

Stanisław Lipiec

European University of Law and Administration of Warsaw
ORCID: 0000-0002-1014-1208

**THE IMPACT OF THE PEOPLE'S REPUBLIC OF POLAND
AND EVENTS AT THE END OF THE 20TH CENTURY ON
PROFESSIONAL ACTIVITY OF CONTEMPORARY JURISTS**

Currently, media in Poland regularly inform on the existing conflict between the past and the present. Radio, television and press report that events from the past have a significant impact on current reality. According to media, particularly events taking place during the People's Republic of Poland and in the last decade of the 20th century, were supposed to shape the current political, economic and legal environment. Some news services even dazzle with information on the political repercussions of the communist period and the last decade of the 20th century. Politicians are eager to build their propaganda messages around the narratives of recent history. It may seem to many people that the old times have not passed away, while Poland is still immersed in relations stemming from the People's Republic of Poland¹.

A significant part of media broadcasts referring to the past political system, concerns the legal repercussions of the period of socialism and the 1990s. Regularly are reported the consequences of the nationalisation of property and collectivisation of agriculture, politically motivated murders, communist crimes during Martial Law, as well as mafia activity or the flawed economic systemic changes of the last decade of the 20th century. It might seem that the number

¹ K. Chmielewska i in., *Dyskusja Ośrodka Studiów Kulturowych i Literackich nad komunizmem IBL PAN: komunizm i PRL dzisiaj*, „Teksty Drugie: teoria literatury, krytyka, interpretacja” 2013, nr 3, s. 227–243; *Narracje pamięci: między polityką a historią*, red. K. Kaćka, J. Piechowiak-Lamparska, A. Ratke-Majewska, Toruń 2015; *PRL-owskie re-sentymenty*, red. A. Kisielewska, M. Kostaszuk-Romanowska, A. Kisielewski, Gdańsk 2017, s. 287–379; B. Sowa, *Tylko u nas: Ekspert od propagandy analizuje „Wiadomości”*: Część osób ogląda jak program rozrywkowy, <https://wiadomosci.dziennik.pl/media/artykuly/536313,ekspert-od-propagandy-analizuje-wiadomosci-przypominaja-program-satyryczny.html> (3.11.2021).

of unfinished legal cases is extremely high and their relevance and topicality still significant. Also, we can have the impression that the Polish judiciary, law enforcement and legal protection authorities as well as Polish lawyers are still involved in cases related to the old times. Sometimes media even claim that representatives of law enforcement organisations are interested in revisiting old events in furtherance of their own interests².

It is difficult to believe that media coverage and politicians' opinions are consistent with reality. The period of socialism ended more than 30 years ago, and the last decade of the 20th century has long since passed. Past events should no longer concern Polish courts, prosecutors and lawyers. The political system has changed, capitalism has arrived, and Poland has joined the European Union. The old issues should be a thing of the past, and Poland should look to the future. Nevertheless, politicians and media continue to exaggerate the legal repercussions of the past.

Extremely important is to clarify the events from the period of the People's Republic of Poland and the last decade of the 20th century still affecting the social, economic and political reality. Therefore, we decided to ask those who are potentially the most involved in explaining the cases, whether media and political messages are consistent with reality. Polish advocates and legal advisers are undoubtedly the group of professionals who should be involved in the legal elucidation of events from the second half of the 20th century. According to media reports, they are the ones who, along with the Institute of National Remembrance³, courts and prosecutors' offices, are engaged in investigating and resolving long-standing cases. Therefore, we decided to ask these people whether the past events still define the reality of the third decade of the 21st century or are just an exaggerated media and political propaganda story.

The main objective of the research was to verify whether the events of the People's Republic of Poland and events of the end of the 20th century still influence the application of law by Polish lawyers in 21st century (exploratory aim). It was to find out which historical events still have an impact on the actions of lawyers. Supplementary aim was to explain the reasons for the influence of past events on the everyday practice of Polish advocates and legal advisers and the possible consequences of such phenomenon (explicative aim). The prognostic and implementation issues are minor here, as it was assumed that the outdated cases are already disappearing.

The study began with the question whether the turbulent history of Poland in the second part of 20th century is still reflected in the practice of Polish lawyers in the

² The historical considerations are based on: A. Chwalba, *Historia powszechna: 1989–2011*, Warszawa 2015; W. Roszkowski, *Historia Polski 1914–2015*, Warszawa 2017; J. Tyszkiewicz, E. Czapiewski, *Historia powszechna: wiek XX*, Warszawa 2014.

³ *Informacje o działalności Instytutu Pamięci Narodowej*, <https://ipn.gov.pl/pl/o-ipn/informacje-o-dzialalnosc> (7.10.2021).

