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# The Federal Structure of the Polish–Lithuanian Commonwealth in the 16<sup>th</sup>–18<sup>th</sup> Centuries

**Key words:** Poland, Lithuania, history, administration, Lublin Union Act

## Introduction

Compared to any other country of the 16<sup>th</sup>–18<sup>th</sup> century Europe, the Polish-Lithuanian Commonwealth was a state of truly unique structure. The model of government that evolved in this country involved a special form of relations between the authorities of the state, represented by both the King, and the elective political institutions of the united nations, that was unheard of elsewhere at the time<sup>1</sup>. Paradoxically, similar to the French king Louis XIV in the end of the 17<sup>th</sup> century, a large sub-group of the citizenry of the Commonwealth could refer to itself using the statement – „State is me”<sup>2</sup>.

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<sup>1</sup> More about this unique state can be found in: W.J. Redoway (ed.), *The Cambridge History of Poland*, Cambridge 1951.

<sup>2</sup> See more about in very interesting studies: J. Jędruch, *Constitutions, Elections and Legislatures of Poland 1493–1977*, Washington 1982 and S. Płaza, *Próby reform ustrojowych w czasie pierwszego bezkrólewia*, Kraków 1969. Płaza wrote about first period of shaping new model of Commonwealth. In other study J.A. Gierowski, *The Polish – Lithuanian Commonwealth in the XVIIIth Century. From Anarchy to Well – organized State*, Kraków 1996, concentrated on final phase of its functioning. In this study a lot of remarks about absolutistic European context. We can also find a lot

of interesting remarks in interesting problems in N. Davis, *God’s Playground: a history of Poland*, vol. 1, Oxford 1981 and in A. Zamojski, *The Polish Way: o thousand years’ history of Poles and their culture*, London 1989.

These people had an authentic influence on public affairs both on the local and central level<sup>3</sup>. Institutional shape of the Polish-Lithuanian Commonwealth – the *Res publicae* – a country with a king presiding over the institutions of the state, but also a republic under the rule of its citizens, was an expression of these influences<sup>4</sup>.

In the end of the 16<sup>th</sup> century almost all European countries began the process of strong centralization of the royal power. It was mostly a result of the Reformation. Reformation broke the domination of the Roman Catholic Church and made the new protestant church-

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<sup>3</sup> It was result of process which excellently described in his book H.J. Berman, *Law and Revolution. The Formation of the Western Legal Tradition*. Cambridge, Ma, 1983.

<sup>4</sup> H. Olszewski in his study: *Rzeczpospolita. Przyczynek do dziejów ideologii politycznoprawnej w dawnej Polsce*. [in:] *Sejm w dawnej Rzeczypospolitej. Ustrój i idee*. Vol 2 [Commonwealth. Cause to the History of Legal and Political Thought in Poland [in:] *Sejm in Former Poland. Structure and Ideas*], Poznan 2002 gave interesting review about understanding of the term Rzeczpospolita – Commonwealth in 15<sup>th</sup> and 16<sup>th</sup> century Poland.

es and most of national catholic churches much more dependent on the secular authorities. It also opened the door to successive strengthening of dominance of secular rulers over their subjects.

Among the expressions of this tendency were a liquidation, or far reaching limitation and marginalisation, of the representative institutions shaped in the 13<sup>th</sup>–14<sup>th</sup> centuries, and ruthless determination in the process of liquidation of the territorial and administrative diversity in most of the European countries. A natural follow-up was a process of forcing new, unified forms of administration of the country<sup>5</sup>.

The former model of the state, which allowed for the autonomy of territorial structures, and respected a diversity of liberties for various forms of corporation has been saved only in the Netherlands Provinces, and partly in the Swiss Cantons. In each of those states there was no strong central authority, and in consequence no pressure on territorial and other communities. Both examples, however, are incomparable with Polish-Lithuanian state. The United Netherlands Provinces obviously played an important role in the international politics, but never have been a European superpower. Swiss cantons have never even been a European power. Both countries had small territories and small populations. Polish-Lithuanian Commonwealth with an area of about 1 mln. sq. km, and with the population that the middle of the 17<sup>th</sup> century was larger than that of Germany or England, has been a leading European superpower<sup>6</sup>. For that this structure has been really unique in Europe.

