ACTA UNIVERSITATIS LODZIENSIS
FOLIA IURIDICA 100, 2022

https://doi.org/10.18778/0208-6069.100.08

COPE Member since 2018 JM13714

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OUT OF THE CONTEMPLATION OF THE LAW: AN ATTEMPT AT OUTLINING SOME PROBLEMS

Abstract. The author addresses the problem of the cognitive role of intellectual processes in the sphere of intellectual objects, which also include the established law. Only by virtue of intellectual processes focused on the law can it be cognitively made available to others. Contrary to conceptualists, and above all Kelsen, it is then necessary to move away from determining the doctrine of law with a conceptual grid, as the basic undertaken means of controlling the legal issues. It cannot be accepted that what is not verifiable in such a grid cannot be treated as a heuristic attitude towards the law. The author distinguishes the so-called high interpretation, which has the characteristic that it consists in the course of the entire law, including the development of legal thought on the law and the consequences of the law. There is no such thing as the development of law in its empirical sense. On the other hand, thinking about it through interpretation, properly combined with interpretation at a high level, contemplating it by combining legal considerations with interpretation at a high level should, in the Author's opinion, be considered the deepest manifestation of the reflexivity of legal culture.

Keywords: legal knowledge, theory of law, legal concepts, legal cognition, reflexivity of law, progress in law

W MYŚLENIU O PRAWIE PRÓBA ZARYSOWANIA PEWNYCH PROBLEMÓW

Streszczenie. Autor podejmuje problem roli poznawczej procesów intelektualnych sferze obiektów intelektualnych, do których należy również prawo stanowione. Tylko na mocy procesów intelektualnych skupionych na prawie można poznawczo udostępnić je innym. Wbrew konceptualistom, a przede wszystkim Kelsenowi, trzeba wówczas odejść od determinowania doktryny prawa siatką pojęciową, jako podstawowym środkiem kontroli podejmowanych zagadnień prawnych. Nie można przyjąć tezy, że to co nie jest weryfikowalne w takiej siatce nie może być traktowane jako heureza prawa. Autor wyodrębnia tzw. wysoką wykładnię, która ma to do siebie, że polega na przebiegu przez całe prawo, a w tym rozwój myśli prawniczej nad prawem i konsekwencji prawa. Nie ma czegoś takiego jak rozwój prawa w empirycznym jego sensie. Natomiast myśl nad nim za pośrednictwem wykładni, odpowiednio połączonej z interpretacją na wysokim poziomie,

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Received: 1.09.2022. Verified: 24.09.2022. Revised: 24.09.2022. Accepted: 1.12.2022.

kontemplowanie go poprzez połączenie rozważań prawnych z interpretacją na wysokim poziomie powinno być, zdaniem Autora, uznane za najgłębszy przejaw refleksyjności kultury prawnej.

Słowa kluczowe: wiedza o prawie, teoria prawa, pojęcia prawne, poznanie prawa refleksyjność prawa, postęp w prawie

Within some deep considerations related to the law[1], and thus within the reflective perception of the law, we may capture its relevant associations; both the internal and the external sets of relations, thinking about some large possibilities significantly opening certain extensions of the circles of contexts of occurrences of the law and, what is more, building upon the occurrences within the law some essence which does not have to mean any self-regulatory characteristics of new problems. Taking this into account, within the characteristics of the point of entry assumption, it may appear that many seemingly closed topics would come alive (for instance, structures of the legal norm, or at least the principles of the law, not to mention other topics), offering the currently unprecedented ways of thinking about the entry points (particularly). As is known, the law has various levels which should not be taken for layers, but which could be seen as hierarchies, super-levels, along with the multiplicity of their accompanying rules. Accepting this variety, simultaneously separating ourselves from their to-date frames, and especially from the ways of their applications, most commonly uniform, certain, but within their uniformity ultimate, attributing to them some value of discursiveness, and within it certain research-assumptions, because they should not be always unambiguous, we may finally count on the opening of the closed topics, and the closed theory within the theory of the law. We need to make here some reservations relating to that opening. That process of achieving some flexibility in relation to its meaning would occur mainly intellectually and not through any imagined fitting of the internal perception of the law in relation to the already known dictionary of the legal doctrine, or also, for instance, the known legal constructs. There is no modern approach in it, and not infrequently it relies on expressing some tendencies towards multiplicities, not to say the cumulativism. The law itself has for a long time had well-developed, relational-structural features. It becomes particularly conspicuous when we move from the legal language to the juridical language. The space between these languages still remains a complex problem, which cannot be embraced by specifically saying what those languages are out of their definition (cf. Jabłońska-Bonca 2017; Oniszczuk 2019). Here we suppose that the law comes alive, especially with its inherent properties – structural properties, expressible not only as a certain variant – in search of the meanings of the language used by the lawyers for their purposes, within their communications, as well as for the purposes of other users of the law. This approach in the extraction of the

