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THE EXECUTIONIST MOVEMENT IN SIXTEENTH CENTURY POLAND: A CULTURAL MIRROR

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Studies in the European Renaissance still encounter methodological difficulties such that no category of systematic interpretation can achieve unanimity. In the postwar renewal inaugurated by Paul Oskar Kristeller, one notes a redefinition and a broadening of problems rather than a solution of them. Among the critical points: periodization; the need for a separation among intellectual attitudes, doctrinal contents and religious affiliations; and also, the correct understanding of the political dimensions in the renascent debates. This leads us to a radical reconsideration involving the humanist currents, the emergence of new types of knowledge and the crystallization of the Reformation in time and space. The relative autonomy, which we attribute to these factors today, has resulted in our no longer commonly admitting that the Protestant Reformation belonged either to the Humanist period or to its spirit. And it is precisely this exclusion that Jean-Claude Margolin—to mention the French school—defends¹ against the theses of Robert Mandrou.² The slightly disquieting state of Renaissance studies has not, however, prevented the publishing, in several languages, of many excellent monographs which deal accurately with events, personages and doctrines.

The present paper shall limit itself to an examination of the place and impact of the so-called "Executionist Movement," which affected all Polish intellectuals between 1505 and 1586. It provided the horizon for the anthropological theory of Andrzej Frycz Modrzewski (c. 1503–c. 1572), one of its members who, along with Copernicus, is the most remarkable of these humanists.

In choosing a cultural perspective, we wish to note the usefulness of intersecting Western European elements with Polish traditions already clearly defined at the time. This view postulates that the privileged place occupied by renascent theoretical debates on the Church, the State, faith, knowledge, justice, liberty and the right of public intervention is situated in the complex area that the Classical Age placed under the narrow label "juridical." Up river from the modern fragmentation of knowledge as well as from its correlate, the specialist, the sixteenth century jurist aimed at coinciding with the ideal of *uomo universale*, all the while accommodating the model of the omniscient philosopher of antiquity. Thus it is that, in his panegyric of Hieronim Łaski, Frycz praises him for having been *πολύτροπος*,³ that is to say, versatile, like Achilles, and for having become wise by means of the sciences, the military arts, and by direct observation of the way things were done in other countries.

In seeking to reconstruct how the Polish humanists conceived of their heritage, their status, their role and their civic duties in the first half of the sixteenth century, we shall not invoke any causal pattern. Our intention is to delineate a common symbolic *milieu* where, despite differences, most attitudes, expectations, behavior and fears converge. The first part, more narrative in style, shows that Polish humanism is a tributary of its own historical antecedents and deploys itself in a real, albeit constraining, cultural space. The second part proposes an evaluation of the practical impact of the Executionist Movement. Theological arguments will not be discussed for their own sake. And so as not to overload the chronological tables, Polish foreign policy will be evoked only by allusion, although it accounts for one aspect of the intellectual climate: namely, the laws which turned Poland into an "asylum of heretics," denounced during the Counter-Reformation by Hozjusz and Skarga.

I. Sources of Polish Renaissance Juridical Thought

Most historians are pleased to emphasize that Poland has never known regicide, civil war or wars of religion;⁴ although the civil and religious controversies were particularly animated, as even Norman Davies, that bantering critic of hagiographical historiography, is obliged to admit.⁵ For the sake of proportion, however, it should be mentioned that Bishop Z. Olesnicki did conspire to force the King's hand and obtain a condemnation of the Hussites by the Edict of Wieluń in 1424: at the head of a private army, he crushed the Polish Hussites at Grotnicki where their leader Spytek was killed in 1439. This military prelate was not exactly irenic.⁶ He deprived Ladislas II of his Hussite mercenaries who had proved highly effective against the Teutonic armies. In the early Middle Ages, the Polish elite had chosen to go the way of discussion, of the right of reply and of compromise, and this remained the dominant *ethos* throughout the Renaissance. Such attitudes can be attributed neither to "natural goodness," nor to the "genius" of the Slavic people, and still less to political institutions. The Poles, who had no natural frontiers, fought against the armies of the Holy Roman Empire, against the Tartars, the Turks, the Teutonic Knights and finally, against the Muscovites. Were we to address the issue by invoking some Hegelian Slavic genius, we would see that the argument is not thereby improved. The Muscovites were Slavs like the Poles: their *Volksgeist* led Ivan the Terrible back to Moscow in 1564, to destroy some dissidents in boiling oil and to impale others without charge or verdict, in order to set an example. On the battlefield in 1578, he repeated to the Polish Hetman the vindictive threat of days of defeat: "We have many men still waiting out there." As for Polish parliamentary institutions, one must consider that they had to be produced before they could accommodate the marked taste of the "Italians of the North" for deliberation.

