

## THE ROLE OF CONSTITUTIONAL COURTS IN THE PROCESS OF NATIONAL IDENTITY FORMATION

### РОЛЬ КОНСТИТУЦІЙНИХ СУДІВ У ПРОЦЕСІ ФОРМУВАННЯ НАЦІОНАЛЬНОЇ ІДЕНТИЧНОСТІ

Marcenko A.R., Assistant at the Department of Procedural Law  
*Yuriy Fedkovych Chernivtsi National University*

The issue of constitutional identity is a current trend in modern European constitutionalism. Constitutional courts, which embody not only the protection of the Constitution, but also the limitation of power, are influential subjects of assessment of the country's international obligations and their implementation in national legislation. Constitutional identity is a relatively new concept in the theory of constitutional law, which appeared in the motivating part of the decisions of constitutional courts in the second half of the twentieth century in connection with the cases related to the process of European integration.

The article clarifies the essence of the concept of constitutional national identity. Based on the analysis of scholars' opinions on their understanding of the content of this category, the author distinguishes broad and narrow approaches to the interpretation of constitutional identity. Based on the results of the analysis, the author concludes that awareness of the essence of constitutional national identity is important when amending the Fundamental Law, since the principle under study serves as a certain safeguard, acts, so to speak, as a guardian who prevents attempts to distort or substitute the concept in a certain way, separating those changes which are acceptable for the national legal system from those which may be destructive for it.

The doctrine of constitutional identity is based on the national aspect or national self-identification of a particular political nation and state, which, of course, is of fundamental importance. The basis of the national constitutional identity is the idea of a political nation as a stable community of people that has historically developed, emerged on the basis of a common language, a single territory, economic life and mental make-up, which is manifested in the commonality of culture and the state. In the realm of identity construction, from the moment when national identity is understood as one of many possible narratives of identity and its imaginary nature is recognised, the individual gains a certain degree of autonomy. Instead of being an object of a given identity, he or she assumes the role of a subject, since the definition of this story depends to a certain extent on him or her. Constitutional identity has recently emerged as a relevant concept in the theory of constitutional law.

**Key words:** constitutional proceedings, constitutional argumentation, national identity, interpretive argument, constitutionalism.

Питання конституційної ідентичності є актуальною тенденцією сучасного європейського конституціоналізму. Конституційні суди, які уособлюють не лише захист Конституції, а й обмеження влади, є впливовими суб'єктами оцінки міжнародних зобов'язань країни та їх імплементації в національне законодавство. Конституційна ідентичність є відносно новим поняттям у теорії конституційного права, яке з'явилося в мотивувальній частині рішень конституційних судів у другій половині ХХ століття у зв'язку зі справами, пов'язаними з процесом європейської інтеграції.

У статті з'ясується сутність поняття конституційної національної ідентичності. На основі аналізу думок науковців щодо розуміння ними змісту цієї категорії автор виокремлює широкий та вузький підходи до тлумачення конституційної ідентичності. За результатами аналізу автор доходить висновку, що усвідомлення сутності конституційної національної ідентичності є важливим при внесенні змін до Основного Закону, оскільки досліджуваний принцип слугує певним запобіжником, виступає, так би мовити, охоронцем, який запобігає спробам певним чином викривити або підмінити поняття, відокремлюючи ті зміни, які є прийнятними для національної правової системи, від тих, що можуть бути для неї деструктивними.

В основі доктрини конституційної ідентичності лежить національний аспект або національна самоідентифікація певної політичної нації та держави, що, безумовно, має фундаментальне значення. Основою національної конституційної ідентичності є уявлення про політичну націю як стійку спільноту людей, що історично склалася, виникла на основі спільної мови, єдиної території, економічного життя і психічного складу, що проявляється у спільності культури і держави. У сфері конструювання ідентичності з моменту, коли національна ідентичність розуміється як один з багатьох можливих наративів ідентичності та визнається її уявна природа, індивід отримує певний ступінь автономії. Замість того, щоб бути об'єктом певної ідентичності, вона перебирає на себе роль суб'єкта, оскільки визначення цієї історії певною мірою залежить від неї самої. Конституційна ідентичність нещодавно з'явилася як актуальне поняття в теорії конституційного права.

**Ключові слова:** конституційне провадження, конституційна аргументація, національна ідентичність, інтерпретаційний аргумент, конституціоналізм.

