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How Much Beauty in Law? How Much Law in Beauty? A Review of Kamil Zeidler's *Aesthetics of Law* (Gdańsk–Warszawa 2020, pp. 309)

1. Introductory remarks

Kamil Zeidler has got his readers accustomed to his sublime taste and peculiar erudition. This time, however, we are dealing not only with a fascinating subject, but also an issue that has been – consciously or unconsciously – left partially unexplored in Polish jurisprudence.

While foreign literature explored the subject of the aesthetics of law, in Polish literature the relationship between law and aesthetics, to a large degree, remained *terra incognita*. Kamil Zeidler's work fills this gap. The aim of the publication is “to organize what has already been written on the subject (...) suggest a specific programme of further studies in the aesthetics of law”.² Lawyers are not used to discussing beauty, but rather to fight for the client's interests in a courtroom. At first sight, *Aesthetics of Law* can seem metaphysical, foggy and useless. Why discuss beauty in a lawyer's work when it does not bring us any closer to a favourable case result? It might appear that we will be dealing with yet another philosophical and legal reflection devoid of any practical significance. Nothing could be further from the truth.

In fact, not only the author of work, but many scholars are in the situation of Monsieur Jourdain from Molière's play *The Bourgeois Gentleman*: they “speak prose”, but they are not aware of it. It turns out that the aesthetics of law is in fact all-embracing and deeply rooted in the legal DNA.

2. Substantive evaluation of the monograph

The work consists of an introduction and seven chapters, the last of which is a *sui generis* programme manifesto. Additionally, there is a bibliography, a list of illustrations, and an index of persons.

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² K. Zeidler, *Aesthetics of Law*, Gdańsk–Warszawa 2020, p. 12.

From the point of view of maturing research questions, it is worthwhile to pay attention to the long and winding path that the author had to follow. The author's reflection on this subject were presented for the first time during the Twentieth Congress of Departments of the Theory and Philosophy of Law held in Łódź, Poland, in 2012. This resulted in an article *The Aesthetics of Law – The External and Internal Frame*.³ This topic was also taken up by Jerzy Zajadło. While working on the book, Zeidler presented several papers at conferences and published several smaller pieces that contained broad references to the aesthetics of law. Another opportunity for Zeidler to present his thoughts was the Twenty-Third Congress of Departments of the Theory and Philosophy of Law in Lublin, Poland. The reviewed book was published in Polish in 2018. This clearly shows that the creative process can be time-consuming. Therefore, as a warning to young academics, it is worthwhile to recall the words of the distinguished German philosopher Arthur Schopenhauer: “the nobler and more perfect a thing is, the later and slower it is in arriving at maturity”.

In the first chapter, entitled *Aesthetics – an Outline of the Concept*, the author breaks the concept down into prime factors and gives a complex answer to what aesthetics exactly is. His considerations focus on the historical approach to aesthetics, but also indicate a turning point from which aesthetics has been permanently associated with law. Undoubtedly, the author is correct to observe that we owe the pragmatic aesthetics of Richard Schusterman to the indisputable fact that law became an object of interest of aesthetics.

Chapter two, *Aesthetics of Law – Fundamental Principles*, describes in detail the adopted research paradigm. Aesthetic and legal reflection has been described from three perspectives: external, internal, and “law as a tool of aestheticization”. The external perspective refers to cultural products of various kinds, above all, works of fine arts and literary works that refer to law and to its phenomena and symbols. The internal perspective, on the other hand, involves comparing activities in the field of aesthetics to the work of jurists (in all the five phenomena of law, that is, its creation, its validity, its observance, its application, and its interpretation). In this approach, law is treated as a medium of aesthetic values and, consequently, as a source of experiences and evaluations, in response to its manifestations. Law as a tool of aestheticization includes an attempt to construct a definition of the aesthetics of law and to elucidate its basic concepts and problems relating to aesthetic value and evaluation as a specific intellectual activity.⁴ This division is clear in terms of methodology.

