to the enthronement and downfall of Charles Christian mark an excellent starting point to compare Polish–Lithuanian and Russian preparations, capacities and professionalism in the field of international relations. Therefore, the documents issued in regard of the Duchy of Courland and Semigallia require some analysis from the diplomatic point of view. It must be noted that the main idea behind this paper is to analyse the dispute between two actors – Poland–Lithuania and Russia. For this reason the Courland itself is considered as an object, not the subject of the studies.

The paper focuses on the timeline of the dispute, and therefore, requires the analysis of the relevant documents one by one in the chronological order. The main idea is not only to reveal the trajectory of the negotiations but also the goals, the reasoning, the diplomatic culture and effectiveness of the Commonwealth and the Tsardom at the time of the Seven Years’ War. I am going to use treaties and different sorts of official statements – all the documents I managed to find and which have been issued by Polish–Lithuanian and Russian courts and their officers. No private correspondence should be included but only the official letters.

RUSSIA’S INTEREST IN COURLAND TILL 1758

The regency of the Supreme Ducal Council established in Jelgava (Mitau) after Duke Ernest Johann Biron’s imprisonment in 1740 created the impression of the reclaimed Polish–Lithuanian Commonwealth’s control over the fief. This temporary body composed of six assessors (Oberraten) governed directly on behalf of King Augustus III according to the Formula Reginimis – Couronian form of government adopted in 1617.⁵ Technically speaking, Oberraten were supposed to rule the
Duchy in case of the duke’s absence due to long-lasting illness. Apparen
tly, the Council had to rule for 18 years till 1758.

Yet, in spite of still valid legal suzerainty of Poland–Lithuania over Courland and lack of pro-Russian duke in Jelgava (Mitau), the revenues of Couronian estates sequestered as the result of Biron’s imprisonment flowed annually to the Russian treasury. The Tsardom’s forces remained in the Duchy. Those actions undermined Polish–Lithuanian rights as a suzerain. The Polish King Augustus III was insulted as he eventually called along with the Senate of Poland–Lithuania to release Johann Ernest Biron from his exile. But Empress Elizabeth (1741‒1762) was refusing. St Petersburg opposed any attempts by the Saxon court and the Commonwealth to strengthen their positions in Courland. The Russian justification for such direct interventions can be noted as early as 1726: the Polish–Lithuanian Diet’s intention to incorporate the Duchy was opposed by the Tsardom due to “the right of neighbourliness”. As the result of Maurice de Saxe’s [illegitimate son to the Polish King Augustus II (1697‒1732)] venture in 1726 and attempt to seize the ducal crown, Russian army entered the Duchy justifying the trespass by pointing Maurice’s small stronghold for Couronian supporters, as contravening the 1660 Treaty of Oliva and the prohibition of the instalment of new fortresses. New concessions to Russia and imposition of Ernest Johann Biron as a lawful Duke of Courland was the prize Polish King Augustus III had to pay in return for Russian assistance in the War of the Polish Succession (1733‒1735). But beyond the political intrigues, some other aspect of Russian influence in Courland must be noted.

Father Franciszek Paprocki who issued the book about geographical and social landscape of Courland, unconsciously proved how veiled and significant the Russian influence was already in the mid-eighteenth century despite the significance of the political events. Describing the capital city, Jelgava (Mitau), he enumerated its churches: three Lutheran, one Catholic, one Calvinist and surprisingly – one Orthodox. He also mentioned...
two market squares, one occupied by merchants of German origin and the other only by Russians. Jaunjelgava (Friedrichstadt) was labelled as a trade centre that was spreading Russian goods throughout the Duchy. The city of Jēkabpils (Jakobstadt) used to support Russian vendors. Paprocki claimed Duke Jacob Kettler (ruling in 1642–1682) had guaranteed special privileges for those merchants and their Orthodox confession. These examples unintentionally revealed the increasing importance of ‘soft power’ in Russian policy towards Courland even as early as in the seventeenth century. It is symptomatic that the Orthodox church was constructed in the political heart of the Duchy. Post-reformation Courland had originally been established as a purely Lutheran state, but due to the intervention of Polish kings, Catholics had been granted some political rights. Apparently, since the late seventeenth century, the Orthodox influence, on the other hand, had grown informally and Poland–Lithuania probably was not able or interested in stopping this process.

To a certain degree, the policy of the Russian court towards Courland in the first half of the eighteenth century was unstable, since it was affected by personal sentiments. Anna Ioannovna temporarily favoured first Maurice de Saxe and then Ernest Johann as Russian nominees. On the contrary, her successor Elizabeth I considered Biron her enemy and blocked both his release from exile and the choice of any other duke. Only in 1758 did Empress agree to the election of the Saxon prince, Charles Christian, as the new ruler. Russia first announced this decision to Couronian noblemen during their local parliament (Landtag); only then was the Couronian envoy sent to Warsaw commencing the negotiations on conditions of the investiture agreed by Poland–Lithuania and Russia.
THE DÉMARCHE AND THE COMMONWEALTH’S POSITION ON CHARLES CHRISTIAN’S CANDIDATURE

In order to secure the agreement with the Russian imperial court, Crown Grand Chancellor Jan Małachowski addressed the Empress’ representative in Warsaw, Minister Heinrich Gross. On 23 October 1758, he requested confirmation of what had been so far informally negotiated. Surprisingly, in the official letter the Polish Chancellor refereed to Elizabeth as ‘the Empress’, even though the Commonwealth did not recognise the tsars’ imperial title. Małachowski stressed that the proclamation of Charles Christian as Duke was based on the non-release of Biron and his sons. The Empress ordered her diplomat to help the Polish court announce the new Duke. The Chancellor was aware of these actions but he claimed that he was obliged to protect the rights of Courland as the Commonwealth’s vassal state. Therefore, Małachowski asked for Gross’s orders in favour of Charles Christian and against Biron.12

