

RESUME

Andrzej Rapaczynski

EDUCATION

J.D., Yale Law School, 1982
Ph.D., Philosophy, Columbia University, 1974
M.Phil., Philosophy, Columbia University, 1974
B.A. (equivalent), University of Warsaw, Poland, 1968

ACADEMIC POSITIONS

Joseph Solomon Professor of Wills, Trusts and Estate Planning, 2014-
Daniel G. Ross Professor of Law, Columbia Law School, 2001-
Visiting Lecturer of Law, University of Tokyo, 2002
Visiting Professor of Law, Yale Law School, 1999-2000
Professor of Law, Columbia University, 1986-2001
Research Professor of Economics, Central European University, Prague and Budapest, 1993-96
Assistant Professor of Law, Columbia University, 1982-1986
Lecturer, Department of Philosophy, Yale University, 1979-1980
Assistant Professor, Department of Philosophy, Yale University, 1974-1979
Professor, Columbia-Leyden-Amsterdam Summer Program in American Law, 1989
Professor, Summer School in Political Theory at Cortona, Italy (organized by Institut der
Wissenschaften vom Menschen, Vienna, and New School for Social and Economic
Research, New York), 1989
Visiting Assistant Professor, Department of Philosophy, Princeton University, 1977-1978
DAAD Visiting Scholar in the Federal Republic of Germany, Heidelberg and Starnberg, 1977
Faculty member, Seminars on Marxism and the Social Sciences, International Centre for
Post-Graduate Studies, Dubrovnik, Yugoslavia, 1976, 1977
Preceptor, Columbia College, New York, 1971-1974

BOARD MEMBERSHIPS, RESEARCH, AND OTHER RELATED EXPERIENCE

Member of the Board, Leszek Kolakowski Foundation, Warsaw, Poland, July 2013-14
Member of the Board and Treasurer, Friends of the Batory Foundation, New York, 2004-
Member, Center for the Study of Capitalism and Society, Columbia University, 2003-
Member, Advisory Board, Regional Bureau for Europe and the CIS, United Nations
Development Program, 2002 - 2004
Editor and Director, Project Syndicate, New York and Prague, 1995 -
Member, Advisory Board, Center for Law and Philosophy, Columbia University, 1997-2000
Chief Privatization Adviser to the Government of Mongolia, 1996-98
Visiting Fellow, Institute for Human Sciences, Vienna, Austria, March 1995
Member, Program Board, Institute of Public Affairs, Warsaw, Poland, 1995-1999
Member, Working Commission for Small Business Development, State Committee for the

Management of State Property (Ministry of Privatization), Russian Federation, 1993
 Member of the Board, Russian Institute of Privatization and Management, Moscow, 1992 -95
 Member, Advisory Board, State Ministry of Property and Entrepreneurship, Ukraine, 1991-92
 Director, Privatization Project, Central European University, Prague, Budapest, and New York, 1991-99
 Member, Governing Council, Stefan Batory Foundation, Warsaw, Poland, 1991-
 Adviser, Constitutional Committee, Supreme Soviet of Russian Federation (charged with preparing the new Constitution of the Russian Federation), 1990 - 1992
 Expert Adviser, Constitutional Committee, The Parliament of Poland (charged with preparing the draft of the new Constitution of Poland), 1990 - 91
 Member, The American Society for Political and Legal Philosophy, 1986-
 Member of the Board, Helsinki Watch Committee, 1986-1989
 Director, Legal Theory Workshop, Columbia University, 1986-
 Editor, Radio University, Radio Free Europe, New York, 1978-80
 Research Assistant to Professor Zbigniew Brzezinski, Research Institute on Communist Affairs, Columbia University, Summer 1970
 Trilingual Interpreter, American Joint Distribution Committee, Rome, Italy, 1969

LEGAL AND BUSINESS EXPERIENCE

Member of the Bar, New York (Admitted: 1984)
 Partner, East European Associates, New York and Warsaw, 1990-93
 Consultant, Akin, Gump, Strauss, Hauer & Feld, Washington, D.C., 1987
 Summer Associate, Cleary, Gottlieb, Steen & Hamilton, New York, 1981
 Summer Associate, Hughes Hubbard & Reed, New York, 1980

