May 2014

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Igor N. Grazin

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Reflections on the Philosophy of Law
Part One: Levels of Legal Being—A Note on the Ontology of Law

Igor N. Grazin*

I. The Various Kinds of Law

Numerous discussions, definitions and continuing re-definitions of the notion of law have proven at least one solid fact: Law seems to be a very complicated phenomenon that can be dealt with from various points of view. One can, moreover, refer to the ambiguity of the word “law” in ordinary language and to the complications that are connected with the translation of it from one language to another. When faced with this situation it is not desirable to enlarge the number of definitions of law or to formulate a new conceptual set for its description. Rather, the aim of this Essay is simply to show some common points in different views on law and so to point out at least some of the aspects of legal phenomena that make it possible to speak about the progress of legal cognition itself in general, and that form the grounds for the discussion between legal theoreticians with different gnoseological (epistemological), methodological and philosophical backgrounds. As will be seen later, this approach is somewhat formalistic and cannot pretend to be a complete explanation of the being of law as a socio-political phenomenon. While, admittedly, the law is a political phenomenon—one connected with class struggle and the activity of different political groups—this Essay will concentrate on its gnoseological aspect.

II. Law as “Ordinary Jurisprudence”

It is common to our everyday understanding that an area usually named “law” encompasses a set of social phenomena of different kinds. It includes statutes and legal codes, state institutions and officials, various kinds of legal activities and legal positions, and norms and guidelines of behavior. Any fragment of this set has been subject to a highly specialized theoretical and empirical investigation by legal science. Rather than

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* Chair Professor of General Theory and History of Law (University of Tartu); Member of the Soviet of the Union (U.S.S.R.); Chief of the Department of Law and the Institute of Philosophy, Sociology and Law of the Sciences of Estonia.

These papers are a theoretical by-product of research work carried out due to a grant from the Centre of Baltic Studies at the University of Stockholm. The author wishes to thank Chief Professor Aleksander Loit; Professor Hannu T. Klami of the University of Turku, Finland for his kind and competent criticism; and Dean Professor A. Agell of Uppsala University for providing the best conditions for scientific work.

This article is presented in part due to the scholarship of the Center for Civil and Human Rights at the University of Notre Dame [Editor's note].
express the specific features of all these phenomena, this Essay looks at them as some whole, syncretic phenomenon.

It is sufficient to say that at this everyday level law appears as a set of norms or rules. It is in Hegel's words, some measure of the frame of social behavior. So law is a set of restrictions whose protection is guaranteed by some authoritative (legal) institutions.

Now a few words about the ontology of these restrictions. It is known from Hegel's philosophy that a measure is a borderline between two qualities. When this borderline is crossed, one quality ceases to exist and transforms into another. This process is by nature objective and goes on without any "authority." Here there is a causal relation—when the measure is overcome, a new quality appears. Likewise, the capitalist economic system is independent of the length of the working day: The working day may be 12 hours or 6 hours; but it is no longer capitalism if the surplus value of the laborer's work is not expropriated by the capitalist.

This example demonstrates that law is not purely objective in the sense of an ordinary measure. Law is, in terms of this example, the rule that lays down the length of the working day. It is the law that puts the borders to 12 or 6 hours, but does not change the deeper qualitative nature of the capitalistic system. So we can say that law is a certain secondary measure, an additional regulation that is based on some recognized interests (aims of some social groups) and is realized in the frame of possibilities of a given social reality. This conclusion follows from reflection upon the objective dialectics of social development. Law is man made; that is, it is mediated by human creative activity. It unites, into a causal chain, phenomena that were not thus united before.

So, in spite of its objective and material foundations, the essence of law is also based on some human understanding of the nature of society and of man's abilities to manipulate society to a certain degree. These ideas, carried by different groups, may compete with each other and give some result that could not be predicted by them. It is, nevertheless, a result of objective social relations. But actually the first level consciousness and relations are to a certain extent influenced by it. This constitutes the first level of legal being or so-called "Ordinary Jurisprudence."

III. The Ordinary Level of Law

This Ordinary Jurisprudence is then embedded in everyday consciousness and some set of actual interpersonal relations. The Ordinary Jurisprudence participates in the human ideality. It results in norms. These norms are in a certain sense a final point of a certain cognitive activity. This does not mean that all ordinary-level normative systems are explicitly understood and expressed as legal systems. Sometimes, especially in dealing with earlier periods of society, it can be stated only retrospectively; today one may speak of this or that law, but it is possible that in an earlier society norms were understood as myths, religions, etc. They may not even be understood as norms created by men, but as products of some higher order of causality carried out via men, as in the case
of taboos. Cult activities are not, among these societies, separated from the world as something man made, but are put on the level of the objective causal chain.

