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*Non de Fide, Sed de Securitate Pacis.*¹ Faith and Politics
in the Views of Protestants
in the Polish-Lithuanian Commonwealth, 1631-32

Traditionally, political views of Polish Protestants are investigated in the context of struggle for the so-called religious tolerance, although at the time the Warsaw Confederation was regarded not as an 'edict of toleration' but a guarantee of estate privileges and a principle of the political system of the Commonwealth. Mirosław Korolko's analysis of political arguments used in the controversy over the Confederation² – on a par with denominational, historiosophical, legal and socio-economic argumentation – does not explain the relation between propaganda activity and actual attitudes of Protestants as citizens.

Different from Catholic, the views of Polish and Lithuanian Protestants on the relationship between religion and politics – for instance, on the genesis of monarchical power and its obligations towards the state, the subordination of the clergy to general laws, the right of the subjects to resist edicts in conflict with the laws of God – were the result of doctrinal premises formulated in the twentieth chapter of John Calvin's *Institutio religionis christianae*³ and in the *Sandomierz*

1 A. S. Radziwiłł, *Memoriale rerum gestarum in Polonia 1632-1656*, ed. by A. Przyboś and R. Żelewski, Wrocław, 1968, vol. 1, p. 85: a quote from the polemics of K. Radziwiłł and M. Ostroróg, 30 October 1632.

2 M. Korolko, *Klejnot swobodnego sumienia. Polemika wokół konfederacji warszawskiej w latach 1573-1658*, Warsaw, 1974.

3 Polish translation: *O zwierzchności świeckiej porządne według sznuru Pisma świętego opisanie, zaraz o pożytkach y powinnościach iey, z łacińskiego na polskie wiernie*

Confession of 1570.⁴ The reduction of their political and ideological reasons to propaganda arguments for religious tolerance is conducive to justifying post factum acts of religious discrimination in the second half of the seventeenth century (for instance, anti-Arian acts), regarded as a manifestation of rational policy to overcome the crisis of the state by making the denomination of the majority (that is, Roman Catholicism) the dominant religion.⁵

Korolko's book is supplemented by the article of Josef Tichy⁶ discussing two anonymous – but which undoubtedly originated from the community of dissenters – texts: 'Pobożnego ewangelika do braciej tegoż wyznania narodu polskiego i litewskiego przestroga i napominanie' (A warning and rebuke of a pious Protestant to the brethren of that denomination of the Polish and Lithuanian people; hereafter, 'Warning')⁷ (ca. 1611), and a text with no title, which Tichy described as 'Zdanie bezimiennego ewangelika o tolerancji religijnej w Polsce' (Opinion of a nameless Protestant on the religious toleration in Poland, 1613-16).⁸ Contrary to the term used by Tichy, they are not 'short notes' (*pisemko*), but texts of considerable length: the manuscript of the 'Warning' has 48 pages.

In historiography, both texts are regarded as a reliable expression of views of the community of dissenters and they fill the gap in our knowledge of views held by that community during the reign of King Sigismund III Vasa – between the rebellion and interregnum of 1632. *The Opinion of a nameless Protestant* – the only known text to include a direct postulate addressed to Protestants of 'calling *ad arma*' in the defence of rights – turned out to be so suggestive and powerful

przetłumaczone, [Toruń?], 1599, a copy at Kórnik, Library of the Polish Academy of Sciences (hereafter, BK), cat. no. Cim Q 2665.

4 *Konfesja sandomierska*, transcription and translation K. Długosz-Kurczabowa, Warsaw, 1995: Preface; Chapter XVIII: 'O sługach Kościoła Bożego'; Chapter XXX: 'O zwierzchności'.

5 J. Tazbir, *Państwo bez stosów. Szkice z dziejów tolerancji w Polsce XVI i XVII w.*, Warsaw, 1967, pp. 250-53; idem, *Reformacja w Polsce. Szkice o ludziach i doktrynie*, Warsaw, 1993, pp. 240-53.

6 J. Tichy, 'Dwa pisemka ulotne o sytuacji polskiego protestantyzmu w dwudziestych latach XVII w.', *Odrodzenie i Reformacja w Polsce* (hereafter, *OiRwP*), 5, 1960, pp. 172-84.

7 BK, Ms 22, 'Pobożnego ewangelika do braciej tegoż wyznania narodu polskiego i litewskiego napominanie i przestroga ręką P. Kochlewskieg[go] pisana' (hereafter, 'Warning').

8 Cracow, Princes Czartoryski Library (hereafter, BCz), Ms 369, 'Collectio variarum transactionum per Adamum Rey A. 1642'.

that any, even the most enigmatic, reference to the cooperation between dissenting politicians was interpreted as an allusion to armed combat.⁹

That vision is deepened by the conviction that Protestants had supposedly no other choice, for they had been put on the defensive, at the beginning of the seventeenth century their position in public life was being diminished while their feeling of threat increased. It is thought that the problem of the Warsaw Confederation execution appeared in the political life of the Commonwealth during the reign of King Sigismund III Vasa, mainly on the margin of thorny issue of *compositio inter status*.¹⁰

These theses have to be verified in a close connection with the historical context. A question could be asked whether the series of religious tumults in the first two decades of the seventeenth century – since the time of Waclaw Sobieski interpreted as a manifestation of ‘religious hatred of the crowds’¹¹ – was indeed a display of public feelings rather than a provocation to instigate them?¹² Of course, tumults could raise bitterness or even desperation on the part of dissidents, as is exemplified by the texts Tichy analysed. The question is, however, whether those feelings were representative of the political elites of Protestants? All too often we forget about a fundamental difference between legal situation and political potential of dissidents from the Crown and Lithuania, who took the lead in the seventeenth century. At *Sejms* of 1611, 1613, 1615 and 1627 – described at great detail in monographs¹³ – noble dissident parliamentarians continued their political struggle for the full execution (‘process’) of the Warsaw Confederation that began by the end of the sixteenth century.¹⁴ It should be emphasised that although dissidents

9 For instance, J. Byliński, *Marcin Broniewski – trybun szlachty wielkopolskiej w czasach Zygmunta III*, Wrocław, 1994, p. 150.

10 S. Ochmann, ‘Pretensje szlachty do duchowieństwa w latach 1615-1616’, *Acta Universitatis Wratislaviensis, Historia*, 16, 1969, pp. 85-103; J. Dziegielewski, ‘Sprawa compositio inter status w latach 1632-1635’, *Kwartalnik Historyczny* (hereafter, *KH*), 90, 1983, 1, pp. 81-89.

11 W. Sobieski, *Nienawiść wyznaniowa tłumów za rządów Zygmunta III*, Warsaw, 1902.

12 Cf. N. S. Davis, ‘Rytuály przemocy’, Part 1: *OiRwP*, 30, 1985, pp. 33-53; Part 2: *OiRwP*, 32, 1987, pp. 37-63.

13 J. Byliński, *Sejm z roku 1611*, Wrocław, 1970; J. Tichy, ‘Walka protestantów na sejmie 1611 r.’, *OiRwP*, 12, 1967, pp. 99-116; S. Ochmann, *Sejmy z lat 1615-1616*, Wrocław, 1970; J. Seredyka, *Sejm zawiedzionych nadziei*, Opole, 1981.

14 E. Opaliński, ‘Dwa nieznanne projekty “procesu” konfederacji warszawskiej z 1605 i 1607 roku’, *Res Historica*, 10, 2000, pp. 165-77. I would like to thank the Author for making his typescript available to me before publication.

gradually backed away from their most radical formulations, in the time of King Sigismund III Vasa they were still interested not in tolerance but in equal rights for 'clergy, seculars, of the nobility and of other estates' of different denominations.¹⁵

A basic difference between the *equality of rights* of Catholic denominations, truly abided in the Commonwealth in King Sigismund Augustus' time, and increasing to the mid-seventeenth century tendencies to base the relationship between Catholicism and other faiths on the principle of tolerance ('suffering only so long')¹⁶ – obvious for Counter-Reformation polemicists at the time of Piotr Skarga and Fabian Birkowski – has only recently been remembered.¹⁷ It is worth noting that, from the point of view of Protestant publicists, even in the last years of Sigismund III the victory of the Counter-Reformation was not a foregone conclusion, and dissident 'gentlemen of politics' from among the nobility and magnates did not have to regard themselves as second-rate citizens.

A refutation of the myth of secondary, while 'destructive and treacherous', role of Protestants¹⁸ was not precipitated by the study of Leszek Jarminiński,¹⁹ who indicated the lack of political agreement ('of Protestant party') in the Commonwealth at the end of the sixteenth century. No influence had also the publication presenting the texts related to the so-called affair of 'Conspiracy of Orléans'²⁰ – testifying that there was no 'Protestant conspiracy' in 1626-28.

What could be helpful in eliminating misunderstandings about political ideology of Polish Protestants is an analysis of writings presenting their views on the eve of the interregnum after the death of Sigismund

15 *Confoederatio Generalis Varsoviensis, Volumina Legum* (hereafter, *VL*), vol. 2, Warsaw, 1980, p. 124, l. 841.

16 Cf. J. Puzynina, 'Tolerancja', in eadem, *Słowo – wartość – kultura*, Lublin, 1997, pp. 338, 340-41.

17 W. Kriegseisen, *Ewangelicy polscy i litewscy w epoce saskiej*, Warsaw, 1996, pp. 7-9; idem, 'Zmierzch staropolskiej polityki, czyli o niektórych cechach szczególnych polskiej kultury politycznej przełomu XVII i XVIII wieku', in *Zmierzch kultury staropolskiej. Ciągłość i kryzysy (wieki XVII-XIX)*, ed. by U. Augustyniak and A. Karpiński, Warsaw, 1997, pp. 30-31.

18 W. Czaplinski, 'Parę uwag o tolerancji w Polsce w okresie kontrreformacji', in idem, *O Polsce siedemnastowiecznej. Problemy i sprawy*, Warsaw, 1966, pp. 101-29.

19 L. Jarminiński, *Bez użycia siły. Działalność polityczna protestantów w Rzeczypospolitej u schyłku XVI wieku*, Warsaw, 1992.

20 *'Spisek orleański' w latach 1626-1628*, ed. by U. Augustyniak and W. Sokołowski, Warsaw, 1990.

III. These writings include texts in a silva from the Branickis' Collection at Sucha, kept in the Central Archives of Historical Records in Warsaw, which we present here in chronological order of their appearance.²¹

1. 'Głos anonima ewangelika do Króla Je[go] Mści i do stanów Rz[eczypospoli]tej na *Sejmie* anni 1631 zgromadzonych o wydanie mandatu Je[go] Kró[lewskiej] Mści z kancelaryi koronnej do miejskiego lubelskiego magistratu przeciw ewangelikom i o despektowanie ewangelików z nabożeństwa idących, które się było tamże pod trybunał anno 1630 stało'²² (A voice of an anonymous Protestant to His Majesty and to the estates of the Commonwealth gathered at the *Sejm* of 1631 to issue His Majesty's mandate from the Crown Chancellery to the municipal council of Lublin against Protestants and for offending the Protestants coming from service, which took place under the tribunal of 1630), with marginal notes by Piotr Kochlewski (henceforth: *Anonymous Voice*), probably a copy of a print with no date and place of publication.²³ The text has not yet been analysed in the literature on the subject.

