

Agnieszka Gawkowska

Looking for Foundations: Nature, Society, and Rights

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Aneta Gawkowska

University of Warsaw, Poland

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Abstract: The article presents the analysis of the subject concerning the alternative views on the foundations of human rights: nature and society. It delves into the questions of relations between nature and culture, as well as the meanings of these terms in the context of Florian Znaniecki's concept of humanistic coefficient. The author discusses the notions of dignity, freedom, autonomy, and anthropological truth with some arguments from the Catholic social teaching, particularly from John Paul II's encyclicals. Finally, the author looks for the possible links between the natural and supernatural foundations of the human rights.

Key words: nature, natural law, social construct, human rights, freedom, autonomy

It may be banal to start this text with a simple reflection on the fact that every day we wake up a bit older than the day before. Slowly but steadily time passes by, as we gradually change. The funny paradox is that our organisms grow and change faster when we are little children, while our awareness of the flying time and our fear of passing away is much higher when we are adults, especially advanced adults. Probably it is due to the awareness that our earthly lives have to end at some point and this awareness becomes vivid when we get older. However, the fast growing children are usually surprisingly secure in their feeling of stability of existence, unless they experience extraordinary conditions stimulating their insecurity, of course. It is the older, adult people, who experience much more insecurity concerning life in general and their specific conditions of existence in particular.

The middle period of human life seems most stable in many ways: we no longer grow or acquire any spectacular new abilities, compared to our children's growth and development; nor do we as yet grow really old and deteriorating in

health. Yet, the more advanced in adulthood we become, the more suspicious thoughts about our human condition we tend to ponder in our creative minds. Firstly, we tend to question the psychological sense of security and stability which used to be natural in our younger years. Secondly, we tend to worry about our economic standpoint. Thirdly, we tend to grow concerned about our health and physical attractiveness. And finally, we tend to suspect that nothing (or rather nobody) in the whole world cares for us or guarantees the stability of the world around us. We lose the belief in *foundations* or sources of stability of whatever kind. In other words, we think that we are existentially *on our own* in a very deep sense of the word. Sooner or later the ancient thought comes to mind that *panta rhei*, everything flows, everything changes, and thus nothing is permanent.

Paradoxically, again, we discover this *changing* nature of the world together with other people coming to *similar* conclusions. So, we could at least believe in this very change as something regular and constant for all humanity. We could find security in noticing that even changes themselves are somehow rooted in unchanging reality. For many ancients it seemed like an eternal circle of changes repeating themselves. The later, alternative ways of thinking treated this process (or processes) of change as a chain of events expressing progress, whether linear or spiral. Nevertheless, the “adult” or “mature” humanity ever since the Renaissance stressed the claim that more and more (if not everything) depends on the humans and revolves around humans. The man (meaning here the human being) became the center of the world and thus the source of self-created stability in the modern imaginacion. In other words, the human began to be treated as the *foundation* of the shape which reality takes. On the one hand, such a kind of attitude may stimulate taking full responsibility for one’s affairs and developing a very creative outlook towards the world. On the other hand, however, it may be connected with the undue pride, the *hubris*, which does not assume proper limits to one’s actions and, in consequence, may be destructive as well as self-destructive.

The awareness of constant change which accompanies our existence, together with the experience of toils and hardships of our human condition, may always easily contribute to our persuasion about the lack of any stable strongholds of reality. No wonder that the modern man has gradually been losing the metaphysical ground of trust in the so called nature as well as the supernatural reality. Even narrowly understood nature, namely, the natural environment, contributed to the feeling (and assumption) of uncertainty because of its abundance of natural disasters, once the supernatural framework which provided a certain explanation of reality, was abandoned. So, it became more and more difficult to stick to the belief that nature had a deeper meaning than just the physical, material and changing reality, namely the meaning of a stable essence of beings. Just like an individual growing older enters the world of suspicion and loses the

sense of ontological trust in the world as given and somehow ordered, hence the humanity as such (at least in the history of its Western part) repeated this experience and lost its belief in the existence of any given, natural foundations of reality.

