

Legal Symbolism in Fine Art

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Abstract

An article discusses the use of special characters in the fine art, through which the author conveys deeper meaning of these characters to the observer. Use of special characters in the fine art is called symbolism. The presentation of hidden meanings also required law and justice, as well as their specific processes, their performance, and their results. The thesis defines the key terms – law, art, symbolism, and their interrelationships. The main goal of the thesis is the search of legal symbolism and analysis of legal symbolism in fine art and in specific art works. The work attempts to identify the hidden meanings of legal symbolism in its various dimensions. Through the research, thesis also focuses on the perception of legal symbolism in the fine art by its observers, as well as their ability to decipher the hidden legacy of the author.

Keywords

Symbolism; Legal Symbolism; Legal Symbols; Fine Art; Law; Function of symbolism; Hidden Meanings.

Introduction

The article discusses the use of special characters in fine art. The use of specific symbols in fine art is called symbolism. Symbolism plays a major role in how we perceive, understand, and interpret art. Artists embody symbolism in their artworks to highlight important societal issues. It is the artist's opportunity to convey a broader message, and, at the same time, a way of conveying important ideas to observers without the use of words.

Symbolism gives the artist the freedom to add a double layer of meaning to his work: literal meaning, which is obvious and predictable, and symbolic meaning, which is hidden and usually much deeper than the literal. Symbols hidden in artworks often have an important confessional value, serving as a means of learning about society, culture, or historical events. The subject of symbolism may have different focuses and legal themes are not an exception.

Legal symbolism in fine art was and still is nowadays used as a tool of communication between the author and the audience. Through legal symbolism in fine art, we can acquire great knowledge about the legal system, its evolution, and its level of development, as well as about the legal awareness of the society that created and used it. The article attempts to identify and describe legal symbols and legal symbolism in fine art and to analyse its hidden meanings in its various dimensions. Symbolism in fine art allows us to discover how

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people perceived its presence in artworks, how they recognized and treated it. The research of the article is focused on the sensitivity of people – the audience – to its presence and on the study of the thoughts it arises.

Symbolism was once more relevant to people than it is nowadays. It was a substitute for written text, its visual aspect was easily distributed. People were able to find and understand the symbol naturally. Creating symbolism and interpreting it is a part of human nature. Symbolism, as a means of communication between artists, has a universal effect on people's thinking and perception.

1 Symbols and Symbolism

A symbol is an object that represents a specific thought, action, hidden meaning, or a message. It can be expressed in different forms. Symbols may be expressed by words, sounds or visual images. All these forms serve to convey the ideas and opinions of their creator, who inserts particular importance to them. The use of symbols for expression and representation of certain ideas in literature, art and science is called symbolism. The purpose of their use may be different. Symbolism can be defined as the use of symbols to indicate ideas and attributes by giving them symbolic meanings different from their literal sense.

The insertion of ideas into symbols can be observed throughout the entire existence of mankind. Symbolism is unique in its nature. Each symbol expresses a different theme or reference to which it gives its specific meaning. Many symbols are used in different cultures and different parts of the world. A symbol is something that can reflect a deeper meaning or broaden the explicit meaning of an actual word or image, and so it is transformed into a powerful instrument. Symbolism is important in representing crucial societal aspects such as religion, history, politics, law, or art.¹

Legal symbolism is a system of thought that builds on and operates with legal symbols. Legal symbol is a material representation of immaterial qualities and functions of law.²

1.1 Symbolism of Law and Justice

Law and justice can be expressed by different characters or symbols. Some symbols express passivity, while others express activity. Gradually, symbols were created for the basic and most important law institutes, bearing the meaning and the essence of their function. In terms of form, they can be expressed by material symbols, as well as by process symbols. Through the physical symbols might be expressed:³

- 1) *The principle of equality* is most often expressed by the use of *scales, the character of justice and the blindfold*.

¹ SPERBER, D. *Rethinking Symbolism*. Cambridge University Press, 1975, pp. 12–47. ISBN 0521208343.

² SCHOENFELD, C. G. On Relationship Between the Law and Unconscious Symbols. *Louisiana Law Review* [online]. 1965, no. 1 [cit. 20. 9. 2022]. Available at: <https://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3353&context=lalrev>

³ SCHELLE, K., TYL, T. Symbol a symbolika v práve. In: *Mezinárodní vědecká konference – 2006 – International scientific conference*. Brno: Masaryk University, 2011, p. 3. ISBN 978-80-7418-108-5.

- 2) *The principle of merit* can be materialized in the *crown* or in the *wreath*. If we take the principle of merit in a negative sense, for example in the form of punishment, it may also be embodied in symbols of punishment, such as a *scythe*, *whip*, *band*, *knife*, *axe*, etc.
- 3) In positive symbology, *the principle of performance* is often easily interchangeable with the *principle of merit*, so their physical symbols are virtually identical. The main difference between them is that the *principle of performance* cannot be expressed in negative terms.
- 4) *The principle of distribution* can be expressed through a *bundle of sticks*, a *throne* and in the symbol of the *sceptre*.
- 5) We can characterize *the principle of restorative justice* as an equalization of the relationship, which is stable but not balanced, so that it is materialized in the symbol of *weights*. It has often been associated with *hands* as a symbol of correction and executive power.
- 6) *The principle of vindictive justice* is expressed in all symbols pertaining to punishment, and retribution: *cross*, *sword*, *band*, *whip*, *scythe*, as well as *throne* and in the *character of God* representing the power of punishment.
- 7) *The principle of formal justice* examines, among other things, the substance of acts, which is why it is expressed in the symbol of *heart*, *glass*, *blindfold*, or *candle*. Often it is hidden in the symbol of the *scales*, and in the meaning of its tendrils in the symbol of the *sceptre*.
- 8) *The principle of universalization* is, by its symbolic expression, identical to the *principle of formal justice*, except it highlights the active act. Equality, in this case, is frequently expressed in the symbol of the *scythe* meaning that in each case of the same species is to be measured and determined in the same way. The symbols of the *universalization principle* are closer to universality and equality.
- 9) *The principle of reciprocity* has the attributes of the *principle of equality*, but also the *attributes* of the *principle of need*. It is therefore materialized in the symbol of the *weight*, *arm*, or *heart*.⁴
- 10) The symbolism of law and justice, which represents the process of their execution, as well as the outcome of their activities, undoubtedly required a public demonstration. Historically, the most frequent and dominant was undoubtedly the punishment, as a procedural symbol, and its performance before the public or by the public itself. Its earliest expression can be found in the Bible, where several passages mention courts that have been practised by the whole village. Community participation in the execution of the sentence was of preventive and educational importance for justice and its execution.⁵

Justice is perceived as synonymous with law and with the exercise of law. In practice, we recognize the symbols referring to it. The most common symbols representing justice are:

- 1) *Whip* – a symbol of justice expressing punishment and execution of injustice.
- 2) *God* – represents a heaven guardian who always decides and judges fairly. It is usually depicted sitting on a throne with a crown.

⁴ SCHELLE, K., TYL, T. Symbol a symbolika v práve. In: *Medzinárodná vedecká konferencia – 2006 – International scientific conference*. Brno: Masaryk University, 2011, p. 4. ISBN 978-80-7418-108-5.

⁵ *Ibid.*, p. 3.

