

## JUDICIAL SYMBOLS IN COMMUNICATIONS

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The article reviews the authors' complex research of judicial symbolism. The meaning of the main judicial symbols, their formation, cultural and historical context in which they arose, issues of use the judicial symbols in social communications are considered in the article. Judicial symbolism includes actional, visual, verbal and spatial judicial symbols which could be classified according to the criterion of the way of the meaning's transmission and perception. Actional symbols refer to the expression of meanings through action: this includes regulation of the judicial process, which has a certain order to be observed by the participants of the court hearing. Visual symbols represent certain elements of judicial symbolism, where the main is the visual perception, through which the appropriate interpretation of the symbolic meaning and understanding of the values of justice and the principle of the rule of law is carried out. This includes the robe, medallion, works of fine art as an aesthetically significant communication, in which the themes of the court are being interpreted. Verbal symbols – verbal standardized phrasing that mean respect for the court and present the judge (judges) as representatives of the state in whose name they administer justice. Spatial symbols mean structuring the courtroom and determining the semantics of the court building, in particular its interior design and exterior appearance, pointing out to the principles and values of justice. The above set of the means of representation of the symbols should be understood as a holistic text in which each type of judicial symbols is agreed and complemented with others, in order to achieve the main communicative objective, i.e. to convey the meaning of a fair justice, rule of law and respect for the court as an integral part of civil society. Judicial symbolism is characterized by systemic nature in which the individual elements are integrally connected and interdependent. The patterns of formation, structuring and understanding of individual elements of judicial symbolism should be analysed from the standpoint of a holistic vision of its purpose and objectives in the context of the communication process targeted at society.

**Key words:** classification of symbolism, robe of a judge, address to a judge, image of a judge, courthouse, symbol, oath, judicial semiotic, court, justice, courtroom.

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**Problem statement.** In the process of communication, symbols exercise a function of the methods of information transmission in a figurative form, shaping the condensed content to be interpreted in the certain environment or in the specific field of reality – the legal, artistic, religious and political ones etc. Insulating symbols from the general context make it easy to memorize them and enable their further associated perception with certain fixed meanings. Formation of the semantics of symbols, especially the universal ones, is usually a long-term process, the logic of which may be explained through a step-by-step reconstruction of individual meanings or elements inscribed in the relevant texts – the mythological, religious, philosophical, historical, artistic ones, as well as through functioning in the linguistic picture of the world and social reality. Understanding of symbols depends on involvement of a person in a certain field or erudition. However, the specific symbols may be perceived on the basis of general perception of any objects known to everybody, for example: the sword in hands of goddess Themis will evoke in everyone

associations with the function of protection or punishment based on a simple understanding of the purpose of this type of cold weapon, used in the ancient world and in the Middle Ages.

Judicial symbolism is a polycode system that expresses the essence of the basic principles of administration of justice, comparable with the values of a democratic civil society, through a set of semiotic means (verbal and nonverbal) endowed with relevant social conventions. The main communicative purpose of judicial symbolism is to influence the consciousness and behaviour of the recipient, represented by a system of symbols, designed to represent the imperative nature of the fair tribunal. Judicial symbolism is a means of conveying the semantics of legal universals.

Undoubtedly high social importance of justice, to administration of which the court is called, gave rise to high requirements for the organization of justice administration, including understanding of the importance of construction, arrangement and structuring of premises, regulation of the procedure, court dress and judicial attributes, in which symbols perform their communicative function as markers of meanings and denotations, ideas and principles, values and moral imperatives.

By its structure and individual semantics, judicial symbolism has many features in common with diplomatic protocol or political images, but they perform different social functions.

In our opinion, the process of legitimization of judicial symbolism and ritualism should take place through explaining the meaning of individual symbols and images that were formed in the process of gaining legal experience of past eras, reflected the essence of the basic values of law, represented the semantics of legal principles and stable structures of European legal consciousness. Revealing the content represented by a conditional symbolic form is important for the meaningful perception of court proceedings.

**The purpose of this article** is to reveal the meaning of the main judicial symbols, shows their formation, unveil the cultural and historical context in which they arose, to show the issues of use the judicial symbolism in social communications.

