

The chief scholarly aim of the proposed project is to construe an optimal normative model of change of law in a democratic state. What makes such research inevitable is the fact that the contemporary democratic legal orders are subject to multidirectional and often rapid processes of change. The reasons for this may be of various kinds, and one could look for numerous sociological, technological, or day-to-day political, reasons. In our view, however, fully to understand this dynamics one should look into political philosophy providing its normative grounds which have not been sufficiently researched. Political philosophy, despite being normative and sometimes highly abstract, really shapes the patterns of law's legitimacy, and thus, indirectly, shapes the law itself. Taking this for granted, the pursuit of the project provides new devices of interpretation of democratic legal institutions.

Indeed, in the circumstances of modern democracy, each change of law ought to (an very often actually is) publicly justified – or in other words – the change of law must find its basis in the sources of its legitimacy. The legitimacy of change of law is for the predominant part the same as the legitimacy of law itself, however only in the former case one can see clearly its strength or weakness. Whereas the law itself can be socially efficient basing or nothing but habits of compliance, the change of law requires proper justification at all times, therefore the insight to the problem of its legitimacy is deeper and clearer here. Therefore the focus on change will reveal and highlight crucial problems of modern legitimacy.

The planned research shall consist in constructing a set of normative models of legitimacy of change of law based on selected contemporary politico-philosophical conceptions. The investigators assume that the models (despite being of prescriptive rather than descriptive nature) should take into consideration the basic circumstances of modern democracy. Having pursued the preparatory research, the Investigators take the two following models of legitimacy – the contractarian model, and the communitarian model - as the departure point. These two models are dichotomic to each other and represent opposite interpretations of democratic legitimacy. Each of these extreme models has important shortcomings and therefore, as the Investigators believe, finding a middle-ground solution is a must in today's pluralistic and globalized societies. This the first research hypothesis which was formed basing on the preparatory research. Given this, the work plan anticipates the comparative study of numerous contemporary politico-philosophical conceptions which could be seen as middle-ground between the opposed models. As a result of this inquiry, the new intermediate model, called the cooperative model, will be constructed. The Investigators acknowledge the second research hypothesis that the cooperative model will turn out optimal and attractive when compared to other possible intermediate solutions.

The approach that is to be developed within the project pursuit is innovative for a couple of reasons. The project will enhance the methodology of jurisprudence, especially by integrating the spheres of political and legal philosophy as well as by operationalization of politico-philosophical conceptions with a view of researching the law. Finally, the project will deepen the understanding of the normative grounds of change of law.