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A New Effect of the Constitutionalisation of the Democratic Traditions of the Romanian People: The Amendment of the Law on the Coat of Arms and the Seal of the State

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Abstract: *The enshrinement of the democratic traditions of the Romanian people in the Romanian Constitution, as a result of Decision No. 112/2001 of the Constitutional Court of Romania, had a first devolutionary consequence, namely the recognition of the Resolution of the Great National Assembly of Alba Iulia of 18 November/1 December 1918 as a source of Romanian constitutional law and, possibly, as a founding document of Romanian constitutionalism. A second effect, less accepted in our contemporary constitutional law, but also in Romanian society, is the amendment of the law on the state coat of arms and seal (Law No. 146/2016), whereby the Iron Crown of Romania was reinserted into the state coat of arms. The study will analyse the constitutional, historical and prospective meanings of this choice made by the Romanian legislator in terms of the need to re-legitimise the contemporary Romanian state through its democratic traditions.*

Keywords: *democratic traditions; Law No. 146/2016 amending Law No. 102/1992 on the coat of arms and seal of the state; devolutive effects; constitutional meanings.*

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Introduction

The enshrinement of the category of "democratic traditions of the Romanian people" in the Romanian Constitution, in the context of the 2003 revision, by praetorian means, produced a profound change in Romanian law, characterised as iusgenerative (Stănescu, 2016, 144), and its multiple meanings and manifestations in positive law are beginning to produce the expected normative and non-normative effects on the entire Romanian legal system (Dănişor, 2013, 120). Moreover, the devolutive nature of this new constitutional category gives it the vocation to remain open to further additions, either through a new documentary retrodiction assumed by the jurisprudence of the Constitutional Court of Romania, or through historical recoveries at the legislative level, which exceed the sphere of interpretation of the constitutional text.

Thus, the first major effect of the creation of this new constitutional category, with a multiple and combined epistemic nature, was the inclusion of the Resolution of the Great National Assembly of Alba Iulia of 18 November/1 December 1918 in the Romanian constitutional block and, implicitly, its recognition as a possible founding document of Romanian constitutionalism (Stănescu, 2016, 132).

Less noticed, however, is a second effect, which shifts the discussion from the documentary to the semiotic register and concerns the modification of the components of the country's coat of arms and the seal of the statute by Law No. 146/2016, a normative act by which the Iron Crown of Romania was reinserted into the composition of this national symbol.

This legislative act, which took place during the preparations for the centenary celebration of the Great Union, remained apparently peripheral from the perspective of classical constitutional doctrine, raising a problem of hermeneutics of the constitutionalism's, namely what are the semiotic and legal meanings of the resurrection of an "abolished" heraldic symbol and to what extent national symbols can be understood as an expression of the democratic traditions of the Romanian people, through their representative character.

The question gains substance in the context of the choices made by the Constituent Assembly in 1991. Although the republican form of government was declared unalterable, and the "monarchical issue" generated obvious political and symbolic anxieties, the Romanian Constitution did not enshrine the state coat of arms and seal at the level of constitutional law, leaving them to be regulated by organic law. This choice created a space for

normative mobility that later made it possible to reactivate a symbol with deep historical memory, associated with the establishment of the modern Romanian state and capable of bridging the fractures between the political regimes and forms of government that have succeeded one another to date. In this sense, the country's coat of arms does not appear as a simple ornament of the legal order, but as a symbolic language of statehood, whose interpretation requires recourse to the methodological tools of heraldic science, understood as a method of constitutional interpretation.

This study aims to analyse this process as an expression of a new effect of the constitutionalisation of the democratic traditions of the Romanian people, namely the shift of constitutional hermeneutics from political and public law documents, with founding potential for indigenous constitutionalism, to national symbols, which have become a formal constitutional tradition, through a devolutionary mechanism involving both constitutional jurisprudence and the restitutive will of the contemporary legislator, as well as the unexpected manifestation of the recessiveness of such a symbol, considered anachronistic until recently in the political history of Romania.

The origin and significance of the Steel Crown, as reconstructed from the specialist literature, become relevant insofar as they allow us to understand the continuity of the Romanian state beyond historical and political fractures, as well as the interference between national identity and constitutional identity. A comparative analysis with other states in Central and South-Eastern Europe, which have undergone similar processes of heraldic reactivation, will ultimately serve as a test of external validation and integration into a broader current of this approach, while also leading the discussion on the limits and vocation of an open constitutional category, susceptible to new documentary and symbolic substantiations.

