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THE MEANING OF SYMBOLS IN THE LEGAL CULTURE OF MODERN EUROPE

1. Introduction

In the Declaration No. 52 set out in the Final Act proclaiming the Treaty of Lisbon, the 16 Member States stated that the flag and the anthem of Europe "will for them continue as symbols to express the sense of community of the people of the European Union and their allegiance to it." Similar content includes art. 213 of the Rules of Procedure of the European Parliament from 2009, according to which this EU institution acknowledges and accepts "these symbols of the Union". Unfortunately, Poland is not within this group.

This fact can be considered as a symbol highlighting the occurrence of the phenomenon of the "clash of legal cultures." It is difficult to overestimate the importance of various symbols, allegories and metaphors for "Unity in diversity".[1] They are important for the acceptance of all the national languages of the EU as the original versions of the Treaties. The authenticity of each of these languages significantly impedes their textual interpretation, and thus removes it into the shadow of the "open" text, behind which is an interpretation consistent with the wording and purpose of EU law. The axiological Treaty rules fulfill any symbolism with a deep meaning in the discussion on the future of Europe; become the language of communication.

A symbolic, allegorical or metaphysical element facilitates the understanding of ideas and concrete standards (principles and practices) that are shaping the legal culture of modern Europe under the auspices of the European Union and the Council of Europe. With this in mind, it has been used in the "Law of the institution. A Constitution for Europe "(where the symbols refer to the importance

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[1] Z. Brodecki, O. Hołub-Śniadach, *Paradoks różnorodoności i jedności*, [w:] *Unia Europejska: zjednoczeni w różnorodności* (*The paradox of diversity and unity*, [in:] *European Union: united in diversity*), Conference, Warsaw, 14–15 December 2010r., red. Cezary Mik, Warszawa 2012.

of the architecture of the West)[2] and the triptych:" Europe of Judges "," Europe of officials "and" Europe of entrepreneurs "(where the symbols reflect the structure of the book in relation to the myths).[3]

2. The language of architecture

Communicating with the architectural wonders of the world is helpful in the discourse which goes beyond the boundaries of individual nations. Within the European Union, the intention to rise to a challenge of globalization puts pressure on the Member States to open up their borders. As a consequence, the development of an internal market for all the Member States is prompting new thinking and initiatives.[4]

History has proven that man has always tried to make its existence significant and explains the importance of architecture in a way that appeals to the imagination. Its language is universal, communicative. Thanks to the gothic times one can understand the currents of thought of uniting Europe and the romantic yearning of the Middle Ages.

2.1. The Gaudi Cathedral "Sagrada Familia"

The symbolism of the cathedral built of "thoughts and brains" better captures "the unity in diversity" than the symbolism of the house, which in the context of the European Union has repeatedly appealed to priest Tischner. Choosing the Gaudi Cathedral "Sagrada Familia" was deeply thoughtful. The perception in the Cathedral of a symbol of the great experiment called the "European Union" allows us to understand that the acquis communautaire is, not so much knowledge, but "the birth of" something new according to the original assumptions, reveals its beauty, technology use, design, style, cultural values and symbolic sense of forms. What is important is what the EU is going to achieve. The fact that the Lisbon Treaty gave it the status of an international organization does not prejudge anything. The creators of this Treaty did it for "peace of mind" and not from the need to define the essence of things. In fact, the EU is more than just a classic international organization. Many of the features liken it to the federation (*federalism - like entity*). These are:

- autonomous legal order;
- principle of direct application of standards;
- a direct effect of standards defining the rights and obligations of individuals - even in horizontal relationships;
- exclusive competence of the Union;

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[2] Ch. Norberg–Schulz, *Znaczenie w architekturze Zachodu*, Warszawa 1999.

[3] E. Łętkowska i K. Pawłowski, *O prawie i o mitach*, Wolters Kluwer, Warszawa 2013.

[4] J. Basedow, U. Drobnig, R. Elleger, K. J. Hopt, H. Kötz, R. Kulms, E.-J. Mestmäcker, *Aufbruch nach Europa – 75 Jahre Max-Planck-Institute für Privatrecht*, Mohr Siebeck, Tübingen, 2001.

