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Marta Przyszychowska

Fatherland (πατρις) in the writings of Basil of Caesarea

Abstract

The notion of fatherland (πατρις) in the writings of Basil of Caesarea is not so obvious as it seems at a first glance. The term πατρις acquires different meanings depending on whether it is used without or with the article. The textual analysis of his own writings reveals what Basil considered as his own fatherland. In the writings of certain authorship, Basil uses the noun πατρις 72 times: without the article πατρις means a fatherland in general, with the article πατρις means Cappadocia for Basil. The effect of the research is of major importance for reconstructing the life of Basil and the persons whom he addresses in his letters – among them Eustathius of Sebastea, the famous ascetic of the 4th-century Asia Minor and Basil's mentor.

Keywords: Basil the Great, Eustathius of Sebastea, Gregory of Nyssa, fatherland, homeland, place of origin

The sense of the term fatherland (πατρίς) in the writings of Basil of Caesarea is of major importance for reconstructing the life of Basil himself and the persons whom he addresses in his letters – among them Eustathius of Sebastea, the famous ascetic of the 4th-century Asia Minor and Basil's mentor.

Socrates Scholasticus claims that the homeland of Basil was Caesarea in Cappadocia; Basil was “elevated to the bishopric of Caesarea in Cappadocia, which was his native country (τῆς ἑαυτοῦ πατρίδος).”¹ In other sources, there are two opposing traditions: on one hand, Basil himself points at Cappadocia as his fatherland, on the other Gregory of Nazianzus claims that Basil was from Pontus. Both versions have to be treated with due caution as they have other aims than referring what really happened. The majority of “information” on Basil's childhood and youth comes from *Oratio 43 (Funeris in laudem Basilii Magni Caesareae in Cappadocia episcopi)* by Gregory of Nazianzus. The “description” of Basil's virtues is clearly a hyperbole typical of panegyrics. Although it is certain that under the rhetorical disquisition some real events were hidden, it is very difficult to distinguish facts from literary fiction.

Gregory of Nazianzus was not so close a friend of Basil's as it is commonly assumed. The picture of the idyllic friendship was a product of Gregory's rhetoric, “it would be Gregory's own writings that contributed to the formation of this image of an ideal friendship.”² Gregory was rewriting the history of his relationship with Basil in order to regain the position in Cappadocia after he had returned from

¹ Socrates Scholasticus, *Historia Ecclesiastica* IV 26, 11 (GCS NF 1: 261; transl. NPNF II 2: 111).

² Van Dam (2003): 155–156.

Constantinople (381).³ He treated the friendship with Basil as part of the classical culture he was committed to.⁴ It seems that the theme of fatherland (πατρίς) was of crucial importance in constructing a literary picture of Basil.

According to Gregory of Nazianzus, the family of Basil's father came from Pontus and the family of his mother was from Cappadocia – it is worth noting that Gregory refers to the homeland of the families rather than specifically of Basil's father and mother: “On his father's side Pontus offers to me many details, in no wise inferior to its wonders of old time, of which all history and poesy are full; there are many others concerned with this my native land, of illustrious men of Cappadocia, renowned for its youthful progeny, no less than for its horses. Accordingly we match with his father's family that of his mother (Ὅθεν τῷ πατρῷῳ γένει τὸ μητρῷον ἡμεῖς ἀντανίσχομεν).”⁵

According to Gregory of Nazianzus, Basil was first taught by his father, “acknowledged in those days by Pontus as its common teacher of virtue (κοινὸν παιδευτὴν ἀρετῆς ὁ Πόντος τῆνικαῦτα προῦβάλλετο).”⁶ Gregory does not admit straightforwardly that Basil was brought up in Pontus, but the suggestion is clear enough to convince some scholars that Basil came from the province of Pontus (as well as his father's family).⁷ Pontus must mean the province Pontus Polemoniacus

³ McLynn (2001): 193.

⁴ Konstan (2000): 161; Van Dam (2003): 171–172.

⁵ Gregory of Nazianzus, *Oratio* 43, 3 (SC 384: 123; transl. NPNF II 7: 396).

⁶ Gregory of Nazianzus, *Oratio* 43, 12 (SC 384: 141; transl. NPNF II 7: 399).

⁷ Rousseau (1998): 1: “Basil belonged to a relatively prosperous and locally prominent family in Pontus, near the Black Sea coast of Asia Minor;” Silvas (2005): 1: “Basil was born in c. A.D. 329 to an aristocratic

here, since in the same oration Gregory of Nazianzus uses the name in the narrow sense referring to the province when he described that Basil fled from Caesarea to Pontus when the conflict with Eusebius, bishop of Caesarea at that time, broke out.⁸

Gregory of Nyssa, Basil's brother, mentions Pontus as his own fatherland.⁹ However, the context of those mentions is pivotal. Both statements about Pontus as his homeland come from his writings about Macrina. I think that Macrina was invented by Gregory of Nyssa and Gregory of Nazianzus in order to create a model of asceticism alternative to the one of Eustathius of Sebastea and Basil.¹⁰ The main difference between those two kinds of asceticism did not lie in strict morals or in the attitude towards the poor, or in the zealousness in reading the Holy Scriptures and in praying, or in renouncing the pleasures and comforts – in all those points both ways of practicing asceticism were similar. The difference lied in the attitude towards one's own family. Basil was eager to leave his family for the sake of asceticism, while Macrina is a model of "the life of a sister surrounded by mother,

Christian family of Neocaesarea, the capital of Pontus Polemoniakos;" Silvas (2005): 62: "Basil lived at 'home' with his father, that is, in the city where his father pursued his career. All of this points to Neocaesarea, the metropolis of Pontus Polemoniakos, not to Caesarea metropolis of Cappadocia, as the family's residence;" Silvas (2008): 10: "The family seat was not Caesarea of Cappadocia but the city of Neocaesarea, the metropolis of Pontus Polemoniacus;" Van Dam (2003): 9: "Basil had been raised in Pontus."

⁸ Gregory of Nazianzus, *Oratio* 43, 29 (SC 384: 191).

⁹ Gregory of Nyssa, *Epistulae* 19, 10 (GNO 8/2: 65); *Vita sanctae Macrinae* 15 (GNO 8/1: 387).

¹⁰ Przyszychowska (2018): 323–343. The problem of different ways of practicing asceticism will be explained in detail in my book *Macrina the Younger as a substitute for Eustathius of Sebastea*.

brothers, and sisters; it is at the same time the story of an aristocratic clan fully conscious of its own distinction.”¹¹ Gregory of Nazianzus and Gregory of Nyssa apparently shared the same idea of the family that was based on absolute loyalty to the parents, siblings and other family members – especially one’s father. On the contrary, Basil “seems to have wanted to ignore, even forget, his father.”¹² The statements both in Gregory of Nazianzus and in Gregory of Nyssa pointing at Pontus as the fatherland of Basil and Gregory of Nyssa could have been a well-thought-out literary device. It was aimed at stressing the close relationship of Basil with his father.

In Letter 210 to the learned in Neocaesarea Basil himself admits his acquaintance with Pontus in his childhood (διὰ τὴν ἐκ παιδός μοι πρὸς τὸ χωρίον τοῦτο συνήθειαν), because he was brought up there by his grandmother (ἐνταῦθα γὰρ ἐτράφην παρὰ τῆ ἑμαυτοῦ τήθη).¹³ The context of the letter is crucial. During the conflict with Atarbius, bishop of Neocaesarea, in 376, Basil addresses a letter to the laity of the city and by referring to his grandmother legitimizes himself as a lawful heir of “the tradition of the truly great Gregory Thaumaturgus and of those who followed after him up to the blessed Musonius.”¹⁴

There is one hint that indicates that Basil was really brought up in Cappadocia. Letter 37 without an address on behalf of a foster brother indicates that Basil really was raised in Cappadocia. “For I admit that I have many friends and relatives in my country (ἐπὶ τῆς πατρίδος), and that I myself have been appointed to the position of a father (εἰς τὴν

¹¹ Momigliano (1987): 217.

¹² Van Dam (2003): 18.

¹³ Basil, *Epistulae* 210, 2 (Courtonne 2: 190).

¹⁴ Basil, *Epistulae* 210, 3 (Courtonne 2: 191–192).

πατρικὴν τάξιν) by reason of this station to which the Lord has appointed me. But I have only one foster brother, this man who is the son of the woman who nursed me, and I pray that the household in which I was brought up may remain at its old assessment.”¹⁵ πατρικὴ τάξις refers or to the presbyterate, or to the episcopate¹⁶ – Basil obtained both in Caesarea in Cappadocia. As his wet-nurse lived in Cappadocia, he must have been nursed here, not in Pontus. A fatherland (πατρίς) meant to Basil the place where somebody was born and raised as he wrote in one of his letters: “What man is so patriotic, honouring equally with his parents the fatherland which gave him birth and reared him (τὴν ἐνεγκοῦσαν καὶ θρεψαμένην πατρίδα), as are you yourself.”¹⁷

The textual analysis of Basil’s writings shall reveal what Basil considered as his own fatherland. In the writings of certain authorship, Basil uses the noun πατρίς 72 times in several slightly different meanings depending on the use of the article: without the article πατρίς means a fatherland in general, with the article πατρίς means Cappadocia for Basil regardless of whether it is used with a possessive or not.

I. A fatherland in general

Basil uses πατρίς without the article 13 times – it refers to a fatherland in general or to the fatherland of someone who was not Cappadocian. Only twice in Basil’s writings πατρίς with the article has such a general meaning – but in both cases it is used in the plural.

¹⁵ Basil, *Epistulae* 37 (Courtonne 1: 80; transl. Deferrari 1: 193–195).

¹⁶ Pouchet (1992): 186.

¹⁷ Basil, *Epistulae* 96, 1 (Courtonne 1: 208; transl. Deferrari 2: 157).

In two letters written on the occasion of the death of Nectarius' son, Basil calls him "a hope of his fatherland" (πατρίδος ἐλπίς)¹⁸ and laments that his death "has stricken two countries" (πληγὴ ἐγένετο πατρίδων δύο).¹⁹ Nectarius, later bishop of Constantinople, was from Tarsus in Cilicia²⁰ and his wife was of Cappadocian origin.²¹

In Letter 28 written in the spring of 368, Basil consoles the Church of Neocaesarea after the death of a person whom he calls, among other epithets, "a bulwark of his native land" (ἔρεισμα πατρίδος).²² This letter is assumed to be on the death of Musonius, bishop of Neocaesarea.²³

In the letter dated to 373,²⁴ he calls on the citizens of Satala to accept a new bishop "that he may come to forget his fatherland" (λήθην μὲν αὐτῷ ἐγγενέσθαι πατρίδος).²⁵ In the homily on Gordius the Martyr, Basil states generally that "the rule of an encomium is to look for the fatherland (Ἐγκωμίων μὲν γὰρ νόμος πατρίδα διερευνᾶσθαι)."²⁶ In one of his homilies, he accuses a hearer: "you glory in fatherland (ἐπαγάλλη πατρίδι)."²⁷ In one of the homilies on psalms, he calls blessed a person who is not attached to the things of this world "as through here were our natural fatherland (ὥσπερ πατρίδος τινὸς φυσικῆς)."²⁸ Elsewhere, he praises the perseverance of Apostle Paul: "He did not cease through impatience

¹⁸ Basil, *Epistulae* 5, 1 (Courtonne 1: 16).

¹⁹ Basil, *Epistulae* 6, 1 (Courtonne 1: 20; transl. Deferrari 1: 41).

²⁰ Sozomen, *Historia Ecclesiastica* VII 8, 1 (GCS NF 4: 310).

²¹ Pouchet (1992): 639.

²² Basil, *Epistulae* 28, 1 (Courtonne 1: 66; transl. Deferrari 1: 161).

²³ Deferrari, in: Basil, *Letters*, 1: 158–159, note 1.

²⁴ Loofs (1898): 20.

²⁵ Basil, *Epistulae* 102 (Courtonne 2: 3; transl. Deferrari 2: 193).

²⁶ Basil, *In Gordium martyrem* (PG 31: 492).

²⁷ Basil, *Homilia in illud: Attende tibi ipsi* (Rudberg: 32).

²⁸ Basil, *Homiliae super Psalmos*, in psalmum XIV (PG 29: 252).

at the continuous succession of evils, when he was not only driven out of his country (οὐ μόνον πατρίδος ἀπελήλατο), away from his relatives, friends, and possessions, but also when he was handed over.”²⁹

In a few cases, the meaning of πατρίς is even closer to “a land/a country” than “a fatherland.” In the letter written in 376 to the citizens of Nicopolis, a town in Armenia Minor, Basil lamented: “When I read the letter of your Holiness, how did I moan and grieve that I had been obliged to hear these new troubles—blows and insults against yourselves, and pillaging of homes, and devastation of city, and upheaval of all the land (πατρίδος ὅλης ἀνατροπήν), persecution of church and banishment of priests, attack of wolves, and scattering of sheep.”³⁰ In his *Homiliae in hexaemeron*, Basil compares natural limits of every kind of a creature to a town or a country: “Thus each kind is as if it were stationed in towns, in villages, in an ancient country (πατρίσιν ἀρχαίαις), and has for its dwelling place the regions of the sea which have been assigned to it.”³¹ In the homily on the forty Martyrs of Sebastea, he states that the saints came from different countries (Οὐκ ἦν μία πατρις τοῖς ἁγίοις),³² that they spurned “a wintry country” (πατρίδα χειμέριον),³³ and they became a pride of many countries (πολλὰς πατρίδας κατακοσμήσαντες).³⁴

²⁹ Basil, *Homiliae super Psalmos*, in psalmum XXXIII (PG 29: 352; transl. Way 249).

³⁰ Basil, *Epistulae* 247 (Courtonne 3: 85; transl. Deferrari 3: 477–479).

³¹ Basil, *Homiliae in hexaemeron* VII 4 (PG 29: 156; transl. NPNF II 8: 92).

³² Basil, *In quadraginta martyres Sebastenses* (PG 31: 509).

³³ Basil, *In quadraginta martyres Sebastenses* (PG 31: 524).

³⁴ Basil, *In quadraginta martyres Sebastenses* (PG 31: 524).

Twice Basil uses *πατρίς* in the general sense in the plural and with the article. In the letter to the Bishops of Italy and Gaul regarding the condition and confusion of the Churches, he refers to the persecutions of Orthodox believers: “On this account the pious are driven from their native places (τῶν πατρίδων), and are exiled to desert regions.”³⁵ Similarly, in a letter to Gregory of Nazianzus he expressed his concern for the Orthodox: “We expect to suffer very soon some even greater misfortune for the sake of the doctrine of truth; or, if not that, then at least certainly to be banished from the churches and from our countries (τῶν πατρίδων).”³⁶

II. Paradise/heaven

Nine times Basil uses the term *πατρίς* in the meaning of paradise or heaven. That meaning appears eight times in homilies and once in the dogmatic writing (*De Spiritu Sancto*). It is actually clear and does not need any special comment. The places are as follows: *De Spiritu Sancto* 27, 66 (τὴν ἀρχαίαν ἐπιζητοῦμεν πατρίδα, τὸν παράδεισον); *De ieiuno* (hom. 2), PG 31, 188 (πρὸς τὴν ἄνω πατρίδα); *Homilia de gratiarum actione*, PG 31, 236 (Ἐξέπεσες τῆς πατρίδος; ἔχεις πατρίδα τὴν ἐπουράνιον Ἱερουσαλήμ); *Homilia dicta in Lacisis*, PG 31, 1456 line (ὁ τόπος τῆς ἐξορίας· εἰς ὃν ἐκπεσὼν, μὴ ἐπιλάθῃ τῆς πατρίδος τῆς ἀρχαίας, μέμνησο τῆς πατρίδος ὅθεν ἐξωρίσθης); *Homiliae in hexaemeron* VI 1, PG 29, 117 (ἡ ἀρχαία πατρίς ἡμῶν); *Homiliae in hexaemeron* IX 2, PG 29, 192 (Ἀληθινὴ σου πατρίς ἡ ἄνω Ἱερουσαλήμ); Basil, *In quadraginta martyres Sebastenses*,

³⁵ Basil, *Epistulae* 243, 2 (Courtonne 3: 69; transl. Deferrari 3: 437–439).

³⁶ Basil, *Epistulae* 71, 2 (Courtonne 1: 168; transl. Deferrari 2: 59).

PG 31, 509 (ἐπὶ τῶν μακαρίων τούτων ἡ ἐκάστου πατρὶς κοινὴ πάντων ἐστί).

III. Cappadocia

Except for two quotations from the Bible, references to paradise/heaven and four cases where the meaning of ἡ πατρὶς is uncertain, Basil always and with no exception refers ἡ πατρὶς (in singular with the article) to Cappadocia and never to any other country/homeland of anybody. Twenty-six times it is ἡ πατρὶς itself with the article and no possessive and sixteen times ἡ πατρὶς ἡμῶν/ἐαυτῶν (with the article and the possessive). As Y. Courtonne explains the custom of avoiding proper names and replacing them with a periphrasis is one of the characteristics of the rhetoric of this era.³⁷

In Letter 1, written probably in 357 to Eustathius the philosopher,³⁸ Basil said that after having left Athens he “reached the fatherland (κατέλαβον τὴν πατρίδα).”³⁹ According to Gregory of Nazianzus,⁴⁰ Basil went from Athens to Caesarea, so clearly πατρὶς is Caesarea/Cappadocia to him. After a relatively short time Basil went on a journey to Alexandria, Egypt, Palestine and Coele-Syria, and Mesopotamia where he had an opportunity to observe the life of the ascetics.⁴¹ Basil confessed in a letter to Eustathius of Sebastea: “On this account, then, having perceived some in my fatherland (ἐπὶ τῆς πατρίδος) trying to imitate the example

³⁷ Courtonne, in: Basile, *Lettres* (Courtonne) 1: 3, note 2.

³⁸ Gribomont identified the addressee with Eustathius of Sebastea and dated this letter to 357 on the basis of events that Eustathius of Sebastea was involved in; cf. *Gribomont* (1959): 120.

³⁹ Basil, *Epistulae* 1 (Courtonne 1: 3; transl. Deferrari 1: 5).

⁴⁰ Gregory of Nazianzus, *Oratio* 43, 25 (SC 384: 182).

⁴¹ Basil, *Epistulae* 223, 2 (Courtonne 3: 10).

of those men, I believed that I had found an aid to my own salvation.”⁴² Again, Gregory of Nazianzus gives us the external reference confirming that it was Caesarea rather than Pontus. Gregory makes an allusion to the journeys of Basil⁴³ and describes as following the sequence of events of Basil’s ordination as a priest⁴⁴ and a conflict between Basil and the then bishop. Gregory states that some ascetics “who have separated themselves from the world and consecrated their life to God”⁴⁵ went over to Basil’s side. With Gregory’s advice Basil “set out from the place into Pontus, and presided over the abodes of contemplation there.”⁴⁶ So, clearly the bishop was bishop of Caesarea and the place of action – Caesarea in Cappadocia which Basil called his fatherland (ἡ πατρίς).

The place of origin of Eustathius of Sebastea has been discussed for the last three hundred years. Although both Socrates Scholasticus⁴⁷ and Sozomen⁴⁸ confirm that Eustathius’ father was called Eulalius and was bishop of Caesarea in Cappadocia, in 1703 Tillemont stated that there was no place in the hierarchy of Caesarea for any bishop named Eulalius and that Eustathius’ father was from Antioch.⁴⁹ Following

⁴² Basil, *Epistulae* 223, 3 (Courtonne 3: 11; transl. Deferrari 3: 295).