21st century. If so, which events of the past influence the actions of contemporary jurists. This idea prompted the research to be conducted within the philosophy of grounded theory, as only jurists should discover the afterimages of the past in their present practice⁴. The role of the researcher was primarily to listen. Because of preliminary considerations, a research hypothesis was proposed: **the events of the People's Republic of Poland and the last decade of 20th century have no significant impact on the judiciary and practice of Polish jurists in the 21st century**. Furthermore, the relics of the People's Republic of Poland have not survived in the new reality of capitalist Poland. Today's lawyers look to the future and do not return to old cases. The media reports and political news related to past events do not reflect the reality of law application in Polish judiciary and work of modern lawyers. The media and politicians exaggerate past events in order to use them for their own propaganda purposes. Such actions are in contradiction with the real influence of the past on the contemporary judiciary and professional practice of Polish lawyers.

Research methods

The survey results are part of a larger study of the Polish justice system and the provision of legal services by Polish lawyers⁵. The survey was conducted between 7 of October 2017 and 22 of January 2019, and then completed between November 2020 and March 2021. The presentation of this element of the study has been divided into two research reports: the first on the first half of the 20th century and the current one.

The entire study was based on a variety of quantitative and qualitative research methods. The methodological core was based on a quantitative-qualitative survey carried out by means of a survey questionnaire among a representative sample of Polish advocates and legal advisers. An important supplement to this research method was to use in-depth structured interviews with representatives of bar associations from all over Poland. In addition, the obtained results were checked, supplemented and verified by means of non-reactive material research, the primary method of which was website content analysis and other statistical materials. Legal acts and acts of law application were analysed within the functional method of analysis⁶.

⁴ K. Charmaz, *Constructing Grounded Theory*, Thousand Oaks–London–New Delhi 2014.

⁵ S. Lipiec, *Świadczenie międzynarodowych usług prawniczych. Studium socjologiczno-prawne polskich prawników*, rozprawa doktorska, Kraków 2020.

⁶ E.R. Babbie, *Podstawy badań społecznych*, Warszawa 2008, s. 342–360; C. Frankfort-Nachmias, D. Nachmias, *Metody badawcze w naukach społecznych*, Poznań 2001; D. Kędziński, *Metodologia i paradygmat polskich szczegółowych nauk prawnych*, „Transformacje Prawa Prywatnego” 2018, nr 3, s. 34–46.

The currently presented results of the study on impact of the People's Republic of Poland and 1990s on contemporary application of law were obtained mainly through the method of in-depth structured interviews (SSI). Interviews were conducted with 43 members of councils of advocates' and legal advisers' bar associations from all over Poland (*okręgowa rada adwokacka* – ORA; *okręgowa izba radców prawnych* – OIRP). The distribution of interviewees was even across the country. One council was represented by one interviewee. Interviews were conducted in person usually at the headquarters of the Bar Councils; they were then recorded, transcribed, coded, categorised and translated into English. Due to the uniformity of the legal advisor profession and the advocate profession, the analysis of the interviews was done jointly, as both professions are treated identically in the report. The Atlas.ti program was used to work with the research material. The analysis of the interviews was focused on relevance. The conducted research has a strictly qualitative character⁷.

The study belongs to the paradigm of sociology of law and legal anthropology. Therefore, the research works of R. Abel and A. Podgórecki were the model to follow. However, the general assumptions of the study were based on the achievements of grounded theory as interpreted by K. Charmaz. Important here is the conclusion that the content of the research should be grounded in its course, and the researcher must listen completely to the testimony of the interviewees and not impose his or her opinions and findings. The main guide for conducting the interviews was S. Kvale's methodological recommendations, especially for conducting qualitative interviews⁸.

The current research component concerns the past, the lawyers' memory of past events. Therefore, the performed study must additionally be considered from the points of view of historical research. It is embedded in the broad paradigm of oral history. It is a de facto qualitative research method similar to SSI interviews, but its temporal orientation is the past. Guidance for incorporating elements of oral history methodology during current research has been provided by C. Stokes Brown and D.A. Ritchie⁹. The combination of legal, sociological and historical research methods makes the study multidisciplinary, although the qualitative interview method is equally popular in all academic disciplines.

⁷ ATLAS.ti, <https://atlasti.com/> (5.04.2021); J. Horton, R. Macve, G. Struyven, *Qualitative Research: Experiences in Using Semi-Structured Interviews* [w:] *The Real Life Guide to Accounting Research*, red. C. Humphrey, B. Lee, Oxford 2004; M. Nicpoń, R. Marzęcki, *Pogłębiony wywiad indywidualny w badaniach politologicznych* [w:] *Przeszłość, teraźniejszość, przyszłość: problemy badawcze młodych politologów*, Kraków 2010, s. 246–251; I. Przybyłowska, *Wywiad swobodny ze standaryzowaną listą poszukiwanych informacji i możliwości jego zastosowania w badaniach socjologicznych*, „Przegląd Socjologiczny” 1978, nr 30, s. 62–64.

⁸ R.L. Abel, *Lawyers and the power to change*, Oxford 1985; K. Charmaz, *Teoria ugruntowana: praktyczny przewodnik po analizie jakościowej*, Warszawa 2013; S. Kvale, *Prowadzenie wywiadów*, Warszawa 2012; A. Podgórecki, J. Kurczewski, *Zarys socjologii prawa*, Warszawa 1971.

