

The Soviet Dictator's Secret Changes to the Polish Constitution of 1952

By Krzysztof Persak

Stalin's post war policy towards Poland and the influence of the Moscow imperial center on Polish developments have not been hitherto satisfactorily explored by scholars. No monographic study on these questions has been written so far, and few documents have been published. The main reason for this is the lack of sources. Polish documents concerning relations between Stalin and Polish Communist authorities after 1944, as well as regarding Stalin's personal influence on the events in Poland, are unfortunately very scarce.¹ For instance, neither official transcripts nor minutes of meetings between Stalin and Polish Communist leaders have been found in Polish archives thus far, and it is most probable that they were never drawn up by the Polish side.² Thus, one of the main sources remain rare handwritten working notes taken by Polish participants of such meetings, most commonly by the leaders of the Polish Workers' Party (after 1948: Polish United Workers' Party [PUWP])—Władysław Gomułka and Bolesław Bierut.³

However, although sources which exemplify Stalin's direct personal influence on the course of events in Poland are rather rare in Polish archives, there does exist a document of a quite extraordinary nature. This is the Russian-language copy of a draft of the Polish constitution containing Stalin's handwritten amendments.⁴

The Communist-dominated government, installed in Poland in July 1944, did not seem very eager to set up a new constitution. In fact, Poland was the last of the European "People's Democracies" to adopt a constitution which followed the pattern of the Soviet ("Stalinist") constitution of 1936.⁵ One month after the first parliamentary elections were held in Poland, in January 1947, a provisional constitution was passed which gave the Sejm (parliament) five years to adopt a "full" constitution. Yet, two more years went by ineffectively before any preparations were started at all, and eventually, in December 1951, the Legislative Sejm was forced to prolong its own tenure for six months in order to finish its work on the constitution.⁶

First preparations to draw up the new constitution were initiated not by the Legislative Sejm but by the leading organs of the ruling Communist party. In June 1949, the Constitutional Commission consisting of leading party ideologists and lawyers was set up by the PUWP CC Secretariat. By September 1950 the Commission produced a preliminary draft which was handed over to the Politburo for further discussion.

Bierut's notes indicate that even this very early

version of the constitution had been cleared with Stalin. In a short Russian-language note from their conversation in November 1950, Bierut put down questions he was going to ask the Soviet leader.⁷ He wrote down an acronym PSR—which probably means: Polish Socialist Republic—as the proposed name of the state. He also asked Stalin: "should we retain the old emblems?" Bierut's questions also referred to issues of a particular political significance: the separation between the Catholic church and the state, the dominant role of the Communist party and whether other political parties might exist, and finally—sovereignty of the state and the alliance with the Soviet Union. An article of the draft constitution which dealt with the latter question was cited in full length in Bierut's note: "PSR is a sovereign state, a member of the family of socialist states which is led by the USSR. The inviolable alliance with the USSR, with the states of people's democracy and with all democratic forces of the world, is a condition of the development, progress and consolidation of the PSR, a condition of preservation of its lasting independence, sovereignty and security against the aggression of imperialist forces."⁸

Unfortunately, Bierut did not record comments made by the Soviet leader. Stalin's answers, however, can be deduced from the changes which were subsequently introduced to the draft constitution. On 16 November 1950—i.e., after Bierut's consultation with Stalin—the Politburo debated the preliminary draft of the constitution.⁹ One of the most important directives which, based on the results of this discussion, were given to the Constitutional Commission by the Politburo was to "emphasize more firmly the issue of sovereignty, in a manner that would raise no doubts" and to "take fully into account Polish national forms and progressive traditions."¹⁰ In accord with these instructions, the articles concerning the alliance with the Soviet Union and the leading role of the Communist party in the state were not included in the constitution.¹¹ The traditional Polish national emblem—the White Eagle—was not altered, and the official name of the state which was eventually adopted was the Polish People's Republic (*Polska Rzeczpospolita Ludowa*).¹² It is more than probable that it was Stalin who decided that.

