

The art work as a text through which to explore legal ideas

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Introductory Thoughts

Postmodern legal thought¹, has stirred, among others, the interest to aesthetics. Thus, law and arts are considered as “mutually constitutive social forces”. Poems and theatrical plays, paintings and architecture, are seen as creators, performers and mediators of legal meaning². The main argument of those who support such a thought, is that knowledge and understanding are holistic. That the intellect and the emotion, the mind and the body do not function separately, and that therefore, we act optimally when we use every fold of our personality. Besides, law is not just an issue of reason or morality, but remains dependent on our hopes for the world and on how we are set within³. It is a cultural means of expression, through which senses and symbols are combined, communicated and interpreted⁴. As an expression of our era, and in direct relation with contemporary art, law appears as a narration of the reality, as an interpretive concept, as a political narration being formed⁵. And, just as the former art object has become a text the reading of which is moving on through diversification rather than unification⁶, law too is being interpreted, as it is developed locally and differently. An interpretation, after all, which cannot be objective, cannot have an absolute value, given the finality of the human existence⁷.

Art and Truth

Art is being asked to reveal the truth, *Hegel* was declaring⁸, and *Goethe* was emphasizing that a real art object will always bring in our mind something of the infinity, just like a work of the nature⁹. Much later, *Gadamer* was warning about the danger of the aesthetisation of the art, the danger, that is, that the art be only aesthetically understood, as something simply subjective and playful, while the aim is, by the experience of the art to win

¹ For which, the text is a place of polyvalence, dispersion and multiple meanings. There is not a unique "right" meaning, see *D.E. Litowitz*, Postmodern philosophy and law, University Press of Kansas 1997, 166.

² *D. Manderson/D. Caudill*, Modes of Law: Music and Legal Theory - An Interdisciplinary Workshop Introduction, 20 *Cardozo L.Rev.* 1325, 1326 (1999).

³ *D. Manderson*, Songs without Music. Aesthetic Dimensions of Law and Justice [Songs without Music], Berkeley/Los Angeles/London 2000, 35.

⁴ *D. Manderson*, Songs without Music, 201.

⁵ *H. Muir Watt*, La fonction subversive du droit comparé, *Rev.Int.Dr.Comp.* 2000, 503, 513.

⁶ *F. Jameson*, Postmodernism or, the Cultural Logic of Late Capitalism [Greek edition], Athens 1999, 72.

⁷ *P. Legrand*, Sur l'analyse differentielle des jurisprudences, *Rev.Int.Dr.Comp.* 1999, 1053, 1057.

⁸ *Hegel*, Introduction in aesthetics [Greek edition], Athens 2000, 147.

⁹ *Goethe*, Comments on *Laokoon*, in: About art [Greek edition], Athens 1994, 2nd ed. 2001, 127.

again the experience of the truth¹⁰. Art, mental sciences and philosophy transmit a truth, in which he, who has its experience, essentially belongs. It is not about the conquer of an untimely, objective truth, which is valid independently of place and interpreter, but about the participation at a truth, which is substantially historical¹¹.

On the other side, it is observed that law is the combination of reason and necessity. For the law, art is the combination of sensuality and freedom¹². Thus, one may support that aesthetics is a methodology, a way of enrichment of our [legal as well] interpretation¹³. Aesthetics is a dimension of the human experience, therefore one may also speak about the aesthetic dimension of the law.

Law and Music

The Viennese *Heinrich Schenker*, who is considered as the most important theoretician of music in the 20th century¹⁴, presents music as a composite sum of acoustic legislation, full of laws and regulations which rule different levels of jurisdiction. Furthermore he observes that a particularity of musical art is that it applies many laws at the same time and, despite the fact that a law may be more powerful than the others and impose itself in our conscience, however it does not have as a consequence the silence of the other laws, which rule the smaller and more restricted unities of tones¹⁵. He conceptualizes music as a multidimensional construction, with different levels of hierarchy¹⁶. The central authority, analogous of a musical "constitution", guarantees a tonic order at the highest level. The rules which are originated from this very "constitution", are hierarchically promoted to inferior levels of the musical building. It seems, therefore, that this distinction corresponds to the relation between *jus* and *lex* in legal science. The first represents law in its large conception, the one which guarantees social order, and the second represents law's concretization in specific legislative acts. Correspondingly, *jus* in music means musical law in its general and abstract form, while *lex* means its various applications at concrete compositions¹⁷.

