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Aesthetics of Law: Law as a Tools of Aestheticization of City's Landscape[*]

Abstract

The aesthetics of law appears as one of the parts of the philosophy of law that focuses on the relationship between law and aesthetical values, in their broadest sense. The aesthetics of law can be closed in its three dimensions: external, internal and the approach defined as „law as a tool of aestheticization". The third dimension treats law as tool of aestheticization of everyday life, which indicates the aesthetic function of law, implemented mainly by legal regulation and the legal norms they contain, which are the determinants of what is aesthetic. One of the fields of this dimension are legal norms that set and promote certain aesthetic standards and legal norms that serve to protect aesthetic values. In Poland it is highly visible in regulation of aesthetic of city's landscape. The article aims to present how law can be a tool of aestheticization of urban space mainly by legal measures and activities, undertaken in Poland, in the spirit of aesthetics of law.

Keywords: Aesthetics of law, city aesthetics, philosophy of law, landscape regulations, law and the city

Résumé

L'esthétique du droit apparaît comme l'un des aspects de la philosophie du droit qui se concentre sur la relation entre le droit et les valeurs esthétiques, dans leur sens le plus large. L'esthétique du droit peut être comprise en trois dimensions : externe, interne et « le droit comme outil d'esthétisation ».

La troisième dimension traite du droit comme outil d'esthétisation de la vie quotidienne, ce qui réfère à la fonction esthétique du droit. Cette dernière est mise en œuvre principalement par la réglementation et les normes juridiques qu'elle contient. Cette réglementation et ces normes déterminent alors ce qui est esthétique. Il est possible d'examiner cette dimension via les normes juridiques qui fixent et promeuvent certaines normes esthétiques et les normes juridiques qui servent à protéger les valeurs esthétiques. En Pologne, cette dimension est très visible dans la réglementation de l'esthétique du paysage urbain. Le présent article explique comment

[*] **Aleksandra Guss**; PhD candidate, University of Gdańsk. Contact: aleksandra.guss@phdstud.ug.edu.pl.

le droit peut être un outil d'esthétisation de l'espace urbain, et ce, en examinant des mesures et des activités juridiques entreprises en Pologne.

Mots-clés : Esthétique du droit, esthétique de la ville, philosophie du droit, régulation du paysage, droit et ville

INTRODUCTION

Aesthetics of law appears as one of the five branches of the philosophy of law, alongside ontology, epistemology, logic and ethics. The possibility of creating links between the broadly understood law and aesthetics is due to representatives of pragmatic aesthetics, including Richard Schusterman and Wolfgang Welsch, who in the 20th century proposed the main thesis on the de-aestheticization of art and the aestheticization of everyday life.[1] The theses of pragmatic aesthetics arose from the assumption that the multiplicity and variability of aesthetic tastes and preferences and the accompanying variety of forms and varieties of beauty, developed over the centuries, have led to a situation where a modern human, aesthetically unsatisfied by fine arts, looks for the sources of aesthetic impressions elsewhere –that is, in products and phenomena of everyday life.[2] Thanks to this, it is indisputable that the law can be attracted by the interest of aesthetics, and the phenomena that accompany it, including aesthetic experiences and aesthetic evaluation.

Traces of aesthetics in law can be found in its various corners, hence it is important to adopt the broadest possible perception of it. Only this approach will allow us to go beyond the rigid framework of law as a certain system and distinguish three basic dimensions of the aesthetics of law:

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[1] *See* Wolfgang Welsch, *Äesthetisches Denken* (Reclam: Stuttgart 1990); Wolfgang Welsch, *Grenzgänge der Äesthetik* (Reclam: Stuttgard 1996); Richard Schusterman, *Pragmatist Aesthetics: Living Beauty, Rethinking Art* (2nd Edition, Rowman & Littlefield Publishers 2000); Bogdan Dziemidok, *Główne kontrowersje estetyki współczesnej* (Wydawnictwo Naukowe PWN 2006).

