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SUMMARY OF PROFESSIONAL ACCOMPLISHMENTS

1. Having finished primary and secondary cycles of education, I started studying at the Faculty of Law of the University of Warsaw (1974 – 1979) and in 1979 graduated with an MA diploma. My MA theses were on *Tok ustawodawczy w Republice Federalnej Niemiec* [*The Legislative Process in the Federal Republic of Germany*](supervisor: prof. Andrzej Gwiżdż, PhD – University of Warsaw; reviewer: prof. Leszek Garlicki, PhD – University of Warsaw). The topic was connected with my interest in constitutional law and the theses entered a broad mainstream of studies of various aspects of constitutional law that was quickly developing in Poland in the 1970s. That interest gradually went beyond the issues regarding constitutionalism of the socialist countries of the time and started to be more often connected with contemporary European countries; at first the French Republic in particular, then the Federal Republic of Germany and outside Europe – the USA.

2.A. In 1984, my doctoral proceeding at the Academy of Social Sciences in Warsaw was concluded. The title of the doctoral dissertation was *Zmiany programowe w polskim ruchu młodzieżowym po sierpniu 1980 r.* [*Programme Changes in the Polish Youth Movement after August 1980*] (supervisor: doc. Władysław Ratyński, PhD – Academy of Social Sciences; reviewers: prof. Bogdan Hillebrandt, PhD – Academy of Social Sciences, prof. Bronisław Ratuś, PhD – Higher School of Pedagogy in Bydgoszcz). Having fulfilled the requirements, I was awarded the title of PhD in political studies in the field of the sociology of political relations. It was an up-to-date topic at that time: after a period of model changes in the organizational structure of the movement introduced in the 70s and in connection with the trend to make youth organizations adopt a more ideological character; the political crisis of 1980 also stimulated the organizational and programme crisis in the formerly politically monolithic model of youth organizations; there was a trend to give up the Polish United Workers' Party ideological dictate and create independent organizational structures, e.g. the Independent Students' Union (apart from the Socialist Polish Students' Association) or "new scouting", or the Movement of Young Poland; there was also a religious youth movement affiliated to various structures of the Church (including the context of priesthood in academic

circles and the Light-Life Movement). Thus, not only organizational variety marked the time; there was also ideological and programme differentiation. It paved the way for inter-organizational conflicts and stimulated rivalry for the influence on the society, and what is most important, clearly developed different and competitive educative programmes based on alternative systems of values.

2.B. In 2008, my Polish diplomas of MA in law and PhD in political studies were recognized by the Ministry of Science and Higher Education of the Russian Federation and, in 2010, I was awarded a doctoral diploma in legal sciences - Candidate of Sciences (in Russian: *кандидат наук*) based on my thesis in Russian *Становление и развитие конституционной государственности в Польше (историко-правовое исследование)*, presented before the scientific commission in the Institute of Law in Sankt Petersburg on 6 March 2010. The supervisor was prof. S. A. Komarov from Moscow (a scientific supervisor affiliated to the Institute); reviewers were prof. A. M. Drozdova, PhD, and prof. V. G. Bajev, PhD. The original title of the thesis corresponds to the spirit of the Russian language and terminology adopted in Russia, and can be translated into Polish as *Powstanie i rozwój konstytucyjnej państwowości w Polsce (badania historyczno-prawne)* [*The Formation and Development of a Constitutional State in Poland (Historical and Legal Study)*] or *Powstanie i rozwój konstytucjonalizmu w Polsce (studium historyczno-prawne)* [*The Formation and Development of Constitutionalism in Poland (Historical and Legal Study)*]. The topic of the thesis was suggested by the above-mentioned Institute of Law; it was connected with the Russian legal theorists' interest in the process of a new stage of development of the East-Central European states, which - changing their political systems - passed new constitutions (including the Constitution of the Russian Federation) that established democratic rule of law states. They were especially interested in the new Polish Constitution, its general principles and historical constitutional traditions marking the stages of changes in the formation of the Polish state (and their historical discontinuity) presented (to the Russian readers) without the former conventional interpretation; the work was published by the Institute of Law in Sankt Petersburg in April 2010.

The above-mentioned activities resulted from a suggestion made by prof. Feliks Prusak, PhD (Dean of the Faculty of Law and Administration of Lazarski School of Commerce and Law at the time). In his opinion, starting the higher doctoral degree – *habilitation* – proceeding in Russia was justified by my knowledge of the Russian language, the involvement in the Russian Legal Studies conducted at Lazarski School and my contacts with the Russian legal

theorists in Sankt Petersburg and Moscow. The Ministry of Science and Higher Education of the Russian Federation accepted my application for habilitation in 2007 and referred me to the Institute of Law in Sankt Petersburg. The Institute decided that a new extended version of the book including theoretical aspects of constitution development could be the basis for the habilitation proceeding. The new version was classified as specialization 12.00.01 – the theory and history of law, the history of the study of the state and law. The habilitation colloquium took place on 25 April 2011 in the Institute of Law in Sankt Petersburg with the result of 13 votes for, 1 member of the panel abstaining and no votes against and the documentation was sent to the Higher Attestation Commission (VAK) of the Ministry of Science and Higher Education of the Russian Federation, which is authorized to grant diplomas and titles. In the period between 2011 and June 2013, neither a decision was made nor the final date of the proceeding termination was specified. In the face of an unusually long proceeding and no reply to my enquiries, I requested that the proceeding is dropped, which was confirmed by the Ministry of Science and Higher Education Vice-Minister - A. B. Povalko's decision of 14 August 2013.

