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The Algorithm of Justice: Objective Interpretation of Law as a Safeguard of Human Rights in Judicial Proceedings

[Algorytm sprawiedliwości – obiektywna wykładnia prawa jako gwarancja praw człowieka w postępowaniach sądowych]

Abstract

This article analyzes the concept of the “algorithm of justice” as a tool enabling the objective interpretation of the law and the protection of human rights in judicial proceedings. Drawing on Ronald Dworkin’s theory of “law as integrity” and the ideal of the Judge Hercules, the author highlights the limitations of human judges, whose legal interpretations may be shaped by personal beliefs, held values, biases, or the sociopolitical context. The article draws attention to the risks associated with judicial activism and the arbitrariness of interpretations based on the “spirit of the law.” The proposed solution involves using artificial intelligence to automate the processes of legal interpretation by creating an impartial “algorithm of justice.”

Keywords: Dworkin, Judge Hercules, the algorithm of justice, interpretation of the law.

Introduction

We live, to paraphrase Ronald Dworkin, in an era of hard cases, in which, regrettably, Judge Hercules has failed—or rather, it is the judges who were meant to be Hercules that have failed. Dworkin’s integral conception of law (“law as integrity”), from the very moment it was proposed, became highly attractive to judicial activism, both within the common law tradition and the continental legal culture. Law is no longer understood merely as a simple set of legal rules enacted by the legislator; rather, it constitutes a coherent

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system of rules, principles, and other standards (policies). The task of the judge is therefore to conduct such an interpretation of legal provisions whose outcome both best fits the existing legal practice (tradition) and offers the strongest moral justification in the light of justice, fairness, and procedural due process.¹ A judge is thus not confined solely to the letter of positive law, i.e. the wording of statutory provisions according to linguistic directives of interpretation, but may—and indeed should—also take into account the “spirit of the law” as revealed through teleological, functional, pro-constitutional interpretation, and, in the Polish legal reality, also through pro-European interpretation.

Judge Hercules

According to Dworkin, such a comprehensive interpretation of a legal text can only be performed by an ideal figure—Judge Hercules—endowed with superhuman talents of knowledge and experience, and equipped with unlimited time. He alone is capable of grasping the entirety of the social and political conditions prevailing within a given state, of discerning the moral principles governing that community, of weighing them, and thereby arriving at the one correct interpretation and, consequently, the one right decision (the most important Dworkin’s thesis “the one right answer”).² Judge Hercules cannot render an erroneous judgment, for as the “prince of law” he possesses knowledge and experience inaccessible to ordinary judges; he always knows what is good and just. No real judge is capable of such a task, as Dworkin himself admitted; yet, as he emphasized, every judge ought to strive, as best as possible, to emulate Judge Hercules.³ This pursuit of the ideal has unfortunately proven to be utopian, and judicial activism has misunderstood Dworkin’s words, thereby distorting the otherwise profoundly sound idea of Judge Hercules.⁴

As legal hermeneutics aptly observes, the interpretation of any legal text inevitably contains a creative element, since every judge is shaped by a specific culture, guided by particular values, and situated within a concrete historical context (so-called “pre-understanding”).⁵ Contrary to the entrenched image,

¹ M. Zirk-Sadowski [in:] *Wprowadzenie do* [Introduction to]: R. Dworkin, *Imperium prawa*, Warszawa 2022, p. XX.

² R. Dworkin, *Imperium prawa* [Law’s Empire (1st ed. 1986)], trans. J. Winczorek, Warszawa 2022, p. 219.

³ *Ibid.*

⁴ R. Dworkin rejected both judicial passivism and judicial activism (*Imperium...*, pp. 336 and 337). It is also worth noting that Judge Hercules, contrary to common belief, when deciding “easy cases” or “hard cases” never creates new law but merely discovers it (cf. A. Ceglarska, *Czy prawu potrzebny jest heros? Reinterpretacja sędziego-Herkulesa (!) w świetle myśli starożytnej* [Does the Law Need a Hero? A Reinterpretation of Judge Hercules in the Light of Ancient Thought], *‘Acta Iuris Stetinensis’* 2022, 5, pp. 21–36).