[2] Richard Schusterman, *Pragmatist Aesthetics...*, 160.

external, internal and the so-called: law as a tool for aestheticizing everyday life.[3] The latter will be particularly important from the standpoint of the article, because it covers norms that are the carrier of aesthetic norms and thus affect the aesthetics of everyday life. We can distinguish three basic fields in which the law can affect the aestheticization of everyday life: 1) legal norms that set and promote certain aesthetic standards, 2) legal norms that serve to protect and preserve aesthetic values and 3) fields where law, as an instrument of politics, can be used to fight against certain aesthetic values that are inconsistent with the ideology promoted by the ruling class – the "art in the service of state power"[4].

The first two categories of standards will apply to the aestheticization of city's landscape. The aim of this article is to present the law as a tool for the aestheticization of city's landscape, based on examples of the legal regulations of Poland.

PART 1. AESTHETICS OF LAW

At the beginning of the 1930s, the combination of law and aesthetics aroused a lot of emotions and controversy. One of the first people to take up the subject of the aesthetics of law was the German philosopher Gustav Radbruch, who, inspired by his personal artistic interests, pointed out that as products of culture, "law can use art, and art can use law".[5] Although he postulated the need to separate aesthetic research on law, he himself had doubts as to whether the two fields should be combined. He pointed out that "looking for poetry in law does not seem very fortunate, if only because law is one of the most ossified cultural institutions, while art exhibits incredible plasticity and changeability. Hence, law and art remain in a state of hostility, quite naturally for them".[6] His

[3] Kamil Zeidler, *Aesthetics of Law* (Wolters Kluwer 2020), 40.

[4] Ibid. 74.

[5] Gustav Radbruch, *Rechtsphilosophie* (2nd Edition, Heidelberg 2003), 103-104.

[6] Ibid.

views were certainly non-standard and preceded the revolutionary theses of pragmatic aesthetics that appeared 50 years later, hence they probably just constituted the germ of aesthetic considerations on the law, shrouded in doubt.

As I mentioned above, the existence of the aesthetics of law is due to the achievements of pragmatic aesthetics, the main theses of which were the de-aestheticization of art and the aestheticization of everyday life. The deaestheticization of art questioned the concept of the aesthetic nature of art in all its basic links, such as the creative process, a work of art or its reception. According to this thesis, the creative process can be reduced to the act of choosing a ready object, for which no artistic skills are needed. An example of such a work is the Duchamp fountain, the most famous example of *ready-made art*. Therefore, it is believed that the work of art itself does not have to have aesthetic values, be aesthetically neutral, and display other values, such as cognitive, communicative or worldview[7]. In turn, the aestheticization of everyday life is related to what Richard Shusterman wrote that a modern human, aesthetically unsatisfied by fine arts, looks for the sources of aesthetic impressions elsewhere - this is in products and phenomena of everyday life. Hence, an entity, living in a consumer society and not aesthetically satisfied with contemporary art, begins to look for satisfaction of aesthetic needs in other areas of everyday life. Therefore, advertising, fashion, industrial design, sports shows, concerts, beauty contests, music videos, etc. have started to play a huge role.

For this reason, there were voices that law, omnipresent in our everyday life, can be a source of aesthetic values and corresponding experiences, and therefore it is important to conduct aesthetic research on law and include it within the scope of the philosophy of law as its missing fifth element (functioning alongside ontology, epistemology, logic and ethics).[8] This concept was developed by the

[7] Bogdan Dziemidok, *Główne kontrowersje estetyki*..., 304.

[8] Jerzy Zajadło, 'Estetyka – zapomniany piąty człon filozofii prawa' (2016), 4 Ruch Prawniczy, Ekonomiczny i Socjologiczny 17 <https://doi.org/10.14746/rpeis.2016.78.4.2>.

Polish school of aesthetics of law, by Jerzy Zajadło and Kamil Zeidler. J. Zajadło reduces the issue of the aesthetics of law to three headings: law and aesthetics (the interference of law in aesthetics), law as aesthetics (law as a carrier of aesthetic values) and law in aesthetics (law as an object of aesthetics)[9]. K. Zeidler developed that thought and broke down the scope of aesthetics of law into three dimensions: external, internal and one defined as "law as a tool of aestheticization".[10] This division was made not from a subjective point of view, but in relation to the object that is constituted by the law.[11]

In its external dimension, the aesthetics of law covers manifestations of law, legal inspirations, motifs and symbols, which has been presented for centuries in the fine arts. In the history of literature, painting, sculpture and film, we can find countless examples of works inspired by widely understood legal issues. The law here is "the material for art" and it is interesting because the interpretation of these motives may differ depending on whether it is made by a lawyer or by a person who has no connection with the law. In turn, aesthetic evaluation will not be the law itself, but the artist's work. Undoubtedly, however, the legal elements constituting the content of the work may be a component of an aesthetic experience and be the subject of sensory perception. The most popular legal themes that inspired artists include: The Last Judgment, the figure of Themis, crime and punishment, divine and human judgments and the figure of lawyers and their work.

