

BETWEEN PARLIAMENTARISM AND A PRESIDENTIAL SYSTEM MODEL – REASONS AND CONSEQUENCES OF THE RADICAL REORIENTATION OF ASSUMPTIONS UNDERLYING THE POLITY OF THE POLISH STATE IN THE INTERWAR PERIOD FROM THE PERSPECTIVE OF ITS SECURITY.

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Abstract:

The paper represents an attempt to analyse the reasons and consequences of the radical refocusing of the Polish state's system in the interwar period. The thesis was advanced that in the interwar period in Poland two fundamentally different models of polity and governance of the state were created, which had a material bearing on the state's general domestic situation, including also the security and stability of the polity. The presented arguments suggest that in the years 1918-1939 the model of the Polish polity evolved from the strengthening of the executive authority, during the initial formation of the independent state entity, through the representative parliamentary democracy, and up to the presidential polity, in which the president clearly dominated over the legislative and judicial authorities. Such momentous changes introduced over a relatively short period of time could be the evidence of destabilisation of the political scene and could also indicate that the bases of the democratic polity of the state were not firmly established in the interwar period.

Keywords:

internal security, parliamentarism, polity of the state, model of governance, presidential system

INTRODUCTION

The article advances the thesis that in Poland the assumptions of the Polish polity and the basic attributes of statehood were radically refocused in the interwar period. The purpose of performing the analysis is to present the main reasons and consequences of the above change, taking account of the basic polity and legal assumptions contained in the March Constitution, its August Novelisation and also in the April Constitution. The prevailing conviction is that in the interwar period two fundamentally different models of polity and governance were created in the Polish state, which had significant repercussions for the domestic politics, among others in the context of administration and security of the Second Polish Republic, or for the relationships between the main constitutional bodies ruling the state.

The three legal acts referred to hereinabove were highly significant for the evolution of the Polish polity and the model of rule in the 20th century, and the fact that they were passed in the relatively short interwar period could indicate that the optimum model of rule was urgently sought in the Polish state in a period that was difficult in terms of security, both domestic and international. Therefore, it would be hard to disprove the statement that the polity and the model of rule stabilise or destabilise, to a considerable extent, the level of security in the state¹. The analysis of the shape of the polity of Poland, in the years 1918-1939, will provide a more thorough understanding of the way in which the ruling bodies were trying to guarantee the internal stability of Poland revived after the 123 years of being partitioned.

1. MODEL OF THE POLISH POLITY IN THE YEARS 1918-1921

The beginnings of building the polity on the eve of regaining the independence by Poland took place in the period from 7 to 11 November 1918, when the Provisional Government of the People's Republic of Poland (sometimes referred to as the so-called Lublin government) was functioning, headed by Ignacy Daszyński. This government was overtly socialist in character, in principle stemming from the main political tendencies prevalent in many countries of Central and Eastern Europe. Despite its transient nature the government managed to formulate an extensive programme and also to submit to the Legislative Sejm a bill containing a number of social reforms. These included, among others, the compulsory expropriation, carried out under the control of the state, and transfer of ownership to the working masses, the nationalisation of the mining and petroleum industries and the legal guarantee of workers' participation in administering the industrial establishments that did not immediately become state-

¹ It is emphasised in the literature that the polity of the state and the model of rule contribute to a considerable extent to the political stabilisation of the state's internal governance, which is of utmost importance in the periods of political and polity-related and economic transformations, as shown, for example, by the period following the year 1989. Cf. Z. Nowakowski, *Bezpieczeństwo państwa w koncepcjach programowych partii parlamentarnych w Polsce po 1989 roku*, Towarzystwo Naukowe Powszechne, Warszawa 2009, p. 112. However, it seems that also the period of 1918–1939 can be characterised, to a significant extent, as the time of the profound transformation of the polity, politics, administration or economy, and, hence, the above findings can obviously be applied to this period in the Polish history.

owned. Other reforms proposed by the Lublin government comprised the development of the fundamentals of the labour protection law and unemployment insurance as well as the introduction of free, mandatory, common and secular school education².

In the relevant literature the Government of the People's Republic of Poland is sometimes treated as the expression of intensified political pressure to respond to the social demands³. Undoubtedly, however, the bases of operation of the government headed by Ignacy Daszyński were far more diversified, and the members of the government had to consider the option of political radicalisation in the spirit of socialism on the one hand or a clearly democratic system of governance on the other hand, squaring with – as it was then termed – the bourgeois model of ruling⁴. As demonstrated by the enactment of the March Constitution, the latter option was taken in Poland, and this choice can be regarded as the only justified decision to be made from the point of view of the domestic situation of the revived Polish state⁵.

