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## Patriotism Rooted in Constitutional Identity: A Legal Theory of Democratic State Resilience

PATRIOTYZM ZAKORZENIONY W TOŻSAMOŚCI KONSTITUCYJNEJ: TEORIA PRAWNA  
ODPORNOŚCI PAŃSTWA DEMOKRATYCZNEGO

### Summary

This article examines the theoretical and legal concept of patriotism as a core element of the resilience of a modern democratic state. Drawing on the Polish republican tradition, it demonstrates that constitutionalism in Central Europe emerged earlier than commonly assumed and was grounded in a civic understanding of power. This heritage informs the contemporary debate on the rule of law, democratic legitimacy, and collective identity. The analysis proposes the concept of “constitutional patriotism rooted in identity.” This form of patriotism harmonizes the historical experience of a nation with the moral norms and obligations articulated in instruments such as the Charter of the United Nations and the Universal Declaration of Human Rights. It fosters institutional trust, civic responsibility, and the moral resilience of democratic systems. The article argues that this conceptualization of patriotism aligns fully with the norms of contemporary public international law and can serve as a stabilizing factor, strengthening the rule of law and the resilience of constitutional democracies.

**Keywords:** constitutional patriotism; state resilience; Polish republican tradition; international law; civic education; democratic legitimacy; identity and law; 1974 UNESCO Recommendation; rule of law

### Streszczenie

Artykuł przedstawia teoretyczno-prawną koncepcję patriotyzmu jako fundamentu odporności nowoczesnego państwa demokratycznego. Odwołując się do polskiej tradycji republikańskiej wskazuje, że konstytucjonalizm w Europie Środkowej rozwinął się wcześniej, niż się powszechnie zakłada i opierał się na obywatelskim rozumieniu władzy. Dziedzictwo to wzmacnia wspólną debatę o praworządności, legitymacji demokratycznej i tożsamości wspólnotowej. Analiza

proponuje *pojęcie patriotyzmu konstytucyjnego zakorzenionego w tożsamości*. Taki patriotyzm harmonizuje doświadczenie historyczne narodu z normami i zobowiązaniami moralnymi wyrażonymi m.in. w Karcie Narodów Zjednoczonych i Powszechnej Deklaracji Praw Człowieka. Wspiera zaufanie instytucjonalne, odpowiedzialność obywatelską i moralną odporność systemów demokratycznych. Artykuł dowodzi, że ta koncepcja patriotyzmu jest w pełni zgodna z normami współczesnego prawa międzynarodowego publicznego, może pełnić rolę czynnika stabilizującego i wzmacniającego rządy prawa oraz odporność demokratycznych państw konstytucyjnych.

**Słowa kluczowe:** patriotyzm konstytucyjny, odporność państwa, polska tradycja republikańska, prawo międzynarodowe, edukacja obywatelska, legitymacja demokratyczna, tożsamość i prawo, Rekomendacja UNESCO z 1974 roku, rządy prawa

## Introduction

Love of country, in its legal sense, is not merely an emotion; it is an expression of fidelity to a constitutional and international legal order grounded in dignity, responsibility, and a shared commitment to the common good. From this perspective, patriotism does not oppose the international legal system but reinforces it, teaching loyalty to the principles that unite democratic nations.

For almost two centuries (1575–1764), the fields of Wola — today commemorated by the Electio Viritim Monument — served as the site of the free royal elections of the Polish–Lithuanian Commonwealth, representing one of Europe’s earliest and most distinctive traditions of civic participation and republican constitutionalism. The Warsaw district of Wola, and specifically the historic election field near today’s Płocka Street, provides a symbolic point of departure: a place where history meets law, and where local civic practice acquires universal significance.<sup>1</sup>

For centuries, this ground served as the site of the free royal elections of the Polish–Lithuanian Commonwealth, expressing one of Europe’s earliest and most distinctive traditions of civic participation and republican constitutionalism.<sup>2</sup>

Poland’s constitutional heritage – rooted in the belief that political authority derives from citizens rather than force, birth, or divine sanction – offers more than mere

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1 P. Maciąg, *Praworządność (the Rule of Law) przy Płockiej. Zapomniane i zaniedbane celowo w czasach PRL-u miejsce*, <https://wpolityce.pl/smolensk/638823-praworzadnosc-the-rule-of-law-przy-plockiej> [access: 24.11.2025].

