

Radosław Kubicki

Jan Kochanowski University in Kielce

kubickirad@ujk.edu.pl

ORCID: <https://orcid.org/0000-0003-0609-7205>

Contemporary International Significance and Commemoration of the First European Constitution of 3 May 1791 – with Particular Focus on Poland, Lithuania, Ukraine, Belarus and Latvia

Introduction

The main objective of the article is to examine the scope, forms, role and perception of the contemporary international impact of the historical event that was the adoption of the Constitution of 3 May 1791. A research hypothesis was proposed that: The commemoration of the Third May traditions may constitute an important part of the Polish historical policy shaping the international image of Poland as a country which has made a significant contribution to the development of law in Europe and in the world. The author has also formulated a main research question: Can the tradition of the Third May constitute a common heritage and a platform for cooperation between the states whose territories were part of the First Republic? The general research question has been complemented by three specific research questions: 1) Which states and nations, for historical reasons, can be considered the heirs of the Constitution of 3 May?, 2) What is the state of knowledge about the Constitution of 3 May in Poland, Europe and the world?, 3) In which countries are there celebrations commemorating the May Constitution? Based on the formulated research assumptions, the article breaks down into an

introduction, a conclusion and three sections entitled respectively: 1) “The Constitution of 3 May and its historical heritage”, 2) “Popularisation of knowledge about the Constitution of 3 May as an indicator of its international significance”, 3) “Commemoration of the Constitution of 3 May in Poland and other countries”.

In order to achieve the intended purpose, to test the hypothesis and to find answers to the questions posed, the author carried out library and internet searches. A small-scale survey was also conducted and carried out at Jan Kochanowski University in Kielce between April 2017 and December 2018 and in December 2021. The survey involved 422 Polish and Ukrainian students aged between 18 and 25, taking courses in International Relations, Security and Management at Bachelor’s (undergraduate) and Master’s (graduate) level. It should be noted that the conducted survey research was only to indicate possible general tendencies and directions of social perception of issues related to the international significance of the Constitution of 3 May among young people, who represent the way of thinking of the new generation of inhabitants of the former First Republic of Poland. The author has used the statistical method in order to process and perform a quantitative analysis as well as to present the collected data in the form of table summaries. In addition, the article uses the following research methods: the historical method, which demonstrates the genesis and significance of the Constitution of 3 May, and the institutional-legal method, which is used to analyse the activity of the main actors responsible for foreign policy and historical policy in Poland, Lithuania, Ukraine, Latvia and Belarus.

1. The Constitution of 3 May and its historical heritage

Poland’s first constitution was passed on 3 May 1791 by the Great Sejm (1788–1792), and came into force two days later, on 5 May.¹ The actual title of this legal act was *Government Act* (Polish: *Ustawa Rządowa*) It laid the foundations for the political system of the Republic consisting of the Crown and the Grand Duchy of Lithuania. The text of the Constitution was drawn up in an unregulated, secret and clandestine manner by a group of people headed by King Stanisław

¹ L. Wegner, *Dnia trzeciego i piątego maja 1791*, Towarzystwo Przyjaciół Nauk Poznańskiego, Poznań 1865, passim; Z. Kaczmarczyk, B. Leśnodorski, *Historia państwa i prawa Polski*, vol. 1: *Od połowy XV wieku do r. 1795*, Państwowe Wydawnictwo Naukowe, Warszawa 1971, p. 524; J. Michalski, *Sejm w czasach panowania Stanisława Augusta*, [in:] *Historia Sejmu polskiego*, vol. 1: *Do schyłku szlacheckiej Rzeczypospolitej*, red. J. Michalski, Państwowe Wydawnictwo Naukowe, Warszawa 1984, p. 407; Z. Szcząska, *Pierwsza ustawa zasadnicza Rzeczypospolitej*, [in:] *Konstytucje Polski. Studia monograficzne z dziejów polskiego konstytucjonalizmu*, vol. 1, red. M. Kallas, Państwowe Wydawnictwo Naukowe, Warszawa 1990, p. 45.

August Poniatowski, Grand Marshal of Lithuania Ignacy Potocki, Sub-Chancellor of the Crown Hugo Kołłątaj, Marshal of the Four-Year Sejm Stanisław Małachowski, Member of the Krakow Sejm Aleksander Linowski and the Royal Secretary, Italian priest Scipione Piattoli.² The Constitution was formally in force until the so-called Grodno Sejm, which declared the Great Sejm invalid and repealed (derogated) all the legal acts established at it, including the May Constitution, which was promulgated on 23 November 1793.³ In 1806–1807, at the time of the creation of the Duchy of Warsaw, demands for the restoration of the *Government Act* emerged but were not realised.

In view of the fact that the First Republic of Poland was a federation state made up of the Crown and the Grand Duchy of Lithuania, and also bearing in mind that the work on the text of the Constitution was undertaken with the participation of holders of important Lithuanian offices, and also considering that the majority – 30 out of 50 of all Lithuanian members of the Grand Sejm supported the adoption of the *Government Act*⁴ – as well as remembering the participation of the Lithuanian army in the war of 1792 in defence of the May Constitution,⁵ one may conclude that the Constitution of 1791 should be treated as the first Constitution not only of Poland but also of Lithuania. This is how it is increasingly being perceived by these two countries as well as externally.⁶

² J. Michalski, *op. cit.*, pp. 406–407; Z. Szcząska, *op. cit.*, pp. 43–45; K. Bauer, *Uchwalenie i obrona Konstytucji 3 Maja*, Wydawnictwa Szkolne i Pedagogiczne, Warszawa 1991, pp. 125–135; Z. Janeczek, *Ignacy Potocki – dziejopis i współtwórca Konstytucji 3 Maja w historiografii polskiej*, „Acta Universitatis Lodzensis, Folia Historica”, 1991, vol. 40, pp. 19–40; J. Bardach, B. Leśnodorski, M. Pietrzak, *Historia ustroju i prawa polskiego*, Wydawnictwa Prawnicze PWN, Warszawa 1996, p. 305; H. Izdebski, *Tryb uchwalenia Konstytucji 3 Maja*, [in:] *Tryby uchwalania polskich konstytucji*, red. M. Wyrzykowski, Instytut Spraw Publicznych, Warszawa 1998, pp. 13–17; W. Uruszczak, *Konstytucja 3 Maja 1791 r. Testament polityczny I Rzeczypospolitej*, „Przegląd Sejmowy”, 2011, vol. 19, nr 2(103), pp. 21–22 ff.

