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C O N F E R E N C E R E P O R T

National Congress of Historians of Political and Legal Doctrines

“Sovereignty, Autonomy, Subjectivity in Political and Legal Thought”, Ustka, 20–23 September 2022

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ABSTRACT

The report documents the National Congress of Historians of Political and Legal Doctrines, held in Ustka from 20 to 23 September 2022 under the title “Sovereignty, Autonomy, Subjectivity in Political and Legal Thought” and organised by the Institute of Law and Administration of the Pomeranian Academy in Słupsk. Bringing together representatives of twenty-one academic institutions, the congress comprised an inaugural plenary session followed by parallel thematic panels in which more than forty papers were delivered. The account reconstructs the sequence of sessions and identifies the principal lines of argument pursued by the speakers: the monarchical principle and the rule of law in the Habsburg constitutional state, Rousseauist conceptions of popular sovereignty and their nineteenth- and twentieth-century critics, the sovereignty of the nation and of the state, the subjectivity of local self-government and of professional corpo-

rations, and contemporary questions of patient autonomy, judicial independence and divided sovereignty within the European Union.

KEYWORDS

history of political and legal doctrines; sovereignty; autonomy; legal subjectivity; citizenship; academic congress; Ustka 2022.

1. Report on the National Congress of Historians of Political and Legal Doctrines (Ustka, 20–23 September 2022)

From 20 to 23 September 2022, the National Congress of Historians of Political and Legal Doctrines was held under the title “Sovereignty, Autonomy, Subjectivity in Political and Legal Thought.” The event was organised by the Institute of Law and Administration of the Pomeranian Academy in Słupsk. On account of the considerable number of speakers and the broad range of the subject matter addressed, the proceedings were divided into several discussion panels, which took place at the Jantar Hotel in Ustka.

The participants of the Congress were formally welcomed by the Director of the Institute of Law and Administration of the Pomeranian Academy, Prof. Dariusz Szpoper. The floor was then taken by the Rector of the Pomeranian Academy in Słupsk, Prof. Zbigniew Osadowski, and by representatives of the local government authorities.

The inaugural plenary session was chaired by Prof. Bogdan Szlachta (Jagiellonian University). The first panel of the conference proceedings opened with an address by Prof. Andrzej Dziadzio (Jagiellonian University) entitled “Monarchical Consent and Sovereignty in the Habsburg State of the Constitutional Era.” The speaker characterised the monarchical principle and the principle of the rule of law in the nineteenth century in comparative perspective. The second speaker was Prof. Maria Zmierczak of the Adam Mickiewicz University in Poznań, who delivered a paper entitled “Sovereignty of the People? Sovereignty of the Nation? Sovereignty of the State? Nineteenth- and Twentieth-Century Disputes with Jean-Jacques Rousseau.” The speaker characterised the political thought of Rousseau’s “Social Contract,” arguing that the sovereign is the people, which possesses unlimited, inalienable and indivisible sovereignty. The author of the next address was Prof. Tomasz Tulejski of the University of Łódź, who presented a paper entitled “Piotr Mieszkowski — the Forgotten Bard of the Perfect Political System at the Height of the Commonwealth’s Power.” The author announced the preparation of his own critical edition of the works of Piotr Mieszkowski. The next speaker was Prof. Adam Bosiacki of the University of Warsaw, who delivered a paper entitled “Sovereignty of Authority

and Sovereignty of the People. The Problem of Citizenship in Moderate and Revolutionary Political and Legal Doctrines,” characterising the notion of citizenship from Marsilius of Padua to Karl Raimund Popper. The next address, entitled “The Rejection of Roman Law as an Expression of Sovereignty in Polish Medieval Doctrine,” was delivered by Prof. Marzena Dyjakowska of the John Paul II Catholic University of Lublin.