– complementary system of judicial and extra-judicial control of the applicable jurisdiction;
– fundamental rights under the general principles of EU law and the Charter of Fundamental Rights of the EU;
– the existence of the external borders from the point of view of policy on border checks, asylum and immigration;
– national citizenship and additionally citizenship of the European Union;
– The European Central Bank's monetary policy led in the euro zone and issuing euro banknotes;
– possession of the Union in any of the Member States' legal capacity to legal actions on the basis applicable to the existing domestic legal persons.[5]

2.2. The Louvre

Choosing the Louvre as a symbol of the European Union institutions was dictated by its importance during the French Revolution. Regarding this palace, there has aroused much controversy during its construction, and today it is considered as a masterpiece of modern classical architecture with collections showing the importance of sculpture and painting in Western culture. Many of them have their origins in the Greco-Roman times, in which like the jewelry were the Greek philosophy and Roman administration. Within the institutional context it is worth noting that in the initial stage of development, the Roman *res publica* was seen through the prism of individuals, in particular Roman citizens.

According to the opinion of Cicero, law commanded the highest government officials to follow the common good. From this point of view, in the procedural safeguards the most important should be considered the citizens of the Union (and other entities) that uphold the "rights and freedoms" in the proceedings before the administration and the courts.

The "good administration" has been recognized by the European Court of Justice as a fundamental right.[6] Various scholars has highlighted that it is often used in association with other principles, rights and duties to withdraw the particular legal consequences from their combined use.[7] Without any doubt, the core of the principles is the duty of careful and impartial examination of the factual and legal circumstances of each case.[8] The good administration principle is a multifaceted concept. One may sustain that it characterizes a model of administration which purports to pursue efficiently the public good, while respecting at the same time the rights and interests of the persons to whom it relates. Furthermore, it is at the service of the European Union in the way that it fosters trust and acceptance

[5] A Roses, L. Armati, *EU Constitutional Law. An Introduction*, Oxford and Portland, Oregon 2010, s. 12–15.
[6] The Explanations relating to the Charter of Fundamental Rights (OJ 303/17, 14.12.2007).
[7] H.P. Nehl, *Principles of Administrative Procedure in EC Law*, Oxford Hart Publishing 1999, p. 15–22.
[8] L. Azoulai, *Le principe de bonne administration*, [in:] JB Auby, *J. Deutheil de la Rochere*,"Droit Administsrative Europeen" Bruxelles, Bruylant 2007, p. 493–499.

for the administrative actions. On this basis, one may characterize the aforementioned as being composed of different layers:
- Procedural guarantees directed at protection of substantive rights;
- Legal rules that structure the exercise of administrative function;
- Principles of public interest and the proper application of the Treaty;
- Standards of conduct delivered to ensure and demonstrate the efficiency and good quality of services.[9]

With rights to good administration and fairness of the proceedings before the court, to enforce the idea of humanity begins to impact on the status and powers of the EU institutions representing the interests of citizens of the Union (the European Parliament), and the interest of the Union itself (European Commission and the European Court of Justice). Since the competence and effectiveness of the EP depend, inter alia, on petitions and complaints, the Commission – made projects relating to the right to good administration, and from the ECJ and the Court – realization of the right to a fair hearing before the courts. Of a particular note are the commissioners, because the efficiency of government depends to the greatest extent on them, as at the time of the Roman – on praetors.

Dangerous is that, just as the MEPs – they have a tendency to represent national interests, and thus strengthen the position of the European Council and the Council, and consequently disrupt the institutional balance. If we do not reach a state of equilibrium between the institutions and Brussels, the lobbyists representing not always fair interests would have their voice and the European Union will share the fate of the Louvre, transformed into a museum.

2.3. "Big Ben"

The reason of the choice of "Big Ben" as the symbol of the EU legal order was decided as a reference to its inner machinery, consisting of four gear wheels. These wheels resemble international law, the EU law (created by the Member States – the primary law and, moreover, the EU institutions – the secondary law), law of the Member States *en bloc* and national law. Acceptance of an integrated theory of law (the four elements existing "inside" of the system) is the opposite to the theory of multicentrism, which is essentially the aftermath of the duality principle.

