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## The influence of Marxism on the interpretation of law in Poland (some remarks concerning the theory of legal interpretation by Jerzy Wróblewski)

### 1. Introduction

The aim of this article is an attempt to conceptualize Jerzy Wróblewski's<sup>1</sup> theory of legal interpretation in the context of examining the influence of Marxism on interpretative practices. One of the legal theorists who undertook the task of demonstrating that Jerzy Wróblewski's theory of interpretation is characterized by a philosophical stance rooted in the adoption of Marxist premises as the foundational philosophical assumptions underlying theoretical activities in legal science is Zbigniew Pulka.

Is it true that the theory of interpretation, which was developed in times of the People's Republic of Poland (PRL), was indeed entangled with the premises of Marxism?

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<sup>1</sup> J. Wróblewski, *Zagadnienia teorii wykładni prawa ludowego* [Eng. *Theory of interpretation of people's law*], Wydawnictwo Prawnicze, Warszawa 1959.

The clarificatory concept of legal interpretation has become deeply rooted in legal theory and practice, influencing the process of interpreting the law.<sup>2</sup> Over time, as changes occurred in legal culture and the role of language evolved, questions concerning the correct interpretation<sup>3</sup> of the law began to resurface.

The study combines the theoretical-legal approach with descriptive analysis.

## 2. Marxist philosophical stance – Marxist axiology

Zbigniew Pulka characterizes Marxism as a dialectical orientation in the Hegelian-Marxist understanding. Dialectical reasoning is taken to be manifested in the assumption that history is a process of reconciliation of being, that is, a process of transition from a lower order of being (class society as an existence affected by alienation) to a higher order of being (communism as an existence free from alienation<sup>4</sup>). Dialectical reasoning also involves an adaptation of the theory of unity between being and thought, as well as between perception and evaluation. Thus, we have a layer of ontological statements and a layer of epistemological premises. These layers are closely interconnected. Communism, as the true being in the sense of being “necessary” and being “the goal of history”, creates a true theory. The subject of truth is the proletariat, whose existence is an expression of a true being, namely communism. The higher form of being, communism, embodies absolute good and freedom, which is understood as the abolition of alienation. Gaining the knowledge of communism is tantamount to its legitimization as the highest good. It follows from this that Marxism, as a dialectical philosophy, is knowledge of communism as the form of the highest good and knowledge of capitalism as the radical form of evil. In this perspective, Marxist philosophy is knowledge of the sense of history, containing the ultimate philosophical resolution.<sup>5</sup> In the Marxist approach, human history is a process of the emergence and overcoming of alienation.<sup>6</sup>

<sup>2</sup> M. Zirk-Sadowski, T. Bekrycht, *Filozofia prawa a teorie wykładni prawa (wybrane zagadnienia)* [Eng. *Philosophy of law and theories of legal interpretation (selected issues)*], “Acta Universitatis Lodzianis. Folia Iuridica” 2017, no. 78, p. 8.

<sup>3</sup> A. Tomza, *Teoria wykładni Jerzego Wróblewskiego a dyrektywalna koncepcja znaczenia Kazimierza Ajdukiewicza* [Eng. *Jerzy Wróblewski’s theory of interpretation and Karzimirz Ajdukiewicz’s directival concept of meaning*], “Studia Prawno-Ekonomiczne” 2010, vol. 32, p. 195.

<sup>4</sup> J. Dobieszewski, *Alienation can take a threefold character. It consists of: alienation of the product of labor, alienation of the labor process, and alienation of the human species essence*, “Marksizm i Neomarksizm”, <https://hegel-marks.pl/downloads/teksty-dobieszewski06.pdf> (accessed: 15.10.2024).

<sup>5</sup> Z. Pulka, *Założenie spójności semantycznej systemu prawa w klaryfikacyjnej teorii wykładni* [Eng. *Assumption of semantic coherence of the system of law in the clarificatory theory of interpretation*], “Acta Universitatis Wratislaviensis” 2015, vol. CII, no. 3662: *Przegląd Prawa i Administracji* [Eng. *Law and Administration Review*], pp. 214–215.

<sup>6</sup> Z. Pulka, *Godność człowieka – właściwość autonomiczna czy heteronomiczna* [Eng. *Human dignity – an autonomous or heteronomous property*], “Krytyka Prawa” 2018, vol. 10, no. 2, p. 603.

