

= Constitution of May 3 , 1791 =

The Constitution of 3 May 1791 ( Polish : Konstytucja 3 maja , Lithuanian : Gegu??s tre??iosios konstitucija ) was adopted by the Great Sejm ( parliament ) of the Polish ? Lithuanian Commonwealth , a dual monarchy comprising Poland and Lithuania . Drafted over 32 months beginning on 6 October 1788 , and formally adopted as the Government Act ( Ustawa rz?dowa ) , the document was designed to redress the Commonwealth 's political defects . The system of Golden Freedoms , also known as the " Nobles ' Democracy " , had conferred disproportionate rights on the nobility ( szlachta ) and over time had corrupted politics . The adoption of the Constitution was preceded by a period of agitation for ? and gradual introduction of ? reforms beginning with the Convocation Sejm of 1764 and the election of Stanis?aw August Poniatowski as the Commonwealth 's last king .

The constitution sought to supplant the prevailing anarchy fostered by some of the country 's magnates with a more democratic constitutional monarchy . It introduced elements of political equality between townspeople and nobility , and placed the peasants under the protection of the government , thus mitigating the worst abuses of serfdom . It banned parliamentary institutions such as the liberum veto , which had put the Sejm at the mercy of any deputy who could revoke all the legislation that had been passed by that Sejm . The Commonwealth 's neighbours reacted with hostility to the adoption of the constitution . Frederick William II 's Kingdom of Prussia broke its alliance with the Commonwealth , which was attacked and then defeated in the War in Defence of the Constitution by an alliance between Catherine the Great 's Imperial Russia and the Targowica Confederation of anti @-@ reform Polish magnates and landless nobility . The King , a principal co @-@ author , eventually capitulated to the Confederates .

The 1791 document remained in force for less than 19 months ; it was annulled by the Grodno Sejm on 23 November 1793 . By 1795 , the Second and Third Partitions of Poland ended the existence of the sovereign Polish state . Over the next 123 years , the Constitution of 3 May , 1791 , was seen as proof of successful internal reform and as a symbol promising the eventual restoration of Poland 's sovereignty . In the words of two of its co @-@ authors , Ignacy Potocki and Hugo Ko???taj , it was " the last will and testament of the expiring Country . " British historian Norman Davies described the document as " the first constitution of its type in Europe " ; others have called it the world 's second @-@ oldest codified national constitution after the 1789 U.S. Constitution .

= = Background = =

Polish constitutionalism can be traced to the 13th century , when government by consensus and representation was already well established in the young Polish state . The emergence of parliamentary bodies , the sejm and sejmiki , followed . By the 17th century , Poland 's legal and political tradition was characterized by : parliamentary institutions and a system of checks and balances on state power , which was itself limited by decentralization ; the idea of a contractual state , embodied in texts like the Henrician Articles and the Pacta conventa ; the concept of individual liberties ; and the notion that the monarch owed duties to his subjects . This system , which primarily benefited the Polish nobility ( szlachta ) , came to be known as the " nobles ' democracy " .

= = = End of the Golden Age = = =

The 1791 Constitution was a response to the increasingly perilous situation in the Polish ? Lithuanian Commonwealth , which had been a major European power only a century earlier and was still the largest state on the continent . In the 1590s , at the peak of the nobles ' democracy , King Sigismund III Vasa 's court preacher ? the Jesuit Piotr Skarga ? had condemned the weaknesses of the Commonwealth . In the same period , writers and philosophers such as Andrzej Frycz Modrzewski and Wawrzyniec Grzyma?a Go?licki , and the egzekucja praw ( Execution @-@ of @-@ the @-@ Laws ) reform movement led by Jan Zamoyski had advocated political reforms . In 1656 , Sigismund 's son King John II Casimir Vasa made a solemn vow at the ' old ' Lvov Cathedral

on behalf of the entire Republic of Poland , that he would free the Polish peasants ? from their unjust burdens and oppression . ? As he was struggling with the Sejm , in 1661 John Casimir ? whose reign saw highly destructive wars and obstructionism by the nobility ? correctly predicted that the Commonwealth was in danger of a partition by Russia , Brandenburg and Austria .

As the Sejm failed to implement sufficient reforms , the state machinery became increasingly dysfunctional . A major cause of the Commonwealth 's downfall was the liberum veto ( " free veto " ) , which since 1652 had allowed any Sejm deputy to nullify all the legislation enacted by that Sejm . As a result , deputies bribed by magnates or foreign powers ? primarily from the Russian Empire , the Kingdom of Prussia and France ? or deputies who believed they were living in an unprecedented " Golden Age " paralysed the Commonwealth 's government for over a century . The threat of the liberum veto could only be overridden by the establishment of a " confederated sejm " , which was immune to the liberum veto . Declaring that a sejm either constituted a " confederation " or belonged to one was a contrivance prominently used by foreign interests in the 18th century to force a legislative outcome .

