Załącznik nr 3

Andrzej Adamczyk, PhD
Institute of Law, Economics and Administration
Faculty of Law, Administration and Management
Jan Kochanowski University in Kielce

Statement of Professional Accomplishments

1. Name and surname

Andrzej Adamczyk

2. Degrees and academic titles

I graduated from the University of Wrocław Faculty of Law, Administration and Economy (uniform master-level programme) in 2000. My Master's thesis titled *The creation of sole shareholder company with limited liability* was written under the supervision of Krzysztof Górnicz, PhD. I obtained the Master's degree diploma on 26 July 2000. Immediately following my graduation I started my PhD programme (a full-time doctoral programme) at the University of Wrocław Faculty of Law, Administration and Economy (Certificate of the PhD programme completion issued on 24 October 2006).

In 2006, I defended my doctoral thesis titled *Political System of Turkey in the Period 1918-1939*, the academic supervisor of which was Edmund Klein, Habilitated Doctor, Professor at the University of Wrocław, while Professor Tadeusz Maciejewski (University of Gdańsk) and Leonard Górnicz, Habilitated Doctor, Professor at the University of Wrocław, were its reviewers. I received a PhD degree (Doctor of Law) by a resolution of the Board of the University of Wrocław Faculty of Law, Administration and Economy of 23 October 2006.

In the academic year 2005/2006, I finished post-graduate studies in the field of economic and legal translation from the English language at the WSB University in Wrocław. I obtained Certificate in Advanced English (CAE) in 2003.

3. Information on my academic employment history

I have worked as an Assistant Professor in the Institute of Law, Economics and Administration at the Faculty of Law, Administration and Management of the Jan Kochanowski University in Kielce since 25 February 2008. I take an active part in the university life, being member of its collective agencies (the Board of the Faculty of Law, Administration and Management since 2012, the Board of the Institute of Law, Economics and Administration since 2012, the Statutory Commission since 2014).

In the period from 25 Febraury 2007 to 28 February 2008, I worked as an Assistant Professor at the Edward Lipinski School of Economics and Administration in Kielce.

4. The accomplishment resulting from Article 16 §2 of the Act of 14 March 2003 on academic degrees and titles and degrees and titles in the Arts (consolidated text: Journal of Laws of 2017, item 1789)

I submit ***Niemiecki model odpowiedzialności odszkodowawczej władzy publicznej na przełomie XIX i XX wieku*** [*The German model of compensatory liability of public authority*

in late nineteenth century and early twentieth century], the Publishing House of the Jan Kochanowski University in Kielce, Kielce 2017, a monograph on the history of law, as a basic scientific achievement within the meaning of Article 16(1) of the Act of 14 March 2003 on academic degrees and titles and degrees and titles in the Arts (consolidated text: Journal of Laws of 2017, item 1789), constituting the basis for applying for the habilitation degree in legal sciences. The publication was reviewed by: Professor Danuta Janicka (Nicolaus Copernicus University in Toruń) and Andrzej Szymański, Habilitated Doctor (University of Opole). The monograph discusses two German statutes: the Prussian Statute of 1 August 1909 on the liability of the State and other unions for the breach of official duty by an official in the exercise of public authority and the German Reich Statute of 22 May 1910 on the liability of the Reich for its officials. They governed the liability of the State (Reich) and other public-law entities for damage caused by unlawful acts or omissions of officials in the exercise of public authority. Therefore, they concerned acts performed in a sovereign capacity and as such complemented the German Civil Code (BGB), which introduced only the liability of legal persons (including legal entities governed by public law) for acts performed in a proprietary capacity. Therefore, the monograph addresses mainly the liability of public-law entities for sovereign acts, although the examination of the provisions of BGB on the liability of legal persons was also required for analytical purposes. The aforementioned statutes are considered to be of vital importance in the evolution of compensatory liability of public entities. According to Jan Kosik, they constitute 'high achievements in the development of the State's liability'. Although the Prussian Statute was among those adopted late in the history of the German Reich, its significance was incomparably greater than that of other Land statutes due to its territorial extent. In addition to the overall value associated with the undisputed weight of the legal solutions adopted in the aforementioned statutes to promote the protection of an individual against acts of public authorities, the subject addressed herein is also important from the Polish perspective. Namely, the German statutes were in force until 1950 in the former Prussian Partition lands. While, due to the adopted timeframe of the analysis, the monograph does not go beyond the interpretation and application of the liability statutes in the German context, it offers an opportunity to address the question of their application by Polish courts after 1919 and to compare the practice of Polish courts with that of German courts.

The aim of the research, which is based on legislative materials, interpretations of the legal doctrine and jurisprudence of the Reich Tribunal until entry into force of the Weimar Constitution of 1919, is to present the genesis and essence of the model of compensatory liability of public authorities in Prussia and the German Reich, as well as to analyse the impacts of linking that liability to the construct of the liability of an official as laid down in Section 839 BGB. The adopted timeframe is justified by the fact that the Weimar Constitution clarified the legal situation in the field of compensatory liability of public authorities for unlawful acts of officials throughout the entire territory of the Weimar Republic by repealing many of the provisions of the Prussian Statute and the Reich Statute. In this way, it put an end to the evolution of the idea of compensatory liability of public authorities in the Lands and initiated a new period in which the constitutional principle of compensatory liability as laid down in Article 131 of the Constitution of 1919 came to the fore.

The implementation of the intended research goals required reliance on various sources. These were, first of all, normative acts and the case-law of the Reich Tribunal from the period of 1900–1919 concerning the application of the BGB, the Prussian Statute of 1909 and the Reich Statute of 1910. The transcripts of the sessions of the Prussian Chamber of Deputies and the Reichstag were studied to determine the reasons for basing compensatory liability of public entities on the liability of officials as laid down in Section 839 BGB. In the latter case, the legislative process on bills for the mortgage ordinance and the statute on

compensatory liability of the German Reich was analysed. The German legal literature, in particular monographs on the Prussian Statute, the Reich Statute and the BGB, including its implementing provisions in Bavaria, Baden and Württemberg that contained similar arrangements, as well as – though to a much lesser extent – the Polish literature of the interwar period that addressed the issues in question due to the fact that the German regulations remained in force in the former Prussian Partition lands, were of key importance in identifying legal problems. The subject was also discussed in the German legal periodicals.

This habilitation thesis seeks to prove the numerous theses concerning both the genesis and essence of the model of compensatory liability of the State and other public-law entities as laid down in the aforementioned German statutes, as well as to determine the consequences of anchoring that model in Section 839 BGB.

The following theses were adopted with regard to the genesis and essence of the liability model:

1. Due to doubts as to whether a relationship arising as a result of damage caused by an official acting in a sovereign capacity should be classified into the category of private or public-law relationships (such doubts reflecting doctrinal disputes on whether this issue should be addressed within the framework of private law or public law), the federal legislator decided that the issue in question should be left outside the scope of regulation of the BGB. As a consequence, compensation for damage caused by unlawful acts of officials acting in a sovereign capacity was regulated by means of special statutes.

2. Transfer of the official's liability as laid down in Section 839 BGB onto a public entity under the compensatory statutes made it possible to preserve the doctrinal distinction between liability for acts of officials performed in a sovereign capacity and liability for acts performed in a proprietary capacity, as well as to reconcile the need for the legal protection of injured parties with the public-law concept of the State being incapable of acting unlawfully.

As regards the consequences of linking the liability of public entities with the liability of an official as laid down in Section 839 BGB, the following theses were formulated:

1. By linking the liability of public entities with the liability of an official as laid down in Section 839 BGB, the lawmaker avoided creating a separate model of liability of public entities, although such model had been advocated in the German legal doctrine of the nineteenth century.

2. Reliance on Section 839 BGB as a basis for compensatory liability of public entities allowed the lawmaker to frame the indemnity obligation of those entities within the limits of the liability of an official; however, due to abstract legal concepts, those limits were not clearly defined.

3. The lawmaker's choice of a concept of shifting the official's liability to a public entity, which required a combined reading of the Prussian Statute (the Reich Statute), Section 839 BGB (as well as other regulations related to it) and Article 77 of the BGB Introductory Statute, opened up wide possibilities for interpretation of the aforementioned normative system, including an interpretation that resulted – contrary to what the lawmaker intended – in restricting the scope of the public entity's liability. In particular, disputes regarding the interpretation of a relation of Section 839 BGB to other provisions on tort liability, especially Sections 823 and 826 BGB, as well as the problem of a relation of Section 839 to Section 276 BGB on contractual liability, could undermine the pursuit of the goal of the compensatory statutes, which was to limit liability solely to public entities (and thus protect officials from being sued by injured parties).

The search for an answer to the question why the German legislator chose a model of transferring the official's compensatory liability to public entities, and what consequences this gave rise to in terms of the limits of liability of those bodies, required analysing numerous issues that went beyond the interpretation and application of the laconic provisions of the

1909 Statue (eight sections) and the 1910 Statute (seven sections). First of all, this concerned the provisions of the BGB on compensatory liability for unlawful acts of officials, in particular Section 839 BGB. The consideration of the prerequisites of that liability, as well as of a relation of Section 839 to Sections 823 and 826 BGB and the provisions on contractual liability, is directly linked to the limits of compensatory liability of public-law bodies as introduced by the 1909 and 1910 statutes, because it determines the subjective and objective scope of the liability being transferred, which is only slightly modified by specific provisions of the aforementioned statutes. The normative system that underlies these considerations rests also on: Article 77 of the Reich Statute of 18 August 1896 introducing the German Civil Code (EG BGB), Section 12 of the Reich Statute of 24 March 1897 – Mortgage Ordinance for the German Reich, the Prussian Statute of 11 May 1842 on the admissibility of court action in relation to Police orders and the Prussian Statute of 13 February 1854 on conflicts arising in connection with court proceedings regarding official and business matters.

Moreover, the applied comparative method required studying all the legal acts of the Lands on compensatory liability of the State and other public authorities for damage caused in a sovereign capacity, dating from 1899–1919. Article 131 of the Weimar Constitution of 11 August 1919 was also of vital importance.

