

- <sup>9</sup> BÓDINÉ BELIZNAI 2017. 105–123.
- <sup>10</sup> SCHWEITZER, Gábor: The presidents of the Hungarian Royal Administrative Court (1897–1949). *Przegląd Prawa Konstytucyjnego*, No. 6, 2015. 53–63. <https://doi.org/10.15804/ppk.2015.06.03>; STIPTA, István: A magyar pénzügyi közigazgatási bíróság jellege és hatásköre. Az 1883. évi LXIII. tc. tartalma és jelentősége [Nature and Competency of the Hungarian Financial Administrative Court. The Content and Significance of Act LXIII of 1883]. *Publicationes Universitatis Miskolciensis Sectio Juridica et Politica*. Miskolc, 2011. 89–106.; BÓDINÉ BELIZNAI 2017. 115.
- <sup>11</sup> WLASSICS 1918. 10–11.
- <sup>12</sup> Besides (and following) Wlassics (e.g., 1880), Gusztáv Beksics, for example.
- <sup>13</sup> Also in 1879, 1883 and 1896, as indicated earlier in this paper.
- <sup>14</sup> KMETY, Károly: A hatásköri összeütközések bírósága [Court of Jurisdictional Confrontations]. *Jogtudományi Közlöny [Jurisprudential Bulletin]*, No. 15, 1895. 25–26.
- <sup>15</sup> <https://birosag.hu/sites/default/files/users/wlassics.jpg>.
- <sup>16</sup> The reason for the plural is that there were originally plans to organise lower administrative courts. In the 1895 draft of Wlassics, the Competency Court was composed of judges of the Royal Curia and the 'Higher' Administrative Court.
- <sup>17</sup> Life and career sketch BÓDINÉ BELIZNAI, Kinga: „Modern fej és hihetetlenül nagy, korszerű tudás”: Oberschall Adolf életútja (1839–1908) [“A modern head and an incredibly great, modern knowledge”: the career of Adolf Oberschall (1839–1908)]. In BÓDINÉ BELIZNAI, Kinga (ed.): *A Kúria és elnökei [The Curia and its Presidents]*. Vol. III. Bibliotheca Curiae. Budapest, 2015. HVG-ORAC Lap- és Könyvkiadó Kft. 11–45.
- <sup>18</sup> FEKETEKUTI MANKOVICS 1940. 152.
- <sup>19</sup> Ministerial explanatory memorandum to Act No. 61 of 1907.
- <sup>20</sup> ILLYEFALVI VITÉZ Géza: *Hatásköri bíraskodás és a magyar hatásköri bíróság szervezete [Adjudication on Jurisdiction and the Organisation of the Hungarian Competency Court]*. Budapest, 1909. Athenaeum, 27–29. This has been bridged by the actual organisation, and science has found that “a large proportion of administrative judges start their careers in the administration”. FEKETEKUTI MANKOVICS 1940. 146.
- <sup>21</sup> *Ibid.* 152.
- <sup>22</sup> Act No. 61 of 1907, §§ 2–3; MÁRKUS, Desider: Ungarisches Verwaltungsrecht. In HUBER, Max – JELLINEK, Georg – LABAND, Paul – PILOTY, Robert (Hg.): *Das öffentliche Recht der Gegenwart*. Tübingen, 1912. J. C. B. Mohr, 57.
- <sup>23</sup> FEKETEKUTI MANKOVICS 1940. 152.
- <sup>24</sup> Ministerial explanatory memorandum to § 4 of Act No. 61 of 1907
- <sup>25</sup> This has been stated by the court with jurisdiction in several decisions in which the complaint was dismissed for lack of jurisdiction, for example in its judgments No. 1922. Hb 62. concerning conflicts between the Patent Court and other judicial or administrative bodies. FEKETEKUTI MANKOVICS 1940. 152.
- <sup>26</sup> 16 November 1908, Judgment No. Hb. 42; 15 December 1911, Judgment No. Hb. 105. See also FEKETEKUTI MANKOVICS 1940. 162.
- <sup>27</sup> FEKETEKUTI MANKOVICS 1940. 160.
- <sup>28</sup> 16 April 1917, Judgement No. 1916 Hb. 59. See *Ibid.* 160., 165.
- <sup>29</sup> 4 October 1909, Judgement No. Hb. 55. See *Ibid.* 166–168.
- <sup>30</sup> For more on the judicial nature of patent authorities, see PAPP, László: *A szabadalmi jogvédelem történeti perspektívái [Historical Perspectives of Patent Protection]*. Budapest, 2015. Gondolat Kiadó, 52–85.
- <sup>31</sup> 16 April 1923, Judgement No. 1922. Hb. 62. See FEKETEKUTI MANKOVICS 1940. 168–170.
- <sup>32</sup> *Ibid.* 158.
- <sup>33</sup> *Ibid.* 157.
- <sup>34</sup> *Ibid.* 142.
- <sup>35</sup> 21 October 1912, Judgement No. 1912. Hb. 43. See *Ibid.* 173.
- <sup>36</sup> 4 October 1909, Judgement No. 1909. Hb. 50. See *Ibid.* 173., 174.
- <sup>37</sup> 14 February 1910, Judgement No. 1909 Hb. 136. See *Ibid.* 174.



Animals and their associated images have been part of human culture since ancient times. Representation of animals are common in literature and art, so it is not surprising that depictions of animals appear as decorative elements in courthouses and their surroundings all over the world. The mystical bond between animals and mankind is the reason why there are notable animals that have been recognized for centuries as symbols of human judgement and justice in the history of legal culture.