A key role in formulating and writing the constitution was played by the members of the PUWP Politburo, very notably by the First Secretary Bolesław Bierut. After the party's Constitutional Commission fulfilled its task in June 1951 by composing a second version of the draft

constitution, this new version was again revised by the Politburo. Chapters one and two, which defined basic principles of the political and socio-economical system of the state, were rewritten, and changes were made in other parts as well. A draft of the first two chapters of the constitution written with Bierut's hand has been preserved in his papers.¹³ Bierut also wrote the preamble.

In the fall 1951, the final draft was presented to Stalin who made about fifty changes in the preamble and in twenty-two articles of the constitution. Bierut translated Stalin's amendments personally and then wrote them in a Polish-language copy of the draft. Thus Stalin's corrections were officially introduced to the constitution as Bierut's own ones. Only few members of the top leadership knew who their real author was.

Most of Stalin's amendments dealt with the political phraseology of the constitution, or were only minor editorial or even grammatical ones. For instance, in some cases he replaced "people" with "masses" or "working people" with "citizens." Some other changes, however, had more political and symbolic significance. In accordance with his own earlier recommendations that the national traditions and the sovereignty of the state were to be accentuated, Stalin introduced an attribute "national" in several places (e.g. "national culture", "national rebirth of Poland"). He also crossed out the phrase "under the leadership of the USSR" in the preamble, and openly specified the conquerors of Poland in 19th century – Russia included—which Bierut and other Polish authors of the constitution had not dared to do.

In his corrections, Stalin was quite "generous" with granting political freedoms and social rights to people. In article 70 he inserted freedom of the press and the citizens' right to have access to the radio. He also suggested that medical attention should be free. These changes, of course, had no real meaning to people as they had no possibility to exercise their nominal rights. With regard to article 5, which seemed to offer citizens at least minimum protection of their rights, Stalin was more restrictive: he specified that only "reasonable" proposals, complaints and wishes of citizens would be taken into consideration, and only "in accordance with the existing legislation."

Stalin's other important amendments to the constitution concerned principles of the socio-economical structure. In articles 9 and 58 Stalin highlighted the priority given to collective and cooperative farming (in the first case, by simply transforming "modern cultivation" into "collective cultivation"). Another of his changes sounded rather disquieting. Stalin replaced the declaration in article 3, which stated that the Polish People's Republic would abolish social relations which were based on exploitation, with the ominous formulation that the Polish People's Republic would abolish social classes which lived by exploiting workers and peasants. And there was, of course, a major difference between eliminating unwelcome social *relations* and eliminating the social *classes* themselves.

One of the most consequential corrections which had a considerable impact on legislation and jurisprudence in the domain of civil law was more a result of Bierut's mistranslation than Stalin's deliberate intention. In article 11 of the draft, which referred to the protection of private property of the means of production belonging to craftsmen and peasants, Stalin changed the expression "private property" (*chastnaia sobstvennost'*) into "personal property" (*lichnaia sobstvennost'*) despite the fact that even the constitutions of the USSR and other People's Democracies sanctioned the existence of this kind of private property. In this manner the same qualifier (i.e. "personal") was used in article 11 as in the following article which concerned the property of consumer goods. Bierut, however, while translating Stalin's corrections used a synonym "individual property," and by doing so unwittingly introduced to the constitution a new, previously unknown type of property. What is interesting, is that this change turned out to be quite troublesome for Polish lawyers who were forced to work out whole new theories in order to justify and explain the meaning of "individual" property which was a novelty even to Marxist jurisprudence.¹⁴ The amendment concerning private property was perhaps one of the most long-lasting consequences of Stalin's decisions on Polish affairs too: only recently, in 1997, the notion of private property was reintroduced to the constitution of Poland.

Before it was finally passed by the Polish Sejm on 22 July 1952, the constitution underwent some further modifications as a result of the parliamentary debate and the subsequent nationwide discussion. Most of these changes, however, were rather superficial, and did not affect the alterations that had been introduced by Stalin. His corrections were unquestionable and unalterable even if some of them—like the one concerning the elimination of undesirable social classes—raised doubts among high-ranking Polish officials.¹⁵ Although Stalin's amendments were in fact not fundamental nor did they have any direct impact on political developments in Poland, the mere fact of his correcting the Polish constitution is of exceptional significance due to its symbolic dimension. It was a manifest example of Poland's lack of sovereignty and subjugation to the Soviet Union.

