

CIVIC DUTY TO DEFEND THE HOMELAND – THE VIEW OF THE PREFECTS OF THE DUCHY OF WARSAW ON THE STATE OF THE NATIONAL GUARD

The article raises important issues of civil duty in the Duchy of Warsaw on example National Guard. Mobilisations to army always means change stale of live. Defence a homeland, keeping safety its one of the more important citizen duty. Duty in the National Guard was example staying in two spheres of life civil and military. Reconciling duties soldier and professional duties turned out to be difficult. It was experience and demolish a privet live. Light on that problem released the poll results made on prefects of the departments Warsaw, Poznań, Bydgoszcz and Lomża. It was interesting change in documentation central organs, where almost only a ministers made some analysis and give order.

Keywords: National Guard, Duchy of Warsaw, state society, citizenship, administration of Duchy of Warsaw.

Introduction. The phenomenon of the development of citizenship can be seen as far back as antiquity. Over the centuries, under the influence of social and political phenomena, they undergo significant changes. For most of the time in Europe, citizenship remained elitist. Only from the beginning of the 20th century did it become a universal phenomenon. Citizenship is nowadays considered to be a permanent link between the individual and the state (*Trzeciński 2002:45*). A slightly different view is presented by Grodzki. The term "citizen" corresponded to the Latin terms "Incola" or "habitor", which in Old Polish meant "obywać", i.e. to live (*Grodzki 1963:7*). Later it took on other meanings understanding the word citizen as an owner of property or a settled bourgeoisie. Only during the French Revolution did it denote the relationship of the individual to the state. In the period under discussion, this phenomenon was a complex problem. No common denominator describing a single image of civic rights and duties can be clearly identified. For the sake of simplicity, we can divide them into three categories of right in the strict sense of the word,

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liberty rights and political rights. In the first case, it meant the possibility of benefiting from institutions and all the facilities that flowed from legislation. Libertarian rights mean the freedom of conduct in which the state power does not interfere. Political rights, on the other hand, meant the possibility of exerting direct and indirect influence on the state authorities. By 1795, the Republic was in operation and with it a distinctive socio-political system, including a separate concept of citizen. It should be noted, however, that the above definitions cannot be applied to the reality of the Rzeczpospolita. Its society had a state character. It is therefore impossible to speak of formal equality in terms of influence on the functioning of government, or of equal benefits derived from the existence of the state (*Grodzki 1963:8*). One can speak of the powers of the individual states, obtained from the king. In the monarchy, only the ruler himself was not a subject, thus the duties of each came first not the powers. These matters began to change during the reign of Stanislaus Augustus, the fruit of which was to be the provisions of the Great Sejm. Although the state ceased to exist, an interesting question remains: how did the old Polish concept of citizenship function in the minds of Poles, and how was the liberal concept of citizenship imposed on us by Napoleon accepted?

An analysis of the functioning of the National Guard may provide a partial answer to this question. Although the first units were formed in Poznań in November 1806, where the city militia was renamed the Guard (*Staszewski 1929:125-128*). It was not until 22 June of the following year that the Governing Commission announced a resolution to establish it throughout the country (*A.G.A.D., Rada Stanu i Rada Ministrów Księstwa Warszawskiego, series II, ref. 208:2-3; Staszewski 1929:99*). This semi-amateur formation performed military and police functions simultaneously. Property owners in towns were mobilised to it. It was to be organised, armed and uniformed on the model of military units (*Gembarzewski 1912:311-326*). It took an active part in three campaigns: the First Polish War (1806-1807), the war with the Fifth Coalition (1809) and the war with Russia in 1812-1813 during which it played its part with varying success. The present work is only a contribution to further research.

Ethnicity through the ages

In Europe, the system found in ancient Athens and Rome should be considered the prototype of citizenship. Although this phenomenon occurred in every polis, it was Athens that developed it most

thoroughly (*Jaczynowska et al 2001:272-281*). It became a duty in the form of military service and defence of the state or payment of taxes. The extent of the duties performed was linked to the number of rights that could be exercised, such as participation in courts and government. Reference should be made to the reforms of Solon and Cleisthenes, but above all to Pericles, who finally shaped civil law. Among the basic principles was equality before the law which, as Trzeciński points out, meant equal treatment before the courts (*Trzeciński 2002:47*). It was made conditional on being born into a local family. Slaves and foreigners were therefore excluded.

