

Scientific progress in jurisprudence

The main goal of the research project is to develop a new approach to the problem of scientific status of jurisprudence. Over the years this status has been questioned by authors pointing to the uniformity of scientific methods in the spirit of the so-called positive program, and defended by the authors emphasizing the autonomy of legal disciplines and their methods. In Polish literature this discussion took the form of the debate on the naturalistic and anti-naturalistic paradigm of jurisprudence. Currently, the question of the naturalization of social sciences, related to the question of reduction as a general method, gives a way to arguments undermining conceptual analysis which is one of the basic methods of jurisprudence. The systematization and assessment of the importance of these considerations for the defense of the scientific status of jurisprudence will constitute the first - preliminary part of our research project.

In response to these considerations, in the next part of our project we propose an alternative approach and an attempt to defend scientific status of jurisprudence by pointing to the theory of scientific progress that is applicable to legal philosophy. It is because, as our general assumption we accept the hypothesis that the concept of progress is an inherent property of any activity considered to be scientific. As part of the project we will also consider the hypothesis that while classic concepts of progress - focusing on the phenomenon of cumulative and linear progress, are not a satisfactory model of progress in jurisprudence, certain concepts assuming non-linear and non-cumulative progress allow the construction of a theory of progress matching legal sciences.

As part of the project we will thoroughly analyze, in particular, two intensively developed theories that can be a source of inspiration for the construction of the theory of scientific progress in jurisprudence. One of them is the theory of strategic narratives, which is used in social sciences, e.g. to analyze current political phenomena. By adopting and justifying the position of social constructivism in science studies, we want to show that the concept of strategic narrative is an interesting perspective for analyzing the dynamics of various theories in jurisprudence. Understanding the determinants of this dynamics, in turn, provides the theory of so-called disruptive innovations developed in the theory of market economics. This theory explains the phenomenon of a breakthrough product or service that changes the rules of the game in given market areas.

We will defend the view that, by adopting the perspective of social constructivism, scientific progress in jurisprudence and its conditions can be defined on the basis of categories of competing narratives leading to breakthroughs on the market of ideas, services or values.

Therefore, our project will not only be an attempt to build a new theoretical framework for the issue of progress in jurisprudence, but will also provide practical guidance for those practicing theoretical reflection on jurisprudence regarding the specific conditions and circumstances in which this discipline develops itself.