STUDIA IURIDICA LXIII

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WHITHER WARSAW

Warsaw, Poland lies on the Mazovian Lowlands, bisected by the Vistula River. Warsaw is both a city and part of the larger Warsaw Metropolitan Area. It is the largest city in Poland and thus also by far the largest city in the Mazowieckie Voivodship (province). The current population of the city is about 1.8 million, the metropolitan area 2.9 million, and the voivodship 5.32 million. Warsaw's size is 517.24 square kilometers compared to the 35,578 square kilometers for the voivodshp and 6,204 for the metropolitan area, which has 85 municipalities compared to 314 in the voivodship.

Warsaw is the capital of Poland, a country with continuously shifting borders compounded by its location between Germany and Russia. Its borders even shifted before, during, and after World War II. The Polish people are of mixed ethnicity, reflecting the vicissitudes of northern Europe over the millennium.

Warsaw, Poland was one of the most vibrant cities in Europe prior to World War II. It emerged from the war as one of the most devastated cities in the world, 86% destroyed, mostly by the Nazis who occupied Warsaw for 5½ years. The Nazis leveled the Jewish ghetto to the ground in 1943 after suppressing the Jewish uprising, followed the next year by destroying the fabled Old Town after suppressing the 63-day Warsaw Uprising. They left the historic Hotel Bristol standing because it served as their headquarters. Bombs and shells also had their impact on Warsaw.

1. LIBERATION

Warsaw was liberated from the Nazis on January 17, 1945, only to fall under the yoke of the Red Army. The population of Warsaw fell from 1.3 million prewar to 162,000 at the time of Soviet "liberation" in 1945, of which about 140,000 were on the right side of the Vistula River (Praga). The returning citizens came home to piles of rubble. Only 1,223 buildings remained intact at the war's end out of 25,498 buildings on the western side (left) prior to World War II¹. The Nazis virtually destroyed the infrastructure, but the people came. They started rebuilding by manually removing the rubble brick by brick.

Reconstruction was facilitated by the Warsaw Decree of October 26, 1945, which expropriated all real property in the city and transferred it to the municipality². The expropriation gave the planners the opportunity to rebuild the city as they saw fit seven decades ago, but is complicating current planning for two reasons.

The first is the footprint these planners left as their legacy. The second is the highly laudable the goal of post-Communism Warsaw to return land to the original owners and their heirs or otherwise compensate them. Many parcels remain in limbo as the ownership rights are settled.

The planners were presented with a tabula rasa with Warsaw in 1945. They could rebuild the past or embark on a new, "modern" direction. They did it all with varying degrees of success: rebuilt Old Town, planted the Palace of Culture and Science in Warsaw's center, and adopted socialist realism elsewhere.

Three major construction projects emerged from the rubble of Warsaw. The city had to be rebuilt. An early decision was to restore Old Town as accurately as possible to its pre-war appearance, actually 150–200 years earlier. The Communist planners wished to skip over the roughly 150 years of capitalistic construction.

Old Town's rebirth was critical to the identity of Warsaw and the Polish people. Too many Poles died for freedom to let the dream die. It was symbolic of the rebirth of the city of Warsaw and the nation of Poland such that Poles contributed nationally to the reconstruction. Old Town is the Phoenix Rising of Poland.

Most of the rebuilt facades are fairly close to as they were, although the interiors and infrastructure are different. The street pattern is overlaid on the pre-existing street pattern. Tourists may think they are visiting a traditional European old town in Warsaw's Old Town, but it is an impressive faux Old Town of which Walt Disney would be proud³.

The decision to rebuild to the pre-War architecture was limited to Old Town. For example, the leveled Jewish quarter was replaced with monolithic block apartments⁴. Similarly, the downtown was déclassé from the Communist perspective, representing capitalistic architecture. Thus, the central downtown business district was not to be recreated.

¹ S. Dziewulski, S. Jankowski, *The Reconstruction of Warsaw*, The Town Planning Review 1957, No. 28, pp. 209, 212–223.

² Decree of 26 October 1945 on Ownership and Usufruct on Land in Warsaw. The decree did not extend to the rest of Poland.

³ Walt Disney modeled his main Street in Disneyland after his boyhood in the small town of Marceline, Missouri.

