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THE BEGINNINGS OF FEUDAL DISINTEGRATION IN POLAND

On the basis of extant documents and literature, the author motivates the thesis that the Polish form of government in the 10th - 12th centuries was shaped by two incompatible political trends: one — centralistic and autocratic, represented by the Dynasty, and another — polycentric, forced by aristocracy. The institution of the supreme prince which emerged at the close of the 11th century, was formed as result of short-lived compromises reached by the two camps.

In 1138, the Polish State entered a period of political division which lasted for nearly two hundred years; in the course of that period, the forms of government of the former monarchy of the first Piasts were gradually disappearing and the centre of State authority, of which the person of the prince (or king) and the institution of the prince's court had formerly been the converging point, was replaced by minor provincial centres, the number of which was increasing as time went on. The very fact that the Polish State went through the stage of feudal divisions is hardly surprising since it reflects a historical regularity common to most States of medieval Europe. However, the Polish historiography has not, so far, univocally pointed, within the framework of this regularity, to the specific features of Poland's feudal division, i.e. its origin, course and significance to the further destinies of the State. Nor do we propose, in the present article, to answer all these questions haunting the historian. This would call for a thorough investigation of many economic, social, constitutional and political problems within the compass of the 11th, 12th and 13th century. In the subsequent

remarks, we shall limit ourselves to three basic problems of constitutional nature, and namely:

- I. the problem of dynastic divisions in early-feudal Poland;
- II. the significance of the 1137 act of succession;
- III. the seniorate and principate in 12th-century Poland as a new political and constitutional form of the Polish State.

I

As we set about defining the significance that the 1137 act of succession, known in historical literature under the popular, though inaccurate, name of "testament of Boleslaus III the Wrymouth" (1107 - 1138), had in the origin of the feudal division of the Polish State, there emerges inevitably the basic question whether it can be referred to any earlier instances, i.e. whether the phenomenon of divisions of the State had already appeared in Poland's history in the times of the first Piasts and, if so, whether those earlier divisions can be considered as successive stages of a process of which the above-cited act was merely a final crowning.

Predominating in Polish historiography is the view that divisions of the State had occurred from the earliest times and that they had, as a rule, taken place when a dying prince had more than one male descendant. A full legal construction of this view was given towards the end of the 19th century by the distinguished historian of political system, Oswald Balzer, whose theory met with almost general approval and was further developed. Balzer based his argument on the patrimonial character of the State of the first Piasts (*patrimonium*) from which he deduced the so-called "Piaśt law of inheritance." According to that "law," all the sons of the deceased ruling prince inherited the "patrimony" after him, i.e. they inherited provinces of their own.¹

The acceptance of Balzer's theory on the existence of a Piaśt law of succession, according to which the divisions of the State were an inevitable constitutional necessity, led scholars to the conviction that almost every change on the throne resulted in new divisions of the State. In this sense, the mere division of the country into provinces after the death of Boleslaus

¹ O. Balzer, *O następstwie tronu w Polsce. Studya historyczno-prawne* [On the Succession of Throne in Poland. Historical and Legal Studies], "Rozprawy Wydziału Historyczno-Filozoficznego Akademii Umiejętności," vol. XXXVI, Kraków 1897, p. 289 ff.

the Wrymouth (1138) would not be anything new from the legal point of view. Its novelty would only consist in the fact that while all previous divisions of the State had been short-lived and were eliminated by the restored unity of the monarchy, the division of 1138 became consolidated.²

The weak point of the theory of Balzer who sought arguments to support it mainly in the Piast succession practice of as late as the 13th century, consisted in the fact that it did not find manifest corroboration in Poland's historical reality until the end of the 11th century. From the first historical ruler-prince Mieszko I (d. 992) down to the sixth generation of the Piasts inclusive, the Polish State invariably appears in the sources as a monarchy all of a piece.³ A broadened interpretation of the sources was therefore commonly practiced; one sought arguments to support Balzer's theory in vague allusions of the sources, or even in their absence and in the silence of the sources. At the same time, however, the advocates of the theory of compulsory dynastic divisions were unable to provide convincing explanations of the question why all those alleged divisions had been liquidated so quickly that they had even failed to find a clear reflection in contemporary sources. In consistence with Balzer's theory, one would have to recognize that the Piast dynasty which, according to all rules of play for power, should have been a centralizing factor, was actually the exponent and main author of successive divisions of the State in each generation, in the name of presumed family law. The impermanence of divisions would, in turn, indicate the existence in Poland in the 10th and 11th century, of powerful social forces upholding the unity of the State and capable of opposing in this respect even the most outstanding rulers. Looking realistically, such a force could only be the secular and ecclesiastical lords who were quickly gaining a strong economic and, consequently, political position. However, if we consider the numerous conflicts between the various groupings of lords and the ruling princes from the end of the 10th century on,

² G. Labuda, *Geneza rozdrobnienia feudalnego. Tezy referatu* [*The Origin of Feudal Division. Synopsis of a Paper*], in: *VIII Powszechny Zjazd Historyków Polskich. Historia Polski do połowy XV wieku* [8th General Congress of Polish Historians. History of Poland up to the Middle of the 15th Century], vol. II, Warszawa 1960, p. 98 ff.; also, J. Bieniak's intervention in the discussion, *ibidem*, pp. 107 - 112.

³ H. Łowmiański, *Dynastia Piastów we wczesnym średniowieczu* [*The Piast Dynasty in the Early Middle Ages*], in: *Początki Państwa Polskiego. Księga Tysiąclecia* [Origins of the Polish State. Millennium Book], vol. I, Poznań 1962, p. 153 ff.

it will turn out that in those conflicts the Piasts represented, as a rule, State centralism consisting in the defence of autocracy, while the magnates tended in a downright opposite direction. In the light of these doubts, the factual foundations of Balzer's theory and the arguments of its subsequent advocates are untenable.

Departing from the above-presented reservations concerning the theory on the alleged law of succession which would compel the Piasts to divide the State among all male descendants, I turned to the sources and, basing myself upon them, I examined once more the successive changes on the Polish throne from the three semi-legendary predecessors of Mieszko I, i.e. from the second half of the 9th century, to the end of the 11th century. This analysis showed that throughout the period of about two hundred years of the early history of the Polish State, autocracy was the unique form of government exercised by the Piasts. It came off well from the struggles waged within the dynasty itself and resulting from the rivalry for a share of power. It also withstood successfully attempts of interference by magnates' circles tending to decentralize State authority. The only division of the Polish State into three provinces in that period, known to the sources, took place in 1032. This was not a succession division, however, but an act forced by Emperor Conrad II upon the Polish King Mieszko II (1025 - 1034) at the Congress of Merseburg. As such, this event lies beyond the sphere of our present interest. All the same, it is worth noting that Mieszko II, acting in the spirit of centralism, in accordance with the tradition of the dynasty, managed to reunify the country within a short time.

The above-mentioned analysis of the sources brought me to the conclusion that the Piasts — as the family holding exclusive princely rights — gradually put into shape, in the interests of the dynasty and of the State, such a principle for the inheritance of political and territorial authority as to best safeguard these interests. In the early stage of development of the Polish statehood, with a relative coherence of internal organization and with the separatist factors considerably active, the principle was that of autocracy and of the indivisibility of the State's territory.

In most cases, a Piast leaving the historical scene turned over to his son the whole of his authority. In one case, Boleslaus the Brave (992 - 1025) designated as his successor Mieszko II, by-passing Mieszko's elder brother Bezprym. In my opinion, this fact does not shake the view that the first-born son (*primogenitus*) held special rights to inheritance although the element of the predecessor's will cannot be ruled out, either.