## The federal state

In order to understand properly the essence of the formal structure of the past Polish-Lithuanian state it is helpful to use the definition of federal state that is known from the works of American scientists including

D. Eliazar<sup>7</sup>, V.D. Lutz<sup>8</sup>, V. Ostrom<sup>9</sup>, J. Wayne Baker<sup>10</sup>, and many others. First let us briefly present their meaning of federalism, which is strongly different from the one accepted in Europe.

Daniel Eliazar played a fundamental role in developing American research on federalism. He has identified the sources of American federalism, and argued that they remain influential up to-date. According to Eliazar the modern concept of federalism was introduced in the 16<sup>th</sup>/17<sup>th</sup> century works of the radical Calvinist thinkers, including H. Bulinger, Ph. Duplessi-Mornay, and J. Althusius, and also the better known T. Hobbes, and J. Locke.

These writers drew influence from the Books of Old Testament and were strongly anti-Catholic and anti-Lutheran. Their concepts of political and social order were based on reaction to the contemporary situation in the Catholic and Lutheran countries. This contemporary context made them uninterested in the fact that their ideas were similar to those presented by the earlier Christian thinkers like St. Thomas of Aquinas and Marsilius of Padua. Anti-Catholic attitude made them also oblivious to the Polish-Lithuanian experience, even though it was a practical not a theoretical one. D. Eliazar who has been fascinated by these Calvinist ideas also omitted the Catholic accomplishments.

D. Eliazar analysed the formation of modern notion of covenant in comparison with the notions of compact and contract. He has differentiated between the contract, which had a private character, and the compact and covenant, which both had a public character. Compact and covenant also differed with respect to the relation to God. Compact has been understood as an agreement among the people, and covenant has been the same but under God's authority. It was also a covenant with God and the oath has played key role in it.

<sup>7</sup> On the first place we have to mention his book: *Covenant and Commonwealth: From Christian Separation through Protestant Reformation. The Covenant Tradition in Politics*, vol. II, New Brunswick–London 1996.

<sup>8</sup> D. Lutz, Lutz, *From Covenant to Constitution in American Political Thought*. [in:] *Publius: The Journal of American Federalism*: 1980, vol. 4, and also more about it in: *The Origins of American Constitutionalism*, Baton Rouge 1988. There are also a lot of interesting literature

<sup>9</sup> V. Ostrom, *The meaning of American Federalism. Continuing a Self – Government Society*, 1991 which is a summary of his and his wife's years of studies about federalism.

<sup>10</sup> J. Wayne Baker, *Faces of Federalism: From Bullinger to Jefferson*, *Publius: The Journal of Federalism* 2000, vol. 4.

<sup>5</sup> Interesting presentation of this process we can find in: R van Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge 1995.

<sup>6</sup> Commonwealth's population in the middle of 17<sup>th</sup> century amounted Rzeczpospolita 11 mln. people while Germany 10,3 mln. and England only 6,6 mln. people. See: *Historia Polski w liczbach. Ludność. Terytorium [History of Poland in Numbers. Population. Territory]*. Warszawa 1993, p. 20.

In his interesting study, J. Wayne Baker characterized very precisely and succinctly the ideas of Bulinger, Mornay, and Althusius. D. Lutz showed how strongly these ideas influenced the Framers of the United States and their Constitution.

Generally speaking, all these authors saw roots of the federal model in the covenant background. The agreement of people with God and among themselves, under the God's law, authorized by Him, strengthened by the oath, and right to fight with all those who are acting against the agreement, including the king or another state power, and, finally, a crucial role of the community of people – this is a nature of the covenant – federal system.

These analyses of the background of modern federalism conclude that Calvinist concepts were some kind of a return to the ideas characteristic to 11<sup>th</sup>–13<sup>th</sup> centuries, and they were both rooted in the writing of Old Testament, and the practical experiences of Roman republicans.