2 M. van Gelderen, Q. Skinner (eds.), *Republicanism: A Shared European Heritage*, vol. 1: *Republicanism and Constitutionalism in Early Modern Europe*, Cambridge 2002, especially the introduction and the chapter by Anna Grześkowiak-Krwawicz; R.I. Frost, *The Oxford History of Poland-Lithuania*, vol. 1: *The Making of the Polish-Lithuanian Union, 1385–1569*, Oxford 2015, pp. 489–512.

historical insight. It provides an intellectual framework for contemporary debates on sovereignty, democratic resilience, and the rule of law.

The Constitution of 3 May 1791, Europe's first modern constitution,<sup>3</sup> was not only a legal act but also a normative and educational project designed to shape a responsible, law-abiding political community. Such a vision reveals that patriotic education has long been embedded in the Polish republican imagination, centuries before modern state institutions articulated it explicitly.

Accordingly, the article advances an original concept of "constitutional patriotism rooted in identity" (*patriotyzm konstytucyjny zakorzeniony w tożsamości*), which constitutes a substantive and innovative contribution to the field of international law and modern constitutional theory.

This concept builds on the classical understanding of constitutional patriotism by showing that it is sustained not only through legal norms but also through historical memory, civic formation, and the educational practices that transmit constitutional values across generations. It thus presents national identity, legal order, and civic responsibility as mutually reinforcing elements that strengthen both domestic constitutionalism and a state's capacity to meet its international legal commitments.

This analysis is situated within a broader international framework. Contemporary international law – from the United Nations Charter<sup>4</sup> to the Universal Declaration of Human Rights (UDHR)<sup>5</sup>, the UNESCO 1974 Recommendation, and the core human rights treaties – recognizes education, identity, and culture as essential dimensions of democratic stability.<sup>6</sup> These instruments affirm that citizens who respect their

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3 N. Davies, *Europe: A History*, Oxford 1996, p. 719; R. Butterwick, *The Constitution of 3 May 1791: Testament of the Polish-Lithuanian Commonwealth*, Warsaw 2021, p. 9.

4 United Nations, Charter of the United Nations, adopted June 26, 1945, entered into force October 24, 1945, 1 UNTS XVI.

5 United Nations General Assembly, Universal Declaration of Human Rights, UNGA Res 217A (III) (December 10, 1948) UN Doc A/RES/217(III).

6 UNESCO, Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms, adopted by the General Conference at its eighteenth session, Paris, November 19, 1974, <https://unesdoc.unesco.org/ark:/48223/pf0000114040> [access: 24.11.2025]; United Nations General Assembly, Universal Declaration of Human Rights, art. 26; International Covenant on Civil and Political Rights, adopted December 16, 1966, entered into force March 23, 1976, 999 UNTS 171; International Covenant on Economic, Social and Cultural Rights, adopted December 16, 1966, entered into force January 3, 1976, 993 UNTS 3; Convention on the Rights of the Child, adopted November 20, 1989, entered into force September 2, 1990, 1577 UNTS 3, art. 29.

own constitutional order are better equipped to uphold universal principles of human rights, dignity, and peace.

In this light, the Polish republican tradition – expressed most vividly along Płocka Street, where the political community once gathered to choose its monarch – offers a historically grounded lens through which to examine how love of country, constitutional loyalty, and education mutually reinforce one another. The central claim of this article can be expressed in a simple formula:

*love of country + respect for one's own history = strengthened democratic state resilience.*

This article establishes the foundation for analyzing constitutional patriotism, the role of international law, and the function of patriotic education as a transmission mechanism of constitutional identity. When patriotism is understood as loyalty to a lawful democratic order, it becomes not an ideological tool, but a stabilizing force within the contemporary state.

