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Comments on Wojciech Dzieduszycki's Reflections on the State and Law

Uwagi o rozważaniach Wojciecha Dzieduszyckiego o państwie i prawie

ABSTRACT

Conservatives in Galicia during the Austro-Hungarian monarchy exerted an overwhelming influence on political and social life. Among the conservative groups and parties, there were the so-called Podolaks, to which Wojciech Dzieduszycki belonged, writer, politician and philosopher. He wrote about the genesis and concept of law, the functions of the state and the scope of state power. He spoke against the law that regulates all manifestations of human life, because social relations are also regulated by moral and religious norms. Dzieduszycki was critical of socialism and all excessive forms of state intervention because he was against excessive state power. Based on Dzieduszycki's reflections on the state and law, it can be concluded that he was an advocate of evolutionary conservatism.

Keywords: Wojciech Dzieduszycki; state; law; conservatism; state power; Galicia; Austro-Hungarian monarchy

INTRODUCTION

Today, what is called the state is a primarily military organization based on a territorial foundation – it is a piece of the country carved out by arms. If it were true that both militarism and territorialism are under threat, the fate of today's state would be doomed. From what I have written so far, it follows that the army will soon be the source of all power. However, I have not raised the most important things in this relationship, I have not emphasized the fact that today money means more than a soldier, the fact that you need money to mobilize an army and that the monarch has to ask the financier if he wants to show to the world the power of their hosts. On the contrary, money

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itself would conquer a huge country, being certain that it would buy policemen, even if they were to call themselves soldiers, who would force the population conquered using money to pay tribute. The huge development of credit has also changed the political face of the Earth, and today the billionaire smiles dismissively when talking about troops and navies, diplomacy and parliaments. These are all puppets or soap bubbles for them, thinking that they mean something.[1]

To begin this study with an extensive quotation from Wojciech Dzieduszycki's work entitled *Dokąd nam iść wypada?* (Eng. *Where Are We Supposed to Go?*; 1910), our intention was to show the insight and multifaceted thoughts of the author, who focused on philosophy and political thought, art and cultural history, wrote novels and plays. The thought of Dzieduszycki was based on a foundation of reflection on human civilization. As Włodzimierz Bernacki pointed out, Dzieduszycki, decades before José Ortega y Gasset, saw what this Spanish philosopher described: things such as the progressive process of agglomeration, atomization of society, reification of the human being, and the adoption by the rural-urban population of behaviour patterns previously characteristic of the bourgeoisie.[2] The originality of Dzieduszycki lies precisely in the fact that, like Oswald Spengler or Arnold Toynbee, he perceived progress as a destructive factor for culture, and, contrary to the often-formulated accusations, it was not historiosophical pessimism. We, on the other hand, set ourselves a research task consisting in presenting Dzieduszycki's attitude to the state and law and the consequences for the understanding of freedom and conservatism. The main thesis of this essay is that Dzieduszycki perceived the law and state structures, in particular their scope and functions, through the prism of conservatism, i.e. the ideology of the political party to which he belonged – East Galician conservatives (the so-called Podolaks, Pol. *podolacy*).

As an introduction, it should be noted that Wojciech Dzieduszycki, born in 1848, was a conservative politician and a count. He was one-of-a-kind, eccentric and son of Władysław and Antonina née Mazaraki. In 1866, he began his studies in the Theresianum in Vienna. Then he studied law and philosophy at the University of Vienna. He obtained his habilitation in 1894, and in 1896 took the chair of philosophy and aesthetics in Lviv. In the years 1900–1904 and 1907–1909, he was the vice-president of the Polish Circle (Pol. Koło Polskie), and in 1904–1906, after the death of Apolinary Jaworski, became its president. Dzieduszycki resigned from this function in order to take over the position of Minister for Galicia. He held this office until November 1907, when he resigned as a result of a conflict with Prime Minister – Max Beck. Dzieduszycki died on 23 March 1909.[3] He gained fame as

[1] W. Dzieduszycki, *Dokąd nam iść wypada? Mesjanizm polski a prawda dziejów*, Kraków 2012, p. 246.

