

10.46299/979-8-88831-920-8.7

## **7. Scientific aspect of jurisprudence in the works of M. Yu. Chizhov**

### Abstract

The relationship between the science of society (sociology), the science of the state (political science) and the science of law (legal science) is defined by M. Yu. Chizhov in a unique way, and in a generalized form it is as follows: on the basis of the specificity of the studied phenomena and relations, political science, along with political economy and intellectual sciences, is separated into an independent branch of social science, and jurisprudence is a part of the science of the state, more precisely a part of the "department" of the science of the state, which the scientist calls the science of public administration. It should also be noted that in the views of M. Yu. Chizhov on the issues under consideration, we find a significant influence of the ideas of his teacher - L. von Stein, under whose guidance he improved his legal knowledge in Vienna.

A comparative analysis of the ideas of M. Yu. Chizhov and other scientists (both scientists of that time and modern ones) allows us to state that an important point in M. Yu. Chizhov's concept is his recognition of political science as an independent science. As for his relationship with jurisprudence, his subordination of jurisprudence to political science is unfounded.

The main goal of jurisprudence - to understand the law - is carried out by the implementation of a number of tasks, the definition of which this scientist attached special importance to.

According to M. Yu. Chizhov, a lawyer must study not only the forms in which the law is made available to us (symbol, word, writing), not only the forms in which it becomes mandatory (custom, law), but also must be aware of the law as one of the social phenomena, as a product of various social factors acting under the influence of certain laws. Without a lawyer paying attention to life relationships, jurisprudence falls into the world of concepts without reality, into the world of forms without content, into the world of results without meaning. As M. Yu. Chizhov emphasizes, what makes a

lawyer a lawyer is the practice of law itself, as a set of norms, and the study of the development of law on the real ground of life relationships. The science of law turns from a simple knowledge of positive laws into a science only when the laws to which society obeys are recognized as the source of change and development of positive law.

### **7.1 M. Yu. Chizhov on the place of jurisprudence in the system of social sciences**

It is worth starting by stating the fact that M. Yu. Chizhov borrowed an idea from contemporary German science about the organic representation of the science of society, the science of the state, and the science of law. Lorenz von Stein [282, p. 421]. It is also important to note that in M. Yu. Chizhov's views on the issues under consideration, we find the influence of the ideas of his teacher, under whose guidance he improved his legal knowledge in Vienna. Therefore, the views of M. Yu. Chizhov on such scientific issues as the system of social sciences, its main fields, the place of jurisprudence in this system, the relationship between social sciences, political science and jurisprudence, must be considered in a comparative perspective, namely, by comparing them with the ideas of Lorenz von -Stein, in order to reveal the extent of the latter's influence on M. Yu. Chizhov, as well as to establish the scientist's own contribution to the study of scientific problems of legal science.

Lorenz von Stein's ideas on this issue, based on the presentation of M. Yu. Chizhov himself, can be briefly summarized as follows. Lorenz von Stein divides all sciences by objects of knowledge into: 1) natural sciences; and 2) sciences relating to the personality in its essence and reality. According to Stein, the sciences based on the existence and activity of the individual are reduced to two sciences: philosophy and the science of the state in the broadest sense. The first deals with the essence, and the second with the phenomena of the individual's life in his individual and joint life with others; the first establishes a system, and the second deals with the knowledge of the phenomena of state life in order to learn the law. The science of the state in a broad sense for Stein is divided into two parts: 1) general, which provides the elementary

basis of the science of the state and is divided into: a) statistics (the doctrine of facts, the doctrine of the existence of nature in its relation to the self-determining activity of individuals and b) population studies (that is, the doctrine of the population and the conditions necessary for the realization of goals in real life); and 2) a special part, or political science, in the true sense of the word. The latter, in turn, is divided into the doctrine of goods, society and political science in its own sense. Thus, Stein gives too broad a meaning to the science of the state, which covers all phenomena of the real life of an individual [282, p. 7-10]. The state, according to Stein, is an expression of society; the science of the state, based on society, is a set of forces that form law; knowledge of law from these forces, more precisely - knowledge of the relationship between forces and law, is included in jurisprudence. Thus, Stein introduces the idea of "an organic connection between the science of society, the state, and law; that the development of political science depends on the successful and correct development of the science of society; that the foundations of legal norms lie in a diverse combination of real elements of social life; and that social phenomena and laws give life the right" [282, p. 417]. Stein began an attempt to combine two areas of science into one: jurisprudence and political science, making the former dependent on the latter [282, p. 407].

M. Yu. Chizhov, when determining the relationship between the science of law and other sciences, proceeds from the postulate that since law is a social phenomenon, the science of law must be connected with the science of people's social life, that is, social science, which, covering all phenomena of the common life of people, is engaged in the study of the laws of coexistence and continuity of social phenomena [279, p. 4, 282, p. 418].

According to M. Yu. Chizhov, the criteria for the classification of social (social) sciences are the type of social phenomena and the functions of the social organism. According to the scientist, three categories of needs are clearly distinguished in the social life of people: 1) material needs; 2) spiritual needs; and 3) the need for a regulatory element that establishes external order in the social union of people, the need for a central force (authority) acting in the interests of this order. The satisfaction of these needs produced three types of social phenomena: economic, spiritual in a broad

sense, and political phenomena. According to the three groups of social phenomena, the social organism has three functions - economic, intellectual in a broad sense, and political. According to these three functions, M. Yu. Chizhov establishes three main "departments" of social science:

1) science that investigates the laws of the economic life of society (political economy, or the science of national economy);

2) science that investigates the laws of mental, moral, aesthetic, religious, etc. phenomena of social life, in other words, which reveals "the laws of phenomena that belong to the state of scientific knowledge in society, to the state of religious beliefs in society, to the set of guiding principles, or principles, society, known under the name of morality, and to the state of art and education in society" (intellectual sciences);

3) a science that studies the laws governing "phenomena that belong to the activity of the regulatory element in society, which introduces external order between the parts of the social organism" (the science of the state, or political science) [279 p. 4-5, 282, p. 418-419].

Thus, M. Chizhov recognizes the science of the state, along with political economy and intellectual sciences, as an independent branch of the science of society. As such, it stands out on the basis of the originality of the phenomena and relationships it investigates.