⁴³ Gregory of Nazianzus, *Oratio* 43, 25 (SC 384: 182).

⁴⁴ Gregory of Nazianzus, *Oratio* 43, 27 (SC 384: 188).

⁴⁵ Gregory of Nazianzus, *Oratio* 43, 28 (SC 384: 188–190; transl. NPNF II 7: 405).

⁴⁶ Gregory of Nazianzus, *Oratio* 43, 29 (SC 384: 190–192; transl. NPNF II 7: 405).

⁴⁷ Socrates Scholasticus, *Historia Ecclesiastica* II 43, 1 (GCS NF 1: 180): ὑπὸ Εὐλαλίου τοῦ ἰδίου πατρὸς καὶ ἐπισκόπου Καισαρείας τῆς ἐν Καππαδοκίᾳ ἤδη πρότερον καθήρητο.

⁴⁸ Sozomen, *Historia Ecclesiastica* IV 24, 9 (GCS NF 4: 180): Εὐλάλιος ὁ πατὴρ καὶ τῶν εὐχῶν ἀφώρισεν, ἐπίσκοπος ὢν τῆς ἐν Καππαδοκίᾳ ἐκκλησίας Καισαρείας.

⁴⁹ Tillemont (1703): 79.

Loofs a lot scholars claim that Eulalius was bishop of Sebastea.⁵⁰ Jurgens tried to connect reports of Sozomen and Socrates with the theory of Loofs reaching a rather weird concept: “Probably Eustathius was born at Caesarea; for Basil refers to Caesarea as Eustathius’ «own country». And while it is dangerous to urge half of an admittedly erroneous proposition in favor of any theory which is expected to be taken seriously, Socrates and Sozomen, as we have just pointed out, do say that Eustathius’ father Eulalius was bishop of Caesarea. If we amend the thought of their remark to indicate that he was, while not bishop of Caesarea, yet of Caesarea in the sense that it was his native place, we have testimony which may assist in urging Caesarea as Eustathius’ birthplace.”⁵¹ Tenšek still claims that Eulalius was bishop of Caesarea.⁵²

The textual analysis of Basil’s letters confirms the testimony of Socrates and Sozomen. In two letters, Basil says that Eustathius was ordained by Hermogenes, bishop of Caesarea, then went to Constantinople and returned to his homeland: ἐπὶ τῆς πατρίδος,⁵³ εἰς τὴν πατρίδα⁵⁴ – of course his homeland could have been other than Caesarea and he could have returned to that after having been ordained by Hermogenes. But fortunately, in one of the letters, when describing that sequence of events, Basil stated that Eustathius of Sebastea returned (from Alexandria) to his own country and there he was ordained by Hermogenes: “On returning to his

⁵⁰ Loofs (1898): 95; Frank (1980): 38; Frazee (1980): 17; Gribomont (1984): 95–96; Hauschild (1982): 547.

⁵¹ Jurgens (1959): 16.

⁵² Tenšek (1991): 3.

⁵³ Basil, *Epistulae* 263, 3 (Courtonne 3: 123).

⁵⁴ Basil, *Epistulae* 244, 9 (Courtonne 3: 82).

own country (ἐπανῆλθεν εἰς τὴν ἑαυτοῦ), gave a confession of sound faith to the most blessed bishop Hermogenes of Caesarea, who was judging him on the charge of false doctrine. And having thus received ordination at his hands, after the decease of the latter, he ran to Eusebius of Constantinople, a man who himself less than no one sponsored the impious doctrine of Arius. Then after being driven for some cause or other from that place, he returned and made a defence again before the people of his own country (τοῖς ἐπὶ τῆς πατρίδος ἀπελογήσατο πάλιν), concealing his impious sentiments and screening himself behind a kind of orthodoxy of words.”⁵⁵ So, it is clear that in both letters ἡ πατρίς means Caesarea in Cappadocia.

In Letter 75 to Aburgius (a layman from Caesarea), Basil speaks about the division of Cappadocia into two provinces without naming it even once. Instead, he uses the noun ἡ πατρίς without any possessive: περὶ τὴν πατρίδα σπουδῆ, Αὕτη τοίνυν ἡ πατρίς, φανῆναί ποτε τῇ πατρίδι. With reference to Caesarea Basil uses the noun ἡ πόλις with the article and no possessive.⁵⁶ In Letter 74 to Martinianus, written in 372, in the face of the division of Cappadocia, Basil uses ἡ πατρίς three times, clearly referring it to Cappadocia: “I am discontented with it. Why in the world, for instance, am I now writing, when I ought to be with you? It is because my afflicted country (κάμνουσα ἡ πατρίς) urges me to hurry to succour her,”⁵⁷ “for this very reason I wanted to meet you and express my mind to you; or rather to beg you to devise some

⁵⁵ Basil, *Epistulae* 263, 3 (Courtonne 3: 123; transl. Deferrari 4: 93–95).

⁵⁶ Basil, *Epistulae* 75 (Courtonne 1: 176–177; transl. Deferrari 2: 79–81).

⁵⁷ Basil, *Epistulae* 74, 1 (Courtonne 1: 173; transl. Deferrari 2: 69).

vigorous measure, worthy of your wisdom, and not to ignore our country (τὴν πατρίδα ἡμῶν) when she has fallen to her knees,”⁵⁸ “if you do your country (τῇ πατρίδι) the service of helping her by letter [...]”⁵⁹ Pouchet identifies the addressee with Martinianus to whom Gregory of Nazianzus dedicated some epigrams, who came from Cappadocia, from a place near Nazianzus.⁶⁰

In his letters to Sofronius, written in 372, Basil sometimes uses only the noun πατρίς with the article and sometimes the noun with the article and the possessive: “The magnitude of the misfortunes which have fallen upon our country (τὴν πατρίδα ἡμῶν) was constraining me to go to court,”⁶¹ “What man is so patriotic, honouring equally with his parents the fatherland which gave him birth and reared him (τὴν ἐνεγκοῦσαν καὶ θρεψαμένην πατρίδα), as are you yourself,”⁶² “it was under you that our city (ἡ πατρίς ἡμῶν) became rich as in a dream,”⁶³ “whole fatherland (πᾶσαν οἴου τὴν πατρίδα) addresses those words to you by our single voice.”⁶⁴ According to Deferrari, Sofronius was “a native of Cappadocian Caesarea, was an early friend and fellow-student of both Basil and Gregory Nazianzenus while at Athens. He entered the Civil Service, and soon rose to a high office. In 365 A.D., he was appointed Prefect of Constantinople.”⁶⁵

⁵⁸ Basil, *Epistulae* 74, 2 (Courtonne 1: 173–174; transl. Deferrari 2: 71).

⁵⁹ Basil, *Epistulae* 74, 2 (Courtonne 1: 174; transl. Deferrari 2: 73).

⁶⁰ Pouchet (1992): 222.

⁶¹ Basil, *Epistulae* 76 (Courtonne 1: 178, transl. Deferrari 2: 81). Letter 76 was written in 372 in the face of the division of Cappadocia.

⁶² Basil, *Epistulae* 96, 1 (Courtonne 1: 208, transl. Deferrari 2: 157).

⁶³ Basil, *Epistulae* 96, 1 (Courtonne 1: 208, transl. Deferrari 2: 157–159).

⁶⁴ Basil, *Epistulae* 96, 1 (Courtonne 1: 209).

⁶⁵ Deferrari, in: Basil, *Letters*, (Deferrari) 1: 178, note 1.

Without address, on behalf of a compatriot – according to Pouchet a letter could have been addressed to Sophronius or Aburgius⁶⁶ – Basil uses ἡ πατρίς twice: once with a possessive: “Those who come from our fatherland (ἐκ τῆς πατρίδος ἡμῶν) are commended to you by the very claim of the fatherland (τῆς πατρίδος), even though you, through the goodness of your character, bring under your fostering care all those who in any way need any succour.”⁶⁷

In many letters to the Cappadocians, Basil uses the term ἡ πατρίς without any possessive and it is clear that he refers to Cappadocia as a common fatherland of the author and the addressee: in Letter 116 to Firminus, who was a son of a Cappadocian curial,⁶⁸ Basil calls him on to come back to the fatherland (καταλαβεῖν τὴν πατρίδα);⁶⁹ to Caesarius, a brother of Gregory of Nazianzus, he writes as follows: “Thanks be to God, who has shown His wonders even in your person, and has preserved you from such a death, for the fatherland (τῇ τε πατρίδι) and for us your relations;”⁷⁰ in the letter written at the beginning of the episcopacy (about 370) to Bosporius, bishop of Colonia in Cappadocia and a close friend of Basil and Gregory Nazianzenus:⁷¹ “I, together with many Godfearing people of our fatherland (ἐν τῇ πατρίδι);”⁷² to Gregory of Nazianzus he describes the matters of the fatherland (τὰ τῆς πατρίδος πράγματα);⁷³ to Amphilochius, on his consecration as bishop: “the fatherland is rejoicing

⁶⁶ Pouchet (1992): 630.

⁶⁷ Basil, *Epistulae* 318, 1 (Courtonne 3: 191; transl. Deferrari 4: 259).

⁶⁸ Pouchet (1992): 297.

⁶⁹ Basil, *Epistulae* 116 (Courtonne 2: 21).

⁷⁰ Basil, *Epistulae* 26 (Courtonne 1: 63, transl. Deferrari 1: 155).

⁷¹ Deferrari, in: Basile, *Letters* (Deferrari) 1: 321, note 2.

⁷² Basil, *Epistulae* 51, 2 (Courtonne 1: 132, transl. Deferrari 1: 325).

⁷³ Basil, *Epistulae* 71, 2 (Courtonne 1: 168).

(χαίρει καὶ ἡ πατρίς).⁷⁴ In the homily on Gordius the Martyr the expression “he listed his fatherland” (εἶπε τὴν πατρίδα)⁷⁵ could have meant a fatherland in general, but Gordius was from Cappadocia and as the homily was preached when Basil was bishop,⁷⁶ it was most probably preached in Caesarea.

Also in many letters not to the Cappadocians or to unknown addressees Basil uses the noun ἡ πατρίς without the possessive, and it is clear from the context that it refers to Cappadocia. In the letter written in 375 to Meletius, bishop of Antioch: “Many and divers journeys abroad have taken us from home (τῆς πατρίδος). For indeed we went even as far as Pisidia that we might settle the affairs of the brethren in Isauria with the bishops there. And thence our journey took us to the Pontus.”⁷⁷ To an unknown addressee: “We pray to God that by advancing to greater renown and glory you may by your own virtue do honour both to us and to all the fatherland (καὶ ἡμᾶς καὶ τὴν πατρίδα πᾶσαν).⁷⁸ In the letter written in 372 to an unknown addressee: “I have written also to the governor of my native land (τῆς πατρίδος) in order that, if they do not wish to do what is right of themselves, they may be forced to do so under pressure of the courts.”⁷⁹ In the letter written in 375 to bishop Elpidius: “But now I am in such a state that I must submit to be content even with the journeys in my own country (τῆς πατρίδος) which we must necessarily make when we inspect

⁷⁴ Basil, *Epistulae* 161, 1 (Courtonne 2: 93).

⁷⁵ Basil, *In Gordium martyrem* (PG 31: 500).

⁷⁶ Fedwick (1981): 10, note 40.

⁷⁷ Basil, *Epistulae* 216 (Courtonne 2: 207; transl. Deferrari 3: 239).

⁷⁸ Basil, *Epistulae* 326 (Courtonne 3: 198; transl. Deferrari 4: 277).

⁷⁹ Basil, *Epistulae* 87 (Courtonne 1: 192; transl. Deferrari 2: 115).

the parishes in our district.”⁸⁰ To an unknown addressee: “You will do well, if you send the relics of martyrs to [our] native land (τῆ πατρίδι);”⁸¹ the letter written in 373 refers to transferring the remains of the Gothic martyr Sabas (d. April 372) to Caesarea in Cappadocia.⁸²

In many letters written after he was ordained bishop Basil adds the possessive ἡμῶν/ἐαυτῶν to ἡ πατρίς when he refers to Cappadocia and the addressee is not Cappadocian: to Athanasius (τὴν ἐαυτῶν πατρίδα),⁸³ to a Censor (ἡμῶν τὴν πατρίδα),⁸⁴ to Antipater, governor (τὴν πατρίδα ἡμῶν),⁸⁵ to Ascholius, bishop of Thessalonica (ἡμῶν τὴν πατρίδα),⁸⁶ (τὰ ἐν σοὶ καλὰ τῆς πατρίδος ἡμῶν ἐστὶ σεμνολογήματα, ἡ πατρίς ἡμῶν),⁸⁷ to the prefect Modestus, who was an Arab,⁸⁸ (τῆ πατρίδι ἡμῶν),⁸⁹ (Ἐμοὶ δ’ ὑπὲρ πατρίδος πάσης ἀγωνιῶντι),⁹⁰ (τῆς πατρίδος ἡμῶν),⁹¹ to Jovinus, bishop of Perrha, a town near Samosata,⁹² (ἡμῶν τῆ πατρίδι),⁹³ to Trajan, who according to Pouchet could have been a high-ranking official at the court,⁹⁴ (ἀδελφὸς Μάξιμος, ὁ τῆς πατρίδος ἡμῶν ἠγησάμενος),⁹⁵ to Trajan, according

⁸⁰ Basil, *Epistulae* 206 (Courtonne 2: 182; transl. Deferrari 3: 179).

⁸¹ Basil, *Epistulae* 155 (Courtonne 2: 81; transl. Deferrari 2: 385).

⁸² Deferrari, in: Basile, *Letters* (Deferrari) 2: 380–381, note 1.

⁸³ Basil, *Epistulae* 61, 1 (Courtonne 1: 151).

⁸⁴ Basil, *Epistulae* 83, 1 (Courtonne 1: 186).

⁸⁵ Basil, *Epistulae* 137, 1 (Courtonne 2: 53).

⁸⁶ Basil, *Epistulae* 164, 1 (Courtonne 2: 97).

⁸⁷ Basil, *Epistulae* 165 (Courtonne 2: 100).

⁸⁸ Pouchet (1992): 320.

⁸⁹ Basil, *Epistulae* 104 (Courtonne 2: 5).

⁹⁰ Basil, *Epistulae* 104 (Courtonne 2: 5).

⁹¹ Basil, *Epistulae* 281 (Courtonne 4: 153).

⁹² Pouchet (1992): 272.

⁹³ Basil, *Epistulae* 118 (Courtonne 2: 23).

⁹⁴ Pouchet (1992): 327.

⁹⁵ Basil, *Epistulae* 148 (Courtonne 2: 69).

to Pouchet a military,⁹⁶ (Μαξίμου, τοῦ ἄρχαντος τῆς πατρίδος ἡμῶν),⁹⁷ to Demosthenes vicar of Pontus (τῆς πατρίδος ἡμῶν),⁹⁸ in the same letter πατρίς appears without possessive: “So that we beseech you to keep the hearing in our fatherland (ἐπὶ τῆς πατρίδος) for us, and not to drag us beyond its.”⁹⁹

IV. Others

In four cases the meaning of ἡ πατρίς is uncertain - the addressee of the letter is unknown, dating of the letter impossible, context says nothing about the meaning of ἡ πατρίς: “You have mixed a cup of infamy for your country (Ἐκέρασας τῇ πατρίδι κρατῆρα δυσφημίας)” (to a fallen monk),¹⁰⁰ “send him back to [his] country (ἀποπέμψαι αὐτὸν τῇ πατρίδι),”¹⁰¹ τῇ πατρίδι ἡμῶν, ἐπὶ τῆς πατρίδος ἡμῶν (to an unknown addressee).¹⁰²

In *Regulae morales* 61, PG 31, 796 Basil quotes the Bible, where the noun appears (Ἐλθὼν εἰς τὴν πατρίδα αὐτοῦ, ἐδίδασκεν αὐτοὺς ἐν τῇ συναγωγῇ αὐτῶν; Οὐκ ἔστι προφήτης ἄτιμος εἰ μὴ ἐν τῇ πατρίδι αὐτοῦ καὶ ἐν τῇ οἰκίᾳ αὐτοῦ).

* * *

The textual analysis of Basil’s writings dispels doubts regarding the fatherland of two very important personages of the 4th-century Asia Minor: Basil himself and Eustathius

⁹⁶ Pouchet (1992): 326–327.

⁹⁷ Basil, *Epistulae* 149 (Courtonne 2: 70).

⁹⁸ Basil, *Epistulae* 225, 1 (Courtonne 3: 21).

⁹⁹ Basil, *Epistulae* 225, 1 (Courtonne 3: 22; transl. Deferrari 3: 325).

¹⁰⁰ Basil, *Epistulae* 45, 2 (Courtonne 1: 115; transl. Deferrari 1: 281).

¹⁰¹ Basil, *Epistulae* 275 (Courtonne 3: 148; transl. Deferrari 4: 157).

¹⁰² Basil, *Epistulae* 78 (Courtonne 1: 180).

of Sebastea. They both were from Caesarea in Cappadocia. The effects of my research on the notion of πατρίς in Basil's writings can help as well in establishing some crucial facts concerning the people whom Basil mentioned in his letters. My study has proved that except for two quotations from the Bible, references to paradise/heaven and four cases where the meaning of ἡ πατρίς is uncertain, Basil always and with no exception refers ἡ πατρίς (in singular with the article) to Cappadocia and never to any other country/homeland of anybody.

Bibliography

- Basil, *In Gordium martyrem* PG 31, 489–508
- Basil, *Homiliae in hexaemeron*, PG 29, 4–208.
- Basil, *The hexaemeron*, transl. B. Jackson, NPNF II 8, 52–107.
- Basil, *Homilia in illud: Attende tibi ipsi*, ed. S. Y. Rudberg, *L'homélie de Basile de Césarée sur le mot 'observe-toi toi-même'*, Stockholm 1962.
- Basil, *In quadraginta martyres Sebastenses*, PG 31, 508–525.
- Basil, *Homiliae super Psalmos*, PG 29, 209–493.
- Basil, *Exegetic Homilies*, transl. A. C. Way, Washington D.C. 2003.
- Basil, *The letters*, transl. R. J. Deferrari, vol. 1–4, London-New York 1926–1934.
- Basile, *Lettres*, ed. Y. Courtonne, vol. 1–3, Paris 1957–1966.
- Grégoire de Nazianze, *Discours 42–43*, ed. J. Bernardi, SC 384, Paris 1992.
- Gregory of Nazianzus, *Oration XLIII. Funeral Oration on the Great S. Basil, Bishop of Cæsarea in Cappadocia*, transl. C. G. Browne, NPNF II 7, 395–422.
- Gregorius Nyssenus, *Epistulae*, ed. G. Pasquali, GNO 8/2, Leiden 1989.
- Gregorius Nyssenus, *Vita sanctae Macrinae*, ed. V. Woods Callahan, GNO 8/1, Leiden 1952, 370–414.
- Socrates, *Kirchengeschichte*, ed. G. C. Hansen, GCS NF 1, Berlin 1995.
- Sozomen, *Kirchengeschichte*, ed. G. C. Hansen, GCS NF 4, Berlin 1960.
- Dam van R. (2003), *Families and Friends in Late Roman Cappadocia*, Philadelphia.
- Fedwick P. J. (1981), *A Chronology of the Life and Works of Basil of Caesarea*, in: *Basil of Caesarea, christian, humanist, ascetic: a sixteen-hundredth anniversary symposium*, ed. P. J. Fedwick, Toronto, 1–19.
- Frank K. S. (1980), *Monastische Reform im Altertum. Eustathius von Sebaste und Basilius von Caesarea*, in: *Reformatio Ecclesiae. Beiträge zu kirchlichen Reformbemühungen von der Alten Kirche bis zur Neuzeit. Festgabe für Erwin Iserloh*, ed. R. Bäumer, Paderborn, 35–49.
- Frazer C. A. (1980), *Anatolian Asceticism in the Fourth Century: Eustathios of Sebastea and Basil of Caesarea*, “Catholic Historical Review” 66, 16–33.

