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The Metaphor of the “Carnival” and “Feast of Fools” in the Reflection on the So-Called Restoration of the Rule of Law in Poland

O metaforze „karnawału” i „święta głupców” w refleksji nad tzw. przywracaniem rządów prawa w Polsce

Abstract

This article examines the metaphor of “carnival” and “feast of fools” as a tool for analyzing the crisis of the rule of law in Poland. The author begins by reviewing established legal metaphors: the game metaphor (Hart, Marmor), which conceptualizes law as a rule-constituted practice; Dworkin’s figure of Judge Hercules, representing interpretive integrity; and Fuller’s hypothetical minister of justice, grappling with legal continuity after regime change.

The article argues that these metaphors presuppose the existence of a normative order that can be interpreted, applied, or violated. However, the current Polish situation demands a more radical metaphor. Drawing on Bakhtin’s analysis of medieval carnivals—where hierarchies were inverted, sacred rituals parodied, and the world turned “upside down”—the author characterizes the contemporary Polish legal landscape as a prolonged “Feast of Fools.” Public authorities act without legal basis, dismantle independent institutions, and persecute judges, all while invoking the language of “restoring the rule of law.”

The metaphor is deepened through Baudrillard’s concept of simulacrum: the rule of law becomes a simulation—signs and symbols of legality proliferate without corresponding normative reality. The carnival

metaphor captures a meta-normative crisis where the very criteria distinguishing lawful action from its violation become politically contested. The article concludes that the greatest threat to the rule of law is not lawlessness but lawlessness disguised as law, producing institutional stagecraft to convince citizens that normative order persists.

Keywords: carnival, rule of law, simulacrum, Poland, legal metaphor

Streszczenie

Niniejszy artykuł analizuje metaforę „karnawału” i „święta głupców” jako narzędzie służące do opisu kryzysu praworządności w Polsce. Autor rozpoczyna od przeglądu ugruntowanych metafor prawniczych: metafory gry (Hart, Marmor), która ujmuje prawo jako praktykę konstytuowaną przez reguły; postaci sędziego Herkulesa u Dworkina, symbolizującej interpretacyjną integralność; oraz hipotetycznego ministra sprawiedliwości Fullera, mierzącego się z problemem ciągłości prawnej po zmianie ustroju.

Autor argumentuje, że metafory te zakładają istnienie porządku normatywnego, który można interpretować, stosować lub naruszać. Tymczasem obecna sytuacja w Polsce wymaga zastosowania metafory bardziej radykalnej. Nawiązując do analizy średniowiecznych karnawałów przeprowadzonej przez Bachtina, w których odwracano hierarchie, parodiowano święte rytuały, a świat stawiano „na głowie”, Autor charakteryzuje współczesny polski pejzaż prawny jako przedłużające się „święto głupców”. Władze publiczne działają bez podstawy prawnej, demontują niezależne instytucje i prześladują sędziów, jednocześnie posługując się językiem „przywracania praworządności”.

Metaforę pogłębia koncepcja symulakrum Baudrillarda: praworządność staje się symulacją, znaki i symbole legalności mnożą się, ale nie odpowiada im żadna normatywna rzeczywistość. Metafora karnawału oddaje kryzys metanormatywny, w którym same kryteria odróżniające działanie zgodne z prawem od jego naruszenia stają się przedmiotem politycznego sporu. W konkluzji Autor stwierdza, że największym zagrożeniem dla praworządności nie jest bezprawie, lecz bezprawie podszywane się pod prawo, które wytwarza instytucjonalną teatralizację, by przekonać obywateli, że porządek normatywny wciąż istnieje.

Słowa kluczowe: karnawał, praworządność, symulakrum, Polska, metafora prawnicza

Introduction

Metaphors occupy a special place in the language of legal theory and philosophy of law. They do not serve merely a rhetorical or illustrative function. In many cases, they allow us to grasp such aspects of law that remain invisible when using exclusively the hermetic legal language. A metaphor can thus constitute a valuable cognitive tool: it allows us to reveal relationships, dependencies, and tensions occurring within legal practice. Thereby, the metaphor becomes a heuristic framework for the problems of contemporary legal philosophy.

