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Annales Universitatis Mariae Curie-Skłodowska. Sectio K, Politologia 19/2,
105-113

2012

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

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dozwolonego użytku.

ANNALS
UNIVERSITATIS MARIAE CURIE-SKŁODOWSKA
LUBLIN – POLONIA

VOL. XIX, 2

SECTIO K

2012

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*The Origins of Religious Liberty within Modern Democracy:
Some Remarks on Poland's "Golden Freedom"*

O źródłach wolności wyznania we współczesnej demokracji: uwagi nad polską „złotą wolnością”

ABSTRACT

Today's modern political democratic systems emphasize religious neutrality. However, following famous Huntington's thesis, today's major conflicts have cultural – usually religious – roots, and therefore it is worth considering the mutual influences between religion and democracy. Recent cases of direct democracy relevant to a discussion on the subject – for example the Swiss and Turkish referenda (2009 and 2010 respectively) – provide a good starting point for a (more) general reflection. A few positive historical examples of religious liberty can also contribute to a better understanding of the foundations of tolerance and modern liberalism. In this paper, I consider the Polish nobles' democracy as an example of religious tolerance in theory and practice that functioned in the time of violent and brutal religious wars in Western Europe. This case is interesting in many aspects, as it also constitutes an example of one of the first democracies in which religious freedom and freedom of expression were key elements. In the early modern period, the Republic of Poland was a bulwark of Christianity. Due to the uniqueness of this early democratic system, it provided a model for political freedom and individual involvement in politics, and for a form of government that embodied a law-abiding and tolerant country where the communities coexisting within the system created a culture of understanding. The 16th-century image of the country was gradually distorted over the next two hundred years. This was caused by the necessity to fight against tyranny and resist Swedish, Turkish and Russian invasions. Nobles ideology can be considered one of the foundations – next to the *Magna Carta* and the heritage of the Enlightenment – of modern European democracy and constitutionalism. Of course, there were also negative aspects of the system like the well-established model of *liberum veto* and the noble state's egotism. We propose taking a new look, from the perspective of modern democracy, at the relationship between religious and political institutions.

Key words: direct democracy, tolerance, Polish nobles' democracy, liberty, religion

INTRODUCTION

Today's modern political democratic systems emphasize religious neutrality. However, following famous Huntington's thesis and from recent experience, today's major conflicts between civilizations have cultural – and most of all religious – roots, and therefore the reconstruction of the historical context and sources of religious tolerance are worth considering. Moreover, recent cases of direct democracy relevant to a discussion on the subject – for instance, the Swiss (2009) [Buruma 2009: 19] and Turkish referenda (2010) [*Turkey's referendum* 2010] – provide a good starting point for a (more) general reflection [*Direct Democracy* 2009/2010: 73–74]. History provides examples of modern constitutional democracies (and underpinning ideologies) in which a cult (almost religious) of the political system developed. We can find this described, for example, in Jacob Talmon's famous *The Origins of Totalitarian Democracy* [Talmon 1961: 55–56].

I would like to analyze an exceptional phenomenon in European history – a unique early-16th century democracy that guaranteed religious liberty – the era of the “golden age” in Poland. Over a period of almost 250 years, Poland grew into not only a highly tolerant, but also a very modern European state, in which one of the first constitutions (1791) enshrined, in particular, religious tolerance [Salmonowicz 2009: 44].

POLAND IN EUROPE IN THE 16TH/17TH CENTURY

The phenomenon of religious tolerance in Poland was exceptional in the 16th and 17th centuries, when throughout most of Europe, churches supported absolutism, and religion constituted an important political tool in foreign and interior affairs. [Grodziski 2008: 146]. Religious dissenters were usually forced to leave the country, though this, of course, was not the worst example of intolerance during the brutal religious wars and persecutions of the period (England after the *Act of Supremacy* [1533] and Germany after the Peace of Augsburg [1555]).

