THE CONTRIBUTION OF POLISH AND HUNGARIAN LEGAL THEORY TO THE EUROPEAN SCIENCE OF LAW

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Abstract

The paper consist of three parts. First the author dials with the notion and types of legal cultures. Word-wide, a regulating and an orienting legal culture can be distinguished. In the regulating legal culture, which is characteristic of the Euro-Atlantic culture, law is accepted as a normative, regulating rule but not always in the same extent. The orienting legal culture is a characteristic of Asian and African countries where statues have only a symbolic role. The topic of the second part of the paper: the effectiveness of law. The developmental stage and standard of legal culture and within this that of awareness of justice, as the realization of legal instruction, are the most important components of the effectiveness of legal regulations. It is to be emphasized that the development of awareness of justice and legal culture of citizens is not only influenced by the so-called 'legal core' but it is mainly affected by the education system, media and other elements of everyday life. In the last part of the study the author examines of the effectiveness of the legal order of European Union. The pledge of the future of the 'acquis communautaire' is how effective its regulation will be. Its regulations will be. Its measurement is a complex task. The effectiveness of the Community law depends on national laws.

Key words*: legal cultures, effectiveness of law, EU law*

JEL Classification: [K10]

1. The short biography and ouvre of Jerzy Wróblewski[1]

Professor Jerzy Wróblewski (1926-1990) was an eminent Polish theoretician of law. His scientific production consists of about 800 research papers and dissertations, including a dozen or so monographs.

In 1951 – having the degree of a Doctor of Philosophy at the Jagellonian University – he became the Head of the Chair of Theory of State and Law in Lódz until his death. He was a member of the Polish and Finnish Academies of Sciences and he was a Honoris Causa Doctor of several foreign universities.

Philosophical minimalism, anticognitivism, relativism and moderate reconstructivism constitute the basis for the analytical theory of law studied by J. Wróblewski. He understood them also as the necessary conditions for scientific reflection on law.

Six elements constitute J. Wróblewski's theory of law, namely: the theory of the legal norm; the theory of the interpretation of law; the theory of the legal system;

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[1] Cf. Zirk-Sadowski Marek, *Jerzy Wróblewski (1926-1990),* in „Ratio Iuris" Vol. 4. No. 1. March, 1991.

the theory of the application of law; the theory of law-making and the methodology of legal sciences.

He rejected the thesis that a universal model for reconstructing norms from legal texts was possible, which was in contrast to Marxists' view that sanctions are indispensible in the structure of a legal norm. J. Wróblewski always supported the semantic and intentional interpretation of law.

He denied Kelsen's thesis about the dynamic character of relations in the hierarchy of the legal system, drawing our attention to the mixed (static and dynamic) type of hierarchy in the system of law.

He presented several models of application of law: informative, functional and divisional, the last one being – in his opinion – the most useful for the study of law.

He was mainly interested in the rationality of the process of law-making and in principles useful in legal policy. The rational model of law-making was established upon the instrumental rationality based on the relationship between means and goals.

J. Wróblewski applied the multidimensional model of legal sciences, which treated law as an ontologically and epistemologically complex phenomenon.

In the early eighties he visited the Law Schools of Szeged and Pécs.

2. The influence of J. Wróblewski on Hungarian legal theory before the democratic political transformation

2.1. The impact of some theory – in my view – does not only mean its acceptance, but also the consequences resulting from the debates and criticisms relating to it.

If one intended to give a brief description of the legal theoretical thinking of the era in question, one would have to make the following statements.[2]

For almost forty years the "leading legal scholar" of the era was *Imre Szabó*, who had been educated in the earlier old system and was therefore well-trained and spoke several foreign languages, and who was a devoted supporter of Vishinsky's "socialist normativism". The well-known characteristics of this are as follows: textual positivism; vulgar materialistic economism; sheer verbal materialism and social approach; primitive class approach; voluntarism; instrumentalism; etatism; depriving legality of content; dogmativism; apologetic character; the false and vulgarizing explanation of the genesis of law and finally its principal ideological function. In the beginning, in the early fifties, all this resulted in the great majority of thematically comprehensive academic literature being made up of Soviet translations and written teaching materials based on Soviet legal theory; and among the authors, apart from Imre Szabó, mention should also be made of Pál Halász, Sándor Feri and Tibor Vas.

