

Discourses of Tolerance and Intolerance at the Four Years' Sejm (1788-1792)¹

Richard Butterwick-Pawlikowski

University College London

In November 1785, while reporting to his superior, the Cardinal Secretary of State Ignazio Boncompagni, on the feud among Warsaw Protestants, the papal nuncio Ferdinando Maria Saluzzo cautiously expressed the hope that God's mercy would convince these "*infelici*" to join the Catholic Church, as they began "*molti a frequentare le nostre Chiese.*" At the same time, he was worried that the current state of religion might lead to an expansion of privileges enjoyed by the heterodox in the Commonwealth, which, according to him, would elevate them above the faithful of the established religion. Then he wrote with disgust about recent events in the Sovereign Military Order of Malta. The previous Sunday, two foreign Protestants had been given the Grand Cross of a Knight of Grace and Devotion, and during the ceremony they had participated in the Mass and kissed the paten and the crucifix. Because he did not want to cause a bigger scandal, the nuncio had waited until the end of the ceremony to admonish the local commanders of the Order. He asked the Secretary of State to intervene with the Grand Master to ensure that such abuses would not happen again. He did not know at that time that the previous nuncio, Giovanni Andrea Archetti, had been the person who had obtained the crosses for the two Protestant diplomats in Warsaw, which, of course, he had done for the greater glory of God.²

¹ This paper draws on my book *Polska Rewolucja a Kościół katolicki 1788-1792*, Kraków 2012. At least some of the usages of "tolerance" discussed here would be much better characterized as "toleration", but given the undifferentiated employment by contemporaries of the terms "tolleranza" in Italian and "tolerancya" in Polish I have used "tolerance" throughout this piece.

² F. M. Saluzzo to I. Boncompagni, 23 November 1785, Archivio Segreto Vaticano, Archivio della Nunziatura a Varsavia (hereafter ASV ANV) 66, ff. 53-54. G. Archetti to O. Pallavicini, 20 March 1783. See L. Wolff, *The Vatican and Poland in the Age of the Partitions: Diplomatic and Cultural Encounters at the Warsaw Nunciature*, Boulder, CO – New York 1988, pp. 134-135. Writing about the religious situation, the nuncio could have meant, for example, the fact that during that year the bishop of Pereiaslav, Viktor Sadkovskii, was appointed the archimandrite of

This vignette could be used to reflect on the weakness of the Holy See at the end of the eighteenth century. However, I would like to focus on Saluzzo's explanation that he did not protest more vehemently because he did not want a newspaper article to be published which would praise the participation of dissidents in a Catholic Mass and granting to them of privileges in the Sovereign Military Order of Malta "*come un trionfo della tanto ora decantata tolleranza*", that is, "as a triumph of the tolerance which is so lauded in these times." Explaining himself to Boncompagni, the nuncio was ironic about the contemporary idiom of "tolerance," which was used as an appealing term, posing considerable dangers to the Catholic Church.

Today we could talk about two opposed discourses, one of "tolerance" and the other of "intolerance." Within these discourses, these and other key words (such as "enlightenment" and "fanaticism") could have been used with positive connotations, but sometimes they could have been employed ironically or even pejoratively. It is worth recalling that for Saluzzo *un discorso* meant a speech. Discourses—particular ways of expressing oneself about something—are not only written but also oral, performed and even visual. In the riveting *theatrum* of the Four Years' Sejm, discourses were articulated in almost all media.³

During his nunciature, which lasted from 1784 to 1794, and especially during the proceedings of the Great Sejm (Parliament) of 1788-1792, Saluzzo often pointed out threats to the Church, concerning the popularity and the broad understanding of the term "tolerance".⁴ For instance, in March 1790 he wrote with trepidation about the plans to invite representatives of tolerated religions to Warsaw in order to deal with their issues, "*conoscendo quanto si pensi liberamente in materia di Religione, e repugnando ancor qui il fanatismo per la tolleranza, non posso esser tranquillo*

Śluck, who had power over *Greci scismatici*, i.e. the Orthodox in the Polish Crown and Lithuania. Cf. F. M. Saluzzo to C. Federici, 1 June 1785, 29 June 1785, and to I. Boncompagni, 28 September 1785, ASV ANV 66, ff. 30-31, 33-34, 43, and the works in the footnote no. 16 below.

³ I deal with them in more detail in "Political Discourses of the Polish Revolution, 1788-1792", *English Historical Review*, 120 (2005), pp. 695-731, and "Chrześcijanin i obywatel w dyskursie politycznym drugiej połowy XVIII wieku," in *Wartości polityczne Rzeczypospolitej Obojga Narodów. Struktury aksjologiczne i granice cywilizacyjne*, ed. A. Grzeškowiak-Krwawicz, J. Axer, Warszawa 2017, pp. 175-195. On early modern Polish political discourses see A. Grzeškowiak-Krwawicz, *Dyskursy polityczne Rzeczypospolitej Obojga Narodów. Pojęcia i idee*, Toruń 2018.