A particularly interesting example is the use of the game metaphor¹. Following in the footsteps of Ludwig Wittgenstein from his *Philosophical Investigations*, in which he used the game metaphor to critique essentialism, contemporary legal philosophers have repeatedly employed the image of the game to explain the functioning of legal rules, the relationships between participants of legal practice, and the limits of judicial discretion in adjudication². Suffice it to say that the game metaphor appears, among others, in the works of H.L.A. Hart, Ronald Dworkin, Andrei Marmor, and Allan C. Hutchinson.

The game metaphor, however, assumes something fundamental: the existence of rules that constitute a given practice and set the boundaries of permissible actions. A player can win or lose, but cannot arbitrarily determine what constitutes a permitted move at any given moment. It is precisely at this point that the fundamental question arises: what happens to legal practice when participants not only violate individual rules but begin to undermine the very distinction between a legal and an illegal move?

In this article, I present a series of metaphors used to describe law: from the game metaphor, through Ronald Dworkin's metaphor of Judge Hercules, the opposition of "Noble Dream" and "Nightmare" in H.L.A. Hart works, to the metaphor of Lon L. Fuller and his vision of the Minister of Justice summoning his five deputies and asking them what to do in the situation of the fall of the Purple Shirts regime. Then, on the

¹ See: J. Huizinga, *Homo ludens: zabawa jako źródło kultury*, przeł. M. Kurecka, W. Wirpsza, Warszawa 1998; R. Callois, *Gry i ludzie*, przeł. A. Tatarkiewicz, M. Żurowska, Warszawa 1997.

² M. Sopiński, *Futbol i filozofia prawa: gra albo kaprys sędziego*, „Studia Iuridica” 2018, no. 77, p. 158–173; A.C. Hutchinson, *It's All in the Game. A Nonfoundationalist Account of Law and Adjudication*, Durham 2000.

basis of the particular legal situation taking place in Poland, I propose supplementing this catalogue with the metaphor of carnival, drawn from Mikhail Bakhtin's reflections on the "feast of fools," as it reflects the situation of a "world turned upside down," a world in which law becomes lawlessness, and its observance becomes its violation. Thus outlined, the metaphor of carnival is developed through reference to Jean Baudrillard's concept of simulacrum and simulation.

The thesis of this article is as follows: the game metaphor allows us to describe law as a practice constituted by rules, whereas the carnival metaphor allows us to describe a more radical situation, that is, a situation in which the very difference between a rule and its violation, legality and illegality, legal reality and its representation, is reversed or undermined. In this sense, carnival is not simply a "game without rules." Rather, it constitutes a practice that uses the language, symbols, and institutions of law to produce an image of the rule of law, while the normative reality to which this image should refer undergoes complete erosion.

1. Metaphors in Contemporary Legal Philosophy

One of the most influential metaphors of law is the game metaphor. In *The Concept of Law*, H.L.A. Hart uses the example of a cricket game to explain the specificity of social rules³. Rules are not merely a description of participants' behavior. They constitute the practice itself and provide criteria for evaluating individual actions⁴. Without rules, one cannot speak of a correct or incorrect move within a given game.

Analogously, law can be understood as a practice regulated by primary and secondary rules. Secondary rules determine, among other things, the methods of recognizing, creating, changing, and applying primary rules. Of particular importance here is the rule of recognition, which allows the determination of criteria for the legal validity of norms in a given system.

In the analysis of Hart's game metaphor, the distinction between a game played according to the rules and a situation that can be described as the scorer's discretion is of particular significance. The cricket metaphor can be used to show the tension between the normative character

³ H.L.A. Hart, *Pojęcie prawa*, przeł. J. Woleński, Warszawa 1998.

⁴ J.N. Shklar, *Legalism*, Cambridge 1964.

of rules and the arbitrariness of decisions made by a person holding authority over determining their application. From the perspective of law, the problem thus does not reduce to the question of whether a particular participant in the game acted in accordance with its principles. It concerns something more fundamental: namely, determining who and on what basis can determine what in general constitutes a correct move. The problem raised by H.L.A. Hart thus concerns the very status of the rule and the person authorized to determine it. The game metaphor thus reveals the fundamental relationship between law, rule, and institutional competence.

