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The Component of Respublica Romanorum in the Constitutional Heritage of Nobiliary Polish-Lithuanian Republic (16th through 18th Centuries)

Abstract

When in the 16th century in many European states, the monarchical power began to drift toward absolutism, the Polish-Lithuanian state evolved in its constitutionalism along the Republican lines. Its monarch could be brought to accountability for the violation of the law. Likewise, he was freely elected by the nobles and held his position for life. The nation of nobles that, by the standards of the time, made up a remarkable section of the entire population of the country was protected against the monarch's attempts against their liberties by a series of remarkable privileges. And indeed, a noble's property was prevented from being groundlessly confiscated. Likewise, an individual of nobiliary status could not be arbitrarily imprisoned. The representatives of nobles, while sitting in the benches of the Sejm, had a considerable share in exercising the state power, particularly in the area of the law-creating process and when the imposing of tax liabilities was debated. In addition, the clauses of the Henrician Articles (1573), which were a kind of Fundamental Law of the Nobiliary Republic, guaranteed the mass of the nobles religious toleration within the Christian denominations. The spirit of this toleration in practice also applied to the non-Christians (Jews and Muslim Tartars who inhabited the Republic).

The republican slogans that were responsible for forming a specific frame of mind of the nobles assumed a new dimension when the culture of *Latinitas* type began to be promoted. The latter started to develop on occasion of the acceptance by the authorities of the Nobiliary Republic of the principles of the Council of Trent, which happened in the 1570s. The Republic remained within the Catholic Camp. From that time on, the young nobles used to be educated in numerous Jesuit colleges and had not only a fluent command of Latin but also a profound knowledge of the history and culture of antiquity. Hence, they looked at their state, the *Respublica Polonorum* as a successor of the late *Respublica Romanorum* with the virtues of the latter. These virtues, when filtered through the system of Christian values – pushed to the foreground the concern for the welfare of the motherland, support for the democratic ethos and egalitarian spirit within the nobiliary *milieu*, and also the willingness to defend the Christian world against the invasion of the barbarians (the concept of *Antemurale*).

The republican spirit survived the era of constitutional deterioration in the country that started in the mid-17th century. With the era of reforms which began in the 1760s, the constitutional improvement reached its climax in the Constitution of 3rd May 1791. Like in the British system, king was located at the position of the monarch who could do no wrong since all his executive acts required the endorsement made by the right minister. The separation of powers was emphasized. The ministers could be

brought both to their political responsibility to parliament if they lost the support of the majority in the houses and also to constitutional responsibility for their *contra legem* acts.

Keywords: history of Poland-Lithuania, nobiliary Republic, the culture of *Latinitas*

1. Introduction. A General View of the Concept of *Latinitas* in *Respublica Polonorum*

While reflecting on the specificity of the Polish-Lithuanian Republic, Daniel Defoe wrote in 1728:

A man who can speak Latin may travel from one end of Poland to another as familiarly as if he was born in the country. Bless us! What would a gentleman do that was to travel through England and could speak nothing but Latin [...] I must lament his condition [...]¹

This common command of Latin, not only among the nobles but also among the individuals of lower classes if they, upon having obtained some educational level, performed official functions, was reflective of a larger phenomenon: the expansion of the culture referred to as *Latinitas*. This was the Latin-based culture, demonstrating a lot of reverence for the tradition of antiquity and the values attributed to the ancient Roman Republic.²

The expansion of *Latinitas* was bound with the acceptance in the sixties of the 16th century by the authorities of the nobiliary Republic of the principles of the Council of Trent (1545–1563).³ As a result, Poland-Lithuania remained within the circle of Catholic countries and this fact did not leave the shaping of the frame of mind of the nobles unaffected.

Let us briefly recall that the Council of Trent, while trying to cope with these weaknesses of the Church that at one time gave rise to reformation, contributed to the fundamental ecclesiastical improvement. The Council raised the moral and intellectual level of the clergy by insisting that the seminars educating them be established in each diocese. The bishops were obligated to permanently reside in the latter and effectively perform their *cura pastoralis*. As regards the doctrine, Tridentum emphasized the role of the Church tradition that was rejected by Protestantism, while the Church clung to the opinion that tradition, including the cult of the saints, was not something accidental but providential. When viewed from that perspective, the tradition was the implementation of the words of the Founder of the Church: “I am with you until the last days.” Likewise, the Council precisely outlined the entire scope of the sacraments, among which Protestantism, which soon fell into a series of branches, made a fairly arbitrary choice.

