



KRYSTYNA MAREK (1914-1993): POLISH LAWYER AND PATRIOT

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ABSTRACT: The article is devoted to the biography and scientific career of professor Krystyna Marek (1914-1994), an outstanding Polish expert in the field of public international law and international relations, associated with the academic institutions of Switzerland. The biography of Krystyna Marek is a quite common example of the history of pre-war Polish intelligentsia in a strong manner affected by the twentieth-century totalitarian regimes and forced into exile. The present article focuses not only on the scientific career of professor Krystyna Marek, but also her impact on politics, society, and culture of Polish post-war emigration.

KEY WORDS: Biographical Note, Biography, Polish Political Emigration, Public International Law, International relations, Switzerland, Krystyna Marek.

RESUMEN: El artículo está dedicado a la biografía y carrera científica de la profesora Krystyna Marek (1914-1994), destacada experta polaca en el campo del Derecho internacional público y las relaciones internacionales, asociada con las instituciones académicas de Suiza. La biografía de Krystyna Marek es un ejemplo muy común de la historia de la intelectualidad polaca significativamente afectada por los regimenes totalitarios del siglo XX y obligada a exiliarse. El presente artículo se centra no sólo en la impresionante carrera científica de la profesora Krystyna Marek, sino también en su impacto en la política, la sociedad y la cultura de la emigración polaca de posguerra.

PALABRAS CLAVE: Biografía, Emigración política polaca, Derecho internacional público, Relaciones internacionales, Suiza, Krystyna Marek.

As a result of World War II and repressions of the Nazi and Soviet authorities, a significant part of Polish academics left Poland. Many of them took refuge in France, after the defeat of 1940 going to the United Kingdom or the United States. Bohdan Winiarski (1884-1969) a later President of the International Court of Justice in The Hague, spent his war years in Great Britain, where he taught public international law at the University of Oxford and served as a head of Polish Bank on the exile. A large part of several thousands of Polish scholars, however, never returned to Poland, after the end of wartime, rightly supposing that the authorities established after 1945, will become another tool of totalitarian dictatorship, this time controlled from Moscow.

Analysing the contribution of Poles to the development of public international law, we very often forget about the many eminent scholars associated with foreign academic institutions. Forgotten and unappreciated in our country, they have made a significant contribution to the shape of the doctrine of public international law in the second half of the twentieth century. The biography of professor Krystyna Marek is a highly illustrative example of the fate of Polish pre-war intelligentsia, affected by the consequences of twentieth-century

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totalitarian regimes and forced into exile. Apart from an impressive scientific career, she has also developed activities in the social, political and cultural life, never forgetting her needy compatriots.

Krystyna Marek was born on 11th October 1914 in Cracow, in a family of lawyers. Her father, Marek Zygmunt (1872-1931) was a prominent Cracow's lawyer and an engaged Polish Socialist Party activist. Between 1911 and 1918 he represented Cracow in the Austrian Council of State. In 1919, after Poland regained independence, he joined Polish Socialist Party (PPS). He was also the candidate of the party in the presidential elections in 1926. In May 1926 Marek led the unsuccessful mission to form the government. Between 1928 and 1930 he served as a Sejm Vice-Marshal. It was the conviction drawn from the family home that to a large extent shaped further political and social activities of Krystyna Marek. It also became the source of numerous long-standing relations with, inter alia, politicians Adam Ciołkosz (1901-1978) and Adam Pragier (1886-1976).

In 1931 after the death of her father she moved to Switzerland, where she graduated from high school. In 1937 she graduated from the Faculty of Law at the Jagiellonian University. The outbreak of war, however, interrupted her planned career as a lawyer in Poland and forced the entire family to emigrate. Since 1940, she joined the Ministry of Foreign Affairs in exile in London. Count Edward Raczyński, then Minister of Foreign Affairs of the Polish government in exile, described her in his memoirs as "one of the first Polish female diplomats" and an "extremely competent, conscientious and committed person". Between 1939 and 1943 she wrote her personal diary, unpublished to this day. She precisely described inter alia invasion of Poland in September 1939, exile in Romania, France, Casablanca, Tanger and London. As professor German Ritz noted Krystyna Marek wartime diary is "primarily a story of escape" (see Ritz, 2010). In 1941 she moved to London, where she worked inter alia for Polish Social Information (pol. Polska Informacja Społeczna), secret Polish radio station "Świt", and finally as an attaché of the Polish embassy¹. From 1954 to the end of 1958 she was working for the Polish section of Radio Free Europe (RFE). In 1958 she received visiting scholarship at the Max Planck Institute of Public International Law in Heidelberg.

In the early fifties she started working at L'Institut Universitaire de Hautes Études Internationales (HEI) in Geneva, one of Europe's most prominent scientific institutions in the field of public international law. The result of several years of research was a defence of doctoral dissertation, entitled *Identity and Continuity of States in Public International Law*, written under the supervision of professor Paul Guggenheim (1899-1977) and defended in November 1953. This work has played an extremely significant role in shaping the contemporary study of the issue of state succession, it has been also published twice (in 1954 and 1968). The doctoral dissertation defence was the beginning of several decades of cooperation with academic institutions in Switzerland, during which she served, inter alia, as the Director of the Department of Public International Law at the L'Institut Universitaire de Hautes Études Internationales in Geneva, as well as the advisor at the International Court of Justice in The Hague. It is worth noting that professor Krystyna Marek remains to this day the only Pole

¹ G. Ritz, "Krystyna Marek: Dziennik czasu wojny i samokontrola", *Akcent: Literatura I Sztuka*, Vol. 31, Issue 2, 2010, pp. 102-111.

who holds a doctorate degree in the field of public international law from this highly prestigious scientific institution. During 1968 she spent several months in the US as a visiting professor at the Fletcher School of Law and Diplomacy (Tufts University).