³ *Volumina legum*, vol. 10: *Konstytucje Sejmu Grodzieńskiego z 1793 roku*, red. Z. Kaczmarczyk, Poznańskie Towarzystwo Przyjaciół Nauk, Poznań 1952, p. 326.

⁴ Z. Kiaupa, J. Kiaupiene, A. Kuncėvicius, *Historia Litwy. Od czasów najdawniejszych do 1795 roku*, Wydawnictwo Naukowe PWN, Warszawa 2007, pp. 341–342; A. Eidintas, A. Bumblauskas, A. Kulakauskas, M. Tamosaitis, *Historia Litwy*, Wydawnictwo Eugrimas, Wilno 2013, p. 101. Formally, there was no vote on the Constitution of 3 May, and it was adopted by a kind of acclamation. However, it is estimated that 110 out of 182 Members of Parliament present at that time were supporters of the Government Act, see: H. Kołłątaj, F.K. Dmochowski, S.K. and I. Potoccy, *O ustanowieniu i upadku Konstytucji Polskiej 3-go Maja 1791*, Metz 1793, part 1, pp. 149–160; H. Izdebski, *op. cit.*, p. 15.; W. Uruszczak, *Konstytucja...*, *op. cit.*, pp. 22–24.

⁵ K. Bauer, *op. cit.*, pp. 222–257; A. Eidintas, A. Bumblauskas, A. Kulakauskas, M. Tamosaitis, *op. cit.*, pp. 99–100.

⁶ See: J. Kuznecoviene, *Lithuania*, [in:] *Encyclopedia of World Constitutions*, ed. G. Roberts, Infobase Publishing, New York 2007, p. 544; K. Wójtowicz, *Poland*, [in:] *Encyclopedia...*, *op. cit.*, p. 733; A. Eidintas, A. Bumblauskas, A. Kulakauskas, M. Tamosaitis, *op. cit.*, p. 94, 103

Besides, at the time of the adoption and implementation of Constitution of 3 May, the First Polish Republic included almost the whole of right-bank Ukraine – without Kiev, as well as Belarusian lands with Minsk and a significant part of today's Latvia, but without Riga. This fact gives some grounds for Ukrainians, Belarusians and Latvians also to refer to the tradition of the Constitution of 1791. However, in Ukraine, the first legal act of a constitutional nature is usually considered to be the Constitution of the Rights and Freedoms of the Zaporizhian Army (Latin: *Pacta et Constitutiones legum libertatumque Exercitus Zaporovien-sis*), also known as the Bender Constitution or the Constitution of Pilip Orlik of 1710.⁷ In Belarus, the Constitution of the Belarusian Soviet Socialist Republic of 3 February 1919 is considered the first basic law.⁸ In Latvia, on the other hand, this status is given to the Constitution of 15 February 1922, which was restored in the 1990s and is still in force in that country today.⁹

2. Popularisation of knowledge about the Constitution of 3 May as an indicator of its international significance

The Constitution of 3 May 1791 is widely recognised as the first basic law in Europe and the second constitution in the world.¹⁰ Only the Constitution of the United States, which was signed on 17 September 1787 by the delegates at the Constitutional Convention in Philadelphia, dates earlier.¹¹ The third basic law in the world and the second in Europe is considered to be the first French Constitution, which was adopted on 3 September 1791, just four months after

ff.; *Constitutions*, [in:] S. Suziedelis, *Historical Dictionary of Lithuania*, The Scarecrow Press, Lanham 2011, pp. 85–86.

⁷ N. Jakowenko, *Historia Ukrainy: od czasów najdawniejszych do końca XVIII wieku*, Instytut Europy Środkowo-Wschodniej, Lublin 2000, pp. 279–280; A. Kosyło, L. Ćwikła, *Konstytucja Filipa Orlika z 1710 roku*, „Czasy Nowożytnie”, 2005, vol. 18–19, pp. 55–68; O. Łatyszonek, *Od Rusinów Białych do Białorusinów. U źródeł białoruskiej idei narodowej*, Wydawnictwo Uniwersytetu w Białymstoku, Białystok 2006, pp. 249–250; M. Rahe, L. Syvko, *Ukraine*, [in:] *Encyclopaedia...*, *op. cit.*, p. 961.

⁸ G. Wasilewicz, *Etapy prac nad projektem Konstytucji Republiki Białoruś, uchwalonej 15 marca 1994 r.*, [in:] *Ku konstytucji społeczeństwa obywatelskiego*, red. A. Łopatka, Wydawnictwo Naukowe Scholar, Warszawa 1995, p. 25; W. Hołubko, A. Lityński, *Zagadnienie państwowości białoruskiej w latach 1917–1920. W setną rocznicę rewolucji 1917*, „Roczniki Administracji i Prawa”, 2017, nr 17, p. 130.

⁹ P. Kierończyk, *O specyfice pierwszych konstytucji państw bałtyckich*, „Studia Iuridica Toruniensis”, 2013, vol. 13, pp. 36–37, 44 ff.

¹⁰ See, i.a., K. Wójtowicz, *op. cit.*, p. 733.

¹¹ H. Katz, *Historia Stanów Zjednoczonych Ameryki*, Zakład Narodowy im. Ossolińskich, Wrocław 1971, pp. 161–164; *Konstytucja Stanów Zjednoczonych Ameryki*, Wydawnictwo LTW, Warszawa 2001, pp. 3–37.

the Constitution of 3 May.¹² In addition, Swedish *Instrument of Government* (Swedish: *Regeringsform*), which was successively issued in 1634, 1719, 1720, 1772, 1809 and 1974,¹³ the Constitution of Corsica of 1755,¹⁴ or the constitutions of the individual American states which preceded the Constitution of the United States¹⁵ are also sometimes listed among the first constitutions or acts of systemic nature. In Poland, too, attempts are sometimes made to shift the date of origin of such acts by attributing their constitutional character to the so-called Henrician Articles of 1573 and the Cardinal Laws established from 1768 onwards.¹⁶

Of the three basic laws widely recognised as the first in the history of common law, the Constitution of the United States is by far the best known worldwide, followed by the Constitution of 3 May and the French Constitution of 1791, which coincides with the order of their enactment. This is reflected, *inter alia*, by the number of websites referring to the above legal acts, including the number of entries mentioning them in various languages in online encyclopaedias (see Table 1). In addition, it is important to note the high degree of popularisation of the exact date of the May Constitution, which is particularly true of the English-speaking and French-speaking regions (see Table 2).

