

STATE IDENTITY IN THE CONSTITUTIONS OF EUROPEAN COUNTRIES

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Vladimir Mikić

Institute for Comparative Law, Belgrade, Republic of Serbia

ORCID iD: Vladimir Mikić

 <https://orcid.org/0009-0001-8706-4175>

Abstract. *The provisions on the state identity of individual countries in Europe are usually set out in the introductory articles of their constitutions. These provisions are usually concise, comprising only a brief designation of state identity, but some constitutions include more extensive descriptions. State identity is primarily defined by referring to its form of government, but also by explicit claims pertaining to its democratic system, social justice, national independence, sovereignty, and the rule of law. Constitutions also specify that some European countries are nation-states, while others are civic states. In constitutions, states are also designated as unitary states or federations. Some European states recognize that their constitutional identity is, among other elements, based on the protection of human rights and fundamental freedoms. In most cases, there is a combination of plural components of a state's identity, but the number of those elements may vary immensely.*

Key words: *state identity, constitution, Europe*

1. INTRODUCTION

The provisions establishing the elements of a European state's identity are usually laid out in the first articles of the constitution. Rarely are the elements of the definition of the state scattered throughout the document as is the case with the Constitution of Russia (1993). Constitutional definitions of state identity are usually short, comprising only a couple of elements. Yet, some constitutions include more extensive provisions, such as those contained in the constitutions of Portugal (1976) and Romania (1991), comprising about 40 words. This serves as an example of a justified claim that, in the political sense of the word, national identity is a category of dynamic nature (Gacinović, 2011: 25).

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Corresponding author: Vladimir Mikić, PhD, Research Associate, Institute for Comparative Law, Belgrade, Republic of Serbia, e-mail: v.mikic@iup.rs, mikic.vlada@gmail.com

Elements of the constitutional definition of the state include the *classic* attributes of the state. This means that a state is defined as *independent, social, or the state of law*. In addition, a state is officially designated by referring to the specific form of government: “republic”, “kingdom”, “grand duchy”, or “principality”. Nevertheless, one should bear in mind that more than half of the European countries have for a while been facing a phenomenon of a “dual identity”: a national constitutional identity combined with the European Union constitutional identity. Both are recognised by some national constitutional courts, but tend to be mutually conciliated (Fines, 2021: 2-3, 10-13). In France, for example, “the jurisprudence of the constitutional court has raised awareness about the concept of constitutional identity during the legal debate pertaining to the European construction which, in the eyes of the Eurosceptics, can be analyzed as a regional avatar of the globalization process” (Viala, 2011: 1).

The most numerous elements of the definition of the state (as many as 11) are contained in the Constitution of Portugal (1976). That document set the bar high, but several constitutions followed suit. The number of elements vary; there may be nine,¹ eight,² or six³ of them. On the other hand, some European states are constitutionally defined by a *single* element. This solitary component is “federal state”,⁴ “constitutional monarchy”,⁵ or “a Republic with parliamentary government”.⁶ It is interesting that Belgium effectively became a federal state after governmental structures concluded that the unitary state model belongs to the past, considering that “the structures of a unified political society have gradually disappeared, thanks to an evolution which has continued for around thirty years and which is not yet complete” (Weerts, 2004: 33).

2. BASIC PROVISIONS SERVING AS A GUIDE FOR GETTING TO KNOW A STATE

One of the standard constitutional definitions of a European state is invariably related to the *form of government*. Thus, a state is defined either as a republic⁷ or as a monarchy. Less frequently, it is defined in more explicit terms, such as “Hungary’s form of government shall be that of a republic”⁸ or “the fundamental aims and duties of the State are to safeguard (...) the Republic”.⁹ Furthermore, Albania is defined as “a parliamentary republic”,¹⁰ as is Greece.¹¹ Bulgaria is defined as “a republic with a parliamentary form of

¹ The Constitution of Turkey of 1982 (Art. 2).

² The Constitution of Romania (Art. 1 § 1-3) and the Constitution of Montenegro of 2007 (Art. 1 § 1-2).

