

The main subject of the following project is the rulings issued by judges, that is, their significance and functions in the democratic state of law. According to current understanding of judicial rulings, a judge either applies law or makes law and the last case always arouses suspicions of exceeding his/her competences due to Polish or simply statutory legal traditions. We consider this dichotomous understanding of judicial rulings too rigid and narrow at the same time to be able to capture the actual judicial rulings' influence upon other institutional actors of a system of law making. Even more important than that is the fact that this understanding makes it impossible to articulate the normative expectations towards judicial power which have been risen by contemporary democratic societies, in particular, by the members states of the European Union. These very normative expectations concern the judicial rulings' participation in institutional discourse of law making in the situation when judges are confronted with flawed law which shall be corrected in order to meet the requirements of justice. In order words, just as parliamentary debates articulate public reasons and relate to the constructing of principles of political morality in Ronald Dworkin's writings, so judicial rulings shall also perform the similar function of public reasons in our view.

The chief contemporary problem, at least in what regards the European Union, concerns the progressing *economic* constitutionalization, which visibly affects member states in terms of their legal, political and social functioning. This is not the concept of constitutionalization itself, connected with the dynamic understanding of Union law and domestic law of member states respectively, that arouses justified anxiety but rather its economic character. It is even said that the *economic* constitutionalization itself has led the European Union to the social crisis or even to the crisis of social justice, which come to voice in terms of weakening member states unable to protect their citizens against the negative consequences of establishing the free/single market. Crucially, it has been recently said that what we face is in fact the crisis of the statehood, which obviously threatens the judicature.

Taking into account all of it, we state that the most urgent task to be accomplished is analysing the way in which roles and functions of judicial rulings are being conceptualised, and in consequence, also the triple division and separation of powers shall be rethought. This implies diligent analyses of the judicial ethics, in particular, an issue of judicial activism being normatively regulated by the former. With regard to the said crisis the analysis of rulings in administrative law, in particular, tax law having crucial impact on the Budget and the public expenditure on one hand and on possibilities of the private sector development on the other, are of highest importance.

In addition, we would like to highlight that Union law does not pertain to the research area of the following project which will be focused on rullings issued by domestic (basically administrative) courts of chosen member states: Germany, Great Britain, Poland, Spain and Sweden. The selection of countries paid heed foremost to the traditional legal cultures and to the current economic situation of the European Union too.