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The Category of Efficiency of Law in Leon Petrażycki's Views

1. Introductory remarks

It is difficult to present any selected issue from the works of Leon Petrażycki, for at least two reasons. First of all, it is not easy to choose a subject that deserves to be discussed more than other problems, as there are so many important threads in his scientific work. It is not without reason that Leon Petrażycki is considered “one of the most eminent minds of his time [...] the last Renaissance-type humanist, [...] the last philosophizing lawyer who developed a philosophical system of extraordinary consistency, and above all of an impressive scope[...]”¹, a first-class lawyer² or even “Copernicus of legal sciences”³.

Secondly, so many studies have already been devoted to the views of Leon Petrażycki, so many are experts on his ideas that it poses a serious challenge to propose something new to the public. However, it should be noted, which

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¹ A. Szadok-Bartuń, *O dwóch koncepcjach prawa naturalnego polskich filozofów prawa okresu międzywojennego*, “Acta Universitatis Wratislaviensis. Przegląd Prawa i Administracji” 2015, vol. 100, p. 237.

² F. S. C. Northrop, *Petrażycki's Psychological Jurisprudence: Its Originality and Importance*, “University of Pennsylvania Law Review” (1955–1956), p. 651.

³ This byname was used by Michailowski, *Copernico das Ciencias Juridicas*, “Rivisto Direito Publico a Ciencia Politica” 1966, no. 3, p. 140. As cited by: K. Motyka, *Leon Petrażycki Challenge to Legal Orthodoxy*, Lublin 2007, p. 52. See also: K. Motyka, *Wpływ Leona Petrażyckiego na polską teorię i socjologię prawa*, Lublin 1993, *passim*.

is particularly satisfying for all those who appreciate Petrażycki's work, that his views are still a subject to analysis in contemporary scientific research⁴. It turns out that L. Petrażycki is still subject to discussion from various points of view and from different research perspectives⁵.

2. Aim of the study and research hypothesis

The aim of this paper is to analyse the Leon Petrażycki's views from the point of view of the role played by the category of efficiency, but only in relation to law, given the limited space of the paper⁶. It is possible to propose a research hypothesis that the most important problems raised in Petrażycki's thought (which he himself considered to be crucial for his research) are related to the efficiency of law⁷.

⁴ The preparation of this article entailed the opportunity to read at least some of the new studies, which has been reflected in the footnotes and references. It is worth noting especially those publications that contain collections of studies on L. Petrażycki's thought: "Bibliografia prac poświęconych Leonowi Petrażyckiemu – 1984–2000", compiled by: A. Kojder, A. Habrat, K. Motyka, T. I. Podgorac, [in:] L. Petrażycki, *O pobudkach postępowania i istocie moralności i prawa*, Warszawa 2002, pp. 108–128; L. Petrażycki, *Polityka prawa cywilnego i ekonomia polityczna*, translated by P. Kosiński, scientific edition, introduction and modernisation of the translation, by A. Bosiacki, Warszawa 2017, pp. 37–41, and the study by J. Stanek, *Rosyjski realizm prawny. Psychologiczno-socjologiczna szkoła prawa*, Warszawa 2017.

⁵ Foreign-language studies deserve special mention. These include a study by A. Mereżko, *Psychologičeskaja škola prava L. I. Perażickogo – istotki, sodierżanije, vlijanie*, Odessa 2016, reviewed by A. Kojder, "Państwo i Prawo" 2017, vol. 11, pp. 117–121.

⁶ Category is "a general concept used to define the reality in philosophy and science" *Słownik języka polskiego PWN*. <https://sjp.pwn.pl/slowniki/kategoria.html> Accessed on: 18.04.2018 r. The analysis does not cover the category of efficiency in L. Petrażycki's deliberations on economic phenomena. L. Petrażycki saw particular links between the civil law policy and economics. See in more detail: W. Babb, *Petrazhitzkii: Science of Legal Policy and Theory of Law*, "Boston University Law Review" 1937, vol. 17, p. 821–822. As recently as in late 1960s, many wrote that L. Petrażycki was quite unknown from the point of view of the contribution to economics, although he presented an original way of looking at economic phenomena, which in his opinion were a product of legal motivation. Moreover, he considered legal policy a branch of economic policy. T. I. Podgorac, *Aktualność myśli Leona Petrażyckiego w związku z wieloaspektowością jego twórczości*, "Annales UMCS", vol. XXVIII,1, sectio G, 1981, pp. 53–54. For more on the relationships between political economy and legal sciences, see: L. Matraszek, *Ekonomiczne aspekty teorii Leona Petrażyckiego*, "Annales UMCS", vol. XXVIII,1, sectio G, 1981, p. 160. Currently, L. Petrażycki is considered the forerunner of second-generation economic analysis of law. R. Zyzik, *Czy Leon Petrażycki był prekursorem behawioralnej ekonomicznej analizy prawa?*, "Forum Prawnicze" 2017, no. 1, p. 22; T. Giaro, *Leon Petrażycki i ekonomiczna analiza prawa. Materiały do dalszych rozważań*, [in:] *Nauka i nauczanie prawa. Tradycja i przyszłość*, ed. H. Izdebski, Warszawa 2009, p. 222.

⁷ L. Petrażycki used the concept of efficiency (L. Petrażycki, *Wstęp do nauki polityki prawa*, [in:] *O nauce, prawie i moralności, Pisma wybrane*, collection compiled by Jerzy Licki and Andrzej Kojder, edited by Andrzej Kojder, Warszawa 1985, p. 331, p. 339.

3. Efficiency and its significance for the law.

Addressing the above issues requires an initial explanation of what efficiency is and an indication of the role that this category plays in relation to the law. Efficiency is a praxeological concept introduced into Polish science by Tadeusz Kotarbiński in his *Traktat o dobrej robocie* [Published in English under the title *Praxiology. An introduction to the science of efficient action*]. It is inseparably connected with the notion of goal. Hence, an inefficient action is one that “neither achieves nor facilitates the achievement of a goal; in other words, it does not bring it any closer to the goal”⁸. If a specific behaviour is assessed to be efficient, counterproductive or neutral, it is just because of the goal pursued⁹. It is worth noting here that according to T. Kotarbiński, efficiency is subject to gradation¹⁰. As J. Wróblewski wrote: “We refer to efficiency whenever we want to determine whether the consequences of an action are consistent (or to what extent they are consistent) with the objectives of the acting entity”¹¹.

