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The Silesian Voivodeship

Analysis of a “legal interspace”

Edited by

Martin Löhnig and Kamila Staudigl-Ciechowicz



Duncker & Humblot · Berlin

MARTIN LÖHNIG and KAMILA STAUDIGL-CIECHOWICZ (eds.)

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Introduction

By *Martin Löhnig*

Upper Silesia was the subject of Polish-German conflict in various ways during the 20th century. This was particularly true of the interwar period. During this phase, this historically evolved region, in which different cultures had encountered and intermingled, was divided between three nation states. Economic and social networks were therefore fragmented down to the level of individual families. Political and national claims clashed there, as did the narratives of national historiographies. “Bleeding border” vs. “unredeemed Slavic soil”.¹

Upper Silesia was therefore a region in which each of the participating nations set up a “showcase” and wanted to present itself culturally from its best side. Excellent architecture was therefore created in the Polish part of Upper Silesia in particular. The Silesian Museum in Katowice, for example, designed by Karol Schayer², was one of the most modern museum buildings in Europe; it was demolished by the German invaders before it opened. This impressive building and its history are not only exemplary of this modern architecture, but also reflect the fate of Poland in the 20th century. Upper Silesia was also a pioneering region of industrialisation, in which the previously agrarian landscape underwent massive changes with the construction of mines and smelters, workers’ settlements and their connection to railway lines. And which played a central role in heavy industry and armaments production in the first half of the 20th century.

But Upper Silesia is also a region in the centre of Europe whose more recent history was not dealt with by historians, at least in Germany, for a long time, if only to avoid being suspected of revanchism. Fortunately, this has now changed and there has been fruitful co-operation³ between Polish, Czech and German historians. Legal historiography, on the other hand, has lagged behind this development. This volume, which is based on a conference organised by the editors in Regensburg in March 2023, aims to provide an opportunity to make Upper Silesia the subject of legal history research and to turn to a region that has been a “connecting region” (Verbindungsland⁴) between

¹ *Manfred Alexander*, Oberschlesien im 20. Jahrhundert – eine mißverständene Region, in: *Geschichte und Gesellschaft* 30 (2004), S. 465 ff., 465 f.

² For Schayer’s architecture cf. *George Arbid*, *Auf den Spuren eines Architekten*, Bauwelt 2009, S. 24 ff.

³ Cf. *Kai Struve/Philipp Ther* (eds.), *Die Grenzen der Nationen. Identitätswandel in Oberschlesien in der Neuzeit*, Marburg 2002; *Bahlcke/Gawrecki/Kaczmarek* (eds.), *Geschichte Oberschlesiens. Politik, Wirtschaft und Kultur von den Anfängen bis zur Gegenwart*, München 2015.

⁴ Cf. only *Manfred Alexander*, *Oberschlesien im...*, S. 465 ff., 466.

different cultural areas for centuries. And which, as a Polish region with an identity fuelled by plural cultural roots,⁵ will hopefully once again be such a connecting region in the long term.

A connecting region about which very little is now known in Germany.⁶ The associations of expellees, with their often poisoned memories of their homeland, have been marginalised without any subsequent “non-poisoned” discussion of Upper Silesia. Apart from the numerous reports in the summer of 2014, when Germany became football world champions and Miroslav Klose from Opole became the most successful goalscorer of all time at a World Cup. Where exactly does he come from? Even if players with Upper Silesian roots no longer save German football and the results of the German national football team were catastrophic after Miroslav Klose’s retirement: It’s time to rediscover Upper Silesia.

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⁵ *Andrzej Kaluza/Julia Röttger*, Warum Oberschlesien?, in: Deutsches Polen-Institut (ed.), *Jahrbuch Polen 2021. Oberschlesien*, Wiesbaden 2021, S. 5 ff., 7.

⁶ But see *Marcin Wiatr*, *Literarischer Reiseführer Oberschlesien*, Potsdam 2016; and of course *Horst Bienek*, *Gleiwitz – Eine oberschlesische Chronik in vier Romanen: Die erste Polka*, München 1975, *Septemberlicht*, München 1977, *Zeit ohne Glocken*, München 1979, *Erde und Feuer*, München 1982, which Hanser-Verlag unfortunately never republished; the first volume has now been republished by *Elsinor-Verlag* (Coesfeld 2019).