The remaining sons of the ruler were materially provided for by grants of estates, castles and towns as well as movables, like horses, cattle, etc. It is also possible that they shared once in the division of the prince's treasury and of the property left by the father. At first, the ruling princes used to entrust their brothers with various functions, above all military, perhaps also administrative. In the 11th century, we no longer encounter such practice.⁴

The end of the 11th and the beginning of the 12th century saw the introduction of many new elements in the above-presented formula of inheritance in the ruling family. These new elements had their source in the past but mainly in the emergence of a new configuration of social forces, as a result of which the magnates began to interfere more and more resolutely in the previously infrangible powers of the dynasty. The magnates' opposition attacked in particular the dynastic law in force, based on the patrimonial character of the early-Piast State.

During the reign of Ladislaus Herman (1079 - 1102), a group of nobles was formed in opposition to the prince and especially, to the voivode (*comes palatinus*) Sieciech, who ruled in a centralistic fashion on behalf of the prince. Ladislaus Herman's illegitimate son, Zbigniew, became the tool of the opposition; he was brought from a monastery abroad to Wrocław in Silesia in order to take the lead in the rebellion. In the face of an imminent civil war, there came in 1093 to the conclusion of an agreement between the father and the son: Ladislaus Herman was compelled not only to recognize Zbigniew as his legitimate offspring but also to allot to him the province of Silesia and, perhaps, that of Kuyavia as well. The legal principles of the division of the State in 1093 are not known. It may be assumed that the father exercised supreme authority (*principatus*) over the whole territory of the State and Zbigniew's authority was confined to internal affairs in the province assigned to him. This situation was short-lived, though. The prince broke the agreement, invaded the sons's province, and imprisoned him, thereby liquidating the autonomy of Silesia. The essential importance of the division of 1093, its evanescence notwithstanding, consisted in the fact that it was a precedent which showed to the magnates

⁴ The above problems, only briefly discussed here, have been more broadly considered by the author elsewhere — cf. T. Grudziński, *Zagadnienie podziałów dynastycznych w Polsce do schyłku XI wieku* [*The Problem of Dynastic Divisions in Poland up to the End of the 11th Century*], *Kwartalnik Historyczny*, vol. LXXVIII, 1971, No. 1, p. 3 - 27.

that autocracy was not the only possible form of exercising authority in the State.⁵

Indeed, as soon as in the year 1097 - 1098, Ladislaus Herman was compelled, against his own will, to divide the country again, this time into three provinces, two of which went to his sons Zbigniew and Boleslaus while he kept the third (Mazovia) for himself, together with supreme authority over the whole State. It is interesting to note that the share of the prince-princeps was the smallest. This meant in practice that his position of supreme prince did not result from his material ascendancy over the sons but from the social acceptance by that group of Polish lords who had carried through the division and who were interested in maintaining it. In spite of Herman's efforts to abolish it, and the sons' attempt to grab the father's province, the division held good until the prince's death (1102).⁶

The characteristic feature of both above-mentioned divisions was the fact that they did not take place at the moment of the ruler's death, within the legal framework of inheritance, but were wrung from the unquestioned ruler during his reign. In both cases, there also emerged a new institution of public law, namely the principate.⁷ The five-year period of functioning

⁵ An account of these events is to be found in the oldest Polish chronicle from the beginnings of the 12th century — cf. *Galli Anonymi Cronica et Gesta Ducum sive Principum Polonorum* (quoted below as: *Galli Cronica*), ed. K. Maleczyński, in: *Monumenta Poloniae Historica, Nova Series*, vol. II, Kraków 1952, lib. II, cap. 4 and 5. Cf. O. Balzer, *O następstwie...*, p. 337; M. Gumpłowicz, *Zur Geschichte Polens im Mittelalter*, Innsbruck 1898, pp. 3-8; R. Grodecki, *Zbigniew książę Polski*, [*Zbigniew, Prince of Poland*], in: *Studia staropolskie*, Kraków 1928, p. 84 ff.; J. Adamus, *O monarchii Gallowej* [*On the Monarchy of Gallus*], Warszawa 1952, p. 64-76; T. Grudziński, *Podziały dynastyczne monarchii piastowskiej w końcu XI i początkach XII w.* [*Dynastic Divisions of the Piast Monarchy in the End of the 11th and the Beginnings of the 12th Century*], "Zapiski Historyczne," vol. XXXVI, 1971, No. 3, p. 10 ff.

⁶ *Galli Cronica*, lib. II, cap. 7, 8, 16. The division of 1097-98 has been rather widely discussed — cf. T. Tyc, *Zbigniew i Bolesław* [*Zbigniew and Boleslaus*], Poznań 1927, p. 12 ff.; R. Grodecki, *Zbigniew...*, p. 88-90; K. Maleczyński, *Bolesław Krzywousty* [*Boleslaus the Wrymouth*], Kraków (no year of publication), p. 20 ff.; J. Adamus, *O monarchii...*, p. 66 ff.; T. Grudziński, *Podziały...*, p. 11 ff.

⁷ For the problem of origins of the principate in Poland, cf. O. Balzer, *Królestwo polskie* [*The Polish Kingdom*], vol. I, Lwów 1919, p. 71, note 2; J. Adamus, *O pryncypacie polskim wieku XII* [*On the Polish Principate of the 12th Century*], "Sprawozdania z Czynności i Posiedzeń Łódzkiego Towarzystwa Naukowego," 1950, p. 90 ff.; T. Grudziński, *Podziały...*, pp. 16-18.

of the division and the principate showed to the magnates various advantages and prospects. This was demonstrated by the fact that they decided to impose on the old prince, towards the end of his life, a similar solution in the future.

We do not propose to consider here in detail the complex circumstances relating to the interpretation of the so-called testament of Ladislaus Herman; Poland's first chronicler, called Gallus Anonymous, wrote about it in a camouflaged way in the beginnings of the 12th century. The research done by R. Grodecki and J. Adamus showed that under the pressure of secular and ecclesiastical feudal lords Ladislaus Herman turned over to his two sons a heritage divided in two parts. The younger Boleslaus retained the territories that had already previously been his: Little-Poland (together with the Land of Sandomierz) and Silesia, while the elder Zbigniew added Mazovia inherited after his father to the territories held previously: Great-Poland with Kuyavia, and the Lands of Sieradz and Łęczyca. As the *primogenitus*, Zbigniew also acquired supremacy over his brother. An important role in maintaining this state of affairs between the two brothers (who fell out immediately after the father's death) was played by Martin, Archbishop of Gniezno, but most probably other ecclesiastical and secular lords were also the guarantors of the so-called testament of Ladislaus Herman.⁸

The legal situation created in 1102 lasted until 1106. Under circumstances of which we have no precise knowledge, as a result of agreement concluded by the two brothers, Zbigniew had to give up his supremacy over Boleslaus who, from that moment, became the master of his province, independent of the senior. The abolition of principate was in fact tantamount to the formation of two feudal Piast States within the Polish statehood. This state of things did not last long, however. As early as 1107, Boleslaus with foreign military assistance, forced his brother into capitulation which reversed the former relationship of dependence. Zbigniew, whose lands were reduced to Mazovia alone, took an oath of fealty to the junior, recognizing him as prince supreme of all Poland.⁹ The new division of the

⁸ *Galli Cronica*, lib. II, cap. 8 and 21. R. Grodecki, *Zbigniew...*, p. 89 ff.; J. Adamus, *O monarchii...*, p. 113-127; O. Balzer, *Skarbiec i archiwum koronne w dobie przedjagiellońskiej* [*The Crown Treasury and Archives in the Pre-Jagiellonian Period*], Lwów 1917, p. 176 ff.; T. Grudziński, *Podziały...*, pp. 16-18.

