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Bogdan Szlachta
Jagiellonian University, Poland
ORCID: 0000-0003-4841-589X

On natural law as a possible normative reference point in legislative processes

Abstract: In the modern era, the only indicator of the validity of law is that it is passed by the authorities in accordance with procedures. Has the classical theory of natural law ceased to matter? The author, referring to contemporary statements of popes and documents of the Catholic Church, analyses what significance natural law has today from a normative point of view and why it is particularly important in the present-day world, as well as in a multicultural world.

Keywords: law, natural law, rule of law

Abstrakt: W epoce nowożytnej jedynym wyznacznikiem słuszności prawa jest uchwalenie go przez władzę zgodnie z procedurami. Czy klasyczna teoria prawa naturalnego przestała mieć już znaczenie? Autor powołując się na współczesne wypowiedzi papieży i dokumenty Kościoła Katolickiego analizuje jakie znaczenie prawo naturalne ma dzisiaj z punktu widzenia normatywnego i dlaczego właśnie w czasach obecnych ma ono znaczenie szczególne także w świecie wielokulturowym.

Słowa kluczowe: prawo naturalne, praworządność, prawo

In searches conducted in contemporary political philosophy, if treated as an area of searching for justifications for the current normative system, strictly individualistic assumptions are usually adopted. Undoubtedly, apart from the highly engaging analyses of multicultural societies, in which not so many similarities between individual citizens of the same state should be taken into account, even those with different ethno-cultural roots (the problem brought by the so-called difference policy postulated today sometimes as an antidote to the famous and still mentioned "melting pot", "Fusing all citizens in a one cultural fashion"[1]), the

[1] See more widely in Polish literature, for example, Szahaj 2004.

vision of an "abstract entity" equipped with variously arranged innate rights is still usually restored or sustained and made a starting point for further searching. According to the view, the law order determined by the variously understood "law-making body" (this might be the so-called political nation as well, sometimes called the "sovereign", speaking in the forms of the so-called direct democracy, and a representative body appearing in various forms, but legitimized by the so-called political nation), usually presented as a set of guarantees for such perceived rights/powers (perceived as an entity, due to each and every unit whose rights/powers are to be protected by a particular legal order, the so-called national law[2]). This way of thinking about normative order and legal value as having a "guarantee function" for individuals' rights/powers (usually associated with human rights) plays a key role, among others in the search for justification for so-called humanitarian intervention and criteria for assessing the implementation of the rule of law by individual countries; however, it requires establishing a set of rights or subjective rights vested in individuals so that the area protected by legal norms is clearly and legibly determined. This way of thinking can sometimes be found in certain interpretations of the post-Conciliar teaching of the Catholic Church and the understanding of, among others, the Polish Constitution of 1997, with art. 30 guaranteeing that the dignity of every citizen associated with the series of their rights/powers is honored. This way of thinking, however – rooted mainly in the seventeenth-century contemplations of John Locke, a key thinker, among others, for understanding John Rawls's approach at the end of the 20th century – is no longer uncritically honored. Sometimes it is not only overlooked (e.g. in interpretations of the rule of law given by Jürgen Habermas, who is considered the creator of one of the most important projects of so-called deliberative democracy), but even openly contested (e.g. in critics presented by the influential thinker Chantal Mouffe today, in turn, one of the most important supporters of so-called agonic democracy).

[2] We leave as a margin the very interesting question of "juridical monism" and the question raised in connection with it, especially by proponents of legal normativism, modelled mainly on the analysis of Hans Kelsen, about the primacy of public international law over national laws. We note, however, that in this case it concerns the possible primacy of a "higher order" normative order (legal value) compared to the "lower order" normative order (also legal value); thus the relationship between two normative orders is of similar value, both rooted in the will the legislator or the will of the body exercising another "type of power". Let us add that usually supporters of monism understood in this way are – like Kelsen, mainly between the two world wars – critics of the traditionally understood concept of sovereignty, understood as the legislative exclusivity of a given "political being" (i.e. the state).