In its internal dimension, the object of the aesthetics of law is the law itself and legal activity can be perceived and studied as creative activity. Due to the fact that pragmatic aesthetics created the foundations for going beyond the traditional area of perceiving aesthetics and its accompanying phenomena, the law is treated here as a carrier of aesthetic values and, consequently, as a source of experiences and assessments corresponding to them. This does not mean that law cannot be an art,

[9] J. Zajadło, 'Estetyka..., 21.

[10] Kamil Zeidler, *Aesthetics of Law*..., 40.

[11] Ibid.

both literally and metaphorically. It may happen when the legislator, by using a beautiful language or a harmonious structure, creates an act that has features bordering on artistry - this is the case of the Napoleonic Code, which is considered as a work of art in France, while being a legal act at the same time. Metaphorically, we can speak of "legislative art" when the legislator meets all the conditions of correct legislation, concerning the construction of an act, its structure, logical consistency and lack of contradiction. Moreover, the question of interpreting the law itself can be compared to the process of interpreting a literary work, hence the conclusion that law can also be studied with the use of tools developed by literary studies. In this context, a large number of works were created within the Law and Literature trend[12].

The last dimension of aesthetics of law, "law as a tool of aestheticization" is crucial for the subject of this article, because this approach will include the broadly understood aestheticization of city's landscape.

PART 2. LAW AS A TOOL OF AESTHETICIZATION OF CITY'S LANDSCAPE

"Law as a tool of aestheticization" indicates the law in its functional aspect, when it is used as a tool for aestheticization of everyday life. This means that the law, through its norms, can affect the aesthetics of the space around us on three basic levels:

1) Firstly, legal norms can set and promote certain aesthetic standards.

[12] See: Benjamin Cordozo, 'Law and Literautre' (1939), 48(3) Yale Law Journal, 489-507; James Boyd White, *The Legal Imagination* (University of Chicago Press 1985); Richard Posner, *Law and Literature,* 3rd Edition, (Harvard University Press 2009); Kieran Dolin, *A Critical Introduction to Law and Literature* (Cambridge University Press 2007); Ian Ward, *Law and Literature. Possibilities and perspectives* (Cambridge University Press 1995); Kamil Zeidler, Aleksandra Guss, 'Aesthetics of Law and Undiscovered Approaches to Law and Literature' (2021), 1 Isdait Law Review, 91-102.

2) Secondly, legal norms can serve to protect and preserve the aesthetic values that already exist.
3) Thirdly, as an instrument of politics, it can be used to combat certain aesthetic values, those that are inconsistent with the ideology promoted by the ruling class. It was especially visible in totalitarian and authoritarian countries, where art was treated as one of the tools of exercising power and was used for propaganda.

Nowadays the first two categories of norms can be applied to the aestheticization of city's landscape. They can be aimed at general "city beautification" and ensure the aesthetics of the urban space. Concluding, the word "aesthetic" and its categories, in the article are going to be understood in its most basic sense, this is "beautiful", "pretty", "harmonious" or "tidy".

Legal norms, which can set and promote certain aesthetic standards will be a subject of future solutions and result in the introduction of such regulations that will only affect the aesthetics of a given landscape. In turn, legal norms which can serve to protect and preserve aesthetic values will apply to objects *per se*, which already exist, like monuments that despite their purpose, also influence the aesthetic perception of space. Hence, the article will discuss legal regulations concerning the introduction of aesthetic order in the landscape (first group of norms), as well as regulations concerning the protection of cultural heritage (second group of norms).

