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Review of the dissertation written by Mr. Antonio Gonzales Costa entitled “The Victim of Gender-Based Violence. A Comparative Perspective of the European Union, Spain and Italy” prepared in the proceedings for the conferral of the degree of Doctor of Law

Pursuant to Article 187(1) and (2) of the Act on Higher Education and Science of 20 July 2018 (Journal of Laws 2018, item 1668), the review of a doctoral dissertation concerns the assessment of whether the dissertation constitutes an original solution to a scientific problem, whether the Doctoral Candidate demonstrates general theoretical knowledge in the relevant scientific discipline, and the ability to conduct independent scientific research. The opinion regarding the matters specified in the Act should in particular take into account the principles indicated in paragraph 3 (5) of the agreement for the preparation of review in question of 12 August 2025.

First of all, I would like to indicate that, in my opinion, the dissertation concerns a current and important legal and social issue, which is today the subject of research and analysis both in the context of the individual legal systems of various European countries and within the European Union itself, relating to the broader question of the appropriate balance of emphasis and methods for protecting individuals from violence in close relationships, taking into account the needs of particular groups in society, including both women and men, while simultaneously respecting the fundamental constitutional values, including equality before the law and the principle of proportionality. Within this broad spectrum of issues, the Author could have addressed many more aspects, whereas he focuses solely on the issue of gender-based violence against women in comparison to violence against men in the context of the regulation of this matter under the Spanish Act of 2004, and on the ways in which the law attempts to respond to this problem with due consideration for the fundamental constitutional principles and the effectiveness of the adopted solutions.

The title of the dissertation, however, is formulated more broadly. The thesis of the dissertation fits within the scope defined by the title, but the main subject of the dissertation is the legislation and judicial system in Spain concerning violence against women by men, with particular emphasis on the evaluation of the Spanish Act of 2004. In my view, the remaining issues mentioned in the title constitute rather the context for highlighting the problems and enabling the Author to undertake a critical analysis in light of European standards and comparisons with different Italian solutions, rather than constituting the actual objective of the research, as the Author writes (objective of the research), but refers to the method (comparative analysis) concerning the problem stated in the thesis, which relates to the Spanish Act of 2004.

It is unfortunate that the Doctoral Candidate did not present more broadly the functioning of the Spanish model of protection against domestic violence, which has operated under the Domestic Violence Act of 2003 and Articles 173(2) and 153 of the Spanish Penal Code (possibly also Article 171(4) and 148(4)), particularly in the context of the 2015 amendment to the Spanish Criminal Code aimed at adapting its provisions to the requirements of the Istanbul Convention, as both models—protection of women against violence and protection against domestic violence—found their reflection in the legal provisions. The actual subject of the dissertation (the thesis) is nevertheless stated in the opening sentences of the introduction, which formally allows the reader to understand at this stage what constituted the Author's primary research problem.

At the beginning, the Author lists, in summary form, the basic methods applied in the dissertation, which, as a rule, are required in a doctoral thesis. The Doctoral Candidate refers to the inductive method, asserting that it concerns empirical research, facts, case-law and statutory acts (this is probably meant to refer to comparative legal research); however, as he later indicates, statutory acts—which are an element of comparative legal studies—are not supported by sufficient empirical foundations for the problem examined in the dissertation, which makes their application significantly limited, as I will further illustrate. The Doctoral Candidate also invokes the historical method; here my impression is that the topic would have allowed for a broader application of this method. Comparative research—understood by the Doctoral Candidate as the analysis of Spanish and foreign case-law and doctrine while taking into account the literature of the subject—was applied only to a limited extent. The Author classified comparative legal studies as a type of formal and logical method. Furthermore, the Author concludes that he also applied a deductive method, by which he understands what he calls the theoretical modelling method, indicating that a critical analysis of the Spanish legislation in the field of violence protection may lead to a comparison of certain general standards and solutions in European countries. Regardless of these rather ambiguous statements in the dissertation concerning the methods used, which constitute a requirement and a formal necessity for addressing methodological issues in a doctoral thesis, I believe that based on these remarks one could easily reconstruct the actual "methods" employed in analysing the research problem.

The dissertation, which is generally synthetic (130 pages), consists of an introduction and three chapters divided into several distinct subchapters. In my opinion, it contains a selectively chosen set of Spanish documents (acts) and, in my view, a rather unimpressive bibliography. In particular, it seems that the Author of the study could have referred more extensively to Anglo-Saxon literature, and more broadly from Europe, written in English. Its modest scope is all the more surprising given that the Author attempts, through the very title of the dissertation, to emphasize its more universal character, and also decides to defend his thesis outside Spain, which should have encouraged making greater use of foreign literature on the subject, at least in English.