More generally, it is supported that there is a substantive link between law and music, since law presupposes and entails regularity and

¹⁰ *J. Grondin*, Hans-Georg Gadamer. Eine Biographie, Tübingen 2000, 323.

¹¹ *J. Grondin*, 235.

¹² *C. Douzinas/L. Nead*, Introduction, in: *Law and the Image, The Authority of Art and the Aesthetics of Law* (ed. C. Douzinas/L. Nead) [Law and the Image], Chicago/London 1999, 1,2.

¹³ *D. Manderson*, *Songs without Music*, 132.

¹⁴ Who had a degree in legal studies, but not in music studies! See *W. Alpern*, *Music Theory as a Mode of Law: The Case of Heinrich Schenker, Esq.*, 20 *Cardozo L. Rev.* 1459, 1463 (1999).

¹⁵ *W. Alpern*, 20 *Cardozo L.Rev.* 1463 (1999).

¹⁶ See also *E. Gombrich*, *Art and Illusion* [Greek edition], Athens 1995, 141, who mentions that for the historian of art, the most important perhaps chapter of psychology is the one referring to the existence of multiple levels, to the peaceful coexistence of "incompatible" tendencies and feelings in the same person. What really happens is that different institutions and different circumstances favour and raise different approaches of the reality, in which the artist as well as his/her audience learn to respond. However, below these new conceptions and feelings, the older ones still survive and come up, one way or another.

¹⁷ *W. Alpern*, 20 *Cardozo L.Rev.* 1485-1486 (1999).

generalization and music too presupposes and entails order, rules of composition and harmony¹⁸. According to that opinion, we need a concept of order, which will move beyond both legal positivism and legal pluralism. We need, that is, an approach or approaches that will connect economic, social, psychic, emotional, mental and musical orders and not just the social with the economic. That is, an approach, which will connect order and rhythm and not just order and rules¹⁹. Besides, it is emphasized that, by using classical music as an explanatory tool, we shall see that the positive law's structure and the sociopolitical values that each time influence law's development relate to the concurrent developments in the field of aesthetics, music, literature, in the field of art more generally²⁰. It is pointed out that law, just as music and drama, is best comprehended as performance. That is, action, based on texts, interests more than the texts themselves²¹.

Image and Text

According to the above, the idea of law depends on the idea that our societies form about it, through their conceptions about life²². That is, law may be comprehended only if it is set inside a wide historical, socioeconomic, psychological framework²³. Analogous thoughts may be done about the art too, with the result that we ascertain a kind of parallel course of them both, or that we "interpret" an art object as a shape reflecting society. Thus, it is observed that this is no coincidence that formalism in law and classicism in art are emerging at about the same time, towards the end of the 18th century. Both of them are searching for an answer, in different spaces, to the same problem, that is, the relation between legality and authority. Both of them constitute an answer to the rise of the philosophical nihilism and to the inability to give an answer from outside to the above problem²⁴.

Images give visible shape to invisible forces and render present whatever is absent and may not be represented²⁵. The relation between image and text is very close, and this fact becomes more obvious when we think that both were expressing the relation between human and divine – a

¹⁸ C. Weisbrod, *Fusion Folk: A Comment on Law and Music*, 20 *Cardozo L.Rev.* 1439, 1441-1442 (1999). He points out that, if we say that law is art and try to compare it to the art of music, we find out about the objects under comparison are concerned, the following: First, both have theoretical and practical aspects. Second, there is (perhaps) in both a text which can and must be interpreted. Third, both construct on the past, therefore in both may be found ideas of development of theory.

¹⁹ H. Petersen, *Peripheral Perspectives on Musical Orders*, 20 *Cardozo L.Rev.* 1683, 1694 (1999).

²⁰ D. Manderson, *Et Lex Perpetua: Dying Declarations & Mozart's Requiem*, 20 *Cardozo L.Rev.* 1621, 1625 (1999).

²¹ J.M. Balkin/S. Levinson, *Interpreting Law and Music: Performance Notes on "The Banjo Serenader" and "The Lying Crowd of Jews"*, 20 *Cardozo L.Rev.* 1513, 1518 (1999).

²² P. Legendre, *The Other Dimension of Law*, in: *Law and the Postmodern Mind. Essays on Psychoanalysis and Jurisprudence* (ed. P. Goodrich/D. Gray Carlson) [Law and the Postmodern Mind], Ann Arbor 1998, 175.