[1] Basic concepts and definitions of reflectiveness of the law are developed by Pichlak (2019, especially chapter I) and Hałas (2011, 200).

structures can be noticed, for example, in creating various case studies, especially within their internality, or within the development of compendium (cf. Helios 2014, 80 and further pages) or in general within the perception of the private law (cf. Helios, Kaczmarek, Kaźmierczyk 2006; Banaszak, Bernaczyk 2012). We do not strive here to disguise the law by means of any structures or structuralisms as philosophical directions, though they are tempting for many lawyers. The thing is to first consider that the law endeavours structuring itself, for it is a process which seemingly is always complex, at least within the need of its description, recognising its beginnings. However, let us leave aside the describing, especially that both the elements of the mentioned process as well as the process itself may depend on the diversity also in relation to the entry point assumptions relating to the law, i.e. the starting assumptions. Let us stick to the terms, concepts, or even categories, which could help capture the questions associated with those processes. It is also not so simple, because it is not about the genesis given in describing some facts, but about the abstractly captured thought on the law, simultaneously being able to drive the law.

What is more, we underline that the most commonly encountered entry points are such that: one goes from one law to another law, from its very simple generations, though already permissible within the image of the law, not talking about its doctrine. Differently from that, we would like to reach the law and though we know what it is, that entry point could enrich it. Why? Well, choosing the access to it we are in need, though already intellectually taken, of building such an access path, by means of an already different thought on the law. Thus, our thought on the law becomes essential, as if it was less than the law itself. The law will emerge later. Thus, it is about the appropriate additional intellectual input contributed to the law, creating at the same time the relationship between that contributing intellect and the law. Creating this relationship requires making the law cognitively different on the basis of the power of making the intellectual processes of the law. Then it would be necessary to go away from determining the conceptual network of a given legal doctrine as a measurement of control of the topic undertaken in the sense that what is verifiable within that network cannot be treated as utterances on the law. Obviously, we do not want to suppress the to-date concepts. They serve to understand the law at their level. Nevertheless, the change would require the mere operating on them in a modernising way with some reservation relating to the law or rather to the matter that it refers to. Admittedly, we could say, that it happily saves everything which belongs to it and at the same time it does not create obstacles, e.g. to the developing technologies. But then we do not talk about the developing law, but about the technologies. In such cases, the law itself is expected to be satisfied with its own self-development. Unfortunately, this is absent. There is more rudimentary logic within that self-development than the law. The reason for this is that the law has only that property which will not be an obstacle to the technological development, because it is so

that usually everything develops except for the law. Without developing in the sense of the scientific progress, it does not use the term 'development,' unless there is space for some special sense. It is not to create any obstacle, but to save the principles of rationality. Thus, it is to occur in a role appropriately adequate to the needs and positive values. The adequacy opens it, creating further factual states to its norms, and it can be a recognition of the future law. Within that particular reasoning, it may acquire intellectuality with its whole burden of legal domination over the modern technology, obviously under a condition of creating reasonableness, and not clutching the given encountered concepts or terms. Thus, everything depends on how we operate on it, creating mental constructs in it. It is known, that the law may include limits and certainly it includes them, but in the context of the intellectualised approach, based on them, applying them, at least as assumptions, it is possible to achieve some new explanations, not talking about new problems. Omitting the intellectual approach, the mentioned limits will cease to be able to satisfy making the legal mentality flexible as a cognitive category. And sticking to this, the law goes then out to its capacity of making out of it adequacies in relation to the technology, or some other technical or economic norms, military forces, and even perhaps at times some entertaining activities of kids in a kindergarten. As there is no space here for relating the law to the self-development or disguising it with the self-development, explicitly saying, in the elementary logic, which does not lose anything from its seminal dimension. And it does not substitute the law.