The adopted construct of the State's compensatory liability, whereby the official's liability as laid down in Section 839 BGB was assumed by public entities, necessitated an analysis of the prerequisites and scope of the official's liability in Chapter I. An important task in this regard was to determine the place of Section 839 BGB in the system of tort liability; this was done by analysing the relationship between Sections823 and 826 and Section 839 BGB. The relationship between tort liability and contractual liability was another issue of importance for achieving the research goals. The findings in Chapter I were based on the doctrine, the case law of the Reich Tribunal from 1900–1910, and working materials on the BGB.

Chapter II addresses the doctrinal aspects of compensatory liability of public entities. The considerations contained therein identify discrepancies in jurisprudence regarding, firstly, the need to introduce the principle of compensatory liability for acts performed in a sovereign capacity, and, secondly, the classification of that liability into private or public law. They also allow one to see a context in which the first legal acts were adopted in this field at the level of the German Reich and the Lands, as well as to draw conclusions as to whether the solutions adopted in the Prussian Statute of 1909 and the Reich Statute of 1910 corresponded to some concept of compensatory liability represented in the legal doctrine.

The legal dogmatic aspect is addressed in Chapter III. A detailed analysis was carried out of Section 12 of the Mortgage Ordinance of the Reich of 1897, which was the first legal act in which the official's compensatory liability was replaced by the State's liability, and of the Bavarian statute implementing the BGB of 9 June 1899, which was the first Land statute in which liability was shifted to public entities. These statutes became points of reference for the remaining Lands of the German Reich, as well as for the German Federation itself, which did not resign from the solution adopted in the Mortgage Ordinance of 1897 and enshrined it in the 1910 Statute. In order to correctly address legal problems that arose in connection with the Prussian Statute and the Reich Statute, it was necessary, first of all, to determine the purpose of the particular provisions of those statutes. This was possible by reconstructing the intent of the historical lawmaker through an analysis of the bills and the legislative process in the Prussian Parliament and the Reichstag. The second task was to determine the limits of the law-making freedom of the Lands with reference to compensatory liability of public entities for the acts of officials performed in a sovereign capacity; this required clarifying the purpose and content of Article 77 EG BGB.

An alternative approach to compensatory liability of a public entity for acts of its officials performed in a sovereign capacity, which is related to Section 31 in conjunction with Section 89 BGB, as well as the reasons for limiting the applicability of these provisions to a proprietary capacity, are an important aspect of the considerations contained in Chapter III.

Chapter IV is devoted to a dogmatic analysis of the provisions of the Prussian Statute of 1909 and the Reich Statute of 1910. It addresses the basic effects of shifting the official's liability under Section 839 BGB to a public entity and the subjective scope of compensatory liability arising from the specific regulations of those statutes.

Chapter V discusses the particularly disputed legal issues triggered by the incorporation of provisions on the assumption of compensatory liability by public entities into the tort system of the BGB. The way in which these issues were addressed determined the scope of compensatory liability of public entities. The term 'in the exercise of public authority' as used in the compensatory statutes determined the scope of acts and omissions of officials that were subject to compensation under the regime provided by these statutes. The distinction between sovereign and non-sovereign acts and the determination of prerequisites for the recognition of an official's act as an official act were disputable in this context. The limitation of the liability assumed by a public entity to that arising under Section 839 BGB brought to the fore the problem of the official's liability stemming potentially from another legal basis and could result in limiting the liability of public entities or even in it being shifted back to the official. The situation where a public entity stepped into the procedural position of an official enabled that entity to raise a claim of so-called conflict, which made it difficult for injured parties to seek compensation in court. The latter restriction concerned only the Prussian Statute. Various attempts to resolve the disputed issues determined the scope of a public entity's liability for an official's unlawful act.

Disputes about the nature of liability and whether to classify the legal relationship resulting from an official's unlawful act into the category of private or public-law relationships, as well as the duality of public-law persons and the ability to act as an economic entity and an entity of superior authority, mounted an enormous challenge before the federal lawmaker in drafting the German Civil Code. A negative decision in this respect was influenced by the concepts represented by public-law actors. Those who advocated the State's liability for acts performed in a sovereign capacity, the first of whom was Burkhardt Wilhelm Pfeiffer, took a view that the issue in question fell within the bounds of public law. This view was shared by representatives of the science of public law, who – from the perspective of legal positivism – disputed the State's liability due to the lack of a legal basis. In accordance with the concept that the State was incapable of acting unlawfully, which found strong support in the doctrine of public law, unlawful acts of public authorities were not considered, from the legal viewpoint, to be acts of the State but acts of private persons that could not be contributed to the State (see e.g. Robert von Mohl, Eduard Wippermann, Lorenz von Stein, Edgar Loening, Rudolf von Gneist, Otto von Sarwey, Johann Caspar von Bluntschli, Paul Laband, Carl Friedrich von Gerber, Georg Jellinek, Wilhelm von Krais, Conrad Bornhak, Robert Piloty, Gerhard Anschütz). In such cases, officials and public authorities acted outside the scope of their official mandate. Under this approach, the State's liability was only made possible by the formula of taking over the official's obligation. As the science of the State was dominated by positivist thinking in the second half of the nineteenth century, it was a matter of the politics of the law whether the State should take over the official's liability. This could not stem from the essence and concept of the State or its relation to the citizen.

Moreover, a view was held in Prussia that the liability of the State was excluded due to a strict distinction between two State actors: the sovereign acting in a sovereign capacity, over which courts could not exercise control, and the owner of public property (*fiscus*), which was subject to court jurisdiction in civil-law disputes. The State as an authority could not be a

bearer of civil-law rights and obligations and was not capable of tort, and the liability of the State Treasury (*fiscus*) was unthinkable because it was like a third party in relation to the State.

The nineteenth-century public-law concepts of State liability were based on the attribution of unlawful acts of officials to the State. The State was directly liable for the damage caused to a third party by unlawful acts of its officials. At the basis of the State's responsibility lay a public-law relationship between the State and the individual. The State's liability (*Staatshaftung*) and the official's liability (*Amtshaftung*) were independent of each other – and a claim raised against the State was not identical with that raised against an official. The State's liability did not replace the liability of an official on whom the indemnifying obligation rested in the first place.

At the end of the nineteenth century, civil law had replaced public law as the dominant grounds justifying the State's liability. Before 1870, the view of the State's compensatory liability in the context of the general theory of organs did not find many supporters. The first of them was Hans Dreyer. The approach he advocated grew steadily in importance (Otto von Stobbe, Bernhard Windscheid) and, as a result, towards the end of the nineteenth century, civil-law representatives became predominant among supporters of the State's compensatory liability, who viewed it in the context of the legal person's tort capability. Civil-law representatives rejected the thesis of the special public-law nature of the State's liability for unlawful official acts, regarding that liability as a purely civil-law claim arising from public-law events. The point of departure was the theory of representation (theory of organs), which was most fully presented by Otto von Gierke in the context of his theory of associations. He, too, assumed that the legal person was capable of tort and believed that the torts of organs, i.e. all persons acting on behalf of a legal person, created a direct obligation for that legal person. The organs acted as the extended arm of the union and did not present themselves outside as separate entities. Unlawful acts of organs were acts of the union because the authorisation of organs did not come from a power of attorney. A legal person had the same tort capacity as a natural person. The scope of tort capacity is determined according to the rules regarding the corporation's ability to take legal action. Therefore, unlawful acts or omissions of organs were regarded as acts and omissions of the corporation itself when the body had acted within its competence. Any act that went beyond the competence of the body was the responsibility of the office holder. The above rules applied to the State without any limitations.

According to Otto von Gierke, the State must be held liable if the damage was caused by the exercise of public authority, because the individual has the right to assume that the official acted within the limits of his competence. This results from the essence of the legal person as a real being and does not require any statutory recognition. Therefore, Gierke called into question the nineteenth century's distinction between the sovereign and proprietary capacities (as well as the corresponding compensation regimes) and he regarded as outdated and useless the opposition of the fiscus versus the sovereign. In his opinion, the legal assessment of the nature of the claim could not be influenced by the fact that the official was acting in a sovereign capacity.

The realisation of the theory of bodies in relation to acts of sovereign authority was very problematic due to the concept of the State being incapable of acting unlawfully. The authors of the BGB recognised the issue of compensatory liability of public authorities to be strictly linked to the public law of the particular Lands and limited the application of Section 31 in conjunction with Section 89 BGB to civil-law acts, leaving the regulation of compensatory liability for sovereign acts to the discretion of the particular Lands (Article 77 EG BGB). The recitals to the BGB point out that the State's compensatory liability as laid down in Section 46 (which became Section 31 BGB in the final editorial process) in conjunction with Article 63 (Section 89 BGB) was limited to acts performed by an official in

the exercise of powers stemming from civil-law relations. An argument is recorded in the minutes of the second commission that injured parties would be provided with the fullest protection if the State took over the official's liability. However, the close association of that solution with public law did not allow it to be adopted as part of the all-German codification of civil law. In this situation, the broadest possible protection could be offered to injured parties only by means of appropriate solutions regarding the liability of officials. The recitals to EG BGB state that the State's obligation to make good the damage caused by officials acting in a sovereign capacity must be defined as a civil-law obligation but, as it is so closely related to the public law of the particular Lands, it must be subject to statutory regulation at that level. The memorial to the Civil Code went much further, regarding the matter of the State's compensatory liability for acts or omissions of officials acting in a sovereign capacity to be subject to public-law regulation, which should be left within the discretion of the German Lands. As a result of the doubts raised, the BGB bills did not regulate the compensatory liability of the State, leaving the issue to the discretion of the Lands. Attempts to introduce the State's compensatory liability for acts performed in a sovereign capacity during the work on the code in the Reichstag were unsuccessful.

In the light of the BGB, the liability for sovereign acts rested solely with officials in accordance with Section 839 BGB, which can be regarded as a substitute for the liability of the State and other public authorities for unlawful sovereign acts that was not guaranteed by the law of the German Reich. In fact, the BGB solely validated what the dominant trend in science and jurisprudence considered to be indisputable: the need for separate treatment of the State's liability for sovereign and proprietary acts. Consequently, Article 77 EG BGB excluded the applicability of Sections 31 and 89 BGB to unlawful acts performed in the exercise of sovereign power, leaving that matter to be statutorily regulated by the particular Lands.

