

The Law - A Special Or Normal State?

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In recent years the law in Poland has undergone an exceptionally large number of changes. Some of them were only slight modifications of the actual legal system whereas others resulted from an introduction of a number of regulations either entirely new or aimed at transforming in depth the legal institutions used so far. Deep changes of the law are always connected with changes more general in character – first of all political and economic – and this has been the case in Poland in the last few years. The law has been used either to alleviate the effects of the economic crises or to cope with the newly arising phenomena or developments, regarded as pathological, that were gaining momentum at the time. It was also used to present, in an organized form, the radical changes of the politics at that time. All these transformations are too broad a subject to be presented in a single paper. I shall present some of them only, i.e. those related to penal law.

I shall begin with institutions that came into being during the 1980's or were, after years of oblivion, resumed at that time. Not all of them are directly connected with penal law but their link is that each of them comprises some orders or prohibitions which, when violated, result in applying legal sanctions. The scope of punishabil-

ity was broadened and hitherto unrecorded deeds and behaviors came to be regulated by law and became subject to legal prosecution.

Rationing

As regards curbing the negative effects of the economic crisis in Poland, one such attempt was the implementation of goods rationing. This naturally involved a modification of many traditional legal institutions and called for a different definition of the sale-purchase contract.

Most interesting of all seem to be the changes in legal consciousness that were brought about by the disturbance of the supply-demand relationship. Before the crisis legal consciousness was, broadly speaking, in accord with the civil code which stated that "the display of a commodity to the general public in a place of sale with a price stated shall be regarded as an offer of sale" (Article 543, Civil Code). The rationing period, however, made people feel that displaying a commodity, price or no price, did not necessarily imply an offer for the customer, since a commodity might be sold for coupons or special "tickets" allowed for some categories of consumers only. To purchase such a commodity a consumer might have been required to show his/her identity document, child's health record book, pregnancy record, or a credit card for newlyweds.

It can be said that the new way of perceiving the sale-purchase contract as well as the emergence of additional conditions that allowed such a contract to be made, preceded, in the legal consciousness of the people, law-regulated food rationing as such. Meat shortages and meat purchase problems had made people seek solutions that could alleviate the inconveniences. Rationing had sounded reasonable and had found its way to the Gdansk postulates. It was introduced into the life of the society prior to acquiring legal status by means of various procedures. Thus it was ordered that only a limited quantity of goods should be sold when a situation required it and the decision would be made by the salesperson and the purchasers who, at times, organized themselves to form a queue committee. A survey conducted in 1981 showed that people were

against allowing an individual to buy a quantity so large as to make the commodity unavailable for others.

Shortages also made people not only accept rationing and other such measures but also agree to penalties imposed on those who bought amounts regarded as excessive. People at large approved of punishing customers and sellers who took part in such purchases despite the fact that, from the legal point of view, no offense would have been committed. Penalties were suggested, which, in most cases, were to be admonitions or fines but a prison sentence was occasionally proposed. A vast majority of people were of the opinion that an individual should be allowed to make use of his/her entitlements only to such an extent as not to make it impossible for others to take advantage of their rights or have them limited. Otherwise, the respondent claimed, the buyer deserved to be admonished or even punished.

The way people at large agreed so readily to goods rationing as well as the changes in the legal consciousness, caused by the disturbed supply-demand ratio, seem to have resulted from the fact that the society had somehow expected it all to happen. Ever since World War II rationing of some kind had been in operation. Some had been well known, e.g. limitations of sales of imported citrus fruits, and there were others less known, e.g. "tickets" that enabled purchase of a car. It was not until rationing began to cover staple commodities that its effects on the legal institutions and public consciousness became considerable. Implementing rationing on a large scale and with regard to goods of everyday use had far-reaching consequences, which were to change the traditional sale-purchase model.

Rationing, especially with coupons, resulted in people buying more goods than allowed. This caused further changes in the legal regulation and thus inspections, at various levels, and, more importantly, penalties were introduced. The ensuing regulations aimed at punishing those who obtain a ration coupon under false pretences, take possession of one in a way forbidden by law or obtain, alienate or help hide an illegally obtained coupon (act of 25 sept 1981 on profiteering control). Thus in face of the economic situation the society had to accept the regulation as well as the new sale-purchase model.¹

Rules that regulated rationed sales and imposed various forms of punishment were not the only rules implemented as a result of the

disturbed sale-purchase relationship. An act on profiteering control was also passed. Its explanatory part says that owing to the growth of economic crisis and disturbance of the supply-demand equilibrium on the market, profiteering has increased and this has necessitated the passing of a special bill to control it. Legal regulations of this kind had already been applied in Polish post-war legislature. Similar laws were in force from 1944 to 1970, in some parts, up to 1972. In the 1970's such offenses could be punished by law by virtue of the general regulation of the penal code and the petty offenses code.

