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POLITICAL-LEGAL AND SOCIAL-CULTURAL REGULARITIES OF THE MEDIEVAL POLISH MONARCHY DEVELOPMENT

REGULARIDADES POLÍTICO-JURÍDICAS Y SOCIO-CULTURALES DEL DESARROLLO MEDIEVAL DE LA MONARQUÍA POLACA


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RESUMEN
El objetivo de este artículo es el análisis político y legal de las leyes evolutivas de la forma monárquica de la génesis gubernamental, que se está transformando gradualmente en uno de los estados más democráticos de la Europa medieval en general y del mundo eslavo en particular. Nuestro hallazgo muestra que se presta especial atención al derecho szlachta de una elección de rey, contra él y usar un derecho absoluto de veto para abolir cualquier decisión de SEJM.
Palabras clave: SEJM; Rey; Polonia, magnates, szlachta, democracia, estudios eslavos legales.

ABSTRACT
The aim of this paper is the political and legal analysis of the evolutionary laws of the monarchical form of government genesis, which is gradually transforming into one of the most democratic states of medieval Europe in general and the Slavic world in particular. Our finding shows that particular attention is paid to the szlachta right of a king election, to raise uprisings against him and to use an absolute right of veto to abolish any SEJM decisions.
Keywords: SEJM republic, tycoons, szlachta, democracy, legal Slavic studies.

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INTRODUCTION

Scholars usually date the medieval history of Poland as starting in the mid-10th century, when the first written information about the Piast state was recorded in written sources. However, the emergence of the Western Slavic state of Polonies can be safely dated to an earlier period, which is confirmed by archeological excavations in Greater Poland, at least to the end of the 9th century.

At present, the search for the foundations, sources and models of the democratic organization of a particular political and legal space takes place in historical legal and theoretical legal knowledge. Moreover, during the last two decades, the subject area of legal Slavic studies has been developing, since the interest in its own legal and political processes and forms has an undoubted practical significance in the context of an optimal system search of the Russian power-institutional organization, the understanding of political and legal processes that take place after the collapse of the USSR, determining the national legal landscape (Lyubashits, Mamychev, Mordovtseva, Mamycheva and Shirshov, 2017). In this regard, the appeal to the transformation issues of the Polish monarchical power, its evolution into the SEJM[6] republic is another step towards an adequate interpretation of national statehood nature (Mordovtsev, Mordovtsev, Zhinkin, Mamychev, Yakovyuk, aand Shestopal, 2017).This analysis titled as political-legal and social-cultural regularities of the Medieval Polish monarchy development analysis the evolutionary laws of the monarchical form of government genesis, which is gradually transforming into one of the most democratic estate, states of medieval Europe in general and the Slavic world in particular.

LITERATURE REVIEW

The Polish principality appeared on the pages of written sources in the 60-ies of the 10-th century under Prince Mieszko I (960-992), a very strong and authoritative monarchical ruler.

But it is necessary to search the beginning of the Polish statehood long before this moment. An ancient legend tells that the prince Popel ruled in Gnezdna. He had two sons. The time has come when, according to the custom of antiquity, they should undergo a ritual of vows (naming). The prince on this occasion arranged a great feast, to which he invited many noble people and friends. It so happened that two pilgrims came there; they were not invited to the feast, and they also were expelled from the city with dishonor.

They left the inhospitable people in the suburbs and accidentally stopped near the hut of the prince plowman. A kind poor man invited them to his modest home and asked to forgive his poverty. The wanderers came under the hospitable roof and greeted him. The plowman was called Piast and had a wife named Repka. The poor tried to please their guests to the best of their ability. During the conversation, the pilgrims were asked to get drunk, and the hospitable host replied: "I have a mug of beer for the day when my only son will be tonsured; but I will not save this little thing: drink, if you please." (Witte,1886, p78).

[6] the lower house of the Polish parliament

It must be said that the peasant had an intention to arrange tonsure to his son at a time when the prince would celebrate the feast on the occasion of a family celebration; then he also wanted to make a modest treat to the poor man's friends and fattened the pig at that moment.