The fact that Stalin corrected the Polish constitution was unknown to the public until the mid-eighties. It was revealed the first time by former Politburo member Jakub Berman in his interview with Teresa Toranska but Berman's account was on this point imprecise and not entirely reliable.¹⁶ The most crucial of Stalin's corrections were published in Polish by Andrzej Garlicki in 1990, after the archives of the Communist Party became accessible.¹⁷ This version was based on the Polish text of Stalin's amendments which slightly differed from the Russian one and included some of Bierut's own corrections too. The present version is based on the Russian-language copy of the draft of the constitution which was actually read by Stalin. It includes the full text

of the preamble and those sections of the constitution in which Stalin introduced his amendments. Seven articles of the constitution in which the amendments were so minor that in translation into English they would be negligible were omitted. Words deleted by Stalin are printed with strikethrough font and words added by Stalin in bold font.

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Draft

Constitution of the Polish People's Republic

The Polish People's Republic **is a republic of the working people**, ~~carries on carrying on~~ the most glorious progressive traditions of the Polish Nation and ~~gives~~ **giving** effect to the liberation ideals of the Polish working ~~people masses~~. The Polish working people, under the leadership of its heroic working class, and on the basis of the alliance between workers and peasants, fought for many years against the national enslavement ~~and oppression imposed by the Prussian, Austrian and Russian conquerors and colonizers as well as~~, **just as** against exploitation by the **Polish** capitalists and landlords. During the occupation the Polish Nation waged an unflinching fight against the bloody Hitlerite captivity. The historic victory **of the USSR** over fascism, by liberating Polish soil, enabled the Polish working people to take power, and created conditions for the **national** re-birth of Poland within new and just frontiers. The Recovered Territories¹⁸ were restored to Poland forever.

By carrying out the memorable directives of the Manifesto of 22 July 1944,¹⁹ and by developing the principles laid down in the program of that Manifesto, the People's Authority—thanks to the selfless and creative efforts of the Polish working people in the fight against the bitter resistance of the remnants of the old capitalist-landlord system—has accomplished great social changes. As a result of revolutionary transformations the rule of the capitalists and landlords has been overthrown, a State of People's Democracy has been firmly established, and a new social system, in accord with the interests and aspirations of the great majority of the people, is taking shape and growing in strength.

The legal principles of this system are laid down by the Constitution of the Polish People's Republic.

The basis of the People's Authority **in Poland today** is the alliance between the working class and the working peasants. In this alliance, the leading role belongs to the working class — **as the most revolutionary class of the Polish society** — the class based on the revolutionary gains of the Polish and international working class movement, and on the historic experience of victorious socialist constructing in the Union of Soviet Socialist Republic, the first State of workers and peasants.

Implementing the will of the Polish Nation, the Legislative Sejm²⁰ of the Republic of Poland,²¹ in accordance with its purpose, solemnly adopts the present

Constitution as the fundamental law by which the Polish Nation and all organs of authority of the Polish working people shall be guided, in order:

To consolidate the People's State as the fundamental power assuring to the Polish Nation the highest degree of prosperity, its independence and sovereignty.

To accelerate the further political, economic and cultural development of Poland, and ~~further~~ growth of its resources.

To strengthen the unity and solidarity of the Polish Nation in its struggle still further to ~~transform~~ **improve** social conditions, to eliminate completely the exploitation of man by man, and to put into effect the great ideals of socialism.

To strengthen friendship and cooperation between nations, on the basis of the principles of alliance and brotherhood which today link the Polish Nation with the **peace-loving** nations of the ~~peace camp world~~ in their common effort ~~under the leadership of the Union of Soviet Socialist Republics~~ to make aggression impossible and to consolidate world peace.

Article 3

The Polish People's Republic:

[...]

d) places restrictions on, gradually ejects and abolishes ~~social relations which are based on exploitation~~ **those classes of society which live by exploiting the workers and peasants**.

e) ensures a continual rise in the level of the prosperity and secures the development of **national** culture and of education ~~of the working people of town and country~~ **of the people**.

Article 4

1. The laws of the Polish People's Republic express the will of the working people ~~and are a common good of the Polish Nation~~.

