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The Socialist Legal Nihilism in the Polish People's Republic and Paths Overcoming This Concept

Socjalistyczny nihilizm prawny w Polsce Ludowej i drogi przezwyciężania tej koncepcji

ABSTRACT

After World War 2 in Poland, the process of building a new order began. Marxism, as interpreted by Lenin and Stalin, was adopted as the foundation. The creation of a system consistent with the official ideology required the implementation of abstract ideas in practice. One of the main tools used by the communists was law. It was an example of the practical implementation of legal nihilism, accompanying the construction of a totalitarian state. After 1956, a process began in Poland, aimed at overcoming the forcefully imposed order covering many areas of culture and science. The article provides the presentation of selected ideas from the field of law theory in communist Poland, the development of which reduced the influence of Marxism-Leninism in law. The main thesis of the article assumes that the process of de-Stalinization of Polish legal sciences had progressed gradually since 1956. The research objective of the article is to verify the hypothesis that the changes in Polish legal sciences related to overcoming the tenets of the Marxist-Leninist ideology took place in a manner similar to other areas of cultural and academic life. The issue has not yet been addressed in the way presented in the article, so the study can provide a useful material for research on the period of the Polish People's Republic.

Keywords: Polish People's Republic; legal nihilism; Marxism-Leninism; theory of law; jurisprudence

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INTRODUCTION

Among a number of functions, law is also assigned the role of social technology.[1] Adopting this point of view exposes the teleological dimension of the legal system as an effective tool for achieving the legislature's goals. Such a manner of thinking cannot be rejected *a priori* by considering it contrary to the axiological system based on accepted deontological assumptions. The instrumentalisation should be considered acceptable, unless the legal norms are reduced solely to the role of a convenient tool, the use of which will be made relative to the changing goals and interests of entities authorised to undertake legislative action. In a situation where law is completely subordinate to political interests, the gloomy vision of legal nihilism becomes reality,[2] as a result of which the instrumentalisation of *lex* leads to the degradation of *ius*. Treating it only as a tool results in depriving law of its authority and prestige. As a consequence, it ceases to play the role of a guarantor of stability of the social order, because the addressees perceive the content of legal norms as completely dependent on the arbitrary will of those in power, devoid of any supervision.

An instructive case of positive law reduced to the role of a tool enabling the achievement of political goals is the period 1944–1956. In Poland, as in other countries of the so-called people's democracy, the legal order based on the Soviet model was introduced. The specificity of the political system going towards the implementation of the totalitarian state model[3] meant, however, that law was only one of many tools of influence held by the rulers. In Poland of the Stalinist period, conditions were created in which the political power actually monopolised the means for meeting all human needs, which significantly expanded the scope of the state's actual control over individuals. Therefore, the positive law did not have to be, and was not, the only effective tool of influence.

Although many years have passed, there is still no final solution to the question of the beginning of detotalitarisation in Poland. The most justified view seems to be that the key moment for the erosion of the system brought with the Red Army bayonets began long before the Round Table talks of 1989, the martial law of 1981, the events of August 1980, the establishment of the Workers' Defence Committee (Pol. Komitet Obrony Robotników, KOR), the shipyard workers' strikes in 1970 and the events of March '68. The beginning of this process can be found in the

[1] L. Morawski, *Główne problemy współczesnej filozofii prawa. Prawo w toku przemian*, Warszawa 2000, p. 42 ff.; J. Oniszczuk, *Filozofia i teoria prawa*, Warszawa 2008, pp. 810–827.

[2] A. Bosiacki, *Utopia, władza, prawo. Doktryna i koncepcja prawna „bolszewickiej" Rosji 1917–1921*, Warszawa 1999, p. 126.

[3] As Andrzej Walicki rightly noticed (*Zniewolony umysł po latach*, Warszawa 1993, p. 346), "a totalitarian nature is a gradable phenomenon".

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social protests of June 1956 and the accompanying "revisionist wave" and the events taking place abroad. It was the publication of Nikita Khrushchev's secret report at the 20th Congress of the Communist Party of the Soviet Union (CPSU), the events of 1956 in Poland and the autumn uprising in Hungary that formed the beginning of decommunization, ultimately leading to the demise of the Polish People's Republic and the establishment of the Third Republic.

The slow process of system erosion, initiated at that time, took place simultaneously in many areas. Its beginning should be seen in the change in the model of exercising power, which Andrzej Walicki perceived as a transition from a totalitarian to an authoritarian model of exercising power, more precisely: *via* "bureaucratic collectivism" to "post-communist authoritarianism".[4] The abandonment of the desire to take over human minds, which was typical of the Stalinist period and so accurately diagnosed by Czesław Miłosz,[5] and the tacit consent of the rulers to the internal autonomy of individuals on the condition of refraining from actions detrimental to the existing order and contesting the communists' legitimacy to exercise power, led to the formation of small cracks on the totalitarian monolith. These small enclaves of free thought used to accumulate the intellectual potential that could not be vented in areas reserved for the system and its functionaries. Having reached the critical mass, the accumulated energy had to, in the near or far future, lead to an explosion of libertarian tendencies and the destruction of the system that proved to be a disgrace. Examples of these enclaves include a number of cultural phenomena of the time, such as: the so-called Polish Film School, the Polish School of Posters, the second phase of modernism in architecture, the independent music scene, and finally the literature published as part of the "second circulation". In the area of non-humanistic disciplines, special achievements in applied and technical sciences could be noted, for which relatively favourable conditions of development were created as disciplines located far from ideological reflection. In the case of the latter, this was also partly due to the practical implementation of Lenin's idea of industrialisation, which is a major factor behind the progress. Considering these phenomena, it should be stressed that intellectual activity would not have become the basis for the transformation of the turn of the 1990s if a political system based on the totalitarian guidelines of Stalinism were maintained in the Polish People's Republic. Nor would they have had a better chance of success if not the geopolitical processes conducive to the decomposition of the bloc of socialist states. Only holistic consideration of factors and conditions allows taking an attempt to reconstruct the image of selected aspects of this process.

[4] *Ibidem*, pp. 353, 456–457; idem, *Marksizm i skok do królestwa wolności. Dzieje komunistycznej utopii*, Warszawa 1996, pp. 466–467.

[5] See C. Miłosz, *Zniewolony umysł*, Paryż 1953, passim.

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In the light of the results of the analysis of the post-war achievements of Polish legal scholars, it is justified to formulate the hypothesis that a similar process of progressive detotalitarisation also took place in legal studies. Of particular interest is the evolution that took place in the area of theory of law. This article is an outline presenting several representative trends in Polish post-war science of law, illustrating the gradual release of scientific reflection from the domination of Marxist-Leninist ideology. The point of departure is an outline of the main assumptions of the Marxist theory of law in Poland in the period of Stalinism, while the axis of the analysis is though a number of transformations in theoretical concepts taking into account the teleological research perspective and the issue of instrumentalisation of law. The presented examples allowed to outline the stages of ideologisation of legal science in Poland, including in particular to illustrate the key issue in this process, namely overcoming the monopolistic position of the Soviet theory of state and law after 1956.

MARXISM-LENINISM AND THE THEORETICAL ASSUMPTIONS OF LEGAL SCIENCE IN POLAND UNTIL 1956

The successful Soviet offensive against Hitler on the Eastern Front and the consent of the Western Allies pushed post-war Poland into the area of Soviet influence. With this influence came a different concept of political system and a model of legal system that was alien to Polish traditions. According to tenets of Marxism-Leninism, which claimed to be a scientific theory of universal influence, it was to be seen as an integral part of the superstructure. A feature that characterised the concept of law in Soviet legal science was the fact of reducing its essence to the role of a political tool used in achieving the objectives by the Bolshevik party. The extreme instrumentalisation of law was facilitated by the fact that Lenin addressed this subject sporadically, and his views were inconsistent, often just mutually contradictory. Significantly, he himself, as a lawyer, promoted the idea of marginalising the role of the legal order in social and state life, often questioning the need for its existence as such.[6] Not only did Vladimir Ulyanov claim that the representatives of political power stood above the law, but he also used to assert that they could do without the law whatsoever.[7] As a result of such reasoning, the legal order became a random, in its essence and substance, set of rules of conduct resulting from a free political decision, provided that they were within the limits of the will of the ruling class.

[6] A. Bosiacki, *op. cit.*, pp. 15–16, 27, 32–33, 38. It is worth noting that representatives of the Marxist current in jurisprudence tried to interpret Lenin's views on law in line with the then current interest of the ruling elite. See G. Auscaler, *Lenin o prawie i praworządności*, „Państwo i Prawo" 1955, no. 4–5, p. 539 ff.

[7] A. Walicki, *Filozofia prawa rosyjskiego liberalizmu*, Warszawa 1995, p. 104.