⁴ The Jewish Quarter became large 8-10 story towers of "vast and open superblocks". J. Goldman, *Warsaw: Reconstruction as Propaganda*, (in:) L. Vale, L. T. Campanella (eds.), *The Resilient City: How Modern Cities Recover from Disaster*, New York 2005, pp. 135, 147.

Instead, the second project destroyed any chance of recreating a viable core downtown and central business district. Joseph Stalin's "gift" to the Polish people is The Palace of Culture and Science in the center of downtown Warsaw near the central train station. The Palace's spire reaches 758 feet into the sky while the footprint and the accompanying parking lots were planted on a 24 hectare (640 acres) site. One hundred homes were destroyed and 4,000 persons displaced to make room for the Palace⁵.

The 758 foot high Palace dominates both the center of Warsaw and the Warsaw skyline. It is not unsightly, but neither does it rival the Eifel Tower, Chrysler Building, the Empire State Building, or Big Ben in elegance. It fits into nothing, visible from seemingly everywhere in Warsaw. There is a lack of architectural and developmental symmetry around the site.

The third project was the rebuilding of Warsaw's housing stock. Socialist Realism, imposed on the Eastern European countries by the Soviet Union in the form of monolithic block buildings of shoddy construction, reared its ugly head. One tradeoff, though, was that the planners widened some existing boulevards.

Thus we have a rebuilt Warsaw of hodgepodge architecture with no central business district. The recent building of highways into the suburbs has also drawn business away from the center of Warsaw, paralleling a similar pattern in the United States.

2. INDEPENDENCE

2.1. THE RESTORATION OF PROPERTY RIGHTS OR COMPENSATION

The post-Communist independent Poland sought to right a wrong perpetrated by the Communists. The expropriated property would be returned to the original owners if possible. The result, though, is that the rehabilitation of many properties has been delayed because of the tangled chain of ownership, determining the heirs of the original owners, or adjudicating their rights.

2.2. WARSAW'S GROWTH

Warsaw and its suburbs have soared in population with a corresponding increase in problems that plague large metropolis, including water, sewage, air and water quality, and mass transit. The result is that Warsaw is inevitably following the course of almost every capital city: rapid population growth, sprawling into the burgeoning suburbs. It encounters substantial infrastructure, pollution, and transportation problems in its rapid growth.

⁵ D. Crowley, *People's Warsaw, Popular Warsaw*, J. Design Hist. 1997, No. 10, pp. 203, 212.

Infrastructure is expensive. For example, the three phase expansion of the Municipality of Warsaw Czajka Wastewater Plant completed in 2013 cost €769 million, 40% of which was covered by the European Union. Warsaw was discharging most of the sewage into the Vistula River when Poland entered the European Union on May 1, 2004. The refuse then flowed into the Baltic Sea. The plant solved much of Warsaw's disposal problem with incineration of the sewage sludge, destroying 90% of the waste.

2.3. THE PLANNERS' PROBLEMS

The fall of Communism was a great victory for the Polish people, but conversely a hindrance to the development of comprehensive regional planning in the greater Warsaw metropolitan area. Central planning is anathema to the Polish people, who suffered through 4 decades of moribund Communist central planning. Yet problems of water supply and quality, air quality, and urban mass transit defy parochial approaches and necessitate regional planning.

Land use planning was also fairly non-existent. Office buildings sprang up, scattered all around the center of the city. Indeed, only about 16% of the city is governed by master plans.

The city's planners recognize the problem. Current Warsaw planners are concerned by road congestion, the incomplete highway system, and an incomplete mass transit system. Yet, they are hamstrung by the lack of central planning, the people's reaction to the fall of the Communist central planners.

The suburbs are now growing faster than the city. They have grown from 40% of the metropolitan area's population in 1988 to 44% in 2013. The need for coordination and regional planning has grown but the will is not there. No administrative structure exists between the voivodship and Warsaw, which is but one of 314 cities and towns in the voivodship and one of 85 in the greater metropolitan area with no greater rights than the others.

2.4. THE AUTOMOBILE

The automobile came to an unprepared Warsaw, challenging the planners. The Communist central planners did not envision a future for the automobile in Warsaw. Thus, the post-War rebuilding did not consider roads for traffic or parking for cars. Marszałkowska and Świętokrzyska Boulevards were widened, but not for the purpose of facilitating traffic, but rather to promote the large Soviet style parades. Highways and parking were not in the Soviet style five-year plans. The independent Poles rapidly embraced the automobile as a preferred means of transportation. The country averaged 25,000 new monthly registrations from 2003 to 2015. Today's Warsaw is playing catch-up on traffic. It is attempting to

complete the ring around Warsaw. In addition, not all Warsaw suburbs have convenient road or mass transit access into the city. The metro extends out only two directions from the city.