In this sense, the game metaphor corresponds well to the formal dimension of the principle of the rule of law. In a state governed by law, public authorities cannot act solely because they possess the political capacity to act. They must have appropriate legal competence. In the Polish legal reality, this principle is derived from Article 7 of the Constitution of the Republic of Poland, according to which public authorities act "on the basis of and within the limits of the law." The game metaphor thus allows us to grasp the first boundary of the exercise of power in a democracy based on the rule of law: political power should not be a player who establishes the rules of its own game at the moment of making a move.

The game metaphor was developed in a particularly interesting way by Andrei Marmor. In the article *How Law Is Like Chess*, Marmor uses chess to analyze the conventional foundations of law⁵. He distinguishes between deep and surface conventions, linking the problem of what law is with the problem of conventions determining what can be recognized as law in a given community.

Chess constitutes a particularly expressive metaphor because every move is evaluated not by its political usefulness, but by its compliance with the rules constituting the game. The bishop can move in a specific way, the knight in another, and castling is possible only when certain conditions are met. According to Marmor, the chess metaphor makes sense because legal rules and the rules of chess rise to the level of obligation, becoming conventions observed by a specific community on the basis of common agreements. Thus, the rules that constitute the game of chess have a dual function, for they not only define what the game of chess

⁵ A. Marmor, *How Law Is Like Chess*, „Legal Theory” 2006, vol. 12, no. 4, pp. 347–371; See: A. Marmor, *Social Conventions: From Language to Law*, Princeton 2009; A. Marmor, *Positive Law and Objective Values*, Oxford 2001.

is but also determine how it should be played. This means that both in chess and in law, it is possible to determine the scope of available moves so that there are correct and incorrect ways of playing the game of chess. Furthermore, Marmor considers the rule of recognition to be a constitutive convention. He claims that like the rules of chess, it gives certain actions or moves normative meaning in the legal system. It determines how norms become legal norms, linking their creation to certain conventionally established sources. It cannot include among these conditions the creation of norms through moral arguments, because there is nothing in them that could constitute a convention.

So should a player, being able to make a move beneficial to themselves, refrain from doing so? In the name of what values? According to Marmor, a move cannot be made legal merely by the player's declaration that "this is how they understand the rules of chess." Similarly, in public law, an organ cannot create its own competence merely by the conviction that it should possess it. As the source text indicates, if the law does not explicitly determine the competence of an organ to take a specific action, such competence does not exist.

Marmor's metaphor thus allows us to describe a particularly important phenomenon: the difference between a move beneficial from the perspective of its execution and a permitted, that is, legal, move. In law, not every move leading to the desired result is permissible. The problem with Marmor's metaphor begins, therefore, when the player no longer tries to win the game using permitted moves but attempts to change the meaning of permissibility itself⁶. Then the chessboard ceases to be a neutral playing field.

Another interesting metaphor in legal philosophy is the figure of Judge Hercules created by Ronald Dworkin⁷. Hercules is a fictional judge with extraordinary interpretive abilities. He is to reconstruct law as a coherent whole of principles, rules, and institutional practices, and to seek a solution that best fits the existing legal practice and simultaneously justifies it.

⁶ For example, Marcin Matczak, in the article "Constitutive conventions in law and the problem of their primacy," polemizes with Andrei Marmor, according to whom constitutive rules must logically and temporally precede the action of institutional organs. Matczak, however, considers this approach too formalistic, arguing that in law – unlike in chess – competences can be established and modified "retroactively" through accommodation in the real world. See: M. Matczak, *Constitutive Conventions in Law and the Problem of Their Primacy*, "Revus. Journal for Constitutional Theory and Philosophy of Law" 2024, no. 53, p. 83–100.

