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POLISH-LITHUANIAN COMMONWEALTH.
POLITICAL GAMES, SOCIAL COMMUNICATION,
DIPLOMACY

Edited by
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EASTERN EUROPEAN HISTORY REVIEW: LA RIVISTA

Il Comitato redazionale e scientifico è lieto di presentare al pubblico la rivista scientifica *Eastern European History Review*.

Con un carattere internazionale e interdisciplinare, una cadenza annuale e una fruibilità *open access* la rivista focalizza i propri interessi sulle dinamiche occorse nell'Europa Orientale durante tutta l'età moderna (XIV-XIX). *Eastern European History Review* è espressione del Centro Studi dell'Università della Tuscia CESPoM (Centro Studi sull'età dei Sobieski e della Polonia Moderna) nato nel 1997 per intuizione del Prof. Gaetano Platania, Direttore Emerito della Rivista.

L'iniziativa editoriale che presentiamo nasce dall'evidente mancanza in Italia di una rivista scientifica relativa alla storia dell'Europa centro-orientale in Età Moderna, nonostante la penisola abbia giocato un ruolo fondamentale per la Storia e la Cultura di una parte integrante del continente, a torto considerata come lontana e periferica.

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EASTERN EUROPEAN HISTORY REVIEW: THE JOURNAL

The Editorial and Scientific Board are proud delighted to present the *Eastern European History Review* under the aegis of Sette Città Editore.

The *Eastern European History Review* is an international and interdisciplinary annually online and open access peer-reviewed journal about studies on Central and Eastern Europe in the Modern Age (XIV-XIX). The Journal is also the expression of the Study Center CESPoM (Centro Studi sull'età dei Sobieski e della Polonia Moderna – Center Study on the Age of Sobieski and Modern Poland) of the University of Tuscia, born in 1997, from an idea of Prof. Gaetano Platania, today Director Emeritus of this journal.

It publishes articles with significant approaches and original interpretations in all research fields concerning Central and Eastern Europe, with specific attention to the History sciences.

The editorial initiative we present comes from the obvious lack of a journal, in Italy, concerning the history of Central and Eastern Europe during the Modern Age, this despite its fundamental role in the history and culture of that part of the continent, wrongly considered distant and peripheral.

Quite the contrary is true, in fact. Main objective of the journal is to create a space for reflection and discussion on topics pertaining to Central and Eastern Europe, but also relations with Continental Europe, encouraging dialogue between scholars and experts in the field, and between different approaches of scientific research.

The Editorial and Scientific Board

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MAGNATE PROJECTS OF ELECTORAL REFORM DURING THE REIGN OF SIGISMUND III AND THE POTENTIAL EFFECTS OF THEIR IMPLEMENTATION

ABSTRACT

Projects for reforming the mode of free election during the reign of the first Vasa dynasty were discussed in the literature in terms of the circumstances of their creation, but without final conclusions regarding the possibility of their implementation and effects. The author of this article dealt with the issue of the possibility of practical application of these projects, the conditions necessary for their implementation and their potential effects in terms of political changes (legalization of the transition from a republic to an oligarchy or full monarchy) and social changes (acceptance of the separation of the nobility as a separate state), considering the progressive decentralization of state management and relations between Poland and Lithuania in the period in question.

KEYWORDS: Sigismund III; Vasa Dynasty; Interregnum; Free election; Electoral reform.

It has become a cliché that free election in the Polish-Lithuanian Commonwealth from the 16th and 18th centuries was idealized by the nobility as the source of their freedom. The entire political program of the nobility in this period was reduced to defending the election *viritim* and *liberum veto* against the attempts of the magnates, who wanted to exclude the masses of the nobility from influencing political decisions. This approach to the issue of elections is favored by the consolidation in Polish historiography of the simplified division into the nobility and the magnates in the classic work by Edward Opaliński, *The Political Culture of the Polish Nobility*¹, based on Crown sources, without considering the differences between the Polish and Lithuanian nobility and the changes within the nobility in the first half of the 17th century – economic stratification and degeneration of the “gołota” nobility (feeble nobility). In the light of more recent research, treating the nobility in formal and legal terms as a uniform estate throughout the Polish-Lithuanian Commonwealth and contrasting it with the magnates as a whole², justified in the 1980s, is now anachronistic. Włodzimierz Kaczorowski, author of several studies on the discussion around the reform of free election in 1631–1632, rightly noted that:

1 Edward Opaliński, “Elekcje wazowskie w Polsce. Stosunek szlachty do instytucji okresu bezkrólewia”, in Id., *Polska srebrnego wieku. Studia i materiały* (Piotrków Trybunalski: IHiSM, 2023), 211-26; (1^o edition: “Elekcje wazowskie w Polsce. Stosunek szlachty do instytucji okresu bezkrólewia”, *Kwartalnik Historyczny*, 92/3 (1985): 533-47).

2 Opaliński, “Elekcje wazowskie w Polsce”, 211-26.

the views of the nobility of that time on the manner of conducting a free election were not always uniform. [...] During the many years of discussion, the interests of various groups of magnates clashed, seeking for the favour of the noble masses, and despite the attempts made during the times of Sigismund Augustus, and later during the times of Stephen Batory and Sigismund III Vasa, no legal order for electing a new king was established. The nobility wanted their active participation in the election of the king, while observing the rules established during the election of Henry Valois. This kind of position held up virtually all reforms³.

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At the same time – after Anna Grześkowiak-Krwawicz – he pointed out that both of these institutions, considered until the end of the 17th century as a guarantee of freedom, were treated as its main threat in the “enlightened” next century⁴, citing the opinion of Wincenty Skrzetuski that «free elections do not serve the freedom of the nobility, but on the contrary, they serve magnates for whom anarchy and disorder in the state were a means to achieve political goals and unlimited ambitions»⁵. The quoted statement is controversial because it is based on a generalization, without considering the circumstances of choosing the next ruler, which change over time and depend on the current political realities. Moreover, it is surprising that the statements of Jakub Sobieski, who was, in fact, a magnate, are regarded as a dependable representation of the opinions of the nobility society of the Vasa era, to which we shall return later⁶. Anna Grzekowiak-Krwawicz, who studies political

3 «nie zawsze zapatrywanie ówczesnej szlachty na sposób przeprowadzenia wolnej elekcji było jednolite. [...] W czasie wieloletniej dyskusji ścierały się interesy różnych grup magnackich, zabiegających o względy mas szlacheckich, i mimo prób i usiłowań podejmowanych za czasów Zygmunta Augusta, a później za Stefana Batorego i Zygmunta III Wazy, nie ustalono prawnego porządku wyboru nowego króla. Szlachta pragnęła bowiem swojego odpowiednio aktywnego udziału w wyborze króla przy jednoczesnym najściślejszym przestrzeganiu zasad ustalonych w czasie elekcji Henryka Walezego. Tego rodzaju stanowisko wstrzymywało praktycznie wszystkie reformy». Włodzimierz Kaczorowski, *Sejmy konwokacyjny i elekcyjny w okresie bezkrólewia 1632 r.* (Opole: Instytut Śląski w Opolu, 1986), 47.

4 Anna Grześkowiak-Krwawicz, *Regina libertas. Wolność w polskiej myśli politycznej XVIII wieku* (Gdańsk: Słowo, obraz, teoria, 2006), 86.

5 «że wolne elekcje nie służą wolności szlacheckiej, ale wręcz przeciwnie, służą magnatom, dla których anarchia i nieład w państwie były środkiem do realizacji celów politycznych i niczym nieograniczonych ambicji». Wincenty Skrzetuski, *Mowy o główniejszych materiach politycznych*, vol. 1 (Warszawa: Drukarnia Pijarów, 1773); Id., *Prawo polityczne narodu polskiego*, voll. 1-2 (Warszawa: Drukarnia Pijarów, 1782/1784); Grześkowiak-Krwawicz, *Regina libertas*, 89, 98.

6 Opaliński, “Elekcje wazowskie w Polsce”, 213; Kaczorowski, *Sejmy konwokacyjny*, 47. Sobieski was a court dignitary and a magnate! See: Zofia Trawicka, *Jakub Sobieski 1591–1646. Studium z dziejów warstwy magnackiej w Polsce doby Wazów*, vol. VI: *Magnat* (Kraków: Societas Vistulana, 2007), 235-46. «In the 1630s, when he bought Pomorzany, took over all the estate from Żółkiewski and part of the estate from the Daniłowicz family, he became an undisputed latifundist [...]», [«W latach trzydziestych XVII w., kiedy kupił Pomorzany, przejął cały

thought in the 18th century, looks at the Polish-Lithuanian Commonwealth in the early modern era through the eyes of 18th-century “reformers”, most of whom didn’t know or understand their political views.

