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HUMAN BODY AS LEGAL PHENOMENON

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The paper is dedicated to the reflection on the body as a legal phenomenon. Despite the fact that the body is ontologically closest to us, from a legal point of view, it remains one of the most enigmatic phenomena. Classical jurisprudence traditionally divides all legal entities into subjects of law (the state, individuals, legal entities, the people) and objects of legal relations (property, physical evidence, disputed items, etc.). However, the body cannot be identified within such coordinates. On the one hand, the body itself is not a subject of law. After all, purely incorporeal, abstract entities, such as legal entities or the state, are subjects of law, sometimes without any material embodiment. On the other hand, purely corporeal existence does not yet guarantee legal capacity, as, for example, the presence of a dead body does not necessarily indicate its absence. This situation is fully reflected in the national legislation of Ukraine. Its analysis shows that the human body is not defined as an independent object of legal regulation, and the corresponding legal regime is absent. The most symptomatic manifestation of the total disregard for the legal issues surrounding the body is the absence of a corresponding term even in special medical legislation that regulates organ transplantation, health protection, and medical care.

Thus, the phenomenon of the body has now fallen outside the focus of Ukrainian legal scholars. This leads to the absence of a conceptual understanding of the body as a legal phenomenon and uncertainty regarding its legal regulation as such. As a result, it can be stated that the phenomenon of the body should be understood from a philosophical and legal perspective. The result of such reflection is the identification of the following ontological features of the body as a legal phenomenon: syncretism, liminality, and intentionality. This, in turn, provides grounds to assert that normativity is inherently inherent to the body, where the body itself is a hypothesis and a disposition for surrounding individuals, and the inability to communicate with it becomes a sanction. In conclusion, the author argues that the inviolability of the body should be enshrined at the legislative level, making corresponding amendments to the Civil and Criminal Codes of Ukraine.

Keywords: law, body, syncretism, liminality, intentionality.

Introduction

As the German philosopher Martin Heidegger told, what is ontically closest to us lies far away from us ontologically [1]. It seems that this paradoxical frase of the German thinker is fully applicable to a human body as the legal phenomenon. After all, despite the fact that body is not only the closest to us, but in a certain sense, *we ourselves are*, it is one of the most mysterious legal phenomena from a legal point of view.

Do you own your body? The contemporary Australian legal researcher R. Hardcastle begins his book (which is dedicated to the legal regulation of the human body) with the such question but does not make an answer [2]. As he told, although the use of the human body as a medical resource is not a new

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development, advances in science and the development of genetic databases have made this question a contemporary controversy [2]. As we know, traditional jurisprudence divides all legal beings into subjects of law (the state, individuals and legal entities, the folk, etc.) and objects of legal regulation (property, material evidences, objects of dispute, etc.). However in this case it is difficult to identify the body within these criteria. On the one hand body itself is not a subject of law. But, as purely disembodied, abstract entities, such as legal entities or the state, are subjects of law, sometimes without any material «embodiment». On the other hand a purely corporeal existence does not guarantee legal personality as, for example, the presence of a dead body indicates its absence. The similar situation does exist towards person, who has fallen into a coma, is incapacitated due to a long-term mental disorder, or is paralysed or deaf. In all these cases, despite having a bodily existence and formal legal status, these persons do not de facto function as subjects of law, as their corporeal existence is completely dependent on the people around them. From the other side the body does not present itself as a pure object of law. After all, even a person cannot dispose of his/her own body as a whole, enter into any agreements with regard to it, and is able to make appropriate orders only in case of death (for example, to bequeath one's body for medical purposes). This should be distinguished from organ donation, surrogacy and other similar phenomena. In such cases a person disposes of only a part of his or her body during his or her lifetime, alienating it for someone else's benefit.

The situation is going to be more complicated because of the development of new technologies in medicine. As R. Hardcastle underlines, rapid scientific advancements are transforming the ability of scientific research to develop diagnostic and therapeutic products for complex diseases. Biological materials are a central part of this process, which in turn has transformed such materials into valuable commodities. The law has not, however, developed clear principles as to what legal rights exist for individuals from whom biological materials are taken (sources) and those who remove and retain biological materials (recipients). The development of clear legal principles is necessary so that individuals can have effective control over biological materials separated from their bodies and to enable the efficient use of such materials in medical research [2]. In the similar manner, in accordance with the English legal scientist S.D. Pattinson, biomedical and other technologies often highlight the limits of formal law. This is by no means a new phenomenon [3]. So, instead of regulating by rules, technologies are to be utilised to preclude or at least channel certain behaviour [3].

