

**THE DEVELOPMENT OF STATE AND NATIONAL
SYMBOLS IN CENTRAL EUROPE: COMMON
HISTORICAL EXPERIENCES AND UNIQUE
CHARACTERISTICS IN THE HISTORY OF
SYMBOLS OF FIVE COUNTRIES**

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Summary: State symbols can be considered an important element of the existence of every independent state. State symbols perform important functions both internally and externally (in relation to other countries and international communities). State symbols developed and changed along with the development of the given state and society. The

article deals with the development of state symbols in five Central European countries, namely the Czech Republic, Slovakia, Poland, Hungary and Slovenia. The authors analyze the individual state symbols of these states, their development and meaning, at the same time pointing out differences, but also similarities within these European states and their often common history.

Keywords: state symbols, national symbols, development of symbols, Czech Republic, Slovakia, Poland, Hungary, Slovenia, coat of arms, flag, anthem, seal.

1 Introduction

Symbols accompany the history of mankind. Even primitive societies used different signs to distinguish themselves from other groups, families, peoples, and tribes. Previously, with the formalization of relations between peoples, symbols played an increasingly important role, which were important not only in times of peace, but also in times of war. The combatting armies used symbols partly for orientation purposes and partly for identity-forming functions which were clearly visible and distinguishable even from afar. These were the rudimentary flags, so-called insignia which were applied even in the ancient Egypt¹ and China.² These banners often depicted a real connection with the afterlife and thus expressed the connection of the community under one God, ensuring the commitment of the people under the army. These symbols were probably brought from Asia to Europe by the Saracens.³ The oldest surviving symbol of this kind comes from Iran,⁴ and their European equivalents are first known from Roman law as squared flags (*vexilla*).⁵

Coats of arms were formed in the late Middle Ages as symbolizing power of rulers and noblemen. The starting point of development was the gradual change in the knights' weaponry. On the one hand, the knights' armour became heavier and heavier. On the other hand, knight's so-called great helmets also appeared, which made the knight unrecognizable.⁶ As a result, it became necessary to display signs on the knight's armour that could be used to clearly identify which ruler's knight or exactly which commander is in the armour.⁷ In order to make

1 SMITH, Whitney. *Flags through the ages and across the world*. Maidenhead: McGraw Hill, 1975, p. 38.

2 WILLS, Charles (ed.) *Complete flags of the world*. London et al.: DK Publishing, 2008, p. 5.

3 FIRTH, Raymond. *Symbols: Public and Private*. Cornell University Press, Ithaca, New York, 1973, p. 330.

4 SMITH, Whitney. *Flags through the ages and across the world*. Maidenhead: McGraw Hill, 1975, p. 34.

5 Barker, 2015, p. 16. (However, vexillum-like flags called vexilloids were also used elsewhere in the world, c.f. SMITH, Whitney. *Flags through the ages and across the world*. Maidenhead: McGraw Hill, 1975, pp. 30, 34.)

6 SLATER, Stephen. *The illustrated book of heraldry: An international history of heraldry and its contemporary uses*. Anness Publishing, 2018, p. 12.

7 ZNAMIEROWSKI, Alfred. *The World Encyclopedia of Flags. The definitive guide to international flags, banners, standards and ensigns*. London: Hermes House, 2001, p. 14.

this distinction realistic, different signs began to be used. These marks were first placed on the suit of armour, then, with the introduction of heavy armour, these marks were transferred to the shield. It was then that the typical shield shape of coats of arms, still used today, was formed. After that, the different parts of the coats of arms and the rules for their use were created within the framework of the customary law of chivalry.⁸ Thus, people at different levels of nobility could have coats of arms of different complexity,⁹ and the form of the elements of the coat of arms had an increasingly strictly defined meaning. In the 13th century, even nobles who did not go into battle used coats of arms, so instead of their distinguishing function, the function of symbolizing the power of the noble with the given coat of arms became more and more important and it gradually became the rulers' right to donate coats of arms to their vassals and to permit to wear and portray them.¹⁰ There was only one strict criterion: the coats of arms could not be confused with the coats of arms of other nobles or knights.

The symbolism of today's modern flags comes from medieval and early modern coats of arms. So they are not the successors of the ancient banners, but fabrics pinned to flagpoles, whose colours or the pattern on the flags follow the old royal (or noble) coats of arms. Thus, the flag of the nations living in that area typically originates from the coat of arms of the ruler of a given area. In battles, long and thin flags were used, while in peaceful diplomatic relations, the rectangular forms known today were applied. The first such flag, which can now be considered national, was the Dutch flag from the end of the 16th century; with the difference that instead of the red colour known today, orange was used.

Finally, parallel to the development of the nation-state in the 17th and 18th centuries national state anthems were also created. Among the three symbols best known today, anthems can be considered the youngest, yet perhaps they most symbolize the feelings and world view of a people. Compared to visual and objectified symbols, a melody is much better able to express the spirit of a people, especially if it is accompanied by a text. The melody, the mood, the tempo, and the unity of all these with the text of the anthem – as “a nation's calling card”¹¹ –

8 BARKER, Brian Johnson. *The complete guide to flags of the world*. IMM Lifestyle Books, 2015, pp. 17–19; SLATER, Stephen. *The illustrated book of heraldry: An international history of heraldry and its contemporary uses*. Anness Publishing, 2018, pp. 52–69.

9 The great coat of arms was developed in such a way that the rulers began to use not only their own coats of arms, but also the coats of arms of the conquered territories. As a result, it was no longer sufficient to use the motifs made possible by the traditional shield shape, but various other decorations became necessary. Today, many states distinguish between the so-called greater coat of arms and the lesser coat of arms. (See, e.g. SMITH, Whitney. *Flags through the ages and across the world*. Maidenhead: McGraw Hill, 1975, p. 43–44.; SLATER, Stephen. *The illustrated book of heraldry: An international history of heraldry and its contemporary uses*. Anness Publishing, 2018, pp. 10–49)

10 RÁCZ, Lajos. *Az államcímerék és használatuk rendje*. In RÁCZ, Lajos. (ed.) *Egyetemes állam- és jogtörténet*. Budapest: HVG-ORAC, 2002, p. 494.

11 CERULO, Karen. *Sociopolitical Control and the Structure of National Symbols: An Empir-*

are not only able to display the feelings of a people, but also make identification much more possible. In the most modern age, anthems listened to while standing or sung together are the most suitable for expressing national feelings.

“Anthems” were originally derived from “hymns”, i.e., ecclesiastical solemn songs. This is true even for the first known anthem, the English “God save the King/Queen” from the 18th century. With the formation of nation-states, each country had its own national anthem, which was created either from a folk or marching song or by composing music specifically with the intention of creating an anthem. According to Boyd, anthems can be of five types: “hymns” that give thanks or in which people pray to God; military “marches”; “operative anthems”; “folk anthems”; and “fanfares”.¹² Recently, most of the anthems already have an official text, but as an exception there are still ones that are only used as (at least officially) musical pieces, such as the Spanish *Marcha Real*.¹³

Besides the coat of arms, the flag and the anthem, some other symbols can serve as symbols of a nation or a state. In the countries investigated in this paper, the national colours, the standard (flag) of the president of the state or other symbols could and can serve as self-identifying entities within that state or nation. For example, Slovenia distinguishes between the state flag and the national flag; in Poland, not the flag, but the national colours have a symbolic role. In Slovakia there is also a state seal besides the flag, coat of arms and anthem; and in Hungary, the country’s most important public law symbol, the Holy Crown serves as a quasi-official symbol of the so-called historical constitution of Hungary. The range of state symbols is the widest in the Czech Republic where the small and large state emblems, the state colours, the state flag, the flag of the President of the Republic, the state seal, and the national anthem functions of official symbols.

Therefore, several kinds of symbols could also be formed to depict the identity of larger communities, however, coats of arms, flags and anthems can be considered as an established catalogue of symbols that are known and used by almost all countries today.¹⁴

ical Analysis of National Anthems. Social Forces. 1989, vol. 68, no. 1, p. 78.

12 BOYD, Malcolm. National anthems. In SADIE, Stanley. (ed.) *The New Grove Dictionary of Music and Musicians*. London: Macmillan, 1980, p. 47.

13 Bosnia, and Herzegovina, Kosovo and San Marino have also instrumental anthems. The official anthem of the European Union, Beethoven’s “Ode to Joy,” also lacks lyrics (see e.g. FARRINGTON, Conor. Beyond the Ode to Joy? The Politics of the European Anthem. *The Political Quarterly*. 2019, vol. 90, no. 3, pp. 525–533).