¹² *Konstytucja Francuska 1791*, [in:] M. Sczaniecki, *Wybór źródeł do historii państwa i prawa w dobie nowożytnej*, Liber, Warszawa 1996, pp. 137–146; E. Klein, *Powszechna historia państwa i prawa*, Kolonia Limited, Wrocław 2004, pp. 495–498.

¹³ M. Grzybowski, *Wstęp*, [in:] *Konstytucja Królestwa Szwecji*, red. K. Dembiński, M. Grzybowski, Wydawnictwo Sejmowe, Warszawa 2000, pp. 5–19.

¹⁴ D. Carrington, *The Corsican Constitution of Pasquale Paoli (1755–1769)*, “The English Historical Review”, 1978, vol. 88, no. 348, pp. 481–503.

¹⁵ K. Koranyi, *Powszechna historia państwa i prawa*, vol. 4, Państwowe Wydawnictwo Naukowe, Warszawa 1967, pp. 198–211; I. Rusinowa, *Geneza Stanów Zjednoczonych Ameryki Północnej (Unia lat 1774–1783)*, Państwowe Wydawnictwo Naukowe, Warszawa 1974, pp. 171–173; *Konstytucja Wirginii z 29 czerwca 1776 roku*, [in:] *Najstarsze konstytucje z końca XVIII i I połowy XIX wieku*, red. P. Sarnecki, Wydawnictwo Sejmowe, Warszawa 1997, pp. 14–17; M. Wąsowicz, *Historia ustroju państw Zachodu – zarys wykładu*, Liber, Warszawa 1998, p. 131.

¹⁶ See: W. Konopczyński, *Rząd a Sejm w dawnej Rzeczypospolitej*, [in:] *Pamiętnik V powszechnego zjazdu historyków polskich w Warszawie 28 listopada do 4 grudnia 1930 r.*, vol. 1: *Referaty*, red. K. Tyszkowski, Polskie Towarzystwo Historyczne, Lwów 1930, p. 201; Z. Radwański, *Prawa kardynalne w Polsce*, Poznańskie Towarzystwo Przyjaciół Nauk, Poznań 1952, p. 52 ff.; D. Makiła, *Artykuły henrykowskie (1573–1576). Geneza – obowiązywanie – stosowanie. Studium historyczno-prawne*, Wizja Press & IT, Warszawa 2012, pp. 17–20 ff.

Table 1. Number of Wikipedia entries in different languages relating to the first three constitutions in the world, as of 13 December 2021

| Entry | Constitution of the United States | Constitution of 3 May | French Constitution of 1791 |
|--|-----------------------------------|-----------------------|-----------------------------|
| Number of entries in different languages | 81 | 32 | 20 |

Source: Author's own study based on the Wikipedia website.

Table 2. Number of websites referring to the dates of the first three constitutions in the world written in the so-called congress languages, as of 13 December 2021

| Language of the entry | Number of websites on the constitution with dates of adoption of the act: | | |
|-----------------------|---|----------------------------|----------------------------------|
| | Constitution of 17 September 1787 | Constitution of 3 May 1791 | Constitution of 3 September 1791 |
| English | ca. 1,790,000 | ca. 3,760,000 | ca. 2,280,000 |
| Arabic | ca. 42,400 | ca. 13,900 | ca. 38,100 |
| Chinese | ca. 339,000 | ca. 86,600 | ca. 64,500 |
| French | ca. 239,000 | ca. 589,000 | ca. 389,000 |
| Spanish | ca. 429,000 | ca. 369,000 | ca. 314,000 |
| Russian | ca. 70,900 | ca. 95,200 | ca. 140,000 |

Source: Author's own study based on Google tools.

On the contrary, a survey conducted among students of Polish nationality shows that only 66.4% (see Table 3) know the year in which the Constitution of 1791 was adopted. This means, however, that more or less every third Pole does not remember the date on which the first Polish Constitution was enacted.¹⁷ Ukrainian students studying at a Polish university responded similarly to the survey, as 56.8% (see Table 3) of them knew the correct date of the May Constitution. This means that only slightly less than 10% more Ukrainian students gave the wrong year compared to Polish students. Bearing in mind the fact that in Poland there is an annual celebration to commemorate the passing of the May Constitution and that at the level of primary and secondary education this topic is included in the curricula, one would expect better answers from Polish students. A relatively large number of incorrect answers given by young Poles in the survey may, therefore, indicate that they do not appreciate the importance and significance of the enactment of the

¹⁷ Cf. R. Kubicki, *Współczesne znaczenie polityczne i społeczne Konstytucji 3 maja w Polsce i na arenie międzynarodowej*, [in:] *Państwo i prawo wobec wyzwań u progu trzeciej dekady XXI wieku*, vol. 2, red. R.M. Czarny, Ł. Baratyński, P. Ramiączek, K. Spryszak, Wydawnictwo Adam Marszałek, Toruń 2020, pp. 123–125.

Constitution of 3 May. This may indicate that despite the fact that the Ukrainian authorities generally do not take any initiatives to commemorate the traditions of the Constitution of 3 May in their country, there is extensive information related to it. At the same time, at least some of the interviewed Ukrainians may have had Polish origins or been associated with Polish communities in Ukraine, which undoubtedly made it easier for them to become familiar with the considered data. Some of them might have learned about the Constitution of 3 May only during their stay in Poland. Nevertheless, young Ukrainians hearing about this event probably considered it important and, therefore, mostly remembered it.

Table 3. Results of a survey conducted at a Polish university presenting responses to the question concerning the year of the Constitution of 3 May (in %)

| Type of response | Responses of Polish students | Responses of students from Ukraine | Responses in total |
|-----------------------------------|------------------------------|------------------------------------|--------------------|
| Correct answer | 66.4 | 56.8 | 65.4 |
| Incorrect answers and no response | 33.6 | 43.2 | 34.6 |
| Total | 100.0 | 100.0 | 100.0 |

Source: Author's own study.