In ancient Rome, the issue of citizenship took various forms. They were created along the lines of a municipal state. As Cicero wrote, the state is a matter of the people. The people, on the other hand, are not any collection of people gathered in some way, but must be a huge assembly united on the basis of the recognition of a common right and benefit resulting for the entire community (*Sitek 2004:11*). The first full citizens of Rome were the Quirites. These free-born natives were linked by family ties to the city's protoplasts. At the same time, they constituted the main armed force of the state. The development of citizenship rights in the kingdom referred to the native community of Rome and not to every free-born inhabitant of the city. During the time of the Republic, as a result of the changes in the fifth and third centuries BC, Rome saw the equalisation in citizenship rights of all free inhabitants. The changes did not extend to the conquered territories. Only in the first century BC were they extended to all Italics. However, the inhabitants of the entire Roman Empire became full citizens in 212 AD thanks to the decision of Emperor Caracalla (*Trzeciński 2002:49*). Citizenship was juridical in nature throughout the functioning of the state. In this respect, it represented the most extensive catalogue of rights enjoyed by an individual. It included the state of liberty, position in the state and position occupied in the family. They were not equal because freedmen had a lesser right to vote, could not enter into marriages recognised by Roman law, could not hold public office, and were subject to the law of patronage (subordination to a former owner and the provision of various services).

In the early Middle Ages, citizenship disappeared for a while. It was replaced by tribal affiliation. With the establishment of the state monarchy and the separation of the bourgeoisie, which took advantage of the rivalry between the king and the nobility, they received statutes which created the rights of the citizen as a subject of municipal rights (*Trzeciński 2006:65-82; Grodziski 1963:126-162*).

To be subject to them, a number of requirements had to be met. The basic ones were domicile (permanent residence), coming from a family of citizens (right of blood), and being born in the city (right of land). Over time, ownership of property and thus payment of taxes to the municipal exchequer came into play. In some European cities, it became necessary to be recommended by citizens, to be of wedded descent, to be married locally, to have a "legitimate challenge" and also to have a good reputation. The granting of citizenship was to come down to a question of the degree of general usefulness to the community. For this reason, people who were rich and qualified were often inclined to be admitted (*Trzciński 2002:51*). Over time, social stratification occurred which resulted in the restriction of the rights of some residents. Thus, a distinction was made between the patriciate commoners and the excluded non-tax-paying plebs (*Bardach J. et al. 1999:93*). The rights of urban liberty consisted of, among other things, personal freedom, freedom of movement, inheritance, use of the goods of the land, and freedom of profession (*Goff J. Le 2000:50*). The possession of rights is always linked to obligations. These included the payment of taxes, the obligation of military service and the defence of the city. An interesting conclusion is cited by Trzciński, the twilight of feudal relations meant the gradual adoption of urban rights solutions by the state. The idea was to spread the legal achievements of the bourgeoisie to the whole state.

The next important period for the development of civil rights turned out to be the 18th century and the works of the first liberal thinkers such as John Locke, John James Rousseau that emerged during this period. The works found in this trend lived to see relatively rapid realisation in the achievements of the 'Declaration of the Rights of Virginia' of 1776 or the 'Declaration of the Rights of Man and of the Citizen' of 1789. These pieces of legislation liberated the individual from any guardianship. It recognised liberty, property, security and resistance to oppression as fundamental attributes (*Trzcinski 2002:58*). It should be noted, however, that quite quickly a property censorship was introduced and citizens were divided into active and passive. The Declaration played a great role in the further development of civil and human rights. It was to these that the Basic Laws referred. This represented a new legal solution, as there were already legal acts in Europe accumulating information on the functioning system in a given state. Examples include the French laws of the 15th and 16th centuries, the Henrician Articles of 1573, or the English Republican Constitution of 1653 (*Baszkiwicz 2002:213-214*).

Citizenship in the Duchy of Warsaw

The shape of the Duchy of Warsaw was very much influenced by French constitutional arrangements. The revolutionary constitutions wished to break with the past political and social order. The case was slightly different with the Constitution of 3 May, which took only a partial step forward by redescribing the place of the monarch and parliament in the state, but still distinguished between the noble, bourgeois and peasant states. These differences had a direct impact on the functioning of the Polish state.

