

Summary of Professional Accomplishments

1. Name

Tomasz Banach

2. Diplomas, degrees conferred in specific areas of science or arts, including the name of the institutions which conferred the degree, year of degree conferment, title of the Ph.D. dissertation

2001 University of Lodz, Faculty of Law and Administration, master degree, administration

2006 Maria Curie-Skłodowska University in Lublin, Faculty of Law and Administration, master degree, law

2009 Maria Curie-Skłodowska University in Lublin, Faculty of Law and Administration, doctoral degree in law, in the discipline "law" granted 8 April 2009. Dissertation's title (written in Polish):

"Roman legal tradition in the ideology of the national camp of interwar Poland"

3. Information of employment in research institutes or faculties/departments or school of arts.

2017 – present, research and teaching employee, private universities

4. Description of the achievements set out in art. 219 para 1 point 2 of the Act

A. The main idea of the dissertation "Res publica est res populi. The political and legal thought of Marcus Tullius Cicero" - a holistic approach to the legal and political thought of Cicero, taking into account the interdependence of individual categories of Cicero's legal and political reflection.

What I consider my most important contribution to the legal scholarship, is the dissertation entitled "Res publica est res populi. The political and legal thought of Marcus Tullius Cicero (Wydawnictwo Uniwersytetu Łódzkiego, Lodz 2023, hereinafter referred to as "the Dissertation"). As part of the research presented in this book, I analyzed Cicero's political and legal thought from a holistic perspective, that is, taking into account the interdependence of the key categories of Cicero's constitutional reflection, and showed that these dependencies are of fundamental importance for understanding Cicero's constitutional reflection. Cicero's legal and political reflection contained in the dialogues *De re publica* and *De legibus* refers to the triad: the best government, the best citizen, the best law. I have therefore shown that the distinguished categories are deeply interdependent. With regard to the first distinguished category, i.e. the government of the Roman Republic, these will be the dependencies resulting from the proportions on which the construction of the mixed government of the Roman Republic is based - the mutual dependence and proportions of *auctoritas senatus*,

potestas magistratuum and *libertas populi* determine the stability and durability of the government, and thus secure the Roman Republic from a political change that was destructive to the community of free citizens. In relation to the best citizens (*rectores rei publicae*), these are dependencies resulting from their qualifications to manage the affairs of the Republic (*procuratio rei publicae*), which the art of managing the affairs of the republic requires thorough education, practical political experience *in re publica rerum*, and above all, possession of all a number of moral virtues (*virtutes*). With regard to the last distinguished category, i.e. the best laws, these will be relationships related to their hierarchy enabling the verification of statutory law (*leges*) through the prism of the superior law of nature.

B. A holistic approach to Cicero's legal and political thought, taking into account the deep interdependence of the institutional sphere and the moral sphere of Cicero's reflection.

Contemporary interpretations of Cicero's political and legal thought often ignore its deep moral dimension. In the dissertation, I tried to demonstrate that the division into the institutional sphere and the moral sphere often found in the literature on the subject in relation to Cicero's legal and political thought cannot be applied - institutions and morality are closely linked in Cicero's reflection. In this reflection, morality directly determines the proper functioning of political institutions. The literature on the subject sometimes raises accusations related to the "idealization of the republican constitution." Cicero is also accused of only pointing to the "crisis of morality", without noticing the "crisis of institutions". In my dissertation, I showed that the moral renewal postulated by Cicero was not in contradiction with institutional reform. For this purpose, I proved that the primacy of morality given by Cicero in his constitutional reflection did not exclude the reform of institutions, and moreover, during the internal crisis, Cicero allowed the reform activities of one politician (*rector rei publicae*), who, provided by the Senate with extraordinary means, eliminated the internal threat but the reformatory mission of such a politician had to be temporally limited. However, eliminating the threat and achieving political stability depended on the cooperation of the best politician with the superior senate and the people. I have shown that only such cooperation - postulated by Cicero - of the best politician (with the senate and the people), i.e. a specific interaction of the central political organs of the Republic, was able to eliminate internal threats. I presented a specific model of such cooperation on the example of the fight between the consul Cicero and Catiline, which Cicero's practical experience must have constituted the basic source material in the later creation of a model republican statesman in the dialogue *De re publica*.