⁹ C.S. Brown, *Like it was: a complete guide to writing oral history*, New York 1988; *The Oxford Handbook of Oral History*, red. D.A. Ritchie, New York 2011.

The research group consisted of 43 people – 22 legal advisers and 21 advocates. In most cases (28 people), they were heads of bar councils (deans). The reasons for choosing this particular research group were the particular experience of council members, a broad view of the legal environment in each region, high levels of trust from other lawyers and above-average professional experience of the usually older council members.

The population of Polish advocates and legal advisers is male dominated, which is reflected in the survey sample (59% men). 52% of the survey participants were aged between 30 and 50, while 40% were aged over 51. The research sample is over-represented by senior legal professionals with well-established careers and considerable professional experience. Additionally, at least 35% of them studied law or started their professional practice during the period of the People's Republic of Poland or in the 1990s. Consequently, they have a broad overview of the situation of lawyers in communist Poland and in the last decade of the 20th century. The study was predominantly based on the experiences of jurists aged over 51, which makes it more reliable. It is also interesting to note that 29% of the survey participants speak Russian at an advanced level (62% speak English), which proves that older lawyers are more closely connected to the communist era.

The research group is dominated by graduates of the University of Warsaw, the Jagiellonian University and the University of Silesia (79% in total). The presence of mainly graduates of these universities in the research sample is understandable, as during the period of the People's Republic of Poland and the decade of systemic transformation, it was mainly in these universities that lawyers were trained.

Research results

Polish advocates and legal advisers agree that, year by year, cases from the past appear less and less frequently in their work. Reaching back to cases from the People's Republic of Poland and the end of the last century is becoming a distant memory. Today Poland is a different country than it was in the second part of 20th century. Jurists are looking to the future. If a lawyer wants to be active on the legal services market, he must deal with today's cases. Outdated cases are almost non-existent today. If they do occur, they are usually solved by retired or pre-retired lawyers who have been handling these cases for many years. There is also a small group of younger lawyers who manage longstanding cases, but their number is extremely small, practically unnoticeable. The general perception among active advocates and legal advisers is that after 2010, people stopped dealing with issues dating back to the 20th century. Also, cases concerning previous centuries do not appear in courts. Unhealed wounds raised in the media, which are resolved in court or in public administration bodies, are extremely rare in actual legal practice.

The media hype individual cases to enormous size. The media narrative does not coincide with the reality of the courts, officials and the actions of the legal world. The media portrayal of long-standing conflicts is not based on facts.

Mental and educational effect

Lawyers older than 50 years note the significant impact of the past on their daily 21st century professional practice. They emphasise that they have been very much influenced by legal education. They note that in the era of People's Republic of Poland, legal studies were conducted at very few universities. Because of their elitism, they evaluate the quality of teaching very highly. They compare their course of study and involvement to that of law students today. They conclude that back then students put much more effort into studying law with better results than today. Experienced lawyers note that current studies completely fail to prepare for work in the legal services market, although this is currently necessary. The situation is actually similar to their student days in the days of People's Poland or even in the last decade of the 20th century. At that time, capitalist elements in the legal market did not exist or were undeveloped. Accordingly, in today's reality they assess practical legal education much more critically than their own. Senior jurists emphasise that during their studies at the Jagiellonian University, the University of Warsaw, the University of Torun and the University of Silesia, they experienced a strong influence of lawyers' mentors. They felt that their teachers were real practitioners and professors, shaping Polish law and themselves. Today, such personalities no longer exist. To This day, legal education influences their professional practice, although several decades have passed since graduation.

Despite the lack of practical training during their studies in communist Poland and in the 1990s, the lack of foreign internships, the lack of practical elements of the work of attorneys, experienced lawyers rate their legal education higher than contemporary education. At the same time, they emphasise that they had to learn most of the lawyer's craft on their own during their practice. Lawyers also note that with the advent of complete Polish capitalism in the 21st century, some of the old solutions learned in schools or in the early stages of professional practice have become outdated. Therefore, in the newer market realities, senior lawyers have had to make considerable efforts to retrain or supplement anachronistic competences. Some older lawyers brought up in the earlier communist years (1960s) were unable to adapt to younger lawyers and had to leave the market. Some of them succeeded in retraining as judges, others retired. According to the interviewees, the education received in the old years has had the greatest impact on their practice in the 21st century and is often still an important part of their

daily professional activities¹⁰. A legal advisor from the Walbrzych Bar Association and an advocate from the Gdansk Bar Association describe their relationship with education received in the past as follows:

I graduated in 1981, so we did not even have lectures on the Commercial Code at university. There was nothing about learning how to work with clients, either. Poland was a socialist country; lawyers were not prepared to work independently with clients. A lawyer didn't really have any perspective. I had to learn all the practical things myself.

It wasn't until my fourth year that something like Erasmus first took off, something that is now commonplace. The first time everyone asked me: what is this? It was the 1990s and if you went abroad to work, it was to grow tomatoes in Greece. The first year we started with this kind of thing: you take the civil law of property, and you delete page 98 to 150, because it's out of date. Because it was a constitutional change. In those happy times, anyone could study. At the time of my studies, cooperation with foreign countries was something cosmic, an abstraction. Nobody thought about specialisation or any techniques of working with clients. We were stuck between the People's Republic of Poland and capitalism. Nobody knew what would happen next. I only learned more in the course of my professional practice.