- Gribomont J. (1984), *Eustathe de Sebaste*, in: *Saint Basile, Évangile et Église. Mélanges*, Bégrolles-en Mauges, 95–106.
- Gribomont J. (1959), *Eustathe le philosophe et les voyages du jeune Basile de Césarée*, “Revue d’histoire ecclésiastique” 54, 115–124.
- Hauschild W.-D. (1982), *Eustathius von Sebaste*, in: *Theologische Realenzyklopädie*, band 10, Berlin, New York, 547–550.
- Jurgens W. A. (1959), *Eustathius of Sebaste, Romae*.
- Konstan D. (2000), *How to Praise a Friend. St. Gregory of Nazianzus’s Funeral Oration for St. Basil the Great*, in: *Greek Biography and Panegyric in Late Antiquity*, ed. T. Hägg, P. Rousseau, Berkeley–Los Angeles–London, 160–179.
- Loofs F. (1898), *Eustathius von Sebaste und die Chronologie der Basilius-Briefe. Eine patristische Studie*, Halle.
- Marrou H.-I. (1964), *A History of Education in Antiquity*, transl. G. Lamb, New York.
- McLynn N. (2001), *Gregory Nazianzen’s Basil: The Literary Construction of a Christian Friendship*, “Studia Patristica” 37, 178–193.
- Momigliano A. (1987), *The Life of St. Macrina by Gregory of Nyssa*, in: *On Pagans, Jews, and Christians*, Middletown, 206–221.
- Pouchet J. R. (1992), *Basile le Grand et son univers d’amis d’après sa correspondance. Une stratégie de communion*, Roma.
- Przyszychowska M. (2018), *Macrina the Younger – the invented saint*, “Studia Pelplińskie” 52, 323–343.
- Rousseau Ph. (1998), *Basil of Caesarea*, Berkeley – Los Angeles – London.
- Silvas A. M. (2005), *The Asketikon of St Basil the Great*, Oxford – New York.
- Silvas A. M. (2008), *Macrina the Younger. Philosopher of God*, Turnhout.
- Tenšek T. Z. (1991), *L’ascetismo nel Concilio di Gangra. Eustazio di Sebaste nell’ambiente ascetico siriano dell’Asia Minore nel IV° secolo. Excerpta ex dissertatione ad Doctoratum in Facultate (sic) Theologiae Pontificiae Universitatis Gregoriana, Romae*.
- Tillemont L. S. (1703), *Mémoires pour servir a l’histoire ecclésiastique des six premiers siècles*, vol. 9, Paris.

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Roman Dmowski's nationalistic ethics

Summary

The author has been decided to illustrate the problem discussed in this text – concerning Dmowski's nationalistic ethics – in the context of the following areas of reflection of the ideological leader of Endecja (National Democratic Party): treating the nation as a subject of moral obligations of an individual; anthropological pessimism and assumptions of man's social nature; perception of a relationship between an individual and the nation; views of the humanity; evolution in the value judgment of religion.

Keywords: nationalistic ethics, Roman Dmowski, nationalism, morality, anthropology

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Introduction

As opposed to Zygmunt Balicki,¹ Roman Dmowski did not publish any text which could be treated as a systematic lecture on morality. Therefore, a synthetic description of ethical views of the co-author of independence – which is the research goal of this study – requires confrontation of thoughts outlined in books and articles from various periods of his writing. This is problematic insofar as Dmowski's world outlook underwent changes which manifested themselves in the evolution of his nationalism toward the „integral” form,² as well as with respect of his views regarding the issue of paramount significance for morality: religion.

¹ Balicki (1903).

² It was, among others, Andrzej Walicki who considered Dmowski to be an integral nationalist. Walicki (2000): 12. If we were to use the definition of integral nationalism devised by Jacek Bartyzel as a „new type of nationalism – calling itself «integral» – was of a right-wing, counter-revolutionary and antidemocratic character (...)”, it should be stated that Dmowski was not its representative *par excellence*; only with respect to how he conceived the relation between an individual and the nation, positive assessment of religion and objection to parliamentarianism. Bartyzel (2000): 248. Even in the late period of his writing Dmowski appreciated the influence democratism exerted on the understanding of a nation. The statement, which he expressed in „The decline of conservative thought in Poland”, that „the French Revolution let such forces on stage which later turned against it”, remained emblematic for his thought. Dmowski (2004): 93.

On the side of these deliberations it is worth noting that, as Nikodem Bończa-Tomaszewski describes it, that at the time when he worked for „Głos” for Dmowski, but also for Balicki and Popławski, „the concept of democracy of the latter 19th century” was „a point of departure for developing independent concepts”. Bończa-Tomaszewski (2001): 57. What should be emphasized – Polish nationalists envisioned national democracy which in its substance was non-liberal.

Roman Dmowski's understanding of nationalism

Already the very way in which Dmowski understood nationalism discloses many ethically significant questions. His discourse about this notion, which after all arouses many semantic controversies,³ turns out to be ambiguous. On one hand, this arises from scepticism the leader of *endecja* expressed towards „nationalism”, which he directly called „an unfortunate term”, weakening the value of the contents it embodies, which follows from the fact that „each and every«ism» comprises the notion of doctrine, direction of thought, beside which there is room for other equivalent directions”.⁴ On the other hand, Dmowski's reflection on nationalism embraces controversiality which arises from a rather journalistic character of his writings and is manifested by a somewhat imprecise use of certain notions, including „nation” and „society”.

In *Thoughts of a Modern Pole* Dmowski presents nationalism in opposition to the earlier tradition of thinking about community. Pointing out the dichotomous division of patriotism into its „old” and „modern” forms, he presents the meaning of nationalism from the angle of identity with respect

³ Both colloquial and academic use of „nationalism” causes that this notion seems to be devoid of content which would make it distinct from other terms in the language of politics. Suffice it to recall a frequent practice of identifying nationalism with chauvinism, which if after all merely one of its forms, but also presenting this ideology in total opposition to or total identification with patriotism. On the other hand, one should also mention one of the most fascinating issues of, in particular, 20th century studies of nations – the relationship of nationalism with the emergence of nations. More on this subject, especially in the context of a paradigmatic debate on the status of nationalism see Majka (2017): 67–73.

⁴ Dmowski (2013): 21.

to the other elements of this dyad.⁵ In his discourse, this ideology appears as a phenomenon of modernity,⁶ which could emerge thanks to the progress of democratism.⁷ The substance of the above division – which should be considered especially fascinating from the viewpoint of ethics – is focused around the object of moral obligations of an individual. The importance of territory, but also of state and symbols that exemplify it, defining the sense of „old” patriotism, is replaced by modern patriotism’s primary orientation towards nation.⁸ This does not mean that in light of Dmowski’s world outlook state is treated indifferently. Even though the journalist of „Polityka narodowa” magazine perceived the issue of a political system as subordinate to the needs of the nation,⁹ it was the state that he saw as a means without which it would be impossible for the nation to be constituted on the bases of tribal differences.¹⁰

Let us note that quite frequently it was how membership in a national community was ascertained was recognised as a determinant of the substance of nationalism. This was done, among others, by Hans Kohn, whose typology into „Western” and „Eastern” variants of that ideology corresponds with the civic and ethnic definition of nation.¹¹ In light of the ways of thinking about membership in a nation

⁵ Dmowski (2015): 76. Dmowski does not explicitly use the term „old patriotism”. His statements – such as e.g. „old-school patriots” – warrant the use of such terminology.

⁶ More on Dmowski’s views about modernity see Maj (2009), Kawalec (2006).

⁷ Dmowski has in mind democratisation of culture and democratisation of the political system, which means political involvement of the masses. Dmowski (2008): 76.

⁸ *Ibidem.*

⁹ Dmowski (2008): 45.

¹⁰ Schrade (2004): 87.

¹¹ Kohn (2005).

distinguished by Józef Maria Bocheński – „cultural”, „racial”, „formal”¹² – Dmowski's vision of a community as „a cohesive whole linked by strong moral ties, connected by a single feeling of attachment of a common cause, characterised by collective thought and collective will”¹³ should be recognized as closest to the first one. The vision of a „modern” Polish nation is based on the faithfulness to definite values reflected in national culture, but also on a certain way of understanding national interests and acting for their realisation, which forces out transformation of Polish national character from „passive” into „active”. Such classification is not obvious, however. The world outlook of a Polish nationalist was shaped under the influence of positivist ideas, which was manifested in the organic understanding of nation as a „live social organism”, one of the bases of which was to be race.¹⁴ Against the narration of Grzegorz Krzywiec, who classified Dmowski's views as racist,¹⁵ it should be stated that in the nomenclature of the journalist of „Głos” it carried the contents diverse from the conviction of the supreme status of biological features as a basis for appraising the value of a man.¹⁶

¹² Bocheński (1989): 9–10.

¹³ Dmowski (2008): 41.

¹⁴ Dmowski (2015): 78.

¹⁵ What is symptomatic: Krzywiec identifies racism with antisemitism. Krzywiec (2009)

¹⁶ Not consenting for recognizing Dmowski as a racist in the sense of physical anthropology, Ulrich Schrade turned attention to how the Polish nationalist comprehended a nation as a mixture of nature, but he treated the inflow of alien blood as a factor perfecting the nation. Schrade (2004): 88. In the context of this position it is worth reminding Dmowski's following statement: „In society, like in nature, selection takes place which results form a greater or lesser viability of various racial types. Our nation is by no means racially more uniform than others: Slavic elements are mixed with sometimes quite considerable Germanic

Quite frequently declaring the understanding of „descent” as a criterion that does not determine the possibility of being recognized as a Pole,¹⁷ Dmowski did not underrate its importance. He saw „racial community” – which in the opinion of Ulrich Schrade this member of the National League conceived as „a scientifically unverifiable faith and sense of originating from common ancestors”¹⁸ – as a factor of paramount importance for survival of a national community and keeping its unity.¹⁹ On the other hand, Dmowski spoke in a completely opposite manner on „formal” definition of a nation, i.e. treating it from the perspective of „the population of a state in its entire mass”.²⁰

Social anthropology. At the sources of thinking about morality

As stated by Carl Schmitt – every social concept is an anthropological proposition.²¹ Following the thought of that German

ingredients of various origin, from High German to Scandinavian, Finnish in a great number, Lithuanian, Tartar, Mongol, etc.; in the past it was present to a lesser degree and nowadays in a larger quantity arrived the Jewish ingredient”. Dmowski (2008): 32.

¹⁷ It is evidenced, inter alia, by the statement from the National Democratic Party’s programme written by Dmowski:

„Those individuals from among Jews, who have adopted Polish culture and without objection unite with our society in its national aspirations, sharing those aspiration even when the restriction of the social role of the Jewish element is at stake – are absolutely considered by the Party to be Poles.”Quoted after Wapiński (1989): 112–113.

¹⁸ Schrade (2004): 87.

¹⁹ R. Dmowski (1917): 229. In that text, Dmowski lists the factors which are decisive for the cohesion of a nation, contribute to „the sense of nationality”. These are: common origin (race), homeland, religion, common type of culture.

²⁰ Dmowski (2008): 41.

²¹ Schmitt (2011): 95.

philosopher of law, it should be found that there is an definite position with respect to the understanding of human nature that could be identified in the nationalism of the Polish thinker, which, after all, culminates in a definitive understanding of national community. In light of this assumption as well as anthropological views explicitly expressed by Dmowski, it seems justified to claim that Dmowski's perception of moral obligations of an individual towards the nation arises from two foundations: anthropological pessimism and the assumption of social human nature.

Dmowski builds his anthropological narration basing on the vision of primitive man. However, he does it differently than Thomas Hobbes or Jean Jacque Rousseau, who illustrated the state of nature from the perspective of individual existence. The position of the founder of the National League is decidedly closer to that of Aristotle. Perceiving man as a being with social nature he sketches a picture of the pre-political situation as an arena of fights wages between tribal communities.²² Expressing this conviction in the text published in „Polityka narodowa” he wrote the following: „human society is as ancient as man himself”.²³ The importance of the second pillar – anthropological pessimism, is manifested in recognizing man as a being whose nature includes an elements of evil: egoism.²⁴ Dmowski's views concerning human propensity to treat their own interests as superior require more in depth elaboration. The Polish nationalist makes the way in which egoism manifests itself dependent on a number of conditions: level of development of a given society, relations between societies, civilizational factors. Hence,

²² More on this subject see Dmowski (1917).

²³ Dmowski (1938): 3.

²⁴ *Ibidem*: 6.

he differently describes this attitude with respect to the primordial situation treating it in the categories of unreflective „instinct of self-preservation”, and differently in the context of developed societies, when man has made advances on the road of rational thinking, describing it as a threat arising from undisciplined „individualism”.²⁵ Dmowski’s view as regards the possibility of limiting or even eliminating this negative inclination of human nature remains debatable, however. Special controversiality in this respect is caused by his belief in a „strong sense of nationality”,²⁶ thanks to which an individual is to become capable of „disinterested efforts, sacrifice, even giving their life”.²⁷ We do not know whether this „capability” was recognized as something accidental, manifested only in certain situations, or rather a permanent disposition leading to total stifling of egoism.

²⁵ Dmowski presents man as having a torn soul, which should be understood in the context of a struggle between the animal element and the need to behave in accordance with social requirements. Without expounding this issue in greater detail, the ideological leader of Endecja states that at a certain moment human nature undergoes specific transformation. Even if as a result the self-preservation instinct is not totally stifled, to behave in accordance with external pressure becomes a trait arising from „within” man. This state is to prevail until mutual relations between societies are established. A meeting with „others” is considered by Dmowski as a factor undermining the existing ideas of an individual about their own community, in consequence leading to a greater force in opposing it. Thus born individualism, which allows for the development of man, may be, however, utilized in two ways: either providing the society with „new, more sublime ideas and new ties, to tie their members in a whole of an ever higher order”, or becoming a force „loosening or breaking old ties”, which thus „liberates lower instincts and lets primitive egoism loose”. Dmowski (1938).

²⁶ Dmowski (2008): 23.

²⁷ *Ibidem*.

Justification of the primacy of a nation

The principles of Dmowski's thinking about ethics should be seen in the above outlayed contexts. The theoretician of Polish nationalism considers to be moral whatever corresponds with social nature of man, and immoral whatever situates itself in opposition towards it, that is a conduct according to the directions of equally natural egoism. It should also be noted that Dmowski recognized exemplification of this negative propensity of human nature also in being guided by class interest identifying materialistic perception of own interest at its roots.²⁸ One should ask, however: Why the Polish nationalist believed that an individual should be guided by the principledness of interests their own nation?

Formulating an answer to this question one could restrict oneself to the laconic formula coined by Dmowski that „patriotism is not a philosophical system which is accepted or rejected by people of equal intellectual and moral standing; it is a moral attitude of an individual towards the society; its recognition is a necessity at a certain level of moral development”.²⁹ On the basis of this argument it is possible to reconstruct more interesting answers to this question; by the way, mutually linked because arising from the same concept of rationality. It is worth quoting them, even if as a result of his experiences acquired during a stay in Japan he later stated that rational justification of patriotism is not sufficient, and the sources of this attitude should be sought in instinct which is independent from will, „stronger than any reasoning”.³⁰

²⁸ Dmowski (2008): 21.

²⁹ Dmowski (2015): 23.

³⁰ Dmowski (2015): 107.

Dmowski encompasses his ethical views in the context of recognizing man as a being whose status is in fundamental dependence with their own society. Man is a debtor; their moral duty should be, therefore, striving to repay the involuntarily incurred debt. Otherwise – failing to be active for the nation – they become „a beggar living thanks to the generosity of his community.”³¹ The fact that in his „National Egoism and Ethics” Balicki raised the same argument should be considered symptomatic.³² On the other hand, one may venture to state that patriotism is a form of non-egoistically conceived own interest. Benefitting from community existence, acting for the community an individual contributed to multiplication of the good of which they themselves are a beneficiary. In this way „self-love, regardless of attachment to the homeland, makes them recognize national duties, work for the homeland, fight for it, give it as much as possible in return from what they take from it”.³³ However, the latter of the above invoked arguments cannot be justified from the perspective of the concept of the nation voiced by Dmowski – as a specific sequence of generations: past, present and those that will come – in the context of which man should act for the community as something that goes beyond their mortality.

An individual and the nation. The nation and the humanity.

Unlike Dmytro Doncow³⁴, a theoretician of Ukrainian nationalism, Dmowski does not praise „amorality”. Instead, he

³¹ *Ibidem*: 22.

³² Balicki (1903).

³³ Dmowski (2015): 16.

³⁴ Doncow (2008): 180.

presents a concept of two ethics: „national” ethics, regulating the political sphere and thus concerning relations between nations, and „Christian” ethics³⁵, which does not go beyond relationships between people as individuals and therefore reconcilable with the former. The possibility of their symbiosis is based on recognizing man as a being with as if two identities which refer to incommensurate areas of activity: „human” and „national”.

National ethics – considered to be superior – is an almost mystical system. Dmowski treats conduct in accordance with the commandments of this „moral spring of human soul”³⁶ as a consequence of instinct which lies dormant in man and remains independent of their will. The pattern of reasoning presented in „Thoughts...” leads to two main conclusions: the nation is an absolute object of reference of morality; relativity of national ethics and thus its having no roots in natural law.

This manner of treating the nation by Dmowski follows from the fact that apart from national existence no morality is possible: with respect to the opportunity for its practicing, and even the possibility for it to arise. Therefore, conduct according to the directives of national ethics – preventing destruction of „this dearest legacy of the past” – is a precondition for man’s progress in all spheres of existence. In other words, Dmowski’s narration allows one to state that man faces the following dilemma: either to obey the principles of national ethics or allow for a decay of social ties and return to the state of nature in which *homo homini lupus est*.³⁷ The relativistic character of his concept is evidence

³⁵ Dmowski (2015): 105.

³⁶ *Ibidem*: 106.

³⁷ *Ibidem*: 108.

by the treatment of nations as separate moral unions, each of which has its own national ethics, "national conscience". What would, therefore, be a guarantee of ethical behaviour of an individual?

The co-founder of *endecja* does not resolve this issue, although he seems to assign this role to civilizational progress and moral „moulding” of an individual as a result of social pressure, especially under the impact of customs.³⁸ Dmowski's views on this issue could be also described as based on faith in „common sense”. Somewhat against his earlier views, he expressed confidence in the „critical ability of human brain”, which should not be weakened even by „attachment to the nation”. Without expounding on this thought any further, he directly indicated morally unacceptable attitudes. Suffice it to mention indignation expressed by Dmowski as regards teachers persecuting students because of their nationality.³⁹ It does not change the fact that the theoretician of Polish nationalism does not try to work out a natural law substantiation for his views. In the context of this observation it is worth noting that with his consideration of „humanity” as a supranational subject of moral obligations he inscribes himself in conservative criticism of this notion. He treats it similarly to e.g. earlier mentioned Schmitt, calling it a „fiction” with „ungraspable rights and interests”.⁴⁰ However, the statement that „humanity” is alien to the horizon of the concepts outlined by the Polish national is untrue. In his discourse, it brings to mind the understanding of this notion by Henryk Elzenberg – as constituted by the division into autonomous nations the value of which is appraised

³⁸ *Ibidem*: 105.