On 17 November 1918, the new Polish government, led by Jędrzej Moraczewski, was officially formed. Until the second half of January 1919, the activities of this government were extremely significant from the perspective of formulating the underlying principles of polity of the Polish state, but also from the standpoint of the then important social and economic reforms. The said government introduced universal suffrage, guaranteed the legality of operation of trade unions, established the eight-hour working day and initiated the health insurance, among others. Moreover, the basis for implementing the main features of the new government's programme was formed by socialists slogans, inclining some authors to view this government as the real continu-

² A. Witkowski, *Ustrój polityczny w latach 1918-1939*, [in:] *Administracja w systemie ustrojowym Polski X-XX w.*, ed. W. Ćwik, W. Mróz, A. Witkowski, Wyższa Szkoła Prawa i Administracji w Przemyślu, Rzeszów-Przemyśl 2008, p. 161-162.

³ Cz. Brzoza, *Wielka historia Polski, t. 9: Polska w czasach niepodległości i II wojny światowej (1918-1945)*, Fogra, Kraków 2001, p. 14.

⁴ H. Jabłoński, *Z rozważań o II Rzeczypospolitej*, Zakład Narodowy im. Ossolińskich, Wrocław 1987, p. 172.

⁵ It could be pointed out that the potential adoption by Poland of the development vision consisting in the radicalisation of the polity and social policy would pose a threat of permanent destabilisation in the face of a highly diversified society, in which almost 30% consisted of representatives of various minority groups (both national, and ethnical and cultural). In this respect Poland was unique in Europe, and, therefore, the choice of the democratic polity, in which different social groups were offered a chance to partake in governance, was, at least in the 1920s, the only justified option if the appropriate level of the state's internal security was to be ensured. In one of the preserved archival records, drafted already in the spring 1919, probably by Daszyński himself, there were references to the difficult situation of future restored Poland, which was about to result from the shifting of the borders on the one hand, and from turmoil that could have been provoked by numerous national minorities on the other hand. Cf. *Sprawa granic i mniejszości narodowych w odrodzonej Polsce*, III 1919 rok, Archiwum Instytutu Józefa Piłsudskiego w Ameryce,teczka: 701/2/55 (marzec-kwiecień 1919). Taking the above into account it can be stated that already the members of the Lublin government could realise that any potential radicalisation of social attitudes and the Polish polity during the first years following the regaining of independence would be inopportune in the then contemporary situation of revived Poland.

ator of the Government of the People's Republic of Poland headed by Ignacy Daszyński⁶.

It should be noted that in the period of 1918-1922, the changing governments were of a temporary nature. In this period a prominent position in the polity was held by the Chief of State (called straightforwardly the Provisional Chief of State at the turn of 1918 to 1919) and this function was performed by Józef Piłsudski, who was also the Commander-in-Chief of the Polish Armed Forces. At the political level the deliberations regarding the shape of the future, and, what is more important, more durable polity solutions were just started. Therefore, in the years 1918-1922, the polity of the revived Polish state was the outcome of the operation of different forces, such as socialism and the labour movement, the development of the fundamentals of military diplomacy, bourgeois slogans with capitalist tones or the emerging vision of parliamentarism.

However, the content of the Decree of the Chief of State on the highest representation powers of the Polish Republic, of 22 November 1918, was imbued with progressive tones. Although the decree did not contribute to the stabilisation of the political scene nor did it resolve all the significant issues related to the future polity of the Polish state, it undoubtedly was the first polity-related system regulation, important from the point of view of the political and polity-related security of the state. Pursuant to the decree, Józef Piłsudski retained the highest administrative powers for military issues⁷, appointed ministers who were formally accountable to him, and also approved the state budget⁸. It is sometimes claimed that the above-mentioned decree contributed to the development of the grounds for a temporary dictatorship system in the restored Polish state, by the time of convening the Legislative Sejm, which took place in January 1919⁹.

The convening of the Legislative Sejm contributed to a significant change in the Polish polity and the detailed and relevant solutions went down in history as the so-called

⁶ J.T.Mieszkowski, *Wspomnienia dziennikarza socjalisty*, Książka i Wiedza, Warszawa 1971, p. 141; J.Tomicki, *II Rzeczpospolita. Oczekiwania i rzeczywistość*, Młodzieżowa Agencja Wydawnicza, Warszawa 1986, p. 89; A. Tymieniecka, *Warszawska organizacja PPS 1918-1939*, PWN, Warszawa 1983, p. 24.

⁷ The exercise of powers regarding military issues was of high value to Piłsudski, although it is hard to agree with the statement appearing in the relevant literature that the Chief of State presumably considered the civil powers as a dispensable burden, necessary only for the legitimation of military powers. Cf. P.K. Marszałek, *Najwyższe władze wojskowe w systemie ustrojowym II Rzeczypospolitej*, Prawnicza i Ekonomiczna Biblioteka Cyfrowa, Wrocław 2011, p. 125. The fact that Piłsudski was clearly involved also in administrative issues related to the civil authority can be proved by his activity in establishing municipal boards in the strategic cities of the Second Polish Republic, Vilnius being the first one among them, which is also broadly discussed in the relevant literature. See T. Manteuffel, *Historia Polski*, PWN, Warszawa 1969, p. 274 et seq.

⁸ The Decree of the Chief of State on the highest representation powers of the Polish Republic of 22 November 1918 (Dz.U. 1918, no. 17, item 41).

