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Abstract:

This article contributes to the ongoing debate on whether *compensatio lucri cum damno* is a part of Polish private law, and, if so, what its legal foundation and practical implications might be. It argues that *compensatio* does not constitute a component of Polish private law. There are insufficient grounds for its application, particularly since the prevailing interpretation of the differential method for determining the existence and extent of pecuniary loss does not provide such a basis. The authors contend that *compensatio* may only apply to benefits received by the injured party under public law provisions as a result of the harm suffered. In the course of examining *compensatio*, the article also refines the understanding of the differential method for assessing pecuniary damage. Furthermore, it is argued that eliminating *compensatio* would simplify the application of law and, ultimately, contribute to transformation of contemporary legal doctrine into an interpretive algorithm that would render traditional legal scholarship largely redundant.