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## Władysław Tarnawski and the Critical Reactions of the National Democratic Party in Lviv to the Changes of the March Constitution (1926–1935)

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The article considers the problem of reaction of the greatest Polish opposition party to the post-1926 “Sanation”, namely, the right-wing National Democrat attitudes to the ideas of changes of the Polish Constitution of 1921. The author focuses on the King John Casimir University in Lviv milieu (mostly professors, but also graduates and those allied with these circles – lawyers and journalists). Among many advocates protesting against ruling party’s reforms of the Polish law was Władysław Tarnawski – the professor of English Philology at the University and one of the leaders of Lviv’s right wing. An analysis of the discourse on Polish law carried out by opposition parties against the post-May government allows to grasp the richness of Polish parliamentary life in the authoritarian period. Despite the numerous studies in Polish historiography dealing with the milieu of the National Democrats between 1918 and 1939, the Lviv branch of this party has been understudied.

**Keywords:** Polish Constitution of 17 March 1921, Lviv right-wing, Władysław Tarnawski, National Democrats, Józef Piłsudski, the Sanation movement.

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### Introduction

The March Constitution of 1921 has already engendered plenty of relevant literature on the subject, and Polish law historians have devoted a lot of attention to it, which comes as no surprise. The first fundamental statute after Poland had

regained independence in 1918 alluded to the famous May Constitution of 1791, and, furthermore, constituted a crowning achievement of legislative work in a difficult formative period of the Polish state. Although it soon came in for a lot of criticism, and after the May Coup, when Józef Piłsudski's supporters seized power in 1926, it was clear it required changes, its principles still remain a permanent element of the Polish political system.<sup>1</sup>

The current article explores the reactions of the Lviv right-wing circles to the changes in the constitution made by the government after 1926. This topic has so far been omitted by researchers, which seems quite puzzling, as the history of the National Democratic Party in Poland has been pretty well researched; yet any examples of the activity of politicians, theoreticians, leaders and ordinary members alike have usually been cited based on analyses of the press of Kraków, Poznań, Warsaw and Vilnius. Because of the limited access to Polish-language newspapers in Lviv (which still remain largely non-digitalized, available mainly at libraries and archives of Lviv, and for decades hardly ever used in research), the voice of one of the major centres of opposition against the Sanation rule has been completely marginalized to date.<sup>2</sup> However, as Adam Redzik has proved in his works on the lawyers from King John Casimir University in Lviv, most of them had been supporters of the National Democratic Party, and such figures as Stanisław Głabiński, Edward Dubanowicz and Stanisław Grabski were among the elite of Polish lawyers

<sup>1</sup> See, e.g.: *Starzyński, S.* Konstytucja Rzeczypospolitej Polskiej z dnia 17. Marca 1921 r. [Constitution of the Republic of Poland of 17 March 1921]. *Przegląd Prawa i Administracji*, Vol. 46, 1921, pp. 94–115; *Jaworski, W. L.* Uwagi prawnicze o projekcie Konstytucji [Legal notes on the draft Constitution]. Kraków: Krakowska Spółka Wydawnicza, 1921; *Abraham, W.* et al. (eds). *Nasza konstytucja*. [Our constitution. Lecture series]. Cykl odczytów urządzonych staraniem Dyrekcji Szkoły Nauk Politycznych w Krakowie od 12 do 25 maja 1921 r. Kraków: nakładem autorów, 1921; *Peratiatkowicz, A.* Konstytucja Rzeczypospolitej Polskiej [Constitution of the Republic of Poland]. Poznań: Fiszer i Majewski: 1921; *Komarnicki, W.* Polskie prawo polityczne (Geneza i system) [Polish political law (Genesis and system)]. Warszawa: Księgarnia F. Hoesicka 1922; *Starzyński, S.* Konstytucja Państwa Polskiego [Constitution of the Polish State]. Lwów: Towarzystwo Naukowe we Lwowie, 1921; *Malec, D.* Zagadnienia administracji w Konstytucji marcowej [Issues of administration in the March Constitution]. *Uwagi z okazji 90. rocznicy uchwalenia Konstytucji z 17 marca 1921 r.* *Przegląd Sejmowy*, Vol. 19, issue 1, 2011, pp. 11–26; *Pietrzak, M.* Konstytucja z 17 marca 1921 r. z perspektywy 80 lat [The Constitution of 17 March 1921 viewed from the perspective of 80 years onward]. *Przegląd Sejmowy*. Vol. 9, issue 2, 2001, pp. 9–20; *Sarnecki, P.* Konstytucja marcowa a rozwój konstytucjonalizmu polskiego [The March Constitution and the development of Polish constitutionalism]. *Przegląd Sejmowy*. Vol. 9, issue 2, 2001, pp. 21–39; *Kraczkowski, R.* Prawa obywatelskie w Konstytucji marcowej [Citizens' rights in the March Constitution]. *Studia Iuridica*, issue 24, 1992, pp. 49–60; *Kulesza, W. T.* Konstytucja z 17 marca 1921 r. na tle ówczesnych konstytucji europejskich (1919–1922) [The Constitution of 17 March 1921 against the background of the European constitutions at the time (1919–1922)]. *Zagadnienia Sądownictwa Konstytucyjnego*, issue 1, 2013, pp. 19–32; *Malec, D.* Koncepcja administracji oraz jej kontroli w Konstytucji marcowej z 1921 r. [The concept of administration and its control in the March Constitution of 1921]. *Zagadnienia Sądownictwa Konstytucyjnego*, issue 1, 2013, pp. 7–17; *Brzozowski, W.* Problematyka wyznaniowa w Konstytucji marcowej [Religious issues in the March Constitution]. *Zagadnienia Sądownictwa Konstytucyjnego*, issue 1, 2013, pp. 51–63; *Czernicki, P.* et al. (eds). *Konstytucje polskie dwudziestolecia międzywojennego: doświadczenia, inspiracje, instytucje* [Polish constitutions of the interwar period: experiences, inspirations, institutions]. Warszawa: Uczelnia Techniczno-Handlowa im. Heleny Chodkowskiej w Warszawie, 2014.

