

The Legal Position of the Jewish Community During the Era of the Second Polish Republic

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ABSTRACT

This article delves into the complex legal and socio-political landscape of the Jewish community in the Second Polish Republic. During the interwar period, Jews were active participants in Polish society. However, the establishment of the state following World War I led to shifts in their legal rights and status. Under Marshal Józef Piłsudski's leadership, Poland initially adopted an inclusive approach, prioritizing meritocracy over ethnicity, benefiting the Jewish population. But economic challenges and rising anti-Semitism posed obstacles, including pogroms and increased Jewish emigration to Palestine. The article analyzes the legal framework governing the Jewish community during this era, including Piłsudski's decrees recognizing Jewish institutions and safeguarding their rights. The 1919 Small Treaty of Versailles played a crucial role in protecting minority rights. The 1921 March Constitution extended religious freedom and rights to Jews but had inconsistencies. The article also explores the socio-political landscape's impact, such as "bench ghettos" at the University of Warsaw and recurring anti-Semitic pogroms, which drove Jewish emigration. In summary, the legal status and living conditions of Jews in the Second Polish Republic were complex and evolved. Despite efforts to grant equal rights, economic challenges and societal tensions hindered a coherent policy. This article offers insight into how law, politics, and socio-economic factors shaped the Jewish community's experiences during this period.

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ARTICLE HISTORY

Received	5 th April 2023
Revised	28 th April 2023
Accepted	30 th May 2023
Published	30 th June 2023

KEYWORDS

Jewish Community
Legal Position
The March Constitution
The Second Polish Republic
The Treaty of Versailles

HOW TO CITE?

Aloe, S. (2023). The Legal Position of the Jewish Community During the Era of the Second Polish Republic. *Acta Humanitatis*, 1(1), 4-14. <https://doi.org/10.5709/ah-01.01.2023-01>

1. Introduction.

In Europe, the interwar period marked a tumultuous era of transition and redefinition, where the legacy of World War I spurred the emergence of new nation-states amidst complex geopolitical realignments. Among these transformations, the re-establishment of Poland as an independent nation-state carried profound implications for its citizens and its diverse minority communities. One such community that found itself at the crossroads of historical change was the Jewish population residing within the borders of the Second Polish Republic. The legal and socio-political landscape during this period played a pivotal role in shaping the experiences and destinies of the Jewish community.

Against the backdrop of the aftermath of World War I and the collapse of empires, the Second Polish Republic faced the challenging task of nation-building, reconstructing its institutions, and establishing a sense of identity. A critical aspect of this era is the legal status and socio-political situation of Jews within the confines of the newly re-established Polish state. Through a multifaceted exploration of legal decrees, constitutional provisions, and historical narratives, this article aims to shed light on the intricate interplay between the legal framework, societal dynamics, and the experiences of the Jewish population.

Understanding the historical context is vital to grasp the complexities of this period. The rapid shifts in national boundaries and the reimagining of political ideologies gave rise to a climate where the relationship between the state and its minority communities became a focal point of contention. The legal status of Jews during the interwar period holds significance not only as a lens into the evolving nature of citizenship and minority rights but also as a reflection of the broader themes of identity, assimilation, and the challenges of multi-ethnic nation-states.

This article aims to provide a nuanced understanding of how the legal framework and socio-political context influenced the Jewish population's integration, rights, and challenges during the pivotal years of the Second Polish Republic.

2. Methods.

This investigation draws upon a combination of legal documents, historical narratives, and scholarly analysis to provide a comprehensive understanding of the legal status and socio-



political circumstances of Jews within the Second Polish Republic. The exploration of legal decrees, constitutional provisions, and their implications for the Jewish community will be complemented by historical narratives that highlight the lived experiences of individuals during this transformative era.

3. Restoration of Poland's Independence.

Throughout centuries, Jewish communities have been an enduring presence on the lands of Poland, contributing substantively to diverse dimensions of societal existence – encompassing not only the social and economic facets but also leaving an imprint on the intricate fabric of the political realm. This historical continuity extended beyond the momentous reclamation of Polish sovereignty. Following the nation's re-emergence on the international stage, the mantle of leadership in the nascent state was embraced by Józef Piłsudski. On November 12, 1918, Piłsudski extended invitations to representatives from various political factions, including those of Jewish origin, to discuss forming a governmental apparatus. Simultaneously bold and inclusive, this gesture underscored a pivotal recognition of Jewish politicians as genuine partners in the discourse regarding the prospective trajectory of Poland's destiny (Tomaszewski, 1993, pp. 143–144).

