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Poland–Lithuania in the Age of Atlantic Revolutions: Dilemmas of Liberty

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On 18 August 1797, a small ship, the *Adriana*, sailed up the Delaware River. Crowds of Philadelphians welcomed General Tadeusz Kościuszko back to the country he had helped to create. The wounded hero had languished in prison until Tsar Paul I freed him soon after succeeding his mother Catherine II. A few months after returning to America, Kościuszko departed again, hoping that the French Republic might help restore Poland to independence. Disappointed, he later rejected Napoleon's blandishments and died in exile in Switzerland in 1817, having never returned to his homeland, which had been partitioned for the third time in 1795.[1] Kościuszko (Figure 20.1), born in 1746 into the impoverished nobility in what is now Belarus, is perhaps the ideal symbol of the Atlantic Revolution. Thomas Jefferson lauded him as "as pure a son of liberty as I have ever known, and of that liberty which is to go to all, and not to the few or the rich alone."[2] Leading the 1794 insurrection against Russian domination of the Polish–Lithuanian Commonwealth,

This chapter draws on my book, *The Polish–Lithuanian Commonwealth, 1733–1795: Light and Flame* (New Haven and London: Yale University Press, 2020), with further reading suggestions. Wherever possible, the additional references given here are to works in English. The text was revised during my Leibniz Science Campus Fellowship at the University of Regensburg in July 2022. I thank members of the Leibniz Institute of East and Southeast European Studies for valuable feedback.

[1] Biographies include Miecislaus Haiman, *Kościuszko in the American Revolution*, 2nd edition (New York: Kosciuszko Foundation and Polish Institute of Arts and Sciences, 1975); Miecislaus Haiman, *Kościuszko: Leader and Exile*, 2nd edition (New York: Kosciuszko Foundation and Polish Institute of Arts and Sciences, 1977); James S. Pula, *Thaddeus Kościuszko: The Purest Son of Liberty* (New York: Hippocrene Books, 1999); Alex Storozynski, *The Peasant Prince: Thaddeus Kosciuszko and the Age of Revolution* (New York: St. Martin's Press, 2009).

[2] Thomas Jefferson to Horatio Gates, 21 February 1798, quoted after James S. Pula, "The American Will of Thaddeus Kosciuszko," *Polish-American Studies* 34:1 (1977), 16–25: 18.

Figure 20.1 Tadeusz Kościuszko. Getty Images.

Kościuszko had tried to transform enserfed peasants into free defenders of a shared fatherland. Unfortunately, Jefferson failed to discharge his duties as executor of Kościuszko's will, and so the estate was not used as intended – to purchase the freedom and education of African-American slaves.

Among the Polish diaspora in the United States, another hero is still more popular. The charismatic Kazimierz Pułaski reformed the Continental Army's cavalry, before dying of his wounds at Savannah in 1779. Earlier, he had been prominent in another republican insurgency. Like Kościuszko's rising, the Confederacy of Bar (1768–1772) fought against Russian domination of Poland–Lithuania, but it was also hostile toward Protestant "heretics" and Orthodox "schismatics." Wishing to reverse the enlightened reforms of King Stanisław August Poniatowski (r. 1764–1795), most confederates looked back nostalgically to the soporific reign of the Saxon elector, King Augustus III (1733–1763). Pułaski was involved in planning the botched abduction of Stanisław August in 1771, and condemned *in absentia* to death as a regicide. He traveled to France, and thence, recommended by Benjamin

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Franklin, to America. More than the luminous Kościuszko, this *chiarascuro* figure reveals ambiguities in the "Age of Democratic Revolution." Pułaski inherited and cultivated a hostility toward kings which he transferred to the American cause.[3]

Poland's contribution to the Atlantic Revolution was recognized by the great historians Robert Roswell Palmer, Jacques Godechot, and Franco Venturi.[4] From the 1760s to the 1790s, the country's upheavals were connected to revolutionary changes in ideas and power on both sides of the Atlantic. The twenty-first-century revival of the concept of Atlantic Revolution has foregrounded contests for transatlantic trade – particularly in slaves and commodities dependent on slaves – in the struggles between the maritime powers. Probably because of this shift, the Polish–Lithuanian Commonwealth, which had no colonial empire, has become less prominent in the recent historiography of Atlantic Revolutions. Polish contemporaries, however, had a clear sense that they lived in an age of revolutionary upheaval: in 1789 the *Historical, Political and Economic Recorder* announced that it would cover "great events and revolutions of nations, which change their state, government, laws and their relations with other nations."[5] This chapter will first explain the paralysis of the Commonwealth and then trace the fiery trajectory of its final three decades. The Enlightenment revealed much in the Polish–Lithuanian world in need of renewal, but it also lit up potential for growth. Dilemmas of liberty briefly seemed capable of solution, before the country's neighbors destroyed this felicitous future.[6]

[3] Władysław Konopczyński, *Casimir Pulaski* (Chicago: Polish Roman Catholic Union of America, 1947).

[4] R. R. Palmer, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760–1800*, updated edition (Princeton: Princeton University Press, 2014), 307–25, 437–46, 482–90; Jacques Godechot, *France and the Atlantic Revolution of the Eighteenth Century, 1770–1799* (New York: Free Press, 1965), 135–8; Franco Venturi, *The End of the Old Regime in Europe, 1768–1776: The First Crisis* (Princeton: Princeton University Press, 1989), 172–234; Franco Venturi, *The End of the Old Regime in Europe, 1776–1789* (Princeton: Princeton University Press, 1991), 784–7, 907–47.

[5] Piotr Świtkowski, *Pamiętnik Historyczno-Polityczno-Ekonomiczne*, quoted after Anna Grześkowiak-Krwawicz, "Konstytucja 3 Maja. Rewolucja – prawo – dokument," in Anna Grześkowiak-Krwawicz, ed., *Konstytucja 3 Maja 1791 na podstawie tekstu Ustawy Rządowej z Archiwum Sejmu Czteroletniego* (Warsaw: Muzeum Łazienki Królewskie, 2018), 5–52: 5.

[6] For alternative overviews, see Jerzy Lukowski, *Liberty's Folly: The Polish–Lithuanian Commonwealth in the Eighteenth Century* (London: Routledge, 1991); Jerzy Lukowski, *The Partitions of Poland: 1772, 1793, 1795* (Harlow: Routledge, 1999); Józef Andrzej Gierowski, *The Polish–Lithuanian Commonwealth in the XVIIIth Century* (Kraków: PAU, 1996).

Paralysis and Remedies

Before the first partition in 1772, the Polish–Lithuanian Commonwealth covered almost three quarters of a million square kilometers, encompassing most of the current territories of Poland and Lithuania, all of Belarus, and about half of Ukraine and Latvia. The Commonwealth had coalesced from unions contracted and renewed since the fourteenth century. Its principal components were the Polish Crown, the grand duchy of Lithuania, Royal Prussia, Livonia, and the vassal duchy of Courland. These were subdivided into various provinces, palatinates, lands, and districts, whose boundaries often derived from medieval lordships. The Crown encompassed the kingdom of Poland, and took in the southern Ruthenian (Ukrainian) and Podlasian lands transferred from the grand duchy of Lithuania in 1569. Although it functioned as a territorial term, the *Corona Regni Poloniae* originally signified the community of the realm rather than the realm itself.[7] Between 1697 and 1763 the elective king of Poland and grand duke of Lithuania was the hereditary elector of Saxony. Such a combination was not unusual: the elector of Hanover inherited the British and Irish crowns in 1714, while the elector of Brandenburg crowned himself king in Prussia in 1701. However, the Commonwealth was no longer a typical early modern "composite polity."[8] Indeed, the names usually used by historians today, "the Polish–Lithuanian Commonwealth" and "the Commonwealth of the Two Nations," cannot be found in official documents. Eighteenth-century diplomats were accredited to "the king and republic of Poland." The Polish word *Rzeczpospolita* was, like the English "Commonwealth," an early translation of the Latin *res publica*. Here "the Commonwealth," "Poland–Lithuania," and "Poland" will be used as synonyms. Complementary local and national patriotisms, anchored in similar parliamentary and judicial institutions, contributed to a shared political culture.

