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The Polish Nobility's "Golden Freedom": On the Ancient Roots of a Political Idea

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Abstract *This essay traces the Greek and Roman roots of Polish sixteenth- to eighteenth-century political thought by discussing the Polish nobility's concept of the "Golden Freedom" (L.* aurea libertas*). By focusing on the Roman and the Greek concepts of liberty and the mixed constitution, it argues that the Golden Freedom, a notion central to the Polish-Lithuanian nobility's self-identification, was based on Roman political ideals and practices that were incompatible with the political reality of the Commonwealth.*

The Polish-Lithuanian Commonwealth is usually associated with the practice of *liberum veto* (in Polish *Nie pozwalam!)* and the "Sarmatian" dispute rather than with the rich range of its political thought. Established by the Union of Lublin in 1569, the Commonwealth enjoyed a Golden Age in the early seventeenth century and was then virtually annihilated by the Third Partition of Poland in 1795. Yet the Commonwealth survived as a political entity for over two centuries despite the political and social changes that beset it.[1] Within this period, there emerged a set of political values of the enfranchised nobility that has bequeathed to us a considerable number of sources, including political and moral writings, which are not studied or discussed as often as the political practice of this period. The aim of this essay is first to analyze how the pivotal ideal of the Golden Freedom invoked its Roman republican roots and then to clarify how this ideal differed from both the Roman and the Greek concepts of freedom, a point that is only cursorily treated in the history of ideas.

The Polish culture of the Commonwealth, often referred to as "Sarmatism" (or "Sarmatianism"), the word used by the nobility to describe themselves as the descendants of the ancient Sarmatians, is probably best known from Jan Chryzostom Pasek's diaries (c. 1636–1701) and Wacław Potocki's poetry (c. 1621–96). The nobility's socio-political identity thus developed from the peculiar myth of origins referring to the belligerent tribe that throughout antiquity inhabited southwestern Asia and parts of the Balkans (ancient Scythia). Situated on the dividing line of East and West, this

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ancestry gave them a sense of a conservative yet new identity as opposed to Western civilization and the idea of modernity.[2]

In their political writings and public debates the nobility often referred to the republican origins of their moral and political ideals and values, although the so-called "Nobles' Commonwealth" differed significantly from the Roman *res publica*. While the former constituted a mixture of a monarchic and aristocratic constitution with some oligarchic elements, including the occasional ennoblement of the wealthy, the latter was an oligarchy with some democratic features,[3] even if the regal aspect of the consuls had already been recognized in antiquity.[4] Thus a select number of political values of the Roman Republic, with its *civitas*, *libertas*, and political obligations, were gradually adopted and domesticated by early modern political thinkers since the growth of Florentine and Venetian Republics, but more so during the Renaissance with the publication of Machiavelli's works.[5] Behind the practice of restricting the power of the king within an elective, constitutional monarchy (based on King Henry's Articles of 1573), and the right to oppose any new law by a deputy to one of the houses of parliament before it was even passed (*liberum veto*), there stood the tradition of the Polish nobility's Golden Liberty (L. *aurea libertas*, Pol. *Złota Wolność*).

The Commonwealth's political ideals of liberty and equality differ from the democratic ideals of the present day, as generally elitist, or "oligarchic". The enfranchised *szlachta* constituted only about eight percent of the Commonwealth's population, which was nevertheless much higher than in other contemporary European states.[6] Thus the freedom of the citizens was praised as something unique and not to be found anywhere else (except for Venice). It was believed to have been achieved militarily by the "virtuous ancestors" and to have been defended by the "courageous King." Stanisław Konarski (1700–73), for example, referred to Aristotle in stating that "if freedom is innate in animals, even more so it is true for humans," although he believed it had been granted to humans by "the Creator."[7]

The classical education of the Polish nobility was based on the works of Cicero, Sallust, Livy, Tacitus, and Plutarch, who were particularly popular in the court of King Sigismund II Augustus. From the eighteenth century onwards it became fashionable to refer to Montesquieu, the leading Enlightenment political philosopher, in relation to the decline of the Roman Republic, and to the "last republicans," Cato the Younger, Cassius, and Brutus, as the "defenders of freedom." Yet within these trends, there were several contradictory aspects in the political thought of the period. Stanisław Orzechowski (1513–66), for instance, praised *aurea libertas* while simultaneously worshipping the Polish king and his absolute authority over his subjects as coming from God.[8] Still, not all the nobles accepted wholeheartedly the supremacy of the king, and their fear of the king's power becoming too great, so common in the republican tradition, shaped at least partly the political thought of the time. Konarski, despite his fervent criticism of the *liberum veto* and the radical forms of Sarmatism, summed this up by saying that in Poland there is a constant tension *inter maiestatem et libertatem*, "between royal sovereignty and freedom."[9]

Some, however, were more critical of the gentry's entrenched belief in the *liberum veto* tradition, having noticed its disastrous repercussions. Early in the history of the Commonwealth, Stanisław Sokołowski (1536–93) considered "the true Catholic freedom" the highest good and the fundament of justice, in principle closely linked to

equality; he insisted on its connections with the laws of God and the laws of the state, while turning against the anarchic freedom of the gentry.[10] According to Szymon Starowolski (1588–1653), the main fault in the Polish tradition of free speech was that it allowed criticism of the clergy and religion.[11] This evaluation of the freedom of the gentry did not always meet with applause. Stanisław Papczyński's (1631–1701) critique, for example, turned against his own freedom of expression when, following the public outcry it had caused, he was forced to remove the introduction to the first edition of his treatise.[12]