The pilgrims told to bring beer and pour it into bowls, and - a wonderful thing - the beer grew until they filled all the bowls and all the vessels that were empty at the prince's feast. The wanderers ordered to kill the pig, and again - ten buckets were filled with its meat. When Piast and Repka saw such a miracle, they understood it as a good omen for their son, they even thought to call the prince to the feast, but they did not dare without the consent of the pilgrims. They allowed; the prince came with his guests - and the lavish feast started.

Finally, the pilgrims made the ceremony of tonsuring for Piast's son, they called him Semovit (or Zemovit) as a preview of his future. He was the ancestor of the princely family of Piasts. As if the punishment for the insult of hospitality rights, Popel's dynasty ceases with his death, and Semovit Piastovich comes to the prince's throne, whose father once honored the pilgrims with a friendly reception and thereby acquired the favor of higher power for himself and his descendants (Nurbekova, Odanova, Sabdenova, Adilbekova and Osmanova, 2018).

Polish archaeologist, Urbanchik Pshemyslaw calls into question the content of the abovementioned legend. In his opinion, the Piastovich dynasty moved to Poland from Great Moravia, made a political coup, removed the Popelids from power, and then built the power based on the early feudal monarchical principles of suzerainty-vassalage (Urbańcz, 2013).

At the same time, the ancient Polish historical monuments contain the information on veche activities under the Latin names: consilia, colloquia, conciones, congregation's generals (Dyachan,1882). Describing the reign of Mechislav I (992) and Boleslaw the Brave (1025), the chroniclers do not report on popular assemblies. Probably, the heyday of the Polish people government fell on the restoration of the Slavic faith and anti-Christian uprising (1034 - 1040).

After the defeat of the pagan opposition, in 1040 the Polish landowner and the warriors of the Polish state formed the veche and called Casimir the Restorer as the ruler of the country. In 1079, Boleslaw the Brave was convicted by the veche meeting for the murder of the Cracow bishop.

Thus, characterizing the legal status of the Polish veche, it is important to keep in mind a number of circumstances:

1) The veche meetings of Poles acquired an aristocratic character very early.

2) Prince was the main participant of the veche.

3) Sometimes the women from a princely family were admitted to an assembly.

4) The Latin clergy (Gnezdnensky archbishop, diocesan bishops, the abbesses of monasteries, archdeacons, canons and Roman Catholic priests) had a special role

in the veche after Christianization.

5) As for the bureaucracy, veche meetings were attended by a governor, a court judge and his assistant (a court clerk), a chancellor and a sub-chancellor, a komornik and a podkomory, a marshal, a horsekeeper and his assistant, a scabbard and his assistant, a fortress keeper, a tribune and a swordsman.

6) Court people also participated in a veche (stolniks, cup-bearers, swordsmen, clerks, etc.) [5, pp. 62-65].

Veche gathered at the initiative of a prince or the higher clergy. The decisions of the Polish Veche, similarly to the Common Slavic practice, were adopted unanimously, later this rule will become the axiom during the work of the Polish-Lithuanian Commonwealth SEJM (Dyachan, as quoted in Oswald, 2014).

Common Slavic traditions are clearly traced in the competence of the Ancient Polish veche: to choose a prince, to administer justice, to conclude treaties between a prince and the population, to establish new taxes, duties and privileges (Dyachan, as quoted in Oswald, 2014).

METHODOLOGY

The present paper is essentially a documentary research based on the analysis of past literature and data. Library research method is used in all scientific research, and in some of them the subject-matter of the research from the viewpoint of method, depends on the findings of the library research from the beginning to the end. In research that does not have a library nature; researchers are also forced to use the library method in their research. In this research group, the researcher should analyze the literature and background of the subject of the research. As a result, a library method should be used and the results of studies should be categorized and exploited in a suitable tool including a file, table, and a form for registration and maintenance.

RESULTS

Public spending was covered in two ways: natural duties and princely income.