The Commonwealth was a political community whose principal purpose was the liberty of its citizens, not the martial "reputation" of its kings. That said, the Commonwealth was generally successful against its enemies from the 1560s until the 1640s. The subsequent decline in Polish–Lithuanian fiscal

[7] See Robert Frost, *The Oxford History of Poland–Lithuania*, vol. I: *The Making of the Polish–Lithuanian Union, 1385–1569* (Oxford: Oxford University Press, 2015).

[8] Richard Butterwick, "Lawmaking in a Post-composite State? The Polish–Lithuanian Commonwealth in the Eighteenth Century," in D. W. Hayton, John Bergin, and James Kelly, eds., *The Eighteenth-Century Composite State: Representative Institutions in Ireland and Europe* (Basingstoke: Palgrave Macmillan, 2010), 221–43. Cf. J. H. Elliott, "A Europe of Composite Monarchies," *Past & Present,* 137 (1992), 48–71.

and military performance left the country not only smaller, but also highly vulnerable.[9] Russian interventions would prove that independence was a necessary condition of both civil and political freedom. Finally, the three partitions – in 1772, 1793, and 1795 – turned free citizens into the subjects of more or less absolute monarchs, who had every interest in caricaturing Polish liberty as license, anarchy, chaos, and oppression. However, even at the zenith of the Commonwealth's prosperity, the quality of its freedom was sometimes questioned by Polish thinkers. At issue were, first, whether liberty could be enjoyed in practice by most of those who possessed it, and second, the persons to whom that possession was denied.[10]

Up to three quarters of a million hereditary nobles believed they had a monopoly on citizenship. Polish freedom – an umbrella protecting many individual and collective rights and privileges – was their freedom. They were, in effect, the Polish nation (nobles of the grand duchy of Lithuania came to consider themselves members of the Polish and Lithuanian nations). Nevertheless, many of the Commonwealth's Christian burghers also called themselves citizens. The Jewish population, similar in numbers to the nobility, had autonomous communal institutions. About half of the far less numerous Muslim Tatars enjoyed noble-style civil liberties in return for military service. Even among the 10 million or so peasants – generally considered insensible to liberty – a privileged elite exercised some responsibility for governing rural communities, bringing them freedom from many of the burdens imposed on others. The sense of freedom was particularly strong among the highlanders of the far south, where many enjoyed liberties in return for military service.[11]

[9] Robert I. Frost, *The Northern Wars: War, State and Society in Northeastern Europe, 1558–1721* (Harlow: Longman, 2000).

[10] Jerzy Lukowski, *Disorderly Liberty: The Political Culture of the Polish–Lithuanian Commonwealth in the Eighteenth Century* (London: Continuum, 2010); Anna Grześkowiak-Krwawicz, *Queen Liberty: The Concept of Freedom in the Polish–Lithuanian Commonwealth* (Leiden: Brill, 2012); Jerzy Lukowski, "Noble Republicanism in the Polish–Lithuanian Commonwealth: An Attempt at Description," *Acta Poloniae Historica*, 103 (2011), 31–65; Karin Friedrich, "Polish–Lithuanian Political Thought, 1450–1700," in Howell Lloyd, Glenn Burgess, and Simon Hodson, eds., *History of European Political Thought, 1450–1700* (New Haven: Yale University Press, 2007), 409–47.

[11] This case has been made by Andrzej Sulima Kamiński and his pupils, esp. Karin Friedrich, *The Other Prussia: Royal Prussia, Poland and Liberty, 1569–1772* (Cambridge: Cambridge University Press, 2000); Curtis G. Murphy, *From Citizens to Subjects: City, State and the Enlightenment in Poland, Ukraine, and Belarus* (Pittsburgh: University of Pittsburgh Press, 2018). See also Michał Kopczyński and Wojciech Tygielski, eds., *Under a Common Sky: Ethnic Groups of the Commonwealth of Poland and Lithuania* (Warsaw: Polish History Museum, 2017); Gershon D. Hundert, *Jews in Poland–Lithuania in the*

Since the sixteenth century, Polish writers had quoted the ancient Roman historian Sallust's maxim, "better perilous liberty than tranquil servitude," to justify the disorder thought inevitable in a free state. Abuses of liberty prompted laments at Poles' fall from ancestral virtue. However, under Augustus III, the paralysis of the legislature had led a few thinkers to propose constitutional changes. The greatest of these reformers, Stanisław Konarski (1700–1773), the principal pedagogue of the Piarist order, proposed political institutions for sinful men, rather than paragons of virtue. His *opus magnum*, *On the Means of Efficacious Counsels*, published in four volumes between 1760 and 1763, demolished the case for one of the most notorious features of "Polish anarchy."[12]

The right of an individual to curtail parliamentary proceedings – the *liberum veto* – had emerged in the middle of the seventeenth century from the practice of decision-making by consensus in the Polish–Lithuanian parliament – the sejm (composed of a senate comprising palatines and castellans and a lower house of envoys elected by the nobility at local assemblies called sejmiks). Early instances of the *liberum veto* involved refusals to extend parliamentary sessions beyond the statutory six weeks – most notoriously by a single envoy in 1652. However, in 1669, the sejm was ended by an objection to its continuance before the six-week term had expired. A further precedent was set in 1688, when the sejm was "ruptured" before it was legally constituted. Foreign powers began to use this means of preventing the sejm from taking unwelcome decisions. They did that so effectively that during the thirty-year reign of Augustus III only the sejm of 1736 passed any laws at all.

The *liberum veto* was commonly justified as a last chance for a virtuous citizen to save the Commonwealth from a corrupted majority. Konarski demonstrated that such a majority would not scruple to override opposition, whereas a corrupt individual might prevent the virtuous and law-abiding majority from taking the measures necessary for the public good. Having

Eighteenth Century: A Genealogy of Modernity (Berkeley: University of California Press, 2004). On peasant elites, see Józef Rafacz, *Ustrój wsi samorządnej małopolskiej w XVIII wieku* (Lublin: Nakładem Uniwersytetu Lubelskiego, 1922), 189–380; Józef Rafacz, *Dzieje i ustrój Podhala Nowotarskiego za czasów dawnej Rzeczypospolitej Polskiej* (Warsaw: Wydawnictwo Kasy im. Mianowskiego, 1935), 118–234, 258–62. I owe this reference to the kindness of Dr. Wioletta Pawlikowska.

[12] Władysław Konopczyński, *Stanisław Konarski* (Warsaw: Wydawnictwo Kasy im. Mianowskiego, 1926); Jerzy Lukowski, "Stanisław Konarski (1700–1772) [*sic*]: A Polish Machiavelli?," in Jeffrey D. Burson and Ulrich L. Lehner, eds., *Enlightenment and Catholicism in Europe: A Transnational History* (Notre Dame: University of Notre Dame Press, 2014), 433–53.

surveyed parliamentary institutions elsewhere, Konarski concluded that simple majority voting was best. Given this revitalized sejm, which he compared to a "monarch," he planned an unwieldy council to govern between sejms.

