Grzegorz Maroń, PhD **Attachment no. 3**

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Summary of professional accomplishments

1. Full name

Grzegorz Maroń

2. Obtained diplomas, scientific/artistic degrees – state the name, place and year of acquisition and the title of the doctoral thesis.

I obtained the master's degree in law at the Faculty of Law and Administration at the University of Rzeszów in 2005.

I obtained the PhD degree in legal sciences (specialization: theory and philosophy of law) at the Faculty of Law and Administration of the Maria Curie-Skłodowska University in Lublin in 2010 after the prior public presentation of the doctoral thesis prepared under the supervision of professor Leszek Leszczyński and titled: "*Zasady prawa. Pojmowanie i typologie a rola w wykładni prawa i orzecznictwie konstytucyjnym*" (*Legal Principles. Understanding, Typologies and the Role in Legal Interpretation and in the Constitutional Case Law).*

3. Employment in research/artistic entities.

From October 1, 2006 to September 30, 2010, I have been employed as an academic assistant in the Institute of Theory of Law and Political-Legal Doctrines at the Faculty of Law and Administration of the University of Rzeszów.

As of October 1, 2010, I have been employed as an assistant professor in the Institute of Theory of Law and Political-Legal Doctrines at the Faculty of Law and Administration of the

University of Rzeszów, first transformed into the Department of History of Law and Political-Legal Doctrines and, after that, into the Department of Historical and Theoretical Legal Sciences.

4. Indication of the achievement* under art. 16.2 of the act of 14 March 2003 on scientific degrees and scientific title and on art degrees and title (Dz. U. 2016, item 882 as amended in Dz. U. of 2016, item 1311.):
a) the title of a scientific/artistic achievement,

„Integralność religijna sędziego oraz argumentacja religijna w amerykańskim procesie orzeczniczym" (in English: Religious integrity of a judge and religious argumentation in the American judicial process)

b) (author/authors, title/titles of publications, year of issue, publishing house, publishing reviewers),

Grzegorz Maroń, *Integralność religijna sędziego oraz argumentacja religijna w amerykańskim procesie orzeczniczym* (in English: *Religious integrity of a judge and religious argumentation in the American judicial process*), Rzeszów 2018, University of Rzeszów Publishing Office, pp. 556, ISBN 978-83-7996-534-2, publishing reviewer: professor Leszek Leszczyński.

c) discussion of the scientific/artistic purpose of the above-mentioned work(s) and achieved results including the discussion of their potential use.

The monograph mentioned above and submitted for review focuses on religious integrity of a judge and religious argumentation in the judicial process. I commented on two basic research questions and problems in the publication. Firstly, can a judge being a religious person act in line with his/her religious views when executing professional activities and being off duty and simultaneously comply with the law in force and the standards of judicial ethics? Secondly, can a judge use religious argumentation in the judicial practice and to what degree arguments of that type are useful for the judicature in a secular and democratic state under the rule of law? Deliberations contained in the monograph refer to the legal order of the United States.

Over the centuries, the philosophical and political thought has often been determining the form of law and the organisation of the judiciary, the practice of law application and the operation of courts as well as jurisprudence development directions. One example of such impact consists of the influence of political liberalism on the attitude of the American legal science, politicians, judges and citizens in general to the place of religion in the activity of courts and in the professional and other activity of judges.

As regards the acceptability of religious arguments in the judicial process and the role of religion in the professional and personal lives of judges, the legal order of the United States is marked by three regularities:

– negation of the possibility for judges to refer to religious reasons in the adjudicating practice both in the phase of judicial deliberation and when it comes to the statement of reasons for the issued judgment (i.e. separationist model of judicial decision-making),

– no responsiveness to the religiously determined conscientious objection of a judge accompanying the execution of judicial tasks or other, extrajudicial activities of a judge,

– a disproportional restriction on the judges' rights and freedoms under the standards of judicial ethics, frequently preventing them from giving religious testimony in off-duty activities.

Three main factors underlie the diagnosed situation, i.e. the doctrine of exclusivism, the thesis of privatization of religion and a specific understanding of judicial impartiality assuming a depersonalized image of a judge. The doctrine of exclusivism and the thesis of privatization of religion determine the attitude of the prevailing trend of the contemporary liberal thought to religion in the public sphere. The doctrine of exclusivism maintains that religious beliefs and arguments should not be taken into account when making decisions in a widely understood public discourse. The law-making process, the law application process, exercising the executive power and voting in public elections are to be governed exclusively by the "public reason". The concept of the public reason makes one reach only for those arguments that each reasonable person can accept. In practice, the status of public reasons is denied especially to religious arguments by making the requirement of the public justification of a political decision the *de facto* requirement of a secular justification. Public officials, especially judges, are most frequently considered addresses of postulates of the doctrine of exclusivism. It is because, as John Rawls maintains, courts constitute the most complete emanation of the public reason.

The thesis of privatization of religion, from the normative perspective, postulates the narrowing of the impact of religion to personal life of the devotee and not transferring it to

professional or public activities, especially if the devotee represents the public authority, in particular, if he/she is a judge. Religion is presented not as an integral part of the devotee that permeates the entirety of his/her existence but rather a personal preference or a choice that can be suspended, similar to a hobby.

In turn, the impartiality of judges perceived as the absence or neutralization in the judge's mind of any subjective beliefs regarding the law in force and the subject of legal regulations suggests the complete irrelevance of the human factor in the judicial process, both from the normative and empirical perspective.

The purpose of the submitted monograph is to demonstrate the groundlessness of the categorical application of the doctrine of exclusivism and the thesis of privatisation of religion to judges and courts and the justification of the need to reject the counterfactual and undesirable understanding of judicial impartiality based on the myth of a depersonalized judge.

In my publication, I defend the position according to which a judge being a religious person can take advantage of religious beliefs and arguments when examining and deciding cases in court and justifying judgments, remain faithful to the religious identity in the administration of justice and also express his/her faith outside the professional life in agreement with properly understood constitutional principles and standards combined with the professional role.

The possibility to recuse oneself from a case in the event of a conscientious objection helps a judge retain his/her personal religious integrity when exercising the judicial role. The danger of dysfunctional impact of the judge's conscience clause on the judiciary and on respect for the citizen's right to court should not be exaggerated. Additionally, the wide framework of the religious freedom of judges as citizens does not undermine the properly understood judicial impartiality and does not necessarily have to weaken the social legitimacy of the third power. The permitted degree of interference of standards of judicial ethics with the private life of judges should result from a proportional balancing of interests of the judiciary with the interests of individuals holding the office of a judge, beneficiaries of the first amendment to the federal basic law. Finally, in a dispute with the doctrine of exclusivism, I define conditions and the framework of the permitted use of religious arguments by the court in the judicial process, differentiating cases of referral to religious rationales in easy and hard cases.

The rejection of a privatized vision of religion and the doctrine of exclusivism by a judge and a partial redefinition of judicial impartiality or, in principle, the return to the

classical understanding of the given concept does not have to take place at the cost of canons of the secular state under the rule of law, requirements posited by the nature of the office held, principles of the fair trial, the good of the judiciary or rights of defendants.

The legal doctrine, and not only the American one, lacks proposals of the comprehensive and systematic and also creative attitude to the role of religious beliefs in the professional and private life of judges and religious arguments in the judicial activity of courts. The submitted monograph is an attempt at facing that research challenge. I believe that observations and statements contained in it can be analysed from a perspective wider than the subject and field of research defined in the title of the work, i.e. they are to a degree representative and applicable enough beyond the American legal order. The publication has a chance to contribute to the Polish theory and philosophy of law and to legal dogmatics a new, original – but not an artificial one – perspective from which one can view a judge and the judicial process.