By the early 18th century , the magnates of Poland and Lithuania controlled the state , ensuring that no reforms that might weaken their privileged status ( the " Golden Freedoms " ) would be enacted . The ineffective monarchs who were elected to the Commonwealth throne in the early 18th century , Augustus II the Strong and Augustus III of Poland of the House of Wettin , did not improve matters . The Wettins , used to the absolute rule practiced in their native Saxony , tried to govern through intimidation and the use of force , which led to a series of conflicts between their supporters and opponents ? including another pretender to the Polish throne , King Stanisław Leszczyński . Those conflicts often took the form of confederations ? legal rebellions against the king permitted under the Golden Freedoms ? including the Warsaw Confederation ( 1704 ) , Sandomierz Confederation , Tarnogród Confederation , Dzików Confederation and the War of the Polish Succession . Only 8 out of 18 Sejm sessions during the reign of Augustus II ( 1694 ? 1733 ) passed legislation . For 30 years during the reign of Augustus III , only one session was able to pass legislation . The government was near collapse , giving rise to the term " Polish anarchy " , and the country was managed by provincial assemblies and magnates .

Other reform attempts in the Wettin era were led by individuals such as Stanisław Dunin @-@ Karwicki , Stanisław A. Szczuka , Kazimierz Karwowski and Michał Józef Massalski ; these mostly proved to be futile .

= = = Early reforms = = =

The Enlightenment greatly influenced certain Commonwealth circles during the 1764 ? 95 reign of its last king , Stanisław II August Poniatowski . Poniatowski was an " enlightened " Polish magnate who had been a deputy to several Sejms between 1750 and 1764 and had a deeper understanding of Polish politics than previous monarchs . The Convocation Sejm of 1764 , which elected Poniatowski to the throne , was controlled by the Czartoryski family 's reformist Familia party and was backed up by Russian military forces , which the Czartoryskis invited . In exchange for passing decrees favorable to them , the Russians and Prussians let the confederated Convocation Sejm enact a number of reforms , including the weakening of liberum veto and ensuring it no longer applied to treasury and economic matters . A more comprehensive reform package was presented by Andrzej Zamoyski , but opposition from Prussia , Russia and the Polish nobility thwarted this ambitious program , which proposed to decide on all motions by majority voting . In part because his election was imposed by Empress Catherine the Great , Poniatowski 's political position was weak from the beginning . He proceeded with cautious reforms such as the establishment of fiscal and military ministries and the introduction of a national customs tariff , which was soon abandoned because of opposition from Frederick the Great of Prussia . These measures had already been authorized by the Convocation Sejm ; more legislative and executive improvements inspired by Familia or the King were implemented during and after the 1764 Sejm .

The Commonwealth 's magnates viewed reform with suspicion and neighboring powers , content with the deterioration of the Commonwealth , abhorred the thought of a resurgent and democratic

power on their borders . With the Commonwealth Army reduced to around 160,000 , it was easy for its neighbors to intervene directly ? the Imperial Russian Army numbered 300,000 and the Prussian Army and Imperial Austrian Army had 200,000 each .

Russia 's Empress Catherine and Prussia 's King Frederick II provoked a conflict between members of the Sejm and the King over civil rights for religious minorities , such as Protestants and Greek Orthodox whose positions , which were guaranteed equal with the Catholic majority by the Warsaw Confederation of 1573 , had worsened considerably . Catherine and Frederick declared their support for the szlachta and their " liberties " , and by October 1767 Russian troops had assembled outside Warsaw in support of the conservative Radom Confederation . The King and his adherents had little choice but to acquiesce to Russian demands . During the Replin Sejm ( named after the unofficially presiding Russian ambassador Nicholas Replin ) the King accepted the five " eternal and invariable principles " which Catherine had vowed to " protect for all time to come in the name of Poland 's liberties " : the election of kings , the right of liberum veto , the right to renounce allegiance to and raise rebellion against the king ( rokosz ) , the szlachta 's exclusive right to hold office and land , and landowners ' power over their peasants . Thus all the privileges ( " Golden Freedoms " ) of the nobility that had made the Commonwealth ungovernable were guaranteed as unalterable in the Cardinal Laws . The Cardinal Laws and the rights of " religious dissenters " passed by the Replin Sejm were personally guaranteed by Empress Catherine . By these acts of legislation , for the first time , Russia formally intervened in the Commonwealth 's constitutional affairs .