This reduction in royal powers would remove a key justification for the *liberum veto*. However, qualified majority voting would prove a more palatable solution during the next three decades. A more radical step than abolishing the *liberum veto* would be to render the monarchy hereditary, at least when deprived of its prerogatives of distributing Crown estates and nominating senators. The boldest thinkers envisaged extending political rights to property-owning burghers, while restricting those of landless nobles. Civil freedoms, however, would be for all inhabitants, including an emancipated peasantry. Insurrectionary discourse in 1794 left no doubt that both political and civil liberty depended on national independence. Such was the general direction taken by Polish republican thought in the eighteenth century, but it was far from a straight highway to the vision of the future symbolized by Kościuszko.[13]

In contrast to the quickening pace of mid-century intellectual life, the political outlook was dismal. By about 1720, little was left of the resilience with which the Commonwealth had weathered merging storms of revolts, invasions, civil wars, famines, plagues, and icy temperatures. The price of the ensuing period of peace and economic and demographic recovery was a Russian protectorate. This was usually unobtrusive. As long as politics boiled down to magnate factions posturing as guardians of republican liberty while competing for royal patronage, the leash stayed loose. However, the underlying loss of sovereignty was violently demonstrated in 1733. Russian arms denied the throne to Stanisław Leszczyński, the father-in-law of Louis XV of France, and assured it to Augustus III. The Commonwealth was thus suspended in an external equilibrium and paralyzed by an internal impasse.

Currents of Change

Poland's political torpor was shattered by fallout from the Seven Years' War. In 1756 King Frederick II invaded Saxony, forcing its elector to decamp to

[13] Jerzy Lukowski, "Political Ideas among the Polish Nobility in the Eighteenth Century (to 1788)," *Slavonic and East European Review* 82:1 (2004), 1–26. Cf. Andrzej Walicki, *The Enlightenment and the Birth of Modern Nationhood: Polish Political Thought from Noble Republicanism to Tadeusz Kościuszko* (Notre Dame: University of Notre Dame Press, 2000).

Warsaw. Augustus III consoled himself with the support of Russia and Austria. This presaged his recovery of his electorate, and his being succeeded in the Commonwealth by one of his sons. However, at the beginning of 1762 Empress Elizabeth was succeeded by her Prussophile nephew Peter III, who after six months was deposed and killed. His wife and successor Catherine II kept Russia out of the last stages of the European war, which ended with the restoration of the territorial *status quo ante bellum*. Augustus III returned to Dresden, where he died on 5 October 1763.

Catherine would not countenance a third Saxon king of Poland. Her armed intervention gifted the election to her former lover Stanisław Poniatowski on 7 September 1764. She concluded an alliance with Frederick II on her own terms, and the courts of Vienna and Versailles lacked the appetite for war. The new king, who reigned as Stanisław August, was a scion of the *Familia*, a magnate faction led by his maternal uncles Michał and August Czartoryski. Although they played the dirty tricks of politics, and had long sought Russian support, they wished to strengthen the Commonwealth. The empress's prioritization of the election, together with the scattering of the Czartoryskis' foes, made possible some long-discussed reforms. Most were passed in the late spring of 1764 by the convocation sejm.[14]

A convocation, whose purpose was to make arrangements for the royal election, was held under a general confederacy. Nobles could confederate themselves as an armed league in order to save the Commonwealth and its liberties from peril. An interregnum triggered such a procedure. The confederacy was thus a kind of state of emergency, involving abbreviated judicial and legislative procedures. A confederacy's highest authority, its general council, could decide by majority vote if necessary. A confederated sejm could therefore circumvent the *liberum veto*. The idea had been floated during the reign of Augustus III, but Russian diplomats had let it be known that it was intolerable to their court.

The *Familia* used this rare opportunity to increase state revenues, ease the logjam in the courts, and establish treasury and military commissions. In return for the sparing of an exceptionally corrupt Crown treasurer, the dying Russian ambassador agreed not to notice a breach in the *liberum veto* – treasury

[14] The fundamental work is Zofia Zielińska, *Polska w okowach "system północnego" 1763–1766* (Kraków; Arcana, 2012). On Stanisław August, see Adam Zamoyski, *The Last King of Poland* (London: Jonathan Cape, 1992); Jean Fabre, *Stanislas-Auguste Poniatowski et l'Europe des lumiéres: Étude de cosmopolitisme* (Paris: Les Belles Lettres, 1952).

business would henceforth be decided *forma iudicaria*, in the judicial manner, that is, by the majority. These changes were cemented at the sejm that followed Stanisław August's coronation on 25 November 1764.

The new monarch was a more radical reformer. A convinced Anglophile, he felt a "noble and ardent desire to do what [Montesquieu] had written."[15] The *philosophe* had warned that the concentration of legislative, executive, and judicial power in the same hands would result in arbitrary despotism, whose principle was fear. This was the opposite of the secure tranquillity of spirit he defined as political liberty. Montesquieu had seen the remedy for the aggrandizing French monarchy in the judiciary, but for Poniatowski the main problem was the weakness of the Commonwealth's executive power. He penned his vision privately in 1763 and pursued it for thirty years. It entailed an effective executive headed by the monarch, working in partnership with a revitalized legislature. Properly functioning courts would restore the rule of law, enabling citizens to enjoy their liberty and property. The happy English, he claimed, were the freest of all nations. During his reign, this understanding of liberty, more liberal than republican, was espoused by a small but growing number of Polish writers.[16]

Stanisław August, who was never seen attired and shorn in the traditional Polish fashion, told the sejm of 1766: "We now seem to have a new, or rather a second creation of the Polish world before us. This is the critical moment, [. . .] when it is necessary to move almost everything at once."[17] He could hardly do that. But among his early initiatives was a military school, attended by Tadeusz Kościuszko. The *Monitor*, an essay-periodical modeled on the *Spectator*, campaigned against superstition, coarseness, ignorance, prejudice, and fanaticism. Similar messages were conveyed by plays staged at the new National Theater. Many nobles thought their traditions were being insulted, but it was Catherine II's intransigence which plunged the Commonwealth into crisis.

The empress had been annoyed by Stanisław August's attempts to establish diplomatic relations with Austria, France, and the Ottoman Empire, as well as having to mediate a customs dispute between Poland and Prussia. She

[15] Stanisław August to Joseph and Charles Yorke, 6 October 1764, quoted after Richard Butterwick, *Poland's Last King and English Culture: Stanisław August Poniatowski, 1732–1798* (Oxford: Clarendon Press, 1998), 165.

[16] Ibid., esp. 147–55.

[17] Quoted after Zofia Zielińska, "'Nowe świata polskiego stworzenie.' Stanisław August – reformator 1764–1767," in Angela Sołtys and Zofia Zielińska, eds., *Stanisław August a jego Rzeczpospolita: Dramat państwa, odrodzenie narodu* (Warsaw: Arx Regia, 2013), 9–32: 15.

then crushed the king's hopes for the sejm of 1766. This enshrined the hitherto vaguely defined *liberum veto* in law. Still worse were the reverberations of the "dissident question." Catherine II sought an obedient party composed of Protestant and Orthodox nobles. The latter, few in number, impoverished, and mostly illiterate, were of no use to her. However, among the several hundred noble families that professed Calvinism or Lutheranism were men of education, wealth, and ambition, driven to seek foreign protection by worsening discrimination. The coronation sejm of 1764 and the sejm of 1766 both rejected St. Peterburg's demands, seconded by Berlin, Copenhagen, and London, for the restoration of equal rights to the "dissidents."[18]

Following this rebuff, Catherine instructed her ambassador, Nikolai Repnin, to form confederacies to achieve her aims. An extraordinary, confederated sejm opened in October 1767. After Repnin had had three recalcitrant senators sent off to Russia in captivity, the sejm chose a plenipotentiary delegation from among its members. The delegation worked out a constitutional and religious settlement, including "cardinal laws" formally guaranteed by Russia, which was ratified by the plenary sejm before it concluded on 5 March 1768.[19]

A week earlier, a very different confederacy ignited at Bar, far to the southeast. Initial Russian attempts to suppress the insurgency provoked the Ottoman Porte, which declared war on 25 September 1768. Whenever the stretched Russian forces pacified one area, fighting erupted elsewhere.[20] The Confederacy of Bar sought counsel on the future form of government. Jean-Jacques Rousseau penned paeans to the Poles' love of liberty, while urging caution in reforming "ancient" institutions such as the *liberum veto*, elective monarchy, and serfdom. He hoped that an Ottoman victory would allow Poland a twenty-year breathing space in which his advice could be applied and a new generation of republican patriots educated.[21] However, the confederacy's general council nullified the election of Stanisław August – and all the laws since. The attempt on 3 November 1771 to abduct Poniatowski failed, and the confederate leaders, including Kazimierz Pułaski, were denounced as

[18] Jerzy T. Lukowski, "The Papacy, Poland, Russia and Religious Reform, 1764–8," *Journal of Ecclesiastical History* 39:1 (1988), 66–92.
[19] George Tadeusz Lukowski, *The "Szlachta" and the Confederacy of Radom, 1764–1767/68: A Study of the Polish Nobility* (Rome: Institutum Historicum Polonicum Romae, 1977).
[20] Władysław Konopczyński, *Konfederacja barska*, 2 vols., 2nd edition (Warsaw: Volumen, 1991).
[21] Jerzy Michalski, *Rousseau and Polish Republicanism* (Warsaw: IH PAN, 2015).

regicides. During the following months Russian forces, aided by Polish troops loyal to the king, finally pacified the insurgency.