Most of the interviewees do not notice any significant influence of the past on their present practice. Usually, when we ask about the impact of the communist era on the legal practice in the 21st century, we receive the answer that socialism has long since passed, it has no impact on today's professional activities. Also, lawyers do not notice the influence of the philosophy of law, principles of law, and legal culture developed in the past on their contemporary practice. Suggestions indicating the existence of an influence are dismissed with the argument that a lawyer is first and foremost a practitioner, who does not reflect on the influence of culture, history or philosophy on their current activities. According to most attorneys, such influence should be considered by academics, not legal practitioners. A handful of interviewees confirm that old principles of law, philosophy of law and upbringing influence their everyday work. However, these are general statements not supported by any specific observations.

People's Republic of Poland and the 1990s

Nowadays, among lawyers, cases related to the period of the People's Republic of Poland and the last decade of the 20th century arouse less interest. Lawyers do not seem to notice the significant impact of the People's Republic of

¹⁰ J. Jabłońska-Bonca, *Trzeba inaczej uczyć. Kilka uwag o homo zappiens i miękkich umiejętnościach komunikacyjnych prawników*, „Krytyka Prawa” 2018, t. X, nr 2, s. 375–392; *eadem*, *O szkolnictwie wyższym i kształceniu prawników*, Warszawa 2020, s. 51–71; M. Michalski i in., *Między normatywnym a pragmatycznym modelem kształcenia prawników we współczesnej Polsce*, Warszawa 2020.

Poland on their professional practice today. Apart from the cultural and educational influence, there are no specific groups of cases dating from the second half of the 20th century which still engage Polish jurists. Legal professionals educated at the end of the 20th century or already in the 21st century (those born in the 1970s or later) virtually dissociate themselves from the achievements of the previous system. They see no connection between those times and their contemporary legal practice. They try to look to the future rather than to return to the affairs of their parents. They are more interested in World War II than in the period of People's Poland and the end of the 20th century.

Senior lawyers who were raised in the socialist era eagerly refer to the old years of their youth. They note, that most of the cases that began in the era of People's Poland, or the following decade have already disappeared. Possible repercussions of that political system or the following decade of reforms are now in decline or have already been forgotten. They do not arouse much interest either among lawyers, courts or the media. Experienced jurists note that most jurists are trying to dissociate themselves from 20th century matters – the junior ones because of looking to the future, while the senior ones are tired of repeatedly reckoning with the past. Nowadays, only politicians are revisiting the past, although political and media coverage does not translate into jurists' engagement with it. Experienced lawyers in particular note that there are practically no cases of communist provenance pending in Polish courts anymore. If such cases do appear, they are mainly inheritance cases or cases initiated for political reasons (cases of the Institute of National Remembrance, martial law and communist crimes cases)¹¹.

Cases connected with the last decade of the 20th century are also disappearing. Admittedly, there are various economic cases related to privatisation and old criminal cases (mainly mafia cases)¹². However, these are splinter cases that are considered by the courts once again. These cases have been handled by the same lawyers for decades. Alternatively, other lawyers 'inherit' old issues from colleagues or patrons. There is a small group of lawyers in Poland who still handle cases that originated in the late 20th century. However, this is a group of isolated specialists who have remained mentally in the old times. They cling to the old cases because they are not able to enter the new legal profession. The number of

¹¹ *Informacje o działalności Instytutu Pamięci Narodowej*; E. Koj, *Zbrodnie stanu wojennego*, „Biuletyn Instytutu Pamięci Narodowej” 2006, nr 6/11–12, s. 27–40; N. Nowotnik, *Prokuratorzy IPN skierowali prawie 100 aktów oskarżenia w śledztwach dot. stanu wojennego*, <https://dzieje.pl/wiadomosci/prokuratorzy-ipn-skierowali-prawie-100-aktow-oskarzenia-w-sledztwach-dot-stanu-wojennego> (7.10.2021).

¹² M. Biernacki, M. Trzcíński, *Polska bez mafii...: z Markiem Biernackim rozmawia Marcin Trzcíński*, Warszawa 2002, s. 104–122; A. Matuszczak, *Ocena prywatyzacji z różnych punktów widzenia na przykładzie Polski*, „Zeszyty Naukowe Uniwersytetu Szczecińskiego. Współczesne Problemy Ekonomiczne. Globalizacja. Liberalizacja. Etyka” 2015, nr 11, s. 171–182.

such lawyers is decreasing rapidly, which is caused by the extinction of cases from the end of the 20th century, statutes of limitations, death of parties to proceedings or attorneys. On the threshold of the third decade of the 21st century, continuing 20th century cases is passe and often unnecessary. In the next five years, all the old cases from the late 20th century will disappear.