Both geopolitical and ethnolinguistic constraints can shed some light on an institutional system which, being unable objectively to assimilate cultural differences without exploding itself (by making its neighbors appear more appealing to

the minorities), had to develop such subjective forms of belonging to the Commonwealth that allowed for explicit dissidence, e.g., in the right of *rokosz* (refusal to obey), and in the right of veto. Historically, the Crown alternated between its fear of an insurmountable heterogeneity and its attachment to authentic tolerance.

According to Oskar Halecki,⁷ Jan Olbracht [John Albert] (1492-1501) was the only Polish monarch to have been tempted by absolutism. He effectively tried to have certain measures of Roman law adopted to fill the place of the mediaeval *ius ducale*, which had fallen into disuse with the extinction of the Piast Dynasty in 1370. Jan Olbracht's judgment is not reducible to personal ambition. It so happened that, at the beginning of the sixteenth century, the cultural fabric presented a concrete diversity which threatened to exceed the state's powers of integration.

From the time when the Jagiellonian Dynasty gained Lithuania for the Crown, the geographic country had slowly grown to a semi-uncontrollable and fragile immensity. Confronting a Polish minority, ethnic groups specified by language, morals and customs, were mainly divided among Germans, Jews, Ruthenians, Silesians, Armenians and Tartars to which were added foreigners, individually and collectively. Among these were found the condemned—the proscribed who found refuge against the persecution of the Pope, the Inquisition, the Emperor, the Sultan, the Khan or the Grand-Duke of Muscovy. The ethnic minorities (*gentes*) were officially recognized and treated as concrete segments of the country (*natio*).

The religious diversity is not less traditional. Since the privilege of Kalisz, in 1264, the Jewish Confession was placed directly under the King's protection: the civil status of the Jews was that of *regnicoli* (i.e., inhabitants of the realm having the rights of loyal subjects). The Western regions of Lithuania passed to Russian Orthodoxy, which was the confession of Red Ruthenia annexed in 1340; at the fall of Constantinople, part of the intelligentsia introduced Greek Orthodoxy into the cities. Additively, the Orthodox represented almost 40% of the population at the beginning of the sixteenth century, and the rights of their married clergy were fully recognized by the laws of the Commonwealth. On the other hand, if one could count more than a hundred mosques on the territory, in 1616,⁸ it seems reasonable to estimate their number at least at sixty a century earlier. Finally, from 1530, with the currents of Reformation cut off from Rome, and with the fundamental spiritualists and the Brethren exerting a strong influence, we note a phenomenon which had a destabilizing effect on the exercise of power: ethnolinguistic divisions are no longer found to coincide with confessional divisions, as required by the feudal logic of vertical hierarchies. However, we can see two exceptions to this administrative confusion: the Jews (even divided into sects⁹), and the Prussian Lutherans, who spontaneously applied the territorialist Augsburg maxim *cujus regio, ejus religio*.

If we consider that between 1530 and 1630 the Catholics had become a minority on the territory, we see that the practice of ethnic and confessional tolerance assumed the dimensions of a kind of *Realpolitik*, which the kings and the Diet practiced with great skill. Pressure from Rome, even more conspicuous after

the arrival of the first permanent nuncio in 1555, and of the Jesuits in 1565, did not succeed in inflaming a climate unpropitious for persecution.

