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SEYM COMMITTEES  
IN THE POLISH POLITICAL SYSTEM

by

IZYDOR B. MODELSKI

A DISSERTATION

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The sources for this dissertation consist not only of the Seym documents, newspapers, and works of Polish and American political scientists, which are cited in the footnotes, but also of information supplied by Committee Members, Ministerial and Party Officials and academicians; information which, to protect the persons involved cannot be individually attributed. The willingness of many people to answer my questions candidly and extensively, and to make confidential documents available to me, has added decisively to my understanding of the subject. I want especially to thank these persons in Poland, who taking great risk to their careers supplied me with a wealth of information.

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I dedicate this work to my most severe and valuable critic, my wife Krystyna, as well as to the other members of my family, without whose support and patient understanding through the numerous drafts, the completion of this work would not have been possible.

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Izydor B. Modelski

Detroit, May, 1973.

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## Introduction

One of the most important institutions in most of the more advanced nations of the world is the nation's legislature. By examining the dynamics of a particular nation's law-making processes one can often find a key to that nation's political system.

In our case we will be examining the Sejm (Parliament) of the Polish People's Republic. More specifically we will be looking at the role played by the Sejm's committees wherein most of the work is done, just as in the United States Congress.

Of course the Sejm's committees do not operate in a vacuum but must be seen in the context of the existing political framework. Therefore, we will be looking at the Sejm's committees in some cases as the cause and in others as the effect.

We will begin with an examination of the historical foundation of the modern Polish State. How institutions function does not depend entirely on their mechanisms, or for that matter on their supposed inherent value. We will have to take into account a great many variables including the cohesiveness of political power, the particular role legislatures play in Communist systems, the Party system itself, the climate of "public opinion," and the intensity of consensus. Within any given political system we also find certain preferences, values, attitudes and beliefs which are commonly shared. These are the products of geography, history, environment, technology, organization and socio-psychological elements; all mutually modifying one another in a continuous, dynamic process.



To cover all of these contextual factors extensively is, of course, impossible. Nevertheless, as far as possible, we will try to show that the role played by the Sejm's committees must be viewed as an evolutionary and dynamic process with many different factors interacting.

Employing a systems approach and complementing it with historical explanations, we will attempt to describe, analyze and explain the role played by the Sejm's committees within today's Poland. My major proposition is that the committees by showing a definite concern for the protection of the interests of the common man in Poland make the regime more responsive to its people. Thus, the committees perform a useful and beneficial function within the existing political system of Poland.

Due to the lack of much scholarship in the area of the Polish Sejm in the English language, most of my sources are Polish. Much of this work is based on personal research and empirical observations I made during a visit to Poland in the summer of 1972. Being fluent in the Polish language, I was able to get around in Polish circles very easily. Personal interviews, the minutes of the Sejm, governmental documents and personal accounts in addition to scholarly and journalistic material were used.

During my stay in Poland, I was able to talk to some of the more important members of the Sejm, to Communist Party Officials, to civil servants and to Roman Catholic Church leaders. The great majority of these were most helpful although some were cautious and reserved. There were a few who failed to keep their appointments or just simply refused to talk to me. All who did talk to me, however, requested that their identity and the substance of their answers be protected in case of some sort of investigation by the Polish authorities.

The interviews were conducted by means of open-ended questions especially where confidential matters were discussed. The participants would have been suspicious of any sort of prepared forms.

## I. HISTORICAL BACKGROUND

Every national political system is heavily influenced by history. No people can escape its history and yet history is not fate. Although the heritage of the past is important, no nation is just a prisoner of its past. Continuous changes take place and Poland is no exception to this rule.

Poland's location between Germany and Russia is the main factor in her precarious position on the international scene. Being basically a plain without natural defenses on her eastern and western frontiers, contributed in making her the scene of tug of war between her neighbors. Attempts at establishing internal stability have always been subject to the intervention of foreign powers.

Poland's acceptance of Christianity from Rome instead of from Byzantium gave her an identity as the Eastern-most bastion of Western Christendom, a fact that was to have far reaching consequences in Polish history.<sup>1</sup> The defense against the Tartars in the 13th century and the Turks in the 16th and 17th centuries was seen as defense of Christendom from "infidels."

This defense of Christian Europe created a deep Polish attachment to the Catholic faith and made Roman Catholicism the national religion of the Poles. It is this traditional idea of Poland as the "rampart of Christianity" against the incursions from the East which is used by the Roman Catholic Church today in its resistance against the "encroaching

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<sup>1</sup> Jan Szczepanski, Polish Society (New York: Random House, 1970), p. 6.

powers of darkness" - atheistic Soviet Communism.

The emergence of Poland as a pioneer in the development of a constitutional monarchy and modern democratic liberties is not generally known in the West. As early as 1374, King Louis the Great issued the "Privilege of Kosice" in which he agreed not to impose any new taxes without the consent of the gentry (szlachta); in addition, the gentry were obligated to military service only within the borders of the country. For services outside the Polish borders, the szlachta was to receive special pay. According to Stanislaw Arnold:

This privilege was to prove pregnant with consequences since the considerable reduction of the gentry's taxes compelled the Polish King to appeal for the support of the entire gentry in cases of urgent need to increase the treasury income. This enabled the gentry to make all sorts of demands for the extension of political, social and economic rights."<sup>2</sup>

Various local forms of government existed early in Poland. District dietines (seymiki) first developed in the twelfth century. In the beginning of the fifteenth century they began to communicate more with the King and other seymiki. Gradually, the delegates from the provincial and district seymiki (elected from among the szlachta) came together to form a permanent national body, which became the Lower House called the Chamber of Deputies (Izba Poselska).<sup>3</sup>

At the end of the fifteenth century, the "Royal Privy Council," consisting of secular magnates and Church dignitaries, was gradually transformed into the "Senate of the Polish Kingdom." Membership in the Senate was by virtue of the office held (positions held for life via

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<sup>2</sup>Stanislaw, Arnold and Marian Zychowski, Outline: History of Poland (Warsaw: Polonia Publishing House, 1964), p. 23.

<sup>3</sup>Stanislaw, Kutrzeba, Historia Ustroju Polski w Zarysie: Korona (8th ed. rev.; Warsaw: Gebethner and Wolf, 1949), pp. 115-125.

appointment by the King). Both Houses together with the King formed the Sejm, or Parliament.<sup>4</sup>

The first Sejm met in 1493. In May, 1505, at Radom, the Sejm enacted the Statute of Nihil Novi - establishing that nothing new could be enacted as to state business without the joint consent of both chambers of the Sejm.<sup>5</sup> The significance of the act was that no important action could be taken or made effective without the consent of the Lower House which was the "real" representative body of the electorate. In this way, the supremacy of Parliament over the King was introduced in Poland much earlier than in any other European country, with the exception of Hungary.

Apart from the regular diets (sejmy ordynaryjne) which were to convene every two years for a period of at least six weeks, the King also had the right to call an extra-ordinary Sejm for special reasons for no longer than two weeks. In addition, there were "election diets" (sejmy konwokacyjne) called by the Primate as inter-rex to prepare the coming royal elections.<sup>6</sup>

The gentry was the only class represented in the Sejm and sejmiki. They formed about a tenth of the population of the country and were legally all of equal rank.<sup>7</sup> Every member of the gentry (szlachcic) had

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<sup>4</sup> Ibid., pp. 215-319; 263-264; 337-338; and 346-351. Sejm, the Polish equivalent of the word "Parliament" is used throughout, except in direct quotation where it may appear as Sejm or Diet.

<sup>5</sup> Stefan Kieniewicz (ed.), History of Poland (Warsaw: PWN-Polish Scientific Publishers, 1968), p. 176.

<sup>6</sup> This old tradition by which the Primate assumed temporal leadership of the nation, until a "properly constituted" political authority is restored in Poland has clear implications for Cardinal Wyszyński and for many Poles today.

<sup>7</sup> Josef Siemiński, "Constitutional Conditions," The Cambridge History Of Poland, eds. W. F. Reddaway, et al. (Cambridge U. P., 1950), p. 416. (Hereafter referred to as Camb. Hist.). (continued)

the right to participate in his local seymik, no matter what his economic status (class was determined by birth not by wealth). It was these seymiki that elected deputies and instructed them on how to vote at the Seym. Because many szlachta were only a little better off than peasants, some having lost their land entirely, but were still allowed to vote, the great landowners (magnates) were able to use them for their own ends. In order to diminish this influence of the magnates on the affairs of the country, the Seym of 1768 excluded Gołota (have-nots) from the seymiki, except for those who had some propertied relatives in the district.

The Seym was normally bound by the instructions given by the seymiki to their deputies, and its decisions normally required confirmation by the seymiki, whose autonomy was very great. In both bodies, a unanimous vote was required to pass important measures.<sup>8</sup> This principle of unanimity is known in history as the liberum veto. A single dissenting vote, if filed in writing and followed by the departure of its author from the floor of the Seym, was sufficient to dissolve the Seym, even in the last moments

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(cont'd)

Contrary to the situation in other countries, the Polish gentry class comprised a large percentage of the population. "While France, at the end of the 18th century, had only 140,000 nobles in a population of twenty million inhabitants (not even 1.5%) the Polish Republic at the same time could count one million (some historians say a million and a half) for every ten million inhabitants, that is to say 13.5% of the entire population." Antoni Choloniewski, The Spirit of Polish History (New York: The Polish Book Importing Co., 1918), p. 17. Thus in Poland 13% of the population was entitled to vote since the 15th century. In contrast, only 7% of the British population was enfranchised as late as 1832 by the Reform Act considered a great landmark in the development of democracy in Britain. Even in 1867 the right to vote was only extended to 16% of the population. See Samuel E. Finer, "Great Britain" in R. C. Macridis and R. E. Ward (eds.), Modern Political Systems: Europe (3rd ed. rev.; Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972), p. 32.

<sup>8</sup>Procedural acts of the Seym required only a majority vote: e.g., the election of the Marshal (the Speaker) and the validation of a deputy's mandate.

of its session, and undo all the work previously accomplished.<sup>9</sup> In practice, however, many resolutions due to persuasion, or even coercion by the stronger majority though opposed by a weak minority, were adopted. It was only when the deputies from the northern and north-eastern provinces came under greater influence of the magnates, who gave their proteges assurance of immunity, that the liberum veto began to be used. The first time the liberum veto was used successfully was in 1639.<sup>10</sup>

The seymiki and the Sejm formed the backbone of the Polish political system: laws, taxes, and important decisions on foreign policy and internal administration, had to be approved by them. The system functioned smoothly at periods when there was no serious tension within the country; but as tension grew, it became an unwieldy machine which deprived the king of most of his power by refusing to vote sums for the upkeep of the administration and army.<sup>11</sup>

In the fifteenth and sixteenth centuries, Poland was slowly transformed into an elective monarchy. From 1572 to 1791, Poland in fact, became a republic - called Rzeczypospolita (Respublica), with an elective king, who was in effect a president elected for life, crowned and surrounded by royal ceremonial. He was to be chosen in a free election, with every member of the gentry having the right to personally vote for one of the candidates to the Polish throne. In principle, the election of the king

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<sup>9</sup>Ludwik Kos-Rabcewicz-Zubkowski, "Polish Constitutional Law," Polish Law Throughout the Ages, W.J. Wagner (ed.) (Stanford: Hoover Institution Publication, Stanford University Press, 1970), p. 234.

<sup>10</sup>Włodzimierz Dzwonkowski, "Zarys Dziejow Polskiego Sejmowania," Parlament Rzeczypospolitej Polskiej, 1919-1927, Henryk Moscicki and Włodzimierz Dzwonkowski (eds.) (Warsaw: Zlotnicki, 1928), pp. 9-11.

<sup>11</sup>Jedrzej Giertych, Poland and Germany (London: Privately published, 1958), p. 12.

was to be unanimous: in practice, the final outcome depended on force of arms.<sup>12</sup> The Candidates for the throne came not only from the Polish nobility, but often included foreign kings and princes.

From the time of the first "free election" in 1573, the chosen candidate had to sign a written agreement with his electors, called Pacta Conventa, in which he reaffirmed all the laws of the country and privileges granted by his predecessors. Eventually the gentry gained political supremacy over the monarchy. The highest offices of state were held by magnates for life, rendering them practically independent of any other authority.

As in the past, this system functioned smoothly only when there were no serious conflicts. The law of the liberum veto offered countless opportunities for foreign nations to dabble and exercise influence in the affairs of the Respublica. It also made it very difficult to get the unanimous vote required to pass necessary measures. In extreme cases, in order to introduce some badly needed changes or to settle serious grievances, it became necessary to resort to "confederation." This was a specially instituted type of rebellion through which a number of citizens might legitimately come together as a "confederacy," choose a marshal and seek to change the established order either by force of arms, or simply by declaring a confederated Sejm. In case of success, they became the government; in case of failure, they were not liable to punishment unless an attempt was made on the King's life. A Sejm held by a confederacy was not subject to the liberum veto, but adopted decisions by a majority vote. After the reforms were accomplished, the Sejm returned to normal procedures including the liberum veto. The reason for

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<sup>12</sup>F. Nowak, "The Interregna," Camb. Hist., pp. 376-377.



This was the gentry's distrust of a strong government. Their fear of a tyrannical monarchy led them to prefer near anarchy. Only when it seemed absolutely necessary were they willing to submit to majority rule.

One such confederated Sejm culminated in the Constitution of May 3, 1791. It established a hereditary monarchy on the principle of primogeniture. The Sejm was to be composed of deputies elected by the seymiki and delegates (plenipotenci) chosen by the municipal assemblies. The liberum veto was abolished and majority rule introduced into the Sejm.<sup>13</sup> The executive power was vested in the King and a council of six guardians of the law, made up of the Primate and the heads of five Cabinet departments. This Constitution was a last attempt to salvage Polish statehood.

The expansion of Prussia under Frederick the Great and Russia under Catherine the Great in the eighteenth century, combined with internal decay, even anarchy in Poland, brought about the division and demise of the Polish state in successive partitions in 1772, 1793, and 1795. In the first partition, Russia, Prussia and Austria took over one-fourth of Polish territory. The Constitution enacted after the first partition came too late to save Poland. It was presented as "evidence of the ominous spread of the Jacobin plague from France," in the propaganda of Catherine the Great.<sup>14</sup> Under the pretext of wiping out a new revolutionary center in Europe spreading libertarian ideas, the second partition treaty was signed by Russia and Prussia in 1793, seizing more than one-half of the remaining Polish territory. Finally, after defeating an insurrection

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<sup>13</sup>Kutrzeba, op. cit., pp. 375-389.

<sup>14</sup>Czesław Miłosz, The History of the Polish Literature (London: MacMillan, 1969), p. 166.

in 1794 by General Tadeusz Kosciuszko (1764-1817), Russia, Prussia and Austria divided among themselves the remnant of the Polish Kingdom in 1795.

Despite its division among the three autocratic powers, the Polish nation managed to maintain a high degree of spiritual and intellectual unity. Whereas in the old Respublica, "Polishness" was rather ambiguous, under foreign rule it developed to its full - to what it means today to be a Pole. It meant an attachment to eight hundred years of cultural tradition - the folk culture of the peasant combined with the everyday culture of the gentry, the life style, patriotism and national pride, and the Roman Catholic Church as the center of this culture.<sup>15</sup>

Every generation after 1815 started armed uprisings against the occupying powers. After the failure of the uprising of 1863, Poles settled down to peaceful coexistence with the occupying powers. Poland entered the Industrial Revolution, and with it came the Marxists. The first Marxist organization, the "Proletariat", was formed in 1882, and the Polish Socialist Party (PPS) in 1892. "In the party (PPS) program, the ideas of socialism and national independence became inseparably linked."<sup>16</sup> Socialists who believed that the Polish Socialist Party's stress on the national question was harmful to socialism organized an orthodox and international group led by Rosa Luxemburg (1871-1919) and Julian Marchlewski (1866-1925).<sup>17</sup> The right wing of the PPS was led by Jozef Pilsudski (1867-1935). This split between the two wings of Polish Socialism never

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<sup>15</sup> Szczepanski, op. cit., p. 15.

<sup>16</sup> Henryk Wereszycki, Historia Polityczna Polski w Dobie Popowstaniowej, 1864-1918 (Warsaw, 1948), quoted in Bromke, op. cit., p. 16.

<sup>17</sup> M.K. Dziwanowski, The Communist Party of Poland (Cambridge, Mass: Harvard University Press, 1959), p. 68.

healed. In December 1918, the left wing assumed the name of the Communist Workers' Party of Poland (KPRP).

While the socialist movement captured the workers, part of the intelligentsia, and the youth, the nationalist movement captured the middle class and the gentry. It also obtained a hold on the political allegiance of the more conservative elements of the peasantry. In 1897 this movement transformed itself into the National Democratic Party (Endecja) under the leadership of Roman Dmowski (1864-1939).<sup>18</sup>

At the same time, a third independent political group, the Polish Peasant Party (PSL), was formed. It was initiated by Stanislaw Stojalowski (1841-1911), Jan Stapinski (1867-1946) and Jakub Bojko (1857-1943). Later Wincenty Witos (1874-1945), a self-educated peasant leader from Galicia, became its chief leader. This party emphasized the peasants' dominant role in the nation and was fully committed to parliamentary democracy. These parties played a major role in organizing the movement for Polish independence during World War I.<sup>20</sup> Finally, with the collapse of Germany, Austria, and Russia, the vacuum created in Central Europe provided Poland with an opportunity to regain her independence. The new state was about half the size of pre-partitioned Poland.

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<sup>18</sup>For a fuller account of the National Democrats before 1914, see Roman Dmowski, Pisma, Vols. I-IV; Czestochowa: Antoni Gmachowski i Ska, (1938); S. Kozicki, Historia Ligi Narodowej (London: Mysl Polska, 1964).

<sup>19</sup>For the peasant movement in general, see W. Witos, Moje Wspomnienia (3 vols.: Paris, Instytut Literacki, 1964-1956).

<sup>20</sup>The author found many older and middle aged Poles still sympathizing with those historical parties, although they are not permitted to exist in today's Poland.

### The Parliamentary Republic

The task of welding the partitioned country together into one system began. On March 17, 1921 a constitution was adopted, establishing a democratic parliamentary republic.<sup>21</sup> It was based on the separation of powers: the executive being the President and ministers; the legislature, the Sejm and the Senate; and the judiciary, the independent courts.

The head of state was to be a President with limited powers and elected by a National Assembly (Zgromadzenie Narodowe) consisting of both Chambers of Parliament in joint session, by an absolute majority.

Of the two legislative chambers, the Sejm was vastly more powerful. It was elected for a five year term by a system of proportional representation. It could be dissolved only by a vote of two-thirds of its own members or by the President with the approval of three-fifths of the Senate. It had the right to initiate legislation and to scrutinize annually the public accounts. The annual adoption of the budget, the imposition of taxes, and the determination of the size of the army, all required legislative approval. The Sejm had, in addition, the right to question the ministers who were responsible to it collectively or individually, and could force them to resign by a simple majority vote in the Sejm.<sup>22</sup>

Deputies (poslowie) were to be elected for a five year term on the basis of a universal, secret, direct and equal vote. All citizens over twenty-one years of age, regardless of sex, residing in an electoral district from the day preceding the publication of elections in the official Dziennik Ustaw (Journal of Laws) were entitled to vote in

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<sup>21</sup>Konstytucja 17 Marca 1921 r. (Warsaw, 1921).

<sup>22</sup>Ibid., articles 5, 6, 10, 11, 26, 33, and 56.

elections to the Sejm. The right to vote could only be exercised in person. Military personnel in active service was denied the right to vote. Every citizen possessing the right to vote was eligible to be a candidate if he was 25 years old.<sup>23</sup>

The Sejm was to certify the validity of all elections against which no protest had been filed. The validity of contested elections was to be determined by the Supreme Court.

The Senate was to be elected on the basis of a universal, secret, direct, and equal vote. Each province was to form an electoral district with the number of seats in proportion to the population, and equal to one-fourth of those of the Sejm. The right to vote for the Senators was given to every person eligible to vote in Sejm elections, who was at least 30 years of age, and who had resided in a district for at least one year before the election. Every citizen possessing the right to vote for the Senate could be elected Senator, provided he was at least 40 years old. All other provisions applying to Sejm elections were to apply also to those for the Senate.

Essentially, therefore, the election of Senators was based on the same principles as the election of deputies. The only differences were: a higher age limit, a longer residency requirement (with important exceptions), a smaller total number of members, and larger electoral districts.

The Senate was purely a review body. It could, within thirty days of the passage of a law, suggest amendments, which the Sejm could then adopt by a simple majority; to reject these amendments, a majority of eleven-twentieths was required.<sup>24</sup>

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<sup>23</sup>Ibid., Article 11.

<sup>24</sup>Ibid., Articles 35, and 36.

The Sejm and the Senate sitting together as the National Assembly, in addition to the election of the President, were responsible for the revision of the Constitution called for every twenty-five years.

In the Electoral Law of July 28, 1922, the number of Sejm deputies was fixed at 444 and the number of Senators at 111.<sup>25</sup> Deputies to the Sejm were chosen in two ways: directly by the constituencies, from district lists, and indirectly from national party lists. Fifty signatures were required to nominate a candidate for a district list, and a minimum of 1,000 signatures for the national list.

In an attempt to prevent the excessive fragmentation of political groups a modification of the d'Hondt system of proportional representation was adopted. A number of indirectly contested seats (72 of the Sejm's 444) was established, for which only those parties which had put up candidates in more than six of the 64 constituencies were eligible. These seats were distributed in proportion to the number of seats a party won in the constituencies.<sup>26</sup> Unfortunately, this system did not achieve its purpose. The parties remained fragmented even with this modification.

Although the supreme authority was formally vested in the President, his power was confined to purely ceremonial functions. It did not even include the right to dissolve Parliament without the Senate's approval. The President formally had the power to appoint and to recall the Prime Minister, and on the latter's request, the ministers.<sup>27</sup> The President was to play a coordinating role in political matters. He was not, however,

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<sup>25</sup>Dziennik Ustaw R.P. (hereafter Dz.U.), 1922, No. 66, pp. 590 f.f.

<sup>26</sup>For the description of the d'Hondt system see Enid Lakeman and James D. Lambert, Voting in Democracies (London: Faber and Faber, 1955), pp. 87-90.

<sup>27</sup>Konstytucja ..., article 45.

responsible to the Sejm, but his power was exercised through his ministers. He opened, closed, and adjourned the Sejm but had no veto power over legislation. Along with the Cabinet, he had the power to issue decrees in accordance with laws, but his acts had to be countersigned by the Prime Minister and by the proper ministers.<sup>28</sup> He was the supreme commander of the armed forces, but in peace time only. He could, however, appoint a supreme commander in time of war on the advice of the Council of Ministers.<sup>29</sup>

The real executive power was thus exercised by the Cabinet, under the chairmanship of the Prime Minister. Ministers had the right to take part in the sessions of the Sejm. Both the executive branch and the Sejm had the right to introduce new legislation. Deputies and Senators were not bound by directions from anyone.<sup>30</sup> This provision is similar to the provision of the Constitution of May 3, 1791, which abolished the system by which the deputies were bound by instructions given them by their electors at the sejmiki. The Sejm and the Senate elected their own presiding officers called marshals. The marshals of the Sejm replaced the President of the Republic if the latter was incapacitated or in case of a vacancy until the election of the new President.

As with other legislative bodies, the really important work of investigation and lawmaking was done in committees. There were 19 standing or permanent committees in the Sejm, usually one for each ministry with membership ranging from 15 to 30.<sup>31</sup> Each party was represented

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<sup>28</sup>Ibid., article 44.

<sup>29</sup>Ibid., articles 2, 3, 25, 39, 46.

<sup>30</sup>Ibid., article 20.

<sup>31</sup>Regulamin Sejmu - 1922.

in proportion to its strength in the Sejm. Each committee could create its own subcommittees. The committees could also meet when Parliament was not in session.

The committees could originate, revise and report bills. In addition, they performed legislative oversight over the administration. Committees were empowered to call in expert witnesses whenever needed and when important matters were being discussed. Their sessions were attended by the ministers concerned and their assistants.

The traditional liberal safeguards were included in the Constitution. The judiciary was to be independent, but was not entitled to invalidate the properly published laws. Members of Parliament enjoyed legal immunity for their actions in Parliament. Ministers were responsible to the Sejm for criminal acts committed while in office.

In many ways it was a highly liberal and democratic Constitution, but it did not function well in Poland. Perhaps the principal reason for this was the extreme fragmentation of Polish political life at the time. The Sejm was given more power than ever before, but a large number of political parties and factions disabled it. The lack of political experience and the weakness of the cabinet in relation to the Sejm made for governmental instability.

In order to have a Cabinet, which could have the majority in Parliament, it was necessary to include members from other political parties. Every Cabinet, therefore, was a coalition government, reflecting the disparate views of the respective parties represented therein. This meant that every Cabinet would be an uneasy combination held together on the basis of what its members could agree upon. The basis of agreement was usually the lowest common denominator.



