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## THE CONSTRUCTION OF THE THETIC ACTS BY CZESŁAW ZNAMIEROWSKI

**Abstract.** Czesław Znamierowski created the concept of thetic acts, which by European standards at the time, was an original theoretical model in legal theory. He based it on the observations that there are suchlike human actions that do not cause effects of physical consequence of the same action e.g. such as making a promise, making a will, a sale or other legal acts. This article compares this concept with a concept based on similar observations i.e. the concept of conventional actions created by Zygmunt Ziemiński and his team. The connection between these concepts is not obvious, even though both were created by the Poznan Centre of Legal Theory. This article will explore the question whether the concept of conventional actions is a development of the concept of thetic acts, or whether it is purely a concept based on similar assumptions that genetically constituting a separate theoretical model.

**Keywords:** Czesław Znamierowski; Zygmunt Ziemiński; thetic acts; conventional acts.

### INTRODUCTION

Czesław Znamierowski received the Doctor of Laws (LLD) degree precisely one hundred years ago.<sup>1</sup> Since then there has been unceasing referral in scientific literature<sup>2</sup> to the impressive achievements of this eminent schol-

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<sup>1</sup> Personal files – Znamierowski Czesław, sygn. akt 2/14/0/6/6920, Archiwum Akt Nowych w Warszawie, k. 33.

<sup>2</sup> Czesław Znamierowski was born on 8 May 1888 in Warsaw. In 1905 he studied philosophy at the University in Lipsk and in 1906–1907 he studied philosophy and history at University in Petersburg. Thereafter from 1907 he returned to Lipsk to continue to study mathematics and physics in 1907–1908. In 1909 he studied psychology in Berlin. In 1920 he undertook to study the theory of law and debated with Leon Petrażycki. In 1922 he defended his doctoral thesis entitled *Psychologistyczna teoria prawa*. From 1922 onwards he worked at the University in

ar.<sup>3</sup> The flow of time does not divest fresh insights into Znamierowski's works, as his reflections continue to inspire researchers. New attempts to combine his views with subsequent theories are constantly undertaken which leads to the conclusion that, in certain areas, this shows surprising convergence.

This study undertakes to relate Znamierowski's concept of thetic acts to the concept of conventional acts being one of the greatest achievements of the Poznan School of Legal Theory.<sup>4</sup> This endeavour is a form of intellectual experiment, since it constitutes the research trial of a connection between these concepts from both content and genetic aspects. Both concepts are connected by the fact that the creators of the concept of the application of

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Poznan in the Faculty of Law and Economics, as the assistant professor in the Cathedral of the Theory of Law and Philosophy and remained there until retirement. In 1924 he qualified by habilitation on the basis of his dissertation *Podstawowe pojęcia teorii prawa. Część I – Układ prawny i norma prawna*. Following wartime displacement and avoiding arrest, he returned to the university in Poznan where up to 1960, he taught state theory and law, history of practical philosophy and sociology. His bibliography contains over 250 entries including 14 analytical works, monographs and textbooks, approximately 500 articles and over 100 reviews. He continued to contribute to science until his death in Poznan on 26 September 1967. See S. CZEPITA, *Koncepcje teoretycznoprawne Czesława Znamierowskiego*, Poznań: Wydawnictwo Naukowe UAM 1988, p. 9-13.