The monograph is divided into three parts. In the first part, after the explanation of terminological and conceptual issues (chapter I), I move to the description of the doctrine of exclusivism and the thesis of privatization of religion (chapter II) and, after that, demonstrate the influence of liberal thought on the shape of legal solutions related to the judiciary and, to an even greater degree, on the practical operation of the judiciary and the perception of courts and judges among politicians, in the legal doctrine, the society and judges themselves in the U.S.

In chapter I, I approximate the understanding of religion in the American case law, suggest a classification of religious arguments and present the anticipated meaning of personal integrity and religious personal integrity. For the needs of this work, I adopt the "classical" understanding of religion linked to theism, especially Christianity. I understand personal integrity as the personal identity of an individual reduced to the voluntary adoption of a consistent, hierarchical system of values and beliefs as well as behaviour consistent with them in one's entire life. If such values and beliefs are religious or originate from religion we can talk about the religious personal integrity. Personal integrity refers to the entirety of human existence, various areas and aspects of its functioning. In addition to it, one can distinguish particular integrities including professional integrity, e.g. judicial integrity. Conflicts arise at the crossing of the personal integrity with the professional integrity. Due to his/her function, a judge being a religious person can face the issue of a ruling whose contents and consequences may be non-compliant with the most basic internalized religious standards.

In such a situation, a judge fulfilling the professional duty would lose the quality of an integral person, i.e. would cease to be the person he/she believes himself/herself to be.

In chapter two, I presented the perception of religion by the political liberalism and its attitude to religion. I restrict the term "political liberalism" to an influential form of the contemporary liberalism called "justificatory liberalism" for the sake of a conceptual simplification. In this part of the monograph, I focus on the normative issue of permissibility of the inclusion of religious arguments in the making of widely understood political decisions, in particular, a legislative act and act of the law application in demo-liberal states. From that perspective, I have analysed the doctrine of exclusivism and the Rawls' concept of a public reason combined with it and also the thesis of privatization of religion. I stressed the justification of exclusion of religious reasons from the political debate. I confronted the exclusivism with the doctrine of inclusivism that is less popular in the political and legal thought, proposing the participation of religious arguments in the political discourse.

Due to the liberal thought, the image of religion as an irrational, commonly unacessible, anti-deliberative, antidemocratic, dogmatic system of beliefs promoting social conflicts. That image of religion prevailing in jurisprudence, underlying both the principle of a secular justification and the thesis of privatization of religion is unconvincing and damaging. It is a consequence of excessive simplifications and generalisations, ignorance and cultivated stereotypes as well as the use of double standards.

The doctrine of inclusivism reliably convinces of the lack of sufficiently strong bases for a categorical differentiation between the status of the entirety of religious beliefs and reasons and of secular beliefs and reasons in a political debate. From the epistemic, consequentialist and ethical perspective, religious beliefs and reasons are similar to other categories of beliefs and arguments explicitly or tacitly permitted by exclusivists. A comparative summary of the exclusivism and inclusivism doctrines not only put into question the reliability of the image of religion adopted by the political liberalism but also demonstrated the insufficiency of the Rawlsian public reason for the settlement of political disputes.

In chapter three, I demonstrate how strongly the thought of political liberalism on religion determined the shape of the judiciary in the American legal order. Some of the symptoms of influence of the thesis of privatization of religion and the doctrine of exclusivism in directing the way of thinking and mentality of judges, politicians, representatives of the legal doctrine and many citizens include:

– sincere or opportunistic public devaluation of the role of faith in their professional activity by the majority of religious judges,
– politicians perceiving a religious worldview of a judge or candidate for a judge as a threat to the rule of law,
– defendants seeing the judge's religion as a threat to the respect for their own procedural rights.

During hearings before the Senate Judiciary Committee federal judges deny any influence of their religious views on the execution of their professional activities. They assure that their religion is a private matter for them and that does not impact their judicial activity. In turn, a significant group of senators, in line with the doctrine of exclusivism, think of the incorporation of religious beliefs and values of judges in the judicial process as the only threat to the democratic state under the rule of law. In practice, a distinctive religious worldview of a candidate for a federal judge is frequently the main obstacle precluding the entry into the office of a judge. The prerequisite of support for a candidate perceived as a religious person is his/her opting for the privatized form of religion and for the secular justification thesis.

A critical evaluation of the practice of the forced denial of one's religious identity as a price paid by candidates for the support of their candidature does not equal advocating for making the candidate's religion a taboo topic at the meetings of the Senate Committee and the Senate. The prohibition of the religious test expressed in art. VI of the federal Constitution has to be structured narrowly. Its correct interpretation is that a candidate can be asked questions relating to his/her preferred judicial philosophy even if that philosophy remains influenced by the religious denomination of the candidate. Therefore, even if one cannot put the candidate under the obligation to disclose his/her worldview or attitude to individual truths of the faith and principles of religious teaching he/she feels close to, the basic law does not preclude, e.g. asking about the role of his/her religious beliefs in the judicial practice or the way he/she reacts to cases of religious conscientious objection to the applied law.

The view of religion and believers prevailing in the liberal thought also became common among many ordinary citizens. Due to the narration propagated by the doctrine of exclusivism, the ungrounded belief that judges privately perceived as religious persons are over-the-average prone to authoritative imposition of their axiological assessments and beliefs to the defendants in violation of the rule of law became popular in the society. That belief is expressed in the submission of motions by parties for the disqualification of a judge from particular cases only due to his/her religious affiliation or religious beliefs. American courts correctly refuse to treat the religious affiliation of a judge or his/her religious worldview as a

valid basis for his/her recusal. Religious affiliation of a judge does not disqualify him/her from the examination of cases related to matters in which the religious doctrine of the judge takes a different position than the one expressed in binding law.

The fact that numerous judges undermine the role of religious beliefs in the administration of justice, that senators perceive a candidate's religious worldview as an obstacle to becoming a judge, that parties to the proceedings see such a worldview as a threat to their rights and that judges are subjected to disciplinary action for giving religious testimony in off-duty time shares not only the privatization of religion and the doctrine of exclusivism but also an erroneous interpretation of judicial impartiality.

It is undisputable that a judge is supposed to treat both parties equally, not favouring and not discriminating any of them. Impartiality also obliges the judge to present an attitude of open-mindedness understood as the readiness to listen to and consider those legal reasons presented by a party with regard to which the judge is *ex ante* sceptical. However, the impartiality of a judge does not require having no opinion or not disclosing his/her opinion about individual legal matters and the subject of law. The dehumanized image of a judge similar to an unemotional and asocial automaton associated with Legal Positivism is untrue and useless.

Contrary to the myth of a depersonalized judge, individuals who are judges introduce their own worldview and system of values to the judiciary. The way in which a judge interprets and applies law in certain cases remains, to a degree, under the influence of his/her personal views including, for religious judges, views determined by religion. Whenever law interpretation and application are not intentionally directed for or against a specific party to the proceedings, contrary to the text of a normative act and binding precedents and, at the same time, a judge remains ready to consider arguments of the party that he/she does not personally share, one cannot say such a judge ceases to be impartial. Impartiality does not require renunciation of the role of one's beliefs and life experience when performing acts of valuation and assessment accompanying the judicial discretionality or forced due to non-conclusiveness of law.

Empirical research shows that the religious affiliation of a judge is translated into a result of the judicial process only in certain categories of cases and only to a certain degree. Such research undermines the accuracy or representativeness of the formal (legal) model of judicial decision-making promoted by Legal Positivism and the attitudinal model of judicial decision-making adopted by Legal Realism. It would be unreliable to forecast how a judge will decide or vote in particular case exclusively on the basis of the religious affiliation of that

judge. A judge is neither the mouth of the law nor a person replacing the law in force with the subjective notion of what it should be.

The second part of the monograph focuses on the possibility of a judge to retain the personal religious integrity and, at the same time, comply with the obligations related to his/her professional role. While chapter four refers to the personal integrity of a judge in the context of his/her professional activity, especially the judicial practice, chapter five focuses on the restricting influence of standards of judicial conduct (judicial ethics) on widely understood acts of religious expression of a judge in his/her off-duty activities. In the monograph I formulate and justify the statement that holding the office of a judge does not have to take place at the cost of the judge's personal integrity in his/her service and outside of it.