Within such a perspective, what was left was the paradigm of conflict between nature and culture. The former was to be narrowly understood as a raw material for manipulation, while the latter was in a sense glorified as the complex of creative activities establishing human and social order upon the chaotic, initially given state. Culture turned out to be understood interchangeably with society because it was supposed to be the effect of social, that is, collective human efforts. Culture gradually became perceived as something created only by humans and created in a sense *ex nihilo*, with no regard to what was given. No meaning inscribed in nature provided the foundation or message worthy enough to be deciphered and respected in later human activities upon it. Human freedom, human will, and human creativity came to be considered as the ruling standards of culture. Within such a paradigm the human rights reached the top of the social values hierarchy and could no longer be based on any outer source of value. However, they are not filled with content by themselves until the will of particular individuals fills them up with meaning. Therefore, their practice needed to be self-limited by the very human beings who were going to live according to the logic of rights. Hence the necessity of the logic of social contracts. People needed to agree upon certain common rules of behavior which would not infringe on the freedom of others. However, the social and political agreements were based on the assumptions of inalienable rights, not any given and pre-contractual foundation of these rights.

The modern mainstream political philosophy assumes that human dignity is based on the ability to exercise one's rights: rights are first and dignity comes next. Only marginal traditions stick to premodern, classical view that inherent dignity is the source of rights, not the other way around. Such is the outlook present in the Catholic social teaching and, for example, in the Constitution of the Republic of Poland from 1997, which states in Article 30: "The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities." Thus evolved the two orientations on the question of the foundations of human rights: they either became perceived as stemming from the human dignity as given or they themselves were assumed to be given but not as rooted in the dignity but as being the prerequisite of one's dignity, while their practice came to be guaranteed by the social contract rather than any other reality. In fact, this second and dominant perspective developed the logical consequence, that is, since the rights, not the dignity, constitute the basis, then the rights themselves are not really stable on their own. Their meaning and interpretation are rather to be negotiated between the will of a particular

individual and the liquid social consensus. Therefore, the basis itself turned out to be fluid rather than stable. Rights and free will were either left without any ground or with the changing character of the ground in the form of the social contract. It became more and more clear that when humanity leaves the safe reliance on nature (understood metaphysically), it necessarily falls into the precarious state of reliance on social agreements on what should be established as the basis, however unstable and changing.

The major axis of division between perspectives is thus located between the given nature and the socially produced construct. If rights are given, sooner or later they would point to their given basis in the form of somehow natural dignity (which does not exclude, and even begs for, the supernatural source of nature). If, on the other hand, they are devoid of naturally given meaning, they consequently become understood as only socially constructed and socially guaranteed. The Western humanity has slowly moved from the assumption of "given" to the assumption of "constructed." Although it matured to accept the human rights as inviolable values of a universal character, it did not produce any kind of universal agreement on their justification. In other words, there was no agreement on the foundation of rights. Only certain areas of practical application of them gained international agreement. Hence, the theoretical meaning has been left unclear and ready to be used as an ideological tool for various wars and revolutions, while the practical application has experienced passing periods and various fields of consent together with other times and places of unrest and social quarrels over how rights should or could be claimed and lived.

The lack of agreement on the foundation of rights originated from the lack of common understanding of the concept of nature, including the human nature. In modernity it became reduced to the mechanistic and materialist determination of rules operating in the world independently of the human will. Hence this narrowed concept, deprived of the component of nature as a given potential with meaningful essence, was interpreted as opposed not only to culture but also to freedom, whose active expression resulted in cultural achievements. In this way, along with two alternative ways of understanding nature, there came two alternative ways of understanding freedom: one involved the free (uninterrupted) fulfilment of one's natural essence, the other based on free (not pre-determined) action opposing what was given by nature. The latter necessarily comprised opposing other humans, so that nobody (neither nature, nor society) restricts one's choices. That is why the modern notion of freedom has been intrinsically connected with individualism and traditionally seen as opposed to collectivism.