The intensity and narrowness of the "ideological" approach of individual parties in the face of a strong bloc of minorities organized upon a common negative and even anti-state attitude, defeated the efforts at establishing a working and stable majority in Parliament.

Extreme partisanship (partyism) and the constitutional dominance of an essentially irresponsible Sejm led to weak, unstable and largely ineffective governments, and caused the loss of moral and political authority by the Sejm.

The Cabinet was weak partly because the Prime Minister could not be a strong, unifying party leader like in Britain. His task was more that of a broker or compromiser, seeking to get divergent groups to work together. The Cabinet was also weak because it could not as in England determine the way Parliament's time would be spent. More than that, it could not even insist that Cabinet measures have priority. And it did not have control of financial measures. Parliament could increase expenditures, without any obligation to raise new revenue - an impossibility in England. Without control over finances and without priority for Cabinet measures, the government was in a very weak position. Uncertain of its majority, the Cabinet was forced to look continually to its own defenses, canvassing its supporters and making sure that there were sufficient votes on hand at all times.

Finally, the Cabinet was at the mercy of parliamentary committees. They resembled the present committees of the U. S. Congress and the legislative committees of the Third French Republic. They were numerous and powerful; they could decide the fate of virtually any bill by amending it, pigeonholing it, or failing to report it. Only the amended text of a bill could come from the committee to the floor of the Sejm. Instead of

being able to guide and shape the work of committees, cabinet members were often treated with hostility. It was not unusual for the committees to report measures that could at best be described as undesirable by the government.

Political life in the 1920's was largely overshadowed by the totally anachronistic conflict between the National Democrats and the followers of Pilsudski over tactics and "orientations" as to Poland's place in European politics, a conflict which had arisen before 1914 and had dominated the course of Polish politics during World War I.<sup>32</sup> Although the war was over, and Poland had already regained her independence and should have been busy with the problems of rebuilding the State, the extreme partizanship prevented cooperation. This situation was aggravated by the existence of many other parties. All in all, there were twenty-two officially recognized parties participating in the election of 1922, and fourteen of them won seats in the Sejm.<sup>33</sup>

This multiplicity (wrote Antony Polonsky) of parties reflecting not only political differences, but also national, regional, and religious allegiances, dissipated energies and hindered a rational approach to Poland's many problems. It is hardly surprising that the creation of a government based on parliamentary majority proved exceedingly difficult.<sup>34</sup>

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<sup>32</sup>The National Democrats, under Roman Dmowski, were of the opinion that Germany was the arch-enemy of Poland and an attempt should be made to seek rapprochement with Russia. In the event of a Russian victory, the unification of all Polish lands under Czarist rule could ultimately lead to Polish independence. The second "orientation" advocated by the socialists under the leadership of Pilsudski, the Galician conservatives and the peasant parties in Galicia, viewed Russia as Poland's biggest enemy. Pilsudski believed that although the Central Powers would destroy the Russian Empire, they, in turn would be defeated by the Western Powers.

<sup>33</sup>Główny Urząd Statystyczny, Rocznik Statystyczny Rzeczypospolitej Polskiej (Warsaw, 1922), pp. 349-351.

<sup>34</sup>Antony Polonsky, Politics in Independent Poland, 1921-1939 (Oxford: Oxford University Press, 1972), p. 96.

Pilsudski and the decline of the parliamentary republic

In May, 1926, Marshal Pilsudski came to power by a coup d'etat. Although elected to the Presidency, he declined, and Ignacy Moscicki (1867-1946) was elected to the office on June 6, 1926. Pilsudski preferred to exercise his decisive influence as Minister of War, through his loyal supporters, as an unofficial and hidden dictator. He developed a political philosophy that viewed the main cause of Poland's downfall in the eighteenth century as the result of the weakness of her rulers and governments. He maintained that the new Poland, in order to survive, must be internally strong and united. In 1935, during a debate in the Sejm which his opposition boycotted, Pilsudski managed to get a new constitution adopted, insuring the continuance of power in the hands of his followers.

The new Constitution established a presidential system and the predominance of the executive over the legislative branch of government.<sup>35</sup> It invested the President with extensive powers. "The president of the Republic" stated Article 2, "being the highest authority in the State co-ordinates the activity of the superior organs of State." He was to appoint the Prime Minister, and, on the latter's advice, the other ministers. He was also empowered to appoint, without the counter-signature of the Prime Minister, the President of the Supreme Court, the President of the Supreme Audit Chamber, the General Inspector of the Armed Forces, in case of war, the Supreme Commander, the members of the Tribunal of State, and even one-third of the members of the Senate. He could on his own initiative dissolve Parliament, he was the highest military authority, and represented the state in its dealings with foreign powers. He could not be held

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<sup>35</sup> For the Constitution see Sejm Rzeczypospolitej Polskiej, Kadencja IV, Druk No. 2, Konstytucja z dnia 23, IV, 1935 r. (Warsaw, n. d.).

responsible for his official acts except to "God and history."<sup>36</sup>

The President was to be elected for seven years by universal suffrage from two candidates. Of these one was to be nominated by the retiring President (who in time of war could nominate his own successor), the other by an Electoral Assembly consisting of the Marshals of the Sejm and Senate, the Prime Minister, the President of the Supreme Court, the General Inspector of the Armed Forces, and seventy-five electors, 50 of whom would be chosen by the Sejm and 25 by the Senate. If the retiring President did not present his own candidate, the candidate of the Electoral Assembly was held to be elected.<sup>37</sup>

The Government composed of the Prime Minister and his Cabinet, was to "direct those affairs of the State, which do not fall within the competence of other organs of authority."<sup>38</sup> Its members were politically responsible to the President who could demand their resignation at any time. The Sejm could give a vote of non-confidence in the Government, or in an individual Minister, but such a proposal could not be voted on at the same session at which it was introduced, and had to subsequently be approved by the Senate. If it was adopted, the President had to dismiss the government or the Minister concerned, or dissolve Parliament.<sup>39</sup>

The legislature consisted of the Sejm and Senate, as before, but its power and, therefore, that of its committees, was curtailed because many matters could be dealt with by executive decrees. The right of legislative initiative was limited to the Government and the Sejm. A law

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<sup>36</sup>Ibid., articles 2, 12-15.

<sup>37</sup>Ibid., article 16.

<sup>38</sup>Ibid., article 25.

<sup>39</sup>Ibid., articles 25, 26, 28, 29.

rejected by the Senate required a three-fifth majority in the Seym to pass. The President possessed a suspensive veto for one month.<sup>40</sup>

The Seym deputies were to be elected by a universal, secret, equal and direct vote. The only change in the electoral provision for the Seym was the elimination of the d'Hondt system of proportionality in the distribution of seats and the raising of the age requirement for the voters from 21 to 24, and for the candidates from 25-30. The Seym was to sit for five years but could be dissolved earlier by the President.<sup>41</sup> Every year it was to hold a regular session lasting four months to vote on the budget. If the Seym did not adopt a budget, the Government's proposal automatically became law.<sup>42</sup> Half of the members of the Seym could demand a special session, but this could only discuss the matters listed in the presidential decree convoking the Seym. The scope of parliamentary immunity was greatly narrowed.<sup>43</sup>

The Senate was to be two-thirds elected and one-third appointed by the President. The method of election was to be established later.<sup>44</sup>

The President was empowered to issue decrees dealing with the organization of the Supreme Command, and was given the authority to appoint the Supreme Commander who had full power over the army and was responsible only to the President.<sup>45</sup>

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<sup>40</sup>Ibid., articles 49-57.

<sup>41</sup>Ibid., article 32.

<sup>42</sup>Ibid., articles 58-60.

<sup>43</sup>Ibid., articles 36, 41.

<sup>44</sup>Ibid., article 47.

<sup>45</sup>Ibid., article 63.

Thus, the new Constitution established a system in which Parliament was no longer in a position to dominate the executive as it had in the preceding period. That involved, as stated above, shorter sessions, giving the executive the right to legislate in certain areas by decree, and reorganization of the legislative and budgetary procedures in a manner which gave the government a controlling position. In contrast to the previous period, the new Constitution delegated broad powers to the executive and placed serious limitations on the legislature.

All of these provisions were directed against "Seymocracy". The framers hoped to limit Parliament to the performance of its "proper" functions and to protect the executive from legislative encroachments. There is no question but that the provisions accomplished what they were designed to do -- to weaken Parliament.

After the death of Marshal Pilsudski in May, 1935, in order to maintain themselves in power and carry on the dictatorship without his authority, the regime decided to weaken even more the remnants of parliamentarism. The first inroads were made by the new electoral law of July 8, 1935.<sup>46</sup> This went much further than the Constitution in changing the political system by making impossible a free selection of candidates and increased tremendously the power of the government over an election. The political parties were deprived of the right to nominate the candidates. Proportional representation was abolished; the country was divided into 104 two-member constituencies; the number of deputies was reduced from 444 to 208.

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<sup>46</sup>Dz.U., 1935, No. 47, Item 319.

Until 1935 fifty signatures of qualified voters were sufficient for a party to nominate a candidate in any district. This function was now transferred to electoral assemblies (zgromadzenia okregowe) placed under the chairmanship of an electoral commissioner appointed by the Minister of Interior Affairs. These electoral assemblies (one in each constituency) were composed of local officials and representatives of elected government bodies, economic organizations, industry and agriculture, organizations of lawyers, doctors, teachers and university professors, and other professional associations. In addition, any group of 500 persons was entitled to one representative in the assembly. If only four candidates were presented by the assembly, all would stand in the election. If more than four were nominated, only those who obtained more than one quarter of the votes of the assembly in a single ballot (each member having the right to vote for four persons) could run. The decisive influence of the administration in the nomination process was thus assured.

The same elitist and restrictive conceptions were introduced in the electoral law for the Senate.<sup>47</sup> The membership of the Senate was reduced from 111 to 96. Thirty-two of these were to be appointed by the President. The remaining 64 were to be elected by Provincial Electoral Councils. These in turn were elected by those who had received certain military and civilian decorations, those who possessed secondary school diplomas and university degrees, were officers in the armed forces, or had been elected to certain offices in local government bodies, in economic and professional organizations, and persons holding high office in the administration of any of these bodies. "Thus Poland" according to Stefan

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<sup>47</sup> Ibid., Item 320.

Kieniewicz, "ultimately passed from partial democracy in the first period of dictatorship, to incomplete fascism."<sup>48</sup> The opposition parties existed, but they were prevented by legal obstacles from competing with any degree of chance in the political arena. The regime considered the Constitution merely a clever trick to maintain itself in office.<sup>49</sup> Poland did not, however, become a totalitarian state precisely because of the many parties that existed and a press which was diversified and had some freedom to criticize.

In these twenty years of independence, a great deal was accomplished. The achievement of political reunification in the form of an independent state was of utmost importance. It was accompanied by an extension of Polish patriotic consciousness, particularly among the peasants. The second achievement was the creation of one economic unit out of the disparate areas making up the country. During this time, Poles gained valuable experience in running their own state and building up a set of national institutions: educational, cultural, economic, and political. But this independence was short-lived.

#### World War II and Its Aftermath

On September 1, 1939, Germany attacked Poland starting World War II. The Polish government fled to Rumania, and on September 29th a Polish Government in Exile was formed in Paris. The new government, under General Wladyslaw Sikorski (1881-1943) a long-time opponent of Pilsudski, stressed its break with the autocratic features of the Pilsudski regime. After Sikorski's death, Stanislaw Mikolajczyk (1901-1966) became its

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<sup>48</sup>Kieniewicz, op. cit., p. 693.

<sup>49</sup>Polonsky, op. cit., p. 398.



Prime Minister. Throughout World War II the Government in Exile continued to stake everything on its alliance with the West. Unreasonably, they hoped that Russia would defeat Germany, and that, in turn, Russia would be held back by the West.

On July 21, 1944 the USSR installed a "Polish Committee of National Liberation" at Chelm, near Lublin. This Committee was later (January, 1945) recognized by the Soviet Union as the Polish Government.<sup>50</sup> The Communist leadership extralegally organized a body not provided for by any previous law, the National Home Council (Krajowa Rada Narodowa - KRN). It acted as a legislature, decided important political and international matters, supervised the executive organs, including the Polish National Liberation Committee (PKWN), and exercised the supreme authority over the newly created Territorial National Councils (terenowe rady narodowe).<sup>51</sup> On December 3, 1944, the Polish Committee of National Liberation was replaced by the provisional government.

At the Yalta conference (February 4-11, 1945) a coalition government was provided for. Such a government, including Stanisław Mikołajczyk and a few other members of the Government in Exile, was formed July 5, 1945.<sup>52</sup> Other members of the Polish Government in Exile continued their activities in London still hoping for armed conflict with Russia as a means of regaining Poland's independence. In Poland, resistance against the Communists continued through the forties.<sup>53</sup> Communism had never been

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<sup>50</sup> Richard F. Staar, Poland 1944-1962: The Sovietization of a Captive People (Baton Rouge: Louisiana State University Press, 1962), p. 81.

<sup>51</sup> Andrzej Burda, Polskie Prawo Państwowe (4th ed., Warsaw: Państwowe Wydawnictwo Naukowe, 1969), p. 119.

<sup>52</sup> Jan Ciechanowski, Defeat in Victory (Garden City, N.Y.: Doubleday, 1947), p. 3

<sup>53</sup> Adam Bromke, Poland's Politics: Idealism vs. Realism. Cambridge, Mass: Harvard University Press, 1967), p. 49.

popular in Poland. From its weak beginnings in the nineteenth century, it had been regarded as an alien movement and distrusted for its support of the interests of the Soviet Union.

### Soviet Satellite

Due to harassment, Mikolajczyk fled the country in October, 1947.<sup>54</sup> The Soviet government then established a regime entirely under its control, in violation of the Yalta Agreement. Until 1948, however, the Communists, while playing a decisive role in the government, officially emphasized its coalition nature, consisting of the Polish Worker's Party (PPR), the Polish Socialist Party (PPS), the Peasant Party (SL) and the Democratic Party (SD). They were still too weak to destroy the Polish Peasant Party (PSL) and the non-communist underground, but they effectively penetrated the Polish Socialist Party (PPS) and the Peasant Party (SL) a rival to the PSL. This left only the Catholic Church as an independent and potential political power.

On February 19, 1947 the legislative assembly adopted a "Little Constitution" (Mala Konstytucja) declaring in force the "fundamental principles of the 1921 Constitution, the principles of the Manifesto of the Polish Committee of National Liberation, ... and social and governmental reforms."<sup>55</sup> 1948 marked the beginning of Stalinization of the Communist world. In December, 1948 fusion of the Polish Workers Party and the Polish Socialist Party, into the Polish United Workers' Party (PZPR) took place. In November, 1949, the Communist Peasant Party (SL) merged with the remnants of Mikolajczyk's PSL to form the United Peasant

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<sup>54</sup>Stanislaw Mikolajczyk, The Rape of Poland (New York: Whittesey House, 1948), pp. 245-250.

<sup>55</sup>Dz.U., 1947, No. 18, Item 71.

Party (ZSL). The following June the Democratic Party (SD) and the Labor Party (SP) merged under the name of the Democratic Party (SD).<sup>56</sup> In addition, two Catholic groups, one in Cracow -- Znak; and the other in Warsaw, Pax, were formed to offer a forum for the expression of "loyal opposition" of Polish Catholics confined to mostly religious matters. These groups still exist today, and, as in the Stalinist period, are forced to endorse the programs of the Polish United Workers' Party (PZPR).

On July 22, 1952, a new constitution was adopted, providing the foundation and framework for the new state organization.<sup>57</sup> It is largely based on the Soviet Constitution of 1936. The preamble even expresses allegiance and gratitude to the Soviet Union and a willingness to follow its leadership and example as "the first state of workers and peasants". The people exercise their political power through their representatives elected to the Sejm and to the Peoples' Councils (Rady Narodowe).

According to the Constitution, the unicameral parliament, the Sejm, which "consists of 460 deputies" elected by secret ballot for a four year term on the basis of universal, direct and equal suffrage, by all citizens who have reached the age of eighteen, is the supreme organ of state authority "and the highest representative of the will of the working people." It "passes laws and exercises control over the functioning of the organs of state authority and administration".<sup>58</sup> The Sejm, in addition to making laws, votes the budget and national economic plans.<sup>59</sup>

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<sup>56</sup>James F. Morrison, The Polish People's Republic (Baltimore: The John Hopkins Press, 1968), p. 70.

<sup>57</sup>Konstytucja Polskiej Republiki Ludowej (Warsaw, 1952).

<sup>58</sup>Ibid., articles 15, 16.

<sup>59</sup>Ibid., article 19.

It also elects, from its own members, the Council of State, consisting of a chairman who acts as chief of state, four deputy chairmen, and eleven members.<sup>60</sup> The Council was given considerable powers including the right to call elections to the Sejm and to convene its sessions, interpret laws, issue decrees, appoint and recall diplomatic representatives, supervise local People's Councils, and legislate during the intervals between Sejm sessions (issue decrees with the force of law).

Generally it is modelled on the Soviet Presidium of the Supreme Soviet and plays the role of collective head of the State. It also, to some extent, substitutes for the Sejm between parliamentary sessions. The Council of State is formally responsible for its activities to the Sejm.<sup>61</sup> The Council can decree martial law and order general or partial mobilization, and in between sessions of the Sejm is empowered to declare a state of war.<sup>62</sup> This fusion of functions: legislative, executive, and judicial in the Council of State is the salient feature of the Polish Constitution.

The Sejm also appoints the Council of Ministers which is "the supreme executive and administrative organ of the government."<sup>63</sup> The Sejm may recall the whole body or individual members at any time. The Council of Ministers consists of the Prime Minister, Deputy Premiers, Ministers and the chairmen of certain commissions and committees.<sup>64</sup> Included in its administrative duties is the direction of the whole national economy.

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<sup>60</sup>Ibid., article 24, sec. 1.

<sup>61</sup>Ibid., article 25, sec. 1 and 2.

<sup>62</sup>Ibid., article 28.

<sup>63</sup>Ibid., article 29, sec. 1 and article 30, sec. 1.

<sup>64</sup>Ibid., article 31.

The Council of Ministers also directs the work of local executive organs of all territorial administrative bodies, namely of People's Councils presidia appointed and recalled by People's Councils.<sup>65</sup>

The People's Councils (Rady Narodowe) are the territorial-administrative organs of state authority. The People's Councils exist on three levels of local government: the Commune Councils, the County Councils, and the Province Councils.<sup>66</sup> They are part of the unified state administration. There is no formal division between the central government and the local government. At all levels the councils and its presidia are subordinated to the next highest level.<sup>67</sup> The presidia of Provincial Peoples' Councils are subordinated to the Ministries and to the Council of State.

We have described the written Constitution, establishing the formal structures of the government of Poland. But these formal provisions do not describe the actual structures and processes.<sup>68</sup> This can best be understood if one considers that this same Constitution was in effect during the Stalinist period, afterwards during the "thaw" and under Gomulka, and now under Gierek's more pragmatic government.<sup>69</sup> Hence, it is necessary before going into detail about the Polish legislative committees, to have a true picture of the formal and informal structures and processes within the framework of the Polish political system.

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<sup>65</sup>Ibid., article 32.

<sup>66</sup>Ibid., article 34.

<sup>67</sup>Ibid., article 44.

<sup>68</sup>This point was also noticed by Marian Rybicki, editor-in-chief of the scholarly journal Studia Prawnicze, in his article "Kierunki Doskonalenia Socjalistycznego Porzadku Prawnego" No. 35, p. 9.

<sup>69</sup>Ibid., p. 6.

## II. THE STRUCTURES AND PROCESSES WITHIN THE FRAMEWORK OF THE POLISH POLITICAL SYSTEM

The study of the role played by the Sejm's committees cannot be separated from the various interrelated subsystems of the nation. Employing the "systems" approach of analysis, we can begin to recognize the dependence, interrelationship, and interaction between the formal and informal institutions of Poland upon each other: each unit of government is inter-connected with a larger and more complex political system.

Many political scientists have suggested that the chief function of a political system is to make authoritative decisions which allocate advantages and disadvantages for the entire society.<sup>70</sup> At the heart of this conception lies decision-making, the essence of the political system.

The Sejm's committees together with all other units of Polish government operate within such a complex political system. This system has its inputs and outputs. The outputs of the political system consist of authoritative decisions which are either applications of interpretations of rules or policies. The inputs which flow into the political system from its environment consist of support, demands and expectations arising both within and outside the political system.

This then is the overall theoretical framework within which we will examine the role played by the Sejm's committees.

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<sup>70</sup> David Easton, A Framework for Political Analysis (Englewood Cliffs, N.J.: Prentice-Hall, 1965), pp. 49-50; see also the following works: A. Almond and G. Bingham Powell, Jr., Comparative Politics: A Developmental Approach (Boston: Little, Brown & Co., Inc., 1966); David Easton, The Political System (New York: Knopf, 1952); Roland Young, Systems of Political Science (Englewood Cliffs, N.J.: Prentice-Hall, 1968); and Karl W. Deutsch, The Nerves of Government (New York: Free Press, 1963), especially Chapter 1.

Poland has a unitary political system of government. The principle of separation of power is rejected. Instead, the Soviet doctrine of the "unification of power" expresses the essence of the system. True, there is an allocation of functions to separate legislative, executive and judicial bodies but in fact all organs of government are fused together, since the Party has complete control of them all. Although a separation of power is not an indispensable feature of limited or constitutional government (e.g., Great Britain), its absence in Poland weakened the checking and balancing of the various organs that might have helped to protect the rights assigned to these organs under the constitution. But again, a system of checks and balances is also rejected because of its incompatibility with the principle of unity of state power. Instead, so-called "democratic centralism" is introduced as the dynamic of the system.

The central and dominant political institution and force in Poland is the Polish United Workers' Party (PZPR). Although there is no mention of its prerogatives in the Constitution, it is the key center of political power and political source of decisions directing the society. Jerzy Wiatr, the main theoretician of the PZPR, suggested the adoption of a new term "the hegemonic party system" which stands between the "mono-party system" and the "dominant party system". His classifications are based on the number of parties which de facto participate in the struggle for power within the rules of the system. "Under the monoparty system there is no competition for power within the system, and no acknowledged opposition. In the dominant-party system, a single party secures for itself permanent political leadership, despite the existence of other political parties and groups. All three systems i.e., mono-party, the hegemonic and the dominant-party systems share the common trait that the

political leadership is in the hands of a single party which acts as the representative of the entire nation."<sup>71</sup>

According to Wiatr, the hegemonic Party has a "directive role" including a number of tasks, which can be grouped under five categories:

1. The Party represents and expresses the socialist ideology underlying the entire political system. It determines the fundamental aims and values which constitute the basis for the functioning of the political and socio-political institutions of our country.
2. Through the activity of its members in the institutions of state and social organizations the Party harmonizes the functioning of these institutions with the basic goals of the system.
3. The Party determines the general directives of policy-making by the state institutions.
4. The Party mobilizes a number of citizens to participate in political decision-making at various levels of government.
5. The Party recruits and educates cadres of political leaders operating within the Party as well as in the institutions of the state."<sup>72</sup>

Despite the development of greater intra-party democracy after 1956, the Party remained a disciplined elite obedient to its leadership.

The two allied parties (the United Peasants' Party - ZSL, and the Democratic Party - SD), and the three Catholic political associations (Pax - pro-regime; the Christian-Social Association which split from Pax after October, 1956 and is middle of the road; and Znak, the loyal Catholic opposition under the Church hierarchy) cannot compete in an election for the leading positions in the state or challenge the ruling

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<sup>71</sup>Jerzy Wiatr, "The Hegemonic Party System in Poland," Studies in Polish Political System, Jerzy J. Wiatr (ed.) (Wroclaw: Ossolineum, 1967), p. 118.

<sup>72</sup>Ibid., p. 113.



party in those fields vital to the state. The ZSL is permitted to conduct its activities only among the peasantry, and the SD among the intelligentsia and middle class. They are all part of the super-party organization, under the leadership of the PZPR, called the Front of National Unity (Front Jednosci Narodu -- FJN). This is not a real alliance, but an umbrella organization through which the PZPR supervises the political participation of the various political groups. The two allied parties are prohibited from conducting any political activities among workers. Thus, not permitted to compete for power or to exercise a major political role, the allied parties have been restricted to the role of pressure groups representing the peasants, craftsmen, and professionals.

In the Sejm elections of March 19, 1972, the National Unity Front retained its monopolistic position as the only electoral ticket submitted to the voters. Out of the 460 seats to be filled, the Polish United Workers' Party received 255 seats, the United Peasant Party 117, the Democratic Party 39, non-party members 49. Of the 49 non-party members, 13 were members of Catholic circles.<sup>73</sup> Identical results in the last three elections show clearly that the distribution of the Sejm seats result from a quota allotment established by the PZPR rather than from a genuine electoral contest.

