

Considerations on the Government of Poland and on its Proposed Reformation

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Chapter I

The Nature of the Problem

COUNT WIELHORSKI'S description of the government of Poland, and the comments he has added to it, are instructive documents for anyone who wants to form a regular plan for the reconstruction of that government. I do not know of anyone better suited than he himself to work out such a plan, for along with the requisite general knowledge he possesses all that detailed familiarity with the local situation which cannot possibly be gained from reading, and which nevertheless is indispensable if institutions are to be adapted to the people for whom they are intended. Unless you are thoroughly familiar with the nation for which you are working, the labour done on its behalf, however excellent in theory, is bound to prove faulty in practice; especially when the nation in question is one which is already well-established, and whose tastes, customs, prejudices and vices are too deeply rooted to be readily crowded out by new plantings. Good institutions for Poland can only be the work of Poles, or of someone who has made a thorough first-hand study of the Polish nation and its neighbours. A foreigner can hardly do more than offer some general observations for the enlightenment, but not for the guidance, of the law-reformer. Even when my mind was at its best I would never have been able to comprehend the problem in all its ramifications. Now that I have nearly lost the capacity for consecutive thought, I must confine myself, if I am to obey Count Wielhorski and give evidence of my zeal for his country, to rendering him an account of the impressions made upon me, and of the comments suggested to me, by the perusal of his work.

While reading the history of the government of Poland, it is hard to understand how a state so strangely constituted has been able to survive so long. A large body made up of a large number of dead members, and of a small number of disunited members whose movements, being virtually independent of one another, are so far from being directed to a common end that they cancel each other out; a body which exerts itself greatly to accomplish nothing; which is capable of offering no sort of resistance to anyone who tries to encroach upon it; which falls into dissolution five or six times a century; which falls into paralysis whenever it tries to make any effort or to satisfy any need; and which, in spite of all this, lives and maintains its vigour: that, in my opinion, is one of the most singular spectacles ever to challenge the attention of a rational being. I see all the states of Europe rushing to their ruin. Monarchies, republics, all these nations for all their magnificent institutions, all these fine governments for all their prudent checks and balances, have grown decrepit and threaten soon to die; while Poland, a depopulated, devastated and oppressed region, defenceless against her aggressors and at the height of her misfortunes and anarchy, still shows all the fire of youth; she dares to ask for a government and for laws, as if she were newly born. She is

in chains, and discusses the means of remaining free; she feels in herself the kind of force that the forces of tyranny cannot overcome. I seem to see Rome, under siege, tranquilly disposing of the land on which the enemy had just pitched camp. Worthy Poles, beware! Beware lest, in your eagerness to improve, you may worsen your condition. In thinking of what you wish to gain, do not forget what you may lose. Correct, if possible, the abuses of your constitution; but do not despise that constitution which has made you what you are.

You love liberty; you are worthy of it; you have defended it against a powerful and crafty aggressor who, under the pretence of offering you the bonds of friendship, was loading you down with the chains of servitude. Now, wearied by the troubles of your fatherland, you are sighing for tranquillity. That can, I think, be very easily won; but to preserve it along with liberty, that is what I find difficult. It is in the bosom of the very anarchy you hate that were formed those patriotic souls who have saved you from the yoke of slavery. They were falling into lethargic sleep; the tempest has reawakened them. Having broken the chains that were being prepared for them, they feel the heaviness of fatigue. They would like to combine the peace of despotism with the sweets of liberty. I fear that they may be seeking contradictory things. Repose and liberty seem to me to be incompatible; it is necessary to choose between them.

I do not say that things must be left in their present state; but I do say that they must be touched only with extreme circumspection. For the time being you are struck rather by their defects than by their advantages. The day will come, I fear, when you will have a better appreciation of those advantages; and that, unfortunately, will be when they are already lost.

Although it is easy, if you wish, to make better laws, it is impossible to make them such that the passions of men will not abuse them as they abused the laws which preceded them. To foresee and weigh all future abuses is perhaps beyond the powers even of the most consummate statesman. The subjecting of man to law is a problem in politics which I liken to that of the squaring of the circle in geometry. Solve this problem well, and the government based on your solution will be good and free from abuses. But until then you may rest assured that, wherever you think you are establishing the rule of law, it is men who will do the ruling.

There will never be a good and solid constitution unless the law reigns over the hearts of the citizens; as long as the power of legislation is insufficient to accomplish this, laws will always be evaded. But how can hearts be reached? That is a question to which our law-reformers, who never look beyond coercion and punishments, pay hardly any attention; and it is a question to the solving of which material rewards would perhaps be equally ineffective. Even the most upright justice is insufficient; for justice, like health, is a good which is enjoyed without being felt, which inspires no enthusiasm, and the value of which is felt only after it has been lost.

How then is it possible to move the hearts of men, and to make them love the fatherland and its laws? Dare I say it? Through children's games; through institutions which seem idle and frivolous to superficial men, but which form cherished habits and invincible attachments. If I seem extravagant on this point, I am at least whole-hearted; for I admit that my folly appears to me under the guise of perfect reason.

Chapter II

The Spirit of the Institutions of Antiquity

WHEN reading ancient history, we seem transported to another world with another breed of men. What do Frenchmen, Englishmen or Russians have in common with the Romans and the Greeks? Almost nothing but their external appearance. The heroic souls of the ancients seem to us like the exaggerations of historians. How can we, who feel that we are so small, believe that there were ever men of such greatness? Such men did exist, however, and they were human beings like ourselves. What prevents us from being like them? Our prejudices, our base philosophy, and those passions of petty self-interest which, through inept institutions never dictated by genius, have been concentrated and combined with egoism in all our hearts.

I look at the nations of modern times. I see in them many lawmakers, but not one legislator. Among the ancients I see three outstanding men of the latter sort who deserve particular attention: Moses, Lycurgus and Numa. All three devoted their main efforts to objects which our own men of learning would consider laughable. All three achieved successes which would be thought impossible if they were not so well attested.

The first conceived and executed the astonishing project of creating a nation out of a swarm of wretched fugitives, without arts, arms, talents, virtues or courage, who were wandering as a horde of strangers over the face of the earth without a single inch of ground to call their own. Out of this wandering and servile horde Moses had the audacity to create a body politic, a free people; and while they were wandering in the desert without a stone on which to lay their heads, he gave them that durable set of institutions, proof against time, fortune and conquerors, which five thousand years have not been able to destroy or even to alter, and which even to-day still subsists in all its strength, although the national body has ceased to exist.

To prevent his people from melting away among foreign peoples, he gave them customs and usages incompatible with those of the other nations; he overburdened them with peculiar rites and ceremonies; he inconvenienced them in a thousand ways in order to keep them constantly on the alert and to make them forever strangers among other men; and all the fraternal bonds with which he drew together the members of his republic were as many barriers keeping them separate from their neighbours and preventing them from mingling with them. That is how this peculiar nation, so often subjugated, so often dispersed and apparently destroyed, but always fanatical in devotion to its Law, has nevertheless maintained itself down to the present day, scattered among but never intermingled with the rest; and that is why its customs, laws and rites subsist, and will endure to the end of time, in spite of the hatred and persecution of the rest of the human race.

Lycurgus undertook to give institutions to a people already degraded by slavery and by the vices which follow from it. He imposed on them an iron yoke, the like of which no other people ever bore; but he attached them to and, so to speak, identified them with this yoke by making it the object of their constant preoccupation. He kept the fatherland constantly before their eyes in their laws, in their games, in their homes, in their loves, in their festivals; he never left them an instant for solitary relaxation. And out of this perpetual constraint, ennobled by its purpose, was born that ardent love of country which was always the strongest, or rather the sole, passion of the Spartans, and which turned them into beings above the level of humanity. It is true that Sparta was only a

city: but by the mere strength of its institutions, this city gave laws to the whole of Greece, became its capital, and made the Persian Empire tremble. Sparta was the centre from which its legislation spread its influence in all directions.

Those who have seen in Numa only a creator of religious rites and ceremonies have sadly misjudged this great man. Numa was the true founder of Rome. If Romulus had done no more than to bring together a band of brigands who could have been scattered by a single set-back, his imperfect work would not have been able to withstand the ravages of time. It was Numa who made it solid and enduring by uniting these brigands into an indissoluble body, by transforming them into citizens, doing this less by means of laws, for which in their state of rustic poverty they still had little need, than by means of attractive institutions which attached them to one another, and to their common soil; he did this, in short, by sanctifying their city with those rites, frivolous and superstitious in appearance, the force and effect of which is so rarely appreciated, and the first foundations of which were nevertheless laid by Romulus, fierce Romulus himself.

It was the same spirit that guided all the ancient legislators in their work of creating institutions. They all sought bonds that might attach citizens to the fatherland and to one another; and they found them in peculiar usages, in religious ceremonies which by their very nature were always national and exclusive; in games which kept citizens frequently assembled; in exercises which increased not only their vigour and strength but also their pride and self-esteem; in spectacles which, by reminding them of the history of their ancestors, their misfortunes, their virtues, their victories, touched their hearts, inflamed them with a lively spirit of emulation, and attached them strongly to that fatherland with which they were meant to be incessantly preoccupied. It was the poems of Homer recited before the Greeks in solemn assembly, not on stages in darkened theatres for ticket-holders only, but in the open air and in the presence of the whole body of the nation; it was the tragedies of Aeschylus, Sophocles and Euripides, which were often performed before them; it was the prizes with which, to the acclamations of all Greece, they crowned the victors in their games; all this, by continually surrounding them with an atmosphere of emulation and glory, raised their courage and their virtues to that degree of energy for which there is no modern parallel, and in which we moderns are not even capable of believing. If we have laws, it is solely for the purpose of teaching us to obey our masters well, to keep our hands out of other people's pockets, and to give a great deal of money to public scoundrels. If we have social usages, it is in order that we may know how to amuse the idleness of light women, and to display our own with grace. If we assemble, it is in the temples of a cult which is in no sense national, and which does nothing to remind us of the fatherland; it is in tightly closed halls, and for money, to see playactors declaim and prostitutes simper on effeminate and dissolute stages where love is the only theme, and where we go to learn those lessons in corruption which, of all the lessons they pretend to teach, are the only ones from which we profit; it is in festivals where the common people, for ever scorned, are always without influence, where public blame and approbation are inconsequential; it is in licentious throngs, where we go to form secret liaisons and to seek those pleasures which do most to separate, to isolate men, and to corrupt their hearts. Are these stimulants to patriotism? Is it surprising that ways of life so different should be so unlike in their effects, and that we moderns can no longer find in ourselves anything of that spiritual vigour which was inspired in the ancients by everything they did? Pray forgive these digressions from one whose dying embers you yourself have rekindled. I shall return with pleasure to a consideration of that people which, of all those now living, least separates me from those ancients of whom I have just been speaking.

Chapter III

Application

POLAND is a large state surrounded by even more considerable states which, by reason of their despotism and military discipline, have great offensive power. Herself weakened by anarchy, she is, in spite of Polish valour, exposed to all their insults. She has no strongholds to stop their incursions. Her depopulation makes her almost entirely defenceless. No economic organisation; few or no troops; no military discipline, no order, no subordination; ever divided within, ever menaced from without, she has no intrinsic stability, and depends on the caprice of her neighbours. In the present state of affairs, I can see only one way to give her the stability she lacks: it is to infuse, so to speak, the spirit of the Confederation¹ throughout the nation; it is to establish the Republic so firmly in the hearts of the Poles that she will maintain her existence there in spite of all the efforts of her oppressors. There, it seems to me, is the only sanctuary where force can neither reach nor destroy her. An ever-memorable proof of this has just been given; Poland was in the bonds of Russia, but the Poles have remained free. A great example, which shows you how to set at defiance the power and ambition of your neighbours. You may not prevent them from swallowing you up; see to it at least that they will not be able to digest you. No matter what is done, before Poland has been placed in a position to resist her enemies, she will be overwhelmed by them a hundred times. The virtue of her citizens, their patriotic zeal, the particular way in which national institutions may be able to form their souls, this is the only rampart which will always stand ready to defend her, and which no army will ever be able to breach. If you see to it that no Pole can ever become a Russian, I guarantee that Russia will not subjugate Poland.

It is national institutions which shape the genius, the character, the tastes and the manners of a people; which give it an individuality of its own; which inspire it with that ardent love of country, based on ineradicable habits, which make its members, while living among other peoples, die of boredom, though surrounded by delights denied them in their own land. Remember the Spartan who, gorged with the pleasures of the Great King's court, was reproached for missing his black broth. 'Ah,' he said to the satrap with a sigh, 'I know your pleasures, but you do not know ours!'

Today, no matter what people may say, there are no longer any Frenchmen, Germans, Spaniards, or even Englishmen; there are only Europeans. All have the same tastes, the same passions, the same manners, for no one has been shaped along national lines by peculiar institutions. All, in the same circumstances, will do the same things; all will call themselves unselfish, and be rascals; all will talk of the public welfare, and think only of themselves; all will praise moderation, and wish to be as rich as Croesus. They have no ambition but for luxury, they have no passion but for gold; sure that money will buy them all their hearts desire, they all are ready to sell themselves to the first bidder. What do they care what master they obey, under the laws of what state they live? Provided they can find money to steal and women to corrupt, they feel at home in any country.

Incline the passions of the Poles in a different direction, and you will give their souls a national physiognomy which will distinguish them from other peoples, which will prevent them from mixing, from feeling at ease with those peoples, from allying themselves with them; you will give them a vigour which will supplant the abusive operation of vain precepts, and which will make

¹ i.e. the Confederation of Bar. — TR.

them do through preference and passion that which is never done sufficiently well when done only for duty or interest. These are the souls on which appropriate legislation will take hold. They will obey the laws without evasion because those laws suit them and rest on the inward assent of their will. Loving the fatherland, they will serve it zealously and with all their hearts. Given this sentiment alone, legislation, even if it were bad, would make good citizens; and it is always good citizens alone that constitute the power and prosperity of the state.

I shall expound hereafter the system of government which, with little fundamental change in your laws, seems to me to be capable of bringing patriotism and its attendant virtues to the highest possible degree of intensity. But whether or not you adopt this system, begin in any case by giving the Poles a great opinion of themselves and of their fatherland: given the qualities they have just been displaying, this opinion will not be false. The circumstances of the present moment must be used to elevate souls to the level of the souls of the ancients. It is certain that the Confederation of Bar has saved the dying fatherland. This great epoch must be engraved in sacred letters on every Polish heart. I should like to see a monument erected in its memory; let there be placed upon it the names of all the confederates, even of those who may thereafter have betrayed the common cause. So great an action ought to wipe out the faults of a whole lifetime. Let a decennial solemnity be instituted to celebrate it with a pomp not brilliant and frivolous, but simple, proud and republican; there let eulogy be given, worthily but without exaggeration, to those virtuous citizens who have had the honour to suffer for the fatherland in the chains of the enemy; let their families even be granted some honorific privilege which will constantly recall this great memory before the eyes of the public. I should not wish, however, that any invectives against the Russians, or even any mention of them, be permitted at these solemnities; it would be doing them too much honour. This silence, the memory of their barbarity, and the eulogy of those who resisted them, will say all that needs to be said about them: you must despise them too much to hate them.

I should wish that, by honours and public rewards, all the patriotic virtues should be glorified, that citizens should constantly be kept occupied with the fatherland, that it should be made their principal business, that it should be kept continuously before their eyes. In this way, I confess, they would have less time and opportunity to grow rich; but they would also have less desire and need to do so. Their hearts would learn to know other pleasures than those of wealth. This is the art of ennobling souls and of turning them into an instrument more powerful than gold.

The brief description of Polish manners so kindly forwarded to me by M. de Wielhorski does not suffice to familiarise me with their civil and domestic usages. But a great nation which has never mingled too much with its neighbours must have many such which are peculiar to itself, and which perhaps are daily being bastardised by the general European tendency to adopt the tastes and manners of the French. It is necessary to maintain, to re-establish these ancient usages, and to introduce other appropriate ones which will be peculiar to the Poles. These usages, even though they may be indifferent or even in some respects bad, provided that the vice be not radical, will always have the advantage of making Poles love their country, and of giving them a natural repugnance to mingling with foreigners. I consider it fortunate that they have a peculiar mode of dress. Preserve this advantage carefully: do exactly the opposite of what was done by that highly-

touted Czar.² Let neither the king nor the senators nor any public figure wear anything but the national costume, and let no Pole venture to appear at court dressed in the French fashion.

Have many public games, where the good mother country is pleased to see her children at play! Let her pay frequent attention to them, that they may pay constant attention to her. In order to set a good example, it is necessary to abolish, even at court, the ordinary amusements of courts, gambling, drama, comedy, opera; all that makes men effeminate; all that distracts them, isolates them, makes them forget their fatherland and their duty; all that makes it possible for them to be happy anywhere as long as they are entertained. You must invent games, festivals and solemnities so peculiar to this particular court that they will be encountered in no other. People in Poland must be entertained even more than in other countries, but not in the same manner. In a word, the execrable proverb must be reversed, and every Pole made to say from the bottom of his heart: *Ubi patria, ibi bene*.

Nothing, if possible, exclusively for the rich and powerful! Have many open-air spectacles, where the various ranks of society will be carefully distinguished, but where the whole people will participate equally, as among the ancients, and where, on certain occasions, young noblemen will test their strength and skill! Bullfighting has contributed no little to the maintenance of a certain vigour within the Spanish nation. Those amphitheatres in which the youth of Poland formerly took their exercise ought to be carefully re-established; they ought to be made theatres of honour and emulation for these young people. Nothing could be easier than to replace the earlier combats with less cruel exercises in which strength and skill would nevertheless still play a part, and in which the victors would continue to win honours and rewards. Horsemanship, for example, is a highly suitable exercise for Poles, and readily lends itself to brilliant public spectacles.

The heroes of Homer were all distinguished by their strength and skill, and thereby demonstrated in the eyes of the people that they were fit to lead them. I The tournaments of the paladins made men not only brave and courageous, but also eager for honour and glory, and ripe for every virtue. The use of firearms, by making the bodily faculties less useful in war, has caused them to fall into discredit. From this it follows that, apart from qualities of the spirit, which are often equivocal and misplaced, on which there are a thousand ways of being deceived, and of which the people are poor judges, a man with the advantage of good birth has nothing to distinguish him from anyone else, to justify his fortune, to demonstrate in his person a natural right to superiority; and the more these exterior signs are neglected, the easier it is for those who govern us to grow corrupt and effeminate with impunity. It is important, however, and even more important than we imagine, that those who are one day to command others should from their youth show themselves to be superior in all respects, or at least that they should try to do so. It is good, moreover, that the people should be together with their leaders on pleasurable occasions, that they should know them, that they should be accustomed to seeing them, and that they should often share their pleasures. Provided that subordination is always preserved, and that distinctions of rank are not lost sight of, this is the way to make them love their leaders, and to combine respect with affection. Finally, a taste for physical exercise diverts people from dangerous idleness, effeminate pleasures, and frivolous wit. It is above all for the sake of the soul that the body should be exercised: a fact which our petty sages are far from recognising.