The Act on Spatial Planning and Development At the beginning, it should be mentioned that public authority is decentralized in Poland, which means that the above-mentioned categories of standards will be implemented at both the national and local level. Usually, the law delegates these issues to territorial units as their own tasks, which must be implemented in accordance with national legal guidelines.

At the national level, legal norms, which can set and promote certain aesthetic standards, are regulated, above all, by Act of 27 March 2003 on spatial planning and development.[13] The key concept of this act is the concept of "spatial planning" defined in art. 2 point 1 as a spatial arrangement that creates a harmonious whole and takes into account all functional, socio-economic, environmental, cultural and aesthetic conditions and requirements in orderly relations. The category of spatial order is the legal basis for a comprehensive assessment of space, which takes into account social, economic, functional and aesthetic factors. It is one of the pillars of spatial planning and development in Poland. The aesthetic category of spatial order is manifested by maintaining the high aesthetics of buildings and landscapes, as well as the harmonious arrangement of spatial development components, especially in the urban space[14]. The second important concept is the concept of "priority landscape" which, in accordance with art. 2 point 16f means a landscape that is particularly valuable to society because of its historical, cultural, urban and architectural values and, as such, it requires the maintenance or the definition of the rules and conditions for its shaping. The issue of value that appears here can be considered in terms of aesthetics, because the appearance of a given object, regardless of whether it is a historical or cultural object, or an architectural object, can evoke specific aesthetic experiences. As a result, influence the need for aesthetics of the space around.

According to these two concepts it should be noted that they are determinants for further legal regulations and the legislator, both in this and other acts, must create such regulations that will meet the conditions for spatial order and priority landscape. The principles of protection and shaping of spatial order should also be taken into account by acts of local law, in particular local plans, passed by municipality authorities, which have the greatest impact on shaping the spatial order.

[13] Journal of Laws 2003 No. 80 item 717 (as amended).

[14] Maciej Wojciechowski, 'Niektóre estetyczne problemy polskich miast a możliwości prawa jako narzędzia kształtującego przestrzeń publiczną' (2014) 1 Metropolitan. Przegląd Naukowy 61, 61-63.

It is commonly understood, among people, that using the concept of public space, town planners and architects, that in Poland we are dealing with spatial chaos [15]. The Polish law on spatial planning and development is quite commonly blamed for such a situation and is the subject to the most critique. Particularly criticized is the excessive liberalism of the current legal solutions, based on trust in investors' tastes, preferences and responsibility. Hence, the postulates to equip local governments with a set of effective tools necessary to implement the principles of spatial order, i.e. laws.

Law as a tool for implementing the principles of spatial order has its own specific characteristics. The subject of this could be to establish a legal provision from the outset or to clarify a provision that is already in force. It is postulated that the law should be as precise as possible, however, the legislator's expectations, regarding the implementation of these precise standards, may discord with reality. The legal model of the Spatial Planning and Development Act is based mainly on competence norms which grant certain municipal authorities the competence to enact acts of local law in this respect, at the same time indicating what must be included in these acts and what should be enforced.

Pursuant to art. 3 shaping and conducting the spatial policy in the municipality (which is the smallest territorial unit and at the same time with the most engaged activity in Poland), which includes adopting a study of the conditions and directions of the municipality 's spatial development and local spatial development plans, belongs to the municipality 's own tasks. The municipality 's own tasks focus on the general satisfaction of the collective needs of the local community, among which the issues of spatial order, real estate management, environmental and nature protection and water management are in the first place. In local plans it is obligatory to specify, *inter alia*, land use, rules for the protection and shaping of spatial order, rules for landscaping, rules for shaping

[15] *See* Filip Springer, *Wanna z kolumnadą. Reportaże o polskiej przestrzeni* (Karakter 2013).

buildings and rules for the protection of cultural heritage and monuments, including cultural landscapes (art. 15(2)). Hence, the conclusion that, while the act on spatial planning and development may contain more general norms, local acts must clarify them and take the form that a given municipality can afford (among other because of its budget). Therefore, in some municipalities shaping spatial order have a positive impact while in other it may be negative.

