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# “It Is by Unrule That Poland Stands”

## *Institutions and Political Thought in the Polish-Lithuanian Republic*

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Premodern Poland does not often spring to mind when people think about the history of liberty and limited constitutional government. Although Poland is now a member of the European Union and a relatively wealthy country by world standards, it is still recovering from the severe injuries of its Communist-ruled past. External observers have tended to look at Poland—and at central and eastern Europe in general—with condescension, as if it were an inherently backward place that before the Communist era had been burdened by feudal despotism. Such a view, however, is wildly inaccurate. Not only does the region’s twentieth-century history offer vivid counterexamples, but its more remote past also presents important grounds for including it in the Occident’s philosophical and cultural space. If Western civilization—and civilization in general—rests on the recognition of individual rights that are inalienable and stem from human nature, if it requires a government that is subject to control and accountability, and if it necessitates tolerance of people of different races and religions, then the Polish-Lithuanian Republic (1573–1795) offers a fascinating example of Western civilization at its best.<sup>1</sup>

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1. The Polish term *rzeczpospolita* is translated accurately as “republic.” Readers should not be confused by the fact that a monarch headed the republic. There was no dynastic succession, and both the election of kings and an intricate control mechanism constrained the monarch’s power.

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In this article, I give an account of political institutions and political thought in the region during an era one would not readily associate with libertarian ideals. After all, the era of the republic was also the era of the Reformation and the Counter-Reformation, the Thirty Years War, and the rise of absolutist regimes. To be sure, the republic was not insulated from these cataclysmic events. Even in these circumstances, however, it remained for a long time a place where various religions were tolerated, where the king could not form a standing army to pursue his international ambitions, and where taxation was impossible without the unanimous consent of those who were going to be taxed. For these reasons alone, the Polish-Lithuanian Republic's history and institutions should be of utmost interest to today's classical-liberal thinkers, yet the latter are surprisingly silent with regard to Polish history. No serious effort has been made to understand and evaluate Polish political institutions from the perspective of classical liberalism or libertarianism even though the Polish-Lithuanian Republic appears to be well known informally in the economics profession and among classical liberals. Thus, a vast unexploited profit opportunity exists for classical-liberal scholars, and my main motivation here is to fill this gap in historical research and to show some promising avenues for future research.

I argue that the relative prosperity, the high degree of religious tolerance, and the freedom that prevailed in the Polish-Lithuanian Republic resulted from the particular institutions adopted by local nobles, the *szlachta*.<sup>2</sup> These nobles were represented in a parliament in which decision making rested on a unanimity rule known as the *liberum veto*. Furthermore, they had the right to resist and legally to form coalitions to oppose a specific policy the king had adopted or to deal with a grievance or injustice. The elected kings were bound by the Henrician Articles and the Pacta Conventa—precise lists of constitutional requirements whose breach justified civil disobedience.

Notwithstanding these institutions, the Polish-Lithuanian Republic was no libertarian paradise. It was, above all, a manorial society in which political rights were restricted to a small fraction of the total population. The local nobility often behaved despotically, and ordinary people's lives, by today's standards, were "nasty, brutish, and short." Such was the reality in most regions of the world before the Industrial Revolution. I have no desire to deny this part of European history. I seek only to call attention to some of the peculiar Polish institutions that enabled the republic to

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2. Although the Polish-Lithuanian Republic experienced a long-term stagnation in terms of gross domestic product per capita owing to shocks to agricultural production per capita, it also experienced periods of steady growth. These periods were interrupted by massive negative shocks during wars and invasions. See Zanden 2004 for a comparison of Poland's economic performance with the performances of other European countries. Allen (2003) shows that development indicators in the *rzeczpospolita* were similar to those of other central and eastern European countries of the era. According to Broadberry and Gupta, silver wages of skilled and unskilled laborers in major Polish cities (Gdansk, Warsaw, and Krakow) were similar to or even exceeded wages in Vienna, Leipzig, and Augsburg (2006, 5–8). In terms of rye, wages in Krakow were higher than those in Amsterdam. And in terms of real consumption, Polish urban laborers fared better than laborers in other major cities of central and eastern Europe, and even better than laborers in Milan and Florence.

secure an important degree of political, religious, and economic freedom for all its inhabitants. Given the existing institutional constraints of the manorial system, the republic succeeded in securing a relatively free environment and in resisting tendencies toward political centralization and empowerment of the monarch.