The external frame of the aesthetics of law, discussed in chapter three, justifies the interdisciplinarity of the aesthetics of law. Paraphrasing the words of Antoni Kości, in this approach, legal aesthetics allows us to view law as a product of culture through the eyes of the aesthetician. This aesthetician is not only a lawyer, philosopher, humanist, but every human being. The author aptly refers to the external frame in the context of legal archaeology, law in fine arts, and the relationship between law and literature.

If I could recommend only one chapter of this book to a legal practitioner, it would be the chapter devoted to the internal frame of legal aesthetics. The author confidently enriches the aesthetics of law with a methodological approach analogous

³ K. Zeidler, *Estetyka prawa – ujęcie zewnętrzne i wewnętrzne* [Eng. *Aesthetics of Law – External and Internal Frame*], in: M. Król, A. Bartczak, M. Zalewska (eds.), *Integracja zewnętrzna i wewnętrzna nauk prawnych* [Eng. *External and Internal Integration of Legal Sciences*], “Jurisprudencja” 2014/3, pp. 61–67.

⁴ K. Zeidler, *Aesthetics*..., pp. 39–40.

to Marek Zirk Sadowski's study: "from aesthetics towards law" and "from law towards aesthetics", with references to the philosophy of law. Firstly, starting from the research assumptions of Władysław Tatarkiewicz (*A History of Six Concepts*⁵), defining the six fundamental categories of aesthetics, which are: art, beauty, form, creativity, reproducibility, and aesthetic experiences. Secondly, starting from the internal morality of law by Lon L. Fuller, going through the recommendations of legislative technique, proving that the legislator should be guided by aesthetic values: simplicity, harmony, proportion, and balance. Thus, in a broader context, it is legitimate to have a certain "normative poetics" in the law-making process. In my opinion, this reflection can be particularly inspiring in the process of creating the code of ethics for the profession of legislative drafters.

Chapter five, *Law as a Tool of Aestheticization*, is a propaedeutic and, at the same time, a pioneering attempt to find the concept of aesthetics in Polish normative acts. Kamil Zeidler indicates seven areas: the laws on the Polish language, cultural heritage, city planning, architecture, intellectual property, media and advertising, and art. The most space is devoted to the relationship between law, art and the potential conflict of values: freedom of artistic creativity, on the one hand, and the defence of religious feelings on the other. In this context, the concept of hard cases, which is a practical tool in the process of "weighing up values", is aptly recalled. It is regretful that the subject of environmental protection is only briefly mentioned. I guess that the author wanted the beauty of nature to be the subject of a separate study.

The most fascinating research findings are contained in chapter six – *Manifestations of the Aesthetics of Law*. The author defines the following forms of the presence of the aesthetics of law: 1) symbols of the law, legal symbols, symbols in law; 2) the aesthetics of the state, politics, and power; 3) legal archaeology; 4) pictorial law; 5) the aesthetics of legal rhetoric; 6) the trial as performance; 7) law in the fine arts; 8) law and literature; 9) law in film; 10) law and music. Considering the fact that nowadays the media, or rather social media, constitute the fourth power, It's worth adding a separate point devoted to Internet creativity. The growing number of memes about law is undoubtedly a manifestation of the aesthetics of law. Alternatively, this category could be included in the pictorial law. However, the above division is arbitrary because, as the author himself admits "I have dived deep into what Umberto Eco calls the 'cataloguing madness'".⁶ Creating open legal aesthetics catalogues leaves many productive spaces that can be freely added and supplemented. At the same time, they constitute a reference point for further research on the aesthetics of law. Thanks to the "cataloguing madness", being in the cinema, theatre, museum, reading a book or watching a film, I am able to verify whether a given form of artistic expression is on the list. Perhaps this is due to the fact that in the world of lawyers, one finds more ugliness than beauty.

Taking advantage of the privilege of a reviewer, I will only pay attention to two subsections: one called *The Aesthetics of The State, Politics and Power*, the other *The Trial as Performance*. Each and every power reached for symbols, thus influencing reality. The role of artists cannot be marginalized only to subservience towards politicians. It is artists to whom owe the fulfilment of the function of informing about the past. How much poorer would our civilization be without artists? The comparison of the trial to a performance is adequate in relation to the emerging symbols, props and

⁵ See: W. Tatarkiewicz, *Historia sześciu pojęć* [Eng. *A History of Six Concepts*], Warszawa 1986.