⁴ See Wolff, *Vatican and Poland*, pp. 185-231; Butterwick, *Polska Rewolucja*, passim.

e non lascerò di esser vigilante”.⁵ We can see here that the nuncio employed the pejorative keyword “fanaticism” in order to express his disapproval of too broad a concept of “tolerance.” Fearing the establishment of an Orthodox Church hierarchy, he wrote in 1791, “*Dopo che la moderna Filosofia ha stabilito per Canonici di un ragionato governo l’Uguaglianza e la Tolleranza, sarà ben difficile il poter impedire delle novità, che peraltro distruggerebbero l’idea di una Religione dominante.*”⁶ Here “tolerance” is linked with “equality.” Many such examples can be found. The nuncio was bent on preventing the extension of the privileges of the heterodox; in particular he did not want them to be put on a par with Catholics because, in his opinion, that would be at the expense of the established religion. Trying to prevent such expansions, he was aware that he was acting against the grain. Being cognizant of the fact that his superiors had similar views on the spirit of the times (they shared a discourse about detrimental “novelties” and “the venom of modern philosophy”), he could justify his failures and present his tactical successes as triumphs.

In his dispatch of November 1785 Saluzzo did not specify the newspaper he had in mind. He could have meant international newspapers. It is unlikely that he was thinking of *Gazeta Warszawska* [the Warsaw Gazette], which had a monopoly position. Edited by the scholar and ex-Jesuit, Rev. Stefan Łuskina, it gave the nuncio sleepless nights, as it printed rumours about the possibility of the resurrection of the Society of Jesus and included sardonic comments on its suppression by Pope Clement XIV in 1773.⁷ That aside, *Gazeta Warszawska* was a stronghold of Catholic dogmatism and an enemy of any manifestations of freethinking.⁸

On the other hand, *Pamiętnik Historyczno-Polityczny* [the Historical and Political Recorder], a monthly founded and edited by another ex-Jesuit, Rev. Piotr Świtkowski, had been propagating “enlightenment” against the powers of fanaticism, superstition and ignorance for three years. It

⁵ F. M. Saluzzo to F. Zelady, 31 March 1790, ASV ANV 67, f. 15.

⁶ F. M. Saluzzo to F. Zelada, 26 I 1791, ASV ANV 67, f. 70.

⁷ E.g. F. M. Saluzzo to C. Federici, 17 VIII 1785, ASV ANV 66, f. 38.

⁸ See J. Łojek, „*Gazeta warszawska*” ks. *Łuskiny*, Warszawa 1962; I. Łossowska, “Kontrowersje wokół Stefana Łuskiny SJ – dziennikarza i redaktora,” in *Wkład Jezuitów do kultury i nauki w Rzeczypospolitej Obojga Narodów oraz pod zaborami*, ed. I. Stasiewicz-Jasiukowa, Kraków – Warszawa 2004, pp. 663-682.

inextricably linked “enlightenment” with “tolerance.”⁹ For example, writing about the Holy Roman Empire in 1784, it joyfully proclaimed that “enlightenment and tolerance are continuously proliferating in many countries of this immense nation.” It censured countries like Bavaria where freedom of religion and conscience was being persecuted, but it praised those rulers, especially the Emperor Joseph II, who had expanded such freedom. Świtkowski received a caustic retort from another ex-Jesuit, the geographer, Rev. Karol Wyrwicz, who was ironic about Świtkowski’s “enlightenment” whilst correcting his factual errors. Wyrwicz disputed with Świtkowski over his appeals for the freedom of the press and greater tolerance; the state could tolerate dissidents for political reasons, but it should protect the truth and prevent the propagation of errors. The brotherly love which forbade persecutions at the same time required Catholics to pray to God for the “enlightenment” of erring dissidents.¹⁰

The irritation felt by Saluzzo, as well as many other Polish clergymen during the reign of Stanisław August Poniatowski (1764-1795), at what they felt was the excessively loose and universal application of the term ‘tolerance,’ may remind us of the “culture wars” which are being waged at the moment—not only in Poland. Many people now associate ‘tolerance’ with the fluttering rainbow flag, to which other people react as would a bull to a red rag. Detractors of the current discourse of tolerance claim that “tolerance” should refer to the gracious condoning by the majority of certain deviations from a traditionally followed cultural norm. It should not mean the equality of everyone’s worldview, which could lead to the practical impairment and even subjugation of the culture and religion of the majority. Nevertheless, the limits and conditions of the freedom of religion and conscience as well as civil and political rights belonging to non-Catholics, which were discussed during the last years of the Polish-Lithuanian Commonwealth, differed markedly from those that now apply in the Republic of Poland.

⁹ See I. Homola Dzikowska, *Pamiętnik Historyczno-Polityczny Piotra Świtkowskiego 1782- 1792*, Kraków 1960; I. Łossowska, “Piotr Świtkowski,” in *Pisarze polskiego Oświecenia*, ed. T. Kostkiewiczowa, Z. Goliński, vol. 2, Warszawa 1994, pp. 305-331.