Taking the above into account for deepening the reflexivity, also underlining that adequacy of the law is a commonly accepted condition and it has a significant weightiness generating some dimensions of rebelliousness, while also occurring at all the levels of the legal interpretation, having at the same time many other values, allows by means of its mediation or directly for connecting with the deeper decks of the nature of the law. Then, we believe, it is complex and only together with the occurring adequacy and not the law co-occurring with it we receive the final legal complexity. What is more, in general it is here within the complexity of the law to be perceived as a separate topic, not to say a separate type. We rely on the complexity of the law, often without dealing separately with its matter, making it as if there was no complexity consisting of the adequacies taken together with the law. Structuring this area of topics could lead to a significant multiplicity of the problems of familiarity with the law and generating some new starting points for the law.

In order to approach it, let us notice: the consistency with the law or the lower law with the higher law could be distinguished as situations comprising topics of various legal relations, however mainly linguistic. We say that a legislation is consistent with the constitution. Usually, we will not say that it remains adequate to the constitution. We will not say this although it is so. Thus, whenever we are to deal with distinguishing certain hierarchies between the laws,

as many times especially when we are using the expression of hierarchisation we immediately enter into the area of linguistic leadership and particularly with a variety of semantic ranges. Let us try to draw a distinction, and in this way, by selecting appropriate concepts of the reconstruction, let us explain that there is some kind of the law which first of all requires some consistency. What is it all about? A possible response does not seem to be coherent, nevertheless where the determination of the place has to be required to make it legal, as consistent with the law, the language occurs to be a certain and a uniform tool. However, despite those undeniable features, there is no necessity to enter the above-mentioned place beyond the linguistic consistency, not the mere consistency. It becomes sufficient, determining at the same time the set of features of the law.

Language is the whole world, as have been noted by outstanding characters of each epoch, whereas the juristic (legal) in the light of what has been said may have its complexity somehow proportional to the requirements included within the mentioned place. And they seem again not to be that much exorbitant. First of all, there are no generations over there. The consistency is usually unilateral. It is popular among lawyers, because it is at the stage of its completion and, well, most commonly the indisputable one. It is, basically, the language, of the surface of the law, at least its external matter, i.e. externality, infrequently made of already used complexities. Thus, it appears that the lawyers easily succumb to the magic of the language rather than, for instance, its style taken from the law, or depths which they refer to, but usually without demonstrating achieving them separately within the depths of relations between the law and the language, taking the law as a kind of a formation. Then, perhaps, it could be possible to avoid the occurring interchangeability between the law and a case belonging to the scope of interest of a lawyer. As a result, language then presents itself as a tool for translating something or also reconstructing; it relates to interchangeability of a given case. And it will not help us that new cases occur because regardless of what else their language is, it is certain that it serves interchangeabilities of new and separate cases. Many depend on whether we treat the mere translation of cases as sufficient, and then the achieved translativity becomes the closing of a given case. Here there is no, as it appears, sufficient space for searching for the complexity. There is the language within its formational capturing and the language e.g. of a legislation, of legal regulations, which we also treat as legal, forgetting at the same time that between those languages there are some determinations which have not been yet provided. Finally, but already at a lower level, the space between the constitution and the legislation has numerous determinations, which are surely expressed in languages, and only the language of those determinations generates the language of the law and legislations, and not as we suggest that every text of the Journal of Laws appears as the language of the law. Let us leave it aside for a separate article.

