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**Death Penalty in the Judicial Thought and Practice
in the Second Polish Republic (1918 – 1939)**
(Abstract of doctoral dissertation)

This doctoral dissertation presents a historical approach to the thought and practice of the judiciary in the Second Polish Republic (1918-1939) with regard to the pronounced death sentences. The dissertation deals with the political and legal aspect of death penalty regulations in the interwar Poland, analysis of capital punishment by prewar lawyers and representatives of judicial authorities and the case law of the civilian and military judicature of that time.

In order to write this dissertation it was necessary to study unpublished documents of the Second Republic which are kept in the Central Archives of Modern Records, in the General Kazimierz Sosnkowski Military Historical Office - Central Military Archives, in the State Archives in Poznań and State Archives in Kielce. Moreover, investigation of the normative aspect of capital punishment required examination of many legislative acts published in journals of laws from the years 1918 – 1939. In addition to the study of unpublished archival sources and legislative acts of the time, due to the specific character of the dissertation topic, it was also necessary to study Polish interwar publications and other contemporary works discussing the issue of the death penalty in the Second Republic.

The dissertation has been divided into four chapters, devoted to different detailed aspects of the subject. The first chapter: *Political and Judicative Situation of Poland in the Context of Capital Punishment in the Years 1918 – 1939* describes the process of establishing the structure of the judicature during the period immediately preceding regaining independence, presents an analysis of the political and judicative system of the Second Republic and discusses the interpretation of legal regulations governing the material and procedural aspect of capital punishment in the years 1918 -1939. In that chapter special attention was given to the existence of different legal systems inherited from the partitioning powers and the multitude of changing acts and regulations providing for the death penalty on civilians and members of armed forces for different prohibited acts, often also for seemingly

less serious crimes (e.g. laws prescribing the death penalty for corruption in the early years of the Second Polish Republic.)

The second chapter: *Death Penalty as a Subject of Debate in the Interwar Poland* presents views and opinions on the death penalty of some selected Polish lawyers of the interwar period. This part of the dissertation describes also the history of the Codification Commission of the Republic of Poland and disputes in its Penal Section over the possibilities of regulating the most severe punishment in the reborn Polish state.

The third chapter: *Death Penalty in the Practice of Common Courts in the Interwar Poland* deals with the pragmatic aspect of the case law related to capital punishment inflicted by common courts in the Second Republic. In addition to the analysis of media famous death sentences described by literature of the time and current publications, attention was given primarily to death sentences imposed on ordinary citizens committing ordinary crimes. The discussed cases were divided into two groups: those adjudicated by regional courts in ordinary proceedings and those decided by summary courts. The former imposed fewer death sentences during the period 1918 – 1939 than summary courts acting in two periods i.e. 1919 – 1928 and 1931 – 1934, which is attributable to the simplified procedure and more severe criminal law substance of summary court cases in which capital punishment was imposed.

The fourth chapter: *Death Penalty in the Practice of Military Judicature of the Interwar Period in Poland* examines the case law of military tribunals and (wartime) courts martial concerning capital punishment. An important section of this chapter is devoted to soldiers sentenced to death for ordinary prohibited acts and persons on whom capital punishment was imposed for crimes against the Polish state during the period of border fights.

Capital punishment was adjudged by courts with varied frequency throughout the period of the Second Polish Republic. The number of the most severe sentences imposed in the interwar period was changing depending on the time of peace or war, type of adjudicating courts, provisions of amended legislative acts, type of committed crimes, region of the country and other factors. Lack of information on the overall number of executions ordered and carried out in the years 1918 – 1939 has not impeded the discussion of and formulation of conclusions concerning the judicial thought and practice in respect of capital punishment in the Second Polish Republic.

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