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The scope and meaning of the term “police” in the political literature of the late Republic of Nobles¹

1. Introduction; 2. The term “police” in European science of the early modern era; 3. The term “police” as a synonym for administration in the first half of the 18th century; 4. The term “police” in political literature at the end of the Noble Republic in Poland; 5. Summary.

1

The term “police” (Polish: *policja*) derives from the Greek word *politeia*, which the ancients used to describe the state system. It was also used in this Aristotelian sense in Poland as early as the sixteenth century. It was used by Stanisław Orzechowski, a writer of the Renaissance period, in his work entitled *Policja Królestwa Polskiego* [the Police of the Kingdom of Poland], published in 1565². This understanding of the term, thus understood, operated in the Commonwealth until the end of the seventeenth century³.

¹ This text appeared in Polish (*Zakres i znaczenie terminu „policja” w literaturze politycznej schyłku Rzeczypospolitej szlacheckiej*) in *Studia Iuridica Lublinensia*, Vol. XXV, No. 3, 2016, pp. 617–628.

² *Królestwo między policjami najlepsza policja jest. [...] Przeto rzeczpospolita nasza ani monarchia, ani demokracja, ani oligarchia, ale policja ma być sprawnie zwana. [...] Policja jest przełożonych rząd: to jest prawem rozpisana urzędna władza* [The kingdom, among the *policja* (here: polities) is the best *policja*. (...) Therefore, our Commonwealth is neither a monarchy, nor a democracy, nor an oligarchy, but a *policja* it should properly be called. (...) The *policja* is the superior government: it is the official power laid down by law]. S. Orzechowski, *Policja Królestwa Polskiego na kształt Arystotelesowych polityk wypisana i na świat dla dobra pospolitego trzema księgami wydana* (publ. Kraków 1859), pp. 52–54.

³ J. Malec, *Studia z dziejów administracji nowożytnej*, Kraków 2003, pp. 12–13; *idem*, *Policey im frühneuzeitlichen Polen: Gesetzgebung und Literatur*, [in:] *Policey im Europa der Frühen Neuzeit*, ed. M. Stolleis, Frankfurt am Main 1996, pp. 408–409 (Ius Commune. Sonderhefte, No. 83).

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In the Holy Roman Empire, as research by Hans Maier has shown, from the fifteenth century onwards it was also widely used to mean the general internal order of the state or state administration (*Staatsverwaltung*)⁴, and in the seventeenth and eighteenth centuries it became exclusively synonymous with administration in the broad sense. The term police became widespread in Germany and France through the dynamically developing field of police science (*Polizeilehre, science de la police*)⁵, especially in the eighteenth century. At that time, the notion of police was understood not only in matters related to the maintenance of security, peace, and public order, i.e., what we understand under the term police today, but also in many other fields of internal administration of the state. A comprehensive and coherent system of police science and simultaneously defining the notion of police in a departure from cameralist doctrine was developed by Johann Heinrich von Justi (1717–1771) and Joseph von Sonnenfels (1733–1817)⁶.

For Justi, policing was to encompass three types of issues: the economy of the country, overseeing the means to ensure a bountiful food supply for the population and the proper morals of its subjects. In Justi's view, these goals were to be achieved in the development of towns and villages, in ensuring the comfort of their residents and in increasing the population on which the prosperity of the state depended. The means to this end were to be properly kept statistics, population registers, and a comprehensive system of policing norms for agrarian, forestry and land management. In order to ensure the food supply, the government was to promote trade, without, however, conducting its own economic activities, but only by exercising state supervision over the economic activity of its citizens. All types of police, i.e., the agricultural, population and trade police, were to co-operate with the third sphere of guardianship over society, namely, the education police⁷. Sonn-

⁴ Cf. H. Maier, *Die ältere deutsche Staats- und Verwaltungslehre (Polizeiwissenschaft). Ein Beitrag zur Geschichte der politischen Wissenschaft in Deutschland*, 2nd ed., München 1980, pp. 92–105. See also: *Handwörterbuch zur deutschen Rechtsgeschichte*, ed. A. Erler, E. Kaufmann, Vol. III, Berlin 1984, pp. 1800–1803 (entry: "Polizei").

⁵ H. Maier, *op.cit.*, p. 181; F. Longchamps, *Założenia nauki administracji*, Wrocław 1949, pp. 17–18; H. Izdebski, *Historia administracji*, Warszawa 2001, 5th ed., pp. 24–27.

⁶ J.B. Oczapowski, *Policyści zeszłego wieku i nowożytna nauka administracji. Historia nauki administracji w XVIII wieku*, Warszawa 1882, pp. 85–153.