Nevertheless, there is a language that corresponds to this level of legal or quasi-legal activities. This language describes the everyday experience and is a link between the social phenomena that are its object. This language may contain descriptions of obligations expressed in myths, everyday understandings, etc. For an older example of this level, one can refer to Scandinavian sagas as a form of such descriptive Ordinary Jurisprudence or to the casuistry of medieval criminal codes, such as the C.C.C. and the Lex Salica.1 Let us designate the language expressing this level of legal activity as Lo (L-ordinary).

IV. The Normative Level of Law

The second level of law is a generalization of the former one. It is, therefore, sometimes difficult to make explicit distinction between them. Nevertheless, such a distinction is clear at least intuitively. This is a level where legal norms appear as a set of norms in the strict sense of the word. These norms are general rules that are to be continuously applied to some classes of social behavior and subjects of law. It is a result of a transformation from casuistic legal systems to codes that unify different fragments of being that are legally relevant. This is the point where precedent also ceases to be only a model of a decision of a relatively identical case but becomes a general form of solving legal problems. The most distinctive form of this level is expressed in the systems of codified law with relatively general and systematic rules. Due to their character, codes are much smaller than the collections of casuistic regulations. For example, the Criminal Code of Estonian S.S.R. consists of only 244 paragraphs. Let us designate the language expressing this level of legal activity as Ln (L-norm).2

V. The Theoretical Level of Law

The next level can be more clearly separated from previous ones. It is the level of legal science, theory, and dogmatics. The transformation from the former levels means here a shift in the subjects reflected by the knowledge on these levels. Where the Lo and Ln were reflections upon the social realities themselves, this level of legal theory mirrors these realities plus the existing legal norms as an additional fragment to this reality (which norms are themselves the results of some cognition).

Aleksander Peczenik was among the first to express clearly the fact that there are two elements in legal theory: the "scientific description and [the] unscientific evaluation."3 To a large extent the question about

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1 The C.C.C. is also known as the Criminal Code of Carl the Great; the Lex Salica, or Salic Law, "was the code of the Salian Franks who conquered Gaul in the 5th century and the most important . . . of all Teutonic laws." Salic Law, 10 THE NEW ENCYCLOPEDIA BRITANNICA 352 (1987).
the connection of Is and Ought remains problematic. But, as the author has stated earlier,\textsuperscript{4} and as Peczenik\textsuperscript{5} has recognized, a legal norm, at least in societies with advanced legal systems, can be understood as a conclusive part of legal theory. One may further state that the legal norm has always been a practically conclusive part of something—whether it be a religion, an ancient polytheistic world-view, a mythological interpretation of the world, etc. While this discussion does not attempt to solve the problem of Is and Ought, it nevertheless follows that there is some level of legal theory (for instance, a myth or a religion) where Is and Ought are connected in such a manner that Ought can be derived from Is. Let us designate the language corresponding to this level of legal activity as Lt (L-theory).

VI. The Meta-theoretical Level of Law

The preceding four decades have shown us in a very convincing manner the existence of a fourth level. This is a level of meta-scientific (gnoseological) reflection upon law and legal theory. This makes for another shift of subject. The matter that is reflected upon is a set of legal theories in their opposition to the law and world. Whereas legal theory accepts only implicitly the fact that its subject (law) is a result of cognition and the theory aims at changing or evaluating it, the meta-scientific approach (elsewhere we have called it the philosophy of law) deals with theories of law as products of the cognitive activity of man. Thus, the content of considerations on this level is a philosophical and methodological one, as represented by Peczenik’s work that was noted above. The language of this level of legal activity may be referred to as Lmt (L-meta-theory).

VII. The Relationship Between the Levels of Law

Therefore, the different levels of legal being, and the languages that correspond to them, form some sort of hierarchy or a vertical structure. Every next step on this ladder is as the meta-level of the former. It is unnecessary to discuss the problems of the relationship between an object-language and the corresponding meta-language since these problems are well-known from modern philosophical and logical literature.\textsuperscript{6} But three points concerning this relationship are of special value.

First, every meta-language contains the object-language. Otherwise, it would be impossible to speak about a meta-language as a reflection upon the object-language.

