

*Environmental justice in law and practice*, ed. Tomasz Bojar-Fijałkowski (Gdańsk: Wydawnictwo Fundacji Rozwoju Uniwersytetu Gdańskiego, 2016), page count 421, ISBN 978-83-7531-272-0.

DOI: <http://dx.doi.org/10.18290/rnp.2017.27.2-10en>

The work submitted for review is an outcome of the conference devoted to “Environmental justice in economy, power industry and administration”, combined with the Convention of Departments of Environmental Law, organised by the Faculty of Law and Administration, University of Gdańsk, and the Professor Brunon Synak Pomeranian Institute of Science. The sessions were combined with the celebration of the work jubilee of Prof. Dr. Hab. Janina Ciechanowicz-McLean. The conference was attended by 100 representatives of 23 scientific centres, administrative courts and environmental protection agencies, therefore it is hardly surprising that the studies submitted for publication and delivered to the organisers were so many that they had to be split into two volumes.

The volume entitled *Environmental Justice in Law and Practice* is a collection of 36 studies, edited by Tomasz Bojar-Fijałkowski. It deals with the views of scholars concerned with environmental law from Poland and abroad. The studies collected in the reviewed monograph provide an overview of issues related to various aspects of environmental justice viewed from the axiological, normative and practical perspectives.

The editor decided not to divide the subject matter into parts (topics), which seems to be good strategy because a division of this kind should never be disjunctive. The alphabetical arrangement of the contents allows the Reader to freely switch their focus between topics connected with the notion of environmental justice or instruments for its implementation.

The deliberations are preceded with an introduction written by the volume editor, Dr. T. Bojar-Fijałkowski, and a eulogy for J. Ciechanowicz-McLean is also provided by the Editor.

The opening study, authored by Anna Barczak and entitled *Environmental Justice in Administrative Regulation of the Use of the Environment*, addresses the tasks of environmental restrictions performed by self-government environmental agencies. The author correctly assumes that the implementation of these tasks at the level of local self-government can contribute to the protection of the value represented by environmental justice. However, we cannot accept the Author’s claim that “protective administrative decisions with respect to regulated environmental use (restrictions on emissions) are issued only upon the request of the interested party,” since a decision on the permissible noise level constitutes an exception to that. The Author aptly concludes that environmental justice determines the content and

scope of the principle of regulation, and – notably – it justifies the two. A study written by Krzysztof Biernat, entitled *Eco-friendly public procurement – practical notes*, focuses on issues connected with the methods of delivering publicly procured works to ensure environmental justice. Admittedly, it is a tool of growing importance, the implementation of which in the public sector can contribute to a fuller realisation of the conception of product life cost or promotion of environmental management systems.

Having read the two studies presenting specific instruments for the observance of environmental justice in a practical way, the Reader is presented with a relevant analysis of problems associated with the proper definition of environmental justice, contributed by Tomasz Bojar-Fijałkowski. The Author attempts to elucidate the notion of environmental justice. His methodology is praiseworthy, especially the formulation of the aim of the study, presentation of the structure and a synthetic summary. Apart from the valuable explication of the very notion of environmental justice, the Author's analysis of the relationship between this notion and the one of "sustainable development" is very useful. We fully endorse his account of the reasons why this notion has gained greater popularity in Europe rather than in the USA.

