

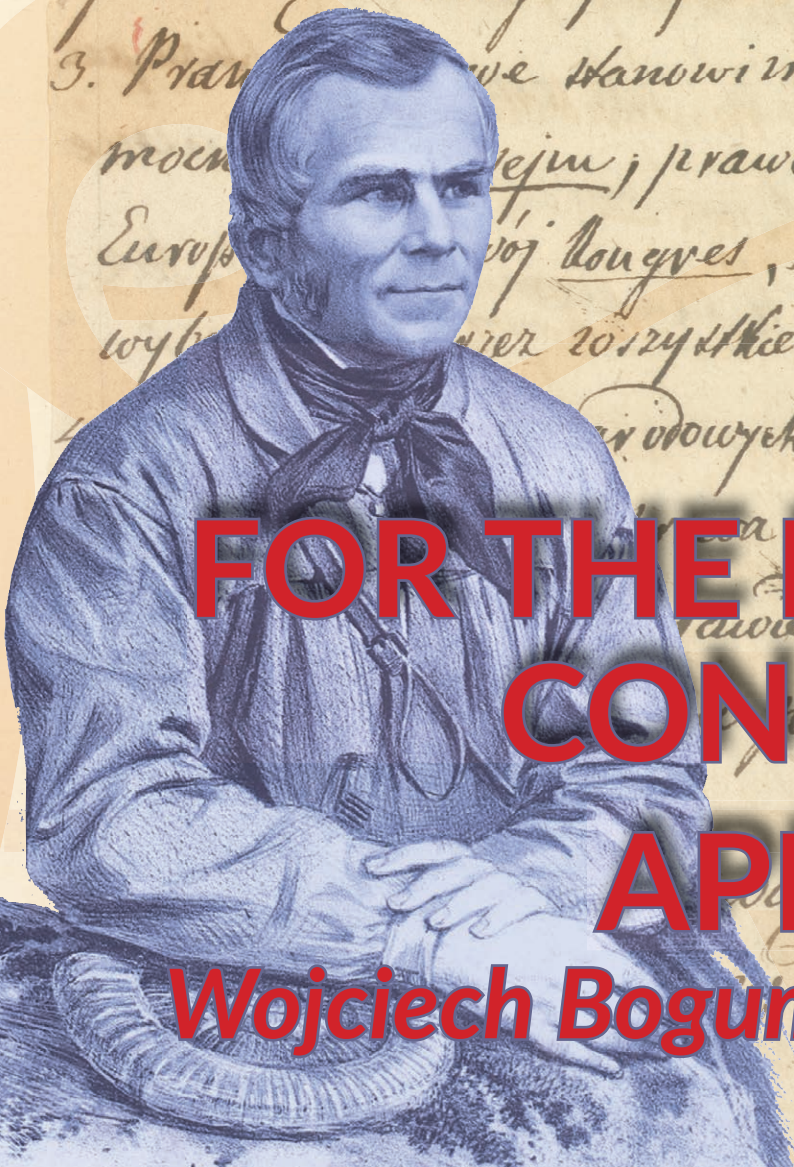
Niektóre myśli do prawa ustalające
go wieczny pokój w Europie.

Pax data in has leges. Liv.

Myśl 1. W obliczu Boga i prawa wszyscy ludzie,
a zatem i wszystkie narody są sobie równomi.

2. Różnorodność równości ludzi składających jeden naród,
będą prawa narodowe; różnorodność zaś równości narodów
europejskich, będą prawa europejskie; mające ^{które} stanowić
podstawę wiecznego przymierza w Europie.

3. Prawo narodowe stanowi naród przed swoimi pełno-
mocnymi członkami; prawa zaś europejskie stanowi
Europejski konwens, złożony z pełnomocników
wszystkich roszystkich narodów.



**PROJECT
FOR THE EUROPEAN
CONSTITUTION**

APRIL 30, 1831

Wojciech Bogumił Jastrzębowski

Some thoughts pertaining to a law establishing eternal peace in Europe

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Thought 1. All men, and consequently all nations, are equal in the face of God and law.

2. National laws will be a guarantee of equality of men composing a nation, whereas European laws, which are to constitute a basis of eternal alliance in Europe, will be a guarantee of equality of European nations.