The Polish Truth of the 13th century. (Hereinafter - PT) (Villalobos Antúnez and Ganga, 2016), mentions four types of natural duties performed in prince's favor:

1) Princely service (the article XI of PT), but PT does not have any details in this regard;

2) Delivery service, namely the kind of it that is known as "powóz" (the Article XXIX of PT);

3) The obligation, called in the letters as "ślad";

4) Tithing.

Princely income consisted of the following articles:

I. Judicial fees composed of:

a) Monetary punishments for crimes: a fine was paid to a prince for almost all crimes (the Article XVth of the PT). There was also a private fine, paid to a victim or his relatives; but it was paid sometimes in a prince's favor, namely, if a killed person had no relatives;

b) Public fines. These were the punishments imposed by the court on an opol, a village or a family:

-For non-extradition of an offender (the Articles VIII, IX);

-For failure to perform "ślad" duty.

Penalties were paid by villages and opols for the non-extradition of a criminal; only villages paid for the failure to fulfill the "ślad" service.

II. Income from the ruined knightly estates (the article XXIth).

According to the sacred ideas of the ancient Slavic world, the judiciary power was a necessary attribute of princely dignity. A prince appeared to be a person connected with a deity, so he was called upon to protect moral principles on earth, supported by the people religion. A prince, as a rule, entrusted some of his judicial powers to voevodas and fortress keepers.

Besides, during a court session, a prince could act as a prosecutor. In the Art. XXIII of Polish Truth, it is said that "if a prince accuses someone, and it comes to a duel, he orders to fight someone else instead of himself." (Oswald, 2014, p128).

The judicial system of this period was relatively simple. Thus, a high plain, a village and a clan had the right to judge their members if a collective charge was provided against them (the Article VIIIth of the PT).

Spiritual persons were tried by the ecclesiastical court.

The Polish princely-royal administration in the XIIIth century was developed on the basis of the palace-patrimonial management system: the head of the palace economy was the palace kmet, there were stolniks, cup-bearers, komorniks, hunters, notaries and other officials in his subordination. The influence of the Roman-German orders of state administration was reflected in the joint use of the Latin-Frankish and Polish terminology in the names of public servants, such as palatines-kmiećpałacowy, camerarius-komornic, thesaurarius-skarbnik, agase-koniuszy, venator-łowczy, etc (Grekov, as quoted in Urbańc, 2013).

In 1454 the convocation of the nobility militia for the war with the Teutonic Order gave an opportunity to the szlachta. Realizing that now it is impossible to do without it, the szlachta presented ultimatum demands, which - upon their adoption by the government - were consolidated in the Neshaw Statutes (Seregin, 2014).

The part of the articles limited the influence of the magnates: one person was

forbidden to occupy several high posts, dignitaries were pushed back from local legal proceedings, etc.

Chivalry acted in conjunction with Casimir IV, who tried to reduce the political power of the nobility (Kar'ev,1888). But at the same time, the king was ordered not to collect militias and not to introduce new taxes without the consent of the ZemskySEJMs - the regional congresses of the nobility, who managed only local affairs before.

Neshaw statutes fixed the power of the feudal lords over the peasants and infringed the rights of the philistine class. If a city dweller answered before a city court previously, from now on in some cases he was the subject of the nobility court jurisdiction, which was not inclined to solve the gentry dispute with the petty bourgeois in favor of the latter. The resolution of 1456, closely related to the Neshava Statutes, did not allow the representatives of the city to discuss the collection of taxes in the country.

Thus, De Witte writes the following: "the war, which gave the szlachta the funds to enrichment, was a heavy yoke for kmets and subordinated them to the nobility, strong with his servants, stolen wealth and extensive land property" (Witte,1886, p 205).

It was inconvenient to obtain the consent of all the SEJMs separately about the collection of taxes or the convocation of the militia, and soon the representatives of SEJM, the ambassadors, began to come to the king in order to find an acceptable solution for all.