⁷ J. Malec, *Polska myśl administracyjna XVIII wieku*, 2nd ed., Kraków 2008, pp. 22–23. See also: *Deutsche Verwaltungsgeschichte*, Vol. 1: *Vom Spätmittelalter bis zum Ende des Reiches*, ed. K.G.A. Jeserich, *et al.*, Stuttgart 1983, pp. 416–418; H. Maier, *op. cit.*, pp. 182–187. Justi divided his work into four parts. In the first one, he dealt with the issues of increasing the country's economic output, and – closely related to this – with increasing the population. To this end, he recom-

enfels, on the other hand, was inclined to link the police more closely with the aims of the state, believing that it should be an instrument in the hands of the absolute monarch and act in his interests. The police were to serve not only as a means to ensure the welfare of society, but above all as a security police. He thus reduced it to the role of an instrument of state coercion. It was to support religion as a type of social bond, ensure the morality of citizens, including through the development of science and education, and eliminate whatever undermines proper morals. The duties of the police also included keeping all the statistics in the country and ensuring that society respected the laws⁸. The final link between the police and public safety came from Günther-Heinrich von Berg in his eight-volume *Handbuch des Deutschen Polizeyrechts* [Handbook of German Police Law], published between 1799 and 1809⁹.

mended taking a recurring census, state policies that would encourage foreigners to settle in the country, and measures to prevent depopulation, up to and including a ban on leaving the country. The second part was devoted to the industrial police. This included matters relating to the prevention of price inflation for food and shortages of food supplies; the methods of managing towns and villages; the development of means of transportation; as well as the broad economic policy of the state. In the third part, Justi dealt with the broadly defined issue of the morals of society. He included matters relating to religion and the development of the sciences and education, and presented the issue of publication censorship, speaking especially against acts that attacked religion, proper morals, the order of the state or the person of the ruler. He went on to discuss the security police, whose task was to prevent violations of both public and private security, i.e., to preserve "domestic peace". Another sphere of activity of the morals police was to be the watch over the observance of weights and measures. Substantial space in the third part was also devoted to the issue of the village police [transl. note: German: *Landpolizei*], which he entrusted to patrimonial courts. At the same time, he postulated the issuing of a fire code for villages. Finally, he also dealt with the charity police, to which he entrusted the prevention of the spread of begging and care for the proper provision of the sick, infirm, and disabled by setting up hospitals, lazarettos and welfare homes, as well as penny banks. Finally, the fourth part was devoted to police legislation and bodies, which Justi also included the judiciary, dividing police "laws" and "ordinances" into general ones, concerning certain states or professions, and specific ones, dealing with particular branches of administration, i.e. ordinances regulating forestry, trade, crafts, health care, transportation, etc. (Cf. J.B. Oczapowski, *op. cit.*, pp. 85–144).

⁸ J. Malec, *Polska myśl administracyjna...*, *op. cit.*, s. 23; H. Maier, *op. cit.*, s. 187–190; *Deutsche Verwaltungsgeschichte...*, *op. cit.*, p. 418. In Sonnenfels' narrowing down of the tasks of the police above all to the issues of the internal security of the state and its citizens, J.B. Oczapowski sees for the first time such a clearly formulated theory of a "proper police" in today's understanding of the term, i.e., one no longer identified with the totality of issues of public administration. J.B. Oczapowski, *op. cit.*, pp. 150–151.

⁹ J. Malec, D. Malec, *Historia administracji i myśli administracyjnej*, 2nd extended ed., Kraków 2003, p. 58.

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In the Republic of Nobles, the ideas of absolutist police science could not find fertile ground. The “republican” model of the state differed fundamentally from the centralised forms of government of the powers neighbouring Poland. Nevertheless, certain solutions were replicated, in particular in the second half of the eighteenth century. It was then that the notion of the police, understood as a synonym of administration in the broad sense of the term, started to appear in Polish legislation and literature, and the ideas of European police science started to some extent to exert an influence on the shape of the reforms of the internal administration of the state¹⁰.

The term police first appeared as a synonym for administration in the Saxon period. At the same time, there was still no clear definition of this term in the works of authors of that time.

Stanisław Leszczyński in his fundamental work, *Głos wolny wolność ubezpieczający* [The Free Voice Ensuring Freedom], referred to the police as “the general order”¹¹. Justifying its necessity as being to ensure order and the security of citizens¹², he called it the principal rule (*principalis regula*) on which the internal administration of the state should be based.

*Bez tego porządku – dowodził – nie może być Rzeczpospolita, tylko corpus inanimatum, której żywego wigoru jest znak najpewniejszy, kiedy każda część swoją funkcją odprawuje, kiedy wszystkie czyniąc unitatem individuam, concurrunt do konserwacji swojej, sub imperio prawa, dla utrzymania porządku postanowionego*¹³.