In the period of economic crisis that followed, the existing general rules were considered insufficient and on September 25, 1981 a law on profiteering control was passed (Law Journal of 1981, it 124). Apparently the legislator hoped for a quick solution of the economic problems that had brought the law about, because it was to remain in force for about fifteen months, i.e. till the end of 1982. When the period drew to a close the legislator probably regarded the situation as still unsatisfactory because the law was updated and made valid for an indefinite period of time. Thus it cannot now be regarded as a transient law, but has become a permanent component of Polish penal law. It lists specific offenses together with the resultant penalties (Law Journal 1982 No 36 it 243).

Some of these offenses are worth mentioning if only to help one realize that they are not forbidden by law in other countries and the perpetrators are not liable to prosecution. Thus, according to the profiteering control law, a person is liable to prosecution if, for instance, he/she sells to a catering establishment or a processing factory a commodity that has not been processed. Also, anyone hiding or refusing to sell a commodity that ought to be displayed in a shop, as well as anyone selling, outside the shop, a commodity that is to be sold in a shop will be prosecuted. Penalties for offenses like these and others listed by the profiteering control bill are very severe. Besides restriction of liberty and a fine there is also imprisonment up to five years.

Laws of this kind were implemented, first of all, to discourage people from committing certain offenses. They aimed at general deterrence. They made Polish penal law, undoubtedly very severe before, even more severe.

New legislative areas: Drugs and work evasion

In Poland of the 1980's legal regulations were implemented to deal with phenomena which had hitherto been ignored by law or defined with much less precision. The law on preventing drug addiction passed on January 31, 1985 can serve as an example (Law Journal No 4, it 5). It is debatable, of course, whether passing any law can help to prevent or control the phenomenon. This law, despite a number of conflicting views, did pass and resulted in defining a number of deeds as punishable by the legal system, for instance a ban of growing poppy or hemp and another on producing intoxicating agents and apparatus used for that purpose, a ban on bringing intoxicants into Poland etc. Severe penal sanctions are attached to breaches of the ban, ten to fifteen years of imprisonment inclusive.

The law has been in force for a short time now and it remains to be seen whether it will result in a significant increase of judicial penalties as the scope of its application is not yet known. The 1982 bill on evading work is also worth mentioning for several reasons (Sept 26, 1982, Law Journal No 35, it 229). Its specific legal regulation was made for citizens who pursued neither work nor studies. The law introduces some legal regulations and in instances where international agreements ratified by Poland do not allow imposing orders or bans directly or using penalties, quasipenal measures are adopted. It seems worthwhile to present this law as it has given rise to legal institutions hitherto unknown in Poland.

The law applies to males of 18-45 who do not take up work or studies for at least three consecutive months. They are obliged to report to an administrative organ in order to be registered in a special registration book. After registering they are directed to a place of work or a school. Those who can prove the existence of circumstances that justify their evading work or studying can be exempt. In other cases the person has to take up employment or studies. If they refuse to do so, they are registered in an index for those who persist in evading work. In the course of the procedure the administrative organ has to ascertain the sources of the registree's upkeep, whereby the latter may become subject of thorough scrutiny. Persons so registered may be obligated to do work for the community which may not exceed sixty days a year. If a registree takes up employment or

continues to go to school for at least a year he is crossed out of the register.

The bill contains several strictly legal provisions. Those who, although pursuing neither work nor studies, fail to report to an administrative organ, and those who refuse to report when summoned, are liable to restriction of liberty up to 3 months or a fine.

Legal institutions called forth by the bill on "a procedure applied with regard to those who evade work" are constructed in a very specific manner. They do not say that work is compulsory, nor do they establish penalties as such for evading work; that would be at variance with the international conventions Poland has signed. Instead, they introduce a number of duties imposed on individuals who neither work nor study. The duties are penal in character although they are not included in any catalogue of penalties. Penalties of fine or restriction of liberty are not imposed for evading work but for failing to fulfill additional duties imposed on an individual by the law.

