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*Main currents in views on the reorganisation
of the apparatus of executive power
in the eighteenth-century
Polish-Lithuanian Commonwealth¹*

1. Introduction; 2. Concepts of reform of the executive power in Poland in the Age of Enlightenment;
3. Reorganisation of the executive power apparatus in the second half of the eighteenth century;
4. Summary.

1

In the eighteenth century, and particularly in the second half, concepts began to emerge for the reconstruction of state administration, the basic structure of which remained rooted in estate monarchy and did not meet the needs of a modern state in the Age of Enlightenment, and at the same time differed fundamentally from the solutions operating in the absolute monarchies neighbouring Poland, where administration was based on the principles of centralism and bureaucracy. The former was connected with the obligation of a lower authority to submit to a higher one, and ultimately with the subordination of the entire power structure to the monarch. The principle of bureaucracy, on the other hand, was characterised by the professional nature of administration and the professionalism of its representatives, i.e., officials. Gradually, other principles for the organisation of the apparatus of power took shape, such as departmentalism, hierarchical subordination, and collegiality².

¹ This text was previously published in Polish: J. Malec, *Zasadnicze nurty w poglądach na reorganizację aparatu władzy wykonawczej w osiemnastowiecznej Rzeczypospolitej*, [in:] *Ustroje. Historia i współczesność. Polska – Europa – Ameryka Łacińska. Księga jubileuszowa dedykowana profesorowi Jackowi Czajowskiemu*, eds. M. Grzybowski, G. Kuca, P. Mikuli, Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2013, pp. 173–179.

² J. Malec, D. Malec, *Historia administracji i myśli administracyjnej*, Wydawnictwo Uniwersytetu Jagiellońskiego, 2nd ed., Kraków 2003, pp. 15 ff., 31 ff.

At the same time, in the Republic of Nobles, all offices were filled for life, with no particular attention paid to the professionalism of candidates. There was also an extensive network of purely titular offices: *cześnik* (cupbearer), *stolnik* (pantlers), *miecznik* (sword-bearer), *łowczy* (master of the hunt) etc. The total lack of modern, bureaucratic forms of administration rather unfavourably set Poland apart from Western European countries. In the field, the nobility exercised its rule through regional assemblies. These organs of noble self-government, due to the anachronistic structure of local administration, were steadily gaining in importance. After the mid-seventeenth century, in connection with the weakening position of the Sejm and the progressive decentralisation of executive power, the main scope of state authority began to be concentrated in these local assemblies. This led to the development of a peculiar form of “*sejmik*- governments”³.

This state of affairs made it essential undertake efforts to modernise and strengthen the administration, and by extension the state itself, which especially at the turn of the eighteenth century was descending deeper and deeper into anarchy, in line with the word among the nobility that *Polska nie rządem stoi* [Poland is ruled by the lack of government]. The doctrine of the apotheosis of the “golden liberty” of the nobility, with free election and the *liberum veto* as its basic pillars, became widespread at this time. It also assumed the need to achieve a balance *inter maiestatem et libertatem*, between the king seeking to strengthen his power at the nobility’s expense, and the nobility’s freedom, which was leading to anarchy. The institution guarding this balance was seen in the Senate, which was increasingly becoming a symbol of oligarchic rule⁴.

2

In the first half of the eighteenth century, with the ideas of the Enlightenment penetrating into Poland, the seeds of modern concepts proposing a full reform of the system of the Commonwealth began to emerge. Among the leading heralds of state reform were Stanisław Dunin-Karwicki, Stanisław Leszczyński – the author of *Głos wolny wolność ubezpieczający* [The Free Voice Ensuring Freedom], Józef Andrzej Załuski and Stanisław Konarski – the author of *O skutecznym rad sposobie* [On effective counsels]. They perceived the danger stemming from the conviction held by the majority of the nobility at the time that a Poland that was weak and posing no threat to its neighbours provided a guarantee of the future of the state and an unshakeable *status quo*. The political reality was quite

³ J. Malec, *Ustrój polityczny*, [in:] *Encyklopedia historyczna świata*, Vol. 5: *Historia nowożytna*, ed. by A. Podraza, Agencja Publicystyczno-Wydawnicza Opres, Kraków 2000, p. 125 ff.

