Annex 3

PhD Wojciech Dziedziak
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Summary of professional accomplishments

1. Name and surname:

WOJCIECH DZIEDZIAK

2. Academic/artistic degrees and titles – including the name, the place and the year of their awarding and the title of the doctoral dissertation:

I studied law at the Faculty of Law and Administration at Maria Curie-Skłodowska University in Lublin, from which I graduated with honours in 1991. As a fifth-year student, I became the laureate of the National Nicolas Copernicus *Primus Inter Pares* contest, having been ranked among the best students of all faculties of Polish universities (the meeting of the laureates of the *Primus Inter Pares* contest with Lech Wałęsa, the President of the Republic of Poland, Belweder Palace, 7 February 1991). Previously, in 1981, I had also graduated from the piano department of a first level music school (1975-1981).

In 1992-1995, I completed a legal counsellor apprenticeship and passed the bar exam in 1995. I am registered on the list of legal counsellors by the Board of the Regional Chamber of Legal Counsel in Lublin.

I was awarded a PhD degree in law in 1999, having presented my doctoral dissertation entitled „Legal and moral sanctions (a theoretical and legal study)". My dissertation advisor was Professor dr hab. Henryk Groszyk.

3. Employment in academic/artistic institutions:

From October 1, 1991 to September 30, 1999 – I worked as an assistant lecturer in the Institute of Theory of State and Law, Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin.

From October 1, 1999 to September 30, 2013 – I was an assistant professor in the Institute of Theory of State and Law, transformed into the Chair of Theory of State and Law in 2003, and then – into the Chair of Theory and Philosophy of Law in 2005, Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin.

Since October 1, 2013 – I have been a senior lecturer at the Chair of Theory and Philosophy of Law, Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin.

From October 1, 1999 to December 31, 2002 – an assistant professor at the University of Management and Administration in Zamość.

From October 1, 2005 to September 30, 2012 – an assistant professor at the Higher School of Humanities and Natural Sciences in Sandomierz.

4. Indication of the accomplishment stemming from Article 16, item 2 of the Act of March 14, 2003 on Academic Degrees and Academic Title and Degrees and Title in Art (Journal of Laws No. 65, item 595, as amended):

a) the title of the academic/artistic accomplishment

The monograph entitled „***On equitable law (the perspective of the system of statutory law)***".

b) author/authors, title/titles of published works, the year of publication, the name of the publishing house

Wojciech Dziedziak, *O prawie słusznym (perspektywa systemu prawa stanowionego)*/On equitable law (the perspective of the system of statutory law), Lublin 2015,

Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, pp. 309.

c) the academic/artistic aim of the above work/works, its/their results and possible application

The work submitted for appraisal is dedicated to the concept of equitable law. The issues concerned are discussed with reference to the system of the statutory law. This concept is one of the major problems of the philosophy of law. Equity, the nature of equity, the relations between law and equity are classic issues which were touched upon already in antiquity to be later discussed throughout whole centuries until modern times. Nonetheless, the concept still remains new, current, ambiguous and perhaps somehow unclear; and, unfortunately, at times – in certain periods of legislative decision-making and then usually also in the acts of law application – ignored, forgotten or even unwanted. However, the idea of equity is coming back, which is the way it should be as the essence of law – as may be stated – is based on equity. For more than two thousand years, it has been repeatedly claimed within the sphere of European civilisation and culture (including the legal culture) that law is to be equitable. What does equitable law mean anyway? The main aim of the work is to provide the answer to the above question. What is equitable law then? My discussion of the issue concerned involves an attempt to develop a new substantial theory of equitable law.

Before I proceed to discuss the structure of the monograph which is dictated by the problem in question, it needs to be emphasised that despite the great importance of the issue of equity in law, there has been, in principle, only one attempt made in the Polish legal science to develop a theory of equity. What is meant here is the theory of equity as put forward by Henryk Piętka in the monograph entitled *Słuszność w teorji i w praktyce*/Equity in theory and practice published in Warsaw in 1929. It worthwhile to mention that upon the publication of this work, Anzelm Lutwak wrote: „Among the multitude of books and treatises on equity or justice, it is probably the first monograph in the relevant Polish literature which aims – as stems from its preface and structure – to provide a broad and comprehensive analysis of this great long-time issue of life and law – and what is more: to present it in new light and to create own theory of equity beginning from the bases or even methodological assumptions" (A. Lutwak, *Rzecz o słuszności. Krytyka i synteza*/On equity. A critique and synthesis, Lvov 1930, p. 1). This work by Anzelm Lutwak could be seen as a polemics and at the same time a review (34 pages) of Henryk Piętka's monograph. Generally speaking, in Henryk Piętka's theory, equity is subjectivised – despite the author's attempts to objectivise it

– greatly diversified and segregated. In fact, Henryk Piętka reduces equity to psychical feelings.