It is worth noting, however, one fact already raised by a writer in another text that there are still disputes over whether individual freedom and group freedom – categories difficult to grasp from a positivist perspective, which requires taking into account the "empirical concept of knowledge" – are to somehow take into account the understood law as a set of norms or do they not include them? There are still debates about the possible existence of some "higher normative order" or even a "higher law" no longer understood "in a juridical manner", required even by normatively tuned supporters of juridical monism, but rather "in an ethical manner" as a set of moral guidelines, which, however, must be taken into account both in individual elections and when establishing the legal order; in the second case, members of differently conceived legislative bodies would take it into account and bind them with their will. These disputes and debates are extremely important, because they entangle their participants not only with the aforementioned reflection on the role of cultural contexts in which members of legislative bodies and citizens are stuck, differently thinking and making different decisions, but also with reflection on the possible existence something that exceeds the level of individuals and groups, and also transcends the level of rulings of legislative bodies; judgments no longer related only to the rights/powers of individuals (in order to establish a guarantee of their integrity), but also (or instead of?) to the "higher normative order". Catholic social teaching is usually associated with a defense of this approach: while Leo XIII at the end of the 19th and John Paul II at the end of the 20th century still recalled the existence of an "objective basis of law" of universal value within which they were to look for a foundation for "higher-order norms", Benedict XVI at the beginning of the 21st century stated that the land was clearly eroded. Although for all of them *the essence of freedom lies within the human being, it belongs to the nature of the human person and is its sign [John Paul II 1980],* this freedom, also a member of the legislative body in a democratic state, is realized not because of the subjectively established criteria of what is appropriate, but because of the understanding of normative content by a free man. Each of them is exposed to the accusation resulting from relating the individual to Transcendence, finding for him some "higher purpose", serving its implementation of some "higher normative order", which is to lead to the depreciation of the freedom of a specific person, empirically a given individual not only in various cultures, also not knowing or considering a personal God, external to creation and each individual (albeit through the Word present in them), depreciation of the individual's freedom by forcing him to accept the "collective self of the community of believers," which the Church's Magisterium is to reveal, in order to realise "real (real)

freedom". John Paul II preached, *after all, that man should be able to make a choice depending on the values he considers his own; in this he will appear as a responsible being, because man is free because he has the ability to stand on the side of truth and good, he is free because he has the ability to choose.* To be free is to be able and willing to choose; it is to live according to one's conscience [John Paul II 1980], but a properly shaped conscience constituting a human center [Ratzinger 1988: 10], which is not always infallible and therefore – being a holy area in which God speaks to man – cannot constitute the highest instance that decides what is good and what is bad, but must adhere to the unchanging truth of moral law [John Paul II 1983]. Any attempt to build society and its rights based on the will of man supporting itself only on recognizing the content of his conscience, without taking into account the "unchanging content of moral law", raises the threat of denial recognized by unprejudiced human reason, not referring to Revelation, the truth of being and the personal truth of a human being (associated with the "unchanging truth of the moral law")[3]. The successor of John Paul II has already recognized not only that the service of law and combating the rule of injustice is and remains the primary task of a politician, but also that we are increasingly able to distinguish between good law and bad law, because the dominant culture, in which Western societies in particular still exist, has already abandoned the idea of natural law typical for Catholic references to. This "specific idea" is based on the conviction that there is a bond between being and duty, which – in the name of dualism of being and duty, abrogation of naturalistic error – is denied by supporters of the positivist concept of nature and reason [Benedict XVI 2011][4].

John Paul II and Benedict XVI referred to the teaching of the 13th-century Christian Aristotelian, St. Thomas Aquinas; when they argued that the natural moral law recognized by man's natural reason was to correspond to his personal structure,

[3] See more broadly [Szlachta 2017: 209-223]. Freedom is not about the freedom to do anything, it is freedom towards the Good in which happiness is only found. Good is the goal [Instruction on Christian freedom and liberation, 26].