The laws that followed the adoption of the BGB introduced direct liability of public entities for damage caused by unlawful acts of officials acting in a sovereign capacity. These were the Mortgage Ordinance of the Reich of 24 March 1897 and the Bavarian act implementing the BGB of 9 June 1899. In the Lands, which were not familiar with the principle of liability for defective sovereign acts, two solutions were proposed: expanding the applicability of Section 31 in conjunction with Section 89 BGB to acts of public authority or transferring liability under Section 839 BGB to public entities similarly to the Bavarian Act and the Mortgage Ordinance of the Reich.

The former solution was proposed by Otto von Gierke and was discussed at the 28th Congress of German Lawyers in Kiel in 1906. Significant charges were raised against it. Namely, it was noticed that the liability of a legal person under Section 31 BGB would be limited to acts and omissions of a narrow circle of entities (organs and deputies of a legal entity), which – in relation to the State – would translate into its liability for certain categories of officials only. According to Rudolf von Herrnritt, the recognition of acts of a body as acts of a legal person does not prejudge the question of whether and on what conditions that person bears liability. This charge was fully justified in the light of Section 31 BGB that held a legal person liable for 'acts giving rise to the obligation to make good the damage', which were set out elsewhere, for example in the provisions regarding tort liability. In contrast to Section 278 BGB, in which the general principle was laid down of the debtor's liability for the fault of his deputies and assistants in fulfilling the obligation, Section 31 BGB did not introduce a prerequisite of fault or – unlike in the case of liability regulated in Section 831 – a prerequisite of unlawfulness of an act. It was only necessary that the official's act was such as to oblige him to make good the damage. The doctrine did not consider whether extending the scope of Section 31 BGB to include acts of public authority would be optimal for the State and injured parties. The application of Section 823 or Section 826 BGB in conjunction with

Sections 31 and 89 BGB was not analysed from the perspective of the State's liability. The application of Section 839 BGB to acts of legal persons was controversial in this context and eventually this issue was decided unfavourably by the Reich Tribunal. At the same time, according to Rudolf von Herrnritt, Gierke's proposal too narrowly recognised liability as fault-based. On the one hand, it is often impossible to prove the fault of an organ because of the vast administrative apparatus, and on the other, there are acts of the State which may give rise to damage without being culpable. According to Otto Mayer's concept, the fact that the State embodies the idea of justice and its organs are to serve that idea offers a uniform basis for the State's liability. Acts of public authority that are contrary to that idea should enable making good the damage if they have caused it. This is due to the fact that unlawful acts are a contradiction of the idea of justice.

The second proposal to regulate compensatory liability of public entities did not stem from the doctrine but was introduced by a legislative act: the Mortgage Ordinance of the Reich of 1897. The model of shifting liability under Section 839 BGB to the State was subsequently adopted by Bavaria, Baden, Württemberg, Reuss Younger Line and Saxe-Coburg-Gotha in 1899. An impulse for the statutory regulation of the State's compensatory liability in other states of the German Reich was provided by the Congress of German Lawyers in Kiel in 1906, at which the following resolution was unanimously adopted: '(...) it is urgent that the direct liability of the State and other legal persons governed by public law for damage caused by their officials in the exercise of the public authority entrusted to them be established as a principle by a Reich Statute.' In 1908, Oldenburg joined the rank of Lands in which the principle of direct liability of the State applied. The construct of direct liability of public entities rejected other models of subsidiary liability (introduced in Hesse, Alsace-Lorraine, Saxe-Weimar, Schwarzburg-Sondershausen and Reuss Elder Line) and joint and several liability of the State and the official (known in Saxony and the Prussian province of Rhineland). Therefore, by adopting the construct of transfer of the official's liability under Section 839 BGB, Prussia in 1909 and the German Reich in 1910 relied on the solution already in place in many Lands of the Reich. Moreover, as far as compensatory liability for faulty acts of mortgage officials was concerned, this particular construct was used in all the Lands of the Reich thanks to the Mortgage Ordinance of 1897.

By shifting a claim against an official to the State (*die Haftungsverlagerung*), a form of the State's liability was introduced into German law that had not been previously promoted either by science or by case law. The leading argument in favour of such shift was the desire to, on the one hand, enable those injured by acts of public authority to seek compensation from a debtor that was always solvent and, on the other hand, protect an official and thereby the public interest by ensuring the efficient operation of public authority. The option of pursuing recourse claims against a culpable official dispelled the fears of those who were concerned by the shift of compensatory liability to public entities would weaken the sense of responsibility among officials. In Prussia, another purpose of the Act was to unify the existing legal framework of compensatory liability throughout its territory.

The choice of the liability model by the Prussian and federal legislators should be regarded in the context of views prevailing in the doctrine of public law. The adopted solution made it possible to reconcile the construct of compensatory liability with the theses of those supporting the concept of the State's inability to act unlawfully and the fiscus theory. With reference to those theses, it was assumed that the official's conduct outside the scope of his authority would give rise to his own liability and the State's liability was only made possible by the formula of taking over the official's obligation. The doctrine's subsequent interpretation of the solutions of the Prussian Statute in the spirit of the theory of bodies was only an alternative justification of liability from the civil law perspective. Furthermore, the

chosen legal construct allowed the preservation of the separate regimes of liability in the sovereign and proprietary spheres, as postulated by public-law actors from the 1820s.

The fact that the indemnification obligation fell on the State within the limits of the official's liability could also be considered an advantage of that choice. It suffices to mention the limitation of consequences of damage caused by an intentional act based on the criterion of the purpose of the violated norm, the need for the injured party to prove that he could not seek compensation in another way (in the case of the official's unintentional fault), the broad interpretation of the term 'means of appeal' under Section 839 BGB, or a public-law understanding of the term 'official'. While the terms used in Section 839 BGB were not unambiguous, raised serious interpretative doubts and made the injured party excessively dependent on the discretion of the court in applying the legal norms contained therein on an *ad casum* basis, the alternative solution involving the extension of Section 31 in conjunction with Section 89 BGB to cover sovereign acts appeared to be rather unspecific with regard to the limits of the State's liability.

In the light of the adopted principle, the official was released from the liability he was to incur under Section 839 BGB and was replaced by a public entity. Public-law entities did not, however, take over liability for the damage caused by officials in connection with the performance of official acts or liability of officials regulated in other legal provisions. The consequence of such assumption of liability was that the public entity was liable to the same extent (with the exception of Section 1(2) of the Prussian Statute and Section 1(2) of the Reich Statute) and subject to the same prerequisites as those applicable to the official. The State's compensatory liability was therefore limited by the principle of fault of its officials. The State was liable for every degree of fault of the official. The entity's compensatory liability was based on an infringement of the law in the exercise of public authority.

The linking of the State's compensatory liability with the prerequisites of Section 839 BGB had the effect of making the State liable solely for acts of officials and not of persons performing public functions without enjoying the status of an official, such as jurors and lay judges. As a result, the law treated different categories of judges differently. In the matters falling under Section 839(2) BGB, the State bore liability in place of a judge of the criminal court. However, the State was not responsible at all for jurors and lay judges because they were not officials in the light of the BGB and the compensatory statutes. They were personally liable towards injured parties under Section 823 BGB, a provision much more restrictive than Section 839 BGB, as it did not differentiate legal consequences depending on the degree of the official's fault. The limitations of the official's liability under Section 839 BGB applied likewise to the public entity. The entity's liability was direct in the case of an intentional infringement of an obligation and subsidiary if the infringement was unintentional. The entity would bear liability only if the injured party was unable to seek compensation in a different way. Cases in which compensation could be obtained 'in a different way' included, for example, the unjust enrichment of a third party through a harmful act of an official or the existence of a guarantor. The public entity could raise all of its own pleas against the injured party in the compensation process, such as the offsetting of its own claims or the statute of limitation. However, since the entity was liable 'in place of' the official, it could defend itself by means of all the pleas that would have been available to the official if liability had not been taken over. The application of the BGB rules determining the group of persons entitled to compensation and the manner of making good the damage was a further consequence of the transfer of compensatory liability to a public-law entity.

The problem of the relation of Section 839 BGB to other BGB provisions on tort and the relation of tort liability to contractual liability had an impact on the regulation of liability of public-law entities. This is due to the fact that, in accordance with Article 77 EG BGB, the freedom of regulation conferred on the Lands in the area of compensatory liability of officials

suffered only two restrictions. Firstly, the provisions of the Lands were binding as long as the matter was not otherwise regulated at the Reich level. Thus, for example, the official's liability could not be broader than in the BGB. Secondly, implementing acts could not contain legal solutions that would lead to the injured party being deprived of the opportunity to seek compensation both from an official or from the State. The regulation at the Land level of the State's liability for the damage caused by its officials in the exercise of the public authority entrusted to them and the exclusion of the official's personal liability to the extent that liability was taken over by the State was not limited to non-contractual obligation to compensate. There were no obstacles for Land laws to transfer also contractual liability to the State while releasing the official from it as long as it concerned the damage caused by the official in the exercise of the public authority entrusted to him. However, in view of the right of the injured party established in Section 839 BGB, the Land legislation could exclude the liability of the official only to the extent that such liability was imposed on the State or a municipal association. Based on Article 77 EG BGB, the official's liability could even be excluded in whole on the condition that it was transferred without limitation to the State (or a municipal association). In no case could the situation of the injured party deteriorate under Land laws compared to the Reich's law.

Liability under Section 839 BGB constituted a special case of tort (besides endangering credit – Section 824, inducing a woman to sexual acts – Section 825, bodily injury or property damage resulting from the collapse of a building – Section 824, and – according to Karl Linckelmann – damage caused by animals – Sections 833–834 and damage caused by forest and field animals – Section 835). The authors of the BGB also introduced three more general types of torts: 1) injury of vital interests and subjective rights (Section 823(1)); 2) breach of the protection statute (Section 823(2)); 3) intentional damage contrary to public policy (Section 826).