Efficiency of law (generally, the Polish term used to denote this concept is “skuteczność prawa”, but sometimes the expression “efektywność prawa” is used, although it is not accepted by all scholars, as some argue that the later is wider than the former and requires taking into account the relationship between the obtained results to the expenditures made)¹² is one of the most important criteria for the evaluation of law. According to J. Wróblewski, law is efficient when it “pursues the objectives of the legislature to a sufficiently high degree”¹³.

Efficiency has very special importance for law, as it is “one of the fundamental aspects of good law”¹⁴. On the one hand, it is indeed difficult to imagine good law that does not meet the condition of efficiency, but on the other hand it is difficult to question the statement that efficiency should not be the only criterion¹⁵.

⁸ T. Kotarbiński, *Traktat o dobrej robocie*, Wrocław, Warszawa, Kraków, Gdańsk 1975, p. 105.

⁹ *Ibidem*, p. 105–106.

¹⁰ *Ibidem*, p. 106.

¹¹ J. Wróblewski, *Skuteczność prawa i problemy jej badania*, “Studia Prawnicze” 1980, vol. 1–2, p. 7.

¹² The notion of efficiency in Polish “efektywność” is used more often in economics than jurisprudence, although one can find examples of using this term also by scholars of law, e.g. in Z. Ziemiński, *Socjologia prawa jako nauka prawna*, Warszawa–Poznań 1975, pp. 129–133. For terminological issues, see: H. Izdebski, *Referat końcowy. Refleksje nad skutecznością prawa*, [in:] *Skuteczność prawa*, ed. T. Giaro, Warszawa 2010, pp. 258–263.

¹³ J. Wróblewski, *op. cit.*, vol. 1–2, p. 7.

¹⁴ H. Izdebski, *op. cit.*, p. 249. For more on the topic of good law, see also: K. Pałęcki, *Debating the Concept of Good Law*, “Polish Political Science Yearbook” 2012, vol. 41, pp. 56–58.

¹⁵ S. Wronkowska, *Kryteria oceny prawa*, [in:] *Przemiany polskiego prawa (lata 1989–1999)*, ed. E. Kustra, Toruń 2001, p. 41.

At the same time, it is pointed out that in the process of evaluation of law, the process covers not so much the conduct required by the legal norm, but results of this conduct¹⁶. The current Polish legal scholarly opinion puts forward many proposals for classifying the effectiveness of law¹⁷, but one should agree with the statement about a certain terminological compatibility in this matter¹⁸. It seems that the differences relate more to the nomenclature than the very essence of the problem.

4. Significance of the idea of legal policy for the L. Petrażycki's works

The deliberations on the category of efficiency of law in the views of Leon Petrażycki shift the analysis to the issues of legal policy. As A. Kojder writes: "the question of efficiency of law is placed within the scope of issues of legal policy"¹⁹. This is undoubtedly one of the most important ideas pursued by the Master. For Petrażycki, the ideal of scientific legal policy was his "beloved idea"²⁰ for the rest of his life, and developing it was "the most ambitious" task²¹, and the entire scientific system he created was to be a justification for the possibility of building legal policy as a separate discipline²². In addition to general legal policy, L. Petrażycki postulated developing specific legal policies subordinated to it, including civil law policy²³.

The concept of legal policy according to L. Petrażycki has received many positive and even enthusiastic assessments in the literature, but some weak-

¹⁶ Z. Ziemiński, *Problemy podstawowe prawoznawstwa*, Warszawa 1980, p. 434. A. Podgórecki classified the results of law into: intended, not intended (negative and positive), secondary, and so-called wastage. A. Podgórecki, *Socjologia prawa*, Warszawa 1962, p. 167.

¹⁷ Selected classifications of law efficiency are discussed in: M. E. Stefaniuk, *Skuteczność prawa i jej granice*, "Studia Iuridica Lublinensia" 2011, vol. XVI, pp. 58–62. See also: J. Winczorek, *Skuteczność prawa*, [in:] *Leksykon socjologii prawa*, ed. A. Kociołek-Pęksa, M. Stępień, Warszawa 2013, 320–321; J. Kunysz, *Skuteczność prawa: (zagadnienia wybrane)*, "Administracja: teoria, dydaktyka, praktyka" 2014, no. 2, pp. 67–93.

¹⁸ H. Izdebski, *op. cit.*, p. 257.

¹⁹ A. Kojder, *Ograniczenia skuteczności prawa*, [in:] *Skuteczność prawa...*, p. 34.

²⁰ J. Lande, *Studia z filozofii prawa*, Warszawa 1959, p. 573.

²¹ M. Borucka-Arctowa, *Teoria Petrażyckiego a koncepcje prawnonaturalne*, [in:] *Z zagadnień teorii prawa i teorii nauki Leona Petrażyckiego. Studia opracowane dla upamiętnienia stulecia urodzin*, ed. K. Opalek, Warszawa 1969, p. 9.

²² T. I. Podgorac, *op. cit.*, p. 38. As A. Podgórecki wrote: "Despite L. Petrażycki many times recalled the idea of legal policy, he did not prepare any fundamental assumptions, statements and methodological recommendation for that discipline. He argued that the proper preparation of the foundations for this science depended on the revision of the methodological assumptions of various fields of study that he considered the conditions for legal policy." A. Podgórecki, *Zarys socjologii prawa*, Warszawa 1971, p. 441.

²³ L. Petrażycki, *Wstęp do nauki polityki prawa...*, p. 345.

nesses have also been noticed. This concept was assessed as “one of the most expressively formulated and at the same unique concepts [...]”²⁴, it was stressed that it is “comprehensive and systematic”²⁵, “optimistic and deeply humanistic”²⁶, placed as “far ahead earlier schools and theories [...]”²⁷, while the scientific system created by L. Petrażycki with the prominent role of legal policy, “excels the views of other authors by its complexity and depth of the approach, the uniqueness of the adopted solutions, humanistic view on social life and, above all, the pursuit of full scientific character of activities of law-making bodies”²⁸. One should particularly stress Petrażycki’s exceptionally strongly expressed expectation (with formulated methodological requirements) that legal policy should fully deserve the adjective “scientific”²⁹.

