

ETHNICITY

Ethnic Identities and National State

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tributed to by the displacement of local Germans, the manipulation of local industry, and the subsequent liquidation of industry, such that not even the new settlers from inland Bohemia and Slovakia, Volhynian Czechs, or Slovak and Czech reemigrants from other countries managed to overcome.

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Discussion

THE ISSUE OF VALUES IN THE PREAMBLE TO THE SATVERSME (CONSTITUTION) OF THE REPUBLIC OF LATVIA

The journal "Ethnicity" publishes the material of the scientific seminar held at the Institute of Philosophy and Sociology, University of Latvia on March 12, 2014 and which is devoted to the analysis of ethnic, ethnic-cultural and ethnic-religious aspects contained in the project for the preamble to the Constitution of Latvia (Satversme). The seminar material contains the participants' address to the Speaker of the Saeima of the Republic of Latvia, Solvita Āboltiņa, and the Chairman of the Legal Affairs Committee of the Saeima of the Republic of Latvia, Ilma Čepāne, which was compiled by M. Kūle, Director of the Institute, Member of the Academy of Sciences on behalf of the seminar participants, as well as reports of the seminar participants.

The Address by the Members of the Institute of Philosophy and Sociology, University of Latvia to the Speaker of the Saeima of the Republic of Latvia, S. Āboltiņa, and the Chairman of the Legal Affairs Committee of the Saeima of the Republic of Latvia, I. Čepāne.

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Nr. March 18, 2014

**Dear Speaker of the Saeima of the Republic of Latvia, S. Āboltiņa,
Dear Chairman of the Legal Affairs Committee of the Saeima of the
Republic of Latvia, I. Čepāne,
Dear Members of the Saeima!**

We, specialists in the Humanitarian and Social sciences, experts, doctors of science, professors, researchers and post-doctorate students believe that at such a crucial moment the state of Latvia has to consider scientists' opinions about the project for the preamble to the Constitution of Latvia.

Scientists of the Institute of Philosophy and Sociology, University of Latvia (LU FSI) at the State Research Centre, in Riga, Kalpaka blvd. 4 on March 12, 2014 organized the scientific seminar "The Issue of Values in the Project for the Preamble to the Satversme of the Republic of Latvia" which was devoted to the Saeima's initiative to adopt the preamble to the Satversme.

Prof. Maija Kūle, Prof. Igors Šuvajevs, Dr. Sc. Soc. Dagmara Le Galla, Dr. Hist., D. h. c. Leo Dribins, Prof. Rihards Kūlis, As. Prof. Māra Kiope, Dr. Hist. Inese Runce, Dr. Sc. Soc. Vladislavs Volkovs participated in the seminar with their reports. Dr. Phil. Ella Buceniece, Dr. Hist. Kaspars Zellis participated with the co-reports, Dr. Phil. Solveiga Krūmiņa-Koņkova, Dr. Phil. Kārlis Vērpe, post-doctoral students Elvira Šimfa, Igors Gubenko, Māris Kūlis, Mg. Sc. Soc. Aleksandrs Aleksandrovš, Mg. chem. Vallija Rone participated in the debates. The seminar was also attended by several other people interested in the issue. Having listened to the reports and participated in the discussions, the seminar participants concluded that in general they approve the adoption of the preamble to the Satversme at the Saeima.

Analysing a newer version of the preamble project, the scientists (L. Dribins, I. Šuvajevs, E. Šimfa) introduced the audience to the preambles of other states (Germany, Italy). It was noted (K. Zellis, I. Gubenko) that the project initiated debates over the vital issues of the development of the state and society within the civil society and among scientists.

It was noted in the reports (M. Kūle, L. Dribins, I. Šuvajevs, R. Kūlis D. Le Galla, etc.) that in some parts of the society there is no understanding of this type of document and there is no belief in its importance. There is a common misunderstanding of the content of the philosophical and political concepts used in the project, concepts are interpreted in various ways, including the concept "state nation" ("valstsnācija"). The participants of LU FSI seminar pointed out (L. Dribins, M. Kūle, V. Volkovs, V. Rone) that the

elaboration of the concept and term "state nation" ("valstsnācija") had already started in the scientific environment in the middle of 1990s when the Institute's scientists published the book "Civic Awareness" and organized international conferences. However, the understanding of this concept has not been approved. So the seminar participants supported non-inclusion of the concept "state nation" ("valstsnācija") into the preamble as it causes discrepancies.

