**Nation State and Law from the Point of View of Republicanism**

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**Abstract**

The idea of a "people's state" or a state of common values that protects its citizens from globalism and bureaucratic global organizations such as the EU and the WHO is becoming increasingly popular in the present-day philosophical and political discussions. This can be explained by the upward development of the Visegrad Four project and the popularity of Trumpism. In today's world of controversy over the right of the state to impose moral, cultural and religious values in the context of multiculturalism or the inclusion of citizens in the law through deliberative democracy, it would be good to turn to this authoritative tradition. We can think of republicanism as a centuries-old philosophical-political conception and tradition of thought that, with minor adjustments, can support good ideas for future political reforms. They can make people feel the state and democratic institutions as their own. In today's situation of global offensive of the elites against the rights of citizens, the republican values presuppose the consideration of the state as an important center of the democratic political life, protection of the national and cultural identity of their states. The basic ideas of democratic republicanism can be treated as close to conservative values and ideals. An important argument in opposition to liberalism is the belief that the state cannot become an arena in which individuals face in terms of access to goods and public positions, but an institution that unites for the benefit of all citizens. Republicanism may contain an element of nostalgia for the nation-state's past, but it is a source of faith in the possibilities of reforming it in the interests of the people.

Key words: republicanism, nation state, law

**Republicanism as inspiration for reforms**

Modern courses in philosophy of law usually present the development of views on it from an "internal" point of view according to different versions of legal positivism, legal realism and theories of natural law, which build bridges to the general theory of law and are most often developed mainly by lawyers. The topic of the place of law in the political philosophy of liberalism [1] and in conservatism [2] is also developed in more detail, and its attention is focused mainly historically through the analysis of early ideas and understandings of the relations of the citizen and the state. Conservatism in its modern forms partially intersects with republicanism, especially in the context of the ideas of Trumpism and some new populist trends in Europe.

In the following analysis I present the vision of law and the state in the perspective of republicanism, because this tradition most convincingly reveals the crisis of representative democracy as bureaucratized and ritualized, as well as the party system, while developing a vision for its reform. Nowadays, when there is a debate about the right of the state to impose moral, cultural and religious values in the conditions of multiculturalism or about the inclusion of citizens in the law through deliberative democracy, it is good to turn to this authoritative tradition. After years of crises, the global pandemics and restrictions on human rights, we need republicanism as a source of arguments for a critical rethinking of the status quo and as a motivation in our attempt to restore the reality of present-day democratic procedures.

We are faced up with a century-old philosophical-political concept and tradition of thought, which with minor adjustments can form good ideas for future political reforms. Examining it will help us better understand the significant spiritual and political unity around the idea of ​​the "common good" in some modern European countries, influenced by republican values ​​- Ireland, Hungary, Poland. In this context, some new populist movements can be placed, such as *The Change Keeps Going*, which recently took power in Bulgaria in the name of anti-corruption revolution and governance in the interest of the people.

Republicanism is one of the oldest political and legal doctrines. The beginning of its establishment as a concept is in ancient Greece and the Roman Republic (VI-I century BC). Republican ideas can be found in Plato, Aristotle, Cicero [3], Titus Livius. Its name comes from the Latin res + publica ("common wealth", "common thing"). The first and most essential characteristic of republicanism is its opposition to the monarchical institution. The classical republicanism of the ancient Greeks is elitist insofar as it presupposes the rule of the best, the wisest, and an anti-democratic concept because it excludes entire social groups. The state, in their understanding, is a community of free people, but with the right of birth, appropriate material status and moral qualities. It is in these times that the belief characteristic of republicanism that politics, power and society must be based on moral grounds is established because otherwise the good of the state and citizens will be threatened [4, 130].

Quentin Skinner, one of the contemporary representatives of republicanism, notes the influence of Roman ideas about the republic in the formation of republican ideas and the fight against despotism in the time of Cromwell in England [5]. The republicanism of the New Age is making its way through the ideas of N. Machiavelli [6], John Milton [7]. The main ideas lie in the American Declaration of Independence (1787) and the French Declaration of the Rights of Man and of the Citizen (1789).

It can be argued that in those times there were grounds to distinguish between democratic and dictatorial forms of republicanism, the latter expressed in the Jacobin dictatorship in France and Rousseau's idea that the common good can be imposed by coercion [8]. It can be added that in the same way, the democratic nature of the Orbán regime in Hungary is under discussion today. Democratic republicanism includes Ch. Montesquieu, A. de Tocqueville, and the Fathers of the U.S. Revolution (T. Jefferson, J. Adams, J. Madison, A. Hamilton). [4, 131-132]. Democratic republicanism is in opposition to the individualistic liberal conception of the state and totalitarian collectivist conceptions such as Nazism. It gave impetus to many influential ideological concepts of a leftist nature, including Marxism, whose representatives were also inspired by Robespierre and Saint-Just.

