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Status and Prospects for Research on Functioning and Achievements of Both Legislative Chambers of the Polish Parliament and Their Successors since mid-October 1938 till December 1939

Stan i perspektywy badań nad funkcjonowaniem oraz dorobkiem izb parlamentarnych Rzeczypospolitej Polskiej i ich namiastek od połowy października 1938 do grudnia 1939 r.

ABSTRACT

This article presents the status of research on the Sejm of the 5th Term (1938–1939) and circumstances related to establishment of the National Council (Pol. Rada Narodowa) by president Władysław Raczkiewicz in December 1939. Therefore, the most important political and legal issues such as: electoral campaign and elections in autumn 1938 as well

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as change of statutes for both chambers of the Polish Parliament during the last Sejm session on 2 September 1939, were mentioned in this paper. Also, the main areas of activity of ethnic minorities representatives in the Sejm of the fifth term (1938–1939) and the problem of the Silesian Sejm (Pol. Sejm Śląski) before the outbreak of WWII were discussed. It allowed the author to present research postulates, both for necessary basic research and in the terms of concept analysis conducted through the historico-legal method with some elements of comparative studies. This would require additional archival research, both at home and abroad, i.e. in France, the USA, and the United Kingdom. It should be complemented by formal analysis of the last the Sejm and the Senate resolutions of September 1939.

Key words: Sejm, Senate, National Council, Government in-exile, constitutional system

STRESZCZENIE

Celem artykułu było przedstawienie obecnego stanu badań nad funkcjonowaniem Sejmu V kadencji (1938–1939) oraz uwarunkowaniami powołania przez prezydenta Władysława Raczkiewicza Rady Narodowej w grudniu 1939 r. W tym celu poruszono najważniejsze uwarunkowania o charakterze polityczno-prawnym, m.in.: kwestie wyborów i kampanii parlamentarnej jesienią 1938 oraz problem zmiany regulaminów obu izb i ordynacji wyborczej na ostatnim posiedzeniu Sejmu II Rzeczypospolitej – 2 września 1939 r. Omówiono również główne obszary działalności mniejszości narodowych na forum Sejmu V kadencji (1938–1939) oraz kwestię działalności Sejmu Śląskiego przed wybuchem II wojny światowej. Działania te pozwoliły na przedstawienie postulatów badawczych, tak w zakresie koniecznych badań podstawowych jak i w obszarze analizy pojęć w oparciu o metodę historyczno-prawną, z elementami komparatystyki. W związku z tym podniesiono konieczność przeprowadzenia kwerend tak w krajowych jak i zagranicznych archiwach i bibliotekach (m.in. we Francji, USA i Wielkiej Brytanii) oraz analizy formalnej ostatnich uchwał Sejmu i Senatu we wrześniu 1939 r.

Słowa kluczowe: Sejm, Senat, Rada Narodowa, rząd na uchodźstwie, ustrój polityczny

METHODOLOGICAL AND DOCTRINAL ASSUMPTIONS

The research on Polish parliamentarism during the interwar period can be organized, as other scientific research areas related to the most important issues connected with state institutions and regulations of the time, by means of referring to specific time frames. However, the interdisciplinary aspect of research of this topic is a consequence of considering the parliamentarism as one of constitutional forms of governance. It also included building a system of norms and standards that were reflected in the representational character of national institutions.

The main thing we should start with is adoption of a proper definition of parliamentarism. In his latest synthesis, a leading Polish scientist, Ryszard M. Małajny, presented his assessments on wider and narrower sense of this term.

In the first dimension, he defined parliamentarism as a system of governance (organs and institutions of the State) with the emphasis on its the politico-legal status of legislature. In the second – we talk about the dominant role of the Parliament¹. Then, the question arises, which definition should be adopted for the project with regard to the time covered by the research?

In our case, the classical description of the parliamentarism as the constitutional form of the governance with the Government responsible to Parliament does not apply. As for prewar Poland, functioning of the Polish Sejm in 1938–1939 should be considered with regard to norms, standards and principles set by the April Constitution. The same approach should be taken to assess the place and role of representative bodies in the political system of the State. This refers both to times of Piłsudski's government and that of his successors as well as to the Government-in-exile led by general Władysław Eugeniusz Sikorski. In the assumption that the National Council of the Second Polish Republic should be considered as a legal and established surrogate of the parliament.