² Peter the Great. — TR.

Be sure not to neglect the need for a certain amount of public display; let it be noble, imposing, with a magnificence which resides rather in men than in things. It is hard to believe to what an extent the heart of the people follows its eyes, and how much it is impressed by majestic ceremonial. This lends authority an air of law and order which inspires confidence, and divorces it from the ideas of caprice and whimsicality associated with arbitrary power. In preparing these solemnities, however, you must avoid the frippery, the garishness and the luxurious decorations usually found in the courts of kings. The festivals of a free people should always breathe an air of gravity and decorum, and objects worthy of esteem should alone be offered for popular admiration. The Romans, in their triumphs, displayed enormous luxury, but it was the luxury of the vanquished; the more it shone, the less did it seduce; its very brilliance was an excellent lesson for the Romans. The captive kings were bound with chains of gold and precious stones. That is a proper understanding of luxury. Often it is possible to reach the same goal by two opposite routes. The two woolsacks placed before the seat of the Chancellor in the British House of Lords strike me as a touching and sublime decoration. Two sheaves of wheat similarly placed in the Polish Senate would produce an effect no less pleasing to my taste.

The immense disparities of fortune which divide the magnates from the lesser nobility constitute a great obstacle to the reforms needed to make love of country the dominant passion. As long as luxury reigns among the great, cupidity will reign in all hearts. The object of public admiration and the desires of private individuals will always be the same; and if one must be rich in order to shine, to be rich will always be the dominant passion. This is a great source of corruption, which must be diminished as much as possible. If other attractive objects, if signs of rank, distinguished men in official position, those who were merely rich would be deprived of them; hidden ambitions would naturally seek out these honourable distinctions, that is to say, distinctions of merit and virtue, if they were the only road to success. The consuls of Rome were often very poor, but they had their lictors; the distinction of having lictors was coveted by the people, and the plebeians attained the consulship.

Where inequality reigns, I must confess, it is very hard to eliminate all luxury. But would it not be possible to change the objects of this luxury and thus make its example less pernicious? For instance, the impoverished nobility of Poland formerly attached themselves to the magnates, who gave them education and subsistence as retainers. There you see a truly great and noble form of luxury, the inconveniences of which I fully recognise, but which, far from debasing souls, elevates them, gives them sensibility and resilience; among the Romans, a similar custom led to no abuses as long as the Republic endured. I have read that the Duc d'Épernon, encountering one day the Duc de Sully, wanted to pick a quarrel with him; but that, having only six hundred gentlemen in his entourage, he did not dare attack Sully, who had eight hundred. I doubt that luxury of this sort leaves much room for baubles; and the example it gives will at least not serve to seduce the poor. Bring back the magnates of Poland to the point of desiring no other form of luxury; the result may be divisions, parties, quarrels; but the nation will not be corrupted. In addition, let us tolerate military luxury, the luxury of arms and horses; but let all effeminate adornments be held in contempt; and if the women cannot be persuaded to abandon them, let them at least learn to disdain and disapprove of them in men.

Furthermore, it is not by sumptuary laws that luxury can be successfully extirpated; it is from the depth of the heart itself that you must uproot it by impressing men with healthier and nobler tastes. To forbid things is an inept and vain expedient, unless you begin by making them scorned and

hated; and the disapprobation of the law is efficacious only when it reinforces that of the public. Whoever concerns himself with the problem of creating institutions for a people ought to know how to direct opinion, and thus to govern the passions of men. This is true above all in the matter of which I am now speaking. Sumptuary laws serve rather to stimulate desire by constraint than to extinguish it by punishment. Simplicity of manners and adornment is the fruit not so much of law as of education.

Chapter IV

Education

THIS is the important question. It is education that must give souls a national formation, and direct their opinions and tastes in such a way that they will be patriotic by inclination, by passion, by necessity. When first he opens his eyes, an infant ought to see the fatherland, and up to the day of his death he ought never to see anything else. Every true republican has drunk in love of country, that is to say love of law and liberty, along with his mother's milk. This love is his whole existence; he sees nothing but the fatherland, he lives for it alone; when he is solitary, he is nothing; when he has ceased to have a fatherland, he no longer exists; and if he is not dead, he is worse than dead.

National education is proper only to free men; it is they only who enjoy a collective existence and are truly bound by law. A Frenchman, an Englishman, a Spaniard, an Italian, a Russian are all practically the same man; each leaves school already fully prepared for license, that is to say, for slavery. At twenty, a Pole ought not to be a man of any other sort; he ought to be a Pole. I wish that, when he learns to read, he should read about his own land; that at the age of ten he should be familiar with all its products, at twelve with all its provinces, highways, and towns; that at fifteen he should know its whole history, at sixteen all its laws; that in all Poland there should be no great action or famous man of which his heart and memory are not full, and of which he cannot give an account at a moment's notice. From this you can see that it is not studies of the usual sort, directed by foreigners and priests, that I would like to have children pursue. The law ought to regulate the content, the order and the form of their studies. They ought to have only Poles for teachers: Poles who are all, if possible, married; who are all distinguished by moral character, probity, good sense and attainments; and who are all destined, after the successful performance of this task for a certain number of years, for employments which, although they are not more important or honourable, for that is impossible, are less arduous and more brilliant. Beware above all of turning teaching into a profession. No public man in Poland should have any other permanent rank than that of citizen. All the positions he fills, and above all those which are as important as this, should be regarded only as testing-places, and as steps in the ladder of advancement by merit. I exhort the Polish people to pay attention to this maxim, on which I shall often insist: I consider it one of the key-points in the organisation of the state. We shall see below how, in my opinion, it is possible to give it universal application.

I do not like those distinctions between schools and academies which result in giving different and separate education to the richer and to the poorer nobility. All, being equal under the constitution of the state, ought to be educated together and in the same fashion; and if it is impossible to set up an absolutely free system of public education, the cost must at least be set at a level the poor can afford to pay. Would it not be possible to provide in each school a certain number of free scholarships, that

is to say, supported at state expense, of the sort known in France as bursaries? These scholarships, given to the children of poor gentlemen who have deserved well of the country, given not as an act of charity but as a reward for the merit of the father, would thus become honourable, and might produce a double advantage well worth considering. To accomplish this, nominations should not be arbitrary, but made by a form of selection of which I shall speak hereafter. Those who have been chosen would be called *children of the state*, and distinguished by some honorific insignia which would give them precedence over other children of their own age, including even the children of magnates.

In every school a gymnasium, or place for physical exercise, should be established for the children. This much-neglected provision is, in my opinion, the most important part of education, not only for the purpose of forming robust and healthy physiques, but even more for moral purposes, which are either neglected or else sought only through a mass of vain and pedantic precepts which are simply a waste of breath. I can never sufficiently repeat that good education ought to be negative. Prevent vices from arising, and you will have done enough for virtue. In a good system of public education, the way to accomplish this is simplicity itself: it is to keep children always on the alert, not by boring studies of which they understand nothing and which they hate simply because they are forced to sit still; but by exercises which give them pleasure by satisfying the need of their growing bodies for movement, and which in other ways will be enjoyable.

They should not be allowed to play alone as their fancy dictates, but all together and in public, so that there will always be a common goal toward which they all aspire, and which will excite competition and emulation. Parents who prefer domestic education, and have their children brought up under their own eyes, ought nevertheless to send them to these exercises. Their instruction may be domestic and private, but their games ought always to be public and common to all; for here it is not only a question of keeping them busy, of giving them a robust constitution, of making them agile and muscular, but also of accustoming them at an early age to rules, to equality, to fraternity, to competition, to living under the eyes of their fellow-citizens and to desiring public approbation. Therefore the prizes and rewards of the victors should not be distributed arbitrarily by the games-coaches or by the school-officials, but by the acclamation and judgment of the spectators; and you can be sure that these judgments will always be just, above all if care is taken to make the games attractive to the public, by presenting them with some ceremony and with an eye to spectacular effect. Then we may assume that all worthy people and all good patriots will consider it a duty and a pleasure to attend.

At Berne there is a most unusual exercise for the young patricians who are graduating from school. It is called the Mock State. It is a copy in miniature of everything that goes to make up the political life of the Republic: a senate, chief magistrates, officers, bailiffs, orators, lawsuits, judgments, solemnities. The Mock State has even a small government and a certain income; and this institution, authorised and sponsored by the sovereign, is the nursery of the statesmen who will one day direct public affairs in the same employments which at first they exercised only in play.

No matter what form is given to public education, into the details of which I will not enter here, it is proper to set up a college of magistrates of the first rank who will have supreme authority to administer it, and who will name, dismiss and change at their discretion not only the principals and heads of schools, who themselves, as I have already said, will be candidates for the upper magistracies, but also the games-coaches, whose zeal and vigilance will be carefully stimulated by

the promise of higher positions which will be opened or closed to them according to the manner in which they performed these earlier functions. Since it is on these institutions that the hope of the Republic, the glory and fate of the nation depend, I find in them, I must confess, an importance which, I am much surprised to discover, no one has ever thought of attributing to them. For the sake of humanity I am grieved that so many ideas which impress me as being good and useful are always, in spite of their eminent practicality, so far removed from anything that is actually done.

However, my purpose here is only to give a few general suggestions; but that is enough for those I am addressing. These poorly developed ideas give a distant view of the paths, unknown to the moderns, by which the ancients led men to that vigour of soul, to that patriotic zeal, to that esteem for truly personal and properly human qualities, which are without precedent among us; but the leaven exists in the hearts of all men and is ready to ferment if only it is stimulated by suitable institutions. Direct in this sense the usages, the customs, the manners of the Poles; in them you will develop that leaven the very existence of which has not yet been so much as suspected by our corrupt maxims, our outworn institutions, our egoistical philosophy which preaches and kills. The nation will date her second birth from the terrible crisis from which she is emerging; and seeing what her still undisciplined members have accomplished, she will expect and obtain still more from a well-balanced set of institutions, she will respect and cherish laws which flatter her noble pride, which will make and keep her happy and free; plucking from her heart the passions which lead to the evasion of those laws, she will nourish those which cause them to be loved; finally, by renewing herself, so to speak, she will recover in this new age all the vigour of a nation in process of birth. But, without these precautions, expect nothing from your laws. However wise, however far-seeing they may be, they will be evaded and made useless; and you will only have corrected some few abuses that are wounding you, in order to introduce others which you will not have foreseen. So much for the preliminaries which I have thought indispensable. Let us now cast our eyes upon the constitution itself.

Chapter V

The Radical Defect

If possible, let us from the beginning avoid wandering off into chimerical projects. What is the enterprise, gentlemen, that concerns you at the moment? That of reforming the government of Poland: that is to say, of giving the constitution of a great kingdom the vigour and stability of that of a small republic. Before working toward the execution of this project, we must ask first of all whether it is capable of realisation. The size of nations, the extent of states: this is the first and principal source of the misfortunes of the human race, and above all of the innumerable calamities that sap and destroy civilised peoples. Practically all small states, no matter whether they are republics or monarchies, prosper merely by reason of the fact that they are small; that all the citizens know and watch over one another; that the leaders can see for themselves the evil that is being done, the good they have to do; and that their orders are carried out before their eyes. All great peoples, crushed by their own mass, suffer either from anarchy, like you, or from subordinate oppressors through whom, by the necessities of devolution, the king is obliged to rule. Only God can govern the world; and it would require more than human capacities to govern great nations. It is surprising, it is prodigious, that the vast extent of Poland has not already resulted a hundred times in the conversion of the government into a despotism, that it has not bastardised the souls of the Poles

and corrupted the mass of the nation. It is an example unique in history that after the lapse of centuries such a state should even now be merely in a condition of anarchy. The slowness of this progression is due to advantages inseparable from the inconveniences from which you wish to deliver yourselves. Ah! I cannot repeat it often enough; think well before you lay hands on your laws, and above all on those that have made you what you are. The first reform you need is a change in the extent of your country. Your vast provinces will never permit you to enjoy the strict administration of small republics. Begin by contracting your boundaries, if you wish to reform your government. Perhaps your neighbours are thinking of doing you this service. It would no doubt be a great misfortune for the dismembered parts; but it would be a great boon to the body of the nation.

If these retrenchments do not take place, I can see only one means that might perhaps accomplish the same result; and this means, fortunately, is already in harmony with the spirit of your institutions. Let the separation of the two Polands be as complete as that of Lithuania is from them; have three states united in one. If possible, I should like you to have as many states as you now have palatinates. Subdivide each of these in turn into an equal number of particular administrations. Perfect the form of the dietines,³ extend their authority within their respective palatinates; but define their limits carefully, and be sure that nothing can break the bond of common legislation which unites them, or disturb their common subordination to the body of the republic. In a word, devote yourselves to extending and perfecting the system of federal government: the only one which combines the advantages of large and small states, and thus the only one that can answer your purposes. If you neglect this advice, I doubt whether your work will ever be successful.

Chapter VI

The Question of the Three Orders

I HARDLY ever hear people discussing government without finding an appeal to principles which strike me as being false or ambiguous. The Republic of Poland, it has often been repeated, is composed of three orders:

the equestrian order,⁴ the senate and the king. I should prefer to say that the Polish nation is composed of three orders: the nobles, who are everything; the burghers, who are nothing; and the peasants, who are less than nothing. If the senate is to be counted as an order in the state, why not also count the chamber of deputies, which is no less distinct, and has no less authority?

More important still: this division, in the very sense in which it is given, is obviously incomplete; for it would be necessary to add the ministers, who are neither kings, nor senators, nor deputies, and who, in their extreme independence, are equally to be accounted as depositaries of the whole executive power. Can you ever explain to me how the part, which exists only in relation to the whole, can nevertheless form an order independent of that whole? The English peerage, being hereditary, does form, I will admit, an independent order. But in Poland, if you eliminate the equestrian order, there is no longer a senate; for no one can be a senator unless he is already a Polish nobleman. Similarly, there is no king; for it is the equestrian order that elects him, and the king can do nothing without it. But remove the senate and the king: the equestrian order and,

³ The diet of a province or palatinate, which elected deputies to the national diet. — TR.

⁴ i.e. the nobility. — TR.

through it, the state and the sovereign will remain entire; and the very next day, if the nobles so desire, they will have a senate and a king as before.

Because the senate does not constitute an order within the state, it does not follow, however, that it is of no importance to it; and if it were not the collective depositary of the laws, its members, independent of its collective authority, would nevertheless be depositaries of the legislative power; and to prevent them from voting in plenary sessions of the diet whenever it is a question of enacting or repealing laws would be to deprive them of their birthright; but then they are no longer voting in their capacity as senators, but simply as private citizens. As soon as the legislative power speaks, all return to a position of equality; all other authorities are silent in its presence; its voice is the voice of God on earth. Even the king, when presiding over the diet, has no right to vote, in my opinion, unless he is a Polish nobleman.

It will be said, no doubt, that I am now proving too much, and that if the senators as such have no votes in the diet, they ought not to have them as private citizens either; for the members of the equestrian order do not there vote in person, but solely through their representatives, among whom the senators are not to be reckoned. And why should they vote in the diet as individuals, when no other nobleman, unless he is a deputy, can do so? This objection strikes me as being valid under the existing state of affairs; but when the proposed changes are effected, it will be valid no longer, since then the senators themselves will be perpetual representatives of the nation, but will not be able to act on legislative matters without the concurrence of their colleagues.

It should not be said, therefore, that the concurrence of the king, the senate and the equestrian order is necessary to make a law. This right belongs solely to the equestrian order, of which the senators like the deputies are members, but in which the senate does not enter at all in its corporate capacity. Such is, or ought to be, the law of the state in Poland. But the law of nature, that holy and imprescriptible law, which speaks to the heart and reason of man, does not permit legislative authority to be thus restricted, nor does it allow laws to be binding on anyone who has not voted for them in person, like the deputies, or at least through representatives, like the body of the nobility. This sacred law cannot be violated with impunity; and the state of weakness to which so great a nation now finds itself reduced is the fruit of that feudal barbarism which serves to cut off from the body of the state that part of the nation which is the most numerous, and oftentimes the most wholesome.

God forbid that I should think it necessary at this point to prove something that a little good sense and compassion will suffice to make everyone feel! And whence does Poland expect to recruit the strength and force that she arbitrarily stifles in her bosom? Noblemen of Poland, be something more: be men. Then only will you be happy and free. But never flatter yourselves that you will be so, as long as you hold your brothers in chains.

I sense the difficulty of the project of freeing your common people. I am afraid not merely of the badly understood self-interest, the self-conceit, and the prejudices of the masters; if these were surmounted, I should also fear the vices and the cowardice of the serfs. Liberty is a food easy to eat, but hard to digest; it takes very strong stomachs to stand it. I laugh at those debased peoples who, allowing themselves to be stirred up by rebels, dare to speak of liberty without having the slightest idea of its meaning, and who, with their hearts full of all the servile vices, imagine that, in order to be free, it is enough to be insubordinate. O proud and holy liberty! if those poor people could only

know thee, if they realised at what a price thou art won and preserved; if they felt how much more austere are thy laws than the yoke of tyrants is heavy: their feeble souls, enslaved by passions that would have to be suppressed, would fear thee a hundred times more than slavery; they would flee from thee in terror, as from a burden threatening to crush them.

To free the common people of Poland would be a great and worthy enterprise, but bold, perilous, and not to be attempted lightly. Among the precautions to be taken, there is one which is indispensable and requires time; it is, before everything else, to make the serfs who are to be freed worthy of liberty and capable of enduring it. I shall explain hereafter one of the means that can be employed to that end. It would be foolhardy of me to guarantee its success, though I myself do not doubt it. If there is any better method, let it be adopted. But whatever happens, remember that your serfs are men like you, that they have in themselves the capacity to become all that you are. Work first of all to develop that capacity, and do not free their bodies until after you have freed their souls. Without this preliminary, you may be sure that your enterprise will fail.

Chapter VII

Means of Maintaining the Constitution

THE laws of Poland, like those of all the rest of Europe, were made by successive bits and pieces. Whenever an abuse was noticed, a law was made to remedy it. From this law arose further abuses, which had in turn to be corrected. This way of acting is endless, and leads to the most terrible of all abuses, which is to deprive all laws of their force by dint of multiplying their number.

The enfeeblement of law occurred in Poland in a way which is most peculiar, and possibly unique, for it lost its force without having been subjugated by the executive power. Even now the legislative power still retains its full authority; it is inactive, but without recognising anything higher than itself. The diet is no less sovereign than it was at the time of its establishment. Nevertheless it is powerless; nothing dominates it, but neither does anything obey it. This state of affairs is remarkable, and deserves consideration.