⁵ S. Wronkowska, Z. Ziemiński, *Zarys teorii prawa* [An Outline of Legal Theory], Poznań 1997, p. 74.

Themis is not blind, and the process of legal interpretation—consciously or unconsciously—is influenced by the subjective experiences and worldviews of judges. Judicial activism, under the guise of indeterminate legal principles (such as the principle of the rule of law in the Polish context), often reveals personal preferences or biases in the interpretation of legal provisions. This poses a tangible threat to human rights in judicial proceedings, particularly to individual liberty, equality before the law, legal certainty, the stability of the legal system, and the durability of judicial decisions. We are thus witnessing a process in which, instead of the “letter of the law” enacted by the legislator, it is the “spirit of the law” as reconstructed by judges that prevails—though, admittedly, they are not Judges Hercules. In the real world of human judges, with their limited knowledge, divergent life experiences, and diverse convictions and values, Dworkin’s vision of a superhuman judge remains nothing more than an intellectual dream.

The Empire of Non-Herculean Judges

The history of law demonstrates how profoundly judicial decisions depend upon socio-political context as well as the personal convictions or biases of judges—whether conscious or unconscious. A particularly striking example is the American history of abortion law.⁶ In 1973, in the landmark case of *Roe v. Wade*, the United States Supreme Court recognized a woman’s right to abortion (i.e. the termination of pregnancy) as a constitutionally protected right, encompassed within the right to privacy, thereby leading—speaking in broad terms—to the legalization of abortion throughout the United States. Nearly half a century later, in 2022, in *Dobbs v. Jackson Women’s Health Organization*, that same Court overturned its earlier ruling, holding that the Constitution does not guarantee a right to abortion, and that regulation of the matter belongs to the individual states, which may, in effect, prohibit abortion altogether. Between the first and the second decision, the U.S. Constitution itself did not change—the legal provisions remained the same. What changed was merely the composition of the Supreme Court, which resulted in a different interpretation of the very same provisions. This situation strikingly illustrates that the protection of human rights may depend not on the content of law itself, but on the shifting interpretations of judges. The same problem of divergent interpretation under unchanged legal provisions arises in Poland as well, in matters no less fundamental than the right to abortion—for example,

⁶ I refer to the decisions of the U.S. Supreme Court concerning the right to abortion merely as a globally known example of the role of judges in the process of legal interpretation. Under no circumstances do I undertake to assess which of these decisions is consistent with the U.S. Constitution.

in relation to the mode of election of the judicial members of the National Council of the Judiciary (*Krajowa Rada Sądownictwa*).⁷ The question therefore arises: should human rights, as well as the stability of the legal system, depend upon the personal views of judges?

The twentieth century was an age of parliaments—of legislative power—whereas the twenty-first century has become the age of judges—of judicial power.⁸ The empire of law has thus revealed itself, in truth, to be an empire of non-Herculean judges, in which the individual subject to the law must submit to their understanding of it. The twenty-first century has definitively confirmed the failure of the process of judicial law-application, including legal interpretation, which—through recourse to the “spirit of the law”—may prove arbitrary, being dependent solely upon those values that happen to be cherished by a particular judge. In such circumstances, should not the safeguard for society (and for human rights) against the arbitrariness of judicial power be the prohibition or, at the very least, the restriction of judicial interpretation, following the model of the 1804 Napoleonic Code,⁹ and the reading of statutes strictly in accordance with the letter of the law as enacted by the (moral) legislator? History, however, teaches us that this is hardly possible. Leaving aside the question of immoral law, it is above all impossible to apply law without interpretation, given the open texture of legal texts, and especially the ambiguity and vagueness of expressions inherent in natural language.¹⁰ Without interpretation, legal provisions remain “dead,” for they cannot be applied in any meaningful way. Yet leaving interpretation entirely in the hands of judges, particularly those driven by judicial activism, risks expanding their discretionary power beyond any rational limits.¹¹ Indeed, each passing day in Poland brings forth new and surprising judicial rulings,¹² with which no “non-tribal” lawyer could possibly agree.¹³ We therefore need

⁷ Article 187 of the Constitution of the Republic of Poland.