[2] W. Bernacki, *Wstęp*, [in:] W. Dzieduszycki, *Dokąd nam iść wypada…*, p. XIII.

[3] S. Kieniewicz, *Dzieduszycki Wojciech*, [in:] *Polski Słownik Biograficzny*, vol. 6, Kraków 1948, p. 127; „Kurjer Stanisławowski" 1909, no. 1229, p. 1; B. Szarlitt, *O panu „Wojtku" Dzieduszyckim.*

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one of the most colourful figures of his era (he was even said to be the Polish Oscar Wilde). In addition to his political activities, he wrote novels, dramas, works in the field of cultural history, philosophy and political thought. He was called "the Athenian from Jezupol" from the title of one of his works.

In 1873, he married his distant cousin, Seweryna Dzieduszycka (1852–1925), the daughter of Count Aleksander and Domicella née Pietruscy, of the Starykoń family crest. In 1874 their daughter, Antonina Maria, was born, and a year later their son, Władysław Jakub.[4] Wojciech was a descendant of Dominik Herakliusz Dzieduszycki, who obtained a count's diploma in 1777 and who started one of the Dzieduszycki family lines. On the other hand, the brother of Dominik Herakliusz, Tadeusz Gerwazy, gave rise to the line known as – from the ordinance established in 1893 – the Poturzycko-Zarzecka line. Tadeusz Gerwazy and his descendants were awarded the title of count in 1775. Therefore, the relatives of Wojciech Dzieduszycki from the sideline of the family were Włodzimierz Dzieduszycki (1825–1899), Marshal of the National Sejm (Pol. Sejm Krajowy) in 1876, naturalist, collector, founder of the Dzieduszyccy Museum.[5]

Kazimierz Grocholski, Apolinary Jaworski, Dawid Abrahamowicz, Wojciech Dzieduszycki, Leon Piniński, Włodzimierz Kozłowski, Tadeusz Cieński, Kornel Krzeczunowicz and many others were among the Podolaks. Many of them belonged to the generation of Galicians who in their youth engaged in dangerous activities in conspiracy organizations, served their sentences in Austrian prisons, and then held leading positions in legal organizations and offices.[6] They occupied ministerial positions, and until 1907, from time to time with a short break, Podolak was the president of the Polish Circle, gathering Polish deputies in the Austrian parliament. In the Austrian Council of State, together with the Stańczyks and German and Czech conservatives, they formed a coalition – the so-called iron ring (*eiserner Kreis*).[7]

The Podolaks were settled in conservative stance, with Wilhelm Feldman pointing out that "they were cursed not only with retrograde but also with outright

Wspomnienia osobiste B. Szarlitta, „Naokoło Świata" 1926, no. 32, pp. 161–166; K. *Pamiętniki*, vol. 1, Warszawa 1951, pp. 153–154; K.K. Daszyk, *Osobliwy Podolak. W kręgu myśli historiozoficznej i społeczno-politycznej Wojciecha hr. Dzieduszyckiego*, Kraków 1993, p. 9, passim; M. Jaskólski, *Ateńczyk z Jezupola*, „Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z Nauk Politycznych" 1991, no. 28, p. 162; T. Jakubec, *Wojciech Dzieduszycki. Pisarz, estetyk, filozof*, Kraków 2009, pp. 16–22; W. Bernacki, *op. cit.*, pp. VII–VIII.

[4] T. Jakubec, *op. cit.*, p. 17. The son of Władysław Jakub Dzieduszycki (1875–1940) and Ewa née Koziebrodzcy, and thus the grandson of Wojciech Dzieduszycki, was Wojciech Dzieduszycki (1912–2008) – actor, singer, journalist, creator of the cabaret "Dymek z papierosa" and the recipe of Wrocław flour. See *ibidem*, pp. 17–18.