3. I worked in scientific institutions (of higher education) in two periods: in 1980-1983 in the Academy of Social Sciences in Warsaw (professor assistant and senior assistant – lecturer of jurisprudence and constitutional law) and in 1983-1986 with the same university as a commissioned teacher (contractor).

The second period of my scientific and educational work has been since 2000 up till now (2013), although it was connected with different posts: from 2000 till now - Lazarski School of Commerce and Law in Warsaw (now: Lazarski University): Assistant Professor at the Faculty of Law and Administration (the Department of the Theory of Law and Legal Logic); simultaneously, in 2003-2009 - the Mazovian University in Warsaw: Dean of the Faculty of Social Sciences and Provost (2006-2009); I continued as a lecturer of constitutional law, the European Union law and jurisprudence. In 2001-2012, I also worked for the Higher School of Management in Warsaw, the Faculty of Law and Administration (Head of the Department of Administrative Law). In October 2013, I was appointed Lazarski University Faculty of Law and Administration Dean's Plenipotentiary for Scientific Affairs.

The two above-mentioned different periods of work in higher education institutions in Warsaw were divided by the employment of a different character: a ten-year period (1983-1993) in a few big institutions: Polish – Polish Diaspora Chamber of Industry and Commerce

“INTER POLCOM” in Warsaw (1983-1987: Deputy Director of the Mazovian Branch of the Chamber in Warsaw and Head of the Department of Information and Publishing in the Chamber’s Head Office in Warsaw); Zakłady Elektroniczne “Lamina” – a group of six big factories (1987-1988, Head of Legal Department), “Magnus” Sp. z o.o. (a subsidiary of “Lamina” and Bank BGŻ (1983-1987, Chair); the company was involved in licenced (by the American company Westinghaus) production of electronic components of high-tech industrial devices for export (to the Soviet Union, China, France and Italy). Economic sanctions imposed by the UN on Iraq and former Yugoslavia (which Poland complied with) and the insolvency of Russian partners resulted in a decision to discontinue production; based on the company AGM’s decision, I was appointed a liquidator. The job in the above-mentioned companies required not only good knowledge of regulations of company law, employment law, law regulating liquidation, privatization and acquisition, financial and tax law and regulations for private foreign investors in Poland, but also created opportunities for gaining new qualifications and practical experience in the field of legal and economic counselling services for foreign investors (including Polish diaspora businessmen), co-operation with the government’s plenipotentiary for foreign small businesses, development of legal and economic analyses for companies and some government agencies, co-operation with banks, domestic and foreign contracts and agreements negotiation as well as in the field of selecting, editing and publishing legal norms regulating the investments of the Polish diaspora and other foreign businessmen, which were dispersed and changed very often at that time. All these experiences were extremely important when, in 1993, I was appointed Director and Editor-in-Chief of Państwowe Wydawnictwo Prawnicze [State-owned Legal Studies Publishing House] in Warsaw (I am discussing this in another part of my presentation).

4. The title of scientific achievement:

- an analysis of the process of formation and stages of development of the 18th – 20th century constitutionalism in Poland against the background of modern European constitutionalism – political and historical conditions, theoretical premises, constitutional determination of the Polish state formation types: from the constitutional monarchy to a democratic rule of law state;
- a synthesis: the evolution of constitutionalism in Russia (history and contemporaneity);
- the evolution of the idea of the rule of law state towards a democratic rule of law state.

1. Jerzy Kowalski – *Konstytucje Polski XVIII-XX wieku a europejska tradycja konstytucyjna* [*The Constitutions of Poland of the 18th-20th Century and the European Constitutional Tradition*] – Wydawnictwo Naukowe CONTACT; Poznań 2014, 522 pp.; a monograph; reviewed by prof. Jan Wawrzyniak, PhD;
2. Jerzy Kowalski – *Konstytucja Federacji Rosyjskiej a rosyjska i europejska tradycja konstytucyjna* [*Constitution of the Russian Federation and the Russian and European Constitutional Tradition*] – Polskie Wydawnictwo Prawnicze [Polish Legal Publishing House] IURIS, Poznań 2009, 450 pp.; a monograph; reviewed by prof. Maria Bujnakova, PhD – Dean of the Faculty of Law of the Pavol Jozef Šafárik University in Košice, Slovakia;
3. Jerzy Kowalski, *Państwo prawa. Demokratyczne państwo prawne* [*The Rule of Law State – A Democratic Rule of Law State*] – an anthology – Wydawnictwo Wyższej Szkoły Handlu i Prawa im. Ryszarda Łazarskiego [Lazarski School of Commerce and Law Publishing House], Warszawa 2008. 395 pp., reviewed by prof. Wojciech Sokolewicz, PhD.

Re. 1. The work presents the evolution process of seven constitutions in Poland from 1791 to the Constitution of the Republic of Poland of 1997. It points out that the constitutions enter four major European constitutional trends: - the constitutionalism of a monarchic type (with some modifications after the French Revolution – in a Napoleonic system (the Duchy of Warsaw) and then following the model of the Charter of 1814 (King Luis XVIII) – the Kingdom of Poland); - the democratic-bourgeois constitutionalism of the French Third Republic; - the socialist constitutionalism (following the model of the Constitution of the Soviet Union of 1936 – the so-called Stalin Constitution); - the contemporary constitutionalism of a democratic rule of law state, developing in Europe after World War II and adopted in the Republic of Poland in an evolutionary way as a result of the political system change. The characteristic of constitutional changes goes beyond the traditional convention of a course book on the history of Polish constitutions, or a convention of the history of the Polish political system, or a lecture on the Polish constitutional law of a given period. The monograph widely presents the birth of a modern constitutional and human rights idea; its implementation in the United States in the 18th century,