The following table presents the strength of the individual parties and members of the non-party groups in the 1957, 1961, 1965, 1969 and 1972 elections.

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<sup>73</sup>"The New Sejm", Polish Perspectives, Volume XV, Number 5, (May, 1972), p 4.

TABLE 1

Results of Polish Elections

	1957		1961		1965		1969		1972	
	seats	%	seats	%	seats	%	seats	%	seats	%
Polish United Party Workers (PZPR)	239	52.1	256	55.7	255	55.4	255	55.4	255	55.4
United Peasants Party (ZSL)	118	25.7	117	25.4	117	25.4	117	25.4	117	25.4
Democratic Party (SD)	39	8.5	39	8.5	39	8.5	39	8.5	39	8.5
Non-Party Members	63	13.7	48	10.7	49	10.7	49	10.7	49	10.7
Totals	459	100.0	460	100.0	460	100.0	460	100.0	460	100.0

Sources: Rocznik Statystyczny, 1957, p. 406; Rocznik Statystyczny, 1960, p. 557; East Europe, Volume XVIII, Number 7 (July, 1969), pp. 52-53; Polish Perspectives, Volume XV, Number 5 (May, 1972), p. 4.

These identical results emphasize the meaningless character of the electoral process. Although more candidates than seats (625 to 460) for the Sejm appear on the ballot, there is a well established practice of placing "less desirable" candidates at the bottom of the ballot. Their election theoretically would be possible, had a large number of voters dared to vote in secret and had they crossed out all the leading candidates. This procedure, however, although legal, is not widely used. By entering one of the voting booths it was clear one was not voting for the top candidates.

In the late 1960's each of the two allied parties endorsed various PZPR policies, such as abolition of religious instructions in the schools and restrictions on attorneys and small businesses -- measures which obviously ran contrary to the wishes of those segments of Polish society whose interests they were supposed to represent. Even if their leaders

protested against some features of communist policies, they were doing it at the closed meetings, secretly, and not in the public forum of their respective party meetings or in the Sejm.

The two parties not only followed the "leading", "foremost" and "hegemonic" political force represented by the PZPR, but they endorsed most of the measures toward narrowing the scope of freedom in Poland. Regardless if they did it by choice or under compulsion, the result was that the allied parties were unable to effectively perform even the limited role of quasi-opposition; they applauded the PZPR for every move. In such a situation, Poles could not see any real distinction between the program and activities of the PZPR and those of the ZSL and SD. Lacking an independent source of support of their own, the parties had to rely continuously on PZPR support, which could only be obtained by their following the communist lead at every turn. Even Wiatr, maybe hypocritically, states that "little is known about the role of minor parties... and any generalization will be premature."<sup>74</sup>

Of the various non-communist groups, the Catholic Znak is the most independent, representative of the liberal Catholic intelligentsia. The other Catholic lay group Pax is in close alliance with the dogmatist element of the PZPR and does not have any links with the Catholic hierarchy. In addition, some of the other groups which exert a certain influence in the political processes are the bureaucracy, the trade unions, the army, the mass media, and the universities, all of which are usually part of the hegemonic coalition.

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<sup>74</sup>Wiatr, op. cit., p. 138.

In the Polish system a functional division of labor exists between the institutions of the Party and the State, which are interlocked at every level of power and administration. The political structure might be compared to a pyramid with the First Secretary of the Central Committee at the top, and the Politburo and the Secretariat of the Central Committee forming the highest decision-making body, their function being the translation of ideological policy into decisions. The First Secretary is the key figure in the Party. He is the apex of the whole process of public policy formulation and implementation. Jaroslaw Piekalkiewicz, an expert on Polish public administration, describes the First Secretary's unique role:

[he] unites in his person the function of top decision-maker, not only for the Party and through the Party, but also for and through ... General Administration, Economic Administration, Minor Parties, and the Media of Communication. He has the unique advantage within the system of utilizing all the lines of communication and implementation, all the lines of inputs and outputs. He is the only one who can, with authority, address himself directly to the general public, thereby bypassing the whole hierarchy of the system.<sup>75</sup>

In the Politburo one best sees the interlocking directorates at work. As Politburo members, they make policy; as Secretariat members, some of them see to it that the policy is carried out by the party apparatus; as members of the Council of State, the Council of Ministers and the Sejm, they legalize policy in the form of laws and decrees.

The governmental hierarchy parallels that of the Party, except at the lowest level. The Sejm corresponds to the Party Congress, the State Council to the party Central Committee and the Council of Ministers to

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<sup>75</sup>Jaroslaw Piekalkiewicz, "Communist Administration in Poland within the Framework of Input Output Analysis," East European Quarterly, Volume VI, Number 2, (June, 1972), p. 234.

the Party Politburo. Although, in theory authority is exercised by the constitutionally established governmental bodies, in practice Party predominance is guaranteed by the existence of the party pyramid which parallels the governmental structure at every level. No major governmental decision is made except upon order or approval from the appropriate Party official. Since the Party is the major decision-making body, government is to a great extent the administrative instrument for implementing the Party policies and aims. The Party makes the decisions while the governmental apparatus serves as its agent to carry out these decisions.

Nonparty governmental employees who hold lesser jobs are fully aware that the Party is in control of the state machinery and the leadership of the Party is superior to the Council of Ministers in its decision-making function. "Party members", according to Piekalkiewicz, "comprise the majority of the executive elites in all segments of society: political, economic, cultural, educational, military and police."<sup>76</sup>

Edward Gierek, who is the First Secretary of the Central Committee and the chief of the Politburo, works with his staff which is grouped in the Secretariat of the Central Committee. Although according to the Party statutes, the formal authority to make policy is vested in the Politburo, this power is shared to a great extent with the Secretariat. The balance of power between the two organs is reflected in the interlocking membership between them. Out of nine secretaries, including Gierek, seven are Politburo members or candidates.<sup>77</sup>

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<sup>76</sup>Ibid., p. 232.

<sup>77</sup>Richard F. Staar, The Communist Regimes in Eastern Europe (2nd ed. revised, Stanford: Hoover Institution Publication, Stanford University Press, 1971), p. 143.

As the chief administrative organ of the Party, the Secretariat supervises the implementation of the Party's policies and decisions in all administrative, economic, military, social, cultural and professional institutions through the hierarchy of secretaries which makes up the corps of full time professional Party workers. The Secretariat thus constitutes a powerful instrument for maintaining control of the Party and the State. The Secretariat and its apparatus exercises control by: a) deciding key appointments; b) directing Party efforts in promoting and implementing public policies; c) accumulating and organizing information and preparing reports and recommendations for action which are transmitted to the First Secretary; and, d) playing a significant role in the formulation of public policy through the control of the main channel of information available to the First Secretary and the Politburo.

The Council of Ministers is the supreme administrative organ in the technical implementation of Politburo policies and is responsible for administering day-to-day affairs of State. Though nominally accountable to the Sejm which has a power of recall, the Council, is, in fact, more nearly an administrative arm of the Party Politburo with which its membership overlaps.

The Prime Minister, at present - Piotr Jaroszewicz, and Deputy Premiers (of whom there are now six), are members of the Politburo. In addition, there are twenty-three ministers, almost all party members. The lines of accountability, responsibility, control and audit to which the Council of Ministers is now subject is very complex. Constitutionally, like a parliamentary cabinet in the West, it is responsible to the Sejm. At the same time, in practice, the Council of Ministers is charged with administration and implementation of Politburo policies. In addition, the

party Secretariat checks and monitors their efficient and prompt fulfillment. In reality, then, their main "control and audit" has been the party Secretariat, whose jurisdiction is political rather than legal. Finally, the standing committees (komisje) of the Sejm also enjoy "control" functions over the Council of Ministers.

The role of the Council of State which might be designated the "collective president" of the republic, is very ambiguous. It is composed of a Chairman, four deputy-chairmen, a secretary and eleven members elected by the Sejm exclusively from among the deputies.<sup>78</sup> It is a kind of executive committee of the Sejm. Formally, it shares all powers - legislative, executive, and judicial. The Council of State is empowered to interpret the laws and its interpretation is final and binding on all organs of the state. In the interval between sessions of the Sejm, it performs many of the functions of the parent body. It can pass decrees of law, although these decrees are subject to subsequent approval by the Sejm..

Finally, it performs many of the functions of a formal executive in a parliamentary state. Its head is considered to be the President of the Republic. It calls elections to the Sejm (but the Sejm exercises sole discretion on closing its session). On the Prime Minister's suggestion it has the right to order ministerial changes, though they must be approved by the following session of the Sejm. The Council of State also possesses the authority to appoint and recall diplomatic representatives, and higher civil and military officials, Supreme Court judges, and the Procurator-General.

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<sup>78</sup>Szczepanski, op. cit., p. 57.

It also has certain ill-defined supervisory powers over local People's Councils. Decisions concerning these matters are made by the Council of State collectively, understandably on the initiative of the Party. The Council of the State can also declare war and introduce the martial law. It is elected from and by the Communist dominated Sejm, it is accountable to the Sejm and it follows the general policies of the Party leadership. All in all it is not an important policy-making body.

The Sejm is formally designated as the supreme organ of the State authority. Theoretically, the Sejm makes laws, controls other State agencies and appoints and recalls the Council of Ministers, and the President of the Supreme Board of Controls. It also formally elects the Council of State. Finally, it approves the State budget, the national economic plan and other economic legislation.

In actual practice, the Sejm is dominated by the Council of Ministers and ultimately by the Polish United Workers' Party (PZPR) which, with its strong Party discipline, is the real source of power. In recent years, the position of the Sejm has improved to a certain extent. Indeed, Gierek, the Party Plenum, the Council of Ministers, the press, in general, as well as the deputies, seem unanimous in their desire to increase the Sejm's prestige and expand its duties, responsibilities and powers, in order to make it the real legislative body.

Nevertheless, it is still not a deliberative or debating body, nor does it formulate policy. The Party decides on the composition, organization and work of the Sejm.

The main function of the Sejm as a whole is to formally symbolize democracy and legality. In practice it transforms the will of the Party into laws enacted by the "representatives" of the people. Although it is



the highest legal organ of the state, in reality it is not the center of power in the Polish system of government.

The Supreme Court is elected by the Council of State for a term of five years.<sup>79</sup> The Council of State also appoints judges to the other courts. The Supreme Court, however, does not have the power of judicial review. The power of legal interpretation is limited to its role as the highest appellate court of the nation. There can be no opposition in the Court to the policies of the Party. It was officially proclaimed that the directives of the Party "are guiding principles for the activities of the courts and all agencies of the entire administration of justice."<sup>80</sup>

In addition to its other functions, the Supreme Court is charged by the Constitution with the supervision of the judicial activities of all other courts.<sup>81</sup> This power has been exercised to insure a centralized, uniform, and disciplined judiciary. Essentially, Polish judges are civil servants. Formally, the Polish constitution states that "judges are independent and subject only to the Law."<sup>82</sup> However, in evaluating this "independence" we must take into account the fact that the great majority of judges are Party members and hence subject to Party discipline. According to information this writer received in Poland, in certain cases of great political significance, the Party intervenes directly. Normally, however, direct Party interference in individual cases is condemned.

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<sup>79</sup>Konstytucja...1952, article 51, sections 1 and 2; "Ustawa o Sadzie Najwyzszym," Dz.U., 1962, Number 11, Item 54.

<sup>80</sup>Nowe Prawo, volume X, November 7-8, 1954, p. 5.

<sup>81</sup>Konstytucja...1952, article 51, section 1; "Ustawa o Sadzie..." (see number 79 above).

<sup>82</sup>Konstytucja...1952, article 52.

There is no question that Polish judges have a very weak constitutional position in the political system. This lack of independent and effective judicial review leaves the government's and ultimately the Party's position unchallenged.

The role of mass media of communication within the framework of our input-output analysis cannot be omitted from our considerations. In Poland, as in all other communist countries, as pointed out by Austin Ranney, "all mass media, including newspapers, are government-owned and -operated monopolies used to persuade the masses to support government policies with enthusiasm."<sup>83</sup>

Piekalkiewicz goes much further. He argues that "the importance of the communication media for the process of public policy formulation and implementation cannot be overstressed."<sup>84</sup> There is no question that the role played by the mass media in terms of inputs and outputs is not limited just to influencing the public and thereby facilitating an easy and a smooth acceptance of government policies. Their role is certainly much bigger.

The top Polish policy-making and monitoring agency for the mass media is part of the Secretariat of the Central Committee of the PZPR, namely the Department of Agitation and Propaganda. The important point to remember is that the Party feels it essential to gear communication controls to over-all national policy. The decisions of the Department of Agitation and Propaganda of the Central Committee as to the content of communications go out to all state organs such as the Committee for Radio and Television and the Main Office for Control of the Press, Publication and Public Spectacles.

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<sup>83</sup> Austin Ranney, The Governing of Men (3rd edition revised, New York: Holt, Rinehart and Winston, Inc., 1971), p. 249.

<sup>84</sup> Piekalkiewicz, op. cit., p. 244.

The mass media manipulates outputs, - their own as well as those of the administration, - by giving their own interpretation of the designs of the central government. The mass media also influence outputs by reporting on local conditions and by criticizing the administration for red tape, negligence, and corruption.

Finally, the media influence the output by reporting on public attitudes and public reactions as expressed in millions of letters to radio and TV stations and to newspaper editors. Thus the media provide a very important line of communication between the masses and the top Party leadership. This flow of information constitutes a feedback effect on the political system.<sup>85</sup>

Last, but not least, a very important channel of communication is the political police. Although little is known about its recruitment, terms of service, or operations, it is widely believed in Poland, that Gierek strengthened the secret police and the militia. It is known that the top personnel of both organizations was changed; to what effect is not clear. The Secret Police forms a vast intelligence organization in Poland. It has special networks in the armed forces, in the administrative, industrial and agricultural bodies, and in educational institutions. Yet the police have not been able to play an independent role in Polish politics. The police representation in the Central Committee is limited and could be important only if it were to act as a bloc and if it should hold the balance during an internal crisis. Although its role is circumscribed within the leadership, it is, according to Piekalkiewicz, "a vital line of

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<sup>85</sup>See David Easton, A System Analysis of Political Life (New York: Wiley, 1965), pp. 363-381.

communication which supplies a constant flow of information (inputs) and terrorizes the administration and population into a higher level of performance and political purity (outputs)."<sup>86</sup> Although the secret police is not directly related to the main object of this work, it would be a serious omission not to mention its existence and its role in the political system.

### The Legislative Environment

The deputies elected to the Sejm find themselves part of a highly structured institution where their behavior is circumscribed by both formal and informal rules of organization and procedures.<sup>87</sup> "While the theory of representation," as stated by C. Dale Vinyard, "may be posited on a principle of equality of elected representatives - one man, one vote - the realities of organizational life necessitate inequality - a division of labor and a hierarchy of power."<sup>88</sup> The last elections to the Sejm were held on March 19, 1972. The present Sejm is the sixth since the end of World War II.

Deputies belonging to the various political parties form parliamentary clubs (kluby poselskie). In line with the political make-up of the present Sejm, there are three parliamentary clubs - the Polish United Workers' Party, the United Peasant Party and the Democratic Party. Each club

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<sup>86</sup>Piekalkiewicz, op. cit., p. 248.

<sup>87</sup>For the full text see "Regulamin Sejmu Polskiej Rzeczypospolitej," Monitor Polski, Number 24 (April, 1972), Item 136. For a concise description of the structure of the Sejm in English, see Stefan Rozmaryn, The Sejm and the People's Council in Poland (Warsaw: Polonia Publishing House, 1958), pp. 13-30.

<sup>88</sup>C. Dale Vinyard, Congress (New York: Charles Scribner's Sons, 1968), p. 61.

elects its chairman, two vice-chairmen and a secretary. There are also three Catholic circles: "Pax," "Znak," and the Christian Social Association. Deputies elected from the same province (voivodship) form a voivodship group regardless of their party affiliation. These groups are organized on a voluntary basis which aid in contacts and meetings with the electorate and which assist the deputies in handling public complaints and grievances.

The directing body of the Sejm is a collegiate body called the Presidium, elected by the Sejm. The Presidium of the Sejm is composed of the Marshal (traditional name in Poland for the Speaker), and three vice-Marshals. The Presidium as a collective body represents the Sejm externally: it sees to the proper implementation of the Sejm rules; is responsible for the maintenance of order within the confines of the Sejm; and organizes inter-committee cooperation. The Presidium is authorized to interpret the rules; in doubtful cases it requests the opinion of the Mandate and Rules Committee.<sup>89</sup>

The Presidium, elected for the entire four-year term is the official channel of communication between the chamber and the government.

The Marshal, or in his absence one of the vice-Marshals, presides over the deliberations of the Sejm and guides its work with the aid of the Secretaries elected by the Sejm from among the Deputies.<sup>90</sup>

The Marshal presides over the meetings of the Sejm's Presidium and the "Council of Seniors." The Council of Seniors (Konwent Seniorow) is composed of the Presidium of the Sejm and the chairmen of parliamentary

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<sup>89</sup>Regulamin Sejmu...1972, article 20.

<sup>90</sup>Ibid., article 23.

clubs and circles.<sup>91</sup> The Council may co-opt additional members from among the deputies. The Marshal of the Sejm may convene a meeting of the Council on his own initiative or on that of the Presidium or on the request of any of the clubs.

The Council of Seniors is an advisory body to the Presidium of the Sejm in matters pertaining to the proper course of parliamentary work as well as regards cooperation between parliamentary clubs and circles in relation to problems connected with the activities of the Sejm.<sup>92</sup> In particular, the Council of Seniors is responsible for legislative scheduling and for planning the work of the Sejm. In addition, it proposes candidates to all organs of the House exercising influence over committee assignments. Finally, it performs a function similar to that performed by the Rules Committee of the U. S. House of Representatives. The Council of Seniors may stipulate when a bill is to be brought up for consideration and how much time is to be set aside for debate. It also deals with other matters introduced by the Presidium.

The Chancery is a subsidiary executive organ of the Presidium under the authority of the Marshal. The present Marshal of the Sejm is Stanislaw Guewa, a member of the United Peasant Party; of the three vice-Marshals, Andrzej Werblan represents the Polish United Workers' Party, Andrzej Benesz the Democratic Party, and Halina Skibniewska represents nonparty members.<sup>93</sup>

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<sup>91</sup>Ibid., article 24.

<sup>92</sup>Ibid., article 25.

<sup>93</sup>"Polska Inauguracyjna Sesja Sejmu VI Kadencji," Kronika, Volume XXI, Number 952 (March 26-31, 1972), pp. 250-251.

The Sejm also appoints and dismisses the President of the Supreme Board of Control (Najwyższa Izba Kontroli Państwa) (NIK).<sup>94</sup> This body gives significant assistance to the Sejm in exercising control over the administration. The Board is entirely independent of other organs of administration and responsible only to the Sejm. The main function of the Supreme Board of Control is to conduct systematic control over the economic, financial and organizational activities of the central and local organs of state administration in respect to legality and efficiency. Implicit in this auditing function is a responsibility to report significant matters to the Sejm which help it carry out surveillance of the government. The Supreme Board of Control also presents the Sejm with an opinion of the implementation of the economic plan and budget and a recommendation concerning approval of the State accounts to be given by the Sejm to the Cabinet.<sup>95</sup>

The most important feature of the Supreme Board of Control is the fact that it is an organ of the Sejm and not of the Executive. As such, it is a unique controlling body among the Communist nations of Eastern Europe. It resembles the arrangement found in some of the Western democracies as in the United States where a General Accounting Office acts as "an independent agency in the legislative branch."<sup>96</sup>

A look at the membership itself reveals that as in most representative bodies of the world, the deputies - who make up the Sejm, are anything but a cross section of the population. Women account for 15 percent of the

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<sup>94</sup> Regulamin Sejmu...1972, article 50.

<sup>95</sup> Malgorzata Gorska (ed.), Poland: The Country and its People (Warsaw: Interpress Publishers, 1971), p. 35.

<sup>96</sup> United States Government Organization Manual - 1970/71 (Washington: Government Printing Office), p. 35.

membership, while the proportion of women in the country is 51.4 percent.<sup>97</sup> In terms of education, 46.3 percent of the deputies have degrees whereas less than 5.5 percent of all employed persons held university degrees.<sup>98</sup> The age structure is more striking. According to the latest figures, every third Pole is under the age of eighteen, every second under thirty, the greater part of the nation is under forty.<sup>99</sup> In the Sejm, however, well over 83 percent of its membership is over 40 years of age. If we take into consideration the deputies over 50 years of age, they constitute almost 40 percent of the Sejm's membership.<sup>100</sup> While peasants represent 36.5 percent of the population, in the Sejm they account for 13.5 percent of its membership. In reality, the Sejm, especially in the United Polish Workers' Party, represents the privileged elites of the regime and to a great extent duplicates the social membership and even the personnel of the hierarchies in the Party, state, economic, and military establishments. Not only all members of the State Council, but also almost all the communist members of the Council of Ministers, and many members of the Central Committee of the Communist Party are members of the Sejm.

Thus, the new parliament elected in March, 1972, like all the previous ones, is not really a very representative body. The members,

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<sup>97</sup>The figures are compiled by the author from "The New Sejm," Polish Perspectives, volume XV, Number 5 (May, 1972), p. 4 and Maly Rocznik Statystyczny - 1972 (Warsaw: Glowny Urzad Statystyczny, 1972, p. 367.

<sup>98</sup>"Poland in Figures," Contemporary Poland, Volume VI, number 7-8 (July-August, 1972), p. 20.

<sup>99</sup>"Youth: Poland's Great Problem," Contemporary Poland, volume VI, Number 2 (February, 1972), p. 7.

<sup>100</sup>Maly Rocznik...1972, p. 9.



afterall, were elected from the single-slate ballot of the Front of National Unity, which is effectively controlled by the Party. In addition, Party discipline still exists. Many attempts to give more autonomy to the Communist Party parliamentary club have been rejected.

The deputy chairman of the parliamentary club of the Polish United Workers' Party, Professor Julian Hochfeld, in the spring of 1957, had proposed the autonomy of the club from the Party leadership.<sup>101</sup> This, in his opinion, would establish within the ruling party a system of checks and balances, which would eliminate the danger of an abuse of power. The proposals of Hochfeld and others to give the Communist deputies the right to a free vote have made no headway. Any attempt to formally change the monolithic power of the Polish United Workers' Party has failed. But, in practice, there is much more leeway, as the Party does not now take a formal stand on many issues, as opposed to past practice, today, a formal stand is generally taken only on basic decisions, leaving individual members and party clubs more freedom of action.

A question that often intrigues American political scientists as regards what causes a member of the U. S. Congress to act as he does is also not so easily answerable in the Polish context. The situation is contradictory, or at least ambiguous. Formally, it is not a deputy's own conviction or his constituent's views, but the Party's directives. This is clearly stated in all Party pronouncements:

"The Party is the guiding political force in Poland... gives general inspiration and direction to State policy and national development; ensures that this policy and development are consistent with the Party programme. The internal political setup in Poland leaves no scope for

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<sup>101</sup>Julian Hochfeld, "Z Zagadnien Parlamentaryzmu w Warunkach Demokracji Ludowej," Nowe Drogi, Volume XI, Number 4 (April, 1957), pp. 69-80.

social groups - now only a narrow margin on the fringe of society - which refuse to accept socialism and pay heed to hostile propaganda spread by alien centres of political subversion abroad, to disturb the internal harmony of national life in Poland. In this sense, there is no room in Poland for the free interplay of political forces, and consequently no room for political opposition."<sup>102</sup>

Finally, then, there is really no true parliamentary opposition in the Sejm. Even the three Catholic political groups declare full support for the economic and political program of the Party. Nevertheless, these Catholic groups, together with non-party members, may be considered as something resembling an opposition. Although they have very little chance to change major Party decisions, they have some influence on the implementation and language of the bills. Their very existence is unique in Eastern Europe where, except for Poland, the role played by non-communist groups in the parliaments is rather decorative.<sup>103</sup>

Even putting aside the Catholic and non-party members of the Sejm, it would be an error to assume that the Sejm is totally a subservient body in the hands of the Cabinet and the Communist Party leadership. Some independence from the Party leaders is also found among Party members. The actual life and institutional processes do not always correspond to official Party pronouncements. The Sejm and its committees, like other institutions, have their own life. They have much more freedom of action than one would gather from formal statutory provisions and the speeches of Party leaders. It would be misleading, however, in the opinion of the distinguished expert on the Polish Constitutional Law, Professor Stefan Rozmaryn,

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<sup>102</sup>"Sejm - the Supreme Organ of State Authority," in Contemporary Poland, volume VI, number 1 (January, 1972), p. 5.

<sup>103</sup>H. Gordon Skilling, The Governments of Communist East Europe (New York: Thomas Crowell Co., 1966), p. 131.