In 1772 Russia, Austria, and Prussia seized about a third of the Commonwealth's territory and population. A combination of factors had persuaded Catherine II to favor Prussian overtures for a partition. First, Russian victories over the Turks alarmed the Austrian court. Second, continuing difficulties in the Commonwealth made the traditional policy of maintaining it intact under Russian hegemony less attractive. A smaller Poland should prove quiescent. Once Russia and Prussia had reached agreement, Austria was faced with the choice of fighting them both or joining in. The three powers signed the treaties in St. Petersburg on 5 August 1772.[22] The Commonwealth then had to ratify these amputations. Threats, bribes, and another plenipotentiary delegation procured the acceptance of the partition treaties by another confederated sejm. This assembly met in September 1773, but was not wound up until March 1775. The changes it made to the form of government were intended to stabilize the Commonwealth's weakness. At its heart was the Permanent Council, comprising eighteen senators and eighteen envoys, organized into five departments, which would exercise supervisory and some executive functions between sejms. The king chaired the Council, with a casting vote. This solution owed something to Konarski's ideas, but more to Swedish models from the "Age of Liberty" which King Gustav III had brought to an end in 1772.[23]

The Commonwealth remained in the political doldrums until 1788.[24] Frontier violations, vexations visited by Russian, Prussian, and Austrian troops, and the arrogance of the Russian Ambassador, Otto von Stackelberg, all reminded the Poles of their impotence, while the Americans set a different example, sympathetically reported in the press. Catherine II did permit Stanisław August one more confederated sejm in 1776, which somewhat strengthened the Permanent Council. Employing a

[22] Dorota Dukwicz, "The Internal Situation in the Polish–Lithuanian Commonwealth (1769–1771) and the Origins of the First Partition (in the Light of Russian Sources)," *Acta Poloniae Historica*, 103 (2011), 67–84.

[23] Dorota Dukwicz, "Restricted Sovereignty of the Sejm. The Plenipotentiary Delegation and Ratification of the First Partition Treaty," in Kazimierz Baran, Wacław Uruszczak, and Anna Karabowicz, eds., *Separation of Powers and Parliamentarism: The Past and the Present: Law, Doctrine, Practice* (Warsaw: Sygnatura, 2007), 454–67; Dorota Dukwicz, *Rosja wobec sejmu rozbiorowego warszawskiego (1772–1775)* (Warsaw: IH PAN, 2015); Władysław Konopczyński, *Geneza i ustanowienie Rady Nieustającej*, 2nd edition (Kraków: Ośrodek Myśli Politycznej, 2014).

[24] Daniel Stone, *Polish Politics and National Reform, 1775–1788* (New York: Columbia University Press, 1976).

modest number of officials, it began to accumulate competences and expertise. It helped to bring about improvements in the functioning of the courts, the condition of many royal towns, military administration, and the Crown and Lithuanian treasuries (whose separate commissions it supervised).[25] A low-ranking, but professional, diplomatic corps emerged. Kept separate from this structure was the Commission of National Education, established by the sejm in October 1773, following the suppression of the Jesuits by Pope Clement XIV.[26]

Major political and legal reforms remained out of the question. The "free" sejms of 1778, 1780, 1782, 1784, and 1786 were subject to unanimity in all but carefully defined "economic matters." The royalist majority encountered an opposition led by a clique of aristocrats. The latter proclaimed themselves defenders of Polish liberty, but their strategy was to outbid the king for the empress's favor. The most important of them was Ksawery Branicki. Having been raised to the highest military office, the grand hetmanship of the Crown, and granted a vast Crown estate, he turned against the king. Married from 1781 to the favorite niece of Grigorii Potemkin (Catherine's effective coruler and, in all probability, morganatic husband), he belonged to the extended imperial family.[27] Through Branicki, the opposition lobbied St. Petersburg for a new ambassador with instructions to cooperate with the "first families." However, although their hopes were sometimes encouraged in order to check Stanisław August, the would-be oligarchs were denied power and Stackelberg stayed. The ship of state seemed becalmed, but the depths hid deeper currents.

The king built up a "royalist party." He used the patronage still at his disposal to recruit men of talent. A consensus among historians has pronounced that the royalists were virtually devoid of ideology.[28] However,

[25] Ramunė Šmigelskytė-Stukienė, "From Clientage Structure to a New Social Group: The Formation of the Group of Public Servants in the Grand Duchy of Lithuania in the Late Eighteenth Century," in Richard Butterwick and Wioletta Pawlikowska, eds., *Social and Cultural Relations in the Grand Duchy of Lithuania: Microhistories* (New York: Routledge, 2019), 148–65.

[26] Richard Butterwick-Pawlikowski, "Before and after Suppression: Jesuits and Former Jesuits in the Polish–Lithuanian Commonwealth, c. 1750–1795," in Robert A. Maryks and Jonathan Wright, eds., *Jesuit Survival and Restoration: A Global History, 1773–1900* (Leiden: Brill, 2015), 51–66; Ambroise Jobert, *La Commission d'Éducation Nationale en Pologne (1773–1794)* (Paris: Droz, 1941); Kamilla Mrozowska, "Educational Reform in Poland during the Enlightenment," in Samuel Fiszman, ed., *Constitution and Reform in Eighteenth-Century Poland: The Constitution of 3 May 1791* (Bloomington: Indiana University Press, 1997), 113–55.

[27] Simon Sebag Montefiore, *Prince of Princes: The Life of Potemkin* (London: Weidenfeld and Nicolson, 2000).

[28] For example, Lukowski, *Liberty's Folly*, 214–15.

employing a wide range of media, the monarch sought to convey the benefits of the rule of law, stability, trust, education, humanity, and prosperity, emphasizing various forms of patriotism. Confessional tensions were defused in the postpartition settlement (no more than three envoys to each sejm could be "dissidents"), and the Catholic hierarchy proved generally supportive. The alliance between throne and altar was embodied by the king's youngest brother. Michał Poniatowski entered the episcopate in 1773, and ascended to the archbishopric of Gniezno and primacy of Poland in 1785. He became the monarch's closest political partner.

The Commonwealth also saw economic, social, and cultural changes. Rural economic growth was steady rather than spectacular. Abandoned land was brought back into cultivation, and seeding ratios climbed as the climate warmed. Work resumed on canals while new opportunities for export opened via the Black Sea. Experiments in commuting labor services and sharecropping to cash rents remained rare. The threat to serfdom implicit in the project of legal codification commissioned in 1776 led to its vehement rejection by the sejm of 1780.[29]

Rising domestic consumption helped growing cities such as Poznań, Kraków, and Wilno (today Vilnius) to sustain lively cultural scenes. Warsaw's population tripled from about 30,000 to 90,000 between the late 1750s and the late 1780s. The Commonwealth's 1,500 or so towns were of three kinds – royal (with various forms of self-government), ecclesiastical, and privately owned. Some saw dynamic growth, others stagnated. The overall urban population was swelled by high birth rates and low death rates among Jews, immigration from abroad, and noble residents.

