

The symbolic dimension of law

Anatolijs Kriviņš^{1,*}, Osvalds Joksts² and Lidija Juļa²

¹Daugavpils University, Daugavpils, Latvia; ORCID: 0000-0003-1764-4091

²Rīga Stradiņš University, Riga, Latvia; ORCID: 0000-0001-8376-3625

²ORCID: 0000-0001-5139-4642

Abstract

Law is a unique sign-symbolic system. The legislator uses legal symbols to personify objects that exist in legal reality and that can be externally expressed by a symbol. Judges' robes, border signs, military uniforms, coat of arms, anthem, flag—expressing these and other objects only with the help of text can significantly reduce the effectiveness of the legal norm, since the textual definition of a given phenomenon can give it an ambiguous meaning. The aim of this article is to explore the relationship between legal symbols and legal signs with the social functions of law, as well as with the psychology of law. The article discusses the issues of the functioning of legal emotions and their connection with linguistic means. Research methods include semiotic analysis and discourse analysis. The relevance of the research topic is related to the growing importance of global electronic networks and the corresponding changes in the perception of legal norms. The authors conclude that the legal or illegal behaviour of an individual is largely determined by both his ability to perceive legal symbols and legal signs, and the quality of the stimuli themselves and the corresponding information in the context of socialisation and communication.

Keywords

Legal Symbol • Legal Sign • Legal meanings

INTRODUCTION

The meanings and emotional moods that a legal norm can signal and transmit through legal symbols and legal signs are determined not only by the action of legal indicators but also by the context of communication. The very changes in the perceptual behaviour of society, determined by the development of addictive reactions, force it to recognise and attribute meanings to words and phrases, symbols and signs. The effect of a legal indicator depends on the establishment of an agreement in a specific communication context. In each society, over time, a set of such legal indicators is developed that constitute a kind of unwritten dictionary of legal symbols and participate in the formation of a common legal meaning. Such legal indicators to a certain extent determine the symbolic and emotional content that the law signals and expresses. The prerequisite for recognising and managing such a category of meaning through perception is the empirical implementation of a legal idiom and paradigm that have developed the corresponding habituation reactions in society.

In fact, society supports and conceptualises legal signs (see Connelly, 2023; Griffin and Roemling, 2024; Kaur, 2023) that eliminate dissonance in legal relations. The same applies to cases in which the intervention of the legislator is extremely undesirable. For example, a deliberate and excessive

deviation from the observance of human rights will be assessed by society, among other things, as an incorrect legal and psychological tendency.

The ability of law to organise and direct the emotional attitudes and reactions of society is linked to legal meanings and the subjective experience of individuals. Some legal signs, precisely because they do not have any referential content referring to extra-legal concepts, images and situations, can indeed be characterised as self-referential—in the sense that various legal signs direct the attention of society to 'expectation', and make the perception of society expect that legal symbols and legal signs entail legal relations between participants in a specific cultural context.

The aim of this article is to explore the relationship between legal symbols and legal signs with the social functions of law, as well as with the psychology of law. The article discusses the issues of the functioning of legal emotions and their connection with linguistic means, the issues of self-referential legal signs and legal meanings.

METHODOLOGY

The article uses the methods of semiotic analysis and discourse analysis. The authors of the article use the terms

* Corresponding author: anatolijs777@gmail.com

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'Legal Symbol' and 'Legal Sign'. The conceptual boundaries between 'Legal symbol' and 'Legal sign' are as follows. 'Legal Symbol' (in the author's meaning) is normatively fixed information model expressing the general and most significant legal content). In turn, 'Legal Sign' (in the author's meaning) is a normatively fixed information model expressing a specific legal prescription or information of a legal level.

RESEARCH RESULTS AND DISCUSSION

Legal signs and legal meanings

The legal meanings conveyed through a legal norm often differ from linguistic meanings, since law as such and language serve completely different forms of expression and communication. Words represent a kind of screen onto which conceptual categorisations of stimuli provided by the context of communication are projected.

Since language reflects the mechanisms of thought, and therefore the subjective ways of functioning of memory and categorisation of concepts, linguistic meanings always have a certain degree of ambiguity and uncertainty. However, in the case of everyday use of language, this ambiguity and uncertainty are limited for the sake of communication efficiency. People usually have a need to understand with the greatest possible precision what another person means. This allows them to change their behaviour in social interaction accordingly. It would be logical to use the same approach in legal matters—to prevent ambiguity, uncertainty and absolute subjectivity as much as possible. In both cases, the way of using language helps—various grammatical forms and syntactic rules explain and clarify the appropriate way in which the meaning should be understood each time.

However, there are also significant differences. In the case of everyday linguistic communication, the main part of the transmitted meaning is in the referential meanings by means of which reality is symbolised and placed under the control of consciousness. In cases in which law appears in the form of legal custom in the form of action or inaction (it should be noted that legal customs have been the original and dominant form of law for many centuries), legal symbols (Gilmartin, 2022; Kopyś, 2022; Kowalski, 2021) and legal signs can also acquire some referential content in the human consciousness. This eternal identification of law with legal custom formed the basis for the development of the first symbolic functions of law, that is, the possibility of correspondence between legal and extra-legal meanings, which may or may not be legal concepts. Of course, in the case of forms of other forms of law that go beyond legal customs, legal symbols and legal signs are found in the very methods of their organisation, and they can be characterised as self-referential, since they generate certain psychological reactions in society. However, even in

the most ancient sources of law, legal meanings are not only self-referential, since we perceive not only abstract relations between words and actions.

