

<https://doi.org/10.22364/jull.17.18>

The Concept of “Patriotism” in Legal Regulation in the Republic of Latvia: Current Situation and Challenges

Dr. iur. Ēriks Treļš

State Police College
Docent in the Department of Police Law
Rīga Stradiņš University
Lecturer at Faculty of Social Sciences
E-mail: eriks.trels@gmail.com

Dr. iur. Ivans Jānis Mihailovs

Rīga Stradiņš University
Docent at Faculty of Social Sciences
Latvian Academy of Culture researcher
E-mail: ivans.mihailovs@rsu.lv

Several recent events in Latvian society, especially after 24 February 2022, raised issues related to patriotism. These include the discussions about the National Defense Service and the National Defense Training, about the possibility of losing (revoking) Latvian citizenship, if the naturalized citizen violates his promise of loyalty to the Republic of Latvia, about the loyalty of Latvian citizens and readiness to defend their country. Patriotism, in this context, is one of those concepts that is very widely used by politicians of opposite ideological views, other publicly recognised personalities, justifying their position on one issue or another. Patriotism is a multifaceted concept that draws insights from psychology, sociology, history, political and law science. It shapes national identity, influences civic engagement, and plays a role in international relations. The authors of the article will present their perspective on the concept of patriotism in legal regulation in the Republic of Latvia, analysing in depth the understanding and regulation of patriotism in Latvian regulatory acts.

Keywords: patriotism, homeland, state, government, loyalty, officials with special service ranks, pedagogues, state workers.

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Introduction

The Preamble of the Constitution (*Satversme*) of the Republic of Latvia states: “The people of Latvia protect their sovereignty, national independence, territory, territorial integrity and democratic system of government of the State of Latvia. Since ancient times, the identity of Latvia in the European cultural space has been shaped by Latvian and Liv traditions, Latvian folk wisdom, the Latvian language, universal human and Christian values. Loyalty to Latvia, the Latvian language as the only official language, freedom, equality, solidarity, justice, honesty, work ethic and family are the foundations of a cohesive society. Each individual takes care of oneself, one’s relatives and the common good of society by acting responsibly toward other people, future generations, the environment and nature.”¹

Although The Preamble of the Constitution of the Republic of Latvia does not explicitly use the concept of “patriotism”, it includes several important words that are directly related to this concept and its understanding: “freedom”, “sovereignty”, “independence”, “loyalty”, etc. The normative uncertainty of the content of the concept “loyalty” has already become the reason for the authors of this article to join forces to clarify it within the framework of the article “The Concept of Loyalty in Legal Regulation in the Republic of Latvia: Current Situation and Challenges”.² The amendments to the regulatory framework envisaged in the current article were also reflected in the work of the Latvian legislator. On 18 January 2024, Amendments to the State Administration Structure Law entered into force, supplementing this law with the new Article 102 “Obligation of Loyalty”³. The above shows that the vision of the authors regarding the improvement of the regulatory framework has been justified and timely. This article is a logical continuation of the previously commenced research.

The invasion of Ukraine by the Russian Federation and the hostilities in its territory contributed to the activities of persons disloyal to the Republic of Latvia, including the dissemination of hostile content both in the internet environment and in public places during unauthorized events.⁴ In contrast to these activities, the highest degree of loyalty – examples of proof of the expression of patriotism – became actualized in Latvian society.⁵

¹ Latvijas Republikas Satversme [The Constitution of the Republic of Latvia] (15.02.1922). Latvijas Vēstnesis, No. 43, 01.07.1993; Grozījumi Latvijas Republikas Satversmē [Amendments to the Constitution of the Republic of Latvia] (19.06.2014). Latvijas Vēstnesis, No. 131, 08.07.2014.

² Treļš, Ē., Mihailovs, I. J. The Concept of Loyalty in Legal Regulation in the Republic of Latvia: Current Situation and Challenges. Journal of the University of Latvia. Law, No. 16, 2023, pp. 226–242. Available: <https://doi.org/10.22364/jull.16.14> [last viewed 04.02.2024].

³ Grozījumi Valsts pārvaldes iekārtas likumā [Amendments to the State Administration Structure Law] (21.12.2023). Latvijas Vēstnesis, No. 3, 04.01.2024.

⁴ Treļš, Ē. Normatīvā regulējuma problēmjaudājumi lietās par naida izraisīšanu [Problems of the legal framework in cases of incitement to hatred]. Jurista Vārds, No 25/26 (1239/1240), 21.07.2022, p. 20. Available: <https://juristavards.lv/doc/281551-normativa-regulejuma-problemjautajumi-lietas-par-naida-izraisisanu/> [last viewed 04.02.2024].

⁵ Treļš, Ē., Mihailovs, I. J. The Concept of Loyalty, p. 235.

