THE POLISH NOBLES' DEMOCRACY: BETWEEN ANCIENT AND MODERN DEMOCRACY

La democracia de los nobles polacos: entre la antigua y la moderna democracia

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Abstract: The aim of the article is to present the Polish Nobles' Democracy as an example of a system that lies between the ancient and modern forms of democracy. The Polish tradition, both in the ideological and institutional solutions of democracy from the half of 15th century to the end of 18th century, was the link between the ancient and modern rule of the people. The abuse of some institutions and rhetoric became the cause of the fall of the Polish-Lithuanian Commonwealth at the endof 18th century. In addition to much criticism of this system on the part of Montesquieu, Voltaire and Frederick II, it also had its defenders and advocates, such as Rousseau or Schiller.

Keywords: model of democracy, Polish Nobles' Democracy, Golden Liberty, *Liberum veto.*

Resumen: El objetivo del artículo es presentar la democracia de los nobles polacos como un ejemplo de un sistema que se encuentra entre las formas antiguas y modernas de democracia. La tradición polaca, tanto en las soluciones ideológicas como institucionales de la democracia desde la mitad del siglo XV hasta finales del siglo XVIII, fue el vínculo entre el gobierno antiguo y el moderno del pueblo. El abuso de algunas instituciones y la retórica se convirtió en la causa de la caída de la Commonwealth polaco-lituana a finales del siglo XVIII. Además de muchas críticas a este sistema por parte de Montesquieu, Voltaire y

Federico II, también tuvo sus defensores y protectores, como Rousseau o Schiller.

Palabras clave: modelo de democracia, democracia de los nobles polacos, Golden Liberty, *Liberum veto*.

The first part of my article focuses on some similarities and distinctions within the theories and sources of European democracies, mainly from ancient Greece and Rome, medieval Switzerland, and the Italian city-states.

The next part analyzes the model of the Polish Nobles' Democracy – an exceptional yet not very well-known system that was based on the rule of law, religious tolerance and individual rights. On the one hand, the functioning and ideology of the Polish Nobles' Democracy (since 1569 within the Polish-Lithuanian Commonwealth, and also called the Polish Nobles' "Golden Freedom") provides an interesting point of view on individual liberty and dignity, as well as on the restrictions of centralized power. On the other hand, the history of the decline and corruption of the Polish Nobles' Democracy gives a striking perspective on the present crisis of democracy. I will address the criticism formulated by Voltaire, Montesquieu, and Frederick II, as well as the support expressed by Rousseau and Schiller. Furthermore, an analogical analysis of the contemporary debates on the positive and negative aspects of Golden Liberty will be presented.

Modern liberal democracy consists of a combination of mechanisms that provide constitutional guarantees for individual rights, human rights andfree elections. The evolution of Western democracy was focused on parliamentary elections and the gradual abolition of census suffrage from the end of the 19th century until the end of Cold War, as described by Robert Alan Dahl, Giovanni Sartori, and Charles Tilly.[1] Usually, ancient Athens is

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1) Giovanni Sartori, *The Theory of Democracy Revisited* (New Jersey: Chatham House Publishers, 1987), 148 and ff.; Charles Tilly, *Democracy* (Cambridge: Cambridge University Press, 2007), 18-38; Robert Alan Dahl, *Democracy and Its Critics* (Yale: Yale University Press, 1989), 140-145.

considered as a classic example of democracy. However, we should bear in mind the historical differences between democracy and liberalism. As Helena Rosenblatt wrote: *One common mistake is to conflate liberalism with democracy. The two concepts are not synonyms. For most of their history, they have not even been compatible*. She also pointed out that: [*f*]*rom the time of the ancient Greeks, "democracy" has meant "rule by the people". Some have interpreted this to mean direct political participation by all male citizens,*[2] This idea and model were considered in its time as one of the forms of government (alongside aristocracy and monarchy) and was applied only in the polis of Athens; however, it became identified with the classic model of democracy.