Nevertheless, some of the cities successfully implemented the principles of spatial order. Applications of the concept of spatial order in practice can be best illustrated by the following examples from Gdańsk. The Old Town is an area rich in medieval and renaissance buildings that have recently been subject to many successful restorations. The best example are the tenement houses on Długa Street, what Gdańsk is best known for. For several years, Gdańsk has been experiencing a development boom, which is why it was decided to convert the old granaries in the Old Town, into modern residential apartments and hotels. In order to ensure the coherence and harmony of the Old Town landscape, they were designed to resemble tenement houses.

Figure 1 (left). Historic tenement houses in the Old Town of Gdańsk (source: Aleksandra Guss).

Figure 2 (right). Buildings built in 2018 also in the Old Town of Gdańsk, being a modern interpretation of old Gdańsk tenement houses (source: Aleksandra Guss).

Gdańsk's Landscape Resolution What's more local authorities, particularly cities councils, can also create their own other legal acts that contain legal norms which set and promote certain aesthetic standards. For example of such an act one could point to the Resolution No. XLVIII / 1465/18 of the City Council of Gdańsk of February 22, 2018, the so-called "Landscape Resolution". This act lays down the rules and condition for the location of small architecture objects, fences, advertising boards and advertising devices, their dimensions, quality standards and types of building materials from which they can be made, applicable throughout the area of the Municipality of the City of Gdańsk. The main purpose of the Landscape Resolution was, above all, to eliminate advertisements and advertising signs which were commonly present in Gdańsk. The whole regulation was aimed at introducing an aesthetic order, previously disturbed by too many colorful, luminous advertisements, which often obscured monuments and beautiful building facades, as well as neglected fences and objects located in random places, which gave the impression of disorder and mess. Therefore, most of the bans and orders in the Resolution are devoted to advertising objects.

Chapter 2 introduces regulations for small architecture objects, in particular benches, garbage cans, pistils or elements of the playground. Pursuant to § 5, it is ordered, inter alia, to locating small architecture objects in a way that does not hinder pedestrian and bicycle traffic, using commonly accepted building materials such as glass, stone, concrete, wood or metal, securing these materials against processes, or placing objects in a permanent, complete and targeted manner.

With regard to the fences, Chapter 3, §6 prohibits fences that are made, from prefabricated concrete panels, sheets, fabrics, foil, and also containing sharp elements. They cannot be located around open green areas, in particular fields, wastelands, river valleys and areas of natural and landscape value, excluding parks. The fences must be permanently connected to the ground (except for temporary fences), made of commonly accepted construction materials, such as glass, stone,

concrete, wood, metal, and (as in the case of small architecture objects) they must be placed in a manner permanently connected with ground, complete and targeted manner.

As I mentioned earlier, the legislator paid the most attention to the issues of billboards, signs and advertising devices (Chapter 4). First of all, it is forbidden to cover window or door openings, glazing and architectural details, to mount structural elements in the form of platforms on billboards, signs or advertising devices in the form of advertising banners and advertising nets. Advertising boards and advertising devices must be placed in accordance with the architectural divisions of the building, in particular, centering or justification in relation to: window or door openings or the edge of the facade or architectural detail (here, aesthetics is manifested through symmetry). The structural elements of advertising boards and devices must be hidden by hiding them in the housing or integrating them into the facility (here, the aesthetics is manifested by an appropriate completion). When illuminating advertising objects, lighting of constant intensity and white color must be used (aesthetics through uniformity of light). In addition, it has been provided specific sizes, heights and lengths of signs and advertising boards, as well as their types, depending on the object on which they are to be placed (Chapter 4, §8).

It is worth mentioning that the issue of Landscape Resolutions in Poland is quite controversial. On the one hand, its regulations are aimed at maintaining an aesthetic, harmonious and coherent space, which is in the social interest. On the other hand, its restrictions are detrimental to the private interest of entrepreneurs, who are deprived of a certain form of manifesting their activity, which is advertising.