## The Republic of the Two Nations

The Republic of the Two Nations, Polish and Lithuanian, was established in December 1568, completing the personal union of Krewo of 1386.<sup>3</sup> In its original form, the republic lasted until the Constitution of May 3, 1791, and the subsequent partitions of Poland that removed Poland from the map of Europe. It lived through agitated times. It survived the Thirty Years War, the Great Northern War, and the Seven Years War without significantly altering its institutions and without abrogating the *szlachta's* liberties and freedom. However, these recurrent conflicts contributed to Poland's progressive weakening, which resulted in direct Russian influence over Polish and Lithuanian affairs and ultimately in the three partitions that took place in 1772, 1793, and 1795.

The republic was designed as an elective monarchy with a bicameral parliament composed of the appointive Senate, in which castellans, palatines, and bishops were represented, and the elective Sejm (the Diet), which consisted of the *szlachta's* envoys. These two chambers initially deliberated in common; it was only during the sixteenth century that the Sejm became a separate chamber. Decision making in the Sejm was based on the unanimity rule. In particular, every member was entitled to use the *liberum veto* to stop any legislation proposed or even to nullify a whole session of the Sejm.

During the first interregnum following the death of Zygmunt August in 1572, the Sejm formulated the Henrician Articles, a list of nonnegotiable rules that bound every monarch. Elected kings accordingly had no rights to levy new taxes or to declare war. The king had a duty to convene the Sejm for six weeks every two years and was obliged, upon his election, to sign and adhere to the Pacta Conventa, a political program prepared by the Sejm. During the first election in 1573, Henri de Valois, brother of the king of France, was chosen as the new king. Upon his coronation, he refused to sign the Henrician Articles and eventually fled from Poland back to France. As a result, another three-year interregnum followed, ending with Stefan Batory's election as the new king.

During Batory's reign, relations between the Sejm and the monarch were tense. Batory desired to wage war on Russia, but most of the *szlachta* did not. After Batory's death in 1586, the Sejm made a decision that would eventually plunge the republic into a long and unproductive quarrel with Sweden: Zygmunt III Vasa, heir to the Swedish throne, was elected king of Poland. Then in 1594 he was crowned king of

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3. This section draws heavily from Prażmowska 2004 and from Lukowski and Zawadzki 2006.

Sweden. Yet because he spent most of his time in Poland, ignoring Swedish affairs, the Swedish Parliament dethroned him in 1600. He and his heirs had always coveted the Swedish throne, and this ambition dragged Poland into a series of conflicts that ended only in 1660 with the Treaty of Oliva. At the same time, the republic was beginning to be threatened from the east by Russia. In the first half of the seventeenth century, Russian forces were weak enough to allow Polish colonization of the Ukraine. In the eighteenth century, the situation changed radically, however, and Russia's influence in the region grew to the point that Catherine the Great was able to meddle directly in Polish affairs.

In any case, for a significant period the republic was an extraordinary place, respectful of individual rights and tolerant of difference. Indeed, Polish insistence on freedom and individual rights goes back at least to 1374, when Louis of Anjou issued the Privilege of Košice, according to which the monarchs could not levy any new taxes without the consent of those who were going to pay them. In 1422, King Jagiełło decreed that no confiscation of the *szlachta's* property could take place without a court order. Eleven years later the Privilege of Jedlna affirmed the principle "Neminem captivabimus nisi iure victum": "We will not imprison anyone except if convicted by law." We may note that this decision took place two and a half centuries before England enacted its first Habeas Corpus Act in 1679 (Cole 1999). Even though the law formally protected only the *szlachta*, even townspeople, Jews, and free peasants benefited greatly from the prevailing freedom and tolerance. The relationship between Polish Catholics and the Jewish population was obviously a difficult one. It would be incorrect to deny the existence of Judeophobia in the Catholic Church and among the nobility. Nevertheless, institutions securing religious freedom and interdenominational peace prevented this prejudice from having major repercussions. Moreover, the anti-Semitic sentiments were moderated by a strong tradition of anticlericalism that existed even among the Catholic *szlachta* and by the ubiquity of economic interaction with Jews. As a result, Poland during this era was home to one of Europe's most vibrant Jewish populations.<sup>4</sup>

After 1652, when the *liberum veto* was first used to dismiss a whole session of the Sejm, the quality of governance of the *rzeczpospolita* and the country's economic performance declined (Davies 1984). Direct Russian influence increased and was exercised in particular through local magnates, such as the Czartoryski family, acting as intermediaries. The Czastoryskis were connected to the Russian court, and, in part through their position, Catherine the Great influenced Polish politics.

