

# About the Allerhand Institute

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*Logo of the Allerhand Institute*

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*Alongside the research work, the Institute also intends to engage into the popularization and promotional activities*

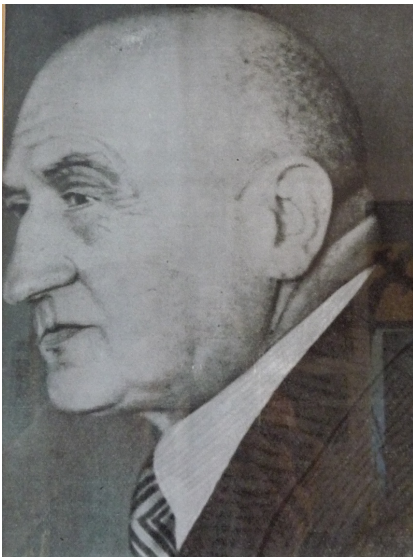
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## 1. The Goal of the Institute

It has been for a long time that a remarkable need for establishment of a strong, opinion-forming research and scientific center emerged and became apparent within the circles of legal academics, lawyers, economists and businesspeople. Such an institution could become a forum for exchange of ideas and first-hand experiences regarding the business and commercial law *sensu largo*. Bearing in mind the aforementioned conditions, the Centrum C-Law.org, an international network facilitating cooperation among lawyers and economists, is planning to set up its local, stationary research unit and create in Poland the Maurycy Allerhand Institute. The Institute envisages recruiting a team of talented and colorful individuals, legal experts and enthusiasts, persons with social sensitivity who follow the highest ethical standards.

The newly created Institute has an ambition to become before long an all-Poland center consolidating intellectual efforts of legal experts across schools and generations in order to address current problems of commercial transactions and business dealings, influence and mould legal policy, and conduct studies on the future of law and legal professions in the times of rapid progress in information technologies and internationalization of trade. Among important research areas one should point at the analysis of social and economic dependencies, the role of incentive mechanisms, and dealing with conflicts of interests. The ancillary role of law with respect to the economy requires also in-depth studies of economics (in particular in the area of the institutional economics). An interdisciplinary approach to law would allow shaping its system in such a way that would permit for its most efficient contribution to the development of the country. The Institute is intended to become an "architect" of the commercial and business laws through active participation in the process of their creation. Alongside its research and scientific work, the Institute shall also engage into popularization and promotional activities.

## 2. The Patron of the Institute



*Phot. Professor Maurycy Allerhand  
Picture from the private archive of  
Dr. Leszek Allerhand the grandchild  
of Prof. Maurycy Allerhand*

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*“Not all great lawyers  
have a legislative talent;  
you can tell about  
Allerhand that he  
belongs to those few,  
who are greatly gifted in  
this respect and without  
whom the codification  
of law would be  
unimaginable.”*

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Maurycy Allerhand (1868 - 1942), one of the greatest Polish lawyers of the 20<sup>th</sup> century, was for several years a professor of the John Casimir University in Lviv. His broad interests focused not only on law, but also on ethnography and advanced mathematics, what allows calling him a true erudite and a leading individual of the époque. His person is a clear symbol for the contemporaneous lawyers and is the best personification of the Institute's values. Moreover, for the present-day Polish lawyers the works of Professor Allerhand constitute a bridge between generations. The re-prints of his works were a basic guide for lawyers during the times of transformation, and still belong to the most cited positions in the legal dissertations.

Maurycy Allerhand was born in 1868 in Rzeszów. He studied law in Vienna, where he was also awarded a doctorate. Afterwards he moved to Lviv, where he – until his last days – together with his son Joachim was running an attorney's office. Professor Allerhand was a universal humanist in the full meaning of this word – although he was not actively engaged in any political party and did not belong to any political fraction, he was familiar with the problems of the Lviv's society, where he enjoyed remarkable esteem. Together with Wiktor Chajes (deputy mayor of Lviv) he concentrated his efforts on encouraging the assimilation of the Jewish minority with the Poles.



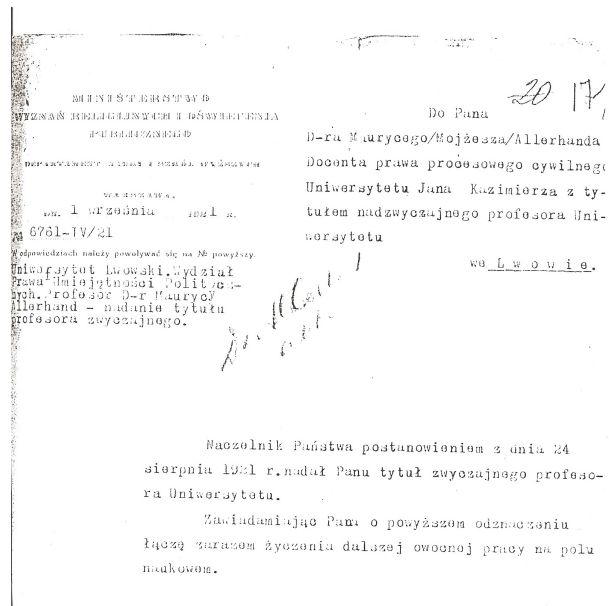
*Phot. The building of the Lviv University in  
the 1930s.*