³⁹ *Ibidem*: 94–95.

⁴⁰ *Ibidem*: 81.

by the pressure they exert on it.⁴¹ For this reason, Dmowski perceives the antagonistic character of international relations in the dimension of a condition for the possibility of progress of humankind.⁴²

Evolution of the view on religion

Dmowski's earlier outlined understanding of „Christian” and „national” ethics renders the essence of his view on interdependence between those two moral systems in the „early” period of his writing. The view of the author of the incorporative concept could be also rendered in the context of Jan Jakub Popławski's statement, which was invoked in „Christian nationalism” with respect to endecja's thinking about religion before Poland regained independence. This statement reads as follows: „Catholicism is only one of the values of our national character and the defence of the interests of the Catholic Church is merely one of many tasks of national policy only insofar as the Church is Polish”.⁴³ The national democrats' formula of understanding of the Church was, therefore, reduced to treating it as one of national institutions. Therefore, what did change in Dmowski's perception of Catholicism?

One should be aware that the theoretician of nationalism only „a year before death succumbed to the authority of the Church and returned to religious practices”.⁴⁴ Therefore, we deduce that in „The Church, Nation and State” – a book published twelve years before his death – he saw

⁴¹ *Ibidem*: 97.

⁴² *Ibidem*: 83.

⁴³ Quoted after Grott (2006): 14.

⁴⁴ Chrzanowski, Konopczyński (2004): 36.

the matters of religion with the eyes of an agnostic. With a view to the above, one cannot agree with Roman Wapiński, who wrote about Dmowski that „being a nationalist he was first a Pole and only then a Catholic”.⁴⁵ It should be stated that, like Charles Maurras, he was „an atheist Catholic”, although unlike the Frenchman he did not challenge Church dogmas.⁴⁶

A change of narration of the author of „The Church, Nation and State” about Catholicism was manifested especially in two assumptions. The first is recognition of religion as the most important factor of the emergence of nations: „today’s nations would not exist without what was done by in history Christianity and the Roman Church”.⁴⁷ The other was the discernment of the social function of religion, which is at the same time a source and a guarantor of social ethics: „The deed of the Church was the rearing of an individual human soul supported by one’s own conscience, and hence entertaining the sense of duty and personal responsibility”.⁴⁸ Dmowski directly stated that the growth of anti-national attitudes resulted from a decline of morality, which in turn was a result of the crisis of religion. The change in his perception of Christianity should be read in light of those assumptions, which from the religion generating exclusively the individual type of ethics began to be conceived from the viewpoint of the need of involvement of the Church in social life in order to fill it with the principles of faith. This evolution also embraced his view of the state, which chief function was henceforth reduced to being instrumental for „the progress

⁴⁵ Wapiński (1989): 114.

⁴⁶ Maj (1998): 69.

⁴⁷ Dmowski (2013): 17.

⁴⁸ Ibidem: 17.

of religious life in the country”.⁴⁹ Undoubtedly, also Dmowski's attitude towards Freemasonry should be treated as a factor affecting the change of thinking about religion. He saw that organisation as a force striving both at overthrowing the Church as well as destroying nation states.⁵⁰

Conclusion

In light of the analysis carried out in this study, Dmowski's ethical reflection appears as a specific whole in which anthropological issues intertwine with through on international relations or relations between an individual and community. What is particularly important – its *credo* has not changed. The evolution of Dmowski's world outlook did not embrace the assumption manifested throughout the period of his writing – treating national interests as supreme. This is not undermined even by the thoughts presented in „The Church, Nation and State”. The assessment of religion carried out therein was determined by its usefulness for the emergence and existence of the nation.

⁴⁹ *Ibidem*: 27.

⁵⁰ *Ibidem*: 14.

References

- Balicki Z. (1903), *Egoizm narodowy wobec etyki*, Lwów.
- Bartyzel J. (2007), *Nacjonalizm*, in: „Encyklopedia polityczna”, v.1, red. J. Bartyzel, B. Szlachta, A. Wielomski.
- Bocheński J. M. (1989), *O patriotyzmie*, Warszawa.
- Bończa-Tomaszewski N. (2001), *Demokratyczna geneza nacjonalizmu. Intelektualne korzenie ruchu narodowo-demokratycznego*, Warszawa.
- Chrzanowski I., Konopczyński W. (2004), *Życiorys Romana Dmowskiego*, Krzeszowice.
- Dmowski R. (1917), *Istota i geneza narodu*, „Sprawa Polska” 1917, issue 17.
- Dmowski R. (1938), *Człowiek i społeczeństwo*, „Polityka Narodowa” 1938, issue 1.
- Dmowski R. (2004), *Upadek myśli konserwatywnej w Polsce*, Wrocław.
- Dmowski R. (2008), *Zagadnienie rządu*, Skultuna.
- Dmowski R. (2013), *Kościół, naród, państwo*, Wrocław.
- Dmowski R. (2015), *Myśli nowoczesnego Polaka*, Wrocław.
- Doncow D. (2008), *Nacjonalizm*, trans. Wiktor Poliszczuk, Kraków.
- Grott B. (2006), *Nacjonalizm chrześcijański. Narodowo-katolicka formacja ideowa w II Rzeczypospolitej na tle porównawczym*. Krzeszowice.
- Kawalec K. (2006) *Narodowa demokracja wobec procesów modernizacyjnych. Dylematy, recepty, racje*, in: *Drogi do nowoczesności. Idea modernizacji w polskiej myśli politycznej*, Kraków.
- Kohn H. (2005), *The Idea of Nationalism. A study in its origins and background*, New Jersey.
- Krzywiec G. (2009), *Szowinizm po polsku. Przypadek Romana Dmowskiego (1886–1905)*, Warszawa.
- Maj E. (1998), *Romana Dmowskiego Broszura «Kościół, naród i państwo»*, „Annales UMCS”, vol. 5, sectio K, Lublin.
- Maj E. (2009), *Pojęcie nowoczesności w pisarstwie politycznym Romana Dmowskiego*, in: *Myśl polityczna Romana Dmowskiego*, red. J. Engelgard, Warszawa.

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- Majka K. (2017), *Nacjonalizm a patriotyzm. Różnice, podobieństwa, zależność*, in: *Powrót do ojczyzny? Patriotyzm wobec nowych czasów. Kontynuacje i poszukiwania*, Warszawa.
- Schmitt C. (2012), *Filozofia państwa w dobie kontrrewolucji (de Maistre, Bonald, Donoso Cortés)* in: *idem., Teologia polityczna i inne pisma*, trans. Marek Cichocki, Warszawa.
- Schrade U. (2004), *Międzywojenna polska myśl narodowa. Od patriotyzmu do globalizmu*, Warszawa.
- Walicki A. (2000), *The Troubling Legacy of Roman Dmowski*, „East European Politics & Societies” 2000, vol. 14 issue. 1.
- Wapiński R. (1989), *Roman Dmowski*, Lublin.

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Marta Rojewska

European Union citizenship in the federalist perspective

Summary

The article analyses the importance of the existence and functioning of European Union (EU) citizenship institutions for materialization of federal concepts of European integration. In the first place, the evolution of this institution and legal foundations of its functioning have been analysed. The second part of the article is aimed at answering the question to what extent EU citizenship may be regarded as a federal institution. Then the issue of the importance of this institution for building political identity of Europeans should be considered.

Keywords: European citizenship, European federation, federalism, European Union, European integration, democracy, civil rights

The Lisbon Treaty, which gave the treaties their current wording, provides for a totally “new image of the European Union.”¹ At the very beginning of the Treaty on European Union, immediately following the article defining its objectives, there is a part dedicated to democratic principles. From the analysis of their contents it clearly follows that the authors of the reform decided it was high time for an individual to become an active subject of the functioning of the European Union (EU) instead of a beneficiary of the created law and gained benefits.² The mythical European Union, whose embodiment is “remote bureaucratized Brussels” is to come close to its (*sic!*) citizen. This is a diametrical change in narration and approach, since so far decision were made at the highest level of authorities and political elites. At last, the idea of EU citizenship was to become true. It is in a way the crowning of the long process of evolution from “the citizen of the market” to “the citizen of the European Union” – at least that is what the official EU sources proclaim.

This article is aimed at following through the evolution of the institution of EU citizenship, analysing its formal and legal aspects as well as their meaning. Then those deliberations will be used for reflecting upon the meaning of the institution of EU citizenship for the progressing federalization of the European Union. To those ends the institutional legal, comparative and historical analyses will be used. The author shall try to verify the hypothesis that in its formal and legal aspects EU citizenship constitutes a realization of federal postulates

¹ Poboży (2014): 47.

² *Ibidem*.

thus creating a so far unutilized basis for moulding a political European identity.³

EU citizenship – evolution and legal regulations

The idea to create an institution of EU citizenship regulated by the provisions of primary law surfaced in the 1970s during the debate on extending European integration to include political issues. It should be noted, however, that in a way it had been functioning in the European reality almost from the beginning of the Communities. Referring to the period between the establishment of the Communities and the founding of the European Union authors use the term ‘citizen of the market’.⁴ Since 1957, when the Treaties of Rome were signed, subsequent amendments thereto, secondary law and the community case law of the Court of Justice (CJ) led to the expansion of relations between the citizens of Member States and the Communities. The negative integration process, that is minimization of restrictions for economic activity, the proverbial “elimination of borders” between Member States built the foundations for the positive integration process, which boils down to creating the institution of European citizenship.⁵

In the first founding treaties citizens of the member States if the Communities were treated only as individuals who were elements of the production process on the common

³ The article has been written as a follow-up of a paper delivered at the scientific conference “Federalism an opportunity or threat to the European Union” organized in Warsaw on 21 May 2015 by the Institute of Political Studies of the Polish Academy of Sciences.

⁴ Grzeszczak (2015); Poboży (2014).

⁵ Wiener (2007): 559.

market in the making.⁶ Even the prohibition of discrimination based on nationality was an instruments of its realization – as a supplement to four liberties the then Article 7 of the Treaty founding the European Economic Community introduced – to the extent covered by the Treaty – the prohibition of any discrimination on the basis of nationality by Member States.⁷ The citizens of Member States were treated as subjects of integration processes only with respect to their economic activities.⁸ What is more, it concerned only those citizens of Member States who were involved in cross-border economic activities.

However, this unidimensional functional⁹ approach of the Treaties to the status of the individual was quickly reformulated thanks to the judgments of the Court of Justice. The first and perhaps most important for further development of the idea of citizenship was the *Van Gend en Loos* judgment. In 1963, the Court pronounced that “The objective of the EEC Treaty, which is to establish a Common Market, the functioning of which is of direct concern to interested parties in the Community, implies that this Treaty is more than an agreement which merely creates mutual obligations between the contracting states.” From the above it follows that “the Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only Member States but also their nationals.”, while “Community law therefore not only imposes obligations on individuals but is also intended

⁶ Poboży (2014): 48.

⁷ Skomerska-Muchowska (2010): 3.

⁸ Poboży (2014): 48.

⁹ Gubrynowicz (2008): 7.

to confer upon them rights which become part of their legal heritage.”¹⁰ That judgment offered the grounds for formulating one of the fundamental general principles of the European Communities/European Union – the principle of direct effect which means that the law created at the Community/European level has a direct effect for the citizens of Member States. The four liberties of the common market were thus interpreted as the rights of the individuals, and the Court recognized the citizens of Member States to be subjects of community law.¹¹

Subsequent judgments of the CJ led to further expansion of the substantive meaning of the individual in the integration project. Initially, those rights were enjoyed only by economically active people, but with time, thanks to the judgments, also their families; later on students and tourists.¹² The Court of Justice of the European Communities, later of the European Union, filled the vacuum of the provisions of Community law with material meaning.¹³ In the 1980s, in its judgments the Court focused primarily on protecting the use of the common market liberties by individuals; in the subsequent decades emphasis was laid on introducing new criteria for the protection of individuals.¹⁴ Eventually, the CJEU caused that the status of the citizen of the European Union was recognized as the autonomous basis of their rights.¹⁵

¹⁰ *Judgment of the Court of 5 February 1963. - NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration.*

¹¹ Poboży (2014): 49.

¹² Gubrynowicz (2008): 7.

¹³ Bodnar (2008): 50.

¹⁴ Grzeszczak (2015): 180.

¹⁵ *Ibidem*: 181.

At the same time, the development of the “citizenship of the market” was accompanied by attempts to move integration onto the political level. The idea of bringing citizens closer to the Communities and building a relationship with them emerged already at the beginning of the 1970s. In 1975, the European Commission (EC) published a report entitled “Towards European citizenship” which proposed establishment of this institution with an aim to build European identity and create a catalogue of rights and instruments bringing closer the status of individuals to that of the citizens of the host countries (therefore, it actually concerned the rights of persons migrating between Member States). Similar postulates were suggested by the “Report on European Union” drawn by a working group headed by the Belgian Prime Minister Leo Tindemans.¹⁶ Another event of importance for building modern European citizenship were the first direct elections to the European Parliament (EP) in 1979; along with the successive treaty reforms and as a result of its own practice the EP was gaining growing influence on legislative processes.¹⁷

The definition of European citizenship was first proposed in the so-called Spinelli Project – a draft of the Treaty establishing the European Union, adopted by the European Parliament in 1984. It was a project of the Crocodile Club¹⁸ – a group of MEPs elected in the first free elections having strongly federalist views of European integration. The group was headed by Altiero Spinelli. The group stressed that the European

¹⁶ Skomerska-Muchowska (2010): 4.

¹⁷ Poboży (2014): 49.

¹⁸ The name of the club is derived from the Brussels restaurant “Crocodile”.

Communities faced the challenge of constitutionalization and a serious choice – a federal Europe or an intergovernmental Europe of nation-states. In their opinion, constitutionalization required participation of individuals and the means to attain this was the institution of citizenship.¹⁹ In accordance with the Project, every citizen of Member States was to be a EU citizen, while the granting and loss of EU citizenship would be dependent on having national citizenship.²⁰ What is more, “Citizens of the Union shall take part in the political life of the Union in the forms laid down by this Treaty, enjoy the rights granted to them by the legal system of the Union and be subject to its laws.”²¹ The Spinelli project triggered the initiation of work on a new community treaty.²² The lack of climate favouring the radical change of the treaties and general consent for amendment in the federalist spirit caused that work was based on the Dooge Report which was much less bold in its assumptions.²³

The Single European Act, the amending treaty of 1986, proclaimed the extension of the integration process to include political issues and stressed the need to ensure democracy in the Communities. It was only at the beginning of the 1990s that the Maastricht Treaty negotiations brought about the legal basis for the functioning of EU citizenship.²⁴ It is worth stressing that many solutions concerning citizenship were transferred from the Spinelli Project to the Maastricht Treaty.²⁵

¹⁹ Olsen (2013): 50, 52–53.

²⁰ Skomerska-Muchowska (2010): 5.

²¹ Quoted after: Skomerska-Muchowska (2010): 5.

²² *Ibidem*.

²³ Łukaszewski (1998): 52.

²⁴ Poboży (2014): 49.

²⁵ Yildirim.

The development of the institution of citizenship was a result of the need to close the distance between citizens and community institutions, which was defined in the categories of the increasing deficit of democracy. Given the direction followed by the integration processes which included ever more areas of interest and entered the zones traditionally reserved for national sovereignty (e.g. creation of EU fore.g. policy), indirect or technocratic (functional) legitimacy was no longer sufficient. While the European Communities provided for integration in very specialized areas – on the “micro” scale, the European Union was to deal with “macro” issues (which are specific for a federation).²⁶ Large-scale projects, such as establishment of a common currency or finalization of the setting of the Common Market required gaining of social legitimacy, which was to be built basing on common identity.²⁷ The need for effective collaboration and loyalty on the part of citizens became clear. The authors of the Maastricht Treaty believed that “in the [European – M.R.] political culture the notion of citizenship is so integrally connected with the sense of belonging identification and loyalty that the introduction of the notion of EU citizenship will lessen the existing distance.”²⁸ The institution of citizenship itself carries with it “a huge intellectual baggage regarding content, meaning and symbolism.”²⁹ This manoeuvre, which some authors call straightforwardly a socio-technical or persuasive technique, was only one of two arguments. The other important need follows from the fact that at the level of societies people started to realize how great and real influence

²⁶ Sadurski (2005): 33.

²⁷ Konopacki (1999): 74.

²⁸ Sadurski (2005): 34.

²⁹ Shaw (1997): 2.

on the functioning of individuals was exerted by community institutions, which required a sort of balance to be created, a partnership where the rights of citizens of Member States would be safeguarded against the constantly growing significance of institutions.³⁰ Therefore, another objective was “to strengthen the protection of the rights and interests of the nationals of its Member States.”³¹

Of key importance for the establishment of European citizenship was the report of the Spanish presidency published in September 1990, in which it was stated that individuals moving around the future Union must not be treated as “privileged foreigners” and thus it was necessary to create a new “personal and indivisible status of citizens of Member States, whose membership in the Union means that they have specific rights and duties which arise from the nature of the Union and are realized and protected in a special manner within its borders.”³² In accordance with the report, the rights of individuals were to concern no longer only economically active people, but also – although to a limited degree – all citizens of the EU.³³ The report recognized citizenship to be one of the three pillars of the new union – besides fore.g. policy and common currency.³⁴ At the same time, the presidency postulated that the rights of citizens embraced not only the generation of political rights but also rights from the other generations – social rights, the right to do military service in another Member State, educational

³⁰ Sadurski (2005): 34.

³¹ *Treaty On European Union*, Official Journal of the European Communities No. C 191, 29.7.92.

³² Quoted after: Skomerska-Muchowska (2010): 7.

³³ *Ibidem*: 8.

³⁴ Mik (1994): 66.

rights. However, so far-reaching proposals were not appreciated by other Member States, especially the United Kingdom, which feared excessive federalization of the Communities.³⁵

As it has been said earlier the Maastricht Treaty established the institution of European Union citizenship. At present, its functioning is regulated by Article 20(1) of the Treaty on the Functioning of the European Union (TFEU). This Article provides that every citizen of any EU Member States has the right to this status. In the same section of the Treaty the complementary character of EU citizenship has been reserved with respect to national citizenship, which it does not replace, however.³⁶ In the initial wording of the Maastricht Treaty that article stated only the existence of citizenship, while the reservation as to its complementary character was added in 1997 in the Amsterdam Treaty, when Member States decided that placing this reservation on the declaration appended to the Maastricht Treaty did not constitute a sufficient safeguard of their interest,³⁷ while in the public debate the wording of the Treaty too forcefully suggests the supranational or federal nature of the EU.³⁸ The second section of the Article lays down a catalogue of fundamental rights arising from citizenship, namely:

- the right to move and reside freely within the territory of the Member States;
- the right to vote and to stand as candidates in elections to the European Parliament;

³⁵ Gubrynowicz (2008): 8.

³⁶ *The Treaty on the Functioning of the European Union (consolidated version)*, art. 20(1).

