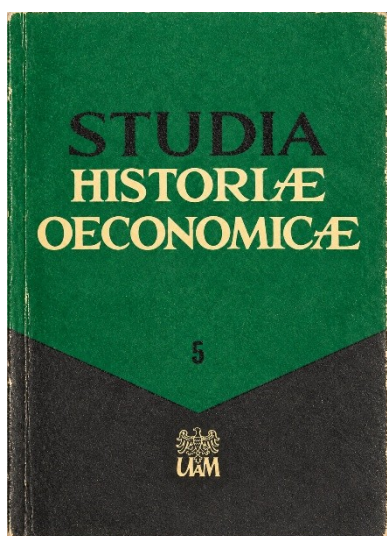




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POLISH CONCEPTION OF AGRARIAN TRANSFORMATIONS IN THE END OF THE EIGHTEENTH CENTURY THEORY AND PRACTICE

The Polish conception of agrarian transformations in the end of the eighteenth century (1791 - 1794) is integrally connected with realization of the basic principles of the Polish way to capitalism of the nineties of the eighteenth century¹. It should be realized that till the end of the eighteenth century in the countries situated eastward of Elbe no suitable social conditions existed for the victory of the classic bourgeois and democratic revolution without any help from outside. Thus a proper measure for evaluation of agrarian transformations is not so much a degree of their radicalization in comparison to the West-European conditions, but such sort of solutions which would best secure the "accelerated" transition from feudalism to capitalism within the limits of the evolutionary development. To our understanding this problem was connected not only with the transformation of feudal into capitalistic property but also with all the democratic transformations connected with the transition from feudalism to capitalism.

As I have mentioned above the Polish conception of agrarian transformations should be considered in the context of the principles of the Polish way to capitalism. Those principles were expressed in the Kołłątaj's vision of a mild revolution as an equivalent of the accelerated way of social and political evolutionary transformations. It was a mild revolution because it did not follow directly the patterns of the highly developed West-European countries but it depended on forming of the union between middle classes and noblemen. For all its "mildness" it was a *revolution* in the sense that all the changes were directed to a distinct acceleration of the pace of capitalistic changes in economics and of the democratic bourgeois changes in the realm of superstructure and ideology. Thus it was a specific "revolution" of the countries of the Eastern and Central Europe, that is of this part of Europe which, on the whole, moved towards capitalism in the evolutionary way. Besides, in our

¹ The problem of the Polish way to capitalism has been the subject of my consideration in a separate publication expected soon in print.

conditions it was an attempt to save Polish statehood by means of the speeding up of a process of social development of the country.

The conception of a mild revolution became real in the Kołłątaj's vision of three constitutions formulated about the year 1790² and completed in the year 1791 with a draft of the fourth constitution in the form of the Law Codification. In his work *On Laws and Legal System* Kołłątaj put forward a conception of working out of the political, economic and moral constitutions. The fourth constitution was meant to codify, in terms of civil and criminal law, some new principles issuing from the above mentioned three constitutions. As it follows, the prepared economic constitution was to play a significant part in the field of agrarian transformations. Obviously, the most important political constitution was to include particular definitions agreeing with general tendencies of the Polish way to capitalism in the field of agrarian transformations, which could be developed later on in the economic constitution in the form of either of general ideas or less general legal acts³. From the point of view of general social and national issues the realization of the moral constitution was also of great importance. Kołłątaj's conception of a mild revolution was deepened and further radicalized in the period of the Kościuszko Insurrection which should be treated as a next link in the chain of Polish social and political transformations.

The necessity of carrying out agrarian transformations was treated on the one hand as the essential condition ensuring social and economic development of the country in the sense of its transition to capitalism, and on the other hand as an essential element in the realization of the conception of modern nation in the shape of national integration. It was considered that this conception was the basic element of independent existence of the country. Let us make a brief analysis of this conception.

At the social basis of the Polish conception of agrarian transformations

² H. Kołłątaj: O prawach i prawodawstwie (*On Laws and Legislation*). In: H. Kołłątaj, Wybór pism politycznych, ed. B. Leśnodorski, Wrocław [1951], p. 184. The date of this publication is approximate. It follows from the text that it had been written after the beginning of the French Revolution and before the proclamation of the Third of May Constitution.

³ Cf. about the conception of the economic constitution: J. Dihm: Sprawa Konstytucji Ekonomicznej z 1791 r. (na tle wewnętrznej i zagranicznej sytuacji Polski) (*Problem of Economic Constitution of 1791 — with Background of Home and International Situation of Poland*). Wrocław 1959; E. Rostworowski: W sprawie Konstytucji Ekonomicznej 1791 r. (na marginesie książki Jana Dihma) (*On the Question of Economic Constitution of 1791 — Referred to the Book by Jan Dihm*). In: "Przegląd Historyczny", Vol. 51, 1960, pp. 744 - 745; E. Rostworowski: Jeszcze o Michale Ossowskim i jego Konstytucji Ekonomicznej (w odpowiedzi na replikę Jana Dihma) (*More Remarks on Michał Ossowski and His Economic Constitution — Answer to the Reply of Jan Dihm*). In: "Przegląd Historyczny", Vol. 53, 1962, p. 184.