<sup>3</sup> See CZEPITA, *Koncepcje teoretycznoprawne*; T. ŚLIPKO, *Teoria wartości Czesława Znamierowskiego*, „Roczniki Filozoficzne KUL” 9(1961), pp. 5-27; Z. PERZ, *Dziedzina wartości moralnych w ujęciu Czesława Znamierowskiego*, „Studia Philosophiae Christianae” 1966, no. 1, pp. 135-164; IDEM, *Życzliwość powszechna według Cz. Znamierowskiego a miłość bliźniego w ujęciu katolickim*, „Roczniki Teologiczno-Kanoniczne” 1967, no. 3, pp. 19-37; Z. ZIEMBIŃSKI, *Czesława Znamierowskiego koncepcje grupy społecznej i społeczności*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1987, no. 3, pp. 1-11; S. CZEPITA, *Czesława Znamierowskiego koncepcja „redukcji indywidualizującej”*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1987, no. 3, pp. 63-73; A. REDELBACH, *Czesława Znamierowskiego myśli o władzy*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1987, no. 3, pp. 29-38; W. PATRYAS, *Koncepcje Czesława Znamierowskiego a podstawowe problemy prawa karnego*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1987, no. 3, pp. 47-61; M. SMOLAK, *Czesław Znamierowski. W poszukiwaniu sprawnego państwa*, Poznań: Wydawnictwo Poznańskie 2007; G. LORINI, *Ontologia społeczna Czesława Znamierowskiego*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2010, no. 4, pp. 21-30; M. DYBOWSKI, *Czesława Znamierowskiego koncepcja władzy jako łącznego stanowienia norm*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2013, no. 1, pp. 43-56; J. ZAJADŁO, *Czesław Znamierowski – uczony transcendentny*, „Państwo i Prawo” 2018, no. 11, pp. 66-76; Ł. MONIUSZKO, *U źródeł poznańskiej szkoły filozofii prawa. Czesław Znamierowski (1888-1967) – w pięćdziesiątą rocznicę śmierci filozofa*, „Studia z Filozofii Polskiej” 12(2017), pp. 92-102; IDEM, *Życzliwość powszechna, jako podstawa normy naczelnej w systemie etycznym Czesława Znamierowskiego*, „Studia z Filozofii Polskiej” 13(2018), p. 89-105; IDEM, *Humanistyczne i społeczne podstawy prawa. Studium koncepcji Czesława Znamierowskiego*, Kraków: Wydawnictwo Avalon 2020.

<sup>4</sup> S. CZEPITA, S. WRONKOWSKA, M. ZIELIŃSKI, *Założenia szkoły poznańsko-szczecińskiej w teorii prawa*, „Państwo i Prawo” 2013, no. 2, pp. 3-16.

conventional acts in law, namely Leszek Nowak, Sławomira Wronkowska-Jaśkiewicz, Maciej Zieliński and Zygmunt Ziemiński, were the intellectual beneficiaries of Czesław Znamierowski's hypothesis.<sup>5</sup>

A comparison of both these concepts leans towards the thesis that the concept of conventional acts, counter to conventional opinion, is a separate and original theoretical model. Furthermore, it begs the question as to why the creators of the concept of conventional acts, who in essence held collective intuition to observe fundamental concepts of thetic acts, did not focus directly on the pre-war premise set by the scholar of Poznań. An additional challenge is based on the type of objections and shortcomings in the concept of thetic acts, as perceived by Zygmunt Ziemiński's team and the given methods to correct or complete these.

The inspiration to analyse the identified disquisition was the author's interview with Professor Sławomira Wronkowska-Jaśkiewicz, who currently remains the only person who contributed to the concept of conventional acts. Moreover, her deliberations over the essence of subjective rights, at the beginning of the 1970s, played a major role in the undertaking of issues in the law of conventional acts by Zygmunt Ziemiński's team.

The disquisition presented below not only refers to Znamierowski's works publicized by printed document but also to the rarely utilized archived scientific materials belonging to the Archives of New Acts in Warsaw. The methodical layer applied includes the usage of the theoretical, legal and logical-linguistic method.

## 1. THETIC ACTS – THE CONCEPT PREMISE

Czesław Znamierowski undertook the study of psychology at the University of Berlin in 1909. His scientific development was significantly influenced by Professor Carl Stumpf.<sup>6</sup> The studies in Berlin also enabled him to participate in lectures in sociology given by Professor George Simmel, who reawakened his interest in this scientific discipline.<sup>7</sup> In 1914, he familiarised himself with the works of Adolf Reinach entitled *Apriori Basics of Private*

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<sup>5</sup> S. CZEPITA, *Koncepcje teoretycznoprawne Zygmunta Ziemińskiego a idee naukowe Czesława Znamierowskiego*, [in:] *Szkice z teorii prawa i szczegółowych nauk prawnych*, ed. S. Wronkowska i M. Zieliński, Poznań: Wydawnictwo Naukowe UAM 1990, p. 479.