"to read into the activities of M.P.s belonging to the governing majority either the aims and methods of a parliamentary opposition or the margin of liberty in criticizing government policy that is at the disposal of such an opposition. Even the most vehement criticism voiced by members of the governing bodies stop short of questioning the fundamental policies of their parties; their criticism is usually focused rather on the mere technical problems and issues of economy and administration.<sup>104</sup>

Of course, the Polish parliament is not equivalent in power to Western legislatures. Nevertheless, several reforms were introduced in 1957 which enhanced its role and brought it a little closer to its own pre-communist tradition and to the democratic parliaments of the West. Legislation by decree of the Council of State has been reduced to a minimum. The Sejm is meeting more often, and for longer spring and autumn sessions, lasting three months each.<sup>105</sup>

The rule of giving each bill two readings was introduced. The first reading, however, when "general principles" were supposed to be discussed, never led to a debate.<sup>106</sup> The debate before the second (and final) reading is usually dull, since the votes are a foregone conclusion.<sup>107</sup> Abstentions do occur, however, and individual critical opinions are expressed and even occasional negative votes are cast by non-Party members. There were instances when fairly exhaustive debates took place in the National

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<sup>104</sup> Stefan Rozmaryn, a Professor of Constitutional Law, University of Warsaw, and corresponding member of the Polish Academy of Science: "Parliamentary Control of Administrative Activities in the Polish People's Republic," Political Studies, volume VII, number 1 (January, 1959), p. 74.; see also Zbigniew Pelczynski, "Parliamentarism in Poland," Parliamentary Affairs, volume X, number 4 (Autumn, 1957), pp. 495-504.

<sup>105</sup> Rocznik Polityczny i Gospodarczy, 1971 (Warsaw: Panstwowe Wydawnictwo Ekonomiczne, 1972), p 31.

<sup>106</sup> Pelczynski, op. cit., p. 496.

<sup>107</sup> Ibid.

Economic Plan and Budget.

The number of Sejm committees was increased and they are quite active. It is in these committees that legislative proposals are scrutinized with great thoroughness, occasionally resulting in their modification or even rejection.

In addition, the Sejm's oversight over administration has considerably increased. Even the First Secretary and other members of the Politburo appeared before the Sejm to present the government's legislative plan and ask for approval in the form of a special resolution.

There is no question that all of this has produced a substantial revival of parliamentary activity in Poland.

### III. THE COMMITTEES

In legal and formal terms, the Sejm is master of its own house; its committees are its creatures. The committees as auxiliary organs of the Sejm exercise those powers which the Sejm chooses to grant them. Many explanations for the necessity of committees in all legislatures are given, such as the sheer number of legislative proposals, the complexity of legislation and, consequently, the need for specialization which, in turn, contributes both to the members' and legislature's effectiveness. According to Dale Vinyard:

By providing an opportunity for a division of labor and specialization, the committee system is functional for the legislative system. It enables legislators to contend with the complexity, diversity, and volume of demands made upon them.<sup>108</sup>

In the Polish Sejm, as in the legislatures of other countries, this shift of workload to committees has occurred.<sup>109</sup> In 1945 there were only eighteen committees in the Sejm.<sup>110</sup> In 1948 the number went up to nineteen, each with fifteen members, except for Budget and Finances which had thirty members.<sup>111</sup> From 1952 to 1957 the number was reduced to seven committees with a total of 130 members.<sup>112</sup> The Standing Orders of 1952 established them as:

#### 1. Legislative Proposals

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<sup>108</sup>Vinyard, op. cit., p. 64.

<sup>109</sup>Pelczynski, op. cit., p. 497.

<sup>110</sup>Regulamin KRN-1945, article 64.

<sup>111</sup>Regulamin Sejmu Ustawodawczego, 1948, article 61.

<sup>112</sup>Regulamin Sejmu, 1952, article 18.

2. Budget
3. Foreign Affairs
4. Education, Science and Culture
5. Internal Trade
6. Building and Communal Economy
7. Labor and Health

During this period the committees were totally subordinated to the Presidia of the Sejm. The Presidium established the spheres of their activities and the method of their operation. They met very seldom, and limited themselves to giving opinions on the matters assigned to them by the Presidium. They were not allowed to meet when the Sejm was not in session. In addition, the committees were required to submit reports to the Sejm Presidium about the work assigned them. The Presidium then decided when and in what form committee reports would be presented on the floor of the Sejm. The committees were further limited in that with the exception of the Legislative Proposals and Budget committees, they were not permitted to form subcommittees. Generally speaking, the limited role played by the committees reflected the minor position of the Sejm.

In 1956, however, with the deStalinization of political life, the Sejm increased in power. "Where before 1956 the legislative output was divided into 161 Council of State decrees and just 42 laws passed by the whole Sejm, in the next four years the balance was virtually reversed: 174 laws and only 13 decrees!"<sup>113</sup> The power of the committees was also increased. Not only was their number increased, but the spheres of their activities were enlarged and their independence strengthened. The new Standing Orders of 1957 increased the number of committees to nineteen, and the number of deputies assigned to committees to 305.<sup>114</sup>

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<sup>113</sup>Rocznik Polityczny i Gospodarczy, 1969 (Warsaw: Panstwowe Wydawnictwo Ekonomiczne, 1970), p. 206.

<sup>114</sup>Regulamin Sejmu, 1957, article 28.

The following committees were established:

- |                          |                       |
|--------------------------|-----------------------|
| 1. Building              | 10. Education         |
| 2. Maritime              | 11. Economic Planning |
| 3. Internal Trade        | 12. Labor             |
| 4. Foreign Trade         | 13. Heavy Industry    |
| 5. Transportation        | 14. Light Industry    |
| 6. Culture               | 15. Agriculture       |
| 7. Forestry              | 16. Internal Affairs  |
| 8. Rules and Regulations | 17. Foreign Affairs   |
| 9. National Defense      | 18. Judiciary         |
|                          | 19. Health            |

From this time on, the committees started to operate with greater independence, showing more initiative and even assuming some oversight functions over the government and administration. Government ministers and officials had to answer the criticism and inquiries of committees. Government budget and economic plans and legislative proposals were submitted to committee deliberations. The committees began to offer criticism, objections, amendments, and helpful proposals.<sup>115</sup> The reason for this greater role of the committees is, according to Zbigniew Pelczynski, simply political expediency. According to him:

Since their (the committees') deliberations were secret and only reported to the public through the official communiques of the Sejm Press Bureau, the government did not have to fear a loss of face and the commission could indulge in a liberty untasted by the Sejm in pleno. Here, and not in the Chamber, beats the real pulse of Polish semi-Western parliamentarism.<sup>116</sup>

The same reason for shifting the load to committees is given by Vincent Chrypinski.<sup>117</sup> In closed committee rooms, according to him, the ruling Communist Party can find out the truth about the merits or demerits of their proposals and correct the flaws in them. Unlike the Sejm, which

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<sup>115</sup>Alexander J. Groth, People's Poland: Government and Politics (San Francisco: Intext, 1972), p. 28.

<sup>116</sup>Pelczynski, op. cit., p. 497.

<sup>117</sup>Vincent C. Chrypinski, "Legislative Committees in Polish Lawmaking," Slavic Review, Volume XXV, Number 2 (June, 1966), p. 257.

meets only sporadically, the standing committees are constantly in session. It is in these meetings that most of the work of the Sejm goes on.

The Polish Sejm has gone further than the British, French and American legislatures in delegating so much of its work to committees. The following table best illustrates the extent of committee activities within the Sejm:

TABLE #2  
The Number of Sejm's Plenary Sitzings  
and Committees' Meetings  
1952-1969

	Sejm's Plenary Sitzings	Committees' Meetings
1st Sejm (1952-1956)	39	247
2nd Sejm (1957-1961)	59	1203
3rd Sejm (1961-1965)	32	887
4th Sejm (1965-1969)	23	801
Total	153	3138

Source: based on material contained in Rocznik Polityczny i Gospodarczy, 1969 (Warsaw: Panstwowe Wydawnictwo Ekonomiczne, 1970), pp. 206, 208.

This table clearly shows the extent of work done by the committees in comparison to plenary sessions of the Sejm. In its four four-year terms, the Sejm had only 153 plenary sittings, while during the same period the permanent committees held no fewer than 3138 meetings. The ratio is 20.5 committee meetings to one plenary session of the Sejm. West Germany's Bundestag attains the same ratio of about twenty committee meetings for every plenary sitting.<sup>118</sup>

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<sup>118</sup> Karl Gutzler, "Wie die Parlamente tagen," Das Parlament (December 12, 1960), p. 11.



Perhaps it is worth noting at this time that Poland is not the only country in Eastern Europe to have witnessed the strengthening of committees after the death of Stalin. In Hungary, the 1956 Standing Orders of the National Assembly authorized committees to act on their own initiative in investigating all social and political problems and stated that their work should form the basis for the proper functioning of the assembly.<sup>119</sup> In Czechoslovakia, the new Constitution of 1960 emphasizes their role as giving impetus to the activities of other state organs in two separate articles (53 and 54) and article 45 gives Standing Committees the right of legislative initiative.<sup>120</sup>

Evolution in the Soviet Union, although started later than in Poland, Hungary and Czechoslovakia, is also quite impressive. In 1966 the Supreme Soviet's nine weak Standing Committees (four in the Soviet of the Union and five in the Soviet of Nationalities) were expanded to ten for each chamber. In the following years by a special statute (Zakon) the committees were further restructured and their number increased to thirteen for each chamber. According to the report of M. S. Solomentsev, chairman of the Legislative Proposals Committee of the Soviet of the Union, this new statute serves not only to establish "the rights and obligations of the Chambers' Committees, but (is) also a law regulating the interrelations of the standing committees and other state bodies."<sup>121</sup>

The demands that the Supreme Soviet and its committees' responsibilities and powers be further strengthened was renewed at the Twenty-fourth Party

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<sup>119</sup> J. Beer, I. Kovacs, L. Szamel, Gosudarstvennoe Pravo Vengerskoi Narodnoi Respubliki (Moscow, 1963), p. 333.

<sup>120</sup> Jozef Repel, "Z Zagadnien Inicjatywy Ustawodawczej w Europejskich Panstwach Socjalistycznych," Prawo (Wroclaw), Vol. XXXVIII, No. 163(1972), p. 143.

<sup>121</sup> Izvestia, October 13, 1967, quoted in Vernon V. Aspaturian, "The Society Union," Macridis, op. cit., p. 614.

Congress in 1971, by Leonid Brezhnev:

Let me remind you of the necessity of enhancing the role of the Soviets ... The USSR Supreme Soviet and the Union-Republic Supreme Soviets have intensified their control over the work of ministries and departments and over the state of affairs in the basic sector of economic and cultural construction. The increased number of standing committees and the more systematic organization of their activities enable the deputies to display more initiative, to delve more deeply into the work of executive agencies, and to take more active part in the preparation of draft laws."<sup>122</sup>

The evolution in the Soviet Union not only expanded committees' power and strengthened their constitutional status, but as in the other countries also gave the party apparatus a de facto monopoly over chairmanships and vice-chairmanships of important committees. Altogether nineteen of twenty-six standing committee chairmen are full members or candidate members of the Central Committee. Thus the expansion of the standing committees makes them parallel to the departments of the party's Central Committee apparatus. Increasingly, the same process takes place in Poland under Gierek.

There are two main types of committees in the Sejm: (1) the standing committees, and (2) special or select committees. By far the more important are the standing (or permanent) committees, whose main work is framing legislation and supervising state administration. Special or select committees are created by the Sejm for the purpose of preparing or considering measures which do not come within the jurisdiction of any of the standing committees. They are created by resolution for the purpose of undertaking a particular task, such as investigation or study, and when the committee has made its report to the Chamber, it is disbanded.

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<sup>122</sup>Pravda, March 30, 1971, quoted in Aspaturian, op. cit., p. 616. For the official Soviet commentary on Soviet Committees see L. T. Krivenko, "The Standing Committees and the Ministries," Sovetskoye Gosudarstvo i Pravo, Number 1, January, 1970, quoted in Aspaturian, loc. cit.

The standing committees are permanent units established in the rules of the House and are appointed for the entire term of a parliament. They are set up along functional lines, corresponding to the different ministries, except for the Rules and Credentials Committee and the Committee for Legislative Proposals. The Sejm Standing Orders of 1972 call for the election of 22 standing committees from among the members of the Sejm.<sup>123</sup> They are:

1. Building and Communal Economy
2. Small Enterprises, Crafts, and Cooperatives
3. Maritime Economy and Navigation
4. Mining, Energetics, and Chemical Industry
5. Internal Trade
6. Foreign Trade
7. Communications and Transportation
8. Arts and Culture
9. Forest and Timber
10. Rules and Credentials
11. Science and Technical Progress
12. National Defense
13. Education
14. Economic Planning, Budget, and Finance
15. Legislative Proposals
16. Labor and Social Welfare
17. Heavy and Machine Industry
18. Light Industry
19. Food and Agriculture
20. Internal Affairs
21. Foreign Affairs
22. Health and Physical Culture

The functions of most of the committees are evident from their titles. The Rules and Credentials Committee reports on the composition of the House after each general election, first verifying the credentials of deputies, and then makes motions concerning the validity of the election. It acts as an advisory body to the Presidium of the Sejm in disciplinary matters and in the area of rules interpretation.

The Legislative Proposals Committee is a new one, or rather an old committee abolished in 1952 and resurrected in 1972. As yet there is no

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<sup>123</sup>Regulamin Sejmu ... 1972, article 23.

available data on the actual work of the revived committee. According to newspaper interviews, the new chairman of the Committee, Professor Jerzy Bafia, views coordination, integration and cooperation among the different committees as the main area of his Committee's jurisdiction.<sup>124</sup> Bafia stated that all bills sent to appropriate standing committees will also be sent to his committee. The job of the Legislative Proposals Committee will be to analyze the bills in terms of all existing legislation, general policies and legislative technicalities. The committee will convey its remarks to the standing committee which makes the report. In this way the Legislative Proposals Committee is to assume the role of legal advisor to all other committees.<sup>125</sup>

The Committee already has two subcommittees. The first under the chairmanship of distinguished Polish sociologist, Jan Szczepanski, is to analyze the formative stage of the lawmaking process. The second, under Professor Sylwester Zawadzki, is to examine the progress in the codification of "delegated legislation." When both subcommittees have completed their tasks, their conclusions will be discussed by the entire Legislative Proposals Committee. Bafia envisions his Committee carrying out a function somewhat similar to that of Britain's Scrutiny Committee, that is to make sure that all "delegated legislation" and administrative rules and regulations do not go beyond the intentions of their "parent acts."<sup>126</sup>

#### Internal Committee Structure

The size of each committee and its membership is determined each term by the Sejm. Size is determined by the importance of a committee's field

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<sup>124</sup>"Dzialalnosc Legislacyjna Sejmu VI Kadencji; Wywiad z Przewodniczacym Komisji, professor Jerzym Bafia, "Zycie Warszawy, September 9, 1972.

<sup>125</sup>"Prawny Doradca," Trybuna Ludu, June 19, 1972.

<sup>126</sup>"Stan Ustawodawstwa w Polsce," Zycie Warszawy, June 15, 1972.

for the socio-economic life of the nation and by the number of ministries over which it exercises oversight.<sup>127</sup> In the Fourth Sejm (1965-1969) the size varied from sixteen to forty-five members. There were two committees with more than forty members; four committees with more than twenty and three committees with more than fifteen members.<sup>128</sup> Formally, the Sejm elects the members, but the real power as to committee assignments rests in the Council of Seniors (Konwent Seniorow), consisting of the Marshal of the Sejm, three vice-Marshals, and chairmen and vice-chairmen of the party clubs.<sup>129</sup> The Sejm simply approves the Council choices. The main criteria used in making committee assignments are party membership, special competence and experience, geographical location, type of district represented and personal preference.<sup>130</sup> In addition, like in any other legislature, getting along with the party leaders may turn out to be a primary qualification. A seniority system does not exist in the Polish legislature.

There is no specific rule requiring deputies to serve on committees, but after accepting election to a committee the deputy is required to take part in the committee's work. In practice, the percentage of deputies who do not belong to any committee is very small. This, of course, is understandable since most of the work of the Sejm is done in committee. Those deputies who belong to no committee are, generally, members of the

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<sup>127</sup> Janusz Mordwilko, "Komisja Sejmu, jako Organ Kontroli Dzialalnosci Rządu," (unpublished Master's Thesis, Wydział Prawa i Administracji, Uniwersytet Warszawski, 1970), p. 68.

<sup>128</sup> Ibid., p. 67.

<sup>129</sup> Regulamin Sejmu...1972, article 25, section B.

<sup>130</sup> Mordwilko, op. cit., p. 69.

Seym Presidium, the Council of State, or the Council of Ministers. Polish constitutional law does not recognize a separation of powers and does not accept incompatibility, that is the impossibility of combining the holding of a state office with the position of a deputy. The explanation for this fact is given by Stefan Rozmaryn:

In a socialist economy founded on state property (the property of the entire people), there is no reason whatsoever to exclude Government employees of any rank from taking part in the work of Parliament... The mass character of employment in State economy and administration nullifies the assumption that a deputy's acceptance of a State paid position or job undermines his 'independence' for millions of people and in particular the entire working class - are, precisely thanks to his work, active co-masters of the State and its property - the property of the entire nation... The Seym has to be 'a working institution' whose members not only pass bills but also work actively to put them into life. Such a Seym cannot be made exclusively of professional parliamentarians since this would be a negation of its essential characteristics.<sup>131</sup>

The practice of having part-time deputies is based on the Leninist precept that deputies "must work, themselves, execute their own laws, must themselves test their results in real life and be directly responsible to their constituents."<sup>132</sup>

But this theory does not always work in practice. After 1966, with the increased volume of work, the Seym could not operate efficiently with only part-time deputies. Practical considerations created a small group of full-time deputies. The majority of them took a leave of absence without pay from their regular jobs in order to devote themselves

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<sup>131</sup>Rozmaryn, The Seym..., pp. 20-21.

<sup>132</sup>V. I. Lenin, Sochineniya, (4th ed., Moscow: Marx-Engels-Lenin Institute, 1941-50), Volume XXV, p. 396, quoted in The Soviet Political System, (ed.) Robert Conquest (New York: Frederick Praeger, 1968, p. 62.

fully to parliamentary work.<sup>133</sup> Those professional legislators, who in the Fourth Sejm numbered thirty deputies, receive a monthly salary from the State. Some of them belong to more than one committee. As a matter of fact, the number of deputies who belong to more than one committee is on the increase.<sup>134</sup>

Each committee has at least one full-time deputy.<sup>135</sup> Being able to spend more time in the study of a particular area, they become real experts in the field. As a consequence, when they speak they are looked upon as authorities and are highly respected. More often than not, they are elected to the positions of chairmen.

The composition of individual committees generally reflects the strength of the parties on the floor of the Sejm. Thus in every committee the communists (PZPR) form the largest group, followed by the members of the United Peasant Party (ZSL) and then by Democrats (SD) and non-party deputies. The committees, however, vary in the ratio of PZPR participation. In the 4th Sejm the Committee of Education and Science was 47.7 percent PZPR, Health and Physical Culture was 50 percent, Communications and Transport 59 percent, Chemical and Heavy Industry and Mining 65.1 percent, and National Defense 75 percent.<sup>136</sup> It appears, then, that PZPR participation is based on the importance of the committee's area as concerns government activity and the security of the socialist state. These numbers, however, mean little since the ZSL and SD members always

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<sup>133</sup>Rozmaryn, loc. cit.

<sup>134</sup>Mordwiiko, op. cit., p. 69.

<sup>135</sup>Vincent C. Chrypinski, "Poland's Parliamentary Committees," East Europe, Volume XIV, Number 1 (January, 1965), p. 20.

<sup>136</sup>Mordwilko, op. cit., p. 70.

take their cues from the PZPR. With the exception of Znak, they serve as "transmission belts" to the great majority of non-Communist Poles serving as subtle tools for integrating them into the communist system.

The members of a particular party on a committee form a team. The Communist teams meet together before any important meeting of their committee to decide their position. For a few of the committees the members of the United Peasant Party meet for the same purpose. Communist teams are, of course, in constant communication with the Presidium of their parliamentary club from which they receive their directives. All Communist Party teams are responsible to their Party club leadership for the fulfillment of the Party plans and directives.<sup>137</sup>

Besides party membership, special competence and experience, as mentioned previously, are important determinants of committee assignment. Table 3 (page 66) clearly shows the high correlation between the special knowledge of the members and the subject matter of their committees.

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<sup>137</sup>Ibid., p. 71.



TABLE 3  
Occupations of Members of Some Committees in the 4th Sejm

Committee	Total Number of Members	Members According To Occupation	Absolute Number		%
Education and Science	38	scientific	8	21	68%
		teachers	18	47	
		journalists	2	5	
		civic workers	8	21	
		others	2	5	
Communications and Transport	26	railwaymen	8	31	43%
		skilled workers	3	12	
		civic workers	10	38	
		others	5	19	
Health and Physical Culture	34	physicians*	9	26.5	58.9%
		social workers of health dept.	9	26.5	
		physical ed teachers	2	5.9	
		workers	5	14.7	
		peasants	1	2.9	
		others	8	23.5	
Light Industry Crafts and Cooperatives	29	craftsmen	6	20.7	55.2%
		skilled workers	6	20.7	
		technical engineers	4	13.8	
		peasants	5	17.2	
		economists	4	13.8	
		others	4	13.8	
Heavy and Chemical Industry and Mining	43	engineers	15	34.9	76.7%
		technicians	4	9.3	
		miners	4	9.3	
		skilled workers	10	23.2	
		scientific personnel	3	7.0	
		economists	2	4.7	
		others	5	11.6	
Food and Agriculture	45	peasants & farmers	23	51.1	75.5%
		agricultural engineers	3	6.7	
		zoo technicians	4	8.9	
		agronomists	2	4.4	
		veterinarians	2	4.4	
		lawyers	2	4.4	
		others	9	20.0	

TABLE 3  
(continued)

Committee	Total Number of Members	Members According To Occupation	Absolute Number	%	
Judiciary	21	lawyers	9	42.9	42.9%
		civic workers	6	28.6	
		teachers	3	14.3	
		journalists	2	9.5	
		workers	1	4.8	

\*Percentages calculated from Janusz Mordwilko's "Komisja Sejmu, Jako Organ Kontroli Działalności Rządu" (unpublished Masters Thesis, Wydział Prawa i Administracji Uniwersytetu Warszawskiego), pp. 72-74.

As mentioned before, geography also plays an important role in committee assignment. It comes into consideration in three ways. First, assignments appear to be determined by the geographic proximity of the deputy's constituency to the subject matter of a committee. Thus, of the seventeen members composing the Maritime Committee, thirteen represent electoral districts located in the provinces situated on the Baltic Sea. Secondly, geographic dispersion often seems important. Thus, the members of the Internal Trade Committee come from all over the country.<sup>138</sup> It is accepted that the country wide distributions of membership in the committee is functional to its operation. Finally, the territorial (Voivodship) deputy groups can informally approach the Council of Seniors to suggest names for certain committees which are considered important for the region involved. The candidates are first cleared as satisfactory to the formal party leaders. This approach is not often used, however.

<sup>138</sup>Chrypinski, Poland's..., p. 19.

The normal procedure for committee assignments is that the Party club leaders, who are members of the Council of Seniors prepare the names of their candidates for all committees. At a meeting of the whole Council of Seniors, consisting, as described before, of the Marshal of the Sejm, three vice-Marshals, and chairmen and vice-chairmen of the party club, the final assignments are decided upon. Then the Marshal formally proposes the assignments to the Sejm in plenary session. And the Sejm invariably approves them.<sup>139</sup>

#### Subcommittees

The standing committees are frequently divided into sub-committees. Some have permanent sub-committees with specialized jurisdictions; other committees rely on ad hoc sub-committees created for the purpose of conducting investigations into the activities of administrative departments, economic enterprises, and other state institutions. Ad hoc sub-committees may have members who are not members of the parent committees.<sup>140</sup> The committees can also create working teams (zespól poselski) numbering from three to six deputies who conduct direct inquiries and collect materials in the field. Tables 4 and 5 (page 69 and 70) are the most current figures available which provide some idea as to the work of the Sejm in subcommittees.

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<sup>139</sup> Mordwilko, loc. cit.

<sup>140</sup> Regulamin Sejmu...1972, article 37.

