PROBLEMS OF ONTOLOGICAL COMPLEXITY OF LAW

Jerzy WROBLEWSKI

ABSTRACT

There are five basic types of ontology of law identified in relation with the singling out simple ontological objects in a strong or weak sense, dualist ontological objects, and complex ontological objects in a strong or weak sense. The conceptions of law formulated in the theories/ philosophies/ of law are ascribed to these five types.

1. In contemporary legal theory there is a growing dissatisfaction with the answer to the question "What is law?" formulated in a reductionist way. This way defines the law as a norm /a determined type of linguistic expression/ or as a fact. The former is given by positivistic or normativistic conception of law, the latter within the varieties of realist approach. The anti-reductionist tendency argues that any reductionism is onesided, does not take into account the whole complexity of law which is "multi-dimensional" or "multi-level" phenomenon. One argues that neither the specific normativistic method of cognition of law, nor the social empirical research proper to behavioral sciences is sufficient to the proper study of law which calls for combination of several methods needed to grasp the whole complexity of law[1].

2. It seems that to deal with the complexity of law one has to indentify the basic issues of legal ontology. The presupposition of this enterprise is, of course, the idea that it is relevant to ask the question "What is law" when the answer to it is thought of as a statement concerning its existence within a determined ontological framework. It is one of the basic questions of legal philosophy or of legal theory depending on a conventional methodological differentiation of these two types of the approach to law[2].

Without going into controversies concerning the differentiation of philosophy of law and legal theory, for the purposes of the present essay I use the following convention.

Theory of law deals with the "what is law" question defining the

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law, but not necessarily linking this definition with the ontological issues of the type of existence the law belongs to. Legal theory can identify the defining features of law by a reference to various data without bothering how these data exist in an ontological sense of this term.

Philosophy of law deals with the "what is law" question answering it by identification of law as an ontological object having proper existence, eventually linked with the definition formulated in legal theory.

The links between ontology of law thought of as a part of legal philosophy, and legal theory are either explicit or implicit. My convention is that notwithstanding the degree of philosophical commitment of a legal theory it is always possible to ascribe the ontological presuppositions to the definition of law given in the theory /cf. point/ 10/.

3. I assume that the question "What is law" is relevant and I will deal with the presuppositions of answering it in terms of ontological complexity of law.

In the present essay I am interested in identification of the conceptual presuppositions needed to speak about this complexity in any philosophy and theory of law. I use, therefore, a metatheoretical approach. My contention is that the choice of the possible presuppositions in question is necessary in any meaningful discussion concerning the complexity of law, but I do not make any choices.

In the first part I will outline the basic models of ontological complexity which can be used for dealing with law. The second part presents the typical ways of dealing with the complexity of law using the proposed conceptual apparatus, and tests, thus its operational qualities. The third part outlines the impact of the ontological complexity of law on the axiology, epistemology and methodology of law.

I. Models of Ontological Complexity

4. Modelling of ontological complexity is thought of as a simplified presentation of the basic ways in which one can speak about the complexity dealing with anything what exists in the sense determined in the language of a given ontology /LO/.

Using the term "ontology" in this wide sense I do not assume any particular ontology. It is sufficient to assume only that the term "ontological object" /OO/ means everything what exists /or could exist/ according to an ontology formulated in its language LO. The term "exist"

is the basic undefined term, and the definition of OO is thus:

OO $\stackrel{df}{=}$ anything what exists /can exist/ according to an ontology O formulated in the language LO /1/

5. My further assumption is, that to deal with the ontological complexity of law it is necessary to link the problems of law dealt with in ontology and theory of law. Taking this into account it seems useful to introduce the term "object of experience" /OE/ as an object which in some ontologies could be different from the OO. This term is needed when taking into account the links between ontology and a lower lewel theory ascribed to this ontology, and using the term "experience" in the way determined by the language of experience /LE/ in which this theory is formulated. The term "experience" is used here in a very wide way so as to maintain the metatheoretical level of the present essay.

The OE defined as follows:

OE $\stackrel{df}{=}$ anything what is experienced according to the theory T formulated in the language LE. /2/

It is possible, of course, that the term "experience" is used also in ontology and in LO, but it does not change the definition in question, if the theory uses it either in the same or in a different manner.