³ The Constitutions of Ukraine of 1996 (Art. 1 and Art. 5 § 1) and the Constitution of Serbia of 2006 (Art. 1).

⁴ Art. 1 of the Constitution of Belgium (1994).

⁵ Art. 2 of the Constitution of Denmark (1953).

⁶ Art. 1 of the Constitution of Iceland (1944).

⁷ This is the case with: the Constitution of Austria (Art. 1); the Constitution of Azerbaijan of 1995 (Art. 7 § 1); the Constitution of Estonia of 1992 (Art. 1 § 1); the Constitution of Georgia (Art. 1 § 2); the Constitution of Italy (Art. 1 § 1); the Constitution of Latvia (Art. 1); the Constitution of Lithuania of 1992 (Art. 1); the Constitution of Hungary (Art. B § 2); the Constitution of Moldova of 1994 (Art. 1 § 2); the Constitution of Montenegro (Art. 1); the Constitution of Portugal (Art. 1); the Constitution of Romania (Art. 1 § 2); the Constitution of Russia (Art. 1 § 1); the Constitution of San Marino of 1974 (the Preamble); the Constitution of Slovenia (Art. 1); the Constitution of Turkey (Art. 1); the Constitution of Ukraine (Art. 5 § 1); the Constitution of Finland of 1999 (Art. 1 § 1); the Constitution of France (Art. 1).

⁸ Art. B, Para. 2 of the Constitution of Hungary (2011).

⁹ Art. 5 of the Constitution of Turkey.

¹⁰ Art. 1 Para. 1 of the Constitution of Albania (1997).

¹¹ Art. 1 Para. 1 of the Constitution of Greece (1975).

government”,¹² and Iceland is defined as “a Republic with a parliamentary government”.¹³ Cyprus is defined a “Republic with a presidential regime”¹⁴ while “the political system of Andorra is a parliamentary Coprincipality”.¹⁵

European monarchies are also explicitly self-defined as constitutional monarchies. Hence, in Denmark, “the form of government is constitutional-monarchic”¹⁶; this formulation was probably borrowed from the Constitution of Norway, which specifies that in this Scandinavian state “the form of government is limited and hereditary monarchy”.¹⁷ In Monaco, “the principle of government is hereditary and constitutional monarchy”.¹⁸ Similarly, Liechtenstein is “a constitutional hereditary monarchy on a democratic and parliamentary basis (*auf demokratischer und parlamentarischer Grundlage*)”.¹⁹ Quite similarly, “Swedish democracy (...) is manifested through representative and parliamentary statehood”,²⁰ and “the political form of Spanish state is parliamentary monarchy (*la Monarquía parlamentaria*)”.²¹

Some (rare) countries are defined in their constitutions as *secular states*,²² or as the state is “laïque”²³ in one of the most respectable and influential constitutions in the world. Even more exceptional are the states constitutionally defined as *free*: “The Grand Duchy of Luxembourg is a democratic, free (...) State”,²⁴ and “the Kingdom of Norway is a free (...) realm”.²⁵ In Europe, there is also a country self-defined as an “ecological state”.²⁶

There are also relatively *simple* modalities of the constitutional definitions of European states. Such is the case when a constitutional provision *merely* sets out a country’s official name. Accordingly, “the official name [of the state] is the Principality of Andorra”,²⁷ and “the name of the State is Éire, or, in the English language, Ireland”.²⁸ The constitution-framer must have been proud to be authorized to claim that “the name of OUR COUNTRY shall be Hungary”, with the emphasis on *capital letters*, which is a solitary example among the constitutions of European states (the use of capital letters was not spared in the Constitution of Hungary). A reader could sneak a smile when informed that “‘Georgia’ is the name of the state of Georgia”, but this wording is the full and exact content of the Constitution of Georgia.²⁹ Similarly, “the Russian Federation – Russia (*Российская Федерация – Россия*) is a democratic federative law-governed state with a republican form of government”, bearing in mind that “the names Russian Federation and Russia are equivalent”.³⁰

¹² Art. 1 Para. 1 of the Constitution of Bulgaria (1991).