Second, meta-language contains a shortened version of the object-language. Otherwise we would not have a meta-language at all but a wider variant of the same object-language. This means that the meta-language

\textsuperscript{4} I. Grazin, Tekst Prava (1983).
\textsuperscript{5} Peczenik, supra note 3, at 122.
\textsuperscript{6} To mention only some classics: I A. N. Whitehead & B. Russell, Principia Mathematica 161 (1950); A. Tarski, The Concept of Truth in Formalized Languages in Logic, Semantics, Metamathematics: Papers from 1923 to 1938 (1956); D. Davidson, Radical Interpretation, 27 Dialectica 313 (1973).
does not include all the content of all words in the object-language; rather, it deals only with some classes, types, or forms of them. A grammar operates with nouns, verbs, adverbs, etc., not with concrete ones, but as representatives of some linguistic structure and as some groups of words. This is analogous to juristic activity which involves the relation between legal norms and the principles of their interpretation. One does not have specific rules for the interpretation of every separate norm, but only for some classes and types of them.

Third, the classification of object-linguistic phenomena presupposes a new cognitive position which enables one to view the foundation of these classifications. Thus, the meta-language is in some sense wider than the object-language because it must contain something else than the object-language.

Schematically the relations between the levels of "legal being" may be presented in the following manner:

Every meta-level (Ln to Lo, Lt to Ln, and Lmt to Lt) in the hierarchy of "legal being" deals with some groups or classes of legal phenomena, abstracts itself from their actual content and deals with some forms of legal being. This is apparent from the intuitive point of view. For instance, norms do not include the whole content of a concrete case but only some of those features that constitute its legal form.

Now we can define the core of legal being approximately as Lakatos has envisioned it. There is a legal reality on each of the four levels. The common feature among them is the existence of some legal formula that appears as a system of legal rights and duties. The nature of this formula is of course different at the different levels. At level Ln, it directly expresses a system of rights/duties; at the Lt level, it is the theoretical explanation and investigation of this formula; and, at the level Lmt, the investigation of the cognitive status of this formula and of its theoretical reflection is at stake. It does not mean that every fragment of legal theory (every book or every article) deals with this formula or that this is the whole content of actual legal science. It is, however, clear that without this orientation there would be no legal theory at all.
VIII. Legal Progress

Three thousand years of modern civilization have essentially changed the world and society. Social revolutions and radical reforms have changed society to such an extent at times that it becomes extremely difficult to compare different time periods or to trace the line of progress of certain social institutions. The progress is most evident in the example of the development of the means of production, but even this example does not give us the entire answer about the progress of some social institutions, especially those that are less connected with the material basis of society. When one compares ancient slavery with the modern liberal and socialist concept of the right social order, one may conclude that there has been progress towards the liberty of man (at least the legal equality of all men) and the recognition of man as the final end of society (which is, in a word, Kant’s ideal). While generally this may be so, there are important counter-examples. The revival of slavery in 18th century America and the Nazi-regimes of 20th century Europe detract from any such progress.

Therefore, it is possible to speak of progress as to the actual content of legal phenomena if we surpass the sphere of legal science and enter the wider context of social philosophy. But, in spite of that, we can trace the progress of law as a form of regulation of human behavior—meaning a content-based logical formula that develops relatively independently of its actual content. Thus, the empto-vendito of Roman law does not differ so very much from our modern concept of sale. What has radically changed is our substantive idea about what may be bought and sold. Men and women, for instance, cannot be. This can also be shown by the fact that most technical (formal) rules of legal interpretation of law have not essentially changed since ancient Rome. They are still similar in the legal profession throughout the modern world. The relative stability of legal formulas does not mean that they should be considered external. Some legal concepts, such as the Roman nexum which was a loan guaranteed by the freedom of the debtor, have disappeared; while others, such as the form contracts for carriage of goods by ship used in England, have appeared.

So, in one sense, legal progress is the development of a legal formula. Indeed, this kind of legal progress is a point of common interest for all jurists.

IX. Conclusion

The existence of a certain form that has developed throughout social history is apparent on the level of legal theory. Legal theories have been faced with the inertia of laws and the dynamism of actual everyday life. The stressing of one of these components in this dialectical contradiction has been since antiquity a dilemma of both legal positivism and natural law. It should be noted here, for instance, that the natural law conception was accepted by both parties in the English revolution. Thus, these conceptions contain political elements. They are different due to actual political conditions. But, the natural law thinking itself constitutes a kind
of logic or form of legal thought. When speaking about natural law we are not envisaging it as a particular school, but rather as a substantive form of legal thought.