⁹ A. Burda, *Polskie prawo państwowe*, PWN, Warszawa 1976, p. 78. On the other hand, a polemic opinion can be presented, as the said decree contained the statements regarding the provisional nature of the described dictatorship, so it was naturally limited in time and restricted by the need, or even the requirement, for creating a republican form of government, based on democratic principles.

Small Constitution of 20 February 1919. The main provisions of this legal act concerning the provisional polity of the state were as follows¹⁰:

- entrusting the Legislative Sejm with the sovereign legislative powers and concentrating such powers therein;
- confirming the representation functions of the Chief of State as well as his role as the executor of the resolutions adopted by the Sejm regarding civil and military matters;
- introducing the obligation to obtain the counter-signature of the relevant minister for the legal acts issued by the Chief of State;
- creating the strong bases for cooperation between the Chief of State and the Legislative Sejm, owing to their collaboration while forming the government¹¹;
- making the Chief of State and government members accountable to the Legislative Sejm.

With regard to the issue of security outlined in the content of the Small Constitution, the legislator entrusted the main function of creating the national security to the Sejm, involving in the process also the Chief of State, who was appointed the highest executor of the resolutions adopted by the Sejm with regard to both civil and military matters. The process of managing the internal security of the state engaged also the government, whose all members, by the time of the enactment of a new organic law, were appointed by the Chief of State, who was, however, obliged to act in agreement with the Sejm¹². Such structure of powers given to the highest authorities of the state ensured for the Sejm the central position in the process of creating and strengthening the bases of security from February 1919 to March 1921. Poland, which had just been restored, was looking for stabilisation in the area of security, and the winning concept was the one that granted the main decision-making powers with regard to the security policy to the strong Sejm.

The provisions contained in the Small Constitution very quickly contributed to the extinguishing of Piłsudski's dictatorship, directing the Polish polity to a stronger legislative authority entrusted to the Legislative Sejm¹³. It resulted directly in the initial laying

¹⁰ Ibidem, p. 79.

¹¹ It is worth adding that pursuant to one of the resolutions of the Legislative Sejm adopted in June 1922, the position of the Chief of State with regard to the selection of the candidate for Prime Minister was significantly weakened. It was achieved by imposing the obligation on the candidate for Prime Minister to obtain the consent of the Sejm majority and making the prospective appointment of the Prime Minister conditional on such consent. More information about this issue, see D. Malec, *Sejm Ustawodawczy 1919-1922. W 90. rocznicę pierwszego posiedzenia*, "Przegląd Sejmowy" 2009, no. 1, p. 27.

¹² Resolution of the Sejm of 20 February 1919, on entrusting Józef Piłsudski with the further holding of the office of Chief of State (Dz.Pr.P.P. 1919, no. 19, item 226).

¹³ It is worth noting that, concurrently, the Small Constitution *de facto* cancelled the principle of a tripartite system, as it provided only for the mutual relations between the legislative and executive branches, the former being given primacy. In accordance with the polity solutions formulated

of foundations for a republican form of government in Poland of the 20th century. The privileged position of the parliamentary system was to be the expected outcome of the above. It was the only system capable of reconciling the different interests of various social and professional groups as well as minority groups in Poland in the interwar period¹⁴. However, in the discussed period Poland had no republican traditions and political decision-makers had to rely on parliamentary models from other European countries. Soon, it contributed to the weakening of the polity and the model of rule in the Second Polish Republic, since the copying of foreign polity-related solutions could not have been truly effective under the specific conditions of the Polish security in the interwar period¹⁵.

It is worth adding, however, that by the time the essential political and polity-related issues were resolved in a systemic way in the March Constitution, the polity thus formed was undergoing some fundamental transformations. The most important one of these transformations took place during the Polish-Soviet war, when the real need for increasing the role of executive functions at the expense of legislative powers was recognised. The establishment of the Council of National Defence, headed by the Chief of State, was the direct consequence of the above situation¹⁶. The Chief of State used also his authority in the army to push the institution of the Tribunal of National Defence, thus obtaining the influence on military courts martial during the armed conflict with the Bolsheviks¹⁷. In the face of the direct threat to the national security of the Second Polish Republic the polity of the state did return, however, even though for a short period of time only, to embracing very strong executive powers capable of exerting a substantial impact on the legislative authority.

therein the Legislative Sejm was supposed to exercise its powers on the basis of the principle of the nation's representation and sovereignty, and not the principle of a tripartite system, which, all the same, opposed the model of a democratic republican governance.

¹⁴ D. Dudek, *Zasada republikańskiej formy państwa*, [in:] *Zasady ustroju III Rzeczypospolitej Polskiej*, ed. Eadem, Wolters Kluwer Polska, Warszawa 2009, p. 128.

¹⁵ G. Górski, *Polonia Restituta. Ustrój państwa polskiego w XX wieku*, Wydawnictwo KUL, Lublin 2007, p. 230.

