

## BOOK REVIEW ĽUDOVÍT ŠTÚR'S VIEWS ON THE STATE AND LAW

### RECENZE KNIHY NÁZORY ĽUDOVÍTA ŠTÚRA NA ŠTÁT A PRÁVO

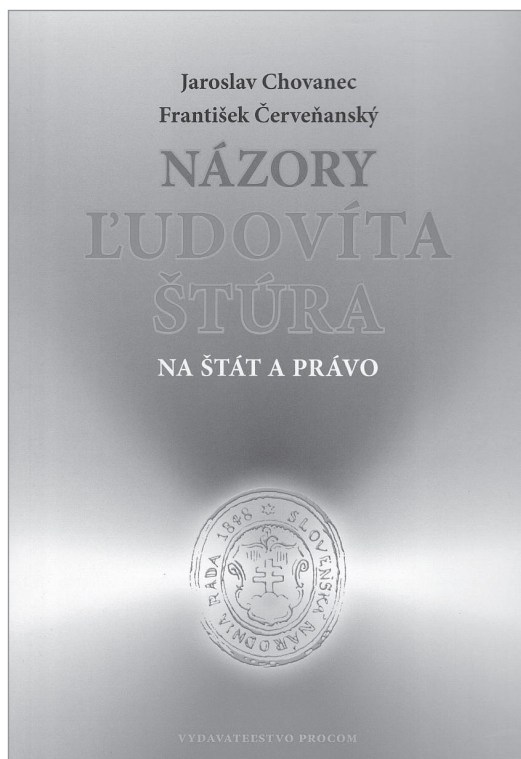
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In 2021, Matica slovenská published an interesting and valuable monographic work entitled: Opinions of Ľudovít Štúr on the State and Law (318 pages). This is the second, modified and expanded edition, the authors of which are two important representatives of Slovak legal science, specifically the science of constitutional law – D.h.c. prof. JUDr. Jaroslav Chovanec, CSc., And theories of state and law – already deceased – doc. JUDr. František Červenanský, CSc.

The work is dedicated to one of the greatest personalities in Slovak history – the poet and writer, teacher and politician, codifier of the Slovak language, tireless organizer of social life and the fighter for the rights of the Slovak nation – Ľudovít Štúr. In the introduction to the monograph, the authors emphasize that it is not a portrait of Štúr's personality (a number of monographic and journalistic articles of a professional and scientific nature are devoted to this issue), but a "more comprehensive reconstruction of his political and state law, resp. legal thinking)". This is the first and so far only monographic work analyzing Ľudovít Štúr's views on the state and law. It is thanks to the authors that they undertook this difficult task and thus brought an important national awakener closer to current generations from such a point of view.

The assessed monographic work consists of the author's text, documentary and pictorial part. In the presented review, we are mainly interested in the author's text, which consists of an introduction and 6 chapters. In them, the authors gradually analyze the sources of Štúr's socio-political views, acquaint the reader with the national philosophy of Štúr and its application to Slovak conditions. In three



separate chapters, they analyze Ľudovít Štúr's views on the state and law, pointing out the extent to which these views are marked by the revolutionary events of 1848-49, of which Štúr was an active participant in the Austro-Hungarian environment. As a separate chapter it is possible to evaluate the final part of the work in the range of almost 60 pages (in the monograph entitled "instead of the conclusion"), devoted to the legacy of Ľudovít Štúr and Štúrovec for current and future generations.

Before we pay attention to the analysis of Štúr's views on the state and the law, we consider it necessary to make a few remarks. Štúr's views must be evaluated taking into account the time in which they arose (roughly in the years 1835 to 1855), as well as the position of Slovaks, which they had in Hungary at that time. In the words of the authors, Ľudovít Štúr "was not a theoretician of the state and law in the narrow sense of the word, just as he was not a philosopher in the narrow sense of the word." His views on the state and law are closely related to the politics of the Slovak national movement of the 1940s, connecting the national emancipation process with the social and political program.

Štúr, influenced by Hegl, largely absolutizes the state, emphasizes its primary social status and role, considers it a prerequisite for the existence and development of the individual, family, civil society, but also the nation. Štúr's absolutization of the state also affected his relationship to the form of the state, where he promoted the monarchist principle, in such a state led by a strong personality (ruler) he saw a guarantee of developing nations without having their own state (in the sense of an independent state). He did not accept Rousseau's theory of the sovereignty of the people, which he believed would be a constant source of dispute between the government and the citizens of the state (its people).