This contradiction between natural law and legal positivism can only be solved at a level of generalization higher than that of legal theory itself. Any solution, therefore, necessarily appeals to the level of philosophical methodology or social philosophy.
Part Two: Competing Legal Theories—The Problem for the Philosophy of Law

There is a possibility, and even a necessity, of forming a philosophy of law that is principally different from the general theory of law. Competition among legal theories is an example of the set of problems of this philosophy of law.

I. The Recognition of a Meta-Level of Law

Modern legal literature uses the two concepts of a “general theory of law” and a “philosophy of law” as parallel ones despite the fact that it is possible and useful to make a clear distinction between them. While Lord Lloyd of Hampstead says that the “choice between a philosophy or a science of law is no doubt to a large extent a matter of terminology,” this is not simply a terminological problem.

Today there is generally no clear conception about what a legal theory is or when our considerations about law reach a theoretical level. But, for the purpose of this discussion, it is sufficient to accept some intellectual constructions as the theoretical ones by convention. It is indubitable, for instance, that Jurisprudence by John Austin and An Introduction to the Philosophy of Law by Roscoe Pound contain what can be called theories. But the fact is that there is not any competition between them in the strict sense of the word because they deal with different subjects—the first with legal texts, and the second with actual activities of legal officials. Hence, these theories can be understood as complementary ones that are united only on some common foundation of positivistic methodology. In short, these theories are not competing but only different.

R. Dworkin has given us a catalogue of problems that legal theory must deal with to be complete. In fact, every legal theory or school of legal thought usually discusses only some of the problems. So, in order to determine the role, place and value of the various legal theories, one must have some cognitive position that is more general than that of these theories.

Today this seems to be trivial but it was not so before the formulation of Russell’s paradox and its solution. Russell’s theory of logical classes and types proves that theory and meta-theory (that which contains theory in its subject) represent two different levels of knowledge. In addition, this can be supported by Tarski’s semantic conception of truth. Applying this conception to legal thought, it follows that considerations about what law is about and what legal theories are, are two different things. The latter considerations are the meta-level for the former considerations. In addition to this purely logical argument, there are

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7 D. Lloyd (Lord Lloyd of Hampstead), INTRODUCTION TO JURISPRUDENCE 16 (5th ed. 1985).
9 R. Pound, AN INTRODUCTION TO THE PHILOSOPHY OF LAW (2nd ed. 1954).
more substantial ones. The latter type of argument derives from the difference between the objects it is possible to reflect upon—the law and the theories about law.

II. Philosophy of Law

It has been stated by Engels in his *Ludwig Feuerbach and The Outcome of Classical German Philosophy*\(^{11}\) that the fundamental question of philosophy can be reduced to the relationship between matter (being), and consciousness, materiality and ideality. This was first clearly expressed in Descartes' philosophical system. Taking this fundamental question into consideration, it becomes evident that the general theory of the law (including Hegel's "Philosophy of Law") ceases to be the *philosophy* of law because it deals with law itself independently of its relations to legal cognition. That is why the general theory of law is an ontological description and explanation of law that abstracts itself from the other member in the fundamental question of philosophy (man with his consciousness).

The problems of legal theories present a somewhat different situation. Here the opposition of some legal reality and its reflection is the relationship between law (as some legal matter) and the results of its cognition (as some juridical consciousness). If these statements are accepted as true, the conclusion follows that in dealing with the problems of legal theories themselves one must consult the fundamental question of philosophy in general. This is the first and main reason why I prefer to use the term "philosophy of law."

Another aspect of the fundamental question of philosophy is the relation of consciousness to matter. To put it in another way, this is the problem of the cognitivity of the world. Generally, it is the question of metaphysical and dialectical method in philosophy, and, on a more concrete level, the problem of valid intellectual means to achieve the truth. It may be stated further that these problems, as meta-theoretical for legal science, are philosophical by their nature.

There is less important, but nevertheless considerable, ground for using the phrase "philosophy of law" here. It is a fact that several other sciences today have developed to the level of self-cognition. The branches engaged in investigation of epistemological problems of these sciences are often named the philosophies of these sciences. As illustrations, the meta-mathematical trend founded by Cantor, Hilbert, Godel, Kleene and others is the philosophy of mathematics, and the meta-historical theory of historical knowledge created by Collingwood is the philosophy of history. Naturally, the analogical branch in legal science may be designated the philosophy of law.