## 1. Theoretical and Legal Framework and Methodological Approach

The point of departure for this study lies in the conviction that constitutional order, identity, and education cannot be meaningfully separated within the broader logic of democratic resilience. This approach reflects the intellectual structure already present in the Polish constitutional tradition, where historical experience, civic virtue, and legal responsibility were treated as mutually reinforcing rather than as isolated categories. The theoretical framework therefore draws simultaneously on republican political thought, the modern theory of constitutional patriotism, and the normative system of international law.

The analysis proceeds from a normative–interpretive method, grounded in a close reading of constitutional texts, historical sources, and international instruments. In the author's view, this method is particularly well-suited for examining concepts such as love of country, patriotism, constitutional identity, and civic responsibility, which possess both descriptive and normative dimensions. Rather than applying a rigid comparative template or adopting a sociological model of measurement, the study reconstructs the internal logic of constitutional norms and educational obligations as they appear in the Polish intellectual and legal tradition. This approach allows the Polish republican experience to be treated not as a historical exception but as a meaningful contribution to contemporary debates on constitutionalism.

The legal framework is informed by international standards that recognize education, identity, and cultural continuity as integral elements of democratic governance.

Instruments such as the UN Charter, the UDHR, the International Covenants,<sup>7</sup> the Convention on the Rights of the Child,<sup>8</sup> and the UNESCO Recommendation of 1974<sup>9</sup> provide a shared normative vocabulary through which questions of constitutional loyalty and patriotic education can be examined. These texts affirm that the cultivation of civic responsibility and respect for the constitutional order is not merely a domestic concern but part of a broader international legal expectation.

Historical reconstruction complements this normative analysis. The traditions of the Polish–Lithuanian Commonwealth – most visibly embodied in the free royal elections, the Henrician Articles,<sup>10</sup> and the Constitution of 3 May – serve not as an antiquarian background but as a conceptual matrix that reveals how patriotism, law, and civic formation were interconnected long before the emergence of modern nation-states. In this sense, the methodology treats historical experience as a source of conceptual clarity rather than as an object of retrospective description.

Finally, the argument incorporates selected international examples not as a comparative study in the technical sense, but as interpretive touchpoints that illuminate how other constitutional democracies – such as Japan, the United States, and Italy – have linked civic education with constitutional identity. These examples are used sparingly and only to highlight the broader theoretical claim: that democratic stability is strengthened when the constitutional order is supported by a coherent structure of identity, education, patriotism, and civic responsibility.

## 2. Historical Foundations of the Polish Republican Tradition

The intellectual and legal roots of Polish constitutionalism reveal a model of civic patriotism that emerged centuries before the rise of modern nation-states. The Polish–Lithuanian Commonwealth developed a political culture in which loyalty to the state was expressed not through obedience to a monarch but through participation in lawmaking, public deliberation, and responsibility for the common good. This tradition provides the earliest and clearest formulation of patriotism as a legal and civic category rather than an ethnic or emotional one.

The practice of free royal elections (*wolna elekcja viritim*), conducted in the fields of Wola for nearly two centuries, constituted one of Europe's most distinctive expressions

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7 International Covenant on Civil and Political Rights.

8 Convention on the Rights of the Child.

9 UNESCO, Recommendation Concerning Education.

10 *Prawa Y Konstytucye za panowania Henryka*, in: *Volumina Legum*, vol. 2, Petersburg 1859, pp. 132–137.

of republican sovereignty. Every noble citizen, regardless of wealth, held the right to participate directly in the election of the monarch. This system, though imperfect and often chaotic, embodied an early conviction that political authority derives from the community governed by law rather than from dynastic entitlement or divine mandate.<sup>11</sup>

The Henrician Articles of 1573<sup>12</sup> codified this republican ethos by requiring each newly elected king to swear loyalty to the laws and liberties of the Commonwealth. They defined the king not as a sovereign above the law but as a guardian bound by it.<sup>13</sup> Together with the *nihil novi* principle of 1505 – which prohibited the introduction of new laws without the consent of the Sejm—the Articles established a form of constitutionalism rooted in participation, restraint of power, and responsibility for the polity.