[4] *A positivistic understanding of nature, says Benedict XVI, who perceives it in a purely functional way, as explained by the natural sciences, can not create any bridge between ethics and law, it can only cause functional responses again. The same applies, however, to reason in a positivist approach, which many consider to be the only scientific vision. According to it, what is unverifiable or may be falsified does not belong to the field of reason in the strict sense. Therefore, ethos and religion should be transferred to the sphere of subjectivity and removed from the sphere of reason in the strict sense of the word. Where only positivist reason reigns – and this is largely the case with our public awareness – classical sources of knowledge of ethos and law are excluded "from the game"* [*Benedict XVI 2011].*

they usually referred to the natural inclinations[5] of his nature; these tendencies are to constitute the content of human nature, specific to every individual belonging to a species, regardless of the culture in which it grows, sex, nationality or nation to which it belongs, regardless of the time of its occurrence in the temporal visible plan, and finally regardless of its social role; they are to constitute the human good and a point of reference for normative arrangements corresponding to the nature of the species, which are precisely what in the Catholic tradition has been referred to today as "natural law", and through these arrangements to set the limits of legitimate human behavior[6]. This is extremely complex, or even complicated, and is important because, when considered in relation to human rights, it leads to a ruling on the need to introduce guarantees for respecting them, and the need to always take into account, in all circumstances, certain moral prohibitions by individuals and by lawmakers. The exercise of human rights must not lead to the denial of such prohibitions; also a decision of the legislative will, even if legitimized by the majority or all addressees, cannot lead to the negation of them,: *No one and anyone should ever break the commandments, which oblige everyone to not offend in others, and above all in themselves, the dignity of a person common to all people [VS 52]*[7]. The will of the legislators should be properly directed, capable of exceeding "purely particular" considerations, as it should not set norms that could be a temptation to oppose the personal or group interest of the political community [CCC 2236]. They should know "absolutely forbidden ways" and their will should take them into account, since they are binding in all circumstances

[5] The authors of the 2009 document, prepared by the International Theological Commission, to which we will refer many times in this text, use the term "dynamisms" of cities "tendencies", distinguishing three: to preserve and develop their existence, to reproduce in order to maintain the species, and given together to learn the truth about God as well as striving to live in a community, saying that starting from these inclinations one can formulate the first principles of natural law known by nature (discuss each of "dynamisms" or inclinations in points 48-51).

[6] Human nature (species, and not different in every individual that would have "its own nature") was the point of reflection presented by John Paul II especially in the encyclical Veritatis splendor (hereinafter VS)

[7] The mandatory mandates were combined in his reflection by John Paul II with the principles of natural law, as evidenced in particular by the Catechism of the Catholic Church, which he reads, in which we read not only that natural law, which is the perfect work of the Creator [note this problematic statement], provides solid the foundations on which man can build the building of moral principles that guide his choices, establishes the necessary moral foundation for building human community, which corresponds to the "subjective" or normative side of natural law (which is not the law that the dominant legal positivist thinks about because including the sanction of coercion), but we also read that natural law provides the necessary basis for civil law that is associated with it, either by reflection that draws conclusions from its principles, or by positive and legal additions [CCC 1959].

(VS 75) and they must not be questioned even by reference to foreseeable – even politically elevated, because it alleviates social unrest – consequences of the actions of a legislative body. *No one can demand or establish what is contrary to the dignity of persons and natural law, Catechism [CCC 2235]. If those in power make unfair laws or take actions contrary to the moral order, these regulations do not apply in conscience*. Let us add: this is an important issue in the consideration of a possible opposition to conscience). Then power ceases to be power, and lawlessness begins [CCC 1903, with the calling of John XXIII][8].