14 ZNAMIEROWSKI, Alfred. *The World Encyclopedia of Flags. The definitive guide to international flags, banners, standards and ensigns*. London: Hermes House, 2001, p. 116; SMITH, Whitney. *Flags through the ages and across the world*. Maidenhead: McGraw Hill, 1980, p. 151; BARKER, Brian Johnson. *The complete guide to flags of the world*. IMM Lifestyle Books, 2015, p. 20.

In this study, we are going to review the historical development of the present-day symbols of the mentioned Central European countries and to compare their similarities and differences stemming from their shared historical past in many ways.

2 The Czech Republic

Symbols, traditions and common values and ideas have always been important for the Czech nation and state.¹⁵ In the course of history, the symbols of Czech statehood have developed, they have been always closely connected with the political, religious and economic situation in the Czech lands and also reflected its position and (in)dependence within the international community.¹⁶ The important feature of the Czech state symbolism is also the fact that for a significant period it was closely linked with the Slovak state symbolism, as both nations lived in the common Czechoslovak state (1918–1993). The Czech lands and nation have always valued these symbols,¹⁷ and over time they began to be protected within the framework of the legal system. In addition, of course, they also enjoyed protection within other normative systems (for example, morality). Their supreme position and important function for every state and society¹⁸ is also evidenced by the fact that their legal regulation was often the subject of regulation by constitutional legal norms, i.e. norms of the highest legal force.

It can be stated that the Czech Republic is one of the countries in Europe with a relatively high number of official state symbols. Currently, the Czech Republic has seven constitutionally enshrined and protected state symbols (see Article 14 of the Constitution of the Czech Republic). Specifically, these are: large and small state coats of arms, state colours, the state flag, the flag of the President of the Republic, the state seal and the state anthem. The number of Czech or of Czechoslovak state symbols, however, was not always so high in its history. Their number changed due to various historical and political events, some of the state symbols were brought only by the change of the state form from a kingdom to a republic (from this point of view, the year 1918, when the Czechoslovak Republic was established, was significant).

If we look at the “early” era of Czech state symbolism, it is primarily connected with the person of the ruling monarch in the Czech lands. The roots of the first official state symbols can be found roughly in the 12th century. Apparent-

15 HÁCHA, Emil, HOETZEL, Jaroslav, WEYR, František. *Slovník československého práva veřejného. Svazek I. – V.* Praha: Eurolex Bohemia, 2020, reprint from 1929–1938, p. 1103.

16 FILIP, Jan. *Ústavní právo.* Brno: Masarykova univerzita, 2003, p. 154–155.

17 PRAŽÁK, Jiří. *Rakouské právo veřejné. 1. část. Právo ústavní.* Praha: jednota právnická, 1900, p. 6.

18 It is a function of representation, integration and identification. See FILIP, Jan, BAHÝLOVÁ, Lenka, MOLEK, Pavel, PODHRÁZKÝ, M., SUCHÁNEK, Radovan, ŠIMÍČEK, Vojtěch, VYHNÁNEK, Ladislav. *Ústava České republiky. Komentář.* Praha: Linde, 2010, pp. 268–269.

ly, the first documented state symbol in the Czech lands was a black, “flaming” eagle on a silver field. It was the coat of arms of the ruling Přemyslid family.¹⁹ However, a very significant change took place very soon, namely in 1253. In this year, Přemysl Otakar II became the king of Bohemia and from that moment the silver crowned two-tailed lion becomes the Czech national symbol (= symbol of the king). It is almost unbelievable that this symbol survived the entire further political development in the Czech lands and is the basis of Czech statehood and symbolism to this day.

In 1918, in connection with the end of the First World War, the independent Czechoslovak Republic was established. From this year until now, the state symbols have always been subject to the legal regulation in the Constitution. However, it must be admitted that this adjustment was always relatively brief and was usually limited to a list of the state symbols. Details regarding the appearance of state symbols and the rules for their use were traditionally left to laws.

At the time of its creation, Czechoslovakia initially had only one(!) state symbol. The Provisional Constitution of 1918²⁰ and the subsequent Government Decree No. 300/1919 Coll. established the state coat of arms as the only state symbol. It was the aforementioned silver double-tailed lion in a leap on a red background and with a golden crown on its head. The state coat of arms as the most important state symbol was also the subject of explicit regulation in other Constitutions of 1920, 1948, 1960 and 1993 (the current Constitution of the Czech Republic). Probably the most complex regulation of the state coat of arms had Czechoslovakia from 1920 to 1948, when a small, medium and large state coat of arms were distinguished. In particular, the large state coat of arms, which included the symbols of all the territories that were then part of the Czechoslovakia, had a very complex form. Therefore, in addition to the Czech symbol, there was also the symbol of Slovakia, Subcarpathian Russia, Moravia, Silesia, Cieszyn, Opava and Racibórz. It is also necessary to mention the consequence of the rise of communism and socialism in the Czechoslovakia. The golden crown over the lion's head was replaced by a five-pointed star, which was a symbol of these undemocratic ideologies. With the return of democracy in 1989, the golden crown was returned to the Czech lion. The current Czech Republic (which came into being on 1 January 1993) has a large and a small state coat of arms. The large state coat of arms consists of a square shield, in the first and fourth red field of which is a silver two-tailed lion in a jump with a gold crown and gold armour (emblem of Bohemia). In the second blue field is a silver-red checkered eagle with a gold crown and gold armour (the emblem of Moravia). In the third golden field is a black eagle with a silver crescent, with a golden crown and red armour

19 GERLOCH, Aleš, HŘEBEJK, Jiří, ZOUBEK, Vladimír. *Ústavní systém České republiky*. Plzeň: Aleš Čeněk, 2013, p. 114.

20 Act No. 37/1918 Coll., On the Provisional Constitution.

(emblem of Silesia). The small state coat of arms consists of a red shield, in which there is a silver two-tailed lion in a jump with a gold crown and gold armour.

The state colours were and are another of the Czech official symbols. They were first enshrined as a state symbol in the Constitution of the Czechoslovak Republic in 1920. Since the state colours have always been derived from the colours of the state coat of arm on the basis of heraldic rules, they were originally only white and red in the Czech lands from the 13th century.²¹ However, since the neighbouring states of the Czechoslovak Republic had identical state colours (Poland and Austria), a third colour was added – blue.²² These colours – white, red and blue (in this obligatory order) are still the state colours of the Czech Republic.

The state symbols of the Czech Republic include two flags, the state flag and the flag of the President of the Republic. Originally, the Czech flags and banners consisted of an upper white stripe and a lower red stripe (the colours were again derived from the colours of the state coat of arm).²³ As soon as the state colours were extended to include the blue colour, this change was logically reflected in the appearance of the state flag. Act No 252/1920 Coll. therefore stipulated that the state flag consisted of a lower red stripe and an upper white stripe, between which a blue wedge was inserted. This state flag was used by Czechoslovakia for the next decades and after the break-up into the Czech Republic and the Slovak Republic, the Czech Republic adopted this flag as its state flag, which was met with protests from the Slovak Republic.²⁴ Logically, the flag of the President of the Republic became a state symbol only with the establishment of the Czechoslovak Republic in 1918. During the time of the Austro-Hungarian Empire, the flag of the Emperor was used to mark places where the Emperor resided. From 1920 to the present day, the flag has included the inscription “Truth Wins”. This motto has deep religious roots and dates back to Hussite times.

Probably the least used state symbol at present is the state seal. Its function was more important during the Middle Ages, when it proved the authenticity of the King’s written documents. As a state symbol, it was enshrined as early as 1920 by Act No. 252/1920 Coll. At that time, the Czechoslovak Republic had a small and a large state seal, and both seals were kept by the Prime Minister. With the rise of communism, two important changes took place: there was only one state seal and it was kept by the President of the Republic. This is still the case today.

21 KLÍMA, Karel. Komentář k Ústavě a Listině. Plzeň: Aleš Čeněk, 2009, p. 194.

22 SEDLÁČEK, Pavel. *Symboly České republiky*. Praha: Úřad vlády ČR, 2008, p. 24.

23 SVOBODA, Zbyšek. *Česká státní a vojenská symbolika*. Praha: Ministerstvo obrany ČR a GŠ AČR, Impuls, 1996, p. 44.

24 The Czech Republic did not feel bound by the law of the defunct state (the Czechoslovak Federal Republic). See PAVLÍČEK, Václav, GRÓNSKÝ, Ján, HŘEBEJK, Jiří, JIRÁSKOVÁ, Věra, MIKULE, Vladimír, PEŠKA, Pavel, SLÁDEČEK, Vladimír, SUCHÁNEK, Radovan, SYLLOVÁ, Jindřiška. *Ústavní právo a státověda. 2. díl. Ústavní právo České republiky*. Praha: Leges, 2011, p. 403.