¹⁰ W. Smoleński, *Przewrót umysłowy w Polsce wieku XVII. Studia historyczne*, 4th edition, Warszawa 1979, pp. 353, 362-264. R. Butterwick, “What is Enlightenment (*oświecenie*)? Some Polish Answers, 1765-1820,” *Central Europe* 3/1 (2005), pp. 23-24, 29.

They also differed from the rights which non-Catholics enjoyed during the first few decades of the Polish-Lithuanian Commonwealth, that is, in the later sixteenth and early seventeenth century. Within the nobility, Protestant and Orthodox citizens essentially had the same civil and political rights as Catholic citizens. The situation of Christian burghers could vary a great deal, as in some royal towns Catholics predominated, whereas in others Protestants or Orthodox were numerically and socially dominant. The situation was different again in towns belonging to the Catholic clergy and private lords. It would be an oversimplification to talk about the rule of *cuius domini, eius religio* with respect to the peasantry. There were also differences concerning the rights granted to Jews, Karaites and Muslims. Nonetheless, few people in the young Commonwealth were content with this *mélange* of faiths and so, in both the Polish Crown and the Grand Duchy of Lithuania, effective ways of reaching temporal compromises were painstakingly worked out. The widely desired religious uniformity was left to Divine Providence.¹¹ This constitutes a major difference from the early twenty-first century, when diversity of every type, not only religious, is not only accepted, but even celebrated. Perhaps except for diversity of beliefs... The common denominator which all eras share is the dynamic of polemics, in which one side believing itself to represent “the norm” postulates the laying out of more precise and stringent conditions under which deviance from the norm can be tolerated.

In the course of the seventeenth century changes regarding the rules and practices of equality between *dissidentes in religione* took place a good deal faster in the Polish Crown than in the Grand Duchy of Lithuania. “Dissidents” and “Disuniates” became minorities which were merely tolerated by Catholics, who considered themselves to be the rulers of the country. According to the then almost universally held belief that a religiously divided country would eventually fall because of its irreconcilable conflicts, between the middle of the seventeenth and the middle of eighteenth century the conditions of this tolerance were significantly restricted. This affected both the scope of practical

¹¹ See W. Kriegseisen, *Stosunki wyznaniowe w relacjach państwo-kościół między reformacją a oświeceniem (Rzesza Niemiecka – Niderlandy Północne – Rzeczpospolita polsko-litewska)*, Warszawa 2010, pp. 533-575.

religious freedom and the political rights of the heterodox nobility. For many reasons, the Commonwealth was more monolithic in religious terms in the mid-eighteenth century than it had been at the end of the sixteenth century. Among the nobility, Protestants constituted only several hundred families, while Russian ambassadors had the utmost difficulty in finding any reputable representatives of the Orthodox nobility, so sparse and impoverished was it. About five out of six inhabitants of the Commonwealth were, at least nominally, Catholics of different rites and more than a half of the rest was composed of Jews, who lived according to a different set of rules than Christians. We can agree with the view that in the Commonwealth attempts at ‘confessionalization,’ that is, efforts to ensure dominance of one faith and marginalization of others, were undertaken too late (in comparison to other countries) to be wholly successful. The Polish-Lithuanian variant of Catholic ‘confessionalization’ was a process that was incomplete, uneven and at least as bottom-up and spontaneous as it was top-down and controlled.¹²

It is difficult to say whether it would have been possible for the conditions of practical religious tolerance to be relaxed again in the Commonwealth, or even for some of the political rights to be restored to the heterodox nobility, if Catherine II had not been so adamant about forcing the Commonwealth to reintroduce equality for dissidents in the 1760s. The Russian policy led to acrimonious religious polarization which spectacularly manifested itself in the religiosity of the times, as well as in the propaganda of the Confederations of Radom and Bar.¹³ We can see, however, in Saluzzo’s dispatch regarding the case of the Knights of Malta that when the rights of dissidents were settled again at the Partition Sejm of 1773-1775 (they were restricted a little in comparison to the statutes of 1768), the emotions caused by them did not subside. This cooling-down was accompanied

¹² U. Augustyniak, *Historia Polski 1572-1795*, Warszawa 2008, pp. 169-212; W. Kriegseisen, *Stosunki wyznaniowe*, 576-657; cf. A. Brüning, *Unio non est unitas. Polen-Litauens Weg im konfessionellen Zeitalter (1569-1648)*, Wiesbaden 2008; R. Butterwick, “How Catholic was the Grand Duchy of Lithuania in the Later Eighteenth Century?,” *Central Europe*, 8/2 (2010), pp. 123-45.