After the coffee break, the successive plenary sessions were chaired respectively by Prof. Maria Zmierzak (Adam Mickiewicz University), Prof. Maciej Marszał (University of Wrocław) and Prof. Mirosław Sadowski (University of Wrocław). Papers were delivered by, among others: Prof. Danuta Janicka (Nicolaus Copernicus University), “The Autonomy of the Will of the Perpetrator of a Crime — from Indeterminism to Determinism in Philosophical and Legal Thought”; Prof. Józef Koredczuk (University of Wrocław), “The Notion of Sovereignty in Polish Criminal-Law Regulations”; Prof. Mirosław Sadowski (University of Wrocław), “The Guardian of Marriage (wali) in Islamic Law”;

Prof. Bogdan Szlachta (Jagiellonian University), “A Sovereign Subject?”; Prof. Maciej Chmieliński (University of Łódź),

“Legislative Voluntarism versus Legislative Determinism of the Marxist Instrumental Justification of Law”; Prof. Iwona Barwicka-Tylek (Jagiellonian University), “Subjectivity against Sovereignty and Autonomy. On Emerging from the Shadow of Hobbes”; Prof. Cezary Błaszczuk (University of Warsaw), “Sovereignty and the Borders of the State — a Posthumanist Perspective”; Prof. Artur Łuszczynski and Dr Marcin Niemczyk (University of Rzeszów), “Unnecessary Sovereignty.

Independence Aspirations in the Political and Legal Thought of the Social Democracy of the Kingdom of Poland and Lithuania”;

Prof. Olgierd Grott (Jagiellonian University), “The Ideology of the *Szaniec* Group as a Manifestation of Polish Radical Nationalism in the Occupation Years”; Prof. Jacek Przygodzki (University of Wrocław), “The Autonomy of the Silesian Voivodeship in the Work of the Commission for Improving Administration in the Second Republic”; Prof. Piotr Niczyporuk (University of Białystok), “Aaron Aleksander Olizarowski — Philosopher of Law or Romanist?”; Prof. Michał Urbańczyk (Adam Mickiewicz University), “The Autonomy of the Judiciary and Politics. Reflections on the Basis of American Experience”; Prof. Jarosław Kostrubiec and Dr Agata Grudzińska (Maria Curie-Skłodowska University), “The Evolution of the Legal Subjectivity of the Self-Government of Legal Advisers in Poland”; Prof. Tomasz Scheffler (University of Wrocław), “Sovereignty — the Collapse of the Bodinian Paradigm?”; and Prof. Christoph-Eric Mecke (University of Zielona Góra), “Concepts of Divided Sovereignty. From the Political Philosophy of G. W. Leibniz (1646–1716) to the European Union.” After the discussion, the participants met for a formal dinner.

On the second day of proceedings, the conference was divided into two thematic panels, each concluding with a discussion. In two morning and two afternoon sections, more than 40 papers were delivered in total.

It is not possible in a short report to refer to all the addresses. Nevertheless, it is worth mentioning the papers of: Prof. Piotr Szymaniec (Angelus Silesius University of Applied Sciences), "The Concept of Law according to Friedrich von Hayek"; Dr Tomasz Banach (Collegium Intermarium), "The Notion of *res publica* in the Philosophical and Political Thought of Marcus Tullius Cicero"; Dr Radosław Antonów (University of Wrocław), "The Libertarian Thought of Augustyn Wróblewski"; Dr Bartłomiej Garczyk (Adam Mickiewicz University), "Polish Professors and Lecturers at the Faculty of Law of Kazan University"; Dr Karol Kuźmicz (University of Białystok), "The Principles of Law of Gabriel Bonnot de Mably and the Search for the Perfect Sovereign"; Prof. Maciej Marszał (University of Wrocław), "Italian Fascism and German National Socialism in the Interpretation of Zygmunt Cybichowski up to 1939"; Prof. Marek Tracz-Tryniecki (University of Łódź), "The Subjectivity of the Political Nation in the Political and Legal Thought of Andrzej Maksymilian Fredro"; Dr Judyta Dworas-Kulik (Catholic University of Lublin), "International Conventions on the Safety of Life at Sea and the Maritime Legislation of Interwar Poland"; Prof. Grzegorz Smyk (Maria Curie-Skłodowska University), "The Subjectivity of Local Self-Government in the Legal and Administrative Literature of the Turn of the Nineteenth and Twentieth Centuries"; Prof. Marcin Łysko (University of Białystok), "The Subjectivity of the Individual in the System of Autocratic National Law of the Second Polish Republic"; Dr Paweł Sydor (University of Łódź), "The State and the Individual. Citizenship in the View of Kasper Siemek"; Prof. Ewa Kozerska (University of Opole), "Relations between the State and the Church in the View of the Last Two Pontificates"; Dr Oskar Kanecki (Pomeranian Academy), "The Status of the Grand Duchy of Lithuania in the Views of the Eighteenth-Century Nobility — Province or Equal Political Subject?"; Dr Jakub Skomial (University of Łódź), "Gniezno.

