

Before the Law. Alliances and conflicts between literature, art and law in Poland 1989-2020

The aim of the project is to examine the relationships - alliances and conflicts - between law and art (including literature) in Poland in the period 1989-2020. During this period, art repeatedly stood before the law. I understand this formula in two ways: 1) as a situation in which a work appears before a court (as accused); and 2) as a situation in which the work precedes the law, calling them to act (e.g., to intervene in a specific case) or / and postulating a change in regulation. I will examine on what grounds in the period 1989-2020 art was most often accused / defended, as well as on what matters art acted for third parties and initiated the extension/modification of law.

The research will focus on five nodal rights. Those are: a) constitutional freedom of opinion (The Constitution, Art. 54) and creative and scientific activity (Art. 73); b) property right (The Penal Code, Article 288); c) law regarding personal rights (Art. 23 of the Civil Code), defamation (Art. 212 of the Civil Code) and protection of private life (The Constitution, Art. 47); d) the law regarding offending religious feelings (The Penal Code, Art. 196.); e) copyright and related rights (Act of 4 February 1994 on copyright).

The subject of the project will be cases of application of the above rights to (or in) works of art/literature. I have identified ten types of "law – art" meetings – among others: 1) Violation of the material integrity of a work of art; 2) Preventing the presentation of a work of art; 3) Accusing the creator of offending religious feelings; 4) Accusing the creator of insulting national symbols; 5) Accusation of the author for violation of personal rights; 6) Accusation of creators for violation of other people's copyrights and use of the trademark; 7) Bringing to the public debate the problem of financial and social security of the artist; 8) Ineffective lawsuit; 9) Causing legal effects for third parties by a literary text; 10) Postulating the introduction of new legal regulations through a literary text. For in-depth research, I choose the last four types, i.e., situations in which the work calls for the law to act.

The project stems from the belief in the need for a stronger connection between law and literature in critical reflection. An innovative aspect of the project will be the analysis of legal proposals appearing in works of art / literature as well as the analysis of artistic works and legal regulations as acts of constructing the world.

The research procedure will consist of 1) description of the work and its reception; 2) characteristics of the location of the work in relation to the law; 3) discussion of artistic, social and legal effects. The planned research will lead to several results: 1) four scientific articles; 2) bilingual online calendar of the "art - law" relationships in the recent history of Poland (after 1989); 3) scientific monograph.