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Professor Ryszard Sarkowicz (1952–2021)

Professor Ryszard Sarkowicz, one of the most distinguished Polish legal philosophers, died at the age of 69 on 14 January 2021 in Kraków.

Ryszard Sarkowicz obtained a Master's degree in law in 1977 and a Master's degree in philosophy in 1979, both from the Jagiellonian University. He commenced his academic career at the Faculty of Law of the Jagiellonian University as a research assistant at the Laboratory of Legal Informatics, then he became an assistant at the Department of the Theory of State and Law (currently the Department of Legal Theory). In 1983 he obtained his PhD in legal theory on the basis of the thesis entitled *Expressing Causality in Legal Texts (On the Example of the Polish Criminal Code of 1969)*.² In 1984 he was appointed an assistant professor of law (Polish: *adiunkt*). He taught philosophy and logic to students of law and methodology of science to PhD students.

Ryszard Sarkowicz's doctoral thesis was highly innovative. Using the methods coming from philosophical semantics and modern linguistics, he demonstrated that causality is expressed in statutory texts by various linguistics means, both semantic and syntactic. He analysed in detail various expressions of causality in the Criminal Code. His conclusions were significant not only from the theoretical point of view, but also from the practitioners' perspective of interpreting statutory texts.

In the 1980s and 1990s Ryszard Sarkowicz published numerous papers in Polish and foreign journals, including "Archives für Rechts- und Sozialphilosophie", "Ratio Juris", and "Rechtstheorie". The most notable ones dealt with counterfactuals, paradoxes of deontic logic, and causality of forbearance.³ The author benefited greatly from his long-term research stay at the University of Aarhus (Denmark). In the early 1990s he spent almost two years as

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² R. Sarkowicz, *Wyrażanie przyczynowości w tekście prawnym (na przykładzie kodeksu karnego z 1969 r.)* [Eng. *Expressing Causality in Legal Texts (On the Example of the Polish Criminal Code of 1969)*], Kraków 1989.

³ In example R. Sarkowicz, *A Note on Causality of Forbearance*, "Archives für Rechts- und Sozialphilosophie" 1980/2, pp. 261–264; R. Sarkowicz, *Normy i kontrfaktyczne okresy warunkowe* [Eng. *Norms and Counterfactual Conditionals*], "Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z Nauk Politycznych" 1984/21, pp. 43–53; R. Sarkowicz, *Rozumowanie kontrfaktyczne a problem tzw. przyczynowości zaniechania* [Eng. *Counterfactual Reasoning and the Problem of the So-Called Causality of Forbearance*], "Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z Nauk Politycznych" 1986/24, pp. 81–85; R. Sarkowicz, *O tzw. normach poprawczych czyli rozważania na marginesie paradoksu Chisholma* [Eng. *On the So-Called Correctional Norms. Considerations in the Context of Chisholm's Paradox*], in: K. Opalek, F. Ryszka, W. Sokolewicz (eds.), *Prawo i polityka* [Eng. *Law and Politics*], Warszawa 1988, pp. 113–117; R. Sarkowicz, *Chancen für Einen Braven Verbrecher*, "Rechtstheorie" 1991/22; R. Sarkowicz, *Levels of Interpretation of a Legal Text*, "Ratio Juris" 1995/1, pp. 104–112; R. Sarkowicz, *Über die Interpretation des Textes* [Eng. *On the Interpretation of Texts*], "Archives für Rechts- und Sozialphilosophie" 1996/3, pp. 361–378.

an Alexander von Humboldt fellow at the Ludwig Maximilian University of Munich. This research stay allowed him to complete another book, titled *Stratified Interpretation of Legal Texts*.⁴ On the basis of this publication he was awarded his habilitation degree.

Ryszard Sarkowicz's theory of stratified interpretation is generally recognized as one of the most notable achievements of Polish legal theory. It is based on the distinction of three levels of interpretation: descriptive, normative, and presuppositional. This distinction shed a fresh light on both the concept and the practice of legal interpretation. The author discussed all three levels in detail, demonstrating how this distinction allowed one to solve a few long-discussed problems of the theory of interpretation.

