

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 for my first international vacation, which meant spending holidays in one of those countries under Soviet domination. So, I spent beautiful two weeks in a village near Wismar, in the GDR. For me, it was the Western world with chocolate being easily available, as 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 even Soviet tanks might invade our country.

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

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

But I have always wondered whether my students understand it the same way. How can you explain freedom of movement, when they never faced any special requirement to register their stay, when they were not pushed to choose a specific city for their 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 a normal district court somewhere in Mecklenburg. Author used pseudonym of the city to protect sensitive data of people described in the book. We can find there plenty of examples how courts, individual prosecutors and judges acted, and how political instrumentalization and subordination intertwines with the search for rationality, legal discipline and traces of rule of law interpretation of provisions.

By now we are 37 years after. But I have a feeling that similar scenarios may again happen also in the 21st century. Maybe history does not repeat itself one by one, but even contemporary democracies could 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 disparities in income and growing inequality. That paved the way for populists to win elections in 2015 and to centralize the state power. After a political capture of the Constitutional Court, the 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 judgments and their decisions

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

Fourth, any dissent by judges fighting for judicial independence resulted in actions brought by 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 securing the prolongation of power in upcoming elections.

When we now observe some States, especially recently the United States, 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 make an investigation, seeking for scapegoats, is an attempt to move limits. Sometimes courts and lawyers react. But the avalanche is so strong that as of now it cannot be yet 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 placed by 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 rule of law and human rights.

The European Union, too, helped a lot.

Finally, those rule of law rocks found their allies – different groups affected by practices of the government – women's rights or LGBT+ organizations, as well as entrepreneurs affected by different 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 were beneficiaries of the previous political system and would prefer old times to come back. Nevertheless, there is a chance that public trust and confidence in institutions will be rebuilt.

This Polish story on the rule of law decline, and the ongoing rule of law recovery, 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 10 years ago, in December 2016 wrote:

"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 the Polish civil society. When we see current changes in Hungary, they have a face of Peter Magyar. But civil society resilience was crucial to stop the avalanche of non-democratic movements, and especially in protecting those institutions that are safeguards of 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 simply for granted and 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 courts, are no longer untouchable, especially when the public demands it, and may have difficulty understanding why this is a problem at all.

That is why the 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 that the whole world is in a kind of international rule of law laboratory. ~~When Professor Andreas Zimmermann started a few years ago a project entitled "International Rule of Law – Rise or Decline?", he probably could not predict how the international order and respect for law may change.~~ Hopefully, even in such difficult moments, we could see rays of light.

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

Another is the recent speech by Canadian Prime Minister Mark Karney in Davos calling for like-minded countries to push for 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 economy, culture, and defense. We inspire each other, 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 against democratic backsliding and the defense of the rule of law and democracy will be in ~~t~~ Their, will be in Your hands.

Why we have to do it? Because a strong Europe, based on common values and respect for 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, take care about human rights and democratic principles in order to survive in this difficult and complicated world.

Thank you for your attention.