

*THE COMMITTEE OF LEGAL SCIENCES OF THE POLISH ACADEMY OF SCIENCES*

During the period from November 1967 to December 1968 the activity of the Committee of Legal Sciences of the Polish Academy of Sciences, which at the same time is the National Committee of the International Association of Legal Sciences and of the International Academy of Comparative Law, was centred on the organization of scientific discussions and participation of representatives of the Polish legal sciences in international scientific congresses.

During the period under discussion the Committee of Legal Sciences organized 6 scientific sessions which were attended not only by members of the Committee but also by representatives of legal sciences from all over the country and outstanding lawyers-practitioners invited to the sessions. Like in the previous years the subject-matter of the sessions was chosen in such a way that it should be of interest to representatives of various branches of the legal sciences.

At a scientific session held in November 1967, prof. Maria Borucka-Arct (Cracow) read a paper on valuation in legal sciences. It has been pointed out both in the paper and in the course of the discussion that, due to his functions, a lawyer is authorized and obliged to make valuations. However, he should not claim exclusiveness to determine the system of valuation or to make the valuation of absolute character. The choice and preference of valuations are always connected with the specific philosophical and methodological premises.

The session of January 1968 was devoted to the discussion on the paper by prof. Stefan Grzybowski (Cracow) on "know-how" contracts. The speaker made a characteristic and presented principles and scope of the application of these contracts. The discussion was centred first of all on the practical significance of these contracts in the field of patent law and in foreign trade.

Problems of the character and structure of legal relations of social security were dealt with in a paper by prof. Eugeniusz Modliński (Lublin) in March 1968. According to the author of the paper the relations of social security are of administrative and legal character. Its structure is a complex one: it is of a tri-partite character and consists of three bilateral relations binding mutually the worker, the employer and the social security institution. It was underscored during the discussion that there was a need to continue research on the legal relations of social security.

In May 1968 there was a discussion on the paper by prof. Stefan Buczkowski (Lublin) on the impact of technical progress in industry on the transformation of legal norms. The speaker dealt primarily with the problems of civil law, including guaranty and pledge, transformations of the types of contracts, responsibility for damages on account of risks, patent law. The discussion pointed out the complex character of these problems, underscored their significance for the further development of the law and called for the necessity of further carrying out comparative research in this domain.

The paper by prof. Jerzy Wróblewski (Łódź) on the application of electronic computers in jurisprudence, delivered at the scientific session in June 1968, aroused a lively interest. The author said that the computers may find application in the creation of law, its interpretation and application. In each of these domains the computers may be used for gathering and processing the normative material, examination of its consistency, and determination of facts indispensable for the practice in law. The thesis has been confirmed in the discussion that the application of electronic computers in sciences is limited due to the present state of legal technique and culture. It has been postulated at the same time that there should take place a change over from the investigation of the possibilities of application of computers to their concrete utilization within adequate scope.

Problems pertaining to the theory of the sources of law were discussed at the scientific session of the Committee in November 1968. The discussion was centred on the paper by

prof. Kazimierz Opalek (Cracow). The author of the paper criticized the idealistic and realistic theories of the sources of the origin of law contradicting them the Marxist approach to the process of the origin of law which is in harmony of the causality (historical determinism) with the element of reasonable activity of human beings. Later the speaker pointed to the importance and value of simultaneous investigation of the factors conditioning law and of the sources of law in a normative sense.

During the period under review the Committee of Legal Sciences organized the participation of representatives of Polish law in the following congresses:

1) XIV<sup>th</sup> Congress of the International Institute of Administrative Sciences (Dublin, September 2-6, 1968). According to the regulations of the Congress, comprehensive Polish papers have been prepared on all the subjects of the Congress, viz. :

- a) administrative coordination in the domain of economic and social development,
- b) adaptation of administrative employees to the economic and social development,
- c) safeguarding of the rights and interests of the citizens in administrative procedure.

2) XVIII<sup>th</sup> Congress of the Jean Bodin Society (Brussels, October 1968). At this Congress prof. Edmund Cieślak (Gdańsk) was the main speaker on the subject of "The Baltic Ports from the 15th to the 18th Century".