The authors of numerous works devoted to the elections of Polish kings during the subsequent interregnum⁷ limit themselves to presenting the events, reducing the motives of the competing factions to a fight for power and money of «various groups (or “camps”) of magnates seeking the favour of the nobility masses»⁸. Even when they report on polemical texts written during the interregnum, they do not attempt to answer whether their authors intended to reform the elections or repair the Republic of Poland, posed by Władysław Konopczyński in the title of his source edition from 1949⁹. Only a few researchers noticed that these magnates, however, had some political program¹⁰, and the senators – aspiring to transform into a separate estate – already during the first interregnum after Sigismund Augustus tried to reserve the right to choose the ruler for themselves and to limit the participation of non-senator nobility in it to a minimum.

In this article, I try to answer the question posed 75 years ago by Konopczyński, referring to the publications of Jan Seredyka¹¹, who supplemented Konopczyński’s edition with new texts, and above all (unlike his famous predecessor, who in his edition, containing a subjectively selected set of texts, he attributed the initiative to present the outline of the electoral reform to the royal party). Seredyka attempted to present the arguments of both sides of the debate, namely the royalists (senators and some deputies) and the opposition, who were excluded from having an impact on decisions made at the Warsaw court, and the nobility, who were incorrectly deemed as their clientele.

By minimizing the account of events during the interregnum, I concentrate on the analysis of polemical works representing both sides and the reform programs discussed at the Sejms in 1631–1632. It provides a source for tracing the discussion around the concept of “free election” and its modification under the influence of changes taking place in nobility society and political thought from the end of the 16th century to the mid-17th century. I utilized texts by Stanisław Karnkowski

majątek po Żółkiewskim i część dóbr po Daniłowiczach, stał się latyfundystą niekwestionowanym [...]»), Trawicka, *Jakub Sobieski*, 235.

7 Lately: *Wolna elekcja w dawnej Rzeczypospolitej. Procedura-przebieg-publicystyka*, ed. Aleksandra Ziober (Wrocław: Wydawnictwo Piotr Kalinowski, 2014).

8 “różnych grup” (lub “obozów”) magnackich”, zabiegających o względy mas szlacheckich”; Kaczorowski, *Sejmy konwokacyjny*, 92.

9 Władysław Konopczyński, *Reforma elekcji czy naprawa Rzeczypospolitej (Wybór źródeł 1630–1)* (Kraków: Polska Akademia Umiejętności, 1949).

10 Adam Kersten, “Problem władzy w Rzeczypospolitej czasu Wazów”, in *O naprawę Rzeczypospolitej w XVII–XVIII w. Prace ofiarowane Władysławowi Czaplińskiemu w 60 rocznicę urodzin*, eds. Józef Gierowski, et al. (Warszawa: PWN, 1965), 23–36.

11 Jan Seredyka, *Rzeczpospolita w ostatnich latach panowania Zygmunta III (1629–1632): zarys wewnętrznych dziejów politycznych* (Opole: Wyższa Szkoła Pedagogiczna w Opolu, 1978).

from 1573¹², Jan Zamoyski's election reform project from¹³, and polemical texts and projects from 1630–1631, during the parliamentary struggle for the acceptance of the proposed proposal. On the eve of the imminent interregnum following the demise of the elderly and ailing Sigismund III Vasa, the “Modus interregni” reform initiative was launched, purportedly referring to the initiative undertaken by Chancellor Jan Zamoyski in 1589, with the objective of ensuring the succession of the throne by one of the king's offspring. However, the magnate projects mentioned in the title of the article are an essay by Jerzy Zbaraski written for the Sejm of 1630¹⁴, a polemical text against the royal project impersonating Zamoyski's “Modus”, written in the environment of the Lithuanian Field Hetman Krzysztof II Radziwiłł – the leader of the Protestant opposition in Lithuania after the spring Sejm of 1632 and Jakub Sobieski's speech at the local council of Wiśnia preceding the convocation Sejm in 1632¹⁵. Until now, these projects have received inadequate attention in the literature, lacking a comprehensive intertextual analysis that reveals the genuine, and not solely formally declared, motivations and objectives of the authors.

There is a discussion of the creation and evolution of the concept of free election from its inception in 1572 until the first ruler from the Polish Vasa dynasty took over in 1587 and a presentation of the magnates projects from 1630–1631.

PART I: PROLEGOMENA

It is worth starting by explaining the concept of a “free” election, associated – as I mentioned at the beginning – with an “arbitrary” election carried out by the masses of drunken nobility, bewildered by the magnates. The institution of viral election (“men to men”) was established during the first interregnum after the death of Sigismund Augustus, ending the period of hereditary monarchy and beginning the times of the republican system of government in the Polish-Lithuanian mixed monarchy. The freedom of choice in this form of election was that it was to be made by free people – i.e. nobility with full civil rights, which in the Crown was conditioned

12 Stanisław Karnkowski, *Modus Et Ordo Electionis Novi Regis apud Warsawiam habitae* (Kraków: Mikołaj Scharffenberger, 1573).

13 Another copies: AGAD, AR, II, n. 7, “Modus Electionis Regis Poloniae. Na sejmie warszawskim od Jaśnie Wielmożnego) J.M.P. Jana Zamoyskiego Kanclerza i Hetmana W. Koronnego A. 1589 podany na Sejmie”, AGAD, AR, II, n. 49, 186-203, “Modus sprawowania się in tempore interregni et electionis na sejmie warszawskim uprojektowany” (1589), 221-28. dissoluta, n. 340. This article uses the copy titled: AGAD, AR, VI, book 2, 186-203. (further: “Modus Zamoyskiego”). Włodzimierz Kaczorowski found 10 copies of this text from 17–18th centuries in: AGAD, Zakład Narodowy Ossolińskich in Wrocław, Biblioteka Polskiej Akademii Umiejętności i Polskiej Akademii Nauk in Cracow, and Biblioteka Kórnicka Polskiej Akademii Nauk, see Kaczorowski, *Sejmy konwokacyjny*, 81, footnote n. 133.

14 BK PAN, n. 483, “Koncept”, 167-74.

15 AGAD, APP, n. 37, “Votum IMci Pana Jakuba Sobieskiego krayczego in Interregnum na sejmiku wiśnieńskim konwokacją uprzedzającym in Junio Anno Domini 1632, kopia XVII-wieczna”, 113-25. Copy from library of Stanisław Lubomirski (1789) (further: “Wotum” Sobieskiego).

by hereditary land ownership¹⁶ and, in Lithuania, also by lease. The second criterion for assessing the election as free was the reference to the individual freedom of each nobleman, who had the right – but not the obligation – to participate in the election of the new ruler, having complete freedom to go (or not) to the election, without coercion and without anyone's impositions. Attempts to force people to go to the elections as part of a popular movement came to naught (as we will see).

At the same time, during the first interregnum, another institution was created, which was contested in later drafts of changes – convocation, i.e. a congress of senators and deputies from noble assemblies preceding the moment of election, which senators considered to be their traditional and exclusive prerogative. As Ewa Dubas-Urwanowicz noted:

Only the senatorial congress in Kaski (January 6–28, 1573), which was a forum where a compromise was reached between quarreling groups of senators, made an effective decision in this respect. Effective, that is, forcing temporary acceptance of the concept of joint discussion, but not necessarily welcomed by all meetings. Although some of them agreed to send deputies to the convocation, they did not accept this new institution, seeing it as an opportunity to strengthen the political position of senators¹⁷.

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Anti-senatorial sentiments meant that during the first convocation (January 6–28, 1573), «the agenda went far beyond the time and place of the election»¹⁸. According to the quoted researcher, the result of the knights' fear of the domination of the Senate – and not Jan Zamoyski's speech, contrary to another thesis thoughtlessly repeated in the literature – was the adoption of the principle of election *viritim* (men to men). This resulted from the belief that «the vote of each nobleman in the basic nobility law – election, has the same importance, regardless of his place within the estate»¹⁹.

In practice, it turned out that the election agenda proposed as a result of the

16 Stanisław Grodziski, *Obywatelstwo w szlacheckiej Rzeczypospolitej* (Kraków: UJ: Państwowe Wydawnictwo Naukowe, 1963).