In the critical period, in the sixth, seventh and eighth decades of the Sixteenth century, the militant Bishops did not possess the support of either King or Sejm, and could not use State institutions to enforce their wishes.¹⁰

Otherness was a cultural datum, acknowledged for three centuries already; it conveyed none of the haunting and threatening features attached to the phantasmas of otherness, in the West. The models of institutional authority that served as the external referents for criticism were the Papacy and the Empire. In the eyes of the Poles, those two were united by their temporal ambitions: theology and politics were in close conjunction, which offered an object for the general theory of authority. In examining how this discursive construction operates the critique of authority, we shall see the contours of the Polish notion of tolerance in the sixteenth century more clearly. A single framework of thought dealt with the nature, the functions and the bounds of authority. Its genesis shows that, in the context of ecclesiastical *power*, as at the Council of Constance, and in the context of royal *power*, as with the Executionist Movement, the unity of the various elements at stake was expressed by the choice of *juridical* categories submitted to a reflexive, radical and rational treatment. Juridical debate assumed the role assigned to philosophy in later centuries. With its borrowing from theology, philology, ethics, politics and economics, Polish juridical speculation was the focus of cultural identity. On the one hand, it gave the intellectuals a self-image; on the other hand, it ensured communication with other Western European cultures while making its originality respected. From this perspective, interpretations which oppose the two sides of the problem derive from a category mistake. Such is the case with Halecki. According to him:

It is likewise regrettable that minds of the first order, to cite only André Frycz Modrzewski, whose political writings do honour to Poland and abound in happy and generous suggestions from the social point of view, should have subsequently devoted themselves to sterile theological discussions.¹¹

At the Council of Constance (1414–1418), the Doctors had the right to vote, which confirmed the power acquired by the universities. The Polish delegation, trained at the Jagiellonian University of Cracow (founded in 1364), participated actively in the confrontation of the Conciliar question, which constituted "the first great European debate."¹²

In the tradition of Mateusz z Krakowa and Wincenty Kadlubek, the Poles defended the conciliarist thesis. The primacy of the Pope had been discredited by a long series of electoral, fiscal and administrative abuses.¹³ The appeal for a reform of the Church *in capite et in membris* had long since become a commonplace. The Poles were shocked by the lack of juridical rigor that the Papacy had put into its stealthy support of the Teutonic Knights' cause in Prussia. Under the pretext of launching a crusade against the pagans, the Knights had occupied the Baltic coast

since 1226,¹⁴ from where they regularly attacked Poland and Lithuania. The Council appeared to be the forum to resolve these contentious issues. The brutal elimination of John Hus from Constance caused the Polish delegation to doubt the sincerity and the civility of the Conciliar decisions, but it was the Curia's incompetence that worried the canonists most of all.

Indeed, there was a qualitative difference between, on the one hand, the polemical denunciation of the Curia's abuses and corruption and, on the other, the production of a theory regarding the distribution of authority capable of eliminating them, all the while invalidating the Papalist thesis. Paweł Włodkowic took the latter route during his second appearance¹⁵ before the Council, July 15, 1415. He broke with the dominant mediaeval conceptions and systematized the arguments of his Cracovian predecessors, particularly those of Stanisław ze Skarbiemierza.¹⁶ What attracts our attention here lies in his foundational principle of universal tolerance legitimizing not the moral duty of charity, but rather a series of positive rights:¹⁷ the infidels' right to enjoy peacefully recognized states and institutions, their right of property rationally acknowledged as distinct from a *res nullius*, and the injustice of all any individual or collective aggression in the name of religion. Thus, for the first time, the Crusades were presented as instances of the crime of violence with the aim of producing conversions through bloodshed. According to the advocated principle of the separation of State and Church, the first had a monopoly of the right to wage a just war,¹⁸ while the second had no right to the sword (*jus gladii*). These theses imply the wide theoretical autonomy of natural law with respect to divine law; on account of their European diffusion, these notions had a marked degree of influence on the speculations about the rights of American Indians,¹⁹ although they had no effect on actual colonial practices.

Thirty years later, at the Council of Basel (1431–1449),²⁰ the same distinctions were applied to the examination of the constitutional aspect of authority in the Church. The Assembly solicited the advice of the University of Cracow to put an end to the Great Schism. The reply to the Council, written by Jakub z Paradyza and Strzempinski, defined the Pope as an administrator (*rector*) of the Church subject to the decisions of the Conciliar Assembly (Bishops and Doctors): in the first stage of discussions, it was adopted unanimously. This is why the Polish submission to Nicholas V, in 1447, must be interpreted as a strategic retreat.