The same realizations were present in Poland since 12<sup>th</sup>–13<sup>th</sup> centuries. Important decisions made in the 16<sup>th</sup> century, which shaped the constitutional model of the Polish–Lithuanian Commonwealth were strongly influenced by these ideas. During the 13<sup>th</sup> century in the Polish Kingdom (still divided into a number of principalities<sup>11</sup>) a new model of relations was shaped between the princes and their subjects<sup>12</sup>.

In this model there was no place for a powerful king, or the centralized authority of strong princes. This kind of authority required support from its subjects. This model (we can call it a „dialogue model”) was supported by such leading Polish writers of the period as Wincenty Kadłubek, and Janko of Czarnków, and many others, who promoted the Roman, republican roots of most of the structures established in Poland<sup>13</sup>.

For the „noble nation,” which shaped itself in the 14<sup>th</sup>–15<sup>th</sup> centuries the Roman republican tradition connected with the Christian vision of social relations in the spirit of theories of St. Thomas of Aquinas constituted the foundation for thinking and acting.

<sup>11</sup> It was result of disintegration process started in the middle of 12<sup>th</sup> century. Kingdom was divided for more than twenty principalities ruled by princes from Piast Family.

<sup>12</sup> More about we can find in R. Grodecki, *Dzieje wewnętrzne Polski w XIII wieku*, [in:] *Polska Piastowska [Poland in 13<sup>th</sup> Century [in:] Piast's Poland]*, Warszawa 1969.

<sup>13</sup> H. Olszewski, op.cit.

## Legal basis for the Commonwealth

The first stage of struggle for the shape of state ended in the early 16<sup>th</sup> century. At the 1505 session of Sejm in Radom the constitution (act) *Nihil novi* was accepted. This new regulation granted Sejm the legislative authority (together with the king) in all matters of the state. Nation became a crucial element in shaping legal order of the state<sup>14</sup>.

Culmination of the second stage of this struggle came in the middle of second part of the 16<sup>th</sup> century. Four extremely important regulations further shaped the constitutional structure of the Commonwealth. They were the following:

1. Lublin Union Act of 1569<sup>15</sup>,
2. Warsaw General Confederation Act of 1573<sup>16</sup>,
3. Henry's Articles of 1573<sup>17</sup>, and
4. Warsaw Sejm Constitution of 1578 that established the Crown Tribunal<sup>18</sup>.

All these regulations rooted in this spirit of the modernisation of Kingdom's structure, which was presented by leading political thinkers of 16<sup>th</sup> Century – Jan Ostrorog at the beginning of 16<sup>th</sup> Century and Andrzej Frycz Modrzewski in the middle of this century<sup>19</sup>. Specially publications of the later, translated on all European languages, played important role in development of political ideas in Europe in this time. His writings were very popular in Netherlands and played undoubtedly extremely important role in shaping Utrecht Union and the structure of the United Netherlands Provinces<sup>20</sup>.

<sup>14</sup> Most actual study about *Nihil novi* constitution is S. Grodziski, S. Salmonowicz, *Uwagi o królewskim ustawodawstwie*, [in:] *Parlamentaryzm i prawodawstwo przez wieki*, [Considerations about Royal Legislature [in:] Parliamentarism and Legislature through Ages], Kraków 1999 and W. Uruszczak, „Sejm Walny wszystkich państw naszych”. *Sejm w Radomiu i Konstytucja Nihil novi z 1505 r.* [„General Sejm of Our All Nations”. *Sejm in Radom and Nihil novi Constitution of 1505.*], *Czasopismo Prawno-Historyczne*, Poznań 2004.

<sup>15</sup> J. Sawicki, *Wybór tekstów źródłowych z historii państwa i prawa polskiego*, Vol. 1. Warszawa 1952, 141–148.

<sup>16</sup> *Volumina Legum*, Vol 2, 124–125.

<sup>17</sup> *Volumina Legum*, Vol 2, 897–901.