The authors' approaches to the role of national identity in the context of the formation of a modern constitutional state and globalisation differ significantly. It is often argued that national tradition and culture hinder the formation of a modern political nation based on citizenship (Habermas, Darendorff), and that nationalism and national identity are integral elements of populist politics. For example, Francis Fukuyama notes that populism is based on nationalism, which divides people into 'our own' and 'strangers' ('others'). This idea is further developed by Sibe Schaap, who believes that populism creates an illusion of identity, which in any manifestation poses a threat to liberal democracy. Instead, this approach is opposed by D. Miller and K. Huebner, who believe that national identity, based on the culture and traditions of the people, along with universal values, contribute to the creation of a modern constitutional state [1].

The constitutional transformation in Central and Eastern Europe was largely driven by the need to form a legal iden-

tity. This is reflected primarily in the preambles of the constitutions of countries such as Poland, the Czech Republic, Romania, Slovakia, Croatia, Hungary, and Ukraine. However, in the main body of the constitutions of these countries, a number of articles deal with the issue of state symbols, language, and the rights of indigenous peoples and national minorities. It can be argued that the process of forming a modern constitutional state in these countries is closely intertwined with the search for national identity [1].

At the theoretical level, the use of this new concept has attracted much criticism from legal scholars due to its, in their view, non-legal, non-scientific nature. At the same time, there are also many supporters of this concept, mainly representatives of civilisational and socio-cultural approaches to law. In any case, it is fair to say that this concept has attracted the attention of constitutional lawyers, who, however, have not yet come to a common understanding of this concept. Some of them propose to define constitutional identity as a method

of legal argumentation, but there is still no comprehensive study of this concept using the achievements of the theory of legal argumentation [20].

Before proceeding to the study of this concept from the standpoint of the theory of legal argumentation, it is necessary to refer to the history of the emergence and development of constitutional identity, and to identify the approaches to its explanation that currently exist in constitutional law. 'Constitutional identity' is a relatively new concept in legal doctrine [16] and constitutional and judicial practice. As noted in the legal literature, from a doctrinal point of view, the concept of 'identity' has been mainly studied as a subject of social research [2] and has only recently begun to attract the attention of legal scholars, mainly European and international lawyers and constitutionalists. The reason for the increased attention to this topic in jurisprudence is that the concept of 'identity' has emerged and has been actively used by European constitutional courts to justify decisions related to the process of European integration and the expansion of the influence of supranational institutions of international organisations.

Constitutional identity is a system of interpretive arguments used by constitutional courts to justify decisions taken in cases on the national specificity of constitutional provisions. Of course, this applies to the categories of so-called "complex cases", which require a system of strong arguments [20].

According to Mr Poiares Maduro, "the identity of the national identity clearly includes the constitutional identity of the member state" (Poiares Maduro, 2008). From this statement it is clear that there are certainly elements between the two concepts, but they also contain certain features. Furthermore, if, as the Advocate General argues, constitutional identity is integrated into national identity, this may mean that the implications from one concept to the other follow a certain pattern.

In the US, constitutional identity seems to be relevant for understanding some rather meta-legal, sociological, historical and psychological aspects that surround or, rather, shroud the constitutional phenomenon itself (constitutional norms). Synthesizing a mixture of political aspirations and commitments expressing both a people's past and its desire to transcend that past [14], constitutional identity seems to be more concerned with the legal culture within which a Constitution operates; in this sense, it can be declined in as many states as there are constitutions or as many types of legal cultures as can be identified around the globe.

The change in constitutional identity at European level has been taking place since 1993 with the Maastricht Treaty, it was only noticed after the Lisbon Treaty, which entered into force in 2009. The relatively activist case law of the Court of Justice in Luxembourg has also made an important contribution in this area. However, the practice has not seen any significant effects of this codification operation, nor any significant changes in the relevant European case law. Constitutional identity has not functioned as an effective barrier to European integration or as a safeguard mechanism for Member States' sovereignty either before or after its codification at the level of the original EU Treaties. The variety of national case law (German, French, Italian, etc.) of constitutional standing invoking national identity in different EU Member States has had no impact at the level of supranational jurisdiction [22].