Apart from liberty, the nobility commended lawfulness, religious tolerance, and class and state autonomy.[13] One of its highest values was the Roman notion of *virtus* itself ("manliness," "excellence," or "virtue" in general). In legal terms, religious freedom was established by the Warsaw Confederation of 1573. The enfranchised class enjoyed various privileges, including, among others, personal inviolability (*neminem captivabimus nisi iure victum*, the 1433 variant of habeas corpus), a say on the bills passed by the *Sejm* (*nihil novi nisi commune consensu*, 1505), and the inviolability of property without a juridical sentence (the Privilege of Czerwińsk of 1422), all of which were part of the *pacta conventa* (1573–1764). The nobility praised this particular form of political equilibrium, summed up in Jan Zamoyski's statement: "the king reigns, but does not govern" (*rex regnat et non gubernat*). Though Latin, as the sources testify, was widely used as the second language of the privileged class, with the Latin words often being used to refer to the most important political concepts, in practice it was known to varying degrees. But there was more at stake in the discourse on *libertas* than knowledge of ancient sources, for in the minds of the better educated nobles the concept of freedom was necessarily connected to the roots of the term—the Roman Republic and its political ideals. Thus from the sixteenth to the eighteenth century, the notion of *aurea libertas* constantly developed from the "old Polish" to the "Enlightenment" ideal, though as a political concept it retained the same meaning.

However, the political reality of the Roman Republic, from the late sixth to the mid-first century BCE, was of course quite different from that of the Polish Commonwealth. The various changes in the separation of powers between the patricians and plebeians throughout the period gave rise to a highly hierarchical society in which groups of citizens and institutions enjoyed different levels of political power with a somewhat fragile balance between them. While the Senate, consisting of the elite members of Roman society, could pass motions (*senatus consulta*), the popular assemblies passed laws (*leges*). The Senate itself was hierarchal, and the structure of the assemblies did not allow for any free discussion to precede or follow the vote,[14] so that in fact no political body in the Republic enjoyed true freedom of speech. The cooperation between the magistrates (elected from the ruling elite), the Senate, and the popular assemblies (*comitia* and *concilia plebis*) thus formed the Roman version of a "mixed constitution," with the poorest citizens in the assemblies voting last and their vote lacking any political significance if a majority had already been achieved.[15] Even Polybius, who praised the Roman constitution, believed that as early as the Second Punic War in the late third century BCE, it was already dominated by the Senate as the aristocratic or partially oligarchic element. Access to administrative positions such as high magistracies was limited to the propertied class or to the descendants of the propertied equestrian order, which though growing in numbers was probably still less

than ten percent of the total adult male citizen population before the second century BCE.[16] What can be inferred from this is the extent to which in both Republican Rome and the Polish-Lithuanian Commonwealth politics as a profession was open to the free wealthy men of high social standing.

Despite these political constraints, those who did not belong to the elite managed to secure certain shared rights—as was the case in many ancient states—by the appeal to what was called *provocatio*~~n~~, ~~such as~~ the protection against (1) conviction without a proper trial; (2) flogging; and (3) other forms of unjust prosecution (*nulla poena sine iudicio*). Thus the freedom of the lower classes of citizens depended on safeguarding their individual rights by a set of checks imposed on the ruling elite, which also accounts for the creation of the tribunate as a special magistracy to represent the poor. Both the appeal to *provocatio* and the *auxilium* (the support of the tribune against abuse by people's social superiors) were referred to as *duae arces libertatis tuendae*, "the two strongholds protecting liberty,"[17] and thus formed the Roman concept of the "freedom of the people" (*libertas populi*), as advocated by the "popular" politicians (*populares*). On the other hand, slaves had very few rights, if any, and were considered the property of their master.[18] Still, many slaves were manumitted in this period, and the Aristotelian notion of natural slavery was alien to Roman republican thought, which had been much influenced by Stoic philosophy.[19]

In the Roman Republic, however, *libertas* was not an innate right, but was early identified with the rights and duties of *civitas*, or citizenship.[20] Citizenship was universally passed on to new subjects, unlike in the Greek *poleis* with their large number of alien residents who were generally deprived of citizen rights. Thus, by the end of the Roman Republic in the first century CE, all non-slave adult males became "free citizens" *de iure*. Still, in Rome the notion of *libertas* remained in the shadow of *dignitas*, "social standing" and *auctoritas*, "influence," which members of the elite could acquire by offering advice in the Senate or assembly or by gaining political and military success.[21] This created certain social tensions within Roman society, which was so differently structured from many Greek poleis, ~~Athens included,~~ where all citizens enjoyed equal rights of political participation (though not necessarily equal opportunities).

The ideal of *libertas* depended on the republican form of the Roman state and was regularly juxtaposed with the power of a monarch as one who ruled his subjects like a master over slaves. A markedly similar antithesis was found in the anti-tyrannical ethos of the Greek aristocracy at least from the sixth century BCE.[22] Yet freedom understood primarily as the absence of domination should be regarded as a modern liberal concept. For the Greek democrats (*pace* anti-democratic Greek polemics), and even more so for the Roman republicans, freedom meant obeying the laws of the state, beyond which it merely denoted *licentia*, or "disorderliness."[23] Thus there emerged two coinciding meanings and ideals of liberty, the plebeian freedom from domination of one's superiors and the elite freedom of equal participation in the struggle for power. For both groups *libertas* meant, however, the "protection against (excessive) power, force, ambition, and arbitrariness" by law and justice, *lex et ius*. By contrast, in Greece—in Kurt Raaflaub's words—"freedom gained political importance in connection… with… the community's collective freedom from outside oppression."[24] After some time, *libertas* became so much part of Roman identity that Caesar, while fighting the Pompeians, portrayed himself as the defender of civic *libertas*, as did

his slayers.[25] It was even worshipped as a goddess, with temples dedicated to Libertas on the Aventine Hill and Palatine Hill in Rome.