In his response to this request, the Russian diplomat mentioned that the Chancellor had asked for explanations of both the orders concerning support for Charles and the fate of Ernest Johann and his family. The Minister stressed that he would answer only the last request. He confirmed Biron’s permanent exile. He also claimed it would be useful for the Empress, and even for the Commonwealth to appoint Wettin as the new Duke. Gross claimed he was instructed to resist all offers and arrangements connected to the idea of releasing Biron. He underlined that they would harm Charles’s election.13

It seems therefore, that the Commonwealth was not prepared to undertake any sovereign action without Russian position. Moreover, the Chancellor seems to have been satisfied with a diplomatically insignificant answer. Małachowski needed only the confirmation of orders received from St Petersburg, not a specific statement from the imperial foreign office. Apparently, Gross confirmed what was widely known – the Empress’ hostility towards the Biron family. His answer suggests that neither

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Elizabeth nor her Minister wished to reveal all her plans. Still, the lack of an answer seems to have conveyed some sort of feedback. By supporting Charles Christian, the Russian court was trying to strengthen its position; the benefit to the Commonwealth was merely something which did not contradict Russian interests and it was openly admitted in the correspondence with the Chancellor.

As a matter of fact, Elizabeth surrendered no imperial claims on the Duchy. Gross declared that Russia would not let Biron return to Courland. It is remarkable that Małachowski asked for confirmation that Ernest Johann would never be set free. Apparently, the Chancellor tried to avoid any reference to Biron’s former title and links with Courland, focusing only on his captivity. Gross declared only that the prisoner would never return to the country he had once ruled. Also, the reference to ‘the former government’ of Courland suggests that Russia wished to maintain its vassal status surely opposing any attempts to incorporate the Duchy.

Apparently, even a resolution that was supposed to be considered as supportive of the Wettins’ aspirations appears full of trickery and indirect messages. The position of Poland–Lithuania was far from secure, as Elizabeth had continued to refer to ‘Duke’ Biron. This practice could undermine the Empress’ support for Charles Christian in the future.\(^\text{14}\)

Gross’s statement gave the green light for further arrangements. Only after the Russian warranty did the Polish–Lithuanian Senate Council discuss the ‘Couronian Question’. Its resolution stated that Biron had never fulfilled his obligation of paying the debts on the ducal estates sequestered by Russia. Moreover, since his investiture he had not received the oath from the Couronians. The Senate recalled the resolution of 1750 which had called on the Russian government to release Biron. It indicated that Couronians wished the ducal government to be re-established. The Senate’s resolution stated that due to the guarantee that Duke Ernest Johann would never return, in order to secure
the Duchy from illegal offers of a non-vassal relationship, Augustus proclaimed the vacancy. Supported by the majority of the Senate Council, the monarch granted his son investiture as duke in accordance with the statute of 1736. Shortly afterwards, the Landtag elected Charles Christian as Duke. The homage ceremony took place in Warsaw on 8 January 1759.

THE RUSSO-COURONIAN AGREEMENT
OF 16 JULY 1759

Charles Christian’s enthronement was nevertheless followed by further concessions to Russia. Once he finally settled in Jelgava, he had started his cooperation with the new Russian diplomat to Courland Carl Gustav Simolin – the most influential person in the Duchy, Baltic German nobleman in the Russian service who had been implementing three different policies towards Courland under the rule of Elizabeth I, Peter III (1762), and Catherine II respectively.

Even before the Saxon prince received the homage of his Couronian subjects, the new Duke arrived in St Petersburg in order to release ducal estates from sequestering. According to the draft of the agreement found in Polish, the text was probably dictated by the Russian Court as it was signed by both the Empress Elizabeth and the Chancellor Mikhail Vorontsov. It must be noted that the concluded agreement was mentioned by historians – Tyszkiewicz (hardly) and Strods. Nonetheless, those researchers did not analyse the treaty itself, mentioning the general outcome – releasing the sequestered estates. The number and the nature of the concessions granted by Charles Christian were not elaborated by those scholars. Taking into account that the Couronian topic was not popular in the Polish historiography, most probably the document is not widely known or at least has not been used for any research.

In the preamble, Elizabeth announced that she claimed her rights over estates of the former Duke Ernest Johann, as well Russia had claims on the Duchy of Courland itself. Tsarina

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stated that the sequestered estates did not cover up to that moment all the debts generated by Biron. Nevertheless, in order to honour friendship with King and the Commonwealth, as well as to aid Charles Christian’s undertakings, Elizabeth, also on behalf of her successors, renounced those entitlements. Tsarina proclaimed that all the estates and buildings belonging in the past to the House of Kettler shall be transferred to Charles Christian and all his descendants. Still, the private possessions that Biron purchased were about to remain under the supervision of Russian plenipotentiary minister in Mitau. Russia required the fulfilment of twelve conditions in return.

In the first place Elizabeth demanded guaranties for the Orthodox Church and its priests protected by Russia itself. What is more important, in case of any Commonwealth’s reservations on that matter, the Tsardom was supposed to deal with Polish–Lithuanian objection on behalf of Courland. The Orthodox Church buildings erected in Mitau should prevail and in case of its destruction, the new one shall be constructed at the same place.

Tsarina wanted Couronian government to support all the Russians traders including their request of domicile. Still, Russian merchants had to meet the Couronian obligations, probably fiscal ones (org. oneribus publicis). On the other hand, the Duchy was supposed to protect vendors’ rights, still considered as Russian subjects exempted from customs and ducal jurisdiction. In other words, Tsardom requested broad immunity for their tradesmen.