This state of affairs is fully reflected in the national law of many countries. For example, as R. Hardcastle mentioned, there is no current legislation in England that specifically determines the legal status or allocation of property rights in relation to biological materials [2]. In its turn the analysis of current Ukrainian law shows that the human body is not defined as an independent object of legal regulation at all, and there is any corresponding legal regime. Thus in the Criminal Code of Ukraine (CCU), encroachment on the body are replaced by encroachment on «life and health of a person» (Section II), «will, honour and dignity of a person» (Section III), «sexual freedom and sexual inviolability of a person» (Section IV).

In particular, it is symptomatic that the term «body» is not mentioned at all in the sections of the CCU on crimes against life and health of a person, as well as freedom, honour and dignity. Instead, in the section on crimes against sexual freedom and sexual inviolability, «body» appeared relatively recently, when «vaginal, anal or oral penetration of a person's body» was added as a qualifying feature of rape (Article 152 of the CCU) or sexual acts against a person under 16 (Article 155 of the CCU) [*The Law of Ukraine «On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in order to implement the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence» of 06.12.2017 No. 2227-VIII*]. In addition «body» is mentioned only in Article 297 of the CCU (desecration of a grave, other burial place or the body of the dead person), and is identified with «the remains or ashes of the dead person».

Similarly, civil law ignores the body as an independent legal phenomenon. After all, in the Civil Code of Ukraine (CCoU), the body as a whole is neither a subject nor an object of civil rights and duties. It is also noteworthy that, unlike the inviolability of business reputation (Article 299) or housing (Article 311), the provisions of the Civil Code of Ukraine do not guarantee the inviolability of the body at all. The CCoU makes an exception only for a dead body, and then only in the form of a duty of respect for it (Article 298 of the CCoU). Meanwhile, it remains without an answer who should make the relevant

claims in case of violation of this provision, so as who has the right to the corpse of the dead person is also currently not regulated by law (which may lead to disputes, for example, when choosing the place of burial, the method of burial, the type of religious rite, etc.). However the most symptomatic manifestation of the total disregard for the legal issues of the body is the absence of a corresponding term even in special medical legislation regulating organ transplantation, healthcare and medical care [*See for example: The Law of Ukraine «On the Application of Transplantation of Human Anatomical Materials» of 17.05.2018, No. 2427-VIII; the Law of Ukraine «Fundamentals of the Legislation of Ukraine on Health Care» of 19.11.1993, No. 2801-XII; the Law of Ukraine «On Emergency Medical Care» of 05.07.2012, No. 5081-VI*]. In contrast English common law recognises duties to bury corpses and concomitant rights of possession over corpses. *Sharp v Lush* was the first English case to consider an executor's rights over an unburied corpse. It held that burial expenses fell within the meaning of 'executorship expenses', because '[i]t is part of his [the executor's] official duty to bury the deceased, so that he is liable to pay the funeral expenses without an order [2].

All the aforementioned facts lead us to the conclusion that the phenomenon of the body currently remains outside the attention of lawyers. The similar state of affairs summons to both the lack of conceptual understanding of the body as a legal phenomenon and the uncertainty of legal regulation of the human body as such. As a result, it is worth to mark that the phenomenon of the body needs to be comprehended by determining its legal status primarily from the legal-philosophical point of view. The named aim determines the logic of the following material. First of all, we have to find an adequate conceptual approach to the body as such (I). After that, we will turn to the key features that characterise the body as a phenomenon relevant in the legal sense (II). At the end we will identify the role of natural and positive law in regulating corporality and draw some conclusions on the topic (III).

Materials and Methods

In the following work I will try to explicate the constitutive features of a body as legal phenomenon on the phenomenological grounds. I would like to stress, that in the similar case the traditional, Husserls' phenomenology is not enough to consider a body as the whole phenomenon. This is why I have to turn myself to the works of the so-called "second wave" of phenomenological thought, first of all, Martin Heidegger. As it seems to me, the similar approach allows to understand a body not as "pure material" or "pure abstract" object, but as the "phenomenon", i.e. as the certain "*sense*".

In my opinion it's much more appropriate attempt than traditional legal reasoning of the body. The phenomenological method opens for us a new ontological region – nor "material" neither "ideal": the dimension of *embodied sense.* In other words, in the legal field human body presents itself as horizon of senses, which embraces all kinds of human behavior. To conclude, from the similar methodological point of view law itself is certain event, which doesn't find its original embodiement in the state norms and rules, but in a human body as such.