2. 'Skrypt jakiś, pod tytułem "Modus interregnum", pokazał się był na przeszłym *Sejmie* w Warszawie: a ten in forma konstytucyjnej, która w sobie ma dwadzieścia i dwie leges, koncyptowany jest, ale między niemi zda się wiele być prawu i wolności elekcyjnej przeciwnych' (A script appeared under the title of *Modus interregnum* at the past *Sejm* in Warsaw: and that in the form of a constitution containing twenty and two clauses is being cogitated, but among them there seems to be much against the law and freedom of election' (hereafter, *Script*).²⁴ The text has been analysed from the perspective of preparations for the interregnum of 1632.²⁵

21 A leather-bound Codex in 4°, with the Branickis' bookplate, cat. no. of J. Czubek S-38-M, cf. *Katalog Biblioteki Suskiej*, Cracow, 1910, at present in the uninventored part of the Tarnowski's of Sucha Collection in the Central Archives of Historical Records in Warsaw (hereafter, AGAD).

22 Ibid., pp. 129-40, a copy with marginal notes by P. Kochlewski and a subsequent owner – presumably a Jesuit.

23 The print has a 4° size and 19 pages, copy BCz, I 12131, with neither publisher nor place of publication; according to Jan Pirożyński, printed probably at the print shop of Paweł Konrad, operating in 1630-36, cf. J. Pirożyński, *Drukarze dawnej Polski od XV do XVIII wieku*, vol. 1: *Małopolska*, Part 2: *Wiek XVII-XVIII*, vol. 1: A-K, p. 335.

24 AGAD, Ms S-38-M, ll. 87-112.

25 U. Augustyniak, 'Polemika z Jana Zamoyskiego projektem reformy elekcji. Przyczynek do poglądów politycznych opozycji za panowania Zygmunta III Wazy', *KH*, 104, 1997, 3, pp. 3-25.

3. ‘*Considerationes de exceptione Ich Mści PP duchownych contra dissidentium in religione pisane po Sejmie Anno 1632*’ (*Considerationes de exceptione* of the Reverend Lords of the Church *contra dissidentium in religione* written after the *Sejm* of 1632) (hereafter, *Considerationes I*);²⁶ a handwritten version of an anonymous pamphlet under the same title, with no place of publication (henceforth: *Considerationes II*).²⁷ The *Considerationes* have not been thoroughly analysed so far, while inaccurate reading resulted in erroneous dating and interpretation; even if only for these reasons alone, the text is worth reading more carefully. We shall refer to both versions: handwritten and printed, noting important differences between them.

Since we have meticulously examined the Script elsewhere and in a different context, here we shall focus on the analysis of the *Anonymous Voice* and *Considerationes* – in particular on the fragments referring to general problems of the Commonwealth political system. An attempt will be made to present methods of argumentation as well as connections with the opinions expressed in earlier publicistic writings from dissenting circles. We shall also consider whether there was any relation (and to what extent) between the political views and religious ideology of the Protestant community.

Because of the provenance (established on the basis of Latin annotation on the first page) of the *silva* which went to the Bobolanum College SJ in Vilnius from the collection of the administrator of the Radziwiłł’s Slutsk Principality, Kazimierz Krzysztof Kłokocki,²⁸ and of its content,²⁹ we associate this manuscript with the chancellery of Field Lithuanian Hetman Krzysztof Radziwiłł (1585-1640) and his secretaries: Piotr Kochlewski and Stanisław Buczyński – Calvinists, and Stanisław Kurosz and Samuel Przypkowski – Arians. We have no intentions to determine the attributions of the texts included in the *silva* of Sucha, whose authorship can be collective. Much more interesting seems to be

26 AGAD, Ms S-38-M, ll. 113-34, with marginal notes by P. Kochlewski.

27 Printed with no place or date, copy in Gdańsk, Library of the Polish Academy of Sciences, cat. no. NL 83.7.

28 ‘Hac manuscripta ex bibliotheca Kłokociana applicata sunt bibliotheca Boboliana Collegii Academici Vilmensis societatis Jesu [...]’. Cf. P. Buchwald-Pelcowa, ‘Kazimierz Krzysztof Kłokocki i drukarnia w Słucku’, *OiRwP*, 12, 1967, pp. 135-73.

29 U. Augustyniak, ‘Daniel Naborowski – poeta i dworzanin radziwiłłowski’, *Jednota*, 30, 1986, 2, pp. 13-17.

an analysis of their views and opinions that mirror the state of mind of the Radziwiłł's faction at the end of the reign of King Sigismund III, when its patron headed the opposition in the Grand Duchy of Lithuania and represented the interests of the whole Protestant nobility at *Sejms*.

The *Anonymous Voice* was probably meant to be distributed before the regular session of the *Sejm*, called for 16 October, 1630, but adjourned to January 1631. The title alludes to the mandate issued by King Sigismund III on 30 May, 1630, which forbade the celebration of any dissenting services in Lublin and ordered the town authorities to expel all Protestant ministers from the town – the decree was brutally formulated, with the use of such insulting terms as 'heretics' and 'sectarians'.³⁰

Officially, the decree was issued to head off the danger of religious riots, yet it could be regarded more as an incentive rather than warning. It should be remembered that it concluded many years of struggle for the right of dissenters to hold religious services in the town in which life was focused around the Crown Tribunal – commonly regarded as the bastion of Catholic orthodoxy. The efforts of Lublin tribunalists to expel all 'heretics' from the town were backed by local Jesuits, as testified, for instance, by a satire written by a student of Lublin Jesuit college Marcin Paszkowski, *Rok trybunalski wiecznej pamięci godny* – an apology of the Tribunal decrees of 1624-25, forbidding: 'any such public meetings and gatherings, so that for later on there shall be no more schools or heretical churches built in Lublin'.³¹ The partiality of the Tribunal and ways in which it was used by ecclesiastical deputies, 'with great constraint of lay persons,' were indicated by polemical writings of both the Catholic and dissident nobility.³²

In order to fully re-Catholicise Lublin, riots were provoked, as in 1611, 1614 and 1620, and also in 1627, when the house of the Castellan of Belz Andrzej Firlej was assaulted. All verdicts in riot cases were partial: perpetrators caught in the act were released after 'swearing off,' and in

30 A. Kossowski, *Protestantyzm w Lublinie i Lubelskiem w XVI-XVII wieku*, Lublin, 1933, p. 162.

31 [M. Paszkowski], 'Rok trybunalski wiecznej pamięci godny', in Z. Nowak, *Kontrreformacyjna satyra obyczajowa w Polsce XVII wieku*, Gdańsk, 1968, pp. 229-49.

32 For example, 'Dyskurs pewny o niewolej szlachty polskiej, którą cierpią dla duchownych' (hereafter, 'Discourse'), BK, Ms 1191; 'Egzorbitancje względem osób duchownych' (hereafter, 'Egzorbitancje'), AGAD, Radziwiłł's Archives (hereafter, AR), file II, no. 251 – *dissoluta*.

1627 a fine of thousand *grzywnas* was imposed on Protestant senators (A. Firlej and the Voivode of Belz Rafał Leszczyński) who were charged with having provoked the riots by their coming to the Tribunal session with too numerous a retinue and with defending their manors against the assailants. In Lublin and Piotrków all public gatherings and dissenting services were forbidden (under the penalty of infamy for the nobility and of death for plebeians) as well as any reconstruction of ruined Protestant churches. At the same time, in 1627 there were two anti-dissident trials held at the Lublin Tribunal: one against Jakub Sienieński, a son of the voivode of Podolia, and Paweł Lubieniecki, the seniors of the Polish Brethren church in Lublin – for organising a synod which allegedly called for prayers for Gustav II Adolf and his success in war with Poland;³³ and second one against Samuel Świątopęk Bolestraszycki – for translating a book by the French theologian Pierre de Moulin, *Héraclite ou De la vanité et misère de la vie humaine*.³⁴ Verdicts of guilty in both cases – especially in the case of Bolestraszycki, which was regarded as an attack against the liberties of the nobility – provoked outrage and a discussion at the *Sejm* session. To the defence of their brethren came Protestant magnates (as Krzysztof Radziwiłł at the Novgorodok *Sejmik*) and outstanding parliamentarians (Piotr Marchocki at the Proszowice *Sejmik*) and some of Catholic senators (Jakub Sobieski), which resulted in a constitution forbidding the Tribunal from usurping the competence reserved to the *Sejm*.³⁵

Jan Sereďyka regarded the discussion at the 1627 *Sejm* as a ‘beautiful chapter in the history of old-Polish religious tolerance’.³⁶ It does not, however, change the fact that in Lublin the case of Protestants was lost;³⁷ there were no public services in the town in 1630, contrary to the statement in the king’s mandate, which was issued under false pretences given by private services conducted at the manor of Marianna Zasławska née Leszczyńska, the wife of the voivode of Volhynia.

33 W. Czapliński, *Władysław IV i jego czasy*, Warsaw, 1972, p. 110.

34 P. Buchwald-Pelcowa, *Cenzura w dawnej Polsce. Między prasą drukarską a stosem*, Warsaw, 1997, pp. 64-67, 87-91.

35 *Constitutions of the 1627 Warsaw Sejm*, VL, vol. 3, p. 263, fol. 548, sec. 13: ‘O dekretych trybunalskich’.

36 Sereďyka, *Sejm...*, *op. cit.*, p. 66.

37 Cf. BK, Ms 289/90, J. Sienieński to K. Radziwiłł, 13 March 1627, from Raków: on the religious situation in Lublin, and ‘Warning’, l. 5v: on mandates and letters issued by the Royal Chancellery ‘by the least request of a priest’.

In such circumstances it would be expected that the author of the Anonymous Voice would appeal to the estates at the *Sejm* in order to straighten out the false accusations being put forth in the mandate. Yet, contrary to its title, the analysed text does not at all refer directly to the events in Lublin. From the opening sentences the author enters into the area of general issues related to the legality of the Warsaw Confederation in the context of fundamental justice and functioning of the law in the Commonwealth.

The author refutes the allegations of the Catholic side that there could be no laws made without the king and that the episcopate was coerced into the consent to the Confederation after the death of King Sigismund Augustus. As it was usual in Protestant texts, he takes the position on the legality of the Warsaw Confederation, referring to the special circumstances of making laws during interregnum by the Commonwealth, that is, by the nobility, who at this special time was granted with full rights. This is traditional argumentation in political publicistic texts of the nobility, regarding interregnums as the apogee of the Commonwealth's sovereignty.³⁸ The novelty was the fact that in the first part of the Anonymous Voice the royal power was placed above the right of the nobility to institute laws. This is the main point of defence not only of the Warsaw Confederation but also of all the subsequent reasoning: the appeal to the king as a guarantor of laws.

An ostentatious declaration of confidence that Sigismund III Vasa would be faithful in abiding by his oath was used to put pressure on the king whose goodwill could not be doubted. The blame was placed on 'bad advisors' (that is, clergymen) who prevailed upon the king to breach the oath and misinterpreted it, restricting the principles of religious peace to 'certain persons and to a certain estate of people' (p. 131). Such attempts at legal reinterpretation of the king's oath encroached on the dignity of the monarchical office.

In the discussion on whether the guarantees of the Warsaw Confederation are about *bonis* or *rebus*, the *Anonymous Voice* strongly advocates against limiting freedom of conscience only to the nobility. It condemns the policy of the authorities in royal towns where dissenters were removed from offices, their possessions were unlawfully appropriated,

38 E. Opaliński, 'Elekcje wazowskie w Polsce. Stosunek szlachty do instytucji okresu Bezkrońlewa', *KH*, 92, 1985, 3, pp. 534-35.

their testaments were refused to be registered in municipal records, their complaints about obstacles interfering with services, with supporting of ministers, and organising of synods. It was a repetition of the issues brought up in accusations against the king and the clergy in 1611-16, claiming that the Crown towns are not the property of the king but of the Commonwealth.³⁹ Protestants not only disagreed with the limitations of civil rights and freedom of the cult of the nobility, but also demanded those rights be granted to plebeians, which we can hardly call a defensive stance.

