

LIBERTY AND CITIZENRY IN THE POLISH-LITHUANIAN COMMONWEALTH: ACTONIAN APPROACH¹

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Polish historiography perennially engages in disputes regarding the assessment of the Polish-Lithuanian Commonwealth, usually indicating its weaknesses and faults. In view of the partitions – the sorry downfall of the Commonwealth – such debates are natural. But even if we leave aside vocal opinions that portrayed the Union of the Polish Kingdom and the Grand Duchy of Lithuania as an example of disgusting feudal oppression – encapsulated in the cliché of the licentious nobles who oppressed the peasants (*rozpasana szlachta, która uciskała chłopów*) – as well as alleged political anarchy and the military weakness of its regime, we are still left with the question: what was wrong with the Commonwealth that it was unable to ensure its own survival? To what extent was its political nation, the *szlachta*, accountable for it? Did their freedom – the so-called ‘Polish liberties’ – represent merely a noble privilege that contributed to the state’s collapse? Or were they civil liberties to which all aspired (and still want to enjoy)? If so, can we think about citizens in the Republic of the Nobles (*Rzeczpospolita szlachecka*)? Or shall we side with the conventional view that links citizenship with the legal equality won by the French Revolution (and spread in Europe by the Napoleonic Code) and refuses to acknowledge citizens earlier?

To address inquiries regarding liberty and citizenry in the Commonwealth, we propose to follow the approach of Lord Acton on these matters. Lord Acton was a nineteenth-century English historian and political thinker, whose lifelong habit of studying one book per day made him one of the most well-read scholars of his time. His knowledge of modern history was unparalleled, while his expertise in political thought, theology, and the humanities in general rivalled that of any specialist in these fields (his

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friends sometimes took advantage of his erudition, treating him as a ‘walking dictionary’). But above all, Acton was a passionate advocate of civic freedom, researching liberty in Western civilisation throughout his life. It is for this reason that his contemporaries called him not merely a historian, but *the* historian of liberty.

In search of the best practical regime most favourable to liberty, Acton undertook extensive research on many polities, leaving insightful remarks on who citizens are and which society is free – or unfree. To be more specific, we will first take a brief look at his view of liberty in general and examine England and America as Acton’s principal examples of genuine citizenry and free polities. Then we will consider whether this approach is applicable to the Commonwealth, whether the *szlachta* met his requirements for citizens, and whether their political order was founded on civic liberty or not.

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Looking from the broadest perspective, Acton saw liberty as a Providential idea – thus indestructible and enduring over time. Specifically, by liberty he meant civic liberty, in which individuals and their communities take control over both private lives and public affairs in their direct environment. This is how citizens are born: it is a process, full of effort and tough struggles against the adversities of nature, and of social and political life. Liberty therefore originates in local affairs, and that is why Acton virtually identified freedom with self-government. Furthermore, he emphasised that citizenship is not created by a benevolent act coming from above, nor can it be reduced to the right of voting every few years. Under such circumstances, one is not a citizen but a subject – except for the brief moment of casting a vote into the ballot box (Łazarski, 2023, pp. 37–51).²

Acton stressed that political liberty has its history; it does not appear all at once but goes through a process of slow growth. It is the fruit of a ‘mature civilisation’, yet it never achieves a perfect form. It is always beset by its natural enemies (‘the strong man’s striving for power and a poor man’s craving for food’); therefore, it has its ups and downs, but under extremely adverse conditions, it is capable of turning its ordinary foes – such as corruption or venality of offices – into its last line of defence. In Western civilisation, he traces the origins of civic liberty to ancient Israel, Greece, and Rome, observes its development in the Middle Ages and then in early modern Europe, until his own time, i.e., the second half of the nineteenth century (Acton, 1877a; 1877b; 1878).

² Acton failed to write his history of liberty. His remarks on the nature of liberty and its development in history are scattered across numerous essays, published at different time. In my recent book, I have gathered these writings and sought to present them in a coherent way: Lord Acton for Our Time.

