

Wiwat Konstytucja! Niech nas uczy nadal¹:

An Analysis of the Interpretation of Poland's Constitution of 3 May on the Eve of its
Bicentennial

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Since its adoption in 1791, the *Ustawa rządowa* (Government Act) of the Polish-Lithuanian Commonwealth, colloquially referred to as the *Konstytucja 3 Maja* (Constitution of 3 May), has been at the epicenter of debate. Just as with similar paramount legislation, the intentions and interpretation of the document have been in question since its conception. This phenomenon was especially present within the Polish context because, for most of its history following the adoption of this Constitution, Poland did not exist as an independent and sovereign nation. The largest contributing factor to the historic memory surrounding the May 3rd Constitution can be attributed to the subsequent partitions and foreign occupations of Poland, which suppressed, and in some cases actively banned, celebrations of the Constitution.² This interdiction guaranteed that, with every passing anniversary of May 3rd, the Constitution was elevated to an almost martyr-like status. Therefore, the vision of Poland the Constitution promised has not only been repeatedly interpreted throughout Polish history, but has arguably become representative of a mysticized, unattainable ideal.

This paper will explore the May 3rd Constitution, and what it represented to the Polish people, in 1991—the bicentennial of its inauguration. 1991, however, represents much more than just the two-hundred-year anniversary of the Constitution. Only five months earlier on December 22nd, Lech Wałęsa, co-founder and leader of *Solidarność* (Solidarity), the first non-Communist labor union in the Eastern bloc, was sworn into the office of President of Poland—an event many consider the formal end of the Communist People’s Republic of Poland (PRL), and the

² The second and third partitions of the Polish-Lithuanian Commonwealth, both of which can be partially attributed to the ratification of the May 3rd Constitution, helped the Commonwealth’s nobility and intelligentsia formulate an identity and narrative of Polish martyrdom. This narrative was further propagated by the rise of nationalistic sentiment in Europe in the nineteenth century, and cultural touchstones like the May 3rd Constitution served to construct a very specific idea of what the Polish nation was. For an excellent read regarding this process and its effects today, refer to Gerhard Wagner, “Nationalism and Cultural Memory in Poland: The European Union Turns East,” *International Journal of Politics, Culture, and Society* 17, no. 2 (2003): 191-212, accessed March 22, 2018, <http://www.jstor.org/stable/20007675>.

beginning of today's Republic of Poland. 1991 was therefore a crucial year in Poland's post-communist development. Because the bicentennial of the Constitution was occurring simultaneously with this development, many influential figures began employing the document to further their own vision of a post-communist Poland. By analyzing articles regarding the May 3rd Constitution from three contemporary prominent Polish newspapers, each representing a different segment of Polish political ideology (Christian democratic, left-wing, and centrist), this paper will demonstrate how, by 1991, the Constitution symbolized a venerable Polish tradition, and how the rhetoric of this tradition was used during this pivotal stage of post-Communist development.

Background

The Constitution of 3 May was drafted as a means to save the Polish-Lithuanian Commonwealth—not only from foreign forces, but from the Commonwealth itself. During the Polish Golden Age, the Commonwealth became one of the largest and most powerful kingdoms in Europe, boasting a unique system of government in which all the *szlachta* (nobles) shared equal status with one another, and enjoyed a myriad of privileges and rights that did not extend to the general populous. This system of privileges, known as the *Złote wolności* (Golden Liberties), effectively allowed the *szlachta* to control the *Sejm* (parliament), as well as the Commonwealth's elected king, who was required under the *Pacta conventa* to respect and uphold all of these Golden Liberties. Most important, however, was the parliamentary device known as the *liberum veto*, which empowered any member of the *Sejm* to forcefully end any session of the parliament, or to nullify any piece of legislation that may have passed in that

session.³ The use of the *liberum veto*, which was intended to assure democracy within the ruling elite, became much more liberal in the 18th century, when foreign powers bribed petty *szlachta* into halting parliamentary proceedings.

The abuse of the *liberum veto* along with the other Golden Liberties eventually weakened the Polish-Lithuanian Commonwealth, and the culmination of the Sejm's ineffectiveness and corruption was the First Partition in 1772, through which the Kingdom of Prussia and the Russian and Habsburg Austrian Empires seized about half of the Commonwealth's population and around 30% of its territory.⁴ It is in the wake of this foreign invasion that the *Sejm Wielki* (Great Sejm) assembled in Warsaw between 1788 and 1792, hoping to reform the political and economic systems of the Commonwealth, in the hopes of eventually regaining sovereignty. It was in this Sejm that the *Ustawa rządowna* was drafted, and eventually adopted on May 3rd.⁵ The Constitution was the first of its kind in Europe, and the second in the world (the United States of America ratified their constitution a mere two years earlier). The Constitution introduced unprecedented reforms - religious tolerance (Article I), certain freedoms for townspeople (Article III), protections for the peasantry (Article IV) and abolishing the *liberum veto* (Article VI).⁶ However, not all members of the Great Sejm were receptive to such liberal reforms. The

³ For further information regarding the complex, and in many ways, unique political system of the Polish-Lithuanian Commonwealth, see Kazimierz Baran, "Procedure in Polish-Lithuanian parliaments from the sixteenth to eighteenth centuries," *Parliaments, Estates & Representation* 22, no.1 (2002): 57-69, accessed October 22, 2017, <https://doi.org/10.1080/02606755.2002.9522143>.

⁴ *Encyclopedia Britannica Online*, s.v. "Partitions of Poland," accessed March 14, 2018, <https://www.britannica.com/event/Partitions-of-Poland>.