⁸ B. Polanowska-Sygulska, *Herkules w stajni niewspółmierności* [Hercules in the Stable of Disproportion], ‘Jurysprudencja’ [Jurisprudence] 2014, 2, pp. 75–82.

⁹ In accordance with Article 5 of the Napoleonic Code, “judges are prohibited from deciding by general and abstract rules in the cases submitted to them.” This prohibition was intended to respect the principle of the separation of powers, by reserving the creation of legal norms to the legislative authority.

¹⁰ H.L.A. Hart, *Pojęcie prawa* [The Concept of Law, 1st ed. 1961], trans. J. Woleński, Warszawa 1998, pp. 158–171.

¹¹ Contemporary judicial activism in Poland increasingly disregards H. L. A. Hart’s distinction between the semantic core, where a judge cannot exercise “arbitrary” discretion, and the semantic penumbra, where the law allows a choice among several equally valid interpretations. In light of recent statements from the so-called paleo-jurisprudence, one might say—paraphrasing J. R. R. Tolkien—that the Shadow now lies upon the meaning of all legal provisions in Poland, even upon those contained in the Constitution.

¹² For example, in the Supreme Court resolution of 24 September 2025 (III PZP 1/25), the so-called paleo-judges declared the “non-existence” of judgments issued by the Chamber of the Supreme Court composed of the so-called neo-judges.

¹³ The notion of a ‘non-tribal lawyer’ was used by B. Pilitowski in an interview by G. Sroczyński: *Bodnar i fanatycy. 90 procent sędziów w głowę się puka* [Bodnar and the Fanatics: 90 Percent of (Polish) Judges Are Tapping Their Foreheads], *Gazeta.pl*, 23.10.2024, <https://wiadomosci.gazeta.pl/wiadomosci/7,114884,31405917,bodnar-i-fanatycy-90-procent-sedziow-w-glowe-sie-puka-wywiady.html> [accessed: 2.10.2025].

a way to objectivize interpretation of law. This is the point of the algorithm of justice.

The Algorithm of Justice

According to Dworkin, if a legal system is coherent—composed of rules, principles, policies, and an innumerable body of prior judicial decisions—judges should always be capable of finding „the one right answer,” leaving no room for divergent or contradictory interpretations.¹⁴ The only reason why such a solution cannot be consistently achieved is the imperfection of judges themselves, not the incoherence of laws. In light of this, perhaps the time has come to overcome this human weakness (frailty of the legal system), since the development of artificial intelligence (AI) finally provides a real opportunity to do so.¹⁵ Might the remedy for judicial unpredictability be the algorithmization of law? It appears that legal interpretation, and more broadly the application of law, consists of operations that can be performed according to strictly defined rules—mechanical, algorithmic operations leading to objectively determined results.¹⁶ Thus, it seems to be primarily a matter of devising the proper source code and creating the appropriate algorithm—what might be termed an “algorithm of justice.”¹⁷

If law is understood as a set of general and abstract norms enacted by a designated authority through a proper procedure and encoded within legal provisions, then the task is simply to develop an algorithm capable of translating (decoding) those statutory provisions into legal norms.¹⁸ For this purpose, We may rely on the so-called derivational method (*metoda derywacyjna*) of interpretation widely accepted in Polish legal scholarship and jurisprudence, which – in simplified terms – assumes that, when applying the same interpretative rules and instruments, different interpreters may arrive at the same (or at least a comparable) interpretative result.¹⁹ The very process of translation—

¹⁴ M. Zirk-Sadowski [in:] *Wprowadzenie do* [Introduction to]: R. Dworkin, *Imperium...*, pp. XVII–XVIII.

¹⁵ A broader discussion on the application of currently available intelligent decision support systems (IDSS) in legal interpretation processes, cf. P. Kłos, *Inteligentne systemy wspomaganie decyzji w procesie podejmowania decyzji prawnych – wybrane zagadnienia z perspektywy teoretycznoprawnej* [Intelligent Decision Support Systems in the Legal Decision-Making Process: Selected Issues from a Legal-Theoretical Perspective], *Ruch Prawniczy, Ekonomiczny i Socjologiczny* [Poznań Journal of Law, Economics and Sociology] 2025, 2, pp. 37–56.