17 «Dopiero senatorski zjazd w Kaskach (6–28 stycznia 1573 r.), będący forum, na którym doszło do kompromisu między skłóconymi grupami senatorów podjął decyzję skuteczną w tej mierze. Skuteczną, to znaczy zmuszającą do tymczasowej akceptacji koncepcji wspólnej dyskusji, niekoniecznie jednak dobrze widzianą przez wszystkie zjazdy. Niektóre z nich zgadzały się wprawdzie na wysłanie posłów na konwokację, nie akceptowały jednak tej nowej instytucji, widząc w niej możliwość wzmocnienia politycznej pozycji senatorów»; Ewa Dubas-Urwanowicz, *Koronne zjazdy szlacheckie w dwu pierwszych bezkrólewicach po śmierci Zygmunta Augusta* (Białystok: Wydawnictwo Uniwersytetu w Białymstoku, 1998), 225.

18 «program obrad daleko wykroczył poza ustalenia czasu i miejsca elekcji», Dubas-Urwanowicz, *Koronne zjazdy szlacheckie*, 227.

19 «głos każdego szlachcica w podstawowym prawie szlacheckim – elekcji, ma tę samą wagę, niezależnie od tego, jakie miejsce zajmuje w obrębie stanu»; Dubas-Urwanowicz, *Koronne zjazdy szlacheckie*, 230.

convocation sessions combined, on the one hand, the active participation of the entire nobility in the current election during the hearing by representatives of the nobility selected from individual voivodeships together with senators of foreign envoys proposing their candidates and then a discussion on candidacies within voivodeships, with the participation of local senators. Only at the next stage were senators and representatives of voivodeships to submit their candidacies in writing for the second session of the Senate in order to select one candidate from among several. If this did not happen, the voivodeships were to select from among themselves people who aroused general trust «[...] who would judge what is best for the Republic of Poland. These are to commit themselves with a special oath in front of everyone that they have no other special things, no need for benefits, only God's will alone, and His sincere glory to be multiplied among us [...]»²⁰. If the candidacy selected by people of general trust was not accepted by the voivodeships and there were still several candidates, one of them was to be selected by voting²¹. As it follows, the first project of the so-called *viritim* election provided for a delegative (representative) mode of choosing the king, and not election by acclamation, which would give an advantage to the masses of the nobility.

This form of election was accepted by the most influential clerical senator at the time, Bishop Stanisław Karnkowski of Kujawy, who described the course and principles of the election of Henry Valois in a letter to Marcin Kromer²². Karnkowski recognized and praised the leading role of the primate and senators during the interregnum and election period. Among other things, he supported the initiative to hold a vote in individual voivodeships and lands on candidates previously presented by their deputies to the Senate, and then by senators and deputies in the voivodeships and lands. He accepted with approval the fact that the votes cast for individual candidates were recorded by the nobility present at the election and the submission of the prepared and sealed lists to the Senate. It is worth noting that due to the low level of literacy in that period, this solution favoured the wealthier and better educated nobility and there was no provision for verification of signatures "for compliance". Karnkowski's description shows that Henry Valois received $\frac{3}{4}$ of the votes. However, this was not considered the final result, but following the Roman, Venetian and Greek model, three people were elected to represent the interests of each candidate, who then publicly agitated supporters for their protectors. In this way, the votes were transferred to Valois and finally, unanimity in the election was achieved. Karnowski therefore advocated general election *viritim*, voting within individual voivodeships

20 «[...] którzy mieliby dobrze rozsadzić, co jest najlepszego Rzeczypospolitej. Ci mają się osobliwą przysięgą zobowiązać przy wszystkich, iż nie mają żadnych innych osobliwych rzeczy, potrzeby pożytków, tylko samego Boga woli, a szczerzej jego chwały między nami pomnożenia [...]». Biblioteka Czartoryskich, n. 81, "Artykuły Rzeczypospolitą dobrze opatrujące [...]", 123-35, citation for: Dubas-Urwanowicz, *Koronne zjazdy szlacheckie*, 231.

21 Biblioteka Czartoryskich, n. 81, "Artykuły Rzeczypospolitą dobrze opatrujące [...]", 123-35, citation for: Dubas-Urwanowicz, *Koronne zjazdy szlacheckie*, 231.

22 Karnkowski, *Modus et ordo*, 245-46.

and then agitation aimed at achieving universal consent²³.

Negative experiences with the election of rulers during the first two turbulent interregnums meant that already in the times of Stephen Báthory, the issue of improving the election appeared in the royal legation before the Sejm of 1582 in Grodno. At that time, it was the result of a request from the deputies themselves, presented to the king at the conclusion of the Sejm of 1581²⁴. During the third interregnum, a split election resulted in the simultaneous election of two candidates – Archduke Maximilian of Habsburg and the Swedish prince Sigismund Vasa. The conflict was ultimately decided in favor of the Swede through armed combat, leading to the imprisonment of his unfortunate rival. This event made it clear that the existing method of electing Polish rulers needed to be modified and improved. A new model of the election process was presented at the Sejm of 1589 by the Grand Chancellor and Grand Hetman of the Crown, Jan Zamoyski. Seemingly fully accepting the principle of free election, he linked the *viritim* election with the representative system, proposing a two-stage election. This two-stage system combined the concept of representative election of the king, which he supported already in 1572²⁵. The project provided that after the list of candidates was established, senators in the presence of the nobility had priority, and then the nobles in individual voivodeships were to vote. The voting results should be announced in a joint circle of both estates. According to Zamoyski's project, 2/3 of the votes would determine the result of the vote. If the desired number of votes was not obtained, a second vote would be necessary, the result of which would depend on the majority. At a later stage, voivodeship deputies should vote for their candidates. The final result would be decided by a ¾ majority of votes, and if this was not achieved, by most votes of the representatives of both nations²⁶. An important element of the project was the departure from the principle of unanimity and the election of the king by 2/3 of votes or a simple majority. The principle of *viritim* was theoretically maintained – but the growing advantage of the senate over the chamber of deputies and the magnates (both regalists and oppositionists) over the “ordinary”, “landed” nobility, was clearly felt. Moreover, Zamoyski's project did not provide for convocation, which meant that the nobility lost the opportunity to submit complaints from noble electors about legal offenses during the reign of the deceased king and have them positively resolved before the election of the new one. This indicates the transformation of its author – a former “tribune of the noble people” – into a magnate, resulting, of course, not only from character changes, but from a real change in the balance of political and social forces, a definitive departure from the (officially proclaimed) equality of the nobility and intra-estate solidarity.

23 Karnkowski, *Modus et ordo*, 251-56. Halina Kowalska, “Karnkowski Stanisław”, in *Polski Słownik Biograficzny*, vol. 12 (1966/67), 77-9.

24 *Źródła dziejowe*, vol. XI, ed. Adolf Pawiński (Warszawa: Księgarnia Gebethnera i Wolffa, 1882), 226.

25 Artur Śliwiński, *Jan Zamoyski, kanclerz i hetman wielki koronny* (Warszawa: Trzaska, Evert i Michalski, 1947), 262.

26 BK PAN, n. 340, 105-07.

PART II: THE REIGN OF SIGISMUND III VASA

All attempts to solve this issue during the reign of Sigismund III Vasa, who were formally obliged to solve the problems arising from the principle of *viritim* election in the recession of the coronation Sejm, referred directly or indirectly to the projects of changing the election mode discussed above. This issue, apart from the coronation Sejm, was raised several times at the Sejms and in the discussion before the parliament of 1605, and in Toruń in 1626, when the election *vivente rege* of one of the king's sons, Ladislaus or John Casimir, was discussed²⁷. The nobility's reaction to this idea was clearly negative, as they sought to use the future interregnum to further limit royal power.

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The final battle took place at the last Sejms during the reign of Sigismund III: the ordinary Sejm in August 1630, the extraordinary Sejm in March 1630, and then after the death of the king on January 30, 1632. Resumption of discussions on the reform of the modes of election of Sigismund III's successor under the guise of referring to Zamoyski's project and the need to ensure peace during the expected interregnum – while the idea was to eliminate the *viritim* election in its traditional form together with the institution of convocation – was risky in a situation when, after the failed experiment of forcing through the election of a successor during the king's lifetime, the government was against any changes not only the nobility, but even some senators – regalists. Among the strong opponents of the *vivente rege* election was Hetman Żółkiewski²⁸. By making another attempt to discuss the problem of free election at the Sejm, they tried to protect themselves against expected protests by making the decision to raise this topic widely known with a significant delay. The first official message was sent to senators in a cedula for deliberation, sent on July 10 (a week after sending the universals on July 4 convening the local councils for September 4 and the Sejm for October 16). Sigismund III also forbade all addressees of the deliberatories from informing anyone about the issue of the free election before the universals were sent to the regional assemblies.