3. A nation constitutes national laws through its plenipotentiaries, i.e. by its Parliament, whereas Europe constitutes European laws by its Congress consisting of plenipotentiaries elected by all nations.

4. Laws of nature, i.e. laws of God will be a basis of national and European laws, and their attributes will be humaneness and justice.

5. Majority of legislators' opinion will be a principle of enacting laws.

6. A patriarch elected by a nation will be guardian and executor of national laws, whereas a Congress itself will be guardian and executor of European laws.

7. Existing hitherto geographical borders of countries (a main cause of bloodshed in Europe) will be abolished forever.

8. There will be as many patriarchates in Europe as nations in it.

9. A nation will be composed of the people speaking the same language irrespectively of their dwelling place in Europe.

10. An unequal number of individuals composing nations will not impair their equality.

11. As until now so in the future, there may live in one country either one individual nation or a few nations mixed but independent one from another. An individual nation as well as one mixed with another are subject to their national laws only. A nation scattered, for instance like Jews or Gypsies,

must be subject not only to its own laws but also to the laws of those nations which it is mixed with; this subjection, however, will concern only those people who would not wish to accept that object of their education which is indicated in item 31.

12. All nations belonging to the eternal alliance in Europe should be equally subject to the European laws.

13. The office of a patriarch is hereditary and devolves upon that son who will be the most able to serve the purpose of education indicated in item 34.

14. Monarchs reigning up to the present will have priority to the patriarchal offices. A nation that has no monarch will elect as a patriarch that ruler who has reigned without a nation, and in case such one would be lacking, a person from the monarchic family who declared himself for eternal peace in Europe the earliest.

15. Patriarchs, as all the nations, will be equal to one another in the face of European law.

16. Having taken over his office, a patriarch will swear an oath to the nation that he will preserve religious and civil laws; the nation, on the other hand, will swear him, in return, an oath of obedience.

17. National laws enacted by the parliament during a patriarch's rule should be confirmed by him to be equally obligatory to himself as to the nation.

18. To protect and execute more efficiently the laws entrusted to him by the nation, the patriarch will select to his assistance ministers in a number indicated by the national law.

19. The person of a patriarch being a guardian of the most holy thing next to God, that means of the law, is sacred and immune. An offence committed against a patriarch will be punished by the European Congress in conformity with existing laws.

20. Only the ministers will be responsible for the patriarch's actions regarding the nation, and no decision of the patriarch will be binding without their signature.

Wszystkie narody nateraja do wiecznego przynależa w

21. Of the violation of national laws by ministers, the national parliament will inform the European Congress which will proceed in this respect in conformity with existing laws.

22. The national government will be composed of a patriarch, ministers and officials provided by internal national regulations to be issued by the parliament. The appointment of an official, public or secret as well, against the said regulations will be considered a violation of national laws.

23. The patriarch and ministers will perform their office business in the national headquarters (the capital) where the national parliament is obliged to hold its meetings, too. The patriarch or one of the ministers will go each year on tour of nation to examine whether laws and provisions are everywhere strictly executed. Such a journey should be made for the most part incognito.

24. Nations maintaining relations of close friendship and kinship for ages may have, in agreement with their unconstrained will, a common patriarch who will swear to each one of them an oath to preserve their laws and is to reside, every three years in turn, at the headquarters of the other nation. Such a patriarch does not cease to be equal to other patriarchs in Europe.

25. Each nation will delegate an equal number of plenipotentiaries, who are to be elected by the national Parliament, to the European Congress.

26. In case the Parliament would not be assembled, the patriarch could recall a plenipotentiary who was failing to justify the confidence put in him, and appoint another one in his stead who may be recalled or confirmed by the next Parliament.

27. The European Congress will be a permanent one, and it is to perform its activities each year in the other headquarters of the European nations, namely in conformity with the law order indicated in item 35.

28. The most widespread language in Europe will be a diplomatic language of the Congress, and the national language will be a government language in each nation. A patriarch ruling over a few nations will issue his decisions in the language of that nation which they concern.

29. The difference of religion and birth will not entail a difference of laws; thus, every man of any confession and

social condition will enjoy equal protection of the national and European laws and have equal right to all dignities.