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Owing to the ambiguity of this concept, the legislature had actually absolute freedom to act. Consequently, any move at the level of lawmaking and law application was regarded as appropriate, since the dialectic providing the methodological basis for Marxism-Leninism and the idea of synthesis as a result of the struggle between opposites made it possible to justify any move by the communists.[8]

According to Lenin, the state, as the organisational emanation of interests of the working class, was a superstructure element superior to law.[9] This view became a tenet of the Marxist-Leninist theory of state and law. This concept, together with the territorial expansion of the USSR, sanctioned the Bolshevik vision of legal nihilism in the Soviet sphere of influence, perceiving law as an instrument of political and pragmatic use in the hands of those who ruled the state. In the areas of legal theory and practice, the two general clauses appeared and began to play a key role, acting as a kind of *Grundnorms*: "revolutionary legal consciousness" and "revolutionary conscience".[10] These ideas were reflected in the established Soviet legal scholarly opinion, including in the views of the leading representative of the Bolshevik theory of state and law Andrei Vyshinsky,[11] considered the highest juridical authority in Poland of the Stalin era.

CONDITIONS CONDUCIVE TO THE IMPLEMENTATION OF THE SOVIET LAW MODEL IN POLAND AFTER 1944

The literature on the subject exposes three different semantic aspects of the concept of totalitarianism: 1) the totalitarian potential of certain ideas; 2) the totalitarian character of certain revolutionary movements; 3) the totalitarian character of the state.[12] These meanings can be attributed to stages in the development of communist totalitarianism. However, in contrast to the Russian case, the process of implementation of this system in Poland[13] had an extraordinary, a sort of "shortcut", manner. As the USSR won the dominant political position in Central and Eastern Europe, the first two stages of the natural evolution from an idea through a political

[8] I. Barwicka-Tylek, *Prawda i sens. Dialektyka, marksizm, komunizm*, Kraków 2016, pp. 291, 293 ff.

[9] A. Bosiacki, *op. cit.*, p. 39.

[10] *Ibidem*, pp. 131–132.

[11] The following study was considered the model of theoretical reflection: A. Wyszyński, *Zagadnienia teorii państwa i prawa*, Warszawa 1952, while the canon of practical skills was defined in: idem, *Przemówienia sądowe*, Warszawa 1953.

[12] This typology was proposed by A. Walicki (*Marksizm…*, p. 470), and emphasized by Marek Kornat in the article *Marksizm a totalitaryzm. Wokół stanowiska Andrzeja Walickiego* („Przegląd Filozoficzny – Nowa Seria" 2011, no. 1, p. 60). See also L. Kołakowski, *Główne nurty marksizmu. Powstanie – rozwój – rozkład*, Londyn 1988, p. 679.

[13] This process was largely implemented by the communists. See A. Walicki, *Marksizm…*, pp. 460–461; L. Kołakowski, *op. cit.*, pp. 928–929.

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movement to actual legal and political solutions were replaced by violence.[14] That is why a conjunction of conditions conducive to the direct construction of a totalitarian state emerged in post-war Poland, excluding the natural process of incubation of totalitarian ideas and the growth of political movements carrying these ideas.

Apart from the simple advantage of power, which made it possible to forcibly impose a system and law alien to the local political tradition and culture, there were also other favourable conditions in Poland. These primarily included:

1) the disruption of the process of evolution of the pre-war axiological system and traumatic wartime experiences, resulting in dehumanisation and the spread of moral nihilism,
2) profound changes in the social structure, in particular the loss of about one-fifth of the pre-war population of Polish society and the qualitative transformation brought about by ethnic changes converting the multi-national, multi-cultural and multi-religious society of pre-war Poland into a mono-national and mono-cultural society with Catholicism practically gaining a monopoly in the "rule of souls",
3) the ruined economy forcing the reconstruction of this sphere of the Polish state from scratch,
4) the new borders set for Poland, without taking into account any voice of the Poles, the shifting of the Polish territory westwards resulting in the loss of about one-third of Poland's pre-war territory in the east and territorial compensation at the expense of Germany in the west and north,
5) the use of the threat of a revision of the post-war order by Germany to fuel nationalist and xenophobic sentiments within Polish society, while justifying the directions of foreign policy pursued by the communist authorities.

All of the above-mentioned phenomena created an atmosphere that allowed making the impression of a "new opening" that started another stage of the history of Poland and the Polish nation, different from the previous one, and thus greater social consent to various kinds of experiments in the field of social engineering.

As already mentioned, in the first period of shaping and stabilisation of the new system and law of post-war Poland, the Soviet theory of state and law, built on the foundation of Marxism-Leninism, gained decisive importance in jurisprudence.[15] This then-dominant theoretical and methodological position was enriched with one important element: Leon Petrażycki's psychological theory of law. According to the Polish legal theorist, the concession of Marxism-Leninist that had aspired to be an

[14] See S. Ehrlich, *Demokracja ludowa*, „Państwo i Prawo" 1949, no. 3, p. 6.

[15] K. Biskupski, *Dyskusja metodologiczna radzieckich prawników*, „Państwo i Prawo" 1950, no. 3, p. 63 ff.; S. Rozmaryn, *O stanie i zadaniach nauki prawa w Polsce*, „Państwo i Prawo" 1951, no. 3, pp. 400–402; Z. Ziembiński, *Teoria prawa*, Poznań–Warszawa 1977, p. 21; idem, *Problemy podstawowe prawoznawstwa*, Warszawa 1980, pp. 42–44.

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ontological, epistemological and ethical monopolist resulted from several reasons. First of all, the psychological theory of law contained the concept of intuitive law and ethical emotions, placed above positive law.[16] This way of interpreting law could serve as an additional justification of the correctness of the idea of revolutionary legal consciousness and revolutionary conscience, which in the Bolshevik perception of law were situated above legislation.[17] Moreover, Petrażycki was admittedly regarded as a representative of bourgeois science, but the fact of his close ties with the Russian legal science made it possible to protect his achievements from being depreciated as a culturally alien and devoid of ties with the native tradition.[18]

The fact that he had not been automatically rejected did not mean, however, the uncritical acceptance of Petrażycki's idea by representatives of the Marxist legal science in Poland. The thinker used to be accused of separating the problems of law from the problems of state in his attempt to develop an independent theory of law, including the policy of law, disregarding the problems of the state. This position had to face a negative assessment, as contrary to the Leninist canon of reflection on law perceived as an integral element of the superstructure, completely dependent on the state.[19]

The crystallized position of the Soviet theory of state and law was mechanically transferred to the jurisprudence in post-war Poland. The official canon of the doctrine in force can be reduced to several fundamental assumptions concerning law and legal order, including in particular:

1) law, like the state, is a social and historical phenomenon. It is an element of the ideological superstructure, evolving along with the development of the base, i.e., production means (according to the principle that being defines consciousness),
2) law and the state are class phenomena and, as such, change over time. The type of law corresponds to the type of state. Law cannot exist without the state, and its content is of a secondary nature compared to the state model,
3) law, like the state, is subject to change as a result of a process stimulated by class struggle, interpreted according to the dialectic of historical materialism. Both law and the state will eventually die with the emergence of a communist society,

[16] A. Bosiacki, *op. cit.*, p. 131.

[17] *Ibidem*, pp. 131–132.

[18] J. Kowalski, *Prawo i państwo. Psychologiczna teoria prawa i państwa Leona Petrażyckiego*, Warszawa 1963, pp. 189–193.

[19] S. Rozmaryn, *Prawo i państwo*, Warszawa 1949, p. 39; H. Podlaski, G. Auscaler, M. Jaroszyński, G.L. Seidler, J. Wróblewski, *Praworządność ludowa w świetle Konstytucji Polskiej Rzeczypospolitej Ludowej*, [in:] *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej. Materiały Sesji Naukowej PAN 4–9 lipca 1953 r.*, ed. G. Auscaler, vol. 1, Warszawa 1954, p. 389; J. Kowalski, *Prawo i państwo…*, pp. 193–204.

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4) the content of law is a normative form expressing the interests of the ruling class.[20]

Based on the above assumptions, the basic canon of the official definition of law in Polish legal science was formulated. According to one of the Polish major theorists of state law, Stefan Rozmaryn, "Law is therefore the norm of human behaviour, enacted or acknowledged by the state, sanctioned by state coercion, and thus is the will of the ruling class, aimed at establishing, developing and maintaining social relations corresponding to the interests of this class".[21]

In the light of the official propaganda of Polish communists, statutory law was supposed to be an expression of the will and interests of the class that gained power, namely the working class. The law of people's democracy is a new type of law, because, as Bolesław Bierut emphasized, "our power is plebeian from the very first moment, and our state is plebeian from the very first moment".[22] As a consequence of such interpretation of the legal order of the Polish People's Republic, legal provisions inconsistent with the class content of the new type of law ceased to apply, often without a clear derogation.[23]

Despite considering law as a result of human legislative activity, the convergence of Lenin's doctrine on law and legal positivism was clearly rejected in the Polish theory of law as showing only a superficial similarity. It used to be emphasized that the similarity of the approach concerned only formal aspects, i.e. treating law as the emanation of the will of the state. However, while in the case of legal positivism and its radical form, i.e. normativism, it was limited only to the thetic justification for law, the Marxist theory of law emphasized not only the close ties between law and the state as an element of the superstructure, but also with the base. This led to a search for justification for the validity and interpretation of law, primarily in socio-economic conditions. At the same time, the autopoietic[24] concept of law as a self-sufficient system detached from reality, as proposed by the positivists, was strongly rejected.[25]

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[20] S. Rozmaryn, *Prawo*..., pp. 3, 4, 9, 11, 17, 23, 57.