⁴ S. Grodziski, *Porównawcza historia ustrojów państwowych*, TAIWPN Universitas, Kraków 1998, p.152 ff.

different. The decline in Poland's importance in the international arena, the permanent discontinuation of the Sejm and *sejmiki* (regional assemblies), the lack of a strong central government, the local administration being taken over by the ineffective and anachronistic local government of the nobility, and the negligible numbers of the military – all this led to the final fall of the Commonwealth. At the same time, the neighbourhood of strong absolutist states equipped with an efficient, centralised power apparatus made this threat quite real, indeed⁵.

The programme of reforms contained in the works of the forerunners of the Polish Enlightenment covered a wide range of problems, postulating the reorganisation and repair of the entire apparatus of state power, sometimes also touching upon social issues. At the same time, one can see more and more clearly the influence of cameralist and police thought, entering into Poland from Western Europe, while of course retaining the proper proportions; after all these concepts were a product of the ideology of absolutism, which in Poland was regarded as the greatest of evils. After all, the precept proclaimed by the nobility from the sixteenth century onwards to fight *absolutum dominium* had laid the foundation for the system of the Commonwealth and preserved it for more than two centuries.

Analysing the works of political writers of the Polish Enlightenment, as well as reform proposals submitted at the time in the fora of the Sejm, in deputations (i.e., legislative committees), and in pamphlets, one can see a multitude of ideas and their diversity, both in terms of the political provenance of the authors, as well as the sources from which they drew their knowledge. Opinions opposing fundamental reforms of the administration intermingle here with those promoting its reconstruction, works drawing on the thought of German cameralists or the ideology of European liberalism, and works drawing on domestic political and legal achievements. Any attempt at a comprehensive description of administrative thought arising in Poland in the eighteenth century therefore makes it necessary to group and systematise these views. This is what this outline seeks to do.

The influence of European police science on Polish eighteenth-century writing became apparent above all in those works whose subject matter is largely related to cameralist doctrine. This applies above all to works written from the 1770s to the 1790s. Particularly noticeable here are the influences of pure cameralism, whose adoption in Poland was more rapid because, as an economic science, it did not contradict the ideology of the so-called “enlightened republics”. Works written in the spirit of police science include the anonymous work *Réflexions politiques sur l'administration intérieure de la Pologne* [Political reflections on the interior

⁵ W. Uruszczak, *Historia państwa i prawa polskiego*, vol. I: (966–1795), Oficyna a Wolters Kluwer business, Warszawa 2010, p. 389 ff.

administration of Poland], published in 1775, which clearly favours the model of a police state with a strong central authority⁶, or Remigiusz Ładowski's *Krótkie zebranie trzech praw początkowych* [Brief Collection of Three Primary Laws], which is based on the cameralist concept of the police under enlightened absolutism, drawing on the systemic achievements of the Habsburg monarchy⁷. An attempt to adapt this concept to the political conditions and social order of the Polish Republic of Nobles – by giving it a republican form – is reflected in the works of Józef Wybicki⁸ and Ferdynand Nax⁹. The first, and prior to the third partition of Poland the only work entirely devoted to police activity was *Prawidła początkowe policji ogólnej w państwie*¹⁰ [Primary Rules of the General Police in the State], published in 1792. This was based almost entirely on the division adopted by Delamare in *Traité de la police* [Treatise on the police]¹¹.