It leads us to the question on the place and role of representative bodies in the concept of authoritarian state in Poland. The fullest synthesis of 'Sanacja' political doctrine was prepared by Waldemar Paruch, according to whom so-called 'post-May camp' wanted both chambers to have other roles and responsibilities, than those existing in parliamentary democracy. A new set of norms that would regulate respective delegations, processes, and procedures needed to be created². In the doctrinal dimension, representative bodies were to become a transmission belt between the society and the State. They were to institutionalize the legislative process and become a forum for discussions on alternative programs and opinions regarding tasks and objectives of the State.

The final shaping of solutions envisaged by the April Constitution allowed the Parliament to maintain some part of its classic powers such as elements of financial control and limited possibilities to pass a vote of no-confidence on the Government. The Parliament was also to play a role in controlling the Government and legislative processes. However, it was divested of some political privileges as the centre for political decisions was transferred to the President. He was the only subject in the state, which had the full sovereignty in his decisions and actions, and had competence to appoint a Prime Minister in his sole discretion. It was

¹ R.J. Małajny, *Parlamentaryzm europejski*, Wydawnictwo Sejmowe, Warszawa 2019, p. 11.

² W. Paruch, *Myśl polityczna obozu piłsudczykowski 1926–1939*, Lublin 2005, pp. 276–292; idem, *Organ przedstawicielski w systemie autorytarnym. Obóz piłsudczykowski wobec parlamentaryzmu w okresie międzywojennym*, "Polityka i Bezpieczeństwo" 2010, 1, pp. 81–97.

by investing, among other things, the President with the right to elect a third of the Senate that transition from parliamentary cabinet system into presidential system was expressed in formal dimension

The general outline of relations between President and subordinated structures of the state were described in Article 3 of the Constitution, with a clear role of President as the Head of State. For Parliament, its competences were laid out Article 31, which indicated legislative and control duties, and responsibilities of Sejm, with delimitation through the exclusion of some executive powers. Such presentation of doctrinal as well as definitional and methodological approaches should allow the subject of the research to be positioned adequately in political, institutional, and normative dimensions.

The evolution of the Polish parliamentarism, after regaining independence, can be described **in respect to the prewar period division** into four stages. The first refers to the years 1918/1919–1921/1922 – the time of building the Legislative Sejm, of preparation and adoption of the March Constitution. The second one covers the years 1922–1926, i.e. the time of the functioning of the Sejm of the first term and period till the May coup d'état. The third relates to the period of 1926–1935, i.e. legitimisation of power after the coup and the adoption of so-called August Amendment. This was also the time of generating and sharing ideas on representative bodies that would follow the line of the Piłsudski's camp, the culmination of which was the passing of the April Constitution and no less importantly the introduction of new electoral system for Sejm and Senate.

The last period taken into consideration in this text is the time of 1935–1939. However, no defined research perspective should be treated and evaluated separately. All time frames in this text have a conventional character and all are limited by project tasks, which were left to the project team to specify. What we have in this case, it can be said that a completely new type of representative body that broke with the established Polish parliamentary tradition and role of Parliament as a national authority was established. Apart from the above mentioned division and its political implications, we should also refer to the institutional one connected with periodization of the subsequent terms of the Sejm and the Senat. For example, the nomenclature and divisions proposed by Waław Komarnicki could be used, following the track defined in his synthesis of the political system of the Second Polish Republic. The Professor of the Stefan Batory University in Vilnius pointed out that the counting of the parliament terms was done without taking into account the proceedings of the Legislative Sejm.

Consequently, the first term refers to the years the 1922–1927, the second: 1928–1930, the third: 1930–1935, the fourth: 1935–1938, and the

fifth 1938–1939³. It should be noted that the term ‘Sejm’ was used by W. Komarnicki to both chambers of the Parliament. He emphasized, that the authors of the March Constitution, ‘[...] applying the term Sejm not to the Parliament as a whole, but only to its part called the chamber of deputies [...] contradicted the hitherto Polish terminology and long politico – legal tradition, where the term chambers of deputy, was used to signify only the lower chamber of the Seym’⁴.

Within the normative dimension, another division should be considered with the following time intervals 1918/1919–1921, 1922–1935 and 1935–1939. The first one was determined by the announcement of the first electoral law by Jędrzej Moraczewski’s Government, on the basis of which elections to the Legislative Sejm were held. The second chronological category refers to the Sejm and the Senate electoral laws adopted in 1922, which were in force up to the year 1935. The then representative bodies operated according to the provisions embedded in the March Constitution that came in force in autumn that year, after the expiration of the transitional law of 18 May 1921⁵. The last period relevant to the project was distinguished in reference to the above mentioned institutional changes. It is marked by the establishment of representative bodies under the April Constitution and new electoral laws.

