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**SUMMARY OF ACHIEVEMENTS
PRESENTING A DESCRIPTION OF THE WORK
AND ACHIEVEMENTS**

DRAWN UP FOR THE PURPOSES OF HABILITATION AWARD PROCEDURE

1. Name

Jarosław Kostrubiec

2. Diplomas and academic/artistic degrees – with the name, place and year of their award and the title of the doctoral dissertation.

- 1995-2000: long-cycle LLM programme at the Maria Curie Skłodowska University of Lublin, Faculty of Law and Administration, major: law, graduated with the final mark "very good"
- 2000: Diploma confirming the award of the title of Master of Laws under the master of laws exam (passed with the mark "very good") and the master's thesis entitled *"Istota prawnej legitymizacji władzy"* [*"The essence of the legal legitimisation of authority"*]. Supervisor of the thesis: Prof. dr hab. Lech Dubel.
- 2005: Diploma confirming the award of the degree of Doctor of Laws in law, granted with the resolution of the Council of the Faculty of Law and Administration of the Maria Curie-Skłodowska University of Lublin, entitled. *"Georga Jellinka ogólna nauka o państwie"* [*"Georg Jellinek's General Theory of State"*]. The supervisor for the dissertation was prof. dr hab. Lech Dubel, and the reviewers: prof. dr hab. Marek Maciejewski and dr hab. Antoni Pieniążek, professor of UMCS.

3. Information on previous employment in academic entities

- 1.10.2001 - 30.04.2006 – assistant lecturer at the Department of Political and Legal Doctrines of the Faculty of Law and Administration, Maria Curie Skłodowska University of Lublin.
- 1.05.2006–30.03.2019 – assistant professor at the Department of Political and Legal Doctrines of the Faculty of Law and Administration, Maria Curie Skłodowska University of Lublin.
- 1.04.2019 - present – senior lecturer at the Department of Political and Legal Doctrines of the Faculty of Law and Administration, Maria Curie Skłodowska University of Lublin.
- 1.10.2012– present – assistant professor at the Faculty of Social Studies and Administration of the Warsaw Management University in Warsaw (additional place of employment)
- 2007 - 2009 - Kozminski University in Warsaw (contract work)
- 2006 - 2013 – Jan Zamoyski College of Humanities and Economics in Zamość (contract work)

Between 2005 and 2006, I worked as a researcher at the Department of Public Law, Law Philosophy and General State Science at the Faculty of Law of the University of Heidelberg (*Lehrstuhl für Öffentliches Recht, Rechtsphilosophie und Allgemeine Staatslehre*) under a scholarship from *Deutscher Akademischer Austausch Dienst (DAAD)*. In 2005 and 2006 I spent short study stays at the Max Planck Institute in Frankfurt am Main (*Max-Planck-Institut für Europäische Rechtsgeschichte*) as part of scientific cooperation of the Institute of History and Theory of State and Law of the Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin with the Institute. Currently, I cooperate with the Faculty of Law of the University of Nuremberg (*Friedrich-Alexander-Universität Erlangen-Nürnberg*) as part of conferences and scientific workshops.

4. Specification of the achievement pursuant to Article 16(2) of the Act of 14 March 2003 on academic degrees and academic title and degrees and title in arts (Journal of Laws of 2017, item 1789);

a) title of the scientific achievement/achievement in arts

Monograph: "*Administracja ogólna w myśli prawniczej Drugiej Rzeczypospolitej*", ["*General administration in the juridical thought of the Second Polish Republic*"]

b) (author(s), publication title(s), year of issue, name of the publisher, editorial reviewers)

Jarosław Kostrubiec, "*Administracja ogólna w myśli prawniczej Drugiej Rzeczypospolitej*", [*"General administration in the juridical thought of the Second Polish Republic"*], Warszawa 2019, Wydawnictwo Difin, pp. 332, ISBN 978-83-8085-866-4

The editorial reviewers of the monograph were prof. dr hab. Jarosław Dobkowski, professor of UWM and dr hab. Maciej Marszał, professor of UW.

c) description of the scientific/artistic aim of the work(s) and the results achieved, along with the description of their possible application

4.1. Subject matter, aim and grounds for the selection of the topic

The subject matter of the monograph to be assessed is general administration in the juridical thought of the Second Republic of Poland. In the interwar period, general administration was, for two main reasons, considered to be one of the foundations of state administration. First, even the most rational structure of central administration could not have fulfilled its tasks without a well organised territorial administration apparatus. Secondly, in the interwar period, the general administration had to engage directly in the process of unifying the structures of the new state by overcoming the particularities that had built up after the partitions.

In the interwar period, general administration belonged to the category of legal language, although it was also referred to as political administration or combined administration. The terminology used was initially very varied. In particular, the following terms were used: "administrative authorities", "political authorities", "state administrative authorities", "administrative authorities of the second instance", "district administrative authorities of the first instance". Such diverse terminology was in use until the Decree of the President of the Republic of Poland of 19 January 1928 *on the organisation and scope of activities of general administration* was issued (Journal of Laws of 1928, No. 11, item 86), in which the legislator provided the legal definition of general administration. Pursuant to Article 9(2) of the Decree, referred to as "the unification decree": "The voivode, on the territory of the voivodeship, is: (...) the head of general administration, i.e. the administration

of internal affairs and other sectors of administration directly combined within the authorities of general administration". This legal definition became the basis for determining the subject of research undertaken in this monograph. Detailed considerations on the term of general administration and its structural elements constitute the content of Chapter 1 of the dissertation.

The main aim of the monograph was to determine the legal-systemic position of general administration in the Polish juridical thought of the Second Republic. In the scope concerned, it was expressed not only by scholars in the literature on the subject. An expression of the concepts was also the assumptions and draft normative acts and theses put forward by commissions established in the interwar period with the purpose to streamline the work of the public administration. Legal acts or draft normative acts are one of the forms of exemplification of certain concepts and thoughts of their authors. I used in the title of the dissertation the terminology of juridical thought, which is a definition broader to the notion of legal thought.

My research activities have focused on general administration in its doctrinal aspect and the presentation of various concepts in this respect. This does not mean that the dogmatic aspect has been ignored in the monograph. In various parts of the dissertation, where this was possible and justified in the context of scholarly considerations, there is a reference to the applicable legislation on the organisation and extent of general administration. The analysis in the dogmatic-legal sphere using the historical method is an important area of research in historical legal sciences. However, as regards general administration in the interwar period, the dogmatic sphere as opposed to the doctrinal perspective had already been investigated. In this regard, it is possible to mention in particular the works of Michał Gałędek, Jan Majchrowski, Jan Służewski or Anna Tarnowska. For this reason, the reflection on the legal provisions applicable in the relevant period, undertaken in the monograph, was conceived only as a reference point for the definition of relationships between the concepts of general administration and the normative solutions applicable in this area.

The reduction of the research field to the analysis of legal concepts of general administration resulted in the abandonment of practical exploration of the practical side of that administration. To extend the area of deliberation onto this sphere would require extensive archival research not only in the territorial but also substantive aspect, in view of the broad spectrum of activities of general administration. Such a broad approach to the research subject would not only entail a significant increase in the volume of the dissertation,

but would involve a risk of losing its primary objective. For this reason, my archival studies covered only those materials that have been the source for the interwar Polish juridical thought. It should also be kept in mind that a considerable area of practical activities of general administration has already been investigated, while the doctrinal approach has not yet become a subject of a monograph, which was pointed out by Professor Tadeusz Maciejewski, who, when analysing the status of research on the administrative thought in interwar Poland, stated – "I suggest patient waiting for monographic work." As a result, the research perspective adopted in the monograph linked to the determination of the legal and systemic position of general administration in the law of the Second Republic has allowed giving the dissertation the feature of originality.

In the monograph I distinguished three periods in the development of the juridical thought related to the issue of general administration. They corresponded to three parts of the dissertation, after the first chapter addressing the concept of general administration from the doctrinal and normative point of view. The first period in the development of the analysed juridical thought of the Second Republic of Poland was connected with the necessity to build, in a relatively short time, the structures of national administration in the regions and to define its status also at the level of constitutional solutions. The second period of conceiving new concepts concerning the organisation and functioning of general administration was connected with the entry into force of the provisions of the March Constitution. They obliged the ordinary legislature to implement the principles of consolidation and deconcentration in the system of territorial administration. Article 66 of the Constitution became a source of inspiration for scholars of law, which thus had to refer to the status of general administration. Year 1928 was the basis for separating the last chapter of the dissertation, for two reasons. Firstly, the Decree of the President of the Republic of Poland of 19 January 1928 *on the organisation and scope of activities of general administration authorities* came into force, which provided for the unification of general administration and at the same time enabled the intensification of the deconcentration process under Article 118. Secondly, the Commission for the Improvement of Public Administration was established at that time, whose achievements included the quintessence of juridical thought also in the field of the legal and systemic position of general administration. In my opinion, the distinction of three development lines in juridical thought in relation to the status of general administration is sufficient to evaluate the doctrinal achievements of the Second Republic in this area. The unification decree of 1928 *on the organisation and scope of activities of general administration authorities* was in force until 1939. On the other hand, the entry into force of

the April Constitution in 1935 did not have such an effect as art. 66 of the March Constitution. The principles of organisation of general administration pursuant to Article 74 of the Constitution were to be defined by a decree of the President of the Republic of Poland, which would regulate the structure and powers of administrative bodies. However, the implementation of the provision of Article 74 of the Constitution of April 1935 never took place. As a result, the decree of 1928 remained in force. As a result, the time frame of the monograph covered the period from 1918 to 1933, when the 8th volume of *Materials of the Commission for the Improvement of Public Administration at the Prime Minister's Office* was published.