- 3) *Lance* – one of the oldest weapons. Female allegorical figures who fight with copies represent virtues that prevent the world from sins and vices.
- 4) *The crown* – it shows, among other things, the promise of happiness shown in the symbol of the circle. Female figures with crowns symbolize theological virtues of faith, hope, justice and even endurance.
- 5) *Scythe* – is a symbol of reconciliation and justice.
- 6) *Sword* – is the instrument and symbol of decision making. The sword is regarded as a “*noble weapon*” because it is reserved chiefly for nobility. The lower part of the sword may resemble the shoulders of a scale, which is also a symbol of justice.
- 7) *Blindfold* – symbolizes the impartiality and objectivity of the trial
- 8) *Candle* – a symbol of light, knowledge, and truth.

Justice and law were often so important to people that they needed to materialize them into images in order to give abstract concepts a concrete form. Whether it was a secular or a sacred expression of law and justice, their symbols always expressed the same essence of the word and found their place in the world of art.⁶

1.2 Legal Symbolism and Art

Recognizing the history of symbols and codes in the context of different artistic movements helps us to recognize the true meaning and message of works of art as well as their expression. Through the symbolism of artworks and iconographic sources that inspired and led artists to construct works of art, we have the opportunity to deepen our knowledge of this fascinating world, which is exciting and endlessly rich in surprises and new discoveries.

Art can, by means of symbols in its representations, express various hidden meanings, important or secret messages referring to topics that were at the time of its creation socially forbidden, but the artist considered them important and its messages necessary to be passed on to future generations.⁷

The modern view of law, expressed by Kant’s critical philosophy and its modifications by Weber and Habermas, describes law as independently arising and separated from aesthetic consideration. This approach developed from the earlier philosophical theories of Plato, who excluded art and poetry from his *Politeia* and contrasted them with law. He described the poet or the painter as a person with contrasting characteristics who can hold multiple opinions about his creations. The legislator, on the other hand, must always hold only one correct opinion.

Religious perspectives according to the Jewish tradition or biblical law perspective presented an even stricter view of art and images. Art was subject to prohibition and censorship. Iconophobic ideas became the foundation of the common law only after the reformation

⁶ SCHELLE, K., TYL, T. Symbol a symbolika v práve. In: *Medzinárodná vedecká konferencia – 2006 – International scientific conference*. Brno: Masaryk University, 2011, pp. 4–12. ISBN 978-80-7418-108-5.

⁷ BATTISTINI, M. *Symbols and Allegories in Art*. Oxford University Press, 2005, pp. 7–23. ISBN 0892368187.

and the fusion of secular and ecclesiastical jurisdiction. However, even after reformation, iconography was influenced and conditioned by sacral or secular trends.⁸

The modern view of the relationship between law and art is problematic. However, despite all the reasonable differences, the deep and intimate connection between these two domains is indisputable. Political powers and law have gradually developed elaborate rules about visuality.⁹

2 Legal Symbolism as a new Historical Legal Discipline

Art is subjective and abstract, asking questions and offering various interpretations. On the contrary, law is rational, not intended to be open to multiple interpretations. Nevertheless, art and law meet on several levels.¹⁰

Profound interaction between art and law can be described in four directions: (1) the law as the subject of art, including cases where justice and law have been the subject of masterpieces of great paintings, literature, cinema, drama, etc.; 2) art as the subject of law, and its countless cases where the law has set as its objective to regulate, discipline, protect, restrict or shape the subject, themes, freedoms or rights of artists; (3) law discussing copyrights, protection of artistic heritage, and artistic freedom of expression; (4) law as art, representing the classic and virtuous definition of law as “*jus est ars boni et aequi*”.¹¹

The first point defines rights as an object of art. On this plane, the law and its legacy become part of an artwork. Relations that arise between the law and art take place in an external visible dialogue and point to the thematic content of the law and art. However, that classification does not expressly state that artistic works may produce legal arguments or legal content, even though it is not explicitly clear that the main object of their reflection is the subject of law.

However, there is a fifth level of interaction between art and law: Art that speaks to law, even if it does not directly mention it in a visible dialogue. Art and aesthetics – their dynamic complexity, their refined understanding of the world and their openness and creativity – always have something to say on the subject of law, even if they do not use words and readable expressions.

The oldest book on the silent eloquence of paintings – *Emblematum Libellus* – was published in 1531 by the Milanese renaissance lawyer *Andreas Alciatus* (1492–1550). This book is seen as a milestone for the emergence of a new discipline called “*Emblematika*”. *Embletic* collects literary and visual elements. The masterpiece *Emblematum Libellus*, which was published in 1531, was subsequently answered by several scientists who tried to highlight and explain

⁸ DOUZINAS, C., NEAD, L. *Law and the Image: The Authority of Art and the Aesthetics of Law*. University of Chicago Press, 1999, pp. 43–55. ISBN 9780226569543.

⁹ *Ibid.*, pp. 66–78.

¹⁰ WARDLE, B. Lady injustice: inequality and legal iconography. *Research Handbook on Art and Law*. Edward Elgar Publishing, 2020, pp. 239–245. ISBN 9781788971478. DOI: <https://doi.org/10.4337/9781788971478.00028>

¹¹ FRANCA, M. The blindness of Justice: An iconographic Dialogue between Art and Law. *JSTOR* [online]. 2018 [cit. 10. 10. 2020]. Available at: https://www.jstor.org/stable/j.ctv5vddc3.8#metadata_info_tab_contents

the relationship between artistic discourse (a set of rules, conventions, procedures, and ways of using expression in a work of art or in a group of works) and legal categories.¹²

The *Emblematum Libellus* depicts the tradition of legal and heraldic imagery, armorial insignia, insignia of dignity, emblems of institutions and honour. As a mixture of military and theological-legal inventions, it played a key role in making power, law, and lawful ways of acting and behaving visible.

Using paintings instead of words, it might be initially characterized as a popular science book aimed for illiterates. However, the invention of pictorial material was of fundamental importance. Each facet of the emblem appeals to a different class of viewers. Latin belongs to the clergy and lawyers - it serves to legitimize the mediated norm. The image is universal and may be seen as autonomous - it can be explaining, denying, or exceeding the words and linguistic limitations of any language. The explanatory verse is what we would call political today. It offers an interpretation that responds to the image and at the same time develops it, while expressing a moral norm that the viewer is supposed to follow and obey. The picture is the primary and the most novel feature of the emblem book, it takes priority over words, highlighting individual letters, and becoming a form of legislation.¹³

One of the first disciplines dealing with the systemization, organization and discovery of this knowledge was undoubtedly “legal symbolism” (or *iurisprudentia symbolica*). Its most important leaders are the Germans *Jacob Grimm* and *August Ludwig Reyscher*, the French *Jules Michelet* and *Joseph Pierre Chassan*, and the Portuguese *Theóphilo Braga*. *Joseph Perrie Chassan*, in his work entitled *Essai sur la symbolique du Droit Chassan*, was the first to define the reasons for and the purpose of this new discipline, called “legal symbolism”: “Law, in its external manifestations, has not always exclusively coated the form of the word or alphabetic writing. To be understood and retained by the rude intelligence of the uneducated men of primitive times, law needed sensitive images, figurative representations, and physical signs to speak to the eyes and to imagination. These real or animated signs were named symbols. Herein we call them juridical symbolism, to better characterise their specialty. The science that teaches the formation and origin of such symbols – and which, using the materials provided by erudition, created on symbols, including law in use, a body of doctrine, altogether philosophical and practical, a set of rules and precepts that lead to explaining the symbols in general and to knowing each symbol in particular – is called juridical symbolism.”¹⁴

The law has long been “multimedia”. In history, the law has often used symbols and images to disseminate it and to better understand it. In particular, during the period when the society was dominated by an illiterate population and the press did not exist or was inaccessible or costly. In the period between the Middle Ages and modern times, the dignity and weight of images were so significant that important legal manuscripts were illustrated, forming a set of images now known as “*iurisprudentia picturata*”.