<sup>6</sup> See more H. SPRUNG, *Carl Stumpf – Eine Biographie. Von der Philosophie zur experimentellen Psychologie*, München: Profil 2006.

<sup>7</sup> See more K.H. WOLFF, *The Sociology of Georg Simmel*, London: The Free Press 1950.

*Law* as well as with the earlier works of Tadeusz Kotarbiński, who specialized in the theory of action. Inspired by the reflections of these authors, Znamierowski commenced to ponder ontological research methods in theoretical and legal deliberation. This resulted in the composition of the academic monograph entitled *Part One – Legal Arrangements and Standards*<sup>8</sup> in which the author presented, inter alia, the concept of thetic acts.<sup>9</sup>

The monograph contained Czesław Znamierowski's first ever distinct and original conception of axiological and thetic Application of these norms was based upon acting on truths by way in which they are expressed. The general model of norms, according to Znamierowski, is based on the formula that "x" in given circumstances is "c."<sup>10</sup> Meanwhile, he distinguished the aforementioned formulated values, based on the interpretation of *should*. Whereas the thetic concept solely indicates that the legislation within the given system of law, performed by the legislator in the given situation, warrants the application of x. From another perspective, this norm places the assignee in a compelling situation. The legitimacy of the norm (including the application of the thetic norm) depends upon whether the relevant entity within the legal system is required to act in a specific way in accordance with the content of the law.<sup>11</sup>

Czesław Znamierowski distinguishes thetic acts from the group of all human psychophysical works which are understood to be consciously undertaken behaviours. He recognises as thetic those considered to be a norm, i.e. conferred upon as ordinary psychophysical and mainstream. In his hypothesis, psychophysical action becomes the material for a given thetic act, providing it is found in the ontological basis of the act. The same type of thetic acts may also take ownership of material acts of various types of psychophysical actions. The existence of a given thetic act is brought about by the contents of the thetic norm. The scholar refers to ontology based on types, rather than by chance. He not only considers social games and behaviours to be based on convention but also actions such as greetings by the offering of a person's hand to another.<sup>12</sup>

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<sup>8</sup> C. ZNAMIEROWSKI, *Podstawowe pojęcia teorii prawa. Część I – Układ prawny i norma prawna*, Poznań 1934.

<sup>9</sup> This concept was strongly presented in May 1923 by the lecture given by Czesław Znamierowski during the Congress of Philosophy in Lviv.

<sup>10</sup> ZNAMIEROWSKI, *Podstawowe pojęcia teorii prawa*, p. 31.

<sup>11</sup> *Ibidem*, p. 99.

<sup>12</sup> LORINI, *Ontologia społeczna Czesława Znamierowskiego*.

Znamierowski also envisages legal actions within these, which quite radically distinguishes the depth of his vision from the shape of the theory of law during that period of time. He presents examples of thetic acts as those of: selling, testing, marriage and the passing of a sentence in a judgment. In his thesis, he underlines: “The Act of buying–selling – not to be a simple psychophysical action or a basic social act but collaborative undertakings and acts moulded by the value of norms used to form this act. A thetic act is constituted during a particular action (e.g. the purchase of property via a sale is a result of the thetic act of the sale).”<sup>13</sup>

Czesław Znamierowski who was “the only Polish theoretician of law creatively engaged in this matter” innovated a high level original concept. The only other person who researched these so called social acts (*soziale Akte*) as constructs of interest from the perspective of jurisprudence, was Adolf Reinach in 1913.<sup>14</sup>

