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Baumgartner or reception desk, i.e. a coming out about financing of science in Poland*

**translation from Polish of the article by Arkadiusz Radwan published in "Gazeta Wyborcza" on November 28th, 2012:*

http://wyborcza.pl/1,75476,12938281,Baumgartner_albo_portiernia_czyli_coming_out_w_temacie.html

The Head of the Foundation for Polish Science (PL: *Fundacja na Rzecz Nauki Polskiej*), Professor Maciej Żylicz, recently got me into trouble with my wife. This is because he wrote in the daily paper Gazeta Wyborcza (dated October 31, 2012) that the Foundation funds the most creative academics who at the same time are leaders. "So they are sponsoring you" stated my wife Iza, forcing me to give her elaborate explanations as to why this money is not in our bank account. But let us start from the beginning.

I am a lawyer. I hail from the Jagiellonian University, even though I perceive myself rather as a product of patchwork education. . I have been fortunate and determined enough – to support my fortune – to stay at a few decent universities in Western Europe and in the US for longer or shorter periods of time. Jena, Bonn, Cologne, Copenhagen, Florence, Ghent, New York, Hamburg – with short breaks all together nearly ten years of academic nomadism. Such an experience toughens but at the same time it is a spoiling exercise. It allows one to get used to certain standards and a certain work culture which after a while one starts to take for granted. This does not make repatriation any easier. Eventually the time has come for it, though.

Greenfield Investments

Energy is the most liquid asset in nature. Up to the time of my return I used to exchange it at a profitable exchange rate for yet another and another degree of academic excellence (not to be mistaken with academic degrees as defined by the Act of March

14, 2003 on Academic Degrees and the Academic Titles - Journal of Laws No 65 item 595 with further amendments). Satisfaction came corruptively fast - academic internships at leading institutions on both sides of the Atlantic Ocean, invitations to prestigious conferences, participation in international expert groups etc. I have no illusions about the fact that a part of my pass to some from these honors was my Polish passport - sometimes the team, group or panel was composed in accordance with national diversification policy. However, this did not take the satisfaction away from me about being a - or oftentimes even the only - representative of East-Central Europe among world's leading names in my field.

Turning points? I remember a few. For instance when after having conducted serious comparative research I published a series of papers in Poland concerning a new legal institution that at that time was virgin soil down here. The publications went into circulation, even though - at least when it came to the let's call it our national "academic establishment" - it happened more on the basis of formal concordance than of substantial infiltration. This rather bitter experience, in combination with my inborn impatience (seems to be forgivable in an individual in his late twenties as I was those days) - led me to formulating the following thesis for my own purposes: further investments in quality do - indeed - make deep sense but only in combination with planning my career abroad; from the perspective of a career in Poland it appears to be an investment with a low return rate. Since I did feel like returning to Poland at a certain point in time, I invested part of my energy (and as time passed it was not just energy but other resources as well) alternatively. Invested in what? In building a getaway spot of academic normalcy, a semblance of what I was allowed to experience in Germany, Belgium, and the US. This is how Centrum C-Law.org came into existence, and a while later the Allerhand Institute (Instytut Allerhanda) was born. Without the help of any public money, rather as an academic start-up organization set up in a "garage". However, Poland is not the US, so there is no sense in trying to dazzle anyone with the "garage ethos". Today I am breaking the mold - these words I am saying, this whole text, is kind of my coming out.

From the Positivist's Diary

Some flashes from the diary of a positivist? Maybe we could start off with this one: over sixty boxes of homeless books following me from New York plus a few more boxes filled with German books collected over a few earlier years. My "business plan"? To put them in some

kind of a freely accessible place which could be visited by Ph.D. students, undergraduates, all interested people - in a place that would become a little open law library and at the same time could be the first address of an academic institute. A brilliantly easy plan for an academic public-private partnership? In the local conditions unfortunately not necessarily... Reality check: not a single institution showed any kind of interest: not the city council, not the voivodeships, not a single university - neither public nor private. Ha, for quite some time I was even in cahoots with the Jewish community, and I also did not desist from turning to the episcopal curia. Eventually the first address of the Institute became... my home. Just at that time I bought an apartment for so-called personal needs, however after a short but intense thought the latter did not seem as urgent after all. Thus it was the Institute instead of me moving into the apartment. Luckily on the floor above there was another apartment to rent. That way the Institute and I became neighbors. This state of affairs lasted for almost two and a half years. There was supposed to be a coming out? There you go.

