

## **Legal Epistemic Authority in Poland. Dynamics and Development 1986-2020**

Political events in Poland since 2015 have been focusing attention of constitutionalists and theoreticians of law from various parts of the world. This situation is determined as “democratic backsliding”, “populism” or “crisis of rule of law”. Interestingly and what differs Poland from other countries undergoing similar processes, it is the legal professions (particularly judges) that has become the main subject of governmental reforms and critique. Public space has become an arena of contestation, defence and analysis of the role of legal professionals in the political life of the country.

The above situation demands a broader reflection covering ways of building, maintaining and bending legal authority. This project starts from three assumptions: 1. Legal authority is epistemic authority related to perception of legal professionals as carriers of knowledge. 2. In the case of Poland, we can observe the unprecedented dynamics of building this authority, which is related to the political transformation from socialism to liberal democracy (1986-2020). 3. The transformation and its consequences still determine the role and perception of legal professions in Polish democracy.

Philosophers and sociologists distinguish the notion of authority from the notion of power (Arendt 1954, Furedi 2013). Authority is more than just a possibility of giving orders to others – it is influence on them, but one that is justified. The subject who subordinates himself/herself to influence of authority accepts this state of affairs. In this sense, authority is normative driven power. Legal professionals have authority which is based on their recognition as carriers of knowledge. Lawyers, regardless of their personal qualifications, are members of a community, which has specialist knowledge regarding the content of law. This authority is based on suitability of this knowledge for making decisions. It relates, in particular, to making political decisions in constitutional democracy – a recognition that the decision in question is/is not in accordance with the constitution affects a possibility of its execution and its legitimacy. Efficiency of this authority demands acceptance of the vision of law and politics, in which the role of law is making limitation for politics. It is closely related to the attribute of neutrality. A community of legal professionals may play its role only when social conviction of its neutrality predominates. Therefore, undermining the thesis of neutrality of legal professionals – as it has been systematically done in Poland since 2015 – is at the same time undermining authority of legal knowledge.

Through narrative interviews with representatives of the legal elite (judges and former judges of Constitutional Court, Supreme Court and Supreme Administrative Court, Members of the National Judicial Council, persons holding position of Ombudsman) and case studies project members intend to check:

1. the way lawyers perceive their knowledge (whether it is fixed or variable knowledge, closed or open to discussion);
2. how they see the role of their knowledge in society (whether this knowledge allows to solve disputes or make better political decisions);
3. what threats they see for this knowledge from politics and other systems of knowledge (e.g. sociology or philosophy)