## 2. THE CONCEPT OF CONVENTIONAL ACTIONS AND THETIC ACTS

Following the proclamation of this concept by Czesław Znamierowski, which stipulated findings rather than natural human actions, further research development by Polish scholars was abandoned for a certain period of time. In his article entitled *Legal provision and legal norm*, he accomplished the fundamental distinction between the nature of legal provision and legal norm.<sup>15</sup> “Evidently by the power of legal norms, human actions in certain given circumstances, gains a specific conventional character e.g. the action of one person becomes the actions of the state (organ) or association, the action of a person (attorney, carer) is the action of a different person, the submission of particular documents in the administration office of the courts of law becomes the filing of a lawsuit and the casting of a ballot paper into the box becomes the act of voting.”<sup>16</sup>

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<sup>13</sup> C. ZNAMIEROWSKI, *Podstawowe pojęcia teorii prawa*, p. 101.

<sup>14</sup> Cf. A. BURKHARDT, *Soziale Akte, Sprechakte und Textillokutionen*, Tübingen: Niemeyer 1986, p. 1; A. CHRUDZIMSKI, *Reinach's Theory of Social Acts*, “*Studia Phaenomenologica*” 2015, no. 15, pp. 281-302.

<sup>15</sup> See S. WRONKOWSKA-JAŚKIEWICZ, *Z teorii i filozofii prawa Zygmunta Ziemińskiego*, Warszawa 2007.

<sup>16</sup> Z. ZIEMIŃSKI, *Przepis prawny a norma prawna*, „*Ruch Prawniczy, Ekonomiczny i Socjologiczny*” 1960, no. 1, p. 105-122.

Further reflections on this subject were taken up by Zygmunt Ziemiński in his article entitled *Competency and competent norm*,<sup>17</sup> where he underlines that the basis for the recognition of the existence of conventional actions is the validity of the rule instructing the connection of psychophysical actions (understood to be the material basis for conventional action) as well as the described conventional meaning. Furthermore he states that failure to apply these rules may cause these actions null and void. He pointed out that legally binding conventional actions may be solely be carried out by the subject who holds the competency recognized by the very character of the competency norm contained in the legal provisions. "Conventional actions (as per his article) performed in the legal system, may contain the material basis of conventional action of a different type e.g. usage of vocabulary in a certain regulated way related to the meaning of given language e.g. by declaration of intent or by issuing regulations that are to be understood to form the specific content of the norm."<sup>18</sup>

The similarities between the theorems of Zygmunt Ziemiński and Czesław Znamierowski on the subject of conventional actions and the concept of thetic acts are evident. They are based on the same intuitions and observations which state that legal actions are not ordinary psychophysical human actions. Their essence is the accomplishment of a stipulated outcome, which cannot be undertaken on the grounds of close-minded and non-cultural reasoning. Proceedings in the form of a legal act, change the reality of the sphere of liability concerning the legal situation of those participants undertaking the action and those against whom it is directed.

Common insights of those pondering over the concept in question, can however exhaust the class of the similarities of these concepts as each one raises different conceptual grids for their explication, thus forming different ways of constructing the thetic act in relation to conventional action

### 3. THE CONCEPT OF CONVENTIONAL ACTIVITIES BASED ON THE PREMISE OF THE THEORETICAL MODEL

It is essential to focus on the specific scientific context by which the origin of the constructs in question takes place. Within scientific studies of

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<sup>17</sup> Z. ZIEMIŃSKI, *Kompetencja i norma kompetencyjna*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1969, no. 4, p. 23-41.

<sup>18</sup> *Ibidem*, p. 28.

natural language by the so-called Oxford School of Common Language in the 1960's, new research concepts gained popularity.<sup>19</sup> It is worth mentioning the observations of John L. Austin, who in addition to the distinguished constitutive expression, recognized the function of performing.<sup>20</sup> According to Austin, performative utterance that contains the following "No not at all," "they don't realize," "from nothing and find nothing," "neither true nor false" or the utterance of the same in a given sentence, are expressions that whether performed partly or wholly would warrant classification as a normal expression.<sup>21</sup> He uses as example the expression of the word "I do" in the context of e.g. "I take this woman to be my lawful wedded wife" – the words spoken during nuptials and "I name this ship Queen Elizabeth" – whilst the bottle breaks against the ship's bow<sup>22</sup>.