In the first chapter, the Author initially characterizes the similarities and differences between gender-based violence and domestic violence, and here the general manner of presenting this issue is appropriate. He then enumerates types of violence, although he does not specify how each type of violence is taken into account within the framework of criminal law; rather, the

discussion is conducted on a more general level, which is not an advantage in itself (this concerns, for example, economic violence). I believe that the Author could have usefully included in his analysis a comparison of the 2004 organic law on Comprehensive Protection against Gender-Based Violence with the 2003 Spanish Law on Protection against Domestic Violence, which is also in force in Spain, because the research problem could have become even more evident. I believe that the dissertation lacks an explanation of how Spain developed specific regulations on male violence against women, particularly through the 2004 Act, which distinguishes it from other legislations (this seems to be the historical method he declared in the dissertation). The origins are important, both the influence of Latin American doctrine, especially Mexico, the influence – albeit indirect – of structural violence theory (Galtung's triangle), and, specifically in the Spanish context, the turning point in social perception of the problem as a result of the dramatic case of Ana Orantes, who first recounted on television the violence she had experienced for years in connection with her divorce, and was subsequently burned alive out of revenge by her ex-husband (4 December 1997). These events led to significant changes, including the political consequences of the PSOE taking power and passing the Act that is the subject of the Doctoral Candidate's criticism. While describing the types of violence, in my opinion, the Doctoral Candidate did not sufficiently develop theoretical themes, but also referred briefly in the descriptive layer to the approach to the problem of violence at the level of legislation of individual (17) Autonomous Communities, which, for the purposes of their laws, use not only the concept of gender-based violence, but also the concept of violence against women and even machismo violence (e.g. the Balearic Islands). This chapter would also benefit from reference to the broader Spanish classifications of violence; it was, I believe, in Catalonia that violence against women was first distinguished as a category several years before the matter was regulated at the level of the European Union (at EU level only in Directive COM/2022/105, which entered into force on 24 April 2024). In one of the Autonomous Regions, a separate category of violence against persons assisting victims of violence appears, which is rather unique globally. The dissertation also seems to lack the definition of violence against women contained in the 1993 United Nations General Assembly Declaration, which is widely discussed in gender studies literature regarding regulations within the European Union (e.g. G. Abels, J.M. Mushaben, *Gendering the European Union. New Approaches to Old Democratic Deficits*, Palgrave Macmillan 2012).

Essentially, writing more extensively about what could have been included in this dissertation would be pointless, especially if the work was very extensive and theoretically and empirically

in-depth, because, as a rule, there is no reason for a doctoral student to write about a given topic exactly as the reviewer imagines.

The general structure of the first chapter and its inclusion in the dissertation are correct.

The second chapter contains the most important part of the dissertation, in which the Author provides a detailed explanation of what he considers to be the incompatibility of the legal solutions contained in the Spanish Act of 2004 with the fundamental principles of the political system narrowing the concept of gender-based violence exclusively to situations where the perpetrator is a man and the victim is a woman, and at the same time the ineffectiveness of the statutory regulation of this issue. In this same chapter, the Author successfully conducts a comparative analysis with Italian legislation, where, from his perspective, the regulation is much more balanced, taking into account to a greater extent the constitutional principles of equality, proportionality of measures to objectives and the prohibition of discrimination on grounds of sex, and in this context, where the protection afforded to the victim is generally implemented better in light of international and European standards. In this context, the Author clearly indicates the relationship between violence against women and domestic violence, which occurs particularly within close relationships. At the same time, an analysis of the issue of closeness and its definition appears here. These are important issues that deserve wider attention, as certain related issues were also of interest to Polish legislators and led to changes in the concepts concerning violence primarily within the family, and now, domestic violence. The Author notes a range of arguments in the literature questioning the automatic statutory attribution of guilt, the possibility of recognising a man as the perpetrator of violence under the 2004 Act solely because the victim is a woman. Criticism of this view constitutes one of the main research problems. The second problem identified with the Spanish Act of 2004 is the ex officio application of preventive measures against men accused by a woman of domestic violence, such as restraining orders, the requirement to leave the residence, restrictions on contact with the woman and, in practice, also with the children, which, in my opinion, is an exaggerated presumption of guilt on the part of the person against whom the complaint is made. Thirdly, the Author draws attention to the fact that, in this way, the legal protection is asymmetrically oriented not only to the disadvantage of men but, as he critically notes, also involves weaker protection for partners in same-sex relationships. It is unfortunate that he does not mention here the 2023 draft bill, which ultimately failed in the Cortes, and which concerned protection against gender-based violence of persons other than women — persons of non-binary identity, LGBT individuals. Fourthly, the Author examines in an interesting and competent manner the issue of the impact of the woman's consent on the violation, in a court decision, of certain prohibitions, also distinguishing these issues depending on whether they concern preventive measures or elements constituting a criminal sentence. The literature also emphasises that, when applying ex officio preventive measures without taking into account the