With this aim in mind, I divided my monograph into five chapters. Chapter I is introductory. The European civilisation and culture, including the legal culture, is based on the Greek philosophy of law, the Roman law and the Christian ethics. Recognising equity as a significant category, each of these fundamental sources and constituent elements of Europe's identity and legal culture would add and develop some new elements contributing to the idea of equity in law. These issues are discussed in Chapter I entitled *Philosophical and institutional manifestations of equity*. Thus, I examine equity in the Greek philosophy, in the Roman law and the Christian ethics. The chapter also mentions equity in the Anglo-Saxon legal tradition. However, due to the intended scope of the work, whose reference point is the system of statutory law, it presents merely its most basic issues. As regards other philosophical and institutional manifestations of equity, they were defined in the great civil codifications of the 19th century. Moreover, the chapter examines the theory of equity as developed by Henryk Piętka in his monograph *Equity in theory and practice*.

One more thing needs to be emphasised with reference to Chapter I. Namely, the work does not aim to review various approaches, concepts and theories of equity. Therefore, in order to avoid needless repetition of well-known and well-discussed issues, the chapter does not examine the ideas of various scholars such as Rudolf Stammler or Ronald Dworkin. I do not examine the approaches by certain authors not only because they are well-known, but also due to their insignificance to the substantial understanding of equity as developed (adopted) by the work.

Chapter II is entitled *Understanding of equity and equitable law*. It examines the meaning of the word „equity" in English and Latin, which to some extent brings us closer to the understanding of equity as adopted in the work. This chapter emphasises that in the field of law it is particularly difficult to distinguish between justice and equity, with some voices even claiming it does not seem possible at all. As for the criteria for equitable law, equity (and hence equitable law as well) depends on objective, and not subjective, criteria. This basic, fundamental criterion (determinant) is the man (a human person), not only physical, but also spiritual being, endowed with immanent, inherent and inalienable dignity. It is about the truth about the man. It should be an integral holistic truth which objects to any objectification of man. The findings of this chapter, bring me closer to the claim that the truth is the criterion of equitable law (the truth about reality and the truth about the man). The other criteria are as follows: good, justice and human dignity. As regards the understanding of equitable law, it is

based on these very values. It may be said that the common denominator of the above values is human dignity, the dignity of every human being. In this chapter I explain the meaning of the indicated values; and also, why it is these very values that are the components, the founding elements of equitable law. And hence here, I need to, even briefly, discuss the meaning of these values.

What is then the understanding of *truth* (Greek ἀλήθεια [*alétheia*], Latin *veritas*, *verum*) that is meant here? It is the basic, classic understanding of truth. Truth in the cognitive sense (the epistemic dimension of truth) is the equation of intellect and things (*veritas est adaequatio intellectus et rei*). Thus, it is about the compliance of the content of cognition with its subject, or „a judgment being in conformity to reality". Truth in the classical sense is not the result of any convention, agreement or common consent. It is not established by means of a discussion, it is not established by man, and it is not decided in a vote.

Proceeding to the *good* (Greek ἀγαθόν [agathón], Latin *bonum*), it is about the good in the moral sense. The good in the moral sense is the good of man and the common good. In the analysis of the good, it needs to be emphasised that the man is the good in himself – he is *bonum honestum*. I refer here to the classic distinction in the philosophical tradition (the distinction of three great spheres of the good), which division is already of ethical nature as well, according to which the first and the most fundamental dimension of good is the moral good (*bonum honestum*). It is the moral good that is the foundation of morality. The moral good (*bonum honestum*) is the good of the objective end. And it is the proper and real good. The moral good is „the good in itself". The man and his life are always the moral good that is the good which is the objective and absolute end. The useful good (*bonum utile*), in turn, is the good of the means, the means to a certain end. *Bonum utile* is a non-human being which is the means to the end which is the human being (the man), i.e. the end to itself. Being the means to an end is being useful to the object. If the man chooses *bonum utile*, then the end is the benefit of the object. The third type of good is the pleasant good (*bonum delectabile*) that is the good of the personal end. The sole object of it is desire.