Historical materialism, as a theory, is a philosophy of history in which communism is regarded as the truth and sense of history. Communism, as the truth of history, represents a true being, where, for the first time in human history, a life in accordance with the human nature becomes possible. Communism is a form of social existence in which the subject and the object of history unite. As the sense of history, it embodies a state of freedom where the opposition between the individual and the social vanishes. Communism is the necessary being, while capitalism is a contingent one. The proletariat has a historical mission as a universal class endowed with epistemological privilege. These assertions carry ideological significance: they do not serve as a description or explanation of reality, but its evaluation. This evaluation is intended to inspire to mass actions aimed at transforming the world. Historical materialism, as a method, functions in science as a universal interpretative framework.<sup>7</sup> Law was perceived as serving the interest of the ruling class. In overcoming the phenomenon of the alienation of the state from society, socialist law was intended to be supportive. It was assumed that the norms of this law create organizational space for all kinds of social control and for the supervision of the labouring population over the functioning of state apparatus.<sup>8</sup> Socialist law has a dual character: on the one hand, it serves as a "juridical" reflection of extralegal reality, while on the other, it actively changes and shapes the reality.<sup>9</sup>

The Marxist philosophical system emerged as an expression of moral protest against the exploitation and social injustice, which were brought about by the capitalist system in times of Karl Marx. Socio-technical issues were brought to the forefront. Marx formulated his critical observations about bourgeois morality. Morality is understood as a set of principles for harmonious social coexistence, which mandate goodwill towards others. In Marxist ethical literature, this imperative is called the "principle of socialization".<sup>10</sup> A Marxist theorist grounds their work in truth. When they grasp a philosophical truth, they derive a theoretical-legal truth from it. In contrast, a bourgeois theorist only seeks philosophical justifications for the legal theory they construct. They are doomed to search among more or less plausible philosophical explanations.<sup>11</sup> In Marxist theory, law was supposed to reflect the social consciousness of

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<sup>7</sup> Z. Pulka, *Legitymizacja państwa w prawoznawstwie* [Eng. *The state's legitimacy in jurisprudence*], Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1996, p. 207.

<sup>8</sup> H. Rot, *Wstęp do nauk prawnych* [Eng. *Introduction to legal sciences*], Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1988, pp. 13–15.

<sup>9</sup> H. Rot, *Typ prawa socjalistycznego* [Eng. *The type of socialist law*] [in:] *Prawo socjalistyczne. Współczesne problemy teoretyczne* [Eng. *Socialist law. Contemporary theoretical problems*], ed. H. Rot, Zakład Narodowy im. Ossolińskich, Wrocław – Warszawa – Kraków 1989, pp. 39–41.

<sup>10</sup> Z. Ziemiński, *Teoria prawa* [Eng. *The theory of law*], Wydawnictwo Naukowe PWN, Warszawa – Poznań 1972, pp. 67–69.

<sup>11</sup> Z. Pulka, *Przesłanki prawomocności decyzji interpretacyjnych w teorii wykładni Jerzego Wróblewskiego* [Eng. *Premises of validity of interpretative decisions in Jerzy Wróblewski's theory of interpretation*], "Acta Universitatis Wratislaviensis" 2015, vol. C, no. 3661: *Przegląd Prawa i Administracji*, p. 606.

a certain period (historical materialism) and to serve as an instrument of class domination.<sup>12</sup> Since Marxism is an idealizing theory, any legal theory being developed should align with the assumptions of an idealizing model of empirical sciences.<sup>13</sup>

Marxist axiology serves as the fundamental philosophical premise for theoretical-legal activity.<sup>14</sup> Not only does the Marxist philosophical basis have far-reaching consequences for axiology but it also determines the perception of legal phenomena. The interpretation of people's law is an integral part of this process and is intended to work in favor of its advancement.<sup>15</sup>

### 3. Interpretation of people's law

According to Zbigniew Pulka, Jerzy Wróblewski's theory of interpretation is a theory of interpretation of "people's law", that is, socialist-communist law. The term "people's law" is a philosophical category. The fundamental characteristics of people's law are defined on an epistemologically primary level of philosophical assumptions of Marxism.<sup>16</sup> The interpretation of people's law is part of historical development, characterized by advancing from lower to higher forms of social existence. Law becomes an instrument for creating a higher form of social being. This means adopting a positivist conception of law as a tool in the hands of political decision-makers (the instrumental conception of law). The content of people's law ought to align with the will of the ruling class, while all axiological matters are preemptively resolved by socialist ideology. Law serves as an instrument for creating a new (higher) morality. As a consequence, axiological criteria cannot be decisive in determining the validity of law: what is decisive is the act of lawmaking itself.

In Zbigniew Pulka's view, this leads to recognizing the systemic validity of norms as the foundation for resolving the validation problems of people's law.<sup>17</sup> The Marxist concept of people's law presupposes separating the creation and application of law. The content of people's law is precisely defined in legislative acts, while interpretation

<sup>12</sup> S. Oliwniak, *Stefana Rozmaryna pojmowanie konstytucji* [Eng. *Stefan Rozmaryn's understanding of the constitution*] [in:] *Wielokulturowość polskiego pogranicza. Ludzie – idee – prawo* [Eng. *Multiculturalism of the Polish borderland. People – ideas – law*], eds. A. Lityński, P. Fiedorczyk, Wydawnictwo Uniwersytetu w Białymstoku, Białystok 2003, p. 805.