2.5. POLLUTION

One of the legacies of the Fall of Communism is substantial air, soil, and water pollution from heavy industry. Poland is no exception. Stalin's central planners saddled Poland with polluting heavy industry. Most of these factories have closed, such that Warsaw now has little industry. Those sources of pollution have thus been eliminated⁶. The animus towards central planning has not.

A recent study ranks Poland second only to Bulgaria with the worse air pollution in Europe in particulate matter⁷. The urban population of Poland is subjected to excessive levels of particulate matter and nitrogen oxides⁸. Six of the ten most polluted cities (Cracow, Nowy Sącz, Gliwice, Zabrce, Sosnowiec, and Katowice) are in Poland⁹. Warsaw is not one of the ten, but its air quality can be bad.

Part of the problem is external, as pollution does not respect artificial political boundaries. However, much of Poland's air pollution is internally generated through the burning of coal. Poland rejected nuclear power in the aftermath of Chernobyl. Coal is a cheap fuel source for Poland, but one which generates pollution. The United States banned coal plants in large cities in the 1950's, but Poland depends on coal for up to 90% of its electricity. No instant miracles can be expected as long as Poland is dependent on coal.

3. THE PRESENT

Warsaw is a city in transition. Heavy industry is gone as the city cleaned up the Soviet legacy. Its economy, as with many large cities, has become a service economy. The city hosts regional headquarters of multi-national corporations because of ample land and low wages, but is short on national corporations. In addition, pensioners comprise 30% of Warsaw's population. The city needs additional sources of employment and revenues.

⁶ For a discussion of pollution under the Soviet regime as compared to the free Poland of today, see J. Warner, *Poland: The Environment in Transition*, The Geographical Journal 1999, No. 65, p. 209.

⁷ European Environment Agency, *Air Quality in Europe – 2014 Report*, at http://www.eea. europa.eu/publications/air-quality-in-europe-2014.

⁸ *Ibidem*, p. 10.

⁹ Europe's Polluted Cities, International New York Times, October 15, 2013. The survey was of 365 cities.

3.1. TOURISM

Tourism can be a vital contributor to the Warsaw economy. Tourism is a large source of service jobs in many cities. However, Warsaw is a capital city without a cachet to attract tourists. Paris is the City of Light, and much more. Rome, the Eternal City, is the City of Love. London is the City of Dreams. Prague is the City of Spires. Vienna is the City of Music. Budapest is the City of Spas while Bucharest is the City of Joy. Budapest and Prague are also noted for their beauty. Istanbul is the center of empires with the Hagia Sophia, Blue Mosque, and Grand Bazaar.

3.2. WHAT IS WARSAW?

3.2.1. The City of Ruins

Tourists may be attracted to the excavated ruins of a Pompeii or Troy, but not the paved over ruins of Warsaw. Its symbol is a mermaid with sword. The city's motto is "*Comtemit Procellas*", "It defies the storm". It is an accurate depiction of Poland's history, but not one that will attract tourists.

Cities do not necessarily need a cachet if they can offer other attractions to travelers. However, Warsaw lacks an international exhibit hall, thereby missing the opportunity to attract large international conferences and conventions. It also has not taken advantage of the Vistula River.

3.2.2. The Undeveloped Tourist Resource: The Vistula River

Warsaw has not developed or promoted its tourist industry to the extent of other European cities. For example, the Vistula River is an unexploited resource. The Vistula Riverfront is undeveloped on both banks with the eastern bank to remain in its natural state.

Absent are the restaurants, hotels and resorts, gift shops, harbor cruises, bicycle, walking and jogging paths common to waterfronts, not to mention apartments and condos, or the Polish equivalent overlooking the water. Recreational sports, such as walking, jogging, boating, para-sailing and jet skiing are virtually non-existent.

The Vistula has historically flooded Warsaw, but the recreational opportunities are limited without dredging. Warsaw is not even a port city today.