[21] *Ibidem*, p. 16. This way of defining law may be deemed binding for the whole period of communist Poland. See J. Wróblewski, *Zagadnienia teorii wykładni prawa ludowego*, Warszawa 1959, p. 17; J. Śmiałowski, W. Lang, A. Delorme, *Z zagadnień nauki o normie prawnej*, Warszawa 1961, p. 6; Z. Ziembiński, *Teoria*..., p. 7, 37.

[22] B. Bierut, *Podstawy ideologiczne Zjednoczonej Partii*, „Nowe Drogi" 1949, no. 1, p. 35.

[23] S. Rozmaryn, *Prawo*..., pp. 19–20; J. Wróblewski, *Zagadnienia*..., pp. 333–334.

[24] Cf. L. Morawski, *op. cit.*, p. 81.

[25] K. Opałek, J. Wróblewski, *Pozytywizm prawniczy*, „Państwo i Prawo" 1954, no. 1, p. 5 ff.; J. Wróblewski, *Krytyka normatywistycznej teorii prawa i państwa Hansa Kelsena*, Warszawa 1955, pp. 5–8; S. Rozmaryn, *Prawo*..., p. 49; J. Wróblewski, K. Opałek, *Zarys krytyki normatywizmu Hansa Kelsena*, „Państwo i Prawo" 1955, no. 6, p. 859 ff.; F. Ryszka, *H. Kelsen i C. Schmidt, czyli samounicestwienie prawniczego pozytywizmu*, „Państwo i Prawo" 1965, no. 5–6, p. 739 ff.

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As elements of the superstructure, law and the rule of law should correspond to the base and the needs of its dialectical development.[26]

As already mentioned, a characteristic feature of the Stalinist period, both in terms of theory and application, was instrumentalisation of law. As it was emphasized: "The socialist state is the most important means to build communism. But also law is an extremely important instrument in this process, as it secures the performance of the state's functions at various stages of its development".[27] Strengthening and solidifying the law of dictatorship of the proletariat was treated as a *conditio sine qua non* of the construction of socialism, leading to its complete withering away in the future as a result of improving social life conditions.[28]

This way of understanding law, and in particular its instrumentalisation, found particularly fertile ground in the first years of the Polish People's Republic (1944–1956), i.e. during the period when the communists took over the power and were consolidating their acquisitions.[29] Law remained one of the basic tools for the effective implementation of the totalitarian system following the Soviet model.[30] However, it seems that it was not the dominant tool in the initial period. A more important role was played by non-legal coercion and propaganda as instruments bringing more spectacular effects, and, consequently, allowing for more efficient achievement of goals related to the shaping of the new system. In this configuration of social engineering measures, the communists assigned to law primarily a role of legitimising other methods used by the state apparatus, in particular various forms of coercion.[31]

The culminating moment in the process of crystallization of the political order corresponding to the ideological vision of the communists, and at the same time a symbol of consolidating their power in Poland, was the enactment of the so-called Stalinist Constitution.[32] Modelled on the Constitution of the USSR of 1936, the Polish one was intended to become the foundation of a new socialist order based on the ideology of Marxism-Leninism. It constituted the basic point of reference for considerations on law and legal order. A representative example of considering

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[26] J. Berman, *O bazie i nadbudowie w świetle prac Józefa Stalina o językoznawstwie*, „Państwo i Prawo" 1951, no. 1, p. 3 ff.; H. Podlaski, G. Auscaler, M. Jaroszyński, G.L. Seidler, J. Wróblewski, *op. cit.*, p. 395; J. Śmiałowski, W. Lang, A. Delorme, *op. cit.*, p. 7, 15; Z. Ziembiński, *Teoria*…, p. 33; H. Rot, *Problemy kodyfikacji prawa PRL*, Wrocław 1978, pp. 16–17; Z. Ziembiński, *Problemy*…, pp. 187–188, 377–381.

[27] S. Rozmaryn, *Prawo*..., p. 53.

[28] *Ibidem*, p. 60.

[29] *Prawo i nauka prawa w pierwszym dziesięcioleciu Polski Ludowej*, „Państwo i Prawo" 1954, no. 7–8, pp. 21–37.

[30] S. Rozmaryn, *O stanie i zadaniach nauki*…, pp. 398–400.

[31] H. Podlaski, G. Auscaler, M. Jaroszyński, G.L. Seidler, J. Wróblewski, *op. cit.*, p. 382.

[32] Constitution of the Polish People's Republic passed by the Legislative Sejm on 22 July 1952 (Journal of Laws 1952, no. 33, item 232).

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the Constitution of the Polish People's Republic as the culmination of work on the new system, at the same time opening the next stage of construction of socialism, was the enormous Scientific Session of the Polish Academy of Sciences held on 4–9 July 1953. It brought together about 400 lawyers, theoreticians and practitioners, representing all juridical milieux accepted by the communist authorities. According to the declaration of the organisers, the conference was intended to: 1) demonstrate the ground-breaking importance of the new Constitution for the legal system and all branches of legal science; 2) discuss the most important legal issues for which the Constitution has provided a number of general guidelines; 3) stir the scientific community to action; 4) popularise the team method of scientific work; 5) improve the use of the Marxist research method; 6) "develop criticism and self-criticism".[33]

The list of conference participants contains many prominent names, which confirms that the totalitarisation of the community of jurists reached its peak at that time. Contesting the official legal doctrine would have resulted in marginalisation and relegation to professional non-existence. Therefore, irrespective of the subjective attitude of lawyers to the binding dogmas, those who wanted to practice a profession or conduct research had to support the party line, at least declaratively.

The ideological views presented during the conference can be considered the culmination of legal nihilism,[34] which in communist Poland took the form of the Stalinist model of law. A confirmation of the degree of ideological indoctrination and totalitarisation that ruled out free discussion on law at the time may be the declaration of support for Bolesław Bierut, which was the official position of the participants in the Session.[35] In the occasional address delivered by Jan Baszkiewicz to Bierut, we read:

> The provisions of the Constitution, which lay at the basis of the life of the Nation, are for us a weapon to fight for further consolidation of the rule of law. The laws of the Polish People's Republic express the interests and will of the working people. The basic civil rights set out in the Constitution are an enormous achievement of the working masses. We assure you, Citizen Prime Minister:
> – that we will not abandon our efforts to develop our law based on the purely scientific basis of Marxism-Leninism,
> – that we will make every effort to ensure that the science of law serves the Nation, strengthening the bond between theory and practice,
> – that we will educate young fighters of the rule of law in the spirit of sincere patriotism and internationalism – the implacable enemies of imperialism and its decaying ideology.

[33] *Wstęp*, [in:] *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej…*, p. 3.

[34] Interestingly, conference participants treated legal nihilism as the most vivid manifestation of imperialist theories, especially as regards Fascist law – the utmost manifestation of the criticised ideologies. See H. Podlaski, G. Auscaler, M. Jaroszyński, G.L. Seidler, J. Wróblewski, *op. cit.*, p. 399.

[35] The issue of political obligations of communities of lawyers was pointed out even earlier. See L. Lernell, *O wzmożonej pracy politycznej Zrzeszenia Prawników Polskich*, „Państwo i Prawo" 1952, no. 8–9, p. 313 ff.

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Long live the President of the Council of Ministers, Bolesław Bierut.
Long live the leading force of the Nation – the Polish United Workers' Party.
Long live our beloved Homeland, the Polish People's Republic.[36]

THE SOCIALIST VISION OF INSTRUMENTALISATION OF LAW AFTER 1956

As it soon turned out, both the intentions of the communist authorities building the totalitarian order in Poland and the declarations of legal circles constructing a vision of law based on Marxist-Leninist foundations were not to survive unchanged for too long. The socio-political processes initiated by the events, which in their initial stage were beyond the control of Poles, also changed the perception of instrumentalisation of law. The key events that stimulated the changes included the death of Stalin in 1953 and the fight for succession in the Kremlin.[37]

The germ of the demise was rooted in the communist ideology itself. The assumption of power in the USSR by Khrushchev required, according to the logic of the Marxist-Leninist dialectic, cutting off the past and identification of those responsible for "errors and distortions" of the previous period. The enormous bulk of evil of the totalitarian period required an equally enormous figure to whom the perpetration could be attributed. The easiest way to get rid of the responsibility of the accomplices of the crimes of the communist regime was to blame the late Stalin and the cult of an individual that distorted the perfect tenets of Marxism. The secret report of Khrushchev, delivered on 24 and 25 February 1956 during the 20th Congress of the CPSU,[38] was of fundamental importance both for the concept of "the new opening" and for the subsequent processes of detotalitarisation. The report, made public against the will of the author himself, put the communists in a very awkward position. The speech had negative effects that went far beyond those announced. This is so because they admitted themselves that the actions taken so far were contrary to the official ideology. It was still difficult to justify the

[36] *Do Prezesa Rady Ministrów Bolesława Bieruta*, [in:] *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej…*, p. 427. Another example of an attempt of the ideologisation of law and the community of lawyers may be an article *Z życia ZPP. Zadania Zrzeszenia Prawników Polskich w świetle uchwał II Zjazdu Polskiej Zjednoczonej Partii Robotniczej (Krajowa Konferencja Aktywu ZPP)* („Państwo i Prawo" 1954, no. 6, pp. 1059–1067). See also G. Auscaler, *Aktualne zagadnienia ideologiczne nauki prawa*, „Państwo i Prawo" 1956, no. 7, p. 3 ff.