Fifthly, the right of passage of troops through Courland was confirmed. Russia declared that army would never pass though Courland without a reason. The Tsardom relied on the fact, the Commonwealth had never prohibited or opposed such a habit so far! Russia declared that just like in the past, the transit of the army would be preceded by military requisition. Due to the passage, Couronian commissioners would be appointed to assist Russian officials and officers. All the activities and Couronian aid concerning accommodation were supposed to be paid.
The last points referred to the current hostilities between Russia and Prussia. Couronian grain was not allowed to be delivered abroad. Price for the cereal were about to be agreed with Russian minister each year. St Petersburg asked for the wood and the transport provided by Courland to imperial troops. The agreement confirmed Russian navy’s right of the shelter in Couronian harbours and supplying the crews. The ships were supposed to be marked as *neutral and friendly*.

The draft included the twin agreement with Charles Christian’s preamble. Surprisingly, it consisted of just the first five provisions, in which Duke agreed to literally everything that was introduced in Elizabeth’s rescript. For some reason, the text was not finished, so there is even no Wettin’s signature. Still, the document itself resembles the reality of non-mutual relationship, Duke’s reliance on Russian support and unfair agreement in general. The formula of the contract proves negligence of Poland–Lithuania. Moreover, it cut Charles off the assistance the Commonwealth could provide to him. The Duke made himself dependent on both Russia and Couronian estates as well, but not the suzerain. I would argue that scholars’ reservations on Charles’s enthronement as the Russian mistake were far too critical. The demands introduced by Elizabeth proved the growing severity and self-confidence of the Tsardom’s policy towards internal jurisdiction of the Duchy. It was another step leading to strengthening and preserving the privileges of the Orthodox minority in Courland and the first one official, leading to acknowledgment of what was already done indirectly and informally. Inequality of the mutual rights and liabilities were in favour of the Empire, and it was the Saxon prince only, who truly had to secure Russian claims. Inadequate requirements were a good excuse for later accusations and reversing the ‘soft policy’. It could have been easily proved that Charles broke his promises. Moreover, the fact that Biron’s estates remained in Russian hands suggested that St Petersburg still wanted to play this card in the future as they did not decide to ruin Biron family and deprive...
them of their properties in favour of the new nominee Russia wished to control. In the light of the agreement, Saxon prince’s allegiance was more to Elizabeth, rather than Augustus.19

CATHERINE II’S NEW COURONIAN POLICY AND DECISIVE STAGE OF THE RUSSO–POLISH DISPUTE

The enthronement of Peter’s widow commenced Russia’s long-lasting and effective approach towards the Duchy. The installment of Biron became the first task of Catherine’s foreign policy. Tighter bonds between Russia and Courland had already been one of the main goals of the Tsardom during the Seven Years’ War.20 In addition, after 1762, Russian policy focused on creating a buffer zone between the Empire and the German monarchies – Prussia and Austria. This is why St Petersburg struggled for control not only over Courland, but the Polish–Lithuanian Commonwealth as a whole.21 Empress’ Couronian policy was intended to check out the position of European courts in case of deeper Russian involvement in Polish affairs. She was about to test the Western powers’ patience.22

The tense Russo–Polish conflict began shortly after Catherine II came to power. The new political direction was applied through the new ambassador, Hermann von Keyserlingk, who was sent to Warsaw in December 1762. Calming down the Commonwealth’s anxious government, he argued that capturing little Courland would not help the Empress to achieve her goal which was happiness of the nations she ruled over.23

At the beginning of 1763, Keyserlingk issued official statements to the senators of the Commonwealth explaining the Empress’ actions in Courland.24 Augustus III appointed his envoy Jan Borch, who left for Catherine’s court on 10 January in order to, “to make representations to the Empress against her interfering in the affairs of Courland, as being a fief of the republic”.25 While in Russia, he was not allowed to deliver the message to the Tsarina.
The Senate Council held in March 1763 summoned Biron to be judged. However, there was no explicit support for Charles, as even royal supporters did not want to risk worse relations with the Tsardom for the sake of the dynasty’s claims. On 15 April, without the Senate’s permission, Augustus III denounced Biron as an impostor. The Oberraten still recognised Charles Christian as Duke, but his rival’s followers took control over the court and chancellery, causing a governmental crisis. Finally, on 16 April, Charles left Jelgava. In the meantime, the diplomatic argument occurred.

CATHERINE’S LETTER OF 3 AUGUST 1762

In her first letter to Augustus Catherine referred to the fact that shortly after Biron’s arrest the King had pleaded for his release. Moreover, she claimed that from the very beginning it was obvious to him that Biron was legally enthroned. She stated, that “the motives, on account of which the Duke or his heirs could not then be allowed to live in the Russian empire, exist no longer”. Catherine wished Ernest Johann to reclaim his allodial possessions. The main message was of course to make Augustus do everything needed for Biron’s restoration. Catherine was aware of losing control over the Dukes’ private estates still being sequestered by the Russian authorities, but she seemed to have claimed that his reign never terminated. The King’s son, at that time in charge of the Duchy, was not mentioned in the letter at all, as if he never existed. She decisively announced her goals and proved disrespect for Augustus and his son, still in a very diplomatic manner.

AUGUSTUS’S LETTER OF 3 SEPTEMBER 1762

The King’s response was preceded by the statement presented by Chancellor Małachowski to Ambassador Keyserlingk on 19 August. In his letter, Augustus openly protested: “Your Majesty called in doubt my rights, and those of my family, to the sovereignty of the duchies of Courland and Semigall”.