Various doubts have also been raised as to the scientific concept of legal policy. In particular, it was alleged that L. Petrażycki had not explained in a more comprehensive manner the notion of “scientific legal policy”³⁰, and that he did not see the relationship between legal policy and the issues of large social structures, which results in the impossibility to reduce it, as Petrażycki did, to the problems of human psychology³¹. It was also argued that the weakness of the Petrażycki’s (like R. Stammler’s) theory was the assumption of the possibility of creating a unified community of individuals deprived of selfishness³².

At the same time it was argued that, regretfully, the Petrażycki’s idea of scientific legal policy was the least known part of his work³³, which remained “in the shadow of his introspective-psychological theory of law...”³⁴. This was arguably one of the reasons why other currents in jurisprudence claimed to be first to formulate such idea, including American legal functionalism³⁵. In addition, it should be recalled in this regard the controversy about the

²⁴ K. Orczykowski, *Szkoła psychologiczna w prawie*, Toruń 2007, p. 47.

²⁵ A. Kojder, *Wizja naukowej polityki prawa*, [in:] *Godność i siła prawa*, Warszawa 2001, p. 155.

²⁶ H. Groszyk, A. Korybski, *O programie tworzenia nauki polityki prawa Leona Petrażyckiego*, “*Annales UMCS*”, vol. XXVIII,1, sectio G, 1981, p.11.

²⁷ T. I. Podgorac, *op. cit.*, p.54.

²⁸ H. Groszyk, A. Korybski, *op. cit.*, pp. 1–2.

²⁹ K. Orczykowski, *op. cit.*, p. 51.

³⁰ S. Czepita, *Koncepcja polityki prawa Leona Petrażyckiego a koncepcje współczesne*, “*Państwo i Prawo*” 1977, no. 7, p. 46.

³¹ *Ibidem*, p. 46.

³² B. Kuśmierczyk, *Leona Petrażyckiego psychologiczna teoria prawa*, “*Studia Prawnoustrojowe*” 2004, no. 3, p. 199.

³³ T. I. Podgorac, *op. cit.*, p. 38.

³⁴ *Ibidem*, p. 54.

³⁵ A. Szadok-Bartuń, *op. cit.*, p. 239.

similarity of Petrażycki's thought to the concept of changeable content of the law of nature, presented by R. Stammler, whom the former accused of appropriation of the ideas formulated at work *Lehre vom Einkommen*³⁶.

The recognition of the idea of legal policy as crucial to the scholarly work of Leon Petrażycki implies the assertion of the significant role of efficiency of law as a category inseparably connected with this idea.

5. Assumptions of scientific legal policy

As regards the main assumptions of scientific legal policy, it should be pointed out that the point of departure for Petrażycki was to assume that law both can and should be used as an instrument for pursuing the intended, planned changes in society³⁷, which contradicted the legal position proclaimed by legal positivism, stating that legal measures cannot effectively influence human behaviour and attitudes, and that law can merely reflect the order of human relations without being able to change it³⁸. It was the task of legal policy to use theoretical knowledge to study whether certain legal provisions are properly chosen measures to achieve a particular social goal³⁹.

The paper entitled *O ideale społecznym i odrodzeniu prawa naturalnego*, [On the Question of the Social Ideal and the Revival of Natural Law] contains a fragment considered a peculiar definition of legal policy, wherein L. Petrażycki used such terms as: result, effect, consequence. He wrote as follows: "The essence of legal policy problems boils down to a scientifically grounded explanation of the consequences that should be expected in the event of introducing certain legal norms and developing the rules, whose introduction, through parliamentary legislation (or otherwise, e.g. in the international area), to the system of applicable law has resulted in a certain intended effect"⁴⁰. In view of the above, the point of gravity in this definition was supposed not to rely on examination of results of law once it entered into actual operation, but rather on anticipating the manner in which it would operate. This does not mean that L. Petrażycki entirely ignored the issue of results of legal regulations after entry into force. Nonetheless, he doubted if a legal norm should be assessed

³⁶ K. Opalek, *Teoria Petrażyckiego a współczesna teoria prawa*, [in:] *Z 1...*, p.134. A. Szadok-Bartuń, *op. cit.*, p. 245.

³⁷ A. Kojder, *Wizja naukowej...*, p.158; J. Oniszczyk, *Filozofia i teoria prawa*, Warszawa 2008, p. 567.

³⁸ A. Kojder, *Wizja naukowej...*, pp. 157–158.

³⁹ M. Borucka – Arctowa, *Teoria Petrażyckiego...*, p. 16.

⁴⁰ L. Petrażycki, *O ideale społecznym i odrodzeniu prawa naturalnego*, [in:] *O nauce, prawie i moralności...*, pp.156–157.

as to its “good or bad properties”⁴¹ by legal practitioners, since assessments of this kind are usually not supported with factual material. Since he respected judges and other legal professionals, L. Petrażycki believed that they needed a change of mindset so that the experience from their practice was valuable, and the development of the science of legal policy was to serve this purpose⁴². To supplement the incomplete material of the legal protection practice, the legal policy (he spoke here about civil law policy) should collect and use the out-of-court factual material as well⁴³. In particular, he advocated maintaining a permanent, systematic official statistics⁴⁴.

The adverse effects of legal regulations because of the fact that “the result of bad laws can be very profound and epidemic”⁴⁵ was to be prevented by directives developed by the legal policy and provided to the legislature. It should be pointed out that L. Petrażycki paid particular attention to the damage caused by bad law in human psyche, especially when the legal regulations were already internalised⁴⁶. Such teleological directives (theses) were supposed to indicate how a particular person (legislator) should act in order to achieve a certain state of affairs (goal)⁴⁷. These directives should be: teleologically adequate – indicating the necessary and sufficient conditions for achieving the intended goal⁴⁸, based on scientific theories⁴⁹, pointing to the principles of rational conduct⁵⁰, and which is particularly important, they should take into account the level of social development achieved (which means that most of them are of a relative nature)⁵¹. L. Petrażycki assessed as unreasonable to assume that it is possible to formulate some universal, timeless political directives that would be the same for all societies and eras, which does not mean that in the future there will be no appropriate conditions for that⁵².

⁴¹ L. Petrażycki, *Polityka prawa cywilnego i ekonomia polityczna*, p. 193.

⁴² *Ibidem*, p. 202.

⁴³ *Ibidem*, p. 204.

⁴⁴ *Ibidem*, p. 204–208.

⁴⁵ *Ibidem*, p. 208.