National symbols as a formal constitutional tradition and elements of national identity

The enshrinement of national symbols in the country's fundamental law is a true formal constitutional tradition of Romanian constitutionalism, imposed since Romania's first Constitution in 1866. This tradition has been consistently manifested, regardless of the technical and legal manner of enshrinement, whether the symbols were explicitly named "symbols" or "insignia", whether they were listed in a separate title, or whether they were included in the title "General Provisions" of the fundamental law (Stănescu, 2024, 75).

The continuity of this normative option indicates that national symbols were not treated as mere decorative accessories of the constitutional order, but as structural elements of the official representation of the state.

In the order established by Article 12 of the Romanian Constitution, the national symbols are the Flag, the National Day, the National Anthem, the Coat of Arms and the Seal of the State. Of these, the coat of arms of the state is of particular importance, as it refers to a historical tradition and selectively incorporates heraldic elements and symbols of provinces, regions or cities, or even of dynasties that ruled in the past in the respective state (Balan, 2015, 114).

Therefore, the coat of arms fulfils a constitutional function of representing the state, concentrating historical and political meanings that are essential for articulating national and constitutional identity, beyond its purely formal role. According to Article 1(1) of Law No. 102/1992 on the country's coat of arms and state seal, Romania's coat of arms "symbolises the Romanian state as national, sovereign and independent, unitary and indivisible". It is noteworthy that, in its current form, the coat of arms is almost identical to the one that existed prior to 30 December 1947, This symbolic continuity therefore continues to serve as a reference point in shaping national identity, which is reflected both visually and formally in the place accorded to national symbols in the Romanian state's official documents and in the Romanian people's collective consciousness. This symbolic continuity therefore continues to serve as a reference point in shaping national identity, which is reflected both visually and formally in the place accorded to national symbols in the Romanian Constitution and in the concept of contemporary constitutional identity.

In this context, the analysis of the state coat of arms necessarily requires recourse to heraldic science, not as an exercise in erudition, but as a tool for deciphering national symbols in the constitutional order. Heraldry can be used here as an auxiliary method of interpretation, insofar as it allows the description of the structure of the emblem and the identification of the public meanings associated with its elements. Thus, as Dan Cernovodeanu points out, "heraldic science aims to understand the theoretical principles according to which a coat of arms can be drawn up with all its constituent elements – shield and external ornaments – as well as the history of its creation" (Cernovodeanu,1977, 113).

From this perspective, the interpretation of the coat of arms cannot be limited to a graphic inventory of its elements, but involves reconstructing their meanings and determining their importance in relation to the constitutional representation of the state. The coat of arms adopted by the Law of 23 June

1921 (Official Gazette No. 92 of 29 June 1921) and officially used between 1921 and 1947 is described in detail by Dan Cernovodeanu, which is why we briefly mention the azure shield with a golden eagle, crossed, crowned and with sovereign attributes (the sword in the dexter claw and the sceptre in the sinister claw) of the same metal, bearing on its chest a quartered shield in which the emblems of the country's historical regions are located in the four quarters, and in the triangle at the base of the shield the emblem of Dobrogea. The badge in the abyss also contained the quartered coat of arms of the Royal House, the shield with the eagle being stamped with the Steel Crown, supported by two golden lions, the collar of the Carol I Order and the motto "Nihil Sine Deo", all placed under a purple mantle, lined with ermine and stamped with a golden royal crown (Cernovodeanu, 1977, 163).

On a doctrinal level, the relationship between national identity and national constitutional identity requires semantic and conceptual clarification, without which the identity operator may remain fluid and the content of identity may be projected either from the outside or assumed from the inside.

Professor Manuel Guțan shows that national constitutional identity can be defined both extrinsically by European institutions, in particular by the Court of Justice of the European Union, through an objectifying grid oriented towards elements that are common and compatible with the integration process, and intrinsically by Member States, especially through their constitutional courts, in which case its meaning becomes plural and specific to each national constitutional order (Guțan, 2015). The importance of the distinction between national constitutional identity determined objectively, from an external perspective, and national constitutional identity assumed subjectively, from within the constitutional order, is of interest to us insofar as it directly influences the repertoire of elements that are likely to be perceived as essentially identity-related (Guțan, 2015, 175-176).