³⁷ Skomerska-Muchowska (2010): 8–9.

³⁸ Olsen (2013): 103.

- the right to vote and to stand as candidates in municipal elections in their Member State of residence, under the same conditions as nationals of that State;
- the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
- the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language;³⁹
- the right to citizens' initiative.⁴⁰

In accordance with the Treat, citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. The catalogue of EU citizens' right (listed above) is not closed. First, in Article 20 of the TFEU it is clearly stated that citizens "shall have, *inter alia*, the right to [emphasis – M.R.]" and then the above mentioned rights are enumerated, and secondly, other articles of the TFEU and TEU establish other types of rights (e.g. Art. 16 TFEU – the right to protection of personal data).⁴¹ Additionally, Art. 25 TFEU lays down a special legislative procedure to strengthen or to add to the rights listed

³⁹ *The Treaty on the Functioning of the European Union (consolidated version)*, art. 20(2).

⁴⁰ *The Treaty on European Union (consolidated version)*, art. 11(4); Art. 24 first paragraph, *The Treaty on the Functioning of the European Union*, art. 24.

⁴¹ Skomerska-Muchowska (2010): 24.

in Article 20(2).⁴² Neither the chapter on EU citizenship nor other articles of the TFEU and TEU explicitly impose any duties on citizens. Certain authors presume that the catalogue should be expanded to include duties arising from the principle of the rule of law professed by the EU, the prohibition of discrimination concerning not only states or institutions but also individuals, the duty of loyalty, or finally the general imperative to observe human rights.⁴³ It seems, however, that such an extensive interpretation of the treaties cannot be done as this issue is too serious. It should be noted at the same time that while a simplified procedure has been provided for the expansion of the catalogue of rights, in the case of potential imposition of duties it is necessary to go through the full amending procedure.⁴⁴

One of the main assumptions of the latest treaty reform was to strengthen European Union's legitimization and place the citizen in the focus of its interest. Article 1 of the Treaty on European Union proclaimed "a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen."⁴⁵ What is interesting is that the linguistic analysis of the treaties shows that they equally often treat individuals as nationals of Member

⁴² The Council, unanimously, on the basis of a report of the European Commission on the application of citizenship provisions, having obtained authorization of the European Parliament, adopts regulations which are subject to endorsement by Member States in accordance with their constitutional requirements. *The Treaty on the Functioning of the European Union*, art. 25.

⁴³ Cf. Cieleń, Szymański (2004): 89–91.

⁴⁴ Poboży (2014): 60.

⁴⁵ *The Treaty on the Functioning of the European Union*, art. 1, second paragraph.

States and as citizens of the EU (in the first case 33 times and in the second – 31 times). As nationals of Member States individuals appear mostly with respect to technical issues, e.g. the provisions concerning the composition of various institutions, voting, etc. On the other hand, the issues connected with the rights of individuals guaranteed at the EU level are in the majority of cases granted to citizens of the Union.⁴⁶

Article 3(2) of TEU offers its citizens an area of freedom, security and justice (AFSJ) without internal frontiers, in which the free movement of persons is ensured. As Izabela Skomerska-Muchowska rightly put it “The European Union has become co-responsible for ensuring security to its citizens and has been authorized to make laws also in the area of police and judicial cooperation in criminal cases, which means that the EU law will more strongly than ever affect the sphere of the rights and freedoms of individuals.”⁴⁷ However, the conclusion that placing this paragraph before the one which speaks about the establishment of an internal market proves that “the priority of the EU should be to consolidate of significant elements [AFSJ – M.R.]” is a little far-fetched.⁴⁸

The Charter of the Fundamental Rights (CFR) of the European Union is a significant addition to the catalogue of rights of EU citizens. As a result of the last treaty reform, the CFR, proclaimed in 2000 in Nice, acquired the status of a legal act equal to the treaties, that is a source of law of utmost

⁴⁶ Own work on the basis of *The Treaty on European Union* and *The Treaty on the Functioning of the European Union*.

⁴⁷ Skomerska-Muchowska (2010): 12.

⁴⁸ *Ibidem*.

hierarchical importance.⁴⁹ On the strength of the CFR citizens' rights constitute an integral part of fundamental rights and for this reason are protected in the EU legal order.⁵⁰

In the TEU, a separate title is dedicated to 'Provisions on democratic principles'. In the first place, it provides a definition of citizenship, later reiterated in Art. 20 of TFEU. Article 9 of TEU imposed a duty on the Union to observe the principle of the equality of its citizens in all of its activities. In Article 10, it is emphasized that the functioning of the Union shall be founded on representative democracy, while citizens have the right to participate in the democratic life of the Union. It is also stated that "Decisions shall be taken as openly and as closely as possible to the citizen." In Title II, also the representative nature of democracy and the importance of the participation of citizens in the decision-making processes are strongly emphasized:

- direct representation of citizens in the EP,
- indirect legitimization of the decisions of the Council and the European Council as institutions made up of representatives elected in general elections of heads of states and governments,
- the requirement to maintain an open, transparent and regular dialogue with representative associations and civil society,
- the functioning of political parties at the European level,
- participation of national parliaments in the functioning of the EU.

⁴⁹ Ibidem: 10–11.

⁵⁰ Ibidem.

Article 11 also establishes the institution of citizens' initiative which may be taken by at least one million citizens who are nationals of a significant number of Member States.⁵¹

EU citizenship – a step towards European federation?

Having analysed the evolution as well as the formal and legal contents of the treaties, a question should be asked as to the correctness of using the notion of “citizenship” with respect to the institution created in the EU legal order, and then scrutinize its relations with the federal concepts of European integration. According to public international law “citizenship is a special legal tie linking the individual with the state. It is the source of the obligation of faithfulness and loyalty towards the state and the personal supremacy of the state (jurisdiction) over its own citizens.”⁵² At the same time “citizens are obliged to respect the laws of their state, (...)and in consequence may be brought to justice for a violation of the law of their state.”⁵³ At first glance, it should be stated that in almost no respect EU citizenship is typical. It is a fact that we deal here with a legal tie linking the individual with a political community, but it is only subsidiary (since it is a result of holding citizenship of a Member State and not its direct granting).⁵⁴ On the other hand, there is no jurisdiction as well as the obligation of faithfulness and loyalty (here comes the question of developing European identity

⁵¹ *The Treaty on European Union*, art. 10–12. By the way, it is worth noting at the same time that the EC is not obliged to accept the initiative and present it in the form of a legal act.

⁵² Góralczyk, Sawicki (2007): 250.

⁵³ *Ibidem*.

⁵⁴ Skomerska-Muchowska (2010): 15.

which would create such attitudes). A debatable issue is liability for violation of law – under the treaties it is the states that are responsible for the exercise of EU law and they can be held responsible for its violation. A question requiring legal analysis is to what extent we may speak about indirect liability of individuals when EU law is transposed to national legal orders. However, we may get rid of doubts using another three-part definition of citizenship “which is made up of membership in a democratic political community, common interests and law, participation in social, political, economic processes taking place in the community” – here all requirements with respect to EU citizenship are met.⁵⁵

In this juncture, the main assumptions of federalism as a concept of European integration should be presented. In the first place it should be clearly stressed that federalism is not tantamount to a federal state. Such a perception of this issue is characteristic of a legal milieu, very strong in Polish academia, represented primarily by Jan Barcz. He maintains that talking about the EU as a federation is wrong because it neither has its nation, a supreme authority nor an act of the rank of a constitution, which means that it is not a federal state but merely an international organization.⁵⁶ However, as Paweł J. Borkowski notes, federalism is totally irrelevant in this reasoning – the Union cannot be *a* state – it does not satisfy any of the conditions and this is the basic error of this reasoning, which excludes any further discussion about its federalization.⁵⁷ Those who study European integration are unable to detach themselves from state-centred thinking when defining federalism and determining its

⁵⁵ Grzeszczak: 185.

⁵⁶ Barcz (2010): 50–52.

⁵⁷ Borkowski (2013): 402.

relations with European integration.⁵⁸ Robert Grzeszczak may serve as an example: he says that the EU is a special case which requires redefinition of notions, to mention a moment later that it is no longer a classical international organization and not yet a federal state.⁵⁹ The question whether we can at all assume that such a state constitutes a *finalité politique* of the integration process since as it follows for the studies on the federal concepts of integration such an assumption does not actually function and it is rather the creation of a *sui generis* structure that is at stake. In the opinion of the author the statement that the European Union is a political system with federal features.⁶⁰ Federalism may be understood

⁵⁸ By the way, it is worth quoting the words of a representative of the Constitutional Assembly of the Australian Federation: “You, Gentlemen, treat federation as if it were Athena springing out the Jupiter’s head – that is something that is absolutely defined from the very beginning. I think that »federation« is a concept which defines a number of solutions the basic aim of which it to transfer certain problems to the central government, leaving others to state administrations.” Quoted after: Borkowski (2013): 404.

⁵⁹ Cf. Grzeszczak: 3,4.

⁶⁰ A federal political system, the term used e.g. by Robert Grzeszczak (*Federalizacja systemu Unii Europejskiej*, op. cit., p. 6), is somewhat too categorical – it indicates the majority of those elements in the entire system. There are many deferral elements in the European construction – common currency, division of powers based on the principle of subsidiarity, the principle of primacy of EU law before national law and the principle of direct effect, mentioned already on the occasion of the *Van Gend en Loos* judgment, the autonomous order of law of the European Union, Union institutions of a supranational character forming an “upper” federal level, European citizenship, functioning of the system of justice at the EU level and the significance of judgments for the development of integration, EU sectoral policies. More: Borkowski (2007): 63–67, Grzeszczak.

The Author analysed the political system of the European Union from the viewpoint of compliance with the assumptions of federalism also in her doctoral thesis entitled *Aktualność federalistycznych*

as a philosophy, a model of society, a theory of integration and a theory of decentralization.⁶¹ Federalism may be also understood as “[an idea – M.R.] which determines the principles of relations between a centre on a given territory and individuals operating within the same territory.”⁶² For the needs of this article it should be assumed that federalism is a certain theoretical current and a set of postulates concerning future development of the European Union. As a *finalité politique* in the European context federation should be perceived as a form of organization of the political community, where in accordance with the principles of subsidiarity and division of powers there is a division of authority and sovereignty between various levels. What is more, such a community is equipped with legal mechanisms for conflict resolution and a dose of autonomy, and also requires involvement of individuals in its functioning.⁶³

Returning to the question of the need to redefine the notion of federalism it should be stated that the similar situation refers to the understanding of the notion of citizenship. In legal sciences, as it has been noted earlier, citizenship concerns the relationship between the individual and the state, whereas in the case of the European Union we deal with a specific redefinition: the relationship between the individual and the political community.⁶⁴ Christoph Schönberger notes that time has come to “free ourselves from the unitary state-centred

konceptji integracji europejskiej na początku XXI wieku (The relevance of the federal concepts of the European integration at the beginning of the 21st century), defended at University of Warsaw in 2017, confirming the above conclusion.

⁶¹ Kinsky (1999).

⁶² Barcz (2010a): 35. Quoted after: Mizera (2014): 103.

⁶³ Kinsky (1999): 50–58; Bojkało (1998): 140; Sadurski (2006): 88–89.

⁶⁴ Gubrynowicz (2008): 6.

categories and consider the possibility of tiered, nested citizenships in federal systems.”⁶⁵ Looking at the issues of EU citizenship from the perspective of federalism forces one to detach oneself from understanding it as the status of belonging to a particular nation (nationality) and look at it as the status of belonging to a political community (citizenship).⁶⁶

In legal literature, it is quite common to state that in its institutional and legal solutions the European Union is closer to a confederation than federation. The basic argument is the fact that states did not transfer under a treaty (that is not a constitution) full sovereignty onto a higher level but retained it in major fundamental questions putting on guard of such a solution the already mentioned principle of subsidiarity. In the opinion of researchers from the legal community, insomuch as in the case of federation European citizenship should be primary in relation to nationality, in the case of confederation EU citizenship must be dependent and accidental.⁶⁷ However, it is again necessary to invoke the need to redefine the nations known from public law and refer to the practice of European integration in the course of which such notions were repeatedly “remoulded” into a totally new quality.

Antje Wiener indicates three methods for building a tie between the individual and the European Union. The first one is European identity, the second – the scope of rights exercised by citizens, and thirdly – channels of access of individuals to decision-making processes and participation in a broadly conceived community.⁶⁸ In the federal perspective EU citizenship is something more than merely a direct

⁶⁵ Shaw (2010): 4.

⁶⁶ Nicolaidis (2007): 472.

⁶⁷ Mik (1994): 70.

⁶⁸ Wiener (2007): 567..

relationship between citizens and the European Parliament. As a matter of fact, it concerns a broad spectrum of participation understood as objective rights and subjective sense of belonging to the entire project.⁶⁹

European citizenship is functioning at the supranational level and this makes it most valuable as a federal institution. One may encounter in the textual sources claims made by some researchers, who tend to consider it as (potentially) competitive to nationality and regarding this as the ulterior objective of this solution.⁷⁰ It is also feared that Member States' nationality may be ousted by EU citizenship. Undoubtedly, however, such an assumption contains several quite serious errors. In the first place, it should be stated that they represent two totally different organizational principles and carry a totally diverse content. They form a complementary structure – some rights are protected at the national level, while others at the EU level, which directly follows from the function of both.⁷¹ In the wording of the Maastricht Treaty, the non-autonomous character of European citizenship (the is its dependence on nationality of one of Member States) was in agreement with the logic of the principle of subsidiarity underlying the functioning of the European Union. For this reason European citizenship cannot replace nationality, and also it is of an accidental and subordinate nature.⁷²

The integrational function of EU citizenship operates in two dimensions. In the vertical system, the relationship between the individual and EU (institutions) is regulated. The other system, horizontal, forms a specific ties between the individual

⁶⁹ Kelemen, Nicolaidis (2006): 310.

⁷⁰ Trzciński (2002): 67.

⁷¹ Preuß (1996): 548–551.

⁷² Mik (1994): 67–69.

and Member States the individual is not a national of. Such a sense of a relationship can be formed on the basis of recognition of universality of exercising the same rights arising from the application of the same law.⁷³ As a matter of fact, EU citizenship does not interfere in the relations between the individual and his/her political fatherland. The aim is only to ensure effectiveness of citizens' rights in both of those relationships. As Ulrich K. Preuß states that European citizenship is a special type of membership in the Community, which however significantly differs from the status of citizen of a nation-state.⁷⁴ It should be noted at the same time that the horizontal system is much formed much more strongly than the vertical one.⁷⁵ In Paul Mignette's opinion this testifies to the intention of Member States to build a federation of states at most rather than a European state.⁷⁶

One of the major principles of federalism is the division of powers and the principle of subsidiarity enabling its efficient functioning. In accordance with this principle, actions should be undertaken on the level at which their implementation will ensure greatest effectiveness measured by the accomplishment of the assumed goals. The principle of conferred powers, which is one of the main emanations of the federal principles in the European Union, gives rise to a significant limitation of the operation of EU citizenship on the legal and institutional plane.⁷⁷ From the legal nature of the European Union as a *sui generis* international organization operating under the principle of conferred powers it follows that EU

⁷³ Shaw (2010): 10, Preuß (1996): 548, 551; Schütze (2013): 51.

⁷⁴ Preuß (1996): 549.

⁷⁵ Kelemen, Nicolaidis (2006): 310.

⁷⁶ Shaw (2010): 548, 551.

⁷⁷ Grzeszczak (2015): 185.

law may directly affect individuals only to the extent provided for in the Treaties (i.e. in those areas where the EU is empowered to make it).⁷⁸ In other words, in the material law terms (and this is a greatly narrow definition) only a national of a Member State whose actions put him/her in the area of operation of EU material law shall be entitled to the status of an EU citizen.⁷⁹ However, what is interesting is that according to the interpretation of the CJEU such a situation may take place also in the purely internal relation between a Member State and its citizen.⁸⁰ This judgment of 2011 indicated the evolutionary way of arriving at the full form of EU citizenship, especially when one compares its content with the scope of “citizenship of the market”.⁸¹

The division of powers and the principle of subsidiarity are associated with a characteristic feature or even a fundamental principle of federalism, namely political dualism – since it implicated the existence of at least two levels of authority. Therefore, it is by no means surprising that this principle found its reflection in European citizenship, which forms the upper federal level of belonging.⁸² EU citizenship is considered here as one of the factors of the vertical dimension of federalism – since there is a clear division of powers between separate levels of authority, in this case the European and national.⁸³ This, in turn, leads to the question of dual citizenship, each of which is based on different sources of loyalty and identification.⁸⁴

⁷⁸ Skomerska-Muchowska (2010): 3.

⁷⁹ Grzeszczak (2015): 185.

⁸⁰ Frąckowiak-Adamska (2012): 21.

⁸¹ Grzeszczak (2015): 181.

⁸² Schütze (2013): 66.

⁸³ Bauböck (1999): 43.

⁸⁴ Bellamy, Castiglione (1997): 442.

Against General de Gaulle's words, the creation of a European federation does not need the existence of a European nation. However, it does require citizens, who - in accordance with the EU motto "Unity in diversity" – being faithful to national identification will actively take part in the functioning of the community, which in turn will respect their identity.⁸⁵ As Dusan Sidjanski says "Federalism appears to be an appropriate counterweight to globalization and the most appropriate form of social organization, to assemble Europeans into a union that guarantees national, regional and local identities with the necessary interdependence and the affirmation of a European identity. Under a new heading of »governance on multiple levels« (...), we find the essential traits of the federal method and a new federalism."⁸⁶ In the opinion of certain researchers the classical perception of citizenship from the viewpoint of one of two traditions: liberal and republican,⁸⁷ fails the test even in the face of contemporary problems of nation-state – the enormous degree of pluralization of societies and globalization. The idea of European citizenship in its content carries a much higher level of universalism, which offers a chance for the effectiveness of its functioning⁸⁸ It is an answer not only to the challenges of globalization, problems of nation-state, but also the very crisis of the integration process. "Fining a new formula of integration based on the agenda focusing on strategic challenges and innovative instruments is the only way for the Europeans, although formally devoid of a European *polis*, to wish to believe in European citizenship and treat

⁸⁵ Borkowski (2013): 406, 410.

⁸⁶ Sidjanski (2001): 2.

⁸⁷ Cf. Heater (2006).

⁸⁸ Dell'Olio (2005): 10.

it as one of the dimensions of their individual identity. Only then Member States of the European Union will become a natural context for nurturing national, regional and local identities without a damage to European solidarity.”⁸⁹

In her book “Beyond national law. Europe’s constitutional ideas”, Agnieszka Maria Nogal rightly asks: If European citizenship is totally ancillary to nationality, confers little right and no duties, why has it been established at all?⁹⁰ She shows that insofar as the objective of the Treaty of Rome was “to establish the foundations of an ever closer union among the European peoples”⁹¹ (which indicates their plurality and coexistence), with the Maastricht Treaty began the construction of a “new European people”, which in the opinion of the author was to be the effect of the functioning of federal principles (inter alia the division of powers, the principle of primacy of EU law). Following the model of federal states establishment of a political community should be caused. Further on, the author reminds that by nature people have various layers of identity, which frequently overlap (scientist, woman, citizen) and do not require exclusivity, so European citizenship may become but another layer of the individual’s identity.⁹² By the way, it should be noted that the authors of the TEU and its subsequent amendments did not resign from pluralism on the declarative level – the provision about the association (union) between the nations of Europe is still present in the preamble.