GRANTS AND ACADEMIC HONORS

"Outstanding Academic Book Award," *Choice Magazine*, 1993
 National Council for Soviet and East European Research Grant, 1993
 Lynde and Harry Bradley Foundation Grant, 1991
 Ford Foundation Grant, 1990
 Moot Court finalist, The Yale Law School, 1980
 American Philosophical Society Research Grant, 1977
 Ph.D. awarded "with distinction," Columbia University, 1974
 Faculty Fellow, Department of Philosophy, Columbia University, 1969-1971

LANGUAGES

German, French, Italian, Latin, Polish (native), Russian, Chinese

ACADEMIC PUBLICATIONS

Books:

- Capitalism with a Comrade's Face: Studies in the Postcommunist Transition (with Roman Frydman and Kenneth Murphy), Central European University Press, Budapest, London, New York, 1998
- Corporate Governance in Central Europe and Russia, (edited with Roman Frydman and Cheryl Gray), Central European University Press (in cooperation with Oxford University Press), Budapest, London, New York, 1996 (2 volumes)
- Privatization in Eastern Europe: Is the State Withering Away? (with Roman Frydman) CEU Press, Budapest, London, New York, 1994 (Polish translation, Znak Publishing, Krakow, 1995; Ukrainian translation: Osnovi Publishers, 1995; Romanian translation, Editura Oskar Print, 1994; Lithuanian translation, Litterae Universitatis, 1996)
- Small Privatization: The Transformation of Retail Trade and Consumer Services in the Czech Republic, Hungary, and Poland (with Roman Frydman, John S. Earle, and Joel Turkewitz), CEU Press, Budapest and London, 1994
- Privatization in the Transition to A Market Economy: Studies of Preconditions and Policies in Eastern Europe (ed., with John Earle and Roman Frydman), Pinter Publishers and St. Martin Press, 1993 (Romanian Translation, Editura Staff Publishing Company, Bucharest, 1994)
- The Privatization Process in Central Europe, (with Roman Frydman, John Earle, *et al.*), CEU Privatization Reports, CEU Press, 1993 ("Choice" Magazine Award for 1993; Serbian Translation, NIP Ekonomska Politika DD, 1997; Polish Translation, Polish Educational Publishers, Warsaw, 1994; Romanian Translation, Editura Staff Publishing Company, Bucharest, 1994; Ukrainian Translation, Osnovy Publishers, Kiev, 1994)
- The Privatization Process in Russia, Ukraine, and the Baltic States, (with Roman Frydman, John Earle, *et al.*), CEU Privatization Reports, CEU Press, 1993 (Serbian Translation, NIP Ekonomska Politika DD, 1997; Polish Translation, Polish Educational Publishers, Warsaw, 1994; Romanian Translation, Editura Staff Publishing Company, Bucharest, 1995; Ukrainian Translation, Osnovy Publishers, Kiev, 1994)
- Nature and Politics: Liberalism in the Philosophies of Hobbes, Locke, and Rousseau (Cornell University Press, 1987, paperback ed. 1989) (Excerpts reprinted in J. Losco, ed., An Introduction to Political Theory, St Martin Press, 1991)

Articles, Papers, Chapters in Books, etc.

- "The Moral Significance of Economic Life," *Capitalism and Society*, Vol. 8, Issue 2, Article 1, 2013 (Available at SSRN: <http://ssrn.com/abstract=2364655>.)
- Entrepreneurship in Europe and the United States: Security, Finance, and Accountability (with Roman Frydman and Omar Khan), in Phelps, E. and H-W. Sinn (eds.), Perspectives on the Performance of the Continent's Economies, MIT Press, 2011, pp.27-64.
- "Zealotless Passion and Passionate Moderation: Osiatynski's Defense of Human Rights and Their Limits," 32 Human Rights Quarterly 1057-63 (2010).
- "Why Ownership Matters? Entrepreneurship and the Restructuring of Enterprises in Central