position of the woman, women may thus be treated, under the 2004 Act, in a patriarchal manner as passive individuals deprived of agency when such measures are applied, as persons whose credibility as victims of violence must be protected *ex officio* in a particular manner without considering circumstances that could indicate otherwise. Undoubtedly, the Author's critical stance towards doctrine and case law in this respect is legitimate in itself, and the position he takes on this issue appears possible to defend. The Author generally presents his reasoning in the dissertation in a logical, structured and persuasive manner, also referring appropriately to doctrinal and case-law positions which justify similar criticisms presented by other authors, so his analysis in this respect raises no serious concerns as to its academic value. Nonetheless, it should be noted that the research is not deepened and does not refer to the broader spectrum of social realities, which does not mean that it is insignificant, but it does point to an untapped potential of the topic.

When writing about effectiveness, the Author omits the role of special mixed courts competent for cases under the 2004 Act on gender-based violence. These courts hear both criminal and civil issues connected with such proceedings. The first such special courts were established in 2005, and in 2020 there were 106 of them, together with 351 specialised judicial divisions; in 2022 there were already 115 such courts and 463 specialised divisions. The average length of proceedings concerning violence against women before these courts is currently 55 days, whereas cases concerning other categories of persons under the 2003 Domestic Violence and Security Act take approximately 110 days in criminal courts.

In these special courts—established to address the structural and cultural determinants of violence against women (in some reference to the ideas and concepts of Galtung)—there remains, despite everything, a significant problem with staffing. The idea of specialisation of judges is still not fully implemented, even though particular emphasis is placed on the use of interdisciplinary expert knowledge, also because the very nature of these courts is interdisciplinary. Their practical functioning is subject to criticism - judges rotate, and not everything aligns with the model which is criticised, also by the Author in his dissertation. It is unfortunate that these (and other related) pieces of information are not addressed in the dissertation, as they concern issues directly relevant to the subject matter and should have been discussed more extensively. The fact that the dissertation is defended outside Spain speaks even more strongly for presenting the legal, social and political context more broadly. In this respect, the Doctoral Candidate rightly indicates the need for further in-depth interdisciplinary analysis

of the problem of gender-based violence and violence in general through the use of historical analysis, comparative analysis of the literature, inductive and deductive methods—these, however, must be properly implemented. The deficiencies in the dissertation therefore concern both the theoretical layer and the layer of facts. This is all the more evident since, in the following chapter, the Author refers extensively to various social issues and calls for the interdisciplinary nature of such research, justifying the need for a broader reconstruction of the social state of affairs if one is to address both historical issues and matters falling within the philosophy of the state and society. The issue of attributing an offence of violence exclusively to men is not new; it appeared much earlier in many jurisdictions and criminal codes in cases of rape, and even the Polish solutions dating back to the 1932 Criminal Code are, like those found throughout Europe, examples of attempts to clearly define that the victim of rape may be a person of any gender—only now is such a solution beginning to be widely implemented. Similarly, one may refer to Polish developments concerning the decriminalisation of consensual homosexual acts in the 1932 Code, which at the time stood in stark contrast to the conservative criminal codes of many Western European jurisdictions. This is a certain paradox highlighted by the Author of the dissertation, because in a somewhat less radical form, discrimination in legal protection against gender-based violence is re-emerging in contemporary jurisdictions such as Spain under the banner of progress and women’s protection, as an expression of special protection in the face of historically entrenched patriarchal domination by men.