was the arising union between nobility and middle classes. A leading force of this union was the so called "new" nobility. They were moderately wealthy noblemen well disposed towards economic decisions of capitalistic kind inclined to rent their landed properties and to enter into contracts⁴, and, on the whole, economically and politically active. A new social group of Polish nobility similar to English gentry was coming into existence⁵. When formulating the basic ideas of the Polish way to capitalism Kołłątaj quite clearly suggested English milord as an example to follow for Polish noblemen. He was a rich man but he had no serfs. He did not profit by serf labour and ran his farm according to new capitalistic rules. According to Kołłątaj a landed proprietor's farm should be founded on the capitalistic initiative of a proprietor as well as on the economic compulsion of employment so typical for the new conditions⁶. This new group of Polish nobility was inclined to give up a feudal monopoly for tenure of land as early as the eighties and nineties of the eighteenth century⁷ but they hesitated to grant personal freedom and land to peasants. Removing of this "resistance" on the accelerated way of evolutionary transformations together with strengthening of the union between nobility and middle classes in the field of political and ideological matters were among the main tasks of the Polish way to capitalism. Providing man-power for both capitalized farms and developing industry as well as providing conditions for a quick increase of small-producers' peasant economy which conditioned a development of home market, belong to one side of the basic ideas of the Polish conception of agrarian transformations at the end of the eighteenth century.

Another side was connected, as it was mentioned above, with fulfilment of a demand for the modern nation. The Polish way to capitalism accepted peasants as members of the national community. Demand for personal freedom had to be expressed on the ground of civil rights in participation in the community. It resulted from a deep conviction that only "free" and integrated, meaning "above" state, nation was able to save the independent existence of Poland⁸. There were also attempts to create a vision of Poland as the most freedom-loving country of the Central and East Europe. Agrarian reforms accepting peasants as members of the national community were said to differentiate

⁴ Dzieje Wielkopolski, t. I, do roku 1793 (*The History of Great Poland*, vol. I, till 1793). Pod red. J. Topolskiego. Poznań 1969, pp. 29,816 (parts by J. Topolski).

⁵ This comparison was made by B. Leśnodorski: U narodzin nowoczesnej idei niepodległości (*Origin of Modern Conception of Independence*). In: "Życie Literackie", Yearbook 19, 1969, No 10, p. 12.

⁶ [H. Kołłątaj]: Krótka rada względem napisania dobrej Konstytucji rządu (*Brief Advice on Writing of Good Constitution of Government*). 1790, p. 20.

⁷ Feudal monopoly for tenure of land was abolished by the Town Act of 18th April 1791 (*Volumina Legum*, Vol. 9, p. 217).

⁸ [H. Kołłątaj]: Krótka rada..., passim, especially pp. 17, 19.

Poland from the neighbouring absolutist countries. In those countries conditions of serfdom, described as slavery, would continue to prevail⁹.

An idea of wide humanitarianism was connected with the realization of those conceptions. It was a tendency to safeguard masses of common people against all kinds of drastic outcomes accompanying the process of the transition from feudalism to capitalism but I shall deal with this problem later on.

The very ideas that were at the basis of the Polish conception of agrarian transformations at the end of the eighteenth century make this conception radically different from the reformatory ideas of the neighbouring absolutist countries. In those countries the reformatory tendencies connected with peasantry were treated instrumentally as a source of both money and recruits. While an absolute monarchy tried, at best, to encourage economic growth of a country, Poland tried to secure proper conditions for the change of feudal into capitalistic economy by introducing the agricultural reforms. In Prussia the peasant was a recruit quartered in barracks but in Poland he became a conscious defender of his motherland as a member of the national community¹⁰. Evaluating our agrarian reforms in comparison to the neighbouring countries one should realize the essential differences which were at the basis of the agrarian conceptions of the countries of enlightened absolutism and Poland at the end of the eighteenth century.

The Polish way to capitalism worked out and put into practice an original conception of agrarian transformations. It included granting a personal freedom, so called hereditary property, to peasants, which was supposed to become an intermediate link in the evolutionary process of forming the rightful peasant's property and legal and State protection of the peasant himself, his property and work.

In the general conceptions of the Polish way to capitalism the problem of personal freedom of peasants was not considered only as rights of freedom to moving from one place to another. The right of personal freedom was strictly connected with the so called hereditary property of land rights and thus with the rule of irremovability of a peasant from his land. As a result peasant's personal freedom was limited and he could leave his landlord only after he had paid all "arrears" and left a proper substitute in his place. Nevertheless a landlord could not prevent the peasant from moving to another place¹¹.

⁹ Ib. pp. 15, 22.

¹⁰ Cf.: also E. Rostworowski: *Kwestia społeczna Polski Kościuszkowskiej (Kościusko's Poland Social Question)*. In: "Studia Historyczne", Yearbook 11, 1968, No. 4, p. 491.

