

## Patterns of Political Thinking and Arguments in Poland–Lithuania: Virtues, *Res Publica* and Education



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The term we are using in this publication, ‘the Jagiellonian ideas’, is a very rich and broad category that includes intellectual and cultural developments of two centuries. I am going to focus on certain aspects of the political discourse and political culture that matured in the late fifteenth and at the beginning of the sixteenth century along with the mixed form of government of Rzeczpospolita. What were the key concepts that shaped public philosophy of the Jagiellonian Commonwealth whose heritage would last so long and would animate political discourse of the next two centuries? It can be argued that the project of the Jagiellonian epoch resembles the Greek *paideia* which meant an overall process of education that aimed at perfection of human character, at the attainment of *areté*. The period of the Renaissance in Poland can be seen as the most vital and the most significant for the development of Polish-Lithuanian culture including political and legal culture as well as education with the central role played by the University of Kraków.

Renaissance political culture in Poland had two main sources of influence: the Renaissance philosophy and rhetoric including civic humanism that first emerged in Italy, and the participation in the public life, the practice of the institutional order of the mixed government which

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allowed for active political engagement of the citizens. In both contexts, the intellectual and the institutional, the ideal of *res publica* was the dominant point of reference and it was first described by Aristotle and Cicero. In the Polish context, it applied to *communitas regni*, the political community or a commonwealth which was supposed to be free, well-ordered, and whose public philosophy was concerned with the well-being of the community and the virtuous public service. In what follows, I will present these different aspects of political culture and political discourse as they developed in fifteenth and sixteenth centuries.

As a mixed commonwealth, a monarchical republic of Rzeczpospolita, to use the term coined by Patrick Collinson<sup>1</sup>, was to be based on the supremacy of the law treated as the guiding principle of the polity. Acknowledging the natural genesis of the state, Cracovian commentators of Aristotle's *Politics* noted that politics was 'the domain of the people who are free, equal by nature, enjoying the same rights and the same equality' (*Politica est principatus liberorum naturaliter equalium, eodem iure et eadem equalitate*)<sup>2</sup>. Wawrzyniec of Racibórz stressed the usefulness of political knowledge claiming that *if we knew the good and the bad method of ruling of a polity we would govern it, as well-organised as it can be, in the best possible way*<sup>3</sup>. He was a supporter of the principle *princeps legibus alligatus* arguing that the law was the best check on power and had to be placed higher than the guarantee originating from the moral virtue of the ruler. The role of the law was essential because the goal of the political organisation of a community was the good of this community and the function of law – the God-given natural law as well as the established one – was to secure the attainment of the public good<sup>4</sup>. Stanisław ze Skarbimierza presented a similar conception of a *res publica* echoing St. Augustine of Hippo: *Justice being taken away, then, what are kingdoms*

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<sup>1</sup> P. Collinson, 'The Monarchical Republic of Queen Elizabeth I', *Bulletin of the John Rylands University Library of Manchester*, Vol. 69, no. 2 (1987).

<sup>2</sup> As cited in P. Czartoryski, *Wczesna recepcja 'Polityki' Arystotelesa na Uniwersytecie Krakowskim*, Wrocław 1963, p. 188.

<sup>3</sup> *Ibid.*, p. 161.

<sup>4</sup> See: K. Grzybowski, 'Rozwój myśli państwowej na Uniwersytecie Krakowskim w pierwszej połowie XV wieku', in: K. Lepszy (ed.), *Dzieje Uniwersytetu Jagiellońskiego w latach 1364–1764*, Kraków 1964, p. 149.

*but great robberies?*<sup>5</sup> He argued that political authority could not function without justice, the most perfect foundation of the political order, and there was nothing more harmful for a political community than injustice.<sup>6</sup> Interestingly, Stanisław found the second most important foundation of a good political order in harmony and unanimity of the polity which could be best attained by good manners, as indicated by Sallust, and not by military advantage.<sup>7</sup> Polish fifteenth century humanism was thus providing a good foundation for ethical and political considerations concerning the rule of law and civic virtue that matured in the republican treatises of the sixteenth century.