In the early seventies Szabó's textual positivism became relaxed to some extent.

In the second half of the eighties, the transcending of the official socialist legal theory[3], starting from the textual layer of law, moved toward legal hermeneutics in

[2] See on this Varga Csaba, *A szocializmus marxizmusának jogelmélete* [The Legal Theory of Socialist Marxism], in „Világosság" [Light] 2004/1.

Vilmos *Peschka's* approach; Kálmán *Kulcsár* pointed out the connections between state law and everyday practice; András *Sajó* revealed the interrelation between the textual layer and doctrinal-legal dogmatic activity; Csaba *Varga* arrived at the point of voicing the conception of law as comprising several layers, while Antal *Visegrády* demonstrated the role played by judicial practice in law-making.

At this time in our region, the products of Soviet, East-German and Czechoslovakian legal theory – as summaries of tenets lacking individual ideas and suitable merely for laying down ideological positions – did not encourage monographic research and could hardly lead to new theoretical revelations.[4]

The only exception was *Polish legal theory*, which – carrying on the tradition of the past (the strong psychological, logical and notional-analytical trends) successfully – gave priority to various notional analytical trends in social theory, sociology, political science and through them in theoretical jurisprudence, and excluded Marxism as *per definitionem* non-competent (as a result of its ideological value) from these approaches striving at ideal scientific exactness.

Therefore, in their work the above-mentioned Hungarian authors relied firmly upon the prominent representatives of Polish legal theory (Ádám *Podgórecki*, Maria *Borucka-Arctowa*, and also Jerzy *Wróblewski* and Kazimierz *Opalek* cutting free from Marxism). As the greatest authority out of them known, recognized and expressly popular internationally in his own right one may regard J. Wróblewski.

So, let us have a closer look where and in what context his works are cited.

In a footnote in his book entitled "Interpretation of Legal Regulations"[5] Imre Szabó refers to the fact that the work written by Wróblewski entitled *Zagadnienia teorii wykladni prawa ludowego* (Warsaw, 1959) "… deals with the whole issue of interpretation on a theoretical basis different from our conception."

In one of his most significant monographs[6] – also published in the German language – Vilmos Peschka utilizes the results of Polish legal axiology based on an article by Opalek and Wróblewski entitled *Axiology: Dilemma between Legal Positivism and Natural Law*.

In one of his books[7] András Sajó draws attention to our scholar's explications relating to the study of norms that may be read in his article entitled *"Oceny i normy moralne w wykladni prawa"*. In another work of his[8] Sajó adopted the idea contained in Wróblewski's essay entitled *"Law as an Instrument of Social Homeostasis"*, especially the more refined approach to the instrumental role of law.

Antal Visegrády elaborated and incorporated into his conception Professor Wróblewski's explications relating to the judicial interpretation of law, equity and the

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[3] Cf. Pokol Béla, *Jogelmélet* [Legal Theory], Budapest, 2005, pp. 336-339.
[4] Cf.Varga, *op. cit*.
[5] Budapest, 1960.
[6] *A modern jogfilozófia alapproblémái* [Basic Problems of Modern Legal Philosophy], Budapest, 1972.
[7] *Jogkövetés és társadalmi magatartás* [Law-Abidance and Social Conduct], Budapest, 1980.
[8] *Társadalmi-jogi változás* [Social-Legal Change], Budapest, 1988.

problems of judicial decision based primarily on the Polish author's monograph entitled "Sadowe stosowánie prawa" (Warsaw, 1972). [9]

2.2. Of the works of the world-famous Polish analytical jurisprudent several reviews have been published in Hungary penned by Csaba Varga and Antal Visegrády.