During the 1768 Sejm , Replin showed his disregard for local resistance by arranging the abduction and imprisonment of Kajetan Sołtyk , Józef A. Załuski , Wacław Rzewuski and Seweryn Rzewuski , all vocal opponents of foreign domination and the recently proclaimed policies . The Polish ? Lithuanian Commonwealth had legally and practically become a protectorate of the Russian Empire . Nonetheless , several minor beneficial reforms were adopted , political rights of the religious minorities were restored and the need for more reforms was becoming increasingly recognized .

King Stanisław August 's acquiescence to the Russian intervention encountered some opposition . On February 29 , 1768 , several magnates ? including Józef Pułaski and his young son Kazimierz Pułaski ( Casimir Pulaski ) ? vowing to oppose Russian influence , declared Stanisław August a lackey of Russia and Catherine , and formed a confederation at the town of Bar . The Bar Confederation focused on limiting the influence of foreigners in Commonwealth affairs , and being pro - Catholic was generally opposed to religious tolerance . It began a civil war to overthrow the King , but its irregular forces were overwhelmed by Russian intervention in 1772 .

The defeat of the Bar Confederation set the scene for the partition treaty of August 5 , 1772 , which was signed at Saint Petersburg by Russia , Prussia and Austria . The treaty divested the Polish ? Lithuanian Commonwealth of about a third of its territory and population ? over 200,000 km<sup>2</sup> ( 77,000 sq mi ) and 4 million people . The three powers justified their annexation , citing anarchy in the Commonwealth and its refusal to cooperate with its neighbors ' efforts to restore order . King Stanisław August yielded and on April 19 , 1773 , he called the Sejm into session . Only 102 of about 200 deputies attended what became known as the Partition Sejm . The rest were aware of the King 's decision and refused . Despite protests from the deputy Tadeusz Rejtan and others , the treaty ? later known as the First Partition of Poland ? was ratified .

The first of the three successive 18th - century partitions of Commonwealth territory that would eventually remove Poland 's sovereignty shocked the Commonwealth 's inhabitants and made it clear to progressive minds that the Commonwealth must either reform or perish . In the thirty years before the Constitution , there was a rising interest among progressive thinkers in constitutional reform . Before the First Partition , a Polish noble , Michał Wielhorski was sent to France by the Bar Confederation to ask the philosophes Gabriel Bonnot de Mably and Jean - Jacques Rousseau for their suggestions on a new constitution for a reformed Poland . Mably submitted his recommendations *Du gouvernement et des lois en Pologne* ( The Government and Laws of Poland ) in 1770 ? 71 , whereas Rousseau finished his *Considerations on the Government of Poland* in 1772 when the First Partition was already underway . Works advocating the need for reform and presenting specific solutions were published in the Commonwealth by Polish ? Lithuanian thinkers : On an Effective Way of Councils or on the Conduct of Ordinary Sejms ( 1761 ? 63 ) , by Stanisław

Konarski , founder of the Collegium Nobilium ; Political Thoughts on Civil Liberties ( 1775 ) and Patriotic Letters ( 1778 ? 78 ) , by Józef Wybicki , author of the lyrics of the Polish National Anthem ; ( Anonymous Letters to Stanisław Małachowski ( 1788 ? 89 ) and The Political Law of the Polish Nation ( 1790 ) , by Hugo Kołłątaj , head of the Kołłątaj 's Forge party ; and Remarks on the Life of Jan Zamoyski ( 1787 ) , by Stanisław Staszic . Ignacy Krasicki 's satires of the Great Sejm era were also seen as crucial to giving the constitution moral and political support .

A new wave of reforms supported by progressive magnates such as the Czartoryski family and King Stanisław August were introduced at the Partition Sejm . The most important included the 1773 establishment of the Commission of National Education ( Komisja Edukacji Narodowej ) ? the first ministry of education in the world . New schools were opened , uniform textbooks were printed , teachers received better education and poor students were provided with scholarships . The Commonwealth 's military was to be modernized and funding to create a larger standing army was agreed . Economic and commercial reforms ? including some intended to cover the increased military budget previously shunned as unimportant by the szlachta ? were introduced . A new executive assembly , the 36 @-@ strong Permanent Council comprising five ministries with limited legislative powers , was established , giving the Commonwealth a governing body in constant session between Sejms and therefore immune to their liberum veto disruptions .