Historiography usually sees the passage from the Middle Ages to early modern Europe as a process of discarding feudal arrangements (vassalage) and an effort to modernise the state and the society of estates (i.e., the developments which the Polish-Lithuanian Commonwealth largely failed to follow). Acton saw this differently. If he did not mind modernisation itself, he firmly condemned the political costs involved. He detested the process of creating an 'intelligent and efficient government' run by 'legists, jurists and bureaucrats', but at the cost of depriving the people of participation in power. Furthermore, the strengthening of royal power in the sixteenth and seventeenth centuries proved to be ruinous, making it an inefficient mode of governance and ultimately resulting in the birth of absolutism (Acton, 1971–1975, 2:251–252; 1877b, pp. 38–43; Lazarski, 2012, pp. 60–102).

As for absolutism, Acton loathed it more than anything else. He did not view it merely as the abuse of power and sporadic acts of tyranny; it was much worse. It was a premeditated evil that he defined as 'a studied philosophy of crime and ... a perversion of moral sense' (Acton, 1877b, p. 38). In turn, his perception of democracy is much more equivocal. On the one hand, his writing is full of assaults on democracy; on the other hand, he made the people's sovereignty a key criterion for a legitimate government. Upon closer examination, he seems to treat democracy as potentially the worst or the best regime. If unrestrained, democracy is likely to evolve into the most sinister and menacing regime, in either soft or hard forms (the term *totalitarianism* was unknown in his time); but, if properly balanced and limited (he recommended distrust and constant vigilance in this respect), democracy has a chance to grow into the best practical regime (Acton, 1877a, pp. 9–15; 1878, pp. 58–64; 1861, 1:216–218; Lazarski, 2012, pp. 237–238, 251–158; 2023, pp. 58–62).

Let us now move to examine his interpretation of English liberty. Acton sees its constitutionalism as rooted in the medieval order. This order was founded on vassalage, i.e., a contractual relationship between the monarch and his vassals of various ranks. Unlike in France, where the vassals of the king's vassals were not his vassals, the English king controlled them all and wielded stronger power. However, from at least 1215 (*Magna Carta*), he had to share authority with his barons and church dignitaries. Acton argues that the Middle Ages upheld the ancient principle that political power ultimately stems from the people. What the Middle Ages did change was the definition of 'the people' itself: it was now the privileged few rather than the many who were 'the people' and who constituted the (political) nation. But the principle of popular sovereignty remained as solid as in Greco-Roman antiquity (Acton, 1877b, pp. 32–36; 1878, p. 69; 1862, p. 416; Lazarski, 2012, pp. 84–85).

However narrowly defined, the English people continued their struggle against the monarchy and obtained one concession after another, establishing in this process the bicameral Parliament, with the House of Commons (late thirteenth century) that

greatly enlarged the size of the electorate, and then fighting for its prerogatives, especially with regard to taxation. That struggle took a violent form during the reign of the Stuart dynasty in the seventeenth century and eventually culminated in the revolution (1688), named 'Glorious' on account of its nearly bloodless course.

The Glorious Revolution removed the Stuarts from the English throne and invited a new dynasty under the conditions stipulated in the Bill of Rights (1689). This, as well as the Triennial Act (1694) and the Act of Settlement (1701), became the cornerstone of English constitutionalism. It left no doubt who was the host in the country – the English people embodied in the Parliament – and who controlled legislation and taxation. The newly established regime also guaranteed free elections, freedom of debate in Parliament, and prohibited a standing army in peacetime (though the army could be kept outside the country) (Acton, 1967, pp. 188–221, 287; 1863c, 1:145; 1863b, 1:153; Łazarski, 2012, pp. 105–108; 114–124). The new order also confirmed the principle of representation, although until the early nineteenth century property requirements meant that only about 3% of Englishmen could elect the Commons. Acton calls it a 'mature liberty' but, on account of the drastic limitations of the franchise, he terms it 'liberty founded on inequality'. The self-regulating mechanism built into this order – true, evolutionary liberalism – allowed for quiet growth, which changed the division of power from dual (the king originally controlled the judiciary) to tripartite, and gradually extended voting rights to all property owners and, eventually, the working class (Acton, 1910, p. 97; 1878, p. 81; 1967, pp. 28, 43, 221; Łazarski, 2012, pp. 9, 120–124, 239–240).