The relation of Section 839 BGB to the more general provisions, i.e. Section 823(1) and (2) and Section 826 BGB, was a contentious issue. On the one hand, a view was expressed that Section 839 BGB was a provision resulting from the legal interpretation of Section 823(2) (e.g. F. Endemann, L. Kuhlenbeck, F. von Liszt, G. Planck, J. von Staudinger). Accordingly, it was assumed that the breach of an official duty incumbent upon an official in relation to a third party constituted also a breach of the protection statute. The supporters of that interpretation claimed, therefore, that it should be checked in the first place whether a given factual situation fell under Section 823(2) BGB and then whether it met the prerequisites laid down in Section 839 BGB. A competitive and dominant view was that Section 839 BGB was not linked to Sections 823 and 826 BGB (e.g. L. Enneccerus, O. Fischer, W. von Henle, A. Geser, M. Hachenburg, C. Hanke, W. von Henle, H. von Schneider, L. Kuhlenbeck, K. Linckelmann, C. Meltz, P. Oertmann). It follows from the records of work on the BGB that the close relationship between Section 704 in the first BGB bill containing the general tort formula and Section 736 laying down the liability of an official and the requirement of sequential determination whether the official would be liable (the requirement to meet the prerequisites of Section 704 and then Section 736) disappeared in the course of further work on the bill. Importantly, the general rule of tort law, contained in Section 704 of the first bill, to which reference was made in Section 736, was abandoned and replaced by special provisions (Sections 746–749) in the second bill. Moreover, Section 762 of the second bill (corresponding to Section 736 of the first bill), in which the official's liability was regulated, no longer contained reference to Section 746 of the second bill (finally renumbered as Section 823 BGB). The lack of reference to Section 823 in Section 839 signalled the legislator's intention to introduce an independent regulation of the liability of an official for an intentional or unintentional breach of the official duty incumbent upon him in relation to a third party. There were no grounds to claim that just as the legislator's express

intention, as stated in the recitals, was to give Section 736 the meaning of a provision constituting an interpretation of Section 704, his tacit intention was to give Section 839 the character of a legal norm constituting in fact an interpretation of Section 823(2). The linking of Section 839 with Section 823(2) BGB would lead to an excessive limitation of the official's liability, and there was no reason for that given the fact that Section 839 already contained such a limitation in the form of an 'official duty incumbent upon an official in relation to a third party'.

The relationship between Section 839 and Section 823 BGB gave rise to the question whether Section 823 (or possibly Section 826) could independently form a basis for the liability of an official in the situation where he committed a breach of an official duty that could only be sanctioned by Sections 823 and 826 and not by Section 839 BGB. The classification of the most frequently occurring situations in which a breach of Section 823 BGB was concurrently a breach of the official duty incumbent on an official in relation to a third party (or a breach of official duty was concurrently a breach of Section 823 BGB) proved to be another point of contention. The thesis on the independence of Section 839 BGB gave rise to two opposing legal views: the first view claimed that liability under Section 839 BGB did not affect liability under Sections 823 and 826, whereas the second view ruled out liability under Sections 823 and 826.

The view that the official's liability could arise simultaneously under Section 823 (Section 826) and Section 839 BGB gained many supporters (including G. Planck, F. Endemann, L. Kuhlenbeck, P. Oertmann). According to Oertmann, an injured party had a choice between competing claims. In his view, the literal wording of Section 839 BGB did not warrant a conclusion that Section 823 BGB would be excluded if it was possible to apply Section 839 BGB. Some proponents of this view considered the limits of liability laid down in Section 839 BGB to be applicable to claims sought under Section 823, whereas others believed that there were no grounds for such applicability. A competing view held that Section 839 applied solely in the situation where an official committed a tort in the performance of his official duties, even if Section 823 BGB (or Section 826) was breached at the same time. This was due to the fact that Section 839 was a special provision in relation to Section 823 ff.

In accordance with the commonly accepted interpretation of Article 77 EG BGB, a view gained popularity in the doctrine of civil law and in the case law that the liability of an official under Sections 823 and 826 BGB was independent of the liability of an entity under Section 839. From this viewpoint, one would need to accept that where liability was taken over by a public entity solely under Section 839 BGB, the liability of an official under Sections 823 and 826 BGB remained unaffected, for it was not taken over by the State. It was not possible, however, that the State would, by means of an executive act, take over the liability of an official under Section 839 BGB, which suffered many limitations, while at the same time any further liability of an official would be excluded.

The Bavarian doctrine and judicature were the first to consider cases in which the prerequisites of liability as laid down in Section 839 BGB were met but, at the same time, they fell within the scope of application of Section 823 ff. BGB. A question was raised in the Bavarian doctrine of law whether, in those cases, an injured party was able to choose the addressee of his claim: the State (union) or the official. This question was answered in the affirmative, it being argued that the direct liability of the official was excluded only to the extent that the liability was borne by the State. This conclusion was supported by the lack of a provision that would prohibit an injured party to choose Section 823 ff. BGB. In such a situation, the official and the State were jointly and severally liable, although according to Johann Rudolf von Schelhorn that liability was limited to cases of intentional fault on the part of the official. Otherwise, if the fault was unintentional, the official was not liable towards the

injured party, as long as the latter was able to seek compensation from the State. This was a consequence of the second sentence of Section 839(1) BGB. Only in the above case could the joint and several liability of the State (union) and the official arise.

The situation when the injured party could claim compensation from the official on the basis of a contract between them was another problem faced by the legal doctrine in connection with the application of the Prussian Statute and the Reich Statute. The problem had a practical dimension stemming from the fact that it concerned the liability of bailiffs. The Bavarian Act expressly recognised the liability of the State for a breach of the bailiff's duty towards the creditor (second sentence of Article 60(1)) and, therefore, the question regarding the legal nature of the relationship between the bailiff and the creditor was of no legal relevance to the issue of the State's compensatory liability in Bavaria.

Admittedly, it was stressed in the recitals to the BGB that the violation of a right stemming from a contractual relationship was not at all subject to the provisions on torts, whereas the question of the violation of a right by a tort concerned only absolute rights, but the situation where an act violating the relationship of obligation constituted at the same time a tort had to be treated separately. This type of act could give rise to a claim of the first and second kind. Claims in tort and in contract had the same purpose – to make good the harm. According to the prevailing theory of concurring claims (*Anspruchskonkurrenz*), they were independent of each other and, consequently, could be separately sought. At the same time, contractual liability had many advantages for the injured party compared to tort liability. First of all, contractual liability – unlike tort liability (Section 831 BGB) – did not make it possible to exculpate the counterparty for the harm caused by his assistants (Section 278 BGB). Secondly, Section 282 BGB reversed the burden of proof in favour of the injured counterparty, who only had to prove that the other party failed to fulfil the contract, whereas the pursuit of a claim in tort required that the injured party prove that all the prerequisites of liability laid down in that regime, including the fault of the perpetrator, were fulfilled. Thirdly, torts were subject to a short period of limitation in accordance with Section 852 BGB, while claims in contract expired by limitation pursuant to Section 195 ff BGB.

The transfer of liability to a public entity solely under Section 839 BGB and the replacement of an official by that entity in the substantive and procedural sense, which involved, amongst others, the ability to raise a plea that the injured party could have sought compensation in a different way, gave rise to legal disputes in connection with the Prussian Statute and the Reich Statute that were difficult to settle in a satisfactory manner. An interpretation appeared according to which the public entity could defend itself by raising a plea that the injured party could have sought compensation from the official guilty of an unlawful act on a different legal basis (e.g. Sections 823, 826 or 276 BGB). Such an approach to the interpretation of the provisions could result – contrary to the purpose of the compensatory statutes – in shifting liability back to the official. While this problem was overcome in the case-law of the Reich Tribunal by accepting, in the first case (Section 823 and 826 BGB), that Section 839 BGB was a *lex specialis* in relation to Sections 823 and 826, and by opting for the so-called official theory defining the bailiff's status in the second case (Section 276 BGB), the application to public entities of the same limitations as those applicable to an official was rightly criticised. According to Hans Simon, these limitations only made sense when the indemnifying obligation was incumbent on an official. His liability had to be limited so that the fear of lawsuits would not hamper the performance of his official duties. However, as regards the liability of public entities, legal solutions should be subordinated to the overriding objective of protecting injured parties. In this context, the construct of the so-called competence conflict, which became thoroughly redundant after the transfer of liability to a public entity, was the subject of the greatest criticism. The link between compensatory liability and the principle of fault was also assessed negatively. In the

opinion of Carl Meltz, in the overwhelming majority of cases, this imposed an excessive burden of proof on injured parties.

5. The overview of other academic, scientific and research accomplishments
- Authorship or co-authorship relevant to a given field: joint publications, catalogue of databases, research work documentation, opinions and artistic works

In my scientific output, I have two publications having a character of material sources: the translation of Edgar Loening's monograph *Die Haftung des Staats aus rechtswidrigen Handlungen seiner Beamten nach deutschem Privat- und Staatsrecht, Frankfurt am Main 1879,* under the title of ***Edgar Loening, Odpowiedzialność państwa za niezgodne z prawem działania jego urzędników według niemieckiego prawa prywatnego i państwowego*** [*Liability of the State for illegal acts of its officials according to German private and public law*], the Publishing House of the Jan Kochanowski University in Kielce, Kielce 2016, and a selection of sources of law under the title of ***Odpowiedzialność odszkodowawcza państwa. Wybór źródeł*** [*Civil liability of the State. Selected sources*], the Publishing House of the Jan Kochanowski University in Kielce, Kielce 2018 (in collaboration with Monika Adamczyk, PhD).

The dissertation of Edgar Loening's *Die Haftung des Staats aus rechtswidrigen Handlungen seiner Beamten nach deutschem Privat- und Staatsrecht*, published in Frankfurt am Main in 1879, was an essential contribution to a discussion on the question concerning the State's civil liability in Germany. Many consider it the most profound contribution to the study of that problem in the legal doctrine of the 19th century (e.g. Martin Heidenhain, Alfred Geser or Edwin Borchard). In Polish legal literaturę, Loening's views were presented extensively by Władysław Ostrożyński in his book published in Lvov in 1884, titled *O odpowiedzialności państwa za bezprawne działania urzędników, wedle prawa publicznego [On the liability of the State for illegal acts of officials pursuant to public law].* Great importance of the German scholar's book was also stressed in later Polish legal literature. It may be said, however, that neither Edgar Loening nor his works obtained much attention in the Polish legal literature This provided an argument for the translation of one of the most important Loening's books.