⁴⁶ Habrat A., *Ideal człowieka i społeczeństwa w teorii Leona Petrażyckiego*, Rzeszów 2006, p. 38. Some contemporary classifications of efficiency of law distinguish axiological efficiency related to the acceptance of legislature-promoted values by addressees of the norms, as their own values. T. Chauvin, T. Stawicki, P. Winczorek, *Wstęp do prawoznawstwa*, Warszawa 2009, p. 187.

⁴⁷ K. Orczykowski, *op. cit.*, p. 49.

⁴⁸ A. Kojder, *Ograniczenia skuteczności prawa...*, p. 35.

⁴⁹ K. Orczykowski, *op. cit.*, p. 50.

⁵⁰ A. Kojder, *Wizja naukowej...*, p. 160.

⁵¹ *Ibidem*, p. 168.

⁵² *Ibidem*, p. 167.

According to L. Petrażycki, one of the tasks of legal policy was to set the direction and goal towards which society was to be led⁵³, but they should be defined consciously rather than intuitively⁵⁴.

The tasks – objectives to be pursued by the scientific legal policy (and to allow the assessment whether they are pursued, and if so – to what extent; thus to apply the criterion of efficiency) were classified by L. Petrażycki (who was regretting that many of fields of study, including jurisprudence, were deprived of “key principles and ideals”⁵⁵) into primary goals (or rather one goal because it is essentially the ultimate, supreme goal) and milestones (instrumental, closest objectives).

The primary goal, referred to by L. Petrażycki using the currently fashionable, even abused, term “mission”, consisted in accelerating and improving the process that had already been experienced by people in an unconscious way (by unconscious, empirical adaptation), namely by achieving the very ideal of the future – the ideal of love between all humans, where there is no space for any egoistic behaviour⁵⁶.

Love is considered a fundamental value in human life.⁵⁷ It is an emotional attitude towards people and the world, the essence (constituents) of which is based in affirmation of a person, empathy that is the ability to feel compassion, and the good of the object of love⁵⁸.

L. Petrażycki referred to this love as “active”⁵⁹, as a reign of “common good”⁶⁰. He defined this love very broadly, as he did not reduce it to the human attitude to people and the humanity, but this definition covered also the attitude of *homo sapiens* towards animals and other beings capable of suffering⁶¹. Anyone may contribute to achieving the ideal of love, but this not mean mere incidental action, assistance to others in achieving goals, but

⁵³ B. Kuśmierczyk, *op. cit.*, p. 198.

⁵⁴ J. Oniszczyk, *op. cit.*, pp. 568–569. It should be mentioned here that L. Petrażycki was against the view “that all our deeds have a certain goal, and pointless actions are something unreasonable, impossible [...]”. L. Petrażycki, *O ideale społecznym...*, p. 222.

⁵⁵ L. Petrażycki, *Wstęp do nauki prawa i moralności. Podstawy psychologii emocjonalnej*, Warszawa 1959, p. 12.

⁵⁶ L. Petrażycki, *O ideale społecznym...*, p. 158–159.

⁵⁷ According to D. von Hildebrand, love is a response to a value. For more on this subject: D. von Hildebrand: *Miłość jako odpowiedź na wartość*, “Logos i ethos” 2014, no. 2 (37), p. 219–259. DOI: <http://dx.doi.org/10.15633/lie.804>, <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-bcef3da8-bdfd-4e25-ba5e-3bb3092ae96d/c/804-1580-1-PB.pdf>.

⁵⁸ A. Gos, *Znaczenie postaw wobec małżeństwa i rodziny w budowaniu relacji interpersonalnych*, “Fides et ratio” 2014, no. 1(17), p. 35, www.stowarzyszeniefidesetratio.pl/Presentations0/1403Gos.pdf (access: 12.05.2019).

⁵⁹ *Ibidem*, p. 157.

⁶⁰ *Ibidem*, p. 157, p. 297.

⁶¹ *Ibidem*, p. 159.

also far-sighted action aimed into the future, those which do not necessarily bring tangible results at the moment. He attached a significant role in this to those scholars and statesmen who acted in the spirit of love⁶². The condition of a society which would achieve the ideal of love is similar to that of the paradise, but already here, on Earth.

This ideal should be implemented in an evolutionary manner, but in a controlled way, until a state when altruistic behaviour becomes a dominant pattern of behaviour⁶³, when a society of citizens is developed, citizens who have a strong sense of their dignity and rights, but who at the same time actively participate in public life and who are ready to serve the community⁶⁴.

According to L. Petrażycki: "The thesis that love is an ideal, the supreme good, is an axiom of practical reason and as such it does not require proof and cannot be proved"⁶⁵. Nonetheless, he believed that two other fundamental statements necessary for the pursuit of a conscious legal policy need to be proved. The first is the claim that moral progress of both individual nations and all humanity is possible and historically confirmed. The second is that law can and does affect the development of collective ethics in such a way that a rational legal policy produces or accelerates moral progress⁶⁶. He wrote that "rational law is a school of morality, an educational institution for a nation and all humanity"⁶⁷.

The ideal of love is a point of reference for L. Petrażycki in many matters subject to his deliberations, important not only for legal sciences. For example, according to Petrażycki, the institution of compensation is not intended to perform a *restitutio in integrum* - reinstatement of the previous state (before the damage occurred), but as a psychological impact on society and for directing the citizens' behaviour towards the common good⁶⁸. Another example of the importance of the common good is the way Petrażycki perceives politics. When, in the context of women's suffrage, L. Petrażycki asks an important, also now, question "what is politics" and what does policy making mean, he answers that: "To deal with politics means to care for the common good; to be interested in politics means to be interested not in one's selfish interests, but in interests related to the common good"⁶⁹.

⁶² *Ibidem*, p.160.

⁶³ R. Zyzik, *Czy Leon Petrażycki był prekursorem...*, p. 22.

⁶⁴ K. Orczykowski, *op. cit.*, pp. 53–54.

⁶⁵ L. Petrażycki, *Wstęp do nauki polityki prawa...*, p. 331.

⁶⁶ *Ibidem*, pp. 331–332.

⁶⁷ *Ibidem*, p. 332.

⁶⁸ As cited by: H. Kaczmarczyk, *Prawo i gospodarka w poglądach Leona Petrażyckiego*, "Roczniki Administracji i Prawa" 2012, nr 12, s. 29.

⁶⁹ L. Petrażycki, *O prawa dla kobiet*, [in:] *O nauce, prawie i moralności...*, p. 381.