**The significance of republican ideas**

Despite the triumph of liberalism in its neoliberal version, republican ideals in Europe have never lost their significance. The U.S. Constitution and the French Declaration of the Rights, which is part of the French Constitution of 1958, are documents inspired by both liberals and Republicans. The Irish constitution of 1937 also fits into the republican traditions. The movements for change of the totalitarian system from the 80s of the last century in Poland (*Solidarity*), the Czech Republic and Hungary aim to build a people's state on the introduction of classical republican ideas in public life. After 1989, Eastern Europe underwent a neoliberal reform, but some countries remained positive examples with their commitment to a more specific interpretation of the founding principles. Article 82 of the Polish Constitution states that citizens have an obligation to be loyal to their country and to the "common good" [9]. The new Hungarian constitution of 2011 was built in the spirit of the classic republican values. Its preamble says: “We proclaim that individual freedom can only flourish in partnership with others. We proclaim that family and nation are the cornerstones of co-existence, with loyalty, faith and love constituting the principal values of unity.” [10] The Hungarian state is developed on the principles of republicanism, based on the ideals of solidarity, respect for tradition, religion and family. Today's politicians in Poland and Hungary are very impressed by the fact that republicanism supports the active role of religion and the church in public life. This is related to the affirmation of moral virtues.

Decades ago, serious researchers in the United States criticized the thesis that the country was based on the institutionalization of individualist liberalism and began to look for new roots. This is accompanied by a revision of the history of American political culture as developed in the context of Renaissance humanist republicanism [11].

In the conditions of today's global offensive of the elites against the rights of the citizens, the republican values ​​presuppose the consideration of the state as an important center of the democratic political life, protection of the national and cultural identity of the nation states. The basic ideas of democratic republicanism can be treated as close to conservative values ​​and ideals. The emphasis on tradition, community, the good of the state, patriotism, commitment to religion and family, the requirement that public life be guided by moral norms are essential and distinctive features of the republican political philosophy. Public life must be built on the principles of self-government, self-organization and self-help, and on the basis of these principles one can distinguish republicanism from conservatism.

Republicanism is closer to communitarianism, and their critique of some contemporary phenomena has much in common. Michael Sandel sees as the greatest threat to modern democracy the decline of the idea of self-government and the erosion of traditional communities as the basis of public life. In modern society, the strengthening of bureaucracy and technology leads to the fact that power is steadily passing from the hands of ordinary citizens into the hands of professional politicians and experts. This is related to the declining participation of citizens in public affairs, the crisis of the traditional family and family values, the bureaucratization of human relations [12, 3].

Based on some publications by leading authors such as Quentin Skinner [5] and Philip Pettit [13], I will try to briefly cover the main ideas of present-day republicanism as a “research program for policy-making” [13] regarding the nature of the state and law. The state is seen as a community of free and equal citizens. This is more important than protecting individual interests. As an institution, it must protect the common good of all citizens. The democratic system must be built on the participation of citizens and collective discussions on the foundations of coexistence - deliberative democracy. The state and its policy must be based on a moral foundation, and it is necessary to introduce civic virtues in public life, which apply to both government and ordinary citizens. Particularly important in opposing liberalism is the belief that the state cannot become an arena in which individuals face access to goods and public positions, but an institution that unites for the benefit of all citizens. If justice is a key feature of social institutions (J. Rawls), then “priority must be assigned to the rights of individuals over any attempt to promote such inclusive goals as the common good” [14].

In view of its resources and competencies, the state is the most important of all the responsibilities of citizens in the structure of all communities. However, it is important to emphasize that the good of the state is not a self-sufficient value, because it leads to totalitarianism. Republican thinkers are convinced that only a free country can have free citizens. The state is seen not just as a social group of people who have the same citizenship, but a community committed to the values of solidarity and equal communication. Strengthening these values, the feeling of being with others is the main task of the republican state. It not only upholds the national identity and constitution of its citizens, their commitment to their own traditions, culture, political and legal institutions, but also guarantees the unity of their rights and freedoms, together with their duties. Republican governments are seen as governments for the people and through the people. For these thinkers, a free and sovereign state is a guaranty of the freedom of citizens. In this understanding of republican values, representative democracy is gradually becoming a participatory democracy, based on the widest possible participation of citizens in public life. Participatory democracy is inextricably linked to the political freedom of citizens [5, 250]. In this sense, the republican state stands on the moral foundations and democratic activity of the citizens. It guarantees gender equality [15] and other democratic values.

The critique of today's state and law, especially those in Eastern Europe, from the standpoint of republicanism is rather a project to correct the extremes of neoliberal transition policies. The readjustment of our countries on the basis of republican values can be successful only in a global context, if it starts from the United States and Western Europe. But they are an interesting result of a cultural and political heritage that seems to be better to respect and follow in our countries in a crisis of democratic structures.

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