Let me emphasize that this ancient system covered a relatively small territory and population. The democratic rulers were in a minority – only 8 % of all habitants: adult males with full political rights. Equality was a privilege reserved for this narrow group, that is why it is also called "democracy of the elites" or "surrounded democracy".[3]

The Athenian democracy was characterized by:

1) direct political participation,

2) within this political class: the domination of the majority over individual opinion,

3) participation as an obligation. Pericles' Funeral Oration, in which he praises the ancient city's democracy: (…) for, unlike

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2) Helena Rosenblatt, *Liberal democracy is in crisis. But ... do we know what it is?* [10.04.2021] https://www.theguardian.com/commentisfree/2018/may/27/liberal-democracy-history-us-politics
3) Przemysław Krzywoszyński, "The Problem of Human Rights in Direct Democracy", *Bajo Palabra* 9, (2014): 96-97; Marek Żyromski, „Demokracja ateńska jako demokracja dla elity", in Stan i perspektywy demokracji bezpośredniej w Polsce, ed. Maria Marczewska-Rytko, (Lublin: Wydawnictwo UMCS, 2010), 17-23.

> any other nation, regarding him who takes no part in these
> duties not as unambitious but as useless.[4]

The system resulted in a homogeneous, intolerant society which suffered from constant threats of conspiracy, especially from the rich part of population, whose influence can be described as that of an oligarchy. In this context, it is worth noting that Pericles' *Funeral Oration* is the only written source which provides an apologetic in praise of Athenian democracy.

Another classic ancient model comes from The Roman Republic, i.e. *res publica*. In that system – and also later in the Roman Empire – democracy was only one part of *genus mixtum* in the form of a Plebeian Council (Latin: *Concilium Plebis*). Over time, these councils lost their importance, however they remained as a formal complement of monarchy and aristocracy.

The most important medieval models of democracy include the Italian city-states and Swiss communities and cantons. The former continued the ancient Greek and Roman traditions. Francesco Maiolo indictates that:

> Most medieval civil lawyers addressed the question of the origin of sovereignty starting from Roman law. Accordingly, they focused either on the *lex regia de imperio*, which affirmed that the Roman people were the original bearer of all powers, including the *potestas condendi leges*, and that they transferred "*omnem imperinm et omnem potestatem*" to the princeps, or to the superior *dignitas* on the side of the Emperor. The original locus of sovereignty, the term *populus* meant *'organised people'*, namely the political community. St. Isidore of Seville had already restated in Ciceronian fashion that "*populus ergo tota civitas est coetus humanae multitudinis, iuris consensus et concordi communione sociatus*". Locating sovereignty by the Roman people is nothing but moving within the boundaries of the *ordo ordinatus*, an order merely presupposed and even obscure as far as its foundation is concerned.[5]

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4) Thucydides, *Peloponnesian War*, Book 2.34-46 [15.10.2012] http://www.fordham.edu/halsall/ancient/pericles-funeralspeech.asp
[5] Francesco Maiolo, Medieval Sovereignty. Marsilius of Padua and Bartolous of Saxoferato (Amsterdam: Eburon, 2007), 75-76.

It worth emphasizing that citizenship was generally reserved for free armed male inhabitants – the *militia*, who embodied a well-organized sovereign. The assembly of all citizens, called the *consilium, parlamento* or *arengo*, had both political and military power, which played crucial role in the frequent conflicts between the Papacy and the Holy Roman Empire.[6] However, the Italian city-states in general were quick to lose their democratic character and often transformed into oligarchies or tyrannies, but they inspired, among others, Marsilius of Padua. In his famous treatise *Defensor pacis*, he defended the independence of the Holy Roman Empire from the Papacy, which ultimately led him to argue for the sovereignty of the people. According to Marsilius of Padua, the community always takes priority over individuals, because the majority is wiser than a single man. He also emphasized the superiority of laws created by the state over God's law.[7]

In the context of Swiss communities and their long history, following the famous revolt in 1291, and after the Reformation wars (1525-31), economic conditions led to the creation of socio-religious organizations in every canton. It is worth emphasizing that the natural (geographical) conditions of the country forced the cantons to engage in more democratic cooperation. Moreover, participation in local councils (German: *Landsgemeinde*) included all the free peasants, and it was perceived more as an obligation – sometimes even as a constraint – than a privilege. Therefore, the democratic power within each canton was extended to the peasants (of one faith), though on the confederation level there was plurality in terms of religion.[8]

