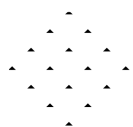




O poprawie Rzeczypospolitej (fragmenty) - Tłumaczenie angielskie

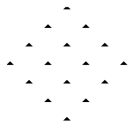
I. What is Commonwealth?

I do appreciate the wisdom of educated folk who, whenever they are to undertake a discussion upon a given matter, proscribe to consider all that was said beforehand regarding all its constituent parts. Consequently, we shall acknowledge that in their view a commonwealth (in our case, the Commonwealth) is a conglomerate of neighbours summoned for the pursuit of better life. Neither family nor single house deserve the title of a commonwealth as they remain in the possession of a single individual whose name designates said family or house. The retinue of each household are to live together, toil together for the maintenance of board and lodging, offer aid to each other when need arise, all the while acknowledging the stewardship of an individual who is to be called the host. Wherever such retinues governed by hosts grow in number, there appear rows of houses forming towns and parishes, of which in turn grows a society we deem appropriate to call Commonwealth. The most salient and clear of proofs as to man's proclivity for such communal existence lie in the faculties of speech and wit: these two forces weave among men bonds of friendship and community that are the bedrock of any society. It is wit and speech that allow for work, effort and zeal to be pursued by townsfolk and citizens in unity for the acquisition of a more prosperous and bountiful life. The Commonwealth is no different than the body of any given animal, pieces of which do not serve a purpose on their own. The eyes, hind and front limbs and all other parts act in unison for a common purpose, that is, for the benefit of the body. Whenever said body flourishes, so do its members profit greatly, whenever it flounders, so do its members bear the brunt of such suffering. Conversely, if one member of the body be severed, it may no longer aspire to be called by its name, since upon being cast outside the body it is neither alive nor capable of fulfilling its duty. The same is the case for all citizens who beyond the Commonwealth may no longer live, fulfil their duties or pursue their aims.



That is why no king of royal office, no person of courtly countenance, neither person holding office nor layman (that is, a person not holding office) may lead a serene and happy life outside and against the Commonwealth. If there are those ready and willing to live beyond the confines of society, not wanting for company and subsiding on their own, then they are to be deemed either beasts or gods of some sorts, in congruence with the words of Aristotle. The consequence and aim of such common living within a commonwealth is as defined by Cicero: so that all citizens live happily together, their numbers multiplying in dignity and prosperity, their lives led quietly and in serenity, all of them having power to defend their interests, and all being protected from harm and bloodshed through the defences elevated by towns and the commonwealth.

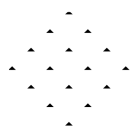
To safeguard against evil, laws and statutes, pertaining to all matters and individuals, based as much on custom as on reason, must be established, for without them the common people and their superiors cannot be obedient. That we have sufficiently proven in the previous books. Now we would like to delve into the decrees according to which judgement should be passed. It is reasonable enough to claim that if proper nurture, shame, virtuous and holy customs reigned within a given commonwealth, then it would not be necessary to establish statutes nor laws, since these are not set forth with the good folk in mind, who not out of fear but out of modesty and custom show their allegiance and obedience. It is unfortunate, however, to what depths of perversity and shamelessness man's nature may descend. That is why unrighteousness and wantonness must be counteracted by stringent laws which ward off evil, stave off outbursts of corrupted will and put in shackles all manner of audacious and arrogant conduct. The more stringent and numerous the laws of a given commonwealth the more it is indicative of such mores as improper nurture, corrupt nature or ascending anger. If the offices wish to curb these, they must diligently pass laws and strengthen them swiftly and accordingly. Let us hence pronounce what are to be these laws and what is to be gained from them:



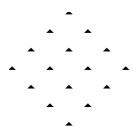
Laws and the variety of custom

Laws are vital from the standpoint of the causes which merit their establishment. For the benefit of office and custom laws ought to be formulated so as to endorse good conduct and dissuade bad conduct. But to laws are assigned fines and punishments which oblige citizens, who out of their own will have little regard for what is right or wrong, to follow them. Customs are hence the estuary from which flows the law. Laws must sprout from specific causes, since those are considered, far and wide, the essence of lawful and just decrees. The purpose is for virtuous people to be dissuaded from sin and drawn toward dutiful conduct more adequately than through harsh punishment or levies. To wit, laws are not written merely to bring punishment on the sinners but to convince the citizens that sinning is unworthy. What if some laws appear to be lacking a cause (since many a cause of legal precept remains concealed)? They must not go against reason and only be pertinent for the authority of a given office. It is of utmost importance to not only maintain the supremacy of the office but also uphold the validity of the cause as evidence of a given law's efficacy. Reason was bequeathed by the Grace of the Lord so as to serve as master and helmsmen of man's life and all his matters. Those who banish it outright, those unworthy to be called men, forfeit what separates them from beasts. Just like the rays of sun illuminating the darkness, separating the beautiful from the ugly, so does common sense cast light on men's affairs and thoughts, sifting the wrong away from the right.

