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The Question of External Integration of Jurisprudence in the Context of its Political Character

Abstract
The paper analyzes methodological determinants of jurisprudence, indicating several problems in the process of its integration with other sciences; the complex internal structure of jurisprudence and difficulty in meeting the requirements of the general-methodological naturalistic paradigm are considered sources of problems. According to the author, it is more appropriate to define integration as seeking links between theory of law and theories of related disciplines, which is the easiest in respect of political sciences and sociology (postulate of the political character of the law and the science of law). This is because of similar methodological determinants and commonly analyzed phenomena, as well as shared contemporary challenges. The author considers the process of mere transposition of methods and/or concepts developed in other disciplines to be an overly simplified vision of external integration.

1. Introduction

The paper discusses the question of external integration of jurisprudence in the context of its political character. Such an approach is a consequence of advancing the following postulate: the external integration of jurisprudence is executed to its fullest through taking social determinants of the law into account, where it is impossible to separate the law from its political context. The direction of external integration involving the cognitive or decisive approach, taken by Polish jurisprudence more than a decade ago, cannot definitively be called a "dead end"; however, it may require a correction due to contemporary social processes, of which the most important are the phenomena at the "point of convergence" between law and politics. An attempt to develop a program for the external integration of jurisprudence perceived as a naturalistic phenomenon (typical of non-positivist philosophies of the law) and separated from social-political inclinations must be made, with the reservation that the phenomenon which the research approach described above is trying to describe does not cover the entirety of the law as the subject matter under study.

It should be obvious to everyone that the remark about general sciences in jurisprudence losing interest in the political character of the law is untrue[1]. For sure, this political character has ceased to be perceived as it was in the period of development of the political trend of research in the Polish sociology of the law, i.e. at the turn of 1950s and 1960s[2]. Current social and political changes that can be observed both in Poland and elsewhere seem to cause various methodological problems, since legal practitioners are beginning to lose the set of notions which is necessary to explain emerging phenomena concerning the law. As a result, we are not only witnesses of a paradigm redefinition, but also of the emergence of new social phenomena at the "point of convergence" between law and politics. At the same time, the science of law (leaving aside attempts to explain its status) is faced with at least two new goals. At this point, I would like to make a preliminary remark that I am refraining from any evaluation of the above-mentioned paradigm shift; it often happens that legal practitioners judge these (using harsh words), justifying their assessments on

1 Cf. e.g. A. Bator, P. Kaczmarek (ed.), *Polityczność nauki prawa i praktyki prawniczej*, Wrocław 2017, passim.; M. Paździora, M. Stambulski, *Co może dać nauce prawa polityczność? Przyczynek do przyszłych badań*, „Archiwum Filozofii Prawa i Filozofii Społecznej" 2014, no. 1, passim, A. Sulikowski, *Trybunał Konstytucyjny a polityczność. O konsekwencjach upadku pewnego mitu*, "Państwo i Prawo" 2016, no. 4, passim.

2 Which was the case at the onset of the movement of multidimensional research on law when it was equated to external integration of the theory of law. Cf. K. Opałek, *Problemy metodologiczne nauki prawa*, Warszawa 1962, p. 109.

the grounds of obligation and timing[3]. Coming back to the goals, we can say that the first one is related to the necessity to formulate a theory, or at least its general assumptions, for an observed phenomenon. The process involves developing descriptive and explanatory propositions, but not the evaluative-normative ones, unless these are formulated from the perspective of a given system of ethics which allows for making evaluations. So there is a need to explain the rapprochement between law and politics, regardless of any judgements. The second goal stems directly from the first one, i.e. it involves finding and defining a new language, or at least an array of notions, which is appropriate for formulating a description. There are observations (of a rather disapproving nature) that existing notions of the theory of law may be inadequate to achieve this[4]. Ultimately, it makes little difference how we assess a phenomenon, unless observation of a given fact is relevant, which further entails the need to describe and explain it (hence developing a theory), and possibly establishing an adequate set of notions.

2. Selected Methodological Determinants of Jurisprudence Integration

At the beginning, I would like to make a general remark that the notion of integration of a given scientific discipline must be understood as the need to combine the discipline with another one. In the case of jurisprudence, the above definition influences certain basic assumptions.

First of all, any integrated "item" must have the status of a science, and not merely a so-called academic discipline which is listed in academic standards. This first condition is usually based around two requirements: (1) having own subject of research (phenomena for analysis) and (2) an autonomous research method (alternatively adapted from another science for use). Only these two assumptions allow us to acknowledge that a listed academic discipline has the status of a science and can be integrated[5].

The second condition is related to the determinants of integration, which is currently defined as an inevitable unification processes across the entire

3 Cf. e.g. J. Zajadło, *Pojęcie 'imposybilizm prawny' a polityczność prawa i prawoznawstwa*, "*Państwo i Prawo*" 2017, no. 3, passim; J. Zajadło, *Banał formuły dura lex sed lex*, "Palestra" 2019, no. 5, pp. 11–12.

4 Cf. J. Zajadło, *Fałszywość hasła 'demokracja a nie sędziokracja' – analiza filozoficzno-prawna*, "*Krajowa Rada Sądownictwa*" 2017, no. 3, p. 5 et seq.

5 Cf. H. Izdebski, *Ile jest nauki w nauce?*, Warszawa 2018, p. 27 et seq.; also cf. the topic on defining academic disciplines in: S. Kamiński, *Pojęcie nauki i klasyfikacja nauk*, Lublin 1961, passim.

science[6]. This trend is a kind of response to contemporary challenges which stem from the structure of general theories and detailed ones derived from them. So general theories must be characterized by generativity, i.e. be non-esoteric but allow for deducing statements which describe and explain variables encompassed by its subject of study, and ultimately make it possible to develop detailed theories. What I mean is a research program which allows for a comprehensive description and explanation of phenomena of polymorphic nature, which is particularly the case for natural and exact sciences. A good example of this trend is cognitive science (being of interest to legal practitioners as well) which, in the most general terms, blends subjects of study of many other sciences and adopts their research methods to understand (develop a model of) the human mind[7].

In the context of jurisprudence, the second condition involves the necessity to distinguish between so-called "internal" and "external" integration[8]. The concept of external integration is a response to requirements and needs linked to the unification process, whereas internal integration primarily serves the purpose of normative integration. It is all about developing mutually non-exclusive directive statements in the course of researchers' activities, where these are aimed at integrating (primarily) detailed sciences (doctrinal ones) with the support of general (theory and philosophy) and historical sciences in jurisprudence. It can be stated (with a bit of oversimplification) that the result of internal integration should be the participation in the development of a legal system through "ensuring communication and cooperation between individual sciences in the domain of the law"[9]. For this reason, a legal system is not the result of legisla-

6 Also manifested as the science uniformity postulate. Cf. J. Dadaczyński, *Georg Cantor i idea jedności nauki*, "Zagadnienia Filozoficzne w nauce" 2009, no. XLIV, p. 84 et seq.

7 Cf. W. Duch, *Czym jest kognitywistyka*, "Kognitywistyka i Media w Edukacji" 1998, no. 1, p. 9 et seq. M. Miłkowski remarked that "cognitive science […] is an interdisciplinary blend of psychology, linguistics, computer science, robotics, anthropology, philosophy, neuroscience, etiology, cybernetics." Quotation from M. Miłkowski, *Wyjaśnianie w kognitywistyce*, „Przegląd Filozoficzny – Nowa Seria" 2013, no. 2, p. 151. Cognitive science is also defined as a general theory of mind and cognition which is contrasted with epistemology, a discipline of philosophy, considered to be of speculative nature (which is vital in the context of this paper). A. Chmielecki, *Konceptualne podstawy kognitywistyki – krytyka i propozycje własne* [in:] http://www.kognitywistyka.net/artykuly/ach-kpk.pdf [access: 23.07.2019], p. 1 etg seq. Criticism of such type of relationship between cognitive science and philosophical epistemology: W. Załuski, *Nauki kognitywne a filozofia prawa* [in:] M. Zirk-Sadowski, B. Wojciechowski, T. Bekrycht (ed.), *Integracja zewnętrzna i wewnętrzna nauk prawnych,* part 1, Łódź 2014, pp. 175–176.