The English example illustrates well how civic liberty emerges. It shows that achieving it is not an easy task and not always peaceful. In fact, it is usually not peaceful at all. It also demonstrates that civic liberty does not require equality of all, although, as Acton states: 'The law of liberty tends to abolish the reign of race over race, of faith over faith, of class over class' (Acton, 1913, p. 93).

America, even more than England, serves for Acton as the prime example of civic liberty. In fact, the colonial period and the early United States were for him the best, even model, examples of true citizenship, a free civic community, and a liberal order that was the closest to his idea of the best practical regime. What does he emphasise when he reviews the American experience?

First, he stresses that from the beginning American colonies enjoyed self-rule with very little interference from the London government. The settlers had to rely on themselves in a sort of make-it-or-break-it situation. Their survival depended on their own actions. Second, he points out that early settlers were predominantly Puritans who ran their parishes. Regulating church matters by themselves, they quickly began to take decisions about their community. Parish members thus became citizens. By taking matters into their own hands, the settlers built their government in the parish, town,

and county, and finally in the colonial assembly. In this process, citizens were born: free, legally equal, and deciding about their own affairs. Civic liberty was for them hard-won – a treasure to be cherished. Unlike English liberty, founded on inequality, theirs was ‘founded on equality’, which Acton stressed with approval (Acton, 1863a, 1:179–188; 1967, pp. 189–192; 1910, pp. 20–33, 97; Lazarski, 2012, pp. 126–137).

The effort of building their government bottom-up was completed with the creation of the United States. This process was long, involving the War for Independence (1775–1783), and the writing and ratifying of the US Constitution and the Bill of Rights (1789–1791).

Acton criticises various points of the US Constitution, especially with regard to slavery and insufficient checks on ‘democracy’, but enthusiastically praises the whole project of the American Union. First of all, he admires the success of establishing a very strong national government without sacrificing freedom. Americans achieved this by designing and implementing ingenious checks and balances in their democracy, which are much more complex than we usually perceive. They did not merely introduce the tripartite division of powers according to Montesquieu’s prescription (a feat in itself, as they pioneered it in practical politics); they did much more. First, they further divided power by following the ancient teaching on mixed government – the rule of one (the President), a few (the Senate), and the many (the House of Representatives). Second, they balanced the federal government with state governments (federalism won Acton’s greatest respect). Third, they designed an indirect election of the President, thereby further limiting the democratic will (Acton, 1861, pp. 219–231; 1910, pp. 32–38; 1967, p. 295; 1866, 1:264; Lazarski, 2012, pp. 138–142).

The US Constitution and American practical politics did not prevent the growth of national government and the centralisation of power, especially when viewed from a long-term perspective. Still, American democracy was for Lord Acton the closest to the best practical regime – one that cherishes civic liberty and provides its benefits to all its citizens (Acton, 1861, pp. 261–262; 1866, pp. 270–279; Lazarski, 2012, pp. 151–172).

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In the context of the Actonian approach to liberty and citizens, we will now examine the basic features of the political system in the Polish-Lithuanian Commonwealth, focusing on the rights and privileges of the nobles (in the case of the Polish *szlachta* preceding the Union of Lublin) and their role as the vehicle of constitutional changes. We will also take a look at the attempts to reform the Commonwealth during the troublesome period in the mid-seventeenth century – a sort of case study of their failed efforts to improve the regime – which strongly implies that the *szlachta* was not the principal cause of the fiasco.

By way of introduction, let us briefly recall that the origins of the political regime in the Commonwealth can be traced back to the extinction of the main branch of the Piast dynasty in the Kingdom of Poland (1370). The succession of rulers who followed Casimir the Great – Louis the Hungarian (of the House of Anjou, r. 1370–1382), his daughter Jadwiga (Hedwig, r. 1384–1399), and her Lithuanian husband Jagiełło (Jogaila, initially a co-ruler and the sole ruler after 1399) – were no longer hereditary monarchs and had to reckon with the growing influence of their subjects. This shift created opportunities for the nobles to protect themselves against the power of both the king and the great lords (*możni*), eventually prompting them to fight for their own share of power. In that struggle, the leading force was the *szlachta* of Greater Poland (*Wielkopolska*), joined by their counterparts from Lesser Poland (*Małopolska*), while the Lithuanian and Ruthenian nobles were the beneficiaries of this process but never fully escaped the dominant position of their own magnates.