[8] *If one does not recognize transcendent truth, the power of power triumphs and everyone strives to make the most of the means available to them, to impose their own benefit or their own views, regardless of the rights of others* [Centesimus annus 44; hereinafter referred to as CA]. In these approaches, the subject's freedom was already clearly associated with his choices made freely. The question was whether freedom, even if – as in liberal thinking usually associated with the speech of John Locke – in its extent determined by the collection of so-called inherent rights (natural rights thought subjectively), require the absence of natural law norms, or should be considered in connection with them, and in particular take into account "absolutely prohibited practices"; it is also about the freedom of legislative bodies, and about the morally correct behavior of individual individuals, those exercising their rights, called human rights. John Paul II pointed out in 1993 that 20th-century proponents of "certain doctrines" had already admitted *to the individual conscience the prerogative of the highest instance of moral judgment, which categorically and infallibly decides what is good and what is bad, thus denying the idea of the universal truth about the good, cognitively available to human reason, referring to the* "human nature" wherein lies the foundation of good and which is to be a reference point for statements regarding the content of natural law, consistent with the content of human nature available to cognitive natural reason (VS 32). Revelation teaches us that the power to decide about good and evil does not belong to man, but only to God. *Man, of course, is free from the moment when he can understand and accept God's commandments. He enjoys an extremely wide freedom, because he can eat "from all the trees of this garden". However, this is not unlimited freedom: it must stop before the "tree of knowledge of good and evil", because it was called to accept the moral law that God gives man. In fact, it is through this adoption of moral law that human freedom truly and fully realizes itself. "Only one Good" knows perfectly well what is good for man, and therefore, for his love, good commands it in his commandments. God's law, therefore, does not diminish, nor does it eliminate human freedom, on the contrary – it is its guarantee and promotes its development. However, some contemporary cultural tendencies are heading in a completely different direction, underlying quite numerous currents of ethical thought, which emphasize the alleged conflict between freedom and law. These include doctrines that give individuals or social groups the right to decide what is good and what is bad: in their view, human freedom can "create values" and enjoys precedence over the truth to such an extent that truth itself is considered one of the products of freedom.* J*ohn Paul II also mentions the teaching of the Second Vatican Council emphasizes, on the one hand, the active participation of human reason in discovering and applying moral law: moral life requires creative thinking and intelligence appropriate to the person who is the source and cause of his own conscious actions. On the other hand, reason derives its truth and authority from eternal law, which is nothing but the wisdom of God Himself. The basis of moral life is therefore the principle of "just autonomy" of man, the personal subject of his actions.*. The moral law comes from God and always has its source in it: by the power of natural reason that comes from God's wisdom, it

Similar arguments appear in the interesting, already mentioned document published in 2009 – during the pontificate of Benedict XVI – by the International Theological Commission entitled In search of universal ethics: a new look at natural law; the suggestion made by committee members reads clearly: natural law, whose content – though found differently – appears in various cultures, not only marked by a Christian approach. In their view, in an increasingly secular world, one should refer more and more directly to the concept of natural law, just as the popes of the 19th, 20th and 21st century did or do, as it is this law (taken, let us recall, not juridically, but as normative moral content) that is to make possible a dialogue between cultures and religions that would lead to universal peace and avoid the "war of civilization", and also *meet [...] the requirement of a rational justification for human rights* … [PEU 35]. Referring to relativistic individualism, which considers each individual as a source of its own values, and society as only a pure agreement concluded between individuals on the basis of their choice of all applicable standards, the authors of the document indicate that the fundamental principles governing social and political life are not based only on conventions, but are natural and objective [PEU 35]. This decision, which exposes the moment of "fundamental principles", which have a natural and objective character, seems to indicate a direction leading to the content of normative value, not associated (at least directly) with the abilities of individuals, but associated with norms that may be the source of subjective rights, or to set negative boundaries for such rights, and thus also negative boundaries for the legislator cognitively referring and approving by his will the content already known in natural law as a set of norms, and nature as the basis for ascertaining the content[9]. Moreover, it is also ruled that civil