In my view, the vagueness of this jurisprudential discourse on Romanian constitutional identity stems precisely from the case-by-case, succinctly-punctual approach to this issue. Today, however, the issue is too important, both in terms of the relationship with the EU and European law, and in terms of the future of liberal democracy in Romania, to be dealt with superficially, in a conjunctural way. A broader, systematic discussion is needed, involving as many players in Romanian law as possible (from legislators to the courts, from legal scholars to legal practitioners), intellectual and political elites, as well as civil society. Although it is a question of constitutional iden-

tity, and the CCR is the most qualified actor in the dialogue with the ECJ, the focus of attention is nevertheless a Romanian constitutional identity in a specific relationship with the Romanian national identity, which has been built over time according to specific social, political, cultural, religious and economic data. This requires an infinitely more complex approach [13].

The problem of national identity can be viewed from different perspectives, as evidenced by the large number of works on the subject. Taking cultural biases as a starting point for this reflection, the article proposes the development of three paradigms: national identity as heritage, national identity as learning, and national identity as construction.

The understanding of national identity and nationality is based on several assumptions. First, nations should be understood as mental constructs, as imagined political communities' (Anderson, 1983/2006). "They are represented in the minds and memories of citizens as sovereign and delimited political units" [8] through discourses (linguistic and other semiotic systems) created, reproduced, transformed and/or destroyed. The Portuguese dictator António de Oliveira Salazar clearly understood how this representation works and applied it to the Portuguese colonial empire. Today, this representation still plays an important role in the discursive construction of national identity. Secondly, national identity can be seen as a kind of "habitus" (based on Bourdieu's concept), i.e. "a set of shared ideas, concepts or common schemes of perceived emotional attitudes intersubjectively shared by a certain group of people, all of whom are internalised through national socialisation" [8].

Based on these considerations, some doubts arise as to the reality of what each concept encompasses. Do national identity and constitutional identity correspond to the same idea, or are they, on the contrary, issues of two different concepts?

The definition has never been provided either in constitutional texts or in the legal acts of the European Union. The doctrine, starting from the concept of constitutional identity or the concept of national identity, nevertheless tried to define what exactly each of these concepts should be understood.

Some authors view constitutional identity as a restrictive concept. Thus, according to J.-P. Desrosiers, the "constitutional core of identity" corresponds to a set of constitutional principles that form a special category of norms called constitutional limits of integration European law is constitutional norms that avoid any possibility of repeal and that affect the process of European integration by prohibiting the production of a primary rule of the European Union or preventing the application of a rule of secondary legislation, despite the principles of primacy and direct effect. They cannot in themselves be repealed (by constitutional review), as positive law does not provide for any procedure for their annulment" [12].

Based on the observation that "the identity [of the state] is based on two types of elements: on the one hand, objective elements such as language, religion, culture, [...] and, on the other hand, subjective elements, especially the sense of belonging (M.-C. Ponthoreau)", it seems possible to examine the jurisprudence in order to find references to legal elements that may belong to the category of norms or principles inherent in the identity of the state. In this respect, three elements certainly fall within the scope of constitutional identity.

These elements, which are enshrined in most European constitutions and highlighted in national case law, are found at the level of the European Union, both in treaties and in the case law of the UN Court of Justice, thus confirming the hypothesis that the European concept of national identity integrates the national concept of constitutional identity.

A priori, the two concepts have the same goal: to protect states. However, the two concepts are opposite in their respective objectives. Indeed, the European concept aims to apply to all Member States, like a European matrix specific to the eligi-

bility of state claims, while the national concept tends to take into account the essential characteristics, the peculiar elements of each state.

At the level of European Union law, the inclusion of the concept of national identity corresponds, according to Jean-Denis Mouton, to a “double defence function” [17]. In the author's opinion, the Treaty requires the Union to respect this identity of the State in the exercise of its powers and under the control of the Member States. A study of constitutional case law also reveals this idea of constitutional identity.

So, national identity and constitutional identity have the same goal, but it is in their goals that these two concepts diverge.

At the same time, other authors have different dates for the first mention of the concept of constitutional identity in the decisions of European constitutional control bodies. The basis of this theory was formed in the first decision of the Federal Constitutional Court of Germany adopted after its establishment, in which the Court formulated a number of basic conceptual provisions regarding its powers, approaches to the interpretation of the German Basic Law, as well as the model of building federal relations, which was of great importance for the unification of Germany in the post-war years. This 1951 case, in which the Court reviewed the constitutionality of German laws, became the basis for the merger of the southwestern German states. Although the concept of constitutional identity was not explicitly formulated in this case, the fundamental nature of the legal positions expressed by the Court in this judgment actually allows us to agree that the most important foundations of this concept were laid in this judgment.