**Place of symbolism in communication.** Judicial symbolism distinguishes by defined meanings that had been formed within a long historical and cultural process, during which its basic forms and established semantics, reflecting the fundamental principles of the rule of law and a fair trial, were structured. The peculiarity of the content of judicial symbolism, conveyed in modern times, marked by ideological pluralism and multiplicity of interpretations, is that it is characterized by a certain paradigm of interpretations, takes into account the fundamental principles of the rule of law and reveals the values of a fair and impartial tribunal as the mandatory foundation of the civil society.

The process of communication involves a number of the information transmission means, among which the symbols occupy one of the leading places, as they convey certain meanings, denotations and concepts in a concised figurative form that is easy to remember. Legal culture, since ancient times, have used the symbols to denote certain values and principles, including those relating to the court, which ancient people perceived as an integral part of the world order and ensuring harmonious coexistence of the citizens of a particular community – the state or city.

The universal language of symbols, inherent in human communication since ancient times, conveys the most important values of the judiciary in the institution of the court at various levels. The origin and formation of judicial symbolism are closely related to other social and cultural systems, including religion, art, ethics, the concepts and images of which have been transformed and interpreted in accordance with the ideas of justice and impartial tribunal.

Until present time, judicial symbolism occupies an important place in administration of justice and court process, therefore, understanding the history of its origin, genesis and formation, as well as the basic mechanisms of decoding among the scientists and legal practitioners, is not only a sign of erudition and intellectualism, but also the part of professional competences. The importance of the concept of a court, prevalence of judicial symbolism not only in the professional legal environment, its noticeability in the social space determine the relevance of clarification of the main symbolic traditional meanings of its procedures, organizational characteristics for a wide range of interested persons who have no direct professional relation to legal science and legal practice, determine the expediency of clarification of its basic values for a wide range of interested persons, for example, the image of Themis with its recognizable attributes, court dress, architectural peculiarities of court buildings and structure of courtrooms, etc.

From the point of view of origin, judicial semiotics covered the texts of Middle Eastern and Greco-Roman mythology, Books of the Bible, narratives of the European Middle Ages and church history, richness of image creation of literature, pictorial art, sculpture, a number of architectural concepts, etc.

**Court dress.** The history of traditional clothing of the persons empowered to determine the legal order, in particular, rulers and judges, may be traced back to ancient times. The relevant prototypes can be seen in the Roman toga and royal ceremonial attire. Many Bible stories in Christianity and other religions refer to clothing as a symbol that means, among other things, dignity, saintdom, justice, disengagement and

impartiality. The items of clothing and ritual accessories had to emphasize the "transformation" of a human into a performer of a certain function assigned to him/her, in particular the judge.

Review of the history of the formation of the judge's robe shows that this component of one of the most recognizable elements of judicial symbolism developed in its appearance and semantic connotations along with the attributes of other social concepts – religion and science, which together with the court are an integral part of society, dating back to the archaic period.

The robe of a judge, counsel, prosecutor, along with a wig (if provided by the court rules of the country or jurisdiction) and some other items of clothing that must be worn in the court session, is called a court dress. The court dress is designed to create or contribute to the creation of a solemn feeling, to deepen the understanding of the importance of the ongoing judicial procedure; it affects the difference in perception of fairness (Chase, O. G. & Thong, J., 2012, p. 20).

The genesis of the modern robe of a judge date back to the ancient Roman toga as a symbol of legitimacy of power, awareness of civic responsibility and patriotism, high social status and the right to administer justice. Toga as one of the symbols of Rome, with its respect for law, passed into the court solemn ceremonies of the European monarchs, albeit in a slightly modified form of robes (Mistygacz, M., 2014, s. 74–75).

The lexical material of the Indo-European languages proves connection between the ruler and the judge, since it was the ruler who usually administered justice. Accordingly, the formal similarity of clothing in the process of exercising other authoritative powers and during the court session may be explained in the light of comparative-historical linguistics. The evolution of the robe of university professors and judges is almost synchronous in European culture. In the university tradition, the professor's robes from the Middle Ages to the present day symbolize respect for the achievements of scientists and performance of administrative functions in educational institutions.