Rzeczpospolita (*Respublica Poloniae*) and revolutionary France. It discusses historical and political contexts of those constitutions, similarities and differences. It highlights separate constitutional processes: stability of the Constitution of the USA, constant national constitutional tradition in France of the 19th and 20th century (and changeable institutional models - the so-called political system laboratory in the 19th century - as general models for the European states); in Poland, a sovereign constitutional tradition has been disrupted because of external international political circumstances (the 19th century and from 1944 till the end of the 80s), foreign political system models are adopted. Those issues are thoroughly characterized. The changes of the constitution in the period between 1791 and 1997 define a complicated historical process of changes of the type of state: from a constitutional monarchy to a democratic rule of law state (and the intermediary stages: the parliamentary republic of 1921 following the model of the French Third Republic; the original conception of an authoritarian state based on the distinguished power of the president; a “people’s republic” state; a socialist state). The characteristic of the next political system changes concentrates on ideological and doctrinal assumptions and does not thoroughly discuss the constitutional law in this period. However, some specific issues are considered: the continuity of the post of the president during World War II and till the 1990s – a political and legal aspect that was also symbolic; passing the responsibilities of the President-in-exile to Lech Walesa, the President of ‘new’ democratic Poland; the discussed issue of legal continuity of the Polish state after World War II and the legal character of the People’s Republic of Poland; the issue of the Polish Republic numbering in the preamble to the Constitution of 1997 and constitutional changes of the name of the Polish state until 1997. The monograph also discusses the process of amending the socialist constitution, the constitutionalizing of the principle of a democratic rule of law state in the context of the political system change, the doctrine’s stance on enumerating the constitutional principles. Moreover, as far as the Constitution of 1997 is concerned, the detailed (course book like) issues of constitutional law are omitted; instead, the issue of the reception of the European constitutional standards is discussed: the phenomenon of the constitution ‘Europeanization’, and the reception of some institutions and concepts typical of the European constitutional law. There is also a broad presentation of the doctrine’s stance on the criticism of the Constitution, the calls for amendments or even a change (a special adjustment to the European Union law).

Re. 2. The study called “Constitution of the Russian Federation and the Russian and European Constitutional Tradition”: an attempt to make a synthesis of contradictory trends in the development of constitutional ideas in Europe and Russia in modern times until the 20th century. The monograph presents distinct historical and cultural attitudes towards those processes with reference to Geert Hofstede’s “cultural dimensions theory”, adopted by social sciences and political studies; those dimensions are different for the European and the Russian culture (and awareness). The monograph presents the (limited) development of a constitutional idea in Russia from the time of Catherine the Great to Nicholas II and the stages of socialist constitutionalism (1918 – 1977) and its doctrinal basis, in the context of major trends in the development of the European constitutions. The comparison of the European and Russian political and legal traditions reveals great distinction between the two. The former is based on the Roman (and Western Christian) civilization, which is culturally alien to Russia; the latter is based on the Byzantine tradition. It is the basis for the Russian “anti-Western-European syndrome”: everything that is Western-European poses a threat to the Russian identity.

The Russian legal “anti-Westernism” is presented in this context: an idea of absolute power, rejection of the European legal tradition, including the criticism of law, legal nihilism, anti-legalism, anti-liberalism, anti-parliamentarianism, law (*lex*) – an instrument of revolution, rejection of *ius*, conception of human rights and their protection etc. The process of constitution changes in Russia is characterized – from the socialist type of constitution (the 1977 version), through the amendments in the period between 1989 and 1990, till the Constitution of the Russian Federation of 1993. Thus, the monograph discusses the evolution: from a constitution of a communist state to the constitution of a (formally) democratic rule of law state (the reception process of the contemporary European constitutional standards). The discussion on a democratic rule of law state in selected European states (France, Germany, Poland) is the background for showing a similar discussion in Russia; its feature was a particular difficulty in understanding the ‘European’ legal categories (especially the primacy of law - not of an Act, a democratic state, a rule of law state, human rights); there was an inclination to the “legal eclecticism” – to reconcile the European categories with the socialist tradition (“a socialist rule of law state”). The monograph thoroughly presents selected aspects of the Constitution of the Russian Federation (1993): a comparative

evolution of the institution of the president (of the USSR – the Russian Federation) and his powers; changes of the secular state conception (the liberal French tradition – Lenin's model of an atheist state – the constitutional principle of a secular state of 1993 and adequate solutions in the Federal Act (1997) on the Freedom of Conscience and Religious Denominations); the Constitutional Court of the Russian Federation: the European solutions vs. changeable fortune of constitutional jurisdiction in the Soviet Russia; the Constitutional Court concept in the new constitution. The monograph presents a thorough analysis of the axiology of the preambles to the constitutions of contemporary states (e.g. France, Lithuania, Portugal, Croatia, Slovakia, Poland and the Czech Republic) – historical and national traditions, basic (humanistic) values, partly - *invocatio Dei*, and in this context relatively small amount of axiology of the preamble to the Federal Constitution: after the collapse of the USSR, the scope of historical and religious traditions was objectively limited (partly in independent Ukraine's favour). Finally, the monograph presents the analysis of human and citizen's rights and fundamental freedoms constitutionalization; the European standards were adopted, which is shown in a comparative way against the background of the European tradition in the field.

Re. 3. The first such anthology in the Polish literature inspired by the long-lasting discussion of legal circles on the essence of a rule of law state and its many other aspects. The selection of the most outstanding texts is presented in: Part I – Theoretical and Doctrinal Issues; Part II – A Rule of Law State – Historical-European Perspective; Part III – A Democratic Rule of Law State: the political system change, the Constitution of the Republic of Poland, the reorganization of the state.