⁹ *Galli Cronica*, lib. II, cap. 32, 35, 37, 38. The first stage of Boleslaus' struggle with Zbigniew, closed by the agreement of 1107, has been discussed repea-

country performed on this occasion belonged to the category of enforced divisions since it was achieved by means of war and against the senior's will.

All in all, four divisions of the State took place in Poland within a period of 15 years. They derived from internal social and political conflicts within the feudal class and, therefore, they were all forced upon the Piast rulers of the time. The consistence with which those divisions succeeded one another shows that the feudal lords became aware of the economic, social, political and legal advantages following from the political division of the State, and from the impairment of the Piasts' State authority.

As compared to the preceding period, an important change consisted in the abridgement of the dynastic right to designate freely a successor to the prince's throne; it was now replaced by the compulsion to divide the State among male heirs. Along with the disappearance of autocracy, there emerged two new institutions of authority: the institution of the princeps — prince supreme, and that of the provincial princes. However, this does not imply that on that stage of internal changes the principate was formally introduced as a form of wielding power and public-legal competences of the prince supreme and provincial princes were finally framed out. For lack of models and earlier experience, these matters were probably settled spontaneously at that stage, depending on the political situation in the country, on the personality of the prince, and on the balance of forces between his camp and the magnates' opposition.

It can therefore be assumed that the appearance of the principate in Poland towards the end of the 11th century was the result of a compromise between two extreme constitutional concepts: the old and ever more anachronic Piast concept based on autocracy, and the new concept of divisions within the dynasty — aiming at a political division of the State into moderately autonomous territorial and political units. If this interpretation is correct, then the Piasts themselves would be the engineers of the principate: unable to maintain the autocratic form of government under rapidly changing conditions, they tried to save their own exceptional position by

tedly — cf. T. Tyc, *Polska a Pomorze za Krzywoustego* [*Poland and Pomerania at the Time of Boleslaus the Wrymouth*], "Roczniki Historyczne," vol. II, 1926, p. 3 ff.; R. Grodecki, *Dzieje Polski średniowiecznej* [*History of Medieval Poland*], vol. I, Kraków 1926, p. 114 ff.; by the same author, *Zbigniew...*, p. 100 ff.; K. Maleczyński, *Bolesław Krzywousty*, p. 41 ff.; J. Adamus, *O monarchii...*, pp. 73, 118 - 126; T. Grudziński, *Podziały...*, pp. 18 - 20.

introducing the institution of the prince supreme and of provincial principalities. The big feudal lords formally approved this new form of government for the time being but, under favourable circumstances, strove to overthrow it by forcing upon the dynasty such divisions as to render it impossible for the princeps to exercise fully his supreme authority over provincial princes.¹⁰

Boleslaus III the Wrymouth's principate over Zbigniew did not last long. Already in 1108, under the pretext of non-adherence by his brother to the agreement, Boleslaus with Ruthenian and Hungarian forces occupied Mazovia and forced Zbigniew to flee the country.¹¹ Thus, after ten years of political division of the State and of functioning of the principate, the old principle of Piast autocracy gained a victory again. The reunification of the country could have seemed to be final. Yet in 1113, under circumstances that remain obscure, Boleslaus the Wrymouth consented to his brother's return from exile, endowed him with several castles and even promised vaguely that he might give him something more, perhaps even a province, provided that Zbigniew would be obedient to him. Since a change of Boleslaus' attitude towards Zbigniew does not come into question, the origin of this settlement must be sought in the pressure exerted on the prince by the lords' opposition striving to restore the division of the country. In the atmosphere of fierce political struggle, Boleslaus — only a few days after Zbigniew's return — had him seized and blinded; as a result, Zbigniew soon died. The news of Zbigniew's tragic end gave rise to intense political ferment and unrest in the country; its vehemence surprised Boleslaus and even shook his throne. Under the circumstances, the prince had to resign himself to the humiliation of doing public church penance to obtain remission of his "sin" and compensate richly the ecclesiastical and secular magnates who eventually renounced the possibility of using the right of defying the Piast who, in their opinion, had abused his power. Thus Boleslaus'

¹⁰ Cf. T. Grudziński, *Podziały...*, pp. 20 - 22.

¹¹ *Gallii Cronica*, lib. II, cap. 41. These events were more broadly dealt with by: M. Gumpłowicz, *Zur Geschichte...*, p. 64; T. Tyc, *Zbigniew...*, p. 103 ff.; K. Maleczyński, *Bolesław Krzywousty*, p. 43 ff. One can hardly agree with J. Adamus's view (*O monarchii...*, p. 126) that "The right of the princeps to expel a provincial prince was apparently recognized," since Boleslaus used the assistance of foreign troops. Gallus also mentions the resistance offered to Boleslaus by Zbigniew's followers who saw in the action of Boleslaus a manifestation of lawlessness.

autocratic rule was maintained but the prince's authority suffered serious damage which was to weigh heavy on the further years of his reign.¹²

II

The reunification of the Polish State by Boleslaus III the Wrymouth, achieved at the price of first the crime of fratricide and then the prince's atonement, unprecedented in the history of the dynasty, was — for long years to come — the last success of the Piasts' centralistic ideology. The exclusive right of the Piasts to exercise the prince's authority remained unquestioned however, it was only the fact that after 1113 there were no other members of the dynasty besides the ruling prince (and his first-born son Ladislaus, b. 1105), that made it possible for Boleslaus to maintain the unity of power until his death. In the last years of his reign, the problem of succession after him emerged again in all acuteness, all the more so that the social, economic and political position of the big feudal lords was systematically growing stronger and the unified Piast monarchy was ever more clearly a liability to this process.

It was under such circumstances that there came in Poland in the year 1137 (according to others, in 1138) to the issuing of the succession act (popularly called in the literature "the Wrymouth's testament" or "the Wrymouth's statutes") which regulated for the future the problem of succession to the throne and of the Piast heritage. The act introduced as a legal principle the permanent division of the country into provinces. All the sons of Boleslaus the Wrymouth received their respective provinces-principalities within the State as territories hereditary in their lines of descent. Apart from that, a separate province was formed, covering Little-Poland (i.e. the Land of Cracow and the Land of Sandomierz), which was to perform the function of central grand-ducal province. The prince ruling there (who also had his own hereditary province) was to be the princeps, i.e. the prince supreme of all Poland. The problem of succession in the principate province was settled in the succession act with regard to the generation of Boleslaus the

¹² *Galli Cronica*, lib. III, cap. 25. The chronicler's account has been repeatedly the subject of analysis — cf. M. Gumpłowicz, *Zur Geschichte...*, p. 94 ff.; K. Maleczyński, *Bolesław Krzywousty*, p. 46 ff.; J. Adamus, *O monarchii...*, p. 50 ff.; Boleslaus' penance in the light of Church regulations was investigated by S. Bieniek, *Z dziejów pokuty publicznej w Polsce wczesnofeudalnej* [*From the History of Public Penance in Early-Feudal Poland*], "Czasopismo Prawno-Historyczne," vol. XVIII, 1966, 2, p. 9 ff.; T. Grudziński, *Podziały...*, pp. 24 - 33.

