

The Role of Law Schools and Law School Leadership in a Changing World - Polish Experience

Professor Jakub Stelina
Faculty of Law and Administration, Gdansk University
Poland

1. In order to establish the role and importance of legal education and law schools in a so-called public space it is necessary to determine the scale of the discussed phenomenon first. As regards Poland, over a dozen or so of last years a dynamic development of higher education can be noted, including – first of all – certain lines of social sciences, legal science in particular. The situation stems from a number of factors. At the turn of the 1980's and 1990's far reaching changes of the socio-economic system took place in this country, to begin with. After almost 50 years Poland entered a new path of its development, having regained political sovereignty and freedom to decide, on her own, what her fortunes are to be like. The Poles have acquired a number of civic freedoms they had not enjoyed in the preceding decades. Immediately after the political breakthrough economic reforms were started, aimed at introducing in this country the rules of free market economy with elements of social protection (so-called social market economy). All that resulted in new development opportunities opening to the community and the individuals alike, despite numerous hardships the period of transformation was bringing about.

2. A specific phenomenon accompanying the period of transformation has been a trend towards raising the standards of training, particularly as far as higher education was concerned. Autonomy was regained by universities and other higher schools of university standing, which entities could, at last, develop – in the spirit of freedom - disciplines that had been badly neglected over many years, offering education in the lines of studies enjoying ever greater popularity in the society. Economic and managerial studies were particularly popular (considering the enormous growth of economic activity of the population), but so were also legal sciences, administrative ones in particular. The previous long-standing neglect resulted, besides high demand for legal and economic studies among those graduating from secondary schools, in an outburst, as it were, of interest in higher studies by those already employed. Under the previous socio-political system, i.e. until 1989, all manifestations of civic activity had been put to restrictions. Access to higher education institutes had thus been limited, not all those willing to take up higher studies being allowed to do so. Universities and other state-owned academic institutes were skilful enough to make the most of the new situation. Permanently underfinanced by the state, they stood a chance of

supplementing their budgets with education fees. For although the rule was that in the state-owned higher schools education was free for full-time students, it was allowed to charge fees for education provided to those studying under evening or weekend schemes (and being, at the same time, employed). The system of evening studies consists in classes being run on certain weekday evenings, the weekend system – in education provided on certain Saturdays and Sundays. In a short time, i.e. in mid-1990's, a considerable portion of students were those fee-paying ones, and proceeds from the fees soon became a major budget item in state-owned institutes. Certainly enough, the latter were not able to admit all those willing to study, hence private higher education institutes started emerging soon, in which institutes all kinds of education services are, of course, provided against payment. A straight majority of the schools are ones offering studies in economics and administration. As statistical data reveal, at present there are about 2 million of students in Poland, legal sciences (law and administration) being the object of studies of some 150,000 people (i.e. about 8% of the general number of students). About a half of those studying legal sciences are students of state-owned universities, the other half studying at private schools. About 20-25 thousand of people graduate from legal studies annually, about 10 thousand of those as graduates of law, the remaining portion being specialists in (public) administration. A majority of them easily find employment with law offices, governmental agencies, enterprises and other institutions where they can make use of their knowledge about the legal system which they have absorbed in the course of their studies.

At present, a certain drop in the numbers of candidates to higher schools can be noted, the phenomenon resulting mostly from the fact that most of the persons that had been willing to supplement their education in previous years have already done it, and the deficiencies from the Communist era, as it were, have been made up for. Consequently, now it is mostly fresh secondary school graduates willing to gain higher education that take up studies. The demographic decline currently faced by us adds up to the decrease in the number of those studying, the fact posing a threat to, first of all, private higher education institutes; in state-owned schools of university standing only an insignificant decline in the number of students can be observed.

3. A high percentage of law school students among the general number of those studying, combined with a high prestige of the profession of a lawyer results in high responsibility and great challenges faced by higher education institutes offering that line of study. This stems from the fact what very many law and administration graduates occupy high positions in the state apparatus and business institutions. It is sufficient to point out that in each term of office of the Parliament between ten and twenty percent of MPs are people of legal background, meanwhile, over 20 years of transformation of the socio-economic system 4 (out of 12) prime ministers were lawyers; also the current President of Poland is a labour law professor. Hence a considerable part of Poland's establishment are people of legal extraction.