Although religious syncretism was one of the emerging characteristics of the Republic, from the second century BCE onwards religious freedom suffered several blows starting with the new law against "conspiracies" passed in 186, the *Senatus consultum de Bacchanalibus*,[26] which prohibited the "Dionysiac" festivals celebrated outside the city by restricting the number of people allowed to gather at these rites to two men or to three women. In practice, this meant penalizing all unofficial cults and assemblies, which led to the deaths of hundreds of people who had violated the new law.[27] But although Roman state religion was controlled by the priest-magistrates and citizens were expected to worship in officially sanctioned rites, and although in theory there was no concept of "religious freedom," in practice—and depending on the circumstances—numerous foreign cults found acceptance in Rome, notwithstanding some infamous counterexamples.

Apart from the ancient roots of *aurea libertas*, one cannot overlook the modern roots of the European ideal of liberty that grew out of the political thought of the Italian medieval maritime republics,[28] the Renaissance, and the French and American Revolutions.[29] These influences were all closely linked to the Roman republican tradition with its often idealized practice, while being at the same time opposed to the Athenian way of doing politics.[30] Various aspects of this long tradition were acknowledged in modern Europe in general and in the Polish-Lithuanian Commonwealth in particular, along with the Christian concept of man's free will, especially as defined in Augustine's *liberum arbitrium voluntatis*, which was variously interpreted by different schools of thought.

It is important to stress that the Polish nobility did not choose the Roman Republic as its model of political organization and thought merely on account of superficial cultural sentiments. The role of the Roman republican model in the political tradition of the educated (anti-royalist, moderately oligarchic) European elites, which were often critical of the Athenian democratic model, has been widely recognized since the Renaissance. Thus because it was closer to an oligarchic system than a democratic one, Rome was a more fitting point of reference for Italian "republicans" and the Polish nobility than Athens.[31] Out of the Greek *poleis*, it was oligarchic Sparta, not Athens, that was most highly spoken of in the Commonwealth, as were the pro-oligarchic and pro-Spartan Greek authors, in particular Plato. In its core, it was probably Aristotle's thought that most influenced later European political thinkers, who referred to it indirectly in their debates on the mixed constitution by an intermediary which they found in Cicero (both authors regarded democratic rule as corrupt). Plutarch's historical exempla and those of later anti-democratic biographers further extended and reinforced this position according to which Athenian democracy, because it was driven by an irrational mob that was incapable of obeying the law, was rejected as a political model for contemporary or future states. Incidentally, this disobedience to the law was contrary to the political ideals of the Greek democrats themselves, who regarded freedom, democracy, and the rule of law as interconnected, a fact which escaped the attention of most readers of Plato and Aristotle.[32]

The Athenian democratic ideal of freedom (*eleutheria*), based on equal citizen participation, was rejected by elitist thinkers such as Plato and Aristotle, for whom it was

simply a form of intemperance (*akolasia*) and anarchy.[33] In the Roman Republic, individual liberty likewise was not called freedom, but disorderliness, and was therefore perceived as the opposite of freedom (*licentia*, similar to the Greek *akolasia*[34]). The importance of the moral values associated with social order, discipline, decent conduct and obedience was so great that the highest public official in the state—the *censor*—was entrusted with the authority to oversee them.[35]

Yet the Polish elite's perception of antiquity was overall simplistic. Thus, for example, seventeenth-century Polish political thinkers emphasized the evolutionary process that had led to the establishment of the Commonwealth, while in Sparta and Athens—they asserted—freedom was given by the first lawgivers, an obvious historical fiction.[36] It was the authors of the Roman era, particularly Plutarch,[37] who were partly to be blamed for spreading this fiction by recounting and repeating the stories about earlier Greeks and their "myths of origins."[38] Stanisław Karwicki-Dunin and, later, Józef Wybicki saw this evolutionary model as one of the main weaknesses of the Polish "Republic", since, in their view, it lacked the authority of the single lawgiver and thus the posited stability and uniformity of ancient constitutions.[39] Furthermore, the nature of the Greek *polis* was constantly confused with that of the Roman state, which only encouraged oversimplifying comparisons and misguided conclusions.

It is generally assumed that the republican model of liberty, both in Roman and our current political thought, is based not only on the principle of non-domination but also on certain civil values, or what is now called "virtue politics."[40] This conception of liberty is customarily opposed to more individualistic schools of thought, particularly liberalism, and to certain individual rights that are central to democratic political thought. One could note, however, that such issues were already debated by the Romans and were much influenced by Cicero's views of the Greek *polis*.[41] Liberty was thus—and continues to be—a much disputed concept, not least reflected in the discussions centered around Isaiah Berlin's division between the negative and positive freedom.[42]

As Cicero put it, liberty rests on laws, to which "we have to be slaves"[43] in order to be free.[44] This has been commonly associated with republicanism yet it constituted a vital part of both ancient democratic ethos and modern liberal thought. Note John Locke's famous saying:

> So that however it may be mistaken, the end of law is not to abolish or restrain, but to preserve and enlarge freedom. … For liberty is to be free from restraint and violence from others, which cannot be where there is no law; and is not, as we are told, "a liberty for every man to do what he lists."[45]

This ideal of "liberty by law" was adopted by Polish political thinkers already in the sixteenth century. What the republican model meant for the Polish nobility was not simply that one could do everything that the laws did not forbid, but rather that one should take an active role as a citizen, acting in accordance with a set of political and ethical values that often conflicted with the goals of the individual, on the assumption that the interest of the state was superior to individual desire.[46]