[37] Z. Siemiątkowski, *Między złudzeniem a rzeczywistością. Oblicze ideowe PZPR pod rządami Władysława Gomułki*, Toruń 2018, pp. 30–31.

[38] N. Chruszczow, *O kulcie jednostki i jego następstwach. Referat I Sekretarza KC KPZR tow. N.S. Chruszczowa na XX Zjeździe Komunistycznej Partii Związku Radzieckiego 25 lutego 1956 r.*, [in:] *Tajny referat Chruszczowa*, Warszawa 1981, passim.

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murderous actions with the mirage of a better tomorrow. Moreover, by suppressing the Hungarian uprising in October 1956, the Soviet Union finally lost its credibility as a peace champion fighting for a just cause.

The wave of changes coming straight from the Kremlin was accompanied by the death of Bierut (12 March 1956) and fierce protests of workers in Poznań, which were commonly referred to as "June '56". The changing geopolitical conditions forced a modification of the model of exercising power by the communists. The new opening was to be guaranteed by Władysław Gomułka returning to power.

With the "thaw" of 1956, which marked the beginning of the detotalitarisation process in Poland, a number of concepts appeared, jointly referred to as "revisionist" ones.[39] These were views used for stigmatising in the preceding period as contrary to the officially recognised doctrine of Marxism-Leninism. Admittedly, there were also earlier critical publications about the way Stalin pursued politics,[40] but the wave of "socialist freethinking" struck with full force in the second half of the 1950s, and the avant-garde was Milovan Dżilas,[41] accompanied also by Leszek Kołakowski, Zygmunt Bauman, Bronisław Baczko, and in the following years, Jacek Kuroń and Karol Modzelewski and many others. Considering the lineage of Polish revisionists, it should be considered correct to state that the transformations leading to democracy in Poland began not outside but inside the communist power camp.[42]

The process of spreading the wave of independent socio-political thought, which Gomułka was trying to stop, also affected the legal sciences. Although the official canon of reflection on law was still in force,[43] the existing monopoly of the theory of the state and law in the Stalinist version was overcome. First of all, an attempt was taken by the "post-thaw" jurisprudence to cut off from the infamous legacy of the legal system with totalitarian predilections.[44] In particular, illegal and often criminal acts of the state apparatus were stigmatized. An example of an attempt to settle accounts with the past while still remaining within the framework

[39] L. Kołakowski, *op. cit.*, p. 923.

[40] An example may be L. Trocki, *Zdradzona rewolucja. Czym jest ZSRR i dokąd zmierza?*, transl. A. Achmatowicz, Pruszków 1991.

[41] See M. Dżilas, *Nowa klasa wyzyskiwaczy (Analiza systemu komunistycznego)*, transl. J. Miroszewski, Paryż 1957.

[42] Z. Siemiątkowski, *op. cit.*, pp. 320–325.

[43] Examples include M. Wiszniewski, *Zarys encyklopedii prawa*, Warszawa 1966, passim; J. Kowalski, W. Lamentowicz, P. Winczorek, *Teoria państwa i prawa*, Warszawa 1983, pp. 91–93.

[44] K. Grzybowski, *Stalinizm w socjalistycznym prawie konstytucyjnym*, „Państwo i Prawo" 1957, no. 6, pp. 1053–1068; J. Kolczyński, *Polemika. W sprawie „stalinizmu" w socjalistycznym prawie konstytucyjnym*, „Państwo i Prawo" 1957, no. 9, p. 430; J. Stembrowicz, *Polemika. W związku z artykułem prof. Konstantego Grzybowskiego pt. „Stalinizm" w socjalistycznym prawie konstytucyjnym*, „Państwo i Prawo" 1957, no. 10, p. 660 ff.

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of Marxism is the study by Kazimierz Opałek and Witold Zakrzewski concerning the socialist rule of law.[45]

The considerations contained in the publication *Z zagadnień praworządności socjalistycznej* (*On the Issues of Socialist Rule of Law*) were conducted within the framework set by the Marxist theory of state and law, which is confirmed by a number of methodological remarks. This may be confirmed by their conviction that "the dialectic of the development process must result in individual institutions and legal norms becoming outdated".[46] Elsewhere, the authors of the argument added: "[…] the methodology of scientific, dialectical materialism gives the only possible basis for overcoming the theoretical difficulties in which the analysis of formalistic positivism, detached from social reality, was entangled".[47]

The starting point for attempts to modify the thinking about law in the community of Marxist law theorists was the Soviet definition of the rule of law, still recognised as the official one, according to which:

> The socialist rule of law is one of the fundamental means of implementing the rule of the proletariat, consisting in the absolute and thorough implementation by state authorities and social organisations, officials and citizens of legal norms established by laws and other acts of the socialist state based on law in order to comprehensively protect the socialist state, civil rights and liberties.[48]

Accepting the definition as right and correct, Opałek and Zakrzewski noticed that in reality there were often significant differences between even the best theoretical concepts and their practical implementation. Fitting in the atmosphere of the "thaw", they self-critically stated that this kind of discrepancy could also occur in a socialist state. The cult of the individual was the symbol of pathology of the system. They saw in this type of practice the main cause of the distortion of the essentially righteous socialist rule of law. Speaking in a new tone, quite different from that used before 1956, they emphasized that the rule of law was connected not

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[45] K. Opałek, W. Zakrzewski, *Z zagadnień praworządności socjalistycznej*, Warszawa 1958. It was not the first attempt to analyse the idea of rule of law under socialist law. Based on the discussion on the draft Article 4 of the Constitution of the Polish People's Republic, this issue was addressed by Marian Mazur in the article *Na marginesie zagadnienia praworządności* („Państwo i Prawo" 1952, no. 4, pp. 639, 642). In the initial period of de-Stalinization, this subject was often discussed. See G. Auscaler, *Z zagadnień praworządności socjalistycznej*, „Państwo i Prawo" 1956, no. 8–9, pp. 233–253; Z. Izdebski, *Rewizja pojęcia praworządności ludowej*, „Państwo i Prawo" 1957, no. 3, p. 443 ff.; K. Opałek, *Spór o pojęcie praworządności*, „Państwo i Prawo" 1959, no. 10, pp. 519–535. It should be noted that the state and law theory built upon Marxism-Leninism clearly distinguished between formal and substantive rule of law.

[46] K. Opałek, W. Zakrzewski, *op. cit.*, p. 121.

[47] *Ibidem*, p. 210.

[48] *Teoria państwa i prawa*, Warszawa 1951, p. 184 ff., as cited in: K. Opałek, W. Zakrzewski, *op. cit.*, p. 6.

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only with the knowledge of law. It is primarily a political virtue. They considered it relatively easy to define this idea in theoretical terms, but difficult to implement it.[49]

> Science and politics, however, are two very different spheres. The problem of the rule of law is directly a problem of policy […], and the problem of science only insofar as it is possible to base policy on scientific principles. The rule of law may exist even without the theory of the rule of law, but it cannot exist without an appropriate policy.[50]

In the further part of the argument, the authors added that the rule of law "is a 'virtue' with the emphasis on universality and commonality, on normality, on the fact that compliance with regulations, even though just 'hastily put together', has a certain social value by itself".[51]

The exposure of the rule of law as a political virtue can be considered a symbolic breakthrough of the legal nihilism of the Stalinist era and the return of the discourse to the level of political philosophy. The quoted view confirms the change in the perception of the role of law, treated not only as a tool for the pursuit of the interests of the working class (and in practice the leadership of the communist party), but also as a guarantor of social stability. The authors stressed that socialism needs for its proper development the normalization of social relations, peace and order. They considered compliance with the law as one of the preconditions for this state of affairs. They argued that a socialist system based on a socialized economy, managed rationally and planned, superior to the anarchic and spontaneous capitalism, must strictly follow the legal norms regulating the socio-economic order. It does this to a much greater extent than in other socio-economic systems. This is what made it superior to capitalism. "Socialism has many enemies, but the fight against them must have strictly defined legal forms – it cannot resort to lawlessness and violence, which do more harm than good, morally destroying the socialist state apparatus itself and making enemies".[52]

Therefore, the law was supposed to begin to play the role of a system delimiting acceptable methods of conduct not only for the ruled but also for the rulers. This view should be considered a clear progress as compared to the dogmatist reflection on law of the Stalinist era. At the same time, however, in their reasoning, the authors still tried to demonstrate the ethical superiority of socialism, and thus the need to strive to meet moral standards corresponding to the views of the classics of Marxism.