What has happened since then? Considering the time period that has passed, I think quite a lot. Considering the amount of money that we had at our disposal, more than anyone could have expected. People from the legal academic community probably know what I am talking about - many seminars, hosting world's leading names, plenty of publications, the setting-up of an international network unmatched by any other legal institution in Poland, including the oldest universities. There is no sense in writing about that; the ones who have no knowledge about all of this, can look it up on the web: www.allerhand.pl and www.c-law.org. I would rather talk a little bit about something that can neither be read in papers, nor found out from the mentioned websites, nor from the get-togethers accompanying our seminars. A few bittersweet stories. The first one: the annual prestigious contest organized by the European Science Foundation for all social sciences. We are assembling an international consortium, filling out the application forms, turning in the documents - at the same time in Warsaw (for formal examination) and in Strasbourg (for substantial evaluation). After hundreds of hours of work we are waiting for the contest results. Soon we're getting feedback. From Warsaw, from the Polish Ministry of Science and Higher Education: "*You do not comply with the formal requirements*". Which ones? According to the Ministry we are not "*an academic institution in terms of the statute*". Wait a minute, obviously something is wrong since we are the leaders of an international consortium which also includes renown public universities from the Czech Republic, Hungary, and Romania?! Luckily we are also lawyers - overnight we are writing a legal opinion proving that indeed and of course we are (!) an "*academic institution*" in terms of the relevant legal provisions. This helps. We are admitted to a very meticulous

stage of evaluation with regards to substance of the submitted proposal (Strasbourg). We are passing a quadruple international peer-review, exchanging opinions, defending the presented assumptions, etc. The final results: we are placed among the 49 best projects from the strongest universities from all over Europe; our final score is „very good” (full documentation available upon request). But only seven projects rated as “excellent” receive the funding. Sometime later I find out that our application was the only one sent in from Poland (!) – our application, written in a garage institute, an institute that – in accordance with the logic Polish clerks are known for – was put stumbling blocks in the way by the Polish Ministry of Science and Higher Education.

In accordance with the Tradition of the Polish Uhlans cavalry

Another story: the tender of the European Parliament for expert reports in the field of company law and corporate governance. We are assembling an international consortium that this time includes among others the Czech Academy of Sciences. The head of the consortium is our garage institute from Cracow. We are sending 18 kg of documents to Brussels. We are competing with alliances of Western European universities and consulting firms of the so-called “Big Four”. The decision: we get chosen to join the circle of experts of the European Parliament for the next four years! On this list one can find also four other international consortia selected from 17 applying coalitions. A success. For now just a moral one; not a financial one yet. Shortly after that a competition among these five takes place, the task being the formulation of priorities for a corporate governance reform in Europe. I remember it as if it was today – the news on the results reached me in Jerusalem. We won! Happiness and an inspiring vision: the Poles will create the agenda of a corporate governance reform in the EU, one of the key nerves of contemporary economy, an important element of all analyses of local and global financial crises. The prestige and the possibility of having a significant impact on European matters. An enormous success. A success that soon proved to be condemned to suffocate in a garage...

Why? For describing our existential concerns I have often used a self-made metaphor of a man with a backpack chased by a tiger. In the backpack there is a gun which the man could use for shooting the tiger but in order to take it out of the backpack he would have to stop. But then the tiger would devour him. The “tiger” stands for the current invoices, salaries for employees, basic office equipment, the concern of having a roof over our heads. The “gun” stands i.a. for the assignment from the European Parliament. “Time for taking out the gun”... is a comfort that we unfortunately permanently lack in our

reality. Let me explain it in an easier way: if one has to simultaneously work for money in order to be able to afford a garage-institute, if for personal reasons after over two years one happens to be forced to evict the institute out of the apartment without being able to offer it an alternative place to go, if – out of life necessity – all of these actions take place in a way that fits well into the tragic tradition of the desperate Polish Uhlans cavalry charge, one cannot avoid the discomfort of encountering a “tank of reality” outside the garage.

