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Electoral Law to the Constituent Sejm from the 100 Years' Perspective of its Adoption

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Słowa kluczowe: historia prawa wyborczego w Polsce, Sejm Ustawodawczy, wybory do Sejmu z 1919, 100 lat odzyskania przez Polskę niepodległości

Abstract

The article is devoted to discussing the solutions of electoral law to the Constituent Sejm, one of the most important electoral regulations for the history of modern Polish state. It presents the specific character of its main solutions, in that the decree concerned the territory, which for the most part was not within the power of the emerging Polish state. It was also shown that the voting took place at different times and some of the Sejm deputies did not come from the elections. The influence of the indicated solutions of the electoral law on the further development of constitutional law in Poland was also presented.

Streszczenie

Ordynacja wyborcze do Sejmu Ustawodawczego z perspektywy 100 lat od jej uchwalenia

Artykuł poświęcony jest omówieniu rozwiązań ordynacji wyborczej do Sejmu Ustawodawczego jednej z najważniejszych regulacji wyborczych dla nowożytnej historii Pol-

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ski. Przedstawiono w niej specyfikę jej głównych rozwiązań, polegającą na tym, iż dekret ten dotyczył terytorium, które w przeważającej części nie znajdowało się władzą rodzącego państwa polskiego. Wskazano również, iż głosowanie odbywało się w różnym czasie a część posłów do Sejmu nie pochodziła z wyborów. Przedstawiono również wpływ rozwiązań wskazanej ordynacji wyborczej na dalszy rozwój prawa konstytucyjnego w Polsce.

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I.

This year, in connection with the 100th anniversary of Poland's regaining independence, many works emphasized the democratic nature of the electoral law adopted in 1918. It was specified in two decrees of the Provisional Head of State: Electoral Law to the Constituent Sejm of November 28, 1918 and in the decree on elections to the Constituent Sejm also from the same date². The draft of the first decree was not entirely original, as it was modeled on solutions prepared by the Provisional Council of State.

The Decree on electoral law, like previous projects, called the Sejm, which was to gather on its basis constituent. The creators of the decree wanted in this way to emphasize the difference between the ordinary Sejm and the one that was to pass the future Constitution³. For this reason, the right to vote was based on the principle of proportionality⁴.

² Dz.Pr.P.P. No. 18, item 46 and 47.

³ The political situation in November 1918 and especially the political shape of the first governments had a significant impact on the final shape of the adopted solutions. The constitutional work previously undertaken by the Regency Council, however, did not correspond to the situation that took place in November 1918, when Poland began to emerge with the defeat of Germany and Austria-Hungary on the territories they had occupied so far. Its republican political shape was determined by the development of parliamentarism in the nineteenth century, the collapse of conservative monarchies and the victory of democratic states, which in the same way provided political patterns and finally by radical social moods, influenced by revolutions in Russia and in Germany.

⁴ It should be mentioned that during the work of the Parliamentary and Constitutional Committee the most discussed issue was the principle of proportional elections. Ultimately,

The issue that the electoral law granted electoral rights to women comes to the fore in the current discussion. Therefore, Poland became one of the first countries in Europe that granted electoral rights to women⁵. What seems particularly worth emphasizing is that these rights were granted to Polish women, despite their poor social and economic position⁶, especially in the lands of the former Congress Kingdom.

Fortunately, the process of working on electoral law in Poland came at a time when the struggle for democratization of the electoral law and the long-standing struggle for this democratization was already completed in most democratic states and Polish women received the right to vote from the very beginning of Polish statehood. The position of the Government of the Provisional People's Government of the Republic of Poland turned out to be decisive in this respect⁷.

However, there is one more reason why Polish women so quickly obtained electoral rights in Europe. Poland was one of the first newly created countries in Central Europe where elections took place. What is more, they were not only directed at the legitimization of power within the state, but first and foremost with recognition by the international community – the rivalry between the Provisional Head of State and the Polish National Committee for recognition as legal power in the State⁸.

however, the majority opted for its limitation by introducing three- mandate constituencies. Thus, such a system of proportional elections would give similar results to the majority system.

⁵ The Commission established age census: for active voting rights – 25 years, for passive voting rights – 25 or 30 years depending on the education census.