⁶ K. Zeidler, *Aesthetics...*, pp. 12, 102.

ceremonial. It is worth for a novice lawyer to become acquainted with the mechanisms of a courtroom and be able to use them. After all, familiarity with the myths of the law provides the basis for creating your own myth. Let this be another encouragement to read the monograph carefully.

Aesthetics of Law – A Programme is the final chapter of the work, and at the same time a neat reference to the article by Chaim Perelman, in which the Belgian philosopher proposes a direction for contemporary research on the relations between ethics and rhetoric. Kamil Zeidler courageously and fully autonomously follows the path mapped out almost a hundred years earlier by Gustav Radbruch, setting out a programme of legal aesthetics. First, the aesthetics of law is the next level of axiological investigations, aimed at specific aesthetic values. Secondly, thanks to the aesthetics of law we can shape the legal consciousness of society through means other than the text of a normative act. It has a practical advantage, because the proper shaping of attitudes towards law should also be preceded by familiarity with its artifacts. Such a line of argumentation could fit into a broader discourse on the model of education for lawyers, or rather the return to a thorough general humanistic formation. However, this is more of the reviewer's interpretation than the voice of the author himself. Last but not least, the aesthetics of law is a constant pursuit of what is harmonious, perfect and beautiful. There is only one small step from *lex bona* to *lex pulchra*, but a step worth taking.

3. Formal evaluation of the monography

The translator's work was exemplary. The book's artwork is impressive. The graphic design of the book is magnificent and provides the reader with a unique aesthetic and legal experience. You can see that the author has devoted a lot of time to collect considerable visual material: paintings, engravings, photos of graphics, sketches, bookplates. All this to present various forms in which law was visualized. The English edition of the book complements and confirms that we are dealing with an international scientific enterprise. Additionally, the English edition has been enriched with nine new illustrations. Hence, it should be concluded that Kamil Zeidler's passion for collecting objects that link law and art is successfully continued. In my opinion this book, which is illuminating one, deserves to be published in at least two further language versions: German and French. I wish that each subsequent edition would be full of new reflections and even greater visual richness.

4. Conclusions

The research paradigm proposed by Kamil Zeidler can be successfully used to search for the origins of aesthetic and legal thought among philosophers of the past centuries. It is likely that Socrates, Plato, Aristotle, Thomas Aquinas, Immanuel Kant, Roscoe Pound or Carl Schmitt and others did not know that they "spoke in prose". Undoubtedly, the research horizons of the aesthetics of law seem to be unlimited. On the one hand, the universalism of the current is an undisputed advantage, on the other hand, some people accuse the aesthetics of law of a certain vagueness and would like to put this branch in the sphere of interests of the humanities rather than the social sciences. This allegation is not accurate and seems to be an attempt to steer the discussion towards a sterile academic dispute. However, the author deals with this objection quite convincingly "the

most important although not the only level of research in the aesthetics of law involves, to my mind, addressing the issue of the shaping of society's legal consciousness through means other than the text of a normative act".⁷ It does not change the fact that the programme manifesto is so extensive that there will be enough room for legal positivists, iusnaturalists, supporters of legal hermeneutics or argumentative theory. For all of us (practitioners and theoreticians of law) want the best possible reception of lawyers representing various legal professions, courts, judges and law itself.

Kamil Zeidler's monograph is an intellectual feast for lawyers, philosophers, sociologists, humanists, and cultural scientists. The book is an in-depth study of legal philosophy. Although the book does not answer the questions contained in the title of this review, we will be aware that, whether we like it or not, we encounter the aesthetics of law. To a large extent, lawyers have a great responsibility to ensure that beauty, harmony, symmetry prevail, and not to let the ugliness triumph. If we want ensure that Polish science will acquire the better position it deserves introduce it to the international Aeropagus, reading Kamil Zeidler's book should be recommended at foreign universities.

⁷ K. Zeidler, *Aesthetics...*, p. 268.

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