

ня єдиного реєстру виборців, проблеми участі на місцевих виборах позапартійних спостерігачів, діяльності засобів масової інформації та їх співпраці із політичними партіями тощо). При цьому рекомендації організаційного характеру ураховуються у виборчому процесі в значно меншому обсязі. Так, експерти ОБСЄ неодноразово наголошували на тому, що в Україні органи влади втручаються у виборчі кампанії, засоби масової інформації є тенденційними, фінансування діяльності партій та виборчої агітації залишається непрозорим, а правоохоронні органи можна визнати заангажованими.

Експерти Комітету виборців України зазначають, що для вітчизняної ситуації найбільш актуальним є електоральний досвід країн Центральної та Східної Європи, «оскільки пострадянський і постсоціалістичний простір характеризується подібними перверсіями в політичній (у тому числі виборчій) культурі, сформованими в період російсько-українського окупаційного режиму».

Водночас можна казати про те, що українське законодавство є досить повною мірою адаптованою до міжнародних стандартів виборів, насамперед в контексті європейських стандартів. При цьому актуальними стають не аспекти удосконалення нормативної бази щодо участі політичних партій у місцевих виборах, а питання вдосконалення організаційних форм реалізації відповідних стандартів, підвищення культури та правосвідомості відповідних учасників виборчого процесу.

Ключові слова: вибори, політичні партії, європейські стандарти, демократія

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Key words: elections, political parties, European standards, democracy.

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IS AN OATH-SWEARING ON THE BIBLE A CUSTOMARY LAW OR AN IMPORTANCE OF THE COMMITMENT?

Our country is noble due to liberties guaranteed in our Constitution, which includes religious freedom. However, the question that many believers have to face is: is it worth to take an oath or is it better to refuse. The most important is the necessity to swear a loyalty and allegiance oath to the state and people. There might be a reason to use other words, for instance: «promise», «guarantee», «assure», «pledge to», which have a legal status.

First of all one should realize what an oath means. It is a solemn pledge to fulfil the promise. As a rule, a person calls on the God (He is different in each religion) and it guarantees the person is sincere. An ancient and a medieval history contains a lot of examples of rituals connected with pledge of alle-

giance. The analysis shows that in ancient times the oath was the most sure-fire way to prove words and intentions. People assumed the responsibility not only before their fellow humans, but before God. A mistaken oath or a breach of oath is considered in different religions as one of worst mortal sins before God. The oath takes a special place because of its religious base and connection with the people's culture; it also has regulated legal statuses and reflected the moral attitude to other persons and to God.

From the modern religions point of view, believers must not oath to prove every their allegation. Thus, an oath does not excluded in almost all Christian world beliefs, including Orthodox, Catholic and Protestant, but is allowed only in highly critical moments of life. It is recommended not to oath by mistake.

A prohibition of a mistaken swearing in the name of God is one of the strictest in The Ten Commandments obtained on Mount Sinai, it says: «You shall not take the name of the LORD your God in vain» [1, p.94]. Essentially, a person is supposed to avoid the oath in the name of God, it is enough to say «yes» or «no» to warrant intentions.

In many Christian countries, persons who testify in court or are elected to the Head of State position take an oath on the Bible. The concept «oath» is an integral part of the President Inauguration procedure and is enshrined in the Constitution of Ukraine. In the clause 104 of the Ukrainian Constitution the following swearing of the President is identified: «I hereby swear to the people of Ukraine» [2]. The Presidents of Ukraine swear having their hand put on the Peresopnytsia Gospel – a unique written memorial, a known translation of the Scripture from the 16th century old Ukrainian language.

But it is not mentioned which hand should be put on one of these books (Gospel or Constitution). Leonid Kravchuk put his left hand on the USSR Constitution and the right hand on his heart, the Gospel was nearby. Kuchma took an oath without touching the Constitution. He only put his hand on the open Gospel. The third President Yuschenko sword putting his right hand on the Peresopnytsia Gospel, he only touched the Consitution by the fingers of his hand. Having taken an oath Yuschenko crossed himself and kissed the ceremony books. Yanukovitch took an oath putting his right hand on the Peresopnytsia Gospel and his elbow on the Constitution of Ukraine. The President Poroshenko did the same. Thus, it is easy to make a conclusion: Presidents are not required to use the Bible as a part of that process obligatorily in Ukraine [3].