In expressing the relationship between animals and humans, the qualities of animals are often used as a metaphor for people, and certain human characteristics can be illustrated by metaphors referring to animal behaviour.<sup>1</sup> Machiavelli formulated this in *The Prince* in the following manner: “A prince, therefore, being compelled knowingly to adopt the beast, ought to choose the fox and the lion; because the lion cannot defend himself against snares and the fox cannot defend himself against wolves. Therefore, it is necessary to be a fox to discover the snares and a lion to terrify the wolves. Those who rely simply on the lion do not understand what they are about.”<sup>2</sup>

Bódi Beliznai, Kinga

## Animal Ornaments of the Court Buildings

### 1. The lion

#### 1. 1. The lion as a symbol of power

Known as a symbol of power and rulership in ancient cultures, the lion has been closely associated with the court judgements since the Middle Ages.

The lion symbolizes valour, majesty, and protective power, as well as wisdom and animal strength. Among the virtues it is the attribute of justice, firmness, fortitude, and temperance, while among the vices it is the attribute of pride. A man wearing a lion's skin or holding it in his hand, a reference to Hercules (Heracles), is an epitome of excellence and heroic virtue.<sup>3</sup>

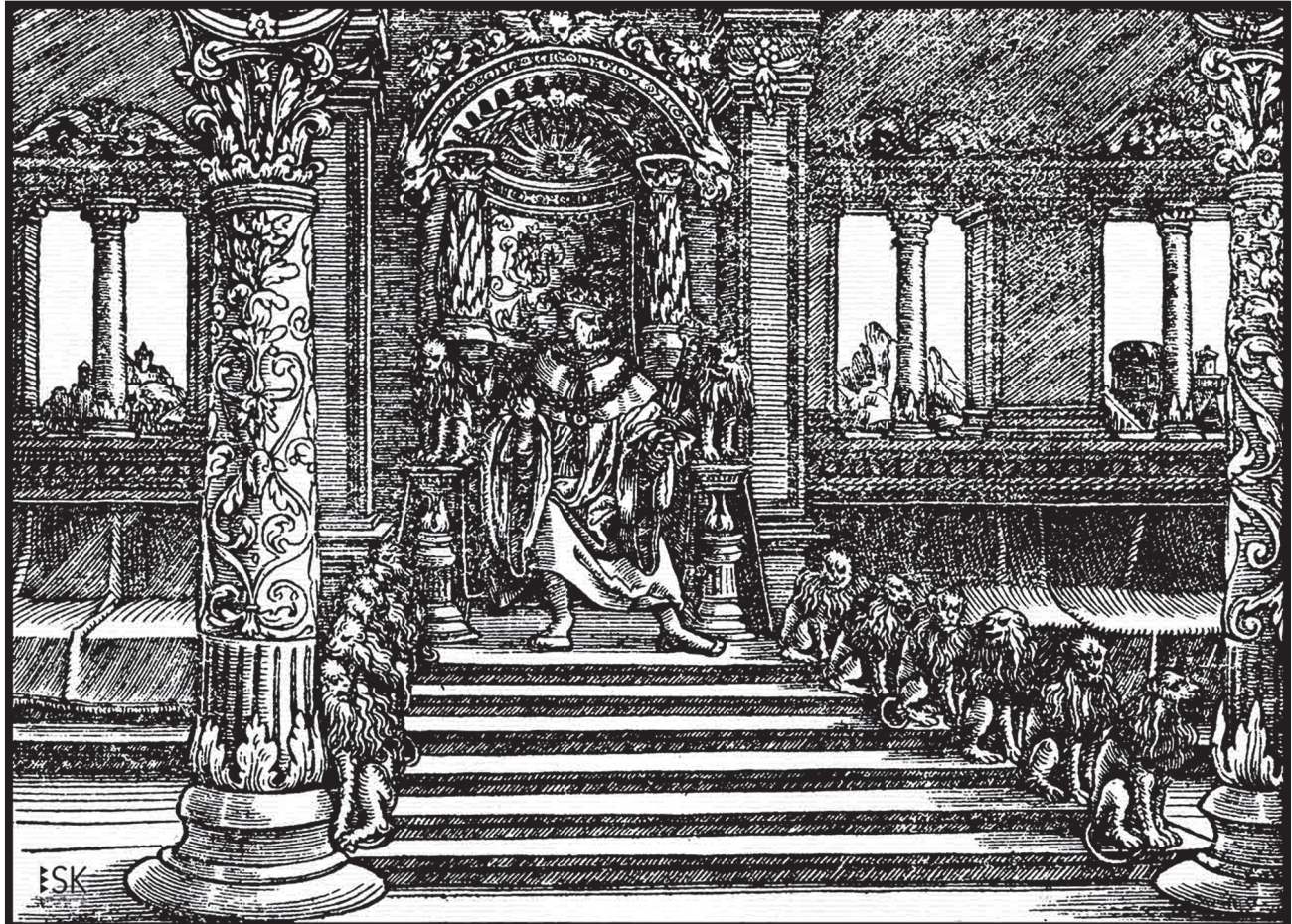
These characteristics have made it – alongside the eagle – one of the most used heraldic animals. The winged,

man-headed lion (Lamassu) was an Assyrian symbol, but “the king of animals” is also the emblem of Florence and Venice. Out of the Hungarian monarchs, Sigismund of Luxemburg had a lion – the Czech two-tailed one – on his coat of arms and seal,<sup>4</sup> and a prancing lion, holding a crown in his paw appeared on the coat of arms of Matthias.<sup>5</sup> The three lions engraved on the crystal globe of the Hungarian coronation sceptre are an ancient Eastern symbol of royal power. Lions surrounded the throne of King Solomon, the sage arbiter of the Old Testament. In the First Book of Kings (1 Kings 10:18-20), it is recorded that his magnificent throne, made of ivory and covered with gold, had six steps leading up to it. A lion stood beside both arms of the throne chair, and twelve on either side of the six steps.