<sup>13</sup> A. Bator, Z. Pulka, A. Sulikowski, *Czy koniec teorii prawa?* [Eng. *The end of the theory of law?*], "Acta Universitatis Wratislaviensis" 2011, vol. CCCXII, no. 3337: *Prawo* [Eng. *Law*], p. 19.

<sup>14</sup> Z. Pulka, *Przesłanki prawomocności decyzji...*, pp. 608–609.

<sup>15</sup> *Ibidem*, p. 611.

<sup>16</sup> Z. Pulka, *Filozoficzne przesłanki pojmowania systemowości prawa w teorii wykładni Jerzego Wróblewskiego* [Eng. *Philosophical premises of understanding of the systemic nature of law in Jerzy Wróblewski's theory of interpretation*], "Acta Universitatis Wratislaviensis" 2016, vol. CIV, no. 3718, *Przegląd Prawa i Administracji* [Eng. *Law and Administration Review*], pp. 221–222.

<sup>17</sup> Z. Pulka, *Przesłanki prawomocności decyzji...*, pp. 611–612.

of law has a reconstructive character. In the Marxist theory of people's law, law is not an interpretative fact, but rather an imperative one, which means it is preemptively determined by the legislator. As a system, people's law is characterized by a high level of sociological coherence (expressing the will of the ruling class) and teleological coherence (creating a higher form of existence as the overarching goal of law). The system of people's law is distinguished by axiological unity, while systemic character is recognized as an inherent feature of people's law: the system is a necessary form of the existence of people's law.<sup>18</sup>

Wróblewski's theory of law is considered to be a positivist theory, however, the author himself refrained from explicitly aligning his theory to the positivist tradition. He maintained that legal science should be free from values. His assertions initiated systematic research into axiology within the Polish law theory.<sup>19</sup> The literature highlighted the convergence between Marxism and legal positivism, however, the similarity between these approaches refers only to the formal aspect, i.e., treating law as a reflection of the will of the state. In the case of legal positivism, justification was limited to formal validity of law. In Marxist legal theory, emphasis was placed not only on the close relationship between the law and the state, but also on its connection to the "base" (productive forces). Such an approach led to looking for justification for the validity of law and its interpretation primarily in socioeconomic conditions. At the same time, the autopoietic concept of law proposed by positivists – as a self-sufficient and reality-detached system – was rejected. As components of the superstructure, law and legality were expected to correspond to the base and the needs of its dialectical development.<sup>20</sup>

Morality is encoded in the principles of the people's state system. Therefore, an interpretation consistent with morality is an interpretation aligned with the principles of the people's state system.<sup>21</sup> Hence, significant importance was attributed to the then Article 4 of the Civil Code: "The provisions of civil law shall be interpreted and applied in accordance with the principles of the system and the objectives of the Polish People's Republic". During the communist era, reference was frequently made to the "will of the legislator of the Polish People's Republic".<sup>22</sup> In socialist states, the articulation of fundamental values was to be sought in programs of the communist parties and the views of the society as a whole.<sup>23</sup> Another point of reference was the assessments, as

<sup>18</sup> Z. Pulka, *Filozoficzne przesłanki...*, pp. 224–225.

<sup>19</sup> J. Leszczyński, *Wartości w teorii prawa Jerzego Wróblewskiego* [Eng. *Values in Jerzy Wróblewski's theory of law*], "Filozofia Publiczna i Edukacja Demokratyczna" 2013, vol. 2, no. 2, p. 259.

<sup>20</sup> R. Kania, *Socjalistyczny nihilizm prawny w Polsce Ludowej i drogi przezwyciężenia tej koncepcji* [Eng. *Socialist legal nihilism in the People's Republic of Poland and pathways to overcoming this concept*], <http://studiaiuiridica.umcs.pl> (accessed: 10.10.2024).

<sup>21</sup> Z. Pulka, *Założenie spójności semantycznej...*, p. 219.

<sup>22</sup> Z. Ziemiński, *Teoria prawa...*, pp. 98–100.