The selection of normative acts titled *Civil liability of the State. Selection of sources* has a narrow objective scope. It deals generally with civil liability of the State and other public authority actors for the harm caused by illegal acts of officials and is restricted to regulations which were or are in force in Poland. It addresses liability for legal acts only to a limited extent. This is due to the numerousness of special acts in the field of administrative material law that provide for compensation for the restriction of rights and freedoms in connection with the performance of public tasks. Legal regulations concerning civil liability of officials are a separate legal matter which is not addressed by that publication. Sources are divided into two parts: historical sources (introduction and choice of sources – Andrzej Adamczyk, PhD) and sources currently in force (introduction and choice of sources – Monika Adamczyk, PhD). The goal of the publication is to collect in one book civil liability regulations that are dispersed among many legal acts. The same concerned the period of Partitions, the Second Republic of Poland and the Polish People's Republic. As far as the period of the Second Republic of Poland is concerned, the territorial particularism comes into play that resulted in the situation where, although the principle of equality of law was uniform across the country, the assertion of rights to indemnification was possible only in the post-Prussian and – to a lesser degree – post-Austrian parts of Poland. The publication provides an opportunity to see the evolution of law and the complexity of the contemporary system of

civil liability from the point of view of normative material rather than from the point of view of legal commentaries or scientific articles.

I am also the co-editor of a joint study (with Paweł Chmielnicki, Habilitated Doctor) under the title of ***Wzory regulaminów wydawanych przez organy wykonawcze w gminie i powiecie*** [*Model by-laws issued by executive bodies in communes and districts]*, two volumes, the Municipium Publishing House, Warsaw 2011. This publication is adressed mainly to heads of communes, chief officials of districts and other members of district executive agencies. It should serve as a source of model solutions, instructions and inspiration in the process of developing their own solutions relating to the organisation and operation of self-government offices.

- *Authorship or co-authorship of other academic publications*

Civil liability of public authorities for the harm caused by illegal imperative acts or ommissions of officials

Civil liability of public authorities (the State and other public authority actors) for the harm caused by illegal imperative acts or ommissions of officials is the most important field of my research, which I have been studying not only from a historical legal perspective but also from a dogmatic perspective.

Historical legal aspects of the liability issue are addressed in my habilitation monograph, nine papers (two of which are awaiting publication: ***Niemieckie regulacje dotyczące odpowiedzialności odszkodowawczej państwa na ziemiach byłego zaboru pruskiego w świetle orzecznictwa Sądu Najwyższego*** [*German legal regulations concerning civil liability of the State on the territories of the former Prussian Partition in the light of the case-law of the Supreme Court*], to be published in the Proceedings of the 26th National Conference of Law and State Historians and of Historians of Political-Legal Doctrines in Mrągowo, and ***Odpowiedzialność odszkodowawcza państwa i związków samorządowych w Niemczech a prawo II Rzeczypospolitej*** [*The civil responsibility of the State and local self-government units in Germany versus the legal system of the Second Republic of Poland*], delivered for publication after the conference *Modern local government in the historical perspective of the local and regional administration*, organised by the Jan Kochanowski University in Kielce on 27 May 2015), and a translation of Edgar Loening's monograph.

In the paper ***Odpowiedzialność odszkodowawcza państwa za bezprawne działania władzy publicznej w ustawach wykonawczych do BGB (1896-1919)*** [*Civil liability of the State for unlawful acts of public authority in the statutes implementing the BGB (1896-1919)*], published in „Krakowskie Studia z Historii Państwa i Prawa" 2015, vol. 8 (3), pp. 257-276, I described legal solutions in the area of civil liability of public authority actors in the Lands of the German Reich in the period of 1896-1919. I distinguished four models: direct liability of the State (other actors), subsidiary liability of the State, joint liability of the State and the official, absence of civil liability of the State. In my conclusions I stated that the normative state concerning financial liability of public authority actors for the harm caused by illegal imperative acts of officials was far from uniform in the German Reich. While the general principle of liability was unknown in nine Lands and liability was based there only on special regulations, other Lands enacted modern regulations that were based on the assumption of the official's liability by the State (with the exception of Saxony where customary law still applied). In this group, there were Lands where liability of the State was direct (ten Lands) and those were it was subsidiary (in the event of an official's inability to pay, five Lands). The solution based upon transfer of an official's liability to the State was consolidated by the Weimar Constitution of 1919, under which the normative state in this field was unified.

The concept of transfer of liability implied that the act of an official was not treated as the act of the State. The State's civil liability was not direct but indirect (*mittelbare Haftung*) in the official's place. The official's fault was a condition of the State liability. The State did not, therefore, incur liability for illegal acts that could not be attributed to a physical person on an at-fault basis.

In the paper titled ***Głos Edgara Loeninga w dyskusji na temat odpowiedzialności odszkodowawczej państwa*** [*Edgar Loening's contribution to a discussion on the question of the State's civil liability*], [in:] Edgar Loening, ***Odpowiedzialność państwa za niezgodne z prawem działania jego urzędników według niemieckiego prawa prywatnego i państwowego*** [*Liability of the State for illegal acts of its officials according to German private and public law*], the Publishing House of the Jan Kochanowski University in Kielce, Kielce 2016, pp. 9-44 (reviewed by Professor Andrzej Dziadzio), I described Edgar Loening's views on the State's civil liability, placing them in a broader context of legal and political changes taking place in the German Lands. The outcome of my research is the finding that Loening's consistently logical theses about the State's inability to act illegally could not be reconciled with the increasingly widespread belief of the legal doctrine regarding the need to introduce the principle of liability. At the same time, however, the theory of the State's inability to act illegally, strenghtened by the position of Loening as an authority, had an essential impact on legislators and on the model of liability adopted by the Lands of the German Reich and the German Reich itself, i.e. takeover of an official's liability by public authority actors.

The next four papers I devoted to doctrinal diputes on civil liability in the 19th century: ***Stosunek prawny łączący urzędnika z państwem a kwestia odpowiedzialności odszkodowawczej państwa w XIX-wiecznej niemieckiej myśli prawniczej*** [*Legal relationship between the official and the State versus the question of civil liability of the State in German legal thinking of the 19th century*], [in:] E. Kozerska, P. Sadowski, A. Szymański (eds.), *Pacta sunt servanda – nierealny projekt czy gwarancja ładu społecznego i prawnego?* [*Pacta sunt servanda – an unrealistic project or a guarantee of social and legal order?*], Kraków 2015, pp. 97-111; ***Dyskusja na temat odpowiedzialności odszkodowawczej państwa za szkody wyrządzone przez bezprawne działania urzędników na Kongresie Prawników Niemieckich w Kilonii w 1906 roku*** [*Discussion on an issue of civil liability of state due to damages made by illegal acts of officials on the German Jurists Forum in Kiel in 1906*], [w:] „Opolskie Studia Administracyjno-Prawne" 2017, t. XV/2, s. 131-146; ***Kwestia odpowiedzialności państwa za bezprawie władz publicznych w niemieckiej doktrynie prawniczej XIX wieku. Edgar Loening contra Heinrich Albert Zachariae*** [*The issue of state liability for illegality of public authorities in the German legal doctrine of the 19th century. Edgar Loening vs. Heinrich Albert Zachariae*], [in:] P. Ruczkowski (ed.), *Prawo – Społeczeństwo – Jednostka* [*Law-Society-Individual*], the Professor Edward Lipinski School of Economics and Administration Publishing House, Kielce 2010, pp. 7-15; ***Narodziny państwa nowożytnego a kwestia odpowiedzialności z tytułu szkód wyrządzonych przez bezprawie urzędowe*** [*The origin of modern state and an issue of liability due to damages caused by illegality of officials*], [in:] R. Czarny, K. Spryszak (eds.), *Państwo i prawo wobec współczesnych wyzwań. Tom IV. Problemy administracji, zarządzania i ekonomii. Księga jubileuszowa Profesora Jerzego Jaskierni* [*State and law in relation to contemporary challenges. Volume 4. Problems of administration, management and economics. Jubilee Book Dedicated to Professor Jerzy Jaskiernia*], Toruń 2012, pp. 95-108.

In the paper titled *Stosunek prawny łączący urzędnika z państwem a kwestia odpowiedzialności odszkodowawczej państwa w XIX-wiecznej niemieckiej myśli prawniczej* [*Legal relationship between the official and the State versus the question of civil liability of the State in German legal thinking of the 19th century*], I addressed the question of how the understanding of the legal relationship between the official and the State impacted the latter's

liability. Due to the lack of any explicit legal regulations, the proponents of the State's liability sought to base it on the legal relationship between the official and the State. While initially the question of liability was considered from the perspective of civil law, like in France, new concepts of the State as a legal person and of the legal relationship between the official and the State as regulated by public law resulted in the shift of the legal doctrine towards public law. Burkhard Wilhelm Pfeiffer, Edgar Loening, Robert Piloty, Heinrich Albert Zachariae, Otto von Mayer believed that the liability of the State had to be governed by public law because the legal relationship between the State and the official was of public-law nature. In this context, the principle of the State's non-liability applied as the State was incapable of acting contrary to the law. This view was supported by Loening and Piloty. On the other hand, Pfeiffer, Zachariae and von Mayer recognised the State's liability.

In the paper *Dyskusja na temat odpowiedzialności odszkodowawczej państwa za szkody wyrządzone przez bezprawne działania urzędników na Kongresie Prawników Niemieckich w Kilonii w 1906 roku* [*Discussion on the issue of civil liability of the State for the harm caused by illegal acts of officials on the German Jurists' Congress in Kiel in 1906*], I concluded that a commonly held view was false that the Prussian Act of 1 August 1909 and the Act of the German Reich of 22 May 1910 constituted the realisation of the propositions formulated by that Congress. The goal of the 28th Congress was to answer a question of whether it was necessary to adopt a regulation at the German Federation level that would introduce the principle of civil liability of public-law actors applicable in every Land. The Prussian Act unified regulations only in Prussia, whereas the German Reich Act set forth solely the liability of the Federation for its officials. The resolution of the Kiel Congress was put into effect only by Article 131 of the Weimar Constitution.