¹² FRANCA, M. The blindness of Justice: An iconographic Dialogue between Art and Law. *JSTOR* [online]. 2018 [cit. 10. 10. 2020]. Available at: https://www.jstor.org/stable/j.ctv5vddc3.8#metadata_info_tab_contents

¹³ GOODRICH, P. *Legal Emblems and the Art of Law: Obiter depict as the Vision of Governance*. Cambridge University Press, 2014, pp. 15–17. ISBN 978110703599. DOI: <https://doi.org/10.1017/CBO9781139565783>

¹⁴ FRANCA, M. The blindness of Justice: An iconographic Dialogue between Art and Law. *JSTOR* [online]. 2018 [cit. 10. 10. 2020]. Available at: https://www.jstor.org/stable/j.ctv5vddc3.8#metadata_info_tab_contents

At the beginning of the 20th century, studies on symbols, images, objects, and signs connected with law and justice developed extensively in Germany, giving rise to a new historical and legal discipline called “*Rechtsarchäologie*” (“*legal archaeology*”), founded by Professor of the University of Munich – *Karl von Amir*. Between the 10th and the 30th years of the 20th century, “*legal archaeology*” has brought new knowledge through seminars aimed at understanding legal paintings and symbols in the fine art.¹⁵

3 Relationship between Law, Society and Culture

The law is a dynamic discipline which develops in direct proportion to the development of society. The law is not autonomous nor standing alone outside the social world - it is deeply rooted in society. Moreover, the law is socially and historically constructed and influenced by culture.¹⁶

The relationship between law and culture was described excellently by Patrick Devlin, who argued that the law should be used to promote the standards of society’s culture. He describes society as a community of ideas, which cannot exist without common ideas about politics, morality, and ethics. At the heart of this theory is the idea that the law is the “*invisible bonds of shared thinking*” that keep us “*together*” as a society, and that this “*agreement*” legitimizes the law. The law is thus seen as the arm of culture, which is its main source.¹⁷

Devlin’s model of the relationship between law and culture is ubiquitous in the legal system. The law is commonly understood as promoting a common sense of the community, as well as a sense of decency, and it embodies the “*experience*” and “*habits*” of the community.¹⁸

To be part of a community means to use shared cognitive and cultural tools and materials. Each community uses its specific signs, images, characters, metaphors, stories, and scenarios to describe the world around us. The community has impact on how we perceive and interpret events or situations. Law is such a community, that has its special tools of analysis, its own practices, minds, and symbols. On the other side popular law stories, images and character reflect into the culture, making law a coproducer of culture.¹⁹

The law is often used as an instrument of social engineering to achieve political objectives. Laws are often made and applied based on rationality that differs from the logic of cultural values.²⁰

Culture is defined in various ways, as faith, morality, ethical values, cognitive frameworks, deep-rooted assumptions about the functioning of the world, or as a response to social and

¹⁵ CHASSAN, J. P. *Essai sur la symbolique du droit*. Paris: Videcoq fils ainé, 1847, p. 2.

¹⁶ MATHER, L. Major Contributions to Law and Society. *The Oxford Handbook of Law and Society*. University of Oxford. Faculty of Law, 2008, no. 49, pp. 681–697. ISBN 9780199208425.

¹⁷ DEVLIN, P. *The Enforcement of Morals*. Liberty Fund, 2010, pp. 10–28. ISBN 9780865978058.

¹⁸ POST, R. Law and Cultural Conflict. *Chicago-Kent Law Review*. 2003, no. 78, pp. 485–491. ISSN 0009-3599. DOI: <https://doi.org/10.2139/ssrn.396860>

¹⁹ SHERWIN, R. K. *When law goes pop: The vanishing line between law and popular culture*. University of Chicago Press, 2000, pp. 3–5. ISBN 978-0226752914.

²⁰ POST, R. Law and Cultural Conflict. *Chicago-Kent Law Review*. 2003, no. 78. pp. 492–508, ISSN 0009-3599. DOI: <https://doi.org/10.2139/ssrn.396860>

political situations. Law, on the other hand, is alternatively conceived as justice, regulation, jurisprudence, legal categories, or the way ordinary people think about legality.

As regards the relationship between law and culture, there are three ways to explain their relationship. In the first theory, the law as an object of interest is explained by cultural factors. Culture is understood as deeply rooted interests or prerequisites for the functioning of the world – so it is independent of law and differences in legal practice.

An essential part of this theory is built on the basis proposed by Émile Durkheim, who drafted the formal law as an institutionalized body of pre-existing collective moral agreements. In this sense, the law is not autonomous, but it is firmly linked to social forces. Friedman took this sociological interpretation further, arguing that the legal culture and even individual judicial decisions exist only if based on the aims, values, various intellectual complex thinking, and behaviour of the society.

The second theory represents that specific social categories and concepts will become culturally more powerful after their institutionalization into the legal system. It represents the law as an independent and variable and the culture as its dependent outcome. This idea is part of a much larger constructive philosophical direction, which claims that what is termed as “culture” is socially constructed.²¹

The third explanation describing the dynamic interaction between law and culture was identified by studies as a concept called “road dependency” or described as “feedback” of the interplay of processes between the law and culture. This theory shows that it is not only collective memory that influences the way nations remember their past traumas but also legislation. It shows that the general cultural values expressed in the law mediate the effects of past laws on future laws.

The authors thus drew attention to the fact that, although a right is methodologically situated as an independent variable, it does not arise in a vacuum without restrictions. Recognizing this reciprocity creates a space for more sensitive conception of the law, which does not ignore the human element of the creators of law, who are individuals with a particular culture.²²

4 Definition of Art

In the past, art was defined differently; as imitation, representation by Plato²³, as medium for the transmission of feelings by L. Tolstoy²⁴, as intuitive expression by B. Croce²⁵ or as a specific form of nonverbal communication by C. Bell²⁶. However, neither of these definitions

²¹ SAGUY, C. A., STUART, F. Culture and Law: Beyond a Paradigm of Cause and Effect. *SAGE journals* [online]. 2008, no. 19 [cit. 10. 10. 2020]. DOI: <https://doi.org/10.1177/0002716208320458> Available at: <http://ann.sagepub.com/cgi/content/refs/619/1/149>

²² Ibid.

²³ PLATO. *The Republic*. Penguin Classics, 2007, pp. 230–357. ISBN 9780140455113.

²⁴ TOLSTOY, L. *What is Art?* Hackett Publishing Company, 1996, pp. 40–81. ISBN 9780872202955.