In a judgement on Germany's ratification of the Maastricht Treaty (the Maastricht Treaty judgement), the Federal Constitutional Court of Germany, in a demonstration of judicial activism, allowed a group of private applicants to challenge the constitutionality of an act of parliament agreeing to the treaty, although the law did not directly affect them. In reviewing the constitutionality of this law, the Federal Constitutional Court of Germany stated that Germany has the right to participate in the European Union only if it does not violate the provisions of Article 79(3) of the German Constitution. These provisions of the German Basic Law are the so-called ‘perpetuity clause’ – a number of constitutional provisions or basic principles of the German Constitution that cannot be changed.

In Decision 390/2021, the CCR established, for the first time, the content of the Romanian constitutional identity, by referring to the provisions of art. 152 CR, which give shape to the so-called eternity clause. The Court refers to those constitutional values and principles as representing “the core identity of the Romanian Constitution”. This is clearly equating the Romanian constitutional identity with the identity of the Constitution. On the other hand, it is incorrect to argue that the Romanian constitutional identity, understood as the identity of the constitution, is reduced to the content of the eternity clause. As the Court also points out, the latter contains only an “identity core”. We can accept, therefore, a broader content of the Romanian constitutional identity that can be established through the prism of the already mentioned bipolar Romanian constitutional identity, both Eurocentric and ethnocentric.

In the judgement of the Constitutional Tribunal of Poland of 24 November 2010 no. K 32/09 stated that the identity of the Constitution of the Republic of Poland is determined by the ‘untransferred powers of public authorities’ provided for in various provisions of this act. In addition, the Constitutional Tribunal stated that the ‘untransferred powers’ also stem from the sovereignty of the state, the normative expression of which is the Constitution of the Republic of Poland itself. However, the most important thing is that the non-transferable competences reflect the values on which the Polish Constitution is

based. They correspond to the ‘hard core’ (‘defining foundations of the state system’). Thus, it is clear from the Court's reasoning that it was leaning towards the state powers (those that can never be transferred to EU bodies).

According to J.-D. Mouton, the judgments of the Court of Justice of the EU that correspond to these conclusions do not reveal any real explicit consideration of respect for constitutional identity [17]. However, the case law is more complex. First of all, in the judgment of 12 September 2006 on the right to vote in the European Parliament elections for Commonwealth citizens residing in Gibraltar who do not have Union citizenship [6], the Court of Justice of the EU ruled that it is consistent with the right to ‘For reasons related to its constitutional tradition, [the choice was made] by the United Kingdom, both for national elections in the United Kingdom and for elections to the Legislative Chamber of Gibraltar, to grant the right to vote and the right to vote [Commonwealth citizens] who meet conditions expressing a special connection with the territory in respect of which the elections are organised [6]. Then, in a judgment of 22 December 2010 in the Dispute between Austria and one of its citizens concerning the use of noble titles on identity documents [7], the judge stated that ‘it must be recognised that, in the context of constitutional history, the law abolishing the nobility, as an element of the national interest, [may] be taken into account when balancing the interests of the law against the right to free movement of persons recognised by Union law [7].

Thus, these few examples show that gradually the European concept of national identity of the Member States has gained some legal recognition. However, this concept is not without its challenges due to the growing reference to the concept of constitutional identity in national judicial practice, in particular constitutional practice.

In France, the Constitutional Council has clearly stated ‘that the transposition of a directive cannot run counter to a rule or principle inherent in the constitutional identity of France [4], based on the postulate that the existence of the principle of primacy ‘has an impartial effect on the existence of the French Constitution and its place at the top of the national legal order’. This new concept was much debated in the first commentaries on this decision. Not to mention that its significance may seem unclear [21], it seems undeniable that this reference was made to “[allow] the principle of constitutional primacy to be preserved” [15], and in a context that is not without references to developments in EU law, as if there was a “family connection” between the Treaty provisions and the case law of the constitutional courts [5].