¹⁶ From a positivist perspective – cf. S. Wronkowska, Z. Ziemiński, *Zarys teorii prawa* [An Outline of Legal Theory], Poznań 1997, p. 52.

¹⁷ The term “algorithm of justice” appears in the monograph: A. Łazarska, *Proces sądowego wymierzania sprawiedliwości* [The Process of Administering Justice in the Courts], Warszawa 2025, p. 137.

¹⁸ K. Grzesiowski, K. Mularski, *Jeszcze w sprawie compensatio lucrī cum damno* [More on the Matter of Compensatio Lucrī Cum Damno], *Kwartalnik Prawa Prywatnego* [Quarterly of Private Law] 2025, 3, p. 581.

¹⁹ Cf. generally M. Zieliński, *Wykładnia prawa. Zasady, reguły, wskazówki* [Interpretation of the Law: Principles, Rules, and Guidelines], Warszawa 2017; K. Mularski, *Kilka uwag o granicach prawa i dyskusji nad tymi*

decoding legal provisions into legal norms—does not require the participation of a human judge. Legal interpretation may be conceived as a mechanical reconstruction (extraction) of the norm encoded within a provision, by means of established exegetical methods (interpretative rules, inferential rules, and conflict-of-law rules), a process which may undoubtedly be entrusted to AI.²⁰

If such a system of translation (an algorithm of justice) is properly designed, the results generated by AI would enable judges to issue decisions more accurate than those currently rendered.²¹ An algorithm of justice would, unlike human judges, be impervious to the tears of plaintiffs and defendants; unaffected by whether the judge is having a good or bad day; indifferent to whether attorney behaves politely or impolitely; immune to status games; and insensible to political or ideological fashions or phobias. Such an algorithm would not—indeed, should not—be susceptible to unconscious bias against any party. Its interpretation of legal provisions would be impartial, free from the subjective distortions characteristic of human adjudication, and based upon objective interpretative tools (the rules of legal exegesis), rather than upon the personal convictions or experiences of the judge. In this way, the discretionary power of judges would be significantly reduced.²²

Not only the process of interpretation but also the very act of subsumption may be automated, thereby eliminating the possibility of error by a human judge in applying the relevant norm to established facts. The only “problem” that remains is the question of „dispensing justice” itself, which—as is commonly recognized—does not consist solely in the mechanical application of law (that is, the determination of facts, the interpretation of provisions, and their subsumption).²³ Yet under the proposed model of the algorithm of justice, conceived as a program decoding the normative content embedded in legal provisions, judges could once more become, in Montesquieu’s words, the mere “mouth of the statute,” applying the law as it was enacted by the legislator—an option which, given the current state of judicial activism, seems even attractive. To address possible objections, however, I propose that judges should rather become the “mouth of law,”²⁴ that is, real-life Hercules judges.

granicami [A Few Remarks on the Limits of Law and the Debate Over Those Limits] (in:) R. Szczepaniak (ed.), *Problemy pogranicza prawa cywilnego* [Issues at the Intersection of Civil Law], Warszawa 2022.

²⁰ P. Kłos, *Inteligentne...*, *passim*.

²¹ With regard to decision accuracy, currently available IDSS would probably be more effective than a human (cf. P. Kłos, *Inteligentne...*, p. 51).

²² On the dangers of reducing the discretionary power of judges and creating a world governed by machines cf. T. Szanciło, B. Stepień-Załużka, *Sędzia robotem a robot sędzią w postępowaniu cywilnym w ujęciu konstytucyjnym i procesowym* [The Robot Judge and the Judge as a Robot in Civil Proceedings from a Constitutional and Procedural Perspective], *Prawo i Więzy* [Law & Social Bonds] 2023, 4, pp. 217–248.

