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Transnational Education in a Polish Law Faculty A personal account

The need to prepare the law students for any future life contingencies and professional requirements is beyond all doubt. The law as well its teaching are changing according to the times and societies. When some categories of social relations are becoming sufficiently structured, a new field of study arises and a new academic discipline can appear in the law faculty curriculum. In recent years, we have witnessed the introduction in law faculties many novelties, for instance, the environmental law, the consumer or computer law, etc. At the same time, some 'majors' existing earlier under ancient regime like the agrarian or labor law have disappeared (the first mentioned) or are losing its previous importance (the second one). Recently, the most momentous 'intruder' are the European law courses. The Poland's access to the European Union on 1st May 2004 will only enhance their success and strengthen their popularity among law students.

An another newcomer in the Polish and in general, in the whole Eastern European law faculties are the human rights classes. These clearly international oriented courses constitute now the second major alien input to the law faculty curricula. The human rights teaching is not limited to the one singled-course in law. The human rights problems are penetrating many other disciplines and fields of study in the Faculty. It is impossible, for example, to teach substantive and/or procedural criminal law without referring to the foreign concepts and patterns, like the due process of law, the privacy, the dignity of the person, the genocide, etc. All these concepts are broadly connected with the so called humanitarian law, the natural law, and so on.

Our Faculty is open to any novelty in the sphere of law teaching. A prove of that are our broad foreign relations and contacts, mainly with the German law schools and on the other hand, with the Eastern European law faculties, especially in Lithuania and Ukraine. We have just established a school of German law at our Faculty and our academics will have the possibility to teach the Polish law to the German students. Through the courses given by the German law professors, our students will be acquainted with the jurisprudence and the other law branches of that important and influential European country on our continent integration-

ist scene. On the other side, our law students are taking part intensively in the European exchanges projects, especially with the possibility of studying abroad according to the European Credit Transfer System (ECTS). We have some small exchange opportunities with the US and Latin American universities. But, that is all.

My Faculty is especially suitable for introducing the transnational law as a teaching subject. The Wrocław Law School is a unique law faculty in Poland having in addition to the law (and management) also the economy (economics) as a major specialization. Independently of many definitions of transnational law one of its descriptions in a narrow sense equates it with the juridical relations between the subjects of international law and the private foreign entities in economic matters. In other words, this is the *lex mercatoria* or the totality of uniform legal rules and customs of the international trade as well of their general principles of law. Furthermore, we should be advised that the advantageous geographical position of the Wrocław Law Faculty – my town is called popularly the European corner of Poland – could be also an additional factor in favor to establish such a major.

In view of this, the creation at my Faculty of the new instructional avenue for our students will be confronted with the organizational problems, and first of all, with the sufficient quantity of highly specialized law professors. The restructuring of the law faculty would be a very difficult undertaking. The Faculty has a long established structure inherited from the socialist regime and besides deeply rooted in the European division of law into the branches. Generally speaking, we have seven main courses in law: history (state and legal institutions), civil, penal, administrative, jurisprudence, constitutional and international public law. We have one or two seasoned professors of law in every of these disciplines. The introduction of a new transnational law class would require the educating of an expert in these matters or simply the hiring of such a person. Both things are not easy and the first one needs a lot of time. But, the most important thing is the understanding by our faculty members for such an initiative. At present, the acceptance for such a type of course would be impossible to obtain.

On the other hand, it is realistic and possible to encourage and promote such an openness to the transnational law perspective. But, the interest in the transnational legal matters should be a concern of each individual professor of law. Before it happens, we shall awaken a consciousness on this score. How to do should show surely this Conference. My country, as a whole, is not up to now a big global player. The majority of our external relations are with the European Union nations. Precisely, in these contacts, the Poles and especially the Polish legal educators can acquire some experience and expertise in the ‘regional’ transnational law. In

other words, the road of our scholars towards the transnational scholarship and practice will go through this channel. In this connection, it should be only remember that in this way we can get the truly transnational effects thanks to the extraterritorial reach of some European Union treaty provisions.

Recapitulating my previous statements, I would like to say that I am firmly convinced of the usefulness of introducing – in the near future in my Faculty – of the major in transnational law. The quickly changing world requires also the quick answers in academia. The multinational corporations and companies shall have more and more business in Poland and of course more risk of litigation. It would not be a good thing to learn about this cross-border disputes from the practitioners – instead to educate them.