From a Notebook of an Observer of Local Academic Habits

The contemporary reality of a Polish researcher on the one hand consists of strong international competition and on the other of – let’s put it this way – peculiar national academic customs. The ability of disregarding the first one is a skill that is pretty common in Poland. The latter on the other hand forms a peculiar kind of local academic scenery. Here is a short illustration of the aforementioned: one time we organized a large international conference, the co-organizer being a certain university that passes as reputable in Poland. Two days of discussions, most of the time taking place in parallel sessions. Probably the biggest event in the history of Poland in the field that the conference was devoted to. A success! ...and that, as we all know, has many parents. In the process of establishing paternity a dear friend of mine was fired by the university; this friend combined commitment to the Institute with work at the university and was ...the *spiritus movens* of the said conference. A personal thought: if I was the rector of the university I would have pondered over the best ways to make use of the extraordinary energy and talents of this person and the position to promote him to which would allow him to spread his wings – to the benefit of the academia. This is what any head of a Western university caring for the development of his school would do. Unfortunately I am not the rector of neither this nor any other university – I am just a humble attorney. Therefore the only thing I could do was to take legal steps against this blatantly unlawful dismissal. Successful steps. This is just a small consolation, though, because a happy ending of a story does not heal the conditions under which it occurred and took place. Regrettably there are many stories similar to this one. Here is another one if you like: a case of an academic activist whom I know personally, who could distribute his extraordinary energy throughout a whole faculty of another prestigious university, and who also proved to be too unconventional for this university. Today this friend fulfils his ambitions outside of this ancient school, with a much greater loss to the latter than to himself. I have always liked the motto of the Foundation for Polish Science – *“Supporting*

the best, so that they can become even better". This stands in stark contrast to the unwritten maxim of Polish science: "*Frustrating the frustrated, so they can become even more frustrated*".

Spirit, Edifice, and Sand

Why is it also so hard for an independent private institute which is free of the bureaucracy eating away at ancient universities? To pursue science means first and foremost to produce a public good, and a public good – by definition – does not have a market one could sell it on. The second problem is diversification: a university like Oxford for instance can, with the help of its various faculties and departments, simultaneously produce dozens of huge grant applications. Even if three quarters of them fail, one quarter still remains (keyword: diversification policy or portfolio management). A small institute can do serious work on one, maybe two at a time. In the case of failure the problem of liquidity arises. Of course one can organize charged conferences. We have done those for a while by the way, and they are supposedly pretty good. But this is not what it was all about, at least not first and foremost.

So I am asking – where does the spirit live today, the one that once led to founding monumental institutions of Polish science like the Polish Academy of Arts and Sciences (PL: *Polska Akademia Umiejętności*) for instance? Where is the pulse that once put life into the buildings of these noble institutions? A survey conducted among a representative group of Polish academics and students who had the opportunity to do research or internships in a foreign country or to go there on a scholarship would be helpful in finding the answer. The example of the best American or Western European institutions shows that their strength stems from the fact that they are multicentered and capable of attracting the most creative individuals. In Poland many of those most active and creative academics either choose temporary or permanent emigration, or start organic work outside the existing structures and institutions. Why is this happening and where is this headed? Do the reformers of Polish science have a concept how to combine tradition and infrastructure inherited from the past ages with the talent and energy of the present-day visionaries and reformers? Am I the only one getting the impression that the very same ideas that once were the driving force of the foundation of the abovementioned noble institutions reincarnate outside their walls these days? Freshness, unrestraint, and criticism are inscribed into the very core of science. How should one deal with two disturbing deficits: a low degree of freshness, unrestraint, and criticism inside the walls of ancient

academic institutions, and at the same time an insufficient infrastructure in the hands of those trying to undertake academic initiatives outside these walls? What should one do in order to avoid it being a constant uphill battle, always getting sand thrown in one's eyes?