Scientific interests of professor Krystyna Marek were focused on issues of state succession, the sources of public international law, the importance of multilateral cooperation for the development of international law (with particular reference to the Congress of Vienna), the evolution of the norms of *jus cogens* and state's responsibility under international law. The most significant work alongside the already mentioned doctoral dissertation, is the monograph written together with Hans-Peter Furrer, and Antoine Martin entitled *Les sources du droit international* (1967). She has also edited numerous publications related to the functioning of the International Court of Justice in The Hague: *Cour Permanente de Justice Internationale 1922-1945. Les sources du droit international* (1967), *A Digest of the Decisions of the International Court* (1972, 1974) and *Cour internationale de justice* (1978). Her most significant articles include: "Les rapports entre le droit international et le droit interne a la lumière de la jurisprudence de la Cour permanente de justice internationale" (1962), "Contribution a l'étude du 'jus cogens' en droit international" (1968), "Thoughts on Codification" (1972), "Criminalizing State Responsibility" (1978), and "Sur la notion de progrès en droit international" (1982). She wrote several articles devoted to situation of Poland within the ILO (in eighties) and disputes over the western boarder of our country (in early nineties). She has collaborated with the most prominent international law scholars of her time: Paul Guggenheim, Alfred Verdross and Krzysztof Skubiszewski, whom she met in the early sixties.

Krystyna Marek was also the author of numerous works of a journalistic, opinion-forming and popular character, published, among others in *Kultura* (a leading Polish-émigré literacy-political magazine). She took an active part in the debates conducted by this journal on the situation of Poland in International Labour Organization, the western boundary of Poland or its place in what was then the international order. In 1982, in one of the Polish underground publications, her well-known essay "Jałta po latach" has been published (the same essay was also published in French as "Retour sur Yalta"). During her retirement years, she was working on an extensive monograph on the History of the Congress of Vienna from the standpoint of public international law, which she was never given to finish.

Equally important element of professor Krystyna Marek's activity seemed to be her social and political commitment and subsequent activity within the Polish community on exile. Already in the thirties, as well as in the early years of emigration, she actively supported the structures of the Polish Socialist Party (PPS). In the eighties, she supported the internees in Poland. She has organized a whip-round for the Solidarity movement, helped the Poles in Switzerland, and even organized the smuggling of the publications banned by the censorship in Poland (including *Kultura*). For several years of her stay in Switzerland, she actively acted as a single-person institution providing accommodation and any other forms of assistance to the compatriots in need. Her active support for the Polish immigrants was frequently mentioned in the memoirs of, inter alia, Edward Raczyński, Jan Nowak Jeziorański, Jerzy Giedroyc, Gustav Herling-Grudziński, Jerzy Stempowski, Jan Kott, Adam Pragier, Adam Ciołkosz and many socialist activists. Not without significance is

also her several years of cooperation with the Radio Free Europe. From 1962 she was a member of *Polish Society of Arts and Sciences Abroad* (fr. Société Polonaise des Sciences et des Lettres à l'Étranger, pol. Polskie Towarzystwo Naukowe na Obczyźnie).

Professor Krystyna Marek's commitment has also played a significant role for the Polish culture. Between 1965 and 1992 she served as a member, and between 1977 and 1983 as Vice Chairman, of the Koscielski Jury Prize Foundation, one of the most important awards in the field of Polish literature. Lasting impact on Polish culture, was also left by her long-term friendship with Jerzy Stempowski, an eminent Polish prose writer, essayist and literary critic. The correspondence with Jerzy Stempowski, conducted between early forties and late sixties, is considered one of the most prominent examples of post-war Polish epistolography (outstanding Polish writer Maria Dąbrowska noted in 1948 in her *Dzienniki*, that the Stempowski's correspondence is a "great piece of Polish literature"). The correspondence was published in 1974 in Paris and London as *Listy z ziemi berneńskiej*. On 20-22 September 2007 in the Polish Museum in Rapperswil, Switzerland was opened an exhibition entitled "Emmigration. History and People – Jerzy Stempowski- Krystyna Marek" ("Emigracja. Klimat czasu - klimat ludzi. Jerzy Stempowski - Krystyna Marek") devoted to the history of Polish emigration in Switzerland as well as long-term friendship of these influential figures in the Polish and European culture.

She spent her retirement years in Laupen, small town near Bern, writing unfinished book devoted to the congress of Vienna in the light of public international law. Professor Krystyna Marek died on March 26th 1993 in Bern at the age of 79. The Krystyna Marek archive (including personal correspondence, publications, and documents) has been acquired by Polish Museum in Rapperswil (Switzerland).

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