Moreover, according to the scientist, political science, "in addition to the laws that it borrows from other sciences, has its own laws, namely laws related to the activities of the regulatory basis of society (authority, power in society, the state). This activity can be directed by the state either to its own organization, or to the implementation of the idea of state organization in the real life of society with the help of various measures" [279, p.5]. So, according to M. Yu. Chizhov, there are two types of activity of the regulatory framework in the state, and, accordingly, the single and whole science of the state is divided into two large groups ("departments"): 1) science of the state system; 2) the science of public administration.

At the same time, the science of state organization studies "the laws of the external organization of the regulatory framework in human society, which includes

consideration of the forms in which legislative, governmental, and judicial power in the state are acquired, consideration of the bodies through which these powers act, as well as the principled position of the individual in relation to of the state and its bodies" [279, p. 5].

The science of public administration is a study "about the laws that the state authority observes in its activities in relation to society" [279, p. 6]. The need for this principle is due to the fact that in order to fulfill its purpose "the state must use known measures that are required by the goals of the state and give direction to all life in the state" [279, p. 6].

M. Yu. Chizhov, following Shtein, includes the following as the subjects of state activity: 1) determination of the state and attitude of an independent state to other states of the same type (international relations); 2) support of the autocracy of the state with the help of physical organized force (army); 3) determination of the economic conditions of the existence of the state (finances); 4) establishment of order between social elements on the basis of known norms, definition and protection of social relations with the help of known rules and guidelines (law); 5) promotion of comprehensive development and well-being of citizens (internal management). In addition, 6) the state has certain relations with the church. Each of the selected six spheres of public life is, according to M. Yu. Chizhov, the content of a special branch of the science of public administration: the science of international relations, the science of military life, the science of state economy, the science of law, the science of internal management (or the science of the police) and the science of church life. The scientist especially emphasizes that the type of state activity aimed at the formation of norms differs from other types of this activity and, based on the uniqueness of its content, constitutes an independent organism under the name of jurisprudence, or the science of law. Thus, although the science of law, according to M. Yu. Chizhov, is an independent complex science ("to understand the law is a matter of jurisprudence, which is divided into as many branches as there are types of law"), the scientist considers it, along with the specified sciences, as part of the science of the state, more

precisely - a part of that "department" of the science of the state, which is called the science of public administration [279, p. 7, 282, p. 420].

It should be noted that this definition of the relationship between jurisprudence and political science, the unification of these fields of science, or more precisely, the subordination of jurisprudence to political science, was adopted by M. Yu. Chizhov from Lorenz von Stein. Making jurisprudence dependent on political science, Lorenz von Stein defined law by those factors and phenomena that make up the content of state life; in this way, the scope of a lawyer's research expands significantly and crosses the boundaries in which jurisprudence has been for a long time. However, as noted by M. Yu. Chizhov, showing the constant connection between the laws governing state life and the laws determining the legal life of human society, Stein in his theory of law did not deal much with the legal norms themselves, and from this point of view, his the doctrine of law is one-sided and weak [282, p. 407, 280, p. 563].

In our opinion, this definition of the relationship between jurisprudence and political science is based on the character of M. Yu. Chyzhov's understanding of law, which results from the close connection between law and the state in its formation and functioning. As it has already been noted, law for a scientist is a product of the activity of the regulatory framework in the state (a manifestation of supreme political or social authority, power), which forms law under the influence of various social phenomena [279, p. 6-7]. The scientist states that the regulatory power of the state is manifested in two ways: both in the formation of law and in the implementation of law.

It should be noted that the recognition of political science as an independent science was characteristic of some scientists. The need for specialization of the science of the state was especially emphasized by the famous German political scientist H. Jellinek [241, p. 5], according to whom "all attempts to dissolve the science of the state in any other science stem from the vagueness of thinking and must therefore be energetically rejected" [241, p. 53].

B. M. Chicherin defended the comprehensive study of the state, who, in his own words, "did not limit himself to one legal aspect" when studying his subject - the state - in the "Course of State Science". As he believed, "the correct point of view can be

established only by a comprehensive study of the state" [285, p. 4]. MM Alekseev also wrote about the separate science of the state [236].

It should be noted that the domestic pre-revolutionary scientist B. Kistyakovsky also distinguished between "sciences of law" and "sciences of the state" [248, 249, p. 437-442]. In his opinion, it is possible to solve important issues regarding the state when, along with legal studies, historical-political, sociological, psychological, and philosophical-ideological studies of the state will be done. In B. Kistiakovsky's interpretation, the science of law studies the state as a purely legal phenomenon, which is the objective of a special science of law - the science of state law. The scientist asserts that, by studying one side of state and social phenomena, it is not possible to study the state as a whole. From this we can conclude that the study of the state cannot be carried out within the framework of legal science. Other aspects of state phenomena (economic and social) should be given to other sciences - political economy, sociology and social science about the state. So, according to B. Kistyakovsky, the totality of this knowledge constitutes the science of the state [252, 253, p. 12-13].

It is interesting that the question of the relationship between political science and jurisprudence remains debatable to this day. There is a widespread opinion about the existence of a single legal science that studies the state and law [257, 258, 261, 266, 270, 271, 272, 273, 274]. Thus, the independence of jurisprudence and political science is not recognized. Only in some educational courses, the theoretical study of law is separated from such a study of the state [259, 260, 286, 287]. However, in modern legal literature, separate attempts have been made to justify the independence of political science in relation to legal science.

Thus, the outstanding Ukrainian jurist M. I. Kozyubra notes that the general theoretical discipline continues to develop as a discipline with a dual content of its subject, which is justified by the inseparability of the relationship between the state and the law in the process of their emergence, functioning and development in accordance with the scientific methodology in the relevant jurisprudence legal approach. And further: "Subject-forming for general theoretical jurisprudence, as well as for legal science as a whole, is the definition of the concept of law" [250].

Thus, V. E. Chirkin in his work entitled "Political Science" [284, p. 6], justifying the independence of political science, at the same time leaves theories of the state outside of political science, within the framework of jurisprudence, while "the explanatory science of the state," wrote H. Jellinek, "is theoretical political science, or the study of the state" [241, p. 7]. Critically analyzing the views of V. E. Chirkin, M. A. Damirli quite rightly notes that the theory of the state cannot exist outside of political science [239, p. 249-251]. Therefore, M.A. Damirli is right when he writes about the need for an independent, comprehensive science of the state - political science, the task of which would include a comprehensive knowledge of the state. Like any other science that studies a special sphere of social life, political science is divided into theoretical, historical and applied parts, which is reflected in their separation into the corresponding branches of the science of the state [237, 238, p. 166-173].