⁶ It should be noted, however, that the Sejm-Constitutional Commission was in favor of granting the electoral law only to men, assuming that by giving women electoral rights “the already low intellectual level of the electoral masses” would decline, because – as the said decision was justified – “almost 3/5 of women in the alleged area of the Polish State could not read”. It seems that this conclusion did not have any support in the reality of that time. Statistics show that illiteracy in Poland in 1921 was 23, 1% of the population, 17.8% of men and 27.9% of women. *Mały Rocznik Statystyczny*, Warsaw 1939, tab. 23, p. 28. Thus, illiteracy concerned both sexes to a similar degree.

⁷ *Zbiór najważniejszych dokumentów do powstania Państwa Polskiego (odezwy, memoryały, proklamacje, oświadczenia, deklaracje, rozkazy, manifesty i orędzia, noty, projekty ustawodawcze, uchwały, rozporządzenia, dekrety, ustawy na tle rozwoju historycznych wypadków 1912–1919 r.)*, ed. K.W. Kumaniecki, Warsaw-Cracow 1920, p. 127.

⁸ See more P. Wróbel, *Poland*, [In:] *Eastern Europe*, ed. R. Frucht, vol. 2, Santa Barbara 2005, p. 25; P. Dąbrowski, *The Sources of National Law in the Republic of Poland*, “Polish-Geor-

The election had to take place as soon as possible. This haste can be seen in many provisions of the electoral law. In the first place, it concerns the appointment of the date of the election as well as the adoption of further deadlines for the performance of electoral activities. Their fulfillment was not possible and during the election campaign it was necessary to amend the election dates.

It seems that the solutions of electoral law to the Constituent Sejm are so original that they deserve interest not only of historians but also of the science of constitutional law. Let us, therefore, pay attention to the assumptions of this legal act from the point of view of current democratic standards of electoral law.

II.

The use of the adjective “constituent” (Constituent Sejm) in the name of the Sejm itself should indicate that like it was in the case of the Grand Sejm it would pass the constitution of the state.

The representative body usually operates on the basis of binding legal regulations that define its terms. The powers granted to the MPs by the sovereign remain valid within a strictly defined time frame. On the other hand, the Constituent Sejm, which was to define the political system of the state, was shaped without any specification of the forms of action and the period of empowerment granted to him by voters. Competences and duration were therefore unlimited.

Usually electoral law also divides the existing territory of the state into constituencies. In the case of the electoral law to the Constituent Sejm, the decree in its decisions regarding constituencies constituted the future territorial area of the reborn state. This list was a kind of “declaration of Polish territorial claims”, although not of all of them. It left the matter of the former Russian partition areas east of the former Kingdom and the Białystok district open for discussion⁹.

gian Law Review” 2015, No. 1, p. 57, N. Davies, *God’s Playground A History of Poland vol. 2. 1795 to Present*, Oxford 1981.

⁹ As it was pointed out by A. Ajnenkiel “The decision made in such conditions was an expression of courage and hope at the same time: courage that the reviving Poland, its admin-

The electoral law decree was accompanied by a list of electoral constituencies, with the number of seats to be 524. It should be added that the list of constituencies contained two electoral districts 35 and 35a of Cieszyn Silesia¹⁰. Elections were also planned in the territories of the former German Partition area¹¹ and Eastern Galicia¹².

In a democratic state, as a rule, it should be assumed that the elected representative body functions throughout the duration of its full powers in an unchanged composition. Also in this respect, the Constituent Sejm remains an exception, as its composition later expanded. The elections took place on Sunday, January 26, 1919, mostly in the former Kingdom and in Western Galicia. The elections in Cieszyn Silesia were prevented by the armed Czechoslovak campaign, which had been undertaken just three days earlier.

According to the electoral law, deputies mandates split according to the Belgian system adopted in the electoral law, called d'Hondt – in proportion to the number of votes cast on each list. As a result of the elections to the Legislative Sejm there were 296 deputies elected on 26 January and 28 former Polish MPs to the Austrian Council of State and 16 to the German Parliament of the Reich – total of 340.