¹³ Art. 1. of the Constitution of Iceland.

¹⁴ Art. 1 of the Constitution of Cyprus (1960).

¹⁵ Art. 1 Para. 4 of the Constitution of Andorra (1993).

¹⁶ Art. 2 of the Constitution of Denmark (1953).

¹⁷ Art. 1 of the Constitution of Norway (1815).

¹⁸ Art. 2 of the Constitution of Monaco (1962).

¹⁹ Art. 2 of the Constitution of Liechtenstein (1921).

²⁰ Art. 1, Para. 1, Sec. 2. Instrument of Government of 1810, Sweden.

²¹ Art. 1 Para. 3 of the Constitution of Spain (1978).

²² Such provisions exist in the constitutions of Azerbaijan (Art. 7 § 1), Russia (Art. 14 §1), and Turkey (Art. 2).

²³ Art. 1 Para. 1 of the Constitution of France.

²⁴ Art. 1 of the Constitution of Luxembourg (1868).

²⁵ Art. 1 of the Constitution of Norway.

²⁶ Art. 1 Para. 2 of the Constitution of Montenegro.

²⁷ Art. 1 Para. 1 of the Constitution of Andorra.

²⁸ Art. 4 of the Constitution of Ireland (1937).

²⁹ Art. 2 Para. 1 of the Constitution of Georgia (1995).

³⁰ Art. 1 Para. 1-2 of the Constitution of the Russian Federation/Russia.

In some constitutions there is an intriguing lack of coherence in using the country's name. For example, the term "Republic of Armenia" is used in some provisions of the Constitution of Armenia³¹ but, in other provisions, the term "State" is used as a synonym.³² Similar inconsistencies may be found in the Belgian Constitution: some provisions refer to "the Kingdom",³³ while others refer to "the federal state"³⁴ or simply "the State".³⁵ The identical inconsistencies (causing readability issues) may be observed in the constitutions of: Greece (*Πολιτεία, Κράτος, and Χώρα*), Italy (*Paese, Repubblica, Stato*), Latvia (*Latvija, Valsts*), Liechtenstein (*Fürstentum, Land, Staat*), Lithuania (*Lietuvos Respublika, Lietuvos valstybei, Valstybės*), Norway (*Fædreland, Kongeriget, Norge, Stat*), Portugal (*Estado, Portugal*), Romania (*Romania, statul, statul roman, tara*), Turkey (*anavatanla, Türk Devlet, Türkiye Cumhuriyeti, ülken, vatan*), and Spain (*Estado, Estado Español, España, país*).

3. DEMOCRACY, SOCIAL JUSTICE, INDEPENDENCE, AND SOVEREIGNTY AS COMPONENTS OF CONSTITUTIONAL IDENTITIES

In constitutional documents, the terms "democratic, social and independent" country essentially implies a law-governed, social-welfare, and sovereign state. European countries generally tend to be perceived as such, at least when it comes to the use of constitutional phrases. The self-identification of a European state is additionally confirmed by the constitutional provisions referring to the rule of law, territorial integrity, as well as political and/or military neutrality.

In the largest number of constitutions, the *democratic* nature of the state is usually expressed in a simple statement that a given country is a "democratic state".³⁶ In some constitutions, it is further explained; for example, in the Constitution of Portugal, Portugal is defined as a democratic state "based on the dignity of the human person and the will of the people, and committed to building a free, just and solidary society" and "to achieving economic, social and cultural democracy and deepening participatory democracy".³⁷ Serbia is defined as a state based on "principles of civil democracy",³⁸ while Luxembourg is a state "placed under a regime of parliamentary democracy (*placé sous le régime de la démocratie parlementaire*)".³⁹ Under the German Constitution, the constitutional order of

³¹ Art. 1-2, Art. 3 Para. 1, etc. of the Constitution of Armenia

³² E.g., Art. 10 § 1 of the Constitution of Armenia: "The subsoil and water resources shall fall under the exclusive ownership of the State."

³³ E.g., Art. 4 § 2 of the Constitution of Belgium.