Main Provisions

I. Body as Event

According to the metaphysical tradition, which starting with Plato divided everything into the world of things and the world of ideas, the body was traditionally considered as material object. This attitude to the body culminated in the Christian religion, which contrasted the "sinful" carnal body with the "eternal" immaterial soul, where the former had to be cancelled for the salvation of the latter. The named attitude to the body in classical jurisprudence reflected as a similar Christian-metaphysical approach, when the "subject" of law was recognised as a rational and free being [4], while the body at the best case had the role of a "material embodiement" of subjectivity, and at worst – an "object" of legal repression by the state [5]. At the same time the body is not an object simply because it is alive. After all the difference between a dead body as an "object of crime", "material evidence" or "donor material" and a living body as an "embodiment" of subjective rights and duties sharply demonstrates the impossibility of unambiguous identification of the body within the subject-object relationship.

It can be assumed an adequate conceptual tool for understanding the body is *event*. As it has been repeatedly noted in the philosophical literature, at the end of the twentieth century, the "traditional"

substantial ontology was replaced by a non-classical ontology of event or eventfulness [6;7;8]. In this case the event is interpreted as broadly as possible, covering not only various actions, cases or situations, but also objects as such [9]. This interpretation of the event is also supported by modern jurisprudence. For example, as contemporary Italian jurist M. Mazzocca stressed, "objects are nothing but long-lasting events" [10]. After all like an event, any thing, and even more so the human body, appears, exists for a certain period of time, and then disappears. According to modern medical data, on average, the biological cells that make up the human body are renewed every 5 years, while skin or hair is renewed much faster. Thus the body is a fluid phenomenon by its biological nature, which nevertheless keeps its identity.

Thus, contrary to popular belief, the body is not just a material object, but a certain event, which from the legal point of view is characterised by some specific features, which we will consider below. This event can be defined as the *life* of the body, i.e. the course of bodily existence. Hence it can be assumed that *health* in this case is a set of necessary and sufficient conditions for such existence (its capabilities, intensity, etc.). In this case the phenomenon of pain is characterized as organically unlawful – as unlawful in its essence due to the closure of the horizon (sphere of possibilities) of bodily existence. At the same time it is quite clear that the very existence of a healthy and intact body and the absence of pain is not a guarantee of the *embodiement of law*. For example, deprivation of liberty is a significant restriction of a person's bodily existence even in the absence of bodily harm. Therefore for a much clear definition of the legal regime of the body it is necessary to identify its legal specificity.

II. The constitutive features of a body as a legal phenomenon

As we can see, the body as such is the subject of interest in a number of different disciplines – medicine, biology, genetic engineering and many others. Therefore it is necessary to focus on those features that characterise it from the legal point of view. Such features are a kind of "answers" to the legal questions that are "asked" to the body: whether it has been harmed, whether this harm is unlawful, whether someone is guilty of such harm, etc. Therefore we can assume that the legal event of bodily existence is characterised by three key features.

The first of these is syncreticity (integrity). After all, any offence against the body consists of harming the body as a whole (e.g. murder) or the integrity of the body (e.g. bodily harm). In other words from a legal perspective bodily existence is possible only on the basis of understanding the body as a whole. For example, English law recognises that each individual has an innate right to bodily integrity, encompassing the right to exclusive possession and use of one's own body as against everyone else. The right to bodily integrity is grounded in notions of autonomy and human dignity and, secondly, the right to bodily integrity is protected by the law of tort and the criminal law. The right to bodily integrity derives from the concept of autonomy, which is the capacity that individuals have to act independently. The concept of autonomy is also linked to the concept of human dignity [2]. In broader terms the European Convention of Human Rights (ECtHR) has held that the right to respect for private and family life protects both physical and moral integrity. Moral integrity is related to human dignity; the ECtHR recently noted that the protection of moral integrity is intended to ensure the development 'of the personality of each individual in his relations with other human beings'. The ECtHR, therefore, considers dignity to be an important aspect of Article 8.

However the integrity as the constitutive feature of the body does not mean that the body is just a pure sum of its parts. Any part of the body that is severed from it ceases to be a body and becomes an object: an ordinary thing or substance. From the other side biological materials which remain part of the human body are not things because they lack the requirement of separability. It also creates the potential for biological materials detached from a human body to be classified as things [2]. Then, of course, it can be integrated back into this or another body (sewn, implanted, infused) or given an independent status (implanted and subsequently born embryo). As a result, a separate thing (substance) disappears as an object and is integrated into (transformed into) *the body as a whole*. So in any case the body cannot be considered as a set of its individual parts; it – as the body itself – is always whole and indivisible. The key factor here is the presence/absence of the possibility of independent existence. After all, as soon as the body is dismembered, it ceases to be a body, its being as a body disappears.