According to the thesis of privatization of religion, many judges treat their religious integrity as a particular integrity. With that assumption, duties resulting from the professional role of the judge do not converge with duties of the judge as a believer. However, there are judges in the USA who reject the privatized vision of religion. For them, their religious worldview determines their personal identity. They feel obliged to act in line with what they believe throughout their whole lives.

Maintenance of the personal integrity of a judge becomes a challenge whenever the law – including principles of judicial ethics – is a source of requirements non-compliant with standards and values constituting that integrity. A remedy postulated in the monograph for situations in which a judge faces the need to issue a judgment violating his/her personal integrity, both religious and non-religious one, is to make it possible for such a judge to recuse himself from a specific case. The judges' conscience clause can be given a form that will not destabilize the operation of courts. Such an accommodation of the judge's conscientious objection guarantees rather than negates the right of a party to an impartial judge. The conscience clause allows for a satisfactory – even if not perfect – alignment of interests of the judge as a believer with the interest of defendants, the society and the judiciary. Concerns for its alleged dysfunctionality for the judiciary originate from a hasty prognosis regarding the mass appearance of cases from which judges will recuse themselves for reasons related to their worldview.

A deeper analysis of the essence of personal integrity and the nature of religious duties, e.g. consideration of the catholic doctrine of cooperation in the sin leads to a conclusion that the scale of application of the conscience clause would be much smaller than it could seem *prima facie.* The conscientious objection precluding the issue of a legally required decision does not apply to all, or even to the majority of cases of non-compliance of

law with the judge's faith. It only applies to such situations in which the law to be applied is contrary to most fundamental values constituting the judge's individual identity, e.g. issuing a consent to an abortion to a minor pregnant woman. The American judicial practice reflects the operationalization of the judicial conscience clause as it knows cases in which judges facing a strong conflict of conscience were recusing themselves from the examination of individual cases entrusted to them. The readiness to take advantage of the judicial conscience clause comes into play in the U.S. in only a few categories of cases and with regard to few judges from among the group declaring themselves to be religious.

Communicating one's criticism of the applied law and the judgment based on it can also help a judge retain his/her personal integrity or justify the behaviour non-compliant with his/her private opinions. Making texts of judgments the forum for an articulation of an objection to the law in force motivated by the worldview is subject to limitations. Firstly, I distinguish cases in which a judge expresses the conscientious objection in the court opinion itself from situations in which he/she expresses such an objection as the author of a dissent or concurrence related to the court's ruling. Secondly, I consider the intensity, expressiveness and explicitness of the judge questioning the morality of the relevant law in force.

An objection of the religiously shaped conscience of a judge can also appear with regard to marriages of homosexual couples. One cannot apply the institution of a conscientious clause in such a situation as it has to do with abstaining from the execution of a legal duty. However, solemnizing marriages is usually a right of judge in the USA. Terms of taking advantage of that right should be subject to the constraints of the anti-discrimination law and judicial impartiality. A protection of the personal integrity of a judge as a public official who does not want to marry homosexual couples due to his/her religious beliefs is abstaining from marrying any couples. However, such a judge is not allowed to refuse to marry homosexual people while participating in solemnizing marriages of heterosexual people.

The protection of the judge's personal integrity in the professional activity, especially by the conscience clause, does not equal the permission to the judge's activities contrary to the principle of separation of church and state, due process clause and religious freedom of parties to the procedure. The failure to comply with these requirements can be a basis for an appeal and expose the judge to disciplinary action. Not compelling the judge to violate his/her conscience is a negative right of the judge. It does not entail the authority to witness to one's faith by imposing one's religious worldview on other people.

Duties related to the professional role sometimes extend to private life of an individual. This is the situation of the judges. Codes of judicial ethics being a source of legal standards in the USA – not only deontological ones – formulate duties and restrictions for judges with regard to their behaviour beyond the occupational role as well. A challenge is to effectively protect the interests of the judiciary in a manner that does not result in an excessive restriction of constitutional rights and freedoms of judges as citizens.

Protection of the public confidence in the judiciary and judges as properly impartial institutions and public officials can justify the restriction of the extrajudicial activity of a judge. However, impartiality should not be reduced to the expectation related to the myth of a depersonalized judge: of representatives of the judiciary not having and not disclosing their opinions about individual legal matters and the topic of legal regulations. The possibility for a judge to be a religious witness in off-duty time is respecting his/her humanity, personhood and dignity. A judge as a public official is not doomed to rejection of his/her civility and religiosity outside the court.

The study of advisory opinions of judicial ethics commissions, decisions of judicial conduct commissions and, to a smaller degree, rulings of courts in disciplinary cases shows that the interpretation and application of standards of judicial conduct frequently leads to an excessive interference with the widely understood religious freedom of judges. It is an error to absolutize the amorphous standard of an "appearance" of the lack of impartiality. When determining the framework of the off-duty activity of judges motivated by their religion or worldview, one should transfer the point of focus from the concern about the public appearance of the impartiality of courts and judges to guarantee specific defendants and plaintiffs the actually impartial judge. An optimum reconciliation of the judges' right to bear witness to their faith by word and example in their private lives with the right of citizens as potential defendants to a fair process in front of an impartial judge consists of the institution of the judicial recusal. In turn, it is a disproportional measure to take disciplinary action against judges for the conduct that appears improper to an undefined social group, not necessarily representing the social majority.

For example, a judge who discloses his/her religiously determined abolitionist beliefs beyond the office does not violate the standards of judicial ethics but has to bear it in mind that, by doing that, he/she may undermine his/her impartiality in the examination of cases related to the death penalty. However, it is unacceptable to automatically associate the expression of a judge's personal position regarding particular matter with an indolence to decide cases related to that matter. Statements or actions of a judge influenced by his/her

religious worldview and disclosing the judge's personal opinions about morally controversial matters should not be perceived as undermining *per se* the impartiality of that judge. Public conduct of a judge in off-duty time can only disqualify him/her from the case if it rationally undermines his/her ability and readiness to offer equal treatment to the defendants, present an attitude of open-mindedness and comply with the law in force.

In the third party of the work, I tackle the issue of admissibility and, in particular, the constitutionality, of courts using religious arguments in the judicial practice and the usefulness of such arguments for the judicature. I linked that matter to the issue of the juridical argumentative sincerity and the prohibition for courts to engage in controversies and religious disputes (Religious Question Doctrine).

The doctrine of exclusivism gained the greatest support in jurisprudence with regard to the judicature. The legal science shares the position taken by Rawls, i.e. that the idea of the public reason finds its most complete expression in the activity of courts. In connection with that fact, the legal doctrine is dominated by the separationist model of judicial decision-making according to which a judge cannot consider religious arguments when examining and deciding cases or refer to them in the statement of reasons for a judgment. In chapter six of the monograph, I contrast that model with the religious (religionist) model of judicial decision-making permitting the possibility to make religious reasons a basis for the decision in hard cases and to refer to religious arguments in the statement of reasons for judgments issued on the basis of the law.

The deciding of a hard case requires the court to reach for non-legal reasons as the lack of the complete autonomy and conclusiveness of the law itself is demonstrated then. It is sometimes necessary to take advantage of non-legal rationales other than public rationales understood according to Rawls' public reason. In hard cases, religious reasons have to be treated as other non-legal arguments. As I have mentioned, the doctrine of inclusivism shows correctly that religious beliefs and arguments do not materially differ from the epistemic, ethical and consequentialist perspective from other personal beliefs, in particular, the secular morality. It is arbitrary to approve of a judge relying on personal beliefs or worldview except for the beliefs or worldview based on a religious doctrine. The Christian ethics is potentially as valuable or useful in deciding hard cases as, e.g. the doctrine of secular humanism or utilitarian ethics.

