

FOREWORD



The present book is a comparative legal work, which has been produced in the framework of the Professors' Research Network, an academic cooperation of Eastern and Central European researchers in the field of jurisprudence in the Central European Academy of the University of Miskolc.

The research underlying the book focused on the legal protection and normative regulation of symbols of comprehensive communities, which are of paramount importance to society and which permeate (most of) a given society. The framework of social coexistence is the state; the ideological basis of the state and the ultimate source of its identity, as well as its main basis of legitimacy, is the nation, either in its political or in its cultural sense. The constitutive elements of the state (and directly of society) are also those traditional communities (religious communities, nationalities, other identity-based constituent parts of a state) whose identity and autonomy are traditional values that deserve to be protected. The principles and values of these communities are embodied or expressed in a system of symbols that is not only an expression of collective self-identification, but also a force for community building (or preservation) in itself.

Besides the recognition of their individuality and self-worth, dignity, and the individual rights that derive from those, human beings are political animals with an identity shared with others—therefore, they belong to communities. Consequently, their social relationships, social existence, and self-definition as part of the community are protected. Recent (European or American) leading legal scholarship has so far paid little attention to the community aspect of the individual human being, or to communities themselves as entities that can be considered for their own sake, independently of their members; therefore, it has largely ignored the issue of collective rights protection as well (except for hate crime and hate speech). Research on this topic is by all means justified, and so is research on the recognition, materialization, or enforcement (or lack thereof) of collective rights of communities (and the individuals who make up communities) in Central and Eastern European states.

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In accordance with this, following an introductory chapter that provides a summary of European characteristics concerning legal protection of symbols, each of the “national chapters” presents, above all, a brief legal and constitutional historical overview on the regulation of state, national, and community symbols in the given state and the contemporary constitutional protection thereof. Then, each chapter reviews the features of the protection of state symbols (anthem, flag, coat of arms, or other symbols), both at the level of criminal law (and/or law of minor offenses) and at the level of civil and administrative law; the characteristics of protection of national symbols, including an examination of the elements of identity (in a broad sense) of the nation in relation to each of the abovementioned branches of law; and the legal protection of symbols of communities with the same identity, also in relation to these areas of law, concerning both legislation and administrative or judicial practice.

It is hoped that the chapters, which follow a unified methodology, will, on the whole, provide a deeper insight into the sometimes rather complex relationship of Central European countries to state and national symbols, and may serve as a sufficient basis for understanding similarities and differences and for further comparative legal analysis.

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The Editor