What has preserved the law thus far? It is the continuous presence of the legislator. It is the frequency of the diets, it is the frequent re-election of the deputies, that has maintained the Republic. England, which enjoys the first of these advantages, has lost her liberty for having neglected the second. A single parliament lasts so long that the court, which would go bankrupt buying it annually, finds it profitable to buy it for seven years, and does not fail to do so. This is your first lesson.

A second means whereby the legislative power has been preserved in Poland is, in the first place, division of the executive power, which has prevented its depositaries from taking concerted action against the legislative, and, in the second place, the frequent transfer of this same executive power from hand to hand, which has prevented any consecutive system of usurpation. In the course of his reign each king took some steps toward arbitrary power. But the election of his successor forced the latter to retract instead of pressing forward; the kings, at the beginning of each reign, were all forced

by the *pacta conventa*⁵ to start from the same point. Thus, in spite of the habitual tendency to despotism, there was no real progress in that direction.

The same was true of the ministers and great officials. All, being independent both of the senate and of one another, had unlimited authority in their respective departments; but these offices, quite apart from the fact that they balanced one another, were not perpetuated in the same families, hence brought them no absolute power; and all power, even when usurped, always returned to its source. The situation would have been different if the whole executive power had been vested either in a single corporate group, like the senate, or in a single family, through inheritance of the crown. This family or corporate group probably would have oppressed the legislative power sooner or later, and would thereby have placed the Poles under the yoke all other nations bear, and from which they alone are still exempt; for by now I would no longer count Sweden as an exception. This is your second lesson.

Such is the advantage of your situation; it is undoubtedly great. But the following is the disadvantage, which is hardly less great. The executive power, being divided between several individuals, lacks inner harmony, and gives rise to a perpetual wrangling which is incompatible with good order. Each depository of a portion of this power sets himself, by virtue of that portion, wholly above the magistrates and the law. He does, indeed, recognise the authority of the diet; but since that is the only authority he does recognise, when the diet is dissolved he no longer recognises any; he despises the courts of law and flouts their judgments. Each is a petty despot who, without exactly usurping the sovereign authority, constantly oppresses the citizens in specific cases, and sets a fatal and too frequently imitated example of unscrupulous and fearless violation of the rights and liberties of individuals.

I believe that this is the first and principal cause of the anarchy which reigns in the state. I can see only one way of removing this cause; you should not arm the various law-courts with public power to repress these petty tyrants, for this power, sometimes badly administered and sometimes overwhelmed by superior power, might stir up troubles and disorders which could lead by degrees to civil war; but you should arm with full executive power a respectable and permanent body, such as the senate, which by its firmness and authority would be capable of holding to the line of duty those magnates who are tempted to depart from it. This method strikes me as efficacious, and would surely prove to be so; but the resulting danger would be terrible and very hard to avoid. For as we have shown in the *Social Contract*, any corporation which serves as depository of the executive power tends strongly and continuously to subjugate the legislative power, and succeeds sooner or later.

To meet this difficulty it has been suggested that you ought to divide the senate into several councils or departments, each under the presidency of the minister in charge of that department; which minister, together with the members of each council, would change at the end of a fixed period, and would rotate with those of the other departments. This idea may be a good one; it was that of the Abbé de Saint-Pierre, and he has well developed it in his *Polysynodie*. If the executive power is thus divided and temporary, it will be more subordinate to the legislative, and the various parts of the administration will be better and more thoroughly handled for being separate. Do not, however, count too much on this device; if the parts remain separate, they will lack integration, and

⁵ The Polish coronation oath. — TR.

soon, by mutual opposition, will exhaust practically all their energies against each other, until one has gained the ascendant and dominates the rest; or else, if they do agree and act together, they will in reality constitute but a single body with a single spirit, like the houses of a parliament. And in any case, I consider it impossible for independence and equilibrium to be maintained so well between them that there will not always emerge some centre or focal point of administration in which all private and particular forces will ever unite to oppress the sovereign. In almost all our republics, the councils are thus divided into departments which originally were independent of one another, and which soon ceased to be so.

This division into chambers or departments is a modern invention. The ancients, who knew better than we how to preserve freedom, were wholly unacquainted with this expedient. The Roman senate ruled half the known world, and did not even think of such divisions. This senate never succeeded, however, in oppressing the legislative power, although the senators held office for life. But the laws had censors, the people had tribunes, and the senate did not elect the consuls.

If the administration is to be strong and good, and accomplish its purposes well, the whole executive power should be vested in the same hands. But it is not enough for these hands to change; if possible they should act only under the eyes of the legislator, and with its guidance. That is the real secret of preventing them from usurping its authority.

As long as the estates meet and the deputies change frequently, it will be hard for the senate or for the king to oppress or usurp the legislative authority. It is remarkable that the kings so far have not tried to make the diets more infrequent, although they were not forced, like the kings of England, to convene them often on pain of running short of money. It must be either that affairs were always in a state of crisis which made the royal authority insufficient to deal with them; or that the kings made sure, by their intrigues in the dietines, of having a majority of deputies always at their disposal; or that, by virtue of the *liberum veto*,⁶ they were always certain of being able to cut off deliberations which might displease them, and to dissolve the diets at will. When all these motives cease to exist, it is to be expected that the king, or the senate, or both together, will make great efforts to rid themselves of the diets and to make them as infrequent as possible.

That above all is the thing to be forestalled and prevented. The method I propose is the only one; it is simple and cannot fail to be effective. It is most remarkable that before I set it forth in the *Social Contract*, no one had ever thought of it.

One of the greatest disadvantages of large states, the one which above all makes liberty most difficult to preserve in them, is that the legislative power cannot manifest itself directly, and can act only by delegation. That has its good and its evil side; but the evil outweighs the good. A legislature made up of the whole citizen body is impossible to corrupt, but easy to deceive. Representatives of the people are hard to deceive, but easy to corrupt; and it rarely happens that they are not so corrupted. You have before you the example of the English Parliament and, through the *liberum veto*, that of your own nation. Now, it is possible to enlighten someone who is mistaken; but how can you restrain someone who is for sale? Without being well versed in Polish affairs, I would wager anything in the world that there is more talent in the diet, and more virtue in the dietines.

⁶ The right of each individual deputy to veto acts of the Diet. — TR.

I see two means of preventing this terrible evil of corruption, which turns the organ of freedom into the instrument of slavery.

The first, as I have already said, is to have the diets elected frequently, for if the representatives are often changed it is more costly and difficult to seduce them. On this point your constitution is better than that of Great Britain; and when you have abolished or modified the *liberum veto*, I can see no other changes to be made in it, unless it would be to add certain obstacles to the sending of the same deputies to two successive diets, and to prevent them from being elected a great many times. I shall return to this point later on.

The second means is to bind the representatives to follow their instructions exactly, and to make them render their constituents a strict account of their conduct in the diet. In this respect I can only marvel at the negligence, the carelessness and, I would even venture to say, the stupidity of the English nation, which, after having armed its deputies with supreme power, has added no brake to regulate the use they may make of that power throughout the seven years of their mandate.

I observe that the Poles are not sufficiently aware of the importance of their dietines, of all they owe to them, nor of all they might get from them by extending their authority and by regularising their form. I myself am convinced that, if the confederations have saved the fatherland, it is the dietines that have preserved it, and that they are the true palladium of liberty.

The instructions of the deputies should be drawn up with great care, not only on the subjects listed in the royal agenda, but also on the other current needs of the state or province; and this should be done by a committee presided over, if you will, by the marshal of the dietine, but otherwise composed of members chosen by majority vote; and the nobility should not disperse until these instructions have been read, debated and approved in plenary session. In addition to the original text of these instructions, handed to the deputies together with their patents of election, a copy signed by them should remain in the archives of the dietine. It is on the basis of these instructions that they ought, on their return, to report on their actions at a session of the dietine convened expressly for that purpose, a custom which must absolutely be revived; and it is on the basis of this report that they should either be excluded from all subsequent candidacy for the deputyship, or else declared eligible, if they have followed their instructions to the satisfaction of their constituents. This examination is of the utmost importance; it would be impossible to pay too much attention to it, or to observe its results too carefully. With each word the deputy speaks in the diet, and with every move he makes, he must already see himself under the eyes of his constituents, and feel the future influence of their judgment both on his hopes of advancement, and on that good opinion of his compatriots which is indispensable to the realisation of those hopes; for, after all, it is not to express their own private sentiments, but to declare the will of the nation, that the nation sends deputies to the diet. This brake is absolutely necessary to hold them to their duty, and to prevent any sort of corruption from any source. Whatever may be said, I cannot see any disadvantage in this limitation, for the chamber of deputies, which does not, or should not, participate in the details of administration, can never have to deal with any unexpected matter; but if such a matter did arise, and a deputy did nothing contrary to the express will of his constituents, they would not blame him for having expressed his opinion, like a good citizen, on a matter they had not foreseen, and on which they had reached no decision. I will add, in conclusion, that if there were actually some disadvantage in holding the deputies thus bound by their instructions, it could not outweigh the

immense advantage of preventing the law from ever being anything but the real expression of the will of the nation.

Once these precautions have been taken, furthermore, there should never be a conflict of jurisdiction between the diet and the dietines; and when a law has been passed in the plenary diet, I would not even grant the dietines the right to protest. Let them punish their deputies; let them even, if necessary, cut off their heads, if they have prevaricated; but let them obey fully, continuously, without exception and without protest; let them bear the just penalty of their bad choice; except that, at the next diet, they may, if they think proper, make as vigorous representations as they like.

The diets, being frequent, have less need to be long, and six weeks' duration seems to me quite enough to meet the ordinary needs of the state. But it is inconsistent for the sovereign authority to set limits on itself, especially when it is directly in the hands of the nation. Let the duration of ordinary diets continue to be set at six weeks, right enough; but it will always rest with the assembly to prolong this term by an express decision, when the matters in hand require it. For, after all, if the diet, which by its very nature is above the law, says 'I want to continue,' who is there to tell it 'I do not want you to?' It is only in case a diet wanted to last more than two years that it could not do so; its powers would then terminate, and those of another diet would begin, with the third year. The diet, which can do everything, can undoubtedly prescribe a longer interval between diets; but this new law could only affect subsequent diets, and the one enacting it cannot profit by it. The principle from which these rules are deduced is demonstrated in the *Social Contract*.

So far as extraordinary diets are concerned, good order does indeed require that they should be infrequent, and convened only in cases of urgent necessity. When the king judges that one is necessary, he ought, I would agree, to be believed; but cases of necessity might arise without his admitting it; should the senate then be the judge? In a free state, everything capable of attacking liberty ought to be foreseen. If the confederations continue they can in certain cases take the place of extraordinary diets; but if you abolish the confederations, you must necessarily make provision for such diets.

I consider it impossible for the law to determine in any reasonable way the duration of extraordinary diets, since this depends entirely on the circumstances which cause them to assemble. Ordinarily, speed is necessary in such cases; but since speed is relative to the business at hand, and that business itself is extraordinary, it is impossible to regulate it in advance by legislation; and conditions might arise in which it would be important for the diet to remain assembled until those conditions had changed, or until the term of the ordinary diets had caused its powers to lapse.

To save precious time in the diets, you should try to rid these assemblies of useless discussions which are merely time-consuming. In them there must be, of course, not only rule and order, but also ceremony and majesty. I should even like you to take particular pains in this regard, making people feel, for example, the barbarity and horrible impropriety of seeing the panoply of arms profane the sanctuary of law. Men of Poland, are you more warlike than the Romans? And yet, in the most troubled days of their republic, the sight of a blade never sullied the assemblies or the senate. But I should also wish that, while clinging to important and necessary things, you would avoid doing anything in the diet that could equally well be done elsewhere. The examination of the credentials of the deputies (*rugi*) is a waste of time in the diet; not because this examination is not an important thing in itself, but because it can be done as well or better in the very place where the

deputies were elected, where they are best known, and where all their competitors are to be found. It is in their own palatinate, it is in the dietine they represent, that the validity of their election can best and most quickly be determined, as is the present practice with regard to the members of your highest financial and judicial bodies. This done, the diet should admit them without question on the credentials (*laudum*) in their possession, not only to prevent possible obstacles to the prompt election of the marshal,⁷ but above all to prevent intrigues whereby the senate or king might interfere with the elections and defraud subjects of whom they disapproved. The recent events in London are a lesson for the Poles. I am well aware of the fact that Wilkes is only a muddlehead; but the precedent of his rejection has smoothed the way, and from now on only those subjects who suit the court will be admitted to the House of Commons.

You should begin by paying more attention to the choice of the members who vote in the dietines. This would make it easier to identify those who are eligible to serve as deputies. The Golden Book of Venice is a model to follow, because of the facilities it offers. It would be very convenient and easy to keep in each election district (*grod*) an accurate register of all the nobles who, under the specified conditions, would be eligible to appear and vote in the dietines; they would be enrolled in the register of their district upon reaching the age prescribed by law; and those who ought to be excluded would be struck off as the case arose, with a statement of the grounds for their exclusion. By these registers, the authenticity of which should be well safeguarded, you would easily identify both the legitimate members of the dietines and the subjects eligible to become deputies; and the length of debates on this topic would be much reduced.

A better system of discipline in the diets and dietines would surely be most useful; but I can never repeat too often that you must not seek two contradictory things at the same time. Discipline is good, but liberty is better; and the more you hedge in liberty with formalities, the more means of usurpation will these formalities furnish. All the measures you adopt to prevent licence in the legislative order, though good in themselves, will sooner or later be used to oppress it. Long and useless harangues, which waste so much precious time, are a great evil; but it is an even greater evil for a good citizen not to dare speak when he has something useful to say. When it reaches the point where certain mouths only are opened in the diets, and even those are forbidden to speak freely, they soon will say nothing but what is apt to please the powerful.

After necessary changes have been made in the appointment of officials and in the distribution of favours, there will probably be fewer vain harangues, and also fewer flatteries addressed in this form to the king. In order to prune away some of the farragoes of rhetorical nonsense you might, however, require each orator to announce at the beginning of his discourse the proposition he wants to establish and, after presenting his arguments, to summarise his conclusions, as lawyers do in court. If that did not make speeches shorter, it would at least restrain those who merely want to talk for the sake of talking, and waste time to no purpose.

I am none too clear about the forms now prescribed in the diets for the enactment of laws; but I know that, for the reasons already given, these forms should not be the same as those used in the parliament of Great Britain; that the senate of Poland ought to have administrative rather than legislative authority; and that, in all legislative matters, the senators should vote solely as members of the diet, not as members of the senate, and that the individual votes ought to be counted in both

⁷ Presiding Officer. — TR.

chambers alike. Perhaps the custom of the *liberum veto* has prevented this distinction from being made; but it will be very necessary when the *liberum veto* has been abolished; all the more so since this will deprive the chamber of deputies of an immense advantage, for I do not suppose that the senators, far less the ministers, ever shared in this right. The *veto* of the Polish deputies is like that of the tribunes of the people in Rome; the latter did not exercise this right as citizens, but as representatives of the Roman people. Thus the loss of the *liberum veto* affects only the chamber of deputies; and the senate, which loses nothing thereby, will gain in consequence.

Granted this, I see a defect to be corrected in the diet, namely that, since the number of senators is almost equal to the number of deputies, the senate has too much influence in the deliberations of the diet and, by reason of its prestige in the equestrian order, can easily win over the small number of votes it needs to make it constantly preponderant.

I say that this is a defect; for the senate, as a particular corporate group within the state, necessarily has corporate interests which are different from those of the nation, and which may even, in certain respects, be contrary to them. But the law, which is only the expression of the general will, is properly a resultant of all the particular interests combined and balanced in proportion to their number; but corporate interests, because of their too great weight, would upset the balance, and ought not, in their collective capacity, to be included in it. Each individual should have a vote; no corporate group of any kind should have one. But if the senate had too much weight in the diet, it would not only bring its interests to bear upon it, but would make them preponderant.

A natural remedy for this defect suggests itself, namely to increase the number of deputies; but I would fear that this might make too much commotion in the state and approach too near to democratic tumult. If it were absolutely necessary to change the proportion, I would rather decrease the number of senators than increase the number of deputies. And, after all, I cannot really see why, with a palatine at the head of each province, you also need grand castellans. But we should never lose sight of the important principle of making no unnecessary changes, whether by subtraction or by addition.

It is better, in my opinion, to have a less numerous council, and give its members greater freedom, than to increase its size and hamper its freedom of deliberation, as one is always forced to do when the numbers become excessive. To which I will add, if I may be permitted to foresee good as well as evil, that you must avoid bringing the diet up to its maximum possible size in order not to exclude the possibility later on of readily admitting new deputies, in case you ever come to the point of ennobling cities and enfranchising serfs, as is desirable for the power and happiness of the nation.

Let us then look for means of remedying this defect in another way, and with the smallest possible amount of change.

All senators are appointed by the king, and thus are his creatures; what is more, they hold office for life, and for that reason constitute a corporate group which is independent both of the king and of the equestrian order, a corporate group which, as I have said, has separate interests of its own and must tend to usurpation. And here you must not accuse me of inconsistency in admitting the senate as a separate corporation within the republic, while refusing to admit it as a component part of the republic; for this is a very different matter.

First of all, the king must be deprived of the right of appointment to the senate, not so much because of the power he thus retains over the senators, which may not be great, but, because of the power it gives him over all those who aspire to that dignity, and through them over the entire body of the nation. Apart from the effect of this change upon the constitution, it would also have the invaluable advantage of killing the spirit of obsequiousness among the nobility, and replacing it with the spirit of patriotism. I can see no disadvantage in having senators appointed by the diet, and I can see many benefits too obvious to be worth describing in detail. Such appointments can be made either by the diet itself, or else on the prior initiative of the dietines, which would nominate a certain number of candidates for each vacancy in their respective palatinates. The diet would choose between these nominees, or perhaps might eliminate some of them and leave the king with the right to choose from the remainder. But, proceeding immediately to the simplest solution of all, why should not each palatine be elected directly by the dietine of his own province? What difficulties have been seen to result from the use of this method in the election of the palatines of Pollock and Witebsk, and of the starosta⁸ of Samogitia? And what harm would it do to make the privilege of these three provinces the common right of all? Let us not forget how important it is for Poland to turn its constitution in the direction of federalism, in order to avoid as far as possible the evils that accompany the size, or rather the extensive-ness, of the state.