[Without this order – he argued – there can be no commonwealth, only a *corpus inanimatum* [inanimate body], whose living vigour is the surest sign, when each part performs its function, when all of them, forming a single unity, *concurrunt* [agree] to its maintenance, *sub imperio* [under the rule] of law, to maintain the order provided for].

He limited the police to the role of enhancing the public order, without emphasising its particular responsibilities in the administration of construction, fire regulation, medicine, etc.

Under the Great Crown Chancellor, Andrzej Stanisław Załuski, the police were to not only supervise the safety of citizens but also transportation and support

¹⁰ J. Malec, *Polska myśl administracyjna...*, op. cit., p. 168; A. Zahorski, *Centralne instytucje policyjne w Polsce w dobie rozbiorów*, Warszawa 1959, p. 20.

¹¹ S. Leszczyński, *Głos wolny wolność ubezpieczający*, K.J. Turowski edition, Kraków 1858, p. 40.

¹² *Ibid.*, pp. 144–145.

¹³ *Ibid.*, pp. 145.

for merchants. He entrusted the execution of these responsibilities the Treasury Commission¹⁴.

One of the main promoters of reform of the state in the Saxon era, Stanisław Konarski, did not precisely define the concept of the police.

4

Greater clarification of what the police were to do did not appear until the Poniatowski era. In 1767 Stanisław Augustus Poniatowski, wishing to counter attempts to limit his power, drew up the *Plan en gros d'un Conseil Permanent en Pologne*¹⁵ [Rough plan for a Permanent Council in Poland]. One of the departments of the Permanent Council (*Rada Nieustająca*) proposed therein was to be the Department of the Police, obliged to report to the Council on its activities:

*Police. Toutes les parties de Police qui s'exercent jusqu'à present doivent s'exercer de même l'avenir, en tenant la même marche pour les rapports qui est marquée pour les Tribunaux, et le Conseil en agira de même aussi en ajoutant qu'aucune décision de mort ne sera exécutée dans quelque juridiction que cela puisse être sans que le Conseil n'ait finalement prononcé la dessus et ordonné de l'exécuter*¹⁶.

[Police. All the parts of the Police which have practiced to the present must practice in the same way in the future, retaining the same reporting procedure which is prescribed for the Tribunals, and the Council will act in the same way, with the addition that no sentence of death shall be executed in any jurisdiction without the Council having pronounced the above as final and ordered that it be executed].

Antoni Popławski, a professor at the *Collegium Nobilium* and the *Szkoła Główna Krakowska* [Kraków Main School], understood policing as dealing with questions of "bezpieczeństwo, wygoda i porządek" [safety, comfort and order], in particular, increasing the country's population, improving the state of roads and highways, improving the navigability of rivers and canals, ensuring the safety of trade, developing manufactures, reversing the decline of towns, developing agriculture and trade, protecting against natural disasters¹⁷.

Another author in whose work we can find the first such broad definition of

¹⁴ J. Bieniarzówna, *Projekty reform magnackich w połowie XVIII wieku. (Nowe dążenia ekonomiczne)*, Przegląd Historyczny, Vol. XLII, 1951, p. 310. See also: Z. Zielińska, *Walka „Familii” o reformę Rzeczypospolitej 1743-1752*, Warszawa 1983, pp. 89–90 and 115–116; W. Konopczyński, *Geneza i ustanowienie Rady Nieustającej*, Kraków 1917, p. 74.

¹⁵ Archiwum Główne Akt Dawnych (AGAD) [Central Archives of Historical Records], Archiwum Królestwa Polskiego [Archive of the Kingdom of Poland], 352, p. 281–284.

¹⁶ *Ibid.*, p. 283.

¹⁷ A. Popławski, *Zbiór niektórych materii politycznych*, Warszawa 1774, pp. 268–269.

the police was Józef Wybicki. In his *Mysli polityczne o wolności cywilnej* [Political Thoughts on Civil Liberties], published in 1775–1776, he included among the tasks of the police matters of security (German: *Sicherheitspolizei*), the well-being of the inhabitants (German: *Wohlfahrtspolizei*), and the administration of justice. He postulated the development of a comprehensive set of police laws, which were to be undertaken by *novemvirs* selected by the Sejm and mandataries appointed in the provinces, who

*cytowałoby różne prawa cywilne i rozrządzenia wewnętrzne, dowodząc z nich skutki szczęśliwe, quo ad ius civile i politiem. Ci mandatariusze oświecaliby novemvirów o osobliwszych swoich województw prawach. W materiach podatków przedkładałoby stan mieszkańców, położenie miejsca etc.*¹⁸.

