

FROM THE EDITOR-IN-CHIEF

Dear Readers,

This time, the main topic of the issue is the weighty problem of the relationship between law and politics. The volume also features three interesting texts from the ‘miscellaneous’ category, by contributing authors from Ukraine, Hungary, and Poland.

And now something from the scientific editors of the main topic of this issue – Professor Andrzej Bator, PhD, DSc and Jakub Łakomy, MA, practicing lawyer.

Here is what the gentlemen would like to say to our readers:

“The main topic of the issue is the relationship between law and politics in the very broad sense. The featured articles intend to outline the multi-aspect nature of this problem from the perspective of the theory and philosophy of law. The political nature of the public domain is affected by and at the same time affects the political nature of law. The demand for the apolitical nature of jurisprudence, both highly complex and socially challenging to become fulfilled – especially nowadays, and the resulting demand for the independence of juridical practice repeatedly encounters resistance as offered by the specificity of research in humanities and social sciences when facing the ideal of objective knowledge. What is more, the very object of research seems to escape this structuration and objectivisation despite being strongly rooted in the European tradition of efforts to uphold the call for separation of the subject and the object of cognition in jurisprudence. The issue was raised many years ago by M. Zirk-Sadowski in a well-known article on the philosophical opposition of the subject and the object of cognition, also in his works inspired by hermeneutic philosophy. In the recent two decades, in the light of an increased impact of post-structuralist and critical thinking on jurisprudence, the problems and difficulties mentioned above have become all the more noticeable and relevant. M. Zirk-Sadowski has also contributed a very important text to this issue. It deserves a close reading. We hope you find it interesting.

The featured article by A. Bator refers directly to the said issues. It opens with a claim that despite the different axiologies adopted by the exponents of critical theories and the Republican conservative thought within the framework of contemporary jurisprudence, both sides argue for the idea of restoration or revelation

of the political nature of law, jurisprudence, and the legal practice established on their basis. Since the age of the Enlightenment and the expansion of positivism (philosophical, methodological, and legal alike), the idea of ‘politicity’ encountered by lawyers – especially those representing the legal dogma, has come to require a balanced verification, i.e. one performed within certain boundaries.

In A. Sulikowski’s article it is considered natural and obvious that jurisprudence has never been, is not, and may not be apolitical. We can see this particularly clearly nowadays only thanks to the fact that we are dealing with a common democracy crisis. But it is much harder to look further, beyond the known own horizon, and see the transformations the liberal-positivist discourse will be subject to in the years to come. The reader will be aided in the attempt of such anticipation by the text of R. Mańko, which can be read as if in parallel with the articles by A. Bator and A. Sulikowski. The author argues that treating politicity as a jurisprudential ‘analytical category’ is to favour the operationalisation of researching new concepts and approaches to jurisprudence.

The new issue of “Critique of Law” additionally offers readers articles by A. Kus-tra-Rogatka and J. Zajadło. A. Barut also makes references to classical literature in search for an inspiration to build a neoclassical concept of law for which politicity is a sphere of shared values.

A factor essential to the social existence of politicity is dialogue. It constitutes politicity in a hermeneutic-communicative framework of liberal democracy. The limited nature of dialogue and the need for hegemony to exist constitute politicity in a Schmitt-Mouffe perspective. Metaphorically speaking, this issue of the journal is not only critical but also political for this very reason.

J. Łakomy enters into a dialogue with the concept of interpretation of an influential exponent of critical theory, Duncan Kennedy, and considers the extent of its application in the *civil law* culture. In his article (a review first and foremost, but essentially a space for developing an own theory) M. Pichlak polemicizes with the theses set in R. Mańko’s monograph on the critical philosophy of adjudication.”

On a side note, I would also like to add that given the interest as expressed by our readers, we have decided to focus even more on public law and the universal problems within the disciplines of philosophy and the theory of law. Articles discussing issues in the domain of private law will be published only on an exceptional basis.

I hope you find this issue inspiring and enjoyable. You are also encouraged to take part in the discussion – we will be happy to publish your opinions.

Jolanta Jabłońska-Bonca
Editor-in-Chief of “Critique of Law”