John L. Austin's visions influenced the reflections of Zygmunt Ziemiński. He wrote "this characteristic type of expressions, particularly interesting for the lawyer, are so-called expressions of performance and more precisely expressions of fulfilling performing functions in a given context.

This therefore classifies the "expression of acts" which describes the individual action. Ziemiński and his co-researchers were also influenced by the concept of humanistic interpretation, which was being researched by Leszek Nowak and Jerzy Kmita.<sup>23</sup> This interpretation encompassed the so-called rational actions. Such an approach is determined by the analysis of actions as objectives set to achieve the characterized goal or knowledge (in relation to the subject of action).<sup>24</sup>

Nowak and Kmita managed to extract the so-called *interpretation oriented actions* from rational acts i.e. rational actions containing realization of sense – from the point of seeing the action – on condition that a person exists (described with either little or more detail) who can interpret the action with greater precision."<sup>25</sup> The action of *driving a nail into the wall* (where:

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<sup>19</sup> See M. MORRIS, *An Introduction to the Philosophy of Language. Cambridge Introductions to Philosophy*. Cambridge: Cambridge University Press 2007.

<sup>20</sup> Synteza i rozwinięcie poglądów Austina: E. GRODZIŃSKI, *Wypowiedzi performatywne*, Wrocław: Ossolineum, 1979.

<sup>21</sup> J. AUSTIN, *Jak działać słowami*, [in:] Idem, *Mówienie i Poznawanie. Rozprawy i wykłady filozoficzne*, Warszawa: Wydawnictwo Naukowe PWN 1995, p. 554.

<sup>22</sup> Ibidem, p. 554.

<sup>23</sup> See J. KMITA, L. NOWAK, *Studia nad teoretycznymi podstawami humanistyki*, Poznań: Wydawnictwo Naukowe UAM 1968.

<sup>24</sup> Z. ZIEMIŃSKI, *Logiczne podstawy prawoznawstwa*, Warszawa: Wydawnictwo Prawnicze 1966, pp. 26-27.

<sup>25</sup> Ibidem, p. 27.

the action is rational) differs from that of the action of *greeting* (here: the action is based on interpretation) The greeter has awareness that the sense of the action of greeting may be realized, however the addresser of this action may fail to interpret this (this can happen for example by non-recognition or by non-awareness). Meanwhile the sense of knocking the nail into the wall is accomplished without taking into account anyone seeing this action or interpreting it.

The team of theoreticians from the Poznan School of Legal Theory was attracted by the aforementioned vision. An article appeared in 1972 entitled *Conventional Acts in Law* which was signed by Zygmunt Ziemiński, Maciej Zieliński, Leszek Nowak and Sławomira Wronkowska.<sup>26</sup> The authors benefited from the web of knowledge developed by Jerzy Kmita<sup>27</sup> and Leszek Nowak. In particular one of the conclusions presented, draws attention to the considerations of “actions in law being rational only when we succeed to attach meaning to the specific aim of the action to which it is heading and it is only then that this action can be understood.”<sup>28</sup>

The authors of *Conventional actions in law* divided human acts into those interpreted as: social, cultural and rational. Amongst others, social actions were recognised as those undertaken with conviction intended to fulfil the adequateness of objectives and those of conduct with others such as as partners in the activity; taking particular account of their preferences, knowledge and rational action. Cultural action was defined by them as “rational action based on the grounds of knowledge and t rules of cultural interpretation related to the particular action.”<sup>29</sup> These rules are characterised by the theorem “if the person X by the properties of W in the situation of O carries out activity C, this realises the state of S.”<sup>30</sup> Those interpreted as rational actions required the adequate conclusiveness to be interpreted as the same action (to be understood by its proper sense).

Following the adoption of the above hypothesis, the authors of Poznan reached the conviction that conventional actions are both cultural and rational actions based on interpretation. This is characterised by “the expectations of the activity that causes the state of S (i.e. in the sense of cultural action).

