

The Picture of Law: A Humanistic Analysis and Interpretation

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Abstract

Raffaello Santi, the great artist in the era of the Renaissance, endeavored to complete his renowned fresco “The Cardinal and Theological Virtues” with a strong attempt to revive the classical legal thoughts of Greek and Rome. For Raffaello, human beings share a common rational character with Law and Nature. They can establish a good legal system only if they fully develop their intrinsic rational nature and pursue the moral excellence of human virtues. In this way, the fresco apparently reveals a human-centered, humanistic legal thought. By contrast, contemporary mainstream legal thoughts not only deny any connection between the moral excellence of human virtues and the investigation of the nature of law, but also see the law as some independent entity whose nature can only be surveyed from an observer’s or a participant’s point of view. As such, contemporary legal scholarships are inclined to a law-centered, legalistic legal thought.

The development of analytical legal philosophy mainly revolves around the debate on the central issue ‘what is law’, which gives rise to the antinomy of legal positivism and anti-legal positivism. Nevertheless, behind this antinomy lies a common intellectual foundation, namely, the legalistic legal thought that characterizes law as an independent object (social fact or moral value) and as the pivotal case in normative human orders. Accordingly, in light of Raffaello’s brilliant artistic expression of personification, this essay attempts to argue that the seven virtues (fortitude, charity, temperance, faith, prudence, hope, and justice) presented in the fresco are aptly correspondent to the three different aspects of law, that is, the authoritativeness of law, the normativity of law, and

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the legitimacy of law. Through the critical reflection on the legal theories of John Austin, Joseph Raz, H.L.A. Hart, and Ronald Dworkin, the essay tries to analyze and interpret the humanistic implication in these aspects of law.

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