is also our own human right. [...] the natural law "is nothing but the light of reason infused by God. Thanks to it, we know what to do and what to avoid. God has given us this light, that is the law, in the act of creation." The just autonomy of practical reason means that man possesses his own right, received from the Creator. However, the autonomy of reason cannot mean that reason itself creates moral values and norms. If this autonomy led to the negation of the participation of practical reason in the wisdom of the Creator and the Divine Legislator, or if it were to indicate the freedom to create moral norms, depending only on historical circumstances or on the needs of human societies and cultures, such alleged autonomy would contradict the truth about man teaches the Church [VS 40].

[9] *A certain peculiarity in the analysed area is the authors' recognition that the democratic form of governance is inseparably connected with permanent ethical values, which have their source in the requirements of natural law – again we should ask: perceived subjectively or objectively?* -– see. PEU 35. and which, therefore, do not depend on the variability of the consensus reached by the arithmetic majority; also in the independence of "permanent ethical values" originating in the requirements of natural law and as such postulally untouchable to the "arithmetic majority" the question can be found: these values should be associated with what is subjective or rather what is subject?) – see [PEU 35].

rights [i.e. constituted by legislative organs, more broadly: by state organs] do not apply in conscience when they conflict with natural law. We already understand at this point that the "lower order norms" (civil rights based on the legislative will assigned to the constitutional or legislative body) are juxtaposed with the "higher order norms" ("natural law"). This conviction strengthens the next sentence: *The church proclaims the right to object to the conscience, it is stated in the document and even the obligation to refuse to obey in the name of submission to a higher law (with reference to the encyclical of John Paul II Evangelium vitae, 73-74).*

Members of the International Theological Commission recalled the words of the previously mentioned speech of Pope Benedict XVI at the headquarters of the United Nations in 2008: *Experience teaches that the rule of law is often more important than justice, when the emphasis is on the law itself so that it appears as the sole result of legislative ordinances or normative decisions taken by various instances of the ruling authorities. When they are presented only in terms of the rule of law, rights can become provisions with a weak power of influence, detached from the ethical and rational dimension that constitutes their basis and purpose.* We note that the "ethical and rational dimension" is a reference point, and even the basis, both for subjective rights and legal norms (or at least associated with their negative boundaries); it is also probably an important goal for both the moral subject and the legislator, because no one can forget (and this was to be expressed by the Universal Declaration of Human Rights of 1948), *that respect for human rights is above all the result of unchanging justice, which also [rather than the will of the contracting parties] gives binding force to international proclamations. This aspect is often overlooked, says Benedict XVI, when he tries to deprive the law of their true function in the name of a narrow utilitarian vision [PEU, note 4].*

The problem posed by Pope Benedict XVI to replace the "ethical and rational dimension" in favor of a "narrow utilitarian vision" is associated with the dominance of legal positivism: *recognizing that any claim to objective and universal truth would be a source of intolerance and violence and that only relativism can guarantee pluralism values and democracy, its supporters are not only to reject attempts to refer to an objective and ontological criterion regarding what is just, but also to proclaim that the last instance of moral law and norms is the current law, judged by definition to be fair because it is an expression of the will legislators [PEU 7].* Let us note: applicable law, enacted law or – as we mentioned earlier – "civil" is not only the last instance of law, it is its foundation, but it is also the last instance of [...] moral norms, they are to be derived from it, which makes that such

norms, moral norms, are not different from the law and cannot constitute the criterion of correctness or rightness or justice of legal norms, but are established in them. This approach, found in the reflection of supporters and even apologists of legal rather than legal positivism (as in the Polish translation of the document cited), is problematic inasmuch as it abolishes the view defended by Pope Benedict and his predecessors: it is no longer possible to convince about the existence of some "higher law" to constitute – as we have seen – a justification for the existence of human rights and a normative context for possible opposition of conscience; it is no longer convincing that, having realized its content as a content allowing to estimate the norms of the law, one can be considered as "non-binding in conscience". Statutory law, after all, precedes all morality, for it is now the source of *moral norms*.