As part of a study commissioned by the Ministry of Defence, it was found that 41% of Latvian residents hold the opinion that the war in Ukraine has made them evaluate their role in strengthening national defence. During two months, from 24 February to 22 April 2022, the National Guard of the Republic of Latvia (Latvian: *Latvijas Republikas Zemessardze*) received 2 516 applications.⁶

The aim of the current paper is to analyse the concept of patriotism in legal regulation and practice of its application, to identify possible problems and to propose solutions.

In the article, general research methods were used, such as comparison and summarization, causal relationship detection, analysis and synthesis, as well as the methods of legal norms' interpretation.

1. Concept behind the term "patriotism"

University of Latvia Professor Harijs Tumans points out that the word "ὁ φιλόπολις" appears for the first time in Thucydides' (*Thucydides*, 460 – around 400 BC) "History" and is translated as "fatherland's friend", "one who loves the motherland" or, in other words, "patriot".⁷

In the Latvian Literary Language Dictionary, the term "patriotism" is explained, as follows: love of one's homeland, nation; loyalty to one's homeland, nation, readiness to selflessly work for them.⁸ The Cambridge Dictionary defines "patriotism" as "the feeling of loving your country more than any others and being proud of it"⁹. The Oxford English Dictionary states that "patriotism" means "love of or devotion to one's country"¹⁰.

The President of Latvia Edgars Rinkēvičs in his speech dedicated to the 105th anniversary of the proclamation of the Republic of Latvia, quite rightly remarked: "There is no single definition of patriotism. There is no one right way to prove your love for the Motherland. But it seems important to me not only to talk about patriotism, but to show it in actions. We cannot teach our children to love Latvia theoretically. Love must be shown to them."¹¹

Opinions about the importance and necessity of patriotism can also be found in the speeches of all the previous presidents of Latvia. Several of them had linked patriotism with the development of our country. As the former President Valdis

⁶ Aizsardzības ministrija: 41% Latvijas iedzīvotāju karš Ukrainā ir licis izvērtēt savu lomu valsts aizsardzības stiprināšanā [Ministry of Defense: The war in Ukraine has made 41% of Latvian residents to evaluate their role in strengthening national defense] (25.04.2022). Available: <https://www.mod.gov.lv/lv/zinas/aizsardzibas-ministrija-41-latvijas-iedzivotaju-kars-ukraina-ir-licis-izvertet-savu-lomu> [last viewed 04.02.2024].

⁷ Tumans, H. Kas ir patriotisms Senajā Grieķijā? [What is patriotism in Ancient Greece?] *Antiquitas viva*, No. 5, 2019, p. 72. Available: <http://doi.org/10.22364/av5.07> [last viewed 04.02.2024].

⁸ Latviešu literārās valodas vārdnīca [Latvian Literary Language Dictionary]. 6. sējums, 1. daļa. N–P. Rīga: Zinātne, 1986, p. 524.

⁹ Patriotism. The Cambridge Dictionary. Available: <https://dictionary.cambridge.org/dictionary/english/patriotism> [last viewed 04.02.2024].

¹⁰ Patriotism. The Oxford English Dictionary. Available: <https://www.oed.com/search/dictionary/?scope=Entries&q=patriotism> [last viewed 04.02.2024].

¹¹ Valsts prezidenta Edgara Rinkēviča uzruna Latvijas Republikas proklamēšanas 105. gadadienai veltītajā svētku koncertā Latvijas Nacionālajā teātrī [Address by the President of the State Edgars Rinkēvičs, at the celebration concert dedicated to the 105th anniversary of the proclamation of the Republic of Latvia at the National Theatre of Latvia] (18.11.2023). Available: <https://www.president.lv/lv/jaunums/valsts-prezidenta-edgara-rinkevica-uzruna-latvijas-republikas-proklamesanas-105-gadadienai-veltitaja-svetku-koncerta-latvijas-nacionalaja-teatri> [last viewed 04.02.2024].

Zatlers has emphasized, “patriotism of the 21st century is much more than just emotions. It means practical action that shows: I understand that the future of this country depends on me. It means doing more myself and much less expecting others to do things for me.”¹²

Ieva Bērziņa, a researcher at the Latvian National Defence Academy, is one of the few scientists who has studied patriotism in Latvian society for a long time. She has concluded that the role of nationalism in Latvian society’s understanding of patriotism has increased, and so has the importance of Latvia as a nation state. The level of civic patriotism and understanding of the crucial role of democratic values in the development and security of the country is still low. Latvian society’s understanding of patriotism is minimally related to the civic duty to defend the country in the event of a military conflict. However, the number of Latvian patriots has increased from 73% in 2008 to 84% in 2022. The number of Russian patriots has decreased from 12% in 2008 to 4% in 2022, there is also a slight decrease in the number of people who do not consider themselves a patriot of any country.¹³