³⁴ Art. 1. of the Constitution of Belgium.

³⁵ Art. 7 of the Constitution of Belgium.

³⁶ This is the case with constitutions of: Andorra of 1993 (Art. 1 § 1), Armenia (Art. 1 § 1), Austria (Art. 1), Azerbaijan (Art. 7 § 1), Belarus (Art. 1 § 1), Bosnia and Herzegovina (Art. 1 § 2), Croatia (Preamble, and Art. 1 § 1), Czech Republic of 1992 (Art. 1 § 1), Estonia (Art. 1 § 1), France (Art. 1), Georgia (Art. 1 § 3), Germany (Art. 20 § 1), Hungary (Art. B Para. 1), Ireland (Art. 5), Italy of 1947, Latvia (Preamble, and Art. 1), Liechtenstein (Art. 2), Lithuania (Art. 1), Luxembourg (Art. 1), Malta of 1964 (Art. 1 Para. 1), Moldova (Art. 1 § 3), Montenegro (Art. 1 § 2), North Macedonia of 1991 (Art. 1), Poland (Art. 2), Portugal (Art. 2), Romania (Art. 1 § 3), Russia (Art. 1 § 1), Slovakia of 1992 (Art. 1 § 1), Slovenia of 1991 (Art. 1), Spain (Art. 1 § 1), Turkey (Art. 2), and Ukraine (Art. 1).

³⁷ Art. 1-2 of the Constitution of Portugal.

³⁸ Art. 1 of the Constitution of Serbia (2006).

³⁹ Art. 51, Para. 1 of the Constitution of Luxembourg (1868, as amended in 1948).

each federal unit (*Länder*) in Germany “must conform to the principles of a republican, democratic and social state”.⁴⁰

There is compelling comparative evidence that almost half of the European countries are constitutionally identified as *social states*.⁴¹ In this regard, some statements are rather distinctive. Thus, Latvia is “a socially responsible state”,⁴² Montenegro is “the state of social justice”,⁴³ and Serbia is “based on social justice”.⁴⁴ Poland is defined as a state devoted to “implementing the principles of social justice”,⁴⁵ while Portugal is “committed to building a free, just and solidary society (*uma sociedade livre, justa e solidária*)”.⁴⁶ Italy is “founded on labour” (*fondata sul lavoro*),⁴⁷ and so it is Malta.⁴⁸ Turkey is defined as a “social state” (*sosyal Devlet*), although this expression is to be understood within the legal framework of several notions, including “national solidarity and justice”.⁴⁹

In the constitutions where state independence is expressly declared, it is commonly done by specifying that a country is an *independent*⁵⁰ and/or *sovereign* state.⁵¹ In this regard, formulations tend not to be too excessive, but there are certain exceptions. Thus, Monaco is defined as “a sovereign and independent State within the framework of the general principles of international law and the particular conventions with France”.⁵² Under the Turkish Constitution, one of the “the fundamental aims and duties” of the state is “to safeguard the independence and integrity of the (...) Nation”.⁵³ Similarly, the Swiss Constitution stipulates that the state “shall protect the liberty and rights of the people and safeguard the independence and security of the country”.⁵⁴

Some constitutions comprise *references to influential historical events and figures*. It is important to underline that these references are usually envisaged in the *normative* parts of constitutions, rather than in the preamble, which is a common part of the constitution for introducing historical references. Under the Romanian Constitution, Romania is a state where “supreme values” are esteemed “in the spirit of the democratic traditions of the Romanian people and the ideals of the Revolution of December 1989”.⁵⁵ Under the Turkish Constitution, Turkey is “a (...) state (...) loyal to the nationalism of Atatürk”.⁵⁶

⁴⁰ Art. 28, Para. 1 of the Constitution of Germany (1949).

⁴¹ Social states are constitutionally defined in: Latvia (the Preamble), France, North Macedonia, and Ukraine (Art. 1), Andorra, Armenia, Belarus, Croatia, and Spain (Art. 1 § 1), Romania (Art. 1 § 3), Slovenia and Turkey (Art. 2), Russia (Art. 7 § 1), and Germany (Art. 20 § 1).