Figure 1. Cases from the People's Republic of Poland and the 1990s in the practice of Polish lawyers

It is very difficult for lawyers to specify the details of 20th century cases that are still pending or have been pending in the 21st century. Such cases were few and insignificant. They have now come to a definitive end. However, among them the cases of large state-owned enterprises are leading. These are relics of the era of People's Poland and the 1990s. There is a group of lawyers serving large state-owned enterprises, mainly mines, steel mills and enterprises related to maritime economy. The interviewees emphasise that some jurists provided services to these companies already in the People's Republic of Poland, then in the 1990s and even in the 21st century. These are individuals and law firms specialised in assisting large companies. It is not uncommon for younger lawyers to inherit the care of the company within them. The topic of privatisation and re-privatisation of state-owned enterprises also arises within the context of legal services. Jurists emphasise, however, that this theme has essentially been lost and forgotten. Currently, legal services of former state-owned companies, a legacy of People's Poland, are performed by professional law firms. Also, direct links of current state-owned or already private companies with the People's Republic of Poland have been broken.

A curiosity are the cases related to maritime economy. Advocates and legal advisors from Szczecin, Koszalin and Gdansk note that during the People's Republic of Poland and the decade of transition, they were quite intensively engaged in working in shipyards, state companies engaged in foreign trade and in maritime chambers. Essentially, lawyers were responsible for facilitating these entrepreneurs' entry into foreign markets or for facilitating foreign entities to establish cooperation with Polish companies. Also, the governments of the

People's Republic of Poland sought to create special international companies for international fishing, oil drilling or exploration of new exploitation fields and ocean shipping.



Figure 2. Maritime cases from the socialist era and 1990s in the practice of Polish lawyers

From the early years of People's Poland, lawyers handled these cases. However, they did not terminate with the end of the People's Republic of Poland. In the 1990s, former state initiatives were restructured, and private companies began to emerge in their place. Also, cases before maritime chambers often continued into the 21st century. Even today there are state-owned or semi-private companies that remember the socialist era. There is still the Polish-Korean (North Korean) company Chopol, or the Polish-Russian-Cuban Intermorgeo. The existence and restructuring of the shipyards, in which lawyers are massively involved, is still in question. The cases of these and other companies established in communist Poland are still being handled by Pomeranian jurists. Undoubtedly, these are relics of the 20th century. However, these cases are small-scale, regional and usually only related to ongoing legal services. Threads connected with old times appear here sporadically, although they are noticed by legal specialists¹³. Legal advisor from Gdansk comprehensively describes such cases:

In the era of People's Poland, the authorities were thinking about opening to the world. To this day, there are many enterprises established in communist Poland which are served by Tri-City legal advisors. I remember that at that time an international company was set up, such as Intermorgeo Ocean. It still exists today. I am curious to know who is involved in this enterprise today, because it was set up in the old days, when the partners, apart from the People's Republic

¹³ Chopol, <https://pl.wikipedia.org/w/index.php?title=Chopol&oldid=64298129> (7.10.2021); M. Kamola-Cieślak, *Polityka przekształceń własnościowych przedsiębiorstw państwowych w przemyśle stoczniowym w Polsce po 1989 roku*, „Przegląd Politologiczny” 2016, nr 3, s. 171–183; J. Martin Iborra, *Rybolówstwo w Polsce*, Bruksela 2011, s. 27–35; J. Schomburg, *Restrukturyzacja przedsiębiorstw połowowych*, „Prace Naukowe Wyższej Szkoły Bankowej w Gdańsku” 2009, nr 3, s. 102–110.

of Poland, the USSR and the GDR, included Cuba, Bulgaria and Romania. It was similar with Petrobaltic. We occasionally cooperated with them in some areas: they chartered our ships, because we had research vessels and we had to create contracts, etc. Apart from them we dealt with such state companies as Polskie Linie Oceaniczne, Polfracht, Agencja Morska, Baltona. These were matters related to export, and the operation of such entities. We have been involved in some of them until today, but these old cases are coming to the end.

Lawyers from Lower Silesia (Walbrzych, Wrocław, Legnica, Opole) also report that even at the beginning of the 21st century there were cases of foreigners who settled in Poland during the communist era or in the era of transformation. Particularly mentioned here are Chechens and Greeks who settled in Poland in large numbers in the late 1940s and early 1950s and in the 1990s. Jurists note that these were very niche cases and mainly concerned inheritance issues and residence rights (Chechens)¹⁴. Nowadays they are completely forgotten. A lawyer from Wrocław recalls old immigrant cases in this way:

In Lower Silesia we often invited Chechens or Greeks. There are a lot of Greeks in Poland, especially near Wrocław and in the Jelenia Góra region. There were whole colonies of Greeks there who came because of the persecution of communists. The socialists invited the communists. They set up home, they always did very well as a minority, they integrated very well into the Polish community. These Greeks are an open society. There are a lot of businessmen of Greek origin. I had a few very wealthy Greeks in my law firm, who were either born in Poland or came here from Greece with their parents. Today, cases involving Greeks and Chechens have disappeared. Maybe a few years ago there were still some cases of inheritance or residence permits, but today we practically do not see them anymore.

