Appendix No. 4

SUMMARY OF ACADEMIC ACCOMPLISHMENTS

1. Name and surname: Magdalena Budyn- Kulik

2. Diplomas and academic/artistic degrees held, specifying the year and place of obtainment and the title of the doctoral dissertation:
1991-1996: Studies at the Maria Curie-Skłodowska University in Lublin, Faculty of Law and Administration, field of study: Law
1993- 1997: Studies at the Maria Curie-Skłodowska University in Lublin, Faculty of Pedagogy and Psychology, field of study: Psychology
1996: Master's degree examination at the Maria Curie-Skłodowska University in Lublin, Faculty of Law and Administration, field of study: Law, grade: very good
1996-1998: judge's practice in Lublin Court of Appeal
1997: Master's degree examination at the Maria Curie-Skłodowska University in Lublin, Faculty of Pedagogy and Psychology, field of study: Psychology, grade: very good
1998: final jugde's exam
2004: defence of a doctoral dissertation: "House Tyrant Murder. From Criminal Law and Victimology Point of View". Supervisor: prof. dr hab. Marek Mozgawa, reviewers: prof. dr hab. Eleonora Zielińska, prof. dr hab. Andrzej Marek

3. Information on employment in academic/artistic entities:
1 February 1998- junior lecturer at the Unit (Department) of Comparative Criminal Law of the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin
1 February 2005- adjunct professor at the Department of Comparative Criminal Law (Criminal Law and Criminology) of the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin
1 February 2005- adjunct professor in the Institute of Justice (IWS), Warsaw

4. Specification of the achievements specified in Article 16.2 of the Act of 14 March 2003 on Academic Degrees, the Academic Title, and the Title in Arts (Dz. U. No. 65, item 595, as amended):

a) Author(s), title(s) of publication(s), year of publication, publisher:
Deliberate Intent in Criminal Law and Psychology. Thoery and practice, Warszawa 2015, ss. 778

b) Description of the academic/artistic purpose of the said work(s) and the results achieved, including a description of their potential use

The subject of this dissertation is subjective side of crime as far as deliberate intent is concerned (intention, motivation, aim). In Polish doctrine subjective side is traditionally distinct. Although there are a lot of analyses on dogmatic ground, they are not well used in practice.

Many problems with subjective side result from the fact, that subjective elements of a crime structure are described in Criminal Code using psychological terms. There are many doubts what their exact meaning is on the criminal law ground and if one should (if the answer is 'yes'- how far one should go with this) use psychological knowledge while interpreting them. The aim of this thesis is the attempt at finding the answer.

The structure of this dissertation is based on the commonly accepted in criminal law premise, that subjective side of crime (in three of its forms) consists of two elements: cognitive one (intellectual) and voluntative. It could seem strange that being against this division I based the structure on it. I did it because of some particular reasons. Firstly, to make it easier for the reader to get orientated in a very complex and complicated matter and to make my considerations clearer. Secondly, in this way some fields of mutual resemblance are easy to detect. The most important reason is that with accepting this division the discrepancy between law and psychology is obvious. Chapters have a different length despite of the matter they deal with.

The dissertation consists of two parts, an introduction and conclusion. The first part- theoretical one- comprises 8 chapters. Chapter I is dedicated to basic matters- the definition of the term 'intent' and its types. I presented the opinions of the Polish criminal law doctrine with some references to German literature. Chapter II discusses the cognitive element of intent - consciousness. The matter is presented first from the psychological point of view (basic cognitive processes) and then from the criminal law point of view. It deals with the its range, the possibility of its classification into groups of crime characteristics, particularly 'number features' and 'evaluation features' and the effects of lack of consciousness. In chapter III there are remarks on the voluntative sphere of intent from both the perspectives (criminal law and

psychology- decision- making processes). I paid attention to three groups of issues connected with different specific features of this sphere as far as direct intent (dolus directus), alternative one (dolus eventualis) and differentiation between deliberation and conscious negligence are concerned. Chapter IV and V deal with circumstances modifying the subjective side. Because in the Polish criminal law doctrine motivation and aim are treated autonomously, each of them is discussed in a separate chapter. Chapter IV is devoted to motivation. First remarks about motivation proceeding and their influence on human behaviour are mentioned and then the dogmatic analyses of motivation-like features in the criminal code. Its basic part deals with motivation that deserves particular condemnation. Chapter V covers the issues of aim, especially as a characteristic of a type of crime and an attempt at analyses classifying it from a subjective perpetrator's perspectives. Chapter VI deals with the affect. A separate Chapter VII is dedicated to the issues of the act itself from the subjective element perspective, particularly the so called continued act. The last chapter in this part deals with the relationship between culpability and subjective side of a crime on the ground of normative guilt theory.

The second part of this dissertation consists in three chapters. It covers the results of empirical research I had made in the Institute of Justice, Warsaw in years 2010-2012 on three groups of crimes that have both deliberate and negligent type. The structure of this part is based on the types of issues and inside this frame- according to types of cases. It allows to point out some (ab)normalities in practice. Chapter I is an introduction of this part. It deals with dogmatic analyses of subjective side of chosen types of crimes- against life and health (art. 148 c.c., 155 c.c. and 156 § 3 c.c.), against safety (art. 163 c.c.) and against property (art. 291 c.c. and 292 c.c.). Chapter II covers results of files research. First, the general information is presented on the number of cases, perpetrators, objective circumstances of acts, and afterwards on the decision of the first level court, with paying special attention to the need of precise determination and description of subjective side of a crime and the necessity of writing the circumstances dealing with these matters.

The conclusion is not just the abbreviation of the whole dissertation, but an attempt at finding answers to the basic questions of the need for subjective side's separation, its definition and interpretation (as far as deliberation is concerned).