In the Seven Years War (1756–63), the republic remained formally neutral. As a result of its military weakness, Russian and Prussian forces traversed its territory

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4. See Teter 2006 for a rigorous investigation of the interdenominational peace and the relations between Catholics, Jews, and "heretics" in early-modern Poland. Teter finds that the apparent Catholicism of Poland masked the fact that in terms of religion, the country's population was extremely diverse. As a result, the Catholic Church's effective influence on everyday life in Poland was rather limited, even in the post-Reformation era.

unchecked and unchallenged, pillaging at will. In 1772, by an agreement between Austria, Prussia, and Russia, the republic lost 30 percent of its territory. Ding Poniatowski and the Sejm formally approved the treaty. The republic’s end was nearing. On May 3, 1791, the Sejm adopted a new constitution that transformed the republic into a hereditary monarchy with a strong parliament and abolished the principle of *liberum veto*. The republic unraveled rapidly then. The Second Partition took place in 1793, followed by a brave yet unsuccessful revolt organized by Tadeusz Kościuszko. The fate of the Republic of the Two Nations was decided two years later when Austria, Prussia, and Russia partitioned the remainder of the country and erased Poland from the map—a condition that would endure for more than 120 years.

### The Republic’s Political Institutions

The Polish-Lithuanian political system was founded on recognition of the necessity of limited constitutional government. In fact, the republic’s watchword was “Nierządem Polska stoi” (“It is by unruleness that Poland stands”), which neatly summarized the priority given to individual freedom over notions of the monarch’s divine right or sovereignty. The Polish-Lithuanian Republic possessed unique institutions that ensured that the nobility’s liberties would not be abrogated at the monarch’s discretion. These institutions included, first and foremost, the *liberum veto*—an embodiment of the ideal of political unanimity later espoused by thinkers such as Knut Wicksell (1896) and James M. Buchanan (1951). Whether the *liberum veto* was an efficient voting rule, particularly in the later period of the republic’s existence, may be questioned (on this issue, see Roháč 2008). Here, however, I am focusing on its importance in the years surrounding its emergence. At that time, it played a crucial role in securing religious tolerance and in preventing the advent of absolutism. Moreover, part of the Polish and Lithuanian population benefited from the right to form confederations, initiatives by the nobles and towns to redress a grievance. Finally, unlike other kingdoms, the *rzeczpospolita* was an elective monarchy in which the king had to agree to abide by the requirements outlined in the Henrician Articles and the Pacta Conventa. The king’s conduct was closely watched, and the nobility often disobeyed monarchs who attempted to increase executive power without the consent of the governed.

### The *Liberalum Veto*

According to the Henrician Articles, the king was obliged to summon the Sejm for six weeks every two years. Local *sejmiki* (dietines) sent their “envoys.”<sup>5</sup> Among the *sejmiki* and in the Sejm alike, any member could halt the proceedings by saying

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5. The Polish word *poseł* means not only “representative” or “member of Parliament,” but also “ambassador” and “messenger.”

“Veto” or “Nie pozwalam.” In the Sejm’s early years, uncertainty existed as to how unanimity affected the proceedings. In usual circumstances, a sufficient condition for a bill’s passage was that no one objected—a voting rule equivalent to unanimity.

Davies reports on the use of the *liberum veto*:

Exchanges between the Marshal of the *Sejm* and would-be objectors were fairly common:

Shouts from the benches: *Nie ma zgody*. (There is no agreement.)

Marshal: *Z jakiej raczej?* (For what reason?)

