

**Περιμένοντας τους Βαρβάρους.
Law in the Days of Constitutional
Crisis. Studies Offered to
Mirośław Wyrzykowski**

Przejdź do produktu na ksiegarnia.beck.pl

Preface

How does one preface a book dedicated to a champion of the theory and practice of human rights, our mentor, friend, and advisor, Prof. Mirosław Wyrzykowski, to whom Pleiades of constitutional lawyers have already made their elegant and learned offerings?

Instead of a meticulous presentation of the *cursus honorum* and of the *opera* of our Honorand (they both speak for themselves, on the following pages there follow his short *vita* and a list of publications), let us explain briefly the choice of title of the book, taken from the celebrated poem of Cavafy. *Waiting for the Barbarians* is a book by which we pay our respects to Mirosław Wyrzykowski, but it is probably even more prominently a way to honour constitutional culture as such, the culture that the Honorand transpires, but which he has also been a great inspiration.

Until recently, we seemed to inhabit the best of all possible historical worlds. Developments after the Second World War, including the adoption of the *Universal Declaration of Human Rights*, brought about the stable development of democracy, recently labelled as 'liberal'. This need for an adjective seems curious now, some time ago we thought that unadulterated democracy was the only real one, and that epithets describing it would only limit its true meaning and dim its values. Post-war democracies secured the prosperity of the civic community, while also protecting the rights of minorities. The European Community, now an *ever closer* Union, was established to guarantee stable and peaceful exchange, not just in economic terms, but above all political and cultural intensive cooperation. Only certain sceptics, sometimes, frowned on by a majority, criticised the democratic deficit of the European Union. Even when their Cassandra pleas materialised in the rejection of the European Constitution by some of the traditionally most pro-European nations, it did not really draw any decisive actions.

We have languished in prosperity, in false feelings of security. The rise of populist movements has taken us by surprise. There is no clear recipe of how to deal with them. This security resembles Cavafy's idle luxury in which the new Romans lived, not really caring for the preservation of their achievements.

We are no longer expecting modern barbarians: they have already arrived, and in some cases, like Hungary and Poland, have already taken over. They have started their own legislation. The constitutionalists, the liberal politicians have tolled the alarm bells. European courts, especially the Court of Justice and even, eventually, the European Commission, have taken significant steps. Remedies have come late, but they have been adopted. However, we remain unsure as to whether they will prove effective, especially as barbarians tend to neglect any rules.

However, all these measures are but a cure for the symptoms. They do not really address the core of the problem: why and how have we let the barbarians in. The elitism of the establishment, these parchments of honours, the togas embroidered with higher culture, and honorific titles have simply been disregarded by the voters. They have

Preface

expressed a preference for the appreciations of their ways and lifestyles offered by the barbarians, who have supported their ideas with generously offered bread and circuses.

Let us hope that one day they will go again. But the open question remains how should we address the real problem that lay beneath, which the barbarians exposed so violently: how can we convince the silent majority about the values we think all people should share.

How can we make sure that the bold and hopeful statement that ‘[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail’, are not just words, words, words?

We are certain that the authors of this book, inspired by the ideas, deeds, courage and integrity of Professor Mirosław Wyrzykowski, will provide answers to this question.

And now what’s to become of us without barbarians.
Those people were a solution of a sort.¹

The editors would like to thank our publisher, C.H. Beck, and especially Ms Joanna Szypulska, without whose acribia, dedication, and demand for highest standards this book would never have been possible.

Warsaw, September 2021

Jakub Urbanik and Adam Bodnar

¹ Cf. the essay of D. MENDELSON, “‘Waiting for the Barbarians’ and the Government Shutdown,” *The New Yorker* 1 October 2013, <https://www.newyorker.com/books/page-turner/waiting-for-the-barbarians-and-the-government-shutdown>. We are deeply grateful to Prof. Mendelsohn for his kind permission to use his translation of Cavafy’s poem therein contained.

[Przejdź do księgarni →](#)