Having adopted this anti-monarchist notion of liberty, the Polish nobility could only envisage it as part of a "republican" state, and so tended to believe that they were actually living in one, despite the fact that they accepted the wide powers of the king

over his subjects. They emphasized the idea of the *monarchia mixta*—consisting of the king, Senate, and *Sejm* (the nobles' assembly)—and connected it mainly with Aristotle's theory of the mixed constitution and its afterlife in Polybius and Cicero. For example, in his treatise dedicated to King Sigismund II Augustus, Wawrzyniec Goślicki (c. 1530–1607) praised this kind of mixed constitution, calling the gentry *populus* and *ordo popularis*, and thus excluding most of the population from the order of the state: for, he stated, "the peasants, artisans, and all this sort of people" should not be enfranchised at all, being unworthy of political freedom.[47] This was based on the traditionally elitist view, which had been eagerly adopted by European republican thought and was evidently based on the Greek tradition, primarily on Aristotle, yet present in Greek thinking long before him. According to this view, the *banausoi* ("the craftsmen") along with the *demos* (the "plebs") were by definition unworthy of participating in political life. In upholding such sentiments, the various Polish writers during the Commonwealth were thus simply repeating what they had learned at the universities of Königsberg, Wittenberg, Bologna, Padua, and ~~more rarely~~ at Paris.

Several decades after Goślicki, Aaron Alexander Olizarovius (1618–59) offered a more progressive view in his treatise on the political writings of Jean Bodin, in which he conceded that in the ideal republic the peasants should indeed be considered free men rather than slaves (whereas, his contemporary, Łukasz Opaliński took the opposite view). Olizarovius, however, also argued that political power had moral, rather than merely accidental or military, historical foundations, which was why subjects should obey their king so long as their personal freedom was respected.[48] Not much later, Andrzej Maksymilian Fredro (c. 1620–79) defended the *liberum veto* and the weighted vote, saying that it is wiser to follow the opinion of few "eminent" individuals since the principle of equality only leads to discord.[49] It is no less interesting to observe how the Latinized Greek terms were rendered by early seventeenth-century Polish political thinkers. The anonymous author of the short treatise *Libera respublica quae sit?*, while speaking of the three major elements in the Polish constitution, explicitly connected *libertas* with his social class and translated *monarchia* as "the King," *aristocratia* as "the Senate," and, curiously enough, *democratia* as "the knightly order," that is, the privileged few constituting the gentry.[50]

With respect to the idea of the mixed constitution, it is Aristotle who is considered the father of its more developed ancient version in that he was the first to explicitly connect the pivotal elements of various types of constitutions into a new political entity (timocracy, viz. "the rule of the esteemed," or *politeia*), the worst of his "best constitutions", but the best of what he deemed realistically possible. Many of Aristotle's ideas derived not only from Plato, but also from earlier Greek discussions on government. It is highly improbable, however, that the Polish nobility read Aristotle's works in Greek; more probably, they knew his works in their far-from-accurate Latin translations and citations in various authors who "quoted", or rather paraphrased them in Latin. ~~His~~ deliberations in the *Politics* are perhaps not to be understood as always consistent, for they are most likely merely notes for his pupils in the Lyceum which were left unedited and included numerous arguments for and against particular political systems, rather than clear-cut examples of "correct" or "deviant" constitutions.

Thus Aristotle's ideas on the mixed constitution as presented in the *Politics* and *Nicomachean Ethics* were universally debated throughout ancient, medieval, and modern times (with some gaps in between).[51] His concept of *politeia* referred to a mixture of democratic and oligarchic elements, the "rule of the hoplite class," which we may take as the "middle class" (*hoi mesoi*, viz. "those in the middle"), and thus positioned in between the wealthy and the poor.[52] However, the Greeks themselves, both Aristotle's companions from the Athenian elite and the Greek democrats, would probably have considered such a state as an *oligarchy*. We, on the other hand, would probably call it a *republic*, given that it was not based on property qualification, but at the same time rested upon the elections (an anti-democratic notion for the Greeks, who connected democracy with allocation by lot). Furthermore, Aristotle emphasized that the ethical and political aim of the state, that is true happiness (*eudaimonia*), was closely linked to the welfare and flourishing of its individual citizens.[53]

The Greek historian Polybius wrote, among other things, about the rise of the Roman Republic as the dominant power in the Mediterranean in the second century BCE. He praised the features that ensured its stability as a form of government, and found them in the Roman concept of the mixed constitution with the "middle men" as its basis.[54] Some of his ideas were further developed by Cicero, whose works became the main source on the mixed constitution for both medieval and modern European politicians and political thinkers, including those of the Polish Commonwealth.[55] Though influenced by Greek literature and philosophy, Stoicism and Middle Platonism in particular, Cicero did not lay much emphasis on the inclusion of philosophical ideals in Roman politics, but rather praised and idealized—just like most Roman political thinkers—traditional republican morality, and referred to "virtue" as the only true good.[56] Neither the Stoics nor the Platonists put much stress on political freedom, and thus we should understand Cicero's ideal of liberty as rooted in Roman political practice and republican principles of civic life, rather than in the theoretical foundations of political philosophy.