Another legal feature of the body is its liminality. After all, an offence always violates the boundary that the body sets for other people by the very fact of its existence. As already noted in other publications, this term (liminality) is intended to draw attention to the fact that a person's bodily existence in social space necessarily becomes the primary limit for the actions of other persons [11]. People can lawfully do something only as long as it does not directly or indirectly harm the bodies of others. In this case bodily existence is the embodiment of a legal norm, when it is itself a *hypothesis* (the presence of Others), its physical characteristics and attributes (clothing, accessories, tools), which set specific modes of behaviour for others, are a *disposition*, and the impossibility (or distortion) of communication with other people in case of violation of the disposition is a *sanction*. Thus, under certain conditions, a person's bodily existence (life) becomes *a legal event*, indicating the limits of human actions in their relationship with each other, or even becomes *an event of law*, embodying the legal consequences of the act (acceptance of an offer, necessary defence, conclusive contract, etc.). Towards the difference between a law event and event of law see in: [12].

Finally, the third of the legal features of the body is *intentionality*. After all, a person's bodily existence is not only passive and affective, but also active, potentially being able to cause harm to other persons. Also the very fact of a person's bodily existence has a certain impact on others, forcing them to direct their behaviour accordingly. Therefore intentionality can be called the property of bodily existence to be constantly directed at other people, changing their actual or possible actions accordingly by the very fact of their own presence. Even an infant, a paralysed or severely injured person – albeit, of course, in a minimal way – has the ability to be "directed" to the existence of others, correcting it in a certain direction (for example, by the very fact of their existence "demanding" to take care of them). Depending on the degree and intensity of such influence, it can be characterised as dispositive (giving other people the opportunity to behave in a certain way – for example, offering goods in a public place), imperative or obligatory (a requirement to perform an act, for example, to present documents at a checkpoint to an armed person, or, conversely, to refrain from doing so – not to enter into the restrictred area). In sum the result of the intentionality of bodily existence is the entire possible range of legally relevant human actions, ranging from causing harm to lawful – proper, obligatory or permissible – behaviour of others.

Thus from the legal point of view the body as an event of corporeal existence is characterised not only by the ontic characteristics of the body as a being (life and health), but also by such ontological features as syncreticity, liminality and intentionality. The named characteristics of the body's existence transform the latter from a material object or an embodiment of an ideal subject into a legal event, when the boundaries of our common existence are initially set not by deontological prescriptions of natural or positive law, but by the very fact of common bodily co-presence.

III. Conclusion. From event to the case of the body.

At the same time if the body as an event goes beyond the subject-object coordinates and actually takes the place of the traditional norm of law it is necessary to point out the correlation between bodily (ontological) and ideal (deontological) normativity. After all, a common place of both legal positivism and natural law understanding is the interpretation of the body as an object of legal regulation or material embodiment of the ideal bearer of subjective rights and duties (subject), which is ultimately synthesised in the understanding of the body as an object of criminal encroachment or repression by the State.

First of all, it should be noted that both natural law and positive law understandings of the body have common – metaphysical – roots. As already has aforementioned, metaphysics is based on the existential opposition of the sensory world of things (matter) to the speculative world of ideas [13]. From the legal perspective this ontological opposition of the ideal and the material is transformed into a deontological legal distinction – the Being (the actual existence of social relations) and the Ought (the ideal existence of natural or positive legal norms) [12]. At the same time the body obviously goes beyond this dichotomy. After all bodily normativity as the ability of the body to set limits to human behaviour (liminality) either by the very fact of its presence or by performing conjunctive actions to exercise rights and bear responsibilities (intentionality) is more primary than the deontological requirements of natural or positive law. This is evidenced by the fact that ordinary people, not knowing the prescriptions of legal norms or the ideal requirements of natural law, nevertheless act in a coordinated manner within social relations.