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Augustus referred both to Elizabeth’s declarations and the “lawful causes and circumstances” that authorised the King to dispose of the fief. He claimed that his motives and reasons were adequately explained in the investiture diploma of Charles Christian.

The Polish monarch was remarkably straightforward: “Your Majesty’s intention is not merely to prescribe bounds to the exercise of those rights which are derived to me from God, independent of every other power, and which appertain only to me and my crown, than to permit their being assigned over to their proper authority (…) I expect, therefore, from your Imperial Majesty’s justice, that you shall think proper to refer the late Duke de Biron to me and the republic, as to the only sovereigns and judges of the rights he pretends to have”. Augustus protested that only the King and the Commonwealth could examine Biron’s case. From this sentence onwards, through the rest of the letter he addressed Catherine as “Your Imperial Majesty”. Earlier, he did not use her imperial title, not yet recognised by the Commonwealth. Certainly, Augustus acted here as the ruler of Poland–Lithuania, and not as elector of Saxony. It was the Polish King, who was the suzerain of Courland (and not jointly with his family, as he stated above), that he described himself in the end of the letter as Catherine’s “Brother, Friend and Neighbour”.

We can see Augustus’s incontrovertible statement. Unfortunately, the claims lacked evidence in the letter. Of course he referred to the diploma and declaration already presented to Russian diplomats, nevertheless the reference to God seems to be a very naïve argument when others were lacking. Perhaps it referred to the origins of the institution of the vassal state, with its homage and reference to divine authority. He could only ask for a step back and the use of “friendly means only (…) which alone ought to have place between states that are both friends and neighbours”.

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EXPRESSION OF THE REASONS IN THE COURONIAN AFFAIR
OF THE RUSSIAN EMPRESS
(3 December 1762?)

One of the Russian official statements, unfortunately undated, presented the Russian view of the Polish–Lithuanian domestic legal order. It mentioned the Polish response of 3 September so must have been written at least a few weeks later. The author claimed that after Catherine II’s enthronement she wanted to set free the man who had been asked for by both the King and the Senate during the Elizabeth’s reign. The Tsarina claimed she did this in order to maintain friendly relations with Poland–Lithuania. She asked Augustus to restore Biron to his Duchy and the estates which he had received from Empress Anna. Catherine claimed that her actions were based on “law and righteousness”, so she was surprised by Augustus’s letter of 3 September in which he claimed that she trespassed on the rights of Supremi Domini of the King and the Commonwealth.

The author stated that the statute of 1736 issued by the Polish–Lithuanian Diet was concluded through the approval of all the Estates of the Commonwealth. Biron had received the King’s diploma and the royal commissioners had concluded the agreement about the conditions of investiture. The diploma contained “both seals of the Crown and Lithuania” with the promise that the Commonwealth would protect its vassal and his descendants. The author claimed that no vassal could have been removed from office if he had been chosen legally, unless he had committed Crimen felonie. Biron had not been charged before a court. Therefore even if there had been a reason to keep him away from his Duchy, it was now more important to restore him in order to acknowledge his primary right.

The author claimed it was the Juris nature et bono vindatis to support and protect harmed neighbours against injustice, therefore the Empress confirmed the Duke and the Couronian Estates in their respective rights and privileges. Catherine knew that the Duchy was the vassal state of the Commonwealth, not
only of the Kingdom of Poland, as it was concluded in 1569, and the statute of 1736 confirmed by the three Estates (of the Diet). This was an extremely important remark, as it referred to the fact that Lithuanian Grand Chancellor Michał Fryderyk Czartoryski had refused to seal Charles’ diploma. Powerful magnate remained the opponent of the royal policy and did not wish the House of Wettin to strengthen its position in Poland–Lithuania through its actions in Courland. He was ready to cooperate with the Russian court and discouraged King Augustus III from calling the Diet to resolve Couronian crisis in early 1763. Instead, the diploma was sealed by his deputy – Lithuanian Vice-Chancellor Michał Sapieha.31

The Russian authorities’ reference to the three Estates suggests that the Senate Council’s resolution was insufficient as permission for the 1758 investiture. Catherine could not let change the legal order as originally established by the Diet (the Commonwealth as the whole), otherwise the principles of Poland–Lithuania would be breached. The declaration was concluded with the wish of maintaining Courland as a dependent state of the Commonwealth and the statement that Russia would accept no one else than Biron who had been appointed with the approval of the Diet. The Empress wanted to honour the principles of justice and neighbourliness. She claimed she followed the example of all the European states which had acknowledged Biron as Duke.32

THE POLISH ADDRESS TO RUSSIA OF 11 DECEMBER 1762

This manifesto was probably prepared by four Polish ministers: Franciszek Bieliński, Michał Wodzicki, Teodor Wessel, and Jerzy Mniszech. They assured the Russian court that the King and the Commonwealth always respected international treaties with their neighbours, seeking their friendship. Therefore, the Tsardom should not intervene in the internal matters of Poland–Lithuania and Courland to which province it had no rights. They defended the legality of the 1758 investiture. The authors
pretended not to understand why Russia claimed Biron was still in power. They accused the Tsardom of being the reason for Biron's loss of his position. The ministers referred to Charles as the *present* Duke. This phrase was potentially dangerous as it implied that Biron could be considered as a previous duke.

The authors of the manifesto were more straightforward in their attitude towards the present Tsarina. They claimed Catherine's actions led to the breach of the treaties between the Poland–Lithuania and Russia. They maintained that all Biron's rights and pretensions had been annulled by her ancestors. Through the undermining of Charles's rights, both the King and the Commonwealth, as ally and neighbour, felt offended. They claimed that the monarch was sure the Empress would never act thus intentionally, so that there must have been a misunderstanding. The ministers recalled Małachowski's manifesto explaining the invalidity of Biron's investiture, and the lack of legal basis for Russia to act in Courland. A copy of the declaration concerning Elizabeth's statement was attached to the script, as well as to the present correspondence. This shows that the Polish–Lithuanian authorities considered Heinrich Gross's declaration as the basic and crucial evidence supporting their case.