As legal historians emphasize, the Commonwealth's political culture understood the state as a moral community bound by law, not merely as an instrument of power.<sup>14</sup> Freedom was interpreted not as autonomy from the state but as co-responsibility for the life of the republic. In this sense, patriotism was inseparable from civic duty: to be a patriot meant to uphold law, protect liberty, and participate in the governance of the Commonwealth.

The culmination of this republican tradition was the Constitution of 3 May 1791, widely recognized as Europe's first modern written constitution.<sup>15</sup> More than mere legal reform, it represented a normative project aimed at strengthening civic virtue and restoring the moral foundations of the Commonwealth. The Constitution was conceived as an act of political renewal – an attempt to create a community of citizens united by responsibility, not privilege.<sup>16</sup> Its educational and moral dimensions underscored a belief that constitutional order requires a civic culture capable of sustaining it.

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11 R.I. Frost, *The Oxford History of Poland-Lithuania*.

12 *Prawa Y Konstytucye za panowania Henryka*, pp. 132–137; *Oznaymienie Krola Nowo Obranego r. 1573*, in: *Volumina Legum*, vol. 2, Petersburg 1859, pp. 130–131.

13 A. Grześkowiak-Krwawicz, *Regina libertas. Wolność w polskiej myśli politycznej XVIII wieku*, Gdańsk 2006; A. Grześkowiak-Krwawicz, *Veto – wolność – władza w polskiej myśli politycznej wieku XVIII*, "Kwartalnik Historyczny," 111 (2004), no. 3, pp. 141–159; S. Salmonowicz, *W cieniu Klio i Temidy. Studia z historii prawa*, Toruń 2011.

14 J. Bardach, *O dawnej i niedawnej Litwie*, Poznań 1988; W. Konopczyński, *Dzieje Polski nowożytnej*, 2 vols., London 1958–1959.

15 J. Lukowski, *Liberty's Folly: The Polish-Lithuanian Commonwealth in the Eighteenth Century, 1697–1795*, London–New York 1991; reprinted with corrections 1998.

16 R. Butterwick, *The Constitution of 3 May 1791*.

This early Polish tradition demonstrates that patriotic education – understood as cultivating loyalty to law, responsibility for the Commonwealth and respect for republican institutions – was embedded in political practice long before modern educational systems formalized it. It offers a historically grounded model in which patriotism is not opposed to constitutionalism or international law but forms the moral basis for both.

### 3. Legal, Educational, and International Foundations of Constitutional Patriotism

Patriotism as a normative category acquires legal meaning only when it is anchored in principles that transcend sentiment and are embedded in constitutional and international obligations. In this sense, patriotic education – understood not as political indoctrination but as the cultivation of civic virtue – functions as a bridge between the domestic constitutional order and the wider system of international norms protecting dignity, peace, and human rights. The central claim is that democratic states reinforce their resilience when civic identity, historical memory, and constitutional loyalty converge into a coherent educational framework.

International law provides explicit guidance in this area. The Charter of the United Nations affirms that the promotion of respect for human rights and fundamental freedoms is one of the purposes of the international community.<sup>17</sup> The Universal Declaration of Human Rights extends this obligation to the field of education, stating that instruction should be directed toward “the full development of the human personality” and toward strengthening respect for human rights.<sup>18</sup> The 1974 UNESCO Recommendation elaborates this further, establishing that education must cultivate an “international consciousness,” a sense of responsibility, and respect for justice, the rule of law, and the values underlying the Charter of the United Nations.<sup>19</sup> These provisions demonstrate that loyalty to constitutional values and appreciation of one’s national heritage are not contrary to international law; rather, they constitute its practical and ethical extension.

Within the European context, the Treaty on European Union provides another relevant normative anchor. Article 2 of the TEU defines the Union as a community founded on respect for human dignity, democracy, equality, the rule of law, and human

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17 United Nations, Charter of the United Nations, art. 1(3).

18 United Nations General Assembly, Universal Declaration of Human Rights, art. 26(2).

19 UNESCO, Recommendation Concerning Education.

rights.<sup>20</sup> These values, in turn, presuppose an educated citizenry capable of recognizing constitutional norms as elements of shared identity. Although the EU does not directly regulate patriotic education, its legal foundations implicitly affirm that national civic traditions can coexist with broader supranational commitments, so long as both are rooted in democratic principles.