In fact, it should rather be juxtaposed with personalism because collectivism involved a socially constructed artificial unity established by the will of humans, so it really was an outgrowth of individualism, not something contradictory to it. Even though it turned out to be questioning the freedom of individuals, it effected from the social (i.e., antinatural, in the narrow sense of the word)

attempts at overcoming the drawbacks of rugged individualism; it grew out of human ambition to build the total unity against the supposed natural chaos. Personalism, in contrast to individualism, is based on the anthropology of social nature of humans, who are free to fulfill their essence by living with and for others. The individualistic human is supposedly fulfilled by being free from predetermined ties with others, while the personalist human is linked with others by nature (broadly understood) and cannot find one's flourishing without accepting and developing these links.

The difference between these two versions of understanding freedom is particularly visible and pertinent in the area of marriage and family relations. Close and intimate ties of this kind easily exemplify differing practices depending on the differing ways of self-understanding and seeing one's place in relations to others. Family cannot really exist if it is perceived as a fluid collection of individuals who are concentrated upon themselves rather than upon one another and upon the family as a whole. Michele M. Schumacher, a New Feminist¹ theologian and philosopher, considers the question of rights in the context of family issues in one of her articles entitled "A Plea for the Traditional Family: Situating Marriage within John Paul II's Realist, or Personalist, Perspective of Human Freedom." Her article is based on the detailed presentation and analysis of the two contrasting visions of the human freedom: individualistic and realist (personalist) following the thought of John Paul II.² In my opinion, Schumacher justly uses the words "realist" and "personalist" interchangeably because the core message of personalism was the late modern rediscovery and development of the realist tradition. Both streams of philosophy assumed the objective value of the given world, within which the value of the person is crucial amongst other values. The person is also naturally linked with others and can flourish only by the free assumption of one's role in the community (not collective being, but a communitarian being).

The realist (personalist) tradition safeguarded the personal freedom (against the power of both the totalitarian *and individualistic* systems) by assuming the value and dignity of the person as given by nature, not dependent on any rights guaranteed by the state or social contracts. Dignity, which is given, and not created (by individuals or the social agreement), does not limit here one's range of choices. The person is still able to affirm or reject the given value. However, others cannot take this dignity away from us. We are safer and free by being

¹ I purposefully use capital letters whenever I write about the New Feminism in order to distinguish this particular type of personalistic feminist thought inspired by the teaching of St. John Paul II from other types of feminisms which also used to call themselves new in the past.

² Michele M. Schumacher, "A Plea for the Traditional Family: Situating Marriage within John Paul II's Realist, or Personalist, Perspective of Human Freedom," *The Linacre Quarterly* 81 (4) 2014: 314–42.

independent from others' will concerning this issue. Thus the assumption of the status of being given and defined initially by nature does not limit us but provides the rightful safety of personal existence which does not depend on the will of external conditions. The initial dependence on the nature of personal beings keeps us safe from later intrusions of possibly anti-personal character. From the liberal point of view, we are then deprived of our autonomy. We are not free from external, natural or supernatural conditioning, which takes place even before our will has the chance of being revealed. We cannot decide on who we are if we accept our given nature—a liberal seems to claim. However, analogically to the alternative ways of understanding freedom, there are at least two basic ways of understanding autonomy: either as total independence and license of permanent self-creation or as freedom to realize what has been discovered as one's nature, having its origins and its end. These two options stem from two visions of autonomy of reason. Michał Paluch OP summarizes the two visions:

For Aquinas reason is the greatest gift received from the Creator. It should enjoy autonomy but it is always the relative autonomy, it is the autonomy related to God. For Enlightenment reason will become absolutely autonomous, its dependence on the Creator is going to be later questioned and rejected.³