The ministers referred also to the father–son relationship. They recalled reports that Russian forces marched from Riga to Jelgava and were occupying almost all the houses surrounding the ducal palace. They also referred to the rumours that Carl Gustav Simolin had been ordered to quarter five regiments for the winter. The authors claimed that all ministers and senators supported the King and his rights over Courland. Therefore, they decided to deliver the request to Keyserlingk for the maintenance of good relations between the two nations. They claimed Augustus could not accept the request for Biron's restoration because it would damage the rights of the King and the *nation*. The monarch did not have any obligations as he was always in good relations with Biron. It would have been unjust if
the Tsardom rewarded Biron for his losses due to Russian actions with the Commonwealth’s own possessions and prestige.

The ministers charged Simolin with intervening in the Couronian form of government by threats, imposing his will and accusing the local nobility. They recalled Biron’s letters issued by the Russian envoy, declaring protection for Couronians who were obliged to be loyal to the King, the Commonwealth and Charles Christian. The authors claimed that Simolin’s actions undermined the Empress’ honour and asked her to remove him from Jelgava. They also mentioned all the trespasses of the Russian forces in the Commonwealth during the current war, as Elizabeth had promised that they would be punished.

Finally, the ministers asked for the removal of the Russian troops from Courland before winter set in. They claimed that Courland had suffered during the last war, and demanded compensation for damages in the Duchy. At the end of this striking resolution, the authors claimed that the main idea of the manifesto was to maintain justice and the alliance between both nations. 33

This statement was more political than legal, as it referred to Małachowski’s response and focused on recent events, Russian promises and sentimental arguments. It lacked clarity and was hardly reasonable as it contained many accusations and was formulated by the Crown Vice-Chancellor accompanied by randomly selected ministers (without Lithuanian ones).

THE RESPONSE OF VICE-CHANCELLOR MICHAŁ WODZICKI

Wodzicki’s letter was most probably addressed to Keyserlingk. The Polish Minister claimed that he did not understand the Russian interest in the ‘province’ as the Tsardom had no rights to Courland despite the principle of equity. He did not mention the right of neighbourhood, but his reference to the ‘principle of equity’ proved a great mistake.

The Vice-Chancellor claimed the Empress pretended to take the Polish legal system into account, but simultaneously breached Polish rights. He did not accept Catherine’s statement...
that what happened in Courland was the consequence of the
King’s approval only, and not the approval of the Common-
wealth. Wodzicki claimed that Russia must address Poland–Lit-
huania and let it discuss and judge Biron’s claims during the Diet.
He stated that the King and the Senate were ready to explain
their actions concerning the investiture before the Common-
wealth (Diet) and did not answer to Russia. Contrary to the
joint resolution, the Vice-Chancellor stuck to the legal arguments.

THE RUSSIAN ADDRESS TO EUROPEAN DIPLOMATS
OF JANUARY 1763

The official position of the Russian government was also ex-
pressed in the declaration issued to the European ambassadors
and envoys present at the court of St Petersburg. The Empress
claimed that she could not discover any substantial reason for
depriving Biron of his Duchy. She referred to the unanimous
request of almost all Couronian noblemen, and the Lutheran
denomination of the Duke required by Pacta Subjectionis – the
treaty signed in Vilnius, on 28 November 1561, that constituted
the Duchy and its subordination to the Polish–Lithuanian Com-
monwealth. Catherine was forced to acknowledge him as the
lawful Duke, otherwise she would breach the principle of equity.
Simultaneously, the author distanced Russia from “being desir-
ous to infringe upon the rights of her neighbours, and conse-
quently from acting in any respect contradictory to the rights
and privileges of Courland”.

The crucial points of that declaration are both legal and po-
itical. The normative ones refer to Biron’s investiture of 1739
and the obligation that the Duke be of the Lutheran denomina-
tion. The reference to the will of the Couronian nobility was a
supporting political argument. In this declaration neither
Charles Christian nor the Polish–Lithuanian Commonwealth
were mentioned at all. The Empress referred only to the Duchy
and moreover, described Courland not as a fief of Poland–
Lithuania, but just as “a province that borders upon (...)
“empire.” It is notable that Russia invoked the principle of equity before the European ambassadors, as it was the only reason acknowledged earlier by Vice-Chancellor Wodzicki.

**THE RESPONSE OF FOUR POLISH MINISTERS TO KEYSERLINGK OF 10 JANUARY 1763**

In this response, Polish ministers claimed there had been a vacancy in Courland from 1741 until 1758 as Biron and his successors were sentenced to the exile. The ministers stressed that Augustus III never wished to harm Biron and had tried to help him. Moreover, it had not been Catherine II who had released Biron, but Peter III, on condition of Biron’s resigning his ducal claims to Georg Ludwig of Holstein-Götterp. According to the ministers, knowledge of Biron’s resignation was widespread. The letter of Biron’s son Peter to his agent had been published in Courland.

The authors claimed that the meanness of Ernest Johann’s investiture was obvious. They argued that Russia claimed friendship towards the Commonwealth and Catherine’s decision to release Biron was a gesture of goodwill. On the other hand, regarding Charles Christian’s reign, Russia was not acting in accordance with such friendship, even though the Duke had been appointed due to the King’s and the Senate’s efforts, respecting the law of 1736. The Empress should have waited until Augustus would ask again for Biron’s restoration, as he had done in the past. The ministers straightforwardly stated that Russia should wait with its gestures of friendship as neither the King nor the Commonwealth had asked for them.