The Scottish-American philosopher Alasdair MacIntyre once asked the question of whether patriotism is a virtue. His own answer was ambiguous. Basically, he concluded that patriotism can be dangerous, but it is necessary for the existence of society.¹⁴ The danger that comes from patriotism was also highlighted by Latvian film and theatre director Viesturs Kairiņš. When asked if patriotism should be cultivated in people in cinema, he replied in negative. Explaining his answer, he noted that a film of the lowest quality can be called patriotic and sell well. V. Kairiņš calls it “commercial patriotism” and points out that it is too developed in Latvia. In his view, this has nothing to do with true patriotism. The question whether a someone is a patriot should not be answered, because it can be concluded from a person’s life and deeds. As a dangerous trend, he points out that many people who flaunt this term, hiding behind it, simply make money in a duller way. Patriotism has become very comfortable in Putin’s Russia, everyone is a patriot, – if you are not a patriot, you should be put in jail. V. Kairiņš concludes that this word is dangerous, it is easy to conceal malicious and manipulative thoughts behind it. Too often this word is used indiscriminately – in right place, as well as in the wrong place.¹⁵

According to General Charles de Gaulle, patriotism is when love of your own people comes first, whilst nationalism is the case when hate for people other than your own comes first.¹⁶ The term “patriotism” as opposed to the term “nationalism” is also used in scientific research. In some cases, the term “positive nationalism” is used as a synonym for the word “patriotism”, other researchers explore the positive and negative sides of nationalism. Professor Mark L. Movsesian points out that nationalism

¹² Valsts prezidents: 21. gadsimta patriotisms ir aktīva rīcība [State President: Patriotism in the 21st century is an active deed] (15.11.2010). Available: <https://www.president.lv/lv/jaunums/valsts-prezidents-21gadsimta-patriotisms-ir-aktiva-riciba> [last viewed 04.02.2024].

¹³ Bērziņa, I. Latvijas sabiedrības un valsts attiecības Krievijas-Ukrainas kara kontekstā [Latvia’s societal and state relations in the context of the Russia-Ukraine war]. Rīga: Center for Security and Strategic Research of The National Defense Academy of Latvia, 2023, p. 3. Available: https://www.naa.mil.lv/sites/naa/files/document/I.Berzina_Latvijas_sabiedriba_%20un_valsts_attiecibas_Krievijas_Ukrainas_kara_konteksta.pdf [last viewed 04.02.2024].

¹⁴ *Makintairs, A.* Vai patriotisms ir tikums? [Is Patriotism a Virtue?]. In: Kiss, J., red. Mūsdienu politiskā filosofija. Rīga: Zvaigzne, 1998, pp. 420–435.

¹⁵ *Vilcāne, V.* Viesturs Kairiņš: Patriotisms ir bīstams vārds [Viesturs Kairiņš: Patriotism is a dangerous word]. Latvijas Vēstnesis, 17.11.2017. Available: <https://lvportals.lv/viedokli/291376-viesturs-kairiss-patriotisms-ir-bistams-vards-2017> [last viewed 04.02.2024].

¹⁶ *Gary, R.* To Mon General: farewell, with love and anger. *Life*, Vol. 66, No. 18, 1969, p. 26.

can be positive or negative: "Nationalism can be a malign force or a beneficial one. Especially when tied to ethnic claims, it has led to great horrors. On the other hand, it had a major role in resisting, and ultimately defeating, fascism and communism in the 20th century. And a cultural nationalism such as the United States has had for much of its history, which welcomes immigrants from across the globe provided they assimilate to local traditions, can do much to promote social peace and tolerance."¹⁷ British academic John Hutchinson claims that cultural nationalism could be seen as a positive form of nationalism: "Cultural nationalism is a movement quite independent of political nationalism. It has its own distinctive aims – the moral regeneration of the national community rather than the achievement of an autonomous state – and a distinctive politics".¹⁸

From the perspective of scientists, it is also suggested to categorize patriotism in various ways. For Professor Stephen Nathanson, patriotism can be moderate, extreme or hostile, and peaceful.¹⁹ For Professor Ervin Staub, in turn, patriotism can be blind or constructive.²⁰ Professors Robert T. Schatz, Ervin Staub and Howard Lavine in their article "On the Varieties of National Attachment: Blind Versus Constructive Patriotism" gives the following definitions of those terms: "Blind patriotism is defined as an attachment to country characterized by unquestioning positive evaluation, staunch allegiance, and intolerance of criticism. Constructive patriotism is defined as an attachment to country characterized by support for questioning and criticism of current group practices that are intended to result in positive change."²¹

Professor Pauline Kleingeld, in turn, distinguished *three types* of patriotism: civic patriotism, nationalist patriotism and trait-based patriotism. In her article "Kantian Patriotism", she contrasts the types of patriotism: "Civic patriotism is the love of political freedom and the institutions that sustain it. [...] Nationalist patriotism does not focus on the political commonwealth in which one is a citizen, but on the national group to which one belongs. What counts as a nation can be defined in different ways, e.g., in terms of native language, cultural community, shared ancestry, common history, or other factors, or combinations of these. [...] This third kind of patriotism is the love of one's country that results from reflection on or direct appreciation of its qualities. I may come to love my country because it is beautiful; because my personal identity is connected with it in a positive way; because it enables me to live comfortably; because it has laws that promote my well-being; or because I recognize its laws as just or my fellow citizens as virtuous."²² It should be noted that all the above-mentioned suggestions are only a part of several possible classifications of patriotism that enable understanding the content of this term.