This position is not unique to France. Other constitutional courts have also used the concept of constitutional identity. Although the positions are not equivalent on all points, it is clear that it is possible to establish that there is indeed a common spirit among the various judges of the Member States. For example, recent German case law suggests that Judge Karlsruhe recognises that he has jurisdiction to review respect for German constitutional identity under EU law [3].

The practice of the EU Court of Justice on this issue is not fixed. Thus, in the *Runevi-Vardin* case, the Court noted that “the Lithuanian Government emphasises, in particular, that language is a constitutional value that preserves the identity of the nation, promotes the integration of citizens, ensures the expression of national sovereignty, the indivisibility of the State, as well as the proper functioning of public administration and local government services”, the judge noted that ‘in Article 3 § 3(4) of the Treaty on European Union and Article 22 of the Charter of the European Union of Fundamental Rights of the European Union, the Union respects the richness of its cultural and linguistic diversity. In accordance with Article 4 § 2 of the Treaty on European Union, the Union shall also respect the national identity of its Member States, which is also part of the protection of the national official language of a State’. Distinguish concludes that ‘national legislation, such as that at issue in

the main proceedings, to protect a State's official language by introducing rules under this formulation constitutes, in principle, a legitimate aim capable of justifying restrictions on the rights of free movement and provided for in Article 21 of the Treaty on the Functioning of the European Union and may be taken into account in establishing legitimate interests against those rights recognised as a right of the Union. In this regard, it should be noted that “even before the emergence of national identity in the case law of the Court of Justice of the EU, the requirements of the constitutional powers of states were integrated into the reserved competences of the Member States, especially in the field of internal market law. Like the Treaty on the Functioning of the European Union, the Treaty of Rome contains exceptions for each of the four fundamental freedoms based, inter alia, on public order”.

The Constitutional Court of Ukraine in the case based on the constitutional submission of 51 people's deputies of Ukraine regarding the conformity of the Constitution of Ukraine (constitutionality) with the Law of Ukraine "On ensuring the functioning of the Ukrainian language as a state" () noted that “the European identity of the Ukrainian people and the irreversibility of the European and Euro-Atlantic course of Ukraine” (paragraph the fifth part of the preamble), according to which the powers of the Verkhovna Rada of Ukraine include “determining the foundations of the state's strategic course for the acquisition of full membership of Ukraine in the European

Union and the North Atlantic Treaty Organization” (Clause 5 of the first part of Article 85), to the powers The Cabinet of Ministers of Ukraine – ensuring the implementation of “the strategic course of the state for the acquisition of full membership of Ukraine in the European Union and the North Atlantic Treaty Organization” (paragraph 1-1 of Article 116), and the role of the guarantor of the implementation of the strategic course of the state for the acquisition of full membership of Ukraine in the North Atlantic Treaty Organization is defined for the President of Ukraine the European Union and the North Atlantic Treaty Organization” (part three of Article 102). At the same time, persons belonging to national minorities are provided with the opportunity to receive education within the framework of the educational programme of national minorities and preserve their language, identity and culture.

**Conclusions.** Therefore, the national aspect or the national self-identification of a certain political nation and state is of fundamental importance for the doctrine of constitutional identity. The case law of the European Union and the Member States indicates that the development of the two concepts relating to the protection of the Member State is both similar and different. If these concepts are unconditional, each of the parties was given the opportunity to define and take into account certain legal elements that are considered necessary, they also bring something more to the integration of member states in the European Union.