The extreme instrumentalisation of positive law has been criticized. "Legal nihilism is an expression or a programme of violation of the rule of law. It is invariably characterised by the separation of the criteria of legality (compliance with

[49] K. Opałek, W. Zakrzewski, *op. cit.*, pp. 6–7.
[50] *Ibidem*, p. 9.
[51] *Ibidem*, p. 14.
[52] *Ibidem*, p. 17.

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the law) and purposefulness".[53] The relationship between a properly drawn vision of a socialist society and human rights and freedoms was also clearly emphasized. "Finally, socialism as a democratic system should uphold the rights of citizens […] which makes it necessary to strictly, even formally, observe the provisions of law".[54]

The authors of the analysis of socialist rule of law fervently criticized breaking the law in the Stalinist period in the name of the overriding goal, i.e. the construction of socialism, and justified by the "exacerbating class struggle". They dispraised the view on the recognition of law as a limitation that hindered the implementation of tasks set by the communist vanguard, in line with the principle that *praxis* should take precedence over rigid legalism. Unlawful action, they emphasized, had been too easily justified as necessary on the way to a noble goal – the classless society of the future.[55]

Searching for an answer to the question about the essence of socialist rule of law, Opałek and Zakrzewski contemplated the actual essence of the relationship between the legality and efficiency of actions: "If we substitute adherence to the law, as a set of rules of conduct expressing the will of the ruling class, for legality […], and the essential class goals and interests of this class for purposefulness, there are no significant discrepancies here".[56] However, such a situation should be treated as an ideal state. In fact, law does not always correspond to the aspirations and interests of the ruling class, and purposefulness can be understood on many different levels of generality and within different time horizons. "Socialist purposefulness may therefore in certain cases […] have other content than legality does".[57] Therefore, the inconsistencies between them also occur in the conditions of the construction of socialism and it is difficult to imagine that they are fully eliminated.[58] The necessary conditions for effectively reducing the discrepancy between purposefulness and legality, affecting the proper application and compliance with the law, are a number of factors, such as: high quality of the legislation, legal interpretation and case-law, legal culture within society, habit of observing the law by citizens and state institutions. According to the authors, there should be universal acceptance for a "formalistic" attitude, which does not, however, exclude common sense and a critical reaction to errors that appear during lawmaking and application of law. While allowing what a few years earlier would have been considered a shameful abuse, the contesting of socialist reality by the public underlined that this kind of criticism should be carried out using legal means appropriate to the

[53] *Ibidem*, p. 23.
[54] *Ibidem*, p. 17.
[55] *Ibidem*, p. 24.
[56] *Ibidem*.
[57] *Ibidem*, p. 25.
[58] *Ibidem*, p. 28.

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people's democracy. At the same time, they criticized cases where protests against the government's policy turned into acts of lawlessness and anarchy.[59]

Comparing the conclusions of their own analysis with the official definition of socialist rule of law in Soviet science, Opałek and Zakrzewski found this concept accurate, but too pathetic and having a character of an unclear and stiff formula, which was conducive to the intellectual slackness of the recipients of the message. As they stressed, the dictatorship of the proletariat and the construction of socialism should not, in accordance with the original assumptions, be implemented by means of violence unrestricted by law, dosed by the rulers at their will. Instead, they had to be strictly defined. This means that the implementation of the ideals of socialism was to take place within the limits prescribed by law and be performed by applying the rules in practice, but it could not be left to the spontaneous actions of groups or individuals. The socialist rule of law was a method of implementing the dictatorship of the proletariat and construction of socialism. Therefore, all cases of departing from it led to a distortion of the essence of the dictatorship of the working class and inhibition of the construction of socialism.[60] As they stated: "The rule of law is […] governance by law, by using the law. […] We need to emphasize […] the close link between the phenomenon of compliance with the law and the rule of law".[61]

The loosening of the totalitarian corset paralysing society allowed for the criticism of views that were previously beyond all judgement. The censors allowed the authors to negate Stalin's position contained in *The Problems of Leninism* that popular rule of law is aimed against specific enemies.[62] Several years earlier, this view could have been repeated uncritically not only by Polish communists, but also by legal theorists.[63] Opałek and Zakrzewski emphasized that in the recent past Stalin, regarded as the highest and infallible authority of Leninism, used imprecise and interpretative phrases. "It is difficult to require precise definitions from Stalin who was a politician […]".[64] Wishing to maintain the objectivity of their considerations, they added, however, that a number of erroneous conclusions resulted from the mental dogmatism of the interpreters of Stalin's views. On the other hand, they considered it a mistake to reduce law and the rule of law solely to the role of a tool for defeating actual and imaginary enemies.[65]

[59] *Ibidem*, p. 32.
[60] *Ibidem*, pp. 36–37.
[61] *Ibidem*, p. 39.
[62] J. Stalin, *Zagadnienia leninizmu*, Warszawa 1949, p. 398 ff.
[63] H. Minc, *Przyczyny obecnych trudności w zaopatrzeniu i środki walki z tymi trudnościami*, „Nowe Drogi" 1951, no. 4, p. 23; H. Podlaski, G. Auscaler, M. Jaroszyński, G.L. Seidler, J. Wróblewski, *op. cit.*, pp. 354–355.
[64] K. Opałek, W. Zakrzewski, *op. cit.*, pp. 40–41.
[65] *Ibidem*, pp. 41–42.

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In the course of the argumentation, the authors, still remaining within the framework of Marxism, presented their own definition of the rule of law, which they understood as "organising and performing state activities (in mutual relations between state bodies and in the relationships of state bodies with citizens) based on legal provisions".[66] They tried to show the close links between the rule of law and socialist axiology. They pointed to the optimal conditions for personality development created by socialist reality: "The socialisation of man and the development of social virtues in him have essential conditions for development in a new type of state – in a socialist state".[67]

A key role in the implementation of socialist ideals was played by the Polish Sejm. According to the authors, due to the introduction of the principle of the unity of power and the rejection of the principle of separation of powers, considered to be a manifestation of bourgeois thought, the legislative body obtained the status of the highest authority in the state under the socialist political system.[68] "Only the Sejm is an organ that effectively implements the rights of the nation as the supreme mouthpiece of the will of the working people of towns and villages".[69] When emphasizing the social role of good law, scholars started after the "thaw" to more boldly point to the relationship between the rule of law and the subjective rights of individuals, as well as their guarantees resulting from the hierarchical structure of the legal system at the top of which was the constitution.[70]

As a proof of the need to keep a minimum level of the rule of law, the violation of which results in halting the construction of socialism, the authors cited what they described as the mental state of the masses just before "October '56". They emphasized that along with the development of the legal culture in society, the degree of the rule of law must increase, and its violation by the rulers always provokes fierce social response.[71] "Ruling by law is an art, a very difficult art. It requires the ability to properly formulate legal norms, requires the skill to transform them adequately to the changing needs and interests of the working people".[72]

A significant aspect of the theory of law after 1956 was that it ceased to be only an instrument for the construction of socialism, and should become the foundation and guarantor of the stability of the social and economic order in socialist Poland. Gradually, the initial Leninist legal nihilism gave place to the rule of law, although still understood according to the socialist canon. Such intentions were shared not only by Opałek and Zakrzewski, but also by other theorists. More or less concur-

[66] *Ibidem*, p. 46.
[67] *Ibidem*, p. 63.
[68] *Ibidem*, p. 144.
[69] *Ibidem*, p. 157.
[70] *Ibidem*, p. 133.
[71] *Ibidem*, p. 245.
[72] *Ibidem*, p. 246.

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rently, Jerzy Wróblewski published a study on the interpretation of socialist law. This author also saw the importance of the rule of law.[73] Both his example and the case of Opałek and Zakrzewski can be perceived as particularly significant evidence of the changes that took place in legal thinking, considering the fact that these authors during the Stalinist period took a much more radical stance on the implementation of the model of Soviet law in Poland. The above-mentioned examples confirm the emergence of a tendency to overcome the ideological limitations of Marxism-Leninism in this field.

LAW AS DE-IDEOLOGISED SOCIAL ENGINEERING

Concurrently to the search for a vision of law corresponding to the "Polish path to socialism", the concept of law as pure social engineering was developing. The heyday of this research trend took place during the rule of the "socialist technocrats", which began at the turn of the 1970s. Edward Gierek's pragmatic team, pretending to be the Polish socialist avant-garde, strove to maintain a privileged position. According to them, the arguments to legitimise these claims resulted from justification other than ideological, namely the efficiency of state management. Since praxeological assumptions were adopted as the starting point, tools were sought to improve the management of society and the economy, treating it as a huge production plant.[74]

However, before power was taken over by the "ideological technocracy", supported by the privileged stratum of the communist party apparatchiks, studies appeared at the turn of the 1960s, the authors of which aimed at overcoming ideological dogmatism hindering the efficient management of the state. These searches also included research from the borderline of the theory and sociology of law.[75] One of the then dynamically developing directions of the de-ideologisation of law led to the analysis of law using purely social engineering categories. On the basis of the ideas of Petrażycki's legal policy, Talcott Parsons' social engineering and Tadeusz Kotarbiński's praxeology, attempts began to break the Marxist-Leninist vision of law in favour of a teleological perspective. Initially, these were works concerning lawmaking and legal interpretation. Representative examples of the discussed trends include a study entitled: *Założenia polityki prawa. Metodologia pracy legislacyjnej i kodyfikacyjnej* (*Legal Policy Assumptions: Methodology of Legislative and Codification Work*) by Adam Podgórecki of 1957.

