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Reforming Higher Education in Poland: Juridification and Practices of Simulation

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Abstract

This article concerns juridification in Polish higher education, analyzed in the context of the reforms of the science and education sector from the 1990s until the present. Using the Polish example, we present juridification as a process which generates and legitimizes practices of simulation. This conception allows us to explain the development of legal discourse, along with its consequences in discursive and non-discursive practices. The main research question was how juridification manifests itself in the reforms of science and higher education in Poland after the political transformation of 1989. We included two types of sources: 1) secondary sources (previous research on the transformation of the higher education system in Poland) and 2) primary sources – key legal acts regulating the sector, with comments and materials provided by the Ministry. The development of mechanisms of juridification after 2011 strengthened the state's position in managing science and higher education in Poland and consolidated the discourse of competition and rivalry in the name of scientific and didactic excellence. We do notice, however, that over the last few years the process of juridification has

produced simulated activities within the university. The intense public debate about the role of the university stimulated academics to rethink their own practices and their own “self” as researchers and academics. The actions that we interpret in terms of practices of simulation on the one hand reveal the conflict between the new ‘regime of truth’ and the traditional discourse, and on the other hand demonstrate the productive power relations in which we all as academics participate.

Keywords: higher education, reform, juridification, practices of simulation, Poland.

Introduction

In Poland today, as in Western Europe, there are two fundamental, conflicting paradigms of thinking about the role of the university and higher education.

One comes from the academic traditions rooted axiologically and normatively in the Humboldtian model of the university and leads to strengthening the local vision of science and higher education. Polish higher education is treated here as a specific phenomenon, and its transformations are defined in terms of a unique, national process which created its own operating standards. Historical conditions have led to the formation of a specific academic tradition and university model, whose foundations resist any attempts at adapting new ideas (Antonowicz, 2015).

The other paradigm, based on a set of global and supranational recommendations (the World Bank, OECD, European Commission), is supported by the power to redistribute public resources and make legal changes (Kwiek, 2015; 2017). Global trends affect national higher education systems primarily in the sphere of normative ideas. The direction of change is clearly defined as market-oriented, and progressive internationalization is associated with organizational and structural adjustment to supranational assessments and rankings (Antonowicz, 2015).

Higher education researchers note that universities and other academic institutions are undergoing constant transformation, whose scope and pace is varied. Due to Europeanization and the creation of the European Higher Education Area, European systems have been undergoing constant reform for decades. However, the university is one of the “long-lasting” institutions and some of its elements are characterized by much greater relative perma-

nence and lower susceptibility to external interference (March & Olsen, 1989; Szczepański, 1993; Kwiek, 2015).

In this article, we look at higher education policy in Poland primarily through the lens of the concept of juridification, which has already been fruitfully used in reflections on changes in education (Rosén et al., 2021; Murphy, 2022). Juridification is understood in both a narrow and a broad sense. In the narrow sense, juridification means an increase in the competences of the legal system, where more and more activities and areas of social life are governed by legal regulations (Blichner & Molander, 2008; Sinding Aasen et al., 2014). More broadly, we define juridification as a process by which law subsumes extra-legal mechanisms for regulating social life or begins to be applied in new, thus far unregulated contexts and relations (Stankiewicz & Ostrowicka, 2020).

With regard to science and higher education in Poland, starting from the transformation in the 1990s, we can talk about several phases of development and waves of reforms accompanied by public debate. As mentioned, the amendment to the “Law on Higher Education” adopted in 1990 restored the autonomy of Polish universities, which had been lost before World War II (Antonowicz, 2015). Further important regulations were brought by reforms introduced in 2005, 2011 and 2018.