8 Cf. K. Opałek, *Problemy 'wewnętrznej' i 'zewnętrznej' integracji nauk prawnych*, „Krakowskie Studia Prawnicze" 1968, no. 1–2, passim.

9 Quotation from P. Jabłoński, *Polskie spory o rolę filozofii w teorii prawa*, Wrocław 2014, p. 132.

tive bodies' actions and, in the context of the continental legal culture, executive bodies' limited participation[10]. At the same time, the assumption of jurisprudence being a blend of individual juridical disciplines might be obvious to a legal practitioner but not to a researcher from a different domain. Here I must stress that general and detailed sciences make use of the same subject of research (yet the level and type are varied for individual disciplines and usually limited to a given field of law) and an identical research method, which is considered the dominant and fundamental one. In the case of jurisprudence, it is analytic philosophy focused on linguistic research on normative texts, where the status of belonging to the catalogue of sources of law is of utmost importance. Currently, as a part of studies on the practice of legal transactions, a lot of research is carried out on the quasi-legislative activity of individuals; this trend, among other things, deals with processes called "decodification of the law" and/or the emergence of so-called innominate contracts[11]. On the other hand, the opposite trend involves public law impacting private relations and appropriating the autonomous, private space of individuals. This is achieved through processes defined as juridicisation of social relations or expansion of public law[12].

To conclude, the internal integration of jurisprudence is about conducting analyses across particular juridical disciplines[13]. Underestimating this type of studies seems inappropriate at a minimum, since these are apparently a manifestation of the classic research activities of a legal practitioner. A kind of replacement of internal integration efforts with activities aimed at external integration is particularly undesirable in the context of juridical studies. Internal integration is more about matching the needs of the law perceived as a normative order, i.e. a set of (theoretically) non-exclusive normative statements of related content which can be characterized by certain features. In the case of law, these features are perfectly known as the results of legislative activities of certain types of subjects which are conveyed in some way. Consequently, in order to convey the statements, there must be a communication channel and a class of recipients. Of course, these are basic assumptions but, at the same time, they constitute a ground for seeking connections between the law (understood as science) and other social sciences, especially ones dealing

10 Cf. J. Wróblewski, *Obowiązywanie systemowe i granice dogmatycznego podejścia do systemu prawa* [in:] *Jerzy Wróblewski, Pisma wybrane* (choice of papers and introduction by M. Zirk-Sadowski), Warszawa 2015, p. 250 et seq.

11 Cf. *Dekodyfikacja prawa prywatnego*, F. Logchamps de Berier (ed.), Warszawa 2017, passim.

12 Cf. G. Skąpska, *Prawo a dynamika społecznych przemian*, Kraków 1991, p. 6.

13 Cf. A. Bator, *Integracja prawoznawstwa a rozumienie kompetencji w szczegółowych naukach prawnych* [in:] W. Jedlecka (ed.), *Z zagadnień teorii i flozofii prawa. Kompetencja ze stanowiska teorii i flozofii prawa*, Wrocław 2004, pp. 21–22.

with the state and politics. This confirms that the postulate of an unbreakable link between the law and politics is valid: at least in this domain and as a result of a certain need. It can be observed that while the contemporary, cognitive science-oriented, naturalistic approach to the law seeks relations between symptoms of normativity in human biological determinants (including evolution-related), the positivist trend has always rejected all axiological evaluations and makes do with the conclusion that the question of primacy of the law over politics in a purely functional dimension is senseless; that is because one cannot essentially exist without the other in the social dimension and, consequently, in the empirical dimension. As a matter of fact, any positivist research program must refer to something that is perceptible, real, measurable[14]. Consequently, the relation between law and human political activities (defined as striving for goals according to adopted criteria and in the course of governance) must be chosen as the subject of analysis, even with all the evaluations intact[15]. In the case of research programs, reflections on the primary and the secondary (i.e. law or politics) are nearly absent from the field of analysis, absolving the scholar of the necessity to answer the question.

J. Stelmach neatly summarizes the issue in saying that "the myth around the foundation of the 19th century positivist philosophy [...]" comes down to "a quest for 'a method allowing for building a truly scientific theory of the law which is free from metaphysics and is able to produce verifiable statements'"[16]. It is the speculativeness of research results that we should symbolically consider the embodiment of the problem indicated by A. Bator, Z. Pulka, A. Sulikowski, and others[17]. The

14 Z. Pulka vividly states that "legal positivism is largely a meta-scientific trend and can be *per se* considered as a certain concept of the legal science." Quotation from Z. Pulka, *Legitymizacja państwa w prawoznawstwie*, Wrocław 1996, p. 103.

15 Cf. J. Szczepański, *Dyscyplina nauk o polityce. Status teoretyczny i prawny*, "Społeczeństwo i Polityka" 2013, no. 2, pp. 135–136.

16 Quotation from J. Stelmach, *Spór o metodę we współczesnej nauce ogólnej o prawie* [in:] *Prawo i polityka*, Warszawa 1988, p. 283 after: A. Bator, Z. Pulka, A. Sulikowski, *Czy koniec teorii prawa?*, "Acta Universitatis Wratislaviensis, Prawo" 2011, no. CCCXII, p. 13.

17 The authors consider "'the legal method' as a weapon in the fight against the postulate of randomness and intuitive nature of reflection in the science of the law" (quotation from and cf. A. Bator, Z. Pulka, A. Sulikowski, *Czy koniec...*, p. 13), referring to, among other things, a famous speech by "Kirchmann, a prosecutor from Berlin, who in 1848 possibly delivered his most famous speech for the prosecution. In his lecture entitled *Die Wertlosigkeit der Jurisprudenz als Wissenschaft*, not only did he critically evaluate the development of jurisprudence, but also stated that knowledge of legal practitioners is utterly useless or even 'parasitic,' saying, among other things, that 'legal practitioners have become worms preying on rotten wood, turning their backs on what's healthy. They nest and spin their thread in a sick world, and the science of the law is becoming a servant of coincidence, error, passion, and misconception, with its eyes stared into the future only'" (J. Stelmach). Quotation from J. Stelmach, *Pozytywistyczne mity metody prawniczej*, "Forum Prawnicze" 2012, no. 3, p. 7.

remedy for this was the process of developing a research methodology which we can call "an escape into empiricism" and contrast with "an escape into text"[18]. At first, there were attempts to establish a philosophical image of law as a science with a method which allows for delivering consistent results of intellectual operations performed on the subject of research, i.e. a legal text. This trend was further elaborated with various objective theories of semantics (currently referred to as dynamic ones)[19], which were to help meet the above-mentioned condition. In the end, the effects of the program turned out to be unsatisfactory, and the resulting disillusionment has been observable ever since. The strongest argument against the program was that the phenomenon of law was limited to the linguistic aspect only, which is targeted at the text of a normative act[20]. Even in case of the continental legal culture, which highlights the key role of textual sources of the law, supporters of the research program were targeted for criticism due to the significant limitation of the subject of research. We can conclude that it is a kind of limitation of the phenomenon of law to the aspect which is important from the perspective of practice but cannot explain the law in its entirety. Actions aimed at counteracting this state usually take two forms.