Noteworthy is the overlap of the EU law with the law of the Member States *en bloc*, as it determines to seek to combine two traditions: the Western Roman (the strategy of Rome from the period of classical law, where, besides the custom, prevailed praetorian science and jurisprudence) and the Eastern Roman (the Byzantine strategy of the period after-classical law, in which the imperial

[9] Case C – 41/00 Interpoc v. Commission [2003] ECR – I - 2125, para. 48; case T – 277/03 Vlachaki v. Commission [2005] ECR – I – A – 57, para. 64; joined cases T – 254/00, 270/00 and 277/00 Hotel Cipriani v. Commission [2010], para. 211, C – 269/90 Technische Universitat Munchen v. Hauptzollamnt Munchen-Mitte [1991] ECR – I – 5469, para. 13.

constitutions eliminated from the game the Roman jurisprudence). The strategy of Rome became the basis of medieval Europe, and later the United Kingdom (culture of common law), and the strategy of Byzantium (after the great codification) has penetrated into the bloodstream of law of continental Europe (culture of statutory law). In its relations with the European Union, one can see the assumptions typical to the Roman concept of *ius gentium*. With a certain amount of simplification it can be concluded that the *ius civile* in terms of Roman jurisprudence becomes the prototype of acquis communautaire, and *ius gentium* - the prototype of modern international law.

2.4. The Hanseatic League / towns

Many of the symbols refer to the myth of a union representing the "coincidence of opposites" or aspiration to a maximum of unity. The process of European "integration through law" is a symbol of unification, like the well-known fairy tales and legends of the wedding of Princess and liberating her Prince. The same process has a historical dimension, hence the comparison of the European Union to the Hanseatic League that makes sense in the context of economic integration. It is optimistic that the relationship of the Hanseatic cities survived many centuries.

Today the process of regional economic integration is more versatile because it appeared simultaneously on every continent, supplemented by the process of globalization of international economic relations. Treatment of the Hanseatic League as the first European Union emphasizes the importance for economic integration in Europe of a Maritime culture (typical for the culture of the United Kingdom and around the world common law) as differing substantially from the Alpine culture (typical for the culture of Germany, France and Italy, the "Founder States" of the European Communities). While the core of the maritime culture is an "economic freedom" - based on the reasoning that "permitted is everything which is not prohibited", then in the Alpine culture, there are only "economic latitude" according to which "it is permitted, as the law clearly permits". If the EU will not benefit from the experience of its predecessor, the success of the European economy will be only a dream, difficult to satisfy in an era of economic globalization and the dominance of multinational corporations.

In the Seventies, highly developed countries were deeply affected by the recession triggered off mainly by the oil crisis and the slump of the world monetary system.[10] It resulted not only in reducing the pace of the European integration, but also in an increase of the technological precipice between the European Communities and the USA as well as Japan.[11] During this time, the integration did not

[10] A.F. Bakhoven, *An Alternative Assessment of the Macro-Economic Effects of Europe 1992*, [in:] *'The Completion of the Internal Market*, ed. H. Siebert, Symposium 1989, Institut für Weltwirtschaft an der Universität Kiel, p. 24.

[11] E. Synowiec, *Jednolity rynek wewnętrzny we Wspólnotach Europejskich*, [in:] *Polska – Unia Europejska. Problemy prawne i ekonomiczne*, red. K. Gawlikowska-Hueckel, Fundacja Rozwoju UG, Gdańsk, 1999, p. .65.

get the attention it required; instead, many short-term decisions were taken that favored mainly national companies[12]. The weakness of the economic growth had consequences in the decrease of the entrepreneurship and international competitiveness of companies. This, however, resulted in the awareness that it is necessary to remove the obstacles that could stand in the way of the European integration and to the future development of freedom in pursuing economic activities on the European level.

There is the anxiety that the EU legal order may exert unpredictable and unplanned disintegrating influences on national legal orders. However, the EU rule-making is not necessarily antagonistic to minority preferences and diversity.[13] In our opinion, there is a need and also room for regulatory simplification and transparency. As Heraclitus himself noticed: "From the strain of binding opposites comes harmony".[14]

2.5. "The Statue of Liberty"

The focus of the western world is on "human rights", which is symbolized by the "Statue of Liberty" - the choice of this symbolism can be considered controversial, because it is a manifestation of looking at the process of social integration through the prism of individualism, not the collective, and also suggests the superiority of Western culture on cultures of the East. It is justified to accept the fact that the market absorbs human rights in order to create "economy with a human face". It is facilitated by the existence of three generations of human rights: the personal and political rights (eg, prohibition of torture, freedom of expression, freedom of association), the economic, social and cultural rights (eg the right to work, right to education) and solidarity rights (eg right to development, the right to peace, right to the environment).