But it is not only high positions occupied by lawyers in structures of the state that count. Legal culture is just as (if not actually more) important. The legal culture is an ambiguous concept, with at least two dimensions (meanings). As far as the individual dimension is concerned, legal culture is legal awareness of an individual. Perceived in its collective dimension legal culture means a system of values and ideas related to law and the role it plays in the society. Related to legal culture is also the way in which the very idea of law is viewed by the nation and the approach the nation assumes to the role of law as a social system factor. In countries like Poland, where for more than half a century law had been regarded by the authorities instrumentally, as a means of consolidation of the political regime and control of the society, the task to bring law its proper glory and authority is a primordial issue. No citizen society with its respect for human rights and basic political freedoms can be built unless high legal culture is shared by the people. It is well-worth pointing out that a typical feature of authoritarian systems are human attitudes consisting in resistance to law. Law is viewed as a sort of a foreign body, a factor of domination, and not as a regular instrument whereby social relationships are provided for. And once it is perceived as a factor of enslavement, attitude of resistance is developed towards it. Breaking law becomes a virtue, a proof of courage, obeying law being an act of collaboration with the regime. These conditions considered, a change of the social and political system must not be limited to mere development of a new legal system, based on new axiological assumptions. The true challenge is to change human mentality, instil in it the idea of law-abidigness, evoke respect to the law in force. Also the law itself has to meet high standards concerning its quality and responding to certain fundamental values. Incidentally, for transformation of the legal system it was necessary not only to break – in an evolutionary way – with the old legal order, but also to meet new challenges. The European integration processes should be quoted here as an example, in which processes Poland has been actively involved since as early as the mid-1990's.

Satisfying all those needs not only takes time, but is also requires proper cadres. Quite new challenges are, as a result, confronted by law schools dealing with education of prospective judges, prosecutors, attorneys, politicians, managers etc. Taking care of proper quality of student education should be mentioned first. The issue is, on the one hand, that the curricula should include, besides traditional contents, also matters of modern democratic political systems, human rights, international relationships etc. On the other hand stress has to be put on development of ethical issues, being of importance in legal and administrative career. It seems that the task has been satisfactorily met. It is also well-worth mentioning that legal schools, university faculties in particular, provide the necessary think-tanks for state bodies/governmental agencies and other institutions. Law professors of considerable standing with the society contribute, through their participation in expert groups (e.g. those working for the Parliament), to including all the values that should be inherent in modern legal systems, into the law-making process. Promoting legal knowledge among the society also helps

developing legal culture. The process is, by no means, a long-standing one, but its results can be noted even now, with public life standards improving and legal protection of citizens becoming more effective. New constitutional developments have provided wide access to court to all those needing it. The Constitution of the Republic of Poland includes common guarantees, extended on everybody, to fair and open examination of his/her case, without unnecessary delay, by competent, independent and impartial court. It also provides a guarantee that recourse to law when claiming one's violated liberties or rights will not be barred by statute to anybody. Consolidation of legal status of the individual in the view of Community standards adds to all the above said.

5. As the discussion provided above shows, the role of law schools and law school leadership is enormous in modern world. And there is a common goal pursued in all the states, the issue being making good law and contribute to creation of favourable conditions that help develop legal culture. The way in which lawyers-to-be are trained and the kind of knowledge absorbed by them has a significant impact on proper operations of the whole socio-political system of the country. In countries like Poland, taking up the task of transformation of the internal system and the building of citizen society, the role of education of lawyers and, consequently, the role of law schools, is even more important, and the burden of responsibility even greater.

It is definitely much easier to change the law itself than human attitudes. Hence the task of mental transformation of the society, the attempt to make them drop the attitude to contest law is not only extremely difficult to perform, but it also requires time and relevant cadres. The task is well-worth undertaking, though, as it is only following that path that a modern citizen society, well-aware of their rights and duties and observing the fundamental values of freedom, human dignity, sense of responsibility, can be built. The way in which lawyers are trained is thus of utmost importance for carrying out the task, hence also the role of law schools in Poland is just enormous.