According to Stanisław Salmonowicz, four “models” of tolerance or intolerance emerged after the proclamation of Martin Luther's Theses in 1517 [Salmonowicz 2009: 25–26]. The first, German model, following the principle *Cuius regio, eius religio* was established by the Peace of Augsburg and resulted in definite and political separation between Catholics and Lutherans. Hence, the state represented by an absolute monarch controlled the church and every subject had to follow the official religion, convert to it, or leave the country. Dissenters were considered to be in violation of the law, as the monarch was the head of the state church. As consequence, the territory of the Holy Roman Empire (the First Reich) was divided into Catholic and

Lutheran parts [Grodziski 2008: 127–133]. The case of 16th-century Sweden seems to me to correspond in general to the “German model”. The second, “French model” was established by the *Edict of Nantes* in 1598. Following this Act, the Huguenots gained fundamental rights under certain conditions, yet it was the king who arbitrarily set the limits of these rights, and the status of the religious minority depended on the political interests of the monarchy. The *Edict of Fontainebleau* of 1685 proved the arbitrary character of the king’s decisions as well as the instability and insecurity of the Huguenots’ rights. Stanislaw Salmonowicz also considered the so-called “Spanish model”, where the state respected the positions of the Pope and the Catholic Church, and there was close political cooperation between them. As a multicultural country on the edge of Christian Europe, Spain was fighting in the name of Catholicism, and, according to Stanislaw Salmonowicz, was forced to impose a single religion on all its subjects.

One can add to these three models the following two types of relations between church and state. I would like to consider first the “English model”, where religion had a particular political status with the monarch as the head of the Anglican Church. At the same time, dissenters in England, including some Protestants, but especially Catholics, were persecuted (forced to leave the country or sentenced to death for refusal to accept the king as the head of the church), mainly during the reign of Elizabeth I. The case of 16th-century Russia, to my mind, constitutes another instance of a novel relation between the state and religion. The Tsar was the protector of all Orthodox Christians, including worshipers outside Russia.

The fourth model, following Stanislaw Salmonowicz, differs from the others in many important aspects. This model, represented by the Kingdom of Poland, featured a democratic system that – as one of the first – proclaimed and respected religious liberty. Paradoxically, a Roman Catholic state in the middle of fierce religious wars throughout almost the whole of Europe, as the sole example of such, introduced toleration for all other faiths. The phenomenon was unprecedented on the Old Continent. Not only were religious minorities not persecuted, they were granted equal right by the King and the Sejm. It is worth emphasizing that this happened in a country that had an official state religion, that is, Roman Catholicism. Moreover, this fourth “Polish model” was also special due to its political (i.e. democratic) character. At a time when in most European countries absolutism was being considerably reinforced, the Kingdom of Poland – and, after forming a union with Lithuania in 1569, the Polish Commonwealth – continued as a democratic system. Considering the case of the Polish democratic system in the 16th century requires a few introductory remarks. This was, above all, a noblemen’s democracy, and therefore it embraced only one social group, i. e. about 10% of the population (according to other sources 12%). The nobility took advantage of this real power and had a strong influence on almost every domain of politics, though this did not always have a positive impact on their country [Maciszewski 1986: 122; Wyczański 1965: 151–160; idem 1999: 73–92]. Polish nobles were conscious of their responsibilities both to country and to

their own class [Backvis 1975: 522 and following]. At the time, there was no other political system even close to the so-called “Polish golden freedom”. It constitutes an example of direct democracy, and this is considered to be a historical attribute of the system [Marczewska-Rytko 2001: 15–16]. Forms of direct democracy were usually used by small communities, although the combined states of Poland and Lithuania – and the Polish-Lithuanian Commonwealth of 1569 – represented the fourth most extensive political entity in terms of land area and the third largest country in terms of population in Europe.

POLISH POLITICAL SYSTEM IN THE 16TH CENTURY

The Polish political system in the 16th century was based on two levels: local and central. Local organs consisted of self-government councils communities – regional councils (*sejmiki*), which were called “the federation of neighborhoods” [Zajączkowski 1961: 54]. The central organs were represented by the parliament (the Sejm) and the king as the head of the state. Henryk Olszewski emphasizes the identity between the nobles and the Sejm: “Having relinquished its activity of the great legislator, the Sejm continued to guard its role as a forum of political struggle. It went to great lengths to manifest the unity of the “political nation” it gathered. This nation consisted only of the participants of the Sejm: the king, senators, and representatives elected by regional councils (*sejmiki*), i.e., in the Sejm clashed the elements of monarchism and republicanism, the struggle went *inter maiestatem ac libertatem* with both sides of the conflict which altogether occupied the second half of the 17th century and the Saxon times, founding to the same extent their strategy, i.e. absolute freedom and tactics on the principles of (the) golden freedom. This fact had a complex influence on the work of the Sejm, and its character and results” [Olszewski 2002c: 131]. The power of the king and his officials had been gradually limited by nobles since the end of the 14th century, and in consequence, led to political independence and guaranteed liberty for both the entire nobility, as well as for each of its representatives [Salmonowicz 1994: 25–28]. It was Louis the Great (known as Louis I of Hungary in Poland) who approved the first privilege, i. e. the Privilege of Koszyce, granting in 1374 the Polish nobility special rights in return for the election of his daughter as successor. From that time until 1572, the monarch in Poland was elected and no longer hereditary, though the candidate was always a member of the royal family. The origins of the “Polish golden freedom” dates back to precisely this time, when the nobility obtained the power and privilege of choosing the king. This is when the ideology of the nobles originated [Litwin 1994: 13–53]. Since then, each time the monarch wanted to appoint his successor, he had to grant electors – the community of nobles – new rights and privileges. Thus, this practice can be considered an example of contractual theory. Since 1456, the Polish king was obliged to consult overriding decisions – for instance, those concerning war and taxes – with local communities