30. The right to the offices will be granted by: reason, virtue, merits, love of the nation and knowledge of laws.

31. A goal of educating the nations tied by an eternal Alliance will be: to perfect the man, i.e. to make him a useful member of the society, to strengthen his reason's control over the passions, to disseminate knowledge of law, inculcating religious respect for it, and at last to implant a family love in the nations belonging to the eternal alliance. The historical reminiscences which may awake feelings contrary to the mutual love of nations will be presented to the youth as the relics of barbarity.

32. The first duty of the European Congress will be to enact European laws which should begin with an article of the following meaning: Peace in Europe is stable and eternal; its main goal will be to prevent bloodshed, that means to put an end to barbarity.

33. Any arms of war, that is to say designed for bloodshed, which are on the European soil become a property of the whole Europe. One part of it will be deposited at places indicated by the European Congress for the use in case of necessity to defend laws and security of Europe. The other, excessive part will be accumulated in the central point of that region of the world where it will be used for the construction of a temple consecrated to God, protector of laws and peace.

34. A zone of two miles round that sanctuary will be called a blessed place in Europe; it will not be inhabited by anybody, but would be destined for a training centre of the European patriarchs' sons whose education will be confided to the most righteous and learned citizens of Europe chosen by the European Congress. The formulation of rules and regulations for young candidates as well as their masters rests also with the Congress. The goal of educating the patriarchs will be the same as that of the nations; apart from that, the masters will try to educate their pupils in such a manner, that their life could be an example of virtues and of good conduct for the nations which they are to rule in the future, and that they should base their glory not on the number of subjugated people, but on the number of people made happy by them.

35. The emblems or coats of arms of all nations belonging to the alliance will be preserved in the sanctuary of God, protector of laws and peace; these insignia will be marked

*Europe, comme sa source a legiti" primum europej. hiam.**

* From the original manuscript: [All nations belonging to the eternal alliance in Europe should be equally subject to the European laws.]

with inscriptions expressing in the national and Latin languages the names of respective nations and their patriarchs as well as, the date of their accession to the eternal alliance. The order, in which these emblems are to be placed, will be the same in which the nations joined the alliance. Should all the nations declare themselves within the next five years, beginning from the year 1831, in favour of eternal peace, then their names together with emblems would be placed in the order of Latin alphabet. The order of national emblems in the sanctuary will be called a legal order, in conformity with which plenipotentiaries of nations are bound to take seats in the European Congress.

36. A nation which will not accede to the eternal Alliance in Europe within 10 years, and all the more a nation which, for any imaginary or from use of force resulting claims, would dare to oppose another nation to do that, will be regarded not as a European, i.e. civilized nation, but as a barbarian one.

37. A barbarian nation will be deprived of the protection of European laws till it joins the eternal alliance.

38. Every nation from any part of the world has the right to belong to the eternal alliance in Europe and to enjoy protection of its laws.

39. The opposition of an autocratic authority against the nation's accession to the eternal alliance entitles that nation to declare such an authority as unfriendly to it, illegal, and abiding by a barbarian, bloodthirsty system.

40. A monarch, opposing the nation's accession to the eternal alliance for a longer time than five years, not only loses forever, together with his descendants, the right to the patriarchal office but also will be proclaimed an enemy of laws as well as enemy of their author, i.e. of God.

41. To every nation desiring to participate in the eternal alliance but being unable, for any unsurmountable obstacles, to attain that happiness, the European Congress ensures its assistance or mediation.

42. A harm to the laws of a nation belonging to the Alliance done by any other nation, European as well as barbarian one, will be regarded as a harm to laws of the whole Europe.

43. An attempt aiming at destruction of the eternal Alliance or an idea of separation even of only one nation from this holy union will be considered an injury to European laws.

44. It will be the business of the Congress to devise ways of redressing injuries done to the European laws, and to proceed in such cases in conformity with existing laws.

45. The preservation of sanguinary arms of war, no matter how small their quantities would be, at places not indicated by the European Congress will be regarded as an attempt to destroy the eternal alliance and, consequently, as an injury to the European laws.