The first form can be summarized as ignoring the problem; in other words, it is a further escape into the directivity of a given concept of statutory interpretation, where this concept is to be granted to interpreters in a top-down fashion by a centralized entity. This presents a basic problem of the necessity to adopt the assumptions of this theory and to act according to its prescriptions in a "step-by-step" fashion by interpreters (this is because the research method is perceived as a conventional activity which allows for delivering the same results in comparable circumstances). This approach also involves the adoption of the theory of meaning from the science of logic, which is to ensure external integration of the theory of statutory interpretation. The persons impacted by this approach are completely beyond the scope of its creator's interest. Methodical adequacy in constructing a set of statements as well as locating statutory interpretation in a concept of meaning, philosophy of language, etc. are the most important; the role of the statements is to ensure consistency of interpretative activities concerning the text of a normative act[21]. All of this creates a paradox. Noticing the dissonance between the formula of creating a method for use in the legal field

18 Cf. A. Kozak, *Kulturowy fundament decyzji interpretacyjnej* [in:] A. Sulikowski (ed.), *Z zagadnień teorii i filozofii prawa. W poszukiwaniu podstaw prawa*, Wrocław 2006, p. 34.

19 Cf. E. Waśkowski, *Teoria wykładni prawa cywilnego*, Warszawa 1936, p. 15.

20 S. Ehrlich criticized this approach, calling it "an isolated doctrine." Cf. S. Ehrlich, *Dogmatyka prawa a metoda porównawcza* [in:] S. Ehrlich (ed.), *Studia z teorii prawa*, Warszawa 1965, p. 24.

21 Cf. e.g. M. Matczak, *Imperium tekstu. Prawo jako postulowanie i urzeczywistnianie świata możliwego*, Warszawa 2019, p. 17 et seq.

with the use of a given theory of statutory interpretation and needs of its real addressees, i.e. interpreters of various types (usually but not necessarily judges only; we speak of people who professionally deal with the law and, consequently, take part in processes of operative and/or doctrinal statutory interpretation), involves an attempt to soften the scale of directivity of the theory; as a result, we lose its fundamental effectiveness as a tool for delivering (theoretically) consistent semantics based on the same fragment of a legal text. Consequently, we devalue the basic condition of such a theory as a scientific method.

The opposite approach is represented by concepts categorized as discursive-sociological ones. For the sake of this paper, it is not necessary to discuss them in detail. The concepts come down to either rejecting the postulate of the primary status of legal interpretation as a research method which offers a "scientific" method to jurisprudence, thereby accepting the fundamental role of the justification context instead of the discovery context[22], or highlighting the necessity to examine real interpretation practice. So, in respect of the latter meaning, the concepts are of an empirical nature. The process of intellectual operations leading to developing a semantics appears to be either of lesser interest to jurisprudence or impossible to be scientifically understood. Sociological concepts are sometimes defined as theories of statutory interpretation which are developed based on analyzing the practical actions of a class of interpreters (so-called bottom-up approach or bottom-up developed theories of statutory interpretation[23]). It is suggested they may transform into directive concepts and satisfy the need of consistency of interpretation results if a developed image of practical actions becomes widespread among a given group of interpreters. However, the above assumption involves a lot of imponderables. First of all, the concepts do not highlight the role of interpretation as a method meeting the positivist criterion of counteracting the speculativeness of results. Instead, they stress the process of developing a theory itself which focuses on the question of organizing an empirical research process addressing the need of representativeness of results derived from observations of interpretation activities. The resulting flaw is related to the impossibility of separating the sphere of interpretation (obtaining meaning) from the process of its justification (argumentation). As a result, both phenomena of law are considered a joint subject of research and interpretation theories of this type are defined as empirical theories of argumentation. It is theoretically a broad research program which radically shifts emphasis from an

22 Cf. J. Holocher, *Kontekst odkrycia i kontekst uzasadnienia w świetle topicznej koncepcji prawa*, „Studia Prawno-Ekonomiczne" 2009, no. LXXX, passim.

23 This can be compared to "a clash" of social processes which are categorized as "top-down" and "bottom-up." Cf. J. Helios, W. Jedlecka, *Wykładnia prawa Unii Europejskiej ze stanowiska teorii prawa*, Wrocław 2018, p. 56.

evaluation of what is to determine the subject and the research method of jurisprudence. These roles are attributed to the methodological process itself, which is located at the metatheoretical level. The above assumptions are of course disputable, but, to a certain degree, solve the problems of lack of objectivity of research in the jurisprudence field which are rooted in the "escape into text" concept (unless we are speaking of statistical-linguistic research on the structure of normative acts, their editing, etc.)[24].

With the passage of time, analytic philosophy started to be contrasted with the concept of empirical jurisprudence which can be summarized as "an escape into empiricism." It is a broad research trend which, e.g., in the English-speaking world, led to the creation of the philosophy of legal realism, whereas in the culture of statutory law, an important trend in the area of external integration. The trend attempts to extensively absorb theoretical approaches from different sciences which allow for overcoming the shortage of verifiable (i.e. empirically verifying) scientific methods into the theory of law. It also refers to the principles of 19th century science and tends to favor the naturalistic paradigm of conducting scientific research. Jurisprudence should be considered a science only if it meets the basic postulate of scientific cognition which "is of an empirical nature, i.e. cannot do without experience"[25]. The external integration trend must have been dominated by concepts based on empiricism or at least strongly connected to it. At this point, it is necessary to highlight a fundamental aspect: unification involves theories, and not the sciences encompassing the theories. Law does not integrate with e.g. sociology, but with certain sociological theories that appear suitable. The mere use of the word "law" is a kind of mental shortcut, since integration does not involve jurisprudence as an entirety, but the general sciences in jurisprudence[26]. The problem of integration trend is concerned with the problem of level of their occurrence.

24 Cf. e.g. A. Malinowski, *Polski język prawny. Wybrane zagadnienia*, Warszawa 2006, passim.

25 Quotation from A. Grobler, *Metodologia nauk*, Kraków 2006, p. 23.

26 P. Jabłoński notes that "the external integration of jurisprudence […] was, first of all, the question of theory of the law". Quotation from P. Jabłoński, *Polskie spory o rolę filozofii…*, p. 131.

3. Problems of the External Integration of Jurisprudence

Analysis of the process of external integration from the methodological perspective faces several fundamental problems. As already noted, theories of a certain type which are dominant in a given science or which pertain to a given aspect are the subject of integration.

The first question which needs to be addressed concerns the level of integration. It is about jurisprudence, which encompasses a general theory of jurisprudence (usually linked to the theory of law) and detailed theories called doctrines. Naturally, this poses a problem whether we are speaking of a doctrine *per se* or a theory of doctrine; however, for the sake of the present discussion, we may leave this question open. Anyway, the problem of integration level type comes down to the question of whether we can discuss integration of jurisprudence with a given theory used in a different science at the level of a theory of a doctrine. The secondary problem involves answering the question of whether this process can take place without taking the general sciences in jurisprudence into account. In this context, I would like to ignore the status of the philosophy of law, which is subjected to various evaluations[27]. The discipline is categorized as belonging to the legal domain, but also – which I personally consider more appropriate – as a subdiscipline of philosophy[28]. The latter approach leaves jurisprudence with two general sciences: theory of jurisprudence and methodology of jurisprudence. As a result, jurisprudence is deprived of a speculative element and an element which is dependent on axiological views; thanks to that, jurisprudence can aspire to the status of a fully-fledged science, removing the argument concerning nonobjectivisms prone to axiological evaluation of philosophical analyses from the array of accusations against the scientific character of jurisprudence[29]. If the philosophy of law were recognized as a discipline in the field of philosophy, rather than law, the theory of law would achieve the status of a general science in jurisprudence, following the example of the positivist research paradigm; this would allow legal practitioners to have – just like their colleagues from other fields, e.g. natural sciences – a basic uniform set of notions and adopted positions regarding the description and explanation of fundamental notions in the law which are still questioned by the modern science of law with a history stretching back nearly two centuries. As noted by J. Stelmach, it is

27 Cf. T. Stawecki, *Filozofa prawa a teoria prawa: spór nierozstrzygalny czy pozorny?*, "Studia Iuridica" 2006, no. 45, passim.

