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ACADEMIC SYMPOSIUM ON METHODOLOGICAL DETERMINANTS OF CONSTITUTIONAL SECURITY

On 17 March 2022, the War Studies University hosted an academic symposium on methodological determinants of constitutional security.[1] The event was organised by the State Security Institute in the Faculty of National Security, under an ongoing research project titled "Methodological Determinants of National (State) Security".[2] The symposium served to enable scholarly discussion of contemporary perceptions of constitutional security, changes of priorities, and challenges in academic research. It featured a professorial debate chaired by **Dr Mariusz A. Kamiński**.[3] Speakers included **Dr Katarzyna Chałubińska-Jentkiewicz**,[4] **Dr Katarzyna Dunaj**,[5] **Professor Andrzej Glen**,[6] **Professor Waldemar Kitler**,[7] **Dr Krzysztof Prokop**,[8] and **Dr Sławomir Zalewski**.[9]

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[4] Dr Katarzyna Chałubińska-Jentkiewicz, associate professor, head of the WSU Cybersecurity Research Centre, member of the Digitisation Council and of the Security and Defence Council.

[5] Dr Katarzyna Dunaj, head of the Department of Judicial Law at the Pedagogical University of Kraków.

[6] Professor Andrzej Glen, head of the Theoretical Foundations and Culture of Security Research Group at Siedlce University of Natural Sciences and Humanities.

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The debate concerned three key questions relevant to the shape of current and proposed scientific research in the area of military security, namely: What should determine the limits of the definition of constitutional security – does it concern legally protected goods under the constitution, the tasks of the state as a guarantor of security in countering threats to the system, or perhaps values and interests derived from primary supranational principles, often viewed as "natural rights"? Is or should the notion of constitutional security be universal in nature, or should it be determined by a dynamic perception conditioned by historical experiences and current existential threats to the state? Finally, what are the key needs of academic research in the area of constitutional security and the limitations on the dissemination of its results, and what are the roles of historical research, comparative studies, and inter- and multidisciplinary research?

Introducing the debate, **Waldemar Kitler** explained that the event was part of a broader project being carried out by the State Security Institute in 2022. "This is a nationwide symposium that is part of a major project conducted at the State Security Institute under the leadership of Dr Justyna Kurek, titled 'Methodological Determinants of National (State) Security'." The topic of the March symposium was "the methodological determinants of constitutional security. In January, a symposium was held on the topic of methodological determinants of military security. Two more meetings will take place in the near future – symposia on methodological determinants of civil security and public security. The objectives of the project are mainly directed towards the systematisation of issues related to the understanding and perception of national security through the lens of axiological foundations, and the main pillars of that security, which undoubtedly include military, civil, public and constitutional security. These blocks are at the same time the pillars of the State Security Institute."

The purpose of the March conference is to debate the contemporary perception of constitutional security, changes in priorities, and the challenges faced. Traditionally, the study of the state constitutional system has been mainly the domain of the legal sciences. However, it is also an important matter for academic debate in the sciences of politics, management, and administration. In the changing security environment, these issues are also becoming central to research on state security and represent part of the important topic of state political security. This research focuses on such issues as ensuring the protection of key aspects of the

functioning of the state, namely the legal order, sovereignty, internal order, the political system, and the constitutional order.

On the first topic – the determinants of constitutional security – the chair of the debate **Dr Mariusz Kamiński** proposed to consider first the question of the limits of the definition of constitutional security.