In 1776 , the Sejm commissioned former chancellor Andrzej Zamoyski to draft a new legal code . By 1780 , he and his collaborators had produced the Zamoyski Code ( Zbiór praw sędowych ) . It would have strengthened royal power , made all officials answerable to the Sejm , placed the clergy and their finances under state supervision , and deprived landless szlachta of many of their legal immunities . The Code would also have improved the situation of non @-@ nobles ? townspeople and peasants . Zamoyski 's progressive legal code , containing elements of constitutional reform , met with opposition from native conservative szlachta and foreign powers ; the 1780 Sejm did not adopt it .

= = Adoption = =

An opportunity for reform occurred during the " Great Sejm " ? also called the " Four @-@ Year Sejm " ? of 1788 ? 92 , which began on October 6 , 1788 , with 181 deputies . In accordance with the Constitution 's preamble , from 1790 it met " in dual number " when 171 newly elected deputies joined the earlier @-@ established Sejm . On its second day , the body became a confederated sejm to avoid the liberum veto . Concurrent world events appeared to have been opportune for the reformers . Russia and Austria were at war with the Ottoman Empire , and the Russians found themselves simultaneously fighting in the Russo @-@ Swedish War , 1788 ? 1790 . A new alliance between the Polish ? Lithuanian Commonwealth and Prussia seemed to provide security against Russian intervention , and King Stanisław August drew closer to leaders of the reform @-@ minded Patriotic Party .

The Sejm passed few major reforms in its first two years , but the subsequent two years brought more substantial changes . The Sejm adopted the 1791 Free Royal Cities Act , which was formally incorporated into the final constitution . This act addressed a number of matters related to the cities , crucially expanding burghers ' ( i.e. , townspeople 's ) rights , including electoral rights . While the Sejm comprised representatives of the nobility and clergy , the reformers were supported by the burghers , who in late 1789 organized in Warsaw a " Black Procession " demanding full political enfranchisement of the bourgeoisie . On 18 April 1791 the Sejm ? fearing that the burghers ' protests , if ignored , could turn violent , as they had in France not long before ? adopted the Free Royal Cities Act .

The new constitution was drafted by the King , with contributions from Ignacy Potocki , Hugo Kołłątaj and others . The King is credited with writing the general provisions and Kołłątaj with giving the document its final shape . Stanisław August wanted the Commonwealth to become a constitutional monarchy similar to that of Great Britain , with a strong central government based on a strong monarch . Potocki wanted the Sejm to be the strongest branch of government . Kołłątaj wanted a " gentle " revolution , carried out without violence , to enfranchise other social classes in

addition to the nobility .

The proposed reforms were opposed by the conservatives , including the Hetmans ' Party . Threatened with violence by their opponents , the advocates of the draft began the debate on the Government Act two days early , while many opposing deputies were away on Easter recess . The debate and subsequent adoption of the Government Act was executed as a quasi @-@ coup d'état . No recall notices were sent to known opponents of reform , while many pro @-@ reform deputies secretly returned early . The royal guard under the command of the King 's nephew Prince Józef Poniatowski were positioned about the Royal Castle , where the Sejm was gathered , to prevent opponents from disrupting the proceedings . On May 3 , the Sejm convened with only 182 members , about half its " dual " number . The bill was read and overwhelmingly adopted , to the enthusiasm of the crowds outside . A protest was submitted the next day by a small group of deputies , but on May 5 the matter was officially concluded and protests were invalidated by the Constitutional Deputation of the Sejm . It was the first time in the 18th century that a constitutional act had been passed in the Commonwealth without the involvement of foreign powers .

Soon after , the Friends of the Constitution ( Zgromadzenie Przyjaciół Konstytucji Rządowej ) ? which included many participants in the Great Sejm ? was organised to defend the reforms already enacted and to promote further ones . It is now regarded as the first modern @-@ style political party in Poland 's history . The response to the new constitution was less enthusiastic in the provinces , where the Hetmans ' Party enjoyed considerable influence . General support among the middle nobility was crucial and still very substantial ; most of the provincial sejmiks deliberating in 1791 and early 1792 supported the constitution .