Legal symbols and legal signs may, on the one hand, relate to images and concepts (sometimes with very specific content (e.g. lowering a flag). But, on the other hand, legal symbols and legal signs may signal various psychological qualities and moods, which may also be associated with images and concepts. Here it should be noted that the visual form of expression of legal content is not always possible. Therefore, in addition to visual ones, there are also sound normative information models, which represent a non-standard form of normative material (e.g. the music of the national anthem).

According to psychologists, cultural intervention changes behaviour and transforms it from an insensitive, instinctive, automatic and mechanical reaction to stimuli into something controlled by perception, that is, a conscious choice and understanding of the meanings that these stimuli have in the social sphere, in the context of interaction and communication. The human environment is always a social environment, because even in interaction with the natural environment, a person always uses his social experience (Vygotsky, 1979). Here, psychological phenomena are interpreted as the result of active interaction of individuals within the social environment.

Law as a symbolic code

It is known that almost any system of symbolic representation can be used to transmit information.

The referential values can be transmitted through visual signals (e.g. in ancient times—smoke fire reflected solar light; later—signal lights, signal lights flags). In modern life, we see that road signs and computers are used to organise traffic for internal architecture and operations based on binary system—the system records information with the help of two symbols—0 and 1. Accordingly, the modern world requires a more flexible legal system, especially based on a system of symbolic representation.

Here the main condition is the establishment of an appropriate contract between the participants, which transforms the legal sign into the corresponding legal meaning. However, legal symbols and legal signs allow not only to symbolise extra-legal meanings, but also to categorise emotional qualities and psychological moods. Legal symbols and legal signs can mobilise subjective associations and emotional reactions that vary in different societies. Consequently, not only the context of communication, but also each individual contributes to the formation of what could be conditionally called a total legal meaning.

Thus, legal symbols and legal signs provided by the context of communication can function as indicators signalling legal meanings. On the other hand, they can function as a screen

onto which the subjective experience of emotional qualities is projected. Therefore, in contrast to the referential meanings of language, where ambiguity and uncertainty tend to be limited for the sake of communication efficiency, legal meanings (Song, 2024) exhibit a much higher degree of ambiguity, variability and uncertainty.

This actualises an important practical problem. Polysemy and uncertainty are one of the most essential elements of aesthetic experience. At the same time, in the field of law, ambiguity and uncertainty in the transmission of certain aesthetic meanings cannot and should not be encouraged. In solving this problem, it is necessary to consider the levels at which society's perception can 'work', recognising the various dimensions of legal meaning (see Dyrda, 2024).

Law, as a symbolic code, is also characterised by the function of double articulation, which characterises the language of communication. When considering legal symbols and legal signs as indicators, it is necessary to take into account that the words themselves, as stimuli classified and differentiated by the brain, force perception to attribute certain primary meanings to them. In addition, the perception of legal stimuli is not a separate and specialised category of experience, but resembles the experience we receive from other people.

Many phrases (e.g. 'causing grievous bodily harm') can signal primary emotions and moods, can evoke emotional reactions associated with psychosomatic reactions of society—for example, they can cause emotional tension, be identified with a sense of danger, fear and signal a sense of drama. On the contrary, other phrases (e.g. 'The right to life of everyone shall be protected by law') can be identified with feelings of calm and peace, which makes perception give them an almost referential content.

Such primary symbolic mappings between legal symbols (Panara, 2020), legal signs and legal meanings are determined by spontaneous tendencies of perception, the ability to react differently to different legal signs and to attribute symbolic meanings to them. In turn, individual words (voting, Cabinet of Ministers, etc.) describe universal perceptual constants that do not depend on cultural consolidation. Certain primary associations between words can also mobilise spontaneous reactions and refer to symbolic meanings that apparently do not depend on cultural rooting, but reflect certain universal constants of perception. Consequently, the perception of individual words belongs to the category of those universal constants that operate independently of legal idioms and paradigms.

Any concept or emotional quality must exist in advance in the context of communication before it can be symbolised in a legal image (symbolised by a legal norm). The ways of expressing emotions and the emotions themselves that people can experience on a subjective level are largely determined by the communicative needs and interaction patterns applicable

in specific cultural contexts. And if various primary concepts such as 'birth', 'marriage', 'death', 'inheritance', as well as the psychological moods to which they refer, are more or less universal, there are, however, other concepts and subtle psychological nuances determined by cultural characteristics. Concepts and emotional qualities such as 'freedom', 'good faith', 'force majeure', 'patriotism' and so on are not classified in all cultural contexts or are not accepted as concepts and feelings that can be symbolised and expressed in a legal norm (Mattei-Gentili, 2024) in an unambiguous way. The categorisation and expression of such emotional qualities is usually very difficult in any cultural context in which the relevant forms of law are applied.