C. Research procedure: description of the steps in constructing a holistic approach to Cicero's legal and political thought.

The most basic research goal of the dissertation was to present Cicero's legal and political thought from a holistic perspective, i.e. an approach that took into account the interdependence of individual categories of Cicero's reflection. More detailed research

tasks aimed at achieving this basic goal include: (a) presentation of the interdependence of practice and theory in Cicero's life, (b) confrontation of contemporary views on the causes of the crisis of the late Republic with the views of Cicero, (c) an attempt to reconstruct the Ciceronian model of a republican statesman, (d) presentation of two interpretative positions of Roman Republicanism, i.e. the position of Quentin Skinner and Roman Dmowski. I completed the above tasks within the four-chapter structure of the dissertation.

First of all, as an introduction, I presented a rather complicated relationship between practice and theory in the life of Marcus Tullius Cicero, where the point of reference is the political and legal thought of Cicero. This thought was born on the basis of practical experience, i.e. "oratorical" and "official" practice, and over time found its "theoretical" expression in the form of works that are called "philosophical-political" in the literature. In the first chapter, I also referred to the specific conceptual chaos associated with contemporary attempts to classify Cicero's reflection as "legal", "legal-political", "constitutional", "philosophical-political", "philosophical-legal", "philosophical about governing the state", "republican" etc.

In the second chapter, I presented the advantages of the republican constitution from the perspective of Cicero's constitutional reflection. The literature on the subject sometimes raises accusations related to Cicero's "idealization of the republican constitution." Cicero is therefore accused of only pointing to the "crisis of morality", without noticing the "crisis of institutions". By comparing selected views on the causes of the fall of the Republic with Cicero's political and legal reflection, I showed that in these views it is the lack of the necessary historical perspective that creates a specific collision with Cicero's accurate political diagnosis. Such a confrontation also made it possible to point out the advantages of the constitution of the Roman Republic in the light of its main principle - freedom from tyrant.

In the third chapter, I dealt with the citizens running the Republic. Cicero, in contrast to politicians acting for their own benefit (*pro suo commodo*), creates a positive image - the image of the anti-Tarquinius, i.e. the image of a model, exemplary politician (*rector rei publicae, optimus civis*) acting for the common good (*pro re publica*). Based on Cicero's practical experience in his consulship and his struggles with Catiline, which undoubtedly formed the basis of the "theoretical model" of the exemplary politician from *De re publica* (preserved only in fragments of books five and six), I built such a model of the statesman. This is therefore an attempt to reconstruct this model on the basis of Cicero's "practical experience" related to the detection and suppression of Catiline's conspiracy. I drew attention here to the importance of the common good and virtues (*virtutes*) in governing the republic, but also to the specific necessity of cooperation between the best citizen and the senate and the people. I have shown that such interaction of constitutional bodies is able to eliminate specific threats in the Republic, including threats related to politicians aspiring to tyrannical power.

In the fourth chapter, I drew attention to the timelessness of Cicero's philosophical and political reflection. I have shown that both the Roman constitution (chapter two) and the model politician (chapter three) can be an inspiration for contemporary republican reflection. This reflection is developed on various levels and in various areas, including: in science or politics. For the purpose of its presentation, I chose the "republican views" of one of the representatives of the so-called Cambridge School - Quentin Skinner and the views of the leader of the Polish national movement - Roman Dmowski. This choice allows, first of all, to show differences in the interpretation of Cicero's political and legal thought. These differences result from the adoption of different premises in the interpretation of republican reflection - erroneous premises based on private law, as is the case with Skinner, and correct premises based on Cicero's political and legal reflection (i.e. reflection closer to the sphere of public law), as is in the case of Roman Dmowski. The adoption of a different methodology by these authors also determines the relevance and correctness of the conclusions they formulate, relating both to the broadly understood "Roman Republicanism" and the closely related constitutional thought of Cicero.