<sup>2</sup> Cf. *Dawidowicz, A.* et al. (ed.). *Prasa Narodowej Demokracji 1886–1939* [Press of National Democrats 1886–1939]. Lublin: Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, 2010; *Maguš, J.* „Słowo Polskie” w latach 1918–1928. Organ prasowy Narodowej Demokracji, Lublin: Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, 2019.

in the Second Polish Republic, whose clear political views were widely known.<sup>3</sup> The current paper, however, does not concentrate on lawyers, but above all – on a professor of English Philology at Lviv University, Władysław Tarnawski, and his attitude to the changes in the Polish constitution. This stems from the fact that in the period under discussion, when, following reorganization in Polish politics, the National Party was established in 1928, Tarnawski became the head of the Lviv branch (and vice-president between 1932 and 1935). What is more, he was one of the editors of the “Lwowski Kurier Poranny” (later: “Kurier Poranny”), and in 1934 he even temporarily headed the daily newspaper of the Lviv right wing as editor-in-chief, thus having influence on the choice of collaborators and the content. Despite his specialization (history of English literature, particularly Shakespeare), Tarnawski wrote a lot of articles on current political issues, among which the matters of the Constitution played a significant role. The achievements of the English studies specialist and politician from Lviv in that respect, which had actually cost him losing the university chair in 1933 due to the decision of the Sanation movement authorities, have remained completely unknown and are definitely worth remembering.<sup>4</sup> Tarnawski is a perfect example of the fact that between the wars it was not only lawyers, economists, sociologists and historians but also the representatives of various fields of learning that were involved in political activity. Sometimes it is hard to separate their interpretation of some phenomena and their political beliefs. Tarnawski as a philologist is one of many representatives of the humanities actively creating Polish politics of the interwar period and voicing his opinions on matters far beyond the field of his specialisation.<sup>5</sup>

## 1. The circumstances of enacting the Constitution and its downfall

The May coup d'état of 1926 and the seizure of power by a new political group connected with Marshal Józef Piłsudski started a new process in Poland – undermining and finally changing the March 1921 Constitution. A compromise achieved only five years earlier became inconvenient for the ruling party, leading Poland from democracy into authoritarianism. Surprisingly, even the opposition realized that the apparently ideal solution in a new political reality had become far

<sup>3</sup> Redzik, A. (ed.). *Academia Militans. Uniwersytet Jana Kazimierza we Lwowie*, Kraków: Wydawnictwo Wysoki Zamek, 2015; Bukowska-Marczak, E. *Przyjaciele, koledzy, wrogowie? Relacje pomiędzy polskimi, żydowskimi i ukraińskimi studentami Uniwersytetu Jana Kazimierza we Lwowie w okresie międzywojennym (1918–1939)* [Friends, colleagues, enemies? Relations between Polish, Jewish and Ukrainian students of the Jan Kazimierz University in Lviv in the interwar period (1918–1939)]. Warszawa: Wydawnictwo Neriton, 2019.

<sup>4</sup> *Gibińska-Marzec, M. Tarnawski Władysław. Polski słownik biograficzny*, Vol. 52/53, issue 214, 2019, pp. 357–359.

<sup>5</sup> See Górny, M. *Kreślarze ojczyzn [Draughtsmen of homelands]. Geografowie i granice międzywojennej Europy*, Warszawa: Wydawnictwo Neriton 2017; Pudłocki, T. *English and German studies at the Jagiellonian University between the two World Wars: The ideal of a scholar and challenges of reality. Prace Historyczne. Zeszyty Naukowe Uniwersytetu Jagiellońskiego*, Vol. 145, issue 2, 2018, *Stimia, M., Pudłocki, T.* (eds). *W kręgu historii nauki i oświaty [In the history of science and education]. Uniwersyteckie środowiska filologów krakowskich i lwowskich 1850–1939*, Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2018. *Pudłocki, T. Serving Science versus Serving the Country: University Professors of Western Neophilologies in Poland, 1918–1923*. In: *Pudłocki, T.* et al. (eds). *Postwar Continuity and New Challenges in Central Europe, 1918–1923. The War That Never Ended*, New York – London: Routledge, 2022, pp. 398–420.

from satisfactory.<sup>6</sup> Władysław Tarnawski, university professor of English Literature in Lviv and the head of the local National Democrats wrote in the popular right-wing daily “Lwowski Kurier Poranny/Lviv Morning Courier”, complaining about the multi-party system:

Unfair legal relations are the outcome of a large number of parties. It is the amount that had to be created in Poland by the five-point electoral law. Therefore, the same rights are given to the celebrity of Polish literature, Aleksander Świętochowski and Ivan the Stupid, a twenty-year-old illiterate from a distant Belarusian village. What is more, Ivan’s “precious voice” is protected by the same law of proportionality.<sup>7</sup>

Tarnawski underlines that the French system, artificially introduced in Poland, saw his fellow countrymen totally unprepared to co-rule in such a nationally complicated country as Poland of 1918–1939. While the Western powers had grown up to democracy over the centuries, the situation in Central and Eastern Europe was different. The statehood’s existence was halted decades earlier and resumed only at the end of the Great War. Therefore, not only the national minorities, but some, especially leftist, Poles were longing for the strong power of a charismatic leader. It was the outcome of having been brought up in huge empires such as Russia, Austria-Hungary and Germany, where the rulers had controlled so many aspects of life that the people in new complicated post-1918 realities were not mentally ready for democratic standards. Tarnawski sees the only solution in a two-party system like in Great Britain, because neither the authoritarianism nor the multi-party system was a proper choice for him.

Inevitably, the ideas and visions concerning the future shape of Poland were multiplying as the chances for its rebirth increased, especially in October and early November of 1918. It was clear to everyone – apart from the Revolutionary Left – that the system of independent Poland should be adopted by the *Sejm*, a body with democratic legitimacy and a mandate bestowed by all citizens. The announcement that a democratic electoral law would be drawn up without delay and that the *Sejm* would be convened on its basis was part of the proclamation of the Regency Council of 7 October 1918. In the meantime, in many parts of the Polish lands competitive centres of power on Polish soil emerged. This chaos was naturally cut short when Józef Piłsudski arrived in Warsaw from Magdeburg on 10 November 1918. Immediately after that, all the centres including the Regency Council were subordinated to him. Even if the territorial shape of the country was still an object of dispute for many months to come, on 22 November 1918 Piłsudski issued a Decree on the Highest Representative Power of the Republic of Poland. Piłsudski took the lead as the Provisional Chief of State, who approved legislative projects previously drawn up and adopted by the Council of Ministers. What is more, a few days later the Decree on the Legislative *Sejm* Election Law was issued and scheduled for 21 January 1919.