<sup>18</sup> *Volumina Legum*, Vol 2, 962–973.

<sup>19</sup> More about Polish culture in 16<sup>th</sup> Century we can find in: H.B. Segel, *Renaissance Culture in Poland. The Rise of Humanism 1470–1543*, Cornell 1989. About European context of Polish Renaissance we can find in: S. Fiszma, *The Polish Renaissance and its European Context*, Indiana 1988.

<sup>20</sup> It is also interesting to remind role of *Polish Brothers* – original protestan denomination, and their writings, which were very popular among German and Netherlands

Here we can find interesting link between Polish ideas and American Constitutionalism. As R. van Caenegem noticed, “*the Constitution of the Dutch Republic (...) deserves our special attention, for it belongs to the most interesting legal experiments of the Old European era and through its influence on the Constitution of the United States of America played significant role in world history*”<sup>21</sup>.

Lublin Union Act assumed two hundred years of connection between the kingdom of Poland and the Great Duchy of Lithuania. Two separate states became in 1569 a one Commonwealth under the rule of a common King and a common parliament – Sejm. Kingdom and Duchy established one „*undivided and indifferent body*” in „*Commonwealth of two states and two Nations in one people united*”.

Sejm in Lublin regulated the rules of succession of the king's and the prince's thrones and declared that „*during the coronation of new king all laws, and privileges and liberties of both nations have to be confirmed by the oath forever.*”

All Commonwealth legislation was vested to the Sejm composed by the King and two chambers – the Senate (a representation of the clergy and great nobles), and the House of Deputies (a representation of noble nation and, partially, the main cities). The Lublin Act also obliged the King to make regulations related to:

- guarantying a complete balance in the monetary systems in both parts of the Commonwealth,
- liquidating all toll barriers between both parts of the Commonwealth, and
- liquidating all legal inconveniences for Polish citizens in the Duchy, and Lithuanian citizens in the Crown.

Common authorities – the King and the Sejm – were responsible for foreign affairs and defence policy of the Commonwealth. In all other areas the Crown and the Duchy retained entire autonomy. They separately could decide about all internal affairs, and retained their administration and legal systems.

The new structure of the state was accepted „*in the name of Lord*” by representatives of both nations. In its Act the Sejm declared: „*To our God in the Holy Trinity Glory forever and to our King in God's Grace lord and lord Sigmund August immortal gratitude and the same to famous Polish Crown and Lithuanian Great Duchy glory and adornment forever*”.

In European history the 16<sup>th</sup> century is recognized as an epoch of extremely inflamed religious conflicts. Viewed from this perspective the Polish-Lithuanian Commonwealth was an oasis of religious peace and freedom. This article is not a place to describe the reasons and circumstances of how this was the case<sup>22</sup>. We would only recall that in Polish tradition since the middle 14<sup>th</sup> century the state authorities accepted as equal two Christian denominations – Catholic (Latin) and Orthodox in the Ruthenian lands gained by Casimir the Great. During the reign of this great king thousands of Jews persecuted elsewhere in- and outside Europe also came to Polish Kingdom where they were accepted with unprecedented privileges.

In the Lithuanian Duchy pagan princes were tolerant of the Orthodox Ruthenian population and after the princes' baptism in the end of the 14<sup>th</sup> century in Roman Catholic church nothing changed there. Likewise, the Reformation in the Kingdom and in the Duchy was not persecuted by the state and the Catholic church authorities and could proceed freely. But in this atmosphere of religious freedom there was no spectacular progress of the reformed churches.

In 1555 after terrible religious wars the Augsburg Peace was accepted based on a very inhuman principle – *cuius regio eius religio*. The Polish-Lithuanian Commonwealth constructed a completely alternative solution. In the Warsaw Confederation Act of 1573 a representation of the Nation declared religious freedom in the Commonwealth. Assembled in Warsaw, the Catholic, Protestant, and Orthodox believers declared: „*We promise ourselves and future generations by our oath, faith, honesty, honour and conscience to protect peace among us and not to shed blood, and to stay together against those who would like to make bloodshed*”.