In creating maximum difficulties against the expected counteraction of opponents of the royal initiative²⁹, the royalist faction had a significant advantage over the nobility because it had control over the distribution of official pre-sejm communications, in the form of legations and senatorial letters, not to mention correspondence sent from the royal chancellery in the period preceding the Sejm sessions. Seredyka's opinion that Sigismund III acted decisively on his own initiative is doubtful because he was too old and sick to take his own action³⁰. Nevertheless, in the legation to the

27 Konopczyński's information is false that this issue was also brought up again at the 1627 and 1628 Sejms, Konopczyński, *Reforma elekcji*, 243.

28 "Introduction" to Stanisław Żółkiewski, *Początek i progres wojny moskiewskiej* (Warszawa: Państw. Instytut Wydawniczy, 1966), 55-88, reference to: 51-2.

29 Henryk Wisner, "Litwa i projekt reformy elekcji 1629–1631", *Przegląd Historyczny*, 64/2 (1973): 261.

30 Walter Leitsch, *Das Leben am Hof König Sigismunds III, von Polen*, vol. I: "Die Krankheiten der letzten Jahre" (Wien: Polnische Akademie der Wissenschaften und Künste-Österreichische Akademie der Wissenschaften Philosophisch-Historische Klasse, 2009), 1030-36.

assemblies, a sharp criticism was formulated of the Sejm, «which is responsible for the losses and costs of the Crown citizens as the fourth plague»³¹. Such a ruthless attack on the Sejm, or more precisely on the Chamber of Deputies, announced the direction in which the royalist faction was heading, more precisely: a group of senators exercising real power and royal favourites (especially clergy) who felt threatened by the takeover of power by the most likely candidate for the throne – Prince Ladislaus Sigismund, considered in this environment to be a “false Catholic” who favours Protestants and Orthodox Christians. At that moment, Jerzy Zbaraski unexpectedly came to the king’s aid, preparing the above-mentioned memorial³² entitled *The Concept of His Majesty Jerzy Zbaraski, Castellan of Krakow, on the methods of electing Polish kings, in which foreign methods are appointed by force*.

As Anna Filipczak-Kocur rightly noted, «Reading this essay astonishes the reader who knows Jerzy’s previous views»³³ – not only because of this powerful magnate, who, due to his birth, social position, wealth and education, felt predestined to play a leading political role in the country. «By criticizing and questioning the legitimacy of most royal decisions, he systematically rejected the monarch’s requests for support. In short, he fought the royal policy, which he considered to be contrary to his own interest, but also to the interest of the Republic of Poland, with which he identified himself»³⁴ – and at the same time, he skillfully built his popularity among the nobility. However, the paths of the Krakow castellan and the “noble people”, for whom supposedly was an “ideal senator”³⁵, diverged already in 1629, when the project of charging fees for goods sold and purchased, submitted by him at the Sejm, “did not protect the nobility”³⁶. This does not mean that the Cracow castellan gave up the principle of his political program, which was the defence of the principles of the republican system, understood as government in accordance with the law established at the Sejm. Zbaraski’s republicanism, however, did not mean acceptance of democracy (or more precisely: ochlocracy) of the nobility – as evidenced by his “Concept”.

31 «który dla strat i kosztów obywatelów koronnych za czwartą plagę stoi»; *Instrukcja na sejmiki in anno 1630*, in Konopczyński, *Reforma elekcji*, 345.

32 Look at footnote n. 14.

33 «Lektura tej rozprawki wprawia czytelnika znającego dotychczasowe poglądy Jerzego w zdumienie»; Anna Filipczak-Kocur, *Jerzy Zbaraski 1579–1631. Szkic biograficzny. Korespondencja* (Warszawa: DiG, 2020), 60-1.

34 «Krytykując i podważając zasadność większości decyzji królewskich systematycznie odrzucał prośby monarchy o udzielenie mu wsparcia Jednym słowem, zwalczał politykę królewską, którą uważał za sprzeczną z interesem własnym, ale i Rzeczypospolitej, z którą się utożsamiał». Zbigniew Anusik, “Kasztelan krakowski Jerzy ks. Zbaraski (1574–1631). Szkic do portretu antyregalisty”, *Przegląd Nauk Historycznych*, 9/1 (2010): 55-145.

35 Anusik, “Kasztelan krakowski”, 134.

36 Anna Filipczak-Kocur, “Informacje o sejmach i sejmikach w korespondencji Sapiechów w centralnym państwowym historycznym archiwum w Kijowie”, *Studia z Dziejów Państwa i Prawa Polskiego*, 9, 1 (2006): 245-46.

What is astonishing is the awkward form of this essay, which is far from the high standard of his other texts³⁷. Of the fourteen pages of the text, half is devoted to a devastating criticism of the traditional form of *viritim* election. Already at the beginning, Zbaraski expresses the belief that the form of election, established when society was unanimous, is now insufficient due to the huge number of electors and the corruption of customs. Maintaining it would be contrary to reason, according to politicians, and to human nature, making it easier for foreign rulers to use corruption and intrigue³⁸. The proof is the negative experiences from the times of the third interregnum, when the election turned into a fight between the leaders of magnate factions who «after 100, after 200 people of the nobility have contracted *eo praetextu* that they are not their servants, they are not their *beneficiarii*, they are not their *stipendiarii*, only the free nobility who are elected»³⁹.

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It is not difficult to guess that this is the scenario the author envisages during the election after the death of Sigismund III, during which the number of participants may increase to 4 or 8 thousand people armed with guns and helmets, «and although it is difficult to maintain so many people for 6 weeks, they will find a sponsor (even the king's son), as was the case during the previous elections, in the hope of a future reward»⁴⁰. Moreover, during the *viritim* election, it cannot be forbidden for everyone to come with an entourage of 20 people, noble or non-noble. And in the field, it cannot be ruled out that the participants will be persuaded and bribed (*corrupti*) by various foreign masters. The author of the "Concept" wants to prevent this – but this does not mean that «he was keen on the idea of reforming the elections in line with the intention of the royal project»⁴¹. The nature of his argument is completely unemotional, rational and secular. The Cracow castellan was aware of the need to adapt procedures to the changes in social and political realities that occurred over time, completely contrary to the alleged traditionalism of Old Polish politicians. He submitted an original, authorial project to reform the election mode, containing two ways of voting, the first one was extremely complicated and multi-stage, the second one was simplified.

The first project takes 4 pages of text⁴². At the beginning, the author explains that although the "Modus interregni" is described and was effective when everyone unanimously elected the king, now it needs to be changed to assume that all

37 Urszula Augustyniak, "Wolę mieć religionem frigidam niżli nullam". Jerzy i Krzysztof Zbarascy wobec rekatolicyzacji i zmiany systemu rządów w Rzeczypospolitej za Zygmunta III Wazy", *Odrodzenie i Reformacja w Polsce*, 58 (2014): 73-104.

38 BK PAN, n. 483, "Koncept", 167r-v.

39 «po 100, po 200 osób szlachciców zaciągnęli *eo praetextu*, że nie są ich słudzy, nie są ich *beneficiarii*, nie są ich *stipendiarii*, tylko szlachta sobie wolna, która do elekcji należy». BK PAN, n. 483, "Koncept", 169.

40 «i choć ciężka to rzecz utrzymać tylu ludzi przez 6 tygodni, znajdą sponsora (choćby syna królewskiego), jak było na poprzednich elekcjach w nadziei przyszłej nagrody». BK PAN, n. 483, "Koncept", 169v.

41 Anusik, "Kasztelan krakowski", 140.

42 BK PAN, n. 483, "Koncept", 171v-73.

senators and noble deputies from all voivodeships and lands of the Crown and Lithuania will be eligible for election in the usual manner of local councils votes, but in double or even triple numbers. Such representation would be consistent with the political principles of the Republic of Poland, in which two estates: senatorial and knightly have full power and law-making in the time of interregnum, assuming a third estate – royal (in subtext: subordinate to the first two). It is proposed to shorten the election period to five weeks, the first two of which are to be devoted to improving the laws, i.e. settling the exorbitance of outstanding debts from the previous Sejm and establishing the conditions that the new king should swear in. The rest of the election time will be taken up by the voting procedure, carried out in the form of a ballot, by drawing lots with gold and silver-plated knobs (balls), distributed from the “bania” standing in the middle of the large room where the king and senators deliberate. These balls are to be distributed to the voters by a boy «any of those standing in front of the room»⁴³, i.e. randomly and not selected, under the supervision of six secretaries (three clergy, three laymen) sworn to maintain impartiality.