A single voice: *Nie pozwalam . . .*

At this point, the Marshal would call a break in the debate and inquire more closely as to what the objections were. If a simple misunderstanding was involved, or a call for clarification, the debate would resume quite quickly. If something more serious had arisen, the break might last for several hours or even days, with the Marshal working hard in the corridors to repair the conflict. If the objection occurred during the Second Phase of *Sejm*, when constitutions were being passed, the particular bill at issue would be dropped, notwithstanding a majority vote in its favour. (1984, 345)

The principle of *liberum veto* was used throughout the existence of the *rzeczpospolita*. Before 1652, decision making at the Sejm went smoothly, and the *liberum veto* was used only to stop individual bills. In 1652, however, Jan Siciński registered a formal veto that nullified a whole session of the Sejm. In the following decades, *liberum veto*’s use to nullify whole sessions became frequent and appears to have paralyzed the Sejm’s decision-making capacity. According to Brzezinski, forty-eight of the fifty-five Sejmy held after 1652 were concluded without taking any decision (1998, 39). In addition, in the eighteenth century, foreign governments, usually Russia’s, bribed Sejm “envoys” to prevent it from making any decisions.

To ascertain why the *liberum veto* was adopted and what its consequences were, we must frame the issue in terms of a more general theory of rational choice, such as that developed by Buchanan and Tullock (1962). In addition, Barzel (1997) and Barzel and Kiser (1997) have proposed a theory of the emergence of medieval parliaments based on the hypothesis of wealth and security maximization. Both of these approaches are relevant for explaining the *liberum veto*’s role in Polish politics.

To proceed, I must first outline what I perceive as the Sejm’s role in Polish circumstances. I assume that its goal was to strike deals between the nobility and the king on specific joint ventures. These ventures included mainly defense and war projects in which there were significant gains from trade between these actors. In particular, in the face of danger the nobility needed someone to coordinate their joint military action. Likewise, the king needed lower-level management and supervision of

military operations. Through deliberations at the Sejm, the nobility could formulate its terms of contract with the king. The decision-making rule obviously played a pivotal role. A less-than-unanimous voting rule would indicate that a minority of the noblemen were discontented with the deal struck. More important, in the case where different groups of the *szlachta* had seriously diverging interests, one faction might strike a bargain with the monarch that harmed the minority. In light of these potential problems, the choice of a decision-making rule influenced the quality of the bargains and the costs incurred by interest groups organized around the legislative authority.

At no definite moment in history was the principle of *liberum veto* codified. During the fifteenth century, the Sejm and *sejmiky* evolved out of previous forms of meetings among the nobility, and from the beginning these meetings adhered to the principle of consensual decision making. Strict unanimity was not always enforced; near unanimity was often sufficient. Deliberations among the *sejmiky* aimed more at reaching consensual agreements than at approving a resolution that a minority would disapprove (Zamoyski 1987, 101). Only in the sixteenth century did the *liberum veto* become a truly binding principle of decision making.

Earlier discussions of the *liberum veto*, most notably the traditional treatment by Konopczynski (1930), ignore the rational-choice considerations (see Roháč 2008). Yet it is not difficult to sketch a rational-choice explanation of why the Poles and the Lithuanians adhered to the principle of *liberum veto* during the sixteenth and seventeenth centuries. In my theoretical perspective, the extremely high external costs of decision making constituted a fundamental reason for this adherence. When such costs are high, inclusive voting rules, verging on unanimity, are efficient. Why were the external costs high? A major reason was religion. In the sixteenth century, Poland was religiously diverse. According to Davies, although Roman Catholics represented the largest single religious group in the republic, they amounted to barely half of the total population (1984, 166). Other denominations included Uniates (Greek Catholics of the Slavonic Rite), Protestants, Orthodox, Arians (Polish Brethren), Jews, and even fair numbers of Muslims and Armenian Christians. Poland was probably the most religiously heterogeneous country in Europe at the time.

Furthermore, religious conflicts were rife during the era in which the republic was created. The fifteenth century was marked by Hussite rebellions in Bohemia. In 1524–25, the Peasants’ War swept through Bavaria and other German principalities. Violence and atrocities marked these times, and events such as the St. Bartholomew’s Day Massacre were not uncommon. The Thirty Years War from 1618 to 1648 also had religious roots.