The first occasion for the *szlachta*'s emancipation occurred during the reign of Louis, who did not have a male heir and wanted to secure the succession for one of his daughters. To gain the favour of the Polish nobility, he issued the Privilege of Koszyce (Košice, 1374), which was granted for the first time to all nobles in the Kingdom rather than to a particular province or individual knights. The law reduced and fixed the tax burden on land, thus implying that no other taxes could be levied without their consent. Furthermore, the privilege could be seen as the first in a series of laws that eliminated the legal distinctions between the higher nobles (*nobiles*) and the lower (*milites*), thus laying the foundation for equal rights among the Polish *szlachta* (Nowak, 2017, pp. 132–134; Bobrzyński, 1974, p. 177; Uruszczak, 2021, pp. 133, 153).³

The next step, much more important in this process, was the establishment of representative institutions: the *Sejmiki* and the *Sejm*. Emerging in the late fourteenth century, the *Sejmiki* were a variation of self-governments in which all nobles of a given locality could participate. They decided on the affairs of their lands and elected local magistrates and the deputies to the parliament (*Sejm*). In turn, the *Sejm*, first summoned in 1468, was a bicameral institution: the House of Deputies and the Senate. The House was elective and usually represented the *szlachta*'s interest. The Senate was composed of high magistrates appointed by the king and the Catholic bishops, who were indirectly also royal appointees. The *Sejm* gradually gained exclusive rights in legislation and taxation, and decided on war and peace. As of 1573, it had to be convened at least once every two years for a period of six weeks and comprised 150 deputies and 150 senators (Pawiński, 1978; Uruszczak, 2021, pp. 147–153; Kamiński, 1983, pp. 17–45).

³ In his recent multivolume book on Polish history Prof. Andrzej Nowak presents a brief summary of the events leading to the granting of the Koszyce privilege, the various interpretations of its impact and the separate arrangements for church lands; Michał Bobrzyński offers a different interpretation.

In 1430, the *szlachta* obtained another important right: the Privilege of Jedlnia, issued by the ageing King Jagiełło, who sought to ensure the election of his son to the Polish throne. The privilege confirmed earlier laws that prohibited the confiscation of property and added a new right – a guarantee of personal inviolability. The law is better known under its famous Latin phrase *neminem captivabimus nisi iure victum* (we imprison no one without a court order). As such, the law is akin to the English *Habeas Corpus* Act (1679), issued more than two centuries later (Nowak, 2017, pp. 339–340; Uruszczak, 2012, pp. 133, 153, 173).

The next occasion for reasserting the rights of the nobles was the beginning of the Thirteen Years' War between Poland and the Teutonic Knights in 1454. The *szlachta* (or still knights) from Greater Poland, levied by the king and gathered at Cerekwica, demanded that no mass levy of the nobles (*pospolite ruszenie*) be ordered without the consent of the *Sejmiki*. They also sought limitations on the power of the great lords in the Royal Council, the prohibition of combining high offices, and the strengthening of the role of the *Sejmiki* and *Sejm* in the lawmaking process. Nearly the same demands were put forward by the nobles of Lesser Poland, levied at Nieszawa. In both cases, the king had to acquiesce (Nowak, 2017, pp. 414–416; Bogucka, 1998, pp. 167–169, 176–177).

In 1505, the nobles won a general confirmation of their position through a law known as the Constitution *Nihil novi*. The formula *nihil novi nisi commune consensu* (nothing new without common consent) speaks for itself. It is as if the nobles forced the king to openly admit that it was they – not he – who were the true hosts of the country (Nowak, 2019, pp. 100–104; Bogucka, 2009, p. 108).