Andrzej Glen, referring to the question of the definitional limits of system (state) security, indicated that the most appropriate to his study and understanding of the matter is "the adoption of a systemic approach. Key to establishing the boundaries are the general methodological rules of cognition contained in logic and in the semiotics of language, particularly in the basic syntactic categories, which, after all, include names." It is advisable, in the speaker's opinion, "to view constitutional security not only as a legal term but as a classical name – a name that has its own scope and content. First of all, it is necessary to answer the question of what kind of name is 'state security', because we use a certain meta-language. We will not use as a tool the real definition, only a nominal definition. So what kind of name is 'constitutional security'? If we analyse constitutional security from the perspective of state security, then we determine the subject of study – namely the state. It is a composite name that treats state security as one element." **Professor Glen** referred to Andrzej Malinowski's proposed linguistic interpretation set out in *Logic for Lawyers*, where it was indicated why some two-element names should nevertheless be treated as simple names. The speaker went on: "State security can be considered a simple name and at the same time a collective name. This is important because in syntactics a name has a referent, which in this case consists of three conceptual objects. Of course, we have in mind the collective name – a collective, not a distributive set. The supposition of this name is important. We speak of state security, but we do not say of which state. We will perceive differently the boundaries of the constitutional security of the Republic of Poland, and constitutional security as a universal concept. If we analyse constitutional security in general, we are not only referring to a democratic state – it may be a totalitarian, authoritarian state. And in this case, too, we can talk about the security of that state's system. Thus, if we are considering constitutional security and trying to establish the limits of its definition, then three elements should be emphasised. First there are the rules for the emergence of the supreme organs of state power, as well as the mutual relations between those organs, and the form of government. In the literature, Stanisław Sagan and Wiktor Sesankow, among others, speak of the form of the state. We can also encounter the

notion of the organisational structure of the state. And here there is no contradiction, in my opinion. The second element is the territorial structure of the state; and third and last is the style of government. Turning, however, to the category of security, in the processual-conceptual approach, which is one of the possible ways of viewing the security of an entity, security has two basic functions to fulfil: one is to defend, and the second is to protect. Of course, there are also leadership and support functions. However, the defence and protection functions play the primary role. And thus, in constitutional security, we are to defend – as an element of state security – and protect the principles of the emergence of the supreme organs of state power and the relationship between them, as well as the territorial structure of the state and the style of government.

On the other hand, if we were to refer only to the political system of the Republic of Poland and its security, in that case we would have certain additional defining features. The source of constitutional security is a social contract. Specifically, the social contract adopted in 1997 gives rise to certain constitutive features such as the democratic law-based state, civil society, the threefold separation of powers, pluralism, rule of law, legalism, the social market economy, but also human dignity."

Concluding, **Professor Glen** proposed adopting a classical definition of constitutional security in terms of attributes, object and process, whereby "constitutional security in a state is a part of state security in which people and the artifacts they produce and the appropriated part of nature so order their actions and mutual relationships as to effectively defend and protect the principles of organisation of the supreme organs of state authority and the mutual relationships between them – in short, the form of government, the territorial structure of the state and the style of government – as established under the social contract adopted in the basic law, ensuring that challenges are met and threats to these elements of the state system are countered at a level that ensures its effective functioning in accordance with its constitutive features."

Katarzyna Chałubińska-Jentkiewicz observed that "it is obvious that we analyse security mainly in the context of constitutional provisions and the terms of international agreements. However, we should not lose sight of the fact that security should always be considered from the point of view of the so-called common good. Currently, most political disputes are over issues of welfare and freedom." She indicated that the problem of security should be considered very broadly. She went on: "We talk about security problems in computer systems.

Security is becoming a justification for the regulation of new spheres where there appear threats to the individual, to societies, to the state – that is, security. Along with such issues as prosperity, freedom is becoming one of the key elements that are indisputable today, that are vital and needed as a common good. Perhaps for some time we have forgotten how important security is, and we have also forgotten the importance of a sense of security, as another category in these considerations."

Reflecting on the changeability of perceptions of the most important values in human life, **Dr Chałubińska-Jentkiewicz** gave a quote from John F. Kennedy referring to what we perceive as the composition of the gross national product, which would seem to take into account the most important aspects of the functioning of the state and even such aspects as air pollution, cigarette advertising, the cutting down of sequoias, the death of nature in urban chaos, or nuclear warheads. As the speaker pointed out: "Even though the national product is so important, it measures everything but what makes gives our lives value. One of the key elements is security. We clearly live in conditions where the situation arises that instrumental authority has taken on certain forces beyond humanity, but also beyond democracy, because if we talk about systemic elements of security, we cannot avoid referring to precisely these questions relating to the situation of the political system. We are experiencing today a certain problem, one that concerns democracy itself. According to a survey carried out in the United States in late 2017, only 40% of respondents supported democracy and rejected other alternative forms, while 7% favoured completely undemocratic ways of managing the state and society. The American survey, in turn, pointed to Sweden, Germany, the Netherlands, Greece and Canada as societies deeply committed to democracy. In contrast, countries such as Italy, the United Kingdom, France, Spain, along with Poland and Hungary, were indicated as having the lowest percentages and were below the median. For these 38 countries, the average was 37% of people choosing democracy as the proper basis for action and government. Democracy is certainly sensitive to that which is unprecedented, and here its institutions – thanks, of course, to their strength – are able to influence the duration and scope of destruction, but that destruction is also, in a sense, linked to what we define today precisely as security in a democratic society. Debate, protest, the assurance that we are dealing with a security situation, may incline us to maintain a certain public distance, precisely against unexpected sources of injustice, unexpected situations that threaten security, and only the next step here is appropriate legislation and consequent court rulings."