= = Features = =

The Polish constitution was one of several to reflect Enlightenment influences , in particular Rousseau 's social contract and Montesquieu 's advocacy of a separation and balance of powers between the three branches of government and his advocacy of a bicameral legislature . Once the government was established , it aimed to ensure , in accordance with Article V , that " the integrity of the states , civil liberty , and social order shall always remain in equilibrium " . According to Polish @-@ American historian Jacek Jędruch , the liberality of its provisions " fell somewhere below [ those of ] the French , above the Canadian , and left the Prussian far behind " , but did not equal the American Constitution " . King Stanisław August Poniatowski said the new constitution was " founded principally on those of England and the United States of America , but avoiding the faults and errors of both , and adapted as much as possible to the local and particular circumstances of the country . " George Sanford said that the Polish constitution provided " a constitutional monarchy close to the English model of the time . "

Article I acknowledged the Roman Catholic faith as the " dominant religion " , but guaranteed tolerance and freedom to all religions . It was less progressive than the 16th @-@ century Warsaw Confederation , and placed Poland clearly within the Catholic sphere of influence . Article II confirmed many old privileges of the nobility , stressing that all nobles are equal and should enjoy personal security and the right to property . Article III stipulated that the earlier Free Royal Cities Act ( Miasta Nasze Królewskie Wolne w Państwach Rzeczypospolitej ) of April 18 ( or 21 ) , 1791 , was integral to the constitution . Personal security ? *neminem captivabimus* , the Polish habeas corpus act ? was extended to townspeople ( including Jews ) . Townspeople also gained the right to acquire landed property and became eligible for military officers ' commissions and public offices , such as reserved seats in the Sejm and seats in the executive commissions of the Treasury , the Police and the Judiciary . Membership of the nobility was also made easier for burghers to acquire .

With half a million burghers in the Commonwealth now substantially enfranchised , political power became more equally distributed , but little was done about the less politically conscious and active classes , such as the Jews and peasants . Although Article IV placed the Commonwealth 's peasantry under the protection of the national law ? a first step toward enfranchising the country 's largest and most oppressed social class ? the low status of the peasantry as compared to other classes was not eliminated , as the constitution did not abolish serfdom . Not until the Second

Partition and Kościusko's Proclamation of Poaniec in 1794 would the Polish government begin to abolish serfdom.

Article V stated that "all power in civil society [should be] derived from the will of the people." The constitution referred to the country's "citizens", which for the first time in Polish legislation was meant to include townspeople and peasants, as well as nobles. The document's preamble and 11 individual articles introduced the principle of popular sovereignty applied to the nobility and townspeople, and the separation of powers into legislative (a bicameral Sejm), executive ("the King and the Guardians", the Guardians of the Laws being the newly established top governmental entity) and judicial branches. It advanced the democratization of the polity by limiting the excessive legal immunities and political prerogatives of landless nobility.

Legislative power, as defined in Article VI, rested with the bicameral parliament (an elected Sejm and an appointed Senate) and the king. The Sejm met "ordinarily" every two years and "extraordinarily" whenever required by a national emergency. Its lower chamber – the Chamber of Deputies (Izba Poselska) – comprised 204 deputies (2 from each powiat, 68 each from the provinces of Greater Poland, Lesser Poland and the Grand Duchy of Lithuania) and 21 plenipotentiaries of royal cities (7 from each province). The royal chancellery was to inform the sejmiks of the legislation it intended to propose in advance, so that the deputies would have time to prepare for the discussions. The Sejm's upper chamber – the Chamber of Senators (Izba Senacka) – comprised between 130 and 132 (sources vary) senators (voivodes, castellans, and bishops, as well as governments ministers without the right to vote). The Senate was presided over by the king, who had one vote which could be used to break ties. The king and all deputies had legislative initiative, and most matters – known as general laws, and divided into constitutional, civil, criminal, and those for the institution of perpetual taxes – required a simple majority, first from the lower chamber, then from the upper one. For the more specialized resolutions, such as for treaties of alliance, declarations of war and peace, ennoblements and increases in national debt, a majority vote of both chambers voting jointly was needed. The Senate (but not the king) had a suspensive veto over the laws that the Sejm passed, applicable until the next Sejm session, when it could be overruled.

Article VI also recognized the Prawo o sejmikach, the act on regional assemblies (sejmiks) that had been passed on March 24, 1791. By reducing the enfranchisement of the noble classes, this law introduced major changes to the electoral ordinance. Previously, all nobles had been eligible to vote in sejmiks, which de facto meant that many of the poorest, landless nobles – known as "clients" or "clientele" of local magnates – voted as the magnates bade them. Now the voting right was tied to a property qualification: one had to own or lease land and pay taxes, or be closely related to somebody who did, to be eligible to vote. 300 @, @ 000 of 700 @, @ 000 previously eligible nobles were thus disfranchised, much to their displeasure. Voting rights were restored to landowners who were in military service. They had lost these rights in 1775. Voting was limited to males of at least 18 years of age. The eligible voters elected deputies to local powiats, or county sejmiks, which elected deputies to the General Sejm.