During the transitional period spanning 1918 to 1919, Józef Piłsudski, occupying the position of Chief of State, promulgated a series of edicts that accorded the Jewish population a suite of privileges. These encompassed the establishment of dedicated educational establishments, the sanction for conducting religious seminaries, an exemption for Jewish clergy from obligatory military service, and the formal recognition of the Hebrew language as an equal contender within the spheres of judiciary and governmental administration. A seminal example of such legislation materialized in the form of the Chief of State's decree of 1919, entitled "On Alterations About the Configuration of Jewish Religious Communities within the Territorial Expanse of the Former Kingdom of Poland". As a result of this decree, the scope of Jewish self-governance was restricted to religious activities, with a focus on managing communal resources such as cemeteries and educational establishments. The Jewish community was additionally vested with the prerogative to administer endowments and to



institute charitable establishments. The mantle of supreme oversight over Jewish religious communities rested with the Minister of Religious Denominations and Public Enlightenment. At the same time, the subsidiary tier of supervision fell under the jurisdiction of the voivode. At the grassroots level, the immediate supervision of these religious communities was incumbent upon the local county prefect (Dz.Pr.P.P. 1919 nr 14 poz 175).

During the interwar period in Poland, the legal framework classified Jews primarily as a religious entity, omitting consideration of their national identity. Inhabitants adhering to the Judaic faith were automatically encompassed within the communal structure. According to the legal regulations, the Jewish community was collectively identified as a "religious organization" with a distinct legal status.

4. The Treaty of Versailles: A Minority Rights Focus.

On January 18, 1919, the leaders of victorious nations in the aftermath of the war congregated in Paris to deliberate on the intricate fabric of a post-war international order, famously known as the Versailles Order. Within this overarching agenda, the imperative of addressing legal safeguards for minority populations emerged. This theme was particularly manifest in the context of the Minority Treaties, with the Minor Treaty of Versailles assuming a preeminent role among these agreements.

Concluded on June 28, 1919, within the precincts of Versailles, the treaty compelled the nascent states of Central and Eastern Europe, including Poland, Czechoslovakia, Romania, the Kingdom of Serbs, Croats, and Slovenes, and Greece, to codify their annexation of territories formerly controlled by the central powers. The treaty's structure encompassed two principal sections: the initial section was devoted to the preservation of minority rights, while the ensuing articles encompassed a comprehensive array of topics, spanning the protection of life and well-being, religious pluralism, citizenship, civil and political liberties, linguistic practices in daily life, educational provisions, the vitality of religious and philanthropic institutions, and the assertion of Jewish rights (90. rocznica konferencji pokojowej w Paryżu). To elaborate, the treaty established a provision wherein national or religious minorities, perceiving themselves



as subject to discrimination by governmental entities, were granted the prerogative to lodge direct appeals with the League of Nations for redress (Leszkowicz, 2021).

Articles 7 through 11 of the treaty were dedicated to national minorities, extending their coverage to all denizens of the Republic of Poland, irrespective of their association with an ethnic, religious, or linguistic minority. A notable deviation from this general principle was encapsulated in Articles 10 and 11, where explicit focus was accorded to the Jewish community (Dz. U. RP, 1920, Nr 110, poz. 728, s. 1938–1939).

Article 10 delineated the mandates of scholastic committees charged with the orchestration, administration, and equitable apportionment of financial resources across distinct Jewish educational institutions. The disbursement of budgetary allocations was subject to vigilant supervision by the state, characterized by a rigorous regulatory framework (Brzeziński, 1920, p. 21).

In contrast, Article 11 bore the responsibility of upholding the assurance of religious autonomy, thus pre-empting any imposition on Jews to undertake actions that might contravene the sanctity of the Sabbath. What underscores the pivotal nature of this article is its resonance with Judaic tenets, wherein the Sabbath stands as a preeminent observance—a dedicated interval for abstaining from labour and embracing contemplative reprieve. Put differently, this provision stands as a bulwark protecting the sacrosanct beliefs of the Jewish community. Article 11 extended clemency to individuals without legal requisites and excluded the scheduling of elections on the Sabbath day. However, this exemption did not encompass military conscription or national defence obligations (Ibid.; Kameraz-Kos, 2008, p. 33).