Despite the fact that the emerging Polish state did not yet have borders but rather fronts on which battles were being waged, the newly independent Republic of Poland had its democratically elected Legislative *Sejm*. It was just a few days after the international recognition of Poland by the USA as well as Greece, and inviting the Polish delegation to join the Paris Peace Conference. The government headed

<sup>6</sup> Literature on the Polish Second Republic is extensive. Among many publications, the particularly recommended articles are included in special issue of: *Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace Historyczne*, Vol. 147, issue 4, 2020, *Oblicza Polski niepodległej 1918–1939*.

<sup>7</sup> W. T. Parte i partyjniactwo [Party and partisanship]. *Lwowski Kurier Poranny*, Vol. 2, issue 276, 1929, p. 1.

by Ignacy Jan Paderewski, and, hence, the Polish state, was recognized by the major Allied Powers *de iure* in the so-called “Little” Treaty of Versailles of June 1919.<sup>8</sup>

The election brought success to the National Democrats and its supporting powers, while weakening the Left in favour of the Centre. Still, the parliamentary situation was very complicated. Nevertheless, there was a certain leaning towards the Centre-Right in the presence of weak Conservatives and national minorities.<sup>9</sup>

It was clear to everyone that drafting a constitution was not an easy task, that it took a lot of time, and that its provisions could not be adopted hurriedly. Although the first drafts of the constitution already existed, the military, economic, social and international circumstances did not encourage a calm reflection on the future Polish political system. The solution was found in the resolution of 20 February 1919. The so-called “small constitution” reinstating Józef Piłsudski in the post of Chief of State – defined in a very concise (but not entirely precise) manner the basic competences of the leading state authorities. Even if Piłsudski described this act as a “Short Lady”, in practice, however, it turned out that he retained a far-reaching independence in the implementation of Eastern policy and effectively influenced certain decisions in the *Sejm* with the help of friendly parliamentarians.<sup>10</sup>

The adoption of the “small constitution” gave Polish politicians some time for reflection and an opportunity to choose between ideas concerning Poland’s future political system proposed by various parties. The discussions lasted much longer than expected. Finally, the agreement was found by an extremely delicate position of the state in March 1921. The upcoming plebiscite in Upper Silesia, which was to be held on 20 March 1921, was to determine the affiliation of that region either to Germany or to Poland. One of the arguments in the campaign conducted in favour of the region remaining in Germany was the accusation that Poland was a “seasonal” country. The adoption of the constitution, just as the conclusion of negotiations with the Bolsheviks and the signing of a peace treaty in Riga on 18 March 1921, undoubtedly undermined this accusation. In this atmosphere, all parliamentary factions compromised and the constitution was quickly signed.<sup>11</sup>

The constitution adopted in 17 March 1921, consisted of 126 articles grouped into seven sections: I. The Republic (Articles 1–2); II. Legislative power (Articles 3–38); III Executive power (Articles 39–73); IV Judiciary (Articles 74–86); V. General duties and rights of citizens (Articles 87–124); VI. General provisions (Article 125); and VII. Transitory provisions (Article 126). The preamble contains references to the Polish-Lithuanian Commonwealth, which points to the continuity of Polish statehood interrupted by a century and a half of servitude. What is more, there is a direct reference to “the glorious tradition of the memorable Constitution of the Third of May, 1791.”<sup>12</sup>

<sup>8</sup> See more in: *Godek, S.* O odrodzeniu Rzeczypospolitej [On the rebirth of the Republic]. Warszawa: Wydawnictwo Sejmowe, 2018.

<sup>9</sup> *Mierzwa, J.* Konstytucja marcową 1921 roku [Constitution of March 1921]. Warszawa: Wydawnictwo Sejmowe, 2021, pp. 30–32.

<sup>10</sup> See more in: *Projekty konstytucyjne Rzeczypospolitej Polskiej* [Constitutional projects of the Republic of Poland]. Warszawa: Kancelaria Cywilna Naczelnika Państwa, 1920; *Mierzwa, J.*, op. cit., pp. 45–50.

<sup>11</sup> See more in: *Krukowski, S.* Geneza konstytucji z 17 marca 1921 r. [Genesis of the Constitution of 17 March 1921]. Warszawa: Ludowa Spółdzielnia Wydawnicza, 1977; *Tusiński, P. A.* Sejm Ustawodawczy Rzeczypospolitej Polskiej 1919–1922 [Legislative *Sejm* of the Republic of Poland 1919–1922]. Warszawa: Wydawnictwo Sejmowe, 2019; *Mierzwa, J.*, op. cit., pp. 109–114.

<sup>12</sup> *Mierzwa, J.*, op. cit., p. 125.

The March Constitution introduced the principle of sovereignty of the nation. The nation exercised its sovereignty indirectly – through elected bodies of the lower and upper chambers of the Parliament. Lastly, in accordance with Montesquieu's principle of the separation of powers into three branches, the *Sejm* and the Senate were to serve as the legislative branch, the President and Council of Ministers – as the executive branch, and independent courts – as the judiciary branch. The division was understood by the authors of the constitution as the organizational separation of competences, which did not exclude, e.g., granting certain legislative prerogatives to the executive and executive powers to the legislature. The highest authority was the parliament. Moreover, the Nationalist Right put a great deal of effort into maximally curtailing the powers of the head of state.

The Constitution, based on the Constitution of the Third French Republic, was regarded as very democratic. *Inter alia*, it expressly ruled out discrimination on racial or religious grounds, even if the position of the Catholic Church was extremely eminent. It also abolished all the royal titles and state privileges, and banned the use of blazons. In the course of the work on the constitution, there was no disagreement at all regarding the granting of voting rights to women.

The March Constitution introduced the principle of sovereignty of the nation. With time, opinions about the March Constitution were becoming increasingly critical – mainly on the account of experiences associated with its application. As a result of very weak presidential prerogatives, Marshal Piłsudski did not participate in the election of 1922. The victory of Gabriel Narutowicz over the nationalist candidate caused the explosion of right-wing frustration and aggression on the streets, and finally the assassination of the President by an artist who was mentally unbalanced, but nonetheless associated with the nationalists. An efficient functioning of the system depended on the formation of a stable government majority in the *Sejm*. It proved to be hard to achieve before 1926<sup>13</sup>.