In contrast to the state seal, the national anthem, as the last of the state symbols, is still widely used today on various festive occasions (not only political, but also sporting and cultural). The anthem's predecessors are medieval sacred songs that originated in the Czech lands as early as the 10th century ('Hospodine pomiluj ny'), the most famous of which include the chant 'Svatý Václav' and the Hussite chant 'Ktož jsú Boží bojovníci'.²⁵ In 1834, the play *Fidlovačka* was first performed at the Estates Theatre in Prague and the song "Kde domov můj" was sung. This song gained great popularity among the people and gradually became the unofficial Czech anthem. However, unlike all the above-mentioned state symbols, the national anthem was defined as a national symbol only in the Constitutional Act No. 102/1990 Coll.

From the perspective of a historical excursion to the Czech state symbols, it is also necessary to mention the development of the legal regulation of the use and protection of state symbols. Constitutional regulations of state symbols have always been devoted only to their enumeration, exceptionally to their form. Other issues were left to the laws. The first rules in this respect were laid down by Act No 252/1920 Coll., Which issued provisions on the national flag, state coat of arms and state seals., and Act No 269/1936 Coll., On the use of flags, state coats of arms and other symbols, as well as uniforms and signs, and on measures against defective markings. These laws laid down rules on the use of state symbols by the public and by state institutions and bodies. Their use was largely based on a licensing regime. The basic general principles were the appropriateness and proportionality of the use of state symbols. Violation of the established rules gave rise to an administrative liability for an administrative offence. The typical sanction was a fine or a short-term imprisonment. These laws were in force for a relatively long time, until 1960, when Act No. 163/1960 Coll., On the state coat of arms and the state flag was adopted. In contrast to the previous detailed regulation, this law only very briefly specified which persons, bodies and institutions could use the state symbols and on what occasions. The principle of the appropriateness of their use was again emphasised. At present, this issue is regulated by Act No 352/2001 Coll., On the use of the state symbols of the Czech Republic. The current legislation is also based on the requirement of appropriateness and dignity in the use of the state symbol.²⁶ Furthermore, the so-called authorised persons who may use the state symbols are defined (these are both state authorities, public institutions and private persons). Violation of these legal norms gives rise to a liability for an administrative offence. The typical sanction is a fine.

In conclusion, it can be stated that state symbols have always represented an important element of Czech statehood, Czech history and the existence of

²⁵ SEDLÁČEK, Pavel. *Symboly České republiky*. Praha: Úřad vlády ČR, 2008, p. 39.

²⁶ See Judgment of the Supreme Court of the Czech Republic of 17.12. 2019, no. 23 Cdo 184/2019 – in this decision it was emphasized that the state symbols and their imitations can also be used for commercial purposes, but always in an appropriate and dignified way.

an independent Czech, respectively Czechoslovak state. They enjoyed protection and respect even in times when they were not yet legally enshrined as the state symbols. Later, their significance and importance for the Czech state and society was reflected in the fact that they were always enshrined in constitutional legal norms as the official state symbols. They have also always been guaranteed protection by the legal order, especially under administrative law. In particular, this has involved legal rules for their use and liability for offences in the event of their violation. Although the legislation was often brief, it can be considered sufficient in the context of historical development. Czech society has always respected the importance of state symbols and no major problems or conflicts have ever arisen in practice in connection with their use.

3 Slovakia

The state symbols of the independent Slovak Republic (the coat of arms, the state flag, the state anthem and the state seal) have different historical backgrounds. Slovak historians' views on the historical background also differ, starting with references to the historical tradition of Great Moravia and the mission of the Saints Cyril and Methodius, up to the symbolic continuity with the symbolism of medieval Hungary.²⁷ The national anthem clearly has a modern origin and also draws its roots from folk culture.

A double cross, as part of heraldic development later placed on a trimount, has been part of the Hungarian heraldry²⁸ and the coat of arms of the Kingdom of Hungary since the Middle Ages. The association of the sinister (left) field of the escutcheon bearing the Hungarian coat of arms (this part includes the double cross on the trimount) with Upper Hungary is supposed to be based on the symbolic representation of three mountains – Tatra, Matra and Fatra.²⁹ Currently, two of these mountain ranges – the Tatras and the Fatra – are located on the territory of the Slovak Republic. However, it should be noted that the Slovak and Hungarian heraldic lines diverged in the 19th century and the Slovaks use blue instead of green in the tricolour display of the national emblem (and of the coat of arms). Thus, the coat of arms of the Slovak Republic and the way it evolved, is a testimony to the common history of Slovaks and Hungarians in medieval and modern Hungary, but also to the subsequent national emancipation of the Slovaks.

27 See SVÁK, Ján, CIBULKA, Lubor, KLÍMA, Karel. *Ústavné právo Slovenskej republiky. Všeobecná časť. II. Edition.* Bratislava: BVŠP, 2009, p. 296; DRGONEC, Ján. *Ústava Slovenskej republiky. Teória a prax.* Bratislava: C. H. Beck, 2015, p. 339.

28 DRGONEC, Ján. *Ústava Slovenskej republiky. Teória a prax.* Bratislava: C. H. Beck, 2015, p. 339.

29 Although some authors question this link, e.g. KROŠLÁK, Daniel et al. *Ústavné právo.* Bratislava: Wolters Kluwer, 2016, p. 252.

The modern Slovak national symbols (the silver double cross erected on the middle peak of a blue trimount); and, likewise, also the Slovak national flag, came into use in the year 1848³⁰, when the Štúr revolutionary group³¹ started to use these symbols. The national flag was first used in a two-colour combination (red and white). This colour combination was also used by the nations most closely related to Slovaks — the Czechs and the Poles. In the same year, however, a third colour stripe was added (blue). The distribution of colours and heraldic elements on the flag varied at first.³²

Until 1918, Slovak national symbols were not regulated by law, as Slovaks did not have the status of a state-forming nation. This changed only after the establishment of the Czechoslovak Republic in 1918. The double cross on trimount as a symbol of Slovakia and Slovaks was incorporated into the coat of arms of the Czechoslovak Republic and a blue wedge was inserted into the historical white-red flag of Bohemia, creating the new Czechoslovak flag.³³ On February 29, 1920, Law No. 121 introducing the Constitutional Bill of the Czechoslovak Republic was adopted. Under this first Czechoslovak Constitution, as have been mentioned, the state colours were white, red and blue. On March 30, 1920, Law No. 252 was adopted, which regulated the form of the state flag, three variants of the coat of arms and the state seal.

A more detailed analysis of the heraldic and vexillological development and the development of the legal regulation of state symbols during the existence of Czechoslovakia (1918–1939 and 1945–1992) is not expedient, as it is mentioned in relation to the Czech heraldic and vexillological development in these periods. We shall only briefly mention, that after the restoration of Czechoslovakia after World War II the first Czechoslovak socialist Constitution (the Constitution of 9th May 1948 – Nr. 150/1948 Coll.) regulated in § 169 only „the colours of the republic“ (being white, red and blue) and it left the regulation of the state coat of arms and flag to ordinary law. However, a new Law was not adopted. As a result, the „small coat of arms“ from the interwar period continued to be used. The

30 VRTEL, Ladislav. *Slovenský znak, jeho pôvod a vývoj do roku 1918*. Bratislava: Veda, 2021, p. 219. The Slovaks demanded the introduction of their own Slovak national flag in the so-called Demands of the Slovak nation in 1848. KOHÚTOVÁ, Mária. *Slovensko a Slováci v novoveku*. Trnava : University of Trnava, Faculty of Arts, 2008, p. 137.

31 The Štúr movement („Štúrovci“) was the leading group of Slovak national activists in the middle of the 19. century. More can be read, for example, see KUČERA, Matúš. *Novoveké Slovensko*. Bratislava: Perfekt, 2017, pp. 247–249.

32 See SVÁK, Ján, CIBULKA, Lubor, KLÍMA, Karel. *Ústavné právo Slovenskej republiky*. Všeobecná časť. II. Edition. Bratislava: BVŠP, 2009, p. 298.