The last afterimages of the 20th century in the work of lawyers in the 21st century are still succession and family matters. Most probably, these two types of cases are typical 'long duration' phenomena. Polish advocates and legal advisers are regularly approached by people who want to conduct succession proceedings from people who emigrated during the communist era and often returned to Poland during the capitalist era. Former emigrants to Germany are in the forefront among such people. Also, among emigrants to Germany, there are people who still want to carry out paternity or divorce cases. All these cases have their origins in the Polish emigration of the 1970s and 1980s. It was not uncommon then for events to occur which would become the basis for current claims and court proceedings. However, these are not cases that have been going on since the times of the People's Republic of Poland until today. These are cases that start in courts or offices today, but their origin is in the old days. It seems, however, that even the family and inheritance cases of Polish emigrants from the previous regime are ceasing to

¹⁴ D. Boćkowski, *Spoleczeństwo polskie wobec diaspyry czeczeńskiej 1994–2020*, „Dzieje Najnowsze: kwartalnik poświęcony historii XX wieku” 2020, nr 1, s. 335–345; I. Kubasiewicz, *Emigranci z Grecji w Polsce Ludowej. Wybrane aspekty z życia mniejszości [w:] Od niepodległości do niepodległości. Historia Polski 1918–1989*, Warszawa 2015, s. 114–122.

exist. Year by year, they are being replaced by cases of new Polish emigrants from the 21st century. A lawyer from Olsztyn aptly describes this situation:

These are mainly inheritance cases, with some intentions of possibly recovering property that was left here by people who moved to Germany in the 1970s or 1980s. Is this a broad problem? I do not think so. I had about four or five of these cases. Generally, these cases have also ended with my colleagues, but they lasted a while, because successive testators died under the same proceedings. I would not regard these as leading cases in my practice.

Afterimages of 20th century events are very rare in the work of lawyers and courts today. Apart from the use of legislation from the past and the effects of past events, neither lawyers nor clients return to old cases. At the beginning of the third decade of the 21st century, lawyers are no longer going back to 20th century cases. Clients do not want to revisit the past either. There is a belief among lawyers that so much time has passed that there is no reason to revisit the problems of the turbulent 20th century. The media and political reality are not the same as the legal reality. Indeed, sometimes lawyers and courts still must deal with issues dating from the 20th century. However, these are extremely rare and very quickly extinguished. These are probably the last years when senior lawyers still remember past events, while junior lawyers are still familiar with 20th century cases. Within the next few years, all legal afterimages of the 20th century will have completely disappeared. This is evidenced by the fact that the interviewees, despite their best efforts, were no longer able to recall any more cases than those reported here.

Conclusions

The second half of the 20th century was very turbulent for Poland and the Poles. Particularly the period of the People's Republic of Poland and the transformational changes of the 1990s clearly marked Poland's recent history. Those events still have a certain impact on the social, media and political space of the third decade of the 21st century. There are issues and controversies which are constantly present in public discussion and in many Polish families. Daily, we notice that the effects of communist education, social and cultural changes as well as mentality shifts are irreversible. They are particularly evident among older people, but the youths are also partly immersed in the changed mentality.

Certain epoch-making events of the second half of the 20th century are also reflected in the public space. The emigration of Poles to the West, the long-standing issues of the Soviet soldiers in Poland, still lingering memories of the great economic transformation, still unreformed remnants of the old maritime industry, mafia cases of the 1990s or simply the legal relics in the contemporary justice system and the communist crimes are only a few of the issues that have preoccupied Poles, media and politicians for 50 years. Some of them are so deeply

rooted in the Polish consciousness that are strongly discussed in the press or in TV news every day and provoke huge emotions and even international tensions.

Politicians, journalists and lawyers are very much involved in discussions on old issues. Many old cases are still continuing, never to die. Above all, the afterimages of past events should still be alive and proceeding in Polish offices, courts and among lawyers. In some places, media and political temperature around some of these relics of the past is so high that it seems that past issues overwhelm current concerns. Therefore, we checked whether indeed the afterimages of People's Poland and the 1990s are still present in the Polish legal, official and judicial practice, or rather are distant afterimages of the past that exist only in media and political broadcasts.

The survey of Polish advocates and legal advisers has led to the emphatic conclusion that the issues of the second half of the twentieth century have virtually disappeared today. Polish lawyers, officials and judges no longer deal with cases older than twenty years. They usually handle current issues while past problems are forgotten. Yes, there is a very small group of Polish jurists who still attempt to deal with cases of communist provenance, but this group is extremely limited. They are usually older specialists who continue old cases or have 'inherited' them from even older jurists. There are hardly any cases pending in courts and authorities with origins still in the twentieth century. The events of the previous century are now a thing of the past in the work of the Polish judiciary, offices and lawyers.

Polish lawyers note, that their work is heavily influenced by their Communist education, mentality and anachronistic legal acts created while the system was still in place. These factors cause some Poles to expect the appearance and continuation of old cases that are legally and factually finished. People raised in the old days want to maintain the bond with their youth, hence they strive to constantly rediscover events from the past. This is particularly true of politicians, who try to make political profit from reviving old traumas. They are accompanied by journalists, who also benefit from the afterimages of the 20th century. However, the reality of the entire justice system in Poland differs from the media image, the actions of politicians and journalists and the expectations of the older society. Nevertheless, the education and mentality of Polish officials or lawyers still plays an important role in their daily professional practice.