Despite the installation of many French legal and administrative solutions in 1807, the solutions enacted at the time of the Great Sejm still functioned in the minds of the Polish elite. At Napoleon's behest, Frederick Augustus appointed to higher official posts only those persons who in the 1880s and 1890s had manifested political activity and belonged to the right wing of the patriotic camp (*Kallas 1970:24*). This had far-reaching consequences for the understanding of law and thus citizenship. It is important to note the great desire to restore the Constitution of 3 May and to refer to Old Polish law during the period of the Principality. However, when Napoleon dictated the constitution, he introduced new solutions, which did not necessarily suit the Polish ruling stratum. The first title (consisting of four articles) guaranteed rights to religious freedom while establishing the Roman Catholic state religion. The fourth article stated "Slavery is abolished. All Citizens are equal before the Law; the state of the people is left under the protection of the Tribunals" (*Constitution of the Principality 1810 Journal of Laws:1*). This state of affairs was developed further in the Constitution. Some reference was made to earlier developments. The nature of citizenship depended on participation in elections, i.e. the citizen's direct influence on government. As said earlier, during the French Revolution, the demands of the first liberals such as Lock or Rousseau concerning citizenship were implemented (*Trzcinski 2006: 121-139*). Following their example, rights were restricted by dividing citizens into active and passive.

Napoleon, introducing a constitution in the Duchy of Warsaw on the basis of the French model, already applied the solutions in France and used the experience gained in creating the systems of other states such as members of the Rhine Union (*Wąsicki 1982*). The whole country of the Duchy of Warsaw was divided into forty communal assemblies (eight of them in the capital) and sejmiks (one per county), which corresponded to districts. The former initially numbered 40, and on the basis of the decree of 24 February 1810 their number rose to

64 extended to include the Galician areas (*Constitution of the Duchy (1810) Journal of Laws:7; Bartel et al. 1964:167*). Their size was defined differently. The assemblies were to have no less than 600 citizens, while the sejmiks were to be located one in each county but had no limitation in number. In addition, it should be noted the advantage of the nobility in terms of the number of deputies elected. They could elect sixty of them, and from 1810 one hundred. The phenomenon of citizenship can therefore be considered to have been differentiated, they were divided into passive and active. The active, on the other hand, were divided by state, which it seems could not have been the case in revolutionary France.

Assemblies and Sejmiks were convened by the King (Article 52 of the Constitution). There was an age censorship system, and people over 21 were eligible to vote. Each district elected one deputy. The electoral rights according to Article 58 were: "1) Every non-nobleman proprietor citizen, 2) Every handicraftsman and supervisor over workshop journeymen, every merchant having his own stock in a shop or warehouse worth 10000 Polish zlotys, 3) All parish priests and vicars, 4) Every artist and citizen distinguished by talents, knowledge or favours done either to commerce 5) Every non-commissioned officer and soldier who, having been wounded or having served several campaigns, has received exemption from service, 6) Every non-commissioned officer and soldier in active service who, for good conduct, has received an honourable decoration, 7) Officers of all ranks" (*Constitution of the Principality (1810) Journal of Rights:11*).

National Guard – organisation and composition

The Guard was established, as mentioned, in November 1806 in Poznań following a decision by the French authorities. The first act on the establishment of the National Guard in Warsaw was not issued until 24 April 1807 (*A.G.A.D., Rada Stanu..., ref. 208:2-3*) On its basis, any person owning property, as well as representatives of professions such as merchants, craftsmen and Christian priests were to enter its composition. However, the clergy, instead of serving, were to pay a predetermined amount to the formation. (*A.G.A.D., Council of State..., ref. 208:2*). In addition to the priests, the Jews were also expected to pay the corresponding sums instead of serving. None of those obliged by law could refuse to perform guard duty. The exceptions were sick persons. In a situation requiring urgent private matters, a guardsman was to find a colleague of the same rank for the duration of his service. Owners of properties located in Warsaw and at the same time holding official posts were to be called up to the Guard, but would continue to

hold their posts. The exceptions were to be those serving in the army. Only upon returning to civilian life did a property owner become a Guardsman (*A.G.A.D., Rada Stanu..., ref. 208:2-3*).

At the request of Prince Józef Poniatowski, the Governing Commission decided on 22 June 1807 to adopt the resolution of the National Guard to all cities and departments. The principles of its formation were based on the previously issued resolution of 24 April 1807. The entire formation was subordinate to the Director (Minister) of War. Direct command was assumed by a designated major general. Its activities included only public tasks, such as guarding the security of its city. By this was meant not only military tasks, but also helping magistrates restore security and tranquillity. This task in the sixth point of the resolution meant fighting demonstrations or similar events that threatened public order.