The incorporation of religious arguments in the judicial process does not negate the rule of law by itself, does not oppose the principle of separation of church and state and does not undermine the due process clause. The adoption of an inclusivist position does not mean

that the court is free to take advantage of religious reasons. The possibility of their consideration in the judicial process is subject to material restrictions. Religious arguments cannot be used in order to issue a judgment *contra legem.* A court referring to religious reasons in hard cases does not enforce religious norms but rather tries to reach *in concreto* the best solution with their aid. Therefore, making use of religious arguments does not occur according to a simplistic syllogism but rather is a component of the judicial reflective reasoning. Making use of religious reasons is supposed to serve the secular rather than the religious purpose, be a part of the judicial activity and not a strictly confessional or proselytic one. A judge taking religious arguments into account is not allowed to take part in internal disputes and issues of an exclusively religious nature as it would be a violation of the Religious Question Doctrine. Additionally, religious beliefs of the judge that are purely idiosyncratic, socially peculiar or clearly unrepresentative for established social evaluations are not relevant to the judicial process.

The use of religious arguments in cases other than hard ones is much most extensive. While they are not the basis or a co-basis for the decision, they can effectively help strengthen the statement of reasons for it, especially if the society is among the addressees of the court opinion. In such a situation, religious arguments support and supplement typical legal arguments. In states with a high percentage of believers, religious arguments can effectively play the clarification, persuasive and epideictic roles. With their help, a court can, on the one hand, clarify the ascertained circumstances and facts, the law applicable in the case, the court decision and the reasoning leading to the issue of a judgment. On the other hand, the court does not only report its findings and reasoning process descriptively but also demonstrates the correctness of such findings and of the judgment of the case. The correctness of the verdict is understood, in particular, in legalist categories, i.e. as its compliance with the law. However, the court frequently tries to persuade to addressees of court opinion that the judgment not only complies with the law but is also fair or just. In turn, the epideictic function is reduced to the moralizing-pedagogical message of the court even though within the limits of the axiology of the law in force.

Results of the study of the American case law mentioned in chapter seven of the monograph confirm the utilitarian potential or religious arguments for the judicature. I demonstrate the usefulness of religious reasons, *in concreto* biblical ones, for courts in culturally and demographically Judeo-Christian states on the example of over one thousand court opinions of federal and state courts. References to the Holy Scriptures serve to explain the genesis of individual legal institutions, are the source of common knowledge, play the role

of a linguistic interpretation guidance, illustrate the specificity of facts of the case or the law relevant for the case, are helpful in the clear articulation of theoretical, philosophical and legal positions and postulates, express social moral beliefs in particular matters, strengthen the social legitimacy of specific provisions of the law and judgments issued on their basis, clarify statements of the religious nature of parties to the procedure or are used in a polemic with the religious argumentation of participants in the proceedings. The judicial practice confirms that the religious model of judicial decision-making can operate to the benefit of the judiciary and, at the same time, respect the principle of separation between church and state, the rule of law and the right of the parties to a fair process.

Remarks on the religious integrity of judges contained in the monograph are religiously universal in that they apply to judges representing various religious affiliations. In turn, the admissibility of the use of religious arguments in the judicial practice is determined by cultural and civilizational factors. The utilitarian potential for the judicature in the USA is different for arguments referring to the Bible and different for reasons originating, e.g. from the Quran. Deliberations regarding the religious argumentation in the judicial process can be partially transferred to other non-legal arguments and, as regards the religious integrity of a judge, also to his/her personal integrity marked by non-religious worldview.

Observations, evaluations and statements contained in the monograph refer, according to its title, to the legal regime of the United States. Both deliberations on the judge's integrity on and off duty and on the religious argumentation in the judicial practice take into account binding U.S. law in the light of its practical interpretation and application. The adoption of such an internal perspective is dictated by the willingness to demonstrate that the formulated conclusions and postulates are adequate and adaptable not in an imagined or projected political and legal reality but rather in the system of justice in its current form.

Additionally, I express the belief that my position on the personal integrity of a judge and the role of religious argumentation in the judicial process also remains current to a degree beyond the American political and legal culture. Presented theses can be made operational in other legal regimes, including those beyond the common law culture. The institution of the judicial conscience clause by its very nature constitutes a universal solution protecting the personal integrity of a judge in agreement with the interest of defendants and the system of justice. The suggested form of that institution can be compared with the *iudex suspectus* category in the domestic legal system. Conclusions regarding the prohibition of a religious test in the course of Senate hearings of candidates for federal judges remain relevant, e.g. in the context of the hearing of candidates for judges of the Polish Constitutional Tribunal before

the Sejm Commission for Justice and Human Rights. The wide framework of the judge's freedom of religion in off-duty activity could be compatible with properly interpreted statutory duties of judges and principles of professional judicial ethics in Poland. The thesis of the possibility to make religious reasons the basis/co-basis of the decision in hard cases and the thesis of the clarifying, persuasive and epideictic value of religious arguments in the judicial process are also general and can be analysed from the perspective of other legal regimes.

However, the specificity of organisation and operation of the American judiciary, religiousness and religious demography of the American society make some aspects of religious personal integrity overlapping the professional integrity of judges lose importance beyond the United States. For example, the religiously determined freedom of speech of a judge during an election campaign becomes pointless in those states where, as in Poland, no general elections of judges are held.

The belief in the potential for operationalization of theses I have formulated beyond the United States also results from the recognition of the existence of a universal nature of an office of the judge and the judicial process, humanity common for all judges and perception of explicit similarities of the form of standards of judicial conduct and the form of the institution of judicial recusal in the USA and in other states. However, I am only talking about the "theoretical" applicability of the position taken in the monograph beyond the American legal order. The real possibility of implementation of individual solutions related to courts and judges in a specific state depends not only on the form of the law in force there and the organizational structure of the judiciary. The practical operation of the judiciary characteristic for the political and legal culture and the traditional, established perception of a judge in the judicature, jurisprudence, among politicians and in the society are also important.

5. Discussion of other scientific and research (artistic) achievements

My scientific achievements are thematically varied. One can distinguish at least seven main research areas characterized below. In my scientific research, I frequently tackled original topics not previously analysed in detail in the domestic jurisprudence. The majority of many scientific topics refer to theory and philosophy of law. There are also works relating to constitutional law, church-state law, American law and criminal law.

5.1 Legal Principles

One of the first topics I have tackled in my scientific work covered legal principles analysed from the theoretical-legal perspective. I have devoted four articles to it even before being awarded the academic degree of a doctor in law. A few years' long research on legal principles resulted in the defence of the doctoral thesis titled "Zasady prawa. Pojmowanie i typologie a rola w wykładni prawa i orzecznictwie konstytucyjnym" (*Legal Principles. Understanding, Typologies and the Role in Legal Interpretation and in the Constitutional Case Law*) in 2010. One year later, my book under the same title was published (Ars boni et aequi Publishing House, Poznań 2011, pp. 344) as a corrected version of the doctoral dissertation. The book was the first monograph devoted to legal principles in the Polish legal theory in 40 years. It systematized and subjected to critical evaluation the majority of doctrinal positions relating to distinctive features, types, ontological status, legitimization criteria and functions of legal principles. On the basis of a study of rulings and decisions of the Polish Constitutional Tribunal, I demonstrated the operationalizing value of theses and statements formulated by legal theoreticians as regards legal principles for the judicial practice. I published six other articles on legal principles after the defence of the doctoral dissertation. In articles written with professor Leszek Leszczyński, we compared – from the conceptual and functional perspective – legal principles with general clauses. We observed that differences between both categories are blurred in the context of the axiological edge phenomenon. In turn, our analysis of representations of legal principles in legal dogmatics allowed us to conclude that, even if domestic dogmatists know basic findings of theory of law relating to legal principles, there is no way to talk about a deeper translation of the achievement of theory of law into the understanding and perception of legal principles by individual dogmatists (*Pojęcie i treść zasad prawa oraz generalnych klauzul odsyłających. Uwagi porównawcze* [*The Concept and Content of Legal Principles and General Clauses. Comparative Remarks*], „Annales UMCS. Sectio G, Ius." 2013, Vol. 60, No. 1, p. 81-91; *Zasady prawa i generalne klauzule odsyłające w operatywnej wykładni prawa* [*The Role of the Legal Principles and the General Clauses in the Operative Interpretation of Law*], „Annales UMCS. Sectio G, Ius." 2013, Vol. 60, No. 2, p. 145-158; *Zasady prawa. Ujęcie dogmatyczno-porównawcze* [*The Principles of Law. A Dogmatic-Comparative Approach*], „Studia Iuridica Lublinensia" 2016, Vol. XXV, No. 1, p. 317-327, Leszek Leszczyński co-authored all the three articles). In my publications, I also tackled the issues relating to validation bases for legal principles, their cultural conditioning and the influence of the judicial practice on their form (*Legitymizacja zasad prawa* [*Legitimization of Legal*