The next study presents the issue of implementing the concept of a closed-circuit economy both at the EU and Polish level. The article written by Zbigniew Bukowski, as well as presenting the new idea of the EU policy of environmental protection connected with circular economy, constitutes an attempt to show the complexity of the mechanism of shaping environmental protection policy in general and the hard task of translating its priorities into the language of legal norms, whose aim is to attain environmental justice and implement the principle of sustainable development. The study authored by Ewa K. Czech and Martna Kropiewnicka addresses issues related to *The certificate as a legal instrument used for environmental protection in the process of investment*. Although the article seems loosely connected to the subject matter of the monograph, in fact it demonstrates a great deal of relevance to environmental justice in terms of procedural justice and legal certainty (though it must be stressed that not only – note environmental law), and as such it needs to be confronted with the principles governing the protection of the environment perceived as common good. The chapter contributed by Piotr Dembicki is devoted to *The principle of sustainable development as an indication of environmental justice in the implementation of investment-construction processes*. At the outset, the Author considers the principle of sustainable development as a manifestation of environmental justice though his explication of this correlation is rather brief. He presents selected institutions whose purpose is to realise the principle of sustainable development in investment processes: a decision in the matter of environmental conditions, forest development plans, and permissions to remove trees and shrubs – although the Author's choice of these rather than other institutions is not justified and no criteria are provided.

The chapter entitled *Explanation of definitions of a technical character (exemplified by the definition of construction works)* is written by Grzegorz Dobrowolski. He makes valuable notes while providing explanations in terms of the grammar, function and purpose

of terms and definitions of a technical character, used in environmental law. He accurately emphasises the role of decisions issued by administrative courts with respect to the proper interpretation of those terms and definitions.

The next study, written by Justyna Goździewicz-Biechońska, presents legal regulations concerning the prosumer energy sector in the light of the principle of environmental justice. The work presents one of the latest instruments for environmental protection that combine the market and social aspects in one legal instrument in the context of energetic justice (which is a component of environmental justice). The Author precisely defines the aspects of environmental justice in the following aspects: distribution, procedures, and identification. The points made in the summary should be deemed specially valuable, including those made *de lege ferenda*.

The point of departure for the considerations provided in the chapter entitled *Responsibility of a waste producer for the waste generated in the context of the legal definition of "waste producer"*, written by Marek Górski, is the assumption that responsibility for the environment is a major component of environmental justice, which can be conceived as a commitment to undertake countermeasures when the environment is threatened by the activity of a particular entity or the necessity to remedy damage done to the environment as a result of such an activity in connection with responsibility for waste management. The arguments connected with the attempt to distinguish between particular categories of waste owners and waste producers (including processors), also in the context of EU regulations, seem interesting. Against this background, the question of transferring the status of waste producer onto another entity appears very interesting, as well as its practical implications, especially those concerning the form and content of relevant contracts and contractual parties to such a transfer.

The article written by Adam Habuda, entitled *References to environmental justice in the rulings of the Constitutional Tribunal in respect of environmental protection*, goes back to the perspective of environmental law in the interpretation of environmental justice. Here, of great value are the preliminary findings concerning the way to define environmental justice comprehensively, in a manner that will take the axiology of this issue into consideration, as well as the balanced and accurate definition of this notion that is being proposed. Another merit of this work is the attempt at presenting the issues in question in the light of environmental law and policies. In this regard, the study comes close to the position presented by Z. Bukowski, whose approach seems equally valuable from these two perspectives; this is rare in the Polish literature of the subject since the policy of environmental protection is increasingly determining environmental law, bringing us closer to policy-making, so typical of the American approach. Leaving aside judgements whether an approach giving priority to politics and treating law instrumentally is appropriate, we appreciate the fact that the said authors do notice that this approach affects the way of formulating objectives for national legislation. Going back to the reviewed article, we need to credit the Author for the accuracy of his argumentation, style and manner of formulating the conclusions.

Of note is the study by Anna Haładyj, entitled *Institutions of fair distribution of goods in environmental law*. Analysing the doctrine of administrative law concerning the distribution of goods, the author discusses it in the light of distribution of goods under environmental law. She rightly notes that fair distribution of goods in the area of environmental law is achieved by way of deduction. It requires an axiological justification and it needs to be supported by the arguments used in jurisprudence with respect to the theory and practice of law. The observations regarding the attributes of public goods are rather interesting. We should agree with the Author that the idea of treating environmental assets as public goods has a much better developed theoretical framework, while the ecosystem approach is better reflected in its practical application.