<sup>23</sup> J. Wróblewski, *Epistemologiczne i aksjologiczne uwarunkowanie tworzenia prawa* [Eng. *Epistemological and axiological determinants of lawmaking*] [in:] *Jerzy Wróblewski. Pisma wybrane* [Eng. *Jerzy Wróblewski. Selected works*], ed. and introduction M. Zirk-Sadowski, Wolters Kluwer, Warszawa 2015, p. 432; see also: J. Wróblewski,

well as the recognized moral, customary, and organizational norms prevailing within society. The objectives of the law were discerned by interpreters both from the text of legal acts and through an examination of various aspects of the state's life. Particularly useful were the preambles that accompanied significant legal acts. The preamble to the Act of 20 December 1958 on Workers' Self-Management was regarded as especially instructive. It read: "In order to ensure the participation of the workforces of socialized enterprises in the management of workplaces, to influence the improvement of economic results of enterprises and the efficiency of work organization, and to increase the responsibility of the workforces for the management of enterprises, it is hereby enacted as follows." In the interpretative process, the evaluations and directives of the ruling political parties were also taken into account.<sup>24</sup> In criminal cases, the Supreme Court made evaluations based on socialist morality (e.g., Article 225(2) of the Penal Code,<sup>25</sup> where a negative assessment from the perspective of socialist morality served as a negative criterion for classifying the act).<sup>26</sup>

If the interpreter is required to make evaluative choices, it is advocated that they should be guided by assessments that are as objective as possible. Such assessments are those that refer to the so-called internal values of the law, as established by the legislator. Hierarchically ordered values enable making rational and lawful interpretative decisions.<sup>27</sup> Jerzy Wróblewski saw the ideology of the judicial application of socialist law as part of the ideology of lawful and rational judicial decisions. It was based on the values inherent in the socialist legal system and closely associated with the institutions of socialist law.<sup>28</sup> When law is viewed as a product of the legislature's activity, it can be evaluated from the perspective of its conformity or non-conformity with the views of the represented social groups or whole society. Judicial bodies, when interpreting the law, use normative theories of interpretation. This process is influenced by a number of factors, the most important of which can be reduced to: (a) the origin of legal norms that make up the system of people's law; (b) the class-based differentiation of legal norms; (c) the differences in the situational context between bourgeois law and people's law, and (d) the political assumptions underlying the process of applying the

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*Problem nieporównywalności w komparatyście prawniczej* [Eng. *The problem of non-comparability in comparative law*], "Państwo i Prawo" 1975, no. 8–9, pp. 3–19.

<sup>24</sup> A. Łopatka, *Wstęp do prawoznawstwa* [Eng. *Introduction to jurisprudence*], Wydawnictwo Naukowe PWN, Warszawa 1968, pp. 274–275.

<sup>25</sup> J. Wróblewski, *Interpretatio extensiva*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 1965, no. 1, p. 127.

<sup>26</sup> J. Wróblewski, *Podstawa normatywna i reguła decyzji w sądowym stosowaniu prawa* [Eng. *The normative basis and the rule of decision in judicial application of law*], "Studia Prawno-Ekonomiczne" 1969, vol. 3, p. 7.

<sup>27</sup> Z. Pulka, *Domniemanie języka potocznego jako paradygmat interpretacyjny i jego wrogowie w polskiej teorii prawa* [Eng. *The assumption of ordinary language as the interpretative paradigm and its enemies in the Polish theory of law*], "Krytyka Prawa" 2023, vol. 15, no. 2, p. 314.

<sup>28</sup> J. Wróblewski, *Sądowe stosowanie prawa* [Eng. *Judicial application of law*], Wydawnictwo Naukowe PWN, Warszawa 1988, pp. 385–386.

law, including its interpretation. These factors help explain why the practice of legal interpretation fluctuates between static and dynamic theories during the interpretative process.<sup>29</sup>

Wróblewski emphasized the role of legal interpretation in the judicial application of law. In the most difficult, doubt-including cases, the court relies on interpretive findings. Through interpretation, facts are established and classified from the perspective of legal provisions. Wróblewski linked legal interpretation with the principle of the rule of law. Theoretical and political assumptions regarding the application of law influence the practice of interpretation, with law in communism being treated as an expression of the interests and will of the working people. This was connected with the need for an appropriate approach to the issues of interpretation.<sup>30</sup>

#### 4. Clarificatory concept of interpretation

The clarificatory concept is a method rooted in language. Law is understood as a linguistic message or as a means of describing reality, which limits the interpretation of legal provisions to a single aspect – linguistic analysis. The focus is on comprehending the linguistic message. The aim of interpretation is the linguistic meaning of a legal provision, determined based on the principles of semantics, which replaced philosophy during the Polish People's Republic era. As a result of employing interpretation grounded in semantics, the impression is created that the outcome of the interpretation constitutes the objective (true) meaning of the legal provision. In reality, however, this outcome is merely an expression of political will, which will is neither neutral nor objective. It reflects specific interests and a particular understanding of the values recognized by law. Semantics fails to show that a given way of understanding values is connected to a specific political vision. Consequently, political values legitimizing the law are perceived as universal and are reduced to values constitutive of the practices of a particular social group and, ultimately, to the views of those who interpret law. Therefore, the adopted method of interpretation influences the further development of law, society and economy.<sup>31</sup>

In Wróblewski's theory of interpretation, law is regarded as a linguistic message. Legal language serves as a medium of communication and the goal of communication is understanding. Wróblewski linked understanding to issues of validity and admissibility of legal interpretation (the situation of isomorphism and the situation of

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<sup>29</sup> J. Wróblewski, *Zagadnienia teorii wykładni...*, p. 201.