When we talk about equitable law, what is basically meant is the very moral good, that is the good that „ought to be realised" for the good itself, and not for its usefulness (when it is a means to some other end) or for the pleasure involved in it. The pleasant good, or the useful good, may be of significance only when it is at the same time the moral good, as they may be not mutually exclusive. However, man cannot be reduced to the dimension of the useful or pleasant good. Man, being the moral good, calls for unconditional affirmation. The man is the super-utilitarian good.

And what is the common good? Generally speaking, the common good (*bonum commune*) is an integral, comprehensive development of the human being and living in conditions adequate for human dignity. The update of personal potentials develops and improves a given man and also serves other people. The personal development of man is a non-antagonistic good and it is not detrimental to the good of others. Ultimately, the common good finds its explanation and justification in the good of man. Statutory law is to serve the good of man and the common good.

As regards *justice* (Greek δικαιοσύνη [*dikaiosyne*], Latin *iustitia*), I adopt the classic understanding, thus the idea is to render to everyone his own (*suum cuique tribuere*). Commonly known is the concise definition formulated by D. Ulpianus: „*Iustitia est constans et perpetua voluntas ius suum cuique tribuendi*". Justice is an essential principle of the social life. It retains its sense when it is justice for all. Justice demands „to render to every man his due". And what is to be rendered to every man? What is his own, what is his due? It is about human rights. The man has rights arising from his inherent dignity. These rights stem from the living structure of man. They are natural rights. The formula „to render to every man his own" is associated with the natural right, the subjective right, the right to something, and thus it means to render „something that the man has the right to". These natural rights must be ensured, guaranteed and realised by statutory law, and they may not be removed. The existence of these rights requires the legislative authority (the people who exercise it) to secure them. The most fundamental of these rights include: every human being's right to life, the right to be born and the right to personal development. Naturally, the principle of „rendering to every man his due" can be respected by the legislative authority, with these rights being then part of statutory law. It has to be born in mind that in the case of numerous more detailed issues, the entitlement to render to a man his due, will be present in statutory law, if its regulations are in accordance with more general guidelines of justice.

And what is meant by human dignity (Latin *dignitas hominis*) is obviously the inherent, inalienable and irremovable dignity, that is personal dignity. This dignity is the foundation of human rights, it is the basis and source of human rights and their protection. Human dignity is unacquirable. It is associated with the very essence of man. Man has it based on his existence.

Therefore, let us emphasise that equitable law is founded on the indicated values. Each of these values should be respected in the legislative activities (in law making), as well as in the application of the law, so that law (norms), as well as decisions, are equitable.

Chapter III is entitled *Determinants of equitable law in the Constitution of the Republic of Poland of 1997*. It raises the issues of the meta-axiology of the Constitution of the Republic of Poland, as well as the issues of cognisability of values that is related to it. Raising issues related to the meta-axiology of the Constitution of the Republic of Poland is based on the fact it is in the system of Polish law that the criteria of equitable law can be found, and these are constitutional values. What is meant here are the universal values indicated in the Preamble to the Constitution of the Republic of Poland, which include: truth, good, justice and their supplementary principles of common good (Art. 1 of the Constitution) and social justice (Art. 2 of the Constitution). It is also about the principle of the inherent dignity of man (Art. 30 of the Constitution). Let us cite the initial passage from the Preamble of the Constitution of Poland: „[…] We, the Polish Nation – all citizens of the Republic, both those who believe in God as the source of truth, justice, good and beauty, as well as those not sharing such faith but respecting those universal values as arising from other sources […]". Thus, the Constitution refers to God „[…] as the source of truth, justice, good and beauty". Having discussed the issue of the meta-axiology of the Constitution of the Republic of Poland, I also refer to beauty (Greek καλός [*kalós*], Latin *pulchrum*). In the constitutional approach, however, it seems that it should not be reduced aesthetics. Let us remind that this value is not among the elements of equitable law we distinguished.