D. A significance of holistic approach to Cicero's legal and political thought for legal scholarship

Holistic approach to Cicero's legal and political thought is a novelty in Polish scientific writing. It is worth noting that so far, Arpinata's philosophical thought, broadly understood, has been the subject of research, especially by classical philologists (T. Zieliński, K. Morawski, K. Kumaniecki). In the Polish science of political and legal doctrines, no monograph devoted to Cicero's legal and political reflection has been published so far - Cicero's political and legal thought, or individual aspects of this thought, are at most the subject of textbooks and articles. Individual issues developed in the dissertation, such as the reconstruction of Cicero's model statesman based on Cicero's practical experience related to his consulate or the analysis of Quentin Skinner's interpretive position, may also constitute a novelty in world science, especially "English-speaking" - in which Cicero's reflection has been developed with the greatest interest in recent years.

5. Presentation of significant scientific or artistic activity carried out at more than one university, scientific or cultural institution, especially at foreign institutions

I . Areas of scientific research outside the research carried out in the Dissertation

The other (i.e. outside the Dissertation) areas of research should be indicated as significant scientific activities. I indicate here the most important streams; some of my writings can be regarded as "incidental" dealing with other issues as well.

A. Research complementary to the holistic approach to Cicero's legal and political thought

Although Cicero's political and legal thought was most fully presented in the dissertation, I had already presented research related to Arpinata's legal and political reflection earlier - regarding the theory of political cycles: *Ex rege dominus, ex optimatibus factio, ex populo turba. O cyklach ustrojowych w De re publica Cicerona*, "Studia Prawno-Ekonomiczne", 2021, volume 120; regarding the temporal limitations of the reforming mission of the best politician: *Juliusz Cezar – tyran czy nadzieja Rzeczypospolitej? Analiza mowy Pro Marcello Marka Tulliusza Cicerona*, "Studia Prawno-Ekonomiczne", 2021, volume 121; regarding the problem of universal debt in Cicero's speeches against Catiline in the monograph: *Katylina i Tabulae Novae. Problem powszechnego zadłużenia i utilitas rei publicae w mowach Cicerona*, Wydawnictwo C.H. Beck, Warsaw 2022.

B. Research on the political and legal thought of the Roman Republic

For the longest time in my scientific life, I have been dealing with the legal and political thought of the Roman Republic. Articles are devoted to this area of my research - *Quid leges sine moribus? Jurydyczny wymiar dobra wspólnego w republikańskim Rzymie*, "Pro Fide Rege et Lege", 2020, no. 83 and *Polityczno-prawne aspekty pojęcia res publica w republikańskim Rzymie*, "Pro Fide Rege et Lege", 2020, no. 84. I am also a co-author with Prof. Tomasz Tulejski (see the statement of the co-author Prof. Tomasz Tulejski) of the book entitled *Republika Rzymska i Wielka Brytania – kilka uwag na temat konstytucji niepisanej*, (Wydawnictwo Uniwersytetu Łódzkiego, Lodz 2022), in which I presented the unwritten constitution of the Roman Republic (its historical, political dimension and sources of the constitution). The monograph was devoted to the influence of the Roman legal tradition on the political thought of National Democracy entitled *Rzymska tradycja prawna w myśli politycznej Narodowej Demokracji (1918-1939)*, Warsaw 2010 and scientific articles: *Idee rzymskie okresu republiki w myśli politycznej Romana Dmowskiego*, "Studia Iuridica Lublinensia", 2007, no. 9 and *Prawo rzymskie w poglądach wybranych przedstawicieli młodego pokolenia Narodowej Demokracji w okresie międzywojennym*, [in:] *Quid leges sine moribus? Studia nad prawem rzymskim dedykowane Prof. M. Kuryłowiczowi w 65. rocznicę urodzin oraz 40-lecie pracy naukowej* (red. K. Amiełańczyk), Lublin 2009; *Rzymska tradycja prawna w myśli Romana Dmowskiego* [in:] *Myśl polityczna Romana Dmowskiego* (red. Jan Engelgard), Warszawa 2009. The Roman legal tradition was also covered by articles: *Prawo rzymskie i etyka w poglądach Borysa Łapickiego*, "Studia Iuridica Lublinensia", 2007, no. 10 and *Prawo rzymskie jako symbol prawa ludzkiego. Refleksje wokół książki prof. Marka Kuryłowicza pt.: "Symbol prawa ludzkiego. Szkice o prawie rzymskim w utworach Louisa Aragona i Mieczysława Jastruna"*, Lublin 2008 [Review], "Zeszyty Prawnicze UKSW", 2008, 8.2.

