

NORBERT TRIBL*

Identity Questions and National Symbols: The Role of National Symbols in the Formation of National and Constitutional Identity

- **ABSTRACT:** *Recent decades have seen numerous identity debates around the European Union and its integration process. The protection of national and constitutional identities and their underlying values is at the root of these identity disputes. Each nation has its own constitutional identity, national identity, and constitutional values. This identity and sense of identity and values are reflected and expressed through a system of symbols. National and state symbols serve to both form and shape national and constitutional identity.*
- **KEYWORDS:** national symbols, state symbols, national identity, constitutional identity

1. Introduction

In its most basic sense, identity refers to self-determination or essential sameness. From a philosophical point of view, it is the logical continuity according to which every concept must be identical to itself in a given time and in a given relation. It also implies a sense of identification with oneself or with a group.¹ Identity or self-determination is inherently a sociopsychological concept that examines issues of an individual's self-definition in relation to society.² Symbols, on the other hand, express a basic human need. They serve as a means of reinforcing communication and group cohesion, and as such, they help to maintain the group's identity and

1 Puszta, 2014, p. 553.

2 Cf. Pataki, 1997, pp. 321–330.

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stability.³ Symbols are therefore both a means of expressing identity to outsiders as well as strengthening it. The need to use symbols is inherent in human nature and has accompanied the development of human civilization. Accordingly, symbols are intrinsically linked to the history of nations and states.⁴ The identity of a nation or state, a basic unit of human society, is shaped by the identity of the individuals who make up society, and *vice versa*: the identity of the individuals who make up society is shaped by the nation's identity and the memories of the nation's past. Therefore, national symbols are expressions of the sense of identity derived from belonging to a nation, and through these symbols, the sense of national identity can be deepened. When considering the role of symbols at the level of the nation or the state from the point of view of identity, we must distinguish between national identity and national symbols, as well as between constitutional identity and state symbols, although these cannot, of course, be sharply separated from one another but rather defined in terms of their part-to-part relationship.

In the study of identity, we might discuss understanding identity as both a given and a dynamic, interactive process. According to this view, identity is never a fully formed and final determination. Identity is an individual's attempt to assert his or her sense of self in the culture, i.e., to identify the factors by which he or she differs from or is identical with other persons.⁵ Identity, therefore, cannot be a given; everyone must constantly and continuously construct their identity.⁶ Individual identity is, however, made up of various partial identities. Thus, national identity, based on national consciousness, is just as much a part of individual identity as religious or minority identity. Each of these partial identities usually has its own system of symbols that expresses and deepens the sense of identity.

However, identity is not merely linked to who someone is as an individual. A group of people who are organized according to a structure may also behave as an autonomous entity in relation to the outside world and, as such, may have a collective identity.⁷ Consequently, identity elements can be identified for individual, separate members of the community, and due to the homogeneity of the members of the community in terms of a certain characteristic, model-like identity patterns can also be identified that are not just based solely on the individual experiences of the individuals who make up the collective. The identity of the community is the product of its collective experiences and collective identity formation.⁸ On the basis of this phenomenon, we can speak of religious, cultural, constitutional,⁹

3 Pál, 2013, pp. 689–711.

4 Halász and Schweitzer, 2020, [1]–[2].

5 Bodó, 2004, p. 13.

6 *Ibid.*, p. 15. Identity-building in interaction with others (dialogically) clearly resonates with the connections between constitutional dialogue and constitutional identity.

7 Pataki, 1997, p. 326.

8 *Ibid.*

9 E.g., Orbán, 2020.

and national identities.¹⁰ The essence of identity is unity in the face of the outside world, usually expressed through a common system of symbols.

2. National and constitutional identity

According to Habermas, in the case of collective identities, there is a phenomenon of universalization of the self-structures that constitute them, and of the collective identity becoming more dominant.¹¹ From this, it can be said that collective identities, which are created by the unified will of the entities—individuals, communities—, reflect the self-determination of the entities that create them; that is, they necessarily shape them.¹² According to Habermas, the collective identity of the future cannot be anything other than a consensus on the formal conditions of identity construction produced through continuous and communicative structures.¹³ In the case of collective identity formation, the identity-bearing entity is the collective subject, which is nothing other than a collective that emerges as an expression of the common characteristics of the individuals who make up the group, whose members form a unit and whose identity emerges from the social conditions of the group, historical development, and the unified socialization of the individuals making up the group in this specific and concrete context,¹⁴ and, as such, has its own symbolism that represents and embodies the community's belonging and value system, as well as the common past.