From February to July 1919, by – elections were held in the Suwałki and Podlasie region and in Białystok. On March 14, 1919, the Sejm granted seats to six candidates from the only list issued in Cieszyn Silesia. All Polish parties working there agreed and put forward a joint list of six candidates, and the seventh mandate was handed over to the local Germans¹³. In the former

istrative apparatus, the political forces operating in the country, will be able to carry out such a difficult undertaking; the act of faith that the society, by taking part in the elections, will prove its patriotism and political elaboration. Both of these assumptions, as shown by the nearest future, were right “ A. Ajnenkiel, *Konstytucje polskie 1791–1997*, Warsaw 2007, pp. 155–156.

¹⁰ In total, from the two districts of Cieszyn Silesia in Cieszyn and Frydek, 11 deputies were to be elected. However, in the case of elections in Cieszyn Silesia, there was no uniformity between the Electoral Code and another decree on the ordering of elections. The decree managed voting in only one constituency with the seat in Cieszyn.

¹¹ With constituencies in Lwów, Rawa Ruska, Sambor, Skol, Stanisławów, Stryj, Kołomyja, Bóbrka, Złoczów, Kamionka, Brzeżany, Czarnopol and Czortków.

¹² With constituencies in Kartuzy, Olsztyn, Toruń, Poznań, Gostyń, Opole, Bytom, Katowice, Gdańsk, and in Złotów and Nysa.

¹³ Resolution of the Sejm of 14 March 1919 on the appointment of candidates for list No. 1 and in the 35th electoral constituency for deputies to the Constituent Sejm (Dz.P.P.P. 1919,

Prussian partition area, the elections took place on June 1, liberated by the Uprising in the Grand Duchy of Poznań, as a result of which 42 deputies replaced the nine representing this area as former members of the Reich's Parliament, and on May 2, 1920 in Pomerania, the number of deputies representing it increased to 20¹⁴. Finally, on March 24, 1922, after the incorporation of the Vilnius Region, 20 Members of the current Parliament of Vilnius entered the Constituent Sejm. At the end of the term, the Constituent Sejm had 442 deputies, but it never reached the 524 deputies presumed by the electoral law.

III.

Returning to international standards for the assessment of free elections, it would be worth mentioning that in Art. 21, § 3 of the Universal Declaration of Human Rights it was stated that the will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures¹⁵.

The starting point for considering the provisions of the electoral law to the Constituent Sejm will be more detailed recommendations included in the Code of Good Practice in Electoral Matters adopted by the "Venice Commission". This document has become an inspiration for almost all European countries with regard to the reforms of their electoral systems. It is also a reference point for the international community in the assessment of the correctness of elections in individual countries¹⁶.

No. 25, item 242). It is interesting in the said resolution that it lists the specific names of the candidates whom the Constituent Sejm "considered as deputies to the Constituent Sejm".

¹⁴ The Act of August 1, 1919 on by – elections from further parts of the former Prussian partition area (Dz.Pr. No. 65, item 393) Regulation of the Minister of the Interior on by – elections to the Constituent Sejm from (further parts of the former Prussian partition). Pomorskie Voivodeship set the election day on Sunday, May 2, 1920.

¹⁵ Resolution adopted by the General Assembly 217 (III). International Bill of Human Rights. A/RES/3/217.

¹⁶ European Commission for Democracy through Law, Code of Good Practice in Electoral Matters. Guidelines and Explanatory Report. Adopted by the Venice Commission at its 52nd Session (Venice, 18–19 October 2002).

The basic principle of electoral law is the principle of universality of elections. Universal suffrage covers both active (the right to vote) and passive electoral rights (the right to stand for election). The right to vote and stand for election may be subject to a number of conditions. The democratic limitations of the active electoral law are age and nationality.

Meanwhile, the Constituent Sejm was to be primarily a representation of “Poles”. In this way the Constituent Sejm was to be primarily a representation of the Nation, understood not in a political but ethnic aspect. This is particularly evident in the case of the representation of the former Prussian and Austrian partition areas. It can be illustrated by the provisions of the Ordinance of the Minister of the Interior explaining the provisions of the Act of 1 August 1919 on by – elections from further parts of the former Prussian partition area. According to its provisions, “who is a citizen of the Polish State, is determined by the act of 20 January 1920 on the citizenship of the Polish State. (Dz.U. No. 7, item 44). According to this law, a Polish citizen could not simultaneously be a citizen of another country.