(regional councils), and, since 1493, also with a central organ, i.e. the Sejm. Such an organization of political power and administration (almost all officials were elected) was at the time considered a balance of power and an example of a perfect political system [Ekes 2001: 15–16; Olszewski 2002b: 15–16]. Therefore, unlike in European monarchies, the Polish nobility had real influence on governance, and the king had to share power with the nobles.

RELIGIOUS CONTEXT IN THE POLISH KINGDOM AND GRAND DUCHY OF LITHUANIA

There were a number of different religions before the Reformation in the multi-cultural Polish-Lithuanian society, however, the nobility at the beginning of the 16th century avowed Catholicism or belonged to Orthodox Church. One should also not forget the large Jewish population in the country (particularly in cities and towns). Jews had their own self-government, administration and legal system, and were protected by the nobles and the king. The Reformation divided society, with much of the urban population converting to Lutheranism. Most gentry (middle rank nobles of Poland – the larger part of the 16th-century Polish nobility), who considered themselves to be an Aristotelian “middle class”, preferred Calvinism. Many noblemen remained faithful to Roman Catholicism or Orthodoxy. In fact, there was no dominant religion, and no denomination was able to achieve supremacy over the others. Moreover, the protestant camp was conflicted, and many new churches seceded from it [Wisner 1982: 78–80; Salmonowicz 2009: 27; Tazbir 1967: 28–56]. The nobility was more concerned about its political privileges, which guaranteed liberty and equality for all members of the class, than about unity in terms of religion [Wisner 1978: 10–18; idem 1982; Tazbir 1967; idem 1997:51–61; Maciszewski 1986: 122–123].

The last two kings of the Jagiellonian dynasty were unable to maintain the Catholic faith as the official state religion. Sigismund I the Old tried, but the Executionist movement (a political movement of middle rank Polish nobles) stopped him. His son, Sigismund II Augustus, supported different denominations and despite his avowed Catholicism, he refused to impose his own religion as the official one [Cynarski 1988: 88–104; Urban 1988: 20–31; Salmonowicz 2009: 27]. In this context, the figure of Stanisław Orzechowski – the author of the doctrine of Poland’s “golden freedom” – should be mentioned. He was a Catholic priest who supported the Pope, though overtly refused to respect the vow of celibacy, and was even officially married. He was famous for his conception of Polish liberty, polemic discourse with Andrzej Frycz-Modrzewski, and for his letter to Pope Julius III. In this letter, he considered himself as a nobleman to be an equal of the Pope [Salmonowicz 2006: 290–294; Krzywoszyński 2010: 75, 89; Sobociński 1957: 227–253].

After the death of Sigismund II Augustus in 1572, for the first time in Poland since 1374 there was no male successor. According to Edward Opaliński, the situation