From the Foucauldian theoretical perspective, politics is a discursive phenomenon, and multiple discourses around a given problem reveal mechanisms of power. In line with the conception “policy as discourse” (Ball, 1993) we take interest in “the ways in which policy discourses and technologies mobilize truth claims and constitute rather than reflect social reality” (Ball, 2016, p. 2). Policy toward higher education manifests itself in academic practices, in the positions taken and “regimes of truth” about research work and education. This allowed us to explain the development of legal discourse, and its consequences in discursive and non-discursive practices, which we interpret as “activities of simulation” (Lutyński, 2018).

The article consists of several parts – first, we discuss the basic theoretical assumptions, research problem and the methodology. Then we present the results of the analysis of secondary and primary sources and their discussion, which is followed by a conclusion.

The concepts of juridification and practices of simulation

We focus here on those elements of the reform process that indicate the sources and consequences of juridification in higher education and science in Poland. Generally, we understand the term as an increase in the competences of the legal system, where more activities and areas of social life are subsumed under legal regulations (Blichner & Molander, 2008; Sinding Aasen et al., 2014). The law is understood here as a set of norms and rules whose creation and implementation is governed by formalized principles, determined culturally and politically. Considering the two-way hybridization of legal and extra-legal methods of control, we define juridification as a process through which the law includes extra-legal mechanisms for regulating social life or begins to be applied in new contexts and relations, thus far unregulated (Stankiewicz & Ostrowicka, 2020). And while, on the one hand, the current policy of the state in charge of introducing legal regulations forms academic subjectivities, on the other hand, increased juridification stimulates the retention and reinforcement of earlier academic discourses. Such a crisis response can occur when a new law comes into conflict with an early constituted discourse and the accepted 'truth' about science and higher education. The confrontation of different, conflicting discourses can provoke discomfort and resistance (Ball, 2016), expressed, among other things, in simulated actions, i.e. "activities that, due to their most important features [such as the actual course or direct goal], are different than they appear" (Lutyński, 2018, p. 239). The set of simulated actions consists of a wide-ranging repertoire of activities, among them: some imitative activities; all activities performed "for show"; ceremonial activities; serving as a pretext for other activities; some protective and provocative actions, as well as inept ones. A noteworthy example are all those activities that, either directly or due to their result, do not fulfill the functions listed in the assumptions. This failure, however, is not a coincidence – it is a deliberate procedure, consistent with the intentions of the contractors or clients, and at the same time carried out against the interests and without the knowledge of those for whom specific activities are performed (Lutyński, 2018).

Problem and method

The main question guiding our analyses was the following: how does juridification manifest itself in reforming science and higher education in Poland after the political transformation of 1989?

In search of the answer, we consulted secondary sources (research describing the transformations of higher education in Poland, including conclusions from a project carried out with our colleagues in 2015–2019¹, as well as key legal acts regulating the sector in the subsequent years (2018–2023) (see the Annex for a list of legal acts), along with comments and relevant materials prepared by the Ministry.

In response to the research problem, we described below the process of juridification of Polish higher education. The section describing the movement from “free drift” to juridification is based on our analysis of secondary sources and the results of our previous research. The section “Towards strengthening juridification” presents selected results of the analysis of primary sources. “Discussion”, addresses some consequences of juridification in higher education in Poland, i.e. simulated activities involving extra-legal mechanisms of regulating academic life.

From ‘free drift’ to juridification

Following the change of the political system in Poland in 1989, the process of lawmaking took place in conditions that were spontaneous and difficult to understand (Stankiewicz & Ostrowicka, 2020). Before the democratic government was established, the activities aimed at creating the Act on Higher Education were somewhat informal (Szkudlarek & Stankiewicz, 2014). The first important reform of higher education in the post-socialist era was an

¹ We are talking about the project titled: “Governmentality of the University – A Discursive Image of the Contemporary Higher Education Reform in Poland”, financed by the National Science Center in Poland, Principal (Project No. 2014/14/E/HS6/00671). The empirical material included (published in 2011–2014): a) scientific and popular science texts published in journals devoted to higher education and science, as well as monographs and post-conference publications, b) press texts, c) documents regulating the legal functioning of the science and higher education system in Poland

amendment to the “Law on Higher Education” of 1990. It ended the time of direct state supervision, restoring the autonomy of universities in research, education and management. This liberation also created unlimited opportunities to create non-public universities and charge tuition. What followed was rapid development of higher education (Antonowicz, 2015). The demand for education in the conditions of economic liberalization, combined with the state austerity policy, led to problems with the quality of education, especially in non-public schools (Stankiewicz & Ostrowicka, 2020).