33 The Czech Republic still uses this flag, which was not without controversies and disputes during the times when Czechoslovakia was divided into two separate states. According to Art. 3 par. 2 of the Constitutional Act no. 542/1992 Coll. on the dissolution of the Czech and Slovak Federal Republic the Czech Republic and the Slovak Republic were not supposed to use the common state symbols of the Czech and Slovak Federal Republic after the dissolution.

socialist Constitution of Czechoslovakia³⁴ from 1960 regulated in Article 110 two state symbols: State coat of arms of the Czechoslovak Socialist Republic³⁵ and the state flag.³⁶

However, what needs to be mentioned is the period from 1939 to 1945, i.e. the period of the wartime Slovak state. The double cross on trimount became its coat of arms, a white-blue-red tricolour was used as a state flag (without the heraldic figure of the coat of arms).³⁷

Another question that we feel is necessary to highlight is the heraldic development concerning the heraldic elements representing Slovakia and the Slovaks in the Czechoslovak state symbolism after the restoration of Czechoslovakia in 1945. First, the classic Slovak symbol (double cross on the raised middle hill of the trimount) was used as part of the Czechoslovak coat of arms. In 1960, however, it was replaced by the already mentioned newly created symbol – a blue mountain³⁸ with a fire of the partisans in a red pavise shield with golden fimbriation.

After the Velvet Revolution (1989) – at the very end of the existence of the common state of Czechs and Slovaks – with effect from 1 March 1990,³⁹ the official Slovak coat of arms has once again become the double silver cross on a blue trimount on a red shield. Subsequently this symbol again became part of the revised coat of arms of Czechoslovakia.⁴⁰

On 1st March 1990 also the traditional Slovak flag was reintroduced in the form of three coloured bands without any heraldic figure. However, this brought a problem – namely the danger of confusing the Slovak flag with the then essen-

34 Constitutional Law Nr. 100/1960 Zb.

35 A red shield in the shape of a Hussite pavise with a five-pointed star in the upper part, on which is a white two-tailed lion with a red shield on its chest with a blue silhouette of the Kriváň mountain and a gold-colored flame.

36 The state flag of the Czechoslovak Socialist Republic consisted of a lower field of red and an upper field of white, between which a blue wedge was inserted from the pole to the center of the flag.

37 Act on the state coat of arms, state seal, state flag and state banner of 23 June 1939. See PODOLEC, Ondrej. Charakter legislatívnej činnosti v Slovenskej republike 1939–1945. In Slovenská republika 1939–1945 očami mladých historikov 4. Banská Bystrica: Ústav vedy a výskumu UMB, 2005, p. 46.

38 It was a depiction of the symbolic Slovak hill Kriváň in the High Tatras. The new symbol was supposed to express the commitment to the legacy of the Slovak anti-fascist resistance: the Slovak National Uprising of 1944.

39 Constitutional Act No. 50/1990 Coll. of the Slovak National Council on the name, coat of arms of the state, state flag, state seal and state anthem of the Slovak Republic. See also HLAVOVÁ, Viera, ŽATKULIAK, Jozef. (eds.) Novembrová revolúcia a česko-slovenský rozchod. Od česko-slovenskej federácie k samostatnej demokratickej slovenskej štátnosti. Bratislava: Literárne informačné centrum, 2002, pp. 70–71.

40 Constitutional Act No. 102/1990 Coll. of 20 April 1990 on the state symbols of the Czech and Slovak Federal Republic.

tially new flags of Slovenia and Russia.⁴¹ To avoid possible confusion, the coat of arms was put as a charge on the hoist side of the flag. In this form, the state flag is still used today.

On January 1st, 1993, as mentioned before, Czechoslovakia split into two states, the Czech Republic and the Slovak Republic. Even before the division, the Constitution of the Slovak Republic⁴² was adopted on 1st September 1992 and was effective from 1st October 1992. Following the creation of the Slovak Republic and the already approved Constitution, Act No 63/1993 Coll. on the State symbols of the Slovak Republic was adopted. According to the Constitution of the Slovak Republic and the State symbols Act, the state symbols of the Slovak Republic are the coat of arms, the flag, the state seal and the state anthem. Article 9 of the Constitution of the Slovak Republic contains a brief description of the symbols and provides that a Law shall lay down the details and use of the state symbols. The double silver cross, elevated on a blue trimount on a red shield has been adopted as the coat of arms of the Slovak Republic. Its features are laid down in Section 2(1) of the State symbols Act.

The State anthem of the Slovak Republic is the song ‘*Nad Tatrou sa blýska*’.⁴³ The text of the anthem was written by the Slovak 19th century poet and a member of national revival Štúr group Janko Matúška. The melody comes from the folk song ‘*Kopala studienku*’.⁴⁴ In Czechoslovakia, the first stanza of ‘*Nad Tatrou sa blýska*’ officially became a part of the state anthem. In the years 1939–1945 (during the wartime Slovak Republic), the state anthem was the song ‘*Hej, Slováci*’.⁴⁵ Since 1992, the first two stanzas of ‘*Nad Tatrou sa blýska*’ are the state anthem of the Slovak Republic.

The last of the four state symbols of the Slovak Republic – the state seal – is derived from the Slovak coat of arms. It was first introduced by the 1990 Constitutional Act No. 50/1990 Coll. of the Slovak National Council on the name, coat of arms of the state, state flag, state seal and state anthem of the Slovak Republic. The historical predecessor of the current state seal in years 1939 to 1945 had the same dimensions and graphic theme. However, these two state seals differ in the graphic design of the emblem, inscriptions and their fonts, as well as in secondary symbolism.

41 Russia re-adopted its historical flag in 1991. From a vexillological point of view, Russia had a priority right to this tricolor, as it had used it before Slovakia did. See SVÁK, Ján, CIBULKA, Ľubor, KLÍMA, Karel. *Ústavné právo Slovenskej republiky*. Všeobecná časť. II. Edition. Bratislava: BVŠP, 2009, pp. 298–299; or SOKOLOVSKÝ, Leon. *Mať štát znamená mať aj symboly (zápas o štátnu symboliku v rokoch 1990–1993)*. Slovensko. 2018, vol. 40, no. 4, pp. 18–21.

42 Constitution of the Slovak Republic No 460/1992 Coll., as amended by later constitutional acts (Article 8 and 9 thereof).

43 Translated into English: Lightning over the Tatras.

44 KOVÁČ, Dušan. *Dejiny Slovenska*. Praha: Nakladatelství Lidové Noviny, 1998, p. 112.

45 Translated into English: Hey, Slovaks!

We conclude, that from a historical, political, cultural and heraldic point of view the state symbols of the Slovak Republic express the historical and cultural ties of Slovakia and Slovaks with neighbouring nations and states, but also the Slavic culture of Slovakia; the predominantly Christian faith of the Slovak nation and they represent the mountainous character of the Slovak landscape. Finally, the national anthem also expresses a link to folk culture and Slovak art.

4 Poland

The emblem, national anthem and national colours are among the recognised and legally protected state symbols of the Polish. The expression of the national emblem and colours has never raised doubts, but throughout history various songs have been considered the national anthem. All national symbols, which have also been recognized as state symbols in Poland, are closely related to the historical tradition and history of the Polish nation and state. They characterize the existence of the nation and the state and strongly affect the sense of national identity⁴⁶. They are also anchored in the Constitution of the Republic of Poland⁴⁷.

The first of the state and national symbols of the Republic of Poland is emblem. It depicts a crowned white eagle on a red field on a shield⁴⁸. The origins of this sign were associated with the legendary founder of the state, Lech. According to legend, he founded his capital in Gniezno, where there were many eagles' nests. To commemorate this event, Lech was to include an eagle in his coat of arms. The image of the eagle appeared on denarii during the reign of Bolesław Chrobry, the first king of Poland. At that time, the eagle was still without a crown. Later, the image of the eagle was provided with a crown according to the state system. The eagle on red shields accompanied the celebrations organized on the occasion of momentous events in the life of the state and the army. The White Eagle was present on the insignia of power of subsequent royal dynasties in Poland⁴⁹.

The white of the Eagle signified goodness, the red of the field on which the image was placed, dignity. As a result of the third partition of Poland in 1795, the White Eagle was replaced by the symbols of the partitioning states. The White Eagle became an officially forbidden symbol during the partitions. However, it

46 See more on the meaning of state and national symbols SYRYT, Aleksandra. Legal Protection of State, National and Community Symbols in Poland. In Toth, Zoltan (ed.) *Constitutional and Legal Protection of State and National Symbols in Central Europe*. Miskolc-Budapest 2023, pp. 178–180.