²³ An open – indeed, profoundly philosophical – question arises: can justice genuinely be dispensed by a machine if no human conscience underlies its decision? (cf. A. Łazarska, *Proces sądowego wymierzania sprawiedliwości* [The Process of Administering Justice in Court], Warszawa 2025, p. 141).

²⁴ The term “mouth of the law” appears in the article: A. Ceglarska, *Czy prawo...*, p. 29.

The unattainable ideal of Judge Hercules is in fact the archetype of the algorithm of justice—an inhuman artificial intelligence which, notwithstanding its extraordinary capacities, merely discovers law rather than creating it. Hence, even such Judge Hercules remains no more than the “mouth of law,” understood more broadly than Montesquieu’s “mouth of the statute,” encompassing not only legal rules but also the full spectrum of what traditionally constitutes the “spirit of law,” namely principles and policies. Dworkin’s thesis of „the one right answer” harmonizes perfectly with the very idea of the algorithm of Justice. Dworkin’s Judge Hercules is, in fact, nothing less than an advanced algorithm: when provided with input data concerning the case (the facts), legal rules, legal principles, tradition, culture, prior case-law, and relevant policies, he is capable of conducting an interpretation (decoding from the provisions the applicable legal norms, weighing the principles, and taking account of policies) and issuing the one right answer, as in Dworkin’s theory.²⁵ The act of subsumption carried out by AI—in accordance with Dworkin’s guiding commitment to the integrity of law—should therefore best “fit” the established practice of law (tradition) and possess the strongest possible moral justification in light of the principles of justice, fairness, and procedural due process.

Constitutional Standard

It appears that the proposed model does not infringe the current Constitution of the Republic of Poland.²⁶ Judges—human beings, rather than machine judges or robots—would continue to render final decisions.²⁷ The algorithm of justice is intended solely to objectivize the processes of legal interpretation and subsumption, in order to limit judicial arbitrariness and strengthen the stability of the legal system. The determination of facts would remain the exclusive domain of the (human) judge. To harmonize case-law, consideration should be given to introducing an obligation for judges to use this algorithm, while also defining statutory grounds for a judge to depart from an AI-generated interpretation or from an AI-proposed resolution of a particular case. Such a departure would, of course, require the judge to provide a written justification, akin to a separate opinion (a kind of *votum separatum* AI). In this context, the duty to employ the algorithm of justice, combined with the

²⁵ A. Ceglarska, *Czy prawo...*, pp. 29 and 30.

²⁶ A broader discussion on the constitutional issues arising from the concept of an algorithmic judge cf. B. Stępień-Załużka, *LegalTech 3.0. Some Reflections on the Constitutional Prerequisites for the Use of Artificial Intelligence in the Administration of Justice*, ‘Europejski Przegląd Prawa i Stosunków Międzynarodowych’ [European Review of Law and International Relations] 2025, 1, 73, pp. 146–162.

²⁷ T. Szanciłło, B. Stępień-Załużka, *Sędzia...*, pp. 217–248.

possibility for judges to deviate from AI-generated results, appears not to infringe upon the principle of judicial independence.

The algorithm of justice will not emerge instantaneously. During its development, legal expertise will be indispensable; however, ultimately, such expertise may be discarded once it has fulfilled its role.²⁸ In the future, the role of the human judge will be limited to establishing the facts of the case and, with the aid of the algorithm, obtaining the one right answer.²⁹ After potential constitutional amendments (permitting the existence of courts without human judges), even this task may no longer require human judges. The algorithm of justice will eventually enable the objective interpretation of law—a goal long sought by legal positivists—and, as a court of the future, will independently render judgments, subsuming the previously established facts under the applicable legal norm. All of this could occur automatically, utilizing electronic proceedings and official forms. Undoubtedly, the introduction of the algorithm of justice will, in the long term, diminish the role of judges, as well as of lawyers more broadly, as a social group (“princes of law”). They will no longer be necessary in the process of applying law.