²³ M. Van Hoecke/M. Warrington, *Legal Cultures, Legal Paradigms and Legal Doctrine: Towards a New Model for Comparative Law*, *J.C.L.Q.* 47 (1998) 495, 496.

²⁴ D. Manderson, 20 *Cardozo L.Rev.* 1638 (1999).

²⁵ C. Douzinas, *Prosopon and Antiprosopon. Prolegomena for a Legal Iconology*, in: *Law and the Image*, 36, 37.

relation, besides, that also determined the [sacred] laws which were presiding over human society. Moreover, it is emphasized that the tradition of legal writing begins with the Ten Commandments, which imprint law on an idol that they thus destroy. According to this opinion, the text takes the place of the image²⁶, the text becomes image, incorporates an image which was transposed from an idol to a text²⁷.

The power of the image and consequently the authority of the word, depend on a not represented source. According to that opinion, the empty canvass constitutes a strange representation of an infinite space, of a divine power, which is law and more than law. In legal terms, the empty canvass or the white tablet are useful to outline a law, which precedes and at the same time surpasses language, a law which goes beyond memory and beyond writing, a law of the nature and God. The empty space, that is, presenting nothing, reveals and conceals the law of the laws²⁸.

Respectively it is declared that a painting is not just its theme. That also its structure and its style "communicate"²⁹. This is mostly true for the paintings of abstract art, in which there is no other meaning³⁰. The history of modernism in art concurs with the crossing out of the representational object, in the name of the colour or the line³¹. Particularly in works of Cubism, which was a revolution of thought³², since it defeated faith in the imperialism of the appearance³³, of the presentation, it is observed that the role of representational indications is to limit the specter of possible interpretations

²⁶ Writing is a time machine, since it brings past facts to present and preserves present facts for the future. It is considered as originated in God, since it assures the maintenance of a culture's mental world, and transmits empirical values, see *B. Grossfeld*, *Der Buchstabe des Gesetzes. Zur Rechtsvergleichung mit anderen Schriftkulturen*, in: *Zauber des Rechts*, Tübingen 1999, 166, 171.

²⁷ *P. Goodrich*, *Translating Legendre, or The Poetical Sermon of a Contemporary Jurist*, in: *Law and the Postmodern Mind*, 223, 237.

²⁸ *P. Goodrich*, *The Iconography of Nothing. Blank spaces and the Representation of Law in Edward VI and the Pope*, in: *Law and the Image*, 14.

²⁹ See, though, *N. Xydakis*, *Art as communion [in Greek]*, *Kathimerini* [Greek daily journal], 3.6.2001, who expresses exquisitely his objection to that: "So I allege that art is not communication; it is communion. It is not conveyance of a message, it is participation of the message's body itself. It is not an exchange of messages, it is a persons' relation. Transposition from communication to communion is not just abstraction of a preposition from the contested noun. It is signified and existentialist transposition of the acting subject, of the human being, in respect to the object of that human being's action. Communion is Eucharist, is participation at the life of a palpitating community of persons, who converse, coexist, conceive, walk together, conflict, compose new forms. ... I am conscious of the fact that the concept of communion, of Eucharist, lead unavoidably to theological concatenations: to the Holy Communion, to the sacraments. But yes, why not conceive the melting of life and art as a sacrament? This melting is the lost Paradise of romanticism, that was the petition of the radical modernism, this is always the petition of the art: to pass from the shapeless chaos, the *tohu bohu* of Genesis, to the shapely flow of life, to the "very good" of the world".

³⁰ See also *A. Malraux*, *Le musée imaginaire*, Paris 1965, 44, 45, who points out that the first characteristic of modern art is that it does not narrate.

³¹ *S. Bronner*, *Points of Departure: Sketches for a Critical Theory with Public Aims*, Section Two, *Illuminations*, 1,7 <<http://www.uta.edu/huma/illuminations/bron4a.htm>>/.

³² *N. Berman*, *Aftershocks: Excoticization, Normalization, and the Hermeneutic Compulsion*, *Utah L.Rev.* 1997, 281, 285, who stresses the fact that the cubists rejected the invoking of depth by illusionary perspective, in favour of experimentalism with the innate in canvass qualities.