[73] J. Wróblewski, *Zagadnienia…*, p. 262.

[74] A. Walicki, *Zniewolony umysł…*, p. 377.

[75] See J. Wróblewski, *Socjologia prawa a prawoznawstwo*, „Państwo i Prawo" 1967, no. 12, pp. 910–921.

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Starting from Petrażycki's concept of legal policy,[76] Podgórecki attempted to combine the model of rational lawmaker with the practical aspects of sociological research.[77] He reserved a special place in his concept for positive law as a tool of social engineering. As he held:

> Social engineering is a science which, based on established regularities, provides methodologically conscious prediction and effectively modifies the existing state of affairs. There are only two basic ways of introducing a deliberate, intended change in social relations on a mass scale. The first means is propaganda, the second – legal regulation.[78]

In his reasoning, Podgórecki invoked not only the authority of Petrażycki, but also the position of Petrażycki's thought continuator Jerzy Lande, who as early as in the interwar period pointed to the importance of legal policy. In his *Studia z filozofii prawa* (*Studies in the Philosophy of Law*) published in 1959, Lande stated:

> […] the legal policy, by using teleological statements, can prove that a given legal provision is an appropriate means to achieve a certain social goal and thus it will evaluate this provision as desirable. Policy assesses law not as "just" and "right", but only as purposeful, desirable for its effects.[79]

Podgórecki's reference to the view expressed in the interwar period, which was supposed to serve as an argument justifying the treatment of law as social engineering, not only indicates a gradual departure from Marxist-Leninist deontology towards the teleological perception of law. It also confirms the breaking of the Marxist monopoly in legal sciences after 1956. Moreover, Podgórecki pointed out that the problem of social engineering as a conscious, objective-based organisation of human communities using law was common to many thinkers. He cited many scholars considered by the communists as representatives of the bourgeois-imperialist science rejected as a whole. He mentioned Karl R. Popper, Roscoe Pound, Pitirim A. Sorokin, Robert M. MacIver, Karl Mannheim, Wolfgang Friedman, Georges Gurvitch, i.e. researchers representing the Western cultural circle.[80] The

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[76] For more detail on the interpretation of Petrażycki's legal policy, see J. Kowalski, *Psychologiczna teoria prawa i państwa Leona Petrażyckiego*, Warszawa 1963, pp. 131–151.

[77] Petrażycki's concept met also critical remarks. See S. Ehrlich, *Kilka uwag w sprawie metodologii nauk prawnych*, „Państwo i Prawo" 1964, no. 11, p. 648.

[78] A. Podgórecki, *Założenia polityki prawa. Metodologia pracy legislacyjnej i kodyfikacyjnej*, Warszawa 1957, p. 4; idem, *Socjologia a nauki prawne*, „Państwo i Prawo" 1962, no. 5–6, p. 825 ff.; idem, *Trzy rodzaje socjotechniki*, [in:] *Fragmenty filozoficzne. Seria trzecia. Księga pamiątkowa ku czci Profesora Tadeusza Kotarbińskiego w osiemdziesiątą rocznicę urodzin*, Warszawa 1967, p. 367 ff.; Z. Ziembiński, *Problemy podstawowe…*, pp. 496–497, 499–500.

[79] J. Lande, *Teoria prawa. Część I. Wstęp metodologiczny do nauk prawnych (1929/30)*, [in:] idem, *Studia z filozofii prawa*, Warszawa 1959, p. 391.

[80] A. Podgórecki, *Założenia polityki prawa…*, p. 6. A kind of roundabout (with a number of critical remarks) form of presentation of the achievements of Anglo-American theorists of law was a book by Jerzy Kowalski entitled *Funkcjonalizm w prawie amerykańskim* (Warszawa 1960).

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Polish forerunner of law as social engineering put in his deliberations particular emphasis on the concept of the development of theoretical assumptions of "applied jurisprudence".[81]

Based on an analysis of the achievements of other authors, formulating his own concept of rationally made law, intended to be an effective and de-ideologised social engineering tool, Podgórecki listed three types of lawmaking directives: 1) legislative directives; 2) codification directives; 3) codification technique directives. He emphasized that attempts to improve the lawmaking process have so far been focused on the third of the aforementioned groups of directives, sporadically taking into account the second, while completely ignoring the first of the above-mentioned areas. On this basis, he concluded that the low quality of the legal system of the Stalinist period resulted mainly from the lack of an appropriate legislative and codification methodology.[82]

According to Podgórecki, the unsatisfactory quality of the law made in the post-war period had objective and subjective reasons. The first of them was the necessity of:

1) the quick replacement of the pre-war law designed to regulate the social and economic relations of capitalism,
2) the development of new legal acts reflecting the specificity of social and economic relations of socialism,
3) an appropriate modification of normative acts due to changes in socio-economic and political relations caused by socialist law.[83]

He stated, that "the rapid transformation of socio-economic and political relations from 1944 to 1956 made the law, on the one hand, a particularly operative tool by which social change was carried out and, on the other hand, it was itself the product of the relations it created".[84] Thus, he considered objectively justified the significant revival of legislative work during a period of rapid and fundamental social change, resulting in a decline in the quality of the law.

The second group of restrictions of a subjective nature comprised two main reasons. As the first of them, the author mentioned the lack of qualified specialists dealing with the legal issues in its practical aspect. On the other hand, the second reason he pointed out was the lack of methods or inappropriate methods for the rational drafting of legal acts.[85]

Podgórecki linked the then lack of necessary methodological studies on the lawmaking process to the broader issue: the lack of scientific studies on the method-

[81] A. Podgórecki, *Założenia polityki prawa…*, p. 7.
[82] *Ibidem*, pp. 7–8, 12.
[83] *Ibidem*, pp. 35–36.
[84] *Ibidem*, pp. 36–37.
[85] *Ibidem*, p. 37.

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ology of practical sciences in general. As an exception that fills this gap, he pointed to two works by Kotabiński: *Elementy teorii poznania, logiki formalnej i metodologii nauk* (*Elements of the Theory of Knowledge, Formal Logic and Methodology of Sciences*; 1929) and *Traktat o dobrej robocie* (*A Treatise on Good Work*; 1955). According to Podgórecki, objective reasons are related to the specificity of historical processes and are a side effect of them. For this reason, they are not significantly susceptible to human influence. Subjective reasons, on the other hand, could be eliminated through rational action.[86] To this end, the author presented a catalogue of directives developed by him, intended to improve the legislative process. Their application was intended to increase quality and to improve the social-engineering effectiveness of positive law.

Podgórecki tried to separate the considerations on social-engineering effectiveness from non-teleological justifications. He argued that, although other criteria than efficiency may be invoked, he considered justified their omission in the creation of efficiency directives in the jurisprudence. This derived from the need to focus attention on the relationship between the tool and the goal. Given the context in which he conducted his research, one of the objectives of reducing the impact of other factors than efficiency was an attempt to free theoretical and legal research from the limitations of Marxism-Leninism.

Wróblewski began to speak in a similar tone. However, he was more sceptical about Podgórecki's demand to deliberate on social engineering in legal theory terms without referring to a specific value system.[87] The likely reason for Wróblewski's position was that during the Stalinist period he remained much more in the circle of influence of Marxist theory of state and law, which prevented a more radical ideological turn. Nevertheless, it is worth pointing out that this researcher also sought ways to overcome the dogmatism of Stalinism.

CYBERNETICS OF LAW

A part of the growing legal research free from ideological interference was cybernetics of law. This concept, similarly to the socio-engineering approach to law, perceived the analysed issues from a teleological perspective. The beginning of this research in Poland dates back to the period of Gomułka's rule, whereas its apogee occurred in the 1970s. The study of law and related phenomena was based on the approach proposed by cybernetics, i.e. a science which was an attempt to provide

[86] *Ibidem*, pp. 37–38.

[87] J. Wróblewski, *Zagadnienia teorii…*, pp. 417–418, 238–239, 335, 341, 353, 389, 396. See also J. Szczepański, *Socjologia – socjotechnika – prawo – administracja*, „Państwo i Prawo" 1971, no. 3–4, pp. 433–443.