²⁵ CROCE, B. *Aesthetic As Science Of Expression And General Linguistic*. London: Routledge, 1994, pp. 23–51. ISBN 9781560008187.

²⁶ BELL, C. *Art*. Oxford University Press, 1987, pp. 5–7. ISBN 0192820494.

is sufficient and comprehensive – because not all artworks contain a key purpose for one of those definitions. Not every artwork tries to imitate or present something.²⁷

Is it even possible to define art? Morris Weitz defended the idea that works of art are linked by certain similarities and not by a substance that is expressed in a specific definition. The main problem of this idea is that even the expected similarities cannot capture both the unity and the integrity of the different concepts of art. Weitz also argued that the definition could only be used to approximate the changing concept of art and that art is dynamic, constantly modifying its forms, and its future could not be predicted.²⁸

In the 1960s, art was divided into two groups of specification: *functional art* and *procedural art*. The *Functionalists* believed that artworks could be considered art only if it achieves a certain purpose or intention. They argued that its main objective was to achieve and bring about an enriching aesthetic experience. On the other hand, the *Proceduralists* argued that artworks become art only when it is created according to a certain protocol and that the creation of artworks is supposed to follow the envisaged process rather than the final intention.²⁹

What do the works of art say? What do they represent? Do the artists hide a deeper message into their artworks? Can we recognize it at the first sight or just by expert analysis? In the past, painters put large variations of codes and references into paintings. These symbols were understood by their contemporaries, but in modern times we cannot interpret them with precision and certainty. Symbols are an integral part of the artwork's structure. Until we are not able to decipher them, we cannot even understand the story or symbolism that the artwork expresses.³⁰

5 Functions of Art

Through the definition of art and the theories of what art is supposed to express and represent, we come to its function. The function of art derives from its concept, form, history, and from the personal experience of the special cultural environment in which art was created.³¹

We can say that every work of art has a particular function. The functions of artworks can be classified based on their content, form, or purpose. In this way, works of art can be classified as *motivated artworks – utilitarian*, and *aesthetic artworks – without any functional motivation required*. Considering the motivated art, it is important to have the intended purpose and use, which is justified, for example, in architecture, furniture manufacturing or interior design.

²⁷ DAVIES, S. *Definition of art, Philosophy*. New York: Cornell University Press, 1991, p. 3. ISBN 0801497949.

²⁸ WEITZ, M. The Role of Theory in Aesthetics. *The Journal of Aesthetics and Art Criticism* [online]. 2017, no. 15 [cit. 10. 9. 2020]. Available at: <https://www.jstor.org/stable/427491>

²⁹ DAVIES, S. *Definition of art, Philosophy*. New York: Cornell University Press, 1991, p. 3. ISBN 0801497949.

³⁰ BATTISTINI, M. *Symbols and Allegories in Art*. Milan: Mondadori Electra A.p. A., 2002, pp. 6–14. ISBN 0892368187.

³¹ BUCHER, A. *Why Art? Remarks on the cultural and social functions of art* [online]. 2010 [cit. 10. 9. 2020]. Available at: http://foa-flux.net/wp-content/uploads/2011/04/bucher_whyart.pdf

Aesthetic art focuses more on the visual side of an artwork and the creation of something “beautiful”.³²

The specific function the work of art may contain is a special personal function. This function belongs to an artist who, through a work of art, expresses his feelings, emotions, and ideas. It includes self-realization too. However, art undoubtedly also has an impact on man, as an observer, who is not explicitly involved in process of the creation of artwork.

This leads to another essential function of art – the social function. The social function includes influencing human behaviour through art, celebration of something or somebody with art, description of society and social environment with art, transmission of the informative value through art or art as a source of happiness and joy that springs from an aesthetic experience. Its social function has an impact and influence on anyone who encounters work of art.³³

6 Social Value of Art

In social terms, art can have several meanings and uses. It can serve, for example, as a tool of criticism or as an instrument of protest. Since its creation, art has influenced and reflected the time, place, and cultural peculiarities of the environment from which it derives.

From the history of Western art, we can identify more focal points of its considerable influence. For instance, the French Revolution represented a fundamental change in the production and perception of art. The artistic movements of the nineteenth century in Europe reflected the constant development and changes of modern society.

In the 20th century, there was a revolution in economics, politics, technology, and science, which affected the work of artists at the levels of the content, as well as the location of their representation expressing some significance. Many artists saw their art as a laboratory for developing tools for changing society. This status of an artist – as a complementary representative and shaper of society – has influenced modern art and its consequences.

Art can be used as a tool for knowledge creation and as a tool for research. The use of art for research and the gain of theoretical knowledge is undoubtedly a phenomenon of the present day. The concept of *artistic research* is a progressive institute of the modern world. Contemporary artistic practice is so saturated with theoretical knowledge that it has become science. Artists act as scientists and present their findings in the artworks.³⁴

7 Selected Artworks and their Legal Symbolism

At the time of a great political and legal change, many artists decide to implement crucial social themes into the process of their artistic creation, and subsequently create politically

³² RANCIÈRE, J., ZIZEK, S. *The Politics of Aesthetics: The Distribution of the Sensible*. London: Bloomsbury Publishing, 2005, pp. 23–57. ISBN 9780826470676.

³³ Ibid., pp. 57–70.

³⁴ BUCHER, A. *Why Art? Remarks on the cultural and social functions of art* [online]. 2010 [cit. 10. 9. 2020]. Available at: http://foa-flux.net/wp-content/uploads/2011/04/bucher_whyart.pdf

and socially committed artwork. Art can be linked to politics and law in different ways. The area of politically involved art is very wide and rich.

Some works of art have become iconic with their symbolism and their messages, either for the purpose of their creation or for the concrete theme or meaning they incorporate and create. Some of them have, throughout history, revolutionized the way we think about politics, social issues and even art itself. Almost every major event is recorded in a work of art. There are many artworks, which, because of their symbolic significance and their self-explanatory value, have become a symbol in themselves.

From paintings in caves through the soup cans and mythical creatures to Soviet leaders, every artwork has an undeniable impact on the world of art and the world around us. Artworks representing legal-political symbolism in their composition have been and will always be an important medium for the expression of human perception of the watershed moment in society. People's perception of such artworks is often influenced by what they have learned or from which culture they have been raised. Only a detailed, in-depth, and gradual historical interpretation and allocation will give us a sufficient interpretation of the symbols and interpretation of the context of a particular artwork.³⁵

7.1 Fight for the civil rights: “The problem we all live with”

Racial equality is the equality of individuals regardless of their race and skin colour. The opposite of racial equality is racism, which, as a political theory, is based on the claim of superiority of the white race. In the past, the term has been associated mainly with slavery. Some theorists tried to suppress racism; others tried to justify it.

Equality of the people based on their race has been an issue, particularly in the US, where it has come to society's attention precisely in connection with the fight against racism. It was the cause of the civil war by which citizens achieved a *de jure* abolition of slavery throughout the US. All the states of the Union had to enshrine in their constitutions the equality of races and the prohibition of slavery.