⁵ The Great Sejm, sometimes referred to as the Four-Year Sejm, accomplished this feat by establishing itself as a *konfederacja* (confederation), which had different parliamentary procedure than that of a regular Sejm. The most pressing of these differences was that a confederation could not employ the *liberum veto*; legislation was passed by a majority vote. For further reading on the Great Sejm, and the contemporary political climate that led to, and followed, the Great Sejm refer to Richard Butterwick, "Political Discourses of the Polish Revolution, 1788-92," *The English Historical Review* 120, no. 487 (2005): 695-731, accessed October 25, 2017, <http://www.jstor.org.proxy.lib.umich.edu/stable/3489412>.

⁶ *New constitution of the government of Poland*, trans. for J. Debrett (London, England: Burlington House of London, 1791), 5-6, 9, 9-12, 18.

Constitution itself was passed by the pro-reformers in secret, while the dissidents were away on Easter recess.

Dissidents of the Constitution did not take lightly to this underhanded maneuver. This group did not agree with the Constitutional reforms on a fundamental level—they feared that the document would strip them of their Golden Freedoms, significantly reducing their power and influence. Their biggest concern was the fact that the Constitution abolished the system of elective monarchy by instating a hereditary monarchy in its place.⁷ In response, the Constitution's opponents enlisted in the help of Catherine II of Russia and formed the *Konfederacja Targowicka* (Targowica Confederation), in hopes of overthrowing the Constitution and restoring the old system. The Founding Act of the Targowica Confederation shows how deeply betrayed and concerned the members of the confederation were:

We... recognize that the Republic is no longer ours, that today's parliament [...] has broken all fundamental laws, swept away all liberties of the gentry and on the third of May 1791 turned into a revolution and a conspiracy. Its new form of government, established by the bourgeois, ulans, and soldiers, has dictated new laws of succession to the throne, freed the king from the obligation of taking an oath of *pacta conventa*, extended royal powers, and turned the Republic into a monarchy. It has robbed the gentry without possessions of its equality and liberty.⁸

From this document, it is apparent that the members of the Targowica Confederation saw the Constitution as violating a sacred tradition that ruled the Commonwealth for centuries. The

⁷ Many nobles were willing to reform the contemporary political system, acknowledging its many faults and shortcomings. However, these nobles were also accustomed to the system of Golden Liberties, which allowed even the pettiest and poorest of nobles some semblance of power. Although not as explicitly, many dissidents were also worried about their status in relation to the status of serfs, which made up over 90% of the population in the Commonwealth. The existence of serfdom to such a large extent in the Commonwealth assured that any reforms regarding this institution would be met with opposition from nobles; see Jerome Blum, "The Rise of Serfdom in Eastern Europe," *The American Historical Review* 63, no. 4 (1957), accessed September 27, 2017, <http://www.jstor.org.proxy.lib.umich.edu/stable/1845515>. For further reading regarding arguments for and against the May 3rd Constitution, refer to the following anthology of contemporary documents – Anna, Grześkowiak-Krwawicz, *Za czy przeciw ustawie rządowej : walka publicystyczna o Konstytucję 3 Maja* (Polska Akademia Nauk, Instytut Badań Literackich, 1992).

⁸ Balázs Trencsényi and Michal Kopeček, *Late Enlightenment: Emergence of the Modern 'National Idea'* (Budapest, Hungary: Central European University Press, 2006), 284.

Confederation was their attempt at regaining this tradition, which they perceived as being threatened by the Constitution. Unfortunately for them, not only did their plan ultimately fail—it led to the Second Partition of Poland (and later, the Third Partition). The May 3rd Constitution, therefore, would remain an idealized piece of legislation, and nothing more, for the next two hundred years.

Gazeta Wyborcza

The first issue of *Gazeta Wyborcza* (Electoral Newspaper) was published May 8th, 1989. Since its founding, the editor-in-chief has been Adam Michnik - an intellectual dissident of the communist party since the 1960s, and a prominent member of the *Komitet Obrony Robotników* (Workers' Defense Committee). The newspaper assumes a center-left tone.⁹ Compared to *Tygodnik Solidarność* and *Polityka*, *Gazeta Wyborcza* offered the most comprehensive commentary of May 3rd, covering topics such as May 3rd celebrations around the world, an analysis of Jan Matejko's famous May 3rd painting, and criticisms of contemporary Polish society.¹⁰

A Source of Communist Opposition

One of the featured articles in the May 4th issue of *Gazeta Wyborcza* was an assessment by historian and sociologist Marcin Kula, entitled “*Dlaczego Polacy dziś cenią Konstytucję 3 Maja*” (“Why Poles today value the May 3rd Constitution”). In his article, Kula explores why, in his opinion, the Constitution is still relevant to, and present in, Polish conscientiousness. One of

⁹ “The press in Poland,” *BBC News*, April 29, 2014, <http://news.bbc.co.uk/2/hi/europe/3669427.stm>.

¹⁰ “3 maja na świecie,” *Gazeta Wyborcza* (Warsaw, Poland), May 4-5, 1991; “Kto jest kim na obrazie Matejki,” *Gazeta Wyborcza* (Warsaw, Poland), May 2-3, 1991; Bronisław Geremek, “Czy nie pozostanie nic z zapału i solidarności,” *Gazeta Wyborcza* (Warsaw, Poland), May 6, 1991. Hereafter abbreviated “Czy nie pozostanie”.

his first arguments is that because of its date, the celebration of May 3rd was an active protest against communism. This is because the holiday falls right after May 1st, International Workers' Day, which was commemorated through state-sponsored parades and celebrations in the Eastern Bloc. "The date of May 3rd, however, already became a symbol of opposition very early on..." Kula writes, "It stuck, however, strongly enough to appear as an active symbol in the decisive phase of the contestation of communism."¹¹ The historian, therefore, sees the observance of May 3rd as the antithesis of the Communist-sponsored May 1st celebrations. By positing Polish resistance against the Communist authority, Kula is effectively playing on contemporary negative predispositions towards the Communist party, while redefining and elevating the importance of the Constitution in Polish culture.