More importantly, fifteenth century brings to the fore the conviction that the authority of the monarch does not come from God, but from the people which can be found in Paweł Włodkowic (Paulus Vladimir) and later on in Stanisław Zaborowski. Preabsolutist positions like those presented by Łukasz of Wielki Koźmin and Stanisław of Kluczbork were rare; the main current of political thinking was to follow Włodkowic and more broadly the conciliarist movement that laid a theoretical foundation for the idea of political representation. The expectation that the king must obey the law and is only an administrator of Rzeczpospolita, powerfully expressed by Stanisław Zaborowski at the turn of the 16<sup>th</sup> century went hand in hand with the growing role of the Sejm (Polish parliament) secured by the constitution *Nihil Novi* of 1505. The citizens of Rzeczpospolita secured their privileged position first described by Aristototele as those who rule and are ruled in turn, participate in legislation and administration and perform these public function with regard to the well-being of their political community. Being ruled in the context of the Jagiellonian Commonwealth meant, above all, being subject to the law and not to someone else's will. Thus the law was supposed to be formulated by consent. The three estates in the Sejm were engaged in consensual political discourse that preceded decision-making. Active political participation of the nobility in the workings of the Sejm (Senate and Izba Poselska) and in the local assemblies (sejmiki) had a formative role for the Jagiellonian political culture which

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<sup>5</sup> Stanisław ze Skarbimierza, *Mowy wybrane o mądrości*, M. Korolko (ed.), transl. B. Chmielowska, Kraków 1997, p. 126 (See: St. Augustine of Hippo, *The City of God*, various editions, book IV).

<sup>6</sup> Stanisław ze Skarbimierza, *Mowy wybrane...*, p. 165.

<sup>7</sup> *Ibid.*, p. 169. See: Sallust, *De coniuratione Catilinae*, various editions, 52, 19–22.

fully matured in the 16<sup>th</sup> century.

A monarchical republic was a unique constitutional arrangement with its character of a mixed polity in which law, liberty and virtue were supposed to predominate. It required a careful balance between the three estates and a careful choice of institutions that would strengthen this balance. The struggle between the (elected) king and the nobility which we know as Zebrzydowski rebellion of 1606 (rokosz Zebrzydowskiego) revealed certain weakness of this structure. For one thing the Jagiellonian period was safe, it was still based on a hereditary succession which did require the nobility's consent as regards the next incumbent, it however, allowed for a peaceful and undisturbed transition of monarchical power. The Jagiellonian ideas were formulated in this favourable context during which there was no room for the dominance of private interests be it of the monarch or the citizens. The union with Lithuania was a proof of the attractiveness of the order of Rzeczpospolita for other nations who wanted to benefit from full participation in a wider Polish-Lithuanian commonwealth and shared parliamentary institutions and liberties.

Political thought of the Polish Renaissance was largely influenced by classical works of Plato, Aristotle and Cicero, but also by Italian scholars, such as Bruni, Contarini, Machiavelli and Guicciardini.<sup>8</sup> They shared not only the idea of the best political order as embodied in a well-ordered *res publica*, but also the idea of *vita activa civilis*, active citizenship that required virtuous preoccupation with the common good. Polish fifteenth and especially sixteenth century political writers and philosophers saw in these ideas combined with the republican understanding of liberty the foundation of the Polish and later on Polish-Lithuanian Commonwealth. They were also guiding principles for education and customs. During that period that the three terms 'law', 'liberty' and '*respublica*' became intertwined in a broader conception of a well-ordered political community, *civitas libera*, which was seen as the only guarantee of liberty and the public good. For the authors who belong to this political tradition, one of the central questions concerned the nature of the conditions that needed to be fulfilled in order to meet the requirements of civil liberty and political obligation. Unlike modern political philosophers who introduced the language

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<sup>8</sup> D. Pietrzyk-Reeves, *Ład Rzeczypospolitej. Polska myśl polityczna XVI wieku a klasyczna tradycja republikańska*, Kraków 2012, pp. 167–190.

of rights, they understood civil freedom as being one of the benefits derived from living under a well-ordered, virtuous government – *res publica*. It can be argued that it was an exceptional political development, similar to that of the Roman republic and that of the Venetian republic – these two polities were the common point of reference for the noble intellectuals.

It is especially interesting to compare the perception of the very foundations of both commonwealths as presented, almost at the same time, in 1540s by two leading political thinkers in Poland and Venice, Stanislaw Orzechowski and Gasparo Contarini. In *De magistratibus et republica Venetorum* (1543) Contarini observed: *Our ancestors, from whom we have received so flourishing a commonwealth, all in one did unite themselves in a consenting desire to establish, honour, and amplify their country, without having in a any manner the least regard of their own private glory or commodity. [...] I imagine this to be a most certain argument, that our ancestors delighted not in vainglory or ambition, but had only their intentional care to the good of their country and common profit. With this then exceeding virtue of mind did our ancestors plant and settle this such a commonwealth, that since the memory of men, whosoever shall go about to make compare between the same and the noblest of the ancients, shall scarcely find any such [...].*<sup>9</sup> Not only Venice was unique, as we learn from Orzechowski, Rzeczpospolita was also unique: *Our ancestors have acquired for us many honours, among which the greatest are our laws based on the sense of justice and fairness.*<sup>10</sup> These laws were to him so bright that their brightness shined upon the whole nation making it unique among other nations. The essence of this uniqueness of the Polish-Lithuanian Commonwealth was liberty much greater than liberty of other lands and nations.

