

## **Cezary Węgliński**

I am PhD candidate at the University of Warsaw (Faculty of Law and Administration, Legal Theory Department) where I am conducting research on legal institutionalism of the beginning of the 20th century in European legal culture and its possible application in the context of contemporary issues of constitutional pluralism. Within this research, focusing on the history of social legal theories relating to national and supra-national legal orders, I am also trying to expand my interest in European constitutional law, human rights law and EU constitutional law. I am also working as a legal advisor in the Office of the Polish Commissioner for Human Rights and freelance translator for the CJEU.

The purpose of this poster is to present my research on possible application of M. Hauriou's theory of the institution to the analysis of interplay and conflicts of legal orders in Europe, especially between EU and national constitutional law. The poster focuses on the concept of supra-separation of powers, coined by me on the basis of the conceptualization of the principle of separation of powers based on shared exercise of the same competence by more than one authority, as proposed by M. Hauriou, and the idea of balances of superposition of one legal orders over another on supra-national and supra-constitutional level as a natural principle of relations between political institutions in compound social orders. By shifting focus on social legitimacy of institutions exercising power, the theory looks at plurality of legal orders and political institutions (states and international organizations) as an area of potentially equal actors based whose mutual positioning is based on heterarchy and not, as usually done, mutually exclusive claims of precedence (hierarchy). By giving an extensive lecture of the principle of separation of powers, the institutional theory of law interprets this plurality, combined with internal institutional arrangements of each organization based on separation of powers, as an essential safeguard of individual rights and fundamental principles of law. This safeguard is based on their continuous competition for social legitimacy which operates within the 'auto-limitation' of a given institution in the context of the dynamic setting generated by such plurality.