Repressive measures within the criminal justice system

The texts of normative acts drawn up in Poland in recent years indicate that the legislator still regards the present-day situation in Poland as special and requiring legal solutions. It is reflected, primarily, in the growth of the repressiveness of the penal law system.

Let me quote the law of May 10, 1985 on "special criminal responsibility". As the preamble says its aim is to strengthen the protection of the socialized economy, the interests of the citizens and to heighten public law and order". It is explained in the same excerpt that the growth of delinquency necessitates the implementation of legal changes intended to enhance lawfulness. The explanation is somewhat weak when one realises that the statistics are not very clear and the statistically ascertained rise of delinquency is at least partly caused by a new legal regulation according to which some deeds, not regarded as offensive before, are now criminal offenses. Whatever the justification of the changes, it must be admitted that the criminal responsibility statute reflects the rise of penal reprisal in Poland as compared with the 1970's, although it must be added that it is more lenient than some laws passed during

the martial law period. The act is to be valid until 1988 so I think it worthwhile to discuss its more important provisions.

Special criminal responsibility rules bring about a number of judicial decisions. Which in consequence causes an increase of prison sentences. The first decision of this kind is contained in the opening lines of the statute. It restricts considerably the possibility of suspended prison sentences. The restrictions are to be effected regardless of the perpetrator of the crime or the circumstances under which the crime was committed. They only depend on the offense. And thus, again, it is general and not individual crime prevention or resocialisation that is made primarily important.

The increase in the number of persons serving prison sentences in penal institutions is also due to provisions of conditional release. This has been restricted and also, owing to an increased number of conditions introduced, the capacity of a court of justice to withdraw a conditional release has been enhanced. A third provision which accounts for a larger number of persons in penal institutions has to do with detention. The range of instances where detention is applied has been broadened.

In order to make the existing penal system more stringent some special measures have been adopted. The capacity of the court of law to mitigate punishment in specific cases has been limited. The court has been obligated to decree, in a number of cases, additional penalties alongside the principal penalty, e.g. interdiction to occupy specified posts, prohibition to exercise a profession, complete or partial forfeiture of property, or announcing publicly the judicial decree. Such penalties used by Polish legislature in the past have now become extended in scope and application.

By virtue of the statute on special criminal responsibility and another law passed simultaneously which changed the penal code and the petty offenses code (act of May 10, 1985 on changing some provisions of the penal code and the petty offenses code, L J 23 it 100) economic repression was made more stringent. The rate at which the maximum and minimum fines rose was higher than that of the average national wage.

Other provisions of the act refer to penal proceedings and here the scope of application of two special procedures was extended. The binding force of these procedures had always been questioned and now met with criticism too. The first of these procedures was the simplified procedure which can be defined as the one where the

formal requirements are not very strict. Under this procedure an indictment can be drawn up by the Militia and the prosecutor's role is merely to approve it and bring it into court. A case can be heard with the prosecutor and the defendant absent because judgment by default can be passed.

The other procedure whose binding force was extended a great deal is the "speeded-up" procedure. As its name indicates it aims at shortening the time between the commitment of the offense and the punishing of the offender. In the speeded up procedure indictment is replaced by a notice of an offense, submitted orally or in writing by a police functionary. The court begins examining a case with a bench composed of one judge. The sentence is delivered, the reasons stated and the parties receive the sentence within three days. An appeal can be lodged within 7 days and the case is reexamined by an appeal court within 21 days at the latest. If the court's decision is that the penalty is to exceed 3 years of imprisonment or a 500 000 zloty fine, the case will be transferred to the prosecutor.

A similar speeded-up procedure was applied by virtue of the 1970 code and the special criminal responsibility act extended its scope considerably. The changes went in two directions. Firstly, the range of offenses where the speeded-up procedure could be applied was expanded and, secondly, the procedure itself was made binding nationwide, unlike in the past, when it had been in the Minister of Justice's discretion to implement it within well defined areas.

As mentioned before, the speeded-up procedure has always met with controversy. The contentious issue is the compatibility of the procedure with the defendant's right to have a barrister of his/her own choice. The act holds that the Minister of Justice, after consulting the Council of Barristers, shall define the way of ensuring help to the defendant during the trial. On passing the law it was decided that barristers would have compulsory duty hours during which a defendant, informed by the person presiding over the proceedings, could seek a barrister's aid (the Minister of Justice decree of June 20, 1985 on ensuring council to defendants in speeded-up procedures, L J 28 it 125). Another barrister could be consulted only in cases where this did not disturb an immediate hearing of the case (§4 in the above-mentioned decree).