Contrary to this approach, the authors of the 2009 document find other definitive foundations for both ethics and legal and political order than the will of the legislator establishing the law, regardless of who he is, or even the will of the "democratic legislator", the "Representative of the sovereign"). These "final foundations" revealed in the renewed presentation of the doctrine of natural law are to be associated with the recognition that human persons and communities are competent or able, guided by the light of reason, to recognize the basic directions of moral action consistent with the very nature of the human subject and express them in a way normative in the form of rules or commandments. They are – as in St. Thomas and as in St. John Paul II – able to discern the basics of moral action invariably associated with nature (human species) and express them (they, not God) normatively. *These basic rules, objective and universal, are called to create and inspire all moral, legal and political arrangements governing the lives of people and societies* [PEU 9][10]. In this connection, it seems understandable that the rules expressed in a normative way by individuals and human communities previously recognizing the basic directions of moral action consistent with the very nature of the human subject designate a permanent critical instance, which can be reached

[10] In point 51 of the document cited, we find an important ruling, also important due to appearing today in the basic laws of some countries (also in Article 30 of the Constitution of the Republic of Poland of 1997). references to the "inherent dignity of the human person"; it says there that human-specific aspirations are met by the requirement, recognized by reason, of concrete realization of life in relationships with others, and in a society built on just foundations that are in accordance with natural law. This entails recognition of the equal dignity of all individuals of the human race, regardless of race or culture difference, and great respect for humanity wherever it is, including the smallest and most despised of its members [PEU 51].

by each individual for the sake of understanding the content of justice, and so measures allowing to measure the correctness of statutory law[11]. Let us note again: these norms are neither elements of divine revealed law nor result from the activity of legislators of nations and states or international instances; constituting – as a natural law – a normative horizon in which the political order is to function, indicating a set of values that seem to make society more human, relying on the requirements of common human persons [PEU 86], being normative expressions of objective rules (not subjective or intersubjective) and universal (not ruled in a given cultural or national context, therefore not particular, but just applicable to the entire human universe, to each of its representatives, in a word: to every human individual), these rules are defined by the natural order serving the person social [PEU 87], natural order, not supernatural, moreover recognised as "natural forces" and not derived from Revelation[12].

[11] The authors of the 2009 document add that moral principles adjudicated by the inherent reason of a man who recognizes in the species nature of man "aspirations" ("dynamisms", "inclinations"), at least in their general formulation, can be considered universal because they use to all humanity. They also take on an unchanging nature in so far as they stem from human nature, whose essential elements remain identical throughout history [PEU 52]. Although they are sometimes obscured or even erased from the human heart [which seems to be highly problematic, taking into account the thesis previously stated that they are written by God Himself] because of sin and cultural and historical conditions, they are to constitute a common basis on which can be based on a dialogue leading to universal ethics (ibid.) However, it is worth noting that the application of specific principles of natural law may – in the opinion of the authors of the document – take different forms in different cultures, and even within the same culture, but in different periods [PEU 53], which makes the subject, a particular human person should not get lost in what is specific and individual, which was accused of "situational ethics", but must discover the "right rule" and establish an adequate norm of action derived from previous principles [PEU 57; an excellent role in this respect not only the science of individual conscience, presented for example in the encyclical Veritatis splendor, and discussed in Polish literature by Andrzej Szostek [Szostek 1989], but also the study of virtues – both elements are mentioned in the PEU in paragraphs 57-59, an important entry could appear: *Therefore, natural law cannot be presented as a set of ready-made rules that a priori impose on a moral subject, but it is a source of objective inspiration for only personal decision-making.*]

[12] In this context, it seems less clear to indicate that the same rules are to protect the dignity of the human being in the face of changing ideologies, unless we adopt – already mentioned – a liberal interpretation ("critical instance" similar to Locke's "law of nature" dictating the norm or norms protecting what is "private") or – which is much more interesting – we will move towards establishing that the "renewed doctrine of natural law" hides a normative moment defining not only (not so much?) a juridical guarantee of compliance with postulatively inviolable subjective rights, but also (how many?) measures of the actions of individual people and communities that discern the very nature of the human subject and based on it establish normative content (corresponding to objective and universal rules). See. more broadly [Szlachta 1992].

