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It is acknowledged that philosophy forms a cognitive basis for all areas of knowledge. Consequently, philosophy also serves as a foundation of jurisprudence, this being an area of systemic knowledge about reality. The questions raised by philosophy are characteristically questions of principles. Thus, the rationality of providing answers to the questions raised by philosophy in different time and space has been called into question. "On its incessant and excessive search for cognition, philosophy encounters its fundamental problem that human cognition lacks a fixed point of departure. Human cognition is not to be used as once fixed mental basis from which all models of cognition would develop themselves and enable to obtain knowledge."¹

The Faculty of Law of the University of Tartu has not shared scepticism concerning the value of philosophy. On the contrary, the view that philosophy of law is an imminent constituent of jurisprudence as a so-called accumulating science has been supported both in research papers and in the teaching process. We are of the opinion that philosophy of law is capable of asking questions and seeking answers to the question about the idea of law in its broad sense.² As we know, the idea of law consists of justice, purposefulness and certainty in the law. In essence, philosophy of law epitomises the most profound idea of law — a search for justice. Philosophy of law can thus be called a justice-searching science. Naturally, the understanding of justice proper has greatly varied in different time and space, but this very fact has not, by any means, undermined the relevance of raising the question, and the cognitive nature of providing the answers.

Recalling what position philosophy of law and state occupy in the system of knowledge, we can assert that originally they were classical subsections of general phi-

losophy. They lost this role only in the 19th century. Since that time, appropriately trained jurists engage themselves in philosophy of law and state (which are more frequently identified also as philosophy of law); they have to be able to navigate in the problems and methods of general philosophy. In order to characterise the relationships between law and philosophy, the sources of the field claim acutely that in philosophy of law, the jurist asks a question and the philosopher provides an answer.³ Basically, this means that a person who occupies himself or herself with philosophy of law has to possess systematic knowledge and skills for using methodology in both fields.

Jurists can participate in devising the relatively fresh legal order of Estonia. It seems that they have to bear the heavy load of knowledge on the basis of which it is possible to answer the question what law corresponds to the criteria of justice in Estonia at the moment. While searching for an answer to the question what, then, is the just law, philosophy of law seeks an answer to the ethically correct behaviour in the sphere of human behaviour that has been regulated by law. Thus, philosophy of law can not overlook legal reality and the already established patterns of behaviour, and their conformity with at least what is ethically minimal. However, the established patterns of behaviour should not be the only concern of a person who engages himself or herself in philosophy of law. He or she should be interested in established and generally approved dimensions of justice that are essential or even binding (obligatory) to a legislator or a person applying legal acts in his or her professional career. Thus, philosophy of law does not manifest itself in any way as 'philosophising', but, acting rationally, a specialist in philosophy of law is himself or herself interconnected with juridical reality, and, as a result

of reflection, is capable of providing his or her own solutions for identifying ways appropriate to develop this reality judicially.

In the light of the presented ideas and encouraged by the active support by Dr., h.c.mult. W. Krawietz¹ in 1997, a group of Estonian jurists assembled in *Iuridicum*, a newly opened building of the University of Tartu; intending to found the Law Philosophy Society of Estonia. Thus, 11 November 1997 can be considered the anniversary of the Law Philosophy Society of Estonia. Since founding, members of the Society and other interested people have met every other Tuesday in *Iuridicum* to participate in presentation meetings and in following discussions.⁵

In the following section I would like to present, relying on the headings of the presentations, the themes that have become central issues and given rise to discussions: theory of argumentation and integrated theory (Narits, R., PhD, Prof.); the nature of international law (Kerikmäe, T., LL.Lic.); law interpretation theories (Luts, M., mag. iur.); E. Durkheim and sociology of deviant behaviour (Kaugia, S., mag. iur., Ginter, J., PhD, Doc.); case law (Sillaots, M., mag. iur.); court judgement (Kergandberg, E., PhD, Prof.); main principles and developments of environmental law (Veinla, H. mag. iur.); the theory of concluding contracts and European *ius commune* (Kull, I. mag. iur.); legal provisions (Siigur, H. PhD, Prof. emer.); communitarism as constitutional theory (Narits, R. PhD, Prof.), and discretion in public law (Merusk, K. PhD, Prof.).

Our foreign guests have also participated in and made presentations at the presentation meetings of the Law Philosophy Society of Estonia. At this point I would like to mention Professor W. Schlüter (Münster), whose paper concerned the nature of collective labour disputes, and Th. Kremer (a postgraduate student of Mannheim University) who analysed C. M. Bergbohm's life and activities as those of a legal positivist.

The activities of the Law Philosophy Society of Estonia have been regularly reflected in overviews published in the legal journal *Juridica*. In addition to that, people who have made presentations at our meetings have moulded their paper into an article published in the same journal.

In June of the present year, the world congress of the International Society for Philosophy of Law and Social Philosophy (IVR, from German *Internationale Vereinigung für Rechts- und Sozialphilosophie*) took place in New York. The Law Philosophy Society of Estonia prepared materials for the conference to be admitted as an independent section to IVR. On 29 June 1999, the Law Philosophy Society of Estonia was admitted to IVR as a section of the 45th country. According to Professor W. Krawietz, the question of admission of our Society was discussed both in the Executive Committee of IVR as well as among a more limited membership of the Managing

Committee. Professor Enrico Pattaro provided an overview of our aspirations. The Law Philosophy Society of Estonia was admitted to IVR unanimously. According to Professor W. Krawietz, we are the only republic of the Baltic States represented with its own section at IVR. At this point, it should be noted that it was Professor W. Krawietz who urged us to join IVR so that we would be able to communicate our existence in the international landscape of science. Naturally, we are greatly indebted to him for references and kind support.

At the same time we are pleased to announce and acknowledge that such an international scientific organisation as IVR has approved of Estonian legal studies as to admit us to its members.

Finally, I would like to include the list of members of the Law Philosophy Society of Estonia

T. Anepaio (mag. iur.); M. Ernits (BA); J. Ginter (PhD, Doc.); P. Kask (PhD); S. Kaugia (mag. soc.); A. Kiris (PhD, Prof.); I. Kull (mag. iur.); L. Lehis (mag. iur.); M. Luts (mag. iur.); K. Merusk (PhD, Prof.); M. Muda (mag. iur.); R. Narits (PhD, Prof.); V. Olle (mag. iur.); I.-M. Orgo (PhD, Prof.); P. Pruks (Dr. iur.); M. Sillaots (mag. iur.); J. Sootak (PhD, Prof.); G. Tavits (mag. iur.).

Notes:

¹ Horn, N. Einführung in die Rechtswissenschaft und Rechtsphilosophie. Heidelberg: Müller, 1996, p. 36-37.

² Narits, R. Öigusteadus (Jurisprudence). — In: *Juridica* No 3, 1995, p. 86.

³ Kaufmann, A.; Hassemer, W. Einführung in die Rechtsphilosophie und Rechtstheorie der Gegenwart. Heidelberg: Müller, 1980, p. 1.

⁴ Prof. W. Krawietz visited Tartu in September 1997 in connection with Estonian-German academic week. Prof. W. Krawietz met undergraduate and postgraduate students and lecturers of the Faculty of Law and delivered a lecture to them. From that basis emerged the idea to form an organisation specialising in philosophy of law.

⁵ The presentation meetings of the Law Philosophy Society of Estonia are recessed for June, July and August of the present year.