Obviously, the reason for the broadened scope of the speeded-up procedure was general prevention. In practice this kind of judicial procedure often results in restrictions of the security of proceedings

and the rights of defendants. As textbooks on the law of criminal proceedings indicate, a right to defense includes, among other things, one's ability to prepare for defense, which, with so short a time between the offense and the hearing, becomes difficult. The right also includes the possibility of help from a barrister of choice. Practice shows this is also hard to acquire as the accused often has no time or opportunity to find a suitable barrister and resorts to the one he consults during duty hours in a court of law. All these principles, traditionally regarded as primarily significant in the law of legal proceedings, have now, in my opinion, given way to the immediacy of taking judicial measures.

The special criminal responsibility statute is meant to be an "incidental statute", i.e. its validity extends over a specified time period. It came into force in July 1985 and is to remain binding until June 30, 1988. However, in the past, quite a number of "incidental" statutes have remained in force longer than planned due to extension of their updating, or because new provisions were included in the codes used. Thus it is hard to predict how long the provisions of the special criminal responsibility statute will remain in force.

Another interesting problem is the way incidental statutes affect legal consciousness. Apparently it is their instability that accounts for the poor knowledge, on the part of the general public, of the actual legal system.

The martial law period – and after

The severe penal legislature referred to earlier in the paper was made even more severe during the martial law period.

First and foremost, a great deal of penal law provisions were promulgated. They were included in the decree on martial law (chapter VI of the decree of Dec. 12, 1981 on martial law L J 29 it 154). They contemplated penalties on those who refused to desist from participation in associations or unions whose activity had been suspended, as well as those who organized, presided over or took part in a strike. There were also penalties imposed on those who, as the decree put it "acted to the benefit of the enemy or to the detriment of the security of the defense readiness of the Polish People's Republic" (art 47) or else spread false information which might

cause "public unrest and riots" (art 48). The decree also defined penalties for those who were found guilty of breaking orders or restrictions, imposed in the martial law time, as regards changing the place of temporary residence, prohibition to use motor vehicles or disobeying the order which obligated citizens to carry an identity document in public places, etc. Penalties included in the decree varied. They contemplated a fine, restriction of liberty or imprisonment up to ten years.

On the same day, December 12, 1981, another, even more severe decree was issued on a special procedure in cases of crimes and offenses committed during the martial law period. (L J 29, it 156). Simultaneously, a very strict procedure, i.e. the summary procedure was decreed. It ranged an enormous number of offenses as it could be applied to cases resulting from offenses listed in over eighty articles of the penal code, to which some other offenses, forbidden by other legal acts, were added (peace defense, the penal-financial statute, state statistics organization, and those named in the above, mentioned decree on martial law, art 1). The most characteristic feature of the summary procedure is the possibility of meting out very harsh punishment by virtue of respective penal statutes. The most severe punishment, i.e. the death penalty and twenty-five years of imprisonment, could have been adjudicated in cases where the uppermost punishment had been eight years of imprisonment. This was very common indeed, as most cases heard under the summary procedure were of that kind. As regards the death penalty it was required that the judges be unanimous as regards both the guilt and the penalty. Another characteristic of the summary procedure was that no appeal could be lodged once a sentence had been passed. The procedure was intended to be severe and quick. Preparatory proceedings were to take fifteen days at most and it took another five days for the case to be brought into court.

The decision to apply summary procedure rested with the prosecutor and then, when the case was heard in court, with the court. The decree provided that summary procedure cases should be heard by a regional (voivodeship) court composed of three judges. It must be added that by virtue of a special decree a number of offenses were transferred to the competence of military courts (decree of Dec. 12, 1981 transferring cases dealing with some offenses to military courts and military administrative units of Polish People's Republic during the martial law (L J 29 it 157).

The 1981 decree on special procedures, apart from introducing the summary procedure, extended largely the scope of applying simplified and speeded-up procedures. The above-mentioned regulations were in force until December 1982.

Together with the suspension of martial law, some penal law provisions were changed too. Thus the decree of December 18, 1982 on "special legal regulation in the period of suspended martial law" (L J 41 it 273) contains some decisions restricting the scope of the summary procedure. This was to be adopted only in a dozen-odd serious offenses under the penal code as well as three offenses by virtue of the penal-financial statute.