- Europe," (with Roman Frydman and Marek Hessel) in Fox, Merritt and Heller, Michael (eds.), Corporate Governance Lessons from Transition Economies, Princeton University Press, 2006.
- Can Constitutions Protect Private Property Against Governmental Predation? in Enrico Colombatto, The Elgar Companion to the Economics of Property Rights, Edward Elgar Cheltenham, UK and Northampton, MA, 2004.
- The Limits of Discipline: Ownership and Hard Budget Constraints in the Transition Economies (with Roman Frydman, Cheryl Gray, and Marek Hessel), The Economics of Transition vol. [?], no. 3 (2000)
- When Does Privatization Work? The Impact of Private Ownership on Corporate Performance in the Transition Economies (with Roman Frydman, Cheryl Gray, and Marek Hessel), Quarterly Journal of Economics, Nov., 1999, 1153-91; reprinted in Eric Berglof and Gerard Roland, The Economics of Transition: The Fifth Nobel Symposium in Economics Palgrave Macmillan and Stockholm Institute of Transition Economics (2007)
- Is Democracy Efficient? (In German as Wie effizient ist die Demokratie?), Transit, No. 14 (Winter 1997)
- "Transition to A Private Property Regime in the Czech Republic and Hungary," (with Roman Frydman and Joel Turkewitz), in: W. Woo, S. Parker, J. Sachs (eds.), Economies in Transition; Comparing Asia and Central Europe, MIT Press (1997)
- Corporate Governance and the Political Effects of Privatization (with Roman Frydman), in S. Zecchini (ed.), Lessons from the Economic Transition: Central and Eastern Europe in the 1990s, Kluwer Academic Publishers, Boston, 1997.
- "The Role of the State and the Market in Establishing Property Rights," Journal of Economic Perspectives, vol. 10, no. 2 (1996); reprinted in H.B. Schaefer and A.V. Raja (eds.), Law and Economic Development, Edward Elgar Publishing Ltd. (2006)
- "Investing in Insider-Dominated Firms: A Study of Russian Voucher Privatization Funds" (with R. Frydman and Katharina Pistor), in Frydman, R., Gray, Ch., and A. Rapaczynski (eds.), Corporate Governance in Central Europe and Russia, Central European University Press (in cooperation with Oxford University Press), volume 1, 1996
- "Exit and Voice after Mass Privatization: The Case of Russia" (with R. Frydman and Katharina Pistor), European Economic Review, 948 (1996)
- "Corporate Governance in an Insider-Dominated Economy: A Report on Russia," The Economics of Transition, 3, April 1995
- "Popular Sovereignty and the Concept of Representation; The Relevance of American Constitutionalism in Eastern Europe" (in German as "Lernen von Amerika?") Transit, No. 9 (1995) (reprinted in International Journal of Sociology, vol. 26 (Winter 1997)
- "The Rule of Law in a Theoretical and Comparative Perspective," in R. Michener The Balance of Freedom: Political Economy, Law and Learning, Paragon House, 1994
- "The Logic of Vouchers," in H. Smit & V. Pechota, Privatization in Eastern Europe: Legal, Economic, and Social Aspects, Transnational Juris Publications, New York and Martinus Nijhoff Publishers, The Netherlands, 1994
- "Eastern European Experience with Small-Scale Privatization" (with Roman Frydman, John S. Earle, and Joel Turkewitz), World Bank Discussion Paper Series, 1994
- "Needed Mechanisms of Corporate Governance and Finance in Eastern Europe" (with Roman Frydman, Edmund Phelps, and Andrei Shleifer), Economics of Transition, vol. 2, 1993