The concept of the anthology is based on a few important premises: they are connected with theoretical, cognitive, institutional and political, and - finally - didactic aspects.

- a) The principle of a democratic rule of law state (implementing the principle of social justice) introduced by the December 1989 Amendment to the Constitution of the People's Republic of Poland of 1952 (with amendments that followed) and then transferred to the text of the Constitution of 1997 is one of the most fundamental principles of the political system of the Third Republic of Poland; it constitutes a caesura in the process of the political system changes from the so-called people's democracy (from socialist constitutionalism) to the contemporary democratic state; the political system aspect is a key one here;

- b) The principle evolves from the concept of a rule of law state (in the formal version) to the present version, in which other extra-legal values, indefinable in law, are also very important. Thus, being legally undefined, highly abstract in nature, the principle requires a dynamic interpretation (re-interpretation) both in the doctrine of law and in the judicial rulings, not excluding constitutional courts; however, it is a background to the appropriate (correct) interpretation of the provisions of all the branches of law; and linked with the protection of the fundamental human rights, it becomes one of the bases for Ombudsman's activities;
- c) It is a principle that is internally complex, because it relates to the rule of law state and a democratic state as well as a just state; at the same time, other principles are 'derived' from this principle (e.g. the principle of proportionality or law definiteness);
- d) The principle, which was generally absent from the Polish system and theory of law until 1988, determined a lively trend in a multi-aspect discussion (theory and philosophy of law, history of law, law interpretation, institutional and legal issues) with reference to the formerly developed concepts of this kind in Europe.

Thus, the anthology depicts the main aspects and trends in that discussion. It is expressed in the selection (in the author's opinion) of the most important texts on the topic written by the most outstanding luminaries of the Polish law. The texts cover theoretical and doctrinal issues (including the concept of the rule of law state especially in the German doctrine, a social state, a relation between a rule of law and law state – part I); historical and legal issues (European achievements from the concept of R. von Mohl to the contemporary discussion in France – part II); part III depicts the topic diversity in the Polish discussion in the context of the political system change and the change of the system of law. The anthology is supplemented with an annex: (a) a collection of the Constitutional tribunal rulings regarding formal and substantial content of the principle and (b) a bibliography. The anthology presents texts that are dispersed in the specialist journals or limited editions of scientific papers and excludes interpretation works published in commonly accessible legal course books and publicists' opinions.

Summing up, the anthology maintains a scientific nature and can serve further development of theoretical reflection. At the same time, it becomes a guidebook into the topic for both parties of the legal education process: the lecturers and students of

law. It can help the former to select the contents of their classes and the latter to understand philosophical, theoretical and political system content of the discussed principle, which should result in the development of the legal culture and appropriate application of the principle in the course of legal jobs performance.

5. Other achievements

5.1. I would like to present five books that are examples of my other scientific and editorial achievements:

I. Jerzy Kowalski, Zenon Ślusarczyk, *Unia Europejska – proces integracji europejskiej i zarys problematyki instytucjonalno-prawnej* [*The European Union – the European Integration Process and an Outline of Institutional and Legal Issues*], Polskie Wydawnictwo Prawnicze [Polish Legal Publishing House] IURIS, Poznań, 2006, 260 pp.; (I am the author of 80% of the contents); it is an academic course-book developed based on didactic experiences suggesting that it is especially necessary to highlight the legal basis for the development of the European Union institutions and practical aspects of their work (discretion and decision-making) and the extension of the construction of the European Union.

II. Jerzy Kowalski, *Polskie prawo gospodarcze publiczne* [*Polish Public Business Law*], Polskie Wydawnictwo Prawnicze [Polish Legal Publishing House] IURIS, Poznań 2007, 227 pp.; an academic course-book; (reviewer: prof. St. Hoc, PhD); the book was nominated to the Ministry of Science and Higher Education award for an academic course-book; apart from a basic lecture on the assumptions and the construction of that law, it presents ‘novelties’ for the first time. As law used to be changed relatively often, the book discusses the government’s justification of three bills that were to change the Act on Business Activities of 1988, the Act on Business Activities Law of 1999 and the Act on the Freedom of Business Activities of 2004 substituting the former one and the 2006 government’s assumptions of another amendment of the Act being scheduled as well as the assumptions of the Act amendment – the regulations introducing the Act on the Freedom of Business Activity. In addition to the text of the

Act on the Freedom of Business Activity that was in force, there are quotations of the planned changes juxtaposing the former wording of the regulations with the new one developed as a result of successive changes introduced by various Acts adjusting Polish law to the European Union one. The didactic aim of the new formula course-book is to give up a systematic and thorough characteristic of the whole legal regulation (typical of an old style course-book) on the assumption that it will be amended soon and will make the course-book out-dated. Instead, it demonstrates elements of the legislative process, the direction of legislative thought, the way changes are justified, the range of changes that were called for and finally the new law's conformity with the law of the European Union;

III. *Administracja Publiczna i Prawo Administracyjne w zarysie [Public Administration and Administrative Law Outline]*, collective work, ed.: Jerzy Kowalski, Mirosław Karpiuk, PWP IURIS, Poznań 2013, 469 pp.; an academic course-book developed as an initiative of the Head of the Faculty of Law and Administration of the Mazovian Higher School, i.e. my own initiative; including two chapters that I wrote: Chapter IV – Regional Self-Government and Administrative Law – Selected European Contexts, pp. 71-106 and Chapter XII – Legal Status of Public Administration Employees, pp. 265-296; the former synthetically presents the issues of regional self-government in the European Union and the Council of Europe (the Committee of the Regions, the European Charter of Local Self-Government, local self-governments international co-operation, the Council of Europe Convention on Cross-Border Regions Co-operation); social policy: social law of the Council of Europe and the European Union – the origin of the concept of social law in Europe, social legislature in the European Union and its axiological orientation; the right to good administration, a code of good practice in administration and the Europeanization of administrative law.