Yu. M. Oborotov defines the difference between jurisprudence and political science along the lines of hermeneutics. In his opinion, taking into account the fact that the so-called hermeneutic sciences can be distinguished, that is, sciences that deal with communicative interaction and are internally connected with language, text, jurisprudence is a hermeneutic science, while political science is not in its main such parts [255, p. 7, 255, 256, p. 30].

The conducted comparative analysis shows that an important moment in M. Yu. Chizhov's concept is his recognition of political science as an independent field of knowledge. As for his relationship with jurisprudence, his subordination of jurisprudence to political science is unfounded.

## **7.2 The task and system of jurisprudence in the interpretation of**

### **M. Yu. Chizhov**

According to M. Yu. Chizhov, the goal of human knowledge is to understand phenomena from their causes and to find the laws governing the world organism. In this connection, a scientist in the true sense of the word calls a set of known laws, on the basis of which the coexistence and sequence of world phenomena occurs [283, p.



13-14]. Therefore, the business of jurisprudence is to understand the law [279, p. 7]. This main goal of jurisprudence as a science in the true sense of the word is carried out by the implementation of a number of tasks, the definition of which this scientist attached special importance to.

M. Yu. Chizhov determined the tasks of his contemporary law science based on the analysis and constructive criticism of subjectivism and objectivism in the knowledge of law. He noted the importance of a huge revolution in legal science, made in the 19th century, which sought to find new foundations for law, which took place in the context of the struggle to liberate law from its subjective foundations. Until now, according to M. Yu. Chizhov, philological and legal thought ignored two very important things: 1) the importance of history in the formation of law; 2) the influence of the objective, real world on the process of law-making [281, p. 1].

As already noted, M. Yu. Chizhov emphasized a special role in the struggle to liberate the science of law from the subjectivism of the historical school of law and extreme objectivists. Thanks to them, the belief in the inevitability of the objective real basis of law was strengthened in jurisprudence. M. Yu. Chizhov considered it comforting that lawyers, instead of memorizing legal norms, began to study the spirit of law as one of the moments of social life; began to search for objective, real forces involved in the formation of law; the content of the science of law was defined differently [281, p. 6]. But M. Yu. Chizhov criticized the representatives of the mentioned students for their one-sidedness, which consisted in the fact that they neglected the foundations of law, which are rooted in the human personality.

In order to correspond to the actual state of affairs, according to M. Yu. Chizhov, the tasks of the science of law must be different: it must not forget one very important thing: that law is the product of those forces that are rooted both in the objective, real world and equally and in human nature. Therefore, in order to understand the law, it is not enough to limit oneself to finding out only the objective, real life conditions of a person, but it is also worth studying the nature of the person himself. Therefore, the content of the science of law consists in revealing the subjective and objective foundations of law. This content is formed in accordance with the needs of the modern

common life of people, in which the main principle is the solidarity of personal and public interests, solidarity based on the recognition of the sanctity, inviolability and inviolability of the person. It is possible to implement this solidarity only through the study of all factors of law formation, not excluding the individual, that is, through the study of subjective and objective actors of law [281, p. 6-7].

M. Yu. Chizhov also disagreed with the opinion that the understanding of law is conditioned by knowledge of only the norms of current law. He wrote: "For us and today's lawyers, one fact is important, that the time when the goal of legal education was considered to be knowledge of only the norms of current law has irretrievably passed; that the direction by which the concept of law was determined only from history also weakened. We can proudly say: the time has come to recognize the norms of law only as ways to enter life; that the understanding of law presupposes the necessary knowledge of objective real phenomena of human life. We know that only reality causes law with its instructions to life and supports its existence, the study of the laws of development of objective, real conditions of personal existence is a necessary proposal for understanding the laws of law development. Only through the study of the objective conditions of human existence have recently more or less accurately understood the forms and laws of the political and legal development of nations, determined the forces of the social and state organism" [281, p. 5]. These ideas are very relevant today in the context of the problem of socialization of legal science [262].

M. Yu. Chizhov, analyzing the works of his contemporary lawyers, notes that some of them limit the task of the science of law almost exclusively to the consideration of the so-called growth of law, i.e. the understanding of the consistent development of rights and the connection to dependence on various social phenomena and factors [282, p. 428-429].

L. von Stein adheres to the same position, according to which the knowledge of the norms of positive law is not included even in the science of law, but a special department of human conduct is created: "die Rechtskunde". The task of the science of law is not to study law, but to understand the forces that create law. M. Yu. Chizhov

criticizes the definition of the task of jurisprudence by L. von Stein "as a science that learns law-forming forces", because such a definition is insufficient on the grounds that "jurisprudence deals not only with the forces that form law, but also with the law itself, formed by them" [280, p. 564].

Establishing the aforementioned task of jurisprudence, L. von Stein took the ranks of representatives, according to L. von Stein himself, of the social science of law. Regarding this, according to M. Yu. Chizhov, the teaching of L. von Stein is of great importance in the science of law. He not only pointed out the need to understand law in connection with life, but also derived from life the foundations of the existence of certain legal institutions. Pointing out the need to change the law, he demanded an explanation of the process of the formation of law as one of the social phenomena, among which economic phenomena undoubtedly take the first place [282, p. 429].

By juxtaposing "die Rechtskunde" and "die Rechtswissenschaft", L. von Stein, according to M. Yu. Chizhov, wanted to distinguish the practical practice of law with the aim of applying it to life from its scientific knowledge, which implies the disclosure of the laws of legal phenomena. In the first case, the center of gravity of the entire activity of lawyers lies, of course, in the art of bringing this specific case under the appropriate norm, that is, processing and discussing a specific case in accordance with the legal norm, in the second - in clarifying the phenomenon from its causes.

According to M. Yu. Chizhov, law is a set of norms that belong to the phenomena of social life. Regardless of the knowledge of the origin of these phenomena (norms), the subject of a lawyer's scientific pursuit can be the "construction" of law. In this exercise, the lawyer combines norms into one whole by the unity of their objects and purpose; legal concept and extends to the legal system. Only such study and formation of law separates a legal specialist from a non-lawyer.