The ECJ has already asserted that respect for fundamental rights forms an integral part of the general principles of law protected by the Court – such rights are inspired by the constitutional traditions common to the Member States. It could be worth of note that the ECJ is not comparing the EU law with national law but with the principles of international law which are embodied in varying degrees in the national constitutions of Member States. The various case law of the ECJ suggests that where certain rights are protected to differing degrees and in different ways in Member States, the Court will look for some common underlying principle to uphold as part of the EU law.[15] Even if a particular right protected in

[12] M.Brealey, C. Quigley, *Completing the Internal Market of the European Community*, Graham & Trotman, London–Dordrecht–Boston, 1989, p.ix.

[13] M. Deckert, *Zu Harmonisierungsbedarf und Harmonisierungsgrenzen im Europäischen Gesellschaftsrecht*, *RabelsZ* 64, 2000, p. 478.

[14] Heraclitus (V b.c.), Fragments.

[15] Case C – 11/70 Internationale handelsgesellschaft mbH v Einfuhr – und Vorratstelle fur Getreide und Futtermittel [1970] ECR 1125; Case C – 155/79 Australian Mining and Smelting Europe Ltd v Commission [1982] ECR 1575; Case C – 4/73 J. Nold KG v Commission [1974] ECR 491.

a Member State is not universally protected, where there is an apparent conflict between that right and the EU law, the Court will strive to interpret EU law so as to ensure that the substance of that right is not infringed.

We have already seen that there has been a debate concerning the influence of human rights on economic, social or cultural integration. In 1999, the Cologne European Council set up a Convention, under the chairmanship of Roman Herzog, to produce a draft Union charter as an alternative mechanism to ensure the protection of fundamental rights. This was completed in time for the 2000 European Council Meeting at Nice, where the European institutions solemnly proclaimed the charter.[16] At that time, it did not have any binding legal effect. On 1 December 2009, with the entry into force of the Treaty of Lisbon, the Charter became legally binding on the EU institutions and on national governments, just like the EU Treaties themselves.

The Charter sets out a series of individual rights and freedoms. It entrenches:

- all the rights found in the case law of the Court of Justice of the EU;
- the rights and freedoms enshrined in the European Convention on Human Rights;
- other rights and principles resulting from the common constitutional traditions of EU countries and other international instruments, including a modern codification of the ‚third generation' fundamental rights, such as:
  - data protection;
  - guarantees on bioethics; and
  - transparent administration.

However, the question remains whether the process of European integration can go beyond matters directly or indirectly related to the functioning of the market and enter into the realm of culture before they evolve into a federation?

It is obvious that a common debate on that issue would be mostly connected to the questions of Europe's identity. Indeed, 'European integration' does not refer to a mere space for mobility and competition between the various systems but to the integration of citizens within their respective national policies. If the challenge for the EU is no longer just about the internal market, but also about the model for society, the latter must build on the former.

2.6. The Great Wall of China

The Goethe's phrase that "what is inside is also outside" perfectly reflects the sense of European political integration which explains why the "wall" was treated as the symbol of integration. Selecting the Great Wall of China relates to the fact of moving the center of gravity of geopolitics from the West to the East, from Atlantic to Pacific. It depends on the relation between Confucian – Muslim when this fact will be taken seriously. Currently, no one believes in this relationship. However, it cannot be ruled out. For this reason, the relationships between the EU and China

[16] EUCFR OJ 2000, C364/1.

and the Arab world are as important as the relationship between the EU and the United States of America. We should not forget about the strategy to combat military crises, but also ecological, social, economic or financial. The lesson we can learn from the past financial crises shows that the Washington Agreement failed miserably (concluded between the Ministry of the U.S. Treasury, the International Monetary Fund and the World Bank), and the most updated effective in combating the financial crisis was the Beijing Agreement (concluded between banks in China and Japan), which today is exemplary for States of BRIGS, the most aggressive economies in the world. The European Union wishes to have its own model of financial security, but faces opposition from countries that prefer isolationism.

After climbing for 30 years, the economy fell in the wake of the global financial crisis.[17] The current economic and financial crisis is a decisive and testing time for the European single market. Since the crisis broke in late 2008, the institutions of the European Union endeavored to develop some measures to restore confidence to the financial markets and reassure EU citizens and businesses alike. The European financial services industry has witnessed draft legislation issued by the European Commission and the European Parliament introducing strengthened regulations covering not only the financial markets but also the key market actors. However, the aforementioned legislative changes intended to have impact mainly only on the financial services, banking, insurance and securities by actively managing risk and tracking of regulatory changes. But we should more focus also on embracing of cultural changes.