Principles], [in:] A. Samonek (ed.), *Teoria prawa. Między nowoczesnością a ponowoczesnością [Legal Theory. Between Modernity and Postmodernity*], Kraków 2012, p. 245-253; Z*asady prawa jako składnik kultury prawnej* [*Legal Principles as an Element of Legal Culture*], [in:] . Nawrot, S. Sykuna, J. Zajadło (eds.), *Konwergencja czy dywergencja kultur i systemów prawnych*? [*Convergence or Divergence of Legal Cultures and Systems* ?], Warszawa 2012, p. 223-231; *Operacjonalizacja konstytucyjnych zasad prawa w orzecznictwie Trybunału Konstytucyjnego* [*Operationalization of Constitutional Legal Principles in the Polish Constitutional Court's Case Law*], [in:] S. Biernat (ed.), *Konstytucja Rzeczypospolitej Polskiej w pierwszych dekadach XXI wieku wobec wyzwań politycznych, gospodarczych i społecznych* [*The Constitution of the Republic of Poland in the First Decades of the 21st Century in the Face of Political, Economic and Social Challenges*], Warszawa 2013, p. 113-124).

Legal principles were also the topic of three papers I have presented at scientific conferences (see attachment no. 5).

5.2. Contemporary philosophical and legal schools of thought whose tenets refer to Legal Realism

Another topic grounded in theory and philosophy of law that I have subjected to scientific exploration consists of contemporary movements in philosophical and legal thought, especially in the American jurisprudence, with their assumptions referring to the pre-war Legal Realism. As a result of the research done in that area, three articles devoted for feminist jurisprudence were published (*Wpływ feministycznej jurysprudencji na procesy tworzenia i stosowania prawa – perspektywa anglosaska* [*Feminist Jurisprudence's Impact on Processes of Law Enactment and Law Administration – Common Law Perspective*] [in:] J. Karczewski, M. Żuralska (ed.), *Refleksyjność w prawie. Inspiracje* [*Reflexivity in Law. Inspirations*], Warszawa 2015, p. 99-118; *Feministyczna jurysprudencja jako współczesna szkoła prawnicza* [*Feminist Jurisprudence as a Contemporary School of Legal Thought*], „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" 2014, No. 14, p. 87-111; *Nurty feministycznej jurysprudencji* [*Strands of Feminist Jurisprudence*], „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" 2013, No. 12, p. 71-96). On the one hand, I present and evaluate basic empirical statements and normative postulates as their superstructure expressed in feminist jurisprudence. On the other hand, I focus on the influence of the feminist legal philosophy on the law reform on the example of legislative solutions and the judicial practice in the United States and other common law states. My reservations related to the feminist

perspective on the social reality and certain normative statements are accompanied by the appreciation of the pragmatism of the feminist jurisprudence academic circles in the modelling of the legal order in line with own interests and expectations.

Other movements in the philosophical legal thought developed contemporarily, mainly in the USA, and constituting the topic of my scientific research include New Legal Realism and New Legal Empiricism. I presented the robustness of the empirically oriented and interdisciplinary outlook on law and cognition of law in the American jurisprudence in two scientific articles. I indicated both the usefulness of this research approach for the study of the law in action pursued in the Polish legal science (especially the activity of Sources & Functions of Law Association FONTES) and the limitations and challenges of legal science profiled in this manner (*Nowy Realizm Prawny* [*New Legal Realism*], [in:] M. Król, A. Bartczak, M. Zalewska (eds.), *Integracja zewnętrzna i wewnętrzna nauk prawnych* [*The Internal and External Integration of Jurisprudence*], Łódź 2014, p. 101-115; *Nowy Empiryzm Prawny jako możliwe źródło inspiracji dla Stowarzyszenia Badań nad Źródłami i Funkcjami Prawa* [*New Legal Empiricism as a Possible Source of Inspiration for the Sources & Functions of Law Association*], „Przegląd Prawa Publicznego" 2013, No. 1, p. 72-91).

Additionally, I devoted two research papers presented at scientific conferences (see attachment no. 5) to the above-mentioned research topic.

5.3. The role of religion and religious arguments in the American legal practice

My research on the admissibility and usefulness of the religious argumentation for courts is a part of a wider research topic consisting of the importance of religion and the religious argumentation for the *in generale* legal practice in the U.S. legal order. In a few articles, I discussed the use of religious arguments, mainly biblical ones, by public prosecutors, attorneys and jurors (*Argumentacja biblijna prokuratora w świetle orzecznictwa sądów USA* [*Biblical Argumentation of Prosecutors in the Light of the U.S. Courts' Rulings*], „Prokuratura i Prawo" 2017, No. 6, p. 60-88; *Argumentacja biblijna obrońcy w świetle orzecznictwa sądów USA* [*Defense Attorney's Biblical Argumentation in the Light of U.S. Case Law*], „Palestra" 2016, No. 13, p. 301-311; *Argumentacja biblijna w rozważaniach ławy przysięgłych o karze śmierci dla oskarżonego w świetle orzecznictwa sądów USA* [*Biblical Arguments in a Jury's Death Penalty Deliberations in the Light of Decisions Issued by Courts of the United States*], „Prokuratura i Prawo" 2017, No. 1, p. 94-119). On the basis of the case law study, I presented the scale of the use of biblical reasons, listed functions associated with this type of non-legal arguments and defined the framework of their permitted use by a public

prosecutor, defence attorney or during the jury's deliberation. In three other articles, I tackled issues mentioned or discussed in detail in the monograph mentioned in point 4 of the given self-presentation. On the basis of the study of the case law, I demonstrated procedural effects of the judge reciting a prayer at the beginning of court session or a joint prayer of jurors, defined prerequisites of the qualification of religious remarks of judges during the proceedings as the reversible error and suggested a thematic and functional typology of biblical arguments occurring in court opinions in the United States (*Modlitwa sędziego lub przysięgłych podczas procesu jako przedmiot zarzutu odwoławczego w postępowaniu karnym w świetle praktyki orzeczniczej sądów USA* [*Judge or Jury Prayer at Trial as a Reason for Appeal in Criminal Proceedings in the Light of Case law of the United States of America*], „Prokuratura i Prawo" 2018, No. 1, p. 82-105; *Biblijne uwagi sędziów podczas procesu karnego w świetle orzecznictwa sądów odwoławczych USA* [*Judges' Biblical References During Criminal Trial in the Light of Case Law of U.S. Appellate Courts*], „Studia Prawnoustrojowe" 2016, Vol. 31, p. 131-149; *Odwołania do Pisma Świętego w orzeczeniach sądów USA* [*Biblical References in the U.S. Case Law*], „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" 2016, No. 18, p. 130-164).

