The Edition and Publication of Historical Sources in Poland from the Perspective of Historians of Political and Legal Thought

Abstract

The article discusses the current state of edition of legal-historical sources in Poland from the perspective of historians of political and legal thought. The authors begin by explaining the idea and scope of „source base” specific to their field of research. Three following issues are discussed later: (a) translation of foreign sources into Polish; (b) critical (re)edition of classic Polish texts in political thought; (c) edition of 20th century documental sources by the Institute of National Remembrance and The KARTA Centre. The authors make a number of comments and requests concerning the subject of discussion.

Key words: source edition, legal historical source, translation of historical source, Institute of National Remembrance, The KARTA Centre, history of political and legal thought, methodology of edition, Polish political thought, republican thought, socialist regime

Słowa klucze: edycja źródła, źródło historyczno-prawne, tłumaczenie źródeł historycznych, Instytut Pamięci Narodowej, Centrum KARTA, historia myśli politycznej i prawnej, metodologia edycji, polska myśl polityczna, myśl republikańska, reżim socjalistyczny

1. Preliminary explanations and assumptions

This paper provides an occasion to summarize and comment on the state of edition of legal-historical sources in Poland from the perspective of historians of political and legal thought and to address these remarks especially to our (Polish and foreign) colleagues who represent a related, yet quite distinct discipline: history of law. We will focus on two issues that seem important from our point of view: critical translation of foreign sources and critical edition of native sources. Since a complete overview is not possible here due to limitations of space, our remarks will inevitably be selective and subjective. Rather than simply present a librarian’s catalogue of recent editorial work, we would like to outline some general trends and developments in this field.
Considering the specific nature of our branch – broadly conceived as the history of political and legal thought\(^1\) – it will be practical to begin with a handful of methodological explanations. With respect to the notion of “source base”, our field of research notably differs from the history of law. The latter discipline – as far as we see it (albeit in a rather simplistic manner) – is chiefly interested in original documents, such as historical laws and statutes, various official records, etc. We are however equally interested in the content of other types of documents: diaries, speeches, letters, press articles, political programmes and manifestos. More importantly, our research is predominantly based on creative literary works, such as political treatises and polemical essays, and – to a lesser extent – belles-lettres (not to mention works of visual arts). All of the above can be helpful sources of information about political ideas historically shaped by their social and cultural contexts.

But there is more to be said about specific features of our trade. History of political and legal thought happens to be interdisciplinary, as it involves a variety of issues and areas of knowledge. As historians we certainly do uncover, catalogue, explain and construe past ideas concerning the state, government, law and politics, but in doing so we utilize insights and attainments of other social sciences. We draw on political and social history, jurisprudence, philosophy, sociology, psychology, economics, religious studies, cultural studies, and this list is by no means exhaustive. This often means synthesizing and generalizing data coming from a wide range of other sciences. Our inclination to reconstruct a comprehensive vision of the “political” past often prevails over the “purely historical” task of excavation and immersion into specific documents and other texts. That is to say we often treat scientific literature as “sources” for our research. It is therefore unfeasible to produce a convenient and homogeneous catalogue of source information\(^2\) which could be seen as “distinctive” for historians of legal and political thought; any attempt at such an inventory would demonstrate nothing but the excessive mass of disordered data.

The above-indicated breadth of our potential “source base” is not the only difficulty posed here. Further complication arises due to the inherently dynamic character of the principal subject of our research: human thought. Ideas seem to live a life of their own; with the passage of time they interconnect, clash, merge, evolve and produce “intellectual offspring”. Authors who reconstruct and discuss past ideas often provide fresh insights, new interpretations, and innovative methods of analysis. Some of them bring their own inventive contribution into the reservoir of thought, consequently turning into “classics” for succeeding generations. Many pieces that were originally conceived as research studies, commentaries or interpretations – namely as “secondary” sources – later become regarded as primary sources in their own right. To put it simply: in the history of political and legal thought it is often impossible to draw a precise line of demarcation

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\(^1\) In order to keep things simple, we will abstain from going into (otherwise engaging and enlightening) endemic disputes between the advocates of “history of ideas”, “intellectual history” and other methodological stances.

\(^2\) For simplicity’s sake we will confine the notion of “sources” to written and printed texts – original documents and creative works. Yet one should not overlook the obvious fact that many cultural artefacts, which are of great significance for historians of political and legal thought, must be in the first place identified and professionally interpreted by scholars representing other fields of research (e.g. by archaeologists, historians or linguists). Historians of political and legal thought can only consequently use these scholarly descriptions as primary sources for further interpretation and theorizing.
between primary and secondary sources, especially since, with the lapse of time, these two categories become inseparable.³

Yet, in order to avoid further complications and for efficiency’s sake, the following discussion of “sources” will be principally limited to creative literary works in political thought (or traditionally conceived primary sources), with the sole exception of contemporary documentary sources, which will be briefly considered in the final part of the article.