Wrymouth's sons in such a way that each of the sons, in order of seniority, was to be the successive princeps. Thus the principle of principate was combined with the principle of seniority (*senioratus*).¹³

As to the question whether this system was to remain in force in further future, i.e. in the whole Piast family in the subsequent generations, the opinions in the Polish historical science vary. Lately, however, the view has been prevailing that the arrangement applied only to the generation of Boleslaus' immediate heirs, and in the future it could only have value of prejudication.¹⁴

Polemic literature of considerable proportions has grown around the succession act of 1137. This is due to the fact that we do not possess a written text of this document and its detailed provisions have been reconstructed on the basis of few and fragmentary sources coming from later times for the most part and, what is more not of documentary but of historiographic character, and therefore far from precision.¹⁵ For this reason, the doubts and differences in views expressed by scholars concern nearly all the more important questions related to the circumstances in which the succession act was issued and of the provisions contained in it.

The partisans of O. Balzer's legal theory on the Piast principle of succession, consistently belittle the importance of the 1137 succession act in explaining the origin of the political division of the Polish State; they assume that this act resulted from the fortuitous fact that Boleslaus the Wrymouth happened to have several sons among which, in accordance with the custom in force, the prince had to divide the heritage prior to his death. In the light of this view, the novelty of the ruling would consist only in determining the order of succession in the principate province and in the permanence of the

¹³ A full review of the sources informing on the basic principles of the succession act was presented by S. Smolka, *Testament Bolesława Krzywoustego* [*The Testament of Boleslaus the Wrymouth*], "Rozprawy Wydziału Filozoficzno-Historycznego Akademii Umiejętności," vol., XIII, 1881, pp. 259 - 310.

¹⁴ Cf. J. Adamus, *Testament Bolesława Krzywoustego* [*The Testament of Boleslaus the Wrymouth*], "Sprawozdania z Czynności i Posiedzeń Łódzkiego Towarzystwa Naukowego," vol. VIII, 1953, No. 7, pp. 77 - 80; G. Labuda, *Testament Bolesława Krzywoustego* [*The Testament of Boleslaus the Wrymouth*], in: *Opuscula Casimiro Tymieniecki septuagenerio dedicata*, Poznań 1959, p. 175.

¹⁵ Bibliographic information on this subject can be found in T. Grudziński's work, *O akcie sukcesyjnym z czasów Bolesława Krzywoustego* [*On the Succession Act from the Times of Boleslaus the Wrymouth*], "Czasopismo Prawno-Historyczne," vol. XXIV, 1972, No. 1, pp. 35 - 62.

division of the State as opposed to the previous divisions which had been promptly liquidated. On the other hand, one does not sufficiently emphasize the fact that for the first time the principate province was established within the permanent boundaries and that the remaining provinces were to be subject to succession in the various lines of descent. Among the few scholars who sought deeper social causes of the consolidation of Poland's political division after 1138, one should name R. Grodecki, T. Tyc and, above all, G. Labuda — although these historians also adopted Balzer's theory of succession as their point of departure.¹⁶ This theory finds no corroboration in the historical practice of the 10th and 11th centuries, and even less does it fit in with the conditions prevailing in Poland in the 1130s. Boleslaus III was a typical autocrat who would not stop even at the crime of fratricide to achieve exclusive power. The fact that he had several sons did not change anything in his attitude towards the problem of his succession because it was a normal situation that had occurred many a time to his predecessors. In his specific case, the designation of one successor was a simple matter inasmuch as only the eldest son Ladislaus II was mature enough to govern all by himself.¹⁷

Considering as more than probable Boleslaus III's aspiration to maintain after himself the autocratic form of government, one cannot interpret the succession arrangement of 1137, which was flagrantly at variance with that aspiration, in the traditional fashion as the "testament" of the Polish prince. In a special study devoted to this problem, I endeavoured to substantiate the view that Boleslaus the Wrymouth was not the real author of the succession act but merely the *formal* author, acting against his own will, in a situation of coercion and under social pressure, in particular on the part of the bishops and high court officials descending from the most powerful magnate families. It was these circles that took advantage of the favourable circumstance that Boleslaus III had several sons, to recur to the precedents from the turn of the century and impose the division of the State as the permanent principle of succession. For these reasons, I am inclined to consider the so-called "testament" of Boleslaus the Wrymouth as one more clash of the Piast centralistic concept of government with the decentralizing

¹⁶ R. Grodecki, *Dzieje...*, pp. 133 - 144; T. Tyc, *Zbigniew...*, p. 12 ff.; G. Labuda, *Zabiegi o utrzymanie jedności państwa polskiego w latach 1138 - 1146* [*Endeavours at Maintaining the Unity of the Polish State in the Years 1138 - 1146*], "Kwartalnik Historyczny," vol. LXVI, 1959, No. 4, pp. 1147 - 1167.

¹⁷ Cf. T. Grudziński, *O akcie sukcesyjnym...*, pp. 36 - 39.

efforts on a part of the lords. The result was a compromise which, in the legal sense, opened widely the way to feudal circles, interested in transforming the old State model of Poland's early-feudal monarchy, in consistence with the changes occurring in the economic and social and political structure of the State. This is where the main historical significance of the 1137 act of succession seems to lie.¹⁸

The above thesis finds corroboration in the political scenery that accompanied the issuing of the succession act. From the information by the Polish chronicler Vincentius Kadłubek (early 13th century), it appears that the succession act drawn up while Boleslaus III was still alive, had the form of a written document.¹⁹ Its content was subsequently made public at a specially convened meeting of lay and ecclesiastical nobles (*colloquium generale*) and the most important lords and bishops, as guarantors, took an oath swearing to guard in the future the implementation of the succession provisions. The document thus validated was in turn sent to the Roman Curia, to be approved by the Pope who not only confirmed it but secured its implementation and observance with church penalties, thus becoming the supreme guarantor. One may assume with a certain dose of likelihood that the ruling was also approved and confirmed by Emperor Conrad III who, from 1135, was the liege lord of the Polish prince and could therefore be taken into account in Poland as additional guarantor. All the above-mentioned endeavours of legal and guarantee character clearly indicate the existence of a coherent political camp which saw its interest in imposing on the old prince the division of the country into provinces and in establishing the institution of principate that impaired the Piast centralism.²⁰

¹⁸ Cf. Note 15 above.

¹⁹ *Mistrza Wincentego Kronika Polska* [*Master Vincentius' Polish Chronicle*], in: *Monumenta Poloniae Historica*, vol. II, 1872, p. 363: *Qui* [scil. Boleslaus III] *dum fatale munus a se iam exigi sentiret, testamentales mandat conscribi codicillos*. Among modern scholars, the chronicler's account met with opposition above all of G. Labuda, *Testament...*, p. 177 ff. Labuda's position was questioned by: K. Maleczyński (review), "Sobótka," vol. XVI, 1961, No. 1, p. 106; K. Buczek, *Jeszcze o testamencie Bolesława Krzywoustego* [*More about the Testament of Boleslaus the Wrymouth*], "Przegląd Historyczny," vol. LX, 1969, No. 4, p. 624; T. Grudziński, *O akcie sukcesyjnym...*, p. 44.

²⁰ Informing about the meeting and the appointment of guarantors are two German sources, almost contemporary, i.e. *Annales Magdeburgenses*, in: *Monumenta Germaniae Historica, Scriptores*, vol. XVI, 1859, p. 186, under the year 1138, and: *Ottonis et Rahevini, Gesta Friderici I Imperatoris, Scriptores rerum Germanicarum*

It cannot be excluded that this camp saw in the principate only an interim stage, leading to a full political division of the State into politically autonomous provinces-principalities.