We consider that this clarification is directly relevant to the issue of national symbols enshrined in the Constitution. Although a positivist approach might tend to circumscribe the content of constitutional identity exclusively to the text of the fundamental law and the elements protected by the eternity clause, logically, the scope of its national elements is not exhausted in such formal enumerations, nor can it be reduced to an exhaustive list of principles, values or institutions. On the contrary, constitutional identity is in a continuous process of clarification and redefinition, fuelled both by the jurisprudence of constitutional courts and by meta-constitutional landmarks that give substance to the theory of the "living constitution" (Guțan, 2015, 175-176).

In this context, state symbols can function as elements of a distinct constitutional identity, not through simple formal enshrinement, but through their ability to express and mediate the historical, political and cultural continuities of a nation. The distinctions made by Manuel Guţan in his interpretation of Article 4(2) TEU are relevant not only for delimiting the relationship between national identity and constitutional identity, but also for understanding the status of national symbols in the constitutional order. The semantic opposition between national identity "inherent" in the fundamental structures of the constitutional order and national identity "expressed" through them refers to two distinct ways of relating to the constitution. The semantic opposition between national identity "inherent" to the fundamental structures of the constitutional order and national identity "expressed" through them refers to two distinct ways of relating to the constitution: either as a constitutive source of national identity or as a legal expression of a pre-existing identity. Acceptance of the second hypothesis leads, in an expressive manner, to the idea that the history, culture, traditions and symbolic language of a political community precede and underpin its constitutional identity, without being exhausted by it (Guţan, 2015, 5).

This conclusion allows the analysis to shift from the constitutional text as the sole identity reference point to elements that express national identity in a broader sense, including symbolically. As Professor Andrei Marga points out, national identity is not a "pure identity", fixed or suspended in time, but a concrete identity, resulting from an uninterrupted historical dynamic, characterised by moments of reduction and reaffirmation, selection and re-signification. Identity is not to be confused with the signs that express it, but neither can it be separated from them, since the difference between object and sign is constitutive of the very logic of identity (Marga, 2018, 123).

Applied to state symbols, this reading grid allows them to be understood as structures of national identity and not just as simple products of a circumstantial constitutional choice. National symbols – and especially the country's coat of arms – operate in a different register from that of contingent constitutional norms precisely because they express historical and political continuities that are not entirely dependent on the constitutional architecture of a given moment. Their capacity to be reduced, suspended or reaffirmed in different historical contexts does not invalidate their identity function, but rather confirms it, insofar as national identity itself is constituted through such processes of representation and symbolic repetition.

In this sense, state symbols cannot be viewed exclusively as elements of formalised constitutional identity, but as forms of representation of national identity in a historical sense, capable of traversing constitutional discontinuities and conjunctural institutional reconfigurations.

This function explains why symbols can, under certain conditions, become relevant to a constitutional analysis that goes beyond the strict exegesis of the fundamental text and opens the discussion on their inclusion in a constitutional category with a dynamic vocation, such as that of the democratic traditions of the Romanian people.

The content of the constitutional category of the democratic traditions of the Romanian people – from documentary retrojection to non-documentary forms of democratic representation

In constitutional doctrine, the concept of "democratic traditions of the Romanian people" has been defined as a set of ideas, concepts, customs, attitudes and behaviours regarding political acts, events and government decisions from the relatively distant past of a people, which retain their relevance and ability to determine and inspire corresponding political actions in the present (Ionescu, 2019, 823).

The operation of expanding the sphere of official acts from which the democratic traditions of the Romanian people can be derived, which the Constitutional Court carried out by invoking, among other things, the Resolution of the National Assembly of Alba Iulia of 1 December 1918, is not an isolated or circumstantial gesture, but is part of an authentic tradition of Romanian political and legal thought. In fact, this practice can be understood as a genuine revival of a national political tradition inaugurated – in the words of historian Gheorghe I. Brătianu — by the "discovery of the Kuciuk-Kainargi generation" of the "old tracts" of the Romanians, namely by the recovery of acts and documents considered relevant to the affirmation of the rights and political continuity of the nation. In this sense, the Constitutional Court did not invent a new way of relating to the historical past, but rather formalised through case law a pre-existing intellectual practice, which it transformed into a constitutional mechanism for the ontological validation of the present, especially in times of crisis of legitimacy "when the political and social edifice seems to be crumbling," in the words of Paul Cornea (Stănescu, 2016, 136).

