
МЕМЛЕКЕТ ЖӘНЕ ҚҰҚЫҚ ТЕОРИЯСЫ МЕН ТАРИХЫ ТЕОРИЯ И ИСТОРИЯ ГОСУДАРСТВА И ПРАВА

UDC 34 (438)

K.Complak¹, G.Z.Kozhakhmetov², R.B.Botagarin²

¹Wroclaw University, Poland;

²Ye.A.Buketov Karaganda State University
(E-mail: botagarin_ruslan@mail.ru)

Political and legal status of the Kingdom of Poland during the colonial period

This article examines the political and legal position of the Kingdom of Poland in terms of the colonial period. In the history of independent Poland today, as in the stories of other independent states it had a lot of difficult periods. One such period is the position of the Kingdom of Poland as a part of the colony rossiskih empire. In a series of defeats, Poland has gone through 4 of its territory between Russia, Prussia and Austria. But despite that Poland was able to maintain its independence.

Key words: the legal position of the Kingdom of Poland, Rzeczpospolita, the Constitution, the State Duma, the Polish national statehood.

The first historical data on formation of the Kingdom of Poland date back to the late X century. In that period the expansion of Polish lands and Polish statehood came from the principality of the same name located near the Oder and Vistula Rivers. Prince Meshko was one of the famous princes governing these territories [1; 7].

The adoption of uniform religion contributed to the strengthening of princely power. The adoption of Christianity by the Czech Republic in 965 was followed by the baptism of Poland a year later [2; 7].

With the arrival of religion which played a significant role in strengthening of national statehood, the Polish princes, as well as the Czech and Lithuanian ones, were oriented to the west to Rome, recognizing and entering the common European political system.

At the same time, along with the culture, moral and ethnic regulations of Catholicism, tough rules were established among the population of the cities and villages. Each Pole was a subject to the punishment for their violation. The church service and various ceremonies were conducted only in Latin that was also felt by the local population. But, nevertheless, the religion became a spiritual basis of the statehood, supporting the Supreme power.

It should be noted that being on the border of Eastern Europe Poland, voluntarily and forcedly, waged continuous wars with the neighbourson territorial disputes. Poland carried out military campaigns on the German lands and vice versa. By the period of the early Middle Ages the Kingdom of Poland represented rather large possession which included the conquered cities of neighboring states — Lithuanian, Czech and others.

In the XIV century the Polish-Lithuanian union was formed. The Lithuanian principality for that period was one of the strongest state formations. In 1386 the Lithuanian prince Jagiello married the Polish queen Jadwiga and in 1399 Jagiello became the king of Poland. The union of Poland and Lithuania gave advantages to them not only in human and military force over the opponents, but also promoted the formation of new institutes of public administration, judicial system and development of the law, and also opened the opportunities for trade, a city building, etc. In general, it is possible to note that this period was marked by expansion of territories of Poland and accession of borders of neighbouring states. The motto of Jagielloniandynasty, ruling till the XVI century, was to construct Poland «from sea to sea» [1; 10].

By its form of government this period of Poland was a class and representative monarchy. As a result of historical traditions, the throne of Poland was not in the hands of one dynasty therefore since the XV century a certain procedure of king election remained. The Royal Rada, the highest court aristocracy, approved the candidate for a throne, and only after that the king was elected by the elective congress represented by szlachta (nobility).

The elective principle was important for legitimacy of the king's power. The crowning was the final stage of the elections procedure. Under the laws of that time, the new king was handed the integral signs of the royalty — a crown, a scepter of the power, a sword and a ring. The Catholic Church always took part in the crowning. The king gave the oath to observe former laws and privileges [3; 103].

It should be noted that the power of the king in the conditions of a class monarchy was limited. At early times the king gave privileges to the cities, some dynasties, a szlachta, and thus the balance between the Supreme power and local government was supported. Non-performance of the obligations granted the right of the aristocracy to leave or re-elect the king [3; 104].

Particular interest causes that fact that the king as the Head of state supported the rights of estates by the special document. The power of the king in the conditions of a class and representative monarchy, though limited, had a significant force in the country's internal government.

First, the king was the Head of administrative system which was under his supervision; governors controlled the districts and provided the enforcement of the king's laws and decrees.

Secondly, the king was the highest judicial authority, owing to this fact he could not only consider, but also request any matter to which the king had a particular interest.

Thirdly, the king was the Commander in Chief of the state. In case of a war all military forces of the large aristocracy and nobility submitted to him; he could call national militia.

Finally, what is important, the state foreign policy also belonged to the king. He represented the country, signed and denounced international contracts, defined a vector of international policy of the Polish state. Under the conditions of constitutional monarchy, though, the king agreed with the most serious international issues concerning war or peace, territorial disagreements about border lands, and others with the highest aristocracy. On the one hand it gave the Polish king some advantages, because in case of complication of a political situation with the neighbouring states, or a failure of large military campaigns it was possible to give the responsibility for failures to the Polish szlachta.

The significant role in the state was played by Royal Rada, it originated in the XIV century and included the government officials, representatives of local authorities, deputies of the large free cities and the highest Catholic elite. Royal Rada had legal and consultative powers; the Royal Court was formed of its representatives. In the process of strengthening of king's power the status of this body raised [3; 105].