This improvement of the image of the Catholic Church led fairly quickly to the reconversion of many noble families whose ancestors, at one time, sided with the reformation, particularly with Calvinism.⁴ The reconversion resulted from the free choice made by

¹ Defoe is quoted after: Davies, *God's Playground*, 183.

² Mikołajczak, *Lacina w kulturze*, 153–229.

³ Nowak, *Dzieje Polski*, 400.

⁴ Baran, “The Tradition of Roman Republicanism”, 187.

the nobles. The deeply rooted tradition of a large spectre of civic rights enjoyed by them and discussed further in the present paper excluded the possibility of exerting any authoritatively imposed pressure on a noble individual in order to force him to change his confession. What was open was rather the path of dialogue and persuasion. And indeed, the persuasive tone was characteristic of counter-reformation in Poland-Lithuania.⁵

This new climate formed around the Church allowed the dynamically operating Jesuits to develop in the Republic a network of colleges in which the nobiliary youth used not only to arrive at a fluent command of Latin but also obtained a deep knowledge of the culture and history of the antiquity.⁶ The texts of Horace, Seneca, Julius Caesar or Decimus Juvenalis were among the readings of the young nobles. In the mouth of a nobleman, the slogan: *Eques Polonus sum, Latine loquor* (I am a Polish nobleman, I speak Latin) was something natural.⁷ What nobility demonstrated by their excellent command of Latin was their identification with the Latin civilization and their faithfulness to Roman Catholicism.⁸

Consequently, the nobles, well acquainted with the history of the Roman Republic, could view the latter as a point of reference to their constitutional ideas and strengthen their belief that the state in which they happened to live had something to do with the extinct *Respublica Romanorum*. What consolidated their belief in the unique character of their own state were little uplifting examples of European countries whose rulers demonstrated ever lesser respect to the representatives of social estates. Particularly depressing was the example of Muscovy with its despotic tsar.

Thus, for the Polish nobles, the example to be followed was the ancient Roman Republic, whose inhabitants, those enjoying the status of citizens, availed themselves of remarkable civic rights. They had a considerable share in forming the authorities of the Republic and particularly participated in the law-creation process.

This attractive image of Roman democracy – when filtered through the concept of Christian values – contributed to the creation of the silhouette of the citizen of the *Respublica Polonorum*. Such a citizen was aware of the unique nature of the constitutional system of his state and was ready to defend it with courage and sacrifice. While incessantly experiencing the threat of invasion from the countries whose religiosity was hostile to Roman Catholicism, and specifically from Ottoman Empire, orthodox Muscovy or Lutheran Sweden, the representative of the nobiliary nation considered himself to be a defender of the civilization in which he was reared and the roots of which could be ascribed to the remote ancient past.

These republican traditions, which became consolidated in the era of the 16th-century constitutional changes introduced by the Henrician Articles,⁹ had their provenance in a series of 15th-century privileges conferred on the nobles by the successive rulers who yielded to the pressure exerted on them by the mass of the knights who soon turned into

⁵ Mikołajczak, *Lacina w kulturze*, 183–4.

⁶ Baran, “The Constitutional Uniqueness”, 103–4.

⁷ Mikołajczak, *Lacina w kulturze*, 207.

⁸ *Ibidem*.

⁹ See further discussion below.

a nobiliary nation¹⁰ and who demanded that an individual affiliated with this nation be granted a specific scope of freedom secured by the guarantees protecting him against the excessive interference from the state agencies.

As has been said, the most fundamental privileges were granted to the nobles in the 15th century. And specifically, the landed property of the noble became protected against arbitrary confiscation (Privilege of Czerwieńsk of 1422), while he himself became protected against arbitrary imprisonment if made without due process of law (Privilege of Jedlna and Cracow of 1430–1433).¹¹ This last privilege was close to the later English *Habeas Corpus* of 1679.