4.2. Research methods

The means to reach the research aim was to analyse the provisions of legal acts and draft normative acts from the interwar period, assumptions, reports, papers, minutes of the commission for the improvement of public administration, as well as exegesis of printed materials in the form of monographs and scholarly papers. In view of the above, I used classical research methods and techniques that are characteristic of historical and legal disciplines. In particular, I resorted to the descriptive, historical and historical-comparative methods, using the principles adopted in the linguistic interpretation of legal acts.

I have assumed that an adequate research model would be the model referred to by Marek Maciejewski and Tomasz Scheffler as "mediation-based". It involves developing and establishing relations that mediated between the idea (thought) and the sphere of normative acts. The concept adopted is based on the assumption that it is in the normative acts where the incorporation of doctrinal content takes place, because the rule is that the idea precedes the institution. As a result – as Hubert Izdebski emphasizes – it would be difficult to conduct a "common-sense dogmatic analysis" without knowing and understanding the "conceptual basis" of the entire system and its institutions. Also significant in this respect are the words of Jan Boć, who treated the established scholarly opinion as a "kind of source of law", writing that "the established scholarly opinion prepares not only basic assumptions, but also the content of specific solutions, suggests the need to change the law or establish a new law" (*Prawo administracyjne*, ed. J. Boć, Wrocław 2007, p. 123). The methodical model in historical research on juridical thought, adopted in this dissertation, is accepted by many representatives of the study of history of administration and political and legal doctrines. As a consequence - as Professor Wojciech Witkowski wrote - a "purely" legal "approach to administration is insufficient, and administrative law professionals, but also administration

historians representing such a position must agree with this" (W. Witkowski, *Współczesne ujęcia badawcze w dziedzinie historii administracji*, [in:] *Dzieje biurokracji*, vol. V, part 1, ed. A. Gaca, A. Górak, Z. Naworski, Lublin-Toruń-Włocławek 2013, p. 23).

4.3. Research theses

The main thesis of the dissertation, which I verified in the study, was the claim that the general administration in the juridical thought of the interwar period expressed itself in the coincidence of the principles of combining and deconcentration as a guarantee of efficient administration. It was an exemplification of the principle of the authority of general administration, which was the optimal tool in the process of unification of political and legal institutions and neutralization of disintegration tendencies.

General administration in the juridical thought of the interwar period constituted the ideal type of systematic personification of the principles of combining and deconcentration, which would eliminate the flaws of centralized administration. The general administration was to effectively carry out public tasks in regions and respond quickly to social dysfunctions and needs. The authority of general administration was treated as a reflection of state authority. Therefore, the principle of authority of general administration was the most optimal means in the process of building a model of a unitary state.

4.4. Source basis of the dissertation

The sources for this dissertation include archive materials, printed sources, normative acts and literature on the subject, which cover both the development of the interwar period and the contemporary texts. The bibliography of the dissertation also includes drafts and explanatory notes of interwar normative acts, as well as reports and press releases from the work of the government committees.

The archival sources consist primarily of materials collected in the fonds of the Ministry of Interior and the Office of the Council of Ministers, located in the Central Archives of Modern Records in Warsaw. A valuable source of doctrinal content were in particular the minutes of the meetings of the Council of Ministers, reports and minutes of the work of the Władysław Sikorski Commission, as well as the minutes and correspondence of the official Deconcentration Section of the Commission for the Improvement of the Public Administration. The staff files of high ministerial officials involved in the work of the government committees for reorganisation and improvement of public administration were also used. To a limited extent, I used the fonds of the Civil Cabinet of the Regency Council of

the Kingdom Of Poland and the Provisional Council of State. To a certain extent, also materials from the manuscript collections gathered in the Jagiellonian Library were used.

The monograph took into account printed sources. As regards this monograph, these may include a book by Kazimierz Władysław Kumaniecki (1880-1941), entitled *"Zarys urzędzenia administracji w Polsce"* ["Outline of the administration system in Poland"] (Kraków 1918). I used the drafts for the organisation of territorial administrations prepared by the Polish Law Society in Lviv in the form of printed sources. The concept of general administration according to the approach of Edward Dubanowicz was analysed on the basis of the work entitled *"Sprawa politycznej administracji w Polsce. Podstawy materialne i zasady organizacyjne rządowej i samorządnej administracji terytorialnej na stopniach pośrednich"* [The question of political administration in Poland. Material foundations and organisational principles of the central and self-governing territorial administration on intermediate levels] (Lwów 1920). The source of analysis of the concept of general Administration on the Basis of draft constitutional laws were the positions published in 1920 by the Civil Chancellery of the head of State entitled *"Projekty Konstytucji Rzeczypospolitej Polskiej"* [Draft Constitutions of the Republic of Poland] and, as the supplement *"Projekty Konstytucji Rzeczypospolitej Polskiej. Projekt Komisji Konstytucyjnej Sejmu Ustawodawczego"* [Draft Constitutions of the Republic of Poland. Draft of the Constitutional Commission of the Constituent Assembly] (Warszawa 1920). The Sejm Papers (druk sejmowy) should also be included. Based on them, I developed, inter alia, the concept of general administration according to Alfons Erdman, who filed in the Sejm a draft of *Ustawa Zasadnicza o ustroju władz administracyjnych*. [Fundamental law on the system of administrative authorities]. The source is also the report on the work of the "Commission of the Three". The Commission's theses, together with draft normative acts, were published both in the Władysław Leopold Jaworski's book *"Projekt konstytucji"* ["Draft Constitution"] and in *"Gazeta Administracji i Policji Państwowej"*. An important source of work is *Materiały Komisji dla Usprawnienia Administracji Publicznej przy Prezesie Rady Ministrów*. [Materials of the Commission for the Improvement of Public Administration at the President of the Council of Ministers. In this monograph I used directly the four volumes I was interested in as regards the research field adopted. This was especially the Volume VI of *Materiały Komisji dla Usprawnienia Administracji Publicznej* [Materials of the Commission for the Improvement of Public Administration] which addressed the proposed government administration organisation with a substantiation prepared by Roman Hausner. Volumes IV and V of the Materials of the Commission for the Improvement of Public Administration concerned, in particular, the

proposed administrative divisions of the State for general administration purposes. The volume VIII of the Materials of the Commission addressed the arrangements for the region of capital city and the capital city of Warsaw, which to some extent defined the status of general administration.

The source basis for the dissertation is composed of almost 130 normative acts published in such official journals as: "Dziennik Ustaw Rzeczypospolitej Polskiej", "Dziennik Praw Królestwa Polskiego", "Dziennik Praw Państwa Polskiego", "Dziennik Urzędowy Ministerstwa Spraw Wewnętrznych" and "Monitor Polski".

The literature on the subject used in the monograph covers studies from the interwar period and the contemporary pieces, which were published both in journals and in the form of monographs. They represent about 300 bibliographic items.

4.5. Structure of the study

The monograph consists of an introduction, four chapters, conclusion and bibliography. Each chapter starts with preliminary remarks. They act as an introduction to the issue of a particular part of the monograph. Individual chapters of the monograph were distinguished based on subjective/objective and chronological criteria. First of all, I assumed that the juridical thought relating to general administration should, on the one hand, have, as Lech Dubel wrote, a certain "scholarly stigma", thus approaching the doctrine of law, on the other hand it should be given a some social impact. Thus, I could take under research both the concepts of general administration presented in the monographic formula by luminaries of the science of administrative law, as well as draft normative acts, materials or reports developed by commissions for the improvement of public administration. The governmental status of these bodies ensured that the condition of "social impact" was met, and, at the same level, the high level of expertise, due to the appointment of administrative law scholars and experts-practitioners. On the other hand, the chronological criterion is a natural factor in arranging the process of description in historical legal sciences and is therefore reflected in the monograph.

The content of each chapter has specific sequences "idea-institution" and "institution-idea". On the one hand, I have assumed that the legal system governing the status of general administration may be influenced by a particular administrative thought. On the other hand, I have adopted the view that the legal institutions under analysis can shape that thought, particularly in the form of conclusions for the law as it should stand (*de lege ferenda*), the striking example of which is the work of the Commission for the Improvement of Public Administration. To sum up, the legal system can be both an expression of a thought and its

source at the same time. Bogusław Leśnodorski has put it as follows: "guiding ideas are (...) something primary, while institutions are secondary. (...) At the same time, the activities of institutions influence the process of conceiving further ideas" (B. Leśnodorski, *Pierwsze są idee, wtóre są instytucje*, "Kwartalnik historyczny" 1971, no. 3, p. 657).