With reference to the other issue, i.e. the cognisability of values, it needs to be stated that the legislator recognised here the objective grounding of values and the axiological cognitivism, which is basically associated with the values that are the determinants of equitable law. There are constitutional values whose source is neither the State, nor the sovereign – the Nation, nor the society, nor any social agreement or arbitrary human will. There are, thus, values that are independent of individual views, opinions, feelings, emotional reactions or approaches.

Chapter IV, which is entitled *Equity as the ground of law making* focuses in its first part on the right to live from the moment of conception as the one without which all other rights do not make any sense. It is the necessary requirement of equitable law, and nowadays it is by means of law that the life or death of many human beings is decided. With reference to this very matter there is the greatest number of misunderstandings and ambiguities. Next, I touch upon new threats that emerge as a result of the development of science, biology in particular. Modern biology and medicine give rise to and enhance philosophical problems, ethical and legal problems, which they do not and cannot solve themselves. The development of biomedicine and biotechnology provokes, and in fact makes it necessary to rethink the

foundations of law. It is fully justified to claim that that bio-ethical issues are among the most important, the most significant problems faced by the legal science, philosophy of law, philosophy and law. These can be seen as the „challenges of our time". These issues fall within the scope of the discussion on equitable law. They are raised to be provided with a unanimous answer to the problems they cause, which answer is the one provided by equity. These parts of Chapter IV answer a few basic questions such as, in particular: 1. When does the human life begin? The answer to the question about the beginning of human life is not an issue of this or that worldview. It is a scientific question; 2. Since when a human being is entitled to the right to dignity?; 3. And the one that may cause most difficulties: since when a human being (man) is considered a person? Moreover, the third part of this chapter examines other selected issues of the discretionary boundaries of legislative decisions.

Chapter V – *Equity in law application* – presents the issues of the axiological grounds of the application of law. These are, naturally, grounds based on equity. Truth, good, justice, and human dignity – these founding values of equitable law and the foundations of law, i.e. values that are the underlying sources of law (law making), may and should, in fact, also be the values of law application. This chapter presents the role of equity in the processes of law application, as well as the ways of reaching an equitable decision based on the decision-making approach to the judicial application of law. An attempt has been made to develop a model of law application which would be based on equity. Due to the fact that under Polish law the criteria of equitable law are legal and constitutional values, and thus an equitable decision can, in principle, be reached within the framework of law, in presenting the paths towards an equitable decision, the model focuses to a great extent on the domestic system of law.

It needs to be emphasised that there is the following basic question to be answered in law application: how should a decision be passed? How a judge is to pass a decision, to adjudicate? What values is he supposed to base on (and implement), what is (what should be) the aim of a decision? The very answer to these questions is equity – the equity of decisions, the equity *in concreto*.

From the perspective of the study undertaken, it is beyond any doubt that even if it was not possible to derive the founding values of equity from law, and even if in the legal system and in the Constitution there were no determinants of equity, i.e. the universal values which are the components of equity, and equity was not inscribed in the normative act either, then in these rather rare cases, the decision should also (is also supposed to) be equitable and based on values that are not expressed in legislation; as these values are, indeed, primary to

statutory law; these are pre-law values. And it needs to be indicated that equity does not postulate arbitrary judicial appraisals or decisions. Quite the contrary, it, indeed, objects to them.

In the application of law by the court, the final decision, in fact, „touches upon" – when other understandings and justifications are reduced – the basic, primary values and appraisals (it touches upon truth, good, justice and human dignity). It is due to the fact that, indeed, the legal consequences established in the final decision always concern man (directly or indirectly).

To summarise the discussion undertaken in the work and, in a sense, its results, it may be argued that equity in the sense adopted here, objects to the relativisation of the processes of both law making and application. It also opposes various forms of scepticism and moral or legal nihilism. The values making up equity determine the boundaries of equitable law which cannot be filled with any content. Naturally, equity in relation to law also protects against decision-making voluntarism (legal and juridical). Equitable law based on the indicated values may constitute an attempt to provide an answer to the contemporary „relativistic challenges" that are so clearly present in morality, ethics, science or culture, as well as in the systems of statutory law and in the continental legal culture, the perspective of which the discussion of equitable law has referred to.

Founding law on the indicated criteria, of course in the sense adopted in the work, would protect against what the tradition called *lex iniqua*. It would protect man from the threat arising from statutory law itself. It would prevent statutory law from becoming a threat to man and from being against man.