Overall, the authors of the article acknowledge that patriotism is a concept characterizing the existence of the modern state, in which one can find various components: legal, social, ideological, nationalistic, emotional, cultural, etc.

¹⁷ *Movsesian, M. L.* The New Nationalism (08.12.2016). Available: <https://lawliberty.org/the-new-nationalism/> [last viewed 04.02.2024].

¹⁸ *Hutchinson, J.* The Dynamics of Cultural Nationalism. London: Taylor & Francis, 2023, p. 8.

¹⁹ *Nathanson, S.* Should patriotism have a future? In: Patriotism: In the lives of individuals and nations, *Bar Tal, D., Staub, E.* (eds). Chicago: Nelson Hall, 1997, pp. 311–326.

²⁰ *Staub, E.* Blind versus constructive patriotism: Moving from embeddedness in the group to critical loyalty and action. In: Patriotism: In the lives of individuals and nations, *Bar Tal, D., Staub, E.* (eds). Chicago: Nelson Hall, 1997, pp. 213–228.

²¹ *Schatz, R. T., Staub, E., Lavine, H.* On the Varieties of National Attachment: Blind Versus Constructive Patriotism. *Political Psychology*, No. 20, 1999, p. 151.

²² *Kleingeld, P.* Kantian Patriotism. *Philosophy and Public Affairs*, No. 29, 2000, pp. 317–321.

Unfortunately, these components have hardly been studied in Latvia, however, in this article, respecting the education and specialization of its authors, the main attention is paid to the legal aspects of patriotism.

2. Latvian national legislation and policy planning documents

2.1. Regulation in the fields of education and sports

In the regulatory framework of Latvia, the term “patriotism” is used relatively rarely. It is basically related to issues of education of students. The Education Law, for example, imposes obligations of a teacher in the educational process shall be, as follows: to raise decent, honest, responsible human beings – patriots of Latvia, to strengthen the belonging to the Republic of Latvia.²³ This is also reflected in Youth Law: “The purpose of the Law is to improve the quality of life of young people – persons from 13 to 25 years of age – by promoting their initiatives, work ethic, patriotism, and participation in decision-making and social life, and also by supporting youth work”²⁴. Meanwhile, the obligation set out in the Section 8(1) of this law imposes on the state and local governments the duty to promote patriotism.²⁵ Patriotism is also promoted within the framework of the Youth Guard and National Defence Training.²⁶

The need to ensure patriotic upbringing is also stipulated in the Cabinet of Ministers regulations. Cabinet Regulation No. 480 of 15 July 2016 “Guidelines for the Upbringing of Educatees and the Procedures for the Evaluation of Information, Teaching Aids, Materials, and Study and Upbringing Methods” state: “The objectives of the upbringing for the development of attitudes include promoting the following of educatees awareness of the national identity and statehood, loyalty to the State of Latvia and the Constitution, patriotism” and “In the implementation of the goal and objectives of upbringing, an educational institution shall strengthen the national awareness of an educatee, promote civic participation and initiative, loyalty and patriotism, including by organizing celebrations of national holidays and Latvian traditional holidays, remembrance days, and festive days, and other events which deepen the understanding of the history of Latvia, the emergence of the State, restoration of statehood, the fate of the nation, the War of Independence, and the protection of the State which contribute to a sense of pride for the State of Latvia and its people, popularize the examples of the lives and activity of people which demonstrate selflessness and altruism for the benefit of the State of Latvia, contribute to affiliation with his or her educational institution, region, city, or town, and inform of the opportunities for civic participation”.²⁷

In addition, one of the studies concluded that the daily education process, which takes place during lessons and extracurricular activities – in the events of the educational institution, during daily communication between teachers and students, several components can be found, including the most important human values, for

²³ Izglītības likums [Education Law], Section 51(1)2.¹ (29.10.1998). Latvijas Vēstnesis, No. 343/344, 17.11.1998.

²⁴ Jaunatnes likums [Youth Law], Section 1. (08.05.2008). Latvijas Vēstnesis, No. 82, 28.05.2008.

²⁵ Ibid., Section 8(1).

²⁶ Valsts aizsardzības mācības un Jaunsardzes likums [Law on the National Defence Training and the Youth Guard], Section 2(3)2. (03.12.2020). Latvijas Vēstnesis, No. 247A, 22.12.2020.