On the occasion of dealing with these remarks, entering the complexities to bring them out, we should first take into account ambiguities of the language,

and next those determinations, though only those ambiguities which linguistically are able to generate problematic complexities, and not their usual suppression. What is related to the above-mentioned determinations is the point that from their internal point of view, one may create the language appropriate for recognising and learning about the conditions in which those determinations occur. Their linguistic recognising may next lead to the language of the law in the formational frame, or to the lower type of the legal relations. We believe that it is important to enter the language of the law, wanting to create it as the language of the law, starting from the law and not from the language. This is because it cannot be treated as "ready." By accepting the law as a starting point, especially jointly with the mentioned determinations, we endlessly open possibilities at the same time. We believe that this becomes some text, but not necessarily the law, whereas when we go out from the language to the law, we immediately encounter the limits in our understanding of the limits of the particularity of the language and also in relation to this the limits which we may be able to reason. However, they constitute a significant reason for which it is important whether we may go from the law and then into its language, or from the language, allowing at the same time for the creation of a kind of a pre-law. Some doubts may appear at this point, but it does not have to mean that these considerations do not have some significant sense. They have it, also from the methodological point of view. They just constitute some basic set of assumptions for the purpose of, as it appears, a richer capturing of the issues of the law combined with the language. Lawyers' thought about the language is significantly deeper than about the law in relation to the language. Within the first one, there are freed considerations and as such they give some learned lawyers certain freedom, while in relation to the latter, where the legal interpretation is a major feature, referring to the progress, etc., the knowledge about the legal interpretation, though within its many parts it is closed, by its level it influences the language, particularly with the not always developed depth, enforcing its level within the language. Thus, the thing is not to attribute 'this and that' to the legal interpretation, but to enter between their meanings, between the language and the law, taking the appropriate ways of the reaching and going out transcendentally towards the appropriate levels of the law within the language. It is not easy, because we do not deal here with the way in which the language enters the language, but mainly in what is called, spoken. It is not neutral, whether it is to enter within the formational capturing, or rather within the figure of the cases of interest. It is possible to notice that it is simplified even without observing those distinctions. As a result, the effects which we agree with become sufficient, stating that the state of affairs emerges as conclusive. Naturally, it does not develop the law, and it also does not develop its application, leading it mainly to the level of the so-called jurisprudential line. Being with the law as a formation, the question on the law arises to the form of categoricalness, while entering the language, it becomes an even more compound category for

the reason of its entering. Apparently, the seeking of the complexity may be, in itself, the nucleus of the reflexivity. Without the complexity and a belief that it may be best reached in an explanatory[2] way, some repetitions of the already known propositions or "the dense description" are particularly possible. Asking about the language on the occasion of dealing with the distinguished formational law in general, we strive towards the legal interpretation, always the legal interpretation. And there would be nothing extraordinary in it if the legal interpretation, each and every, was not poorer from the richness in the language. Equating them with each other would be approximated, if it was mainly humanistic (Wróblewski 1986, 25 and further pages; Wronkowska, Ziembiński 2001, 30 and further pages) in majority. Meanwhile, teaching law is mainly teaching about principles, and one could say that it is somehow teaching of a technique of recognising the law; it is not possible to justly say that it is to enter the language.

Let us move to the adequacy. Certainly, it is an ambiguous concept, but in the translation, it is consistent with something, and it appears to be the most legally efficient. However, before we deal with it from the side of the legal interpretation, or better just the law, let us try to distinguish between the legal interpretation, the mere legal interpretation as a certain activity – let us say conventional, we will receive its scope on a certain legal case – and, finally, the legal interpretation as a certain function. Kinds of the legal interpretation together with their details already have their libraries. We would like to investigate the functions more closely. Thus, going from the end, the function seems to be in a relationship with adequacy, and we believe that it is promising. Most commonly, we say that the legal interpretation is an issue of understanding the language, in which, for instance, a legal regulation was expressed, up to reconstructing from it the legal norm. This is consistent with what is said by the authority in the person of M. Zielinski, and he is certainly right about this. Nevertheless, it is a question of whether we then operate on the legal interpretation as something ready, or whether we want to reach it, but not through the activities consisted in it, or concepts (terms), and maybe methodology of the law as its cognitive property, mainly transcendentally perceived. Then we would avoid the legal interpretation as a certain kind of "a puzzle"; however, we would then achieve the enrichment of the theory of law with methodology as a preliminary element. Justly, as a beginning from which the theory needs to be commenced, it appears to be belonging to the most important one, not only for reason of the assumptions still indisputably accepted, but in consequence of conceptually reaching that beginning. It would be then difficult to be satisfied that the theory can be expressed in utterances generally arranged in relation to the law. It is too little and it does not come from the taken law. It would be also difficult to accept that such ideas for the theory have a capacity to be justified with an expression 'colloquially speaking.' We reckon that in taking into