From this perspective, the Doctoral Candidate has also insufficiently addressed the matter of femicide, a subject developed under the influence of Latin American doctrinal thought. In the Latin American context, femicide is sometimes understood in criminal doctrine to include not only killings specifically motivated by the victim’s gender, but also a wider range of acts and manifestations of violence that generate *de facto* threats to the life of women. The Author writes about severe forms of violence against women, indicating the need for special treatment; it would have been appropriate to mention this, especially as the concept of femicide has been incorporated into Spanish legislation since 2022 (the Act on the Comprehensive Guarantee of Sexual Freedom of 6 September 2022), and was also increasingly debated—given Spain’s linguistic and cultural ties with Latin America and being historically receptive to developments in their legal thought. The problem is that I thought that if someone was travelling to Poland from Spain to present the issue of violence against women in Spanish legislation and judicial practice (inductive method, historical method, comparative method) in their doctoral

dissertation, I would be able to learn more about it, unfortunately, this is not the case, and it is not irrelevant to the assessment of this thesis.

Additionally, I would add that the issue of femicide, as an extreme form of violence against women, is also the subject of separate classification as well as statistical and criminological analysis in Italian legislation—legislation invoked as a model from the perspective of the Doctoral Candidate and which the Author refers to. In this respect, Italian solutions are superior to the Polish legal system, which to this day does not recognise such a legal classification, nor does it have official statistics concerning the complex issue of extreme violence against women, the quintessential manifestation of which is femicide.

It should be noted that the Doctoral Candidate expressly indicates that the criminalisation and stigmatisation of men as perpetrators of violence against women, through the special designation of their aggravated criminal liability, does not mean that other categories of perpetrators of violence against women are not criminalised in Spain, but only that there is no equality here. It is unfortunate, however, that he did not devote space to analysing the Domestic Violence Act, although he briefly mentions subsequent amendments to criminal law following the introduction of the 2004 Act and repeated amendments after Spain ratified the Istanbul Convention in 2014. In his dissertation, the Author also draws attention to a problem that currently affects many other legal solutions, namely the return to the broader automatic application of certain legal solutions, which in particular concerns the use of preventive measures under this Act, which the Author convincingly criticises. This part of the dissertation, concerning the application of various systems of corrective measures in relation to different social groups, fits within the general framework of various theoretical approaches, which is why it is regrettable that the Author omitted the broader context of the examined problem and focused exclusively on a narrow aspect. This does not change the fact that the dissertation contributes to the discussion on legal solutions regarding violence, especially domestic violence against women and, more broadly, on interpersonal violence, primarily violence within close relationships, partnerships, and family relations. The position taken by the Doctoral Candidate on this issue is represented in his country's doctrine, and the arguments he raises are important; it is only regrettable that they are not developed and documented more extensively. In this chapter, in addition to constitutional arguments, there also appears an argument relating to the political and criminological effectiveness of the adopted legal solutions. The Author argues that, in particular, the automatic application of preventive measures under the Spanish Act facilitates abuse, the instrumentalisation of those solutions in cases of partner conflict, divorce-related strategies, and ultimately may lead to frustration and injustice, and—as the Author suggests—may even provoke violent tragedies committed by men who lose contact with their children, are evicted from their houses, etc.

All these comments refer to empirical evidence, which again makes it unfortunate that the dissertation, while relying on arguments concerning the social effectiveness of the solutions (such as public perception, media discourse, or social work), omits statistical analysis and qualitative assessments of the application of the law in this field. For example, on page 96, the Author states that the frustration of men who have had preventive measures automatically imposed on them at the initiative of their partners, who are in conflict with them and who exploit

the provisions of this law, can lead to murders. I believe that, in the doctoral dissertation, it would have been appropriate to indicate the source of this assertion. It may be noted - something the Doctoral Candidate failed to do - that according to the data of the Spanish General Council of the Judiciary, in 2022 the courts competent for cases of violence against women received 39,909 applications for protection orders and security measures. In more than half of the cases (27,229), the applications were granted, yet every fourth woman in Spain was denied any form of protection (12,505). (Consejo General del Poder Judicial, Informe sobre Violencia de Género, Año 2022, p. 14, cited in Alicja Serafin). This fact is not only interpreted as inconsistent with the purpose of the 2004 Act on the protection of women against gender-based violence, but also as potentially violating Article 3(1) of the Spanish Statute of Crime Victims. As I have pointed out above, numerous weaknesses are highlighted regarding the functioning of the specialised courts established under the 2004 Act to deal with cases of gender-based violence committed by men against women. In my view, these issues are missing from the dissertation, even though it is repeatedly emphasized that the topic is interdisciplinary. A proper analysis of the cited data could have enriched the complex picture of the problem as well as the Author's argumentation, without necessarily undermining the thesis defended by the Doctoral Candidate.