¹³ See M. C. Łubieńska, *Sprawa dysydencka 1764-1766*, Kraków – Warszawa 1911; J. T. Lukowski, “The Papacy, Poland, Russia and Religious Reform, 1764-8,” *Journal of Ecclesiastical History* 39 (1988), pp. 66-94; M. G. Müller, “Toleration in Eastern Europe: The Dissident Question in Eighteenth-Century Poland-Lithuania,” in *Toleration in Enlightenment Europe*, ed. O. P. Grell, Cambridge 1999, pp. 212-229; M. Ślusarska, “‘My mocą Boga wsparci, ocalając wiarę’ – motywy religijne i obrzędowe konfederacji barskiej,” in *Konfederacja barska. Jej konteksty i tradycje*, ed. A. Buchmann, A. Danilczyk, Warszawa 2009, pp. 157-181.

by some religious writers' laments about elite Poles' tepid upholding of their national faith, which they had received from their more zealous ancestors.¹⁴

The rights enjoyed by dissidents after 1775 were imposed on a Commonwealth which could no longer make its own sovereign decisions. However full sovereignty was successfully reasserted by the Sejm which started its proceedings in October 1788. The violations of sovereignty committed during the Sejms of 1767-1768 and 1773-1775 were widely condemned. This Parliament, which later became known as the Great Sejm or the Four Years' Sejm, rejected the Russian guarantee regarding the Commonwealth's system of government. It abolished the Permanent Council, the central executive body established by the Partition Sejm. These actions thereby cast doubt on the legitimacy of the existing rights of the dissidents as well as made necessary their re-granting or confirmation by the sovereign Commonwealth. But to what extent? It is significant is that no one demanded that the dissidents' rights should be rolled back to the position in 1764. It is also worth mentioning that the status quo of 1775 was treated in the discussions and disputes of the Great Sejm as the minimum. No one demanded the ejection of the three Protestant envoys (according to the laws of 1775 one dissident could be chosen for each parliamentary term from each of the two provinces of the Polish Crown and the province of the Grand Duchy of Lithuania). One of these envoys, Paweł Grabowski, was even appointed as a member of a committee established to deal with questions relating to the Orthodox community.¹⁵

This did not mean, however, that during the Polish Revolution of 1788-1792 there were no religious antagonisms. There were many insults thrown at "heretics" (*kacerze*) and "schismatics"—insulting words that were forbidden by the laws of 1768 and 1775—by some of the most enlightened statesmen as well as by the most trenchant critics of the Catholic clergy.¹⁶ As can be appreciated from the nuncio's dispatches, there were disputes over religious policy or the limits of the rights of the

¹⁴ W. Smoleński, *Przewrót umysłowy*, pp. 159-198, 258-262; R. Butterwick, *Polska Rewolucja*, pp. 177-189, 630-634; cf. J. Pasierb, "Religijność polska w okresie Oświecenia," in *Życie kulturalne i religijność w czasach Stanisława Augusta Poniatowskiego*, ed. M. M. Drozdowski, Warszawa 1991, pp. 49-58.

¹⁵ E. Sakowicz, *Kościół prawosławny w Polsce w epoce Sejmu Wielkiego 1788-1792*, Warszawa 1935, pp. 121, 161.

¹⁶ Apart from the quotation below, see other examples in R. Butterwick, *Polska Rewolucja*, pp. 315, 367, 377, 395, 414, 585, 590, 640.

heterodox. There were also a few discussions on the definition of “tolerance,” which often appeared as a powerful term, almost invariably with positive connotations. Those who wanted to understand “tolerance” in a narrower sense were on the defensive from the beginning until the end of the Sejm.

It would be impossible to scrutinize fully the question of “tolerance” during the Great Sejm within the confines of this essay. However, the selected examples should show how this word functioned as an all-encompassing term as well as illuminate the permitted limits of its contents. It should be emphasized that unlike in the 1760s, problems concerning the rights of the heterodox were rarely raised at the Sejm during the Polish Revolution. The most burning issues were those concerning the Orthodox clergy and population in the eastern reaches of the Commonwealth because it was placed under the jurisdiction of the Most Holy Synod in St Petersburg by the archimandrite of Słuck and bishop of Pereiaslav, Viktor Sadkovskii (formerly the chaplain of the Russian Embassy in Warsaw). Without any comparable geopolitical imperative, the position of Protestant as well as Jews did not raise such emotions.¹⁷ The question of “tolerance” was particularly visible during the debates on the taxation of the dissident clergy in June 1789; the debates on cardinal laws in September 1790; the debate on the Law on Free Royal Towns in April 1791 and the debates on the introduction of an ‘autocephalous’ Orthodox hierarchy in May 1792.

The first of the aforementioned examples—the debate of 19 June 1789—is particularly interesting because it reveals subtle differences between the oral discourse aimed at the participants of the parliamentary debate and the written one aimed at a wider audience.¹⁸ In March 1789, the Sejm decided that Catholic clergymen, with a few exceptions, would pay a twenty per cent tax from fixed