The reviewed monograph offers valuable studies submitted by authors who have considerable practical experience, for example the article written by Mateusz Karciarz and entitled *Fee for municipal waste management versus environmental justice*. The study focuses on changes in waste management law (changes due to the fact that previous fees for municipal waste management, which used to be regulated by civil law, have now been superseded by a fee regulated by public law and they are pursuant to the provisions of administrative law under the pain of execution proceedings) and the consequences thereof for the concept of environmental justice, viewed in particular in the light of the rule saying that “the polluter pays.” It is worth noting that law on waste management is one of the most often invoked areas pertaining to the issue of environmental justice. His argumentation is also followed by Karolina Karpus in her study *Environmental justice and the assumptions of the model of waste management*, where she presents the institution of extended producer responsibility. The Author’s diligence in her attempt to determine the precise notional scope of the presented issues is indeed commendable, as well as her attempt to establish the scope of the terms “justice” and “environmental justice”. Notably, she provides a broad background for the presented issues, for example by showing the correlation holding between environmental justice and the horizontal relationship between man and environmental resources, and by mentioning people’s right to live in an environment of adequate quality. Following this argumentation, extended producer responsibility constitutes a formidable argument for a reinterpretation of the principle of prevention that is compliant with the postulates of “environmental justice” – a new method of distributing risk – and consequently environmental burden – between one group envisaged by this conception (manufacturer) and other entities (consumers). Similar assumptions, which draw a bridge between environmental justice and the right to a clean environment, are made by Piotr Korzeniowski in his article entitled *Environmental justice as a foundation of the right to use natural resources*, although this study has a systematising and open character, i.e. it puts forward points for discussion instead of proposing any definitive statement in respect of the issues raised.

The chapter contributed by Agata Kosieradzka-Federczyk addresses a procedural institution, i.e. declaration of invalidity of a decision in the matter of environmental conditions issued without a prior assessment of the environmental footprint. The Author juxtaposes the conception of environmental justice with a special instrument, i.e. the challenge of a deci-

sion, which in this context will be a declaration of its invalidity (the context of procedural justice). She invokes those aspects of doctrine which serve as the basis for a declaration of invalidity due to a flagrant breach of the law, emphasising that environmental justice constitutes such a criterion in the environmental context. However, it is impossible to subscribe to such a claim in its entirety. On the face of it, it seems accurate but can hardly be regarded as proven, especially that procedural justice is but one aspect of environmental justice. We need to accept the Author's more general, critical conclusion regarding the impossibility of verifying the correctness of a decision issued without imposing the duty to assess environmental impact.

In his study entitled *The concept of intergenerational and intragenerational justice. Between the necessity to protect the genetic pool and the need for economic development*, Piotr Krajewski provides an extremely valuable interpretation of environmental justice in the context of intergenerational and intragenerational relationships. This issue appears extremely interesting from the perspective of legal subjectivity of the future generations whose future rights are subject to protection. The text presents an approach seeking to answer the question if and to what extent the granting of rights to local communities or generations can affect the protection of biodiversity upon which the future of agriculture and food safety are dependent. We should accept the findings concerning excessive exploitation of biodiversity and unequal access to it. The interpretation of the issue of necessity to protect the assets of biodiversity used in agriculture, presented in this article, is a valid argument for the extension of responsibility of the current generation in the light of environmental justice.

The questions of responsibility viewed as a component of environmental justice is addressed by Aleksander Lipiński in his study *The closure of a coal mine*. The issue of land rehabilitation, despite its superficial treatment, needs to be supplemented with the issue of environmental remediation, which is a new tool for the protection of the Earth surface, associated with the operation of an installation which requires an integrated permit and whose operation has brought about changes in the water–soil environment. The remarks which make reference to the way the principle of sustainable development is perceived are of great value in the context of the use of such non-renewable resources such as minerals, including those resources the exploitation of which has been abandoned (item 15).