Thus, according to M. Yu. Chizhov, a lawyer studies not only the forms in which law is made available to us (symbol, word, writing), not only the forms in which it becomes mandatory (custom, law), but also realizes law as one of the social phenomena, as a product of various social factors acting under the influence of certain laws. It may not be a lawyer (for example, a political economist, a theologian, or even

a naturalist) to study the forces and factors that influence the formation of law, and everyone, studying these forces for their own special purpose, will give one or another answer to the question of connection and the dependence of law on certain social factors or natural conditions (economic, religious, flora and fauna), but their solutions, certainly scientific, will be for a lawyer only the necessary material for the formation of a theory of law; these specialists still cannot be called a lawyer in the strict sense of the word. M. Yu. Chizhov believed that, ignoring the content of life relationships, it is impossible to obtain scientifically sound legal results, although the independent study of this content may not be the job of a lawyer. Without a lawyer paying attention to life relationships, jurisprudence falls into the world of concepts without reality, into the world of forms without content, into the world of results without meaning. But, as M. Yu. Chizhov emphasizes, what makes a lawyer a lawyer is not only the study of the development of law on the real basis of life relationships, but also the practice of law itself as a set of norms [282, p. 429-430].

According to M. Yu. Chizhov, the scope of the science of law, first of all, includes consideration of the creation and implementation of law in the real life relationships of people, i.e. the creation of law and the application of norms to real life by state authorities. But a lawyer cannot limit himself to considering the formation of law, i.e., the steps by which law rises to its binding nature. The science of law turns from a simple knowledge of positive laws into a science only when the source of change and development of positive law is recognized as the laws to which society obeys [282, p. 421].

According to M. Yu. Chizhov, the tasks of jurisprudence cannot be established arbitrarily, but must arise from the nature of law, which he understands, as already noted, as a set of three elements inextricably linked: 1) norm; 2) vital phenomenon (relationship); and 3) law-making power.

According to M. Yu. Chizhov, in the first moment (in the moment of norms; when the law appears as a binding and regulatory force, as external human actions and relations), the task of jurisprudence is not only to know the content of the norm, but

also most importantly, in understanding the principles of their binding force, in understanding why and for what members of a given society obey the law [281, p. 7]. In the second moment, according to the scientist, jurisprudence is aimed at understanding the content of legal norms (relationships and life phenomena, relationships in their actual and past), seeks to study their properties, to separate the accidental and inconsequential from the necessary and essential in order to create a general image of the considered relationship and understand its purpose for human life [281, p. 7].

M. Yu. Chizhov attaches special importance to the third point, without which the science of law would be limited only to the assimilation of norms that correspond to life relationships, and about every lawyer it could be said that he knows the law, but does not yet understand it, since for a lawyer there is still hidden reasons, he has not yet understood the forces that transform a life phenomenon into a legal one. When studying these reasons, these law-making forces, the fulfillment of the main task of jurisprudence begins: understanding the process of law-making on the basis of understanding those forces, which by their nature are not law at all, form law. Here, the connection between the norm and its content is learned through the social force common to both of them [281, p. 8].

Based on these statements, M. Yu. Chizhov reduces the task of modern legal science to the following three provisions: 1) to know the norms of law that were and are in effect; 2) to the study of the phenomena of human life determined by law; and 3) to an understanding of the forces that transform a life phenomenon into a legal one: to an understanding of law-making forces [281, p. 7].

According to M. Yu. Chizhov, the solution of the above-mentioned three tasks of jurisprudence is based on the concept of law as a set of norms established in accordance with the natural life phenomena of people, formed (phenomena) by forces rooted not only in the objective, lying outside the subject world, but also in the nature of the human personality. With this understanding of law, the content of jurisprudence is mainly reduced to the understanding of those forces that form law, that is, to the understanding of the personal and objective foundations of law. Only under this

condition, M. Yu. Chizhov confidently emphasized, jurisprudence is a science, otherwise it is simple knowledge.

M. Yu. Chizhov also attached special importance to the definition of the system of jurisprudence. At the same time, he proceeded from such a general position that world phenomena, which are the object of human knowledge, "on the basis of their similarities and differences, can be divided into groups, which include phenomena and relations with the same properties and signs. Human knowledge is also divided into groups of world phenomena; the diversity of groups of world phenomena creates the division of science into separate fields. With the development of knowledge, many separate branches of science appear that were once barely familiar or completely unknown. In turn, each branch of science is divided into so many parts that there is no possibility to examine them in their entirety, and each researcher is forced to choose for his studies any small department or small branch of science in order to know non multa, sed multum ( "not much, but a lot." - A. D.). This is how the specialization of knowledge is created, which is a characteristic of our time" [283, p. 13-14].

According to M. Yu. Chizhov, jurisprudence is a complex education, an independent system. This system of the scientist is based on the systematization of law itself, which is developed on the basis of criticism of the views of L. von Stein, who proposed three ways of systematization of law. As a philosopher, he built a legal system based on eternally equal categories of personal life and divided law into criminal, civil and public law. As a lawyer, he established a system of law according to the system of phenomena and spheres of the real life of an individual and divided law into personal, economic, social and public law. The third system of law is a modified form of the first, which consists in the fact that all law is divided into the law of the state system, state-civil law (civil and criminal law) and the law of public administration.

According to M. Yu. Chizhov, neither that, nor the other, nor the third system of law in L. von Stein can be left unchallenged. M. Yu. Chizhov does not recognize the first system as satisfactory, because Stein singles out criminal law in a special branch, which stands next to civil and public law on the basis of recognition by one person of another as a fact. This reason, inherited from predecessors, can hardly have a scientific

justification at present, because the nature of a criminal offense is assessed not from the point of view of denial by one individual of the personality of another, but from the point of view of violation of the criminal law and legal order based on the norms of objective law. A crime is considered a crime not because it violates a valid right or the interests of an individual, which are based on objective norms, but because the criminal act violates the precept of the criminal law, which requires the inviolability of the legal order. Criminal laws are the essence of expressing the desire of common life for self-preservation, self-support. A crime is generated by a will that contradicts the norms that protect the conditions of existence of society, therefore, violation of personality is only a means of crime. In addition, not all criminal offenses deny personality, unless property is considered an extension of personality. Criminal law, which aims exclusively at public interests, does not constitute a special type of law, parallel to private and public law, but is a branch of public law [282, p. 422].

L. von-Stein's opinion that in all their legal systems the sphere of civil law is the sphere of economic property relations of an individual is recognized by M. Yu. Chizhov as correct, but with significant reservations. In his opinion, a large part of civil law is really the sphere of property relations, in other words, a large part of institutions and norms of civil law is an expression of the economic life of society. At the same time, the scientist believes that the science of civil law cannot be limited only to the knowledge of the definitions of external relations of people to each other regarding their private interest: it must understand the foundations of these definitions, which are rooted to a greater extent in the economic life of society. Therefore, a civilian cannot do without the study of political economy if he wants to understand its causes, and in this case - without the study of the economic forces of social life. If the science of civil law should be a science, then it cannot study property rights, servitudes, contracts without their economic basis [282, p. 423].