A polished capital carved from sandstone and mounted atop a pillar more than 15 metres high in Sarnath, India, dates from around 250 BC. The pillar bears the edicts of King Ashoka (268–232 BC), which include his proclamation of himself as a just king who fascinates the whole world. On 26 January 1950 – the “birthday” of the republic – the capital, with its four sublime lions facing the four cardinal points, was raised to the status of India’s national symbol. The frieze running around the lions shows a picture of an elephant, a zebu, a horse, and another lion, separated by the Buddhist symbol of the spoked wheel (*dharma chakra*).

The Supreme Court of India, set up under the 1950 Constitution and sitting for the first time on 28 January 1950, opted for the Lion capital as their logo, albeit with two important differences. The first is that below the national symbol the “*Satyamev Jayate*” (सत्यमेव जयते), while below the logo of the Supreme Court the “*Yatodharma Stato Jaya*” (यतो धर्मस्ततो जय) inscription can be read in Sanskrit. The first means “truth alone triumphs” while the second means “whence dharma (law), thence victory”.<sup>7</sup> The other distinction is that in the logo of the Supreme Court, above the lions’ heads, there is a very important legal symbol, the “wheel of justice”, which refers to justice, goodness and fairness, and even, in a further interpretation, to the acceptance of the idea of the rule of law by the members of the court.<sup>8</sup>

In the Supreme Court courtrooms, the Indian national emblem is displayed on the wall behind the judges’ chairs, symbolising not only the legitimacy of the judiciary, but also the conferment of the state’s judicial power on the judges. Above the entrance to the courtrooms, the national emblem reads “truth alone triumphs”, suggesting that those who enter the court should follow the path of truthfulness, because eventually truth will prevail.<sup>9</sup> This also refers to the duties and responsibilities of the judge.<sup>10</sup>



The throne of King Solomon<sup>6</sup>

## 1. 2. The lion as a judicial symbol

The lion or lion's head has been known since the Middle Ages as a symbol of the supreme forum of judgement,<sup>11</sup> so the judges of the supreme courts were often portrayed with a lion at their feet, and it could also mark the place where the adjudication or the execution of sentence was located. In the centre of Bonn, a column, probably from Roman times, with a lion on it can still be found today, which was traditionally considered to symbolise the judicial power of one of the prince-electors, the Archbishop of Cologne.<sup>12</sup>

In Rome, a group of statues originally installed under the loggia of the Senatorial Palace (*Palazzo Senatorio*), depicting a lion triumphant over a horse, symbolised victory over the rival Tivoli,<sup>13</sup> and gave place to the public exposure of malefactors and the pronouncement of death sentences.<sup>14</sup> The triumph of the lion, symbolising the Senate, over the papal "caballus" was also a reference to the relationship between secular and ecclesiastical justice.<sup>15</sup> The lion heads on the Capitoline, as guardians of law and justice, represented the supreme judicial power exercised by the Senate. The lion-lined arcades of the temples could also be used as a place of judgment.<sup>16</sup> A record dating from 1140 states that court trials were regularly held at the south gate of Ferrara Cathedral, "among the lions".<sup>17</sup>

The lion referred to the good judge, who must remain wise and strong throughout the trial, whose decision-making cannot be swayed or influenced by neither threats nor pleas.

Justitia or the judge was often pictured sitting on a lion, legs crossed. This was the posture required of the judge by the provisions of the medieval compilations of laws. According to the *Soester Gerichtsordnung* (Soest Court Rules) of 1350, the judge "must sit in the chair like a scowling lion, with his right leg crossed over the left".<sup>18</sup> The municipal law compilation of Buda – following the German model – similarly regulated the posture of the judge: he had to sit "with one leg on top of the other", which symbolised the tranquillity, seriousness and contemplation that were essential for a responsible judicial profession.

In Albrecht Dürer's etching *Sol iustitiae* (The Day of Justice), circa 1499, he represents Christ, the Judge of the world, seated on a lion embodying divine justice, with the sword and scales, the typical attributes of the Goddess of Justice. The image was inspired both by medieval illustrations of the judge, "the doer of justice", and by a statue seen in Venice, a capital in the Doge's Palace showing the planets [where the Sun (*Sol*) is seated on his own zodiacal sign, the lion].<sup>19</sup>

Wolfgang Schild, with whose opinion we agree, sees an obvious parallel between Dürer's judging Christ and the judge described in the Soest Court Rules. Christ himself is the scowling lion, who punishes the guilty, from whom no crime is hidden, who sees all and knows all. Christ, like Solomon, is the embodiment of the wise and fair judge.<sup>20</sup>

In the Venetian Republic, from 1310, following the unsuccessful Baiamonte Tiepolo-conspiracy to oust Doge

Pietro Gradenigo, letterboxes were introduced in Venice and other cities,<sup>21</sup> in which anyone could drop a secret denunciation, which could be used to bring charges if there was a reasonable suspicion. In each district (*sestiere*) of Venice<sup>22</sup> at least one letterbox was placed in the wall of a court or church or in the walls of the Doge's Palace. The close connection between justice and the lion is demonstrated by the fact that many of these wooden and later metal letterboxes were carved in stone with the head of a lion (or a face hidden under a mask), into whose mouth the denunciation was to be thrown. Hence the name of the boxes: "the lion's mouth" (*bocca di leone*).