could be described as the “state of emergency” [Opaliński 1995: 64–68]. Catholics, Protestants and Orthodoxies came to agreement and signed the peace – *Warsaw Confederation Act* in 1573. A candidate for the Polish throne was elected by the entire nobility during the so-called “free election”. From this time, the role of the dynasty was no longer decisive in free elections of the king. The first elective candidate was found in France – Henry Valois, who was responsible for the St. Bartholomew’s Day massacre. His candidature frightened both Protestants and Catholics; therefore, they prepared a set of rights which limited the power of the elected king and guaranteed the conservation of their own privileges. The king had to sign a pledge of these rights, a document derived from his name, known as the *Henrician Articles*. Władysław Sobociński described this warranty as the first informal Polish constitution charter [Sobociński 1948: 73–90]. The *Warsaw Confederation Act* was added to the *Henrician Articles* as the main rule guiding Polish statehood. It was unprecedented and precursory in Europe and maintained the *status quo* in Polish-Lithuania state. Some expressions used in the document were understood differently from their contemporary meaning, such as the terms ‘dissidents’ and ‘tolerance’. “In 1573, the term ‘dissident’ was clearly understood to apply to all Christian groups, including the Catholics” [G. Huston, after Salmonowicz 2009: 32; Salmonowicz 1974b: 8–9; Tazbir 1997: 12; idem 1980: 2–19; idem 1967: 110–119]. Initially Henry Valois did not want to sign the *Warsaw Confederation Act*, but eventually he had no choice. One should remember that besides the *Henrician Articles* the elected king was obliged to also sign the *pacta conventa*. Therefore, every candidate to the Polish elective throne signed two acts: one constitution-like and a second election program-like one [Płaza 1988: 9–15; Sobociński 1948: 85–90; Ochman-Staniszevska 1994: 265–268]. Thus, the noblemen had a specific strategy and ideology that aimed at protection against tyranny both in terms of religion and politics [Urwanowicz 1994: 170–190; Krzywoszyński 2006: 9–11]

From the beginning of the 17th century, Poland gradually became a bulwark of Christianity, also in terms of ideology, which not only protected religion military but was influenced by Christian messianism [Olszewski 2002a: 111–129]. The activity of the Jesuits made Catholicism the most popular religion in the state structures and among the nobility [Tazbir 1997: 143–181; idem 1967: 240–255; Wisner 2002: 293–311]. In spite of many wars against Ottoman Turkey, Protestant Sweden and Orthodox Russia, as well as the fact that Roman Catholicism had become the most popular religion in the country, Poland conserved the principle of religious tolerance in terms of the rule of law. During the tragic and dramatic 17th and 18th centuries, especially after 1648, 1660 and at the beginning of the 18th century, there were some restrictions placed on Protestants and Orthodox believers, however, there were no large-scale persecutions under the auspices of the state and the king [Salmonowicz 1974a: 18–23; idem 1974b: 168–173; idem 2009: 38–44; Tazbir 1993: 247–260; Wisner 2002: 66–68]. Moreover, the Constitution of the 3rd of May of 1791 reconfirmed tolerance as a constitutional rule.

CONCLUSION

The Polish model of tolerance constitutes an important contribution to European heritage. Poland, as a great power in the 16th century with vast territory and large population, was the only country which coped in a non-violent way with the problem of inter-religious dialogue, and was even one of the first to introduce this kind of dialogue. We would like to propose three main reasons that could explain this exemplary historical phenomenon:

(1) Polish nobles considered political liberty as the highest value. Every nobleman as well as the entire noble community respected most of all class solidarity, the privileges that constituted the ‘golden freedom’, and avoided internal conflicts based on religious differences. Obviously, religion influenced their systems of values; however, in general, political freedom was based on religious liberty as its foundation [Maciszewski 1960: 122].

(2) The entire Polish-Lithuanian Commonwealth as a multicultural society functioned quite well thanks to collaboration among the “nobility’s neighborhoods” [Zajączkowski 1961]. This cooperation was a standard way of living together, and therefore religious differences could not override the sense of political and social community that was understood as brotherhood.

(3) The nobles’ democratic principles established self-government as the most popular and desired form of political life. Poland at the turn of the 17th century was interestingly described by James A. Michener: “Despite this harsh system in which the magnate owned and controlled everything, a kind of rude democracy thrived in Poland, with was always much more liberal than its neighbors”. [Michener 1984: XIX]. The nobles regarded themselves as sovereign and nobody’s (from their class) right could be limited [Wisner 2002: 50–65; Krzywoszyński 2007: 11–15].

What is still outstanding is the fact that the Polish nobility in an autonomous way (and not by arbitral decision of the monarch) created a unique form of government that led to the rise of a law-abiding and tolerant country where coexisting communities created a culture of understanding. The achievements of the 16th century were gradually distorted over the next two hundred years. This was caused by the declared necessity to fight against the danger of tyranny inside the country as well as against Swedish, Turkish and Russian invasions. Despite the well-established model, the *liberum veto* and class egotism of noble ideology can be considered as one of the foundations – next to the *Magna Carta* and the tradition of the Enlightenment heritage – of modern European democracy and constitutionalism. [Salmonowicz 1994: 22–24]. Poland was also an asylum for persecuted dissenters from many other European countries, including, for instance, Francesco Stancaro and Miguel Servet. This is why Polish-Lithuanian Commonwealth gained fame as “the county without pyres” [Tazbir 1967].

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