Article 5

All organs of State power and administration are supported in the exercise of their functions by the conscious and active cooperation of the broadest masses of the people, and they are bound:

a) to account **to the Nation** for their work;

b) to **examine carefully and** take into consideration, **in accordance with the existing legislation, reasonable** proposals, complaints and wishes of the citizens

Article 8

1. The Polish People's Republic develops, according to plan, the economic bond between town and country **founded on the brotherly cooperation between workers and peasants**.

Article 9

[...]

2. The Polish People's Republic gives special support and all-round aid to the cooperative farms set up, on the basis of voluntary membership, as forms of collective economy. By applying methods of the highly efficient **modern collective** cultivation and mechanized work, collective farming enables the working peasants to reach a turning point in **the rise of** production and contributes to the complete elimination of **backwardness exploitation** in the countryside and to a rapid and considerable improvement in the level of its prosperity and culture.

3. The principal form of State support and help for cooperative farms are the State machine stations, which make it possible to employ modern technology; **and State credits on easy terms.**

Article 11

1. The Polish People's Republic recognizes and protects **private individual**²² property and the right to inherit land, buildings and ~~all~~ **other** means of production belonging to peasants, craftsmen and persons engaged in domestic handicrafts.

2. This protection, as well as the right of inheritance, is guaranteed, ~~within the limits~~ **on the basis** of existing laws, ~~also to other spheres of private property.~~

Article 12

The Polish People's Republic guarantees to citizens full protection of personal property and the right to inherit such property.

Article 13

[...]

2. By their work, by the observance of work discipline, by work emulation and the perfecting of methods of work, the working people of town and country add to the strength and power of the Polish People's Republic, raise the level of prosperity of the people and expedite the full realization of the **socialist** system of ~~social justice.~~

[...]

Article 58

[...]

2. The right to work is ensured by the social ownership of the basic means of production, by the development of a **social and cooperative system in the countryside** ~~social relations~~, free from exploitation; by the planned growth of the productive forces; by the elimination of sources of **economic** crises and by the abolition of unemployment.

[...]

Article 60

1. Citizens of the Polish People's Republic have the right to health protection and to aid in the event of sickness or incapacity for work.

2. Effect is being given to this right on an increasing

scale through:

[...]

b) the development of State organized protection of the health of the population, the expansion of sanitation services and the raising of the health standards in town and country, a wide campaign for the prevention of and fighting disease, increasing access to **free**²³ medical attention, the development of hospitals, sanatoria, medical aid centers, rural health centers, and care for the disabled.

Article 68

1. Citizens of the Polish People's Republic, irrespective of nationality, race or religion, enjoy equal rights in all spheres of **public**, political, economic, social and cultural life. Infringement of this principle by any direct or indirect granting of privileges or restriction of rights, on account of nationality, race or religion, is punishable **by law.**

2. The spreading of **national** hatred or contempt, the provocation of strife or the humiliation of man on account of national, racial or religious differences are forbidden ~~and punishable.~~

Article 69

1. Polish People's Republic guarantees freedom of conscience and religion to citizens. The Church and other religious unions ~~are free~~ **may freely exercise their religious functions.** It is forbidden to ~~prevent anybody from taking~~ **coerce citizens not to take** part in religious activities or rites. It is also forbidden to coerce anybody to participate in religious activities or rites.

2. The Church is separated from the State. The principles of the relationship between Church and State are, together with the legal and patrimonial position of religious bodies, determined by law.

3. The abuse of the freedom of conscience and religion for purposes prejudicial to the interests of the Polish People's Republic is ~~forbidden~~ **punishable by law.**

Article 70

1. The Polish People's Republic guarantees its citizens freedom of speech, **of the press**, of public meetings, of processions and demonstrations.

2. Making available to the working people and their organizations the use of printing shops, stocks of paper, public buildings and halls, means of communication, **the radio** and other indispensable material means, serves to give effect to this freedom.

Article 81

Every ~~adult~~ citizen **who has reached the age of eighteen**²⁴ has, irrespective of sex, nationality and race, religion, education, length of residence, social origin, profession or property, the right to vote.

Article 82

Every **one citizen** who has the right to vote is eligible for the election to the People's Councils²⁵, and to the Sejm – after having reached the age of twenty-one.

Article 86

Candidates are nominated by political and social organizations, uniting **working people citizens** of town and country.