Meanwhile, upon the death of Boleslaus III the Wrymouth (d. 1138), the succession act entered into force. His four sons received their respective hereditary provinces that had been assigned to them. The eldest Ladislaus II also took possession of the Cracow province with which the supreme authority over the whole State was connected. Boleslaus' fifth son Casimir was born most likely after the issuing of the succession act and was not covered by it; he remained under the care of his mother Salomea at the town of Łęczycza which had been granted to her as jointure.²¹

in usum scholarum, ed. G. Waitz, Hanover 1884, p. 65. The confirmation of the act by the Roman Curia is mentioned in Pope Innocent III's bulla of 1210, addressed to Kietlicz, Archbishop of Gniezno — cf. *Kodeks dyplomatyczny Śląska* [*Diplomatic Codex of Silesia*], ed. K. Małczyński and A. Skowrońska, vol. II, Wrocław 1959, No. 137, p. 72. It is also indirectly evident from Pope Eugene III's later interventions in Polish matters after the expulsion of Władysław II, i.e. after 1146. Likewise, the diplomatic activity of the Imperial court in favour of the Polish Senior as well as two German expeditions of 1146 and 1157, undertaken with the purpose of his restitution, seem to indicate that the Emperor had also confirmed the succession act. Cf. R. Grodecki, *Dzieje...*, p. 133; J. Dowiat, *Polska państwem średniowiecznej Europy* [*Poland — a State of Medieval Europe*], Warszawa 1960, p. 198; G. Labuda, *Testament...*, p. 177 ff.; T. Gruziński, *Pertraktacje magdeburskie z 1135 roku* [*The Magdeburg Negotiations of 1135*], "Kwartalnik Historyczny," vol. LXXV, 1968, No. 2, p. 273 ff.; by the same author, *O akcie sukcesyjnym...*, pp. 44 - 47; K. Buczek, *Jeszcze o testamencie...*, p. 624 ff.

²¹ The question of the territorial divisions of the Polish State is among the most complex and controversial problems in science. According to the tradition handed down by Vincentius Kadłubek (*op. cit.*, p. 363 ff.), the hereditary provinces were assigned to Boleslaus the Wrymouth's four sons. With regard to three of them, there have not been major doubts: Silesia went to Ladislaus II, Mazovia to Boleslaus IV the Curly, and Great-Poland to Mieszko the Old. G. Labuda (*Testament...*, p. 179 ff.), basing himself on the account of 12th-century German annalistic records (*Annales Magdeburgenses*, in: *Monumenta Germaniae Historica, Scriptores*, vol. XVI, 1859, p. 186, under year 1138, and *Annales Poeldenses*, *ibidem*, p. 82, under year 1138), put forward the hypothesis that only the three above-named sons had received their provinces while the two youngest, Henry and Casimir, as being too small, had remained under the care of their mother who received the province of Sieradz and Łęczycza as widow's allowance. Most scholars are of the opinion that Henry received the province of Sandomierz already in 1138. It seems that the succession act indeed assigned a province to him, not that of Sandomierz, however, but

One additional reason which, apart from other circumstances, did not presage a consolidation of the newly created state of affairs, consisted in the fact that the senior Ladislaus had been born from Boleslaus' first marriage with the Ruthenian princess Zbyslava while the remaining four sons came from the prince's second marriage to the German Salomea.²² The nearest future showed that the younger brothers, together with their mother, stood up solidarily against the senior half-brother. However, the veritable causes of the internal conflicts that took place in the years 1141 - 1146 and that later-on moved onto the international scene, continued to lie inherently in the different concepts of the model of State authority. Ladislaus together with the group of his closest collaborators, stuck until 1146 to the legal basis of the succession act and endeavoured to exercise the powers of the prince supreme of all Poland. The junior brothers, supported or downright inspired by the ecclesiastical and secular lords of their respective provinces, challenged the superior position of the princeps almost from the outset and strove to gain greater political independence. An analysis of the internal developments in the country in the years 1141 - 1146 permits to be sceptical about the opinion, generally accepted among historians, according to which that period was filled by Ladislaus' abortive endeavours to do away with the separate provinces of his brothers and to restore autocracy. More arguments can be found for the opposite view, namely that it was the juniors who took the initiative and stood in firm opposition against the princeps, thus breaking the provisions of the succession act. It is interesting to note that their attitude did not meet with disapproval on the part of the guarantors of the act. This shows that the leading lords, at least those in the provinces of the junior brothers, considered the principate, from the very outset, as a provisional solution on the road to the independence of the various provincial principalities. On the other hand, when Ladislaus II, after several years of struggle, decided in 1146 to put an end to the prolong-

that of Sieradz and Łęczyca. I intend to substantiate this theory elsewhere. As far as the youngest son, Casimir, is concerned, among the many attempts at explaining the reasons of him being omitted in the succession act, the most plausible is the view of K. Buczek (*Jeszcze o testamencie...*, p. 625 ff.) that this document had been drawn up and confirmed before Casimir was born. Later-on, because of the early death of Boleslaus the Wrymouth, there was no time to introduce changes and to repeat the whole procedure.

²² Cf. O. Balzer, *Genealogia Piastów* [*Genealogy of the Piasts*], Lwów 1895, pp. 126, 156, 161, 169, 184.

ed conflict and reach for undivided power, the main guarantor of the succession provisions, Jakub of Żnin, Archbishop of Gniezno (whose seat, by the way, was in the province of one of the juniors), reacted immediately by excommunicating the senior. The anathema precipitated the process (which had already begun a little earlier) of magnates from the provinces of the princeps passing over in masses to the side of the juniors; the princeps, having lost the support of his own people, was compelled to leave the country: in the summer of 1146 he went as an exile to the Emperor's court.²³

After the expatriation of Ladislaus, the principate rule in the province of Cracow was assumed by the Wrymouth's second son, Boleslaus IV the Curly. This was tantamount to the violation of one of the two basic principles of the succession act, namely the principle of seniorate; this fact remains unaltered by the fact that the eldest member of the Piast family happened to be outside the country. From the legal point of view, the authority of the new princeps was devoid of legality and was based solely on the social acceptance by those feudal circles which allied themselves against prince Ladislaus.²⁴ This undoubtedly weakened the position of the prince supreme who henceforth depended on the continued support of the forces that had raised him to the Cracow throne.

From the moment of Ladislaus II's appearance in Germany, the dynastic conflict, heretofore internal, acquired international importance. As early as August 1146, Emperor Conrad III as the liege lord of the exiled prince, set out on an intervention campaign in the latter's interest against the juniors but failed to achieve the hoped-for success. In the face of the failure of the military expedition, the imperial court turned to the Pope with the request that he should undertake efforts aimed at the restitution of Ladislaus II. It is true that in the correspondence between the Emperor and the Pope reference is made only to the wrong suffered by the Polish

²³ The course of events in Poland in the years 1138 - 1146 has recently been presented by G. Labuda, *Zabiegi...*, pp. 1147 - 1167. Without engaging in a detailed discussion with various new concepts of this author, it must be stressed that his final conclusion (p. 1167) according to which it was not the succession act but rather the failure of Ladislaus II's attempts at restoring the unity of the State, undertaken in the years 1142 - 1146, that was decisive for the consolidation of the division, is not fully consistent with the picture of events given in the article.