Venice and Poland-Lithuania were at the time two great examples of *civitates liberae*, flourishing commonwealths. One of them was a monarchical republic, the other was an aristocratic republic. The resemblance between the wordings of two authors is striking. They praise their ancestors for having designed a successful, well-ordered commonwealth. For the Venetian author it is the Venetian constitution

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<sup>9</sup> Gasparo Contarino, *La Republicca e i magistrati di Vinegia*, Vinegia 1543, pp. v–vi.

<sup>10</sup> S. Orzechowski, 'Mowa do szlachty polskiej przeciw prawom i ustawom Królestwa Polskiego uporządkowanym przez Jakuba Przyłuskiego', in: idem, *Wybór pism*, J. Starnawski (ed.), Wrocław et al. 1972, pp. 98–114.

that he pays attention to, for the Polish author it is the result of the Polish constitution which is liberty. It is liberty that has two strong fundamentals: the law, which Orzechowski mentions in his speech, and virtue which is prominent in the works and speeches of many other authors writing at the time.

In his 1548 funeral speech for the king Sigismund<sup>11</sup> Orzechowski praises the king on many pages, but the most important seems to be the passage where he says that all laws given by the king were meant to contribute to the common advantage of his kingdom and not his own, *all these laws that rule in Poland are for your (the nobles) liberty, tribute and honour. They all rule upon both you (the citizens) and king Sigismund for the king in our Commonwealth is not released from the law.*<sup>12</sup> Orzechowski continues to say that the king was the voice of the laws, their guardian and not their author or master. He would declare them in accordance with the will of the Senate and the will of the citizens expressed in the lower chamber, Izba Poselska. Orzechowski argues that in this sense, Sigismund exceeded ancient legislators such as Likurgus or Solon, for they never consulted the nation whereas the king in Rzeczpospolita never legislated without consent of the Senate and without communicating legislative acts to the political community at large (the citizens). Sigismund's laws were therefore to serve the common good and liberty and not particular interests. The rhetoric of the speech has educational function and uses only positive examples to depict a wise, generous, pious and a very successful king whose position in the Commonwealth never exceeded his duty to serve the public good. We are given an example of civic virtue and exceptional practical wisdom.

In both the Polish and the Italian contexts, *re publica* was understood as a free, independent and self-governing political community, a *civitas libera* that combined internal and external liberty. It meant a free political community that enjoyed both external and internal independence. Citizens of *res publica* enjoyed both personal freedom and political rights and the only binding power came from the law. In other words, they had no master except the law, but they were also supposed to share commitment

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<sup>11</sup> Idem, 'Mowa żałobna, jaką Stanisław Orzechowski z Rusi wygłosił do szlachty polskiej na pogrzebie Zygmunta Jagiellończyka, Króla Polskiego', in: idem, *Wybór pism...*, pp. 3–88.

<sup>12</sup> Ibid., pp. 58–59.

to the preservation of the commonwealth and the obligation to act for the common good. Consequently, instead of a theory of liberty a conception of political obligation predominated similar to that of Francisco Suarez who stressed that political obligation had twofold character, it binds the ruler and the ruled, the king and the citizens for it bestows obligations on both sides.<sup>13</sup> The ruler needed to fulfill obligations towards the subjects without oppression whereas from the subjects loyalty and obedience were expected.

Orzechowski and Contarini provide two very influential accounts of a well-ordered commonwealth each stressing the importance of a different aspect. Whereas the former pays much attention to virtues and wisdom of those who are responsible for the common good the latter does not expect that virtues will prevail, but instead trusts the institutional order of the Venetian republic. A comparison of these two visions should shed much light on the later development of republicanism in Europe which to a large extent followed Contarini and his idea of 'a mechanization of virtue'.<sup>14</sup> Contarini's work addressed the most important problem in the classical republican theory: how it may be possible to construct and maintain constitutional arrangements of a well-functioning republican order and promote a credible commitment to them, when the body politic itself is constituted by imperfect and self-interested human beings?<sup>15</sup> Contarini learnt from the Venetian constitution and Venetian history that the real source of *res publica* was found in the law, in those sacred laws established by Venice's fathers seen as the only source (except for God) – higher than man himself – of a lasting political order. Man's fallibility could not be overcome, but it could be neutralized or constrained by a higher order of rules translated into an institutional framework that shapes political action. Contarini's *De magistratibus et republica Venetorum libri duo* presents a complex institutional structure of the Venetian republic and situates Venetian experience in a historical and philosophical context,

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<sup>13</sup> Francisco de Suárez, *Tractatus de legibus ac deo legislatore: in decem libros distributus*, Neapoli 1872, 3.2.4, p. 165.