The author himself considered the proposed voting procedure «a bit difficult and complicated»⁴⁴. It is therefore not surprising that the authors of studies on the 1630 Sejm commented on it in one sentence. When deciding on a more detailed, although still as short as possible, discussion was guided by the desire to hypothetically explain, at least, what the purpose of the election mode was to include as many as 7 stages of voting, during which the number of participants in the election and then electors of the new king is reduced from 41 to 3 (!).

Moreover, and at each stage, it is proposed to separate the voters drawing the knobs in a separate room, excluding their contacts with other election participants sent to inns, as well as relatives and ancestors – which brings to mind a modern jury trial. However, full freedom of information was maintained for those excluded from active participation in voting as a result of the silver-plated knob being pulled out of the jar. They are informed by the grand secretary, i.e. an official of the crown chancellery, and then by an official (elected) called the director, about the current voting results. At the penultimate stage, it was also stipulated that there would be no “two from one family” among the electors. All this to exclude the possibility of falsification of the election results, which Zbaraski was apparently obsessively afraid of. As for the election, he proposed to resign from the election *viritim*. The king would be elected by senators and deputies by a majority of votes⁴⁵. It excluded foreign candidates, but did not rule out royal children seeking the throne. The procedure for starting the electoral process would be as follows: first, a deputation from the Chamber of Deputies and the Senate is appointed to work out the details – and only then the discussion is transferred to the Sejm. In the entire project of the Cracow castellan, senators would play a key role as initiators and supervisors of the correctness of the ruler’s election procedure. Zbaraski did not want to wait for the local councils for fear of the reaction of the nobility, whose responsibility included

43 «którykolwiek ze stojących przed pokojem». BK PAN, n. 483, “Koncept”, 170.

44 «nieco trudny i zawikłany». BK PAN, n. 483, “Koncept”, 171v.

45 BK PAN, n. 483, “Koncept”, 60-1.

not only the assessment of his project but also the decision on the scope of the senators' powers, an attitude towards which he was a priori reluctant.

Answering the question of why such an experienced political writer and senator as Jerzy Zbaraski proposed such a complicated and tedious project – probably taken from an impossible-to-identify foreign papers, touching on the issues of elections that were fashionable at that time – it can be assumed that he wanted to show off his erudition and knowledge of “foreign customs” (or more precisely, the number of electors in the elections of European rulers: the election of the Christian emperor by seven electors, the pope by the college of cardinals, the Doge of Venice by the entire nobility (three thousand), or the master of the Order of Malta by a small number of nobility. However, a simpler explanation can be found. Perhaps the castelan of Cracow consciously he wanted to tire the readers and discourage them from more ambitious programs for the reform of the Polish-Lithuanian Commonwealth in order to finally return to the trivial and already known from Zamoyski's “Modus” project of elections by a 2/3 majority of senators and parliamentary deputies⁴⁶. According to Jan Seredyka, Zbaraski represented a somewhat dualistic attitude and was a supporter of the election reform, but at the same time he could not imagine its adoption without the consent of the entire nobility⁴⁷. I allow myself to be of a different opinion and consider the “Concept” to be anti-noble and anti-democratic, and the republicanism of the “Primate” of the secular part of the first Senate of the Republic of Poland to be apparent. The proof is that at all stages of the first draft, the representatives of the Senate have a decisive advantage, primarily the Grand Secretary, who announces the current voting results, without the possibility of checking whether his message corresponds to reality. Doubts are also raised about the criteria for selecting the secretaries guarding the “bania”, from which potential electors drew knobs, and then the selected group of them drew pieces of paper with the names of the candidates for the king, or the “director” in charge of the voting, whose appearance was not explained by the author of the text. We have the same right as the author of the text to see the possibility of practices and intrigues even in such a carefully selected group.

The prosenatorial nature of the “Concept” is also indicated by the fact that its author did not mention a word about convocation and wanted to avoid shifting the assessment of the change in elections to the local councils because he was (rightly) afraid of the reaction of the nobility. Instead of *viritim* elections, he finally proposed an elective Sejm, which would be attended not by everyone, but only by those selected at the local councils. All in all, the explanation of the system of the Republic of Poland presented in his “Concept” is republican in spirit, but not democratic.

However, Seredyka's observation is correct that given such a serious evolution of Zbaraski's views, what is less surprising is the minimal number of opposition writings. One of them, unknown to Konopczyński, is «A script, titled *Modus interregnum*, was presented at the last Sejm in Warsaw: and this script in the form of the constitution, which has twenty and two leges⁴⁸ in itself, is being conceived,

⁴⁶ BK PAN, n. 483, “Koncept”, 170.

⁴⁷ Seredyka, *Rzeczpospolita w ostatnich latach*, 111.

⁴⁸ AGAD, Archiwum Branickich z Sucheja, reference number in J. Czubek's

but there appears to be much opposed to the law and freedom of elections»⁴⁹, were created in the office of Krzysztof II Radziwiłł, the leader of the Protestant opposition in Lithuania, after the Sejm of 1630 in Warsaw on March 11–April 13, 1630, at which Zamoyski's old project was presented, and then the Senate (under pressure from the opposition) decided to send it back for discussion in the committee and then to the conclusions at the next Sejm. It was impossible to predict that the next parliament sessions would be held in a changed political situation, after the death of Sigismund III on April 30, 1632.

Seemingly, the "Script" is only an analysis of subsequent points (*leges*) of Zamoyski's project. However, some *leges* was treated only as a pretext for considerations about the system and the role of the Polish-Lithuanian Commonwealth in early modern Europe, going far beyond the concisely formulated points of the "Modus interregnum", which reduced the issue of electoral reform to organizational improvements. Despite the ostentatiously emphasized respect for Zamoyski, he questions the sense of the king's proposal to discuss his project, which he considers anachronistic – since "for more than forty years, as a bill presented at the Polish Parliament [...] until then, [...] has been lying [...] now a *post tantu(m) intervallu(m) temporis* is difficult to like"⁵⁰. The value of antiquity, typical of the arguments of Old Polish political texts, was rejected here, and the adaptation of state institutions to current political realities was considered obvious. This is a unique attitude in the context of Old Polish journalism.

catalog: S-38-M. Detailed overview in: Urszula Augustyniak, "Polemika z Jana Zamoyskiego projektem reformy elekcji. Przyczynek do poglądów politycznych opozycji za panowania Zygmunta III Wazy", *Kwartalnik Historyczny*, 104/3 (1997): 3-25.

49 «Skrypt jakiś, pod tytułem Modus interregnum, pokazał się być na przeszłym sejmie w Warszawie: a ten in forma konstytucyjnej, która w sobie ma dwadzieścia i dwie *leges*, koncypowany jest, ale między niemi zda się wiele być prawu i wolności elekcyjnej przeciwnych». Zamoyski's "Modus" contained the following points (*leges*): introduction: "De modo interregni"; 1. "Announcement of the King's Death"; 2. "About the King's Equipment"; 3. "Securing the borders"; 4. "Action against transgressors in crossing the borders"; 5. "About foreign envoys"; 6. "Time and place of the election"; 7. "Courts and their execution"; 8. "Acceptance of subscriptions and proscription sub interregnum"; 9. "Abrogate Convocation"; 10. "Custom of Defense"; 11. "Hetman's duty"; 12. "Providing certain munitions"; 13. "Punishment of the wicked"; 14. "De calumniatoribus"; 15. "Court deputies"; 16. "Riding to the election"; 17. "Security of elections"; 18. "Order of elections"; 19. "Oaths at the election"; 20. "Order of voting and candidates"; 21. "On the neutralists". The order of *leges* given here corresponds to the numbering used by the author of the "Script", who omitted "De modo electionis" and therefore we will refer to it in the text; however, it differs from the full version of "Modus" used and discussed by Kaczorowski, *Sejmy konwokacyjne*, 81, annotation n. 33, 49 – where additional points were noted: "Who do not belong to the elective body", "Royal coronation", "Improvement of this order".

50 «więcej niż czterdzieści lat, jako był na sejmie RP podany [...] do tego czasu leżał [...] teraz *post tantu(m) intervallu(m) temporis* trudno się ma podobać». "Skrypt", lex 21, 100.