The first chapter shows how general administration was identified in the Polish juridical thought and legal order of the interwar period. The purpose of this part of the discussion was to define a set of features – as Tadeusz Kotarbiński wrote – "jointly indicated" by the name "general administration" based on the literature and legal order of interwar Poland. It was about establishing the concept of general administration understood as a conceptual depiction of the essential features of the administration. I have assumed that the most appropriate way of determination of the concept of general administration on a doctrinal basis and in the legal order of the interwar period would be to put this administration within three structural elements, i.e. in the substantive, functional and subjective aspects. The constituent elements of general administration were defined by the principles of administrative consolidation and deconcentration. Both principles were analysed in both doctrinal and formally-dogmatic terms, according to a methodical model which consisted in seeking relationships in the sphere of thought and institutions. In deliberations of the doctrinal nature, I did not limit myself to the clarification of the thought of public law scholars of the interwar period such as, for example, Kazimierz Władysław Kumaniecki (1880-1941), Władysław Leopold Jaworski (1865-1930), Wacław Komarnicki (1881-1954), Tadeusz Hilarowicz (1887-1958) or Stanisław Kasznica (1874-1958). I found out that it would be equally valuable to refer to the views of high-rank government officials and members of the Commission for the Improvement of Public Administration. Their statements were supposed to supplement the deliberations with the practical sphere of organisation and functioning of the general administration of the interwar period. The work of Roman Hausner (1883-1947) and Władysław Czapiński (1885-1967) proved to be very inspiring.

The second chapter, in addition to the introductory remarks, consists of five sub-chapters, of which two main parts can be distinguished. The first one is based on the concepts of the organisation of general administration that emerged at the verge of Polish independence. The aim of the deliberations undertaken at this point was to show juridical thought in the context of various visions of the future system of territorial administration of the Polish state. It was a period of rebirth statehood of the Republic of Poland under the conditions of different systems of law and administrative authorities. The subject of the analysis in the second chapter was both the drafts devised by scholars of administrative law

and government documents. The following were examined: the draft prepared by Kazimierz Władysław Kumaniecki (1880-1941); drafts of the Polish Legal Society in Lviv; the concept of the governmental territorial administration developed by Edward Dubanowicz (1881-1943) and the draft Act on the administrative system of the Kingdom of Poland of 1918 prepared by the government of Jan Kanty Steczkowski (1862-1929).

The first to be analysed was the draft by Kazimierz Władysław Kumaniecki (1880-1941). The source of the discussion was a publication entitled *Zarys urzędzenia administracji w Polsce* ["Outline of the administration system in Poland"] (Kraków 1918). The content of the sub-chapter includes a description and analysis of the structure and tasks of public administration bodies at particular levels, proposed by the author of administrative divisions. The general principles of public administration, which in the author's opinion were the best suited to the conditions in which the Polish state was reborn, were also discussed. The analysis of the concept of general administration proposed by the Polish Legal Society in Lviv was based on several sources. First of all, the content of the opinion *O organizacji władz administracyjnych* [On the organisation of administrative authorities], which is the association's response to a government survey on the proposed reform of territorial administration, was discussed. A subject of deliberation was also so-called Memorial *O organizacji władz administracyjnych* [On the organisation of administrative authorities], which was then submitted to the Presidium of the Council of Ministers and the Ministry of the Interior. The basic concept was the *Projekt organizacji władz administracyjnych w Polsce* [Project for the organisation of administrative authorities] in Poland of 1919. The analysis of the structure of the governmental structure of territorial administration in the opinion of Edward Dubanowicz was based on a paper entitled *Sprawa politycznej administracji w Polsce* ["The issue of political administration in Poland"], in which the author defined the organisation and tasks of territorial administration, highlighting the role of general administration in the process of rebuilding the structures of the reborn Republic of Poland in the context of overcoming the existing political particularities of the administrative authorities. The last of the drafts under analysis had the status of a governmental document. It was prepared by the government of Jan Kanty Steczkowski. The draft in question did not become effective. The proposed normative solutions determining the status of general administration were reflected in the first legal acts governing the organisation of administrative authorities of the second instance.

The second part of the deliberations was devoted to the legal systemic thought related to the organisation of territorial administration in the context of draft constitutional laws. The

fundamentals of public administration are closely linked to the rules of political regime of the State and therefore, depending on the intention of the legislature, they become within a certain scope the subject of constitutional regulation. In this part of the monograph, the subject of analysis in relation to the concept of organisation of territorial administration were draft constitutions prepared by the government, parliamentary committees, political groups and acts prepared individually. In view of the fact that the vast majority of submitted draft constitutions was based on the principle of dualism of territorial administration, and thus the coincidence of central government and local government authorities, there was a need for an analysis of the status of administration in relation to the proposed local government organisation. In total, 10 draft constitutional laws were analysed: 1) "*Projekt Konstytucji Państwa Polskiego i Ordynacji Wyborczej Sejmowej*" ["Draft Constitution of the Polish State and the Sejm Electoral Law"] developed by the Parliamentary-Constitutional Committee of the Provisional Council of the State of the Kingdom of Poland; 2) "*Projekt konstytucji Rzeczypospolitej Polskiej*" ["Draft Constitution of the Republic of Poland"] by Józef Buzek (1873-1936); 3) "*Projekt Konstytucji Polskiej Rzeczypospolitej Ludowej*" ["Draft Constitution of the Polish People's Republic"] by Mieczysław Niedziałkowski (1893-1940); 4) "*Projekt Konstytucji Rzeczypospolitej Polskiej*" ["Draft Constitution of the Republic of Poland"] prepared by the so-called. "Poll"; 5) Government's draft of the "Constitutional Declaration"; 6) Government's "*Projekt Ustawy Konstytucyjnej Rzeczypospolitej Polskiej*" "Draft constitutional Law of the Republic of Poland"; 7) "*Podstawa ładu Rzeczypospolitej Polskiej*" ["The Systemic Basis of the Republic of Poland"] by Włodzimierz Wakar (1885-1933); 8) The draft "*Konstytucja Rzeczypospolitej Polskiej*" ["Constitution of the Republic of Poland"] by Stanisław Głąbiński (1862-1941) and the People's National Sejm Association; 9) "*Projekt Konstytucji Rzeczypospolitej Polskiej*" "Draft Constitution of the Republic of Poland" developed by Stanisław Hłasko (1868-1940) and Józef Polak (1857-1928); and 10) "*Projekt Konstytucji Rzeczypospolitej Polskiej*" ["Draft Constitution of the Republic of Poland"] by Tadeusz Jankowski (1892-1964).

Chapter three of the monograph was devoted to the concepts of general administration devised after the entry into force of the March Constitution of 1921. The constitutional legislature adopted a number of framework norms which determined the content of the draft acts, which were the expression of the juridical thought subject to research. The Status of general Administration under the March Constitution was part of the first chapter. Therefore, in the third chapter, constitutional rules have only been deemed a starting point for a discussion on various concepts of general administration presented after the entry of the

Constitution into force. In this case, certain constitutional provisions were the source of juridical thought. The adopted methodical paradigm operates here in the reverse system: institution - idea. Three concepts determining the status of the General Administration were made based on the third chapter.

First of all, the assumptions for the reforms of the organisation and functioning of general administration were presented in the light of material developed by the Władysław Sikorski Commission. The analysis was based on archival sources, in particular on the submitted theses and meeting minutes. The next part of the analysis covered the draft prepared by Alfons Erdman (1886-1943), an MP of the Polish People's Party "Piast", which was filed in the Sejm as a draft of *Ustawa Zasadnicza o ustroju władz administracyjnych* ["Basic Law on the System of Administrative Authorities"]. The third chapter concludes with a discussion on the concept of general administration in the light of the work of the "Commission of the Three" composed of Michał Bobrzyński (1849-1935), Stanisław Kasznica (1874-1958) and Stefan Smólski (1879-1938). The analysis of the concepts put forward by these authors was based on the report and draft normative acts, as well as the list of deconcentration conclusions drawn up by the commission.

The fourth chapter of the dissertation analyses the concepts that referred to the status of general administration in the light of the work and published *Materiałów Komisji dla Usprawnienia Administracji Publicznej przy Prezesie Rady Ministrów* [Materials of the Commission for the Improvement of Public Administration at the President of the Council of Ministers] appointed in 1928. Four volumes of the Materials were examined. Volume VI of *the Materials* was examined, which included the draft Act on the organisation of government administration, with an explanatory note, prepared by Roman Hausner at the request of the Praesidium of the Commission. The fourth chapter also includes considerations on the concept of administrative divisions of the state for the purposes of general administration. The answers to the "Questionnaire" prepared by the committee were discussed in the above scope. They were sent by Stanisław Bukowiecki, Władysław Dalbor, Władysław Grabski, Stanisław Downarowicz, Piotr Dunin-Borkowski, Marian Zbrowski, Szczesny Wachholz and Czesław Żukiewicz. In addition, the Commission's conclusions regarding general administration were analysed. The fourth chapter was also based on Volume VIII, which referred to the system of the capital-city voivodeship and the capital city of Warsaw. The draft was considered only to the extent to which it concerned the status of general administration. The results of the Commission's work on deconcentration of public administration has been presented on the basis of archival sources. Minutes from the meetings of the Section for

Deconcentration at the Commission for the Improvement of Public Administration were used as a basis for discussion due to the lack of printed matter in this respect. In the fourth chapter, the exegesis of Volumes III and IX of the Materials of the Commission for the Improvement of Public Administration was omitted. They referred respectively to official personnel matters and the organisation of auditing the public administration. Based on this monograph, I assumed that the subject of research on general administration in a doctrinal perspective, due to its broad scope of issues, must be limited to deliberations aimed at determining its legal and political position on the basis of juridical thought. Official personnel issues, detailed rules of the organisation of the auxiliary apparatus or elements concerning auditing and supervision in the context of the organisation and functioning of general administration are addressed in the monograph, but only incidentally and only where this did not disturb the proper course of the narrative.