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6) Tilly, Democracy, 42-43; Jean-Claude Maire Vigueur Cavaliers et citoyens. Guerre et société dans l'Italie communale, XIIe-XIIIe siècles (Paris: EHESSpp. 2003), 354-358; Przemysław Krzywoszyński, „Między prawem a obowiązkiem uczestnictwa w demokracji bezpośredniej", in Moralność i władza jako kategorie myśli politycznej, ed. Janusz Justyński, Andrzej Madeja, (Warszawa: Lex Wolters, Kluwers business, 2011), 50-51.
7) George Holland Sabine, Thomas Landon Thorson, A History of Political Theory (Hinsdale, Illinois: Dryden Press 1973), 273-274; Maiolo, Medieval Sovereignty, 173-174, 207-217.
8) Krzywoszyński, "The Problem", 97.

As is well known, Rousseau drew inspiration from this political system and commented on it in *Du contrat social ou Principe du droit politique* (1762). He considered the Swiss model to be almost ideal in terms of the balance between equality and freedom, yet he was critical about the domination of the community over the individual. He was particularly interested in the organization of small rural communities of smallholders where ideally, according to Rousseau, education and religion practice should be available to all. The universality (of laws and education) was guaranteed by the 'people's will' and paradoxically, society could force these 'freedoms' on their citizens.[9]

All historical democratic systems, like the Italian communities and Swiss cantons, (also some cities of the Hanseatic League, and later also including the political experiments of The French Revolutions) referred to the Athenian model. Firstly, they created the possibility of an effective system operating only in a small area. Secondly, they generated homogeneous communities (for example, in terms of religion and language) with strong unifying tendencies.

These systems were unstable, easily corruptible, and many transformed into oligarchies, such as Venice, many of the Hanseatic cities, and the wealthier Swiss cantons (for instance Geneva), or into monarchies, like some of the Italian republics: Florence, Milan or Verona.

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9) Jean-Jacques Rousseau, *Du contrat social ou Principe du droit politique*, ed. Sálvio M. Soares. (Amsterdam – Lausanne – Melbourne – Milan – New York – São Paulo: MetaLibri, 2008), 12. *Afin donc que ce pacte social ne soit pas un vain formulaire, il renferme tacitement cet engagement, qui seul peut donner de la force aux autres, que quiconque refusera d'obéir à la volonté générale, y sera contraint par tout le corps ; ce qui ne signifie autre chose sinon qu'on le forcera à être libre, car telle est la condition qui, donnant chaque citoyen à la patrie, le garantit de toute dépendance personnelle, condition qui fait l'artifice et le Jeu de la machine politique, et qui seule rend légitimes les engagements civils, lesquels, sans cela, seraient absurdes, tyranniques, et sujets aux plus énormes abus.*

Similarly, the democratic revolts from the French Revolutions also led to dictatorship. The most liberal ideologists from the 19th century expressed their mistrust towards democracy. Benjamin Constant, for instance, pointed out that what he called "ancient liberty" – admired by Jacobins – resulted in the enslavement of individuals. Tocqueville warned against the masses and their lowest instincts, as well as the triumph of mediocrity.[10]

Jacob L. Talmon criticized Rousseau's ideas as advocating the domination of the majority, and moreover, he blamed the Swiss philosopher's theory for establishing the totalitarian origins of modern democracy. He wrote: [*n*]*ow at the very foundation of the principle of direct and indivisible democracy, and the expectation of unanimity, there is the implication of dictatorship, as the history of many a referendum has shown.*[11]

It should be noted that in Europe from the end of the 15th century there were attempts to reconcile the values of ancient democracy with those of its modern variant. Furthermore, in this context it is worth recalling the concept of "el mandar obedeciendo" by Enrique Dussel, and highlighting that, to a certain extent, the Polish Nobles' Democracy can be considered as an interesting application of this Dusselian idea. The Polish Nobles' Democracy is an example of "historical and historic" model of people's rule. On the one hand, this European democracy (also called Polish Nobles' "Golden Freedom") provides an interesting point of view in terms of the rule of law, religious tolerance, and individual rights, as well as of restrictions on centralized power. On the other hand, the distortion of these rules led to the decline and corruption of that system.