The basic goal of the opposition – to undermine the value of the election reform project presented by the court party “under the name” of Jan Zamoyski – was attempted to be achieved by using various arguments. In combating the projects of opponents who actually wanted to change the election into a succession, it was an “imagination of an election, an initiation of some kind or coronation rather than election”⁵¹ – attempts were made to demonstrate the hypocrisy and inconsistency of official slogans with actual intentions. The most serious accusation of “Skrypt” against the “false regalists” is the accusation of intentional distortion of Zamoyski’s project and impersonation of his authority – justified, for example, by demonstrating the illogicality of individual fragments of “Modus”, e.g. about double punishment (including the death penalty) for violators of universal peace during the interregnum. Moreover, the author of “The Script” tried to demonstrate that the version of Zamoyski’s project presented by the regalists in 1630 was contrary to the essence of the chancellor’s political concept of ensuring harmony and peace in the Republic of Poland – including religious peace. Moreover, it is indeed puzzling that the copies of “Modus” available to us contain in the formula of the royal oath a declaration of Roman Catholic faith, and therefore exclude a non-Catholic candidate. They are therefore pushing a principle that Jan Zamoyski strongly denied, which led to a conflict with Primate Stanisław Karnkowski in 1589 and rejection of the electoral reform project by the estates of the Sejm.

In general, the most characteristic features of the text in question are pragmatism, rationalism and knowledge of the international situation at that time. Its author apparently did not recognize Zamoyski’s authority as indisputable, much less the regalists from Sigismund III’s entourage impersonating him in the 1630s, striving to maintain their position after his death and eliminate competitors from politics at the central level – the “non-senatorial” magnates, the dominant in the provinces. He points out that during the almost half-century reign of Sigismund III, the principles of international policy changed. While the project of the electoral reform of 1589 provided for strict separation of the Republic of Poland from other states during the interregnum period, “Skrypt” considers this postulate absurd and contrary to the law of nations: «which considers all deputies, *etiam hostium*, as *sacrosanctos* [...]. Why do they not need Christian neighbours in Poland, nor Poles to guide them, both to their envoys and to private persons, they are free to trade among themselves, as well as to have access to each other’s country»⁵². The Republic of Poland would result in retaliation from its neighbours. In modern Christian Europe, treated as a whole, the separation of the Polish-Lithuanian Commonwealth: «is opposed to a free election,

51 «imaginacja elekcyj, inicjacja raczej jakaś albo koronacja, niż elekcyj». “Skrypt”, lex 21, 100-01.

52 «które posłów wszystkich, *etiam hostium* ma za *sacrosanctos* [...]. Dla czego nie potrzebują oni chrześcijańscy sąsiedzi w Polszcze, ani Polacy u nich gļejtu tak posłom swym, jako i prywatnym osobom brać i dawać. Wolne mają między sobą jako insze komercyja, tak i przystęp jeden do drugiego państwa»; “Skrypt”, lex 5: “Zatrzymanie posłów cudzoziemskich”, 89-90; Hugo Grotius, *O prawie wojny i pokoju.*, vol. 2, trans. Remigiusz Bierzanek (Warszawa: PWN, 1957), chapter XVIII: *O prawie poselstw*, points IV-IX: *O zasadzie nietykalności posłów i jej interpretacji*, 23-33.

the nature of which is such that the Polish-Lithuanian Commonwealth is permitted not only to choose its lord from all Christians, but also to choose Christian lords, apart from those who *legibus nostras exclusi* [i.e. Habsburgs – AU] [...] to strive for it *legitimis modis*, and thus to become related to the Polish Republic»⁵³.

The powers (majesty) of the Republic of Poland during the interregnum were placed in the discussed text much higher than regalia in the basic areas of operation of the royal office: law-making, judiciary (*ius capitale*), declaring wars and concluding covenants, even the right of pardon: «For whatever kings have, they do, and they can do, all this the interregnum has, does and can do it will cost him almost more than the kings: because without the Republic of Poland our kings cannot *leges ferre*, raise war, judge *capitalia iudicia* themselves, make covenants, and many other things: and the interregnum that is, the Republic of Poland *tempore interregni* has all this in its power without the king»⁵⁴. The arguments used here were intended to justify the opposition's demand in 1631 – to extend the interregnum to a minimum of six weeks, as opposed to the permanent demand of the regalists – to shorten it to a maximum of two weeks. For the same reasons, the author of “Skrypt” protested against the proposals to eliminate (or at least shorten) convocation, as a period particularly favourable to unrest in the country. “Skrypt” presents the view that convocation is an integral part of the election procedure, necessary for the preparation of a peaceful election of a new ruler – therefore, if “Modus” wants to liquidate it, «it does so with the intention that the Polish Republic will never be able to repair itself»⁵⁵.

At the spring Sejm of 1632, the last one during the life of Sigismund III, the majority of senators supported the establishment of a senatorial and parliamentary deputation that would prepare a “*modus eligendi regis*”, but only in the form of a draft to be considered at the local councils and the future parliament. Zbaraski was the first to come up with such a proposal as being consistent with the position of the two “upper” assemblies; he was supported by influential senators and dignitaries⁵⁶. The

53 «Przeciwna jest wolnej elekcyjej, której taka jest natura, że RPtej wolno nie tylko ze wszystkiego chrześcijaństwa pana sobie obierać, ale też panom chrześcijańskim, oprócz tych, którzy *legibus nostras exclusi* [tj. Habsburgów – UA] [...] o nie się *legitimis modis* starać, a tem się sposobem z RPtą spowinowacić»; “Skrypt”, lex 4: “Postempek przeciwko wystempnym”, 89. 69. “Skrypt”, lex 5: “Zatrzymanie posłów cudzoziemskich”, 89-90; compare: Grotius, *O prawie wojny i pokoju*, XVIII, points IV-IX: *zasadzie nietykalności posłów i jej interpretacji*, 23-33. “Skrypt”, lex 3: “Opatrzenie granic”, 87-8.

54 «Bo cokolwiek królowie mają, czynią i czynić mogą, to wszystko interregnum ma, czyni i czynić może (i niemal więcej się mu zejdzie niżli królom: bo królowie nasi bez RP nie mogą *leges ferre*, wojny podnosić, *capitalia iudicia* sami sądzić, przymierza zawierać, i innych wiele rzeczy: a interregnum, to jest RP *tempore interregni* to wszystko bez króla w swojej mocy ma»; “Skrypt”, lex 21, 102.

55 «to tą intencyją czyni, aby się RPta nigdy naprawić nie mogła»; “Skrypt”, lex 11, 92.

56 Chancellor and Grand Hetman of Lithuania Lew Sapieha, Grand Hetman of the Crown Stanisław Koniecpolski, voivode of Smolensk Aleksander Gosiewski, voivode of Bełsk Rafał Leszczyński, the voivode of Novgorod Michał Kazimierz Sapieha, Lithuanian vice-chancellors Hieronim Wołłowicz, Castellan of Łedzki Jan Łowicki – even though he was the brother-in-law of Chancellor of the Crown

position of the Chamber of Deputies was different⁵⁷. On March 20, Marshal of the Sejm Marcin Żegocki and several deputies presented an extremely detailed project to secure a free election – “Modus electionis regis” dated 1632. It provided for the following dates for the activities of the interregnum: announcing it as a universal to the residents on the day of the king’s death and conveying this information to the primate and the assemblies of all voivodeships and lands within four weeks of the king’s death. The election is to take place 8 weeks later, its maximum duration is 8 weeks. The total duration of the interregnum was planned to be at most 14 weeks. In accordance with the demands of Zamoyski’s “Modus”, the number of retinues was limited: the primate to a maximum of sixty people, the archbishop of Lviv, all bishops and voivodes to forty, hetmans to thirty, castelans to 20, envoys and noblemen arriving individually to ten, envoys from cities participating in the election to six, foreign envoys to one hundred. Attempts were also made to separate foreign envoys from the nobility, assigning them a place to stay 16 miles from the electoral field, in a location near Wola, towards Błonie.