The study provided by Michal Maslen, the only contribution to the monograph made in English, addresses legal solutions pertaining to water management applicable in the Slovak Republic in the light of environmental justice. The Author stresses the role played by water resources and furnishes arguments for regarding them as public (strategic) goods subject to a special legal regime. The Author stresses the rare opinions of the Slovak constitutional tribunal in the matter of environmental protection (especially the right to a healthy environment) and water management, devoting more space to the rulings of the supreme court in this regard. The conclusion is extremely interesting by saying that the right to a healthy environment in case law pertaining to water management constitutes an argument only in the case of a major collision with an ownership title, while authorities and courts in general give priority to other interests (typically economic ones), and this dilutes the concept of

sustainable development. Intuitively, we should say that a similar conclusion would have been drawn when our national legislation in this area was being appraised, which makes the reviewed study even more interesting.

Another study in the monograph, contributed by Magdalena Michalak, deals with the subject of assessment of environmental impact. The Author treats the verification of the scope of application of the precautionary principle as a component of environmental justice. The study *Environmental justice versus requirement of using the precautionary principle as part of the habitat assessment in the light of CJEU rulings* uses the EU perspective to analyse the state of legislation in Poland with respect to procedures of environmental impact assessment, but unlike the article contributed by Kosieradzka-Federczyk it focuses not on the principle of procedural justice viewed in the light of environmental justice but on the precautionary principle, used as a tool for its implementation.

In a vein similar to the one pervading the study by Lipiński, Ryszard Mikosz deals with the issue of responsibility for the establishment, running and winding-up of a business involving the operation of a mine. He concentrates on the civilist aspect of liability for damage caused by the operation of a mining company or a mine, and the modifications in this area as following from the provisions of the Geological Work and Mining Law. These modifications apply mainly to the list of entities which are obliged to provide compensation for their operation. We must agree with the Author saying that the extension of liability for damages to operators who are currently exploiting a deposit or to the State Treasury has its justification in environmental justice. At the same time, it should be noted that such extended liability is in a way a product of the old system, where the non-renewable natural resources could only be extracted by state-owned enterprises who had not legal successors.

The study by Maciej Nyka, entitled *Environmental justice as the basis for the creation of economic environmental law*, presents the origin of the concept of economic environmental law, pioneered in Poland by prof. J. Ciechanowicz-McLean, in the spirit of environmental justice, which can be viewed as a factor in drawing links between the industrial use of natural resources and the postulate of their protection. Nyka underscores the meaning of this extra factor for the recognition of the role of justice as an assessment criterion for the intensity, depth, and effectiveness of regulatory measures in environmental protection. The large array of cited publications and the erudition of the Author are indeed commendable.

The study written by Adrianna Ogonowska starts with assumptions which are similar to those employed by Anna Barczak in the opening article. Ogonowska accurately points out the necessity to protect the value represented by environmental justice by means of regulatory measures, although she restricts her scope to issues related to removal of trees and shrubbery and offers an oversimplified view of the relationship between environmental justice and ecological security. However, the wealth of literature of the subject and her extensive use of case law should be appreciated.

The study presented by Bogumiła Pawluśkiewicz is devoted to the new financial instrument serving to protect biodiversity and climate, i.e. agricultural-environmental-climatic measures provided by the LIFE programme for the years 2014–2020. Undoubtedly, the use

of financial means for the protection of biodiversity is an instrument supporting the contemporary and future generations (including the rural population), and it reflects a concern for environmental justice. This study, written from the perspective of natural sciences, presents a very interesting point of view of the discussed issue. A similar perspective is adopted by Kazimierz Piekut, the author of the next article entitled *Environmental justice in agriculture*. He starts off with an assumption linking environmental justice with the operation of ecosystems, discussing the latter in the context of agriculture and its evolution over the years. We should see a great practical value in his presentation of elements which demonstrate the implementation of environmental justice in the documents of Common Agricultural Policy for the years 2014–2020.