[2] On the explanatory approach, cf. Patryas (2016).

account the role of achieving a theory, elevation of the legal interpretation to any level beyond the law, especially that its generation is not always legal, and not always deeper from the genesis, together with raising the mentioned methodology and using it for the purpose of that raising, may give an attempt of the above-mentioned beginning, liberating at the same time the legal interpretation from its associations with legal cases. We know that those associations are unavoidable, but going first from the above-mentioned raising and the mentioned beginning, it seems that we are reaching the free legal interpretation, though from the law to the law, taking into account its all determinations. In brief, we would like to distance ourselves from the refined legal interpretation, as well as the law, for this imposes some limitations on the law, especially in relation to such categories as its externality or internality. Wanting to take this direction of the reflection on the law, we are proposing to distinguish the legal interpretation at its high level and take it as a kind of a class of the legal interpretation. It certainly is the legal interpretation, but it also necessarily includes in itself the type of reasoning on the law in its formational dimension. Such separation, as a domain of thoughts mainly about the sentences of the Constitutional Tribunal, particularly referring to studies of the consistency of legislations with the Constitution, could reveal the wealth of topics which could be named as the weightiness of the law. We also include in this class of the legal interpretation the adjudication of common courts relating to verdicts, especially those at the borders between different sub-disciplines of the law. Distinguishing of the high legal interpretation is that it allows for the possibility of going through the whole law, including in this the development of the legal thought on the law. There is no such thing as the development of the law in its empirical sense. However, thinking about it with the agency of its legal interpretation, respectively combined with the interpretation performed at a high level, may result in deepening the law as the formation and developing it, taking into account the level (then already; the level) of the legislative law and the level of the law taken from the legal interpretation. The legal interpretation at a higher level appears to be the first of all doctrinal topics, prospectively doctrinal within the doctrine of the law. In turn, developing the condition of prospectivity, it may occur as an example of the fact that the law will deepen itself especially towards its internality, being taken in this regard as an intellectually needed vision of the law. The thought is to be staying beyond the law, which, in turn – without developing the doctrine, but in developing the exorbitant legal interpretation as the aim – will not be of any great use and will leave us at the current levels, because they equal with the current doctrine. Where do its sources come from? This question is of a certain fundamental nature and in some sense it is more important than other questions posed in relation to the law. In order to operationalise this, one first needs to deal with the sources of the above-mentioned question. This, however, invites a separate work, not necessarily of any erudite characteristics within the encountered set of ways of using the erudite dimension. Today we have the legal

interpretation taken from legal instances and interchangeable within them. Of course, we do not diminish them, because we do not step back from the law courts and tribunals. However, we would like to step back from the unrefined or unsophisticated legal interpretation and the law understanding that it petrifies it. Petrifying it in relation to some cases may be necessary, for instance in the context of the certainty of the law, its consistency, and uniformity. Nevertheless, it is not the method in the methodological sense.