Finally, Article VI explicitly abolished several institutional sources of government weakness and national anarchy, including the liberum veto (which was replaced by a simple majority vote), confederations and confederated sejms, and the excessive influence of sejmiks stemming from the previously binding nature of their instructions to their Sejm deputies. The confederations were declared "contrary to the spirit of this constitution, subversive of government and destructive of society". Thus the new constitution strengthened the powers of the Sejm, moving the country towards a constitutional monarchy.

Executive power, according to Article V and Article VII, was in the hands of "the king in his council", a cabinet of ministers called the Guardians of the Laws (or Guard of the Laws, Straż Praw). The ministries could not create or interpret the laws and all acts of the foreign ministry were provisional and subject to the Sejm's approval. The king presided over this council, which was composed of the Roman Catholic Primate of Poland – who was also president of the Education Commission – and five ministers appointed by the king: a minister of police, a minister of the seal (internal affairs), a minister of foreign affairs, a minister belli (of war), and a minister of treasury.

Council members also included ? without a vote ? the Crown Prince , the Marshal of the Sejm , and two secretaries . This royal council descended from similar councils that had functioned since King Henry 's Articles ( 1573 ) , and from the recent Permanent Council . Acts of the king required the countersignature of the respective minister . A minister was required to cosign a law if the king demanded it , unless that minister refused and all other ministers unanimously endorsed his objection , in which case the king could withdraw the law or press the issue by taking it before the parliament . The stipulation that the king , " doing nothing of himself , ... shall be answerable for nothing to the nation , " parallels the British constitutional principle that " The king can do no wrong . " ( In both countries , the respective minister was responsible for the king 's acts . ) The ministers were responsible to the Sejm , which could dismiss them by a vote of no confidence with a two @-@ third majority in both houses . Ministers could be also held accountable by the Sejm court , and a simple majority vote was sufficient for the Sejm to demand that a minister face an impeachment trial . The king was the nation 's commander @-@ in @-@ chief , commanding its armies ; the institution of the hetman ( high @-@ ranking military official ) was not mentioned . The king also had the right to grant pardon except in cases of treason . The decisions of the royal council were carried out by commissions , including the previously created Commission of National Education , and the new Commissions for Police , the Military and the Treasury , whose members were elected by the Sejm .

The constitution also changed the government from an elective monarchy in its unique Polish variant to a hereditary monarchy . This provision was intended to reduce the destructive , vying influences of foreign powers at each royal election . The royal dynasty was elective , and if it were to die out a new one would be chosen by " the Nation " . The king held the throne " by the grace of God and the will of the Nation " , and " all authority derives from the will of the Nation . " The institution of *pacta conventa* was preserved . On Stanisław August 's death the Polish throne would become hereditary and pass to Frederick Augustus I of Saxony of the House of Wettin , which had provided Poland 's two most recent elective kings before Stanisław August . This provision was contingent upon Frederick Augustus ' consent , but he declined when the offer was presented to him by Adam Czartoryski .

Discussed in Article VIII , the judiciary was separated from the two other branches of the government , and was to be served by elective judges . Courts of first instance existed in each voivodeship and were in constant session , with judges elected by the regional sejmik assemblies . Appellate tribunals were established for the provinces , based on the reformed Crown Tribunal and Lithuanian Tribunal . The Sejm elected from its deputies the judges for the Sejm court , a precursor to the modern State Tribunal of Poland . Referendary courts were established in each province to hear the cases of the peasantry . Municipal courts , described in the law on towns , complemented this system .

Article IX covered procedures for regency , which should be taken up jointly by the council of the Guardians , headed by the Queen , or in her absence by the Primate . Article X stressed the importance of education of royal children and tasked the Commission of National Education with this responsibility . The last article of the constitution , Article XI , concerned the national standing army . Said army was defined as a " defensive force " dedicated " solely to the nation 's defense " . The army was to be increased in strength to 100 @, @ 000 men .

To further enhance the Commonwealth 's integration and security , the constitution abolished the erstwhile union of Poland and Lithuania in favor of a unitary state . Its full establishment , supported by Stanisław August and Kościuszko , was opposed by many Lithuanian deputies . As a compromise , the Grand Duchy of Lithuania received numerous privileges guaranteeing its continued existence . Related acts included the *Deklaracja Stanów Zgromadzonych* ( Declaration of the Assembled Estates ) of May 5 , 1791 , confirming the Government Act adopted two days earlier , and the *Zarządzenie Wzajemne Obojga Narodów* ( Reciprocal Guarantee of Two Nations , i.e. , of the Crown of the Kingdom of Poland and the Grand Duchy of Lithuania ) of October 22 , 1791 , affirming the unity and indivisibility of Poland and the Grand Duchy within a single state and their equal representation in state @-@ governing bodies . The Reciprocal Guarantee strengthened the Polish ? Lithuanian union while keeping many federal aspects of the state intact .