The reviewer[10] sees the importance of Wróblewski's work written jointly with K. Opalek in the fact that it emphasizes the positive features of Pound's sociological legal theory, the behavioural sciences and experimental jurisprudence.

An excellent example for Wróblewski's problem sensitivity and openness to new challenges is his article entitled "Pravo a cybernetyka" written as early as 1968. The author makes it clear that legal kibernetics appears on the scene as a new branch of legal science. This does not only mean the kibernetical formulation and transcription of the language and problems of law and legal science, but also the exploration of problems that may be grasped only from a kibernetical aspect and providing answers to them in the common language of kibernetical sciences.

The representatives of Polish jurisprudence – headed by Professor Wróblewski – pioneered also in establishing up-to-date legal scientific methods and methodology, above all, in elaborating the aspects and ways of application of modern legal logics. The volume entitled "Études de logique juridique" appeared as a result of this work containing an essay by the well-known scholar. The theme of his writing is *"Legal Reasoning in Legal Interpretation"* – as reflected in formalist and anti-formalist views. The author's important final conclusion is that there is a place for logics in both of its formalist and anti-formalist perspectives. The former can be utilized for the description of certain elements of the decision material, provided that the specifically legal arguments are properly translated into a well-defined system of logical calculi. The latter, on the other hand, may be used to analyse the psychical material, the decision-making process taking place between the procedural forms of the legal dispute; as well as the decision material, taking into account all conflicts resulting from evaluation.[11]

His next legal logical work reviewed was published under the title *"Statements on the Relation of Conduct and Norm"* in the volume entitled "Logique juridique". Wróblewski demonstrates that independently of the problem of the descriptive or evaluative interpretation of norms, the establishment of the relation between conduct and norm does not necessarily present itself in the form of true or false propositions or statements of descriptive character, and therefore, where a statement does not

[9] *A joggyakorlat jogfejlesztő szerepéről* [On the Role of Legal Practice in Developing Law], in „Magyar Jog" [Hungarian Law] 1976/6 and *A bírói gyakorlat jogfejlesztő szerepe* [Judge-Made Law], Budapest, 1988.
[10] Varga Csaba: Jogi elméletek, jogi kultúrák.[Legal Theories, Legal Cultures] Budapest, 1994, p. 165.
[11] Ibid, pp. 55-58.

prove to be free of value, one cannot speak of the possibility of formal reasoning or the mechanical application of law.[12]

Wróblewski examines an extremely exciting problem in his essay entitled "Is deciding specific legal cases an act of application or making of law?" He sets forth that content, logical and functional analyses in themselves are insufficient for determining the basic character of judicial decision, the answer must be based on a complex, many-sided analysis.[13]

The author of the present lines reviewed the world-famous legal scholar's book published in 1979 entitled "Meaning and Truth in Judicial Decision". The seven chapters of the book analyse such topical and significant questions as the meaning of legal norm; legal interpretation and semantics; the legal decision and its justification; legal reasoning in the interpretation of law; facts in law; precedents in codified legal systems; and the problem of so-called judicial justice. On giving a detailed description of these topics and expressing my appreciation of the new results of research found in it, I concluded my presentation with the following evaluation: "… Professor Wróblewski's book is a worthy and valuable work of high quality, rich in content. It is our firm conviction that it is a work that could be useful reading not only for legal theoreticians but also for practising lawyers. By this volume, the author did not only make a serious step forward in developing the science of legal theory and raising the standard of the activity of applying the law, but also in irradiating the latest results of Central-Eastern-European social sciences to English-speaking areas."[14]

2.3. One may also speak of Wróblewski's influence on *university education* as several of his writings have been published in Hungarian.

Since the end of the seventies all four legal faculties have used the collection of selected passages compiled by professors of the University of Szeged.[15]

In volume II/1 one may find three works by the famous legal scholar. In his essay entitled "Legal Norm as the Object of Legal Sciences"[16], following his usual grandiose and high standard literary review, Wróblewski emphasizes that the right way to approach law is on several planes. This means that when dealing with legal phenomena, one is to use such types of methods, techniques and notional apparatus as well as logical-linguistic statements, sociological and psychological approaches. And he acts up to this when examining the legal norm playing a central role in legal theory and defining human conduct as a social and psychological factor on the individual and mass psychological planes.