³³ *P. Legendre*, *Law and the Postmodern Mind*, 192.

until we are obliged to accept the plane, bi-dimensional form with all its contradictions and tensions, urging us to read the strokes of its paint-brush as simple traces of its gestures and more generally its movements³⁴. In a somewhat similar way, the formal and the structural characteristics of a law, constitute the tools of an aesthetic analysis which will help us to understand how those who created and classified the text, were seeing the world and the place of the law in it³⁵.

Law and Language

Given the fact then, that law is not independent from other social facts, interesting is the declaration that, together with law, language, knowledge and quality of the human effort, that is, material objects and mental creations, constitute man's education, culture. Among those elements, law and language are particularly important³⁶. Their connection is considered as particularly close, given the fact that language expresses ideas and law expresses concepts, besides, an idea may be expressed in various ways while juridical concepts have clear lingual limits³⁷.

Surroundings, through language influence thought, and, consequently, also law³⁸. That is, law is always a product of the space and at the same time of defeat of the space. Every culture structures chaos according to its lingual rules. Language "performs, fulfils and controls"³⁹. Thus, it is accurately declared that every word, either in its oral or in its written communication, reaches us, credited with the dynamics of its whole history⁴⁰.

Interpretation, thus, of a concrete text has a direct and close connection with the regulatory settlement of life relations⁴¹. An extreme aspect of the above said, is the opinion, according to which, the legislative strength of a literary work is not being "read" in the work itself, nevertheless the work orders and institutionalizes⁴². And it seems that in law, one can verify the position, according to which, an act of speech, when mostly meaningful, struggles to shorten, even annihilate, the distance between the signifier and

³⁴ E. Gombrich, *Art and Illusion*, 325-326, who believes that this is the basic characteristic of Action Painting, the main representative of which was Jackson Pollock.

³⁵ D. Manderson, *Songs without Music*, 56.

³⁶ R. Sacco, *Diversity and Uniformity in the Law*, 49 *A.J.C.L.* 171, 172 (2001).

³⁷ B. Grossfeld, *Sprache und Recht*, in: *Zauber des Rechts*, 119, 124.

³⁸ L. Ruet, *Les fonctions juridiques de la langue*, *Clunet* 1998, 697, points out the importance that language has for history, nation's idea, commerce, but also as an object of political intervention.

³⁹ D. Gefou-Madianou, *Culture and Ethnography. From Ethnographic Realism to Cultural Criticism [in Greek]*, Athens 1999, 210.

⁴⁰ G. Steiner, *What is the comparative philology?*, in: *No Passion Spent. Essays 1978-1995 [Greek edition]*. Athens 2001, 151, 152. Elsewhere, he points out - rightly - that the extinction of a language equates with the death of a unique conception of the world, of a kind of reminiscence, of present and future existence (p. 162).

⁴¹ F. Dallmayr, *Hermeneutics and the Rule of Law*, in: *Deconstruction and the Possibility of Justice*, 283, 294.

⁴² J. Hillis Miller, *Laying Down the Law in Literature: The Example of Kleist*, in: *Deconstruction and the Possibility of Justice*, 305, 325.

the signified, to fusion form and contents, something that the related systems of music and mathematics have achieved⁴³.

Comparative Analysis – Harmony as Aim

Traditional western point of view considers similarity as a fundamental concept and difference as a derivative concept. Yet difference is so fundamental a concept as similarity, since only by showing difference is similarity possible⁴⁴, and none of them has any meaning outside the field of the comparative paradigm⁴⁵.

What is considered as traditional aim of comparing the laws, that is, the location of common characteristics in different legal cultures, reflects a regulatory position which is taken for utilitarian purposes, such as, for example, the achievement of internationally uniform commercial rules. It is not concerned with the question whether and in what extent cultural differences are fundamental or not. Often, unfortunately, indifference reigns about the rich philosophical and ideological differences between legal cultures and the unity of their results in praxis is stressed. It is in essence a way of thinking that aims at stamping down differences.

Yet, unavoidably there always exist differences between two things, except if they are identical. It is rightly emphasized, that in law, even after very successful transplantations, an evolutionary dynamism emerges and systems follow their own path⁴⁶. The differences may be located in the sources of law, in the methods of legal syllogism or in the juridical institutions. The most fundamental differences, though, which also determine the previously mentioned, are the sociocultural ones⁴⁷. Aim and innate characteristic of every system is harmony. Thus also in the field of law one talks about harmonization, which, as a concept, is a procedure of harmony's achievement⁴⁸. Yet, harmony presupposes and preserves diversity⁴⁹.