Given the flaws of the constitution, the parliamentary debate was rife with constitutional amendment proposals. The Centre-Right demanded that some of the powers of the *Sejm* be transferred to the Senate and that the President be equipped with the right of veto and the power to dissolve parliament. The need to amend the constitution, strengthen the executive branch and weaken the legislative one was among the demands advanced by Marshal Piłsudski, who had been sidelined in political life. They were part of a broader programme of moral renewal and a battle against party politics and “Sejmocracy”.

Several weeks after the May 1926 coup d'état led by Józef Piłsudski, the *Sejm* adopted a draft amendment to the constitution. Under it, the prerogatives of the President were strengthened, and some of the *Sejm*'s ones – weakened. From the formal point of view, the March Constitution remained in force until the adoption of the April Constitution in 1935. In reality, since 1926, Poles had to deal with what was described by political system historians as a para-constitutional system. The actual management of the state affairs was in the hands of Józef Piłsudski, who only periodically held the post of Prime Minister. Therefore, the name of the whole political movement, the Sanation – which was meant to designate restoration to health – became a symbol of undemocratic tendencies after 1926.

<sup>13</sup> For the political situation in Poland until the May Coup, see more in: *Ajmankiel, A. Od rządów ludowych do przewrotu majowego. Zarys dziejów politycznych Polski 1918–1926* [From People's Rule to the May Coup. An outline of the political history of Poland 1918–1926]. Warszawa: Wydawnictwo Wiedza Powszechna, 1977.

## 2. Lviv lawyers and economists and the changes of the constitution 1926–1934

Following 1926, the Polish Right formed the major opposition against the rule of the supporters of Józef Piłsudski. Like in many other regions of Poland, in Lviv reigned open criticism of various ideas of the ruling party, including the draft of changes in the constitution. Obviously, the first to express their negative opinion were local lawyers and economists, emphasizing that the government, in the first place, did its best to keep the power, instead of striving to improve the quality of Polish legislation.

Władysław Świrski, editor-in-chief of the “Lwowski Kurier Poranny” and a renowned economist, repeatedly pointed out the Sanation government’s designs on changing the constitution. He believed, however, that the ruling camp – disgraced due to many scandals – did not have a moral mandate to create a draft of the fundamental statute, i.e., in fact a new political system.<sup>14</sup> In his article *Why the raptures over parliamentary responsibility*, Świrski pointed out that although on the grounds of the current constitution the *Sejm* had a full right to bring the government to parliamentary justice, i.e., express vote of no confidence towards it, it did not exercise that right. The question of changing the government was fully entrusted with the president, although by 1930 the opposition had had an opportunity to force such a law through. Świrski emphasized that it was not possible to agree with that interpretation and renounce the prerogatives of the legislative. The scandal connected with the minister of finance Gabriel Czechowicz, who had drastically broken into the budget and got away with it as a result of political pressure, made ministers lean towards evading constitutional responsibility.<sup>15</sup>

Świrski alluded to one of the major scandals in the history of the Second Polish Republic. On the grounds of the March Constitution, unplanned government expenses required the *Sejm* to pass laws on extending extra loans. In practice, the government would apply for such loans after the fact, due to the impossibility to instantaneously summon the *Sejm* in order to make suitable resolutions. After the coup d’état, the political power gathered in the hands of Piłsudski put him above the law, an example of which was the aforementioned Czechowicz scandal.

On 20 February 1929, a motion was put forward, signed by the members of the parliamentary grouping “Wyzwolenie” of the Polish Socialist Party and the Peasant Party to arraign the minister of treasury Czechowicz on the charges of breaking the law on treasury of 22 March 1927 and exceeding the loan by 500 million zlotys to reach goals not provided for by the budget and not covered by the loan, as well as taking out loans not covered by the budget without having applied for their approval in the *Sejm*. It was an open secret that Prime Minister Józef Piłsudski had demanded financial means for the ruling party’s election campaign in 1928. Although the minister was put before the State Tribunal, which – fearing Piłsudski – re-sent the matter to the *Sejm* (which was not able to voice an opinion in that matter, though, on account of the Sanation government policy of provoking artificial government crises and adjourning the sessions of the *Sejm* by the president). The nationalists did not condone that kind of interpretation and shifting responsibility; they harboured no illusions and knew that the political decisions were strongly bending the legislation

<sup>14</sup> Świrski, [W]. Legitymacja [Legitimacy]. Lwowski Kurier Poranny, Vol. 2, issue 561, 1929, p. 1.

<sup>15</sup> Świrski, [W]. Skąd te zachwyty dla odpowiedzialności parlamentarnej [Where does this admiration for parliamentary accountability come from]. Lwowski Kurier Poranny, Vol. 2, issue 379, 1929, p. 1.

in Poland.<sup>16</sup> Eventually, following the 1930 elections, the *Sejm* in its new composition, subordinated to the Sanation, adopted the budget overruns, thus putting an end to the whole affair.<sup>17</sup> Throughout, the right-wing press constantly cited the constitution, showing to what extent the government was exceeding its authority; so did the Lviv journalists.

Świrski called for a reform of the electoral law, believing it to be faulty, and in the case of electing senators, even harmful for Polish state of possessions. He emphasized that the Right did not seek changing the principle of the universality of parliamentary elections but aimed to introduce the principle of representativeness in the upper house of the Polish parliament – so that the organ controlling the work of the lower house could actually represent the interests of Poland, instead of those social groups that violated Polish *raison d'état*.<sup>18</sup>

The work on enacting a new constitution took longer than expected. The debates in late autumn and winter of 1933 were particularly heated, the more so as it had turned out that even within the ruling party there was a serious split, which made it difficult to force the legislation through.<sup>19</sup> It was said jokingly in August 1934 that the Sanation was taking its time to prepare the constitution, as the decisive factor had decided to linger. That was the hidden criticism of the fact that nothing could happen in Poland without Marshal Piłsudski's decision.<sup>20</sup> A lot of sources wrote that actually the new constitution would be dictated by the Marshal, despite the censorship which did not spare the opposition.<sup>21</sup> The draft submitted for discussion was called by Świrski "a failed compilation", which did not arouse much interest in society. He stressed that people were tired of new ideas, all of which had a few elements in common: they were ever-changing, surprising with their solutions which had little to do with lawfulness, and showing that the Sanation did all it could to stay in power.<sup>22</sup>

