PhD Dissertation Abstract

„Philosophy of Law of Friedrich August von Hayek”

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The subject of the dissertation is a reconstruction and critical analysis of the philosophy of law of the Austrian economist and social philosopher Friedrich August Hayek. One of the main components of the theoretical system he created, was a reflection on the law. What is more, it should be noticed that his considerations were two-dimensional.

On the one hand, Hayek’s reflection referred to the idea of freedom under the rule of law. In essence, this is the main point of the normative dimension of his philosophy of law. On this level, the thinker indicated the essential features of law resulting from this moral-political ideal. Its foundation is the freedom of the individual as an absolute and supreme value within the theoretical system he elaborated. On the other hand, in Hayek's conception of law there is also a descriptive dimension to distinguish, where we can find among others the answer to the question about the genesis of law. The Nobel Prize winner sees it in cultural evolution, the original theory of which he formulated and presented in his works.

In my dissertation, I reconstruct and carry out the critical analysis of both indicated dimensions of Hayek’s considerations about the law. The very issue of the topic turns out to be the way the thinker integrated those two dimensions together, striving to build a holistic and complete theoretical system. Therefore, I am trying to obtain answers to the question whether this project can be considered as a successful one. What is more, I am considering what is the place of Hayek’s position among certain ideas of philosophy of law.

The issues considered in the dissertation also include such topics of Hayek’s legal philosophy as the ideas and recommendations he formulated regarding law and the political
system: directives that should be followed by the legislator, the sources of law (statutory law vs. common law and customary law).