The Polish Nobles' Democracy is an exceptional yet not very well-known system, which was created at around 1450 and survived until the end of 18th century. It was still the rule of minority (8-12% of the entire population

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10) Rosenblatt, *ibidem*.
11) Jacob Leib Talmon, *The Origins of Totalitarian Democracy* (London: Mercury Books, 1961), 47.

could participate) in which political rights – values like liberty, equality and dignity – were reserved exclusively for the nobility (the political nation). It is worth noting that this Polish democracy was original in terms of, firstly, territory and the number of participants (male nobles), which made it one of the largest in Europe.[12] Secondly, the geographically large country developed a specific system of democratic power on both local and central levels. Local political organs consisted of self-government council communities – regional councils (Polish: *sejmiki*), which were called "the federation of neighborhoods".[13] The central political organs were represented by the parliament (the Sejm) and the king as the head of state. In spite of the large territory, the long distances between communities, and difficult communication conditions, the elections and debates were main form of resolving political and social problems.[14]

Thirdly, the Polish Nobles' Democracy was an original example of the social contract. From 1374 onwards, the king was elected and the role was no longer hereditary, though until 1572 the candidate was always a member of the royal family. Whenever a monarch wanted to guarantee the throne to his heir, he had to negotiate with the nobles and grant them new privileges and rights. On two occasions there was no male successor and the nobles decided to choose a woman as the king (not as a queen but as a king), and in both cases, in 1374 and 1572, the electors choose a husband for the king.

After the death of Sigismund II Augustus in 1572, for the first time since 1374 there was no male successor in Poland, and this is when the system

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12) The Polish-Lithuanian Commonwealth of 1569 – represented the fourth most extensive political entity in terms of land area and the third largest country in terms of population. Przemysław Krzywoszyński, "The Origins of Religious Liberty within Modern Democracy: Some Remarks on Poland's Golden Freedom", *Annales Universitatis Curie-Skłodowska Lublin – Polonia, Sectio K*, Vol. XIX, 2, (2012): 108.
13) Andrzej Zajączkowski, *Główne elementy kultury szlacheckiej w Polsce. Ideologia a struktury społeczne* (Wrocław - Warszawa - Kraków: Zakład Narodowy im. Ossolińskich, 1961), 54.
14) Claude Backvis, *Szkice o kulturze staropolskiej* (Warszawa: PIW 1975), 552 and ff.

of free election was established.[15] The nobles formed a confederation in order to protect the state from foreign invasion until the election of a new monarch. They also prepared a set of rights which limited the power of the elected king and guaranteed the conservation of their own privileges. The king had to sign a pledge of these rights, a document derived from his name, known as the *Henrician Articles*. Władysław Sobociński described this warranty as the first informal Polish constitutional charter.[16]

Noble privileges were the basis of the system and condition of the rule of law. Their content included, *inter alia*: personal and property inviolability, the right to a fair trial and tax exemptions. The power of the king and his officials had been gradually limited since the end of the 14th century. In consequence, this process led to political independence and guaranteed liberty for both the nobility as a whole, as well as for each of its representatives. From 1456, the Polish king was obliged to consult crucial decisions – for instance, those concerning war and taxes – with regional councils, and, after 1493, also with a central organ, i.e. the Sejm. Such an organization of political power and administration (almost all officials were elected) was considered to be both an example of a balance of power and a perfect political system. Therefore, unlike in European monarchies, the Polish nobility had real influence on governance, and the king had to share power with the nobles.[17]

Moreover, earlier democratic societies were mostly homogeneous, within one religion and/or culture. The Kingdom of Poland (after 1569 within

