

Direction indicator and the empathy (3)

In the previous section of my considerations (which can be called socio-legal), I argued that the legal culture of individual societies should be judged on the basis of the extent to which the law is respected for fear of punishment and responsibility, and to what extent – from the conviction that this law serves benefit all of us. Yes, the way Poles use the left turn signal is perhaps the most frustrating and annoying but, of course, I don't really mean the left turn signal. Not even the right turn signal. Or how to use a turn signal when changing lanes on the road. Nor also about the way Poles parked in two places. That's not what I mean at all.

Half of the drivers in Poland turn on the indicator without any intention of any communication to road users of any change of direction. The turn signal light comes on after the maneuver is completed. (This is best seen when the brake light comes on first and then the turn signal comes on, because that simply means that the maneuver is already performed a long time before it is signaled.) The same happens on the road when changing lanes. The indicator in this case rather shows: "I just turned left", or "I just changed lane" which of course has no meaning for another driver. This is obviously against the law (Article 22 (6) of the Road Traffic Law), although the provision mentions clear signaling also without explicitly indicating the obligation to turn on the indicator. Short, one-second situations on the road are a spectacular expression of legal customs and legal beliefs of the society. If the recipes are used only for the sake of peace, or with the

explanation "that I turned it on" – it means that they are not needed at all. They don't serve their destiny.

Because this is a case of using rules without taking into account their real purpose. While it is possible to live with the pointless turning on of a turn signal – if someone is not too nervous about it – the formalistic and semantic application of the law causes devastating, irreparable damage to all of us. I will reflect on this in the next ANP issues.

Leftists in togas

Take a look at your home libraries and think about who you would be if you read all the books you have on the shelves. And yet – as you probably know – there are still many, many more of these books. This somewhat inspiring, somewhat depressing reflection has been with me since childhood. Now I am transferring it to my profession, i.e. to the profession of a lawyer.

This is how I am thinking of the courts and their case law. And especially about the great, wise European courts, i.e. the European Court of Human Rights in Strasbourg and the Court of Justice of the European Union in Luxembourg. For the needs of the Rzeczpospolita daily, I undertook a review of the most important court decisions concerning discrimination, in particular employment discrimination. Both courts are undoubtedly elite courts, also in terms of the selection and election of judges. Of course, individual judges are delegated and appointed by individual countries, so the political subtext is here anyway, no less, a relatively common rule is that individual countries do not want to be stupid and usually appoint

quite outstanding lawyers to both institutions. Or simply the most outstanding. For example, in the CJEU, the Polish judge – nominated for a second term in April 2015, that is before PiS – is Marek Safjan (although his term is about to end), relatively widely regarded as, perhaps, the most outstanding Polish lawyer. Unless, of course, such a nomination exists. The judgments of these courts are adopted in Poland, but most of all it concerns politically hot judgments, such as those concerning the Disciplinary Chamber or Swiss franc loans.

The so-called populus, however, is only interested in the conclusion. Hardly anyone, apart from scientists, reads these judgments in full. These judgments are based primarily on the captivating clarity of the methodology, because they contain, in extenso, the provisions referred to by the court. I used to say it's an artificial procedure, but now I'm thinking – but why not? Judgments are written not only for lawyers who are always able to check everything. Above all, however, the tone and content of the judgments, especially the CJEU, i.e. the EU court, are extraordinary. The allegation that the attitude of this court is leftist is, in my opinion, fully justified, although in a superficial sense. The judgments of European courts have a clear direction towards the defense of democracy, the equality of individual rights, especially the protection of the weaker, and protection against corporate supremacy. If one or three values were selected from each judgment, on which a particular judgment is based, we would get an ideological map of the European Union in its most progressive sense. I wonder how it is done, I mean interesting – why in the sense that it is probably not possible for all judges of both Tribunals to be selected on the basis of the same political and ideological toolkit, which we would call leftist.

But somehow it is so that mature law is leftist. For some, this may be a cause for concern, but for others, such as me, a reason for fascination.

Swiss francs

I would like to say something smart about the francs, but I am not able to. Especially when Ewa Łętowska and Leszek Balcerowicz faced each other in the dispute, i.e. two people so important that I would not mention few more important for the shape of my social thinking. In general, for all of me as I am. The difference between leftist and liberal thinking is just as irreconcilable as between liberal and conservative thinking.

We did not know this once. However, I think that the source of the problem is our collective social immaturity, the immaturity of institutions and confusion about the moral pattern that is the benchmark for judging events. I accept only one argument of bank defenders with great difficulty – the fact that everyone will bear the costs of the rulings protecting the franchisees. Because if someone was obliged to know that the franc can cost 4.20 PLN, it is only banks, not people hungry for housing after years of inability. But that's not even the point: we cannot judge right by the argument that everyone will pay for it.

Because everyone pays for righteousness anyway, but it is not a result of anyone's decision or premeditation. This is an organized society based on the idea of community and on a social contract.