6. On the level of theory one can speak about simple or complex OE if it is assumed that in experience there is more than one OE. The experience in any theory is, thus, a set of OE_1, OE_2,...OE_n.

The simple OE_s is defined as:

$OE_s \stackrel{df}{=}$ OE no part of which is an OE /3/

and a complex OE_c is:

$OE_c \stackrel{df}{=}$ OE at least one part of which is an OE /4/

The difference between OE_s and OE_c depends on the characteristics of experienced reality and on the features of the language LE in which the theory T is formulated. Taking as granted the theory-ladeness of LE it is important to stress that the vocabulary of names /or descriptions/ of LE determines the range of the possible differentiation of simple and complex OE if the experiential data are "the same" in various theories. Taking into account the role of LE we can also formulate the following definitions based on /2/, /3/ and /4/:

x is OE in LE $\stackrel{df}{=}$ x is designated by "OE" in LE /5/

x is OE_s in LE $\stackrel{df}{=}$ is designated by "OE_s" in LE /6/

x is OE_c in LE $\stackrel{df}{=}$ x is designated by "OE_{s1}" and "OE_{s2}" and ... "OE_{sn}" in LE /7/

If the LE a sufficiently rich vocabulary the conjunction of "$OE_{s\,i}$" in /7/ could be replaced by their synomym "OE_c".

7. There are three kinds of ontology singled out according to the number of the types of OO accepted in the LO.

First, ontological monism accepted the existence of one type of OO, and, thus there is one type of existence. The standard examples are radical forms of materialism or of idealism.

Secondly, ontological dualism accepts the existence of two types of OO and two ways of existence. The standard example is given by the classic spirit / matter dualism.

Thirdly, ontological pluralism accepts more than two types of OO and corresponding types of existence. The most known philosophy of this kind is the regional ontology.

Existence of the types of objects does not determine, of course, the quantity of the objects themselves, and there are different conceptions depending on the generality of determination of objects /e.g. matter vs, material objects/ and their relations to OE, if dealt with in the determined ontology.

Each of the ontologies in question has a corresponding LO which determines the way in which meaningful sentences concerning OO are formulated.

8. Monism, dualism and pluralism are singled out according on the number of the types of OO.

The simple OO, i.e. OO_s, is defined in an analogous manner as OE_s /cf. /3//:

$OO_s \stackrel{df}{=}$ OO no part of wich is an OO /8/

and for complex OO, i.e. OO_c we have:

$OO_c \stackrel{df}{=}$ OO at least one part of which is OO /9/

Taking into account the LO in which the ontology is formulated, analogously to definitions referring to OE /cf. 5, 6, 7/, we have the following ones:

x is OO in LO $\stackrel{df}{=}$ x is designated by "OO" in LO /10/

x is OO_s in LO $\stackrel{df}{=}$ x is designated by "OO_s" in LO /11/

x is OO_c in LO $\stackrel{df}{=}$ x is designated by "OO_{s1}"

and "OO_{s2}" ... and "OO_{sn}" in LO /12/

In the /12/ the conjunction can be replaced by "OO_c" if the vocabulary of LO is rich enough.

One has to stress that the existence of OO_c presents serious problems in comparison with the existence of OO_s. The latter is simple by definition. The former is linked with the problem of the way of existence of the complex of OO_s, and each of them has its proper existence. It seems that this problem is a derivate of the more basic problem of the complexity in question wich each ontology accepting the existence of OO_c should solve.

On the level of abstraction of the present essay it is sufficient to say that OO_c is a function of its constitutive parts, i.e. of OO_{s1}, OO_{s2}, ... OO_{sn}. Calling this function the "constitutive function /CF/" we have:

$$OO_c = CF/OO_{s1}, OO_{s2} \dots OO_{sn}/ \qquad /13/$$

and this function has to be referred to the existence of OO_c too.

9. The metatheoretical analysis of an ontology related to a theory calls for taking into account both OO and OE. It is so when various ways of using the OO_s and OO_c in legal science are analyzed. One can, of course, deny the relevance of OE in an analysis of ontological complexity, but it would mean to leave out problems which are discussed in theory which has some philosophical interests.

