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The Influence of Interreligious Communication on social development in eastern part of Polish-Lithuanian Commonwealth in the first half of the XVII century

Interreligious communication was one of the most important factors of social development in XVI – XVII century Great Duchy of Lithuania, the common heritage state of Belarusian, Lithuanian and Ukrainian nations. Polyethnic and polyconfessional society of the state needed peaceful way of communication in order to avoid armed conflicts and violation. Polemical literature proposed this kind of communication in order to articulate different views on Christian religion and social life inside the country.

Polemical literature was the set of philosophical, publicistic and literary works on theological, church and social issues. This kind of literature appeared as intellectual reaction of historical churches on Reformation in middle of XVI century. Modern views of Christian religion that were brought by Reformation to Catholic and Orthodox population of Great Duchy of Lithuania received intellectual reaction from these denominations. Fast developing of Reformation in XVI century inspired Catholic and Orthodox authors, who aimed to propose critical view on Protestants. This period was characterized as domination of theological disputes and researches in sphere of fair.

Union of Brest 1596, the ecumenist act between Orthodox and Catholics confessions in Great Duchy of Lithuania reformatted the topical field of religious polemics. If the earlier period of religious polemics characterized by domination of theology as a subject of interreligious communication, then Union of Brest as act of law has reorganized it. The part of Orthodox society, that was against the Union, accused opposite side in offence against the religious and secular law. Catholic and Uniates in their turn also accused Orthodox opposition in law violation. Taking into account these charges the interreligious communication changed its vector from theo-
logy to religious and secular law. From the end of XVI century, polemical issues on religion were discussed in field of decisions of World Synods, as well as the laws and regulations of the secular authorities.

Starting from the XVII century the concept of law became the main field of interreligious communication. Religious law and legal regulations of secular and religious authorities were used in interreligious communication by polemical writers and religious intellectuals in order to protect their specific views. The law became the source of the arguments and the mechanism of arguments representation. Thanks to the law, mystical and existential narrative were reduced from the polemical literature and inter-religious communication of this period.

The first polemical work that has been based on the law citation was the brochure of Benedykt Herbest. B. Herbest, the pseudonym of Benedict Zelenevich (1531-1593), the Catholic priest, teacher, polemicist, rector of Lviv city school, and Jesuit Collegium in Jaroslaw, professor of the Krakow Academy. B. Herbest used religious law in order to formulate the basement of union between Orthodox and Catholics churches and provide arguments to arrange this union under Pope of Rome jurisdiction. B. Herbest has been trying to provide the ground of the Catholics church existence and the source of power of Pope of Rome. All arguments in the booklet were represented as history of legal activity of Christian church. The citations from the decisions of World Synods were listing in chronological order. Using the text of Holy Scriptures and Acts of the Apostles, B. Herbest tried to prove the origin of the Roman church from the priority of St. Peter and to retrieve Orthodox Church to one organization with Catholics. The moto of his work B. Herbest described in the following words: "The truth of our results, which are based on the Holy Scriptures and Acts of the Apostles, from the side of St. Peter's who has seniority in all Christianity; then by side of the same St. Peter and his substitutes, bishops of Rome, that was explained in general Synods and meetings". In another words, B. Herbest have used law in order to prove the priority of Pope of Rome that was grounded on the priority of St. Peter and necessity of union between Christian confessions under Pope's jurisdiction.

Listing the history of religious law B. Herbest included ecclesiastical law in sphere of interreligious polemics. He used the religious law as an argument. Retrospective analysis of canon began to dominate in contemporary religious communication, becoming the main way of polemical text constructing.

Synod of Brest became the event that inspired the new kind of polemical literature, which used the same logical and polemical mechanism proposed by B. Herbest. The most important Catholic intellectual of this period was Piotr Skarga (1536-1612). P. Skarga, the real name Piotr Poveski, he graduated from the Cracow

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1 B. Herberst, Wiary Kościoła Rzymskiego Wywody y Greckiego niewolstwa historya, [w:] Русская Историческая Библиотека, Vol. 7, S. Petersburg 1882.
2 Ibidem, p. 583.
Academy, studied in Vienna and Rome. P. Skarga was one of the funders of Jesuit Collegiums in Polatsk and in Vilnius, he became the first rector of the Academy of Vilnius. P. Skarga created key polemical text for the Uniate and Catholic community of Polish-Lithuanian Commonwealth “Synod of Brest” and "The Defense of Brest Synod".

