

Preface

The third volume of "The Critique of Law" coincides with the 10th Anniversary of the *Collegium Iuridicum* at Kozminski University. The first law classes took off in October 2001. The first dean was Prof. Cezary Kosikowski. He did a wonderful job of assembling the best faculty from all over Poland as well as the competent and friendly supporting staff. The original work has been magnified over the years to its current size and prominence by Prof. Jolanta Jabłońska-Bonca. Now, with over one thousand students and international faculty, the right to grant doctorates in law (in Poland it is a Ph.D.) we have become a serious player on the international educational market. One of our strengths is sharing experience with a famous business school, scoring the fourth place in the world in some international rankings. Although we share the traditional values cherished by most law schools, we go the extra mile to educate lawyers who know what they are talking about when they face professionals from, let us say, the finance, energy or telecommunication industries. Our students are encouraged, and even gently propelled toward courses offered by other departments such as psychology, management, finance and government studies. We at Kozminski believe that the lawyer for the new millennium is not just a skilful interpreter of legal texts, or God forbid, an ambulance chaser, but a person with a hands on attitude towards the business of applying the law, which, some law schools failed to notice, is almost always sector-specific. If we are so down to earth, why, one might ask, do we come up with several hundred pages of theory? The reasons are twofold.

First, such an occasion as an anniversary deserves an appropriate subject. Equality seems to perfectly fit in for it is generally viewed in jurisprudence as the most important among the principles of law both under our Constitution and outside of it. The weight of the subject lies in its historical heritage going back to antiquity, its intricacy and the immense breadth of coverage. Second, Albert Einstein was right saying there is nothing as practical as a good theory. Equality is of utmost practical importance for ordinary citizens and corporations alike. It is no longer about spectacular failures of human rights but also about 'technicalities' of business such as equal access to the market. And, speaking on a personal note, when I read calls for papers or grant proposal from noble academic institutions, often subsidized from public money, restricting eligibility to the age of forty or under I feel that this theory is of extreme practical importance to me.

Since Anatol France had famously quipped that the law allows the rich and the poor alike to sleep under the bridges of Paris, the subject of equality, despite its intrinsic majesty, spilled over into the streets. In this volume, however, it is being confined to the realm of law. Thus, apart from the philosophy of law (J. Jabłońska-Bonca, J. Kranz, J. Oniszczyk) the texts assembled in it run the gamut from private



law (A. Wołoszczak) through, civil procedure (A. Ratajczak), administrative law (I.P. Kovács, S. Wrzosek, J. Izdebski) labor law (G. Orłowski, K. Walczak), constitutional law and fundamental rights (José Javier Miranzo Díez, J. Kielin, E. Kuzborska, A. Maziarz, C. Nowak, A. Pudło, Ł. Wardyn,), international law (B.W. Anatolewicz), immigration law (N.M. Korszunov, D.W. Szugajev) competition law (W. Hoff), tax law (R. Zieliński), insurance law (A. Nerka), comparative law (A. Doczekalska), information law (A. Krzyżanowski), EU Law (G. Lang), company law (J. Okolski, M. Szyszka), intellectual property law (J. Sieńczyło-Chlabicz, M. Nowikowska), energy law (B. Nowak) all the way to Islamic law (M. Bonca).

The original intent of the publisher was to produce an all-English work, however, the editorial board has decided to stick to the subject matter of this volume and apply the principle of equality in its own backyard. Finally, we accepted texts in any language in wide international use. Therefore apart from texts in English language, the reader can find articles in French, Russian and Spanish.

Our authors are a diverse bunch, coming from the extremities of the Continent, Madrid to Moscow and from Central Europe, which testifies to the increasingly international profile of Kozminski University. They represent all generations of the academic community which gives a true ring to the title. Diversity declared in our Manifesto of 2008 is visible in the free approach of the authors whose works sometimes overlap and sometimes stand alone. Some of them belong in the mainstream jurisprudence, some apply general theory in more narrow fields such as insurance or labor relations. The demonstrated applicability of philosophical constructs before courts tells us that there is no such thing as “pure” theory. If anything, this volume proves that equality be better discussed from the perspective of our time rather than eternity as the ever-changing laws and the capricious practice carry along still new examples of inequality.

Many people have contributed to the writing of this book. Thanks should go to our Dean and Vice-Rector Prof. J. Jabłońska-Bonca for her persistence, encouragement and motherly caring. A. Goryńska was always ready to lend a helping hand in editorial matters. Our great debt is to the Rector, Prof. A.K. Koźmiński for financial assistance when the well was running dry.

Waldemar Hoff