At the end of the monograph there is a bibliography that lists archival and manuscript sources, printed sources and the literature. Printed sources include: drafts, explanatory notes and a list of normative acts, reports and other documentary sources. The list of official journals and periodicals was published.

4.6. Conclusions (research results)

The Polish juridical thought on general administration in the interwar underwent the evolution, whose lines were determined by certain political and legal circumstances. First of all, they were associated with the imperative of creating in a short time new structures of territorial administration in the reborn Republic. The second factor that gave rise to the juridical thought after 1921 became the specific provisions of the March Constitution, which obliged the ordinary legislature to take appropriate legislative action, while also inspiring statements of scholars of administrative law. The third period in the development of juridical thought concerning general administration was set out by the year 1928. This was a special moment in determining the position of general administration both from a legal and a doctrinal point of view. Fundamental for the determination of the status of general administration was the decree of the President of the Republic of 19 January 1928 *on the organisation and scope of action of the general administration*, and the setting up of the Commission for the Improvement of Administration at the President of the Council of Ministers.

In the early days of the Polish state, the juridical thought, which was reflected in the draft acts presented in this monograph, had to use at the verge of independence the conceptual

sources of the partitioning powers, especially since the inherited administrative systems were a reflection of classical public administration of the 19th century. On the other hand, after 123 without Polish statehood it would be difficult to derive directly from the political-system thought of the Polish-Lithuanian Commonwealth and the administration model of the era of the reign of King Stanisław August Poniatowski. The same situation regarded the regime of the Duchy of Warsaw, the Kingdom of Poland and the Republic of Cracow. Therefore, in assessing the concepts of territorial administration at the verge of independence, it is necessary to reject the conclusion about the existence of fully original Polish administrative thought. In the early days of the Polish state, the area of practical organisational solutions was explored, which would enable the unification of the Polish administration, drawing patterns mainly from French thought regarding the central government administration, and Prussian thought in terms of local government organisations. Nevertheless, the authors, when seeking inspiration in foreign theoretical thought, attempted to implement their own organisational and legal solutions, which would be adequate to the specific circumstances of rebirth of the Polish state. Taking a starting point, as a rule, the status quo of the administration systems of the partitioning powers, the originators of these draft acts largely abandoned the idea of carrying out even a velvet revolution in this regard.

The analysis of the concepts of general administration as an example of Polish juridical thought had their specific characteristics and common features. In the vast majority of them, the common denominator was the idea of coexistence of structures of central government and local government. However, the differences between the doctrinal proposals for specific institutional solutions occurred in a vertical and horizontal arrangement. On the one hand, the proponents of administrative divisions within the State located the territorial administration structures differently, leaving some entities solely for the determination of the jurisdiction of the central government or local government authorities. On the other hand, the draft proponents differed in terms of the degree of interdependence between the institutions of local government and central government authorities, adopting the Prussian or Austrian model. The analysed drafts also differed in the substantive scope of combining various administrations within the general administration and the degree of the combining, depending on the concept in the form of combining organisational means, personnel or responsibilities.

In the first period of development of the juridical thought of the interwar period, the German model dominated the principle of dualism of territorial administration. The coexistence of central government and local government administration bodies has been present in the analysed draft acts almost always at the poviats and voivodeship level. This

dualism was usually expressed in the Prussian manner, providing for the institutional connection of central governmental and local self-governmental administration, which in the Polish juridical thought meant granting to the starost or voivode the functions of a head of the collective local self-government executive bodies.

In the doctrine, it was generally postulated to base the governmental territorial administration on the principles of combining and decentralization. The draft proponents, adopting as a source of inspiration the status of the French prefect, granted the functions of the head of the combined administration to general administration authorities. At the same time, voivodes and starosts were provided with coordinative legal measures appropriate for the institutions of functional management in relation to the non-combined administration bodies.

The model outlined above creates an ideal type, by which it is possible to characterize most of the drafts under the analysis. Each of them, however, contained some *signum specificum* with which the author wanted to enrich the presented thought. In my opinion, this element was not an artificial addition aimed at giving the classical institutional solutions the appearance of an original system, but aimed at adapting foreign solutions to the specificity of Polish conditions.

The model of organisation of territorial administration presented above, including the status of general administration bodies, can be referred to the drafts proposed by Kazimierz Władysław Kumaniecki, the Polish Law Society in Lviv and the concept prepared by the government of Jan Kanty Steczkowski. This paradigm was also in line with the thought of Edward Dubanowicz, Alfons Erdman and the concepts devised by the Władysław Sikorski Commission, the Commission of the Three and, to some extent, Roman Hausner. Among the draft constitutional laws, the outlined model of organisation of territorial administration was reflected in most of the presented acts. The exceptions concerned primarily various political concepts of the status of executive bodies of local self-government while maintaining the principle of dualism.

The above-mentioned authors supplemented the above defined model of institutional solutions with their own new content. In the case of the K.W. Kumaniecki's draft, it is worth noting the thesis on the practically full combining under the authority of the voivode and starost of all administration departments, including the fiscal and education administration, and the attribution to the local self-government of an important role in the process of rebuilding the administrative system of the state.

The draft prepared by the Polish Law Society in Lviv was particularly interesting. It should be noted that the authors provided for unusual solutions in the implementation of the principle of combining. On the one hand, it was postulated to organize the organisational combining in "one office" and "under one head" towards most of administration departments. On the other hand, it was proposed to carry out organisational and technical combining within voivodeship offices of all organs of government administration of the second instance including non-combined administration. As a consequence, a structure was created in which the incorporation of non-combined administration bodies into the auxiliary apparatus of the voivode did not create direct authority of the general administration. Another special feature of the legal society's draft in its original version was the postulate of introducing the principle of dual administration only at the voivodeship level, while maintaining poviats only as units of central government administration.

The Edward Dubanowicz's concept first of all is characterised by the strong position of the voivode, who acted not only as the body and superior of the combined administration, but primarily as the authority of general administration. In the author's opinion, the territorial self-government should have fulfilled an auxiliary function, at least in the beginning of the Polish state. The legal status of the voivode as perceived by the author - in comparison with other political concepts - was the closest to the position of the French prefect. Eventually, Edward Dubanowicz appears to be a supporter of the voivode's "dictatorship" during the transition period due to the need to reconstruct and unify the territorial structures of the state at the verge of independence.

The draft proposed by the Jan Kanty Steczkowski Cabinet followed the model concept quite precisely. However, it particularly emphasized the status of the voivode as a representative of the Council of Ministers, who thus was responsible for the activities of the entire public administration within the voivodeship. It is also worth noting that the content of the government draft was reflected both in the provisions of the secondary legislation to the temporary act of 1919 and in the Regulation of the Council of Ministers of 28 August 1919 on the temporary organisation of poviat administrative authorities of first instance in the territory of the former Russian partition.

The draft constitutional laws, which set out the principles for the organisation of public administration, should also be seen as an expression of the juridical thought of the interwar period. Comparing the previously outlined ideal type of territorial administration with the solutions adopted in the draft basic laws, there are two exceptions. The first one was connected with the departure, in the system of dualism of the governmental and local

government administration, from the Prussian model to the Austrian model. The superiors of general administration did not perform the functions of presidents of collective executive bodies of the local self-government. Such a model appeared in the concept of Stanisław Głabiński, in the draft of Stanisław Hłasko and Józef Polak, and the draft proposed by Tadeusz Jankowski. The second exception was the basic law of the "Questionnaire", which was the closest to French models. According to the draft, the heads of general administration served as executive bodies of local self-government due to the lack of appropriate self-government institutions. A common feature of the draft Constitutions of the Polish State, apart from the preparation of the "Questionnaire", was the avoidance of regulation of the status of general administration in a detailed manner and leaving this issue to the ordinary legislature. It seems that the proponents of constitutional acts thus wanted to gain support for their proposals both among the supporters of centralism and the advocates of extensive decentralization of public administration.

The work of the Władysław Sikorski Commission was characterised by the development of specific postulates concerning the implementation of the principle of combining under Article 66 of the March Constitution. None of the concepts presented in the period under study defined so broadly the detailed assumptions on the principles of combining of individual departments of government administration. The juridical thought expressed in the form of general principles of the subcommittee for combining became a direct source of inspiration for the authors of the Regulation of the Council of Ministers of 11 February 1924 on the organisation of administrative authorities of the second instance.

Alfons Erdman's draft was a normative act of a framework nature, which was referred to by the author himself as a basic law on the regime of administrative authorities. It was a collection of systemic rules, which distinguished it against other drafts. Consequently, by means of framework rules, the legislature referred to the specific competence norms in respect of other laws. Erdman attaches great importance to the principles of rational administrative divisions of the State and has provided specific criteria in this respect. Appropriate regulations in this regard were supposed to guarantee the economic efficiency and effectiveness of territorial administration.