¹¹ This principle was formulated in the Act of the Great Sejm of 1792 dealing with the question of sale of the Crown estates (*Volumina Legum*, Vol. 9, pp. 427 - 431, art. 5); Cf. also Z. Kaczmarczyk, B. Leśnodorski: *Historia państwa i prawa Polki (History*

The authors of the Polish conceptions of agrarian transformations tried to create such a situation in which emancipation of peasants would not at the same time lead to their mass expulsions. The rule introduced was meant to put into practice the advantages of the bourgeois act of emancipation of peasants¹². The Sejm Act of 1792 confirmed this rule. It granted an absolute right of personal freedom to the peasants in the Crown estates with no lands of their own and not bound by contracts with their landlords. It can be easily noticed that in regard to peasant property-owners the Polish conception of agrarian transformations did not apply the bourgeois right of freedom in its rigid form and it came against considering this problem in formal and legal categories only. As we know this rule was interpreted in quite opposite way in the December Decree of 1807.

During the first stage of realization of the basic rules of the Polish way to capitalism the rule of personal freedom was connected not only with the problem of the hereditary property but also with the right of peasants to social rise in the sense of attaining all civil and political prerogatives. The principle of social rise of peasants was expressed by Kołłątaj in March 1791 when he submitted some amendments to the State Act being then in preparation. In this way Kołłątaj's draft of the political constitution came into existence. We can read in it: "*all people of any socialstate and calling, either natives of Poland or foreigners recommended by decent superiors for their merits in the Army, science, industry, craft or in the rare inventions useful to society, and having good testimonials, will easily attain an honour of nobility*"¹³ (italics by W. S.). Little later Kołłątaj in his *Remarks On the Draft of Constitution Laws* stated after having reserved political prerogatives for nobility and middle classes: "Government belongs to them and they should have it, provided that *every Man* should retain his rights and that his person as well as his property should be safe and that his conditions are so sweetened so that he should not feel weary or despised, *and he should be easily rised to Upper States* if he finds opportunity in his *abilities, merits or dispositions*"¹⁴ (italics by W. S.). In circumstances where political rights were reserved, apart

of *State and Law of Poland*). Warszawa 1966, Vol. 2, p. 526 (Cf.: also about "conditional" personal freedom in the light of the Połaniec Manifesto, ib. p. 551).

¹² W. Szczygielski: *Dzieje społeczne chłopów w okresie od XVI do XVIII w. (Social History of Peasants in the Time Since the 16th to 18th Centuries)*. In: *Z dziejów chłopów polskich (od wczesnego feudalizmu do 1939 r.)*, 1968, pp. 120 - 121.

¹³ H. Kołłątaj: *Prawa Konstytucyjne (Constitutional Laws)*. Biblioteka Zakładu Narodowego im. Ossolińskich in Wrocław (quoted as Ossolineum), MS 1778, p. 210. The authorship of H. Kołłątaj was proved by E. Rostworowski: *Legends i fakty XVIII w. (Legends and Facts of the 18th Century)*. Warszawa 1963, p. 405.

¹⁴ H. Kołłątaj: *Uwagi nad projektem Praw Konstytucyjnych (Remarks on the Draft of Constitution Laws)*. Ossolineum, MS 1778, pp. 237 - 238. The authorship of H. Kołłątaj was proved by E. Rostworowski: *Legends i fakty...*, p. 387.

from noblemen, for middle classes by means of the worked out and enforced system of easy ennoblement depreciating, in fact, the hitherto existing feudal conception of nobility, such solutions in regard to peasantry are quite logical and reasonable. They were an integral part of the conception of the Polish way to capitalism. This conception meant that country people had opportunity first to attain civic rights and next, after giving evidence of the above mentioned "merits", to attain right to ennoblement¹⁵. It should be noted here that the Law of Towns of 18th April 1791 allowed granting citizenships to all free people, free peasants including¹⁶. The idea was that if townspeople could, after fulfilling certain conditions, almost automatically attain right to ennoblement, also townspeople of peasant origin should enjoy the same rights, without any limitations or obstacles in this respect caused by their origin. There appeared in this conception a tendency to widen the social basis of the dynamically developing new social group, namely urban intelligentsia. The hitherto existing recruitment base was limited to townspeople and yeomanry. In Kołłątaj's conception this base might have been enriched by the free population of peasant origin. This problem was especially significant in connection with the forming of a new Civil Service and military machinery consisting of people connected with the State and owing to it their existence¹⁷. At the same time the urban intelligentsia became a leading group in the continued process of social and political transformations, and a guarantor of further imparting of dynamism to the whole system. Emphasis on the right of peasants to such kind of social rise was a novelty introduced by the Polish conception of agrarian transformations. It is obvious that during the next stage of development of the Polish way to capitalism the conception of attaining civil and political rights was more and more approaching typical principles of bourgeois kind. Such factors as personal freedom together with the right to the hereditary property and the right to social rise were to make Kołłątaj's vision true: "so that people... may have reason... to love liberties of their own Nation"¹⁸.