⁷ See: R. Dworkin, *Law's empire*, Cambridge, Harvard University Press 1986, R. Dworkin, *Taking Rights Seriously*, Cambridge 1978; R. Dworkin, *Biorąc prawa poważnie*, przeł. T. Kowalski, Warszawa 1998; R. Dworkin, *Imperium prawa*, przeł. J. Winczorek, Warszawa 2006.

The metaphor of Hercules no longer addresses the question "does a rule exist?" but poses the question "how should law be understood as a whole?" For law, according to Ronald Dworkin, is not merely a collection of norms and provisions. It is an interpretive practice in which individual decisions should remain in a relationship of integrity with earlier decisions and principles of the system.

In this sense, Hercules is the opposite of the arbitrary judge from Hart's metaphor. His extraordinary abilities enable him to enter more consistently into its structure. The metaphor thus indicates a paradox: the greater the interpretive power of the judge, the greater the responsibility for justifying decisions within the integrity of the system. The metaphor of Hercules is thus an important complement to Marmor's chess metaphor. Marmor shows that in chess there are permitted and prohibited moves; Dworkin shows, however, that even within permitted moves, there remains space for demanding interpretation.

Yet another type of metaphor is found in Lon L. Fuller's *The Problem of the Grudge Informer*, included as an appendix to *The Morality of Law*⁸. Fuller presents a hypothetical situation of a state in which power was exercised by the Purple Shirts regime. After its fall, the democratic government must decide what to do with persons who, during the previous regime, denounced other citizens.

The figure of the new Minister of Justice allows Fuller to pose the question of the relationship between legality, morality, and regime change. Particularly interesting is that the Purple Shirts did not have to completely abolish the formal structures of law. The problem rather consisted in the fact that existing institutions were subordinated to arbitrary political power.

Fuller's metaphor is particularly useful in the context of the problem of "the day after." What should be done when a given political system falls? Should law be applied in a formalistic manner, or can its moral correction be made? Can the new authorities act outside procedures because the previous system itself was considered deeply unjust?

This problem is extremely important for contemporary discussions on the "restoration" of the rule of law. It shows that even when the goal seems morally justified, the question of the legality of the means leading to its achievement remains. In this sense, the Minister of Justice from

⁸ See: L.L. Fuller, *The Morality of Law*, Yale 1969.

Fuller's text finds himself in an intermediate situation between playing according to the rules and playing contrary to its principles: he must therefore make a decision concerning the legal order whose previous participants themselves led to its deformation.

2. Metaphor of the "Carnival" & "Feast of Fools"

In the lecture *American Jurisprudence through English Eyes: The Nightmare and the Noble Dream*, H. L. A. Hart presents, using the metaphors of "Nightmare" and "Noble dream," two opposing ways of understanding American jurisprudence⁹. "Nightmare" corresponds to a vision in which law proves to be largely indeterminate, and the judge possesses broad, difficult-to-limit discretion. "Noble dream" represents, in turn, a vision according to which, even in hard cases, there exist legal reasons limiting judicial discretion and allowing the judge's decision to be treated as discovery, rather than creation, of law.

In the context of the titular problem of "restoring the rule of law," these metaphors gain additional meaning¹⁰. "Nightmare" does not have to mean merely the indeterminacy of law. It can mean a situation in which participants in the system lose the common criteria for distinguishing a legal decision from a political decision. Then the nightmare consists not so much in the fact that there are many possible interpretations of law, but in the fact that there is a lack of a stable criterion allowing one to determine when an interpretation ceases to be an interpretation and becomes a political decision.

All the metaphors described earlier assume – albeit in different ways – the existence of a specific normative order. The game assumes rules. Chess assumes a chessboard and specific moves. The figure of Judge Hercules assumes the existence of a system of principles that can be interpreted as an integral whole. Fuller's imagined figure of the Minister of Justice assumes, in turn, the existence of a question about the continuity and reconstruction of the legal order. Meanwhile, this normative order may not exist at all.

⁹ See: N. Lacey, *A Life of H. L. A. Hart: The Nightmare and the Noble Dream*, Oxford 2004.