For several years after the political transformation, Poland experienced an “educational boom”, supported by both demographic and political factors. When the demographic situation began to change and Polish higher education was faced with the need to cope with a significant drop in the number of college applicants (Antonowicz & Godlewski, 2011), a broad community discussion began on the directions of desired changes. However, at the beginning of the 21st century, it did not have as wide a public dimension as later.

One fundamental paradigm reflected in the debate comes from the academic traditions rooted axiologically and normatively in the Humboldtian university – it leads to strengthening the local vision of science and higher education. The other, based on a set of global and supranational recommendations (the World Bank, OECD, European Commission), is supported by the power to redistribute public resources and the power to make legal changes (Kwiek, 2015; Kwiek, 2017).

The years 2009–2011 saw an exceptionally strong confrontation of these paradigms, during the tenure of Barbara Kudrycka² as Minister of Science and Higher Education. The work on the reform took two directions: one set by legislators and experts (EY/IBNIGR, 2010); the other by representatives of the academic community (primarily the Polish Conference of Rectors of Academic Schools – the KRASP), which resulted in two draft laws and strategies for developing the sector (Kwiek, 2017, p. 10). The period of public strategy presentations at the turn of 2010 saw a proliferation of discussions on the shape of the changes and is remembered in the history of the reforms of Polish higher education and science by the special role of the participants in the legislative processes: “The reforms of 2009–2011 introduced new rules

² This is the period from November 16, 2007 to November 27, 2013.

of the academic game – for the first time the state became a separate, powerful stakeholder with a decisive say in matters of higher education policy. Also for the first time, the voice of the state as a stakeholder was clearly distinct from the voice of the academic community (or parts of it) represented by the KRASP. Two paradigms of thinking about the future of higher education were publicly confronted for the first time” (Kwiek, 2017, p. 11).

The period of reform from 2009 to 2011 was noted in the literature as showing the reformers’ unprecedented determination to change and an equally strong and previously unknown social conviction of the system’s ineffectiveness (Kwiek, 2017).

The *Higher Education Act*, introduced in 2011, radical in its assumptions and goals, created a legal framework for state-supervised competition, and brought significant changes in the scope of social understanding and relations between higher education, the state and the labor market. Management through mechanisms of internal competition was a new phenomenon in Poland. Previously, universities based on cooperation rather than competition, which in the new legal situation concerned both limited financial resources from the state budget, academic faculty and student candidates (Stankiewicz & Ostrowicka, 2020). In addition to creating a competitive system, changes in the law from 2011 to 2014 led to the formalization of relations between various entities of the system (including between universities and students) and subjected higher education to greater bureaucratic control and state influence.

The discourse around the changes initiated by Minister Barbara Kudrycka and continued by Minister Lena Kolarska-Bobińska (who remained in office from November 27, 2013 to November 16, 2015) prepared the foundations for a new act, much more radical structurally and systemically, when the office of Minister of Science and Higher Education was taken over by Jarosław Gowin (from November 16, 2015 to April 8, 2020).

The new “Law on Higher Education and Science”, also called the “Constitution for Science” or “Law 2.0”, came into force in 2018 (Ustawa z dnia 20 lipca 2018 r. – Prawo o szkolnictwie wyższym i nauce, Dz.U. 2018 poz. 1668 z późn. zm., dalej: UPSWIN. The Act of July 20, 2018 – Law on higher education and science, Journal of Laws 2018, item 1668, as amended, referred to as the “UPSWIN” here). The Ministry of Science and Higher Education (MNiSW, July 20, 2018) advertises the Constitution for Science as

a “reform unlike any other”, organizing the entire system of higher education and science in Poland. According to the Ministry, the reform “creates conditions for practicing scientific and teaching excellence, ensures sustainable development of academic centers throughout the country, introduces doctoral schools, and provides universities with effective tools of management” (<https://www.gov.pl/web/nauka/konstytucja-dla-nauki-2>).