What was the hereditary property? Beside the most essential, already mentioned, prohibition of expulsion it secured the right of the peasant to free disposal of his land by inheritance as well as by sale¹⁹. It should be assumed

¹⁵ J. Dihm interpretes this problem in a similar way, op. cit., p. 117.

¹⁶ Volumina Legum, Vol. 9, p. 216.

¹⁷ B. Leśnodorski: Państwo jako czynnik rozwoju (*The State as Factor of Development*) In: *Dziejów Polski blaski i cienie*. [Warszawa] 1968, p. 227; Cf.: also B. Leśnodorski: *U progu nowego stulecia. Księstwo Warszawskie (On Threshold of a New Century. The Duchy of Warsaw)*. In: *Historia i współczesność*, Warszawa 1967, p. 222.

¹⁸ [H. Kołłątaj]: *Krótka rada...*, p. 22.

¹⁹ M. Ossowski: *O urządzeniu starostw rada i projekt do prawa (Advice on Arrang-*

that popularization of the hereditary rights would create a real perspective for attaining a full right of tenure of land by country people²⁰. It was an evolutionary way of forming property belonging to the masses of country people. By means of the hereditary property some attempts were made to put into practice the basic principles of social and economic development of the country as well as the above mentioned conception of national integration.

From the economic point of view the hereditary property was considered to be the mainspring of the development of peasants' farms. It intended to turn the peasant into "economic man" really interested in the crop of his farm. The execution of this idea went in two directions. A particular stress was put on securing of proper conditions of development for big and independent farms. There were even considered possibilities of additional individual apportionments of ploughlands, pastures and forests. Big farms were supposed to provide peasants with "fortune", that is with considerable accumulation as a basis for a process of agricultural investments, necessary for further development. The same effect was to be produced by the suppression of excessive divisions of peasant farms. First of all this group of self-supporting farms having at their disposal some "fortune" had a real chance to become in a short time a rent farm and to achieve the right of tenure of land. On the other hand we should also turn our attention to a strongly emphasized rule of inviolability of the status of property in the country. The Polish conception of agrarian transformations operated also on a large scale in favour of medium-sized and small farms which were treated as a market "ally" in the planned process of economic growth. This type of solutions was greatly influenced by the idea of deep humanitarianism; a tendency to avoid, first of all, mass pauperization of peasants and also other particularly drastic consequences usually accompanying the transition from feudalism to capitalism²¹. The authors of the Polish way to capitalism including the conception of agrarian

ing *Starosta Offices and Draft of Law*); Ustawa o sprzedaży królewskiej z 1792 r. (*Act on Sale of Crown Estates of 1792*). In: *Volumina Legum*, Vol. 9, pp. 427 - 431, art. 5; Cf. also: Z. Stankiewicz: *Reformy czynszowe dóbr skarbowych w Królestwie Polskim (Rent Reforms of Treasure Lands in the Kingdom of Poland)*. Łódź 1968, pp. 12 - 13.

²⁰ W. Bartel, J. Baszkiewicz, W. Rostocki, W. Zienkiewicz: *Elementy burżuazyjno-demokratyczne w ustroju Powstania Kościuszkowskiego (Bourgeois - Democratic Elements in the Political System of the Kościuszko Insurrection)*. In: *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej*, Warszawa 1954, Vol. 2, p. 425.

²¹ Cf. also: J. Górski: *Poglądy ekonomiczne Stanisława Staszica (Economic Opinions of Stanisław Staszic)*. In: *150 lat Hrubiechowskiego Towarzystwa Rolniczego. Materiały na sesję naukową*. Warszawa 1966 p. 55 ff; J. Górski: *Polska myśl ekonomiczna a rozwój gospodarczy 1807 - 1830. Studia nad początkami teorii zacofania gospodarczego (Polish Economic Thought and Economic Development 1807 - 1830. Studies on the Beginning of Theory of Economic Under-development)*. Warszawa 1963, p. 259.

transformations, saw in the measures of this type "a multiplication of all kinds of consumption"²² in the sense of an extension of the market which was one of the significant stimulators of the development of industry and a mainspring of the economic development of the country.

At the same time the hereditary property realized the rule of national integration of the community formulated by the Polish way to capitalism. The hereditary property was a specific economic basis for the process of national integration. Kołłątaj expresses this most emphatically while speaking during a Sejm session meaning peasants: "They should get economic laws because only these laws will bind them with Polish land"²³. Thus a motherland was to be associated by the peasant meant with a plot of his own ground given to him by his country. Undoubtedly this was one of the most essential elements making possible realization of the basic principle of the Polish way to capitalism: the necessity of binding of all people with one motherland.