P. Skarga with great delicacy presented a chronicle of the Synod of Brest. He provided the list of ambassadors and participants, explained the way of harmonization Orthodox and Catholics religious law and theology. Such a detailed report should convinced the reader that the Synod was held procedurally correct, that there had been violated not acts of law, nor the incorporation procedure. He also explained how religious law harmonization were realized between Orthodox and Catholics communities.

The Orthodox community, in their turn, used religious law in order to explain illegal status of Union of Brest. The most authoritative work of Orthodox intellectual tradition of the early XVII century was Apokrisis by Christopher Philalet. The text became methodological and argument basement for the vast majority of future Orthodox polemical works. Under the pseudonym Christopher Philalet was hiding, according to some assumptions, the Protestant Martin Broniewsky (about 1568-1624). Educated at the universities of Heidelberg and Viteberg (Germany) Ch. Philalet supported the party of Duke Konstantin Ostrogski (1559-1608). Duke K. Ostrogski was the main figure of political life in Great Duchy of Lithuania and Polish and Lithuanian Commonwealth of this period. K. Ostrogski was in opposition to union between Orthodoxy and Catholicism and gathered opposite meeting during the Brest Synod. This meeting split Orthodox community. Combining Protestant thinking with the Orthodox spiritual tradition, the opposition meeting accused the Uniate Church which was inpu t under the rule of one authority (Pope of Rome), denying the legitimacy of the church hierarchy, which accepted that.

Apokrisis is a prime example of the convergence of Protestant thinking and Orthodox context. Using the Protestant form of argumentation Ch. Philalet marked trend in Orthodox polemical thinking that would not change over the next hundred years. Based on the secular and the religious law, the author described in detail the need of the separation between the Greek Orthodox Church and the Catholic Church of Rome. Ch. Philalet emphasized that the procedures were violated during the Synod of Brest, and Brest Union has violated religious law.

Accordingly to the text sections the Apokrisis could be reduced to the following argument areas: 1. The analysis of the Holy Scripture in order to emphasize theological differences between Orthodox and Catholics churches; 2. The analysis of...
religion law in order to legitimize the existence of the Orthodox Church; 3. The analysis of secular law of the Polish and Lithuanian Commonwealth as well as the Grand Duchy of Lithuania to prove the legal existence of the Orthodox community. Each section analyzed, first of all, the legislation (laws, privileges, letters).

As the subject of religious polemics Ch. Philalet understood the law. Separating written and unwritten law: "One unwritten, that custom is called, the second – that in Scriptures, which also can be divided into two. The first one is in the statutes and constitutions, for all citizens, codified; the second is in the letters and privileges, that not listed in codex but have individual titles"\(^6\), Ch. Philalet definitely preferred written law as more important source of polemical arguments and field of communication with religion opponents.

If Ch. Philalet allocated only written and unwritten law, Zachariasz Kopysteński (the first half of the XVI c. - 1627), the orthodox polemicist of XVII century explores more detailed typology of law in order to allocate the field of polemical communication with opponents. He identified the following types of law: the Divine and Apostolic law; the Divine and obtained law; the canon law; the law of Kings, Dukes and Caesars; the law of implementation and application. Under the Divine and Apostolic law Z. Kopysteński understood the rules of jurisdiction of the Constantinople Patriarchate over Ruś (Belarus and Ukraine) that was given through the Apostle Andrew, who was the baptizer of Ruś due the order of God. Under the Divine and obtained law, he understood the right of Constantinople Patriarchate, which brought Christianity to Ruś. On the one hand, God sent the patriarchs of Constantinople to convert Ruś, and therefore this law is called Divine, on the other hand, the patriarch of Constantinople added Ruś to the Greek Church, and through it was the law obtained. Under the canon law he understood the legal acts produced by the World Synods. Under the law of Kings, Dukes and Caesars Z. Kopysteński understood laws issued by secular authorities of Greece, Ruś, Grand Duchy of Lithuania and the Polish-Lithuanian Commonwealth. Under the law of implementation and application he understood the rules given to religious hierarchy in ordaining and implementation of duties\(^7\).