[Source: AAN (Archive of Modern Records), KC PZPR, 2774, pp. 1-27. Obtained and translated by Krzysztof Persak.]

Krzysztof Persak is a doctoral student and Junior Fellow at the Institute of Political Studies at the Polish Academy of Sciences. In the Spring of 1999, he will spend several months on research in the U.S. as a CWIHP Fellow.

¹ Fortunately, Russian sources have started emerging in recent years. Among the most important documentary collections on Polish-Soviet relations in the Stalin years are: *Polska - ZSRR: struktury podleglosci. Dokumenty KC WKP(b) 1944-1949* [Poland-USSR: The Structures of Subjection. Documents of VKP(b), 1944-1949], edited by Giennadii A. Bordiugov, Aleksander Kochanski, Adam Koseski, Giennadii F. Matveev and Andrzej Paczkowski (Warsaw: Institute of Political Studies, Polish Academy of Sciences, 1995. A Russian edition of this volume, published in Moscow, exists as well); *NKVD i polskoe podpol'e 1944-1945 (Po "osobiim papkam" I. V. Stalina)*, ed. A. F. Noskova et al. (Moscow: Institute of Slavonic and Balkan Studies, Russian Academy of Sciences, 1994); *Vostochnaia Evropa v dokumentakh rossiiskikh arkhivov 1944-1953 gg.*, Vol. 1: 1944-1948, ed. G. P. Murashko et al. (Moscow-Novosibirsk: Sibirskii Khronograf, 1997).

² The first known official transcript of Polish-Soviet talks of the post-war period, prepared by the Polish side, is one of Gomulka's visit to Moscow in November 1956. A selection of Polish documents on Polish-Soviet relations in the years 1956-1970 which includes minutes of Gomulka's meetings with Khrushchev and Brezhnev has been just published: *Tajne dokumenty Biura Politycznego: PRL-ZSRR, 1956-1970*, ed. Andrzej Paczkowski, (London: Aneks Publishers, 1998).

³ So far, I have been able to locate 17 sets of such published and unpublished notes, 13 of them are Bierut's notes. The

remainder were taken by Gomulka, Jakub Berman and Edward Osobka-Morawski. The results of my survey were presented in the paper "Polish Sources on Stalin's Foreign Policy" at the CWIHP workshop "European Archival Evidence on Stalin and the Cold War" in Budapest on 3-4 October 1997. The Hungarian language version of this paper is scheduled for publication in the yearbook of the Institute for the History of the 1956 Hungarian Revolution.

⁴ See: AAN [Archive of Modern Records], KC PZPR, 2774, pp. 1-27.

⁵ The two first countries of the Soviet bloc to adopt new "socialist" constitutions were Yugoslavia (31 January 1946) and Albania (14 March 1946). They were followed by the constitutions of Bulgaria (4 December 1947), Romania (13 April 1948), Czechoslovakia (9 May 1948), Hungary (20 August 1949), GDR (7 October 1949), another constitution by Albania (4 July 1950), and finally of Poland (22 July 1952). Shortly afterwards the new constitution of Romania was passed (27 September 1952).

⁶ The course of the 1949-1952 constitutional works was most fully analyzed by Marian Rybicki, "Geneza i tryb przygotowania Konstytucji PRL z 1952 r.", in: *Konstytucje Polski*, Vol. 2, ed. Marian Kallas, (Warsaw: PWN, 1990).

⁷ AAN, KC PZPR, 2609, p. 288. The note is not dated but from Bierut's other notes it can be inferred that this conversation took place on 3 November 1950.

⁸ *Ibid.*, p. 288.

⁹ AAN, KC PZPR, 1636, p. 14. "Protokol nr 44 posiedzenia Biura Politycznego w dniu 16 listopada 1950 r".

¹⁰ Rybicki, *op. cit.*, p. 333.

¹¹ The questions of friendship with the USSR and PUWP's leading role in society would be introduced to the Polish constitution in 1976. This would become one of the impulses for the rise of democratic opposition in Poland.

¹² In Polish both *republika* and *rzeczpospolita* mean "republic" but only the Old Polish word *rzeczpospolita* is traditionally reserved to be used with regard to the name of the Polish state. Thus although in 1952 the Polish Republic became "People's", it still remained *rzeczpospolita*, not *republika*.