⁸⁹ *Europę stać na więcej. (...):* 3.

⁹⁰ Nogal (2009): 161.

⁹¹ “à établir les fondements d’une union sans cesse plus étroite entre les peuples européen.”

⁹² Nogal (2009): 162–163.

In literature one may encounter a charge that EU citizenship “was a purely bureaucratic manoeuvre, imposed top-down, without real meaning for the citizens of the Union”⁹³ and “the public has been aware of EU citizenship in a very small measure.”⁹⁴ However, if one reaches for public opinion surveys carried out by the EU under the “Eurobarometer” project it seems that this notion is not so empty and absent in public discourse. According to the data published in the autumn of 2014 as many as 63% respondents felt they were citizens of the European Union⁹⁵ and that situation had continued at a similar level for several years.⁹⁶ It should not be forgotten, however, that nearly 40% of the society do not feel themselves subjects of European integration. In 2009, the demosEUROPA research centre drew a report which was a reflection on the prospects and condition of the European Union. The report stated, among other things, that the citizens turned towards national identification as a remedy for the sense of being excluded from European decision-making processes. According to the researchers we may call it “membership without the sense of belonging”, which in turn fits into a more profound crisis of the EU and Europeanism, which began with the failure of a federal project – the Constitution for Europe.⁹⁷

Another instrument, besides dual citizenship understood as layered identity, favouring modern understanding of European citizenship as a federal institution, is provided

⁹³ Sadurski (2005): 35.

⁹⁴ Ibidem: 37.

⁹⁵ *Standard Eurobarometer 82 Autumn 2014*: 27.

⁹⁶ All reports since 1974 are placed on the website of the European Commission: http://ec.europa.eu/public_opinion/archives/eb_arch_en.htm. EU citizenship appeared for the first time in 2004.

⁹⁷ *Europę stać na więcej. (...)*: 25.

by a German philosopher and sociologist Jürgen Habermas. That author is by no means an enthusiast of European federalism, although he admits that there is a possibility of evolution of the European Union in that direction and support several federal assumptions for the concept of integration (leaving aside the fact that his conception of a federal EU is very state-centred, which is, after all, characteristic of the German school of thinking about federalism).⁹⁸ Nonetheless, analysing the question of supranational or rather post-national European citizenship and referring to the republican tradition of this institution, Habermas created the notion of “constitutional patriotism”.⁹⁹ Habermas notes that a constitutional state turns the people who were only members of the society into citizens, who are henceforth also members of a democratic state order.¹⁰⁰ Constitutional patriotism means that citizens of Europe should not waive their national identities, but only ensure of their devotion to the law of the supranational community and build the sense of relationship basing on mutual respect for the rights and freedoms. In accordance with the Enlightenment model, the assessment of actions and the degree to which national traditions will be allowed on the European level should be fully dependent on the interest of the community. The objection against particularism and the turn towards universalism fit into the idea of federalism, but not the creation of a federal European super state.¹⁰¹ It is worth noting that so conceived citizenship of a symbolic

⁹⁸ Cf. Habermas (1993): 19.

⁹⁹ Habermas (1993): 17.

This notion is invoked by many authors deliberating on the relation between EU citizenship and federalism. Cf. Longo (2006): 166; Lehning (1999): 2, et al.

¹⁰⁰ Habermas (2014): 53.

¹⁰¹ Sadurski (2010): 42.

nature significantly contributes to the formation of European identity.¹⁰²

The citizenship of the European Union understood as only a product of necessity arising from the deficit of legitimization will be only an addition to national citizenship. However, basing on the prerequisites of constitutional patriotism and ensuring the relationship between the EU, which in certain areas obtained from Member States a considerable part of the powers arising from sovereignty, and individuals to which the adopted law applies it may be said that *sui generis*, supranational, almost federal citizenship is created.¹⁰³

Referring to the problem of the deficit of democracy which is mentioned as one of the reasons for establishing EU citizenship, A.M. Nogal offers a quite interesting interpretation of this relation. In her opinions the entire venture was aimed primarily at building trust at the European level – in the situation whereby decisions are made by the majority voting it is necessary that the individuals are confident that European solidarity does work and that the deciding majority will consider the interest of the minority – this principle works at the national level and must work at the supranational level. This is the role of new European identity and European citizenship.¹⁰⁴ Anne Peters, Jan Klabbers and Geir Ulfstein elaborated a conception of dual legitimization of the processes of international legislation. International law is legitimized not only at the intra-state level, but also at the level of consent for the functioning of institutions and the decision-making processes taking place at the supranational level.¹⁰⁵

¹⁰² Ibidem: 44.

¹⁰³ Ibidem: 43–44.

¹⁰⁴ Nogal (2009): 164.

¹⁰⁵ Shaw (2010): 4.

Federico Mancini, a former judge of the Court of Justice and advocated for the realization of the idea of federalism, reminded in the context of citizenship that history gives several meaningful examples (also from Europe) of building a nation on the political basis and there are no obstacles for such a civil nation to be built in Europe. There are strong foundations for this such as common European history and tradition (not only cultural, Christian, but, what is most important for the European federation, connected with the respect for human rights, the principles of democracy and the rule of law).¹⁰⁶ Mancini indicates that democracy (or at least constitutionalism) and federalism are inseparably linked since the principles of the division of powers and subsidiarity may operate only in democratic conditions.¹⁰⁷ Then he emphasizes that it is the consolidation of citizenship rather than granting subsequent prerogatives to the European Parliament may contribute to the strengthening of European democracy.¹⁰⁸ In this context it should be noted that even the act of voting in the EP elections once in five years is a trivial gesture, a ritual – it is only the formation of political (civil) identity understood as everyday involvement for the community, certain degree of loyalty based precisely on common cultural heritage and respect for certain rights and freedoms will mean a transition towards materialization of the essence of democracy at the European level.

A separate question is how the citizens themselves fill “European citizenship” with contents and how this affects its federal dimension. Even most “federal” legal solutions will have no sense if they have no application in practice. Mention has

¹⁰⁶ Nogal (2009): 183–185.

¹⁰⁷ Mancini (1998): 29.

¹⁰⁸ *Ibidem*: 32.

already been made about quite poor European identification, while a need appears to analyse the exercise of rights arising from citizenship, e.g. complaints to the European Ombudsman, petitions of the EP, citizens' initiative. However, the study of the practical functioning of citizens go beyond the assumed framework of this article.¹⁰⁹

Conclusions

Summing up, several comments have to be made. Having verified the traits of the European Union with a view to the six principles of the federal system outlined by R.I. Watts¹¹⁰, Michael Longo concluded that although it does not constitute a fully developed federation, it does meet the most important criteria. As he says: The Union "has developed into a political community with comprehensive regulatory powers and a mechanism of territorially defined exclusion and inclusion in the form of Union citizenship."¹¹¹ "From an institution deprived of real legal value EU citizenship has transformed into an institution" which in accordance with the judgment of the Court of Justice "is destined to become a fundamental status for the nationals of Member States."¹¹² Since the coming into effect of the Lisbon Treaty, and especially thanks to the changed status of the Charter of Fundamental Rights, EU citizenship, frequently called rump citizenship, has acquired specific legal and "identity" substance. This emphasizes

¹⁰⁹ More on the subject: Zeszyty OIDE nr 9: 102 et seq. and also M. Rojewska, *The relevance of the federal concepts of the European integration at the beginning of the 21st century*.

¹¹⁰ Taken from the book by Watts (1999), *Comparing federal systems*.

¹¹¹ Longo (2006): 34.

¹¹² Quoted after: Bodnar (2008): 50.

progressing constitutionalization of the EU towards a federation.¹¹³ It should be admitted, however, that – as Aleksander Gubrynowicz rightly notes – although “the potential of EU citizenship really existis it has not been (yet?) utilized.”¹¹⁴

In the face of an “ever closer union” it is not obvious how this institution will develop – the history of European integration shows that this institution may consolidate its importance,¹¹⁵ although it may happen that in unfavourable conditions it will become marginalized. In the history of European integration, development of certain solutions or institutions has always been strongly correlated with the current economic and social situation and political climate. The present solutions are a good “germ” for citizenship to evolve into in an institution attractive for individuals, providing there is a favourable political climate, Europe returns onto the path of economic development and the current structural crisis is overcome.¹¹⁶ It seems, however, that progressing federalization of the character of this institution will not depend on introduction of successive democratizing elements (e.g. regional veto, mandatory referenda in treaty matters, petitions), as suggested by certain authors.¹¹⁷ As a matter of fact, what is needed is an almost positivist work at the grass-roots which will make individuals aware of the existence and importance of European citizenship, which will strengthen European identity. At the same time, it should be noted that according to some authors, as a federal structure the EU will stand a chance to exist only when European identity is formed.¹¹⁸

¹¹³ Grzeszczak: 6, 16.

¹¹⁴ Gubrynowicz (2008): 46.

¹¹⁵ Mik (1994): 70.

¹¹⁶ Gubrynowicz (2008): 47.

¹¹⁷ Cieleń (2008): 170.

¹¹⁸ Mizera (2014): 99.

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Bibliography

- Barcz J. (2010), *Unia Europejska na rozstajach. Traktat z Lizbony. Dynamika i główne kierunki reformy ustrojowej*, Warszawa.
- Barcz J. (2010a), *Problem modelu prawnego procesu integracji europejskiej i zarządzania w ramach Unii Europejskiej*, in: *Instytucje i prawo Unii Europejskiej. Podręcznik dla kierunków zarządzania i administracji*, ed. J. Barcz, M. Górka, A. Wyrozumska, Warszawa.
- Bauböck R. (1999), *National Community, Citizenship and Cultural Diversity*, "Reihe Politikwissenschaft/ Political Science Series", 1999, No. 62, URL = http://aei.pitt.edu/32409/1/1208854873_pw_62.pdf.
- Bellamy R., Castiglione D. (1997), *Building the Union: The Nature of Sovereignty in the Political Architecture of Europe*, "Law and Philosophy", 1997, No. 16(4).
- Bodnar A. (2008), *Obywatelstwo Unii Europejskiej a ochrona praw podstawowych obywateli państw członkowskich*, Zeszyty OIDE No. 9, *Obywatelstwo Unii Europejskiej*, Warszawa.
- Bojkało W. (1998), *Federalizm – rozwój idei i niektóre teorie*, in: *Federalizm. Teorie i koncepcje*, ed. W. Bojkało, Wrocław.
- Borkowski P.J. (2013), *Międzyrządowość w procesie integracji europejskiej*, Warszawa.
- Borkowski P.J. (2006), *Federalizm a budowanie jedności Europy*, "Studia europejskie", 2006, No. 2.
- Borkowski P.J. (2007), *Polityczne teorie integracji międzynarodowej*, Warszawa.
- Cieleń A. (2008), *Prawa polityczne obywateli Unii Europejskiej*, Warszawa.
- Cieleń A., Szymański A. (2004), *Obywatelstwo Unii Europejskiej*, Warszawa.
- Dell'Olio F. (2005), *The Europeanization of citizenship: between the ideology of nationality, immigration and European identity*, Ashgate.
- Europę stać na więcej. Nowa agenda dla Unii Europejskiej. Raport z prac Grupy Refleksyjnej powołanej z inicjatywy demosEUROPA – Centrum Strategii Europejskiej oraz tygodnika "Polityka"*,

- URL = http://www.demoseuropa.eu/upload/editor/demos/File/Europe%20stac%20na%20wiecej_demosEUROPA.pdf
- Frąckowiak-Adamska A. (2012), *O istocie praw wynikających z obywatelstwa Unii*, "Europejski Przegląd Sądowy" 2012, No. 10.
- Góralczyk W., Sawicki S. (2007), *Prawo międzynarodowe publiczne w zarysie*, Warszawa.
- Grzeszczak R., *Federalizacja systemu Unii Europejskiej*, URL = <http://www.nowapolitologia.pl/sites/default/files/articles/federalizacja-systemu-unii-europejskiej-390.pdf>.
- Grzeszczak R. (2015), *Dwie narracje o obywatelstwie unijnym – obywatel rynku i obywatel Unii Europejskiej*, in: *Współczesne koncepcje ochrony wolności i praw podstawowych* (2015), ed. A. Bator, M. Jabłoński, M. Maciejewski, K. Wójtowicz, Wrocław, online access via Digital Library of Wrocław University.
- Gubrynowicz A. (2008), *Obywatelstwo europejskie - stan obecny i perspektywy*, in: *Zeszyty OIDE No. 9, Obywatelstwo Unii Europejskiej*, Warszawa.
- Habermas J. (2014), *Rzecz o kondycji i ustroju Europy*, Łódź.
- Habermas J. (1993), *Obywatelstwo a tożsamość narodowa. Rozważania nad przyszłością Europy*, Warszawa.
- Kelemen D., Nicolaidis K. (2006), *Bringing Federalism Back In*, in: *Handbook of European Union politics*, ed. K.E. Jørgensen, M.A. Pollack, B. Rosamond, London.
- Kinsky F. (1999), *Federalizm. Model ogólnoeuropejski*, Kraków.
- Konopacki S. (2003), *Dylematy obywatelstwa europejskiego*, "Studia Europejskie", 2003, No. 4.
- Konopacki S. (1999), *Obywatelstwo europejskie a rozszerzenie Unii Europejskiej*, "Studia europejskie", 1999, No. 4.
- Lehning P.B. (1999), *European Citizenship: Towards a European Identity?*, "Working Paper Series in European Studies", 1999, Vol. 2 Number 3.
- Longo M. (2006), *Constitutionalising Europe. Processes and Practices*, Aldershot, Burlington.

- Łukaszewski J. (1998), *Francja a integracja europejska. Pół wieku ewolucji*, in: *Drogi do Europy*, ed. J. Kranz, J. Reiter, Warszawa.
- Mancini F. (1998), *Europe: The Case for Statehood*, "European Law Journal", 1998, Vol. 4 No. 1
- Mik C. (1994), *Obywatelstwo europejskie w świetle prawa międzynarodowego i wspólnotowego*, "Toruński Rocznik Praw Człowieka i Pokoju 1993", 1994, book 2.
- Mizera K. (2014), *Deficyt demokratyczny w Unii Europejskiej*, "Folia Iuridica Wratislaviensis", 2014, Vol. 3 (1).
- Nicolaidis K. (2007), *Conclusion*, in: *The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union* (2007), ed. K. Nicolaidis, R. Howse, New York.
- Nogal A.M. (2009), *Ponad prawem narodowym. Konstytucyjne idee Europy*, Warszawa.
- Olsen E.D.H. (2013), *Transnational Citizenship in the European Union. Past, Present, and Future*, New York.
- Poboży M. (2014), *Obywatelstwo i obywatelskość w Unii Europejskiej*, "Przeгляд Europejski", 2014, No. 1(31).
- Preuß U.K. (1996), *Two Challenges to European Citizenship*, "Political Studies", 1996, Vol. 44 Issue 3.
- Sadurski W. (2005), *Obywatelstwo europejskie*, "Studia europejskie", 2005, No. 4.
- Schütze R. (2013), *From Dual to Cooperative Federalism: The Changing Structure of European Law*, Oxford.
- Shaw J. (2010), *Citizenship: Contrasting Dynamics at the Interface of Integration and Constitutionalism*, "EUI Working Papers" RSCAS 2010/60, URL = http://eudo-citizenship.eu/docs/RSCAS%202010_60.pdf.
- Shaw J. (1997), *European Citizenship: The IGC and Beyond*, "European Integration online Papers", 1997 Vol. 1 No. 3, URL = <http://eiop.or.at/eiop/pdf/1997-003.pdf>.
- Sidjanski D. (2001), *The Federal Approach to the European Union Or the Quest for an Unprecedented European Federalism*, "Notre Europe, Research and Policy Paper" 2001, No. 14.

- Skomerska-Muchowska I. (2010), *Obywatelstwo Unii*, in: *Obywatel Unii*, ed. I. Skomerska-Muchowska, A. Wyrozumska, Warszawa.
- Standard Eurobarometer 82 Autumn 2014*, URL = http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_citizen_en.pdf.
- The Treaty on European Union (consolidated version)*, *Official Journal of the European Union* No. C 202, 7.6.2016.
- The Treaty on the Functioning of the European Union (consolidated version)*, *Official Journal of the European Union* No. C 202, 7.6.2016..
- Treaty On European Union*, *Official Journal of the European Communities* No. C 191, 29.7.92.
- Trzciński K. (2002), *Obywatelstwo w Europie. Idea i jej wyraz formalny w perspektywie historycznej*, "Studia europejskie", 2002 No. 2.
- Wiener A (2007), *Obywatelstwo*, in: *Unia Europejska – organizacja i funkcjonowanie*, ed. M. Cini, Warszawa.
- Wyrok Trybunału Sprawiedliwości (1963) z dnia 5 lutego 1963 r. w sprawie 26/62 NV Algemene Transport- en Expeditie Onderneming van Gend & Loos p. Netherlands Inland Revenue Administration*,
URL = <http://curia.europa.eu/juris/document/document.jsf?text=&docid=87120&pageIndex=0&doclang=PL&mode=lst&dir=&occ=first&part=1&cid=799557>.
- Yildirim M.C., *The "Spinelli Project" and its Legacy*, URL = http://www.thefederalist.eu/site/index.php?option=com_content&view=article&id=1418%3Ail-progetto-spinelli-e-la-sua-eredita&catid=2%3Asaggi&lang=en.

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Possibilities and Perspectives of Applying the E-learning Model in Educational Institutions in Bosnia and Herzegovina

Abstract

E-learning is a type of learning by using electronic technologies to access an educational program outside of a traditional classroom. As conventional classrooms continue to be transformed into digital ones, teachers must deliver lectures through multiple learning modes. Digitally enriched content and personal learning should be the primary way of teaching, as well as collaborative and interactive learning. The paper presents issues relating to education in a virtual environment, the role of virtual reality, and artificial intelligence that is increasingly entering classrooms in developed countries. The paper explores what application of artificial intelligence means for the development and broader implementation of electronic learning in virtual classrooms around the world, as well as in developing countries such as Bosnia and Herzegovina. The paper presents the advantages and opportunities that contribute to the improvement of e-learning in educational institutions and the benefits for students and other parties involved in the educational process, such as teachers and parents.

Keywords: artificial intelligence; digital content; digital literacy; online platforms; virtual reality

1. Introduction

Although the idea of e-learning was still in its infancy in the sixties (that was the decade when PLATO, probably the first experiment in the world of e-learning, was developed and first launched), Marshall McLuhan had a clear vision of the future of education. He believed that for better education we need fewer teachers, more technology, and, most importantly, a more positive view of technology. As a historian by training, McLuhan noticed that education had not changed much in many aspects since the Gutenberg printing machine was invented at the end of the 15th century. He considered that we should stop relying primarily on visual delivery methods and start creating a multi-sensory, interactive learning environment based on students' needs and interests (Taylor and Francis e / library, 2001).

E-learning primarily transmits education through computer and network of digital technology that includes the Internet, intranet, computers, satellite TV, CDROM, audio, and video resources. Therefore, e-learning can be broadly defined as the use of Information and Communication Technology or abridged ICTs to enhance and support learning that can range from teachers and learners using email for communication up to online courses.