These “conditions” and “tools” assumed deepening competition and stratification of the system in three areas: education, research and scientific advancement, management and organization of higher education. All of them have been linked to the amount of subsidies from the state budget.

Towards strengthening juridification

Dynamically growing educational aspirations and expectations toward universities both on the part of society and the economy have led to many consequences, which include growing public expenditure on scientific research, pressure from students to improve the quality of teaching, as well as expectations of greater cooperation between universities, society, and business entities, in order to provide quality solutions, technologies and products for faster development. The team of the Department of Science of the Ministry of Science and Higher Education (*Evaluation of the quality of scientific activities – a guide*) determined that meeting these expectations would be impossible without introducing mechanisms to ensure high quality of research. The quality of scientific activity thus became the criterion for the allocation of funds from the state budget. This is directly related to the issue of evaluation (The new system for evaluating the quality of scientific activities was introduced through the provisions of the Act of July 20, 2018 “Law on Higher Education and Science”, the accompanying Act of July 3, 2018 “Introductory provisions to the “Law on Higher Education and Science”” and the provisions of acts implementing regulations prepared for these acts: Regulation of September 20, 2018 on the fields of science and disciplines in the arts and sciences; Regulation of September 20, 2018 on de minimis aid under the program of “Support for scientific journals”; Regulation of November 7, 2018 on the preparation of lists of publications of scientific monographs, scientific journals and peer-reviewed materials from

international conferences; Regulation of February 22, 2019 on the evaluation of the quality of scientific activities).

Concentration of research funds around teams and universities with the greatest scientific potential became an important element of the new area of competition. Competition was developed between researchers within the grant system in institutions that allocate funds for research in a competitive manner (the National Science Center and the National Center for Research and Development) and between entire universities within the hierarchical system of distribution (Stankiewicz & Ostrowicka, 2020).

Thus far, only individual departments within universities had been compared with one another. Under the new system, scientific disciplines would be subject to evaluation – universities would be assigned categories depending on the number of disciplines in which scientific activity is conducted. The evaluation scale was expanded from four levels (A+, A, B, C) to five (A+, A, B+, B and C). Participation in the assessment for a given discipline is contingent on identifying at least twelve employees conducting research in a given discipline, based on their own declarations submitted.

At this point, an important change regarding the evaluation should be mentioned, which is a new classification of fields and disciplines, adapted to international standards (modeled on the OECD list of disciplines) (Ziółkowski, 2018, p. 82).

The change in assessment within individual disciplines was justified, among others, by the difficulty, sometimes even impossibility, of comparing the achievements of researchers employed at a given department who conducted research in different disciplines. An argument was also raised regarding the ineffectiveness of such comparisons. “These assessments measure the quality of scientific activity in individual disciplines much more precisely and provide a basis for comparisons between universities” (*Evaluation of the quality of scientific activity* – Guidebook, p. 10). And comparisons undoubtedly appear among the favorite rhetorical figures and discursive practices of the creators and supporters of the changes (Rzyska, 2021). This is related to another argument for changing the current system of evaluating scientific units, i.e. poor support for excellence, which was defined as follows: “excellence should involve participation in the global academic discourse and continuous comparison with leading scientific institutions. Meanwhile, in terms of

the percentage of publications in journals that have the greatest impact on the global scientific discourse (those included in the top one percent of sources indexed in international databases), we are clearly below such countries as the Czech Republic, Hungary and Belgium” (*Evaluation of the quality of scientific activity* – Guidebook, p. 10).