All seminar scientists admitted that up to now the issues on the role of Satversme, nation formation, culture and identity forming values, etc. have not been paid due attention in the society as well as in the education system starting from secondary to university level. Therefore, it is necessary to promote the acquisition of philosophy within the system of general and higher education. A range of issues which modern society is interested in should also be included in philosophical education which is a basis for general educational and humanity subjects, which was proved by the debates on the project for the preamble to the Satversme.

It was noted at the seminar (I. Runce, M. Kiope) that the concept "Christian values" ("kristīgas vērtības") requires more explanations in the public opinion. Some of the seminar participants (I. Runce) supposed that the description "European Christian culture" which also involves values is easier to understand.

Speaking about the issue of the folk wisdom ("dzīvesziņa") the scientists indicated (I. Runce, S. Krūmiņa-Koņkova, M. Kūle) that this description is rooted in Dievturība (in Brastiņš works), so the given definition is already more comprehensive "... Latvian national traditions were formed" without mentioning the folk wisdom ("dzīvesziņa").

If in the project for the Preamble to the Satversme the definition "ethnic minority rights" is replaced by "minority rights", it is not acceptable and the scientists recommended to more precisely describe the ethnic minority rights, which is strongly emphasised in the Preamble. Ethnic minorities are also a state forming factor covered by Article 114 of the Satversme. The scientists (V. Volkovs, etc.) asked to draw attention to not introducing the interpretation of ethnic minority rights as something more than human rights. This is extremely important as the understanding of Article 114 of the Satversme does not recognize "ethnic community's" claims for special rights.

The definition "everyone cares for themselves up to their abilities" created some speculation at the seminar (I. Šuvajevs, E. Buceniece, M. Kiope), asking if it hides the apology of egoistic and selfish attitude, and if there is a risk to approve de jure the social inequality which can be observed in

modern Latvia. The scientists came to a conclusion (R. Kūlis, E. Buceniece, D. Le Galla, etc.) that it is crucial to emphasise the idea of “the common good” (“kopējo labumu”).

As it was reported by the press, some LU experts (S. Lasmane, etc.), who participated in the sitting of the Saeima’s Legal Affairs Committee on March 10, 2014 resolved to exclude the abstract “Our identity in the European culture environment was specifically formed by Latvian national traditions...” but to leave it in the comments to the Satversme. Several seminar participants (E. Buceniece, etc.) stated that the given abstract can be also rephrased in the following way: “Latvian all-inclusive identity is formed by Latvian national traditions, Latvian language, Latvian parallel, in other words other nations’ cultural values and personalities, universal human, liberal and Christian cultural values”. Although, it was not supported unanimously by all seminar participants.

It is difficult to agree with this (M. Kūle) because in this case the part about basic social values which, notwithstanding the fact that a number of listed values is limited (the opinions on this differ), provides a view on the life-asserting settings of the Preamble, is lost.

The seminar participants called on the Saeima and Government not to neglect humanities and social sciences, asked to call on the Ministry of Education and Science and the Cabinet of Ministers not to delay the opening of the programme of state research for a new stage of development and education of the society, as the course of discussion of the project for the Preamble indicates a low level of awareness of the society’s biggest part when the issues of philosophy and statehood are concerned. This situation should be urgently changed in favour of developing good reasoning and critical thinking, in order to change a wide-spread cynical and nihilistic approach, and therefore to contribute to the development of the ability of philosophical abstraction which is required for the understanding of this type of the state basic documents.

We wish you all success in the process of adoption of the preamble to the Satversme of the Republic of Latvia!