3. Commemoration of the Constitution of 3 May in Poland and other countries

The celebration of a day commemorating the passing of a constitution is an important element of a country's national identity and historical policy. In Poland, shortly after the adoption of the Constitution in 1791, it was decided to celebrate annually 3 May as the anniversary of its adoption.¹⁸ In mid-May 1791, the Assembly of Friends of the Government Act (also known as the Club of Friends of the Constitution or the Society of Friends of the Constitution of 3 May) was also formed, including both MPs and senators, as well as people from outside the parliament.¹⁹ In 1792, the first celebrations of the Constitution anniversary were held.²⁰ In the period of the Partitions of Poland, and especially during and after the January Uprising, celebrating the anniversaries of the Constitution of 3

¹⁸ J. Michalski, *op. cit.* p. 407.

¹⁹ A. Skalkowski, *Towarzystwo Przyjaciół Konstytucji 3-go Maja*, „Pamiętnik Biblioteki Kórnickiej”, 1930, z. 2, pp. 50–83; J. Michalski, *op. cit.* p. 412.

²⁰ J. Łojek, *Geneza i obalenie Konstytucji 3 Maja. Polityka zagraniczna Rzeczypospolitej 1787–1792*, Wydawnictwo Lubelskie, Lublin 1986, pp. 267, 279–282; D. Nawrot, *Obchody pierwszej rocznicy Konstytucji 3 Maja w Warszawie*, „Niepodległość i Pamięć”, 2000, vol. 7, nr 1(16), pp. 67–75.

May became one of the ways of illegally expressing attachment to the traditions of an independent Polish state.²¹ After regaining independence, the date of the Constitution's adoption became a national holiday in 1919.²² After World War II, it was celebrated until 1946. Then, the Polish authorities of that time ceased and forbade public celebrations of the anniversaries of the Constitution of 3 May, although the holiday itself was not officially abolished. Since 1981, ceremonial commemoration of the oldest Polish constitution has been resumed.²³ However, it was only in 1990 that the 3 May National Holiday was officially restored in Poland.²⁴ In 1991, celebrations were held across the country to commemorate the 200th anniversary of the adoption of the Constitution of 3 May.²⁵

The research shows that 97.5% of the Polish students surveyed and more than 85% of the Ukrainian students studying at the Kielce university believe that the anniversary of the Constitution of 3 May should be celebrated annually in Poland (see Table 4). Furthermore, more than 61% of the interviewed of Polish nationality admitted that they participated in the celebrations of the holiday discussed. At the same time, some of them stated that they participated in such celebrations many times – mostly of local character – and they intend to continue taking part in them every year.

Table 4. Results of a survey conducted at a Polish university presenting responses to the question: Should a day commemorating the Constitution of 3 May be celebrated in Poland? (in %)

| Response | Responses of Polish students | Responses of Ukrainian students | Responses in total |
|---------------------------|------------------------------|---------------------------------|--------------------|
| Yes | 97.5 | 85.8 | 96.1 |
| No | 2.2 | 7.1 | 2.8 |
| No opinion or no response | 0.3 | 7.1 | 1.1 |
| Total | 100.0 | 100.0 | 100.0 |

Source: Author's own study.

²¹ J. Niklewska, *Obchody rocznicy uchwalenia Konstytucji 3 Maja w Królestwie Polskim w ostatnim ćwierćwieczu niewoli narodowej*, „Niepodległość i Pamięć”, 2000, vol. 7, nr 1(16), pp. 77–90.

²² „Dziennik Praw Państwa Polskiego” z 1919 r. nr 38, poz. 281, „Ustawa z dnia 29 kwietnia 1919 r. o święcie narodowym trzeciego maja”.

²³ J.J. Milewski, *Dzieje święta 3 Maja*, „Studia Podlaskie”, 1993, vol. 4, pp. 131–132.

²⁴ „Dziennik Ustaw” z 1990 r. nr 28, poz. 160, „Ustawa z dnia 6 kwietnia 1990 r. o przywróceniu Święta Narodowego Trzeciego Maja”.

²⁵ *Sprawozdanie stenograficzne z uroczystego posiedzenia Sejmu i Senatu Rzeczypospolitej Polskiej w dniu 3 maja 1991 r.*, Kancelaria Sejmu, Warszawa 1991, pp. 3–9.

Official celebrations of the 3 May Constitution Day in Poland are often attended by foreign delegations, especially from Lithuania. For example, on May 2, 2007, on the eve of the anniversary of the adoption of the Constitution of 3 May, a formal sitting of the Assembly of Deputies and Senators of the Republic of Poland was held in the Senate of the Republic of Poland, synchronized with the formal sitting of the Assembly of the Seimas of the Republic of Lithuania. The proceedings of the two parliaments were linked by a teleconference bridge. The ceremonial session of the Polish Parliament was attended by the Presidiums and Conventions of the Sejm of the Republic of Poland and the Senate of the Republic of Poland, as well as designated Polish deputies and senators, and invited guests from abroad, including President of the European Parliament Hans-Gert Poettering, Speaker of the National Assembly of the Republic of Hungary Katalin Szili, President of the Senate of the Czech Republic Premysl Sobotka, the First Deputy Speaker of the Seimas of the Republic of Lithuania Ceslovas Jursenas, Secretary of the Parliament of the Republic of Latvia Dzintars Rasnacs, the leader of the Belarusian opposition socio-political movement "For Freedom" Alexander Milinkevich, Vice-President of the Ukrainian-Polish Parliamentary Assembly Serhiy Bychkov, Vice-President of the Lithuanian-Polish Parliamentary Assembly Leokadija Pocikovska, President of the Lithuanian-Polish Parliamentary Group Andrius Baranauskas, President of the Constitutional Court of the Republic of Lithuania Egidijus Kuris, as well as the Ambassadors of the Czech Republic, Ukraine, Lithuania. The Lithuanian Parliament, on the other hand, was attended by President of Lithuania Valdas Adamkus, President of the Seimas of the Republic of Lithuania Viktoras Muntianas, ministers of the Lithuanian Government headed by Prime Minister Gediminas Kirkilas, former President and Prime Minister of Lithuania Algirdas Brazauskas, President of the Bundestag of the Federal Republic of Germany Norbert Lammert, President of the Estonian Parliament Ene Ergma, a delegation of Polish parliamentarians led by Deputy Speaker and Co-President of the Polish-Lithuanian Parliamentary Assembly Jarosław Kalinowski, signatories of the 1990 Act of Independence of Lithuania, as well as the Nuncio of the Holy See and the Ambassadors of China, Germany, Latvia, Estonia, Georgia, Kazakhstan, Belgium, Greece and the Polish Consul General in Lithuania.²⁶ Separately, the Polish Sejm and Senate and the Lithuanian Seimas also adopted at that time an identical resolution commem-