In the paper titled *Narodziny państwa nowożytnego a kwestia odpowiedzialności z tytułu szkód wyrządzonych przez bezprawie urzędowe* [*The origin of the modern State and an issue of liability for the harm caused by illegal acts of officials*], I took up the subject of influence of the concept of the State as a legal person on the question of its liability for the harm caused by illegal acts of officials. The recognition of the State as a legal person did not give rise to any specific principles of liability. The proponents of the notion that the principles governing legal persons, as embodied in civil codifications, should be applied to the State regarded the relationship between the State and the official either according to the organs theory (as in Germany) or as the relationship between a legal person and a third party or a principal and a mandatory (as in the Austro-Hungarian Monarchy). In the former case, it implied liability of the State and in the latter – its rejection. Numerous proponents of public law protested against putting the State on the same footing as legal persons. They doubted whether the application of civil law principles to the relationship governed by public law between the State and the body (official) was correct, instead proposing that liability be based upon principles inferred from public law (e.g. the French Council of State, Heinrich Albert Zachariae). Among representatives of the public law option there were, however, many opponents of the State's liability who claimed that the lack of a legal norm explicitly providing for that liability meant that the State's civil liability did not exist. There is no doubt, however, that the concept of the State as a legal person had a great impact on the discussion of the State's liability.

In the paper *Kwestia odpowiedzialności państwa za bezprawie władz publicznych w niemieckiej doktrynie prawniczej XIX wieku. Edgar Loening contra Heinrich Albert Zachariae* [*The issue of the State's liability for illegal acts of public authorities in the German legal doctrine of the 19th century. Edgar Loening vs. Heinrich Albert Zachariae*], I presented the arguments for and against the State's liability as formulated in the 19th century German legal doctrine by Heinrich Albert Zachariae and Edgar Loening.

My historical legal publications in this field end with *Źródła prawa regulujące odpowiedzialność odszkodowawczą państwa w Polsce w ujęciu historycznym* [*Legal sources*

concerning tort liability of the State in Poland in historical perspective], [in:] A. Adamczyk, M. Adamczyk, *Odpowiedzialność odszkodowawcza państwa. Wybór źródeł* [*Civil liability of the State. Selected sources*], the Publishing House of the Jan Kochanowski University in Kielce, Kielce 2018.

In my studies of the question of civil liability of public power entities, I attempted to combine theoretical considerations with legal practice, using legal-comparative and dogmatic methods. The outcomes of this approach are five articles written in collaboration with Monika Adamczyk, PhD: 1) ***Zagadnienie odpowiedzialności Skarbu Państwa z tytułu szkód wyrządzonych przez niezgodne z prawem nieostateczne decyzje administracyjne*** [*The issue of State Treasury liability due to damages perpetrated by illegal non-final administrative decisions*], [in:] P. Chmielnicki, A. Dybała (eds.), *Nowe kierunki działań administracji publicznej w Polsce i Unii Europejskiej* [*New directions of public administration activity in Poland and in the European Union*], LexisNexis, Warsaw 2009, pp. 306-318; 2) ***Kwestia odpowiedzialności Skarbu Państwa za szkody wyrządzone wydaniem przez sądy ostatniej instancji orzeczenia sądowego niezgodnego z prawem wspólnotowym*** [*The issue of State Treasury liability due to damages perpetrated by courts of last instance by awarding judgment contrary to community law*], [in:] P. Chmielnicki, A. Dybała (eds.), *Polska administracja we wspólnej przestrzeni administracyjnej Unii Europejskiej* [*Polish Administration in a Common Administrative Space of the European Union*], Kielce 2011, pp. 260-270; 3) ***Odpowiedzialność państwa za bezprawie władzy publicznej jako konsekwencja zasady demokratycznego państwa prawnego*** [*State liability for illegality of public authority as a consequence of the principle of democratic state ruled by law*], [in:] S. Korenik, A. Dybała (eds.), *Rola państwa w gospodarce rynkowej na progu XXI wieku. Prace Naukowe Uniwersytetu Ekonomicznego we Wrocławiu nr 102* [*The role of state in market economy on the verge of the 21st century. Research Papers of the Wrocław University of Economics no. 102*], Wrocław 2010, pp. 222-229; 4) ***Zadania Prokuratorii Generalnej Skarbu Państwa w zakresie ochrony interesów majątkowych szczególnej organizacji – Skarbu Państwa*** [*Duties of the General Counsel to the Republic of Poland within the scope of protection of financial interests of particular organization – State Treasury*], [in:] A. Szplit (ed.), *Gospodarowanie zasobami finansowymi w rozwoju organizacji* [*Management of financial resources in a development of organization*], the Professor Edward Lipinski School of Economics and Administration Publishing House, Kielce 2007, pp. 92-100; 5) ***Podstawy prawne domagania się zadośćuczynienia od Skarbu Państwa z tytułu bezprawnego działania lub zaniechania władzy publicznej*** [*The legal bases of claiming compensation for moral injury from State Treasury due to illegal activity or non-activity of public authorities*], „Przegląd Prawa Publicznego" 2015, no. 12, pp. 9-21.

To this research field belong also the paper titled ***Relation between Article 41 of the European Convention on Human Rights and a national compensation system from the point of view of judgments of the European Court of Human Rights***, [in:] J. Jaskiernia (ed.), *The effectiveness of the European system of human rights protection. Evolution and conditions of the European system of human rights*, Warsaw 2012, pp. 699-717.

Besides the issue of civil liability of public authority actors for the harm caused by illegal acts of officials, I dealt also with an issue of officials' liability. I carried out a critical analysis of the Act of 20 January 2011 on the financial liability of public functionaries for flagrant breaches of the law, the outcome of which are two papers published in „Przegląd Prawa Publicznego": ***Zakres przedmiotowy odpowiedzialności majątkowej funkcjonariuszy publicznych za rażące naruszenie prawa*** [*The objective scope of public functionaries' financial liability for flagrant breaches of law*], 2012, no. 7-8, pp. 20-31, and ***Przesłanki odpowiedzialności majątkowej funkcjonariusza publicznego i tryb jej realizacji według ustawy z 20 stycznia 2011 roku*** [*The premises of public functionaries' liability for damages*

and procedure of its realization due to the Act of 20 January 2011], 2012, no. 6, pp. 20-37. In order to popularize my scientific research the most important conclusions has been presented in a publication ***Odpowiedzialność majątkowa funkcjonariuszy publicznych za rażące naruszenie prawa*** [*Financial liability of public functionaries for flagrant breaches of law*], „Palestra Świętokrzyska" 2012, no. 19-20, pp. 40-47.

In the paper ***Odpowiedzialność regresowa funkcjonariusza publicznego w prawie polskim i niemieckim*** [*Recourse liability of a public official in the Polish and German law*], [in:] E. Wójcicka (ed.), *Jednostka wobec władczej ingerencji administracji publicznej* [*An individual in the face of sovereign interference of public administration*], part 1, Częstochowa 2013, pp. 241-251, I compared Polish and German legal solutions concerning recourse claims against an official guilty of causing harm.

This field of research is ended up with ***Recenzja książki Bartosza Rakoczego „Ustawa o odpowiedzialności majątkowej funkcjonariuszy publicznej. Komentarz" Wydawnictwo LexisNexis, Warszawa 2012*** [*Review of Bartosz Rakoczy „The law on financial responsibility of public officials. Commentary", LexisNexis, Warsaw 2012*], „Przegląd Prawa Publicznego" 2013, no. 3, pp. 100-106 and the paper titled ***Warunki sprawnego funkcjonowania korpusu urzędniczego w Polsce w świetle unormowań prawnych i praktyki politycznej*** [*Conditions of efficient functioning of officialdom in Poland from the point of view of legal regulations and political practice*], [in:] J. Sikorski (ed.), *Sprawność administracji państwowej i samorządowej* [*The efficiency of state and self-government administration*], the Jan Kochanowski Świętokrzyska Academy Publishing House, Kielce 2007, pp. 31-36 (in cooperation with Monika Adamczyk, M.L.).

Reform of the legal and political system in the Ottoman Empire and Turkey in the 19th and 20th centuries

My second field of research is the reform of the legal and political system in the Ottoman Empire and Turkey in the 19th and 20th centuries. I analysed transformation in these fields during Kemal Atatürk's dictatorship in a broader socio-political and doctrinal context. In the paper titled ***Autonomia państwa jako element kontynuacji między Imperium Osmańskim a Turcją republikańską*** [*The State Autonomy as an Element of Continuity between the Ottoman Empire and the Turkish Republic*], „Przegląd Orientalistyczny" 2010, No 3-4, pp. 202-218, I presented the bureaucratic continuity between the Ottoman Empire and the Republican Turkey, the intensification of the State's activity after 1923, the petrification of some elements of the traditional political concept of the State and the existence of the Turkish social structure as aspects of a phenomenon called 'State autonomy' in the political science literature.

In the paper ***Transformacja Turcji w świetle socjologicznych rozważań Ziyi Gökalpa*** [*Transformation of Turkey from the point of view of sociological considerations of Ziya Gökalp*], [in:] E. Kozerska, P. Sadowski, A. Szymański (ed.), *Ze studiów nad tradycją prawa* [*From studies on the tradition of law*], Warsaw 2012, p. 128-144, I analysed the concept of Turkey's modernisation formulated by Ziya Gökalp, a social scientist. Unlike adherents of the radical current represented by, for example, Abdullah Cevdet, Gökalp shared misgivings of Emile Durkheim and August Comte concerning outcomes of any rapid upheavals involving a sudden breach with the past, particularly radical social revolutions. His programme was designed for a long-term impact of new ideas among the Turks, after which a revolution of values and then a revolution of institutions were to follow. Mustafa Kemal (Atatürk), the President of Turkey since 1923 and effectively a dictator since 1925, decided that Gökalp's ideas were complicated and difficult to apply in practice, as well as contrary to his efforts to

bring about an immediate and full reform of the social and political life in Turkey. Therefore, the Kemalists selectively approached the legacy of Gökalp.

In the paper ***Kemalism and Modern Turkey***, „Acta Fakulty filozofické Západočeské univerzity v Plzni" 2010, No 2, pp. 14-24, I described the essence of the Kemalist revolution in the field of law and the State's structure. The entry ***Rewolucja kemalistowska*** [*Kemalist revolution*], [in:] E. Gigilewicz (ed.), *Encyklopedia „Białych Plam", tom XX Suplement Mediewalizm - Żychoń Jan Henryk* [*The 'Blank Spots' Encyclopedia, Volume XX, Supplement Medievalism – Żychoń Jan Henryk*], Polskie Wydawnictwo Encyklopedyczne, Radom 2006, pp. 215-217, is also synthetic in nature.