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[12] Ibid. pp 82-84.
[13] Ibid. pp. 137-138.
[14] *Jogtudományi Közlöny* [Legal Science Journal], 1981. № 9.
[15] Antalffy György, Papp Ignác: *Szemelvények állam- és jogelméleti szerzők műveiből* [Selected Passages from Works on the Theory of State and Law.], II/1 and 2, Budapest, 1978.
[16] Ibid. pp. 25-32.

The following passage contains the chapter entitled "Law and Other Social Norms" from his book "Zagadnienia teorij prawa" written jointly with K. Opalek.[17]

In this work, one may encounter propositions that are not only rich in content but also of a pioneering character – compared to contemporary socialist literature. Out of them, I would like to dwell on the typology of norms[18] and the question of the efficacy of norms. As far as the latter is concerned, I fully share the authors' position that the effect of the norm does not necessarily mean its efficacy. This is explained by the fact that the former may also be unintended. The novel typology of norms is as follows: autonomous – heteronomous norms (psychological plane); principled-expedient norms (psychological and logical planes); "substantive binding norms" – "formal binding norms" – evaluative norms (axiological plane) and open-closed norms (sociological plane).

Last but not least, high-spanned and constructive explications are contained in Wróblewski's essay entitled "The Model of Reasonable Legislation in Poland", which lays the theoretical foundations for proper legislation. As elements of the model of reasonable legislation, he discusses the definition and selection of objectives, regularities and legal means, pointing out the factors and tasks by which the process of legislation may be optimized[19]. His thoughts have not lost any of their topicality in consideration of the fact that the democratic transition necessitated large-scale legislation in the Central-Eastern-European countries.

3. Wróblewski's reception in Hungary after the democratic political transformation

Hungarian theoretical legal thinking was transformed significantly: it became open and was building up itself continuously adapting to the international environment, conducting a permanent dialogue with it – in other words, as constituting a part of this environment, receiving appreciating feedbacks from it. This can rightfully be characterised both by some sort of rupture and continuity, permanence, since as a result of the natural change of generations its once dominant personalities had become noble parts of the past serving as the ideological historical antecedents; the most mature authors were writing their opuses summarizing and synthesizing their life-work, which to a major extent had been surrounded by international attention already before; as for the mid-generation, they had been experimenting with their own ways for a long time in order to render a modern Euro-Atlantic way of thinking cultivable in the home environment – especially in the fields of classical legal philosophy, sociological jurisprudence and linguistic-logical reconstruction. Thus, these works did not simply constitute works to be integrated into the future, but also meant the start of the repossession and - to a certain degree -

[17] Ibid. pp. 33-52.
[18] Citation from: Visegrády Antal, *A jogi norma és hatékonysága* [The Legal Norm and Its Efficacy.], in: „Regula Iuris", Miskolc, 2004.
[19] Ibid. pp. 215-223.

an attempt at the reconstruction of the bourgeois past, which had been conspicuously renounced as a result of the former Communist exigency of discontinuity.

This way there was no need for any spectacular turning-point in academic legal thinking.[20]

Compared to the alleged socialism of the previous half-century, completely new, earlier unknown possibilities were born both for the writing of textbooks and the issue of publications.

However, a new trait is that while legal theory typically used to be the legal philosophy of philosophers before 1990, today it is the legal philosophy of jurists. This – taking into account both the requirements of the rule of law and the demands of practising lawyers – has also resulted in notional analysis and the theory of reasoning being moved to the foreground. Therefore, the gaining ground of legal analytics with Anglo-Saxon roots and the spread of the analytic method of theory-making in this context are not at all accidental or merely the result of individual interest, but constitute a change in academic thinking enabled, or even inspired, by the legal environment.