In the second place, if you deprive the senators of life tenure, you will weaken considerably their corporate interest, which tends to usurpation. But this change involves certain difficulties; first, because it is hard for men accustomed to the conduct of public affairs to see themselves suddenly reduced to private life without any fault of their own; second, because senatorial positions are joined with the titles of palatine and castellan and with the local authority attached to them, which means that disorder and discontent would result from the perpetual transfer of those titles and that authority from one individual to another. Finally, this insecurity of tenure cannot be extended to bishops, and perhaps ought not to be extended to ministers, whose positions call for special talents and therefore are not always easy to fill satisfactorily. If the bishops alone held office for life, the authority of the clergy, already excessive, would be considerably increased; and it is important that this authority should be counterbalanced by senators who, like the bishops, enjoy life tenure, and have no more fear than they of being removed.

The following is the remedy I would devise to meet these various difficulties. I should like the positions of first-class senators to continue to be held for life. This would include, in addition to the bishops and the palatines, all the first-class castellans, making eighty-nine irremovable senators.

As to the second-class castellans, I should like to have them serve for a fixed term, perhaps two years, with a new election at each diet, perhaps for a longer period if it were thought proper; but in any case they would leave office at the end of each term, except for those whom the diet might wish to continue in office; and I would place a fixed limit on the number of permissible re-elections, according to a plan which will be described hereafter.

The question of titles would be no great obstacle, since these titles would confer hardly any other function than that of sitting in the senate, and could therefore be eliminated without difficulty; instead of bearing the title of *senatorial castellans* they could simply be called *elective senators*. Since, under our reforms, the senate would be vested with the executive power, a part of its

⁸ The holder of a castle and domain bestowed by the Crown. — TR.

membership would remain in permanent session, and a certain proportion of elective senators would consequently be required to attend in rotation. But this is no place to consider details of this sort.

By this scarcely perceptible change, these castellans or elective senators would really become as many representatives of the diet, which would form a counterweight to the body of the senate, and would strengthen the equestrian order in the assemblies of the nation;

with the result that the life senators, though strengthened both by the abolition of the *veto* and by the reduction of the power of king and ministers, and partly merged with the rest of the senate, would be unable to dominate the group consciousness of that body; and the senate, now composed half of life members and half of members for a term, would be as well as possible constituted to serve as an intermediary power between the chamber of deputies and the king, being firm enough to control the administration, and at the same time sufficiently dependent to be subject to law. This arrangement strikes me as a good one, for it is simple and at the same time highly effective.

I shall not pause at this point to consider voting methods. They are not difficult to arrange in an assembly composed of some three hundred members.

In London it is managed successfully in a much larger parliament; in Geneva, where the general council is larger still, and riddled by mutual suspicions; and even in Venice, in a grand council of some twelve hundred noblemen, where vice and rascality are rampant. I have, moreover, discussed this subject in the *Social Contract*; and for anyone who has any regard for my opinions, that is the work to consult.

To moderate the abuses of the *veto*, it is suggested that the deputies should no longer be counted individually, but by palatinates. Although this reform has some advantages, and is favourable to the growth of federalism, you should think it over most carefully before adopting it. Votes taken collectively and in the mass always proceed less directly toward the common interest than do those which are taken individually and separately. It will very often happen that, among the deputies of a palatinate, there is one who, in their private deliberations, will acquire an ascendancy over the others, and will convert to his way of thinking a majority which would have thought otherwise if each had voted independently. Under these conditions, corruptionists will have less to do, and will have a better idea of the men with whom they ought to make contact. Furthermore it is better for each deputy to have to answer individually to the dietine, in order that no one may be able to hide behind others, that the innocent and the guilty may not be confused, and that distributive justice may be better done. There are many arguments to be raised against this arrangement, which would greatly loosen the common bond, and might well expose the state to division at every diet. By making the deputies more dependent on their constituents and their instructions, you will secure almost the same advantages with no disadvantages. This assumes, to be sure, that votes are not to be cast secretly but in public, so that the acts and opinions of each deputy in the diet will be known, and that he may answer for them personally and in his own name. But since this question of voting is among those I have most carefully discussed in the *Social Contract*, it is superfluous to repeat myself here.

With regard to elections, it may perhaps be difficult at first to appoint so many elective senators all at once in each diet; and in general it may be hard to select a large number out of a still larger number, as my constitutional proposals occasionally require. But if, for this purpose, you resorted to

balloting, you would easily avoid these difficulties by distributing to the electors, on the eve of election, printed and numbered ballots with the names of all eligible candidates. The next day the electors would come in turn to cast them in the ballot-box, after having marked them, according to the instructions printed thereon, with the names of those chosen and rejected. The counting of these ballots would be done immediately, in the presence of the assembly, by the secretary of the diet, with the assistance of two additional secretaries *ad actum*, to be named forthwith by the marshal from among the deputies present. In this way the operation would become so short and simple that, without clamour or discussion, the whole senate could easily be filled at a single sitting. It is true that further rules will also be needed to determine the list of candidates; but this subject will be remembered and dealt with hereafter.

It remains to speak of the king, who presides over the diet, and who ought, by right of his office, to be the supreme administrator of the laws.

Chapter VIII

The King

It is a great misfortune for the head of a nation to be the enemy of freedom, whose defender he should be. This misfortune, in my opinion, is not inherent in the office to such an extent that it cannot be separated from it, or at least considerably diminished. Temptation cannot live without hope. Make your kings incapable of usurpation, and you will prevent them from dreaming of it; and they will apply to the task of governing and defending you well all the energies they now devote to your enslavement. The founders of Poland, as Count Wielhorski has observed, were careful to deny its kings all the instruments of malice, but not those of corruption; and the favours at their disposal are ample for the purpose. The difficulty is that if you deny them the right to grant favours, you would seem to deny them everything. This, however, is precisely the thing to be avoided; for it would be the same thing as saying you did not want a king; and I do not believe that a state as large as Poland could possibly get along without one, that is to say, without a chief of state holding office for life. But unless the leader of a nation is to be a mere cipher, and therefore useless, he must be able to do something; and however little he may be able to do, it must be done either for good or ill.

At the present time the senate is appointed by the king, which is too much. If he has no hand in these appointments, it is not enough. Although the peerage in England is also appointed by the king, it is less dependent on him, since these peerages, once granted, are hereditary; whereas the bishoprics, palatinates and castellanships, being for life only, revert on the death of each holder to the gift of the king.

I have said how, in my opinion, these appointments should be made, namely that the palatines and grand castellans should be named for life by their respective dietines, and the second-class castellans for a specific term by the diet. With regard to the bishops, it seems to me that it would be hard to deprive the king of the right of appointment, unless provision were made to have them elected by their chapters; and I think that this power can well be left to him, except in the case of the archbishop of Gniezno, whose appointment lies naturally within the province of the diet, unless the office be separated from the primacy, which should be at the disposal of the diet only.

As for the ministers, above all the commanders-in-chief and grand treasurers, although their power, which serves as a counter-weight to that of the king, should be diminished in proportion to his own, I do not think it prudent to leave the king with the right to fill these positions with his creatures; and I should like at least to restrict his choice to a small number of nominees presented by the diet. I admit that, since he cannot withdraw these offices after having granted them, he cannot absolutely count on the office-holders. But the power this gives him over office-seekers is sufficient, if not to enable him to change the complexion of the government, at least to give him the hope of doing so; and this is the very hope of which he must be deprived at all costs.

The grand chancellor ought, I think, to be appointed by the king. Kings are the born judges of their people; it was for this office, although they have all abandoned it, that they were first created; it cannot be denied them; and if they do not wish to exercise it themselves, the appointment of proxies for this function is theirs by right, since they will always have to answer for the judgments of those who speak in their name. The nation can, to be sure, give them associate justices, and ought to do so when kings themselves do not give judgment; thus the crown court, which is presided over not by the king but by the grand chancellor, is under the supervision of the nation; and it is right that the dietines should appoint the other members. If the king gave justice in person, I think that he would have the right to be sole judge. In any case, it would always be in his interest to be just; and iniquitous judgments were never a good highway to usurpation.

With regard to other dignities, royal or palatine, which are merely honorific titles, and bring more glitter than credit, you could do no better than to leave them at the full disposal of the king. Let him honour merit and flatter vanity, but do not let him confer power.

The majesty of the throne should be maintained with splendour; but it is important that the king should be left with the smallest possible control over the expenditure necessary for this purpose. It would be desirable for all royal officials to be paid by the Republic, rather than by him, and for the royal revenues to be proportionately reduced, in order to minimise, as far as possible, the handling of money by the king.

It has been suggested that the crown should be made hereditary. I assure you that, at the moment when this law is adopted, Poland can say good-bye for ever to her freedom. You think you can meet the situation by limiting the royal power. You do not realise that these legal limitations will be broken down in the course of time by gradual usurpations, and that a policy adopted and followed without interruption by a royal family is bound in the long run to win out over laws which, by their very nature, tend constantly to relax. If the king cannot corrupt the magnates by favours, he can always corrupt them by promises guaranteed by his successors; and since the plans of the royal family are perpetuated together with the family itself, these obligations will be taken much more seriously, and their fulfilment will be much more relied on, than when an elective crown shows that the plans of the monarch will end with his own life. Poland is free because each reign is preceded by an interval when the nation, renewing all its rights and regaining new vigour, cuts off the progress of abuses and usurpations, when the law revives and recovers its original power. What will become of the *pacta conventa*, the aegis of Poland, if a family, established on the throne in perpetuity, occupies it without interruption, leaving the nation, between the death of the father and the coronation of the son, no more than a vain shadow of ineffective liberty, which soon will nullify the farcical oath sworn by all kings at their coronation, and the moment after forgotten by all forever? You have seen Denmark, you see England, you are about to see Sweden. Profit by these

examples to learn once and for all that, no matter how many safeguards may be accumulated, heredity in the crown and freedom in the nation will always be incompatible.

The Poles have always had a tendency to transmit the throne from father to son, or to the nearest heir, though always by election. This inclination, if they continue to follow it, will lead them sooner or later to the misfortune of rendering the throne hereditary; and along these lines they cannot hope to put up as long a struggle against the royal power as have the members of the Holy Roman Empire against the power of the emperor; for Poland does not contain within herself any counterweight which would suffice to keep a hereditary monarch subordinate to law. Despite the power of several members of the Empire, if it had not been for the chance election of Charles VII, the imperial capitulations would already be no more than an empty formality, as they were at the beginning of the century; and the *pacta conventa* will become even more futile when the royal family has had time to establish itself and subordinate all the rest. To summarise my feelings on this subject, I think that it would actually be better for Poland to have an elective crown whose powers were absolute than a hereditary crown whose powers were practically nil.

In place of this disastrous law which would make the crown hereditary, I would suggest a quite different one which, if accepted, would preserve the liberty of Poland; this would be to prescribe by constitutional law that the crown should never pass from father to son, and that every son of a Polish king should forever be excluded from the throne. I say that I would propose this law if it were necessary; but I have in mind another plan which would produce the same effect, and I shall defer until the proper time my explanation of it; but assuming that my plan has the effect of excluding sons from the throne of their father, at least in direct succession, I believe that the ensurance of liberty will not be the only advantage resulting from this exclusion. It will give rise to another even greater benefit; which is that, by depriving kings of all hope of usurping arbitrary power and passing it on to their children, it will direct all their energies toward the glory and prosperity of the state, the sole remaining outlet for their ambitions. It is thus that the ruler of the nation, ceasing to be its hereditary enemy, will become its first citizen; it is thus that he will make it his great concern to render his reign illustrious by useful works, which will endear him to his people, win him the esteem of his neighbours, and make men bless his memory after him; and it is thus that, apart from the means of coercion and seduction, which should never be left in his hands, it will be proper to increase his power in all that pertains to the public welfare. He himself will have little direct and immediate power of action; but he will have great authority, and great powers of supervision and control, to hold each man to his duty, and to guide the government towards its true goal. To preside over the diet, the senate and all corporate groups, to examine strictly the conduct of all office-holders, to take great pains to maintain justice and the integrity of all the law courts, to preserve order and tranquillity in the state, to maintain its position abroad, to command its armies in time of war, to inaugurate useful works in time of peace, these are the duties which particularly pertain to his royal office, and which will give him enough to do if he tries to discharge them in person. For, considering that the details of administration are entrusted to officials created for that purpose, it should be a criminal offence for a king of Poland to entrust any part of his own administrative authority to favourites. Let him ply his trade in person, or abandon it; this is an important point, on which the nation ought never to yield.

Similar principles should be followed in establishing a proper balance and proportion between the legislative and administrative powers. In order to achieve the best possible balance, the power of any given depositary of these powers should be in direct proportion to the number of those who

share it, and in inverse proportion to the length of their tenure. The component parts of the diet will come rather close to this ideal relationship. The chamber of deputies, which is the more numerous body, will also be the more powerful; but its entire membership will change frequently. The senate, which is less numerous, will have a smaller share in legislation, but a greater share in the executive power; and its members, standing half-way between the two extremes, will be partly for life and partly for a fixed term, as is appropriate to an intermediary body. The king, who presides over the whole, will continue to hold office for life; and his power, while remaining very great for purposes of supervision, will be limited, with regard to legislation, by the chamber of deputies and with regard to administration by the senate. But in order to maintain equality, the underlying principle of the constitution, nothing therein should be hereditary except the nobility. If the crown were hereditary, it would be necessary to counterbalance it by making the peerage or senatorial order likewise hereditary, as in England. In that case the degraded equestrian order would lose its power, for the chamber of deputies, unlike the house of commons, does not have the annual right of opening or closing the public purse; and the Polish constitution would be overthrown from top to bottom.

Chapter IX

Specific Causes of Anarchy

IF the diet is thus well balanced and proportioned in all its parts, it will produce good laws and a good government. But this requires that its orders should be respected and obeyed. The anarchy and the contempt for law under which Poland has lived up to now are the result of clearly visible causes. I have already identified the principal one, and indicated the means of curing it. The other contributing causes are (1) the *liberum veto*, (2) the confederations, and (3) the wrongful use by private citizens of the right to employ armed followers.

The last abuse is such that, if it is not eliminated from the start, all other reforms will be useless. As long as private citizens have the power to resist the force of the executive, they will think they have the right to do so; and as long as they wage petty wars against each other, how can the state live in peace? I admit that fortresses require guardians; but why should there be fortresses which are strong only against citizens, and weak against the enemy? I fear that this reform may encounter difficulties; I do not, however, consider them insuperable, and if a powerful citizen is but reasonable, he will not mind giving up his own armed retainers, provided that all the rest do likewise.

I shall speak hereafter of the military establishment; I shall therefore postpone until then things that might well have been said at this point.

The *liberum veto* is not in itself a pernicious right, but when it oversteps its limits it immediately becomes the most dangerous of abuses. Once it was the guarantor of public freedom; now it is only an instrument of oppression. To eliminate this fatal abuse, it is necessary merely to eliminate the cause. But the heart of man is such that he clings to personal privileges rather than to greater and more general advantages. Only patriotism, enlightened by experience, can learn to sacrifice in the interest of greater goods a spectacular right grown evil by abuse, and henceforth inseparable from that abuse. All Poles should be keenly aware of the evils this unfortunate right has made them

suffer. If they love peace and order, they cannot make either prevail among them as long as they allow this right to continue; for although this right was good when the body politic

was being formed, or remained in full perfection, it becomes absurd and disastrous as soon as change becomes necessary. And change will always be necessary, above all in a large state surrounded by powerful and ambitious neighbours.

The *liberum veto* would be less absurd if it applied only to the basic principles of the constitution; but that it should be used indiscriminately in all proceedings of the diet is absolutely inadmissible. One of the defects of the Polish constitution is that it fails to make a sufficiently clear distinction between legislation and administration; and that the diet, when it exercises legislative power, combines it with administrative measures, indiscriminately performing acts of sovereignty and acts of government, often actually in the form of mixed actions, in which the members serve simultaneously as magistrates and as legislators.

Our proposed reforms tend to distinguish more clearly between the two powers, and thus to define more accurately the limits of the *liberum veto*. For I do not believe that anyone ever took it into his head to extend it to questions of pure administration, for that would mean abolishing civil authority and all government.

Under the natural law of societies, unanimity was requisite to the formation of the body politic and of the fundamental laws necessary to its existence; such, for example, were the first (as amended), the fifth, the ninth, and the eleventh statutes enacted by the pseudo-diet of 1768. But the unanimity required for the adoption of these laws should equally be required for their abrogation. These, then, are the matters on which the *liberum veto* can continue to operate. And since it is not a question of destroying this right entirely, the Poles who, without too much grumbling, saw it restricted by the diet of 1768, ought easily to see it reduced and limited by a freer and more lawful diet.

The basic points to be established as fundamental laws should be carefully weighed and considered; and these points only should be subject to the *liberum veto*. This will make the constitution as firm and the laws as irrevocable as possible. For it is contrary to the nature of the body politic to be subject to irrevocable laws; but it is contrary neither to nature nor to reason to require that they should be revoked only with the same formalities that brought them into being. That is the only chain with which we can bind the future. This will suffice both to strengthen the constitution, and to satisfy the Poles in their love of the *liberum veto*, without exposing them to the evil consequences to which it has given rise.

As to the multitude of provisions which have been absurdly counted as fundamental articles, and which are nothing more than ordinary acts of legislation, and with regard also to those subsumed under the term questions of state, these are subject, in the natural course of events, to necessary alterations which make it impossible to demand that they be passed unanimously. Furthermore it is absurd that, on each and every question, a single member of the diet should be able to prevent all action, or that the resignation or protest of one or more deputies should be able to dissolve the assembly, and thus cashier the sovereign authority. This barbarous right must be abolished, and the capital penalty decreed against anyone who might be tempted to use it. If there were occasion for protest against the diet, which cannot happen as long as it is free and plenary, it is on the palatinates

and dietines that this right might be conferred; but never on the deputies who, as members of the diet, should never have any measure of authority over it, nor any right to challenge its decisions.

Between the *veto*, which is the greatest power individually exercisable by members of the sovereign, and ought never to occur except in the case of truly fundamental laws, and a bare majority, which is the minimum, and has reference to mere acts of administration, there are various intermediary cases in which the extent of agreement should be in proportion to the importance of the matter. For instance, when it is a question of legislation, three-quarters at least of the votes may be required, two-thirds in questions of state, and no more than a bare majority for elections and for other matters of current and temporary interest. I give this only as an illustration of my ideas, and not as a set of figures by which I would be willing to stand.

In a state like Poland, where there is still a great deal of spiritual vitality, it might have been possible to preserve the admirable right of the *liberum veto* in its entirety without much danger, and perhaps even with profit, if the use of that right had been made dangerous and attended by serious consequences for the user. For surely it is inconceivable for anyone who thus prevents the diet from acting, and leaves the state without means of action, to go quietly home and enjoy with impunity the public desolation he has caused.

