

Summary

The study discusses legal and ethical aspects of the death penalty. The first part of the study presents the evolution of the death penalty over the centuries. It traces its development from the ancient times until the present day. It focuses on showing the death penalty in a cultural context. It has functioned in the Polish legal system from the earliest times until the end of the 20th century. It also continued to be effective during the partitions, forming part of the codes issued by the partitioning states. The death penalty was stipulated in two acts passed in their entirety in already independent Poland. The first one, dated January 1, 1919, introduced the punishment to be imposed on soldiers for certain service crimes, listed in this act, committed with the intention of profit. The second one, dated January 30, 1920, introduced the death penalty for such crimes, also listed, for officials. These laws were in force on the whole territory of the state. According to the Penal Code as of July 11, 1932, the death penalty was one of the four basic penalties, along with imprisonment, arrest and a fine. An important part of the work is a review of the views of Polish penal specialists of the interwar period on the issue of capital punishment. It discusses viewpoints and also works of such authors as: E. Krzymski, J. Makarewicz, W. Makowski, S. Glaser, B. Wróblewski, W. Wolter. After the end of the Second World War, the death penalty was present in Polish legislation in several legal acts. The new Penal Code (the first since 1932) was enacted only in 1969. It was in force in Poland until 1988, when a so-called *de facto* moratorium on its application began. The death penalty was finally abolished by the Criminal Code of 1997. The next part of the work analyses the issue of the capital punishment from a philosophical and ethical perspective. It is important to state that the history of the death penalty has been traced back to the beginnings of law. All legal systems of antiquity foresaw this kind of punishment. Its supporters included Plato and Aristotle. In the Middle Ages, views on the capital punishment were largely determined by theology. In modern times, the conviction that capital punishment is necessary in the legal system has remained dominant, although the arguments put forward in defence of this view have varied. Such intellectuals as A.F. Modrzewski, Grotius, J. Locke, T. Hobbes and J.J. Rousseau were in favour of the death penalty. The capital punishment was also allowed by I. Kant and G.W.F. Hegel. The first to question the necessity of the death penalty in the legal system was G. Beccaria ("moderate abolitionism"). A separate part of the thesis is dedicated to the issue of the death penalty as a theological problem in Catholicism, Eastern Orthodoxy and Protestantism. The views of contemporary Polish penal law experts on the subject of capital punishment in the context of the theory of punishment are then widely dis-

cussed. The analysis was made in the framework of the dispute between abolitionists and retentionists. The arguments of the supporters of one and the other conception have been widely referred to. In the next part of the study, the issue of capital punishment in the contemporary international law is presented. In this context, the activities of the UNO, the Council of Europe and the European Union are discussed. It should be emphasised that under existing international standards and constitutional provisions, it is not possible to introduce the death penalty into the Polish legal system. An important part of the work is the citation of the arguments of the two main philosophical and ethical standpoints on the death penalty: abolitionists and retentionists. The final part of the study contains a description of research and its results on the issue of capital punishment in the awareness of the Polish society.

Keywords- death penalty, abolitionism, retentionism, penal code, international law, human rights, ethics, philosophy