Equitable law is, indeed, oriented towards man. This is expressed by the following ancient sentence: *Hominum causa omne ius constitutum est*, meaning „Every law is established for the benefit of man". Equity is an „instance" that can protect man and his dignity – the dignity of a person, both now and in the future.

5. Other academic (artistic) accomplishments:

5.1. My other academic research accomplishments I have made after being awarded a PhD degree in law, include various academic publications[1], which are the result of my interests in the issue of equity; in my opinion, they are an important manifestation of my

[1] A detailed list of all published works and a list of other accomplishments is enclosed in Annex 5 – „List of published academic papers or creative proffesional works and a description of accomplishments in teaching, research collaboration and science popularisation".

academic research activities, especially that some of them have been preceded with papers delivered at academic conferences. This research plane has been reflected in several published works. One of them is the article entitled *Słuszność jako wartość prawa*/Equity as a legal value, „Studia Iuridica Lublinensia", vol. XV, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2011, pp. 71-81, which was preceded with a paper delivered at the academic conference „Idea słuszności w prawie – przeszłość i teraźniejszość"/„The idea of equity in law – the past and the presence" (Lublin, 21 December 2010). Another one is: *Z zagadnień słuszności w prawie*/Selected issues of equity in law, [in:] *Państwo-Prawo-Polityka. Księga poświęcona pamięci Profesora Henryka Groszyka*/State-Law-Politics. A jubilee book dedicated to Professor Henryk Groszyk, ed. M. Chrzanowski, J. Kostrubiec, I. Nowikowski, Lublin 2012, pp. 90-101; and a broader one, which was published in the same year, is: *Słuszność w prawie i prawa człowieka*/Equity in law and human rights, [in:] *Praktyka ochrony praw człowieka*/The practice of the protection of human rights, vol. I, ed. K. Machowicz, Wydawnictwo KUL, Lublin 2012, pp. 13-48. As regards these issues, the following two articles proceeded with speeches delivered at conferences ought to be mentioned: *Metaaksjologia Konstytucji RP a nonkognitywizm (zarys zagadnień podstawowych)*/The meta-axiology of the Constitution of the Republic of Poland versus non-cognitivism (an outline of basic aspects), [in:] *Integracja zewnętrzna i wewnętrzna nauk prawnych*/External and internal integration of legal sciences, part 2, ed. M. Król, A. Bartczak, M. Zalewska, Wydawnictwo Uniwersytetu Łódzkiego, Łódź 2014, pp. 199-212; and: *Czy prawo Polski Ludowej było prawem słusznym?*/Was the law of the Peoples' Poland equitable law?, „Annales Universitatis Mariae Curie-Skłodowska", Sectio G, Ius, vol. LXI, 1, Lublin 2014, pp. 53-73. Let me also mention two articles that were published in English: *On equity in law*, [in:] *Legal Studies*, ed. J. Stelmasiak, L. Bielecki, P. Ruczkowski, Hieronymus Verlag, München 2013, pp. 131-155; and: *Axiological Basis for the Application of Law – a Perspective of the Equitable Law*, [in:] *Application of Law. Selected Theoretical Problems in Decision Making Perspective*, ed. A. Korybski, B. Liżewski, „Studia Iuridica Lublinensia", vol. XXIV, 2, Lublin 2015, pp. 49-71.

5.2. Having been awarded a PhD degree in law, I have published several academic articles which continued to discuss the issues that had been the subject of my doctoral dissertation. These included:

1. *Rola sankcji prawnych i moralnych w kształtowaniu wartości*/The role of legal and moral sanctions in shaping values, „Zamojskie Studia i Materiały", edition II vol. 2, Zamość

2000, pp. 27-41.

The discussion focuses on the relation between sanctions and the protection of values, the carriers of which are norms. By means of sanctions, the addressees are somehow coerced to implement the values expressed in norms. Legal and moral sanctions adequately develop values and even their systems if the term „system" is understood in a less rigorous sense. First of all, however, sanctions are a factor which shapes or consolidates individual values. The article depicts quite a significant difference in implementing values that exists between legal and moral sanctions. It may be seen in the fact that legal sanctions contribute to the development of values, by means of sanctions on both the normative and the real plane (i.e. by means of sanctions as social facts). Therefore, this influence is twofold. Moral sanctions, in turn, shape values primarily by means of mental and social facts, thus in a more one-way manner. This is a consequence of the exceptional presence of moral sanctions on the normative plane. This difference does not determine, however, the impact of sanctions in implementing values. The two-foldness typical of legal sanctions seems not to prejudge their more significant role in shaping, or rather co-shaping values.