The particular feature of the Commission of the Three was the complementarity of the concept, previously unprecedented in the Polish juridical thought. The authors supplemented the doctrinal considerations with normative solutions, which tellingly, individualised the legal ties linking the voivode and starost to individual organisational units due to the specificity of the sector of administration concerned. The report by the Commission of the Three

constituted a substantiation for the proposed legislative changes. On the one hand, the appropriate reading of the administrative thought would not be possible without knowing the draft legislation. On the other hand, the materials of the Commission of Three show how the authors have reformed the juridical thought into the institutions.

The *Signum specificum* of the Hausner's draft published under Volume VI of the *materials of the Commission for the Improvement of Public Administration*, and in my opinion one of the more original elements of his thought was the adoption of a distinction between combined administration and special administration, which are usually deemed synonymic terms. The non-combined sectors included, in accordance with Article 88(1) the military and judicial administrations. The special administration constituted bodies which did not form part of the general administration. Hausner wanted to make a specific gradation of the combining between the voivode and the general and special administration bodies. This was followed by a consistently used terminology, whereby the author distinguishes between indirect and direct combining. The link between the two legal relations was the concept of combining, to which Hausner applied gradation with legal measures conferred on the voivode and the starost, and related to "direct management" or "superior supervision". None of the above-mentioned legal measures was granted to general administration bodies in respect of non-combined administration, which were exercised under the status of Voivode and Starostas as representatives of the executive power.

Summarizing the results of the work of the The Section for Deconcentration of the Commission for the Improvement of Public Administration, it should be noted that the vast majority of the postulates concerned territorial deconcentration, for which the legal basis laid down in Article 118 of the decree of the President of the Republic of 19 January 1928 *on the organisation and scope of activity of general administration* could be used. However, the Subcommittee developed 21 proposals, which were defined in a horizontal deconcentration formula with the designation of responsibility movement in the relation the Council of Ministers – ministers. As part of a vertical deconcentration, where 234 postulates were presented, approximately 62% of the conclusions of the section assumed a situation of transfer of responsibilities reserved to the central government state authorities to the administration authorities of the second instance. The proportion of conclusions *de lege ferenda* providing for the transfer of responsibilities from the bodies of the second instance to the first instance accounted for approximately 33% of all postulates with regard to vertical deconcentration. A total of 5% of the conclusions on deconcentration consisted in

repartitioning the responsibilities of the central authorities in favour of administrative authorities of the 1st instance.

When analysing the *Materials of the Commission for the Improvement of Public Administration* concerning administrative divisions of the State for the purposes of general administration, it should be stated that - irrespective of individual scholarly voices expressed in the answers to the "Questionnaire" sent to the Commission - the view of maintaining a three-tier administrative division with a small number of large voivodship dominated and ultimately won. In the concept of administrative divisions adopted by the Commission, the status of the head of general administration in a voivodeship was particularly emphasised, and to a lesser extent in poviats. In the light of the assumptions made, the position of a voivode in territorially expanded voivodeships was supposed to be based especially on the function of a governmental representative, who was supposed to exercise a large part of the de-concentrated responsibilities related to the function of government, at the expense of the central government. As a result, the administrative functions of the voivode were situated in the background.

In the light of Volume VIII of the *Materials of the Commission for the Improvement of Public Administration*, contained the draft system of the capital voivodeship and the capital city of Warsaw, the status of general administration was determined by the principle of uniformity of government and self-government administration. The voivode, as the head of the voivodeship office, was responsible for matters of government administration and the voivodeship municipal association. The planned organisation of general administration in the capital city of Warsaw provided for the creation of a municipal poviat for the purposes of general administration, in which the functions of a general administration body of the first instance were exercised by the city mayor. The main idea behind the draft was, first of all, to combine the government and self-government administration into a single working apparatus. Secondly, the creation of a clear legal basis for the transfer of tasks of central government administration to local government bodies, with the exception of military and public security matters.

In the light of the findings, it should be stated that the main thesis I put forward in the introduction has been confirmed. The basis of the status of general administration in the juridical thought of the interwar period was formed by the principle of authority of general administration. The concept of this authority should have been associated primarily with the political responsibility of its bodies for the efficient performance of basic functions of the state in the name of values that were of fundamental importance for the country as a whole.

On the other hand, the essence of general administration was expressed in the coincidence of the principles of administrative combining and territorial deconcentration. In the opinion of most representatives of the interwar doctrine of public law, they were a prerequisite for the success of the interwar attempts to "improve administration". A review of both constructions in doctrinal and dogmatic terms indicates that a praxeologically necessary link was noticed between the principle of combining and deconcentration. A specific degree of combining within the territorial administration was to be a condition for a well-conducted deconcentration. The two principles were "two sides of the same coin" in the interwar period, with the task of solving it in a complementary way in two perspectives: "combining in the horizontal plane and deconcentration in the vertical plane". The representatives of the interwar doctrine of administrative law used the theoretical construction of consolidation and deconcentration, established in particular in the French thought. By building the structure of territorial administration and attempting to unify it, they attempted to give the above principles a specific practical context that would be adapted to the political realities of the reborn Republic of Poland.

4.7. Use of the dissertation

The dissertation, especially in chapter I, in the course of doctrinal considerations points to the relationship of contemporary organisational forms of combined territorial administration with the systemic institutions developed during the interwar period. It should be stressed that the current doctrine of administrative law and Polish legislation of the era of reforms of the late 1990s referred to the achievements of juridical thought of the interwar period. The solutions adopted at that time are, to some extent, still in force.

A doctrinal reflection should always accompany the legislature in the process of designing new organisational forms in the public administration. The rationalisation of administrative law requires the use of past experiences not only in the sphere of practical activities, but primarily in doctrinal and theoretical sphere. This is so, because in principle, ideas are primary while institutions are secondary in nature.

5. Description of other scientific (and artistic) achievements

5.1. Introduction

My other scientific and research achievements include first and foremost publication activities and active participation in international and nationwide scientific conferences. The

presentation of achievements is the description of scientific interests, taking into account the main research threads in publications and papers with an indication of the basic results of the study. My research activities have been documented in various forms of scientific work. In particular, they were: scientific editorial work, monographs, chapters in monographs, scholarly papers and reviews published in scientific journals, as well as co-authorship of commentaries on the legislation (Appendix 4). I have published in Polish, English, German and French. My scientific interests focused in particular on the three research areas characterised in the following sections.

5.2. Political and legal doctrines of the 19th and 20th centuries

An important place in my research work after being awarded the degree of Doctor of Laws was a continuation of the interest in the German political and legal thought of the 19th and 20th centuries. I started studying this subject matter in 2001. During the scholarship at the Department of Political and Legal Doctrines and Philosophy at the Faculty of Law and Administration of the Adam Mickiewicz University in Poznań I had the opportunity to collect materials in this subject matter. The scientific supervisor of the research stay was Professor Henryk Olszewski. After defending my doctoral dissertation in 2005, I continued my research activities as part of a scholarship from *Deutscher Akademischer Austausch Dienst* (DAAD) until 2006, working on the German study of state of the 19th and 20th centuries at the Department of Public Law, Law Philosophy and General State Science at the Faculty of Law of the University of Heidelberg. The results of the research carried out in Germany were published in a modified version of the doctoral dissertation, which was extended by further research threads (J. Kostrubiec, *Nauka o państwie w myśli Georga Jellinka* [Study of state in the Georg Jellinek's thought], Lublin 2015). It was the first monograph on Georg Jellinek's doctrine in Poland. The main thesis of the work was that Jellinek, when distinguishing between "normativity" and "reality", sought in his concept of the study of state primarily the elements that link these two areas of research. He did not separate the two areas, but with the use of the concept of "the normative power of facts (reality)" and the theory of state's self-binding, he built a bridge that linked the two areas of the study of state. The issues of study of state in German thought were also the subject of my lectures at national scientific conferences, such as: J. Kostrubiec, *Koncepcja typu idealnego w teorii Georga Jellinka i Maxa Webera* [The concept of ideal type in the Georg Jellinek and Max Weber's theory] (conference on "Najnowsze kierunki badań w dziedzinie doktryn politycznych i prawnych" [

"The recent directions of research in the field of political and legal doctrines"], Szczyrk, 26-28 May 2006); J. Kostrubiec, *Nowe ujęcie państwa jako wyraz kultury prawnej w Niemczech w drugiej połowie XIX wieku*, [New approach to state as an expression of the legal culture in Germany of the 2nd half of the 19th century] the Polish Nationwide Scientific Conference "Kultura a myśl polityczno-prawna" ["Culture and political and legal thought"], 7th National Convention of Departments of Political and Legal Doctrines (Jurata, 28-31 May 2008); J. Kostrubiec, *Teoria państwa w Niemczech drugiej połowy XIX wieku* [State theory in Germany in the second half of the 19th century] (conference "W świecie ideologii – wielkie doktryny polityczne" ["In the world of ideology - great political doctrines"], Warsaw, 26-27 November 2008). [detailed list - appendix no. 4]. The above research area was expanded with new threads which was reflected in articles, chapters in multi-author monographs and conference proceedings (J. Kostrubiec, *Georg Jellinek. Portret polityczny uczonego*, ["Georg Jellinek. Political Portrait of a Scientist"], "Annales Universitatis Mariae Curie-Skłodowska", Lublin - Polonia, Sectio G, vol. LII/LIII, 2005/2006, pp. 61 – 70; J. Kostrubiec, *Georg Jellinek i Hans Kelsen. Spór o istotę państwa*, ["Georg Jellinek and Hans Kelsen. A dispute over the essence of statehood"] [in:] *W kręgu historii i współczesności polskiego prawa. Księga jubileuszowa dedykowana Profesorowi Arturowi Korobowiczowi*, [In the circle of history and contemporary Polish law. A jubilee book in honour of Professor Artur Korobowicz], W. Witkowski (ed.), Lublin 2008, pp. 409-415; J. Kostrubiec, *Georga Jellinka ogólna nauka o państwie*, ["Georg Jellinek's general theory of state", [in:] *Czas a trwanie idei politycznych i prawnych* ["Time and duration of political and legal ideas"], K. Chojnicka, A. Citkowska-Kimla, W. Kozub-Ciembroniewicz (eds.), Warsaw 2008, pp. 248-256).