On behalf of the Institute of Philosophy and Sociology, University of Latvia

Director,
Dr. Habil. Phil., Professor, Member of the Academy of Science

Maija Kūle

Maija Kūle. The necessity for the Preamble is objective and has cultural and historical perspectives. The Preamble is supported and it would be sad if it was not adopted. This would just confirm the ability of mass media to fool people making use of the situation when in the public environment it is possible to proclaim anything. For example, using post-modernist and obsolete methodologies to state that there is no nation but there are only constructs (as K. Sedlinieks opposes the Preamble), or using propagandist clichés (that the Preamble creates a pre-holocaust situation as V. Procevska objects), etc.

I believe that the Preamble possesses an educational and value stabilizing meaning, its ideas should be incorporated into the system of youth and life-long education, culture and science policies.

From the philosophical viewpoint I agree that the values should be defined in the Preamble. Values are the characteristic features of things and processes which are vital for human lives; they are bearers of life settings. Values cannot be invented, they are self-consistent and they do not depend on wishes or interests of any social groups or individuals.

Unfortunately, in Latvia the study on values is not incorporated into any study courses, the issue of values is not being discussed in the press, which can be considered as a weak point at the present time.

Joining the European Union proves that Latvia relies on the modern European values. The basic European values and assumptions are human rights and solidarity, democracy, rights, sexual equality, freedom, religious tolerance, science, and values related to social modernization. In modern Europe the priorities are being shifted from the economic progress as an ultimate goal to welfare and quality of life. It is important to understand, that in Western Europe completing the industrialization stage, the values are being shifted from the values of survival to the values of free individual self-expression which, unfortunately, are under the strong influence of consumerism ideas.

Values which promoted the development of the Latvians in a wide sense can be characterized as cultural values from which emerged social values - justice, law, social freedom, as well as political values which first of all meant the right to national self-identification – to establish their own state as a politically and internationally recognized value.

The ultimate purpose of the Latvian state as it is stated in the project to the Preamble is “the existence and development of the Latvian nation, language and culture through the ages, and to ensure the freedom and welfare of the nation and every individual thereof”. Only progress antagonists can see here a suppression of some ethnic groups or minorities, which is not

the case, as the ultimate goal is welfare of every individual thereof and the Latvian nation in general.

The basic values proclaimed in the UNO Universal Declaration of Human Rights which are already included in the Satversme of Latvia are crucial. Alongside the life as a main value, liberty and dignity are mentioned. Life, liberty, private property, law, refer to individual as well as socially significant values; the right to criticism and stagnation taking over if the development values are not provided.

It is evident that it is not possible to enlist hundreds of values in the Preamble that is why it is necessary to observe that the most significant values from every group – cultural, social, political values – would be included.

Liberty should be included as it is a European as well as a Latvian nation value, which is demonstrated undeniably by history, liberty unites individual with social, cultural with an existential dimension.

Justice is one of the basic social and moral values, and, particularly, in Latvia it should be emphasized.

Solidarity should be considered, specifically emphasizing the modern multinational situation in Latvia, when there are concerns that the Preamble in some way could ensure a priority situation for welfare of the Latvians [which is not the case at all], it is necessary to put a special emphasis on the unity and solidarity of the people of Latvia, in other words, solidarity with national minorities, thus providing them with the possibility for development in Latvia and Europe.

There are discussions about life settings of the Latvians and Christian values. Discussing the Preamble it is often mixed up that in the project speaking about these values not the Present tense is used but the Past tense, as they are referred to as the values which were created historically. In relation to the Latvian history it is conclusive evidence. Speaking about life settings, they should be cleared out from ideologization, vulgarization and turning them into a tourist product. “Traditional culture of the Latvians” would probably be a better description.

A reference to Christian values should not be interpreted as an obligation to become religious, which is not assumed, but as a reference to the bases of our civilization which are displayed even in unconscious forms. Everybody knows that the basic values of the European civilization are created by Ancient Greek philosophy, Roman law and Christianity. Christianity as a basis possesses many dimensions: the ability to unite faith with mind, and to promote the development of rationalism, modernization introduced by Protestantism promoting a national language and the development of an individual risk of capitalism, managed to preserve a moral

base, which is actively supported by the Church in Latvia. I believe that the reference to Christian values denotes the civilization, the basis for origin and development which Latvia belongs to.