[would cite various civil laws and internal ordinances, concluding from them favourable results, *quo ad ius civile* (in civil law) and in policing. These mandataries would enlighten the *novemvirs* about the more peculiar laws of their provinces. In matters of taxation, they would submit the state of the inhabitants, the location of the place, etc.].

Only good policing could, in his view, lead the country out of anarchy, ensuring the safety of the general population under the protection of the state. The Commonwealth could then regain a proper position among other nations, and society the assurance of its life and property¹⁹.

In 1780, in Lwów, then under Austrian rule, an anonymous work was published, attributed to Remigiusz Ładowski, entitled *Krótkie zebranie trzech praw początkowych* [A short collection of three primary laws]. In the third part, the author devoted substantial space to police matters. It is worth emphasising that we are dealing here with views imbued with the spirit of Enlightened Absolutism, with clear influences from German police science. The police, for Ładowski, was to ensure security, increase the population, develop education, supervise morals, develop agriculture, combat mendicancy, develop urban planning, fire ordinances, social welfare and develop the transportation network. He was also the first to set up a village police force, whose responsibilities included

od niebezpieczeństwa mieszkańców oswobodzić i ochędostwo przyzwoite zakrzewić. Starać się łapać złodziejów, zbójców najazdy czyniących i bez świadectwa do wsi przechodzących. Żebrakom ze wsi do wsi przechodzić nie dawać. Austerie niespodzianie zwiędzać. Sposób od ognia ten sam co i w mieście zachować. Prócz tego kazać mieć porządne latarnie idącym do officyn gospodarskich. Rzekom tamy czynić, aby gruntów

¹⁸ J. Wybicki, *Mysli polityczne o wolności cywilnej*, Vol. I–II, Poznań 1775–1776, pp. 104–106.

¹⁹ J. Wybicki, *Listy patriotyczne*, ed. K. Opałek, Wrocław 1955, pp. 54–56.

nie psowały. Najczyściej kazać mieszkać wiejskim, lubo przy szczupłym majątku; drogi naprawiać²⁰.

[to relieve villagers from danger and to plant the seeds of decent behaviour. To try to catch thieves and robbers who raid villages and those who come without an attestation. To not allow beggars to pass from village to village. To visit inns unexpectedly. To take the same fire precautions as in the towns. In addition, order the use of proper lanterns going to outbuildings. To make dams for rivers so that they do not spoil the land. To order that rural dwellings be as clean as possible, even if the means are meagre; repair roads].

The whole work is characterised by the author's undisguised affinity for absolute monarchy, which may have resulted from the fact that Ładowski lived behind the lines, and thus his views tried to reflect the official policy of the Habsburg state.

Jan Aloy, Michał Wielhorski²¹, Wincenty Skrzetuski²² and the Archbishop of Mohyla Stanisław Siestrzencewicz²³ wrote in a similar vein regarding the scope of matters assigned to the police. Most authors also included the administration of justice in the competences of the police. The most frequently recurring responsibilities assigned to the police were security, population policy, public health, matters related to the food supply, urbanization of towns, fire safety and transportation.

The Four-Year Sejm (1788–1792) initiated a fundamental reform of the state system, which culminated in the adoption of the Government Act, known as the Constitution of the Third of May 1791.

One of the most important authors of the programme for the reform of the Commonwealth was Hugo Kołłątaj. In his *Listy Anonima* [Anonymous Letters], he identified the police with the internal administration of the state in its broadest sense. The responsibilities of the Police Commission that he proposed included all matters related to administrative supervision over royal towns. He referred to other spheres of activity, which most authors regarded as the responsibility of the police, as "political economy"²⁴. In Kołłątaj's concept, the police thus were assigned

²⁰ [R. Ładowski], *Krótkie zebranie trzech praw początkowych, to jest prawa natury, politycznego i narodów, z różnych autorów wyjęte*, Lwów 1780, p. 128.

²¹ M. Wielhorski, *O przywróceniu dawnego rządu według pierwiastkowych Rzeczypospolitej ustaw*, [n.p.] 1775; *idem*, *Essai sur le Rétablissement de l'ancienne forme du Gouvernement de Pologne, suivant la Constitution Primitive de la République*, A Londres 1775.

²² W. Skrzetuski, *Mowy o główniejszych materiach politycznych*, Warszawa 1773; *idem*, *Prawo polityczne narodu polskiego*, Warszawa 1782–1784.

²³ *Serjarz projektów do prawa, innych różnych pism, uwag, myśli patriotycznych, żądań województw, ziem i powiatów, pomiędzy sejmem a sejmem od senatorów, posłów, gorliwych patriotów formowanych*, [n.p.] 1785.