Whenever Augustus had asked for Biron’s release, he never mentioned his restoration to his former office. The argument referring to repeated royal requests is rather harmful for the Russian authorities because effectively the Tsardom had admitted that it had not responded to them. The ministers also mentioned the Russian sequestration of most of the ducal estates in Courland, claiming the incomes for the Tsardom. Therefore the
ministers claimed that in 1758 there was one response to all the previous requests. The message that Biron could not be released was clear. That was why Augustus had decided to help the Couronians who had demanded his protection.

The authors also tried to discredit Biron, claiming that the statute of 1736 did not mention him explicitly. It had not been the intention of the Diet, they claimed, to exclude any precedents for future vacancies. That law was intended to preserve the ducal form of government. The ministers claimed that the investiture was invalid and that Biron’s absence should be considered as a sort of civil death. They argued that in that case Augustus had not needed another statute of the Diet to appoint the Duke. They claimed that the Commonwealth’s approval was necessary in case of investiture through a plenipotentiary and it was only the King and the Senate that had dropped that requirement in 1739. The ministers stressed that if the monarch’s and Senate’s mutual decision in the appointment of Charles Christian were to be undermined, so the release of Biron from his individual investiture should be questioned by Russia as well.

The authors again claimed that Augustus acted in accordance with the bill of 1736 because the right he had been granted had not been used, as the investiture of Biron was null and void. This was not only because of the arguments made earlier, but also because the original Biron’s diploma lacked the seal of the Polish Crown – apparently they used the same argument Russia did in terms of the legality of Charles Christian’s diploma. Finally they stated that Russia had no claims towards Courland, because it was the vassal state of the Commonwealth.

The ministers also picked up on the supposed right of neighbourliness. For them this meant that the Empress wanted to capture Courland by force. They claimed according to such logic, all neighbours and states could make infinite claims. They also mentioned that the King could not recall his son without the Diet’s permission. The ministers stated that the Commonwealth could not see its monarch – the first of the Estates – to

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be offended. If the Empress truly acknowledged the Commonwealth's right to Courland and wished to remain its ally and good neighbour, she should have stopped supporting Biron and let Poland–Lithuania act.

Catherine was called on to withdraw her troops from Courland in accordance with the treaty of 1686 that specifically referred also to Courland. The authors announced that Augustus would send his emissary to St Petersburg and the Empress was asked to welcome him. Finally, the ministers claimed that Charles Christian had never opposed winter quarters for Russian troops in Courland.37

The Russian court was furious at this statement. The British resident in Warsaw, Thomas Wroughton, described it as a memorial, “wrote with all the insolence, warmth, rancour, and offensive expressions as if they had an army on the frontier, ready to fall upon the Empire of Russia”.38 The content of the manifesto was indeed partially provocative and did not strengthen the Saxon–Polish cause.

THE PRO MEMORIA OF VICE-CHANCELLOR WODZICKI OF 20 FEBRUARY 1763

Wodzicki addressed Keyserlingk and stressed that the Polish ministers should have continuously complained about Russia's illegal actions in Courland. The King and the Commonwealth were offended. The Vice-Chancellor reminded the ambassador that between 1741 and 1758 Courland had been governed on behalf of the King without any complaint from the Senate and nobility, and moreover without any demand from the Russian court to confirm the King's actions at the Diet. Wodzicki claimed that even if the investiture of Charles Christian had not happened, it would have been necessary first to terminate the regency and to restore the ducal office. He argued that if the Russian court denied the King's right to appoint the Duke, the monarch could not restore anyone either, as such an act of creation was similar to the act of ennoblement.
Wodzicki also presented a list of seven complaints against Russia. They concerned Simolin’s breaching royal prerogatives in Courland, forcing locals to acknowledge Biron, paralysing the government, threatening the Oberraten, disturbing actions undertaken by the senators, removing the rescript issued by the King to the Couronians, and arresting and detaining Polish officials for thirty hours. The Vice-Chancellor asked for the punishment of the Empress’ subjects who were guilty of these actions. He also stated that Biron was successful only because of military assistance. Wodzicki suggested that the Empress withdraw her soldiers to see whether the Couronians would really be interested in Biron’s restoration.39

THE EXPLANATION OF THE RECENT STAGE OF THE COURONIAN AFFAIR OF FEBRUARY 1763

This document described Polish–Couronian–Russian relations from 1736 until 1758, focusing mostly on the invalidity of Biron’s claims. The circumstances leading to this statement are not obvious as the title indicates this manifesto was released early in 1763. On the other hand, it is indicated below the document that it was prepared in Warsaw on 9 August 1762. The author(s) started with the statement that the Duchy of Courland is a feudum of the Commonwealth and the King. Author claimed Russia had no interests in that state except as its neighbour. In 1763 (sic! – 1736) the Commonwealth had granted the King the right to appoint a new duke under the condition sine qua non of the duke paying off the Duchy’s debts. Because of the great involvement of Empress Anna, the King had decided to make Biron the Duke in 1739 (sic! – 1737). Nevertheless, Biron never paid the debts, and he received from Couronians neither homage nor oath. Biron was accused of further indebted the Duchy as he received loans from Russia. He had therefore been accused by the Tsardom of spending this money for his own business. In consequence, the investiture conditions had not been fulfilled and according to the author(s) of this memorial, the investiture was invalid ex nunc.
The author(s) claimed that Augustus had given Biron more time to fulfil his obligations, but because of his captivity he was not able to do so. The Russian government had found the duke’s position vacant. Russian ministers had tried to persuade the King to appoint a new duke and issued a manifesto against Biron in Courland. The Regency Council had removed Biron’s name from public prayers. Augustus had ordered the regents to rule on his own behalf, as he did not want to leave the state ungoverned.