Actually, accepting the fact of being created without our decisions does not limit our choices, while rejecting the knowledge of this fact leaves us open to being defined by the social forces. We do live with others and we have to agree on some common definitions of our nature as humans in order to regulate our lives in common. So the choice is really between accepting the truth of being born to the preexistent order of nature or accepting the changing, arbitrary social definitions which do not leave us with the possibility of constant redefinitions of our existence. The total freedom of auto-creation is a liberal myth which in reality ends by relying on the definitions provided by the society at large or by the powerful elites, whose rules and regimes pass and go throughout history. The individualistic interpretation of freedom may easily breed totalitarian tendencies because the social space does not tolerate the void, the lack of commonly accepted truth about human nature. In fact, it may rather be a reaction to the previous acceptance of the wrong definition of the human nature as devoid of inherent meaning and shaped only by individual decisions. The hidden assumption is that any decision is fulfilling, provided that it has been made by an autonomous individual without the external pressure. Such relativistic assumption opens the way for those who for some reason want to impose their totalitarian views as the exclusive and ruling. They impose other false views but in a sense they point to the fact that no

³ Michał Paluch OP, "Jak chrześcijanin powinien zareagować na sekularyzację? Dwa typy reakcji niemieckich teologów," *Przegląd Tomistyczny*, XXI (2015), 473.

society is possible without some agreements on anthropological truth about the human being. Social contracts cannot stand on the relativistic grounds that everyone's arbitrary ideas about human nature and satisfaction thereof are equally right. John Paul II's reflections on this subject are here particularly enlightening. In his encyclical *Centesimus Annus* he writes as follows: "[...] totalitarianism arises out of a denial of truth in the objective sense. If there is no transcendent truth, in obedience to which man achieves his full identity, then there is no sure principle for guaranteeing just relations between people. Their self-interest as a class, group or nation would inevitably set them in opposition to one another. If one does not acknowledge transcendent truth, then the force of power takes over, and each person tends to make full use of the means at his or her disposal in order to impose his or her own interests or opinion, with no regard for the rights of others. People are then respected only to the extent that they can be exploited for selfish ends. Thus, the root of modern totalitarianism is to be found in the denial of the transcendent dignity of the human person who, as the visible image of the invisible God, is therefore by his very nature the subject of rights which no one may violate—no individual, group, class, nation or State. Not even the majority of a social body may violate these rights, by going against the minority, by isolating, oppressing, or exploiting it, or by attempting to annihilate it (cf. Leo XIII, Encyclical Letter *Libertas Praestantissimum*, June 20, 1888): Leonis XIII P.M. Acta, VIII, Romae 1889, 224–226)" (*Centesimus Annus*, n. 44).

As we can see, this argumentation presents a serious warning against totalitarian formulations of inadequate anthropological claims. However, it also includes an equally valid accusation of any other system of social institutions based on false visions of human nature which question the possibility of reaching and acknowledging this truth. Both the misguided views of totalitarian systems and the assumption of there being no truth available to everyone (relativistic standpoint) is treated with criticism: "Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person. It requires that the necessary conditions be present for the advancement both of the individual through education and formation in true ideals, and of the 'subjectivity' of society through the creation of structures of participation and shared responsibility. Nowadays, there is a tendency to claim that agnosticism and sceptical relativism are the philosophy and the basic attitude which correspond to democratic forms of political life. Those who are convinced that they know the truth and firmly adhere to it are considered unreliable from a democratic point of view, since they do not accept that truth is determined by the majority, or that it is subject to variation according to different political trends. It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism" (*Centesimus Annus*, n. 46)

Clearly and persuasively, the social teaching mentioned here points to the need of assumption of the existence of the standard independent of the human will (be it individual or collective) in the form of the personal dignity recognized as the truth safeguarding human rights and freedom.