Reason dictates that all laws are to serve the common good accordingly so as to reward virtue and with equal vehemence punish wickedness. Freedom is to never gain the stature of loftiness that grants the defendant a power to be judged inadequately or, what is worse, avoid punishment altogether. True freedom has nothing to do with acting upon whims and fancies, it must not serve wanton disorder but the aversion of evil thought and vice.



If a discrepancy in punishment is to occur as pertaining to a particular transgression, that is to be done not to instigate anger but to curtail it. Therefore, the mighty people, nobility and people who are in office are to be punished more severely than the poor, the peasantry and those not serving office; even harsher ought be punishments for those who sin against office. Let that be the cardinal rule of lawgivers to always avail themselves of reason and diligence so that all established laws (as guided by reason) serve justice and the common good. Those remedies are praised as most valuable which heal the entire body or one of its limbs without harming the rest, and it is the same with laws which gain the highest esteem whenever they reward virtue while providing punishment and proper remedy for vice and transgression. I ask of you: who procures such remedy that deprives the liver of heat and brings cold to the stomach? None, I assume, since a cold stomach precludes proper digestion and furthermore brings injury to the liver and consequently to all the other parts of the body. How is it then preferable to praise a law which is not equally beneficial for the whole of the Commonwealth, a law that dissimilar reward bestows upon similar virtues, that varied punishment imposes on the same transgression, prodding some to indulge their wickedness while showing towards others a severity so strident it takes away their ability to defend themselves? I am talking (and providing instances) of a law that sometimes punishes murder severely, sometimes lightly. What was said about one law stays not irrelevant for another. It has happened in a certain parish that two men, one of a lower class and other being member of the gentry, both wealthy and possessing of vast estate, have injured a man not so wealthy, yet a nobleman nonetheless. The injured was taken to a surgeon, but since his wounds were fatal, no more than two months had elapsed before he passed away. Those who, guided by brotherly spirit, had visited him on his bed, or those who had been sent from the office, asked whoever of the two assailants was more at fault. His response was to the effect that while the nobleman was the instigator, both inflicted blows so heavy it rendered impossible discerning which of them dealt the greatest harm.



Then those inquiring teased him, stating that both may be punished for the wounds, but if death occurs, then only one may answer with his head since under law two men cannot both be punished for one murder. The wounded man replied that he doubted his health, but his conscience, soon to be judged by the Lord himself, cannot allow him to put the blame for murder on one of them, since wounds inflicted by both were the reason for his looming departure. As soon as he died the lower born culprit was brought before a judge, convicted and beheaded, since according to the law a man of lower birth who maims, slaughters or severely injures a nobleman (who was not the perpetrator of the quarrel) must face death. Such punishment designates the man of low stature as the murderer while the other offender (a nobleman) remains among the living; they say he is to be summoned from his estate to appear before a judge, but in congruence with Polish law, shall answer either for wounds or murder and be ordered to pay a fine, by God! Does the aforementioned case lead us to conclude two separate commonwealths ought be established for two separate categories of men? Are these men so distant from one another? Do they not often seek one another's aid? Do they never convene? Finally, do they not share the same water, air and sun? Does it not surprise us that in our commonwealth, for the same reason, one man loses his life and the other goes free? In a commonwealth wherein laws of this sort exist it becomes difficult to achieve the aim of establishing a community of citizens living in peace and harmony, since some are masters of life and death and those afraid of the latter must endure injury and humiliation. In such a commonwealth death and injury are merely a distraction for some and vice for others. Yet, we have spoken of this and spoke about we will.

(Text based on Andrzej Frycz Modrzewski's *On the improvement of Commonwealth*, published by Michał Dzikowski, Przemyśl, 1857. Publisher: Fundacja Nowoczesna Polska Publikacja. Edited as part of the Wolne Lektury project <https://wolnelektury.pl/media/book/pdf/o-poprawie-rzeczypospolitej.pdf>)