¹⁶ This body was very important because it served, among others, as the agency on whose behalf Piłsudski could make his appeals to the nation. A good example of those was the appeal to the Polish nation to fight the Bolsheviks. [In] *Odezwa Józefa Piłsudskiego do Narodu Polskiego o potrzebie obrony przed bolszewikami z dnia 3 lipca 1920 roku*, Archiwum Instytutu Józefa Piłsudskiego w Ameryce, teczką: 701/1/39 (1914-1921).

¹⁷ The established Tribunal of National Defence was modelled on France, where the military courts had their rich historical traditions and were naturally interwoven with the history of the state's polity as an important tool for ensuring security in the face of growing threats to the state. Cf. L. Mażewski, *Stany nadzwyczajne w Polsce w latach 1918-1989. Szkic ustrojowo-polityczny*, Adam Marszałek, Toruń 2006, p. 38.

2. UNDERLYING ASSUMPTIONS OF THE POLISH POLITY IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF 17 MARCH 1921, THE CONSTITUTION OF THE REPUBLIC OF POLAND, AND THE ACT OF 2 AUGUST 1926, AMENDING AND SUPPLEMENTING THE CONSTITUTION OF THE REPUBLIC OF POLAND OF 17 MARCH 1921

The March Constitution, enacted on 17 March 1921, was a turning point in the development of the polity of the Polish state taking place so far. It represented a real guarantee for parliamentary tendencies in Poland, which strengthened the democratic system of governance and supported the implementation of Montesquieu's tripartite system. The victorious end of the war with the Bolsheviks, the systematic growth of the increasingly stronger Sejm opposition against Piłsudski's party¹⁸, and also the need for stabilising the state's internal security in the difficult times of political and social divisions and the economic weakness can be considered as the three perhaps most important reasons for the parliamentary orientation of the polity of Poland in accordance with the provisions of the March Constitution.

The years 1918-1920 were the period of clashes between the different visions of the Polish polity, starting from the propagation of a socialist political system and a national economy, through strong executive powers or even a quasi-dictatorship system, and ending with the domination of legislative powers with the executive functions being subordinated to them¹⁹. The Constitutional Committee, established for the purpose of formulating the final draft of the constitution, had to respond to the challenge of resolving ultimately the issue of what the Polish polity should be like under the conditions of relative stabilisation in the area of European security. Finally, it was decided to reject the polity variants relying on socialism or the slogans of the proletarian revolution and the draft of the new constitution was based on the solutions incorporated in the polity model following the Constitution of the French Third Republic of 1875²⁰. In the literature on the subject it is emphasised that the final draft of the Polish constitution of 1921 was commonly termed as "French", because of its numerous references to the parliamentary form of rule in the state²¹.

¹⁸ The said opposition, together with the conviction held by the Chief of State himself that the provisions of the March Constitution prevented him from exerting any stronger influence on the government and the parliament, caused that Piłsudski withdrew his candidacy for President of the Second Polish Republic. Cf. B. Kusiński, *Józef Piłsudski - życie i czyny*, 11 XI 1934 rok, p. 26, Archiwum Instytutu Józefa Piłsudskiego w Ameryce,teczka: 701/1/101 (1931-1967).

¹⁹ As emphasised in the literature on the subject, during this period the Polish state, in addition, had to counter the Bolshevik influences coming through the eastern border, embodied in Poland in the programme of the Communist Party of Poland. Cf. P. Wieczorkiewicz, *Historia polityczna Polski 1935-1945*, Książka i Wiedza, Warszawa 2005, p. 184-185.

²⁰ J. Bardach, B. Leśnodorski, M. Pietrzak, *Historia ustroju i prawa polskiego*, PWN, Warszawa 1987, p. 433.

²¹ It is worth adding that at that time in Poland there were as many apologists as decided opponents of the "French model". The latter would sometimes point out that the March Constitution was the reception of the French constitutional solutions uncritically applied to the Polish conditions, which, on a long-term basis, could not resolve the internal political and polity-related problems or the social and economic issues. See A. Ajnenkiel, *Konstytucje Polski w rozwoju dziejowym 1791-1997*, Rytm, Warszawa 2001, p. 165.

Some authors hold an interesting view which explains very clearly the reasons why the Polish polity focused on democratic parliamentarism. As they observed, "The political activity of the masses forced the representatives of the class of owners to adopt such polity solutions that were to ensure a certain participation in the governance of the state to a large part of the society"²². Interpreting the above statement, the vision of a democratic rule-of-law state, represented in the parliament by different groups of citizens, could result from the experience gained by Poles during the undoubtedly very difficult times of struggles for independence and, then, the strengthening of the bases of the independent state over the first four years from the end of the Great War. Hence, the rejection of monarchical or revolutionary proletarian drafts of the constitution was dictated by political pragmatism and, predominantly, social pragmatism, as citizens were aware of their role, particularly since similar growing tendencies were then observed in other countries of Central and Eastern Europe.

The March Constitution adopted such legal constructs that effectively restricted the powers of the executive authorities in favour of the legislative as well as judicial ones. The Sejm of the Second Polish Republic, bearing in mind the experience from the period when the foundations of the Polish statehood were being strengthened and the role of the Chief of State, decidedly opted for a more transparent structure of relationships between, primarily, executive and legislative authorities. Therefore, the independence or, *de facto*, self-government of the future Polish president was to be restricted, as only in this way it could be guaranteed that the parliament would actually perform its representative function for the nation. It is worth noting that the tendencies to weaken the position of executive authorities in the Second Polish Republic practically led to the situation where the Sejm started to dominate over the president and the government²³.