The Year One Thousand: Sovereignty in the Views of the Chroniclers of the Polish Middle Ages"; Dr Artur Lis (Catholic University of Lublin), "Sovereignty, Autonomy, Subjectivity of the Church in the Poland of the Period of Fragmentation"; Dr Anna Ceglarska (Jagiellonian University), "Community vs the Individual: the Role of the Hero in the Shaping of Subjectivity"; Dr Marcin Kazimierczuk (University of Warmia and Mazury), "The Subjectivity of Trade Unions in the Political Thought of the Democratic Opposition in the Polish People's Republic"; Dr Arkadiusz Górniewicz (Jagiellonian University), "Sovereignty and Law in Times of Crisis (on the Basis of Selected Political and Legal Disputes in Weimar Germany)"; Dr Rafał Kania (Płock University College), "The Polish Workers' Party towards the Question of Poland's Sovereignty"; Prof. Martyna Łaszewska-Hellriegel (University of Zielona Góra), "The History of Patient Autonomy"; Dr Olgierd Górecki (University of Łódź), "Autonomy and Freedom

— the Correlation of Concepts in Political and Legal Doctrines”; Dr Michał Rupniewski (University of Łódź), “Human Dignity and the Sovereignty of the State”; Dr Marek Derlatka (University of Zielona Góra), “The Autonomy of the Individual in the Aspect of the Right to Self-Annihilation”; Dr Paulina Wilhelmina Chełmowska (Nicolaus Copernicus University), “From Paternalism to Partnership — the Evolution of the Principle of Patient Autonomy in Contemporary Legal Thought”; Prof. Małgorzata Kiwior-Filo (Jagiellonian University), “*La sovranità* and Dictatorship in the Political Reflection of the Italian Anti-Fascist Opposition”; Dr Dobromiła Nowicka (University of Wrocław), “Sovereignty in the Political Thought of Cicero”; Dr Marta Maj (University of Social Sciences), “The Sovereignty of the People in the Thought of Nineteenth-Century French Historians”; Dr Dariusz Mańka (University of Warsaw), “The Critique of Sovereignty in French Personalism”; Dr Marcin Tomaszewicz (Jagiellonian University), “The Early-Modern Conception of Subjectivity and Political Change at the Turn of the Epochs”; and Dr Paweł Fiktus (University College), “Concepts of Administrative Discretion in Polish Legal Thought after 1989.”

The National Congress of Historians of Political and Legal Doctrines in Ustka gathered representatives of 21 academic institutions (chiefly: the University of Wrocław, the Jagiellonian University, the University of Łódź, the Pomeranian Academy, and the Catholic University of Lublin). At the close of the conference, the Director of the Institute of Law and Administration (Pomeranian Academy), Prof. Dariusz Szpopper, took the floor and thanked all present for their participation. The proceedings were summarised by Prof. Adam Bosiacki (University of Warsaw), who presented the conclusions and postulates worked out by the participants and invited them to continue their cooperation and further exploration of the problems raised. The academic colloquium was an important platform for the exchange of scholarly views among researchers of political and legal doctrines. The subject matter covered by the papers, as modified by the discussion, is planned for publication in the form of an appropriate volume. Words of thanks were also directed to the hosts of the congress for undertaking the organisational effort. The need to continue the twenty-year tradition of congresses of historians of political and legal doctrines was emphasised. It was also announced that the role of host of the next congress would be assumed by the University of Wrocław.