The first substantial issue to discuss here is the recent state of translation of foreign classic and contemporary sources into Polish. Quite surprisingly (given our renowned habit of complaining) it could be described as good. Although we do not have one comprehensive series of “classic” or “core” political writings translated into modern Polish and containing state-of-the-art critical introductions and useful scholarly apparatus – namely: a counterpart of the anglophone Cambridge Texts in the History of Political Thought – a lot of invaluable work has already been completed in this field.

One should bear in mind that for almost half a century following World War II, Poland was a Soviet dependency. As a result, our social sciences had been to a considerable extent “conquered” by Marxism. An obvious illustration of this experience in the field of translation of source texts in political thought – apart from the mandatory editions of Karl Marx and Friedrich Engel’s writings⁴ – is the “Library of Socialist Thought”. This series, initiated in 1958, includes selected writings of socialist writers counted among the Marxist tradition.⁵ For apparent reasons it was long impossible to publish analogous series devoted to rival schools of political thought (say, liberalism or conservatism), but the core of political and legal philosophy was successfully introduced to Polish readers anyway.

As far as „classic” writings in political thought are concerned, three major series released by the Polish Scientific Publishers (Wydawnictwo Naukowe PWN) must be mentioned. The first two cover different areas of philosophy, but pay considerable attention to political philosophy. The monumental Library of the Classics of Philosophy (Biblioteka Klasyków Filozofii), which is without exaggeration an enterprise matchless on a world-scale (more than 200 volumes published since 1952), includes dozens of core texts in Western political philosophy, reaching from antiquity until the early 20th century.⁶ a spin-off series, Library of Contemporary Philosophers (Biblioteka Współczesnych

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³ Evident and recent examples of such “transition” include works of Carl Schmitt, Leo Strauss, or Karl R. Popper.

⁴ Polish edition of Marx and Engels’s The Complete Works consists of 39 volumes.


⁶ Plato, Aristotle, Xenophon, Cicero, Marcus Aurelius, Francis Bacon, Gerrard Winstanley, Thomas Hobbes, John Locke, Jean-Jacques Rousseau, Bernard Mandeville, baron d’Holbach, Étienne-Gabriel
Iwona Barwicka-Tylek, Jacek Malczewski

Filozofów) was launched in 1986 – it includes 20th century philosophical works that already enjoy the status of “classics”, among them many belonging to the legal-political genre. Several other key texts were translated and published by PWN in the Sociological Library (Biblioteka Socjologiczna), as well as outside the aforesaid three series.

Moreover, in the last twenty-five years numerous works of past and recent classics of political thought have been made available in Polish by other publishers, filling many gaps left by the Communist era. The Political Library (Biblioteka Polityczna) released by the Aletheia Foundation is especially worth praising here. In addition to single-authored books it includes thematic anthologies of contemporary political thought. Such anthologies are much sought-after, as they make Polish scholars familiar with current Western intellectual trends and facilitate research. Other notable ongoing editorial achievements include a series devoted to classics of legal philosophy released by Wolters Kluwer, important medieval political treaties published by the Marek Derewiecki, cornerstones of classical liberalism published by Arcana, and new translations of Plato and Aquinas published by the Centre for Political Thought (Ośrodek Myśli Politycznej).

The canon of political and legal philosophy has actually been translated into Polish, often by gifted writers or renowned philosophers. Inescapably, there are many deficiencies, but any such list would be too long and biased by personal tastes to draw up here. It is also true that some of the older translations may require modernization or at least updated scholarly introductions and comments. However, the problem of translations is not really that pressing from the academic point of view. Translations of funda-

Morelly, Gabriel Bonnot de Mably, Nicolas de Condorcet, Adam Smith, David Hume, Georg Wilhelm Friedrich Hegel, Auguste Comte, Jeremy Bentham, Ludwig Feuerbach, John Stuart Mill, Max Stirner, and many others.

7 These include works of John Rawls, Karl R. Popper, Alasdair MacIntyre, Charles Taylor, Herbert L.A. Hart, Ronald M. Dworkin, and others.

8 E.g. José Ortega y Gasset, Max Weber, Emile Durkheim, Vilfredo Pareto, Thorstein Veblen, and others.

9 E.g. Adam Smith’s The Wealth of Nations, Friedrich August von Hayek’s The Constitution of Liberty, and Gustav Radbruch’s Rechtsphilosophie.