Achieving the ideal of love entails certain consequences - not only in the area of law, but also morality. L. Petrażycki wrote that "law is a manifestation of decreasing motivational pressure – with zero pressure, i.e. with the disappearance of the applicable law at the end"⁷⁰. Thus, the closer to achieving this ideal, the lower the pressure of law (and morality). The evidence for this is the examination of those manifestations of the evolution of law, which prove that many of its socially necessary elements in, as he called it, the barbaric psyche, "have disappeared as unnecessary"⁷¹, for example, the husband's authority over his wife⁷². The need for the existence of law at the present stage of human development results from the "insufficient adaptation of the existing human psyche to the needs of a new social life, and its task is to make itself superfluous and disappear."⁷³ He wrote: "I do not consider law, and therefore the appropriate system of social motivation, an inevitable and eternal foundations of social life"⁷⁴. The future holds the same fate for morality, because "Just as law, morality must at the same time disappear and with psychological necessity disappears while appropriate educational successes are achieved"⁷⁵. This is evidenced by a number of examples - such as the changing requirements for the appropriate, socially accepted women's attire⁷⁶.

Returning to the ideal of love, L. Petrażycki claims that it is "not only a supra-legal ideal, which is understood by itself, but also a supra-moral ideal"⁷⁷.

The Petrażycki's ideal of love has been compared to other similar approaches found in the literature on the subject, e.g. with the R. Stammler's doctrine of equitable law⁷⁸, and even with the Platonic vision of a perfectly socialized individual⁷⁹.

Regarding the feasibility of the ideal of love, L. Petrażycki himself realized that this is a sublime task, nonetheless possible, although only in an

⁷⁰ L. Petrażycki, *O ideale społecznym...*, p.164.

⁷¹ *Ibidem*, p. 164.

⁷² *Ibidem*, p. 164.

⁷³ *Ibidem*, p. 165.

⁷⁴ *Ibidem*, p. 166.

⁷⁵ *Ibidem*, p. 165.

⁷⁶ L. Petrażycki writes (with exclamation) "And today, even the appearance of naked women on stage does not raise any moral indignation!" *Ibidem*, s. 166.

⁷⁷ L. Petrażycki, *O ideale społecznym...*, p. 166. For the doubts related to the above mentioned theses, see: M. Smółka, *Leon Petrażycki o sprawiedliwym prawie*, "Annales UMCS", vol. XXVIII, 1, sectio G, 1981, p. 94.

⁷⁸ A. Szadok-Bartuń, *op. cit.*, p. 245. More on the R. Stammler's concept in : H. W. Babb, *op. cit.*, p. 814.

⁷⁹ "The difference lies in that the surprising effect of Plato's idealistic theory is the philosophical justification of the totalitarian system in a state, while Petrażycki is heading to a utopian version of free and happy society." B. Kuśmierczyk, *op. cit.*, p. 197.

indeterminate future⁸⁰. However, it should not be regarded as a “classic utopia”⁸¹. The Petrażycki’s optimism was not confirmed by the experience of the wars of the 20th century, and even today the analysis of the present shows that, as J. Kurczewski writes, it is difficult to “accept <<mutual love>> as an intellectual topic, and in this respect has changed little since the times of Petrażycki and Sorokin”⁸².

Regarding the goals listed by L. Petrażycki “it seems easy to negate them, considering them as one of the manifestation of the naive optimism of the early 20th century”⁸³. However, one must fully agree with the statement that even a lack of faith in the implementation of the ideal of love should not compromise valuable elements in the Petrażycki’s deliberations on this subject, and in particular that “the legislature should first and foremost keep in mind that law is not merely an instrument of authority, but that it should serve the social development, alleviation of tensions in human relations, the expansion of the sphere of personal freedom of every individual, and the protection of his or her dignity”⁸⁴.

Alongside the objective of the supreme (ultimate) goal, legal policy points to the need to achieve milestones that should be subordinated to the supreme goal. It should indicate the directives defining which norms should be laid down to fulfil the most immediate tasks that are instrumental for the ideal of love and which are necessary to achieve that objective⁸⁵.

The L. Petrażycki’s concept of scientific legal policy is a maximalist concept, indicating both the objectives to be pursued by the legislature, but also determining what measures should be taken to implement them. It is, therefore, the opposite of a minimalist approach, where legal policy boils down to legal techniques. The maximalist concept requires the identification of objectives of law, the performance of some evaluations, the adoption of certain philosophical assumptions, and the fact that those objectives are demonstrable under the adopted concept of science⁸⁶. The above conditions are met in the Petrażycki’s approach to legal policy, because: “He first and foremost acknowledged that the task of scientific legal policy is to improve human character towards the pattern set by the social ideal. Thereby, he crossed out

⁸⁰ M. Smółka, *op. cit.*, p. 94.

⁸¹ R. Zyzik, *Ideał społeczny w polityce prawa. Perspektywa ewolucyjna*, “Archiwum Filozofii i Myśli Społecznej” 2015, vol. 60, p. 12.

⁸² J. Kurczewski, *Wstęp do socjologii pojednania*, [in:] *Socjologia pojednania*, ed. J. Kurczewski, Kraków 2012, p. 19.

⁸³ A. Kojder, *Wizja naukowej...*, p. 170.

⁸⁴ *Ibidem*, p. 170. That is why Petrażycki was called “a Great Romanticist of the socio-legal thought”. *Ibidem*, p. 172.

⁸⁵ As cited by: K. Orczykowski, *op. cit.*, p. 54; A. Kojder, *Wizja naukowej...*, p. 168.

⁸⁶ M. Borucka-Arctowa, *O społecznym działaniu prawa*, Warszawa 1967, pp. 39–41.

the possibility of constructing a technical concept of legal policy that would be cut off from the assessment of the legal solutions adopted because of the ethical (axiological) content of the objectives, and merely to measure the efficiency of these solutions as a means to achieve any societal objectives.”⁸⁷

6. Types of efficiency of law in Leon Petrażycki’s approach

Before presenting the types of efficiency of law, it should be noted that, according to L. Petrażycki, law is more efficient in social life than morality, which was one of the reasons why he valued it more⁸⁸. He wrote that “The imperative-attribute awareness of our duty (a right vested in another person) exerts *ceteris paribus* much more pressure on our will and on our conduct than purely imperative one; generally, the former has much more chances than the latter to induce proper conduct in reality”⁸⁹. And further on: “the attributive character of legal awareness gives a particular force to the appropriate passive ethical motivation, so that this kind of motivation operates more firmly and reliably than unilaterally imperative motivation”⁹⁰.