Summarizing the typology of law by Z. Kopysteński it could be articulated to the following arias of inter-religious communication.

Strong shift in polemical dialog between Orthodox and Catholic/Uniates intellectuals from religious law to secular law occurred after the initiation of the new Orthodox hierarchy that was done by Patriarch of Jerusalem Theophanes III (1570-1644) in 1620. The Union of Brest reduced Orthodox hierarchy in Great Duchy of Lithuanian because Orthodox Church of the state changed the jurisdiction from Constantinople Patriarchate to Pope of Rome. Due this changed jurisdiction the

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\(^6\) Х. Філалет, Апокрісисъ. Сочиненіе Христофора Філалета. Въ двухъ текстахъ Польскомъ и Западно-Русскомъ 1597-1599 года, [w:] Русская Историческая Библиотека, S. Petersburg 1882, Vol. 7, p. 1070.

\(^7\) З. Капустенскій, Палінодія, w: Русская Историческая Библиотека, S. Petersburg 1878, Vol. 4.
The opposite part of the church which did not accept Union had lost the right of initiation of new religious hierarchy. The act of initiation of new Orthodox hierarchy has spawned a new wave of religious and intellectual polemics, that was tried to understand the co-existence between state and religious organization. Becoming the most important point of religious activity in early XVII century, the initiation of new Orthodox hierarchy has created the specific field of intellectual debates between Orthodox, Catholic, and Uniate communities that was provided on the secular law ground.

The source of polemical activity was in the circumstances of the referred initiation. On the one hand, the King, who greeted Theophanes III with the appropriate letter, recognized his visit to Polish-Lithuanian Commonwealth. The visit was done on the back way from Moscow to Jerusalem, when Theophanes III accommodated in Kyiv, and has been spending time in communication with Orthodox community of Great Duchy of Lithuania, welcoming delegations from different cities of the state.

On the other hand Theophanes III initiated new hierarchy that was done in secret from the government. The persons who were ordered to bishops were not represented to the king. This initiation created new Orthodox hierarchy meanwhile the government recognized the legal Orthodox hierarchy in Uniates bishops. This process was executed in very secret manner and under the pressure of the Kyiv Orthodox community: "Theophanes III decided to initiated them with the utmost caution and secrecy, because was not asked the King's permission". Taking into account that the initiation of the new Orthodox hierarchy was done secretly, the candidates were not presented to the king, and Theophanes III had Turkish citizenship, he was charged by government and Uniates in spying on the side of Turkish Sultan. The new Orthodox church and Theophanes III were accused into three facts:

1. The initiation of the hierarchy was realized without the presentation of candidates to the king,
2. The initiation of new bishops was realized meanwhile the old orthodox bishops who excepted Union of Brest were alive,
3. The secret manner of initiation, there were not informed neither authorities nor people of the state about the initiation.

These three factors have given the basement to Catholics-Uniate community to accuse Theophanes III in spying on the side of Turkey, meanwhile Turkey was the greatest enemy of Polish-Lithuanian Commonwealth. Taking into account that mentioned event related not only to the area of religion, naturally, in order to understand it religious intellectuals addressed to the secular law. Catholics and Uniates authors used secular law in order to represent the new Orthodox church as illegal

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organization and Orthodox community has been using it to defend the act of initiation and protect their organization by means of this law.

The convergence of religious and secular law in the light of religious polemics became possible on the basis of the apology of Theophanes's III act. One of the most active Orthodox thinkers who argued in this regard was Meletius Smotrytsky (about 1577-1633), a talented debater and one of the initialized by Theophanes III bishops. He was the key author of the several polemical works published by Orthodox Community of Vilnius, the most important were *Verificatia niewinności* (*The Verification of Innocence*) and *Obrona Verificaciey* (*The Defense of Innocence*). Another one intellectual and initiated by Theophanes III bishop of Kyiv was Job Boretsky (1560-1631), the first rector of Kiev-brotherly school who published *Justificacia niewinności* (*The Justification of Innocence*).