The support of the Polish nobles for the rights of their Lithuanian and Ruthenian brethren, along with the latter's desire to escape domination by the great lords and achieve a status similar to that of the *szlachta* in Poland, played an important role in transforming the relations between the Kingdom of Poland and the Grand Duchy of Lithuania at the time of the Union of Lublin (1569). The Union of Krewa (Krėva, 1385) had created just a dynastic union of two states, which for all practical purposes remained separate, despite Polish protests. This situation was convenient for Jagiełło's successors, who, as hereditary rulers of the Grand Duchy, were assured of the Polish throne as long as the Poles wished to maintain their ties with Lithuania. However, this arrangement changed during the reign of the last Jagiellonian king, Sigismund Augustus (r. 1547–1572), who, having no heir, aimed to make the Polish-Lithuanian union permanent. The king was supported in his efforts by the Polish side and by Lithuanian and Ruthenian nobles, but was opposed by the Lithuanian great lords, who feared the spread of 'Polish liberties' to their lesser nobles. The king ultimately prevailed; he leveraged his hereditary power in the Duchy to detach Ukraine from it and attach it to the Kingdom, thereby forcing the Lithuanian magnates back to the negotiating table (the

Grand Duchy could not resist the aggression of Muscovy any longer). But the success of his moves also depended on the support of the *szlachta* in both the Kingdom and the Grand Duchy. As a result, the two countries established a union (confederation) under a single ruler and parliament, while maintaining separate institutions and local laws. The Polish-Lithuanian Commonwealth was thus formed (Uruszczak, 2021, pp. 129, 206–213; Bogucka, 2009, pp. 130–131; Zamoyski, 2002, pp. 97–100).

Following the death of the last Jagiellonian, the Commonwealth faced its first serious constitutional challenge. It was during this interregnum of 1573 that the political elite – and the *szlachta* in general – proved their remarkable maturity: the Convocation Sejm (*sejm konwokacyjny*, i.e., summoned during the interregnum), and the Warsaw Confederation passed key laws concerning religious toleration, the procedures for electing the king, and the state's fundamental laws.

Regarding tolerance, the Commonwealth avoided the religious persecution and wars that were common in Europe, engulfed in Catholic–Protestant conflicts. Despite being multi-national and multi-religious, the country passed laws that secured religious peace and severely punished its breach. The matters of royal election and fundamental laws were outlined in the so-called Henrician Articles (*artykuły henrykowskie*), which each king had to swear to uphold prior to his coronation. Among its most important points, the Articles required the newly elected king to:

- Respect the fundamental laws and liberties of the Commonwealth, including religious tolerance.
- Guarantee the free election of the ruler through the personal participation of the nobles (election *viritim*), prohibiting him from appointing his own successor and preventing the monarchy from becoming hereditary.
- Regularly convene the *Sejm*, acknowledging its exclusive legislative power and its authority to determine internal and foreign policy, particularly decisions on war and peace.
- Be advised by the Crown Council (*Rada koronna*) composed of senators without whose counsel he could not make political decisions or conduct foreign relations.
- Recognise the right of his subjects to armed resistance if he violated the fundamental law of the Commonwealth (Uruszczak, 2021, pp. 218–219, 223–254; Zamoyski, 2002, pp. 94–95, 100–109; Bogucka, 1998, pp. 234–235).

This brief review of the rights which the nobles enjoyed and the long struggles in which they achieved them certainly meets the criteria which Lord Acton expected of citizens. They were in charge of their polity both in local and central affairs. Furthermore, as in England and America, their rights and their share of power were not gifts bestowed from above but were hard-earned treasures, won in a long struggle with royal power and the position of great lords.

The political order which they built in Poland–Lithuania excluded a vast majority of the population from decision-making, but this was not an exception in the epoch. Like in England, their ‘freedom [was] based on inequality’. It was freedom because political life in the Commonwealth was controlled by its citizens; it was ‘in inequality’ because only about 10 per cent of the Union’s inhabitants (with significant local variations) enjoyed political rights. In this respect, American democracy is not beyond reproach either because of slavery and the bloody Civil War to end it.

With some reservations, their freedom could be characterised as a combination of the liberty of the ancients and of the moderns, as depicted by Benjamin Constant in his essay on ‘The Liberty of Ancients Compared with that of Moderns’ (Constant, 1819). Like ancient Greeks, the *szlachta* enjoyed freedom through their direct participation in politics, especially in the *Sejmiki* and in the election of the king; and like the moderns, they also enjoyed freedom from politics through the principle of representation.

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Until the middle of the seventeenth century, the Commonwealth enjoyed power and prosperity, largely owing it to the intensive grain trade exported through Gdańsk. This period of greatness ended with the Swedish Deluge (1655–1660). The term itself is misleading, as the Commonwealth had to simultaneously fight against Russia, Khmelnytsky’s Hetmanate, Prussia and Transylvania. The country emerged from these wars ruined and permanently weakened, never regaining its strength or prosperity. Subsequently, it entered a period of gradual decline in the eighteenth century, eventually turning into a puppet state of Russia and ultimately disappearing from the European political map.