## The Patron of the Institute cont'd

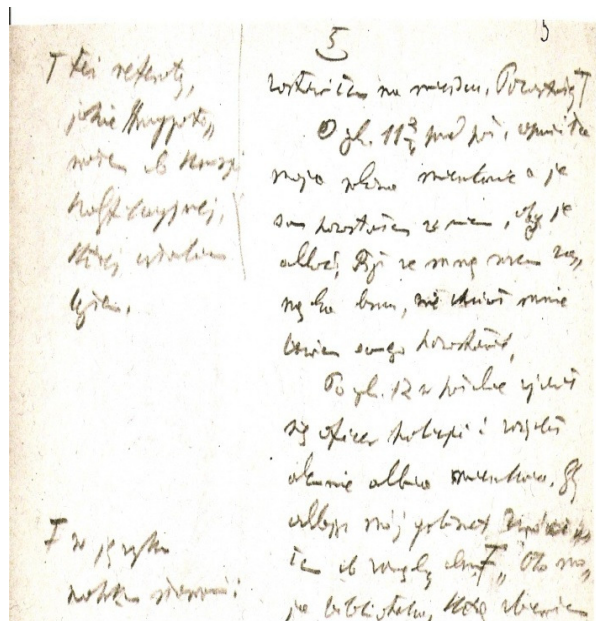
In the years 1919 – 1939 he actively participated in the works of the Codification Commission of the Republic of Poland, introducing many key drafts in the areas of civil procedure, bankruptcy law and enriching with his knowledge the Commission's discussions. During the twenty years of work for the Commission he became known as “great legislator (...) with inspiration for codification.” The area of his interest also encompassed the commercial law, bankruptcy law and civil procedure. In addition Professor Allerhand was a member of the Tribunal of State.

The founders of the Allerhand Institute are convinced that the greatest monument that can be erected in the remembrance of this great intellectualist is the establishment of a scientific institution devoted to his memory. The choice of Maurycy Allerhand is justified not only by his academic achievements of ageless significance, but also his exemplary life, including his attitude towards the horrors of the times in which he lived.

The confirmation of the greatness of the works of Professor Allerhand can be found without any doubt in the fact that at the beginning of the economic transformation of the 1990s his commentary to the Commercial Code (first published in 1935) was reissued several times and served as a study book for young academics and commercial law practitioners making efforts to reanimate Polish commercial law after decades of stagnation.



Phot. Nomination of Dr. Maurycy Allerhand to the professor's position



Phot. Excerpt from the diary written by Professor Maurycy Allerhand during the WWII.

### 3. Activities of the Institute

The purpose of the Allerhand Institute is to pay tribute to its Patron, Professor Maurycy Allerhand as well as his contemporaries Polish legal scholars and statesmen of early XXth century, many of whom were Polish patriots of Jewish, German, Ukrainian or other foreign descent. The academic mission of the Institute shall be to involve in advanced legal studies, continuous research, and policy-making in the field of law, corporate governance as well as legal environment of business and commerce. Among the envisaged fields of activities the most important are:

1. Organization of a scientific sessions and panel discussions with participation of the leading academics and practitioners devoted to the vital legal issues, both as regards practice, legal policy and vision;
2. Researching and giving opinions on draft laws and bills important for the economy through estimation of the economical and social consequences of the regulatory solutions (regulatory impact assessment, economic analysis of law);
3. Organization of the monographic lectures, symposia and seminars for the public sector employees and managers;
4. Publishing books and journals in collaboration with the leading professional publishing houses;
5. Integration of young scholars, in particular from the countries such as Poland, Germany, Ukraine, Austria, Israel (as countries linked to the Allerhand's life) through funding research and doctoral scholarships (grants and fellowships from the Maurycy Allerhand Fund);
6. Historical research and documentation of Polish legal science, the history of the bar and codification process during the period of 1918 – 1939, as well as underground (conspiracy) legal education in the years 1939 – 1945;
7. Research on the importance of the national jurisprudence and the legislative process during the interwar period in Poland in the European perspective;



*Phot. Prof. Maurycy Allerhand  
Picture from the private archive of  
Dr. Leszek Allerhand*



*Phot. The seal of the Lviv University  
from 1926*

## Activities of the Institute cont'd

8. Studies on economically efficient and legally proper methods of implementation of the EC-community law and legal transplants into the national legal order;
9. Stimulation of the development of the Polish legal thought, legal ethics and the quality of the public debate;
10. Contribution to the strengthening of Poland's and other New Member States' position in the European Union in the public consultations initiated by the European Commission in the areas of Europeanization (harmonization and unification) of private law, improving corporate governance, strengthening financial markets regulation and supervision, facilitation of the freedom of capital etc.;
11. Maintaining international academic dialogue, and exchange cooperation with its counterparties in other countries;
12. Accumulating institutional and intellectual capital necessary to sustainably pursue Institute's goals and mission.