The author of the *Anonymous Voice* rejected the arguments that the Warsaw Confederation was to be only *temporis causa*, referring to its wording on the guarantees of religious peace 'for all eternity, under our faith and conscience' (p. 132) – with the full support of Piotr Kochlewski who elaborated on that issue in his side notes.

The analysed text leaves the final decision on the interpretation of the king's oath to the king himself, consenting in advance to his decision that would be binding to both Chancellery, the Tribunals, and ecclesiastical as well as municipal courts. A 'humble and respectful' request to make a decision favourable for Protestants includes elements of moral blackmail of King Sigismund III by stating ostentatiously that the king would hold in contempt 'not only one but ten crowns of Poland'⁴⁰ rather than exclude himself from the Heavenly Crown by a false oath (p. 133). The ethical arguments are accompanied by a presentation of political benefits resulting from abiding to the oath that 'not only does no harm, but also makes known the fame of *tranquilli* and *moderati* imperii of HM, inspires the love of his subjects, keeps the internal peace, attracts human studies from these and neighbouring states, where *dissidentes florent* towards HM and His offspring entices, and finally it defends from those detriments, which outside monarchs run into by breaking their oaths and promises' (p. 133).

Here, the charge already made in 1611-16 is repeated that Sigismund III's attempts at the propagation of the Catholic faith by force led to his

39 'Warning', l. 3; 'Egzorbitancyje', p. 15; 'Discourse', l. 18.

40 An allusion – cited by Marcin Kromer (*Polonia*, Book 25) – to the comment made by a papal nuncio during the reign of Sigismund Augustus that it is better to lose ten Polish kingdoms than to encroach prerogatives of the Apostolic See, cf. *Considerationes* II, C4.

defeats in Sweden and Moscow.⁴¹ Under the pretence of servility there began to appear other elements of political blackmail, prevailing in the second part of the text (equally voluminous as the first one), addressed to senators and deputies.

The request presented to them, asking for help to seek compensation from the king for injustices and offences, was reinforced by an interesting argument: that the pledge of kings was a binding obligation for the whole administration of the state. To render aid or assistance to the king in maintaining religious peace was the same duty of officials and estates as their help in maintaining the law and defending the frontiers. Such an interpretation of the Warsaw Confederation was congruent with its provisions stating that the peace inter *dissidentes in religione* was only one of the points of the internal peace. A different understanding of the foundations of religious peace would be, in the opinion of the 'Anonymous Voice' author, a mockery of the king's oath by those who incited him to break his pledge and by those 'who at *Sejms* and *Sejmiks* and tribunals shut the traps of dissidents so as they do not seek compensation for their wrongs' (p. 135), and being able to prevent the infringement of the law, 'they look at them through gaps or nod assent' (p. 136).

Unlike the texts of noble opposition from the time of the Sandomierz Rebellion, the author of the *Anonymous Voice* did not contrast the king with the Commonwealth. On the contrary, referring to the common responsibility of the king and citizens, he identified the king with the state – except that he started from the opposite assumption than the one made by King Louis XIV. This confirms the impression that the reference to the authority of the ruler made at the beginning was not merely a demagogic measure.

After some legal argumentation, on the following pages he resorted to historical and emotional argumentation. Persecutors of Protestants, forbidding them free services and refusing rewards in their country, inventing the worst 'suspicions,' were threatened by divine retribution. The example of Popiel was cited, who was devoured by 'wretched vermin' – backed up by a reference to the contemporary threat to the Commonwealth – of 'overseas mice' (the Swedes) against whom the castles were unable to protect the frontiers – like the walls of Kruszwica could not defend Popiel ages ago (p. 136). Merits of Protestants were reminded,

41 'Warning', l. 22; 'Discourse', l. 18.

who together with Catholics for thirty years were defending Livonia and Prussia against Swedish invasion, and the cause of failures was ascribed to divine retribution aimed at Catholics: 'Because we had not wanted to accommodate with Protestants, or as we are contumeliously called, Polish and Lithuanian heretics, that is, with our own brotherhood and our own blood taken on our oath and conscience, God brought on us the heretics from beyond the sea, with whom we have to accommodate whether we like it or not, and we have to make room for them as long as they bother' (p. 137). This is followed by the examples of similar divine retributions for persecuting Protestants in the past: Žižka's rebellion – for burning 'two bishops' (Jan Hus and Jerome of Prague) some fifty and hundred years ago; the destruction of the Royal House of Valois – for the 'Parisian bath' (the Massacre of Saint Bartholomew's Day); then the examples of wars for faith in the Netherlands, István Bocskay and Gábor Bethlen in Hungary, and Nalivaiko's Cossacks against the Commonwealth.

And all this was a warning and reminder that 'it used to be great with dissidents in our country [...] *in quovis foro Reipublicae*' (p. 138). Historical argumentation was to support the final conclusion: 'So that complete freedom follows the Protestant religion or the Protestant religion follows freedom to Poland' (p. 139). The author of the Anonymous Voice did not baulk at attributing the main achievements of the Executionist movement to his fellow believers, especially the restrictions imposed on the usurpation of hereditary kings against the Commonwealth, that is the noble estate, and on the usurpation of the clergy against the laity. He attributed the drawing up of the words of king's oath to Protestants, 'since there are several non-Catholic traits and characters': the article on religious peace, interdict on royal divorce 'with no reasons expressed in the Word of God', ban on the king's asking to be released from oath (p. 139). Also the incorporation of Prussia and Livonia the Crown owned to Protestants. Without the conversion of Albert of Hohenzollern, 'Brandenburgian margrave' (!), and of Gotthard Kettler 'we would today still be gnawing at those Teutonic bones' (*ibid.*). Nowadays – during the war with the Swedes of 1626-29 – it was the Protestant townsmen of Gdańsk and Toruń who kept Royal Prussia with Poland. What would be the credibility of the royal privileges in the townsmen's eyes if they saw how the Protestant noblemen are treated? (p. 140).

The text concludes with a repeated declaration of faith in the king's goodwill, who – if he could see the support of the estates and could use all the tools of his power – would certainly caused no distress to Protestants. In the last sentence the author asserted that, regardless of the effect of requests, 'Protestants would no rage for their freedom neither they would forget their faith they owe to God and the king. But they would make *maiorum* obligations for His Mighty and Gracious Lord and his posterity either by *servitute* or *interitum*' (p. 140).

As evident from the quoted fragments, the *Anonymous Voice* has literary value. Its author was undoubtedly familiar with the devices of rhetoric. In his argumentation he referred both to the law and to a quote from the 'Roman poet'⁴² (p. 139). His composition could be read as an ideological manifesto rather than short-term action undertaken in the defence of the Protestants of Lublin. His careful avoidance of all current affairs and ostentatious appeals to the king's justice indicate that the proper recipient of the text was not King Sigismund III but his successor. It was he who was reminded of duties resulting from the king's oath towards Protestants. As it turned out before long, the recipient of the Anonymous Voice was Prince Władysław Vasa.

As opposed to the *Anonymous Voice*, the other two texts functioning in the milieu of Krzysztof Radziwiłł in 1631-32 present a broader political programme which was not limited to the defence of the Warsaw Confederation. In the *Script*, devoted mainly to the problems of organisation of the election after the death of Sigismund III, there is only one reference to the Confederation – in the form of warning against internal riots during the interregnum ('like after Augustus') in case the rights of dissidents were violated (*Lex* 22, pp. 106-07). The next time freedom of conscience was mentioned it was with the justification of the right to war, if the king: '{was violating the conscience and infringing upon religion}' (*Lex* 22, p. 110). The brackets indicate that in the author's intention the fragment could be omitted in the discussion at the *Sejm* – in accordance with the political paradigm of 1627-31, represented by Radziwiłł who consulted his actions with Władysław Vasa as a candidate to the throne. We think that the *Script*, written in the hetman's chancellery – polemicizing with

42 It is a distorted quotation from Lucan's *Bellum Civile*, Book One, v. 13-14: 'Heu quantum potuit terrae Pelagii que parare / Hoc quem serviles [civiles in the original] puderunt sanguine dextrae'. The location of the quote I owe to the courtesy of Ewa Jolanta Głębińska PhD.

the project of reform put forward by the proponents of *vivente rege* election, supporting the candidacy of John Casimir Vasa at the 1626 *Sejm* of Toruń – had an approval of Prince Władysław, who wrote to Radziwiłł: ‘the letter of M^r Lord will not only be very necessary but indeed also very pleasant’ and asked it to be handed over to the king.⁴³ Radziwiłł’s memorial, delivered before 11 August, 1630, and the support of Lithuanian dissenters could have strengthened the position of Władysław Vasa and influenced the positive backing of Sigismund III for his elder son as well as his resignation from the project of election reform.

Radziwiłł’s policy as the leader of Lithuanian Protestants and his deals with Catholics were against the ‘Warning and rebuke of a pious Protestant.’ In contrast, the ‘Opinion of a nameless Protestant’ advised not only an alliance with the Prussian towns but also with ‘the people of certain Catholic religion, witnesses of obligations of faith, conscience and benevolence, and remembering pledges’ (until they die off!) and ‘people of Greek religion.’

Both Protestant texts of 1611-15 shared an opinion that it was high time to give up applying stopgap measures: manifestations, protestations, *Sejmiks* instances and to openly present the postulates of Protestants. The actions of Krzysztof Radziwiłł in the last years of King Sigismund III’s reign and during the interregnum after his death indicated that he complied with the advice. Only with reference to the tradition of political writings of dissenters are we able to rightly appreciate the content and meaning of the last of the analysed texts.

The *Considerationes de exceptione of the reverend clergymen contra dissidentium in religione* written after the *Sejm* of 1632 were undoubtedly written by an Protestant closely associated with Krzysztof Radziwiłł, since from the very first sentence he praises merits of ‘the great man, Lithuanian Hetman.’ Mirosław Korolko regarded the *Considerationes* as ‘the last polemical text, the last public refutation addressed to the advocates of the Catholic religious dictate’,⁴⁴ and dated it to the period after the Election *Sejm* of 1632. That date, however, is impossible, since the reflections included in the *Considerationes* on the two princes’ chances of winning the crown, seen as an element of bargain between

43 Quoted after H. Wisner, ‘Litwa i projekt reformy elekcji 1629-1631’, *Przegląd Historyczny* (hereafter, PH), 64, 1973, 2, p. 260.

44 Korolko, *op. cit.*, p. 129.

the Catholics and the Protestants, would be absurd if that text was written after the election of Władysław IV Vasa on 14 November 1632. Probably also Jan Dziegielewski was wrong to date the *Considerationes* to the period of intensified political struggle after the convocation.⁴⁵ It is contradicted by a reference to ‘the king dying in the Senate’ at the past *Sejm* (*Considerationes* I, p. 117; *Considerationes* II, B3).

Also the term of ‘schismatics’ used to describe the members of the Orthodox Church (*Considerationes* I, p. 120; *Considerationes* II, Cv) would be sounding strange after the convocation at which the alliance between Protestants and ‘the Greek religion’ was demonstrated. We should, therefore, agree with the suggestion of Jan Sereyka⁴⁶ that the analysed text was written soon after the death of King Sigismund III on 30 April, 1632, and it was a reaction to the rejection by the ecclesiastical senators at the *Sejm* of spring 1632 of the constitution’s project passed by the deputies, that linked the safety of election with the resumption of law of religious peace. The episcopate wanted to agree neither to the compromise formula confirming religious guarantees *salve immunitate Ecclesiastica et pace religionis*, nor to the acceptance of the king’s proposal to postpone the discussion to the next *Sejm* session.