Going back to adequacies, occurring within the legal interpretations, as is known, they are to be fulfilled with respect to the law and mainly only to the benefit of the law. In the meantime, given the above-mentioned propositions, the adequacies may numerously occur within the legal interpretation. Going further, we assume that in the presence of the legal interpretation, an adequacy occurs at a high level as a sensibly desirable thought given the further thought, and it is important, because despite there are no topics of validity here, the role of the interpreting person, most likely the judge, raises to the dimension of the level of the quality of the law. And it is possible to say this, because he/she will be then, among the possible adequacies, using the most optimal adequacy of the law. Nevertheless, he/she has to endeavour to achieve the deeper level than in situations when in searching for adequacies we only dispose the applied law, without the higher legal interpretation. The high legal interpretation already gives us a large set of choices within the adequacies. It is high due to creating possibilities of those choices, clearly in consistence with the law. When the legal interpretation is not carried out through the multiplicity of adequacies, then it usually enters the already mentioned interchangeability with the resolved case. Some doubts may emerge here. After all, the role of law courts is not to build problems but to find verdicts for every legal issue in relation to the ongoing matter. During the process of finding the verdict, that role is to solve the legal problems, but within the limits of finally achieving some adequate legal verdict. Then, when the magnitude of the legal interpretation grows, it will be moving not within the individual adequacies, but also within such which may also be current for the given legal formation. Admittedly, it will choose that one, because this is required by the application of the law; nevertheless, it is already enriched, at least with that one formation or the appropriate to this development of the thought about the law and its applicability. Meanwhile, it is so that, first, the legal regulation happens and it necessarily needs to be so. In the sequence of applicability of the law, the legal interpretation is a consequence of just occurring difficulties. It is important to us to enter the legal interpretation immediately in the presence of its developed theory, with an appropriate regulation, leading in the same way with the higher legal interpretation towards the developed applicability with the intellectually conspicuous emphasis, without losing essentially anything of the taken model of applicability, but already less formalised. Today, the legal interpretation occurs as a result of the enacted law and its some ambiguities. There is no such a thing as joint occurrence, obviously

with that higher legal interpretation. In a word, shortening the distance between the law and its legal interpretation seems to be possible and it seems beneficial to the mentioned thought. This could go to the higher legal interpretation, without any enforcement of the valid power, because, contrary to appearances, it does not solve much. It is, then, already a separate issue not of the law courts, but of the legal interpretation. The legal interpretation, but without its feature of a technique of preparing, e.g. the law court for applying a given legal norm, respectively requires some deeper approach, a more humanised approach rather than just a verbalised understanding of the norm. It is visible, then, that the law as a humanistic category does – obviously in the presence of certain assumptions – lead to recognising in this category various topics raising from the law and for the law. This, however, does not mean that one could omit matters of the valid power, the legal acts, etc. They are indispensable to the extent to which the value of the deepening doctrine is appropriately stemming from the legal system, or from that duality of views on the law with some approach derived from the law.

The legal interpretation of the adequacy as consistency with something includes above this some act of qualification[3], and this already is a legal moment. Let us add that each legal interpretation possesses that one act distinguishing it. Usually, it is so that for the one applying the law it is sufficient within the understanding of the legal interpretation to understand the legal regulation. We have already talked about the interchangeability. The endeavour of simplifying has (as is known) a positive evaluation, but until the thoughtful interventions do not become connected with it, with the capacity of taking out the further cognitive possibilities or also the practical enrichment of the legal norm with its legal interpretation and then corresponding with the norm, it constitutes the deepening of relations in thinking about merits jointly initiating the deepened relations between the norm and its state (first of all, the relations within each of those elements basically dually occurring). Usually, it is so that the legal interpretation is not done for the reason of the occurring relatively cognitively projected relations, but through the mere capturing of the acts of understanding propositions within the understanding process. Meanwhile, these are two categories which are methodologically necessary. When they become fulfilled as separate, though connected with one another, the legal interpretation has to deepen itself leading to the high one, as it seems, within simple cases. We would not like to say in this way that it often includes the errors of simplifications; nevertheless, applying it as a cognitive sphere, using the both categories with the emphasis related to the second, differently than now, we could see the legal interpretation as: firstly emerging for the reason of the adjudicated case, and, secondly, for the reason of the formational expression of the law which we usually do not achieve within our legal interpretations.

[3] This set of issues was initially developed and commenced by Kiczka (2006).