After the opening of Parliament in the autumn of 1934, a heated debate ensued over the draft of the constitution. Nationalist press all over Poland tore the ruling party's idea to pieces and so did "Kurier Lwowski" which, informing the readers of the proceedings, scrupulously pointed out any gaps in the draft and warned about the hazard of enacting the Sanation bill.<sup>23</sup>

When it turned out that the *Sejm* passed the draft of the new constitution and the document was sent to the Senate, the latter attempted to stop changing the law. A determined criticism came on 16 January 1935 from Stanisław Głąbiński, a former professor of law at Lviv University, a long-term MP both under Austrian

<sup>16</sup> *Pieracki, J.* Po decyzji Trybunału Stanu [Pursuant to the decision of the State Tribunal]. *Lwowski Kurier Poranny*, Vol. 2, issue 380, 1929, pp. 1–2; *Świrski, [W].* Wobec obiegających pogłosek [With the rumors circulating]. *Lwowski Kurier Poranny*, Vol. 2, issue 382, 1929, p. 1.

<sup>17</sup> For more, see: *Landau, Z., Skrzyszewska, B.* Sprawa Gabriela Czechowicza przed Trybunałem Stanu – wybór dokumentów [The case of Gabriel Czechowicz before the State Tribunal – selected documents]. Warszawa: Wydawnictwo, PWN, 1961.

<sup>18</sup> *Świrski, [W].* Absolutyzm czy reforma parlamentu [Absolutism or parliamentary reform]. *Lwowski Kurier Poranny*, Vol. 2, issue 395, 1929, p. 1.

<sup>19</sup> See, e.g.: *Kurier Lwowski*, Vol. 6, issue 304, 1933, p. 1; issue 313, p. 1; issue 323, p. 1; issue 340, p. 1; issue 342, p. 1; issue 348, p. 1; issue 350, p. 1; issue 356, p. 2; Vol. 7, issue 10, 1934, p. 1; issue 11, p. 1.

<sup>20</sup> *Cisza w gmachu sejmowym* [Silence in the parliament building]. *Kurier Lwowski* Vol. 7, issue 219, 1934, p. 1.

<sup>21</sup> *Min[ister] Piłsudski* podyktuje swoje „tezy” po ukończeniu debaty konstytucyjnej w komisji sejmowej [Minister Piłsudski will dictate his “theses” after the conclusion of the constitutional debate in the parliamentary committee]. *Kurier Lwowski*, Vol. 6, issue 362, 1933, p. 1.

<sup>22</sup> *Świrski, [W].* Nieudała kompilacja [Compilation failed]. *Kurier Lwowski* Vol. 6, issue 354, 1933, p. 2.

<sup>23</sup> See e.g.: *Kurier Lwowski*, Vol. 7, issue 345, 1934, p. 1, 3; issue 352, p. 1; issue 353, p. 1.



rule and during the Second Polish Republic, as well as an unquestioned leader of Lviv nationalists, enjoying authority all over Poland. He stressed that nationalists were aware of the faults of the March Constitution and by no means advocated it should be kept. Nevertheless, the Sanation's proposition completely ignored the role of Polish people in Poland's regaining independence (which had been clearly stated in the previous constitution). Głąbiński had no doubt that, as it was, the new law violated judicial independence and put the president (now responsible only to God and history) above the law. He was backed up, among others, by Warsaw senator Joachim Bartoszewicz, who indicated that despite declaring the mediatory nature of the post of president, the new draft was introducing a system of "irresponsible dictatorship". Those comments did not help much and the Senate – also dominated by the ruling camp supporters – voted the bill through with minor amendments, sending it back to the *Sejm*.<sup>24</sup> In the last weeks before passing the new constitution, nationalist press warned that the so-called "constitution" (the word denoting the ruling camp's draft was often put in quotation marks) would not – despite declarations – appease ethnic discords in Poland but, as a result of introducing new electoral law, could even exacerbate them. Paradoxically, some arguments put forward by nationalists were provided by Jews, whom they fought; Jewish people also saw in the new draft a hazard of undermining their citizens' rights.<sup>25</sup>

### 3. Władysław Tarnawski and the question of the change of the constitution

Among the many opinions on the issue of violation of the March Constitution, an interesting one is that of Professor Władysław Tarnawski. Careful reading of the diaries of the Lviv rightists reveals that in terms of writing about the Polish legal system, Tarnawski could well compare with lawyers like Dr. Jan Pieracki, Prof. Stanisław Głąbiński, Prof. Stanisław Grabski and economist Władysław Świrski. That might have stemmed from the fact that his father, Dr. Leonard Tarnawski, had long been president of the Law Society in Przemyśl (not far from Lviv) and he himself, although not a qualified lawyer, grew up under the wings of his father, one of the most eminent Polish lawyers at the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries.

According to Tarnawski, party fragmentation – typical of the Polish constitutional system – leads to people's confusion as to who to vote for; a multitude of political parties only fuels ambitions of individuals who often lack clear views or a predisposition to governing. Even though he did not support the political system based on the provisions of the March Constitution, he spoke against introducing dictatorship. "I don't think a remedy for frostbite is jumping into boiling water".<sup>26</sup> He thought that longing for dictatorship was a sign of quietism: getting rid of one's responsibility for the state and the nation just to live in peace and quiet, and focus

<sup>24</sup> Tylko głosami BB uchwalił Sejm konstytucję [The *Sejm* passed the constitution only with the votes of the BB]. Kurier Lwowski, Vol. 8, 1935, issue 17, p. 1; Elaborat konstytucyjny Senatu [Constitutional essay of the Senate]. Kurier Lwowski, Vol. 8, issue 18, 1935, p. 3; W jaki sposób BB przeprowadzi konstytucję przez Sejm? [How will BB get the Constitution through the *Sejm*?]. Kurier Lwowski, Vol. 8, issue 20, 1935, p. 1.

<sup>25</sup> Przed uchwaleniem nowej „konstytucji” [Before the adoption of the new “constitution”]. Kurier Lwowski, Vol. 8, issue 67, 1935, p. 3.