Racial equality is linked to the application and exercise of civil rights. In the 1950s and 1960s, racial desegregation in schools and mass transportation was achieved in the US. One of the most important decisions adjusting racial equality was the *decision of the US Supreme Court – Brown vs. Board of Education*, on the prohibition of segregation at all levels in schools.³⁶

Segregation in all public places and discrimination in employment on the grounds of race, colour, religion, sex, or nationality was ended by the *Civil Right Act* of 1964. This law is regarded as one of the supreme legislative achievements of the civil rights movement.

The bill was first proposed by President John F. Kennedy when he overcame strong resistance from southern members of Congress. As part of the legal order, it became later, when Kennedy's successor, Lyndon B. Johnson, signed it. In the following years, Congress

³⁵ MARIA, R. *15 Influential Political Art Pieces* [online]. 2016 [cit. 17. 10. 2020]. Available at: <https://www.wide-walls.ch/political-art>

³⁶ JÚDA, V. *Teória práva*. Banská Bystrica: Univerzita Mateja Bela, 2011, pp. 27–28. ISBN 978-80-557-0158-5.

expanded and adopted other legislation in the field of civil rights, such as the *Voting Rights Act* of 1965.³⁷

In the mid-20th century, the Civil Rights Movement in the United States demonstrated the necessary changes. At the beginning of the *Harlem Renaissance* (an intellectual, social, and artistic movement concentrated until the 1920s in Harlem, New York), the movement called for an end of African Americans discrimination. Discrimination has plagued the country since the end of the civil war, and its consequences have always been visible in people's daily lives.

The movement was led by several currently known and prominent figures, including Martin Luther King, Jr., and Rosa Parks. In addition to these key leaders, the Civil Rights Movement also had the support of Norman Rockwell whose interest was not anticipated. Rockwell was a white artist and illustrator known for his nostalgic views of "average America".

60 years ago, Rockwell became known as the cover artist of *The Saturday Evening Post*, where he portrayed the life of Americans. However, during the founding and operation of the Civil Rights Movement, Rockwell suddenly and vigorously changed the direction of his focus, giving up his lovely, sweet illustrations of everyday life and replacing them with moving images rooted in social justice. During this period of his work his best-known painting, "The problem we all live with", was created. By this painting, he pointed to the striking problem of society at the time, which had a devastating impact on human rights.

The painting "The problem we all live with" picturing a small six-year-old African American girl, Ruby Bridges, on her first day of school. A little shy girl carrying her school supplies and dressed in a clean white dress looks like every other freshman. However, this situation is not typical, due to what surrounds young Bridges. She is surrounded by American soldiers, and she walks along a wall that is covered with racist graffiti, invective writings, and pejorative signs. On the wall, there is a smudge of thrown tomato melted on the wall. Undoubtedly, the Bridges experience is at least unusual and aroused by the political-legal situation in the state.³⁸

After the Supreme Court's decision in 1954, Bridges was one of the few students to have been chosen to initiate a process aimed at desegregation in New Orleans. Integration was one of the instruments of the *Human Rights Movement* focusing its actions on young children. Bridges was one of the chosen children sent to William Frantz's school.

During her walk to the front door of the educational institution, her uncertain step was marred by a violent crowd protesting the equality of African American citizens. Despite this tremendous emotional pressure, Bridges did not stop, and she continued to walk to the front door. "She showed a lot of courage", said Charles Burks, one of her marshals' escorts, adding: "She never cried. She just marched like a little soldier and we're all very proud of her."³⁹

³⁷ Civil Rights Act of 1964, Public Law 88-352 [78 Stat. 241].

³⁸ ROCKWELL, N., HENNESSEY, H. M., LARSON, J. L. *Norman Rockwell: Pictures for the American people*. New York: H. N. Abrams, 1999, pp. 69–98. ISBN 9780810963924.

³⁹ RICHMAN-ABDOU, K., COLE, M. *Norman Rockwell's "The Problem We All Live With," a Groundbreaking Civil Right Painting* [online]. 2020 [cit. 21. 11. 2020]. Available at: <https://mymodernmet.com/norman-rockwell-the-problem-we-all-live-with/>

Rockwell's painting pictures the whole scene from a low angle. This way, Rockwell emphasizes the low age of Bridges and the fact that she is just a little girl, and at the same time, her innocence. It also indirectly emphasizes the fact that she is a little child who has no idea what racism is and why people harbour so much hatred for someone of a different skin colour.

Instead of creating a directly propaganda artwork, Rockwell decided to create a work of art that would make people think and reflect the consequences of this action. A work that highlights how wrong and terrible the situation is and how negatively racism affects all people. The theme appeals not just to the upper class, but also to the entire population, because regardless of the race, age, or social class racism is something that we all must deal with and face.

Today, Rockwell's image is one of the strongest and most influential artworks fighting against racism and discrimination. As proof of its importance, during his presidential years, President Barack Obama has included the painting "*The problem we all live with*" into a temporary installation in the White House. The painting will forever symbolize the fight against those who do not regard people's lives as equal. The painting will always symbolize the victory of human rights and freedoms over violence and racism.⁴⁰



Source: *flickr.com*. Available at: https://www.flickr.com/photos/allan_harris/28189978373

⁴⁰ STOLTZ, D.R., STOLTZ, M., EARLE, W.F. *The Advertising World of Norman Rockwell*. Madison Square Press, 1985, p. 89. ISBN 9780942604047.

7.2 War crimes: “Guernica”

The law of armed conflict or the law of war is a branch of international law and has historically been one of its oldest parts. The main motive behind its creation was the establishment of rules of the war and their application in the event of international conflict. Although international law prohibits war and acts breaching and threatening international peace, it regulates the use of armed force when it arises.

Hugo Grotius is the author of the doctrine of the just war of the 17th century. It distinguishes between *jus ad bellum* – *the right to fight a war*, that is to say, to be entitled to wage war, a right of war in the broader sense, which contains all the rules relating to the war in the sector of public international law; and *jus in bello* – *the right to fight a war*, that is, a right of war in the narrower sense, including the rules of international law establishing the rights and obligations of states in the event of an armed conflict.⁴¹

The law of armed conflict expresses the principle of the prohibition of the use of force or the threat of force. One of the main objectives of the UN is to maintain international peace and security and to implement measures to prevent or eliminate threats to peace. In the UN resolution of 1974, the United Nations General Assembly called on all States to avoid acts of aggression and any use of force contrary to the UN Charter and the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the UN Charter.



Source: AGE PHOTOSTOCK. © PABLO PICASSO SUCCESS. VEGAP, MADRID, 2018. Available at: <https://www.nationalgeographic.com/history/history-magazine/article/pablo-picasso-guernica-painting-history>

⁴¹ VRŠANSKÝ, P., VALUCH, J. *Mezinárodní právo veřejné, Osobitná část*. Wolters Kluwer, s. r. o., 2013, p. 382. ISBN 9788081683763.