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<sup>26</sup> L. NOWAK, S. WRONKOWSKA, M. ZIELIŃSKI, Z. ZIEMIŃSKI, *Czynności konwencjonalne w prawie*, „Studia Prawnicze” 33(1972), p. 73.

<sup>27</sup> See M. BONECKI, *Jerzy Kmita – interpretacja humanistyczna i społeczno-regulacyjna koncepcja kultury*, „Filozofia Publiczna i Edukacja Demokratyczna” 1(2012), no. 2, pp. 183-198.

<sup>28</sup> Ibidem, p. 76.

<sup>29</sup> Ibidem, p. 81.

<sup>30</sup> Ibidem, p. 80.



This is does not depend on the cause of carrying out the activity and S, but on the presumption that different members of the cultural group can describe the sense of the activity In practice, presumption is based on anticipation, as the governing norm prescribes the standard of interpretation.”<sup>31</sup>

The above description takes into account the fundamental differences, both of which appear to have similar theoretic and legal concepts. The appropriateness of this norm mandates it to be a thetic act. Zygmunt Ziembinski’s team however, shapes conventional acts by assigning the rules to psychophysical human behavior as well as to the lower level conventional actions undertaken in the given described circumstances. The legal norm is therefore not conclusive, with regard to conventional action but merely the rule of the meaning of action. Hence either way, this is conveyed by the legal norm.

Czesław Znamierowski’s work was based on self-originated concepts whereas the works of authors of the concept of conventional action, to a large extent, were shaped from philosophical concepts and framework approach developed by Jerzy Kmita and Leszek Nowak. Usage of these tools enabled them to address the shortcomings of Znamierowski’s concept and conclusively introduce the theoretical model of higher level to be utilised as a solution for the most complex legal perplexities.

## CONCLUSION

Zygmunt Ziembinski was Czesław Znamierowski’s student who had knowledge and admiration of his works. Stanisław Czepita rightly recognised these intellectual achievements: “One can legitimately conclude that Zygmunt Ziembinski’s passion for this type of quandary is to some degree connected with the manifestation of his research programme in the field of law under the influence of Czesław Znamierowski’s conceptualisation.

During the course of his academic programme, Zygmunt Ziembinski undertook the subject of quandaries along the lines of Czesław Znamierowski’s research in human actions. He did, however, choose his own path and because of that, in the course of developing the concept of conventions action, his team undertook a direct reference to Czesław Znamierowski’s concept. In order to create an original theoretical model, Ziembinski’s team benefited from the concept and collection of references by Jerzy Kmita and

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<sup>31</sup> Ibidem, p. 82.

Leszkek Nowak, which enabled them to understand the essence of conventional action to a greater degree, thus appertaining to be applicative in major perplexities in jurisprudence.

This conclusion could not have been achieved solely on the basis of Znamierowski's theorems, simply because this scholar did not assimilate thetic acts as regulations of reason. Znamierowski's highly instrumental observations for the development of jurisprudence were composed in alternate scientific language without any loss of the essence of these observations.

Following the conspectus of the construction of Czesław Znamierowski's thetic acts and those conventional acts by the Poznan School of Legal Theory, it is fitting to state that Czesław Znamierowski and the team from the Poznan School of Legal Theory spoke of the same, although making use of different intellectual instruments.

Znamierowski's theorem that all legal acts are in essence thetic acts, corresponds with the same findings made by the Poznan School of Legal Theory. The concept of conventional acts continues to instigate keen interest in jurisprudence. Since its inception in 1972 it has yielded to development, above all, in virtue of the significant works of Stanisław Czepita entitled *Constitutional regulations and the issues of jurisprudence*.

At present, this concept is successfully used to analyse legal issues, particularly on the grounds of civil law. According to Zbigniew Radwański "it constitutes a huge research instrument" and "it provides the general criteria for distinguishing the classification of action from those inadequately established by legal norms and in particular allowing to separate them from basic psychophysical action." Precedence in these groundbreaking accomplishments in the insights of jurisprudence so-called thetical acts and their scientific characterisation, must be given to Czesław Znamierowski. That being said, this synopsis speaks minimally of the possibility of analysis using his prism of research into legal actions.