In the Leon Petrażycki’s concept, the essence of law, its effects and, consequently, its efficiency, should be sought first in the human psyche, which results from the assumption that the law affects our psyche⁹¹. L. Petrażycki argued that if legal sciences had come to an “experimental-psychological knowledge of law and to psychological examination of its various and complex effects on the individual and collective human psyche [...]”⁹², then this kind of “light” would have made it possible to predict the effects of various types of legal reforms. Then, there would be no need to have a “prophetic gift” to carry out the task of “knowing in order to anticipate, anticipating in order to act wisely”⁹³. Hence, it is necessary to learn about the nature and causal properties of law as a specific causal factor in social and psychological life⁹⁴.

The types of law efficiency that were most important for L. Petrażycki are motivational efficiency and educational efficiency, which is inseparably connected with the methodological principle that there are two types of

⁸⁷ H. Groszyk, A. Korybski, *op. cit.*, p. 10.

⁸⁸ M. Kik, *Leona Petrażyckiego filozofia prawa*, “Czasopismo Filozoficzne” 2006, no. 1, p. 57.

⁸⁹ L. Petrażycki, *O pobudkach postępowania i istocie...*, p. 68.

⁹⁰ *Ibidem*, p. 69.

⁹¹ On law as a psychical phenomenon in L. Petrażycki’s thought, see: R. S. Redmount, *Psychological Views in Jurisprudential Theories*, “University of Pennsylvania Law Review” 1959, vol. 107, p. 489–494.

⁹² L. Petrażycki, *O ideale społecznym i...*, p. 154.

⁹³ *Ibidem*, p. 154.

⁹⁴ *Ibidem*, p. 154.

causal action of law and, respectively, two of its goals: socio-motivational and socio-educational⁹⁵. Due to the fact that law influences the human psyche in this way, it can be used to transform social life. The above mentioned goals of the law: motivational and socio-educational, should be implemented concurrently, and where they are contradictory to each other, the priority should be given to one of them⁹⁶. The procedure accompanying the preparation of legal regulations should consist in learning about and identifying the form of impact of legal norms on the psyche of legal entities and then selecting those with the best chances of success⁹⁷.

L. Petrażycki was convinced of the diversity of the effects that law can have. He wrote that “law is a factor capable of producing a multitude of practically relevant effects, and this applies not only to law as a whole, but also to individual legal provisions, so that one legal provision produces a multitude of practically important causal effects”⁹⁸.

The relationship, mentioned in the terminology considerations, between efficiency categories and the objectives pursued by a given entity implies that, since law is supposed to pursue two objectives: to act motivationally and educationally, it is also possible to talk about the motivational and educational efficiency of law.

The motivational effect of law is linked to the effects referred to by L. Petrażycki as apparent and related to the operation of law as a factor for motivation of individual and collective behaviour. It should be pointed out that, according to L. Petrażycki, one legal provision can provoke many such consequences, different motives in different categories of persons, and even with the same type of motivation different directions of conduct⁹⁹. Law engages certain motives in human psyche as perceived causes of positive acts or omissions. It will be more effective if more consistent with the mental nature of the individual, from whom it requires such or another act or omission¹⁰⁰.

L. Petrażycki analysed various types of legal motivation: direct motivation (typically legal, fundamental) where the factor of conduct exists in three forms: passive, active and neutral legal awareness, and indirect motivation (auxiliary and independent)¹⁰¹.

⁹⁵ L. Petrażycki, *O nauce, prawie i moralności...*, p. 425.

⁹⁶ *Ibidem*, p. 425.

⁹⁷ R. Zyzik, *Ideal społeczny...*, p. 4.

⁹⁸ L. Petrażycki, *O nauce, prawie i moralności...*, pp. 424–425.

⁹⁹ *Ibidem*, p. 425.

¹⁰⁰ L. Petrażycki, *Wstęp do nauki polityki prawa*, p. 332.

¹⁰¹ Particular motivation types are discussed in more detail in: J. Licki, *Motywacyjne i wychowawcze działanie prawa jako podstawa naukowej polityki prawa*, [in:] *Prawo w zmieniającym się społeczeństwie*, ed. J. Kurczewski, Warszawa 1975, pp. 251–262.

Some of the modern classifications of efficiency of law list the motivational efficiency, while others, although noticing the influence of law as a motive of conduct, recognise it under different name or sometimes within separate categories. For example, the motivational efficiency is noted by K. Pałecki who stresses that it occurs where “legal norms provoke in their addressees appropriate pro-legal motivations to act in accordance with the regulatory content of these norms (and even pro-legal attitudes)”¹⁰². The J. Wróblewski’s classification, which can be considered as the most comprehensive, does not distinguish motivational efficiency as a separate category, but includes it in the category of effectiveness defined as psychological, when the legal norm “affects experiences of the addressee, including motivational experiences and attitude formation.”¹⁰³ But what is particularly important here in J. Wróblewski’s approach, psychological efficiency can lead to a norm-compliant behaviour, but also a situation may take place where a norm affects the addressee’s experience, but the addressee fails to choose the alternative specified by law or does not behave lawfully¹⁰⁴.

L. Petrażycki pointed out that legal norms are not only supposed to discipline human character, preventing from succumbing to emotional impulses, habituating people to prudent conduct and following certain principles, but also exert an additional educational influence¹⁰⁵. Therefore, the second type of effectiveness in L. Petrażycki’s concept is educational effectiveness of law, associated with its social and educational purpose. According to L. Petrażycki, apart from apparent effects, law also has hidden effects. He attaches particular importance to them - “as they are not less, but even more important”, and they involve changing the very psyche of those who are affected by it¹⁰⁶. The psychic influence of law on a human being is not limited to a direct result in the form of achieving a certain desirable act or omission, but leaves a good or bad mark in the human soul, introduces various elements to his or her character. Hence the need, advocated by L. Petrażycki, to create a science, referred to by him as legal pedagogy, to study this field of psychological phenomena¹⁰⁷. L. Petrażycki appreciated the role of the educative effect of law, writing that “law in general, both public and private, is an important factor in

¹⁰² K. Pałecki, K. Pałecki, *Prawoznawstwo. Zarys wykładu. Prawo w porządku społecznym*, Warszawa 2003, p. 170. A similar approach in: S. Wronkowska, Z. Ziemiński, *Zarys teorii prawa*, Poznań 1997, p. 210.