The references to those events are to be found in a vivid description of the boycott of the *Sejm* resolutions staged by priests, who exerted almost physical pressure on the king: ‘The whole House of Deputies requests that the reverend lords of the Church *cedant temporibus Reipublicae* for one year only, but the ecclesiastical lords do not want to. So what? *Deferetur negotium* to the king, the stool was surrounded, and a reply was given that it is better to give in *casum Remp[ublicam]* than to agree to it’ (sec. 12; *Considerationes* I, p. 117; *Considerationes* II, B2v). The stance of the clergy subverted the trust of Protestants in the king’s oath in the future – even if ‘the prince, having had become king, ten thousand times pledged *iuxta solitam formam to dissidents*, nevertheless it would be of as much help to them as to the king deceased in God’ (ibid.).

The author feels indignant at the egoistic conduct of bishops – if it was not for them, ‘all the *ordines of R[eipublicae]* would join in concord

45 J. Dziegielewski, *O tolerancję dla zdominowanych. Polityka wyznaniowa Rzeczypospolitej w latach panowania Władysława IV*, Warsaw, 1986, p. 39, note 101.

46 J. Sereyka, *Rzeczpospolita w ostatnich latach panowania Zygmunta III (1629-1632). Zarys wewnętrznych dziejów politycznych*, Opole, 1978, p. 197, makes reference to the copy in BCz, Ms 160.

together *hac securitate*, and nobody would *divide suam salutem ab aliorum salute* [...]. For God's sake, what kind of *adversus Reip[ublicae] genius* it was that destroyed such a lovely constitution?' (*Considerationes* I, p. 113; *Considerationes* II, Av).

According to the *Considerationes*, the 'lovely constitution', that guaranteed both the order of interregnum and religious peace, was to be in force for only a year, during the period of truce between Protestants and the clergy. After the year the provisions were to be renegotiated. This raises a question: how dissidents thought this revision of the constitution would be? What methods would be used to do it; by the pressure exerted on the clergy through the agency of Prince Władysław (the almost sure king-elect) or by force?⁴⁷ At all events, the actions undertaken to force exceptional rights for the Catholic Church fully justified, according to the author, a counteraction of dissidents, 'for not at people but at dumb beast they would go if they had to wait [...] their last extinction' (*ibid.*). There is also a modern historian who shares the opinion that the dissidents' turning to foreign rulers for help was a logical consequence of the stance of the episcopate, 'that was not only anti-dissident but also against the interests of the state and the king'.⁴⁸

The purpose of the *Considerationes* was to justify the impossibility of acceptance by dissidents both of exceptional rights of the Catholic clergy and of the necessity of concessions being made by them. It is difficult to read the 'requests to the clergy moderate in tone' into the text.⁴⁹ On the contrary – the whole argumentation is based on the identification of rights of the Catholic Church with the privileges of the clergy and on the acceptance of the axiom that it had to be hostile to dissidents. The author was following in the footsteps of polemic texts written for the fight for *compositio inter status* that generalised the conflict between the secular and clerical citizens of the Commonwealth, proclaiming

47 Older historiography presented the thesis that Protestants at the election were moving towards an open combat, with the support of the elector of Brandenburg and Gustav Adolf: W. Konopczyński, *Dzieje Polski nowożytnej*, 2nd edn, ed. by J. Dziegielewski, Warsaw, 1986, p. 246; Czaplinski, *Władysław IV...*, *op. cit.*, pp. 102-10. It was rejected by: H. Wisner, *Rozróżnieni w wierze. Szkice z dziejów tolerancji w Rzeczypospolitej schyłku XVI i połowy XVII wieku*, Warsaw, 1982, pp. 147-67; Dziegielewski, *O tolerancję...*, *op. cit.*, pp. 38-39.

48 Sereďyka, *Rzeczpospolita...*, *op. cit.*, p. 196.

49 Korolko, *op. cit.*, p. 130.

the slogans of league against the clergy, accusing ecclesiastical senators of having dominated the *Sejm* and Tribunal, and even of falsifying the constitution.⁵⁰ Such a simplified perception of the episcopate in 1631-32 meant a backward step in comparison to previous polemic texts of Protestants, in which sometimes there was a difference made between various groups of Catholic clergy. In the 'Opinion of a nameless Protestant' it was mainly the lower clergy who was viewed as the main foe – 'traitors and misers' who were not respected – according to the author's opinion – even at the king's court, whereas in the *Considerationes* the programme of fight against ecclesiastical senators was cut to the immediate needs of discussions in the *Sejm*. The text was addressed to 'politicians' who were to judge the author's reasoning (sec. 1 and 14: *Considerationes* I, pp. 117, 118; *Considerationes* II, A, B3v), since he anticipated that 'this matter de *dissentibus* will supposedly be a part of *consultatorium publicarum inpraesenti Reipublicae statu*' (*Considerationes* I, p. 113; *Considerationes* II, A2).

The text of *Considerationes* is constructed according to the principles of rhetoric, with the division into two main parts: in the first one (*probatio*) the author defends his own arguments and in the second (*refutatio*) he refutes opposing arguments.

The *probatio* begins with the legal arguments echoing the traditional, from the time of rebellion, charge that the Catholic clergy felt exempted from the general laws and they lorded it over the noble estate. It opens with a short lecture on how the noble state should function according to the Calvinist doctrine.

It is said that the privileges of the clergy violated the fundamental principle of laws of the Commonwealth since they made it impossible for the king to ensure public safety for all citizens, because: '*Suprema Lex et unicum firmamentum Reipub[licae] is salus civium*' (sec. 1: *Considerationes* I, p. 114; *Considerationes* II, A2). This is congruent with the concept of sovereignty, that is, royal power, formulated in the Sandomierz Confession and the Polish translation of John Calvin's *Institutio religionis christianae*, where the fundamental duty of a ruler – and at the same time the touchstone of his justice – was to maintain common peace,⁵¹

50 'Discourse', l. 19.

51 'Konfesja Sandomierska' (The Confession of Sandomierz), sec. XXX: 'On Sovereignty', pp. 235-36; 'On Secular Sovereignty', A 3, item 3.

and not to defend the faith, as in Catholic doctrine. The acceptance of the axiom that true sovereignty, that is just one, could not be against the will of God led to the negation of subordination of secular authority to spiritual authority and of privileged position of the clergy in the state.

Also a legal argument used in the second article of the *Considerationes* is a hidden reference to the Calvinist doctrine of two covenants, in the interpretation adjusted to the Polish reality: obligations (duties) of the king towards his subjects and of the subjects between themselves. The two cardinal obligations were guaranteed by the king's oath as a 'compendium of all laws and the Crown statutes.' Assaults against it would result in a danger for the Commonwealth, 'as great as it could be' from the clergy who put '*altare contra altare*, majesty against majesty *erigere*', thus attacking the sacred of royal power! '*Revera* is nothing else than *opponere se potestati a Deo constitutae*' (sec. 3: *Considerationes* I, p. 114; *Considerationes* II, A3) – the Polish king was obliged to step out before the clergy and remind them their obligation of obedience to the ruler.⁵²

The recognition of privileges of the Catholic Church violates the principle of equality before the law respected by all the estates, and especially 'the ecclesiastical estate itself which shall be *exLex* in this matter' (sec. 4: *Considerationes* I, p. 114; *Considerationes* II, A3v). According to the polemic tradition, the most grievous – for the nobility – example of the clergy's privilege was emphasised, that is their exemption from military service: 'And what kind of *aequalitas*, if a dissident is *obligatur* to stand by the ecclesiastical estate risking his blood and throat [...] while a clergyman does not want to give *tantillum obligari* to a dissident as not to be protected *ab externa vi*, but from himself?' (ibid.). Dissidents, whose security depended on the goodwill of the clergy, were compared to defenders of a besieged fortress, 'to which the foes had been given the keys and its towers and walls had been scattered around. Because *dissidentes* are most frightened of clergymen' (sec. 5: *Considerationes* I, p. 115; *Considerationes* II, A3v-A4).

The quoted arguments refer to the practical experience of noble readers. If it was important to precise the period of time and provisions even in private property contracts, 'how dissidents could be as careless as to [...] entrust the right they could be divested of, tomorrow or after tomorrow or at any occasion or *opportunitas*, by the clergy' (sec. 6: ibid.). 'Because

52 On the margin of the Letter of St Paul to the Romans, 13,3.

we could have learned *ex quotidiana iuni praxi* how dangerous thing it is to be dependent on anyone' (sec. 10: *Considerationes* I, p. 116; the fragment omitted in the pamphlet).

The exemption from the general law claimed by the clergy meant breaking with the best traditions of the noble state, 'for we have nothing better to *Rem[publicam] conservaret*, than the *sanctissimi et prudentissimi maiores nostri* who exerted themselves so that Poles do not cross swords for religion among themselves' (sec. 7: *Considerationes* I, p. 115; *Considerationes* II, A4v). Nowadays, peace is most needed by those 'who could lost the most in unrest', that is the Catholic clergy, because dissidents have nothing to lose in case of an internal war 'for religion.' They could only suffer 'what had already befallen them, and reliqua always hand over them: *probra, contumelia, carceres, exilia, proscriptiones bonorum, direptiones, etc.* [...] even if in their country *secus* matters would have fallen, they could find everywhere *contra patriam* such abasement as it awaits them at home' (sec. 8: *Considerationes* I, p. 116; *Considerationes* II, A4v).

These arguments could indicate that, indeed, dissenters were brought to a situation in which 'they would be forced against their will to resort to extreme measures',⁵³ that is to assert their rights by force of arms.

It should be remembered, however, that a similar picture of Protestants driven to extremes was painted in the texts from 1611-15, with no consequences for internal peace. Dissidents were conscious of the purpose of Catholic provocations: 'Now we are almost shoved by shafts to move from our place and go for wound.'⁵⁴

Glorious traditions of religious peace in the Commonwealth were set against civil wars in Germany, Bohemia and other states 'that ran with blood,' caused by the clergy: 'thus, until priests are satisfied with internal turmoil, they would not learn that in *animos et in conscientias hominum* there could be no exceptions and reservations' (sec. 9: *Considerationes* I, p. 116; *Considerationes* II, B).

The egoistic attitude of the clergy was contrasted with a basic principle of the political ideology of Protestants, a strict distinction between the spheres: the secular one – political, and the spiritual one – religious.

53 A quote from Krzysztof Radziwiłł's speech at the Convocation *Sejm*, after Czapliński, *Władysław IV...*, *op. cit.*, p. 102.

54 'Zdanie bezimiennego ewangelika', pp. 21-22.

Secular guarantees in the *Sejm* constitutions could concern only public security and citizens without regard to their denomination. In matters of religion, polemists are referred to opinions of Protestant theologians (sec. 10: *ibid.*). Yet, the clergy at the *Sejm* of April 1632 used religion to defend their own interests, calling aloud: “Gracious Lords Catholics, defend the injustice to God”. As though it was an injustice to God when one [...] asks to stay in law and peace’ (*Considerationes* I, p. 119; *Considerationes* II, C).