On the ground of agrarian transformations the Polish way to capitalism set forth the conception of State and legal protection of peasants. This conception cancelled the hitherto existing patrimonial principle of superiority of legal and administrative rights of a village owner to the national legal system advantage. From the point of view of the process of agrarian transformations a special attention should be paid to a clearly stated principle of State and legal protection of contract agreements between the landlord and his peasants. When we realize that these agreements were to become a legal of the hereditary property of the peasant, we can easily see that the above mentioned principle of State and legal protection of these agreements was to play an important social role on a national scale. This rule distinctly includes elements of protection of the peasant's "property" and his labour. According to the economic constitution being then in preparation, it should include "laws arranging and protecting all property"²⁴. The above quoted "Remarks" by Kołłątaj plainly suggested that "each Man... should be safe: his person as well as his property"²⁵. This was a distinct tendency to provide the peasant with a sense of property stabilization in the form of the hereditary property. In this system of State and legal protection of peasants' properties we can consider the hereditary property as an intermediate link in the evolutionary process of forming of the peasant's rightful property. In fact the economic constitution intended to deprive noblemen

²² M. Ossowski, O urządzeniu starostw...

²³ H. Kołłątaj: Mowa z 28 VI 1791 r. (*Speech of 28th June 1791*). In: Kodeks Stanisława Augusta. Zbiór dokumentów, ed. S. Borowski, Warszawa 1938, p. 11.

²⁴ H. Kołłątaj do Jana Śniadeckiego, 1791 (H. Kołłątaj to Jan Śniadecki, 1791). Biblioteka Jagiellońska w Krakowie (quoted as BJ), MS 5524 (quoted according to J. Dihm, *Sprawa konstytucji...*, p. 251).

²⁵ H. Kołłątaj: Uwagi nad projektem..., pp. 237 - 238.

of their property rights and to give them to peasants. The whole process was to be performed in the way of a "mild" (constitutional) revolution and with preservation of feudal camouflage. The economic constitution formulated also the laws "securing protection and honouring all human labour"²⁶. Labour protection and social appreciation of the peasant's productive efforts are the corner-stones of the Polish conception of agrarian transformations. Labour protection was to be achieved, in the first place, by the above mentioned agreements protected by government and law and, in the second place, by the especially created local authorities including peasants. The creators of the Polish way to capitalism aimed at the increasing of social prestige of the productive labour of peasants who were the main producers of the State revenue. This attitude found its expression, among other things, in the IV article of the Third of May Constitution. At last we should also point out to the wider aspect of the discussed problem. In the conception of the Polish way to capitalism human labour was appreciated as a main element of the created new values and as such it was to be protected by the State as well as by law.

The Polish way to capitalism distinctly opposed the principle of national fiscal stringency²⁷ so readily applied to peasants by the neighbouring absolutist countries. An increase of the State revenue was to be accomplished together with the process of economic development by means of skilful joining of such factors as human labour, capital expenditure and natural resources, together with ensuring of the increase of the home market on the way of agrarian transformations. A programmatic announcement of the economic constitution protecting peasants against the national fiscal stringency was one of the essential elements of the discussed problem of legal and State protection of countrymen.

Principles of legal and State protection of peasants formulated by the economic constitution were based on humanitarian and economic as well as political reasons. I have already mentioned that the Polish way to capitalism tried to protect peasants against mass pauperization accompanying, as a rule, a process of the transition from feudalism to capitalism. This matter was strictly connected with economic motives. They were the necessity of protection of development of the peasant small-producers' husbandry and securing of influx of people to industry together with creation of more humanitarian living condition than those in the West-European being industrialized countries. The authors of the Polish way to capitalism distinctly stressed "*gentle but effective* shift of country people to certain fields of industry"²⁸ (italics by W.S.). A stress was also put on the necessity of observing of proper "order"

²⁶ H. Kołłątaj do J. Śniadeckiego..., pp. 251 - 252.

²⁷ H. Kołłątaj: *Mowa z 28 VI 1791 r.*..., p. 12.

²⁸ M. Ossowski: *O urządzeniu starostw.*...

in the use of human labour in connection with priority of the requirements of social development of the country. Protection and proper "administration" of human labour were to be of vital importance for this matter. At last it should be mentioned that the protection of property and labour was to become an essential element in the activities aiming at national integration through the process of "nationalization" of peasants, that is through binding them with the native country. It was Kollataj who formulated this demand while writing about the process of national integration: "abolishing of those laws which make the poor Man a slave of the rich one"²⁹. Granting of personal freedom together with protection of the hereditary property and labour of peasants were to guarantee a realization of this demand.

Realization of the principles of legal and State protection of peasants is connected with a group of assumptions underlying the moral constitution being then in preparation. This constitution was a manifestation of the State policy used to country population in the fields of propaganda, ideology and education. There were formulated the principle of universal folk education, the conception of propaganda of agriculture and of professional supplementary training of peasants and, at last, the direction of a general ideological and educational influence in the sphere of national integration leading to the forming of "one character, quite uniform in all social classes..."³⁰.

Such is a general outline of the conception of agrarian transformations formulated by the Polish way to capitalism. By the protection of the hereditary property as an intermediate link in the evolutionary process of forming of the rightful peasant property it was based on the idea of inviolability of the peasant's property. Nevertheless by "locking-up" of the landlords' properties, it protected a development of the noblemen's farms according to the new principles, not anticipating granting of land to rural workers with no farmlands of their own. These workers, after having attained personal freedom, were to become a working power for capitalized farms, rich peasant farms and a developing industry. They would get land in the process of a developing colonization based on the rent and contract principles. At the same time the Polish conception of agrarian transformations contributed to national integration by breaking down states' barriers, which also represented antifeudal features.