The concern to avoid such conflicts motivated the creation of many Polish political institutions, including the *liberum veto*. Note that I am not attempting to explain the emergence of *liberum veto* by previously existing religious diversity, but am instead suggesting that the *liberum veto* was an institutional remedy that prevented

such diversity from having its usual consequences.<sup>6</sup> The General Confederation of Warsaw (1573), which laid some of the constitutional foundations for the Polish-Lithuanian Republic, was essentially motivated by the need for religious tolerance:

And whereas in our Commonwealth there are considerable differences in the Christian religion [jest dissidium nemale in cause religionis christianae], these have not caused disorders [sedycja] among people, as detrimental as have begun in other kingdoms that we have clearly seen, we promise to one another, for ourselves and for our descendants, for all time, pledging our faith, honor and conscience, we swear [pro nobis et successionibus nostris in perpetuum, sub vinculo iuramenti, fide, honore et consentiis nostris], that we who are divided by faith [dissidentis de religione], will keep peace among ourselves, and not shed blood on account of differences in faith or church [dla roynej wiarz I odmianz w Kościelech], nor will we allow punishment [penować] by the confiscation of goods, deprivation of honor, imprisonment or exile, nor will we in any fashion aid any sovereign or agency [urzedowi] in such undertakings. (in Pula and Biskupski 1990, 132)

The issue of religious tolerance became prominent in Poland after the 1550s, when the bishops attempted to enforce antiheresy laws, provoking a great uproar even among the Catholic *szlachta* (Miller 1990). Ecclesiastical trials were occasionally conducted. In most cases, they were nullified and the defendants freed after a sufficient number of armed noblemen had taken charge of the courtroom. Such episodes became more common after 1564, when the Jesuits arrived in Poland. In any case, following the Sejm's decision in 1563, the government ceased to execute the sentences handed down by ecclesiastic courts (Jędruch 1993, 71). The *sejmiki* and the Sejm generally leaned toward religious tolerance as the norm and foundation of a decent society (Jędruch 1993, 62). After a Calvinist chapel was burned down in 1572, five Catholics were beheaded as a signal that religious violence would not be tolerated. In the same year, the Inquisition was banned in Poland.

During the republic's era, Hugo Grotius famously stated that "to wish to legislate on religion is not Polish" (qtd. in Zamoyski 1987, 75). Indeed, with a unanimity or near-unanimity rule, such legislation would not even be possible. If the voting rule had been relaxed to some kind of majority rule, the way toward persecution of religious minorities would have been opened, with disastrous consequences for some, if not all, of the religious groups in the Polish-Lithuanian Republic.

The Peace of Westphalia entailed, more than anything else, a rise in the power of absolute monarchs (Vagts and Vagts 1979). Absolute monarchy was incompatible with the republican principles that had guided interaction between the members of

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6. See Leeson 2005 for a broader discussion of the interaction between fragmentation and related institutions. See Collier and Hoefler 2004 on the usual consequences of fragmentation.



the *szlachta* and the monarch. In the face of this threat and the knowledge that the king might strike a deal with a large part of the Sejm to increase his powers, the external costs of voting rose, motivating to a large extent the opposition against abolition of the *liberum veto*. According to Frost (1990), the election campaign of 1661 created suspicion that elimination of the *liberum veto* would pave the road to hereditary monarchy, as indeed it would have. Under less-inclusive voting rules, especially under a simple majority rule, it would have been much easier for the monarch to bribe a majority to support his ambitions to rule unchecked.

## Confederations

Another institution established in the republic as a means of protection against arbitrary executive power was the confederation, which was based on the right to resist. Davies describes a confederation as an armed league of men sworn to pursue their grievance until they obtained justice (1984, 339–40). Unlike an ordinary rebellion or a civil war, a confederation was perceived as a legal, constitutional instrument of resistance. Major confederations were formed among towns and nobles. In a confederation, the persons involved would usually meet, draw up their program—the articles of confederation—and elect a marshal to lead them. Decisions were taken by simple majority rule, which reflected the fact that confederations united persons with shared interests and that therefore the external costs of voting were reasonably low. The confederates would swear an oath to fight until their grievance was resolved. When the confederation succeeded or when it was defeated in a battle, its members were released from the legal consequences of their oath. Confederation was an ancient institution, dating back to early fourteenth century. In 1302, the towns of Wielkopolska formed a confederation to get rid of outlaws who threatened the region’s security. In 1382, the nobility and townspeople formed a confederation to ensure a smooth interregnum. In 1560, the army formed a confederation to ensure payment of its arrears. In 1573, the whole Sejm joined the Confederation of Warsaw, which aimed to establish religious tolerance.