Judicial ceremony is marked by a certain standardized scenario, which may be compared with a theatre and religious rituals. From the structural and formal point of view, there were many similarities between the ancient Greek drama and the Athenian people's court, namely: publicity of action, conflict in drama and court, art of speaking, subject matter (crime, conviction, punishment, etc.). In religious worship practices, we also trace structuring of space, determined location of the participants of the action, separate clothing of servants, established order, standardized dialogues, etc. We would like to emphasize that we are talking only about formal structural similarity.

Today, the use of court dress – the robe – is common almost all over the world. In Ukraine, a judge must wear a robe when administering justice. In some countries, other court lawyers (counsels and prosecutors) are also required to wear a robe while attending court sessions.

The court dress (first of all, the robe of a judge, prosecutor, counsel) is a mark of distinction (uniform, insignia) and at the same time symbolizes equality, demonstrating that a court lawyer should not underline his/her individuality with elegant and expensive clothing. The judge's robe is designed to symbolize the judge's abandonment of his/her emotions and personal attitude to the parties in the dispute, as well as emphasize the impersonality and understanding of the responsibility of the duty of fair justice.

Each of the colours used in court robes has a separate symbolic meaning. Thus, black colour is often used in judge's robes, meaning detachment and impartiality. Biblical narratives about black colour are associated with the presence of God in the dark times of God's judgment of sin and evil. Purple (crimson) colour symbolizes dignity. Blue (light blue) colour is associated with the sky and everything superior and sublime. In general, red, black and blue colours of judges' robes should be interpreted as an expression of high dignity and responsibility of the function performed in the court.

A jabot also has its meaning in court dress: it comes from the humeral veil as an element of the liturgical attire of the Catholic clergy (Western rites) and symbolizes "protection" of the voice from lies and evil words, protection from the evil forces; the purity of good deeds and strength for performance of the duties (Nadolski, B. ks. TChr., 2010, s. 138, 301, Leksykon liturgii, 2006, s. 521).

In Ukraine, the robe is worn by judges only for the administration of justice during the court sessions. Other ceremonies in which a judge would wear a robe are almost not provided by the law or tradition. Wearing the robe is not even envisaged when the judge is taking an oath (due to the need to make the robe by individual order for each newly appointed judge). Also, there is no other official or solemn robe for judges of Ukraine for certain special events; there is only an ordinary robe in which a judge administers or will administer justice. The only extrajudicial ceremony set out by law where a judge (in this case the Head of the Constitutional Court of Ukraine) participates in the status of a judge is the swearing-in ceremony of the President of Ukraine (inauguration) at a solemn sitting of the Parliament – Verkhovna Rada of Ukraine. When the President of Ukraine takes an oath, the Head of the Constitutional Court of Ukraine should wear the robe. Even though the legislation does not provide for such attire, this is the constitutional tradition (Oath, 2014, Oath, 2019).

**Addressing a Judge.** Addressing a person plays a special role in many aspects, psychological and emotional, social and hierarchical, etc. Addressing a judge in the course of a formal judicial procedure emphasizes the position and essence of the action being taken, namely administration of justice. Accordingly, a certain formality and pattern of addressing a judge is explained by the historically formed desire to create a sense of importance of justice with the help of language means, to emphasize the impartiality of judges during the court hearing.

Addressing a judge with the official title "Your Honour" is a ceremonial address in the court hearing, called to ceremonially depersonalize a judge, emphasizing that he (or she) acts and makes decisions in the court hearing on behalf of the state, as well as, the fact that exactly the judge presides over the trial in the courtroom. That is, this official title, as well as the address "Your Honour" are called in this part to perform the same function as other personal judicial symbols – the robe and medallion. In other countries, other forms may be used, such as: "Your Lordship", "My Lord", "My Lady", "Ladies and Gentlemen of the Court" (Calling judges, 2014). Sometimes the addresses may be used in parallel or depending on the type of court and its place in the hierarchy of the judicial system of a particular country or jurisdiction.

An official address to a judge or court as "Your Honour", as well as "Honourable Court", in fact, is not an address to a particular judge as a person with a certain name, but a polite (respectful) address to the procedural figure – the judge in this process, solely authorized or authorized as a part of the panel of judges to make decisions. Other participants do not have special titles in the courtroom. In court proceedings, the judge addresses the parties politely, in compliance with ethical standards and general rules of official communication (for example: "dear participants", or indicating the procedural position (defence counsel, defendant), or the name of the participant).