Nowadays the nationality criterion can, moreover, cause problems if a state withholds citizenship from persons who have been settled in its territory for several generations, for instance on linguistic grounds. Under the European Convention on Nationality persons holding dual nationality must have the same electoral rights as other nationals. In accordance with the principles of international law, the electoral law must guarantee equality for persons belonging to national minorities, which includes prohibiting any discrimination against them. Certain measures taken to ensure minimum representation for minorities are by reserving seats for them.

Meanwhile, as indicated by the Ordinance of the Minister of the Interior referred to earlier, “persons of German nationality, who were permanently resident in the territory of the former Prussian partition area after January 1, 1908, could not be regarded as Polish citizens by virtue of the title of the residence itself”.

At the same time, the electoral legislation for the Constituent Sejm was built on completely different principles. It provided for the representation of those areas where the elections in January 1919 did not take place. Members of the former parliaments of the partitioning states on the Polish territory were adopted to the Constituent Sejm. The case of Eastern

Galicia¹⁷ and the former Partitions of Prussia and the territories of the Russian partition that were not part of the former Congress Kingdom is an example of that¹⁸.

The electoral law solutions for the Constituent Sejm minimized the representation of representatives of a population of other than Polish nationality. As a result of the adoption of the discussed solutions in its composition there were only ten Jewish deputies, while the largest numerically German minority was at first represented by two and then eight deputies¹⁹.

In addition, deprivation of civil rights as indications of the loss of active electoral law were not taken into account if they were determined by former German military courts, or if this punishment was imposed for political crimes.

Equality in voting rights requires each voter to be normally entitled to one vote, and to one vote only. Multiple voting means a voter votes more than once in the same place and if it enables a voter to vote simultaneously in several different places, such as his or her place of current residence and place of former residence. The solutions of the electoral law to the Constituent Sejm did not provide for mechanisms that would rule out situations of double voting of people who lived in areas where elections were held later.

According to the Council of Europe when equality in voting power is not complied with, we are confronted with what is known as electoral geometry,

¹⁷ Decree on elections to the Constituent Sejm (Dz.P. No. 18, item 47). This act stipulated that because in constituencies 47- 59 “the elections cannot be carried out”, therefore, the members from the former Chamber of Deputies of the State Council of Austrian Monarchy will join the Constituent Sejm “. At the same time, it was decided that “in the electoral districts of the V and VII emptied by death (according to the former electoral law of the Chamber of Deputies of the Austrian State Council) a by – election is scheduled for January 20, 1919 at 8 am according to the decision of the former Austrian electoral law from 1907. Their execution was entrusted to the city’s governing office. It can therefore be said that in the indicated constituencies, along with the elections to the Constituent Sejm, a by- election was held... to the Chamber of Deputies of the Austrian State Council.

¹⁸ Decree on elections to the Constituent Sejm stated that “in the matter of elections in districts: 60–69”, the agreement with representatives of Polish society in the Prussian lands would soon be followed by an ordinance.” The representatives of the Poles in Lithuania and Russia were also to be called to the Constituent Sejm in agreement with the local society.

¹⁹ T. Schramm, *Tradycje polskiego parlamentaryzmu w XX wieku. W 90. rocznicę pierwszych wyborów parlamentarnych w odrodzonej Polsce*, Warsaw 2009, p. 3.

in the form of “active electoral geometry”, namely a distribution of seats causing inequalities in representation.

This electoral law adopted a uniform standard of representation. One deputy was supposed to have an average of 50,000 population of the constituency. The next mandate in the constituency was only due to another 25,000 thousand voters. Thus, the disproportions permitted significant actual differences between the representative’s standards.

Code of Good Electoral Practices, notes that freedom of voters to express their wishes primarily requires strict observance of the voting procedure. In practice, electors should be able to cast their votes for registered lists or candidates, which means that they must be supplied with ballot papers bearing their names and that they must be able to deposit the ballot papers in a ballot box.