The aforementioned requirements are largely and effectively covered by the concept of conventional actions. This does, however, imply that despite the concept not being the direct development of Znamierowski's concept, it is highly probable that without the hypothesis of this Poznan scholar, the theoretical model by Zygmunt Ziemiński's team would not have been created at the time or would not hold the content that we are now familiar with.

## REFERENCES

- AUSTIN John L., *Jak działać słowami*, [in:] Idem, *Mówienie i Poznawanie. Rozprawy i wykłady filozoficzne*. Transl. B. Chwedeńczuk., Warszawa: Wydawnictwo Naukowe PWN 1993.
- BONECKI Mateusz, *Jerzy Kmita – interpretacja humanistyczna i społeczno-regulacyjna koncepcja kultury*, „Filozofia Publiczna i Edukacja Demokratyczna” 1(2012), no. 2, pp. 183-198.
- BURKHARDT Armin, *Soziale Akte, Sprechakte und Textillokutionen*, Tübingen: Niemeyer 1986.
- CHRUDZIMSKI Arkadiusz, *Reinach's Theory of Social Acts*, „Studia Phaenomenologica” 2015, no. 15, pp. 281-302.
- CZEPITA Stanisław, *Czesława Znamierowskiego koncepcja „redukcji indywidualizującej”*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 3(1987), pp. 63-73.
- CZEPITA Stanisław, *Koncepcje teoretycznoprawne Zygmunta Ziemińskiego a idee naukowe Czesława Znamierowskiego*, [in:] *Szkice z teorii prawa i szczegółowych nauk prawnych*, ed. S. Wronkowska i M. Zieliński, Poznań: Wydawnictwo Naukowe UAM 1990, pp. 463-480.
- CZEPITA Stanisław, WRONKOWSKA Sławomira, ZIELIŃSKI Maciej, *Założenia szkoły poznańsko-szczecińskiej w teorii prawa*, „Państwo i Prawo” 2013, no. 2, pp. 3-16.
- DYBOWSKI Maciej, *Czesława Znamierowskiego koncepcja władzy jako łącznego stanowienia norm*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2013, no. 1, pp. 43-56.
- GRODZIŃSKI Eugeniusz, *Wypowiedzi performatywne*, Wrocław: Ossolineum 1979.
- KMITA Jerzy, NOWAK Leszek, *Studia nad teoretycznymi podstawami humanistyki*, Poznań: Wydawnictwo Naukowe UAM 1968.
- KUŹMICH Karol, *Stosunek Czesława Znamierowskiego do filozofii Immanuela Kanta*, „Miscellanea Historico-Iuridica” 5(2007), pp. 73-83.
- LORINI Giuseppe, *Ontologia społeczna Czesława Znamierowskiego*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2010, no. 4, pp. 21-30.
- MORRIS Michael, *An Introduction to the Philosophy of Language. Cambridge Introductions to Philosophy*. Cambridge: Cambridge University Press 2007.
- MONIUSZKO Łukasz, *Życzliwość powszechna, jako podstawa normy naczelnej w systemie etycznym Czesława Znamierowskiego*, „Studia z Filozofii Polskiej” 13(2018), pp. 84-105.
- MONIUSZKO Łukasz, *U źródeł poznańskiej szkoły filozofii prawa. Czesław Znamierowski (1888-1967) - w pięćdziesiątą rocznicę śmierci filozofa*, „Studia z Filozofii Polskiej”, 12(2017), pp. 93-102.
- MONIUSZKO Łukasz, *Humanistyczne i społeczne podstawy prawa. Studium koncepcji Czesława Znamierowskiego*, Kraków: Wydawnictwo Avalon 2020.
- NOWAK Leszek, WRONKOWSKA Sławomira, ZIELIŃSKI Maciej, ZIEMBIŃSKI Zygmunt, *Czynności konwencjonalne w prawie*, „Studia Prawnicze” 33(1972), pp. 73-99.
- PATRYAS Wojciech, *Koncepcje Czesława Znamierowskiego a podstawowe problemy prawa karnego*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny”, 1987, no. 3, pp. 47-61.
- PERZ Zygmunt, *Dziedzina wartości moralnych w ujęciu Czesława Znamierowskiego*, „Studia Philosophiae Christianae” 1966, no. 1, pp. 135-164.
- PERZ Zygmunt, *Życzliwość powszechna według Cz. Znamierowskiego a miłość bliźniego w ujęciu katolickim*, „Roczniki Teologiczno-Kanoniczne” 1967, no. 3, pp. 19-37.

