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## As the World Turns: Three Visiting Professors Bring News of Change and Challenge in Post-Communist Poland

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# Law School Report

## As the World Turns

*Three visiting professors bring news of change and challenge in post-Communist Poland*

The volatile but exciting situation in one of Eastern Europe's most promising new democracies — Poland — was the subject of an April 16 colloquium at UB Law School.

Three professors from Jagiellonian University in Krakow, visiting UB as part of the UB-Jagiellonian Scholarly Exchange and Collaboration Program, explored aspects of the modern Polish experience. Their topics ranged from the nation's new constitution to the fate of ethnic minorities in Poland.

Sociologist **Jacek Wasilewski** discussed a study he conducted to determine what has become of the *Nomenklatura* — the ranking hierarchy of the Communist Party that was deposed nearly three years ago. Wasilewski and his associates interviewed 350 such government officials in 1986, and 236 of that original sample again in 1992.

"This is a very hot issue for people in Eastern Europe," Wasilewski said. "People would expect that the former apparatchiks, the former regime people, would be punished rather than rewarded after the revolution. This is the problem: Who really won the revolution?"

Wasilewski discussed three hypotheses on the fate of these high-level bureaucrats in the government's powerful ministries. The first — that they just dispersed all along the social hierarchy

— he calls "definitely and clearly untrue." The third — that the apparatchiks remain powerful in the social structure, retaining their positions especially within local administration — has some validity, he said. Lower-level officials, especially, have managed to remain in

"I could show that the higher the position they held in the former regime, the better chance that they would succeed in moving to private business. It's a kind of proof that political networks can shift to the private world and private business," Wasilewski said.

"One way of understanding revolution is that a profound, very deep change in the social structure took place. Those at the very top are supposedly losing their top positions, and those underneath get better positions.

"I found that that's not necessarily so."

**Marian Grzybowski**, whose research combines elements of both political science and law, spoke on the arduous process by which Poland's new constitution is being written. It's a process Grzybowski has participated in — he has written opinions and contributed to one of seven draft constitutions that were submitted to Poland's parliament by differing political factions.

A Special Constitutional Committee of both parliamentary houses — the Senate and the lower house, called the Sejm — will "try to squeeze this variety of proposals, and try to propose some one draft or combination of proposals that is more or less coherent," Grzybowski said. After discussion and amendment, the document then goes to the nation's president, who can submit his own amendments. Once those are incorporated, the new Constitution goes before the Polish voters in a referendum.

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administration.

But it's Wasilewski's second hypothesis that he says is most true: that the *Nomenklatura* "succeeded in converting their political capital into economical capital. They moved from the power structure into private business, and joined the emerging business class." They retain their positions of privilege, but now that privilege is based on money, not power.

The referendum should come next year, Grzybowski said — optimistically in the spring, pessimistically in the fall.

One issue at the heart of the debate, he said, is whether the constitution should both establish the structure of the state powers and ensure the rights and freedoms of the citizens.

The traditional European model is to combine both concepts in a single constitutional act. But there is some support, he said, for separating out the individual guarantees into a separate act, much as the U.S. Constitution makes the Bill of Rights a separate entity. Indeed, Grzybowski said, the Polish president has proposed a charter of rights and freedoms that has entered the constitutional debate.

The third visiting professor at the colloquium, **Bogusława Bednarczyk**, has become interested in the question of ethnic minorities in Poland and elsewhere in Eastern Europe. (Minorities there generally are defined along ethnic and cultural lines rather than racial, as they are in the United States, she said.)

Though Poland is 95 percent heterogeneous, she said, “Nevertheless, we do have minorities and problems do exist.”

Those minorities, Bednarczyk said, include a resident German population and a tribe of Gypsies called Rloma. “They have a different style of life than the rest of the Europeans,” she said. “They came from India in the 14th or 15th century, and they don’t feel any

common roots with Eastern Europe. They do not get into the community very easily; they do not assimilate. It’s very rare that you find mixed marriages (between Rloma and Pole); I’ve never heard of one.”

Bednarczyk pointed to the horrible ethnic strife in the former Yugoslavia as evidence that Europeans must come to terms with their minorities. “I think,” she said, “that we’re just at the beginning of discussing the minority question.”

The colloquium, which was held in John Lord O’Brian Hall, was co-sponsored by the UB Council for International Studies and Programs, the Law School, the Baldy Center for Law and Social Policy, and the Center for Human Rights. ■



*Professor Isabel Marcus, far right, with visiting Polish professors.*