American legal scholar Gery J. Jacobsohn sees constitutional identity as a defining feature of the constitutional system,¹⁵ without which it would be transformed into something quite different.¹⁶ According to his theory of constitutional disharmony,¹⁷ constitutional identity is determined by the 'final' outcome of the tension generated by the conflict between the constitution, as created by the constitutional authority endowed with social legitimacy, and the social and political forces that define it.¹⁸ The "interaction" of these factors is a process, the result of which is the "projection" of certain features of constitutional identity. This also means that the elements of constitutional identity cannot be understood

10 Which, of course, may also have religious, cultural, and national elements, to name a few.

11 Cf. Habermas, 1994, pp. 141–182.

12 Cf. *Ibid.*, pp. 145–148; 149–154.

13 Bodó and Toró, 2011.

14 See Pataki, 1997, p. 305.

15 For a detailed analysis of constitutional identity according to the different constitutional models, see Rosenfeld, 2010, pp. 149–209.

16 Jacobsohn, 2013, pp. 5–16.

17 The theory developed by Jacobsohn presents the concept of constitutional identity in a very practical way by illustrating constitutional phenomena from individual examples, but his method of investigation undeniably reflects Anglo-Saxon legal thought, using as a starting point the constitutional 'moments' and identity traits of the United States and India.

18 For more on constitutional disharmony theory, see Jacobsohn, 2010.

in isolation, “in itself,” solely in the light of the past, present, and future of the state and/or nation that created it.¹⁹ The identity of the constitutional system is therefore changeable; it can change, for example, in its value system, but the social cohesion on which it is based must remain constant and, as such, it needs a cohesive instrument, a constant and shared symbolism that is either completely insensitive to or only less sensitive to social change.

Rosenfeld argues that we are not only talking about the likelihood that constitutional identity will change over time, but also that it would become deeply immersed in complex and contradictory relationships with other defining identities, such as national, ethnic, religious, or cultural identity, and to create an identity that transcends time, it is essential to weave together the past of its creators, our own present, and the future of generations yet unborn.²⁰ In order to weave together the past, present, and future of a community, and to do so within a common, though not entirely immutable, set of values, we need to create a bond that transcends time and expresses that bond to the outside world; that is to say, we need a common system of symbols.

Jacobsohn refers to constitutional identity as a phenomenon that is constantly evolving in the courts and the legislature, as a mixture of many aspirations and opinions expressing the nation’s past.²¹ In his view, the phenomenon of constitutional identity cannot be interpreted in terms of a timeline, i.e., as a static set of factors that characterize a given constitutional system in the present. In the Anglo-Saxon legal literature, identity theorists see constitutional identity as a dynamic interaction between the constitutional community, the constitution-making power, and the confrontational relationship between the constitution and society.²² Accordingly, the identity of society determines the constitution, and *vice versa*: the constitution influences social identity.²³ Constitutional identity is usually compared to the theory of constitutional patriotism²⁴ associated with Habermas,²⁵ which argues that communities should be defined by their commitment to constitutional norms.²⁶ However, in order for the bond between society, community members, and the constitutional order to develop, the constitutional system’s values must correspond, at least in part, to those of the constitutional community, and there must be tangible symbols, a system of symbols that can be displayed to the outside world, that facilitate the expression of a sense of belonging among members of society and through which individuals can express their agreement or disagreement with a value system in a simple way, often through a single symbol.

19 Cf. Martonyi, 2018, p. 21.

20 Rosenfeld, 1995, pp. 1049–1111.

21 Jacobsohn, 2013, p. 5.

22 Jacobsohn, 2010, pp. 1–35; Jacobsohn, 2013, p. 5.

23 Polzin, 2017, pp. 1599–1606.

24 Jacobsohn, 2010, pp. 2–6.

25 Polzin, 2017, pp. 1600–1601.

26 Cf. Müller, 2008.

Behind the symbols, then, we find values and value systems, which are both part of and embodiments of the expression of the identity or sense of identity that is associated with them.