In towns large enough to call up a minimum of two or three battalions, a regiment was to be organised with a separate staff, which was to include paid officers (i.e. professional soldiers). In total, the regiment was to comprise at least 1,200 men. Its internal organisation was to consist of one lieutenant-colonel, one adjutant-captain, a battalion captain, with one lieutenant-captain attached to each company and two drummers. The smallest unit with paid officers consisted of 120 soldiers an adjunct non-commissioned officer and one doboosh. Above this, the (unpaid) staff was to include a lieutenant, a sergeant major, two sergeants and four corporals. Towns with no more than fifty soldiers remained exempt from the formation of Guard detachments (*A.G.A.D., Council of State..., ref. 208:11-12*). Only one unit was to be stationed in each village. At the same time, it was stipulated that military exercises were to take place on Sundays and holidays as a minimum. Soldiers were required to order new uniforms at the time of their appointment. Punctuality and disobedience to superiors were subject to the same penalties as in the professional army.

A special committee was set up to create conscription lists, which was to act on the orders of the Governing Commission and the Director. The resolution, however, does not specify at this point which head of the ministry is being referred to. One must, however, guess that A. Potocki the Director of Police, or the Director of Internal Affairs, had some involvement. In point 11, it is admittedly stated that the Director of War, Prince Józef Poniatowski, was responsible for the organisation and formation of the units. However, as in other matters such as the confiscation of horses and carts for the army, or the gathering of craftsmen to sew uniforms for the army, the Director of Police was to control these initiatives and check that the law was not

being broken (*A.G.A.D., Governing Commission. ref. 57:43; ref. 69:61*). It seems that it may have been similar in the case of the compilation of lists of recruits. It may therefore be asked whether the Minister of Police did not act as a protector of civil rights.

Men between the ages of 18 and 50 were called up. One regiment was to be stationed in the capital, made up of as many battalions as their stretch of the constitution would require. In other words, the organisation was to be expanded according to the number of Guard members. Each soldier was to uniform himself according to the guidelines set out in a separate regulation. The Guards regiment was to have its own staff, which consisted of a regimental major, a senior ordinance officer with the rank of captain present in each battalion, a junior adjutant with the rank of second lieutenant present in each company, then one regimental drummer, one drummer in each battalion and two drummers in each company. As stated in paragraph 9, only they were to receive their pay (*A.G.A.D., Council of State..., ref. 208:3*).

Guard attitudes in the opinions of prefects

The war with Austria started far-reaching changes in the development (mainly numerical and organisational) of the Polish army. At the same time, the conflict revealed various problems related to both military and public security. Influenced by these events, the Council of Ministers and especially the Minister of War were inclined to introduce some changes in the functioning of the National Guard. In response to Prince Józef Poniatowski's letter, between May and July 1810 the Warsaw, Poznan, Bydgoszcz and Lomza prefects sent reports on the state of the formation.

They contained answers to five questions: 1) what is the legal basis for the functioning of the Guard? 2) What is its organisation? 3) To whom does it report? 4) What tasks is it used for? 5) What are the maintenance costs? How many paid officers do they have?

To the first question about the legal basis they answered as the prefect of Poznań indicated the relevant passage of the resolution of the Governing Commission of 22 June 1807. The prefect was indicated as the head of the Guard, only in Warsaw sub-prefects. This was due to the administrative structure of the region. The capital city had a separate administration by decision of the Ruling Commission. The failure to include the capital in the report is to be seen in this. The sub-prefects of the Warsaw department administered the Guard through the mayors. During peacetime, the organisation of the Guard was neglected, according to the Warsaw prefect Franciszek Nakwaski. It was only during the war with Austria that orders were issued to form

detachments in all provincial towns. If there was a shortage of competent people to organise it, it was envisaged, on the prefect's orders, to delegate officers from the capital (of the Warsaw Guard, paid officers) They were to take care of the uniforms and training of the Guard for a few months. According to the decree of the Ruling Commission, everyone was to equip themselves at their own expense. In the small towns of the Warsaw Department, according to Prefect Nakwaski, there were poor people living. For this reason, contributions from the general public began to be organised for the purchase of uniforms. Accounts of the contributions were being compiled at the time of writing. They were to be presented to the Minister of War. No taxes without the consent of the Sejm or no contributions without the consent of the Prince of Warsaw were to be chosen. However, the urgency of the war forced the organisers to carry out a collection of contributions for uniforms. It was not until September 1810 that the Warsaw officers were recalled. The prefect asked Brigadier-General Kamieniecki to order the square commanders to send officers.

Only some reports said that the Guard was organised into companies of different sizes. The size of the company, the number and rank of the officers appointed in it were specified in the document *Etat of Companies of the National Guard*. However, it is not known how many and what classes of troops were in the country in 1811. No information about this survives in central government sources.