47 Constitution of the Republic of Poland of 2 April 1997, *Journal of Laws* No 78, item 483 as amended.

48 JAWORSKA, Aleksandra. *Orzeł Biały. Herb państwa polskiego*, Warszawa: DiG, 2003, p. 5.

49 ZNAMIEROWSKI, Alfred. *Insignia, symbole i herby polskie*. Warszawa: Kompendium, 2003, p. 121; GRABOWSKI, Radosław. *Polskie symbole narodowe i państwowe*. Geneva, ewolucja, stan prawny. *Acta Universitatis Wratislaviensis*. 2011, no. 3368, p. 35.

reminded us of the splendour of the state and embodied the dream of freedom. It accompanied all national uprisings⁵⁰.

After Poland regained independence in 1918, the White Eagle returned as an emblem. During World War II, it was a symbol used by Polish government in exile, by the Polish army. It was a symbol of the fight for free Poland.

After World War II, in 1948, the Eagle lost its crown. As a result of political changes of transformation in 1990, the crowned white eagle returned as a national symbol. It was the prototype of the Polish emblem from 1927. The similarity of subsequent designs of the Polish coat of arms is, however, only apparent, because the coats of arms from 1927, 1952 and 1990 are distinguished by several important elements that symbolically describe the changes taking place in the state⁵¹.

The second symbol of Poland are the national colours. Since the beginning of statehood, Polish national colours have been associated with white and red and come from the state coat of arms. During the partitions, functioning during the November Uprising, the Sejm of the Kingdom of Poland adopted a resolution on February 7, 1831 about the white and red National Bow, which was to be worn by the Polish army. The indicated date shall be considered as the formal recognition of white and red as national colours⁵².

The last of the official state symbols in Poland is the anthem. Its functions were performed by various songs, including those from the thirteenth century, “*Gaude Mater Polonia*”⁵³, or „*Bogurodzica*”⁵⁴ – the first anthem written in Polish. Currently, the anthem of Poland is “*Mazurek Dąbrowskiego*”, written by Józef Wybicki in Reggio Emilia in Italy in July 1797, for soldiers fighting on Italian soil under the command of General Jan Henryk Dąbrowski. The original title of this song was “*Anthem of the Polish Legions in Italy*”. It was sung to the melody of the Podlasie folk mazurka. “*Mazurek Dąbrowskiego*” inspired other Slavic nations in terms of content and melody.

“*Mazurek Dąbrowskiego*” was created after the fall of the Kościuszko Uprising, followed by the Third Partition of Poland. The popularity of “*Mazurek Dąbrowskiego*” was so great that during the period of the Duchy of Warsaw it

50 The image of the white eagle returned twice as one of the symbols of non-sovereign states created in part of the Polish lands in the first half of the 19th century. The first was the Duchy of Warsaw, created in 1807 by Napoleon Bonaparte. The second was the Kingdom of Poland, a Russian protectorate created in 1815 by Tsar Alexander I. This symbol was also used during two national uprisings, the November Uprising and the January Uprising (ROSNER, Anna. Prawnoustrojowe symbole Rzeczypospolitej Szlacheckiej na ziemiach polskich w początkach XIX wieku. *Studia Iuridica*. 2003, no. 42, p. 193–203).

51 GRABOWSKI, Radosław. *Polskie symbole narodowe i państwowe*. Geneza, ewolucja, stan prawny. *Acta Universitatis Wratislaviensis*. 2011, no. 3368, p. 33.

52 BORUCKI, Marek. *Polskie symbole narodowe*. Warszawa: MADA, 2006, p. 19.

53 PANEK, Waclaw. *Hymny polskie*, Poznań: Slowo, 1996, p. 5.

54 PANEK, Waclaw. *Hymny polskie*, Poznań: Slowo, 1996, p. 16.

was treated as an unofficial anthem of the Poland⁵⁵. With the outbreak of the November Uprising, “*Mazurek Dąbrowskiego*” began to be widely recognized as the national anthem. It accompanied Poles on the fronts of World War I during the fight for independence.

Its popularity did not prejudice its recognition as the national anthem. After Poland regained independence in 1918, the second song aspiring to the role of the official anthem was “*Boże, coś Polskę*”.⁵⁶ The first years of independence did not resolve the issue of the national anthem. The adoption of the March Constitution in 1921 was accompanied by the singing of ‘*Boże, coś Polskę*’.⁵⁷ This constitution omits the issue of national and state symbols, including the anthem. Official Polish delegations were then greeted with the sounds of anthems such as “*Rota*”, “*Warszawianka*”, “*Mazurek Dąbrowskiego*” or “*Boże, coś Polskę*”.⁵⁸ Several relatively low-ranking documents contributed to the recognition of *Mazurek Dąbrowskiego* as the official anthem. On March 22, 1921, the Minister of Military Affairs ordered military honors to be performed during the performance of this song and anthems of the Allied countries, thus making them equal in terms of military ceremonies.⁵⁹

Mazurek Dąbrowskiego was first described as the Polish national anthem in the ordinance of the Minister of Military Affairs of November 2, 1921, concerning the performance of the national anthem during military ceremonies.⁶⁰ On October 15, 1926, the Ministry of Religious Affairs and Public Enlightenment issued a circular regarding the national anthem used during school ceremonies. This act contains the text of *Mazurek Dąbrowskiego*, including four verses. In a circular dated February 26, 1927, the Ministry of the Interior declared the exact text only a valid national anthem⁶¹. This date is considered to be the moment of official recognition of *Mazurek Dąbrowskiego* as the national anthem of the Republic of Poland⁶².

Until the adoption of the Constitution of the People’s Republic of Poland,⁶³ the symbols of the state were considered a matter of customary law. They were

55 PANEK, Waclaw. *Hymny polskie*, Poznań: Slowo, 1996, p. 24.

56 ROSNER, Anna. *Prawnoustrojowe symbole Rzeczypospolitej Szlacheckiej na ziemiach polskich w początkach XIX wieku*. *Studia Iuridica*. 2003, no. 42, p. 195.

57 KIJOWSKI, M. *Polski hymn państwowy jako zagadnienie konstytucyjnoprawne*. *Ius et Administratio*. 2004, no. 3, p. 122.

58 PANEK, Waclaw. *Hymny polskie*, Poznań: Slowo, 1996, p. 31.

59 KIJOWSKI, M. *Polski hymn państwowy jako zagadnienie konstytucyjnoprawne*. *Ius et Administratio*. 2004, no. 3, p. 123.

60 KIJOWSKI, M. *Polski hymn państwowy jako zagadnienie konstytucyjnoprawne*. *Ius et Administratio*. 2004, no. 3, p. 123.

61 PANEK, Waclaw. *Hymny polskie*, Poznań: Slowo, 1996, p. 31.

62 KIJOWSKI, M. *Polski hymn państwowy jako zagadnienie konstytucyjnoprawne*. *Ius et Administratio*. 2004, no. 3, p. 124.

63 Constitution of the Polish People’s Republic of 22 July 1952, *Journal of Laws* No. 33, item 232, as amended. see also the consolidated text: *Dz.U.* 1976 No. 7, item 36.

partly regulated by lower-ranking acts. During the Second Polish Republic (1918–1939) these were the Act of 1 August 1919 on the emblems and colours of the Republic of Poland⁶⁴. Colourful images of state symbols were published in 1921 by the Ministry of Internal Affairs⁶⁵. The Act of 1 August 1919 was replaced by the Regulation of the President of the Republic of Poland of 13 December 1927 on the national emblem and colours as well as signs, banners and seals⁶⁶. The 1927 Regulation extended and clarified the scope of state marks and their level of protection. State symbols were also protected by the Criminal Code of 1932.⁶⁷ In Chapter XXV of the Criminal Code of 1932, “Crimes against public order”, Article 153 penalises conduct consisting in insulting an emblem, banner, flag, banner or other Polish state emblem and damaging or removing such public signs⁶⁸. The constitutionalization of state symbols in Poland took place in the Constitution of the Polish People’s Republic of 1952⁶⁹. However, this Act did not regulate the issue of the national anthem⁷⁰. These matters were considered to fall within the scope of a custom. The importance of the provisions concerning the national anthem was raised in 1970, by the resolution of the Council of State of 8 March 1973 on the principles of state and local celebrations.

Detailed regulations concerning the design of the flag and the rules of its use were contained in the decree of the Council of State of 7 December 1955 on the emblem and colours of the People’s Republic of Poland. It introduced criminal liability in the event of unlawful use of the coat of arms, flag with coat of arms and special flags⁷¹. Further changes in the field of Polish state symbols took place in 1980, when a law comprehensively regulating this problem was adopted.⁷²

Amendments to the Constitution of the People’s Republic of Poland, introduced by the Act of 29 December 1989 amending the Constitution of the People’s Republic of Poland,⁷³ included the name of the state and the sphere of sym-

64 Journal of Laws No. 69, item 416, as amended.

65 These patterns can be found in the brochure „Emblem and colours of the Republic of Poland“ by Stanisław Łoza. According to the design introduced at that time, the red of the coat of arms and flag should have a crimson hue. A ZNAMIEROWSKI, Alfred. *Insygnia, symbole i herby polskie*. Warszawa: Kompendium, 2003, p. 160.