THE SEJM OF FIFTH TERM IN THE POLISH HISTORIOGRAPHY

The main period of time analysed in the project *Kampania Polska 1939 roku synteza* refers to the Seym of fifth term that emerged after November 1938 elections. The fourth term was terminated by the Ordinance of the President of Poland issued on 13 September 1938 on dissolution of the Polish Parliament⁶.

The elections to the Sejm started on 6 November, to the Senate – a week later. What should be noted is the fact that during the time between the elections to these chambers of the Parliament there were a lot festivities and ceremonies to celebrate 20th anniversary of independence. It was fully exploited by the ruling establishment to win more popular support and more votes for seats in both chambers of the Parliament.

³ W. Komarnicki, *Ustrój państwowy Polski współczesnej. Geneza i system*, Wilno 1937, p. 80.

⁴ W. Komarnicki, *Zarys ustroju państwowego Rzeczypospolitej Polskiej*, Warszawa 1923, p. 55.

⁵ *Dziennik Ustaw Rzeczypospolitej Polskiej* 1921, no. 268, item 268.

⁶ “Monitor Polski” 1938, no. 210, item 431.

The electoral campaign to the Parliament took place in times of a growing international political crisis and revisionist demands from the Third Reich with regard to Czechoslovakia. The first session of the new Parliament started on 28 November 1938. The last historical sitting of the Sejm and the Senate took place on 2 September 1939. In the meantime, there were thirty-one sessions of the lower chamber and twenty ones of the Senate.

The first books on the functioning of the Polish parliamentarism in the last years of the interwar period appeared already before WWII. The organization of the Sejm and the Senate of the fourth and fifth term was described by Leon Zieleniewski, an official of the Sejm Chancellery: one was published in 1936 and another in 1939⁷. In these compilations which were released in Poland⁸ and abroad⁹, a number of basic legal acts could be found, with biographic notes on deputies and senators, the structure of both parliamentary chambers, with the emphasis on particular associations, organizations, and groups of deputies. Subsequently, the next book related to this topic was published in exile. The most prominent author in this specific field was already mentioned Wacław Komarnicki. During his research at the St. Andrews University, the Lego-Administrative Centre, he compiled extracts from academic textbooks of Polish political system that were created earlier. They were to become teaching tools for future officials of the national administration. In his books, he made necessary corrections and updates, particularly in terms of political and legal analysis of the Parliament under the April Constitution. His works were one of the first sketches on the Polish political history and genesis of the Polish National Council¹⁰.

After the war, in Paris and London, the synthesis of the Polish history in the first half of the 20th Century was published by Władysław

⁷ Scriptor (L. Zieleniewski), *Sejm i Senat (1935–1940)*, Warszawa 1936; idem, *Sejm i Senat 1938–1943*, Warszawa 1939.

⁸ Works of L. Zieleniewski were a continuation of Tadeusz and Witold Rzepecki brothers guides on Sejm and Senate, published in the beginning of 1920s. See: T. Rzepecki, *Sejm Rzeczypospolitej Polskiej 1919 roku: z życiorysami i podobiznami 311-stu posłów, mapa okręgów wyborczych oraz 3-ma tabelami statystycznymi, wykazującymi ilość oddanych głosów i siły stronnictw politycznych*, Poznań 1920; T. Rzepecki, W. Rzepecki, *Sejm i Senat: podręcznik dla wyborców zawierający wyniki wyborów w powiatach, okręgach, województwach*, Poznań 1923; idem, *sejm i Senat 1928–1933: podręcznik dla wyborców zawierający wyniki wyborów w województwach, okręgach i powiatach, podobizny posłów i senatorów, statystyki i mapy poglądowe*, Poznań 1928.

⁹ Zieleniewski in the introduction to his publication referred to guides for members of the British Parliament and voters, published since the turn of 19th and 20th Century in England.

¹⁰ W. Komarnicki, *Ustrój państwowy Rzeczypospolitej Polskiej*, issue 2, Londyn 1943, pp. 243–246.

Pobóg-Malinowski. It still remains a basic and fundamental source for researchers focused on the evolution of the Polish political system. Of major importance from the perspective of the project, are findings on the electoral campaign for the Sejm of the fifth term, and the functioning of the Parliament till the outbreak of WWII as well as opinions and assessments related to the creation of the National Council¹¹.

Despite the censorship during the times of the Communist regime, some more publications on the above mentioned topics came into being, and there are still used by historians and other scientists as a reliable source of information. One of the most useful is the monograph on the Polish parliamentarism during the period of the Second Polish Republic prepared by Andrzej Ajnenkiel. This work, published at the end of 1970s, contains a separate chapter related to the last term of the Polish Sejm in the interwar period. This outstanding expert on the Polish parliamentarism described in detail the main areas of the political activity in the last term of the Sejm and paved the way for other researchers¹². The chapter, on the Sejm and the Senate of the fifth Term written by the same author be also found in his work dedicated to the history of the Polish Parliament¹³.