OO_s in a strong sense in LO is correlated with OE_s in LE.

OO_s in weak sense in LO is correlated with OE_c in LE.

One can identify also two senses of OO_c.

OO_c in strong sense in LO is correlated with the OE_c whose constitutive parts /or their combinations/ have their corrolary in OO_s constituting the OO_c.

OO_c in weak sense depends on the concrete formulation of a determined ontology. If this ontology is monistic in a simple sense, then there is only one type of OO_s. If it is monistic in the complex sense, then in the type of OO_s there are singled out particular ontologically relevant forms of this reality termed OO^x_{s1}, OO^x_{s2}, ... OO^x_{sn}, e.g. in materialist in a complex sense one can single out physical and psychical phenomena. It is assumed that OO^x is different from OE. It is possible, thus, for the monistic ontology in a complex sense to speak about the OO_c in a weak sense. OO_c in a weak sense in LO has as constituti-

ve parts OO^x_{s1}, OO^x_{s2}, ... OO^x_{sn} each of them is correlated with their OE_s or OE_c.

The possibility combination of OO_c with OE_s is not relevant in the present analysis.

II. Ontological Complexity of Law

10. To discuss the problems of ontological complexity of law one has to fix the manner in which legal theory is linked with philosophy, whose part is ontology[3].

There are legal theories expressing a philosophical attitude by making an explicit reference to the philosophy thought of as their basis. There are also philosophies which include the theoretical reflection on law as their part. In both cases we speak about the philosophical attitude of legal theory and one can also test, whether and in what a degree the relations between them exist "in fact" and are not a tool of persuasion.

There are, however, legal theories which do not refer themselves to any philosophy or even explicity state their philosophical indiference. When this aphilosophical attitude is taken one can, however, ask what philosophical presuppositions are necessary to give a philosophical, and inter alia ontological basis, to such a theory. To answer this question one has to ascribe the theory or a thesis of the theory T_t to some philosophical thesis T_p.

A thesis T_t is ascribed to the thesis T_p if and only if one can infer T_t from T_p according to the accepted rules of inference and possibly accepting some other analytical and/or synthetic propositions. T_t is ascribed alternatively to T_{p1} or T_{p2} or ... T_{pn} if an acceptance of at least one T_{px} enables to ascribe this T_t to T_p. T_t is ascribed to T_{p1} and T_{p2} and ... T_{pn} on the basis of "minimal assumption" if conjunction of T_{p1} and T_{p2} ... and T_{pn} is necessary and sufficient set for inferring from them the T_t.

Using these relations one can always ascribe an ontology to any set of legal theoretical theses. The ascription can be used also to test the correctness of the reference to philosophical theses of the theories expressing the philosophical attitude.

11. For our purposes it is sufficient to deal with the relation between ontology /of law/ and legal theory assuming, that the latter formulates a definition of law which is either referred explicitly /philosophical

attitude/ or is ascribed /aphilosophical attitude/ to an ontology treated as a set of ontological theses.

The law is treated as an ontologically simple object in a monist ontology of law whereas the dualist and pluralist ontologies accept some form of the ontological complexity of law i.e. either dualist or multidimensional /multi-level/ complexity of law.

I will present briefly the examples of each of these ontologies of law to outline the general analysis of the problem of complexity of law within our conceptual framework.

I should stress, however, that the tripartition of legal ontologies is restricted to the ontology of law only, and not to the general ontology accepted in the legal theories used as examples. This means that although law e.g. in a monist legal ontology is treated as a simple OO_s, the general ontology could be dualist or pluralist[4].

There is also another general observation which should be made. Using examples of legal theories for ascribing them to the legal ontologies one has to make some interpretation of the theory in question, especially if this is a theory expressing the aphilosophical attitude, and there are various possibilities of its ascription to ontological theses. This is due to an ontological ambivalence of a theory. Because of this ambivalence almost every example presupposes an interpretation. It is not my contention that the interpretation given here is the only possible or the best one -it is used only to exemplify the ontologies of law, and not to discuss the theories in question. This ontological ambivalence of the theories justifies the general analysis of the complexity of law on a metatheoretical level /point 3/.