We see that, in the middle of the fifteenth century, it is the figure of the Church which provided the target for the elaboration of a new theory of power in Europe. Two models of authority collide here: the one, vertical, legitimated by Divine Right, is crystallized in absolute power, where the prince is more sacralized than in mediaeval culture and stands above the law; the other, secularized and naturalistic, locates legitimacy in the mediation of a deliberative consensus, which alone can delegate authority to the prince in accordance with a parliamentary rule, making the exercise of royal powers conditional and revocable.

Now, in the actual course of events, the absolutist party prevailed, in numbers if not in quality, at Constance as well as at Basel. The decisions, and especially the primitive attitudes of these assemblies of ambitious prelates, left the Poles convinced of the intellectual weakness of a Church that had reacted with brute force rather than with reason. Here, we perceive the logic of two facts that govern the cultural evidences of the sixteenth century debates. First, the Poles were then well aware of the choice which set them apart: the idea of an ecclesiological or monarchical theocracy was discredited forever in Poland.²¹ On this point, contrary to Western Europe, we see no fundamental confrontation between the critical humanists and the Jagiellonian University. All sectors of the enlightened élite worked jointly on the same renascent Juridical archetype. Second, the relevance of condemned currents of the Reformation was debated in Cracow without any reference to papalist transcendence, a notion which was never operative in that century, even among the high Polish Roman Catholic clergy, of which Jan Łaski gives a notable example. This is why preparations for the Council of Trent took place in a climate of distance and mistrust: the political dimensions were recognized for what they were worth. The hesitant adjournments, as well as the authoritarian nature of the decisions and documents, collided with a theoretical resistance strongly articulated by the Polish humanists; the absence of substantial unanimity should not mask for us their agreement on formal criteria. We have already noted the precautions that the agents of the Counter-Reformation had to take. Thus, a Tridentine careerist like Hozjusz cut a very unromantic figure and had to negotiate at each step,²² since the idea of an "active" tolerance founded on law had been part of the practical and theoretical evidence of the Polish culture from the beginning of the sixteenth century.

II. The Case of the So-Called Executionist Movement

In sixteenth-century Europe, the debate on the legitimation of civil authority extended to politics the polarization we have seen in ecclesiological matters. From Machiavelli to Bodin, there was a progressive definition of the pragmatic choice of absolute monarchy based on the modern principle of "reasons of State." In this context, even "passive" tolerance (or toleration) appeared as a weakness: allowing the slightest divergence was thought synonymous with the toleration of anarchy, which was felt to be a theoretical contradiction. The role of Imperial Roman law is of capital importance here. Resurrected by the Universities of Padua and Bologna as early as the eleventh century, it contributed to the genesis of the absolutist conception. In cultural anthropology, it is fitting to be wary of resurrections of this kind. By themselves alone, they explain nothing: rather than an ideological cause, such a phenomenon must be held as an effect which requires explanation. Thus, this same *Corpus juris civilis*, which was studied by Polish jurists on the King's orders in the thirteenth century, had only a slight influence on their political ideas, whereas the rediscovery of new elements of Cicero's republican works²³ was a major event with lasting repercussions. Moreover, Ciceronian stoicism pleased the Cra-

covian humanists with its eclectic character, its moderation, and its openness to discussion. Such a rhetorical model put elegant eloquence at the service of civic virtue, reform, and juridical research; in short, it served *paideia*, this horizontally extended culture which was sought by the humanistic spirit. It is obvious that each culture resurrects what it needs,²⁴ i.e., whatever can be a source of meaning for its symbolic internal organization. If one cannot dissent from absolute power without violence, it is clear that, from consensus, one can declare oneself a legitimate minority.