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15) Stanisław Płaza, *Wielkie bezkrólewia* (Kraków: KAW 1988), 2-21; Dariusz Makiłła, *Artykuły Henrykowskie (1573-76). Studium historyczno-prawne* (Warszawa: Vizja Press 2012), 29-51, 357- 403.
16) Edward Opaliński, *Kultura polityczna szlachty polskiej w latach 1587–1652* (Warszawa: Wydawnictwo Sejmowe, 1995), 64-68; Władysław Sobociński, „O ustawie konstytucyjnej Państwa Polskiego z 1573", *Czasopismo Prawno-Historyczne*, vol. I (1948): 73-90; Krzywoszyński, „The Origins", 109-110.
17) Stanisław Salmonowicz, „La noblesse polonaise contre l'arbitraire du pouvoir royal. Les privilèges judiciaires de la noblesse", *Revue Historique de droit français et étranger*, vol.72 (1), (1994): 25-28.

The Polish-Lithuanian Commonwealth) was different, as all nobles had equal political rights, regardless of differences in terms of origins, language or religion (next to Catholics there were many Orthodox Christians, and from the second half of the sixteenth century there were also many Protestants, particularly Calvinists). Religious freedom was guaranteed in a separate act added to the laws of the Polish Kingdom in 1573, at a time when Western Europe was in the midst of a violent period of brutal religious wars.[18]

Political liberty constituted the central value of the Polish Nobles' Democracy. Every nobleman, as well as the noble's community as a whole, respected class solidarity and the privileges that constituted their 'Golden Liberty', including the famous *Liberum veto* ("I oppose!"). The *Liberum veto*, in theory, exemplified the protection of individual freedom. It assumed the equality of all classes (formally there was no difference between a rich aristocrat and a simple noble); every nobleman had the power to vote (and even from 1573 could be elected as a king – through free election).[19]

It was the first system that tried to strike a balance between individualism and majority domination: every noble could protest and block a dangerous legal act by the institution of *Liberum veto*.

Another example of the nobles' real power, in the case of protection from abuse of power by the king, was the collective right to oppose. Legal resistance could be realized in the form of a lawful rebellion, called *rokosz* (from Hungarian: *Rákos*). This institution was used twice at the end of the 15th century. Another famous rebellion occurred in 1537, when the Polish

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18) Stanisław Salmonowicz, „O tolerancji religijnej w „modelu polskim" (XVI-XVIII w.)", in: idem, *Kilka minionych wieków: szkice i studia z historii ustroju Polski* (Kraków: Towarzystwo Autorów i Wydawców Prac Naukowych UNIVERSITAS, 2009), 32; idem. „O sytuacji protestantów w dawnej Polsce", *Czasopismo Prawno-Historyczne*, vol. XXVI/1 (1974): 8-9; Janusz Tazbir, *Reformacja – kontrreformacja – tolerancja* (Wrocław: Wydawnictwo Dolnośląskie, 1997), 12; idem, *Tradycje tolerancji religijnej w Polsce* (Warszawa: Książka i Wiedza, 1980), 2-19; Krzywoszyński, "The Origins", 110.
19) Henryk Olszewski, "The Power and the Downfall of the Polish Parliament", in idem, *Sejm w dawnej Rzeczypospolitej*, t.2 (Poznań: Printer, 2002), 130-142.

nobles were afraid of the king's alliance with rich aristocracy. Therefore, they formulated some postulates in order to control the royal domain and conserve their privileges, which gave the origins to the well-known political formation of the middle nobles, called The Executionist movement.[20]

In the 17th century two notorious *rokosz* (1605-09, 1668-1669) were led by magnates against the king, under the false pretenses of defending the golden nobles' liberty and equality. In actual fact, they reinforced the oligarchy and guaranteed the monopoly of power to the richest aristocracy.[21]