I realize that there are more questions than answers in my work. I hope that pointing out at least some of them could be helpful in changing the traditional way of thinking about deliberate intent.

Although the Polish criminal law doctrine has been dealing in detail with subjective side, as both a separate issue on the ground of normative guilt theory and as a part of guilt

inside psychological guilt theory, there are still many doubts and new ones appear all the time. This is so, I believe, because the 1997 Polish Criminal Code has been based on the normative guilt theory in an inconsistent way. Namely, some constructions were taken from the previous criminal code, that had actually been based on the psychological guilt theory. The relationship between guilt and subjective side of crime was then a little bit different. The legislator did not notice that it was not enough to mechanically separate these two institutions. A new solution needs a very precise separation of these two also on other grounds (e.g. excuses). Nowadays same subjective elements must be taken under consideration many times, and what is more - in an autonomous way that leads sometimes to the situation when the same factor on one ground causes certain consequences and on the other one- is completely unimportant. It is extremely distinctive as far as intent and mental incapacity are concerned. Excuses or circumstances that limit the guilt that at the same moment can influence the perpetrator's consciousness (about the surrounding world or one's own decision) can not be ignored on the ground of prescribing an intent. But it happens in practice.

The criminal law science is a theoretical (dogmatic) one, but it should also be applicable. But there is a big (and bigger) discrepancy between theory and practice of criminal law. Creation of correct from the normative point of view, but more and more complicated theories does not help in its eliminating. The less operative are theories the more clear the tendency of looking for short way in practice - in the way of prescribing subjective side that 'suits' objective features of the act. But it seems that at least in part of cases in which subjective side was assumed this way, the intuitive assumption was correct, although it was not well explained. The conclusion is that perhaps the precise prescribing of the subjective side *lege artis* is not necessary for correct judgment.

The rule accepted in the Polish criminal law is that of deliberate intent. But it is a technical (legal) term that does not suit the intuitive way of understanding it. The legislator, criminal law doctrine and courts can form it to fulfil their purposes; not in a free way, but with some margin of freedom; even without any associations with psychology. Perhaps *de lege lata,* without a resignation from deep analysis for dogmatic reasons, it would be good to describe deliberate intent in a less restrictive way in practice (in the sense of the basis of its prescribing). According to me, the interpretation of the art. 9 § 1 P.C.C. is made from the wrong perspectives. It is obvious in criminal law doctrine that introducing, apart from direct intent, also *dolus eventualis* results in the widening of deliberate intent. From this regulation's *ratio legis* point of view it should be interpreted this way: deliberate committing crime happens not only when the perpetrator intentionally tries to cause a criminal effect, but also

when he/she does not want to achieve this criminal purpose, nevertheless he/she does not do anything to avoid it. Also, one should not reject some types of intent- especially general intent and *quasi-eventualis*. They are very useful, in a good sense of this word, from the practice point of view, especially *dolus quasi-eventualis* in case of crimes in which the purpose is important. Being overpunctilious in pointing out different types of intent, describing their characteristics and eliminating (at least as a declaration) some of its types is very inspiring on the theoretical ground. Careful intent classification should have only order - making meaning and it should not cause consequences for the perpetrator's criminal responsibility. *De lege ferenda* one may wonder if the type of intent may influence the level of social harmlessness; perhaps it would be enough to determine deliberate intent or negligence. In other respects, for the existence of crime intent or for the sentence, it does not really matter whether the precise form of intent will be determined (it may only indirectly be meaningful by the degree of social harm, guilt or motivation). A detailed description of the subjective side and the pointing out precisely of its certain type is necessary as far as the border area between deliberation and negligence is concerned or when the legislator decides that the subjective side must be precisely determined (direct intent or *dolus coloratus* only). Since there are no objective methods that could be used to reconstruct and prove the subjective side, it does not seem to be so important in attaching the criminal responsibility.

The whole thing is also so complicated because criminal law uses psychological knowledge in the interpretation of intent, by separating intellectual and decisional grounds. The criminal law doctrine and courts do not agree about what the perpetrator should be conscious of and to what extent the decision - making process is important. I think that for sentencing the perpetrator it is enough to be conscious of the issue of the act (its objective side), especially the behaviour, effect (as far as material crimes are concerned) and, in some cases, the subject (as far as individual crimes are concerned). It would be good to assume that also a will element should relate to the issue of an act. For prescribing deliberation to a perpetrator *de lege lata* it is enough, according to me, that a perpetrator wanted to or agreed to fulfil the behaviour. As far as the type of crimes where the purpose is important are concerned, the consequence of a thesis that a perpetrator should intent to commit an act itself (a behaviour), must be a assumption that he/she does not want to fulfil all features of a crime. It is enough that he/she has a direct intent toward the sense of an act (a behaviour and associated purpose) and to the others- he/she has a *dolus eventualis*. It is possible to use the construction of *dolus quasi-eventualis*.

Talking about a will ground (decision- making ground) it is good to remember that it is more difficult to reconstruct. We can assume the knowledge the perpetrator has about the world and through it - what his/her consciousness about the important circumstances looked like at the moment of crime. Decision - making proceeding is very individual, although one can point out some common mechanisms, but that which one of them is going to work at any given moment depends on many specific factors associated with the very person, resulting from personal features, experiences, beliefs, attitudes etc. The decision - making process reconstruction is especially complicated, nevertheless the legislator here points out the border between deliberation and negligence and impose on a justice institution a duty to reconstruct the process. According to empirical research results, such arrangements are often neglected in practice. *De lege lata,* the fact that the perpetrator was conscious of some aspects of the reality does not allow to describe precisely the subjective side, nor even to prescribe deliberation or negligence. This thesis does not deal with negligence, so the only suggestion that can be made here is to define better criteria of dividing conscious negligence and *dolus eventualis.* A solution could be to bring in the text of regulation a demand of taking any actions to avoid committing a criminal act. The perpetrator's attitude toward an act can be deduced from the objective circumstances of the act, making an attempt by the perpetrator to avoid committing the act could prove that he/she had not agreed to the act. It could deny an indifference characteristic for a *dolus eventualis.*