The keys to the letterboxes were kept by the members of the town magistrate and could only be opened by the heads of the districts (*capo di sestiere*). Each chief magistrate had his own letterbox, whether he was responsible for keeping the peace in the city, passing sentence in criminal cases, or working in the field of financial administration.<sup>23</sup>

The original idea was that the anonymous help of citizens, i.e., secret reports, could help uncover conspiracies and other crimes (mainly murder, robbery, blasphemy, smuggling, tax evasion, breaching health regulations). However, anonymity also gave way for envy, anger, and revenge. In order to prevent this, the Great Council (*Maggior Consiglio*) decreed on 5 May 1275 that all unsigned denunciations should be burned. From 30 October 1387, this provision was amended so that anonymous denunciations against private individuals were to be destroyed, but the ones concerning crimes against the Republic of Venice or conspiracies to cause serious damage to the state were to be handed over to the Council of Ten (*Consiglio dei Dieci*), which would judge and decide on the cases.<sup>24</sup> On 30 August 1542, it was decreed that in the case of blasphemy, an anonymous denunciation should be examined by the council only if the suspicion of the crime was confirmed by three witnesses – one of whom could be the denouncer himself – who had been present at the alleged crime.<sup>25</sup>

"The lion's mouth" was therefore primarily aimed at maintaining the peace in the city. The system remained in place, with rules modified from time to time, until the end of the Republic in 1797, and although most of the letterboxes were destroyed, some can still be seen while strolling the streets of Venice.<sup>26</sup>

One of the main sights of the southern Italian Bari, and a symbol of the city by now, is the unique pillory that stands in the old town's market square (*piazza Mercantile*), which also brings us a perfect testimony to the close link between the lion and jurisdiction. At the foot of the white marble pillar of justice (*colonna di giustizia*) a lion lies with the inscription *Custos Iustitiae*, meaning "guardian of justice", on his chest.

The history of the pillory can be traced back to the 16<sup>th</sup> century: Armando Perotti (1865–1924), on the basis of local historical research, concluded that it was erected around 1546 by the Spanish Viceroy Don Pedro Álvarez de Toledo of Naples (1532–1553).<sup>27</sup> The pillory was used to publicly shame insolvent debtors and bankrupts. According to Giulio Petroni, the punishment was carried out

by placing the malefactor on the back of the lion and tying him by the neck to the pillar with a chain.<sup>28</sup>

However, the lion statue itself existed long before that, originally as an ornament and protector of a Roman tomb, and only later moved to the market square, next to the pilory. In the 11<sup>th</sup> and 12<sup>th</sup> centuries, during the Norman conquests, it was considered the city's apotropaic defender.

Works of art also allude to the bond between the lion and justice. The German sculptor Albert Wolff (1814–1892) created a group of sculptures of a lion defending his cubs from a giant serpent (*Löwe, seine Jungen gegen eine Schlange verteidigend*) erected after the artist's death in June 1895<sup>29</sup> in the Moabit district of Berlin, in front of the square of the Criminal Court (*Kriminalgericht*, now *Amtsgericht Tiergarten*) at the time. Hermann Müller-Bohn, in his book about Berlin's monuments (1905), saw the group of statues as a symbol of the victorious struggle of the lion of justice against the lies and injustice that had taken the form of a serpent.<sup>30</sup>

The work entitled *Equal before the Law* by Canadian sculptor and photographer Eldon Garnet (1946–) is in McMurtry Gardens of Justice in Toronto.

The sculpture depicts a scale with a life-size lamb at one end and a life-size lion sitting at peace at the other. Although one of the animals is small and the other is large, one is weak and the other is strong, the scales remain in balance, symbolising the fact that everyone must be "weighed" equally on the scales of justice.<sup>31</sup>

The lamb is a symbol of gentleness, innocence, purity, and sinlessness. In the justice system, the lion, representing the good judge, is also a symbol of strength, courage, and power. The combination of the lamb and the lion recalls the prophecy of the prophet Isaiah (Isaiah 11:6): "The wolf will live with the lamb, the leopard will lie down with the goat, the calf and the lion and the yearling together [...]." But in medieval iconography, following Virgil, the lamb and the lion lying together, "naturally different in their morals", also embody peace, "the concord of various wills".<sup>32</sup>

On Garnet's artwork, the pillar holding the scales reads in English and French Section 15 of the *Canadian Charter of Rights and Freedoms*, which states that everyone is equal before the law. Every individual has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.<sup>33</sup>

The sculptor achieved perfect proportions and balance by combining the laws of physics and geometry. If you look closely, you can see that the lion is closer to the centre, while the lamb is much further away. This points to the imperative need to eliminate inequalities before the law. The complex form of the balancing pole is a symbol of law and justice, since ensuring equal rights for litigants is in practice a difficult and complex task requiring constant reflection and evaluation.

## 2. The Gallic Rooster

The rooster represents the rebirth of the sun and the soul, as well as pride and courage in most cultures, while the weathercock on the top of Christian churches is a symbol of vigilance against evil.

In the Palace of Justice in Paris (*Palais de Justice*), the entrance from the lobby to the Galerie Marchandepassage is decorated with a statue of Hermes and Hestia, sitting on the left and right of the book of laws, which represents justice and law, and a rooster is found at the feet of the goddess, representing the light and the judge's power to create justice and to do justice.<sup>34</sup>

The Gallic Rooster (*gallus gallicus*), the symbol of the French, was born with the expansion of Renaissance culture. Already the Romans associated the words *gallus* "rooster" and *Gallus* "Gaul". France began to be associated with the rooster at the end of the 15<sup>th</sup> century, when historians discovered its Gallic ancestry and revealed that the animal had been revered in antiquity as the sacred bird of Jupiter and Mercurius. In the 1490s, a book dedicated to King Charles VIII of France was published in Italy<sup>35</sup> with an illustration of a white rooster trampling the lion and fox, the enemies of France. Francis I, who ascended to the throne in 1515, was born on 12 September, the astrological sign of the rising Mercury, so it was only natural that his symbol should be the sacred animal of Mercurius, the embodiment of light and victory.<sup>36</sup> By the middle of the 16<sup>th</sup> century, the different traditions had merged: the bird on the roof of churches was identified with the French king, the dynastic state and the emerging nation as a symbol of courage, light and victory.<sup>37</sup> The French Revolution chose the rooster as its war emblem, combining the meaning of the French nation as a warrior and the meaning of the rooster as a symbol to ward off darkness by crowing. The spread of the rooster symbol was also helped by France's opponents. The Peace of Crépy in 1544 was celebrated with an engraving of eagles, representing the German–Roman Emperor Charles V, defeating a rooster. The rooster later appeared on coins, then on the entrances to public buildings, on monuments, stamps and, in 1951, on the official badge of mayors.<sup>38</sup>