<sup>14</sup> This term was coined by J. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton 1975.

<sup>15</sup> See: e.g. D. Wootton (ed.), *Republicanism, Liberty and Commercial Society, 1649–1776*, Stanford 1994; J. Pocock, *The Machiavellian Moment...*; Q. Skinner, 'A Genealogy of the Modern State', *Proceedings of the British Academy*, Vol. 162 (2009), pp. 325–370.

but above all it reveals how institutional and legal arrangements can sustain a thriving republic allowing for true citizenship in the Aristotelian sense of ruling and being ruled in turn. This, however, is secured not by virtue alone, but rather by a ‘mechanization of virtue’ to use J.G.A. Pocock’s phrase who suggested that Venetians managed to construct laws that made citizens act in a virtuous manner and thus contributed to the endurance of the republican institutions and republican spirit: *The ‘mito de Venezia’ consists in the assertion that Venice possesses a set of regulations for decision-making which ensure the complete rationality of every decision and the complete virtue of every decision-maker. Venetians are not inherently more virtuous than other men, but they possess institutions which make them so.*<sup>16</sup> The mechanization of virtue was a process of subjecting human passions to some firm principles and rules that supported and at the same time demanded moral and ethical behaviour. Not so much the moral character of the citizens and the rulers as both Orzechowski and Laurentius Goslicius<sup>17</sup> (educated at Venice) assumed, but a legal mechanisms, the establishment of fundamental enduring laws became of key importance for the Venetian commonwealth in which sovereignty, the *summa imperii*, belonged not to men, but rather to the law.<sup>18</sup> Both Contarini and Goslicius praised the law as a unifying principle of *res publica*, but they also understood that unity required some supreme authority, a monarch or a Doge. Contarini emphasized that the duty of the Doge was to give special care to the common good, to conserve the common good and the perfection of civil agreement, to ‘direct everything with moderation.’<sup>19</sup> In Goslicius and Orzechowski it was political virtue that served the public good and the maintenance

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<sup>16</sup> J. Pocock, *The Machiavellian Moment...*, p. 324.

<sup>17</sup> See: Laurentius Grimaldus Goslicius, *De optimo senator libri duo*, Venice 1568 (2<sup>nd</sup> ed. Basilea 1593).

<sup>18</sup> Giovanni Silvano, *La Repubblica de’ Viniziani*, L.S. Olschki, Florence 1993, p. 88.

<sup>19</sup> The same topic was addressed in 1459 by Poggio Bracciolini’s *Laudem Rei Publicae Venetorum* in which he observed that the key to Venice’s achievement was the fact that the city was ruled by many ancient and noble families so that public offices were entrusted only to persons of outstanding capacities within the ranks of the nobility. In such system no role was prescribed to the body of the people, be it the entire nobility like in the Polish case where the principle of equality, birth alone was decisive when it came to political rights including the right to participate in legislation. With such measures Venice could avoid internal discord and dissension.

of public liberty. The king as well as the senator and every citizen had to practice political virtue. The Jagiellonian monarchy was built upon these principles which came by consent that took place in the fourteenth century making it possible for Jagiello, the grand duke of Lithuania become Polish king in 1386 as Wladyslaw II and opening the door to the future union between the two polities.

The republican discourse of the Renaissance was inspiring for those who were engaged in many different spheres of social and political life: education, culture, constitution and legislation. Many Polish republican writers of the time, especially Andrzej Frycz Modrzewski, Andrzej Wolan, Łukasz Górnicki and Goslicius stressed that mores, virtues, education and the law constituted good character of the citizens and the rulers. Among them education was of special importance as the first step to the shaping of a virtuous character. Later in life this role was to be played by mores. Frycz Modrzewski provided a very complex analysis in his major work *De Republica emnadanda* of the relationship between mores and the law arguing that good mores need good laws, but also good laws to be preserved need good mores.<sup>20</sup> Rzeczpospolita and its well-being needed constant attention. He blamed bad mores and bad laws for the deteriorating quality of public life and public duty as well as corruption.<sup>21</sup>

One of the key categories of the political culture of Rzeczpospolita and its political discourse were the category of *civitas libera* understood as a free mixed polity and the category of virtue or a virtuous character of the citizen. A mixed government as presented first by Aristotle combined two types of mixture. One was a mixture of two or three types of political constitutions (eg. monarchy and aristocracy in Plato or democracy and oligarchy in Aristotle and subsequently monarchy, aristocracy and democracy in Polybius and Cicero) and the other was a proper mixture of human character which produced a virtuous character of citizens and especially those who were in the middle class. Some of the Renaissance authors, for example Contarini and Francesco Guiciardini were skeptical about human nature and did not expect that virtuous character would predominate in any political community. They advocated instead either

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<sup>20</sup> A. Fricii Modrevij, *Commentariorum de Republica emandanda Libri quinque*, Basileae 1554, book I.