Since the Radziwiłł faction wanted the Lithuanian deputies to demonstrate their solidarity at the *Sejm* sessions during the interregnum of 1632,⁵⁵ the author of *Considerationes* appealed to Lithuanian patriotism, contrasting the situation of Lithuanians with that of Poles – so far regarded (as, for instance, in the *Script, Lex* 21, p. 103) as a one nation. Since in the Grand Duchy of Lithuania dissenters have equality of rights guaranteed by the Third Lithuanian Statute, and Lithuania would not agree to diminish its rights, ‘it is unlikely that the Crown would be *deteriori iure et libertate* than the Duchy’ (sec. 11: *Considerationes* I, p. 117; *Considerationes* II, Bv). There was even mass emigration expected of dissidents to Lithuania, where ‘*successu temporis* they could *occasiones quaerere constituendae sibi seorsae Reipublicae*’ (*ibid.*). This calls up an association with the future policy of Krzysztof Radziwiłł’s son – Grand Lithuanian Hetman Janusz.

The author of the *Considerationes* uses also the method of reversing arguments of opponents, bringing the accusation of treachery, brought usually against Protestants, against the clergy. Catholic clergymen, accused by opposition publicistic texts from the time of the Sandomierz Rebellion of playing the role of ‘fifth column’ in the Commonwealth, are charged with ingratitude towards the deceased king and designs with the Swedish king as a claimant to the throne. This is probably an allusion to the mission of Gustav Adolf’s envoy in 1631, Jakub Roussel, who was given an instruction⁵⁶ guarantying to maintain, after the union between

55 ‘The items given for relational *sejmiks* of the Grand Duchy of Lithuania’, BK, Ms 991, l. 277.

56 *Augustissimi principis et domini Gustavi Adolphi dei gratia Suecorum, Gothorum, Vandalorumque regis, nec non Germanicae libertatis defensoris, Instructio praescripta domino Jacobi Roussel Sacrae Regis Majestatis ad Serenissimam Rempublicam Polonum legato, AD 1632, dabatur Stralsundis, Novembris Anno 1630*, copy in Wolfenbüttel, Herzog August Bibliothek (hereafter, HAB), cat. no. 23. 1 bellica, l. 4, p. 17.

the Commonwealth and Sweden, the rights of all Catholic clergy except for Jesuits. Hostile activities of the Catholics towards Prince Władysław (suspected of heresy!) mentioned also Krzysztof Radziwiłł during his negotiations with the elector of Brandenburg in August of 1632.

There were efforts to compromise Catholic clergy by indicating discrepancies between their actual attitudes and their official propaganda of modesty and impartiality. The egoistic attitude of the clergy, defending their privileged position at all costs, could stand in the princes' way to the throne and pave the way for foreign candidates (*Considerationes* I, p. 117; *Considerationes* II, B3, p. 12). Here returns the argument that outside interferences into affairs of the state that infringes the laws of nature and God are rightful, or even obligatory, used already in the *Script* (*Lex* 1, p. 88; *Lex* 5, p. 90; *Lex* 22, p. 110).

To historians devoted to a 'conspiracy theory of history' such attitude of dissidents often suggested a suspicion of treachery – especially that the list of states included in the *Considerationes* that would be willing to interfere on behalf of dissenters corresponds to the list of possible allies, suggested by Radziwiłł to the elector during the negotiations in 1632. Against the thesis of Władysław Czapliński that Radziwiłł and Leszczyński 'were ready for anything' and had entered into treacherous engagements with the elector of Brandenburg and Gustav Adolf at the cost of Władysław Vasa,⁵⁷ a majority of researchers of the 1632 interregnum assume that those contacts were of probing character and were conducted with the prince's knowledge.⁵⁸

Then the text of *Considerationes*, after having referred to current events, presents another argument *de praeterito*. A protest against the guarantees of security for dissidents means – according to the author – an attempt to return to old usurpations of the Church curbed by the Executionist movement. This leads to a risk of introduction of the Inquisition to Poland, dangerous for the nobility regardless of their religion: 'since without it, it would be difficult to know who is a Catholic and who dissident' (sec. 13: *Considerationes* I, p. 118; *Considerationes* II, B3v).

57 W. Czapliński, *Polska a Prusy i Brandenburgia za Władysława IV*, Wrocław, 1947, pp. 10-36.

58 A. Szelański, 'Układy królewicza Władysława i dysydentów z Gustawem Adolfem w roku 1632', *KH*, 13, 1899, pp. 685-734; Wisner, *Rozróżnieni w wierze...*, *op. cit.*, s. 156; Dziegielewski, *O tolerancję...*, *op. cit.*, s. 38.

To accept the formula of the king's oath with the exceptions for the Catholic Church meant the violation of interregnum vigilance committees (*konfederacje kapturowe*) which accepted the guarantees of religious peace without any reservations. This would be to 'perforate *suam securitatem* and thwart old laws' (*ibid.*).

Contrary to the cited opinion of some clericals⁵⁹ that old constitutions are not legally binding 'because signatures nil valent, for they die with the deceased,' the text states openly that it is better not to speak about guarantees for dissidents at all than to accept their abridged version (sec. 14: *Considerationes* I, p. 118; *Considerationes* II, B3v). This seems to be a reference to the project of conformation of religious peace at the 1632 *Sejm*, opening with a passage about the reasumption of all previous resolutions of interregnum vigilance committees and confederations, especially passed after the deaths of King Sigismund Augustus and Stephen Báthory. In both cases the arguments were based on the old-Polish custom to contrast 'old good laws' with novelties, in this case: the guarantee of religious concord – with usurpations of the Catholic Church after the Trent reform.

After the *probatio*, using legal, positive arguments, there follows a polemic part of the *Considerationes* – *refutatio*, presenting the answers to anticipated counterarguments of the Catholic side, opposing theses and antitheses. It should be said that this part is more poorly written and the author – an Protestant – is occasionally quite one-sided.

This applies, for instance, to an answer to the question: why dissidents were satisfied so far with confederations 'limited with exceptions,' that is, with reservations of ecclesiastical senators. The statement that there are no 'exceptions' of the Catholic clergy from the law in constitutions and confederations (*Considerationes* I, p. 119; *Considerationes* II, B4) is correct only in part. Indeed, there had been no 'exceptions' in the form proposed in 1632. The bishops who signed the confirmation of religious peace provided it with the reservation of '*propter bonum pacis*,' like Wawrzyniec Goślicki in 1587,⁶⁰ on the basis of the Papal Bull of 1511 In Cena Domini of Julius II (confirmed in 1610 by Pope Paul V), providing Church penalties for the clergymen entering into deals with 'heretics'.

59 Sereďyka, *Rzeczpospolita...*, *op. cit.*, p. 195, attributes this saying to a secular senator, probably the Voivode of Rawa (known from his stupidity and intolerance), Filip Wolucki.

60 VL, vol. 3, p. 233.

Then the author deduced, by stretched reasoning (omitted in the handwritten version of *Considerationes*) that 'old' bishops put their signatures under the text of Warsaw Confederation in its version providing free choice of confession by the subjects, both in the Church lands and in private properties, '*salvis* only *subiectionis iuribus*' (*Considerationes* II, B4v). Such an interpretation of the Warsaw Confederation, which – according to the author of the printed version – '*ex contextu patet*,' is dubious. The Confederation explicitly states that it is not to infringe upon 'any sovereignty over its subjects, both the ecclesiastical lords and the lay lords'.⁶¹

More convincing, however, are the arguments based on the opposition of tradition of religious peace in the Commonwealth and the contemporary situation of dissidents. The author of the *Considerationes* reminds that in the time of Stephen Báthory they could trust the king's oath and love of lay Catholics which nowadays (at the past *Sejm*) 'either chilled or turned into hate' (*Considerationes* I, p. 119; *Considerationes* II, B4v). Refuting the argument of the clergy that what they want is to keep a clean conscience in the contacts with 'heretics,' he emphasises once more that the purpose of dissidents is not a unification within the universal Church but only civil and political peace, permitted by popes even in contacts with pagans – then why it is refused to Christians? (*Considerationes* I, p. 120, *Considerationes* II, Cv). He pays attention to the opportunism of the Catholic Church who did not protest when 'Muscovite schismatics' offered the throne to Prince Władysław in exchange for conversion to the Orthodox Church – like Pope Urban VIII's advice to Emperor Sigismund Luxembourg and Prince Wilhelm Habsburg to enter into an alliance with Jagiełło, a 'Lithuanian pagan' (*ibid.*). Concessions in the name of universal peace are forced by the conditions of worldly life.⁶² After all, Protestants are not subordinate to the Catholic clergy: 'Because [...] heretics *sunt in Ecclesia extranei*, thus in an apostolic fashion leave them to God's judgement'. The unity of the Church should be encouraged by good example and saintly life.⁶³

What is of special interest is the argumentation refuting the thesis that clergymen cannot make concessions to dissidents 'for a pope' because of

61 'Confoederatio Generalis Varsoviensis', sec. 4, *VL*, vol. 2, p. 124, l. 842.

62 A reference to the First Letter of St Paul to the Corinthians, 8,5.

63 A reference to the Gospel of St Matthew, 7,12.

their subordination to the Apostolic See – which became the pretext for a more lengthy justification of the sovereignty of the Commonwealth. The author of the *Considerationes* referring, in Korolko's view, to the opinions of fifteenth-century conciliarists,⁶⁴ justifies at length the statement that kings are not subordinate to the pope in secular matters, citing the examples of Catholic monarchs (among other the Spanish king in Naples) and legal tradition of separation of worldly and spiritual matters, beginning from 'pagan' authors to Christian ones: doctors of law and legists. But the key point was an argument about the necessity to reconcile rights of nations with legislative autonomy of individual states. Poles have 'a free (sovereign) Republic governing itself by its own laws' imposed by old kings. Since when the status of the Polish state has been changed that it is subordinate to the pope? Even before the teachings of Hus and Luther Polish kings propagated 'the Greek religion which holds the Pope as he is held by Luther': then why the Catholic clergy have not protested for a few hundred years?

There are examples cited of popes' usurpations from the time of Władysław II the Exile Piast: their wanton handing out of Crown bishoprics and Church benefices to foreigners and plebeians, reminding that it was not a 'heretic' but the bishop of Warmia, Marcin Kromer (*Polonia*, Book 25) who wrote that at that time the Polish episcopate (*Maiores vestri*) stood up for the prerogatives of the Polish king (*Considerationes* I, pp. 122-23; *Considerationes* II, C4). According to the author of the *Considerationes*, in years gone by bishops not only accepted the Warsaw Confederation without consulting with the pope, but together with dissidents pressured kings into forbidding divorces, even with dispensation, and into recognising that nobody (even not the pope) could release the king from his oath (*Considerationes* I, p. 123; *Considerationes* II, D). Let us remind that in the *Anonymous Voice* these achievements were attributed to Protestants only! This contracting of the attitude of Catholic clergy in the past and in the present time illustrated to the author the increasing growth of orthodoxy in the Catholic Church after the Trent Council.