First, let us consider the period from 1496 to 1531, in other words, from the Diet of Piotrków where the bicameral parliament was inaugurated,²⁵ up to the death of the primate Jan Łaski. Two of the main Polish cultural trends can be isolated for our purposes. On the one hand, a fringe (mainly Lithuanian) of feudal magnates, ill-educated, xenophobic, and preoccupied with military glory, formed a closed set. By mid-century, at the instigation of Orzechowski, these magnates adhered to the reactionary ideology of "Sarmatism," by which the nobility was magnified to the rank of "gift of God" and demanded a monopoly of all civil power. On the other hand, bound to the European *latinitas*, the humanists worked in a literate and Christian reformist spirit of the Erasmian type.²⁶ This open, erudite and irenic attitude was dominant until the end of the century. This explains why the sixteenth century was known by the expression *Złoty wiek* —the Golden Century.

In 1504,²⁷ in the great tradition of political prelates, Łaski attacked senatorial privileges without identifying himself with the interests of the nobility, the Crown, or the bourgeoisie. The King then asked him to recast the statutes of the realm. It is from here that most historians date the origin of the Executionist Movement.

The Łaski family belonged to the *magnateria*. The prelate, then secretary to the King,²⁸ appealed to enlightened minds of diverse social origins, backgrounds and skills, to elaborate centralizing juridical reforms which could, at the same time, preserve the gains of parliamentarism. The young men of letters, returning from German, Italian, French and Swiss universities, entered this group, where two succeeding generations of intellectuals were directly exposed to the ideas of the Protestant Reformation. First composed of the prelate Łaski and his friends Zaborowski, Latałski, and Trzycieski, the movement, which had nothing of the spirit of a league, was later joined by the nephews of Jan, who contributed from abroad, and Hieronim Łaski, by the voïevode (administrator) Stanisław Łaski, and by Frycz Modrzewski who, on the death of Erasmus in 1536, returned to Poland with the Erasmian library.²⁹

It is not possible to compile an exact list of the members of the Executionist Movement. On the one hand, some contributions were only occasional; on the other, even adversaries like Orzechowski were sometimes considered as belonging to the group. Finally, we must distinguish between the theoretical contributions and the direct political interventions aimed at implementing the programme. Historians give enumerations which do not coincide. Simone Marcel³⁰ names Ostrorog, Skarga and Starowolski, among others, which seems too broad a list, from a chron-

ological point of view. In Gieysztor,³¹ we find an insistence on the role of the Calvinists and the Arians: Sienicki, Ossoliński, Rej and Rafał Leszczyński are mentioned, but surprisingly enough, not the Arian Budny nor his status, which was to be the disciple and self-appointed successor of Frycz. Wyrwa³² includes Przyłuski and Orzechowski, the latter on the basis of his preface to Przyłuski's *Codex*.

In a first phase, the questions occupying the minds of the group may be formulated as follows: What institutions could be set a rational political order in the Polish plurality without referring to either theocracy or absolutism? What juridical system could eliminate all abuses and unify the realm in the respect of differences? What modes of central authority were compatible with tolerance while not impairing efficient administration of public affairs?

As for the answers, they proceeded less from a unity of doctrine than from a community of rejections: a refusal of the notion of *laissez-faire*, since the socio-political order does not spring from the "natural" spontaneity of peoples; the refusal of the pseudo-wisdom of customary rights, since the *mos polonicum* cannot but confirm an unequal power relation in a mosaic of incoherent behavior; finally, there was a consensus on the refusal of all abusive practices in the Church as well as in the State.

Taking account of Łaski's strong leadership, of the urgent situation in which the King's appeal was delivered, and of the high probability that reforms would be enacted, it does not seem acceptable that historiography should have reduced this movement to a circle of nostalgic dreamers or utopians. However, it is along that line that we find the evaluation of most historians. Grappin provides an example of the general appraisal:

In a Europe of hatred and covetousness, while people were being slaughtered everywhere for the sake of thrones and Gospel verses, the Poles had the enormous *naïveté* to aspire to nothing other than liberty and peace. They turned their eyes away from the Habsburgs, the Guises, the Ivan the Terribles and the Philip the Seconds in order to focus them on the ancient republics, Roman law, the Tribune of the Forum and the odes of Horace. They transposed these classical souvenirs, which elsewhere served only to amuse humanists, from books to public life; they resurrected them as a method of government and by means of a constitution.³³

Such an interpretation obviously depends on the definition of political realism one is pleased to adopt.³⁴ For his own part, Pierre Mesnard considers that Frycz's contribution can be identified with the claims of Polish idealism, which had no issue in history.³⁵

To challenge the validity of these judgments, let us examine the programme of measures initially decreed by the Executionist Movement, which was revised and completed by the second generation between 1531 and the accord of Sandomierz in 1570. The difference between the two generations is manifested essentially by the penetration of all currents of the Protestant Reformation to which one wished to guarantee freedom of expression.