As mentioned earlier, historians (and the Polish public in general) are still puzzled by the decay of this once-great state. How could it happen? Why did the citizens of the Commonwealth allow it? Even leaving aside the predatory nature of Russia and Prussia, there must have been serious flaws in the regime that prevented it from ensuring its own survival. Historiography usually points to weak royal power, the liberum veto and military weakness (the lack of a standing army) as the principal reasons for the decline. Let us take a brief look at each, at a time when the Commonwealth still had a chance to fix its regime and perhaps even regain its power. This opportunity arose exactly during the profound crises of the mid-seventeenth century.

The devastating wars with the Cossacks in the late 1640s and 1650s, Muscovy (1654–1667) and the Swedish Deluge made the *szlachta* aware that there was something wrong with their illustrious republic and that the Commonwealth was in need of repair. Consequently, the Deluge and its brutality reconciled the noble nation with its inept ruler, John Casimir (*Jan Kazimierz*). The king – abandoned so easily at the beginning of the Swedish invasion – now appeared as a tolerable (if not beloved) monarch.

As early as 1658, a group of senators and nobles (*konwokacja senatorsko-szlachecka*) prepared a parliamentary reform, later known as the Royal Decision (*Decyzja królewska*). The document gave priority to public matters in parliamentary proceedings above local or private concerns of the deputies (*reforma sejmowania*), demanded a fixed tax for a standing army, and proposed a two-thirds majority to pass laws instead of unanimity. Unanimity was to be reserved only for fundamental laws. It also proposed forming a Permanent Council (*Rada Nieustająca*), renewable every half-year and acting alongside the King (Kubala, 1922, pp. 64–66, 231; Ochmann, 1977, p. 12).

The proposal went too far for the tastes of the nobles and did not gain the support of the deputies in the Sejm of 1658 and 1659. However, the King could have salvaged at least some of the proposed changes, provided he had not linked them with the idea of *vivente rege* (election during his lifetime), which was forbidden by the Henrician Articles and a long-standing tradition. To make matters worse, the King demanded the election of a specific candidate, Duke d'Enghien (a son of the Grand Condé), from a side branch of the French royal family (Ochmann, 1977, pp. 13–15; Kubala, 1922, p. 349; Czapliński, 1957, pp. 316–326; Nowak, 2023, pp. 310–312).

The *spiritus movens* behind these manoeuvres was the Queen, who insisted that the candidate marry her niece – an idea that initially did not face opposition. However, the situation changed when it became clear that the Queen herself would choose her niece's husband. This made the principle of free election look like a farce. Still, the royal couple managed to secure the support of the senators for their scheme, and as future events show (Sejm 1664–1665), it could have prevailed even in the House of Deputies if exerted with full strength (Kalinowska and Tyszka, 2019, pp. 15–122; Ochmann, 1977, pp. 13–15; Nowak, 2023, pp. 337–345, 348, 355).

The concept of *vivente rege* was soundly rejected by the Sejm of 1662, and with that, the very idea of parliamentary reform was discredited and buried. It became clear that the 'reforms' were no longer an effort to fix weaknesses in the Commonwealth but to impose royal will against the wishes of a great majority of citizens, and as such, it amounted to a case of tyranny. A unique situation was thus wasted. This was not the end of the story, however; in fact, reality was much worse ('De reddenda ratione Senatus Consultorum', 1860; 'Reassumpcyja praw o wolney elekcyi', 1860; Ochmann, 1977, pp. 14–28, 38–58, 150–156; Czapliński, 1957, p. 328; Kubala, 1922, pp. 345–349; Nowak, 2023, pp. 349–350).

The royal couple did not give up the thought of putting d'Enghien on the throne, and they seemed obsessed with it. When their scheme failed, they vented their wrath on Jerzy Lubomirski, one of the most distinguished and wealthy lords in the Commonwealth (Grand Marshal of the Crown and Field Hetman), a hero of wars against the Swedes and Muscovites, and a person very popular among the nobles.