In my opinion, the difficulties associated with the subjective side come mostly from an entanglement into psychology. I do not say that if it was not for that, all the doubts would disappear. For sure they would not, but it would be possible then to make an attempt to solve the problem on only the normative, homogeneous ground. Some doubts about which theory should be used would appear, but they would have juridical character and could be solved (more or less successfully) by using legal measures (like making some term more technical, purely legal). Applying terms taking from a different science naturally creates a tendency to 'ask' this science for help if any interpretation problems appear. The same phenomenon exists also in criminal law. It apparently uses psychological terms in new criminal-law meanings, but in fact using psychological knowledge. The problem is that criminal law does not want to be given answers psychology could give, but those it needs. Comparing psychological terms used in criminal code with their interpretation on a criminal law ground shows a discrepancy between law and psychology. It does not mean that criminal law should resign from psychological terms. The legislator should in such case modify their meaning, giving them a new, specific for criminal law purposes, sense. Criminal law does not need an explanation

how a human being functions, what the mechanisms of his/her behavior look like. It needs to shape them with its own frame. It seems to be a good solution to *de lege ferenda* sharply separate psychological (motivational) factors from their assessment. The letter one should appear only at the moment of punishment. For this reason, the most questionable is the motivation deserving special condemnation as the mark of an offense. The suggested solution could let avoid some problems with the necessity of being conscious of the negative appraisal of one's own motivation.

As far as the subjective side is concerned, there are two main problems: the preservative (if and to what extent criminal code should save psychological elements, having a traditional subjective side) and the revolutionary (if criminal code should resign from having subjective side, except for guilt or in mitigate version - whether the legislator should not reorganize the subjective side and its place in the structure of crime). The question is which systematical solution one should accept. One option is to remove all subjective elements from all aspects of criminal law except the subjective side (guilt, act). *Prima facie* it seems to be very difficult, if at all possible. Criminal law should consequently use scientific (psychological) advances or consequently resign from them. The other option seems to have been excluded, if only because *de lege lata* the Polish Criminal Code is full of psychological terms and plenty of crime types include motivational features.

I think that a good direction, as far as the subjective side is concerned, is represented by the mentioned in this work project of changes in the Criminal Code from 24 April 2014. The suggested in Art. 1 item 5 of this act new regulation, Art. 9 § 1 P.C.C. was to claim: ' A forbidden act is committed deliberately if the perpetrator has an intent to fulfill objective features of a crime, i.e. he/she wants to fulfill it or, anticipating such a possibility, agrees to it. In fact I wonder if the second part of this regulation is really necessary. Adding 'wants to or, anticipating such a possibility, agrees to it' brings nothing new into the definition. It is obvious on the criminal law ground that the term 'intent' is a wide one; it covers both *dolus directus* and *dolus eventualis*. On the other hand, there are also other types of intents that are not directly expressed in the present Art. 9 § 1 of the Criminal Code. The tradition of a wide interpretation of intent as also *dolus eventualis* is fixed enough in the Polish criminal law doctrine and practice; missing this part in a new regulation would not change it.

The multiplying of psychological circumstances results in the counter-crossing of certain planes, which generates problems, because the same elements from the sphere of human psyche need to be taken under consideration several times with different effects. If all the psychological elements were grouped in one place, the perpetrator's mental state would be

counted only once as a whole. The picture of a perpetrator's mental state would be clearer, better and it would allow for more adequate criminal appraisal of his/her behavior. It is very difficult to separate the guilt from the subjective side of crime, but that is why it must be done consequently. Although I really like psychological elements in criminal law, I think it would be better, both on the dogmatic ground and for practice reasons, to make a radical change and to use the complex normative theory of guilt, at the same time removing (as a rule) subjective elements from features of a crime act. In such case they would remain on the guilt plane – the ability to demand a specific behavior, capability to bear guilt (ability of recognizing the sense of an act and managing one's own behavior) and on the plane of punishment decision (e.g. motivation). It would be a good solution to resign from the final concept of an act. If the act was not under the perpetrator's control, he/she can not be found guilty. The legislator would not have to completely resign from the motivation as part of criminal act features, but now it is used much too often.

I realize that from the dogmatic point of view the suggested solution is difficult to accept. It would cause some objectification of criminal responsibility, but it would radically simplify the issue of prescribing the subjective side to the perpetrator. Nowadays, a proper subjective prescribing is so difficult that very often it is replaced by presumptions. Perhaps it would be good to rethink these matters: whether it would not be better to agree to some objectification, but on very clear premises and with sound guarantees than to maintain the fiction of subjectivity. Although the suggested solution has not really been applied so far in the Polish criminal law history, may be it is worth a consideration; especially that as the empirical research results show, the correct identification of the subjective side of crime may not be necessary for the right court decision.

There is also the third option of a compromise. It is possible to accept the complex normative guilt theory and to redefine the subjective side of crime. The subjective side could have three forms: the conscious and fully intentional committing of a crime (the current direct intent and *dolus coloratus*), the conscious committing of a crime (the current *dolus eventualis* and conscious negligence) and the negligence (the current unconscious negligence). Negligence would have an almost totally objective character. It would consist in a behavior that would be the trespassing of safety rules, regardless of the fact if the perpetrator was in fact conscious of the possibility of committing a crime or if he/she only could have realized it. In the case when there were circumstances preclusive to demand of a legal behavior, proper solution would be to find him/her not guilty because of mental incapacity (as an element

decomposing the subjective side). A situation similar to the current limited mental capacity would be a mitigating circumstance taken under consideration at the moment of punishment.