From the philosophical viewpoint I can come to a conclusion that it is important to refer to values in the Preamble, there should not be hundreds of them, but the ones selected are emphasized. I do not agree with the opinion expressed by S. Lasmane at the sitting of the Legal Affairs Committee of the Saeima on March 10, 2014 that paragraph 4 on values should be excluded and mentioned in the comments to the Preamble.

Speaking about values, it should be taken into account that scientists – humanists, teachers and politicians will have to work harder in order to introduce the idea of values into the society and the system of education. It is impossible to write down values and after that not to discuss, teach, or follow them. A rise in the importance of philosophical education at all levels of education is a pathway to a comprehensive understanding of the values stated in the Preamble.

Dagmara Beitnere-Le Galla. The preamble to the Satversme of Latvia is a belated timeliness, as our neighbour states – Estonia and Lithuania – expanded their main law after they regained their independence in the beginning of the 1990s realising that the destinies of the Baltic states in the 20th century required some specification of their main law. If we look at old democracies we can see that the main laws of the states are expanded, with preambles as well. For example, the Constitution of France has the Preamble which was expanded several times (in 1949, 1958, 2005). The German Constitution of 1949 was amended in 1990. Every time recording the changes which affected the society, the third Preamble to the French Constitution makes records of attitudes and responsibilities towards nature, environment and ecological issues.

A preamble is the essence of the Satversme which is used at schools. A latent function of an education system is to bring up a political integrity in the future members of a society. State constitutions are bulky juridical documents which average citizens are not supposed to learn by heart, that is why the essence of the main document children are taught at basic school, thus creating the awareness of belonging to the state. It is evident that states in Europe differ in their constitutional identity. A passport in the pocket does not ensure the awareness of belonging to the state. The awareness of belonging is more likely formed by the understanding of the state's history and the emotional belonging to it.

The Preamble to the Satversme proposed by Egils Levits is a compre-

hensive and serious text which includes the essence of our state's Satversme. The Preamble to the Satversme of Latvia is a challenge to any citizen to think over and view themselves and their attitude to the definition of the most significant basic document for Latvia. Globalism forms a person of a new epoch who feels at home anywhere in the world, but when problems arise we can see that a citizen seeks for help and support at their state. Democracy is also active within the state and the national identity motivates a person to act in favour of the state.

Ethnic minorities and their rights which are protected by law are specified in the Satversme. This norm logically proves the existence of the state nation, since if ethnic minorities are mentioned in the Satversme, therefore there is the state nation which is responsible for these ethnic minorities.

The ethnic minority policy in Latvia has always been one of the most tolerant in Europe at all stages of the state independence. The proposed Preamble does not offend ethnic minorities but it enhances the state awareness of the basic nation. It is necessary to remember that Latvianness has always been available for those who came to live here and adopt the Latvian language and culture. Comprehending the historical nature of the Latvian state, it can be admitted that Latvia is a state of Latvian nation, and this arch-principle is a basic postulate of the Latvian state, a basis for its existence.

It is not that important if the concept of state nation is included into the last version of the Preamble, but it is crucial that the understanding of state nation would be Latvian in itself.

The Preamble points at the values which could unite the society. However, in the proposed version several nation forming values in the past and values which unite in the present are excluded. The background of historic values provokes discussion in the society and impedes the integration. But the outcomes of these discussions can help the state nation to consolidate the self-understanding – who are we? If we are not the state nation, then who are we? Discussions can encourage self-awareness, as the previous research shows that a weak state awareness of a Latvian is an obstacle to other nations to acquire the awareness of belonging to the Latvian state.

I would like to emphasize the participation of the intellectual elite in the debate on the Preamble and their attitude towards it. The state can exist if it has powerful intellectual elite who can identify and remind the society of the principles of the state awareness. The majority of the society lives with an everyday awareness, that is why the purpose of the intellectual elite is not to polish the version of the Preamble but realising the effects of a demographic occupation to create and transmit ideas which are not always

included in the regulatory state documents.

