

Lawmaking is a complex and responsible task. Legal systems regulate an infinite number of behaviors of millions of people, day after day, year after year. Discipline dedicated to the development of conditions for effective lawmaking and application of the legal rules is scientific legal policy. Leon Petra ycki, one of the most eminent Polish law theorists, said that if one wants to create good and effective law one should know what the law is, how it affects human behavior, how a man makes decisions and what motivates him to take or not to take an action.

Petra ycki was interested in studying not only short-term effects of legal rules, but most of all he was interested in the influence of the legal system on the human psyche, especially on the process of developing habits of behavior.

If the lawmaker wants to create good and effective law, he must have knowledge about human decision-making mechanism. The role of psychology is to develop the most adequate decision and motivation theory, which can be used by the lawmaker. As a result, he will be able to enact legal rules in order to effectively eliminate harmful behavior habits and encourage habits of desired behavior. The aim of legal policy research (scientific, because based on psychological knowledge) was to predict the effects of introducing new legal norms, modify existing ones or the effects of elimination hem whatsoever.

The aim of the research project is to develop foundations of the scientific legal policy. Realization of this goal will proceed in two interconnected steps. In the first step we will try to identify, reconstruct and critically analyzed legal policy theories, whose authors were Polish legal philosophers. In the second step, we will analyze assumptions, goals, methods and results of behavioral law and economics school. We assume that, despite differences, Polish idea of legal policy is very similar to the idea that stands behind behavioral law and economics.

The point of departure for Petra ycki and behavioral law and economics school seems very similar. Behavioral law and economics, in contrast to the classical school of law and economics, believes that reliance on the most recent empirical data about human decision-making processes will help to create methods for the analysis of law, which allows to anticipate the impacts of legal norms.

The scientific legal policy, understood as a discipline that wants to predict the consequences of the new legislation, the modification of existing law or its derogation, is a discipline that in the twentieth century, thanks to two great representatives of the Polish theory of law (L. Petra yckiego and A. Podgórecki), experienced its Golden Age. However, at that time neither sociology (Podgórecki), nor psychology (Petra ycki) weren't able to deliver data needed from legal policy perspective and thus the initial momentum has been lost. Nowadays, when the interdisciplinary trends in the social sciences are beginning to gain importance and development in cognitive and social psychology is unprecedented, the legal policy can be equipped with the tools it has not had before. Especially, behavioral law and economics can provide what is needed. On the other hand, it will be an opportunity to introduced to the Polish legal theory the concept of behavioural analysis of law. Research project will therefore on the one hand restart work within the scientific legal policy, on the other hand to present to Polish legal theory assumptions, methodology, possibilities and limitations of behavioral law and economic school.