<sup>30</sup> J. Wróblewski, *Sądowe stosowanie...*, p. 156.

<sup>31</sup> A. Siemińska, *Koncepcje prawa społeczeństwa cywilnego i obywatelskiego wobec metod wykładni prawa w polskim i niemieckim porządku prawnym* [Eng. *Concepts of law of civil and civic society in the context of methods of legal interpretation in Polish and German legal orders*], "Prawo i Więzy" 2023, no. 3 (46), pp. 43–44.

interpretation). Wróblewski was not an advocate of a broad concept of interpretation. He considered the use of functional interpretation to be a risky ideological choice, entangled in axiology. For Wróblewski, preference for linguistic interpretation was a safer approach. He argued that in cases where conflicting results arise from different groups of first-order interpretative directives, the meaning determined through linguistic interpretation should be given priority.<sup>32</sup> The functional context is characterized as the context of the sociopolitical situation in which a norm is applicable and applied.<sup>33</sup> Wróblewski considered departing from linguistic interpretation and relying solely on systemic and functional interpretation inadmissible. His *modus operandi* was literal interpretation, in which the results of applying functional and systemic directives confirm the outcome of applying linguistic interpretation directives.<sup>34</sup> Pulka refers to this scenario as the "situation of confirmation".<sup>35</sup> Literal interpretation affords the judge the least discretion, as it shifts political agency to the legislature.<sup>36</sup>

However, Wróblewski acknowledged that changes could occur within the system of operational law. These included changes in the practice of applying law and shifts in judicial rulings. A change in operational law occurs when, over a certain period, the same rules of binding law become the basis for issuing different decisions in cases of the same type. This constitutes a shift in judicial precedent.<sup>37</sup> For Wróblewski, the theoretical definition of consistency in judicial decisions was essential for analysing changes in operational law. He referred to the concept of precedent but linked rational lawmaking to interpretation in the context of socialist policies of lawmaking.<sup>38</sup>

According to Zbigniew Pulka, in the clarificatory concept, interpretation is an optimizing activity due to the assumptions of systemic character of law. In this concept,

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<sup>32</sup> M. Romanowicz, *Teoria klaryfikacyjna wykładni prawa jako teoria uzasadnienia. Perspektywa psycholingwistyczna a pozytywistyczna koncepcja wykładni prawa* [Eng. *The clarificatory theory of legal interpretation as a theory of justification. The psycholinguistic perspective versus the positivist concept of legal interpretation*], "Archiwum Filozofii Prawa i Filozofii Społecznej" 2011, no. 1, p. 61.

<sup>33</sup> M. Kordela, *Aksjologiczna wykładnia prawa* [Eng. *Axiological interpretation of law*], "Acta Universitatis Wratislaviensis" 2017, vol. CX, no. 3791: *Przegląd Prawa i Administracji* [Eng. *Law and Administration Review*], p. 149.

<sup>34</sup> M. Rak-Rozmysłowska, *Poziom związania interpretacji wynikami wykładni językowej* [Eng. *The extent to which interpretation is bound by the results of linguistic interpretation*], "Acta Erasmiana" 2014, no. 7, pp. 324–325.

<sup>35</sup> Z. Pulka, *Podstawy prawa. Podstawowe pojęcia prawa i prawoznawstwa* [Eng. *Fundamentals of law. Basic notions of law and jurisprudence*], Wydawnictwo Forum Naukowe, Poznań 2008, pp. 140–141.

<sup>36</sup> R. Mańko, *Orzekanie w polu polityczności* [Eng. *Adjudicating in the field of politicalness*], "Filozofia Publiczna i Edukacja Demokratyczna" 2018, vol. 7, no. 1, p. 81.

<sup>37</sup> J. Wróblewski, *Zmiany prawa, rewolucja a zmiany społeczne (referat generalny)* [Eng. *Changes in law, revolution and social change (general overview)*] [in:] *Prawo i prawoznawstwo wobec zmian społecznych* [Eng. *Law and jurisprudence in the face of social change*], ed. H. Rot, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1990, pp. 5–17.