28 Cf. *Filozofia prawa a teoria prawa* [in:] A. Bator, J. Zajadło, M. Zirk-Sadowski (ed.), *Wielka Encyklopedia Prawa*, Vol. VII, *Teoria i filozofia prawa*, Warszawa 2016, p. 160.

29 This approach can include postulates suggesting the necessity for identifying general juristic theory of the law and metatheory of the law as theory of legal sciences. Cf. A. Grabowski, *Prawnicze pojęcie obowiązywania prawa stanowionego*, Kraków 2009, p. 26.

all about the fundamental questions in jurisprudence, such as the essence of the phenomenon of law, and methods for examination of it[30].

Of course, there are no methodological reasons why this integration should not be performed at the level of doctrines (with general sciences disregarded). However, it is advisable to develop a general theory of a given doctrine first. On the other hand, it seems that this level of legal sciences is dominated by the practice of multiplying research questions and problems, which is not helpful at all; what is more, it prevents the development of uniform theories[31]. And the development of e.g. a detailed theory of statutory interpretation which takes the specifics of a given branch of the law into account, and which is not created by legal theoreticians but by practitioners of doctrine, is naturally possible. If such a theory (e.g. of statutory interpretation focused on the specifics of a selected branch of the law) adapted a semantic theory originating from beyond the legal field, this would be an example of integration, provided the doctrine of the adapted theory contributes something new. At this point, it is also worth noting that practitioners of doctrine have attempted (possibly unintentionally) to develop theories of statutory interpretation with an integrative approach; however, the integration was of an internal character and came down to transposing achievements of the theory of law and adapting it to legal doctrine[32]. This also provides a basis for recognizing such research programs as having significant explanatory potential in terms of actual interpretation practice, provided we assume a practitioner of doctrine is "closer" to practice than a researcher from the field of general sciences in jurisprudence, which, of course, is not always the case. It seems that practitioners of doctrine have so far accomplished the external integration concept via adapting chosen research methods targeted at empirical analyses of individual problems which are encompassed by their subject (regardless of whether we consider it integration or not, but this will be discussed in a moment). However, this is only

30 The author notes that "after 200 years of discussions and disputes we (philosophers and legal theoreticians) have not managed to reach an agreement on any of the fundamental questions, e.g. the notion of the law, its enforceability, legal system, or legal method." Quotation from J. Stelmach, *Dyskrecjonalność sędziowska w pozytywistycznych i niepozytywistycznych koncepcjach prawa* [in:] W. Staśkiewicz, T. Stawecki (ed.), *Dyskrecjonalność w prawie*, Warszawa 2010, p. 53.

31 The problem of integration of theories from different branches of science was addressed by M. Miłkowski during 2016 Convention of the Polish Cognitive Science Association in his lecture entitled: *Strategie unifikacji w kognitywistyce – wykład z metodologii kognitywistyki*. Also cf. M. Miłkowski, *Wyjaśnianie…*, pp. 155–156 and 163.

32 Cf. e.g. J. Wyrembak, *Zasadnicza wykładnia znamion przestępstw. Pozycja metody językowej oraz rezultaty jej użycia*, Warszawa 2009, passim, and S. Żółtek, *Znaczenia normatywne ustawowych znamion czynu zabronionego. Z zagadnień semantycznej strony zakazu karnego*, Warszawa 2017, passim.

a small contribution to developing a theory located at the level of detailed science in jurisprudence that integrates with a specific external theory.

Another question concerns understanding of the notion of integration itself. In respect of legal science, methodological processes targeted at "external" integrating actions have so far acted as a kind of "Leviathan," swallowing up selected methods developed in other sciences for the purposes of dealing with particular issues of description and explanation of specific phenomena which are in the scope of its (normative or empirical) interest[33]. Can such a process be considered an integration? This aspect is indeed worth highlighting, since, when taking a rigorous stance, rather than integration, it constitutes an adaptation of a "foreign" methodology for the purposes of reducing the methodological deficit of the "native" science. Adopting the above criterion for what can be considered an integration of sciences, one would need to state that, in the specific context of jurisprudence, real external integration is considerably hindered or limited to questions characteristic of political science, since a sole absorption of a method or a concept into the theory of law (or a doctrine) cannot be regarded as an example of integration. The statement that if a given concept, e.g. the theory of meaning from linguistics, is, symbolically speaking, "transplanted" into legal science, we can therefore speak about a limited scientific integration, is obvious. First of all, integration is about progress in both disciplines (and not only one of them) resulting from the formulated postulates: development of superior (common) theories, "research coordination," and "striving for interdisciplinary work"[34]. Integration is intended to bring certain added value to that which is being integrated. Otherwise, one can only speak about transposition of a theory and/or research method. At this point, an observation made by M. Miłkowski should be mentioned: he claims that integration of a theory for sciences with completely different subjects of research is impossible[35]. One simply cannot integrate e.g. legal proxemics with Einstein's theory of relativity[36]. In respect of jurisprudence,

33 Linking the postulate of external integration of legal science to the so-called multidimensional approach to the phenomenon of law is a fundamental methodological paradigm defined by K. Opałek and J. Wróblewski. The mere absorption of a method from another science, e.g. logic, in a normative (logical-linguistic) research layer was sufficient for scholars to claim the condition of integration is fulfilled. No one imposed the restriction of the necessity to create or develop a theory in the context of the science from which one absorbs a method. This is because law could not lose its autonomy, which is a precondition of independence of jurisprudence as a science. Cf. K. Opałek, J. Wróblewski, *Zagadnienia teorii prawa*, Warszawa 1969, p. 339.

34 Cf. and quotation from P. Jabłoński, *Polskie spory o rolę filozofii…*, p. 135.

35 Cf. M. Miłkowski, *Wyjaśnianie…*, p. 156.

36 Cf. R. Tokarczyk, *Proksemika ogólna jako podstawa proksemiki sądowej i proksemiki prawniczej*, „Annales Universitatis Mariae Curie-Skłodowska. Sectio G. Ius" 2009/2010, no. 56/57, passim.

it is about defining borders of normativity as the subject of analysis. Multiplication of layers of legal research is similar to a mechanism that was criticized by A. Newell[37]. In this context, it becomes necessary to accept that multiplying an array of aspects of the phenomenon of law in theory without seeking relations between them is improper. This follows with another assumption that the mainstream trend of real (and not ostensible) integration targeted at, to use a broad term, political-sociological cooperation, results from the very nature of legal science as a social science; this is obvious, and it must be so.

It is important to note that the above assumption results from the methodological determinants of jurisprudence, and not an assumed conviction about the essence and/or axiology of the phenomenon of law. Also, it is worth noting that in respect of major philosophies of law, ontological-legal statements have not usually been preceded with empirical studies, but resulted from intuition about the essence of the phenomenon of law. This also means that the maximum fulfilment of fundamental methodological criteria in the case of the integrative approach in legal science can be achieved when targeted at political science and sociology; this is because the normativity of the subject of research is at odds with the areas of analysis which involve manifestations of naturalistic determinants of the phenomenon of law; these manifestations explain the determinants from the perspective of natural science rather than being a subject of interest to a legal practitioner who usually does not have appropriate methodological knowledge. This can be observed when research aimed at defining a biological basis for the normativity of human behavior is criticized because it does not involve juristic analyses, but appears relevant to other branches of science. In fact, there is nothing about integration here. But most importantly, a very big "what if" can be asked about the essence of integration: what can jurisprudence bring to theories from the natural sciences which are supposed to be integrated with the law?

It all comes down to answering the question of how broad the understanding of the scope of external integration of jurisprudence should be, i.e. the aspect of intensionality or extensionality which is discussed in the literature[38]. Without defining integration criteria, the idea becomes attractive from the "marketing" point of view (grant applications, academic reputation, generally perceived

37 In his book from 1973, A. Newell gives examples of psychological experiments which collectively do not allow for development of a general theory. The book is taken as an example of thoughtless integration of science. Cf. A. Newell, *You Can't Play 20 Questions with Nature and Win: Projective Comments on the Papers of this Symposium*, Pittsburgh 1973, passim; https://pdfs.semanticscholar.org/85a0/96908670cd83cacfdede9e11f2df2dc41c9b.pdf [access: 26.07.2019].

