

## **Popular Science Summary**

Does the law protect human emotions? It would seem that in a cool, rational world of legal institutions, interests and professionals there is no room for feelings, moods and bonds. However, some parts of the legal system serve primarily to protect emotions - such as the institution of compensation for harm, through which the law seeks to heal the emotional wounds caused by the death of a loved one, the loss of a family heirloom, or defamation.

However, reflection on the emotions protected by this institution is rarely undertaken. Pushing emotions to the margins of legal interest may be derived from two reasons: first, from duplication of the deep-rooted distinction between reason and emotion (while privileging the former), which is deeply rooted in the law, and second, from the lack of sufficient theoretical reflection of lawyers on emotions.

This project examines how the law protects emotions while overturning the myth of the purely rationalistic nature of law. For this purpose, it looks at the institution of recompense for the harm present in the Civil Code. The institution in question is located in the part of the Civil Code that deals with the repair of negative consequences resulting from the so-called delicts (accidents, unfortunate events, but also crimes). Recompense for non-material damage differs significantly from other legal institutions related to the repair of negative consequences. First of all, it should be distinguished from compensation for damage, which is supposed to compensate for material losses suffered, as well as lost income prospects. Recompense recognises the less tangible, but no less important, psychological dimension of the damage. The very term "harm" has different connotations than "injury" - ones connected with losses in an extremely delicate and private sphere. Recompense, on the other hand, is connected with the feeling of satisfaction, which is supposed to cause a certain amount of money to be transferred to the injured party.

Despite the fact that hundreds of judgments have been made in which legal entities demand recompense for the psychological harm caused to them, this institution has not yet been given a serious study in terms of the emotions associated with it. However, the law undoubtedly has its own vision of which emotions, feelings and human relationships are important enough to compensate for their violation, and how to calculate the monetary logic of mental suffering. The aim of the project is to investigate this vision and reconstruct the hidden premises of the law on emotions: the answers to the questions why the law omits some emotions and affords protection to others, how it imagines the permanence and intensity of experiencing feelings, and the role of compensation in returning to emotional wellbeing after trauma.

Since the middle of the 20th century, psychological and social sciences have been abandoning the belief that emotions and reason play a contrasting, rivaling role - a belief on which many traditional reflections on human behavior and psyche were based. The time has come for the theory of law to open up to new perspectives as well. Investigating the institution of compensation for harm will help to better understand civil law and perhaps even improve its functioning by developing knowledge of emotional processes and promoting it among theoreticians and practitioners of law alike. The project may become a harbinger of Poland becoming one of the first places of advanced reflection on law and emotions (Law & Emotions movement), after the United States and United Kingdom. By investigating the presence of emotions in legal institutions, philosophy of law can equip the law with emotional intelligence - and thus make it better and more effective.