As indicated by Juliusz Bardach, apart from A. Ajnenkiel's synthetic works, which were temporary by their nature¹⁴, we cannot find any more publication on structural changes within the Polish Parliament during the interwar period in the Polish historiography. This gap was to be filled, in the formal-legal dimension, by Piotr Tusiński's monograph. It included a detailed analysis of the Sejm proceedings with the emphasis on delegated legislature and its impact on everyday parliamentary practice¹⁵.

However, it does not mean that the activity of the Sejm is not reflected in the modern literature. Modern historians focused on the worsening of international situation from the autumn 1938, and its influence on Poland. Through this very prism they tried to describe and assess two most important sittings of the Sejm of fifth term, i.e. session number 23 of 5 May 1939 with Józef Beck decisive response to German demands, and the very last meeting of the Sejm.

¹¹ In this article, author refers to the first edition of 1989. See: W. Pobóg-Malinowski, *Najnowsza historia polityczna Polski Okres 1914–1939*, vol. 2, part 2, Gdańsk 1990, pp. 852–854; idem, *Najnowsza historia polityczna Polski Okres 1939–1945*, vol. 1, Gdańsk 1989, pp. 95–97.

¹² A. Ajnenkiel, *Parlamentaryzm II Rzeczypospolitej*, Warszawa 1978, pp. 382–389.

¹³ A. Ajnenkiel, *Historia Sejmu polskiego*, vol. 2, part 2, *II Rzeczpospolita*, Warszawa 1989, pp. 211–217.

¹⁴ *Parlamentaryzm w Polsce we współczesnej historiografii*, ed. J. Bardach, Warszawa 1995, p. 6.

¹⁵ P.A. Tusiński, *Postępowanie ustawodawcze w Sejmie i Senacie II Rzeczypospolitej 1918–1939*, Radom 2008, pp. 288–290.

The lack of the political representation of the opposition owing to limitations placed on political parties by new electoral law it resulted in the fact that researchers focused on the ruling camp structures and organization of their work. One of the main reference points was the foundation of the Camp of National Unity (Pol. Obóz Zjednoczenia Narodowego, OZN) in February 1937. The first monograph on this political organisation was prepared in the USA by Edward Wynot. The author underlined the role of the Parliament as a consolidating element, not only for the society, but also for the internal structure of political groupings¹⁶. The process of the OZN's formation in Poland was described by Zbigniew Zaporowski. He indicated differences in cohesiveness of the ruling camp in fourth and fifth terms of the Parliament and supported the American researcher's statement that after 1938 election its representation in the Sejm had been an exemplification of consolidation efforts, which resulted in unified ideological stance and lack of internal controversies and polemics.

Z. Zaporowski emphasized insignificant influence that this parliamentary group exerted on the authorities' decisions. This resulted from a low position of the Parliament and its members in the political system embedded in the April constitution and military nature of the OZN¹⁷. Some other researchers have tried to tackle issues related to parliamentary representation of the ruling camp, such as, for instance, Arkadiusz Adamczyk – the author of the biography of Bogusław Miedziński, the last Marshal of the Senate¹⁸, Marek Sioma¹⁹ and Jacek Majchrowski who focused on the question of parliamentary activities of Józef Piłsudski's successors, and 'Sanacja's' political thought. Therefore, his reflections related to the OZN can be considered as complementary with regard to the overall parliamentary picture.

Mirosław Szumiło, Szymon Rudnicki and Przemysław Hauser adopted a different approach to research on parliamentary representations of ethnic minorities and presentation of its findings. In all three monographs, they dedicated separate chapters to description and evaluation

¹⁶ E.D. Wynot, *Polish politics in transition: the camp of national unity and the struggle for a power 1935–1939*, Athens 1974, pp. 213–243.

¹⁷ Z.K. Zaporowski, *Koło Parlamentarne Obozu Zjednoczenia Narodowego w Sejmie V kadencji (1938–1939)*, "Res Publica" 1998, 4, p. 112.

¹⁸ A. Adamczyk, *Bogusław Miedziński (1891–1972). Biografia polityczna*, Toruń 2001, pp. 272–278.