In the ideological history of Hungary it is the first time that Anglo-American legal thinking has invaded theory! In our academic jurisprudence debates are dominated by H. L. A. Hart and R. Dworkin. All this, however, has not weakened, but rather increased the impact of the analytic Jerzy Wróblewski.

3.1. In the past 26 years the Polish professor has remained the most-cited Central-Eastern-European legal philosophers. This is not only explained by his international authority, but also by his incredibly topical and valuable ideas. Without attempting to be comprehensive, let us provide an "inventory".

With regard to the research of the problematics of legal and social changes, his propositions expounded in his work entitled *"Law and Socio-Economic Change: Introductory Observations"* still serve as guiding principles.[21]

The main elements of his conception relating to the legal language have also become incorporated into Hungarian theoretical legal thinking.[22] More specifically, the idea that however many artificial elements present themselves in the internal definitions of law and its normative connections, it still shares the peculiar characteristics of natural languages (*Zagadnienie teorii prawa*). In other words, it is in vain distinguished by its normative use and proved to have a specific semantics and syntax on the plane of linguistic reconstruction, this does not remove it from its natural linguistic medium in which it is embedded. And above all, this does not eliminate its basic characteristics inherited from the natural language, namely its

[20] See: Varga Csaba, *A jogbölcselet állapota Magyarországon* [The State of Legal Philosophy in Hungary], in „A magyar jogrendszer átalakulása 1985-1990-2005" [The Transformation of the Hungarian Legal System 1985-1990-2005],Vol. II., Budapest, 2007, pp. 1132-1154.

[21] See: e.g. Kulcsár Kálmán: *Jogszociológia* [Legal Sociology], Budapest, 1997.

[22] See: e.g.Varga Csaba, *A bírói ténymegállapítási folyamat természete* [The Nature of the Judicial Process of Fact Establishment], Budapest, 1992.

diffuse and uncertain nature. (*Fuzziness and Transformation: Towards Explaining Legal Reasoning*) In the same article he showed that in the process of legal reasoning one must automatically reckon with a language undefined with regard to semantic context and with logically non-supported jumps in notional transformations.

Wróblewski elaborated worldwide recognized models of the judicial application of law, which, as a matter of course, have also been adopted in Hungary.[23] They include the theoretical model according to which the judicial application of law consists of the following steps: a) the interpretation of the legal norm, determining the applicable law in force; b) the determination of facts and principles that in principle may be taken into account as evidence; c) establishing the facts of the specific case and comparing them to the statutory statement of facts; c) making the decision, determining legal consequences, sanctions based on the facts accepted as proven *(Stosowanie prawa)*.

As for the interpretation of law, Marxist legal literature was dominated by a view that qualified extended interpretation as an act of abuse in the spirit of so-called socialist legality. As opposed to this, Jerzy Wróblewski professed as early as 1959 (Zagadnienie teorii wykladni prawa ludowego) that the above approach used criteria that had been outdated from the outset. He demonstrated by analytic means that all legal cultures comprise both static and dynamic conceptions and trends. And the latter do provide room for extended interpretation!

As for the question of the meaning of legal terms, one cannot speak of one "proper", "genuine" or "true" meaning, in other words, one that is attributed to one linguistic sign exclusively without the possibility of modification, because the meaning of the norm (similarly to the meaning of any other linguistic expression) appears as one depending on the directives applied during the fixing of meaning. It is well-known that interpretation necessarily presupposes evaluative choices. Making such choices, in turn, presupposes the use of evaluative directives. When using evaluative directives, this means both their interpretation and the making of evaluative choices between the possible versions of interpretation. (The Problem of the Meaning of the Legal Norm and Statement on the Relation of Conduct and Norm).[24]

Concerning the stage of *proof*, Wróblewski's main statements emphatically referred to in Hungarian legal theory are the following: The rules of proof are not valid or even possible to interpret empirically. However much does proof concentrate on the side of facts, it may only do so forming a complex consisting of facts and law. Proof is reasoning, which – as a matter of fact - becomes intertwined with logical operations. Even if in some cases its result does not by all means differ from the so-called scientific truth, the result received from legal proof is not simply a statement of existence, but rather an instrument serving for the solution of a legal problem. This is

[23] See: e.g. Kulcsár*, op. cit.*, Varga: *op. cit.*, Visegrády, *Jog- és Állambölcselet* [Philosophy of Law and State], Budapest, 2002. As an arbitrator, I can praise his insight!