Cicero exhibited great interest in the concept of mixed constitution,[57] following the Peripatetic school and Aristotle's concept of "excellence" (or "virtue," Gr. *arete*, L. *virtus*) in political life, the purpose of which Aristotle defined as the "good life."[58] Cicero developed his political ideas mainly in *The Republic* and *On Obligations*, in which he followed Roman republican thought.[59] Thus in the *Republic*, Cicero praised, through the character of Scipio the Younger, the mixed constitution and its perfect fulfillment in the history of the Roman Republic.[60] He wrote this work in the late 50s, after the First Triumvirate, when the delicate equilibrium of power and liberty placed republicanism under immediate danger, and contrasted this form of government with the rule of a monarch or the aristocracy, both of which do not follow the letter of the law and exclude the common people from public affairs.[61]

While Aristotle regarded the "middle class" as the foundation of a well-ordered state of equal citizens, Cicero dealt only with the politically active Roman elite. He was not particularly concerned with the equestrian "middle class" but mainly with how to balance the conflicting interests of all social orders. It appears that, like Aristotle, Cicero believed that every order seeks a different principle in political life and this principle is *libertas* mainly for the non-elite.[62] The new concept of freedom that emerges from his work, which had been praised by earlier thinkers and thus

informed both the Greek and the Roman concept, was *aequa libertas*, the interconnection of freedom and equality, which could only be guaranteed and promoted by republican laws that applied equally to all citizens.[63] This is exactly why monarchy was regarded by many political thinkers as a corrupt political order,[64] even though Cicero himself believed that complete political equality should be ruled out since it could not preserve *dignitas*, the person's social standing crucial to the Roman republican model. Cicero's works, particularly the *Philippics* and *Catilinarian Orations*, were, of course, an essential part of the classical curriculum in Latin-speaking Europe. Based on his speeches—the most probable source to his career and thought available to the Polish nobility—he appeared to be the last defender of the Old Republic, with its ideals of liberty, integrity, and order.

Another Roman whose historiosophical work influenced early modern political thinkers was Gaius Sallustius Crispus (86–35 BCE), a follower of Julius Caesar of non-elite background, particularly his ideas on the moral principle of "ancestral customs" (*mores maiorum*), which, he argued, the Republic had failed to live up to. Sallust believed that the decline of the Republic was a natural consequence of deviating from the moral way of life cherished by the ancestors.[65] This view was typical of the Roman elite, which "interpreted political success and failure in uncompromisingly moral terms,"[66] while often referring to the elusive *mos maiorum*. The tendency to look up to the "great past" and "great ancestors" appears on the one ~~had~~ to be a common *topos*, an almost universal human sentiment, yet on the other, to be a specifically aristocratic and conservative notion. The latter lays particular emphasis on how the sense of identity of a society depends on its perception of and attitude to its past, as illustrated by the elite groups in a variety of societies and cultures referring to posited family bloodlines and 'ancestral laws'. The same principle of the crucial importance of tradition appears to have inspired the self-identification of the Polish "Sarmatians" and Lithuanian "Scythians," seeing that throughout the seventeenth and eighteenth centuries, there was a prevailing belief that the Poles had abandoned their *mores maiorum*, which had in turn provoked the crisis of the Res Publica.[67]

The political views of Titus Livius (59 BCE–17 CE), a friend of Augustus writing mostly under the Principate, are more complex and thus more often disputed than the earlier views ~~discussed.~~ In short, while he retained the anti-royalist emphasis in his view of *libertas* as a principle lying between domination and servitude, he at the same time significantly downplayed its republican character.[68] In fifteenth-century Poland, his *History of Rome* (*Ab urbe condita*) was so popular that by the following century many started drawing parallels between the Roman Republic and the Polish Commonwealth. Another writer whose works were a constant source on "human nature" and the dangers of absolute power was Cornelius Tacitus (56–117 CE), who—though not a fervent republican—was an attentive observer of the political life of the early Roman Empire. From a single remark by him it can be inferred to what degree the Romans believed *libertas* to be an anti-monarchist value, even though by his time it was merely a relic of the past with little political weight in the imperial Rome.[69] He states, in the opening pages of his *Annales*: "The city of Rome from the beginning was reigned by the kings. Lucius Brutus instituted freedom and consulship" (*libertatem et consulatum L. Brutus instituit*).[70] For Tacitus, while *libertas* retains its earlier meaning of non-slavery and absence of monarchic rule, it must be restrained by *moderatio*.[71] Moreover, not

only did he not actively oppose imperial rule but he ~~argued~~ that such opposition was no more than a "foolish parade of freedom" (*inanis iactatio libertatis*).[72] He thought Emperor Vespasian and Emperor Titus were good rulers since they had not limited the already purely symbolic authority of the Senate, and he accepted the earlier sentiment that regarded "extensive freedom" as mere *licentia*.[73]

Apart from Cicero, probably all three Roman historians, Sallust, Livius, and Tacitus, whether directly or indirectly, were the main sources of information for the Polish nobility on republican political ideas and the Roman notion of freedom, just as Plutarch would soon become the main source on Greek history in Europe.[74] The paradox of this legacy is that in some respects the Polish political order with its king, *Sejm*, and Senate was less similar to the Roman Republic than to the Roman Empire, which arose following the abolition of popular elections in Rome and the narrowing of the ideal of *libertas* down to the slogan of *libertas senatus*, "the liberty of the Senate."[75]

The Polish nobility appears therefore to have based their ideal of *libertas* on the Roman and on contemporary republican models, like their Western European counterparts, but did so in the very different political reality of an elective monarchy. By doing so, they overlooked the fundamental principle of republican freedom which in the case of Rome had for several centuries prevented the re-establishment of a monarchy. And yet it was the attempts of the Commonwealth's nobility to domesticate the *res publica* that nevertheless paved the way for reforming the Polish monarchy and for ensuring its elective character. In this sense, it may be deemed partly successful as an innovative exercise in the history of ideas. What I have tried to show overall, however, is the extent to which the concept of *aurea libertas* grew out of a longstanding tradition of political thought but at the same time how incongruous it became through the cumulative effect of its misguided borrowings. With little chance of it becoming the actual core of the Commonwealth's political reality, and despite being an important element in the self-identification of the nobility, the Golden Freedom remained, in the end, a more or less consistently upheld, paradoxical ideal, an ornament in lieu of a foundation.