It can be easily seen that the system of the highest government of the Polish state in that period reflected the system of Khan Government in Kazakhstan at the same epoch. It is known that the khan, being the Head of state, was compelled to reckon with the large feudal, military and spiritual aristocracy [4; 120]. Therefore to achieve a goal and to conduct the state policy the khan agreed on important issues with sultans and biys. The Polish kings as well as the Kazakh khans had to possess a big talent and ability to rule the states with their limited power.

Royal Rada was similar to Khan Council, consisting of the attendants of the Head of state, and the Sejm resembled the Feudal congresses and People's assemblies — traditional institutes of the Kazakh nomadic medieval state.

The Sejms and the sejmics played an important role in the local government of Poland. After termination of powers of Jagiellonian dynasty in 1573, the power of the king was considerably reduced. The Sejm (Parliament) became the supreme body of legislative and executive power, the sejmics carried out the local government. During this historical period the Polish state was named the Republic or the Polish-Lithuanian Commonwealth. In general, it corresponded to the real position of the Polish state as practically all governing bodies became elective. For example, the sejmics elected their deputies for the common Polish Sejm, and each of deputies had the special status — he could veto any decision of the Sejm [1; 14]. It slowed down the work of Parliament in quick solution of important national objectives. Weakening of the royal power towards the representative institutions, undoubtedly, from the modern point of view, is a positive process. However when we speak about the difficult foreign political situation of Poland, it inevitably led to the weakening of state mechanisms, which held the government of the country in the severe conditions before.

By the end of the XVI – the beginning of the XVII centuries the Polish-Lithuanian Commonwealth step by step lost the political positions as it began to lag behind the neighbours in the armament and number of troops, in absence of regular army, in weak economic growth, etc.

In the first half of the XVII century the Polish-Lithuanian Commonwealth underwent the first defeat from Sweden and Russia. Weakness of the state gave a reason for external intervention in the activity of the Polish throne. The famous Russian historian N.I. Kostomarov wrote that in Poland the affairs developed in such a way that Peter I could dispose this country freely of and conduct his policy to its full submission. In general, as the scientist wrote, «Peter assumed the role of an ally for Poland; in the history such roles were played by the strong and dexterous over the weak and simple-minded, little by little turning from allies into misters and lords» [5; 668].

After Peter I's victory over the Swedish king, imperial Russia influenced the election of the new king of Poland Augustus III. On the western borders of Poland the part of lands was seized by the Prussian kingdom.

The first partition of Poland was in 1772 between Russia, Prussia and Austria. At the same time, withdrawal of lands of the Polish-Lithuanian Commonwealth to the above-named states did not cause extensive damage of ethnic part of Poland as it concerned the border territories seized by the Republic some time ago [1; 17].

The defeat of Poland and intervention of the neighboring powers in its internal and foreign affairs encouraged the aristocracy and ordinary people to unite in order to rescue their national statehood. It was expressed in an attempt to reform the political system of society and the country government.

As a result, the Sejm was called in 1788 in Poland. For four years of its work the Parliament abolished the State Council as a governing body which was imposed by the Russian Empire for intervention in internal affairs of Poland. During the work of Parliament the funds for the maintenance of 100 thousand regular armies were raised, the peak of the Sejm activity was the development and adoption of the new Constitution of Poland on May 3, 1791. This day in modern Poland is considered day of adoption of the Constitution and is a national holiday [1; 18].

Principal value of the Constitution was setting the idea of people's sovereignty and the principle of division of the authorities which were borrowed from theorists of the French revolution Russo, Montesquieu and others. Article 5 of the Constitution stated that «... any public power derives from the will of the people». In the law it was noted that the power would be divided between three branches — legislative — two chambers of the Sejm, executive — the king, and judicial [3; 293, 294].

The following principles were also guaranteed by the Constitution: heredity of the throne; recognition of Catholicism as a main religion; giving all privileges to szlachta; restriction of local government, and on the contrary, expansion of the rights of petty bourgeois. As for the rest, the social structure with its serf system remained the same.

Large aristocrats and land owners, as Branitsky, Rzhevusky and others, who were deprived of their privileges and income by the Constitution, addressed to St. Petersburg with the complaint to the tsar. The formal reason for use of armed forces by tsarism and occupation of the Polish-Lithuanian Commonwealth was very suitable. Troops which defeated a recently created Polish army were sent to Poland and took Warsaw. Prussia supported Russia and offered the plan of the new partition of Poland which happened in 1793. As a result, the territory of the Polish-Lithuanian Commonwealth decreased to 1/3 parts and made no more than 3 800 sq. miles [1; 19].

The new crisis of the Polish state set in motion various estates who did not wish to tolerate the plunder of their country. Across all territory of Poland mass revolts began; one of the large was the revolt of 1794 under TadeushKostusko's leadership which was cruelly suppressed by the imperial authorities [6]. Even imperial officials were recognized that «... revolt was inevitable and irresistible as it simply was caused by the events, and of course it was a natural consequence of offenses the region underwent before» [7; 7].

After the new occupation of Poland in 1795 its third partition began. This date can be considered the loss of independence of the Polish state. All territory of the Polish-Lithuanian Commonwealth was divided between Russia, Austria and Prussia. In each of these three states position of the Polish people had its features, however it must be kept in mind that the Polish-Lithuanian Commonwealth or the Republic as a form of the Polish statehood, ceased to exist.