¹⁷ See E. Sakowicz, “Kościół prawosławny,” review by A. Deruga in *Ateneum Wileńskie* 11 (1936), pp. 530-560; A. Deruga, “Kościół prawosławny a sprawa „buntu” w 1789 roku we wschodnich województwach Rzeczypospolitej,” *Ateneum Wileńskie* 13/2 (1938), pp. 175-269; K. Paździor, *Polityka Sejmu Czteroletniego wobec kościołów wschodnich*, PhD thesis, University of Silesia (Katowice, 2000); R. Butterwick, “Deconfessionalization? The Policy of the Polish Revolution towards Ruthenia, 1788-1792,” *Central Europe* 6/2 (2008), pp. 91-121; cf. E. Szulc, “Sprawa obywatelskich uprawnień protestanckich mieszczan jako temat dyskusji na forum Sejmu Czteroletniego,” *Rocznik Teologiczny* 32/1 (1990), pp. 5-33; J. Michalski, “Sejmowe projekty reformy położenia ludności żydowskiej w Polsce w latach 1789-1792,” in *idem, z XVIII i XIX wieku*, ed. W. Kriegseisen, Z. Zielińska, vol. 1, *Polityka i społeczeństwo* (Warszawa 2007), pp. 305-322; R. Butterwick, “Jews in the Discourses of the Polish Enlightenment,” *Polin. Studies in Polish Jewry* 27 (2015), pp. 45-62.

¹⁸ R. Butterwick, *Polska Rewolucja*, pp. 426-429.

and permanent incomes, while the nobility would pay a ten per cent tax. Only at the end of the tax debates, after the scare in the spring caused by alleged peasant rebellions in Ruthenia, was it the turn of the heterodox clergy. A twenty-five per cent tax rate was proposed, probably because of the fact that the Catholic clergy still paid—apart from the new income tax—the *subsidium charitativum* which amounted annually to 700,000 Polish złotys, which was reckoned about ten per cent of the clergy's overall revenue. There was also another motion to be debated. It was put forward by a representative from Livonia, probably Stanisław Kublicki, who wanted the non-Catholic clergy to pay a thirty per cent tax.

When the Marshal of the Sejm opened the floor for discussion, Mateusz Butrymowicz, an envoy from Pińsk, stood up with a prepared speech. His family belonged to those Ruthenian houses which would baptize and ordain one of their sons into the Ruthenian rite, in the expectation that they would rise through the ranks of the Uniate Church. According to the secretary's record, Butrymowicz started his speech as follows

Free nations should preserve tolerance because it is the lynchpin of their development and a source of their strength. In the sixteenth century, when in some countries bloodshed was caused by spreading religious persecutions, Poland acted in a dispassionate and calm manner and was always an asylum for Saracens and dissidents who were oppressed in other countries. The dominant policy was adopted, even in the monarchies all over Europe, by edicts prohibiting the persecution of the non-established religion and accepting the loss that the countries incur because of this premature zeal, not to even mention the free nations. Holland's position improved and it became invincible. It is rich and even though it is a small country it carries a weight in Europe, and is included among the most important countries. I ask, what helped her advancement? Tolerance. Poland is a free nation, which has proclaimed tolerance, and tolerance prohibits burdening another religion. Therefore, I say no to a higher tax than that levied on the Latin-rite clergy.

He rejected the argument concerning the *subsidium charitativum* because, according to him, Catholic clergymen “of the established religion are shepherds who should, in particular, do their best to support their Fatherland.” Nevertheless, because “the Disuniate clergy has contributed to our Fatherland's undoing, it is not worthy of the blessings coming from tolerance” and it should pay a higher tax. Stanisław Kostka Potocki, an envoy from Lublin, who did not address the question of

tolerance, did not agree to Butrymowicz's refusal of equal treatment for the Orthodox clergy, but he asked "if a Disuniate oppressed with a greater tax than others, with his unenlightenment, will not be more likely to incite rebellion" and declared that he would not permit a higher tax to be imposed upon them. The Sejm marshal responded asking, "Is it the will of the estates that the dissident clergy should pay the same percentage as the Latin-rite clergy? = There was complete unanimity."¹⁹

Not only did Butrymowicz publish his speech in an extended form (it is also possible that the secretary recorded an abridged text of this speech), but also in a different tone. In the written version, he encouraged people to taste economic, demographic and political benefits stemming from tolerance, but without "premature zeal." What is more, he talked about, "citizen[s] separated from the Roman Catholic Church" and tried to make it clear to his readers that dissidents were "Lutherans" and "Calvinists." Despite this, he arrived at a rather radical definition, which implied equal civil rights: "Hence tolerance and the exact meaning of this word clearly shows that all the religions apart from the established one should be equally suffered and treated."²⁰ So it should be not only condoned but also treated on a par with the dominant religion. That day nobody questioned this definition even though during the following debate on the *starostwa* belonging to the Jasna Góra Monastery in Częstochowa, Old-Polish and Catholic zeal was evoked.²¹

In September 1790, during the debate on cardinal laws, there was no doubt that Roman Catholicism would be legally proclaimed, for the first time in the history of the Commonwealth, as the established religion.²² This happened on 2 September, albeit not without disagreements over the question of whether Catholic privileges belonged to the faith or to the Church.²³ On the following

¹⁹ MS Diary, Archiwum Sejmu Czteroletniego, Archiwum Główne Akt Dawnych, Warsaw (hereafter ASC), 2, ff. 526v-528r.