¹⁹ M. Sioma, *Spadkobiercy Piłsudskiego. Parlament i parlamentarzyści piłsudczykowski w latach 1935–1939*, in: *Józef Piłsudski a parlamentaryzm Polski*, ed. A. Adamczyk, Warszawa–Bełchatów 2009, pp. 135–158.

of elections to the Sejm of the fourth and fifth terms, and policies pursued by such national parliamentary groups.

Due to the specificity of electoral law in force at that time, ethnic minorities found themselves in the same situation as other main political forces, which were not able to submit their own electoral lists. Focusing on particular elections allowed the above mentioned authors to present the evolution of the attitude of the Ukrainians and Jews towards the ruling camp indicating its radicalization, which was particularly noticeable in the case of the first group in the Sejm of the fifth term. It was connected with the failure of so-called normalization governmental policy existing in the years 1937–1938²⁰. The Jewish ethnic minority's activity in the Parliament was addressed by S. Rudnicki in terms of legislation regarding national defence, which was significant from the perspective of approaching military conflict²¹.

As for M. Szumiło, the value of his work was linked with the comprehensive analysis of changes in Statutes of the Sejm and the Senate at the beginning of the fifth term, which aimed at limiting activities and reducing the importance of all political groups in the Parliament, except for the OZN²². The common feature of M. Szumiło's and S. Rudnicki's is linked with the form of presented presentation of their conclusions with cited appeals of the ethnic minorities' representatives during the historical Sejm session of 2 September 1939²³. However, the question of their reception by the Polish Government in exile and the decision to include representatives of both ethnicities to the National Council of the Second Polish Republic requires additional research.

P. Hauser, referring to the years of 1935–1939, pointed to German minority's efforts to get Sejm mandates, which did not meet with the Polish authorities' approval. It was even suggested that it would not be possible at all for some previous German deputies to regain their positions. The lack of permission for a wider German representation in the Polish Parliament was a direct result of the threat posed to Poland by the German National Socialist German Workers' Party (NSDAP) and collaboration of some deputies with this political organization. Consequently, the representatives of the German ethnic minority were only present in the

²⁰ M. Szumiło, *Ukraińska reprezentacja parlamentarna w Sejmie i Senacie RP (1928–1939)*, Warszawa 2007, pp. 223–227.

²¹ S. Rudnicki, *Żydzi w parlamencie II Rzeczypospolitej*, Warszawa 2015, pp. 478–479.

²² M. Szumiło, *op. cit.*, p. 230.

²³ *Ibidem*, p. 240; S. Rudnicki, *op. cit.*, pp. 487–488.

Senate and were nominated by the President²⁴. Another another important monograph related to the German representation in the Parliament of the Second Polish Republic was written by Janusz Fałowski²⁵.

There have also been a number of scientists, who dedicated their time and effort to explore the history of the Silesian Sejm, a local parliamentary body established in 1922. Its operations should also be included in the research conducted within the project, as it is indicated in the title of the article. Besides works of a dictionary nature, particular attention should be paid to findings of Józef Ciągwa, who focused on legislative functions and activities of this specific regional entity. In this context, he presented ways of shaping of relations between central and Silesian authorities, mainly in the areas of unification of the state law²⁶. We still do not have any studies dedicated to the analysis of the Silesian Sejm during its last term (1935–1939), with regard to changes of its legal provisions under the April Constitution, the new electoral law or the impact of complicated international political situation on the activity of representation on the local level.

What also matters is the fact that four deputies from Zaolzie were co-opted to the Silesian Sejm after necessary regulations had been issued by the Polish President²⁷. This specific event and initiatives taken by new members of the Silesian Sejm require further studies, primarily from the point of view of Polish-Czechoslovakian relations before the outbreak of WWII.

NATIONAL COUNCIL

The history and activities of the National Council of the Polish Republic have evoked interest of many scientists and numerous works and scientific articles have been published on the topic. The development of research on the history of Polish parliamentarism in exile dates back

²⁴ P. Hauser, *Przedstawiciele mniejszości niemieckiej w parlamencie II Rzeczypospolitej*, Warszawa 2015, pp. 352–365.

²⁵ J. Fałowski, *Parlamentarzyści mniejszości niemieckiej w Drugiej Rzeczypospolitej*, Częstochowa 2000.

²⁶ J. Ciągwa, *Funkcja ustawodawcza Sejmu Śląskiego w latach 1922–1939*, "Czasopismo Prawno-Historyczne" 2002, 54, 2, pp. 67–88.

²⁷ J. Ciągwa, *IV Sejm Śląski 1935–1939. Zagadnienia wybrane*, in: *Z historii ustroju i konstytucjonalizmu Polski. Księga Jubileuszowa dedykowana w osiemdziesiąt rocznic urodzin profesora Mariana Kallasa*, ed. D. Makiła, Warszawa 2018, pp. 160–164.

to 1980s and 1990s., when books of Eugeniusz Duraczyński and Romuald Turkowski were published.