I assume that the combination on the dogmatic ground of the current *dolus eventualis* and conscious negligence *de lege ferenda* is an interesting solution. It would depend on the legislator whether such a construction either was part of deliberation or not, according to the traditionally accepted dual division or it was changed into a triple-division. The first option seems to be better. Deliberation is a legal construction; it has a technical character. It depends on the legislator how he/she defines it. Its meaning does not necessarily have to fulfill an intuitive sense if this term; in fact *de lege lata it* does not. Nowadays we class these acts as deliberate which have the mixed subjective side (deliberate act and negligent effect).

It seems that in discussions on subjective side more attention is devoted to negligence. The way it is regulated is still seen as unsatisfying. Deliberation appears to be in a way a more tangible, better described concept. Meanwhile, perhaps on the normative ground there are no fewer doubts about deliberation than about negligence and the latter, although it is quite well analyzed, on the practical ground it is not. The criminal law science's task is not to be a servant to practice. But it is alarming that these two grounds are so separated and that practice can not rely on a doctrine as a help in solving problems concerning the subjective. It is improper and impossible to resign from the criminal law doctrine and its attempts at finding new dogmatic solutions, but I think that it is not right to ignore the needs of practice in this field. The subjective side, including deliberation, needs the attention of both the criminal law doctrine and justice institutions. It is possible to find an agreeable solution on the ground of the present criminal code, although a careful and moderate legislator's intervention could also be of use here.

I realize that the above-presented considerations neither exhaust the whole of this complex topic nor include perfect solutions. I would like them to become a trigger for changing the perspectives of discussions on deliberation and the proper shape of relationships between the criminal law and psychology.

5. Discussion of other academic, research, and artistic achievements

a) Authorship or co-authorship of academic publications in journals included in the Journal Citation Reports (JCR) database:

The above database contains English-language journals. Those of them that cover jurisprudence are related to the common law system which is completely different from the Polish one. In turn, the ERIS list contains no journals in terms of jurisprudence. Considering the specificity of my field of study I have no publications in such journals.

b) Evaluation criteria for academic and research achievements covering:
1) Authorship or co-authorship of monographs, academic publications in international or domestic journals for a given field of study, other than those included in the databases or the list referred to in § 3 of the Regulation. 2) Authorship or co-authorship of collective works, catalogues of collections, documentations of research works, expert opinions, works and artistic works relevant to the given field of study.

Achievements specified in both the items are presented together since the form of publication of research results falls into both these categories, and some of the analysed issues could be classified as belonging to both these categories, as well. First of all, I would like to mention the 'The Home Tyrant Murder. From the Criminal Law and Victimology Point of View' monograph, published in Lublin in 2005 (417 pages). It is a shortened version of my doctor's thesis. It consists of two parts. The first part deals with criminological, victimological and psychological issues. It is devoted to situational circumstances, a female perpetrator and a victim. The first chapter covers basic theories of the reasons and range of female criminality; especially the specific character of crimes against life and health and the way the justice treats female criminals. Chapter II discusses the nature, definition and reasons of a partner's violence on the ground of domestic violence. Remarks are also presented about the perpetrator of domestic violence- psychological profile of the tyrant (male). Chapter III deals with domestic homicide as a specific type of crime and social phenomenon; victim-perpetrator relationship, domestic violence cycle; reasons and consequences of staying in traumatic bonding. Some regularities are also discussed as to the mental sphere of a battered woman (Battered Woman Syndrome, learned helplessness) and differences are analysed between battered women who killed their partners and those who did not. The second part of the book is concerned with criminal law analyses of the phenomenon. Chapters IV-VI deal with possibilities of classifying the perpetrator's act as a certain type of crime against life or health. The analysis starts with the basic type of murder (art. 148 § 1 c.c.), manslaughter (art. 155 c.c.) and severe health injury with death result (art. 156 § 3 c.c.). I especially consider the subjective side aspects. Afterwards there are remarks about the possibilities of classifying the

perpetrator's act as a severe murder (art. 148 § 2 p. 1-4 c.c.) and as a privileged type of murder (art. 148 § 4 c.c.). Chapters VII and VIII cover possibilities of excluding criminal responsibility of the perpetrator; starting with further going institutions and ending with those that only mitigate the punishment. First, self-defence is described (and crossing its borders). Then I considered the possibility of using excuses or institutions that limit the guilt of perpetrator: mental incompetence or limited mental competence, necessity- when the rescued good has same or lower value than the devoted one or acting in abnormal motivation circumstances. This chapter also deals with the need for picking out the battered woman syndrome as a separate justification. Chapter IX discusses the possibility of taking under one's consideration some elements of the situational context as mitigating circumstances in punishment. In the last, Xth, chapter there are empirical data coming from the files of 1980-2000, which I had made in three District Courts - in Warsaw, Lublin and Zamość. The data deal with some general information about perpetrators (age, profession, education, etc.), crime circumstances, acts' classifications in preparation procedure and in the first and second court procedure. They also contain comparative remarks based on literature in German and English.