¹³ AAN, KC PZPR, 2772, pp. 82-90.

¹⁴ These explanations were usually very unconvincing. For example, an eminent Polish lawyer, Jan Wasilkowski, in conclusion of an article in which he discussed the new legislation on property contradicted all his previous argumentation and wrote that avoiding the term "private property" in the constitution was only a matter of style and the essence of "individual" and "private" property of means of production remained the same. (See Jan Wasilkowski, "Typy i formy wlasnosci w projekcie konstytucji Polskiej Rzeczypospolitej Ludowej," *Panstwo i Prawo*, 3, 1952, p. 436-437).

¹⁵ See: AAN, KC PZPR, 2737, p. 151, "Zestawienie tresci istotniejszych poprawek zgloszonych do Projektu Konstytucji Polskiej Rzeczypospolitej Ludowej."

¹⁶ Teresa Toranska, *Oni* (London: Aneks Publishers, 1985), pp. 314-315. For the English edition see: Toranska, *Oni: Stalin's Polish Puppets*, trans. by Agnieszka Kolakowska (London: Collins, Harvill, 1987).

¹⁷ Andrzej Garlicki, "Zatwierdzenie Konstytucji PRL", *Polityka* 28 (1990). Reprinted in Garlicki's book: *Z tajnych archiwow* (Warsaw: BGW, 1993), pp. 187-194.

¹⁸ The provinces of Lower Silesia, Pomerania and a part of East Prussia, in accordance with the Potsdam Agreement, were handed over to Poland, concurrently with the Russian acquisition



of Eastern Poland.

¹⁹ The Manifesto of the Polish Committee of National Liberation was treated as the founding deed of the new communist authority in Poland, and the day of its proclamation, July 22, was celebrated as the national holiday until 1989.

²⁰ *Sejm* is the proper name of Polish Parliament. The Legislative Sejm was elected in January 1947, and its main purpose was to establish the new constitution of People's Poland.

²¹ Until the adoption of this constitution, the official name of the state was the Republic of Poland (*Rzeczpospolita Polska*).

²² Originally, in the Russian copy of the draft, Stalin replaced the word "private" with "personal" but Bierut translated it as "individual".

²³ This amendment was not introduced by Stalin directly into the text of the constitution. He wrote a suggestion "Healthcare free?" on the margin of the draft, and the word "free" was added to the text of the constitution by Bierut when he re-wrote Stalin's corrections.

²⁴ Like in article 60, this correction probably was not introduced directly by Stalin. He underlined the word "adult" and wrote the question "How many years?" above it. The words "who has reached the age of eighteen" were written in Russian, most probably with Bierut's hand.

²⁵ People's Councils were organs of local government (equivalent to *Soviets* in the Soviet Union).

THE COLD WAR INTERNATIONAL HISTORY PROJECT

WORKSHOP

"Recasting the International History of the Vietnam War"

26 March 1998

9:15-9:30 *Welcome and Introductions*

Christian F. Ostermann (CWIHP)

Mark Bradley (University of Chicago)

9:30-12:00 Session I "*New Perspectives on the Vietnam War from Russian, Chinese, Indian and Eastern European Archives*"

Chair: David Wolff (CWIHP)

Chen Jian (Southern Illinois University, Carbondale), "New Evidence from the Chinese Archives on the Vietnam War"

Qiang Zhai (Auburn University, Montgomery), "Local Chinese Sources on the Vietnam War"

Mari Olsen (Norwegian Institute for Defense Studies, Oslo), "New Russian Evidence on Vietnam"

Leszek Gluchowski (Toronto), "New Evidence from the Polish Archives on the Vietnam War"

Francine Frankel (Woodrow Wilson International Center for Scholars), "Indian Archival Materials"

Comments: Ralph Smith (University of London) and Robert Boswell (Fellow, Woodrow Wilson International Center for Scholars)

Discussion

1:30-4:30 Session II "*New Vietnamese Evidence on the War*" (Roundtable)

Chair: Mark Bradley (University of Chicago)

Oscar Salemink (Ford Foundation/Vietnam Program)

Ralph Smith (University of London)

Judy Stowe (London)

Jim Hershberg (George Washington University)

Comment: Chen Jian

Discussion

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