At the same time it can be assumed that bodily normativity should be enshrined in normative acts – first of all, in the norms of the Civil and Criminal Codes of Ukraine. After all this will help to protect a person more effectively at the most vulnerable level – the level of bodily existence. Thus it would be advisable to supplement the norms of the Civil Code of Ukraine with an article that would enshrine the integrity and inviolability of the body as such (syncreticity and liminality). A possible wording of such a provision is, for example, the following. "The human body is integral and inviolable. Any physical contact with the body of another person or violation of its integrity is possible only on the basis of the explicit and unambiguous consent of such person, except in cases established by law. Violation of the bodily integrity or inviolability of an individual entails legal liability." We can trace the certain parallel of the similar division in the English tort law. As R. Hardcastle mentioned, tort law is the main mechanism by which English law protects an individual's right to bodily integrity. Interference (or threatened interference) with another person's bodily integrity without that person's consent may amount to trespass to the person or negligence. Trespass is not a cause of action but a form of action, and includes assault and battery. The tort of battery is the most relevant for the purposes of this book, and is defined as a wrong 'which is committed by intentionally bringing about a harmful or offensive contact with another person's body'. In contrast, assault is an action that requires an immediate intention to commit a battery and the action is parasitic on the tort of battery. Battery is a tort that is actionable *per se*. Accordingly it is not necessary to establish that physical injury has in fact resulted [2].

The aforementioned liability should be enshrined in the relevant article of the Criminal Code of Ukraine, which would establish a sanction for violation of bodily integrity and inviolability of a person. The hypothesis and disposition of such an article could be formulated as follows: "Violation of bodily integrity and/or inviolability of a person, namely penetration into the body, taking biological elements of the body or intentional physical contact with a person committed without his/her consent, in the absence of signs of other acts provided for by this Code, shall be punishable by....". In procedural terms such an offence should be classified as a private prosecution.

The similar considerations let us to conclude that in the context of law, the body appears as a special phenomenon that cannot be fully identified with either the object or the subject of law. The existence of the body as a legal phenomenon is the embodiment of law, which indicates to people the limits of their behaviour, directing them in the proper, necessary or permitted direction by the very fact of its existence. It is clear that bodily existence itself is in turn influenced by other people who are bodily present in the vicinity. In such circumstances, the original "natural" right is the right of the body to set the measure to the behaviour of other people, while preventing them from causing bodily harm. As a result, the existence of legal reality is transformed from a continuous normative field embodied in the prescriptions of positive or natural law into a discrete field of singular legal events, when the "atoms" of such events, i.e. human bodies, are intertwined in increasingly complex and intricate cases – everyday sale and purchase or necessary defence, but also in an international criminal syndicate or transnational corporation.

А.В. Стовба, заң ғылымдарының докторы, «Құрметті профессор Н.С. Бокарий атындағы сот сараптамасы институты» ұлттық ғылыми орталығының жетекші ғылыми қызметкері (Украина, Харьков): Адам денесі құқықтық феномен ретінде.

Мақалада дененің құқықтық феномен ретіндегі мәні қарастырылады. Дененің онтологиялық тұрғыда бізге ең жақын болуына қарамастан, құқықтық көзқарас тұрғысынан ол ең жұмбақ феномендердің бірі болып қала береді. Классикалық құқықтану дәстүрлі түрде барлық құқықтық болмысты құқық субъектілеріне (мемлекет, жеке және заңды тұлғалар, халық) және құқықтық қатынастар объектілеріне (мүлік, заттай айғақтар, даулы заттар және т.б.) бөледі. Алайда, дене осындай координаттар шеңберінде анықталмайды. Бір жағынан, дене өздігінен құқық субъектісі болып табылмайды. Мысалы, материалдық бейнесі жоқ, таза абстрактілі құрылымдар (заңды тұлғалар немесе мемлекет) құқық субъектілері бола алады. Екінші жағынан, таза денелік болмыс құқық субъектілігін қамтамасыз ете алмайды, өйткені өлі дененің болуы оның болмауын білдірмейді. Бұл жағдай Украина ұлттық заңнамасында да толық көрініс тапқан. Оның талдауы көрсеткендей, адам денесі құқықтық реттеудің дербес объектісі ретінде анықталмаған, тиісті құқықтық режим жоқ. Дененің құқықтық мәселелерінің елеусіз қалуының ең айқын көрінісі — тиісті терминнің арнайы

медициналық заңнамада да болмауы, ол органдарды трансплантациялауды, денсаулық сақтауды және медициналық көмекті реттейді.