In the last version of the Preamble the definition of the minority rights is ambiguous. What does it mean? Is it a new understanding of democracy? If the ethnic minority rights are implied then yes, but the definition minority rights can generate unwelcome legal precedents in the future.

Finally, discussions on the Preamble are the way to overcome a post-colonial syndrome, and not only for the Latvian nation who should regain its self-awareness but it is also time for thought for the bearers of the colonial dominion mentality.

The Preamble text has been created involving many social groups. Anybody interested in expressing their opinions on this issue could propose their version of the Preamble. Then versions were summarised and written down by one person – Egils Levits. The same as the Preamble to the Swiss Constitution was defined by a journalist. I think that the Preamble was rather widely discussed in the society.

Māra Kiope. I appreciate the aspects of Christianity in the Preamble to the Constitution. In the public environment debating on the fact that Article 4 of the Preamble to the Constitution indicates the Christian values as a Latvian identity forming factor, there is an opinion that the indication on these values contradicts the principle of separating the state and the Church established in the Republic of Latvia. It is necessary to state, that the above mentioned principle established in the Constitution is not violated by indication on the Christian values, as in the project of the Preamble speaking about “our identity in the European domain” it is important to admit that Christian values to a large extent formed this identity.

Moreover, they did it by means of national traditions into which they had integrated, realised and existed for hundreds of years. Latvian history of culture demonstrates the reciprocity of the Christian and the national in this way that the well-known traditional forms of culture were formed under the influence of Christianity, or to be more precise, they accepted and turned Christian values into the national forms of life. So the discussion about who adopted what from whom and how should it be recognized is just one more vain attempt to launch an invented opposition between the national and the Christian. For example, Gudenieku suiti, known as the outstanding keepers of the folk heritage, on Ligo day, i.e. the Baptist's Day vigil go to church wearing traditional clothes, carrying traditional wreaths, and singing religious songs. Haralds Biezais, Professor of Uppsala University, a world famous researcher of Indo-European religion, in his turn, points out that the opposition of the Christian and the national was developed by

the Dievturi movement in the 1930s of the 20th century who strived to think of a special Latvian religion as opposed the one which, according to them, was Jewish, after that, later, in the Soviet times Religion Studies continued to promote the artificial separation between the Christian and the national. In the 1990s of the 20th century at the time of Latvian National Awakening in order to chill the ones who were arguing about the opposition between the national and the Christian, a literary scholar V. Ancitis exclaimed in despair: "Tell me, which world – the Christian or the Latvian – does Kukažiņa belong to? And Bungatiņš? If one wanted to separate them, they would have been torn into two parts as they are to the full extent the one as well as the other". Besides that, it should be noted that based on the Christian values which were inspiring for the founders and defenders of the Latvian statehood, as well as in the statehood restoration, the Christian confessions also contributed to the national liberation movement. For example, the Catholic Church in postwar Latvia the same as in the beginning of the 20th century stood against the Russification in Latgale. The Latvian Baptists formed the main body of the group "Helsinki-86" in the beginning of the Latvian National Awakening movement. The Lutheran priests founded the underground organisation "Atdzimsana un atjaunotne". During the crucial time of January barricades and August coup in 1991, Catholic, Lutheran, Baptist, Russian Orthodox and Old Believer priests all together addressed the people of Latvia, encouraging some of them to sustain, appealing to others not to raise a hand against their brothers and sisters in Christ. That is why the issue of the place of Christian values in the Preamble is the issue of formation of historically Latvian identity in relation to the Christian civilization, and moreover, it is the issue of the future which is difficult to build without a transcendental aim in the society, which allows a person to raise above himself and which includes the Christian values. Notwithstanding the actuality which exists in our cultural consciousness in relation to the national and the Christian, for a number of reasons, including poor funding of science, more and more often a large number of materials are neither being summarised, nor the general reflection on this issue is being carried out. That is why at the moment we find ourselves in a situation when in Article 4 of the Preamble the lack of scientific research and developed discourse is reflected, as "the folk traditions of Latvians, the Latvian folk wisdom, universal human and Christian values" are levelled as identity forming. The problem is that no one has suggested any definition of folk wisdom ("dzīvesziņa"). Quite a lot of people admit that folk wisdom ("dzīvesziņa") is a definition of the traditional folk culture, which raises the question why are "the folk traditions of Latvians" being separated? If we take into ac-