²⁰ *Zdanie JW Jmci Pana Mateusza Topory Butrymowicza podstarosty i posła powiatu pińskiego na sessyi seymowej dnia 19. junii 1789. roku miane* [n.p.], copy in ASC 2, ff. 552r-552v.

²¹ MS Diary, ASC 2, ff. 529r-533r.; *Głos JW Jmci Pana Ludwika Fundament Karśnickiego, kasztelana wieluńskiego, kommissarza kommissyi woyskowej obojga narodów, orderu S. Stanisława kawalera, na sessyi seymowej dnia 19. miesiąca czerwca roku 1789 miany*, n.p., n.d., copy in ff. 541r-542v.; MS Diary, ASC 2, ff. 549r-550r. (Ignacy Wybranowski, an envoy for Lublin).

²² See R. Butterwick, *Polska Rewolucja*, pp. 528, 649-654; *idem*, "Kościół katolicki a państwo w Rzeczypospolitej za Augusta III i Stanisława Augusta. Zarys problematyki," in *My i oni. Społeczeństwo nowożytnej Rzeczypospolitej wobec państwa*, ed. W. Kriegseisen (Warszawa 2016), pp. 317-354 (on pp. 317-318).

²³ MS Diary, ASC 9, ff. 13v-18v.

day, the question of ‘apostasy’, that is abandonment of Catholicism for another faith, caused a considerable stir as it was supposed to remain banned and punishable. Envoys and senators from the Ruthenian lands warned that hundreds of villages converted from the Uniate to the ‘Disuniate’ Church, while everyone agreed that banishment as a punishment was detrimental to the country. They also conceded that capital punishment for apostasy, formally in force until 1768, was unfair and draconian for the “ignorant common folk.” In the end, they reached a consensus that changing one’s religious faith from Catholicism would incur an unspecified punishment for apostasy.²⁴ Such wording was also included in the first article of the Constitution of 3 May 1791.

On the same day, 3 September 1790, only the believers of the faiths that had hitherto been tolerated were granted freedom of worship and governmental protection despite the king’s word of warning that this condition could lead to feuds among subjects, “making way for this inquisition, dreadful even in its name.” Adam Krasiński, the elderly bishop of Kamieniec, demanded, in turn, that the 1658 laws banishing the Arians should be upheld.²⁵ In this case, the text of the Constitution of 3 May 1791, guaranteeing “everyone, of whatever faith, freedom of worship and the protection of the government” and ensuring “freedom of all religions, faiths and observances in Polish countries”, went further than the cardinal law, but left an element of ambiguity in the condition “according to the laws of the country.”²⁶

The third article of the Law on Government passed on 3 May 1791 enshrined in the new constitution the Law on Free Royal Towns (*Miasta Nasze Królewskie Wolne w państwach Rzeczypospolitej*). The introduction of this law on 18 April was delayed by a dispute whether Catholics should have priority on appointment to municipal office, which was demanded by Józef Radzicki, an envoy from Zakroczym, and supported by some other envoys and senators. In order not to allow this condition to be introduced, some envoys employed the term “tolerance.” It is worth

²⁴ MS Diary, ASC 9, ff. 51v-55r., 69r-69v (King). *Prawa kardynalne niewzruszone*, in *Volumina Legum. Prawa, konstytucje y przywileje Królestwa Polskiego, Wielkiego Księstwa Litewskiego y wszystkich prowincyi należących na walnych seymiech koronnych od seymu wiślickiego roku pańskiego 1347 aż do ostatniego seymu uchwalone. Volumen nonum ab anno 1782 ad annum 1792 acta Reipublicae continens*, vol. 9, Kraków 1889, p. 203.

²⁵ MS Diary, ASC 9, ff. 55r-55v., 66r-66v (King).

²⁶ *Konstytucja 3 Maja*, ed. J. Kowecki, Warszawa 1981, p. 82.

emphasizing that everybody agreed that one of the key aims of the law should be attracting more foreigners to Poland, so they could settle in free towns. Moreover, it is worth mentioning that all those who participated in the debate, including Stanisław August himself, underlined their Catholicism.²⁷

Celestyn Sokolnicki, an envoy from Poznań, advanced an economic argument that those demanding preferences “do not know the position of our towns in Greater Poland, which alienated by this condition would fall into ruin,” because near the frontier there are “towns that do not even have a Catholic church and not one Catholic in the council.” He concluded: “Hence, I am in favour of tolerance and I reject this condition as it is the antithesis of tolerance.”

Sokolnicki’s arguments did not convince the bishop of Kiev, Kacper Cieciszowski. He asked if preference for Catholics was not right. The bishop also wanted to change the word in the first article guaranteeing peace and protection to people “of all religions” to “tolerated religions” because he claimed that in practice it meant “with no religion.” At the end, he distinguished between brotherly love and actions leading to error:

Religion teaches us to love thy neighbour, thus I declare that I love all inhabitants of the Polish land and with my priestly service, even with my fortune, due to brotherly love I am ready to serve everyone, but there is a difference between loving thy neighbour and speaking in order to propagate an error.