The main difference between the philosophy of law and the general theory of law is that between gnoseology and ontology. It becomes apparent in the difference of questions for which they are seeking answers. The general theory of law is engaged in questions like: "What is law?" (or more specifically, "Which are the laws in concrete?"); "What are the

\(^{11}\) F. ENGELS, *LUDWIG FEUERBACH AND THE OUTCOME OF CLASSICAL GERMAN PHILOSOPHY* (2nd ed. 1941).
conditions for legal validity?”; “What is a legal norm?”; and, “What is the structure of the norm?” The philosophy of law asks questions of another kind: “What is a legal theory?”; “What is explanation in legal science?”; and “What is the difference between legal theories and, for example, Balzac’s or Kafka’s discussions about law?”

In the practice of legal/scientific activities the philosophy of law and the general theory of law are closely connected and interwoven, such that it is not easy to discover a line of demarcation in every case. But, there are some real problems of legal science, such as the problems of the role of legal cognition in human cognition in general, and the place of law in human culture, that demand this division. The implanting of law in wider cultural and philosophical contexts opens the possibility of determining the role of different legal theories in the general process of legal cognition and the competition between them.

III. Law in Culture

Here, we broach the problem of the comparability of different legal theories. In spite of a large number of definitions of “culture,” it is possible to fix one common feature of phenomena usually included in this notion; that is, against the background of non-culture, culture represents itself as a semiotic phenomenon, a collection of material facts that have certain sense and meaning. Thus, in a wider sense of the word, “culture” is a set of some sort of texts. Culture, as this sort of “the second nature,” is a product of human activity and reflects the human experience in a shortened way. Viewed separately each fragment of culture is the result and not the actual process of its achieving. The progress of mankind is explained by the realization that every new generation does not start from “point-zero” but acquires the experience of past generations medially through culture.

Because of culture every man is integrated in society as a whole. The law fulfills the same function. It unites a man with his society, determines his actual behavior, and integrates him into some socio-political organization of mankind. Because of this similarity the law appears to be a fragment of culture in general. This implies that every law, whether written or unwritten, can be treated as a textual formation. In the case of unwritten law, the signs of its texts are symbols and rituals as in the case of totems and taboos. But, in any case, law and its textual form have meaning for man and society.

But, there is another aspect of the problem of the textuality of law. The fact is that every text is from the cybernetic point of view a negentropic phenomenon as well. This means that it functions in a system as information and causes negentropic consequences, including the increased organization of the system. As opposed to the semiotic aspect, this is an objective process. In other words, the real functioning of a
legal text, its actual role in society and its meaningful content are not equivalent. This proposition is illustrated by the gap between what is said by a legislator and what the law in fact does ("law in books" versus "law in action").

So we have two focuses at hand: (a) the text of law that is common to all of us and functions objectively; and, (b) the semantic content of the text (or, what the text in fact says). The semantic content is discovered by a procedure that may be called interpretation. Legal theory is one form of doing that.

Therefore, our main conclusion runs as follows: If there is a common foundation for legal/theoretical constructions (that is legal text), then the difference and competition between these circumstances becomes apparent in interpretation as a process and result of them. Whereas the first moment, the text, makes legal theories comparable, the second, their interpretation, discovers their difference.

IV. The Levels of Competition Between Legal Theories

Starting from the legal text as matter, opposed to the cognitive activity of man, the stages of legal cognition may be described as follows:

A. The Discovery of a Norm

Legal cognition includes the discovery of a norm from the text—the legal interpretation in the widest sense of the word. In other words, it means the inclusion of the text in some wider contexts, such as reason, God, or nature for natural law conceptions, or the will of legislator or actual activity of the officials for positivism.

B. The Formation of an Ontological Conception

A second level of legal cognition is the formation of an ontological conception of law. Our interpretation of legal text is implicitly based on some conception of what law is. Thus, if we try to find from the legal text some will of a legislator, we have accepted, implicitly at least, that the law is a legislator's will. Such an assumption demands a theory about this will, its ontology.

C. The Formation of Methodological Programmes

A third level of legal cognition is the formation of methodological programmes for the studying of law in general. After we have some conception about what the law is, we can carry out the intellectual methods for its learning. To repeat an example, if the law is the will of a legislator, then we must use adequate methods to study it. These methods may include, among others, sociological and historical ones.