In the case of a nearly unanimous resolution, therefore, if a single opponent retained the right of veto, I should want him to answer for it with his life, not only to his constituents in the subsequent dietine, but thereafter to the whole of the nation whose misfortune he had been. I should like the law to prescribe that, six months after his negative vote, he should be solemnly tried by an extraordinary court expressly constituted to consider the case, made up of the wisest, most respectable and most illustrious men of the nation; and this court would not be allowed merely to declare him guilty or not guilty, but would have either to condemn him to death without hope of pardon, or to award him compensation and public honours for life, without ever being able to adopt any mean between these two extremes.

Institutions of this sort, favourable as they are to vigorous courage and to the love of liberty, are too far removed from the modern spirit to have any hope of being either adopted or admired. But they were not unknown to the ancients; and that is how the founders of their constitutions were able to uplift the souls of men and inflame them, when necessary, with a truly heroic ardour. In republics where even harsher laws were in force, unselfish citizens were known to dedicate themselves to death when the fatherland was in danger, by offering advice calculated to save it. A *veto* entailing the same danger may occasionally save the republic, and will never cause it much uneasiness.

Dare I speak of the confederations, and go counter to the opinion of the experts? The latter see only the evils they have caused; the evils they prevent should also be recognised. Undoubtedly confederation is a time of violence in the republic; but there are extreme evils which call for violent remedies, and which we must try to cure at any price. Confederation is to Poland what dictatorship was to the Romans. Both cause the laws to be silent in time of pressing danger; but with this great difference, that dictatorship, being directly contrary to the laws of Rome and to the spirit of the Roman government, ended by destroying it, whereas the confederations, being only a very energetic means of confirming and re-establishing the hard-pressed constitution, is capable of tightening and re-enforcing the relaxed vigour of the state, without ever being able to break it. This federative form of action, although it may have arisen by accident, strikes me as a political masterpiece. Wherever

liberty reigns it is constantly under attack, and very often in danger. Every free state in which no provision has been made for great crises is in danger of perishing with every storm. Only the Poles have been able to convert their very crises into a new means of safeguarding their constitution. Without the confederations the Polish republic would long since have ceased to exist, and I am afraid that it will not long survive if you decide to abolish them. Consider for a moment the events that have just occurred. Without the confederations the state would have been subjugated, and freedom destroyed forever. Do you want to deprive the republic of the resource that has just preserved it?

And do not suppose that if the *liberum veto* is abolished and majority rule re-established, the confederations would be useless, as if majority rule were their only value. Confederation and majority rule are by no means identical. The executive power implicit in confederations will always give them, in times of extreme need, a degree of vigour, activity and speed impossible in the diet, which is forced to proceed by slower and more formal steps, and which cannot make a single irregular move without overthrowing the constitution.

No, the confederations are the shield, the refuge, the sanctuary of this constitution. As long as they endure, I cannot see how it can be destroyed. They must be left in existence, but also regulated. If all abuses were eliminated, the confederations would become practically unnecessary. The reform of your government should accomplish this result. Violent undertakings alone should then force you to have recourse to them; but such undertakings are among the things for which provision ought to be made. Instead, therefore, of abolishing the confederations, determine the conditions under which they may legitimately occur; and then regulate their composition and powers, so as to give them legal sanction, as far as possible, without hampering their creation or operation. There may even be cases where the facts themselves will call for the immediate confederation of the whole of Poland, as when, for example, on some pretext or other and without open warfare, foreign troops set foot within the state; for after all, whatever the excuse for their entry, and even if the government itself consented to it, confederation at home does not mean enmity abroad. When the diet is prevented, by any obstacle whatsoever, from meeting at the time prescribed by law; when men at arms, at the instigation of no matter whom, are made to appear at the time and place of meeting; if its form is changed, or its activity suspended, or its freedom interfered with in any way; in all such cases a general confederation ought to occur automatically. Meetings and signatures of private citizens are merely offshoots of such a confederation; and all its marshals should accept the commands of whomever it names as leader.

Chapter X

Administration

WITHOUT entering into the details of administration, on which I am lacking equally in knowledge and in ideas, I shall venture simply to express certain views on the two subjects of war and finance, views which I feel I ought to express, because I think them good, although I am practically certain that they will not be relished. But first of all I shall make an observation on the administration of justice which is not quite so alien to the spirit of the Polish government.

Our distinction between the legal and the military castes was unknown to the ancients. Citizens were neither lawyers nor soldiers nor priests by profession; they performed all these functions as a matter of duty. That is the real secret of making everything proceed toward the common goal, and of preventing the spirit of faction from taking root at the expense of patriotism, so that the hydra of chicanery will not devour a nation. The office of judge, both in the highest and in the local courts, should be a temporary employment by which the nation may test and evaluate the merit and probity of a citizen, in order to raise him thereafter to those more important positions of which he has been found capable. This way of looking at themselves cannot fail to make judges very careful to place themselves absolutely above reproach, and in general to give them all the attentiveness and integrity their office demands. Thus it was, when Rome was at its best, that people passed through the praetorship in order to reach the consulate. In this way it is possible, with a few clear and simple laws, and even with few judges, to have justice well administered, leaving the judges with power to interpret the laws, and when necessary to supplement them in the light of natural justice and common sense. Nothing could be more puerile than the precautions taken on this point by the English. To eliminate arbitrary judgments, they have subjected themselves to a thousand judgments which are iniquitous and even absurd. Hordes of lawyers devour them, endless lawsuits consume them; and with the mad idea of trying to provide for every eventuality, they have turned their laws into an immense labyrinth where memory and reason alike are lost.

You must have three codes, covering constitutional, civil and criminal law respectively; all three as clear, short and precise as possible. These codes will be taught not only in the universities but also in all the secondary schools; and you will need no other body of law. All the rules of natural law are better graven in the hearts of men than in all the rubbish of Justinian. Just make men honest and virtuous, and I assure you that their knowledge of law will be sufficient. But it is necessary for all citizens, and particularly for public figures, to be taught the positive laws of their own country, and the particular rules by which they are governed. They will find them in the codes they are to study; and all noblemen, before being enrolled in the golden book which is to qualify them for admission to a dietine, must pass on the subject of these codes, especially the first, an examination which is no mere formality, and if their knowledge proves not to be sufficient, they will be sent back until it is. As far as Rome and customary law is concerned, all that, if it exists, should be eliminated from the schools and law courts. No other authority than the laws of the state should be recognised; these laws should be uniform in all the provinces, thus drying up one source of litigation; and questions left unanswered by these laws must be settled by the common sense and integrity of the judges. You may be sure that, when the judicial office is nothing more, for those who occupy it, than a place to test their capacity for higher things, they will not abuse their authority as much as you might fear; or that, if there are abuses, they will always be less than those which arise from a mass of laws which are often in conflict, which by their proliferation cause lawsuits to drag on endlessly, and by their contradictions lead also to arbitrary judgments.

What I have been saying of judges should apply *a fortiori* to lawyers. This calling, intrinsically so respectable, grows vile and degrading as soon as it becomes a trade. The lawyer should be the first and severest judge of his client; his job should be, as it was in Rome and still is in Geneva, the first step toward public office; and in Geneva lawyers are in fact highly respected, and deserve to be. They are candidates for the council, and are very careful to do nothing that will bring them public disapproval. I should like every public function to serve in this way as a stepping-stone to another, so that no one, in the expectation of staying in any one office, will turn it into a lucrative profession, and place himself above the judgment of men. This arrangement would conform perfectly with my

desire to have the children of rich citizens pass through the legal calling, now rendered both honorific and temporary. I shall develop this idea further in a moment.

At this point I should say in passing, since it occurs to me, that it is contrary to the principle of equality within the equestrian order for its members to entail their property in any way. Legislation must always tend to diminish those great inequalities of fortune and power which set too great a distance between magnates and simple noblemen, and which always have a natural tendency to increase. With regard to property qualifications, which would determine the amount of land a nobleman would have to own in order to be admitted to the dietines, I can see that there is something to be said both for and against the proposal, and since my knowledge of the country is insufficient to enable me to estimate the consequences, it would be utterly foolhardy for me to reach any conclusion on the matter.

Undoubtedly it would be desirable for a citizen voting in a palatinate to own some land therein, but I should not be too happy to see any fixed quantity prescribed. Granted that possessions are important, are men to count for nothing? What? Does a gentleman, because he has little or no land, cease thereby to be free and noble? And is his poverty alone a crime so grave as to make him forfeit his rights as a citizen?

One final observation: no law should ever be allowed to fall into disuse. Be it bad or indifferent, it should either be formally repealed, or else rigorously enforced. This principle, which is fundamental, will make it necessary to pass all old laws in review, to repeal many of them, and to support with the severest sanctions those you decide to keep. Turning a blind eye toward many things is regarded in France as a basic principle of government; that is what despotism always forces us to do. But in a free government it is a sure means of enfeebling the laws and shaking the constitution. We want few laws, but those well classified, and above all well enforced. All abuses which are not forbidden remain inconsequential; but anyone who utters the word 'law ' in a free state is invoking that before which every citizen, including first of all the king, should tremble. In short, suffer anything to happen rather than to weaken the force of law; for once its power has been exhausted, the state is lost beyond redemption.

Chapter XI

The Economic System

THE choice of an economic system to be adopted by Poland depends on the purposes she has in view in reforming her constitution. If your only wish is to become noisy, brilliant and fearsome, and to influence the other peoples of Europe, their example lies before you; devote yourselves to following it. Cultivate the arts and sciences, commerce and industry; have professional soldiers, fortresses, and academies; above all have a good system of public finance which will make money circulate rapidly, and thereby multiply its effectiveness to your great profit; try to make money very necessary, in order to keep the people in a condition of great dependence; and with that end in view, encourage material luxury, and the luxury of spirit which is inseparable from it. In this way you will create a scheming, ardent, avid, ambitious, servile and knavish people, like all the rest; one given to the two extremes of opulence and misery, of licence and slavery, with nothing in between. But you will be counted as one of the great powers of Europe; you will be included in all diplomatic

combinations; in all negotiations your alliance will be courted; you will be bound by treaties; and there will be no war in Europe into which you will not have the honour of being plunged. If you are lucky, you will be able to recover your ancient possessions, perhaps to conquer new ones, and you will be able to say, like Pyrrhus or the Russians — in other words, like children — 'When the whole world is mine, I shall eat a lot of candy.'

But if, by chance, you would prefer to create a free, wise and peaceful nation, one which has no fear or need of anyone, but is self-sufficient and happy, then you must adopt wholly different methods; you must preserve and revive among your people simple customs and wholesome tastes, and a warlike spirit devoid of ambition; you must create courageous and unselfish souls; devote your people to agriculture and to the most necessary arts and crafts; you must make money contemptible and, if possible, useless, seeking and finding more powerful and reliable motives for the accomplishment of great deeds. I admit that, in following this path, you will not fill the news-sheets with the noise of your celebrations, negotiations, and exploits; the philosophers will burn you no incense, poets will not sing your praises, and you will not be much talked about in Europe; people may even pretend to hold you in contempt. But you will live in true prosperity, justice and liberty; no one will try to pick a quarrel with you; people will fear you without admitting it; and I guarantee that neither the Russians nor anyone else will ever again come to rule over you, or that if, to their own misfortune, they do come, they will leave even more hurriedly. Above all, beware of trying to combine these two objectives, for they are too incompatible; and if you try to divide your forces and march toward both, you are condemning yourselves to a double failure. Choose then; and if you prefer the first, stop reading me. For all my remaining proposals are directed exclusively to the second.

Excellent economic ideas are undoubtedly to be found in the various papers that have been sent to me. The fault I find with them is that they are more favourable to wealth than to prosperity. In creating new institutions, you must not be content with seeing the immediate effects; you must also correctly foresee the distant but inevitable consequences. The proposal that has been made, for example, for the sale of starosties and for the use of the resulting revenues, strikes me as perfectly normal and feasible under the prevailing European system of using money to accomplish everything. But is this system good in itself, and does it really achieve its purposes? Is it true that money is the sinew of war? Rich peoples have always been beaten and conquered by poor peoples. Is it true that money is the mainspring of good government? Financial systems are modern. I cannot see that anything good or great has come of them. The governments of antiquity did not even know the meaning of the word finance, and what they accomplished with men is prodigious. Money at best is a supplement to men, and the supplement is never worth as much as the thing itself. Men of Poland, leave all this money, I pray you, to other peoples; or content yourselves with what they will have to give you, since they have more need of your wheat than you of their gold. Believe me, it is better to live in plenty than in opulence; be more than pecunious, be rich. Cultivate your fields well, and have no other care; soon you will be harvesting gold, more than enough to buy the oil and wine you need, for Poland abounds, or can abound, in almost everything else. If you want to keep yourselves free and happy, heads, hearts and arms are what you want; it is they that constitute the power of a state and the prosperity of a people. Financial systems make venal souls; and when profit is the only goal, it is always more profitable to be a rascal than to be an honest man. The use of money is devious and secret; it is destined for one thing and used for another. Those who handle it soon learn how to deflect it from its course; and are the overseers appointed to control it anything more than another set of rascals sent to share the spoils? If public and visible riches were the only

form of wealth, if the passage of gold left clear traces and could not be concealed, you could ask for no better means of buying services, courage, fidelity and virtue. But since the circulation of money is secret, it is a still better means of making pilferers and traitors, and of putting freedom and the public good upon the auction block. In short, of all the incentives known to me, money is at once the weakest and most useless for the purpose of driving the political mechanism toward its goal, and the strongest and most reliable for the purpose of deflecting it from its course.

I know that men can only be made to act in terms of their own interests; but pecuniary interest is the worst, the basest and the most corrupting of all, and even, as I confidently repeat and shall always maintain, the least and weakest in the eyes of those who really know the human heart. In all hearts there is naturally a reserve of grand passions; when greed for gold alone remains, it is because all the rest, which should have been stimulated and developed, have been enervated and stifled. The miser has no truly dominant passion; he aspires to money only as a matter of foresight, in order to be able to satisfy such passions as may thereafter come to him. Learn how to foment and satisfy them directly, without the use of money, and money will soon lose all its value.

I also admit that public expenditures are inevitable; effect them with anything rather than with money. Even today, in Switzerland, you see officers, magistrates and other public stipendiaries being paid in kind. They receive tithes of wine and wood; these are useful and honorific rights. The whole public service is performed by *corvées*; the state pays for almost nothing in money. You will say that money is necessary for the payment of soldiers. We shall consider this point in a moment. Payment in kind is not without its disadvantages; there is loss and waste; the administration of this form of wealth is comparatively inconvenient; it is especially irksome to those who are in charge of it, since it gives them fewer opportunities for profit. All that is true; but the evil is slight in comparison with the host of evils it prevents! A man would like to commit malversation, but he cannot do so without being found out. The example of the bailiffs of the Canton of Berne will be cited against me; but why are they vexatious? Because of the money fines they levy. These arbitrary fines are in themselves most objectionable; if they could, however, be paid in kind rather than in money, the evil would be almost negligible. Extorted money can be easily hidden; warehouses would be less easy to conceal. Ten times more money is handled in the single canton of Berne than in all the rest of Switzerland, and its administration is iniquitous in the same proportion. Look at every country, every government, every part of the world; nowhere will you find a great evil in morals and politics where money is not involved.

You will say that the equality of fortunes which reigns in Switzerland makes it easy for the administration to be economical; whereas the great families and magnates of Poland require great expenditures, and great financial resources to meet them. Not at all. These magnates are rich in their own right; and their expenditures will diminish when luxury ceases to be esteemed in the state, without distinguishing them any the less from men of inferior fortune, whose expenditures will diminish in the same proportion. Pay for their services with authority, honours and exalted positions. In Poland, inequality of rank is compensated by the privilege of noble birth, which makes office-holders jealous rather of honour than of profit. The republic, by appropriately gradating and distributing these purely honorific rewards, will husband a treasure which will never ruin it, and which will give it heroes for citizens. The treasure of honours is an inexhaustible resource for a people which has a sense of honour; and would to God that Poland could hope to exhaust it! How happy the nation which cannot possibly find in its bosom any further distinctions for virtue!

Pecuniary compensation has the defect not only of being an unworthy reward for virtue, but also of being insufficiently public, of failing to make a continuous impression on the minds and hearts of men, of disappearing as soon as it is awarded, and of leaving no visible trace to excite emulation by perpetuating the honour which should accompany it. I should like to have all ranks, offices, and honorific awards distinguished by external signs, so that no public figure would ever be allowed to go *incognito*, but would be followed everywhere by the marks of his rank or dignity; this would make people respect him at all times, and at all times make him keep his own self-respect; it would enable him to dominate over opulence; for a man who was rich and nothing more would constantly find himself cast in the shade by poor but titled citizens, and would find no pleasure or esteem in his own country; this would force him to serve his country in order to cut a figure in it, to be a man of integrity for reasons of ambition, and to aspire, in spite of his wealth, to ranks attainable only through public approbation, and liable at all times to be lost through disapproval. That is the way to sap the strength of wealth, and to create men who are not for sale. I lay great emphasis on this point, for I am sure that your neighbours, particularly the Russians, will spare no efforts to corrupt your officials, and that the great problem of your government is to strive to make them incorruptible.

If it should be said I am trying to turn Poland into a nation of mendicant friars I should first retort that this is only a Frenchman's sort of argument, and that a witticism is not a rational proof. I should also reply that my maxims ought not to be stretched beyond the limits either of my own intentions, or of reason; that my object is not to prevent the circulation of specie, but merely to slow it down, and above all to show how important it is for a good economic system not to be a system of money and public finance. To eradicate cupidity in Sparta, Lycurgus did not abolish money, but had it made of iron. I myself have no intention of banning gold or silver, but merely of making them less necessary, and of arranging things so that a man who has none can be poor without being a beggar. Basically, money is not wealth, but only a token thereof; it is not the token but the thing it represents that ought to be multiplied. I have seen, in spite of travellers' tales, that the English, in the midst of all their gold, are individually no less needy than other peoples. And what does it matter to me, after all, to have a hundred guineas instead of ten, if the hundred do not bring me a more comfortable living? Pecuniary wealth is only relative; and as relations change through the operation of a thousand possible causes, you may find yourself successively rich and poor with the same sum of money; but this is not true of natural goods; for they, being immediately useful to man, always have an absolute value which in no way depends on the operations of trade. I will grant you that the English people is richer than the others; but it does not follow that a citizen of London lives more comfortably than a citizen of Paris. As between peoples, the advantage rests with the one which has the more money. But that has nothing to do with the lot of private individuals; and the prosperity of a nation does not lie therein.