[24] Cf. Varga Csaba, *A jog mint logika, rendszer és technika* [Law as Logic, System and Technique], Budapest, 2000.

even more so since it is the relationship between the judge's cognitive and evaluative positions that is determinative in the final analysis. (*Facts in Law; The Problem of the So-Called Judicial Truth and La prevue juridique: axiologie, logique et argumentation*).[25]

Last but not least, deeply true is the position of the Professor from Lódz that in the majority of legal cultures differentiated to some extent, at almost all levels of the decisions of the appliers of law, only such decisions are accepted that – mostly in the light of the evaluation of a higher level - meet the requirements of the given culture relating to the logical and rationalistic justification of decisions. (*Legal Syllogism and Rationality of Judicial Decision; Justification of Legal Decisions; Paradigms of Justifying Judicial Decisions*).[26]

I can also maximally accept his statement – expounded in connection with a different subject – that even within the notion of formal validity within the system, distinction must be made between systemic validity reflecting the notional range of "law in books" and on the other hand, actually realized validity (effectiveness) covering the range of "law in action" and axiological validity, which means making the validity of legal norms depend on various values (*Tre Concetti di Validita*).

As we have seen above, the law-making process occupies an important position in J. Wróblewski's life-work (*Teoria racionalnego tworzenia prawa*). In his monographs on the efficacy of law, the writer of the present lines relied greatly on Wróblewski's research results relating to the subject-matter. More specifically, when laying down optimal legislation as a pillar of the efficacy of law – besides the efficacy of the application of law and that of legal consciousness.[27]

It is possible to utilize the model of reasonable legislation elaborated by Wróblewski to optimize legislative practice, namely in three areas.

From the aspect of the "axiological" field, optimization means ensuring the harmony of both the theoretical and instrumental evaluation of the legislator by all that he considers socially the most appropriate.

The "genuine" field of optimization means that the legislator should have the maximum knowledge relevant to the activity and that he should want and be able to use it effectively.

Finally, optimization in the "praxeological" field means the correctness of legislation.

Wróblewski rightly points out that on the one hand, there may arise conflicts between the above elements; on the other hand, it is clear that the acceptance of a certain degree of the axiological field is such a factor that based on the possessed

[25] Ibid.

[26] Cf. Visegrády Antal, *Jogi kultúra, jogelmélet, joggyakorlat* [Legal Culture, Legal Theory, Legal Practice], Budapest, 2003. Let me mention here that one of my Ph.D. students – as an undergraduate student – won the first prize at the National ***Conference*** of Scientific Students' Associations organized in 2011with the paper entitled "The Legal Theoretical and Psychological Problems of Judicial Decision-Making", in which Wróblewski's conception was also utilized.

[27] Visegrády Antal, *A jog hatékonysága* [The Efficacy of Law], Budapest, 1997; Visegrády Antal, *A jogi szabályozás eredményessége* [Success of the Legal Regulation], Budapest, 2006.

knowledge (genuine field) has an effect on the efficacy of legal regulation, as far as the realization of its direct objectives are concerned.

The above thoughts should be seriously considered by the ministers and Members of Parliament of Central-Eastern-European countries, this would certainly not be to the detriment of statutes and codes under preparation.

Wróblewski may also be regarded a great humanist, as in many of his works he emphasizes the role of the individual and the personality in the world of the state and law.

It is only Csaba Varga who has made critical or censuring remarks about some views held by Professor Wróblewski.

One such view is Wróblewski's conception relating to the axiomatization of legal theory.