In Ukraine, there is no tradition of using the address "Your Honour" in other situations, except for speeches in the court, as well as the corresponding derivative phrases ("His Honour", "Her Honour", etc.) (Кравчук О., Остащук І. Звертання, 2021).

**The image of the judge** is one of the most important in civil society, based on the principles of fair justice and the rule of law. In every society, judges must be a special social force that determines the inviolability of the principles of equality before the law and independence of the judiciary (Kravchuk O., Ostashchuk I. Image of Judge in a Legal Culture, 2023).

Today, in our opinion, presence of judges in public space with a clear articulation of the principles of the rule of law is necessary in a democratic society. The prominent examples are: U.S. Supreme Court Judge Ruth Ginsburg, whose professional activity has not only become a role model for many lawyers, but has also entered mass culture through cinema and the media as an image of a human rights activist; Italian Judge Rosario Livatino, who fell victim to the Mafia; the Catholic Church beatified him for his uncompromising service to the law and administration of justice, for making expressive emphasis on the connection between his religious beliefs and professional ethics of a judge, in particular in defending justice.

In order to demonstrate absence of prejudiced attitude of a judge, minimize the causes and conditions that will contribute to emergence and manifestation of prejudice, the judicial profession envisages that the duties of a judge include adherence to the strictest ethical rules of conduct among judicial lawyers. A judge must behave impeccably not only in the courtroom or court building, but also outside them, in particular in everyday life. Ethical rules apply to the wide range of the fields of life of a judge and his or her family, and their purpose is to promote visibility of justice, ensure that justice is seen to be done. In many cases, a judge must demand observance of certain ethical requirements from family members and court staff (court employees).

Judges' observance of ethical rules is necessary, as violation thereof may create an impression not only of the prejudiced attitude or misconduct of a particular judge. Frequent evasion of ethical rules by judges may contribute to formation of the idea in the society (in an unlimited circle of "outside observers") that there is no real justice in a country or region. Therefore, violation of the rules of ethical conduct, which significantly harms the authority of justice, may serve the ground for dismissal of a judge.

The obligation to adhere to strict ethical standards (targeted at elimination or minimization of the causes and conditions that may lead to prejudiced attitude of the judge) creates an appropriate image of the judge, which is a kind of symbol of excellence, designed, with the help of other judicial symbols, to distinguish a judge as a person from a judge as a function. This image of a judge, by ensuring the proper functioning of the administration of justice, symbolizes impartiality of the tribunal and its fairness. Justice has no favourites, friends or opponents, no personal needs. After all, justice is a public and social function. Judicial symbols are designed to distinguish between a judge as a person and a judge as a function.

**Court building.** The court premises play an important role in judicial symbolism. From ancient times, court hearings were organized in a special space, namely at the central squares of cities, temple complexes, palaces of rulers and city government buildings. This value-based approach in choosing the place of administering justice is explained by the desire to emphasize importance of the action and evoke respect

of the citizens. When the courts moved to separate buildings, this function of underlining the majesty and significance of the process was emphasized through architectural forms resembling temples or palaces. This was also emphasized by the design and decoration of the interiors. A special place in the symbolism of the court building as a judicial symbol is occupied by stairs (although, of course, they are not in every building), which symbolically express elevation of a person to the halls where justice is being administered and the most important legal decisions are being taken. In some palaces of justice, the stairs are characterized by luxury in design. They lead to the courtrooms where justice is realized and the most important legal decisions are made (Kravchuk O., Ostashchuk I. *Judicial Symbolism*, 2022, c. 212–213).

The common civilizational space of the Western countries enables to perceive and make appropriate interpretation of those symbols and allegories that are represented by court buildings in different countries that administer justice on the basis of humanism and democracy. Columns, allegorical figures, baroque whimsical ornaments give the impression of fundamentality, reliability, trust, because a person's physical dimension of the power of the building seems imperishable and even eternal, as well as the desire for justice.