The annex to the 1974 Resolution defines the term *aggression* – Attack War – as “*the use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State, in the manner inconsistent with the Character of the Unit Nation, as set out in this Definition. (art.1)*”. It considers aggression to be the most dangerous form of unlawful use of force, which can cause conflict at the international level with dire consequences.⁴²

A breach of international peace is a war crime. War crimes are defined in the *Geneva Conventions*, in the *Hague Conventions*, in the precedents of the *Nuremberg* and *Tokyo Tribunals*, in the jurisdiction of the *International Tribunal for Rwanda* and, in the case of the former Yugoslavia, in the statutes of the *International Criminal Tribunal* in The Hague. War crimes include crimes such as the use of prohibited means of combat and the illegal conduct of combat, pillaging in the field of military operations, atrocities, persecution of the population, war injustices, murder or ill-treatment or deportation for the purpose of slave labour or any other purpose of the civilian population in the occupied territory, pillaging of public or private property.⁴³

The painting “*Guernica*” was ordered by the Republic of Spain for The Paris World Exhibition from one of the world’s most famous artists, *Pablo Picasso*. Even though it was the Republic of Spain that ordered it, Picasso painted it as a criticism of the Spanish fascist government. *Guernica* is a representation of the German bombing of the Basque metropolis in the north of Spain during the Spanish Civil War.

The painting came to light as a worldwide symbol of the war atrocities committed by the armies. To underline the evil and despair that the war has brought to the people during the war Pablo Picasso refused to use any bright colours to paint the *Guernica*. The grey, black and white foundation has added documentary character and credibility to its testimony. The image is literally riddled with symbolism.⁴⁴

In the centre of the painting is pictured the Minotaur, the Spanish bulls and the women who suffer great torture. The Minotaur, half a bull, and half a man is a symbol of the inner struggle between the human and the animal side of man. The light bulb is a sinister eye that looks at the entire picture and shines directly down on the horse stamping in the middle of the picture. It symbolizes the radiant Spanish sun, as the inhospitable environment of the martyred prisoners of war, who were lit only by light bulbs, as victims of inhumane and insensate practices.

On the ground in the middle of the composition of the painting is a hand holding a sword. While the hand is separated from its body, it does not release the sword as a symbol of the constant struggle of the soldiers and the population. All the characters in the painting are creepy and twisted. The necks of women are unnaturally stretched and screaming for help. The central theme of the painting is a big Spanish horse that tramples on one of the women. The horse symbolizes the largest European dictators, Mussolini, Hitler and Franco,

⁴² VRŠANSKÝ, P., VALUCH, J. *Mezinárodní právo veřejné, Osobitná část*. Wolters Kluwer, s. r. o., 2013, p. 384. ISBN 9788081683763.

⁴³ INTERNATIONAL CRIMINAL COURT. *Elements of Crime* [online]. 2013, ISBN 92922723223 [cit. 21. 11. 2020]. Available on the internet: <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>

⁴⁴ CORK R., FARTHING, S., *Umení od počátku do současnosti*. Praha: Slovart, 2012, p. 434. ISBN 9788073916220.

and the fact they act out of control. The horse is proof that dictators are crossing all borders and breaking all the rules, whether legally or morally.⁴⁵

In the picture, we can find caricatures of all three dictators. If we want to see Hitler, we turn the painting *Guernica* 90 degrees clockwise (the bull will now be up). Hitler's black moustache is depicted on the horse's chest. The vertical line just below the moustache depicts his wooden mouth. Hitler's caricature has a long language, which symbolizes more things: Telling of lies ("100 times repeated lies become truth" – J. Goebbels, a member of the Nazi party NSDAP, a close associate of Hitler, a war criminal), or diabolism (devils are often depicted with their tongues out), or even hell. Hitler is pictured with a long *Pinocchio nose*, which is a symbol of the lies and betrayals committed by the Nazi regime. One eye is more clearly visible, the other is covered by the hair and head of the horse.⁴⁶

If we want to see Benito Mussolini, we will turn *Guernica* 90 degrees counterclockwise. The bull is now at the bottom of the picture. Hitler's moustache now depicts Mussolini's eyes, they have the same nose. Hitler's left eye creates Mussolini's mouth and moustaches. The axe at the bottom of the picture is also a symbol of fasces – a bundle of wooden poles that also contained an axe or a sharp blade. It originated in the Roman Empire, and it symbolized power, judgement, or law. It is pictured near Mussolini's face thus, he was the one who misuse the law and abused the political power for unhuman torturing and killing.

The caricature of Franco is depicted in the composition as Mussolini's face. It lies where the knee and the lower part of the leg of the horse are grounded. Creatures on the painting are in cubistic style, the dominant art style of Picasso. One of the creatures is beheaded, which is symbolic of the time when people will be reborn and regain their freedom.

Guernica gives the impression of different images. The first one we see at first glance: The bull, the rabid, fearsome horse, the bulb, the women, and the dead. The second hidden part is disguised under the first one. If this hidden layer of *Guernica* had been understood during the Second World War, surely Picasso would have been killed by the Nazis. Picasso was enraged by the events, which explains his treatment of Hitler, Mussolini, and Franco.⁴⁷

The painting expresses the death that swept over the Spanish population at the whim of the dictators, and the bombing of Nazi Germany. The central theme is the great tragedies of social affairs and political life at the time, which are overshadowing the whole picture. Picasso has picked up the Nietzsche themes associated with the origin of artistic tragedy and transformed this theme to depict how human tragedy is born in real life.⁴⁸

7.3 The judicial system: "Themis"

The apparent difference between law and art can simply be overcome. The connection of legal symbolism and art leads its author, the artist, to a statement and to the creation

⁴⁵ CORK, R., FARTHING, S. *Umení od počátku do současnosti*. Praha: Slovart, 2012, p. 435. ISBN 9788073916220.

⁴⁶ HARRIS, J.C. Picasso's *Guernica*, *Archives of General Psychiatry* [online]. 2010, no. 9 [cit. 21. 11. 2020]. DOI: <https://doi.org/10.1001/archgenpsychiatry.2010.108>

⁴⁷ Ibid.

⁴⁸ CORK, R., FARTHING, S. *Umení od počátku do současnosti*. Praha: Slovart, 2012, p. 435. ISBN 9788073916220.

of an artwork, through which an artist wants to overcome the aesthetic appearance of the work – to express his legal or political opinions with help of the symbolism hidden behind the aesthetic side of the painting.

The subject of legal symbolism in the fine art led me to create my own artwork – a painting that will contain several characters and objects symbolizing the law and its content. In addition to individual symbols, the picture conceals a reference to the current political and legal situation in the country. A painting called “Themis” will serve the research – to describe how its audience responds to hidden symbols, and how people perceive legal symbolism. At the same time, it will serve as a demonstration of the connection between the law, legal symbolism, and fine art.

The image of Themis has three dimensions. Each of them represents a different view of the legal and political issues with help of legal symbolism. From the simple foundation of the work to the more complex legend of its hidden legacy.