²⁴ S. Smolka, *Mieszko Stary i jego wiek [Mieszko the Old and His Time]*, 2nd edition, Warszawa 1959, p. 244. (1st edition in 1881).

prince's wife, Agnieszka, who was the half-sister of Emperor Conrad III, but the real problem was obviously that of the Polish senior. Pope Eugene III found himself in a rather embarrassing situation as he had previously, at the request of Polish bishops, confirmed — without a closer investigation of the matter — the excommunication of Ladislaus II and his wife by Archbishop Jakub. Considering the well-known consequences that the excommunication of a ruler entailed in the sphere of public law, this meant that the Pope set his hand to impairing the succession act which he had confirmed himself a short time before. Cardinal Guido, the papal legate sent to Poland in 1148, requested from the juniors and the bishops their consent to Ladislaus' return to Cracow and, having met with firm resistance, excommunicated the senior's opponents and imposed interdict on the country. Eugene III confirmed these punishments and demanded of the Polish episcopate to fall into line with the legate's decision, under threat of revenge. The sources do not provide direct information on the reaction of Polish ecclesiastical circles but apparently the juniors and the ecclesiastical and secular magnates supporting them must have offered solidary resistance to outside pressure since Guido wrote in a letter to Conrad III that all church measures had been exhausted and only the *brachium seculare* could yield the desired effects. The second military action of the Empire in the interest of Ladislaus II did not take place until 1157 but the emperor of that time, Frederick Barbarossa, had a different attitude towards the dynastic conflict in Poland and the purpose of his expedition was above all the feudal subjection of the Polish State. This is why, in spite of full military success, the Emperor contented himself with the homage of feudal allegiance paid to him by Boleslaus IV the Curly. This was tantamount to the legal recognition of Boleslaus' principate and to forgoing completely the claims of Ladislaus II. The exile remained in Germany, depending on the Emperor's generosity for his living, and died there in 1159. With his death, the whole matter became objectless because, as of that moment, Boleslaus the Curly became the senior of the family and his principate authority in Cracow acquired a character of legality since it was in conformity with the provisions of the succession act.²⁵

²⁵ The endeavours of the Imperial court and of the Roman Curia, aimed at restoring Ladislaus II to the Cracow throne are reflected in numerous documents — cf. *Kodeks dyplomatyczny Śląska*, vol. I, No. 19, 20, 21, 23, 24, 28, 29, 30. For an interpretation of the whole of events connected with the attempts at restoration

III

As we have pointed out above, the succession act of 1137 was a political compromise. By introducing a new model of Piast authority, based on seniorate and principate, it went half-way to meet the division tendencies because it established the permanent principle of the political division of the State into hereditary provinces. On the other hand, Boleslaus the Wrymouth saved — if only to a limited extent — the political unity of the Piast monarchy by creating the institution of the princeps — prince supreme. The destinies of each of these two institutions: the seniorate and the principate, in the subsequent decades, were different. Practically, one can follow them only in the generation of Boleslaus the Wrymouth's sons and they were probably meant to be binding on them only.²⁶ One can hardly imagine, in fact, how these principles could be implemented in further future, with the inevitable propagation of the collateral lines of the Piast family and, consequently, further divisions of the various hereditary principalities into ever smaller provinces.

Attention has already been drawn in Polish historiography to the fact that the knowledge of the constitutional aspects of the seniorate and principate in Poland is extremely inadequate.²⁷ This is due, as we have already mentioned, to the fact that we do not possess a written copy of the succession act of 1137. Also missing is any other source, contemporary or later, which would go in this matter beyond generalities and provide a more detailed presentation of such fundamental problems as: the scope of the princeps's authority and his prerogatives with regard to his younger brothers (and sisters) and their provinces; the powers of the juniors in their hereditary provinces and, possibly, their powers with regard to the prince supreme and to matters of nationwide importance; the powers of the Cracow prince and of his brothers with regard to the Church; the competence of the princeps and of the provincial princes in relations and contacts with other dynasties and States. Another important problem to examine is whether the succession act envisaged the possibility of future changes in the territorial division of the State and, if so, who was to decide

of Ladislaus II, cf.: S. Smolka, *Mieszko Stary...*, pp. 245 - 273; T. Grudziński, *O akcie sukcesyjnym...*, pp. 50 - 60.

²⁶ One should, however, also note the different view of K. Buczek, *Jeszcze o testamentcie...*, p. 624 ff.

²⁷ G. Labuda, *Testament...*, p. 192 ff.

about such changes: the prince supreme or all the brothers jointly, or perhaps also an all-Polish feudal meeting? Of capital importance is an answer to the question whether the above-cited legal and constitutional provisions were at all formulated in such detail already in the succession act of 1137. If the answer is affirmative, further questions emerge, namely: whether these provisions remained unchanged in the subsequent decades or rather underwent an evolution in the changing political conditions and, if so, what was the direction of that evolution. If, on the other hand, the answer is negative, the necessity arises to investigate the stages of formation of the legal doctrine of the principate and of Poland's whole political system after 1138. This is a difficult task inasmuch as the sources fail to give sufficiently clear information to what extent the model of Polish principate in the 12th century was the result of wilful action of three forces: the successive princepses, the provincial princes and various groupings of magnates active all over the country. Our own remarks obviously do not aspire to clarify so numerous and complex questions. By defining the legal and constitutional problems of basic importance for coming to know the origins and beginnings of Poland's feudal division, I merely make up a catalogue of questions that indicates the direction of further research.

As far as the legal and constitutional analysis of the succession act of 1137 in the Polish historical science is concerned, Tadeusz Wojciechowski's findings of 70 years ago remain basically valid.²⁸ No one has afterwards attempted a comprehensive verification of the various assertions of that distinguished medievalist although the past few years saw a considerably increased interest of the scholars in various matters connected with the act itself and with its implementation. This is all the more surprising because Wojciechowski investigated the seniorate and principate in the light of an *a priori* assumption, the very foundations of which were seriously shaken by later research. This assumption was based on the fact that Boleslaus the Wrymouth had several sons, and boils down to the following reasoning: "Since Poland, not being a kingdom, had to be divided, it was

²⁸ It is true that T. Wojciechowski did not publish his essay until 1917: *Szkice historyczne jedenastego wieku* [*Historical Essays on the Eleventh Century*], "Kwartalnik Historyczny," vol. 31, 1917, p. 351 ff. Yet his view on the legal side of the succession act was already fully formed when he was preparing the first edition of the *Essays* in 1904; it was only because of eye disease that he was unable to complete work on essay.

necessary to devise for the future some unity and relationship among the sons and among the provinces.” Leaving completely out of account the social evolution and the transformations which the feudal class and the Piast dynasty itself were undergoing, Wojciechowski recognized the succession act as the exclusive product of the political thought of Boleslaus the Wrymouth who, faced with the necessity of dividing the heritage, did everything to secure the further unity of the State and of the authority. Wojciechowski accepted Balzer’s view on the inevitability of dynastic divisions constituting the Piast succession law; as a result, there emerged the concept of the so-called central principality — a huge complex of lands extending meridionally, with Cracow, Wiślica, Gniezno, Kalisz, Kruszwica, Łęczyca and Sieradz — which was to be excluded from inheritance and become the permanent endowment of the successive seniors. Combined with his own hereditary province, the central principality was to ensure to the princeps material ascendancy over the juniors. Departing from the assumption that the future unity of the State was the main idea of the “testament,” Wojciechowski consistently maintained that, with regard to State authority, the Wrymouth’s decisions were such as to ensure that “the power should go undividedly to the senior.” Wojciechowski thus ascribed to the princeps nearly all the hitherto existing attributes of the prince’s power, both in the sphere of external relations and in internal matters. The provinces of the juniors were therefore not principalities but merely “heirlooms” (*patrimonium*) in which the prince’s brothers, deprived of princely rights, were almost to be reduced to the position of the senior’s lieutenants in their respective provinces, the only distinction consisting in the fact that they could not be removed from their heirloom. According to Wojciechowski, the powers of the princeps included full military and judicial authority in the entire territory of the monarchy, the right to appoint castellans (castle comites) all over the country, as well as the right of investiture of all bishops. Belonging only to him was the title of “grand prince.” Within the dynasty, the princeps replaced the father, taking over not only the care over the juniors but the authority as well, especially during their minority; he also decided about the marriages of his sisters. Pomerania which had its own princes also came under his superior authority. He decided on matters of war and peace with other States.²⁹ Wojcie-

²⁹ T. Wojciechowski, *Szkice historyczne jedenastego wieku* [*Historical Essays on the Eleventh Century*], 3rd edition, Warszawa 1951, pp. 297 - 318.

chowski put a completely static construction on this immense scope of the senior's power, detaching it from the dynamics of general transformations and seeking corroboration in sources which informed on developments in Poland up to the end of the 12th century.