In the process of identity formation, identity is thus an attempt by the entity that thinks about itself to name the factors by which it differs from or is identical to other entities.²⁷ According to Habermas, in the case of collective identities, there is a phenomenon of universalization of the self-structures that constitute them and of the dominance of collective identity.²⁸ This collective identity, which is created by the unified will of the entities—be they individuals, communities, or nations—, has an effect on the identity of the entities that create it and necessarily shape it, in which process symbols play a decisive role. It is through symbols that individuals and communities are able to identify with the sense of identity of the community, its sense of belonging to the community, and its values.²⁹

Anglo-Saxon—mainly American—jurisprudence builds on the formulation of the regularities derived from identity theories and considers constitutional identity as the starting point of constitutional theory, a system of regularities derived from the nature of constitutional systems.³⁰ Identity theories focus on the relationship between society and the constitution, as well as the requirements characterizing the constitution itself.³¹ Consequently, constitutional identity involves the symbolism of the constitutional system, a system of state symbols, which, according to Habermas' theory of constitutional patriotism, also reflects back on society and shapes its collective identity and national consciousness.

The concept of constitutional identity³² and its conception³³ and interpretation³⁴ is currently changing, or rather evolving, and is likely to continue to do so in the future, but the significance and protection of state and national symbols has been unquestioned practically since the emergence of states, while the identity-forming role of these symbols is still a less developed area, at least in the state theoretical and constitutional dimensions.

According to Jacobsohn's theory of constitutional disharmony,³⁵ constitutional identity is created through the interaction of three factors identifiable in the constitutional system.³⁶ These are the constitutional community that gives life

27 Bodó, 2004, p. 13.

28 Cf. Habermas, 1994, pp. 154–168.

29 Consequently, deepening respect for national symbols can also be a means of deepening national identity.

30 Jacobsohn, 2010, p. 3.

31 Minimum standards? See Drinóczi, 2016a, pp. 112–223.

32 E.g., Chronowski and Vincze, 2017, pp. 93–127.

33 Blutman, 2017, pp. 1–14; Drinóczi, 2016b.

34 E.g., Polzin, 2017, 1604–1615.

35 Cf. Pavone, 2014.

36 Jacobsohn, 2013, p. 5.

to the constitution, the constitutional power, and the constitution.³⁷ In his view, it is the confrontational relationship between these three factors that makes the constitution more than a mere document—it makes it alive—and it is the cornerstones of this confrontational relationship that constitute the identity elements of the constitutional system.³⁸ When we want to separate national symbols from state symbols, if there is a need to do so, this triple distinction can help us in the process of distancing: the identity of the community or communities that make up the constitutional system can be defined as national identity,³⁹ while the symbols enshrined in the constitution—which are usually prominent among national symbols—and embodying state power, sovereignty, or the continuity of the state can be called state symbols.

Rosenfeld's theory of plural constitutionalism⁴⁰ can be interpreted as a quasi-complement to Jacobsohn's theory of disharmony: the constitutional system in Rosenfeld's interpretation appears as a constitutional subject, which, through the confrontational interaction of three factors—constitutional community, constitutional power, and constitution—develops and defines itself through specific characteristics, a quasi-pattern of behavior.⁴¹ In this process, a value system is formed, which can also be reflected through a system of national/state symbols.⁴² Jacobsohn situates constitutional identity in the process of the organic development of the constitution and examines the extent to which the constitution can be changed without the change damaging the identity of the constitutional system. In other words, where is the limit when, through amendments, the constitution no longer fits into the constitutional system that gave rise to it, causing the constitutional system to be destabilized by the amendments⁴³ and lose its identity⁴⁴ as a result.

On this basis, constitutional identity describes the process of organic development of the constitutional system, in the course of which a symbolism of the constitutional system is formed that expresses the sovereignty of the state on the one hand, and at the same time embodies the connection of the members of society to the state, and in the case of nation states, the national consciousness. This symbolism is also capable of reflecting social and constitutional values. One

37 Cf. Tribl, 2018, pp. 151–164.

38 Rosenfeld, 2010, p. 4.

39 The question of nation states is referred to in these lines only by the singular or plural formulation.

40 Cf. Rosenfeld, 2010, pp. 15–71.

41 Tribl, 2018, pp. 155–158.

42 The question of value-based and value-neutral constitutions. Cf. Bulmer, 2014.

43 A thorough analysis of the stability of the constitution is beyond the scope of this paper, and we will only point out here that eternity clauses can in principle strengthen the stability of the constitution, if they are used for such a purpose.

44 Jacobsohn, 2010, pp. 34–82.

of the defining characteristics of constitutional identity is therefore continuity,⁴⁵ i.e., the identity of the constitutional system cannot be satisfactorily defined in a single moment in time with a closed catalog of values,⁴⁶ whereas the catalog of state and national symbols is relatively stable, but the underlying value system may change.