The topic of the religious argumentation in the American case law was also the theme of one research paper I have presented at a scientific conference (see attachment no. 4).

5.4. Acts of symbolic references to the sacred sphere in the Polish and American legal order

My existing scientific achievement contains nine publications focusing on the symbolic references to God and saints in binding law as well as in legal acts other than normative acts. I combined the identification of references to the sacred in the domestic and American legal order with the discussion of varied legal forms in which they can occur. I indicated socially important functions performed by such references. Finally, I differentiated between the correct and erroneous legal reasoning used in legal doctrine and in the case law to justify the constitutionality of actions of public authorities reportedly symbolically honouring God or saints and, in fact, recognizing social religious beliefs in the public sphere.

As regards the domestic legal order, I analysed references found in the legislation, in particular, to God, Saint Mary and saint John Paul II (*Bóg w polskim porządku prawnym* [*God in the Polish Legal Order*], „Przegląd Prawa Wyznaniowego" 2014, No. 6, p. 57-76; *Odwołania do Maryi w polskim prawie* [*References to the Saint Mary in the Polish Law*], „Studia Prawnicze KUL" 2016, No. 1, p. 53-79; *Osoba świętego Jana Pawła II w polskim porządku prawnym* [The Person of Saint John Paul II in the Polish Legal Order], Warsaw

2016, pp. 360; *Odwołania do osoby papieża Jana Pawła II w prawodawstwie polskim* [*References to the Person of Pope John Paul II in the Polish Legislation*], „Studia Prawnicze KUL" 2014, No. 3, p. 95-118). The references took on forms such as, e.g. *invocatio Dei* in the preamble of a normative act, the name of a street or a public square, coat of arms or other symbols of local government entities, erection of a monument, commemoration in a resolution or the establishment of a saint patron of a local government entity (*The influence of religious ideology over the legislation practice of local self-government authorities on the example of the establishment of saint patrons in cities (communities), counties and voivodeships,* „Przegląd Prawa Publicznego" 2017, No. 7-8, p. 91-100). Via such references, the legislature recognizes and shows respect to the religious identity of the society and this fact, in turn, serves the strengthening of the social legitimacy of the entire legal order (*Responsywność porządku prawnego wobec tożsamości religijnej obywateli jako czynnik sprzyjający jego społecznej legitymizacji* [*Legal Order's Responsiveness to Citizens' Religious Identity as a Factor for its Social Legitimacy*], „Przegląd Prawa Publicznego" 2015, No. 7-8, p. 209-220).

In reference to the American legal order, I adopted the concept of the ceremonial deism as the objective of my scientific research. According to that concept, references to God made by public authorities (e.g. the national motto: "In God we trust" or words: "One Nation and God above it" in the Oath of Allegiance) are believed to be constitutional whenever they are considered devoid of the religious meaning (secularization thesis), having no sectarian nature, attaining secular goals, supported by tradition, common and socially uncontroversial. In two scientific articles, I mentioned the need for a modification of the ceremonial deism concept by rejecting the secularization thesis and the requirement of a non-sectarian nature of the act. I expressed the belief that acts of the authority referring to God comply with the rule of separation of church and state if, at the same time, they attain important secular goals, are not devotional and constitute the testimony of history and tradition of the state (*Konstytucyjność aktów ceremonialnego deizmu w świetle orzecznictwa sądów USA* [Constitutionality of Acts of Ceremonial Deism in the U.S. Case Law], „Przegląd Prawa Konstytucyjnego" 2017, No. 3, p. 31-51; *The secular aims of public authorities in making references to God based on the example of ceremonial deism. A study of U.S. case law*, „Przegląd Prawa Publicznego" 2017, No. 9, p. 68-79).

I also devoted three lectures delivered at scientific conferences to the research topic discussed in this section (see. attachment no. 5).

5.5. The institution of an oath (affirmation)

Issues found among my scientific interest include the institution of an oath (affirmation). I devoted eleven scientific articles to that topic. In some of them, I characterized many aspects of the institution of an oath of particular public officials in Poland from the historical, normative and functional practice perspective, namely: the President of the Republic of Poland, deputy of the Sejm, senator, judge, attorney, local government unit's councillor, mayor (*Instytucja przysięgi Prezydenta w polskim porządku prawnym* [*Institution of President's Oath of Office in the Polish Legal Order*], „Przegląd Prawa Konstytucyjnego" 2012, No. 2, p. 159-192; *Ślubowanie poselskie w polskim porządku prawnym* [*Deputy's Oath of Office in the Polish Legal Order*], „Przegląd Prawa Publicznego" 2012, No. 10, p. 20-40; *Ślubowanie senatorskie w polskim porządku prawnym* [*The Senator's Oath of Office in the Polish Legal Order*], „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" 2012, No. 11, p. 126-149; *Instytucja ślubowania sędziowskiego w polskim porządku prawnym* [*Institution of Judicial Oath of Office in the Polish Legal Order*], „Studia Prawnicze" 2011, No. 3-4, p. 265-292; *Instytucja ślubowania adwokackiego w polskim porządku prawnym* [*Institution of Advocate's Oath of Office in the Polish Legal Order*], „Przegląd Prawa Publicznego" 2012, No. 2, p. 6-18; *Instytucja ślubowania wójta w polskim porządku prawnym* [*The Institution of Swearing in a Mayor in the Polish Legal Order*], „Samorząd Terytorialny" 2014, No. 7-8, p. 129-140; *Instytucja ślubowania radnego jednostki samorządu terytorialnego w polskim porządku prawnym* [*Institution of Oath of Office of Local Government Unit's Councilor in the Polish Legal Order*], „Przegląd Prawa Publicznego" 2014, No. 11, p. 64-80). In another article, I discussed the oath of office in the American legal order (*Instytucja przysięgi (oath of office) w świetle orzecznictwa sądów USA* [Oath of Office in the Light of U.S. Case Law], „Zeszyty Naukowe Uniwersytetu Rzeszowskiego, Seria Prawnicza" 2016, nr 19, s. 108-127). I also wrote about the institution of an oath of office from a comparatist perspective (*Ślubowanie i przysięga w polskim, słowackim oraz unijnym porządku prawnym* [*Institution of Oath and Affirmation in the Polish, Slovak and European Union Legal Orders*], [in:] S. Sagan, G. Dobrovičová (eds.), *Implementacja prawa unijnego do systemów prawa krajowego w Polsce i na Słowacji po dziesięciu latach członkostwa w Unii Europejskiej* [*Implementation of EU law into National Legal Systems in Poland and Slovakia after 10 Years of Membership in the European Union*], Rzeszów 2015, p. 90-112; *Instytucja przysięgi głowy państwa w państwach europejskich* [The Institution of the Oath of Office of Head of State in European States], „Przegląd Prawa Konstytucyjnego" 2012, No. 1, p. 151-178). The majority of my research referred to the institution of an oath of office, that is oath taken when

assuming a public office. I also devoted one of the articles to the oath preceding the giving of testimony in court (*Przysięga i ślubowanie świadka w anglosaskim porządku prawnym* [*Witness's Oath and Affirmation in Common Law*], „Przegląd Sądowy" 2015, No. 11-12, p. 150-168). The institution of an oath is a peculiar example of the convergence of the law with morality, religion and custom. Contrary to what one might expect, its importance is not only symbolic and cannot be reduced to an obsolete relic of old times, of an ornamental nature. Its taking determines the possibility to perform numerous public functions and contravening its text is the basis for legal and/or disciplinary liability. The study of both the Polish legal order and common law orders shows that, for certain people, recitation of the official text of an oath is not just a *façon de parler*, it is an activity engaging their basic rights and freedoms with various implications (*Instytucja przysięgi (ślubowania) a poszanowanie wolności sumienia i religii*, [*The Institution of Oath (Affirmation) and the Protection of Freedom of Conscience and Religion*], „Przegląd Prawa Konstytucyjnego" 2015, No. 4, p. 51-76).