<sup>21</sup> Ibid.

a balanced, mixed constitution like the one of Venice (Contarini) or a stronger role of the monarch combined with the normative basis of the republican political order (Guiciardini).<sup>22</sup>

The mixed government was traditionally considered to be better balanced and more stable than pure governments as it relied on the rule of law and citizens' participation (political liberty). Polish-Lithuanian nobility supported the mixed government of Rzeczpospolita in which the role of the Sejm was at least as important as that of the monarch. The Commonwealth was supposed to be *the kind of government which has regard not only for the power of a king, but also for the liberty of citizens*.<sup>23</sup> On the empirical level, the mixed constitution of Rzeczpospolita was the best possible way to secure the balance between the ruling estates and preventing *absolutum dominium*.

The political order of Rzeczpospolita whose constitution was still in the making at the end of the sixteenth century and its painful gaps were to be revealed during the first interregnum, was much concerned with the rights and liberties of the nobility which treated any attempt at institutional reform with great caution and suspicion. Having the right to legislate and accept or block any law the nobility had no incentive to strengthen the institutional order of the Polish-Lithuanian Commonwealth, to make it more effective and stable. Goslicius understood that danger and saw the solution in securing a strong position to the senate in the mixed government. His main concern was, however, still the same, to make sure that it is the law that is the real soul of a *res publica*. If the best government was the one in which the people were most happy and since virtue was the cause and foundation of all happiness, it followed that the best government was the one in which the highest place was reserved for the most virtuous.<sup>24</sup>

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<sup>22</sup> F. Guicciardini, 'Discorso di Logroño', in: A. Moulakis, *Republican Realism in Renaissance Florence: Francesco Guicciardini's Discorso di Logroño*, Lanham 1998, p. 148. In Poland this was the position of Krzysztof Warszawicki and Piotr Skarga.

<sup>23</sup> K. Warszawicki, 'O najlepszym stanie wolności [De optimo statu libertatis libri Duo, 1598]', in: K. Koehler (ed.), *Krzysztofa Warszawickiego i Anonima uwagi o wolności szlacheckiej*, Kraków 2010, p. 378.

<sup>24</sup> Goslicius, *De optimo senatore*, p. 39.

It could not be democracy because it excluded all excellence. But having said that, Goslicius praises senate, the middle order – the aristocratic element within mixed monarchy – as the most moderate, placed between the king and the people, and providing united counsel guided by common reason to the king. This required a quest for perfection in all spheres of life in time of peace and in time of war.<sup>25</sup> Such reasoning has important practical consequences. Goslicius followed the Polish model arguing that senators should not be elected like in Venice by a combination of lot and proper election, but they should be chosen by the king to make sure that they are the best men. The first man in the state – the king – superior in virtue, wisdom and prudence was to be the single elector.<sup>26</sup>

For Polish republican authors of the sixteenth century who praised more character of the citizens than institutional mechanisms, education at every level as well as the law that strengthens good mores played pivotal role when it comes to securing the foundations of a good political order. It was a very powerful message and a fertile ground especially for the education of the youth, and more broadly for the education of citizens. Active citizenship provided not only for the right to participate in public affairs and public discourse, but also meant an obligation to care about and work for the common good. An ideal political discourse was to be based on wisdom and consent and as such required virtuous character of its participants.<sup>27</sup> In a well-ordered commonwealth such as that of Rzeczpospolita it was no longer the will of the ruler but prudence, moderation and wisdom or a virtuous character of the king, the senators and the citizens that played a key role in securing its welfare. There was, however, an inevitable tension which became evident to many republican theorists of the 16<sup>th</sup> century: it was a tension between liberty and the right reason or between liberty and licence or liberty and corruption.




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<sup>25</sup> Ibid., p. 113.

<sup>26</sup> Ibid., p. 141.

<sup>27</sup> See: K. Koehler, *Stanisław Orzechowski i dylematy humanizmu renesansowego*, Kraków 2004, p. 193.

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