Moreover, we associate that remark with the clear preference for the internal approach to the law, believing that in combining the legal interpretation with cognitive activity it leads to obtaining the theory of law from the law, thus something more than only dogmatic-legal instruments. At the same time, what is beneficial is the fact that, entering the internality essentially, no one gives us that entry in any conclusive way. As a matter of fact, we would be using language, but the mere qualification of something as external, based on the language and its meaning does not create the internal nature of cognition of something given to develop that internality, and within it the law particularly captured by means of the meaning of its formation. As we have already noted, the achievement of the internal was given to us, for instance due to the definition. Maybe if we say what it is and if we accept it, then, at least directly, nothing will follow to the benefit of the development, not only the law, but the concept of using the law in its wide scope.

And here a question emerges in relation to determining the external approach to the law. We believe that in a situation of dealing with the so-called dogmatism of the law, it would be possible to treat that externality as its part, though it is not easy to say which one. In treating the law as we do this in the ways given above, the externality cannot be revealed by dividing the legal matter into the external and the internal one. Despite certain practices, especially the linguistic usage of the external and internal, that division seems to have its sense when the two points of view can supplement each other within the here accepted approaches to the considerations. We think with a perspective that by accepting such a reservation, together with that externality, its identity is externally comprehended. This remark is made, because within the identity the internal is not missing (cf. Kazmierczyk 2015, 215 and further pages; Zirk-Sadowski 2017). For instance, it is at least related to the conceptual-terminological sphere, the essence of the law, etc. But when we want to refer to it, the identity seems to be the most appropriate and it can be also used in building the internal perspective of the externality of the law. In the presence of such an assumption, we omit then the optional process of describing that perspective and we get in touch at the same time with a belief that both the externality and the internality of the law are issues of the conception, and not conventional acts of underlining made within the text of a legal act. What does it give us? The law, though it is a creation of conventional activities of an employer, remains, perhaps to a larger extent, an effect of legal interpretation of a lawyer who achieves it.

However, in order to develop this thought, next to the belief that the legal interpretation "overlaps" a given considered regulation and that it functions with it to the benefit of the functioning of an applied legal norm for a given state of facts, it also results in some other particular merit for the law, which is that being together with it, as this is required by a verdict, its cognition assumes some separation of the legal interpretation, qualifying it as the law, and the dimension which is the better 'guild'. By accepting such a starting point and taking the legal

regulation, we not only achieve this to derive a legal norm from it and apply it, making the instrumentum out of the law, but separating it as this instrument from the achieved legal interpretation, creating the law out of it to the benefit of the quality of the law not within the understanding of a feature, but the law. This is the law out of the nature of the law taken to its higher level as the law. We understand that the law is one entity; nevertheless, accepting it also as some formation, one needs to search for its various levels. Without them, as found and fixed as a result of well-known assumptions, and together with them appropriately reconstructed concepts, the law became unilateral – it became a school discipline, which can be seen particularly in many works on the language. The lawyer was trained to be a lawyer. Meanwhile, the law in its depth amazes systems of problems, not only in relation to issuing verdicts, but also in relation to its social formation, taken mainly from the relations between these problems. It is always applied with it, without the technical way of quotations. Let us call it applying the law within the law and for the law. If we resign from this and we stay with only one type of applying the law, now learned, it will close itself in it. Within the law, the need of searching for its appropriate spectrum of aesthetical values will also go away within the broader frame than we usually encounter.

The legal compliance as a linguistic issue may also be complex, but due to different motives. This is, because it is important how the language of expressing the law can be related to the law for the reason of the expression and how the law gets in touch with the complexity such as language. The point relates to the complexities which we consider and unknown consequences which can be attributed to the consideration. There are many various distances in here, more than differences, which are not separated, resulting in our appearance omitting methodological consequences of creating and deepening the mentioned complexities. Legal works out of the scope of linguistics are rich in relation to the issues, often taken in total while being to a lesser degree used for the separation of both disciplines as well as problems. This results in the situation in which we omit consequences of creating as well as deepening the mentioned complexities. And it is so, we believe, because within the works, a descriptive approach dominates, and infrequently it is ultimate.

In many places we have talked here about the legal interpretation, building upon the reflectivity of the law, because also the legal interpretation is the best for this purpose. As far as the law itself is concerned, the mere law, we think that the progress cannot be related to it, except for the turning point in time. However, the turning point and the progress are matters of legal interpretation, best combined with the interpretation.

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