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Protestant. More about it we can find in: S. Kot, *Socinianism in Poland*, Boston 1957.

<sup>21</sup> R. van Caenegem, op. cit., 142. We can also remind here how important influence on French republican ideas has 18<sup>th</sup> Century writings of Polish king Stanislaw Leszczyński. It is presented in French book: J. Fabre, *Stanislas – August Poniatowski et l'Europe des lumieres*, Paris 1952. On the other hand we know that American Framers also based on French republican thinkers writings.

<sup>22</sup> See excellent summary of this problem in S. Salmonowicz, *La tolerance religieuse dans la „modele polonais” (XVIe–XVIIIe siecles)* [In:] *350 anniversaire des Traités de Westphalie 1648–1998. Une genèse de l'Europe, une société à reconstruire. Actes du Colloque International. Starsbourg 15 au 17 octobre 1998*, Strasbourg 1998. There is also a lot of interesting literature about European context.



When the new character of relations between Polish and Lithuanian parts of the Commonwealth was determined, and religious freedom and peace was protected, there came the time for codifying other principal regulations of the political system of the Commonwealth. Next two regulations were meant to make this precise. A key role was played by the regulations, which protected the Nations' influence for the personal shape and functioning of all public offices.

The preamble to the *Henry's Articles*<sup>23</sup> illustrates the essence of this act. The decision was made by the „nobles and knighthood of the Kingdom's Polish and Lithuanian nations”. The King was in the second place and this order confirmed the primacy of the representation of the nation in the structure of the state.

This Act also confirmed the primacy of the sovereignty of the nation, which is one of the principles of modern constitutionalism. Cooperation between the nation and the King is also an illustration of their covenant made in Face of God, based on His Order and Law.

The following regulations of the Henry's Articles strengthened the sovereignty of the nation. The King guaranteed the nation's right to „free” election of his successors, the aforementioned religious freedom, the nation's participation in shaping the most important decisions in the field of foreign affairs, the right to declare war and peace, and, finally, the right to decide on general mobilisation, and on all taxation matters.

A special council was established in order to ensure better government of the state under the nation's control. Sixteen members of this council were elected by the Sejm from the members of Senate.

The King also confirmed that Sejm would have regular sessions every two years, and that it would also always convene when it was „violently needed”.

The King confirmed his respect for all privileges and liberties of all groups in the kingdom, and not to tax his subjects „without consent of all nation in Sejm”.

The last two points of the Articles were also very important. First the King again confirmed forever all liberties of his subjects and the legal order of the Commonwealth. Next, there followed a stipulation that if the King would act „against rules, liberties, articles, (...) Commonwealth citizens would be free from obedience and faith”.

In 1578 the Crown Tribunal, and three years later the Lithuanian Tribunal were established. This development was both a culmination of over a hundred years of struggle against the arbitrary judiciary of the Kings, and the logical completion of the architecture of the Commonwealth. Both Tribunals took over from the King the appellate jurisdiction for most of the judicial cases. Their formation was also model of democratic creation of Tribunals by local communities, and this system guaranteed their independence from the King's rule.

Later on the nobility criticized the Tribunals, especially in the 18<sup>th</sup> century, when the oligarchic noble families made the Tribunals depended on their interests. However, when comparing both Tribunals with the European courts at the same level in this period one can say that they set a good example of efficient and honest judiciary. What is also very important, Tribunals were free from domination by the King, which was characteristic for such bodies in western Europe.

Institutions of the Polish-Lithuanian Commonwealth were shaped in the spirit of covenant philosophy, which bounded the King with his subjects, linked the two nations, and bonded all of them with God. This covenant was based on God's Law and God guaranteed it. If the King would break this covenant, the subjects could legally oppose him, and special rules were adopted for legalizing the procedure in such situations.

All these observations prompt us to acknowledge that Polish-Lithuanian Commonwealth was a federal state in the sense defined by the previously mentioned American writers.