2. Methodology

Unlike some European countries or the United States of America, there are still no clearly defined e-learning strategies in Bosnia and Herzegovina, and instances of using online learning are only sporadic and more experimental. They can only be assessed as attempts by individual schools

to use Google Education, free online learning platforms, in a short period (more precisely during one week in November). The e-learning model currently present in the country is in its infancy stage. Research, which measured the application of this model in our educational system, is based on determining the existing conditions in educational institutions concerning the usage of IT in today's classrooms as well as potentials and perspectives for the implementation of the e-learning model. Indeed, in this light, the application of some of the modern forms of learning would be a significant step. Attitudes of primary stakeholder groups for this venture were examined with the overall goal to form an e-learning model that would have a realistic prospect of success.

The survey was conducted in December 2018 in eight public schools across the country. According to the data collected by the Agency for Statistics of Bosnia and Herzegovina in 2018, 61.0% of the citizens of the country used a computer, and 31.6% of respondents have never used a computer. The share of computer users by gender is 64.4% male and 58.4% female. The results of the survey on the usage of information and communication technologies in households and by individuals in Bosnia and Herzegovina have shown that 69.2% of households had access to the Internet, and 29.6% of households did not have access to the Internet (Agency for Statistics of Bosnia-Herzegovina, 2019).

To examine how the e-learning service is used, a base of 20 statements (claims) was formed in this case for high school students. For the first part of the e-learning attitude questionnaire, four statements were selected, which answer questions relating to teacher-student interaction. In the second part of the e-learning attitudes questionnaire, four statements were also selected that relate to students' prior experience.

The third part includes 12 statements concerning the cost of learning in a virtual learning environment as well as students' skills with respect to such environment. Responses to the statements in this group are shown on a Likert scale of estimates from one to five, where rating 1 corresponds to the "disagree" category; 2 - "I disagree"; 3 - "neither agree nor disagree"; 4 - "I agree" and the assessment of 5 categories "I completely agree."

The first part of the questionnaire covers information about respondents' computer usage habits, such as questions about the frequency of computer use. In contrast, the other two questions relate to knowing the meaning of e-learning and attending e-courses. After modifications and improvements were made to obtain a more efficient instrument, questionnaires were administered to the target population through personal contacts. Respondents were informed of the purpose, and anonymity and confidentiality of responses were ensured. Finally, respondents were given a questionnaire to complete during December 2018. Respondents familiarized themselves with the purpose of the survey and the process of completing the questionnaire. All respondents filled in the questionnaire voluntarily, independently and anonymously, and the estimated time to complete the questionnaire was ten minutes. Exploratory factor analysis, a principal component analysis method, was used to determine the validity of the survey. The data obtained were analysed using the SPSS statistical software.

3. Results and discussion

The survey provides an analysis of potentials for e-learning model implementation in secondary schools in Bosnia

and Herzegovina and other educational institutions, as well as the ability to define and create a national e-learning strategy. The survey was focused on collecting information necessary for creating and adopting an e-learning model in secondary schools in Bosnia and Herzegovina. Survey respondents were students aged 16–19, both male and female.

Table 1 shows the factor structure of the statements, with the values of the characteristic root and the percentage of the explained variance of each component. Given the content of the statements and their projections on the elements, the first element corresponds to the interaction of teachers and students, the other part corresponds to the benefits that students have from the virtual learning environment, and the third corresponds to the economic aspect (costs for individual students and the scope of work).

Table 1: The factor structure of the statements

	Components		
	1	2	3
20. VLE helps teachers to respond to individual learning needs.	.722	.271	-.142
19. VLE supports a close relationship between students and teachers.	.718	.240	-.004
18. VLE enables teachers to provide students with different sources of learning.	.657	.296	.235
17. VLE increases the level of interaction between individual students and teachers.	.579	.295	.037
16. VLE helps teachers to be available to students outside of the classroom.	.515	.253	.153
15. VLE increases student workload.	.228	.768	.084

	Components		
	1	2	3
14. VLE increases the costs for individual students (printing).	.220	.709	.059
13. VLE helps students prepare well for lectures in an online classroom.	.203	.613	.126
12. VLE provides greater transparency for individual learning.	.410	.606	-.037
11. VLE provides students with flexibility in terms of their educational needs (offering access to materials at any time - allowing them to study when they have time).	.409	.566	-.133
10. VLE increases opportunities for discussion and debate among students outside of the classroom.	.128	-.238	-.816
9. VLE supports the exchange of ideas and experiences among students.	.449	-.217	.630
Characteristic root	4.414	1.184	1.003
% of the explained variance	23.017	21.919	10.067

Source: Author's work

Multidimensionality of the instrument was tested, an analysis of the main components was carried out. To check that correlation matrices are suitable for carrying out a factor analysis, we have conducted the Kaiser-Meyer-Olkin test and the Bartlett test. The Kaiser-Meyer-Olkin test shows the proportion of variance that is common or can be explained by latent factors. When the value of this test is more significant than 0.60, we consider that our data is suitable for carrying out factor analysis. In our case, the value is 0.870. The Bartlett test checks whether our matrix is identical to the identity matrix. If our model were identical to the identity matrix,

this would mean that the matrix variables were unconnected and it would not make sense to carry out a factor analysis.

This test must be significant with at least 95% security in order for our data to be comparable to factorization. In our case, the approximate χ^2 is 442.256 and is significant at 99.9%. The results of these tests on our data indicate that it is justifiable to carry out a factor analysis. The analysis of the main components resulted in a three-factor solution. The characteristic roots of the three components are more significant than one, and together they explain 55% of the variance.

The analysis of results proves the assumption that VLE increases the opportunities for discussion and debate among students outside of the classroom. The results show that 71% of students agree with the claim that VLE provides students with flexibility in terms of their educational needs, offering access to materials always and anywhere – allowing them to study when they have time. It enables them to access a variety of content that they do not have access to in traditional classrooms. They learn how to use information responsibly and transparently. Furthermore, it enables them to access the same online content as other students who are not restricted by the national curriculum, which are not adapted to constant changes in the external environment. Changes in the environment might force the school management to entail policies that would bring necessary changes in terms of adaptability, possession of skills and knowledge in the use of communication tools and software that have become standards in the digital age. Students can spend more time working on materials in order to improve their results, which is considered useful because they have more time to think and connect previous knowledge with newly learned topics. Survey results' showed that online tools used

in asynchronous e-learning allow two-way communication between learners and teachers, or multi-modal, collaborative communication among students themselves. However, 55.8% of respondents agree that VLE increases the scope of students' work.

Dimensionality was added to the correlation matrix, meaning that underlying components could be identified in the subjects' answers. The logical and content analysis of the statements indicates that the first component corresponds to the quality of the student-teacher interaction. The second component corresponds to the assessment of the potential the virtual environment has for learning and students. In contrast, the third one corresponds to the economic aspect of the virtual learning environment (VLE).

The economic aspect, in this case, relates not only to money but also to invested labor. One statement indicates an increase in student workload since the student initiates discussions and communication with both teachers and other students, which is not the case in a traditional classroom where a lesson is pre-planned and organized by the teacher and the Ministry of Education. Since three factors or three constructs or three variables were obtained, it was interesting to examine the correlation between these three constructs and other claims in the matrix table. A statistically significant correlation was found between statements relating to previous experience that the students had in the virtual learning environment. A statistically significant correlation was found between the first and second group questions on the level 0.05 or $p < 0.05$.

There is a high correlation of 0.069 between the teacher-student components and the benefits of the virtual learning environment at the level of 0.01. It was expected that

the correlation is high; that is, the teacher is an essential factor in the teaching process and that it contributes to better interaction in the educational process. It is vital for the individual student that ongoing daily communication with teachers is maintained. The student perceives that the virtual learning environment gives them more opportunities to access a myriad of information, more frequent contact with the instructor or teacher, which allows them to ask questions in constant communication, which is not a common practice in the traditional classroom environment.

Thanks to online learning, students in the most impoverished cities or smaller towns can use the same educational resources as students in world capitals and large western cities, all thanks to online lectures at affordable rates. The e-Learning Initiative implies ensuring the right to education and reducing costs to such an extent that it becomes accessible to the developing countries and countries in transition, such as Bosnia and Herzegovina.

Some of the disagreements concerning implementation of online learning is how to adapt e-learning education given inability of regular access to high-speed Internet and educated IT educators. Another obstacle that the country could face in the process of improving the education system is the initial cost of e-learning. Within an extended group of claims, all statements are significant. There was also a statistically significant correlation between statements relating to the previous experience the students had in the virtual learning environment, meaning that positive learning experiences and communication in the virtual learning environment influenced students' preferences and their choice of modalities of learning. Knowledge is acquired in space, time, and opportunities for personal growth and development.

When asked about issues concerning the virtual learning environment and the application of e-learning tools, students confirmed that e-learning offers opportunities to acquire knowledge and skills that are not available in the schools they attend.

Possibilities offered by e-learning go beyond the traditional curriculum framework and the law-imposed curriculum that does not accompany changes in the environment, and accordingly adapts the curricula, and interests of students towards education in the digital age, in which some other skills and knowledge are desirable.

3. Artificial intelligence in the classroom

Enhancing e-learning with a more comprehensive social experience enables learners to interact with each other as they would in the actual classroom. Students can complete group projects together, and hang out outside of the school, enriching their learning experience. Virtual reality already enhances certain aspects of e-learning. Companies, schools, and universities are experimenting with this new technology and are trying to understand how best to integrate virtual reality into curricula. Artificial intelligence is part of our everyday life and becomes more present in world classrooms.

By using tools such as Siri, Amazon, and Alexa, the possibilities of artificial intelligence in education are just beginning to be realized. While artificial intelligence will not wholly replace teachers, it is possible to transform the way teachers teach and learners learn (The Tech Edvocate, 2017).

As artificial intelligence becomes significantly more sophisticated than in the past, it would be possible for machines to read the expression on the face of the student,

indicating that the engines are developing to the extent when it becomes possible to recognize the feelings of the person or the emotional state of the pupils. Thus they will be able to modify the lesson to adapt it to the student's condition (Editors, 2018).

Machine learning algorithms have already begun to help teachers fill in knowledge gaps, pointing to subjects with which students have most difficulties. Thanks to recent innovations in the field of artificial intelligence, the school and the entire education system go through the same digital changes that transform the world industry and business. Several studies predict that in the next ten years, artificial intelligence will replace teachers. Although such predictions are somewhat exaggerated, it is worth noting that the first tool that works under the principles of artificial intelligence and learning, IBM's Watson 1.0, has already found a way to world classrooms, where it has been proven as a teaching assistant and providing targeted support to teachers (Expert-system.com, 2018).

3.1 Virtual school visits

At the beginning of last year, US teachers received 55 million new students able to use new tools with the capability of capturing the attention of students and inspiring their imagination with the help of virtual reality. Hundreds of new intriguing experiences, many of which are free, can transfer students back through history or our solar system without a magical school bus (Babich, 2019).

From the War of Independence that took place in the United States to the marshes of the Jura geological period, students can find themselves at the center of the action where

they can experience their own real experience. The full range of school virtual and extended skills have been developed for subjects ranging from mathematics, through history, to foreign languages (Samit, 2017).

These virtual adventures can be embedded in the emotional center of the human brain by misleading the mind to believe that users are really “teleported” out of the classroom into an environment that fully occupies their senses. Research has already shown that we remember only 10% of what we read, 20% of what we hear, and 30% of what we hear and see together. However, a virtual reality can deceive the brain’s cortex so that it can feel being haunted by a dinosaur or emotionally depressed by life in a refugee camp. The joy of walking on the moon’s surface or passing through the deadly trenches of the First World War can trigger an emotional reaction deeper than any movie. According to a scientific study of biometric monitoring of the eye movement and direction of view, electrodermal reaction and heart rate, 27% of users of the virtual reality were more emotionally involved in these contents than in those available through a two-dimensional, conventional video (Horton W. & Horton K., 2003).

4. Conclusion

The e-learning model currently used in educational institutions in Bosnia and Herzegovina is a hybrid model, that is a combination of traditional learning and online learning in its infancy. The essential strategy that could support adoption of the e-learning model is the strategy that ensures implementation of e-learning programs in phases, so the first phase of strategy implementation includes the approval of a blended

learning model first given the current state of the country's economy. Additionally, funding and support of technical staff is another critical aspect of the application of the e-learning model in the country. Specific criteria should be developed for successful implementation of the e-learning model, such as the acquisition of appropriate technological infrastructure and adequate educational content produced by teachers who have computer skills followed by a traditional culture that fosters learning and knowledge sharing in a virtual environment.

Students enrolled in this study have a highly positive attitude towards e-learning, which leads to the conclusion that students are willing to learn using IT solutions in the classroom. Organization of the online program and online classes enable students to access content and fulfill tasks according to their time organization. Most students use the Internet every day and communicate with social networks, which undoubtedly contribute to their readiness to accept new IT solutions in the learning process. Therefore, the differences in attitudes towards e-learning are also related to the purpose and frequency of using the Internet.

Possible obstacles that may affect the implementation of e-learning in educational institutions in Bosnia and Herzegovina are the high cost of internet equipment (infrastructure), the high price of software or an appropriate computer program, lack of knowledge in computer science and Internet usage, along with fear of failure to offer e-learning services. Educational institutions, as well as other relevant government institutions, should undoubtedly pay attention to the growing needs of young people who have expressed the need for an e-learning model that is not currently being actively and regularly implemented in schools. According to the results of this research, it has been determined that several

factors hinder the widespread use of new learning technologies, including access to information and communication technologies in schools that are inadequate and uneven, with a somewhat better situation in urban areas. There is also a lack of capacity to utilize available technology since most of the teachers lack the necessary skills for the smooth implementation of the e-learning model. One of the main disadvantages of using the e-learning model is that it still heavily relies on social support in the sense that e-learning depends on the teacher's ability and readiness to create and prepare course materials and use online educational tools.

References

- Agency for Statistics of Bosnia -Herzegovina, 2019. *USE OF INFORMATION AND COMMUNICATION TECHNOLOGY IN BOSNIA AND HERZEGOVINA*. 2019: Agency for Statistics of Bosnia and Herzegovina, pp. 9–12.
- Babich, N., 2019. *How VR Education Will Change How We Learn & Teach | Adobe XD Ideas*. [online] Ideas. Available at: <<https://xd.adobe.com/ideas/principles/emerging-technology/virtual-reality-will-change-learn-teach>
- Backer, L. (2017). *The Changing Face of Markets in Education: Competition for Online Education and Education Hubs*. [online] Lcbackerblog.blogspot.com. Available at: <http://lcbackerblog.blogspot.com/2012/06/from-online-universitiescom-eight.html>
- CloudShare. (2019). *Virtual Learning - Everything You Need to Know | CloudShare*. [online] Available at: <https://www.cloudshare.com/blog/cloudshare/blogvirtual-learning-everything-you-need-to-know> [Accessed 5 Mar. 2019].
- Coache.gse.harvard.edu. (2019). *Inside Higher Ed: "Less Is More."* [online] Available at: <https://coache.gse.harvard.edu/news/less-more> [Accessed 2 Feb. 2019].
- Dillenbourg, P., D.K. Schneider, and P. Synteta.(2002) "Virtual Learning Environments." Proceedings of the 3rd Hellenic Conference "Information & Communication Technologies in Education."
- Dumford, A., and Miller, A. (2018). Online learning in higher education: exploring advantages and disadvantages for engagement. *Journal of Computing in Higher Education*, 30(3), pp. 452–465.
- eLearning Industry. (n.d.). *The History Of Distance Learning - Infographic - eLearning Industry*. [online] Available at: <https://elearningindustry.com/the-history-of-distance-learning-infographic> [Accessed 1 Mar. 2019].
- Editors, T., 2018. *NEWS & TRENDS: How Is AI Used In Education—Real-World Examples Of Today And A Peek Into The Future*. [online] *TechLearningMagazine*. Available at: <<https://www.techlearning.com/features/news-and-trends-how-is-ai-used-in-educationreal-world-examples-of-today-and-a-peek-into-the-future>

- Files.eric.ed.gov. (2001). [online] Available at: <https://files.eric.ed.gov/fulltext/ED491391.pdf> [Accessed 31 Mar. 2019].
- Fortune. (2018). <http://fortune.com>. [online] Available at: <http://fortune.com/2015/04/25/augmented-reality-virtual-reality/> [Accessed 31 Mar. 2019].
- Gaml.uis.unesco.org. (2018). [online] Available at: <http://gaml.uis.unesco.org/wp-content/uploads/sites/2/2018/10/ip51-global-framework-reference-digital-literacy-skills-2018-en.pdf> [Accessed 1 Mar. 2019].
- Google for Education. (2019). *Bring your lessons to life with Expeditions | Google for Education*. [online] Available at: <https://edu.google.com/products/vr-ar/expeditions/>
- Google for Education. (2019). *Solutions built for teachers and students | Google for Education*. [online] Available at: <https://edu.google.com/> [Accessed 30 Mar. 2019].
- Hartshorne, R., and Ajjan, H. (2009). Examining student decisions to adopt Web 2.0 technologies: theory and empirical tests. *Journal of Computing in Higher Education*, 21(3), pp.183–198.
- Herder, E. Dimitrova V G, Sosnovsky, S. (2017) *Adaptive Intelligent Learning Environments*, Technology Enhanced Learning, Research Themes, Springer International Publishing
- Hope, J. (2018). Personalize online learning for a high-quality learning experience. *Recruiting & Retaining Adult Learners*, 20(12), pp.12–12.
- Ieeexplore.ieee.org. (2018). *Assisted Technological Headset using Internet of Things - IEEE Conference Publication*. [online] Available at: <https://ieeexplore.ieee.org/document>
- Kurt, S. (n.d.). *Educational Technology - International Society for Educational Technology*. [online] Educational Technology. Available at: <https://educationaltechnology.net/> [Accessed 31 Mar. 2019].
- Opentextbc.ca. (n.d.). *A short history of educational technology*, «Teaching in a Digital Age». [online] Available at: <https://opentextbc.ca/teachinginadigitalage/chapter/section-8-1-a-short-history-of-educational-technology/> [Accessed 31 Mar. 2019].

- P. Brusilovsky and P. Miller, (2001). "Course Delivery Systems for the Virtual University," In: *Access to Knowledge: New Information Technologies and the Emergence of the Virtual University*,
- Rosenberg, M., and Foshay, R. (2002). E-learning: Strategies for delivering knowledge in the digital age. *Performance Improvement*, 41(5), pp. 50–51.
- Rossett, A., and Sheldon, K. (2001). *Beyond the podium*. San Francisco (CA): Jossey-Bass/Pfeiffer.
- Sharma, A. (2017). *The History of Distance Learning and the LMS*. [online] eLearnHub. Available at: <http://elearnhub.org/the-history-of-distance-learning-and-the-lms/>
- Taylor and Francis e/library (2001). *The master of implosion*.
- The Tech Edvocate. (2019). *The Tech Edvocate - Authoritative Ed Tech News & Commentary*. [online] Available at: <https://www.thetechedvocate.org/>

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Piotr Sękowski

Wyższa Szkoła Kryminologii i Penitencjarystyki w Warszawie

**Formal technical and security requirements
regarding lodgings for prisoners
in the context of responsibility for security**

Abstract

With a view to the importance of technical safeguards for lodgings used in the Prison Service the article draws attention to the common approach to security in the Prison Service, which should be modified in the context of specific requirements taking into account the threats typical of this professional environment. By indicating security as a fundamental value in constructing the rules for the functioning of the Prison Service, the Author analyzes legal requirements aimed at obligating officers in charge to provide appropriate conditions for both officers and inmates. Particular attention has been paid to technical safeguards as important security measures in penitentiary services.