12. As the example of legal theories treating law as a simple ontological object OO_s I use legal normativism of H. Kelsen, legal psychologism of L. Petrazycki, and some versions of legal realism.

According to Kelsen law is exclusively a phenomenon of the Sollen. The category of Sollen in the Pure Theory of Law is ambivalent and has many interpretations[5]. But without doubt one of the basic meanings of this term is the ontological Sollen thought of as a category of reality opposed to the Sein. Law is thought of only as the Ought within the legal discourse which excludes treating law as a fact or as a value. The monistic conception of law is opposed to the dualistic conceptions of natural law[6]. The ontological interpretation of the Pure Theory as the

case of ontological monism is well founded in spite of all the vagueness of the category of the Ought and its polyvalent use in normativism. Law is an OO_s in the strong sense, because is reduced to norms as manifestations of the Ought, and norms are the sense of the acts of will or of linguistic expressions of these acts.

The second example is the legal theory of Leo Petrazycki, one of the most consequent representatives of the psychologism who fights against legal positivism and uses some broad philosophically positivist and empiristic approach[7]. According to Petrazycki law is a specific imperative-attributive emotion which motivates human behaviour. The features of legal emotions explain the functions of law in the individual and social dimension and the trends of historical development of human psyche towards the growing socialization of the man. Treating law as a norm means yielding to the practical pressures and is not fit for the theoretical thinking. Law is only a physchical phenomenon and is, thus, an OO_s in the strong form, because law is only an empirical psychical phenomenon and nothing else.

There are many versions of realistic theories of law. Because of their variety and rather aphilosophical attitude prevailingly manifested in them, it would be difficult to refer to a concrete legal theory as in case of H. Kelsen and L. Petrazycki. I have to construct here, thus, a model of realist theory in which law is defined as a fact of human behaviour understood in a materialist manner as a complex of human acts and correlated psychic phenomena. The closest example of this model is realism of A. Ross in the period of his "On law and Justice" book[8].

Ross has stepped beyond the tentative to use a strict behaviorism in the area of practical cognition[9], which succeeded his previous works strongly influenced by normativism[10]. For explaining law he combines the behaviour of the operators of law with the feelings of duty and obligation. Interpreted so law is treated as a OO_s in the weak form, because it is a simple phenomenon of materialistically conceived reality, but here are two components on the level of experience, i.e. OE_{s1} /behaviour/ and OE_{s2} /certain feelings/.

13. As the example of a dualist ontological conception of law I take H.T. Klami's "finalist theory of law" defining law as a dialectical interaction of norm and behaviour[11].

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Law is explicitly treated as a dualist ontological phenomenon because norm is thought of in terms of linguistic meaningful propositions and behaviour is a set of acts, which -if rational- are goal-oriented forms of behaviour. The mutual dependence of norms and behaviour is rather complicated and used on the level of heuresis of legal reasoning and functions of institutions[12]. Law is, thus, a OO_c which is composed of two ontologically distinct objects OO_{s1} /norms/ and OO_{s2} /behaviour/.

14. There are many conceptions of the ontological complexity of law appearing as tridimensionality of law[13]. I will give three examples of the theories of this group i.e. "typical tridimensionality", the egology and the materialistically oriented tridimensionality.

Typical tridimensionality[14] treats law as a complex of norms, facts and values, as a combination of linguistic reality, empiric reality and axiological reality. Their interpretation is differentiated but, as a rule, neither norms nor values are reduced to facts, and the values are treated in a way more or less close to the natural law axiology. There are also differencies concerning the ways of relating together the three components of the complex law. The main idea, however, is that law is the OO_c in strong sense composed of OO_{s1} /norms/, OO_{s2} /facts/ and OO_{s3} /values/.