Among these 15th-century privileges granted to the nobles, a significant place was doubtless occupied by the Privilege of Nieszawa of 1454. This privilege guaranteed the nobles the rights of political nature, and namely, it granted them an effective share in the law-creating process as well as in taking the decision on imposing taxation and calling levée-en-masse.¹² It is also worthy of note that the moment the nationwide parliament (the Sejm, the *Conventio Magna*) had been formed, the republican tendency was particularly strongly detectable in the Nihil Novi Statute of 1505. The Statute manifestly introduced the principle of separation of powers, leaving the domain of executive power with the King while vesting the legislative power in the two-housed Sejm.¹³

The above-sketched drift toward republicanism was, one might say, accomplished in 1573 with the Henrician Articles. The latter made up a kind of fundamental law of the *Respublica*. They provided for the regularly summoned Sejm with its legislative power and for the monarch freely elected by the mass of the nobles and equipped with the executive power but also made responsible to the nobiliary nation for the infringement of the law. The famous article referred to as *de non praestanda oboedientia* provided that

¹⁰ It was in the course of the 14th century that the nobles became identified as a legally closed estate. Grodziski, *Obywatelstwo*, 86–8.

¹¹ Czerwieńsk Privilege, 1422: “[...] we promise that, from this day forward, we will neither possess nor confiscate, nor cause to be possessed or confiscated, the hereditary property of any royal subject, of whatever rank, position, or prominence he may be, or rank he may have been; nor, through us, our officials, or any others, will we visit the penalty of this confiscation, for any illegal or blameworthy act, unless, first, our judges, which we have assigned to the case, together with our bishops and barons, have conducted a full legal inquiry, and second, a sentence has been handed down.”; Jedlna and Cracow Privilege, 1430–1433: “Moreover, we promise and pledge that: for some impropriety, we will neither seize at once, nor order the seizure of, any propertied native individual; nor shall the same be punished, unless justly convicted through a criminal proceeding. As for jurisdiction and judges, an accused will be tried in the locale of his home, by judges of that same place. Exceptions to the foregoing: the above does not apply in the case of a man caught in the act of stealing or of public crime (viz, arson, voluntary manslaughter, rape of maidens and matrons, pillaging and despoiling of villages), nor in the case of those, who should be unwilling to honor or pay an outstanding debt, bordering on an excessive or criminal amount.” *Constitutions, Elections and Legislatures*, 417–8; see also commentary by Baran, “The Tradition of Roman Republicanism”, 180–1; Soroka, “Historical Studies”, 36.

¹² *Historia państwa i prawa Polski*, 34–40.

¹³ “Because common laws and public ordinances affect not one, but all people in common, therefore, at this Sejm of Radom, with all the judges, councilors, barons, and territorial deputies assembled together, we have reasonably moved and, further, adopted, the following equitable resolution: that, because such might become a detriment and injury to the State, an injury and misfortune of whatever sort to the private individual, and make for change in regard to public right and liberty, henceforth, and in future times in perpetuity, no new laws shall be made by us or our successors, without the consent of the councilors and territorial deputies.” *Constitutions, Elections and Legislatures*, 418; see also commentary by Wasiutyński, “Origins of the Polish Law”, 47.

in case the king were blamed for a *contra legem* activity, the nobility could refuse allegiance to him. In practice, this might lead to the dethronization of the monarch.¹⁴

An important provision found in the Henrician Articles was also the one introducing religious toleration among Christian denominations¹⁵. The spirit of tolerance introduced thereby applied in practice also to the non-Christians (e.g., Jews as believers of Judaism or Tartars as believers of Islam) who were granted considerable freedom in practicing their religion.¹⁶ The 17th century witnessed a certain weakening of religious toleration since the Republic had to retort a series of invasions made by the countries hostile to Roman Catholicism. Therefore, at the end of that century, it would not be easy for a non-Catholic to be appointed to a high-ranking position in the state machinery. Yet, on the other hand, the religious wars that plagued the 17th century Europe were avoided in Poland-Lithuania, and later, in the 18th century, the spectacular Constitution of 1791 that tried to get rid of the weaknesses of nobiliary constitutional tradition recalled the principle of religious toleration in its first article.¹⁷

The discussed republican tendencies survived in the Polish-Lithuanian state also when the latter, from the mid-17th century, began to constitutionally deteriorate. Its parliaments proved to be less and less effective due to the “corruption and traffic in votes, anarchist leanings on the part of individuals and groups and even whole regions.”¹⁸ This, to a large extent, was caused by literal and harmful interpretation of unanimous consent (in earlier times successfully bridled) as applied in the Sejm debates. This led to the ineffective Sejm sessions. The improvement started in the 1760s and – from that time on – all the Sejms were convened under the slogan of confederation; hence their sessions could no longer be broken off by minority.¹⁹

The reformist movement reached its climax in 1791 when a new Polish Constitution was adopted. The weak points of the previous constitutional system, such as the

¹⁴ *Historia państwa i prawa Polski*, 46–50; see also commentary by Baran, “The Constitutional Uniqueness”, 99.