Thus, tradition, as explained by the Larousse Dictionary of Sociology, represents "everything that comes to us from the past: objects, monuments, beliefs, practices and institutions". At the same time, this term does not simply refer to static repetition, but also to the value that present

generations attach to the heritage of past generations, which constitutes tradition. No society could survive without adapting the objects, beliefs or models transmitted from the past to present realities. This transmission triggers the reinterpretation of traditions by each generation. (Capcelea, 2011, 16).

Starting from the sociological understanding of tradition, the genuine democratic traditions of the Romanian people cannot be conceived as a simple accumulation, even if selective, of political and legal documents. The retroactive interpretation practised by the Constitutional Court of Romania does not discover tradition as an inert given, but produces it interpretatively, through the current reassumption of political promises made in the past. The concept of the democratic traditions of the Romanian people is therefore not just a repository of texts, but an active process of assigning meanings through which the past is constantly reactivated in order to legitimise the constitutional present.

This observation requires us to move beyond a reductive understanding of tradition, limited to written acts or institutionalised forms. In the sense retained by the Larousse Dictionary of Sociology, tradition encompasses not only documents and institutions, but also objects, monuments, practices and beliefs, that is, all the forms through which a community preserves and reinterprets its historical experience (Capcelea, 2011, 16) and to which an entire society refers over several generations (Ionescu, 2019, 823). Tradition is not transmitted mechanically, but is the result of the value that each generation attaches to the heritage it has received, through a process of selection, reinterpretation and reassumption. Applied to the democratic traditions of the Romanian people, this definition shows that the documentary dimension is only one of the possible forms of materialisation of a collective will expressed in democratic ways and contexts.

If the founding political documents have been regressively designated, through case law, as democratic expressions of the collective will, this does not exhaust the ways in which th e of this will has been expressed, sedimented and transmitted over time. Democratic traditions are not manifested and incorporated exclusively in the form of political or legal acts, but also through symbolic forms of collective representation, which concentrate ideas, values and political aspirations assumed by the community and validated by popular adherence throughout history.

As forms of representation of national identity in the historical sense, national symbols do not have a purely decorative or formal function, but an integrative and representative one. They concentrate and make

comprehensible, in an accessible and durable form, the ideas, values and aspirations that have animated the collective mind and structured, over time, the relationship between the community and the state. It is precisely this repeated collective adherence, beyond changes in political regimes or the succession of constitutions, gives national symbols the ability to function as stable landmarks of national identity and, implicitly, as a point of convergence of the democratic traditions of the Romanian people, that is, as condensed expressions of a collective political experience assumed and validated through lasting social and imaginary adherence.

By enshrining them at the constitutional level, these symbols are not created *ex nihilo*, but are legally recognised as historically established forms of representation, in which the democratic tradition, understood as a process of assuming and transmitting the collective will of *the demos*, which exercised democratic power (Dănişor, 2007, 78) finds a non-documentary expression, objectified through graphic representations with symbolic value, but normatively relevant.

The Steel Crown of Romania: heraldic origin, state continuity and democratic tradition of the Romanian people

The crown, in its various forms of heraldic representation — first princely, then princely and, finally, royal — is a state symbol that has been present in Romanian armouries since the Middle Ages (Cernovodeanu, 1977, 41). Its constant presence in state heraldry indicates a symbolic continuity of political authority, prior to the modern establishment of the Romanian state and independent of the succession of concrete forms of power organisation.

During the reign of Alexandru Ioan Cuza, systematic efforts were made, including consultations with heraldry specialists from Europe, to establish the coat of arms of the United Principalities. The prototype developed between 1863 and 1864 by the prince's cabinet is of particular importance for our state heraldry, as it served as a direct source of inspiration in the creation of the country's coat of arms, officially legislated by the Romanian Parliament in 1867 and 1872 (Cernovodeanu, 1977, 155). Between 1859 and 1866, the Eagle of Wallachia is depicted in the state armorial in the form of a cross, crowned princely and bearing in its claws the attributes of princely power — the sceptre and the sword — this representation constituting the prototype of the future eagle of Romania (Cernovodeanu, 1977,153).