The area of my scientific interests in the field of political doctrines should also include research on the Professor Grzegorz Leopold Seidler's thought (J. Kostrubiec, *Władza państwowa w ujęciu Profesora Grzegorza Leopolda Seidlera* ["State authority as approached by Professor Grzegorz Leopold Seidler"] ("Annales-Universitatis-Mariae Curie-Skłodowska" 2014, Lublin - Polonia, Sectio G, vol. LXI, pp. 87-94). In the published article, I attempted to answer the question about the validity of G.L. Seidler's basic thesis on social acceptance as a *signum specificum* of every authority. I considered it from the point of view of the contemporary legal construct of legitimation of government. The G.L. Seidler's thought was also referred to in an article written together with Professor Lech Dubel on the methodological concept (L. Dubel, J. Kostrubiec, *Ewolucja metodologii nauk prawnych w ujęciach Profesora Grzegorza Leopolda Seidlera* ["Evolution of legal science methodology in the studies of Professor Grzegorz Leopold Seidler"], "Studia Iuridica Lublinensia" 2010,

Volume XIII, pp. 21-34). The research analysis of the G.L. Seidler's political and legal doctrines was one of the first attempts of comprehensive presentation of the methodological problems of the discipline. The article draws attention to the author's groundbreaking text addressing the postulate of multifaceted research into law. Seidler has never announced any spectacular formal departure from the elements of Marxist methodology. However, he consistently promoted the position, quite common among Polish historians of political and legal doctrines, that the research of thoughts cannot be detached from either the material sources of its origin, i.e. the specific historical situation, or that the study of the influence that a given doctrine had on the environment should not be avoided. These two postulates are today the classics of the historical method, applied also by authors sharing absolutely different ideological bases.

My scientific interests also included the issue of principles of the political system of a state, which was presented from a doctrinal perspective. The research in this area resulted in chapters in a multi-author publication (J. Kostrubiec, *Zasada republikańskiej formy państwa* [The principle of the republican form of state], [in:] M. Bożek, M. Karpiuk, J. Kostrubiec, K. Walczuk, *Zasady ustroju politycznego państwa* [Principles of the political system of a state], Poznań 2012, pp. 73-86; J. Kostrubiec, *Zasada społeczeństwa obywatelskiego* [The principle of civil society][in:], M. Bożek, M. Kościelski, M. Wierzbowski, M. Wierzbowski, K. Walczuk, *Zasady ustroju politycznego państwa* [Principles of the political system of a state], Poznań 2012, p. 200-218; J. Kostrubiec, *Klasyczna teoria podziału władzy w ujęciu Monteskiusza* [The classic theory of separation of powers by Montesquieu] [in:] M. Bożek, M. Karpiuk, J. Kostrubiec, K. Walczuk, *Zasady ustroju politycznego państwa*, [Principles of the political system of a state], Polskie Wydawnictwo Prawnicze IURIS, Poznań 2012, pp. 120-124).

5.3. History of administration and administrative thought of the Second Polish Republic

An important current of my scientific interests is the issue of public administration considered in the context of legal thought and the legal order of the Second Polish Republic. The investigations carried out in this respect addressed primarily the central administration (J. Kostrubiec, *Reformy centrum administracji rządowej w Drugiej Rzeczypospolitej*, [Reforms of the government administration centre in the Second Polish Republic], [in:] *Pro scientia et disciplina – Księga Jubileuszowa z okazji 50-lecia Studenckiego Koła Naukowego Prawników*

Uniwersytetu Marii Curie-Skłodowskiej [Pro scientia et disciplina - a Jubilee Book on the occasion of the 50th anniversary of the Legal Students' Scientific Club of the Maria Curie-Skłodowska University], H. Groszyk, J. Kostrubiec, M. Grochowski (eds.), Warszawa 2009, pp. 115 - 142). The above publication demonstrates the evolution and conditions in which the central administration system was developing in the years 1918-1939. It was found that the inflation of central offices resulted from special responsibilities imposed on the government administration in the first years of the reborn Polish Republic. I also addressed the issue of the central administration in a publication on the evolution of the legal and political position of the military administration organisation, namely the Inspector General of the Armed Forces ((J. Kostrubiec, *Generalny Inspektor Sił Zbrojnych w systemie administracji państwowej Drugiej Rzeczypospolitej*, [General Inspector of Armed Forces in the system of state administration of the Second Republic], [in:] M. Karpiuk, K. Orzeszyn (eds.), *Bezpieczeństwo narodowe Rzeczypospolitej Polskiej. Wybrane zagadnienia prawne*, [National Security of the Republic of Poland, Selected legal issues], Warszawa 2014, pp. 109-115). The role of public administration in the interwar period in the area of security and public order was also the subject of my study on the status of the State Police. This chapter was published as part of a multi-authored study on the police law, co-edited by me (J. Kostrubiec, *Organizacja i funkcjonowanie Policji Państwowej w II Rzeczypospolitej*, [Organisation and functioning of the State Police in the Second Polish Republic], [in:] *Prawo policyjne*, [Police law], M. Czuryk, M. Karpiuk, J. Kostrubiec, K. Orzeszyna (eds.), Warszawa 2014, pp. 13-22).

The scope of my research contained also the administrative thought regarding the territorial administration of the Second Polish Republic (J. Kostrubiec, *Ustrój administracji terytorialnej w świetle pierwszych projektów polskiej doktryny prawniczej u progu odrodzonej Rzeczypospolitej* [System of the territorial Administration in the light of the first drafts proposed by Polish legal scholars at the verge of the reborn Polish Republic], "Studia Iuridica Lublinensia" 2016, vol. XXV, No. 3, pp. 443 -458). When analysing the first concepts of the territorial administration system at the verge of independence as approached by Kazimierz Władysław Kumaniecki, the Polish Legal Association in Lviv and Edward Dubanowicz, I adopted the thesis that the guiding principle of the presented drafts was the leading position of general administration, which was perceived as a condition for building a strong and unified Republic, even for the price of the Polish political systemic tradition.

A legal and comparative publication in the field of research on public administration written in German was a chapter in the monograph co-edited by me with German law professors, entitled *Der Einfluss des deutschen Gedankens auf doktrinäre Konzepte und*

normative Grundsätze der kommunalen Selbstverwaltung in der Zweiten [The influence of German thought on doctrinal concepts and normative assumptions of local self-government in the Second Polish Republic] *Kommunale Selbstverwaltung in Polen und in Deutschland* [Local self-government in Poland and Germany] M.-E. Geis, G. Grabarczyk, J. Kostrubiec, J. Paśnik, Th.I. Schmidt (eds.), Warszawa 2015, pp. 131-142). I proposed three basic theses in the publication. First, the Polish legislature, having the choice between the Austrian and Prussian models, adopted the Prussian solutions to a greater extent. Secondly, the Prussian model was not adopted directly, therefore it is impossible to speak about the reception but rather about the influence of Prussian regulations in this area. Thirdly, it should be stated that the administrative and systemic evolution in the sphere of territorial self-government in the Second Polish Republic proceeded, as a rule, according to the following pattern: from the Austrian model to the Prussian model; from the naturalistic theory of territorial self-government to etatism.

I would like to mention that my research on administrative thought of the interwar period based on archival sources comprised also an analysis of biography and legal thought of the eminent administrative law scholar of the Second Republic Roman Hausner (1883-1947) (J. Kostrubiec, *Roman Hausner (1883-1947) - wybitny administratywista Polski międzywojennej* [Roman Hauser (1883-1947) – a distinguished administrative legal scholar of the Polish interwar period], "Annales Universitatis Mariae Curie-Skłodowska" 2019, Sectio G (Ius), Vol. 66, No 1 [article reviewed, currently under editorial process]. In the above article I proposed the idea that Roman Hausner as co-author of important draft legal acts, the promoter of far-reaching reforms in the field of government administration and a fertile author of publications can be considered a significant person among interwar Polish scholars of administrative law.