It should be noted here that legal experience is not a derivative of other experiences and information that society acquires in its social context. Such experience and information that can come from everyday life, from various cultural stereotypes, can also influence the symbolic correspondences (Shomade, 2022) between legal signs and legal symbols.

The spontaneous tendency to emotionally colour the meaning of legal texts (Bielska-Brodziak et al., 2024) is caused by spontaneous tension when an individual has to establish correlations between various organisational processes of law, as well as psychological tendencies and emotional qualities corresponding to the primary concepts of legal culture. Moreover, the cultural context of communication tends to interfere even with the primary spontaneous symbolic mappings between legal signs and legal symbols.

Over the long centuries of development of legal thought, legislators have invented a system of symbolic correspondences, where, for example, not a separate legal norm, but an entire law symbolises and signals a specific idea or concept. The same applies to the corresponding methods of interpreting legal norms, which are also largely determined by various cultural stereotypes. Such stereotypes determine, for example, whether or not the letter of the law should be interpreted in an excessively formal manner.

The legal concepts that the legislator often 'embeds' into the text of the law (Engberg, 2023) are nodes or landmarks of long-term memory, since the individual has a strong tendency to condense recurring episodes of a certain type into concepts, which are then represented by symbols. For example, road sign No. 124 'Domestic Animals' with a picture of a cow warns of the danger of a pet on the road (Cabinet of Ministers Regulation No. 571 of 29 June 2004 'Road Traffic Regulations').

Thus, there is a category of legal meanings (Johnson, 2024) that arise as a result of such primary correspondences between legal signs and images, concepts or sentiments. Legal norms that, due to constant repetition, have been identified in the collective consciousness with certain situations, can function symbolically and encourage society to associate them with

specific meanings or concepts. Obviously, such symbolic correspondences between legal signs and extra-legal references are determined by the context of communication and belong to the category of social variables.

This means that not only can individual morphological elements of law function as signals—at a higher hierarchical level, but signals can also be forms of law, legal idioms and paradigms. Some of them perform the function of indicators due to their historical identification with forms and types of law that are identified with specific social situations and aesthetic functions and relate to specific symbolic content.

Self-referential legal meanings are determined by the ways of handling legal material, which presupposes the development of additive reactions—hence, it presupposes the empirical consolidation of a special legal language. Since legal idioms and paradigms are different in different societies, since legal idioms and paradigms change throughout history, it can be concluded that self-referential legal meanings belong to the category of social variables of legal perception.

The search for legal meaning in the sources of law is possible at different levels. The first level is the possibility of symbolic comparison of various legal signs, some of which are determined by the spontaneous tendency of perception to attribute symbolic meanings and emotional qualities to verbal stimuli. Other legal signs are provided by the context. The second level is changes in the perceptual behaviour of society, which attribute self-referential meanings to the words and phrases of the legal norm. The third level is the level at which a correspondence is achieved between self-referential legal meanings, which describe the alternation of psychological tendencies within society and in different symbolic meanings and categories of emotions, which the society's own consciousness remembers and recreates.

The specificity of legal experience is determined by the possibility of comparing primary psychological tendencies, directed by formed reactions of passion, with symbolic meanings and with various qualities of emotions in which they participate—both thought and feeling, both the objective understanding (Minuche, 2023) and evaluation of various organisational processes, and the measurement of subjective experience.

CONCLUSIONS

Law has an amazing ability to function as a language of emotions, established since ancient (pre-state) times and giving rise to many questions among thinkers and researchers of law. Many of these questions were partially resolved in the 21st century, thanks to progress in the fields of neurophysiology, thanks to scientific research into

the mechanisms associated with the way of perceiving the environment, as well as the categorisation and correlation of legal stimuli.

The question of the functioning of legal emotions and their connection with linguistic means, differentiation, correlation and comparison of similarities and differences of legal evaluation criteria cannot be answered outside the sphere of legal values. In turn, the internal experience of legal values is realised through legal emotions.

The generalised concept of law-abidingness and legal capacity includes not only the function of symbolic memory, not only purely logical concepts, but also emotional functions. The ability to recognise some more or less subtle legal nuances and the psychological reaction to them is what depends on the consolidation of the legal symbolic language (Di Martino, 2023) and legal paradigms in the culture of a particular society. In turn, the inability to recognise legal nuances presupposes the inability to experience (at the level of subjective experience) such emotional qualities and their nuances, which are signalled by a specific legal norm.

Self-referential legal meanings describe changes in the perceptual behaviour of society that allow differentiation and association of morphological units of law, ensure the interest of society and direct the focus of attention.

The fact that law can direct changes in the emotional moods of society is confirmed by the significant behaviour of individuals. This legal or non-legal behaviour is largely determined by the incentives and relevant information provided by the context of socialisation and communication.

In future scientific papers, the authors plan to show how symbolic legal elements function across different legal traditions (civil law vs. common law). In addition, the data on the interaction between symbolic perception and legal interpretation will be analysed in more detail—using cognitive linguistic research.

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