¹⁰³ J. Wróblewski, *op. cit.*, p. 11.

¹⁰⁴ *Ibidem*, p. 11.

¹⁰⁵ J. Licki, *op. cit.*, p. 263.

¹⁰⁶ L. Petrażycki, *O nauce, prawie i moralności. ...*, p. 425.

¹⁰⁷ L. Petrażycki, *Wstęp do nauki polityki prawa*, pp. 338–339.

the education and ethical progress of nations and the humanity [...]”¹⁰⁸. The human psyche changes under the influence of law, – repeated experiencing legal motives builds a habit, permanent psychological inclination towards a particular behaviour, which is evidenced by the abolition of sanctions when a certain behaviour changes into a habit, “develops appropriate permanent character traits, solidifies in the form of persistent instincts, pervades the body and blood of society”¹⁰⁹. Therefore, law is a school of education. The educational action of law is connected with the operation of the three laws: 1) the law of exercise and non-exercise; 2) the law of habit, and 3) the law of retroactivity¹¹⁰.

As far as educational efficiency is concerned, it is currently mentioned in some classifications of efficiency of law and is referred to as socio-educational¹¹¹ or symbolic¹¹², as it is related to the creation of specific attitudes in an addressee of law or other persons.

The aforementioned importance attached to the educational effect of law resulted from the fact that motivational actions are of a temporary nature, while educational aspects are important for the future, since people pass away while culture stays¹¹³.

The two types of legal effectiveness discussed above (motivational and educational) can undoubtedly be derived from the L. Petrażycki's deliberations on the operation of law, but it seems they do not exhaust all types of efficiency of law, even if these imply indirectly from his thoughts. Looking for other types of efficiency in L. Petrażycki, types applied in current classifications can be assumed as a starting point. These should be considered as behavioural efficiency¹¹⁴ (formal efficiency¹¹⁵ or efficiency in a narrower sense¹¹⁶), when the addressee has behaved in accordance with the model contained in the legal norm. It would be difficult to deny the existence of this type of efficiency in the L. Petrażycki's concept, but he does not attach much significance to it, and hence to behaviour according to the model contained in the legal norm, although he points out that the norms laying down rules of conduct should meet certain requirements, and especially they should

¹⁰⁸ *Ibidem*, p. 336.

¹⁰⁹ *Ibidem*, p. 337.

¹¹⁰ J. Licki, *op. cit.*, pp. 264–266.

¹¹¹ J. Wróblewski, *op. cit.*, p. 12.

¹¹² J. Winczorek, *op. cit.*, p. 321.

¹¹³ As cited by: J. Licki, *op. cit.*, p. 267.

¹¹⁴ J. Wróblewski *op. cit.*, pp. 10–11.

¹¹⁵ S. Wronkowska, *op. cit.* p. 41.

¹¹⁶ M. Borucka – Arctowa, *Problemy granic prawa*, [in:] *Problemy teorii i filozofii prawa*, Lublin 1985, p. 50.

be tailored to the level of social psyche achieved. This type of efficiency is used to achieve milestones, instrumental objectives.

On the other hand, as regards the effectiveness that is currently defined as finitistic efficiency¹¹⁷ (real¹¹⁸, sociotechnical efficiency¹¹⁹ or efficiency in a broad sense¹²⁰), where the results of law intended at its adoption are achieved by observing the law, in the case of L. Petrażycki a constant point of reference, namely the ideal of love, should be assumed. It is not, according to Petrażycki, the ideal (purpose) of penal law to fight against harmful actions of citizens, because it is an incidental, transitional objective, but its goal with positive content - the moral education of people, the strive towards the ideal of love¹²¹. He stipulates: "I do not want to downplay the negative effect of punishment. However, the final objective is expressed in its positive effect. [...] In general, it accelerates, maintains and strengthens the development of love and respect for others and society..."¹²².

The assessment of finitistic efficiency should, therefore, take into account the extent to which the state of all-embracing love is achieved and the common good is implemented.

7. Conclusion

In the literature on the subject, there is no doubt that the proposal for the development of the science of legal policy put forward and strongly promoted by L. Petrażycki was in fact the idea of reviving the law of nature¹²³. On the one hand, when referring to earlier doctrines of *lex naturalis*, he appreciated them, seeing them as a nucleus of proclamation of the future legal policy¹²⁴, but on the other hand, he was critical of them, dissociating himself from

¹¹⁷ J. Wróblewski, *op. cit.*, p. 12; T. Chauvin, T. Stawecki, P. Winczorek, *op. cit.*, p. 186.

¹¹⁸ S. Wronkowska, Z. Ziemiński, *op. cit.*, p. 209.

¹¹⁹ J. Winczorek, *op. cit.*, pp. 320–321.

¹²⁰ M. Borucka-Arctowa, *Świadomość prawna a planowe zmiany społeczne*, Wrocław–Warszawa–Kraków–Gdańsk–Łódź 1981, p. 78.

¹²¹ L. Petrażycki, *Wstęp do nauki polityki prawa*, p. 334.

¹²² *Ibidem*, p. 335.

¹²³ A. Kojder, *Wizja naukowej...*, p. 158; A. Szadok-Bartuń, *op. cit.*, p. 237, p. 244; J. Oniszczyk, *op. cit.*, p. 568; O. Martyshin, *Cassic Concepts of Law and New Legal Theories*, "Law of Ukraine: Legal Journal" 2011, No 1, p. 140; A. Bosiacki, *Wstęp* [introduction for:] L. Petrażycki, *Polityka prawa cywilnego...*, p. 30.

¹²⁴ A. Szadok-Bartuń, *op. cit.*, p. 244.

both the methods used so far by its representatives and the solutions adopted by them¹²⁵.

The terminology used by Petrażycki was a visible sign of the distance from the hitherto existing theories of nature law - he proposed to replace the name "science of natural law" with "science of legal policy"¹²⁶. However, the substantive differences are much more crucial, especially the question of the criterion for the assessment of law, which is so important for the issues discussed herein. In natural law doctrines attention was paid to what law should be, while L. Petrażycki proposed, as an evaluation criterion, efficiency¹²⁷ and application of a sociological method which would answer the question of how law works, what social effects it produces and whether it is at all effective in relation to its intended aim¹²⁸.