The latter presents the following issues: common employment law and administration employment law, labour code and employment pragmatics; different institutions than in common employment law; regulations specifying the status of public administration employees (apart from non-governmental administration), self-government employees, the idea of civil service: constitutional grounds and main statutory solutions; the present state of regulations.

IV. Jerzy Kowalski – *Становление и развитие конституционной государственности в Польше (историко-правовое исследование)*, Санкт-Петербург, Издательство Юридического Института, 2010 г. стр. 341, монография; (the title in Polish: *Powstanie i rozwój konstytucyjnej państwowości w Polsce – studium historyczno-prawne [The Formation and Development of a Constitutional State in Poland – historical and legal study]*, Publishing House of the Institute of Law in Sankt Petersburg, 2010, 341 pp., a monograph); reviewed by prof. A. M. Drozdova, PhD and prof. V. G. Bajev, PhD.

In the Russian literature, the 2010 work is a basic, up-to-date synthesis of the evolution of the Polish constitutionalism in the 20th century. It characterizes the Constitution of 1921 (the system of parliamentary democracy); the process of constitutional changes – from parliamentary democracy to the model of an authoritarian state; it presents the specificity of the Constitution of 1935 in comparison with the European tendencies; it creates a model of the Polish state different from a typical military junta and a totalitarian state (of a fascist or communist type). It discusses all the main political changes after 1944 and the stage of socialist constitutionalism, and next the evolution process from the socialist state to the model of a democratic rule of law state. It characterizes the Constitution of 1997 (systematics, axiology and basic principles, the system of state organs – powers and functioning rules). It also discusses the historical tradition: the influence of the European constitutional idea and the theory of the separation of powers on the conception of the Constitution of 1791, the first European written constitution.

V. Jerzy Kowalski, Valery Grigorievich Bajev – *Европейский конституционализм Германии и Польши (опыт историко-теоретического анализа)* - Санкт-Петербург, Издательство Юридического Института, 2011 г., стр. 690; монография; (The equivalent title in Polish: *Europejski konstytucjonalizm Niemiec i Polski – próba historyczno-teoretycznej analizy [The European Constitutionalism of Germany and Poland – an attempt to conduct a historical-theoretical analysis]*), Publishing House of the Institute of Law in Sankt Petersburg 2011, 690 pp., a monograph with 50% of my own input; reviewed by prof. A. G. Ajrapetov, PhD, prof. W. G. Miedviediev, PhD and prof. A. S. Tumanova, PhD.

The 2011 work is an attempt at a synthesis of constitutionalism in Germany of the 19th and 20th century (until 1933) and there is no equivalent work in Poland and Russia. It presents three groups of issues:

- (1) a reception of the Enlightenment ideology, discourse on natural law and positive law in the relation between a state and power (including F. Savigny's German Historical School of Law), a reception of a constitutional idea (influence of the revolutionary France) in the German political and legal thought of the 18th and 19th century, opinions about a state and law (including Kant, Fichte and Hegel) and conflict: tendencies of political liberalism vs. political and legal conservatism (including K. Haller);
- (2) the stages of political and constitutional changes: from absolute monarchies to constitutional monarchies, especially after the Congress of Vienna (1815-1830) (the states of German Confederation); the new constitutions of the period 1830-1848 – influence of the French Revolution of 1830; the process of German states unification (the role of Prussia) and the formation of the German Reich as a federation and an empire; the constitution of 1871 (a moderately democratic electoral system, the legislative powers, the executive – a chancellor system, a system of state organs, a legislative system and reform and legal positivism; the formation of the Weimar Republic and the constitution of 1919: a federation and a fusion of a parliamentary republic (the French model) with a presidential republic (the American model); a fall of the republic and the beginning of the fascist system;
- (3) a comparative outline of the stages of constitutional changes and the forms of the Polish state: at the same time and in the same part of Europe, there were different political processes, national awareness and constitutional solutions (Germany: from an absolute monarchy to a constitutional monarchy, an empire and a republic of a mixed character, and the beginning of a totalitarian state; in connection with Napoleon and the Napoleonic system: a dictator and an enemy of freedom vs. the 1813 campaign as a national war of independence; from state fragmentation to unification, from a confederation to a federation; Poland: from a noble class republic to a constitutional monarchy; a fall of state and independence; a quasi-state in the Napoleonic system, economic and military support of Napoleon and the 1813 campaign as the end of hopes for the revival of the Polish state, and after the Congress of Vienna a quasi-state in a state union with the Russian Empire; after 1918 – a parliamentary republic following the model of the French Third Republic with the dominating power of the

parliament, and further political and constitutional changes and their Polish specificity).

5.2. My further achievements are of a varied character: they are connected with a managerial – organisational non-academic scope (but they are connected with the scientific legal spheres) and with didactic academic work (Lazarski University in Warsaw).

A. The first scope: In 1993, I entered and won a competition organized by the Ministry of Justice for the post of Director - Editor-in-Chief of Państwowe Wydawnictwo Prawnicze [State-owned Legal Studies Publishing House] in Warsaw. The publishing house was in the state of financial crisis (debts), organizational and functional crisis (no publications whatsoever) and required taking radical action. I managed to conclude PLN 16 million worth debt-restructuring agreements before the Business Court in Warsaw. The debts were paid in due time as ruled by the Court so it means I managed to help the company make a full recovery; all the necessary changes and agreements with creditors resulted in the company's profitability.