The ideology of the Polish Golden Freedom was based on ancient ideas (Aristotle's theory of *politeia* and Polybius' balance of power), the Christian theory of individual independence, Aquinas' theory of the right to oppose, the theory of predestination, and Polish myths and history. The nobility considered themselves as the Aristotelian middle class. Most of them were educated on Aristotle's *Politeia* and ancient Roman authors, especially Cicero. They considered the Polish Noble's Democracy as the best example of the mixed system (*genus mixtum*) and a continuation of republican Rome. They relied on the myth of the Sarmatians, and sometimes they pushed the interpretation into the extreme. For example, Wojciech Dębołęcki, a Polish Franciscan friar, writer, composer and chaplain of units of irregular Polish-Lithuanian light cavalry, praised Sarmatian culture in his poetry and, among other things, tried to prove that Paradise was on Polish soil, and that God spoke to Adam and Eve in Polish.[22]

The decline of this system started because of wars, the changing economic situation – the disappearance of middle-class nobles, and the

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20) Anna Sucheni-Grabowska, *Spory królów ze szlachtą w złotym wieku* (Kraków: KAW, 1988),7-54; Przemysław Krzywoszyński, *Stanisław Orzechowski – ideolog demokracji szlacheckiej* (Poznań: Wydawnictwo poznańskie, 2010), 80 and ff.
21) Henryk Wisner, *Rokosz Zebrzydowskiego*, (Kraków: KAW 1989), 3-4; Jarema Maciszewski, *Wojna domowa w Polsce (1606- 1609)* cz .I (Wrocław: Zakład Narodowy im. Ossolińskich, 1960),30; Stanisław Płaza, *Rokosz Lubomirskiego* (Kraków: KAW, 1994), 44-46.
22) Zbigniew Ogonowski, Filozofia polityczna w Polsce XVII wieku i tradycje demokracji europejskiej (Warszawa PAN IFiS 1992), 157-173.

hegemony and monopoly of the magnates (rich aristocracy). Oligarchs used democratic ideology – as a slogan of besieged freedom and the duty to defend it – against any attempt at reform, especially when the king tried to improve the system of governance. The atmosphere of danger and fear of crisis was supported by the idea of the bulwark of Christianity and the necessity of being on standby to defend the country, class privileges and above all liberty. From 1652, abuses of the *Liberum veto* completely paralyzed the political system, especially in the 18th century, as did frequent rebellions. Neighboring countries exploited the decline of nobles' democracy and corrupted the magnates. All attempts at reform (particularly in 1764 and 1788-92) were unsuccessful, and as a result Poland disappeared from the political map of Europe for 123 years.

The Polish Nobles' Democracy was criticized by the Enlightenment philosophers Montesquieu and Voltaire. According to the former, modern democracy was inconceivable; he claimed that it was only possible in small ancient equal communities. Montesquieu's main contribution to the discussion on democracy consists of an elaboration of an ideal type a of democratic republic. Equality of citizens within these communities required, he argued, restraints on personal ambition, a modest lifestyle and humility, patriotic education and a willingness to sacrifice for the country, and was guaranteed by the strict use of ostracism.[23] Montesquieu regarded democracy as unsuited to modern states with large populations, because citizens were distracted from civic virtues by the development of manufacturing, commerce, competition, and the accumulation of wealth. Instead of this, citizens should directly participate in the process of law-making, in choosing magistrates, and in serving on juries, as the democratic republic, according to Montesquieu, presupposes politics undertaken on the

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[23] Charles de Secondat de Montesquieu, *De l'esprit des lois*, (Paris: Éditions Gallimard, 1995) 32-33; 40-43; 45-48, 139.

very small scale of the ancient city-state. He claimed that the Roman republic provides an example of the erosion of both democratic values and institutions.[24]

The author of *De l'esprit des lois* considered the Polish system to be corrupt and ineffective, on both political and social levels. In his opinion, because in Poland part of the people possessed the right to elect and to dethrone the monarch, it constituted a political model that was hard to classify, as at the same time it was a country "without a master", close to anarchy, therefore an exception within European monarchies.[25] According to Montesquieu, Poland was the most imperfect aristocracy.[26] He formed his opinions on Polish political and social relationships from the views of the former king of Poland and father-in-law of Louis XV – Stanisław Leszczyński who was his friend. His critique of the Polish Noble's Democracy was delivered when the system was in decline, caused by the magnates' hegemony and the crisis of the agricultural economy, and deepened by wars that completely ruined the state from the middle of the 17th century.