²⁷ Izglītojamo audzināšanas vadlīnijas un informācijas, mācību līdzekļu, materiālu un mācību un audzināšanas metožu izvērtēšanas kārtība [Guidelines for the Upbringing of Educatees and the Procedures for the Evaluation of Information, Teaching Aids, Materials, and Study and Upbringing Methods], Section 6.9. and 10.5. Cabinet of Ministers Regulation No. 480 of 15.07.2016. Latvijas Vēstnesis, No. 141, 25.07.2016.

example, patriotism, civic participation, traditions, culture, respectful, responsible and tolerant interpersonal relationships and the learning of various social or life skills.²⁸

Cabinet Regulation No. 747 of 27 November 2018 "Regulations Regarding the State Basic Education Standard and Model Basic Education Programmes" notice: "The objective of the implementation of the basic education content is a comprehensively developed and competent pupil who is interested in his or her intellectual, socio-emotional, and physical development, is living healthily and safely, studies with pleasure and interest, participates in public events in a socially responsible manner and undertakes initiative, is a patriot of Latvia".²⁹ The results to be achieved in the field of social and civic learning, at the end of the 3rd, 6th and 9th grades are, as follows: at the end of the 3rd grade – the pupil explains what patriotism is and how it can be expressed, in the 6th grade – the pupil explains the importance of patriotism, whereas in the 9th grade – explains what expressions of loyalty and patriotism can be present in modern (Latvian) society.

Representatives of the "School 2030" project, who have participated in the development of the current curriculum, admit: "Patriotism is when I don't ask why I have to fulfil one or another duty of a citizen. It's an opportunity to show that I care about my country by working honestly, voting, paying taxes and driving at the speed limit. You can call it an everyday patriotism".³⁰

The National Development Plan for 2021–2027 states: "A modern education system creates future citizens who are patriotic, rooted in the national culture and the way of life of their country, with significant creative potential and high demands on art. Latvia is a country where every resident can learn and improve according to their life situation and future goals".³¹

The term "patriotism" is relatively rarely mentioned in education, culture, and national defence policy planning documents, for example, the Guidelines for the Development of a United and Civically Active Society 2021–2027 assert: "The foundation of civil society is patriotic families that feel belonging to their country. The principles of civil society and basic values must be incorporated into the educational content of the education system, which form a loyal young generation with common value orientation from preschool age. The projects implemented in schools and within the framework of youth policy should also be oriented towards promoting the social activity of young people, researching the historical events of the parish, county and national level, involving them in decision-making, thus developing both local patriotism and belonging to the country".³²

²⁸ Kenkle, A., Mihailovs, I. J. Upbringing Process in Institutions of General Education in Latgale. Regional review. Research papers, No. 10. Daugavpils: Daugavpils University Academic Press „Saule”, 2014, pp. 62–70.

²⁹ Noteikumi par valsts pamatizglītības standartu un pamatizglītības programmu paraugiem [Regulations Regarding the State Basic Education Standard and Model Basic Education Programmes], Section 2. Cabinet of Ministers Regulation No. 747 of 27.11.2018. Latvijas Vēstnesis, No. 249, 19.12.2018.

³⁰ Tamsone, I. Patriotisms mācību saturā – līdzdalība un rīcība ikdienā, ne vien simboliski [Patriotism in the curriculum involves participation and action in everyday life, not just symbolically] (21.11.2019). Available: <https://www.skola2030.lv/lv/jaunumi/6/patriotisms-macibu-satura-lidzdaliba-un-riciba-ikdiena-ne-vien-simboliski> [last viewed 04.02.2024].

³¹ Latvijas Nacionālais attīstības plāns 2021.–2027. gadam [National Development Plan of Latvia for 2021–2027] (NAP2027). Available: <https://likumi.lv/ta/id/315879-par-latvijas-nacionalo-attistibas-planu-20212027-gadam-nap2027> [last viewed 04.02.2024].

³² Par Saliedētas un pilsoniski aktīvas sabiedrības attīstības pamatnostādnēm 2021.–2027. gadam [The Guidelines for the Development of a Cohesive and Civically Active Society for 2021–2027]. Cabinet of Ministers Order No. 72 of 05.02.2021. Latvijas Vēstnesis, No. 28, 10.02.2021.

Meanwhile, the Sports Policy Guidelines for 2022–2027 provide: “Successful sports policy promotes achievements in sport, promotes healthy lifestyle, provides economic contributions to national economy, and also strengthens patriotism of citizens, improves the image and recognizability of Latvia in the world and increases international competitiveness”.³³ The National Development Plan for 2021–2027 reiterates: “Smart sport policy results in sporting achievements and healthy lifestyles, strengthens pride in Latvia and increases Latvia’s visibility abroad.”³⁴

In general, the education system of Latvia dedicates sufficient attention to patriotism and patriotic education, however, family, as well as various state institutions and NGOs, play no less important role in fostering patriotism. The role of state institutions in this process can certainly be improved.

2.2. Requirement of loyalty in solemn promises and oaths

Commitment to be loyal to the Republic of Latvia is contained in solemn promises and oaths included in several laws. According to the Republic of Latvia Citizenship Law,

A person who is admitted to Latvian citizenship shall give and sign the following pledge of loyalty to the Republic of Latvia in a solemn ceremony:

“I, (given name, surname), born on (date of birth), becoming a Latvian citizen, pledge that I will be loyal to the Republic of Latvia.