Осылайша, дене феномені қазіргі уақытта украиналық заңгерлердің назарынан тыс қалды. Бұл дененің құқықтық құбылыс ретіндегі тұжырымдамалық түсінігінің болмауына және дененің құқықтық реттелуінің белгісіздігіне әкеледі. Осыған байланысты дене феноменін философиялық-құқықтық тұрғыдан қарастыру қажет деген қорытынды жасауға болады. Мұндай ойлаудың нәтижесі дененің құқықтық феномен ретінде келесі онтологиялық ерекшеліктерін айқындау болып табылады: синкреттілік, лиминалдылық және интенционалдылық. Бұл өз кезегінде, дененің нормативтілігіне негіз береді, яғни дене айналасындағы адамдар үшін гипотеза және диспозиция болып табылады, ал онымен қарым-қатынас жасай алмау – санкция болып табылады. Қорытындысында автор дененің қол сұғылмаушылығын заңнамалық деңгейде бекітіп, Украина Азаматтық және Қылмыстық кодекстеріне тиісті толықтырулар енгізу қажет деген тұжырымға келеді.

Кілтті сөздер: құқық, дене, синкреттілік, лиминалдылық, интенционалдылық.

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Статья посвящена осмыслению тела как правового феномена. Несмотря на то, что тело является наиболее близким нам онтологически, с правовой точки зрения оно остается одним из наиболее загадочных феноменов. Классическая юриспруденция традиционно разделяет все правовое сущее на субъектов права (государство, физических и юридических лиц, народ) и объекты правоотношений (имущество, вещественные доказательства, предметы спора и т.п.). Однако тело не может быть идентифицировано внутри подобных координат. С одной стороны, тело само по себе не является субъектом права. Ведь чисто бестелесные, абстрактные образования, такие как юридические лица или государство являются субъектами права, иногда не имея никакого материального воплощения. С другой стороны, чисто телесное бытие еще не гарантирует правосубъектность, так как, например, наличие мертвого тела само по себе не говорит об ее отсутствии. Указанное положение дел в полной мере отражается и в национальном законодательстве Украины. Его анализ свидетельствует о том, что тело человека не определено в качестве самостоятельного объекта правового регулирования, а соответствующий правовой режим отсутствует. Наиболее симптоматичным проявлением тотального игнорирования правовой проблематики тела является отсутствие соответствующего термина даже в специальном медицинском законодательстве, которое регулирует трансплантацию органов, охрану здоровья и медицинскую помощь.

Таким образом, феномен тела сейчас оказался вне сферы внимания украинских правоведов. Это приводит к отсутствию концептуального понимания тела как правового явления и неопределенности в отношении правового регулирования тела как такового. Вследствие этого можно констатировать, что феномен тела следует осмыслить с философско-правовых позиций. Результатом подобного осмысления является выделение следующих онтологических черт тела как правового феномена: синкретичности, лиминальности и интенциональности. Это, в свою очередь, дает основания утверждать, что телу имманетно присуща нормативность, когда само тело является гипотезой и диспозицией для окружающих лиц, а невозможность комунникации с ним – санкцией. В итоге автор приходит к выводу, что неприкосновенность тела следует закрепить на законодательном уровне, сделав соответствующие дополнения в Гражданский и Уголовный Кодексы Украины.

Ключевые слова: право, тело, синкретичность, лиминальность, интенциональность.

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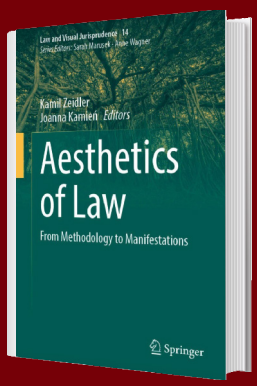

НОВЫЕ КНИГИ

Aesthetics of Law From Methodology to Manifestations. Editors Kamil Zeidler, Joanna Kamień. Springer, 2024. – 432 pp.

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The aesthetics of law deals with the relationship between law and beauty by searching for aesthetic values in the law itself (an internal perspective), by finding material related to law in art and culture (an external perspective), and, lastly, by demonstrating the impact of legal norms on what can be broadly understood as beauty (law as a tool of aestheticization). Regarding all these phenomena, the aesthetics of law ultimately allows us to see the law more clearly and more profoundly. What is more, the law does not function, nor has it ever functioned, separately from its means of expression, which are incontrovertibly subject to aesthetic interpretation. The book's twenty-three chapters, written by scholars from various countries and three continents, are thematically diverse. In them we present the manifestations of the aesthetics of law from an external perspective. If we accept a definition of the concept of law that is as broad as possible, not only as a synonym of a certain formalized normative system, but also including the process of its creation (legislation), its application and interpretation (jurisprudence), and even teaching on and research into it (doctrine), we can identify a wealth of aesthetic reference in the law.