The achievement of economic development and social justice within the non-negotiable ecological limits of our planet is the necessity of a sustainable development.[18] As mentioned, we do not face only the financial crises but a convergence of crises: the cultural and social crises, the loss of stability of our ecosystems, the peaking of fossil of energy sources and – on the other hand - the intention of the world leaders to stimulate growth and get back to business as usual…[19]

Cultural, lingual, legal diversity may create obstacles, however, it should not as such be treated as distortion. To some extent, legal diversity allows for legal experimentation because it enables a comparative assessment of the merits of diverse solutions for the same conflict situations. This provides the basis for a mutual learning between national legal systems in order to find the best solution to common problems. National homelands are rooted in the collective conscience. It is impossible to eradicate them. That diversity is at the same time our strength, our richness and our main problem.

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[17] McKinsey&Company, *The triple transformation: Achieving a sustainable business model*, October 2012.

[18] C. Voigt, *Sustainable development as a principle of international law: resolving conflicts between climate measures and WTO Law*, Brill–Nijhhoff, 2009.

[19] C Giles, A. Beattie, H. Carnegy, *G20 Strains Cast Shadow Over Meeting*, "Financial Times", Oct. 13, 2011.

3. "Language of Myths"

3.1. Themis

Even the titles of the books included in the triptych ("Europe of Judges", "Europe of officials", "Europe of entrepreneurship") suggest a personification of a whole, showing the main actors of the European scene. The general parts of books are symbolized by a man Leonardo da Vinci because of cultural ties of "a man of excellent proportions" with issues of the triptych. In this triptych "Themis" is a symbol of procedural law. This point of view is justified by the importance of procedure for the law. Related ideas and principles reflect the "procedural dignity" (including the right to good administration, the right to a fair judicial procedures), "procedural rationality" (the obligation of the authorities to establish the "rules of the game" and to follow these rules in order to satisfy the rights of individuals) and "procedural justice" (imposed on bodies exercising justice). Procedural relationship between the concept of "rights" and the concept of "duties" is today at the center of the contemporary theory and philosophy of law.

One of the features of the concept of justice is the emphasis on procedures. An emphasis on procedure is one of the foundations of the rule of law. Procedures provide for limitations on power. Procedures provide that before judicial, legislative or executive decisions are taken, a series of checks and balances are in place to mitigate against the possibility that the decisions will not be hasty, ill-conceived or based on corruption, passion, ideology or eccentricity.[20]

The key institutional and procedural characteristics of a legal order include rights which ensure that a person is not disadvantaged except according to rules of procedure and evidence established by law, which ensure a fair trial.[21] These institutional safeguards give protection to the cluster of personal freedoms associated with the criminal process, such as the right not to be imprisoned or held without trial, the right to be informed of charges and the right to be presumed innocent until proven guilty. The rules of procedure, evidence and natural justice also protect individuals from arbitrary governmental action and illegal deprivation of private rights. They are essential to the protection of individual rights and private property.[22]

Generally, due process guarantees the following (this list is not exhaustive):

- Right to a fair and public trial conducted in a competent manner
- Right to be present at the trial
- Right to an impartial judge, jury
- Right to be heard in one's own defense
- Laws must be written so that a reasonable person can understand what is a criminal behavior

[20] J.V. Orth, *Due Process of Law: A Brief History*, University of Kansas Press 2003.

[21] R.A. Posner, *Economic Analyses of Law*, New York, Aspen Law and Business 2002.

[22] E. Chemerinsky, *Constitutional Law: Principles and Policies*, Aspen's Introduction to Law Series; 2006.

– Property may be taken by the government only for public purposes
– Owners of taken property must be fairly compensated
– Etc…

3.2. Prometheus

The substantive law of the triptych symbolizes the myth of Prometheus carrying fire. The release of Prometheus by Hercules expresses the efficiency of the process of sublimation and its result. In the context of the right it is about sublimation of "rights and freedoms" of the individual and the protection of "common goods". The juxtaposition of "personal goods" versus "collective goods" has been known for centuries. In the current era, the conflict existing between them intensifies, forcing to develop a theory of weighting principles. This version of Dworkin's theory or Alexy's is extremely helpful during the settlement of disputes between "economy" and "environment" (such as on the pipeline Noral Streem or case Rospuda Valley), or disputes between intellectual property protection and network access (such as a Microsoft case). The settlements which were made in these cases confirm that the economy is still more protected than the environment. Well, we live in the time of "beautiful consumption".