As for the first author, we should mention his monograph on the Polish Government in exile during WWII, where issues connected with the organisation of National Council were outlined²⁸. The joint publication of the above-mentioned scientists also covers topics related to this new parliamentary element and its functioning during the time of the global conflict²⁹. Some findings from this work will be presented in the article later.

Among the most recent studies on Polish representative bodies in exile, we should mention a monograph edited by Zbigniew Girzyński and Paweł Ziętara, where Jarosław Rabiański discussed the role and activities of the National Council during the Second World War³⁰.

Despite extensive subject literature, there are no final conclusions on the question of authorities in exile and its attitude towards resolutions of the Sejm of 2 September 1939. As W. Pobóg-Malinowski claimed these acts constituted solid and formal political foundation for functioning of the Parliament in exile, not as a consultative body or 'travesty of parliamentarism'³¹, but a fully-fledged representation of the nation.

The legislator, on the basis of Article 79 Section 2 of the April Constitution, changed both statutes of parliamentary chambers by introducing a new chapter (number VI). It referred to functioning of representative bodies during the time of war in reduced format and numbers: the lower chamber – 41 deputies, Senate – 19 senators³². In addition, during the last session of the Parliament the electoral law was also changed to allow deputies and senators to join Armed Forces without losing their mandates³³.

Crucially, these particular documents have been omitted by most of the historians studying the activity of the National Council. Nor were they mentioned by E. Duraczyński and R. Turkowski in their publications about the Government in exile. They only stated that in 1938 'the whole

²⁸ E. Duraczyński, *Rząd polski na uchodźstwie 1939–1945: organizacja, personalia, polityka*, Warszawa 1993.

²⁹ E. Duraczyński, R. Turkowski, *O Polsce na uchodźstwie: Rada Narodowa Rzeczypospolitej Polskiej 1939–1945*, Warszawa 1997.

³⁰ J. Rabiański, *Rada Narodowa Rzeczypospolitej Polskiej podczas II wojny światowej. Wybrane aspekty funkcjonowania*, in: *Depozyt Niepodległości – Rada Narodowa Rzeczypospolitej Polskiej na uchodźstwie (1939–1991)*, eds. Z. Giżyński, P. Ziętara, Toruń 2018, pp. 19–35.

³¹ W. Pobóg-Malinowski, *Najnowsza historia polityczna Polski Okres 1939–1945*, vol. 1, p. 96.

³² Vide: *Sprawozdanie stenograficzne z 31 pos. Sejmu R. P. z dnia 2. IX. 1939, Sejm V kadencji (1938–1939)*, https://bs.sejm.gov.pl/F?func=direct&doc_number=000021997 [access: 22.03.2023]; *Print No. 146, Senat V kadencji (1938–1939)*, https://bs.sejm.gov.pl/F?func=direct&doc_number=000022849 [access: 22.03.2023].

³³ A. Ajnenkiel, *Historia*, p. 217.

power was in hands of one political group – Piłsudski's supporters' and 'wartime events dispersed Polish deputies, and the total military defeat led to the change of the ruling elite. It went to the opponents of 'Sanacja''³⁴.

In all fairness, it should be stated that in the second of the above mentioned books we can find Stanisław Stroński's essential judgment on the implications of the President Władysław Raczkiewicz's decision to dissolve the Parliament. In his opinion this act was to facilitate the organization of elections by the Soviet Union on the occupied territories of Eastern Poland³⁵.

The discussed publications, there is no deeper reflection on the impact of the formation of a new body on the position of the Polish State from the perspective of international law. W. Pobóg-Malinowski was very critical about the very existence of the Council – the institutions whose powers had not been rooted in legal grounds of the Polish Second Republic³⁶. This verdict was similar to and in many fields corresponded with the standpoint of S. Stroński who was his political opponent.

In the available opinions and judgments, we can find no conclusive information about the role of the Council in the political system functioning in exile. The debate if this body could be considered as a quasi-Parliament still continues, the more so, that before its first session, the President announced that parliamentary elections would be organized within 60 days 'after the cessation of the force majeure'³⁷. The sole researcher, who recalled, parliamentary resolution of September 1939 was A. Ajnenkiel in his synthesis of the Polish Sejm history³⁸.