Publishers and journals play an important role in the evaluation process. In Poland, there is a ministerial list of scientific journals and peer-reviewed materials from international conferences, which is the basic tool for determining the publishing score. Although the principle of announcing ministerial lists had not changed, subsequent reforms involved changes in the number of points assigned to specific journals and publishers. As a result, academics now “hunt” for points for publications, thanks to which universities obtain and preserve their academic status.

The basic distinction introduced in the Act concerns the division of universities into public and non-public, as well as academic and professional. Professional universities provide specialized education (Article 15 of the UPSWIN, 2018). In order for a university to have the academic status – as opposed to professional – it must conduct scientific activities (and have a scientific category of A+, A or B+ in at least one scientific or artistic discipline [as of October 1, 2021]), provide research services, knowledge and technologies for the economy, and offer to PhD programs (Article 14 of the UPSWIN, 2018). When a university meets these requirements, it may use the name ‘Academy’. Art. 16 of the UPSWIN also addressed the use of the names ‘Polytechnic’ and ‘University’. Discussions on the act included comments on the stringent requirements placed on universities in this area; the division of universities into better and worse ones was criticized, and, consequently, concerns were expressed about unfair financing (Rzyska, 2021).

Beside mechanisms of competition for public subsidies, another important change involved management and organization. The 2018 Act sanctioned the previously discussed “necessary” shift of the university towards an organization consistent with the principles of New Public Management, with the strong power of the rector and limited power of elected collegial bodies.

What aroused the greatest controversy was the introduction of the university council – a new body composed at least in 50% of people outside aca-

demia. This solution, modeled on foreign examples, was recommended for Poland in the European Commission report (Marklund et al., 2017).

Under the new act, the powers and responsibilities of the rector have been significantly increased, including general management and the university's HR policy, creating an organizational structure, and assigning tasks within it.

A significant change was the abolition of the habilitation requirement. Until then, the regulations included a mandatory period of eight years for an employed PhD to obtain the next degree (Art. 120, UPSW, 2005). Failure to obtain habilitation often resulted in a transfer to the position of senior lecturer, or termination of employment. This change, however, did not loosen the requirements for awarding the degree. By contrast – these requirements were tightened, with greater substantive verification of the researcher's achievements, a larger number of reviewers, and the restored examination. Significantly from the point of view of juridification, proceedings regarding academic degrees and titles have been enshrined in the applicable provisions and procedures of administrative law. Consequently, all disputes are now settled not in institutions subordinate to the Ministry of Science and Higher Education, but in courts.

The new “Law on Higher Education and Science” was adopted in 2018, and was soon followed by numerous executive regulations. The database of the Internet System of Legal Acts (ISAP, April 7, 2024) part of the Sejm Information System, contains 52 regulations of the Minister of Science and Higher Education introduced between 2015 and 2020 (Table 1. of the Appendix /Annex). The culminating moment was 2019, with a total of 22 regulations. In 2020, there were 14, but there were also four additional regulations of the Minister of Science and Education from October and December of that year (From October 19, 2020 to January 1, 2021, the office of Minister of Science and Higher Education, and from January 1, 2021 to November 27, 2023 - Minister of Education and Science, was held by Przemysław Czarnek. On January 1, 2021 Pursuant to the regulation of December 17, 2020, the second government of Mateusz Morawiecki dissolved the Ministry of Science and Higher Education, and transferred issues related to science and higher education to the Ministry of Education and Science. With the regulation of the Council of Ministers of December 16, 2023, as of January 1, 2024, the Ministry of Science and Higher Education was re-established by dividing the Ministry of Educa-

tion and Science, and on December 13, 2023, Dariusz Wiczorek took the office of Minister of Science).