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*The Originators of the  
Allerhand Institute are aware  
of the importance of the  
good law for the functioning  
of the country.*

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The founders of the Institute would also like to see the emerging Institute as a kind of a transmission belt that would allow passing to the countries facing challenges similar to those Poland had to face over the last two decades (such as Ukraine, Belarus Russia and other members of Commonwealth of Independent States) the knowledge and experience arising out of the transformation of the Polish economy and legal system.

The Institute envisages to engage in intensive comparative research, which not only allow for better understanding the essence of the legal institutions, but is also essential for an innovative approach to law and regulation and can provide promising source of inspiration for the domestic application.

For a proper functioning of a fully-fledged and state-of-the-art research institute devoted to first class legal and interdisciplinary research a proper infrastructure is essential and indispensable. A core stone of that infrastructure is to be seen in a well equipped library. A rich comparative and foreign law books collection will be donated by the founders of the Institute. This will constitute a reference to the methodic of work of the Institute's Patron – Professor Allerhand when listing books in his private library mentioned (in the following order) “books in German, Polish, French, English, Russian, Italian, Dutch and Serbo-Croatian languages”.

## 4. Vision of the Allerhand Institute

The Originators of the Allerhand Institute are aware of the importance of good law for the functioning of the entire economy. Law constitutes an example of the so called public good. The delivery of the systemic solutions requires a collective collaboration of the participants to such a system, what is difficult due to the collective action problem described by the economics. This is why the systemic solutions should be delivered by the state and the institutions engaged in the strategic planning. The originators are convinced that it is worth to undergo hardship of unification of the legal profession around a project that will benefit all participants.

The legislative idea and a visionary thought, i.e. products generated by the Allerhand Institute, cannot find adequate demand and be properly valued in the market that consist only of single consumers of such goods. The target beneficiary such as system building is the whole of society as well as the state as legislator and in born system maker. Studies on economic development performed on a representative group of countries with various political systems clearly demonstrate that good law and well functioning institutions have a direct influence on the public welfare, or – as it was framed by Adam Smith – on the „wealth of nations“. However, good law and well functioning institutions cannot exist without adequate intellectual capital engaged in the systematic activity.

The envisaged Institute is designed as a non-profit *pro publico bono* think-tank type institution. The originators of the Institute are inspired by the foreign institutions with similar profile, such as the *Asser Instituut*, the *British Institute of International and Comparative Law* or the *European Corporate Governance Institute*. The most valuable asset of the Institute will be the intellectual capital of its members and collaborators, sharing a rich practical experience, brilliant academic achievements, high ethical standards as well as determination and strength to reach with their ideas to public awareness and decision-makers.

## Vision of the Allerhand Institute cont'd

The Institute welcomes cooperation with experts in the areas of its scope of activity. During the cooperation, the Institute will facilitate the development and deepening of the scientific interests, assistance in research and preparation of publications.

The Institute should devote particular attention to the scientific and personality formation of the young generation. These tasks will be performed through the creation of the Maurycy Allerhand Scholarship Fund, which would financially support the research and scientific projects, in particular doctoral and habilitation theses. This project could also encompass lawyers from other countries, in particular Ukraine, Israel, Germany and Austria, and thus continue in the future the integrative dimension of the life and work of Professor Maurycy Allerhand. An additional important initiative would consist in the organization of a competition for the Maurycy Allerhand Prize for the authors of the outstanding legal dissertations.

Vision  
Mission  
& Values

## 5. Cooperation with the Institute

The activity of the Institute will be directed in particular to the public institutions, academic circles, law firms, consulting firms, financial institutions and commercial companies, including those listed on the stock exchange. Any cooperation shall take such a form as to guarantee the sustainable independence of the organization and freedom of the scientific research. The Institute would like to focus its efforts in particular on the conceptual work at the creation of effective system of commercial, company, banking, bankruptcy, capital market, trade, insurance and secured credit laws. The introduction of adequate institutional solutions, the transparency of the proceedings and adequate equipment of the Institute will guarantee its independence, innovative approach and professionalism of the conducted activities.

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## Cooperation with the Institute cont'd

For obvious reasons, the originators of the Institute understand the importance of cooperation with members of the academic community who are ready to participate in the organization of the scientific undertakings to be conducted in accordance with highest academic standards. Within such a cooperation, the Institute will offer access to its own library, support in fundraising and in publications, for example in its own book series and periodic publications.

In the times of the information society cooperation with the media is an indispensable element of the activity necessary for the popularization and promotion of ideas and values close to the Institute. For this reason the experts of the Institute will not avoid active participation in the public debate about the quality of law, and in particular from taking voice in the professional media and mass media.

The aim of the Institute is not to generate profits (a non-profit, *pro publico bono* entity), and profits – if any – shall be spend solely on the statutory activities. The fundraising will follow the principles of transparency and diversification.



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