¹⁵ *Historia państwa i prawa Polski*, 47.

¹⁶ Baran, “The Constitutional Uniqueness”, 100–1; Baran, “The Tradition of Roman Republicanism”, 181–2. As regards Jews, worthy of note is a large autonomy of which they availed themselves in Poland-Lithuania. They had their own parliament referred to as Council or Vaad. Cecil Roth made an interesting observation on that: The Council, at its prime, was virtually the Parliament of Polish Jewry, with authority nearly as absolute as that of any legislature. Plenary meetings were held each year, not only at the Spring Fair at Lublin, but also at that in the early summer at Jaroslaw, in Galicia. During the sessions of the Polish Diet at Warsaw, the Council would send an agent, or Shtadlan, generally a persona grata at court, to watch over Jewish interests. Internally, its authority was absolute. Besides apportioning taxation, it would assist in enforcing royal edicts; it passed sumptuary laws, to enforce moderation in dress and social life; did all that lay in its power to prevent undue competition; it supervised education; it acted as a court of appeal, and decided on matters which were in dispute between one congregation and another. All the Council’s regulations, however trivial, could be enforced, if the necessity arose, by the power of excommunication, which was backed up by the authority of the State. Nowhere, since the decay of the Jewish center in Palestine, had a more complete approach to autonomy existed. Roth, *A History of the Jews*, 269.

¹⁷ “[...] we owe to all persons, of whatever persuasion, peace in their faith and the protection of the government, and therefore we guarantee freedom to all rites and religions in the Polish lands, in accordance with the laws of the Land.” *Poland’s Constitution of May 3, 1791*, 1B.

¹⁸ Miłosz, *Native Realm*, 17–8.

¹⁹ Previously, from 1652, even one individual could break off the session irrevocably by resorting to his *liberum veto*. *Ibidem*. See also Baran, “The Constitutional Uniqueness”, 105–7.

requirement of a unanimous consent in law creation, were done away with. The tie with Lithuania was maintained. In its provisions, the Constitution referred to the uplifting and inspiring ideas of the Enlightenment. The Constitution laid the emphasis on the sovereignty of the nation. The notion of the latter no longer applied to the nobiliary class but to the entirety of people living within the state's boundaries. The path was open for the lower social strata to gradually reach the civic rights enjoyed by the nobles. The tone of republicanism was detectable in the constitutional provisions, which – based on the separation of powers – regulated the relationships between the state organs. Although the monarch ceased to be freely elected because the throne was subjected to the rule of inheritance, yet his position was limited and rather representative. He resembled the British King, who *could do no wrong* because all his executive acts required the countersignature of the right minister and this was the latter who took over responsibility from the monarch. As regards the responsibility of government to parliament, Polish Constitution was one of the first in Continental Europe which introduced vote-of-no confidence, following the British example in that respect. The King was obligated to dismiss the minister who was not sufficiently supported by parliamentary houses. In that way, the entire Cabinet could be forced to resign their posts, and the Cabinet supported by a parliamentary majority would have to be formed. Apart from this kind of political responsibility, the ministers were also individually subjected to constitutional responsibility for those of their acts that contradicted law.²⁰

2. Some Details Of Legal Arrangements Believed by the Nobles to be Reminiscent of Roman Republicanism

As has already been mentioned, the Polish noble, while looking at his position through the prism of republican Rome, thought his rights to be the imitation of those that at one time were vested in the Roman citizen, the one who was born of the citizen of Rome in the legally contracted marriage and who was equipped with full rights of citizenship (*civis optimo iure*). The rights of the Polish noble to his having a share in exercising political power through his participation in the local assembly (seymik) or through his representatives elected to the nationwide Sejm, seemed to him to be the equivalent of the *ius suffragii*, which authorized the Roman citizen to participate in *comitia tributa* at which, in the Republican Rome, *leges* (laws) were adopted.²¹ The noble's right, in its turn, to take over and hold offices was to some extent comparable to the Roman citizen's *ius honorum*. In addition, while relying on the Roman authors, the Polish noble knew of the struggle of the Roman plebeians with the patricians for the admission of the former to the rights enjoyed by the latter and, not impossible, he could reflect on this struggle as similar to that conducted, in the 16th century, by the middle gentry against great magnates of the Crown under the slogan of the so-called execution-of-law movement. The movement aimed at limiting too large power of the upper strata of the nobility. Consequently,