The next study, contributed by Małgorzata Polkowska, is devoted to the issue of space environment and – on the face of it – it seems to be loosely connected with the issue of environmental justice. Yet this argumentation is relevant since space environment is also part of the natural environment, which is being exploited by man, and as such is subject to restrictions with regard to the contemporary and future generations trying to take full possession of it. This leads us to a diagnosis proposing which instruments for space environment and its protection may contribute to the protection of the value represented by environmental justice.

The next chapter, written by Iłona Przybojewska, is devoted to one aspect of environmental justice, that is intragenerational justice viewed in the context of solidarity. The text *Climate solidarity versus energy solidarity*, emphasising the necessity to strengthen energy solidarity as a condition for an effective climate protection, which lies in the best interest of the existing and future generations, is a presentation of the current and future energy policy of the EU in the context of new regulations with respect to climate protection. Interestingly, the Author regards the EU activities related to climate protection to be a separate EU policy, which is in line with the increasing tendency of EU policies creating legal norms.

The study which addresses the question of mining activity in its broad sense, written by Gabriel Radecki (*The mining fee in the light of environmental justice*), confirms that on the whole doctrine recognises problems inherent in the implementation of this concept with respect to non-renewable resources. At the same time, the Author believes that due to its structure, the mining fee could serve as a compensation for the depletion of non-renewable resources resulting from their extraction. What we find valuable here is his observations concerning the axiological foundation for the mining fee and its purpose, in other words going beyond the purely fiscal (i.e. having the function of a public tax) character of this fee, reflecting its role in environmental justice. We fully subscribe to the Author's critical remarks in this regard, yet missing firm proposals *de lege ferenda*.

The chapter contributed by Bartosz Rakoczy is devoted to the gradation of the right to a healthy environment. If the question of the character of this right and its scope has been extensively addressed in doctrine, the question of its gradation, pursuant to art. 4 of Environmental Law has not been pronounced equally forcefully in doctrine. Regrettably, the study merely touches upon certain questions that require a doctrinal reflection and, perhaps, juristic interpretations, leaving the Reader unsatisfied about possible solutions concerning

the scale and extent of this gradation, viewed – especially in the light of the reviewed work – in terms of the limits imposed on the right to a healthy environment by the conception of environmental justice.

Apart from M. Maslen, the question of teaching environmental law in some Spanish-speaking countries is also addressed by Marta Roman from the perspective of a foreign system of law. Her study seeks environmental justice in Spanish and Latin American legislation. She speaks of the movement which triggered the rise of the concept of environmental justice in the countries of Latin America. It is called “ecology of poverty” – a movement which perfectly reflects problems associated with unequal access to resources and their use, as well as the distribution of profits derived therefrom in those countries. The Author provides interesting examples of environmental injustice related to the use of the natural environment in Spain and Argentina, accurately diagnosing the causes of this state of affairs.

The chapter contributed by Ewa M. Sokołowska reflects one of the most frequently analysed trends in the reviewed monograph – one that links environmental justice with liability for environmental damage. She assumes that the principles of liability for damage which are regulated under civil law (the principles of risk, equity, guilt, and absolute liability) are there to ensure environmental justice. It is valuable that she attributes a similar role to such general clauses as the rules of social intercourse. This observation, albeit extremely accurate, is not developed adequately, though.

The study written by Roman Stec, entitled *Liability for damage inflicted on wild game*, focuses on the consequences of amendments to wild game legislation, made in connection with the case law of the Constitutional Tribunal, which did find this law unconstitutional. In the article, the Author presents an attempt to answer the question if and on what terms farmers should be equitably compensated for damage done to their crops by animals living in the wild. We should agree with some of the critical remarks made by the Author, especially with the postulate to regulate the area of hunting from scratch (perhaps by a completely new normative act). Also, we share the Author’s diagnosis of problems associated with the lack of strategic appraisals of environmental footprint in certain documents, and with a potential conflict between the national legislation and the Habitats Directive.