In its recommendations, the Venice Commission emphasizes at the same time that the signing and stamping of ballot papers should not take place at the point when the paper is presented to the voter, because the signatory or the person affixing the stamp might mark the paper so that the voter could be identified when it came to counting the votes, which would violate the secrecy of the ballot. The voter should collect his or her ballot paper and no one else should touch it from that point on. It is important that the polling station officials include multi-party representatives and that observers assigned by the candidates be present. Voters should always have the possibility of voting in a polling station.

In the case of the elections of January 1919, the voting was initially to be carried out using official ballot papers, which had to be the same throughout the constituency. Their established pattern was located as an annex to the Electoral Code. An interesting solution was that the ballot papers bearing the official stamp of the main electoral commission were not handed to the voters by the commission on the election day, but were to be freely traded and sold within 5 days before the election and in the polling station at the price of 5 fen. in the German partition area and 10 hellers, in the area managed by Austria-Hungary.

Only the order numbers of the lists of candidates were to be printed on each voting card (Art. 69). On December 29, 1918, the content of Art. 69 of the electoral law was changed stating that the list number can be “printed or written”. Any card with a printed or hand-written list number for which the

voter voted could be used to vote. This procedure was changed to avoid possible abuses. It seems, however, that such a solution permitting handwriting, and what is more writing in color ink or on a characteristic paper, could raise doubts as to the principle of secrecy of voting.

In addition, in accordance with the provisions of the electoral law, after verifying whether the voter's name is on the electoral list, the voter received only a voting envelope into which he put a voting card and after sealing it handed it over to the chairman of the commission who, after checking the stamp on the envelope, threw it into the ballot box (Art. 70). Voters did not deposit the ballot papers in a ballot box themselves.

The standards of good electoral practices show that stability of the law is crucial to credibility of the electoral process, which is itself vital to consolidating democracy. Rules which change frequently – and especially rules which are complicated – may confuse voters. Above all, voters may conclude, rightly or wrongly, that electoral law is simply a tool in the hands of the powerful, and that their own votes have little weight in deciding the results of elections.

However, it was different with the discussed electoral law to the Constituent Sejm. It was changed several times. For the first time on December 19, pre-closure deadlines for submitting electoral lists were extended. On December 29, 1918, the earlier mentioned content of Art. 69 was changed, providing that the list number can be “printed or written”²⁰.

By decree of 8 February 1919 the rules for determining the composition of the Constituent Sejm were significantly changed. It was decided that Poles who in 1918 possessed a parliamentary mandate to the parliament of the German Reich, were entitled to participate in the sessions of the Constituent Sejm on equal terms with the deputies elected to the Sejm, as representatives of the Poles from the Prussian partition area.

On January 8, 1919, a decree was issued on penal provisions for preventing elections to the Constituent Sejm and the performance of Deputies' duties. It provided for imprisonment for interfering with voters in their exercise of the right to free choice, including the bribing of voters (the one who was bribed was also to be punished). The decree further defined the princi-

²⁰ Decree of 26 December 1918 on changes in the electoral law to the Constituent Sejm (Dz.P.P.P. No. 21, item 74).

ples of criminal responsibility for instigating the elimination of elections, interfering with electoral activities and interfering with activities of the Sejm²¹.

From the point of view of current standards regarding free elections, the provisions of the electoral law under consideration cannot be described as democratic. Despite the earlier mentioned weaknesses of the electoral law, the voter turnout was usually 70–90%, which in the circumstances was considered to be a very high result. What is more, it would not be possible to create such a shape of the Constituent Sejm without the common approval of these actions by almost all political forces.

IV.

The Constituent Sejm met at its first meeting on 10 of February 1919. The Temporary State Chief could then say the famous words “In this hour of the great Polish heartbeats, I feel fortunate that it was my honor to open the Polish Sejm, which will again be the only master and host of its native home”²².

The most important task of the Constituent Sejm as a Constituent Assembly was the preparation and adoption of the Constitution. Its formation was delayed by Poland’s current difficulties, above all the war with its eastern neighbor, as well as disputes over the mode of constitutional works and the main assumptions of the political system. Finally, the adoption of the new constitution took place at the sitting of the Sejm on 17 March 1921. In the new Constitution, the bicameral structure of the future parliament was adopted. The term of office of both chambers was equal to and amounted to 5 years (Art. 11). One of the main drawbacks of the March Constitution was that it provided for a limited possibility of the Sejm to be dissolved by the President of the Republic. It made the law dependent on the consent of 3/5 of the statutory number of Senate members.