From this interpretive perspective, patriotic education becomes a transmission mechanism: it conveys constitutional identity across generations, reinforces the rule of law, and strengthens the resilience of the state in moments of crisis. When grounded in historical memory and responsibility – as in the Polish republican tradition – it performs not only a cultural but also a legal function. It prepares citizens to uphold constitutional norms and to internalize the principles that international law regards as essential to peace and democratic stability.

#### 4. Law, Education, and State Resilience

The relationship between law, civic education, and democratic resilience is increasingly recognized as a central theme in contemporary international law and constitutional theory. At its core, the resilience of a democratic state concerns its ability to maintain institutional continuity, uphold constitutional stability, and preserve public trust during periods of crisis or social disruption.<sup>21</sup> Education – particularly civic and patriotic education grounded in constitutional values – forms one of the principal mechanisms that sustain this continuity. When citizens internalize constitutional norms, human rights principles, and a sense of responsibility for the common good, they reinforce the normative foundations upon which democratic governance depends.<sup>22</sup>

International law explicitly affirms this connection. Article 13 of the International Covenant on Economic, Social and Cultural Rights requires that education promote “the full development of the human personality and the sense of its dignity,” linking schooling with the cultivation of civic responsibility and respect for rights.<sup>23</sup> The Convention on the Rights of the Child goes further: Article 29 mandates that education prepare children for “responsible life in a free society, in the spirit of understanding,

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20 Consolidated Version of the Treaty on European Union [2016], “Official Journal of the European Union,” C202/13, art. 2.

21 H. Lauterpacht, *The Function of Law in the International Community*, Union, NJ 2000.

22 J.H. Rosenthal, *Righteous Realists: Political Realism, Responsible Power, and American Culture in the Nuclear Age*, Baton Rouge, LA–London 1991, esp. ch. 2; K.L. Scheppele, *Constitutional Ethnography: An Introduction*, “Law & Society Review,” 38 (2004), no. 3, pp. 389–406.

23 International Covenant on Economic, Social and Cultural Rights, art. 13.



peace, tolerance and equality.”<sup>24</sup> These obligations, widely ratified, confirm that states must shape their educational systems in ways that strengthen constitutional culture and democratic values.

Global normative frameworks reinforce this interpretation. Sustainable Development Goal 4.7 of the UN 2030 Agenda calls on states to provide education that advances sustainable development, human rights, global citizenship, and respect for cultural identity.<sup>25</sup> In this light, patriotic education – when grounded in constitutional principles rather than ideological exclusion – can be seen as a legitimate component of international obligations supporting democratic stability.

UNESCO’s landmark Recommendation Concerning Education for International Understanding further codifies the view that education must cultivate civic virtue and respect for law.<sup>26</sup> Although the Recommendation emphasizes peace, human rights, and international understanding, it also recognizes the role of national identity and cultural belonging as essential pillars of democratic social cohesion. This interpretation aligns closely with the Polish republican tradition, in which historical consciousness and loyalty to constitutional norms are mutually reinforcing.

For states with deep constitutional histories – such as Poland – the relationship between law, education, and resilience acquires an additional dimension. Constitutional traditions shape not only institutions but also the moral expectations citizens direct toward the state. As Hersch Lauterpacht observed, the authority of a state within the international legal order ultimately depends on the moral quality of its internal legal system and the civic virtues supporting it.<sup>27</sup> Education that cultivates respect for law, attachment to constitutional values, and awareness of historical responsibility therefore contributes directly to the resilience of the state in international society.

From this interpretive perspective, patriotic education – when grounded in law rather than ideology – functions as a transmission mechanism of constitutional identity. It conveys legal norms across generations, supports the rule of law, and strengthens democratic institutions during crises. When aligned with historical experience, as in the Polish republican tradition, such education becomes not merely a cultural practice but an element of legal continuity reinforcing both domestic constitutionalism and a state’s international commitments. This understanding supports the article’s central thesis: constitutional patriotism rooted in identity – transmitted through education –

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24 Convention on the Rights of the Child, art. 29.