The reason for «swearing» on the Bible or some other holy book is that if your commitment to tell the truth is not strong, swearing on a «sacred object» ups your commitment to tell the truth. But you should not use the Torah, Bible, Quran or any other «holy text» since that would violate the constitutions «religious test» clause. Such practice was rooted in American history, and it is being followed. During the Inauguration in 1789 the first American President George Washington took an oath putting his hand on the Bible and the text of this oath is repeated by all the Presidents of the USA. The final sentence of George's Washington speech: «So help me God» became aphoristic and is used in politician's speeches.

The Bible has become a part of American social and cultural history. From the first English settlements in the early seventeenth century to the modern era, the Bible is reflected in the American story. Swearing on the Bible is not a legal requirement of office, but it has become a custom with a lot of informal pressure attached to it. If it was a legal requirement, it would violate the United Nations Constitution. That clause was deliberately put into the Constitution, because the Founding Fathers were opposed to the United States passing any laws that resembled the British Test Acts, which imposed penalties for Roman Catholics and nonconformist protestants.

The oaths of office are mentioned twice in the Constitution of the United States. Article VI, Section 3 deals with members of Congress. Article II, Section 1 pertains to the President. It says, «Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: «I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States» [4]. (Note that the phrase «So help me, God» is not a required part of the oath. They use this phrase so often that many Americans believe it is a part of the Constitution).

But have all the presidents followed the suit, and sworn on the Bible? What will Americans do if the President happens to be not Christian, Muslim or Buddhist? According to official records kept by the Architect of the Capitol, Teddy Roosevelt, during a rushed oath of office after William McKinley's assassination, did not use the Bible in 1901 [5]. Kennedy was the first to use the Catholic (Douay-Rheims) version of the Bible for his oath in 1961 [6]. John Quincy Adams felt that being sworn in on a law book was more powerful and meaningful, as well as helping push for the separation of church and state [5]. So he was sworn in with a law book, which he said represented his promise to «preserve, protect and defend the Constitution». In most cases, Presidents have used a family Bible or two Bibles at the ceremony simultaneously. For example, President Obama was sworn in with two Bibles - one owned by Abraham Lincoln and the other owned by Martin Luther King [7].

Over the years, the presidential swearing-in ceremony became more elaborate and was extended to holders of other federal offices. Various traditions and practices grew up around it. But they are just that: traditions, not requirements. The Constitution does not require a president to take the oath of office by swearing on a Bible, and several past presidents have not used a Bible for their swearing-in ceremonies.

It is also interesting to note that the Presidents can either say, «I do solemnly swear» or «I do solemnly affirm». Although only one President has confirmed the oath rather than swearing it, which was the fourteenth president of Franklin Pierce in 1853, because of his own religious reasons. An atheist president would take the same oath, without the words: «So help me God» [6] that ensures the freedom of conscience of the elected president. Since this is an affirmation, rather than a sworn oath, there is no need for a Bible.

An «affirmation» is the same thing as an oath, but without the religious implications. Christians believe any oath, not just presidential ones, is wit-

nessed by God and that the individual will be held accountable for the conditions of God's oath.

Up to now all the Presidents were Christians, but Jewish congressmen take an oath on the Jewish Bible, and elected in 2007 the first Muslim congressman Kith Ellison sword his loyalty to Constitution on Quran. But such innovations never pass without rejections. Some people are convinced that Bibles should be a part of the ceremony. In December 2017, Ted Crockett, a spokesman for unsuccessful U.S. Senate candidate Roy Moore, appeared on CNN and defended Moore's position that Muslims should not be allowed to hold public office. Crockett said this was so because, «You have to swear on a Bible to be an elected official in the United States of America» [8]. There is no official confirmed government religion in the United States, elected leaders are free to use whatever book they choose, or no book at all. Overall, the use of a Bible is traditional for members who consider themselves Christian. Some prefer using law books instead of a Bible. Officials of other religious have used their own religious texts. As the USA has the religious freedom, officials can use any book to swear (or no book at all), the most important thing is that he or she carries out the office properly. Because the elected officials are by oath bound to defend the Constitution – not a religious book, they might for a moment have their hand on it.

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Ключові слова: інавгурація, клятва, присяга, релігійна свобода.

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