The first dimension is composed of several legal symbols. Each symbol has its unique meaning in the plane of this work and is represented in its own form. We can recognize the following symbols: *Candle* – a symbol of truth, knowledge, and light, and it refers to the principle of formal justice. *Scale* – one of the most used symbols representing the principle of reciprocity, the principle of equality, the principle of formal justice and the principle of restorative justice. *Hand* – symbolizes and refers to the principle of vindicatory justice, the principle of mutuality, and it may also be a symbol of the principle of restorative justice or the principle of merit. *Column* – is the embodiment of the principle of distribution by origin or rank. *Gavel* – is a symbol of jurisdiction and the right to adjudicate, a symbol of judicial activity. *Institution / building of the institution* – its image symbolizes the institution as a tool for interpreting human actions and dealing with its consequences.⁴⁹ *Paragraph* – a symbol of law, legislation, and legal principles. *Code / Book* – Book of Judgments or the Code represents teaching, written knowledge, and judicature.⁵⁰

These individual legal symbols are linked to each other, and they form a mosaic of legal symbols – the background of the image – the base for its other two dimensions. This binding nature and the reversibility of the symbols reflect the legal principles, which are characteristic of their contour of content. Legal principles can be understood as rules of high universality and abstraction, which are the basis of the statutes, the legal sectors, and the law. They represent fundamental values, which, in a concentrated form, express the mechanisms of legal relations. The importance of the legal principles is found in law-making, and interpretation of the law. Their individual interpretation is as important as their interconnectedness and reciprocal interpretation. Interpretation of symbols functions the same – they can be interpreted separately, but also in relation to each other.⁵¹

⁴⁹ *Institutions and Symbols*, *MANAS Journal* [online]. 1957, no. 43. [cit. 27. 11. 2020]. Available at: http://www.manasjournal.org/pdf_library/VolumeX_1957/X-43.pdf

⁵⁰ SUPREME COURT OF THE UNITED STATES, *Symbols of Law* [online]. 2015 [cit. 27. 11. 2020]. Available at: <https://www.supremecourt.gov/about/infosheets/SymbolsOfLaw.html?rwndrnd=0.653810755815357>

⁵¹ EALÍKOVÁ, N., SOUKENÍKOVÁ, D., VÍTKOVÁ, N. Princípy v práve, Zborník princípov. In: *Medzinárodná vedecká konferencia, S.A.P.* Bratislava: Paneurópska vysoká škola, 2015, p. 52. ISBN 9788089607341.

The second dimension of the painting is depicted in the form of hands, which are placed on top of the painting. The *band* or *bands* usually symbolize mutuality and justice, but in this case, each hand represents a gesture, thus altering its symbolic meaning. The first hand (from left to right) shows the “*thumb down*” gesture. This hand gesture with the thumbs down/up is known from the days of the ancient Rome and the gladiator games. The referee in the arena, who decided the fate of the fighting gladiator, indicated by gesture whether the warrior should be spared death or not. At the time, the gesture was also called the “*enemy’s thumb*” and it symbolized a certain threat. Nowadays, this gesture is also used among politicians or Members of Parliament, who thus indicate their preferred opinion, for example, when voting in the parliament.⁵²

The second gesture is a pointy finger. A gesture also referred to as a “*pointing gesture*”. It may have a lot of meanings. A neutral description is a deliberate movement of the hand and its index finger, by which one tries to draw the attention of another to something. It is a bodily instruction – look there! The pointing finger serves us as a communication tool and the meaning of its use depends on the situation and the context in which we use it. In a confrontation, it can serve as a “*shame gesture*” as an idiom to blame – you are to blame; or as an order – do this. In this context, the gesture is very aggressive. With an index finger pointed at someone else, we enter his personal space and his personal zone, where we violate his personal comfort.⁵³

The third gesture is “*band in fist*” which has several meanings. Many movements use it as a sign of solidarity and strength. In other contexts, it is perceived as a symbol of the uprising and, in that sense, it has been used by several political and social movements. Victory is the expression of triumph. The “*band in fist*” is used as a symbol in various martial arts and is, therefore, also understood as a symbol of aggression. In this context, the hand in fist is perceived as a form of threat and attack.⁵⁴

The representation of the hands on the image changes their traditional symbolic meaning, and it transforms into peculiar expressions in the context of this work of art. The hands on the painting are pointed at *Themis* and address her negative messages – threats, aggression, accusing, ordering, even punishment and condemnation. It looks as if the hands are approaching her person directly and are already intensely invading her personal space. Giving impression they are slowly becoming a part of her individual.

The third dimension of the image is also visible and overlaps the first two dimensions. It is the most distinctive and, at first sight, the most comprehensible dimension. The central figure of the painting is the goddess *Themis* and her overall appearance. The goddess *Themis*, sometimes called *Justicia*, is the goddess of law, justice, and the legal system. She

⁵² FABRY, M. *Where Does the “Thumb Up” Gesture really Comes From?* [online]. 2017 [cit. 27. 11. 2020]. Available at: <https://time.com/4984728/thumbs-up-thumbs-down-history/>

⁵³ COOPERRIDER, K. *Fifteen ways of looking at a pointing gesture* [online]. 2020 [cit. 27. 11. 2020]. DOI: <https://doi.org/10.31234/osf.io/2vxft>. Available at: https://www.researchgate.net/publication/337772805_Fifteen_ways_of_looking_at_a_pointing_gesture

⁵⁴ GOSLING, E. *The Real Meaning Behind Six Symbols of Protest* [online]. 2020 [cit. 27. 11. 2020]. Available at: <https://elephant.art/the-real-meanings-behind-six-symbols-of-protest-01072020/>

is a personification of the divine order, materialising the ideological concept of “formal” and “procedural” justice. Her personage was a symbol of ideological conception based on the principle of judging the privileged and persecuted as equal under law.⁵⁵

She was sometimes referred to as a “*lady of good advice*”. *Themis* was one of the oldest deities of Greek mythology. She was a Titan, and she was a council woman and the wife of Zeus. The goddess *Themis* embodies a natural right – an abstract concept that was difficult to represent.⁵⁶

Themis is standing on *books* – symbol of knowledge, truth, jurisprudence, legislature, indicating its significant position in law, decision-making and justice – she is standing above them. The *book* beneath her feet can also symbolize the constitution from which she was created. Her attitude is courageous, upright, and dignified. She steps on a *snake*, a symbol of sin and temptation that is slowly winding around her leg, trying to lure her into a dangerous path.

In her right hand, *Themis* holds the *sword*, the symbol of decision-making. The *sword* symbolizes the promotion of justice and respect. It symbolizes that justice stands for her decision and has the power to enforce it. The fact that the *sword* is uncovered and very visible is a sign that justice is transparent and is not an instrument of fear.⁵⁷

A double-edged blade means that justice may, after taking evidence, be held against any of the parties and that, based on the evidence, she is obliged to execute a fair judgment, as well as to protect or defend an innocent party. However, the sword the *Themis* holds in the painting is neither straight, nor is it held in a gesture indicating she wants to use it. She keeps her sword in the background, and she is not going to use it. In her left hand, she holds a *scale* – a symbol of the principle of restorative justice. The scale is tilted to one side, symbolizing the legal system. Scale also represents the weighing of evidence based on its own probative value.

Themis has a *blindfold*, which symbolizes the principle of equality, the principle of opportunity and the principle of formal justice, objectivity, and independence. It represents the impartiality and objectivity of the law and the impossibility of influence of external factors such as politics, power or wealth affecting the decision-making process. She has a crown on her head. The crown on a woman’s head as a traditional symbol of the promise of bliss expresses virtues such as faith, hope, justice, and endurance. The crown on her head looks like it is falling or like it is crooked on her head. This symbolizes the disruption of fairness and perseverance.⁵⁸

The dimensions of the painting and the individual symbols, as well as the legal principles, are to be interpreted separately, but at the same time, they must be interpreted in the context of one artwork.