46. The places, at which the war arms, by instructions of the European Congress, will be deposited, are to be called sanguinary places. The very entry into a sanguinary place without authorization by the Congress, and all the more the stretching-out of the hand for a weapon stored there, will be regarded as an attempt to break off the eternal peace in Europe and punished with a loss of national and European laws for a period of ten years. Even patriarchs and members of the Congress are subject to this law.

47. The standing army in Europe will be disbanded forever after a prior remuneration for services rendered by it up to the present; this matter will be taken up by the European Congress immediately after its first meeting.

48. Every citizen of Europe (we call a citizen each man who for any reason is useful to the society), when called up by the European Congress, becomes a soldier who cannot be used for anything other than the defence of laws of Europe and of its security.

49. The expenses on a contingent war will be equally divided by the Congress among all nations belonging to the alliance, taking, however, into account the number of individuals composing these nations.

50. To guarantee the internal security of the nation, i.e. to give a patriarch necessary power to preserve and execute the laws, a guard of laws, funded by the nation, will be maintained.

51. A commander of that guard cannot be anybody else than the patriarch himself. The guards of laws of the nations internally mixed will also stay under the command of their patriarchs, the chief command, however, will belong, each year in succession, to another person, and namely in accordance with the order indicated in item 35.

52. The service of the guard of laws will be, at the same time, a military school of the future defenders of Europe's security.

Monarchowie i Narody Europy! porozumiejcie się z sobą,

53. Every citizen of Europe is bound to spend three years of his life in the service of laws of own nation. Apart from performing the duties connected with this service, each member of the guard of laws ought to improve his art of war and to learn the laws of war; in the third year of his service, he will receive from the European Congress, through the office of his Patriarch, an officer's commission to the degree of the citizen-soldier who will have, on the basis of this document, a free access to all sanguinary places in Europe in order to acquaint himself with the application of weapons stored there. A citizen-soldier, having terminated his service of three years, hands the commission to his successor and returns to his civil duties. The commission of the citizen-soldier cannot be in any case turned over to the strange hands, except an explicit permission of the patriarch; for the consequences, however, which may result from it, only the citizen-soldier will be responsible. The protection of sanguinary places will be entrusted to the citizens-soldiers.

54. Shotguns and all household implements which might be used for deprivation of one's life, should bear marks of eternal peace, as prescribed by the European Congress, in order not to be regarded as coming from the sanguinary places.

55. The use of arms with an emblem of eternal peace for the deprivation of one's life, and generally, for the violation of national and European laws, will be regarded as the most serious crime in Europe and followed by a loss of protection of these laws for a period of fifty years. From this law, nobody, even a patriarch and a member of the Congress, will be excepted.

56. The guard of laws will use arms with an emblem of eternal peace during its service period of three years.

57. A man who has no knowledge of the laws of war, cannot carry any life-annihilating instruments.

58. The knowledge of the laws of war, to be prescribed by the Congress to the guard in the spirit of item 55, will form a part of education of the youth in every nation.

59. The whole of the properties owned by individuals composing one nation constitutes a national property. A prescribed part of the income from such properties, i.e. the tax, will be turned over to the management of the national government to cover the nation's general needs such as maintenance of the government, God's services, guard of the laws, promotion of sciences, arts, industries, etc.

60. The public estates or so-called national goods will be divided by the national government among the members of the nation being persons of merit but not owning any property, on condition that they would pay taxes due to the public treasury. The performing of the division of national property in the mixed nations will belong to a separate committee designated by governments of these nations. The indivisible resources, such for instance as mines, should remain forever under a direct management of the national government, and the revenues obtained from them ought to be used for the purchase of estates – belonging to the private owners but not needed by them – which would be subsequently distributed among poor but thrifty members of the nation.

61. A member of one nation, acquiring some property from a member of another nation mixed with the former one, acquires it thereby from the whole nation. The law of this kind is not vested in separate nations.

62. A citizen of one nation can become citizen of the other nation and transfer his property there only in the case when he ceases to use his mother tongue and makes a clear resignation in this regard. However, a return of this citizen to the former nation is him always allowed, provided he would fulfil conditions prescribed for such a case.

63. The transfer of property from one nation to another in consequence of changes indicated in the two preceding articles, should be done with the knowledge of the committee mentioned in item 60.