⁴² Preamble of the Constitution of Latvia (1992).

⁴³ Art. 1, Para. 2 of the Constitution of Montenegro (2007).

⁴⁴ Art. 1. of the Constitution of Serbia (2006).

⁴⁵ Art. 2 of the Constitution of Poland (1997).

⁴⁶ Art. 1. of the Constitution of Portugal.

⁴⁷ Art. 1 Para. 1 of the Constitution of Italy (1947).

⁴⁸ Art. 1 Para. 1 of the Constitution of Malta (1964).

⁴⁹ Art. 2 of the Constitution of Turkey.

⁵⁰ This term is used in the constitutions of Cyprus, Latvia, Lithuania, Luxembourg, and North Macedonia (Art. 1); Andorra, Estonia, Georgia, and Moldova (Art. 1 § 1); Hungary (Art. B § 1), and Ireland (Art. 5).

⁵¹ This term is used in the following constitutions: Croatia (Preamble), Cyprus, North Macedonia, Portugal, and Ukraine (Art. 1); Armenia, Czechs, Estonia, Finland, Moldova, Montenegro, Romania, Slovakia (Art. 1 § 1); Ireland (Art. 5), and Belarus (Art. 19).

⁵² Art. 1 Para. 1 of the Constitution of Monaco.

⁵³ Art. 5 of the Constitution of Turkey.

⁵⁴ Art. 2 Para. 1 of the Constitution of Switzerland (1999).

⁵⁵ Art. 1 Para. 3 of the Constitution of Romania.

⁵⁶ Art. 2 of the Constitution of Turkey. (Mustafa Kemal Atatürk was the founder and the first President of Turkey, 1923-1938).

4. UNITARY, FEDERAL, NATION-STATES, AND CIVIC STATES

Some European countries are constitutionally designated as *unitary*⁵⁷ and *indivisible*⁵⁸ states. In some constitutions, the unitary nature of the state is safeguarded by a provision stipulating that the enforcement of the principles of local autonomy “may not alter the unitary character of the State”,⁵⁹ or by the provision that there is “there is single citizenship”.⁶⁰ The unity and indivisibility of a particular state is explicitly entrenched in the results of the national constitutional referendum.⁶¹

A country may also be self-defined as *federal* state. Formally, six European states are organized on a federal political model (Austria, Belgium, Bosnia and Herzegovina, Germany, Russia, and Switzerland). However, not more than four of them are constitutionally established as such.⁶² The Principality of Liechtenstein, the sixth smallest nation in the world which cannot easily be assessed to be federated (by theoretical criteria), decided to publicly present its “business card” (i.e. the constitution) claiming that it *is* a federation. Liechtenstein is defined as “a state association (*Staatsverband*) consisting of two regions (*Landschaften*) with eleven communes (*Gemeinden*)”.⁶³

Some countries in Europe are formally defined as *nation-states*, in the sense that notions of the ultimate political organization and ethnicity are mutually compatible at the highest level of hierarchy of legal norms. This certainly does not imply that modern constitutional definitions of the state as a *nation-state* ignores the question of the true *locus* for constitution-making because “modern nation-state is no more a “privileged place” for resolving important constitutional decisions” (Basta Fleiner, 2014: 21). However, formally speaking, Latvia is a “national state”,⁶⁴ as is Romania.⁶⁵ Serbia is defined, *inter allia*, as “a state of Serbian people and all citizens who live in it”.⁶⁶ Similarly, Croatia is “established as the national state of the Croatian nation and the state of the members of autochthonous national minorities (...) who are its citizens, and who are guaranteed equality with citizens of Croatian nationality”.⁶⁷

On the other hand, some countries are defined as *civic* states, in the sense that none of the ethnic (national) groups can justifiably be identified with the state in question. More precisely, “civic identity is based on citizenship, respect for laws, political participation, etc. (traits which are formally defined and therefore accessible to everyone)” (Lazić, Pešić, 2016:28). However, “Montenegro is a civic, democratic (...) state of social justice, based on the rule of law”.⁶⁸ It should be noted that the process of the adoption of Montenegrin

⁵⁷ This refers to: Norway (Art. 1); Belarus, Czechs, Georgia, Moldova, and Romania (Art. 1 § 1); Albania (Art. 1 § 2); Estonia, and Ukraine (Art. 2 § 2); Poland (Art. 3); Portugal (Art 6 § 1); Azerbaijan (Art. 7 § 1).

