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HISTORY OF POLISH PARLIAMENTARY SYSTEM

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The historical context of the Polish parliamentarism formation is represented. The principles as well as the features of its modification during the Polish history are observed.

Key words: Poland, parliamentarism, state, nation.

Tradition of parliamentary system in Poland is one of the oldest in Europe. In this area Poland is exceeded only by England, France and Germany, but in fact it was Poland, as the first state on the old continent, to proclaim the fundamental statute for its political system had developed in different direction than those of the other European countries.

In literature Poland is considered to be a phenomenon of a really close relation between the parliamentary system and the ideas of the state and the nation. Almost from the very beginning Polish history is closely connected with the political activity of Polish gentry sitting in sessions. It may seem, therefore, that the genesis of the parliamentary system is quite simple; a place and a date: Piotrków Trybunalski, 1493. However, as every phenomenon of this kind, it had been a slowly developing process. There must have been certain premises, institutions, which parliament had evolved from, and, of course, such that determined transformation and further development of the parliamentary system.

It may appear that the early stages of parliamentary system should be seen in changes in rally, a gathering of free inhabitants of Polish cities and villages, summoned in order to decide on more significant issues. [1, p. 63–64] Gradually, as the magnates' power grew stronger, its organization and functions changed, which finally led to establishing the class assembly. Rallies in which people could participate were summoned only occasionally. In the 13th century rallies were replaced with periodical sessions of the magnates (dukes, bishops and feudal lords)¹, from one district or more, which enabled them to be a part of political life of the country.

At the beginning of the 14th century all-Poland rallies were summoned, which, according to some researchers, can be seen as beginning of parliamentary assemblies [2, p. 51] They were soon changed into general ones due to a rising position of the so-called middle class gentry, who became the third element of the political system by

¹ As royal officials they were responsible for collecting taxes, they also had the function of the judges and commanded the army. At the beginning they were known as «komesi».

taking part in the rallies together with the king and the magnates. From this moment they were called general sejms.

Royal council dignitaries, district officials, non-clerical nobility, towns representatives and chapter members took part in sessions, but the most important were the high-ranking church and lay officials. Noblemen had a right to participate in a session personally, but they were not the most important decision makers.

The competence of a sejm was shaped in practice. At first it was giving their assent to tax collecting and electing the monarch. The latter enhanced significantly the status of the assembly. Then it was also granting the placement and immunity privileges as well as legislation (especially passing the statutes). Members of the committee were also important as far as foreign affairs were concerned, international treaties in particular [2, p. 52].

General sejm was in session once a year. As resolutions could be accepted later, the monarch was not obliged to participate in the session.

There were also provincial sejms, which also had legislative competence. Some issues could be discussed by both, acting separately or with mutual approval. Such alternative was unique to the early parliamentary system [2, p. 53]. In fact the monarchs preferred the provincial sejms as their influence was much bigger there. Provincial sejm and rallies, which gave birth to local governments, led the way in delegating representatives, mostly among the gentry, to the general sejm [1, p. 105].

Parliamentary system emerged in the end of feudal disintegration and the beginnings of the state monarchy in Poland. The monarch and the royal council still exercised power, but since 1320 the participation of other social groups in exercising power was gradually increasing. The nobility who were granted more significant privileges made the biggest contribution to this process. In 1374 in Koszyce king Ludwik Węgierski issued a privilege which guaranteed a standing tax of 2 grosz per cornfield on the stipulation that it cannot be changed without the nobility's consent, he made the latter a subject in the state policy regardless of the dynasty. Despite increasing powers of the nobility, the king's competence were still vast.

Almost until the end of the 15th century in Poland there were some alternative and equivalent assemblies: the general sejm, provincial sejms and rallies. But in fact their positions were highly diversified; especially due to privileges which gave them right to make decisions important to the social class in question. After the privileges of Nieszawa and Cerekwica in 1454 the role of the rallies had increased significantly, which was a clear evidence of the class position going stronger. This was the beginning of gentry's democracy in Poland, as opposed to other European states' absolutism.