The *Palais de Justice* is also home to the Court of Appeal of Paris (*Cour d'Appel de Paris*), which has its criminal chambers and courtrooms on two floors. The staircase connecting the two levels is decorated with roosters. At their feet is a bundle of rods with leather straps, with an axe in the middle. The bundle of rods (*fasces*), with its occasional two-edged axe, was a symbol of the official and punitive power of the Roman magistrates. The death penalty was executed by the *lictors*, free but paid officials who carried the *fasces*.<sup>39</sup>

A recent case in French justice is linked to a rooster called Maurice and the commune of Saint-Pierre-d'Oléron. Maurice became famous and was in the news in July 2019 when neighbours filed a lawsuit against the rooster and his owner, claiming that he was causing a nuisance by crowing at dawn and constantly disturbing the peace of the neighbourhood. The court hearing the case (*tribunal de*

*grand instance de Rochefort*) dismissed the neighbours' claim and ruled that Maurice was free to "continue singing". The complainants even had to pay compensation of €1,000 to Corinne Fesseau, the owner of the rooster.<sup>40</sup>

The case has also become a symbol of the conflicts between "natives" and newcomers to a rural settlement, as many of the actions are based on the sounds and smells of the countryside. The controversy, which has attracted international press attention, has coincided with a media campaign to protect the sounds and smells of the countryside. On 29 January 2020, the French National Assembly voted in favour of a Bill to introduce into French law the concept of "*patrimoine sensoriel*", which aims to preserve and express the characteristic sounds and smells of the countryside.<sup>41</sup> The Bill was discussed and voted on by the Senate on 21 January 2021 without amendment.<sup>42</sup> The law on the protection of the values of the French countryside (*Loi n° 2021-85 du 29 janvier 2021 visant à définir et protéger le patrimoine sensoriel des campagnes françaises*) was published in the official journal on 30 January 2021 (*Journal Officiel de la République Française*).

### 3. The ostrich

The Egyptian goddess Maat is one of the decorative elements on the main façade of the "huge palace of classicist architecture", which today houses the Curia, the Office of the Prosecutor General, and the Regional Court of Appeal of Budapest, designed by architect Sándor Fellner (1857–1944) and originally built between 1913 and 1918 for the Ministry of Justice.

Maat is the embodiment of truth, justice, law, and perfect balance,<sup>43</sup> whose characteristic attribute is the ostrich plumage<sup>44</sup> which appears in her headdress or wings. Pierioni Valeriano (1477–1558) in his *Hieroglyphica...*<sup>45</sup> writes that "the paddle-like feathers of the ostrich, like perfect verity, are the same length".<sup>46</sup>

In medieval allegorical art, the ostrich also appears on the side of the female figure with white robe representing justice, suggesting that however complicated the cases brought before the justice system, sufficient time and ef-

fort should be spent "untangling" them, just as "the ostrich digests iron".<sup>47</sup>

Giorgio Vasari's (1511–1574) *Allegoria della Giustizia* (1543), commissioned by Cardinal Alessandro Farnese, shows Justitia's right arm resting on an ostrich.<sup>48</sup> With its long neck and slow digestion, the ostrich also symbolises the need for patience in the face of any challenge, especially for the judge.<sup>49</sup>

### 4. The serpent

Among the justice-related symbols in different cultures, the serpent has many and often contradictory meanings. It is a recurring motif in myths, art, and religion, representing life, death, resurrection, sacred knowledge, and the afterlife.

In Cesare Ripa's *Iconologia*, the judge, seated in dignified attire, holds a wand in his right hand, around which is coiled a serpent, a sign of the cleverness expected of men in power. In the New Testament, according to the Gospel of Matthew (Matthew 10:16) "so be wise as serpents!" As the animal of Pallas Athena (Minerva), who is also associated with judgement<sup>50</sup>, it symbolises the alliance of wisdom, reason, and strength.<sup>51</sup> However, in the Gospel of John (John 8:44), the serpent, the devil's incarnation, is portrayed as "the father of lies".

And a modern example that perfectly illustrates the meeting of tradition and the present. On 26 October 2014, the new courthouse in Kununurra, Western Australia, was inaugurated. The architects designed the building in collaboration with local indigenous people, and the design was formed through public consultations. The 2,000 m<sup>2</sup>, two-storey facility has been designed to fit in perfectly with the surrounding natural environment and the indigenous people's way of seeing the world. This ambition is enhanced by the use of wood, stone cladding and colours, various shades of rust brown, natural light, and the unrivalled views. The interiors of the building are decorated with works by more than twenty local (*Miriwoong*) artists. A carved timber handrail at the base of the stairs depicts two intertwined serpents<sup>52</sup> symbolising the coexistence of laws and customs of Aboriginal and Australian culture.<sup>53</sup>

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<sup>2</sup> MACCHIAVELLI, Niccolò: *The Prince*. Translated by MARRIOTT, W. K. 1998. [www.gutenberg.org/files/1232/1232-h/1232-h.htm#chap18](http://www.gutenberg.org/files/1232/1232-h/1232-h.htm#chap18).

<sup>3</sup> RIPA, Cesare: *Iconologia*. Translated by SAJÓ, Tamás. Budapest, 1997. Balassi Kiadó, 596.