The hypothesis posed at the beginning is fully confirmed. Events from the People's Republic of Poland and the last decade of the 20th century no longer play a major role in the work of the Polish judiciary, lawyers and the bureaucracy. They have become a thing of the past and today they exist as distant afterimages of the past. There are very few exceptions to this rule, although they are particularly visible in the media and political space. Only past education and legal order have a stronger impact on the present reality. In practice, most Poles look to the future. Especially young lawyers, officials and judges do not want to return to the times of the People's Republic of Poland, do not even want to know those stories. They work in contemporary Poland and look to the future and to the West.

Bibliography

- Abel R.L., *Lawyers and the power to change*, Oxford 1985.
- ATLAS.ti, <https://atlasti.com/> (5.04.2021).
- Babbie E.R., *Podstawy badań społecznych*, Warszawa 2008.
- Biernacki M., Trzeciński M., *Polska bez mafii...: z Markiem Biernackim rozmawia Marcin Trzeciński*, Warszawa 2002.
- Boćkowski D., *Spoleczeństwo polskie wobec diaspory czeczeńskiej 1994–2020*, „Dzieje Najnowsze: kwartalnik poświęcony historii XX wieku” 2020, nr 1.
- Brown C.S., *Like it was: a complete guide to writing oral history*, New York 1988.
- Charmaz K., *Constructing Grounded Theory*, Thousand Oaks–London–New Delhi 2014.
- Charmaz K., *Teoria ugruntowana: praktyczny przewodnik po analizie jakościowej*, Warszawa 2013.
- Chmielewska K. i in., *Dyskusja Ośrodka Studiów Kulturowych i Literackich nad komunizmem IBL PAN: komunizm i PRL dzisiaj*, „Teksty Drugie: teoria literatury, krytyka, interpretacja” 2013, nr 3.
- Chopol, <https://pl.wikipedia.org/w/index.php?title=Chopol&oldid=64298129> (7.10.2021).
- Chwałba A., *Historia powszechna: 1989–2011*, Warszawa 2015.
- Frankfort-Nachmias C., Nachmias D., *Metody badawcze w naukach społecznych*, Poznań 2001.
- Horton J., Macve R., Struyven G., *Qualitative Research: Experiences in Using Semi-Structured Interviews* [w:] *The Real Life Guide to Accounting Research*, red. C. Humphrey, B. Lee, Oxford 2004.
- Informacje o działalności Instytutu Pamięci Narodowej*, <https://ipn.gov.pl/pl/o-ipn/informacje-o-dzialalnosc> (7.10.2021).
- Jabłońska-Bonca J., *O szkolnictwie wyższym i kształceniu prawników*, Warszawa 2020.
- Jabłońska-Bonca J., *Trzeba inaczej uczyć. Kilka uwag o homo zapiens i miękkich umiejętnościach komunikacyjnych prawników*, „Krytyka Prawa” 2018, t. X, nr 2.
- Kamola-Cieślak M., *Polityka przekształceń własnościowych przedsiębiorstw państwowych w przemyśle stoczniowym w Polsce po 1989 roku*, „Przegląd Politologiczny” 2016, nr 3.
- Kędzierski D., *Metodologia i paradygmat polskich szczegółowych nauk prawnych*, „Transformacje Prawa Prywatnego” 2018, nr 3.
- Narracje pamięci: między polityką a historią*, red. Kęcka, J. Piechowiak-Lamparska, A. Ratke-Majewska, Toruń 2015.
- Koj E., *Zbrodnie stanu wojennego*, „Biuletyn Instytutu Pamięci Narodowej” 2006, nr 6/11–12.
- Kubasiewicz I., *Emigranci z Grecji w Polsce Ludowej. Wybrane aspekty z życia mniejszości* [w:] *Od niepodległości do niepodległości. Historia Polski 1918–1989*, Warszawa 2015.
- Kvale S., *Prowadzenie wywiadów*, Warszawa 2012.
- Lipiec S., *Świadczenie międzynarodowych usług prawniczych. Studium socjologiczno-prawne polskich prawników*, rozprawa doktorska, Kraków 2020.
- Martin Iborra J., *Rybolówstwo w Polsce*, Bruksela 2011.
- Matuszczak A., *Ocena prywatyzacji z różnych punktów widzenia na przykładzie Polski*, „Zeszyty Naukowe Uniwersytetu Szczecińskiego. Współczesne Problemy Ekonomiczne. Globalizacja. Liberalizacja. Etyka” 2015, nr 11.
- Michalski M. i in., *Między normatywnym a pragmatycznym modelem kształcenia prawników we współczesnej Polsce*, Warszawa 2020.
- Nicpoń M., Terażęcki R., *Pogłębiony wywiad indywidualny w badaniach politologicznych* [w:] *Przeżyłość, terażęność, przyszłość: problemy badawcze młodych politologów*, Kraków 2010.
- Nowotnik N., *Prokuratorzy IPN skierowali prawie 100 aktów oskarżenia w śledztwach dot. stanu wojennego*, <https://dzieje.pl/wiadomosci/prokuratorzy-ipn-skierowali-prawie-100-aktow-oskarzenia-w-sledztwach-dot-stanu-wojennego> (7.10.2021).
- Podgórecki A., Kurczewski J., *Zarys socjologii prawa*, Warszawa 1971.