Program of Juridical Reforms Advocated by the Executionists between 1504 and 1550

- Codification and publication of the laws in effect throughout the territory
- Recasting and amending (in the sense of abrogation) of the *mos polonicum* by positive law
- "National" centralization of law in the constitutional, penal and civil domains
- The primacy of law over the King and over each of the three estates
- Suppression of double-tiered laws which, for the same offense, did not punish a noble and a peasant equally³⁶
- The effective union of the Kingdom of Poland and the Grand Duchy of Lithuania, with the integration of the two diets under a single code
- The Polonization of the spirit of the law, of judicial jurisdictions and of the language of the courts, in order to eliminate the *jus mercatorum* of the German burghers, and to block appeals to the court of Magdeburg (the *ortyls*)
- Execution of the laws in force throughout the integral territory in the name of the executive power of the King; execution of wealth, i.e., restitution to the Crown of the royal domains and privileges alienated in favor of the magnates in return for their electoral favor
- The suppression of venality and the accumulation of offices (*incompatibilitas*)
- The institution of a permanent public treasury and a standing army, freeing the King from the obligation of negotiating with each diet for *ad hoc* funds
- Legal separation of Church and State, implying the absences of a state religion and the adoption of legal guarantees for freedom of conscience: no religious ban is deemed to have civil force
- The recruitment and formation of a corps of competent magistrates, independent of the Diet and master of all civil and penal jurisdictions.

The support of the two Jagiellonian kings and above all, the fact that this series of measures was perceived as an adequate response to internal problems explains that, in its essential elements, the programme was implemented before the end of Stefan Báthory's reign in 1586, as we may see from the following chronological table:

The Fulfillment of the Initial Programme of the Executionist Movement, between 1505, the last year of the Reign of Alexander I, and 1586, the Death of Stefan Báthory:

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| 1505 | Diet of Radom: constitution <i>Nihil novi</i> . King Alexander I asks prelate Jan Łaski to put together a compendium of laws. |
| 1506 | Beginning of the reign of Zygmunt Stary (the Elder, died 1548). Publication of the <i>Commune incliti Regni Poloniae privilegium</i> , also called the <i>Statut Łaskiego</i> , by Łaski, who also calls for the formation of a commission of six "correctors" of the laws. |
| 1525 | Homage of Lutheran Ducal Prussia: the first case in Europe of a treaty of suzerainty between Catholic and Protestant political entities. |
| 1530 | Taszycki publishes the <i>Codex</i> of the Grand-Duchy of Lithuania. |
| 1531 | City corporations switch officially from German to Polish in their legal procedures and trials. |