The first stage of a consistent realization of the above conception was the Third of May Constitution. As a so-called political constitution it was to lead in the field of peasant matters to the protection of the basic principles only of the discussed way of development. These principles were put into practice in form of the above quoted Kollataj's constitutional drafts of March 1791, which stressed the problem of peasants' freedom together with the right

²⁹ [H. Kollataj]; *Krótki rada ...*, p. 16.

³⁰ *Ib.*

to social rise and protection of "property"³¹. These drafts did not include more specific regulations for the mentioned matters. When it came out that there was no chance as yet for a direct realization of such wording of the IV article, there appeared a problem of such formulation of this article which would become a good starting point for further constitutions, and especially for the economic constitution and specific regulations consistent with the general principles of the Polish way to capitalism³². Besides, such wording was taken into consideration which would make it possible, in case of objective difficulties in further legislative solutions, a "self-supporting" development of the peasant farms in a long-term evolutionary process of overcoming of feudal conditions. It was a point of view of Kołłątaj in the first place and of all the authors of the Polish way to capitalism. In his famous speech on 10th November 1791 Kołłątaj giving reasons for realization of agrarian reforms referred to the IV article of the Constitution making this statement about the peasant matters: "so that property, freedom and justice secured for them by the Third of May Constitution will not be futile promises"³³. This statement clearly shows that the Third of May Constitution intended to secure for peasants "property, freedom and justice", following the above presented principles of the Polish way. The IV article of the Constitution should be appreciated in this context³⁴.

First of all it should be noticed that the Constitution broke down the principle, valid since the year 1518, of non-interference of the State into the peasant-landlord relations. The abolition of this rule of non-interference in itself strengthened the rights to freedom of country population. At the same time it should be stressed that the Constitution emphasized very strongly legal subjectivity of the peasant in relations to his landlord. The IV article protected also a complete personal freedom for foreign newcomers. One reason for this was a desire to create an effective encouragement for the escapes of Polish peasants from the territories of Prussian and Austrian Partitions. Another reason was a tendency to instil the already mentioned vision of Poland as a freedom-loving country in the minds of peasants of the neighbouring countries. This decision introduced to the Government Act by Kołłątaj in the last stage of preparation of the Constitution was to play part of a factor ideologically preparing the noblemen's opinion for the expected acts of personal freedom to local peas-

³¹ H. Kołłątaj: *Prawa Konstytucyjne...*, pp. 201 - 232; H. Kołłątaj: *Uwagi nad projektem* pp. 237 - 244.

³² H. Kołłątaj do J. Śniadeckiego..., p. 251; Cf.: also J. Dłhm, *Sprawa konstytucji...* p. 96; E. Rostworowski: *Ostatni król Rzeczypospolitej. Geneza i upadek Konstytucji 3 maja (Last King of the Polish Commonwealth. Origin and Decline of the Third of May Constitution)*. [Warszawa] 1966, p. 223.

³³ H. Kołłątaj: *Mowa z 10 XI 1791 r. (Speech of November 10th 1791)*. In: *Wybór pism politycznych*, p. 238.

³⁴ IV article of the Constitution, *Volumina Legum*, Vol. 9, p. 221.

ants as well. The Constitution included also some elements anticipating a realization of the conception of national integration. Peasant population was officially recognized in this first Polish principal legal act as a fundamental part of the nation³⁵.

As for the property matters, it should be noted that the expressed by the Constitution possibility of entering into agreements between peasants and their landlords under Government control naturally strengthened land rights of peasants. The appeal for entering into contracts and agreements was a specific form of popularization of peasants' rights to the hereditary properties protected by the State. At the same time this constitutional decision can be accepted as an indirect popularization of the rent action³⁶ which could not be, for the well-known reasons, carried on quite openly. This possibility of entering into agreements in the form of rents or serf working-hours system was emphasized not only and not so much as a result of yielding to conservative tendencies but rather as result of adjusting to the objective conditions in the large part of the Polish Commonwealth and namely to an underdeveloped home market making impossible an immediate total transition to the rent system.

Stated by the Constitution peasants' right to the State and legal protection abolished hitherto existing principle of patrimonial relations. In the above mentioned conception of agreements under the State protection we can find the already discussed elements of protection of peasants' property and labour. The Constitution founded a legal basis for replacing serfdom by a specific "contract" system.

As much as the social and political conditions of the first half of the year 1791 permitted, the IV article suited to the general principles of the Polish conceptions of agrarian transformations. It was a sort of an initial but necessary stage of full realization of these principles.