²⁴ Cf. J. Malec, *Polska myśl administracyjna...*, *op. cit.*, pp. 103–109.

a relatively narrow range of powers. It was to constitute only a small part of all the administrative activities of the state²⁵.

A much broader definition of the police was given by the Bishop of Livonia, Józef Kossakowski. In his treatise *Obywatel* [The Citizen], published in 1788, he wrote:

*Uważać dalej można, iż jako każdy w domu porządnym gospodarz, słusznie i koniecznie dozór swój gospodarski, na cztery rozdziela części, tak każdy naród tego się trzymał i trzymać musi rządowej administracji podziału. I tak: strzeżenie dochodów i wydatków z przemyślaniem onych pomnożenia i ile być może oszczędzania; utrzymanie we wszystkich częściach rządowych sprawiedliwości z użyciem skutecznych do jej strzeżenia sposobów, które ojcu nad dziećmi, panu nad czeladzią i właściwe jest i konieczne; czułość porządku, który jest duszą rzeczy i jedyną rządu każdego twierdzą; nakoniec ustanowienie straży jakowej do pilnowania całości i bezpieczeństwa powszechnego, jest mu nieodbitnie potrzebne. W politycznym rozkładzie, nazywamy tę władzę administracją skarbu, sprawiedliwości, policji i wojska [...]*²⁶.

[It may be argued further that, just as every proper householder rightly and necessarily divides oversight of his property into four parts, so every nation has adhered and must adhere to this division of government administration. And so: monitoring incomes and expenditures with a view to multiplying them and saving as much as possible; upholding justice in all parts of the government using efficient means for its protection, which are proper and necessary for a father over his children and a master over his staff; sensitivity to order, which is the soul of things and the only stronghold of any government; finally, establishment of a guardian to watch over the whole and the general security, which is indispensable to it. In the political order, we call this power the administration of the treasury, justice, police and army (...)].

Konstanty Plater's essay was in a similar vein, recommending at the same time the drafting of an "*instruktarz policji i rządu miejskiego*" [instruction manual for the police and municipal government], which would contribute to unifying the system of police law in Poland²⁷. Józef Puszet, on the other hand, in his work enti-

²⁵ This was pointed out by Zahorski, who wrote that "Kołątaj zakreśla policji węższy zakres działania niż De la Marre [!] i korzystający zeń Encyklopedyści, a także Justi, wykazuje natomiast pewne podobieństwo do poglądów Sonnenfelsa" [Kołątaj defines a narrower scope of action for the police than De la Marre and the Encyclopaedists who used him, as well as Justi, while showing a certain similarity to the views of Sonnenfels]. A. Zahorski, *op. cit.*, p. 62, note 10.

²⁶ K. Estreicher ascribes the authorship of this work to Tadeusz Morski, whereas Leśnodorski and Zahorski insist it was Kossakowski. Cf. J. Malec, *Polska myśl administracyjna...*, *op. cit.*, p. 110, note 37.

²⁷ K. Plater, *Listy posła do ojca na wsi mieszkającego i odpowiednie w okolicznościach sejmu terazniejszy zatrudniającego*, [n.p.] 1788, part IV, s. 24–26.

tled *O uszczęśliwieniu narodów* [On making the nations happy], proposed

ustanowienie policji, czyli dobrego porządku dozorców, nie tylko względem miast, ale nawet i względem pomniejszych miasteczek; założenie rzemieślniczych szkół po miastach większych; wprowadzenie fabryk krajowi przyzwoitych; wykupienie ról od obywatelów miejskich; wyznaczenie pewnych nagród dla tych, którzy zabiegami niepospolitemi zalecać usiłują ochotę swoją; są to sposoby między innymi, które wykonane być mogą, a za którymi porządek miast i miasteczek, ludność krajowa, polepszenie stanu miejskiego, wzrost handlu i uszczęśliwienie kraju całego koniecznie nastąpić musi²⁸.

[the establishment of police forces, or supervisors of the proper order, not only for the cities, but also for smaller towns; the founding of craft schools in the larger cities; the introduction of proper factories to the country; the purchase of land from municipal citizens; the appointment of certain award for those who, by means of uncommon measures, strive to promote their will; these are, among other things, the means that can be implemented, and by means of which the orderliness of the cities and towns, the national population, the improvement of urban conditions, the growth of trade and the well-being of the whole country must necessarily follow].

In Puszet's view, police activity should be directed towards the fundamental goals of the welfare and safety of the population, while the fundamental goal of the state is the happiness and well-being of its subjects²⁹.