The events connected with Napoleon's war against the European states interfered the history of vassal Poland at the beginning of the XIX century. The Polish aristocracy had great expectations from the military campaign of Napoleon, and the Polish troops gathered from volunteers were on the side of the French against Prussia where there were military operations.

In 1807 there was a new state formation — the Duchy of Warsaw which was legalized according to the Tilsittreaty. The Duchy of Warsaw was rather large on its territory and had over 2,5 million inhabitants. After Napoleon's victory over Austria in 1809, where the Polish volunteers fought under the leadership of JózefPonyatovsky, the Duchy of Warsaw increased due to the lands joined from Austria, the population already numbered 4,5 million people, and the territory was 154 thousand sq.km [3; 319].

The Duchy of Warsaw existed 7 years until the defeat of the greatBonaparte; however the state formation created by him on the territory of Poland had a great historical value. For the Poles this Duchy, dependent on Napoleon, became the form of national statehood which gave the hope for the complete recovery. Whereas Napoleon initially saw in The Duchy of Warsaw only the ally in the fight for the world supremacy, later this state formation with the limited sovereignty, according to Bonaparte, could become an example for the future reorganization of Europe.

In July 1807 the Napoleonic Constitution of The Duchy of Warsaw came into force. Interestingly, paragraph 4 of the Constitution stated that «... the bondage is abolished. All citizens are equal before the law». The word «bondage» presumed serfdom. Further the principles of the freedom of worship, movement, punishment of the person only by the court, etc. appeared in the Constitution [3; 321].

In a year in 1808 Napoleon introduced the CivilCode which established the new order of legal relationsbased on the norms of the bourgeois law [8; 28–30].

Under the Constitution the monarchic form of government was proclaimed, the throne had to be inherited. The monarch could control the Government and influence the Sejm. The Sejm as a representative body consisted of two chambers; the new public authority — the State Council which was engaged in development of bills was introduces and submitted to the monarch. Executive power belonged to the government, administrative division followed the French model, the Duchy was divided into departments headed Prefects, etc. [3; 323–330].

The historical value of the Napoleonic Constitution was that it abolished serfdom and gave peasants freedom and equality. The mechanism of land repayment and its rent was also stated in the Constitution, however it was directed towards the interests of landowners. Nevertheless, the principles specified in the main law opened huge prospects for the future updating of the state.

The defeat of Napoleon by the European troops where the Russian army also participatedraised the Polish question on the political agenda again. In 1814 in Vienna there was a new fourth partition of Poland between the countries winners. In May 1815 a number of contracts were signed between Russia, Austria and Prussia on transfer of part of lands of East Galicia to the Austrian crown.The city of Krakow was declared the Free city under protectorate of three empires. The part of the Duchy of Warsaw, which was named the Grand Poznan Duchy, was given to the Prussian kingdom. The rest of the lands of the Duchy of Warsaw passed to the Russian Empire and were named the Polish Kingdom the Kingdom of Poland. Its populationnumbered over 3 million people. The Russian emperor received a title of the king of Poland [3; 331, 332].

In Warsaw on November 27, 1815 the Russian emperor Alexander I signed the Constitution which approved the dependence of the Kingdom of Poland on the Russian Empire. At the same time, the Constitution preserved traditional institutes of the Polish statehood before its transition to the colonial dependence. In particular, it concerned the Sejm as a traditional legislative authority; the names and functions of some public institutions, electivity and collegiality of administration and judicial system remained. The constitution kept equality of all people before the law; however this equality concerned the persons professing Christianity. At the same time the law stated that the Jews lost their political rights [3; 333].

In general, it should be noted that the Constitution of 1815 reminded the first Basic law of Poland of May 3, 1791, and in comparison with the Constitution of the Duchy of Warsaw was less democratic, and protected mainly the interests of szlachta.

Between the Kingdom of Poland and Russia there was a union — the contract on which the Russian emperor succeeded to the throne according to the order of inheritance of the crown existing in the Russian Empire. For example, after Nicholas I's crowning in Moscow, he was crowned once again in Warsaw for succession to the Polish throne. Therefore the emperor-king in the Kingdom of Poland was constitutional monarch. According to the Constitution the person replacing the king in his absence was the deputy. JózefZayonchek [3; 335] was the first deputy of the Kingdom of Poland.

Administrative Council which had consultative functions was one of important and influential establishments in the Kingdom of Poland. The significant role in the state was played by the Commander-in-Chief

of the Polish Army, it was tsar's brother — the Grand Duke Konstantin. The army not only protected the borders but also ensured the internal security of the Kingdom; they were often called to suppress the revolts [3; 336].

Despite the liberal views of the Constitution, the deputy and his administration gradually removed a role of the Polish Sejm as well as the local governments.

In 1819 the deputy introduced the censorship on press and publications of various editions. The deputy also restricted the freedom of citizens, that is politically unreliable persons were arrested. During the work of the Parliament in 1825 the amendments were made to the Constitution which forbade the public meetings of the Chambers of Parliament. The tsarism protected itself against public discussions of urgent questions by parliamentarians which could become a source for politicization of society and growth of national consciousness.

Here it must be kept in mind that the Russian Empire had no Parliament at all. The State Duma, as we know, was founded in 1906 after the first Russian revolution of 1905. Therefore the tsarism saw in a representative body of the power, the Sejm, a danger to the monarchic system. The tsarism made everything possible to nullify the activity of the Sejm. For example, the Sejm was required to gather every 2 years, or if necessary. However from 1818 till 1830 it gathered only four times. The first was in 1818, then in 1820, 1825 and 1830 [3; 337].