Since its inception, the court as one of the most important social institutions has been marked by a special attitude to the place or building where its sessions took place. In ancient Rome, according to the idea of the need to sanctify (to present in a structured form, fill it with content, separate it from the unconsecrated and trivial) space, in which actions and processes being important for the society took place, the trial was held at a forum or in sacred rooms, which often coincided with temples. In medieval Europe, trials were also held in the most privileged rooms – palaces of rulers, temples, at the main squares. In the magistrates, where the city authorities were located, courtrooms were one of the most solemn places, and their interiors were decorated with works of art relating to justice and court. To date, where possible, court buildings are erected with the intention to underline high social significance of justice, expressed in architectural forms (in particular, imitation of classical architectural models, which were often common to public, temple and palace buildings as being the most important in the local community or country) and modern conceptual solutions of architects, which successfully emphasize the dominant features of justice – transparency and equality. By their appearance and internal arrangement, the court buildings expressed that justice, being administered here, is one of the constituent foundations of the society. The court buildings, in addition to a purely utilitarian purpose and functionality, had a clear symbolic dimension, conveying the value of the category of justice (Kravchuk O., Ostashchuk I. *Court building*, 2021).

However, today's conditions are not always able to provide such high aesthetic standards of judicial architecture. The below features of the location of courts, affecting the perception of the court building as a component of judicial symbolism, are typical for modern large cities of Ukraine:

- courts are often located not in specially constructed or reconstructed buildings or premises that do not meet the requirements of state building rules;
- court buildings may be located not in the central part of the city or not on the central streets;
- district court buildings are often located in another district of the city;
- courts often occupy more than one building or premises.

In case of designing new or renovating existing buildings for the needs of the judiciary, it should be borne in mind that the court building, in addition to the utilitarian function of accommodating judges and staff and ensuring citizens' access to justice, has also symbolic meaning. Its appearance, location, convenience contribute to the creation of a certain image of the court for the citizens. In particular, location of the court building in the central part of the town or city, on one of the central squares or streets symbolizes legitimacy of the judiciary, its place as one of the equal branches of power in the system of separation of powers.

Location of the court building at a certain address, in the territory of the respective administrative-territorial unit symbolizes the territorial jurisdiction of a certain court, which is a body of public authority, and the power of which extends to the relevant territory and is convenient for court visitors. Therefore, cases of location of the courts not in the territory of the administrative-territorial unit represented by such a court (for example, in the territory of another district in the city) should be avoided.

**Courtroom.** A special symbolic meaning as a component of the court building is occupied by the courtroom, which is marked by its structure, conveying a certain understanding of the procedure of the judicial process and determining the features of communication between the parties.

The symbolic elements of the courtroom include national symbols (flag, emblem), structuring of the courtroom by zones, the defined order of placement of present participants, depending on their role in the trial (equipped seats for the relevant parties), elevated position for placing a judge (judges), a rostrum for examination of witness. In case of introduction of a separate panel of jurors, a place for the panel of jurors should be equipped in the room, which should also be located on the elevated position and symbolize involvement of people in administration of justice, underline the legitimacy of relevant decisions made by the panel of jurors.

The cases of placement of courtrooms in unsuitable premises negatively affect the external perception, visible to an independent observer of the trial. This may look like a trial in an unequipped room, supposedly an on-site court, rough and ready, "in the field".

Efforts should be made to set up spacious courtrooms in the courts that allow all parties to properly perform their procedural functions and exercise their rights (for example, so that the distance between the tables of the opposing parties does not allow them to see the opposing party's documents and notes or hear confidential conversations between its representatives). Holding court hearings in spacious courtrooms equipped in accordance with the design rules of such courtrooms, in fact, this relates to the presence of such spacious and properly designed courtrooms in sufficient numbers – contributes to the creation of a visible side of solemnity and importance of the trial, growth of respect and authority of the court.

A place for a judge or judges shall be arranged in the courtroom. This is usually a special large table, which, if possible, is placed on a certain elevated position. This may be an elevated part of the floor, if the courtroom is built in this way, or a kind of podium may be arranged (an elevated position like a stage in a theatre). Despite the fact that such a requirement is provided by construction regulations, not all court-houses have a place for a judge or judges on an elevated position. If the courtroom is arranged in a normal (small) room, there may be no elevated position. In some halls, it is possible to understand what place is intended for the judge only by the size of the furniture or position of the state symbols.

