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THE SUMMARY OF THE DISSERTATION

THE JURY IN THE SECOND POLISH REPUBLIC BASED ON THE ACTIVITIES OF THE PROVINCIAL COURT IN KRAKOW (1919-1938)

The dissertation reflects on the activities of the Juries in the Second Polish Republic. Initially based on the Austrian Code of Criminal Procedure of 1873, they eventually became guaranteed by the Constitution Act 1921 and the Code of Criminal Procedure of 1928. They were supposed to adjudicate the cases of the political crimes and the most severe criminal violations. In fact, the Juries were operating on the territory of former Galicia. The point of existence of the Juries was one of the most popular question raised by Polish law specialists of that time. Not only was it the issue of the Codification Commission debates but also the main subject of academic press articles and the biggest concern of the public disputes. Nevertheless, no detailed research had been made on that subject in Poland and all the statements referring to them were only personal opinions of lawyers. As a matter of fact, all the opinions had never been verified.

The objective of the dissertation is to confront the statements about the Juries made between the 19th and 20th Century. The confrontation is based on the Polish law literature, the parliament work practice, the every-day press articles and the actual Jury adjudications. The foundation of the research is the selection of the archives of the Provincial Court in Krakow from 1919 – 1938. The condition of the files is good, even though, only 20% of the documents is not deficient. Those resources are strong enough to state the thesis which is based on the analysis of 176 cases including 300 records of criminal violations (77 cases), political crimes (13 cases) and offences made by the press (86 cases). The fact that the most popular both political and criminal cases of the interwar period in Poland were solved in the Provincial Court in Krakow, became the reason to base the dissertation on its archives.

The other source of the research is a selection of the press articles regarding trials but also autobiographies and memoirs of the prosecuted people and advocates. Additionally, the records of the Jagiellonian University Archive Department have been used to support the statement of the dissertation.

The written work consists of two parts; the first part gathers information about the juries in the continental Europe, especially in Poland, whereas the second part confronts the statements reconstructed from the doctrines and legislation works with the actual activities of the juries, based on the practice of the Provincial Court in Krakow. Having collected the material mentioned above, I formulated around 30 conflicting thesis that had been used either as accusations against the juries or support for their policy. They refer to the issues of gender, ethnicity, social background, excessive austerity (or rather leniency as one may say), High Courts' evaluations of the sentences, intellectual abilities of the members of the juries, realization of the principles of concentration of evidence, problems of chronic trials, matters of guarantee of trials, the context of manipulation of the jury, attempts to influence sentences, social support for the juries and realization of the individualization of the criminal responsibility principle.

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