The most important points of this project are: abolition of convocation, deputies and nobility vote *viritem*, but with their own signatures on individual electoral lists, separate for each candidate; for the illiterate, a commission composed of a scribe and two deputies signs. Senators vote in their provinces; members of their retinues have one collective vote for each “court”. In practice, servants of deputies and nobility do not have a vote because even though they vote, it is counted as one and in accordance with the lord’s vote. Soldiers in the quartz army, two votes by deputies. No other military branches were mentioned at all. The king is to be elected by many precisely counted votes from all voivodeships, with a possible repetition of voting for those candidates who receive an equal number of votes. For most of the election participants, only voting was planned. The development of a constitution amending existing laws was entrusted to a commission composed of four senators and one deputy from each voivodeship and land, called the Deputation Court because it was also to function as an electoral tribunal. It was to be entitled to present draft constitutions to the future elect, including lists of exorbitants brought by the deputies.

The “marshal’s” project was not original. It contained many ideas taken from Jan Zamoyski’s proposal submitted (as already mentioned) to the Sejm in 1589. For supporters of, even only formal, democracy (republicans), it was unacceptable to abolish convocations, provincial confederations and hood courts, as well as the apparent desire to far-reaching limitation of powers of legislative acts of the elective Sejm. Some detailed regulations were considered impossible to implement, e.g. limiting the number of processions⁵⁸. As Seredyka rightly noted, «In sum, it

Tomasz Zamoyski, Grand Secretary of the Crown Jakub Zadzik, who wanted to bring the matter to the attention of the Sejm of 1630 – and (probably) the voivode of Łęczyca, Stanisław Radziejowski, Brest-Kujawy Jakub Szczawiński, castellan Wojnicki Mikołaj Firlej and Crown Marshal Łukasz Opaliński (based on votive offerings).

57 Overview a: Seredyka, *Rzeczpospolita w ostatnich latach*, 180-84.

58 AGAD, APP, n. 37, “Votum JMci Pana Jakuba Sobieskiego krayczego koronnego na sejmiku przedkonwokacyjnym wiszeńskim 3 czerwca 1632”, 117.

was supposed to be an election with the participation of estate owners, with the maximum elimination of all nobility, especially those in private service and in the state army. The provision that a nobleman attending an election individually must participate in it from the beginning to the end is highly encouraged, and it is known what expenses a multi-week stay in the capital entails and who can afford it»⁵⁹. As it follows, the politically active, wealthy and independent nobility itself tried to cleanse the ranks of electors of the “gołota” nobility, dependent on the nobility, and was perfectly aware that maintaining the *viritim* mode worked not on behalf of, but against, the civic state.

The debate around the electoral reform projects at the last Sejm during the lifetime of Sigismund III, and de facto around changing the political form of the Polish-Lithuanian Commonwealth, turned out to be fruitless. The differences between senatorial, parliamentary and opposition projects proved impossible to overcome. Ultimately, the system was adopted. A compromise project appointed by a 20-person commission was presented on March 31. It abandoned all the proposals presented in the “Marshal’s” project, retaining only the obligation for the nobility to gather in a popular movement in the voivodeships. The constitution was adopted unanimously after overcoming the resistance of the Lithuanians because it did not introduce anything new. An overview of all previous hoods and confederations established after the deaths of Sigismund Augustus and Báthory was presented, concluding with the statement that the constitution was of a temporary nature, valid until the new Sejm, and could not serve as the basis for establishing any novel method of election. The attempt to establish the Polish-Lithuanian Commonwealth was unsuccessful on the eve of the crisis in the mid-17th century, during the period of interregnum.

THE TIME OF INTERREGNUM

In the universal for the local councils opening the interregnum after the death of Sigismund III, Primate Jan Wężyk postulated the need (sic!) to discuss the method of electing the king at the convocation Sejm, but he did not refer in detail to any of the known projects. Only in a vote addressed to the Środa local council⁶⁰ (a vote to the universal) he supports Chancellor Jan Zamoyski’s project – “Modus electionis regis Poloniae”, presented by him in 1589 for the estates’ acceptance. At the same time, the Primate mentioned that already in 1630, he had spoken about the chancellor’s project as the best solution to the sensitive issue of how to choose the king⁶¹. Wężyk was in favour of shortening the election Sejm and, in the future,

59 «W sumie więc miała to być elekcja z udziałem posesjonatów, przy maksymalnej eliminacji całej szlachty, zwłaszcza pozostającej w służbie prywatnej i w armii państwowej. Tendencji tej miał dodatkowo sprzyjać przepis, że szlachcic wybierający się indywidualnie na elekcję musi w niej uczestniczyć od początku do końca, a wiadomo, jakie koszty pociągał za sobą taki wielotygodniowy pobyt w stolicy i kto mógł sobie na niego pozwolić»; Jan Długosz, Władysław Czapliński, *Życie codzienne magnaterii polskiej w XVII wieku* (Warszawa: Państw. Instytut Wydawniczy, 1966), 55-88, reference to: 51-2.

60 BK PAN, n. 345, “List arcybiskupa gnieźnieńskiego na sejmik średzki 28 V 1632 w Łowiczu”, 29-32v – 6 days before the beginning of the local councils.

61 BK PAN, n. 345, “List arcybiskupa gnieźnieńskiego na sejmik średzki 28 V 1632 w Łowiczu”, 32.

abolishing the convocation. Jakub Sobieski, crown carver, spoke against such a solution in a speech delivered at the Wisznia local council on June 28, 1632⁶². This speech is considered pro-noble and republican in spirit, and its author is treated in literature as a reliable exponent of the nobility's views. Below, we will try to prove that this is not necessarily true.

Sobieski's "vote" provides for shortening the convocation time to two weeks and election six weeks after the end of the convocation. Regarding the issue of free election, he sharply criticizes the principle of electing the ruler only after obtaining unanimity, as impossible to implement in practice – stating that «we only have this law on paper, and it has never happened in *usu*, we read in our history [...]»⁶³. In the matter of elections, *viritim* proposes: «let anyone who wants to go to the election, but whoever wants to, and not under the threat of punishment – «because this is Libera Electio, that anyone can give a suffragium to the Kingdom of Poland for anyone they want, and they are allowed to go there and go home stay»⁶⁴.

He proposes that all the voters who turn up for the election be counted in voivodeships and poviats. Each of them would submit his name to the voivode, and the one who has assets in several voivodeships would choose the one from which he votes. Only then will the voivodeships and poviats "hatch" *ad regem eligendum*, and the election will be made by most three parts of these lines against the fourth. The question arises, who will check the voivodes to see if they have falsified the number of lines? Moving the election from the Sejm (Senate and Deputies) to the provinces, i.e. one floor below, increases the chance of the local magnates to decide on the king – against the centre and the Senate and the central dignitaries.

Sobieski's appeal to the equality of the nobility against projects favouring estate owners is clearly demagogic in nature: «It is *cardo libertatis nostrae* that both the poor and the rich should have a liberum for the king of *suffragium*, a gray dress as well as velvet, so that no one's *vox* would be oppressed»⁶⁵. Rejecting the proposal to limit the number of post offices to twenty-thirty people because he opposes prohibiting members of magnates' retinues, "servants and friends" from participating – «it is difficult to prohibit people and our brother nobility from going to the elections because it is *aeliquate iures* all of them»⁶⁶.

As this discussion shows, in his vote Sobieski rejected all constructive changes proposed at the previous Sejm by Marshal Żegocki, representing the views of the wealthy crown nobility – i.e. full citizens of the Republic of Poland. Seemingly defending the equality of the nobility, he entrusts the registration of nobility

62 AGAD, APP, n. 37, 113-125, compare with footnote n. 15.

63 «u nas na papierze tylko to prawo, a *in usu* nigdy niebywało, w historyji naszej czytamy [...]»; AGAD, APP, n. 37, 116.

64 «bo to jest *Libera Electio*, że każdy może *suffragium* dać na Królestwo Polskie na kogo chce, a wolno mu tam iechać y wolno doma zostać»; AGAD, APP, n. 37, 117.

65 «To jest *cardo libertatis nostrae*, żeby tak ubogi iako y bogaty miał *liberum* na króla *suffragium*, tak szara suknia iako y aksamit, żeby niczyja *vox* opprimowana nie była»; AGAD, APP, n. 37, 117.

66 «osobom samym i szlachcie braciej naszym jechać na elekcję trudno zabronić, bo *aeliquate iures* wszystkich»; AGAD, APP, n. 37, 118.

wishing to voluntarily participate in the election to voivodes without any indication of the possibility of checking the credibility of the lists they prepare. Although in the final part of his speech, entitled "Points needed for improvement", he demonstrates knowledge of the nobility's expectations regarding the modernization of internal policy⁶⁷ and emphasizes the importance of the interregnum for repairing the exorbitances accumulated during the reign of the deceased monarch, he cannot be considered a reliable representative of the nobility – citizens. His program, apart from the point about counting the nobility going to the elections, which is impossible to implement in practice, is anachronistic and repeats platitudes replicated in popular journalism, bringing nothing new.