Of course, we can imagine the justified caution and even fear that assuming the existence of certain truths may also easily produce its own dangers, most likely in the form of forcing people to accept the truths discovered only by some individuals or groups. However, later in the same point of the quoted document the pope reassures that the standpoint he presents should not be instrumentalized and used for imposing allegiance to the truth of one's inherent (and, theologically speaking, God-given) dignity. The assumption of this truth as universal need not and should not be followed by questioning anyone's freedom. But it is for the purpose of safeguarding and developing freedom that accepting this truth serves and thus should be promoted: "Freedom attains its full development only by accepting the truth. In a world without truth, freedom loses its foundation and man is exposed to the violence of passion and to manipulation, both open and hidden. The Christian upholds freedom and serves it, constantly offering to others the truth which he has known (cf. Jn 8:31–32), in accordance with the missionary nature of his vocation. While paying heed to every fragment of truth which he encounters in the life experience and in the culture of individuals and of nations, he will not fail to affirm in dialogue with others all that his faith and the correct use of reason have enabled him to understand (cf. Encyclical Letter *Redemptoris Missio*, n. 11: *L'Osservatore Romano*, January 23, 1991)" (*Centesimus Annus*, n. 46). It is worth noticing that John Paul II refers to the encyclical devoted to the missionary work, so one may think that he argues for truth-claims only in the religious or even private realms. But it is also worth observing that the reference to the missionary attitude is made in the encyclical devoted to the social teaching, and particularly in the fragments discussing the political philosophy and criticism of relativistic standpoint often treated as the only possible basis of modern democracy. So, these arguments may be read as valid in all spheres of social life, including the political dimension, where the assumption of the given truth of human dignity should be appreciated as supporting human freedom and flourishing, though it should not be used for imposing the overall orientation or background of this idea. As early as in 1414, a distinguished Polish scholar, Paweł Włodkowic, who represented Poland at the Council of Constance that year, strongly defended the rights of pagans against being evangelized by force and to own their land as well as live in peace without being bothered by Christian neighbors. He defended the rule of respect for every person; the rule which stemmed from the universal natural law which, however, was supported by the Christian faith.

When we speak about human nature and dignity as given, we thus necessarily enter the terrain of the so called natural law because it is based on the

notion of natural rules to be discovered instead of created by humans. Basic rules independent from human will are treated as given and they stem from the key principle that good is to be done and evil is to be avoided. This, in turn, is linked with the belief that good and evil can be identified and that they are objective as well as stable rather than solely relative and dependent only on culture. Certain rules, beings, and values are believed to be established independently of our actions and will. Within this perspective we can thus speak not only about the nature of humans but also about the nature of society or the social links as existent before our conscious acceptance and activities towards others appear. In a sense it is all connected with the so called social (or political, according to ancients, while also called communitarian, according to the contemporary critics of modern individualism) nature of human beings. Where can we look for any signs of the intrinsically social nature of men (including men and women, of course)? Most obviously it is visible in the sexual differentiation of humans, which clearly shows our natural state of being open and called to communion with others who are complementary even in the basic aspect of sexual organs.⁴ However, nowadays even such seemingly simple facts about human body and its social meaning are not unequivocal and, what is more, they are not treated as based in nature which carries a social content. In contemporary debates about sex nature is understood either as identical with biological determinism, which can be freely ignored, or as an element of social construct, which in turn can be modified in an arbitrary way without limits. The traditional treatment of nature as the essence of personal beings is largely excluded from the mainstream debates and the human relation with the body is usually not presented in a satisfactory way in the public discourse. So, on the one hand, the body and sexuality are perceived as elements of determination which stand opposed to autonomy of the subject, while on the other hand, body is treated as the tool of expression of the person and the constitutive part of the person, so as linked with the area of consciousness, reason, and freedom (free expression) but the latter meaning is not connected with the responsibility of caring for the given structure of the body but rather only with the human possibility of playing with the body according to one's will. Body, as nature, is not supposed to have any values or norms inscribed in it apart from whatever the person creates and writes into the body (or nature, for that matter).