Tadeusz Wawak (2022) points out that the three main acts relating to the operation of universities in Poland have 266 pages. The Introductory Act of July 3, 2018 – Provisions introducing the Law on Higher Education and Science, Journal of Laws 2018, item 1668; the Fundamental Act of July 20, 2018 – Law on Higher Education and Science, Journal of Laws 2018, item 1668; the related Act of December 22, 2015 on the Integrated Qualifications System, Journal of Laws 2016, item 64. Of note are the numbers of sections in these acts; they contain the following 350 articles, 470 articles and 111 articles respectively, which shows how extensive they are. Subsequently, several of the most important ministerial regulations were issued in connection with these acts, in addition to which universities are subject to several other acts and related implementing regulations, constituting “a set of regulations and instructions regarding the management of universities and research institutions [...]” (Wawak, 2022, p. 40). For comparison, he cites examples of Polish acts from the interwar period: the *Act on Higher Education and Academic Schools* of July 13, 1920 and the *Act on Academic Schools* of March 15, 1933, each of which merely consisted of several pages (the latter had 28, as amended). This difference illustrates the ongoing escalation of legal regulation in science and higher education in Poland.

However, we do not view the process of increased juridification solely through the lens of increased new legislation, but consider it in the dimension of law-related implicit power relations and how these interactions shape academic practices and subjectivities.

Discussion – simulated practices

The extensive juridification signals power relations, which we interpret in terms of practices of simulation. In the context of reforms of science and higher education, such activities concern the academic community and it is the critical voices of representatives of Polish universities towards activities related to reforming this area that determine the interpretative perspective of simulating activities.

The discussions indicated failure to implement the announced changes, and attention was also drawn to changes that did not contribute to achieving the declared primary goal of the reform in 2018, i.e. strengthening scientific excellence. Before the “Law on Higher Education and Science” came into force on October 1, 2018, numerous conferences and public consultations on the proposed laws were held, but part of the academic community clearly emphasized that their voices had not been taken into account. Thus, the paradox from previous years was repeated, when, during the most heated public debate, the shape of the reform and the related acts had basically already been decided (Kwiek, 2017, p. 10).

A negative assessment of Polish universities was formulated by decision-makers in relation to places in rankings and the level of competitiveness of Polish science on the international arena. Increasingly intense pro-competitive activities aroused growing resistance from supporters of the local vision of science and higher education, who were therefore in a dispute “between the power of global processes and local tradition” (Antonowicz, 2015).

The abolition of the habilitation requirement (with tightening the requirements for obtaining a habilitated doctor’s degree) was supposed to increase the quality and competitiveness of Polish science, but it is assessed as having contributed to the opposite: “This situation discouraged some doctors from working on their habilitation – because, unfortunately, they can become a professor without habilitation and do not have to worry about rotation as a result of not obtaining the academic degree of habilitated doctor within the specified period after obtaining the doctoral degree. This inhibited the development of some graduates of doctoral programs” (Wawak, 2022, p. 41). In this way, conditions were also created for forced retirement of full professors, which – as Wawak emphasizes – is contrary to Polish labor law.

Although the directions of the changes were accompanied by the minister’s public assurance that the autonomy of universities (J. Gowin, “Podnieść poprzeczkę studentom” [Raise the Bar for the Students] (interviewer: J. Suchecka), *Gazeta Wyborcza*, March 6, 2017). would be preserved, it was taken away, which became the main point of criticism public discussions. One reason for such comments was the management model with openness to external entities, described in public discussions as the “businessization of universities”. Changes in the scope of responsibilities and competences of the

rector, contributing to an increase in power, according to the critics, did not translate into an increase but rather a removal of the autonomy of universities (Rzyska, 2021).

It is worth noting that “Juridification in liberal and neoliberal regimes may, therefore, take two forms: on the one hand, state activism, necessary to counteract mechanisms that may hamper or prevent the existence of the area of “freedom” or “competition” [...]” (Stankiewicz & Ostrowicka, 2020, p. 62). Both freedom and competition have become slogans of the new changes, but their interpretations varied. In 2018, part of the academic community protested at Polish universities in defense of university autonomy and against the vision of competitiveness proposed by the reformers.