The Third of May Constitution repealed a rule of non-interference of the State into relations between peasants and landlords, emphasized a legal subjectivity of peasants in their relations to landlords and especially in the matter of making agreements under the State protection, and cancelled a feudal monopoly for tenure of land. By all these decisions the Constitution, in fact, paved the way for the evolutionary agrarian transformations of the Polish country-side because it made possible a gradual elimination of serf labour popularization of the rent system and, at last, attaining by peasants full rights to tenure of land³⁷. Besides, it should be stressed that the Third of May

³⁵ Ib.: "Peasant population..., who is the largest population and thus the bravest power of the country..."

³⁶ B. Leśnodorski: *Rozmowy z przeszłością. Dziesięć wieków Polski (Talks with the Past. Ten Centuries of Poland)*. [Warszawa] 1967, p. 260.

³⁷ Cf. Z. Izdebski: *Wykład prawa państwowego (Exposition of State Law)*. Ed. W. Kmitowski, Łódź 1967, p. 78.

Constitution in its decisions about the peasant matters reflected quite faithfully a contemporary stage of understanding of social reformatory tendencies in the rural matters by moderately wealthy noblemen. It satisfied the social conditions of realization of the peasant cause and that is why it could count on support of rather large definite circles of noblemen. As we know, this support was given to it, among other things, in the ostentatious acts of entering into contracts with peasants.

In this way the IV article of the Constitution founded a legal basis for further social changes either initiated by the State or "self-supporting" ones. It is very significant that this article became a suitable starting point for a direct connection of the peasant cause with the problems of national integration and the country's defensive system as well as its economic development.

KoŃatáj's Party was not limited to "self-supporting" prospects of social changes but it tried to accelerate them. This aim was to be achieved with the help of the statements about agrarian matters included in the economic constitution. Undoubtedly the highest aim of KoŃatáj's Party was the spreading of agrarian reforms on the total peasant population of the Polish Commonwealth. It is difficult to decide now whether and to what degree these plans were realistic in the year 1791. Expected and actually encountered difficulties finally caused the realization of the conception of agrarian transformations in two stages. In the first stage a new arrangement was planned for the peasants in the Crown estates and in the second stage for the peasants in private lands. This was a characteristic, as for its order, way of agrarian solutions in the countries situated eastwards of the Elbe. Unfortunately, this "rule" could not be, as yet, overcome in Polish conditions in the years 1791 - 1792. The Seym Act of April 1792 about sale of the Crown lands³⁸ introduced on the lands for sale some new principles of setting peasants up, which were the realization of the basic principles of the Polish conception of agrarian transformations. Peasants attained personal freedom, that is, they could leave their villages after dissolution of a contract with a landlord, fulfilling of all the obligations and leaving a substitute in their place. Rural workers with no farmlands of their own and not bound by any contract, attained personal freedom without any limitations. Peasants obtained tenure of the hereditary lands together with a warrant of irremovability and the right to inheritance and sale of these lands. Setting up of "self-supporting" farms out of additional apportionments of land from so-called wastes was highly recommended. Entering into a contract as to the amount of charges between the peasant and the landlord was done in presence of a Government arbiter who, besides, was obliged to popularize the rent system if the market conditions of a given area permitted. The act about the sale of the

³⁸ Volumina Legum, Vol. 9, pp. 424 - 437, art. 5; Cf. also: Z. Stankiewicz: *Reformy czynszowe...*, pp. 10 - 13.

Crown lands realized Kołłątaj's vision of agrarian solutions. It was planned that the same system would be spread on the remaining sorts of farmlands, which means it would cover the total peasant population in the Polish Commonwealth³⁹.

At the same time it should be mentioned that the above discussed principles of the moral constitution were put into practice by some definite activities of the organs of both central and newly established local administrative authorities, that is, civilian and military commissions for the observance of regulations⁴⁰. In the course of work on the Stanisław August Code which became a so-called fourth constitution, the conception of above states nation was consistently realized. This conception affected all social classes, including peasants⁴¹. The victory of the Targowica Confederacy made impossible a full realization of the already achieved or intended changes.

Kołłątaj's conception of agrarian transformations was finally realized in the Połaniec Manifesto of the Kościuszko Insurrection. The Połaniec Manifesto was, in fact, a realization of the prepared during the Great Sejm economic constitution in the field of agrarian problems. On the strength of the Połaniec Manifesto⁴² peasants achieved personal freedom in the sense of the right to move from place to place under the condition that they would inform the Provincial Order Committee where intended to move and after fulfilling all the obligations. The Manifesto secured the right of peasants to the hereditary property and stressed the principle of irremovability together with a quite definite legal and State protection in the form of supervising bodies. It was not by accident that the main author of the Manifesto was Hugo Kołłątaj⁴³. In this respect the Kościuszko Insurrection realized in the field of agrarian matters the earlier prepared changes⁴⁴. It became the next stage of the consistently realized Polish

³⁹ Zastanowienie się nad całym krajem włościanami z uwag nad projektem jmcia księdza Ossowskiego ich urządzenie w starostwach przeznaczającym wynikię (*Reflections on All Peasants of the Country Resulting from Remarks on the Project of Rev. Ossowski of Setting Them Up in Starosta Districts*). In: Materiały do Dziejów Sejmu Czteroletniego, ed. J. Woliński, J. Michalski, E. Rostworowski, Wrocław 1955, Vol. 1, p. 599 ff.