Pursuant to the provisions of Art. 2 of the March Constitution, the supreme authority in the Second Polish Republic was to be exercised by the nation. Concurrently, it was decided to adopt the representative democracy model, where the legislative authority was exercised by the Sejm and the Senate, the executive authority, by the President of the Republic of Poland and the relevant ministers, and the judicial authority, by independent courts²⁴. The above decisions set the Polish polity on the path towards a modern republic, striving to balance, as far as possible, the three authorities existing next to each other and affecting each other. It can be judged that entrusting the supreme authority to the nation was not only a constitutional tendency, being in line with similar tendencies occurring in many other countries after the Great War, but it also was a specific response to police systems maintained by the invader countries on the Polish lands for more than a century²⁵.

²² A. Ajnenkiel, *Od rządów ludowych do przewrotu majowego. Zarys dziejów politycznych Polski 1918-1926*, Wiedza Powszechna, Warszawa 1978, p. 197-198.

²³ M. Kallas, *Historia ustroju Polski X-XX w.*, PWN, Warszawa 1997, p. 309.

²⁴ Art. 2 of the Act of 17 March 1921 – the Constitution of the Republic of Poland (Dz.U. 1921, no. 44, item 267).

²⁵ M. Pietrzak, *Historia ustroju i prawa polskiego*, PWN, Warszawa 1996, p. 480.

Pursuant to the provisions of the March Constitution, the polity of the Polish state was based on a dozen or so primary principles, including the above-mentioned principle of exercising the supreme authority by the nation, the principle of the republican form of polity, the principle of parliamentary rule, the principle of the tripartite division of authority or the principle of representative democracy. Other fundamental constitutional principles were also of utmost significance, such as, for example, the principle of a liberal state²⁶, the principle of state continuity and its unity²⁷, and also the principle of five-point electoral law²⁸. It can be observed that the fundamental constitutional principles listed above were based, to a considerable extent, on the French model, which only confirms the clear recognition in the Second Polish Republic of the solutions adopted in the Constitution of the French Third Republic.

The system of rule created pursuant to the March Constitution should undoubtedly be termed as a parliamentary system (or, in principle, a parliamentary-cabinet system). The literature relevant to the subject specifies the three most visible and tangible manifestations of the above. The first one was the acceptance of the assumption that the president would exercise his executive powers through ministers and their subordinate officials who were accountable to the Sejm of the Republic of Poland (art. 43). The second evident manifestation of a parliamentary system of governance was the adoption of a legal structure preventing the president from holding any other office, including a Sejm deputy or senator, and, consequently, excluding his parliamentary accountability, while concurrently imposing the obligation to obtain a counter-signature for official acts of the president (art. 44, 51 and 53). The third and, at the same time, most obvious of the described manifestations was the fact that the president was accountable to the Sejm of the Republic of Poland and he was elected by the National Assembly formed by the Sejm and the Senate acting together (art. 39)²⁹.

²⁶ This principle was reduced to the objectives and tasks of the state itself with regard to its citizens. The liberal concept of the state was particularly visible in the economy and in the social system, being free from repression and created for the protection of Poles' individual and common interests. Furthermore, in line with the principle of a liberal state, the state gave to its citizens a relatively large amount of freedom to act, particularly in the area of economic activity, and protected, by means of the provisions of the new constitution, the fundamental civil rights and freedoms. [In:] J. Bardach, B. Leśnodorski, M. Pietrzak, *Historia ustroju...*, op. cit., p. 434.

²⁷ It confirmed the existence of the Polish nation already in the 18th century and also later, even though Poland formally did not exist on the map of contemporary Europe. It also expressed that the Polish state is a uniform formation, in which the respective provinces function as territorial self-governments within one self-governing state. The only exception here was the granting of limited autonomy to Silesia. See *Ibidem*, p. 434-435.

²⁸ The confirmation of five-adjective voting rights, for both women and men, could be the manifestation of growing democratic tendencies in general in post-war Europe. Therefore, from 1921, the suffrage in Poland could be described as universal, based on the principle of a secret ballot, equal, proportional and direct. [In:] J. Pietrzak, *Sejm RP. Tradycja i współczesność*, Wydawnictwo Sejmowe, Warszawa 1995, p. 42. It could be supposed that the legislator, deciding to adopt such legal and polity-related solution, strengthened the actual possibilities of exercising the authority by the nation within a representative democracy system.

²⁹ A. Witkowski, *Ustrój polityczny...*, op. cit., p. 169-170.