Formally the Sejm had large powers, but in practice it was limited by the rights of the emperor. The central government system was carried out by the government commissions, submitting to Administrative Council. Practically all important decisions were made with the permission of the relevant Ministries from St. Petersburg. It is necessary to tell that in St. Petersburg there was a Minister — the state secretary who executed the functions of the intermediary between the imperial yard and the Kingdom authorities.

In the Kingdom there was a regular army created on the Russian model. The military service lasted 10 years and was generally made up of common people, as the rich Poles could pay off from service. The army numbered on average 30 thousand people. The Polish uniform was allowed in the army.

At the same time in the conditions of dependence of Poland on the empire, education and culture developed, though slowly but systematically, in the Kingdom. Under the influence of the European states the first university was opened in Warsaw in 1816 with 5 faculties: medical, philosophical, arts, theology, law and administration. Later, in 1818 Krakow University was founded [3; 340].

Loss of independence, loss in war, domination of imperial officials, ignoring of traditions, culture and language of the Polish people caused mass discontent. Each Pole living on the territory of Austria, Prussia or Russia had a hope to return the national statehood. The fight against despotism for a personal freedom and natural human rights began to take the minds of the aristocracy of the Polish society — szlachta, who served in civil establishments and armed forces. Therefore in Warsaw and other large cities the secret societies appeared with the purpose to raise the armed revolt against tsarism and return the lost Polish national statehood.

Thus, on November 29–30, 1830 in Warsaw the officers serving in the Polish army organized a spontaneous revolt. The French revolution of 1830 served as a detonator of revolt. The military revolt was supported by other segments of the population, both from the aristocratic environment and ordinary people. Despite the good potential, the army and national support, the upper class hesitated to make cardinal decisions; moreover, there were internal conflicts between the revolting people.

For some period of time the supreme power was carried out by Administrative Council of the Kingdom, later it was transformed to the internal government, but the next day the power passed to the dictator emperor Józef Hlopitsky. The Sejm called at that time approved the dictator and the Supreme national council. The revolting people conducted negotiations with St. Petersburg, however the emperor was not going to make any concessions. St. Petersburg demanded the total capitulation.

In December, 1830 the revolt was declared national. The Sejm adopted a number of bills which abolished the right of the Russian emperors to occupy the Polish throne, the Parliament was declared the supreme body during the revolt [3; 343].

Imperial Russia, which was called «the Gendarme of Europe» by the revolutionaries in that period, brought the large divisions into Poland to defeat the Polish army. The revolt was defeated again, cruel repressions began in the country, many Poles were compelled to emigrate to neighboring countries to escape the prosecutions.

The revolt resulted in the cancellation of the Constitution, complete elimination of the Polish army, dissolution and abolition of the Parliament. The territory of the Kingdom of Poland was occupied by the Russian authorities. Duke Paskevich was appointed the deputy of the emperor Nicholas I in Poland [1; 25].

For many years the country lived the period of reaction, prosecutions, strict censorship, systematic policy of violent russification.

Although the revolt of 1830 was suppressed by the more powerful opponent, it was of great importance for the further history of Poland as it united all sectors of society to get the independence of the Polish state. And, not incidentally, for all Europe where there was a fight against absolutism, it was the worthy example, and «the Pole» became symbol of struggle for independence [3; 344].

It should be noted that the Poles living in the territory of Austria and Prussia supported their compatriots in every possible way. In the Polish free city of Krakow in 1846 the revolt was also prepared. The Insurgent Committee was formed, the weapon for the large-scale actions was collected. However the Prussian and Austrian authorities were warned about the preparing mutiny and took all measures for elimination of conspirators. With suppression of the Krakow revolt in 1848 the history of the last independent part of Poland — the Krakow republic comes to the end [1; 23, 24].

The part of Poland near Prussia, the so-called Grand Duchy of Posen, from the first days of its existence faced the program of the unification and germanization carried out by Western and East Prussia. There began the systematic actions aimed at elimination of the Polish state system, traditions and national features. The Polish schools were closed and the use of the Polish language in public institutions was prohibited. There was a gradual germanization and suppression of the Polish culture.

It must be remembered that during that period there was consolidation of separate German lands to the uniform state. The process of consolidation of the German lands was hard and long, it was carried out not only by peaceful means, but also with the help of the army. It is known that two states claimed to be consolidators — Austria and Prussia. However, Prussia was stronger in military and economic sphere and it played a leading role in creation of the new unified Germany in 1871. Therefore position of the Grand Duchy of Posen which was involved into the formation of the German Empire, was very difficult. The head of the Duchy was a deputy who submitted to the administration of a province of the Kingdom of Prussia. The power of the deputy was formal, actual power belonged to the head president of the province. Gradually the Duchy became one of the province of the Kingdom of Prussia, since 1831 the position of the deputy of a throne ceased to exist.

After the revolt of 1830 the Prussian administration took all the efforts to prevent these events on its territory, and set the rigid police regime over the Polish population. Since 1832 the German language became compulsory in administration, later in legal proceedings.