The growing number of nobles combined with partible inheritance to aggravate the shortage of viable landed estates. Indebted magnates offered fewer opportunities for service and patronage. Competition grew more intense for employment in the law, the Catholic Church, officialdom, and the army, and of course for heiresses, even burghers' daughters. Many impecunious young nobles sought fortunes in trade or through their pens – herein lay the social origins of the nineteenth-century intelligentsia.

By 1788 a restless spirit was tangible. According to the king, "the ferment of minds continues apace, especially among the youth."[30] Some narratives

[29] Lukowski, *Disorderly Liberty*, 109–20.

[30] Stanisław August to Augustyn Deboli, 3 May 1788, quoted after Emanuel Rostworowski, *Sprawa aukcji wojska na tle sytuacji politycznej przed Sejmem Czteroletnim* (Warsaw: PWN, 1957), 224.

credit the schools of the Commission of National Education, but these had yet to produce many graduates taught according to the enlightened new curricula. Indeed, pedagogical novelties irked many parents. Their criticism found its way into sejmik instructions, along with complaints about foreign-style dress and travel abroad. The king's efforts to cultivate the middling nobility ran into the headwinds of cultural nostalgia and national pride. The opposition magnates portrayed themselves as true republican patriots.

Stanisław August had hoped to outmaneuver the aristocrats, respond to nobles' hopes for an expanded army, and capture a little glory through the Commonwealth's participation in the expected war between the Russian and Ottoman Empires. In the spring of 1787, he journeyed to meet Catherine II as she progressed down the River Dnieper. She received him on her galley on 6 May. He submitted his proposals for an alliance, increases in revenue and the army, and a confederated sejm. However, she kept him waiting until September 1788, when she finally approved a watered-down plan. By then Polish–Lithuanian politics were veering out of control.[31]

Parliamentary Revolution

The sejmiks held in August 1788 proved turbulent. The opposition scored significant electoral successes. Several sejmiks opposed war with the Ottoman Empire and criticized the Permanent Council. While there was a consensus for expanding the army, most sejmiks demanded that it should be funded mainly by the clergy and Jews, and through cuts in government expenditure.[32]

Stanisław August still believed he had a slim majority when the sejm opened on 6 October. However, during the negotiation of the parliamentary confederacy, the Russian Ambassador belatedly tried to defuse the ticking bomb. He even denied that his court had any plans to involve the Commonwealth in a war. The decision that even a single envoy would be able to demand a secret vote, following an open one, except in matters of taxation, weakened patrons' ability to control their clients.

[31] The standard history of the Four Years' Sejm remains Walerian Kalinka, *Sejm Czteroletni*, 2 vols., 4th edition (Warsaw: Volumen, 1991 [1880–1887]), supplemented by Emanuel Rostworowski, *Ostatni król Rzeczypospolitej: Geneza i upadek Konstytucji 3 maja* (Warsaw: Wiedza Powszechna, 1966). The best study of the international situation between 1788 and 1793 remains Robert Howard Lord, *The Second Partition of Poland: A Study in Diplomatic History* (Cambridge, MA: Harvard University Press, 1915).

[32] Richard Butterwick, *The Polish Revolution and the Catholic Church, 1788–1792: A Political History* (Oxford: Oxford University Press, 2012), 41–6.

In a declaration read out on 13 October, the king of Prussia advised against an alliance with Russia, and offered his own friendship and alliance, safeguarding the Commonwealth's borders while recognizing that it could establish its own form of government. Frederick William II's prestige was already high following Prussia's intervention in the United Provinces in 1787 and consequent alliance with the Dutch Republic and Great Britain. Many envoys who had hitherto reluctantly accepted the Russian "guarantee" were dazzled by the prospect of a sovereign Poland befriended by Prussia. Stanisław August was skeptical; he proposed first to raise more revenue, and then to recruit the number of soldiers that could be afforded (he was planning on about 45,000). However, this cautious position fell woefully short of expectations. On 20 October, the sejm ecstatically acclaimed an army of 100,000 men. Only later would it decide on the command structure; only after that – the necessary taxes.

The monarch became dependent for his shrinking majorities on the votes of lower-ranking castellans, so much so that rhymesters began to use the word "castellan" as an insult. An outburst of pamphlets, verses, riddles, and other political ephemera engaged with the sejm.[33] Warsaw's public gardens played a similar role to the courtyard of the Palais Royal in Paris. Impromptu orators, and their cheering and jeering audiences, mixed with the purveyors and customers of carnal pleasures. Royalists had the worst of these encounters. Even parliamentary sessions increasingly resembled political rallies. The tone was set by the ladies in the packed public galleries. Led by Princess Izabela Czartoryska, they applauded the orators of the opposition, waving their fragrant scarves. A few royalists reprimanded the "prejudiced public," but more were persuaded by the mockery either to remain silent or to change sides. At balls and assemblies, the leading "patriots" were rewarded by the ladies with garlands and kisses. Czartoryska theatrically sheared off the tresses of Kazimierz Sapieha, who then reattired himself in national costume.

The voluble Sapieha was the marshal of the Lithuanian parliamentary confederacy (the Commonwealth's dualist composition was best reflected in its confederacies). His colleague, the marshal of the Crown parliamentary confederacy, Stanisław Małachowski, struggled to direct proceedings. Although popular, he had neither the power nor the personality to curtail

[33] Anna Grześkowiak-Krwawicz, "Political and Social Literature during the Four-Year Diet," in Fiszman, *Constitution and Reform*, 175–202; Anna Grześkowiak-Krwawicz, *O formę rządu czy o rząd dusz? Publicystyka polityczna Sejmu Czteroletniego* (Warsaw: IBL, 2000).

perorations; nor could he prevent parliamentarians from straying from the matter under discussion. Moreover, all laws had to be approved clause by clause. The sejm swiftly acclaimed an army of 100,000, but needed most of November and December 1788 to agree the detail of military governance.

The latter task was necessitated by the sejm's decision on 3 November 1788 to abolish the Military Department of the Permanent Council. The king's majority in open voting was reversed in the secret vote. The department would be replaced with a Military Commission subordinated to the sejm. The Russian Ambassador, taking this as a rejection of the empress's "guarantee," demanded that the king and his closest supporters leave Warsaw and form a counter-confederacy. They refused, forestalling an opposition plan to invite in the Prussian army. After Stackelberg's protest was read out on 6 November, the king adjourned sessions for four days, stoking the blaze: "the spirit of opposition has so increased hatred toward Muscovy in all estates and kinds of people that it is almost impossible to believe."[34]

On 15 November the sejm demanded the evacuation of Russian troops from the Commonwealth. In a second note, read out on 20 November, the king of Prussia announced that he had asked the empress to withdraw her forces, and that he respected the Poles' right to change their laws, wishing only to guarantee their independence. Frederick William II was fêted as a disinterested friend, and waverers were won over by his adroit envoy, Girolamo Lucchesini. The sejm's vote on 19 January 1789 to abolish the Permanent Council completed the first stage of the Polish Revolution.

Sovereignty was the key to this revolution. "Patriot" orators often declaimed about the omnipotence of the Commonwealth constituted in its parliamentary Estates. The king of Prussia beckoned the Poles into the unknown, while the Russian protectorate was shattered. Being at war with both the Ottoman Empire and Sweden, Catherine II had to bide her time. The sejm had extended its own term indefinitely and taken control of the government, including diplomacy, the military, and the treasury. Sovereignty was also expressed in raising revenue. In March 1789 the sejm decided that in addition to the existing *subsidium charitativum*, the Catholic clergy of both rites (Latin and Ruthenian) would pay tax at 20 percent – twice the rate volunteered for the lay nobility. On 17 July 1789 the sejm voted to

[34] Stanisław August to Augustyn Deboli, 7 November 1788, quoted after Kalinka, *Sejm Czteroletni*, vol. I, 191.

secularize the estates of the vacant bishopric of Kraków – one of the richest in Europe. The next bishop would be paid an annual salary of 100,000 złotys, leaving almost half a million a year for the army. The principle was then extended to all the bishoprics of both rites, to be implemented as current holders died or were translated to other sees. The measure was calculated to increase the net public revenues, but the promised annual salaries would exceed the existing revenues of more than half of the bishoprics.