Kazimierz Nestor Sapieha, the Sejm Marshal of the Lithuanian Confederation, gave a long speech, which he then published—an unusual step for him. “We are confederated here under the Holy Catholic Faith,” he said, but “also under property rights—I see no right and no need to limit tolerance as it was established here by the last law of 1775.” He referred to Russian Ambassador Nikolai Repnin’s violations in 1767-1768 as well as to the dissidents’ obedient and loyal conduct during the present Sejm:

You threatened the subjects of other religions than Catholicism with stripping them of these privileges that were introduced into the Polish Book of Laws by a foreign hand, so that they will not want to have it as a blessing of their Fatherland, in other words, if they do not renounce the guarantee. They did everything we asked them to,

²⁷ MS Diary, ASC 17, ff. 267r-296v. See R. Butterwick, *Polska Rewolucja*, pp. 700-712.

their delegates from synods arrived according to our proclamations, a deputation appointed by the Sejm was dispatched to them, and at the moment they are working together on negotiations following your orders, Most Serene Estates. You want to penalize the obedient by inflicting a punishment for the disobedient.

Marshal Sapieha reiterated the arguments concerning economic losses stemming from such a condition, which would invalidate the aim of the act, but he agreed with the bishop of Kiev that the privileges should be enjoyed only by the believers of the religions which had heretofore been “tolerated.”²⁸ On the king’s request, who wanted the law to be adopted unanimously, they agreed to amend the word “whichever” to “tolerated.” The following speakers either wanted to salvage some preferences for Catholics or stressed that in practice such a condition would be harmful. Antoni Ledóchowski, an envoy for Czernihów, warned about the danger of a possible plot to “destroy the established religion” hatched by dissidents and “zealous supporters of novelties.” He remarked that “tolerance cannot be so unrestricted as to prevent reservations for Catholics.”²⁹

Ludwik Gutakowski, an envoy for Orsza, also referred to a lesson of history, “I will not recall how content our ancestors were when their public assemblies started with *Pax inter Dissidentes*. Later on, forgetting about these words, the Commonwealth suffered many failures.” Benedykt Hulewicz, an envoy for Volhynia, disputed this claim and he contrasted “*Pax inter Dissidentes*” with the older motto, “*Unus Pastor et unum ovile*.” Adam Kazimierz Czartoryski, an envoy for Lublin, put forward economic, political and even religious arguments, “Intolerance is against religion itself, just as it is a political sin.” He concluded:

The spirit of our former intolerance lost us the Ukraine, the spirit of fresh intolerance brought a foreign guarantee upon us. What are we trying to achieve by settling this matter through bringing justice to towns? Instead of trying not to give others a reason to interfere in our affairs we will do the opposite if we decide to introduce this condition.

²⁸ *Głos Jaśnie Oświeconego Xiecia Jmci Sapiehy generala artyleryi y marszałka konfederacy W. X. Lit: posta z województwa brzeskiego lit: na dniu 18. kwietnia 1791. roku miany*, Warszawa, n.d., copy in ASC 17, ff. 278r-281v.

²⁹ *Głos Jaśnie Wielmożnego Jmci Pana Antoniego Leduchowskiego wojewodzica i posta województwa czarniechowskiego na sessyi seymowej dnia 18. kwietnia 1791. r. miany*, n.p., n.d., copy in ASC 17, k. 285r-286v.

Czartoryski gave assurances that “we have, thank God, zealous pastors, who, as bishops, would be able to stop the spread of heretical dogmas.” In a similar vein, Kazimierz Bolesza, an envoy for Poznań, lauded “bishops, who know best how to align the Church’s policy with the country’s policy.” Despite such guarantees, attempts were made to embarrass the bishops into endorsing the condition concerning priority for Catholics. Józef Kossakowski, bishop of Livonia, remained unmoved, but Antoni Okęcki, bishop of Poznań, declared himself in favour of priority for Catholics.

Jan Suchorzewski, an envoy for Kalisz, who on 14 April had provided a solution for a general agreement of the Sejm for the municipal reform, on 18 April also found a way out of the impasse. He suggested not referring to religion in the new law on royal towns and leaving the question to the Sejm’s Deputation for the Heterodox in order to conceive “a project which would not slight the established church in any sense and would ensure the country’s happiness.” After another decisive intervention by Sapieha, the law was adopted with no mention of religion.