Furthermore, Kula explicitly redefines the Constitution in terms of Polish tradition, by drawing connections between it and the Solidarity movement:

In the seventies, Wałęsa stuck the Crowned Eagle and signs saying "the May 3rd Constitution" on the glass of his dilapidated car, and served 48 hours multiple times for distributing leaflets reminding of this anniversary... His usage of any element of traditional symbolism in the protest of the workers' movement was unimaginable, because it was the symbolism of the very system against which he fought.¹²

The usage of this anecdote is twofold. First, by tying the Constitution to the popular workers' movement, Kula is once again playing on Polish anti-Communist sympathies.¹³ Additionally, he

¹¹ Marcin Kula, "Dlaczego Polacy dziś cenią Konstytucję 3 Maja," *Gazeta Wyborcza* (Warsaw, Poland), May 4, 1991. Hereafter abbreviated "Dlaczego Polacy".

¹² Kula, "Dlaczego Polacy".

¹³ A vehement anti-Communist worldview, which is still present in Poland today, directly followed the end of Communism in the nation. Anti-Communist rhetoric has shaped the Polish national narrative in almost every way—from politics, to economics, to social interactions. Even the official name of the Polish nation-state plays on anti-Communist sympathies. Today, the nation is referred to as the Third Republic, implying that it is a direct descendant of the First Republic (Polish-Lithuanian Commonwealth) and the Second Republic (which existed in the interwar period). However, this move also serves to erase the legitimacy of the Polish Communist state (PRL), insinuating that the PRL itself has no claim to Polishness. For a more comprehensive look at this phenomenon and its effects, see Tomasz Kamusella, *The Un-Polish Poland, 1989 and the Illusion of Regained Historical Continuity* (Basingstoke, United Kingdom: Palgrave Macmillan, 2017).

manages to illustrate the difference between the appropriated Polish tradition as used by “the system”, and the reclaimed ‘true’ Polish tradition as used by Wałęsa.

Kula draws even further from the tradition of the May 3rd Constitution by envisioning the version of Poland he believes the Constitution and its authors offered, drawing direct comparisons between Poland in the eighties and Poland in the late eighteenth century.

The fourth factor in the popularity of this Constitution - and one can actually say this about the entire work of the Four-Year Sejm - resulted from the tendency to modernize, whose carrier was the movement of the eighties... The May 3rd Constitution posited itself as a good example of modernization measures. Her creators also wanted for a decaying and backwards country to stand on its feet and catch up with the contemporary European standards. These were, in my opinion, the circumstances determining the popularity of the May 3rd Constitution in Poland in the eighties.¹⁴

Kula is therefore explicitly drawing a distinct line between the modernization process of late-eighteenth century Poland and the one in late-twentieth century Poland. By drawing this line, he argues that the history and tradition of Poland is one of modernization and innovation, implying that Poland has been chasing this ideal since 1791. Furthermore, by drawing parallels between the state of affairs in 1791 with the state of affairs in 1991, especially through the juxtaposition of the “decaying and backwards” Poland then and now, Kula is utilizing a very vivid metaphor, well-known to all Poles. His implicit message is there—this time around, Poland must be willing to modernize and reform, or yet again face devastating consequences that would threaten its existence.

However, it is important to note that Kula is not using his platform simply to argue that the Constitution is the culmination of Polish tradition, and should be treated as that:

However, when I think of [the President’s] official function and the operation of the state, I’m afraid, I admit, of this pressure of faith and tradition... I would like for us to create a non-conservative, religious Ireland... but an enlightened state, respecting tradition, but

¹⁴ Kula, “Dlaczego Polacy”.

open to the world... just like the creators of the May 3rd Constitution desired, according to the criteria of their time, who are themselves tied to religion and Polish tradition.¹⁵

In the conclusion of his article, Kula expresses his concern regarding what he previously refers to as “a closure in one’s own tradition, religion and customs”.¹⁶ He believes that while a return to tradition is cathartic and necessary, it has to be done so carefully, so as to continue this trend of modernization. In essence, to Kula, Polish tradition is not the culmination of Roman-Catholicism and folk customs, but a more abstract tendency towards progress and reform. Because Kula also witnesses the trend towards modernization in the eighties, during which the Constitution was adopted as a symbol of opposition to Communism, the historian views this tradition to be an apparent fact, and one that is inherent in Polish consciousness.

A Uniting Factor

Another interesting article found in *Gazeta Wyborcza* is an excerpt from a speech given by Member of Parliament Bronisław Geremek during a Sejm session on May 3rd. At the time, Geremek was one of the leaders of the *Unia Demokratyczna* (Democratic Union), a centrist, Christian-democratic party. His speech, “*Czy nie pozostanie nic z zapału i solidarności*” (“Will nothing remain from enthusiasm and solidarity”), reveals the politician’s own interpretation of what the Constitution means to Poland—and specifically, to Polish society. Another article in the same issue, “*3 Maja*” (“May 3rd”), commends the speech, claiming that, “Bronisław Geremek, chairman of the parliamentary Constitutional Committee, in a warmly applauded speech, compared the chances of Poland today with the moment of the Constitution’s adoption.”¹⁷

Geremek’s main concern appears to be the estrangement of Polish society, which until recently, was a model of unification. “The last such moments of unification and community were

¹⁵ Kula, “Dlaczego Polacy”.

¹⁶ Kula, “Dlaczego Polacy”.

¹⁷ “3 Maja,” *Gazeta Wyborcza* (Warsaw, Poland), May 4-5, 1991.

experienced by the vast majority of our nation two years ago,” he laments.¹⁸ Geremek finds it necessary to keep the momentum of Solidarity going in order to create a Polish nation that achieves its full potential. In fact, he finds that the memory of the 3rd of May requires such cooperation, to properly commemorate “the joyful day, whose fruits, of course, did not have time to ripen yet.”¹⁹

Like Kula, Geremek believes that the May 3rd Constitution is part of the Polish tradition and explicitly draws a connection between contemporary Poland and the Poland of two hundred years ago. However, unlike Kula, the politician appears to see this tradition at face-value— “200 years ago, Poland was at the forefront of building a nation of freedom and law, in the vein of modern political thought. By declaring an attachment to this tradition, we have the right today - amid distress, concern and embarrassment - to pride. To raise our heads.”²⁰ Geremek appears to believe that the Constitution’s main influence on Polish society is as a unifying force—a common touchstone upon which Polish people can situate themselves not only within their own nation, but in a broader European context.