I undertake to be devoted to Latvia and fulfil the Constitution and laws of the Republic of Latvia in good faith.

I undertake to defend the independence of the State of Latvia, to strengthen the Latvian language as the only official language, to live and work in good faith, in order to increase the prosperity of the State and people of Latvia.

*I certify that my action will never be directed against Latvia as independent and democratic country.”*³⁵

Members of the *Saeima*,³⁶ judges,³⁷ prosecutors,³⁸ sworn lawyers,³⁹ state civil service officials,⁴⁰ State Police officers,⁴¹ State Border guards,⁴² soldiers and national guardsmen,⁴³ as well as several other officials, give an oath, which includes loyalty

³³ Par Sporta politikas pamatnostādņēm 2022.–2027. gadam [Sports Policy Guidelines 2022–2027]. Cabinet of Ministers Order No. 397 of 31.05.2022. Latvijas Vēstnesis, No. 107, 03.06.2022.

³⁴ National Development Plan of Latvia for 2021–2027. Available: <https://www.mk.gov.lv/lv/media/15165/download?attachment> [last viewed 04.02.2024].

³⁵ Pilsonības likums [Citizenship Law], Section 18(1) (22.07.1994). Latvijas Vēstnesis, No. 93, 11.08.1994.

³⁶ Latvijas Republikas Satversme [The Constitution of the Republic of Latvia], Section 18 (15.02.1922). Latvijas Vēstnesis, No. 43, 01.07.1993.

³⁷ Par tiesu varu [On Judicial Power], Section 68 (15.12.1992). Ziņotājs, No. 1/2, 14.01.1993.

³⁸ Prokuratūras likums [Office of the Prosecutor Law], Section 60 (19.05.1994). Latvijas Vēstnesis, No. 65, 02.06.1994.

³⁹ Latvijas Republikas Advokatūras likums [Advocacy Law of the Republic of Latvia], Section 46 (27.04.1993). Ziņotājs, No. 28, 19.08.1993.

⁴⁰ Valsts civildienesta likums [State Civil Service Law], Section 13 (07.09.2000). Latvijas Vēstnesis, No. 331/333, 22.09.2000.

⁴¹ Iekšlietu ministrijas sistēmas iestāžu un Ieslodzījuma vietu pārvaldes amatpersonu ar speciālajām dienesta pakāpēm dienesta gaitas likums [Law on the Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prison Administration], Section 11 (15.06.2006). Latvijas Vēstnesis, No. 101, 30.06.2006.

⁴² Valsts robežsardzes likums [State Border Guard Law], Section 11 (05.11.2020). Latvijas Vēstnesis, No. 223, 17.11.2020.

⁴³ Latvijas Republikas Zemessardzes likums [National Guard of the Republic of Latvia Law], Section 5 (06.05.2010). Latvijas Vēstnesis, No. 82, 26.05.2010.

to the Republic of Latvia. Loyalty to Latvia, as the foundations of a cohesive Latvian society, is also enshrined in the Preamble of the Constitution (*Satversme*) of the Republic of Latvia.⁴⁴

In addition, loyalty, trust and affiliation are included in several professional codes of ethics. In the Code of Ethics of the State Police, for example, the principle of loyalty is included in Section 11.7 and contains four subsections, stipulating that a State Police officer with a special rank, an employee with whom an employment contract has been concluded, and a civil servant of the state undertakes the following: (1) while performing official (position, work) duties, always considers the state interests as primary in relation to personal interests; (2) in public statements, is loyal to the state and the State Police and respects the goals and core values of the State Police; (3) explains or expresses the opinion of the State Police in public statements related to professional activity, being aware that they shape the public's opinion about the image of the State Police; (4) does not participate in activities that could objectively raise doubts about actions in the interests of the state or society, interfere with the professional performance of service (position, job) duties, compromise or embarrass the State Police. The State Police respects the privacy of employees and does not restrict their private activities outside working hours, as long as it is not associated with the State Police.⁴⁵ The regulatory framework, which determines the professional ethical norms of the State Police employee, including the basic principles of values and professional ethics, has improved in the course of historical development.⁴⁶

The principle of loyalty and patriotism, unfortunately, are not included in the Cabinet of Ministers Recommendation of 21 November 2018 "Values of State Administration and Fundamental Principles of Ethics"⁴⁷.

When evaluating the regulatory framework as a whole, it should be noted that, when using the term "patriotism", it does not provide an explanation for this concept and does not use a systemic approach to the use of this concept. In this regard, the authors express their belief that it would be useful for the legislator to clearly define the term "patriotism" (for example, in State Administration Structure Law), which, in turn, would avoid the declarative use and different interpretation of this concept. A clear definition of the concept of "patriotism" will also make it possible to precisely determine the tasks to achieve an important goal of the country – increasing the level of patriotism.