Conclusion

It is beyond doubt that the introduction of an artificial intelligence system would eliminate judicial errors, thereby contributing to the harmonization of case-law by obtaining one right answer as a result of objective interpretation of law. The decision-making process of judges would become faster, more efficient, and more accurate. Among the advantages of introducing the algorithm of justice one must also highlight the improvement of judicial efficiency—namely, the expected reduction, or perhaps elimination, of excessive delays in proceedings, which currently constitute the greatest affliction of the Polish judiciary, undermining public confidence in judges and courts. After all, the right to have one’s case heard without undue delay is a constitutional right (Article 45[1] of the Constitution). Decisions made by artificial intelligence would be free from the errors inherent in the biological constitution of the human subject, such as fatigue, illness, or intuitive judgments unsupported by facts.³⁰ The use of artificial intelligence would therefore enhance the justice

²⁸ K. Grzesiowski, K. Mularski, *Jeszcze...*, KPP 2025, 3, p. 582.

²⁹ *Ibid.*

³⁰ A. Krakówka, *Znaczenie systemów sztucznej inteligencji oraz czynników pozaprawnych w procesie podejmowania decyzji w wymiarze sprawiedliwości. Wybrane zagadnienia wstępne* [The Significance of Artificial Intelligence Systems and Extra-Legal Factors in the Decision-Making Process in the Administration of Justice: Selected Introductory Issues], *‘Przegląd Sądowy’* [Court Review] 2025, 9, pp. 19–35.

of judicial outcomes.³¹ The algorithm would avoid unconscious biases (preferences) which—under ordinary judicial proceedings—frequently influence judges’ decisions. Of course, the development of artificial intelligence is not without disadvantages. The literature acknowledges risks connected with the creation and application of AI within judiciary.³² Yet these appear to be primarily technical matters: a “well-designed” algorithm should be able to avoid the biases or arbitrariness characteristic of human judges. Nevertheless, the use of the algorithm of justice would necessitate the implementation of appropriate legal procedures to guarantee respect for the rights of the parties to judicial proceedings. In circumstances where part of the judicial power is ultimately entrusted to artificial intelligence, it will be necessary to establish rules of oversight, transparency, and responsibility for AI. The development of artificial intelligence and its impact on the functioning of the judiciary can no longer be halted; the task is therefore to make prudent use of the (immense) opportunities that AI offers while simultaneously mitigating the risks that may arise in practice.

It is a fact that the algorithm of justice will be non-human, as it will be nothing more than artificial intelligence (a machine); yet, in a sense, it will also be superhuman, like Dworkin’s Judge Hercules. In my view, it could even become the most faithful ally of justice, for brutal impassivity (soullessness) is the best enemy of injustice—at least distributive injustice.³³ Operating according to strictly formalized rules, this algorithm would be a perfect embodiment of the principle of procedural formalism, which for decades has served as a safeguard of human rights.³⁴ Every form is, after all, the enemy of arbitrariness.³⁵ Since Montesquieu³⁶ already emphasized in the eighteenth century that judicial formalities are necessary to safeguard individual liberty, why should a formalized algorithm of justice not, in the twenty-first century, stand guard over human rights? Such a system could eliminate the arbitrariness of judicial decisions, guarantee the predictability of outcomes, and—most importantly—protect human rights regardless of the composition of any court. It must be acknowledged that Dworkin himself was skeptical about the possibility of constructing a suitable computer program, as he did not regard his

³¹ Such a pertinent conclusion in the context of arbitration is formulated by K. Flaga-Gieruszyńska, *Sztuczna inteligencja jako wsparcie dla arbitrażu – rzeczywistość czy iluzja?* [Artificial Intelligence as a Support for Arbitration: Reality or Illusion?], *‘Polski Proces Cywilny’* [Polish Civil Procedure] 2024, 3, pp. 456–475.

³² *Ibid.*

³³ K. Grzesiowski, K. Mularski, *Jeszcze...*, KPP 2025, 3, p. 582.

³⁴ K. Grzesiowski [in:] A. Góra-Błaszczkowska, P. Osowy (eds.), *System postępowania cywilnego. Orzeczenia sądowe* [The Civil Procedure System: Court Decisions], tom 4 [vol. 4], Warszawa 2025, p. 141.