After the Hungarian representation rejected the Requests of the Slovak Nation in May 1848, Štúr abandoned the solution of Slovak requirements on the platform of the Hungarian homeland and focused on Vienna. Subsequently, at the Slavonic Congress in Prague (May 1848), he proclaimed the possibility of a federalist arrangement of Austria-Hungary. He considered the nation to be independent (in today's terminology it is independent / if it has a defined territory with the possibility to administer it to the extent determined by the laws and will be able to use its mother tongue in this territory. to address the position of the Slavic nations, including the Slovaks, within the monarchy, but met with fundamental opposition, especially from the Hungarian ruling circles.

The practical culmination of Štúr's views on the state from the position of resolving the Slovak question resulted in an armed struggle of Slovak volunteer corps against the Hungarian revolutionary army. Originally, the Slovaks had a separate fight against the Hungarians for Slovak demands, not to help Vienna, but objectively it meant help Vienna.

The Viennese government disappointed the Slovaks' hopes and subsequently betrayed them, and the establishment of Bach's absolutism meant minimizing the conveniences of the revolutionary years, including the desires and demands of the Slovaks. Štúra was fundamentally disappointed by this development of events, but he did not stop fighting for the national interests of the Slovaks and did not give up the possibility of realizing them within the framework of a monarchist establishment. He saw the fulfillment of Slovak desires in the unification of the Slavic nations within Tsarist Russia and under his leadership. He had no personal experience of knowing Russian conditions, so he could not recognize that Tsarist Russia was the same "dungeon of nations" and had the same power-political basis as the Austro-Hungarian monarchy.

The authors of the publication emphasize in several places that Štúr also in his views on law / legal thinking) is based on Hegl's ideas or tries to apply them in the conditions of the monarchy. He saw in law, in the laws of the state, the embodiment of real and objective will, the goals of society, the essence of spiritual life and its product. Štúr's theoretical understanding of the role of law in the life of society is connected with his view of the state. Štúr absolutizes and sanctifies the law. From this position, he opposes any attempt to weaken the height of the law, its general objectivity and reasonableness. In accordance with Hegl's understanding of law, Štúr did not master the basic principle of the school of natural law on the opposite of feudal natural and positive law.

However, in the critique of law (especially Hungarian law, Hungarian laws), Štúr went much further than in the critique of the state as such. In terms of his views on Hungarian law, he can be considered a reformer, but also a defender of legality. He not only criticized Hungarian laws and institutions of justice, but also proposed correcting mistakes and shortcomings in a legal way.

From the point of view of *de lege ferenda*, the primary and cardinal problem of the legal regulation for Štúr was the abolition of serfdom (the Hungarian Parliament abolished it in March 1848). In addition to social and national, Štúr also provides up-to-date political content with its requirements and proposals aimed at abolishing serfdom, announcing, e.g. equality of all before the law, abolition of aristocratic privileges, freedom of enterprise, freedom of the press, etc., it is here that he manifests himself as a supporter of liberalism and protector of democratic rights and freedoms.

He blames Hungarian law for being adversarial, contradictory, which creates room for the will of judges and makes access to justice more difficult for ordinary people, criticizes the judiciary, demands an increase in the powers of royal cities, demands the representation of nobles in regional offices, recommends shortening court proceedings and reducing the amount of court fees, introduce justice into the tax policy of the state, etc.

Štúr's views on the law form an important, though not the most important, aspect of his political-thinking profile. His critique of Hungarian law and suggestions on how to deal with the most pressing issues of the time through law, had a social, political and democratic content, were part of the democratic agenda that society at the time faced.

In the extensive concluding part, the authors formulate the message and significance of Štúr's perception of the state and law for the present. They highlight two events that enabled the Slovak political leaders during the 20th century to orient themselves correctly and follow the legacy of Štúr (Štúrovec). The first event was the Slovak National Uprising in 1944, when the progressive part of the Slovak nation stood with a weapon of German fascism and the Slovaks could join the world peace movement as a fixed part of it after the Second World War. The second event is related to the establishment of the independent Slovak Republic on January 1, 1993, when the efforts of five generations after Štúr, fighting for an independent Slovak statehood expressed in the independent Slovak Republic, were fulfilled and completed.

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| 98 | REVIEWS<br>Igor PALÚŠ | BOOK REVIEW LUDOVÍT ŠTÚR'S VIEWS ON THE STATE AND LAW |  |
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