After the defeat of the revolt in 1830 the emperor of Russia Nicholas I began elimination of the Special device of the Kingdom of Poland which was reflected in the Law of the same year named «Organic Statute», i.e. changing the Constitution of the Kingdom. Instead of the union there was the incorporation of the Kingdom into the Russian Empire as its province. The tsar in his Law declared all the rights and freedoms: the freedom of speech, religions, personal integrity, etc. At the same time, the military police force worked in the Kingdom simultaneously with civil authorities. The tsar had the right to impose the state of emergency during which the activity of civil establishments was replaced with military ones. Special role at that time was played by court-martials, gendarmerie and military units which combated the national liberation movement.

«Organic Statute» abolished the Parliament of Poland — the Sejm, but it promised to create the Meeting of provincial estates in the future. Earlier existing sejmics, territorial meetings were cancelled. There was no the city and rural self-government promised in the law. Voivodeships as the bodies of the administrative division of Poland were renamed into provinces headed by the governors appointed by the emperor. Almost all establishments of the Kingdom of Poland were renamed to similar Russian authorities. During the repressions the Warsaw University and other educational institutions were closed [3; 349, 350].

On February 18, 1855 the emperor Nicholas I died. According to A.F. Smirnov who researched this problem, there were different opinions on a sudden death of the tsar. One considered that it was a result of defeat in the Crimean war (1853–1856); others connected the death of the emperor with a manslaughter in which the physician Mandta was involved [9; 413].

After Nicholas I's death Alexander II succeeded to the Russian throne. He was different from the predecessor in the educated political views and desire to save Russia from crisis, and place it on the level of the European countries. National suburbs with arrival of the new emperor began to expect the best changes.

The tsar's surrounding played an important role the period of the reign of Alexander II who was called «the tsar the reformer» or «the tsar the liberator» by his people, as he gave reforms to the Russian society. Among them were the grand duke Konstantin Nikolaevich — the tsar's brother, the count M. Loris-Melikov,

D.A., Milyutin, K.D. Kavelin, Yu. Samarin, K.P. Pobedonostsev, P.V. Donskoy, A.M. Gorchakov and others [10; 211–223].

It should be noted the Alexander II's reforms were preceded by the commissions created to study the state of society and problems which needed the radical restructurings. D.A. Milyutin, one of the associates of the emperor, characterized a situation in the western regions of Russia. In particular he noted that the slowness of state mechanism and system of colonial government did harm to an imperial policy in Poland. In his opinion, the transformations in Poland and in Finland had to be done in time, without the harm to the population. As a result the population of both suburbs was hostile, and a new revolution could break out at any time [11; 6].

According to the ideas of enlightened absolutism the emperor intended to carry out social and economic reforms from above, beginning with the cancellation of serfdom in Russia which happened in 1861. Peasants received not only the freedom but also the land. The landowners did not suffer losses as the country communities obtained loans in Country and Land banks on preferential terms, and paid the cost of the land at the coordinated real price. The judge of the peace was appointed from the authoritative noblemen to solve the disputes between peasants and landowners [12; 146].

The emperor spent a lot of time and money on that reform as landowners didn't intend to leave the serfs or the lands. However under the pressure of an absolutism, they were compelled to accept, and subsequently to realize the provisions of reform.

The subsequent steps of the tsar were the university charters (1863), judicial and territorial reforms (1864), city reform (1870), military reform (1874) and others [13; 165–177].

For example, the judicial reform of 1864 introduced the institute of legal profession — the compulsory protection of an accused, and equality of all estates before court. With the introduction of a jury, according to the Minister of Justice N.V. Muravyev, the percent of verdicts of not guilty on the major cases reached 57,5% [14; 363]. The prominent public figure and one of developers of reforms of Alexander II Golovachev A.A. noted that the institute of jurors established by judicial Charters is the most important guarantee of correctness of sentences in the court [15; 361].

Unfortunately, democratic reforms of Alexander II concerned only the mother country, in colonial suburbs they were not introduced. For example, the institute of jurors in Kazakhstan was introduced only in 1917 by the Provisional government, as well as in Poland. The same was true about territorial self-government which was introduced neither in Kazakhstan nor in Poland until 1917. At the same time, it must be kept in mind that the tsarism ambiguously treated the national suburbs. For example, Finland was returned the Constitution and autonomous status in 1863 [11; 7] though it remained the colonial suburb of Russia, the Grand Duchy of Finland. The matter was as following — those who resisted more was treated more rigidly.

To calm the region the emperor Alexander II directed the Count A. Velepolsky to govern the Kingdom of Poland. He had to smooth the acute angles of the Russian-Polish relations. In order to help the Polish aristocracy approach the Russian throne, Velepolsky restored the governing bodies which had existed on the territory of Poland before, such as State Council, Administrative Council, etc., completely dependent on imperial administration. Also he made several attempts to weaken the situation in national education, and some indulgence towards the Jewish population. However the main agrarian problem, the peasant reform in the Kingdom of Poland, was not solved [3; 352, 353].

The land question connected with serfdom and land utilization by peasants was topical for that period. In Russia, as it was mentioned before, this problem was solved in 1861. According to K.D. Kavelin, one of the supporters of imperial reforms, the serfdom was that Gordian which joined all the problems of the society, ... it was a stumbling point for the future success and development of Russia [16; 139].