The administration of justice was, in practice, much more lenient than the postulates of the respective legal regulations. The most severe of the penalties contemplated were never or hardly ever imposed. It now looks as if they were implemented because it was believed that the severity of the penal code provisions would be discouraging for prospective offenders.

After the abolishment of martial law in July 1983 another legal act was passed. It was the statute of July, 21 1983 on "special regulation for the period of overcoming socio-political crisis and on changing some statutes" (L J 39 it 176). The act was not strictly penal in character. It dealt with decisions on entering into and breaking off an employment contract in a period referred to as "overcoming crisis", as well as a number of decisions concerning faculty members and students at institutions of higher education. By virtue of these statutes the Minister of Higher Education could suspend or dismiss a faculty member or a student whenever they engaged in activities "forbidden by law or contrary to the didactic and educational tasks of the school". Under this statute, the activity of collective agencies became liable to suspension and the Rector could be appointed or recalled from his post. These decisions restricted self-government of universities and entitled state administration to interfere in matters traditionally dealt with by the Rector himself.

The statute also changed the Polish legal institutions. Although not strictly penal in character, it allowed to adopt very harsh measures, e.g. suspension of the rights of a faculty member or a student, which functioned as penalties for unacceptable conduct.

Penal law in postwar Poland – a concluding comment

Legislature and administration of justice are always strictly related to a country's social situation and politics at large, and it is the specific social situation in the Poland of the 1980's that was being referred to when far-reaching changes of the Polish legal system were being implemented. In order to better understand the changes one ought to compare those regulations with those included in Polish law in the whole post-war period. Therefore it seems worthwhile to conclude the paper with a description of the legal regulations of the time-periods preceding 1980's. I shall confine myself to penal law only.

First of all, there were periods when legal regulations were meant to be long-lasting and were designed for a country whose situation was stable. There were also times when the assumption, whenever legal regulations were implemented, was that these were temporary solutions only, necessitated by the specific situation Poland was in. Using this criterion, the whole post-war era can be divided into three main periods. The first spans the years from the end of World War II until 1970, the second is 1970-1981 and, finally, there is the most recent period, from 1981 up to the present.

The first period was the longest. As regards legal regulations, what binds the period together is the penal law legislature adhered to at that time. The system was founded on the pre-war penal code of 1932 and the penal procedure code of 1928. Even if some new statutes and decrees, changing or supplementing pre-war legal acts, were promulgated in the post-war years, it was not until 1970 that a new codification was made.

Three sets of regulations modifying the pre-war penal code seem worth mentioning. The first set contains a decree on offenses which are especially dangerous in a period of state restoration (decree of June 13, 1946 Law journal No 30, item 192 and amendments made in late years). The decree was in force until 1970 and was a modified version of decrees passed in earlier times. It extended the pre-war code by adding provisions on espionage, sabotage and illegal possession of firearms. It included a number of provisions that can be defined as intended to overcome difficulties in a state restoration period, incidentally, provisions regarded as shocking in latter years.

The second set of provisions was aimed at controlling profiteering. From 1944 onwards laws and regulations concerning profiteering control followed one another in rapid succession. They ceased to be binding in 1970, when the general provisions of penal law came to be regarded as sufficient. It took another ten years to bring them back again.

The third set of provisions was concerned with social property. Under special decrees and laws, responsibility for offenses against social property was more severe than for those against private property. The law was in force until 1970.

The tendency to administer measures harsher than those used in pre-war codes can also be observed in penal proceedings. The 1945 decree on summary procedure gives ample proof for that (Law Journal 1949 No 35 it 244). The proceedings dealt with cases where offenses defined in this decree were committed, and characteristically, regardless of penalties contemplated for such offenses in the respective statutes, the punishment could be the death penalty, a life sentence, at least three years of imprisonment, and, additionally, a fine. The decree was not only particularly severe, its other specific characteristic was promptness. A case was to be heard within twenty-four hours from the time the indictment was made and the accused was allowed three days to present evidence. It was required that the accused had a barrister. When he failed to find one, a barrister was appointed *ex officio*. The hearing and deliberation over, the judgment was delivered and reasons for it were given in the next twenty-four hours. No appeal against a judgement could be made. The decree was in force until 1970, i.e. till another penal proceedings code which annulled the summary proceedings decree came into effect. It was resumed then years later, that is, when martial law was imposed.