38 Cf. M. Zirk-Sadowski, *Metodologie teorii prawa a problem polityczności prawoznawstwa. Aspekt behawioralny i intensjonalny*, "Acta Universitatis Wratislaviensis, Przegląd Prawa i Administracji" 2017, no. CX, pp. 55–56.

interdisciplinarity) but, at the same time, blurs the notion, treating it often as the previously mentioned simple "transplantation" of methods from other sciences into jurisprudence. This sometimes leads to an intuitive understanding of integration, where e.g. the simple use of quantitative analyses to prepare a fragmentary description of legal phenomena is considered an example of integration (statistics are quite often used for the description of certain regularities in applying institutions in the law). Does this justify the conclusion that the theory of law integrates with statistics? Of course not.

The problem becomes a fundamental one if we evaluate it in the context of methodological requirements of integration. It is related to reduction and unity of science for obvious reasons[39]. That is because it defines the scale of integration and the appropriate methodology for completing the above mentioned processes. In the context of the external integration of jurisprudence, it must be stated explicitly that not every use of a "foreign" theory or methodology which is not considered 100% legal is, in itself, an example of external integration. This seemingly obvious fact needs to be highlighted, since, as it seems, examples of integration activities, however attractive they appear to be from the cognitive point of view, without deeper methodological reflection not only blur the notion of integration, but also do not support the basic assumption of real activities unifying the theory of law with an external theory, where this assumption involved providing jurisprudence with quality to make its "scientific knowledge be a result of using a specific scientific method to explain phenomena"[40].

General methodology is familiar with the problems we have previously mentioned of transposing a method, being an example of flawed integration, and developing a joint theory of a given phenomenon. It needs to be stressed that the literature mentions the advantages and disadvantages of both approaches, even if the mere transposition of a method in a such simple way as presented in the preceding paragraph cannot, of course, be called integration at all. From time to time, authors make the observation that unification of sciences can occur in two ways: via complete integration (of structures) or solely through elementary reduction[41]. In the context of legal science, there is actually a problem of defining the notion of external integration and real needs of legal science. Integrativeness understood as unification of structures requires a total link between two sciences, or at least their general theories. In other words, in practice, both e.g. a sociological practitioner and legal practitioner must unify general theory (or chosen detailed theories) for the sake of a common description and explanation of a specific subject of research.

39 Cf. A. Grobler, *Metodologia…*, pp. 196–203.

40 Quotation from M. Zirk-Sadowski, *Metodologie…*, p. 52.

41 Cf. D. Dank, *Richer than reduction*, p. 2 et seq.

Only then do we obtain an example of external integration of jurisprudence. As already highlighted, this requires a combination of the structures of both sciences, which, in the case of jurisprudence, most often comes down to integration of mere theory of law with a theory from a different science. The second question involves integration of jurisprudence with a different science. Again, in this case, if we stick to the same definition, integration is only possible with regard to the theory of law and political science (especially, as noted by M. Zirk-Sadowski, in the case of the intensional mode of integration, "the theory of law often resembles political argumentation"[42]). In the case of the applied sciences, the theory of law finds it difficult to present confirmatory links between theories, which results in a state of "terribility" of theory obtained in this way[43]. Normativism in the field of jurisprudence is a different manifestation of normativity as understood in natural sciences. First of all, it uses the already mentioned experimental method and is focused on explaining an empirical problem; on the other hand, normativity in jurisprudence comes down to obtaining a semantics which is in conformity with other semantics of the legal order, where this order is understood as a certain set of specific statements; additionally, the whole process is hedged around a number of notions which are characteristic of legal discourse, such as legal reasonings, axiological standards, principles of equity, and legacy meanings. The theory of law cannot transform into a theory explaining the phenomenon of law from the naturalistic point of view only, since it stops being a legal theory which is attractive to doctrines. This can be further elaborated with the statement that the theory of law then becomes "pushed" beyond the scope of legal science (this remark can also be directed towards applying the theory of law as logic of law, usually "in the form of deontic logic"[44]). It has been assumed that the theory of law is primarily a theory of a normative rather than empirical phenomenon. This has resulted in the great interest in language in the context of the legal science in the continental legal culture.

As I have already mentioned, the second trend is called elementary unification, i.e. reductionism; according to it, the ability to partially make use of the mutual achievements of certain sciences is an example of integration. Reductionism is about making use of an element of a theory from a different science in the field of jurisprudence. At the same time, it seems the elementary unification strives for the result of such activity rather than a research method in itself

42 Quotation from M. Zirk-Sadowski, *Metodologie…*, p. 56.

43 Cf. I. Votsis, *Unification: Not Just a Thing of Beauty*, "THEORIA. An International Journal for Theory, History and Foundations of Science" 2015, no. 30, http://dx.doi.org/10.1387/theoria.12695, https://www.academia.edu/31765691/Unification_Not_Just_a_Thing_of_Beauty [access: 26.07.2019], pp. 97–114.

44 Quotation from and cf. M. Zirk-Sadowski, *Metodologie…*, pp. 55–56.

in order to avoid being caught in the previously mentioned trap of "terribility"[45]. Processes of application the law or behaviors of the parties of a trial are not explained via integrating appropriate juristic theories with e.g. chosen theories of temperament (psychology). Possibly, this could bring interesting observations on mutual co-variability, e.g. between the number of appeals which are taken into consideration by the court, brought by a professional attorney, and their type of temperament (sanguine, choleric, melancholic, and phlegmatic). The above research is viable. However, what does it mean to the mutual integration of the theory of law and the theory of temperament in psychology? Would not such a theory be "terrible"?

4. The Political Character of External Integration of Jurisprudence

Upon reading the literature, it can be observed that the phenomenon of external integration of jurisprudence emerged in the Polish theory of law in the 1960s; this was the result of popularization of the postulate of the ontological complexity of the phenomenon of law and "emergence of a group of researchers who wanted to use methods and notions from other, better developed sciences in jurisprudence"[46]. The onset of external integration is also ascribed to a concept by L. Petrażycki[47]. In the context of the evolution of the entire continental legal culture, the literature mentions the 19th century rift in the methodology of science between the so-called naturalistic and anti-naturalistic approaches to research, where, generally speaking, humanities and social sciences should not make use of the same methodological paradigm as natural and exact sciences[48]. In other words, it is about the autonomy of social sciences and the humanities from the sciences equipped with the so-called experimental method, and about highlighting that complete unification of science as a whole is not possible. This is because of the otherness of methods of scientific cognition and, according to anti-naturalists, the objective impossibility to transfer the experimental method

45 Cf. I. Votsis, *Unification: Not Just a Thing…*, p. 101.

46 Quotation from J. Łakomy, *Pojęcie integracji zewnętrznej nauk prawnych* "Wrocławskie Studia Erazmiańskie. Zeszyty studenckie. Prace Prawnicze, Administratywistyczne i Historyczne" 2009, no 3, p. 57. Also cf. L. Nowak, S. Wronkowska, *Zagadnienia integracji nauk prawnych w polskiej literaturze teoretyczno-prawnej*, „Studia Metodologiczne" 1968, no. 5, p. 107.

47 Cf. K. Opałek, J. Wróblewski, *Prawo. Metodologia, filozofia, teoria prawa*, Warszawa 1991, p. 55 et seq.

48 Cf. A. Gurbiel, *Sposób uprawiania nauk społecznych – metodologiczny problem w prawoznawstwie*, „Studia z zakresu nauk prawnoustrojowych. Miscellanea" 2015, no. 5, p. 22.

to social sciences and the humanities. This paradigm was used to develop the postulate of autonomy of jurisprudence in the theory and philosophy of law[49]. The postulate is of a paradoctrinal nature and Polish jurisprudence was very strongly attached to it for a few decades. In jurisprudence, the naturalistic postulate was correlated with the positivist research program which attempted to turn jurisprudence into a fully-fledged science; such an approach highlights counteracting the speculativeness of research results.