64. A forcible acquisition of one man's private property by another man as well as a similar acquisition of the national property by another nation, will be in any case regarded as an unlawful robbery. In case the governments of the nations being in conflict over an unlawful robbery would be unable to settle the problem by gentle methods, the matter is to be resolved by the European Congress in accordance with existing laws.

65. Misunderstandings and offences among the members of the same nation will be settled and punished by the national law courts in accordance with national laws.

66. Misunderstandings and offences among the members of different nations will be settled and punished by judicial boards of those nations, to which the members being in conflict belong. In case a judicial board should be unable to settle the matter, then the relevant matter would pass under the decision of the appropriate national governments.

*jereli itawa i vorumu ma u was jakie razenie **

* From the original manuscript: [Monarchs and Nations of Europe! Come to mutual understanding among yourselves if the words stemming from reason have any meaning for you].

67. The incidents between the nations, that cannot be adequately settled by their governments, would be (similarly as the questions of unlawful appropriations) decided by the European Congress.

68. The number of cases being resolved by the European Congress will be a measure of deficiencies of the laws and government of that nation which provoked such cases. The European Congress will announce each year a statistical list concerning this subject in all public papers in Europe.

69. The life, freedom and property of every member of the nation will be a subject of the particular protection of national laws.

70. The existence, independence and property of each nation will be a subject of the particular protection of European laws.

71. The freedom of speech, writing and print which would not endanger laws accepted and sanctified by nations, will be unrestricted. The European Congress will prescribe laws against malpractices in this regard.

72. Every citizen of the nation has the right to submit to its Parliament drafts for an amendment of old or enactment of new laws, however, without putting demands that these drafts should be necessarily accepted.

73. Each nation being a member of the alliance has the right to submit – through the medium of its plenipotentiaries – to the Congress drafts for an amendment of old or enactment of new European laws, however, without putting demands that such drafts should necessarily prevail.

74. There will be celebrated in Europe, once in every twenty-five years, a political-religious jubilee of institution of the European laws. All European patriarchs and all members of Congress will be under an obligation to attend this ceremony which is to take place in the sanctuary of God, protector of laws and peace, first, to thank Him for a happy preservation of peace during the past quarter of the century, secondly, to give a new sanction to the European laws amended within that period. The ceremonies like this celebration will take place in all temples of all confessions in Europe to enable everyone of its inhabitants to take part in universal joy, and to have an opportunity of thanking God for the protection of laws which ensure to the human beings a lasting happiness on earth. The time of this holy celebration will be a period, in which all past resentments and conflicts among the people and nations should be appeased and consigned to eternal oblivion.

75. Just as the war was up to the present a main source of glory of nations, so from the time of conclusion of an eternal alliance in Europe only the sciences, perfection of laws, a good government and industry in a widest meaning of the word will be the sole objects of competition and glory among the European nations. For a distinction in this regard, the European Congress will grant, each year, to a few nations praises in writing, and appropriate sign of prize. That sign will be awarded in duplicate whereof one will be hung up in the legislative chamber of that nation which has won the prize and the second one will be placed by a deputation of the European Congress in the sanctuary of God, protector of laws and peace, close by the emblem of the rewarded nation. In view of the fact that a prize of this kind will be awarded only for the merits advantageous to the whole society, the cost of acquisition of that prize will be borne by all nations joined in the eternal alliance.

76. The historical reminiscences of the glory gained by weapons will be consigned to oblivion, or they will emerge only as monstrous relics of the past fifty-nine centuries of barbarity. After conclusion of the eternal alliance in Europe, a glory that can be gained by means of weapons will not be called the glory of weapons, but the glory of the defence of laws and peace. The drawing of a weapon for a purpose other than that of defence of laws and security of Europe will be followed by an eternal disgrace and imprecations of future generations; moreover, it will be punished most severely in accordance with the European laws. From that time, the emblems and coats of arms will bear no signs calling to mind a cruel, sanguinary system of barbarian ages. The swords, spears and the very shapes of animals of prey, such as lions, eagles etc., will be transmuted into shapes of other creatures or things which will be able to evoke gentle feelings or to call to mind particular feature of a nation choosing such a sign for its emblem.