10 Carl Schmitt’s Politische Theologie was published by Aletheia outside the series. Aletheia has also reissued translations of Thomas Hobbes’s Leviathan, Alexis de Tocqueville’s De la démocratie en Amérique and Ancien régime et la Révolution, and Max Weber’s Die protestantische Ethik und der Geist des Kapitalismus.


12 Hitherto published volumes were devoted to contemporary liberalism, communitarianism and perspectives of democracy.


14 E.g. St. Augustine’s De Civitate Dei, Dante Alighieri’s De Monarchia and Marsilius of Padua’s Defensor pacis.

15 E.g. Ludwig von Mises’s Socialism: An Economic and Sociological Analysis, Liberalism: The Classical Tradition, and Interventionism: An Economic Analysis or Friedrich August von Hayek’s The Road to Serfdom, and The Fatal Conceit. Errors of Socialism.


17 Just to mention early 20th century (but still unmatched) Tadeusz Boy-Żeleński’s translations of Montaigne, Montesquieu, and other French classics.

18 Many acted as translators and editors in the 1950s and 1960s, when the Communist authorities deprived them of their university positions.
mental texts are undoubtedly important for Polish culture, but we are concerned here not with making cultural heritage available to the general public, but with scholarly research. And nowadays most scholars are competent enough either in the lingua franca of our time, English, or other modern languages, so in the era of Internet bookstores, online libraries and databases there is no problem with access to published source texts. We could however benefit from translations of texts written in more obscure languages and by less known authors.

3. The (re)edition of classic Polish political thought

The second substantial issue we want to discuss is the edition of Polish sources. It is vitally important not only for scholarship, but for Polish culture and historical identity as such. A lot of confusion has piled up in this area due to historical reasons. Our political and legal thought has repeatedly been – and still is – used and abused as a tool of so-called “politics of memory” (or Geschichtspolitik). This ideological abuse – varied under different regimes but continuing for more than two centuries – has seriously warped the perception of our past. In addition, studies of Polish thought were badly distorted by the Marxist paradigm which – as already mentioned – haunted our social sciences throughout the 2nd half of the 20th century. As a result we still have to critically re-examine our own intellectual tradition in its entirety, and such a challenge obviously requires the accessibility of well-edited sources.

To begin with, there is a monumental and creditable multi-volume series published in the late 1970s: 700 Years of Polish Thought (700 Lat Myśli Polskiej), which – though devoted to Polish philosophy in general – represents a broad anthology of social (political) thought from the 13th till the end of 19th century. Yet, as any compilation, it is selective by nature and cannot be substituted for a comprehensive edition of full texts.

A certain, yet – due to political reasons – seriously limited, amount of editorial work has been done in the Communist era. Obviously, the editorial policy favoured the authors and topics that could be in some (albeit often exotic) manner accommodated within the Marxist worldview. Thus, in addition to writings of several 19th and 20th century socialist and communist thinkers, Polish readers were presented with some editions of works of selected Medieval,19 Renaissance20 or Enlightenment21 thinkers, who could be reinterpreted as “socially progressive” or at least judged politically uncontroversial. In general however, the Communist era has done a lot of damage – its efforts to obliterate the Polish tradition of political thinking left us with an enormous gap, which has been arduously filled since the restoration of independence in 1989.

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19 E.g. three volumes of Selected Writings of Paweł Włodkowic were published in 1968.
20 An obvious example would be Andrzej Frycz-Modrzewski’s Complete Works (6 volumes) or an anthology of early (16th century) Arian thought.
21 Just to mention selected writings of Hugo Kołataj or Stanisław Staszic or Wojciech Gutkowski’s utopian novel a Travel to Kalopeia, which – although predominantly Masonic, was reinterpreted as an example of early Polish utopian socialism.
Fortunately, a lot has been done in the last twenty-five years. First of all, many historical books (original editions as well as 19th and early 20th century critical editions), as well as historical documents, journals etc. were made available through numerous digital libraries and can be accessed on-line. Yet, for obvious reasons, the old editions – some simply scanned, others converted into more accessible formats – cannot replace modern scholarly editions. Although technically available, many of them remain virtually unreadable. Some require translation from Latin (which regrettably no longer belongs to our general education), others should be substantially modernized in terms of language.