count the viewpoint of religion theorists that folk wisdom ("dzīvesziņa") is a concept of the national religion of Dievturi, then we can ask why we should use a specific concept of a religious national-romantic movement of the 20th century in the Preamble to the Satversme in the beginning of the 21st century. That is why to confine to the words that the identity "... has been significantly defined especially in the interaction between the values of traditional folk heritage and Christian values" would be a more rational solution.

When analyzing the Preamble to the Satversme into the perspective of Christian truth, it should be mentioned that in the initial version by E. Levits which was presented to a public consideration, in the text proposed to the Saeima committee, Article 5 says that "it is everyone's obligation up to one's abilities to take care of one's self and one's relatives, as well as the common good of society". The inclusion of the concept "the common good" ("kopējā labuma") in the Preamble is welcomed as it refers the Preamble to the Satversme of Latvia to a development of a European mindset. Nevertheless, I would like to invite the members of Parliament to think if it would be better to put it as the following "it is everyone's obligation to take care of the common good of society", as the words "up to one's abilities" amid the modern social reality in Latvia sound at least ambiguous, provoking speculation on the sharp differences in Latvian citizens' abilities "to take care of one's self and one's relatives". Those citizens who are closer to the leading political elite, in the majority's opinion, possess wider abilities to take care of one's self and one's relatives.

Obviously, from the Christian viewpoint, for the sake of precision, "a natural family created in marriage by a man and woman" should be emphasized in the Preamble as a fundamental basis of society.

It should be specified that the personalistics anthropology typical of Western culture should be placed in the Preamble to the Satversme, if it is so extensive as compared to the Constitution of Germany, as the integration of values into the text. It means that it is not necessary to enumerate the basic values "freedom, honesty, fairness, solidarity, equality", as the list of specified values should be more profoundly discussed in the scientific environment. But taking into account that after the years of Soviet totalitarianism the most important thing is forgotten still, it would be necessary to say in the text that the fundamental value is a human personality and respect to it. It would be an indication of the care, as a real constitutional responsibility (if we use Martin Heidegger's existential concept) for formation of the community worthy of respect of a human personality in the Latvian state, keeping in mind that a person is created after the image and

likeness of God, and as consistent with this respect, to take care of oneself and one's relatives, that is every person, first of all, of one's nuclear family. Speaking about the values it is possible to add that Latvian identity can be expressed by the words aligned with the encyclical *Evangelium Vitae* by Pope John Paul II for reflection, Latvia could be perceived as the land of vital culture, because we survived war terrors and deportations, historically we have made so many sacrifices that we know what the price of life is.

Finally, the Christian dimension of our identity should be expressed in the Preamble in a reasonable and balanced definition of relations between Latvians and ethnic groups residing in Latvia, evaluating how the ethnic minority's participation could be additionally identified from the viewpoint of formation of the state, for example, saying that it is one of the state forming factors or something like that. However, this is already within the competence of the colleagues - historians and researchers on national identity.

Igors Šuvajevs. Some points have to be summarized and shortened anyway. There are some speculations which refer to Levits' proposal (Jurista Vārdi. 2013. No. 39) where there is the text, comments and interview. Transformations and development are not considered. The proposed viewpoints – "private, scientific, legal and philosophical". I doubt in private as there is an immediate reference to positions in the public environment. Scientific – we shall see. Legal and philosophical – are not necessary.

1) self-comprehension has been lost. I doubt whether the Preamble would help. One can find oneself in a situation – I know what. I don't know what is 2x2; I was told. Now I know but it is not clear in itself, if I do not know everything about numbers and operations.

2) a scientific character. What about the arguments? Everybody strives for the good ... there cannot be any objections to the Preamble. Or, if consolidation has not happened, it is the fault of those who have not consolidated. This is not the way to run a scientific discussion.