⁴³ G. Steiner, *An exact art*, in: *No Passion Spent*, 176, 182-183. Particularly interesting is his indication that, by considering that the language is the opponent of translation, one may perhaps also explain the fact that many and different cultures forbade translation of their sacred texts. See, though, A. Brendel, *Beethoven. Notes on a complete sound-writing of his piano works*, in: *Musical Thoughts and After Thoughts [Greek edition]*, Athens 1998, 70, 84, who, speaking about the interpreter of musical works, declares that, for someone to understand the composer's intentions, it means to translate them and to transmit them according to one's own conception.

⁴⁴ According to D. Kennedy, *New Approaches to Comparative Law: Comparativism and International Governance*, *Utah L.Rev.* 1997, 545, 546, difference is the elaboration of similarities and dissimilarities.

⁴⁵ V. Grosswald Curran, *Cultural Immersion, Difference and Categories in U.S. Comparative Law*, 46 *A.J.C.L.* 43, 46-47 (1998).

⁴⁶ E. Örüçü, *Critical Comparative Law: Considering Paradoxes for Legal Systems in Transition*, *Electronic Journal of Comparative Law*, vol. 4.1. (June 2000), 1, 19 <<http://law.kub.nl/ejcl/41/art41-1.htm>>.

⁴⁷ The role of comparative law in cultural studies but also the role of culture in comparative law studies, is delicate and with difficulty definable, according to L.A. Obiora, *Toward an Auspicious Reconciliation of International and Comparative Analyses*, 46 *A.J.C.L.* 669 (1998), G.P. Fletcher, *Comparative Law as a Subversive Discipline*, 46 *A.J.C.L.* 683 (1998).

⁴⁸ A. Watson/K. Abou El Fadl, *Fox Hunting, Pheasant Shooting, and Comparative Law*, 48 *A.J.C.L.* 1, 35-36 (2000), mention that at times, certain inherited legal theories become part of the symbolic universe which determines and discerns certain legal cultures. According to their

Harmony is not alchemy. In an analogous way in music, it is observed, that in the polyphonic system, more voices are concurrently met, remaining different though. And exactly, what is most interesting in polyphony is that it provides a model for the diversity and the fragmentation of the contemporary legal order⁵⁰.

The rejection of the representation by abstract art has already been mentioned. As an absolute expression of this rejection one considers *Piet Mondrian's* work, who approached the abstractive aim of an autonomous art, that is art constituting an independent entity without any relation with the objects of the visible world⁵¹. He used three fundamental colours, red, yellow and blue, which, notwithstanding the fact that they coexist in the same compositions, complementing or challenging each other, never mingle between them. It is about, as it is pointed out, the diversity's feast. According to that opinion, law can avail itself of the style, the vision of *Mondrian*, by adopting analogous conceptions: By recognizing the positive value of diversity, one aims at the ideal of a humanity which is not undifferentiated, but on the contrary is being determined by many identities. By recognizing the diversity of the law's "plastic means", an artist applier of the law has new possibilities of composition, always following the ideal of equality. And thus, the pressing necessity of establishing similarity is being replaced by a principle of anti-assimilation⁵².

Besides, if one accepts that the key to the "thick"⁵³ understanding of another law or, as it is said, of another experience of law, is cultural analysis, then the sources that a comparatist may use, will also be novels and paintings, apart from codes, legislative acts and case law. Thus, according to that opinion, the comparatist does not assume just the role of a "technician" of the law, but even other roles, such as the one of the sociologist, the literary critic or the art critic⁵⁴. It is necessary that the comparatist shows an inventive and open mind, in order to be able to find useful elements in these less "orthodox" sources, accepting the fact that studies of the nature of knowledge and observation, taking place in the frame of other "sciences", are directly related to the intercultural research in which he/she him/herself proceeds⁵⁵. Thus, comparative law, as it is pointed out, becomes the privileged place of

opinion, a jurist must have a great creativity and bravery, to doubt the established beliefs of a legal culture, considering him/herself at the same time, as a jurist of the contested tradition.

⁴⁹ Besides, stressing the difference as a value, does not mean pessimism or that you fight change, see *P. Legrand*, *The Return of the Repressed: Moving Comparative Legal Studies Beyond Pleasure*, 75 *Tul.L.Rev.* 1033, 1049 (2001).