TABLE 4

Permanent Sub-committees of Some  
Committees in the 4th Sejm

Committee	Permanent Sub-committees	Number of Members	Number of Meetings
Education and Science	Teachers Affairs	13	3
	Higher Education and Science	13	15
	Secondary and Vocational Education	10	16
Communications and Transport	Polish State Railways (PKP)	9	4
	State Motor Transport (PKS) and Polish Airlines "Lot"	7	3
	Public Roads	5	3
	Communications	5	3
Light Industry, Crafts and Cooperatives	Light Industry	8	5
	Small Enterprises	4	5
	Cooperatives	4	5
	Crafts	4	5
	Pattern-Designing	2	4
Heavy and Chemical Industry and Mining	Metalurgy	9	12
	Machine Industry	14	14
	Chemical Industry	9	12
	Mining and Energetics	12	12
	Atomistics	4	7
	Desiderata	4	11
Building and Communal Economy	Housing Construction	7	7
	Industrial Building	6	3
	Rural Housing	5	10
	Communal Housing	5	7
	Building Materials	5	4
	Proposals and Desiderata	5	28
Judiciary	None	--	--

Source: Janusz Mordwilko, "Komisja Sejmu, jako Organ Kontroli Działalności Rządu," (unpublished Master's Thesis, Wydział Prawa i Administracji, Uniwersytet Warszawski, 1970), p. 90.

TABLE 5

Ad Hoc Sub-committees of Some Committees  
in the 4th Sejm

Committee	Number of Ad Hoc Sub-committees	Number of Members	Number of Meetings
Education and Science	5	33	6
Communication and Transport	3	15	3
Light Industry, Crafts and Cooperatives	33	138	35
Health and Physical Culture	38	225	48
Heavy and Chemical Industry and Mining	8	93	24
Building and Communal Economy	4	28	4
Judiciary	17	73	53
Foreign Affairs	None	--	--

Source: Janusz Mordwilko, "Komisja Sejmu, jako Organ Kontroli Działalności Rządu" (unpublished Master's Thesis, Wydział Prawa i Administracji, Uniwersytet Warszawski, 1970), p. 90.

The extensive sub-committee organization like the committee system encourages further specialization thereby enlarging the effectiveness of the committees and legislature as a whole. In addition, the existence of the many sub-committees permits a larger number of members to play more prominent roles and win recognition and prestige in the House and in their respective parties.

The problem concerning sub-committee power vis-a-vis parent committees is not as serious as in America because Polish sub-committees are not

autonomous. Formally, they can only act within the authority clearly vested in them by the parent committees and they have to make a report to the parent committee.

#### Committee Presidia and Committee Chairmen

Every committee elects from among its members a presidium<sup>141</sup> which is composed of a chairman and two to four deputy chairmen. This collegiate body collectively guides the work of its committee by planning and organizing its work. It calls the meetings, sets the agenda of the committee, and takes care of the house-keeping functions and the administrative work of the committee. The presidium of the committee also informs the Presidium of the Sejm about the progress of its work.

Some Presidia show a tendency to enlarge their competence and act more or less independently of their committees.<sup>142</sup> Some are more democratic and responsive to the will of the committee. The chairman's role in the committee, formally at least, is more than that of a presiding officer. His influence in the committee depends not so much on his formal prerogatives but on his skill, reputation and contacts, and his standing in his own political party.

There are no specific rules governing the distribution of the presidia's membership and chairmanships, but it is expected that they should be divided among the three political parties roughly in proportion to their strength on the floor of the Sejm. This practice is rarely found in other legislatures. West Germany's Bundestag is one of the few that does

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<sup>141</sup>Ibid., article 33.

<sup>142</sup>Ludwik Pol, "Uwagi o Pracy Sejmu III Kadencji," Panstwo i Prawo, Volume XVIII, Number 5-6 (1963), p. 803.

distribute chairmanships and presidia membership in this way.<sup>143</sup> Table 6 shows the distribution of chairmanships in three consecutive Seym.

TABLE 6

Proportion of Committee Chairmen in Relation to Strengths in 4th (1965-1969), 5th (1969-1972), and the present 6th Seym.

Party	4th Seym		5th Seym		6th Seym	
	% of members	% of chairmanships	% of members	% of chairmanships	% of members	% of chairmanships
PZPR	55.4	57.9	55.4	55	55.4	72.7
ZSL	25.4	26.3	25.4	25	25.4	18.2
SD	8.5	15.8	8.5	20	8.5	9.1
Non-Party	10.7	none	10.7	none	10.7	none

Computed on the basis of data contained in Słownik Wiedzy Obywatelskiej (Warsaw: Państwowe Wydawnictwo Naukowe, 1971), p. 429; Trybuna Ludu, April 29-31, 1972; Contemporary Poland, Volume VI, Number 1 (January, 1972), p. 7.

From the above table can be seen a number of important developments in Gierek's 6th Seym. First of all, the table shows plainly an increase of more than 17.7 percent in the number of PZPR chairmanships. The greatest loss was suffered by the Democratic Party, S.D., which dropped from 20 percent of the Chairmanships in the 5th Seym to 8.5 percent in the 6th Seym. The smallest loss was suffered by the United Peasant Party, ZSL, which dropped from 25 percent to 18.2 percent, thus losing 6.8 percent of chairmanships held previously in the Seym. Secondly, the proportionate membership of the 6th Seym, determined by the March 19, 1972 election under Gierek is identical with that of the 1969 (5th) Seym, and the 1965 (4th) Seym. This fact underlines the meaningless character of the electoral process. The 6th Seym has quickened the increase of PZPR chairmanships

<sup>143</sup>Karl W. Deutsch, "German Federal Republic," in Macridis, op.cit., p.400.

although the party proportions remained identical. Thirdly, chairmanships and presidia, although formally elected by the Sejm on the suggestion of the Council of Seniors, in reality are allocated by the leadership of the "hegemonic" PZPR Party, with some consultation with the leadership of the two minor parties. Overall, the table suggests that the Sejm is still based on bogus political parties which are insignificant.

This powerlessness of other parties is confirmed when we analyze chairmanship assignments in the light of their importance in the following table.

TABLE 7

Distribution of Standing Committee Chairmen by party affiliation in the 6th Sejm (1972)

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<u>PZPR</u>	<u>ZSL</u>	<u>SD</u>
Rules and Credentials	Internal Trade	Small Business
Building and Communal Economy	Forest and Timber	Enterprises
Maritime Economy and Navigation	Food and Agriculture	Crafts and Cooperatives
Mining, Energetics and Chemical Industry	Health and Physical Culture	Arts and Culture
Foreign Trade		
Communications and Transport		
Science & Technical Progress		
National Defense		
Education		
Economic Planning, Budget & Finance		
Legislative Proposals		
Labor and Social Welfare		
Heavy and Machine Industry		
Internal Affairs and Judiciary		
Foreign Affairs		

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Source: Based on material contained in Trybuna Ludu, March 29-31, 1972.



The author found that Polish legislative committees do vary in their relative importance, but this "prestige" pattern is far from being as developed as in the American Congress. Most committee members would even deny its existence. The author would suggest that the committees with national issue-domains such as Economic Planning, Budget and Finance; Internal Affairs and Judiciary; and Rules and Credentials would head the list of prestige committees. Typically, "clientele" committees, i.e.: Small Business Enterprises, Crafts and Cooperatives, and Arts and Culture, bring up the rear.

Table No. 6 makes clear the extent to which chairmanship assignments are made in accordance with the importance of the committee for the welfare, economy and security of the state. The PZPR chairs every important committee. At the same time, the non-party members, who hold 10.7 percent of the Sejm seats (more than the SD Party) are totally excluded from chairmanships. Even the SD Party lost the chairmanship of the Foreign Affairs Committee which it held in previous Sejms.

Public promises made by Gierek to promote greater participation in the government by the people from outside the ranks of the PZPR are not supported by analysis of Tables 5 and 6, at least as far as the chairmanship of the Sejm committees is concerned. As a matter of fact, our figures show just the opposite results, namely: the strengthening of Party control over the Sejm committees. Gierek's promises and remarkable solicitude and zeal in calling for the "strengthening" of the Sejm and expansion of its duties, power and responsibilities should be seen within the framework of the ideological determinants of the system. If the Sejm is to be transformed into an authentic legislative body, what could be more natural than the Party apparatus assuming the leadership of the

legislative branch of State as it seeks to preserve and strengthen its control and audit function over the Council of Ministers and State Bureaucracy?

As the bulk of parliamentary work is now done in committees, it is not inconceivable, however unlikely, that the work of the committees could totally overturn Party policy. It was logical for the Party apparatus, therefore, to take over the Sejm by seizing the commanding heights of the Standing Committees, namely their chairmanships. The Party, in this way, insures that it will continue to assert its supervisory and auditing functions over the government and bureaucracy in an institutional capacity as the elected leadership of the Sejm which traditionally and constitutionally "is the supreme organ of State authority" which "realizes the sovereign rights of the nation".<sup>144</sup>

In this way, then, the Party apparatus, whose authority and legitimacy is not even mentioned in the Constitution as it is in the Soviet Union's, could establish an institutional, constitutional power-base of its own. Thus, the Party would gain for its role recognition by law, through the Constitutional powers given the Sejm and, what is more important in the long run, it would retain custody of the credentials of legitimacy in case of serious difficulties in the future.

Thus, through the apparent move toward greater parliamentary government, the Party was able to attain three important goals in one step. It was, first of all, able to strengthen its control over the administration by an entirely new avenue of supervisory control over the executive and bureaucracy. Second, it gained propaganda points by playing the role of champion of the democratization of political life. Third, it gained legitimacy by acquiring constitutional validity and sanctions to fortify

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<sup>144</sup>Konstytucja...1952, article 15.

its dominance in the political system.

Again, although this situation exists, the true picture is much more complex. Since 1956 the Party has changed its focus and methods. It is more willing to take into account public opinion and the expectations and demands of different interest groups. It is much less likely to act mechanically by Party fiat, but prefers to have wider participation of different groups, and to allow the Sejm and its committees to play a more important role in the political process provided they do not cross the basic Party line.

#### Committees in the Legislative Process

The two broad areas of Sejm activity are law-making and exercising control over the functioning of the organs of state authority and administration. The bulk of the Sejm's work is carried on in committees' meetings, while plenary sessions of the Sejm have a more formal ritualistic character. It has to be strongly emphasized that the Polish standing committees are constantly in sessions unlike Sejm.

Normally, the committees' role in the legislative cycle follows the first reading of a bill on the floor. Formally the legislative initiative is given by the Polish Constitution to the Council of State, the Council of Ministers, or a group of at least fifteen members of the Sejm.<sup>145</sup> Most bills are introduced by the Council of Ministers. All bills are to undergo two readings.

The rules provide, however, that in case a bill is presented at the interval between sessions or in exceptional cases even during the recess between two sittings, the Presidium of the Sejm may channel it directly to

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<sup>145</sup>Ibid., article 20.

the appropriate committee, omitting the first reading altogether. In practice, this exceptional procedure was used quite often. The majority of government measures, except for the Budget and National Economic Plan, were being introduced by this shortened procedure up to 1972. This changed to a certain degree in the Sixth Sejm with Gierek coming to power.<sup>146</sup> He has insisted that whenever possible, bills should undergo two readings.

In the first reading the deputies give their opinion on the main features of the bill without going into details or moving amendments. At the end of the first reading, the Sejm refers the bill to the appropriate standing committee, whose rapporteur will deliver the committee's recommendations on the floor of the Sejm. After the report stage, the bill goes for its second (and final) reading. At times, the Sejm may decide by a simple majority not to refer the bill to a committee at all, but to proceed directly to the second reading.<sup>147</sup>

In the second reading each paragraph is voted on separately. Any deputy is entitled to move an amendment. General debates can also take place. After the debating and voting on individual clauses, a final vote on the whole bill is taken. If a majority vote is cast in favor with at least one-third of the members present, the bill becomes law.<sup>148</sup> After being passed by the Sejm, the laws are signed by the Chairman and the Secretary of the Council of State, who have no veto power.<sup>149</sup> They cannot

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<sup>146</sup> Andrzej Werblan, "Aktualne Problemy Pracy Sejmu w Nowej Kadencji," Nowe Drogi, Vol. XXVI, No. 7 (July, 1972), p. 63. Andrzej Werblan is vice-Marshall of the Sejm and a member of the Central Committee of PZPR, and Editor-in-Chief of Nowe Drogi - the ideological organ of the Party. Thus his article represents the thinking of the leadership of the Party.

<sup>147</sup> Regulamin Sejmu...1972, article 60.

<sup>148</sup> Ibid, article 70.

<sup>149</sup> Konstytucja....1952, article 20.

refuse to sign the law and they cannot question its constitutionality.<sup>150</sup>

### Committees at Work

Usually a bill is referred to one of the permanent committees. The question of which committee receives a bill is decided by the Presidium of the Sejm. Sometimes one committee is placed in charge of reporting a given bill while several others have been permitted to consider it and offer suggestions. At other times the subject matter of a bill requires consideration by two committees. In such a case, the Presidium refers the matter to both of these committees which then act jointly.<sup>151</sup> They can hold joint meetings, have a joint rapporteur, and submit a joint report. Both committees can also set up sub-committees. The sub-committees may be made up of committee and non-committee members.<sup>152</sup> In this manner, for example, a bill on aliens was referred for joint consideration by the Committee of Internal Affairs, and of Foreign Affairs.<sup>153</sup>

As in the French, West German and Soviet legislatures, the committee chooses a rapporteur for each bill or for a particular problem. The rapporteur's task is to prepare a written report for the House on the committee's deliberations and an explanation of the changes that the committee recommends. The rapporteur is usually the same deputy that was previously assigned by the committee to review the measure at the committee meeting. Committee meetings generally involve a painstaking article-by-article scrutiny of proposed legislation.

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<sup>150</sup>Burda, op.cit., p.248.

<sup>151</sup>Regulamin Sejmu...1972, article 37.

<sup>152</sup>Ibid.

<sup>153</sup>Chrypinski, "Legislative Committees...", p. 250.

It would be misleading to consider the committees as passive bodies without initiative. To the contrary, many important bills have originated in the committees. In some cases, according to Wojciech Popkowski, it has been enough to convince the departmental representatives present at the committees' deliberation of the necessity of a new law.<sup>154</sup> Thus, for example, the Building and Communal Affairs Committee was instrumental in the introduction of a new Administrative Code.<sup>155</sup> In other cases, a committee, after extensive study and deliberation, in the conclusion of its study points out the long overdue need for a new law. This was the method used by the Judiciary Committee to urge the Ministry of Justice to introduce new legislation regulating the bar profession.

Formally there are two courses open for a committee to express the wishes of the majority of a committee in respect to some problems the committee has discussed. Either it may adopt a draft resolution to be approved by the Sejm, or pass a desideratum to be transmitted by the Sejm to the appropriate State organs.

The first course, a draft resolution, is moved by a standing committee at the report stage and is voted upon immediately after the second (and last) reading of a bill. Such a resolution is legally binding on the Government since the Council of Ministers is responsible and accountable to the Sejm for its working.<sup>156</sup> The Standing Orders of the Sejm provide that such resolutions may also be addressed to the Council of State, the

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<sup>154</sup>Wojciech Popkowski, "Poprawki Komisji Sejmowych do Projektów Ustaw w Sejmie II Kadencji (1957-1961)," Panstwo i Prawo, Volume XVIII, Number 7, (July, 1963), p. 19.

<sup>155</sup>Ibid.

<sup>156</sup>Konstytucja...1952, article 30, section 2.

Procurator-General and the President of the Supreme Board of State Control.<sup>157</sup>

These resolutions voted by the House in plenary session usually request or enjoin the Government or an individual Minister to adopt some particular policy, e.t., to introduce some specific piece of legislation, to increase capital investment in some branch of the economy, or to remedy certain serious defects in administration. Thus, they consist of definite demands (postulaty) directed to the highest body to which they are addressed.

"This of course," according to Rozmaryn "is policy formation and policy decision."<sup>158</sup> The following table shows the number of resolutions passed by the Sejm in the 1956-1969 period.

Table 8

Number of Resolutions Passed by the  
Sejm in the Years 1956-1969

1st Sejm 1952-1956		2nd Sejm 1957-1961		3rd Sejm 1961-1965		4th Sejm 1965-1969	
1952	0	1957	3	1961	0	1965	0
1953	0	1958	6	1962	0	1966	0
1954	0	1959	1	1963	0	1967	0
1955	0	1960	1	1964	1	1968	0
1956	6	1961	0	1965	0	1969	0
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Total	6		11		1		0

Source: Janusz Mordwilko, "Komisja Sejmu, jako Organ Kontroli Dzialalnosci Rządu" (unpublished Master's Thesis, Wydział Prawa i Administracji, Uniwersytet Warszawski, 1970), p. 170.

The above table shows that the practice of using resolutions adopted by the Sejm in the full House has disappeared. The main reason for this

<sup>157</sup> Regulamin Sejmu...1972, article 40.

<sup>158</sup> Rozmaryn, "Parliamentary...", p. 78.

fact is that the other form, namely a desideratum, is much easier to adopt and in practice is as effective as a resolution adopted by the Sejm in full session.<sup>159</sup>

The desiderata originate either in connection with bills, economic plans, or budgetary proposals, and accounts, debated by the committee or else as the outcome of the discussion and analysis of departmental activities.<sup>160</sup> Discussion in committee on departmental reports and information, and analysis of specific administrative or economic activities usually results in the adoption, by the committee, of desiderata addressed to the Government, the Prime Minister, or individual ministers.<sup>161</sup>

Special "thematic meetings," which are not concerned with any specific bill or budget, but with certain chosen important issues or topics, almost always culminate in the adoption of desideratum for submission to the Government or various ministries.<sup>162</sup>

Desiderata can be addressed to the Government, to the Council of State, to the President of the NIK, and to the Procurator-General. The Presidium of the Sejm forwards desiderata to the proper state organs.<sup>163</sup> The word "proper" in the above rule is interpreted by the Presidium of the Sejm as giving the Presidium the authority to change the addressee if the addressee given by the committee is not considered proper by the Presidium.<sup>164</sup>

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<sup>159</sup> Witold Zakrzewski, "O Klasyfikacji Funkcji Sejmu PRL," Panstwo i Prawo, Volume XXVI, Number 3-4 (March-April, 1971), p. 473.

<sup>160</sup> Rozmaryn, "Parliamentary...", p. 78.

<sup>161</sup> Ibid.

<sup>162</sup> Rozmaryn, The Sejm...., p. 51.

<sup>163</sup> Regulamii Sejmu...1972, article 41, section 1 and 2.

<sup>164</sup> Andrzej Gwizdz, "W Sprawie Wykładni Niektórych Postanowien Regulaminu Sejmu," Panstwo i Prawo, Vol. XV, No. 8-9 (August-September, 1960), p. 340.



The Presidium can also return the desideratum to the committee asking for reconsideration of the matter but such request must state the reason for the Presidium's action.<sup>165</sup>

TABLE 9

Number of Desiderata of Some Committees According to the Addressees in the 4th Sejm

Addressee	Educ.	Comm. & Transp.	Light Ind. & Crafts	Health & Phys. Culture	Heavy Ind.	Judiciary
State Council	-	-	-	5	-	-
Prime Minister	12	2	10	46	47	4
Chairman of the Planning comm.	12	24	23	10	8	4
Min. of Educ.	16	-	-	18	-	4
Min. of Bldg.	7	2	4	9	6	-
Min. of Finance	7	-	3	9	-	-
Min. of Health	7	-	-	83	-	-
Min. of Arts	1	-	-	-	-	-
Min. of Trans.	-	8	-	-	-	-
Min. of Comm.	-	1	-	-	-	-
Min. of Heavy Ind.	-	4	-	-	24	-
Min. of Chemical	-	-	-	-	10	-
Min. of Mfg. of Machinery	-	-	-	-	5	-
Min. of Justice	-	-	-	-	-	2
Min. of Light Ind.	-	31	-	-	-	-
Chairman of Labor and Wages	-	2	3	3	-	-
Chairman of Small Business	-	-	14	-	-	-
<b>Total</b>	<b>69*</b>	<b>46*</b>	<b>105*</b>	<b>218</b>	<b>103*</b>	<b>14</b>

\*Total number of desiderata is higher than the number of desiderata passed by the Committee, because some desiderata were sent to more than one addressee.

Source: Janusz Mordwilko, "Komisja Sejmu, jako Organ Kontroli Dzialalnosci Rządu" (unpublished Master's Thesis, Wydział Prawa i Administracji, Uniwersytet Warszawski, 1970), p. 162-3.

<sup>165</sup>Regulamin Sejmu...1972, article 41, section 3.

The addressees of desiderata are bound to give an answer to the committee through the Presidium of the Sejm within thirty days. The following table shows the time period within which different departments replied to the desiderata sent by some of the committees of the 4th Sejm.

TABLE 10

Time Periods Within Which Some Committees  
of the 4th Sejm (1965-1969)  
Received Replies for Their Desiderata

Time Period For Reply	Committees						Totals
	Educ.	Comm. and Transport	Light Indus. & Crafts	Health & Phys. Culture	Heavy Indus.	Labor and Welfare	
1 month	26	16	37	123	24	11	237
3 months	31	20	64	87	52	8	262
over 3 months	9	--	3	20	39	8	79
no answer	3	2	1	5	3	--	14

Source: Compiled from data contained in Janusz Mordwilko, "Komisja Sejmu, jako Organ Kontrol Działalności Rządu" (unpublished Master's thesis, Wydział Prawa i Administracji, Uniwersytet Warszawski, 1970), p. 149.

The table above shows that, on the average, it takes longer than the one month allowed by the rules of the Sejm to receive a reply from the departments. As a matter of fact, the majority of desiderata were answered over a month late but usually within three months. More than thirteen percent of the answers, however, came after three months. Finally, there were even some desiderata which were never honored with a reply.

How effective the desiderata are depends on the way they are received by the departments, and how precise and specific they are. At times it might be impossible to implement them or the department might feel that the

requests are unjustified by facts, or are harmful.<sup>166</sup> Nevertheless, according to the Sejm's Vice-Marshal, Andrzej Werblan, the committees should insist on an answer which should be factual and to the point to show the rationale behind the governmental decision.<sup>167</sup> It seems, however, that there is no legal way for a committee to force a department to comply with the one month time limit. This type of difficulty, when it arises, is usually settled by bargaining and accommodation. According to the author's information, often the influence or arbitration of the PZPR Party helps to solve the problem.

The committees very carefully study all the replies received for their desiderata. If a committee considers a reply unsatisfactory, it can send it back to the department. Formally the addressees can either accept the wishes of a committee or reject them. In practice, however, the Ministers are more willing to go along with the wishes expressed in the desiderata.

By and large, then (according to Rozmaryn) the committees' requests, although not legally binding on the government, can in fact be as effective as resolutions adopted by Parliament in full session...the legal differences between resolutions adopted by the Sejm and "requests" voted by the standing committees should be neither under-estimated (because they do exist) nor over-emphasized, because the two forms although legally distinct, scarcely differ in their practical effects.<sup>168</sup>

Generally speaking, the desiderata carry a great deal of weight not only on their own merits, but also because a committee can always report to Sejm, to the Prime Minister, and through the Party channels to the Party leadership on the attitude adopted by the organs to which the

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<sup>166</sup>Werblan, op. cit., p. 67.

<sup>167</sup>Ibid.

<sup>168</sup>Rozmaryn, "Parliamentary...", p. 79.

desiderata were sent. Normally, however, good relations exist between the committees and government departments. Desiderata, then, serve committees well as an extensive and, at the same time, intensified form of control over administration. That the method serves a purpose can be seen in its extensive use as documented by Tables 11 and 12 below.

TABLE 11

Number of Committees Meetings and  
the Number of Desiderata Passed

	Committees Meetings	Number of <u>Desiderata</u>
1st Seym (1952-1956)	247	none
2nd Seym (1957-1961)	1203	2539
3rd Seym (1961-1965)	887	1842
4th Seym (1965-1969)	807	1298

Source: Rocznik Polityczny i Gospodarczy, 1969 (Warsaw: Panstwowe Wydawnictwo Ekonomiczne, 1970), p. 208.

TABLE 12

The Number of Desiderata Passed by  
Some Committees in the 3rd and 4th Seym

Seym	Educ.	Comm. & Transp.	Light Ind. & Crafts	Health & Phys. Culture	Heavy Industry	Judiciary	Bldg. & Comm. Econ.
3rd	51	82	125	207	110	19	253
4th	50	39	65	218	97	14	246

Source: Janusz Mordwilko, "Komisja Sejmu, jako Organ Kontroli Dzialalnosci Rządu" (unpublished Master's Thesis, Wydział Prawa i Administracji, Uniwersytet Warszawski, 1970), p. 150.

Interestingly, both tables show the decrease in numbers of desiderata passed by the Committees of the 4th Sejm in comparison to the Third Sejm and the Third to the Second. The same tendency is evident in the Fifth Sejm, although the figures are still not complete and so are not given here. The main reason given by Wojciech Popkowski, is that the desiderata passed by the Committees of the 4th Sejm were of a more general character and were dealing in a systematic way with the larger area of related problems. On the other hand, the desiderata passed during the 3rd Sejm were more specific and detailed.<sup>169</sup> Mordwilko offers additional explanations. He claims that, in the Second Sejm especially, committees passed all kinds of desiderata that could not practically be realized. Therefore, committees are now more careful to analyze the possibility of success before sending out desiderata. Otherwise, respect for them would be lost as meaningless, impractical gestures. Also, those desiderata which were not complied with for lack of funds are not restated in new desiderata, but the old ones are referred to as still desirable.<sup>170</sup>

We should also keep well in mind, that the complexity of contemporary public policy which provides the basic rationale for committee consideration enhances as well as limits legislative influence. Committee members at times feel unable to cope with the problem at hand. This inadequacy is seen most visibly on matters of foreign policy and national security, where the complexity of problems is compounded by a necessity for security and Party discipline. In these areas the Central Committee and the Politburo always make the decisions binding on all PZPR members. Even the PZPR

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<sup>169</sup> Andrzej Gwizdz, "Sejm po III Kadencji," Nowe Drogi, Volume XIX, Number 5, (May, 1965), p. 25.