M. Smotrytsky and I. Boretsky emphasized that Orthodox community did not violate any statute of the state or any secular law during the act of initiation. Secondly, the patriarch Theophanes III had the legal right to be in the state that was confirmed by the king's letter. Third, the Orthodox Church, represented by the majority of the Ruthenian people (Belarussians and Ukrainians) must have own religious hierarchy in accordance to ancient rights and privileges that were granted to them by Ruthenian Dukes, Dukes of Great Duchy of Lithuania and were confirmed by Polish Kings.

From the Orthodox perspective, the initiation of new hierarchy was an internal process of the religious organization. Moreover, according to the Orthodox thinkers, religious organization should be independent from the secular government in religious activity in order to differentiate divine and governmental duties. M. Smotrytsky in the *Obrona Verificaciey* emphasized: "Bishop couldn’t be kicked out of his position if he was initiated without secular patronage".

Orthodox community interpreted the act of initiation not as creation of new religious organization, but as realization of historical right of Ruthenian people. The realization of the right was understood as real implementation of secular law. In the explanatory letter to the king J. Boretsky wrote: 'It is known, in holy memory of King, his Excellence, Sigismund August and Your Excellence, dear lord, not new right to

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our people issue, but old our right implement which he promised to save and serve to it, when our state [Great Duchy of Lithuania] was to Poland incorporated”.

Taking into account 30-years period without religious hierarchy of the part of Orthodox community, which did not recognize Pope’s of Rome jurisdiction, naturally, they did not differentiate the law dedicated to the religious organization and to the secular people. Secular and religious laws have been incorporated into one jurisdictional reality. This type of reality gave possibility to communicate with opponents from the other religious organization in order to protect specific views on the social and political reality. In the situation when the secular laws had much more influence on religious life the religious intellectuals shifted their attention from religious to secular law.

Thanks to the mentioned shift the Orthodox thinkers could promote the idea that the religious hierarchy had not been the privilege of the Orthodox Church but the privilege of the Ruthenian people that was granted from the secular authorities. M. Smotricky wrote: "To give us the bishops in accordance to the law and right that have been given to us from the holy memory of Polish Kings”.

In accordance to that view religious hierarchy was the privilege of the Ruthenian people not only Orthodox church and its hierarchy. The deprivation of that right was understood as prohibition to practice their faith to the nation.

The problem of the polemics was in understanding of the law implementation as far as Orthodox and Catholic sides understood it in different way. If the Uniates and Catholics understood religious rights as secular law implemented to religion hierarchy, the Orthodox side applied this right to the Ruthenian nation. In other words all secular laws that were issued to Orthodox church the Orthodox thinkers interpreted as the privileges that were given to the Ruthenian people.

This understanding of law was provided to retrieve Orthodox church to the real spiritual life in the state. Quoting the secular law the Orthodox religious thinkers were aimed to confirm the rights and privileges of the Ruthenian nation. Listing secular laws was understood as form of protection of the secular right. The act of listing of the law was the act of it actualization, the act of defending by law through the naming and listing of it.

The reference to the secular law became recognized by Orthodox community as the argument basis to defend their views from the moment of initiation of new Orthodox hierarchy. The secular law was interpreted as equal communicational framework that gave mutual argument and conceptual mechanism for each confession in order to promote its specific views.

The secular law has also been recognized by Catholic and Unites thinkers as preferable framework of inter-religious communication. The secular law provided mutual argument basis that, in comparison with theology, was recognized as legal by each confession. In response to the exculpatory works of Orthodox thinkers there was

14 M. Smotrycki, Verificatia niewinności: Y omylnych po uszytkiem..., op. cit., p. 287.
created polemical work *Sowita wina* (*The Generous Fault*)\(^{15}\) by Josyf Rutski (1574-1637). Published by Uniate community of Vilnius, the work refuted arguments of M. Smotritsky and J. Boretsky, primarily relying on secular law.

