

INTRODUCTION

The formula of *Studies in Logic, Grammar and Rhetoric*, which alludes to the medieval *trivium*, allows the journal to publish a wide variety of social science resources and essays, enabling the use of different methods and approaches to study a number of issues, symbolically brought together under the *trivium*.

For the last ten years, *Studies* have been published in two separate editions – as an annual journal and as a book with a common theme running through each volume; hence a double referencing system for the journal and the book series. Using this formula, *Studies* published items on the methodology of social sciences, the philosophy of language, articles and essays belonging, *sensu stricto*, to the field of logic, as well as essays on the history of ideas.

The editors of this volume, in an effort to broaden the traditional content of the journal to include part of an autonomous, yet essential, field of social research, have approached authors from the academic legal field. The editors' key task was to define the thematic content of articles in such a way that would give it a universal dimension, enforcing a unity of subject matter and at the same time adhering to the same formula of the journal thus appealing to readers from different academic backgrounds.

The title of the volume: **The Problem of Responsibility. In Search of Common Meanings in Law** defines its thematic content by making 'responsibility' the subject of enquiry from the legal sciences' perspective. The notion of responsibility, including responsibility before the law, has long been examined in terms of its meaning, possible forms, its extent and foundations.¹

¹ See particularly W. Lang: *Spór o pojęcie odpowiedzialności prawnej* (Debate on the notion of legal responsibility), *Zeszyty Naukowe Uniwersytetu Mikołaja Kopernika w Toruniu, Nauki Humanistyczne*, 37 (1968), Prawo IX, p. 51 and next.

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The notion of responsibility encompasses a broad spectrum of inquiry; it is a subject of philosophical, ethical, religious, social and legal studies. There are marked differences in how responsibility is perceived in different value systems, such differences are also apparent in the aspect of that discipline where responsibility is regulated by law. It is possible also to indicate some fundamental difficulties in defining this concept in different areas of law.²

Such methodological and semantic problems, relating to the question of responsibility in employment law, are examined in the first article of this volume by W. Sanetra. It is reasonable to assume that the difficulties in arriving at a uniform concept of responsibility, which the article is concerned with, are applicable to other areas of law, and that they can be applied also to the question of responsibility beyond the law. This is confirmed by B. Kudrycka's study of ethical responsibility of local government officers. Although the majority of the texts concern legal responsibility, the authors of these texts clearly indicate the importance of responsibility beyond the law; of particular interest here may be S. Prutis's article: examining the anti-corruption legislation in unitary authorities, it also touches on the question of reviving ethical standards in the public domain.

Some of the authors, particularly D. Kijowski and M. Rękawek-Pachwiczewicz, focus mainly on analysing how successful legal mechanisms are in regulating the question of responsibility in the different areas of law; they advocate the necessity of empirical research which would allow evaluation of the effectiveness of existing regulations. This is a justified argument, as the role of empirical research is gaining in significance; its results ought to be utilised in different aspects of life, both in ongoing work of organisations and in management, production and forecasting.

In some articles, authors discuss issues of widely understood criminal responsibility. K. Laskowska alludes to criminal responsibility in its comparative legal aspect; she examines the subject of crime in the context of criminal responsibility against the backdrop of the Polish and Russian legal codices. As T. Bojarski rightly stresses, the responsibility of the subject exists when the following conditions are met: 1) there is a 'sane' perpetrator, that is the perpetrator is a person who, in terms of their psychological characteristics, especially the ability to make decisions and to direct their actions, conforms to the norms of a given culture, 2) the perpetrator acts in a normal motivational situation, i.e. a situation which, in terms of culturally accepted norms, does not affect the psychological consistency of decision

² See W. Sanetra: *Odpowiedzialność według prawa pracy. Pojęcie, zarys, dyferencjacja*, Wrocław, 1991, p. 12 and next.

making, 3) the actions of the perpetrator (defined as the behaviour of the perpetrator and its direct consequences) are qualified as not conforming to the accepted norms.³ In turn, the work of G. B. Szczygieł and E. Guzik-Makaruk concerns the specific issue of convicts serving a sentence of imprisonment. This type of responsibility relates in all sorts of ways to criminal responsibility. This can be seen as a parallel to criminal responsibility, or it could be the consequence of a lenient treatment of the culprit, especially if a low social impact of the offence is ascertained. The law directs that, in the case of an act having a low social impact, no criminal proceedings should be instigated. If such proceedings have already been instigated, the case should be dropped. This of course does not mean that one is considered not guilty, and does not absolve the culprit from all consequences of their actions. Dropping the case due to its low social impact does not preclude a disciplinary action, resulting from other areas of law.

The highly specific and difficult question of liability to the consumer as part of contractual responsibility is analysed by T. Mróz, who examines the question of disqualified exclusion clauses as a means of protecting the disadvantaged party in an obligational contract. The author rightly argues that there is a need for an urgent change to the legislation on the sale of consumer goods. New legal solutions ought to contain measures designed to protect the consumer in situations where agreement is entered into without the value of the goods being precisely defined, or where the purveyor stipulates such definition of goods that excludes or limits their liability.

A number of important themes belonging to a widely interpreted concept of criminal responsibility in the international aspect are explored by M. Zdanowicz and T. Dubowski, in their evaluation of the modern international criminal justice system.

An interesting and, in our social reality, contemporary issue is that of journalist's liability for defamation in Polish law, raised by K. Świącka. Of particular importance is the issue of individual's rights in the context of the freedom of speech/freedom to express criticism.

Last but not least, the work of A. Breczko, referring to the principle of responsibility in relation to the biotechnological process in medicine, tackles one of the key dilemmas of modern science in the context of issues arising within the overlapping disciplines of law and medicine, the solution to which has to consider the rights of the individual.

³ T. Bojarski, *Odpowiedzialność karna. Zagadnienia zakresu i stabilizacji in Polska lat dziewięćdziesiątych. Przemiany państwa i prawa* (Lublin: Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, 1999), p. 326.

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As mentioned above, *Studies in Logic, Grammar and Rhetoric* is a journal addressed predominantly to researchers who are using tools and methods of a modern scientific approach in Arts and Humanities. This volume aims to encourage editorial cooperation of the members of the Polish legal fraternity, interested in publishing in a foreign language. But first and foremost, in addressing this volume to representatives of foreign academic circles, we are attempting to open up a wide international debate on the issues that unite legal thought, searching for a common meaning in law.

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