Of special importance seems to be an argument that Sigismund's and Augustus' were allowed, 'when they saw that it was needed by the *ratio et status*, to grant *libertatem religionis* to dissidents,' and Henry, Stephen and the recently deceased king, to swear religious peace (*Considerationes* I,

64 Korolko, *op. cit.*, pp. 130-31.

p. 123; *Considerationes* II, C4v). These arguments based on *raison d'état* merit special attention due to their unique character in the old-Polish political commentary texts – a polemist-dissident seems to know the works of Catholic theorists of the state, the authors of the concept of *raison d'état*, ignored by the representatives of the Polish counter-reformation.⁶⁵

The argumentation of the *Considerationes* is further strengthened by a reference to the example of the French monarchy. Although it owes much to the Apostolic See, the text of the oath of French kings guarantees the maintenance of religious peace, and royal edicts and resolutions of Parliament are based on the principle of division of secular and spiritual power and on the independence from the pope of sovereign states (both kingdoms and republics!), subjected only to the law of God and rights of nations (*Considerationes* I, p. 123; *Considerationes* II, Dv). When a French king ascending the throne pledges to fight against heresy, he immediately reassures his Protestant subjects that 'he does not hold them as heretics but *pro reformatis*, that his pledge is not to be understood as applying to them. And indeed, our ancestors *ad instar* of this French conduct proceeded, *verissime*, it is that either the French followed us or we followed the French.' (*Considerationes* I, p. 124; *Considerationes* II, Dv). The printed text refers also to Francis II's edict of toleration of 1559, listing the names of seven French bishops who signed it (*Considerationes* II, D2). This another reference to French legal solutions as the examples to be followed is an additional argument to associate the *Considerationes* with Krzysztof II Radziwiłł's milieu, familiar with the text of 'the declaration of French kings to the side of *dissidentes in religione*' from 1615 in the Polish translation of Daniel Naborowski.⁶⁶

In the conclusion there is a rhetorical appeal to Catholic clergy not to persist in 'exceptions' concerning the rights of their Church and take pity on dissidents and the king's posterity 'to whom they would be unlawful' (*Considerationes* I, p. 123; *Considerationes* II, D 2v).

Contrary to the opinion of M. Korolko, we do not regard this appeal as an example of 'moderate tone', allegedly characteristic of the attitude of the *Considerationes*' author towards the clergy who can hardly be

65 For example, S. Bielański, *Giovanni Botero. Historyk i pisarz polityczny epoki kontrreformacji*, Cracow, 1995, pp. 84-91.

66 AGAD, AR, V, no. 10194, l. 81-82: D. Naborowski to K. Radziwiłł, 13 May 1615, from Gdańsk.

regarded as the actual recipient of the text.⁶⁷ In our view this is a warning addressed both to the nobility and the sons of King Sigismund III, that has to make them aware of egoistic purposes of the episcopate and its dependency on the papacy.

The justice, or the rightness, of this warning and the whole strategy developed by Protestants, and presented in the texts analysed above, were verified during the struggle for guarantees of equal rights in religion and politics at the *Sejm* sessions after the death of King Sigismund III: the Convocation *Sejm* (22 June – 17 July) and the Election *Sejm* (24 September – 15 November) of 1632.⁶⁸

The scope of dissidents' expectations was determined in the *Postulata* presented to the primate and bishops on 4 July 1632, by Protestants and Orthodoxes together.⁶⁹ The alliance of Protestants and Disuniates was consistent with the tactics developed at the Toruń Council of 1595, Vilnius Convention of 1599, and *Sejms* of 1613-15, propagated in the *Voice of Anonymous Protestant*. Catholics, however, easily succeeded in breaking up the alliance of dissenters by appointing a separate commission to investigate the matters of 'Greek religion', with Prince Władysław Vasa at the head.

The responsibility for breaking up the initially uniform front of dissenters rests mainly with the leaders of Disuniates who counted on Władysław's favour.⁷⁰ The alliance of Protestants with the Orthodox

67 Korolko, *op. cit.*, pp. 130-31: there is an erroneous quotation '*propter rationum status*' instead of '*propter bonum pacis*' at the end of the appeal to the clergy, *Considerationes* I, p. 124.

68 Analysis of political actions of dissidents during the interregnum, cf.: Dziegielewski, *O tolerancję...*, *op. cit.*, pp. 13-62; W. Kaczorowski, *Sejmy konwokacyjny i elekcyjny w okresie bezkrólestwa 1632 r.*, Opole, 1986, pp. 46-60; idem, 'Rola Krzysztofa II Radziwiłła na sejmach konwokacyjnych i elekcyjnych w okresie bezkrólestwa 1632 roku', in *Radziwiłłowie XVI-XVIII wieku: w kręgu polityki i kultury*, Warsaw and Łódź, 1989 (*Miscellanea Historico-Archivistica*, vol. 3), pp. 35-50; H. Wisner, 'Litwa po zgonie Zygmunta III. Od zjazdu wileńskiego do konwokacji warszawskiej', *Rocznik Białostocki*, 15, 1981, pp. 43-73.

69 Published in *Księcia Krzysztofa Radziwiłła sprawy wojenne i polityczne*, Paris, 1859, pp. 661-66; Radziwiłł, *op. cit.*, vol. 1, pp. 29-33. Handwritten copies listed in Dziegielewski, *O tolerancję...*, *op. cit.*, p. 28, note 64. The number of postulates, their sequence and numbering differ depending on the source. We use here BK, Ms 983, 'Postulata lutrów i Rusi schizmatyków na konwokacyjnej warszawskiej 4 Julii 1632 temporl interregni podane', ll. 176-78 (hereafter, 'Postulates').

70 Dziegielewski, *O tolerancję...*, *op. cit.*, pp. 32-33; Czapliński, *Władysław IV...*, *op. cit.*, pp. 102-03; B. Floria, 'Konflikt między zwolennikami unii i prawosławia w Rzeczypospolitej (w świetle źródeł rosyjskich)', *Barok*, 3, 1996, 2 (6), pp. 23-52.

Church, however, was born out of opportunism, just like the attitude towards them of the Birżai Radziwiłł family line, who cannot be regarded, in our opinion, as true patrons of the Orthodox Church.⁷¹

The postulates of dissenters, presented at the Convocation *Sejm* of 1632, have been already discussed in the literature on the subject,⁷² but they need to be commented upon from the perspective of ideological and political programme of the analysed texts.

All attempts of Protestants to settle religious matters at the Convocation resulted not only from the current distribution of forces and desire to force the pace of fight with Catholics,⁷³ but also from negative experiences of the previous interregnum. What was regarded as the fundamental guarantee of religious freedom was the approval from the episcopate of the Warsaw Confederation *sine exceptione*, together with the provision that it cannot be violated in the future under the pretext of law.⁷⁴ An important novelty in relation to the provisions of 1573 was a proposal included in the *Postulates*, that hetmans, seal keepers and municipal clerks together with the clerks of *starostwa* (sec. 1) and Tribunal deputies (sec. 8) shall be bound by oath not to be guided in their activities by religious prejudices – analogically to the projects of ‘process’ of the Warsaw Confederation from 1595, 1605, and 1606.⁷⁵ It was also demanded that the abolition of religious discrimination in distribution of offices was confirmed by a special king’s and chancellery’s oath (sec. 10). These articles seem to be very important, considering that Protestants recognised the king’s oath as obligatory for the whole state administration, and a fierce debate at the Convocation and Election *Sejms* about the words of the Confederation oath for Catholics.

It is also surprising that there is no wider comment in the literature on the demand – supplementing the postulate to nullify acts against

71 K. Chodynicki, *Kościół prawosławny a Rzeczpospolita Polska*, Warsaw, 1934, pp. 385, 536, 544; cf. Floria, *op. cit.*, pp. 27, 40-41.

72 Wisner, *Rozróżnieni w wierze...*, *op. cit.*, pp. 133-34; Dziegielewski, *O tolerancję...*, *op. cit.*, pp. 27-28.

73 Kaczorowski, *Sejmy...*, *op. cit.*, p. 133.

74 ‘Confoederatio Generalis Varsoviensis’, sec. 3, *VL*, vol. 2, p. 124, l. 842.

75 In the literature on the subject the question of oath is omitted, with the only exception of Wisner, *Rozróżnieni w wierze...*, *op. cit.*, p. 134, who passed over the article of the oath of municipal clerks.

Disuniates issued after 1596⁷⁶ – of the right to return to this religion for plebeians: peasants (*plebei simplici villani*) and townsmen of the royal, ecclesiastical and noble towns in the Crown and Grand Duchy of Lithuania. Those who used religious coercion were to be responsible to the Tribunal (*Postulata*, sec. 1, fol. 177).

An explicit interpretation in the spirit of freedom of conscience with no difference in condition meant that the resolutions of 1573 were to be extended in reference to the radical projects of the Warsaw Confederation ‘process’ of 1595-1605⁷⁷ – contrary to the Protestant texts of 1611-15, speaking up only for burgers. It is a surprising change in the context of practice of religious coercion in the properties of Protestant nobles in the Grand Duchy of Lithuania⁷⁸ – especially that apparently Krzysztof Radziwiłł stated at the Convocation of 1632 that: ‘in the matters of religion he knows no differences in conditions or in families, he considers the poorest peasant as equal to the most distinguished dignitary’.⁷⁹

In the discussion about the social scope of religious tolerance this statement could be regarded as a further evidence for the concern of Protestants for the subjects out of ethical motives.⁸⁰ In the reality of the 1630s (regardless of the Lithuanian hetman’s honesty) the announcement of efforts to restore the freedom of choice of religion to peasants should be regarded as suicidal – except if it is regarded as a threat of mobilising Ruthenian peasants against Catholics, used to force political concessions. The fulfilment of such radical demands, referring to the postulates of 1595-1606 and indicated in the *Considerationes*, would be possible only after the strengthening of king’s power and restoration of his right to interfere in the civil law relations between landowner and subjects.

Justifying the *Postulates*, dissenters emphasised that ‘it is not for the faith, which is sent from God, not for conscience, which is the duty of God Himself, not for the articles treated in theology, united into one, but it is only *ad politicem et civilem pacem et salutem in hac Respublica*

76 Incorrectly after 1586 in Radziwiłł, *op. cit.*, vol. 1, p. 29.

77 Cf. J. Serebryka, ‘Nieznany projekt egzekucji konfederacji warszawskiej’, *OiRwP*, 20, 1975, p. 160; Opaliński, ‘Dwa nieznane projekty...’, *op. cit.*, p. 11.

78 Cf. S. Tworek, ‘Przymus wyznaniowy na terenie Wielkiego Księstwa Litewskiego w XVI-XVII wieku’, *OiRwP*, 19, 1974, pp. 161-64.

79 Quoted after Czaplinski, Władysław IV..., *op. cit.*, p. 101.

80 Serebryka, ‘Nieznany projekt...’, *op. cit.*, p. 11.

nostra they strive for' (*Postulata*, fol. 176).⁸¹ This could hardly be seen as a threat, but it expresses (like *Considerationes*) a *principium* of the opinions of Protestants about the relations between the faith and politics: a separation between matters of religion, which are indisputable and are concerns of conscience for each individual, and mundane guarantees of peace between dissenting in faith.

Such a stance was consequently presented by Krzysztof Radziwiłł and the group of politicians associated with him during the whole interregnum.⁸² These arguments appealed to a majority of deputies. During the discussion about the *compositio inter status* at the Election *Sejm* Catholic and dissenting deputies solidarily protested against the right of clergy to appeal to Rome, accepting Radziwiłł's stance that it is better to pass nothing than to bring about a dubious 'composition' that would threaten the Commonwealth with the 'Spanish Inquisition',⁸³ which resembles deceptively an expression used in the *Considerationes* (sec. 14).

As marshal of the Convocation *Sejm* Radziwiłł skilfully manoeuvred between the Senate and House of Deputies, winning the sympathy of the princes by his support for their material interests⁸⁴ and fulfilling a prediction from 1631: 'time will show who is sympathetic towards the offspring of His Majesty the king' (*Script, Lex* 22, p. 111). Through a masterly propaganda campaign he drummed up before the Convocation support of a part of the *Sejmiks*, and during the *Sejm* session – of a majority of the House of Deputies, for the postulates of dissidents and led the Convocation to a happy ending.⁸⁵ A general confederation at the Convocation *Sejm* included positive decisions for dissidents' postulates, repeated from the beginnings of Sigismund III's reign.⁸⁶ It guaranteed religious peace *dissidentibus in religione Christiana* for the period of interregnum and for the future (sec. 6), repeating almost word for word the formulations of the Warsaw Confederation. In addition, all decrees

81 The expression 'faith is a gift of God' then appeared on 15 October 1632, during a discussion at the Election *Sejm* spoken by the Arian Widawski (Andrzej or Maciej, a deputy of Sieradz voivodship), cf. Radziwiłł, *op. cit.*, vol. 1, p. 58: 12 October.