In addition, the sphere of private interests covered by civil law, according to M. Yu. Chizhov, is not exclusively the sphere of economic interests, civil law includes not only property, but also personal and family relations, that is, the sphere of private relations, which separates common life into separate persons, determining their

conditions of existence and protection. Moreover, there are a number of benefits, conveniences, benefits that have nothing to do with property, and meanwhile they cannot under any circumstances be attributed to public law. On the other hand, if all property relations were to be attributed to civil law, then artillery, fleet, and fortresses would have to be transferred from public law to civil law. The content of private law will be clear if we do not reduce this content to an interest covered by private law [282, p. 423]. This point of view seems to be very relevant in the conditions of the separation of economic law as an independent field.

As for the second type of legal system in L. von Stein, it is also, according to M. Yu. Chizhov, not free from shortcomings: reminiscent of the commonly used division of law into private (personal and property) and public, it forms a new branch of law - law public, occupying a middle place between public and private law and covering the law of social orders and classes. Public law, as an independent branch of law, caused by the appeal of independent public interests and spheres, supposedly independent of the state, according to M. Yu. Chizhov, had almost no followers in those days, because all public unions, their organization and activities were covered by the state union as the highest form of the common life of people. Speaking against the independence of public law, M. Yu. Chizhov believed that it could not be justified even from the point of view of Stein himself: yes, according to Stein, society is a collection of individuals that has not risen to the independence and self-awareness of an individual; an independent individual is only the state, which contains society (society is a state body), which, therefore, alone has a will that turns the right *an sich* into a positive right, obeying, of course, the nature of social orders. If society is the body of the state, then there is no need for a special law, social law, which defines social orders, classes accepted by the state and defined by state law [282, p. 424].

M. Yu. Chyzhov also disagrees with L. von Stein's third system of law, which divides the law into the law of state organization, distinguishing it from state law, into state-civil law (civil and criminal law) and state administration law. Here, according to Stein, criminal and civil law have one basis - the inviolability of the individual, namely: criminal law presupposes the violation of the individual, and civil law - its inviolability.



According to M. Yu. Chizhov, this basis of criminal and civil law is more original than scientific, because criminal law does not arise from the assumption of a violation of personality, but from a violation of the legal order. The difference between the law of state organization and state law is easily destroyed by the inclusion of both rights in public law, which concerns the organization and activity of the state [282, p. 424].

M. Yu. Chizhov himself defines the system of jurisprudence, or more precisely, the system of those legal sciences that study individual branches and institutions of law, based on "types" of law, groups of legal phenomena: jurisprudence is "divided into as many branches as there are types of law" [279, p. 7]. Types of law are formed on the basis of the nature of those relations defined by law. According to M. Yu. Chizhov, in the mass of social relations, two types of relations are sharply marked: private relations and public relations. The law makes both types of relations legal, and the order of all relations of society based on it is called the legal order. According to the mentioned two types of relations, the rules of law that protect, define and guarantee the mentioned relations are divided into: rules of private law and rules of public law.

So, regarding the division of law into private and public, M. Yu. Chizhov adheres to the classical views of Roman lawyers, in particular Ulpian. If private law is a set of norms regulating relations between private individuals regarding their private interests, then public law is a set of norms regulating relations between the state and public unions or private individuals regarding public interest. In the field of private law, a person is given the opportunity to establish relations at his discretion. In private relations, individual interests and the limits of their dominance collide with the same ones (the relationship of the parties in the employment contract, the price in the sale). In relations of a public nature, at least on one side there are public interests (for example, the interests of the state), on the other side, the same public interests or the interests of individuals may collide with them (for example, relations between the crown and parliament, society and the state, the state and criminals, police and citizens). In public law, a person is considered as a member of the state body, as a member of the whole, in everything dependent and subordinate to the whole. From the point of view of the state, an individual is the bearer not of his private rights, but of the

rights of the state, which a person cannot use at his discretion, but is obliged to exercise them. In private law, the bearer of private rights is a member of society recognized by the state as an individual. Certain qualities of an individual are recognized for her, as a result of which she acquires the opportunity to pretend to protect her interests to the assistance of state power. All private rights are linked to the public right to seek recognition and protection. All private law, therefore, rests on public law, which in relation to private law is completely independent. The protection of private rights depends on the discretion of the person concerned, while public rights in which the direct state is interested are protected at the initiative of public authorities. The public right granted to individuals is not given to them for their own, private interests, but for the interests of the entire state. Despite the noted difference between private and public law, there is unity between them: both serve the interests of coexistence, and private law occupies a subordinate position in relation to public law. The impact of public law on private law is felt in almost all spheres of the latter. Public law restricts the freedom of the person, property and circulation in the general or public interest. Public law is present in private law at almost every step, to the extent that a person's private legal activity is a condition of cohabitation. Private law is not the domain of exclusive rule of private interest. All law is formed for common life, which does not exist outside of the individuals who make it up. According to M. Yu. Chizhov, the valid reason for limiting the private right by public law is that the common interest is an inevitable condition for individual development and well-being. Therefore, the scientist summarizes, it can be recognized as a generally accepted rule: there is no private law that is only private: private law can be called the sphere assigned by the state to an individual who has his individual goals as a goal, to the extent that this desire corresponds to the interests of the state [279, p. 7-8].

According to M. Yu. Chizhov, private law norms are based on the natural classification of legal objects, i.e. everything that can be subordinated, on the basis of civil law norms, to the rule of a person as a means of achieving his life goals. According to the scientist, the object of law can be: 1) things, that is, certain objects of the external unfree world, which are capable of being subject to the legal rule of a person and have

a known economic value; and 2) external actions of a person. Some of the actions have no economic value for the authorized person, while others have this value. In the first case, it is assumed that the will of one person will be directed by the will of another in the interests of the first. These actions are included in the sphere of family relations. External actions related to economic good that can be valued in money belong to the sphere of obligation relations. The set of norms that determine the direct domination of one person over the external actions of another, which have no economic value for the first, belong to family law, which also includes property relations between spouses, parents and children. Finally, because a lot of property relations arise from family relations after the death of a person, a special branch of civil law is formed, according to which the known rights and obligations of the deceased are transferred to a known person. This right, which occupies an intermediate place between family law and property law, is the right of inheritance. The direct dominion of a person over a thing is covered by property law, and the dominion over the external actions of other persons of economic value is included in the obligational right. Thus, private law is divided into the following areas:

- 1) family ("family") law;
- 2) hereditary right;
- 3) property right;
- 4) binding law [279, p. 9].