A significant heraldic change for the hermeneutics of national symbols took place after Romania was elevated to the rank of kingdom in 1881, achieved through political use and recognition, not through a special law. This

consisted of replacing the golden royal crown that adorned the purple mantle with the Steel Crown, made from the barrel of a cannon captured by the Romanian army in the War of Independence of 1877–1878. The change was accompanied by additional heraldic adjustments, such as changing the position of the tails of the two lions supporting the shield and introducing the cross of the Order *of the Star of Romania*, established by Prince Carol I in 1877 (Cernovodeanu, 1977, 161). These transformations mark a symbolic reconfiguration of the state coat of arms, through which political authority will be explicitly associated with the affirmation of state independence and the historical experience of the formation of modern Romania.

The struggle for the independence of the Romanian people stands out in this context not only as a military or diplomatic episode, but as a democratic tradition in its original sense, based on the collective consciousness of a pre-existing political freedom. In the programmatic writings of intellectuals and diplomats from the Romanian Principalities in the 18th century and the first half of the 19th century, the claim for independence does not appear as an innovative project, but as a reaffirmation of an original status**,** constantly formulated through the idea that Romanians "were from the beginning a free and unyielding people". From this perspective, the international status of the Principalities is conceived not as a creation ex nihilo of the modern geopolitical context, but as a return to a previous regime of national self-determination, perceived as legitimate and natural in the political consciousness of the community (Georgescu, 1972, 144).

This continuity of the ideal of independence gives the struggle for state sovereignty a profoundly representative character. Independence is not the result of a circumstantial decision by a ruling elite, but the convergent expression of a collective will that has been sedimented over time, articulated in political speeches, diplomatic memoirs and national programmes, and ultimately validated by the effective participation of the people in the conflict of 1877–1878. Popular support, the mobilisation of the army and the assumption of collective sacrifice transform independence into a constitutive act of the modern Romanian state, in which the political will of the nation manifests itself as a founding democratic force.

In this context, the significance of the Steel Crown cannot be reduced to a simple heraldic change or a ceremonial gesture associated with Romania's elevation to the rank of kingdom. The replacement of the golden royal crown, a generic monarchical symbol, with a crown made from the steel of a cannon captured at Plevna represents the symbolic sublimation of the struggle for independence into a sign of state authority. The materiality of the symbol explicitly refers to the historical experience of the struggle for

independence and, implicitly, to the nation's participation in the founding act of state sovereignty. The Steel Crown thus acquires a constitutive value for the modern Romanian state, expressing a founding legitimacy derived from a collective effort of political affirmation, not from an abstract dynastic tradition.

This resymbolisation gives the Steel Crown a distinct meaning in relation to traditional monarchical symbolism. It functions as a form of symbolic recognition by the nation of the political and military leadership of the struggle for independence, exercised by the man who would later become King of Romania, not by virtue of a hereditary claim, but as a result of his effective assumption of leadership of the armed struggle at a decisive moment for the destiny of the Romanian national and independent state.

In this sense, the Steel Crown concentrates in a single symbol the relationship between the collective will of *the demos*, national sovereignty and political authority, integrating the struggle for independence into the democratic traditions of the Romanian people.

Reintegration of the Crown of Steel into Romania's state coat of arms: the constitutional-legislative paradox and the recessiveness of an "abolished" symbol

In the Romanian Constitution, national symbols are provided for in Article 12, in the following order: the Romanian flag, the national day, the national anthem, and the state coat of arms and seal. What is striking about the wording of this constitutional text is the difference created between the rank of the rules governing national symbols, with the flag, national day and anthem being reserved for the constitutional domain, while the coat of arms and seal of the state were relegated to the domain of organic law.

Given that the debates in the Constituent Assembly in 1991 did not focus on the legal value of national symbols, but only on their necessary stability (Dănişor, 2009, 327), the dilemma of separating their legal regimes remains unresolved, especially since the dichotomous option was not explained either in the speech of the rapporteur of the Commission drafting the constitution or in the debates on the articles (Ioncică et al., 1998, 64).

This option objectively created a space for legislative mobility that subsequently allowed the reintegration of symbolic elements considered "abolished" at least by the predominant majority in the 1991 Constituent Assembly, without initiating the constitutional revision procedure. This is where the constitutional-legislative paradox of the regime of national symbols emerges: while the republican form of government is subject to the highest degree of constitutional rigidity, being included in the "eternity

clause", some of the national symbols, including the coat of arms, are placed in a regime of normative flexibility that allows for significant interventions in the representation of the state.