<sup>4</sup> KÖRMENDI, Tamás: Sas és oroszlán. Hogyan használta Zsigmond király politikai propagandára a magyarországi pénzverést? [Eagle and lion. How did King Sigismund use the coinage in Hun-

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<sup>5</sup> In addition, Matthias and the lions were symbolically linked in the eyes of his contemporaries. In Florence, Matthias's envoy, István Bajoni, said that his lord would be pleased with a lion, and the Signoria sent him "the ancient emblem of the Florentine people" as a sign of good relations. According to Bonfini, when Matthias died in Vienna in 1490, his lions died the same day, as if sensing the death of their lord. BITSKEY, István: Tradíció és reprezentáció. Hu-

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- <sup>8</sup> Ibid. 20.
- <sup>9</sup> Ibid. 20–21.
- <sup>10</sup> In the spring of 2013, Rahul Mohod filed an appeal under the *Right to Information Act 2005* with the Central Information Commission seeking an answer to the question of why the Supreme Court does not display the motto of the national emblem on its logo. The request was made after the authorities in the first instance had failed to reach a decision on the merits of the case and the applicant had not received a reply to his question. The Appeals Committee sought clarification as to the law, guidelines, or other provisions on which the court based its decision on the motto. For the record of the appeal hearing, Rahul Mohod vs CPIO File No. CIC/SM/A/2012/001491 Right to Information Act 2015 Under Section (19), see [www.casemine.com/judgement/in/574c3cd5e561090f2a0efe5e](http://www.casemine.com/judgement/in/574c3cd5e561090f2a0efe5e); [www.rtfoundationofindia.com](http://www.rtfoundationofindia.com). However, despite formal requests and proceedings, the question has not been satisfactorily answered to date. PTI: CIC to Supreme Court: Explain reasons behind your logo. *The Indian Express*, 28. 3. 2013. <http://archive.indianexpress.com/news/cic-to-supreme-court-explain-reasons-behind-your-logo/1093191/>; GUPTA, Sonal: Supreme Court of India changed its motto? No, viral claim is false. *The Quint*, 24. 8. 2020. [www.thequint.com/news/webqoof/supreme-court-of-india-changed-its-motto-no-viral-claim-is-false](http://www.thequint.com/news/webqoof/supreme-court-of-india-changed-its-motto-no-viral-claim-is-false).
- <sup>11</sup> HUHN, Vital: Löwe und Hund als Symbol des Rechts. *Mainfränkisches Jahrbuch für Geschichte und Kunst*. Bd. 7. Sonderdruck. Würzburg, 1955. Freunde Mainfränkischer Kunst und Geschichte E. V. 62.
- <sup>12</sup> Bonner Stadtgeschichte. [www.bonn.de/themen-entdecken/bildung-lernen/bonner-stadtgeschichte.php](http://www.bonn.de/themen-entdecken/bildung-lernen/bonner-stadtgeschichte.php).
- <sup>13</sup> NOEHLES, Karl: Die Kunst der Cosmaten und die Idee der Renovatio Romae. *Sonderdruck* aus FIENSCH, Günther – IMDAHL, Max (Hrsg.): *Festschrift Werner Hager zum 65. Geburtstag*. Recklinghausen, 1966. Verlag Aurel Bongers, 21.
- <sup>14</sup> The sculptural group (*Leone che azzanna il cavallo*) can be seen in the Capitoline Museums (*Musei Capitolini*).
- <sup>15</sup> SCHULZE, Ulrich: Triumph und Apokalypse. Anfänge venezianischer Herrschafts- und Rechtsikonographie. *Marburger Jahrbuch für Kunstwissenschaft*, Bd. 22. 1989. 188.
- <sup>16</sup> Judging under the arcades was a transition between the open air and the enclosed spaces (town halls, courtrooms), while at the same time providing protection from the weather. The semi-open trials were also a means of publicity.
- <sup>17</sup> DE APPOLONIA, Giovanna: Justice and judgement in the Romanesque column-bearing lions of Northern Italy. *Ikon*, Vol. 2, 2019. 168.
- <sup>18</sup> BRÜNNECK, Wilhelm von: Zum Verständnis des Titel 1 der Soester Gerichtsordnung. *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, 1911. Bd. 32. 332. <http://dlib-zs.mpiers.mpg.de/pdf/2085091/32/1911/20850913219110340.pdf>. But the proper posture required of a judge is not only described in detail in municipal law books, but in the absence of such books, it can also be seen in contemporary art. MAUER, Georg Ludwig: *Geschichte des altgermanischen und namentlich altbairischen öffentlich-muendlichen Gerichtsverfahrens, dessen Vortheile, Nachtheile und Untergang in Deutschland ueberhaupt und in Baiern insbesondere*. Heidelberg, 1824. Akademische Buchhandlung von J. C. B. Mohr, 120.
- <sup>19</sup> PANOFKY, Erwin: Dürer és a klasszikus kor [Dürer and the classic era]. In Idem: *A jelentés a vizuális művészetekben. Tanulmányok [Meaning in the visual arts. Studies]*. Translated by TELLÉR, Gyula. Budapest, 2011. ELTE BTK Művészettörténeti Intézet, 46–47.
- <sup>20</sup> SCHILD, Wolfgang: Der griesgrimmige Löwe als Vor-Bild des Richters. *Medium Aevum Quotidianum* 27. 1992. 28.
- <sup>21</sup> The cities of Treviso or Bergamo can be mentioned as examples. FACCHINETTI, Alessandra: Le bocche delle denunce a Bergamo e qualche luogo comune da sfatare. 2019. [www.bergamodascoprire.it/2019/01/02/le-bocche-delle-denunce-a-bergamo-e-qualche-luogo-comune-da-sfatare](http://www.bergamodascoprire.it/2019/01/02/le-bocche-delle-denunce-a-bergamo-e-qualche-luogo-comune-da-sfatare).
- <sup>22</sup> Venice, like other cities in Italy (e.g., Genoa, Milan, Rappallo), was divided into six districts (*sestiere*).
- <sup>23</sup> CORRER, Giovanni – SAGREDO, Agostino – FRIULI, Nicolò – PASINI, Lodovico – CARRER, Luigi: *Venezia e le sue lagune*. Volume primo. Venezia, 1847. Nell' I. R. privil. Stabilimento Antonelli, 152.
- <sup>24</sup> The *Consiglio dei Dieci* was set up on 10 July 1310, following the Baiamonte Tiepolo-conspiracy. The court, which had exceptional jurisdiction in its original function, became more infamous in Venice as a kind of state security organisation, and was even authorised to observe the *Doge*.
- <sup>25</sup> PRETO, Paolo: *I servizi segreti di Venezia. Spionaggio e controspionaggio ai tempi della Serenissima*. Milano, 2010. Il Saggiatore, 168–169.
- <sup>26</sup> TOSO FEI, Alberto: *Un giorno a Venezia con i dogi. In giro per la Serenissima accompagnati dagli uomini che la resero grande*. Roma, 2017. Newton Compton Editori.
- <sup>27</sup> PEROTTI, Armando: Il leone di piazza Mercantile. *Corriere delle Puglie*, 14. 12. 1919.
- <sup>28</sup> PETRONI, Giulio: *Della storia di Bari dagli antichi tempi sino all'anno 1856*. Libri tre. Volume primo. Napoli, 1857. Stamperia e Cartiere del Fibreno, 111–112.
- <sup>29</sup> Albert Wolff presented a small sculptural group made of plaster in 1883 in Berlin at an exhibition at the Royal Academy of Arts, Berlin (*Königliche Akademie der Künste zu Berlin*). After his death, presumably due to the artist's popularity in decision-making circles and his long and conscientious work in the Prussian Land Art Commission (*Preußische Landeskunstkommission*), the state purchased this plaster model and the bronze sculpture, which can still be seen today, was based on this model. MAAZ, Bernhard: Wilhelm Wolff (1816–1887), der erste Berliner Tierbildhauer. *Forschungen und Berichte*, Bd. 29. 1990. 310. p. [www.jstor.org/stable/3881075](http://www.jstor.org/stable/3881075).
- <sup>30</sup> <https://bildhauerei-in-berlin.de/bildwerk/loewengruppe-2/>.
- <sup>31</sup> <http://artandthecourts.ca/en/garden/equal-before-the-law/>.
- <sup>32</sup> RIPA 1997. 450.
- <sup>33</sup> [www.mcgill.ca/dise/files/dise/cdn\\_rights.pdf](http://www.mcgill.ca/dise/files/dise/cdn_rights.pdf); Justice in a Fallen World. *Public Art of Toronto*. <https://publicartoftoronto.wordpress.com/2016/11/21/justice-in-a-fallen-world>.
- <sup>34</sup> Histoire du Palais. Visite illustrée du Palais de Justice de Paris. [www.cours-appel.justice.fr/paris/histoire-du-palais](http://www.cours-appel.justice.fr/paris/histoire-du-palais).
- <sup>35</sup> LEGONISSA, Johannes Angelus de: *Opus christianissimum, seu Davidicum...* 1497.
- <sup>36</sup> HAHNER, Péter: *Újabb 100 történelmi tévhit avagy amit biztosan tudsz a történelemről – és mind rosszul tudod... [Another 100 historical misconceptions or what you know about history – and you know it all wrong...]*. Budapest, 2011. Animus Kiadó, 19.
- <sup>37</sup> HAHNER, Péter: *Franciaország története [History of France]*. Budapest, 2002. Műszaki Kiadó, 70.
- <sup>38</sup> HAHNER 2011. 19.
- <sup>39</sup> SZLÁVIK, Gábor: Államhatalom és jelvényei Rómában. Tóga, tunika, vesszőnyaláb [State power and insignia in Rome. Toga, tunic, fasces]. *História [History]*, No. 5–6, 2003. 27.
- <sup>40</sup> MAYER, Claire: Au procès du coq Maurice et de sa propriétaire. “Tout le monde rit, mais derrière, nous avons un sujet sérieux.” *Le Monde*, 5. 7. 2019. [www.lemonde.fr/societe/article/2019/07/04/au-proces-du-coq-maurice-et-de-sa-propretaire-tout-le-monde-rit-mais-derriere-nous-avons-un-sujet-serieux\\_5485450\\_3224.html](http://www.lemonde.fr/societe/article/2019/07/04/au-proces-du-coq-maurice-et-de-sa-propretaire-tout-le-monde-rit-mais-derriere-nous-avons-un-sujet-serieux_5485450_3224.html). L., Ph.: Ile d'Oléron: le coq Maurice va pouvoir continuer à chanter. *Le Parisien*, 5. 9. 2019.