It is worth emphasizing that, in contrast to Montesquieu, Voltaire did not base his critique on well-informed, reliable sources. He described Poland as a bastion of misconduct and superstition. He went so far as to call the

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24) *Ibid.*, p. 94-95; David W. Carrithers suggests that Montesquieu's democracy was a form of government vesting power in all adult males of citizen rank, empowering them to directly participate in the lawmaking process, the selection of magistrates, and the business of jury courts. In today's world, the term democracy refers to governments where citizens possess voting rights and fundamental freedoms but do not participate in law-making. Only through such a definitional change have we been able to render the ancient concept of direct democracy relevant to modern times. (David W. Carrithers, "Democratic and Aristocratic Republics: Ancient and Modern", in Montesquieu's Science of Politics: Essays on "The Spirit of Laws", ed. David W. Carrithers, Michael A. Mosher, and Paul A. Rahe, Lanham, Md.: Rowman and Littlefield, 2002), 109-158.
25) See also: Jean Bodin's view on Poland. See Michał Sczaniecki, "Jean Bodin et la Pologne", Czasopismo Prawno-Historyczne vol. XXIX/2 (1977): 39-53.
26) Montesquieu, op. cit., 29-30: Les familles aristocratiques doivent donc être peuple autant qu'il est possible. Plus une aristocratie approchera de la démocratie, plus elle sera parfaite; et elle le deviendra moins, à mesure qu'elle approchera de la monarchie. La plus imparfaite de toutes est celle où la partie du peuple qui obéit est dans l'esclavage civil de celle qui commande, comme l'aristocratie de Pologne, où les paysans sont esclaves de la noblesse.

invasion of Russia and Prussia and the subsequent partition of Poland a necessary "protection" from complete downfall. Voltaire even tried to prove that only an enlightened monarch – like Frederick II, in his opinion – could reform this completely collapsing system. He supported the Prussian king in his project of partitioning anarchic Poland, which he paradoxically accused of intolerance, when in fact Poland was uniquely tolerant, and even gained fame as "the country without pyres". Voltaire praised *La guerre des confédérés,* a satiric poem created by his crowned friend.[27]

Among the supporters of Polish Nobles' Democracy we should mention, once again, Rousseau, who believed that the system was a good example of sovereignty of the people in a large country. In his opinion, it constituted an example of a synthesis of direct democracy and the diet as an organ of representation. In *Considérations sur le gouvernement de Pologne et sur sa réformation projetée* (1770-1771) he described the Polish example as the first realization of the idea of semi-direct democracy. Rousseau considered that the *Liberum veto* was the way that could reconcile the individual and community will. In this opinion, he was contrary to the general view and he tried to indicate that this institution, used for moral and patriotic purposes, protects the political body.[28]

After the Partitions of Poland (1772, 1793, 1795) Prussia, Austria and Russia tried to justify the fall of Polish kingdom by accusing it of lacking strong and centralized power, as did many Polish politicians and ideologists, particularly from the second half of the 19th century.[29] They identified the

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27) See the collected pamphlets, translated into Polish under the title "Letters Against Poles". Voltaire, *Pisma przeciw Polakom* (Warszawa: Fundacja Augusta hr. Cieszkowskiego 2017); Jan Papiór, „Idealizacja czy mitologizacja Fryderyka II w literaturze", *Przegląd Zachodni*, 3 (1983): 35.
28) Jean-Marie Denquin, Référendum et plébiscite. Essai de théorie générale (Paris: Librairie générale de droit et de jurispudence, 1976), 22-23; René Capitant, Démocratie et participation politique dans les institutions françaises de 1875 à nos jours (Paris: Bordas, 1972), 25-28; Jerzy Michalski, Rousseau and Polish Republicanism (Warszawa: PWN, 2015), 104-115.
29) Henryk Olszewski, „Doktryna złotej wolności i spory o jej spuściznę", in: idem, *Sejm w dawnej Rzeczypospolitej. Ustrój i idee*, t.2 (Poznań: Printer, 2002), 510 and ff.