This type of interpretation differs slightly from Kula’s, who argues that the Constitution of 3 May is a living document, but not by much. While Geremek allocates less power to the Constitution, arguing that the document serves as an example of what happens when Poles work together for the common good, an instance “when Poles were able to rise above personal ambitions and group interests, attesting to the truth that the good of the Republic is timeless”, both he and Kula appear to commend the Constitution’s progressive message, and what the document represents to Poland today.²¹ To Geremek, the document illustrates a Polish tradition

¹⁸ Geremek, “Czy nie pozostanie”.

¹⁹ Geremek, “Czy nie pozostanie”.

²⁰ Geremek, “Czy nie pozostanie”.

²¹ Geremek, “Czy nie pozostanie”.

not contained within the actual Acts and stipulations of the Constitution, but in the process behind it. This means that, whereas Kula draws upon the Constitution's ideology as an explanation of its popularity, Geremek's understanding of it draws upon a parallel between the actual Solidarity movement and the Great Sejm. To him, the Polish tradition is one of action in the face of hardship—the Great Sejm took action by assembling in 1788 to pen the Constitution in response to the First Partition, while Solidarity took action by forming in 1980 to resist the ruling communist party. This perception of the Constitution implies that this tradition is passed down from generation to generation, and is not only cemented in national consciousness, but enforced by the very framework that establishes the nation.

Nationalistic Foreboding?

There are a number of smaller, more concise articles dealing with the May 3rd Constitution in *Gazeta Wyborcza*. Most of these focus on celebrations in the nation, as well as in the Polish communities from around the world. Additionally, there is another featured article, “*Kto jest kim na obrazie Matejki*” (“Who is who in Matejko's painting”) that identifies key figures in Jan Matejko's *Konstytucja 3 Maja 1791 roku*, and briefly discusses their relevance to the story of how the Constitution came into existence. Interestingly enough, this article, as well as a short report on Polish celebrations of the holiday, “*Koncerty, defilady*” (“Concerts, parades”), reveal another tie between the Constitution and Polish tradition - nationalism.

After detailing many joyous and colorful celebrations of May 3rd from different parts of Poland, the “*Koncerty, defilady*” article proceeded with the following account:

“Poland for Poles”, “Buy Polish goods”, “Deutsche Schweine” - were the chants during demonstrations of the *Stronnictwo Narodowe* (National Party) on May 3rd in Opole. 120 participants of the demonstrations - around 100 of which were skinheads - marched from the railway station to the monument to the Fighters for Silesian Opole Freedom, where representatives of the National Party were speaking. Leaflets with the lyrics to “Rota” along with the inscription “Today the unification of Germany - tomorrow, the V partition

of Poland” were distributed. After the demonstration, the skinheads chanted "Jude raus" and "Deutsche Schweine". There were no incidents, and the police did not intervene.²²

The National Party was a political party that was revived in 1989. The party's ideology borrowed heavily from that of the *Endecja* (National Democracy), a political movement active from 1886 and 1947. The movement was infamous for its right-wing Polish nationalism and its anti-Semitism.²³ The very existence of the National Party, as well as demonstrations such as the one described, showcase a very different type of tradition, but one that is Polish nonetheless - a tradition of nationalism and anti-Semitism.

One can also see allusions to this tradition in the “*Kto jest kim na obrazie Matejki*” article. The author draws heavily on the interpretations of art historian Jarosław Krawczyk, incorporating Krawczyk’s own conclusions into his article. One of these conclusions regards the “symbolic figures” included in Matejko’s work, and in particular, the identity of a bearded character depicted in bottom right corner of the painting. Krawczyk believes that these figures are Jewish people, “the representative of dark forces; his satisfaction of what happens before the collegiate does not bode well”.²⁴ Krawczyk’s own conclusions are based on the fact that the famous painter was an outspoken anti-Semite who, “could not abide Jews, claiming that they constituted the most harmful race in the world.”²⁵ The Jewish people in his works are often portrayed in a negative and prejudiced way; Professor Ezra Mendelsohn notes that in the artist’s

²² “Koncerty, defilady,” *Gazeta Wyborcza* (Warsaw, Poland), May 4-5, 1991.

²³ The National Democracy party was founded by Roman Dmowski during a period in which nationalist sentiments were on the rise in Europe, particularly in Eastern Europe. Its original intent was to fight for partitioned Poland’s sovereignty by uniting all Poles to rally for their freedom. However, the party’s narrow definition of a Pole - Polish speaking, Roman-Catholic – ultimately precluded many potential allies from joining its ranks. The party, in turn, allied itself with the Church and turned towards hateful anti-Semitic rhetoric to explain its lack of popularity. While the National Democracy party officially dissolved in 1947, many political parties in Poland today draw upon its traditions and legacy.

²⁴ “Kto jest kim na obrazie Matejki,” *Gazeta Wyborcza* (Warsaw, Poland), May 2-3, 1991.

²⁵ Marian Gorzkowski, *Jan Matejko. Epoka od r. 1861 do konca życia artysty* (Cracow: Towarzystwo Przyjaciół Sztuk Pięknych w Krakowie, 1993), 371.

rendition of *Przyjęcie Żydów do Polski w. r. 1096* (The Reception of the Jews in Poland in 1096), the Jewish people “are depicted as a wild band of alien, grotesque, gesticulating men, women and children, totally different in every way from the calm Poles considering whether or not to admit them.”²⁶ Matejko clearly had no qualms in spreading anti-Semitic rhetoric through his works, explicitly characterizing Jewish people as “other”, juxtaposing the “villainous Jews” against important moments of Polish history.