²⁶ *Uroczyste Zgromadzenie posłów i senatorów Rzeczypospolitej Polskiej w Warszawie zsynchronizowane z uroczystym Zgromadzeniem posłów Sejmu Republiki Litewskiej w Wilnie z okazji rocznicy uchwalenia Konstytucji 3 Maja*, Kancelaria Senatu, Warszawa 2007, pp. 3–5.

orating the anniversary of the adoption of the Constitution of 3 May and the granting of the Mutual Pledge of Both Nations of 20 October 1791, which stated:

we pay homage to the Poles and Lithuanians, the creators of the Constitution of 3 May, a testament to the Polish-Lithuanian Commonwealth, built around civil rights and liberties, tolerance, religious freedom, peace and based on the principles of equal cooperation between two European states. [...] Fidelity to the ideas contained in the first written constitution in Europe still means today joint responsibility for the future of a united and strong Europe.²⁷

One of the largest celebrations to commemorate the adoption of the Constitution of 3 May took place in 2021, on the 230th anniversary of the adoption of this act. This year was established by the Sejm of the Republic of Poland as the Year of the Constitution of 3 May, and the Lithuanian Parliament – as the Year of the Constitution of 3 May and Mutual Pledge of Both Nations.²⁸ Throughout 2021, the Polish Ministry of Culture, National Heritage and Sport organised – primarily in Poland, but also in Lithuania and Ukraine – 99 different events relating to this anniversary. The culmination of these celebrations was the meeting on 3 May in the courtyard of the Royal Castle in Warsaw of the five presidents: of Estonia – Kersti Kaljulaid, of Lithuania – Gitanas Nausėda, of Latvia – Egils Levits, of Poland – Andrzej Duda and of Ukraine – Volodymyr Zelenski, who signed a joint declaration highlighting the historical significance of the Constitution of 1791.²⁹ Following this, the Presidents also took part in a debate on the future of European policy. On the same day, a ceremonial assembly of the parliamentarians of Poland and Lithuania with the participation of the Presidents of Poland and Lithuania also took place at the Polish Sejm. The joint session, held in an online format, was chaired in Warsaw by Speakers of the Sejm Elżbieta Witek and Senate Tomasz Grodzki, and in Vilnius by the President of the Seimas of Lithuania Viktorija Čmilytė-Nielsen. On that occasion, the President of Lithuania stated in the Polish Sejm that

the Constitution of 3 May belongs equally to Lithuanians, Poles and other nations of the region, as long as they are ready to take responsibility for the future of this rich tradition. I am glad that we Lithuanians have recently rediscovered the Constitution of 3

²⁷ *Ibidem*, p. 55.

²⁸ „Monitor Polski” z 2020 r. poz. 1172, „Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 27 listopada 2020 r. w sprawie ustanowienia roku 2021 Rokiem Konstytucji 3 Maja”.

²⁹ The website of the President of the Republic of Poland, <https://www.prezydent.pl>, „Wspólna deklaracja Prezydentów Polski, Estonii, Ukrainy, Łotwy i Litwy, zgromadzonych w Warszawie z okazji 230-lecia Konstytucji 3 Maja”, access 7 XII 2021.

May. We remember the Mutual Pledge of Both Nations passed in October 1791, which permanently located the Coat of Arms of the Grand Duchy of Lithuania alongside the White Eagle in the Crown. We are beginning to appreciate the period when, together with Poland, we demonstrated to Europe an example of unity. Looking to the future, it is no less important that these events of the past inspire us to new joint actions. Together we uphold the foundations of the historical heritage of the Polish-Lithuanian Commonwealth.³⁰

The session of the parliaments of Poland and Lithuania ended with the reading of the Resolution on the Commemoration of the 230th Anniversary of the Adoption of the Constitution of 3 May and of the Mutual Pledge of the Two Nations.³¹

Subsequently, in October 2021, anniversary celebrations were held in Lithuania to commemorate the adoption of the Mutual Pledge of the Two Nations (Polish: *Zaręczenie Wzajemne Obojga Narodów*), which, in turn, was attended by a Polish delegation headed by Polish President Andrzej Duda. Adopted on 20 October 1791, the Pledge constituted a supplement to the Constitution of 3 May as regards the functioning of the Polish-Lithuanian union.³² It introduced proportional and equal participation of Lithuanians and Poles in the management structures of the future unitary state, which is a particularly important issue for the side of Lithuania. During the anniversary celebrations commemorating this event on 19 October 2021, the Presidents of Poland and Lithuania took part in a ceremonial session of the Seimas of Lithuania.³³ On October 20, the 24th session of the Parliamentary Assembly of the Seimas of the Republic of Lithuania and the Sejm and Senate of the Republic of Poland took place in the Constitutional Hall of the Seimas of the Republic of Lithuania. The Polish delegation was headed by the Deputy Speaker of the Sejm Małgorzata Gosiewska (Law and Justice). The meeting was also attended by the following Members of Parliament: Tadeusz Aziewicz (Civic Platform), Lidia Burzyńska (Law and Justice), Zofia Czernow (Civic Platform), Stefan Krajewski (Polish People's Party), Przemysław Koperski

³⁰ The website of YouTube, <https://www.youtube.com>, „Zgromadzenie posłów i senatorów upamiętniające 230. rocznicę uchwalenia Konstytucji 3 Maja”, access 7 XII 2021.

³¹ „Monitor Polski” z 2021 r. poz. 390, „Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 15 kwietnia 2021 r. w sprawie uczczenia 230. rocznicy uchwalenia Konstytucji 3 Maja i Zaręczenia Wzajemnego Obojga Narodów”.

³² *Volumina legum*, vol. 9, Akademia Umiejętności, Kraków 1889, pp. 316–317; W. Uruszcak, *Ustawy okołokonstytucyjne Sejmu Wielkiego z 1791 i 1792 roku*, „Krakowskie Studia z Historii Państwa i Prawa”, 2013, vol. 6, z. 3, pp. 252–253.

³³ The website of the President of the Republic of Poland, <https://www.prezydent.pl>, „Wystąpienie Prezydenta RP z okazji 230-lecia Zaręczenia Wzajemnego Obojga Narodów”, access 7 XII 2021.