The institution of an oath was also the topic of two lectures I have given at scientific conferences (see attachment no. 5).

5.6. Freedom of speech

Freedom of speech, especially with regard to socially controversial topics such as abortion, homosexuality, Islam or immigration is a non-negligible area of my scientific research. My research focuses on the law in action aspect of the freedom of speech – if we use the terminology of Legal Realism – i.e. on the actual form of that freedom that can be derived from the judicial decision-making practice. I present the position that is closest to the American case law when it comes to the need to treat the restriction of the freedom of speech as an *ultima ratio* measure. The majority of my twelve scientific articles focusing on the freedom of speech, including one gloss, refer to the topic in the American and Canadian case law (*Mowa „antymuzułmańska" jako realizacja konstytucyjnej wolności słowa w świetle orzecznictwa sądów USA* [*Anti-Muslim Speech as a Realization of the Constitutional Freedom of Speech in the U.S. Case Law*], „Przegląd Prawa Publicznego" 2016, No. 4, p. 25-44; *Konstytucyjna wolność słowa uczniów i studentów na przykładzie debaty wokół homoseksualizmu w świetle orzecznictwa sądów USA* [*Students' Constitutional Freedom of Speech on the Example of Homosexuality Debate in the U.S. Case Law*], „Ius et Administratio" 2016, No. 2, p. 55-79; *Konstytucyjna wolność słowa w orzecznictwie sądów USA na przykładzie protestów antyaborcyjnych* [*Constitutional Freedom of Speech in the U.S. Case Law on the Example of Anti-Abortion Protests*], „Zeszyty Naukowe Uniwersytetu

Rzeszowskiego. Seria Prawnicza" 2015, No. 16, p. 87-118; *Dobro małoletnich jako uzasadnienie reglamentacji protestów antyaborcyjnych w świetle orzecznictwa sądów USA* [*Minors' Well-being as a Justification for Limitations on Anti-abortion Protests in the Light of the Case-law of U.S. Courts*], „Przegląd Prawa Publicznego" 2015, No. 6, p. 70-83; *Publiczna krytyka homoseksualizmu jako realizacja konstytucyjnej wolności słowa w świetle orzecznictwa sądów USA* [*Public Criticism of Homosexuality as a Realization of the Constitutional Freedom of Speech in the U.S. Case Law*], „Forum Prawnicze" 2015, No. 6, p. 51-69; *Publiczne protesty antyaborcyjne w świetle orzecznictwa sądów kanadyjskich* [*Public Pro-Life Protests in Canadian Case Law*], „Zeszyty Prawnicze UKSW" 2016, Vol. 16, No. 3, p 97-135; *Glosa do wyroku Sądu Sprawiedliwości Ontario w sprawie R. v. Wagner z dnia 12.06.2014 (R. v. Wagner, 2015 ONCJ 66)* [*Gloss to the Ontario Court of Justice Judgment of 12 June 2014 in the Case R. V. WAGNER 2015 ONCJ 66*], „Roczniki Nauk Prawnych 2015, Vol. XV, No. 3, p. 193-216; *Krytyka homoseksualizmu (homoseksualistów) w świetle orzecznictwa sądów kanadyjskich* [*Criticism of Homosexuality (Homosexuals) in the Light of the Canadian Case Law*], „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" 2015, No. 17, p. 48-78). I also wrote about the freedom of speech in the context of abortion, homosexuality and the criticism of Islam in reference to other common law countries' case law and the Strasburg case law (*Sąd jako strażnik lub cenzor wolności słowa w państwach common law na przykładzie dyskursu aborcyjnego. Aborcja jako „zabójstwo" dziecka, lekarz aborcjonista jako „morderca"* [*The Court as a Guardian or Censor of Freedom of Speech in Common Law Countries on the Example of the Abortion Debate. Abortion as a "Murder of a Child", the Physician-abortionist as a "Murderer"*] „Prawo i Więź" 2016, No. 3, p. 76-94; *Ochrona mniejszości seksualnych przed mową nienawiści a wolność słowa w państwach common law* [*The Protection of Sexual Minorities Against Hate Speech in the Light of Freedom of Expression in Common Law Countries*], „Przegląd Prawa Publicznego" 2016, No. 7-8, p. 102-112; *Mowa „antymuzułmańska" i „antyimigrancka" w świetle orzecznictwa Europejskiego Trybunału Praw Człowieka* [*Anti-muslim and Anti-immigrant Speech in the European Court of Human Rights' Case Law*], „Przegląd Prawa Publicznego" 2016, No. 1, p. 9-28; *Prawne standardy debaty aborcyjnej w świetle orzecznictwa strasburskiego* [*Legal Framework of the Abortion Debate in the Light of the Strasbourg Case Law*], „Forum Prawnicze" 2015, No. 3, p. 47-65).

I also tackled the topic of the freedom of speech in two papers presented at scientific conferences (see attachment no. 5).

5.7. Commemorative and problem-related resolutions

Non-binding although official forms of expression of state national and local government legislative authorities include commemorative and problem-related resolutions. That type of resolution is neither a normative act (source of the law) nor an act of the law application. Such resolutions do not belong to the system of the law but are part of a wider category of the legal order. Commemorative resolutions serve to memorialize distinguished individuals and important events in the history and tradition of the nation or of a local community. In turn, problem-related resolutions of a parliamentary chamber or a council of local government unit refer to current national, foreign or local matters indicating the desirable situation. Commemorative resolutions are, in particular, the tool used by the public authorities to manage the historical policy. In turn, problem-related resolutions are a form of the public authority participation in the current public debate, therefore it is justify to perceive them as a platform of the "institutional" freedom of speech (*Uchwały okolicznościowe Sejmu Rzeczypospolitej Polskiej w polskim porządku prawnym* [*Commemorative Resolutions of the Sejm of the Republic of Poland in the Polish Legal Order*], „Przegląd Prawa Publicznego" 2014, No. 3, p. 34-49; *Uchwały okolicznościowe Senatu w polskim porządku prawnym* [*Commemorative Resolutions of the Senate in the Polish Legal Order*], „Przegląd Prawa Konstytucyjnego" 2014, No. 3, p. 253-273; *Uchwały problemowe" organów stanowiących jednostek samorządu terytorialnego na przykładzie uchwał dotyczących zagadnień bioetycznych* [*„Non-binding Resolutions" of the Legislative Bodies of Territorial Self-government Units Using the Example of Resolutions Regarding Bioethical Issues*], „Samorząd Terytorialny" 2016, No. 1-2, p. 111-126; *Uchwały problemowe organów stanowiących jednostek samorządu terytorialnego w sprawach etyki seksualnej* [*Problem-related Resolutions of the Governing Bodies of Local Governement on the Question of Sexual Ethics*], „Polityka i Społeczeństwo" 2016, No. 2, p. 96-119). Both categories of resolutions as official acts should not defy the law, e.g. the constitutional principle of the viewpoint impartiality of public authorities. Due to their non-normative nature, they are not subject to the jurisdiction of the Constitutional Tribunal. The most appropriate form of control over the way in which public authorities make use of commemorative and problem-related resolutions is the control exercised by the society within the limits of the political election mechanism (*Treści konfesyjne w dyskursie polityczno-prawnym na przykładzie uchwał okolicznościowych Sejmu i Senatu RP* [*Religious Contents in Political-Legal Discourse on the Example of Commemorative Resolutions of the Sejm and Senate of Republic of Poland*], [in:] A. Pięta-Szawara (ed.), *Metapolityka. Pomiędzy filozofią, teorią i praktyką* [*Metapolitics. Between*

Philosophy, Theory and Practice], Rzeszów 2013, p. 109-126; *Uchwały okolicznościowe Sejmu i Senatu RP w świetle zasady religijnej, światopoglądowej i filozoficznej bezstronności władz publicznych* [*Commemorative Resolutions of Sejm and Senate in Light of the Principle of Religious, Ideological and Philosophical Impartiality of Public Authorities*], [in:] P. Steczkowski, M. Skwarzyński (eds.), *Polityka wyznaniowa a prawo III Rzeczypospolitej* [*Church-State Policy and Law of the Third Polish Republic*], Lublin 2016, p. 53-73).