Dr Chałubińska-Jentkiewicz went on: "All these insights are most relevant to the situation we are in now, because we cannot ignore a situation that is dangerous for us. It should be noted that Article 31(3) of the Constitution, which lists the grounds that justify restrictions on the constitutional rights and freedoms of a person, an individual citizen, refers precisely to public security, in addition to public morality and public order. This is alongside such values as health, protection of the environment, public morality, and the rights and freedoms of others. And as this has to be kept in mind, it remains a notion that is incompletely defined. It is difficult to talk about its boundaries. Certainly we may discuss its conceptual scope in a theoretical context, but it is clear that the domain of the issues that permeate this phenomenon today is the common good. I am convinced that this is one of the most important elements that make up the notion of the common good. As such, it cannot be defined in the sense of thinking of it just as a premise for limiting human rights and freedoms."

Krzysztof Prokop pointed out that "the concept of constitutional security should be distinguished from that of political security." The speaker noted that he does not consider it appropriate "to refer to the concept of constitutional security in an overly broad way that goes beyond the letter of the Constitution – that is, beyond constitutional institutions. An interesting aspect is the question of international obligations arising from political and military alliances to which the Republic of Poland is a party. It should be noted, on the one hand, that our Constitution does not refer either to membership of the European Union or to Poland's membership of NATO, which does not mean that these facts are not relevant to the shaping of constitutional institutions. The issue stems from Article 9 of the Constitution, which stipulates that the Republic of Poland shall abide by international law that is binding on it. From the point of view of international law, this provision may not have much significance, as it is merely a constitutional embodiment of the principle of *pacta sunt servanda*. However, from the point of view of the constitutional devices of the Republic of Poland, this provision is of great importance for the particular legal order that exists in Poland. The Republic assumes the burden of complying with binding international law, and at the same time the authors of the constitution explicitly declare that Poland is or may be a member of political and military alliances. We can therefore say that Article 9 of the Constitution confirms Poland's ability to undertake not only individual self-defence, but also collective defence within the meaning of the UN Charter – independently of the fact that relevant provisions are to be found further in the text of the Constitution, in Articles 116 and 229.

Dr Prokop went on to say: "I would respond negatively to the last question of the importance of natural, primary supranational rights for the construction of constitutional security." In his view, "the essence of constitutional security should be sought in a narrower dimension than common good." He believes: "It is necessary to look at issues of constitutional security in a narrower way – leaving what does not fit into that category in the category of political security. In this case, we go beyond the strictly formal, strictly systemic devices anchored in the Constitution, and speak of the functioning of a country's political system in the sense in which it is understood in political science."

Sławomir Zalewski, referring at the outset to his publication on the subject of political security, noted that the subject of the research that he had conducted and presented in 2010 was the political security of a state: "In the 2010 study of institutional functionality, constitutional security was placed within a broader context – that of political security – recognising that a country's constitutional system is a political matter. Clearly, it is also a legal matter. It is also a matter related to the security of the state, and more specifically to how the state acts in international relations and how it acts as a guarantor of security in the internal dimension."

Addressing the question of what should determine the limits of the definition of constitutional security – whether it should be based on legally protected goods resulting from the Constitution – **Dr Zalewski** said: "It is worth making certain things more precise. The notion of constitutional security should not be made excessively broad, recognising that it refers to a proper form of the organisation of the state, its supreme organs, and the means of exercising sovereignty over its population and territory. In principle, this kind of security could be described in this manner regardless of the country's political arrangements. Thus, constitutional security is related to the protection of authority, also including decision-making processes. The functioning of state institutions, and more broadly the administration of the public sphere, but also the protection of society's political activity. Referring to protective functions – I understand this in relation to the conditions of a democratic state, naturally, although today such terms are also used in the constitutions of states with an authoritarian character."

