

Potsdam, 25 June 2026

Ladies and Gentlemen,
Honorable Guests,
dear Graduates of the University of Potsdam,

In 1988, when I was eleven years old, my parents decided to send me on my first international vacation, which meant spending the holidays in one of those countries under Soviet domination. So, I spent two beautiful weeks in a village near Wismar, in the GDR. For me, it was the Western world, with chocolate being easily available compared to Poland.

But at that very time, we also started witnessing history unfolding. Another wave of strikes started in Poland, with a new generation of workers claiming their rights after Martial Law had silenced the “Solidarity” movement in 1981. There were rumors that we might not even be able to return to Poland, that Soviet tanks might even invade our country.

Fortunately, we could return home. And the next year we experienced a major historical change. In June 1989, free parliamentary elections took place in Poland. Germany moved towards unification, and the GDR disappeared from the map. And plenty of chocolate became available in Polish shops. A new Polish constitution was adopted, and this transformation culminated in Poland’s membership in the European Union 15 years later.

Using Francis Fukuyama’s terminology, this seemed to be the end of history.

Nevertheless, memories stay. They shape our understanding of events. They push us to ask questions about origins, reasons, and consequences. And as a scholar interested in human rights, one asks those questions even more.

In this vein, the Polish Constitution of 1997 states in its preamble that it is adopted

“Mindful of the bitter lessons of history, when human rights were violated in our homeland”

and proclaims that

“human rights should be guaranteed forever.”

You cannot step back—human rights must always be protected.

For the Polish elites of the 1990s, it was an obvious task to build a constitutional state where democracy, the rule of law, and the protection of human rights were the obvious choice.

But I have always wondered whether my students understand it the same way. How can you explain freedom of movement when they have never faced any special requirement to register their stay, when they have never been compelled to choose a specific city as their place of residence, and when they travel across Europe almost without any restriction?

Some time ago, I bought a great book by Inga Markovits, *Justice in Lueritz: Experiencing Socialist Law in East Germany*, describing what happened in an ordinary district court somewhere in Mecklenburg. The author used a pseudonym for the town to protect the sensitive data of the people described in the book. There we can find plenty of examples of how courts, individual prosecutors, and judges acted, and how political instrumentalization and subordination intertwined with the search for rationality, legal discipline, and traces of rule-of-law-based interpretation of legal provisions.

Now, 37 years later, I have a feeling that similar scenarios may happen again in the 21st century. Maybe history does not repeat itself exactly, but even contemporary democracies can be fragile and not mature enough to resist some political temptations, with Poland between 2015 and 2023 being a pertinent example.

After Poland joined the EU and made enormous economic and societal progress, Polish society became frustrated with income disparities and growing inequality. That paved the way for populists to win the elections in 2015 and to centralize the state power. After the political capture of the Constitutional Court, Parliament, together with the loyal President, enacted laws that threatened the rule of law.

First, they destroyed the independence of the judiciary.

Second, politicians started to openly criticize judicial decisions.

Third, they started to influence the selection of judges based on political criteria. And there were always lawyers willing to participate in such procedures. Their opportunism and drive for career advancement prevailed over any reservations related to unconstitutional procedures.

Fourth, any dissent by judges fighting for judicial independence resulted in proceedings being brought before specially appointed disciplinary judges. As Stanisław Piotrowicz, then head of the Justice and Human Rights Committee in the Polish Sejm, stated in 2017:

“In Poland, the nation—the sovereign—rules, and judges must understand that their role is subservient to the state and the nation.”

The ultimate goal of all those changes was to guarantee to the ruling elite a total lack of accountability and to secure the prolongation of its power in future elections.

When we observe some states today, especially the United States in recent months, we see a repetition of similar practices. Executive power, with the support of big corporations, is testing the limits of its power. Every executive order, statement, position, intimidation of lawyers, refusal to conduct an investigation, and search for scapegoats is an attempt to push those limits further. Sometimes courts and lawyers react. But the avalanche is so strong that, for now, it cannot yet be stopped.