One who should be counted among the proponents of subjecting a wide range of matters to police supervision is Jan Ferdynand Nax³⁰. Like Wybicki, he called for the development of a coherent system of police law. He was also in favour of subjecting trade and industry to state control, referring to models drawn from cameralist literature. In his *Wykład początkowych prawideł ekonomiki politycznej* [Discourse on the primary principles of political economy], he included among

²⁸ J. de Puget Puszet, *O uszczęśliwieniu narodów*, Vol. 1, Warszawa 1788, pp. 287–288.

²⁹ *Ibid.*, pp. 101–103.

³⁰ Nax's economic views, taken in a cameralist spirit as the totality of the state's economic activity, are presented in J.B. Oczapowski, *Kameralista polski z czasów Sejmu Czteroletniego. Studium z dziejów ekonomiki u nas*, [in:] *idem, Roztrząsania i rozbiory w naukach politycznych i ekonomicznych z lat kilkunastu zebrane*, Warszawa 1889, pp. 518–555. See also: Ż. Grotowski, *Rzut oka na stosunki gospodarcze w Polsce pod koniec XVIII stulecia. Przedmowa do F. Naxa, Wykładu początkowych prawideł ekonomiki politycznej*, Warszawa 1914, pp. 16–25 (Biblioteczka Dzieł Społeczno-Ekonomicznych, Series I: *Ekonomiści polscy*, Vol. VIII). Grotowski expresses a slightly different view than Oczapowski, according to which cameralism, like physiocracy, while undoubtedly exerting an influence on Polish political writing during the Enlightenment, was not transplanted to Poland in its pure form. Nax was not, therefore, "kameralistą na wzór pruski, ale interes państwowy bez wątpienia umiał podporządkować idei ogólnospołecznej potrzeby" [a cameralist of the Prussian model, but he undoubtedly knew how to subordinate state interests to the idea of a general needs of society]. *Ibid.*, p. 24.

the responsibilities of the police concern for the growth of the population, the development of agriculture, trade, industry and transportation, as well as the introduction of a new administrative division of the state. Population growth – one of the fundamental issues addressed in police literature – for Nax depended on ensuring the safety of the population, the maintenance of good morals, the development of social and health care, and proper administrative control over the supply and price of food, as well as to for the police to care for the rural population, on whom the level of the country's food supply depended³¹. At the same time, he stressed that excessive police regulations imbued with casuistry often are a cause of resentment and opportunism on the part of the public, thus affecting the effectiveness of their observance³².

In the anonymous *Myśli polityczne dla Polski* [Political thoughts for Poland], published during the sessions of the Great Sejm, the tasks of the police included the supervision of weights and measures, the construction of public buildings, and concern for “*ochędźstwo i czystość*”³³ [tidiness and cleanliness]. In a representative of the Warsaw bourgeoisie, Wincenty Horalek, we can find a similar definition of the responsibilities of the police similar to that of most writers of the time. It is supposed to look after of peace, security and order in the state, control weights and measures, watch over the health of residents and the development of hospitals,

³¹ J.F. Nax, *Wykład początkowych prawideł ekonomiki politycznej, z przystosowaniem przepisów gospodarstwa narodowego do onego wydzwignienia i polepszenia, stosownie do aktualnego stanu, w którym rzeczy zostają*, Warszawa 1790.

³² „Gdziekolwiek zbyt wytworna policja swym zarządzeniem wszystkie sprawy nawet i obojętne kierować usiłuje i z naganną ciekawością swoje szperania, aż do wglądania w wewnętrzne familiów rządu i do tajemnic domowych rozciąga, już tam żadnej szczęśliwości cywilnej szukać nie potrzeba, co dopiero tam za uciemiężenie nastąpić musi, gdzie same powszechne prawa swemi groźnymi karami nawet do regulowania obojętnych spraw obywatelskich się wtrącają. [...] Jak najmniej praw, ale przykładowie zachowanych powinno być powszechne polityki axyoma. To samo o policji mówić można” [Wherever an over-refined police attempts by its ordinances to control all matters, even those of indifference, and extends with reprehensible curiosity its snooping, even to the penetration of the inner life of families and the secrets of the home, there is then no need to seek civil happiness; there is only oppression, where the common laws themselves interfere with the regulation of indifferent civic affairs by their threatening penalties. (...) As few laws as possible, but with exemplary behaviour, should be the common axioms of politics. The same may be said of the police]. J.F. Nax, *Uwagi nad uwagami, czyli obserwacje nad książką, która w roku 1785 wyszła pod tytułem: Uwagi nad życiem Jana Zamoyskiego Kanclerza i Hetmana W. Kor.*, Warszawa 1789, pp. 42–45.

³³ Published in Warsaw in 1789. E. Rostworowski ascribes it to Józef Pawlikowski. Cf. E. Rostworowski, *Myśli polityczne Józefa Pawlikowskiego*, [in:] *idem, Legendy i fakty XVIII w.*, Warszawa 1963, pp. 195–264.

as well as take care of fire safety, population statistics, transportation and urban planning³⁴.