- 1532 The Diet designates the six "correctors" of the law reform commission, who submit the *Correctura statutorum et consuetudinum Regni Poloniae*.
- 1534 The Diet refuses to adopt the submitted document. Tazzycki publishes the *Codex* of the Crown.
- 1537 The Chicken War: Zygmunt convenes the nobility at Lwów for a military expedition, but is refused any cooperation, since the nobility first wants to discuss its grievances (a large number of chickens were eaten during these assizes). The formal constitution of the Executionist Movement (by the second generation of humanists).
- 1534 Zygmunt authorizes the drawing up of procedures, minutes and judicial verdicts in the Polish language.
- 1545 Encouraged by Zygmunt and Queen Bona Sforza, Kulwiec opens the University of Königsberg.
- 1548 Beginning of the reign of Zygmunt II Augustus (d. 1572). Jakub Przyłuski publishes the *Statuta Regni Poloniae*.
- 1552 The Church of Poland officially renounces the right to prosecute heretics.
- 1553 Przyłuski produces 1000 pages of commentaries in his *Leges seu Statuta ac privilegia Regni Poloniae*.
- 1557 *Recussio* of Warsaw: separation of religious and civil jurisdictions, assuring liberty of individual conscience.
- 1562 The Diet passes a resolution forcing the return to the Crown of regal properties and fiscal privileges usurped by the magnates.
- 1563 The Diet votes in favour of a treasury and an army financed on a permanent basis: the right of *appanage* is limited to a lifelong grant subject to a property tax of one-fourth of its benefits, devoted to the financing of the new National army (*czwarta armia*).
- 1569 Union of Lublin: the institutions of Poland and Lithuania are integrated.
- 1570 The Sandomierz Accord: Lutherans, Calvinists and Bohemian Brethren obtain the protection of the State. The Polish Brethren are excluded from this agreement.
- 1573 January: The Warsaw Confederation. The *Concors discordia* establishes denominational peace, including the Polish Brethren, by forbidding any religious discrimination.
April: Election of Henry of Valois to the Polish throne. The *Articuli Henriciani* (a new synthesis of constitutional law) are imposed on the candidate.
- 1578 Royal Tribunals are endowed with ultimate judicial authority.
- 1586 End of the restitution of the regal wealth. All codes and jurisdictions of the Crown are unified during the reign of Stefan Báthory.

In the Golden Century, Poland did not owe its modernization mainly to foreign influence. Even by renouncing the imperial absolutist principle of *princeps legibus solutus*, the Executionist Movement proved that toleration could be institutionalized. It found its inspiration in the memory of the last Piast, Casimir III the Great, who was the first to wish to break the arrogance of the magnates and to train magistrates in the university he opened for this purpose.

NOTES

1. J.-C. Margolin, *L'humanisme en Europe au temps de la Renaissance*, P.U.F., Paris, 1981, pp. 5-14.
2. R. Mandrou, *Des humanistes aux hommes de sciences, Histoire de la pensée européenne*, t. III, Le Seuil, Paris, 1973, pp. 222-235.
3. *Lascius sive de poena homicidi* (1543), in *Opera Omnia*, ed. C. Kumaniecki, vol. II, Panstwowy Instytut Wydawniczy, Warsaw, 1954, pp. 20-21.
4. Cf. Janusz Tazbir, *Panstwo bez stosów. Szkice z dziejów tolerancji w Polsce XVI i XVII w.*, P.I.W.; Warsaw, 1967. [English translation by A. T. Jordan, *A State without States: Polish Religious Toleration in the Sixteenth and Seventeenth Centuries*, Boston: Twayne Publishers, published for the Kościuszko Foundation.]
5. Cf. *God's Playground: A History of Poland*, vol. 1: The Origins to 1795, second edition, Oxford: Clarendon Press, 1982, ch. VI.
6. Considering that he personally granted equality of rights to the Orthodox nobility (endorsed by the King's Chart of Leopold in 1432), one cannot doubt that Olesnicki's decisions were based on political rather than theological grounds; cf. Ambroise Jobert, *De Luther à Mohila. La Pologne dans la crise de la chrétienté 1517-1648*, Institut d'études slaves, Paris, 1974, pp. 29-30.
7. O. Halecki, *Histoire de Pologne*, 2e édition, ed. Roy, New York/Montréal, 1945, p. 131 [English translation by Monica Gardner (New York: Roy Publishers, 1966), Regnery Logos edition paperback, p. 102]. The fact is explained by the urgent nature of the political situation.
8. Davies, *op. cit.*, p. 190.
9. Mainly the Turkish-speaking Karaims, separated from the Talmudic majority; cf. Jobert, *op. cit.*, p. 35.
10. Davies, *op. cit.*, pp. 166-167.
11. Halecki, *op. cit.*, p. 125.
12. T. Wyrwa, *La pensée politique polonaise à l'époque de l'humanisme et de la Renaissance*, Librairie polonaise/Poets and Painters Press, Paris/London, 1978, p. 96.
13. J. Lenfant, *Histoire du Concile de Constance*, ed. P. Humbert, Amsterdam, 1714, pp. 161 ff.
14. The Duke Conrad of Mazovia then granted them a provisional right of station, according to the Polish thesis, which is confirmed by the documents produced at Constance.
15. *De potestate Papae et Imperatoris respectu infidelium*.
16. Cf. *De bellis justis*, c. 1410.
17. On this topic, cf. Joseph Lecler, *Histoire de la tolérance au siècle de la Réforme*, Aubier-Montaigne, Paris, 1955 [English translation: *Toleration and the Reformation*, translated by T. L. Westow, 2 vols. (New York: Association Press, 1960)]. J. Chrzanowski and S. Kot, *Humanizm i Reformacja w Polsce*, Zakład im. Ossolinskich, Warsaw, 1927; J. Baszkiewicz, "La notion de loi en Pologne avant 1795" in *Rapports polonais présentés au VIIe congrès international de droit comparé*, Ossolineum, Warsaw, 1966.