5. The March Constitution: Affirming Minority Rights.

After the incorporation of provisions stemming from the Minor Treaty of Versailles in 1919, which intricately addressed the regulatory aspects of minority circumstances within domestic legislative contexts, the newly convened Legislative Sejm of 1921 sanctioned the Constitution of the Republic of Poland, renowned as the March Constitution. This pivotal constitutional document encapsulated pivotal tenets of the treaty, notably endowing Jewish citizens with religious liberties and equitable legal parity. It notably advocated for the parity of the Jewish



minority, fostering the cultivation of Jewish cultural and educational realms. It was effectuated through a judicious allocation of specific clauses within the fifth chapter, "Universal Duties and Citizen Rights," dedicated to matters of faith, as discerned through Articles 95, 96, 102, and 109.

Article 95 firmly entrenches the safeguarding of life, liberty, and property for all residents inhabiting the territorial precincts of the Republic of Poland, unequivocally transcending considerations of provenance, nationality, linguistic identity, racial origin, or religious affiliation.

Article 96 resolutely affirmed the principle of egalitarianism in legal dispensation and the provision of an equal opportunity to engage in public service.

Article 102 mandates the state's moral obligation to extend emotional succour and religious solace to citizens who found themselves under the guardianship of educational institutions, military quarters, medical facilities, penitentiaries, or charitable shelters.

Article 109 notably conferred upon citizens the inalienable right to cherish their native heritage, cultivate linguistic traditions, and uphold national principles. Moreover, it alluded to distinct statutes that facilitated the autonomous evolution of minority collectives within the precincts of local self-governance. These endeavours were subject to rigorous state oversight and potentially augmented financial support where deemed essential (Dz. U. z 1921 r. Nr 44, poz. 267, s. 650, 652–653).

Concurrently, Articles 110 to 115, along with Article 120, delved into religious matters. Article 110 mirrored Article 8 of the Minor Treaty of Versailles, underscoring the entitlement to "establish, supervise, and administer, at their expense, benevolent, religious, and societal institutions", along with educational institutions. Additionally, it ensured the freedom to employ one's native language and observe the principles of one's faith. Within this framework, the legal entity underwent a process of individuation – the focal entities are the citizens themselves, and the entitlements enumerated within the article are extended to them autonomously, irrespective of their affiliation with any specific religious denomination (Sawicki, 1937, pp. 61–63).



Article 111 meticulously governed the realms of belief, conscience, and worship, serving as the foundational bedrock upon which the edifice of religious liberty rested. Nonetheless, the construction of these provisions displayed a need for more systematic coherence. Embedded within these articles, one encounters expressions such as "freedom of belief and conscience is safeguarded for all citizens", alongside the assertion that "all denizens of the Polish State possess the entitlement to openly profess their faith and adhere to the tenets of their religious practices and rituals [...]" This intricate interplay signifies that while the constitution bestows particular rights exclusively upon citizens of the Republic of Poland, thereby delineating them as quintessential manifestations of the citizenry, it concurrently extends the embrace of religious freedom not solely to citizens but also the larger community of residents—including foreign nationals domiciled within the territorial expanse of the Republic of Poland (Ibid., pp. 64–65).

Article 112 delineates the parameters within which religious freedom is circumscribed, underscoring that its exercise must remain consistent with the confines of legal prescriptions. Moreover, it enunciated that individuals are precluded from eluding their civic responsibilities, including obligations like military service, by invoking their religious convictions (Piekarski, 1927, p. 8).

Conversely, the concluding passage of the article above upheld individual prerogatives' protection by stipulating that coercion into participating in religious rituals is permissible solely for individuals under parental or custodial jurisdiction. This stipulation established a foundational principle empowering parents or guardians to ascertain the religious alignment of a minor (Ibid.; Sawicki, 1937, p. 65).