If we follow the last lead, then it will be more understandable not only the thesis that the basic normative rules adjudicated by individuals and communities based on the previously known nature of the human subject constitute a permanent critical instance, as well as the thesis that the natural law consisting of them determines the basic ethical standard [PEU 9], a norm unknown to advocates of legal positivism, who recognized the law as a source of moral content as well[13], a norm, however, which should not be associated with the physical laws of nature or with some heteronomic source, but with moral goods that are directly perceived by a human being who, rather than someone outside, formulates the principles of natural law [PEU 10 and 11][14]. Therefore, it is the human subject, using his inherent reason (and not submitting to the will of an arbitrary legislator, even God thought of as in such a role of), has the principles of this law and is to respect them also when he sets the norms of "civil law"[15].

[13] *It is also not surprising that Christianity does not have a monopoly on properly understood natural law. Indeed, a natural law based on reason, which is common to all people, is the basis for cooperation between all people of good will, regardless of their religious beliefs [PEU 9].*

[14] We note that the document of the International Theological Commission recalls the findings of St. Thomas Aquinas, who – contrary to medieval Muslim and Jewish philosophers – clearly distinguished between a natural political order based on reason and a supernatural religious order based on the grace of revelation, ruling in particular that justice by which he governs the community for public good [it seems constituting a reference point for the will of the legislator, and at the same time the foundation of human rights, because it is associated with natural law], people can have sufficiently due to the natural law principles [PEU, note 31]. In connection with this resolution, it remains not only the difference in Christian approaches and the monotheistic ones mentioned above, which refer not to "inherent reason", but to Revelation, but also the problem of voluntarism disrupting the project of Tomasz, discussed by the writer, including in [Szlachta 2012], and also mentioned by the authors of PEU as a position that led to the binding of the law only with the will itself, even if it was God's will, and with the will separated from its internal focus on the good, to relativize all existing rational structures, weakening the possibility of their natural knowledge by man, and finally the thesis extremely critical to the whole Thomistic teaching of natural law, that nature is no longer a criterion for learning the full wisdom of God's will (29-30, in connection with the comments of Scotsmen and Hobbes). See. also a lecture by Benedict XVI at the University of Regensburg in 2006 and – in conjunction with nominalism – [PEU 69-70].

[15] He will note, by the way, referring to the broader text prepared by the writer of these words for the Days of John Paul II in 2017, that this is where the problem often raised by critics of the presented approach appears (already raised in this text), still present in Catholic science social, which exposes both the universalistic and rational dimension of natural law, which applies to every human being and to every knowable man: in the cited document it is said that the norms of righteous life and justice are expressed in the Word of God, which then transmits them to the human heart "like a wax, an image of the signet ring is squeezed, which passes through the wax, remaining on the ring" [PEU 26].

Natural law, once again, as a set of moral norms recognizable by human inherent reason is, according to the position adopted by Catholics, a proper and necessary reference point for legislative activity; it is a kind of "higher law" not in the sense, however, that it would have a juridical value similar to that given by a man to normative provisions binding all their addressees, but in that it should be respected and taken into account in the decisions of entities wishing to preserve humanity, honor the proper nature of the species every human being. The universalistic dimension found in this approach to natural law is, however, also connected with reflection on norms and reflection on the powers of man as a human being; and with reflection on the moral conditioning (limits) of the legislator's freedom, and with reflection on the moral conditioning (limits) of the freedom of each moral subject.

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