L. Petrażycki's achievement was that the political and legal analysis he proposed, taking into account the actual or predicted social effects of a given norm or institution and manifested in the behaviour of people, was not present not only in previous concepts of natural law, but also in the historical legal school or legal positivism.¹²⁹ Thus, it can be considered a legitimate statement that the concept of scientific legal policy, in comparison with legal-natural doctrines, was a new, qualitatively higher stage in making proposals for the law as it should be¹³⁰.

L. Petrażycki's choice of a verifiable criterion of efficiency in the evaluation of law replaced the "elusive and vague criteria such as justice or equity, which were used by the doctrines of natural law [...]"¹³¹. Moreover, as M. Borucka – Arctowa put it, this kind of approach made it possible to conduct deliberations on the evaluation of law on a scientific level¹³².

The discussion presented above leads to the conclusion that it has been confirmed that the most significant problems raised in L. Petrażycki's thought are related to efficiency of law, because this issue is covered by the matter of legal policy as the most important of his ideas. For L. Petrażycki, the most important is the motivational efficiency and educational efficiency. The behaviour compliant with the models included in legal norms is to serve the instrumental purposes, and the currently distinguished efficiency in a broader sense (finitistic) should

¹²⁵ M. Borucka-Arctowa, *Teoria Petrażyckiego a koncepcje prawnonaturalne...*, p. 15; A. Szadok-Bartuń, *op. cit.*, p. 244

¹²⁶ H. Groszyk, A. Korybski, *op. cit.*, p. 3–4; A. Szadok-Bartuń, *op. cit.*, p. 244.

¹²⁷ M. Borucka-Arctowa, *Teoria Petrażyckiego a koncepcje prawnonaturalne...*, p. 17.

¹²⁸ H. Kaczmarczyk, *op. cit.* p. 27.

¹²⁹ H. Groszyk, A. Korybski, *op. cit.*, p. 3.

¹³⁰ *Ibidem*, p. 3–4.

¹³¹ M. Borucka-Arctowa, *Teoria Petrażyckiego a koncepcje prawnonaturalne...*, p. 16.

¹³² *Ibidem*, p.16.

be recognized taking into account the Petrażycki's ideal of love and the degree of approaching its implementation through legal regulations.

Although more than a century has passed since L. Petrażycki proclaimed his postulates of striving for the ideal of love, it seems that we, as a society, are not yet ready to enshrine this value in the fundamental legal act of the state. It should be noted that laying down the term of love in legal acts (and these legal norms give direct binding force to values¹³³) is not an easy matter. The Constitution of the Republic of Poland of 2 April 1997 refers to many values, especially in the Preamble¹³⁴, but love was not among them¹³⁵. It was recognized that the achievement of love, although "beautiful", still remains in the sphere of the future, while in contemporary realities, providing for the idea of universal love in the constitution of one state is premature.¹³⁶

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¹³³ A. Kość, *Relacja prawa i wartości w społeczeństwie otwartym*, [in:] *Prawo a wartości. Księga jubileuszowa profesora Józefa Nowackiego*, I. Bogucka, Z. Tobor (eds.), Kraków 2003, p. 144.

¹³⁴ More on the topic in: M.E. Stefaniuk, *Preambuła aktu normatywnego w doktrynie oraz w procesie stanowienia i stosowania polskiego prawa w latach 1989–2007*, Lublin 2009, pp. 284–303.

¹³⁵ These values do not include wisdom, either.

¹³⁶ W. Wysoczyński, *Invocatio Dei w preambule Konstytucji z 2 kwietnia 1997 r.*, „Studia Iuridica”, vol.39, Warszawa 2001, pp. 27–28.

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Summary

The aim of the discussion herein is to analyse the thought of Leon Petrażycki from the point of view of the role played by the category of efficiency of law. The study confirmed the research hypothesis that the most important problems raised in Petrażycki's thought are related to the efficiency of law. The issues of law efficiency in Leon Petrażycki's work fall within the scope of legal policy, which was supposed to be the task of consciously determining the directions and goal towards which society is to be led. The main goal, with milestones (instrumental objectives) subordinated to it, is to achieve the ideal of love. For L. Petrażycki, the most important is the motivational efficiency and educational efficiency. On the other hand, the very behaviour compliant with the models included in legal norms is to serve the instrumental purposes, and the currently distinguished efficiency in a broader sense (finitistic) should be recognized taking into account the Petrażycki's ideal of love and the degree of approaching its implementation through legal regulations. Despite love being a fundamental value in human life, we, as a society, are not yet ready to enshrine this value in the Constitution, even though over a hundred years have passed since Leon Petrażycki proclaimed his ideas.

Key words: effect, efficiency, ideal of love, value, motivational effect of law, educational effect of law.

Kategoria skuteczności prawa w poglądach Leona Petrażyckiego

Streszczenie

Celem podjętych rozważań jest analiza poglądów Leona Petrażyckiego z punktu widzenia roli, jaką odgrywa w nich kategoria skuteczności prawa. W opracowaniu potwierdzona została hipoteza badawcza, iż najistotniejsze problemy poruszane w myśli Petrażyckiego wiążą się właśnie ze skutecznością prawa. Problematyka skuteczności prawa u Leona Petrażyckiego mieści się, bowiem w zagadnieniach polityki prawa, na której miało spoczywać zadanie świadomego ustalenia kierunków i celu, do którego ma być prowadzone społeczeństwo. Celem naczelnym, któremu powinny być podporządkowane cele pośrednie (instrumentalne) jest osiągnięcie ideału miłości. Najważniejsze znaczenie ma dla L. Petrażyckiego skuteczność motywacyjna i skuteczność wychowawcza. Natomiast samo zachowanie zgodne w wzorami zawartymi w normach prawnych ma służyć celom instrumentalnym, zaś wyróżniana wspólnie skuteczność szerszym znaczeniu (finitystyczna) powinna być ujmowana przy uwzględnieniu petrażyckiego ideału miłości i stopnia zbliżania się do jego realizacji za pomocą regulacji prawnych. Chociaż miłość jest fundamentalną wartością w życiu człowieka to jednak jako społeczeństwo nie jesteśmy jeszcze gotowi zapisać tej wartości do Konstytucji, mimo iż od czasu kiedy Leon Petrażycki głosił swoje idee minęło ponad sto lat.

Słowa kluczowe: skutek, skuteczność, ideał miłości, wartość, motywacyjne działanie prawa, wychowawcze działanie prawa.