²⁰ For more details see: *Poland's Constitution of May 3, 1791*, I–XVIII, 1–8.

²¹ Koranyi, *Powszechna historia*, 110; see also Wąsowicz, *Prawo i obywatel*, 271.

the members of the movement demanded that the pieces of the royal domain that at one time were appropriated by or too generously leased to the great magnates of the Crown be returned to the royal treasury and that certain offices be not accumulated in the hands of one functionary, that the governmental mechanism be improved etc.²² The success scored by the gentry in this respect could bear some resemblance to that scored by the plebeians in *Lex Hortensia de plebiscitis* of 287 B.C. which provided that the *leges* adopted at *concilia plebis* (assemblies of plebeians) were binding on the entire Roman nation.²³

It is also worthy of note that the upper house of nobiliary parliament, the Senate, resembled to some extent that of *Respublica Romanorum*. In the Senate of Roman Republic, you could find those who previously fulfilled the duties of upper magistrature such as above all *praetors* and *consuls*.²⁴ In the Polish Senate, there were sitting – apart from Roman Catholic archbishops and bishops – those who held upper offices such as those of *voivodes*, *castellans* and various other dignitary posts.²⁵

Anyway, one may say that, like his Roman counterpart, thus also the noble citizen of Poland-Lithuania had a large share in public life, particularly in the law-creating process, he could hold state offices and enjoy a wide specter of civic rights. No wonder he could consider *Respublica Polonorum* to be a new embodiment of *Respublica Romanorum*.²⁶

3. The Impact of the Legacy of Ancient Culture on the Area other than that of Constitutional Ideas in the Renaissance and Baroque Poland-Lithuania

In a side-way manner, it is worthwhile to comment on the specific symbiosis between the legacy of ancient culture and the Christian doctrine in the Renaissance and Baroque Polish-Lithuanian state. Polish counterreformation followed the ideas that at one time, in the 16th century, were put forth by Erasmus of Rotterdam (1467–1536) who managed to reconcile the ancient thought with Christian concepts.²⁷ Erasmus was particularly popular among eminent Polish intellectuals of the time of Renaissance such as Krzysztof Sztybel, Piotr Tomicki, Jan Łaski or Decius. This popularity contributed to the forming of the Christian tone of the Polish Renaissance culture. Some Polish poets of the time were bilingual, and some of them, those who wrote in Latin, became renowned for their Latin-written poetry. Among them, you can find Dantyszek or Dantiscus (1485–1548) with his *Elegia amatoria* as well as Andrzej Krzycki with his *Carmina* or Klemens Janicki with his poetic pieces.²⁸ However, particular success in that realm was scored by

²² Cegielski, Zielińska, *Historia*, 56–7; Uruszczak, *Historia państwa i prawa*, 152.

²³ Koranyi, *Powszechna historia*, 108, 126–7.

²⁴ *Ibidem*, p. 128–9.

²⁵ Bardach *et al.*, *Historia ustroju*, 220.

²⁶ Axer, “*Latinitas*”, 74.

²⁷ Mikołajczak, *Łacina w kulturze*, 154.

²⁸ *Ibidem*, 157–61.