In **Dr Zalewski's** view: "A different meaning should be attached to the notion of security in an authoritarian or totalitarian system, as it means something different in a democratic state. These terms had a different significance in the 1980s; if someone talked about security it meant

that we were dealing with a potential danger in relations, especially with respect to a citizen of the People's Republic of Poland. However, constitutional security understood in this way is related to the provision of a framework and rules for political action in relations between the authorities and citizens. But since we are talking about a framework of democracy, in this continental sense, we must also accept that the Constitution defines the system of the state. And the notion of constitutional security, especially in the legal sense, can be identified with the constitutional order of the state and its protection, namely the protection of the state constitutional order. Constitutional security has a specific place in legal provisions, including the laws that assign powers, particularly those regarding the competences of one of the special services. I mean here the Internal Security Agency [ABW], whose main task is to protect the constitutional order. In Polish law, however, this is completely misunderstood by the institutions and bodies that are supposed to uphold that order. And, I would add, somewhat relativistically. Whatever that would mean; in an ideal arrangement, constitutional security would be expressed in the stability of the social and legal norms governing social order in the state."

Dr Zalewski went on: "It is necessary to ask what, in practice, delineates the framework of relations between the various public authorities in the classical three branches. I will focus on the conditions of a democratic, law-based state. Except that we are actually talking about stability vis-à-vis the state and the political practice of a democratic state – political practice and the exercise of an authority which is subject to certain limitations. We are speaking here of a *constitutional* norm and principle – the principle of the rule of law, that the authorities act on the basis of and within the limits of the law, but also the self-restraint of authority. An authority in a democracy that seeks to take full control of the executive and legislative system, and God forbid the judicial branch of the state, is an authority to which I would refuse to act in support of state security in this respect. To answer directly the question of the limits of the definition – these notions are defined by the same framework that determines the scope of constitutional regulation. Hence, these are goods defined in the Constitution, but also, as I mentioned, in the laws assigning powers, which define the scope of action of state organs, as well as the laws that regulate the state's activities in the field of security, in its various types."

Referring to the question of international determinants of constitutional security, **Dr Zalewski** said that in his view, "it is justified to narrow the field of research in the study of constitutional security down to questions of the political system of a particular state, for

example, the Republic of Poland. But one cannot help but notice that international questions are increasingly influencing the understanding of constitutional security, especially in conditions of political interdependence. We can speak here of such a structure in which we are a participant, namely the European Union, but that is not all. It is also possible to speak of the international determinants of a country's constitutional security, recognized by a given international community, as defined standards. These are research results, of course, but also the acquis of the European Union, and its case law and that of international courts and tribunals. It is just that these norms are relatively universal and are implemented in many national orders, and let us admit that this is currently also arousing much controversy with regard to political practice in Poland."

Katarzyna Dunaj, on the question of what should determine the limits of the definition of constitutional security, said that "the letter of the Constitution is key. Nevertheless, the issue should be viewed a little more broadly than merely in constitutional terms. The Constitution cannot be separated from the functioning legal norms. The first element is certainly the letter of the Constitution, but the second is the legal norms that expand on the constitutional provisions." **Dr Dunaj** added that she would also not favour such a broad understanding of constitutional security as to equate it with the notion of the common good. She went on: "We distinguish in constitutional law the body of norms that define the state's political system. It is therefore possible to define it in this way as a set of norms, that is, to relate the concept of constitutional security to the notion of constitutional system in a broad sense, the basis of which, of course, consists of the provisions of the Constitution. It is therefore necessary to give attention to the regulations that are developed in norms at a lower level. This is why I am so fundamentally expressing my opinion here, and I agree with Professor Sławomir Zalewski that the provisions of the Constitution play a key role. But nor can we develop those lower-level norms in the direction of universality."

Referring to the question of the international determinants of constitutional security – those arising from alliances – **Dr Dunaj** observed that "they should be understood as obligations arising from the organisation of NATO and the European Union."