- "Notes on Voucher Privatization in Eastern Europe" (with John Earle and Roman Frydman), in D. Fair and R. Raymond (eds.), The New Europe: Evolving Economic and Financial Systems in East and West, Kluwer Academic Publishers (Dordrecht, Netherlands, 1993).
- "Insiders and the State: Overview of Responses to Agency Problems in East European Privatizations" (with Roman Frydman), Economics of Transition, vol. 1, 1993
- "Mass Privatization Proposals in Eastern Europe: Ownership and the Structure of Control" (with Roman Frydman), in: F. Targetti, Privatization in Europe, Dartmouth Publishing Co. (Aldershot, UK, 1992)
- "Privatization and Institutional Change in Eastern Europe," (with Roman Frydman), in P. Newman (ed.), The New Palgrave Dictionary of Money and Finance, Stockton Press (New York, 1992)
- "Institutional Reform in Eastern Europe: Evolution or Design?" (with Roman Frydman), 12 Bringham Young University Law Review 1-22 (1992)
- Comment on Oliver E. Williamson, "Private Ownership and the Capital Market," in H. Siebert (ed.), Privatization, JCB Mohr (Paul Siebeck) (Tübingen, 1992)
- "Evolution and Design in the East European Transition" (with Roman Frydman) in L. Paganetto and E.S. Phelps (eds.), Privatization Processes in Eastern Europe: Theoretical Foundations and Empirical Results, Rivista di politica economica LXXXI (November 1991), reprinted by Macmillan Press and St. Martin Press (1993)
- "Privatization and Corporate Governance in Eastern Europe; Can a Market Economy Be Designed?" (with Roman Frydman), in G. Winckler (ed.), Central and Eastern Europe: The Roads to Growth, International Monetary Fund and Austrian National Bank, Washington, 1992.
- "Wie viel Staat braucht der Markt?" (with Roman Frydman), Transit, No. 3 (Winter 1991/92), reprinted in : Frankfurter Rundschau, March 18, 1992, No. 66.
- "Lineamenti evolutivi del processo di transizione nei paesi dell'est europeo" (with Roman Frydman), Rivista di politica economica LXXXI (November 1991)
- "Markets and Institutions in Large-Scale Privatizations" (with Roman Frydman), in: V. Corbo, F. Coricelli, and Jan Bossak (eds.), Reforming Central and Eastern European Economies: Initial Results and Challenges The World Bank, Washington, D.C., 1991
- "Constitutional Politics in Poland; A Report on the Constitutional Committee of the Polish Parliament," Chicago Law Review, vol. 58, no. 2 (Spring 1991), reprinted with small changes in A.E. Dick Howard, Constitution-Making in Eastern Europe Woodrow Wilson Center Press, Washington, DC, 1993.
- "Privatizing Privatization in Poland and Eastern Europe" (with Roman Frydman), in D.D. Purvis (ed.), Economic Development in the Soviet Union and Eastern Europe, Policy Forum Series, John Deutsch Institute for the Study of Economic Policy, Queens University (Canada), 1991, pp. 70-74
- "Law and Public Choice," Tel-Aviv University Studies in Law, vol 10 (1990), 15-31.
- "To Privatize Privatization; A New Proposal for Social and Economic Reform in Poland," (in Polish) Res publica, 9/9
- "The Influence of the United States Constitution Abroad in the Eyes of Scholarly Literature," in Henkin & Rosenthal (eds.), Constitutionalism and Rights, Columbia Univ. Press (1989)
- "The Vagaries of Consent," in J.W. Chapman and J.R. Pennock (eds.), Markets and Justice, NOMOS XXXI (1989)

- "The Ninth Amendment and the Unwritten Constitution: The Problems of Constitutional Interpretation," (with a commentary by Thomas Grey) 64 Chicago-Kent Law Review 177-210 (1988) (reprinted in: R. Barnett, ed., The Rights Retained by the People: The History and Meaning of the Ninth Amendment, vol. 2, George Mason Univ. Press, Fairfax, Va 1993)
- "From Sovereignty to Process: The Jurisprudence of Federalism After Garcia," 1985 Supreme Court Review 341-419 (excerpted in: Garvey and Aleinikoff, eds., Modern Constitutional Theory: A Reader, (West Publishing Co., 1989, 1991); shorter excerpts in a number of constitutional law textbooks)
- "Locke's Conception of Property and the Principle of Sufficient Reason," Journal of the History of Ideas, 42 (1981), 305
- "Of Wolves and Men: The Philosophical Theory of Piotr Hoffman," Zeszyty Literackie, No. 22, 97 (1988) (in Polish)
- "Kolakowski on Marxism," Kontinent, No. 22 (1980) (in Russian)
- "History Demythologized," Zeszyty Historyczne, No. 49 (1979) (in Polish)
- "Impotence of Philosophy or Philosophy of Impotence?," Kultura 6/309 (1973) (in Polish)
- "McCarthy on Habermas," Nous, XV (3), 423 (1981)
- Review of Proceedings of the Biennial Meetings of Hegel Society of America, Ethics 93 (1983), 811