2. *Działanie motywacyjne sankcji prawnych i moralnych*/Motivational operation of legal and moral sanctions, „Studia Iuridica Lublinensia", vol. V, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2005, pp. 11-31.

The article discusses the issue of the motivational operation of legal and moral sanctions. First, it defines the basic terms connected with the above subject, such as legal sanctions, moral sanctions, a motive, motivation, the motivational process and the motivational operation of a norm. Next, it proceeds to present the motivational operation of legal sanctions. As a result of the analysis undertaken in this part of the work I conclude that legal sanctions can be a motive, a co-motive (i.e. they can co-motivate), or at times they can motivate actions. I distinguish the abstract motivational operation of legal sanctions, i.e. the operation triggered by announced sanctions, as well as the concrete operation, thus connected with sanctions as social facts. Part III of the work is devoted to the motivational operation of moral sanctions. They can also be a motive, a co-motive, or they can motivate actions. The dominant motivational operation of these sanctions is the concrete, and not abstract, operation, that is by means of sanctions as mental and social facts. Furthermore, the sheer fear of the sanction caused by the existence of sanctions (both legal and moral) may be a motive of human actions.

3. *Sankcje prawne a przymus prawny*/Legal sanctions versus legal coercion, [in:] *W*

kręgu historii i współczesności polskiego prawa. Księga jubileuszowa dedykowana profesorowi Arturowi Korobowiczowi/In the circle of the history and the presence of Polish law. A jubilee book dedicated to Professor Artur Korobowicz, ed. W. Witkowski, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2008, pp. 518-530.

In the analysis of the relations between legal sanctions and legal coercion (which, in accordance with the meaning of the above term as adopted by this work, involves both psychological and physical coercion), I conclude that psychological coercion is a broader and more complex phenomenon than sanctions recognised only on the normative level. In fact, by announcing negative consequences, these sanctions threaten with these, and thus cause psychological coercion (create a forced situation). However, psychological coercion also occurs in other forms, such as a promise or pressure which can also occasionally cause forced situations or a state of threat. The subsequent analysis of the relation between the sanctions as social facts and the other form of legal coercion, i.e. physical duress, gives rise to the conclusion that physical coercion does not boil down only to legal sanctions recognised as social facts. Physical coercion (as opposed to legal sanctions, which are the consequence of the violation or contravention of norms) may be applied by the State authorities, including the prevention authorities, and thus in the absence of the violation (contravention) of law. However, a sanction as a social fact does not always involve physical coercion. The analysis undertaken indicates that the relations between legal sanctions and legal coercion are complex, and legal coercion does not boil down to legal sanctions exclusively, but is a broader and more complex phenomenon than legal sanctions.

4. *Wpływ sankcji prawnych i moralnych na skuteczność prawa*/The influence of legal and moral sanctions on the effectiveness of law, „Studia Iuridica Lublinensia", vol. XXIV, 1, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2015, pp. 67-88.

The article mainly focuses on the behavioral effectiveness, which is linked to the issues of law observance. In reply to the question about what makes people act in accordance with law, particularly when it provides for patterns of behaviour that are burdensome to them, I state that legal sanctions are merely one of the factors conditioning the effectiveness of law. This stems, among others, from the fact that self-imposed legal motivation is rather quite a rare occurrence in people. Hence, the major significance, among other factors, of the approval of the content of norms, their internalisation, as well as certain habits and attitudes. Moral sanctions are of no lesser significance to the effectiveness of law, as well. The mere sanctions established by the legislator (sanctions in the normative sense) will not enforce the

effectiveness of legal norms, unless they are reflected and supported by the moral sanctions that convergently influence the specific subject of behaviour.