Articles 113 through 115 expounded the state's stance towards religious affiliations, commencing with introducing the concept of a "religious association", specifically denoting "religious associations officially sanctioned by the state". This stipulation endowed such religious associations with the prerogative to orchestrate collective and communal religious observances.



Conversely, Article 120 imposed a compulsory status on religious education within all categories of educational institutions. The educational administration is responsible for implementing the prescribed curriculum for this subject. The imparting of religious instruction was envisaged to be conducted per the students' legally acknowledged religious allegiance (Sawicki, 1937, pp. 88-90).

6. In The Wake of Marshal Piłsudski's Demise.

The modus operandi of Marshal Piłsudski involved evaluating citizens according to their meritorious contributions to the nation rather than their nationality, leading to an improved quality of life for Jews under his governance. Nonetheless, even amidst his tenure, they were not spared from the economic tumult spanning 1929–1935, precipitated by the boycott of Jewish-owned establishments. However, after the Marshal's demise, the panorama took a decidedly somber turn.

During the initial months of 1936, an initiative emerged within the Sejm, proposing legislation that sought to proscribe ritual slaughter comprehensively (Krajewski, 2013). Following that, the legislation enacted on May 4, 1938, about the structural framework of the legal fraternity curtailed the entry of Jews into the legal vocation (Dz. U. 1938 nr 33 poz. 289).

In response to an anti-Semitic student upheaval on October 20, 1937, the University of Warsaw instituted what came to be known as "bench ghettos" within its lecture halls (Tomaszewski, 2001). A multitude of anti-Semitic pogroms took place, compelling a significant number of Jews to choose emigration from Poland to Palestine. In a nutshell, the predicaments and conditions experienced by the Jewish community within the borders of the Second Polish Republic remained unaddressed during the nation's resurgence. Over the interwar era, a comprehensive policy addressing the Jewish populace's predicament remained conspicuously absent.

7. Concluding Remarks.

The legal position and living conditions of the Jewish community within the Second Polish Republic during the interwar period were characterized by a complex interplay of legal decrees, constitutional provisions, societal dynamics, and evolving political landscapes. The emerging



nation faced the challenge of nation-building amidst a backdrop of shifting geopolitical alliances, economic turmoil, and social tensions. The legal framework, often guided by the nuanced approach of leaders like Józef Piłsudski, aimed to provide equal rights and opportunities for Jews. However, economic hardships and rising anti-Semitism posed significant challenges.

The era of the Second Polish Republic witnessed a range of legal initiatives aimed at recognizing and protecting the rights of the Jewish community. The visionary leadership of Józef Piłsudski acknowledged Jewish politicians as valuable partners in shaping the nation's destiny. His edicts granted Jews various privileges, including religious institutions, exemptions from military service, and the recognition of Hebrew as a language within governmental administration.

The Treaty of Versailles and the subsequent March Constitution emphasized minority rights and religious freedom. These documents laid the foundation for protections against discrimination and underscored the significance of Jewish educational and religious institutions. However, despite these progressive legal provisions, the lived experiences of the Jewish population were marked by challenges. Economic downturns led to boycotts of Jewish-owned establishments, and anti-Semitic sentiments fuelled disturbances and pogroms.

The legacy of Piłsudski's administration was marred by his death, which signalled a turning point for the Jewish community's situation. Legislative changes, such as curbing ritual slaughter and limiting entry into certain professions, contributed to a deteriorating environment for Jews. Establishing "bench ghettos" at the University of Warsaw epitomized the growing social tensions.

All in all, the Jewish community's legal landscape and living conditions during the Second Polish Republic were emblematic of a multifaceted narrative. Efforts were made to create an inclusive society with equal rights, yet these aspirations were often challenged by economic hardships, anti-Semitic sentiments, and shifting political dynamics. The legal provisions were progressive, but broader societal factors hindered their effectiveness. The complex interplay between law, politics, and socio-economic realities shaped the Jewish community's experiences



during this pivotal era, reflecting the intricate nature of nation-building and minority rights within the evolving landscape of interwar Europe.

Funding:

This research received no external funding.

Acknowledgments:

The authors thank all academic peers for the research findings and article writing.

Conflicts of Interest:

The authors declare no conflict of interest.

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Authorship and Level of Contribution:

Sara Aloe contributed to the research article's design and implementation, the results analysis, and the manuscript's writing.

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