²¹ Decree on criminal provisions for preventing elections to the Sejm and performing duties of Deputies (Dz.P.P.P. 1919, No. 5, item 96). These sanctions were aimed against attempts to prevent the elections being carried out and were primarily a response to the boycott of elections proclaimed by the Communist Workers’ Party of Poland (KPRP).

²² *Sprawozdanie Stenograficzne z 3 Posiedzenie Sejmu Ustawodawczego z dnia 20 lutego 1919 r.*, t. 3.

The Constitution of March devoted a lot of attention to the issue of elections. This was justified because the basic law adopted a parliamentary system of government in which elections are of major importance. While assessing the entirety of the electoral law to legislative bodies in Poland, according to the March Constitution and statutes of 1922, it should be noted that it was based on more democratic principles. It can also be said that in this respect the provisions of the electoral law did not turn out to be episodic. However, many provisions contained in the Constitution were inspired by the solutions of the electoral law to the Constituent Sejm.

The Basic Law has made constitutional character of the basic principles of electoral law, which had been defined so far in the provisions of the electoral law. Article 15 of the Constitution provided that Sejm is composed of deputies elected for a term of five years to be counted from the day of the opening of the Sejm, by secret, direct, equal, and proportional voting.

The March Constitution also specified in detail the active and passive right to vote. According to its provisions (Art. 12) “The right to vote belongs to every Polish citizen without distinction of sex, who, on the day of the proclamation of the elections, is twenty-one years of age, is in full possession of civil rights, and is a resident of the electoral constituency at least from the day preceding the proclamation of the elections in the Journal of Laws. The right to vote can be exercised only in person.

However, members of the army in active service did not have the right to vote – despite the fulfillment of these election censuses. The right to be elected (passive electoral right) stated that every citizen having the right to vote is eligible for election to the Sejm, independently of his or her place of residence, if he is at least twenty-five years of age, not excepting members of the army in active service”. At the same time it was stated that citizens convicted of offenses which the law of elections may define as involving temporary or permanent loss of the right to vote, of eligibility, or of being a deputy, may not enjoy the electoral right (Art. 14). The applied legal construction did not deprive them of electoral rights, but only indicated legal circumstances excluding the possibility of using this right.

Besides, the Constitution stated also that administrative, revenue, and judicial officials of the state may not be elected in the districts in which they are performing their official duties. This rule did not apply to officials em-

ployed in the central departments (Art. 15). State and self-government employees obtained leaves of absence at the moment of being elected deputies. This rule did not apply to ministers, undersecretaries of state, and professors in academic schools. The years spent in the exercise of the duties of a deputy were considered as years of service (Art. 16). An interesting provision of the constitution was that a deputy loses his seat on being appointed to a paid office of the state. This rule as in the case of members' leave did not apply to appointment as minister, under-secretary of state, or professor in an academic school (Art. 17).

The adoption of the March Constitution, decided on the future model of electoral law to the Polish parliament. The electoral law for the Sejm and the Senate announced by the Constitution could only specify the provisions of the Basic Law. Work on the preparation of electoral regulations for both chambers was undertaken only after the adoption of the constitution. The controversy over detailed provisions meant that the work was only undertaken in May 1922. The Sejm after a heated discussion, adopted both electoral laws on July 28²³.

The Committee proposed correction of the principle of proportionality by introducing the so-called state lists preferring larger political parties. The electoral law for the Sejm was based on a 5-adjective electoral law. As it was defined there – universal without gender difference, equal, secret, direct and proportional voting. The adoption of a proportional division of seats, was explained by the desire to mimic the actual electoral preferences of citizens. The other reason, however, was that the majority elections were more favorable for the strongest party of that time – the National Democracy. On the other hand, the smaller parties, many represented in the Constituent Sejm, wanted to be re-elected. This case supports the assumption that the electoral system is shaped by the political parties' system. And also that once introduced proportional system is difficult to be effectively converted into a majority system.