As for public law, according to M. Yu. Chizhov, it covers relations between the state and public unions or individuals regarding state interests and is divided into separate branches according to the subjects of activity of the regulatory element in society. These subjects are: 1) self-government of the state (state organization); 2) international communication; 3) army; 4) finances; 5) the legal system of society; 6) internal management; 7) church. The law regarding all the specified subjects of activity of the regulatory power of society is called "the law of state organization and management", the varieties of which are: the law of state organization, international law, military law, financial law, management of the legal system of the state, the law of internal administration and church law. There are as many branches of the science

of public law as there are types of public law. Thus, we have the science of the law of state organization, the science of international law, military law, etc. [279, p. 9].

Above, we talked only about the system of those legal sciences, the object of which are certain branches and institutes of the legal system. Undoubtedly, the system of legal sciences in M. Yu. Chizhov was not limited only to the specified areas. We find in it considerations about various theoretical-legal and historical-legal sciences: general theory of law, philosophy of law, encyclopedia of law, history of law, comparative history of law, which are of considerable interest in modern conditions.

According to M. Yu. Chizhov, the main task of the general theory of law is "to discover the connection and continuity of legal phenomena, to reduce the mass of legal phenomena to a small number of principles, laws into one complete whole" [279, p. 4].

According to M. Yu. Chizhov, if philosophy deals with eternally equal law, which is based on the essence of the individual, then it will become a philosophy of law [282, p. 415]. The philosophy of law as a science deals with legal life *an sich* (in itself) [282, p. 417]. M. Yu. Chizhov criticized Lorenz von Stein's views on philosophy in general and the philosophy of law. According to the scientist, philosophy in general and philosophy of law in the form presented by Stein is not needed; it does not even fit the concept of science, which was given by Stein himself in the sense of the unity of forces (laws) and phenomena, in the sense of knowledge of certain laws in the aggregate of phenomena.

M. Yu. Chizhov emphasized the special importance of considering the gradual growth of law and understanding the general laws of the historical development of the comparative study of law. In his opinion, the comparative study of law should lead to the same benevolent results to which it led researchers in the field of anatomy, physiology, mythology, etc., that is, to the exact clarification of the laws of the development of legal life in all nations [279, p. 47]. According to the Ukrainian teaching, it is the comparative history of law, the importance of which has been assessed only recently, that helps in the historical phases of the development of law to distinguish national and periodic features from the general properties of individual rights [279, p. 41].

## M. Yu. Chizhov on the status and purpose of the encyclopedia of law

The history of domestic jurisprudence is known for a whole galaxy of legal encyclopedists who left behind a relevant scientific heritage [240, 242, 243, 245, 246, 254, 263, 264, 265, 267, 268, 269, 270, 275, 276, 277]. Mykola Yukhimovych Chyzhov is one of them.

As already noted, in the late 1970s and early 1980s, M. Yu. Chizhov improved his legal knowledge at famous European universities (first in Heidelberg, Strasbourg, Munich, and Vienna, and then in 1882-1884 in Berlin, Paris and Strasbourg), intensively engaged in theoretical legal disciplines, studied the practice of teaching and studying the encyclopedia and philosophy of law at these universities. The result of these searches was initially a work entitled "Encyclopedia and Philosophy of Law in German and Austrian Universities" (Odesa, 1882). He also needed the accumulated experience when teaching since 1885 at the Department of Encyclopaedia of Law and History of Philosophy of Law at the Imperial Novorossiysk University. Foreign research trips and his own teaching experience later allowed M. Yu. Chizhov to prepare his own lecture course on the encyclopedia of law [279, p. 146-147].

According to M. Yu. Chizhov, there is no branch of jurisprudence, regarding which there would be so many of the most uncertain views, as the encyclopedia of law; almost every legal scholar interprets it in his own way. Therefore, everyone who begins studying the encyclopedia of law asks the question: what kind of science is the "encyclopedia of law"? What is its importance among other legal sciences? What is the purpose of its study and what is its content? [279, p. 3]. According to the scientist, the solution of these issues is important in terms of not only the fate of this subject at the university, but also the scientific identity of the encyclopedia of law.

On the basis of a critical analysis of large Western European and domestic literature on this issue, M. Yu. Chizhov, following M. Zverev [243, p. 21] groups the existing views on the status of the encyclopedia of law in the following way. Some of the scientists do not recognize the importance of an independent science in the encyclopedia of law, considering it only as an introduction to the study of law and the completion of its study. Others, on the contrary, consider the encyclopedia of law to be

an independent science. (M. Zverev reduced all points of view to two directions - "negative" and "positive").

Representatives of the first group, who deny the independence of the encyclopedia of law, justify its existence among other legal sciences purely for practical, pedagogical purposes, propaedeutic considerations. They believe that the encyclopedia of law is intended for those who start and finish legal education. In this connection, the opinion of the domestic scientist K. A. Nevolin is of interest, since, according to M. Yu. Chizhov, "it is one of the best and clearest opinions in all European legal literature on this point" [283, p. 7].

Thus, according to K. A. Nevolin, the encyclopedia of legal studies is an overview of the sciences of legal studies in relation to each other, although he formally recognized the independence of the encyclopedia of law, in fact he reduced it to the combination of legal sciences into one whole, to their abbreviated presentation. It is in this sense that K. A. Nevolin recognized the need for an encyclopedia for those who start and finish the course of legal sciences. According to K. A. Nevolin's view, the encyclopedia, considering legal sciences in relation to their content, firstly, gives the beginner solid points so that he can establish his concepts when studying these sciences; secondly, it shows the beginner the correct method of studying the laws; thirdly, it satisfies the student's natural desire to have any idea about the subjects of his future studies, to review his entire path in advance from the very beginning to the end. According to K. A. Nevolin, the significance of the encyclopedia of law for those completing legal education lies in the fact that an encyclopedic review at the end of his field suddenly illuminates in his memory everything he has confused for several years; he completes his studies as if they had lasted only a few days.