The monarch was in fact limited by the magnates, which was of paramount importance for the development of the parliamentary system in Poland.

It was the gentry's representatives on the rallies that evolved into the lower chamber of the parliament (Izba Poselska). The royal council, as well as the king responsible for the state policy, was also very important. Later it evolved into the upper chamber of parliament called the Senate. Its members were the highest-ranking

officials, feudal dignitaries, bishops and archbishops. The council presented their opinion in the matter of foreign affairs, war and peace, filling offices and monetary output [1, p. 104], as well as taking part in court trials chaired by the king.

The first parliament was summoned by the king Jan Olbracht. Unlike his predecessors he summoned regional and provincial rallies at first, then district rallies and in the end the general sejm in Piotrków. Since then the provincial representatives had regularly taken part in sessions. Therefore, as it is emphasized by Jan Bardach «it was not until 1493 before the lower chamber of the parliament known as Izba Poselska had emerged from the institution of the provincial representatives» [1, p. 217]. The general sejm was bicameral.

The structure of the parliament was established in 1505, when the sejm of Radom introduced approval of the king, the Senate (as representation of the magnates), and Izba Poselska, the lower chamber (the «Nihil Novi» constitution) as necessary to pass an act. According to the new class hierarchy which was established, the general sejm was the most important assembly. The regional and district rallies were still the element of the gentry's independence, however, their role decreased significantly.

As it was mentioned earlier, The Sejm was divided into two chambers: the Senate (the upper chamber), and the House of Commons (Izba Poselska, the lower chamber). Members of Parliament were elected on regional and provincial diets. These diets were summoned by the king who submitted a special document called «uniwersał» which included the time and the location details. An MP (Member of Parliament) represented only the diets, not the state. The number of envoys from a voivodship depended on its size; usually it was between two and six. Small regions could delegate only one person.

The representatives were supposed to follow the instructions they were given by the diets, however in case of disobedience, the only consequence they could suffer was losing some political support in the next elections.

Before going to the general session Envoys chosen by regional diets took part in provincial diet where the province's position was agreed.

The former Royal Council evolved into Senate. Its members, voivodes, castellans, bishops and archbishops were appointed to hold their office for life². In sessions there were also advisory participants called referendarze. Instead of voting all participants presented their opinion (known as «votum») and the monarch made a so-called «conclusion» which was mostly in accordance with the opinion of the majority of those present.

The sessions were usually held in Piotrków, sometimes in other cities. Since 1569 the Sejm started sitting in sessions in Warsaw, and, since 1673, one in every three sessions was took place in Grodno, as a symbol of Polish and Lithuanian union and equality.

²The final constitution of the Royal Council was established during the reign of Zygmunt I. Its members were high officials known as marszałek wielki koronny, marszałek nadworny, kanclerz koronny, podkanclerzy koronny, podskarbi koronny.

People living in towns and cities who had chosen to remain the monarch's direct subordinates (except for so-called «ablegates» from Vilnius, Cracow and Lvov, Kamieniec Podolski and Lublin as assistants) did not have their representatives in the Sejm. As Clergymen had their representatives only in the Senate, the lower chamber consisted only of the noblemen.

Until 1690, when some formal regulations were introduced, the Sejm acted on the basis of traditions and customs. One session lasted from 6 to 12 weeks. Regular obligatory 6-weeks' sessions once every two years and special 2-weeks' sessions were introduced later by a bill called «artykuły henrykowskie». Both chambers had separate sessions and the lower chamber, when all the mandates were verified in terms of their validity, was chaired by the Speaker.

The bills were presented in a session of both chambers sitting together, and after they had been accepted by the monarch, they came into force as a law.

Voting was unanimous (by not objecting), which was difficult due to the instructions the representatives were given. In fact passing legal acts by acclamation was particularly difficult, and therefore, minor opposition was not taken into consideration. Acclamation as an indication of gentry's liberty was not respected until the 17th century. The sessions were now seriously hampered by abusing the right of liberum veto and breaking off the sejm. The only possibility to minimize consequences of such activity was to put off the session (the so-called «limitation»).