The dispute between naturalists and anti-naturalists has continued for almost 200 years. Currently, it is of an "ideological nature"[50]. However, it is the naturalistic paradigm which has dominated legal positivism as a complete program of legal research. On the one hand, it was to equip jurisprudence with the ability to integrate with the external world of science; on the other hand, owing to the postulate of autonomy of jurisprudence, this external world was to maintain the existing criteria of defining a scientific discipline offered by the general methodology, as well as the previously mentioned conditions of own subject of research and methodological autonomy. The latter aspect was to fulfill the naturalistic postulate. A uniform methodology, transposed into different branches of science, was to lead to the discovery of uniform laws of nature and social laws. This is why a science is called "fully-fledged" only when its methodologies correspond to the pattern developed in the natural and exact sciences[51]. As already mentioned, the point is that "an image of the world should be always created based on an epistemologically indisputable foundation which takes the form of empirical facts established in the course of experience"[52].

Evaluating the subject matter in the context of nearly 150 years of attempts at building jurisprudence based on the positivist-naturalistic research program, it is easy to notice its methodological limitations. First of all, the subjects of legal research are the following: directive statements involving institutional means of coercion (the law as a linguistic fact) and facts categorized as legal-normative ones (so-called "real" manifestation of the legal phenomenon, law as a social fact). These constitute an indisputable paradigm of the ontological complexity of the phenomenon of law, which is divided into epistemological planes of cognition: linguistic-logical, sociological, psychological, historical, and a new which is worth adding, i.e. cognitive. The greatest limitation of jurisprudence is the impossibility to examine the phenomena encompassed by its practical scope due

49 Cf. J. Łakomy, *Pojęcie integracji…*, pp. 54–55. Autonomy was juxtaposed with a threat from integration as "dejudirisation of jurisprudence." Cf. and quotation from P. Jabłoński, *Polskie spory o rolę filozofii…*, p. 151.

50 Cf. A. Gurbiel, *Sposób uprawiania nauk społecznych…*, p. 23.

51 Cf. I. Gołowska, *Naturalizm-antynaturalizm jako spór o charakterze metodologicznym*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2003, no. 1, p. 5 et seq.

52 Quotation from ibid., p. 6.

to the limited capacity to use the experimental method. This means that the program to establish legal theory as "a fully-fledged science" seems to be doomed to failure, at least in terms of its capability to define the "full-fledgedness" of a science only for research results which can be reconstructed by applying the same method to an analogous object of analysis. If we also take strict conditions of understanding integration (limited to seeking confirmatory links between theories from different sciences, and not transplanting methods from one science to other) into account, it becomes clear that, for a legal practitioner, the previously mentioned "escape into empiricism" is only an opportunity to describe and explain certain, albeit maybe important, questions in jurisprudence, but cannot be used to formulate a general theory of law on its own. This approach can be applied to research on selected issues of legal practice in the fields of legal interpretation, application of law, or rule-making; however, it is very difficult to provide them in case of classical doctrinal-legal studies, which e.g. for the reason that they engage the greatest number of legal practitioners, are focused on research which is related to establishing meanings or methods of obtaining them from textual sources of the law. Thus, these are linguistic-analytic analyses which have nothing in common with the so-called "applied science" targeting experimental research programs. From this point of view, it seems appropriate to assess the attachment of the positivist theory of law to its autonomy as a sign of a certain impotence in terms of real integration with the external environment; of course, this is not a critical assessment. As a result, we can state that the above-mentioned theory was an example of seeking a defence against the obvious imperfections of jurisprudence which, similar to the humanities, cannot offer natural and exact sciences something which they methodologically desire to achieve and which gives the best results in terms of empirical analyses from the ontological perspective. This is also why scholars made do with recognizing integration as merely adopting a method or the product of its application from a different science, which is easy to notice in respect of theory of statutory interpretation. While it seemed acceptable a few decades ago, now, in times of formulating goals of interdisciplinary studies, it seems necessary to take a dispassionate look at it, formulating a true assessment of integration processes which jurists can take part in. This is important in the context of rapidly developing natural and exact sciences; when compared to these, the methodology of legal science remains virtually impotent, since it utilizes methods which have hardly changed since the 19th century. There are new tools available for scientific activity, i.e. computers and professional software, but these do not influence the essence of the methods used by legal practitioners in their work. Legal interpretation, or, in broader terms, analytic philosophy is still the basic method of jurisprudence, which results from the textual nature of law sources. Consequently, research activity of a legal practitioner comes down to interpreting meaning of a norm and looking

for argumentation which is accepted by the majority and makes it possible to consider the norm legally binding. All other methods which are employed in empirical research on the law, analyzing the biological basis of the normativity of human behavior (including works of the human mind), or the psychological basis of decisions in the legal field have an auxiliary status in jurisprudence. Research in these areas primarily serves the needs of explaining the ontological complexity of the phenomenon of law and, with a bit of oversimplification, is to make dogmatists realize something they should be perfectly aware of, i.e. that the linguistic-logical dimension of law translates into its social aspects. However, it is problematic to recognize this secondary research as real integration between jurisprudence and sciences with better developed methodology and very specific subjects of research, and which are usually of an empirical nature.

For this reason, special attention must be paid to a trend of integration in Polish jurisprudence which can be called "political"; it is further reinforced by statements on the political nature of the phenomenon of law (so-called political character as distinct from politics)[53]. This article does not aim at presenting approaches to the political character and presenting the origins of this notion (the concept developed by C. Schmitt, who was the first to employ the notion as a theoretical category[54], is usually brought up, but there is also a number of other approaches to this political character, such as the republican one, which is the closest to the meaning used in this article)[55], So, this political character is a political rather than sociological category. The broadest definition of the notion is close to its intuitive understanding as "a feature of a social phenomenon consisting in its close relationship to mechanisms of a political system"[56]. In Poland, the origin of integration between the science of law and political science is commonly associated with the climate of transformations that existed at the turn of the 1950s and 1960s. The second half of the 1950s is perceived as a period of freeing political and sociological disciplines from the strong pressure of a conservatively understood Leninism[57]. Political decisions taken by the highest state authorities made it possible to carry out intensive and, most importantly, objective studies in a field that can consider the political character of certain social phenomena from different sciences of common origin, i.e. social sciences and

53 As noted by M. Paździora and M. Stambulski, politics stands for "concrete actions, whereas political character stands for conditions making these actions possible". Cf. M. Paździora, M. Stambulski, *Co może dać nauce prawa…*, p. 57.

54 Cf. ibid., p. 56.

55 Cf. M. Król, *Filozofia polityczna*, Kraków 2008, pp. 146–151.

56 Quotation from M. Karwat, *Polityczność i upolitycznienie. Metodologiczne ramy analizy*, "Studia Politologiczne" 2010, no. 17, p. 64.

57 Cf. K.B. Janowski, *Politologia w Polsce*, pp. 2–3, http://www.ptnp.org.pl/index.php/pl/o-nas [access: 24.07.2019].

humanities. That process was greatly influenced by the personalities of prominent researchers, which is stressed both in the literature and by eyewitnesses to events[58]. The second triggering point for integration, apart from the academic community (the following scholars stand out as the most prominent: S. Ehrlich, K. Grzybowski, J. Hochfeldd, O. Lange, E. Lipiński i J. Wiatr), was the establishment of the Polish Political Science Association (PTNP) in 1957, an organization that has operated ever since[59]. An important factor which makes Polish scientific activity stand out in the field is the fact that the association was created by bottom-up initiatives of scholars, some of whom were members of International Political Science Association (IPSA) established in 1949. Poland was the first of the Communist bloc countries to became a member of the organization, doing so in 1950[60]. The second half of the 1960s was marked by the accelerated development of PTNP. It is worth noting the coincidence in time between the above fact and the formulation of the postulate on the ontological complexity of the phenomenon of law, along with recognizing the necessity of multidimensional analysis of law.