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a theoretical answer to the practical need of efficient control of systems.[88] Among the researchers of that time who attempted to use the assumptions of cybernetics in the field of jurisprudence were such scholars as Henryk Rot, Franciszek Studnicki, Andrzej Malinowski, Jerzy Wróblewski.[89]

Cybernetics offered theoreticians of the state and law useful tools for describing the political and socio-economic reality of the Polish People's Republic, including in the field of lawmaking and law application. Cybernetics of law built on this basis, as a young sub-discipline, was located in the area encompassed by social cybernetics and cybernetics of culture, i.e. in the humanistic-sociological area of the discipline. Adopting for the analysis of law and legal phenomena a perspective characteristic of systems theory, the legal system was perceived as an analogue of a control system. The role of the controlling element (module) was played by the lawmaker, i.e. the entity having legitimacy to create the legal order. The role of the controlling element was played either by society as a whole, or by individual addressees of legal norms.[90] The role of the corrective element in the system discussed was played by institutions involved in the application and enforcement of the law, to the extent that they were given the power to reduce the inconsistencies between the behaviour of the addressees of legal norms and the models of behaviour set out in these norms. In particular, this role was the responsibility of courts, law enforcement agencies, public security services and state administration.[91] A number of novel and interesting ideas have emerged in the area of cybernetics of law, which allow for looking at law from a different perspective, but without ideological aspects. Although the hopes related to the discussed research current have not been made real in full, especially due to insufficient computing power of the computers at that time and the limitations of classical logic, which was the basis for the algorithms used for system control,[92] another important sub-discipline emerged from this current of thought: legal informatics and legal database systems formed on its basis.[93]

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[88] L. Kołakowski, *op. cit.*, pp. 901–902.

[89] H. Rot, *System prawa – model cybernetyczny*, „Państwo i Prawo" 1965, no. 1, pp. 21–26; J. Wróblewski, *Prawo a cybernetyka (Zarys problemów)*, „Państwo i Prawo" 1968, no. 12, pp. 895–913; F. Studnicki, *Sterowanie za pomocą norm*, „Państwo i Prawo" 1969, no. 23, pp. 1007–1019; idem, *Cybernetyka i prawo*, Warszawa 1969, p. 52 ff.; Z. Rogoziński, A. Malinowski, *Próby zastosowań cybernetyki a aparatura pojęciowa prawoznawstwa (Schemat normy prawnej)*, „Państwo i Prawo" 1971, no. 1, pp. 81–86; A. Malinowski, *Wstęp do badań cybernetycznych w prawoznawstwie*, Warszawa 1978, pp. 11–32.

[90] The second of these perspectives concerned cases of individualised application of law.

[91] See R. Kania, *Marksizm-leninizm a cybernetyka prawa w PRL. Zarys problematyki*, „Miscellanea Historico-Iuridica" 2017, vol. 16(1), pp. 153–170.

[92] A. Malinowski, *Problemy cybernetycznego ujmowania kwalifikacji prawnej stanów faktycznych*, „Państwo i Prawo" 1968, no. 1, p. 57.

[93] H. Rot, *Niektóre przesłanki stosowalności maszyn cybernetycznych w dziedzinie prawa*, „Państwo i Prawo" 1966, no. 1, pp. 47–55; J. Wróblewski, *Informatyka prawnicza – możliwości*

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CONCLUSION

This outline of the process of overcoming the ideological limitations of theoretical-legal reflection in the communist era does not fully address this vast and multifaceted issue. However, it allows for the reconstruction of significant tendencies that emerged in jurisprudence at the time and for drawing several important conclusions that could constitute the starting point for further research on the relationship between ideology and theoretical reflection on law in communist Poland.

The analysis conducted shows the radical changes taking place after 1956, in particular the increasingly bolder attempts to throw off the limiting ballast of Marxist-Leninist theory of the state and law of the Stalinist period, and the gradual de-ideologisation of the reflection on law. While appreciating the significance of these trends, it should be borne in mind that although the canon of official doctrine was challenged, a significant group of authors accepting the previous understanding of law continued to publish. The first significant symptom of change in ideological accents in Polish jurisprudence should be found in attempts to cut off from the Stalinist past while at the same time declarations of remaining within the limits set by the tenets of the Marxist theory of law. This is particularly evident in the open condemnation of the abuses of the 1944–1956 period, which, according to the quoted authors, were contrary to the rule of law and socialist law. By using proven methods of criticizing the previous period, in particular by exposing "errors and distortions", they distanced themselves from what was clearly negatively assessed, while at the same time trying to go back to the original ideological sources. This way, they attempted to start a new period of legal research with a "blank slate". The work by Opałek and Zakrzewski on the reinterpretation of socialist rule of law, as well as the work by Wróblewski on the interpretation of law should be considered representative for this current of research.[94]

However, a more clearly visible overcoming of the dogmatism of Marxism-Leninism can be seen in the second group of studies. This is so because both in the deliberations on law as social engineering and in the cybernetics of law, authors showed a teleological approach while distancing themselves, more or less vividly, from ideologically justified deontological accents. Although a complete questioning of the official doctrine was impossible at the time, the considerations and conclusions, even partially free of the dogmatism of the time, were already a manifestation of the contestation of the universalist aspirations of Marxism and its theory of the

zastosowania cybernetyki, „Państwo i Prawo" 1971, no. 3–4, p. 639 ff.; F. Studnicki, *Wprowadzenie do informatyki prawniczej. Zautomatyzowane wyszukiwanie informacji prawnej*, Warszawa 1978, passim.

[94] Undoubtedly, law continued to play the role of a means of ideological influence. See Z. Ziembiński, *Problemy podstawowe…*, pp. 505–508.

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state and law. It was implicitly demonstrated that a way of looking at law other than the official one was not only possible but also justifiable. This kind of precursory search on the fringes of the official current of legal studies, supported by the completely marginalised school of the law of nature, especially the teleological current, allowed for the germination of ideas, which in the 1980s brought about concrete institutional and political changes, heralding the imminent collapse of socialism in Poland. Without them, such institutions as the Supreme Administrative Court, the Ombudsman or the Constitutional Tribunal would probably not have been quickly introduced into the legal order of the Polish People's Republic.

To sum up, it should be stated that the verification of the view that marks 1956 as the ideological beginning of the end of the Polish People's Republic is confirmed in the area of legal sciences. It was then that the emphasis began to be transferred gradually from a deontological interpretation to a teleological one, partly free of ideological burden. Although the analysis is only an outline exposing only selected concepts of the rich heritage of Polish legal theory in the years 1956–1980, it allows us to substantiate the validity of Walicki's position.[95] It also constitutes a stimulus for further research on valuable ideas in the field of jurisprudence, the sources of which should be sought during the period of communist rule in Poland.

REFERENCES

Literature

Auscaler G., *Aktualne zagadnienia ideologiczne nauki prawa*, „Państwo i Prawo" 1956, no. 7.
Auscaler G., *Lenin o prawie i praworządności*, „Państwo i Prawo" 1955, no. 4–5.
Auscaler G., *Z zagadnień praworządności socjalistycznej*, „Państwo i Prawo" 1956, no. 8–9.
Barwicka-Tylek I., *Prawda i sens. Dialektyka, marksizm, komunizm*, Kraków 2016.
Berman J., *O bazie i nadbudowie w świetle prac Józefa Stalina o językoznawstwie*, „Państwo i Prawo" 1951, no. 1.
Bierut B., *Podstawy ideologiczne Zjednoczonej Partii*, „Nowe Drogi" 1949, no. 1.
Biskupski K., *Dyskusja metodologiczna radzieckich prawników*, „Państwo i Prawo" 1950, no. 3.
Bosiacki A., *Utopia, władza, prawo. Doktryna i koncepcja prawna „bolszewickiej" Rosji 1917–1921*, Warszawa 1999.
Chruszczow N., *O kulcie jednostki i jego następstwach. Referat I Sekretarza KC KPZR tow. N.S. Chruszczowa na XX Zjeździe Komunistycznej Partii Związku Radzieckiego 25 lutego 1956 r.*, [in:] *Tajny referat Chruszczowa*, Warszawa 1981.
Do Prezesa Rady Ministrów Bolesława Bieruta, [in:] *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej. Materiały Sesji Naukowej PAN 4–9 lipca 1953 r.*, ed. G. Auscaler, vol. 1, Warszawa 1954.
Dżilas M., *Nowa klasa wyzyskiwaczy (Analiza systemu komunistycznego)*, transl. J. Miroszewski, Paryż 1957.