Encourage agriculture and the useful arts, not by enriching the farmers, which would only incite them to leave their calling, but by making that calling pleasant and honourable. Establish the most necessary manufactures; multiply your wheat and men unceasingly, and do not worry about the rest. The surplus produce of your soil, produce which, as a result of increasing monopolies, will be lacking in the rest of Europe, will necessarily bring you more money than you need. Apart from this necessary and certain produce, you will be poor as long as you want more; and as soon as you learn how to get along without more, you will be rich. The prevailing spirit of your economic system, if I had my way, would be as follows: pay little attention to foreign countries, give little heed to commerce; but multiply as far as possible your domestic production and consumption of foodstuffs. The inevitable and natural result of a free and just government is increased population. The more

you perfect your government, therefore, the more will you multiply your people even without intending to do so. You will thus have neither beggars nor millionaires. Luxury and indigence together will insensibly disappear; and the citizens, cured of the frivolous tastes created by opulence, and of the vices associated with poverty, will devote their best efforts to serving the country, and will find their glory and happiness in doing their duty.

I should like you always to lay heavier charges on the personal services than on the purses of men, using *corvées* and not money payments to provide roads, bridges, public buildings, and the service of prince and state. This sort of tax is basically the least onerous, and above all it is the one least subject to abuse. For money disappears when it leaves the hands of those who are paying; but everyone can see what work men are doing, and they cannot be overburdened to no purpose. I know that this method is impractical where luxury, commerce and the arts are in the ascendant; but nothing is easier among a simple and virtuous people, and nothing is more useful in keeping them so. This is yet another reason for preferring it.

I will return now to the question of starosties; and once again I admit that the idea of selling them for the benefit of the public treasury is good and natural so far as the economic aspect is concerned. But in its political and moral aspects, this idea is so little to my taste that, if the starosties were sold, I should want you to buy them back and use them to endow the salaries and rewards of those who might serve or deserve well of the fatherland. In short I should like, if it were possible, for there to be no public treasury, and for the exchequer to know nothing of money payments. I feel that this can never be strictly realised; but the spirit of the government should always tend in that direction; and nothing could be more contrary to this spirit than the sale of offices now under discussion. It would make the republic richer, to be sure; but the vigour of the government would be correspondingly weakened.

I admit that the administration of public property would become more difficult, and above all less agreeable for the administrators, if all this property were in kind rather than in money; but in that case you must make this administration, and its superintendence, an occasion to test the common sense, the vigilance and above all the integrity of those who aspire to more eminent positions. In this respect you will simply be imitating the municipal administration of Lyons, where men must begin as administrators of the charity hospital before proceeding to positions of civic trust; and it is by the way they acquit themselves in the former position that their worthiness for the latter is judged. The integrity of the quaestors of the Roman army was unsurpassed, for the quaestorship was the first step towards the curule offices. In positions which may tempt cupidity, things must be so arranged that ambition this repress it. The greatest good which results from will lies not in saving funds from rascals, but in making unselfishness appear honourable, and rendering poverty respectable when it is the fruit of integrity.

The revenues of the republic do not meet its expenses. I can well believe it; the citizens do not want to pay anything at all. But men who want to be free should not be the slaves of their purses; and where is the state where liberty does not have to be paid for, often very dearly? You will cite Switzerland; but, as I have already said, in Switzerland the citizens themselves perform the functions which people everywhere else prefer to pay for, and have others perform. They are soldiers, officers, magistrates, labourers, anything in the service of the state, and since they are always ready to pay with their persons, it is not necessary for them also to pay with their purses. If the Poles want to do likewise, they will have no more need of money than the Swiss. But if a great

state refuses to conduct itself on the principles of a small republic, it must not look for the same benefits, nor should it reject the cause while desiring the consequence. If Poland were, as I should like it to be, a confederation of thirty-three small states, it would combine the power of a great monarchy with the freedom of a small republic; but this would mean renouncing ostentation, and I am afraid that this would be the hardest thing of all.

Of all the bases on which to levy a tax, the easiest and least expensive is undoubtedly capitation; but it is also the most forced and arbitrary; and that no doubt is why Montesquieu considers it servile, although it was the only form of taxation practised by the Romans, and still exists at the present time in several republics; under other names, it is true, as in the case of Geneva, where it is called 'paying the guards,' and is paid only by citizens and burghers, while the inhabitants and natives pay other taxes. All this is exactly opposite to Montesquieu's idea.

But since it is unjust and unreasonable to tax people who have nothing, taxes on property are always better than taxes on persons. You must simply avoid those which are difficult and costly to levy, and above all those which can be avoided by smuggling, for this is unproductive, fills the state with defrauders and brigands, and corrupts the fidelity of the citizens. Assessments should be so well apportioned that the difficulties of fraud will be greater than its benefits. There should never be a tax, therefore, on anything that can be hidden easily, like lace and jewels; it is better to forbid the wearing of them than to ban their importation. In France the temptation to smuggle is wantonly encouraged; and this makes me believe that the tax administration derives a profit from the existence of smugglers. This system is abominable, and wholly contrary to common sense. Experience shows that stamp taxes are particularly hard on the poor, and burdensome to commerce; that they greatly increase chicanery, and cause the people to cry out wherever they are established. I should not advise you to consider them. Taxes on animals strike me as being much better, provided that fraud is avoided, for every possible fraud is always a source of evils. But in so far as the payments must be made in money, they may be burdensome to the taxpayers; and the proceeds of this sort of tax are unduly subject to misappropriation.

In my opinion the best and most natural tax, and one which is in no way open to fraud, is a proportional tax on land, on all land without exception, as was suggested by Marshal de Vauban and the Abbé de Saint-Pierre; for after all, it is that which produces that ought to pay. All lands, whether owned by the king, noblemen, ecclesiastics or commoners, should pay equally, that is to say in proportion to their extent and productivity, no matter who the proprietor may be. This levy would seem to require a preliminary operation, namely a general land census, which would be long and costly. But this expense can be avoided easily, and even advantageously, by levying the tax not on the land directly but on its products, which would be even fairer; this could be done by establishing a tithe, as large or small as seemed proper, which would be levied on the harvest in kind, like the ecclesiastical tithe. And to avoid the difficulties of administration and storage, you would farm out these tithes, as the curates do, to the highest bidder; with the result that private individuals would have to pay the tithe out of their harvest only, and would not pay it out of their purses unless they preferred to do so, at a tariff fixed by the government. The accumulated receipts could be made an object of commerce by selling the foodstuffs thus collected, which could be sent abroad by way of Riga or Danzig. In this way you would also eliminate all the expenses of collection and administration, and all those swarms of clerks and employees who are so odious to the people and troublesome to the public; and most important of all, the republic would have money without the citizens being obliged to give any. For I shall never tire of repeating that what makes tallages and

imposts burdensome to the farmer is the fact that they are pecuniary, and that he is first obliged to sell in order to be able to pay them.

Chapter XII

The Military System

OF all the expenses of the republic, the maintenance of the royal army is the most considerable; and the services this army renders are certainly not in proportion to the cost. You will immediately say, however, that troops are necessary to defend the state. I would agree, if these troops actually defended it; but I cannot see that this army ever guaranteed it against any invasion, and I am afraid that it will do no better in the future.

Poland is surrounded by warlike powers which constantly maintain large standing armies of perfectly disciplined soldiers, armies which she herself could never match without soon exhausting herself, particularly in the deplorable condition in which she will be left by the brigands who are now ravaging her. Furthermore, she would not be allowed to rearm; and if, with the resources of a most vigorous administration, she attempted to raise a respectable army, her neighbours, alert to prevent it, would quickly crush her before she had been able to carry out the plan. No, if she seeks merely to imitate them, she will never resist them.

The Polish nation is different by nature, government, customs and language, not only from her neighbours, but also from all the rest of Europe. I should like her also to be different in her military organisation, tactics and discipline, being always herself, not someone else. Only then will she be all she is capable of becoming, and draw forth from her bosom all the resources she is capable of having.

The most inviolable law of nature is the law of the strongest. No laws, no constitution can be exempted from this law. If you look for means of guaranteeing yourselves against invasion by a neighbour stronger than you, you are chasing a will-o'-the-wisp. It would be even more absurd for you to want to make conquests and to acquire offensive power; this is incompatible with the form of your government. Anyone who wants to be free ought not to want to be a conqueror. The Romans were such by necessity and, you might say, in spite of themselves. War was a necessary remedy for the defect of their constitution. Constantly attacked and constantly victorious, they were the only disciplined people in a sea of barbarians, and became the masters of the world by constantly defending themselves. Your position is so unlike theirs that there is no one against whose attacks you would even be able to defend yourselves. You will never have offensive power; it will be a long time before you have defensive power. But you will soon, or more accurately speaking, you already have the power of self-preservation, which will guarantee you, even though subjected, against destruction, and will preserve your government and your liberty in its one true sanctuary, the heart of the Polish people.

Regular troops, the plague and depopulators of Europe, are good for two purposes only, to attack and conquer neighbours, or to bind and enslave citizens. Both of these ends are equally foreign to you; renounce, then, the means which lead to them. I know that the state should not remain without defenders; but its true defenders are its members. Each citizen should be a soldier by duty, none by

profession. Such was the military system of the Romans; such is that of the Swiss today; such ought to be that of every free state, and particularly of Poland. In no position to hire an army sufficient for her defence, she must find that army, when necessary, in her inhabitants. A good militia, a genuine, well-drilled militia, is alone capable of satisfying this need. This militia will cost the republic little, will always be ready to serve it, and will serve it well, for after all, we always defend our own goods better than the goods of others.

Count Wielhorski suggests that a regiment should be raised by each palatinate, and kept constantly on an active footing. This supposes that the royal army, or at least the royal infantry, would be disbanded; for I believe that the maintenance of these thirty-three regiments would unduly overburden the republic if it had, in addition, the royal army to pay for. This change would not be without value, and strikes me as being easy to effect; but it can also become burdensome, and its abuses will be difficult to forestall. I should not advise scattering the soldiers as a police force in the towns and villages; that would be bad for discipline. Soldiers, above all professional ones, ought never to be left without a check on their conduct; still less should they be entrusted with any sort of control over citizens. They ought always to march and live together as a body; constantly subordinated and supervised, they should be nothing but blind instruments in the hands of their officers. If they were entrusted with any sort of control, however small, innumerable acts of violence, vexations and abuses without number, would ensue; the soldiers and the inhabitants would become mutual enemies. This is a misfortune that occurs wherever regular troops are found; the proposed regiments, being on continuous service, would acquire the spirit of regular troops, and this spirit is never favourable to freedom. The Roman republic was destroyed by its legions, when the remoteness of its conquests forced it to keep some on continuous service. Once again, the Poles ought not to look about them for things to imitate, not even when those things are good. This goodness, being relative to wholly different constitutions, would be an evil in their own. They should look exclusively to what is suitable to them, not to what others do.

Why not, then, instead of regular troops, a hundred times more burdensome than useful to any people uninterested in conquests, establish a genuine militia in Poland exactly as in Switzerland, where every inhabitant is a soldier, but only when necessary? The institution of serfdom in Poland makes it impossible, I admit, for the peasants to be armed immediately; arms in servile hands will always be more dangerous than useful to the state. Pending the happy moment of emancipation, however, Poland teems with cities, and their inhabitants, if conscripted, could in time of need furnish numerous troops whose upkeep, except during the period of that same need, would cost the state nothing. The majority of these inhabitants, having no land, would thus pay their taxes in service; and this service could easily be distributed in such a way as not to be at all burdensome to them, even though they were sufficiently drilled.

In Switzerland every individual who marries must be furnished with a uniform, which becomes his festive dress, with a rifle, and with all the equipment of a foot-soldier; he is enrolled in the company of his district. During the summer, on Sundays and holidays, these militias are drilled by formations, first by squads, next by companies, then by regiments; until finally, when their turn has come, they assemble in the country, and in succession form small encampments, in which they are drilled in all the manoeuvres appropriate to infantry. As long as they do not leave their place of residence, and thus are little or not at all interrupted in their work, they receive no pay; but as soon as they go out into the country they receive rations and are paid by the state; and no one is allowed to send another in his place, in order that each may receive training and that all may see service. In a

state like Poland, with its vast provinces, it is easy to find the wherewithal to replace the royal army with a sufficient number of militiamen, who would be kept constantly mobilised, but changed once a year at least, and drawn in small detachments from all the corps, which would not be seriously burdensome to the individuals, whose turn would come hardly more often than once in twelve or fifteen years. In this way, the whole nation would be given military training, a good and numerous army would always be ready when needed, and it would cost far less, especially in peacetime, than the royal army costs to-day.

To make a real success of this operation, however, it would be necessary to begin by changing public opinion regarding a vocation which will in fact be wholly altered, and to make the Polish people look on the soldier no longer as a bandit who, in order to live, sells himself for five cents a day, but as a citizen who is doing his duty in the service of his country. This vocation must be restored to the honour which it formerly enjoyed, and which it still enjoys in Switzerland and in Geneva, where the best citizens are as proud of being in their corps and under arms as in the town hall and in the sovereign council. To accomplish this, it is important that, in the choice of officers, consideration should be given not at all to rank, credit and fortune, but solely to experience and talent. Nothing is easier than to make skill in the use of arms a point of honour, which will make everyone drill zealously for the service of his country before the eyes of his family and his people; a zeal which cannot be awakened to the same extent in a mob of riffraff which has been enlisted by chance, and is conscious only of the hardships of drill. I can remember the time when the citizens of Geneva manoeuvred much better than regular troops; but the magistrates, finding that this inspired the citizen body with a martial spirit alien to their own purposes, have taken care to suppress this sort of emulation, and have succeeded only too well.

In the execution of this plan, you could, with perfect safety, restore to the king the military authority which naturally belongs to his office; for it is inconceivable that the nation could be used to oppress itself, at least when all those who comprise it are given a share of freedom. It is only with regular and standing armies that the executive power can ever enslave a state. The great Roman armies were unabusive as long as they changed with each consul; and down to the time of Marius, it did not so much as enter the head of any consul that he might use them in any way to enslave the republic. It was not until the great remoteness of their conquests forced the Romans to keep the same armies mobilised for a long time, to man them with ruffianly recruits, and to perpetuate command over them by the proconsuls, that the latter began to feel their independence and to want to use it to establish their own power. The armies of Sulla, Pompey and Caesar became true regular forces, which replaced the republican spirit with the spirit of military government; and this to such an extent that the soldiers of Caesar considered themselves grossly insulted when, in a moment of mutual friction, he called them citizens, *quirites*. In the plan I envisage, and shall soon have finished outlining, all Poland will become warlike in defence of her liberty against the undertakings no less of the prince than of her neighbours; and I will venture to say that, once this plan has been well executed, the office of commander-in-chief could be abolished and its functions reunited with the crown, without placing liberty in the slightest danger, unless the nation should allow itself to be beguiled by plans of conquest; in which case I would no longer answer for anything. Whoever wants to deprive others of their freedom almost always ends by losing his own; this is true even of kings, and very much more true of peoples.

Why should not the equestrian order, in which the republic really resides, itself follow a plan like that here suggested for the infantry? Establish in all the palatinates cavalry corps in which the whole

nobility will be enrolled, each with its own officers, general staff, banners, its own designated emergency quarters, and its fixed annual times of meeting. Let these brave noblemen learn how to drill in formation, to perform all sorts of movements and evolutions, to give order and precision to their manoeuvres, to recognise military discipline. I should not want them to imitate slavishly the tactics of the other nations. I should like them to evolve tactics of their own, tactics which would develop and perfect their own natural and national dispositions; I should like them above all to practice for lightness and speed, learning how to break off, disperse and regroup without difficulty or confusion; to excel in what is called guerilla warfare, in all the manoeuvres appropriate to light troops, in the art of inundating a country like a torrent, of striking everywhere without ever being struck, of continuing to act in concert though separated, of cutting communications, of intercepting convoys, of charging rear-guards, of capturing vanguards, of surprising detachments, of harassing large bodies of troops marching and camping together; I should like them to adopt the methods of the ancient Parthians, whose valour they already possess, and learn like them to conquer and destroy the best disciplined armies without ever joining battle and without leaving them a moment's respite. In short, have infantry, since it is necessary, but rely only on your cavalry, and leave no stone unturned in devising a system which will place the entire outcome of the war in its hands. A free people is not well advised to have fortresses; they are not at all suited to the Polish genius, and sooner or later they everywhere become nests for tyrants, The places you think you are fortifying against the Russians you will inevitably be fortifying for them; and for you they will become shackles from which you will never deliver yourselves. Neglect even the advantages of fortified outposts, and do not bankrupt yourselves for artillery; such things are not what you need. A sudden invasion is a great misfortune, no doubt; but permanent enslavement is a far greater one. You will never be able to make it difficult for your neighbours to enter your territory; but you can make it difficult for them to withdraw with impunity; and that should be your sole concern. Antony and Crassus invaded the territory of the Parthians easily, but to their own misfortune. A land as vast as yours always offers its inhabitants places of refuge and great resources for eluding its aggressors. No human art could prevent sudden action by the strong against the weak; but the weak can provide themselves with means of retaliation; and when experience teaches how hard it is to retire from your country, people will be in less of a hurry to enter it. Leave your country wide open, then, like Sparta, but build, like her, strong citadels in the hearts of the citizens; and just as Themistocles carried Athens away in her fleet, carry off your cities, when need be, on your horses. The spirit of imitation seldom produces anything good, and never anything great. Each country has advantages which are peculiar to itself, and which should be extended and fostered by its constitution. Husband and cultivate those of Poland, and she will have few other nations to envy.

A single thing suffices to make it impossible to conquer her, namely love of country and of liberty, animated by the virtues inseparable from that love. You have just given an ever-memorable example of it. As long as this love burns in your hearts, it may not ensure you against a temporary yoke; but sooner or later it will burst forth, shake off the yoke, and set you free. Work, therefore, without pause or relaxation, to bring patriotism to the highest pitch in every Polish heart. I have already indicated some of the means appropriate to that end. At this point it remains only for me to discuss the one which I believe to be the strongest, the most powerful of all, one which is even infallible in its effects if properly executed; this is to arrange things so that every citizen will feel himself to be constantly under the public eye; that no one will advance or succeed save by the favour of the public; that no office or position shall be filled save by the will of the nation; and finally that, from the lowliest nobleman, even from the lowliest peasant, up to the king, if possible, all shall be so dependent on public esteem that nothing can be done, nothing acquired, no success

obtained without it. Out of the effervescence excited by this mutual emulation will arise that patriotic intoxication which alone can raise men above themselves, and without which liberty is but an empty word, and laws but a chimera.