⁵⁰ *D. Manderson*, *Songs without Music*, 186.

⁵¹ *L.S. Fitzgerald*, *Towards a Modern Art of Law*, 96 *Yale L.J.* 2051, 2055 (1987).

⁵² *L.S. Fitzgerald*, 96 *Yale L.J.* 2065 (1987).

⁵³ The anthropologist *C. Geertz*, *The Interpretation of Cultures*, New York 1993, 6,7, refers to the ethnographic analysis of a systematic and complete form, defining it as "thick description", a concept that he borrows, as he mentions, from the metaphysic philosopher *G. Ryle*. As *D. Gefou-Madianou* points out (p. 147), for *Geertz*, "culture is a semiotic code which allows that everyone reads almost everything. Everything can constitute a cultural system: religion, art, ideology".

⁵⁴ *P. Legrand*, *John Henry Merryman and Comparative Legal Studies: A Dialogue*, 47 *A.J.C.L.* 3, 40 (1999).

⁵⁵ *P. Legrand*, *Comparative Legal Studies and Commitment to Theory*, *Mod.L.Rev.* 1995, 265, 272.

legal reflection and the comparatist, who had been stayed too long in the shade, takes the revenge, since onwards everyone will have to compare⁵⁶.

In the effort of determination of the relation between the parts and the whole in society, seems particularly interesting the parallel reference, on the one hand to music as the optimal rhetoric, on the other hand to harmony as the proper or commensurable relation of law to justice⁵⁷. According to that reference, the musical model must face the law as an instrument used to achieve harmony. And this harmony, to the achievement of which law contributes, is justice, that is, a harmony of the soul or the virtue and a harmony of civilians living together in a place⁵⁸.

Conclusions

History with its relativist result, informs us that we all are parts of a tradition – or traditions. These traditions allow our ancestors to talk to us, with more or less insistence. In case tradition is considered as a transmitted information⁵⁹, then it is possible to mobilize the past in order to invent the future⁶⁰. In an analogous way of thought, the opinion is also expressed, that the legal science is nothing else than future oriented applied theory and art. It is for this reason that it is “art” (“ars aequi et boni”), object of art. It is excepted from time, it continually has to speed up and to reduce speed, it has to win the future out of the past, since the present is so short (it is always over), therefore, that its role is very small⁶¹.

It seems, then, of course interesting, and perhaps correct, the opinion according to which, legal studies do not need to restrict themselves to the essence of the legal theory (“which are the formal elements of a contract?”), but may also examine the way a legal theory is being formed (“for whom contract law is necessary? Whom does it favour?”). It is there that “legal studies” meet “cultural studies”, that legal theory considers itself a cultural artifact. It is also there that legal studies are intertwined with anthropology, semiotics, political theory, and other external approaches to the law⁶². In an analogous way was expressing, since the 19th century already, the great American judge *O. Wendell Holmes*⁶³, who believed that, for those whose subject is the law, roads lead to anthropology, to political economy, to legislative theory, to morality and thus, through various paths, to their final conception of life⁶⁴.

⁵⁶ *H. Muir Watt, Rev.Int.Dr.Comp.* 2000, 526.

⁵⁷ *P. Goodrich, Operatic Hermeneutics: Harmony, Euphantasy, and Law in Rossini's Semiramis*, 20 *Cardozo L.Rev.* 1649, 1654 (1999).

⁵⁸ *A.J. Jacobson, Origins of the Game Theory of Law and the Limits of Harmony in Plato's Laws*, 20 *Cardozo L.Rev.* 1335, 1336 (1999).

⁵⁹ According to *H.P. Glenn, Legal Traditions of the World. Sustainable Diversity in Law*, 2000, 48, if the tradition is information, then the tradition with more adherents will be that one, the information of which will be the more convincing.

⁶⁰ *A. Touraine, Pourrons-nous vivre ensemble ? Egaux et différends*, Paris 1997, 49.

⁶¹ *B. Grossfeld, Rechte Zeit*, in: *Zauber des Rechts*, Tübingen 1999, 273, 280.

⁶² *D.E. Litowitz*, 166.

⁶³ About whom, see also *E. Moustaira, The Evolution of Private International Law in the United States of America. Tradition – Revolution – Counter-revolution [in Greek]*, Athens 1996, 12-15.

⁶⁴ *A. Dailey, Holmes and the Romantic Mind*, 48 *Duke L.J.* 429, 430 (1998).