Within the framework of the preparatory work to the VIII<sup>th</sup> International Congress of Comparative Law to be held in 1970, the Committee of Legal Sciences made an initiative and secured the preparation of the Polish papers on the following subjects:

1. Relation of the sources of written law and unwritten law (traditional) in contemporary system of law;
2. Definition of the principle of rightfulness in different legal systems;
3. Relation between social and economic development of a community and the development of law;
4. Global reception of foreign laws;
5. Methods of sociological research in comparative law;
6. What are the proper organs and their tasks in each move aimed at the unification of law?
7. Responsibility, insurance and social solidarity in compensation of damages;
8. Influence of modern biology and medicine on civil law;
9. Co-ownership of a flat and horizontal co-ownership;
10. A typical contract and a contract of adhesion;
11. *Exequatur* of court verdicts and arbitral awards
12. The scope of application of the uniform rules of the private material law;
13. Judging disputes by extrajudicial and extra-arbitration organs;
14. Written and oral procedure;
15. Measures undertaken to ensure proper utilization of farm land;
16. Differences between a contract of lease and a contract of transportation of goods;
17. Safeguarding "know-how;"
18. Suspension and dissolution of a labour contract;
19. Temporary employment;
20. Responsibility for damages caused by super-sonic flights;
21. Legal character of acts of international organizations and international courts and their repercussions in domestic law;
22. Interpretation of constitution;
23. Present-day tendencies of dividing legislative functions between the parliament and the government ;
24. Relations between the state and the church;
25. Participation of citizens in administrative tasks;

26. Justification of administrative acts;
27. Principle of territorial integrity in penal law;
28. State of supreme necessity;
29. Provisional arrest prior to court sentence;
30. Right to assistance of counsel for the defence during a trial.

The said papers will be elaborated by outstanding representatives of legal sciences from all law centres of Poland. It is intended to publish all Polish papers to the VIII<sup>th</sup> International Congress of Comparative Law, as was the case on the occasion of two earlier Congresses.

The Committee of Legal Sciences has also started the preparatory work to the VII<sup>th</sup> International Congress of Labour Law and Social Security, which will be held in Warsaw in 1970.

During the period under report, the commemorative book, prepared on the occasion of the 100th birthday anniversary of Leon Petrażycki, including studies on the theory of law and theory of science of that great scholar, came off the press. The book was edited by prof. Kazimierz Opalek and has a preface written by prof. Stefan Rozmaryn. It was published by The State Scientific Publishers.

To the Committee of Legal Sciences there are affiliated the Polish sections of four international scientific organizations, viz. : 1) The section of administrative sciences, connected with the International Institute of Administrative Sciences, 2) The Polish section of the International Association of Labour Law and Social Security, 3) The Polish section of the International Association of Insurance Law, 4) The Polish section of the International Association of the History of Law and Institutions.

The section of the administrative sciences focused its activity on the preparations to the participation in the XIV<sup>th</sup> Congress of the International Institute of Administrative Sciences (see p. 3 above). The Polish section of the International Association of Labour Law and Social Security began the preparatory work to the organization of the VII<sup>th</sup> Congress of that Association, to be held in Warsaw in 1970. Within the framework of this work, the Section prepares the Polish papers to the Congress whose subject-matter will be:

- 1) Development of labour protection as a function of technical progress;
- 2) The role of fault in social security law;
- 3) The payment policy: the role of the state and the role of professional milieu.

The Polish section of the International Association of Insurance Law held one scientific session and started the preparatory work to the elaboration of papers to the III<sup>rd</sup> International Congress of Insurance Law to be held in Paris in 1970. The papers will deal with the following problems :

- 1) Authority of third persons to the insurer;
- 2) Insurance and fluctuation of the value of money;

The Polish section of the International Association of the History of Law and Institutions was active in the preparations to the participation in the XVIII<sup>th</sup> Congress of the Jean Bodin Society.

Committee of Legal Sciences at the P.A.S. Branch in Cracow, displaying a lively scientific and publishing activity, acts as a section of the Committee of Legal Sciences in Warsaw.

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