In 1997, based on the decision of the Ministry of Justice and the Ministry of State Treasury, the company was involved in the process of privatization in compliance with the Act on Commercialization and Privatization of State-Owned Companies. As a result, a new entity was formed: a public limited company owned by two strategic stakeholders: a publishing house Butterworths (London) and Polish scientific publishing house PWN with the State Treasury as a stakeholder. Based on the decision of the Ministry of Justice, I was appointed liquidator of the state-owned company with the task to transfer the former company assets to the new public limited company; this job required a lot of organizational and legal efforts and developing many documents for both Ministries and the Council of Ministers (that was to take the final decision on the sale of the State Treasury stake to a foreign investor) and stakeholders. I managed to achieve all the tasks I was entrusted with and eventually I was appointed Director – Editor-in-Chief and Board member of the new company.

However, the achievement of an editorial success was most important; it was a basis for regaining the state-owned company's profitability and created advantageous conditions for privatization. The publishing house returned to the domestic market as a respectable editor of legal works. I succeeded to publish many works by outstanding Polish authors, which at present are recognized as classical in their category. They include a multi-volume edition of commentaries on the Civil Code (books I-IV); the Code of Civil Procedure – the Act text,

court decisions and literature on it (vol. I-II); a commentary on the Code of Civil Procedure (vol. I-III); the Family and Guardianship Code with a commentary; a commentary on the Criminal Code – part dealing with general issues; law on cooperative companies – a commentary on the amended regulations; a Latin-Polish Dictionary – Latin in science and culture; foreign exchange regulations – a commentary; and an original study: *Japonia: przestępczość na marginesie cywilizacji [Japan: Criminality on the Margin of Civilisation]*. The authors who were involved in these publications are e.g. Stanisław Rudnicki, Janusz Pietrzykowski, Kazimierz Piasecki, Jan Winiarz, Tadeusz Ereciński, Jerzy Ignatowicz, Andrzej Zoll, Zbigniew Ćwiąkalski, Kazimierz Buchała, Jerzy Pieńkos and Brunon Hołyst.

B. The second scope:

Successive organization and management of the College of German Law and the College of Russian Law are substantial signs of my success.

The College of German Law (part of the Faculty of Law and Administration) was brought into being by the authorities of Lazarski School of Commerce and Law in Warsaw in 2000; I was entrusted with the task of organizing and managing it. A two-semester cycle of classes (160 hours of lectures) conducted in the German language partly by guest law lecturers from the Federal Republic of Germany and partly by Polish specialists in German law from various academic centres. The programme objective was to acquaint students with the basic issues of some selected legal fields within the German legal system. The programme was supplemented with one-month internship (for 60 persons) I organized in co-operation with our German partners in various law enforcement institutions: two courts (Frankfurt am Main) and the State of Hesse Prosecution Office (Wiesbaden). Class participation, the internship in Germany and the final examination are connected with the knowledge of the German language. I managed the College for two academic years: 2000/2001 and 2001/2002.

The interest in the offer inspired the university authorities (2002) to bring into being the College of Russian Law (as a department); I was again entrusted with the task of organizing and managing it; I also developed the programme. The duties and the amount of organizational and administrative work in the two colleges clashed with each other and there was a change. Another person became Head of the College of German Law and I was appointed Head of the other one, which I continue to manage.

The Academic Law Institute operating under the auspices of the Institute of State and Law of the Russian Academy of Sciences in Moscow is our scientific and didactic partner based on an agreement on co-operation concluded in Warsaw on 5 December 2002. At

present, in the academic year 2013/2014, the ninth didactic cycle has started: it amounts to two semesters – a total of 130 hours of lectures conducted in the Russian language by the Academic Institute of Law professors. The program includes basic issues of Russian law in the field of constitutional law, civil law, court proceeding law, administrative law, banking law, tax law, domestic trade regulations in the Russian Federation as well as information on civil law, and administrative and arbitration procedures. The didactic programme also includes 2-hour Russian language classes before each lecture aimed at learning legal vocabulary of a particular legal field to be discussed during the lecture as well as one-month summer courses of the Russian language I organize in co-operation with Pushkin Russian Language and Culture Institute in Moscow.

The idea behind the College of Russian Law is to create a new educational offer (a more practical one) for all the students and graduates of the University whose professional career might be connected with economic (or other kind of) co-operation with Russia or even further: with work in various institutions of international co-operation in East-Central Europe, or even institutions of the European Union. The use of contemporary information technology in the didactic process is important in the College: every lecture by Russian professors is available on Lazarski University website. Up to now, a total of 406 persons have completed the courses of the College and have been awarded a diploma signed by the Provosts of the Academic Law Institute in Moscow and Lazarski University in Warsaw.

5.3 Didactic activity

In accordance with the programme of studies and within the employment in the above-mentioned higher education institutions, I have been conducting lectures and bachelor's and master's seminars in the field of: jurisprudence, the theory of law, the study of state, constitutional law and the European Union law. I have also been a supervisor of diploma theses developed by the students participating in my seminars: 85 bachelor's theses and 79 master's theses. I have also reviewed 351 diploma theses: 246 master's theses and 105 diploma theses written by post-graduate students.

This academic year, I am conducting lectures in the field of constitutional law, the theory of law and jurisprudence (Lazarski University).

I was involved in a very specific kind of didactic work – tutoring – with 18 students of the Higher School of Management (the Department of Law and Administration) in 2008-2010, and with 23 students of Lazarski University in 2010-2011, and I am involved in this

kind of work with 12 students of the 5th semester and 8 students of the 1st semester of the Faculty of Law and Administration this year.

In 2006-2012, I was invited by the Institute of Law in Sankt Petersburg to conduct lectures on constitutional law of the European Union countries and the European Union law – a cycle of lectures (30 hours each).