66 Journal of Laws 1939 No. 2, item 8, as amended.

67 Regulation of the President of the Republic of Poland of 11 July 1932 – Penal Code, Journal of Laws No. 60, item 571.

68 MAKAREWICZ, Juliusz. *Kodeks karny z komentarzem*. Lwów, 1932, p. 252.

69 JAMRÓZ, Lech. *Wybrane konstytucyjne prawa i wolności w orzecznictwie Trybunału Konstytucyjnego w latach 1986–1997*. *Miscellanea Historico–Iuridica*. 2009, vol. 8, p. 239; GRABOWSKI, Radosław. *Zapomniany symbol. Zmiany statusu prawnego Chorągwi Rzeczypospolitej*. *Przegląd Prawa Konstytucyjnego*. 2012, no. 3, p. 61.

70 KIJOWSKI, M. *Polski hymn państwowy jako zagadnienie konstytucyjnoprawne*. *Ius et Administratio*. 2004, no. 3, p. 131.

71 Journal of Laws No. 47, item 314. See art. 2 and 3 of the decree.

72 OJ 1980 No. 7, item 18.

73 Journal of Laws No 75, item 444 as amended. See: CIEMNIEWSKI, Jerzy. *Nowela konstytucyjna z 29 grudnia 1989 r.* *Przegląd Sejmowy*. 2009, no. 3, pp.38–44.

bols, including the state emblem and coat of arms. They did not refer to the national colours, flag and anthem. The solutions introduced in 1952 proved to be extremely durable and apart from restoring the crown to the Eagle in 1989, others have survived to this day⁷⁴. The issue of state symbols was specified in the Act of 31 January 1980 on the emblem, colours and anthem of Poland, which in the amended form is also in force today⁷⁵.

5 Hungary

When it comes to studying national and state symbols, history is to be found everywhere. We can at least distinguish three historical aspects concerning the symbols: the history of the symbols themselves as objects the history of them as symbols, and the symbols reflect a third aspect as well, namely, a special narrative on the history of the nation and the state that it is symbolising. In the case of Hungary, especially after the adoption of the Fundamental Law,⁷⁶ those three aspects became even more emphasized in constitutional law.

Even the definition of constitution as it is given by one of the paragraphs of the National Avowal, is related to history, it states: “Our Fundamental Law shall be the basis of our legal order; it shall be an alliance among Hungarians of the past, the present and the future”. The first part of the sentence is easy to understand, it is the basic as much formal as substantial definition of constitution, the second part underlines in a very particular way, the importance of the three dimensions of times lived by the Nation, willing to make a link between those generations and by them, between those periods of time.

And the past comes back several times in the National Avowal, but also in diverse constitutional provisions,⁷⁷ making history as much as a symbol than underlining the importance of the historicity of symbols. The historical narrative reflected by the constitutional provisions helps us to better understand the historical meaning of the national and state symbols, and vice versa, the historicity of those symbols emphasizes the constitutional narrative on history. It got a special meaning in a Central-European context, where all questions related to identity, because of tormented history and several interruptions of state-development, are mostly important.

In our opinion, one of the first national symbol in Hungarian constitutional law, is the historical narrative given by the Fundamental Law of Hungary. First, there is no history for a historical narrative, even though from time to time, this

74 WISZOWATY, Marcin. *Symbole państwowe III Rzeczypospolitej*. Państwo i Prawo. 2011, no. 7–8, p. 33.

75 *Journal of Laws* No. 7, item 18, as amended.

76 The Fundamental Law of Hungary was adopted on the 25th of April 2011, it entered into force on the 1st of January 2012.

77 BALOGH, Elemér: *Alkotmányunk történetisége* in BALOGH, Elemér (ed.): *Számadás az Alaptörvényről*, Magyar Közlöny – SZTE ÁJTK, Budapest-Szeged, 2016., p. 540.

narrative can change, but it has no significance for its understanding. Secondly, to understand the historical narrative, it is important to remember that past – as a series of events – history – as a structured and objective description of those events – and memory – as a subjective set of them – are three different dimensions of history, and among them, the historical narrative recalls mostly the third one.

On another hand, the Hungarian constitutionalism, far from the existence of mere symbols, is, itself closely related to history, simply because of the existence of the historic constitution that defined Hungarian constitutionalism for one thousand years. Even though, it is to be considered as a part of contemporary constitutional law, it cannot be a source of anachronism, as it should be applied according to its achievement, opening a special window⁷⁸ to constitutional history in the interpretation of contemporary constitutional provisions.⁷⁹ History is not only source of symbolism, and symbol as a narrative, but also living constitutionalism, at least in an indirect way, thanks to interpretation.

In such a constitutional context, where history is all over the Fundamental Law, as much as a symbol, itself, as source of constitutionalism, one should be very carefully when approaching to history more specifically only in the analysis of the symbols. As stated above, those symbols can reflect the historical narrative, symbolising it, as, for example, national holidays, or even, a symbol can be more than a symbol, a source, by its historicity, as well, of constitutionalism, such as the Holy Crown that is despite its historical roots, remains more than a sole symbol in Hungarian constitutional law, as it is at least a doctrine, or even a concept.⁸⁰

So, when looking very carefully to the symbols in the Fundamental Law, after, the historical narrative of the National Avowal, emphasising the continuity and the stability of the State and giving some special characteristic of the Nation, the first one to be recognised is the name of the country.⁸¹ The Article A) of the Fundamental Law states: “The name of our country shall be Hungary”. One of the reasons why it is not with the form of the state or of the government that the Hungarian constitutional law is defining the “country”, is undoubtedly symbolic, and it would reflect the historical existence of the political community behind the country, that defines it as Hungary before everything else.

78 Decision of the Constitutional Court of Hungary in the case number 33/2012 on the 17th of July 2012.

79 VARGA, Zs. András. *Történeti alkotmányunk vívmányai az Alaptörvény kógens rendelkezésében.* Iustum Aequum Salutare. 2016, vol. XII., no. 4, p. 86.

80 ECKHART, FÉRENC. *A szentkorona-eszme története.* Budapest: Magyar Tudományos Akadémia & Franklin Társulat, 1941, pp. 3–4.

81 TAKÁCS, Péter. *Az államok nevééről.* Állam- és Jogtudomány. 2015, vol. 56, no. 1, p. 50.

History is also very present in the first and most sophisticated national symbol which is the coat of arms.⁸² It is precisely described in Article I) of the Fundamental Law. It has the longest history as its different components were consecrated centuries after centuries, especially in medieval period.⁸³ The patriarchal cross is the first component, it became of use by Hungarian kings very soon, it appeared for the first time as a symbol of monarch, on the coin issued by the King Béla III in the 1190. It was a sign of independence from Byzantine Empire becoming a risk of loss of independence. The second component is the background with red and silver bars. The hanging seal of King Imre is the first proof of its use from 1204. Red and silver are the official colours of the House of Árpád, so it is the symbol of the first royal family. The hills appeared under the reign of Anjou King, around the 13th, 14th century. It is symbolising the country, as Anjou kings arrived to Hungarian throne after the decline of the first royal house, it is more the land than the family line that is the sign of their power. It became soon a triple hill symbolising the three main mountains of historical Hungarian kingdom. At the same time, the meaning of the three silver bars changed to a symbol of the three main rivers. Finally, the crown or more exactly the crowns appeared as there are two of them on the coat of arms. The first golden one is symbolising on the top of the hill the royal power with the cross growing up from the crown, because the king is ruling by the grace of God. The second one on the top of the coat of arms, is obviously putting forward the importance of the Holy Crown in a very symbolic way as it is the representation of the whole political community or even the source of national power. It was this crown, strangely, that has been removed for republican period of Hungarian history, but mostly, the coat of arms remained unchanged as developed for many centuries and it is still in use in its historical form.