Considering that ensuring the rights set forth in Chapter VIII "Fundamental Human Rights", the Constitution (*Satversme*) of the Republic of Latvia is the state's duty. In the opinion of the authors, it would be useful to introduce the amendments directly into this normative act with the highest legal force, and to supplement the Preamble, strengthening the requirement to promote patriotism in Latvian society: "Patriotism and loyalty to Latvia, the Latvian language as the only official

⁴⁴ Latvijas Republikas Satversme [The Constitution of the Republic of Latvia] (15.02.1922). Latvijas Vēstnesis, No. 43, 01.07.1993; Grozījumi Latvijas Republikas Satversmē [Amendments to the Constitution of the Republic of Latvia] (19.06.2014). Latvijas Vēstnesis, No. 131, 08.07.2014.

⁴⁵ Valsts policijas ētikas kodekss [Code of Ethics of the State Police], Section 11.7 (05.02.2020). Available: <https://www.vp.gov.lv/lv/media/715/download> [last viewed 04.02.2024].

⁴⁶ Treļš, Ē. Valsts policijas darbinieka profesionālās ētikas pamatprincipi [Basic Principles of the Professional Ethics of State Police Officers]. Socrates: Rīga Stradiņš University Faculty of Law Electronic Scientific Journal of Law, 3(18), 2020, p. 110. Available: <https://doi.org/10.25143/socr.18.2020.3.097-113> [last viewed 04.02.2024].

⁴⁷ Valsts pārvaldes vērtības un ētikas pamatprincipi [Values of State Administration and Fundamental Principles of Ethics]. Cabinet of Ministers Recommendation No. 1 of 21.11.2018. Latvijas Vēstnesis, No. 235, 29.11.2018.

language, freedom, equality, solidarity, justice, honesty, work ethic and family are the foundations of a cohesive society”.

3. The State, homeland and humans

Analysing the aforementioned opinions of scientists, regulatory framework and other available information, it can be concluded that, although several authors highlight the features characterizing patriotism, they do not provide clear boundaries for this term. The main aspect that the authors of the article would like to emphasize in this regard is that when studying the concept and content of patriotism, one should delineate the love of the homeland (fatherland), i.e. patriotism as such, from loyalty to the state (state administration). At the same time, it must be recognized that these concepts are closely related: independence, sovereignty, democracy and territorial indivisibility allow Latvian patriots to freely express their feelings towards their homeland, their fatherland. For professor Robert Jensen, patriotism is an “expression of commitment to a set of basic democratic ideals, which typically include liberty, justice, and (sometimes) equality”.⁴⁸ For Associate Professor M. Victoria Costa, in turn, “philosophical accounts of patriotism describe it as either (a) a type of love for country or (b) a type of loyalty to country. [...] there are two different approaches, one focused on feelings and the other on actions and dispositions to act. [...] the two views, which might initially seem quite distinct, overlap very considerably and differ perhaps only in emphasis.”⁴⁹

Patriotism is the love for one’s homeland. It is a personal feeling, a personal experience of an individual. The homeland is not the state or the authority. The homeland is the territory within which the roots of one’s life are entrenched.

The Ombudsman of the Republic of Latvia notes that patriotism cannot be facilitated by coercive means, imposing an obligation to engage in active behaviour to commemorate events of historical importance.⁵⁰ Such obligation could in no way consolidate the democratic structure of the state by functioning as a coercive or repressive mechanism.

In addition to the above, the authors emphasize the role of the State in ensuring the voluntary acquisition of patriotic education. For an individual, it is an opportunity rather than an obligation. The State, in turn, should serve the people. Patriotism grows out of freedom, out of the human rights and fundamental freedoms of individuals or groups, out of prosperity and well-being, out of love for one’s neighbour, and it is the duty of the State to make every effort to achieve the highest possible standard of living for every person who inhabits the given state.

Patriotism is not only an emotional element of connection, but also a particular way of life that influences an individual’s beliefs, actions and choices. Patriotism takes many forms, from individual to collective ones, manifesting itself in civic activities, such as voting in *Saeima* and local government elections, involvement in public work, participation in local community events and several other activities. In this way, patriotism promotes unity and solidarity in society. Patriotism mobilizes people to defend their country’s interests by participating in economic development, security

⁴⁸ Jensen, R. Patriotism Is a Bad Idea at a Dangerous Time. In: Westheimer, J. (ed.). *Pledging Allegiance: The Politics of Patriotism in America’s Schools*. New York: Teachers College Press, 2007, p. 75.

⁴⁹ Costa, M. V. Patriotism and Civic Virtue. In: *Sardoc, M. (ed.). Handbook of Patriotism*. Berlin: Springer Nature, 2020, pp. 214–215.