I devoted one more article to crimes against life with female perpetrators who killed their tyrant-partners: 'Women-killers. Review of Theories' (published in Prawo i Płeć 2005, No 1, pp. 8-11), and to domestic violence - the article 'Domestic (Family) Violence Types and the Possibilities of Punishing Their Perpetrators on the Ground of Polish Criminal Code' (Annales UMCS, Sectio G, Ius 2009/2010, vol. LVI/LVII, pp. 7 -31). The issue of protecting family appeared also in my voice in discussion (published in M. Mozgawa (edit.), Bigamy, Lublin 2010, pp. 153-155). Violence, not in the family but in its general meaning in the Polish criminal law (the interdependency of terms 'violence' - przemoc and 'severe physical abuse'- gwałt na osobie) was the point of interest in my two works, both written in collaboration with M. Kulik (Commentary on the Resolution of the Supreme Court of 30 June 2008, I KZP 10/08, Law Information System LEX/el. 2009, No 93962 and Commentary on the Resolution of the Supreme Court of 21 March 2007, I KZP 39/06, PS 2009, No 5, pp. 134- 137). To the same group of topics belong also commentaries on the meaning of a 'firearm' (Commentary on the Decisions of the Supreme Court of 4 November 2002 and 22 January 2003, Prok. i Pr. 2004, no 3, pp. 120-130) and about an 'incapacitate asset' (Commentary on the Resolution of the Supreme Court of 24 January 2001, I KZP 45/00, OSP 2001, No 11, pp. 562-565).

I focused on chosen types of crimes against life and health: infanticide, euthanasia, bringing about a suicide or helping in committing suicide, involuntary causing someone's death in J. Warylewski (ed.), Offences Against Individual Goods. The Criminal Law System,

Vol. X, Warszawa 2012, pp. 77-158. The topic of infanticide also appeared in a review of the K. Marzec- Holka book 'Infanticide - a Priviledged Offence or a Crime', PWP 2006, No 49, pp. 305 – 308.

In my academic work, I produced some publications with respect to the issues of sexual crimes. I wrote (with M. Kulik as co-author) a commentary to the Chapter XXV of Criminal Code: Crimes Against Sexual Freedom and Decency (in:) M. Królikowski, R. Zawłocki (eds.) The Criminal Code. The Specific Part. Commentary (with M. Kulik as co-author), Warsaw 2013, p. 597-719 and an article that deals with some changes of the Polish Criminal Code regulation as far as the protection of a minor from sexual abuse is concerned, entitled: 'Selected Issues of Criminalising Sexual Offences Against Minors', (in:) S. Pikulski, M. Romańczuk-Grącka (eds.), 'Boundaries of Criminalisation and Penalisation', Olsztyn 2013, pp. 320–332 (with M. Kulik as co-author). In collaboration with M. Mozgawa I wrote the article 'Criminal Law Aspects of Pedophilia. Dogmatic Analysis and Empirical Research Results', published in CzPKiNP 2006, No 2, pp. 43- 87. An important part of my academic work is the crime of rape. I wrote the article ' Other Sexual Activity' (Prawo w Działaniu 2008, vol. 5, pp. 132-194) about the division between the types of crime in the art. 197 section 1 C.C. and 197 section 2 C.C. The article 'Rape with Especial Cruelty' (Annales UMCS, Sectio G, Ius, 2014, vol. LXI, pp. 17-35) as well as the article on results of empirical research on this crime type 'Rape with Special Cruelty (art. 197 § 4 Polish Criminal Code). Empirical Research Results' (Annales UMCS, Sectio G, Ius, 2014, vol. LXI, 2, pp. 7-30). In the article 'The Change of Initiation of Rape Prosecution - a Call in Vain' (Palestra 2014, No 1, pp.- 84-92) I devoted my attention to some practical issues of rape. I also examined the subjective side of rape in 'Commentary on the Judgment of the Court of Appeal in Kraków of 11 July 2012, II Aka 99/12, Prawo w Działaniu 2013, No 16, pp. 199-203. I was interested in the crime of rape on victimological and psychological ground, which was showed in the article 'Selected Victimological (and Psychological) Aspects of Rape' (in: M. Mozgawa (ed.), The Criminal Offence of Rape, Warszawa 2012, pp. 243-280).

The same field of interest is shared by my elaborations dealing with pornography - a commentary with an attempt to define the term 'pornography' ('Commentary on the Resolution of the Supreme Court of 23 November 2010, IV KK 173/10', Law Information System LEX/el. 2011) and the article about certain psychological issues ('Psychological and Social Consequences of Pornography Consumption' (in: M. Mozgawa (ed.), Pornography, Warszawa 2011, pp. 190- 226). I also devoted some works to the phenomenon of prostitution - the article 'Psychological and Victimological Aspects of Prostitution' (in: M. Mozgawa (ed.),

Prostitution, Warszawa 2014, pp. 257-291). The issue was also partially covered in the article 'Criminalisation of Euthanasia, Drugs Possession and Prostitution as a State Justified Paternalism' (Annales UMCS, Sectio G, Ius, 2002, vol. XLIX, pp. 125- 157). To some extent I dealt with the topic of incest, as well, in the article 'Criminal Law Aspects of Incest in Paternalistic Point of View' (WPP 2012, No 1- 2, pp. 59-71).

Another important strand in my academic work is art. An analysis of art from the criminal law point of view can be found in my two articles: 'Faust and Margaret. An Attempt at a Criminal Law Analysis of Some Themes in J. W. Goethe's Drama' , written in collaboration with M. Kulik, (in: L. Leszczyński, E. Skrętowicz, Z. Hołda (eds.): In the Circle of Theory and Practice of Criminal Law. A Book in Memory of Professor Andrzej Wąsek, Lublin 2005, p. 539- 556) and 'The Defence of Faust' (Palestra 2006, no 7-8, pp. 176- 179). I was interested in the artist's criminal responsibility for such artistic activity that infracts someone's legally protected good. I wrote two articles concerning this field (in collaboration with M. Kulik): 'Freedom of Artistic Activity as a Circumstance Excluding or Limiting Criminal Liability' (in: M. Mozgawa (ed.), Criminal law aspects of freedom, Zakamycze 2006, 233-250) and 'Possibilities of Excluding Criminal Responsibility of an Artist for Blasphemy' (in: F. Ciepły (ed.), 'Artist's Criminal Responsibility for an Affront of Religious Feelings', Warszawa 2014, pp. 150-160). I dealt with the latter topic preparing a report for IWS about practical aspects of prosecuting perpetrators of such offences. It was published as an article 'Insult to religious feelings. Dogmatic analysis and prosecution practice' in Prawo w Działaniu 2014, no 19, pp. 100-137.