5.3. What may also be recognised as another academic accomplishment is the article *Techniki informatyczne a nauki prawne. Zagadnienia wybrane*/Informational technologies versus legal science. Selected aspects, [in:] *Prawoznawstwo a praktyka stosowania prawa*/Jurisprudence versus the practice of law application, ed. Z. Tobor, Wydawnictwo Uniwersytetu Śląskiego, Katowice 2002, pp. 49-65 (co-author: J. Polanowski). Its theses were delivered during the XIV Meeting of Chairs of Theory and Philosophy of Law, which was entitled „Teoria prawa – dogmatyka – praktyka stosowania prawa"/„Theory of law – dogmatics – the practice of law application" (Ustroń, 20-23 September 2000).

The article presents selected issues related to the legal aspects of the use of informational technologies in the social life, law and legal sciences. It focuses on three main planes: theoretical and legal, dogmatic and legal and practical.

5.4. Another significant academic research accomplishment is, in my opinion, the publication entitled *Z zagadnień sprawiedliwości, miłosierdzia i prawa*/On issues of justice, mercy and law, „Studia Iuridica Lublinensia", vol. XII, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2009, pp. 101-119 (co-author: G. Maroń).

The article discusses the issues of justice, mercy and law. The first part presents three possible relations between the notions of justice and mercy. The variant providing for their complementariness is acknowledged to be the best description of the mutual relations of both of the above virtues. While perceiving the dissimilarity between justice and mercy (not only conceptual, but mainly substantial), this approach at the same time emphasises their supplementation and complementariness. The present work subsequently goes on to discuss the issue of justice and mercy within the sphere of legal relations, particularly in the process of law application. The authors allow for an act of mercy exclusively with reference to decisions made on own behalf and regarding the goods one is entitled to dispose of, thus excluding mercy from the direct determination of the results of a formalised process of law application. What may be a point of reference for public authorities within the context of institutionalised law application is mainly justice as correlated with law. It does not contradict the significance and role of the virtue of mercy in the sphere of private law relations. The next section presents the summary and conclusions stemming from the above discussion. The authors believe the requirement of justice to be indispensible with reference to law. The

postulate of justice as the key value of law pertains both to the process of law making as well as application of law. In creating law in accordance with the requirements of justice, the legislator should contribute to the establishment of a just order being grounds for the formation of good social coexistence. The legislator ought to establish legal norms consonant with the elementary moral norms. With the essence of law thus understood, it is also its application that needs to be perceived within the context of realising the value of justice. On the other hand, mercy in the sense adopted by the work is not, in the strict, i.e. literal sense, possible to be realised in the processes of law making and application. The place of mercy within the sphere of legal phenomena is limited to private decisions an individual may make while being guided by love, forgiveness and condonation. The authors also stress that if a broad, though quite general sense of mercy as a merely abstract universal value of love was to be adopted, it would allow for the analysis of the role of this value in the processes of law creation. As seen from this perspective, on the plane of the policy of law making, justice may and should be complemented (supported) by „the postulates of mercy" wherever possible.

5.5. Another scope of my interests is the issue of legal norms and the issue of understanding law in the sense of its various possible concepts, which is manifested in two publications:

1. *O pojmowaniu prawa – zarys problem*/On the understanding of law – an outline of the problem, „Studenckie Zeszyty Naukowe", vol. 23, year XVI, Lublin 2013, pp. 17-35.

The paper mainly focuses on two opposite approaches, i.e. natural law and legal positivism, which involve the fundamental dispute over the essence of law. They are mainly presented in their basic, typical aspects. The article emphasises that the basic thesis of legal positivism on the separation of law and morality is unacceptable, as it may result in law degrading, degenerating and transforming into statutory lawlessness, the examples of which are the totalitarianisms of the 20th century. I also stress the continued validity of the natural law thought, a manifestation of which may be the fact that the international community, in the Universal Declaration of Human Rights adopted in 1948, recognises the existence of inherent and inalienable human rights stemming from the inherent dignity of a human being, which the State has to respect and is obliged to protect.

2. *Szkic o normach prawnych i moralnych*/An outline of legal and moral norms [in:] *Pro Scientia Iuridica*, ed. M. Chrzanowski, A. Przyborowska-Klimczak, P. Sendecki, Lublin 2014, pp. 89-104.