Referring to the values that determine the definitional understanding of constitutional security, **Waldemar Kitler** said that "in the first place, it is necessary to start from the notion of the system. This expression, considering the content of the definition, which should be specified in one way or another, or at least it should be expressed what it should be like. What

its domain should be, and what the essence of this constitutional security relates to. Thus, since the lead character is the system, it has its counterparts in the scholarly literature, in dictionaries, in both English and French. Particularly in French-language accounts, it may be an arrangement, a regime, a structure, or an organisation. This evidences what leads us to further order the organisation of the state as a certain regime and the form of government exercised there. Hence, as the notion of system is a universal concept, as an equally universal concept it has come to mean the ordering of a certain structure. It is important to emphasise above all the universal meanings of the word 'system', not referring to a state system or political system. The word refers to a certain construction of something – a structure, an order, the arrangement of an organisation, and so this leads us to the fact that in the appropriate context, and only through linguistic combination, this system may be political, economic, social; there may also be a system in biology, such as an organism, or in other contexts."

Professor Kitler went on: "The meaning of the system leads to the perception within it of the features of action taken to produce order, that is, serving to establish accepted legal norms, principles and rules of functioning, the construction of specific systems and processes in the state, their functioning, and elementary components of which they are made up. These components then determine the rules for the functioning of society and, in general, the elements of the entire political system or its actors. Consequently, all of these interdependencies and connections determine a particular realisation necessary to define and achieve a certain result. The state system is shaped in this way in order to achieve the intentions of those who constituted it. The ordering of social, economic or political processes involves the active, creative participation of a person, who assumes the role of constitutor of the system. Through their political ideas, the constitutor determines the totality of principles that relate to the organisation of the state and of public authority in the state. It should be noted in passing that this political system is not the same as an economic or social system. Political security cannot be identical to constitutional security. Therefore, it is not identified with these concepts and meanings, although it is worth bearing in mind that the political system has evolved over centuries. Hence, its domain is created by both the political regime and the form of government, which have changed, and moreover are not common and universal to all countries."

Professor Kitler concluded: "The notion of constitutional security – its axiological domain – is shaped along with the development of the state. For the system is not universal and identical

for all countries. The essence of security is that it consists of protecting and defending the legally established goods that make up the state's political system. In this case, this means protective measures and defensive actions undertaken. Constitutional security is not a universal and identical concept. In trying to find a common denominator, that is, a common definition of what constitutional security is regardless of the legal form or regime, one would have to consider what the object of such security is, rather than what its axiological basis is, what laws are in effect there, or what gives rise to their essence and the nature of the state. In any state, the essence of constitutional security, inextricably linked to the person of the sovereign. That is, an entity that actually influences the content of legal norms and, at the same time, can force compliance with those norms – one that has the direct ability to enforce them.

Professor Kitler went on to indicate what, in his opinion, determines the shape of constitutional security. "Unquestionably, these are legally protected goods arising either from the Constitution or from another instrument acknowledged as a general norm. Reflecting on the place of international agreements and alliances – here, examples show that these values do not have much influence. For example – membership of the United Nations. Despite the UN Charter and other regulatory documents, there are states with seats on the Security Council that most of the world considers to be rogue states. Also, taking the example of the European Union – in Article 3 of the Treaty on European Union, it is said that the common goal of the EU is to strive to create a European citizenship and a sense of belonging to one community among ordinary citizens by ensuring uniform legal standards and full freedom of movement of people within the Union. This is therefore a requirement that defines mutual dependences, and at the same time must be taken into account in the content of laws passed at national level, or at least the latter should accord with it. A second aspect is the development of a region of freedom, security, justice and fair treatment, which the European Union is supposed to become through the introduction of common legal, social and other rules."

"Referring also to the third issue, whether the shape and framework of constitutional security can be influenced by natural rights. Natural law can affect the content of statute law." **Professor Kitler** went on: "The state as an enforcing institution establishes its system, guided to a greater or lesser degree by natural law."

Chairing the discussion, **Mariusz Kamiński** moved on to consider further issues. He raised the second question, namely, whether the notion of constitutional security is or should be

universal in nature, or whether its understanding should be based on a dynamic perception conditioned by historical experience and current existential threats to the state and its organs.