The exception is the tenth point of the vote, omitted in earlier studies. It was proposed for the consideration of the participants of the Wisznia local council that Polish kings should not marry because a married king must consider the interests of his wife and offspring. Of course, "no harm is done". Of course, "no harm is meant", but it is worth remembering that after married kings, offspring rule. Therefore, let the listeners consider the consequences of the situation «when in a free Republic of Poland, in Regno electiva, royal houses multiply»⁶⁸. Only here does Sobieski present himself as a true republican, a supporter of nobility democracy and an opponent of hereditary monarchy. The conclusion is a reference to the heritage of our ancestors that «We take the men we want, not the ones we have to»⁶⁹.

79

CONCLUSION

Summarizing the conclusions from the discussions between the royal court and the magnate opposition, it can be stated that a unanimous statement against limiting the number of "assistances" (posts) arriving for the election of officials and senators during the discussion around the project of election reform, which was in the years 1626–1632 – paradoxically linked to the defence of the principle of equality among

67 «1. Correctura iurium; 2. Compositio inter statu; 3. Modus interregni: siła ludzi nie pamięta interregnum przed Zygmuntem III – czemu nie spisać konceptu na piśmie?); 4 Modus konkluzji sejmów; 5. Disciplina militaris, i króla (s. 121: Punkta, które osoby królewskiej dependet [s. 122 – 124/5]: O ekonomiach, o incompatibiliach (z 1530 r.) przeciw podwójnym urządóm i dygnitarstwóm; 2. Iustitia iudicaria; 3. Mennica; 4. Sól – prawo z 1550 r. za Olbrachta; [s. 123] Saletra; 6. Jasny podział między królem a Rzeczpospolitą co do zapewnienia materiałów wojennych; 7. Podanie królowi, żeby dwór taki trzymał jak za przodków, tzn. zbrojny; 8. Włożyć w przysięgę królowi, żeby nic nie robił bez rady senatu – powołanie na precedensy, że bracia starsi nie mogli odpowiedzieć na pytanie młodszych (posłów) bo nie wzywano ich do rady; 9. Wykluczenie cudzoziemców z grona doradców królewskich "czy on świecki, czy duchowny; czarny czy biały", żeby nawet spowiednik królewski nie był cudzoziemcem – jak we Francji, Anglii, Hiszpanii – powołanie na pakta konwenta Zygmunta III, gdzie tak pisano o Szwedach przybyłych z nim do Rzeczypospolitej».

68 «kiedy się w Rzptej wolnej, in Regno electiva domy królewskie rozradzają»; "Wotum", 125.

69 «Tych Panów bierzemy, których chcemy, a nie tych, których musimy»; "Wotum", 126.

the nobility. The belief in the inevitability and indispensability of servants and clients in the electoral field was expressed by both regalists and oppositionists, supporters and opponents of Jan Zamoyski's "Modus eligendi Regis Poloniae", which was then discussed again on the initiative of the royal party. For the author of "Skrypt", it was obvious that great people «will have many friends, relatives, servants, a fact who, having arrived as nobility, will bind themselves to their lord with their mail for the election, for this they will have their factions; whoever has more of this, even though he comes with only seventy heads, will be more powerful and will be able to win more in the election. Because it will not be the hajducs, not the Cossacks, but the nobility who will be giving suffragium there»⁷⁰. It is interesting that almost identically formulated arguments in defence of equality among the nobility against the demands of the "Modus" limiting the number of lords' posts were quoted at that time by Jakub Sobieski and Jerzy Zbaraski, considered by historians to be regalists. Based on the analysis of the "Concept" and the entire political activity of the Cracow castellan, it can be assumed that from his point of view, the government of the senate corresponding to the government of the aristocracy (optimates) was closest to the ideal, in line with the Lipsian political doctrine, also adopted by other enlightened magnates of that period, e.g. Łukasz Opaliński⁷¹.

The assertion that the views of prominent politicians were derived more from the practice of political games and comprehension of the realities of life in the Polish-Lithuanian Commonwealth than from affiliation with a political (royalist or opposition) or a religious ideology (Catholic or Protestant). The opinions and warnings from outstanding crown dignitaries presented in this article can be treated not only as a propaganda activity and using the animosity between the nobility and the court for their own purposes, but sometimes as an obvious political provocation and an attempt to create a "magnate league" against the regalist party – especially during the three-decade war.

The polemical writing "Rationes contradictoriae conceptioni de securitate temporis interregni" proves that the nobility was well aware of the situation⁷². The court's reform project did not talk about security, but about the method of election. It concealed such a danger that «this constitution brought and would give birth to a statum aristocraticum»⁷³. A popular uprising in the voivodeships during the interregnum has the potential to disrupt the cohesiveness of the nobility, rendering

70 «będą mieli wiele przyjaciół, pokrewnych, sług, fakt, którzy z pocztami swemu na elekcyję jako szlachta przyjechawszy każdy się do swego pana będzie wiązał, do tego będą mieli swoje faksje; kto tego będzie miał więcej, ten, choć jeno w siedmdziesiąt głów przyjedzie, przecie potężniejszy będzie i więcej na elekcyjej Będzie mógł. Bo nie hajducy, nie kozacy, ale szlachta będą tam suffragium dawali». "Skrypt", S-38-M, lex 22, 108.

71 See, Maria Olga Pryshlak Pryshlak (Ukr. Marija Olha Pryschljak), *Państwo w filozofii politycznej Łukasza Opalińskiego* (Kraków: Towarzystwo Wydawnicze Historia Jagiellonica, 2000).

72 DZA, Merseburg, Rep. 6, n. 39; for J. Seredyka, *Rzeczpospolita w ostatnich latach*, 190.

73 DZA, Merseburg Rep. 6, n. 39, "Relacja Bergmana i Wintera dla Jerzego Wilhelma z Gdańska", without date 316, 319.

joint meetings unfeasible. “Rationes” could have been created in the Lithuanian environment because it is known that Radziwiłł and other Lithuanians used the argument at the spring Sejm of 1631 that subordinating the nobility to voivodes during the interregnum would threaten democracy and could transform the Commonwealth into an aristocratic state⁷⁴. The Zbaraskis’ “Concept” can also be seen as anachronistic because of the confessionalization tendencies that were dominant in Europe at that time. Their activities and views can be seen as a phenomenon of exchange typical of early modern modernization of the state power elites. It is represented by the Zbaraski family, who enjoy financial power thanks to income from hereditary estates and authority resulting from their princely pedigree. New elite – “new Catholics” forming the royalist party, promoted during the long rule of Sigismund III. In the current state of research, the question remains unanswered whether they had a program consistent with the *raison d’état* of the Polish-Lithuanian Commonwealth and conducive to its modernization, presented in the only one of the magnate projects for the repair of the Polish-Lithuanian Commonwealth discussed in this article – “Script” created in the office of Krzysztof II Radziwiłł.

81

ABBREVIATION

AGAD: Archiwum Główne Akt Dawnych w Warszawie

AR: Archiwum Radziwiłłów

APP: Archiwum Publiczne Potockich

BK PAN: Biblioteka Kórnicka Polskiej Akademii Nauk

DZA: Deutsches Zentralarchiv Merseburg

“Modus” (Zamoyskiego): AGAD, AR, VI, book 2, “Modus sprawowania się in tempore interregni et electionis na sejmie warszawskim uprojektowany (1589)”, 186-203.

“Wotum” (Sobieskiego): AGAD, APP, n. 37, “Votum IMci Pana Jakuba Sobieskiego krayczego in Interregnum na sejmiku wiśnieńskim konwokacją uprzedzającym in Junio Anno Domini 1632, kopia XVII-wieczna”, 113-25.

82 “Skrypt”: AGAD, Archiwum Branickich z Sucheja, sign. J. Czubka S-38-M., “Skrypt jakiś, pod tytułem Modus interregnum, pokazał się być na przeszłym sejmie w Warszawie: a ten in forma konstytucyjnej, która w sobie ma dwadzieścia i dwie leges”.

“Koncept”: BK PAN, n. 483, “Concep[t] Xcia JM Jerzego Zbaraskiego, kasztelana krakowskiego o sposobach Electiey Królów Poslskich, w którym cudzoziemskich sposobów siła mianuje”, 167-74

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