Keywords: security, prison service, penitentiary services, technical security in the prison service

Introduction

The notion of security has been evolving for centuries and is understood as a process effecting changes which are a consequence of reforms not only of a political and economic character, but also global, international changes connected with different perceptions of the nature of hazards and the rank assigned to concern for non-military security. In this context, it is worth noting the definition of security put forward by an excellent researcher Daniel Frei, who in his work turned attention to:

- state of no security – occurs when we deal with a great real threat, and the perception of this threat is correct;
- state of obsession – occurs when a slight threat is perceived as a big one;
- state of false security – occurs when the threat is serious and is perceived as small;
- state of security – occurs when the external threat is small and its perception correct.¹

Daniel Frei did not raise a very important aspect, which has been added in his study by Waldemar Kitler, who is interested in the security needs of the people. He lists the needs of: *security and public order, protection of health, sanitary and epidemiological security, economic security and national security*.²

With a view to the subject of the discussion, taken into account should be the interpretation of security commonly

¹ Frei (1997): 17.

² URL = <https://pl.wikipedia.org/wiki/Bezpiecze%C5%84stwo>.

adopted in the Prison Service. For the majority of officers, regardless of their position, undoubtedly not only their own and their families' security is important, but also security of other officers and inmates. Officers raise many professional problems concerning technical safeguards, showing greater or lesser knowledge of the applicable legal acts that constitute a basis for key practical solutions in their everyday work. That is why it seems justified to consider the nature of security in the context of duties, threats, rights and other conditions connected with working in the Prison Service.

Security is a fundamental value in constructing laws for the Prisons Service

In the area of the functioning of the state administered by the Ministry of Justice, which covers the Prison Service, the problem of security is subject to special analysis and multifaceted reflections – considerations of this subject are very extensive and diverse. In legal regulations the Prison Service is defined as: *Uniformed and armed apolitical unit subordinated to the Minister of Justice, having its own organisational structure*,³ which is responsible for the correct functioning of the state, and in particular: in accordance with the principles laid down in the Executive Penal Code of 6 June 1997 (*Journal of Laws of 2019 items 676, 679, 1694, 2070*)⁴ *performs duties with respect to carrying out temporary detention as well as custodial penalties and enforcement measures leading to confinement*.⁵

³ Prison Service Act of 9 April 2010, Art. 1 in force as at 23 March 2020.

⁴ Executive Penal Code of 6 June 1997 in force as at 3 April 2020.

⁵ Ibidem, Art. 2.

There are many opinions that this unit has been associated with exemplification relating to the military or the police. Meanwhile, the nature of the Prison Service requires a separate interpretation – its specificity includes primarily reference to special types of places – ensuring order and security in penitentiary and detention institutions.

Security in the Prison Service embraces a certain system of values, is of a dynamic nature, which allows for making a conclusion that security is not only the chief requirement of the structure, but also the determinant of measures originating from the instinct of survival. Each of us owns a mechanism which in biology and psychology is called the instinct of survival, mechanism of self-defence, mechanism of living and developing in a certain cycle – also during penitentiary isolation. *Generalizing, the need of security should be treated as a biological feature, a mental condition, and first of all a complex process of a substantive nature, which constitutes a fundamental need, while its absence arouses anxiety and a sense of threat. Therefore, it is justified to state that security is an indispensable factor shaping the Prison Service.*⁶

It is emphasised in the literature on the subject that the subject of security should be *all entities having their own interests and aspiring to realise those interests – individuals, various social groups, nations, international communities, and finally humanity at large;*⁷ therefore, it is justified to take a multifaceted look at the problem of conditions connected with satisfaction of the needs of officers employed in the most important link of the public security subsystem,

⁶ Czapryński (2015): 11.

⁷ Gierszewski (2013): 56.

which is associated not only with the so frequently emphasized values such as existence, identity, independence, survival or certainty of development, etc., but also such as protection of human life, health, or simply peace. In the studies on the subject a lot of space is devoted to analysing the *Ordinance of the Minister of Justice of 17 October 2016 concerning methods of protecting organisational units of the Prison Service*, drawing attention to protective measures, including technical safeguards, providing penitentiary and detention institutions with comprehensive systems, which are to guarantee security. Also invoked is Art. 2.6 of the Prison Service Act of 9 April 2010 *on ensuring order and security in penitentiary and detention institutions*.⁸ Attention is focused on the way of functioning of inmates – in the context of specificity of their lives it is stressed how important it is to take care so that security does not belittle other values that are important for everyone, but also that those important values can by no means endanger security, cannot undermine its significance in such specific situations. However, rarely analysed in detail are internal guidelines which reveal the nature of decisions relating to such a specific social environment as a penitentiary institution in the context of guaranteeing technical safeguards not only for professional upgrading of the exercise of duties, but first of all for enhancing the sense of security of officers. It must not be ignored that the needs for modernising prison service facilities and penitentiary institutions with respect to employment of state of the art solutions, especially as regards technical safeguards, continue

⁸ Ordinance of the Minister of Justice of 17 December 2016 concerning methods of protecting organizational units of the Prison Service in force as at 23 March 2020.

to be enormous. Therefore, it seems important to comment on Guidelines No. 1/2019 of the Prison Service Director General dated 17 June 2019 concerning technical requirements and safeguards for lodgings of inmates of organizational units of the Prison Service, issued under Art. 11.1.9 of the Prison Service Act of 9 April 2010 (*Journal of Laws of 2018 items 1542,1669, 2245 and 2399 and of 2019 item 125*)⁹ in order to standardize the measures undertaken by heads of organisational units of the Prison Service with respect to technical requirements and safeguards for lodgings of inmates and *Guidelines No. 2/2013 of the Prison Service Director General dated 4 June 2013 concerning technical requirements and safeguards in organisational units of the Prison Service*.¹⁰

Technical safeguards as major security measures in penitentiary services

Our discussion requires invoking the fact that the area of interest of the decision-makers who try to carry out tasks arising from the need to maintain security, discipline and order and ensure appropriate conditions guaranteeing security for both officers and inmates, should embrace fundamental legal regulations. Among them there is primarily the Constitution of the Republic of Poland, then statutes and ratifies international agreement, and subsequently Ordinances.¹¹ They underlie internal legal acts such as: rules and regulations,

⁹ Prison Service Act of 9 April 2010 in force as at 23 March 2020.

¹⁰ Guidelines No. 2/2019 of the Prison Service Director General dated 4 June 2013 concerning technical requirements and safeguards in organizational units of the Prison Service.

¹¹ Constitution of the Republic of Poland of 2 April 1997.

instruction and above-mentioned guidelines, the issuing of which is authorized by statutory provisions – in the analysed case the Prison Service Act. It is this Act which authorized Director General to create the above mentioned acts – Art. 11.2. reads: *Under the exercise of his duties Director General may issue orders, instructions or guidelines.*¹²

In the situation whereby the market of advanced integrated security systems offers ever better and more efficiently functioning specialized security systems it should be remembered that their effectiveness in a large measure depends not only on how well they are operated, but also the justification and logic of their adaptation to specific situations, the character and functions of securing penitentiary facilities. First, however, behind prison walls inmates have to be classified, which is done under Art. 82 §2 of the *Executive Penal Code*,¹³ in particular with a view to: *gender, age, previous custodial sentences, intentional or non-intentional nature of offence; time remaining to the end of the custodial sentence; mental and physical health condition, including addiction to alcohol or drugs; degree of demoralisation and threat to society, as well as the type of committed offence.*¹⁴ Moreover, also the contents of the sentence and its substantiation, personal information the convict provided by court, the convict's record, as well as psychological penitentiary recommendation should be taken into account.

An important aspect are types of penitentiary institutions, which are denoted with numbers:

¹² Prison Service Act of 9 April 2010, Art. 11 in force as at 23 March 2020.

¹³ Executive Penal Code of 6 June 1997, Art. 82 elaborated on the basis of: i.e. Journal of Laws of 2019 items 676, 679, 1694, 2070.

¹⁴ Ibidem, Art. 82.

- *closed prison - 1*
- *semi-open prison - 2*
- *open prison – 3.*¹⁵

For establishment of an appropriate security system it is important that the Executive Penal Code enumerates four categories of penitentiary institutions: for juvenile delinquents; for those who serve for the first time; for repeated offenders; and for those who serve sentence in military jails, which are subordinated to the Minister of Justice.¹⁶

In accordance with the Executive Penal Code, penitentiary institutions for juvenile delinquents are for offenders below 21 years of age. However, in justified case a convict may serve their sentence in a penitentiary institution for juvenile delinquents when they are older than 21 years.

It should be noted that an adult who has been convicted for the first time and is well-behaved may choose to stay in a penitentiary institution for juvenile delinquents, where he enjoys all the privileges of juvenile inmates.¹⁷

Penitentiary institutions for repeated offenders are meant for adults convicted for an intentional offence and sentenced to the penalty of imprisonment or substitute penalty of imprisonment, and those convicted of an intentional misdemeanour and sentenced to the penalty of detention or substitute penalty of detention, who have already served such penalties, or the penalty of detention in military jail for intentional offences or misdemeanours, unless there are special rehabilitation reasons which weigh in favour

¹⁵ Ordinance of the Minister of Justice of 21 December 2016 concerning organisational rules for serving a custodial sentence under Art. 249 §1 of the Executive Penal Code.

¹⁶ Executive Penal Code of 6 June 1997.

¹⁷ Penal Code of 6 June 1997, Art. 85.

of sending them to a penitentiary institution for first-time offenders.¹⁸

*Detention in a military jail is meant exclusively for soldiers. It is wielded in accordance with the provisions on the custodial penalty, unless the provisions of the Military Section of the Executive Penal Code provide otherwise.*¹⁹

For our analysis it is important that all those institutions may function in the following formulas:

- Closed institution,
- Semi-open institution,
- Open institution.

Individual institutions differ primarily as regards the level of technical safeguards which takes into account the principle of factual adjustment of sanctions to a concrete case in accordance with substantive treatment of offenders to whom avoidance of a mechanical approach to the manner of carrying out sentences should be guaranteed.

The above presented classification allows for adaptation of appropriate safeguards so as to ensure the highest possible level of security, so that inmates serve their sentences safely both for themselves and the environment. As experts in this area Tomasz Kalisz and Adam Kwieciński emphasise: *It is extremely difficult to identify threats to personal security of inmates. Let us stress that the nature of those threats is not homogeneous, while their intensity and scope of impact are very diverse. The phenomena and situations posing threat to personal security include: prison subculture, prisonization, intentional and unintentional actions*

¹⁸ Penal Code of 6 June 1997, Art. 86.

¹⁹ Executive Penal Code of 6 June 1997.

*or omissions of penitentiary administration, operations of criminal groups inside and outside penitentiary institutions, overpopulation of penitentiary institutions, standard of prison health care and many other factors, which could be actually identified with respect to specific cases.*²⁰

Regardless of individual cases, the same safeguards are employed in closed penitentiary institution and temporary detention centres – there is a greatest number of them in such facilities and they have the utmost level of security guarantee given the fact that their inmates include the most dangerous criminals. Of course, it should be always kept in mind that there are no such safeguards which could not be forced by man. That is why they should be modified from time to time so that they comply with the needs and current level of technical development. Such an obligation is provided for in the Executive Criminal Code, which requires administrations of penitentiary institutions to introduce measures guaranteeing personal security to inmates both when serving a sentence as well as during a temporary detention period. This is a very broad issue, which may be referred to various areas of life both inside and outside penitentiary institutions. However, special attentions should always be drawn to thorough observance of regulations which describe protective measures since the general rules thwart the majority of opportunities for overcoming them – statistics prove that prisons breaks were in most cases facilitated by a human factor rather than the number of safeguards. It has been also noted, at the same time, that the quality of safeguards (if they are defective) is also due to human error.²¹

²⁰ Kalisz, Kwieciński (2013): 58.

²¹ Guidelines No. 1/2019 of the Prison Service Director General dated 17 June 2019 concerning technical requirements and safeguards for lodgings of inmates of organizational units of the Prison Service.

The key recommendations in this respect are contained in basic internal regulations issued under Art. 11.1.9 of the Prison Service Act of 9 April 2010 (Journal of Laws of 2018 items 1542, 1669 and 2399, and of 2019 item 125), namely Guidelines No. 1/2019 of the Director General of the Prison Service of 17 June 2019 concerning technical and protective requirements for the lodgings of inmates in organizational units of the Prison Service. They describe the measures undertaken by heads of organisational units of the Prison Service with respect to technical requirements and safeguards for lodgings of inmates in organisational units of the Prison Service.²² Worthy of special notice are Chapters Two and Three. Chapter 2 describes in detail the types of rooms which have to or may be included in the living quarters, as well as lays down necessary technical parameters beginning with wall thickness to window and door frames, running of drain pipes, baths, sanitary units, central heating installations, water mains and plumbing installations, ventilation, electricity supply, lighting installations and sockets, three-phase installations, entry and call system installations, alarm system installations, officer control installations, electric lock control installations, installations for blocking building entrance security bars, radio broadcasting installations and TV antennas.

Chapter 3 describes in detail window, passage and building entrance bars – they constitute basic safeguards in penitentiaries. In all living quarters of closed institutions and temporary detention centres, windows should be barred in accordance with the description found in Guidelines No. 1/2019 of the Director General of 17 June 2019 r. *concerning technical and protective requirements for the lodgings*

²² Ibidem.

of inmates in organizational units of the Prison Service. Bars should be made of higher cutting strength grade 11G12 or B840 steel, of 16 mm rods with axial spacing of 14 cm and 7x45 mm lacings spaced at no more than 35 cm. It is very important that lacings are fastened in the wall at the depth of at least 20 cm. Rods should be finished with a flat bar as in lacings, to which rods are welded. Window bars should be fitted within the inside diameter of the secured opening, between the place of the window frame and the top surface of the structural layer of the wall. Should the technology of structural walls makes it impossible to place the bars as described above, it is allowable to fasten the bars on the outside surface of the wall, e.g. immediately beneath the insulation layer. The anchors with which the bars are fastened to the wall should be sunk in the structural layer of the wall not less than 20 cm with the traditional method of anchoring or not less than 15 cm when rods are anchored with the use of epoxy resins. If anchors are fastened in a straight line and their thickness is less than 20 cm, they should be fastened through the structural layer in a manner preventing their dismantling without the use of professional tools. Joints made with the use of threaded fittings or other detachable couplings should be welded. Even a non-professional can see how high is the degree of security in a situation of a potential prison break.

On the other hand, in semi-open institutions bars are made of ordinary reinforcement steel of 14 mm in diameter, axial spacing of 14 cm, 10x40 mm lacings, spaced at 25 cm. Depending on the existing conditions and situation of the lodging facilities, sturdy screens and (galvanised) steel meshes can be fitted on the outer side of windows. Screens must be made of low flammable materials. It should be noted than

in case of technical problems, in open type penitentiary institutions the principles of window barring may be waived.

Very important are also passage bars – placed at exists from living quarters, in passages from floor to floor, passages from other purpose rooms to living quarters. They should make it possible to watch the corridor of the ward – an exception could be wards for inmates who pose a serious social threat or a serious threat to the security of the institution, classified as requiring to be put in a designated ward or cell of a temporary detention or closed type penitentiary institutions under the conditions ensuring intensified protection of the public and security of the penitentiary institutions. Single or double leaf bar doors should be made of reinforcement steel rods of minimum 20 mm in diameter, spacing of 14 cm, 10x50 mm lacings, spaced at 80 cm. In semi-open institutions, passage bars should be made of reinforcement steel rods of 14 mm in diameter, spacing of 14 cm, 10x40 mm lacings, spaced at cm. The above described bar doors should be equipped with prison-type locks. It should be remembered, however, that in open-type penitentiary institutions passage bars are not obligatory.

It seems justified to analyse the contents of Chapter 4, which describes cells for serving disciplinary punishments.

The cell for serving a disciplinary punishment consisting in isolation should be arranged in living wards. It is described to be situated close to the ward guardroom or in the part of the living ward with limited inmate traffic. The basic security measures are safeguards of the entrance to the isolation cell by mounting doors of a specially sturdy structure envisaged for closed-type penitentiary institutions and an additional inner basket screen. It should be mounted alongside

the total height of the cell and its structure should be designed in accordance with the requirements envisaged for passage bars in closed-type penitentiary institutions. Locks in basket screens should be secured against being opened from the inside of the isolation cell and equipped with keyhole blockade when the outer door is closed. The window should be secured with window bars such as in closed-type penitentiary institutions and a screen or a dense wire mesh and an inner basket screen with rods and lacings like in the door basket screen.

The above described technical parameters constitute an absolute requisite arising from the need to guarantee security not only to prison officers but also to inmates who, depending on the specificity of their offences, are exposed to various manifestations of stigmatisation and aggression.

Conclusion

Progress and easy access to technical knowledge systematically create new conditions causing that officers of the Prison Service face occasional emergence of new threats and challenges arising from the need to approach the security of each and every human individual in the context of the most comprehensive and advanced conceptualisation of the nature of security as a fundamental value guaranteeing development of improvement of life of the society. That is why the process of isolation of inmates from the society the selection of an appropriate penitentiary institution which would ensure the correct course of serving the sentence takes into account the mounting of safeguards which will create appropriate conditions not only for inmates but also for officers. This duality of perception is necessary for proper

formulation of basic legal acts, so that inmates are isolated in properly secured penitentiary facilities, and for specifying appropriate conditions for the correct performance of duties in the Prison Service. This follows from the duty to construct the regulations issued by the Direct General which comply with the rules of modern and rational penitentiary policy, are meant to ensure security for citizens regardless of on what side of the bars they live.

Bibliography

Literature

- Czupryński A. (2015), *Bezpieczeństwo w ujęciu teoretycznym*, in: *Bezpieczeństwo Teoria – Badania – Praktyka*, ed. A. Czupryński, B. Wiśniewski, J. Zboina, Warszawa.
- Frei D. (1977), *Sicherheit: Grundfragen der Weltpolitik*, Stuttgart.
- Gierszewski J. (2013), *Bezpieczeństwo społeczne. Studium z zakresu bezpieczeństwa narodowego*, Warszawa.
- Kaliszt T., Kwieciński A. (2013), *Bezpieczeństwo Osobiste osadzonych w okresie izolacji penitencjarnej*, Wrocław.
- Kitler W. (2018), *Organizacja bezpieczeństwa narodowego Rzeczypospolitej Polskiej. Aspekty ustrojowe, prawno-administracyjne*, Warszawa.

Legal acts

- Ordinance of the Minister of Justice of 21 December 2016 concerning organisational rules for serving a custodial sentence (Journal of Laws 2016 item 2231).
- Executive Penal Code of 6 June 1997 (Journal of Laws of 2019 items 676, 679, 1694, 2070).
- Prison Service Act of 9 April 2010 (Journal of Laws of 2019 items 1427, 1608, 1635, 2020).
- Guidelines No. 1/2019 of the Prison Service Director General dated 17 June 2019 concerning technical requirements and safeguards for lodgings of inmates of organizational units of the Prison Service.
- Constitution of the Republic of Poland of 2 April 1997 adopted by the National Assembly on 2 April 1997, accepted by the People in the constitutional referendum on 25 May 1997, signed by the President of the Republic of Poland on 16 July 1997.

Websites

URL = <https://pl.wikipedia.org/wiki/Bezpiecze%C5%84stwo> (access: 23.03.2020)