Arranging a seat for a judge on elevated position has symbolic meaning, designed to make it clear that justice is being administered, in particular that the judge (or presiding judge in a panel hearing) manages the trial, and all other participants must follow the orders of the judge (or presiding judge), and that it is the court that adjudicates the case. The judge's seat has always been special, different in size or height, compared to the rest of the courtroom, which may be traced from the courts of ancient civilizations. The New Testament text mentions the judicial position of the procurator Pontius Pilate, which is often depicted in paintings on the trial of Jesus Christ (Kravchuk O., Ostashchuk I. *Judicial Symbolism*, 2022, c. 250–251).

Seats for the participants (parties) are also arranged in the courtroom. Seats for participants in the courtroom are usually grouped into two distinct zones. Division of seats for participants into two zones has a symbolic meaning, it means competition.

There are no special rules for arrangement of seats in the courtroom. The side (to the left or right of the judge) from which this or that participant (plaintiff or defendant or, respectively, the prosecution and the defence) will be placed during the court hearing is not of particular significance. Therefore, they may be placed arbitrarily in the courtroom (for example, whoever comes earlier chooses a place). If a place (cell) for defendants in custody (with a convoy) is arranged in the courtroom for hearing of criminal cases, then places for their defence counsels are placed next to it. Even if the defendant is not in custody, the defence counsels shall traditionally be seated next to such a cell. Thus, in such a configuration, the very presence of a cell for the defendant in custody symbolizes that a place for the defence counsels is arranged next to it, and the prosecution shall be seated on the opposite side (in the opposite zone) of the courtroom.

When arranging seats for participants in the courtroom, they should be seated at the same distance from the judges and should be arranged in approximately the same configuration as regards the place of the judge or judges. This symbolizes the equality of arms in the case and gives them equal opportunities to prove their legal position before the court and justify persuasiveness thereof (Kravchuk A., Ostashchuk I. *The Courtroom* (2021)).

There is also a place for the court clerk in the courtroom, who is a mandatory procedural figure of the court session. The court clerk's seat should also not be too close to one of the parties. Since the court clerk is an officer of the court, whose arrangement in the courtroom (as well as arrangement of a seat for judge) should also symbolize equality of arms.

In Ukraine, there is a tradition of arranging a place for a defendant in custody (special cell) in the courtroom for criminal cases. It is considered as a kind of traditional feature of the courtroom of the criminal court. The cases of their application are reduced under the influence of the case law of the European Court of Human Rights, as placement of the defendant during the trial in the cell may violate his/her right to defence, as he/she may not have the possibility to communicate confidentially with his/her defence counsel. This is especially true when there are several defendants in the case, and they are all placed in the same cell, then all the defendants may hear the conversation with the defence counsel.

There is an idiomatic expression as "defendants' dock", which means a special procedural status of the defendant, but does not define a special place in the courtroom.

A place for examination of witness (tribune) equipped with a microphone is also traditionally arranged in the courtroom. Witnesses, experts, specialists and other participants (for example, an accused during the interrogation) usually stay here during the examination and cross-examination. In Ukraine, such a tribune is not arranged on an elevated position (near the judge), but is located next to the parties – in another free space of the courtroom. From this place it is convenient to speak to other participants during the introductory

speech, speech in court debates, and other long speeches. Such a tribune, in principle, is no different from a university rostrum; the persons concerned must stand in front of the tribune during the interrogation. The designated place for examination and cross-examination, in combination with the examination procedure, symbolizes the special place of direct testimony in the system of evidence that is investigated in the court. The examination tribune symbolizes that the testimony of a witness (accused, victim, as well as an expert, a specialist who may also be questioned in court) is evidence in the court case, which is perceived by the court not through documents but directly through oral interrogation (questioning), taking into account of which the court makes a decision.

**National symbols** are installed in the courtroom. The National Flag and the Emblem are also placed near the entrance to the courthouse and in the courthouse. Presence of the National Emblem and the National Flag in the courtroom, which is visible to all people present during the hearing and announcement of the court decision, which in accordance with Article 129-1 of the Constitution of Ukraine, shall be adopted in the name of Ukraine, as well as on the video of the court session, if any, symbolizes the authoritative nature of the trial itself and the court decision adopted as a result.