³⁵ R. v. Ihering, *Geist des römischen Rechts auf den verschiedenen Stufen seiner Entwicklung*, Lipsk 1875, vol. 2, ep. 2, p. 471 (as cited [in:] W. Broniewicz, *Postępowanie cywilne w zarysie* [An Overview of Civil Proceedings], Warszawa 1996, p. 59).

³⁶ Ch. Montesquieu, *O duchu praw* [orig. *De l’esprit des loix*], trans. T. Boy-Żeleński, Warszawa 1957, vol. 2, p. 363 (as cited [in:] W. Broniewicz, *Postępowanie...*, p. 59).

theory as an “algorithm for courtroom proceedings.”³⁷ Yet it should also be noted that *Law’s Empire* predates the information revolution (its publication date is 1986). Were the book written today, who can say whether Dworkin himself might not have ultimately proposed the creation of an algorithm of justice modeled on Judge Hercules? Perhaps the true Empire of Law still lies ahead of us, to be born only when the interpretation of law is entrusted to that which knows neither anger nor hope—artificial intelligence.

Post Scriptum

In conclusion, allow me a brief digression arising from observations of legal activism in recent years. In my view, the role of lawyers in social life seems increasingly harmful, which all the more convinces me of the (historical) necessity of developing the algorithm of justice. Lawyers, taking advantage of the indispensability of their services, have appropriated the right to decide what is good and what is bad, despite the fact that – let me emphasize – they possess no moral predispositions that would distinguish them from other social groups. What is more, lawyers have begun to claim – an astonishing phenomenon indeed – that they themselves constitute the ultimate authority in defining the content of contemporary political philosophy (that is, what is or is not “lawful,” regardless of the literal content of the Constitution of the Republic of Poland and the state’s policy directions). Such claims are rarely formulated openly; more often, they are concealed under various masks – or, one might say, Gombrowicz faces – for instance, under the assertion that a particular political stance merely represents a “worldview-neutral interpretation of the Constitution,” or the result of applying an “objective” constitutional principle, or a “universally accepted” value derived from EU law. These assertions are advanced above all by so-called legal authorities – often self-proclaimed ones.³⁸ If such lawyers were to read works in the field of political theory, instead of focusing solely on the imagined “spirit of the law” (which, as far as I am aware, no one has yet encountered in real life), they would know that the fate of a self-proclaimed authority unsupported by real power is rarely enviable. And judicial outposts such as the CJEU or the ECtHR – to whose judgments these lawyers frequently refer, albeit only insofar as convenient to them at a given moment – cannot transform political and philosophical choices into objective truths merely by clothing them in

³⁷ R. Dworkin, *Imperium*..., p. 366.

³⁸ Cf. generally K. Mularski, M. Zajęcki, *Autorytet prawników z perspektywy filozofii analitycznej* [The Authority of Lawyers from the Perspective of Analytic Philosophy], *Prawo i Więź* [Law & Social Bonds] 2023, 4, pp. 111–168.

the language of legal argumentation. Let this reflection serve as yet another argument in favor of the algorithm of justice, which may become an effective tool for limiting the harmful role of lawyers in today's world.

Abstrakt

Artykuł analizuje koncepcję 'algorytmu sprawiedliwości' jako narzędzia umożliwiającego obiektywną wykładnię prawa i ochronę praw człowieka w postępowaniu sądowym. Odwołując się do teorii 'prawa jako integralności' Ronalda Dworkina oraz do ideału sędziego Herkulesa, autor uwypukla ograniczenia sędziów (ludzi), których interpretacje prawne mogą być kształtowane przez osobiste przekonania, wyznawane wartości, uprzedzenia lub kontekst społeczno-polityczny. W artykule zwraca się uwagę na ryzyko związane z aktywizmem sędziowskim oraz arbitralnością wykładni opartych na 'duchu prawa'. Proponowane rozwiązanie zakłada wykorzystanie sztucznej inteligencji do mechanizacji procesów wykładni prawa przez stworzenie bezstronnego 'algorytmu sprawiedliwości'.

Słowa kluczowe: Dworkin, sędzia Herkules, algorytm sprawiedliwości, wykładnia prawa.

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