After decades of intended neglect, several sources must simply be re-introduced into intellectual circulation. Notable recent series of classic works translated from Latin include Polish Wisdom (Mądrość Polska) published by Arcana and Old Polish Political Thought (Staropolska Myśl Polityczna) published by the Academic Library (Księgarnia Akademicka). Several historical chronicles were republished in 2010 within the Polish Chronicles (Kroniki Polskie) series. Other recent editions include Polish versions of treatises of Andrzej Maksymilian Fredro and Andrzej Wolan. However, a lot of work is ahead of us. By way of example, a complete critical edition of Stanisław Orzechowski’s writings would be most desired, as well as a proper translation of Warzyniec Goślicki’s De optimo senatore libri duo. A possible list of requests is of course much longer. For example, an impressive anthology of 17th century Socinian thought was published in Polish in 1991 by Zbigniew Ogonowski, but most of the famous Bibliotheca Fratrum Polonorum has not yet been translated from Latin.

Publication of a critically edited body of works which constitute the ideological foundation of the 1st Polish Republic (15th–18th century) is not only desired from the viewpoint of our scholarly branch and Polish historical identity, but also important in the international context. As we all know, republican thought has enjoyed a true renaissance in the West during the last fifty years. Its Anglo-American segment is widely known, and the Italian part has been successfully internationalized. The Polish contribution to modern republican thought, which is quite original and remarkable, should also be presented to the outside world.

As far as 19th and early 20th century Polish political thought is concerned, the damage done by the Communist regime was even worse. However during the last twenty-five years many editorial efforts were made to restore this legacy. For example, the first critical edition of a renowned conservative manifesto from 1869, Stańczyk’s Portfolio

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22 E.g. the Polish Internet Library (Polska Biblioteka Internetowa, http://www.pbi.edu.pl/ [access: January 31, 2014), and several regional Internet libraries.
23 It contains important works of Warzyniec Goślicki, Stanisław Zaborowski, Stanisław of Skarbinierz, Stanisław Hozjusz, and others.
24 Interesting, yet obscure, political treatises and letters from 17th and 18th century.
25 These include chronicles of Gallus Anonymus, Wincenty Kadłubek, Jan Długoś, Jan of Czarnków, Łukasz Górnicki, Stanisław Zółkiewski, as well as various memoirs and thematic anthologies.
26 Monita politico-moralia and Icon ingeniorum (1999).
27 De libertate politica sive civili (2010).
28 There is one anthology (1972) and a few abridged pieces, but most editions are more than 100 years old.
29 The existing translation by Tadeusz Bienkowski (2000) is widely judged as unsatisfying. A recent attempt at translation by Teresa Bałuk-Ulewiczowa was regrettably discontinued.
(Teka Stańczyka) was published in 2007. Several writings of Józef Piłsudski and Roman Dmowski, two main political figures of the 2nd Polish Republic, were also edited. More or less systematic enumeration could continue, but as far as editorial work is concerned, we must above all endorse the impressive job done by our colleagues from the aforementioned Centre for Political Thought, which is an independent think-tank based in Kraków.30 In the last twenty years a significant number of critically edited books and anthologies were published in two major series. The Library of Classics of Polish Political Thought (Biblioteka Klasyki Polskiej Myśli Politycznej) already contains more than fifty volumes – mainly classic treatises and selected writings of 19th and 20th century authors,31 as well as some thematic anthologies of political and legal thought in the 2nd Polish Republic.32 Thematic anthologies are also being published in a series entitled Polish Intellectual Traditions (Polskie Tradycje Intelektualne).33 Furthermore, many excerpts have been made available through the Centre’s website in a systematic and user-friendly form. It is also worth mentioning that the Parliamentary Publishing House (Wydawnictwo Sejmowe) has released a series devoted to the intellectual legacy of the most prominent political figures of the 2nd Polish Republic, including their speeches, newspaper journalism and theoretical works. The otherwise hardly accessible press releases are of special value.

The ongoing process of edition of native sources gives reasons for optimism. But it would be highly desirable to supplement it with translations of classic Polish writings into foreign languages (preferably into English) in order to internationally promote our political and legal thought, which very often is of high quality and relevance to many problems currently discussed in the Western world (e.g. ideas about civil society and citizenship or the relationship of law and morality). We believe that such popularization of Polish intellectual traditions would be a valuable contribution to these discussions.34

4. The edition of contemporary sources: IPN and the KARTA Center

The report on editorial work in the area of the history of political thought would be incomplete without mentioning two digital repositories, which are of special value for