For these reasons, the art historian concludes that by including Jews in his work, Matejko “ties a critical thread against the Constitution, which - so to speak - is defined as an act disappointing the peasant, and satisfying the Jew.”²⁷ By including an interpretation that draws heavily on Matejko’s antisemitism, the author of the article paints a dark and conspiratorial view regarding the Constitution; harkening back to old-school Polish anti-Semitism, which posited the poor peasant against the rich Jew, who profited from the peasant’s oppression.²⁸

Both these articles, although differing in their subject matter, explicitly tie May 3rd with a tradition of nationalism and anti-Semitism. By choosing to stage their nationalist demonstration on May 3rd, the National Party is sending a candid message of who the holiday truly belongs to,

²⁶ Ezra Mendelsohn, “Art and Jewish–Polish Relations: Matejko and Gottlieb at the National Museum in Warsaw,” *Jewish Studies at the Central European University* (2000): 7.

²⁷ “Kto jest kim na obrazie Matejki,” *Gazeta Wyborcza* (Warsaw, Poland), May 2-3, 1991.

²⁸ The Polish-Lithuanian Commonwealth had, at one point, the largest population of Jewish people in the world. Because of the religious, cultural and ethnic diversity of the Commonwealth, groups of people often coexisted (although not always harmoniously), comingled, and thrived. However, as already noted, an overwhelming majority of these people were enserfed peasants. While Jewish people did not constitute this population, they interacted with the Commonwealth’s peasants on a daily basis, often serving as noblemen’s accountants, or innkeepers. Jewish people were also heavily pressured to enforce Propination laws (which dictated that noble landowners had monopoly over the profits from alcohol that was drunk by their serfs), as tavern keeping was the one of the only positions open to Jews. Propination laws caused a massive rise of alcoholism in Poland and led serfs (as well as anti-Semitic reformers and intelligentsia) to blame the Jewish people for actively harming and corrupting the former; asserting that the Jew was getting richer by exploiting the peasant. For more information regarding Propination laws and how they directly correlated with anti-Semitism, see Hillel Levine, “Gentry, Jews, and Serfs: The Rise of Polish Vodka,” *Review (Fernand Braudel Center)* 4, no. 2 (1980): 223-250, accessed October 11, 2017, <http://www.jstor.org/stable/40240865>.

and their definition of Pole is an explicitly anti-German, anti-Semitic one. The author of the “*Kto jest kim na obrazie Matejki*” is effectively doing the same, by implying that anti-Semitism was, and is, present at national symbols commemorating Polish freedom and precedent. These two articles, therefore, show yet another dimension of Polish tradition—a nationalistic one that “gate-keeps” Polish identity and culture. This sort of rhetoric, which reveals itself in times of uncertainty and change, allows for those who believe in it to situate themselves in an “us” versus “them” binary, thus enforcing and perpetuating the negative realities of nationalism which have existed in Poland for centuries.

Tygodnik Solidarność

Tygodnik Solidarność (Solidarity Weekly) was first published in 1981 by the Solidarity movement. It was the official press organ of the labor union, and quickly shut down after the imposition of martial law that very same year.²⁹ The weekly periodical covers socio-political and economic topics, with a heavy focus on the union, and assumes a Christian-democratic tone. Similarly to *Gazeta Wyborcza*, the newspaper had very heavy coverage of May 3rd and related events. *Tygodnik Solidarność*, however, assumes a very different tone and interpretation of the Constitution, as it very distinctly sees everything from a Solidarity angle. While this very limited view has its faults, it does allow a modern audience some insight into the union’s early ideology and politics. This is particularly useful as the newspaper is celebrating its own 10-year anniversary, and by using the rhetoric of the May 3rd Constitution, it is essentially situating itself in the grand scheme of Polish history and tradition - making its own relatively short run seem more expansive and comprehensive.

²⁹ Tomasz Mielczarek, “On contemporary conservative opinion weeklies,” *Media i Społeczeństwo* 6, (2016): 150.

Furthermore, an analysis of the 1991 editions of *Tygodnik Solidarność* reveals an interesting trend. Over the years, the newspaper has gained a reputation for being extremely conservative, and in 2018, *Tygodnik Solidarność* is very vocal in its support of the current radical right-wing government in power. However, it appears that the newspaper had not yet assumed this tone in 1991. The front-page headline was written by Wojciech Giełżyński, a prominent leftist at the time, who was actively involved in resurrecting the democratic-socialist *Polska Partia Socjalistyczna* (Polish Socialist Party) and founding the *Unia Pracy* (Labour Union) party, which was also progressive and socially democratic in nature.³⁰ Furthermore, whereas the newspaper today relies heavily on conservative Catholic rhetoric that actively renounces atheism and *ideologia gender* (“ideology of gender”), back in 1991 it still appeared to retain a tone of ecumenicism that was so prominent in the Solidarity movement of the 80s.³¹ This sort of comparison is especially interesting in analyzing the newspaper’s positions, what traditions it is drawing upon, and how these positions changed over years. It is clear that, while in the nineties, *Tygodnik Solidarność* was validating its existence by drawing on the legacy of the May 3rd Constitution, it has since shifted towards a different source for legitimizing itself.

Solidarity as the Successor of the Great Sejm

³⁰ The Polish Socialist Party (PSP), which was in its prime from 1892 to 1948, is one of Poland’s most important political parties. It was both socialist and nationalist in nature, and like Dmowski’s National Democratic party, advocated for Polish sovereignty. However, unlike the National Democratic party, it did not envision a homogenous, Polish-speaking, Roman-Catholic nation; rather, the leaders of the party wanted to recreate the religiously-tolerant, multi-ethnic Polish-Lithuanian Commonwealth. Also, unlike the National Democratic party, the PSP enjoyed more support and membership. The party was dissolved into Poland’s governing Communist party *Polska Zjednoczona Partia Robotnicza* (Polish United Worker’s Party) in 1948.

