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Aesthetic Values and Artistic Values in Law, Court Decisions and Legal Science

Summary

In my doctoral thesis, I conducted a detailed analysis of the following issues: the evolution of the term aesthetics, the formation of the aesthetics of law as an independent philosophical and legal direction, what aesthetic values and artistic values are and what is their relationship, and then I traced their occurrence in legislative acts, case law and the achievements of legal science.

This thesis is divided into five chapters. They are preceded by the Introduction and the Methodological Assumptions and the Concept of the Work. In the Introduction, I justify my interest in and engagement with this topic. Then I present the methodological assumptions and the concept of the dissertation that I have adopted.

In the first chapter, I discussed the genesis and essence of the aesthetics of law, starting with an outline of the concept of "aesthetics" itself, through its evolution with particular attention to the crisis of aesthetics that took place in the 20th century, ending with a look at contemporary theories and broad approaches to the aesthetics of law. This chapter is of a reporting nature - I want to organize and supplement the existing knowledge on this subject, at the same time showing that currently the aesthetics of law is an independent direction, occurring within the philosophy of law. Such an introduction to aesthetics and the aesthetics of law is crucial for further considerations in the subsequent chapters of the work.

In the second chapter, based on literature from the field of aesthetics, art history and philosophy, I discussed the concepts of "aesthetic value" and "artistic value", and I also presented their relationship in order to show that these are completely different terms. Additionally, this chapter included research on the applicable law and attempted to check whether the above-mentioned terms were of interest to legal science and, if so, how they are understood and in what context they are used and analyzed.

The third chapter consists of research on the justifications of court decisions. First, using the dogmatic method, I analyzed the applicable legal acts in terms of the occurrence of aesthetic and artistic values in their content. Then I presented how I would examine the case law, at the

same time explaining the SCA (Systematic Content Analysis) method and its application in research on the content of the justifications of Polish court decisions.

The fourth chapter opens with a presentation of the individual stages of the review of court decisions, including the selection of research material and the method of coding its content. Next, I discuss the most important considerations contained in the dissertation, i.e. the reporting of the occurrence of aesthetic and artistic values in the content of the justifications of court decisions, along with an attempt to organize the meanings used and the contexts of the occurrence of both terms.

The work ends with Conclusions, where I present a summary of my research and formulate certain *de lege ferenda* postulates in relation to the legal acts in force, as well as recommendations with regard to the application of the law.

I began my research with the method of critical analysis of the literature in order to, firstly, determine the current state of knowledge regarding aesthetics, aesthetics of law and research on the occurrence of aesthetic values and artistic values in law in a broad sense and, secondly, to identify gaps in this area. Considerations of aesthetic and artistic values in law are dogmatic in nature, hence the next method used in the dissertation is the dogmatic-legal method. The subject of dogmatic analysis here is, firstly, the content of the law in force, and secondly, its interpretations occurring both in case law and in legal doctrine. The third method used in the work is the content analysis method, which is also a key method for studying the content of court justifications. She decided to use the SCA (Systematic Content Analysis) technique for the analysis, i.e. systematic content analysis, consisting in the objective and repeatable study of texts in order to identify specific patterns for the perception of aesthetic values and artistic values and to systematize them.

However, my research had certain limitations. The first limitation was the analysis of the achievements of legal science primarily in relation to the law on the protection of monuments. I justify this by the fact that only in this matter the terms "aesthetic value" and "artistic value" appear directly in the act at the same time, which gives the best picture of the perception of both of these terms and their mutual relationship. The second limitation was the choice of research material - case law - here I limited myself to court justifications that were published in the Central Database of Administrative Court Rulings and on the Portal of Common Court Rulings. This means that judgments not published in any of the above databases were not taken into account.

Based on the conducted research, the following *de lege ferenda* conclusions were formulated: firstly, the postulate of the need to strive for the unification of the understanding of

aesthetic values and artistic values and, consequently, their correct and conscious use by the court and by representatives of legal science. Secondly, introducing a legal definition of both values where their meaning is particularly important.

By undertaking the study of the justifications of court decisions, I have broadened the scope of studies on the aesthetics of law to include this new field of research. At the same time, which is partly due to the work itself, and which I signal in many places in it, there are still many research areas and issues for further studies on the fifth pillar of the philosophy of law.