31 Edward Abramowski, Zygmunt Balicki, Michał Bobrzyński, Ignacy Czuma, Leszek Gembarzewski, Antoni Zygmunt Helcel, Adam Heydel, Julian Klaczków, Jan Koźmiński, Stanisław Koźmiński, Adam Krzyżanowski, Zygmunt Milkowski, Jan Ludwik Popławski, Tadeusz Romanowicz, Henryk Rzewuski, Adam Wawrzyniec Rzewuski, Józef Supiński, Stanislaw Tarnowski, and many others.
32 E.g. about rule of law and constitutionalism, authoritarian thought, legal philosophy, attitudes toward fascism and national socialism, etc.
33 Hither to published volumes focus on patriotism, anarchy, anti-communism, and other topics.
34 The National Programme for the Development of Humanities (Narodowy Program Rozwoju Humanistyki – NRPH), established by the Ministry of Science in 2010, can and predictably will be used for this purpose. The objective of NRPH is to develop documentary, editorial and research work of key importance for Polish national heritage and culture in order to internationally disseminate the achievements of Polish humanities and to integrate Polish and global humanities.
researchers interested in the history of the 20th century, particularly in the history of Communism and the People’s Republic of Poland. These are repositories managed by the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation (IPN) and by the KARTA Centre.

IPN is a unique government agency established in 1998. Its mission consists in preserving the memory of Polish patriotic traditions and prosecuting Nazi and Communist crimes against the Polish nation. IPN’s Office for the Preservation and Dissemination of Archival Records is responsible for “recording, acquisition/collection, safekeeping, compilation/elaboration, preservation, dissemination, and publication of documents, produced and accumulated by the state security authorities in the period from July 22, 1944 to July 31, 1990, as well as by the security apparatuses of the Third Reich and the Union of Soviet Socialist Republics”. The archives managed by IPN comprise of more than 86,450 running metres of files. Access is granted not only to Polish citizens, but also to foreigners on the basis of reciprocity. The number of IPN’s important publications is immense. In addition to critically edited collections of documents of the Communist security regime, one can find scholarly journals and magazines, as well as scholarly books which are directly based on sources and thus invaluable for studying state policies in the Communist era. Equally interesting are primary sources (posters, leaflets, bulletins) put on-line by regional branches of IPN, which give the opportunity to become acquainted with the atmosphere and cultural background of historical events.

The KARTA Centre is a non-governmental public benefit organization that considers itself to be the heir apparent of the tradition of Polish anticommunist opposition, particularly of the underground Karta bulletin, which appeared for the first time in 1982 (in the period of martial law in Poland). The Centre documents and popularizes the recent history of Poland and Eastern Europe in order to strengthen tolerance and democracy. KARTA’s activities are in a way complementary with the work of IPN. Unlike the Institute, which is preoccupied with official records that allow for the examination of the work of the state machinery during the Communist era, the Centre gathers various oral and written source materials produced by the society, focusing on the history of anticommunist democratic opposition (original transcripts from meetings, audio tapes, programme articles, underground periodicals, books and brochures, personal diaries, photographs, etc.). The amount of available information is impressive, and a substantial part of it is available on-line – the most significant repositories are briefly described below.

The Opposition Archive (1956–1989) contains, inter alia, the personal collection of Jacek Kuroń (over 13,000 scanned documents), documents of the Solidarity movement, as well as several collections connected with other oppositional organisations. The second major repository is the Eastern Archive, with its on-line collection of personal re-

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38 Such as the Workers’ Defence Committee (Komitet Obrony Robotników – KOR), the Movement for Defence of Human and Civic Rights (Ruch Obrony Praw Człowieka i Obywatela – ROPCiO), the Movement of Young Poland (Ruch Młodej Polski – RMP), the Confederation of Independent Poland (Konfederacja Polski Niepodległej – KPN), the Fighting Solidarity (Solidarność Walecząca), the Orange Alternative (Pomarańczowa Alternatywa), and many others.
ports and diaries, concerning the history of Poland’s Eastern Borderlands, the Soviet occupation and the repression of Polish citizens by Soviet terror, as well as Polish-Jewish relations during World War II. Finally, the Digital Archives of Local Tradition focuses upon gathering and sharing materials stored in regional libraries, and documenting local history (books, journals, posters, photographs, etc.). The Digital Archives of Local Tradition is a part of a wider project to promote and to animate local record-keeping activity, introduced in 2012 under the name of the Social Archives. It must be mentioned that KARTA’s Internet portal is transparent in its framework, and the whole collection is catalogued. What is more, most of the units are provided with a short description summarizing their content.

**Streszczenie**

Edycja źródeł historycznoprawnych w Polsce: Kilka uwag i sugestii z perspektywy historyków doktryn politycznych i prawnych