In the first years of the reconstruction of the State, the atmosphere of compromise prevailed in the Sejm, characteristic of the idea of parliamentarism. However, the differences of opinion among the political parties that led to wide-

²³ Act of July 28, 1922, electoral law to the Sejm (Dz.U.R.P. No. 66, item 590), and Act of July 28, 1922, electoral law for the Senate (Dz.U.R.P. No. 66, item 591).

spread criticism of Polish parliamentarism soon emerged. As W. Mędrzecki aptly pointed out, the criticism of “Sejmocracy” and “partiocracy” can be considered as one of the important factors enabling the success of the May coup. And after the coup J. Piłsudski and his coworkers worked on perpetuating the negative image of the “Sejmocracy”, after which the new governments had to clean up all areas of public life²⁴.

Less than a decade later, the same Marshal Józef Piłsudski, in the press interview called the Constitution “a lousy stewed cabbage”, from which “such stench comes out, that the whole Wiejska Street stinks”. To escape this chaos it was possible according to J. Piłsudski, “only by changing the Constitution and writing it in a decent manner”²⁵.

V.

After less than 26 years from the adoption of the electoral law and holding elections to the Constituent Sejm, another legislative authority announced that the “basic assumptions of the Constitution of March 17, 1921 will apply until during a general election, in direct, equal, secret, and proportional voting a new Constituent Sejm is elected. This newly elected Sejm, being a representative of the will of the nation, was to pass a new constitution”²⁶.

After 70 years since the events of 1918, another electoral law to the Sejm was passed, which did not meet the standards of the Council of Europe. Nevertheless, the choices made on its basis until today are called “memorable elections” or more often “the elections of June 1989”. The Sejm’s 10th term and the first term Senate did not create a new constitution, but carried out a number of necessary reforms²⁷.

²⁴ See the statement by W. Mędrzecki, [In:] *Conference „Dwadzieścia lat po przełomie; tradycje i współczesność demokracji parlamentarnej w Polsce”* on 29 May 2009, Warsaw 2009. p. 19.

²⁵ Referring to the principles of the Government’s accountability to the Sejm in the light of the Polish Constitution of 1921.

²⁶ The PKWN Manifesto, attachment to Dz.U. 1944, No. 1. See more W. Skrzydło, *Charakter i znaczenie polityczno-prawne Manifestu PKWN*, “*Czasopismo Prawno-Historyczne*” 1959, z. 2.

²⁷ See more M. Chmaj, *Sejm „kontraktowy” w transformacji systemu politycznego Rzeczypospolitej Polskiej*, Lublin 1996; W. Orłowski, *Senat Trzeciej Rzeczypospolitej: geneza instytucji*, Zamość 2000.

On 24 August 1989, Tadeusz Mazowiecki, the first non-communist Prime Minister, delivered a speech of his government in the Sejm. He said then that “we need to restore mechanisms of normal political life in Poland. The transition is difficult but does not have to cause shocks. On the contrary – it will be the road to normality. The rule of the fight, which sooner or later leads to the elimination of the opponent, must replace the partnership principle. We will not go from a totalitarian to a democratic system in a different way”. He also added that “I want to be the Prime Minister of the government of all Poles, regardless of their views and beliefs, which cannot be a criterion for dividing citizens into categories”²⁸.

As a result of the latest parliamentary elections of 2015, political forces have emerged, which have returned to harsh criticism of the functioning of the system of government in Poland. Again, we can hear the terms such as “partioc-racy” and the words of criticism of the functioning of the Sejm²⁹.

The events that took place in the years 1921–1939 convince us that without observing the principles of parliamentarism and the rights of the parliamentary minority, it is not possible to create a democratic state. On the contrary, even with good intentions to repair the state, weakening the real meaning of the Sejm and the Senate, by reducing the time of parliamentary debate, may lead to unfavorable changes in the state system that took place in the 1930`s.

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²⁸ See: *Sprawozdanie Stenograficzne z 6. Posiedzenia Sejmu w dniu 24 sierpnia 1989 r.*, l. 83.

²⁹ See the Kukiz15 Change Strategy Program, pp. 3–4.

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