

In the affection for science and the constant need for its perfection and search for new answers to the old questions, there are issues which never lose their significance, although their historical origin dates back to the most ancient times and they have occupied the greatest minds over the centuries. Edmund Krzymuski was right to perceive both beauty and danger in this kind of viewpoint. On the one hand, the constant efforts to find answers to questions unanswered over the centuries fill us with sadness and are the reason for questioning the power of the human mind, which is finally unable to comprehend the constant subject of its considerations. The belief in this intellectual absolute is undermined, since the human mind turns out to be too imperfect to explore the questions which, on the surface, are impossible to settle. This, in turn, leads to intellectual fear, in which the weakness of this seemingly great mind manifests itself, as it is unable to comprehend the issues it ponders. On the other hand, there is undisputable substantive joy that those great minds have left unsettled issues and have also broadened our horizons with problems and considerations which would not be perceived in the light we perceive them now if it had not been for the earlier achievements. There is also some scientific impulse in that, if we can say so. It is stimulating to think that there are still so many things to do and they are all waiting for some great mind, which may be recalled by the future generations in the ongoing discourse.

The dispute around the institution of impossible attempt is one of such great discourses ongoing without a break at least since the times of Anselm Feuerbach. The discourse is not centred on the sense in punishing sporadic cases in judicature practice. Instead, it is centred on the decisive criterion of the penal and legal evaluation: hazard posed by the perpetrator (“the penal law of the perpetrator”) or harm caused by the act (“the penal law of the act”). As J. Makarewicz wrote some years ago: “[...] the long-standing scientific dispute regarding the criminal nature of the impossible attempt has been reduced to a great evolution of concepts in the criminal law, to the fight for principles: objectivism or subjectivism in the area of guilt”. This question is still valid and certainly it has not lost much of its significance. However, this great scientific discourse is not limited to the dilemmas faced by Makarewicz. It is much deeper. When we ask if there is or if there is no sense in the criminalization of impossible attempts to commit acts (offences), including the notorious “shot at a dead body”, we really make decisions regarding such issues as the concept and essence of an act, the interest protected by law, the essence of lawlessness and illegality, guilt, *error* or the cause and effect relation. Thus, the discourse is not about the above-mentioned dead body, but about the dogmatic foundations of criminal liability for an impossible attempt and consequently about the punishability of all impossible attempts and even the admissibility of the criminalization of all the acts located on the outskirts of the infringement on interests protected by law.

What has been said above seems to provide a full justification for the need to carry out comprehensive research into the institution of impossible attempt. The research should include an analysis of the historical development of this institution, an attempt to make a decision regarding the essence of this institution, the reasons for its punishability and criminal nature, the way in which the institution was introduced into the Polish Penal Code of 1997 as well as an examination of the judicature practice in the area of Article 13 section 2 of the Penal Code and legal and comparative analyses.

The aim of the research is to elaborate a comprehensive study into the institution of impossible attempt together with a model of the dogmatically foundations of criminal liability for impossible attempts to commit offences with an allowance for the results of file and comparative studies.

The need for the implementation of this aim is especially justified by the deficit in basic research, which has not given an answer to even the most fundamental questions in the classical area of so-called “hard dogma of the criminal law”, not only due the fragmentary or outdated nature of the research, but also due to the lack of its interdisciplinary dimension, which almost completely disregards such areas as philosophy or law ethics. Irrespective of the amount of the research done earlier, it is still true that the institution of impossible attempt has not been fully developed in the doctrine of the Polish criminal law, which can be confirmed by the fact that there is no scientific monograph devoted to this institution. It seems that this is a sufficient reason for undertaking the research described in the application.

In order to achieve this aim, it would be necessary to carry out a comprehensive research into the institution of impossible attempt, including at least five stages. Stage I would include research and analysis of the regulatory environment, which is relevant to the institution. In stage II, it would be necessary to analyse the state of literary works devoted to the institution of impossible attempt. This analysis would not only describe the current state of knowledge in this area, but it would also “restore” the older forgotten literature to Polish criminal law science. Stage III would include empirical file research carried out in eleven court districts, i.e. in at least thirty-three courts. The aim of the research would be to obtain a panoramic view of the practice in Polish common courts in relations to the institution of impossible attempt. Stage IV would include research and comparative analyses used to construct a standard comparative model in the area of the European standards regarding the punishability of impossible attempts. This stage would include foreign trips. In the final stage (stage V), the obtained results would be verified and a final report would be prepared.