What was the ‘crime’ Lubomirski committed? The Grand Marshal originally belonged to a group of senators that supported the reform of parliamentary procedures and even backed the election *vivente rege*, at least until 1660 (Przyboś, 1959, 3:20–21. Ochmann, 1977, p. 115; Kubala, 1922, pp. 231–335; Bąkowa, 1974, p. 53). Relations with the King worsened in 1661 when the royal Court blamed him for not securing unequivocal support from the *Sejmik* of his region (Proszowice) for the election *vivente rege*, and because he remained silent in the Sejm when the matter of the election was discussed. Although during the next Sejm in 1662 the Marshal did not support the law forbidding the election *vivente rege*, the Court saw in him a hidden animator of the opposition. Royal disfavour in 1663 became open when he did not participate in the military expedition against Moscow in 1663–1664 (Ochmann, 1977, p. 190; Czermak, 1972, p. 84; Nowak, 2023, pp. 352–354).

The invasion of Muscovy ended in fiasco, and with failures abroad, the King decided to deal with the internal opposition. In October 1664, Lubomirski was accused of leading military revolts with the aim of overthrowing the King and was consequently charged with treason. The Sejm Court was to decide the fate of the Marshal. In the meantime, the King summoned the Sejm for December 1664 and busied himself with securing the election of loyal deputies by the *Sejmiki*, while preventing the election of Lubomirski’s supporters. The methods ranged from simple tactics, such as bribery (with the use of French money) and intimidation, to more sophisticated stratagems, such as bringing lawsuits against unwanted deputies or ultimately breaking off a *Sejmik* (Przyboś, 1959, 3:89–92; Czermak, 1972, pp. 147, 168; Bąkowa, 1974, pp. 75–76; Nowak, 2023, pp. 365–369). The setting up of the Sejm Court and its proceedings also violated established procedures. Furthermore, four deputies offended by these methods invoked veto power and left the session, yet they were ignored. The Sejm discussed the legality of this, as one deputy had left the Sejm without formally registering his veto. Ultimately, on 22 December, the Court found the Marshal guilty of all charges and sentenced him to death, along with the loss of all offices and estates attached to them. Expecting this, Lubomirski had already left the country and taken refuge in Silesia (Kochowski, 1859, 2:305–314; Czermak, 1972, pp. 185–218; Nowak, 2023, pp. 370–378).

The King proved that he could get all that he wanted. Despite the general support of the *szlachta*, he eliminated the first among citizens of the Commonwealth. As it turned out, his power was sufficient to act against the wishes of the great majority of the political nation – fatally, for the destruction, not the improvement, of the regime.

These acts of tyranny were not overlooked, and the *szlachta* took this lesson to heart. Any reform strengthening the government was now out of the question. Moreover, *liberum veto* seemed the only tool the *szlachta* had to stop royal arbitrariness, and as such its destructive power needed to be reinforced. A few years later, in 1669, the right

of a single deputy to break off the Sejm was therefore confirmed. Thus, the evolution of the regime moved further towards weakening, not strengthening, the government. State weakness came to be seen as the only shield against royal absolutism.

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As a collective body, the *szlachta* was the host of the Polish-Lithuanian Commonwealth, while as individuals, they were its citizens. They exercised control over the state and fulfilled their civic duties not only through the principle of representation, but also through direct participation in the *Sejmiki* and the election of their ruler – a president for life, in effect. This system gradually and almost imperceptibly led to the emergence of an original political regime known as *gentry democracy*, which created the largest space for civic liberty in Europe from the sixteenth to the eighteenth century. Naturally, like any group enjoying power, they tended to abuse it for their own advantage, especially to the detriment of the peasantry. But making self-serving laws that benefit the dominant class at the expense of others is not uncommon. The nineteenth-century liberals were not beyond reproach in relation to the working class either.

Royal absolutism was a real danger, not a chimera that needlessly preoccupied the nobles. To prevent it, the *szlachta* employed simple yet effective tools: the *liberum veto*, the breaking off of the Sejm, and the refusal to finance a standing army. Unlike the Americans, they did not know how to make the government strong yet harness it in service of their freedom and the state. They knew how to protect themselves only by making the government weak. However, the Commonwealth did not have an insular location, like England, to keep itself safe from enemies. On the contrary, it had sinister and predatory neighbours – Russia and Prussia – that had long schemed how to corrupt the ruling elite and weaken and devour the Commonwealth. In the age of absolutism, when states directed most of their resources into building large and powerful armies, the Commonwealth had no chance of preserving its liberty without a military force worthy of the name.