Scientists who give the encyclopedia the meaning of introductory and concluding science, along with justifying the existence of the encyclopedia of law for purely practical purposes, demand from the encyclopedia of law brevity and brevity of its content, and they recognize this brevity and brevity of the presentation as a necessary part of encyclopedic teaching of law. Referring to the ideas of P. G. Redkin, presented in his course "Encyclopedia of Legal, Political and Social Sciences", and analyzing

them in detail, M. Yu. Chizhov comes to the conclusion that "if the meaning of the encyclopedia of rights is determined by the practical goals of its teaching for those who begins and ends legal education, means to reduce the encyclopedia of law to the degree of means, to achieve with its assistance the subjective goals of students and teachers, which are flawed in themselves; and it also means to distinguish the encyclopedia of law from other sciences not on objective, purely scientific grounds, but on the basis of its dependence on the subjective requirements of the listeners or the teacher. Limiting our science and its meaning to the subjective weaknesses of the students or the subjective understanding of the teacher means excluding the encyclopedia from the field of science, reducing it to the place of a simple means for an external goal" [283, p. 10]. The main conclusion of M. Yu. Chizhov is that the meaning of the encyclopedia of law and its existence in the scientific body should be determined by objective scientific principles arising from the nature of the subject of this science itself.

According to M. Yu. Chizhov, recognizing the encyclopedia of law as only a concise and short "review", "essay" of all legal sciences should also be recognized as unscientific, because the concepts of "brevity" and "brevity" are not definite, stretched and do not derive from the essence of the content of the encyclopedia of law, and from the subjective understanding of the author, who can, as he likes and whenever he likes, introduce his arbitrariness into the content of the encyclopedia of law, which is completely foreign to science in the true sense. If the entire content of the encyclopedia of law is reduced to an abbreviated and concise presentation of the important truths of science, which are justified by external, extraneous goals, then, according to the scientist, its university position may even be superfluous: it should be destroyed, because it is possible to do without the encyclopedia of law [283, p. 10-11].

M. Yu. Chizhov is sure that the independent scientific value of the encyclopedia of law is determined by its specific content, which is not included in any of the special legal sciences in their individuality and in their totality. He considers the encyclopedia of law to be an independent science among other legal sciences, therefore he analyzes in detail the opinion of those scientists who defend the independence of the specified science and look at it as a single whole, organically connected in all its parts. If the

encyclopedia of law is an organic unity of all parts of law and the science of law, then where does the encyclopedia of law borrow its content from? - asks M. Yu. Chizhov. When solving this issue, some scientists believe that the encyclopedia of law does not have its own content or subject of study, which would not happen in all other legal sciences, but its independence is acquired by the way of attitude to the studied material, not by what it studies, but by how it is studied [263]. And others, on the contrary, assert that the encyclopedia of law has its own independent content, regardless of the special legal sciences taken together; it acquires its content itself from internal and external experience and draws appropriate conclusions; because the encyclopedia deals with the development of the idea of science, it is science itself, in other words, the science of sciences [246, p. 10-12].

In fact, even a superficial examination of the pre-revolutionary encyclopedic literature demonstrates the diversity of definitions of the content of the encyclopedia of law. Thus, M. Rozhdestvenskiy's book "Encyclopedia of Legal Studies" was an overview of the content of individual legal sciences [265]. In P. Delarov's encyclopedia of law, the subject of the law encyclopedia is law as a whole, at the same time it is not a science, because it does not investigate its subject, but describes it, repeats in a systematic connection the set of principles and provisions that should make up its object scientific review [240, p. 389]. M. Zverev in his article "Encyclopedia in a number of legal sciences" [243, p. 21, 259] writes: "While legal sciences investigate the phenomena of law, each in its own separate sphere, the encyclopedia seeks to cover the same phenomena in their entirety; it studies its subject as a whole, while all other sciences study it in parts. If, for example, civil law examines what law is in this specific form, and state law examines what law is in the field of phenomena of state life, then the encyclopedia seeks to understand what law is in general" [243, p. 24]. According to F. V. Taranovsky, the subject of the encyclopedia of law is the disclosure of those basic ideas of jurisprudence that permeate all special legal disciplines and receive detailed development in them in relation to the peculiarities of their private object and the point of view from which it is considered. Taranovsky's encyclopedia of law



consists of two parts: the general doctrine of law and the general doctrine of the state [270, p. 11].

According to M. Yu. Chizhov, the degree of validity of the given opinions can be revealed by establishing the reasons that gave rise to the encyclopedia in general, the encyclopedia of law in particular.

According to M. Yu. Chizhov, the encyclopedia exists alongside other special sciences on the same basis on which synthesis exists alongside analysis: the predominant application of analysis to the phenomena of world life creates specialization of knowledge, and the advantage of synthesis is encyclopedism. That is why the need for encyclopedism appeared as soon as certain special fields of knowledge reached more or less high development. The existence of the encyclopedia in general is brought to life by the needs of the human spirit for unity and is conditioned by the development of specialization of human knowledge, and is not justified only by practical propaedeutic goals [283, p. 13].

M. Yu. Chizhov notes that the science of his time had branched out too much, knowledge was too specialized, and the desire for the specialization of the sciences was too unstoppable, that such an aspiration could lead to the saddest results (to the preference of specialized education to the detriment of general education), if nearby with the desire of human knowledge for specialization, there was no other direction that sought the apparently lost connecting threads in the mass of special knowledge. This second direction of human knowledge, which is opposite to the first, is the desire to connect the conclusions provided by individual branches of knowledge, to combine the results they have obtained under one general principle, to merge the essential foundations of all sciences into one harmonious whole, into one system on the basis of the dominance of general laws in all world phenomena that are subject to human knowledge, on the basis of the unity of the forces acting in the world phenomena. Encyclopaedias exist to represent the unity of various sciences based on the generality of the laws of known phenomena. An encyclopedia is a synthesis of human knowledge that reconciles all the opposites of individual sciences and satisfies the human spirit's desire for harmony and unity. This is science in its true sense, reduced to the simplest

higher principles, on the basis of which all phenomena of world life are established and developed. (Faculties are the embodiment of specialization, and the representative of encyclopedism is the university as a scientific system in reality) [283, p. 14]. A unified representation of all human knowledge on the basis of the general laws of the world organism creates a general encyclopedia, and a person capable of compiling such a representation is called an encyclopedist in the true and broad sense of the word. The representation of a systematic collection of knowledge belonging to one or any field of science constitutes a private, special encyclopedia. A special encyclopedia is called to life for the same reasons as the existence of a general encyclopedia, that is, the need of the human mind for unity, in a system among diversity. There are as many separate groups of human knowledge as there can be special encyclopedias. Thus, there is an encyclopedia of philosophical sciences, an encyclopedia of medicine, etc. The encyclopedia of law, which belongs to the group of legal knowledge, is included in the special, private encyclopedias. The encyclopedia of law, as a special science, has not yet been fully defined. In any case, according to M. Yu. Chizhov, the unity of all legal sciences based on the general laws of the development of the phenomena of legal life constitutes the encyclopedia of law. It differs from other subjects of legal education not by the fact that it borrows its content from all sciences taught at the Faculty of Law, and not by the way of only considering the material presented to it, but by the fact that it has a special content that is independent of all other special legal sciences, and that she sets her own tasks [283, p. 15].