The paradox does not lie in an inconsistency in the constitutional text, but in a structural tension produced by the very normative architecture of the 1991 Constitution. On the one hand, the Constituent Assembly sought to exclude any possibility of revisiting the republican option, definitively neutralising the "monarchical problem" at the institutional level. On the other hand, by leaving the coat of arms and the seal of the state within the scope of organic law, it allowed the symbolic representation of the state to remain open to further reconfigurations, without being subject to the constraints of the constitutional revision procedure.

This coexistence of constitutional rigidity and legislative flexibility explains the possibility of reintegrating the Crown of Steel into the state coat of arms without this being perceived, from a legal point of view, as an attack on the form of government. The restoration of the symbol to its traditional place no longer challenges the form of government, but brings new meaning to the way the state is represented, in a register where legal normativity meets political memory and national consciousness. In our opinion, the constitutional-legislative paradox does not produce a contradiction, as Professor Cristian Ionescu (Ionescu, 2019, 824), but rather highlights the integration into the genesis of the modern state of successive forms of government designed to reconcile Romanian society with its past in order to cope with a turbulent and unpredictable context.

Therefore, the reintegration of a symbol considered "abolished" does not signify an institutional restoration, but rather the legal manifestation of a symbolic meaning that continued to exist beyond the normative rupture of 1947. The paradox lies precisely in the fact that a symbol with a founding value for the modern Romanian state can return to the positive legal order not in spite of the 1991 Constitution, but through the mechanisms that it itself made possible, overcoming the monarchical anxieties of the majority of the 1991 Constituent Assembly.

The reintegration of the Steel Crown into the positive legal order highlights a specific regime of existence of the symbol, which cannot be interpreted exclusively through the classical categories of institutional restoration. From a normative point of view, the Crown was effectively outlawed in 1947, being excluded from the legal order of the state and, as such, removed from the state horizon of official representation. This legal abolition caused a real rupture in the normative sphere, but it was not able to nullify the symbol's significance in the historical consciousness of the nation.

Its exclusion from positive law led to a separation between norm and meaning, in which the Steel Crown ceased to exist as a normative state symbol, but continued to subsist as a landmark of the genesis of the modern state in political and identity memory precisely because the Crown's significance was not the exclusive product of a form of government, but the symbolic expression of the independence and constitution of the modern Romanian state.

In this sense, the reintegration of the Steel Crown does not represent a symbolic restoration in the institutional sense, but the legal reactivation of a symbol that was normatively abolished but not symbolically eradicated**.** Its reappearance in positive law expresses the recessive nature of a national symbol which, although excluded from positive law for a long period of time, has been preserved in a latent state in the national consciousness, continuing to be transmitted independently of the political will of a political regime and becoming relevant again when the legislative framework allowed it.

Significantly, the restitutive will of the legislator is explicitly formulated in the Explanatory Memorandum to Law No. 146/2016 amending Law No. 102/1992 on the country's coat of arms and state seal, which does not justify normative intervention on technical or aesthetic grounds, but through an assumed axiological and symbolic choice. The reintegration of the Steel Crown is presented as a symbolic gesture of closing a rift caused by the old communist regime and, at the same time, as an alignment with the practice of contemporary European states, in which state symbols express the historical continuity of the state beyond the succession of forms of government. In this logic, the legislator does not create a new meaning, but normatively recognises the persistence of a meaning that the ideological rupture of the communist period failed to eradicate (Explanatory Memorandum, P.L.-x, 30/2016).

The same understanding of the symbol is reinforced by the citation, in the Explanatory Memorandum, of the speech delivered by King Michael I (1921-2017) in the Romanian Parliament on the occasion of his 90th birthday, where the Crown is defined not as a "symbol of the past" but as a "unique representation of our independence, sovereignty and unity" and as an expression of the state "in its historical continuity and of the nation in its becoming" (Camera Deputaţilor, 2016). Thus, the last King of Romania himself explicitly decoupled the Crown from the monarchical form of government, establishing it in the state and national register as a symbol of a founding act – national independence – assumed by the political community as a whole.

From this perspective, the reintegration of the Steel Crown appears as the legal actualisation of a symbolic meaning already validated in the

national consciousness, rather than as an institutional restoration or a gesture of political nostalgia. The restitutive will of the legislator operates here on the premise that traditions, including symbolic ones, are formed and transmitted independently of the political will of the governing factors, and that the legal norm can, at most, recognise and reintegrate them when the constitutional framework allows it (Ionescu, 2019, 824).