Next, let us take a look at the same problem from the perspective of European understanding of federal system. The following four elements are crucial:

- first one is the creation of a union of various territorial corporations, or states, in a free agreement,
- second one is the level of pressure from central government on the regional authorities,
- third one is the degree of decentralization in governing of the state, and in regional matters,
- fourth one is the extent of freedom of the territorial authorities in administering of the local problems.

In order to better understand the sense of this question one should ponder the structure of the institutions shaped in Europe in the Middle Ages, in the 12<sup>th</sup> and 13<sup>th</sup> centuries. During these centuries a model of corporate structures and institutions was established. Cities, villages, universities, economic corporations, ethnic groups, and territorial commonwealths all fought for privileges. When they received them, they became legal-

<sup>23</sup> Henry represented French ruling family Valois and fought for Polish throne with Habsburg's candidate. After one year he escaped from Poland and gained French throne.

ly separated corporations dependent on king's authority based only on the legal rules. The Kings remained on the top of the union of corporations, which for better expression of their interests created representations: for social groups, for territories, for the state at least. In the 15<sup>th</sup> and 16<sup>th</sup> centuries, when kings strengthened their positions and the process of centralization of royal authority began, these representations and corporations were the first victims of this process.

Commonwealth, and previously the Polish Kingdom, did not participate in this process. In the beginning of the 14<sup>th</sup> century reunification of the kingdom was in progress. In 1320 King Władysław Łokietek confirmed the new public character of the state in the formula of *Corona Regni Poloniae*. This model was very friendly to all autonomic corporations in the country.

Władysław's son Casimir the Great strengthened the position of these corporations. The nature of Casimir's kingdom was reflected in the notion known from the German and Czech context as the „*Polish Reich*”. The former meaning in public law of the notion „*Reich*” was the state of states (in German *Staatenstaat*)<sup>24</sup>. In this model of state the king ruled over territory directly subdued to him, and over territories with their own princes (and sometimes even kings) who accepted the supreme king's authority.

Casimir the Great persistently aimed at minimizing the number of territorial principalities in the Kingdom of Poland. Despite that, in the 15<sup>th</sup>, and the first part of the 16<sup>th</sup> century a number of territories in the Kingdom, and in the Lithuanian Duchy, had diversified their legal status and position in relation to central authority. It was necessary to put this situation in order and the previously mentioned Sejm in Lublin in 1569 specifically addressed this problem. As a result a new model of territorial structure was created by this Sejm.

The highest level of territorial architecture, united by the common King and Sejm, comprised two parts of the Commonwealth: the Crown of Polish Kingdom, and the Great Duchy of Lithuania.

The lower levels of structure of the Duchy were simple. The Duchy was composed of voivodships, wherein the Sejmik representing the local noble community played a crucial role. The Sejmik decided regarding all local problems, including taxation for the local needs.

<sup>24</sup> R. Grodecki, *Działalność gospodarcza Kazimierza Wielkiego*, [in:] *Polska Piastowska [Economic Activity of Casimir the Great [in:] Piast's Poland]*, continuing this view of older Polish researchers like O. Balzer.

King's privileges guaranteed self-government for towns and villages. Also private towns and villages had their privileges.

The situation in the Crown was more complicated. Historically, the two main provinces there were Wielkopolska (Great Poland) and Małopolska (Little Poland). After incorporation in 1466 of a part of Pruthenia (the so called Royal Pruthenia; the second part of the former Teutonic Knight State – the Prince's Pruthenia – was a fief of the Polish King), this land and its population aspired to equal position with two main provinces. The same aspirations were held by Mazovia province, also a former fief of the Polish King. Based on the Lublin Sejm decisions the three Ruthenian voivodships, which previously belonged to Lithuania, were incorporated to Małopolska province. In order to make the position of the province of Wielkopolska equal to that of Małopolska, Pruthenia and Mazovia were incorporated to this province.