<sup>26</sup> T[arnawski], W. Dyktatura [Dictatorship]. Lwowski Kurier Poranny, Vol. 2, issue 278, 1929, p. 4.

on collecting material goods and living it up<sup>27</sup>. The only reason why the ruling camp (“which had just taken a mask off its face and was demanding the right to manage public finances without control, demanding to have a free hand in managing all important issues”) had not introduced totalitarianism yet, was diplomatic issues.<sup>28</sup> Tarnawski reminded his readers that a change in the constitution (according to Art. 125 of the March Constitution) required two-thirds of the votes, both in the *Sejm* and the Senate. Hence, all appeals for “flexibility”, like in the case of Kraków conservatives in the “Czas” daily, were believed by him to be nonsensical and violating the existing law.<sup>29</sup> Moreover, the scholar emphasized that since the May Coup and introduction of the August Amendment in 1926, the government had taken its time changing the constitution, which proved that it did not feel too secure. There was a lot of campaigning in favour of the reform, constant talk about the work on the drafts of the constitution, and fulminating against the opposition as a force blocking the changes, but in fact the Sanation had focused on filling the major posts with their own people and gaining majority in the *Sejm* and the Senate.<sup>30</sup>

Tarnawski, like a lot of Polish National Democrats, saw the reason for the crisis of democratic rule in the centralization of power – hopefully, not under a left-wing banner. He indicated what were, in his opinion, the advantages of Italian fascism: autarky, discipline, public works, fighting unemployment, focus on citizen’s duties toward the state. As he explained, “[fascism] has been sanctioned by dynasty, then it is based on a tight, large organization enlivened by premeditated common principles”.<sup>31</sup> According to him, nothing like that could be written about the Sanation – which had aimed for power at any cost, was a force “morally depraved to the core”,<sup>32</sup> lacking responsible, intelligent and ideological people, rife with opportunists.<sup>33</sup> The professor emphasized that shared ambitions, interests or appetites would not work much, as introducing a personality cult without an “ideological bond” would be a classic perversion of the system. He developed that thought in many other texts, too, citing plenty of examples from the histories of different countries.<sup>34</sup>

The scholar believed that Polish people displayed opposing qualities typical of the east and west of the continent:

On the one hand, worship of despots, on the other, – awareness that society is made up of individuals, whose will shapes the fate of the whole. On the one hand, respect for brutal physical strength, on the other, – belief in the power of the spirit. On the one hand, contempt for any standards restricting the will of the leaders, on

<sup>27</sup> Ibid.; Tarnawski, W. Czterdzieści cztery [Fourty four]. Lwowski Kurier Poranny, Vol. 2, issue 326, 1929, p. 1; Tarnawski, W. Wyspiański jako prorok [Wyspiański as a prophet]. Lwowski Kurier Poranny, Vol. 3, issue 43, 1930, p. 1; Tarnawski, W. Egzamin z etyki [Examination in ethics]. Kurier Lwowski, Vol. 4, issue 1, 1931, p. 1.

<sup>28</sup> Tarnawski, W. Dyktatura czy Prima Aprilis [Dictatorship or April Fool’s Day]. Lwowski Kurier Poranny, Vol. 3, issue 92, 1930, p. 1.

<sup>29</sup> Tarnawski, W. Rady podstarzałej damulki [The advice of an elderly lady]. Kurier Lwowski, Vol. 6, issue 335, 1933, p. 2.

<sup>30</sup> Tarnawski, W. Przez Londyn [Through London]. Kurier Lwowski. Vol. 6, issue 360, 1933, p. 2.

<sup>31</sup> Tarnawski, W. Dyktatura..., p. 1.

<sup>32</sup> Tarnawski, W. Trzy siły [Three forces]. Lwowski Kurier Poranny, Vol. 3, issue 102, 1930, p. 1.

<sup>33</sup> Tarnawski, W. Rada ekspresów [Express Council]. Lwowski Kurier Poranny, Vol. 3, issue 135, 1930, p. 1. See also: Tarnawski, W. Z makulatury wyborczej [From electoral paper]. Lwowski Kurier Poranny, Vol. 3, issue 319, 1930, p. 1; Tarnawski, W. Cesarz Wespazjan a nasze czasy [Emperor Vespasian and our times]. Lwowski Kurier Poranny, Vol. 4, issue 209, 1931, p. 1; Tarnawski, W. Przed możliwą zmianą warty [Before a possible changing of the guard]. Lwowski Kurier Poranny, Vol. 5, issue 104, 1932, p. 1.

<sup>34</sup> Tarnawski, W. Jeszcze coś niecoś z historii [Something else from history]. Lwowski Kurier Poranny, Vol. 2, issue 279, 1929, p. 1.

the other (straight from the Roman school), – the sense of law which is the ultimate achievement of Aryan intelligence. On the one hand, a passion for meandering, lies, deceit, perfidy, on the other, – truth and clearly formulated principles.<sup>35</sup>

Yet Tarnawski saw a chance for Poland in the democratic system, even if it was not perfect. Looking at France, he stressed that frequent changes of governments and heated parliamentary debates had not stopped that state from stabilizing its currency and becoming the first world power. He believed then that those who complained about the parliamentary system in Poland, crises, and weak power of the president, ought to follow the example of Poland's ally and focus on real problems instead of artificial ones.<sup>36</sup>

Tarnawski did not agree with the view that politics had always been a corrupting phenomenon. It was not when it was practiced by moral individuals, ideological and certain of their rightness. He was sure that, with development of democracy, the politicians would be recruited from those with firm convictions, who would do anything in order to clean governments of depraved and corrupt individuals. Perhaps that's why when in December 1929 there was a governmental crisis, Tarnawski defended the President Ignacy Mościcki, even if he did that somewhat teasingly:

*Society believes that Mr. President had nothing to do with the many violations of law and wilful, uncontrolled management of public finances. [...] Despite what the Sanation press has been writing for months about the weakness and restrictions of the executive, it should be stated that no member of the opposition has challenged Mr. President's powers with a slightest allusion. No-one has expressed even a trace of distrust towards him. Society remembers that Mr. President has taken an oath on the constitution and knows he will remain faithful to that oath and that he is aware of his responsibility – not only for the nation but also for his own conscience and history.<sup>37</sup>*

The text was by no means a praise of the administration of Ignacy Mościcki, who was known for his leanings towards Piłsudski. Those words stemmed from the conviction that any man, and a politician in particular, should feel responsible for his own actions. President, as the first person in the state, ought to set an example in this respect. Furthermore, if in the Supreme Court after the Brest elections there were around 4/5 uninvestigated election protests, MPs and senators from those districts, who were to elect president in the future, must have had debatable mandates to do it.<sup>38</sup> The author also disliked the idea of granting special powers to the president, though he did understand the mechanism which had influenced it in those circumstances. He sneered, “it seemed that the miracle over the polls in the autumn of 1930 gave the Sanation a precise machine for a sure and easy implementation of their will in the state”,<sup>39</sup> and yet it turned out that the opposition did not yield to suppression and continued to attack the successive actions of the government.