Notes

1. Norman Davies, *God's Playground: A History of Poland, Vol. I: The Origins to 1795*, rev. ed. (Oxford: Clarendon Press, 2005), 246–83.
2. Andrzej Waśko, "Sarmatism or the Enlightenment: The Dilemma of Polish Culture," *The Sarmatian Review* 17 (1997): 2, at http://www.ruf.rice.edu/~sarmatia/497/wasko.html; Andrzej Borowski, "Sarmaci w Europie—Europa w Sarmacji," *Alma Mater* 35 (2001): 20–25, at http://www3.uj.edu.pl/alma/alma/35/01/08.html.
3. See, for example, Michael Crawford, *The Roman Republic* (London: Fontana Press, 1992), 2; and, in contrast, Andrew Lintott, "Political History, 146–95 B.C.," in *The Cambridge Ancient History*, vol. 9: *The Last Age of the Roman Republic 146–43 B.C.*, ed. J. A. Crook, Andrew Lintott, and Elizabeth Rawson, 2d ed. (Cambridge: Cambridge University Press, 1992), 40–103.
4. See Chaim Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* (Cambridge: Cambridge University Press, 1950), 21–22.
5. See James Hankins, ed., *Renaissance Civic Humanism: Reappraisals and Reflections* (Cambridge: Cambridge University Press, 2000); Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998), 4, 10; *Visions of Politics, Volume III: Hobbes and Civil Science*

(Cambridge: Cambridge University Press, 2002), 209–37; and *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008); cf. Skinner, *Visions of Politics, Volume II: Renaissance Virtue* (Cambridge: Cambridge University Press, 2002), 10–38, 118–212. On the parallels between ancient and modern (city-)states, see Mogens Herman Hansen, *Polis and City-State: An Ancient Concept and its Modern Equivalent*, Symposium, 9 January 1998 (Copenhagen: Munksgaard, 1998), and *A Comparative Study of Thirty City-State Cultures: An Investigation Conducted by the Copenhagen Polis Centre* (Copenhagen: Reitzels, 2000).

6. Davies, *God's Playground*, 156–96; Anna Grześkowiak-Krwawicz, "Anti-monarchism in Polish Republicanism in the Seventeenth and Eighteenth Centuries," in *Republicanism: A Shared European Heritage, Volume I: Republicanism and Constitutionalism in Early Modern Europe*, ed. M. van Gelderen and Quentin Skinner (Cambridge: Cambridge University Press, 2002), 43–59, 43; and Anna Grześkowiak-Krwawicz, *Regina libertas. Wolność w polskiej myśli politycznej XVIII wieku* (Gdańsk: Wydawnictwo słowo/obraz terytoria, 2006), 23.
7. Grześkowiak-Krwawicz, *Regina libertas*, 76, cf. 121.
8. Stanisław Orzechowski, *Policyja Królestwa Polskiego na kształt Arystotelesowych Polityk wypisana i na świat dla dobra pospolitego trzema knitami wydana*, ed. Jerzy Starnawski (Przemyśl: Krajowa Agencja Wydawnicza w Rzeszowie, 1984).
9. Grześkowiak-Krwawicz, "Anti-monarchism," and "Konarski – Polityk," in *Stanisław Konarski – pedagog, polityk, filozof*, ed. Jadwiga Ziętarska (Warszawa: Wydział Polonistyki Uniwersytetu Warszawskiego, 2004), 71–84, 75–76.
10. Stanisław Sokołowski, "Pro vera Catholica libertate," in *Opera*, t. I (Kraków 1591), 519–33; cf. Eugeniusz Jarra, *Historia polskiej filozofii politycznej 966–1795* (London: Orbis, 1968), 70.
11. Szymon Starowolski, "O wolności bez swej woli," in *Reformacja obyczajów polskich* (1655?), 24–29.
12. Cf. Jarra, *Historia polskiej filozofii politycznej*, 207–8.
13. Cf., for example, Jerzy Lukowski, "Political Ideas among the Polish Nobility in the Eighteenth Century (to 1788)," *The Slavonic and East European Review* 82.1 (2004): 1–26.
14. Wirszubski, *Libertas as a Political Idea*, 13, 18, 20–21.
15. Janet Coleman, *A History of Political Thought: From Ancient Greece to Early Christianity* (Malden, MA: Blackwell, 2000), 234–38.
16. Lintott, "Political History," 41–43, 46.
17. Livy, *Books III and IV*, trans. B. O. Foster (Cambridge, MA: Harvard University Press, 1967), 148–49 (3.45.8). Unless noted otherwise, all translations from the Greek, Latin, and Polish are either those in common usage in the case of short phrases, or my translations. Cf. Wirszubski, *Libertas as a Political Idea*, 26, 16–17; cf. Kurt Raaflaub, *The Discovery of Freedom in Ancient Greece* (Chicago, IL: The University of Chicago Press, 2004), 266.
18. J. A. Crook, "The Development of Roman Private Law," in *The Cambridge Ancient History, Volumr 9: The Last Age of the Roman Republic 146–43 B.C.*, ed. J. A. Crook, Andrew Lintott, and Elizabeth Rawson, 2d ed. (Cambridge: Cambridge University Press, 1992), 531–63.
19. Cf. Coleman, *History of Political Thought*, 267.
20. Crawford, *The Roman Republic*, 1–2; Wirszubski, *Libertas as a Political Idea*, 7, Raaflaub, *Discovery of Freedom in Ancient Greece*, 265–66, Coleman, *History of Political Thought*, 238.
21. Crawford, *The Roman Republic*, 1–2; cf. E. M. Atkins, "Cicero," in *The Cambridge History of Greek and Roman Political Thought*, ed. Christopher Rowe and Malcolm Schofield (Cambridge: Cambridge University Press, 2005), 477–516.
22. See, for example, Raaflaub, *Discovery of Freedom in Ancient Greece*; Ryan K. Balot, *Greek Political Thought* (Malden, MA: Blackwell, 2006); Rowe and Schofield, *Cambridge History of Greek and Roman Political Thought*; Stephen Salkever, ed., *The Cambridge Companion to Ancient Greek Political Thought* (Cambridge: Cambridge University Press, 2009); and Wirszubski, *Libertas as a Political Idea*, 5.
23. Jakub Filonik, "'Living as one wishes' in Athens: The (Anti-)democratic Polemics" (forthcoming, 2016); cf. Coleman, *History of Political Thought*, 239.
24. See, for example, Raaflaub, *Discovery of Freedom in Ancient Greece*, 266ff.
25. Crawford, *The Roman Republic*, 182, 187.
26. *CIL* (*Corpus Inscriptionum Latinarum*) I^2 2, 581.
27. Livy, *Books XXXVIII–XXXIX*, trans. Evan T. Sage (Cambridge, MA: Harvard University Press, 1936), 268–73 (39.18).