After 1741, Poland–Lithuania had expected Biron’s restoration and had repeatedly addressed Russian court to this purpose. The author(s) of this manifesto tried to convince the readers that Augustus had long refused his officials who had been encouraging him to enthrone one of his sons. He had decided to do so only at Elizabeth’s request. It was underlined that the right to appoint the duke belonged to the King. Before that Augustus had demanded the lifting of the sequestration and confirmation that Biron would never be freed. According to the author(s), Russia had issued such a declaration. During the Senate Council of 1758, only two or three votes had been cast against the new investiture. The senators concluded that because Biron failed to fulfil his obligations, his investiture was invalid.

It was also claimed that Peter III had wanted to take Courland by force and appoint his own uncle as Duke. Describing the moment of Catherine’s enthronement, the author(s) tried to compliment her and stress her advantages. While Courland was a province of the Commonwealth and bound to its suzerain, it might enjoy peace secured by mutual Russo–Polish treaties. King Augustus did not believe that such a wise Empress would try to undermine the alliance with Poland. She was accused of intervening in another monarch’s possession. At the same time the author(s) understood that Catherine would like to honour the man so recently released, but Courland should not be used for that purpose. This kind of compensation for Biron would disrespect the King, his crown, prerogatives and paternal
feelings. It was not the Commonwealth that had oppressed Biron, so it was not responsible for compensating him.40

THE RUSSIAN NOTE TO THE POLISH RESIDENT IN ST PETERSBURG OF 16 JULY 1763

The ‘Couronian Question’ was not concluded with Charles Christian’s departure. The pointless resistance of the Commonwealth and its diplomatic correspondence continued. Chancellor Mikhail Vorontsov delivered an official note to the Polish resident in St Petersburg on 15 July 1763, four years after concluding the agreement between Elizabeth and Charles.41 According to the Chancellor, “her Imperial Majesty, attentive to everything that concerned the dignity of the King of Poland, has not ceased to claim his justice, in which she always placed the greatest confidence”. Vorontsov claimed that Catherine wanted to grant some kind for establishment to Charles Christian, but the King seemed to refuse “to listen to any overtures for an accommodation, or for making satisfaction for the many complaints of the Empress”. It seems then that the House of Wettin could still hope to be granted some kind of compensation, such a popular tool in the eighteenth-century international politics.

There is a case that compensation for Charles in return for his resignation was discussed. Apparently at the very beginning of the ‘Couronian Question’ Catherine truly wanted to compensate him with some possession in the Holy Roman Empire. Augustus favoured this solution, but shortly afterwards looked for support for his son from France, the Habsburg Monarchy and Spain.42 The Empress wanted to grant him the bishoprics of Paderborn and Hildesheim and the city of Erfurt. Apparently Charles, as Catholic, did not want those bishoprics to be secularized for him.43

In the official statement Vorontsov argued that the Commonwealth had often violated the Russo–Polish Treaty of Perpetual Peace of 1686. The Tsardom and its sovereignty were also offended by the memorial of four Polish ministers issued without
any authorisation. Augustus was also accused of not acknowledging Biron and oppressing the rights of the Polish–Lithuanian nobility: “Nevertheless, still guided by the same principle of love to peace, her Imperial Majesty invites his Polish Majesty, in the most friendly manner, to treat of the affairs of the republic in an amicable way”.44 It seems all the references unconnected to the ‘Couronian Question’ were supposed to divert the Commonwealth’s attention away from the main topic. Perhaps Russia wanted to force Poland–Lithuania to surrender on that issue for fear of the other potential claims and accusations.

CONCLUSIONS

THE DECADENCE OF POLAND–LITHUANIA

The Russo–Polish dispute over the succession to the Couronian throne reveals poorly justified ties of the Commonwealth and Courland, many controversies around the legality of Polish–Lithuanian actions and most of all – the Russian persistence. It must be noted, that the Tsardom referred to the Polish–Lithuanian law only when necessary. On the other hand, the more often Saxon–Polish party referred to its legal system, the weaker it was in political reality and the more likely it was to make a mistake if the statements were not coordinated. The letter of law could not become a decisive positive argument or a tool leading to the solution of the dispute, but was rather a negative and damning instrument in case of legal uncertainty, procedural trespassing and naivety of reasoning. Poland–Lithuania was unprepared to secure its legal claims. Only in 1762 did the Senate Council call for an extraordinary Diet to confirm the rights of Charles Christian.45 The weak position of Chancellor Małachowski in 1758 and the timing of the legal expertise issued by the royal adviser Emer de Vattel (February 1763) show, how dependent on Russia and its moves were the Polish–Lithuanian authorities. They were also confused over competences. Most of the Polish statements were prepared by ministers not charged
with international affairs – which were the purvey of the chancellors. For some reason, Małachowski seemed to be not really involved in the case. In one of the resolutions, four ministers informed of the appointment of an envoy to Catherine, although it was King’s personal emissary representing him only and not the Commonwealth. Moreover, there were mistakes in the official statements (1763 instead of 1736). Also the plurality of authors and the resolutions was risky for Polish–Lithuanian claims as some of the phrases could be considered as contradictory and used by Russia against the Commonwealth, for instance Wodzicki’s reference to the principle of equity. All these attempts showed Saxon–Polish desperation and chaos in the state. The pen was definitely not mightier than the already dull sword.