[www.leparisien.fr/societe/ile-d-oleron-le-coq-maurice-va-pouvoir-continuer-a-chanter-05-09-2019-8145924.php](http://www.leparisien.fr/societe/ile-d-oleron-le-coq-maurice-va-pouvoir-continuer-a-chanter-05-09-2019-8145924.php).

<sup>41</sup> Proposition de loi visant à définir et protéger le patrimoine sensoriel des campagnes françaises. [www.legifrance.gouv.fr/dossierlegislatif/JORFDOLE000041502435/](http://www.legifrance.gouv.fr/dossierlegislatif/JORFDOLE000041502435/).

<sup>42</sup> [www.senat.fr/dossier-legislatif/ppl19-286.html](http://www.senat.fr/dossier-legislatif/ppl19-286.html).

<sup>43</sup> SPINETO, Natale: *Szimbólumok az emberiség történetében* [*Symbols in the history of humanity*]. Budapest, 2003. Officina '96 Kiadó, 49.

<sup>44</sup> KÁKOSY, László: *Az ókori Egyiptom története és kultúrája* [*History and culture of the ancient Egypt*]. Budapest, 1998. Osiris Kiadó, 352.

<sup>45</sup> VALERIANO BOLZANI, Giovanni Pierio: *Hieroglyphica, sive, De sacris Aegyptiorvm literis commentarii*. Basileae, 1556. 178. <https://archive.org/details/desacrisaegyptio00vale/page/n3/mode/2up>.