In Prussian and Austrian Poland the agrarian question also moved from a dead point. For example, the implementation of Prussian agrarian reform which considered the longest one in Europe, started in 1850 when the law of March 2 defined the conditions of repayment of duties and division of public lands [17; 198], and by 1865 was practically completed [17; 237]. As for the Kingdom of Poland, the land problem was still the same. The peasants, as we know, were liberated from serfdom in 1807, however all lands where they lived and worked, belonged to landowners as there was no law about the order of repayment of lands and land management mechanism. Due to these circumstances, minor transformations of the Count Velepolsky did not improve the general situation in the Kingdom of Poland. The unwillingness of the imperial authorities to solve the problems in Poland, again caused the discontent among the Polish society.

Y. Markhlevsky specifies that the formal beginning of the revolt was the count Velepolsky's plan of organize the recruitment in Warsaw not in a regular way, that is by lot, but by the will of the authorities.

Thus, Velepolsky wanted to get rid of revolutionary youth by sending them to military service [18; 292]. Before the revolt on the territory of the Kingdom of Poland there were two political movements — radical democratic (red) and conservative (white). The red wing insisted on the revolt, the white one, on the contrary, tried to resolve the conflict by peaceful means. In 1862 the «red» organized the Secret Central Committee which declared itself the Provisional national government and called all the citizens to arms. Thus, on January 22, 1863 in Warsaw a new large revolt began.

The provisional national government issued some decrees about the right of peasants to the land. The landless peasants who wanted to work on the land and participated in the revolt were promised a piece of land from national property.

About 30 thousand people participated in revolt and they were opposed by the imperial army of 200 thousand people. However, the volunteers from other European states arrived to Poland, among them were not only the Poles, but also people of other nations. Among the leaders of revolt were Yaroslav Dombrovsky — later one of leaders of the Commune of Paris, Stephane Bobrovsky, Siegmund Padlevsky and many others [3; 355].

The Polish revolt which began in January disturbed all Europe, and first of all Austria and Prussia, where the compatriots lived. Prussia which claimed to the leading role in the unified Germany was anxious more than others about the events, however the Ministries and Departments did not possess any information on the situation in the Kingdom of Poland [19; 123]. As V.G. Revunenkov notes, the position of Bismarck, the chancellor of Prussia who was named «the iron chancellor», towards the people participating in the revolt was very strict — no concessions for the Poles, suppression of the revolt and elimination of any reforms [19; 124]. Poland, according to O. Bismarck, is source of a concern for Russia, its russification was not carried out because of the difference in religion, and also insufficient administrative abilities of the Russian authorities. Further he noted that «... we, Germans, could do it well, ... we have means to it, because the German people are more cultural than the Polish» [20; 265, 266].

The revolt lasted until 1864 and ended with defeat of the risen. After the revolt at same year the tsarism was compelled to carry out a peasant reform and on February 19 (March 2) the emperor Alexander II issued the Decree on peasants [21; 121]. By this reform the peasants received in their property the land where they lived and which they farmed. Country duties were cancelled, instead they paid a special land tax which compensated the land cost to landowners [21; 130]. The process of payment lasted for many decades, and only in 1906 the payment to landowners was complete [22; 603, 604].

The events of 1863–1864 showed the whole world once again that the Polish people, being repeatedly defeated in an unequal fight against the empire, did not leave the idea to restore the Polish national statehood.

Assimilation and russification of the Polish lands, the repressions of participants of the revolt and their families compelled them to run from the country to other states. According to the Polish scientists Yu. Bardakh, B. Lesnodorsky and M. Piyetrchak, 2,6 million people, mainly peasants, emigrated to the USA, about 200 thousand Poles emigrated to other states of America, about 400 thousand people — to the German countries, especially to Westphalia, 100 thousand people — to the countries of Europe, about 300 thousand Poles — to different parts of the Russian Empire [3; 372] between 1870–1914.

The Russian revolution of 1905 brought the hope to Poland, as well as other suburbs of Russia, for weakening of the colonial regime, possibility to obtain the national independence with the improvements of life conditions, etc. The State Duma which was founded according to the Manifesto of October 17, 1905 drew the attention of all the inhabitants of the mother country and national suburbs.

The Kingdom of Polish, together with the Steppe and Turkestan regions and other colonies of Russia, acquired the right to represent their deputies in the State Duma. The Polish deputies formed the fraction which was called «Polish Kolo». The deputies from Poland were elected both from Russian and Polish population.

Unlike Kazakhstan, the Polish elects participated in all 4 sessions of the Parliament whereas the deputies from the Central Asian regions were deprived of representation in the Duma after the revolution of June, 3 1907. Under the law of June 3rd the total number of deputies was reduced due to the working class, democratic revolutionary parties and national suburbs. But increased the number of the «right» monarchist parties and political forces close to them [23; 44], which meant that the Parliament would fulfill only requirements of the imperial government.

The III and IV State Dumas were known in the history as «Black Hundred» as no bills improving the position of Poland and Kazakhstan were adopted by them.

The Duma created the illusion of the reforms whereas the founding fathers — the emperor and his surrounding, didn't intend to limit the autocratic power.

The struggle for the Polish national statehood proceeded until the events of February bourgeois-democratic revolution of 1917 and renunciation of Nicholas II of the throne when the revolutionary forces provided independence to the Polish people. But it should be noted that process of restoration of national statehood was difficult and lasted for many years.

Summarizing the above-said, it should be noted that the Polish-Lithuanian Commonwealth or the Republic which was founded at the end of the XVI century was a class and representative monarchy. In fact it was possible to call it Republic, as the power of the king was limited by the Common Polish Sejm. The king had no right to make large state decisions without the approval of the Sejm. In Poland there was a local government and other authorities typical for this political form of government.