3) the most significant is: purpose, tasks, identity, specific values. This is also precise and clear.

What threatens? In my opinion the biggest threat is self-fooling and self-threat. "The apparent identity problem" - then we need to address the specialists who deal with the issue of alienation. This is not the purpose but above-purpose; and this is: Latvian nation, language and culture, and welfare. There is no task; the Preamble is not the place where identity is defined. I will dwell upon the specific values later.

4) the proposal reminds one of historic Russia, where they issued laws not meant for implementation and observation. Is this a similar case?

Some considerations. Take care of oneself. It sounds well from the philosophical viewpoint reminding Plato's concept of self-care. But there is a viewpoint that a model of a bipolitical modern state is a concentration camp. In this context taking care of oneself possesses another meaning as well as care for one's relatives. Maybe that's enough? There are no precise concepts.

Folk wisdom – ? Christian values. What are they? Is it love for one's neighbours? Initially, it meant to turn to the love for God. We can recollect Dante's *De Monarchia* where he wrote about the separation between the state and Church. Modern values are formed against the Christianity and Church. What does it mean – family is a basic unit of society? Does it mean a comeback to Marxism-Leninism? What is a national state? It may have been like this in the end of the 19th century but not now. What is Latvians' land?

The mentioned values are: freedom, dignity, justice, solidarity. But the list could be extended...

Conclusion: Why the Preamble? What are the legal effects? Will it alienate the society even more? There is no precision, clarity and scientific character. The Preamble to the German Constitution as the opposition: it precisely states in just 3 sentences what should be said.

Solveiga Krūmiņa-Konkova. I belong to those who believe that the text of such a document as the Satversme or in our case – Satversme should not be re-written. I reckon that the "fathers" of our Satversme have already provided it with a brief but comprehensive Preamble which is the introduction to the Satversme: "The People of Latvia have adopted, through their freely elected Constitutional (Satversme) Assembly, the following Satversme" and the following general provisions. The expression "the people of Latvia" has not been selected randomly, as in the beginning of the foundation of the state of Latvia alongside the Latvians actively participated Baltic Germans, Russians, Poles, Lithuanians, Jews and representatives of other nations, and the state they founded was their state and they altogether were the people of Latvia. The newly created Preamble dramatically changes the initial directive of the Satversme, and the question is, if reading the new Preamble we will associate only Latvians with the people of Latvia, does it really enhance our identity and language? Will the citizens of Latvia for whom their belonging to their nation is important, be ready to approve of the new Preamble?

Vladislavs Volkovs. The issue on the Preamble to the Satversme is important as it involves conventional legal wordings as well as the ones which have so far been used only in scientific research and political vocabulary, for example, the concept “national state”. So, the Preamble claims for an extremely serious innovation. At the same time the considered project contains the following statement: “As a democratic, law-based, socially responsible and national state, Latvia is founded upon the dignity and freedom of its people, and it recognises and protects human rights, including the rights of ethnic minorities”. How to interpret the part referred to the rights of ethnic minorities? Are they part of universal human rights or not? Then we have to recognize them as a type of collective rights, the rights of communities. But the Latvian law is founded upon the recognition of individual human rights. Furthermore, the text of the Satversme itself (Article 114) states that “Persons who belong to minority nationalities have the right to maintain and develop their own language and ethnic and cultural originality”. The Satversme as well as the adopted Latvian laws (The Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups” (1991); “Education Law” (1998); “State Language Law” (1999); the Law on “Framework Convention for the Protection of National Minorities” (2005)), recognize explicitly the right of ethnic minorities to preservation of their identity as a demonstration of universal human rights. The term “ethnic minorities’ rights” suggested in the project for the Preamble virtually moved from the concept “human rights” allows at the same time a liberal as well as a communist interpretation.

Kaspars Zellis. I do not see any sense in the Preamble and I do not know if the aims proposed by the author could be implemented by adding these couple of sentences to the Satversme. In the first version of the Preamble there were many conceptual inaccuracies and too shallow an attitude towards historic facts. I expressed my doubts in the abstract which has been also published in “Jurista Vārds”. Does the latest version manage to overcome these drawbacks? I would say - partially!