This unprecedented act stunned the Holy See: in the Habsburg Monarchy the arch-reformer Joseph II had at least established a religious fund. The principle, although not the scope, of the Polish law bore comparison with the later ecclesiastical secularization and reorganization ordained by the French National Assembly. However, a schism with Rome was averted. During the winter and spring of 1789–1790, the sejm's deputation, the episcopate, and the papal nuncio worked out a compromise which kept boundary changes to a minimum, and crucially, allowed bishops to receive their equalized revenues from landed estates. Many of the Catholic clergy would propagate the Constitution of 3 May 1791.

The debates on revenue overlapped with a rebellion scare. When the peasants of the Polish Ukraine had last risen up – in 1768 – a chiliastic slaughter of nobles, Jews, and Catholic clergy of both rites had been followed by savage repression. Besides ongoing socioeconomic grievances, the confessional situation was still volatile. The Russian Orthodox hierarchy was extending its authority on the right bank of the Dnieper. Rumors of a revolt fomented by Potemkin's agents turned to panic when a noble family was murdered in April 1789. Local nobles executed many peasants for loose talk; more were flogged. In the end nothing comparable to the French "Great Fear" of 1789 occurred, but the scare focused minds on the strategic vulnerability of the Ruthenian lands. Most parliamentarians had little understanding of the region's problems, and without such an alarm, their neglect of Ruthenia might have continued.

The sejm adopted a two-pronged confessional strategy. First, it admitted the metropolitan archbishop of the Ruthenian rite of the Catholic Church to the senate. This was a partial and belated fulfillment of one of the terms of the 1596 Union of Brest, which had sought to bring the Commonwealth's Orthodox Christians into unity with Roman (or Latin-rite) Catholics while retaining the Slavonic liturgy and a separate structure. However, this Union actually split eastern Christendom into rival "Uniate" Catholic and "Non-Uniate" Orthodox Churches. Second, the sejm cut off the Orthodox Church in the Commonwealth from the Holy Synod in St. Petersburg. This

necessitated an autonomous Orthodox hierarchy, negotiated in the summer of 1791 and confirmed by the sejm in May 1792.[35]

In April 1791 the sejm decided not to give preference to Catholics regarding municipal office in royal towns. This was part of an urban reform responding to the political movement which had emerged almost two years earlier.[36] Hugo Kołłątaj, a nobly born priest and pamphleteer, helped draft burghers' demands for fuller self-government, extensive civil liberties, and representation in the legislature in December 1789. Following royal pressure, the memorial's language was toned down, emphasizing the restoration of ancient rights, but the references to violent revolution elsewhere roused terrifying specters in the imaginations of the nobles. Besides the obvious events in France, it seemed to evoke the coup earlier that year in Sweden, when the clerical, burgher, and peasant estates had all supported Gustav III. Stanisław August was desperate to avoid such suspicions.

More enlightened members of the sejm argued for giving burghers a stake in Polish liberty, but others insisted on preserving the nobles' monopoly on law-making. The parliamentary deputation's projects became more restrictive the longer it deliberated. In the end, the king and others realized that if an exclusively noble legislature was conceded in theory, a great deal else, of more practical import to burghers, might be achieved. A garrulous traditionalist, Jan Suchorzewski, was persuaded to present a project which restricted the burghers to some "plenipotentiaries" who would advise the sejm in urban and economic matters, but granted them virtually all the civil liberties and self-government they desired. Passed on 18 April 1791, the law on royal towns, henceforth called "free towns," soon afterwards became an integral part of the new Constitution.

For the sejm to agree a new form of government, a major political shift had to occur.[37] The first year or so of the sejm saw the opposition in the

[35] Barbara Skinner, "Borderlands of Faith: Reconsidering the Origins of a Ukrainian Tragedy," *Slavic Review*, 64:1 (2005), 88–116; Barbara Skinner, *The Western Front of the Eastern Church: Uniate and Orthodox Conflict in Eighteenth-Century Poland, Ukraine, Belarus, and Russia* (DeKalb: Northern Illinois University Press, 2009); Sofia Senyk, "Religious Conflict in Dnepr Ukraine in the 18th Century," *Orientalia Christiana Periodica*, 73:1 (2007), 5–59; Richard Butterwick, "Deconfessionalization? The Policy of the Polish Revolution towards Ruthenia, 1788–1792," *Central Europe* 6:2 (2008), 91–121.

[36] Krystyna Zienkowska, "Reforms Relating to the Third Estate," in Fiszman, *Constitution and Reform*, 329–55; Krystyna Zienkowska, *Sławetni i urodzeni: Ruch polityczny mieszczaństwa w dobie Sejmu Czteroletniego* (Warsaw: PWN, 1976).

[37] Richard Butterwick, "Political Discourses of the Polish Revolution, 1788–1792," *English Historical Review* 120:487 (2005), 695–731.

ascendant. However, in the second half of 1789 this coalition began to split. The socially inclusive agenda of enlightened republicans led by Ignacy Potocki and cheered on by Kołłątaj clashed with the nobles' republican discourse voiced by partisans of Ksawery Branicki. The hetman stayed close to Potemkin, despite the Russophobic slogans of his faction. The following year brought a royal recovery. Stanisław August defused most remaining suspicion by accepting the Commonwealth's alliance with Prussia signed in March 1790. The task of drafting a 658-clause *Project for the Form of Government* exhausted Ignacy Potocki, who then had to face it being mauled in the sejm. The monarch took advantage when royalist orators, drawn from the middling nobility, launched a devastating, demagogic attack on the "aristocrats" and "lords" during the debates on the royal prerogative in September 1790. Stanisław August recovered most of the prerogatives – including the nomination of senators – he had held before the creation of the Permanent Council in 1775.

Things went from bad to worse for Ignacy Potocki. The two-year term of the sejm was almost up, and the work on a new form of government stalled. The sejm's decision that a new complement of envoys be elected to sit alongside, rather than in place of, the existing ones provoked grumbling in the provinces. The sejmik instructions of November 1790 were even more forthright than those of 1788. Most explicitly defended royal elections. For his part, Stanisław August, although distressed by attacks on the Educational Commission, consoled himself with the election of many envoys well-disposed to himself.

For Potocki the best that could now be hoped for was "limited monarchy." On 4 December 1790 he asked the king to take the initiative in drafting the new Constitution. Stanisław August took up the challenge, while Potocki pushed back in a republican direction. Their negotiations were facilitated by a Tuscan democrat, Scipione Piattoli, who moved into royal service. Stanisław Małachowski was brought in as an honest broker, and Kołłątaj polished the text. After just over 100 supporters had been let in on the secret, the project was sprung on the sejm on 3 May 1791.[38]

The galleries and surrounding streets were packed. When the session opened at ten o'clock, extracts from diplomatic despatches were read out, suggesting terrible threats to the Commonwealth, before the salutary project was announced. Faced with protests amidst the clamor for its acclamation,

[38] The drafting of the Constitution is illuminated by Emanuel Rostworowski, *Legendy i fakty XVIII wieku* (Warsaw: PWN, 1963), 265–464.

Małachowski commended it as combining the best features of two "republican governments" – the English and the American.[39] The impassioned debate lasted until the late afternoon. When the monarch once again raised his hand to speak, it looked as if he wished to swear an oath to the new Constitution. Stanisław August seized the moment. Two days later, the sejm unanimously endorsed these revolutionary proceedings.