Liberum veto with egoism and anarchy, and regarded the Polish Nobles' Democracy as a type of illiberal democracy.[30] On the other hand, Frederic Schiller, in his unfinished drama *Demetrius*, presented the *Liberum veto* as the voice of the reasonable individual against the mindless crowd. In the first scene of the play, Demetrius gives his speech before the Polish diet and the king, where he convinces the monarch, senators and representatives to declare war on Russia. A formal resolution is not passed by the diet because of a *veto* by Prince Sapieha, but still Poland goes into battle against Moscow. Sapieha accuses the diet of bribery and barely gets out alive. The scene was completely made up, since the first *veto* was used in 1652, and moreover he failed to present the real procedure. However, the atmosphere of suspicion, the accusations, as well as the quarrels in the Sejm, were accurately presented by Schiller. It is worth mentioning that the unfinished drama was written nearly 11 years after the third final partition of Poland.[31]

In the 20th century, the period of Golden Liberty was still presented mainly in a negative light, especially during the communist era. The official propaganda called it retrogressive, treacherous, and corrupt. Only in the last decades have new interpretations and studies appeared that seem to be more balanced and appreciative of its original and progressive elements.[32]

It seems that the Polish Nobles' Democracy, despite many references to classic models, was already quite modern, with some liberal characteristics. On the institutional level, it may be considered a mix of direct and representative democracy. Most of the officials, including the monarch,

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30) Władysław Konopczyński's work *Liberum veto* from 1918 constituted the most famous criticism that reinforced the negative image of the institution and Polish Nobles' Democracy. See the reprint from the original Władysław Konopczyński, *Liberum veto*, (Warszawa: Graf_ika, 2018)
31) Przemysław Krzywoszyński, „„Hic sunt leones"? Obraz Polski w dziełach operowych i teatralnych końca XVIII wieku" in *Europejski wiek osiemnasty. Uniwersalizm myśli, różnorodność dróg. Studia i materiały*, ed. Marek Dębowski, Anna Grześkowiak-Krwawicz, Michał Zwierzykowski, (Kraków: Societas_Vistulana, 2013), 578-579.
32) Olszewski, „Doktryna", 512-513; Janusz Tazbir, *Kultura szlachecka w Polsce. Rozkwit – upadek – relikty* (Poznań: Wydawnictwo Poznańskie 1998), 70-76; Michał Zbigniew Dankowski, *Liberum veto. Chluba czy przekleństwo?*, (Toruń: Jagiellońskie Wydawnictwo Naukowe 2019), 6-13.

were elected and controlled by local councils. The administration system was developed in two parallel levels - as royal (central) and noble (local, self-government). The judiciary was also elected, and the rule of law was one of the most important principles of the noble state. Moreover, nobles had real and lawful instrument for executing theirs laws, such as *rokosz* and confederation.

Among liberal elements of the Polish Nobles' Democracy, we should mention: the protection of individual rights; political pluralism and tolerance (especially religious), and the right to oppose (expressed by *Liberum veto*). The distrust of the fixed, central government, the pestering administration, and codified law, showed there was a strong attachment to individualism and independence.

It is worth emphasizing that the Polish Nobles' Democracy lasted 350 years, much longer than the ancient Greek form, thus almost as long as the Roman Empire, and above all, much longer than most absolute monarchies. This system was in crisis during its last 150 years, at least, caused by the abuse and misuse of democratic institutions. In particular, the institutions which had initially been established as guarantees of the people's (nobles') rule, by the end served only the interests of the oligarchy (magnates), due to corruption. These institutions had been formed as a means of dialogue, however with time and errors they not only made dialogue impossible, but also enabled many dangerous manipulations and led to the collapse of the whole country. The Dusselian idea "el mandar obedeciendo" can be considered as the principle of Polish Nobles' Democracy. In this context, we would like to quote James Albert Mitchener who, describing Poland at the turn of 17th and 18th centuries, wrote: [*d*]*espite this harsh system in which the magnate owned and controlled everything, a kind of rude democracy thrived in Poland, which was always much more liberal than its neighbors.*[33]

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33) James Albert Michener, *Poland* (New York: The Random House Publishing Group, 1984), XIX.

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