This dispute is part of the classical concept of the dispute between communitarianism and liberalism[16]. Liberalism is based on the principles of the priority of individual freedoms over the

[16] Kamil Zeidler, Magdalena Łągiewska, 'Liberalism Versus Communitarianism in the Cultural Heritage Law' (2020) International Journal for the Semiotics of Law

common good, and thus the fundamental task of the state is to protect and extend the rights and freedoms of citizens[17]. The freedom to conduct a business activity and the freedom of artistic creativity (here related to conducting a business in the form of advertising) are the freedoms directly indicated in the Constitution of the Republic of Poland, the limitation of which may only be provided by the law and only due to important public interest. The liberal concept is contrasted with the communitarian concept, which assumes the priority of the common good over the rights of the individual, and the role of the state is to protect the common goods. The dispute between these two concepts is precisely defined as: liberalism *versus* communitarism[18]. In turn, efforts to resolve this dispute often take the form of the so-called *hard case* in law[19]. The issue of *hard cases* emerged and gained fame, above all, in the course of a debate between Herbert L.A. Hard and Ronald Dworkin.[20]

Hard cases can occur on all five levels of law: law-making process, application of law, interpretation of law, validity of law and compliance with law[21]. They appear when there is no one right solution, or even when there is the multiplicity of possible solutions to a given case and many correct findings.[22] A *hard case* occurs where law collides with itself or with other normative systems

<https://link.springer.com/content/pdf/10.1007/s11196-020-09792-9.pdf> Accessed 9 May 2021 <https://doi.org/10.1007/s11196-020-09792-9>.

[17] Terence Ball, Liberalism. *Encyclopaedia Britannica* <https://www.britannica.com/topic/liberalism/> Accessed 9 May 2021.

[18] Kamil Zeidler, Magdalena Łągiewska, 'Liberalism Versus Communitarianism…'.

[19] Kamil Zeidler, *Restitution of Cultural Property. Hard Case, Theory of Argumentation, Philosophy of Law* (Gdansk University Press 2016), 19.

[20] *See* Scott J. Sharpino, "The Hart-Dworkin" Debate: A short Guide for the Perplex" in Arthur Ripstein, *Ronald Dworkin*, (Cambridge University Press 2007), 22-55; Brian Leiter, "*Beyond the Hart/Dworkin Debate: The Methodology Problem in Jurisprudence"* The American Journal of Jurisprudence 48(1) (2003) 17 <https://doi.org/10.1093/ajj/48.1.17>.

[21] Jerzy Zajadło, "Do hard cases exist and if so what are they?" in Jerzy Zajadło, Kamil Zeidler (eds.), *Philosophy of Law* (Gdansk University Press -Wolter Kluwer 2016), 263-272.

[22] Kamil Zeidler, *Restitution of Cultural Property. Hard Case…*, 19.

or values, e.g. with morality (most often), religion, customs, politics, economy, etc.[23] That is why the solution of a *hard case* does not proceed clearly from the legal rules applied, and most frequently in such a situation it is necessary to appeal to norms other than legal ones, assessments or evaluations . The lack of one right answer results in the necessity to constantly weigh rules and values in order to give precedence to one of them in a given case. This is also the case with regard to the dispute of the public interest and private interest in the Landscape Resolutions.

The Act on the Protection and Care of Monuments The second group of legal norms influencing the aestheticization of the city's landscape will be derived primarily from the cultural heritage law. Cultural heritage law is actually recognized as the so-called comprehensive branch of law[24], i.e. branch distinguished on the basis of various criteria (e.g. the purpose and subject of regulation, having its own theory, own sources and principles of law, or conducting large-scale scientific research). At the same time, cultural heritage law is an interdisciplinary branch that goes beyond the scope of one legal regulation and includes the norms of international law, constitutional law, civil law, penal law and administrative law. Firstly, it is necessary to highlight a certain definition problem that arises with the protection of cultural heritage in Poland. The concept of cultural heritage is the broadest concept functioning in the international arena. In Poland, as far as legal acts are concerned, we can encounter concepts of a narrower sense - national heritage, indicated in art. 5 of the Constitution of the Republic of Poland[25] and a monument that appears as a subject of protection in

[23] For example David Lyons sees a *hard case* in the collision of law and moral decisions, see: David Lyons, *Ethics and the Rule of Law* (Cambridge University Press 1984); Matthew H. Kramer, *Where Law and Morality Meet* (Oxford University Press 2004).

[24] *See* Kamil Zeidler "Prawo ochrony dziedzictwa kultury jako nowa gałąź prawa" in Kamil Zeidler (ed.), *Prawo ochrony zabytków* (Wolters Kluwer – Gdansk University Press 2014), 23-33.