OTHER PUBLICATIONS

- "Dziesięć lat później" (*Ten Years Later*), An Interview with Tadeusz Mazowiecki, the first post-Communist prime minister of Poland. Kultura Liberalna Nr 252 (44) Nov. 5, 2013, <http://kulturaliberalna.pl/2013/11/05/dziesiec-lat-pozniej-niepublikowany-wywiad-z-tadeuszem-mazowieckim/>; reprinted in Zeszyty Literackie, [?]
- Europe of Provinces, Not States, an article syndicated in a large number of daily newspapers in Europe and Asia
- Calling Croatia's Bluff (with Roman Frydman and Kenneth Murphy), an article syndicated in Der Standard (Austria; in three parts), Dagens Nyheter (Sweden), Rzeczpospolita (Poland), Magyar Hirlap (Hungary), and a number of dailies in Eastern Europe
- "Capitalism with a Comrade's Face" (with Roman Frydman and Kenneth Murphy), an article syndicated in Der Standard (Austria; in four parts), Dagens Nyheter (Sweden), Rzeczpospolita (Poland), Magyar Hirlap (Hungary), and a number of dailies in Eastern Europe
- "Forward into the Past: Slovakia's Counterrevolution" (with Roman Frydman and Kenneth Murphy), an article syndicated in Die Zeit (Germany), Der Standard (Austria; in three parts), Rzeczpospolita (Poland), Magyar Hirlap (Hungary), and other dailies in Europe.
- Review of recent books on economic transition in Eastern Europe, The World Link, 1995
- "Privatization in Eastern Europe: Is the State Withering Away?" (with Roman Frydman), Finance and Development, vol. [?], 1993
- "Eight Lectures on Marxism," Radio Free Europe, New York (broadcast by R.F.E.), 1979
- Speeches on privatization and constitutionalism in Poland, The Cumberland Law Review, vol.21:3, 1991
- "Guarantees or Promises?" (An Interview in Russian), Man and Law, No. 1, 91

- "Memorandum to Oleg Rumiantsev" (in Russian), Constitutional News, Constitutional Commission of the Russian Federation, No. 2, October 1990
- "Democratic Elections and the Principle of Proportionality," Rzeczpospolita, 10/16/90
- "The Cannons of Democratic Elections," (in Polish) Rzeczpospolita, 10/10/90
- "Elections," (An Interview in Polish), Res publica, 9/90
- "Basic Questions" (*Zasadnicze Pytania*) (on Polish Constitution), Rzeczpospolita, July 1990
- "Privatizing Privatization in Poland and Eastern Europe," Soviet and East European Law, vol. 1, no. 8 (October, 1990)
- "To Privatize Privatization" (An Interview in Polish), Zycie Gospodarcze, 8/19/90
- "Privatization: Acceleration and Ventilation" (in Polish, with Roman Frydman), Rzeczpospolita, 8/27/1990
- "Privatization: Justice and Efficiency" (An Interview in Polish), Zycie Warszawy, 8/27/90
- "Privatization and Valuation: Who, When, and Why?" (in Polish, with Roman Frydman), Zycie Warszawy, 8/31/90
- "Privatization: Valuation and Alchemy" (in Polish, with Roman Frydman), Gazeta Bankowa, 9/2/90
- "Privatization and Sale: For Whom and At What Price?" (in Polish, with Roman Frydman), Zycie Warszawy, 9/12/90
- "The Polish Government's Large-Scale Privatization Plan: A Preliminary Analysis" (with Roman Frydman), Soviet and East European Law, vol. 2, no. 1 (February, 1991)
- "Nie Torpedowac!" (Comments on the Polish Mass Privatization Plan) (in Polish, with Roman Frydman), Zycie Gospodarcze, No. 30 (July 28, 1991)