Krzysztof Prokop indicated that in his view, "constitutional security is not universal in nature. The notion of constitutional security should and can be applied only to democratic states. That is, if we are talking about constitutional security, we are talking about the political system of a democratic state. This is something that we, as people making statements on this subject, should strongly emphasise. Although, of course, I allow for the possibility that there may be other views on this matter. The perception of constitutional security can and should have historical and comparative value, determining value – probably no-one knows this better than we in Poland, if we consider our country's historical experiences."

Sławomir Zalewski responded to the second question thus: "A state's constitutional system is a political matter, and it is determined, on the one hand, by the choice or imposition of a particular model of the exercise of authority, but also by national experiences. In the initial part of our discussion we made loose reference to our own history. If we were to focus only on the twentieth century, not even going back to the May the Third Constitution, we would find some fundamental experiences. There was the 1921 Constitution, a constitution based on the principle of the three branches of government, and then the overthrow of that political order as a result of a coup d'état. We have experience from the introduction of an order based on the principle of unity of state power in the 1935 Constitution. The full set of experiences also includes the country's military defeats, the period of totalitarian rule (up to 1956), and the authoritarian rule of subsequent years (until 1989). We also have behind us a period of political transition and the establishment of a democratic law-based state, which has been in crisis in recent years due to internal and external disputes about the rule of law. In my view, answering this question directly, universalism with regard to the notion of constitutional security can be applied only at the highest level of theory. Any legal and political order can be described and the relationships within a given system can be explained, but in the analysis of a particular constitutional order, a particular model of a state system, divergent conclusions may be reached if researchers approach the matter from different positions. They may make adopt various initial assumptions, for example, the need for a strong, unified government, which for many seems to be adequate for the situation of an external threat of a military nature, while being a useful justification for the consolidation of power and its strengthening vis-à-vis the citizens – the demand, based on the expectations of the community in which such a projection

is made, for the emergence of a powerful statesman and his being entrusted with full executive power in the state."

On the question of the universality of the notion of constitutional security, **Katarzyna Dunaj** noted that "the perception of security is conditioned by experience." In opposition to the position taken by Krzysztof Prokop, she expressed the view that "constitutional security is universal in nature and can be considered in relation to any state, since states have somewhat different systems. The system regulates the state within the framework of its right to self-determination, within the framework of its powers. For example, if Russians feel good under a dictatorship, well, that's their right. On the other hand, it does not in any way mean that the international community should tolerate it."

Waldemar Kitler said on the question of the universal nature of constitutional security: "We must maintain certain boundaries or observe certain criteria, so as not to commit *faux pas* in attributing properties on axiological grounds as common to all possible systems or to the constitutional security of particular states. These may be states in which relations are democratic or totalitarian, or even where authoritarian forms of government prevail; consequently systems of government can take the form of republics and monarchies, and these may be constitutional, parliamentary or single-party systems, or even systems that are dictatorial in nature. And here the question should be asked whether in all of these systems we can say that the notion of constitutional security should be viewed in an identical way."

In the final part of the debate, the speakers addressed the third of the questions posed, namely the main needs in relation to research in the field of constitutional security. **Krzysztof Prokop** said that this was "a good opportunity, under the aegis of specialists in security science, to allow specialists from other areas of the social sciences to play a part in studying the essence of constitutional security. This by no means serves to erase the specific methodological features of security science. On the contrary, I believe that the use of the discoveries of other social sciences can add value to the methodology of security science, if, on the one hand, security scientists want to make use of those discoveries – and we all know that they do use them – and on the other hand, if other social scientists who make observations about security want to take into account the specifics of considerations of constitutional security that are familiar to security scientists. Methodologically, this presents a certain problem. I notice that sometimes people who speak on matters of security and who are not, like me, specialists in security science use the word 'security' in a context that does not necessarily take into account the specific

features of research in security science. I therefore believe that symposia of this kind, meetings like today's, are a very valuable initiative and should be continued."