Table of Contents

<i>Ryszard Kaczmarek</i> Autonomy of the Silesian Voivodeship and Other Projects of Regional Autonomies in Poland 1918–1939	9
<i>Adam Krychowski</i> Polish Legal Concept in Relation to the Silesian Autonomy in the Second Polish Re- public	21
<i>Krzysztof Nowak</i> Between Cieszyn/Teschen and Bielsko/Bielitz. Polish Cieszyn Silesians and the Si- lesian Autonomy	35
<i>Anna Muś</i> The Autonomous Silesian Voivodship and its Legacy	47
<i>Donata Zehner</i> Silesian Jurisdiction after Versailles	69
<i>Anna Stawarska-Rippel</i> Silesian Legal Microcosm: Courts and Court Procedures in the Silesian Voivodeship and the Polish Supreme Court after the First World War before the Unification of Jurisdiction	91
<i>Konrad Graczyk</i> The Application of the German-Polish Agreement on Upper Silesia 1922–1937. State of Research and Research Postulates	103
<i>Kamila Staudigl-Ciechowicz</i> Closing remarks	129
Bibliography	133
List of Authors	153

Autonomy of the Silesian Voivodeship and Other Projects of Regional Autonomies in Poland 1918–1939

By *Ryszard Kaczmarek*

Historians point out that after the First World War, the Polish state was keen to grant autonomy to the Silesian Voivodeship in order to guarantee special rights to the inhabitants of Polish Upper Silesia. They highlight the pragmatism of Polish politics at the time. However, the official political interpretation today is different: the autonomy was an extraordinary, generous gift from the Polish state to Upper Silesia. In return, the grateful Upper Silesians voted for Poland in the plebiscite of 1921, culminating the centuries-long efforts for a Polish Upper Silesia. This version of history was proclaimed by the Polish Prime Minister Mateusz Morawiecki in Chorzów on the occasion of the 100th anniversary of the plebiscite and the Third Silesian Uprising. He literally spoke of a “relay race of several generations of Poles, Silesians, who strived for the Polishness of these areas, who fought for freedom and independence”.¹

In today’s lecture, based on comparative studies, I would like to verify two hypotheses regarding how the Silesian autonomy was granted and how it functioned:

1. Was the autonomy of the Silesian Voivodeship a unique political solution in the Second Republic that had no comparable solution in other parts of the Polish state?
2. Was the adoption of the autonomy law in favor of Upper Silesia merely a short-term solution aimed at deciding the plebiscite in Upper Silesia in favor of Poland and ensuring rapid integration?

I. The Autonomy Traditions in Poland after the First World War

In Polish historiography, there is a deeply rooted myth that autonomy projects were something completely new and thus alien to Polish politicians after Poland regained its independence in 1918. Already in the provisional constitution of 1919 (so-called Small Constitution), the principle of “the uniformity of the state excluding the systemic differences of its individual territories” was introduced.²

¹ *Krzysztof Konopka/Krzysztof Kowalczyk/Monika Zdziera*, Premier: to dzięki staraniom powstańców śląskich przetrwała II Rzeczpospolita, <https://dzieje.pl/wiadomosci/premier-slowa-wojciecha-korfantego-inspiruja-do-budowania-wielkiej-przysz%C5%82osci-rzeczpospolitej>; accessed 22. 04. 2024.

² *Wojciech Witkowski*, *Historia administracji w Polsce 1764–1989*, Warszawa 2007, p. 306.

I have already spoken in detail about the traditions of Polish autonomies a few years ago.³ Here, I would like to repeat only the key points that have been relevant since the end of the 18th century and which remained very much alive in the historical memory of Poles even after the First World War:

- Before the third partition of Poland in 1795, the last King of Poland, Stanisław August Poniatowski, contemplated autonomy for the part of the Polish Kingdom still under his rule. The guarantors for this only semi-sovereign state were to be the partitioning monarchies: Russia, Austria, and Prussia. This idea failed with the collapse of the Polish state at the end of the 18th century.⁴
- The Kingdom of Poland (commonly referred to as Congress Poland) within the Russian Empire, as well as the Grand Duchy of Posen as part of the Kingdom of Prussia, enjoyed autonomy for decades after the Congress of Vienna in 1815, lasting until the second half of the 19th century. The autonomy then granted to the statutory city of Krakow, which was also guaranteed by all partitioning powers, lasted until the mid-19th century.⁵
- In the second half of the 19th century, not only did autonomous Galicia exist within the Habsburg Monarchy for half a century, but Austrian Silesia, including the Duchy of Teschen, also enjoyed this status. The latter became a part of the Polish Voivodeship of Silesia from 1922 (until 1939).⁶
- Trialistic solutions, pursued by center-left politicians and Józef Piłsudski in the early years of World War I, were directly influenced by Austrian autonomy experiences.⁷
- Roman Dmowski, the leader of the Polish nationalist camp, based his concept of Polish independence, up to the time of the Russian Revolution in 1917, on the idea of the autonomy of Congress Poland within the Russian Empire.⁸

³ Cf. *Ryszard Kaczmarek*, Die Republik Polen und die Autonomie der Zwischenkriegszeit (1918–1939), in: Robert Schweitzer/Uta-Maria Liertz, (ed.), *Autonomie-Hoffnungs-Schimmer oder Illusion, Europäische Autonomien in Geschichte und Gegenwart. Ein Seminar zum 200. Jubiläum der Autonomie Finnlands, Beiträge von Teilnehmern des 8. Snellman-Seminars 04.10.–07.10.2009 Krapu/Tuusula, Veröffentlichungen der Aue-Stiftung 8. Helsinki 2013*, p. 185–198.