[5] K. Karolczak, *Dzieduszyccy. Dzieje rodu. Linia poturzycko-zarzecka*, Kraków 2000.

[6] Ł. Szymański, *Problematyka obywatelstwa w ujęciu Stanisława Starzyńskiego*, „Imponderabilia" 2014, nr 6, p. 57.

[7] J. Buszko, *Polacy w parlamencie wiedeńskim 1848–1914*, Warszawa 1996, p. 105, passim.

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obscurantism". In his view, East Galician conservatism, more than Kraków's, "is characterized by a more dull and stubborn conservatism, and the inherent militancy is also part of the tradition; instinct prevails over intelligence, temperament over political thought".[8] There is no doubt that Feldman, as a Democrat, also formulated his judgements for political purposes. Therefore, the opinions that this journalist formulated in 1911 when describing Stanisław Starzyński in his cycle – written under the alias "Junius" – entitled *Contemporary Polish Politicians*:

> The local leader of the Podolaks. This should be sufficient. "Podolak" – it is a completely separate species of the Galician man. Even the Galicyan in general raises doubts as to whether he belongs to the "homo sapiens"; and Podolak raises these doubts even more. […] The Podolski nobleman has also become a synonym of the most powerful conservatism. […] Mental sterility fell on this stout, messy, virile nobility living only by constant negation.[9]

On the other hand, the contemporary researcher, Aleksandra Kosicka-Pajewska, adopted the distinction between the "West Galician, 'Kraków' conservatism with undeniable intellectual superiority, the enlightened conservative, and the Eastern Galician Podolak, more spontaneous in their conservative character".[10]

Roman Dmowski, a contemporary of Feldman, wrote about the Podolaks that:

> […] if they played and still do play an important role in Galician politics, they owed it to their number, economic strength, social position, and finally to outstanding personalities never missing among them. Being a leading layer in the part of the country dominated by the Russian people, in their ideology they combined the issue of conservatism with the issue of Polishness, which greatly increased the ideological value of their camp. As the Russian movement hostile to Poles grew in strength, and in the fight against it, the national tone of East-Galician conservatism, or at least some of its branches, rose. In an attempt to strengthen the Polish position in the country towards the Ruthenians, some conservatives began to seek rapprochement with other Polish elements, cooperate for the sake of national awareness of Polish peasants in eastern Galicia and the organization of Polishness in the cities. This departure, or rather attempts to go beyond the border of one layer, this approach to other social elements gave moral strength to Polish conservatism in Eastern Galicia, raised its national value and accentuated its ideological honesty. If we can also speak today of a conservative idea in Poland, an idea that has not become an empty expression, then in Eastern Galicia it can still be found to a large extent.[11]

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[8] W. Feldman, *Stronnictwa i programy polityczne w Galicyi 1846–1906*, vol. 1, Kraków 1907, p. 105.

[9] Junius [W. Feldman], *Współcześni politycy polscy. XXIX. Prof. St. Starzyński*, „Krytyka" 1911, vol. 31, pp. 138–141.

[10] A. Kosicka-Pajewska, *Zachowawcza myśl polityczna w Galicji w latach 1864–1914*, Poznań 2002, p. 17.

[11] R. Dmowski, *Upadek konserwatyzmu w Polsce*, [in:] idem, *Pisma*, vol. 4, Częstochowa 1938, pp. 1–2.