From the diplomatic point of view, the installation of Charles Christian was a short-lived victory for the Saxon dynasty, one achieved without support of Versailles.\(^{46}\) In itself, the homage ceremony in 1759 was a prestigious victory for Poland–Lithuania whose King received the first homage in person since 1642. Despite legal doubts and accusations mainly concerning the Senate Council’s resolution of 1758, internal aspects appeared insignificant next to the change in the international situation which finally ended Saxon–Polish aspirations. There was a harbinger in Article I of the Russo–Couronian agreement of 1759. Elizabeth agreed to act on Polish–Lithuanian reservations concerning the privileged status of the Orthodox in the Duchy, but this agreement bypassed the Commonwealth.

In 1763, the Commonwealth was not prepared to repel the Russian diplomatic attack. Dresden and Warsaw should have been aware of the threat from Peter III whose earlier negative attitude towards Charles Christian was no secret. Yet Augustus III was unprepared for strengthening his son’s situation, including the controversies around religion. Although Poland–Lithuania stood no chance in a conflict with Russia over its claims in Courland, the Commonwealth’s unreadiness, passivity and partiality, represented for instance by Chancellor Michał

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Fryderyk Czartoryski – Russia’s advocate – helped the Tsardom achieve its goals in the Duchy.

It is all the more significant that in 1763 Poland–Lithuania suffered a total defeat in Courland, although it enjoyed the support of Saxony, whereas back in 1727, in the affair of Maurice de Saxe, Polish and Saxon interests had been at odds. This proves the importance of the changing international situation, not only regarding Dresden’s capacities, but most of all those of St Petersburg.

RUSSIA’S FOREIGN POLICY AND THE ORIGINS OF ITS INFLUENCE IN THE BALTIC SEA AREA

In the 1760s, Russia’s situation had become much more advantageous that in the 1720s. The Empress enthroned in 1762 was mature and well-oriented in politics. Thirty years earlier the Tsardom was plunged into domestic turmoil; Peter II (1727–1730) was an eleven-year-old boy.

We may see how successful Russia was in securing its interests, including the protection of Orthodox people within the country without a significant Russian/Orthodox population. Amazingly, through the agreement with Charles Christian the Tsardom stroke Courland in so many different spheres, securing the question of religious minority, trade revenues, passage through the Duchy, post office services, and finally – the position of the diplomatic representative and extensive immunities for further categories of the Russian subjects. St Petersburg tended to overlap every single outpost in Courland. We can notice that even without the advantage based on large ethnic minority, the imperial Russian government was successful in broadening its sphere of impact in the Baltic Sea region. The Russo-Couronian agreement of 1759 helped Russia keep the influence it already possessed, while concessions to Wettins proved limited and reversible. Allegedly, the softer policy introduced in 1758 only put the Saxon–Polish party off guard, while Russian capacities remained untouched and the Tsardom – ready to strike.
Nosov and Kurukin rightly claim that the ‘Couronian Question’ was Russia’s testing of Europe to find out how far it could go without serious consequences. This initial targeting of a small country gave Catherine II practice for her grander international endeavours. Victory gained at the frontiers of Europe encouraged Russia to go further and look for more ambitious aims. Europe’s passivity gave the Empress a green light for the further intervention in Poland–Lithuania, forcing the election of Stanislaus Augustus Poniatowski (1764–1795). Success in Courland was also the first step towards the Russian-inspired Northern System.47

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41 Apparently there was no Polish–Lithuanian resident at that time. Perhaps the journalists had the Saxon diplomat, Johann Prasse, in mind.
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44 The Declaration of the Chancellor of Russia to Polish Envoy [in English], 15.07.1763. Scots Magazine, pp. 564–565.
45 Nosov. Ustanovlenie, p. 78.

KURZEMES UN ZEMGALES HERCOGISTE STARP POLIJAS-LIETUVAS VALSTI UN KRIEVIJAS IMPĒRIJU. DIPLOMĀTISKAIJS STRĪDS PAR KĀRĻA KRISTIANA VETĪNA VALDĪŠANU, 1759–1763. ATSEVIŠĶU ASPEKTU ANALĪZE

Grzegorz Szymborski


Atslēgas vārdi: Kurzemes un Zemgales hercogiste, Krievijas impērija, Polijas-Lietuvas valsts, diplomātija, Vetīnu dinastija.
Kopsavilkums

Raksta uzmanības centrā ir tā dēvētā “Kurzemes jautājuma” izšķirošā fāze starptautiskajā cīņā par varu Kurzemes un Zemgales hercogistē 18. gadsimtā. Šī cīņa norisinājās starp Polijas-Lietuvas valstī, kuras vasalvalsts bija Kurzemes hercogiste, un Saksijas kūrfirstisti, kuru intereses bieži vien nesakanēja (neskatoties uz personālūnīju), kā arī augošo Krievijas impēriju (kam Livonijas piekraste un resursi bija noderīgi) un Prūsijas karalisti (protestantisku valsti, kas tiecās apvienot savas teritorijas un Vācijas impērijas ietvaros sacentās ar Saksiju).

Izmantotie avoti galvenokārt ir manuskripti poļu valodā, kā arī vēsturiskā britu prese, kas ietver informāciju par Krievijas un Polijas diplomātisko disputu. Atsevišķas detalās papildinātas no mūsdienu Krievijas vēsturnieku darbiem.


Pētījuma galvenā daļa uzmanības centrā ir Krievijas politikas pārvietojuma līdz 1762. gada jūlija apvērsumam, Polijas-Lietuvas valdības nekompetence un sasprinātās attiecības starp Varšavu–Drēzdeni un vienas puses un Sanktpēterburgu no otras. Arī šai gadījumā galvenie rezultāti ir iegūti, pateicoties Krievijas un Polijas diplomātiskajai korespondencei par Ernsta Johana Birona atjaunošanu Kurzemes hercoga tronī (no Krievijas...