⁵⁰ Judgement of the Constitutional Court of the Republic of Latvia of 2 July 2015 in case No. 2015-01-01. *Latvijas Vēstnesis*, No. 129, 06.07.2015.

and environmental protection. At the same time, patriotism can be deeply personal, involving love for one's homeland, its history and culture, as well as one's fellow men. Patriots as a group are united and simultaneously divided by several criteria. It is belonging to a certain culture, faith, language, following certain traditions, and other criteria resulting from persons belonging to a certain social group. Although the aforementioned criteria are important, they are by no means decisive in order to prevent a person from considering himself a patriot of a particular country. For example, belonging to a certain nationality will not necessarily be a characteristic of a patriot. A frequently heard question in the context of military action is: Are the Russians living in Latvia patriots of Latvia?

The authors express their belief that the concept of "patriotism" is not delineated by belonging to a certain nationality. In this regard, it would be useful to remember important historical events for Latvia. In the context of restoring Latvia's national independence, the issue of patriotism is especially relevant. Remembering the events of August 1991 in Riga, Ziedonis Čevērs, a witness and active participant of the events of that time, described the connection of patriotism with nationality, as follows: "You cannot say that love for the country of Latvia at that time was determined by the nationality of a person. There were also Latvians who continued to disbelieve in Latvia's independence and were not patriots at all, but there were enough foreigners who were Latvian patriots."⁵¹

In this context, one should remember the words of professor Emile Durkheim: "Great social disturbances and great popular wars rouse collective sentiments, stimulate partisan spirit and patriotism, political and national faith, alike, and concentrating activity toward a single end, at least temporarily cause a stronger integration of society... As they force men to close ranks and confront the common danger, the individual thinks less of himself and more of the common cause."⁵²

As times have changed, so has the situation in our country. Adverse historical events have influenced such phenomena as hatred, intolerance, prejudice and stereotypes.⁵³ In this context, the authors have to agree with Archbishop Jānis Vanags of the Evangelical Lutheran Church of Latvia, who said in one of the services: "Sometimes it seems that the only patriotism we are still capable of is not seeing foreigners".⁵⁴

Thus, in the opinion of the authors of the article, it would not be correct to associate "patriotism" solely with belonging to a certain nation, linguistic group (for example, Latvian speakers), citizenship, home country, faith, to link it only with a certain origin, language, culture, or otherwise limit the expressions of patriotism of individuals.

⁵¹ Vahers, J., Bērziņa, I. Lūzums. No milicijas līdz policijai [Breaking point. From militia to police]. Riga: Nordik, 2006, p. 165.

⁵² Durkheim, E. Suicide. In: Emile Durkheim: Sociologist of Modernity. Emirbayer, M. (ed.). Malden: Blackwell Publishing, 2003, p. 38.

⁵³ See: Treļš, Ē. Kriminālatbildība par reliģiskā naida vai nesaticības izraisīšanu [Criminalisation of incitement to religious hatred or hatred]. Socrates: Riga Stradiņš University Faculty of Law Electronic Scientific Journal of Law, 1(7), 2017, p. 9.

⁵⁴ Dieva valstība ir jūsos. Arhibīskapa uzruna 18. novembra ekumeniskajā dievkalpojumā [The Kingdom of God is within you. Archbishop's address at the ecumenical service on 18 November]. (18.11.2010). Available: http://lelb.lv/lv/?ct=lelb_zinjas&fu=read&id=1087 [last viewed 04.02.2024].

Summary

Finally, the authors put forward the following theses in the form of conclusions and proposals:

1. The term “patriotism” is not explained in Latvian regulatory acts. The substantive fulfilment of this term is possible using theoretical/doctrinal knowledge, as well as methods of interpretation of legal norms.
2. In the regulatory acts of Latvia, patriotism is corroborated in the legal regulation of education and youth, simultaneously presenting a series of loopholes in connection with patriotic education and patriotism in areas such as state administration, national security, etc.
3. Although the term “patriotism” is not directly mentioned in the laws governing citizenship, civil service, National Armed Forces, etc., certain signs of patriotism can be seen in these laws. For example, trust or loyalty to the Republic of Latvia. Often, this is related to the obligation to take an oath, to comply with the provisions of regulatory acts, as well as ethical codes.
4. It is not correct to associate the term “patriotism” solely with belonging to a certain nation, linguistic group, citizenship, etc., and also to limit the expressions of patriotism of various persons, observing some special characteristic of individuals that does not correspond to the majority’s ideas about the expressions of patriotism.

In general, it should be noted that the Republic of Latvia has neither defined the term “patriotism” in its regulatory acts and policy planning documents, nor has it clearly formulated its approach to the systemic development of patriotism and patriotic education, thoroughly comprising the Latvian society. However, it is precisely patriotism that is a crucial element in shaping our national identity.

To address the identified issues, it would be appropriate to amend the Preamble of the Constitution (*Satversme*) of the Republic of Latvia and supplement the second sentence of the fifth paragraph with the word “patriotism”: Patriotism and loyalty to Latvia, the Latvian language as the only official language, freedom, equality, solidarity, justice, honesty, work ethic and family are the foundations of a cohesive society.

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