

TEACHING AMERICAN CONSTITUTIONAL LAW IN POLAND

I taught at the University in Warsaw during the first semester of the academic year 1980-81. Two courses were scheduled under the titles "American Federalism" and "Introduction to Civil Law of the United States." My experiences may be of interest to American law teachers.

In Poland there is no advance registration for particular courses, and—as in other European law schools—no "credit hour system" exists. The students have to take some mandatory courses and some electives. Of course, my offerings were placed in the latter category.

The administration of the Law School expected some sixty to seventy students to attend. This proved to be correct with respect to the civil-law course, but American Federalism drew much more attention than foreseen. For the first session, about two hundred students appeared and tried to find seating places in a room for about seventy. Only a minority could be accommodated. The others had to sit on the window sills, on the floor, or stand by the doors. Another room had to be found. Unfortunately, all suitable ones had been assigned to other courses. We ended up holding classes in a classroom of the school of medicine near the law school.

The original enthusiasm did not, however, survive during the whole semester. There were never 200 persons at the later sessions. Usually, 130-140 attended.

No examinations were scheduled in my courses; only attendance was required. I circulated a sheet to be signed by those in attendance. At the end of the semester, the instructor signs the "in-deks," or progress booklet of every student, attesting that the requirement of participation has been satisfied. Conceivably, a student may rarely appear and still get his attendance certified. No instructor applies strict checking procedures. Once I noticed that there were more names signed on the sheet than those present and circulated the list once more, seeing to it that students in attendance put a cross after their names. A few names evidently signed by friends remained without a cross. This incident discouraged similar tricks, and I refused certification to a handful of students, which is contrary to the prevailing European custom.

The philosophy of an average student in Poland is the same as that of most students in the world: try not to overwork yourself to achieve maximum effect with minimum effort. Do only what is necessary to reach the desired result. However, interest in legal (and other) developments in the United States, and in other leading Western countries, is great. Polish scholarly writings, even if not explicitly devoted to comparative law, contain many references to foreign law. Of course, the authors also cite works which appeared in "socialist" legal systems, no matter whether they are relevant or not. Without them, publication could be refused. I met an established legal scholar whose thesis for an equivalent of an S.J.D. degree was not accepted simply because he cited nearly exclusively Western sources, neglecting the Russian and Eastern ones. He had to rework his dissertation, trying not to change the main ideas—and received his degree, after all.

In the field of law, as well as in others, the Poles appreciate their Western heritage and despise everything coming from the East. The imposition of the Soviet rule of the Yalta and other agreements was never accepted by the Poles. For centuries, the borderline between Poland and Russia was the demarcation point dividing the world into Western and the Eastern cultures.

Poland contains quite a few experts in Western law, and particularly American law, especially in Warsaw and Torun, where the faculty of law of the Nicolas Copernicus University sends one of the instructors or graduate students every year for research in the United States. Excellent publications on American law and our constitutional system have appeared in recent years.

Thus, interest in the law of the United States is a well-established tradition. In the instructor-student relationship, however, this interest is passive. The class listens to what the professor has to say, but there is no exchange of views. In the European tradition, the standard method of instruction is lecturing, and I had to abide by this traditional approach. A few times I tried to ask questions, to incite the students to raise problems and to engage in discussions, but the effect of my endeavors was small. I also announced my office hours and invited the students to come. Hardly anybody visited me. European students do not feel that they are on the same level as the instructor. Generally, they do not feel free to speak to him, except if absolutely necessary to some administrative procedure. The distance between the professor and his disciples is difficult to surmount.

Of course, the intricacies of the American constitutional system are little known to the Polish students. When pressed in a con-

versation out of the classroom, however, they reveal an amazing knowledge of the history of the United States, and particularly of its origins. The Founding Fathers are admired and revered along with the Polish national heroes. After all, they had the same ideas: democracy, independence, respect of human rights, and resistance to any form of oppression. Some of the Polish freedom fighters with General Thaddeus Kosciuszko, who fortified West Point, played a leading role in the struggle of their own country against the Russians, and also in the endeavors of the thirteen British colonies. General Casimir Pulaski, the father of the American calvary, gave his life at the battle of Savannah. The leading Polish personalities, active in the American Revolution, became good friends of American statesmen such as Washington and Jefferson. The American cause was dear to the Polish hearts, and the structure of the constitutional system of the United States continues to fascinate them, no matter how much the Communist government tries to belittle the United States and substitute an interest in Russia for that in America and the West.

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