The article discusses the issue of legal and moral norms. The first part of the discussion presents the basic terms involved, i.e. law, morality and norm. Then it focuses on the main grounds for distinguishing between legal and moral norms, among which the most essential are the differences in the way they are established (their different origin), in their subjective and objective scope, in the degree of their formalisation, in the way of sanctioning and their justification. In the final part of the article I formulate a thesis on the necessity of a connection between positive law and morality, by referring to the meta-axiology of the Constitution of the Republic of Poland as adopted by the Polish constitutional legislator, particularly good as a paradigm of morality (good as a universal value indicated in the Preamble, and the principle of the common good expressed in Article 1 of the Constitution), as well as the inherent and inalienable human dignity being a universal norm of morality (Art. 30 of the Constitution).

5.6. I am also the co-author of the publication dedicated to the memory of Professor Henryk Groszyk: *Prof. dr hab. Henryk Groszyk (1926-2009)*, „Studia Iuridica Lublinensia", vol. XIII, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2010, pp. 11-20 (co-author: M. Grochowski).

The article presents the academic career, interests and scientific accomplishments of Professor Henryk Groszyk. The main area of Professor's interests was undoubtedly the academic research in the field of the theory of the State and law as well as in the field of political sciences. The work also remembers Him as the teacher and educator of numerous generations of PhD students and academic faculty.

5.7. Publications on the clinical teaching of law.

In October 2000, I have been appointed to the position of the Coordinator of the University's Legal Counselling Service at the Faculty of Law and Administration of Maria Curie-Skłodowska University (currently, Deputy Dean for the University's Student Legal Counselling Service at the Faculty of Law and Administration of Maria Curie-Skłodowska University). While holding the above position, I organised a simulation of court proceedings in a civil case, which was held on May 25, 2011 at the Faculty of Law and Administration of Maria Curie-Skłodowska University. As a result of the above activities, two papers were published:

1. *Symulacja rozprawy sądowej jako nowoczesna metoda nauczania prawa*/A mock trial as a modern method of teaching law, „Wiadomości Uniwersyteckie" 2011, no 9, pp. 68-

69 (co-author: A. Sadza).

2. *Symulacja rozprawy sądowej jako nowoczesna metoda edukacyjna na studiach prawniczych i jej przydatność dla nauczania klinicznego*/A mock trial as a modern educational method in legal studies and its usefulness to clinical legal education, „Klinika" 2012, no 12, pp. 7-10 (co-author: T. Mikociak).

I also organised the XVI National Polish Conference of University Legal Clinics entitled „Clinical teaching in the system of legal education" which was held on 25-27 November 2011 at the Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin. The result of the above conference was:

The Report on the Conference *Clinical teaching in the system of legal education. XVI National Polish Conference of University Legal Clinics*, Lublin 25-27 November 2011, „Studia Iuridica Lublinensia", vol. XVII, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, Lublin 2012, pp. 255-263 (co-author: T. Mikociak).

5.8. Moreover, I am the author of encyclopaedic entries which were published in: *Mała encyklopedia wiedzy politycznej*/Little encyclopaedia of political science, ed. M. Chmaj, W. Sokół, Wydawnictwo Adam Marszałek, Toruń 2001; *Encyklopedia wiedzy politycznej*/Encyklopaedia of political science, ed. M. Chmaj, J. Marszałek-Kawa, W. Sokół, Wydawnictwo Adam Marszałek, Toruń 2005; and: *Encyklopedia politologii*/Encyclopaedia of political sciences, vol. 2, *Ustroje państwowe*/Political systems, ed. W. Skrzydło, M. Chmaj, Wydawnictwo Zakamycze, Kraków 2000.

5.9. The outcome of the research works in the field of my main research interests is the paper delivered at the II Interuniversity Workshop of the Philosophy of Law and the Protection of Human Rights entitled „Interpretation of law – theoretical and practical aspects" (Lublin, 6 May 2014) and submitted for publication as an article entitled *Wartość słuszności w wykładni prawa*/The value of equity in the interpretation of law, [in:] Wydawnictwo Katolickiego Uniwersytetu Lubelskiego; and the paper delivered at the XXI Meeting of the Chairs of the Theory and the Philosophy of Law entitled „The Democratic State of Law" (Augustów 14-17 September 2014) and submitted for publication as an article entitled *Aksjologiczny model stosowania prawa – perspektywa decyzji słusznej*/The axiological model of law application – the perspective of the equitable decision, [in:] Wydawnictwo Temida 2.

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