However, if we base ourselves on latest research and consequently take away, as untenable, three fundamental assumptions from Wojciechowski's concept, namely: (1) the ascription of the exclusive authorship of the succession act to Boleslaus the Wrymouth; (2) the inevitability of the division of the State into provinces after 1138, and (3) the idea of the "central province" in the proportions ascribed to it, Wojciechowski's interpretation of the legal sense of the seniorate will appear as a speculative pattern finding no corroboration in the events immediately after 1138. In particular, one should reduce the scope of competence of the princeps and widen that of the provincial princes — to such an extent as to make the later developments justify, if only partly, the consolidation of the feudal disintegration of the State.

These matters are connected directly with the problem of the implementation of the succession act after 1138; they also determine the future destinies of the seniorate and principate in Poland. It can be stated at once that the attitude of the Polish lords towards these two institutions varied in the subsequent decades. The years 1141 - 1146, filled with internal conflicts between Ladislaus II on the one side and the juniors and their mother on the other side, should be seen above all as the period when the opposition questioning the principate — at least in the form given to it by the prince of Cracow — was taking shape. This series of events began with the well-known feudal congress convened by Princess Salomea at Łęczyca in the beginning of 1141; participating in it were ecclesiastical and secular magnates from the provinces of the juniors and, of course, Salomea's sons. The senior, on the other hand, did not attend the congress because the decisions taken there were directed against him. It is known from a contemporary account that various accusations were advanced against Ladislaus II, and the marriage of the juniors' sister to the son of a Russian prince was planned to secure military assistance against the princeps. This plan failed, for the rest, because Ladislaus learned about it, managed to get the start of his brothers and married his own son,

On the problem of the public-law position of the juniors, J. Dowiat's views (*Polska...*, pp. 223 - 229) are close to those of Wojciechowski.

Boleslaus the Tall to the daughter of that prince.³⁰ There is no doubt, however, that the princeps felt that his position was endangered; he decided to perform a demonstration of force and, together with Russian reinforcements, organized in 1142 a military campaign against Boleslaus the Curly's province of Mazovia. The campaign had no other purpose and it did not change the existing state of affairs.³¹ After the death of Princess Salomea, under circumstances of which we have no closer knowledge, there came in 1145 to another invasion by Ladislaus II and the Russian forces against the juniors. It may be assumed that this time the matter concerned the town of Łęczycza which had been assigned to the widow as endowment and which her sons now grabbed, disregarding the princeps' position. The peace concluded at that time between the brothers, with the participation of the Ruthenian princes, while bringing certain territorial losses to the juniors, strengthened the position of the provincial princes in relation to the princeps who had to negotiate with them as with his equals.³² Towards the end of the same year, the powerful Silesian magnate Piotr Włast, together with his numerous clientele, deserted Ladislaus II; the prince punished him by blinding and banishment (penalty for treason) which had this effect that representatives of leading lord families of Silesia and Little-Poland, connected by marriages with Piotr's family, passed in masses to the side of the juniors. It was only in this desperate situation that the princeps recognized that all attempts to arrange relations with the juniors on the basis of the succession act were futile and, feeling most seriously threatened, conceived the plan of eliminating his brothers and of liquidating their provinces. This attempt — as has been said above — ended in failure. Defeated near Poznań and excommunicated by Archbishop Jakub, Ladislaus had to leave the country, never to return.³³

At that moment, a different attitude of the opposition towards the seniorate and the principate, respectively, manifested itself. The reign in

³⁰ *Die Zwiefalter Chroniken Ortliebs und Bertholds*, ed. E. König — K. O. Müller, Stuttgart—Berlin 1941, p. 128. Cf. S. Smolka, *Mieszko Stary...*, p. 209 ff.; O. Balzer, *Genealogia...*, pp. 159, 191; G. Labuda, *Zabiegi...*, p. 1154 ff.

³¹ *Polnoe sobranije russkikh letopisej*, vol. II., *Ipateuskaja letopis*, St. Petersburg 1843, p. 19. Cf. G. Labuda, *Zabiegi...*, p. 1155.

³² *Polnoe sobranije...*, vol. II, p. 21. Cf. S. Smolka, *Mieszko Stary...*, pp. 227 - 230; G. Labuda, *Zabiegi...*, pp. 1156 - 1159.

³³ These events have been extensively discussed by G. Labuda, *Zabiegi...*, pp. 1159 - 1166.

Cracow was assumed by Boleslaus the Curly, Prince of Mazovia, who retained the powers of princeps; in this respect, the institution of the prince supreme was maintained without major changes. The principle of seniority, on the other hand, was violated; apparently, this principle found no broader recognition on the part of the feudal magnates, even in the senior's province where the local magnates opened the gates of towns and castles to Boleslaus' troops. The new princeps began his rule with an act of lawlessness, taking over the government of Ladislaus II's hereditary province, Silesia, to which the exile and his sons had unquestionable rights under the succession act.³⁴

Formally speaking, the seniorate was not restored until 1159, i.e. after the death in exile of Ladislaus II, and it is only from this date that one can speak of renewed consistence of the succession act with historical reality. The situation developed differently only in Silesia which Boleslaus the Curly had to return to the sons of Ladislaus II as a result of Emperor Frederick Barbarossa's demands; however, he forced them to renounce their hereditary rights to that province and garrisoned a number of major Silesian castles with his own troops. This led in the subsequent years to new civil wars between the Silesian princes and the princeps; in those wars, the Silesian knighthood very clearly took the side of the former. In the final result, the Silesian princes — with pressure exerted by the Empire — kept their province and no additional limitations of their hereditary rights were imposed.³⁵

A new attempt at questioning the principle of seniorate took place towards the end of the dull and unsuccessful reign of Boleslaus the Curly. The background of the conspiracy against the princeps does not appear clearly enough in the sources but it can be assumed that the prince wanted to compensate the failures in foreign policy by strengthening his power in the principate province, especially at the time, after 1159, when he already ruled there in full conformity with the provisions of the succession act, having also obtained a little earlier (1157) the Emperor's acceptance of his rule. This was not to the liking of certain circles of Little-Poland's

³⁴ S. Smolka, *Mieszko Stary...*, p. 244.

³⁵ S. Smolka, *Mieszko Stary...*, p. 272 ff.; B. Zientara, *Bolesław Wysocki — tułacz, repatriant, malkontent. Przyczynek do dziejów politycznych Polski XII wieku [Boleslaus the Tall — Exile, Repatriate, Malcontent. A Contribution to Poland's Political History of the 12th Century]*, "Przegląd Historyczny," vol. LXII, 1971, No. 3, p. 373 - 385.

magnates among whom the leading role was played by the chief conspirators: Świętosław, the son of the already mentioned Piotr Włast, and his son in law — Jaksza of Miechów. It is noteworthy that they tried to draw into the planned *coup d'état* — as a candidate for the future prince of Cracow — not the next eldest Piast, i.e. Mieszko the Old, Prince of Great-Poland, but the Wrymouth's youngest son, Casimir. The idea probably was to raise to the Cracow throne a weaker candidate, thereby more dependent on those to whom he was to owe entirely his promotion. However, the conspiracy did not turn into open rebellion against the Curly, because Casimir, probably fearing the reaction of Mieszko who would have turned against him together with Boleslaus, did not consent to take part in it.³⁶ This does not change the fact that the seniorate principle did not enjoy wide support among the magnates of Little-Poland.