The second and the most well-known symbol is the national flag.⁸⁴ It is described in the same Article I) where its meaning is strangely also explained. One would ask about the normative sense of such a constitutional provision stating that the three colours are symbols of the strength, loyalty, and hope, respectively. But it is even more interesting to recall that historically, it was, for sure, not the original meaning of the flag. The flag became in use during the 19th century, that is the period of the strengthening of national identity, especially in Central-European region. First, it was used by the Palatine Joseph during an official ceremony, in 1801, then its use was generalised during the revolution and the war of independence in 1848 and 1849. For most scholars, the three colours are taken from the coat of arms: the red and the white are the red and the silver of the

82 RÁCZ, Lajos. Az államcímerek és használatuk rendje. In RÁCZ, Lajos. (ed.) Egyetemes állam- és jogtörténet. Budapest: HVG-ORAC, 2002, p. 493.

83 FEISZT, György. Rövid magyar címertan és pecséttan. Budapest: Tankönyvkiadó, 1986.

84 HORVÁTH, Zs. Magyarország állami és nemzeti szimbólumai. In GLATZ Ferenc (ed.): Állam és nemzeti szimbólumok az Európai Unióban. Budapest: Magyar Tudományos Akadémia, 2005, pp. 199–214.

House of Árpád, the green stands for the hills, the colour of the land, however, the colours became symbolic already during the 19th century and were symbolising also as the Fundamental Law states, some characters of the nation. For the flag as much as for the coat of arms, with the obvious exception of socialist state, no important changes were made. And even communists who put for a short period, their coat of arms on the flag, after the symbol of the flag with the hole in the middle in 1956, dared not to reintroduce it afterwards. It is interesting knowing the rich history of these two national symbols that the Fundamental Law allows expressively their use in their “historically developed forms” and for national holidays, the use of historical flags, for example, are a tradition in Hungary.

The third national symbol that is to be mentioned, is the national anthem.⁸⁵ The use of national anthems became general also during the 19th century with nationalism and a somewhat more romantic approach to the idea of the nation. At the same time, in Hungary, singing together was always an important part of public ceremonies, but for centuries, mostly religious songs were in use according to the appurtenance of the people to this or that, mostly Catholic or Reformed Church. The national anthem has been chosen and set into music already in a more organised way. First, the poem of Ferenc Kölcsey, finished on the 23rd of January 1823, has been chosen then a competition was organised to set it into music. It was won by Ferenc Erkel, and from 1844, the poem and the music were in use as we know them, for public events and national ceremonies. Even though a second official songs existed already in the 19th century and continue to be song even nowadays,⁸⁶ the national anthem was a great success. One should retain first its religious form as it is a prayer to God asking for his blessing for Hungarian Nation, it can be explained by the above-mentioned tradition of religious songs for official ceremonies. Second, the whole anthem is also about history, for most of scholars, speaking about the past in the time of Kölcsey, was a hidden way of speaking about politics in the present, during the period of Habsburgs’ monarchy. But, once again, it is obvious that history and historicity play an important role and they are somehow mixed.

6 Slovenia

According to the Constitution of the Republic of Slovenia,⁸⁷ the official state symbols of the Republic of Slovenia are the coat of arms, flag, and national anthem. The three state symbols also serve as the most significant national symbols. Another symbol that was officially designated as a national symbol is the

85 KÁLLAY, István. *Nemzeti Jelképeink*. Magyar Tudomány. 1989, no. 7–8, p. 594.

86 *The Appeal (Szózat)* of Mihály Vörösmarty written in 1836 with the music composed by Béni Egressy in 1840.

87 *The Constitution of the Republic of Slovenia (Ustava Republike Slovenije)*, Official Gazette of the Republic of Slovenia nos. 33/91, 42/97, 66/00, 24/03, 69/04, 68/06, 47/13, 47/13, 75/16, 92/21.

flag of the Slovenian nation but it is not constitutionally recognized as a state symbol. The Constitution contains the description of the Slovenian coat of arms and the flag and determines that the national anthem of Slovenia is “*Zdravljica*” (*A Toast*). The form and manner of use of the state symbols and the form and manner of use of the Slovenian national flag are regulated by the statutory law and several sub-statutory legal acts.⁸⁸

Although flags fluttered on Slovenian soil already in the pre-heraldic period and even before the Roman Empire,⁸⁹ there is no evidence of the coat of arms or flag for Carantania, the first predecessor of today’s Slovenian state (first mentioned at the end of the 6th century). For the remainder of the medieval, heraldic elements such as flag and seals appeared on archeological artefacts and in many historical documents, but there is no evidence of the predecessors of Slovenia’s state and national symbols from this period either.⁹⁰ However, over the centuries, the historical Slovenian lands of Goriška (Gorizia), Kranjska (Carniola), Štajerska (Steyr) and Koroška (Carinthia) received their flags and coats of arms. On October 31, 1836, Emperor Ferdinand I issued a decree no. 1836/2858 revising and supplementing the coats of arms of some Slovenian historical lands and restoring the old historical colours to the Carniolan region in the combination of white, blue, and red.⁹¹ This colour combination was also retained by the first unofficial flag of the Slovenian nation that appeared in 1848 within the Habsburg Monarchy, when censorship was abolished after the fall of Metternich’s absolutism. Thus, with the advent of the European Spring of Nations, the historical Slovenian lands were united under a single flag.⁹²

Although through the history it gained an exceptional symbolic value for the Slovenian nation, the Slovenian national flag was not legally recognized as a state symbol, neither in the Habsburg Monarchy and in the Kingdom of Yugoslavia nor during the socialist era and in the early 1990s.⁹³ Decree of Imperial-Royal

88 The central piece of legislation related to the state and national symbols is the Act Regulating the Coat of Arms, Flag, and Anthem of the Republic of Slovenia and the Flag of the Slovenian Nation (Zakon o grbu, zastavi in himni Republike Slovenije ter o slovenski narodni zastavi), Official Gazette of the Republic of Slovenia, no. 67/94. When Slovenia joined the EU in 2004, it also adopted its flag and national anthem.

89 On some archeological monuments, preserved in Slovenia (for example in Ptuj), signs can be found that show flags of tribes or military formations called “vexillum.”

90 KLASINC, Peter. *Kratka zgodovina slovenske zastave*. Lex localis. 2006, vol. 4, no. 2, pp. 56–61.

91 KLASINC, Peter. *Kratka zgodovina slovenske zastave*. Lex localis. 2006, vol. 4, no. 2, pp. 56–61.

92 GRDINA, Igor. *Narodni simboli*. Nova univerza: E-enciklopedija slovenske osamosvojitve, ustavnosti in državnosti. [online] Available at: <https://enciklopedija-osamosvojitve.si/clanek/narodni-simboli/>. Accessed: 30.06.2023.

93 According to Grdina, the national flag was banned after the creation of the Kingdom of Yugoslavia during the dictatorship of King. GRDINA, Igor. *Narodni simboli*. Nova univerza: E-enciklopedija slovenske osamosvojitve, ustavnosti in državnosti. [online] Available at: <https://enciklopedija-osamosvojitve.si/clanek/narodni-simboli/>. Accessed: 30.06.2023.

Ministry of the Interior, no. 2778/114, adopted on September 23, 1848, did not recognize the Slovenian national flag, but only confirmed the colors and their sequence. In the Kingdom of Yugoslavia during the dictatorship of King Alexander, the national flag has not been recognized but banned. During the WW2, it was the basis for the design of the partisan flag and after the war's end for the flag of the People's Socialist Republic of Slovenia. A red five-pointed star was added to both.⁹⁴

The flag's development was paralleled by that of the Republic of Slovenia's coat of arms. It did not yet exist during the times of the Habsburg monarchy (coats of arms of provinces were in use). In the Kingdom of Serbs, Croats, and Slovenes and later in the Kingdom of Yugoslavia, the Slovenian part of the state was represented by the coat of arms which included motives from Slovenian provinces. The Carniolan eagle which was placed upon the royal banner. Golden or yellow ship from the Illyrian coat of arms was adapted into silver moon crescent in order to please the Muslim inhabitants on Slovenian territories. On the blue background of the shield stars were added as Slovenian element.⁹⁵

During the World War 2, the silhouette of the mountain Triglav became the coat of arms of the partisans, members of resistance movement and the armed wing of the Liberation Front of the Slovenian nation. After the war, it took the role of a central element in the coat of arms of the People's Socialist Republic of Slovenia and its successor the Socialist Republic of Slovenia, however it was surrounded with a typical socialist iconography: red star and wheat ears. Socialist ideology was apparent also in the shape of the coat of arms which was not in a shield form but in a circle.