<sup>38</sup> J. Wróblewski, *Tworzenie prawa a wykładnia prawa* [Eng. *Lawmaking and legal interpretation*], "Państwo i Prawo" 1978, no. 6, p. 5.

the systemic nature of law is predetermined at the level of primary epistemological and philosophical assumptions. In Wróblewski's theory of interpretation, one of the properties of legal language is a specific level of semantic coherence. This entails the assumption that identical expressions in a legal text have, or at least should have, the same meaning, at least within a given legal act or, more broadly, within a particular branch of law or even the entire legal system. The principle of semantic coherence of legal texts is articulated through the linguistic interpretation directives proposed by Wróblewski.<sup>39</sup> He believed that the meaning of norms is determined through so-called normative directives. Identifying the appropriate directive for specific norms serves as the basis for examining whether these norms constitute meaningful expressions in a given language. Consequently, the concept of directive-based interpretation gained a clear philosophical foundation.<sup>40</sup> Wróblewski believed that the interpreter's choice of a set of interpretative directives is determined by the system of values they accept. Ultimately, therefore, the selection of directives cannot be scientifically justified.<sup>41</sup>

Wróblewski held that the public's familiarity with terms used in people's law develops unevenly and depends on the field of law to which these terms are related. He referenced the Constitution of the Polish People's Republic, arguing that its provisions were expressed in a manner accessible to the general public. In his view, the same applied to regulations concerning national councils, which at the time were widely familiar to large segments of society. Wróblewski asserted that the development of legal terms is rooted in ordinary language. The need for as precise definitions of legal terms as possible must be connected to ensuring comprehensibility of law to the broadest possible audience. In his opinion, the people's legislator sought to draft legal provisions in a way that made them universally understandable. The inclusion of preambles in legal acts was seen as a factor enhancing the general comprehensibility of people's law. Wróblewski described the characteristics of legal terms as follows:

- 1) Legal terms are employed based on the syntactic rules of ordinary language, from which these terms originate.
- 2) Legal terms are constructed using the vocabulary of a given language.
- 3) Legal terms serve narrower social groups than ordinary language.
- 4) Legal terms evolve depending on the acts of state authority, which define their meanings without completely detaching them from ordinary language.
- 5) Legal terms are subject to change based on sociopolitical transformations to a greater extent than language in general. For instance, the text of the Constitution

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<sup>39</sup> Z. Pulka, *Wykładnia prawa jako działanie optymalizacyjne* [Eng. *Legal interpretation as optimizing activity*], "Acta Universitatis Wratislaviensis" 2020, vol. CXX/1, no. 3978: *Przegląd Prawa i Administracji* [Eng. *Law and Administration Review*], pp. 81–83.

<sup>40</sup> M. Zirk-Sadowski, *Problemy wyboru pomiędzy konkurującymi modelami wykładni prawa* [Eng. *Problems of choice between competing models of legal interpretation*], "Acta Universitatis Wratislaviensis" 2016, vol. CIV, no. 3718: *Przegląd Prawa i Administracji* [Eng. *Law and Administration Review*], p. 159.

<sup>41</sup> M. Zirk-Sadowski, *Wstęp* [in:] *Jerzy Wróblewski. Pisma wybrane...*, p. 9.

of the Polish People's Republic included terms that were unfamiliar to capitalist law, while certain terms from bourgeois law became obsolete in the PRL.<sup>42</sup>

Interpretation in the clarificatory approach ultimately assumes a distinction between direct and indirect understanding of the text. The distinction between the situation of direct understanding of the text and its interpretation corresponds to the characterization of legal language as imprecise language. Whether a situation is one of interpretation or isomorphism depends on many factors. However, it always involves the pragmatic dimension of using legal language. The same text, depending on the context, may be clear in one instance, but may require interpretation in another (*clara non sunt interpretanda* and *interpretatio cessat in claris*).<sup>43</sup>

## 5. Conclusions

As a result of the above considerations, the following conclusions can be drawn. Firstly, Jerzy Wróblewski's theory of legal interpretation, which was developed in the PRL period, was entangled in the assumptions of Marxism, due to the then prevailing political system. Secondly, the entanglement of Wróblewski's theory of legal interpretation in Marxist assumptions is convincingly presented in Zbigniew Pulka's works. Thirdly, Wróblewski's statements on legal interpretation appear to go beyond the systematic framework and acquire a universal character. They have been, and continue to be, used within the realm of Polish legal theory. Finally, the assumptions of the clarificatory concept are known within the doctrine of European Union law in the context of the case law of the Court of Justice of the European Union. There are certain similarities between the use of directives for functional and systemic interpretation during the PRL era and the present era of European integration. The meaning of legal norms was adapted to the sociopolitical context of the PRL through functional and systemic interpretation directives. Consequently, dynamic theories of interpretation in various forms were the predominant approach. On the other hand, a static theory was applied in cases where there was no need to alter the meaning of a norm. Wróblewski associated differences in interpretative theories with the genetic diversity of norms within the legal system of people's law.<sup>44</sup> In the European Union, functional and teleological-systemic interpretation prevails due to the need to achieve the objectives of EU law. The dynamic theory of interpretation is inherently suited to the nature of EU law.