[95] A. Walicki, *Marksizm…*, p. 470 ff.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 11/11/2026 18:04:56

Ehrlich S., *Demokracja ludowa*, „Państwo i Prawo" 1949, no. 3.
Ehrlich S., *Kilka uwag w sprawie metodologii nauk prawnych*, „Państwo i Prawo" 1964, no. 11.
Grzybowski K., *Stalinizm w socjalistycznym prawie konstytucyjnym*, „Państwo i Prawo" 1957, no. 6.
Izdebski Z., *Rewizja pojęcia praworządności ludowej*, „Państwo i Prawo" 1957, no. 3.
Kania R., *Marksizm-leninizm a cybernetyka prawa w PRL. Zarys problematyki*, „Miscellanea Historico-Iuridica" 2017, vol. 16(1), **DOI: https://doi.org/10.15290/mhi.2017.16.01.08**.
Kolczyński J., *Polemika. W sprawie „stalinizmu" w socjalistycznym prawie konstytucyjnym*, „Państwo i Prawo" 1957, no. 9.
Kołakowski L., *Główne nurty marksizmu. Powstanie – rozwój – rozkład*, Londyn 1988.
Kornat M., *Marksizm a totalitaryzm. Wokół stanowiska Andrzeja Walickiego*, „Przegląd Filozoficzny – Nowa Seria" 2011, no. 1.
Kowalski J., *Funkcjonalizm w prawie amerykańskim*, Warszawa 1960.
Kowalski J., *Prawo i państwo. Psychologiczna teoria prawa i państwa Leona Petrażyckiego*, Warszawa 1963.
Kowalski J., *Psychologiczna teoria prawa i państwa Leona Petrażyckiego*, Warszawa 1963.
Kowalski J., Lamentowicz W., Winczorek P., *Teoria państwa i prawa*, Warszawa 1983.
Lande J., *Teoria prawa. Część I. Wstęp metodologiczny do nauk prawnych (1929/30)*, [in:] idem, *Studia z filozofii prawa*, Warszawa 1959.
Lernell L., *O wzmożonej pracy politycznej Zrzeszenia Prawników Polskich*, „Państwo i Prawo" 1952, no. 8–9.
Malinowski A., *Problemy cybernetycznego ujmowania kwalifikacji prawnej stanów faktycznych*, „Państwo i Prawo" 1968, no. 1.
Malinowski A., *Wstęp do badań cybernetycznych w prawoznawstwie*, Warszawa 1978.
Mazur M., *Na marginesie zagadnienia praworządności*, „Państwo i Prawo" 1952, no. 4.
Miłosz C., *Zniewolony umysł*, Paryż 1953.
Minc H., *Przyczyny obecnych trudności w zaopatrzeniu i środki walki z tymi trudnościami*, „Nowe Drogi" 1951, no. 4.
Morawski L., *Główne problemy współczesnej filozofii prawa. Prawo w toku przemian*, Warszawa 2000.
Oniszczuk J., *Filozofia i teoria prawa*, Warszawa 2008.
Opałek K., *Spór o pojęcie praworządności*, „Państwo i Prawo" 1959, no. 10.
Opałek K., Wróblewski J., *Pozytywizm prawniczy*, „Państwo i Prawo" 1954, no. 1.
Opałek K., Zakrzewski W., *Z zagadnień praworządności socjalistycznej*, Warszawa 1958.
Podgórecki A., *Socjologia a nauki prawne*, „Państwo i Prawo" 1962, no. 5–6.
Podgórecki A., *Trzy rodzaje socjotechniki*, [in:] *Fragmenty filozoficzne. Seria trzecia. Księga pamiątkowa ku czci Profesora Tadeusza Kotarbińskiego w osiemdziesiątą rocznicę urodzin*, Warszawa 1967.
Podgórecki A., *Założenia polityki prawa. Metodologia pracy legislacyjnej i kodyfikacyjnej*, Warszawa 1957.
Podlaski H., Auscaler G., Jaroszyński M., Seidler G.L., Wróblewski J., *Praworządność ludowa w świetle Konstytucji Polskiej Rzeczypospolitej Ludowej*, [in:] *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej. Materiały Sesji Naukowej PAN 4–9 lipca 1953 r.*, ed. G. Auscaler, vol. 1, Warszawa 1954.
Prawo i nauka prawa w pierwszym dziesięcioleciu Polski Ludowej, „Państwo i Prawo" 1954, no. 7–8.
Rogoziński Z., Malinowski A., *Próby zastosowań cybernetyki a aparatura pojęciowa prawoznawstwa (Schemat normy prawnej)*, „Państwo i Prawo" 1971, no. 1.
Rot H., *Niektóre przesłanki stosowalności maszyn cybernetycznych w dziedzinie prawa*, „Państwo i Prawo" 1966, no. 1.
Rot H., *Problemy kodyfikacji prawa PRL*, Wrocław 1978.
Rot H., *System prawa – model cybernetyczny*, „Państwo i Prawo" 1965, no. 1.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 11/11/2026 18:04:56

Rozmaryn S., *O stanie i zadaniach nauki prawa w Polsce*, „Państwo i Prawo" 1951, no. 3.
Rozmaryn S., *Prawo i państwo*, Warszawa 1949.
Ryszka F., *H. Kelsen i C. Schmidt, czyli samounicestwienie prawniczego pozytywizmu*, „Państwo i Prawo" 1965, no. 5–6.
Siemiątkowski Z., *Między złudzeniem a rzeczywistością. Oblicze ideowe PZPR pod rządami Władysława Gomułki*, Toruń 2018.
Stalin J., *Zagadnienia leninizmu*, Warszawa 1949.
Stembrowicz J., *Polemika. W związku z artykułem prof. Konstantego Grzybowskiego pt. „Stalinizm" w socjalistycznym prawie konstytucyjnym*, „Państwo i Prawo" 1957, no. 10.
Studnicki F., *Cybernetyka i prawo*, Warszawa 1969.
Studnicki F., *Sterowanie za pomocą norm*, „Państwo i Prawo" 1969, no. 23.
Studnicki F., *Wprowadzenie do informatyki prawniczej. Zautomatyzowane wyszukiwanie informacji prawnej*, Warszawa 1978.
Szczepański J., *Socjologia – socjotechnika – prawo – administracja*, „Państwo i Prawo" 1971, no. 3–4.
Śmiałowski J., Lang W., Delorme A., *Z zagadnień nauki o normie prawnej*, Warszawa 1961.
Trocki L., *Zdradzona rewolucja. Czym jest ZSRR i dokąd zmierza?*, transl. A. Achmatowicz, Pruszków 1991.
Teoria państwa i prawa, Warszawa 1951.
Walicki A., *Filozofia prawa rosyjskiego liberalizmu*, Warszawa 1995.
Walicki A., *Marksizm i skok do królestwa wolności. Dzieje komunistycznej utopii*, Warszawa 1996.
Walicki A., *Zniewolony umysł po latach*, Warszawa 1993.
Wiszniewski M., *Zarys encyklopedii prawa*, Warszawa 1966.
Wróblewski J., *Informatyka prawnicza – możliwości zastosowania cybernetyki*, „Państwo i Prawo" 1971, no. 3–4.
Wróblewski J., *Krytyka normatywistycznej teorii prawa i państwa Hansa Kelsena*, Warszawa 1955.
Wróblewski J., *Socjologia prawa a prawoznawstwo*, „Państwo i Prawo" 1967, no. 12.
Wróblewski J., *Prawo a cybernetyka (Zarys problemów)*, „Państwo i Prawo" 1968, no. 12.
Wróblewski J., *Zagadnienia teorii wykładni prawa ludowego*, Warszawa 1959.
Wróblewski J., Opałek K., *Zarys krytyki normatywizmu Hansa Kelsena*, „Państwo i Prawo" 1955, no. 6.
Wstęp, [in:] *Zagadnienia prawne Konstytucji Polskiej Rzeczypospolitej Ludowej. Materiały Sesji Naukowej PAN 4–9 lipca 1953 r.*, ed. G. Auscaler, vol. 1, Warszawa 1954.
Wyszyński A., *Przemówienia sądowe*, Warszawa 1953.
Wyszyński A., *Zagadnienia teorii państwa i prawa*, Warszawa 1952.
Z życia ZPP. Zadania Zrzeszenia Prawników Polskich w świetle uchwał II Zjazdu Polskiej Zjednoczonej Partii Robotniczej (Krajowa Konferencja Aktywu ZPP), „Państwo i Prawo" 1954, no. 6.
Ziembiński Z., *Problemy podstawowe prawoznawstwa*, Warszawa 1980.
Ziembiński Z., *Teoria prawa*, Poznań–Warszawa 1977.

Legal acts

Constitution of the Polish People's Republic passed by the Legislative Sejm on 22 July 1952 (Journal of Laws 1952, no. 33, item 232).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
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ABSTRAKT

Po II wojnie światowej rozpoczął się w Polsce proces budowy nowego porządku. Za fundament przyjęto marksizm zgodnie z interpretacją Lenina i Stalina. Tworzenie ustroju zgodnego z oficjalną ideologią wymagało zrealizowania abstrakcyjnych idei na gruncie praktycznym. Jednym z głównych narzędzi wykorzystanych przez komunistów było prawo. Był to przykład praktycznej realizacji nihilizmu prawnego, towarzyszącego budowaniu państwa totalitarnego. Po 1956 r. rozpoczął się w Polsce proces przezwyciężania narzuconego siłą porządku, który objął wiele obszarów kultury i nauki. Przedmiotem artykułu jest prezentacja wybranych koncepcji z obszaru teorii prawa w Polsce Ludowej, których rozwój prowadził do ograniczenia wpływu marksizmu-leninizmu w prawoznawstwie. Główna teza artykułu zakłada, że proces destalinizacji polskiej nauki prawa przebiegał stopniowo, począwszy od 1956 r. Celem badawczym jest weryfikacja hipotezy zakładającej, że zmiany w polskiej nauce prawa związane z przezwyciężeniem dogmatów ideologii marksistowsko-leninowskiej zachodziły w sposób analogiczny do innych obszarów życia kulturalnego i naukowego. Przedmiotowa problematyka nie była dotychczas podejmowana w sposób zaprezentowany w artykule, dlatego może stanowić przydatny materiał do badań nad okresem Polski Ludowej.

Słowa kluczowe: Polska Ludowa; nihilizm prawny; marksizm-leninizm; teoria prawa; prawoznawstwo