Jesuit Maciej Kazimierz Sarbiewski, popularly referred to as Sarbievius. In England, he was known as Casimire with his *Odes of Casimire*. He had a considerable impact on the English metaphysical poets (like Henry Vaughan).²⁹ His *Book of Lyrics (Lyricorum Libri)*, for the first time published in Cologne, was re-edited 60 times. He raised particularly deep topics, those referring to the sense of human existence. His poetry was saturated with a metaphysical tone.³⁰

In the course of time, the Polish literary language began to dynamically develop and occupy ever more distinguished position among literary pieces created and published in the Polish-Lithuanian state. Latin works were translated into Polish; among them, there appeared translations of the Bible. In the poetry written in Polish, particular success was scored by Jan Kochanowski (1530–1584). His rich poetic output was permeated with the air of Horace's style. He trained his skills in Latin and the latter inspired him to perfect the Polish poetic language. One piece of a series of his laments that he wrote after the death of his young daughter may – when translated into English – be exponential of his high-tone poetry. He wrote:

This house grows very empty now you've gone / My dearest Ursula, and there is not one / Among the many who remain with me / Who can replace your vanished soul; or free / Us from the misery of your absent song, / Your talks and jokes that got the facts all wrong. / You hid in corners and your mother smiled. / You tugged your father's sleeve and so beguiled / Him from the thoughts that soured his bit of brain. / You laughed as you embraced them both again. / But now you're silent and these empty rooms / Hold nothing playful to dispose their glooms. / Our sorrows squat in corners: and delight / Is what we search for vainly, day and night.³¹

The influence of Latin was visible in the Polish language. Latin permeated the language in which the elites of the time articulated their thoughts in their diaries, letters and other writings. These specific Latin insertions into Polish used to be called *makaronisms* and the texts amply incrustated with them formed a specific socio-dialect of upper strata of society. A good illustration of that may be a short fragment from the 17th-century diary by Jan Chryzostom Pasek, a Polish squire, who describes the proceedings conducted in a spontaneously formed assembly of the nobles. He wrote,

God himself evidently inclined the hearts of the people to elect a wise man, for if another from among the candidates had acceded to the above-mentioned command he, infallibiler, would have brought the commonwealth into still greater turmoil. Some zelabant pro parte coronati capitis taking its offence, pro basi et angulari lapide, and they advised the King to adopt this standing and to support it in gradu absoluto.³²

It is worth mentioning that Latin also had an impact on the Polish syntax in which there appeared such constructions, previously unknown to Polish grammar, as *Accusativus cum Infinitivo*. This was detectable in such lines as for instance: *Widząc go już być w męskich leciech* or *znając cię być Stwórcą*, etc.³³

²⁹ *Ibidem*, 205.

³⁰ *Ibidem*, 201.

³¹ Peterkiewicz, Singer, *Five Centuries of Polish Poetry*, 32.

³² *The Memoirs of Jan Chryzostom Pasek*, 430–1.

³³ Mikołajczak, *Łacina w kulturze*, 171.

4. The Possible Causes Responsible for the Drift toward Republicanism in the Early Poland's Constitutional History

It is possible to trace a few causes that might be formative of that specific drift toward republicanism, which was detectable in the constitutional developments of medieval Poland. One of the causes might be an allodial type of land holding as deeply rooted among the class of knights, *in spe* the nobles, *viz.* the upper social stratum of the medieval community. This allodial holding of land was tantamount to unconditional holding it and made up a solid basis of individual rights to the land as exercised by those who occupied it.³⁴ Apart from rare cases, in medieval Poland, there was absent the typically feudal hierarchy of dependent land holding in the form of fiefs held by the vassals subjected to their seniors and with the monarch at the top as the major owner of the entire landed property in the country. The allodial land holding secured, therefore, a strong position of the upper social strata *vis-a-vis* the state machinery and stood in the way of the processes that might lead toward the development of absolutism.

Another cause of a particularly high and independent position of the class of future nobles in medieval Poland might perhaps have something to do with a strong bond that was tied between them and the monarch when the latter, at the early 14th century, took to the business of reunifying the country after a long period of feudal disintegration. On that occasion, the monarch found that the aforementioned social stratum was the only one on which he could rely while carrying out the task of integrating the weakened state because he received little or no support in accomplishing this goal from the inhabitants of the towns. The townspeople found themselves on the wrong side in the reunification process. This was due to the fact that after a considerable depopulation of the town settlements resulting from the disastrous 13th century Mongol invasions, there appeared in Poland a remarkable number of foreign settlers from Western Europe. By the standards of the time, Western Europe was slightly overpopulated, so the individuals with enterprising spirits sought their opportunities in the East and started to arrive in the Polish countryside and also at the Polish towns. In some towns, these newcomers tended to support a foreign dynasty (in that case, that of Luxembourg House), which aspired to seize the throne of Poland. They, therefore, positioned themselves on the side of enemies of the national dynasty of the Piast line. In 1311–1312, in Cracow, Piast prince Ladislaus the Short, had to suppress the rebellion of German settlers who sided with his rival to the throne.