The ideas relating to the theory of stratified interpretation were further developed along with an original conception of consistency in legal interpretation and published in a series of texts, especially in Polish and German journals (including "Ratio Juris" and "Archiv für Rechts- und Sozialphilosophie").⁵

Ryszard Sarkowicz co-authored (with Jerzy Stelmach) a valuable textbook entitled *Legal Theory*,⁶ which is still used at most legal faculties in Poland. The same authors published a book entitled *Philosophy of Law in the 19th and 20th Centuries*,⁷ which contains a concise critical presentation of the main trends in legal philosophy.

In the 2000s, the main focus of research conducted by Ryszard Sarkowicz was legal professional ethics. He was one of the pioneers of serious philosophical research in this field. His major achievement was the monograph entitled *American Professional Legal Ethics*⁸ published in 2004. In this book, he critically presented and analysed the main issues discussed in American literature. His continued research on this topic resulted in further published works. He acted as a member of the Board of the Institute of Legal Professional Ethics. The last paper authored by Ryszard Sarkowicz devoted to professional ethics appeared in 2020 in the volume *Legal Philosophy. Norms and Facts*, edited by Jacek Hołówka and Bogdan Dziobkowski.⁹ Sadly, it is the last publication by Ryszard Sarkowicz.

Since 1991 Ryszard Sarkowicz combined academic research with service in the Polish diplomatic corps. He served as a consul in Chicago (1991–1993), the Consul General in Chicago (1997–2001), the deputy director of diplomatic protocol, Consul General in Sydney (2004–2009), the Head of the Legal Department of the Ministry of Foreign Affairs (2010–2012), a permanent representative of Poland to the United Nations in New York (2012–2014), and eventually as the ambassador of Poland to Ireland (2015–2018). In 2018 he retired from the diplomatic service.

Professor Ryszard Sarkowicz was greatly appreciated by his students, for his attitude towards them was one of patience and respect. We have lost an outstanding scholar, an openhearted friend, and a reliable colleague.

⁴ R. Sarkowicz, *Poziomowa interpretacja tekstu prawnego* [Eng. *Stratified Interpretation of Legal Texts*], Kraków 1995.

⁵ R. Sarkowicz, *Über die Interpretation...*; R. Sarkowicz, *Levels of Interpretation...*; R. Sarkowicz, *Assumptions of Legal Interpretation*, "Archivum Iuridicum Cracoviense" 1994–1995/27–28, pp. 113–122; R. Sarkowicz, *O rozumieniu spójności w interpretacji prawniczej* [Eng. *On the Understanding of Consistency in Legal Interpretation*], in: *Teoria prawa. Filozofia prawa. Współczesne prawo i prawoznawstwo. Profesorowi Wiesławowi Langowi w siedemdziesiąt rocznicę urodzin* [Eng. *Theory of Law. Philosophy of Law. Contemporary Law and Jurisprudence. For Professor Wiesław Lang on His Seventieth Birthday*], Toruń 1998, pp. 263–272.

⁶ R. Sarkowicz, J. Stelmach, *Teoria prawa* [Eng. *Theory of Law*], Kraków 1996.

⁷ J. Stelmach, R. Sarkowicz, *Filozofia prawa w XIX i XX wieku* [Eng. *Philosophy of Law in the 19th and 20th Centuries*], Kraków 1998.

⁸ R. Sarkowicz, *Amerykańska etyka prawnicza* [Eng. *American Professional Legal Ethics*], Kraków 2004.

⁹ R. Sarkowicz, *Etyka prawnicza* [Eng. *Legal Ethics*], in: J. Hołówka, B. Dziobkowski (eds.), *Filozofia prawa. Normy i fakty* [Eng. *Philosophy of Law. Norms and Facts*], Warszawa 2020, pp. 610–625.

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