The Polish poet Czesław Miłosz wrote in 1947 that

“The avalanche changes direction depending on what rocks it encounters in its path.”

Fortunately, Polish civil society was strong enough to resist.

The resistance was embodied by the small rocks of the so-called street opposition.

Then those rocks became bigger and bigger—with the use of advocacy, strategic litigation, transnational cooperation and solidarity, as well as education on the rule of law and human rights.

The European Union, too, helped a lot.

Finally, those rule-of-law rocks found allies in different groups affected by government practices—women’s rights or LGBT+ organizations, as well as entrepreneurs affected by various abusive governmental practices.

The parliamentary elections of 15 October 2023 brought an end to an illiberal regime. The new Polish government undertook the effort to restore the rule of law and to guarantee accountability for past abuses of power. It was, and continues to be, a long and winding road, especially when you want to restore the rule of law.

Please note that there are many who benefited from the previous political system and would prefer the old times to come back. Nevertheless, there is a chance that public trust and confidence in institutions will be rebuilt.

This Polish story of rule-of-law decline and the ongoing restoration of the rule of law could provide a lesson for other countries.

First, the judiciary and other checks-and-balances institutions should be as strong as possible, in order to prevent any possible hostile takeover or destruction of the constitutional substance of their work.

Second, democratic institutions will not survive without the support of citizens. Timothy Snyder wrote ten years ago, in December 2016:

“Institutions help us maintain decency. However, they also need our help. Institutions will not defend themselves. If we don't protect each of them from the very beginning, they will collapse one by one. So choose the institution you care about—a court, a newspaper, a law or a trade union—and stand on its side.”

Taking this into account, I claim that the Polish parliamentary elections were won in 2023 thanks to Polish civil society. When we look at current changes in Hungary, they may have the face of Peter Magyar. But civil-society resilience was crucial in stopping the avalanche of non-democratic movements and, especially, in protecting those institutions that safeguard democratic and European values.

Today, new generations of citizens may not be aware of the challenges to the rule of law, as they have never faced them—unlike their parents or grandparents.

New generations take these basic democratic values for granted, and the lessons of history are not shared with them. Therefore, they may not easily resist the arguments of populists, who present easy answers to every question. If there is a political need, they can attack judges, undermine judicial appointments, or search for family ties. Sacred values of democracy, such as the independence of the courts, are no longer untouchable, especially when the public demands it, and many may have difficulty understanding why this is a problem at all.

That is why education on the rule of law is now more important than ever.

As Poland had to go through its painful lesson, we are now experiencing a situation in which the whole world has become a kind of international rule-of-law laboratory. Hopefully, even in such difficult moments, we can still see rays of light.

One of them is the establishment of the Special Tribunal for the Crime of Aggression, which will pursue accountability for the leaders of the Russian Federation for their aggression against Ukraine.

Another is the recent speech by Canadian Prime Minister Mark Carney in Davos, calling on like-minded countries to work towards a new order encompassing values such as

“respect for human rights, sustainable development, solidarity, sovereignty and territorial integrity of the various states.”

In this sense, the Polish-German partnership can play a crucial role. We are strong partners in the economy, culture, and defense. We inspire each other and support one another in the fight for the rule of law. We share responsibility for the future of the European Union.

At the same time, we should also care for the next generations of civil society activists and engaged citizens, because ultimately resistance to democratic backsliding and the defense of the rule of law and democracy will be in their hands—indeed, in your hands.

Why do we have to do it? Because a strong Europe, based on common values and respect for the law, is the only guarantee of our security. Not only in the context of the Russian geopolitical threat and the ongoing conventional and hybrid war, but also in view of current technological changes. The mere hope that everything will be fine cannot be a strategy.

We have to protect our institutions and take care of human rights and democratic principles in order to survive in this difficult and complicated world.

Thank you for your attention.