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WOJCIECH DZIEDUSZYCKI'S THOUGHT

Regarding Dzieduszycki's views on the state and the law, it should be emphasized that they had a thorough philosophical foundation, which results from his education and research interests. As per Fr. Marian Ciszewski, for the "Athenian of Jezupol" the ultimate principle of cognition and its certainty is conscience, including both the fact of self-knowledge and an intuitive moral sense and the action of will. Dzieduszycki based the certainty of the existence of God, the immortality of the human soul and freedom of will on a moral imperative known intuitively; He called this certainty knowledge, thus trying to overcome Kant's opposition between faith and knowledge. For him, knowledge has a practical character and is primarily used to gain virtue, because obedience to the dictates of conscience is an intuitive necessity. In the theory of knowledge, he tried to reconcile intuitionism with empiricism.[12]

Dzieduszycki expressed his views on the law, which were characteristic of the entire party, in his work entitled *O idei prawa ze stanowiska filozoficznego* (Eng. *On the Idea of Law from a Philosophical Standpoint*) published in "Przegląd Prawa i Administracji" in 1894. The author set himself the goal of answering the question of how the law was created. He described several previously created theories. The first hypothesis was that the law was given by God. Every form of law, even social and political law, was therefore a product or a consequence of God's revelation, which was then distorted by man and was replaced by a law surrogate, i.e. positive law. The most faithful supporters of this thesis believed that the primary law, revealed, was the most appropriate, the harmony given by God was disturbed by defective human nature, which led to a civilization regression and initiated, as Dzieduszycki put it, "inevitable decline".[13]

However, the theological hypothesis was not interpreted unilaterally, and Dzieduszycki cited the thought of Johann G. Fichte as an example of a different perception – he saw turning away from God's law as something positive, as a happy sin – *culpa felix* – thanks to which mankind gained the possibility of achieving a higher form of perfection. Before that, humans were not complete in the full sense of the word, because deprived of free will and unfettered ability to express thoughts, they were more like animals. On the other hand, the breach of the original law made it possible to create a perfect law in the future, the essence of which is that it will be obeyed by man consciously and rationally without the need to apply external coercion.[14]

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[12] M. Ciszewski, *Propozycje pedagogiczne Wojciecha Dzieduszyckiego*, „Seminare. Poszukiwania Poznawcze" 1978, no. 3, p. 189.

[13] W. Dzieduszycki, *O idei prawa ze stanowiska filozoficznego*, „Przegląd Prawa i Administracji" 1894, vol. 19, p. 711.

[14] *Ibidem*.

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The second hypothesis assumed the existence of a state of nature where people lived without knowing the concept of virtue, venting their passions and instincts, not knowing what happiness and suffering were. This theory is criticized by Dzieduszycki, who writes that "Jean-Jacques Rousseau, the great spokesman of this hypothesis, goes on to say that these animals came together in an incomprehensible way for a joint conference, and that by resolution they established not only a social system, but even rules of speech".[15] The law created in this way, in the opinion of this Podolak, has always been inappropriate, it allowed the development of negative human inclinations, and was the cause of many cases of violence and vice.

Apart from these two positions, in the 19th century a third view of the genesis of law appeared. It rejected the perception of law as revealed and derived from a contract and assumed that law arose in the course of the development of history, naturally and without the conscious goal of the human will. Proponents of this position assumed that the state and the first laws arose as a result of the existence of certain inclinations of human nature and then were transformed by activities based on rational speculation. Dzieduszycki wrote:

> […] at first, reason was content with writing down what had already become law, and many believe that a severe error was made when positive laws began to be constituted, which were something else than a codified custom, and that from then on, as arbitrary laws arose, and therefore bad ones, they turned into too tight clothing distorting human figure.[16]

Dzieduszycki also formulated a classification of the laws that we may encounter. Thus, there are physical laws governing the phenomena of nature, psychological laws that determine the reflexes of our soul, and moral laws that regulate human relations. All of them are designed to help us be rational, undeviating and reserved. This would correspond to the function of the law that Dzieduszycki presented when he wrote that "law is therefore a provision regulating human activities so that people can be happy".[17] Likewise, political law serves to enable the happiness of citizens. For a law which benefits only a few shall inevitably be abolished as a result of revolutionary uprisings. Importantly, Dzieduszycki thought that the law may provide people with material or spiritual happiness. In his opinion, contemporary law was concerned only with enabling the unhampered multiplication of property, and if it dealt with the upbringing of man, it was only for the purpose of using the forces of nature as efficiently as possible. In the social dimension, two positions were to clash with each other, one of which he called liberal, assumed the support of behaviours aimed at increasing the wealth of an individual, which in turn was to translate into general welfare. The author described this position as dominant.