In his suggestions of changes, Tarnawski repeatedly referred to Polish history and literature. He believed one of the best signposts to transform the state was

<sup>35</sup> Tarnawski, W. Pod powierzchnią [Under the surface]. Lwowski Kurier Poranny, Vol. 2, issue 589, 1929, p. 1.

<sup>36</sup> Tarnawski, W. Lekcja pogładowa [Review lesson]. Kurier Lwowski, Vol. 5, issue 56, 1932, pp. 1–2.

<sup>37</sup> Tarnawski, W. W chwilach oczekiwania [In moments of anticipation]. Lwowski Kurier Poranny, Vol. 2, issue 595, 1929, p. 1.

<sup>38</sup> Tarnawski, W. O godność i powagę przyszłego prezydenta [Concerning the dignity and seriousness of the future president]. Kurier Lwowski, Vol. 6, issue 40, 1933, p. 1.

<sup>39</sup> Tarnawski, W. Pełnomocnictwa [Mandate]. Kurier Lwowski, Vol. 6, issue 75, 1933, p. 1.

the Constitution of 3 May 1791. As he emphasized, it had rehabilitated the Poles in the eyes of the world to such an extent that a renowned political writer of that time, Edmund Burke, apparently described it as “a fruit of civic spirit drawing extensively not on the doctrine but on life, avoiding bloody coups and violent shake-ups yet marching ahead”.<sup>40</sup> He therefore suggested not to copy other models, but instead to look at the country’s own past and draw the right conclusions from current situations.<sup>41</sup> Hence, Tarnawski, too, referring to the public discourse on the necessity to change the March Constitution (strongly supported not only by the Sanation but also by the National Democrats), was an advocate of reforms. He spoke in favour of enacting a new constitution, stressing that the political system in force in Poland had introduced chaos and only ostensible justice.<sup>42</sup> The author emphasized, however, that one common conclusion results from the history. Any legal solutions introduced rapidly have proven to be impermanent. He suggested referring to Polish traditions and not thinking only in terms of party policy. He was afraid that the change of the constitution was but a pretext for the Sanation to eliminate the parliament from the process of passing the budget and assessing politicians’ state activity.<sup>43</sup> Moreover, in the course of time more and more politicians from the Nonpartisan Bloc for Cooperation with the Government (Polish: BBWR) were talking about the necessity to strengthen the power of the president and elect him through plebiscite, do away with parliamentary privilege and introduce presidential nominees into the Senate.

Tarnawski was absolutely against the head of state being elected by the whole of the people authorized to participate in government, because that would ultimately lead to the country getting paralyzed by military groups from rival political parties. He expressed his disbelief in such elections being free in a country governed by the Sanation. Moreover, excessive strengthening of presidential power would lead to the situation in which the will of an individual, in fact removable only as a result of death, would constitute the law. For him, that solution was unacceptable.<sup>44</sup> Tarnawski harboured no illusions about what such provisions could lead to: “[...] within the grouping of the Sanation Myrmidons there are still illusions that Poland will allow a system of eternal ossification of power in the hands of those who had seized it in May 1926 to be imposed on her”.<sup>45</sup> He warned, however, that, although the March Constitution was not perfect, people calling for its invalidation ought not to be trusted, as they continually changed their minds and lacked backbones.<sup>46</sup> He wrote this both before the Brest elections and after they were finished. The author did realize then that strengthening the power of the president would result in restricting

<sup>40</sup> *Tarnawski, W.* W dzień święta narodowego [On the day of the national holiday]. *Lwowski Kurier Poranny*, Vol. 2, issue 298, 1929, p. 1.

<sup>41</sup> *Ibid.*; *Tarnawski, W.* Ku dawnym ideałom [To the old ideals]. *Kurier Lwowski*, Vol. 4, issue 51, 1931, p. 1.

<sup>42</sup> *Tarnawski, W.* Parte i partyjniactwo [Party and partisanship]. *Lwowski Kurier Poranny*, Vol. 2, issue 276, 1929, p. 1.

<sup>43</sup> *Tarnawski, W.* Jakie bywają konstytucje? [What are the constitutions like?]. *Lwowski Kurier Poranny*, Vol. 2, issue 556, 1929, p. 1; *Tarnawski, W.* Praside sanacyjnej do sztambuchu Sanation press into the album]. *Lwowski Kurier Poranny*, Vol. 2, issue 565/1929, p. 1.

<sup>44</sup> *Tarnawski, W.* Jak to sobie wyobraża p. Kościałkowski [As Mr Kościałkowski imagines it]. *Lwowski Kurier Poranny*, Vol. 2, issue 562, 1929, p. 1; *Tarnawski, W.* Ku dawnym ideałom [To the old ideals]. *Kurier Lwowski*, Vol. 4, issue 51, 1931, p. 1; *Tarnawski, W.* Patrzą w przyszłość [They look to the future]. *Kurier Lwowski*, Vol. 5, issue 8, 1932, p. 1.

<sup>45</sup> *Tarnawski, W.* Niepoprawni [Incorrect]. *Lwowski Kurier Poranny*, Vol. 3, issue 16, 1930, p. 1.