(New Left), Tomasz Latos (Law and Justice), Marcin Porzucek (Law and Justice), and Robert Telus (Law and Justice). They discussed shared historical memory in the context of the celebrated anniversary of the adoption of the Constitution of 3 May and the Mutual Pledge of the Two Nations and the ongoing migration crisis on the Polish-Belarusian and Lithuanian-Belarusian borders.³⁴

It should also be noted that in 2007 the Lithuanian Seimas gave the date of 3 May the status of a “memorial day”.³⁵ This is all the more important as no national holiday concerning the Constitution has been established in Lithuania.³⁶ Some Lithuanian politicians believe that their country should introduce such a national holiday referring precisely to the tradition of the Third of May.³⁷ Still, the Third of May anniversaries are not widely celebrated in Lithuania. A large part of Lithuanian society associates the Constitution of 3 May mostly with Poland and Polish people, and in reality the anniversaries of its adoption are celebrated in Lithuania mainly by the Lithuanian Polish community.³⁸ Increasingly, however, Lithuanian authorities are acknowledging the legacy of the May Constitution, while paying particular attention to the Mutual Pledge of the Two Nations passed in the same year, 1791.

It is also worth noting that the survey results show that roughly the same number, i.e. 60%, of the respondents of Polish nationality and Ukrainian nationality studying at the selected Polish university are against the celebration of the national holiday in Lithuania commemorating the adoption of the Constitution of 3 May. However, more than 8% of surveyed Poles (33.1%) as compared to surveyed Ukrainians (25%) would like such a holiday to be celebrated in Lithuania (see Table 5).

³⁴ The website of the Sejm of the Republic of Poland, <https://www.sejm.gov.pl>, „XXIV sesja Zgromadzenia Parlamentarnego Sejmu oraz Senatu RP i Seimasu Republiki Litewskiej”, access 7 XII 2021.

³⁵ The website of Wilnoteka, <http://www.wilnoteka.lt>, „3 maja w Wilnie – polsko-litewsko-ukraińskie obchody święta Konstytucji”, access 15 IX 2019.

³⁶ See the website of Vilnius-Tourism, <http://www.vilnius-tourism.lt>, „Święta państwowe”, access 15 IX 2019.

³⁷ The website of Wprost, <https://www.wprost.pl>, „Trzeci Maja – święto Litwy?”, access 15 IX 2019.

³⁸ The website of Wilnoteka, <http://www.wilnoteka.lt>, „Święto 3 Maja w Wilnie”, access 15 IX 2019.

Table 5. Results of a survey conducted at a Polish university presenting responses to the question: Should a day commemorating the Constitution of 3 May be celebrated in Lithuania? (in %)

| Response | Responses of Polish students | Responses of Ukrainian students | Responses in total |
|---------------------------|------------------------------|---------------------------------|--------------------|
| Yes | 61.4 | 59.0 | 61.1 |
| No | 33.1 | 25.0 | 32.2 |
| No opinion or no response | 5.5 | 16.0 | 6.7 |
| In total | 100.0 | 100.0 | 100.0 |

Source: Author's own study.

In Belarus, on the other hand, the anniversaries of the adoption of the Constitution of 3 May are not celebrated by the country's current authorities. Belarusians have established their Constitution Day, which is held on 15 March and commemorates the adoption of the Belarusian Constitution in 1994.³⁹ However, there are some signs of commemoration of the 1791 Constitution in the Belarusian lands. In the 18th/19th century, columns were erected in this area to commemorate the adoption of the first Constitution in Europe.⁴⁰ It is estimated that there are between a dozen and three hundred of them.⁴¹ Currently, the Third of May celebrations in Belarus are organised by the Polish Embassy in Minsk and the Union of Poles in Belarus. These events are also attended by representatives of Polish authorities, diplomatic representatives accredited in Belarus and Belarusian deputy foreign ministers. For example, the 2019 celebrations were attended by Deputy Foreign Minister Andrei Dapkiunis, who, in his speech during the celebrations, stated that the Constitution of 3 May is a common heritage of Poland and Belarus.⁴² However, since 2020, representatives of the Belarusian authorities have no longer taken part in the Third of May celebrations. This should be associated with a significant weakening of relations between the state authorities in Minsk and Warsaw, which has been caused by Poland's support for the anti-Lukashenko opposition and the non-recognition by the international

³⁹ The website of Belarus Facts, <http://belarusfacts.by/pl>, „Białoruś. Fakty”, access 16 IX 2019.

⁴⁰ E. Lniewska, *Kolumny sławy ku czci Konstytucji 3 Maja*, Galiãfy, Mińsk 2017, p. 50.

⁴¹ The website of Niezależna.pl, <https://niezalezna.pl>, „Kolumny ku czci Konstytucji 3 Maja”, access 16 IX 2019; The website of Belsat, <https://belsat.eu/pl/>, „Białoruskie fakty i mity o kolumnach na cześć Konstytucji 3 Maja”, access 16 IX 2019.

⁴² The website of the Ministry of Foreign Affairs of the Republic of Poland, <https://msz.gov.pl>, „Obchody 228. rocznicy uchwalenia Konstytucji 3 Maja w Mińsku”, access 16 IX 2019; in previous years, former Belarusian Deputy Foreign Minister Valentin Rybakov made similar remarks during the Third of May celebrations in Minsk, see: the website of Znadniemna.pl, <http://znadniemna.pl/>, „Obchody polskich świąt majowych w Mińsku”, access 16 IX 2019.

community of the recent presidential elections in Belarus. It may also be noted that due to the COVID-19 pandemic, virtual celebrations of the National Day of the Third of May were held in Belarus in 2020.⁴³