Unfortunately, it is sometimes observed that certain representatives of the legal professions tend to underestimate the scholarly achievements of other disciplines, although academic contributions—particularly from the social sciences and, in this context, criminology—are highly relevant. The topic of the dissertation is well chosen, but the issues examined should be approached within the context of interdisciplinary knowledge, which the Author repeatedly asserts, albeit only declaratively. This deficiency is also apparent in the context of the conclusions and recommendations the Author presents in the third chapter.

In the third chapter, the Author discusses—albeit broadly and rather superficially—the need for an interdisciplinary approach to the problem of gender-based violence, thus advocating fulfilment of the very postulate that, in my opinion, he himself meets only to a very limited extent when considering the dissertation's bibliography and overall line of argument. The Author disagrees with the automatic exclusion, under Spanish law, of the possibility of mediation in cases involving allegations of violence related to discrimination and gender domination. However, due to the absence of any broader reference to Spanish realities in the dissertation, it is difficult to assess this issue. As a rule, the literature, including practice-oriented work (e.g., by Judge Rękas), emphasises that domestic or family violence is often

linked to long-lasting, deeply rooted problems between the parties, and that individual acts of violence often represent only a marginal—though legally significant and highly visible—aspect of the problem and for this reason, mediation may, in precisely such cases, constitute a relatively difficult and ineffective solution. Similar arguments may also have motivated Spanish legislators to exclude mediation in such complex cases as gender-based violence. Such arguments also appear at the theoretical level (a somewhat metaphorical reference to Galtung's concept from the 1960s, but also to contemporary Latin American legal doctrine on violence against women and femicide, and feminist views from the US, etc.). The Author is, however, right to contest the automatic nature of the statutory exclusion, noting correctly that many cases within this category are of a strictly criminal nature but concern conflicts of lesser gravity, which in his opinion would qualify for mediation. As a rule, I am accustomed to individualized assessment, and therefore I believe that the Author's argumentation may be justified to some extent with regard to mediation itself, but it is not fully convincing. The fact that certain conflicts, due to the intensity and nature of the violent relationship, do not necessarily constitute criminal offences, or that their degree of social harm in the criminal-law sense is not substantial, does not mean that such conflicts are easy to resolve nor that they are of little importance. It is precisely the use of an appropriate theoretical framework from criminology that provides a stronger basis for distinguishing violence by men against women as structurally and culturally linked to certain hidden forms of violence that are less visible elements of the triangle of violence, in which this violence becomes visible only through specific acts of violence that may constitute the subject matter of a crime. Awareness of these interdependencies means that such behaviour cannot be trivialised in court practice, for example by dismissing an individual act as the result of strong emotions justified by the circumstances, because it allows us to view the act in question as part of a situation of long-term, structurally and culturally rooted violence. This theoretical context is important. Identifying and examining these circumstances and contexts—as I emphasise—would not undermine the validity of the criticism of specific statutory solutions in the 2004 Gender-Based Violence Act, nor would it weaken the arguments concerning the principles of equality or proportionality presented in the doctoral dissertation. However, these issues should not be omitted or only superficially mentioned; rather, they ought to constitute a more substantial part of the critical analysis. Precisely because gender-based violence stemming from domination and discrimination often occurs within complex interpersonal relationships between close persons, it presents particular difficulties for mediation. In this sense, the Author is right to point out that addressing these issues requires reference to expert opinion from the fields of family therapy and psychology—yet he mentions

this only briefly. The proposals he formally puts forward certainly require attention; however, the absence of a broader interdisciplinary approach—necessary for their proper assessment—makes it difficult to address them adequately. These proposals may be interpreted as an expression of a certain openness and awareness on the part of the lawyer, indicating the need to refer such problems to other disciplines. Nevertheless, the dissertation lacks a more detailed presentation of how these issues might be approached within those disciplines and to what extent such perspectives could be useful for the practice of judicial system. In theory, the specialised Spanish courts handling cases of violence against women under the 2004 Act should possess a strong interdisciplinary background, be properly specialised, and have access to support from psychologists, social workers, and other professionals. In reality, however, their functioning has been widely criticised—an issue only marginally addressed in the dissertation. The Author argues that mediation should be excluded whenever serious physical violence is involved; however, he does not analyse in detail the criteria that should guide such an assessment. While the idea itself may be correct and defensible, the dissertation does not elaborate on the issues connected with it.