I have discussed the issues related to the general part of criminal law to some extent, as well. In particular, I covered the issue of punishment - imprisonment. I discussed the topic in the article 'Punishments and Penalties Alternative to a Short- term Imprisonment' (Studia Iuridica Lublinensia 2011 Lublin, vol. XVI, pp.137-151), in the 'Commentary on the Resolution of the Supreme Court of 30 September 1998, I KZP 11/98' (Prok. i Pr. 1999, No 5, pp. 99-104)– where the verdict dealt with interpretation of the term 'crime with the punishment of one year imprisonment or more severe' and an article (written together with M. Kulik) 'Imprisonment- One Type of Punishment or Many? Remarks on the Polish Criminal Code Ground' (accepted for publishing in after conference materials 'The Reform of Criminal Law', UAM Poznań, pp. 12). I also commented imprisonment on the ground of its execution- in an article that covers results of empirical research for IWS - 'Legitimacy of the Premises Taken into Account in Making the Decision on Conditional Release from Serving the Remainder of the Penalty of Imprisonment in Court Practice between 2002 and 2007' (in: A.

Michalska-Warias, I. Nowikowski, J. Piórkowska- Flieger (eds.), 'Theoretical and Practical Problems of Contemporary Criminal Law. A Book in Honor of Professor T. Bojarski' (with M. Kulik), Lublin 2011, pp. 955- 981).

I devoted special attention to the issue of subjective side of a crime. I am the author of many works dealing with an intent and motivation. The first topic is covered in the following items: commentaries on the judgment of the Court of Appeal in Gdańsk of 18 April 2013, II AKa 92/13 (WPP 2014, No 3, pp. 109-118), in which I have made an attempt to define the term 'intent'; on the judgment of the Court of Appeal in Białystok of 21 May 2013, II AKa 88/13 (LEX nr 1353600, Studia Iuridica Lubliniensa 2014, vol. XXI, pp. 251-258), about a mutual relationship between lack or limitation of capacity and an intent and on the above-mentioned commentary on the judgment of the Court of Appeal in Kraków of 11 July 2012, II Aka 99/12 (Prawo w Działaniu 2013, No 16, pp. 199-203) dealing with lack of aim in a subjective side of rape.

I have discussed the issues related to the motivation in many of my theses, as well. I devoted to it my article 'Motivation that Deserves Special Condemnation. An Attempt at Analysis' (Prok. i Pr. 2000, No 9, pp. 23-43) and the commentary on the judgment of the Court of Appeal in Lublin of 27 April 1999, II AKa 12/99 (OSP 2000, No 9, pp. 428-433). The consequence of assignment of such kind of motivation by punishing the perpetrator with the asset of deprivation of public rights was analyzed in 'Commentary on the Judgment of the Supreme Court of 15 May 2000, V KKN 88/00' (PS 2201, no 1, pp. 127-131). I mentioned issues connected with motivation in my doctor's dissertation 'Hause- tyrant Murder...'.

I have also extensively written on the issues of a tangent point of criminal law and psychology. Apart from sections in 'Hause- Tyrant Murder...' and other works dealing with subjective site of the crime mentioned above, the topic has appeared in many others. On psychological and victimological ground I discussed the theme in articles: 'Psychological Mechanisms of Creating Gossip' (in: M. Mozgawa (ed.), 'Criminal Offences Against Respect and Bodily Integrity', Warszawa 2013, pp. 385- 405) and in the above- presented: 'Psychological and Social Consequences of Pornography Consumption' (in: M. Mozgawa (ed.), Pornography, Warszawa 2011, pp. 190- 226); 'Selected Victimological (and Psychological) Aspects of Rape' (in: M. Mozgawa (ed.), 'The Criminal Offence of Rape', Warszawa 2012, pp. 243-280); 'Psychological and Victimological Aspects of Prostitution' (in: M. Mozgawa (ed.), Prostitution, Warszawa 2014, pp. 257-291). I dedicated the following works to the issues related to the role a forensic expert (psychologist) plays in criminal procedure: Commentary on the Judgment of the Supreme Court of 5 August 2008, III KK

228/07 (Law Information System LEX/el. 2009, nr 97462) and Voice in Discussion (in: M. Mozgawa, K. Dudka (eds.), Criminal Code and Criminal Procedure Code after 10 years of Being on Force. Assessment and Changes Perspectives, Nałęczów 22- 24 June 2008, Warszawa 2009, pp. 284- 293). The last one covers the analyses of the term 'mental retardation' used in the regulation of art. 31 section 1 C.C. In the article 'A Common Conciseness and a Law System Perception Mutual Influence on the Legalism Rule and on its Exceptions (published in: B. Dudzik, J. Kosowski, I. Nowikowski (eds.), The Legalism Rule in Criminal Procedure, t.1, Lublin 2015, ss. 83-107) I dealt with the problem of the influence legislative changes, that weakened the procedure rule of legalism, have on a conviction about a necessity of respecting the law. I had expressed my psychological interests by writing a review of the work edited by A. Czerederecka, T. Jaśkiewicz- Obydzińska, J. Wójcikiewicz 'Forensic Psychology and Law' (Palestra 2003, no 3-4, pp. 177-182).