<sup>170</sup> Mordwilko, op. cit., pp. 151-152.

deputies' club cannot question the decisions of the Party leadership. The situation, however, is not static. Many reforms have been, and are being, studied and proposed to give the Sejm greater representative independence.

Committee deliberations are not open to the public on the theory that open meetings reduce the objectivity of the proceedings. An additional justification, which is also used in the U.S. Congress, is that legislators have less opportunity to use the hearings to win publicity. The press receives its information second-hand from bulletins published by the Press Bureau of the Sejm.

Committee meetings, however, are open to the members of the Council of State, to the President of the Supreme Board of Control, to Ministers and undersecretaries, and, in exceptional cases, to their duly authorized representatives.<sup>171</sup> Any deputy is free to attend, after informing the chairman of intention, but he cannot vote. The authorized officials of the ministry initiating a proposed law have privileged access to committee meetings to steer their bills through. Because of their access to information unavailable to most committee members, their influence on the matter at hand is generally very great.

Most of the committee meetings are dominated by a few persons, with the chairman, representatives of both the government and the particular ministry responsible for the bill, and any additional experts, and the committee rapporteur carrying on most of the discussion.

Since the majority of committee chairmen and their presidia are PZPR members, they exercise relatively great power. Within limits set by the Party, they are allowed discretion as to the schedule of committee meetings and the priority of items on the agenda. Thus the presidia can delay, as well as facilitate, deliberations. They cannot, however, block

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<sup>171</sup>Regulamin Sejmu...1972, article 36.

the discussion of legislation too long, although they can kill measures introduced late in a session by dragging their feet. Generally speaking, the power of the standing committees and their members is much weaker vis-a-vis the government than is the case in the United States. It is much closer to the situation which exists in Britain, West Germany and in the French Fifth Republic, where the cabinets are predominant and tight party discipline exists.

Despite Party loyalties, committee members working closely together, develop sympathies which link PZPR members with deputies from other parties and groups. The existence of this spirit of camaraderie based on mutual respect and cooperation makes committees more cohesive, and thus enhances the power of the committees and tends to weaken the direct control of the Party. This is especially true if the subject is highly technical or complex, such as bills involving taxes or administrative and legal procedures, and when there are no Party directives. In this situation PZPR members enjoy much more freedom of action. There is also a tendency for the sub-committees of such committees to become virtually autonomous from their parent committees.<sup>172</sup> Thus, many committees are in a position to affect policy in certain areas and to influence the character of policy implementation, especially on issues less important in nature.<sup>173</sup> On some occasions PZPR members have agreed to rewrite bills and have even brought the Party to the committee's position.<sup>174</sup>

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<sup>172</sup> Andrzej Gwizdz, "Komisje Parlamentarne w Europejskich Krajach Socialistycznych," Studia Prawnicze, No. 20, 1968, p. 125.

<sup>173</sup> Joseph Fiszman, "Poland - Continuity and Change," The Changing Face of Communism in Eastern Europe, Peter E. Toma (ed.) (Tucson, Arizona: University of Arizona Press, 1970), p. 70; see also Werblan, op. cit., p. 65.

<sup>174</sup> Pelczynski, op. cit., p. 497.

At the same time, specialization is more highly developed in such committees and deputies expert in the field are shown great deference. Due to the fact that Sejm committees have neither professional experts nor staffs of their own, nor the aid of an adequate legislative reference system, many committee members feel helpless in attempting to maintain their views against those of Cabinet Ministers, who are bolstered by the expert help of the civil servants on their staffs.

In fact, all deputies with whom the author discussed this matter during his research in Poland, agreed that the main weakness of the present operation of legislative committees in Poland is due to the excessive reliance on information produced by the administration. In contrast to the United States congressional committees, the Sejm committees have neither permanent professional staff of their own, nor the aid of an adequate legislative reference service. Even for secretarial and clerical assistance they have to rely on the Bureau of the Sejm. There is within the Bureau a special section in charge of the Sejm and of the committees operations (Wydział Prac Sejmowych i Komisyjnych). A clerk on the staff Bureau acts as a secretary for a committee. The best assistance, as mentioned before, is provided by the Supreme Board of Control. The only other assistance that is available for the deputies consists of the Library of the Sejm. The personnel is of high quality, willing and ready to help, although its resources are limited.

The enormous volume of work, the quest for technical knowledge, and the pressure of time make the need for professional staffs to serve the committees most urgent. A competent professional staff could improve the general efficiency and quality of the committee's work and would be most helpful not only in preparing studies and committee reports as to



legislation but also in aiding legislative oversight of the administration. The technical and legal nature of the committees' responsibility in monitoring administration demands a professional staff in order to organize research and briefs necessary for successful committee oversight.

The principal consequence of this total lack of professional staffing is that the deputies are obliged to look elsewhere for information and assistance. If the committee's work is important enough, if a critical matter is at hand, ready aid becomes available from government agencies affected by the committee's decisions. Here the committees are faced with a very serious problem connected with the trend which favors the dominance of the Sejm by the bureaucracy, through the latter's near monopoly of technical and specialized facts.

The committees also invite representatives of professional organizations and experts to advise on the problem at hand. Table 13 shows the number of times experts were invited for meetings.

TABLE 13  
The Presence of Experts in Committee Meetings  
of the 4th Sejm (1965-1969)

Committee	Numbers of Meetings With Experts Present	Meetings-Total
Judiciary	14	53
Education	1	46
Internal Trade	1	not available
National Defense	1	not available
Forest and Timber	1	not available
Total	18	

Source: Janusz Mordwilko, "Komisje Sejmu, jako Organ Kontroli Dzialalnosci Rządu" (Unpublished Master's Thesis, Wydział Prawa i Administracji, Uniwersytetu Warszawskiego), pp. 78 and 84.

The high number of experts used by the Judiciary Committee is related to the working on a new criminal code and was limited to this one topic only. The other committees of the 4th Sejm, not listed in the table on page 89, did not use experts at all. From the table it is clear that the use of experts by the committees is not very high and is restricted to complex and difficult pieces of legislation.

Committee deliberations on bills are relatively free; various opinions are argued, with numerous amendments and ideas proposed. Such informality is aided by the privacy of committee meetings. Ministers themselves, or their undersecretaries, are questioned quite extensively and are made to vigorously defend their drafts or their positions. Since their deliberations in executive, or non-public, meetings are not open to the glare of publicity, the government is much more willing to work out compromises.

Committees devote considerable time to the consideration of amendments to bills, some of which have emerged from their deliberations. Amendments may include only slight changes or can be so extensive as to involve almost a substitution of the original measure. Since the great majority of bills were sent to committees by the Presidium without a first reading, a precedent was established giving the committees this right. In contrast to the practice of the British House of Commons, the committees of the Sejm may introduce not only amendments of detail, but of principle as well, and may even recommend total rejection of the bill.<sup>175</sup>

Thus, we can see that there is room for individual PZPR members to use their own judgments despite tight Party discipline. In areas where there is no established Party policy, committee members are free to do as

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<sup>175</sup> Konstanty Lubienski, "Kilka Refleksji o Sejmie P.R.L," Tygodnik Powszechny, (June 2, 1963).

they choose. However, in the unlikely event that a committee or an individual deputy should try to obstruct the Party line in an area where there is established policy, they would not be allowed to succeed. The deputies would be expelled or forced to resign from the Sejm.<sup>176</sup> Thus, it is obvious that no deputy concerned about his career would pursue this course of action.

Up to this time, the committees have not recommended the formal rejection of any of the governmental measures.<sup>177</sup> Nevertheless, there were several cases which practically amounted to rejection. There was a well known case of a governmental bill on patents and inventions by state employees which raised many objections in the Committee of Heavy Industry. The bill provided only a small bonus for the inventor and gave him no further claims to or royalties from the invention, similar to the policies of many American corporations. The Government finally withdrew the measure.<sup>178</sup>

An important precedent was established during the Third Sejm (1961-1965) as to allowing greater inputs on legislation. The Judiciary Committee, instead of working alone on the very complex draft of the civil code, divided up the work among seven permanent committees which had special

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Articles 1, 10 and 12 of the Regulamin Sejmu can be used to oust a dissenting deputy. Under Article 12, the Presidium and/or the Rules and Credentials Committee has the authority to terminate a deputy's right to his seat. Grounds for such termination can be Article 1, that the deputy has violated his sworn vow to work for unity and the progress of socialism in the Polish People's Republic, and Article 10, that he was not fulfilling his duties.

<sup>177</sup>

Popkowski, loc. cit.

<sup>178</sup>

Andrzej Gwizdz, "Z Zagadnien Procedury Parlamentarnej," Ruch Prawniczy, Ekonomiczny i Socjologiczny, Number 1 (1962), p. 1.

interest in the bill.<sup>179</sup> A similar procedure was used by the Fourth Sejm (1965-1969). This time, however, it was the Sejm itself and not just a committee, which in its plenary session on April 19, 1968, after the general discussion on the draft of the new criminal code, sent different parts of this complex measure to the following committees: Internal Trade, Communication and Transportation, National Defense, Economic Planning, Budget and Finances (with the participation of representatives of other economic committees), Labor and Social Welfare, Internal Affairs, Foreign Affairs, and Health and Physical Culture.<sup>180</sup> The Judiciary Committee was placed in charge of reporting out the whole measure while the others were charged with the task of considering it and offering suggestions. In addition to the committees, the drafts of the new code were extensively discussed by various social organizations, especially in legal circles. Many suggestions were made by individual citizens who expressed their views in public meetings, in letters to the Judiciary Committee, or in letters sent to newspapers and magazines.<sup>181</sup>

The Judiciary Committee's act signalled a growing practice to expand the number of participants in the process of deliberations. In some areas of legislative concern, such as education, economic reorganizations, health and welfare, judicial procedures, and the criminal code, the public is invited to express its views. Draft laws are published by the mass media,

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<sup>179</sup>Stanislaw Gerbert, "Dzialalnosc Ustawodawcza Sejmu III Kadencji," Panstwo i Prawo, Volume XX, Number 7 (1965), p. 14.

<sup>180</sup>Jan Wasilkowski, "Przemowienie na Plenarnym Posiedzeniu Sejmu w Kwestji Projektu Kodeksu Karnego," Panstwo I Prawo, Volume XXIV, Number 4-5 (April-May, 1969), p. 673.

<sup>181</sup>Ibid.

and the people are asked to submit their observations and suggestions to the committee. Many valuable proposals and suggestions, for example, were accepted from non-governmental circles when the draft of the new Family Code was under consideration.<sup>182</sup>

Just how influential public discussion may be, can be seen in the experience of a bill dealing with parasitical ways of life (dealing with persons who do not perform work considered useful to society). This bill had already gone through the first reading during the first session of the Fifth Sejm (1969-1972). "But public discussion" stated Marshal Prof. Dyzma Galaj at a plenary session in mid-1971 "disclosed a diversity of opinion. Consequently the bill will be put to vote only in September or October."<sup>183</sup> This bill still has not passed due to adverse public opinion, as expressed in letters to editors and in professional law magazines.

Normal procedure in considering a bill used by committees is as follows: a special editorial team, formed from among the members of the sub-committee if there was one, reports its proposal to the Presidium of the full committee for further action. Very often the presidium of the committee, before called a plenary session of the full committee, makes the sub-committee report the subject of a special session. When the draft law is finalized, the committee has to give its approval to the report which then goes to the Presidium of the Sejm.

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<sup>182</sup> Jerzy Jodlowski, "Czteroletni Bilans Komisji Wymiaru Sprawiedliwosci," Prawo i Zycie, Volume X, Number 8 (August 11, 1965), p. 5.

<sup>183</sup> "Sejm - the Supreme Organ of State Authority," Contemporary Poland, Volume VI, Number 1 (January, 1972), p. 8.

The reports of the Sejm's committees are usually quite elaborate and the emphasis is on objectivity. A normal report will always contain a written explanation of the bill and a justification for the recommendation. Evidence considered in arriving at its decision is summarized and evaluated. Some reports go into extraordinary detail in recapitulating facts and opinions brought out in the committee's study of the proposal, including the arguments used in the deliberation. The position of members not in accord with the majority may be submitted in the form of a Minority Report, but this is rarely done. "Individual views" of committee members are very rarely appended to the body of a report. The Presidium of the Sejm has put increasing emphasis upon committee record-keeping and instructive reporting. Minutes are kept of each meeting and all motions are recorded. When the committee has reached a decision, the measure proceeds to the floor, where the committee introduces a motion to adopt or reject the bill, or to accept it with amendments. Generally, committee motions are passed unchanged as the Sejm tends to defer to the decisions of its committees.

In this respect, then, committee decisions in the Polish Sejm have the same function as in many other legislative bodies, in that they tend to be the eventual decisions of the body itself. It must be understood, however, that the power of the Polish committees over the general legislative process is not comparable with that of the American committees, which are among the most powerful in the world. As Ranney points out, American committees

not only...receive bills before general debate and before basic policy decisions have been made, but also they can and often do make major decisions on basic policy, as well as on matters of detail and wording.<sup>184</sup>

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<sup>184</sup>Ranney, op. cit., p. 187.

As we have seen, this is not the case with Polish committees, as basic decisions in the Polish legislative process are made by the Politburo.

One way of getting an idea of the work done by the committees is to realize that of the 327 statutes passed by the Sejm in the 1957-61, 1961-65 and 1965-69 periods, only about sixty had been approved without change.<sup>185</sup> The rest were extensively amended and almost all changes were proposed by the committees which the Sejm accepted.

Examination of the amendments, conducted by Wojciech Popkowski, reveals that almost all of them show a definite concern for the protection of the interests of citizens in the substance of the policy itself, as well as in the procedures by which the policy was to be applied.<sup>186</sup> In other words, the main concern of the committees was to protect the interests of citizens against the arbitrary actions of the bureaucrats.

It would be wrong, however, according to Popkowski, to suggest that these amendments represent some kind of opposition to the government.<sup>187</sup> The committees almost always approved the general principle behind the proposed public measures. They might modify the proposals, but they never acted contrary to the general political line. By defining in precise terms the rights and obligations of a citizen, and by including certain safeguards, the committees make the statutes less liable to potential abuses by administrative officials.

In their work, the Sejm's committees have shown themselves as strong champions of those classes, groups and opinions which in every communist

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<sup>185</sup> Figures taken from Słownik Wiedzy Obywatelskiej (Warsaw: P.W.N., 1971), p. 428.

<sup>186</sup> Popkowski, op. cit., p. 24.

<sup>187</sup> Ibid., p. 32.

country tend to be overlooked or sacrificed,<sup>188</sup> that is, the peasants, private craftsmen and professionals. The committees are responsive to local and special interests. Meetings with territorial and provincial presidia, and with professional organizations and interest groups are a regular feature of many committees. Often committee members may themselves go to the groups concerned in order to get an actual picture of the situation. At other times, they invite representatives of the groups or honor requests for hearings. Because the ministers of the corresponding ministerial departments, as well as their assistants, often take part in committee meetings, the committees provide the groups with access to the policy-making level.

In addition, committees often serve as mediators between the private citizen and the immense bureaucracy, almost always protecting the individual against some alleged arbitrary action. The committees defend individual peasants against the state farms, private trade, handicraft, and communal and cooperative enterprises against the centralized state trade apparatus; and light against heavy industry.

Wojciech Popkowski gives many examples of how, through committee amendments, many concessions have been won from the government, with some gain in legality, efficiency and concern for the common man on the part of administration.<sup>189</sup> A good illustration concerns the bill on the organization of the courts of law, which was amended by the Judiciary Committee in order to strengthen the independence and professional qualifications of judges, as well as to improve procedural protection for the parties appearing before the courts. Consequently, the committee's amendments

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<sup>188</sup> Pelczynski, op. cit., p. 500.

<sup>189</sup> Popkowski, op. cit. pp. 18-32.



abolished single-member courts, closed the bench to persons without law degrees and increased judicial participation in court administration.<sup>190</sup> The same concern for improving fairness and legality in the administration of justice led the Committee to amend the governmental draft of criminal procedure in providing for the disqualification of jurors, a longer time for lodging an appeal, and for certain restrictions on the powers of prosecuting attorneys and lower courts.<sup>191</sup>

The Committee of Economic Planning, Budget and Finance, while accepting the general principles of a bill on collection of unpaid real estate taxes, amended its rules and procedures by taking away the power of decision in such cases from the organs of public administration and vesting it in the collegiate bodies of local government (Prezydium Rad Narodowych).<sup>192</sup>

In 1960, the same Committee, working on a bill modifying the decree of 1950 on tax liabilities, softened its harsh provisions dealing with the financial responsibilities of family members and business partners for unpaid taxes. The Committee introduced four amendments to safeguard that the bill would be used only in proven cases. The first emphasized that the bill did not apply to all taxpayers but only to those "persistently behind in the payment of taxes." The second limited the retroactive time period to which the bill applied. The third defined accurately the terms "family member" and "common household," important in determining who is financially responsible for the taxpayer. And the fourth specified

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<sup>190</sup> Ibid., p. 29.

<sup>191</sup> Ibid., p. 30.

<sup>192</sup> Ibid., p. 25.

provisions relating to the financial responsibilities of business partners. In addition, the Committee added a preface explaining the basic intentions of the bill. To guarantee the proper implementation of the bill, they also checked how the term "persistently behind in the payment of taxes" was being used in the directives of the Ministry of Finance Regulations.<sup>193</sup>

This sensitivity to the rights of the common man was also evident in the action taken by the Internal Affairs Committee during its deliberation on the governmental draft of the Code of Administrative Procedure.<sup>194</sup> While approving of the intention of the bill, the Committee amended its provisions by the addition of several new guarantees for better protection of rights of private parties involved with the administrative process. Probably the most important among these amendments were those requiring court-appointed representatives for an absent person or for a person incapable of undertaking a legal act, and eliminating restrictions on the right of private parties to challenge evidence gathered in a case.<sup>195</sup>

The Committees on Light Industry, Internal Trade, and Small Business Enterprises, Handicrafts and Cooperatives, jointly considering a bill on private trade activity introduced changes making it mandatory for the licensing authorities to act on the advice of the commission comprising the representatives of the private economic sector. This provision applied, in particular, to the area of fee assessment and license revocation.<sup>196</sup>

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<sup>193</sup>Ibid., p.26.

<sup>194</sup>Ibid., p. 27.

<sup>195</sup>Ibid.

<sup>196</sup>Ibid., pp. 28-29.

In 1958 the Committee of Building and Communal Economy amended a bill concerning lots for building single-family homes in cities and villages, so that compensation for a lot taken by the government could be not only in currency, as was provided for originally, but also in other forms, such as a comparable lot. This was very important for land-owners in that undeveloped land is hard to find.<sup>197</sup>

In 1959 the Committee of Agriculture and Food amended a bill dealing with the execution of inheritances, to include pre-school age children and those legally incompetent as recipients. The Committee maintained that eliminating them would be unfair.<sup>198</sup>

In 1961 the Committee of Internal Affairs introduced an amendment to the 1958 bill dealing with the nationalization of real estate. The amendment authorized the Ministry of Finance to pay some compensation in cases of serious hardship **before** closing the transaction. The rapporteur of the Committee, reporting to the plenum of the Sejm, emphasized that "this amendment needed no explanation as it was dictated by the most humanitarian ideals - to help those most seriously affected by misfortune and old age."<sup>199</sup> In 1970 the Committee of Internal Affairs amended the bill dealing with financial aid for victims of natural disaster by extending its provisions to cover other catastrophies, e.g., train crash.<sup>200</sup>

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<sup>197</sup> Ibid., p. 27.

<sup>198</sup> Ibid., p. 26.

<sup>199</sup> Ibid.

<sup>200</sup> Rocznik Polityczny - 1971, p. 42.

An act favorable to private business was passed in 1972, establishing principles for private non-agricultural businesses and abolishing punitive taxation. Also in 1972, the maternity leave of absence was extended from 12 to 16 weeks in the case of the first-born child, and to eighteen weeks following the birth of each additional child.<sup>201</sup> These examples serve to demonstrate that it is indeed the Sejm, largely in its committees, which forms "the apex of the system of legalized pressure politics within a Communist framework."<sup>202</sup>

Sometimes the complexity of the issues to be resolved forces committees to draft bills in highly generalized language. Committees realize that when more specific rules are needed, they will be formulated within the bureaucracy. They have little choice. Committees thus escape the problem of definition, but, at the same time create opportunities for the exercise of administrative discretion. As a result, some of these rules and regulations issued by the bureaucrats may subvert or even violate the intention or the effectiveness of the safeguards that were incorporated into some laws. The complaints of individuals and groups may stir the committees to a concern over the application of administrative policy. The committees may hear that a law is too harsh, that it is being improperly interpreted, or simply that constituents need relief from the demands of the law. Depending on the information received, the committee may propose that the department reconsider or, perhaps, redraw its rules.

Often a committee can exercise a sort of policy "preoversight" by writing detailed prescriptions into the statutes themselves. On other occasions, the committees may request the department to submit an advance

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<sup>201</sup>"Monthly Chronicle," Contemporary Poland, Vol. VI, No. 9 (September, 1972), p. 23.

<sup>202</sup>Pełczynski, loc. cit.

draft of certain regulations for the scrutiny of Committee members. On the whole, however, the line between the external control over administrative activities by standing committees and the function of direct administration, so far, has been generally respected.<sup>203</sup> The committee on its own cannot force the department to submit regulatory instruments for approval. It can only be done formally by a resolution of the Sejm as a whole.

All in all, the amendments introduced by the committees were very influential in defending and protecting the rights of citizens against the arbitrary and capricious action of governmental officials. The records of the committees illustrate the same concern for the interests of the common man. The most outstanding examples of this beneficial role played by the committees were shown in the area of the administration of justice and taxation, although other committees were not far behind in this respect.

It may well be argued that the examples just given still indicate that the general policy aspect of the decision is settled outside the committees and usually outside the Sejm. This is certainly true. But the exclusion of great issues from the consideration of the Sejm and its committees does not in itself diminish the highly beneficial role played by the committees in the protection of the common man in Poland within the overriding political realities.

As Chrypinski points out:

...when it comes to the question of how much the "great" or "small" issues bear on the daily lives of the people, the answer is...small thorns in the flesh may cause as much discomfort, and even suffering, as big wounds. If it were not

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<sup>203</sup> Rozmaryn, Parliamentary..., pp. 77-78.

for the committees, these little thorns would remain undetected and incorrigible."<sup>204</sup>

### The Role of Committees in the Budgeting Process

The significance of the budgetary process is that it is here that decisions are made as to which new programs will be launched and which old ones will be expanded, contracted, or eliminated. These are decisions as to spending priorities within the limits of estimated future income and, as such, they represent important determinations of public policy. Every executive budget is a plan of operation as to the services that should be provided and how they should be financed.<sup>205</sup>

While the Constitution of the Polish People's Republic vests in the Sejm the authority to adopt the annual state budget and economic plans,<sup>206</sup> economic and budgetary decisions are, in fact, made within the pyramid of political and administrative bodies of the Party, State and People's Councils.

The highest level, where strategic decisions are made, and the general lines of economic plans and programs are established, is the Central Committee of the PZPR with its Politburo at the top.<sup>207</sup> According to these lines and based on information received from the lower levels of government, the Commission for Economic Planning in cooperation with the Ministry of Finance, prepares the national economic plan and the budget. After the program has been accepted by the Economic Committee of the Council of Ministers and adopted by the Council of Ministers, it is sent

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<sup>204</sup>Chrypinski, Legislative..., p. 253.

<sup>205</sup>Felix A. Nigro, Modern Public Administration (New York: Harper and Row, 1965), p. 377.

<sup>206</sup>Konstytucja...1952, article 19.

<sup>207</sup>Szczepanski, op. cit., p. 82.

to the Sejm in the form of a bill.

The State budget includes the estimated public expenditure, and income of the central as well as local governments. As the budget is regarded in Poland as a law passed by the Sejm, it follows the ordinary rules of legislative procedure. Thus, the presentation of the budget and economic plan comes after the basic decisions on these matters have been made within the Party and the government. The budget is a tool for the implementation of the policy decisions, not for making them.

