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A summary of a Ph.D. dissertation

The philosophy of law by Marian Ignacy Morawski SJ

This dissertation is devoted to the outstanding nineteenth-century scholar Marian Ignacy Morawski (1845-1901) – a Jesuit philosopher, theologian, founder and chief editor of the magazine *Universal Review*. The thought of Marian I. Morawski has hitherto been put in a philosophical and theological framework. It turns out, however, that the intellectual legacy of the Jesuit is so wide that it can also be scrutinised from the perspective of the philosophy of law. The purpose of this dissertation is to answer the question whether the set of philosophical and legal views of Marian I. Morawski SJ can be classified as a separate philosophy of law?

In the author's opinion, this question is justified, since philosophical and legal views of the Jesuit were a subject of secondary interest to many researchers. Morawski introduces the term of a "natural order", which is a *sui generis* original interpretation of natural law. According to Thomas Aquinas, the "natural order" constitutes a synthesis of the interpretation of eternal law (*lex aeternae*) and natural law (*lex naturalis*). The modification of Aquinas' conceptual apparatus is employed by Morawski to develop his own and in-depth Thomistic thought. Hence, the Jesuit is not only a passive commentator on Thomistic thought, but also creatively develops the concepts of the Angelic Doctor.

The dissertation has been divided into seven chapters, further divided into subchapters. It also encompasses an introduction, a summary and final conclusions. Chapter one covers the issues related to the philosophy of law as a science, indicates criteria for categorising particular views as philosophical and legal ones. In this chapter the dissertation title has also been justified as well as the philosophy of law as a science set forth. The historical approach to defining the philosophy of law allows for specifying the research framework in relation to the intellectual legacy of Marian I. Morawski. Simultaneously, it constitutes a starting point for determining whether and to what extent the Jesuit's views display the qualities of scientific viability in terms of the research field, which is the philosophy of law.

Chapter two contains a presentation of the philosophical trends prevailing in the nineteenth century (positivism, materialism, evolutionism, empiricism and liberalism) having regard to environmental conditions and biographical elements that had had an impact on the final shape of Morawski's thought. Presenting the profile of the Neo-Scholastic from Cracow

accentuates philosophical, ethical, theological, journalistic, as well as pedagogical themes in his works. Emphasizing environmental conditions serves to reiterate the individual's motivation in the context of nineteenth-century worldviews.

Chapter three contains the analysis of the Jesuit's philosophical views expressed in the work *Philosophy and its task*. The research perspective adopted for the purpose of periodization of the history of philosophy allows for classifying Morawski's thoughts also as historiographic. The Jesuit sets specific goals for philosophy, which shall allow for the restitution of scholastic thought and contribute to retrieving the position of philosophy in the future. Furthermore, reflections on law and morality are visible at this stage of activity, which subsequently develop to an in-depth philosophical and legal reflection. The uniqueness of the work *Philosophy and its task* has been presented in the context of the development of the Thomism doctrine in order to emphasize the relevant role of Morawski's activity in the process of shaping neothomistic ideas in the nineteenth and twentieth centuries. The indication of philosophical matter constitutes a starting point for the Jesuit's reflection "from philosophy to law."

Chapter four encompasses the explanation of the term "natural order" constituting the axis of the legal thought of the Jesuit, which in the twentieth century was updated and verified by neothomists, including Antoni Szymański, Antoni Borowski or Henryk Romanowski. Reflections on the "natural order" also apply to the retrospective approach referring to the comparison of the method of defining natural law since antiquity (sophists, Socrates, Plato, Aristotle, Stoica, and Augustine), through Thomas Aquinas to the assumptions of Marian I. Morawski regarding natural law. Comparative studies within the indicated scope allow for demonstrating the creative contribution of the Jesuit to the development of the doctrine of neothomism in the second half of the nineteenth century.

Chapter five indicates individual components - duty, pleasure, obligation or common good (*bonum commune*) which comprise Morawski's interpretation of morality. Particular terms have been defined from the perspective of the criticism of Kant's deontology or utilitarianism of J.S. Mill. An overview of the views on the relations between law and morality is a base for pointing out the model adopted by Morawski. The description of the position and role of natural law in the Jesuit's view is a foundation for the reconstruction of the relationship between the "natural order" and morality, as well as constitutional law.

The consecutive chapter six of the dissertation makes it possible to classify the Jesuit's views into a philosophical and legal framework. On the one hand, it is the answer to the question to what extent Marian I. Morawski created an original philosophy of law, on the other hand, how to systematize Morawski's thought in contemporary research frameworks. The relevance

of the nineteenth-century Jesuit's views in the context of the construction and application of law has also been proven. The meta-axiology of law in the Polish Constitution or the category of conscience in the process of adjudication by a judge are examples confirming the impact of iusnaturalism on law in action. Comparative analysis of Morawski's views to the ones of the later representative of the neothomistic thought - Czesław Martyniak, who was defined as a philosopher of law, is highly crucial in this chapter. A comparative research field is a foundation for obtaining the answer to the question whether it is right to perceive Morawski's thoughts in philosophical and legal categories?

A detailed analysis of the intellectual legacy of Marian I. Morawski leads to the final chapter seven, which indicates the usefulness of the original *philosophy of law by Marian I. Morawski* in contemporary scientific discourse. Trends rooted in positivism, materialism and Darwinism are experiencing a renaissance in the form of an evolutionary philosophy of law. Therefore, the natural question seems to be whether the nineteenth-century philosophical and legal argumentation of the Jesuit's remains valid in the doctrinal dispute between supporters of legal positivism and apologists of legal-natural concepts. The final chapter of the dissertation provides answers in this matter.

The structure of this doctoral dissertation is linear. It aims at proving that Marian I. Morawski's philosophical, legal and ethical views constitute his original *philosophy of law*. The discovery of the outstanding nineteenth-century Neo-Scholastic as a philosopher of law shall lead to the conclusion that the thought of Jesuit is universal and atemporal. On the one hand, Morawski's views are yet another part in the age-old dispute between positive law apologists and supporters of natural law, but on the other, they constitute a constructive criticism of the ideological evolutionary trends, materialism or positivism, which return in a more refined form of the evolutionary philosophy of law.

In this context, it is worth paying attention to the arguments of Marian I. Morawski that may also today, *mutatis mutandis*, be a source of inspiration in the discourse on contemporary philosophical and legal problems.