5.8. Other research issues covered in my scientific achievement

In addition to the above-mentioned topics, my existing scientific work also covered – even though on a smaller scale – other legal issues belonging both to the research areas of the theory and philosophy of law and legal dogmatics. In particular, these issues include:

- originalism as a theory of legal interpretation (*Oryginalizm Antonina Scalii jako teoria wykładni prawa* [*Antonin Scalia's Originalism as the Theory of Legal Interpretation*], „Przegląd Prawa Konstytucyjnego" 2010, No. 4, p. 23-52).
- justice, especially restorative justice as an alternative to retributive justice, distributive justice or justice as a constitutive feature of law and state according to rev. Piotr Skarga (*Sprawiedliwość naprawcza a retrybutywizm w odpowiedzialności karnej* [*Restorative Justice versus Retributivism in Criminal Responsibility*], „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" 2011, No. 10, p. 111-130; *Formuły sprawiedliwości dystrybutywnej* [*Formulas od Distributive Justice*], „Resovia Sacra - Studia Teologiczno-Filozoficzne Diecezji Rzeszowskiej" 2010, year 17, p. 195-218; *Filozofia prawa ks. Piotra Skargi* [Rev. Piotr Skarga's Philosophy of Law], „Ius Novum" 2012, No. 2, p. 114-130).
- legal propaedeutic (*Wstęp do prawoznawstwa* [*Introduction to Jurisprudence*], Rzeszów 2011, pp. 242).
- typology of human rights (*Konwergencja praw osobisto-politycznych i socjalno-ekonomicznych w praktyce orzeczniczej Europejskiego Trybunału Praw Człowieka* [*The Convergence of Personal, Political and Socio-Economic Rights in the European Court of Human Rights' Case Law*], [in:] W. Dziedziak, B. Liżewski (eds.), *Zagadnienia stosowania prawa. Perspektywa teoretyczna i dogmatyczna* [*Application Issues. A Theoretical and Dogmatic Perspective*], Lublin 2015, p. 181-190).
- accommodation of religious conscientious objection in the American law (*Kathleen A. Brady, The Distinctiveness of Religion in American Law: Rethinking Religion Clause*

Jurisprudence. Cambridge University Press, Cambridge 2015, s. 339, [recenzja/review], „Przegląd Sejmowy" 2017, No. 5, p. 182-189).

- immigration law in the light of the U.S. case law (*Glosa do wyroku federalnego Sądu Apelacyjnego dla 4. Okręgu z 25 maja 2017 roku w sprawie International Refugee Assistance Project v. Trump, 857 F. 3D 554 (4th CIR. 2017),* [*Gloss to the Judgment of Federal Court of Appeals for the Fourth Circuit of 25 May 2017 in the case International Refugee Assistance Project v. Trump, 857 F. 3D 554 (4th Cir. 2017)]*, „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" 2017, No. 21, p. 176-193).

- municipal councils of senior citizens (M. Augustyniak, A. Barczewska-Dziobek, J. Czerw, G. Maroń, A. Wójtowicz-Dawid, *Gminne rady seniorów - wykładnia przepisów i efekty ich stosowania. Wzory i schematy działań* [*Municipal Councils of Senior Citizens. Interpretation of Law and Effects of it's Application. Examples and Diagrams*], Warszawa 2016, pp. 257).

- institution of the Senior Marshall in the Polish parliamentarism (*Instytucja Marszałka Seniora Sejmu w polskim porządku prawnym* [*The Institution of the Senior Marshall of the Sejm in the Polish Legal Order*], „Polityka i Społeczeństwo" 2014, No. 2, p. 5-24; *Instytucja Marszałka Seniora Senatu w polskim porządku prawnym* [*The Institution of the Senior Marshall of the Senate in the Polish Legal Order*], „Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" 2014, No. 15, p. 119-134).

- law as a tool to commemorate people and events (*Upamiętnianie ofiar katastrofy smoleńskiej w praktyce uchwałodawczej organów samorządu terytorialnego* [*Commemorating the Victims of the Smolensk Crash in the Local Government's Practice of Passing Resolutions*], „Prawo i Więź" 2015, No. 4, p. 57-83).

I included a detailed list of published scientific papers and the detailed information about didactic achievements, scientific cooperation and popularization of science in the Attachment no. 5. Because of that, I shall limit this self-presentation to the summary of my previous scientific and research achievements after gaining the academic degree of a doctor in legal sciences:

– I am the author of three and a co-author of one scientific monograph, the author of one academic textbook, 52 articles published in scientific magazines including two articles in English, 9 scientific publications in edited collective works, 2 glosses to judgments and a review of one monograph. My entire scientific contribution after being granted the academic degree of a doctor consists of 69 scientific publications (attachment no. 5, point II.Ba-e). In

attachment no. 5, I also mentioned my 14 scientific publications from before the defence of the doctoral dissertation and one popular science book I authored.

– I am a scientific co-editor of one of the volumes of "Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" (Scientific Journal of the University of Rzeszów. Law Series) (attachment no. 5, point II.Bf) –

– As an external reviewer, I wrote reviews of two articles published in scientific magazines, including a foreign scientific magazine "Studia Iuridica Cassoviensia" (attachment no. 5, point III.P).

– I was reviewer of research project submitted under the "Diamond Grant" program behalf of the Ministry of Science and Higher Education.

– I perform the function of the secretary of editorial office of "Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza" and I am a member of the editorial staff of the "Visegrad Journal on Human Rights" (attachment no. 5, point III.G)

- I completed foreign scientific training at the Faculty of Law of the Pavol Jozef Šafárik University in Košice (attachment no. 5, point III.L).

– I participated in 16 international and national scientific conferences at which I delivered papers. In general, I participated in the debate at 18 scientific conferences (attachment no. 5, points III.B and III.Ia).

– I performed the functions of the chairman of the organizational committee of one scientific conference and a member of the organizational committee of one scientific conference (attachment no. 5, point III.C).

– I am an active member of four scientific organisations (attachment no. 5, point III.H).

– In my didactic work, I have been giving lectures and conducting classes at master, bachelor and postgraduate studies at the Faculty of Law and Administration of the University of Rzeszów related to subjects such as: Theory and Philosophy of Law, Introduction to Jurisprudence, Fundamentals of Jurisprudence, Introduction to Law, Principles of Creating and Applying the Law, Ethics, Ethics in Mediations and Negotiations, Canon Law and Concordat Law, Comparative Studies on Human Rights Protection Systems (attachment no. 5, point III.Ia).

– I was tutor of the Student Scientific Circle of Theory of Law and Political-Legal Doctrines at the Faculty of Law and Administration of the University of Rzeszów and the supervisor of the student's internships (attachment no. 5, point III.J).

– I was the supervisor and promoted 47 masters of laws executing the master seminar on the theory and philosophy of law at the Faculty of Law and Administration at the University of Rzeszów (attachment no. 5, point III.Ia).

– I help popularize science, especially by means of open lectures, as a member of the jury of the contest of legal knowledge for students or by offering my scientific publications free of charge via ResearchGate and Academia.edu social media services (attachment no. 5, point III.Ib).

– I performed or continue to perform a range of organizational functions at the University of Rzeszów (attachment no. 5, point IIIQ).

– I received the award of the Rector of the University of Rzeszów twice and was awarded twice by the Self-Government of Students of the Faculty of Law and Administration of the University of Rzeszów for the scientific and didactic activity respectively (attachment no. 5, point III.D).

Grzegorz Maroń

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