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<sup>42</sup> J. Wróblewski, *Język prawny i terminologia prawna* [Eng. *Legal language and legal terminology*] [in:] *Teoria państwa i prawa. Wybór tekstów* [Eng. *The theory of state and law. Selected writings*], ed. T. Rewieńska-Hyłowa, PWN, Warszawa 1974, pp. 283–287.

<sup>43</sup> J. Wróblewski, *Rozumienie prawa i jego wykładnia* [Eng. *The understanding of law and its interpretation*], Zakład Narodowy im. Ossolińskich, Wrocław – Warszawa – Kraków 1990, pp. 58–59.

<sup>44</sup> J. Wróblewski, *Zagadnienia teorii wykładni...*, p. 206.

## References

- Bator A., Pulka Z., Sulikowski A., *Czy koniec teorii prawa?*, "Acta Universitatis Wratislaviensis" 2011, vol. CCCXII, no. 3337: *Prawo*, pp. 13–38.
- Dobieszewski J., *Alienation can take a threefold character. It consists of: alienation of the product of labor, alienation of the labor process, and alienation of the human species essence*, "Marksizm i Neomarksizm", <https://hegel-marks.pl/downloads/teksty-dobieszewski06.pdf> (accessed: 15.10.2024).
- Kania R., *Socjalistyczny nihilizm prawny w Polsce Ludowej i drogi przewyżczenia tej koncepcji*, <http://studiaiuiridica.umcs.pl> (accessed: 10.10.2024).
- Kordela M., *Aksjologiczna wykładnia prawa*, "Acta Universitatis Wratislaviensis" 2017, vol. CX, no. 3791: *Przegląd Prawa i Administracji*, pp. 149–158.
- Leszczyński J., *Wartości w teorii prawa Jerzego Wróblewskiego*, "Filozofia Publiczna i Edukacja Demokratyczna" 2013, vol. 2, no. 2, pp. 258–273.
- Łopatka A., *Wstęp do prawoznawstwa*, Wydawnictwo Naukowe PWN, Warszawa 1968.
- Mańko R., *Orzekanie w polu polityczności*, "Filozofia Publiczna i Edukacja Demokratyczna" 2018, vol. 7, no. 1, pp. 65–95.
- Oliwniak S., *Stefana Rozmaryna pojmowanie konstytucji* [in:] *Wielokulturowość polskiego pogranicza. Ludzie – idee – prawo*, eds. A. Lityński, P. Fiedorczyk, Wydawnictwo Uniwersytetu w Białymstoku, Białystok 2003, pp. 805–813.
- Pulka Z., *Domniemanie języka potocznego jako paradygmat interpretacyjny i jego wrogowie w polskiej teorii prawa*, "Krytyka Prawa" 2023, vol. 15, no. 2, pp. 310–330.
- Pulka Z., *Filozoficzne przesłanki pojmowania systemowości prawa w teorii wykładni Jerzego Wróblewskiego*, "Acta Universitatis Wratislaviensis" 2016, vol. CIV, no. 3718: *Przegląd Prawa i Administracji*, pp. 219–250.
- Pulka Z., *Godność człowieka – właściwość autonomiczna czy heteronomiczna*, "Krytyka Prawa" 2018, vol. 10, no. 2, pp. 622–647.
- Pulka Z., *Legitymizacja państwa w prawoznawstwie*, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1996.
- Pulka Z., *Podstawy prawa. Podstawowe pojęcia prawa i prawoznawstwa*, Wydawnictwo Forum Naukowe, Poznań 2008.
- Pulka Z., *Przesłanki prawomocności decyzji interpretacyjnych w teorii wykładni Jerzego Wróblewskiego*, "Acta Universitatis Wratislaviensis" 2015, vol. C, no. 3661: *Przegląd Prawa i Administracji*, pp. 603–628.
- Pulka Z., *Wykładnia prawa jako działanie optymalizacyjne*, "Acta Universitatis Wratislaviensis" 2020, vol. CXX/1, no. 3978: *Przegląd Prawa i Administracji*, pp. 79–94.
- Pulka Z., *Założenie spójności semantycznej systemu prawa w klaryfikacyjnej teorii wykładni*, "Acta Universitatis Wratislaviensis" 2015, vol. CII, no. 3662: *Przegląd Prawa i Administracji*, pp. 210–233.
- Rak-Rozmysłowska M., *Poziom związania interpretacji wynikami wykładni językowej*, "Acta Erasmiana" 2014, no. 7, pp. 319–338.
- Romanowicz M., *Teoria klaryfikacyjna wykładni prawa jako teoria uzasadnienia. Perspektywa psycholingwistyczna a pozytywistyczna koncepcja wykładni prawa*, "Archiwum Filozofii Prawa i Filozofii Społecznej" 2011, no. 1, pp. 55–74.