According to Csaba Varga, "if one does not merely take axiomatization, the axiomatic reconstruction of legal material signifying a conceptual or an ideological tendency, or in the final analysis, metaphorically, but as the strict and consistent realization of the formal-logically elaborated system of requirements of axiomatics – then it becomes to a great extent plausibly evident that the creed of Hilbert's optimism – "I believe: anything at all that can be the object of scientific thought becomes dependent on the axiomatic method, and thereby indirectly on mathematics, as soon as it is ripe for the formation of a theory."- is founded on an unproven and unprovable generalization. As it is well-known, the soul and sine qua non condition of the axiomatic system is deductive interconnection, in other words, the possibility to deduce from a given set of basic tenets (axioms) all the propositions (theorems) of the system in a logically straightforward and necessary way."[28]

In his other criticism Varga censures the Polish professor's doctrine of validity set forth in his monograph entitled *The Judicial Application of Law.* In the Hungarian professor's view, Wróblewski's definition "does not merely repeat Kelsen's ambivalence, but also topples it with misunderstanding, when he defines the explication of the statute-based legal system together with its logical consequences, in other words, dogmatics as the work of scientific elaboration, as included in the category of validity."[29]

3.2. As it has been mentioned above, the world-famous Polish legal philosopher has remained present in *education* following the democratic transition too. Moreover, the publication of one of his best-known essays (Ontology and Epistemology of Law) in the Hungarian language does not only convey serious scientific values and important messages to students of law but also to Ph.D. students.[30]

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[28] Varga Csaba, *op. cit* . n. 24, p. 99 et seq.

[29] Varga Csaba, *Jogfilozófia az ezredfordulón* [Legal Philosophy at the Turn of the Millennium], Budapest, 2004, p. 162.

[30] Jerzy Wróblewski, *A jog ontologiája és episztemológiája* [Ontology and Epistemology of Law], in „Előadások a jogelmélet köréből" [Lectures on Legal Theory], Miskolc, 1996, pp. 3-27.

Let me cite the conclusion of this excellent article, which also exemplifies the author's modesty.

"In my essay I have tried to demonstrate the relations existing between the ontology, epistemology and methodology of law. These relations are not always explicit in legal science in general and in legal theory in particular. These relations are formulated in theories which express the philosophical attitude and are aware of the links between the ontological and epistemological assumption and methodological tools used in research. These relations are obscured, when legal theory expresses the aphilosophical attitude and when it restricts itself to the traditional methodological isolationism grounded on the narrow purely practical values of research. The former situation is exemplified by the philosophically oriented trends in contemporary legal theory, which clearly are based on certain philosophical system; the latter continues the delusions of legal positivism, as a practical theory thought of (erroneously) separated from any philosophy, any ethics and any political ideology.

In my opinion for any legal theory one can reconstruct the philosophical ideas, which are its logically necessary assumptions. And if so, then for any theory one can put the question «What is law» and « How law is cognizable», and in any sufficiently developed theory these questions could be answered.

In my essay I have made a very synthetic analysis of these answers from a meta-theoretical point of view. This point of view has the advantage for comparative analytic research. This point of view, however, has two disadvantages, too: the exposition is more complicated and this exposition compels to put into background the legal theory and the corresponding philosophy accepted by the author."

I would heartily recommend to Hungarian publishers to *publish* his last, gap-filling monograph entitled *"The Judicial Application of Law" in the Hungarian language*!

This book reflects – among others – that the author contributed all his brilliant knowledge derived from international and Polish legal academic literature and his own genius to the service of the practical utilization of legal theory.

In this essay my main endeavour has been to prove that Jerzy Wróblewski has had a great impact on Hungarian academic legal thinking and university education in all of his six main fields of research. In this way Wróblewski's reception in Hungary has been fully realized. Quoting Horace: he "erected a monument more lasting than bronze".

Then Jerzy Wróblewski will live forever, since his ideas live on in the works of his students including his most distinguished successor Professor Marek Zirk-Sadowski and also the international community of legal theoreticians, and among them, Hungarian authors.

Thus, the Polish legal scholar's far-reaching influence goes far beyond what has been presented above.

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