There were evident consequences of such polity structure of the Polish state in the period of 1921-1926. A political break-up occurred in the parliament, including the Sejm in particular, in which there were as many as 15 different groups after the elections in 1922. The manifest stratification and fragmentation of the political scene threatened the functioning of the whole political system, whereas the permanent lack of a majority in the Sejm made it impossible to work out any stable assumptions for domestic politics. This, in turn, had an adverse impact not only on political relations, but also on the society and economy of the Polish state. Importantly, political divisions significantly hindered the process of forming a stable coalition government, and politicians themselves were reluctant to assume the responsibilities and liability arising from the representation of their electorate. In the literature on the subject it was observed that the role of the president was, in practice, marginalised in domestic politics, which was particularly noticeable in the attitude of Stanisław Wojciechowski himself. Finally, it was noted that a democratic parliamentary system made it possible to all citizens to exercise their civil rights and freedoms only in theory. The economic situation of major social groups, such as workers or farmers, prevented them from making use of their constitutional rights or freedoms to a greater extent³⁰.

The above-mentioned problems concerning the actual democratic parliamentary governance contributed to the so-called May Coup d'État carried out by Józef Piłsudski on 12-15 May 1926. Irrespective of the actions taken by Piłsudski's supporters, it should be emphasised that in view of the Polish entity the key derivative of the May Coup d'État was the adoption of the so-called August Novelisation on 2 August 1926. Although after its adoption the March Constitution was still formally binding, the amended statutory provisions strengthened significantly the president's position defined in the constitution. Namely, the president was given the prerogatives to dismiss the parliament before the end of its term, upon the request of the Council of Ministers, and to issue regulations having the force of the law (which was additionally confirmed pursuant to a separate act³¹).

It should be pointed up that the granting to the president of the power to issue regulations having the force of the law had significant implications for the Polish polity after 1926³². The president could exercise this power to stabilise the situation in such areas of the state's functioning as the compliance of the acts with the March Constitution,

³⁰ J. Bardach, B. Leśnodorski, M. Pietrzak, *Historia ustroju...*, op. cit., p. 445-446. It can be stated on this basis that in practice the Polish democratic parliamentary polity was far from adopting the model constitutional solutions. Although under the contemporary political conditions it was regarded to be the most progressive form of governance, its realisation in practice, observed in particular in the Polish Sejm and the government, had a destabilising influence on domestic security. It weakened the sub-systems of both economic and social security of the revived Polish state.

³¹ Art. 3-5 of the Act of 2 August 1926, amending and supplementing the Constitution of the Republic of Poland of 17 March 1921 (Dz.U. 1926, no. 78, item 442).

³² It can be shown by the data indicating that in the period of 1926-1935, the president issued as many as 725 regulations having the force of the law and, in addition, three decrees regarding the supreme command of the armed forces. Cf. R. Kraczkowski, *Rozporządzenia Prezydenta Rzeczypospolitej z mocą ustawy w latach 1926-1935*, Wydawnictwo Sejmowe, Warszawa 2007, p. 313.

the organisation of the central administration, regulations concerning social benefits, the influence exerted on the administration of justice, legislation on agriculture or the monitoring of the state's finance and budgetary balance as well as affecting its economic condition. The president gained also greater influence on the state's external security, as his supreme command of the armed forces was strengthened³³. It can be considered that the prerogative of passing regulations having the force of the law was intended to not only strengthen the actual possibilities of cooperation between the executive and legislative authorities, but also to result in increasing the level of security of the polity in the period of domestic political turmoil³⁴.

Furthermore, the August Novelisation provided support for the process of ensuring the security of Poland at the time when threats to the security of the Second Polish Republic were increasing on an international scale. It was demonstrated at least by increasing the actual powers of the president as an important representative of executive authorities that influence the safeguarding of national security. The said legal act enabled the president to become actively involved, to a greater extent than before, in the implementation of legislation aimed at strengthening the security. It was noticeable with regard to military aspects and confirmed by adopting, already on 6 August 1926, the regulation on passing decrees regarding the supreme command of the armed forces of the state³⁵. On the very same day the president decided, by way of decree, to entrust himself with the command of the armed forces at the time of peace and to establish the function of General Inspector of the Armed Forces³⁶. It can be stated that this function, as shown in practice at the end of the 1930s, played a significant role in the Polish system of security authorities, and owing to his power of nomination the president was able to really influence the formulation of security policy of the Second Polish Republic after 1926.

3. FORM OF THE POLISH POLITY PURSUANT TO THE PROVISIONS OF THE CONSTITUTIONAL ACT OF 23 APRIL 1935

The enactment of the August Novelisation was a departure from the then contemporary model of parliamentary governance, which, as illustrated by the Polish example, *de facto* caused the evident dependence of the executive authority on the parliament

³³ W. Komarnicki, *Ustrój państwowy Polski współczesnej. Geneza i system*, Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków 2006, p. 82.

³⁴ The growth of such threats was manifested in many developments, including, first and foremost, the German-Polish customs war in 1925, and also the Locarno Treaties, confirming the western borders of Germany with the winning countries in the Great War, with a simultaneous increase in the German revisionism with regard to the borders with Poland. Another tendency resulting in an increasing threat to Poland was represented by regular attempts at forming closer relations between Germany and the Soviet Union, accompanied by the intensified intelligence operations of these countries directed against the Second Polish Republic.