As far as the directions of external integration of jurisprudence are concerned, sociology and political science have played an important role from the very beginning. These were the first areas of legal practitioners' interest who, legitimately, saw the opportunity for conducting scientific projects and formulating theories which describe and explain phenomena common to the sciences, while preserving their methodological autonomy, in developing a relationship with the international political science community. It is also worth noting that some representatives of the group were both legal and political practitioners. Lastly, both the sciences employ the methodology of the social sciences and humanities; in terms of empiricism, they use sociological methods such as interview, survey, or case study, which are later assessed quantitatively and qualitatively, applying methods of statistical analysis. In this field of science, quantitative research is perceived as the exploration of interesting phenomena and not a goal in itself as in the case of the applied sciences, where referring to quantitative methods usually makes it possible to come to universal conclusions for analogous cases. Thus, the shared area of research enjoyed by the legal and political sciences is indisputable. On the other hand, the role and underlying rationale of conducting the research has changed. The postulate claiming that law, understood as a social phenomenon, is political by nature because it is

58 I relied mainly on reports by professor J. Wiatr; at this point, I would like to thank the professor cordially for the information on the origin of integration between legal science and political science.

59 Cf. B. Krauz-Mozer, P. Borowiec, P. Ścigaj, *Historia Polskiego Towarzystwa Nauk Politycznych*, passim, http://www.ptnp.org.pl/index.php/pl/o-nas [access: 24.07.2019].

60 After: ibid., p. 1. The importance of this fact is also stressed by J. Wiatr.

drafted in the course of legislative activities of political bodies is, naturally, a truism. However, nowadays it must be admitted that not only political authorities are creators of law, which, as a social phenomenon, plays the role of an institution linking societies organized around information in a complex way; most often, societies recognize the law-making acts of political authorities as one of many facts categorized as legal-normative ones. Additionally, there is the phenomenon of emancipation of bodies considered public authorities but not traditionally perceived as political ones (especially true for courts, but also entities which are given limited power in certain areas, e.g. higher education, the media, etc. by political authorities). This is for sure about the boundaries defining politics and political authorities. As far as the phenomenon of the political character is concerned, a number of concepts for it have been developed[61]. In the context of the notion of integration, it seems appropriate to highlight that the political character acts as a natural reference for external integration of jurisprudence if it is understood as the capacity of different actors to make decisions in an area (field[62]) of social activity which is considered the law. So, in view of this meaning, the political character in itself constitutes an integration of various trends of research such as: the decisive approach (including psychological mechanisms of making decisions), certain elements of cognitive science which drive political choices, the social dimension of law, and integration of axiological reflection on law along with different approaches to political doctrines. All of this takes place without unnecessary aspirations for the objectivity of research results required by the positivist-naturalistic postulate, which cannot be obtained by the general theory of law. Also, when adopting the criterion of external integration from this paper, only an orientation towards the political character of law facilitates the development of common theories of jurisprudence and other disciplines from the social sciences, where these theories make it possible to fulfill the postulate of the relationship between theories already existing in the sciences in order to create new ones that are common to both sciences. And that was the original idea behind integrating political science and jurisprudence, since representatives of both domains sought to develop existing theories via integration. Only later did practicing discourse on the political character of certain legal notions distort the original meaning, falling into a trap of banality when "any political power could understand notions such as 'law' or 'constitution' as something different"[63].

At the beginning, I highlighted the topicality of integration of jurisprudence with political science not only because of methodological requirements broadly

61 Cf. M. Paździora, M. Stambulski, *Co może dać nauce prawa…*, p. 57 et seq.

62 Cf. H. Dębska, *Prawo jako pole*, „Państwo i Prawo" 2016, no. 9, passim.

63 Quotation from and cf. M. Paździora, M. Stambulski, *Co może dać nauce prawa…*, p. 56.

discussed in this article, but also the original need of such integration and the most appropriate manner of its accomplishment. I also mentioned the topicality of challenges resulting from current social and political changes taking place on a global scale. At this point, we may mention such phenomena as: the end (or crisis) of the concept of liberal democracy, the social need to create or redefine existing models of systems of government, or transformations of societies which, thanks to the information revolution, are becoming more aware of the political character (even when not taking part in processes considered political). Finally, at the turn of the 21st century, civilization faces choices which traditionally do not have a political dimension (limited to mechanisms of governance), but belong to the political sphere of choices made by societies, i.e. they feature "political bias" (regardless of attempts to separate this notion from the political character). Phenomena such as choices in terms of climate change (which will surely influence contemporary civilization), migrations, movement of capital, or multiculturalism juxtaposed with willingness to preserve traditions of identity are perfect examples of relational and contextual relationships between the worlds of tough (traditional) politics and non-politics regulated by law[64]. As already mentioned, all these phenomena require or will require developing more than one set of notions or even entire theories describing and explaining them. Complaints about the impotence of the existing theory of law because, after two hundred years of development of certain principles, it is currently involved in a political game, do not make any sense. Most likely it will be the same in the future. It is up to academic legal practitioners to choose the right course of external integration; if they do, they will be able to develop new theories which partly preserve existing concepts and can be used to describe and explain the phenomena and processes discussed above.

64 Cf. M. Karwat, *Polityczność i upolitycznienie…*, p. 68.

Bibliography

Bator A., *Integracja prawoznawstwa a rozumienie kompetencji w szczegółowych naukach prawnych* [in:] W. Jedlecka (ed.), *Z zagadnień teorii i flozofii prawa. Kompetencja ze stanowiska teorii i flozofii prawa*, Wrocław 2004.

Bator A., Zajadło J., Zirk-Sadowski M. (ed.), *Wielka Encyklopedia Prawa*, Vol. VII, *Teoria i filozofia prawa*, Warszawa 2016.

Bator A., P. Kaczmarek (ed.), *Polityczność nauki prawa i praktyki prawniczej*, Wrocław 2017.

Bator A., Pulka Z., Sulikowski A., *Czy koniec teorii prawa?,* "Acta Universitatis Wratislaviensis, Prawo" 2011, no. *CCCXII*.

Chmielecki A., *Konceptualne podstawy kognitywistyki – krytyka i propozycje własne* [in:] http://www.kognitywistyka.net/artykuly/ach-kpk.pdf [access: 23.07.2019].

Dadaczyński J., *Georg Cantor i idea jedności nauki*, „Zagadnienia Filozoficzne w nauce" 2009, no. XLIV.

Dębska H., *Prawo jako pole*, „Państwo i Prawo" 2016, no. 9.

Duch W., *Czym jest kognitywistyka*?, „Kognitywistyka i Media w Edukacji" 1998, no. 1.

Ehrlich S., *Dogmatyka prawa a metoda porównawcza* [in:] S. Ehrlich (ed.), *Studia z teorii prawa*, Warszawa 1965.

Gołowska I., *Naturalizm-antynaturalizm jako spór o charakterze metodologicznym*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2003, no. 1.

Grabowski A., *Prawnicze pojęcie obowiązywania prawa stanowionego*, Kraków 2009.

Grobler A., *Metodologia nauk*, Kraków 2006.

Gurbiel A., *Sposób uprawiania nauk społecznych – metodologiczny problem w prawoznawstwie*, „Studia z zakresu nauk prawnoustrojowych. Miscellanea" 2015, no. 5.

Helios J., Jedlecka W., *Wykładnia prawa Unii Europejskiej ze stanowiska teorii prawa*, Wrocław 2018.