In 1792, a work appeared that was the only one of its kind at the time to be entirely devoted to police matters, both defining them and setting out principles for their operation. This was the anonymous *Początkowe prawidła policji ogólnej w kraju* [Primary Rules of the General Police in the State]. As I have made an extensive description of this study in a reprint of one of my published works³⁵, I shall limit myself here to outlining the main features of the police as seen by the author of this essay. An unknown writer, almost certainly Polish, expresses at the outset the view that

przez Policję rozumie się sztuka ustanowienia prawideł wewnętrznych w tym sposobie, ażeby wygodne familiów jestestwo i partykularnych obywateli było zupełnie zgodne z dobrem kraju. Jednostajnie więc, dobra policja łączy interes zwierzchności, z interesem wszystkich poddanych [...]. A tak słowo policji uważanym być może w trzech różnych względach. W znaczeniu najobszerniejszym policja zamykać w sobie będzie, prawidła ustanowione dla dobrego bytu wewnętrznego kraju w powszechności i różnych partykularnych mieszkańców, jakiegokolwiek bądź oni są stanu. W znaczeniu mniej obszernym, przez policję rozumie się to wszystko, co spokojność, porządek, bezpieczeństwo w kraju i utrzymanie życia prywatnego każdego w towarzystwie zrządza. Na koniec przez policję w sensie najściślej wziętym, rozumieją się prawidła szczególne, stosujące się do rzemieślników i kupców, do miar i wag, do handlu, towarów i żywności, do bezpieczeństwa, ochędóstwa i ozdoby miast, do źródeł, ulic, przechadzek, dróg i innych w tym rodzaju obiektów³⁶.

[by policing what is understood is the art of establishing internal rules in such a way that the comfortable lives of families and individual citizens are fully compatible with the good of the country. Uniformly, therefore, good policing unites the interests of the sovereign with the interests of all his subjects (...). And so the word police can be considered in three different ways. In its broadest sense, policing encompasses the rules established for the good of the country's internal welfare for the general public and the various particular residents, to whatever estate they may belong. In a narrower sense, policing is understood as everything that ensures peace, order and security in the country, as well as the preservation of the private lives of everyone in society. Finally, by policing in the strictest sense of the term, are meant the particular laws that apply to craftsmen and merchants, to measures and weights, to trade, goods and food, to the safety, orderliness and tidiness of cities, to springs, streets, walks, roads and other such objects].

³⁴ W. Horalek, *Na pismo pod tytułem: Czamarka i Sarafan, w czasie sejmu patriotycznego w Polskę wprowadzone [...]*, Warszawa 1791, pp. 24–28.

³⁵ *Początkowe prawidła policji ogólnej w kraju. Tłumaczone z Francuzkiego języka, na polski. Tom I. w Warszawie 1792. Roku*, with a foreword by J. Malec, Kraków 2008.

³⁶ *Ibid.*, pp. 4–6.

On the one hand, we are dealing here with a definition found in many of the previously cited authors; on the other hand, one may note a classification borrowed directly from Delamare's work, which testifies to the knowledge of the French magistrate's work (in particular, this applies to a nearly verbatim adoption of the description of different spheres of police activity)³⁷. According to the author of the *Początkowe prawidła...*, the police should in particular protect religion, morals, the health of residents and their food, have an impact on urban planning, security and public peace, support science and the liberal arts, commerce, crafts and industry, and finally take care of the poor, the disabled and beggars. It follows from the definition of the police contained in this work that it is a set of administrative norms designed to ensure that the particular interests of citizens are in harmony with the general good of the country, by which the author means the interest of the superior authority.

5

Finally, it is worth emphasising that the views of eighteenth-century publicists on the meaning and scope of the term "police" were reproduced in the legislation of the late Polish Republic of Nobles in their entirety. This is clearly visible in the text of the Act on the Police Commission of June 1791, whose authority was to extend

na to wszystko, co się tycze: 1^{mo}. Beźpieczeństwa i spokojności publicznej. 2^{do}. Wygody publicznej. 3^{tio}. Sądowości i urzędników policji [...].

[to everything that concerns: 1st Public safety and peace. 2nd Public comfort. 3rd the Judiciary and police officers (...)].