[15] *Ibidem*, p. 712.
[16] *Ibidem*.
[17] *Ibidem*, p. 714.

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The second – socialist – view assumed that all goods should be equally divided. Dzieduszycki wrote that the first camp was right in the sense that:

> […] where the state always distributes sensual goods equally among its citizens, regardless of their unequal efforts, claiming that it fights universal poverty, taking away from everyone the stimulus by depriving everyone of the hope of personal gain impelling to thoughtful and persistent work, and destroying everyone's ability to persistent intentions based on free decision.[18]

The socialists, however, rightly accepted as inappropriate those liberal claims that a person could freely dispose of their property without regard to the common good.

Nowadays, according to the "Athenian of Jezupol", the prevailing position is that the law should serve only sensual needs of a human being. In this sense, it is far from the ideal of the law, i.e. the moral law, the true law which presupposes the spiritual improvement of man, the realization of moral ideals in which everyone will find lasting happiness. Dzieduszycki, however, made reservations that it is not the state that should improve a human being by means of legal provisions (the author wrote: "[…] it is not the task of criminal or police law to bring down virtue to the Earth"[19]). Person must be left free to be accountable for his deeds to his own conscience. For this reason, the state cannot be omnipotent. Over-regulation contradicts the purpose of the law, which is to guarantee the protection of human life and freedom.[20] The law should ensure the realization of rational and righteous purposes. It will therefore act according to its idea when it secures the freedom of the individual by establishing as few dos and don'ts as possible. It can apply them as long as they show the immature state in which they can use freedom morally well. The law must therefore limit the arbitrariness of citizens and officials, but it cannot build the omnipotence of the state. Dzieduszycki wrote: "A wise state will only be a state that will limit itself in advance to the function of the guardian of public peace and security, and also prudent administrator supporting useful private work".[21]

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[18] *Ibidem*, p. 718.

[19] *Ibidem*, p. 720.

[20] "Freedom requires that people, without any danger to other people and to all mankind, can act as their reason and conscience tells them, without succumbing to any external coercion. It is natural, then, that the sum of this freedom may be greater, insofar as there is more common consent and the principles that ensure the collective happiness of mankind. Any authority that goes beyond its necessary scope is heavy, unjust, and binds people without a justified reason; but where there is a chaos of ideas and where every person only thinks about itself, and where a voluntarily accepted custom does not direct everyone, the scope of power becomes ever greater, and societies, falling into moral anarchy, must succumb to the despotic power of the state. The state errs again when it tries to impose certain beliefs on society. It should be their source. Beliefs cannot be imposed by a decree" (idem, *Listy czytelnika*, Lwów 1893, p. 282).

[21] Idem, *Dokąd nam iść wypada…*, p. 503.

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The fear of the state's omnipotence was the cause of the critical assessments formulated by Dzieduszycki towards socialism. As Richard Pipes wrote in the article published in "Studia nad Faszyzmem i Zbrodniami Hitlerowskimi" in 2011, according to Dzieduszycki, socialism does not aim at eliminating poverty, but at eliminating prosperity from social life. For socialism is tantamount to the establishment of an army of officials who would have power on an unprecedented scale. Excessive power in the hands of officials was to be a consequence of the socialist counterfactual assumption that the production and distribution of goods could and should be regulated on a central level.[22] Dzieduszycki predicted that such a system would be ineffective; it would be a "step back", detrimental to the poorest above all.[23]

According to Dzieduszycki, the law should serve the realization of human freedom, and therefore it must be a regulator of social life, and not a source of civic virtue, as this should result only from the obligation to love one's neighbour. A law