A particular form of confederation was the *rokosz*, a mounted assembly of the whole nobility.<sup>7</sup> In 1606, after the king announced his ambitions to organize a standing army and to levy extraparliamentary taxes, the *szlachta* was outraged and formed a *rokosz*. And after the king married Archduchess Constance without the Sejm’s consent, a *rokosz* was formed. Even though this confederation was militarily defeated, no confederate was punished, and the king reaffirmed his adherence to the Henrician Articles. In 1665, the Lubomirski Rokosz was established to oppose the king’s ambitions of *vivente rege*. This *rokosz* ended in bloodshed, and its leader,

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7. The name *rokosz* traces to the village of Rokos, just outside Buda, where similar assemblies of the Hungarian nobility took place.

Lubomirski, was exiled. Nevertheless, the king's authority was weakened, and the king abdicated. These episodes illustrate the degree to which a strong and vital civil society limited the Polish monarch's powers.

From a rational-choice perspective, the emergence of the confederations is easy to understand because it is a direct consequence of the *liberum veto*. Whenever other means of bargaining with the king—in particular, the deliberations within the Sejm—failed, groups of nobles had recourse to other methods. The unanimity rule in the Sejm ensured that concerns and proposals not shared by all would not be considered, so the groups that advanced such proposals and concerns had to find alternative means of expressing their will. In a sense, a confederation was the equivalent of the modern understanding of civil society, with the distinction that the means the confederations used were not always peaceful. Confederations often committed atrocities of various kinds, and I have no desire to praise this unjustified violence.

The crucial lesson, however, is that the confederations' role depended on the goals they pursued. Sometimes they served as protectors of valuable institutions (such as the 1573 Confederation of Warsaw); sometimes they acted as jealous rent seekers (as did the many eighteenth-century confederations). In all cases, the confederation was only an instrument, a form of organization, unrelated to its specific goal. Nevertheless, its existence signaled that the nobility was free and able to organize itself more or less in the same way that modern interest groups do. Just as a vibrant civil society is necessary for preserving the institutions of a free society, notwithstanding the rent seeking that accompanies it, the confederation was necessary to maintain the constitutional nature of Polish government and the personal liberties the nobility enjoyed.

## The Henrician Articles and Pacta Conventa

After the 1573 Warsaw Confederation drew up the Henrician Articles for Henri de Valois, Poland's king-elect, they remained a fixed constitutional contract, binding henceforth all kings of the Polish-Lithuanian Republic. What were the document's main elements? First, the Sejm had the power to elect the king, who was prohibited from seeking a successor *vivente rege*. The king had an obligation to summon the Sejm for six weeks every two years. The Sejm's approval was required for extraordinary taxation and for decisions of peace and war. All summons of *levée en masse* had to be decided by the Sejm. Finally, the Henrician Articles guaranteed interdenominational peace. At the time, the codification of the articles meant little more than a confirmation of the nobility's previously existing privileges and liberties. Still, their clear articulation gave the Parliament real powers to form efficient checks to counterbalance the monarch's ambitions whenever they grew especially pronounced.

Besides relying on the Henrician Articles, the Parliament could always present the king-elect with the Pacta Conventa, a specific political program to which the king had to agree. As a result, the king acted as custodian or as executive manager chosen

by the nobility, particularly in periods when the Parliament was not sitting. To appreciate the spirit of both these documents, consider the following passage from the rather long oath sworn by Polish kings:

By adhering to all the conditions, articles and points therein expressed, I shall protect and guard the peace and tranquility between the religious dissidents. Nor shall I permit them in any way to be broken or abolished by any jurisdiction of my own or by any authority of my officials or of the Ranks for the sake of religion. I myself shall not break or abolish them. . . . Without any delays or extensions and without any private consideration I shall administer justice to all the inhabitants of the Kingdom in accordance with public laws which are established in all the domains. If I violate my oath in any way, the inhabitants of the Kingdom and all the domains of each people should not show me any obedience. Indeed, if I should violate, I free them from all loyalty and obedience owed to the King. I shall not seek any absolution for this oath of mine, nor shall I accept it if it is offered voluntarily. So help me God. (in Pula and Biskupski 1990, 142)