The idea of competitiveness was considered by critics of the reform more locally, as related to the conditions of coexistence of various institutions in the country, and understood to be more within the domain of education than science. The division into academic and professional universities, the condition of offering doctoral education, and financing dependent on evaluation results led to critical warnings about limiting access to education and degradation of smaller universities (Rzyska, 2021). In the financial context, a major controversy arose due to the government’s lack of consent to statutory guarantees of increased expenditure on science and higher education (Dziedziczak-Foltyn, 2018). The simulation activities inherent in the reform are clear here, additionally, as Wawak (2022, p. 42) emphasizes in his commentary on the reform: “Legal norms (acts, regulations, ordinances) with no resources for their correct and effective implementation are unable to produce the intended effects or create effective conditions for achieving the goals they were intended to serve”.

According to critics, the ministerial list of journals and peer-reviewed materials from international conferences also fails to meet the assumed goals. The purpose of the tool is to objectify the assessment of research, but in practice it can be recognized as an arbitrarily formatted tool of power. The method of awarding points to individual journals is considered irrational because it is not related to their real prestige and importance in the scientific community.

In 2021, the second issue of the *Nauka* quarterly published the texts of resolutions, statements, opinions, communications and positions, which vehemently protested “against the corrections and additions introduced by

the minister of science and higher education to the list of scientific journals recommended by the Commission for the Evaluation of Science and peer-reviewed materials from international conferences” (Brzeziński, 2021, p. 7). These controversies concerned updating the lists by Minister of Education and Science Przemysław Czarnek (Changes to the list of scientific journals and peer-reviewed materials from international conferences introduced on February 9 and 18, 2021).

In one of the texts in this volume, Emanuel Kulczycki (2021) writes about “political interference in the List of scientific journals” and justifies why these lists should be in the hands of scientists. The article contains a detailed description of the changes made by the minister in the draft KEN list.

In consequence, a specific simulated reality was created under juridical authority, in which representatives of the academic world would function and participate in co-constructing and maintaining the established order. An apparent game is being played, with academic players adapting to the rules set by the ministry. In this way, instead of quality, the game is about points that afford relative, temporary security, consisting in remaining within this reality bordering on fiction. As Lutyński (2018, p. 241) argues, even when the falsehood of these actions is recognized by everyone, coercion makes these actions persist and remain in force. This does not change the fact that attempts are made to change the rules of the game and thus expand power.

The intense public debate about the role of the university stimulated academics to rethink their own practices and their own “self” as researchers and academics. The actions that we interpret in terms of practices of simulation on the one hand reveal the conflict between the new ‘regime of truth’ and the traditional discourse, and on the other hand demonstrate the productive power relations in which we all as academics participate. Simulated actions are, in our view, a consequence of increased juridification involving mechanisms for regulating academic life that go beyond what is directly enshrined in law. And within these norms, the expected subjectivities and corresponding simulating practices are produced – as enshrined in the objectives of the reform – the ideas of scientific and teaching excellence.

Conclusion

In this article, we described the process of juridification of Polish higher education from the 1990s to the present. We assumed that juridification is not just limited to law-making, but also includes the interpretation of regulations and their effects in social practice. In addition to the effects of legal acts, it also concerns those results of the changes that were not planned or were contrary to the original assumptions.

The development of mechanisms of juridification after 2011 strengthened the state's position in managing science and higher education in Poland and consolidated the discourse of competition and rivalry in the name of scientific and didactic excellence, represented by the Ministry of Science and Higher Education. We do notice, however, that over the last few years the process of juridification has produced simulated activities within the university. Increased public discussion of issues fundamental to thinking about the role of the university stimulated the engagement of earlier, traditional resources of identity. As a result, the subjectivities of the participants in practices of simulation are formed at the interface between the clash of two competing discourses (the traditional university and the entrepreneurial university).