Similarly to Belarus, the current authorities in Ukraine do not commemorate the tradition of the Constitution of 3 May. Ukrainians have also introduced their own public holiday falling on 28 June, i.e. the anniversary of the establishment of the Ukrainian Constitution in 1996.⁴⁴ However, celebrations commemorating the adoption of the Constitution of 3 May are organised every year primarily in Lviv by the Polish Association of the Polish Culture of the Lviv Land and by Polish diplomatic missions in Ukraine. In addition, for example, the Third of May celebrations held in Lviv in 2018 were attended by, among others, a delegation of Polish servicemen who trained the Ukrainian army at the training ground in Yavoriv in the Lviv region.⁴⁵ On the other hand, a year earlier, as a result of a joint initiative of the Embassy of the Republic of Poland and the Embassy of the Republic of Lithuania, a ceremonial concert was held in Ukraine to mark the anniversary of the 1791 Constitution at the National Opera of Ukraine in Kiev.⁴⁶ It may also be noted that unlike the Third of May celebrations organised by the Polish side in Lithuania and Belarus, the celebrations held in Ukraine are usually not attended by representatives of the country's central authorities. Recently, however, representatives of the central authorities of the country have been increasingly attending the Third of May celebrations in Poland and Lithuania. For example, in 2018, Deputy Speaker of the Polish Sejm Beata Mazurek (Law and Justice) and Chairman of the Verkhovna Rada (Supreme Council) of Ukraine Andriy Parubij took part in a formal session of the Lithuanian Parliament, which was dedicated to the anniversary of the adoption of the Constitution of 3 May.⁴⁷

Moreover, the research shows that as many as 73% of the surveyed students of Polish nationality and more than 63% of the surveyed students from Ukraine and studying at a Polish university are against the introduction of a public holiday in Ukraine commemorating the adoption of the Constitution of 3 May (see Table 6). Thus, it can be noted that over 11% less Polish students surveyed were

⁴³ The website of Dzieje.pl, <https://dzieje.pl>, „Na Białorusi wirtualne obchody Święta Narodowego Trzeciego Maja”, access 10 XII 2021.

⁴⁴ The website of Radio Kraków, <https://www.radiokrakow.pl>, „Dzień Konstytucji Ukrainy”, access 17 IX 2019.

⁴⁵ The website of Radio Maryja, <https://www.radiomaryja.pl>, „Ukraina: parada z okazji Święta Konstytucji 3 Maja we Lwowie”, access 17 IX 2019.

⁴⁶ The website of the Ministry of Foreign Affairs of the Republic of Poland, <https://msz.gov.pl>, „Obchody 226. rocznicy uchwalenia Konstytucji 3 Maja”, access 17 IX 2019.

⁴⁷ The website of Wilnoteka, <http://www.wilnoteka.lt>, „3 maja w Wilnie”, *op. cit.*

against the introduction of such a holiday in Lithuania (see Table 5). In total, only about 20–21% of the surveyed Poles and Ukrainians were in favour of the establishment of the Constitution of 3 May holiday in Ukraine (see Table 6). In addition, it can be noted that about 6.8% of the polled Ukrainian students confirmed that they had taken part in the celebrations of the Third of May. In addition, another 4.5% of all Ukrainian students surveyed mentioned that they would probably take part in such celebrations if they had the opportunity.

Table 6. Results of a survey conducted at a Polish university presenting responses to the question: Should a day commemorating the Constitution of 3 May be celebrated in Ukraine? (in %)

| Response | Responses of Polish students | Responses of Ukrainian students | Responses in total |
|---------------------------|------------------------------|---------------------------------|--------------------|
| Yes | 73.0 | 63.6 | 72.1 |
| No | 21.4 | 20.5 | 21.3 |
| No opinion or no response | 5.6 | 15.9 | 6.6 |
| In total | 100.0 | 100.0 | 100.0 |

Source: Author's own study.

Among the countries whose territory was part of the First Republic of Poland at the time of the adoption of the Constitution of 3 May is Latvia where celebrations commemorating this event are most modest. They are organized by the Riga Branch of the Union of Poles in Latvia. They are modest and symbolic. Sometimes the celebrations of the Constitution take place only in the Secondary Polish School named after Ita Kozakiewicz in Riga.⁴⁸ However, neither representatives of Polish nor Latvian authorities attend them. Only local Latvians of Polish origin take part in these events. Additionally, in 2021, Central Archives of Historical Records in Warsaw organized an exhibition in Livonian Square in Riga devoted to the Constitution of 1791.⁴⁹

The best known celebrations of the Third May outside Polish borders do not take place on the territory of the countries formerly belonging to the First Polish Republic, but in the largest concentration of the Polish community in the world, i.e. in Chicago (USA). They have been organized there continuously since 1891/1892 and have a longer tradition than celebrations of the American Constitution. Chicago parades always take place on the Saturday closest to May

⁴⁸ The website of the Riga Branch of the Union of Poles in Latvia, <https://ryga.zpl.lv/>, „Święto Konstytucji 3 Maja”, access 10 XII 2021.

⁴⁹ The website of the government of the Republic of Poland, <https://www.gov.pl>, „Wystawa »Konstytucja 3 Maja« na placu Liwskim w Rydze”, access 1 XII 2021.

3 in a given year. In recent years, the main organizer of the parade has been the Union of Polish Clubs, which selects the Honorary Parade Marshal and Queen and assigns places in the parade column to applicant groups representing various organizations, schools, folklore groups, interest groups, businesses and other entities. In total, every year the number of the parade's spectators and participants has been estimated from several tens of thousands to as many as approx. 300,000 people (2002).⁵⁰ In 2020–2021, due to the pandemic, parades were primarily virtual.⁵¹ The last traditional parade was held on the streets of Chicago in 2019.⁵² It is also worth noting that in 2021, as part of the Third of May celebrations, only the ceremonial raising of both the Polish flag and the Lithuanian flag was performed on the streets of Chicago.⁵³

Conclusions

It may be concluded that the main goal of this article, which was to examine the scope, forms, role and contemporary perception of the international impact of the historical event, which was the adoption of the Constitution of 3 May 1791, has been achieved. The conducted research has also allowed for a positive verification of the formulated hypothesis that the commemoration of the Third May traditions may constitute an important element of the Polish historical policy shaping the international image of Poland as a state which made a significant contribution to the development of law in Europe and in the world. This may be further promoted by, *inter alia*, the awarding in 2015 of the European Heritage Label to the May Constitution.⁵⁴ The actions taken by the current Polish authorities also indicate that they see the May Constitution as an element which unites Central and Eastern Europe and constitutes a prominent part of the history of this part of the Old Continent. Addressing the main research question posed in the article, it should, therefore,

⁵⁰ On Chicago's Third May Day parades, see, among others: the website of Polonia Music, <http://www.poloniamusic.com>, "Polish in Chicago", access 19 XII 2019; The website of the Polish Constitution Day Parade, <https://polishparade.org>, "History", access 2 XII 2021.