If, at a given moment in time, we wish to name the elements of the identity of a constitutional system, they are embodied in the provisions of the constitution as a result of the confrontational relationship between the factors constituting the constitutional system—constitutional community, constitutional power, constitution—, as constitutional values⁴⁷ and institutions, constitutional principles, as well as state and national symbols.⁴⁸

3. Identity and national symbols in the EU

In respect to the Central and Eastern European regions, it is worth briefly touching on the issue of European integration.⁴⁹ The source for the application of constitutional identity in the European Union legal system is Article 4(2) of Treaty of European Union, which states that

the Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government.

This is confirmed in practice by the Charter of Fundamental Rights of the EU, whose preamble states that

the Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organization of their public authorities at national, regional, and local levels...⁵⁰

45 Cf. Rosenfeld, 2010, p. 41.

46 Cf. Rosenfeld, 1995, pp. 1049–1111, 1049.

47 The Hungarian Constitutional Court, in its evolving jurisprudence, has, in my view, defined certain elements of Hungary's constitutional identity too broadly, when it has defined it, *inter alia*, by listing constitutional values in an exemplary manner but without providing reasons for each element. Cf. CC Decision no. 22/2016 (XII. 5.), [64]–[65].

48 Cf. Majtényi, 2017.

49 Cf. Faraguna, 2017.

50 Cf. Martinico, 2013, pp. 95–112.

These provisions do not mention the technical term constitutional identity, a phenomenon which is due to a number of reasons, but which also creates conceptual uncertainty. In his Opinion of Advocate General Poiares Maduro AG, the Advocate General writes about national and constitutional identity:

It is true that the European Union is obliged to respect the constitutional identity of the Member States. That obligation has existed from the outset. It indeed forms part of the very essence of the European project initiated at the beginning of the 1950s, which consists of following the path of integration whilst maintaining the political existence of the States. That is shown by the fact that the obligation was explicitly stated for the first time upon a revision of the treaties, a reminder of the obligation being regarded as necessary by the Member States in view of the further integration provided for. Thus, Article F(1) of the Maastricht Treaty, now Article 6(3) of the Treaty on European Union, provides that ‘the Union shall respect the national identities of its Member States.’ The national identity concerned clearly includes the constitutional identity of the Member State. That is confirmed, if such was necessary, by the explanation of the aspects of national identity put forward in Article I-5 of the Treaty establishing a Constitution for Europe and Article 4(2) of the Treaty on European Union as amended by the Treaty of Lisbon. It appears, indeed, from the identical wording of those two instruments that the Union respects the ‘national identities [of Member States], inherent in their fundamental structures, political and constitutional.’⁵¹

The Advocate General’s position therefore focuses on national identity, which, in the context of the EU, describes the role of constitutional identity within the EU from a functional point of view.⁵² Regardless of whether this is correct, it is national identity, and not constitutional identity, that is established in EU law. However, as discussed earlier, national identity, as the identity of the constitutional community, also includes characteristics that are not necessarily embedded in the identity of the constitutional order, i.e., that define the nation but do not have a defining counterpart that shapes the constitutional order. Conversely, there may be elements of constitutional identity that have emerged from national identity into the sphere of constitutional identity, i.e., some elements of national identity may be transformed into constitutional identity. It is precisely for this reason that I do not agree with the Advocate General’s statement that constitutional identity is

51 Case C-213/07 *Michaniki AE v Ethniko Symvoulío Radiotileorasis and Ypourgos Epikrateias*.

52 Paras. 32 and 33 of the Advocate General’s Opinion also discuss the role of constitutional identity in integration, with national identity being presented in the context of the normative text.

part of national identity, if only because, as Trócsányi points out, national identity is a political rather than a legal concept.⁵³ That is to say, starting from the previous conceptual distinctions, the correct approach, in my view, is for constitutional identity to encompass elements of national identity, and certainly not the other way round,⁵⁴ as the Advocate General's position states.⁵⁵ As Pavel Rychetsky writes, constitutional identity derives from national identity but is not synonymous with it.⁵⁶ If we were to approach this from the perspective of state or national symbols, the boundaries may not be that sharply blurred. In the international relations of the state, state symbols as symbols of sovereignty are dominant in any case. However, if we approach the question from the perspective of the members of society or of individual social groups, it is likely that in the eyes of citizens, state and national symbols, or constitutional and national identity, will not be that sharply separated. From the point of view of the members of society, it will be a sense of identity, of self-determination, that will be decisive, and this is probably the reason why the treaties establishing the European Union do not use the concept of constitutional identity. The European Union does not seek to respect the identity of Member States but rather the identity of the peoples of the Member States, i.e., the nations, so that national identities do not clash with a growing, integrating European system of organization.