Law No. 146/2016 merely gives normative expression to the recessiveness of the "abolished" symbol as an element of national identity, confirming the compatibility between the republic and a symbol that derives its legitimacy from independence, sovereignty, collective adherence and the integration of the monarchy into the genesis and evolution of the modern and contemporary Romanian state.

Comparative benchmarks: state symbols and heraldic continuity in European republics

The explanatory memorandum to the law amending the coat of arms makes explicit reference to the practice of some European states in which symbols of monarchical or royal origin have been preserved or reintegrated into state representation, despite the choice of a republican form of government. This comparative reference is not intended to justify the Romanian solution by imitation, but to demonstrate the compatibility between the republic and symbols of the historical continuity of the state, when these are decoupled from the form of government and re-anchored in national identity.

A prime example is the Republic of Serbia**,** whose coat of arms includes the royal crown, despite the abolition of the monarchy and the establishment of a republic. Here, the crown does not function as a symbol of a current dynastic claim, but as a heraldic element of the continuity of the Serbian state, integrated into the official representation of sovereignty. The retention of the crown in Serbia's coat of arms illustrates that state symbols can transcend changes in political regime without affecting the fundamental constitutional option.

Similarly, the Czech Republic and the Republic of Poland use heraldic symbols with monarchical or medieval genealogy – such as the crown of St. Wenceslaus or the crowned eagle – without these being perceived as incompatible with the republican regime. In these cases, the symbols are accepted as expressions of historical continuity and state identity, not as signs of an abandoned form of government.

These examples confirm that, in contemporary European constitutionalism, state symbols are not automatically subsumed under the political regime, but can function in a distinct register, that of representing national identity and the historical memory of the state. From this

perspective, the reintegration of the Crown of Steel into Romania's state coat of arms is part of an established European practice, in which the republic is not defined by a total break with its own symbolic genealogy, but by its ability to reinterpret and integrate it into a normative framework compatible with democratic principles (Camera Deputaților, 2016).

Therefore, the solution adopted by the Romanian legislator is not an exception or a constitutional anomaly, but an option consistent with the European trend of symbolically reconnecting the republican state to its own historical continuity, without questioning the form of government or the structure of political power.

Instead of conclusions. The limits and vocation of an open constitutional category

In our opinion, the reintegration of the Crown of Steel into Romania's state coat of arms indicates that the process of constitutionalising the democratic traditions of the Romanian people has begun to produce effects not only in terms of political documents and public acts that have incorporated the general will of the people, but also in terms of semiotics**,** of symbolic forms of collective representation. The shift of constitutional hermeneutics from documents with founding potential to national symbols embodies the concept of "democratic traditions of the Romanian people," creating a bridge between the constitutional order and the symbolic order of the state, subject to a regime of legislative mobility, which has allowed for a necessary historical recovery.

In this context, the republic can integrate symbols of its own historical genealogy without fear of undermining itself, insofar as these symbols belong equally to the forms of government that have succeeded one another in the historical evolution of the Romanian state.

The concept of symbolic recessivity allows this reintegration to be understood not as institutional restoration, but as the legal reactivation of a founding meaning that has survived normative exclusion.

National symbols, especially those related to independence and sovereignty, can remain latent in the national consciousness and political memory of the state, continuing to be transmitted independently of the political will of successive political regimes. In this sense, the restitutive will of the 2016 legislator does not create a new symbol, but normatively validates an already established democratic tradition, which has become compatible with the republican constitutional order.

Therefore, the democratic traditions of the Romanian people cannot be conceived as a closed list of documents or events, but as a field of evolving constitutional meanings**,** susceptible to new documentary and

symbolic substantiations. Comparative analysis has shown that this openness is not a Romanian peculiarity, but is part of a broader European practice, in which state symbols can express the historical continuity of the state beyond changes in political regime.

In this context, the reintegration of the Steel Crown is not a definitive point of arrival, but an indicator of the vocation of this open constitutional category to dynamically mediate the relationship between memory, identity and constitutional normativity.

AI usage disclosure |The author used ChatGPT (OpenAI, 2024 version) solely for drafting assistance and linguistic refinement of certain sections of the manuscript. No AI tools were used for data analysis, interpretation, or formulation of conclusions. All intellectual content, interpretations, and conclusions are the sole responsibility of the author.

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