*Sowita wina* sets the opposite vision of the Orthodox argumentation. J. Rutski declared the primate of governmental and secular law on religion. He promoted the idea that the violation of secular law couldn’t be excused by execution of religion legislation. Religion rights and old privileges could not justify the secrecy of initiation and lack of resolution of the secular authorities. Creation of new religious organization without the permission of the king was recognized as violation of secular law.

Catholic and the Uniate Churches did differentiate the Orthodox hierarchy and Ruthenian nation. The Orthodox community, which they named as "schismatics", they recognized as separated part of Orthodox hierarchy that did not recognize the Pope of Rome as the head of the church. This separation Uniates understood as national separation and promoted idea of unity not in religious sphere only, but national also. In their opinion, this kind of unity could be discovered in religious unity under the governing of Pope of Rome. In the Polemical work "Rozmowa albo rellatia rozmowy dwoch Rusinow schizmateka z unitem" (*The report from the conversation of two Ruthenians, Schismatic and Uniate*)\(^{16}\). K. Skupieński, the author of this polemical work, did not differentiate Ruthenians as nation that has specific religious confession, but differentiate people in accordance with their fair. This differentiation was recognized as historical issue that did not have any ontological ground and could be applied to every nation.

Despite the differences in the understanding of the applicability of law Orthodox and Catholic-Uniate community agreed that laws and regulations were the ground and tool to subordinate all state institutions and organizations. The right taken as a general and necessary field of action was recognized as required for all members of society without exception.

In polemical work *Sowita wina* it could be found the following words: "When Ruś was incorporated to the Polish Crown, thereby obliged to be under the same rights and customs that have been in the Crown"\(^{17}\). In other words, the difference between the legislation can be explained only by legislative differentiation of different state. The one state should apply one law for all and need to have one system of legislation.


\(^{17}\) J. Rutski, *Sowita wina*, to iest odpis na script..., op. cit., p. 453.
The issue of initiation of new Orthodox hierarchy without presentation of the candidates to the king was the issue of competence separation between local authorities and foreign religious government of local church. As mutual state has provided mutual legislation so that legislation have been understood as primate in comparison to religious law. If the religious law could be understood in different way depending on confession, the secular law hadn’t that kind of interpretation diversity. That’s why Catholics and Uniates could accuse Theophanes III in spying on the Turkish side interpreted the initiation of Orthodox hierarchy as act of destabilization.

The focus of polemical arguments changed in the situation when the balance between secular and religious law was not transparent but the civil authorities could influence on religion life in the state. The argument basis has transited from the laws issued by the World Synods to observation of legislative acts of Polish-Lithuanian Commonwealth, Grand Duchy of Lithuania and old Ruthenian Duchies. The such Orthodox polemical works as Synopsis and Suplimentum Synopsis are a prime example of this transition.

The Synopsis lists the rights and privileges that were granted to the Ruthenian people by kings of Polish-Lithuanian Commonwealth and Grand Dukes of Lithuania. The fact to appellation to the secular law by Orthodox thinkers arises out the understanding that the secular law must protect them. To declare the Orthodox position Synopsis mentions legislative acts in chronological order from 325 AD, starting with legislation of Eastern Greek Church and ends the year of 1632, mentioning the legislative acts by Ruthenian Dukes and ending with laws issued by the current king.

The Suplimentum Synopsis, on the ground of secular law observes the historical period between the announcement of Union of Lublin and ends in 1621, with the laws issued by Sigmund III. The work lists the rights, privileges and liberties which were granted to the Ruthenian people, who were under the spiritual leadership of the Patriarch of Constantinople. Suplimentum synopsis provides 23 arguments that the Orthodox community should have religious hierarchy. In the form of arguments there were considered the acts of secular legislation. These examples proves that religious thinkers changed vector of polemics from the legislation of confessional existence in the world to legislation of existence in specific country.