When the king was seduced into acting against the spirit of the Henrician Articles or the *Pacta Conventa*, the Sejm and the nobility would threaten him with disobedience. In 1592, the Sejm concluded that King Zygmunt had violated the Henrician Articles and gave him a stern warning. The king apologized and solemnly promised to behave correctly in the future (Zamoyski 1987). This episode illustrates vividly the spirit that prevailed in the king's relations with his subjects.

## Polish Political Thought

The Polish-Lithuanian Republic did not exist in an ideological vacuum. Indeed, its history demonstrates that ideas matter, for better or worse. The liberal Polish environment and the original thinkers who valued human liberty reinforced one another.

Some of the Polish thinkers were influential not only in Poland, but also elsewhere in Europe at the time their works were published. Polish writers, philosophers, and polemicists displayed strong libertarian persuasions on matters of faith and interdenominational peace. Such leanings were evident even among high government officials. Jan Zamoyski, the famous chancellor, once declared: “I would give half of my life if those who have abandoned the Roman Catholic Church should voluntarily return to its pale; but I would prefer giving all my life than to suffer anybody to be constrained to do it, for I would rather [die] than witness such oppression” (qtd. in Cole 1999, 2076).

Polish thinkers also made interesting contributions to the organization of government. More than three hundred years before the American Founding Fathers,

Polish thinkers argued that government can be justified only by the consent of the governed, that the king has no divine rights over his subjects, and so forth. To illustrate the character of Polish protoliberal thought, let us consider briefly two major personalities of the movement in favor of liberty, Frycz Modrzewski and Laurence Gozliski, who were to a large extent responsible for exporting it abroad.

Andrzej Frycz Modrzewski (Andreas Fricius Modreuius, 1503–72) was a vicar acquainted with Martin Luther and Erasmus. His major works include *Lascius sive de poena homicidii*, in which he forcefully criticized the existing Polish criminal law. In particular, he denounced the inequality of noblemen and peasants in criminal court. A work that brought him international recognition was *Commentationum de republica emenanda libri quinque*. Here, he advanced a normative theory of government that cannot be properly considered libertarian, even though it possesses several important libertarian features. Modrzewski called for a strong monarchy, but this monarchy would nonetheless protect equally the rights of all. He called also for a separation of church and state, universal equality before the law, and freedom of speech. He declared the ban on land ownership imposed on nonnobles in 1565 to be unacceptable. In general, he rejected the idea that members of the nobility were born superior and argued that people should be judged according to their merits, not their origin. Most important, he championed freedom of expression, declaring, “Rulers who are not prepared to tolerate freedom of speech should govern over dumb animals and not over intelligent men” (qtd. in Cole 1999, 2077).

Laurence Grimald Gozliski (Wawrzyniec Grzymała Goślicki, Laurentius Grimaldus Gosliscius, 1530?–1607) was educated at Jagellonian University of Krakow as well as in Padua and Bologna. He served as bishop of Poznań and distinguished himself by writing *De optimo senatore* (*The Accomplished Senator*). The book was originally published in Venice in 1568 and then in Basel in 1593, and it was translated into English in 1598 and 1733. Shakespeare and Queen Elizabeth were acquainted with it (Cole 1999). The book offers a striking description of Polish political institutions:

A King of Poland, in the Administration of his Government, is obliged to make the Law, the Sole Guide and Rule of his Conduct. He cannot govern according to his own Will and Pleasure, nor make War or Peace, without the Advice and Consent of the Senate. He cannot go beyond, or break upon their Decrees, nor exceed the Bounds, which They and the Laws have set him. What follows from such a Constitution, is plainly this, That a King, thus Limited in his Power, is so much the more Honourable in his Person. (Gozliski [1568] 1733, 52)

Gozliski did not suffer from a romantic idea of politics. Based on his discussion of a politician’s electoral concerns, he may well be considered a precursor of modern public-choice analysts:

It would be much for the Publick Interest, if a Law or Laws were made, for Restraining Ambition, and for Preventing the Common Practice of Soliciting and Canvassing for Places and Offices in the State. . . . This is That Sort of Ambition, which I look upon as justly Culpable and Worthy of Censure; whereby Daring Men, not having any Regard to the Publick Laws, or to Common Honesty, are tempted to aspire to the Highest Honours and Offices of a Government, and to attain the Possession of them, by Force and Violence, by Doles, Largesses, and Entertainments, or by any other Indirect and Dishonest Practices. There are many Candidates, who in a Professed Distrust and Diffidence of their own Vertues and Due Qualifications for an Office, set up for Honours and Dignities, to which they have no other Pretensions, but by Corruption and Bribery. . . . In every Commonwealth, where such Men are in Power, it must follow in Course that Covetousness, and the Inordinate Desire of Wealth, will most certainly prevail; and Luxury, Deceit, and Fraud, Strife and Contention, and a General Contempt of all Laws and Offices. (Gozliski [1568] 1733, 124–25)

Gozliski calls for religious freedom and for strict limits on the state’s power. Government’s proper role, he argues, is to preserve individual rights and to enforce natural justice:

The General Agreement, therefore, the Consent and Harmony of Nature, may very properly be called Justice. For Justice is a Vertue that directs us how to maintain those Rights, Compacts, and Agreements, which Nature hath Established or Assented to. So that whatever is agreeable to Nature, is really and truly Justice; and Injustice consists in Crossing upon, or in Deviating from this Principle. They who live as Nature directs, and are obedient to her in every thing, ought therefore to be reputed as strictly Just. ([1568] 1733, 215)

Gozliski deserves to be considered an important protoliberal political thinker. Note, too, that his views were not considered eccentric or bizarre in his own time and place, as the honors and influence he garnered during his life attest. Individual freedom, limited constitutional government, and natural rights were standard ideological fare among the majority of the *szlachta*. Without such a consensus, the notable Polish institutions I have discussed could not have functioned so smoothly or for so long.

### Concluding Remarks

Although the Polish-Lithuanian Republic has not received much attention from classical-liberal scholars, it presents rich materials for study by economic historians, po-

litical scientists, and historians of political thought who work in this tradition. The republic featured several institutions that protected the nobility's freedom and property, accommodated Polish society's religious and ideological diversity, and constrained the king's discretionary action. It also confirms the Hayekian thesis (Hayek 1988) that the institutions of a free society depend to a large extent on a favorable intellectual environment. During the republic's early years, Polish political thought was much influenced by the ideals of a free society, universal justice, and personal rights.

The republic's story was scarcely a bucolic one, however. The Potop (Deluge) of 1650s and the related famines decimated the local population. And during the eighteenth century, the republic fell victim to foreign powers. Although it is difficult to blame Polish institutions for Russian, Prussian, Swedish, and Hungarian invasions or for Cossack rebellions, classical liberals must recognize that the central government's weakness and the institution of the *liberum veto* are often considered at fault for the country's inability to respond and defend itself against foreign threats. Some argue that because of the *liberum veto*, foreign powers, most notably the Russians, were able to meddle in Polish political processes and to paralyze decision making in the Sejm. Although this observation cannot be ignored, it seems to be greatly overblown. I have argued elsewhere (Roháč under review) that the use of the *liberum veto* was warranted even in those years when the Sejm was unable to deliberate at all. Given the deep religious divisions in Polish society, the unanimity rule was probably an optimal voting rule in the sense described by Buchanan and Tullock (1962); the counterfactual scenario of one group's overruling another group's interests through voting might have had disastrous repercussions in the prevailing circumstances.

We cannot deny, however, that the Polish-Lithuanian Republic was vulnerable to external threats. To what extent can domestically robust institutions that secure peace, freedom, and tolerance also robustly defend against external threats? The answers to this question remain unsatisfactory, and the issue should constitute an important research topic for classical-liberal historians and economists.

Although the Polish-Lithuanian Republic offers rich, heretofore unexploited materials for future research, I am not calling for thorough historical revisionism. Rather, I endorse an analysis of Polish history that treats individuals as rational beings who strive to better their condition and who possess rights that stem from their nature as rational and moral beings. Such a view of history can help us to answer many of the questions with which conventional historians have not dealt satisfactorily.

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