In assessing the information given for the second question, the author considers it incomplete. The most comprehensive statement was made by the prefect of the Lomza department, J. Lasocki. In a letter of 12 May 1810, he recalled that he had already issued rescripts on issues relating to the border between military and civil authority. In his next words, he identified the prefect as the head of the National Guard in the department. However, all actions were made with the knowledge of the Minister of War. The prefect therefore administered, while the sub-prefects had the right to use it. At the same time, he pointed out that it was the officials' duty to remain in close contact with the square commanders in the course of their activities. On the other hand, the prefect of the Poznań department, A. Poniński, only acknowledged writing that the Guard was commanded by a major general in the department. The prefect of the Bydgoszcz department, on the other hand, stated that the prefect was in charge. For this the said prefect Nakwaski replied: "ad 2 for the answer". He referred to the answer to the second question, the answer to which was to be the same. One might even hypothesise that it was not treated with due attention. In the author's opinion, Prefect J. Lasocki answered most correctly.

He pointed out the separation of civil and military competence. The rest of the prefects answered incorrectly. This may have been due to the lack of relevant instructions concerning the operation of this formation.

Prefects to the third question relating to what it was used for generally gave similar answers. J. Lasocki and A. Poniński wrote interestingly. The former reported that they had recently had the 1st Cavalry Regiment within the department's boundaries. Up to now the Guards had often been used. In all the towns especially in the county capitals the guard was in charge. "The duties inside the city at the assistance of the Jurisdiction at the guard of the Treasury Kasses, Prisoners y warehouses take place is compelled, above this escorting of the different occurring transports to the exekutions for the Treasury Remanents today most practiced is used." This was in an almost complete picture of the actual duties performed by the guardsmen. What was lacking here was the consistency that organising transports should be regarded as. A. Poniński, on the other hand, laconically described the obligations themselves, but emphatically stated what the service meant for the soldiers themselves - bankruptcy. In addition, he assessed the Guard as completely ineffective in prosecuting deserters. The prefects of Bydgoszcz and Warsaw provided brief information about the Guard and the carrying out of various transports.

They also briefly answered questions four what tasks it was used for. Often mentioned as the first was the prefect J. Lasocki, who, in addition to indicating the paid staff, pointed out the need to enlarge it with the commanders of all localities. This was to mobilise them to better service. The paid staff consisted of one major, two adjutant captains, senior sergeants (the number was not given), and all the doblers. At the same time, he called for the rearmament of this formation. He considered it necessary to establish a regimental chancellery in the 'active corps' and to supply it with stationery. At the same time, the guardsmen should be allowed to store food. Especially when organising transport and intervening in other localities. The Warsaw prefect stated the absence of any costs outside Warsaw (he did not include it in his report). Prefect Poniński (Poznań) indicated only the cost of uniforms. He provided precise information on this subject like all prefects in the form of a table. Similar to J. Lasocki, albeit laconic, information was provided by the prefect of Bydgoszcz. He indicated the uniforms, the purchase of drums, the payment of drummers (he had not mentioned this before).

To the fifth question concerning the number of paid officers, only the prefect of Bydgoszcz had one officer, Captain Zawidzki (drawing the salary of a lieutenant) appointed by the governor of Toruń. Not counting Warsaw, the rest had no paid soldiers in their department.

The Guard faced the same problems as a shortage of weapons and uniforms and also the attitude of the unpaid soldiers themselves proved inadequate. They were supposed to turn service into feasting. This was to lead to drunkenness and degeneracy. The consequences were to be family poverty and a decline in craftsmanship. In addition, there was a lack of competence (e.g. they were not good at catching deserters).

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ГРОМАДЯНСЬКИЙ ОBOB'ЯЗОК ЗАХИСТУ БАТЬКІВЩИНИ – ПОГЛЯДИ ПРЕФЕКТІВ ВАРШАВСЬКОГО ГЕРЦОГСТВА НА СТАН НАЦІОНАЛЬНОЇ ГВАРДІЇ

У статті розглядаються важливі питання громадянського обов'язку у Варшавському герцогстві (1807 – 1814) на прикладі Національної гвардії. Призов до армії завжди означав значну зміну способу життя. Захист батьківщини, охорона її безпеки є одним з основних громадянських обов'язків. Служба в Національній гвардії була прикладом перебування у двох сферах: цивільній та військовій. Послання обов'язків військовослужбовця з професійними обов'язками виявилось досить проблематичним. Це було важким фінансовим тягарем і значним втручанням у сферу приватного життя. Світло на цю проблему пролили результати опитувань, проведених серед префектів Варшавського, Познанського, Бидгощського та Ломжинського відділів. Це суттєво доповнило документацію центральних органів влади, яка відображає офіційну точку зору.

Ключові слова: Національна гвардія, Варшавське герцогство, суспільство, громадянство, адміністрація Варшавського герцогства.