Happening, Fundraising, Trade-offing

There is a saying that necessity is the mother of invention. What innovative ideas has the permanent financial misery accompanying our academic ambitions and plans borne? The remedial ideas included the purchase of a big ad in the paper with an appeal for "*airdrops for fighting Cracow*", the organization of a happening themed "*young academics are selling their organs for transplantations*", or the campaign of burning homeless books on Cracow's Main Square. None of these ideas was brought into action. Why? It was more out of the sense of responsibility than out of the lack of determination – the academic community is quite conservative, and lawyers are probably the worst. I am not sure whether these actions would have had any positive effect, and the purpose of all this was not to do art just for art's sake.

Private fundraising? I have diverse experience with that, including very good ones. Among the most generous donors there were Professor Grzegorz Domański and the attorney Rafał Kos, but also the attorney Grzegorz Namiotkiewicz, the attorney Adam Klimczyk, and Leszek Allerhand, Ph.D. (the Grandson of Maurycy) helped us out. The Institute's library was and is being generously supported by the publishing house C.H. Beck, and Łucja Radwan kindly donated her paintings. I am deeply grateful to them for that. But even the best ideas do not sell by themselves, and the Polish culture of philanthropy is still very far from being mature. The idea may be good, but let us be pragmatic – I am a lawyer, I know the value of any billable hour of my time, and I also know how time-consuming the efforts to get private donations is – academic "beggary" as we sometimes used to call it. Time and energy have their price, so the math is brutally-absurdly easy: instead of engaging in fundraising it makes more sense for me to work in business and donate the money I have earned to the Institute, thanks to which I and a few of co-workers can... work pro bono for the Institute. Impossible? Naaah – it just takes not getting very much sleep, working on weekends, and not going on any vacation. Too much to ask? Of course not – remember that two generations ago one had to spill blood, nowadays all it takes is to do a wire transfer (interestingly in Polish language "przelew" stands both for bloodshed and for

money transfer). The biggest cost? It is not even money. It is the energy – the most liquid asset in the universe convertible into books (that remain unwritten), the papers (that remain unpublished), the talks (that remain undelivered). Well, and the vacation (that remain un-lived).

Success – My License to Complain

Am I complaining? Just a little bit. But do not let this undertone fool you. After all this is not a self-promoting essay, it is not the place for accentuating things that turned out great – there are plenty reasons for satisfaction, and the output cannot be ignored. If I am taking the liberty of complaining, it is for three reasons. The first is those books and papers that remained unwritten and those vacations I have had to do without. The second – the awareness of the fact that everything would have been much easier if it had taken place somewhere else, e.g. in either of those countries I know from the times of my academic voyages. The third – I am letting myself complain not as someone who failed. Losers are not credible. I succeeded, I am a quite prosperous attorney who could afford to help out the Institute with a few thousand Euro a month or sometimes even more than that. The thing is that I should not be the one putting money into the Institute but rather the Institute should be paying me and others involved who deserve this remuneration. It is time to stop the policy of *levée en masse* and other heroisms of this kind that only in national hagiographies look good. They did not work out in foreign policy, and they will not work out in academic policy either.

Let us Take a Bet

Too much pathos? All right, I am loosening up. Let us take a bet: give my Institute money for three years. I am not talking about huge amounts, let us say the equivalent of two Western postdoctoral fellowships. We will modernize our fishing rod. For the amount equal to these two Western fellowships we will hire “the magnificent seven” young researchers. After three years we will meet again and we will evaluate the international achievements of our academic venture against pre-defined benchmarks. If I will fail, I will get a job at the reception desk of the Foundation for Polish Science or some other donor for the following three years. This declaration can be understood as a public offer of a reward as defined by Article 919 § 1 of the Polish Civil Code. Here is the bank account number: 20 2490 0005 0000 4500 3138 4174 (please do the PLN wire transfer declaring the

reason for payment as “Baumgartner or reception desk”, ask for alternative account numbers for transfers in EUR or USD).

The article by Professor Żylicz that inspired me to write this essay ends with the words: *“Let us be careful in picking the ones that we want to support, and let us have the courage to trust them”*. So at the end a few words about trust and credibility – Americans have a saying that goes *“Put your money where your mouth is”*. I have already put mine there.

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