28. Christopher Nadon, "Republicanism: Ancient, Medieval, and Beyond," in *A Companion to Greek and Roman Political Thought*, ed. Ryan K. Balot (Malden, MA: Blackwell Publishing, 2009), 529–41.
29. Cf. Robert E. Goodin, Philip Pettit, and Thomas Pogge, eds., *A Companion to Contemporary Political Philosophy*, 2d ed. (Malden, MA: Blackwell, 2007), esp. 729–35.
30. Jennifer Tolbert Roberts, *Athens on Trial: The Anti-democratic Tradition in Western Thought* (Princeton, NJ: Princeton University Press, 1994); Grześkowiak-Krwawicz, *Regina libertas*, 22.
31. See, for example, Crawford, *The Roman Republic*, 2, 85, 154ff.
32. See, for example, Demosthenes, *Against Meidias*, *Androtion*, *Aristocrates*, *Timocrates*, *Aristogeiton*, trans. J. H. Vince (Cambridge, MA: Harvard University Press, 1935), 422–23 (24.75–76); Thucycides, *History of the Peloponnesian War: Books I and II*, trans. Charles Forster Smith (Cambridge, MA: Harvard University Press, 1956), 322–25 (2.37). See also Richard Mulgan, "Liberty in Ancient Greece," in *Conceptions of Liberty in Political Philosophy*, ed. Zbigniew Pelczynski and John Gray (London: The Athlone Press, 1984), 7–26. See also Filonik, "Living as one wishes."
33. See, for example, Aristotle, *Politics*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1959), 504–7 (1319b.1–32, VI, 9–12); Plato, *The Republic: Books VI-X*, trans. Paul Shorey (Cambridge, MA: Harvard University Press, 1942), 298–99 (560d–e). See also Filonik, "Living as one wishes."
34. See Wirszubski, *Libertas as a Political Idea*, 8, 13; cf. Roberts, *Athens on Trial*, 97ff.
35. Robert W. Wallace, "Personal Freedom in Greek Democracies, Republican Rome, and Modern Liberal States," in Balot, *Companion to Greek and Roman Political Thought*, 164–77.
36. See, for example, Raaflaub, *Discovery of Freedom in Ancient Greece*.
37. Roberts, *Athens on Trial*, 97–118, 158–61.
38. See Jonas Grethlein, *The Greeks and Their Past: Poetry, Oratory and History in the Fifth Century BCE* (Cambridge: Cambridge University Press, 2010).
39. Grześkowiak-Krwawicz, *Regina libertas*, 55.
40. Cf. Goodin, Pettit, and Pogge, *Companion to Contemporary Political Philosophy*, 729–35, 842–51, *passim*; Salkever, *Cambridge Companion to Ancient Greek Political Thought*, 271–300. For an overview of modern studies of the history of republicanism, see William J. Connell, "The Republican Idea," in Hankins, *Renaissance Civic Humanism*, 14–29, Knud Haakonssen, "Republicanism," in Goodin, Pettit, and Pogge, *Companion to Contemporary Political Philosophy*, 729–35, Nadon, "Republicanism."
41. See, for example, "The Dream of Scipio," in Cicero, *On the Republic, On the Laws*, trans. Clinton W. Keyes (Cambridge, MA: Harvard University Press, 1928), 260–83 (*Rep*. 6.9-29). Cf. Coleman, *History of Political Thought*, 276–80.
42. For a brief overview of these debates, see Chandran Kukathas, "Liberty," in Goodin, Pettit, and Pogge, *Companion to Contemporary Political Philosophy*, 685–98, 694–96. For the debate on Isaiah Berlin's distinction between negative and positive freedom, see Charles Taylor, "What's Wrong with Negative Liberty," in *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, ed. Alan Ryan (Oxford: Oxford University Press, 1979), 175–93; John Gray, "On Negative and Positive Liberty," in Pelczynski and Gray, *Conceptions of Liberty in Political Philosophy*, 321–48 (originally published in 1980 in *Political Studies* 28); and Gerald C. MacCallum Jr., "Negative and Positive Freedom," in *Liberty*, ed. David Miller (Oxford: Oxford University Press, 1991), 100–122.
43. Cicero, *Pro Quinctio*, *Pro Roscio Amerino*, *Pro Roscio Comoedo*, *On the Agrarian Law*, trans. J. H. Freese (Cambridge, MA: Harvard University Press, 1930), 480–81 (2.102: *libertas in legibus* [*consistit*]).
44. Cicero, *Pro Lege Manilia*, *Pro Caecina*, *Pro Cluentio*, *Pro Rabirio Perduellionis Reo*, trans. H. Grose Hodge (Cambridge, MA: Harvard University Press, 1927), 378–79 (*Clu*. 146: *legum… omnes servi sumus ut liberi esse possimus*).
45. John Locke, *Second Treatise of Government* (1690), ed. Richard H. Cox (Wheeling, IL: Harlan Davidson 1982), 34 (6.57).
46. Grześkowiak-Krwawicz, *Regina libertas*, 85ff., 101–2.
47. Wawrzyniec Goślicki, *De optimo senatore libri duo* (Venice 1568), 10–12.
48. Aaron Alexander Olizarovius, *De politica hominum societate libri tres* (Gdańsk 1651), 152–59, 144–46, 198–99.
49. Andrzej Maksymilian Fredro, "Responsum in gratiam cujusdam sermonis privati, bonone fiat Reipublicae Polonae, ubi non pluralitas vocum, verum consensus ponderatur," in *Scriptorum seu togae et belli notationum* (Gdańsk 1660), 181–91.