77. No offence committed after the conclusion of eternal peace in Europe (aiming to check bloodshed) will be punishable by death. A deliberate homicide and each heavy violation of laws, committed personally or through somebody else, will entail a loss of protection of the national and European laws for a period of fifty years. Nobody, even a patriarch and a member of the European Congress, can be excepted from this law. Prisons, in which the criminals deprived of the protection of laws are to live, will be regarded not as much as a penalty, but rather as a shelter from dangers caused by the loss of rights.

I have written this in Warsaw on the 30th April, 1831

Wojciech Jastrzębowski

Member of the guard of the Polish national laws

Wojciech Bogumił Jastrzębowski

He was born on April 15, 1799 in the village of Szczepkowo-Giewarty, located in the parish of St. Roch in Janów near Mława in northern Masovia (former Zawkrze land). In 1820, he began studying natural sciences at the University of Warsaw. Initially, he studied construction and surveying, then moved to the natural history department of the Faculty of Philosophy. In 1825 he obtained a master's degree in philosophy. One of his first passions was meteorology. Jastrzębowski constructed an instrument for drawing sundials. He also had achievements in the field of botany: he collected and described previously unknown native plants, which were then added to the herbarium, which contains 1151 specimens. It was the first collection of this type in Poland. Jastrzębowski considered awakening love for nature in people to be an extremely necessary, or even indispensable, educational factor. Together with teachers and students from Warsaw schools, he organized and led numerous nature research trips, from which he brought plants for the Botanical Garden in Warsaw.

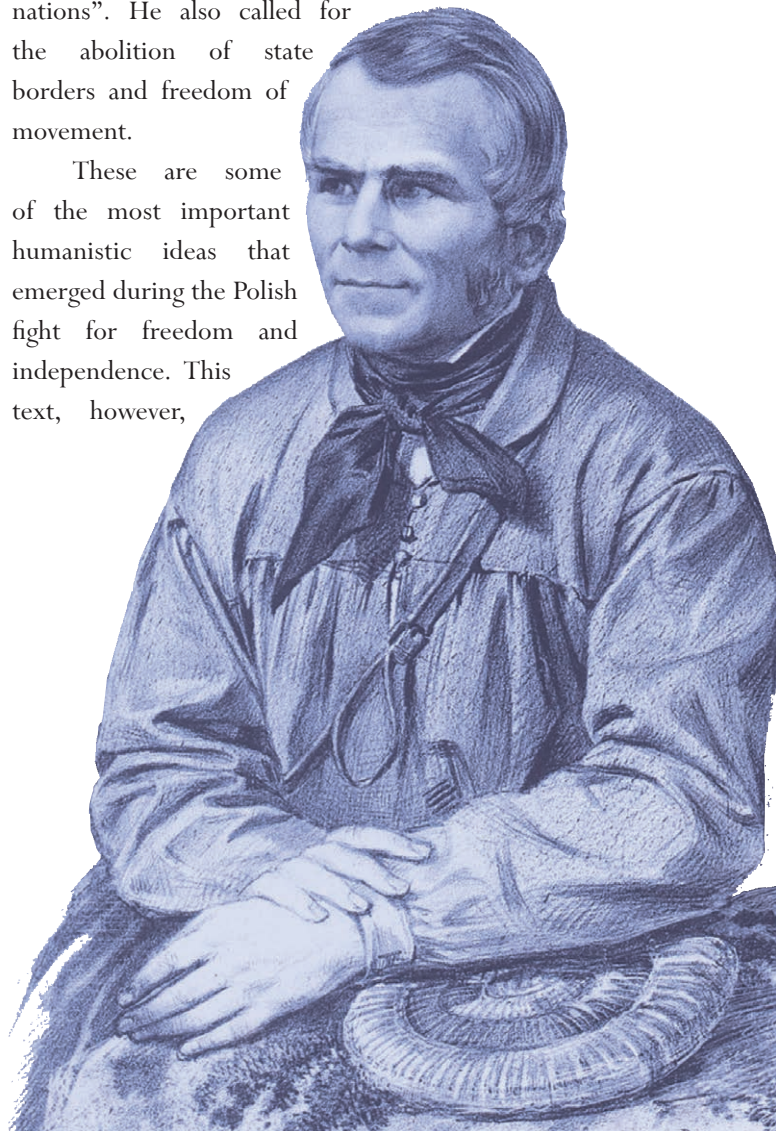
During the November Uprising, Jastrzębowski joined the Warsaw National Guard. He then became famous as a patriot and a great orator, giving a fiery speech calling for fight. His war experiences made him think about the immeasurable suffering that wars bring, which he then included in the treatise „Free Moments of the Polish Soldier, or Thoughts on the Eternal Alliance between Civilized Nations”, the manuscript of which is kept by the Central Archives of Historical Records in Warsaw. The author saw opportunities for humanity in the useful actions of every person, hence the motto: „let us look not for words, but for things”.