<sup>46</sup> But a parallel can also be drawn between the ostrich burying its head in the sand and the negligent, biased judge. See in detail GOODRICH, Peter: *Imago Decidendi: On the Common Law of Images*. Leiden–Boston, 2017. Brill, 52–53.

<sup>47</sup> RIPA 1997. 238.

The ostrich as a symbol of truth is also referred to by Pliny the Elder in his history of nature (*Historia Naturalis*). Ripa also quotes from it. See PLINIUS, Caius Secundus: *Historia Naturalis*. L. 10. C. 1.

The alleged ability of the “camel-bird” to digest iron is the reason why the ostrich biting a horseshoe appears on coats of arms and seals, as well as on the badges of medieval blacksmith guilds. The legend dates back to the Numidian Wars, when on the African theatre of war, King Jugurtha’s light troops of Moors saddling on ostriches defeated the Roman cavalry, who were having difficulty moving across the sand of the desert. The Romans attributed their defeat to the magical powers of the mighty running birds. This later gave rise to the myth of the fight between the horse and the ostrich, where the ostrich swallows the enemy horse and leaves only the horseshoe in its beak. BERTÉNYI, Iván – FEISZT, György: Vas megye címerei és zászlai [Coat of arms and seals of county Vas]. In FEISZT, György (ed.): *Magyarország önzagatási jelképeit bemutató kézikönyvek. I. kötet* [*Handbooks on the symbols of self-government in Hungary. Vol. I.*]. Kemendollár, 2004. Akvirál '96 Kft. 34–35.

<sup>48</sup> When depicting the attributes of Justitia, Vasari is obviously referring to an earlier depiction of Justitia, namely one of Raphael’s works, probably one of his last (1520), which is on display in its original splendour in the Vatican Museums (*Musei Vaticani, Sala di Costantino*). The fresco has long been attributed to Giulio Romano (1499–1546) or Giovanfrancesco Pennini (1488–1528), both

of whom were pupils of Raphael, but in June 2017 Italian restorers established with absolute certainty that the Justitia is a work by Raphael (Amicizia e Giustizia, il Raffaello ritrovato. *Vatican Magazine*, 30 giugno 2017; [www.vaticannews.va/it/vaticano/news/2020-05/musei-vaticani-raffaello-sala-costantino-restauro-arte-500.html](http://www.vaticannews.va/it/vaticano/news/2020-05/musei-vaticani-raffaello-sala-costantino-restauro-arte-500.html)), even though Vasari himself had already referred to it as the work of the master in his *Le vite de’ più eccellenti pittori, scultori e architettori*. And the same claim was made in the early 19<sup>th</sup> century by the French architect, archaeologist, and art critic Quatremère de Quincy (see QUINCY, Quatremère de: *Istoria della vita e delle opere di Raffaello Sanzio da Urbino*. Ed. LONGHENA, Francesco di. Milano, 1829. Francesco Sonzogno, 393–394).

<sup>49</sup> In Vasari’s allegorical depiction of Justitia, a hippopotamus appears at the end of a sceptre held in her right hand, which, according to Valeriano’s *Hieroglyphica*, “when it grows up, it covets its mother and therefore, despite all its resistance, kills its own sire”. Vasari associates the hippopotamus with the impartial judge, who shows no mercy even to those closest to him. ANNO, James P.: “L’Allegoria della Giustizia” di Giorgio Vasari. Osserva il dipinto nei dettagli. <https://artsandculture.google.com/exhibit/l-allegoria-della-giustizia-di-giorgio-vasari-museo-e-real-bosco-di-capodimonte/zQIC9Et8vAoNLg?hl=it>.

Vasari relied on the advice and guidance of the prelate Paolo Giovio (1483–1542), a historian, to visualise the sophisticated symbolism of the whole work. In January 1543, he wrote a long letter to Cardinal Farnese, detailing the symbolism of the painting.

<sup>50</sup> Athena (Minerva) was said to have three heads: with one she gives advice, with the other she judges, and with the third she acts virtuously. Another characteristic attribute is the eagle-owl pulling his chariot and his shield decorated with the gorgon’s head. RIPA 1997. 524.

<sup>51</sup> PÁL, József – ÚJVÁRI, Edit (ed.): *Szimbólumtár. Jelképek, motívumok, témák az egyetemes és a magyar kultúrából* [*Symbol catalogue. Symbols, motifs, themes from universal and Hungarian culture*]. Budapest, 1997. Balassi Kiadó, 260.

<sup>52</sup> ANTHONY, Thalia – GRANT, Elizabeth: Courthouse Design Principles to Dignify Spaces for Indigenous Users: Preliminary Observations. *International Journal for Court Administration*, No. 1, 2016. 53.

<sup>53</sup> This article is published as part of the research project of the MTA–ELTE Legal History Research Group of the Hungarian Academy of Sciences at the Department of Hungarian State and Legal History of Eötvös Loránd University, Budapest. The Research Group is a member of the Eötvös Loránd Research Network (ELKH).



## 1. Introduction

The stakes for the internet have been rising since the mid-2000s: “The debate on platform regulation picks up in 2014. First, with the fall-out from the Facebook/WhatsApp deal,<sup>1</sup> which kick-started a public debate on mergers and acquisitions by digital platforms. Then in 2018, the Cambridge Analytica scandal<sup>2</sup> ramps up the volume of the debate on privacy by large platforms and provides the political lever for starting to design regulatory frameworks for the big digital platforms, at least in Europe.”<sup>3</sup> As a result, regulation of the internet (and within it, the platform providers that underpin social media) now seems more realistic than ever before. This paper examines how the United States of America and the European Union have attempted to regulate new media’s

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liability issues-, and how the codification processes set up two different types of liability regimes twenty to twenty-five years ago.