

The project is dedicated to a phenomenon known as symbolic legislation, and considers it from the perspective of both its creation and application. Symbolic provisions of law are understood in two ways. Traditionally, this name was used with reference to provisions that did impose on their addressees certain obligations, but at the same time did not provide for any mechanisms for the enforcement thereof. Provisions of this type can therefore be labelled as symbols, or substitutes of “real law”. Absence of enforcement mechanisms means that symbolic provisions are ineffective in achieving their officially proclaimed goals, which is not to say, however, that the enactment thereof is pointless. If, for instance, in a state of crisis caused by fear of terrorist activity, the legislator hastily adopts anti-terrorism provisions, they won’t necessarily lead to the achievement of the officially proclaimed objective that is fighting terrorism. What they can do, however, is lead to accomplishment of a disguised political goal: eliminating the social feeling of threat from terrorists, a thus calm public opinion. This is certainly merely one example of a disguised political goal; other examples may as well include striving to win public support during a campaign through enactment of a statute seemingly solving a major problem.

Symbolic legislation can therefore be perceived as a type of social manipulation and for this reason it has traditionally be viewed negatively by science. However, the theory of law has also identified another, “positive” dimension of symbolic legislation: as legislation enacted in cases where the use of order of the state is either impossible or undesirable, but enactment of provisions can have a positive socio-educational effect and thus contribute to the achievement of undisguised and officially proclaimed aims. Examples may include Article 1(1) of the Polish Animal Protection Act, which does not provide for any mechanisms for the enforcement of the obligation to “respect, protect, and care for” animals, but may still have an educational effect and promote pro-animal attitudes. Other manifestations of “positive” symbolic legislation may include phenomena that have not yet been directly associated with this concept, but are in fact similar in character. These are (1) soft law – a concept known in international and European law, (2) programmatic norms – a landmark in constitutional law, and (3) *leges imperfectae* – concept researched in the theory of law and functioning e.g. in family law.

The discussion on the issue of symbolic legislation is vivid and far from complete, to which the discovery of its “positive” dimension has certainly contributed. What is more, it appears that the role of symbolic provisions of law is set to increase due to the overall evolutionary tendency in law, which seems to depart from behavioural regulation methods to more “soft” regulation through stimuli. Symbolic provisions of law may find application especially in those spheres of legal regulation that are affected by strong axiological conflicts: bioethics, animal protection, and environmental protection (including climate protection). For this reason, the various problems selected for solving in this project will be analysed not only theoretically but also empirically – through examination of specific cases from international and domestic law from these three areas of law.

The project will concentrate on issues falling within five categories. It will begin with a theoretical analysis of the concept of symbolic legislation. Secondly, it will be interesting to identify what causes the legislator to enact symbolic provisions instead of regular ones. Thirdly, it is essential to examine the consistency of symbolic legislation with the values associated with a state under the rule of law. Fourthly, the research is intended to establish possible ways of identification of a symbolic character of provisions of law. This is necessary for the fifth, and final, area of research, i.e. analysis of possible ways of factoring in the “symbolic-ness” of provisions of law by courts in the process of application of law.

The research planned under this project can lead to the development of legal science in several ways. First of all, it will contribute to increasing awareness of the diverse methods of influencing the society through law. Secondly, it will offer a clear and coherent conceptual and terminological network for both the description and evaluation of symbolic provisions – in the broadest possible sense, encompassing also such phenomena as soft law, programmatic norms, or *leges imperfectae*. Thirdly, the project contributes to the development of knowledge on the relation between symbolic-ness and values of a state under the rule of law. Fourthly, it leads to determination of ways of identification of symbolic provisions and factoring in their existence in case-law and the judicial decision-making process. The findings, to be published in periodicals having an international outreach, will therefore make a significant contribution to the development of the theory of law and sociology of law. Furthermore, as the analyses will be based on specific instances of issues from the area of bioethics, animal protection, environmental protection (including climate protection), and criminal law, the findings will help to gain a better understanding of the nature of legal regulations created in these spheres of reality.