Historically, human rights were believed to have been conceived as rights enjoyed by individuals only.[23] As Thomas Aquinas puts it, natural law confers certain immutable rights upon individuals.[24] Others have just justified their support for the notion of human rights adhering only to individuals by suggesting that most traditional human rights instruments only admit individuals as the principal beneficiaries of rights proclaimed by such instruments. They add that the abstract concept of collective human rights often presents great obstruction to the enjoyment by individuals of their human rights. However, claims suggesting that most primary human rights instruments admit only individual beneficiaries are, in fact, erroneous. The UN subsequently affirmed that owing to the peculiar circumstances of some demographics within society, the disproportionate discrimination they suffered, and in line with the fundamental human rights principles of universality, equality and non-discrimination, the equal worth and dignity or people can only be assured through the recognition and protection not only of their individual human rights but also of their collective rights as distinct groups.[25]

In that light, the aforementioned ideas of sustainability and social benefits as business goals are gaining the attention of the public, who want to work for companies and purchase from brands that match their values. Companies are marketing their social and environmental accomplishments to entice consumers

[23] M. Ishay, *The history of human rights from ancient times to the globalization era*, University if California Press, 2004, p. 3.
[24] St Thomas Aquinas, *Summa Theologica*,. Part II.
[25] *United Nations Training Module on Indigenous Peoples*, 2010, p.3.

to buy their products or support their businesses. All companies want to be perceived as concerned with the environment and society. However, not all companies and their commitments are created equal. While only publicity stunts for some companies, others take the betterment of society and the stewardship of the environment to heart in their business operations. These foster the idea that modern business organization structures are necessary to allow socially beneficial enterprises to become part of the norm and to parade their distinction as such. [26]

3.3. Atlas

The symbol of law on a political regime in the triptych is Atlas – a strong man, carrying on his shoulders the whole globe. To him relates the legal status of the individual emancipated in every area of the law, the legal status of the authorities (rational lawmakers and efficient government) and the legal status of the judicial authorities. Relations between these three entities create a new image of the so-called separation of powers principle. It is multidimensional, because it explains the relationships in a vertical arrangement (national, supranational authorities and the authorities of the world) and the horizontal (which begins in the form of the principle of checks and balances, which is reflected in the European Union).

In the contemporary world the new proletariat is born. In the role of "counter power" are big multinational corporations (usually registered in "tax havens") and the network (which has no place in real space, as it is in the virtual world without borders). Lack of effective control over the new proletariat causes a lack of faith in the fact that Atlas is able to carry on his shoulders the globe – not just power, but also counter power.

In times before intensified globalization and economic, political and cultural facilitated ties, it was clear and easy that companies were to be profitable, adhere to the law, provide job as well we pay taxes. The famous phrase "the business of business is business" is frequently quoted in this respect. This, however, is often used in an inappropriate context; the author himself explains that "there is one and only one social responsibility of business – to use its resources and engage in activities designed to increase its profits as long as it stays within the rules of the game, which engages in open and free competition without deception or fraud.[27]

Today, "business is business" but the rules of the game have significantly changed. There is a more open world offering opportunities for those participating in global economy. However, the socio-economic change resulted in the environmental costs, social disparities, and structural changes creating burdens on people who could not adapt to them. Transnational corporations unscrupulously exploit soften regulations and compete for 'optimal investment conditions'.[28] As

[26] Tara Fitzgerald Ulrich, *Business Organizations in the 21st Century: A look at the new legal forms for business that enhance social enterprise*, "Southern Law Journal", 330, vol. XXIII.

[27] M. Friedmann, *Capitalism and Freedom*, University of Chicago Press, London 2002, p. 133.

[28] N. Klein, *No logo: Taking Aim at the Brand Bullies*, Banker/Mander (eds.), 2000.

a mirror image, many countries are witnessing an erosion of trust in the state and its competence to correct or prevent distorted social or economic developments. Furthermore, the confidence that democracy is the appropriate political principle to solve the social and distributional problems associated with open global markets has also stared to fade.[29]

The challenge for business is to organize and use its power for the good of citizens around the world. Business does have enormous power to act responsibly and address the global issues with a human face. Business leaders should bring best moral values, because everybody in business is bearing responsibility: for the business, for the society..etc. The greater the prosperity achieved by a society, the more important immaterial values become – and the more customers there will be who take an interest in the social, ecological and political quality of actions of a company whose goods they purchase.[30] We do have immense ingenuity and power to prepare a brighter future.