³¹ The “ideology of gender” is an extremely complex and encompassing Christian conservative view in Poland. The ideology has roots in Catholic sex ethics, genderism (the belief that gender is a binary), homophobia, transphobia and sexism. However, the word is so loosely used that it has also been seen describing “pedophilia, incest, sexualisation of children, totalitarianism, abortion and euthanasia”. For an excellent source on the definition of the “ideology of gender”, and its rise in Poland, see Anna Jawor, “A Moral Panic Towards Transforming Sexual Norms in Poland,” *International Journal of Arts & Sciences* 8, no. 8 (2015): 183-194, accessed April 14, 2017, <http://proxy.lib.umich.edu/login?url=https://search-proquest-com.proxy.lib.umich.edu/docview/1769895784?accountid=14667>.

The May 3rd issue of *Tygodnik Solidarność* headlines with a banner exclaiming “*Wiwat Konstytucja! Niech nas uczy nadal*” (“Long live the Constitution! May it keep teaching us”). The accompanying article makes very explicit comparisons between Solidarity and the Great Sejm - even going as far as comparing prominent figures from the eighties to certain members of that Sejm. The author, Wojciech Giełżyński, begins by claiming that, “The May 3rd Constitution was the rebirth of a nation of rot, a nation in decay and hopeless apathy. Solidarity was too.”³² There is no doubt over Giełżyński’s stance on the May 3rd events—a stance he makes even clearer in a following passage in which he maintains that both movements gained approval and support from the West because of their progressiveness.

Giełżyński’s claim that Solidarity is a direct descendant of the Great Sejm becomes even more straightforward later in his article:

Let’s... dispel the naive idyllic myth that "the whole nation" shouted: "Long live the king! Long live the Sejm! Long live all states!"... *Rapid revolutions are dangerous* - [Stanisław August] wrote on the margins of the Ignacy Potocki’s projects (the Kuroń of his day), because he was afraid of the tsarist, brutal like Brezhnev, and native magnate block. In other words, Stanisław August’s camp behaved like the party reformers in the end of the Gierek years, affiliated with the "Experience and Future" Conversatorium, who also deluded themselves that the system could be reformed by the method of small steps - but then they followed Solidarity in a nationwide rush.³³

By using this transparent analogy, Giełżyński differentiates between those he believes Solidarity can claim as its predecessors, and those not acting in the nation’s best interest. The comparison between Jacek Kuroń, a leader in the opposition to the Communist PZPR, and Ignacy Potocki, a leader in the opposition to King August, is particularly interesting. Through this comparison, Solidarity is effectively adopting Potocki’s narrative - one of advocating for reform and dissent

³² Wojciech Giełżyński, “Wiwat Konstytucja! Niech nas uczy nadal,” *Tygodnik Solidarność* (Warsaw, Poland), May 3-10, 1991. Hereafter abbreviated “Wiwat Konstytucja!”

³³ Giełżyński, “Wiwat Konstytucja!”

against the status quo. This is essentially the Polish tradition Giełżyński, and by extent, Solidarity, is pulling from.

Furthermore, Giełżyński calls for an extremely strict adherence to the Constitution. He argues that, based on the Constitution's Article I, which promoted religious tolerance, "it is clear that some citizens of the city of Przemyśl, who discriminate against Greek Catholics, should be publicly stigmatized for violating the May 3rd Constitution, and perhaps brought to responsibility."³⁴ In addition, he also believes that the *Prawo o miastach* (Free Royal Cities Act), which was passed a mere two weeks prior to the Constitution, set a precedent which dictates that those "who therefore clamor that we should do despicable acts towards foreign investors, because they "will buy up Poland", are also offending the May 3rd Constitution."³⁵ Giełżyński's radical assertions, however, are not satirical or ironic. By advocating for a strict interpretation of the Constitution, Giełżyński is championing a path that follows in Potocki's footsteps—a path of challenging the status quo that is actively harming the country (intolerance, prejudice, nationalism) through aggressive reform. By arguing that the Constitution is setting precedent for challenging the existing state of affairs, and drawing direct connections to Solidarity, he is effectively adding the document to the movement's arsenal. The overarching argument is not lost on the audience: Solidarity is a progressive movement, and one that will be seen on the right side of history 200 years down the line.

A Centennial Framework

Yet another author in *Tygodnik Solidarność* sees the May 3rd Constitution in terms of the celebrations accompanying the date, and more specifically, the potential these events hold for Polish society. Jacek Salij's "3 Maja przed stu laty" ("May 3rd one hundred years ago")

³⁴ Giełżyński, "Wiwat Konstytucja!".

³⁵ Giełżyński, "Wiwat Konstytucja!".

interestingly enough does not specifically focus on the Constitution, but on the recently beatified Józef Sebastian Pelczar. Pelczar, who served as a bishop from 1900 to 1924, was still a priest in 1891 - the centennial of the May 3rd Constitution. He was a strong advocate for helping those at the bottom of society, namely the impoverished peasants. Salij sees Pelczar's work as a response to the growing belief at the time that:

The vows of Jan Kazimierz from 1656 still remain unfulfilled. Because the first, though cautious, but real attempt to complete them was the Constitution of May 3, it is not surprising that for many years afterwards, the successive anniversaries of its adoption were an opportunity to proclaim the thesis that the condition for regaining Poland's independence is the social liberation of the countryside and in general, giving justice to all the underprivileged strata.³⁶

The vows mentioned are referring to the *Śluby lwowskie* (Lwów Oath) through which, in the wake of Swedish invasion in 1655-56, colloquially referred to as the *Potop* (Deluge), King John II Casimir swore to improve the peasant's conditions in hopes that the peasantry will rise up against the invasion.