[22] "There will be […] a swarm of hierarchically organized officials, with power that has never existed in the world, and burdened with responsibility and a load of work that no one imagines today! Officials sitting in head offices will form a government, although this government may not be called a government, they will do everything that central governments do today, and in addition they will fulfil a huge task, exceeding human strength, because they will regulate all production and the entire turnover of all things of any economic value. The leaders of the people, the demagogues will gain more than royal power from the ruins of the old society" (as quoted in: R. Pipes, *Polska sowietologia do 1939 roku*, „Studia nad Faszyzmem i Zbrodniami Hitlerowskimi" 2011, vol. 33, p. 37).

[23] "The introduction of a collectivist system could not do without an economic upheaval which would directly bring about some rather considerable impoverishment of society. At the same time, this society would lose its enthusiasm due to the resulting greed, which today used to quickly heal wounds, repair losses, and temporary disasters. Therefore, society would remain poorer as it used to be, perhaps it would constantly become poorer from then on, it would certainly not get rich as quickly as it is getting rich today. The benefit of the disappearance of idlers would be completely cancelled out by the disappearance of personal productive energy. Absolute, or even only relative, universal impoverishment would be no longer an advance but a decisive backward step that the working low-income classes would feel most severely. And these were not the only retrospective effects of the victory of social democracy. They say that all officials of the socialist republic will be elected by their subordinates by popular vote for one year. Meanwhile, neither the management of the economic affairs of the state, nor the management of any enterprise may be exercised by any whom nor, it cannot change every year, and if it is not expected to lead to general bankruptcy in a very short time, it must remain in the hands of a professionally educated person, capable of performing far-reaching plans and having that power over subordinate officials, which can only give the right to appoint officials, dismiss and promote them. If they are not to take everything to hell, the choice will therefore be an empty formality, and well-paid people will have significant power, who will also be able to give their children a careful and professional education, so that over time – as in any bureaucracy – a hereditary ruling class emerges, and even the management of individual factories or farms will most often pass from father to son or son-in-law as the ones most familiar with the local conditions. The power of these collectivist officials will be enormous, since the entire existence of each citizen will depend on their will, and human nature would have to change in a truly extraordinary manner, if such power of the rulers did not tempt them to any kind of abuse, to completely subjugate their subordinates to turn the earned income into their own advantage" (W. Dzieduszycki, *Dokąd nam iść wypada…*, pp. 139–140).

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that is too omnipotent, too petty, misses its goal "the more numerous the prohibitions and the greater the legal constraint, the more despicable moral forces in man"[24] (this corresponds to the Ciceronian paradise *summum ius summa iniuria*). However, fuelling these forces is not the role of the state and law, but of other entities, among which the Catholic Church has the most important role.[25] As Dzieduszycki wrote, "religion is sometimes a knot without which society falls apart".[26] He is not a good citizen who obeys the law only because he is afraid of its consequences. Obedience to the law should result from the conviction that order is indispensable for the proper functioning of society.[27]

For Dzieduszycki, legal considerations are the result of his conservative views on the state and power. Therefore, it should be emphasized that this author is familiar with the dilemma characteristic of conservatives: the critique of anarchy on the one hand and the fear of the omnipotence of the state on the other. "Power has been used and is sometimes used for evil, but better wicked power than anarchy among which power used to be gained by means of the most severe crime".[28] Dzieduszycki, although pointing to the necessity of the existence of state authority as a guarantor of social order, subjected this authority to moral judgement. So, he went back to the tradition of Origen, who distinguished power that always comes from God and its use, which may be evil.