At this point, I consider it necessary to point out again that the concept of national identity as interpreted in social science and outside the context of the European Union must be distinguished from the concept of national identity as applied by the CJEU; this may at first sight seem self-contradictory, but in the absence of a definite and exhaustive interpretative practice of the CJEU, and in the light of the divergent practices of constitutional courts, only by making this distinction can a consistent interpretation be established.

4. Conclusions

Rosenfeld analyzes the notion of national identity based on Anderson's theory⁵⁷ and concludes that constitutional identity is necessarily separated from other identities, in particular national identity,⁵⁸ but that this separation is not necessarily evident in the system of national/state symbols and that the separation is closely irrelevant for members of society.

53 Trócsányi, 2014, p. 72.

54 Rosenfeld, 2010, p. 10.

55 All the more so, since, as Trócsányi writes in his already quoted reflection, national identity is a difficult category for constitutional law to interpret.

56 Rychetsky, 2017, p. 95.

57 Anderson, 2006.

58 Cf. Körtvélyesi, 2013, pp. 115–120.

Applying what has been said in the analysis of identity, the subject with a collective identity in the definition of national identity is the constitutional community—nation,⁵⁹ which we need to consider in its own continuity.⁶⁰ Since, in order to determine certain features of identity, we must take into account the factors that have defined the subject since the beginning of its existence and interpret them from the present, national identity in relation to political nations does not merely include those defining factors that distinguish one nation from another in the present, such as those events in the present that have shaped the collective self-definition of a nation and which give meaning to the system of symbols. More precisely, it is not the events in the history of a given nation, but rather the way in which these events relate to them from the present—i.e., national memory, confrontation with the past—that constitutes an element of national identity, that is the fact of how a particular pivotal event has shaped the self-definition of the nation or of the individuals who make up the nation. Many elements of these processes are reflected, for example, in the preambles of national constitutions⁶¹ and in the system of national symbols.

If a ‘stimulus’ or event that affects a nation is significant enough to affect the nation’s self-definition and thus shape the collective identity of the community, the event and the reaction to it will be incorporated into the nation’s consciousness, i.e., it will become part of the national identity. The collective identity is created and defined by the identity of the individuals who created the community, but when it behaves as an ‘entity in its own right’, changes in the collective identity will have repercussions on the identity of the individuals who created it.

National identity is therefore necessarily linked to the community that created the constitutional system, but it also includes characteristics that define the nation but are not embedded in its constitutional system.⁶² While it is true that elements of national identity may be protected in the constitution, in my view, national identity and constitutional identity are separated at a fundamental level, at the level of the subject bearing the identity: while the subject bearing the national identity is the constitutional community, the nation, and the subject of constitutional identity is the constitutional system itself—the constitutional subject—, of which the political nation is only one defining component. In view of this, it is true that a sharp separation of the two concepts does not necessarily lead to the correct conclusion, and they are therefore better understood in relation to each other in their part-to-part relationship. This distinction between

59 However, we should not forget the inseparable relationship between the notions of cultural nation and political nation, since the ‘national identity’ of the political nation is in fact filled with content by cultural identity.

60 The identity of a political nation is made up of various “other identities” such as cultural, religious, historical. Cf. Hanák, 1997, pp. 4–7.

61 Cf. Sulyok and Trócsányi, 2009, pp. 81–106.

62 For example, in the case of national traditions not enshrined in the Constitution.

constitutional and national identity can be read, *inter alia*, in the practice of the Polish Constitutional Court, where constitutional and national identity are explicitly distinguished but are closely linked, as stated above. According to Polish practice, tradition and culture are referred to as elements of national identity.⁶³ This separation of constitutional and national identity, although not necessarily significant for individuals, is reflected in the system of separation of state-recognized and non state-recognized symbols.⁶⁴

As has been repeatedly pointed out, for the law, state and national symbols express the independence and sovereignty of the state and the solidarity of citizens with the state through their national feeling.⁶⁵ State symbols tend to fulfill the former function, while national symbols fulfill the latter function, in that a very strong common intersection of symbols can be identified. The recognition, designation, and delineation of state symbols are generally provided for in the constitution,⁶⁶ while their protection and use may be provided for in specific acts,⁶⁷ but their use and protection, regardless of the source of law used, is a matter for the legislature or the constitutional power.