Sławomir Zalewski pointed out that "the needs of scientific research will result from practice, that is, from national and international experience in the shaping of relations among organs of power and between them and citizens. This results in problems of the security of individual citizens and of states, especially those in close relationships of interdependence. Of course, it is necessary to appreciate in a theoretical sense all of the viewpoints and references of the results of research, but the limit of their effective dissemination and possible absorption, that is, the introduction of these particular permanent effects into scholarly circulation, remains an ideological factor related to the acceptance of a particular constitutional order in given conditions, as the exercise of power is subject to different traditions. In different civilised communities, it is to be assumed that there will be different levels of acceptance for systemic models and presented results of research. A similar observation may apply to comparative studies. Countries have different legal traditions and historical experiences, which may be a source of limitations." He continued: "Security science benefits from the achievements of political science, jurisprudence and history, but if they are to contribute to theories of constitutional security, they must supply answers to questions about the consequences for state security, for political and constitutional processes, and for the shaping of certain principles for the actions taken by the authorities of the state in relation to its security."

Katarzyna Dunaj indicated that "it is impossible to establish the essence of constitutional security without due input from constitutional scholars, lawyers, political scientists, historians or sociologists. This is an element that until now has been considered on a competitive basis. I think a good solution would be to set up a multidisciplinary team of people who specialise in matters at the intersection of law and security. Research conducted at this intersection can make an important contribution to the study of the continued functioning of the system, the system of the security of the state."

Waldemar Kitler stressed that "needs in the field of research in relation to constitutional security are very broad. National security as well as constitutional security should be studied from the perspective of various scientific fields and disciplines, in particular by lawyers, historians, philosophers, sociologists and, of course, representatives of security science. However, we need to distinguish between two concepts: the practice of security science is not

the same thing as research into security. The latter is a multidisciplinary phenomenon. Security science is a field that has a different nature than just research into the topic of security."

In conclusion, **Professor Kitler** spoke of the need to adopt the principle that "the system is the ruling entity, or the entity that has influence on its establishment and definition. The political order of an authority in the relationship between it and the legal regime that prevails in the state, which is an enforcing institution. Finally, if we also take into account that this political system is made up of various formal and informal actors, we can always say that whatever the axiological basis is, there is an axiological basis. From a practical point of view, every state takes care of constitutional security just as it takes care of its own security. Of course, this will look different in the case of, say, North Korea, where in the process of ensuring state security or constitutional security, an individual or even a social group is merely a tool. In that case, we cannot talk about 'human security', at least based on the knowledge we possess. There are states in which it is the individual, the social group that are the subjects from which the national interest, or the raison d'état, are derived, as we have said; and then the protection of constitutional security in a totalitarian state, an absolute monarchy, means protecting the order, the system, the legal order – the system of organs authorised to exercise power, as established in that state. In a democratic state the essence of constitutional security is the same. The difference, however, is that the political system is not created by a ruler and his subordinate coercive apparatus, but by formal and informal actors. These include individuals, social groups, and non-government organisations – churches, religious associations and political parties."

Summarizing the outcome of the debate, it should be noted that the contributions of the invited experts certainly indicated the need to consider the boundaries of constitutional security from the research perspective of a given nation state and its basic law. The key, therefore, is the constitution and the legal regulations that make its provisions concrete. It is the constitution that lays down the principles of the system and the interdependences of the various organs and authorities. The historical experiences of a given state and nation certainly also play an important role, as is often reflected in the preamble to the constitution. In attempting to establish the scope of the definition of constitutional security, it is certainly necessary, as Waldemar Kitler emphasised, to consider the meaning of the term 'system', which refers to a certain arrangement, structure, order or organization, and in this context all speakers agreed that when analysing the concept of constitutional security, we should consider

the mutual dependence in the way that the state's supreme authorities function. Thus, in terms of the debate concerning the boundaries of constitutional security, it is justified, as Sławomir Zalewski indicated, to narrow the field of research to the question of the system of a given state. Some speakers took the view that the notion can refer only to democratic states, and that it is not possible to talk about the constitutional security of a totalitarian state. Nevertheless, as the example of the Weimar Republic – offered by Katarzyna Dunaj – clearly shows, the implementation of the mechanisms and guarantees of a democratic state can also lead to a transformation into a totalitarian entity. From the perspective of the form of and relations between the various high authorities, the limits are further determined by international obligations arising from membership of international organisations, thus creating – as Sławomir Zalewski pointed out – what can be called international (or EU-level) determinants of a country's constitutional security.

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