Following the independence referendum on December 23, 1990, a special subcommittee on state symbols was established within the Constitutional Commission of the Assembly of the Republic of Slovenia. Public tender yielded nearly 90 proposals for the new Slovenian flag and the coat of arms. Upon completion of the selection process and considering historical and heraldic principles, the Assembly of the Republic of Slovenia adopted an amendment to the 1974 Constitution on June 24, 1991, which determined the flag and the coat of arms of the Republic of Slovenia. According to the amendment, the Flag of the Republic of Slovenia is the white–blue–red Slovenian national flag bearing the coat of arms of Slovenia.⁹⁶ The amendment also determined the national coat of arms with

94 GRDINA, Igor. Narodni simboli. Nova univerza: E-enciklopedija slovenske osamosvojitve, ustavnosti in državnosti. [online] Available at: <https://enciklopedija-osamosvojitve.si/clanek/narodni-simboli/>. Accessed: 30.06.2023.

95 GRDINA, Igor. Narodni simboli. Nova univerza: E-enciklopedija slovenske osamosvojitve, ustavnosti in državnosti. [online] Available at: <https://enciklopedija-osamosvojitve.si/clanek/narodni-simboli/>. Accessed: 30.06.2023. The stars were first used by the Counts of Vovberg and later adopted by the Counts and Princes of Cilli (Celje).

96 The Slovenian authorities were most probably aware of Russian intentions to determine their historical flag, which is practically identical to the Slovenian national flag, as the

Triglav, stars of Celje and waving lines. Marko Pogačnik, the creator of the coat of arms, explained that the coat of arms was developed as a cosmogram. Its design was inspired by Prešeren's epic poem "*Baptism at Savica Waterfall*" ["*Krst pri Savici*"] and by so-called Šverljug's sign designed by architect Jože Plečnik for the parish church in Bled.⁹⁷

During the second half of the 19th century, until the World War 1, the songs "*Forward, flag of glory*" ["*Naprej, zastava slave*"] and "*I am Slovenian*" ["*Slovenec sem*"] held the status of the unofficial Slovenian anthems. After the end of World War 1, however, the song "*Forward, flag of glory*" prevailed as its first part became the element of the national anthem of the Kingdom of Serbs, Croats, and Slovenes and later Kingdom of Yugoslavia. Interestingly, during the World War 2, "*Forward, flag of glory*" was considered the anthem by both, the partisans and the Home Guard.⁹⁸ After the war, the song "*Hey, Slavs*" ["*Hej, Slovani*"] became the new anthem of the Socialist Federal Republic of Yugoslavia. This anthem was also performed in its federal units, including the People's Socialist Republic of Slovenia and its successor the Socialist Republic of Slovenia, often together with "*The Internationale*" as the official song of the communist party.⁹⁹

France Prešeren, the greatest Slovenian poet, wrote his first reduced version of "*Zdravljica*" in 1844. Due to imperial censorship, he was initially prohibited from including it in his book of poems "*Poezije*" (1847). After the March Revolution of 1848, which ended censorship and introduced press freedom to the Habsburg monarchy, "*Zdravljica*" was eventually published (in its whole) with some minor modifications. Through difficult times, it evolved into the national symbol of Slovenia, conveying information about national history as well as the country's aspirations and struggles for freedom and independence. Already after its first publication, "*Zdravljica*" coincided with the political program "*United Slovenia*" [*Zedinjena Slovenija*] designed to unify all Slovenian lands within the Habsburg empire. During the World War 2, partisan illegal press Tritof published a limited edition for collectors. In the 1980s, "*Zdravljica*" was sponta-

national flag of the future Russian Federation even before the Slovenian declaration of sovereignty and independence in June 1991. Therefore, the historical Slovenian national flag was used only as a basis to create the flag of the Republic of Slovenia (the national coat of arms was added in the upper left side of the flag). See HARTNER, Ryan. *Kratka zgodovina slovenske narodne zastave*. [online] Available at: http://www.grboslovje.si/novice/article_2012_06_3_0003.php. Accessed: 30.06.2023.

- 97 Placed on the robe of St. Mary, the Šverljug's sign consists of six-pointed star above the mountain Triglav. GRDINA, Igor. *Narodni simboli*. Nova univerza: E-enciklopedija slovenske osamosvojitve, ustavnosti in državnosti. [online] Available at: <https://enciklopedija-osamosvojitve.si/clanek/narodni-simboli/>. Accessed: 30.06.2023. See also KLASINC, Peter. *Kratka zgodovina slovenske zastave*. Lex localis. 2006, vol. 4, no. 2, p. 60.
- 98 The Slovenian Home Guard were collaborators of the Nazi German occupier who opposed communism.
- 99 CIGOJ KRSTULOVIČ, Nataša. *Himna kot simbol naroda: Premislek ob stoletnici nastanka Premrlove Zdravjice*. *De musica disserenda*, 2005, vol. 11, no. 1–2, pp. 15–16.

neously sung at public gatherings, rallies, and other events of cultural, political or patriotic character.¹⁰⁰

Set to music by composer Stanko Premrl, „*Zdravljica*” rose to prominence in the final years before the declaration of Slovenian independence. On September 27th, 1989, the Amendment XII to the 1974 Constitution¹⁰¹ stipulated “*Zdravljica*” as the official anthem of the Socialist Republic of Slovenia. On that day, the anthem was first sung in the Slovenian parliament (i.e. the then Assembly of the Socialist Republic of Slovenia). On March 29th, 1990, the Assembly adopted the Slovenian Anthem Act.¹⁰² This act stipulated the official anthem is the seventh stanza of “*Zdravljica*”.¹⁰³ Finally, “*Zdravljica*” was stipulated as the Slovenian national anthem by the new Constitution, adopted by the National Assembly on December 23rd, 1991. Like the law from 1990, the new law on the coat of arms, the flag and the national anthem specified the seventh stanza of *Zdravljica* as the Slovenian national anthem, although there is no such detailed provision in the Constitution.¹⁰⁴

7 Conclusion

It can be seen that the common past and shared historical traditions partly resulted in common development, also in terms of national symbols. The *Hej, Slováci* / *Hej, Slovani* song served as the anthem of several Slavic peoples in the course of history, just as the pan-slavic colors derived from Russia also influenced the formation of the national colors of several Central European countries (and not only the countries analyzed here). Although the cessation and re-emergence of statehood (in the case of Poland) or its late creation (in the case of Slo-

100 GRDINA, Igor. Narodni simboli. Nova univerza: E-enciklopedija slovenske osamosvojitve, ustavnosti in državnosti. [online] Available at: <https://enciklopedija-osamosvojitve.si/clanek/narodni-simboli/>. Accessed: 30.06.2023.

101 The Constitutional Amendments IX-XC to the Constitution of the Socialist Republic of Slovenia (1974) (Ustavni amandma IX do XC k Ustavi Socialistične Republike Slovenije (1974)), Official Gazette of the Socialist Republic of Slovenia no. 32/89.

102 The Slovenian Anthem act (Zakon o himni Republike Slovenije), Official Gazette of the Republic of Slovenia no. 14/90.

103 GRDINA, Igor. Narodni simboli. Nova univerza: E-enciklopedija slovenske osamosvojitve, ustavnosti in državnosti. [online] Available at: <https://enciklopedija-osamosvojitve.si/clanek/narodni-simboli/>. Accessed: 30.06.2023. See also CIGOJ KRSTULOVIC, Nataša. Himna kot simbol naroda: Premislek ob stoletnici nastanka Premrlove Zdravjice. De musica disserenda, 2005, vol. 11, no. 1–2, pp. 11–28. On March 31, 2020, the European Commission awarded “*Zdravljica*” with European Heritage Label.

104 Contrary to what is written in the Constitution, the statute do not stipulate the entire “*Zdravljica*” as Slovenian anthem but only its seventh stanza in which Prešeren does not mention Slovenians (instead, he emphasizes brotherhood among nations). Some Slovenian politicians, writers and intellectuals are convinced that such statutory regulation of the national anthem is inconsistent with the Constitution. They claim that adopting only seventh stanza of “*Zdravljica*” as official Slovenian anthem reflects the nation’s communist past when internationalist sentiments prevailed over national consciousness.

vakia or Slovenia) sometimes necessitated the reconsideration of national official symbols, this induced similar processes as the approach to the socialist heritage in the same and the other investigated countries and peoples.

Nevertheless, the differences are also significant, which suggests that similar experiences did not affect the unique identity of individual peoples and countries; so it was possible that even the range of national symbols could show considerable diversity (mainly in the case of Czechia) – as it was already mentioned in the introduction and as it was presented in detail in the individual chapters.

Overall, it can be seen that the history of the countries of the region analyzed is a treasure that is worth preserving and keeping, which, however, does not separate the peoples living here, but rather unites them.

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