Salij's article, therefore, gives a modern reader a glimpse of how the May 3rd Constitution was interpreted in 1891. In the nineteenth century, the understanding was that the Constitution represents a promise to help those in need and empower Poles from all walks of life, so that Poland in turn could rise up against its foreign invaders. This is why Pelczar dedicated his life to raising those most oppressed in the formerly Polish lands. Salij sees this behavior as not only exemplary, but relevant to how Poles should interpret the Constitution one hundred years later, "...The figure of the new blessed could inspire us to revive this social spirit, which in the last half century has almost been murdered, and which was truly present in the past. There are so many different social needs that should be satisfied, and so many tasks that are waiting to be fulfilled,

³⁶Jacek Salij, "3 Maja przed stu laty," *Tygodnik Solidarność* (Warsaw, Poland), May 3-10, 1991. Hereafter abbreviated "3 Maja".

that society cannot only rely exclusively on official structures.”³⁷ Salij is effectively arguing that the Constitution represents a spirit of camaraderie and social work, embodied by Pelczar’s own work.

This is a slight variation on Geremek’s interpretation of the Constitution; but whereas Geremek sees the document reflecting the Polish tradition of collaborating to overcome hardships imposed on the nation, Salij sees the Polish tradition as one that places helping others for the benefit of the nation above all else. Furthermore, he sees this in a very Catholic context. By imploring Poles to succeed Pelczar’s legacy, he is effectually implying that they should work closely with the Church (which in this context is not an “official structure”) to continue what he considers to be the Polish tradition.

Polityka

Polityka is a left-wing weekly, which began publication in 1957. It was originally the press organ of the *Polska Zjednoczona Partia Robotnicza* (PZPR - Polish United Workers’ Party), which was the ruling Communist party in the PRL. It is one of Poland’s most renowned publications and tends to attract a more intellectual and leftist audience. After the fall of Communism, the newspaper continued to play an influential role in Polish society and press scene; in 1990, it established its own independent publication cooperative after leaving the state-owned publisher - a unique phenomenon in Polish press.³⁸ Interestingly, while *Polityka* covers a gamut of issues ranging from social to political, its coverage of the bicentennial of the Constitution was surprisingly limited to three articles.

³⁷ Salij, “3 Maja”

³⁸ “Polityka,” VOX Europe, Last Modified January 18, 2017, <http://www.voxeurop.eu/en/content/source-information/62971-polityka>.

Separation of Church and State?

One of the three articles regarding May 3rd is neither a commentary on the Constitution nor a critique, but an exposé of sorts of the prominent members of the Great Sejm. In his article, acclaimed author Jerzy Siewierski details the existence of Free Masons within the Great Sejm and explains the connections between the organization and the Constitution. Siewierski does not treat his account as a sensational one or pose the existence of Freemasons in the upper echelons of society as a uniquely Polish phenomenon. Instead, he is attempting to shed light on a relatively unknown and inflammatory fact, stating that “It seems honest to commemorate the 200th anniversary of the May Constitution by reminding that its creators wore ceremonial masonic robes and were simply zealously fulfilling the instructions of their laws, which proclaimed that ‘Loving your Homeland is by nature a feeling rather than a duty...’.”³⁹ Siewierski is essentially arguing that these Freemasons loved, and more importantly, contributed to, the Polish nation just as much as the non-Masonic members of the Sejm and *inteligencja* (intellectuals). This claim is especially important when considering the fact that, according to Siewierski, “among the 177 deputies elected in 1788 to the Sejm, which was later named the Great, 38 were Masons ... or over 20% the composition of the parliament!”⁴⁰. Clearly, this was not a negligible number of parliamentary deputies, especially when considering that the primary authors of the Constitution - Ignacy Potocki, king Stanisław August and Father Scipione Piattoli - all belonged to this organization as well. The number of Freemasons present in the Great Sejm, assured that the organization had a pull in the proceedings, and that their influence shaped the Constitution.

³⁹ Siewierski, “Wolnomularze w Sejmie Czteroletnim,” *Polityka* (Warsaw, Poland), May 11, 1991. Hereafter abbreviated “Wolnomularze”.

⁴⁰ Siewierski, “Wolnomularze”.

Like all the previously analyzed articles, Siewierski's work demonstrates his own interpretation of the May 3rd Constitution, and how he believes this shapes Polish tradition and history. More specifically, Siewierski is *pushing back* on a lot of assumptions and convictions regarding Polish tradition and identity, especially in relation to the Roman Catholic Church. He briefly alludes to this in the opening sentence of his article, stating "The creators of the May Act were honored solemnly and universally, leaving aside however, with discreet mumbling, the fact that a majority of them were zealous Masons, and therefore participants in a movement which, for over two hundred and fifty years, was consistently severely condemned and persecuted by the Church."⁴¹ This simple and brief mention of the Church, a powerful and omnipresent force in Polish society and politics, frames Siewierski's argument. Taken to its logical conclusion, his argument is that the Constitution, which is seen as a staple of Polish tradition and accomplishment, cannot be claimed by the Church - therefore, the Church has no monopoly in this sector of Polish life.

This is one of the more radical interpretations of the Constitution, and possibly one of the most controversial. The Polish Roman Catholic Church enjoyed immense popularity in the preceding decades, as it was one of the main oppositional forces against the PZPR and allowed Poles a framework for organization and protest, which was so crucial just a few years earlier.⁴²

⁴¹ Siewierski, "Wolnomularze".