In another work, the scientist explains the need for such a generalizing science as an encyclopedia of law in a unique way. In his opinion, clarifying the general foundations of law and establishing a legal system is necessary when studying special sciences as much as it is necessary to clarify details from the general whole. The scientist is sure that "the content and tasks of the encyclopedia of law cannot be included in any of the special sciences without violating their own content and invading their foreign sphere. Establishing a system of general principles of law is an activity that is outside the scope of the work of specialists. Why not call the results of this scientific activity the content of a special science?" [279, p. 3].

Based on the position of contemporary science that the science of law has the task of revealing the laws of development of legal phenomena, M. Yu. Chizhov defines the content of the encyclopedia of law as the unity of simple, root forces and laws that act in all manifestations of law as one of the phenomena of social life. Knowledge of the general in law goes beyond the limits of one or another special legal science and belongs to the encyclopedia of law. According to the scientist, the encyclopedia of law is responsible for solving, mainly, two independent tasks that give the encyclopedia an independent position among other legal sciences. These tasks are: 1) establishing a system of law and legal sciences; and 2) in clarifying the law in all its manifestations on the basis of indigenous social forces, laws [283, p. 15-16]. In another work, the scientist specified these same tasks in the following way: "1) in clarifying the general principles of law inherent in each of the branches of the science of law (general doctrine of law); and 2) in the establishment of the system of law and legal sciences (a systematic review of various branches of law in a joint connection with their content - taxonomy of law)" [279, p. 3].

In the interpretation of N. Chyzhov, the encyclopedia of law is a science, the specified content and tasks of which are not arbitrary, not determined by his personal discretion, but stem from the requirements of the science of law. In his opinion, establishing a system of jurisprudence and clarifying the foundations of the legal life of society is as necessary when studying the special sciences of law as it is generally necessary to clarify details from the general whole. The content and tasks of the encyclopedia of law cannot be included in any of the special sciences without violating their own content and invading their foreign sphere. Such content and such tasks should have formed a special branch of legal sciences, which is only an encyclopedia of law [283, p. 16].

Thus, M. Yu. Chizhov comes to the conclusion that the establishment of the legal system and the clarification of the general in law should form a special branch of legal sciences, which is the introduction to the study of law (encyclopedia of law).

In accordance with the two independent tasks of the encyclopedia of law, its exposition, according to M. Yu. Chizhov, is divided into two sections. In the first of

them, the nature of law is realized on the basis of indigenous social forces, and in the second, the system of law and legal sciences is presented [283, p. 17].

M. Chizhov gave his lectures on the encyclopedia of law under the title "Introduction to the study of law (encyclopedia of law)" (Odesa, 1908). The scientist begins this work with the following words: "I release my lectures to the world: 1) under the name of introduction to the study of law and 2) not in the form of a compact course, but in the form of notes that I formed while reading lectures and which I shared with his listeners" [274, p. 1].

The peculiarity (probably also the contradiction) of M. Yu. Chizhov's definition of the status of the encyclopedia of law (as a separate science) lies in the fact that he understands science specifically in this case. He writes: "I called my lectures an introduction to the study of law, because I look at the encyclopedia of law as a science in the sense that it is a special subject of legal education, intended mainly for beginners in legal education... In the "introduction" a beginner can learn general concepts about law and systematically examine different branches of jurisprudence in a common connection from the side of their content" [279, p. 1]. In other words, there is an identification of science and academic discipline. M. Yu. Chizhov's encyclopedia of law has the character of a textbook, which is also reflected in the title - "Introduction to the Study of Law". From this point of view, the encyclopedia of law of M. Yu. Chizhov does not differ from many of its counterparts.

According to the scientist, it is the above-mentioned tasks that determine the special position of the encyclopedia of law among other legal sciences. In this connection, the judgments of M. Yu. Chizhov about the relationship between the encyclopedia of law and the general theory of law are interesting. In his opinion, the task of the general theory of law "to discover the connection and continuity of legal phenomena, to reduce the mass of legal phenomena to a small number of principles, laws into one and finished" is also the task of the encyclopedia of law [279, p. 4]. As it is not difficult to notice, in this part the encyclopedia of law is identified with the general theory of law, which was actually customary among the encyclopedists of that time [251, p. 4]. Some of them proposed to rename it to the theory of law. In particular, based on the

uncertainty of the content of the encyclopedia of law and the limitlessness of the material that could be included in its composition, M. Kapustin suggested calling this science not an encyclopedia, but a theory of law [244, p. 14]. M. Korkunov also insisted on the need to give the generalizing science in jurisprudence the name of the general theory of law, while he proceeded from the fact that the philosophy of law and the encyclopedia of law are one and the same, and these are only preparatory stages for the creation of one generalizing discipline [251, p. 48]. Although the work of E. Trubetsky is called an encyclopedia of law, it actually constitutes a theory of law [275, 276, 277].

The encyclopedia of law in the interpretation of M. Yu. Chizhov, in his own words, is very close to the philosophy of law, because "both are legal systems, both study the common connection of legal sciences, and the other strives to support the unity of individual branches rights" [279, p. 4]. At the same time, M. Yu. Chizhov disagrees with the opinion of some scientists who claim that the encyclopedia of law borrows its content from the philosophy of law [283, p. 16-17]. By the way, for the first time, P. Karasevich expressed the need to merge and identify the philosophy of law and the encyclopedia of law [245, 246].

In conclusion, it should be noted that the encyclopedia of law played a very important role in the history of the formation of general theoretical jurisprudence. However, our position is that the encyclopedia of law cannot be recognized as a science in its modern sense. As V. M. Khropaniuk rightly observes, the encyclopedia of law as a science is methodologically untenable, since it has neither its own subject nor research method, that is, what is inherent in any science, and it has now been transformed into an educational discipline under the name "Introduction to legal specialty" [278, p. 15].