Elżbieta Zębek, Małgorzata Szwejkowska and Marek Raczkowski co-authored a study entitled *The water law permit used as a regulatory-protective measure for water resources used by economic operators in the light of environmental justice*. The Authors present the relationship between environmental justice and the use of water resources and their protection, both in the context of qualitative and quantitative (less so) protection of these resources.

One of few studies directly addressing international public law is the chapter contributed by Małgorzata Szwejkowska, Wojciech Truskowski and Elżbieta Zębek, entitled *Environmental justice in the light of international standards, and in particular the resolutions of the Rotterdam Convention*. The Authors duly notice the existence of competition for resources and access to them at the international level, as well as the risk of transferring dangerous substances to poor countries – capturing one of the most elusive elements of the concept of environmental justice, i.e. intragenerational justice. While the need for it raises no doubts



at all, it is hard to ensure that without appropriate regulations in international public law, as rightly pointed out by the Authors.

The chapter written by Diana Trzcińska, entitled *Environmental justice in respect of environmental pollution prevention from the perspective of emission standards and the quality of the environment*, constitutes in principle a presentation of the standards which are used for environment protection, and as such it is an excellent introduction to the way environmental justice is interpreted as a value that is normatively reflected in the provisions of environmental law. In the latter part, especially in the sizeable summary, the Author makes an elegant reference to this conception, presenting the standards of environmental quality and emission standards. Surprisingly, however – given the large scope of this study and its high standard – the article provides no academic reflection upon the new regulations related to air quality standards (benchmark values).

An issue which is still causing anxiety among the public, both for historical reasons and the scale of its possible impact, is the problem of transborder nuclear damage and the liability for it. The author of the study, Natalia Tucholska, analyses this problem in a confrontation with the value represented by environmental justice, both with respect to decisions on the location of a nuclear power plant and the question of liability for nuclear damage – the latter issue being in the focus of her considerations. The findings presented in the study are rather rudimentary, although we must agree with most of them, especially with the useful argument that security is treated as an emanation of environmental justice and regarded as a precondition for the development of nuclear power industry. It seems that a scholarly reflection could also cover this aspect of environmental justice, in which the right to energy and the abandonment of the use of non-renewable resources counterbalance the risk of nuclear fallout now and in the future.

The viewpoint of Marta Żurawik-Paszkowska, expressed in her *Environmental justice versus the activity of organs of public administration in Poland*, constitutes a sort of summary of the studies collected in the reviewed monograph. This study is an overview of selected institutions of environmental law, used by public authorities to undertake actions aimed at environmental justice. While setting up the catalogue and starting with the constituents of formal, procedural and regulatory types of justice, the Author enumerates the participatory instruments referred to in the Act on Disclosure of Information on the Environment and Its Protection, article 10 of the Code of Administrative Procedure, and – though in a very incomplete form – instruments associated with regulation. The final part of the study is visibly weaker, but it must be acknowledged that in the context of the whole monograph this issue has been discussed at least several times, ultimately satisfying the Reader's expectations.

Summing up the studies collected in the reviewed monograph, we must say that an unambiguous and precise definition of the notion of “environmental justice” is hard to come by. Many of the Authors give up their attempts to define it, assuming intuitively that after all the purpose of the institutions they are discussing is to protect that justice, while others try to work out precise and reliable definitions, but these differ in terms of their subjective and objective scopes.

Another generalising reflection concerns the relationship between environmental justice and the principle of sustainable development, which in fact is hard insoluble. The relationship in question is hierarchical or, to be precise, functional. It has its specific implications. Some of the presented studies recognise the priority of environmental justice over the principle of sustainable development, treating the instruments for its application, relevant directives and legal rules as tools for the implementation of environmental justice (see, for example, the contributions of P. Dembicki or M. Karciarz), while others directly claim that environmental justice, in its current, extended meaning, not only reflects the idea of sustainable development but becomes its component (see, for example, the study by K. Karpus).