³⁵ Regulation of the President of the Republic of Poland of 6 August 1926, on passing decrees regarding the Supreme Command of the Armed Forces of the State (Dz.U. 1926, no. 79, item 444).

³⁶ Decree of the President of the Republic of Poland of 6 August 1926, on holding the command of the armed forces at the time of peace and establishing the position of General Inspector of the Armed Forces (Dz.U. 1926, no. 79, item 445).

up to the beginning of August 1926. Despite the fact that the August Novelisation was, in principle, a short supplement to the provisions of the March Constitution, the respective legal constructs adopted therein triggered the reorientation of the assumptions underlying the Polish polity at the end of 1920s, and in particular in the 1930s. One of the essential changes, initiated already in August 1926, consisted in increasing systematically the president's and government's independence of the parliament, which was backed up by the *sanacja* movement politicians linked to Józef Piłsudski. They unceasingly strived to push the new constitution bill that would accommodate in a better way the then contemporary tendencies prevailing in the Polish state. The works on the review and revision of the constitution postulated by the *sanacja* movement were initiated in the Sejm of the Republic of Poland already in October 1928, and were intensified after the elections in 1930, in which the Non-Party Bloc for Cooperation with the Government was the clear winner³⁷.

The key reasons for the reorientation of the assumptions underlying the Polish polity in the years 1926-1935, concurrently forming the origin of the new constitution, included first of all the increased importance of the role of the president in the state, which required the strengthening of this role in the constitutional system, as well as the advancement of *sanacja* unity in the parliament, reinforced by far-reaching repressions against the opposition. Other reasons behind the described phenomenon comprised the negation of a multi-party system in the Polish parliament and the redirection of a model of governance towards the rule of the dominant party, as well as an increase in the significance of executive authorities in the political system. The last one of the listed tendencies manifested itself, as pointed out in the relevant literature, in "the government being the main centre for influencing the state-related decisions"³⁸.

It seems that the international situation had its bearing on the process of abandoning the model of parliamentary governance in favour of the model of a presidential system in Poland. In the interwar period, in many European countries, such as Germany, the Italian Republic, Spain, Portugal, Estonia, Lithuania, Latvia or Turkey, evident authoritarian tendencies were observed, or more or less organised attempts at strengthening the president's powers in relation to legislative authorities. A presidential system, in some countries verging on dictatorship, was treated as a kind of antidote to the weak-

³⁷ It is worth noting that already in the new constitution bill, proposed in the autumn of 1928, there were some significant changes intended to additionally strengthen the position of the president in the polity, in terms of both executive and legislative powers. In the bill drafted by the *sanacja* movement at that time there was a provision that although the nation was to retain the supreme governance, the literally identified interest of the state represented the fundamental law of the whole polity. Cf. A. Korbowicz, R. Mojak, W. Skrzydło, *Zarys dziejów konstytucjonalizmu polskiego*, Wydawnictwo UMCS, Lublin 1996, p. 78. Consequently, such provision presumably had to create for the president naturally vast possibilities of taking decisions sometimes contrary to the nation's will, but invoking the state of necessity, justified by safeguarding the state's essential interest. The described new constitution bill was, however, too radical for the end of 1920s, to be pushed in the parliament in accordance with the restrictive constitutional provisions regarding the procedure for amending the March Constitution.

³⁸ J. Bardach, B. Leśnodorski, M. Pietrzak, *Historia ustroju...*, op. cit., p. 451.

ness of parliamentary governance and the economic situation deteriorating as a result of the Great Depression in the above-mentioned countries. Poland did not resist these tendencies, looking for an optimum model of rule in the face of increasing threats to the political and economic security of the state.

The radical reorientation of the assumptions underlying the Polish polity in the mid-1930s, as compared to the period up to 1926, was manifested by the enactment of the constitution on 23 April 1935, commonly referred to as the April Constitution. It should be noted that its enactment was in breach of the procedures for amending the constitution, stipulated by the provisions of the March Constitution, which represented per se authoritarian practices, deprived of democratic legitimacy given by the nation having the sovereign authority. The April Constitution introduced in the Second Polish Republic a presidential system based on the authoritarian model, making the president accountable only to God and history and granting him numerous instruments to exert an influence on both the legislative authority and the remaining part of the executive authority. In this system the president dominated also over the legislative and judicial authorities. In one of the opening provisions of the new constitution it was confirmed that the president was the head of the state and was accountable only to God and history for exercising his powers for the state's interests and defence readiness, while representing the interests of Poland among other nations of the world³⁹.