6. Organizational work in scientific institutions

In 2006, 2010 and 2011, I was a co-organizer (2006) and an organizer (2010 and 2011) of scientific conferences under the auspices of:

- The University of Information Technology and Economics (Warsaw) and the Mazovian University (Warsaw): “Dynamiczność warunkiem skutecznego zarządzania” [“Dynamics – a Condition for Effective Management”];
- The Higher School of Management (the Department of Administrative Law): a scientific seminar – “Jakość kształcenia w WSM” [“The Quality of Training in the Higher School of Management”];
- The Higher School of Management (the Department of Administrative Law): IV All-Poland Conference “Prawo, Społeczeństwo, Gospodarka” [“Law, Society, Economy”];

7. Participation in domestic and international scientific conferences

At the 2006 conference mentioned above, I made the opening speech *The Dynamics of Institutional Changes in the Common European Market*. The European Communities foundation treaties and the successive treaties were presented as a coherent treaty system developing dynamically with not only temporal ‘momentum’ but redesigning the system of the Communities’ and the European Union institutions in order to extend their powers and widening the range of common market operations, as a reflexion of the evolution of the European Union philosophy.

At the 2008 international conference organized by the Academy of Finance and Management in Białystok on “Relacje nowych krajów Unii Europejskiej z Federacją Rosyjską” [“The Relations of the New European Union Member States with the Russian Federation”], I made a speech *Polska – Rosja, Polacy – Rosjanie: w kręgu kulturowych i politycznych sprzeczności* [Poland – Russia, the Polish – the Russians: in the Sphere of Cultural and Political Contradictions], published in: *Relacje nowych krajów UE z*

Federacją Rosyjską (w aspekcie politycznym, ekonomicznym, kulturowym i społecznym) [The Relations of the New European Union Member States with the Russian Federation (political, economic, cultural and social aspects)], ed. Marek Rutkowski, Academy of Finance and Management, Białystok 2008, pp. 29-49. The main idea: various trends in public debate demonstrate the strengthening of the phenomenon of anti-Polish and anti-Russian sentiments as a basis for the present-day historical policy of the two states. It is built on a foundation of negative stereotypes that are present in the consciousness; they are based on historical experiences that are perceived and interpreted in a different way; and various forms of social transmission on a massive scale strengthen those stereotypes. The main role is played by different 'cultural codes' typical of both nations as a result of various directions in the historical and cultural development of the two states and their societies. It is the basis for the mutually different understanding of law (as *ius*), many legal categories in the field of law, politics, axiology, sociology, understanding of national imponderables, some categories are incomprehensible and untranslatable ideas for the Russians (e.g. a human being, common good etc.); it is a barrier to understanding and communication. The speech referred to the research programme conducted in the Polish Institute of International Affairs and was led by prof. Andrzej de Lazari: "Wzajemne uprzedzenia pomiędzy Polakami i Rosjanami" ["Mutual Prejudices between the Poles and the Russians"].

At an international conference in 2010 in Warsaw called "New Categories of Law" (organized by the Faculty of Law and Administration of Lazarski School of Commerce and Law in Warsaw and the Faculty of Law of the University of Bari, Italy), I made a speech *O niektórych tendencjach zmian w prawie polskim [On Some Trends in the Changes in the Polish Law]*. It discussed some selected issues: changes in civil and criminal law introduced under the influence of information technology (law on the Internet, law on computer use, issues connected with the idea of e-society and e-administration, copyright and related laws and the implementation of the European Union law in these areas); evolution of public law – the law on foreigners (the influence of the standards of international law, especially the European Union one – the Schengen *acquis*), it presented the stages of amending a law due to international agreements and the stance of the Constitutional Tribunal, the Supreme Court and the Supreme Administrative Court on the status of a foreigner in compliance with human rights; generally, it highlighted the permanent process of 'Europeanization of Polish law' in its various fields; it also discussed the successive stages of the debate in philosophy and the theory of law – a comeback of the issues of natural law and a democratic rule of law state; in the field of law on medicine – taking into consideration a patient's autonomy and rights and

consent for medical treatment or from the field of bio-ethics (e.g. a legal status of a pre-embryo and persistent life-sustaining treatment). In administrative and public law – persistent and ineffective definitions of the category of ‘supervision’ (also in connection with ‘control’); there are so-called seeming logically false definitions in accordance with a stereotypical scheme ‘x is ...’ (which lacks sense), irrespective of the principles formulated in the classical theory of definitions and terms (T. Kotarbiński and K. Ajdukiewicz), which Roman Suwiński proved in the 2004 analytical study “O definiowaniu nadzoru...” [“On Defining Supervision...”]. It also discussed the attempts to create new fields of law: police law and bio-law, the later in accordance with prof. R. Tokarczyk’s concept of formulating a new area of jurisprudence called bio-jurisprudence. In the field of science: the renaissance of Roman studies not only in their classical, traditional formula (the history of Roman law and its institutions); main trends in research – contemporary importance of this law to civil law, legal dogma, as a foundation for *ius commune* of Europe, legal maxims in court rulings of the Supreme Court and the Constitutional Tribunal, statements made by the Polish Ombudsman, and instead of the category of ‘a principle of social intercourse’ – a call for restoration of the category of *boni mores*.