Boleslaus the Curly died before long (1173) and the principate power in Cracow went to Mieszko the Old, Prince of Great-Poland, again in conformity with the principle of seniorate. This seemingly strengthened the position of the prince supreme, making him independent of the possible support of the lords. Mieszko's territorial strength placed him above the remaining Silesian princes, Casimir (who held the province of Sandomierz) and the Curly's son Leszek, a boy under age, the Prince of Mazovia and Kuyavia. All the same, Mieszko's rule in Cracow was short-lived. The opposition of Great-Poland magnates, led by Gedko, the bishop of Cracow, and Voivode Stefan, succeeded this time in obtaining Casimir's consent for participation in the conspiracy. Also won over for these plans was Mieszko's son, Odo, who feared being disinherited by his father in favour of brothers born from another mother, and came out against Mieszko in Great-Poland. Also highly probable is the participation in the *coup* of the Silesian prince, Boleslaus the Tall. If this was indeed a fact, it would provide an additional argument supporting the assumption that seniorate was confined to the sons of Boleslaus the Wrymouth. If it were not so, then Boleslaus the Tall, by helping Casimir, his junior, to reach the Cracow throne, would have been acting against the principle of seniorate and, consequently, against his own interests. He was, after Mieszko, the eldest in the Piast family and, if he survived Mieszko, he could have hoped to obtain the power of princeps in an entirely legal way.

³⁶ *Mistrza Wincentego Kronika Polska*, p. 394. Cf. S. Smolka, *Mieszko Stary...*, p. 379 ff.; R. Grodecki, *Dzieje...*, p. 158.

An open rebellion against Mieszko broke out in 1177. Having no support whatsoever, even in Great-Poland, Mieszko had to seek refuge in exile. The principate power in Cracow was taken over by Casimir (1177 - 1194).³⁷ The principle of seniorate was again, and this time definitely, broken; this was due, above all, to the attitude of Polish lords, mainly those of Little-Poland. Mieszko the Old did later return to the Cracow throne several times — for short periods of time, yet on those occasions the Cracow lords were no longer guided by the principle of seniorate; one can even doubt whether the prince himself — even if he upheld this principle — dared to invoke it publicly in negotiations, in the well-grounded fear that it might discredit him definitely in the opinion of the lords of Little-Poland, and ruin all his chances. It is true that the institution of the prince supreme was maintained; however, it also suffered serious damage because Casimir, being an usurper, found himself under the influence of those who had raised him to the Cracow throne. From that moment, the Cracow throne became more and more an “elective” throne, i.e. its successive holders were appointed in accordance with the will of the most powerful feudal lords of Little-Poland. Faint evidence can be found in the sources, to the effect that Casimir, wishing to strengthen his position as prince supreme, induced Mieszko the Old, at the price of ceding Kuyavia to him, to renounce claims resulting from the latter’s seniorate and principate rights (1185). How greatly the position of the Cracow princeps declined, can be illustrated by the example of the conspiracy formed against Casimir in Little-Poland in the year 1191. It originated from the criticism of the prince’s Russian policy by various groups of feudal lords. Those opposing the Ruthenian interventions headed by the Castellan of Cracow, did not demur at deposing Casimir and recalling to the throne Mieszko the Old who, let us emphasize, did not take part in preparing the *coup*. Casimir, with the aid of Russian reinforcements and of a group of lords faithful to him, managed to remove Mieszko from Cracow but these events dealt another blow to the prestige of the princeps’s authority.³⁸

The last, and abortive, attempt to return to the idea of seniorate was the bulla of Pope Innocent III, issued in 1210 at the request of a Silesian

³⁷ These events have been discussed most comprehensively by S. Smolka, *Mieszko Stary...*, pp. 303 - 307, but his presentation calls for considerable corrections today. Cf. also B. Zientara, *Bolesław Wysoki...*, pp. 385 - 388.

³⁸ S. Smolka, *Mieszko Stary...*, pp. 354 - 358; R. Grodecki, *Dzieje...*, p. 171 ff.

prince, unfortunately not identified by name (Mieszko of Racibórz or Henry the Bearded). The bulla was to lend the Pope's authority to the support of the principle which had not been implemented for a long time and which, under the specific circumstances, was to serve as a legal argument for the political aspirations of that prince to the throne of Cracow.³⁹

As far as the institution of principate is concerned, it does not seem possible to fix the precise date of its factual, let alone of its legal fall. It should be assumed, however, that Casimir, although more and more restricted, ruled in this character in Cracow until his death (1194). It was only after his death that the period of eight years of internal struggle for the succession began (1194 - 1202), during which the feudal lords of Little-Poland represented decidedly the view that the throne of Cracow was elective and that they were its sole disposers. In the course of those conflicts the power of the prince supreme practically faded away.⁴⁰

In the period discussed above, there repeatedly took place changes in the territorial division of the State. In view of their very complex character (and of the difference of opinions among historians), they cannot be discussed here. From the point of view of our subject matter, it is only important to state that these changes, in almost every case (unless they concerned further internal divisions of the various hereditary provinces), constituted in fact an infringement on the territorial provisions of the succession act. In particular, the changes of frontiers of the senior's province must be considered as upsetting the legal bases of that document since there can be no doubt that the unalterability of its territory was to be the essential guarantee of the princeps's position. It is therefore doubtful that the succession act would authorize the prince supreme to make changes in this respect, even with the consent of the juniors. In practice, however, it turned out that the principle of inviolability of the territorial boundaries of the provinces had been systematically broken already from 1145, and that there did not appear any social forces interested in its observance.

Taking into account all the above-considered cases of violating the principle of seniorate and principate, one must state that all the fundamen-

³⁹ Cf. Note 20 above.

⁴⁰ J. Baszkiewicz, *Powstanie zjednoczonego państwa polskiego na przełomie XIII i XIV wieku* [*The Rise of the United Polish State at the Turn of the 13th - 14th Century*], Warszawa 1954, p. 38.

tal legal bases of the succession act, constituting a compromise in the play of two political forces, failed to stand the test of time and, when the powerful personality of Boleslaus the Wrymouth was no longer there, they began to be universally called in question. This was an obvious result of the progressing decentralization of State authority, and that in turn was due to the insufficient powers vested in the prince supreme and to the inadequate executive means at his disposal.

An answer to the question that has been haunting historians for many years, concerning the reasons for the failure of the implementation of the succession act, will not appear clearly until we look at this problem from the broader perspective of social transformations that occurred in Poland from the 11th to the 13th century inclusively. The dynamics of the development of the feudal class and, in particular, the process of formation of powerful lord forces, accounted for the fact that this class was steering towards goals different from those which guided the times of the first Piasts — autocrats. On this road, the relaxation of Piast centralism was the first step which created favourable conditions for the realization of the new interests of big ecclesiastical and secular feudal lords. The succession act of 1137, by its compromise political and constitutional solutions, reflected those transformations at a definite stage and, in turn, it had itself an accelerating influence on them. Thereby, it brought about, as it were, the annihilation of its own legal content. The upsetting of the main principles contained in that act resulted in the fact that on the threshold of the 13th century, Poland began to become transformed into an assemblage of principalities among which the basic political ties were seriously impaired. If Poland managed to survive as a State, and even to find at the end of the 13th and the beginning of the 14th century sufficient internal forces to restore political unity, it was the result of the development of many different factors — economic, social, political and ideological.

(Translated by Antoni Szymanowski)