On March 21, 1831, „Merkury” published a selection from Jastrzębowski's treatise, titled the publication: Project for the European Constitution, i.e. an eternal covenant between nations.

The manuscript consists of a preface, dated February 21 1831, (almost on the eve of the Battle of Olszynka Grochowska); and the rest: the introductory part and the historiophilosophical and political part, dated in Warsaw on April 30, 1831. The introductory part contains, among others, a draft constitution pan-European law (the author titled this fragment „Some thoughts on the law establishing eternal peace in Europe”), the adoption of which would

guarantee the end of all wars in Europe. Jastrzębowski, whose views can today be described as pacifist, formulated a political vision of repairing war-torn Europe. He postulated the creation of an alliance between nations to ensure eternal peace in Europe and to be based on fair legal norms (included in the draft constitution). He saw the main sources of evil in the abuse of power by those in power, the insubordination of subordinates, envy, pride or greed between nations and their rulers. „Some thoughts...” is also the author's appeal to the nations of Europe and monarchs to „stop mutual and ineffective murders”. The author saw two paths to solving this state of affairs: „either to be free and unhappy or to become slaves and enjoy eternal happiness”. Only God himself was to be the master of the slaves, and the nation was to be the legislator through its proxies, i.e. the Sejm. The fate of nations and the way of life were to be decided not only by rulers and monarchs, but by all people, and the goal of the nation was to improve man and „instill love between nations”. He also called for the abolition of state borders and freedom of movement.

These are some of the most important humanistic ideas that emerged during the Polish fight for freedom and independence. This text, however,