By the end of XVI – the beginning of the XVII century in Poland the crisis phenomena of economic and military-political character appeared. Weak centralization and slow state mechanism did not give the opportunity to solve the country's problems quickly. Moreover, Poland was surrounded by the powerful militarily empires which used their political tools and temporary weakness of the Polish-Lithuanian Commonwealth to intervene on its territory.

After a number of defeats, Poland passed through four partitions of its territory between Russia, Prussia and Austria. However Poland did not wish to tolerate its legal status and large revolts repeatedly rose inside the country, the last was in 1863.

The revolts were cruelly suppressed by the Russian authorities; liquidation of traditional institutes of self-government, repression from the colonial authorities, nevertheless, did not break the spirit of the Polish people in their intention to restore the state independence. This opportunity appeared again after the fall of autocratic regime and in the harsh struggle.

The history of the Polish people and state was filled with tragic events of its heroes who died for the independence and is very similar to the history of the Kazakh state. After signing the contract with the Russian Empire in the first half of the XVIII century, the Kazakh khans gradually lost the independence at first in foreign, later in domestic policy. After the laws on liquidation of the khan power in Junior and Middle Zhuzin the first quarter of the XIX century, the Steppes from the vassal state began to turn into a colony of the Russian Empire.

Colonial policy of tsarism in Poland and Kazakhstan, gradual assimilation and russification of the population, suppression of national cultures, traditions and languages «cemented» our societies, strengthened the national consciousness and in the future it became a basis in the struggle for restoration of national statehood.

References

- 1 *Врублевский А.* Польша. — М.: Соцэргиз, 1936. — 212 с.
- 2 Краткая история Польши (с древних времен до наших дней). — М.: Наука, 1993. — 528 с.
- 3 *Бардах Ю., Леснодворский Б., Пиетрчак М.* История государства и права Польши. — М.: Юрид. лит., — 559 с.
- 4 *Зиманов С.С.* Политический строй Казахстана первой половины XIX века и Букеевское ханство. — Алматы: Изд-во «Арыс», 2009. — 496 с.
- 5 *Костомаров Н.И.* Русская история в жизнеописаниях ее главнейших деятелей. — М.: ЭКСМО, 2004. — 1024 с.
- 6 *Островер Л.* Тадеуш Костюшко. Серия: Жизнь замечательных людей. — М.: Мол. гвардия, 1961. — 272 с.
- 7 *Берг Н.В.* Записки о польских заговорах и восстаниях. — М.: Русский архив, 1873. — 382 с.
- 8 *Grynwaser H.* Kodeks Napoleona w Polsce. Pisma. — [ER]. Access mode: <http://www.doullbooks.com/?page=shop/browse&fsb=1&searchby=author&keyword=GRYNWASER%2C+Hipolit>. — Vol. 1. — Wroclaw, Wydawnic two Zakladu Narodowego imienia Ossolinskich. — Wroclaw, 1951. — 240 p.
- 9 *Пресняков А.Е.* Российские самодержцы. — М.: Книга, 1990. — 441 с.
- 10 *Семенникова Л.И.* Россия в мировом сообществе цивилизаций. — 4-е изд. — Брянск: Курсив, 2000. — 539 с.
- 11 *Милютин Д.А.* Воспоминания. 1860–1862. — М.: Редакция альманаха «Российский архив», 1999. — 559 с.
- 12 *Зайончковский П.А.* Отмена крепостного права в России. — 2-е изд., пересм. и доп. — М.: Учпедгиз, 1960. — 368 с.
- 13 История СССР. XIX– начало XX вв. / Под ред. И.А. Федосова. — 2-е изд., перераб. и доп. — М.: Высш. шк., 1987. — 542 с.
- 14 Российское законодательство X–XX веков. Т. 6. Законодательство первой половины XIX века / Отв. ред. О.И. Чистяков. — М.: Юрид. лит., 1988. — 431 с.
- 15 *Головачев А.А.* Десять лет реформ. 1861–1871 гг. — СПб.: Вестн. Европы, 1872. — 400 с.

- 16 Великая реформа. Русское общество и крестьянский вопрос в прошлом и настоящем. (Юбилейное издание). — М.: Типография т-ва И.Д. Сытина, 1911. — Т. 5. — 311 с.
- 17 *Костюшко И.И.* Прусская аграрная реформа. К проблеме буржуазной аграрной эволюции прусского типа. — М.: Наука, 1989. — 264 с.
- 18 *Мархлевский Ю.* Сочинения. Т. 6. Очерки истории Польши. — М.-Л.: Соцэргиз, 1931. — 320 с.
- 19 *Ревуненков В.Г.* Польское восстание 1863 года и европейская дипломатия. — Л.: Ленингр. ун-т, 1957. — 358 с.
- 20 *Бисмарк О.* Мысли и воспоминания: Пер. с нем. / Под ред. А.С.Ерусалимского. — М.: ОГИЗ: Соцэргиз, 1940. — Т. 1. — 336 с.
- 21 *Костюшко И.И.* Крестьянская реформа 1864 года в Царстве Польском. — М.: Изд-во Академии наук СССР, 1962. — 494 с.
- 22 *Marchlewski J.B.* Pisma wybrane. — Vol. I. — Wyd. Książka i Wiedza. — Warszawa, 1952. — 682 p.
- 23 *Кожжахметов Г.З.* Государственная Дума и народы Степного края в 1905–1917 гг. — Караганда: Болашак - Баспа, 1999. — 130 с.