18. This right is specified under objective and cumulative conditions.
19. Cf. the treatises *De Indis* (1538) (and *De juris bellis*) by Francisco de Vitoria.
20. The Poles were not present at the opening of the Council: they took part from 1434.
21. The exception of Olesnicki (cf. *supra*), a partisan of the primacy of the Pope over the Councils and the Church over the State, confirmed the rule. Representing late feudal values he defended a lost cause in the eyes of humanists and of the King. Cf. T. Wyrwa, *op. cit.*, p. 179.
22. Stanisław Hozjusz (Hosius 1504–1579), son of a German burgher from Baden, published in Cracow (1553) his *Confessio fidei catholicae christianae*, widely read, reprinted, translated and quoted, in which he promoted the vertical authoritarian hierarchy that prevailed at Trent, partly through its influence. Hozjusz's theses were meant to fight Frycz Modrzewski's democratic theories as expressed in the *De legatis ad Concilium christianum mittendis* (Cracow, 1546) and in the book "De Ecclesia" of the censored Cracow edition of *De Republica emendanda* (1551). The two adversaries had managed, however, to work jointly on a diplomatic mission in 1549–50.
23. Especially the *Brutus*, the manuscript of which was found at Lodi in 1422.
24. In the debates over the imitation of the Ancients, the arguments of Erasmus in favour of a critical adaptation (cf. *Ciceronianus*, 1528) may illustrate the Cracovian attitudes better than those of Etienne Dolet (cf. *Dialogus de Imitatione ciceroniana adversus Erasmus*, 1535).
25. The burghers were definitely excluded from any function in public affairs and the subjection of the peasants to the glebe was legislated.
26. Cf. A. Jobert, "Erasmus et la Pologne" in *Cahiers d'Histoire VI*, Faculté des Lettres, Lyon, 1961; M. Cytowska, ed., *Korespondencja Erasma z Rotterdamu z Polakami*, P.I.W., Warsaw, 1965.
27. During the reign of Alexander I (1501–1506).
28. He became Chancellor, then Archbishop of Gniezno and Primate in 1510.
29. The Łaski family had bought the library from Erasmus during his lifetime while allowing him full use of it.
30. S. Marcel, *Histoire de la littérature polonaise, des origines au debut du XIXe siècle*, éd. du Vieux Colombier, Paris, 1957, p. 117.
31. Aleksander Gieysztor, et al., *History of Poland*, Second Edition (Warsaw: Polish Scientific Publishers, 1979), p. 155.
32. T. Wyrwa, *op. cit.*, pp. 353–450 *passim*.
33. H. Grappin, *Histoire de la Pologne des origines à 1922*, Larousse, Paris, 1922, pp. 85–86.
34. T. Wyrwa makes a rather surprising distinction between two types of realism (realistic and idealist, cf. *op. cit.*, p. 424) but considers the achievements of the Movement as a "half-success."

35. P. Mesnard, *L'essor de la philosophie politique au XVIe siècle*, 3e ed., 2nd tirage, Vrin, Paris, 1977, p. 427, n. 5.

36. It is precisely to fight against one of these iniquitous laws that Frycz wrote the *Lascius*, three later orations, and a large part of his *De Republica emendanda libri quinque*.