Another separate group of works are those dealing with animals. I published the article 'Criminal Law Protection of Animals: a Dogmatic Analysis and Practice of Prosecuting the Criminal Offences Specified in Article 35 of the Act of 21 August 1997 on Animal Protection' (with M. Mozgawa, M. Kulik, and K. Dudka), Prawo w Działaniu 2011, no 9, pp. 41-100, 'Criminal Law Aspects of Damages Caused by Animals' (in: K. Krajewski, B. Stańdo-Kawecka (ed.), 'Penology and Human Rights Problems at the beginning of XXI st Century. The Memory Book for Professor Zbigniew Hołda.' (with M. Mozgawa), Warszawa 2012, pp. 37-50. I also wrote (together with M. Kulik) a Commentary on the judgment of the Court of Appeal in Lublin of 9 December 2002, II AKa 306/02 (WPP 2004, No 3, pp. 146-153), in which we paid attention to the problem of using a dog as incapacitating measure.

Several times I discussed issues of the reasons for criminalizing some social phenomena taking under my consideration state paternalism. In this field I published the above-mentioned articles 'Criminalisation of Euthanasia, Drugs Possession and Prostitution as a State Justified Paternalism' (Annales UMCS, Sectio G, Ius, 2002, vol. XLIX, pp. 125- 157) and 'Criminal Law Aspects of Incest from Paternalistic Point of View, (WPP 2012, no 1- 2, pp. 59-71). In a more general sense paternalism was analyzed in the articles 'Paternalism in Criminal Law. Selected issues' (PPK 2003, no 22, pp. 59-70) and 'Human Rights as far as Repressing Function of Criminal Law is Concerned. An Argument for Considerations of Proportionality in Criminal Law' (in: T. Dukiet-Nagórska (ed.), The Principle of Proportionality in Criminal Law, Warszawa 2010, pp. 147-158). I dedicated another article to human rights. It is based on the paper I prepared for the conference 'XXXIst Days of Human

Rights, KUL, 12-13 XII. 2013 r., entitled 'Self-imposed Limitation of Privacy from Criminal Law, Psychology and Sociology Point of View.'

Special part in my academic work is played by papers on specific crime types. They include both dogmatic analyses and criminological considerations, based on empirical research I have done for IWS. This group includes the above-mentioned articles 'Criminal Law Aspects of Pedophilia. Dogmatic analysis and empirical research results' (CzPKiNP 2006, no 2, with M. Mozgawa, pp. 43- 87); 'Other Sexual Activity' (Prawo w Działaniu 2008, vol. 5, pp. 132-194); 'Rape with Special Cruelty' (Annales UMCS, Sectio G, Ius, 2014, vol. LXI, pp. 17-35) and 'Rape with Special Cruelty. Empirical Research' (Annales UMCS, Sectio G, Ius, 2014, vol. LXI, 2, pp. 7-30); 'Criminal Law Aspects of Damages Caused by Animals' (in: K. Krajewski, B. Stańdo- Kawecka (ed.), 'Penology and Human Rights Problems at the Beginning of XXI st Century. The Memory Book for Professor Zbigniew Hołda' (with M. Mozgawa), Warszawa 2012, pp. 37-50); 'Criminal Law Protection of Animals: a Dogmatic Analysis and Practice of Prosecuting the Criminal Offences Specified in Article 35 of the Act of 21 August 1997 on Animal Protection' (with M. Mozgawa, M. Kulik, and K. Dudka, Prawo w Działaniu 2011, No 9, pp. 41-100). I also published the following papers: 'Analysis of art. 218 C.C. Cases, Ended in Years of 2006-2008 with Discontinuation of Criminal Preparatory Procedure' (in: A. Siemaszko (ed.), 'Law Application. A Book in Honor of XX th Anniversary of the Justice Institute', Warszawa 2011, pp. 563- 621); 'Criminal law and Criminological Aspects of Stalking' (Themis Polska Nova 2012, No 2, pp. 15-55); 'Criminal Responsibility for Removing, Imitating and Reformulating of Identification Signs - art. 306 C.C.' (with M. Mozgawa, in: I. Nowikowski (ed.), Problems of the Criminal Procedure. A Book in Memory of Professor Edward Skrętowicz, Lublin 2007, pp. 67-84), 'Selected Dogmatic and Criminological Aspects of Receiving Stolen Goods' (Prawo w Działaniu 2013, No 13, pp. 33-62) and 'Insult to religious feelings. Dogmatic analysis and prosecution practice' (Prawo w Działaniu 2014, no 19, pp. 100-137). My criminological interests were expressed also in the review of L. Tyszkiewicz's book 'Criminogenesis from Humanistic Criminology Point of View' (PPK 2000, no. 11, pp. 47-49).

Apart from the above works, I also took part in three large-scale undertakings. I am a co-author (together with M. Mozgawa, P. Kozłowska-Kalisz, M. Kulik) of the coursebook for the general part of criminal law: M. Mozgawa (ed.), 'Substantive Criminal Law. The General Part', 1st edition: 2006, 3rd edition: Warsaw 2011, 506 pages, where I produced chapters dealing with the law interpretation, subjective site of a crime, guilt and excuses, the rules of punishment and protective measures. I also took part in producing a commentary on the

Criminal Code prepared by the same team of authors: M. Mozgawa (ed.), 'The Criminal Code. Practical commentary', 1st edition: Warsaw 2005, 6th edition: Warsaw 2014, 886 pages. In this work, I commented on Articles 9, 10, 31, 40 § 2, 41a, 53-56, 57a- 59, 61- 65, 69- 76, 115 § 1-2, § 10-11, § 16, 117- 139, 148- 162, 173- 180, 218- 221, 248- 251. In the commentary on the Code of Misdemeanours prepared by the same team (M. Mozgawa (ed.), 'The Code of Petty Offences. Commentary', Warsaw 2007, 2nd edition: Warsaw 2009, 742 pages), I produced commentaries on Articles 5-8, 17, 33-35, 38, 41-44, 47 § 3, § 6, 70- 74, 79, 84- 103, 109- 118. I devoted another work to misdemeanours, namely, the article 'A Model of Prosecuting a Petty Offense Perpetrator in Selected Countries' (Studia Iuridica Lublinensia, 2012, vol. XVII, pp. 65-88).