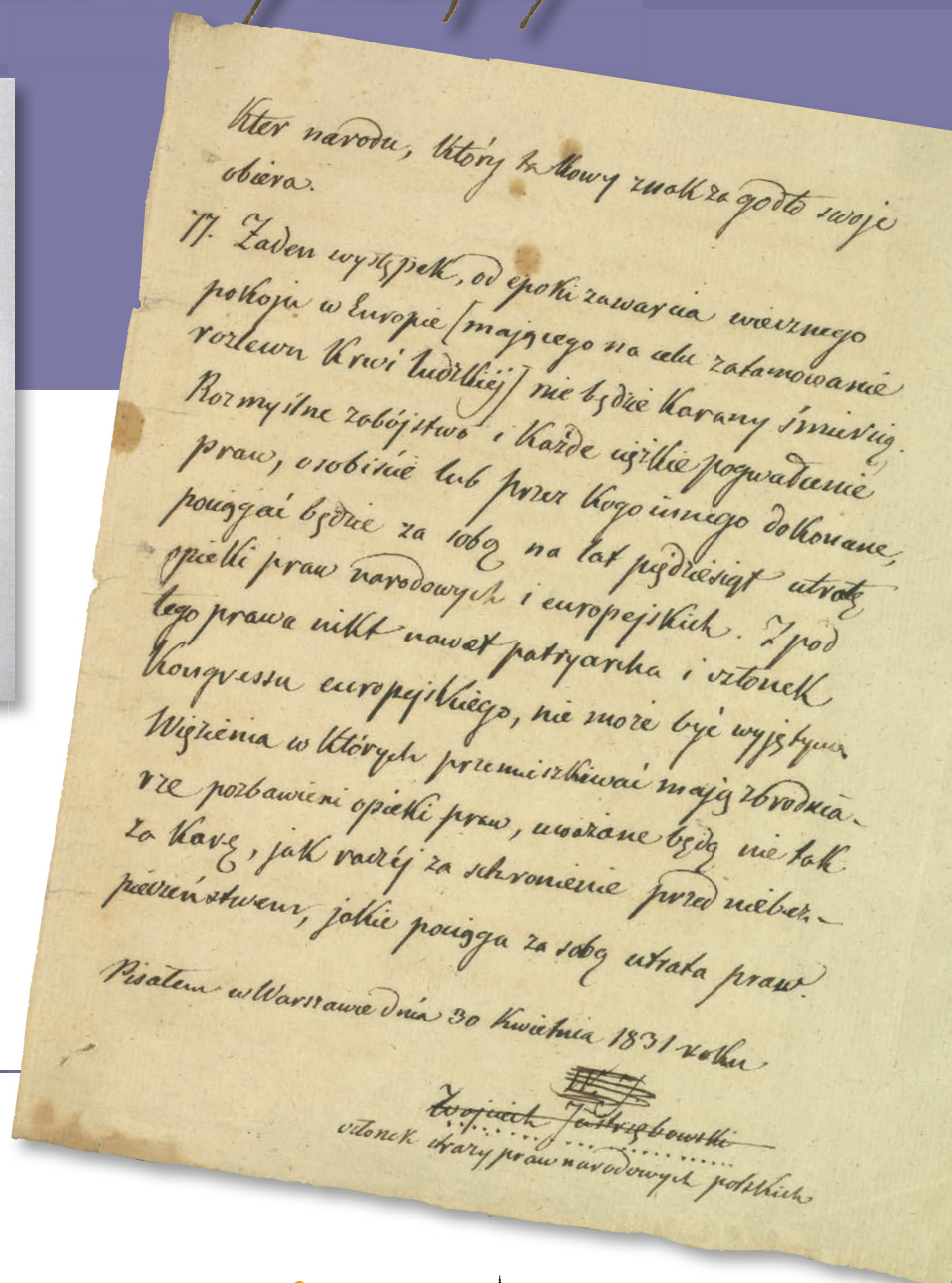
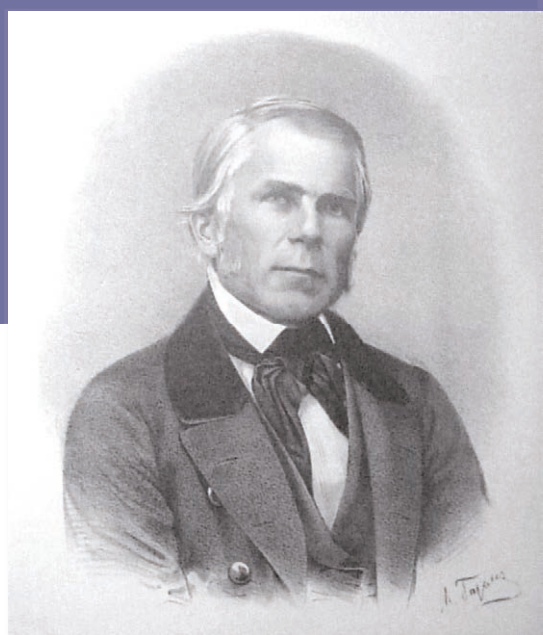
was not devoid of allusions to the political situation at that time and after the fall of the uprising it caused problems for the author. Tsarist censorship banned the dissemination of the work and prevented Jastrzębowski from conducting scientific activities in a state position. So he worked for several years at landed gentry courts as a private teacher, and at the same time co-edited the „Systematic Pictorial Encyclopedia”.

Jastrzębowski, a man sensitive to the problems of others, a great patriot and – as we would say today – an

ecologist and pacifist, was extremely appreciated during his life. He was a model of a human being and researcher for his pupils. He died on December 30, 1882. At Powązki Cemetery in Warsaw, where he was buried, his students founded a tombstone for him, and in the church of Holy Cross – a marble tablet by Andrzej Pruszyński.

Magdalena Morawska

*Nie słów, lecz rzeczy szukajmy...**



On the first and last pages there is Jastrzębowski's manuscript "Constitution for Europe", AGAD, Towarzystwo Królewskie Przyjaciół Nauk, sygn. 78, s. 45–67



* From the original manuscript: [Let us look not for words, but for things...].