Decisions made in Lublin resulted in the Crown's structure with two equal parts. However, while in Małopolska the Ruthenian lands had no separate status,<sup>25</sup> in the Wielkopolska province Pruthenia and Mazovia retained some special privileges. The greatest scale of special regulations was saved in Pruthenia:

1. Particular rules for organisation and function of the general provincial sejmik,
2. Principles for Pruthenian *indygenat*<sup>26</sup>,
3. Organisation of territorial structure, local administration and local judiciary, and also military principles,
4. Particular regulations for religious liberties,
5. Particular privileges in taxation,
6. Particular judicial law,
7. Special position of Pruthenian cities – first of all the three greatest ones – Gdansk, Torun and Elbląg<sup>27</sup>.

<sup>25</sup> But we have to remember about religious diversity and tolerance for majority of Greek-Catholic and orthodox population there. Also legal order based on *Lithuanian Statutes* were different there and courts used this law. But the crucial political role played there great Ruthenian magnates who polonaised and converted to Catholicism. They quickly became strongest political players in country.

<sup>26</sup> It was institution allowing foreign person (mostly noble) to become a Polish citizen and noble under Sejm control.

<sup>27</sup> More about these Pruthenian differences we can find in: S. Salmonowicz, *Prusy Królewskie w Rzeczypospolitej polsko-litewskiej. Uwagi porównawcze*, [in:] *Rzeczypospolita wielu narodów i jej tradycje. Materiały z konferencji „Trzysta lat od początku unii polsko-saskiej. Rzeczypospolita wielu narodów i jej tradycje” [Royal Pruthenia in Polish-Lithuanian*

In Mazovia we could find some similar elements (points 1, 3, 5 and 6), and add one exceptional and characteristic for this land. In this province the noble population, relative to other social groups, was the largest in the country. It comprised almost 25% of this province's population. Consequently, in Mazovia the greatest fraction of the population could actively participate in the public and political life of the country. This played important role because in this land, near Warsaw, was a place where the Nation elected new Kings. Because of that Mazovian nobles played crucial political role in the most important political decisions of the Commonwealth.

Similar to Lithuania, both Crown's provinces were divided into voivodships (and lands) with sejmiki. In the voivodships there were also the royal and private cities and villages.

One should remember that the Commonwealth's central administration was very weak. There were not too many functions of the state at this time. As a result, in all voivodship in the 17<sup>th</sup> century, the institution of Sejmik became a real local authority that decided on local problems, and its administration grew accordingly. Sejm tried to limit the influence of Sejmik in the beginning of the 18<sup>th</sup> century but in practice nothing changed until the beginning of the second part of the 18<sup>th</sup> century. This means that far reaching decentralization of power was realized in the Commonwealth.

## Conclusions

Looking at the structure of the Commonwealth from the perspective of European understanding of federal state model we can say that it was really a classical federal state. Reforms implemented in the second part of the 18<sup>th</sup> century did not significantly change the structure of this country. Sejm decisions strengthened this model of the state. Federal and decentralized structure of this country was still unique in comparison with all absolutistic models existing in continental Europe. Even the English model of state at the time was much more centralized, and less federal and democratic than the Polish-Lithuanian one.

After partitions of this country by the three most brutal, aggressive and absolutistic regimes in Europe

(Prussian, Austrian and Russian) in the end of the 18<sup>th</sup> century the same direction of shaping of the state institutions was chosen by the Americans. Although at the time the United States had a smaller territory, and only 25% of the population of the Polish-Lithuanian Commonwealth, they quickly created a federal structure capable of functioning on great territory and with great population. This American federal model is very close to the former Polish-Lithuanian state.