The Great Sejm’s long-awaited decision approving the Orthodox hierarchy, which had been worked out during the specially convened Orthodox congress held at Pińsk in July 1791, was made only on 21 May 1792, immediately after the King’s speech in response to the Russian declaration of military intervention in Poland. This underscored the geopolitical imperative of eliminating St Petersburg’s influence on the Orthodox in the Commonwealth. It is not necessary to discuss this debate in detail³⁰, as we should focus on the dispute over ‘tolerance’ between Stanisław Sołtyk, an envoy for Cracow, and Wojciech Skarczewski, the bishop of Chełm and Lublin. According to Sołtyk:

Tolerance implies permitting everything, on which a tolerated confession is based. Non-Uniates living in the Commonwealth’s countries are the same ones who can be found in Greece, Hungary, Wallachia, the Republic of Venice, and the Russian countries and everywhere they live they depend on the power and jurisdiction of the bishops. If somebody stripped them of their bishops, he would upset the precepts of their faith and would be destroying tolerance, which allows them to live peacefully in the Commonwealth’s countries, and worse still, would rescind the salutary aim for which our government adopted tolerance, that is the establishment of general

³⁰ See K. Paździor, *Polityka Sejmu Czteroletniego wobec kościołów wschodnich*, PhD thesis, Uniwersytet Śląski, Katowice 2000, pp. 373-380; R. Butterwick, *Polska Rewolucja*, pp. 849-853.

peace and ensuring citizens' allegiance to the government; furthermore, such a person, due to the respect of his own faith, would have to seek a relationship with foreign people and a foreign government, which would provide him with precepts that would be more compatible with his conscience.

Then he underlined dangers that could result from letting go “millions [sic] of the Non-Uniate population” right into the hands of Russia and the absolute need to establish a fully-fledged hierarchy of bishops as well as the need to keep the Commonwealth's word: “We promised to grant the Non-Uniates complete tolerance, when they have the freedom of observance in the Commonwealth's countries, let them have it to the full extent.”³¹

Skarszewski, who during the first half of the Sejm, before being elevated to the episcopate, had written a number of pamphlets in the defence of the Catholic clergy, tackled the question differently. He referred to the first article of the Constitution of 3 May:

The Deputation, which had to follow the government's law granting all people in the country, no matter of what faith, the freedom of worship and the care of government in accordance with the laws of the country, instead of granting them care and ensuring their peace, establishes a Disuniate hierarchy with extended power in regard to religion, even calling it holy.

For Skarszewski, the crux of the matter was that the established religion would cease being the dominant one if it would not have privileges that other religions were denied:

By doing so, please tell me what would be the difference between the dominant religion and a tolerated religion? Would they enjoy the same rights and prerogatives, so that to dominate and to be suffered would mean the same in our country? And what is the point of the name dominant when it would not exist in reality?

Then he wanted to restrict the meaning of tolerance, and was ironic on how appealing the term had become:

Tolerance, that great word, which we hear repeated so often here, and to which the Disuniates, and other heterodox, have recourse, does not in fact encompass another aim, than that persons should not be persecuted in the country because of differences in religion, and that peace be maintained between citizens. This probably agrees with the spirit of our dominant faith, which never breaks the bond of Christian love, and unites all people

³¹ *Głos Stanisława Sołtyka posła z województwa krakowskiego, orderow polskich kawalera, na sessyi seymowej dnia 21. maia 1792. miany, n.p., n.d.*

with itself. It even agrees with the ancient laws of the Commonwealth. We suffer the heterodox in the country, and at the same time we love them as neighbours and compatriots. But we do not suffer the spreading of their opinions, contrary to the holy Catholic faith. This is the true spirit of civil tolerance in every state, to which the dominant religion is not indifferent. Without that characteristic, all religions would be dominant.³²

The restrictive definition expounded by Skarszewski would have been well known to members of a few generations of episcopal senators who had tried to achieve what we now call the ‘confessionalization’ of the Commonwealth. Only during the Four Years’ Sejm was Roman Catholicism legally approved as the national and dominant religion. Nevertheless, the same Great Sejm approved of the Orthodox hierarchy by an overwhelming vote, 123 votes to 12. Nuncio Saluzzo, who closely cooperated with Skarszewski, was convinced that „*uno spirito immoderato di Tolleranza*” had contributed to the Sejm’s decision.³³

There is no doubt that in a public forum the term “tolerance”, like “enlightenment”, had very positive connotations during the period of the Four Years’ Sejm. On the other hand, “intolerance” was equated with “fanaticism” and was viewed negatively. The attempts undertaken by some clergymen to give “this great word” a more restrictive and precise meaning were not bereft of logic but were ineffective.

This “immoderate spirit of tolerance,” so lamented by some clergymen, was multifaceted. Apart from the brotherly love which was allowed by the bishops and a humanitarian aversion to persecution, there were also geopolitical and economic considerations. Sometimes, the Church’s policy was explicitly contrasted with the country’s policy. Historical arguments collided: the bringing up of the argument concerning the link between the heterodox and foreign powers was countered with the answer that it was the spread of “intolerance” that had forced the heterodox to seek succour from coreligionists abroad and the sovereign Commonwealth should not grant them less than foreign courts had bestowed. Some influence should be also ascribed to the spirit of the times. “Tolerance” had long

³² *Głos [JW] Jmci Xiędza Woyciecha Skarszewskiego biskupa chełmskiego y lubelskiego, na sessyi seymowej dnia 21 maia roku 1792 miany*, n.p., n.d.

³³ F. M. Saluzzo to F. Zelada, 23 V 1792, ASV ANV 67, f. 153.

been one of the main slogans of the “enlightened age”. The attractiveness of this term led to the broadening of its meaning.