¹⁰ See: J. Raz, *The Rule of Law and Its Virtue*, [in:] *The Authority of Law: Essays on Law and Morality*, Oxford 1979; B.Z. Tamanaha, *The History And Elements Of The Rule Of Law*, „Singapore Journal of Legal Studies” December 2012, p. 233.

Let us travel back in our minds to a medieval town. A place of strict norms, clear hierarchy, and established order. And then, that one day arrives—the Feast of Fools, the “Carnival” — as it was introduced by Russian philosopher Mikhail Bakhtin¹¹. Bakhtin understands “Carnival” primarily as a form of “ritual performance” in which medieval people were deeply engaged as active participants rather than passive spectators¹². In certain medieval cities, these carnival celebrations could last three months¹³. Bakhtin characterizes these festivities as “unofficial”—existing outside official structures, operating on an intuitive and non-programmatic level—they represented a parallel existence, an alternative dimension that existed alongside established social institutions¹⁴. Their fundamental purpose was to challenge and subvert the established authority, the prevailing “truth” that presented itself as absolute and unassailable¹⁵. In the carnival atmosphere, normal hierarchies dissolve: participants choose as their mock ruler the person most unsuitable for leadership, perform irreverent parodies of sacred ceremonies, invert sacred texts, and replace ritual objects with profane substitutes.

During the “Carnival”, the world is turned upside down. Participants elect a “King of Fools”—the person least suited for the role. They stage a parody of the Mass, recite Psalms backwards, burn old shoes instead of incense. It was an officially permitted safety valve. A ritual of role reversal, necessary—as they said—because if you don’t occasionally let the steam out of the wineskin, it will burst.

Bakhtin traces the origins of carnival traditions through various medieval celebrations, finding their literary expression in Rabelais’s works, particularly in *Gargantua and Pantagruel*. The specific tradition he designates as the:

““feasts of fools” (*festa stultorum, fatuorum, follorum*) was celebrated by school men and lower clerics on the feast of St. Stephen, on New Year’s Day, on the feast of the Holy Innocents, of the Epiphany, and of St. John. These celebrations were originally held in the churches and bore a fully legitimate character. Later they became only semi-legal,

¹¹ See: M. Bakhtine, *L’œuvre de François Rabelais et la culture populaire au Moyen Age et sous la Renaissance*, Paris. 1994; R. Cailliois, *L’Homme et le sacré*, Paris 1950.

¹² M. Bakhtin, *Rabelais and His World*, Bloomington, 1984. p. 66.

¹³ M. Bakhtin, *Rabelais and His World...*, p. 13.

¹⁴ M. Bakhtin, *Rabelais and His World...*, p. 6.

¹⁵ M. Bakhtin, *Rabelais and His World...*, p. 9.

and at the end of the Middle Ages were completely banned from the churches but continued to exist in the streets and in taverns where they were absorbed into carnival merriment and amusements. The feast of fools showed a particular obstinacy and force of survival in France (*fête des fous*). This feast was actually a parody and travesty of the official cult, with masquerades and improper dances. These celebrations held by the lower clergy were especially boisterous on New Year's Day and on Epiphany"¹⁶.

At their core, these festivals represented a brief, symbolic social revolution—a temporary transfer of power, status, and authority to those who normally occupied subordinate positions.

In his analysis, Bakhtin observes that the feast days temporarily freed medieval students from the oppressive weight of divine authority and the burden of eternal, immutable categories of truth. They escaped the rigidity imposed by concepts such as the “eternal,” the “immovable,” the “absolute,” and the “unchangeable,” finding instead a world characterized by openness, incompleteness, and the possibility of change. During carnival, normal existence was suspended and inverted; it functioned as a “second life” structured around laughter, dedicated to the renewal of the world¹⁷. According to Bakhtin,

“in this remarkable apology, foolishness and folly, that is laughter, are directly described as ‘man’s second nature’ and are opposed to the monolith of the Christian cult and ideology. It was precisely the one-sided character of official seriousness which led to the necessity of creating a vent for the second nature of man, for laughter”¹⁸.