In 2006 – 2013, the Russians invited me to take part in their conferences and make speeches (in Russian) on topics they were interested in. They were as follows:

- 2006 - *Constitutionalism of the Republic of Poland – Constitutional Tradition and Present State* (Conference “Individual, Law, State – History, Theory, Practice”), the Institute of Law in Sankt Petersburg; it discussed a changeable character of the 18th - 20th century constitutions and their European context, the changes in the form of state in international relations in the 19th century, basic principles of the Constitution of the Republic of Poland of 1997: Preamble and Chapter I;
- 2007 – *Administrative Business Law in the Time of Transformation in the Republic of Poland* (Conference “Administrative Law at National Economy Service – Theory - Practice”), the Institute of Law in Sankt Petersburg; it discussed the process of changes in legal forms of property in the transformation from socialist economy to a liberal concept of market economy and the freedom of business activity; in this context, it showed the principles of the regulation of public and private entities’ activities and the powers of administration in the economic system;
- 2007 – *Cultural Traditions of Legal Education in Poland: Practice and Intellectual – Moral Context* (Conference “Education, Economics, Law – Tradition and

Innovation”), Moscow Institute of Economics and Linguistic in Moscow; it discussed: the present system of education in Poland in the field of law; the tradition of legal education in Poland from Middle Ages to 1939; a permanent link with the European legal thought; the role of Polish scholars – lawyers in the creation of a modern legal system in Poland after 1918 when Poland regained independence; the issues of training and the justice system’s activities in the area of ‘legal culture’: intellectual and moral dimensions; outstanding scientists who were models to follow, intellectual and moral authorities;

- 2008 – *Too Much Law in the Polish Economy?* (Conference “The State and Economy in the Contemporary World”), the Ministry of Justice of the Russian Federation – the Kaluga Branch, Kaluga; it discussed contradictory tendencies: on the one hand constitutional adoption of a free market model of economy in general, the conception of economic freedom with an idea of eliminating excessive legal regulation, which limits that freedom (as a barrier to the development of entrepreneurship), the projects of which were developed in various government committees, and on the other hand the tendency to strengthen the role of the state in the economy by new administrative regulations;
- 2008 – *The System of State Organs in the Republic of Poland – Some Functional Problems* (Conference “Optimisation of Legislative Process; Theoretical and Practical Questions”), the Institute of Law in Sankt Petersburg; it discussed the insufficiencies of constitutional regulations in the context of the tripartite separation of powers; only the organs of the legislative branch are thoroughly characterized (powers and the rules of their functioning); in the case of the executive power, many of its elements were omitted (e.g. Prime Minister, the status of Deputy Prime Minister, a minister without portfolio); the presidency model raises interpretational doubts; various constitutional organs of law enforcement do not fit in the model of tripartite system of the separation of powers; the functions of individual types of power are not properly distributed, they overlap (e.g. the President’s influence on the justice system as he appoints judges, another issue: the Minister of Justice being also the Public Prosecutor General); Public Prosecution as an organ of the state does not exist in the Constitution (there are numerous suggestions that it is necessary to change the situation); administrative courts interfere in the state organs’ activities; the Constitutional Tribunal plays an additional role of a ‘positive legislator’; these are selected issues discussed in the doctrine;

- 2013 - *The Preamble to the Russian Constitution* (Conference “Russian Constitutionalism – Theory and Practice – on the 20th Anniversary of the Constitution of the Russian Federation and 65th Anniversary of the Universal Declaration of Human Rights”), the Institute of Law in Sankt Petersburg, M.M. Spernacki Department of Law of the Russian Presidential Academy of National Economy and Public Administration in Moscow, Inter-Regional Association of the State and Law Theoreticians (conference venue: the Institute of Law in Sankt Petersburg); the text published in *Юридическая мысль* № 5/2013 *Юридический Институт, Санкт Петербург*. Against the background of the European tradition of preambles, key differences were characterised - or rather a distinction between the content of that preamble and the content of constitutional preambles adopted by the countries that came into existence as a result of the collapse of the socialist block; the differences exist mainly in the axiological layer – in the case of those states a very elaborated one, mainly referring to domestic historical-cultural traditions, independent statehood, religious tradition, democratic and humanitarian values (human rights); however, in the case of the Russian Federation – although the preamble is totally deprived of ideology (in comparison with the former constitutions), its axiological layer is reduced to general formulas regarding ‘general human values’ (peace, justice, good), without special reference to democratic-liberal values, a democratic rule of law state and the historical-cultural layer is almost absent. Based on Russian literature, it was shown that a short preamble is just formal, no real importance is attached to it and, as a result, it cannot be treated as an ideological foundation of the new constitution;
- 2013 – *Russian Declaration of Rights and Liberties of Man and Citizen* (Conference “Russian Constitutionalism; Theory and Practice, Part II – on the 20th Anniversary of the Constitution of the Russian Federation and the 65th Anniversary of the Universal Declaration of Human Rights”; the organizers and venue as above): a characteristic of the document of 1991 adopted by the Russian Supreme Soviet when B. Yeltsin was President; for the first time in Russia, there was a reception of international standards of the rights of man and citizen, the document adopts the standards of these rights protection and for the first time in Russia, it refers to the concept of a democratic rule of law state. The provisions of the Declaration were transferred to the Constitution and the legislature of the Republic of Russia and then to the Constitution of the Russian Federation. Thanks to that, the Constitution is (formally) comparable to the constitutions of the democratic states in Europe.

Other:

Since 2008, I have been Editorial Board member of a quarterly "Biuletyn Naukowy" ["Scientific Bulletin"] published by Orel State University, Russia.

In 2013:

- I was appointed Editorial Board member of a scientific monthly "Legal Thought" (Juridyczeskaja Mysl), (editor: the Institute of Law in Sankt Petersburg); the journal recommended by the Higher Attestation Commission (VAK) for awarding scientific degrees of PhD and a higher doctoral degree (habilitation) of legal sciences in the Russian Federation;
- the Institute of Law (Sankt Petersburg) awarded me a diploma in acknowledgement of my didactic work and scientific co-operation.