The studies gathered in the reviewed monograph can be divided into three basic categories: (a) studies which correlate the value represented by “environmental justice” with responsibility, the right to a healthy environment, or the duty of the state to realise specific tasks; (b) studies presenting concrete legal institutions intended to ensure this justice; and (c) studies attempting to comprehensively define the notion in focus. The third type is the least represented in the monograph, but it must be underscored that in the majority of cases the Authors do try to establish the notional framework, however rudimentarily, in the introductory parts of the relevant sections. Others make a priori assumptions about particular institutions as belonging to those categories of instruments that are meant to guarantee the value in focus. At the same time it must be noted that attempted definitions hardly ever produce the same results, therefore it should be remarked that the particular Authors treat environmental justice as either a value or a principle, or an underspecified notion. Some Authors perceive a normative element, while others merely a postulative one in environmental justice, yet all of them start with axiology.

Moving on to the discussion of the range of literature of the subject which the Authors have used, they should be praised for the wealth and diversity of publications they cite. They have extensively applied the source base, amply citing views in doctrine, presented both in Polish and foreign sources. Of special significance is the extensive use of case law since the number of referenced and discussed rulings made by common and administrative courts is impressive, so is the Authors’ proficiency at using the judgements of the Constitutional Tribunal. The rich analysis of the case law provided by the European Court of Justice deserves credit, which demonstrates the high research standards that the Authors adhere to.

The linguistic-logical method predominates in the reviewed monograph, relying on legal text analysis. For the most part, the Authors’ interpretation goes beyond a purely grammatical reading of relevant provisions. Of great merit are those studies in which the Authors venture to evaluate a particular method of interpretation. The value of the monograph is further enhanced by studies which present an approach that is typical for natural sciences.

In summary, the reviewed monograph *Environmental justice in law and practice* is to be deemed as a valuable work. It is definitely an interesting publication, which should be of great use to both theoreticians and practitioners of environmental law and other disciplines. It will fill in the gap in this respect, although not completely. This inspires hope that similar initiatives will be undertaken, for example because the reviewed monograph does not

resolve what environmental justice really is – a value, legal rule or general clause – which constitutes an invariably interesting and weighty research issue.

*Dr. Hab. Anna Barczak, Professor of University of Szczecin,  
Head of the Department of Environmental Law  
e-mail: anna.barczak@wpiaus.pl*

*Dr Hab. Anna Haladyj  
Adjunct Professor at the Department of Environmental Management Law, KUL  
e-mail: ahaladyj@kul.pl*

*Translated by Tomasz Palkowski*



The preparation of the English version of *Roczniki Nauk Prawnych (Annals of Juridical Sciences)* no. 2 and its publication in electronic databases was financed under contract no. 753/P–DUN/2017 from the resources of the Minister of Science and Higher Education for the popularization of science.

Luciano EUSEBI, *La Chiesa e il problema della pena. Sulla risposta al negativo come sfida giuridica e teologica* (Brescia: Editrice La Scuola, 2014), page count 188, ISBN 978-88-350-3562-6.

DOI: <http://dx.doi.org/10.18290/rnp.2017.27.2-11en>

Punishability of crimes and their prevention in church legal order has been the subject of detailed studies done in the light of doctrine since the new law for the Latin Church was promulgated; the amended Code – having its hermeneutic underpinnings in the documents of the Second Vatican Council – reorganised the area of prohibited acts with respect to the newly classified offences and updated the rules of conduct with respect to an alleged offender and a victim.

The necessity for such a reflection is augmented by the awareness of the radically different character of the church community in comparison to any other social organisation. The difference between the goals of the lay community and the ecclesiastical community derives from quite divergent foundations of their legal orders and – despite numerous similarities in their system solutions – it is impossible to put an equation mark, both in theoretical and