Most of the Polish works of that time were not so strongly influenced by cameralist literature, nevertheless some characteristic issues can be found in a considerable number of authors. These at times isolated issues, specific to the study of the police, do not of course have to prove directly that the views of the policists were recycled, but they do testify to the development of an interest in these issues in Polish eighteenth-century writing, so typical of European political literature of the Enlightenment. The issues raised by Polish political writing point to an awareness of the needs stemming from the level of development of both society and the modern state. They also indicate that Polish administrative thought did not lag behind that of other European countries.

⁶ *Réflexions politiques sur l'administration intérieure de la Pologne, d'après ses loix fondamentales, ses constitutions différentes les mœurs de ses habitants, et les causes principales de ses troubles et sa décadence. Par le Citoyen Libre d'une Monarchie*, Amsterdam 1775.

⁷ [R. Ładowski], *Krótkie zebranie trzech praw początkowych, to jest: prawa natury, politycznego i narodów z różnych autorów wyjęte*, Lwów 1780.

⁸ J. Wybicki, *Listy patriotyczne do Jaśnie Wielmożnego ex kanclerza Zamoyskiego prawa układającego pisane*, Warszawa 1777–1778; idem, *Mysli polityczne o wolności cywilnej*, Poznań 1775–1776; idem, *Wykład sposobów do rzekosławności i handlów wprowadzenia*, Warszawa 1782.

⁹ 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; idem, *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.

¹⁰ *Początkowe prawidła policji ogólnej w kraju*, Vol. I, Warszawa 1792.

¹¹ N. Delamare, *Traité de la police ou l'on trouvera l'histoire de son établissement les fonctions et les prerogatives de ses magistrats*, Paris 1719–1722.

Models drawn from police science and leaving aside theoretical reflections on the role of the police in the service of absolute power, which were applied in Polish political writing, most often referred to attempts at shaping the foundations of a service administration in the country, aimed at satisfying important social needs. To a lesser extent, they can be seen in relation to specific proposals for the organisational structure of administration at particular levels, where elements of the native tradition clearly prevail. They are manifested, for example, in the principle of the election of officials, with tendencies still visible towards tenure for life, in the clear indication of the role of *sejmiki* in the administrative life of the country, and often also in the lack of delimitation of competences within the administration itself. This was in fact an attempt, characteristic of the Poniatowski period, to combine traditionally Polish administrative machinery with new needs, trends and postulates.

Finally, it is appropriate to also emphasise those elements in Polish administrative thought of the Enlightenment period that testify to its considerable originality, and sometimes even novelty, in many of the solutions proposed.

First and foremost, the political writing of the time, in discussing the foundations of the operation of the administration, stressed the primacy of laws passed by the Sejm over executive action. In this respect, it differed fundamentally from the theories propounded in absolute monarchies, according to which the ruler, in making laws, was not bound by them, and as a result, the administrative bodies, subordinate to the monarch, acted above all in the interests of the ruler, and not of individual citizens. The subordination of administrative actions to the law undoubtedly contributed to some authors (Michał Wielhorski¹², Stanisław Siestrzencewicz¹³) advancing concepts similar to today's institution of administrative control. In Polish political writing, one can also find the idea of contesting disputed administrative decisions before the courts, i.e., the prototype of the administrative judiciary developed in subsequent centuries.

In terms of local administration, a number of solutions were proposed that differed substantially from those adopted in other European countries of the time.

¹² M. Wielhorski, *O przywróceniu dawnego rządu według pierwiastkowych Rzeczypospolitej ustaw*, [n.p.] 1775, p. 151 ff.; French edition: M. Wielhorski, *Essai sur le Rétablissement de l'ancienne forme du Gouvernement de Pologne, suivant la Constitution Primitive de la République*, A Londres 1775.

¹³ S. Siestrzencewicz, *Ustawy na gubernie państwa całorossyjskiego, z ruskiego na polski język przełożone [...], które za wzór mogłyby być użyte albo do reformy, albo przynajmniej do poprawy rządu naszego wewnętrznego*, [in:] *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*, Vol. I–II (parts I–XII), Warszawa 1785, p. 579.