II. Participation in the scientific discourse at home and abroad

I tried to conduct my research while remaining in constant contact with researchers from other universities, including foreign universities. The most important activities below: **Scientific internship** - Wydział Prawa i Administracji UKSW, 2022, research seminar and consultations with academics, research and lecture on international law in Ancient Rome.

Scientific internship – Vilnius University, Faculty of Law, 2022, research on the political and legal thought of Marcus Tullius Cicero, library query, consultations with academics, research and lecture on the political thought of the Roman Republic.

Participation in research seminars of the Department of Political and Legal Doctrines at the Faculty of Law and Administration of the Lodz University and papers delivered there on the political and legal thought of the Roman Republic.

I am a regular collaborator of the The Alexis de Tocqueville Center of Political and Legal Thought - a program research unit that is an integral part of the Faculty of Law and Administration of the Lodz University (substantive consultations regarding the Center's program).


I participated in scientific conferences (including international ones): Title of the paper: *Katylina i Tabulae Novae. Problem powszechnego zadłużenia i utilitas rei publicae w mowach Cycerona* - scientific conference entitled "Cywilne postępowanie rozpoznawcze i egzekucyjne – rzymski pierwowzór i rozwiązania współczesne ", Kraków, 27 May 2022; Title of the paper: *Pojęcie res publica w myśli filozoficzno-politycznej Marka Tulliusza Cycerona*, Ustka, 20-23 September, 2022; Title of the paper: *Walka konsula Cycerona z Katyliną jako praktyczny wyraz Cyceońskiej koncepcji republikańskiego męża stanu* - international scientific conference entitled "Lucius Sergius Catilina - history and tradition", Institute of History UMCS Lublin, 7-8 November, 2023.

6. Presentation of teaching and organizational achievements as well as achievements in popularization of science or art.

Starting from 2017, as a research and teaching employee at private universities, I conducted the following subjects (lectures and classes): Roman law, political and legal doctrines, judicial enforcement proceedings.

7. Apart from information set out in 1-6 above , the applicant may include other information about his/her professional career, which he /she deems important

In 2005, I passed the bailiff exam (I completed my bailiff training at the Chamber of Bailiffs in Krakow), and since 2009 I have been working as a court bailiff. Activities in the bailiff's self-government - I am a co-founder (together with Prof. Andrzej Marciniak) of the Scientific and Training Center at the National Council of Bailiffs (in 2013-2014 I served as the director of this Center); In the years 2010-2013, I was a co-creator and moderator of a series of scientific conferences under the patronage of the Minister of Justice: *Komornicy sądowi – pomiędzy fikcją medialną a rzeczywistością* (including international ones). In 2014, I was the chairman of the Commission of the International Union of Judicial Officers (UIHJ) STOBRA 7; since 2014 I have been a member of the Scientific Council of the Enforcement Law Review (editor-in-chief, Prof. Sławomir Cieślak) and I am the thematic editor of this journal in the field of law relating to the bailiff's self-government system.



(Applicant's signature)