The tridimensionality in C. Cossio's egology appears as a case of ontology of cultural objects linked with regional ontology[15]. Cultural objects are ontologically complex. Law is defined as human behaviour in intersubjective interference which is meaningful and valuable. This is a substratum understood by the sense given to it by the norm. Values are inherent in this behaviour and manifests a set of values identified and systematized in the legal axiology. Cossio criticizes other conceptions of tridimensionality[16] stressing their difference from his own conception which presents indeed highly original features due to the basic concept of law explicitly formulated in determined ontology[17].

The materialistically oriented tridimensionality treats law as a complex phenomenon constituted by norms /linguistic expressions/, human behaviour /social facts/ and psychical facts. The general scheme of relations between these three phenomena is, roughly speaking, the following: legal norms are linguistic statements with prescriptive functions whose meaning is a pattern of due behaviour; the norms are created and/or recognized by men through their acts implying psychical processes; the

creation and application of law, and its motivating function are social facts dependent on their social facts. There is, thus, a correlation between norms, psychical processes and social facts, and their genetic and functional interdependence. The factor which in the last instance determines the remaining two is different in various theories os this group. For psychological versions it is the psychical component of the complex law, in sociological version -the social fact; one can, however, treat the problem as wrongly formulated, if the three components have the same "weight".

This type of tridimensionality is different from the remaining two because it does not single out values, which are reduced to psychical or social facts, and is not structuralized according to the regional ontology. The problem, however, is how to interpret the complexity of law in this type of theories. One possibility is to treat law as I did, as a OO_c in weak sense, the other as a OO_s in the weak sense.

The former means, that law as OO_c is composed of OO^x_{s1} /norms/, OO^x_{s2} /social/facts/ and OO^x_{s3} /psychical facts/, and each of them is a sort of material object; this is the case of speaking about the complexity of law e.g. some interpretations in the marxist legal theory[18]. This means that the ontology in question is a type of materialistic monism in the complex sense /cf. point 9/.

The latter means, that in materialistic monism there is one type of reality, and, therefore law is OO_s in the weak sense because there are OE_{s1} /norms/, OE_{s2} /social facts/ and OE_{s3} /psychical facts/[19].

This means that the ontology is a monism in a simple sense.

15. My contention is that metatheoretical analysis of the legal theory and ontology of law should take into account all kinds of legal ontology independently of varieties of possible interpretations of the theories given above as their examples.

Summing up our analysis there are five basic types of ontology of law singled out according to the answer to "what is law" question formulated in terms of ontological objects in the proper LO, the reference to which is omitted in the list below.

/a/ Law is a simple ontological object OO_s in strong sense when it is correlated with OE_s.

/b/ Law is a simple ontological object OO_s in weak sense

when it is correlated with OE_c.

/c/ Law is a complex dualist ontological object OO_c if its constitutive parts are OO_{s1} and OO_{s2}.

/d/ Law is a complex ontological object OO_c in the strong sense, if its constitutive parts are OO_{s1}, OO_{s2}, ..., OO_{sn} each of them correlated with the corresponding OE_s and/or OE_c.

/e/ Law is a complex ontological object OO_c in the weak sense, if its constitutive parts are OO^x_{s1}, OO^x_{s2}, ..., OO^x_{sn}, each correlated with the corresponding OE_s and/or OE_c.

It is my contention that the conceptions of law formulated in particular legal theories could be ascribed to these basic ontological conceptions, although it is evident that these five types do not cover all varieties of legal theories, and are only models with these theories can be compared.

III. Complexity of Law and Problems of the Axiology, Epistemology and Methodology of Law

16. Legal axiology deals with the relation of law to values. The relation is expressed in various terms in different legal theories, such as law is a value "law implements a value", "law is valuable" etc.

The ontological complexity of law is relevant to the problems of an axiology of law because, with an exception of some monist ontologies of law /cf. point 12/, all legal theories link law with values. The way in which the law as OO is related with value depends on the acceptance of cognitivist or non-cognitivist axiology on the level of legal theory or philosophy ascribed to it[20].

In a cognitivist framework if law is OO_c in the strong sense then, as a rule, value is an OO_s as its constitutive part. Evaluative statements concerning values in law are propositions in LO. Within a non-cognitivist framework value is present in the law as a OO_c in a weak sense, and it is reduced to other component parts because the complexity is then materialistically oriented. The features of evaluative statements are, however, differentiated depending on the sorts of their relativization, if any.