Antoni Popławski entrusted all the problems associated with administrative actions at the local level to local bodies. What we have here, therefore, is a model of decentralised administration with a wide area of freedom of action. This differed significantly from the solutions adopted in states with an absolutist system¹⁴.

Another anonymous local government project proposed the creation of a fund enabling local authorities to run their own economic activities, independent of central subsidies. The introduction of a system of self-financing of local administrative and economic activities was to lead to the activation of local authorities in finding and assembling necessary funds, and on the other hand it would relieve the already rather bare state treasury¹⁵. Hugo Kołłątaj, a leading example of Polish Enlightenment thought, proposed an interesting concept of local administration. While leaving all administrative supervision to the pre-existing *sejmiki* (which were the bodies of noble self-government), he built a structure of completely new offices based on the principle of individual officeholders and hierarchical subordination, emphasising the coordinating role of the central administration. This concept represented another attempt at a compromise between new trends and the political tradition of the Republic of Nobles¹⁶.

3

To sum up, it should be stated that many problems in the field of internal administration of the state which were introduced in Europe at that time or which were the subject of theoretical considerations penetrated into the Commonwealth. The ideas of the main promoters of eighteenth-century police science were not alien to Polish authors, as evidenced by a number of convergences in the views they presented. At the same time, it should be stressed that there were significant differences in the understanding of the objectives which policing should serve in an absolutist state and what was expected from it in Poland, far from the model of self-government. Moreover, Polish political writers proposed many original solutions which resulted from their own reflections and needs.

The influence of Polish political writing on the reform of administration seems to have been indisputable. The structure of the central authorities clearly referred to the concepts propounded by the political thought of the time, undergoing constant evolution towards modern forms of internal administration of the state.

¹⁴ A. Popławski, *Zbiór niektórych materii politycznych*, Warszawa 1774, p. 268 ff.

¹⁵ Archiwum Główne Akt Dawnych [Central Archives of Historical Records], *Zbiór Popielów* [Popiel Family Collection], 388, p. 85–88.

¹⁶ H. Kołłątaj, *Do Stanisława Małachowskiego referendarza koronnego. O przyszłym sejmie Anonyma listów kilka*, Warszawa 1788, p. 325 ff.

In 1764, two central, departmental administrative institutions were established: the *Komisja Skarbowa* [Treasury Commission] and the *Komisja Wojskowa* [Military Commission], establishing identical commissions in the Grand Duchy of Lithuania (following the principles of the Union of Lublin of 1569)¹⁷. Their organisation was based on the principle of collegiality applied universally in Europe at the time, particularly in the states under so-called enlightened absolutism, as well as accountability to the Sejm¹⁸. Between 1765 and 1768, commissions of "*boni ordinis*" (good order) were set up to reverse the decline of cities and to improve their economies. The Partition Sejm of 1773–1775, recorded infamously in Polish history, also contributed to the establishment of new administrative institutions. The *Komisja Edukacji Narodowej* [Commission of National Education], established in 1773, concentrated the functions of the educational administration in its hands, bringing almost all schools under its control and introducing uniformity in their management throughout the country. Curricula were standardised, and the Main Schools in Kraków (Hugo Kołłątaj) and Vilnius (Marcin Poczebott-Odlanicki) were reformed. The second central administrative institution established two years later – the *Rada Nieustająca* [Permanent Council] – was to perform the functions of the central government, while limiting the king's power to the greatest extent possible¹⁹.

The initial reorganisation of the state system revealed the need for further reforms. These came in the period of the Four-Year Sejm. The Constitution adopted on 3rd May 1791 – the second in the world, and the first in Europe – which implemented the proposals of the proponents of state reform, created a modern structure of the public authorities. It was based on two fundamental principles, derived from the political thought of the Enlightenment: the supremacy of the nation and the tripartite division of powers²⁰.

