

The Constitution of 1791

Bronisław Dembiński, a Polish constitutional scholar, wrote that "The miracle of the Constitution did not save the state but did save the nation".

The draft of the Bill on Government (which is the official name of the Constitution) was on the agenda of the Great Sejm of 1788-1792 on May 3, 1791, on the second day after the Easter parliamentary holiday when many deputies were still absent.

The king and the leaders made the supporters of the reform arrive early in the capital. The idea was to surprise the antagonists and to make it impossible for them to prevent passing the bill by force. The royal guards were positioned near the Royal Castle where the Sejm gathered while the neighboring square and the adjacent streets were filled by the people of Warsaw who supported the changes. The Sejm convened with only 182 members, about half its "dual" number. The draft Constitution had a sweeping majority in the Sejm. After 6 hours of heated discussion, the king swore the Constitution and then everybody passed to a nearby church for thanksgiving prayers.

Summary of The Constitution:

The Constitution changed the government from an elective to a hereditary monarchy. This provision was intended to reduce the destructive influence of foreign powers at each election. The royal dynasty was elective, and if one were to cease, a new family would be chosen by the nation. The king reigned by the "grace of God and the will of the Nation," and "all authority derives from the will of the Nation".

The Constitution introduced political equality between townspeople and nobility, and placed the peasants under the government's protection, mitigating the worst abuses of serfdom.

Article I acknowledged the Roman Catholic faith as the "dominant religion" but guaranteed tolerance and freedom to all religions.

Personal security was extended to townspeople (including Jews). Townspeople also gained the right to acquire landed property and became eligible for public offices, membership in the Sejm and positions in the Treasury, Police, and Judiciary. Membership in the nobility (*szlachta*) was also made easier for burghers (privileged citizens) to acquire.

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.

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 included townspeople and peasants.

Article VI introduced major changes to the electoral ordinance. Previously, all nobles had been eligible to vote in *sejmiks*, which meant that many of the poorest, landless nobles voted as the magnates bade them. Now the right to vote 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 vote. Voting was limited to men aged at least 18.

Article VI explicitly abolished several institutional sources of government weakness and national anarchy, including the *liberum veto*, which had put the Sejm at the mercy of any single deputy, who could veto and thus undo all the legislation adopted by that Sejm.

Aftermath

The Constitution was not adopted without dissent in the Commonwealth itself. Magnates who had opposed the constitution draft from the start asked Tsarina Catherine of Russia to intervene and restore their privileges abolished under the new statute. To that end these magnates formed the Targowica Confederation. 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. The Confederates aligned with Tsarina Catherine and asked her for military intervention.

On 18 May 1792, Russian ambassador to Poland delivered a declaration of war to the Polish Foreign Minister. Russian armies entered Poland and Lithuania on the same day, starting the war. The war ended, in July of 1793, when the Polish King [Stanisław August Poniatowski](#) decided to seek a diplomatic solution, asked for a ceasefire with the Russians and joined the Targowica Confederation, as demanded by the Russian Empire.

A new session of parliament, known as the Grodno Sejm, took place in fall 1793. On 23 November 1793, it concluded its deliberations under duress, annulling the constitution and acceding to the Second Partition. This outcome came as a surprise to most of the Targowica Confederates, who had wished only to restore the status quo and had expected that the overthrow of the 3 May Constitution would achieve that end, and nothing more.

The last bid to restore the reformed Commonwealth came with the Kosciuszko Uprising in 1794. The uprising failed and resulted in the Third Partition in 1795, in which the country lost all its remaining territories and the Polish-Lithuanian Commonwealth ceased to exist.

123 years later, on November 11, 1918, Poland's sovereignty was restored.

After the totalitarian system was overthrown in the parliamentary elections of June 1989, the Sejm of the Republic of Poland, at the request of the Senate, re-established the May 3 Constitution Day on April 6, 1990.

Historic Importance

The 3 May Constitution was a milestone in the history of law and in the growth of democracy. The 18th-century Irish statesman Edmund Burke described it as "the noblest benefit received by any nation at any time..." The 3 May Constitution was the first to follow the 1788 ratification of the United States Constitution. Poland and the United States, though geographically distant from each other, showed similar approaches to the designing of political systems. The 3 May Constitution has been called the second constitution in world history.

In Poland, the Constitution is mythologized and viewed as a national symbol and as the culmination of the Enlightenment in Polish history and culture. In the words of two of its authors, Ignacy Potocki and Hugo Kołłątaj, it was "the last will and testament of the expiring Homeland."