I dedicated two works to the issues of teaching criminal law, especially at the Institute of Criminal Law of the Maria Curie-Skłodowska University in Lublin. These are recollections of Professor Andrzej Wąsek (one with M. Kulik in Wiadomości Uniwersyteckie 2004, No 12, p. 18, another one with M. Kulik and M. Mozgawa in (PPK 2004, no 23, pp. 45- 47).

In the Justice Institute I have prepared (since 2005) several studies based upon empirical (case) studies. These are the following: 'Domestic Violence - Victimological Analyses and Criminal Law Measures of Prevention' (Warszawa 2009); 'Influencing Domestic Violence Perpetrators by Imposing a Duty of Taking Part in Correction- Education Programs' (Warszawa 2012); 'Directions of Changes in taking responsibility for Administrative- Misdemeanors' (Warszawa 2013) and 'Offending Someone's Religious Feelings. Dogmatic and Criminological Analyses' (Warszawa 2014).

3. Heading international or domestic research projects or participation in such projects:

None

4. International or domestic awards for academic or artistic activities:

2005 – Level II Team Award from the Rector of the Maria Curie-Skłodowska University for academic achievements
2013 – Bronze medal for long-term service

5. Papers delivered at domestic or international thematic conferences:

1. 'Freedom of artistic activity as a circumstance excluding or limiting criminal liability' (together with M. Kulik), at the Criminal Law Aspects of Freedom Conference, Arłamów, 16–18 May 2005 (an international conference);

2. 'Human Rights in the context of repressive function of Criminal Law.

Introduction for considerations about proportionality in criminal law' – at the Principle of Proportionality in Criminal Law in View of Establishing and Applying Laws Conference, Sosnowiec, 28 September 2009;

3. 'Psychological and social consequences of pornography consumption' – at the IInd Lublin Criminal Law Seminar 'Pornography', Lublin, 13 December 2010;

4. 'Selected victimological (and psychological) aspects of a rape' –at the IIIrd Lublin Criminal Law Seminar 'The Criminal Offence of Rape', Lublin, 12 December 2011;

5. 'Psychological mechanisms of creating gossip' – at the IVth Lublin Criminal Law Seminar 'Criminal Offences against Respect and Bodily Integrity', Lublin, 10 December 2012 (an international conference);

6. 'Selected issues of criminalising sexual offences against minors' (together with M. Kulik) – at the Boundaries of Criminalisation and Penalisation Conference, Olsztyn, 19–20 September 2013;

7. 'Self-imposed limitation of privacy from criminal law, psychology and sociology point of view' – at the conference: XXXIst Days of Human Rights, KUL, 12-13 December 2013;

8. 'Psychological and victimological aspects of prostitution' at the Vth Lublin Criminal Law Seminar 'Prostitution', Lublin, 9 December 2013 (an international conference);

9. 'Mutual coercion of social consciousness and law system perception on the rule of legalism functioning and its exception'- at the Conference: 'The rule of Legalism in Criminal Procedure', 15- 16 May 2014, UMCS Nałęczów;

10. 'Negligence as a lack of intent of committing a crime and positively formulated conditions of subjective prescribing from criminal law and psychological perspectives' - at the Conference: 'Objective and Subjective Prescribing of Criminal Responsibility', 29-30 May 2014, UWr. Wrocław;

11. 'Selected Aspects of functioning of constitutional rule of protecting reliance on the criminal law ground from an internalization of law rules perspectives as a condition of its effectiveness' – at the Conference: 'Law Rules in Branch-like Law Structure (with M. Kulik), 12 June 2014, UMCS Lublin;

12. 'Violence in Criminological Perspectives' – at the Conference of Criminal Law Subdepartments Congress, UW Warszawa 19-21 September 2014;

13. 'Social Perception of Euthanasia. Empirical Research Result (Attitudes towards Euthanasia presented by UMCS Chosen Directions Students)- at the Conference: VI Lublin's Criminal Law Seminar 'Euthanasia', 8 December 2014, UMCS Lublin;

14. Art. 190a C.C. (Stalking and Identity Theft)- Chosen Theoretical and Practical Problems- at the Conference: Law in Action: 'New Crimes against Freedom', 13 April 2015, Institute of Justice, Warsaw.

c) Evaluation criteria for achievements in teaching and popularizing learning and science, as well as the applicant's international cooperation in all fields of knowledge:

1) Participation in European programmes or other international or domestic programmes: None

2) Participation in international or domestic academic conferences or participation in organizational committees of such conferences (Appendix No. 8)

3) Heading projects carried out in cooperation with academics from other domestic and international institutions, and in the event of applied research, with entrepreneurs: None

4) Participation in editorial committees and academic boards of journals:

2006-2014- Member in editorial committee of Studia Iurica Lublinensia

5) Participation in international or domestic academic organisations or societies: None

6) Achievements in teaching and popularising learning and knowledge or art (Appendix No. 7)

7) Academic tutelage of students and physicians pursuing the position of a consultant (Appendix No. 7)

8) Placements in international or domestic academic or scientific centres

1-31 March 2000- scholarship in Max Planck Institute, Freiburg im Brslg.

1-30 September 2003- scholarship in Max Planck Institute, Freiburg im Brslg.

1-31 July 2009- scholarship in Max Planck Institute, Freiburg im Brslg.

9) Participation in expert and contest teams

Lublin, 12th May, 2015