Subject to significant change was the position of the monarch, mainly by the introduction of the principle of hereditary succession to the throne and the abolition of free election, one of the main sources of anarchy in the state. Although the king was

¹⁷ *Volumina Legum. Leges, statuta, constitutiones et privilegia Regni Poloniae, Magni Ducatus Lithuaniae. Omniumque provinciarum annexarum, a comitiis visliciae anno 1347 celebratis usque ad ultima regni comitia*, ed. J. Ohryzko, Vol. VII: (1764–1768), Petersburg 1859–1860, pp. 27–34 and 666–669; *ibidem*, pp. 50–53 and 675–677.

¹⁸ Cf. H. Izdebski, *Kolegialność i jednoosobowość w zarządzie centralnym państwa nowożytnego*, Wydawnictwa Uniwersytetu Warszawskiego, Warszawa 1975.

¹⁹ J. Malec, *Polska myśl administracyjna XVIII wieku*, Krakowskie Towarzystwo Edukacyjne sp. z o.o. – Oficyna Wydawnicza AFM, Kraków 2008, p. 157 ff.

²⁰ Cf. B. Leśnodorski, *Dzieło Sejmu Czteroletniego (1788–1792). Studium historyczno-prawne*, Wydawnictwo Zakładu Narodowego im. Ossolińskich, Wrocław 1951.

placed at the head of the executive, he was required to have all his public acts countersigned by the appropriate ministers. These ministers bore the political responsibility for these before the Sejm. They were also constitutionally answerable to the court of the Sejm for violations of the law.

A hierarchical structure of executive authorities was then established, with the king, the *Straż Praw* (Guardians of the Laws) fulfilling the function of government, government commissions constituting the central departmental institutions (of the army, treasury, police and education), and commissions of order charged with carrying out the functions of local government. All these collegiate bodies were established by way of legislation by the respective Sejm constitutions. Their activities and structure were thus clearly defined by law. They could only function within the framework of, and on the basis of, Sejm statutes²¹.

Similarly, the competences of the administrative bodies created did not differ in principle from those outlined by the political thought of the day, enriched with some elements of Western European police science. It should also be stressed that laws enacted in Poland during the reign of Stanisław August Poniatowski unequivocally emphasised the subordination of administrative bodies to the law. Not only did the administrative apparatus have a clearly delimited sphere of activity, which it could not exceed, but also citizens, exercising their rights, could demand that they be respected or fulfilled by the administrative authorities.

On the other hand, many issues raised by the publicists were not – or only to a small extent – taken into account in practice. These included the proposal for a codification of police law, the lack of a consistent separation between the legislative and executive powers, as well as the lack of a fuller realisation in the solutions adopted of the postulate of administrative control or administrative judiciary. The inconsistency of the reforms in relation to the proposals is most evident in regard to local administration.

4

In analysing the views of political writers of the time, I once wrote: “The question therefore arises as to why the multitude of projects and postulates concerning the reform of the administration was not realised more fully; after all, the reforms that were able to be made were insufficient for the needs of our state at the end of the eighteenth century, not to mention that it was far from the contemporary models of other European states, especially Prussia and Austria. The reasons for this are

²¹ J. Starościk, *O administracji polskiej w XVIII wieku*, Państwo i Prawo, Vol. VII, 1952, No. 5–6, pp. 717–732.

varied. Certainly, the Commonwealth, plagued by long-lasting anarchy of the period of magnate oligarchy, was not yet ripe for deep and comprehensive administrative reforms, and at the same time the power of tradition was such that attempts were made to improve first and foremost what was considered most urgent, without disturbing the fundamental systemic model of the state. There was likely also an awareness of how expensive such a reform would have to be, which – given the state of the state treasury at that time – was an important argument against more far-reaching reforms. Also, the need for changes in the structure of the supreme bodies of the state, especially the Sejm, prevailed at the Great Sejm over the issue of reorganising local administration. Finally, the nobility's fear of an excessive expansion of the public administration, leading in their opinion towards *absolutum dominium*, set the direction and shape of the reforms carried out in this area"²².