The research problem is therefore well chosen, and the legal analysis is correct, although from my subjective perspective it would have been highly desirable to incorporate a broader interdisciplinary argumentation—something the Author himself advocates in the dissertation but fulfils only to a limited degree. The legal, constitutional, political, and comparative aspects are examined correctly and demonstrate not only the ability to formulate a research problem and thesis, but also the ability to present it and to construct sound argumentation, even if that argumentation relies primarily on doctrine and case law. The proposals put forward by the Author are new in relation to the legal framework examined and correspond to similar lines of criticism expressed in Spain, which the Doctoral Candidate does acknowledge. His proposed solutions are based on coherent and logical reasoning, though it is regrettable that they are not supported by a deeper interdisciplinary analysis. The dissertation could be improved not only in substance but also in form; although I am not a specialist in English linguistics, I believe the language could be more refined.

In accordance with Article 187 of the Act on Higher Education and Science, cited in the introduction to this review, I am obliged to indicate in the conclusions whether the dissertation constitutes an original solution to a scientific problem, and whether it demonstrates the candidate's theoretical knowledge in the discipline or disciplines concerned, as well as his

ability to conduct independent academic research, and therefore it could constitute a basis for conferring the degree of Doctor of Law.

In this context, I would like to point out that if I were supervising a similar dissertation, I would certainly expect the work to have a more interdisciplinary character—meaning that it should be, so to speak, more criminological and penological rather than exclusively criminal-law oriented. I would also expect it to engage more extensively with English-language criminological literature, and at the same time to provide, for readers outside Spain, a more in-depth presentation of the problem in the context of statutory solutions and practical application in Spain. This would include, to some extent, taking into account the legislation of the Autonomous Communities, the Domestic Violence Act, and a broader analysis of relevant criminal-law reforms. However, this is not to say that the narrower approach adopted in the dissertation is inappropriate. In this subject area, such an approach may be justified; and since it was accepted by both the supervisors and the Discipline Council, it is binding upon me. Within this more narrowly defined criminal-law framework—although in my view it is not fully adequate for the topic—the dissertation constitutes, to a certain extent, an original contribution to the scientific problem, and within this narrower perspective it is accurately postulated that the subject should be addressed in the future from a broader interdisciplinary viewpoint. With respect to theoretical and constitutional issues, the problematisation of the subject matter and the argumentation presented—grounded in doctrine and case law—clearly demonstrate that the Author is capable of conducting proper legal-scientific analysis. He is able to participate in such research in a manner that satisfactorily reflects the achievements of legal scholarship, even if the bibliography is not particularly extensive. The solution to the research problem proposed in the dissertation is interesting and, at least in general terms, rationally justified. However, as noted earlier, the conceptual framework of the dissertation makes it difficult to further refine the proposals, as doing so would require a broader incorporation of arguments drawn from the social sciences—something that is only signalled in the dissertation.

It should nevertheless be emphasised that the Author has, to some degree, consciously limited the scope of the work and indicated that these matters ought to be studied and addressed in the future with broader consideration of perspectives from other disciplines. He draws attention to the fact that the topic is, in essence, more criminological and penological than purely criminal-law oriented, and this element of self-reflection is also relevant for the final evaluation of the dissertation.

Under the current legal framework, unless anything has changed, the reviewer does not cast a vote on the conferral of the doctoral degree, and in this sense the reviewer's role formally ends with formulating the conclusions of the review. In my view, taking into account the conceptual framework adopted in the dissertation—controversial as it may be—and its title, the dissertation, despite the shortcomings indicated in the review, fulfils the necessary conditions to serve as the basis for conferring the degree of Doctor of Law, provided that the defence is successful. **I therefore accept that the dissertation, in its current form and content, may serve as the basis for awarding the doctoral degree in law.**

I would like to express hope that the Doctoral Candidate will respond satisfactorily to the Discipline Council regarding the critical remarks contained in this review. Should the Discipline Council, during the defence, develop doubts concerning the awarding of the doctoral degree in law in light of these critical observations, then—considering the above assessment of the dissertation—I request, insofar as it is formally permissible, that the Candidate be given the opportunity to supplement the dissertation to the extent required by the criticisms raised in this review, since the overall quality of the work suggests that he would be capable of making the necessary improvements within a reasonable timeframe.

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