3.2.3. Museums

Every large city, especially capital cities, has museums. The key is to have unique museums that can attract tourists. The Palace of Culture and Industry is truly a unique iconoclastic structure, which offers a panoramic vista of Warsaw. Most of the museums and other attractions and historic sites are within a 1–2 mile radius of the Palace, the center of Warsaw.

Warsaw opened three new museums of world quality in the New Millennium. One is the Copernicus Science Centre, which opened its doors in 2010 and has been substantially expanded. It is very popular.

The other two sprang out of the tragedy of World War II. The Warsaw Uprising Museum, opened in 2004, commemorates the failed uprising, mostly in Old Town, against the Nazis and the Red Army standing back, watching the Nazis destroy the Polish Home Army.

The Polin Museum of the History of Polish Jews, the third museum, opened in 2014. It focuses on the 1,000-year history of the Jews in Poland, including, but not ending with, the Holocaust. Poland lost during World War II about 6 million (20%) of its pre-War population, of which 3 million were Jews.

These museums do not obviously match the Louvre and Hermitage in international renown, but they can be a draw if marketed right. Missing though are major museums for two of Warsaw's famous expatriates, Frederick Chopin and Madam Curie¹⁰. Also under-publicized are the few remaining Milk Bars, which represent the post-war cafeterias of the masses.

4. THE FUTURE

Warsaw is a work in progress. It escaped from Communism a quarter century ago. It has cleaned up the economic and environmental messes left behind. Its population has soared 1.100% since its liberation by the Red Army and exceeds its pre-War population.

The city is following the path of other capital cities with its rapid growth and the even greater growth of its suburbs, but without the tools other countries have in responding to the sprawl.

Warsaw, due to the popular resistance to central planning, is a part of a disjointed metropolitan area and voivodship with substantial problems in transportation and critical resources. Similar problems have existed in the United States and the booming cities of the world. A solution exists, which falls short of broad central planning. The United States uses special regional authorities, such as for transportation. Such an agency coordinates, plans, and develops mass transit in a metropolitan area. Other agencies exist for water supply, sewage disposal, and flood control as well as environmental protection.

Models for Warsaw could include the Port Authority of New York and New Jersey for comprehensive transportation and various regional transit authorities for highways and mass transit. The Adirondack Park Agency, San Francisco Bay Conservation and Development Commission (SFBCDC), and the Tahoe Regional

¹⁰ Small, relatively unpublicized museums exist for Chopin and Marie Curie.

Planning Agency are examples of environmental protection. America has a multiplicity of water districts and sewage districts which cut across political boundaries to address problems too large for individual communities to resolve. Warsaw can look to the rest of Europe for regional river authorities.

5. CONCLUSION

Warsaw is at a pivotal point in its evolution. It can take the difficult steps of planning for the future or continue trying to manage unregulated chaos with a deterioration in the quality of life. Other major cities experiencing substantial growth, such as Beijing and Istanbul, have risen to the challenge.

Warsaw can do it. It has overcome much harder challenges in the past.

WHITHER WARSAW

Summary

Warsaw emerged from the Nazi occupation as a physically destroyed city, followed by surviving the Soviet occupation for four decades. The people persevered, recreating a magnificent Old Town. The city is growing rapidly and catching up to the rest of Europe. It is also facing the infrastructure, urban sprawl, mass transit, pollution, and transportation issues of growing metropolis, without the regional planning and other land use planning tools available elsewhere as a result of its aversion to central planning. Its history provides a unique dynamism to study post-disaster planning.

QUO VADIS WARSZAWO?

Streszczenie

Warszawa wydostała się spod nazistowskiej okupacji jako zniszczone miasto, a następnie przez cztery dekady była pod sowiecką okupacją. Ludzie, którzy przetrwali, odbudowali Stare Miasto. Warszawa szybko się rozwija i nadrabia zaległości do reszty Europy. Jednakże Warszawa doświadcza też problemów infrastrukturalnych związanych z bezładną zabudową miejską, transportem publicznym, zanieczyszczeniem środowiska i komunikacją metropolitarną bez planowania regionalnego i innych metod zarządzania przestrzennego, znanych gdzie indziej. Wynika to z historycznej awersji do centralnego planowania. Historia tego miasta zapewnia unikalną możliwość studiowania gospodarki przestrzennej na przykładzie zdewastowanych obszarów.

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