The Minister of Finance presents the budget and economic plan to the Sejm. After the first reading, the measures are sent to the Economic Planning-Budget-and-Finance Committee.<sup>208</sup> After an election of a "rapporteur-general" and a preliminary study of the two measures (budget and economic plan), other interested committees review parts of the measures individually, and then report their findings to the Economic-Budget-and-Finance Committee.

All committee meetings on the budget are attended by representatives from the interested Ministries and central offices. During a few days of intensive work, the committees and sub-committees examine the budget and the economic plan in detail. Each standing committee and sub-committee deliberating on the aspect of the budget that concerns them chooses one of its members to report on its work with its proposals and opinions to the Economic-Planning-Budget-and-Finance Committee. The recommendations of these various committees generally are accepted quickly by the Economic Planning-Budget-and-Finance Committee.

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<sup>208</sup>Regulamin Sejmu...1972, article 39.

The rapporteur-general prepares a draft of the entire budget based on the proposals of the various standing committees (responsible for different parts of the budget) as well as on the material of his own Committee. The report, after adoption by the Committee, is sent to the Presidium of the Sejm. The overall quality of such reports varies, but the author found some evidence that such reports usually focus on assorted details rather than on general priorities and problems.

As mentioned before, the Party is the guiding political force in Poland, as in all Communist countries. It gives general inspiration and direction to state policy and national development. The committees may seek expert advice or sound out public opinion; they can modify the proposals focusing their attention on the more technical problems and issues of economy and administration. They do not, however, question the basic purposes and objectives or general lines of budgetary and economic plans.

Usually the committees only have about ten days for the examination of the budget and economic plan at the end of the year. It is humanly impossible to examine such complex measures properly in such a short time. Nevertheless, the Committee for Economic Planning, Budget and Finance quite often proposes numerous changes in the budget. They include new sources of revenue, cuts in expenditures in some directions, and increased outlays on social and consumption purposes without, however, upsetting the balance of the budget. Formally no recommendation from or agreement by the government is necessary for the change. In practice, any changes proposed by the committees are previously agreed upon with the Treasury during committees' meetings.<sup>209</sup>

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<sup>209</sup> Rozmaryn, Parliamentary..., p. 74.



It is obvious, however, that the examination and deliberation of the State budget gives the committees a powerful tool to check on all aspects of governmental operations. The deliberations in the committees pertain directly to the work of the administration. In addition, the committees are attempting to exercise a continuous control over the administration of the budget through regular reports of the committees, questioning of officials and spot checks.

We should remember when talking about control over administration, that Poland is a socialist state. Although the entire economy is not socialized, the socialized sector is dominant and tight control is maintained over farmers and small enterprises by rigid control of prices, wages, the supply of raw materials, contracts for their products, and so forth.<sup>210</sup> All institutions - including economic, cultural and social - are parts of an all-embracing state administration.

#### Legislative Oversight of the Bureaucracy

It is accepted among many political scientists that an important function of democratic legislatures is "the authoritative allocation of values for...society."<sup>211</sup> Very important in the allocating of values is the function of oversight - "making certain the legislative programs are properly administered by the executive branch."<sup>212</sup> Still a third function, and that most easily recognized, is that of representation, which, as Carl Friedrich and Herman Finer so convincingly contend, is

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<sup>210</sup>Poland is the only socialist country in which agriculture has not been collectivized.

<sup>211</sup>Easton, The Political..., p. 129.

<sup>212</sup>Joseph S. Clark, Congress: The Sapless Branch (New York: Harper and Row, 1964), pp. 82-83.

closely linked with the concept of responsible government.<sup>213</sup> Thus it is the function of legislatures to sense and to represent the wishes of the electorate as their representatives, and also to be responsible to the people, not only for their own conduct, but also for that of the administrative units which they themselves created.

A necessary consequence of a democracy's reliance upon legislatively created administrative agencies is the concept of administrative responsibility. According to Cornelius Cotter, "Administration which is responsible is lacking in the elements of bad faith, arbitrariness, or capriciousness. It constitutes a reasoned effort, in good faith, to approximate the legislative intent."<sup>214</sup> These three functions performed by democratic legislatures, namely the legislative, the representational, and the oversight functions, in practice, overlap. Indeed, the function of legislative oversight may be conducted in part through the process of formal legislation. On the other hand, we might find highly informal but influential contact between committee members and administrators; and, on occasion, we might even find agencies anticipating the preferences of committees and patterning their conduct accordingly.<sup>215</sup> Between these two extremes of legislative oversight there is an entire range of different techniques used by legislatures to influence administrative behavior.

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<sup>213</sup>Carl J. Friedrich, Constitutional Government and Democracy (rev. ed., Boston: Gin and Co., 1950), pp. 263-64; Herman Finer, Theory and Practice of Modern Government (Rev. ed., New York: Henry Holt and Co., 1949), p. 219.

<sup>214</sup>Cornelius P. Cotter and J. Malcolm Smith, "Administrative Accountability to Congress: The Concurrent Resolution," The Western Political Quarterly, Vol. IX, December, 1956, pp. 955, 966.

<sup>215</sup>Cornelius P. Cotter, "Legislative Oversight," in Alfred de Grazia (ed.), Congress: The First Branch of Government (Garden City, N.Y.: Anchor Books, Doubleday & Co., Inc., 1967), p. 31.

The problems of the responsibility of administrative officials is the crux of the problem of maintenance in all political systems. The socialist state, by taking over the responsibility for all affairs and for the satisfaction of all needs, has enlarged for itself the scope of this problem. It has had to organized gigantic bureaucracies, together with a huge army of officials, and a sea of laws, regulations and decrees, in an attempt to regulate every aspect of social life. Rozmaryn demonstrates that the problem is larger than in any "welfare state."

This problem, however, acquires a special importance, both politically and socially, in the socialist countries, for the very obvious reason that in these states administrative activities have acquired dimensions unknown even to the most developed "welfare states". The socialist state in Poland owns all banking and industry and runs virtually the entire wholesale trade and 96 percent of the retail trade. It owns up to 12 percent of the arable land and exploits it (with the exception of small peasant allotments) through the state farms; in addition it owns all the forests of the country to say nothing of the railways, posts, radio, and similar public enterprises.<sup>216</sup>

If we keep this in mind, we can visualize the enormity of the problem facing the committees and the extraordinary difficulties they confront as they try to meaningfully supervise the enlarged and complex governmental structure.

The bureaucracy comes into direct contact with the "common man" in applying general rules to specific situations. Thus, the citizen's attitudes toward the political system are strongly influenced by the behavior of the bureaucrats with whom he has to deal. Whether they are honest, fair, and efficient, or dishonest, biased and inefficient, will determine, in the long run, his support of the political system<sup>217</sup>

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<sup>216</sup>Rozmaryn, Parliamentary..., p. 70.

<sup>217</sup>Stephen V. Monsma, American Politics: A System Approach (New York: Holt, Rinehart & Winston, Inc., 1969), p. 167.

This recognition that the fields of politics and those of administration are linked came easily as governmental bureaucracies expanded in size, scope of activities and power. The realization that individuals and groups are promoted or retarded to a great degree by the decisions of bureaucrats, leads to a concern with bureaucratic structure, personnel and policies. An awareness of the importance of bureaucratic structures and procedures for politics inevitably draws bureaucracy into the political process.

Administration (law implementation or application) forms an integral and important part of the processes by which the benefits and burdens of society are authoritatively allocated: thus it can be considered an important decision-making sub-unit of the political system. Administration makes political judgment and it would be unrealistic to try to solve administrative problems "in isolation from the structure of power and purpose in the polity."<sup>218</sup> In other words, goal attainment is a concern of both legislators and bureaucrats.<sup>219</sup>

If politics provide the motivation for legislative oversight, law provides the opportunity. The Polish constitution states: "The Sejm exercises control over the functioning of other organs of State authority and administration."<sup>220</sup> In addition the new Standing Orders of the Sejm of 1972 clearly mandate to the standing committees "to hear reports and informations from the heads of government departments, offices and institutions and to analyze the activities of various branches of the

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<sup>218</sup> Norton E. Long, "Power and Administration," Public Administration Review, Vol. IX, No. 9 (Autumn, 1949), p. 264.

<sup>219</sup> William C. Mitchell, The American Polity (New York: Free Press, Inc., 1962), pp. 239 ff.

<sup>220</sup> Konstytucja..., 1952, article 15.

State Administration and economy.<sup>221</sup> Thus the Standing Orders call for systematic discussion by the standing committees of reports and informations laid before them by the government departments as well as for an equally systematic analysis of administrative and economic activities, and these activities are independent of their other functions of deliberating over the bills, decrees, and economic and budgetary estimates which we have discussed above. All this is an extensive, and at the same time continuous, new form of parliamentary control of administration (since 1957).

Traditionally, the standing committees received reports from the governmental departments annually. These are now supplemented by more frequent reports. Although many of these documents remain undigested and, perhaps, even unread by some committee members. They do provide a potential source of information for deputies as well as an opportunity for legislative oversight. The regular written reports are supplemented by personal appearances of ministers and undersecretaries before standing committees. The standing committees have not been satisfied to deal with economic plans and budgetary estimates and bills, but have sought to exercise a systematic review of economic and administrative activities through, for instance, regular quarterly hearings on progress toward planned economic targets and on actual expenditures as against budgetary estimates.<sup>222</sup> Sometimes the task groups conduct field studies probing directly into the working of State enterprises and institutions.

By law, the techniques for oversight apply potentially to all executive acts. In reality, bureaucratic activity is too vast for total

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<sup>221</sup> Regulamin Sejmu...1972, article 31.

<sup>222</sup> Rozmaryn, Parliamentary..., p. 76.

legislative control. Choices have to be made concerning which techniques of control will be used, on which agencies, how often, with how much thoroughness, and by whom. Such decisions will come from committees, their chairmen and presidia. Oversight inevitably will be partial and selective.

In general, the committees deal with bread and butter issues that directly affect services to citizens. For example the building and food ministries are closely watched over to assure fair and economic allocation of resources. Included in this is oversight over administrative details, corruption, inefficiency and agencies overlapping or duplicating one another's work. On the other hand, the committees are reluctant to deal with matters in which they would be coming too close to questioning basic decisions and policies. Hence, the allocation of funds to certain projects or enterprises by high officials is normally not questioned, nor is the employment of unqualified personnel dealt with. The committees on Foreign Affairs and Defense do not check on the work of their Ministries, but concern themselves with less important aspects of their administrations. For example, Foreign Affairs concerns itself with contact with Poles living outside of Poland rather than with international politics.

As previously discussed, the complexities of the issues to be resolved by the committees usually result in bills with highly generalized terms. Almost every bill delegates the task of issuing reasonable and fair orders and regulations to the administration. The frequent use of such imprecise standards by the enabling acts leads to many abuses. Consequently, the committees started to spend more time on the administration of rules and regulations issued by the Council of Ministers, by the Prime Minister, or by Ministers under their signature. Since 1956, committees have been more aware that the departments can disregard legislative intent. The

administrative agency may fully understand what the legislative intent was and still decide not to be guided by it. It is a fact well known among committee members that rules and regulations can either by their substance, form, or timing, subvert the spirit or effectiveness of enabling statutes. Of course, there are some clear-cut cases where by no stretch of the imagination can administrative rules be said to conform with policies specifically stated in the law. Frequently, however, they can be justified by the agency as obeying part of its legislative mandate and being in direct conflict with no other provision of the law.

Each standing committee reviews and studies on a continuing basis, the application, administration, and executive of those laws which are within the jurisdiction of that committee. The committee then addresses its desiderata to the appropriate ministry or department. Sometimes the committees asked for an explanation of a delay in the publication of regulations implementing bills passed by the Sejm.<sup>223</sup> In order to receive information the committees hold hearings at which officials are questioned about regulations actually prepared or planned by their department. If the answer is evasive, the committee may attempt to prod the department into action. Sometimes the task is more difficult, for the committees may seek assurance that the department has made proper use of the authority given by a statute and that it did not violate the intent of the enabling act as understood by the committee.<sup>224</sup> Consultation on drafts of rules is usually suggested with the departments when a bill whose provisions are written in broad terms is discussed in the committee.

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<sup>223</sup> Witold Zakrzewski, "Wplyw Sejmu II Kadencji na Dzialalnosc Prawotworcza Rządu," Panstwo i Prawo, Vol. XVII, No. 5-6 (1962), pp. 815-822.

<sup>224</sup> Pol, op. cit., p. 804.

It is a rather common practice for the committees to advise consultation between the ministries and local government officials, trade unions, or farmers' organizations.

For the purpose of discussing departmental drafts, the committee sometimes creates special sub-committees, which not only extensively debate the measure under consideration, but suggest various improvements as well.<sup>225</sup>

Attention should be drawn to the very healthy development in general oversight which has taken place in the work of the Standing Committees. The Standing Orders adopted in 1957 first required that the committees prepare plans of work and report them, as well as their implementation of progress in fulfilling them, to the Presidium of the Sejm. The present rules of the Sejm (1972) also have this requirement.<sup>226</sup> Hence, in addition to standard committee meetings to work on legislation and specific oversight functions, meetings are held which could be called "thematic" since they are not concerned with any specific bill or budget but rather with certain important topics or issues, mainly economic or cultural.<sup>227</sup> These "thematic" meetings are held according to an established plan, so that members might come prepared to discuss the issues. This new technique constitutes a form of continuous control by the Sejm over the activities of the government and, simultaneously, a way for the government to report on its activities to the Sejm. This form of reporting and control by the committees takes place mainly during recess.

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<sup>225</sup> Dz.U., No. 61, 1957, Item 330.

<sup>226</sup> Szawlowski, op. cit., pp. 296-297.

<sup>227</sup> Ibid.



The problems examined by the committees are too numerous to be discussed in detail. Most common are short-range problems and emergency situations, like riots, epidemics, lack of fuel, and so forth. The Education Committee, for example, studied the causes of the March, 1968 university riots, and how to prevent future reoccurrences. In addition, the committees frequently study issues of long-range duration, among which a prominent place is occupied by a continuous search for new economic resources or better utilization of those already in use. A few examples from 1968 themes serve to illustrate this.

The Maritime Committee studied methods for preventing water and air pollution. The Foreign Trade Committee discussed ways of improving Poland's lot in the balance of trade. The Committee on Food and Agriculture studied farm mechanization and the problem of inadequate servicing for the machinery. The Internal Affairs Committee concerned itself with fire prevention, and the Education and Foreign Affairs Committees together discussed ways of expanding the cultural exchange program with other countries.<sup>228</sup>

Formal techniques of oversight receive more attention because they are more easily observed. More difficult to assess are daily informal interactions between the administrators and committee presidia which may, in fact, constitute a not insignificant part of oversight activity. An agency or department head may often treat informal advice from the committee chairman as a subtle command, realizing that the opinion of the committee might be important in the consideration of appropriations for his department for the following year. In addition, oversight

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Rocznik Polityczny, 1969, pp. 204-205.

occurs during legislative deliberations on bills with the processing of citizen grievances through comments in committee reports on bills, and in other activities not actually called oversight.

What these activities add to the oversight product is very difficult to measure, but many observers of the Sejm agree that they do add quite a bit. If the techniques of oversight seem frequently not effective enough and often unused, that may be in part because other less visible acts are promoting at least some of the same ends.

#### Cooperation Between the Committee and the Supreme Board of Control

As a result of the "October events" of 1956, a new Supreme Board of Control (Najwyższa Izba Kontroli - NIK) was provided for by an amendment to the Constitution of 1952 in December, 1957.<sup>229</sup> During the Stalinist period the former Supreme Board of Control was abolished in November, 1952, and replaced by the Ministry of State Control, totally modeled on the Soviet Ministry of State Control.<sup>230</sup> The pre-1952 Board had been independent of the Cabinet, and its president was elected and dismissed by the Sejm. It was allowed to carry out three kinds of examinations: preventive, local, and ex-post-facto.<sup>231</sup> The Stalinist State Control apparatus was a part of the executive branch and had no

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<sup>229</sup>See the Polish Constitution of 1952 as amended in 1957, Chapter IIIa, Articles 28 a, b, c, and d, in Dz.U., 1957, No. 61, Item 329; the Act of December 13, 1957, concerning the Supreme Board of Control in Dz.U., No. 61, 1957, Item 330; and the Resolution of the Sejm of the same date concerning the procedure for the submission to the Sejm of reports of the Supreme Board of Control, in Monitor Polski, No. 99, 1957, Item 578.

<sup>230</sup>Dz.U., No. 47, 1952, Item 316.

<sup>231</sup>Richard Szawłowski, "'State Control' in Poland in the Nineteenth and Twentieth Centuries," Wagner, op. cit.

contact with the Sejm or its committees. The role of the whole Sejm, of course, during the Stalinist period was strictly decorative. The anti-Stalinist reforms of October, 1956, enhanced not only the role of the Sejm and its committees, but in addition, abolished the Ministry of Control, which had been subordinated to the Cabinet.

The recreated Supreme Board of Control has once again become an organ of the Sejm, rather than of the executive. Its president is appointed by the Sejm and is directly responsible to the Sejm. Unquestionably the strengthening of the role of the Sejm's Committees and re-creation of the Supreme Board of Control constituted two very important achievements of the Polish October era which survive to the present day. The staff of the Board is highly qualified, among its officers are found engineers, economists, accountants, lawyers, and other professionals.<sup>232</sup> Its staff numbers almost 1,400.<sup>233</sup>

The task of the NIK today, similar to what it was before 1952, is a continuous and systematic scrutiny of the economic, financial, organizational, and administrative activities of State and local administration, and the nationalized economy from the point of view of legality, good management, purposefulness and honesty.<sup>234</sup>

It can also audit cooperative and private enterprises, in connection with the delivery of goods and services rendered by them to the State, and in connection with the payment of taxes. It may audit social organizations receiving State aid or depending on public contributions.

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<sup>232</sup> Ibid, p. 292.

<sup>233</sup> Ibid., p. 293.

<sup>234</sup> Konstytucja...1952, article 28a.

Nevertheless, "the main task of the Supreme Board of Control is control of the execution of the State Budget and the National Economic Plan, of the preservation of social property and financial discipline."<sup>235</sup>

In practice the major task of "state control" is a broadly conceived financial audit. The NIK is the Sejm's watchdog on State expenditures, confirming by independent audit that all funds are disbursed in accordance with statute, initiating actions to recover illegal or improper payments and settling accounts or claims.

On the basis of this systematic control exercised throughout the whole year at all levels of the State's economy and administration, the NIK gathers material and information in order to compile its annual report for the Sejm both on public accounts and on the fulfillment of the National Economic Plan - NEP.

Annually, NIK presents two documents to the Sejm:<sup>236</sup> 1: A commentary attached to the report of the Council of Ministers on the execution of the State budget and the NEP, with a motion concerning a formal discharging of the account (absolutorium); and 2. A report concerning results of an examination of the more important problems of the national economy and the activities of the state administration. The first document is sent through the Presidium of the Sejm to the Committee on Economic Planning, Budget and Finances and other interested standing committees which analyze the appropriate parts of the report of the Council of Ministers together with the related parts of the NIK commentary. Authorized representatives of the President of the NIK provide additional explanations

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<sup>235</sup> Dz.U., No. 61, 1957, Item 330.

<sup>236</sup> Szawłowski, op. cit., pp. 296-297.

to the members of the Committees. At plenary sessions of the Sejm the commentaries and motions of the NIK are presented by its president.

The second document, the annual report on the NIK's activities is sent to the Presidium of the Sejm (after examination by the State Council) within three months after the year's end.<sup>237</sup> The report is then transmitted to the competent committess for analysis, but it is not discussed at a plenary session of the Sejm.

Unfortunately, both documents, as is the practice in other Communist countries, are for "internal use only" and consequently are not published or discussed in the press.

The NIK role in providing the Committees with independent information does not stop at preparing these two annual documents. The Committees and the NIK cooperate even more closely during the consideration of the drafts of the State budget and the National Economic Plan, and, afterwards, during the execution of these two acts.<sup>238</sup>

In addition the NIK reports to the Committees on its own initiative, the results of the examination of more important problems of the national economy and State administration whenever the need arises. It also presents its remarks concerning the drafts of parliamentary and other acts to the Committees.<sup>239</sup>

The NIK is required by law to undertake any investigations, surveys or research that may be requested by the Sejm or its Committees.<sup>240</sup> If

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<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid.

<sup>240</sup> "Ustawa o Najwyższej Izbie Kontroli Państwa, 1957," Dz.U., No 61, 1957, Item 330.

the Sejm appoints a special or select committee to investigate some particular problem, officials of the NIK have to aid such a committee in its work. The same applies to studies, and investigations undertaken at the request of a standing committee, or conducted on the spot by members of committees in various agencies, enterprises, local institutions and so forth.

In 1966, for example, the Building and Communal Economy Committee requested the NIK to investigate the planning of new services to the public by the county governments.<sup>241</sup> In the same year, the Communications and Transport Committee asked the NIK to check on the implementation of the Council of Ministers' regulations connected with the railways and truck transport.<sup>242</sup> The following table (page 120) shows the distribution among the Committees of NIK reports during the Fourth Sejm (1965-1969) which represents the latest figures published:

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<sup>241</sup>Richard Szawłowski, "'State Control' in Poland in the Nineteenth and Twentieth Centuries," Wagner, op. cit.

<sup>242</sup>Ibid., p. 292.

TABLE 14

The Number of NIK Reports Transmitted to the  
Standing Committees of the 4th Sejm (1965-1969)

Committee	Number of reports
1. Building and Communal Economy	46
2. Food and Agriculture	46
3. Heavy and Chemical Industry and Mining	39
4. Light Industry, Crafts and Cooperatives	27
5. Health and Physical Culture	23
6. Education	21
7. Internal Trade	23
8. Forest and Timber	19
9. Internal Affairs	15
10. Economic Planning, Budget and Finance	13
11. Labor and Social Welfare	14
12. Communication and Transport	13
13. Foreign Trade	6
14. Arts and Culture	7
15. Maritime Economy and Navigations	5
16. Judiciary	5
TOTAL	322

Source: Janusz Mordwilko, "Komisja Sejmu, jako Organ Kontroli Dzialalnosci Rządu" (unpublished Master's Thesis, Wydział Prawa i Administracji, Uniwersytet Warszawski, 1970), p. 116.

Traditionally, the NIK has been little concerned with the overall organization and management of central state agencies. At best, NIK audit reports today are basically critical reviews of the management decisions of the responsible officials in the administration. As such, they provide the committees and the Cabinet with some kind of basis for evaluating the efficiency of agency operations. But there are indications that the NIK may now be developing the capability to study the internal operation of central administrative economic departments and offices in the broader terms of a "management audit". This would concern the overall adequacy and efficiency of operations in terms of the department's statutory mission. Until now, the push in this direction has come from

the economic departments of the Central Committee of the PZPR.

The author agrees that further development of this capability by the Sejm, and in particular by its committees, should be encouraged. It might include continuing research and development of measures of governmental effectiveness in economic planning and quantitative techniques for analyzing alternative patterns of organization and policy implementation. Such a development within the NIK would certainly enhance and deepen the Sejm's oversight capabilities.

Although there is general satisfaction with the broad scope of the NIK audits, the criticism is discreetly made that the Sejm is not well enough organized to give reports the careful study they deserve. The committees receive the reports and hold hearings on them with representatives of both NIK and the departments concerned present. But the fact remains that being part-time deputies, members of the committees simply do not have the time to give them systematic attention. Also, while all committee members, in conversation, have only praise for the accuracy and care of the NIK's investigative reports, they did complain to the author that these reports were sometimes out-dated. The committee members generally agreed that the NIK cannot do the job that could be done if the committees had their own staffs. All in all, however, committee members appreciate daily contact with the NIK and the materials furnished by it.

In recent years the committees have been making increasing use of the NIK to provide information inputs relevant to the legislative and oversight functions. This is especially true when the technical nature of a problem and the depth of expertise required to resolve it are beyond the normal capabilities of the members of the committee. In view of the lack of independent staff services to provide information to the



Seym and its committees, the role of the Supreme Board of Control is of paramount importance to the committees. According to Richard Szawlowski:

It must be emphasized that the Diet and the Supreme Board of Control meet and work together mainly during the meetings of the parliamentary committees,... The Diet highly appreciates the contacts with the Supreme Board and the materials furnished by it.<sup>243</sup>

It is interesting to note the role orientations of committee members and NIK officials. Committee members perceive themselves primarily as advocates or defenders of popular demands and needs. They are not as negative as their interwar predecessors, but rather, they are principally concerned with knowing the needs, hopes, feelings, and desires of the people. In conversation, they see themselves in the role of "tribunes of the common man," within the limits established by Party discipline.

The NIK's officials, on the other hand, perceive themselves primarily as guardians of the public purse, who make recommendations to promote economy, efficiency and improved public service. These two roles, based on the legislator's and NIK officials' own expectations of what their "role orientations" should be, are, basically, mutually supportive. This is probably the reason why the two groups work so harmoniously and effectively, and why they expressed only praise for one another.

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<sup>243</sup>Szawlowski, op. cit., p. 297.