⁵⁸ This refers to: France and Luxembourg (Art. 1); Croatia, Georgia, Moldova, and Romania (Art. 1 Para 1); Albania (Art. 1 § 2); Bulgaria (Art. 2 § 1); Italy (Art. 5).

⁵⁹ Art. 1 Para. 1 of the Constitution of Moldova. Similarly, the provision contained in the Constitution of Bulgaria, stipulating that “no autonomous territorial formations shall be allowed to exist [within the state]” (Art. 2 Para. 1).

⁶⁰ Art. 1 of the Constitution of Ukraine.

⁶¹ Art. 1 para. 1 of the Constitution of Georgia.

⁶² Austria is *ein Bundesstaat* (Art. 2 Para. 1 of the Constitution of 1920), as is Germany (Art. 20 Para. 1), and Russia is *федеративное (...) государство* (Art. 1 Para. 1). According to Art. 1 of the Constitution of Belgium, Belgium is a “federal state” (*een federale Staat; un État fédéral; ein Föderalstaat*).

⁶³ Art. 1. para. 1. of the Constitution of the Principality of Liechtenstein (1921)

⁶⁴ Para. 4 of the Preamble of the Constitution of Latvia

⁶⁵ Art. 1. para. 1 of the Constitution of Romania

⁶⁶ Art. 1 of the Constitution of Serbia (2006)

⁶⁷ Preamble, Part I, Para. 2, Sec. 14 of the Constitution of Croatia (1990)

⁶⁸ Art. 1. Para. 2. of the Constitution of Montenegro

Constitution was the subject matter of a complex and years-long discussion, focusing on “a set of ‘identity issues’”, pertaining to state symbols and the official language (Đukanović, 2014: 115). The Constitution of Poland stipulates that Poland “shall be the common good of all its citizens”.⁶⁹ Slovenia is designated as “a state of all its citizens, and is founded on the permanent and inalienable right of the Slovene nation to self-determination”.⁷⁰

5. STATES BASED ON THE RULE OF LAW AND HUMAN RIGHTS AND LIBERTIES

Not many European countries have officially declared themselves as states where the rule of law is qualified as a constituent element of their identity. *Only* seven states are self-declared as such, including three countries with the youngest constitutions in Europe (Serbia, 2006; Montenegro, 2007; and Hungary, 2011) and three countries whose constitutions were adopted in the last decade of the 20th century (Andorra, 1993; Armenia, 1995; and Belarus, 1996). Thus, “Andorra is a Democratic and Social independent State abiding by the Rule of Law”; Armenia “is a sovereign, democratic, social state governed by the rule of law”; Belarus “is a unitary, democratic, social law-governed State”.⁷¹ According to their constitutions, Montenegro and Serbia are based, *inter alia*, “on the rule of law”. The Hungarian Constitution states that Hungary “shall be (...) governed by the rule of law”.⁷²

On the other hand, two European countries are identified as *states of law* (this theoretical concept is rooted in the German term *Rechtstaat*). Thus, Spain is “a social and democratic legal state” (*Estado social y democrático de Derecho*), where justice is included in “the supreme values of the legal order”.⁷³ Bosnia and Herzegovina “shall be a democratic state, which shall operate under the rule of law”.⁷⁴

Although the fundamental rights and freedoms are protected in civil proceedings, and may be the subject matter of adjudication at the European Court of Human Rights, human rights and liberties are used as an element in the constitutional definition of several European states. Thus, a state can be “founded on respect for the rights and freedoms of man and of citizens”,⁷⁵ or based on “respect for the fundamental rights and freedoms of the individual”,⁷⁶ or “respect for and the guarantee of the effective implementation of fundamental rights and freedoms”,⁷⁷ or “human and minority rights and freedoms”.⁷⁸