In his works, he emphasized the necessity of the state as an institution which has three most important tasks to fulfil. In the first place, the state should guard public order, ensure security, "regulate civil life".[29] The state exists, and individuals submit to the established laws, because it gives people protection, and because "in the state they see the embodiment of a historic homeland, for which they have similar emotions to the deepest religious feelings".[30] Further, the state should provide individuals with conditions for self-fulfilment within the framework of the applicable legal norms. Moreover, the state is to fulfil the function of integrating the society.[31]

The "Athenian of Jezupol" considered the issue of obedience to the law contrary to the conscience of the addressee of legal norms. In Poland, this problem boils down to the question of what position they should take towards the invaders' governance and towards the law established by them.[32] Dzieduszycki gives an answer typical of a conservative, dictated by the fear of any anarchy in social

[24] Idem, *O idei prawa…*, p. 720.
[25] Idem, *Listy czytelnika…*, p. 282.
[26] Idem, *Dokąd nam iść wypada…*, p. 429.
[27] Idem, *Listy o wychowaniu*, Lwów 1892, p. 93.
[28] Idem, *Mesjanizm polski a prawda dziejów*, Kraków 1902, p. 144.
[29] Idem, *Listy o wychowaniu…*, p. 93.
[30] Idem, *Dokąd nam iść wypada…*, p. 158.
[31] K.K. Daszyk, *op. cit.*, p. 53.
[32] *Ibidem*, p. 54.

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relations. He warns against all unlawfulness, as it always leads to irreversible disasters. One should refrain from trying to "improve rights through unlawful behaviour".[33] Dzieduszycki, on the other hand, emphasizes that passive resistance to those laws that are contrary to the imperative of conscience or to the good of the nation is permissible, and even advisable. It is equally correct to take any actions that would serve to change the unjust law, and that would fall within the scope specified by legal provisions. The author of *Athens* therefore proposes a legal path to defend national rights. If circumstances so require, it means standing up against the invaders, but without abandoning legalism. However, this is not the uncritical loyalty that Polish politicians from Galicia with conservative views are accused of, but a manifestation of a conservative worldview and belief in the necessity of continuity of the political order.[34] As Dzieduszycki stated, describing the figure of Kazimierz Grocholski: "[…] you must bow to every office and every dignity, even if they are fought against".[35]

For example, in the face of the Revolution of 1905 in Russia, Dzieduszycki – regardless of fears of its social radicalism – stated that "Poles in the Russian state are exposed to much greater dangers than Russian society" and therefore "insurrection

[33] "Therefore, the one who obeys the laws from fear is not a good citizen. One has to exercise law out of the conviction that order is indispensably necessary for society. The terrible calamities that every lawlessness causes should prevent everyone from trying to improve rights unlawfully, but it is permitted and commanded to passively refuse to obey a law that is against conscience or harmful to the good of the nation; it is permitted and commanded to use all means permitted by law to attain the correction of laws that are harmful or not sufficiently useful to the nation. Moreover, the law cannot and should not bind a man to such an extent as to assign to him all activities which may be useful for the good of his fellow citizens, and, yes, the law is limited to what the legislator finds necessary" (W. Dzieduszycki, *Listy o wychowaniu…*, p. 93).

[34] "Poles must understand that the goal is neither politics nor state systems, that these things have only the value of means that create conditions for the successful development of national life, native civilization, work and prosperity, and for rational social progress. When they understand this, they will heal their passion for partial struggles, they will seek personal glory in accomplishing glorious works in the field of art, science, literature, in increasing national property, in undertaking salutary social work, and above all in strengthening national morality, the source of all permanent powers. Then they will give up the theatrical policy of complaints, threats and boasts, with which they have harmed themselves so many times, leave politics to a handful of those constituted, and demand positive results from them […], calculating their own coldness, and favouring a strong ally over a more friendly but weaker one. It is also necessary that Poles, first of all, secure the existence of their nation in the future, remember the past, draw strength from it, but not try to return to what once was, or to do things that were once desired, or even necessary, but abandoned criminally or recklessly, today, however, unachievable by any means. […] We lack the strength that would force governments or nations to make concessions. We have enough material and moral strength to be useful allies of governments and nations and parties with whom history has tied them, and the teachings of the past may make us advisers whose advice is worth paying for" (idem, *Dokąd nam iść wypada…*, pp. 374–375).