The above-mentioned legal acts were by no means the only acts implemented in the period under discussion. They contained, however, the fundamental rules of the penal law, which were introduced at that time to modify the pre-war system. They had a great deal in common, first of all, severity of regulations. This was intended and was regarded by the legislator as expedient because of the current situation in Poland. The opinion was that the circumstances were specific enough to justify an adoption of harsh sanctions. What is characteristic of specific situations is their impermanence. So, together with the cessation of causes, one would, naturally, have

expected special legal regulations to be abolished too. They remained in force for over twenty years, though.

The year 1970 brought about deep changes in the Polish penal law system. Two new codes came into effect; the penal code (L J 13 it 94) and penal proceedings code (L J 13 it 96). The period that followed was also distinct as regards the policy of administering justice. However, different theses were propounded.

While in the post-war time, especially in the early years, the strict repression rule was considered necessary, in the 1970's and in the few years that proceeded them new codes were being made and the thesis of making the penal code more liberal was advocated. The socio-political system in Poland was referred to as stabilized and thus justifying abolishment of any "special" legislature. It was emphasized that more lenient measures ought to be adopted. The restriction of liberty penalty was introduced as a substitute to short-term prison sentences. Fines became more widespread. Delinquency was said to be decreasing although the statistics were far from reliable as they ignored the fact that legal changes had involved shifting whole groups of deeds previously categorized as "offense" into the "petty offense" category.

A need for a liberalized penal system emphasizing "individualized" repression and resocialisation – these were values commonly referred to in those days. No doubt the extent to which they were effected was far from satisfactory, for, in later years, the period was characterized as follows: "As early as in the second half of 1980 both the mass media and specialized publications began to denounce the goals and methods pursued by the penal policy. The blow was aimed at the allegedly too frequent imposition of penalty of imprisonment and excessively high fines. The administration of justice was blamed for having become fiscalized". It was pointed out that the Polish penal system was strikingly repressive – both in its legislative measures and in the practical application of them. Comparisons were made between Polish penal policy and that pursued in socialist countries and in Western Europe. The resultant thesis was that Polish penal policy was unduly punitive" (Z Jankowski, J Michalski Statute of May 10, 1985 on special criminal responsibility. Commentary, Warsaw 1985, Introduction). The authors claim that the criticism of the penal system of the 1970 resulted, in 1980, in true liberalization of the penal law system. "It manifested itself", Jankowski and Michalski say, "primarily, in considerable mitigation

of punishment imposed on those who committed very serious crimes and the general lessening of economic repression. As compared with the years preceding the 1980's the number of person sentenced to imprisonment dropped, from 48 413 in 1978 to 32 053 in 1981). It was the first time in ten years then that the fine figures had dropped, both in real terms and in terms of average natural wage. At the same time, the percentage of conditional suspended prison sentences showed a considerable rise – up to 63,8 per cent (53,1 in 1979). The penal policy adopted, as well as the widespread practice of conditional release from serving the full sentence are responsible for the drop in the number of the imprisoned down to 51 436 (80 451 in 1979).”

The administration of law changed the moment martial law had been imposed. As early as 1982 the recorded number of prison sentences was greater by 13 000 and the number of people serving sentences in penal institutions increased a great deal. Fines were raised and criteria for release from serving the full sentence were made more stringent. More and more behaviors became subject to order or ban, liability to prosecution was extended and penalties were made harsher. The purpose was regarded as right – it was referred to as general prevention or discouragement. The large number of various legal acts issued in recent years proves that the law can contribute to the achievement of adopted goals and is efficacious in exerting influence on society.

It is worth remembering that about the only period when “special” legislature was not in use and the need for liberalization was propounded, was the 1970's period. After true liberalization in the years 1980-1981, in December 1981 the situation in Poland was, again, regarded as special and thus calling for legal solutions that differ from those adopted in times of stability. Hence enhancement of repression in the penal law and resumption of the severe repression thesis. It is hard to predict how long, this time, the situation in Poland is going to be regarded by the legislator as “special” and demanding special legal regulations to overcome “transient” difficulties.

Note

1. The subject-matter is dealt with more specifically in a paper edited by Jacek Kurczewski et.al. entitled "Umowa o kartki" (The Rationing Coupon Agreement), Warsaw 1985.