

The courts refer in the processes of the judicial application of law, and especially in legal interpretation, being the part of it, not only to the *stricti iuris* criteria (defined usually in the legislative regulations) but also to the out-of-law values, unincorporated to the body of law and having the moral (individual or social), political and economic contents. Reference to these values in the decisional processes proceeds in the two ways, resulted first of all in different sources of judicial discretion. The first way deals with the implementation of the special normative (legislative) constructs, like the general clauses (rules of rightness, good customs, rules of social coexistence, etc.) or evaluative clauses (important reasons, special merit, heavy loss, permanent and complete disintegration, etc.) while the second one occurs in autonomous (independent from the will of legislator) reference to the social values grounded in natural and irremovable sources of the judicial discretion.

Realization of the research project is mostly based on the analysis of the judicial decisions and their written motives, but additionally both the observation of the oral axiological argumentation of lawyers and judges during the courts' trials and consultations with the judges and lawyers will be applied too. The comparative research of the judicial practice, differentiating both ways and seeking more detailed features of the references to the out-of-law values seems to be necessary for building the full image including relativized effects. The latter ones are based on differences between the branches of law (constitutional, human rights, administrative and civil law), types of political environments of law (democratic vs.. autocratic systems, situation of deep social change) or types of legal culture (statutory and, placing judicial discretion in different way, Anglosaxon case-law).

The result of the research would build the theoretical model of the axiological references of judiciary, matching description-type and optimum-type elements of the model in the Polish legal practice. It would define the scale of the axiological discretion of the judges in various branches of law, political situation and legal cultures. It will at the same time allow to define the relation between the independent judiciary and legislators' expectations, what is especially important in the context of the recent (last few months) changes in the Polish legal order.