But can we blame the nobles for not seeing the option of separating royal and executive power in the mid-seventeenth century? Montesquieu would not propose the tripartite division of powers for another hundred years, while the practice of majority government appeared even later. The initial ‘liberal’ phase of the French Revolution did not grasp this concept either, as lamented by Lord Acton.

Does this mean the Commonwealth was doomed, and the nobles bear no responsibility for its collapse? Not at all. Although they could not know the modern division of powers, they were certainly well acquainted with the ancient teachings on balancing the ruling principles – the rule of one, the few, and the many. An unbalanced democracy, even one qualified as ‘gentry’, could not be a good regime, particularly if it undermined

its own core instrument of power, the Sejm, and when the few (lords) and the king shamelessly engaged in foreign-subsidised intrigues.

The Commonwealth offers a textbook example of Acton's assertion that, to be good, democracy requires far more constraints, limitations, and vigilance than any other kind of regime, and that an improperly or insufficiently balanced democracy is self-destructive.

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LIBERTY AND CITIZENRY IN THE POLISH-LITHUANIAN COMMONWEALTH: ACTONIAN APPROACH

Abstract

In common understanding, the term ‘citizen’ refers to the citizenship of a given state and the right to vote, equal to that of other fellow citizens. This interpretation overlooks the most important aspect of citizenship, namely the real and consistent influence of citizens on the fate of their community. This dimension of citizenship is emphasised by Lord Acton, who highlights the participation of citizens in decision-making, particularly at the local level, and rejects reducing it to the act of casting a vote at the ballot box, beyond which they remain indifferent and without any influence. The article briefly presents Acton’s understanding of citizenship and applies his approach to the nobles of the Polish-Lithuanian Commonwealth. The second part of the article analyses the issue of ‘parliamentary reform’ after the wars with Muscovy and Sweden in the second half of the 17th century, pointing out that the primary responsibility for the failure of these efforts lay not with the nobles but with the royal couple and their ability to control the senate and the overwhelming majority in the house of deputies.

Keywords: Civic liberty, citizenship, local self-government, gentry democracy, constitutional law, English Constitutionalism, American regime, parliamentary reforms, political nation, Polish-Lithuanian Commonwealth, Muscovy, Swedish Deluge

WOLNOŚĆ I OBYWATELSKOŚĆ W RZECZPOSPOLITEJ OBOJGA NARODÓW W PERSPEKTYWIE LORDA ACTONA

Streszczenie

W powszechnym mniemaniu termin „obywatel” oznacza obywatelstwo danego państwa oraz prawo głosowania, takie samo jak innych współobywateli. Rozumienie to pomija najważniejszy aspekt obywatelstwa, tj. realny i stały wpływ obywateli na losy ich wspólnoty. Ten wymiar obywatelstwa podkreśla Lord Acton, zwracający uwagę na uczestnictwo obywatela w podejmowaniu decyzji, zwłaszcza w wymiarze lokalnym, i odrzucający redukowanie go do momentu wrzucania głosu do urny wyborczej, a poza tym – obojętnego i niemającego żadnego wpływu. Artykuł prezentuje pokrótce actońskie rozumienie obywatelstwa i stosuje jego podejście do szlachty Rzeczypospolitej Obojga Narodów. Druga część artykułu analizuje problem „reform sejmowania” po wojnach z Moskwą i Szwecją w drugiej połowie XVII wieku, wskazując, iż główną odpowiedzialność za niepowodzenie tych wysiłków ponosi nie szlachta, a para królewska i jej zdolność do kontrolowania senatu i przeważającej większości izby poselskiej.

Słowa kluczowe: obywatelska wolność, obywatelskość, samorząd lokalny, demokracja szlachecka, prawo konstytucyjne, angielski konstytucjonalizm, ustrój Ameryki, reformy sejmowania, naród polityczny, Rzeczpospolita Obojga Narodów, Moskonia, szwedzki potop