This is followed by a meticulous enumeration of all these areas under the competence of the Commission, in a manner not dissimilar to that advocated by the political literature of the period³⁸. However, the basic difference between the understanding of the scope of police activities in the Commonwealth and in absolutist states should be clearly indicated. This is best illustrated by a quotation concerning the powers of the Police Commission from the anonymous *Mysli o ogólnej*

³⁷ *Ibid.*, pp. 11–15. Even the order of enumeration is the same as Delamare's, with the only difference that the author of the *Traité de la police* still included the supervision of domestic servants and care in times of unemployment among the tasks of the police. Cf. N. Delamare, *Traité de la police ou l'on trouvera l'histoire de son établissement les fonctions et les prérogatives de ses magistrats*, Vol. I, Paris 1719, p. 4

³⁸ *Volumina Legum. Leges, statua, constitutiones et privilegia Regni Poloniae, Magni Ducatus Lithuaniae. Omniumque provinciarum annexarum, a commitiis visliciae anno 1347 celebratis usque ad ultima regni comitia*, Vol. IX: (1782–1792), p. 278 ff.

poprawie rządu krajowego [Thoughts on the general improvement of the national government], where it is said that what should belong to the Commission were

policja ogólna kraju, dróg, mostów etc., wyłączając jednak to wdawanie się w partykularne i domowe każdego urzędnienia, które w monarchicznych krajach policja ścieśniać i obarczać śmie to powiedzieć, z szkodą kraju zwykła, bo zbytnia skrzętność czasem od niedozoru nawet szkodliwszą bywa. Wszak co niedozorem traci się na czas, to z czasem odzyskanym być może; co przykra wytepi niewola, to ginie na zawsze³⁹.

[the general policing of the country, of the roads, bridges, etc., excluding, however, this meddling with particular and household management, which in monarchical countries the police impose and tighten, daresay, to the general detriment of the country, as excessive scrupulousness is sometimes even more harmful than negligence. After all, what is lost in through negligence may be regained in time; what is extinguished by grievous slavery dies forever].

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³⁹ *Myśli o ogólnej poprawie rządu krajowego* [n.p., n.d.], [p. 12–13] [unpaged].

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*The scope and meaning of the term “police”
in the political literature of the late Republic of Nobles*

The term “police” (Polish: *policja*) derives from the Greek *politeia*, originally meaning the state system. Starting in the fifteenth century, and especially in the seventeenth and eighteenth centuries, it became synonymous with the word “administration” *sensu largo*. In Poland, from the eighteenth century onwards, despite the lack of reception of the principles of the Western European police science, it also began to be used in this sense. Attempts to define “police” were made by Polish political writers, from Stanisław Leszczyński to the authors of the political reform of the state at the Four-Year Sejm. The term was understood broadly, in the case of most writers as meaning the internal order of the state, but also in the sense of the so-called service administration, thus the fire police, building police, medical police, road police, etc., i.e. everything that contributed to the welfare of society. The administration of justice was often included in the scope of police responsibilities. Both supporters and opponents of state reform, admirers of the republican form of government and proponents of the idea of a strong state modelled on absolute monarchies wrote about the police. Most Polish authors, however, understood the police not as a means to strengthen state power, but as a way to ensure “proper order”, i.e., security, peace and the comfort of the public.

Key words: administration, history of administration, police, police science, internal state administration, eighteenth-century political literature

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***Zakres i znaczenie terminu „policja” w literaturze politycznej
schyłku Rzeczypospolitej szlacheckiej***

Termin „policja” wywodzi się z greckiego słowa *politeia*, oznaczającego początkowo ustrój państwa. Od XV w., a zwłaszcza w XVII i XVIII stuleciu stał się synonimem słowa „administracja” *sensu largo*. W Polsce od XVIII w., mimo braku recepcji założeń zachodnioeuropejskiej nauki policji, zaczął być stosowany również w tym właśnie znaczeniu. Próby zdefiniowania „policji” podejmowali polscy pisarze polityczni, poczynając od Stanisława Leszczyńskiego po autorów reformy ustrojowej państwa na Sejmie Czteroletnim. Rozumiano to pojęcie szeroko, u większości pisarzy jako porządek wewnętrzny państwa, ale także jako tzw. administrację świadczącą, a więc policję ogniową, budowlaną, lekarską, drogową itp. – czyli to wszystko, co przyczyniać się miało do zapewnienia przez państwo dobrobytu społeczeństwu. Często włączano do zakresu zadań policji także wymiar sprawiedliwości. O policji pisali zarówno zwolennicy reformy państwa, jak i jej przeciwnicy, admiratorzy republikańskiej formy rządów, a także głosiciele idei silnego państwa na wzór monarchii absolutnych. U większości polskich autorów policja rozumiana była jednak nie jako środek do wzmocnienia władzy państwowej, lecz jako sposób zapewnienia „dobrego porządku”, czyli bezpieczeństwa, spokoju i wygody publicznej.

Słowa kluczowe: administracja, historia administracji, policja, nauka policji, zarząd wewnętrzny państwa, literatura polityczna XVIII wieku