The text of the Constitution is brief and didactic.[40] It begins with a stirring preamble and an article maintaining the prohibition against "apostasy" from the Roman Catholic "dominant and national religion," while assuring freedom of worship and the protection of government to all creeds. It then deals with the structure first of society (in three articles) and then of government (in four), before sketching arrangements for a regency and the education of royal children. The eleventh article enlists the armed forces in support of the government, before a final declaration addresses questions of enforcement and propaganda.

Much detail remained to be filled out by subsequent laws.[41] Their content and language tended to be more republican than those of the Constitution – which preferred the more flexible terms "Poland" and "nation" to the traditional "Commonwealth." The virtual omission of the grand duchy of Lithuania raised fears for the Polish–Lithuanian union. These were assuaged by a solemn act in October 1791 which set stringent conditions and quotas in return for Lithuanians' agreement to joint government commissions.[42]

The fifth article juxtaposes the principle that "all power in human society derives from the will of the nation"[43] with the division and balance of government between its legislative, executive, and judicial powers – elaborated in Articles 6–8. Here Rousseau, who admired traditional Polish republicanism, met Montesquieu, who was venerated by the king. The subsequent laws on the sejm and the various executive bodies clarified the

[39] Zofia Libiszowska, "The Impact of the American Constitution on Polish Political Opinion in the Eighteenth Century," in Fiszman, *Constitution and Reform*, 233–50: 233.

[40] See esp. Jerzy Michalski, "The Meaning of the Constitution of 3 May," in Fiszman, *Constitution and Reform*, 251–86; Zbigniew Szcząska, "The Fundamental Principles Concerning the Political System in the 3 May, 1791 Government Statute," in Fiszman, *Constitution and Reform*, 287–308.

[41] Jerzy Lukowski, "Recasting Utopia: Montesquieu, Rousseau and the Polish Constitution of 3 May 1791," *Historical Journal* 37:1 (1994), 65–87; Lukowski, *Disorderly Liberty*, 223–49.

[42] Juliusz Bardach, "The Constitution of 3 May and the Mutual Guarantee of the Two Nations," in Fiszman, *Constitution and Reform*, 357–78.

[43] Grześkowiak-Krwawicz, *Konstytucja 3 Maja*, 66.

supremacy of the legislature. The key feature of the judicial system was the election of judges by the nation. Regarding the sejm, whereas the Constitution envisaged simple majority voting, solemnly abolishing the *liberum veto*, the later law introduced qualified majorities. Stanisław August's right to nominate senators was later removed from his successors. The king was to choose the ministers who sat on the supreme executive body, the Custodial Council, but the relevant law omitted any provision for him to dismiss them.

Despite the republican brakes, the Constitution of 3 May did approach the king's vision of a stronger executive in partnership with a revitalized sejm. Much was due to the generally harmonious cooperation between Stanisław August, Ignacy Potocki, Stanisław Małachowski, and Hugo Kołłątaj, who became Crown vice-chancellor.[44] A crucial move was from the principle of delegation to representation. Although the reform of the sejmiks passed in March 1791 had maintained mandatory instructions, the Constitution declared envoys "representatives of the entire nation," entrusted with making decisions on behalf of all.[45] Nevertheless, endorsement by the sejmiks was politically essential.

Following months of choreographed celebrations, sermons, pamphlets, and political arm-twisting, this aim was achieved. One reason was the success of the local government reforms, which entrusted real responsibilities to over 1,000 pillars of communities.[46] Of the seventy-eight sejmiks held in February 1792, not one criticized the Constitution, and only eight passed it over in silence. The others either voted thanks, or pledged to maintain it, or – in thirty-seven cases – swore to defend it. Support was strongest in Lithuania. Moreover, the calm proceedings and the resolutions revealed the predominance of a new discourse – that of orderly freedom (*rządna wolność*), sanctified by Divine Providence.

Orderly freedom would be shared by landed and urban citizens. The reform of sejmiks had removed most rights of political participation from landless nobles – the justification being that magnates had often manipulated their impoverished "brethren." On the other hand, the law on towns had accelerated inter-estate fraternization. Many nobles accepted urban

[44] Daniel Stone, "The First (and Only) Year of the May 3 Constitution," *Canadian Slavic Papers* 35:1–2 (1993), 69–86: 85.
[45] Grześkowiak-Krwawicz, *Konstytucja 3 Maja*, 69.
[46] Łukasz Kądziela, "Local Government Reform during the Four-Year Diet," in Fiszman, *Constitution and Reform*, 379–96.

citizenship. In Kołłątaj's vision of the Commonwealth, political participation would depend on property – both landed and urban – rather than birth. Even the title of the second article of the Constitution associated nobles with landowners. Nobles' hereditary privileges were flatteringly guaranteed, but this article also declared "the preservation of personal security and property, as by law ascertained, to be a tie of society, and the very essence of civil liberty, which ought to be considered and respected forever."[47]

Kołłataj was also responsible for the Constitution's fourth article, on "peasants and villagers." This has ever since been faulted for not abolishing serfdom, but it deserves closer reading. It declares the rural population the most useful and numerous part of the nation, under the protection of law and government. Moreover, every newcomer and every returning person would become free the moment they stepped onto Polish soil. They could either enter into legally enforceable contracts with a landowner or settle in a town. The road to the end of serfdom was clear.

The position of Jews remained unresolved. Most Jews wished to preserve their communal and cultural autonomy while being free to live and trade in all towns (they had hitherto been allowed into Warsaw only for the duration of sejms, for example). However, many burghers resented Jewish competitors; if Jews had to be permitted to reside among Christians, they should be subject to municipal jurisdiction and taxes. Enlightened ideologues led by Kołłątaj desired Jews' far-reaching assimilation, with Polish replacing Yiddish, and Hebrew reserved for religious rituals. The king was more sympathetic to Jews' distinctiveness, but he had an interest in their settling his debts. The sejm deputation for the Jews was unable to work out reforms which could satisfy all parties; in the end, the sejm did not consider its project. This left the central Police Commission, established by the Constitution, holding the ring. It often upheld Jewish complaints against municipal authorities, and decided that the medieval nobles' privilege of no incarceration without trial, extended in 1791 to burghers of "free towns," also encompassed their Jewish inhabitants.[48]

An almanac published early in 1792 reviewed "four constitutions: the English, which served others as a model, the American, which was formed

[47] *New Constitution of the Government of Poland*, 2nd edition (London, 1791), 8.

[48] Artur Eisenbach, *The Emancipation of the Jews in Poland 1780–1870* (Oxford: Blackwell, 1991), 1–112; Krystyna Zienkowska, "Citizens or Inhabitants? The Attempt to Reform the Status of Jews during the Four Years' Sejm," *Acta Poloniae Historica* 76 (1997), 31–52; Murphy, *From Citizens to Subjects*, 86–117.

from it, the Polish, which made use of both, and in the end the French, which has had these three models together before it."[49] Although the Constitution of 3 May was acclaimed on both sides of the Atlantic, the French Revolution was headed on a different course. Its fiercest critic, Edmund Burke, praised the Polish Constitution for its moderation and British inspiration in his *Appeal from the New to the Old Whigs* (1791). This delighted Stanisław August. He had earlier applauded the French move from absolutism to constitutional monarchy in his letters to his agent in Paris, Filippo Mazzei, a Tuscan veteran of the American Revolution. By 1791 he was anxious to refute claims of rampant "Jacobinism" in Poland. Few of Warsaw's radicals would admit to such a label, but a handful of "malcontent" magnates and their clients used it as they begged Catherine II to restore the Commonwealth's republican liberty.[50]

The Polish Revolution was thus condemned by its domestic and foreign opponents for being "democratical" and "monarchical." (The Polish word used was the unusual and pejorative *demokrackie* as opposed to the standard *demokratyczne*. "Democratical" seems to capture the flavor better than "democratic.") Its least palatable aspect was the Constitution's provision for hereditary succession to the throne: Elector Frederick Augustus III of Saxony would initiate a new dynasty. Although most sejmiks had rejected hereditary succession in November 1790, many had endorsed the elector as the next king. However, the elector had only a young daughter, whom the Constitution designated Poland's *"infantka."* Regarding her future husband, the leadership entertained contradictory hopes, while the interests of the neighboring powers were incompatible. The text of the Constitution eloquently evoked the perils of interregna, but there was nothing to be gained by introducing the principle of hereditary monarchy without establishing it firmly. Worse, the elector's agreement had not been secured in advance. After 3 May 1791 he made his acceptance conditional on the consent of the rulers of Russia, Prussia, and Austria. Catherine II remained silent.

