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Civic duties in polish constitutions 1921 – 1997

Summary

The dissertation presents the issues of civic duties in the Polish constitutional achievements of the 20th century. It presents the content, scope and way of formulating and understanding the duties imposed on Polish citizens by four constitutions since Poland regained independence in 1918.

The introductory chapter contains a conceptual framework of work, characterizing the issues of general character, such as: legal and moral picture of duty, citizenship, beneficiaries of civic duties (homeland, republic, state), and the relation of civic duties to universal duties.

Further chapters are devoted to the civic duties established in subsequent Polish constitutions of 1921, 1935, 1952 and 1997. The geopolitical conditions of their adoption, the legislative work on the duties and detailed analysis of individual civic duties are presented.

The final chapter synthesizes the conclusions as to the nature of individual state formation, systematization, location and manner of formulating the constitutional provisions concerning the civic duties, as well as the duties of Polish citizens in the perspective of globalization and European integration.

Analysis of the provisions of the Polish constitutions and the literature of the subject allowed to conclude that:

- 1) the essence of the state – perceived by the prism of civic duties – is unchanging in time. Irrespective of the varying degree of imbalance between citizens and the state, the constitutional picture of civic duties does not allow for a clear classification of the particular state formation as a democratic one (both "conservative" and "liberal"), authoritarian or even totalitarian;
- 2) there is no unchangeable canon of the civic duties, independent of the axiological basis of particular constitution and of the geopolitical, economic and social circumstances accompanying their adoption. Intuitively, it should include the duties of: fidelity, defense, observance of the law, and of incurrance of taxes and public burdens, that seems necessary and "politically neutral" (each state must ensure the faithfulness of its citizens, their obedience to the law, defense against external

threats, and the resources of function). Whereas only one civic duty – a military service – emerge from the provisions of all Polish constitutions of the 20th century (the constitution of 1952 did not foresee the duty of fidelity, the constitution of 1935 – the duty to obey the law and the duty of incur of taxes and public burdens was imposed on citizens only in the constitution of 1921);

- 3) the number and type of duties imposed on citizens by each constitution reflect the axiological assumptions of the state and allow us to see what the legislature considers as the most important in terms of its existence. This is particularly evident in the specific – appearing only once in the history of Polish constitutionalism – duties established by the constitution of 1921, such as the duty to respect legitimate authority and to facilitate the fulfilment of its tasks or by the constitution of 1952 such as the duty to respect socialist work discipline or vigilance towards the enemies and respect for secrecy.

Keywords: constitution, citizen, duty, oughtness, state.