50. See *Pisma polityczne z czasów rokoszu zebrzydowskiego 1606–1608*, t. II: Proza, ed. J. Czubek (Kraków 1918), 403–9.
51. Aristotle, *Politics*, 320ff., 108ff., 204ff. (1294b.13ff., 1266a.26ff., 1279a.21ff.) et al.; cf. Christopher Rowe, "Aristotelian Constitutions," in Rowe and Schofield, *Cambridge History of Greek and Roman Political Thought*, 366–89. See, for example, Aristotle, *Nicomachean Ethics*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1926), 488ff. (1160a31ff.).
52. Cf. Aristotle, *Nicomachean Ethics*, 488ff. (1160a31ff.); Aristotle, *Politics*, 326–35 (1295b–96a).
53. Aristotle, *Nicomachean Ethics*, 4–7 (1094a26ff.); *Politics*, 96f. (1264b17ff.); cf. Jennifer Tolbert Roberts, "Justice and the Polis," in Rowe and Schofield, *Cambridge History of Greek and Roman Political Thought*, 344–65.
54. Cf. Wallace, "Personal Freedom in Greek Democracies, Republican Rome, and Modern Liberal States," 191ff. See Polybius, *The Histories: Volume I*, trans. W. R. Paton (Cambridge, MA: Harvard University Press, 1922), 2–5 (1.1.5), *Volume II*, 2–3 (3.1.4), *Volume III* (1923), 268–69, 292–93 (6.2.3, 6.10.11).
55. Coleman, *History of Political Thought*, 232. Grześkowiak-Krwawicz, *Regina libertas*, 27–28.
56. See "The Dream of Scipio," in Cicero's *Republic* (see n. 41 above); cf. Coleman, *History of Political Thought*, 276–80.
57. Cf. Wirszubski, *Libertas as a Political Idea*, 79–87.
58. See Aristotle, *Politics*, 8–9 (1252b.29–53a.1); cf. *Nicomachean Ethics*, *passim*; cf. Rowe, "Aristotelian Constitutions," 372.
59. See, for example, *On the Republic*, 70–71, 102–5 (1.45, 1.69). Cf. e.g. *On the Republic*, 104–7, 166–69 (1.70, 2.56); cf. *On the Laws,* 398–99 (2.23).
60. *On the Republic*, 78–81 (1.52); cf. Atkins, "Cicero," 490; see also n. 59 above.
61. Wirszubski, *Libertas as a Political Idea*, 80–83; cf. Coleman, *History of Political Thought*, 285–86.
62. Cf. Coleman, *History of Political Thought*, 279, 286.
63. Gr. *eleutheria* and *isonomia*, cf. Wirszubski, *Libertas as a Political Idea*, 9–12; see Cicero, *On the Republic*, 70–73 (1.47), cf. Livy, *Books III and IV*, 104–5, 30–35 (3.31.7, 3.9).
64. Cf. Cicero, *On the Republic*, 66–69 (1.43), Livy, *Books III and IV*, 188–89 (3.56.10); an idea which was already prevalent in Greek thinking.
65. See Sallust, *The War with Catiline*, *The War with Jugurtha*, trans. J. C. Rolfe (Cambridge, MA: Harvard University Press, 2013), 30ff. (*Cat.* 7ff.).
66. Atkins, "Cicero," 481.
67. Cf. Grześkowiak-Krwawicz, *Regina libertas*, 32, 256.
68. See Livy, *Books I and II*, trans. B. O. Foster (Cambridge, MA: Harvard University Press, 1967), 60–61, 208–19 (1.17.3, 1.60.3–2.1.2). See Stanisław Śnieżewski, "*Libertas* w dziele Liwiusza. Płaszczyzna prawno-socjalna i polityczna," *Prace Komisji Filologii Klasycznej PAU* 27 (1998): 55–88 (with extensive notes).
69. Wirszubski, *Libertas as a Political Idea*, 160.
70. Tacitus, *Histories: Books 4–5, Annals: Books 1–3*, trans. Clifford H. Moore, John Jackson (Cambridge, MA: Harvard University Press, 1931), 242–45 (*Ann.* 1.1.1–2); cf. *Histories: Books 1-3*, trans. Clifford H. Moore (Cambridge, MA: Harvard University Press, 1925), 30–33 (1.16).
71. Jakub Pigoń, *W kręgu pojęć politycznych Tacyta: libertas – moderatio* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 1994), 30ff., 80ff.
72. Tacitus, *Agricola*, *Germania*, *Dialogue on Oratory*, trans. M. Hutton, W. Peterson, rev. R. M. Ogilvie, E. H. Warmington, Michael Winterbottom (Cambridge, MA: Harvard University Press, 1914), 104–7 (*Agr.* 42).
73. Cf. Tacitus, *Dialogue on Oratory*, 340–45 (40).
74. Cf. Roberts, *Athens on Trial*, 158.
75. Cf. Wirszubski, *Libertas as a Political Idea*, 136–37, 163.