#### IV. EFFORTS TO REFORM THE SEYMAND ITS COMMITTEES

During the years 1956-69, and again since 1970 when Gierek assumed power, the Sejm and its Committees have attracted the continuous attention of Polish scholars, Party leaders, Parliamentarians and journalists. Especially in the preelection periods in 1957, 1961, 1965, 1969, and 1972, newspapers, magazines and books have treated this subject extensively.<sup>244</sup> Generally speaking, the Sejm and especially its Committees

<sup>244</sup> Jerzy Bafia, "Wybory do Sejmu PRL i Zadania Prawników Polskich," Prawo i Życie, Vol. XVII, 1972, No. 5, pp. 3-5; Stanisław Bednarski, Janusz Kołczyński, Sejm Pracujący (Warsaw: Książka i Wiedza, 1961); Kazimierz Biskupski, "Niektóre Problemy Socjalistycznego Parlamentaryzmu," Panstwo i Prawo, Vol. XI, No. 10, 1956, pp. 545-556; Andrzej Burda, "Niektóre Zagadnienia Regulaminu Sejmowego w Polsce Ludowej," Panstwo i Prawo, Vol. XII, No. 6, 1957, pp. 1031-1052; Andrzej Burda, "Zmieniać czy nie zmieniać? - oto jest Pytanie," Prawo i Życie, Vol. II, No. 11, 1957, pp. 2-7; Tadeusz Dmoch, "Współpraca Najwyższej Izby Kontroli z Sejmem," Kontrola Państwowa, Vol. X, 1965, No. 3, pp. 6-10; Krzysztof Dzielski, "Czego potrzeba Posłowi na Sejm," Polityka, 19, VI, 1971; Stanisław Erlich, "Parlament, ale jaki?" Nowa Kultura, Vol. VII, No. 36, 1956, pp. 1-2; Stanisław Gebert, "Rola Komisji Sejmu PRL," Panstwo i Prawo, Vol. XVII, No. 8/9, 1962, pp. 241-256; Kazimierz Gosciniak, "Działalność Kontrolna Sejmu. Dorobek-Perspektywy," Prawo i Życie, Vol. X, No. 9, 1965, pp. 4-5; Andrzej Gwizdz, "Kilka Uwag na Marginesie Dwudziestolecia Rozwoju Parlamentaryzmu Ludowego w Polsce," Panstwo i Prawo, Vol. XIX, No. 7, 1964, pp. 39-49; Andrzej Gwizdz, "Sejm V Kadencji," Panstwo i Prawo, Vol. XIV, No. 12, (1969), pp. 1003-1007; Andrzej Gwizdz, "Uwagi o Jawności Postępowania Parlamentarnego," Panstwo i Prawo, Vol. XXII, No. 1, 1967, pp. 6-21; Andrzej Gwizdz, "W Sprawie Wykładni Niektórych Postanowień Regulaminu Sejmowego," Panstwo i Prawo, Vol. XV, No. 8/9, 1960, pp. 328-340; Zenon Kliszko, Dorobek Sejmu Drugiej Kadencji Zadania Nowego Sejmu, (Warsaw: Wyd. Prop. i Agit. K. C. PZPR, 1961); Zenon Kliszko, O Działalności Sejmu III Kadencji i Klubu Poselskiego PZPR (Warsaw: Wyd. Prop. i Agit. K. C. PZPR, 1965); Andrzej Kantowicz, "Sejm czy Mit o Sejmie?" Kultura, 24, X, 1971; Kazimierz Kozniewski, "Ja mam taką Sprawę..." Polityka, X, 18, III, 1972; Longin Krasnopolski, "Z Doświadczeń Współpracy NIK z Organami Sejmu," Kontrola Państwowa, Vol. IV, No. 1, 1959, pp. 15-19; Jacek Mazierski, "Za, ale z Poprawkami," Polityka, 29, IV, 1972; Remigiusz Orzechowski, "Funkcja Prawotwórcza Sejmu," Prawo i Życie, Vol. XVII, No. 8, 1972; Ludwik Pol, "Parlamentaryzm w Polsce Ludowej/Luty 1957-Luty 1960/," Nowe Drogi, Vol. XIV, No. 4, 1960, pp. 61-75; Wojciech Popkowski, "Sejm PRL IV Kadencji (1965-69)," Nowe Drogi, Vol. XXIII, No 5, 1969, pp. 26-29;

have been praised but some criticism and proposals for improvement were made.

The most comprehensive view of the Sejm and the most coherent program for reforms was presented by Professor Stefan Rozmaryn. Among his proposals, in addition to legal-institutional reforms, he took into account the emergent properties of collective bodies like the Committees which result from individual and interpersonal behavioral patterns. Rozmaryn's long service in a high public office taught him that framing proposals for reform merely in terms of a normative model is not enough. His long experience as a practitioner convinced him that the Sejm's structure is a system of complex interpersonal and intergroup relations that must be thoroughly understood if proposals derived from the normative model are not to remain a piece of paper. Before publishing his views in book form, he presented them to an annual conference of eminent constitutional lawyers at Lodz in May, 1962 for discussion. Rozmaryn's proposals were discussed extensively by theoreticians as well as by practitioners of the legislative process in Poland. Thus his book can be considered as representing to a great degree the common thinking of his colleagues.<sup>245</sup>

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(footnote 244, continued) Jerzy Rawicz, "Sejm jakiego Pragniemy," Nowe Drogi, Vol. XI, No. 1, 1957, pp. 33-38; Henryk Rot, "Przyszlym Poslom do Sztambucha," Polityka, 26, II, 72; Zbyslaw Rykowski, "Sejm i Spoleczenstwo," Polityka, 17, IV, 1971; Stanislaw Skrzyszewski, "Wspolpraca Komisji Sejmowych," Prawo i Zycie, Vol. VIII, No. 5, 1963, p. 2; Wieslaw Skrzydlo, "Niektore Problemy Systemu Przedstawicielskiego PRL," Gospodarka i Administracja Terenowa, Vol. VI, No. 3, 1965, pp. 23-26; Jerzy Stemborowicz, "Sejm i Rząd a Prawo," Zycie Warszawy, 26, X, 1972; Ryszard Stemplowski, "Sejm musi Waznym Byc," Polityka, 28, VIII, 71; Stanislaw Stomma, "Sejm w Perspektywie," Tygodnik Powszechny, 19, IV, 72; Andrzej K. Wroblewski, "Pospolite Ruszenie," Polityka, 4, III, 72.

<sup>245</sup>Stefan Rozmaryn, Ustawa w Polskiej Rzeczypospolitej Ludowej. (Warsaw: P.W.N., 1964).

Rozmaryn's proposals dealt with the entire legislative process. Some, however, referred specifically to the Committees and their role in the legislative process. His proposals for reorganizing the Sejm's Committees proceed from a strong desire on his part for the further democratization of the Polish political system. His foremost consideration is given to the question of elevating the role of the Sejm because in his view the broadening of democracy within the system is strongly connected with the maximization of the representative role of the Sejm. Simultaneously, Rozmaryn argues, the growing importance of a democratic representative Sejm undoubtedly fosters the further democratization of political and social life. His proposals aim to guarantee such political and legal conditions to the Sejm as would make it possible for the Sejm to fulfill its constitutional tasks - the tasks of representative body through which the people really exercise their State power. This, in his view, is a program for the full implementation of the constitutional principles of the representative system of the Polish People's Republic. His proposals do not touch on every conceivable aspect of Committee structures and functions, but are in context of broad basic problems.

Rozmaryn's proposals may be roughly divided into two main categories. The first concentrated on better use of the powers already possessed by the committees.<sup>246</sup> In this category he stressed an insufficient number of Committee meetings attended by representatives from local governments, social organizations, and public institutions.<sup>247</sup> This failure, according to Rozmaryn, contributes to the isolation of the deputies from their

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<sup>246</sup> See Regulamin Sejmu..1972, article 36, section 3.

<sup>247</sup> Rozmaryn, Ustawa..., p. 373.

constituents and should be corrected. The second category relates to legal-structural changes. Following his basic goal to make the Committees more effective tools of "social democracy," Rozmaryn proposed that the Committees be made "directional centres" for public discussion induced by the Sejm.<sup>248</sup> This form of public participation in the political process has been used in Poland quite extensively. It has been used, however, according to Chrypinski, in regard to draft measures before their submission to the Sejm.<sup>249</sup> Rozmaryn proposed that it be used by the Sejm in connection with bills already received for consideration. The Committees' job then would be to gather information both technical and political from various groups, analyze and discuss it, and finally submit to the Sejm in the form of a report, proposal, suggestion, or recommendation.

Somewhat in the same category was the recommendation to open Committee meetings at least to the press. The present system of discussing bills in executive or closed sessions, in Rozmaryn's view, leads to diminishing public interest in the activities of the Sejm. Were the reforms to be carried out, Poland would be one of the few countries to make committee proceedings known to the public. West Germany's Bundestag gives press releases also, but they are put out by the committees themselves. Great Britain's committees have the most democratic form, however, "in that their proceedings are printed in an official record which is placed on sale."<sup>250</sup>

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<sup>248</sup>Ibid.

<sup>249</sup>Chrypinski, "Legislative...," p. 256.

<sup>250</sup>Finer, "Great Britain," in Marcridis, op. cit., p. 111.

Among other proposals in the same category was a suggestion to give the Committees the right of legislative initiative. Before World War II, the committees had always maintained this function. Rozmaryn contended that there was no constitutional rule that prohibited the Sejm from doing this. In fact, he argued, the Sejm had already granted such a right to the committees scrutinizing decrees submitted by the Council of State for the Sejm's approval. Why not, he asked, make it a general grant.<sup>251</sup>

Two conferences held at the end of September, 1971, discussed the procedural and structural changes which would ensure that the Sejm is simultaneously making full use of its constitutional rights and duties and at the same time strengthening its ties with the people. One of these conferences was organized by the PZPR deputies' club. It was attended by the chairmen and secretaries of voivodship deputy groups, members of the PZPR Sejm club, the ZSL and SD party clubs. During this conference, Jozef Tejchma, Chairman of the PZPR club, member of the Politburo, and Secretary of the PZPR Central Committee, said that the Party would consistently strive to ensure that the Sejm, as the supreme organ of State authority, would exercise its rights and duties in full.<sup>252</sup>

At the same meeting, Zenon Wroblewski, a member of the Central Auditing Committee of the PZPR, provided a broad outline in which the duty of PZPR Sejm deputies to obtain cooperation and support at allied clubs, as well as non-party and Catholic parliamentary groups, for PZPR policy was stressed. It was spelled out as their continuing goal to correct and improve the government working programs and to appraise

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<sup>251</sup>Rozmaryn, Ustawa..., p. 28.

<sup>252</sup>"Sejm, the Supreme..." Contemporary Poland, p. 9.

correctly the implementation of this program on the basis of voter opinion, their own views, and those of deputies in other clubs and parliamentary groups. During Sejm debates, PZPR deputies were to weigh the arguments of government representatives on an equal footing with those of allied party, non-party and Catholic groups. The object is to accept all rational arguments consistent with the Party policy (author's emphasis) so that the various solutions and decisions should be the best possible based on just and realistic assessments.<sup>253</sup>

In the discussion which followed the above summarized remarks, the deputies pointed out that the Sejm Committees should pay more attention to supervising the implementation of laws and promoting greater legislative initiative on the part of individual deputies. They stressed that Committees supervision of the implementation of laws should consist of answering the question of whether a given law was put into effect properly and whether it was bringing about the desired social results.

On September 30, 1971 a second such conference was attended by members of the Sejm Presidium and presidia of Sejm Committees.<sup>254</sup> It was devoted to key problems of parliamentary activity, improvement of its effectiveness and that of the work on individual deputies. One of the points raised was that the Government should submit tentative drafts of laws to Sejm Committees prior to their adoption by the Council of Ministers for Committee members to familiarize themselves with their substance. Another recommendation was that the representatives of Government departments should give comprehensive answers with full particulars to Committee

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<sup>253</sup>Ibid.

<sup>254</sup>Ibid.

questions. An improvement in the procedure of settling citizen grievances and complaints submitted to voivodship deputy groups was urged. Finally, it was urged that the Sejm Committees should expand cooperation with local government bodies (Komisje Rad Narodowych).<sup>255</sup>

Vice-Premier Wincenty Krasko attended this meeting. He declared that the Government accepted the proposal as regards informing the Sejm of intended legislation, insofar as it applied to issues of major political and economic importance. He added that the Council of Ministers intended to go ahead with the practice of informing deputies at plenary Sejm sessions on important problems of national policy.<sup>256</sup>

Many deputies voiced concern over how to raise their status among the people, which incidentally is still very low.<sup>257</sup> One suggestion was to accord the deputies greater respect when they intervene on behalf of their constituents. The effectiveness of their intervention could increase public confidence and consequently raise their social prestige.

Some proposals put into practice, concerned legislation. Instead of the former practice of giving only one reading to drafts of laws submitted by the government, the Sejm is giving two readings. Informing Committees of the basic principles of drafts which the Government intends to submit to the Sejm before they are adopted by the Council of Ministers, is another innovation. New emphasis has been added to the role of Sejm Committees in the implementation of laws passed by the Sejm. Previously,

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<sup>255</sup>Ibid.

<sup>256</sup>Ibid.

<sup>257</sup>Andrzej Kojder i Adam Podgorecki, "Poseł Znany czy Nieznany," Polityka, 4, IX, 1971.



their role has been sporadic.

Policy statements by the Prime Minister at plenary sessions of the Sejm are no longer reserved for exceptional occasions. The same applies to the reports submitted to the Sejm by Ministers. Indeed, never before under Communism have so many detailed government reports been submitted to the Sejm, as under Gierek. He has also sought to instill a wider sense of participation in the people. The PZPR remains supreme. Nonetheless, Gierek has started to revive the long dormant National Unity Front - FJN. In June, 1971, the Presidium of FJN was reorganized to provide for stronger representation of non-party people. Breaking with the tradition that a PZPR member must hold office, the FJN elected non-party person, Professor Janusz Goszkowski, to be Chairman of the Presidium, and two other non-party figures, the already mentioned Professor Jan Szczepanski and Konstanty Lubienski, a noted Catholic intellectual and vice-chairman of the Church-sponsored "Znak" circle of Sejm deputies, to be deputy chairmen.<sup>258</sup> Thus the non-communists have been given, at least a nominal voice in framing government policy.

All in all, the efforts to reform the Sejm and its committees, although important in themselves, did not bring the promised increase in the powers of the Sejm. In spite of all reforms promised or even introduced, the Sejm committees have not yet reached an equivalent of their pre-war status. Traditionally, the Sejm, particularly through its committees, was responsible for legislation. During the interwar period, from 1919 to 1928, they not only had total control over legislation, but also exercised strong influence on the Cabinet and administration.

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<sup>258</sup>Adam Bromke, "Poland under Gierek," Problems of Communism, Vol. XXI, No. 5 (September-October, 1972), p. 11.

After 1928, as the executive was predominant, the Sejm lost its influence on the Cabinet, but the committees still, at least formally, retained legislative initiative and control over legislation. Since 1957, the committees have regained their powers of influencing legislation, but they do not yet have the right of legislative initiative. They have the function of administrative oversight, but the executive and ultimately the Party, still predominates. Basically, the Sejm serves as the legitimizer of laws and policies submitted to it by the Council of Ministers which in turn is attuned to the directive signals of the PZPR leadership. The PZPR parliamentary club is not an autonomous political body owing ultimate responsibility only to the electorate, as were political parties before the Communists came to power. Quite the opposite, it is bound by Party discipline. Even committee members are supposed to realize the Party program in their work.

One must remember, however, that the present Polish government is still relatively young. The role of the Sejm and, more importantly, of its committees is evolving, as is the whole political system. We are witnessing a critical search for new forms of political and economic organization. Old rigid ideological dogmas are being discussed and sometimes discarded. There has been an encouraging revival of rational and empirical thinking in many fields. How far this process will go is still difficult to say. There is no question, however, that the Polish political system will continue to respond to pressures arising in the intra-societal and extra-societal environments.

## CONCLUSION

The present study began with an examination of the historical foundations of the modern Polish state. In succeeding chapters we discussed the ideology, the physical components of the system, and the instruments of its power. We described the paramount principles of the Polish state: the leading role of the Communist Party (PZPR) and democratic centralism.

We pointed out that the PZPR controls the government administration, the army and the police. We stressed the fact that there is a unity and fusion of the legislative and executive powers, and the subordination of the judiciary to them. It is thus impossible for the executive to veto the decisions of the legislature, for the legislature to override the executive, or for the judiciary to act independently of either. In point of fact, the distribution of Party and state roles among the members of the ruling group places all basic decision-making within the PZPR leadership. To a large extent, the state organs serve to give legal embodiment to the ruling oligarchy's decisions and to act as executors of them.

Finally, we emphasized the fact, that the operation of democratic centralism reinforces a hierarchical state system in which all provincial and local units of government are subordinated to a higher unit, the whole subordinated to the ruling group through the principle of unity of state power. As a result, the mass participation at the bottom, boasted of by the Party leaders, in no way endangers the authority of the group at the top. It seems to the author that the crucial questions

is not how many citizens participate--whether in the form of single-slate ballot elections, or in mass organizations such as parties, youth clubs and trade unions, but the quality of their participation. Is participation conducive to making the government responsible to broader sectors of the population or does it merely serve to reinforce the position of a narrow self-perpetuating elite?

Through its monopoly of state power and law, the ruling group is able to control the whole national economy, deciding the present and future of production and wages. We stressed the fact that the ruling group seeks to maintain its monopoly of ideology and culture through its control of mass media of communication, education, mass organizations, social security and welfare. This does not mean that the PZPR leaders have an absolute monopoly of power over the Polish population; to the contrary. What we mean by the term monopoly of power is the exclusivity of the ruling group's control, the unavailability of competition with it. However, today there are broader inputs into the political system than there were before 1956. The Party gives more consideration to the Roman Catholic Church and the needs and expectations of the people both economic and those based on their historical memories, values, attitudes and beliefs which are the products of geography, history and environment. Under Gierek, there are many signs that the regime has become more responsive, if not yet responsible, to its people. We also examined the important role that is played by the Soviet Union in maintaining the Polish Communist Party's unquestionable power position.

Thus we sought to place the present system in a proper perspective. In addition, by connecting the Sejm Committees with other various subsystems, we tried to emphasize the dependence, interrelationship and interaction

between the formal institutions and other relatively unofficial institutions such as political parties, interest groups, public opinion, and role orientations. Thus by using a "systems" approach, we recognized the Sejm's Committees' interconnection with a larger and more complex political system.

The primary purpose of our study was to describe and analyze the role played by the Sejm Committees within such a system. Thus, preceding chapters have been mostly devoted to analyzing the influence of the Committees on the Polish political system and vice versa. To accurately measure the influence of all aspects of Committee activities upon all parts of the system is obviously impossible as far as the present tools of political science are concerned. Yet certain conclusions can be drawn from this study.

First of all, the findings have hopefully demonstrated the validity of our major proposition stated in the introduction, that the Sejm Committees perform a useful and beneficial function within the existing political system of Poland. They develop a sense of corporate unity centered around a common expertise in a particular subject area and identification with the often aggrieved common man. In spite of the Party control over the composition, organization, and work of the Committees, the existence of this spirit of mutual respect makes Committees more cohesive and enhances their ability to assert their influence and their independence from direct control of the Communist Party.

Although they have very little chance to change major Party decisions, they can affect policy in certain areas and influence the character of policy implementation and the language of the bills. Changes introduced

by the Committees to the government bills restrict the discretion of the bureaucracy and substantially strengthen the rights of citizens under their provisions. Indeed, Committee actions, almost without exception, were motivated by the commitment to both procedural and substantive democratic principles.

Since the so-called "October Revolt" of 1956, some Committees have become important instruments in the general liberalization of the political life of the country. In spite of a "proletarian dictatorship" existing in Poland, using the Party jargon, the Committees, though limited by the overall system, have played a creative and useful role in Polish political life. Their role, aims and duties have been widened, and their independence strengthened. The Committees also were responsive to local and special interests and served as an interchange between local levels of government and the ministerial policy-making level.

In their work the Sejm's Committees have shown themselves quite often acting as "Tribunes" of those classes, groups and views, which in every Communist country tend to be overlooked or sacrificed. By perceiving themselves primarily as advocates and defenders of popular problems, needs, and desires, the Committees can be seen as a beneficial institution which is responsive to popular wishes and which is trying to keep in step with public demands. By acting in this manner, the Committees perform a useful function for the whole political system by creating legitimacy and consensus.

It may well be argued that the evidence given in the present work still shows that the general policy aspect of the decisions is settled outside the Committees and outside the Sejm. The author fully agrees with this statement. The exclusion of great issues, however, from the

consideration of the Sejm and its Committees does not diminish in the least the highly beneficial role played by the Committees in the protection of the common man in Poland within the overriding political realities.

There are also prospects of a greater role in the decision-making process for the Sejm. The troubles of 1970 in Poland made it clear that reforms - economic and socio-political - were dangerously overdue. In order to survive on its own, the PZPR will have to explore new political methods. Gierek's talks with workers, and his announcements about reviving the role of the Sejm indicate a trend toward more dialogue, more consultation and more responsiveness to popular opinion.

The political scene is complicated by the existence of a wide generation gap. The coming of age of the children of the post-war baby boom has produced a homogenous and predominantly youthful population with ideas, interests, expectations and needs quite different from the older generation. According to official statistics for the end of 1970, 37% of the population was under 20 years of age, and 51.8% was under 29.<sup>259</sup> The young intelligentsia, which the Party leaders believed had been educated in their own image, have reacted against the dogmatism, bureaucracy, and incompetence of the older managerial class, which frequently holds positions because of political reliability rather than competence.

The younger technocrats are optimistic that a change will come soon. They foresee new generations of leaders, Soviet and Polish, taking power soon. They will characteristically be much less ideologically minded and much more pragmatic. They will seek after new methods of economic know-how, resulting in greater economic progress and smoother economic

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<sup>259</sup> Rocznik Polityczny..., 1971, p. 31.

controls. They will be more willing to decentralize the economy, and to give more power to individual enterprises and to the market, to provide material incentives and to promote the role of experts and specialists. They maintain that this change has already started. The old line communist bureaucrats are already fighting a rear guard movement against the new, younger generation of skilled managers, engineers and economists, who while paying lip service to ideology, in actuality want recognition of their own talents and abilities. As they see it, this new technocratic elite will still govern in an authoritarian fashion, but will be tempered by consultation with a larger segment of the population. Some even believe that the process of rapid industrialization is gradually transforming the "hegemonic party system" into a true multi-party system.

On the other hand, there are the pessimists, mostly members of a humanistic intelligentsia. They maintain that although Poland cannot meet her own capital and technological needs, Moscow will not allow any economic modernization whose price might involve liberalization, pluralization and democratization of the political system. And, it is obvious that Poland's economic needs can only be met by intercourse with the West.<sup>260</sup> These pessimists express the belief that the Soviet invasion of Czechoslovakia in 1968 proved convincingly that the Soviet Union is ruthless and will not tolerate significant democratization or

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<sup>260</sup>Robert F. Byrnes, "Russia in Eastern Europe: Hegemony without Security," Foreign Affairs, Vol. IL, No. 4 (July, 1971), p. 690; cf. Richard V. Burks, Technological Innovation and Political Change in Communist Eastern Europe (Santa Monica: California, Rand Corp., 1969); see also Jan Anusz, "Dretwota Technologiczna," Polityka, 11, XI, 72. Anusz calls the present state of the Polish economy "technological paralysis." Describing the acute scientific and technological lag of Polish economy behind the West he emphasizes the absolute necessity of acquiring the Western know-how in applied science, technology, and the whole area of economic management.



modification of the Soviet position in Eastern Europe.

Whether and how Poland and the Soviet Union will be able to solve this problem will depend partially on the future course of European and Sino-Soviet-American international policies, and primarily on the future domestic developments in Poland and in the USSR.

Still (according to Teresa Rakowska-Harmstone) the dynamics of political forces pressing from below all point to greater differentiation rather than renewed conformity, to the assertion of particularistic rather than "proletarian internationalist" interests, to the development of new political, economic, social, and cultural forms best suited to an individual state's own national and political heritage.<sup>261</sup>

For Poland, these changes will undoubtedly include a greater role for the Sejm, and, therefore, for its committees. A new generation of Poles is demanding a new ethic, new decency in high places, new humanism, a better life, and more freedom and self-determination which means more participation in the decision-making process. Yet, while the country can look inward to ancient traditions and recent achievements and quietly enlarge contacts with the West, it can never ignore the Soviet presence to the east.

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<sup>261</sup>Teresa Rakowska-Harmstone, "Patterns of Political Change," Adam Bromke and Teresa Rakowska-Harmstone (eds.) The Communist States in Dissarray, 1965-1971 (Minneapolis: University of Minnesota Press, 1972), p. 345.

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