Some formulations are less explicit but they ultimately have the same objective. Thus, Monaco is “committed to fundamental freedoms and rights”.⁷⁹ In the Spanish Constitution, “freedom” is one of the “supreme values”, i.e. the first of the enlisted five highest values in the Spanish legal order.⁸⁰ The Constitution of Switzerland is a bit more reserved,

⁶⁹ Art. 1. of the Constitution of Poland

⁷⁰ Art. 3. Para. 1 of the Constitution of Slovenia (1991)

⁷¹ The constitutions of Andorra, Armenia, and Belarus (Art. 1 para. 1);

⁷² the Constitution of Serbia (Art. 1); the Constitution of Montenegro (Art. 1 para. 2), and the Constitution of Hungary (Art. B para. 1).

⁷³ Art. 1 § 1 of the Constitution of Spain (1976)

⁷⁴ Art. I § 2 of the Constitution of Bosnia and Herzegovina (1995)

⁷⁵ Art. 1 § 1 of the Constitution of the Czech Republic

⁷⁶ Art. 1 § 1 of the Constitution of Malta

⁷⁷ Art. 2 of the Constitution of Portugal

⁷⁸ Art. 1 of the Constitution of Serbia

⁷⁹ Art. 2 § 1 of the Constitution of Monaco

⁸⁰ Art. 1 § 1 of the Constitution of Spain.

specifying that the state “shall protect the liberty and rights of the people”.⁸¹ The Constitution of Turkey stipulates that the state “*respects human rights (...)*”;⁸² the scarce wording may indicate almost *suspicious skepticism* of the state when it comes to the public duty to protect human rights and liberties.

6. FINAL REMARKS

The constitutions of most European states comprise a range of different components aimed at defining the constitutional identity of a specific state. The country-specific provisions on state identity, usually miniature by substance, are enshrined in the introductory articles of their constitutions. The statements on state identity envisaged in the constitutions of individual country abound with phrases referring to independence, sovereignty, social justice and functions of the state, as well as references to a particular form of government and the constitutional system based on the rule of law. In addition, constitutions commonly refer to democracy, social protection and human rights and liberties as very important functions of the state in modern European constitutionalism.

In the context of ever-present tensions between the political power and the religion, several European states have chosen to identify themselves as secular states. It may come as a surprise that some states have chosen to introduce names of particular historical events and figures in the normative part of their constitutional texts, which is a practice that European constitutionalism is not prone to. Another important component of constitutional state identity is the differentiation between a federal and a unitary state model, as well as the classification of states into nation-states and civic states.

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⁸¹ Art. 2 §1 of the Constitution of Switzerland.

⁸² Art. 2 of the Constitution of Turkey (the italics are used by the author of this paper).

IDENTITET DRŽAVE U USTAVIMA EVROPSKIH ZEMALJA

Elementi zvaničnih definicija pojedinačnih evropskih država obično su sadržani u uvodnim članovima njihovih ustava. Po pravilu, ove definicije su sažete i sačinjene od svega nekoliko reči, mada postoje i veoma dugačke odredbe koje obrađuju isti taj predmet. Identitet države prvenstveno je određen navođenjem oblika vladavine, ali i izričitim identifikovanjem država sa demokratskim uređenjem, socijalnom pravdom, državnom nezavisnošću, suverennošću i vladavinom prava. U ustavima su pojedine evropske zemlje potvrđene kao nacionalne države, a druge kao građanske. Neke evropske zemlje su ustavom definisane kao federacije, a druge kao unitarne države. Određene države povezuju svoj ustavni identitet i sa zaštitom ljudskih prava i osnovnih sloboda. U najvećem broju slučajeva, primenjena je kombinacija nekoliko elemenata identiteta države, ali, uopšteno posmatrano, broj ovih elemenata veoma je raznolik, od jedne države do druge.

Ključne reči: *identitet države, ustav, Evropa.*