The Constitution of the 3rd May was also translated into Lithuanian , that marked the significant change in the upper society way of thinking , marked the efforts of the modernization of the State .

The Constitution remained to the last a work in progress . The provisions of the Government Act were detailed in a number of laws passed in May and June 1791 : on sejm courts ( two acts of May 13 ) , the Guardians of the Laws ( June 1 ) , the national police commission ( a ministry , June 17 ) and municipal administration ( June 24 ) . The constitution included provisions for amendments , which were to be dealt with by an extraordinary Sejm held every 25 years . Its co - author Hugo Kołłątaj announced that work was underway on " an economic constitution ... guaranteeing all rights of property [ and ] securing protection and honor to all manner of labor ... " . A third planned basic law was mentioned by Kołłątaj ; a " moral constitution " , most likely a Polish analog to the United States Bill of Rights and the French Declaration of the Rights of Man and of the Citizen . The constitution called for the preparation of a new civil and criminal code , tentatively called the Stanisław August Code . The King also planned a reform improving the situation of the Jews .

= = Aftermath : war and the final two partitions = =

The constitution remained in effect for little over a year before being overthrown by Russian armies allied with conservative Polish nobility in the Polish - Russian War of 1792 , also known as the War in Defense of the Constitution . With the wars between Turkey and Russia and Sweden and Russia having ended , Empress Catherine was furious over the adoption of the document , which she believed threatened Russian influence in Poland . Russia had viewed Poland as a de facto protectorate . " The worst possible news have arrived from Warsaw : the Polish king has become almost sovereign " was the reaction of one of Russia 's chief foreign policy authors , Alexander Bezborodko , when he learned of the new constitution . The contacts of Polish reformers with the Revolutionary French National Assembly were seen by Poland 's neighbors as evidence of a revolutionary conspiracy and a threat to the absolute monarchies . The Prussian statesman Ewald von Hertzberg expressed the fears of European conservatives : " The Poles have given the coup de grâce to the Prussian monarchy by voting a constitution " , elaborating that a strong Commonwealth would likely demand the return of the lands Prussia acquired in the First Partition .

Magnates who had opposed the constitution draft from the start , Franciszek Ksawery Branicki , Stanisław Szczepny Potocki , Seweryn Rzewuski , and Szymon and Józef Kossakowski , asked Tsarina Catherine to intervene and restore their privileges ? the Cardinal Laws abolished under the new statute . To that end these magnates formed the Targowica Confederation . The Confederation 's proclamation , prepared in St. Petersburg in January 1792 , criticized the constitution for contributing to " contagion of democratic ideas " following " the fatal examples set in Paris " . It asserted that " The 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 . " The Confederates declared an intention to overcome this revolution . We " can do nothing but turn trustingly to Tsarina Catherine , a distinguished and fair empress , our neighboring friend and ally " , who " respects the nation 's need for well - being and always offers it a helping hand " , they wrote .

Russian armies entered Poland and Lithuania , starting the Polish - Russian War of 1792 . The Sejm voted to increase the army of the Commonwealth to 100 ,000 men , but owing to insufficient time and funds this number was never achieved and soon abandoned even as a goal . The Polish King and the reformers could field only a 37 ,000 - man army , many of them untested recruits . This army , under the command of Józef Poniatowski and Tadeusz Kościuszko , defeated or fought to a draw the Russians on several occasions , but in the end , a defeat loomed inevitable . Despite Polish requests , Prussia refused to honor its alliance obligations . Stanisław August 's attempts at negotiations with Russia proved futile . As the front lines kept shifting to the west and in July 1792 Warsaw was threatened with siege by the Russians , the King came to believe that victory was impossible against the numerically superior enemy , and that surrender was the only alternative to total defeat . Having received assurances from the Russian ambassador Yakov Bulgakov that no territorial changes will occur , the Guardians of the Laws cabinet voted 8 : 4 to surrender . On July 24 , 1792 , King Stanisław August Poniatowski joined the Targowica



Confederation , as the Empress had demanded . The Polish Army disintegrated .