In the equestrian order this system is easy to establish, if you are careful throughout to make it follow a fixed sequence of official promotions, admitting no one to the honours and dignities of the state unless he has previously passed through the inferior grades, which will serve both as a qualification and as a test for those seeking a higher degree of eminence. Since equality among noblemen is a fundamental law of Poland, the career of public service in that country ought always to begin with subordinate positions; that is the spirit of the constitution. These positions should be open to every citizen who is zealous enough to seek them, and who believes himself able to fill them successfully; but they should be the indispensable first step for anyone, great or small, who wishes to advance in this career. Each is free to present himself or not; but once he has done so, he must, unless he retires voluntarily, either advance or be rebuffed with disapprobation. All his conduct must be seen and judged by his fellow-citizens; he must know that his every step is being watched, that all his acts are being weighed, that a faithful account is being kept of all his good and evil deeds, and that this account will influence the whole subsequent course of his life.

Chapter XIII

Plan for a Sequence of Official Promotions Embracing all Members of the Government

THE following is a plan for the establishment of such a sequence of official promotions, a plan which I have tried to adapt as far as possible to the existing form of government, with the sole exception of the nomination of senators, which is reformed in the manner and for the reasons already given.

All active members of the republic, by which I mean those who participate in the administration, shall be divided into three classes, each distinguished by visible insignia to be worn on the person of its members. The orders of knighthood, which formerly were proofs of virtue, are now no more than signs of royal favour. The ribbons and jewels which distinguish them have an air of frippery and of feminine adornment which must be avoided in our reforms. I should like the insignia of my proposed three orders to consist of plaques of various metals, the material value of which should be inversely proportional to the rank of the wearer.

Before entering upon an official career, young men shall pass through a preliminary trial period as lawyers, assessors and even as judges in the lower courts, as managers of some part of the public funds, and in general in all those inferior posts which give the holders a chance to show their merit, their capacity, their thoroughness, and above all their integrity. This trial period should continue for at least three years, at the end of which time, armed with certificates from their superiors and with evidence of public approbation, they shall present themselves to the dietine of their province, where, after a rigorous examination of their conduct, those who are found worthy shall be honoured with a plaque of gold inscribed with their name, province and date of reception, and bearing underneath in larger characters the inscription *Spes patriae*. Those who have received this plaque shall wear it constantly on their right arms or over their hearts; they shall be called *servants of the state*; and they alone, of all the equestrian order, shall be qualified for election as deputy to the diet,

as associate justice, or treasury commissioner, or entrusted with any public function which appertains to sovereignty.

To reach the second grade it will be necessary to have been elected three times as deputy to the diet, and to have obtained each time, in the immediately subsequent dietine, the approval of the constituents; and no one may be elected deputy a second or third time unless he has a certificate to this effect with regard to his preceding deputyship. Service as associate justice or as treasury commissioner shall be equivalent to a deputyship; and it will suffice to have sat three times in any of these bodies, but always with approbation, in order to have the right to enter the second grade. Upon presenting his three certificates to the diet, therefore, the servant of the state who has obtained them will be honoured with the second plaque and with the title of which it is the token.

This plaque shall be of silver, of the same size and shape as the preceding one; it shall bear the same inscriptions, except that the words *Spes patriae* shall be replaced by *Civis electus*. Those who wear these plaques shall be called *citizens elect*, or simply electees, and are no longer eligible to serve as simple deputies, associate justices or treasury commissioners; but they shall all be candidates for senatorships. No one may enter the senate until he has entered the second grade and wears its insignia; and all the elective senators who, according to our plan, will be drawn immediately from this group, shall continue to wear the same insignia until they reach the third grade.

It is from the members of the second category that I should like to have chosen the principals of secondary schools and the inspectors of primary education. They might be required to fill these posts for a certain time before being admitted to the senate, and to present the diet a certificate of approval from the college of administrators of education; without forgetting that this certificate, like all the rest, must always be confirmed by the voice of the public, which may be consulted in a thousand different ways.

The choice of elective senators shall be made in the chamber of deputies at each ordinary session of the diet, so that their term shall be for two years only; but they may be continued in office, or re-elected after an interval, for two additional terms, provided that, at the expiration of each term, they have first obtained from the aforesaid chamber a certificate of approval similar to that required from the dietines for re-election to a second or third deputyship. For unless a like certificate is obtained for each mandate, it will be impossible to proceed to further office; and in order not to be excluded from the government, the only recourse will be to go back and begin again in the lower grades, a recourse which should be permitted in order not to deprive a zealous citizen, no matter what faults he may have committed, of all hope of erasing them and achieving success. Furthermore, no special committee should ever be entrusted with the giving or withholding of these certificates or acts of approbation; these judgments must always be made by the whole chamber. This will be done without difficulty or loss of time if, in judging outgoing elective senators, you follow the same method of balloting that I have suggested for their election.

At this point you will say, perhaps, that all these acts of approbation, given first by particular bodies, then by the dietines, and finally by the diet, will be not so much accorded to merit, justice and truth, as extorted by intrigue and credit. To that I have but one answer to make. I thought I was speaking to a people which, without being wholly free from vices, still had a certain amount of resilience and virtue; and on that supposition, my plan is good. But if Poland has already reached the point where everything is radically venal and corrupt, it is vain for her to try to reform her laws

and preserve her freedom; she must abandon such hopes, and bow her neck to the yoke. But let us return to the matter in hand.

Each elective senator who has held office three times with approbation shall pass by right into the third grade, the highest in the state; and its insignia shall be conferred on him by the king on the nomination of the diet. This shall take the form of a plaque of blue steel similar to the preceding ones, and shall bear the following inscription: *Custos legum*. Those who have received it shall wear it all the rest of their lives, no matter how eminent the positions they may subsequently attain, and even on the throne itself, if they succeed in ascending it.

The palatines and grand castellans can be drawn only from the body of the law guardians, and in the same way that the latter were chosen from the citizens elect, that is, by the choice of the diet. And since these palatines occupy the most eminent positions in the republic, and hold them for life, in order that their spirit of emulation may not slumber in offices where they no longer see anything above them save the throne, access to the latter shall be open to them, but in such a way that here again they shall be able to advance only on the strength of virtue, and by the voice of the people.

Let us observe in passing that the career I am laying down for citizens to follow, in rising by successive stages to the head of the republic, seems quite well proportioned to the stages of human life, so that those who hold the reins of government, although past the first flush of youth, nevertheless may still be in the prime of life, and so that, after fifteen or twenty years of continuous testing under the eyes of the public, *they* will still have a sufficiently large number of years during which to give the fatherland the benefit of their talents, experience and virtues, and themselves to enjoy, in the leading positions of the state, the respect and honours they have so well deserved. Assuming that a man begins his public career at twenty, it is possible for him to become a palatine by thirty-five; but since it is very hard, and not even suitable, for this sequence of offices to be accomplished so quickly, this eminent post will seldom be reached before the forties; and this, in my opinion, is the age most likely to combine all the qualities desirable in a statesman. At this point we may also observe that this sequence of offices also seems, as far as possible, to be appropriate to the needs of the government. In calculating the probabilities, I would estimate that every two years there would be at least fifty new citizens elect and twenty law guardians; and these numbers are more than sufficient to recruit the two parts of the senate to which these grades respectively lead. For it is easy to see that although the first rank of the senate is the more numerous, the fact that it is held for life means that it will need fewer replacements than the second, which, under my plan, is renewed at each ordinary diet.

You have already seen, and soon will see again, that I do not leave the supernumerary citizens elect to stand idle while waiting to enter the senate as elective senators. In order that the law guardians also shall not be left idle while waiting for new service as palatines and castellans, it is from this body that I would form the college of the administrators of education, of which I have already spoken. This college could be placed under the presidency of the primate or another bishop, with the proviso that no other ecclesiastic, whether bishop or senator, could be admitted to it.

The sequence of promotions strikes me as being adequate to the needs of the essential and intermediary part of the state, namely, the nobility and the magistrates. But we have not yet provided for the two extremes, namely the common people and the king. Let us begin with the former, which so far has been accounted nothing, but which in the end must count for something if

you want to give a certain power and solidity to Poland. Nothing could be more delicate than the operation of which we are now speaking; for although everyone feels how unfortunate it is for the republic that the nation should be in a sense confined to the equestrian order, and that all the rest, peasants and burghers, should be nil, both in the government and in legislation, such, after all, is the ancient constitution. At the present moment it would be neither prudent nor possible to change it all at once. But it may be prudent and possible to effect this change by degrees, and make the more numerous part of the nation, without any perceptible revolution, attach its affections to the fatherland and even to the government. This will be effected by two methods, the first being to administer justice scrupulously, so that the serf and commoner, never having to fear unjust vexation by the nobleman, will be cured of the aversion in which they must naturally hold him. This calls for a great reformation of the courts of law, and for particular care in the formation of the corps of advocates.

The second method, without which the first is useless, is to open the way to the serfs to become free, and to the burghers to become noblemen. Even if the thing were in fact impracticable, it would be necessary at least for it to be seen as a possibility. But it seems to me that more can be done, and without running the slightest risk. The following, for example, is a means which seems to me to lead safely to the proposed end.

Every other year, in the interval between diets, an appropriate time and place would be set in each province for a meeting of all the citizens elect of that province who were not yet elective senators. They would meet, under the presidency of a law guardian who was not yet a life senator, in a *censorial or benevolent* committee, to which would be invited not all the curates, but only those deemed most worthy of the honour. I even think that this distinction, by constituting a tacit judgment in the eyes of the people, might also arouse a certain spirit of emulation among the village curates, and preserve a large number of them from that dissolute way of life to which they are all too prone.

The business of this assembly, to which old men and notables from all walks of life could also be invited, would be to examine proposals for innovations useful to the province; reports would be heard from the curates on the condition of their own and neighbouring parishes, and from the notables on the condition of agriculture and of the families of their canton. These reports would be carefully verified; each member of the committee would add his own observations to them; and a faithful record would be kept of the whole, from which would be drawn succinct memorials to be addressed to the dietines.

The needs of hard-pressed families, of the disabled, of widows and orphans, would be considered in detail, and would be proportionately met from a fund formed by voluntary contributions from the well-to-do people of the province. These contributions would be the less burdensome inasmuch as they would become the only charitable assessment, for beggars and poorhouses ought not to be tolerated anywhere in Poland. The priests will no doubt raise a great outcry for the preservation of poorhouses; and this outcry is simply one more reason for destroying these institutions.

In this same committee, which would never concern itself with reprimands and penalties, but solely with benefits, praise and encouragement, accurate lists would be made, on the basis of reliable information, of individuals in all walks of life whose conduct was worthy of honour and

recompense.⁹ These lists would be forwarded to the senate and king, to be considered on the appropriate occasion, and to help them make their choices and preferences wisely; and it is on the evidence supplied by these same assemblies that the free secondary-school scholarships already mentioned would be awarded by the administrators of education.

But the principal and most important function of this committee would be to draw up, on reliable depositions and on the well-verified report of public opinion, a roster of those peasants who were distinguished for good conduct, education and morals, for their devotion to their families and for the proper fulfilment of all the duties of their station. This roster would then be presented to the dietine, which would elect therefrom a legally prescribed number for manumission, and would provide, by agreed means, for the compensation of their owners by granting them exemptions, prerogatives, and other advantages proportionate to the number of their peasants who had been found worthy of freedom. For it is absolutely necessary to arrange things so that, instead of being burdensome to the master, the manumission of the serf should bring him honour and profit; with the understanding that, to avoid abuses, these manumissions should be made not by the master, but in the dietines, by a formal judgment, and in no more than the numbers prescribed by the law.

When a certain number of families in a canton had been successively freed you could proceed to free whole villages, to unite them gradually into communes, to assign them a certain amount of communal property, like the communal lands in Switzerland, and to give them communal officers; and when you had gradually brought things to the point where, without perceptible revolution, it was possible to complete the operation on a large scale, you would finally be able to give them back their natural right to participate in the administration of their country by sending deputies to the dietines.

All this having been done, you would arm all these peasants, now converted into free men and citizens; you would enrol them in the army, you would drill them; and you would end up with a truly excellent militia, more than sufficient for the defence of the state.

A similar method could be followed for the ennoblement of a certain number of burghers and, even without ennobling them, for the awarding to them of certain outstanding positions which they alone could fill, to the exclusion of the nobles; and this would be following the example of the Venetians, who, for all their jealous insistence on noble privileges, always give a commoner, in addition to other subordinate positions, the second office in the state, that of grand chancellor, to which no nobleman can ever aspire. In this way, by opening to the burghers the road to nobility and honours, you would attach their affections to the fatherland and to the maintenance of the constitution. You might also, without ennobling individuals, ennoble certain towns collectively, with preference to those where commerce, industry and the arts were most flourishing, and where the municipal

⁹ In making these judgments much more attention should be paid to persons than to isolated actions. True goodness acts with little fanfare. It is by uniform and sustained conduct, by private and domestic virtues, by the proper fulfilment of all the duties of one's station, by actions, in short, which flow from character and principles, that a man can merit honours, rather than by a few great, theatrical gestures which are already sufficiently rewarded by the admiration of the public. The ostentation of philosophers is very fond of dazzling actions. But a man who performs five or six actions of this sort, brilliant, noisy and well-advertised, has no other purpose than to accumulate credit to his account, so that he can with impunity be hard and unjust all his life. 'Give us the small change of great deeds.' This quip, first uttered by a woman, is very wise.

administration was consequently the best. These ennobled cities could, like the free cities of the Empire, send deputies to the diet; and their example would not fail to excite in all the rest a keen desire to obtain the same honour.

The censorial committees entrusted with this work of beneficence, a work which, to the shame of kings and peoples, has never yet existed anywhere, would be composed, without being elective, in the manner most suited to the zealous and honest performance of their functions; for their members, as aspirants to the senatorial positions open to their respective grades, would be very careful to deserve by public approbation the suffrage of the diet. And this work would be sufficient to keep these aspirants on their mettle and to hold them in the public eye during the intervals which might occur between their successive elections. Observe, however, that this would be done without raising them, during these intervals, above the rank of private citizens of a particular grade; for this type of tribunal, useful and respectable as it is, would never have any other task than to confer benefits, and hence would be vested with no coercive power whatsoever. Thus I am not at this point increasing the number of magistracies; but I am making use of the passage from one magistracy to another to enlist the temporary services of those who are to become magistrates.

In executing this plan of official promotions by successive stages, a process which could be accelerated, decelerated, or even halted according to its good or ill success, you would proceed just as you saw fit, guided by experience; you would enkindle in all the lower orders an ardent zeal to contribute to the public welfare; you would finally succeed in animating all parts of Poland, and in binding them together in such a way that they would no longer be anything more than a single corporate group, whose vigour and strength would be at least ten times greater than is now possible; and this with the inestimable advantage of having avoided all abrupt and rapid changes, and the danger of revolution.

You have a fine opportunity to begin this operation in a striking and noble fashion, one which should produce the greatest effect. In the misfortunes Poland has just been undergoing, it is not possible that the confederates should have failed to receive aid, and tokens of attachment, from certain burghers, and even from some peasants. Imitate the magnanimity of the Romans, who were so careful, after the great calamities of their republic, to shower evidences of their gratitude upon foreigners, subjects, slaves and even animals who, during their misfortunes, had rendered them some signal services. What a fine beginning, in my opinion, it would be solemnly to confer nobility on these burghers, and freedom on these peasants; and this with all the pomp and circumstance needed to make the ceremony august, touching and memorable! And do not stop with this beginning. The men thus distinguished should ever remain the favourite children of the fatherland. They must be watched over, protected, aided and sustained, even if they are bad characters. At all costs they must be made to prosper all their lives, in order that, by giving this example to the public view, Poland may show all Europe what, in her time of victory, may be expected by anyone who dares aid her in her distress.

This gives a rough idea, intended merely as an illustration, of the way to proceed in order that everyone may see the road to any attainment open before him; to make all, while serving the country well, move by degrees toward the most honourable ranks; and to enable virtue to open all the doors that fortune is pleased to shut.

But all is not yet done; and the part of this plan that still remains to be described is undoubtedly the most embarrassing and difficult. It attempts to surmount obstacles against which the wisdom and experience of the most consummate statesmen have always failed. Nevertheless it seems to me that, if my plan were adopted, the very simple method I am about to suggest would remove all difficulties, prevent all abuses, and would in practice turn what seems to be a new obstacle into an actual advantage.

Chapter XIV

The Election of Kings

ALL these difficulties come down to the single one of giving the state a ruler whose selection will not cause trouble, and who will make no attempts against liberty. What makes this difficulty all the worse is that the ruler himself should be endowed with those great qualities needed by anyone who ventures to govern free men. An hereditary crown avoids trouble, but leads to slavery; election preserves freedom, but shakes the state with each new reign. This alternative is unfortunate; but before I speak of the means of avoiding it, allow me to reflect for a moment on the way in which the Poles ordinarily dispose of their crown.

I ask, first of all, why must they give themselves foreign kings? What singular blindness has led them thus to adopt the surest means of enslaving their nation, of abolishing their customs, of making themselves the playthings of foreign courts, and of wantonly increasing the tumult of interregnums? What an injustice to themselves, what an affront to their fatherland! As if, despairing of finding among their own a man worthy to command them, they were forced to seek him from afar! How have they failed to sense, how have they failed to see, that this was entirely contrary to fact? Open the annals of your nation, and you will never see it illustrious and victorious save under Polish kings; you will almost always see it oppressed and debased under foreigners. Let experience finally come in support of reason! See what ills you are bringing on yourselves, and what benefits you are losing!

For how does it happen, I ask again, that the Polish nation, having taken such trouble to make its crown elective, has not thought to make use of this law to throw the members of the administration into a competition of zeal and glory which by itself would have been able to do more for the good of the country than all the rest of the laws put together? What a powerful inspiration to great and ambitious spirits this crown would have been if it had been destined for the worthiest, and held prospectively before the eyes of every citizen capable of deserving public esteem! What virtues, what noble efforts ought not the hope of acquiring its highest prize inspire within the nation! What a ferment of patriotism in every heart, if it were well known that patriotism alone was the means of obtaining this position, now become the secret ambition of every private citizen, and if it only depended on himself, on the strength of merit and services, to approach ever nearer to it and, with good luck, to obtain it in fact! Let us seek the best means of putting into operation this great motive, so powerful and hitherto so much neglected in the Republic. You will say that restricting the crown to Poles alone will not suffice to eliminate all the difficulties involved; we shall consider this point in a few moments, after I have proposed my solution. This plan is simple; but when I say that it consists of introducing the drawing of lots into the election of kings, it would seem at first glance that it fails to meet the purpose I myself have just been prescribing. I beg that you will be good

enough to give me time to explain myself, or at least to re-read attentively what I have already written.

For if you say, 'What assurance is there that a king chosen by lot will have the qualities needed to fill the office worthily?' you are raising an objection I have already met; since it is sufficient for this purpose to provide that the king can only be drawn from the life senators. For, considering that they themselves will be drawn from the order of law guardians, and will have passed with honour through all the grades of the republic, the evidence of their whole lives, and the public approbation they have received in all the positions they have filled, will be sufficient guarantee of the merit and virtue of every one of them.