<sup>46</sup> *Tarnawski, W.* Z makulatury wyborczej [From electoral paper]. *Lwowski Kurier Poranny*, Vol. 3, issue 319, 1930, pp. 1–2.

the role of the *Sejm* and the Senate to the minimum, the more so as their role had diminished anyway after Piłsudski's supporters had gained power. Besides, he thought that Walery Sławek, who headed the works on the new constitution, was not a man deserving of that role and the pressure he exerted even on the Sanation MPs was against the law.<sup>47</sup>

As a former secondary school teacher in his home town of Przemyśl, Tarnawski indicated that regulations about free and universal access to primary education had been erased from the draft of the new constitution passed by the *Sejm* on 6 January 1934. He considered it to be a disaster for village people, to whom access to education was largely blocked. Writing a few months later, he pointed out that the bill had not undergone further stages of the legislative process, thus in Poland the constitution of 17 March 1921 was still in force, its text of 2 August 1926, when it was amended. He expressed his hope that the Sanation's idea would never enter into force, as even the example of primary education showed that its ideas were not beneficial to the nation, only to a small group in possession of money and influence.<sup>48</sup>

## Summary

When in the summer of 1929 rumours appeared that an agreement between the National Democrats and the Sanation movement might soon be concluded, Władysław Tarnawski, who was staying in Warsaw at the time, derided such speculations. He emphasized that the rumours proved the power of the nationalist camp, which, however, would not be content with any scraps of power in order to turn Poland into a nation state but instead would wait for a suitable moment to take over the power entirely. He stressed that nationalists were not in a hurry to take over the power, and anyone who had ever attempted to compromise with the ruling party, ended up cheated by it. The specialist in English from Lviv had no doubt that after three years of destroying Polish economy, social relations, and living beyond the means, there would come a point when the scales fell from the citizens' eyes and they understood that constant violation of the law in the name of particularistic interests was equal to the moral power of Piłsudski's followers.<sup>49</sup> That the Sanation could not be trusted about absolutely anything, Tarnawski had warned repeatedly.<sup>50</sup>

Why is it worth quoting Polish nationalists years later? After all, in Poland under the Sanation rule they had no chance to gain power, as the successive parliamentary elections in 1928, 1930, 1935 and 1938 took place in situations characterized by breaking law using force, manipulating election law, arresting members of Parliament, or in 1935, adopting a new Constitution and majority elections statute, which secured

<sup>47</sup> *Tarnawski, W.* Z powodu plotek [Because of the rumors]. *Lwowski Kurier Poranny*, Vol. 3, issue 355, 1930, p. 1; *Tarnawski, W.* Jeszcze Senat p. Sławka [Still the Senate of Mr. Sławek]. *Kurier Lwowski*, Vol. 6, issue 224, 1933, p. 2; *Tarnawski, W.* Kuchmistrze z mieszkania p. Sławka [Chefs from Mr. Sławek's dwellings]. *Kurier Lwowski*, Vol. 6, issue 272, 1933, p. 2; *Tarnawski, W.* Sesja sejmowa i wybory samorządowe [*Sejm* session and local government elections]. *Kurier Lwowski*, Vol. 6, issue 305, 1933, p. 2; *Tarnawski W.* O banknocie dwudziestozłotowym i o innych rzeczach [About the twenty-złoty bill and other things]. *Kurier Lwowski*, Vol. 6, issue 312, 1933, p. 2; *Tarnawski, W.* Rady podstarzałej damulki [The advice of an elderly lady]. *Kurier Lwowski*, Vol. 6, issue 335, 1933, p. 2; *Tarnawski, W.* Przez Londyn [Through London]. *Kurier Lwowski*, Vol. 6, issue 360, 1933, p. 2.

<sup>48</sup> *Tarnawski, W.* Fatalny pomysł [A fatal idea]. *Kurier Lwowski*, Vol. 7: issue 288, 1934, p. 3.

<sup>49</sup> *Tarnawski, W.* Tak dobrze nie ma [It's not that good]. *Lwowski Kurier Poranny*, Vol. 2, issue 385, 1929, p. 1.

<sup>50</sup> *Tarnawski, W.* Gruszki na wierzbie [Pears on the willow]. *Lwowski Kurier Poranny*, Vol. 2, issue 548, 1929, p. 1.

the victory of the Sanation movement. And yet, despite the strength of the peasant and Sanation parties, as well as the significance of national minorities in the political reality of the Second Polish Republic, it was only the nationalists that spoke so definitely and uncompromisingly against the rule of the camp of Marshal Piłsudski. They also suffered many consequences of their attitude, a good example of which was the main protagonist of the discussion here, Władysław Tarnawski. Being a Lviv head of the party, he lost his chance to be elected to *Sejm* in 1930, and ultimately also resigned from all party activities in 1935. Moreover, as one of the main critics of the Sanation, he was deposed from his professorship and sent to early retirement. He is a good example of an intellectual deeply engaged into politics and paying a high price for publicly expressing his political beliefs. Many of his colleagues were forced to leave universities and public offices as a consequence of opposing Marshal Piłsudski and his followers. What is more, getting rid of the people was combined with the cutting the financial fundamentals of the opposition press. 1935 was also the final year of the existence of “*Kurier Lwowski*”.

From the local perspective of Lviv, the National Democratic Party was not as influential and esteemed a power as it was, e.g., in Poznań and Wielkopolska region. Yet, 1926–1935 constitutes an interesting period in Polish parliamentary system – a transitional one. Before introducing a new Constitution of 1935, the Sanation, still having a parliamentary majority on the one hand, permitted the opposition to express its opinions and words of criticism, while on the other hand, was fighting with it more and more openly. The Sanation, even if powerful and with the parliamentary majority, was afraid that the public debate over crucial political issues would jeopardize its efforts to gain full power. The party leaders were aware that the members of the National Democratic Party had huge influence over the Polish intelligentsia – the Lviv debate shows that their fears were not unfounded. The press was the most important medium to share the ideas and publish open criticism – to prove that the leading political power was violating democratic standards and – despite of the name – had nothing to do with healing the Polish society.

It also seems that the analysis of the discourse on the law carried out by opposition parties about the post-May government allows to capture the richness of the Polish parliamentary life in the authoritarian period. It comprised wide circles of society and apart from the best-qualified elite, like lawyers, economists and sociologists, it also included representatives of other professions. The very fact that, despite announcing the change of the March Constitution already in 1926, the work on the new draft took as many as nine years, speaks volumes about the strength of the Polish opposition, which – though regularly suppressed and destroyed, – still had a considerable influence on Polish society.

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