In the 16th century the parliament and the king were of equal status but his power was gradually restricted unlike in neighbouring states where it was still close to absolutism. The magnates and other forms of the gentry's direct democracy were constantly growing stronger. In the 17th century the sejm, which controlled the king and the ministers had really vast competence. But paradoxically, the acclamation and the instructions the members of parliament were bound by resulted in decreasing the parliament's activity.

The political system was considered perfect, so now the sejm also guarded it against any change to this extent that sometimes the sessions were not even carried out. The country was decentralized and the provincial rallies came into power again, as now they became very important centers of political activity.

After the northern war Poland faced anarchy and serious crises of political culture and institutions. There were also some unsuccessful attempts to introduce the outvoting in the sejm.

During the reign of the last king of Poland Stanisław August Poniatowski (1764–1795) there were attempts to overcome the difficult situation [2, p. 135–138]. Reforming the system was one of the accomplishments of The Great Sejm (1788–1792). Its greatest and most spectacular success was passing the Constitution of May 3rd, 1791 (known as Konstytucja 3 Maja), the Polish first complete, written fundamental statute known as Ustawa Rządowa (governmental statute) [12]. Its resolutions reinforced the dominant role of the lower chamber of parliament (known as Izba Poselska) over the Senate [1, p. 309]. In literature it is considered that during the First Republic of Poland the sejm played the most important role in the public life,

which can be proved by the fact that the sessions between 1493 and 1793 lasted 44 years [12].

The history of Poland was severely disturbed by the partition carried out neighboring states, an event unprecedented in the whole European history. The continuity of Polish political institutions was broken.

In all forms of Polish post-partition statehood (1795–1918) the role of the parliament as an element of the political system was designated top-down (known as «oktrojowanie») by foreign constitutional acts. The parliament had very limited competence, and its representatives were chosen on the basis of electoral qualifications. The organization of the parliament was based mainly on foreign legal regulations, and Polish political traditions were very limited.

The Bicameral Parliament which consisted of the Senate (the upper chamber) and Izba Poselska (the lower chamber) was appointed in the Duchy of Warsaw (1807–1815) and the Kingdom of Poland (1815–1830).

In the former, the Sejm to a large extent was in keeping with Polish tradition, as its organization was in line with the one known from the pre-partition era. It was composed of both chambers, but their status was not equal. The Sejm was much more important. Though, it had to share its legislative power with the king who had the right of legislative initiative and the right of sanction which was simply the right to approve the laws. The competence of the Sejm was limited to agreeing on the treasure income, making very few changes in civil and criminal law and in the monetary system [2, p. 208].

The Members of Parliament were chosen in the elections. There were 60 representatives in the lower chamber (Izba Poselska) and 40 deputies, later on there were additionally 40 representatives and 26 deputies. The members of the State Council, who joined the lower chamber were granted the decisive vote.

Members of the Senate, lay senators (voivods and castellans) and clergymen were appointed for life by the king, who also chaired the sessions.

Due to the limited competence the debates concerned mainly criticizing the state apparatus and discussing the enlargement of its rights, and only non-constitutional sessions were practiced .

The factual role of the parliament in the Duchy of Warsaw, as it is emphasized by M. Kallas, greatly exceeded its formal functions [2, p. 210].

Some of the regulations of the Duchy of Warsaw were the bases of the parliamentary system in the Kingdom of Poland. In article 31 of the Constitution of 1815 it was stated that the people of Poland will have «(...) its own national representatives in the parliament consisting the king and two chambers, the Senate as the first and the representatives and district deputies as the other» [2, p. 231]. The territory of the Kingdom was divided into counties and districts. One representative was elected in each county and one deputy in each district. They were holding their function for 6 years, and every two years one third of the members were exchanged. Some were given immunity, and, in criminal case, they could only be tried if the house in session had agreed to it.

In the tradition of the First Republic of Poland was to give the legislative power to the King, the Senate and the lower chamber (Izba Poselska). However, the king had bigger power.