- Rot H., *Typ prawa socjalistycznego* [in:] *Prawo socjalistyczne. Współczesne problemy teoretyczne*, ed. H. Rot, Zakład Narodowy im. Ossolińskich, Wrocław – Warszawa – Kraków 1989, pp. 29–41.
- Rot H., *Wstęp do nauk prawnych*, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1988.
- Siemińska A., *Koncepcje prawa społeczeństwa cywilnego i obywatelskiego wobec metod wykładni prawa w polskim i niemieckim porządku prawnym*, "Prawo i Więź" 2023, no. 3 (46), pp. 25–51.
- Tomza A., *Teoria wykładni Jerzego Wróblewskiego a dyrektywalna koncepcja znaczenia Kazimierza Ajdukiewicza*, "Studia Prawno-Ekonomiczne" 2010, vol. 32, pp. 193–206.
- Wróblewski J., *Epistemologiczne i aksjologiczne uwarunkowanie tworzenia prawa* [in:] *Jerzy Wróblewski. Pisma wybrane*, ed. and introduction M. Zirk-Sadowski, Wolters Kluwer, Warszawa 2015, pp. 431–448.
- Wróblewski J., *Interpretatio extensiva*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 1965, no. 1, pp. 111–132.
- Wróblewski J., *Język prawny i terminologia prawna* [in:] *Teoria państwa i prawa. Wybór tekstów*, ed. T. Rewieńska-Hylowa, PWN, Warszawa 1974, pp. 283–287.
- Wróblewski J., *Podstawa normatywna i reguła decyzji w sądowym stosowaniu prawa*, "Studia Prawno-Ekonomiczne" 1969, vol. 3, pp. 7–30.
- Wróblewski J., *Problem nieporównywalności w komparatyście prawniczej*, "Państwo i Prawo" 1975, no. 8–9, pp. 3–19.
- Wróblewski J., *Rozumienie prawa i jego wykładnia*, Zakład Narodowy im. Ossolińskich, Wrocław – Warszawa – Kraków 1990.
- Wróblewski J., *Sądowe stosowanie prawa*, Wydawnictwo Naukowe PWN, Warszawa 1988.
- Wróblewski J., *Tworzenie prawa a wykładnia prawa*, "Państwo i Prawo" 1978, no. 6, pp. 5–16.
- Wróblewski J., *Zagadnienia teorii wykładni prawa ludowego*, Wydawnictwo Prawnicze, Warszawa 1959.
- Wróblewski J., *Zmiany prawa, rewolucja a zmiany społeczne (referat generalny)* [in:] *Prawo i prawnoustwowanie wobec zmian społecznych*, ed. H. Rot, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1990, pp. 5–17.
- Ziemiński Z., *Teoria prawa*, Wydawnictwo Naukowe PWN, Warszawa – Poznań 1972.
- Zirk-Sadowski M., *Problemy wyboru pomiędzy konkurującymi modelami wykładni prawa*, "Acta Universitatis Wratislaviensis" 2016, vol. CIV, no. 3718: *Przegląd Prawa i Administracji*, pp. 155–170.
- Zirk-Sadowski M., *Wstęp* [in:] *Jerzy Wróblewski. Pisma wybrane*, ed. M. Zirk-Sadowski, Wolters Kluwer, Warszawa 2015, pp. 5–15.
- Zirk-Sadowski M., Bekrycht T., *Filozofia prawa a teorie wykładni prawa (wybrane zagadnienia)*, "Acta Universitatis Lodzensis. Folia Iuridica" 2017, no. 78, pp. 5–10.

## Abstract

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### **The influence of Marxism on the interpretation of law in Poland (some remarks concerning the theory of legal interpretation by Jerzy Wróblewski)**

The aim of this article is an attempt to conceptualize Jerzy Wróblewski's theory of legal interpretation in the context of examining the influence of Marxism on interpretative practices. One of the legal theorists who undertook the task of demonstrating that Jerzy Wróblewski's theory

of interpretation is characterized by a philosophical stance rooted in the adoption of Marxist premises as the foundational philosophical assumptions underlying theoretical activities in legal science is Zbigniew Pulka. This article discusses three topics: (1) the Marxist philosophical stance – Marxist axiology, (2) people's legal interpretation, (3) the clarificatory concept of interpretation.

**Keywords:** interpretation, Marxism, communism, J. Wróblewski, clarificatory concept of interpretation