Anyway, the significance of the *rycerstwo*, the knights, as particularly loyal supporters of the Crown grew and this induced the future monarchs to treat this social group with particular respect and confer remarkable privileges on them, admitting them to having, as a nobiliary nation, an ever-larger share in the government of the country.³⁵ This was formative of the path supporting republican tendencies in future developments.

³⁴ Soroka, "Historical Studies", 35; Bardach *et al.*, *Historia ustroju i prawa*, 257; Uruszczak, *Historia państwa i prawa*, 108.

³⁵ Baran, "The Tradition of Roman Republicanism", 189–90.

In the context of the search for other factors that might be stimulative of the development in that part of Europe of a spectacular democracy whose founders considered it to be a new embodiment of the ancient Roman Republic, there cannot be ignored the opinion of Norman Davies as found in his *God's Playground*. He focused on the natural circumstances of the area in which Poland was located and on the process of forming settlements therein. He laid the emphasis on such problems as, for instance, the distances separating the sites most fit for exploitation, the settlement's life support capacity and the like. He wrote,

The strength of the locality was apparent in Poland from earliest times. Though somewhat less prosperous than its French or German counterparts, the Polish locality combined the economic self-sufficiency of European settlements with a degree of isolation comparable to that of Russia. Hence, it has been argued, a diametrically different pattern arose from that pertaining in Muscovy, where the localities were isolated but not economically viable and where the pooling of resources in a strong, communal organization was essential to survival. In Poland, the inhabitants of the localities could well afford to resist the advances of outside authorities as unwarranted interference in their private affairs. Their typical attitudes would be those of individual freedom, allodial land holding, local pride, and regional patriotism. The opportunities for rulers to construct a successful power base were lower than in Western Europe, where settlement was denser and where connections between localities were closer, and less again than in Muscovy, where the localities readily submitted to the centre in the interests of protection and mutual supply. Thus, on this crucial question of the relationship of the parts to the whole, the pattern of settlement in Poland has been seen to be quite characteristic even in modern times. The traditional term in Polish for the locality was *gniazdo* or "nest". It aptly expresses the strong sentimental bond, which tied people to the one small area where most of them would spend their entire lives and where the peasants on the lord's estate felt a greater affinity with their immediate neighbours of all classes than with anyone from outside.³⁶

Interesting is also Davies' commentary on a certain parallel between *Respublica Polonorum* in its 18th-century shape, i.e. at the time when considerable constitutional reforms were being prepared in it and the 18th-century American colonies on the eve of their fight for independence. He tried to compare the attitudes of mind found among the nobiliary strata of the Polish society with those pervading the minds of American colonists of that era. He wrote,

In fact, the closest parallels to Poland's "Noble Democracy" can probably be found outside Europe altogether, in America. At first sight, at least, the outlook of the Polish nobility would seem to agree with that of the gentry of the English colonies of the deep South, whose vast plantations and brilliant social life were perpetuated, as in Poland-Lithuania, by their isolation from central government and by the servitude of the rural masses. Slave-owning democrats such as Thomas Jefferson, George Washington, and other founding fathers of the USA, have much in common with the reforming wing of magnatial politicians among their contemporaries in Poland-Lithuania. Further north, in New England, a different brand of individualism was encouraged by religious beliefs and by the colonists' rejection of the spiritual coercion practised by ecclesiastical authorities in most European countries. The thoughts of Henry Thoreau beside the Walden Pond, or in his "Essay on the Duty of Civil Disobedience" would have found a greater measure of understanding in the Polish Sejm than in any Court or Parliament in Europe. His famous motto, to the effect, that "that government is best that governs least", would have brought a roar of acclaim at any provincial dietine and encapsulated the opposition of the Polish nobility to the growth of royal power throughout the Republic's

³⁶ Davies, *God's Playground*, 51.

existence. Primitive American anarchism, born on the Frontier of a new continent, may well have had a kindred spirit, if not a direct ancestor, in the ideals of that extinct Republic which once roamed the plains of Eastern Europe.³⁷

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³⁷ *Ibidem*, 370–1.

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