82 *Ibid.*, pp. 59-60, 15 October: a statement by K. Radziwiłł; pp. 173-74, 26 October: P. Piekarski and J. Gnoiński.

83 *Ibid.*, p. 95: 4 November.

84 *Ibid.*, p. 78: 29 October.

85 *Ibid.*, p. 38.

86 *VL*, vol. 3, pp. 345-46, ll. 725-26.

of Tribunals and royal mandates against religious peace were nullified, declaring that in the future all court verdicts against the provisions of the Convocation *Sejm* shall be null and void (sec. 7). For the first time a law passed by the *Sejm* confirmed that in royal towns functioned Protestant churches – although there was no permission to build new ones – and the right of persons passing by towns with no non-Catholic churches to a private service (sec. 8). From that time on, Protestant ministers were to be judged by noble courts (sec. 9). According to Albrycht Stanisław Radziwiłł, it was established that building of dissident churches in the lands of the nobility would be independent of the consent of the local bishop.⁸⁷ There were, however, no decisions made in the matter of the ‘Greek religion’, postponing the conclusions of Prince Władysław’s commission to be considered at the *Sejmiks* and the next *Sejm* session.⁸⁸ The Election *Sejm* was also to consider a thorny issue of *compositio inter status*, announced already in the Warsaw Confederation.⁸⁹ Both matters were to influence in a negative way the realisation of plans of Protestants to carry out at the election the full ‘process’ of execution of the Confederation.

The law of the Convocation *Sejm* was signed by an exceptionally numerous group of deputies, including almost all the bishops present at the Convocation (with the exception of Bishop of Przemyśl Henryk Firlej). Assuming that a measure of support for the postulates of dissidents was their achievements at the *Sejm* arena, it could be considered a success. In reality, however, in the opinion of a majority of contemporary witnesses and historians, the result of the Convocation was a heavy failure of dissenters, since the bishops signed its provisions with the reservation: *salvis iuribus Romanae Ecclesiae*, and a part of Catholic senators withdrew their signatures afterwards.⁹⁰

Such a close of the Convocation meant a defeat of Protestants resulting from the policy of counter-reformation in the rule of the deceased king that led to the confessionalisation of public life both in the Catholic and Protestant community. Already during the Convocation *Sejm* it turned out that the dividing line run not between Catholics and dissenters or the clergy and laity – like it was traditionally presented by Protestant publicists – but between tolerant and extreme representatives of the two

87 Radziwiłł, *op. cit.*, vol. 1, p. 36; in the *VL* there is no such resolution.

88 *VL*, vol. 3, p. 350, l. 735, sec. 53.

89 *VL*, vol. 2, p. 124, l. 842, sec. 5.

90 Radziwiłł, *op. cit.*, vol. 1, pp. 39-40.

options. Special attention is worth paying to the attitude of the episcopate, thought by secular Catholic zealots (Albrycht Stanisław Radziwiłł, Tomasz Zamoyski, Jerzy and Krzysztof Ossoliński, Paweł Stefan Sapiaha) to be too lenient and too compromising towards dissidents. This was a sign of an important change in the mood of political elite as compared to the situation at the last *Sejm* during the reign of Sigismund III, when bishops seemed to be an implacable opponent of dissidents. Also the leaders of Protestants, Radziwiłł and Leszczyński, wanted a compromise and withdrew additional demands. This probably resulted from a sense of weakness, since there were only eight dissenting senators at the Convocation.⁹¹ But it proved mainly that Protestant major players pursued a traditional strategy of ‘politicizing’ in religious matters, inappropriate for the reality of their times.

The Convocation satisfied neither dissidents nor ardent Catholics, and made the leaders of Protestants aware of the double game being played even by the most enlightened Catholics. Already on the last day of the session the representatives of the episcopate and some Catholic senators issued a formal manifestation that Arians could not be recognised as dissidents and that legal proceedings conducted to recover church buildings used by dissenters are not a violation of religious peace. This manifestation, according to dissident politicians, was of private character.⁹² Yet it served its purpose – it introduced to public awareness a phrasing of ‘*salvis iuribus Ecclesiae Catholicae Romanae*’ as a condition of the acceptance of religious peace, which triggered off a bitter struggle between the Catholic and Protestant factions in the arena of publicistic texts and propaganda of *Sejmiks* before the Election *Sejm*. Leaders of both factions, however, did not abandon hope of compromise. This is best evidenced by the fact that the abovementioned *Manifestation* of Catholics was submitted to municipal records by Deputy Chancellor Jakub Zadzik only on 24 July, a week after the end of the Convocation, and the protest of Protestants against it – as late as on 29 October 1632, five days after the opening of the Election *Sejm*.

Divisions that grew up over the period between the *Sejms* not only between the clergy, but also between lay Catholics and Protestants,

91 H. Lulewicz, ‘Skład wyznaniowy senatorów świeckich Wielkiego Księstwa Litewskiego za panowania Wazów’, *PH*, 68, 1977, 3, p. 434.

92 Wisner, *Rozróżnieni w wierze...*, *op. cit.*, pp. 147–48.

confirmed the rightness of perception made in the *Considerationes* that if the 'salves' of bishops were published, then 'after such *exceptiones* that was initially brought on only by ecclesiastical lords, also all secular *ordines contra dissidentes protestari praesumerent*' (*Considerationes* I, p. 119; *Considerationes* II, B3v-B4).

At the Election *Sejm* old opponents of dissidents from Bolestraszycki's process: Bishop of Łuck Achacy Grochowski and his supporter Instigator of the Crown Andrzej Lisiecki were joined by new Catholic zealots (such as Radziwiłł's relative Mikołaj Ostroróg). The atmosphere of the session was increasingly tense, and finally Jerzy Ossoliński accused dissenters that: 'your religion is an arrival from foreign countries, while the Catholic faith was the mistress of her house. Then you have got as much as you were given in good graces'.⁹³ Two days later Zbigniew Gorajski replied 'sneering at the Roman faith and denying its being the mistress, because first there had been pagan one, then Catholic one and finally Protestant'.⁹⁴ A very different way of argumentation was used by Krzysztof Radziwiłł, who repeated that Protestants do not strive for acceptance of their faith but appeal to the noble rights they share with Catholics and are trying to renew the alliance with the Orthodoxes to whom he proposed to 'cover themselves up with a coat of dissidents'.⁹⁵

The hetman tactic of 'softening' opinions in small groups of leaders, tested at the Convocation, at the Election turned out to be ineffective, as shown by the fate of new wording of the religious peace guarantee, proposed by him on 16 October, adding to the formula of inviolability of the rights of the Catholic Church a condition that these rights should not be against the confederation passed at the Convocation.⁹⁶ For Catholics this new wording was more favourable than the old one passed at the Convocation *Sejm* since then a majority of Catholics signed the renewal of the Warsaw Confederation without any reservations, while it was favourable for Protestants for it confirmed the guarantees of security

93 Radziwiłł, *op. cit.*, vol. 1, p. 58: 14 October.

94 Ibid., p. 61: 16 October.

95 Ibid., p. 60: 15 October.

96 Ibid., p. 61: '*Inhaerendo exemplo maiorum actum confederationis in praeterita convocazione specificatae, ut in se est, in toto approbainus salvis iuribus Romanae Ecclesiae, quae salvae non debent derogare paci et securitati in confederatione specificatae*'. According to Kaczorowski, *Sejmy...*, *op. cit.*, pp. 241-42, this would equal to an official recognition of rights of the Protestant Churches.

gained at the Convocation. Radziwiłł's proposal was accepted by a specially established commission – but as it turned out, a compromise was impossible due to the actions of radical representatives of both confessions at the plenary session.⁹⁷ Both parties were not able to decide on a common position even after the appeal of dissidents to the mediation of Prince Władysław, who clearly wanted to avoid official stance in favour of either of the parties, although on 28 October he promised Protestants that they would not be discriminated in distribution of offices and properties. This happened soon after the *Sejm* was informed (26 October) that Moscow's troops crossed the frontiers of the Commonwealth and Smolensk was being besieged, when both Radziwiłł and Władysław began to want the election as soon as possible. *Compositio inter status* was postponed once more – this time it was the Lithuanian hetman to blame, for he had reversed his position so much that '*miratur talem diffidentiam inter nos et statum ecclesiasticum, persuadet, ut verbo sacerdotali fidem adhibeant*'.⁹⁸ This meant an opportunistic concession in the matter in which dissident and Catholic deputies had a common front, rejecting the right of the clergy to appeal to the pope in a 'worldly' matter (ownership of properties) falling within the authority of the king and Commonwealth.⁹⁹ The opposition against papal interference in affairs of the Commonwealth was also joined by Orthodoxes, among others Adam Kisiel.¹⁰⁰ To resign from the *Compositio inter status* under the influence of external conditions meant in this situation not only to commit a political error but also to ruin the strategy of the dissident party. Finally, dissidents had to settle for registration in the *Pacta Conventa* of the formula conforming religious peace *inter dissidentes de religione* 'in the Crown of the Polish nation, Ruthenian and other states belonging to them [without the Grand Duchy of Lithuania!] *salvis juribus Romanae Ecclesiae*'.¹⁰¹ It lacked

97 Radziwiłł, *op. cit.*, vol. 1, pp. 72-74: 26 October.

98 Ibid., p. 105: 8 November.

99 Ibid., pp. 66, 90.

100 Ibid., p. 111: 6 November.

101 VL, vol. 3, p. 363, l. 764, sec. 37; the following section announced a 'pacification of the Greek religion', *ibid.*, sec. 38. As Korolko rightly observed (*op. cit.*, p. 129), such wording of the king's obligations 'sounds like a symbolic platitude adorned with words of religious peace'. It is hard to share Kaczorowski's view (*Sejmy...*, *op. cit.*, p. 249) regarding as erroneous the traditional opinion of the historiography that this constitution was a failure, since the signatures under the text were the most numerous of all.

the provision, included in the Warsaw Confederation, that in the future the accepted resolutions should not be impaired 'even under the pretext of a decree or court decision',¹⁰² which foreshadowed a practice of the Catholic Church to abolish religious guarantees by Tribunal decrees.

The Election *Sejm* of 1632 was the dissidents' defeat because it established disastrous precedents for the future not only in phrasings justifying decisions in religious matters but also in the practice of decision making. What was of fundamental significance in this regard was the appearance of the term *dissidentes de religione* in place of *in religione*, revealing a change in the distribution of forces: from a partnership – to a tolerance of those who differ in faith. A discrepancy in the concept of principles of religions coexistence was disclosed in the different interpretations of the term *dissidentes*. Dissenters argued that it includes also Catholics: 'he *dissidere* from me as much as I from him'.¹⁰³ For Catholics such interpretation was at that time already unacceptable. The position of the Catholic Church was presented by sermons of, among others, Jesuit Wojciech Cieciszewski (later a preacher of King John II Casimir), preached in the 1630s in Vilnius and at Warsaw *Sejms*. In an answer to the question 'Why are heretics and schismatics called dissidents?' the etymology of the term *dissidentes* was explained as 'sitting apart,' completed by another negative designations: '*distantes* – because their faith is more distant from our faith than *distantia* of heaven from the earth', and '*discordantes*' – 'as though of many a heart for faith'.¹⁰⁴

The formula accepted in 1632 revealed a disproportion between the rights and strength of the institutionalised Catholic Church and rights of dissidents regarded as private individuals. This was mainly a result of reducing matters of religion to the sphere of privacy by Protestants themselves. The anonymous author of 'A warning and rebuke' was in the right when he paid attention to low confessional awareness of the majority of his fellow believers, who reduced their faith to the rites (*adiafóra*), and their negligence in promoting the interests of their own Church. This opinion is shared by historians in whose interpretation the gradual withdrawal of Protestants from the more radical postulates,

102 'Confoederatio Generalis Varsoviensis', *VL*, vol. 2, p. 124, l. 842, sec. 3.