SOURCES AND PERSPECTIVES FOR RESEARCH

The main problem that has to be faced by each researcher of the Polish parliamentarism during the interwar period is related to the losses suffered by Polish scientific institutions during WWII. In September 1939, the building of the Sejm was seriously damaged, including the part with the Sejm Library and its collections. Those entities which survived attacks on Warsaw were looted by the German 'Komando Paulsen'. This

³⁴ E. Duraczyński, R. Turkowski, *op. cit.*, p. 9.

³⁵ *Ibidem*, pp. 9–10.

³⁶ W. Pobóg-Malinowski, *Najnowsza historia polityczna Polski. Okres 1939–1945*, vol. 1, pp. 96–97.

³⁷ A. Ajnenkiel, *Historia*, p. 240.

³⁸ *Ibidem*, p. 217.

whole process was described in an article written by the head of the Sejm Library Wojciech Kulisiewicz³⁹.

Due to such heavy damage, the main source for research on the history of Sejm during the years of 1938–1939 is constituted by incomplete transcripts from the Sejm and the Senate sessions and prints which are accessible to the public in digital form on the Sejm Library website in the section "Parlamentaria polskie"⁴⁰. Likewise, the stenographic records of the Silesian Sejm's proceedings of the years 1938–1939 are available via webpage of the "Śląska Biblioteka Cyfrowa"⁴¹.

Some fragmentary archival materials concerning the Sejm of fifth term can be found in the Archives of Modern Records in Warsaw. The documents related to the activities of both parliamentary chambers are located in archival fonds of *Biuro Sejmu RP w Warszawie*⁴², *Prezydium Rady Ministrów w Warszawie*⁴³, *Ministerstwo Spraw Wewnętrznych w Warszawie*⁴⁴, and *Obóz Zjednoczenia Narodowego. Centrala w Warszawie*⁴⁵.

Apart from this, researchers are forced to rely on the press and scientific magazines published during the time covered by the project, which could be used to supplement archival materials.

The systematic review of dailies allows historians to come to breakthrough conclusions. Therefore, it is necessary to make a comparative analysis of pro-government and oppositions press. The first group should include "Gazeta Polska", "Polska Zbrojna", "Dziennik Poznański", "Kurier Wileński" and "Polonia" printed in Katowice, the other – "Kurier Poznański", "Głos Narodowy" from Vilnius, "Słowo", "Robotnik" and "Słowo Pomorskie". Also, some periodicals issued by ethnic minorities should be examined.

Scientific journals constitute the only source that is available for studies of legislative processes. We should mention here the survey on electoral reforms prepared by editors of the magazine "Ruch Prawniczy,

³⁹ W. Kulisiewicz, *Biblioteka Sejmowa 1919–2009*, http://biblioteka.sejm.gov.pl/wp-content/uploads/2015/02/BS_1919_2009.pdf [access: 15.07.2022].

⁴⁰ In the Library of the Polish Parliament there are no transcripts of sessions Nos. 16, 17, 19, 20, 27, 28, 30 and 31 of the 5th Term Sejm. Some elements are known from reprints in „Monitor Polski,” from the Polish press and from stories of participants. See: *Parlamentaria polskie 1919–2001*, https://bs.sejm.gov.pl/F?func=file&file_name=find-nowe&local_base=ars01 [access: 12.07.2022].

⁴¹ *Silesian Sejm transcripts (1922–1939)*, <https://sbc.org.pl/dlibra/publication/430?language=pl>, [access: 4.08.2022].

⁴² Archiwum Akt Nowych [hereinafter: AAN], Biuro Sejmu RP w Warszawie, ref. no. 130.

⁴³ AAN, Prezydium Rady Ministrów w Warszawie, ref. no. VI 3-2/4.

⁴⁴ AAN, Ministerstwo Spraw Wewnętrznych w Warszawie, ref. no. I/1049.

⁴⁵ AAN, Obóz Zjednoczenia Narodowego. Centrala w Warszawie, ref. no. 2.3/36.

Ekonomiczny i Socjologiczny". It clearly outlines main directions for the evolution of the Polish electoral law during the last years of the Second Polish Republic⁴⁶. We ought to remember that there are no materials left by the Sejm Committee on Changes to Electoral Law (1938–1939).

Another set of sources consists of memoirs, diaries and recollections of participants and active observers of political life of the discussed period, which are only accessible in their original versions in some Polish and foreign archives.

The most cited publications of this type were written by Stanisław Cat-Mackiewicz with his to-volume *History of Poland* in particular, who was a perspicacious participant of events both before and after September 1939⁴⁷. Of course, the work was not free from author's likes and dislikes towards the main actors of political and social life.

The condition of sources from the beginning of the functioning of Polish political institutions in exile is different. The minutes of the National Council and its committees' works have been preserved in almost perfect state. They have been analysed by Grzegorz Kulka⁴⁸.