The aforementioned issues have become a significant part of my papers delivered at national and international scientific conferences (the detailed list - Appendix 4), such as for example: J. Kostrubiec, *Ustrój administracji ogólnej w myśli prawniczej dwudziestolecia międzywojennego* [The system of general administration in the juridical thought in the interwar period], 17th National Convention of Departments of Political and Legal Doctrines (13-15 November 2018, Wrocław); J. Kostrubiec, *Pozycja prawna Policji Państwowej w systemie zespolonej administracji rządowej Polski międzywojennej* [Legal position of the State Police in the system of combined government administration of interwar Poland], International scientific Conference "Bezpieczeństwo w Polsce i na Ukrainie. Wyzwania dla administracji publicznej" ["Security in Poland and Ukraine. Challenges to Public

administration"] (Warsaw, 27 May 2018); J. Kostrubiec, *Ewolucja ujęcia normatywnego stanu wyjątkowego w Polsce. Między II a III Rzeczpospolitą* [Evolution of the normative approach to the state of emergency in Poland. Between the 2nd and 3rd Republic of Poland, the Nationwide Scientific Conference "Zadania współczesnej administracji w zakresie bezpieczeństwa i porządku publicznego" ["Tasks of modern administration in the field of security and public order"] (Warsaw, 22 April 2018); J. Kostrubiec, *Sprawność administracji jako wyraz postulatu władzy racjonalnej O reformach administracji rządowej II Rzeczypospolitej w koncepcji Romana Hausnera* ["Efficiency of administration as an expression of the postulate of rational authority. On the reform of the governmental administration of the 2nd Republic in the concept of Roman Hausner"], the nationwide scientific conference "Postulat Władzy Racjonalnej w Wybranych Nurtach Myśli Politycznej i Prawnej" ["The Postulate of Rational Authority in the Chosen Trends of Political and Legal Thought", in memory of Professor Jan Malarczyk (Lublin, 17 May 2017); J. Kostrubiec, *Między "tymczasowością" a "unifikacją". Administracja ogólna w myśli prawniczej w pierwszych latach Polski międzywojennej* [Between "temporality" and "unification". General administration in the juridical thought in the early years of interwar Poland] - 26th Nationwide Convention of Historians of State and Law and History of Political and Legal Doctrines: "Pogranicza w historii prawa i myśli polityczno-prawnej" ["Borderlands in the history of law and political-legal thought"] (Mrągowo, 13-16 September 2016); J. Kostrubiec, *Zadania i kompetencje administracji ogólnej w sferze bezpieczeństwa państwa w Polsce międzywojennej a wytyczne na przyszłość* [Tasks and responsibilities of general administration in the sphere of state security in interwar Poland and the guidelines for the future], the Nationwide Scientific Conference "Bezpieczeństwo państwa i jego zagrożenia w zmieniającej się rzeczywistości społecznej, kulturowej i prawnej" ["Security of the state and its threats in the changing social, cultural and legal realities"] (Warsaw, 17 December 2016); J. Kostrubiec, *Rola administracji publicznej w zakresie ratownictwa w dwudziestoleciu międzywojennym* [The role of public administration in the field of rescue system in the interwar period], Nationwide Scientific Conference "The Rescue System and its place in the sphere of public administration" (Warsaw, 10 January 2016).

5.4. Public administration system - the doctrinal and normative aspects

This area of research stems from the methodical paradigm I have adopted, according to which I try to seek in my scientific and research activity the links between contemporary

organisational forms of public administration and institutions of the past, especially during the interwar period. This part of the achievements under evaluation contains mostly papers on the systemic administrative law.

The research area presented above includes a chapter in a multi-authored publication in which I demonstrated various model approaches to the concept of public administration in the Polish doctrine of administrative law from the nineteenth century to contemporary times (J. Kostrubiec, *Ewolucja pojęcia "administracja publiczna" w polskiej myśli administracyjnej* [Evolution of the concept of "public administration" in Polish administrative thought], [in:] M. Karpiuk, W. Kitler (ed.), *Nauka administracji* [Science of administration], Warszawa 2013, pp. 12-27). The piece covers the definition of public administration according to the concept of "founding fathers" of the Polish school of administrative law - A. Okolski, F.K. Kasperek and J.B. Oczapowski, as well as approaches applied by legal scholars of the Second Republic of Poland, as in the post-war period and the People's Republic of Poland. These reflections are concluded with contemporary definition models.

As a result of my research on the status of governmental territorial administration, two chapters were published in a monograph co-edited by me. these concerned the problems related to the functioning of non-combined administration established for the performance of special tasks of public administration (J. Kostrubiec, *Niezespólna administracja górnicza*, [Non-combined mining administration], [in:] *Niezespólna administracja rządowa* [Non-combined governmental administration], M. Czuryk, M. Karpiuk, J. Kostrubiec (eds.), Warszawa 2011, pp. 94-101; J. Kostrubiec, *Niezespólna administracja graniczna* [Non-combined border administration], [in:] *Niezespólna administracja rządowa* [Non-combined governmental administration], M. Czuryk, M. Karpiuk, J. Kostrubiec (eds.), Warszawa 2011, pp. 194-204; Another aspect of my scientific interests in governmental administration was the status of the superior of combined administration. This area was particularly important for me in the context of research on general administration of the Second Republic of Poland. Their result was an article on the function of a voivode in terms of health safety and co-authorship of a commentary on the Act on the voivode and government administration in the voivodeship in the part concerning the position of the voivode as a representative of the Council of Ministers (M. Karpiuk, J. Kostrubiec, *The Voivodeship Governor's Role in Health Safety*, "Studia Iuridica Lublinensia" 2018, vol. XXVII, no. 2, pp. 65-75; J. Kostrubiec, *Komentarz do art. 23-24* [A commentary on Articles 23-24], [in:] *Ustawa o wojewodzie i administracji rządowej w województwie. Komentarz*, [Act

on the voivode and the governmental administration in voivodeship. A commentary] M. Czuryk, M. Karpiuk, M. Mazuryk (eds.), Warszawa 2012, s. 96-103).

Another area of my research in the field of territorial administration were the issues related to the status of local government. I have been the scientific editor of the monograph entitled *Samorząd terytorialny w państwach Unii Europejskiej* [Territorial self-government in the EU member states] and the author of one chapter on the system of local self-government in Germany (J. Kostrubiec, *Samorząd terytorialny w Republice Federalnej Niemiec* [Local self-government in the Federal Republic of Germany], [in:] *Samorząd terytorialny w państwach Unii Europejskiej*, [Local self-government in the European Union], M. Czuryk, M. Karpiuk, J. Kostrubiec (eds.), Warsaw 2015, pp. 189-202). I analysed the German model of territorial self-government not only from the point of view of its structure and scope of operation, but also from the perspective of historical evolution. The result of my interest in the issues of territorial self-government was a monograph written in German, co-authored by Professor M. Karpiuk. The reviewers of the study were professors from both Poland and Germany. As part of the monograph I have created, I am the author of four chapters (J. Kostrubiec, *Das Wesen der territorialen Selbstverwaltung*, [Territorial self-government], *Behörden der territorialen Selbstverwaltung*, [Territorial self-government authorities], *Lokale Rechtsakten der territorialen Selbstverwaltung*, [Local law acts of local self-government bodies], *Aufsicht über die Tätigkeit der Organen von Einheiten territorialen Selbstverwaltung* [Supervision over the activities of bodies of local government units], [in:] M. Karpiuk, J. Kostrubiec, *Rechtsstatus der territorialen Selbstverwaltung in Polen*, Olsztyn 2017). The monograph includes, inter alia, the thesis that after more than 25 years of operation of territorial self-government in Poland, the time has come for change, assuming, however, that the Polish legislature chooses the path of "evolution" and not "revolution."

A special aspect of my interest in the issues of territorial self-government was the determination of its role in the area of public security and order. The result of research in this area was the publication of two articles (J. Kostrubiec, *Zadania i kompetencje samorządu terytorialnego w zakresie administracji rezerw osobowych dla celów powszechnego obowiązku obrony* [Tasks and responsibilities of territorial self-government in the field of personnel reserves management for the purposes of common military duty], [in:] *Zadania i kompetencje samorządu terytorialnego w zakresie porządku publicznego i bezpieczeństwa obywateli, obronności oraz ochrony przeciwpożarowej i przeciwpowodziowej* [Tasks and responsibilities of territorial self-government in the field of public order and security, defence and fire protection and flood prevention], eds. M. Karpiuk, M. Mazuryk, I. Wieczorek, Łódź

2017, pp. 105-112; M. Czuryk, J. Kostrubiec, *The legal status of local self-government in the field of public security*, "Studia nad Autorytaryzmem i Totalitaryzmem" 41, No. 1, Wrocław 2019, pp. 33-47).

In the research area related to the functioning of territorial self-government there is also the issue of metropolisation in Poland, which became the subject of my study, co-authored by Professor A. Bosiacki, in a collective work published in France in English and French. Analysing the problem of metropolitan relations in the article, it was assumed that the long-awaited metropolitan law in Poland served the approval, despite the fact that the transfer of tasks for metropolitan unions did not fully transfer local democracy (A. Bosiacki, J. Kostrubiec, *Metropolisation in Poland: current issues and the perspectives; Métropolisation en Pologne: questions actuelles et perspectives*, [in:] *Metropolisation, Regionalization and Rural Intermunicipal Cooperation. What impact on Local, Regional and National Governments in Europe? Métropolisation, régionalisation et intercommunalité rurale. Quel impact sur les autorités locales, régionales et centrales en Europe?* eds. Ludmila Malíková, Frédéric Delaneuville, Marián Giba et Stéphane Guérard, Institut Universitaire Varenne 2018, pp. 361-376, pp. 899-914).