## References

- Baker J. Wayne, *Faces of Federalism: From Bullinger to Jefferson*, Publius: The Journal of Federalism 2000, vol. 4.
- Berman H.J., *Law and Revolution. The Formation of the Western Legal Tradition*. Cambridge, Ma, 1983.
- Davis N., *God's Playground: a history of Poland*, vol. 1, Oxford 1981
- Eliazar D., *Covenant and Commonwealth: From Christian Separation through Protestant Reformation. The Covenant Tradition in Politics*, vol. II, New Brunswick-London 1996.
- Fabre J., *Stanislas – August Poniatowski et l'Europe des lumieres*, Paris 1952.
- Fizma S., *The Polish Renaissance and its European Context*, Indiana 1988.
- Gierowski J.A., *The Polish-Lithuanian Commonwealth in the XVIII<sup>th</sup> Century. From Anarchy to Well – organized State*, Kraków 1996,
- Grodecki R., *Działalność gospodarcza Kazimierza Wielkiego*, [in:] *Polska Piastowska [Economic Activity of Casimir the Great, [in:] Piast's Poland]*,
- Grodecki R., *Dzieje wewnętrzne Polski w XIII wieku*, [in:] *Polska Piastowska [Poland in 13<sup>th</sup> Century [in:] Piast's Poland]*, Warszawa 1969.
- Grodziski S., Salmonowicz S., *Uwagi o królewskim ustawodawstwie*. [in:] *Parlamentaryzm i prawodawstwo przez wieki, [Considerations about Royal Legislature [in:] Parliamentarism and Legislature through Ages]* Kraków 1999 and W. Uruszczak, „Sejm Walny wszystkich państw naszych”. *Sejm w Radomiu i Konstytucja Nihil novi z 1505 r.* [„General Sejm of Our All Nations”. *Sejm in Radom and Nihil novi Constitution of 1505.*], Czasopismo Prawno-Historyczne, Poznań 2004.
- Historia Polski w liczbach. Ludność. Terytorium [History of Poland in Numbers. Population. Territory]*. Warszawa 1993, p. 20.
- Jędruch J., *Constitutions, Elections and Legislatures of Poland 1493–1977*, Washington 1982
- Kot S., *Socinianism in Poland*, Boston 1957.
- Lutz D., *From Covenant to Constitution in American Political Thought*. [in:] Publius: The Journal of American Federalism: 1980 vol. 4,
- Lutz D., *The Origins of American Constitutionalism*, Baton Rouge 1988.
- Olszewski H., *Rzeczpospolita. Przyczynek do dziejów ideologii politycznoprawnej w dawnej Polsce*. [in:] *Sejm w dawnej Rzeczypospolitej. Ustrój i idee. Vol 2 [Commonwealth.Cause to the History of Legal and Political Thought in Poland [in:] Sejm in Former Poland. Structure and Ideas]*,
- Ostrom V., *The meaning of American Federalism. Continuing a Self – Government Society*, 1991
- Płaza S., *Próby reform ustrojowych w czasie pierwszego bezkrólewia*, Kraków 1969.
- R. van Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge 1995.

- Redoway W.J. (ed.), *The Cambridge History of Poland*, Cambridge 1951.
- Salmonowicz S., *La tolerance religieuse dans la „modele polonais” (XVIe–XVIIIe siecles)* [in:] *350 anniversaire des Traités de Westphalie 1648–1998. Une genèse de l’Europe, une société à reconstruire. Actes du Colloque International. Strasbourg 15 au 17 octobre 1998*, Strasbourg 1998.
- Salmonowicz S., *Prusy Królewskie w Rzeczypospolitej polsko-litewskiej. Uwagi porównawcze*. [in:] *Rzeczpospolita wielu narodów i jej tradycje*. Materiały z konferencji „Trzysta lat od początku unii polsko-saskiej. Rzeczpospolita wielu narodów i jej tradycje” [*Royal Pruthenia in Polish-Lithuanian Commonwealth. Comparative considerations* [in:] *Commonwealth of Many Nations and its Traditions*]. Kraków 1999, p. 116–118.
- Sawicki J., *Wybór tekstów źródłowych z historii państwa i prawa polskiego*, Vol. 1. Warszawa 1952, 141–148.
- Segel H.B., *Renaissance Culture in Poland. The Rise of Humanism 1470–1543*, Cornell 1989.
- Volumina Legum, Vol. 2.
- Zamojski A., *The Polish Way: o thousand years’ history of Poles and their culture*, London 1989.