К.Цомплак, Г.З.Кожжахметов, Р.Б.Ботагарин

Бодандық жағдайындағы Польша патшалығының саяси-құқықтық жағдайы

Мақалада бодандық жағдайындағы Польша патшалығының саяси-құқықтық жағдайы қарастырылған. Қазіргі тәуелсіз Польша мемлекетінің тарихы тереңде жатыр және де көптеген мемлекеттер тарихы сияқты күрделі кезеңдерді басынан өткерген. Соның бір ауқымды кезеңі Польша патшалығының Ресей бодандығында болған уақыты. Содан бері Польша жері Пруссия, Австрия және Ресей арасында төрт рет бөліске түскен. Бірақ осы жағдайларға қарамастан, Польша өзінің ұлттық мемлекеттілігін сақтай алды.

К.Цомплак, Г.З.Кожжахметов, Р.Б.Ботагарин

Политико-правовое положение Царства Польского в условиях колониального периода

В данной статье рассмотрено политико-правовое положение Царства Польского в условиях колониального периода. Подчеркнуто, что в истории сегодняшней независимой Польши, как и в истории других независимых государств, было много трудных периодов, одни из которых — положение Царства Польского в составе колонии Российской империи. В результате ряда поражений, отмечают авторы, Польша пережила четыре раздела своей территории между Россией, Пруссией и Австрией, но несмотря на это смогла сохранить свою национальную государственность.

References

- 1 Vrublevsky A. *Poland*, Moscow: Socekiz, 1936, 212 p.
- 2 Brief history of Poland (from ancient times to modern period), Moscow: Nauka, 1993, 528 p.
- 3 Bardakh Yu., Lesnodorsky B., Pietrchak M. *History of State and Law of Poland*, Moscow: Uridicheskaya literatura, 559 p.
- 4 Zimanov S.Z. *Political regime in Kazakhstan in the first half of the XIX century and Bukei khanate*, Almaty: Publ. house «Arys», 2009, 496 p.
- 5 Kostomarov N.I. *Russian history in life description of its most important personalities*, Moscow: EKSMO, 2004, 1024 p.
- 6 Ostrover L. *Tadeush Kostushko*, series: Life of outstanding people, Moscow: Molodaya Gvardiya, 1961, 272 p.
- 7 Berg N.V. *Notes of Polish plots and revolts*, Moscow: Russian archive, 1873, 382 p.
- 8 Grynwaser H. *Kodeks Napoleona w Polsce. Pisma*, [ER]. Access mode: <http://www.doullbooks.com/?page=shop/browse&fsb=1&searchby=author&keyword=GRYNWASER%2C+Hipolit>, 1, Wroclaw, Wydawnic two Zakladu Narodowegoimienia Ossolinskich, Wroclaw, 1951, 240 p.
- 9 Presnyakov A.Ye. *Russian monarchs*, Moscow: Kniga, 1990, 441 p.
- 10 Semennikova L.I. *Russia in global society of civilizations. 4th Edition*, Bryansk: Kursiv, 2000, 539 p.
- 11 Milutin D.A. *Recollections. 1860–1862*, Moscow: Publ. house «Russian archive», 1999, 559 p.
- 12 Zayonchkovsky P.A. *Abolition of serfdom in Russia. 2nd Edition revised*, Moscow: Uchpedgiz, 1960, 368 p.
- 13 USSR History. XIX – early XX century, edited by Fedosova I.A., 2nd Edition revised, Moscow: Vysshaya shkola, 1987, 542 p.

- 14 *Russian legislation of the X–XX centuries*. Vol. 6. *Legislation of the first half of the XIX century*, edit. Chistyakov O., Moscow: Uridicheskaya literatura, 1988, 431 p.
- 15 Golovachev A.A. *Ten years of reforms*. 1861–1871, Saint Petersburg: Vestnik of Europe, 1872, 400 p.
- 16 *Greatre reform. Russian society and peasant problem in past and present*. (Jubilee edition), Moscow: Publ. house of society by Sytin I, 1911, 5, 311 p.
- 17 Kostushko I.I. *Prussian agrarian reform. To the problem of bourgeois agrarian evolution of Prussian type*, Moscow: Nauka, 1989, 264 p.
- 18 Markhlevsky Yu. *Essays*. Vol. 6. *Outline of history of Poland*, Moscow: Socekgiz, 1931, 320 p.
- 19 Revunenkov V.G. *Polish revolt of 1863 and European diplomacy*, Leningrad: Leningrad University, 1957, 358 p.
- 20 Bismarck O. *Thoughts and recollections*, translated from German under edition of Erusalimsky A.S., Moscow: OGIZ: Socekgiz, 1940, 1, 336 p.
- 21 Kostushko I.I. *Peasant reform of 1864 in the Kingdom of Poland*, Moscow: Publ. house of Academy of Science of USSR, 1962, 494 p.
- 22 Marchlewski J.B. *Pisma wybrane, I*, Wyd. Książka i Wiedza, Warszawa, 1952, 682 p.
- 23 Kozhakhmetov G.Z. *State Duma and peoples of Steppe region in 1905–1917*, Karaganda: Bolashak - Baspa, 1999, 130 p.

Репозиторий КАРГУ