⁴² The Catholic Church was a huge player in overthrowing Communism, particularly in the 70s and 80s. Dr. Maryjane Osa argues that through its nine-year celebration of the Great Novena of the Millennium (commemorating the millennium of Christianity in Poland in 1966), which was opposed and challenged by Communist authorities at every turn, the Church provided Polish society (and the Solidarity movement) an atmosphere of belonging and identity (which posited "true, Catholic Poles" against secular Communist authorities) as well as the necessary imagery (through religious iconography) to further this identity. Furthermore, Communist intervention in the Great Novena allowed Poles to develop peaceful protest tactics that were crucial to Solidarity's success. And because it was so far-reaching, targeting urban cities and rural villages, the Church allowed every (practicing Catholic) Pole an opportunity to join the social movement, thus strengthening the bonds between Poles of all walks of life. See Maryjane Osa, *Solidarity and Contention: Networks of Polish Opposition* (Minneapolis, MN: University of Minnesota Press, 2003).

Additionally, Pope John Paul II, the first non-Italian pope in over 500 years and a native Pole, was instrumental in helping end Communist rule in Poland. Therefore, to claim that the Church could not claim May 3rd of 1791, a moment many Poles considered the direct predecessor to the Solidarity movement the Church played such an instrumental role in, was to argue that the Church has a tendency to appropriate significant moments, reframing them in a way that serves its interests.

The issue over the Church's position in the grand scheme of Polish society and politics is a very pressing one in 1991. Lech Wałęsa, the contemporary Polish president, was a devout Roman Catholic, which worried a substantial segment of the Polish population.⁴³ The concerns over allowing the Church broader access to the political and public sphere were already addressed by some of the articles previously analyzed (in *Gazeta Wyborcza*, Kula writes that "I'm afraid, I admit, of this pressure of faith and tradition."⁴⁴) Even if individuals like Siewierski do not see the Church as having as large of a claim to Polish tradition as one would expect, the entity still pushed to expand its influence based on the principle of its omnipresence in Polish history and culture.

This discourse is addressed by yet another article in *Polityka*, "Co w Konstytucji?" ("What's in the Constitution?"). In this extremely short opinion piece, columnist Stanisław Podemski admits his concerns over the current relationship between the church and state, as he believes that Poland is on the trend towards clericalism. "The happenings of societies and nations can differ," he writes, "and the history of Poland proves this best."⁴⁵ In his column, Podemski

⁴³ For further information regarding the Roman-Catholic Church's role in Polish culture and politics following the fall of Communism, see Mirella W. Eberts, "The Roman Catholic Church and democracy in Poland," *Europe-Asia Studies* 50, no. 5 (1998): 817-842, accessed February 25, 2017, <https://doi.org/10.1080/09668139808412567>.

⁴⁴ Kula, "Dlaczego Polacy"

⁴⁵ Stanisław Podemski, "Co w Konstytucji?," *Polityka* (Warsaw, Poland), May 4, 1991.

advocates for a strict separation of state and church, which he believes will benefit both parties. The “history of Poland” he is referring to is most likely the multiple foreign invasions Poland was subjected to. Although at these points in Polish history the nation was controlled by a different entity, Polish society still found a way to flourish and grow. Therefore, according to Podemski, if Polish society survived in those extreme cases, the same logic should apply when the Polish nation is governing itself. Podemski, like Siewierski, is reluctant to give the Church credit for what he believes are secular Polish achievements - the Church can exert its influence in someone’s private life, but it should not be considered a major authority in public.

Therefore, both of these authors effectively push back against common Polish tradition, by assigning the Church a lesser role in the proceedings that led to the May 3rd Constitution. This is an important interpretation of the Constitution as it relates to contemporary debates of where divisions should be drawn between church and state. It also rewrites the typical Polish narrative. Whereas other authors took the Church’s role in Polish history as a given, Siewierski and Podemski are recasting it in the narrative, giving it a minimal role at best. This demonstrates a broader trend that continues after the fall of Communism - a distancing of many from the Church. Moreover, it reveals how personal beliefs and ideologies can shape one’s interpretation of the Constitution and what it represents.

Conclusion

In conclusion, the Constitution of May 3rd is a document of many faces - one that is easily malleable and amenable to various interpretations. In 1991, the document represented the pinnacle of Polish accomplishment and tradition, serving as a reminder of what the Polish nation is capable of. By framing the Constitution and the history surrounding it as the culmination of

Polish praxis, the authors of these articles managed to interpret the document in a way that served to project their own beliefs and political agendas regarding Poland's future onto it. This, in turn, allowed them to insinuate that their vision is the one that corresponds most closely to an authentic Polish one. This sort of rhetoric was especially crucial in a post-communist context, when tensions regarding the fate of Poland were at an all-time high. Each author, therefore, had a stake in convincing his readers that they should support his personal vision for the country. In some cases, such as Podemski's, this vision was unambiguously tied to contemporary political issues. Others, such as Salij or Geremek, promoted a broader, more grassroots level vision of social change.

Furthermore, some authors used their platform and their interpretation of the Constitution to legitimize their particular movement or ideology, or attack opposing institutions. Giełżyński's rendering of the Great Sejm as predecessors to the Solidarity movement allowed him to situate Solidarity in a historical context that gave the movement the most credibility and acclaim, while Siewierski's article allowed him to delegitimize the Church's claim to the tradition of the May 3rd Constitution. Meanwhile, as exemplified by the "*Koncert, defilady*" article, many chose to promulgate their nationalistic rhetoric through appropriating the celebrations of May 3rd.

Thus, by utilizing the mythos surrounding the Constitution, and by imposing their own interpretations onto the document and camouflaging their own ideology into it, these authors successfully exploited the May 3rd Constitution to further their views how a post-Communist Poland should look like. These actions were viewed as acceptable to the general population because the predominant understanding of the Constitution in 1991 was that it represented Polish tradition. Because the document and celebrations surrounding it were suppressed for so long due to foreign intervention, it became a romanticized paragon of not only Polish tradition, but, in a

way, Polish freedom. While the document was so controversial in 1791 because it broke away from convention, and arguably precipitated the aforementioned foreign intervention, Poles in 1991 readily identified with what they considered a national symbol. Therefore, the discourse regarding the May 3rd Constitution on the eve of its bicentennial was not whether it is a part of a Polish tradition, but rather, what that tradition actually *was*.