The carnival metaphor allows us to grasp a situation in which the very assumption of legalism is undermined. Not in the town squares, but in the very heart of our democracy—in the justice system. The restoration of the rule of law? That is merely the slogan on the banner. In reality, we are spectators to a prolonged and dangerous “Feast of Fools”, where roles have been perversely inverted, and the law itself—parodied. It is

¹⁶ M. Bakhtin, *Rabelais and His World...*, p. 74.

¹⁷ M. Bakhtin, *Rabelais and His World...*, p. 83.

¹⁸ M. Bakhtin, *Rabelais and His World...*, p. 78.

not merely about chaos. For carnival is a parody of the official world. It uses its language, symbols, and institutions, but reverses their meaning. This is precisely why this metaphor is particularly useful for legal theory. In a classic game, violation of a rule means remaining outside the game. In carnival, violation of a rule becomes part of the performance. This is a fundamental difference. Power acting outside the law can still be understood as power violating the law. Carnival power goes a step further: it uses the language of law in order to present unlawful action as lawful.

What does this “world upside down” look like in practice? There emerges the figure of the “reverse principle of legalism,” in which a public organ acts without legal basis or beyond the limits of its competence, while simultaneously presenting its action as the implementation of the rule of law¹⁹.

First, the fundamental principle of a state of law is inverted. Article 7 of Polish Constitution states plainly: “Public authorities shall function on the basis of, and within the limits of, the law.” But today, the governing principle has become its sinister twin: the reverse principle of legality. Authorities act without legal basis and beyond the limits of the law. Binding statutes are replaced by government resolutions, even by non-binding legal opinions! It is as if in chess, a player could move the knight in a straight line simply by declaring that this is “the law as we understand it.” Second, the guardians are attacked. The independent institutions meant to uphold the constitutional order are being dismantled. The Constitutional Tribunal is financially strangled. The National Council of the Judiciary and the Supreme Court are delegitimised. Third, and most importantly, judges are persecuted.

Carnival thus does not consist merely in breaking the rules. Its essence is the reversal of the relationship between the rule, its violation, and the language of legitimation. Unlike the reality of the medieval Feast of Fools, which constituted an exception on a factual level, unlawful actions by public authorities are always unlawful on a legal level. They can give rise to constitutional and criminal liability of the persons undertaking those actions, as well as the state’s liability for damages. The authorities cannot seek analogies in other legal provisions that refer to other, or even similar, regulations within the competences granted to them by the

¹⁹ M. Sopiński, *Odwrócona zasada legalizmu. Studium erozji państwa prawa*, [w:] *Praworządność i wymiar sprawiedliwości w Polsce – ujęcie konstytucyjne i europejskie*, P. Bobrowicz, Z. Drożdziejko, J. Jarecka, Z. Kłafka (ed.), Toruń 2025, p. 95-114.

legislator. Yet the authorities do exactly that. As if they thought the carnival would last forever.

Therefore, Bakhtin's metaphor of carnival can be deepened through Jean Baudrillard's concept. In *Simulacra and Simulation*, Baudrillard analyzes a situation in which signs cease to fulfill the function of representing reality and begin to construct their own reality²⁰. This is because Baudrillard announces an apocalyptic vision of the end of sense, meaning, and reference, indicating that today we no longer truly exist, but merely live in a world. According to Baudrillard, simulating is a way of generating – through models – a reality devoid of source and reality. In its extreme form, simulacrum is no longer a copy of something that existed earlier. Simulacrum, according to Baudrillard, is a sign referring to nothing beyond itself. It becomes a sign deprived of stable reference to reality, and thus an element of the order of hyperreality. The transfer of this category to legal theory leads to an interesting hypothesis. For we can imagine the “rule of law as simulacrum.” In such a case, it is no longer about a simple contradiction between law and lawlessness. It is about a situation in which all external signs of the rule of law are produced – legal acts, decisions of organs, procedures, justifications, appeals to the constitution, human rights, or the “restoration of the rule of law” – while their actual function remains different. A particular form of simulation then arises: lawlessness no longer needs to hide behind the absence of law; it can hide behind an excess of signs of legitimation²¹.