#### REFERENCES

1. Ковальчук В. Національно-правова ідентичність та її роль в умовах Конституційної трансформації в Україні. *Вісник Національного університету “Львівська політехніка”. Серія: “Юридичні науки”* № 4 (32), 2021 URL: <https://science.lpnu.ua/sites/default/files/journal-paper/2021/dec/25937/26.pdf> (дата звернення: 12.03.2025).
2. Anna Śledzińska-Simon, Constitutional Identity in 3D: A Model of Individual, Relational, and Collective Self and its Application in Poland, 13(1) *International Journal of Constitutional Law* 124 (2015).
3. Bauer K.M. Conditions et contrôles constitutionnels de la validité interne du droit de l'Union – Cour constitutionnelle fédérale allemande, arrêt du 30 juin 2009, Constitutionnalité du traité de Lisbonne (2 BvE 2/08 e.a.), *Revue trimestrielle de droit européen*, 2009, p. 799 et s.
4. CC, 2004-505 DC du 19 novembre 2004, « Traité établissant une Constitution pour l'Europe» URL: <https://www.conseil-constitutionnel.fr/en/decision/2004/2004505DC.htm> (дата звернення: 10.03.2025).
5. Chaltiel F. Turbulences au sommet de la hiérarchie des normes. À propos de la décision du Conseil constitutionnel du 27 juillet 2006 sur la loi relative aux droits d'auteurs, *Revue du marché commun et de l'Union européenne*, 2007, p. 61 et s.
6. CJCE, 12 septembre 2006, Royaume d'Espagne c. Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (aff. C-145/04), Rec., p. I-7917.
7. CJUE, 22 décembre 2010, Ilnonka Sayn-Wittgenstein c. Landeshauptmann von Wien (aff. C 208/09).
8. De Cillia, R., Reisigl, M. & Wodak, R. (1999). The discursive construction of national identity. *Discourse and Society*, 10(2), 149-173.
9. Décision n° 2006-540 DC du 27 juillet 2006 URL: <https://www.conseil-constitutionnel.fr/decision/2006/2006540DC.htm>
10. Decision of the Constitutional Court of Ukraine on July 14, 2021 № 1-p/2021 URL: <https://zakon.rada.gov.ua/rada/show/v001p710-21#Text>
11. Decizia Curții Constituționale a României referitoare la excepția de neconstituționalitate a dispozițiilor art. 88<sup>1</sup>-88<sup>9</sup> din Legea nr. 304/2004 privind organizarea judiciară, precum și a Ordonanței de urgență a Guvernului nr. 90/2018 privind unele măsuri pentru operaționalizarea Secției pentru investigarea infracțiunilor din justiție №390/2021 URL: <https://legislatie.just.ro/Public/DetaliiDocument/243370> (дата звернення: 10.03.2025)
12. Derosier J.-P. Le Noyau constitutionnel identitaire, frein à l'intégration européenne. Contribution à une étude normativiste et comparée des rapports entre le noyau constitutionnel identitaire et le droit de l'Union européenne, VIIIe Congrès de l'AFDC, Nancy, 16, 17 et 18 juin 2011.
13. Gutan M. Este Curtea Constituțională a României un portdrapel al identității constituționale naționale? *Revista română de drept european*, 2022, p. 1-19
14. Jacobsohn G.G., Constitutional Identity, *The Review of Politics* nr. 68/2006, p. 361.
15. Mathieu B. Le Droit communautaire fait son entrée au Conseil constitutionnel, *Les Petites Affiches*, 22 août 2006, n° 167, p. 3 et s.
16. Michel Rosenfeld, Constitutionalism, Identity, Difference, and Legitimacy: Theoretical Perspectives (durham: duke university Press, 1994)
17. Mouton J.-D. Vers la reconnaissance de droits fondamentaux aux États dans le système communautaire?, in Études en l'honneur de Jean-Claude Gauthier – Les dynamiques du droit européen en début de siècle, Paris, Pédone, 2004, p. 466 et s.
18. Mouton J.-D., Réflexions sur la prise en considération de l'identité constitutionnelle des États membres de l'Union européenne», in Mélanges en l'honneur de Philippe Manin : l'Union européenne : Union de droit, Unions des droits, Paris, Pedone, 2010, p. 145 et s.
19. Poiares Maduro M., conclusions présentées le 8 octobre 2008 dans l'affaire C 213/07, op. cit., pt 31.
20. Shcherbanyuk O. (2020) Constitutional identity in the argumentation of decisions of Constitutional courts. *Constitutional and legal academic studies*. Issue 3 p. 77–84.
21. Simon D. L'Obscure Clarté de la jurisprudence du Conseil constitutionnel relative à la transposition des directives communautaires, Europe, 2006, n° 10, p. 2 et s
22. Tănăsescu E. (2017) Despre identitatea constituțională și rolul integrator al Constituției. *Curier judiciar*. URL: <https://www.curieruljudiciar.ro/2017/05/28/despre-identitatea-constitucionala-si-rolul-integrator-al-constitutiei/> (дата звернення: 15.03.2025).
23. Tănăsescu E.S., Constitutional Semantics and Legal Culture, Andrzej Szmyt & Boguslaw Banaszak (ed.), Transformation of Law Systems in Central and South-Eastern Europe, *Gdansk University Press*, Gdansk, 2016, p. 385.