The Sejm had more competence than in the Duchy of Warsaw, as it was responsible for the whole of civil, criminal and administrative legislation. In 1818 it had enacted a criminal code called *Kodeks Karzący Królestwa Polskiego*, and, in 1825 a civil code called *Kodeks Cywilny Królestwa Polskiego*. It could also pass, in limited range, though, tax and public duties regulations, budget and monetary system, as well as the regulations connected with enlisting to the army [1, p. 364]. Nevertheless, it was the king (or the State Council on his behalf) who had the right of legislative initiative and sanction.

The Senators were nominated by the king for life. In case of vacancy, there were two times as many candidates to choose from. The Senate could not have more members than half of the number of all the representatives in the lower chamber.

Both chambers were of equal statute. The Sejm played a very important role in Polish public life. Its role was changed after the outbreak of the November Insurrection when the dictatorship of General J. Chłopicki was legalized, and the deposition act for the Romanov dynasty was passed [2, p. 235–238].

The Insurrection Sejm of 1831 had played a significant role. It was the highest authority in the independent Kingdom of Poland. But the parliamentary system ceased to exist after the insurrection had been suppressed.

In the Free City of Cracow (1815–1846) there was a unicameral Assembly of Representatives, which was a legislative body. In comparison to the Senate, whose chairman represented the Free City of Cracow, its position was of little importance. The Senate had the executive power and a vast influence on legislation [1, p. 375]. The Free City of Cracow created really favourable conditions for the national movement until 1846.

In 1827–1845 there were also sessions of a unicameral regional Sejm of the Great Duchy of Poznan [2, p. 249], and in the middle of the 19th century (1861–1914) there was a unicameral National Sejm in Galicia. Its power, however, was limited to a restricted area of domestic affairs such as economy, education and culture. Nevertheless it made a significant contribution to the development of Polish national institutions [1, p. 386–387].

Since the latter half of the 19th century Poles were members of foreign parliaments where they created smaller communities called «*koła polskie*». Polish representatives were elected to the Prussian Lantag (since 1848), the Second Reich's Reichstag (since 1871). They were also members of the Austrian State Council (since 1867), and also (since 1906) of the Russian State Duma (the lower chamber) and the State Council (the upper chamber).

In 1918, after regaining independence, and before the Legislative Sejm was summoned, the power was entrusted to J. Piłsudski. The Small Constitution of 1919 delegated authority to the Sejm, which was given sovereign power. Its main task was

to enact the constitution. And it had the right of passing the acts which were issued by the Speaker with the countersignature of the ministers and the competent minister.

The Constitution of March 17th, 1921 reintroduced a bicameral parliament, which consisted of the Sejm and the Senate [11]. However, the Senate played secondary part. The fundamental statute of 1921 made the Sejm dominant over the executive power authority. There were attempts to reinforce the executive power by an act called *Nowela Sierpniowa* in 1926. As the executive power was limited, the Parliament started working on a new fundamental statute [1, p. 496].

On April 23rd, 1935 the new Constitutional Act (known as *Konstytucja Kwietniowa*) was approved by the President of the Republic of Poland, who now became the dominant authority [5]. Most of the legislative power was given to the Senate.

Shortly after gaining independence (1918), on January 26th, 1919, during the Second Republic of Poland the first general democratic parliamentary election (direct and by secret ballot, with proportional mandate distribution) was held. Women also had the right to vote. Parliamentary elections were also held in 1922, 1928, 1930, 1935, and in 1938.

When the Second World War broke out only an assembly called *Rada Narodowa* existed in exile. In Poland in 1944–1945 there was the so-called *Rada Jedności Narodowej* as a parliament of *Polskie Państwo Podziemne* (a secret underground form of the Republic of Poland) [2, p. 371].

After the Second World War Poland was in the Soviet area of influence. At the beginnings of Polish statehood there was a clandestine form of temporary parliament called *Krajowa Rada Narodowa*. The Manifesto of *Polski Komitet Wyzwolenia Narodowego*, PKWN (which was the leading political organization in Poland); undoubtedly the most important bill introduced on July 22nd, 1944 [9], was a promise to summon the Sejm, as a representation of the legislative power. Acting pursuant to the regulations introduced by the act called *Konstytucja Marcowa* [3, p. 48] it was supposed to pass the new constitution. But in contrast to the constitutional act of 1921, there was only one, lower chamber of the parliament (the Senate was liquidated as a result of a referendum, considered rig).

