

### **Summary of doctoral dissertation**

#### **„Law and state in Bogdan Kistiakovsky’s thought”**

The doctoral dissertation regards to the views of Bogdan Kistiakovsky – an Ukrainian legal philosopher and social scientist – on the law and the state. Bogdan Kistiakovsky (1868-1920) was known mostly as a researcher analyzing the methodology of legal sciences as well as the theory of the state.

In the paper a description and a reconstruction of Bogdan Kistiakovsky’s views has been made. It was necessary due to the lack of proper coverage of this topic in the Polish literature. Kistiakovsky is worthy of a notice due to his attempt to create his own, original methodology of legal sciences, considerations on so-called Russian legal consciousness, creation of his own version of the legal state as well as broad scope of research regarding the state. In the paper, an attempt has been made to verify below mentioned theses:

- 1) In the context of the Bogdan Kistiakovsky’s output it is possible to talk about the thought on the state and the law but not about a doctrine.
- 2) His concept of the general legal science is not finished: he only managed to regard to the methodology of legal sciences.
- 3) His concept of state is inspired by the German thought, however is an original, own Project, that stems from his own methodological considerations.
- 4) Kistiakovsky’s views on the methodology of theory of state are a logical consequence of his methodology of legal sciences and also a state should be researched by using a pluralistic methodology.
- 5) His thought on the state and the law shall be analyzed in the context of ensuring proper conditions for development of the Ukrainian culture and ensuring the members of this nation as good life conditions as possible in both the economic and spirituals sphere. That was supposed to be ensured by a socialist economic system.
- 6) Socialism in his thought is a consequence of his views on the individual freedoms and the will to property secure the human rights. Due to that, despite his socialist views regarding the socio-economic system, Kistiakovsky might be called a liberal.

- 7) Bogdan Kistiakovsky was not able to use his methodology of sciences in his own research due to his early death.

Doctoral dissertation consists of 5 chapters. The first chapter presents the specifics of liberalism in Russia. This is a very important issue, which affects the further perception of the work and is connected with one of the theses. The Russian liberal tradition differs significantly from the European one. It contains contents that may seem from the European perspective to be contrary to the intuitive understanding of the word liberalism. Next, the current state of research on Bohdan Kistiakovsky's thought is indicated, with attention paid to Polish, Russian, Ukrainian and Western science. The general state of reflection on Russian and Ukrainian political and legal thought in Poland is also indicated.

In chapter I Kistiakovsky has also been presented as a person, therefore chapter contains his biography. The family and social background of Kistiakovsky has been presented. Then the brief time of his national and political activity has been described, which ends with arrests and him being expelled from a number of universities in Russia. Then his life in Germany and studies under Georg Simmel are mentioned, which led to the change of his views from Marxism into the Badenian neokantianism.

Chapter II is devoted to the theoreticians that had the greatest influence on Bogdan Kistiakovsky's thought – his ideological inspirations. This chapter reflects the intellectual climate of the period, shows the state of research on the state and law, as well as the most important topics that were considered in Russia and to which Kistiakovsky referred. Ideological inspirations will be shown broken down by the nationality of the researchers (Ukrainians, Germans, Russians, and Poles) and arranged in a quasi-chronological manner, i.e. according to when Kistiakovsky was likely to have become acquainted with the works of given authors.

Chapter III describes Bogdan Kistiakovsky's reflection on law. This part of the work describes Kistiakovsky's views on the crisis of social sciences and the crisis of jurisprudence. First of all, however, the basics of his research methodology of social sciences (scientific idealism) and criticism of the main approaches to law existing at that time (analytical-dogmatic, sociological, positivistic and normative). In addition, Chapter III describes Kistiakovsky's reflections on a topic that was extremely important to him: legal consciousness and ways to promote law among the Russians. Kistiakovsky believed that law should correspond to legal consciousness, i.e. the spiritual life of the people. It was the lack of such

consciousness that he considered to be the reason for the failure of the construction of the legal state in Russia. He considered it necessary to build such a consciousness, for which the Russian intelligentsia was supposed to be responsible.

Chapter IV, which regards to the science of the state describes the methodology of state studies proposed by Kistiakovsky and compares it with the methodology of legal sciences: it prove that the former was in fact an extension of the methodology of latter. It has also been pointed out how Kistiakovsky defined the most important notions from the point of view of state science: constitution, state, state of law, power. It was shown that, contrary to the opinion of some Russian and Ukrainian scientists, Kistiakovsky distinguished between a legal and a constitutional state. According to him, the legal state was a fully developed form of the latter.

Chapter V is devoted to ideological questions and Kistiakovsky's position on current political issues. Kistiakovsky's views on socialism, nation, the Ukrainian question, the Polish question, and the status of the Grand Duchy of Finland have been presented.

The analysis has been made using interdisciplinary methods. First of all, the methodology of historical-legal sciences was be widely used. This includes both the biographical and the historical-comparative method. Philosophical-legal methods have been used, which was necessary in terms of analyzing the methodology of Bogdan Kistiakovsky and some of his views on the crisis of science. This does not mean a complete abandonment of the method of legal-dogmatic analysis wherever possible, such as in the case of discussing the Citizenship Act of his authorship.

The analysis indicated above made it possible to verify the main theses of the work. This verification is shown in the conclusions.

1) In the context of Bogdan Kistiakovsky's output, one can speak of the existence of a thought regarding the state and law, but not yet a doctrine: in the context of law, his views have not reached a sufficient level of coherence and detail. As far as the state is concerned, one can speak of such detailed analysis, but there is no adequate acceptance of Kistiakovsky's views by other people.

2) The thesis that his concept of the general science of law is not a finished concept, has been positively verified.

3) Bogdan Kistiakovsky's conception of the state was inspired by German thought, but was his own original project.

4) Kistiakovsky's views on the methodology of the theory of the state are an extension of his views on the methodology of the legal science. He recommends studying the state using a pluralistic method, although taking into account other methods of research (e.g. historical and political).

5) His thought on the state and law should be considered in the context of providing adequate conditions for the development of Ukrainian culture and ensuring the best possible living conditions for the representatives of this nation in both the economic and spiritual spheres.

6) Kistiakovsky's reflection on socialism was a reflection and extension of his views on individual freedom and his desire to adequately secure human rights. Kistiakovsky can still be called a liberal, but in the Russian sense of the word.

7) Bogdan Kistiakovsky did not manage to fully utilize his methodology of science within the scope of his scientific work due to his premature death.

*Marian Jędrzejak*