An excellent example of the link between constitutional identity and national symbols at the constitutional level is the Latvian Constitution and the Constitutional Court practices based on it. The Latvian Constitutional Court has extensive experience in the field of constitutional identity.⁶⁸ The constitutional interpreter considers Articles 1-4 of the Constitution (*Satversme*) as ‘the core of the Constitution of Latvia’, on the basis of which it considers the provisions on an independent and democratic republic, popular sovereignty, protection of state territory, respect for the Latvian language and national flag, and the basic rules

63 Cf. Drinóczi, 2016b, pp. 9–10.

64 Halász and Schweitzer, 2020, [1]–[2].

65 *Ibid.*, [1].

66 In Hungary, for instance, we can find the coat of arms, the flag, the national anthem, the national holidays, Hungarian language and the Hungarian Sign Language and the currency in the Fundamental Law. Cf. Tóth, 2022.

67 For instance, in the Hungarian legal system, there are five sources of law for the use and protection of national symbols, but there is no comprehensive regulation. The Fundamental Law of Hungary enshrines state symbols of sovereignty, like the coat of arms, the flag, and the national anthem. The use and protection of these symbols are regulated in detail in various legal sources, as follows: (i) Act CCII of 2011 on the Use of the Coat of Arms and Flag of Hungary and State Decorations, (ii) Art. 334 of the Hungarian Criminal Code on the Defamation of national symbols, (iii) Government Decree No. 132/2000 (VII. 14.) on certain aspects of flag hoisting on public buildings, (iv) Decree No. 37/2012 (VIII. 22.) KIM on the authorisation required for the grant of protection of trademarks and designs containing the coat of arms or the flag, and finally (v) Act I of 2000 on the Commemoration of the Foundation of the State of Saint Stephen and the Holy Crown which is more a solemn commemoration than a law laying down precise legal rules for the protection of national symbols. In the following, the most important provisions of these legal sources will be used to present the most important rules on the protection of national and state symbols in the Hungarian legal system.

68 For a summary of the Latvian constitutional identity, see Ziemele, 2017.

for parliamentary elections as implicit, quasi eternity clauses. Based on point 15.2 of the Decision of the Constitutional Interpreter of 01-01-2015⁶⁹ and point 16 of the Decision of 01-01-2017⁷⁰, the Constitutional Court identifies sovereignty, national independence, territorial integrity of Latvia, the principle of democratic exercise of power, respect for the Latvian language, fundamental human and Christian values, and respect for the Latvian national flag and national symbols as values included in the scope of constitutional identity.⁷¹

As Iván Halász puts it, state and national symbols essentially have a dual function: outward representation and inward integration; in international relations, the former is dominant, while in internal relations, the latter.⁷² In terms of identity-forming and identity-expressing functions, community-created internal integration can also play an important role for diaspora members living abroad.⁷³ State and national symbols, as specific cultural and psychological boundary markers, can at the same time express both belonging and separation from others,⁷⁴ as discussed earlier.

The classic state symbols used today—the anthem, the flag, and the coat of arms as symbols of sovereignty—generally have a long history and are usually enshrined in constitutions.⁷⁵ However, the catalog of national symbols is much broader than the catalog of symbols enshrined in constitutions, as almost any event, circumstance, or even place that affects the nation as a whole can become a defining factor of a community's identity, which, after undergoing a process of consolidation, can itself become a symbol with a specific value. The degree to which state and national symbols are respected and their identity-shaping role is strong may vary from state to state or nation to nation and depend on the state's national or identity policy—if we can talk about these categories.

69 'The Latvian national flag as the symbol of the state is also an integral element in the constitutional and international identity of the Latvian state.'

70 'The Latvian language as the official language is an indispensable part of the constitutional identity of the state of Latvia. The Latvian language as the official language bestows upon the state of Latvia a particular—and exactly Latvian—national cultural identity.'

71 It should be noted that the Constitutional Court identifies the preamble to the text of the *Satversme* as the constitutional source of constitutional identity, when it was amended in 2014. The full text of the Latvian Constitution is available in English [Online]. Available at: <http://www.satv.tiesa.gov.lv/en/2016/02/04/the-constitution-of-the-republic-of-latvia/> (Accessed: 30 November 2022).

72 Halász and Schweitzer, 2020, [2].

73 Ibid, [1].

74 Ibid, [2].

75 Cf. Tóth, 2022.

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