

Tomasz Gałkowski

„Filozoficzne i teoretyczne zagadnienia demokratycznego państwa prawa”, Ed. M. Andruszkiewicz, A. Breczko, S. Oliwniak, Białystok 2015 : [recenzja]

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Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

*Filozoficzne i teoretyczne zagadnienia
demokratycznego państwa prawa*

Ed. M. Andruszkiewicz, A. Breczko, S. Oliwniak,
425 pp. Białystok: Temida 2, 2015

The above title presents a continuation of the earlier academic publication (*Demokratyczne państwo prawa*, Białystok 2014), which discussed problems connected with the democratic state of justice. It comes out only one year later, which indicates willingness to discuss the issues stated in the title in a deep and explicit way. One can wonder whether theoretical, philosophical, and legal deliberations on the democratic state of justice will not remain merely a doctrinal study, included in the presented collection. The subject matter focuses rather on functional and practical legal solutions.

The presented collection of studies indicates the need for deeper exploration and doctrinal reflections consolidating and explaining the mechanisms of functioning of the democratic state of justice. It is pointed out by the Editors who state in the preface that “the presented volume raises many inspiring problems and reflections on the democratic state of justice” and the discussed issues “are also necessary in the practice of executing law” (p. 9). The way in which it can be done was shown in the specific articles.

The collection includes 32 studies grouped in three parts. The Editors were motivated by “methodological clarity,” which allowed them to notice the dominant thematic scope of the articles. Taking these as a point of departure, they put together the studies far from one another as far as their problematic formulation contained in the title is concerned. Looking at the layout of the material, one can easily notice that it was determined by methodological approach to the presented issues. The first part containing 14 articles was dedicated to

philosophical aspects of the democratic state of justice. However, not all articles included in it refer directly to the content expressed in its title (e.g., *Marginalizowanie filozofii prawa w Polsce a jej znaczenie dla demokracji* [Marginalization of the philosophy of law in Poland and its effects on democracy]). Their sense and intentions of the Authors can be discovered only in careful reading, although it seems that their methodological and doctrinal aspects are not sufficiently explored. The second part of the collection was devoted to theoretical problems of the democratic state of justice. The element which allowed placing so thematically different studies in one part is the fact that they were written from legal and theoretical perspective. The last part was devoted to the institutional concepts of democracy referring to the current national and international situation. The reflections which can be found there are loosely connected with the topic determined by the title of the presented collection. Nevertheless, on account of the intentions of the Editors who emphasize the connection of philosophical and theoretical deliberations with the practice of executing law in the democratic state of justice, the presented content is well justified. To a greater or lesser extent, the Authors of the articles presented in this part point out at the foundations of the discussed problems referring to the issues provoked by them and requiring further explanation.

Each academic publication which concerns analysis of the problems provoked by the current social order and the norms imposed by it can become the object of interest of the people who create this order and are responsible for it. They can also be an inspiration for the opponents searching for deeper expression of social relations, who strive not so much to negate or abolish this order but to express it more fully and appropriately.

Tomasz Galkowski

University of Cardinal Stefan Wyszyński, Warsaw, Poland