⁴ *Jerzy Michalski*, *Dyplomacja polska w latach 1764–1795*, in: Wojcik, Zbigniew: *Historia dyplomacji polskiej*. Vol. 2: 1572–1795, Warszawa 1982, p. 624 f.

⁵ Cf. *Władysław M. Kozłowski*, *Autonomia Królestwa Polskiego (1815–1831)*, Warszawa 1907, p. 85 f.; *Andrzej Zahorski*, *Historia dyplomacji polskiej (1795–1831)*, in: Bazyłow, Ludwik (ed.), *Historia dyplomacji polskiej*, Vol. 3: 1795–1918, Warszawa 1982, p. 11 f.; *Jerzy Zdrada*, *Historia Polski 1795–1914*, Warszawa 2005, p. 94 f., 237 f., 268 f., p. 613 f., *Witkowski*, *Historia administracji...*, p. 133 f., p. 175 f., p. 204 f.

⁶ *Henryk Wereszycki*, *Historia Austrii*, Wrocław-Warszawa-Kraków-Gdańsk-Łódź 1986, p. 232–233; *Józef Chlebowczyk*, *Między dyktatem, realiami a prawem do samostanowienia: Prawo do samookreślenia i problem granic we wschodniej Europie Środkowej w pierwszej wojnie światowej oraz po jej zakończeniu*, Warszawa 1988, p. 57–75.

⁷ *Ryszard Kaczmarek*, *Historia Polski 1914–1989*, Warszawa 2010, p. 37 f.

⁸ *Roman Wapiński*, *Roman Dmowski*, Lublin 1988, p. 252–253.

These varied Polish experiences with the functionality of autonomies in the territories of divided Poland in the 19th century were identified by the prominent Polish historian Stefan Kieniewicz as one of the many paths through which Poland regained its independence in 1918.⁹ Kieniewicz added that autonomy projects in the concepts of Polish politicians of the 19th and early 20th centuries were never seen as permanent solutions. They were always viewed as a transitional phase, a certain stage on the “path” to the sought-after full sovereignty of divided Poland. Thus, autonomous provinces were understood as a kind of “Piedmont”. The role of autonomies in Polish geopolitics was to integrate the divided Polish territories and, since the emergence of the idea of a “modern Polish nation”, to integrate the national community. For Polish politicians at the time of the re-establishment of the Polish state, political and territorial autonomy was undoubtedly a known solution, but it was seen more as a tool of policy rather than a political end goal.

II. Administrative Standardization or Decentralization: the Political Dilemma of the Second Polish Republic

In response to the question of why the Voivodeship of Silesia was granted autonomy, the common answer is that it was the result of a struggle between Poles and Germans during the plebiscite campaign for “the soul of the Upper Silesians”.¹⁰ When in 1919, from the German side, a separate province of Upper Silesia was established in Prussia, and Berlin indicated the possibility of extensive solutions (special language rights for the Polish minority and religious rights for Catholics, or even the formation of an independent country/Land within the German Empire), Poland tried to outbid this offer. The Polish Legislative Parliament (Sejm Ustawodawczy) hastily passed a law on 15th July 1920, granting future Polish Upper Silesia extensive territorial autonomy. According to the interpretation prevailing in Polish historiography today, the 1920 law is just one event among many in the unspoken but, in fact, raging Polish-German war over Upper Silesia between 1919 and 1921.¹¹ In my opinion, the authors of the Upper Silesian Autonomy Act (especially Józef Buzek, but also other participating lawyers and politicians, foremost among them Wojciech Korfanty), had several objectives, with only one of them targeting the advertising campaign for the plebiscite.

Evidence for this can primarily be found when closely examining the legislative initiative and its rationale, which Józef Buzek championed. He himself was a graduate of prestigious universities in Kraków and Vienna, later a professor at the University of

⁹ *Stefan Kieniewicz*, *Drogi wiodące do niepodległości*, in: Stefan Kieniewicz (ed.), *Historyk a świadomość narodowa*, Warszawa 1982, p. 70–87.

¹⁰ Cf. *Zbigniew Golasz*, “Alle und alles für Oberschlesien!” Polnische Unterstützung für den Abstimmungskampf in Oberschlesien, in: David Skrabania/Sebastian Rosenbaum (ed.), *Die Volksabstimmung in Oberschlesien. Nationale Selbstbestimmung oder geopolitisches Machtspiel?* FOKUS, Neue Studien zur Geschichte Polens und Osteuropas 7, Paderborn 2003, p. 200–231.

¹¹ Cf. *Ryszard Kaczmarek*, *Powstania śląskie 1919–1920–1921, Nieznana wojna polsko-niemiecka*, Kraków 2019, p. 325 f.