The act of February 19th, 1947, known as the Little Constitution (*Mała Konstytucja*) formally accepted the trinity of power [6]. This constitution was not in line with the form of parliament introduced in *Konstytucja Marcowa* [3, p. 85] The Legislative Sejm was the highest-ranking authority in the area of legislation, the President, the State Council (*Rada Państwa*) and the government had the executive power, and independent courts had the judicial power. The relation between these bodies was based on a parliamentary-cabinet model form *Konstytucja Marcowa*. The Legislative Sejm was the supreme authority. Its competence included legislative power, controlling the government's activity, setting the main direction of the state policy, and appointing other civil bodies [2, p. 421].

In the conditions of a temporary political system, the Legislative Sejm was supposed to pass a constitutional act that would establish the new and permanent political system, which was eventually realized in 1952.

The Constitution of the Social Republic of Poland (Polska Rzeczpospolita Ludowa), which was similar to the Soviet constitution, replaced the trinity with the uniformity of power [8]. The authority was divided into general and regional. The unicameral Sejm became the highest body. But practically the power was yielded by the highest-ranking officials of the main political party known as Polska Zjednoczona Partia Robotnicza. The members of the Sejm were not elected in a democratic voting; they were simply chosen from the members of the leading party (PZPR). The Sejm existed formally, but in fact it had no real power. As far as the elections are concerned, the situation was similar [3, p. 143].

In the Social Republic of Poland the elections took place in 1947, 1952, 1957, 1961, 1965, 1969, 1972, 1976, 1980, 1985, and the last election in 1989.

It was a time of significant political changes in Poland. On April 7th, 1989, the constitution of 1952 was amended [5]. The State Council (Rada Państwa) was replaced by the President, and the Senate which was elected in free and democratic elections became the upper chamber of the parliament again. The superior role of the Sejm, which became the highest authority, was determined as a superior to the Senate. The National Assembly, as both chambers sitting together was established to appoint the President.

The temporary constitutional act, known as Mała Konstytucja of October 17th, 1992 (The constitutional act of October 17th, 1992 «concerning the mutual relations between the legislative and executive power and the regional authorities») established the bicameral Parliament [7].

On April 2nd, 1997 the National Assembly enacted the new fundamental statute [10]. This act introduced «a rationalized parliamentary-cabinet political system» in Poland, and established the position of the Sejm and the Senate, and the equal delegation of the legislative and the executive power. Each independent chamber of the Parliament has its own competence. The Constitution maintained the bicameral legislative power, but the Sejm was granted a much wider range of competence than the Senate, which caused the unequal distribution of power between the two chambers. Together they constituted the National Assembly.

Contemporary parliamentary elections are fully democratic and cyclical. Since 1989, they were held seven times (1991, 1993, 1997, 2001, 2005, 2007, and 2011).

The tradition of Polish parliamentary system is over 500 years old. It has evolved from the representation of the class into the representation of the whole nation. The Poles have always been active participants of their country's political and public life, which made the history of Polish parliamentary system an inseparable part of the history of Polish nation.

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**ІСТОРІЯ СТАНОВЛЕННЯ ПАРЛАМЕНТСЬКОЇ СИСТЕМИ
ПОЛЬЩІ****Єва Гановіч**

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Представлено історичний контекст становлення польського парламентаризму, простежено його засади, особливості модифікації впродовж польської історії.

Ключові слова: Польща, парламентаризм, держава, нація.

ИСТОРИЯ СТАНОВЛЕНИЯ ПАРЛАМЕНТСКОЙ СИСТЕМЫ ПОЛЬШИ

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Представлен исторический контекст становления польского парламентаризма, прослежены его основы, особенности модификации на протяжении польской истории.

Ключевые слова: Польша, парламентаризм, государство, нация.