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ZNACZENIE SYMBOLI W KULTURZE PRAWNEJ WSPÓŁCZESNEJ EUROPY

Językiem komunikacji w Europie „zjednoczonej w różnorodności|" oraz podstawą do dyskusji na temat przyszłości Europy staje się symbolika Unii Europejskiej; usuwa ona w cień wykładnię tekstualną, a rzuca światło na wykładnię zgodną z treścią i celem prawa Unii.

Patrząc na 10 lat Polski w Unii Europejskiej, trudno jest przecenić znaczenie różnych symboli, alegorii i metafor, które ułatwiają zrozumienie idei i konkretyzujących je standardów (zasad i praktyk), które kształtują kulturę prawną współczesnej Europy pod auspicjami Unii Europejskiej i Rady Europy.

Komunikowanie się za pomocą architektonicznych cudów świata jest pomocne w dyskursie, jaki toczy się ponad granicami poszczególnych narodów. Historia udowodniła, że człowiek zawsze starał się uczynić swoją egzystencję znaczącą, a architektura tłumaczy te znaczenia w sposób przemawiający do wyobraźni. Jej język jest uniwersalny, komunikatywny. Wiele symboli odnosi się do mitu zjednoczenia, przedstawiającego "zbieżność przeciwieństw" albo aspirację do najwyżej jedności. Proces europejskiej "integracji poprzez prawo" jest właśnie symbolem złączenia. Dzisiejszy proces integracji ma charakter uniwersalny, gdyż pojawił się jednocześnie na każdym kontynencie, uzupełniony przez proces globalizacji międzynarodowych stosunków gospodarczych.

[29] Spiegel online, July 2008, July 3 www.spiegel.de/poloitk/deutschland/0,1518,563013,00.html.

[30] P. Pruzan, *Corporate Reputation: Image and Identity*, "Corporate Reputation Review" 2001, vol. 4, nr. 1, p. 51.

Jednym z przykładów cudów architektury jest katedra Gaudiego "Sagrada Familia". Dostrzeżenie symboliki w katedrze pozwala zrozumieć, iż *acquis communautaire* znaczy nie tyle wiedzę, co „rodzenie się" czegoś nowego według oryginalnych założeń, pozwala dostrzec wartości kulturowe i symboliczny sens oraz kierunek, do którego Unia zmierza. Innym przykładem wspaniałej symboliki architektury jest Luwr. Wybór Luwru na symbol instytucji Unii Europejskiej był podyktowany jego znaczeniem w okresie Wielkiej Rewolucji Francuskiej. Podobnie jak Unia Europejska, pałac ten wzbudzał wiele kontrowersji już podczas budowy, a dziś jest uważany za arcydzieło architektury.

Z drugiej strony, w odniesieniu do mitów, już tytuły książek wchodzących w skład tryptyku (*Europa sędziów*, *Europa urzędników*, *Europa przedsiębiorców*) sugerują personifikację całości, ukazującej głównych aktorów europejskiej sceny. Części ogólne książek symbolizuje człowiek, Leonardo da Vinci, z racji kulturowej więzi „człowieka o doskonałych proporcjach z problematyką tryptyku.

Prawo materialne symbolizuje w tryptyku mit Prometeusza niosącego ogień. Uwolnienie Prometeusza przez Herkulesa wyraża bowiem skuteczność procesu sublimacyjnego i jego rezultat. W kontekście prawa można mówić o sublimacji „praw i wolności" jednostki i ochrony „dóbr wspólnych". Natomiast symbolem prawa ustrojowego jest w tryptyku Atlas – człowiek silny, niosący na swych barkach cały glob. Z nim wiąże się status prawny jednostki wyemancypowanej w każdej sferze prawa, status prawny władz (racjonlanego prawodawcy i sprawnego rządu) i status prawny organów wymiaru sprawiedlowości. Relacje między tymi trzema podmiotami tworzy nowy obraz tzw. trójpodziału władz. Jest on wielowymiarowy, bowiem przedstawia relacje w układzie wertykalnym (władze krajowe, władze ponadnarodowe i władze światowe) i w układzie horyzontalnym (gdzie zaczyna występować w postaci zasady równoważenia władz, co uwidacznia się w Unii Europejskiej).