The following papers concern legal issues connected with the history of Turkish constitutionalism and parliamentarism. The following papers: ***Znaczenie konstytucji tureckiej z 1961 r. dla rozwoju idei państwa prawnego w Turcji*** [*The Importance of the 1961 Turkish Constitution for Development of the State Ruled by Law Idea in Turkey*], „Zeszyty Prawnicze Uuniwersytetu Kardynała Stefana Wyszyńskiego" 2011, no. 11.3, pp. 33-61, ***Status prawny parlamentu tureckiego w świetle pierwszych aktów konstytucyjnych Turcji*** [*The Legal Status of Turkish Parliament in the Light of the First Turkish Constitutional Acts*], „Przegląd Sejmowy" 2008, no. 5(88), pp. 153-172, and ***In Search for A Balanced Legal Solution: Status of Parliament in the Turkish Political System, 1876-1961,*** „Warsaw East European Review" 2011, no. 1, pp. 321-329 concern legal issues connected with history of Turkish constitutionalism and parliamentarism. In the paper *Znaczenie konstytucji tureckiej z 1961 r. dla rozwoju idei państwa prawnego w Turcji* [*The Importance of the 1961 Turkish Constitution for the Development of the Idea of a State Ruled by Law in Turkey*] I noticed that it would not be correct to conclude that Turkey adopted the principle of a State ruled by law in a strictly defined form, as it did in 1926 when it had adopted the Swiss Civil Code together with its accompanying doctrine and case-law. A gradual approach to the concept of a State ruled by law is, however, visible in its historical evolution. The 1961 Constitution plays a great role in this process. Its authors's intention was to subject State authorities to limitations arising from the idea of a legal State and make them more sensitive to social needs. The Constitution restored the balance between democracy and the idea of a State ruled by law that had been was disturbed by the 1924 Constitution.

The papers ***Status prawny parlamentu tureckiego w świetle pierwszych aktów konstytucyjnych Turcji*** [*The Legal Status of the Turkish Parliament in the Light of the First Turkish Constitutional Acts*] oraz ***In Search for A Balanced Legal Solution: Status of Parliament in the Turkish Political System, 1876-1961*** refer to my earlier research on the history of Turkish law and the State's structure; however, the issues addressed in the second paper concerning Parliamentarism in the light of the 1961 Constitution were of no relevance to my doctoral thesis.

Three papers are devoted to reforms of the State and law in the Ottoman Empire in the Tanzimat period: ***Kierunki reformy administracji terytorialnej Imperium Osmańskiego w latach 1839-1876*** [*Directions of the reform of territorial administration of the Ottoman Empire between 1839 and 1876*], „Przegląd Prawa Publicznego" 2011, No 10, pp. 75-94; ***Czy manifest z Gülhane z 1839 roku ustanawiał zasadę równości wobec prawa?*** [*Did the Gülhane Rescript of 1839 establish a principle of equality before law?*], [in:] E. Kozerska, P. Sadowski, A. Szymański (eds.), *Wojna i pokój. Wybrane zagadnienia prawno-historyczne* [*War and peace. Selected legal and historical issues*], Opole 2013, pp. 169-183; ***Europejskie źródła inspiracji w procesie recepcji prawa publicznego w Imperium Osmańskim w okresie tanzimatu*** [*The European sources of inspiration in the process of public law adoption in the Ottoman Empire in the Tanzimat period*], [in:] K. Bieniek (ed.), *Republika Turcji. Polityka zagraniczna i wewnętrzna* [*Republic of Turkey. Foreign and internal politics*], Kraków 2016, pp. 337-354. In the first of these papers I noticed that existence of many institutions

restricting in practice the sultans' power was characteristic for the Ottoman state's structure before reforms in the 19th century. These were, among others, the Janissaries, provincial notables, the ulema corps. In the Tanzimat period, these centres of power were gradually liquated or weakened, which resulted in the strenghtening of the central power to the degree not known even at the peak of the Ottoman Empire. A logical solution of a problem of territorial organisation was its centralisation coupled with the dispersion of competences between central and local bodies. The rationalistic territorial and administrative division, which was carried out gradually on the basis of the Vilayet decree of 8 November 1864 and which was the crowning of the process of searching for administrative organisational solutions in the Tanzimat period, served also the purpose of strengthening central power. In this respect, the Ottoman solutions did not depart far from the principles of organisation of territorial bureaucratic administration common in the 19th century. Much effort was also made to separate public administration from judiciary and legislature. Absence of modern self-government institutions is, however, highly significant. Millets did not have such a character because they were a manifestation of confessional autonomy, which, incidentally, stood in opposition to the official idea of Ottomanism. Attempts were made to overcome these deficiencies by establishing administrative councils at three levels of the administrative division of the State. Besides officials as their *ex officio* members, these councils comprised representatives of Muslim and non-Muslim communities.

In the paper titled *Czy manifest z Gülhane z 1839 roku ustanawiał zasadę równości wobec prawa?* [*Did the Gülhane Rescript of 1839 establish a principle of equality before law?*] I concluded that the commonly accepted interpretation of the Gülhane Rescript as a document introducing the principle of the equality of subjects before the law is not supported by an analysis of the Rescript. It follows from its text that 'imperial concessions' are based on the Sharia law. This would lend credence to Butrus Abu-Manneh's view that the Rescript of 1839 had its roots in Muslim thinking and in the political concepts of Islam.

In the paper titled *Europejskie źródła inspiracji w procesie recepcji prawa publicznego w Imperium Osmańskim w okresie tanzimatu* [*The European sources of inspiration in the process of public law adoption in the Ottoman Empire in the Tanzimat period*], I presented the influence of the French legal solutions on the territorial administration reform of 1864 and on the Ottoman constitution of 1876.

The text ***Recepcja szwajcarskiego kodeksu cywilnego w Turcji – rewolucja czy kontynuacja?*** [*The Adoption of the Swiss Civil Code in Turkey – Revolution or Continuation?*], „Roczniki Nauk Prawnych" of the Learned Society of the John Paul II Catholic University of Lublin, 2006, Volume XVI, No 2, pp. 163-178 (in collaboration with Monika Adamczyk, M.L., whose contribution was limited to the general characterisation of the ZGB Swiss Civil Code) is devoted to the Turkish civil law reform of 1926. Taking into consideration the sources of law in the Ottoman Empire that governed family relations, which were at the core of the Sharia, it is distinctly visible that the revolutionary character of the Turkish civil law reform constisted not only in the adoption of the ZGB *in toto*, but also in repealing the existing family law of the Sharia. The ZGB replaced the Mecelle, or land law, as well as the norms of religious law governing family and inheritance matters. Turkey was the only state of the Near East to abandon the dualism of the law in favour of the total secularisation of the law.

In the paper titled ***Wkład polskich prawników w badania nad ustrojem politycznym i prawem Imperium Osmańskiego (po 1876 roku) i Turcji Atatürka*** [*Contribution of Polish Lawyers to Research on the Political System and Law of the post-1876 Ottoman Empire and of the Turkey of Ataturk*], "Przegląd Orientalistyczny" 2008, No 1-2, pp. 12-17, I addressed the contribution of Polish lawyers to research on the legal and political reform in the post-1876 Ottoman Empire and Turkey during the Presidency of Ataturk. This legacy consists of

works or statements of Leon Ostroróg, Antoni Peretiatkowicz, Antoni Wereszczyński, Maciej Starzewski, Wacław Komarnicki, Leszek Winowski, Eugeniusz Zwierzchowski.

The crowning achievement in my research on Turkey's legal and political reform is my monograph ***Ustrój polityczny Turcji w latach 1918-1960*** [*The political system of Turkey in the period 1918-1960*], DiG, Warsaw 2013 (reviewed by Professor Tadeusz Maciejewski and Professor Kazimierz Baran). While based on my doctoral thesis, it incorporates new research on systemic issues concerning the period of 1939-1960 and the organisation of territorial administration. In this way, the whole period of applicability of the 1924 Constitution was analysed from a legal historical perspective. New sources were also added.

Due to my interest in Turkey, I have been a member of the Research Group on Contemporary Turkey at the Institute of Political Science, the Faculty of Political Science and International Studies of the University of Warsaw, since 2014.

Forms of administrative activity and control of administration

I am also interested in issues concerning forms of administrative activity governed by public law and the control of administration. It is closely connected with my occupation as an advocate (since 2013, the District Chamber of Advocates in Kielce). In this field, my achievements comprise the authorship of an educational publication that extends beyond a traditional academic handbook, ***Publicznoprawne formy działania administracji. Teoria i praktyka*** [*Forms of administration activity regulated by public law. Theory and practice*], Difin, Warsaw 2013, pp. 332 (reviewed by Paweł Chmielnicki, Doctor Habilitated, Professor of the University of Information Technology and Management in Rzeszow), the editorship of one book, ***Wzory regulaminów wydawanych przez organy wykonawcze w gminie i powiecie*** [*Model by-laws issued by executive bodies in communes and districts*] (with Paweł Chmielnicki, Doctor Habilitated) and the authorship of ten scientific articles.

Issues relating to the control of public administration are addressed in eight of my publications: 1) ***Znaczenie zarzutów skargi dla rozpoznania sprawy przez wojewódzki sąd administracyjny*** [*The significance of the pleas of a complaint for deciding a case by a Regional Administrative Court*], „Przegląd Prawa Publicznego" 2014, no. 10, pp. 52-65; 2) ***Odmowa zastosowania rozporządzenia przez sąd jako forma kontroli administracji publicznej*** [*A court's refusal to apply a regulation as a form of controlling the public administration*], „Przegląd Prawa Publicznego" 2009, no. 7-8, pp. 36-57; 3) ***Incydentalna kontrola rozporządzeń przez sądy*** [*Incidental control of regulation by courts*], [in:] S. Korenik, A. Dybała (eds.), *Przestrzeń a rozwój. Prace naukowe Uniwersytetu Ekonomicznego we Wrocławiu Nr 241* [*Space and development. Research Papers of the Wrocław University of Economics no. 241*], Wrocław 2011, pp. 543-557; 4) ***Weryfikacja decyzji ostatecznych w trybach nadzwyczajnych*** [*Verification of final decisions in extraordinary administrative procedures*] [in:] L. Bielecki, P. Ruczkowski (eds.), *Postępowanie administracyjne* [*Administrative procedure*], Difin, Warsaw 2011, pp. 232-274; 5) ***Wpływ zasady demokratycznego państwa prawnego na ochronę trwałości decyzji administracyjnych*** [*The influence of the principle of democratic state ruled by law on protection of stability of administrative decisions*], [w:] J. Kot (ed.), *Jednostki samorządu terytorialnego w procesie rozwoju regionalnego w zintegrowanej Europie* [*Territorial self-government units in a process of regional development in integrated Europe*], Kielce 2008, pp. 280-286; 6) ***Znaczenie zarzutów skargi dla rozpoznania sprawy przez sąd administracyjny działający w systemie jednoinstancyjnym (Najwyższy Trybunał Administracyjny 1922-1939, Naczelny Sąd Administracyjny 1980-2003)*** [*The significance of the pleas of a complaint for deciding a case by an administrative court functioning in single-instance court system (the Supreme Administrative Tribunal 1922-1939, the Supreme Administrative Court 1980-2003)*], [in:] J.