25 United Nations, Transforming Our World: The 2030 Agenda for Sustainable Development, A/RES/70/1 (2015), Goal 4.7.

26 UNESCO, Recommendation Concerning Education.

27 H. Lauterpacht, *International Law and Human Rights*, New York 1950, pp. 61–64.

creates a normative structure that stabilizes democratic governance and strengthens the state's capacity to fulfill its constitutional and international legal obligations.

## 5. Patriotic Education as Transmission of Constitutional Identity

Patriotic education acquires constitutional meaning only when it functions as a mechanism for transmitting the legal and moral foundations of the state across generations. In the Polish republican tradition, this transmission was always rooted in the conviction that political authority depends on the civic virtues of the community: respect for law, responsibility for the common good, and fidelity to the constitutional order. In this sense, patriotic education performs not a symbolic or ideological role, but a legal one: it sustains the continuity of constitutional identity.

The contemporary legal order of the Republic of Poland explicitly recognizes this function. The Constitution of 1997 defines the Republic as a common good of all citizens (art. 1), obliges the state to safeguard independence, rights, and the security of citizens (art. 5), and imposes on citizens the duties of loyalty to the Republic (art. 82) and defense of the homeland (art. 85).<sup>28</sup> These provisions do not merely articulate abstract principles; they establish a constitutional expectation that civic responsibility and loyalty to the legal order will be cultivated through education.

The Law on School Education of 2016 continues this tradition by identifying among the goals of schooling the formation of civic attitudes based on respect for the homeland, democratic values, and the rule of law.<sup>29</sup> In this statutory framework, patriotic education is not directed toward emotional nationalism but toward the development of citizens capable of sustaining constitutional democracy. It embodies the long-standing belief – present since the days of the Commonwealth – that civic virtue is a legal expectation and a condition of political freedom.

This article advances an original research thesis: that patriotic education in the Polish tradition constitutes a transmission mechanism of constitutional patriotism rooted in identity – a normative structure in which historical experience (*tożsamość*), constitutional values, and civic responsibility mutually reinforce one another. This model expands the classical theory of constitutional patriotism by grounding it in identity, continuity, and legal duty rather than in procedural attachment alone. It shows

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28 The Constitution of the Republic of Poland of April 2, 1997: Dz. U. 1997 No. 78, item 483, arts. 1, 5, 82, 85.

29 Act of December 14, 2016 – Law on School Education: Dz. U. 2017 item 59, art. 1.

that education can carry constitutional meaning: it transfers not only knowledge but also the moral obligations that sustain the rule of law.

International instruments reinforce this view. Article 29 of the Convention on the Rights of the Child obliges states to shape education in a manner that prepares children for responsible life in a free society.<sup>30</sup> The Universal Declaration of Human Rights and the 1974 UNESCO Recommendation affirm the same logic: education strengthens respect for justice, dignity, human rights, and constitutional order, linking domestic civic identity with international legal values.<sup>31</sup> In this framework, patriotic education – when grounded in law and responsibility – becomes not an exception to international norms but their fulfillment.

In the Polish context, where constitutional identity is historically tied to civic participation, legality, and responsibility, patriotic education operates as a legal safeguard. It protects the continuity of the constitutional order by cultivating citizens capable of sustaining democratic life. As H. Lauterpacht observed, the authority of a state within the international community ultimately depends on the moral quality of its domestic legal culture.<sup>32</sup>

## 6. Illustrative International Perspectives

This article's central contribution – the concept of constitutional patriotism rooted in identity (*patriotyzm konstytucyjny zakorzeniony w tożsamości*) – finds selective resonance across several democratic systems, even though none explicitly conceptualizes it. The following brief examples illustrate how constitutional democracies link civic identity, historical consciousness, and the transmission of constitutional norms through education. They serve not as a comparative analysis, but as interpretive confirmation that the article's theoretical contribution aligns with broader global tendencies.

Japan provides an example of civic formation that combines constitutional loyalty with moral education. Since 1947, Japanese schools have been legally required to cultivate respect for the constitution, democratic values, and social cooperation.<sup>33</sup> In 2018, the Japanese government introduced an education policy that made moral education (*dōtoku*) a formal, rather than supplementary, subject in elementary schools.