- PRL-owskie re-sentymenty*, red. A. Kisielewska, M. Kostaszuk-Romanowska, A. Kisielewski, Gdańsk 2017.
- Przybyłowska I., *Wywiad swobodny ze standaryzowaną listą poszukiwanych informacji i możliwości jego zastosowania w badaniach socjologicznych*, „Przegląd Socjologiczny” 1978, nr 30.
- Roszkowski W., *Historia Polski 1914–2015*, Warszawa 2017.
- Schomburg J., *Restrukturyzacja przedsiębiorstw połowowych*, „Prace Naukowe Wyższej Szkoły Bankowej w Gdańsku” 2009, nr 3.
- Sowa B., *Tylko u nas: Ekspert od propagandy analizuje „Wiadomości”*: Część osób ogląda jak program rozrywkowy, <https://wiadomosci.dziennik.pl/media/artykuly/536313,ekspert-od-propagandy-analizuje-wiadomosci-przypominaja-program-satyryczny.html> (3.11.2021).
- The Oxford Handbook of Oral History*, red. D.A. Ritchie, New York 2011.
- Tyszkiewicz J., Czapiewski E., *Historia powszechna: wiek XX*, Warszawa 2014.

WPLYW POLSKIEJ RZECZYPOSPOLITEJ LUDOWEJ I WYDARZEŃ KOŃCA XX WIEKU NA DZIAŁALNOŚĆ ZAWODOWĄ WSPÓŁCZESNYCH PRAWNIKÓW

Streszczenie

Druga połowa XX w. w Polsce obfitowała w wiele doniosłych wydarzeń. Skutki wielu z nich znajdowały swoje reperkusje na gruncie stosowania prawa. Skutki II wojny światowej, okres stalinizmu, wydarzenia marcowe, ucieczki za granicę, nowe socjalistyczne prawo i systemowa edukacja, funkcjonowanie socjalistycznej gospodarki czy zmiany systemowe lat 90. to tylko najbardziej doniosłe wydarzenia, których skutki prawne odczuwamy do dziś. Większość tych wydarzeń jest wciąż dyskutowana w przestrzeni medialnej i politycznej u progu trzeciej dekady XXI w. Współcześni prawnicy także niekiedy zajmują się rozwiązywaniem tych zadawnionych problemów zarówno wspólnie z klientami, jak i w przestrzeni publicznej.

Przeprowadzone badanie pokazuje, że w związku z upływem czasu, zmianami prawnymi oraz zmianami kulturowymi wydarzenia z przeszłości coraz rzadziej zajmują polskich jurystów. Doniesienia medialne i polityczne są kreowane sztucznie bez oparcia w rzeczywistej pracy polskiego wymiaru sprawiedliwości i prawników. Polscy specjaliści prawniczy podkreślają, że zadawnione sprawy XX w. coraz rzadziej pojawiają się w ich praktyce zawodowej, zaś przekazy medialne są wyolbrzymione.

Badanie zostało oparte na rozmowach z przedstawicielami polskich samorządów adwokatów i radców prawnych z całego kraju. Wykonano je metodą wywiadów półustrukturyzowanych oraz analizy zawartości. Badanie wpisuje się w paradygmat socjologii prawa i historii mówionej.

Słowa kluczowe: historia prawa, socjologia prawa, prawnicy, Polska Rzeczpospolita Ludowa, PRL, lata 90., historia mówiona

Summary

The second half of the 20th century in Poland was full of momentous events. The consequences of many of them had their repercussions on the ground of application of law. The aftermath of World War II, the Stalinist period, the events of March 1968, people fleeing abroad, new socialist laws and systemic education, the functioning of the socialist economy, or the systemic changes of the 1990s are only the most significant events, the legal consequences of which are still felt today. Most of these events are still discussed in the media and political space at the beginning of the third decade

of the 21st century. Current lawyers are also sometimes involved in resolving these long-standing issues both with their clients and in the public space.

The study demonstrates that due to the passage of time, legal and cultural changes, the events of the past are less and less frequent among Polish jurists. Media and political reports are created artificially without support in the actual work of the Polish judiciary and lawyers. Polish legal professionals emphasise that old cases from the 20th century are increasingly rare in their professional practice, while media reports are exaggerated.

The research was based on interviews with representatives of Polish bar associations of advocates and legal advisers across the country. It was conducted using semi-structured interviews and content analysis. The research belongs to the paradigm of sociology of law and oral history.

Keywords: history of law, sociology of law, lawyers, Polish People's Republic, PRL, 1990s, oral history