The fact that after 1935, the Second Polish Republic was the presidential polity, could be proved by enumerating the presidential powers, which included⁴⁰:

- legislative powers – comprised predominantly the adoption of regulations having the force of the law, suspending veto rights with regard to acts of the parliament and the right to convene both houses of the parliament and to appoint one third of all Senators;
- polity-related (organic law) powers – including the so-called privileged initiative to amend the constitution and the right to veto any draft amendment submitted by the parliament;
- executive powers – comprising, for example, taking decisions related to appointments to the office of president, appointing the prime minister and ministers as well as judges, exercising the right of pardon, representing the country abroad and holding the supreme command of the armed forces;
- control powers – such as the right to dismiss both houses of the parliament, the prime minister, the president of the Supreme Audit Office, the General Inspector of the Armed Forces and ministers;
- special powers in times of war – included imposing the martial law, appointing the commander-in-chief, extending the terms of the Sejm and the Senate and holding elections to both houses with a reduced number of deputies

³⁹ Art. 2 of the Constitutional Act of 23 April 1935 (Dz.U. 1935, no. 30, item 227).

⁴⁰ M. Kallas, *Historia ustroju...*, op. cit., p. 322-324.

and senators, and passing decrees in all areas of legislation except for the procedure for amending the constitution.

The effects of implementing the presidential system in the Second Polish Republic were diversified. They concentrated predominantly on the strengthening of executive authority and making the president the main creator of the Polish foreign policy, and also on entrusting the person holding this office with the key mission of ensuring general security⁴¹. After 1935, from the point of view of the domestic security, the authoritarian or quasi-authoritarian model of governance in Poland resulted in maintaining the territorial unity of the state, although it rendered fictitious numerous civil rights and freedoms and the political representation of the nation. A low, during those times, voter turnout in the Sejm elections in 1935, reaching the level of 46% of eligible voters, showed that the people holding the most important offices, apart from the president, lost support from the majority of the society. Thus, in practice, the political system – also after the elections held in 1938 – became similar to a one-party system, which, however, after the death of Piłsudski in particular, was fraught with numerous internal controversies resulting in a reduced number of the adopted legislation, which was detrimental to the stability and domestic security of the state. Another issue was the personal weakness of President Ignacy Mościcki, who, after the death of Piłsudski, being his inspirer, was not able to exercise effectively his prerogatives under the constitution, as a result of which the two opposing camps emerged, i.e. followers of the president and politicians supporting Edward Rydz-Śmigły, who was the General Inspector of the Armed Forces⁴².

CONCLUSION

The relatively short interwar period witnessed frequent changes concerning the polity and the political system of the Polish state. The period of 1918-1921 was the time of strengthening the executive authority concentrated in the hands of Józef Piłsudski as the Chief of State. In the years 1921-1926, the model of parliamentary rule was developed, assimilated directly from the model of the French Third Republic. Internal controversies within the parliament contributed to the strengthening of the role of the president pursuant to the August Novelisation of 1926. Up to 1935, the constitutional practice of the Second Polish Republic consequently took account of the specific form of polity, in which the presidential powers were consistently growing, while maintaining, however, the fundamental rules of the polity under the March Constitution. It was the April Constitution that finally rejected the democratic parliamentary form of governance, abandoning the liberal model of the political system and effectively imposing the president's strong authority. In practice, it meant the construction of a presidential

⁴¹ The safeguarding of the state's security included the role of the president, being the executor of the programme of the rule-of-law state, which replaced the programme of the state as the organisation of the sovereign nation, introduced earlier pursuant to the March Constitution. Cf. E. Ura, *Prawne zagadnienia bezpieczeństwa państwa*, Krajowa Agencja Wydawnicza, Rzeszów 1988, p. 334.

⁴² More information about internal political controversies over the essential idea of the model of the state's governance after 1935, see W. Paruch, *Myśl polityczna obozu piłsudczykowskiego 1926-1939*, Wydawnictwo UMCS, Lublin 2005, p. 152 et seq.

polity, resembling, in principle, the polity solutions prevailing in many European countries at that time.

The conducted analysis leads to the conclusion that the polity of the Second Polish Republic was characterised by a general instability. Such instability was demonstrated by the frequent occurrence of opposing concepts of exercising political authority and building the polity in a period difficult for Poland in terms of both its domestic and external security. The reception of the parliamentary system of rule in the years 1921-1926 could seem unduly uncritical towards the French model, and the amendments to the constitution, introduced pursuant to the August Novelisation, did not resolve any of the disputes concerning the relations between the legislative and executive authorities. In 1935, the change of the constitution was made in violation of democratic procedures, which was the clear evidence of the fact that the polity of the Second Polish Republic deviated from the democratic rule-of-law state serving its citizens. The lack of capacity for implementing the prerogatives given to the president under the April Constitution demonstrated also that the constitutional premises of the Polish polity were, in numerous respects, a legal fiction⁴³.

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⁴³ It is worth noting that after 1935, in the Second Polish Republic another similar legal fiction was created by maintaining the constitutional polity in the scope of its principle of the nation's sovereignty, whereas the April Constitution equipped the executive authorities (and, on an auxiliary basis, also the judicial authorities) with effective tools designed to restrict this sovereignty, at the level of both civil rights and freedoms and participation in the state's governance. More information on this subject, [in:] D. Górecki, *Pozycja ustrojowo-prawna Prezydenta Rzeczypospolitej i rządu w ustawie konstytucyjnej z 23 kwietnia 1935 roku*, Wydawnictwo Uniwersytetu Łódzkiego, Łódź 1995, p. 17.

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