30 Convention on the Rights of the Child, art. 29.

31 UNESCO, Recommendation Concerning Education; United Nations General Assembly, Universal Declaration of Human Rights, art. 26.

32 H. Lauterpacht, *International Law and Human Rights*, pp. 59–64.

33 MEXT (Ministry of Education, Culture, Sports, Science and Technology), *Course of Study for Elementary Schools*, Tokyo, 2017, ch. 5: *Moral Education*.

The new framework is designed to teach, foster, and assess patriotic sentiment and love of country among schoolchildren.<sup>34</sup> Although the country emphasizes cultural continuity, the educational framework treats civic responsibility and constitutional loyalty as mutually reinforcing – aligning with the core of the concept advanced in this article.

The United States demonstrates that patriotic education grounded in constitutional values – rather than compulsory political rituals – can strengthen democratic legitimacy. The Supreme Court’s landmark decision *West Virginia State Board of Education v. Barnette* (1943) protects the voluntary character of civic loyalty, establishing that genuine constitutional patriotism arises from free commitment rather than coercion.<sup>35</sup> This voluntary model aligns with the central thesis of this paper, which centers on the idea of constitutional patriotism rooted in identity.

Italy illustrates how republican identity, historical memory, and civic education can be integrated into a constitutional framework. The revival of *educazione civica* (Legge 92/2019) emphasizes knowledge of the constitution, national history, and democratic responsibility across all levels of schooling.<sup>36</sup> This system embodies the core premise of this study: that constitutional values become enduring only when transmitted through structured civic education.

Taken together, these examples confirm the article’s analytical framework: constitutional loyalty and patriotic education strengthen democratic resilience when they are anchored in historical identity, civic virtue, and the rule of law.

## Conclusions

This article has argued that love of country, when understood in its legal and constitutional sense, forms a stabilizing normative force within democratic governance. The historical experience of the Polish–Lithuanian Commonwealth demonstrates that constitutional loyalty, civic virtue, and responsibility for the common good long predated the emergence of modern nation-states, offering one of Europe’s earliest examples of a political community bound by law rather than by ethnicity or coercion.

Building on this heritage, the article introduces an original concept of constitutional patriotism rooted in identity as a new category in international legal and

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34 K. Fukuoka, S. Takita-Ishii, *Teaching How to Love Your Country in Schools? A Study of Japanese Youth Narratives on Patriotic Education*, “National Identities,” 24 (2021), no. 3, pp. 247–270.

35 *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).

36 Legge 20 agosto 2019, n. 92, Introduzione dell’insegnamento scolastico dell’educazione civica, “Gazzetta Ufficiale della Repubblica Italiana,” August 21, 2019, no. 195.

constitutional theory. This concept explains how historical memory, civic formation, and constitutional values reinforce one another and why patriotism, when transmitted through education, becomes a mechanism of preserving constitutional continuity and protecting the democratic state.

International law confirms this relationship. The normative expectations expressed in the UN Charter, the Universal Declaration of Human Rights, the Convention on the Rights of the Child, and the UNESCO 1974 Recommendation require states to cultivate civic responsibility, respect for law, and an educational environment that promotes dignity and peace. When patriotic education aligns with these standards, it strengthens not only national identity but also a state's credibility and stability within the international legal order.<sup>37</sup>

The brief international illustrations demonstrate that democratic systems across diverse cultural settings rely on civic education to secure continuity, legitimacy, and constitutional loyalty. Although their institutional forms differ, each model confirms the article's central theoretical claim: that democratic resilience requires a coherent structure linking identity, history, and law. The argument culminates in a simple formula that captures the article's normative core: *love of country + respect for one's own history = strengthened democratic resilience*.

This synthesis reflects the deeper insight advanced throughout the article: that patriotism, when anchored in constitutional values and transmitted through education, is not an ideological instrument but a normative foundation of democratic governance.

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37 United Nations, Charter of the United Nations, arts. 1, 55; United Nations General Assembly, Universal Declaration of Human Rights, art. 26; Convention on the Rights of the Child, art. 29; UNESCO, Recommendation Concerning Education.

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