- REDELBACH Andrzej, *Czesława Znamierowskiego myśli o władzy*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny”, 1987, no. 3, pp. 29-38.
- SMOLAK Marek, *Czesław Znamierowski. W poszukiwaniu sprawnego państwa*, Poznań: Wydawnictwo Poznańskie, 2007.
- ŚLIPKO Tadeusz, *Teoria wartości Czesława Znamierowskiego*, „Roczniki Filozoficzne KUL” 9(1961), no. 2, pp. 5-27.
- SPRUNG Helga, *Carl Stumpf – Eine Biographie. Von der Philosophie zur Experimentellen Psychologie*, München: Profil 2006.
- WRONKOWSKA-JAŚKIEWICZ Sławomira, *Z teorii i filozofii prawa Zygmunta Ziemińskiego*, Warszawa: Wolters Kluwer Polska 2007.
- WOLFF Kurt H., *The Sociology Of Georg Simmel*, London: The Free Press 1950.
- ZNAMIEROWSKI Czesław, *Podstawowe pojęcia teorii prawa. Część I – Układ prawny i norma prawna*, Poznań 1934.
- ZIEMBIŃSKI Zygmunt, *Przepis prawny a norma prawna*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1960, no. 1, pp. 105-122.
- ZIEMBIŃSKI Zygmunt, *Logiczne podstawy prawoznawstwa*, Warszawa: Wydawnictwo Prawnicze 1966.
- ZIEMBIŃSKI Zygmunt, *Kompetencja i norma kompetencyjna*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1969, no. 4, pp. 23-41.
- ZIEMBIŃSKI Zygmunt, *Czesława Znamierowskiego koncepcje grupy społecznej i społeczności*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny”, 3(1987), pp. 1-11.
- ZAJADŁO Jerzy, *Czesław Znamierowski – uczone transcendentny*, „Państwo i Prawo” 2018, no. 11, pp. 66-76.

#### KONSTRUKCJA AKTÓW TETYCZNYCH CZESŁAWA ZNAMIEROWSKIEGO ORAZ GENEZA POJĘCIA CZYNNOŚCI KONWENCJONALNYCH

##### STRESZCZENIE

Czesław Znamierowski stworzył koncepcję aktów tetycznych, która w jego czasach była oryginalnym modelem teoretycznym w prawoznawstwie na skalę europejską. Oparł ją na spostrzeżeniu, że istnieją takie działania człowieka, których skutek nie jest fizykalnym następstwem podjęcia tego działania. Do takich czynności należy np. złożenie obietnicy, sporządzenie testamentu czy sprzedaż, a także inne czynności prawne. Drugim pojęciem występującym w prawoznawstwie opartym na tej obserwacji jest koncepcja czynności konwencjonalnych stworzona przez Zygmunta Ziemińskiego i jego zespół. Związek między tymi koncepcjami nie jest oczywisty, mimo że obie powstały w poznańskim ośrodku teorii prawa. W artykule rozważa się, czy koncepcja czynności konwencjonalnych jest rozwinięciem koncepcji aktów tetycznych, czy też jest to jednak koncepcja oparta na podobnych założeniach, ale genetycznie stanowiąca odrębny model teoretyczny.

**Słowa kluczowe:** Czesław Znamierowski; Zygmunt Ziemiński; czynności tetyczne; czynności konwencjonalne.