Holocher J., *Kontekst odkrycia i kontekst uzasadnienia w świetle topicznej koncepcji prawa*, „Studia Prawno-Ekonomiczne" 2009, no. LXXX, https://www.academia.edu/31765691/Unification_Not_Just_a_Thing_of_Beauty.

Izdebski H., *Ile jest nauki w nauce?*, Warszawa 2018.

Janowski K.B., *Politologia w Polsce*, http://www.ptnp.org.pl/index.php/pl/o-nas [access: 24.07.2019].

Kamiński S., *Pojęcie nauki i klasyfikacja nauk*, Lublin 1961.

Karwat M., *Polityczność i upolitycznienie. Metodologiczne ramy analizy*, "Studia Politologiczne" 2010, no. 17.

Kozak A., *Kulturowy fundament decyzji interpretacyjnej* [in:] A. Sulikowski (ed.), *Z zagadnień teorii i filozofii prawa. W poszukiwaniu podstaw prawa*, Wrocław 2006.

Krauz-Mozer B., Borowiec P., Ścigaj P., *Historia Polskiego Towarzystwa Nauk Politycznych*, http://www.ptnp.org.pl/index.php/pl/o-nas [access: 24.07.2019].
Król M., *Filozofia polityczna*, Kraków 2008.
Logchamps de Berier F., (ed.) *Dekodyfikacja prawa prywatnego,* Warszawa 2017.
Łakomy J., *Pojęcie integracji zewnętrznej nauk prawnych* "Wrocławskie Studia Erazmiańskie. Zeszyty studenckie. Prace Prawnicze, Administratywistyczne i Historyczne" 2009, no 3, pp. 52–65.
Malinowski A., *Polski język prawny. Wybrane zagadnienia*, Warszawa 2006.
Matczak M., *Imperium tekstu. Prawo jako postulowanie i urzeczywistnianie świata możliwego*, Warszawa 2019.
Miłkowski M., *Wyjaśnianie w kognitywistyce*, „Przegląd Filozoficzny – Nowa Seria" 2013, no. 2.
Newell A., *You Can't Play 20 Questions with Nature and Win: Projective Comments on the Papers of this Symposium*, Pittsburgh 1973.
Nowak L., Wronkowska S., *Zagadnienia integracji nauk prawnych w polskiej literaturze teoretyczno-prawnej*, „Studia Metodologiczne" 1986, no. 5.
Opałek K., *Problemy 'wewnętrznej' i 'zewnętrznej' integracji nauk prawnych*, „Krakowskie Studia Prawnicze" 1968, no. 1–2.
Opałek K., Wróblewski J., *Prawo. Metodologia, filozofia, teoria prawa*, Warszawa 1991.
Opałek K., Wróblewski J., *Zagadnienia teorii prawa*, Warszawa 1969.
Opałek K., *Problemy metodologiczne nauki prawa*, Warszawa 1962.
Paździora M., Stambulski M., *Co może dać nauce prawa polityczność? Przyczynek do przyszłych badań*, „Archiwum Filozofii Prawa i Filozofii Społecznej" 2014, no. 1.
Pulka Z., *Legitymizacja państwa w prawoznawstwie*, Wrocław 1996.
Skąpska G., *Prawo a dynamika społecznych przemian*, Kraków 1991.
Stawecki T., *Filozofa prawa a teoria prawa: spór nierozstrzygalny czy pozorny?*, "Studia Iuridica" 2006, no. 45.
Stelmach J., *Dyskrecjonalność sędziowska w pozytywistycznych i niepozytywistycznych koncepcjach prawa* [in:] W. Staśkiewicz, T. Stawecki (ed)., *Dyskrecjonalność w prawie*, Warszawa 2010.
Stelmach J., *Pozytywistyczne mity metody prawniczej*, "Forum Prawnicze" 2012, no. 3.
Stelmach J., *Spór o metodę we współczesnej nauce ogólnej o prawie* [in:] *Prawo i polityka*, Warszawa 1988.
Sulikowski A., *Trybunał Konstytucyjny a polityczność. O konsekwencjach upadku pewnego mitu*, "Państwo i Prawo" 2016, no. 4.
Szczepański J., *Dyscyplina nauk o polityce. Status teoretyczny i prawny*, "Społeczeństwo i Polityka" 2013, no. 2.

Tokarczyk R., *Proksemika ogólna jako podstawa proksemiki sądowej i proksemiki prawniczej*, "Annales Universitatis Mariae Curie-Skłodowska. Sectio G. Ius" 2009/2010, no. 56/57.

Votsis I., *Unification: Not Just a Thing of Beauty*, "THEORIA. An International Journal for Theory, History and Foundations of Science" 2015, no. 30, http://dx.doi.org/10.1387/theoria.12695, https://www.academia.edu/31765691/Unificat ion_Not_Just_a_Thing_of_Beauty [access: 26.07.2019], p. 97–114.

Waśkowski E., *Teoria wykładni prawa cywilnego*, Warszawa 1936.

Wróblewski J., *Obowiązywanie systemowe i granice dogmatycznego podejścia do systemu prawa* [in:] *Jerzy Wróblewski, Pisma wybrane* (choice of papers and introduction by M. Zirk-Sadowski), Warszawa 2015.

Wyrembak J., *Zasadnicza wykładnia znamion przestępstw. Pozycja metody językowej oraz rezultaty jej użycia*, Warszawa 2009.

Zajadło J., *Banał formuły dura lex sed lex*, "Palestra" 2019, no. 5.

Zajadło J., *Fałszywość hasła 'demokracja a nie sędziokracja' – analiza filozoficzno-prawna*, „Krajowa Rada Sądownictwa" 2017, no. 3.

Zajadło J., *Pojęcie 'imposybilizm prawny' a polityczność prawa i prawoznawstwa*, "Państwo i Prawo" 2017, no. 3.

Załuski W., *Nauki kognitywne a filozofia prawa* [in:] M. Zirk-Sadowski (ed.), *Integracja zewnętrzna i wewnętrzna nauk prawnych,* part 1, Łódź 2014.

Zirk-Sadowski M., Wojciechowski B., Bekrycht T., *Integracja zewnętrzna i wewnętrzna nauk prawnych,* part 1, Łódź 2014.

Zirk-Sadowski M., *Metodologie teorii prawa a problem polityczności prawoznawstwa. Aspekt behawioralny i intensjonalny*, "Acta Universitatis Wratislaviensis, Przegląd Prawa i Administracji" 2017, no. CX.

Żółtek S., *Znaczenia normatywne ustawowych znamion czynu zabronionego. Z zagadnień semantycznej strony zakazu karnego*, Warszawa 2017.

SUMMARY

The paper discusses the question of external integration of jurisprudence in the context of its political character. It is a critical assessment of extensive programs of external integration of jurisprudence, since, according to the author, legal science is involved in problems of a political nature regardless of how we define the political character.

The introductory section highlights the contemporary need for addressing the topic of political character of law and jurisprudence.

The two following sections discuss methodological determinants of external integration of jurisprudence, raising such questions as: definitions of external and internal integration of jurisprudence, the level and direction of integrative activities including (or not) general disciplines in the field of jurisprudence. In respect of the latter topic, the author wonders if external integration originating from detailed sciences of jurisprudence without taking the theory of law into account is possible. The author also discusses the determinants of establishing and developing the basic method of jurisprudence, i.e. the formal-dogmatic approach. In this context, the literature suggests scholars have attempted to integrate jurisprudence with other sciences such as logic, psychology, sociology, and presently cognitive science as well, transposing various semantic theories into the field of jurisprudence via methods of statutory interpretation.

The summary (part four) discusses historical determinants of integrating jurisprudence with political science; in Poland, these are related to historical factors and a strong tradition based, among other things, on the concept by L. Petrażycki. In the end, the author concludes that jurisprudence cannot fulfil the requirements of the naturalistic paradigm of science methodology because of its political character.

Keywords: politics, methodology, theory of law