Contemporary debates over body/sex/gender issues contributed to the renewed interest in both the natural law and the social constructivist perspective. So, the search for better understanding of human sexuality stimulated questions about the foundations of the human rights: nature or social contract? However,

⁴ Cf. the most sophisticated analysis on this topic in the form of the theology of the body by John Paul II, which is actually an example of the philosophical and theological anthropology of human sexuality published as John Paul II, *Man and Woman He Created Them. A Theology of the Body*, trans. Michael Waldstein (Boston: Pauline Books and Media, 2006).

why not explore the possibility of the third way? What is worth analysing is the problem of understanding of human sex as a personal value, thus presenting a kind of third way between the biological sex and socio-cultural gender. Maybe the human nature is given in a different way than unreflective biological determinisms, given as a value, but not only and strictly a cultural value. It could rather be perceived as both rooted in biological nature and pertaining to the personal metaphysical nature of the human being, thus needing personal response, development, and having cultural content, too.

Such a standpoint on this question would then require coming back to the old debate with the concept proposed by Florian Znaniecki of the “humanistic coefficient”⁵ and opening of sociology to the perspective of naturally given sources of what exists as having the socio-cultural meaning. The perspective proposed by Znaniecki stresses that every cultural object is given in human experience. In other words, cultural objects (values) are correlates of the subject. They have both the empirical content (like natural objects) and cultural meaning (depending on the society). The third way option proposed above would constitute a certain kind of enrichment of the Znaniecki’s concept with the ecological attitude uncovering potentially meaningful contents inscribed already in nature, such as the message of the social nature of humans visible in human sexuality, which nevertheless, needs their conscious response.

If Znaniecki’s “humanistic coefficient” is to be treated not only as epistemological and methodological concept and a particular tool for treating culture, but also as an ontological statement, then every value is just a social construct (not *also* a social construct). That is problematic because, pertaining to our topic, it gives a very precarious standing to human rights. If they are not based in nature (of course understood more broadly than material biology), they can easily be manipulated with and even rejected by arbitrary decisions. If Znaniecki’s treatment of values means that they are *only* cultural, and if culture is interpreted as not based on nature (as something independent of human will), then we are left with a dangerous assumption of there being a radical division or even conflict between nature and culture. It excludes the deeply ecological possibility that nature, especially human nature, has more than just material, empirical content, while the world is more than just matter (mechanism). In addition, it excludes the option that what is social may have more than just cultural (namely socially constructed) meaning. Znaniecki’s dichotomy seems wrong to me because although it rightly notices that cultural values exist within human-cultural space, it does not see any space for potential deep links between nature and culture, particularly in the form of nature inspiring the culture and constituting the basis thereof. His theory built around this concept seems based on the false di-

⁵ Florian Znaniecki, *The Method of Sociology* (New York: Farrar and Rinehart, 1934), 36–43.

chotomy accepted beforehand by the Western world of mechanistic nature vs. culture added to it by the human beings in an arbitrary way or even opposed to nature.

The aforementioned element of human nature, namely body with its sexuality, can and does go beyond the dichotomy of nature vs. culture because the human experience shows that body is a constitutive element of a person: the human being expresses himself/herself by his/her actions, including actions in the sexual sphere. But the human actions cannot ignore the meaning which already pre-exists within the body. Persons choose on how to act but they do not create the natural meaning which certain body gestures/actions have by their own nature. Thus, in opposition to what cultural values mean in Znaniecki's concept of humanistic coefficient, body is given in a different way than unreflective biological determinism and cultural meanings associated with sexuality (and gender roles, for that matter, too) do build upon the messages provided by nature. Sexuality is thus an exemplar of how nature cannot be strictly opposed to culture because notwithstanding the human activity, it already carries the social/relational content in the deepest sense available to nature, namely visible in the sexual difference/complementarity. By itself *it is already a value* but different from the concept of values described by Florian Znaniecki, namely values constituted by society in a cultural system. Body reminds us that the source of cultural values is given, largely already given in nature, no matter who is the Author of nature.

