

An important component of the private law is the law of torts – rules ordering one group of entities to remedy the damage suffered by others. Initially it was based on the principle that one who is at fault for damage to another should remedy it. As social relations and technology developed, European legislators established new rules demanding remedy for damage in certain situations even when there was no fault at issue, or it came about as the result of an event that did not involve human activity.

The objective of the project is to explore the present state of Polish tort law (contained primarily in the Civil Code of 1964) in order to determine whether it is sufficient to meet the demands of justice and challenges presented by the proliferation of new technologies. To achieve this, it will be necessary to analyse theoretical conceptions of justice in tort law, particularly the conception of corrective justice, which holds that the primary objective of liability in damages is the restoration of the balance in wealth and assets that was disrupted as a result of the occurrence of an unlawful act, taking into account the interests of both the party responsible and the injured party. These concepts have to be confronted with threats to interests of individuals stemming from the use of 21st century technology. Next the researchers will engage a range of issues such as liability for unintentional acts and omissions, the scope of interests protected by tort law, the possibility of adapting rulings for the remedy of damage to the circumstances of individual cases, the desired scope of application for liability independent of fault, and the usefulness of claims that do not serve to remedy damage but do have deterrent and repressive functions.

This subject matter needs to be addressed because it is among the fundamental issues of the private law. Polish science in this area has not made significant progress in recent decades, nor has it fully invoked the achievements of philosophy of law (both domestic and foreign) or the development of law and science abroad. The current state of knowledge could also be questioned with a view to the development of technology comprising the "digital revolution". The results of the planned studies will be available for use by the legislator and courts in shaping and applying tort law, and will thereby contribute to strengthening the protection of personal and economic freedoms afforded to members of society.