⁵⁵ WARDLE, B. Lady injustice: inequality and legal iconography. *Research Handbook on Art and Law*. Edward Elgar Publishing, 2020, pp. 239–247. ISBN 9781788971461. DOI: <https://doi.org/10.4337/9781788971478.00028>

⁵⁶ FERGUSON, A. *Who is Themis in Greek Mythology?* [online]. 2020 [cit. 27. 11. 2020]. Available at: <https://study.com/academy/lesson/who-is-themis-in-greek-mythology-family-tree-symbol-facts.html>

⁵⁷ SCHELLE, K., TYL, T. Symbol a symbolika v práve. In: *Mezinárodní vědecká konference – 2006 – International scientific conference*. Brno: Masarykova univerzita, 2011, pp. 5–7. ISBN 978-80-7418-108-5.

⁵⁸ *Ibid.*, pp. 3–7.

The overall symbolism of the painting lies in its criticism of the current legal and political situation in the Slovak Republic. It is a reference to corruption and points to the lack of independence of the judiciary in the country. It is a reference to the corrupt practices of some of its officials, who, instead of carrying out their duties and responsibilities, carry out orders from entities, which are not entitled to do so. They are often influenced or confused by the prospect of wealth or act under the threat of violence and blackmailing.

The image is deliberately made up only of shades of gray, black, and white. This colourful combination intends to further accentuate the gloomy atmosphere in which *Themis* finds herself. In addition, the colour combination does not distract the observer with bright and cheerful colours and forces him to read its symbols and composition. It directs the attention to the content of the work, and to its symbolism – to its true meaning.

Themis becomes a victim of manipulation and a tool for projecting different interests and power battles of other entities. It is used to conceal illegal activities, resulting in corruption and a loss of citizens' trust in legal justice and legal certainty in the state. Despite the temptation, she is eliminating it, trying to restore the fairness and independence of the prosecution, the objectivity of its decision-making and the punishment of the villains. She is still alive and resists all hand gestures aimed at her person and trying to influence her with threats, orders, and accusations.

Despite all the negative factors, *Themis* continues to stand proud and dignified, with all her strength and with help of her loyal representatives, she is striving to survive and regain the citizens' trust. She is constantly fighting to win over her tasters and her potential destroyers. Her struggle is a proof of her real existence, and her existence is undeniable proof of the rule of law.

8 Research on “Themis” Painting

To gather relevant data, the author decided to create a questionnaire with valid and reliable questions as an appropriate methodology of the research. Using clear language, questions were placed in a systematic order, selecting a suitable method for administration. Avoiding leading questions, the questionnaire contained mostly close-ended questions and one open-ended questions so that respondents can answer in ways that researcher may not have otherwise considered.



Source: Klára Jelínková

The research was focused on people's attention and perception and their ability to detect hidden symbols, as well as to decipher their meaning and the hidden message of the painting. It analysed the audience's perception of the impact of several factors, such as gender, age, education, etc. Its purpose was to identify differences in the perception of the law and its symbols, in relation to those factors. The aim was to establish whether the author had succeeded in passing on her opinion and hidden message.

Self-administrated research was carried out electronically by 270 respondents and took a total of 4 days to collect responses and obtain data, from the 30 November 2020 to the 4 December 2020. It contained questions that revealed basic information about its respondents. Other questions focused on the search for specific symbols in the work, on the ability of people to perceive symbols of law and justice in artworks, and on their sensitivity to the fact that the *Themis* painting conceals the subject of corruption.

To the question: "*What do you consider to be the most apt and the most important symbol of the law?*", most frequent the answer was a *paragraph*, the other most frequent answer was the goddess *Themis*, the third most common answer was the symbol of a *gavel*. The next question was: "*What do you consider to be the most fitting and important symbol of justice?*" According to research, most people perceive a *scale* as the most appropriate symbol of justice. The other most popular symbols were the goddess *Themis* and the *paragraph*. These questions were also intended to ascertain whether people see law and justice as separate concepts or whether the concept of law is synonymous with the concept of justice. Based on the results, it can be argued that respondents do not concur with these two concepts and do not perceive justice as part of the law, but as a separate concept.

The research also looked at the overall response of respondents and the sensitivity of their perception of the legal symbolism in the fine art. Research has shown that finding individual symbols in painting *Themis* was not difficult for respondents. The most easily identifiable symbol was the *hand*, followed by the *book* symbol and the *paragraph* symbol.

One of the aims of the research was also to examine the respondent's ability to correctly discover the significance of the symbol. According to the results of research, it can be stated that people are very sensitive to symbols and that the symbols, therefore, fulfil their function. The purpose of the symbol is to give the observer a meaning different from its primary meaning. The survey assessed the attention and sensitivity of the respondents to the symbols as very successful, as well as their ability to easily decipher their hidden symbolic significance. It can be said that people react sensibly to specific symbols and are able to observe and detect them and reveal their real meaning and message.

However, the situation is different when the symbols are linked to each other and should be read in conjunction. In addition to individual specific symbols, the painting of *Themis* hides a deeper message. When asked whether the picture conceals a reference to the subject of corruption, up to 39% of respondents answered "*no*". It was more difficult for respondents to reveal the overall message of the painting than its individual symbols. This also applies to the analysis of the meaning of individual symbols and the whole image. It would be even more difficult if respondents were to find a hidden theme of the link themselves

without it being brought to their attention in the question. So, based on research, we can argue that the responders were not successful in deciphering the overall symbolic legal message of an artwork and its hidden story, which is told by individual symbols in a related context.

Conclusion

Contemporary society is affected by a substantial cognitive shift. The linear thinking style, characteristic of printed words and print-based culture, is to some extent replaced by the “associative” cognitive style that is characteristic of an image-saturated culture. Nowadays, people incline to look at signs and images rather than to read printed words. Considering this, legal symbols are an effective tool of communication, sometimes even more effective than language.⁵⁹

The research and the questionnaire confirmed these assertions. Legal symbols and symbolism hidden in artworks have an immediate effect on its observers and are perceived naturally, no matter the individual characteristics of the observers, such as age, education, specific social background, etc. The respondents were able to naturally detect legal symbols in artworks and their disguised meaning without having any scientific knowledge of its source.

The use of symbolism used to be prominent in the past, and its importance and impact are still significant to the present day. Symbolism represents a rare form of passing on information that people have learned to use and recognize. It is a sophisticated way of communication using various human associations that gradually process the true meaning of the represented symbol.

Through legal symbolism, artists put important references and hidden meanings into their artworks. With the help of these messages and their symbolic meanings, the author communicates with his audience. Communicating information through legal symbols is often of great value. Works of art thus function as an evidence of fractious or minor legal events that allow the recognition of the legal and political environment of the state at the time of the work’s creation or of the period to which the work refers.

Taking into account the results of the research, symbolism is an inseparable part of law and art even today, although it is mostly overlooked and not taken into consideration. Modern society often perceives visual stimulus more easily and faster than other mediums since images are less difficult to process cognitively.⁶⁰

Symbolic thinking and behaviour are an integral part of any society. Its identification and decryption form a part of the human capacity to process acquired knowledge and evaluate the information transmitted. Symbols and symbolism have a universal effect on people’s thinking and perception.

⁵⁹ SHERWIN, R. K. *When law goes pop: The vanishing line between law and popular culture*. University of Chicago Press, 2000, p. 7. ISBN 978-0226752914.

⁶⁰ *Ibid.*, pp. 8–9.