In evaluating eighteenth-century Polish administrative thought, however, it should be stressed that it provided the theoretical foundations for setting the administration on a modern track of development, and for adapting the system of the Commonwealth to the requirements of a modern form of state. The loss of sovereignty prevented those tasks from being fully accomplished.

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²² J. Malec, *Polska myśl administracyjna...*, pp. 167–168.

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Main currents in views on the reorganisation of the apparatus of executive power in the eighteenth-century Polish-Lithuanian Commonwealth

In the eighteenth century, and particularly in its second half, concepts of rebuilding the state administration began to emerge in Poland, the basic structure of which dates back to the times of the estate monarchy and did not meet the needs of the modern state of the Age of Enlightenment, and at the same time differed substantially from the solutions functioning in the absolute monarchies neighbouring Poland, where it was based at that time on the principles of centralism and bureaucracy. Meanwhile, in the Republic of Nobles, all offices were filled for life, without any particular emphasis on the professionalism of the candidates. In the first half of the eighteenth century, along with penetration of the idea of the Enlightenment into Poland, the seeds of modern concepts emerged, postulating a complete reform of the system of the Commonwealth. The reform programme contained in the works of the precursors of the Polish Enlightenment covered a wide range of problems, postulating the reorganization and healing of the entire apparatus of state power, sometimes also touching upon social issues. The political writing of that time, when discussing the basics of the functioning of the administration, usually emphasized the primacy of the law passed by the Sejm over executive activity. The influence of Polish political writing on the reform of the administration seems indisputable. The structure of the central authorities clearly referred to the concepts of the political thought of the time, constantly evolving towards modern forms of internal administration of the state, at the same time drawing on the achievements of European cameralist and police thought.

Key words: Republic of Nobles, executive power, reforms of administration, administrative thought

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Zasadnicze nurty w poglądach na reorganizację aparatu władzy wykonawczej w osiemnastowiecznej Rzeczypospolitej

W XVIII stuleciu, a szczególnie w jego drugiej połowie, poczęły się w Polsce rodzić koncepcje przebudowy administracji państwowej, której zasadnicza struktura wywodziła się jeszcze z czasów monarchii stanowej i nie przystawała do potrzeb nowoczesnego państwa epoki Oświecenia, a jednocześnie odbiegała zasadniczo od rozwiązań funkcjonujących w sąsiadujących z Polską monarchiach absolutnych, gdzie oparto ją w owym czasie na zasadach centralizmu i biurokratyzmu. Tymczasem w Rzeczypospolitej szlacheckiej

wszystkie urzędy były obsadzane dożywotnio, bez przywiązywania wielkiej wagi do fachowości kandydatów. Wraz z przenikaniem do Polski idei Oświecenia, ujawniać się poczęły załączki nowoczesnych koncepcji postulujących pełną reformę ustroju Rzeczypospolitej. Program reform zawarty w dziełach prekursorów polskiego Oświecenia obejmował szeroką gamę problemów. Postulowano reorganizację i uzdrowienie całego aparatu władzy państwowej, dotykając niekiedy także zagadnień społecznych. Ówczesna publicystyka, omawiając podstawy funkcjonowania administracji, podkreślała z reguły prymat uchwalonego na sejmie prawa nad działalnością wykonawczą. Wpływ polskiej publicystyki na reformę administracji zdaje się bezsporny. Struktura władz centralnych wyraźnie nawiązywała do koncepcji głoszonych przez ówczesną myśl polityczną, ulegając stałej ewolucji w kierunku nowożytnych form zarządu wewnętrznego państwa, jednocześnie czerpiąc z dorobku europejskiej myśli kameralistycznej i policystycznej.

Słowa kluczowe: Rzeczpospolita szlachecka, władza wykonawcza, reformy administracji, myśl administracyjna