[35] Idem, *Kazimierz Grocholski*, Lwów 1889, p. 3.

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or riots of greater significance can only harm national cause".[36] For this reason, he was the co-author of the resolution of the Polish Circle in Vienna, which warned against "careless steps" that could bring about an "incalculable national defeat" and called for peace in the face of events that do not herald favourable prospects for the Polish cause.[37] On the other hand, in March 1905, he sent representatives of the Warsaw parties a memorial based on diplomatic material, in which he explained that the Polish movement at that moment could not count on anyone in Europe.[38]

CONCLUSIONS

To conclude the above considerations, it should be noted that the attitude of Dzieduszycki to the state and law, i.e. those concepts which at the same time define the scope of individual freedom, caused discrepancies as to the perception of the "Athenian of Jezupol" as an extreme conservative, reactionary, backward-looking, as or a liberal conservative. Tomasz Jakubec sees the latter in him, referring to his aversion to fiscalism, interventionism and his praise of the English system, in which the role of the state was reduced to minimum.[39] Also Krzysztof K. Daszyk does not consider Dzieduszycki to be a passionate reactionary wishing to restore the old relations or maintain the current ones at all cost.[40] Dzieduszycki was a conservative of his times and the place where he worked and created, that is the one about which Stanisław Estreicher wrote that "a true conservative should be an ardent supporter of social reforms. […] But precisely because for these reforms to be effective and compatible with the essence of society, he must demand that they be evolutionary".[41] Thus, the conservatism of Dzieduszycki will be "true" conservatism in the understanding of Antoni Z. Helcel, who, describing the essence of conservatism, wrote: "[…] but the main character of conservatism should be perceived precisely in marking what should be truly considered stagnant, inviolable and fundamental in given relations".[42] All this allows us to state that Dzieduszycki's thought does not lose its relevance, it requires and is also worth further research.

[36] *Koło Polskie wobec wypadków warszawskich*, „Słowo Polskie" 1905, no. 68, p. 2.
[37] „Czas" 1905, no. 37; „Gazeta Narodowa", 2.03.1905.
[38] S. Kieniewicz, *op. cit.*, p. 127.
[39] T. Jakubec, *op. cit.*, p. 34.
[40] K.K. Daszyk, *op. cit.*, p. 62.
[41] S. Estreicher, *Konserwatyzm*, Kraków 1928, pp. 16–17.
[42] Quoted after: W. Kozub-Ciembroniewicz, *Austria a Polska w konserwatyzmie Antoniego Z. Helcla 1846–1865*, Kraków 1986, p. 102.

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ABSTRAKT

Konserwatyści w Galicji doby monarchii austro-węgierskiej wywierali przemożny wpływ na życie polityczne i społeczne. Spośród ugrupowań i stronnictw zachowawczych silną pozycją odznaczali się tzw. podolacy, do których przynależał Wojciech Dzieduszycki, pisarz, polityk i filozof. Myśliciel ten zajmował się genezą i pojęciem prawa, funkcjami państwa i zakresem władzy państwowej. Wypowiadał się przeciwko prawu regulującemu wszelkie przejawy ludzkiego życia, gdyż stosunki

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społeczne są regulowane także przez normy moralne i religijne. Krytyczny stosunek do omnipotencji prawa implikował u Dzieduszyckiego sprzeciw wobec socjalizmu i wszelkich nadmiernych form interwencjonizmu państwa. Na podstawie jego rozważań o państwie i prawie można stwierdzić, że był zwolennikiem konserwatyzmu ewolucyjnego.

Słowa kluczowe: Wojciech Dzieduszycki; państwo; prawo; konserwatyzm; władza państwowa; Galicja; monarchia austro-węgierska

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