Referring to the distinction introduced by Maria Rosén, Emma Arneback and Andreas Bergh (2021), we can therefore conclude that in the case of the reforms analyzed in Poland, we are dealing with both the juridification of higher education (i.e. regulating the conditions of the university) and juridification in higher education (i.e. regulating life inside the university). Many of the elements of evaluation of scientific and teaching activity described in this article have been codified and linked to the judicial system. Consequently, both at the macro level (institutions of the science and higher education system) and at the micro level (individual teachers and students), legal provisions set out pathways for dealing with and resolving potential disputes. In doing so, one can see diversification through juridification at both levels, observed also in other countries in relation to the education system (Berg & Forsberg, 2024).

The reconstructed/described practices of simulation imply the need to consider some normative input regarding the shape of juridical practices and their deeply considered purposefulness. Attempts to intensively regulate the

external conditions of universities by means of juridification have mobilized discursive knowledge-power resources in the form of practices of simulation realized inside academia, which were known in the Polish socio-political reality from earlier decades, before the political transformation of 1989. And in this respect, our research also shows how contemporary legal discourse and mechanisms of juridification of education and in higher education mobilize these resources, providing academics with ways of acting and thinking about their academic “self”.

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Appendix:

Table 1. Regulations of the Minister of Science and Higher Education in Poland in 2015–2020

Year	Item no.	Total (52)
2015		0
2016	Dz.U. 2016 poz. 2096	1
2017	Dz.U. 2017 poz. 1420	1
2018	Dz.U. 2018 poz. 2468	14
	Dz.U. 2018 poz. 2405	
	Dz.U. 2018 poz. 2198	
	Dz.U. 2018 poz. 2152	
	Dz.U. 2018 poz. 2090	
	Dz.U. 2018 poz. 1882	
	Dz.U. 2018 poz. 1877	
	Dz.U. 2018 poz. 1861	
	Dz.U. 2018 poz. 1850	
	Dz.U. 2018 poz. 1838	
	Dz.U. 2018 poz. 1832	
	Dz.U. 2018 poz. 1791	
	Dz.U. 2018 poz. 1787	
	Dz.U. 2018 poz. 922	

Tabela 1. (continued)

Year	Item no.	Total (52)
2019	Dz.U. 2019 poz. 2442	22
	Dz.U. 2019 poz. 2341	
	Dz.U. 2019 poz. 2297	
	Dz.U. 2019 poz. 2211	
	Dz.U. 2019 poz. 1949	
	Dz.U. 2019 poz. 1838	
	Dz.U. 2019 poz. 1657	
	Dz.U. 2019 poz. 1573	
	Dz.U. 2019 poz. 1560	
	Dz.U. 2019 poz. 1498	
	Dz.U. 2019 poz. 1359	
	Dz.U. 2019 poz. 1188	
	Dz.U. 2019 poz. 893	
	Dz.U. 2019 poz. 787	
	Dz.U. 2019 poz. 661	
	Dz.U. 2019 poz. 658	
	Dz.U. 2019 poz. 533	
	Dz.U. 2019 poz. 496	
	Dz.U. 2019 poz. 392	
	Dz.U. 2019 poz. 335	
	Dz.U. 2019 poz. 202	
	Dz.U. 2019 poz. 182	

Tabela 1. (continued)

Year	Item no.	Total (52)
2020	Dz.U. 2020 poz. 1679	14
	Dz.U. 2020 poz. 1646	
	Dz.U. 2020 poz. 1411	
	Dz.U. 2020 poz. 1352	
	Dz.U. 2020 poz. 1350	
	Dz.U. 2020 poz. 938	
	Dz.U. 2020 poz. 885	
	Dz.U. 2020 poz. 853	
	Dz.U. 2020 poz. 726	
	Dz.U. 2020 poz. 689	
	Dz.U. 2020 poz. 533	
	Dz.U. 2020 poz. 429	
	Dz.U. 2020 poz. 420	
	Dz.U. 2020 poz. 330	

Source: Own elaboration based on ISAP data.