Nevertheless, the Preamble initiated a number of serious and urgent, in my opinion, discussions in the academic sphere and in the society. Not all discussions were qualitative and consistent, but they were an excellent illustration of our ability or inability to discuss, to choose arguments, to refuse from ad hominid, etc. on the issues which we have opposing opinions about. Therefore, the debates about the Preamble encouraged the academic discussions as well as illustrated this discussion, and, possibly, even the quality of our academic environment.

On the opinions expressed during the discussion, it is not clear to me why we tried to get rid of the proposed modernist explanation of the nation. I would like to hear what would be proposed in return of Benedict Anderson’s or Anthony Smith’s theories not coming back to perennialism. I firmly believe that nation is a construction but not a natural/divine formation. Or cannot the construction be a value? I believe that it can! The question is how we are going to look at it – as a self-sufficient value and self-purpose, or we via this construction will try to achieve other goals – human rights, freedom, social equality, etc.

There were various opinions on appropriateness/inappropriateness of excluding the concept of state nation. It should be pointed out that leaving this concept unexplained might generate the inconsistency in understanding the Preamble. However, if the explanation which was proposed also by E. Levits in the course of discussions, was added to the Preamble, then many questions and sensitive issues in the Preamble would be withdrawn. In one of the discussions E. Levits compared his concept of state nation to a coin where one side is Latvians – a basic nation, but the other one – national minorities. If this concept was properly defined and included into the Preamble, I would not have any arguments. I believe that in this case the Preamble would acquire more significance – providing us with the opportunity to realise what is understood as Latvian nation at the level of politics.

The last argument is for/against Christian values. I do not think that this concept contradicts the idea of a secular state nor does it aim against religious freedom in any way, etc. I would recommend looking at this concept from the viewpoint of the theory of civilization or culture, which recognizes Christianity as a pillar for European civilization and culture. Is it necessary to validate the belonging to European culture and value domain by the Preamble with reference to Christian values? But this is another issue for consideration.

Igors Gubenko. I would like to pose a philosophical question concerning the text of the preamble, which is closely connected to the question of its juridical force and applicability. The question is as follows: can we consider the text of the preamble to be a series of constative statements describing observable facts? Or are the statements rather what John Langshaw Austin called ‘performatives’, namely, statements that produce certain effect and ‘do things’ rather than just describe facts? Sociologist Pierre Bourdieu famously discerned the performative force of official discourse in its symbolic power to produce the existence of what it enounces. According to

Bourdieu, juridical discourse is the exemplary case of such creative speech. By solemnly enouncing what it posits as true, such discourse produces and maintains an authoritative representation of the truthfulness of its enunciations. In other words, it compels its addressees to accept the facts it purports to describe as true and this regardless of the actual truth of the facts in question. Without intending to put in question the truth of the statements making up the preamble, I would like to draw attention to the problematic relation of the performativity of its statements to the performativity peculiar to the statements of positive law. While they seem to make up a single whole, the preamble and the Satversme itself represent two different discursive modalities. The text of the Satversme is genuinely performative – it literally creates the states of affairs it enounces (e.g. “Latvia is an independent democratic republic”). The text of the preamble on the other hand does not have quite the same normative force: the preamble is not strictly speaking a law. This makes the text of the preamble a particularly interesting case for analysis within the framework I have just sketched out: it purports to be a series of descriptive statements, while at the same time having certain performative effects peculiar to authoritative and especially legal discourse, which yet does not amount to the full normative force of law. During the public debate concerning the text of the preamble many of those on the defending side have been justifying the need for such a belated supplement to the Satversme by appealing to the need to clearly formulate the *raison d'être* (in terms of both cause and aim) of the state. The preamble of the constitution is definitely an appropriate place for making clear the causes and aims of the existence of the state. What must not be lost from view though is the fact that these reasons and aims are not always just facts in need of enunciation; they are often produced by the very performative act of enunciation, which in the case of the preamble is removed from the foundation of the Republic of Latvia for almost a century.

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