

INTRODUCTION

Małgorzata Materniak-Pawłowska

The present monograph is devoted to the institution of the public prosecutor's office in the interwar period (1918 - 1939). The authors' goal was to portray its model which was in force not only in Poland but also to present it in a broader, European context. This was the reasoning behind including parts devoted to the public prosecutor's office in Germany, France, and Czechoslovakia, which serve as a good representation of its various models which were typical of interwar Europe.

The public prosecutor's office is, together with the courts and various legal protection bodies, an integral and significant part of the justice system. It was taking shape in Europe over a long period of time, over the centuries, to finally become an institution dealing with the prosecution of crimes and, in the trial part, with formulating and supporting indictments. Consequently, it became an institution equipped with a mandate to control the legality of all persons and other entities operating in the state.

From the organizational point of view, the public prosecutor's office of the interwar period was located either closer to the courts, thus creating a single structure with them, or separately - as a separate department, which was not related to the common judiciary.

The Polish model of the interwar public prosecutor's office was taking shape in stages, in accordance with the legislative, organizational, and financial capabilities of the country which was being rebuilt after a long period of subjugation and the destruction left in the wake of World War I. On the threshold of its independence, Poland was confronted with the need to rebuild all areas of life: political, legal, social, economic, financial, and cultural. The creation of a new, modern justice system, which was adjusted to the new legal and political conditions, which also included the public prosecutor's office, was just one of those numerous and urgent needs. Nevertheless, it was one of the state's top priorities to provide an efficient and well-organized justice system which, together with the organization of an efficient legislative or executive system, guaranteed its proper functioning.

In the system and functioning of the public prosecutor's office of the Second Polish Republic, just like in the entire justice system, there is a fundamental water-

shed moment one can indicate, namely the 1st of January 1929. The first decade of the existence of the reborn Polish state (between 1918 and 1928) was characterized by the nonuniformity of the law. It was a period of the functioning of a mosaic of legal regulations which came from various sources and which were in force in particular areas of the state: the old post-partition regulations (which had even been created as far back in time as the middle of the 19th century) and the new Polish ones from the period after the state had regained its independence. It was primarily a time of legal division of the state's territory, with all the related difficulties and complications of a legal and organizational nature. The second decade (between 1929 and 1939) was the period after the unification of the common judiciary with the public prosecutor's office. Even though some problems which had been dominant in the previous decade disappeared, new ones emerged in their place. They were mainly related to the political conditions which were rooted in the authoritarian system of the government established in 1926 and intensifying since the beginning of the 1930s.

The subject matter of the system of the Polish interwar public prosecutor's office has not been a subject of a monographic study until now. Admittedly, publications concerning the prosecution appeared before the war, often discussing it in connection with the common judiciary system, as these two most important components of the justice system remained in a close organizational relationship. However, those publications were primarily aimed at providing current comments or guidelines for practice. They were published in various legal journals, which often contained lively polemics pertaining to the adopted system solutions, criticisms of various solutions were carried out, and alternative solutions were indicated. Its course was particularly lively during the period of work on the unification of the law on the common judiciary and the public prosecutor's office, i.e. at the turn of the 1920s and 1930s.

In recent years, several authors have concerned themselves with the subject matter of the system of the public prosecutor's office. However, they mainly had modern solutions in mind and the functioning of the contemporary public prosecutor's office, and not its interwar counterpart. These papers contain short historical introductions, but by no means do they exhaust the issue of the model of the public prosecutor's office in the Second Polish Republic, its system, or its functioning.

For this very reason, the goal of the study seems justified as it aims to show the model of the public prosecutor's office in interwar Poland, while the comparative element in the form of the models in force in the several selected and representative countries was to highlight the place of the prosecution model in force in the Second Polish Republic against the backdrop of a wider European context.