At the turn of 1939 and 1940 there were no all-Polish newspapers and journals, which could be assessed as representative for the Polish society as a whole and its authorities apart from underground press. Among the magazines published in Poland, permission to continue its activity was obtained by the "Kurier Wileński", which, however, was clearly dependent on the Lithuanian authorities. The above remark does not apply to the underground press in the country.

Therefore, the research should include some foreign press. The preliminary analysis of English and French periodicals from the years 1939–1940 conducted by the author of this article, allows him to conclude that the formation of Polish National Council of the Polish Republic did not attract special attention of the publishers living in towns on the Seine and the Loire⁴⁹. Apart from short announcement in the press, the initial years of Council's operation, there were no analyses, which would help us to assess the attitude of Polish allies in Paris and London with regard

⁴⁶ *Ankieta na temat reformy ordynacji wyborczej do Sejmu i Senatu*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 1939, 1–2, pp. 1–45, 129–155.

⁴⁷ S. Mackiewicz-Cat, *Historia Polski od 11 listopada 1918 r. do 17 września 1939 r.*, Londyn 1985; idem, *Lata nadziei: (17 września 1939–5 lipca 1946)*, Warszawa 1986.

⁴⁸ G. Kulka, *Komisje prawno-ustrojowe Rady Narodowej RP na emigracji w latach 1939–1991*, Warszawa 2009.

⁴⁹ Author of this article presented the paper on this topic during the conference: "Depozyt Niepodległości – Rada Narodowa RP (1939–1991)". See: M. Hubner, *Sprawozdanie z konferencji naukowej "Depozyt Niepodległości – Rada Narodowa RP (1939–1991)"*, Warszawa, 8 December 2016, "Dzieje Najnowsze" 2017, 49, 1, p. 313.

to this new Polish representative body. Hopefully, new research and findings will provide a more profound insight into the matter.

With such a status of available source materials about the history of the Polish parliamentarism at the end of the Second Polish Republic and results of studies to date, the following conclusions can be drawn.

Firstly, in the case of the Sejm of fifth term, it is hardly possible to extend the source base, owing to heavy losses in archival materials and documents during WWII. Because of the current insecure international situation, any efforts to do research in the Russian State Military Archive in Moscow, where so-called Belvedere Archive (Pol. Archiwum Belwederskie) is located, seem to be doomed to failure. However, it can be partly compensated by research in Polish archives which could help us to capture the mood of the Polish society during the electoral campaign for the Sejm and the Senate in October and November 1938.

That is why some additional research activities should be launched to explore sources of intermediary nature as the press and memoirs. The author of this article, who specializes in the press of the interwar period, proposes a thorough analysis of the main domestic periodicals included in the bibliography which concern the activity of the Sejm of the fifth term, particularly in the context of the upcoming armed conflict, with special attention to ethnic minority issues.

Secondly possibility for basic research on the genesis and the establishment of the National Council of the Polish Republic, generated both by domestic institutions and structures operating abroad, looks completely different. The state of the sources allows historians to pursue studies in many Polish and foreign scientific institutions, mainly in Western Europe and the United States. In the first place, research should be conducted in the Polish Underground Movement (1939–1945) Study Trust (PUMST) in London – (Pol. Studium Polski Podziemnej w Londynie), in the archive of Polish Institute and Sikorski Museum in London, especially to the fond *Rada Narodowa* and in library of the Polish Social and Cultural Association located in London. As for British archive materials, we should focus on search within the fond of *Foreign Office*, stored in the National Archives in London. Similar examination should be performed in the archive of the Piłsudski Institute of America with documents of the Polish Government in exile, the archive of the President of the Republic of Poland in exile, or documents left by Juliusz Łukasiewicz, the former Polish ambassador in Paris.

Last but not least, the problem that should be explained in more detail refers to the nature of the already mentioned resolutions of the Sejm and the Senate from September 1939. In this context, it is necessary to outline determinants and goals that the creators of the April Constitution wanted

to achieve by introducing the Chapter XII, *State of Emergency* (Pol. *Stan zagrożenia Państwa*) to this basic act.

However, due to the fact that as for today the transcript from the Sejm session prepared by Tadeusz Zgliński in 1958 and a report published in the "Monitor Polski" are the main sources that historians rely on in order to describe these events, it is necessary to launch activities aimed at finding written recollections of the participants of the last sessions of the Parliament. Also, there should be an attempt to verify if changing statutes of both parliamentary chambers were a point of reference for the subsequent decisions taken by the organs of the Polish State in exile at the end of 1939.

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