Many reform leaders , believing their cause was for now lost , went into self - imposed exile . Some hoped that Stanisław August would be able to negotiate an acceptable compromise with the Russians , as he had done in the past . But the King had not saved the Commonwealth and neither had the Targowica Confederates , who governed the country for a short while . To their surprise , the Grodno Sejm , bribed or intimidated by the Russian troops , enacted the Second Partition of Poland . On November 23 , 1793 , it concluded its deliberations under duress , annulling the constitution and acceding to the Second Partition . Russia took 250 000 square kilometres ( 97 000 sq mi ) , while Prussia took 58 000 square kilometres ( 22 000 sq mi ) . The Commonwealth now comprised no more than 215 000 square kilometres ( 83 000 sq mi ) . What was left of the Commonwealth was merely a small buffer state with a puppet king , and Russian garrisons keeping an eye on the reduced Polish army .

For a year and a half , Polish patriots waited while planning an insurrection . On March 24 , 1794 in Kraków , Tadeusz Kościuszko declared what has come to be known as the Kościuszko Uprising . On May 7 , he issued the Proclamation of Połaniec ( Uniwersa? Połaniecki ) , granting freedom to the peasants and ownership of land to all who fought in the insurrection . Revolutionary tribunals administered summary justice to those deemed traitors to the Commonwealth . After initial victories at the Battle of Racławice ( April 4 ) , the capture of Warsaw ( April 18 ) and the Wilno ( April 22 ) ? the Uprising was crushed when the forces of Russia , Austria and Prussia joined in a military intervention . Historians consider the Uprising 's defeat to have been a foregone conclusion in face of the superiority in numbers and resources of the three invading powers . The defeat of Kościuszko 's forces led in 1795 to the third and final partition of the Commonwealth .

= = Legacy = =

= = = Historical significance = = =

The constitution has been both idealized and criticized for either not going far enough or for being too radical . As it remained in force for only 18 months and 3 weeks , its influence was in any case limited . For generations , the memory of the constitution ? recognized by political scientists as a progressive document for its time ? helped keep alive Polish aspirations for an independent and just society , and continued to inform the efforts of its authors ' descendants . Bronisław Dembiński , a Polish constitutional scholar , stated a century later that , " The miracle of the Constitution did not save the state but did save the nation . " In Poland it is mythologized , and viewed as a national symbol and the culmination of enlightenment in Polish history and culture . In the words of two of its co - authors , Ignacy Potocki and Hugo Kołłątaj , it was " the last will and testament of the expiring Country . " The May 3 anniversary of its adoption has been observed as Poland 's most important civil holiday since Poland regained independence in 1918 .

The constitution was a milestone in the history of law and the rise of democracy . Irish statesman Edmund Burke described it as " the noblest benefit received by any nation at any time ... Stanisław II has earned a place among the greatest kings and statesmen in history . " It was the first to follow the 1788 ratification of the United States Constitution . Poland and the United States , though geographically distant , displayed similarities in their approaches to the design of political systems . The May 3 Constitution has been called the second constitution in world history . American expert on constitutional law Albert Blaustein called it the " world 's second national constitution " , and American journalist Bill Moyers wrote that it was " Europe 's first codified national constitution ( and the second oldest in the world ) " . British historian Norman Davies calls it " the first constitution of its type in Europe " . Together with the Great Sejm , it has been subject to a large body of works by Polish scholars , starting with the still often cited 19th century works of Walerian Kalinka and Władysław Smoleński , and continued in the 20th century by Bogusław Leńdorski .

The document 's official name was Ustawa Rzeczna ( " Government Act " ) , where " government " referred to the political system . In the Commonwealth , the term " constitution " ( Polish :

konstytucja ) had denoted all the legislation , of whatever character , that had been passed by a Sejm .

= = = Holiday = = =

May 3 was declared a Polish holiday ( Constitution Day ? ?wi?to Konstytucji 3 Maja ) on May 5 , 1791 . The holiday was banned during the partitions of Poland but reinstated in April 1919 under the Second Polish Republic ? the first holiday officially introduced in the newly independent country . It was again outlawed during World War II by both the Nazi and Soviet occupiers . It was celebrated in Polish cities in May 1945 , although in a mostly spontaneous manner . The 1946 anti @-@ communist demonstrations did not endear it to the Polish communists , and it competed for attention with the communist @-@ endorsed May 1 Labor Day celebrations in the Polish People 's Republic ; this led to its " rebranding " as Democratic Party Day and removal from the list of national holidays by 1951 . Until 1989 , May 3 was a frequent occasion for anti @-@ government and anti @-@ communist protests . May 3 was restored as an official Polish holiday in April 1990 after the fall of communism . In 2007 , May 3 was declared a Lithuanian national holiday . Polish @-@ American pride has been celebrated on the same date , for instance in Chicago , where since 1982 Poles have marked it with festivities and the annual Polish Constitution Day Parade .