The extension of the legal and administrative issues that to some extent departed from my mainstream research was a textbook on public auditing in the administration and scientific editorial work on a peer-reviewed scientific monograph relating to the procedural aspects of public administration (J. Kostrubiec, *Kontrola administracji publicznej*, [Auditing in public administration] [in:] M. Karpiuk, J. Kowalski (red.), *Administracja publiczna i prawo administracyjne w zarysie* [Outline of public administration and administrative law], Warszawa-Poznań 2013, pp. 329-364; *Działalność administracji publicznej. Ujęcie procesowe* [Public administration activities. A procedural perspective], M. Karpiuk, J. Kostrubiec (eds.), Warszawa 2013, pp. 229).

The secondary research fields include also publications on the issue of legislation in public administration. In this regard, I have developed two chapters of the peer-reviewed multi-author publication, which concerned elements of the theory of Law and the rules of the press procedure (J. Kostrubiec, *Podstawy teorii prawa w legislacji administracyjnej* [Fundamentals of law theory in administrative legislation], [in:] M. Karpiuk, J. Kostrubiec, M. Paździor, K. Popik-Chorąży, K. Sikora, *Legislacja administracyjna* [Administrative legislation], Warszawa 2013, pp. 13-72; J. Kostrubiec, *Zasady przygotowania rządowego projektu ustawy* [Rules for the preparation of a government-proposed bill] [in:] M. Karpiuk,

J. Kostrubiec, M. Paździor, K. Popik-Choraży, K. Sikora, *Legislacja administracyjna* [Administrative legislation], Warszawa 2013, pp. 73-90).

5.5. Other publications

My scientific achievements comprise also publications which are somewhat different from the main research areas presented above (Annex 4). They include the legal issues related to the organisation and operation of special services in Poland (J. Kostrubiec, *Formy działania służb specjalnych* [Forms of operation of special services], [in:] M. Bożek, M. Czuryk, M. Karpiuk, J. Kostrubiec, *Służby specjalne w strukturze władz publicznych. Zagadnienia prawnoustrojowe* [Special services in the structure of public authorities. Legal systemic issues], Wydawnictwo Wolters Kluwer, Warszawa 2014, pp. 105-139).

The secondary fields of research contained also two publications that concerned the judiciary in historical and contemporary terms, respectively (A. Bereza, G. Smyk, J. Kostrubiec, *The Modernisation of the System of Justice in the Polish Lands in the Nineteenth Century*, "Studia Iuridica Lublinensia" 2009, vol. XII, pp. 75 – 100; J. Kostrubiec, *Wymiar sprawiedliwości w Siłach Zbrojnych Rzeczypospolitej Polskiej* [The justice system in the Armed Forces of the Republic of Poland], [in:] M. Czuryk, W. Kitler (Polish), *Prawo obronne Rzeczypospolitej Polskiej w zarysie* [Outline of the defence law of the Republic of Poland], Warszawa 2014, pp. 251-268.

In addition, I co-authored and edited the Commentary on the Law on Higher education (J. Kostrubiec, *Komentarz do art. 45-47, art. 170e-170g* [Commentary on Articles 45-47, 170e-170g], [in:] *Prawo o szkolnictwie wyższym po nowelizacji. Komentarz praktyczny* [The law on higher education after revision. A practical commentary], M. Czuryk, M. Karpiuk, J. Kostrubiec (eds.), Warszawa 2015, pp. 83-89).

I am the author of four chapters of a textbook on the subject of state and political science (J. Kostrubiec, *Władza ustawodawcza - Sejm i Senat* [Legislative Authority - the Sejm and Senate]; J. Kostrubiec, *Władza wykonawcza* [Executive Authority]; J. Kostrubiec, *Samorząd terytorialny* [Territorial Self-Government]; J. Kostrubiec, *Źródła prawa* [Sources of Law][in:] L. Dubel, J. Kostrubiec, G. Ławnikowicz, Z. Markwart, *Elementy nauki o państwie i polityce* [Elements of the study of state and politics], Wydawnictwo Wolters Kluwer, Warszawa 2011, pp. 215-233, pp. 234-251, pp. 252-271, pp. 326-342) and learning materials for students in the form of tests on the history of political and legal doctrines (*Historia doktryn politycznych i prawnych. Testy*, [History of political and legal doctrines.

Tests], L. Dubel (ed.), J. Kostrubiec, G. Ławnikowicz, M. Łuszczynska, Wydawnictwo LexisNexis, Warsaw 2010 (edition I), pp. 149, [Warszawa 2012, edition II, p. 146].

I published a biographical article about Professor Henryk Groszyk (J. Kostrubiec, *Profesor Henryk Groszyk (1926-2009)*, [in:] *Państwo-Prawo- Polityka. Księga poświęcona Profesorowi Henrykowi Groszykowi* [State - Law - Politics. A book in honour of Professor Henryk Groszyk], M. Chrzanowski, J. Kostrubiec, I. Nowikowski (eds.), Lublin 2012, pp. 9-14). I am the author of 3 review articles and 6 conference reports.

A detailed list of published scholarly papers and the information on achievements in teaching, research cooperation and popularization of science is included in Appendix 4. Therefore, I limited myself in this summary of scientific and research achievements to a brief description of my output achieved to date after obtaining the degree of Doctor of Laws:

1. In total, my scientific achievements after being awarded the degree of Doctor of Laws comprise the following publications (the detailed list - Annex 4): 2 scientific monographs (including the habilitation dissertation); scientific editorial work on 11 multi-authored monographs; 24 chapters in peer-reviewed multi-authored monographs (including 5 chapters in German; 1 chapter in English and French); 7 scientific articles (including 2 in English); co-authorship and editing of 2 commentaries on Acts; 3 review articles; 4 chapters of the textbook *Elementy nauki o państwie i polityce* [Elements of the study of state and politics] and self-study materials on the history of political and legal doctrines (tests and source materials).

2. I delivered 18 papers at international and national scientific conferences (including 3 papers in English).

3. I was a beneficiary of a scholarship from *Deutscher Akademischer Austausch Dienst*(DAAD) (Department of Public Law, Philosophy of Law and General Science of State, Faculty of Law, University of Heidelberg).

4. In 2005 and 2006 I spent short research stays at the Max Planck Institute in Frankfurt am Main (*Max-Planck-Institut für Europäische Rechtsgeschichte*) as part of scientific cooperation of the Institute of History and Theory of State and Law of the Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin.

5. I currently cooperate with the Faculty of Law of the University of Nuremberg (*Friedrich-Alexander-Universität Erlangen-Nürnberg*) as part of conferences and scientific workshops.

6. I acted as the chairman of the organising committees of two scientific conferences; a member of the organising committees of 5 scientific conferences; a member of the scientific

committee of two scientific conference; the secretary of the discussion panel in one international scientific conference.

7. For 20 years I have been the editor-in-chief of the scientific journal *Studenckie Zeszyty Naukowe* (7 ranking points granted by MNiSW); In the years 2014-2018 I was the editor-in-chief of the scientific journal "Studia Prawnicze i Administracyjne" (7 ranking points granted by MNiSW), and since 2018 I have been the editorial assistant of this journal; Since 2002 I have been the editorial assistant of the scientific journal *Studia Iuridica Lublinensia*[ERIH +; 8 ranking points granted by MNiSW].

8. I was a peer-reviewer in the following scientific journals: "Studia nad Autorytaryzmem i Totalitaryzmem"; "Przegląd Prawniczy Uniwersytetu Warszawskiego"; "Zeszyty Naukowe Akademii Obrony Narodowej (currently: "Zeszyty Naukowe Akademii Sztuki Wojennej");" Polish-Georgian Law Review "; "Kortowskie Zeszyty Prawnicze".

9. I am a member and actively participate in four scientific societies. I am a member of the board of *Stowarzyszenie Stypendystów DAAD* [DAAD Grantees Association] and a member of the board of *Polskie Towarzystwo Myśli Politycznej* [the Polish Society of Political Thought].

10. I took part in the research project "National security System of the Republic of Poland" - a project on security and defence state funded by the National Centre for Research and Development – registration number of the project: O ROB/0076/03/001.

11. When providing teaching work I have conducted lectures and practicals – at the Master's and Bachelor's degree at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin at the following majors: law, administration, internal security at the Warsaw Management University at the major of administration.

12. I have been a thesis supervisor for: 72 master's theses (administration, internal security), 120 BA theses on 1st-cycle studies (administration, internal security) at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin, and 112 BA theses (1st-cycle studies of administration) and 90 master's theses (2nd-cycle studies of administration) at the Warsaw Management University.

13. I was granted 3 awards from the Rector of Maria Curie-Skłodowska University in Lublin for my organisational activities (for the following years: 2010, 2015, 2018).

14. I am an auxiliary thesis supervisor in two doctoral procedures (Appendix 4).



Jarosław Kostrubiec