[25] Constitution of the Republic of Poland of 2 April 1997, Journal of Laws 1997 No.78, item. 483 (as amended).

many legal acts, hence the more appropriate name is the law on the protection of monuments. And although the doctrine has established the use of the broadest concept – that is cultural heritage law, in accordance with international standards, it will feature mainly monuments and thus they will be the subject of the analysis below.

Regarding the norms which can serve to protect and preserve the aesthetic values that already exist in Poland, attention should be paid especially to the Act of 23 July 2003 on the Protection and Care of Monuments[26]. When discussing the issue of the aestheticization of cities, the most important thing to do is to indicate the actions that can be taken with monuments, which are present also in urban space. Although the statutory definition of a monument, indicated in art. 3 point 1,[27] only shows its artistic value, which should not be treated as a synonym of aesthetic value, it is definitely not possible to deny the aesthetics of monuments.

The Act also indicates a number of activities that may be undertaken in relation to the monument. These include, among others, conservation work which, in accordance with art. 3 point 6 means activities aimed at securing and preserving the substance of the monument, stopping the processes of its destruction and documenting the activities; restoration works (art. 3 point 7), i.e. activities aimed at exposing the artistic and aesthetic (*sic!*) values of the monument, including, if necessary, supplementing or recreating its parts, and documenting these activities; as well as conservation research (art. 3 point 9), i.e. activities aimed at recognizing the history and functions of a monument, determining the materials and technologies used for its construction, determining the state of preservation of this monument and developing a diagnosis, design and work program of conservators, and if there is also a need for a restoration program. These activities are aimed at

[26] Journal of Laws 2003 no. 162 item 1568 (as amended).

[27] Article 3 point 1 considers as a monuments real estate or movable property, their parts or units, being the work of a human or related to his activity and being a testimony to a bygone era or events whose preservation is in the social interest due to their historical, **artistic** or scientific value.

ensuring adequate protection and preservation of the monument, and thus also securing its aesthetic values.

In order to ensure the protection of monuments, undoubtedly affecting the aesthetics of cities, the act indicates a number of actions that should be taken by public administration bodies, including preventing threats that may damage the value of monuments (art. 4 point 2), preventing the destruction of monuments (art. 4 point 3), controlling their condition (art. 4 point 5) and taking into account the protection of monuments when shaping the spatial order in local acts (art. 4 point 6). These activities are aimed at protecting the value of the monument, first of all the originality of the historic substance, and consequently also their aesthetic values. Proper conservation and restoration of the monument will ensure its proper visual presentation, affecting the aesthetics of the entire urban space. This is additionally emphasized, because if it is entered in the register of monuments, as per the article, the monument is not the only thing that is under protection, one has to also pay attention to its surroundings, in order to protect the monument's viewing values (art. 9(2)), therefore also the aesthetic ones.

CONCLUSIONS

Undoubtedly, the relationship of law and aesthetics are noticed in many spheres of our life. Law, through its norms, can be a tool of aestheticization of our everyday life and the space in which we live. The legal norms, which concern the aesthetics of cities, strive to ensure a harmonious and aesthetic whole, which is to influence the general perception of urban space. Poland is one of those countries that strongly strive for spatial order and the aesthetic cohesion of its cities.

The Act on Spatial Planning and Development introduced an important concept of spatial order, which has become a determinant for shaping the urban landscape, in particular its aesthetics, manifested by harmony, purposefulness and coherence. Hence, all legal regulations relating to urban

spaces must comply with this concept. And it is the most effective tool so far, therefore it should be properly developed and implemented, especially at local levels, through local plans and landscape resolutions. Developing good practices regarding the aesthetics of urban space will influence the attitudes of city residents in striving to maintaining this order and taking care of the space around them.

It should be also born in mind that the aesthetic values of cities evoke aesthetic experiences in their recipients (residents and tourists), and this results in their general perception and assessment of the city landscape. Behind the care of the aesthetics of public space there is something more than just aesthetics: care for the quality of social bonds and a very important psychological factor, i.e. life satisfaction. As a result, the law should strive to be the most effective tool for the best aestheticization of cities.