**Actional symbolics.** Actional symbols as a separate type of sign and symbol-based communication are marked by the need for a holistic explanation of all their individual elements to ensure an understanding of the meaning that is transmitted in codified form. In the judicial procedure defined by the law, certain parts of it have a symbolic meaning that must be correctly interpreted, so as to see not only the conservative historical tradition of the institution of the court in it, but also the nonverbal language of information transmission for modern society.

The main symbolic elements of the court proceeding are:

- getting up during the entry and exit of judges and during speeches in court, as well as hearing court decisions while standing, which symbolizes the respect of all those present in the courtroom, as well as the importance of the process taking place in the courtroom, namely administration of justice;

- openness (publicity) of both the trial and announcement of the judgment symbolizes the opportunity for everyone to attend the hearing, as well as the adversarial nature of legal proceedings and equality of arms, protection of the person from concealed administration of justice and relevant prohibition of such concealed administration of justice; however, deviations from the rule of openness (publicity) of the judicial process are allowed, when it is required for protection of a certain protected secret, as well as for other legitimate purposes; in some cases, administration of justice is also allowed in the form of written proceedings (when court hearings are not held, and instead the court examines the materials provided by the parties and makes decisions thereon, but such a decision must also be made public);

- public announcement of the composition of the court means the right of everyone to know who of the judges is hearing their case, thus continuing publicity of the trial and symbolizing impartiality of the court, and it is legally ensured by the right of participants in the trial to claim about recusal of the judges in case of any doubt as regards their impartiality;

- the immediacy of the court's examination of evidence during a court hearing, which consists in demonstrative submission, presentation to the court and/or announcement of evidence by the court or before the court, symbolizes the ability of the opposing party in the case to be aware of and comment on all evidence for the purpose of procedural influence on court decisions;

- announcement – symbolic reading aloud of a court decision – is nowadays supplemented by other means of ensuring its publicity and accessibility, including providing parties with the copies and posting (except as provided by the law) in public access on the Internet;

- adoption of a decision on behalf of the state, i.e. announcement and/or indication of the corresponding symbolic formula "in the name of the state..." in the texts of court decisions in some states, and in particular in Ukraine, which means that the court decision shall be binding on the authorities of that State and shall be enforced by that State;

- decision-making in the deliberation room, which symbolizes secrecy of the deliberation of judges and judicial independence (Kravchuk O., Ostashchuk I. *Judicial Symbolism*, 2022, c. 443-444).

**Judicial oaths** include official oaths of judicial lawyers (judges, counsels, prosecutors), as well as the oaths of jurors, witnesses, interpreters, and other persons taken in the court or for judicial process. Judicial oaths, as well as oaths of office involving judges as judicial officers, having a certain ceremonial nature, consist in the symbolic procedure of imposing a specific statutory obligation on a person to act in the manner declared by the oath. Both the oath of office of judges and other officials carried out with the involvement of judges (for example, the president, governors, other elected officials) and the oath of witnesses, translators, and other persons given in court or for judicial process signify the same symbolic idea – the obligation to act exactly as prescribed by the oath. Thus, the result of the procedure of taking the oath (being under the oath) symbolizes that the person acts specifically as prescribed by the oath.

Taking the oath by a judicial lawyer symbolizes conclusion of a kind of "agreement" between this lawyer and society on honest and conscientious performance of his/her duties, respectively, a judge, counsel, prosecutor – in particular, to ensure the rule of law, administration of justice, protection of the rights and freedoms of a man and a citizen.

It should be noted that if a person had an intention not to observe the established standards of morality and law, to act dishonestly and in bad faith, the oath itself could not keep him/her from doing so. Thus, the oath-taking ceremony has, first of all, symbolic meaning. The oath of each profession of court lawyers symbolizes that there are (or should be) only professionals among them, who perform their professional activity properly by legal means, fairly and in good faith.

Traditionally in the countries of Common law, the laws settle the oaths of office (in particular, oaths of the judges) within one legal regime with other legal oaths, in particular, the oaths of a witness, expert (who may be considered as a witness) or a juror. In general, it is a matter of the legislation on oaths, legal regulation of which may be distinguished in these countries as a separate public-law institution, namely, institution of an oath.