Since 1493 this order was legalized. So, an "embassy hut" appeared which formed the lower house of the state class representative office - the SEJM. The upper chamber was the Senate, which grew out of the old royal council. It included the highest dignitaries (chancellor, voevods, etc.) and the episcopate. It was a bulwark of tycoons, while the "embassy hut" was in the hands of the nobility. There were almost no representatives of cities in the SEJM (the presence of ambassadors from the capital did not change the case). For this reason, one can talk about the estate-representative monarchy in Poland only with certain reservations.

During the first half of the XVIth century, against the background of significant changes in the socio-economic life of the country, when the corvée system of the economy was victorious and serfdom was established, there was the crystallization of that state system, which is usually called the szlachta democracy. The analysis of the social and political history of that era is impossible without taking into account class conflicts in the city and the countryside, but the changes in state institutions were determined by the course of the struggle between two factions belonging to the same class and to the same estate: gentry and tycoons.

The creation of a bicameral SEJM consisting of the Senate and the Embassy hut was the success for the gentry.

The senate consisted of voevods, fortress keepers and 10 ministers (5 from Poland and 5 from Lithuania: 2 great marshals, 2 chancellors, 2 sub-chancellors, 2

treasurer assistants, 2 marshals of the court) [6, p. 92].

The embassy hut consisted of the deputies from regional szlachtaSEJMs.

The magnates tried to take revenge. In 1501 with the next change on the Polish throne Melnitsky law was issued, according to which the supreme power was concentrated in the Senate. But due to the decisive opposition by the szlachta, this act did not come into effect.

The parties were satisfied with the compromise, fixed in the act of 1505, which received the official name "Nihil novi" and had a constitutional significance (Antúnez,2016). It proclaimed: "From now on and for future times nothing new should be established by us and our successors" (Antúnez, 2016, p 72). The rebellion of the nobility militia assembled to march to Moldavia in 1537, crossed out this compromise and pushed the tycoons away from the state helm.

DISCUSSION

Legislative power belonged only to the king and the embassy hut, which had no representatives from the petty bourgeoisie, i.e. urban population, with the exception of the nuncios of Krakow (Oswald, 2014). Later, the nobility SEJM forbade the secular authorities to execute the verdicts of the church court and conducted other laws directed against the magnates.

However, from the second half of the 1560-ies, the tycoon oligarchy prevailed. This was facilitated by the Lublin Union of 1569. Magnates and gentry - in this respect being united - tried to subordinate the Grand Duchy of Lithuania to Poland a long time ago. The replacement of the dynastic union from the XIVth century by a close union of these two states, under the hegemony of the Polish magnates, opened the doors to the Ukrainian and Belarusian lands. Lublin Union implemented this idea.

Although after 1569 each of the two parts of a newly formed single state - Polish-Lithuanian Commonwealth - retained its administration, court, army and treasury, the union advanced far ahead. Now, along with the general monarch, the general SEJM operated. Foreign policy became a common one. There were sad consequences of the Lublin Union for the Ukrainian and Byelorussian peoples: feudal oppression increased, multiplied by national and religious oppression.

For Poland, the union turned into a sharp increase of the nobility power: in Lithuania, Ukraine, Belarus, there were huge latifundia of Radziwills, Ostrozhskys and other noble families; they were soon joined by extensive possessions captured in the Ukrainian steppes by Potockys and other Polish magnates.

After the death of King Sigismund Augustus in 1572, which had no heirs, not only the Jagiellonian dynasty come to an end, but also the belief in the Polish gentry spread that the chivalry lost its supreme lord, who was its judge and leader, should not submit to anyone's jurisdiction and authority. To maintain the internal state order, and also for the sake of border protection the nobility convened "confederations" in the voivodships.

At the Voivodship SEJMs the nobility committed to protect the land from the enemy by the general militia (pospoliteruszenie) and protect the civil order, threatening every peace, confederative or SEJM court decision violator with military force (Kar'ev,1888).