103 Quoted after Wisner, *Rozróżnieni w wierze...*, *op. cit.*, p. 171.

104 Zamoyski Library, Ms 855: 'Dyskursy dysydemtom różnym służące zebrane z kazań księdza Wojciecha Cieciszewskiego [...]', p. 306.

such as the demand to secure for ministers and schools the status equal with Catholic, is a sign of weakness.¹⁰⁵

The only chance of real protection for religious peace would be an institutionalised equality of rights in the whole Commonwealth of non-Catholic and Roman Catholic Churches, as it was guaranteed by the Third Lithuanian Statute and stipulated by section eleven of the *Konsyderacja* and Radziwiłł's proposal of 16 October 1632. To say *post factum* that those proposals were 'unrealistic' is an oversimplification. It is rather that dissident politicians could be faulted with a lack of consequence, since they called for the observance of freedom of religion of the individual (and thus the freedom to choose one's Church) and for such strengthening of king's power that would threaten to infringe upon the individual rights of the members of the noble estate.

The rejection at the 1632 *Sejms* of the proposals to grant decisive voice to the king in matters of religious peace was the defeat of a general political conception of Protestants, consistently carried out from the time of the Sandomierz Confederation. A significant change in the attitude of dissident and Catholic senators towards the king is evident in the ending of a discussion on the prince's mediation in matters of religious guarantees. Radziwiłł's argument that dissidents' point was not the faith as such but to secure religious peace was riposted by Catholic Ostroróg: 'that the Swedish king cannot undertake such a task since the word "king" does not mean the same as "priest"'¹⁰⁶ – thus denying the authority of the king's office in religious affairs.

It does not seem that the faith of dissidents in decisive importance of the king's decisions in religious matters was resulting from their anachronistic thinking in politics and their minds set on the tradition of Sigismund Augustus' ruling, constantly evoked in dissident political texts and historiography.¹⁰⁷ We think that it was not the Protestant authors from the 1630s, referring to the heritage of early modern political tradition, who were 'the epigones of the Executionist movement',¹⁰⁸ but on the contrary: it was influential Catholics, representing a conservative variety

105 Opaliński, 'Dwa nieznanne projekty...', *op. cit.*, pp. 11-12.

106 Radziwiłł, *op. cit.*, vol. 1, pp. 84-85.

107 For instance, A. Lubieniecki, *Polonoeutychia*, ed. by A. Linda, M. Maciejewska, J. Tazbir, and Z. Zawadzki, Warsaw, 1982, pp. 143-44; cf. Korolko, *op. cit.*, pp. 41-58.

108 The term used by Korolko to describe the author of *Considerationes*; idem, *op. cit.*, p. 129.

of the 'Catholic reform', who were responsible for preserving those anachronistic schemes of thinking about the state in the Commonwealth.¹⁰⁹

The opinion of Janusz Tazbir that: 'as in the sixteenth century even the most fanatic king was unable to hinder the development of reformation in Poland without risking civil war, so in the next century the most tolerant monarch could only alleviate reprisals against dissenters but was unable to prevent them'¹¹⁰ – due to a change in the attitude of the Catholic clergy, nobility and majority of townsmen – has been accepted by many historians. We should remember, however, that religious relations in European countries of those times were in general decided by the will of rulers and not the opinion 'of a majority of the subjects.' Polish and Lithuanian dissidents could have hoped for a change in the political system of the Commonwealth after the death of Sigismund III and for a turn in the relations with the Apostolic See following the example of Louis XIII and Ferdinand II who fought against Protestants, but at the same time pursued opposition to Rome.¹¹¹

It seems sensible to recall the models of the French monarchy (king's oath, permanent resident at the king's side to present grievances of his fellow believers¹¹²), even after the fall of La Rochelle in 1629. Let us remind here that according to the provisions of the peace of Alais the French Huguenots lost all their political advantages and fortresses but retained all their civil, religious and juridical rights. Cardinal Richelieu was even said to have thought about introducing to France the Gallican Church, while during the minority of Louis XIV and the rule of Cardinal Mazarin the Protestant community of France 'reached its apogee'.¹¹³ It was over half a century that had to pass from the time when the *Script* and *Considerationes* were written to the revocation of the Edict of Nantes.

Of course, neither Francophilia nor European perspective was reserved for dissident politicians¹¹⁴ – suffice it to compare, for example,

109 More, cf. U. Augustyniak, *Wznowienie i 'królowie rodacy'. Studium władzy królewskiej w Rzeczypospolitej XVII wieku*, Warsaw, 1998, pp. 28-32.

110 Tazbir, *Państwo...*, *op. cit.*, pp. 247-48.

111 L. Ranke, *Dzieje papieżstwa w XVI-XIX wieku*, Warsaw, 1974, p. 559.

112 Cf. 'Postulates' for the Convocation, sec. 13.

113 M. Richard, *Życie codzienne hugonotów od edyktu nantejskiego do Rewolucji Francuskiej*, Warsaw, 1978, p. 13.

114 This means the necessity to review the conclusions formulated in Augustyniak, 'Polemika...', *op. cit.*, p. 24.

the *Script* and the rebellion texts of Catholic authors. The superiority of current examples of European countries over historical arguments could be recognised as a typical, although not original, feature of Protestant writings in the time of Sigismund III. There is no reason, however, to read distinguishing 'dissident' characteristics into the phraseology or appeals to the tradition of the Executionist movement. In anonymous texts from the time of the Sandomierz Rebellion, written probably by 'Catholic politicians', we find terms regarded as typical for dissident texts – for instance, about 'misfortunes of God's Church'.¹¹⁵

Nor is the hostility towards the clergy, especially to Jesuits, a distinguishing characteristic of Protestants. During the rebellion it was to be found in texts written by undoubted Catholics, among others Castellan of Cracow Jerzy Zbaraski.¹¹⁶ Also the handwritten *Egzorbitancje przeciwko panom duchownym* (Abuses against ecclesiastical lords) from the time of Stephen Báthory, Sigismund III and Władysław IV, could not be explicitly attributed to dissenters due to the problem of *compositio inter status*.¹¹⁷ In their pragmatic, political approach to determining their position within the society and the state, Protestants from the end of Sigismund III's reign seem to refer to the rebellion tradition of 'Catholic politicians' mainly in their separation of secular and ecclesiastical matters – *regnum politicum* and *regnum sacerdotale*.¹¹⁸

When comparing Protestant texts written in the 1630s with the texts from 1611-15, analysed by J. Tichy, we could definitely notice a decreasing importance of religious argumentation for legal and political one. This, however, could have resulted not as much from the

115 'Rozmowa synów z matką' [A talk of the sons with their mother], in *Pisma polityczne z czasów rokoszu Zebrzydowskiego*, ed. by J. Czubek, Cracow, 1918, vol. 2, pp. 136-47.

116 'Rozmowa o rokoszu' [A talk about the rebellion], *ibid.*, vol. 2, pp. 102-35, and 'Jezuitom i inszym duchownym respons' [A response to Jesuits and other clericals], *ibid.*, vol. 3, pp. 81-93 (one author); [J. Zbaraski?], *Votum katolika Jednego o Jezuitach* [A votum of one Catholic on Jesuits], *ibid.*, vol. 2, Part 3, pp. 452-58; 'Consilium de recuperanda et in posterum pace regni Poloniae', *ibid.*, vol. 3, Part 1, pp. 1-60.

117 For instance, 'Egzorbitancje względem osób duchownych', attributed by Byliński (Marcin Broniewski..., *op. cit.*, p. 137, note 41) to Marcin Broniewski, are identical with the text 'Punkta do Rzeczypospolitej i stanu szlacheckiego względem osób duchownych in Anno 1615', whose author 'was probably a Catholic', cf. Ochmann, 'Pretensje...', *op. cit.*, p. 88.

118 'Rozmowa o rokoszu', *op. cit.*, pp. 125, 133.

evolution of Protestants' opinions as from the individual features of their authors – among others, from their age and experiences. Against the catastrophic vision proclaimed in the 'Warning', this is not a proof of religious coldness. On the contrary – the authors of the 'Anonymous Voice' and '*Considerationes*' particularly emphasise merits of dissidents for the Commonwealth both in the past and in the present time and they discern special Protestant traits (characters) in legal solutions and formulations from the time of the Executionist movement.

We do not know whether the texts analysed here are representative for the whole community of Protestants in the Commonwealth or even for all Lithuanian Protestants. Although they were written in the circle of the leader of dissidents fighting for religious equality, it seems that their opinions about principles of political system present a secular point of view, not quite determined by their confession. Religious peace is regarded as an essential element of security and *raison d'état*, threatened by religious divisions within the noble estate. Apart from Protestant leaders, Radziwiłł and Leszczyński, the problem was also perceived by other representatives of the contemporary political elite, such as Krzysztof Zbaraski, Jakub Sobieski and some representatives of the episcopate: Primate Jan Wężyk, and Great Secretary of the Crown Jakub Zadzik – whose attitude towards the postulates of dissenters were occasionally more compromising than of some of secular Catholics. It seems that the intellectual formation of the most outstanding leaders of the *Sejms* by the end of Sigismund III's reign could be described by the term of 'neutralists' – defined in the *Script* of 1631 as '*virī pietate et meritis graves*', 'clever people, not attached to any faction' (*Lex* 9, pp. 91-92).

A question could be asked whether the domination of Protestants' political activity by magnates and of religious reasons by political pragmatism helped compromise the last chance of the execution of the Warsaw Confederation. Such was the conclusion of a contemporary historian, who attributed the compliance of dissident leaders to the fact that 'they were more focused on their own benefits than on the improvement of their Churches' fate'.¹¹⁹ Yet, the fact has to be recognised that the Protestant writings of 1631-32 are far from catastrophism, discouragements, conviction of the inevitable end of tradition of religious peace, dominating in the texts of 1611-15. Their postulates show the tendency to increase

119 Dziegielewski, *O tolerancję...*, *op. cit.*, p. 56.

and not to decrease religious guarantees and demonstrate hopes for the future – at least the most immediate one, counted in years. Perhaps it was the result of the hopes for Radziwiłł's increased influence at the side of Władysław IV Vasa and information about the prince's long-range plans. There were known plans to tie the elect with international interests of dissidents through marriage,¹²⁰ which would force the change in religious relations also in the Commonwealth. Soon, however, the hopes of Protestants turned out to be illusory. But they correctly predicted dangers brought about by the triumph of the Catholic Church, for which legal precedents were to be found in the legislation of the *Sejms* of 1632.¹²¹

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120 Z. Trawicka, 'Plany kalwińskiego małżeństwa Władysława IV', *OiRwP*, 11, 1966, pp. 93-100.

121 Kriegseisen, *Ewangelicy...*, *op. cit.*, pp. 22-23.