Jaskiernia, R. Kubicki (eds.), *Pomiędzy światem polityki a życiem naukowym. Księga jubileuszowa dedykowana Profesorowi Wojciechowi Saletrze, tom drugi Historia administracja publiczna i nauki prawne* [*Between the realm of politics and scientific life. Jubilee book dedicated to Professor Wojciech Saletra, volume 2, History public administration and legal sciences*], Kielce 2015, pp. 345-355; 7) ***Geneza i organizacja kontroli państwowej w europejskich modelach administracji publicznej*** [*The genesis and organization of state control in European models of public administration*], „Kontrola Państwowa" 2010, special number 1, pp. 178-191; 8) ***Warunek istnienia własności jako przesłanka objęcia ochroną art. 1 protokołu nr 1 do Europejskiej Konwencji Praw Człowieka i Podstawowych Wolności*** [*The condition of property existence as a premise of protection on the base of Article 1 of Protocol No. 1 to the European Convention of Human Rights*], „Przegląd Prawa Publicznego" 2015, no. 6, pp. 84-95.

Two publications concern the law-making by territorial self-government units: ***Stosowanie zasad techniki legislacyjnej w procesie tworzenia prawa przez samorząd terytorialny*** [*Application of legislative techniques principles in the legislative process by territorial self-government*], [in:] P. Chmielnicki, A. Adamczyk (eds.), *Wzory regulaminów wydawanych przez organy wykonawcze w gminie i powiecie* [*Patterns of by-laws issued by executive agencies in commune and district*], volume 1, Municipium, Warsaw 2011, pp. 64-79, and ***Regulamin organizacyjny urzędu gminy i starostwa powiatowego*** [*The organizational by-law of commune office and chief office of a district*], [in:] *ibidem*, pp. 81-101.

In order to popularise my scientific research, I published conclusions concerning the impact of pleas on the decision of a case by an administrative court of first instance in 'Palestra Świętokrzyska' the magazine of the District Chamber Chamber of Advocates in Kielce (***Znaczenie zarzutów skargi dla rozpoznania sprawy przez wojewódzki sąd administracyjny*** [*The significance of pleas for the decision of a case by a Regional Administrative Court*], 2016, No 37-38, pp. 87-89).

Other publications

In the paper titled ***Konstytucyjne zasady ustroju politycznego w polskich aktach konstytucyjnych XX wieku*** [*Constitutional principles of the political system in the Polish constitutional acts of the 20 century*], [in:] P. Chmielnicki (ed.), *Konstytucyjny system władz publicznych* [*Constitutional system of public authorities*], LexisNexis, Warsaw 2009, pp. 15-57, I made a synthesis of constitutional principles concerning the political system in the Polish constitutional acts from the decrees of November 1918 to the Constitution of the Republic of Poland of 1997.

I am also interested in issues concerning the political system and the organisation of administration. I have addressed this subject in the following publications: 1) ***Pojęcie ustroju politycznego i kategorie pokrewne*** [*The notion of political system and related categories*], „Przegląd Prawa Publicznego" 2007, no. 7-8, pp. 27-38; 2) ***Organ administracji publicznej i inne podmioty administrujące*** [*Administrative agency and other administering subjects*], [in:] L. Bielecki, P. Ruczkowski (eds.), *Prawo administracyjne. Część ogólna* [*Administrative law. General part*], Difin, Warsaw 2011, pp. 290-319; 3) ***Centralizacja i decentralizacja w teorii organizacji i zarządzania oraz w naukach prawnych*** [*Centralization and Decentralization in Organization and Management Theory and in Legal Sciences*], [in:] VII Sympozjum Instytutu Ekonomii i Zarządzania Politechniki Świętokrzyskiej. Ekonomia Technika Zarządzanie, Politechnika Świętokrzyska [*The VIIth Symposium of the Institute of Economy and Management. Economics Technology Management, Kielce University of Technology*], Kielce 2006, pp. 435-442 (in cooperation with Monika Adamczyk, M.L.).

Comments, book reviews, reports:

I published a review of Bartosz Rakoczy's ***Ustawa o odpowiedzialności majątkowej funkcjonariuszy publicznej. Komentarz*** [*The Act on the financial liability of public officials. A commentary*], LexisNexis, Warsaw 2012, „Przegląd Prawa Publicznego" 2013, No 3, pp. 100-106. I am also the author of three reports on conferences: *„Perspectives of administrative sciences"*, „Przegląd Prawa Publicznego" 2009, no. 2, pp. 80-83, *„Code of administrative procedure after changes in the years 2010-2011" (Warsaw, 7th of June 2011)*, „Przegląd Prawa Publicznego" 2011, no. 7-8, pp. 163-175, oraz *Seminar on the occasion of 90th anniversary of creating the Supreme Audit Chamber, Kielce 21st of September 2009*, „Przegląd Prawa Publicznego" 2009, no. 12, pp. 72-75 (in cooperation with Monika Adamczyk, M.L.).

As an editorial assistant of 'Przegląd Prawa Publicznego', I prepare a yearly index of papers, glosses, reports published in it: *Index for 2016*, „Przegląd Prawa Publicznego" 2017, no. 2, pp. 127-136, *Index for 2015*, „Przegląd Prawa Publicznego" 2016, no. 1, pp. 107-116, *Index for 2014*, „Przegląd Prawa Publicznego" 2015, no. 1, pp. 113-119, *Index for 2013*, „Przegląd Prawa Publicznego" 2014, no. 1, pp. 115-121, *Index for 2007-2012,* „Przegląd Prawa Publicznego" 2013, no. 1, pp. 108-133.

5. Participation in international or domestic academic conferences or participation in organisational committees of such conferences

I took part in 26 scientific conferences (listed in a separate appendix). I take part in the annual Colloquium for Legal History in Brzeg near Opole, organised by the University of Opole and the University of Wrocław, and in the bi-annual National Conference of State and Law Historians (Łódź 2012, Kraków 2014, Mrągowo 2016).

Among many conferences I would like to underline my pronouncements in English during international conferences: 1) paper titled *Contradictions of Kemalism* on the conference *Middle East In the Contemporary World 2009. the 4th International Conference on Middle East, Plzen*, Centre of Middle Eastern Studies, Department of Anthropology and History Faculty of Philosophy and Arts, University of West Bohemia, Pilsen (Czech Republic), 2 April 2009, 2) paper titled *In Search for A Balanced Legal Solution: Status of Parliament in Turkish Political System, 1876-1961* lectured on *Warsaw East European Conference. Freedom and Power*, the Centre for East European Studies at the University of Warsaw, Warsaw 15-18 July 2008; 3) paper titled *Contradictions of Kemalism* na *Warsaw East European Conference. Democracy vs. Authoritarianism. Political and historical context*, the Centre for East European Studies at the University of Warsaw, Warsaw 15-18 July 2007.

I organised two national conferences. The first of them, *Perspektywy nauk administracyjnych* [*Prospects of administrative sciences*], which took place in Sielpia near Końskie on 16-17 October 2008 and coincided with the inauguration of the Administration faculty at the Jan Kochanowski University in Kielce, turned out to be a major scientific event, attracting the main representatives of administrative sciences in Poland. The outcome of the conference was the publication titled *Nowe kierunki działań administracji publicznej w Polsce i Unii Europejskiej* [*New directions of activities of the public administration in Poland and in the European Union*] (edited by P. Chmielnicki and A. Dybała), LexisNexis, Warsaw 2009. The conference in Sielpia was the first of a series of national conferences on the prospects of administrative sciences. The second conference of the series (which I also organised) was titled *Polska administracja we wspólnej przestrzeni administracyjnej Unii Europejskiej*

[*Polish Administration in the Common Administrative Space of the European Union*] and took place in Kielce on 15-16 October 2009.

I was also a secretary of the 59th Congress of Constitutional Law Departments titled *Dwadzieścia lat obowiązywania Konstytucji RP: Polska myśl konstytucyjna a międzynarodowe standardy demokratyczne* [*Twenty years of application of the Polish Constitution: the Polish constitutional thought vis-a-vis international democratic standards*], organised by the Jan Kochanowski University in Kielce on 12-14 June 2017.

6. Managing international or domestic research projects or participation in such projects:

I am the chief of a research project carried on at the Institute of Law, Economy and Administration of the Jan Kochanowski University in Kielce under the title of *Prawna regulacja odpowiedzialności odszkodowawczej państwa w Niemczech w latach 1794-1919* [*Legal regulation of civil liability of the State in Germany in the period of 1794-1919*]. I am also taking part in the research project No 614 596 *Zasady odpowiedzialności odszkodowawczej podmiotów władzy publicznej w polskim prawie cywilnym* [*Principles of civil liability of public authority actors in the Polish civil law*].

I took part in research projects at the Institute of Law, Economy and Administration of the Jan Kochanowski University in Kielce (Project No 614517 *Efektywność struktur władzy publicznej w procesach stymulowania rozwoju regionu* [*The effectiveness of public authority structures in the processes of stimulating regional development*] and Project No 614506 *Węzłowe problemy odpowiedzialności władzy publicznej i wykładni prawa publicznego* [*Key problems of the liability of public authority and the interpretation of public law*]).