This is precisely what makes the carnival metaphor more radical than the game metaphor. In Marmor's game of chess, we can say: “this move is not allowed.” Baudrillard's concept of simulation, however, allows us to describe the moment in which the “rule of law” can function as a symbol – completely independently of the actual binding of power by law. Power can then continue to speak the language of the rule of law, while the very relationship between language and legal reality is severed. Carnival thus becomes, in this approach, the stage for the production of simulacrum of the rule of law.

In carnival, it is not enough to say that someone “made an illegal move.” The problem is that the carnival actor may try to convince the

²⁰ See: J. Baudrillard, *Simulacra and Simulation*, Michigan 1994; J. Baudrillard: *From Hyperreality to Disappearance: Uncollected Interviews*, R.G. Smith; D.B. Clarke (eds.), Edinburgh 2015.

²¹ See: M. Krygier, *Four Puzzles about the Rule of Law: Why, What, Where? And Who Cares?*, [in:] *Getting to the Rule of Law*, J.E. Fleming (ed.), New York 2011.

other participants that the illegal move is precisely the correct move. It is not enough to say that "the judge incorrectly applied the rule." In carnival, the judge may be found guilty precisely because they applied the rule according to its previous understanding²². Moreover, in carnival, even the very possibility of recognizing whether we are dealing with law or with a political representation of law can become a problem. Therefore, the carnival metaphor should be understood as a meta-normative metaphor. It does not describe one type of violation of law. It describes a situation in which the criteria allowing us to distinguish law from its violation are themselves questioned.

3. Conclusion

The carnival metaphor has yet another dimension. According to Bakhtin, carnival is associated with temporality, reversal, and renewal. It is not merely permanent chaos. Its meaning derives partly from the fact that it remains in relation to the real world. This leads to the fundamental question: what follows after the carnival? If the game metaphor refers to the world of rules, and the carnival metaphor means their temporary reversal, then the crisis of the rule of law can be understood as a moment in which carnival ceases to be an exception and begins to claim the status of normality. It is precisely at this point that the metaphors of Bakhtin and Baudrillard begin to complement each other. In the former, we have a reversal of order. In the latter, the possibility of replacing reality with its simulation.

The combination of these perspectives allows us to formulate a more radical diagnosis of the crisis of law: the greatest threat to the rule of law is not lawlessness itself, but a situation in which lawlessness begins to appear in the costume of law, acquires its own institutional scenography, and produces signs intended to convince participants of the community that the normative order still exists. Not because law ceases to be present. On the contrary. It is present everywhere — in constitutions, statutes,

²² More about legal reasoning: M. Sopiński, *Pojęcie rozumowania prawniczego i jego specyfika w świetle koncepcji rozumowania na granicy filozofii, logiki oraz retoryki*, „Przegląd Prawniczy Uniwersytetu Warszawskiego” 2017, vol. 2, p. 399–427; M. Sopiński, *Rozumowanie prawnicze jako rozumowanie praktyczne w świetle nowej teorii prawa naturalnego Johna M. Finnisa*, „Archiwum Filozofii Prawa i Filozofii Społecznej” 2020, no. 1, p. 84–98.

regulations, and other legal acts. The problem is that its signs may no longer point to the corresponding normative reality.

The carnival metaphor thus allows us to grasp a moment that cannot be fully described by the metaphors of game, chess, or even Judge Hercules. Their common assumption remains the existence of law as a normative reality that can be interpreted, applied, or violated. Carnival, however, appears when the very boundary between the application of law, its violation, and the presentation of violation as the application of law becomes an object of political struggle. In this approach, the carnival metaphor does not replace the game metaphor. It is its complement and, at the same time, its limiting case. The game corresponds to a world in which rules exist. Carnival corresponds to a world in which rules are reversed. In this sense, the question “what follows after the carnival?” is not merely a question about the political future. It is a philosophical-legal question about the possibility of rebuilding a common criterion of legality. If the answer is to be positive, a return to the basic intuition that unites all the earlier metaphors is necessary: law cannot be the same as the political will of the entity holding power.

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