I do not intend, however, that even as between life senators the lot alone should determine the preference; this would still fail in part to achieve the great purpose which ought to be kept in mind. It is necessary that the lot should do something, and that choice should do a great deal, in order, on the one hand, to frustrate the intrigues and manoeuvres of foreign powers and, on the other hand, to give all the palatines this very great motive not to allow their conduct to grow slack, but to continue serving their country zealously, that they may deserve the preference over their competitors.

I admit that the class of competitors strikes me as being rather large, if you include the grand castellans who, under the present constitution, are almost equal in rank to the palatines. But I cannot see what disadvantage there would be in restricting immediate access to the throne to the palatines alone. This would create within the same order yet another rank, through which the grand castellans would have to pass before becoming palatines, and thus yet another means of keeping the senate dependent on the legislator. You have already seen that I consider the grand castellans a superfluous part of the constitution. If you decide, nevertheless, in order to avoid all great changes, to leave them their offices and senatorial rank, I approve of the decision. But in the sequence I am suggesting, nothing requires them to be placed on the same level as the palatines; and since nothing prevents it, either, you will be able without untoward consequences to decide the matter whichever way you think best. I shall assume here that the decision will be to reserve immediate access to the throne exclusively to the palatines.

Immediately after the death of the king, therefore, that is to say within the shortest possible interval, as determined by law, the election diet shall be solemnly convened; the names of all the palatines shall be placed in competition; and of these, three shall be drawn by lot, with all possible precautions to prevent any sort of fraud from affecting the result. These three names shall be declared aloud to the assembly which, at the same sitting and by majority vote, shall choose the one it prefers; and he shall be proclaimed king that very day.

You will find, I admit, that this form of election has one great disadvantage, namely that the nation cannot choose freely that one of the whole body of palatines whom she most honours and cherishes, and whom she judges worthiest of the kingship. But this disadvantage is not new to Poland, where it has been seen in several elections, and above all in the last, that without regard for those whom the nation favours, she has been forced to choose the one she would have rejected. But in return for this advantage, which she no longer has and now sacrifices, how many more important ones does she gain by this form of election!

In the first place, the use of the lot immediately frustrates the factions and intrigues of foreign nations, which cannot influence this election, being too uncertain of success to devote much effort to it, since even fraud would be insufficient to favour a subject whom the nation can always reject. The greatness of this advantage alone is such that it ensures the peace of Poland, stifles venality in the republic, and leaves the election with almost all the tranquillity of hereditary succession.

The same advantage also operates against intrigue by the candidates themselves. For who among them would want to put himself to any expense to ensure himself a preference which does not depend on men, and sacrifice his fortune for an event which involves so many unfavourable chances as against a single chance of success? And we may add that those whom fortune has favoured will no longer have time to bribe the electors, since the election must take place at the same session.

The free choice of the nation between three candidates saves it from the disadvantages of the lot, which might conceivably light on an unworthy person. For if this should happen, the nation will be careful not to choose him; and among thirty-three illustrious men, the elite of the nation, among whom it is inconceivable that there should be even one unworthy person, it is impossible that the three favoured by the lot should all be unworthy.

By this form of selection, therefore, and this is a very important consideration, we shall combine all the advantages of election and inheritance.

For in the first place, since the crown does not pass from father to son, there will never be any continuous and systematic attempt to enslave the republic. In the second place, the lot itself, in this form, is the instrument of an informed and voluntary election. From the estimable corps of law guardians, and among the palatines who are selected from it, no choice whatsoever can be made that has not already been made by the nation.

But observe what a spirit of emulation this prospect must introduce into the corps of palatines and grand castellans, who otherwise, as holders of life offices, might grow slack in the assurance of being no longer removable. They can no longer be constrained by fear; but the hope of occupying a throne, which each of them sees to be so near to him, is a fresh spur to keep them constantly at watch over themselves. They know that the lot would favour them in vain if they were refused election, and that the only way to be chosen is to deserve it. This advantage is too great, too obvious, to require elaboration.

Let us assume for a moment, taking the darkest possible view, that it is impossible to prevent fraud in the drawing of lots, and that one of the candidates has succeeded in outwitting the vigilance of all the rest, despite their interest in the matter. This fraud would be a misfortune for the excluded candidates. But the effect on the republic would be the same as if the results of the lottery had been honest; for the advantages of election would nevertheless remain, and the disturbances of an interregnum and the dangers of inheritance would still be avoided; the candidate whose ambition had tempted him to the point of resorting to this fraud would still be, in addition, a man of merit, capable in the judgment of the nation of wearing the crown with honour; and finally, even after this fraud, he would still, in order to profit by it, have to depend on the subsequent and formal choice of the republic.

By this plan, adopted in its entirety, the whole state is knit together; and from the lowliest individual to the premier palatine, there is no one who can see any other way of advancing than by the road of duty and public approval. The king alone, once elected, sees nothing above him but the law, and has no other curb to restrain him; and since he has no further need of public approval, he can safely dispense with it if his plans so require. I can hardly see more than one means of remedying this, and this one means is unthinkable; it would be to make the crown in some way revocable, and to require the kings to be confirmed in office at fixed intervals. But, I repeat, this expedient cannot be suggested; by keeping the throne and the state in a condition of continuous turmoil, it would never leave the administration in a sufficiently strong position to be able to devote itself solely and effectively to the public welfare.

The ancients had a custom which has never been practised save by a single people, but the success of which was such that it is astonishing no other has been tempted to imitate it. It is true that it is hardly appropriate to any but an elective monarchy, although it was invented and practised in a hereditary kingdom. I am referring to the trial of Egyptian kings after their death, and to the judgment which granted or refused them burial and royal honours, according as they had governed the state well or ill during their lives. The indifference of the moderns to all moral objects, and to everything capable of strengthening the soul, will no doubt make them think it madness to consider reviving this custom for the kings of Poland; and I should not dream of trying to persuade Frenchmen, particularly philosophers, to adopt it; but I think it can be suggested to Poles. I even venture to maintain that this institution would bring them great advantages obtainable in no other way, and not one disadvantage. With regard to our present problem, it is impossible, except for a base soul insensible of posthumous reputation, that the justice of an inevitable judgment should not impress the king, and impose on his passions a curb which will, I admit, vary in strength, but which will always be capable of restraining them up to a point; above all when it also involves the interests of his children, whose lot will be determined by the judgment passed on the memory of the father.

After the death of each king, therefore, I should like to have his body deposited in a suitable place, until the verdict on his memory had been pronounced; the tribunal authorised to determine and decree his burial should be convened as rapidly as possible; his life and reign should be rigorously examined by that tribunal; and after hearing evidence, in which every citizen would be allowed both to accuse and to defend, the trial should, on the basis of this evidence, be followed by a judgment handed down with the greatest possible solemnity.

As a consequence of this judgment, if favourable, the late king would be declared a good and just prince, his name inscribed with honour in the list of the kings of Poland, his body ceremoniously interred in their burial-place, the epithet *of glorious memory* added to his name in all public acts and speeches, and a dowry assigned to his widow; and his children, declared royal princes, would be honoured for the rest of their lives with all the advantages associated with that title.

But if, on the contrary, he was found guilty of injustice, violence, malversation and above all of having made attempts against the public liberty, his memory would be condemned and stigmatised; his body, denied royal burial, would be interred without honour, like that of a private citizen, and his name stricken from the public register of kings; and his children, deprived of the title and prerogatives of royal princes, would return to the class of private citizens, without honorific or stigmatising distinctions.

I should like this judgment to be made with the greatest possible formality, but also, if possible, to be handed down before the election of a successor, in order that the influence of the latter might not affect the sentence, the severity of which he would have a personal interest in mitigating. I know that it would be desirable to have more time to uncover hidden truths thoroughly, and to place more evidence before the court. But if it were delayed until after the election, I should be afraid that this important act might soon become no more than an empty ceremony and, as would infallibly happen in a hereditary kingdom, a funeral oration for the deceased king rather than a just and rigorous judgment of his conduct. It is preferable on this occasion to give greater scope to public opinion, and lose some scraps of evidence, in order to preserve the integrity and austerity of a judgment which would otherwise become futile.

With regard to the tribunal which would pass this sentence, I should like it to be neither the senate, nor the diet, nor any body vested with any sort of governmental authority, but an entire order of citizens, which cannot easily be either deceived or corrupted. It seems to me that the citizens elect, better informed and more experienced than the servants of the state, and less prejudiced than the law guardians, who are already too close to the throne, would be just the intermediary body in which you would find the largest amount both of intelligence and of integrity, which would be most likely to give none but reliable judgments, and which would therefore be preferable to the other two on this occasion. Even if it should happen that this body was not large enough to render a judgment of such importance, I should prefer to see it supplemented by members drawn from the servants of the state rather than from the law guardians. Finally, I should not like the presiding officer of this tribunal to be an office-holder, but a marshal chosen from their own number, and elected by themselves, like the presiding officers of the diets and confederations; so important is it to prevent any particular interest from influencing this act, which can become very august or very ridiculous according to the manner in which it is carried out.

In concluding this subject of the election and judgment of kings, I should here speak of one of your customs which has struck me as being most shocking, and quite contrary to the spirit of your constitution, namely the way in which that constitution is seen to be virtually overthrown and annulled at the death of the king, to the point even of suspending and closing all the courts of law; as if this constitution were so dependent on the prince that the death of the one was the destruction of the other. Great heavens! Precisely the reverse should be true. With the death of the king, everything should proceed as if he were still alive; you should hardly be able to perceive that a piece of the machine is missing, that piece being so little essential to its solidity. Fortunately this inconsistency is an isolated thing. You have only to declare that it no longer exists, and nothing else need be changed. But this strange contradiction must not be allowed to continue; for if it is already inconsistent with the present constitution, it will be still more so after the constitution has been reformed.

Chapter XV

Conclusion

MY plan has now been sufficiently outlined. I shall stop. No matter what plan is adopted, you should not forget what I have said in the *Social Contract* regarding the state of weakness and anarchy in which a nation finds itself as soon as it establishes or reforms its constitution. In this

moment of disorder and effervescence, it is incapable of putting up any sort of resistance, and the slightest shock is capable of upsetting everything. It is important, therefore, to arrange at all costs for an interval of tranquillity, during which you may be able without risk to work upon yourselves and rejuvenate your constitution. Although the changes to be made in yours are not fundamental, and do not seem very great, they are sufficient to require this precaution; and a certain length of time will inevitably be needed before the effects even of the best reforms can be felt, and the firmness which should result from them can be acquired.

It is only on the assumption that your success will be proportionate to the courage of the confederates and to the justice of their cause that you can dream of undertaking such an enterprise. You will never be free as long as a single Russian soldier remains in Poland; and you will always be in danger of losing your freedom as long as Russia interferes in your affairs. But if you succeed in forcing her to deal with you as one power with another, and no longer as protector and protectorate, then profit by the exhaustion into which the Turkish war will have thrown her to accomplish your task before she is able to disturb it. Although I set no store by the security to be gained by foreign treaties, this unique circumstance may perhaps force you to lean, as far as possible, on this support, if only for the purpose of learning the present disposition of those who will treat with you. But with this one exception, and perhaps a few trade treaties later on, do not waste your energies in vain negotiations; do not bankrupt yourselves on ambassadors and ministers to foreign courts; and do not account alliances and treaties as things of any moment. All this is useless with the Christian powers, who recognise no other bonds than those of self-interest. When they find it advantageous to fulfil their obligations, they will fulfil them; when they find it advantageous to break them, they will do so; such promises might as well not be made at all. Furthermore, if this self-interest were always real, knowledge of what it would profit them to do would make it possible to predict what they would do. But it is almost never reason of state that guides them; it is the momentary interest of a minister, of a mistress, of a favourite; it is the motive no human wisdom has been able to predict which determines them, sometimes for, sometimes against their true interests. What assurance can you have in dealing with people who have no fixed system, and who are led only by chance impulses? Nothing could be more frivolous than the political science of courts. Since it has no certain principles, no certain conclusions can be drawn from them; and all this fine theorising about the interest of princes is a child's game which makes sensible men laugh.

Do not rely with confidence, therefore, either on your allies or on your neighbours. There is only one of them on whom you can count in some small measure, namely the Sultan of Turkey, and you should spare no efforts to gain his support. Not that his statecraft is much more reliable than that of the other powers; with him, too, everything depends on a vizier, a favourite, a harem intrigue. But the interest of the Porte is clear and simple; it is a matter of life and death to it; and although the Porte has much less enlightenment and finesse, it generally shows more honesty and common sense. With it, as contrasted with the Christian powers, you at least have the added advantage that it likes to fulfil its obligations and ordinarily respects treaties. You should try to make a treaty with it for twenty years, as clear and strong a one as possible. As long as another power conceals its plans, this treaty will be the best, perhaps the only guarantee available to you; and in the condition in which Russia will probably be left by the present war, I think that it may be enough to enable you to undertake your work in safety; the more so since the common interest of the powers of Europe, and above all of your other neighbours, is to leave you to continue as a barrier between themselves and the Russians; and by dint of changing follies they must, at least now and then, be wise.

One thing makes me believe that, in general, they will watch without jealousy your work of constitutional reform: the fact that this work tends only to increase the power of legislation, and consequently of liberty; and that this liberty is regarded in all the courts as a visionary madness which tends rather to weaken than to strengthen a state. That is why France has always favoured the liberties of Germany and Holland; and that is why Russia now favours the present government of Sweden, and blocks the projects of the king with all her strength. All these great ministers, who judge mankind in general by themselves and their entourage, and thus think that they know men, are very far from imagining the vigour which love of country and the impulse of virtue can impart to free souls. It makes no difference that they are the gulls of their own low opinion of republics, and that the latter show in all their enterprises an unexpected power of resistance; these men will never abandon a prejudice founded on the contempt they feel that they themselves deserve, and in terms of which they appraise the human race. In spite of the rather striking experience the Russians have just had in Poland, nothing will make them change their minds. They will always regard free men as they themselves must be regarded, namely as human ciphers moved only by the twin instruments of money and the knout. If they see, therefore, that the republic of Poland, instead of trying to fill its coffers, to increase its revenues and to raise large forces of regular troops, is thinking, on the contrary, of disbanding its army and dispensing with money, they will believe that she is striving to weaken herself; and in the belief that, in order to conquer her, they will have only to appear whenever they like, they will let her reform herself at leisure, laughing the meanwhile among themselves at her labours. And it must be admitted that a state of liberty deprives a people of offensive power, and that in following my plan you should renounce all hope of conquest. But twenty years from now, when your work has been done, if the Russians try to overrun you, they will learn what sort of soldiers in defence of their hearths are these men of peace who do not know how to attack the hearths of others, and who have forgotten the value of money.

For the rest, when you are rid of these cruel guests, take care not to make any sort of compromise with the king they tried to give you. You must either cut off his head, as he deserves, or else, disregarding his first election, which is absolutely void, you must elect him afresh with new *pacta conventa*, in which you will make him renounce the right of appointment to high official positions. The second alternative is not only the more humane, but also the wiser; I even find in it a certain generous pride which will perhaps mortify the court of St Petersburg much more than as if you elected someone else. Poniatowski was very wicked, without doubt; now, perhaps, he is no longer anything more than unfortunate; for in the present situation, at least, he seems to me to be behaving very much as he ought, by taking no part in anything at all. Naturally, at the bottom of his heart, he must fervently desire the expulsion of his hard masters. It would, perhaps, have been an act of patriotic heroism for him to have joined the confederates to expel the Russians; but it is well known that Poniatowski is no hero. Furthermore, quite apart from the fact that he would not have been allowed to do so, and that, as a man who owes everything to the Russians, he is constantly watched, apart from all this, I frankly declare that, if I were in his place, I should not want, for anything in the world, to be capable of that kind of heroism.

I realise that he is not the king you will need when your reforms have been completed; but he may be the one you need to effect them peaceably. If he lives but eight or ten years more, and if your system has then begun to operate, and several palatinates are already filled with law guardians, you need not be afraid of giving him a successor like himself; but I myself am afraid that, if you simply dispossess him, you will not know what to do with him, and will expose yourselves to new troubles.

Nevertheless, no matter what difficulties are to be avoided by electing him freely, you must not dream of doing so until you have made very sure of his real intentions, and unless you find that he still retains some common sense, some feeling of honour, some love of country, some knowledge of his real interests, and some desire to pursue them. For at all times, and above all in the sad situation in which Poland will be left by her misfortunes, there would be nothing more fatal for her than to have a traitor at the head of the government.

As for the manner of broaching the work in question, I have no taste at all for the subtle schemes that have been suggested to you for the purpose of surprising and, in a sense, deceiving the nation with regard to the changes to be introduced into its laws. I should only advise that, while revealing your plan in its full extent, you should not abruptly begin putting it into operation in such a way as to fill the republic with malcontents; that you should leave most office-holders in possession; that you shall fill posts under the new dispensation only as they fall vacant. Never shake the machine too brusquely. I have no doubt that a good plan, once adopted, will change the spirit even of those who played a part in government under another system. Since new citizens cannot be created all at once, you must begin by making use of those who exist, and to offer a new road for their ambition is the way to make them want to follow it.

If, in spite of the courage and constancy of the confederates, and in spite of the justice of their cause, fortune and all the powers abandon them, and deliver the fatherland to its oppressors But I have not the honour of being a Pole, and in a situation like that in which you find yourselves it is not permissible to give advice otherwise than by example.

I have now finished, within the limits of my powers, and would to God that it were with as much success as ardour, the task set me by Count Wielhorski. Perhaps all this is only a lot of nonsense; but these are my ideas. It is not my fault if they bear so little resemblance to those of other men; and it has not lain within my power to organise my mind in another fashion. I even admit that, singular as these ideas may be considered, I myself cannot see anything in them that is not good, well adapted to the human heart, and practicable, above all in Poland; I have tried to make my views follow the spirit of this republic, and to propose only the minimum of changes needed to correct its faults. It seems to me that a government based on such motives ought to proceed to its true goal as directly, as surely and as long as possible; without forgetting, however, that all the works of men are as imperfect, transitory and perishable as man himself.

I have purposely omitted several very important topics on which I did not feel myself qualified to express an opinion. I shall leave this task to men wiser and more enlightened than I; and I shall end this long rigmarole by making my apologies to Count Wielhorski for having taken up so much of his time with it. Although I think differently from other men, I do not flatter myself that I am wiser than they, nor that he will find anything in my reveries that can really be useful to his country. But my wishes for her prosperity are too real, pure and disinterested to make it possible for my zeal to be increased by the pride of contributing to her cause. May she triumph over her enemies, become and remain peaceful, happy and free, may she serve as a great example to the universe and, profiting by the patriotic labours of Count Wielhorski, may she find and form in her bosom many citizens who resemble him!