Thanks to the interpretation of the law as legal system which could defend the rights of religious organization there was provided the new understanding of freedom. This concept was interpreted in connection with law and was understood as the product of legislative system. For Orthodox community the political freedom was understood as responsibility that had been taken not by compulsion, but willingly. Compulsion was interpreted as illegal instrument that provides the right of strong to influence on the weak. In Justificacją nowinności J. Boretsky wrote, "but by compulsion..."
is easier to fall weak; because our Ruthenian people under the Patriarch patronage being without their own spiritual hierarchy couldn’t exist anymore”\textsuperscript{20}.

In opposition to the compulsion the Orthodox thinkers recognized voluntarily accepted laws. This kind of willing they recognized as natural manifestation of freedom. Thanks to the voluntary accepted law it could be differentiate citizens, who lived in accordance to law and slaves, who lives in accordance to willing of others. The citizens are people, who freely accepted the law and live in accordance to it. I. Boretsky wrote: “What is the freedom if it is not the law that was freely accepted? To live not in subjection, but in accordance with rights of voluntarily accepted”\textsuperscript{21}.

During the deployment of religious polemics, it turns to the right as the ground of communication, which rely on religious organizations in their accusations and excuses. Right became the source of arguments and common space for communication for a secular population and religious hierarchy. It became universal space and tool for disputing.

The axiological value of the right was transferred from the polemics to the wide population in Polish-Lithuanian Commonwealth. As the religion organizations had wide influence on the society, the value of right was recognized as important part of social life. The right has received universal axiological value and was implemented in the society as civilizational feature.

As confirmation of these thesis it could be considered the case of Josaphat Kuntsevych (1580-1623) the Uniate Archbishop of Polack, who was murdered in Vitebsk by Orthodox community on November 12, 1623. This day was recognized by society as the end of intellectual debate that was changed on direct action. Uniate priest, who was using words in his activity had been murdered by armed opponents. As a result, Vitebsk had lost all privileges and the participants of the crime were sentenced to death. Lew Sapieha (1557-1633), talented authority of Polish-Lithuanian Commonwealth, co-author of the Statutes of the Grand Duchy of Lithuania, who has been supported the Orthodox community before had been acted as a judge on the process.

Meanwhile, it is interesting not the fact of punishment that was naturally enough from the point of the state view on justice, but the consequences which befell the Orthodox community after the murder. The polish researcher of the Orthodox Church Kazimierz Hadynitski in the early twentieth century wrote: “The murdering of Josaphat Kuntsevych have been affected in the worst manner on the Orthodox community. Martyrdom and subsequent canonization (1643) led to a sharp increase in followers of Union... The cult of St. Jehoshaphat quickly spread. Since that time, the

\textsuperscript{20} I. Borecki, \textit{Justificacja nowinności...}, op. cit., p. 530.
\textsuperscript{21} Ibidem, p. 514.
Union became the dominant religion at White Ruś. Vitebsk had any shrine that wasn’t belong to Union until the time of Polish partition”\(^{22}\).

The sharp increase of Union followers as result of the J. Kuntsevych’s murder and the punishment of offenders could be recognized as a strong correlation to wide acceptance of law as civilizational value among the population of Polish-Lithuanian Commonwealth. The violation of the right was recognized as the last argument in religious disputes. The neglect of legal instrument became the decisive factor to provide domination of one point of view. That’s why an illegal practice was recognized as sign of misconception.

The mentioned fact also confirms the thesis of the influence of the religious polemics to the public opinion. Religious polemics or interreligious communication was part of the real life of the society, and the finding of religious thinkers had found the place in ordinary consciousness in Polish-Lithuanian Commonwealth.

In this way the inter-religious communication in Grand Duchy of Lithuania could be represented as the transition from the theological content to the legislation. This transition was occurred due the Union of Brest and initiation of new Orthodox hierarchy. These two events influenced on religion polemics as factors which focused religious thinkers to religious right and after to the secular. The secular right as the context of religious polemics gave possibility to find stable framework in order to communicate with opponents. That integrative value of right was recognized as universal civilization value among the population of Polish-Lithuanian Commonwealth. Thanks to the recognition of right as axiological value there was found specific concept of freedom. In this way, freedom was interpreted as axiological dominant that was provided by voluntarily accepted laws.

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