17. Epistemology of law, answering the question "How law is cognizable" is strictly related with the ontology of law[21].

When law is OO_c in the strong sense then to this complexity corres-

ponds the complexity of the accepted epistemology, i.e. each of the constitutive OO_s has the proper mode of cognition.

When law is OO_c in a weak sense, then it depends on a determined conception, whether the difference between constitutive OO_s^x is correlated with the different types of cognition or not.

18. Methodology of law deals with the methods and techniques used in exploration of the objects of experience OE^{22} /cf. point 5/.

There are some links between the ontological objects OO and OE, and, therefore, depending on them the complexity of law influences the methodological complexity of the legal theory, and of the legal sciences too. This is the case both when the law is an OO_c in the strong and in the weak sense. Only when law is an OO_s in a strong sense this methodological complexity in principle does not occur.

NOTAS

[1] Cf. in general J. Wróblewski, "Ontology and Epistemology of Law", Rivista intern. di filosofia del diritto 4 , 1973; Id. "Theory of Law: Multilevel, Empirical or Sociological" Poznán Studies in the Philosophy of the Sciences and the Humanities , 1-4, 1979.

[2] J. Wróblewski, "Law and Philosophy". Osterr. Z. öffentl. Recht und Völkerrecht 28, 1977, p. 219, 215-222.

[3] For the following cf. J. Wróblewski, "L'attitude philosophique et l'attitude aphilosophique dans la théorie contemporaine du droit", Archives de philosophie du droit XI, 1966; Id., "Law...", p. 214 sq.

[4] Eg. legal ontology in normativism is monistic, whereas the general ontology is dualist /cf. note 5/; monism is proper to various realistic trends, cf. e.g. interpretation of A. Ross as "realismo acritico" which asserts the existence of one level reality /V. Villa, La metodologia di Ross /in/ Scienza e politica nel pensiero di Alf Ross, ed. A. Tarantino, Milano 1984, s. 77 sq./; neoempirism seems to be linked with monistic attitude in the general ontology and in the legal ontology too cf. E. Pattaro, Filosofia del diritto. Diritto. Scienza giuridica. Bologna 1978 chapt. I/5/, chapt. III/4/.

[5] Cf. e.f. For the ontology of Solle in Kelsen cf. H. Kelsen "General Theory of Law and State", Cambridge 1949, p. 35 sq., 393 sq. Id., Reine Rechtslehre, Wien 1960, par. 1-4; Id., Allegemeine Theorie der Normen, Wien 1979, chapt. 1, 9. About various dimensions of the dualism of Sein and Sollen cf. J. Wróblewski, Kelsen, "The Is--Ought Dichotomy and Naturalistic Fallacy", Revue inter. de philosophie 138, 1981, p. 509-515.

6 H. Kelsen, "Die philosophischen Grundlagen der Naturreschtslehere und des Rechtspositivimus", Charlottenburg, 1928, chapt. IV.

7 Cf. L. Petrazycki, "Law and Morality" /transl. H. Babb/ Cambridge 1955; K. Opałek, "The Leon Petrazycki Theory of Law", Theoria 3, 1961; J. Wróblewski "Morality of Progress - Social Philosophy of Leo Petrazycki", ARSP 3, 1982 and lit. cit.

8 A. Ross, "On Law and Justice", London 1958, chapt. 2; E. Pattaro, "La realtà del diritto e la sua conoscenza. A proposito di Alf Ross" in Scienza e politica...; R. Hernandez Marin, "Diritto e scienza, Saggio su Alf Ross" chapt. II in Contributi al realismo giuridico, ed. E. Pattaro, Milano 1982.

9 A. Ross, "Kritik der sogennantnen praktischen Erkenntnis", Kopenhagen-Leipzig 1933, chapt. XIII.

10 R. Hernandez Marin, op.cit. chapt. I; F. Riccobono, "Materiali per uno studio su diritto e realtà in Alf Ross" in Scienza e politica... op. cit.

11 H.T. Klami, "Anti-Legalism", Turun Yliopisto 1980, chapt. I/1/; J. Wróblewski, "Between Legalism and Finalism", Rechtstheorie 1, 1984, p. 11 sq.