⁵¹ The website of YouTube, <https://www.youtube.com>, "Polish Constitution Day Parade 2021 Chicago – live streaming", access 3 XII 2021; The website of the Polish Constitution Day Parade, <https://polishparade.org>, "Videos", access 3 XII 2021.

⁵² The website of YouTube, <https://www.youtube.com>, „Parada 3-majowa w Chicago”, access 19 XII 2019; The website of the Polish Highlanders Alliance of North America, <http://zppa.org>, „Polonia Amerykańska uczęła święto Konstytucji 3 Maja. Była to już 128 Parada 3 Maja”, access 4 XII 2021.

⁵³ The website of YouTube, <https://www.youtube.com>, „Święto Dnia Konstytucji 3 Maja w Chicago – Podniesienie Flagi Polskiej i Litewskiej”, access 5 XII 2021.

⁵⁴ The website of Dzieje.pl, <https://dzieje.pl>, „Odsłonięto tablicę o Znak Dziedzictwa Europejskiego dla Konstytucji 3 Maja”, access 30 X 2019.

be stated that the tradition of the May Constitution may constitute a common heritage and a platform for cooperation between the states whose territories were part of the First Polish Republic.

With regard to the first specific research question, it may be stated that in connection with participation in the work on the draft of the May Constitution and participation in its enactment, and taking into account the territorial extent of the First Republic at that time, among the states which may be perceived as historical heirs of the first Constitution in Europe we may include, apart from Poland, also Lithuania, Ukraine, Belarus and Latvia. In responding to the second specific question, it can be noted that the general state of knowledge of the Constitution of 3 May is good. After the Constitution of the United States, it is the Constitution of 3 May that seems to be best known around the world, especially in English- and French-speaking areas and in the countries of Central and Eastern Europe. This fact should undoubtedly facilitate its use as an element of Polish historical policy and as a factor influencing the overall image of Poland. What is worrying, however, is the data concerning the rather unsatisfactory level of knowledge about the Constitution in question among young Poles.

However, in an answer to the third specific question, it should be stated that the best known, largest and annually celebrated commemorations of the Third May Constitution take place primarily in Poland, the United States and, more recently, in Lithuania. It can also be noted that in the public perception Lithuanians, Ukrainians, Latvians, Belarusians and Poles themselves mostly associate the Constitution of 3 May with Poland and the Polish nation. As a result, the citizens of all these countries believe that official celebrations commemorating the adoption of the first Constitution in Europe should be organised and celebrated in Poland. However, for historical reasons, the May Constitution is generally regarded in the academic world as a legacy not only of Poland, but also of Lithuania. Also, some Lithuanian politicians believe that Lithuania should claim the right to the splendid tradition of the Third of May by establishing, as in Poland, an appropriate state holiday. Poland and Lithuania often organise joint celebrations to commemorate the adoption of the Constitution of 1791, trying to make them international and also involve the neighbouring countries. These efforts have already had some effect, as recently Ukraine has been increasingly participating in these celebrations. However, the organisation of joint celebrations of the Constitution of 3 May by Poland, the Baltic States and Ukraine is in fact primarily symbolic. At the same time, it seems that it is not so much a matter of commemorating the common history and traditions of these states as of demonstrating their political unity in the face of common threats from Russia and, more recently, Belarus. Both Ukraine, Latvia and Belarus are trying to build their own constitutional traditions. At the same time, the Lithua-

nian, Ukrainian and Latvian authorities usually do not object to the organisation of Third of May celebrations on their territory by Polish communities, which are supported in these activities by the Polish state. In general, it can also be stated that the Third of May celebrations play an important role in contacts between the Polish authorities and the Polish community around the world and have a strong impact on maintaining the national identity of the Polish community.

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Abstract: The aim of the article was to examine the scope, forms, role and perception of the contemporary international impact of the historical event, which was the adoption of the Constitution of 3 May 1791. The conducted research allowed for a positive verification of the formulated hypothesis that the commemoration of the traditions of the May Constitution may constitute an important element of the Polish historical policy shaping the international image of Poland as a country that has made a significant contribution to the development of law in Europe and in the world. Answering the main research question, it was concluded that the tradition of the Third of May celebrations may constitute a common heritage and a platform for cooperation between the states whose territories were part of the First Republic, i.e. Poland, Lithuania, Ukraine, Latvia and alternatively Belarus. It was pointed out that annual celebrations connected with the Constitution take place primarily in Poland, the United States and recently also in Lithuania. It was also shown that the May Constitution is one of the best known fundamental laws in the world. The article is based on own research with the use of survey technique and scientific methods: historical, institutional-legal and statistical.

Keywords: international relations; historical policy; Central and Eastern Europe; Constitution of 3 May 1791

Współczesne znaczenie międzynarodowe i upamiętnienie pierwszej konstytucji europejskiej z 3 maja 1791 roku – ze szczególnym zwróceniem uwagi na Polskę, Litwę, Ukrainę, Białoruś i Łotwę

Abstrakt: Celem artykułu było zbadanie zasięgu, form, roli i odbioru współczesnego oddziaływania międzynarodowego wydarzenia historycznego, jakim było uchwalenie Konstytucji z 3 maja 1791 roku. Przeprowadzone badania pozwoliły na pozytywne zweryfikowanie sformułowanej hipotezy, że upamiętnianie tradycji trzeciomajowych może stanowić ważny element polskiej polityki historycznej, kształtującej wizerunek międzynarodowy Polski jako państwa, które wniosło znaczący wkład w rozwój prawa w Europie i na świecie. Odpowiadając na główne pytanie badawcze stwierdzono, że tradycja trzeciomajowa może stanowić wspólną spuściznę i platformę do współpracy pomiędzy państwami, których terytoria wchodziły w skład I Rzeczypospolitej, tj. Polski, Litwy, Ukrainy, Łotwy oraz ewentualnie Białorusi. Zwrócono przy tym uwagę, że coroczne uroczystości związane z Konstytucją są organizowane przede wszystkim w Polsce, w Stanach Zjednoczonych oraz w ostatnim czasie również na Litwie. Wykazano także, że Konstytucja majowa należy do najbardziej znanych ustaw zasadniczych na świecie. Artykuł oparto na badaniach własnych z wykorzystaniem techniki ankietowej oraz metod naukowych: historycznej, instytucjonalno-prawnej i statystycznej.

Słowa kluczowe: stosunki międzynarodowe; polityka historyczna; Europa Środkowo-Wschodnia; Konstytucja z 3 maja 1791 r.