[49] *Kalendarzyk polityczny na rok przestępny 1792* (1792), quoted after Grześkowiak-Krwawicz, "Konstytucja 3 Maja," 27.

[50] Jörg K. Hoensch, "Citizen, Nation, Constitution: The Realization and Failure of the Constitution of 3 May in the Light of Mutual Polish–French Influence," in Fiszman, *Constitution and Reform*, 423–51; Samuel Fiszman, "European and American Opinions of the Constitution of 3 May," in Fiszman, *Constitution and Reform*, 453–95; Jerzy Michalski, "La Révolution Française aux yeux d'un roi," *Acta Poloniae Historica* 66 (1992), 75–91.

Immolation

The Treaty of Iaşi concluded Russia's victorious war against the Ottoman Empire in January 1792. Catherine II had resisted British and Prussian pressure, and could now deal with Poland. The question was whether to resubject all of the country or annex much of its territory. The "malcontents" helped her. In the Polish Crown they were led by the Commonwealth's richest magnate, Feliks Potocki, Crown Grand Hetman Ksawery Branicki, and Crown Field Hetman Seweryn Rzewuski, who had appealed to the American example in his campaign against hereditary succession. With their hangers-on they formed a confederacy in St. Petersburg on 27 April, post-dated to 14 May in Potocki's border town of Targowica. The separate confederacy in the grand duchy of Lithuania was led by Szymon Kossakowski, a former Barist who had become a major-general in Russian service, and his brother Józef, bishop of Livonia.

Following the Russian invasion, which began on 18 May, the Polish–Lithuanian armies made a fighting retreat, with Major-General Kościuszko commanding the rearguard. However, on 23 July 1792 Stanisław August, supported by the majority of a ministerial council, decided not to make a final stand before Warsaw. His capitulation on Catherine's terms ended any possibility of negotiating from strength.[51] The counterrevolutionary regime installed by the Russians won at most a reluctant acquiescence among the provincial nobility. Its traditional slogans rang hollow amidst onerous requisitioning, spiteful persecutions, and then, at the start of 1793, the news of a second partition.

Frederick William II had long coveted more Polish land. Given the opportunity to replace Russian influence in the Commonwealth, he had played the long game. Having failed to make war on either Austria or Russia in 1790–1791, the king of Prussia betrayed his Polish ally in May 1792. By that time, he and the future Emperor Francis II were already at war with revolutionary France. Catherine II needed to keep both Austria and Prussia fighting in the west, leaving her free to crush "Jacobinism" in Poland. According to the assumptions of eighteenth-century diplomacy, all expected "indemnity" for their own efforts and "compensation" for their partners'

[51] Vadzim Anipiarkou, "Konfederacja targowicka w 1792 r. w świetle korespondencji służbowej rosyjskiego generała Michaiła Kreczetnikowa," *Studia z Dziejów Rosji i Europy Środkowo-Wschodniej* 54:1 (2019), 75–97; Adam Danilczyk, "'Jeśli król przystąpi do konfederacji . . .'. Rosja wobec Stanisława Augusta w 1792 r. (kwiecień–sierpień 1792 r.)," *Studia z Dziejów Rosji i Europy Środkowo-Wschodniej* 54:1 (2019), 99–115.

acquisitions. The court of Vienna was fobbed off with agreement to conquests from France, which proved unachievable. Berlin demanded a thick slice of Poland. Catherine agreed, partly because Austria would not expand into the southeast of the Commonwealth, while she could take a vast swathe of strategically vital territory.

Once again, the Poles had to ratify the amputation, this time at a confederated sejm called to Grodno (or Hrodna, now in Belarus) in the summer of 1793. The rump Commonwealth was resubjected to Russia, more explicitly than ever. The stability of this settlement was always doubtful. Catherine II was open to another partition, but not yet; at the start of 1794 she moved troops to the Ottoman frontier.

By the beginning of 1793 émigrés, including Ignacy Potocki and Kołłątaj, had given up hope of a compromise, and began to plan an uprising. In Paris the National Convention honored Kościuszko as a hero, but the Committee of Public Safety refused him military assistance. The rising was triggered in March 1794. A cavalry commander decided not to wait for his brigade to be disbanded, and it fought its way toward Kraków. Kościuszko arrived in the city and was sworn in as the head of the Insurrection. Within a few weeks he had defeated a minor Russian force in battle with the symbolically resonant participation of peasant scythe-men, while Wilno and Warsaw had risen up and bloodily expelled their Russian occupants.

Kościuszko headed an insurrectionary government whose most urgent task was to recruit, train, supply, and deploy an army. He also had to balance rival political constituencies: moderates led by Ignacy Potocki looking to restore the Constitution of 3 May via a negotiated solution; and "Jacobin" radicals around Kołłątaj, who demanded the abolition of serfdom and noble privileges, a French-style mobilization of the entire populace, and the extirpation of "traitors." On the whole, Kościuszko tempered his radical instincts. Needing to recruit peasants to the army, he chose half-measures, rather than abolishing serfdom outright. This limited the impact among peasants, while not overcoming the suspicion of many noble landowners. He was also determined to uphold the rule of law. Except for two occasions when the Warsaw crowd forced the authorities to hang several suspected traitors, including two bishops, after summary trials, the courts worked according to humane and enlightened principles, with concern for due process and evidence. It was a world away from the French Terror.[52]

[52] Jerzy Kowecki, "The Kościuszko Insurrection: Continuation and Radicalization of Change," in Fiszman, *Constitution and Reform*, 497–518.

Frederick William II besieged Warsaw, but retreated when a Polish raid caused chaos in his rear. General Aleksandr Suvorov's corps left the Ottoman frontier and marched toward Warsaw. Kościuszko engaged another Russian corps on 10 October 1794, but was wounded and taken prisoner. On 4 November Suvorov's veterans stormed Praga, Warsaw's right-bank suburb, and unleashed a slaughter. The terrified city capitulated the following day, and the remaining insurrectionary forces surrendered on 16 November.

The ultimate outcome of the rising was not in doubt. The hoped-for aid from France never came, but the Insurrection helped the French cause: Prussian and Austrian forces were transferred east, as their commanders scrambled to occupy Polish territory. Catherine adjudicated between the rival claims. The third partition treaty, signed in St. Petersburg on 24 October 1795, assigned Russia territories larger than those which went to Austria and Prussia combined. Stanisław August was pressured into abdicating on the empress's terms on 25 November.[53]

The 1797 treaty dealing with the final dismemberment of the Commonwealth was accompanied by a secret clause to erase the name and memory of Poland. However, in the same year, Polish legions were formed in Italy, fighting alongside the French against the Austrian Monarchy. Their hopes of restoring Poland were disappointed in the short term, but the "Polish Question" became inseparable from revolutionary movements in the Old and the New World during the nineteenth century. Only after 1989 did Poles' Sallustian dilemma – perilous liberty or tranquil servitude – again seem redundant, but for how long?

[53] Robert Howard Lord, "The Third Partition of Poland," *Slavonic Review* 3 (1924–1925), 481–98.