⁴⁰ Cf. e. g. W. Szczygielski: Dzieje Ziemi Wieluńskiej (*History of the Wieluń Region*). [Łódź] 1969, pp. 28 - 29, 181 ff.

⁴¹ G. Piramowicz, F. K. Dmochowski: Myśli do projektu Kodeksu (*Ideas to the Project of a Code*). In: Kodeks Stanisława Augusta, p. 79.

⁴² Pisma Tadeusza Kościuszki (Works of Tadeusz Kościuszko). Ed. H. Mościcki, Warszawa 1947, p. 105.

⁴³ B. Leśnodorski: Polscy jakobini. Karta z dziejów insurekcji 1794 roku (*Polish Jacobins. Chapter of History of the Insurrection of 1794*). [Warszawa] 1960, p. 340.

⁴⁴ The demand of considering social and economic problems of the Insurrection in connection with "subsoil" of the preceding events was expressed by J. Topolski: Walka chłopów podlaskich w przeddzień i w czasie Insurekcji Kościuszkowskiej (*Fights of*

road to capitalism. A new element in the Połaniec Manifesto was a decision to reduce the serf-labour within the range of 25% to 50%. This significant novelty resulted from a tendency of the Government to connect effectively the peasant cause with a problem of active participation of peasants in the national struggle. During the Kościuszko Insurrection the notion of a nation in a modern sense was finally established. It included all social groups endowed with basic civil rights⁴⁵. For the first time in the history of the Polish Commonwealth peasants were admitted to the organs of the State authorities in their lowest office: they could become caretakers in the newly established institutions of supervising bodies⁴⁶. Quite new elements appeared in the October Resolution of the National Supreme Council in the form of an absolute and unconditional granting of the land rights to the peasants meritorious for their participation in the Insurrection. The author of this resolution was Hugo Kołłątaj⁴⁷. In the history of the Polish Commonwealth this was the first act of full enfranchisement of a part of peasant population. The invaders prevented Polish peasants from enjoying the results of this resolution. As we can see the realization of the original principles of the Polish conception of agrarian transformations led to a further development of this conception making it more similar to the typically bourgeois agrarian solutions: that is granting to peasants a full right to possess land. The defeat of the Insurrection destroyed all those achievements.

The Polish conception of agrarian transformations differed considerably in agricultural matters from the classic Prussian way to capitalism. The Prussian way suggested forming of big capitalistic farms at the cost of dispossession of peasants (expulsions) or annexion of the part of their lands in the process of enfranchisement (so-called damages). The Polish way granted to peasants inviolability of their possessions by stressing much more the role of peasant small-producers' farming in the process of the transition to capitalism. The aim was to ensure the transition from feudalism to capitalism by means of more harmonious development of peasants' farms and manors than it was practiced in a typical Prussian way. At the basis of this conception there were also some humanitarian reasons. Polish ideologists of the nineties of the eighteenth century consciously tried to avoid mass pauperization of peasants in the process of transition to capitalism. Besides, in the Polish way there were clearly

Podlasie Peasants Before and During the Kościuszko Insurrection). In: „Roczniki Dziejów Społecznych i Gospodarczych”, Vol. 18, 1956, p. 126.

⁴⁵ S. Grodziski: *Obywatelstwo w szlacheckiej Rzeczypospolitej (Citizenship in the Commonwealth of the Gentry)*. Kraków 1963, p. 181; B. Leśnodorski: *Polscy jakobini...*, p. 219.

⁴⁶ *Ustanowienie dozorów i przepisy dla dozorców (Establishing of Supervising Bodies and Regulations for Caretakers)*. In: *Akty Powstania Kościuszki*, ed. S. Askenazy and W. Dzwonkowski, Kraków 1918, Vol. 2, part 2, p. 7.

⁴⁷ B. Leśnodorski: *Polscy jakobini...*, pp. 364 - 365. Cf.: also about the project of enfranchisement of peasants submitted by J. Orchowski (ib., pp. 244 - 245).

outlined two conceptions. One was to make peasants feel as rightful citizens and the other to make them feel as significant members of the nation. A distinguishing mark of the Polish way, in contrast to a typical Prussian way, was a constant imparting of energy to social changes. Some purposes unobtainable for the Third of May Constitution were realized in the Act of 1792 and further in the first stage of the Kościuszko Insurrection. Conceptions connected with the matter of peasant properties unobtainable for the Połaniec Manifesto became a legal fact in less than half a year's time due to the October Act of the Supreme National Council about the enfranchisement of peasants rendering services to the Insurrection. A full realization of this way was possible only in the conditions of independence. The tragedy of the partitions of Poland consisted, among other things, in the fact that the invaders or protectors of the Polish nation in the nineteenth century consciously encouraged the attitude of reactionism in the minds of Polish noblemen. This very attitude was so skilfully and effectively overcome by the conception of the Polish way to capitalism.

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