The oath of a witness, expert, interpreter, together with a penal notice, symbolizes that certain persons answer (or at least must answer) the questions or report certain circumstances to the court truthfully, make a correct translation; at the same time, it is allegedly presumed that the witness under oath and after the notification of criminal liability speaks more truthfully and consciously.

**Conclusions.** Judicial symbolism includes actional, visual, verbal and spatial judicial symbols which could be classified according to the criterion of the way of the meaning's transmission and perception:

1) actional symbols refer to the expression of meanings through action: this includes regulation of the judicial process, which has a certain order to be observed by the participants of the court hearing;

2) visual symbols represent certain elements of judicial symbolism, where the main is the visual perception, through which the appropriate interpretation of the symbolic meaning and understanding of the values of justice and the principle of the rule of law is carried out. This includes the robe, medallion, works of fine art as an aesthetically significant communication, in which the themes of the court (we will make emphasis, first of all, on the semantic level, without resorting to multifaceted art analysis of pictorial art or sculpture) are being interpreted;

3) verbal symbols – verbal standardized phrasing that mean respect for the court and present the judge (judges) as representatives of the state in whose name they administer justice;

4) spatial symbols mean structuring the courtroom and determining the semantics of the court building, in particular its interior design and exterior appearance, pointing out to the principles and values of justice.

However, the above set of the means of representation of the symbols – in other words, the plurality of semiotic languages – should be understood as a holistic text in which each type of judicial symbols is agreed and complemented with others, in order to achieve the main communicative objective, i.e. to convey the meaning of a fair justice, rule of law and respect for the court as an integral part of civil society. Judicial symbolism is characterized by systemic nature in which the individual elements are integrally connected and interdependent. The patterns of formation, structuring and understanding of individual elements of judicial symbolism should be analysed from the standpoint of a holistic vision of its purpose and objectives in the context of the communication process targeted at society.

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### **Кравчук О., Остащук І. Судові символи в комунікаціях**

Стаття є оглядом проведеного авторами дослідження судової символіки. У статті розглянуто значення основних судових символів, їх формування, культурно-історичний контекст, у якому вони виникли, питання використання судових символів у соціальних комунікаціях. Судова символіка включає акціональні, візуальні, вербальні та просторові судові символи, які можна класифікувати за критерієм способу передачі та сприйняття значення. Акціональні символи стосуються виражень смислів через дію: сюди належить регламентованість судового процесу, що має визначений порядок, обов'язковий для дотримання учасниками засідання. Візуальні символи репрезентують окремі елементи судового символізму, де основним є зорове сприйняття, через яке здійснюється відповідне тлумачення символічного змісту та розуміння цінностей правосуддя й принципу верховенства права. Сюди належить мантія, нагрудний знак, твори образотворчого мистецтва як естетично значуща комунікація, в якій інтерпретуються теми суду (акцентуємо передусім на смисловому плані, не вдаючись у багатоплановий мистецтвознавчий аналіз живопису чи скульптури). Вербальна символіка – словесні стандартизовані формулювання, що означають повагу до суду й представляють суддю (суддів) як представників держави, іменем якої вони здійснюють правосуддя. Просторова



означає структурування зали судових засідань та визначення смислового наповнення будівлі суду, зокрема її внутрішнього облаштування і вигляду екстер'єру, що вказує на принципи й цінності правосуддя. Вище окреслена множина способів репрезентації символів повинна розумітися як цілісний текст, у якому кожний із видів судових символів узгоджується та взаємодоповнюється іншими, з наміром досягнення основної комунікативної мети – передати значення справедливого правосуддя, верховенства права та поваги до суду як невід'ємних складників громадянського суспільства. Судова символіка відзначається системністю, в якій окремі елементи цілісно пов'язані та взаємообумовлені. Закономірності формування, структурування та осмислення окремих елементів судової символіки слід аналізувати з позиції цілісного бачення її мети і завдань у контексті процесу комунікації, спрямованого на соціум.

**Ключові слова:** класифікація символіки, мантия судді, звернення до судді, зображення судді, будівля суду, символ, присяга, судова семіотика, суд, правосуддя, зал судових засідань.

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