D. Relations Between Levels of Legal Cognition

On these three levels, legal theories are comparable and compete in ways that are not usually expressed in the legal theories themselves. Preliminarily, it is necessary to clarify our understanding of competition be-
tween theories. In a classical dialectical-materialistic sense, this is an active negation of opponents that is stronger than simple difference and that reflects the essential dialectical antagonism. The factual argumentation of the following statements would require extensive discussion, so the following inquiry restricts itself to the hypothetical status of them.

1. Level I

   Any given legal text may be included within two contexts—other text or some non-textual phenomena (although, strictly speaking, phenomena that are not texts in a given situation may be texts in other situations). This is embodied in the fact that all theories of interpretation may be reduced to the following ones:

   (a) the logical transformation of the primary text;
   (b) the grammatical transformation of the primary text;
   (c) the discovery of the historical background of the given text; and,
   (d) the discovery of legal principles embodied in the text.

   Apparently, for the logical (a) and grammatical (b) theories the context is textual, and for the historical (c) and legal (d) theories it is non-textual. The opposition here lies in the fact that texts and reality are objective opponents as matter and its reflection.

2. Level II

   At a second level, one feels the difference between the two conceptions: The law is seen, whether as a set of some separated facts (texts, social actions) or as some new phenomenon, with its qualitatively specific character that cannot be reduced to any set of rights and duties. It is a difference between reflections upon individual legal systems or laws, and upon the law. Sometimes these oppositions may be united in one theory, as for instance, in the axiomatics of Robert Nozick's theory. But the fundamental difference between them cannot be overcome even in such a case. On this level, the competition of theories is analogical to the opposition of nominalism and realism in the classical philosophical discussion on universals.

3. Level III

   At the third level, the situation is the most complicated. First, the nominalist and realist ontologies (do not confuse "realism" in this sense with realism as a school of American legal theory) determines different forms of the cognition of law. The nominalist ontology utilizes the form of induction and re-induction, while the realist ontology utilizes the logic of deduction. Naturally these are competing forms of cognition. But the actual history of legal thought has shown us another opposition as well—that of the rational and a-rational (personal and hermeneutical) methodologies of law. Since Wilhelm Dilthey there has been the tendency to replace the explanation and description of law with its understanding (the procedure of verstehen).

   As was indicated above, these oppositions are not often expressed in actual legal theories in an explicit manner. Nevertheless, they are pres-
ent in them as some aspects, moments, and tendencies. Since it is inappropriate to make critical remarks on these positions here, the discussion will try only to call attention to the objective foundation of the existence of these competing oppositions. Philosophy has elucidated the fact, that appeared as a paradox at least as far back in antiquity as Zeno, that all movement may be considered as a dialectical unity of continual transformations and some discrete moments in this process. In the legal field this same opposition appears in that there is a permanent contradiction between fixed legal texts of which legislation is only one form, and the actual dynamism of socio-cultural realities. It is easy to see that all oppositions fixed above are the variables of this fundamental contradiction.

V. Does the Philosophy of Law Give Us Anything New?

Even the reader who accepts every sentence written above, not to mention the one who does not, may reasonably ask, "What are all these abstract deliberations for?" Or, more simply, "Is the game worth the candle?"

It is a common statement today that the main opponents in modern Western legal theory are legal positivism, with its analytical and sociological variants, and the various theories of natural law. Generally speaking, positivism deals with law as with something that is equivalent to legislation (or actual juridical activities of authorities), while the natural law conception is based on the difference between them. So it seems that these two trends in legal theory are engaged in research activities in different areas: Legal positivists are reflecting upon legislation and its empirical functioning, and the adherents of the natural law conception are writing about something that is not always fixed in legislation and is different from authority-sanctioned law.

The discussion given above seems to prove that the opposition between legal positivism and natural law is unsatisfactory and needs some concretization that can be carried out from the position of the philosophy of law as legal epistemology. It is abundantly clear that all members of the debate reflect the legal matters one-sidedly, incompletely, and metaphysically, but the fact is also that they reflect some real moments of real dialectics of legal cognition. The investigation of these oppositions from the position of philosophy of law can give us something that may be called the theory of legal theories. In speaking of the theory of legal theories, we are speaking about explicit self-consciousness of legal science that can exclude some quasi-theoretical debates as non-scientific ones. This is a fairly practical result.

The situation found in legal science is paradoxical indeed: On the other levels of cognition we accept the unity of logical and historical methods in research activities, but we do not fix it on the level of meta-legal science. We have the history of legal and political ideas but none of their theory. The development of the philosophy of law must fill in this blank.