12 H.T. Klami, Legal Heuristics. A Theoretical Skeleton, Vammala 1982

13 Cf. note 1; S. Laakso, Über die Dreidimensionalität des Rechts und des juristischen Denkens, Tampere 1980, chapt. III /3, 5, 6/.

14 E.g. M. Reales, Filosofia del diritto, Torino 1956, part. X; L. Recasens Siches, Human Life, Society and Law, Fundamentals of the Philosophy of Life /in/ Latin-American Legal Philosophy, Cambridge 1948. Id., Tratado general de filosofía del derecho, Mexico 1959; M. Lins, The Philosophy of Law. Its Epistemological Problems, Rio de Janeiro 1971; J. Hall, Foundations of Jurisprudence, Indianapolis--Kansas City-New York 1973, chapt. VI.

15 C. Cossio, La teoría egológica del derecho jurídico de libertad, Buenos Aires 1964; A.L. Machado Neto, Fundamentación egológica de la teoría general del derecho, Buenos Aires 1974, chapt. I, IV; J. Wróblewski, Law and Liberty in the Egological Theory of Law, Österr. Z. Für öffentl. Recht 1-2, 1966 and lit. cit.

16 C. Cossio, La teoría... p. 713-741.

17 In this group of theories one can range the theories of law as a cultural phenomenon, e.g. G. Radbruch, Rechtsphilosophie, Stuttgart 1956, §§ 2, 4, 7, 9. The open question is, whether one can include here also the hermeneutical approach to law, which is more epistemologically than ontologically oriented, cf. e.g. A. Aarnio, Philosophical Perspectives in Jurisprudence, Helsinki 1983, chapt. 2, 9.

18 Cf. e.g. J. Wróblewski, Prawo i płaszczyzny jego badania /Law and

the Levels of its Research/ Państwo i prawo 6, 1969; K. Opałek, Przedmiot prawoznawstwa a problem tzw. płaszxzyzn prawa /The Object of the Legal Sciences and the Problem of the so-called Levels of Law/ Państwo i prawo 6, 1969; Id., The Complexity of Law and the Methods of Its Sutdy, Scientia 5-6, 1969; W. Lang, J. Wróblewski, S. Zawadzki, Teoria państwa i prawa /Theory of State and Law/ Warszawa 1980, chapt. 2.1-2.2. Z. Ziembiński, Problemy podstawowe prawoznawstwa /Fundamental Problems of the Legal Sciences/ Warszawa 1980, chapt. 2.

This type of complexity could be ascribed, e.g. for the interpretation of L. Petrazycki's Theory cf. J. Wróblewski, Jerzy Lande jako teoretyk prawa /Jerzy Lange as a Theoretican of Law/ in J. Lande, Studiaz filozofii prawa, Warszawa 1959, p. 34-47, 76-79; cf. three components of law in R. Pound, Jurisprudence, St. Paul, 1959, vol. II, p. 104-106, 123 in A. Peczenik, Legal Data, An Essay about Ontology of Law /in/ Theory of Legal Science, A. Peczenik et al. eds. Reidel 1984, p. 100-109.

19 Cf. S. Jørgensen, Pluralis Iuris, Aarhus 1982, Chapt. VI

20 Cf. J. Wróblewski, Evaluative Statements in Law. An Analytical Approach to Legal Axiology, Rivista intern. di filosofia del diritto 4, 1981 and lit. cit.; Id., Ontology..., p. 842 sq.; Id., Law..., p. 225-229.

21 J. Wróblewski, Ontology..., p. 847-850; Id., Law..., p. 222 sq.

22 J. Wróblewski, Ontology..., p. 850, 859; Id., Prawo..., passim; K. Opałek, The Complexity... passim; W. Lang, J. Wróblewski, S. Zawadzki, op. cit. chapt. 2.3; Metody badania prawa /Methods of Legal Research/, ed. A. Łopatka, Wrocław-Warszawa-Kraków-Gdańsk 1973.

Katedra Teorii Państwa i Prawa
Universidad de Lodz (Polonia)