With the death of the childless Sigismund II Augustus (1572), the Jagiellonian dynasty died. After long disputes, the French prince Heinrich Valois was elected to the throne of Polish-Lithuanian Commonwealth. In addition to the political benefits promised by the alliance with France, the magnates and the nobility were tempted by the fact that the stranger had weak positions in Poland and, consequently, they could not fear the autocratic encroachments on his part. A newly elected monarch was forced to sign an act, which on his behalf became known as Henry's articles.

The principles of the state structure of the Polish-Lithuanian Commonwealth were formalized by Henry's articles (1573), which finally transformed the Polish estate-representative monarchy into a noble republic headed by a monarch (Articles, 2014).

The articles approved the principle of non-hereditary royal power. A special, so-called electoral SEJM elected a sovereign. Any nobleman of the Polish-Lithuanian Commonwealth could, but was not obliged to participate in this SEJM. During the king reign they created the council of 16 senators.

Without his knowledge and consent, the king had no right to do anything. The prerogative of the SEJM was the adoption and the promulgation of laws, as well as the solution of many issues (for example, taxing, nobilization, etc.). The convocation of the SEJMs was provisioned every two years, provided that it is not required to last for more than six weeks. The nobility prudently insured itself against the possible attempts of the monarch to bypass the estate representation, without calling the SEJM or delaying its work. And the final article declared the following: "And if we, from the royal name, did not fulfill something, then we release the nobility from due obedience and trust" (Articles, 2014, p 73).

Thus, a lawful anti-government mutiny against the arbitrariness of a king (rokosz) broke out in 1606-1609. During this and subsequent troubles, the szlachta liberties were preserved and consolidated.

However, in the XVIIth century, imperceptibly for contemporaries, the gentry republic regenerates into the oligarchy of tycoons. In fact, the real power was transferred from an elected monarch to the richest representatives of the nobility (the magnates) and the spiritual nobility.

Thus, feudal anarchy was established in the country, the quarrels between the magnate cliques disorganized the state life. It got to the point that in 1652 one SEJM ambassador, bribed by a magnate, did not allow the SEJM to adopt a resolution. The name of the Ambassador VladislavSicinsky became famous in history, for he first dared to apply the theory of the liberum veto (free prohibition) in practice, which was previously recognized only in theory, according to which each member of the estate representative office could impose a prohibition on an objectionable decision.

Besides, it was established soon that in the case of a veto on one of agenda issues, the SEJM would cease its work, and the decisions already adopted by it lose their force automatically. Since the end of the XVIIth century such disruptions of the SEJMs have become quite common ones. Without the SEJM, as is known, it was impossible to pass laws or collect taxes in Polish-Lithuanian Commonwealth. The way out of the impasse was found in the creation of confederations. After the failure of the usual SEJM, the congress of the armed gentry was convened - the confederation. It formed its confederation SEJM, where unanimity was not required any longer. Passions broke out, sabers were clashed. Sometimes, two Confederation SEJMs opposed each other and each adopted its own laws.

CONCLUSIONS

The presented political and legal analysis the evolutionary laws of the monarchical form of government genesis, which is gradually transforming into one of the most democratic estate states of medieval Europe in general and the Slavic world in particular.

Medieval Polish SEJMs can be classified into 9 varieties: 1) regular or ordinary (common) SEJMs; 2) general; 3) preliminary; 4) relational SEJMs; 5) emergency SEJMs; 6) convocation SEJMs; 7) electoral; 8) coronation; 9) Confederation.

Proceeding from all mentioned above, the form of government that developed in Poland by the end of the sixteenth century can be called the SEJM republic.

This government is very close to the veche form of government by its content, with the only difference being that the gentry class dominated in the SEJMs, each member of which had not only the right of veto, but could also join the armed confederation with the right to make decisions by the ordinary majority.

There could be several confederations, sometimes they fought among themselves, just as the opposing sides fought in veche. A king was only a military expert, as well as the prince of the Lyutichs.

The involution of royal power took place in Poland. This state arose as a vassal-seignorial dynastic monarchy, and ended its existence as a SEJM republic with a king elected by the whole gentry estate.

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