How this assumption can influence culture by making it more ecological, is shown in the argumentation made by Pope Francis in his encyclical letter *Laudato Si*: "The acceptance of our bodies as God's gift is vital for welcoming and accepting the entire world as a gift from the Father and our common home, whereas thinking that we enjoy absolute power over our own bodies turns, often subtly, into thinking that we enjoy absolute power over creation. Learning to accept our body, to care for it and to respect its fullest meaning, is an essential element of any genuine human ecology. Also, valuing one's own body in its femininity or masculinity is necessary if I am going to be able to recognize myself in an encounter with someone who is different" (*Laudato Si*, n. 155). The acceptance of the perspective of the world as given cannot be over-emphasized. It carries an enormous value in the contemporary world focused on absolute autonomy as licence and unlimited power to change the beings in arbitrary directions.

Contrasting nature and culture was an important factor contributing to such an attitude which did not respect the world in the shape and character it had before human intervention or rather before human resignation from caring for the world's given essence of beings. In the name of autonomy, people caused devastation of the world in many areas. Ironically, as some philosophers noticed, by promoting extremely understood autonomy of genetic experiments, we

encroached upon the autonomy of our offspring.⁶ Ignoring the world as given resulted in disrespect for what is given in our children: modelling their genetic equipment is excused by the intention of providing them with better opportunities for the future but it actually deprives them of being inviolable and thus autonomous. The argumentation of Jürgen Habermas is a grave warning against understanding freedom or autonomy as divorced from a certain element which would constitute somebody as given and not constructed by society. In the name of autonomy itself it seems adequate and even indispensable to recognize nature as a given and norm-creative essence of beings, provided that it does not destroy the personal/subjective character of an individual. Paradoxically for the modern mind, a construct is destructive for autonomy while a given nature defends the human being by guaranteeing his/her independence from society. Analogically, respecting a given sex/nature/body is the basis for human freedom and human rights rather than an unjust limit put on one's autonomy. The International Theological Commission at the Vatican prepared a document on natural law in 2009 entitled "In Search of a Universal Ethic: A New Look at the Natural Law," where the question of our interest in this article is explained in point 68:

Person is not opposed to nature. On the contrary, nature and person are two notions that complement one another. On the one hand, every human person is a unique realization of human nature understood in a metaphysical sense. On the other hand, the human person, in the free choices by which he responds in the concrete of his "here and now" to his unique and transcendent vocation, assumes the orientations given by his nature. In fact, nature puts in place the conditions for the exercise of freedom and indicates an orientation for the choices that the person must make. Examining the intelligibility of his nature, the person thus discovers the ways of his own fulfilment.⁷

In other words, freedom would not exist without certain conditions making it possible. Yet, it needs to be stressed that "natural" does not mean "naturalistic" but rather adequate for human nature as a person, meaning free and rational being. John Paul II writes about it when dealing with the subject of natural methods of regulating conception in his theology of the body mentioned before. He strongly warns against biologizing ethics, that is, "reducing ethics to biology."⁸ The modern use of the word "natural" is often associated with "unreflective," as it was hinted above. "Natural" is thus interchangeably used with

⁶ Cf. Jürgen Habermas, *Przyszłość natury ludzkiej. Czy zmierzamy do eugeniki liberalnej?* Trans. Małgorzata Łukasiewicz (Warszawa: Wydawnictwo Naukowe Scholar, 2003).

⁷ International Theological Commission, "In Search of a Universal Ethic: A New Look at the Natural Law" (2009), accessed July 1, 2017, http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html#*.

⁸ John Paul II, *Man and Woman He Created Them. A Theology of the Body*, 125:2, p. 637.

“spontaneous,” “directed by instincts,” etc. On the contrary, natural family planning methods, as John Paul II emphasizes, are not “natural” in this latter sense. They require using reason, self-control, and internal personal attitude of love towards others, together with respecting the natural fertility cycle as well as the objective spousal meaning of the human body. Neither instinct, nor emotion, nor mechanical use of particular methods by themselves make it natural, but rather naturalistic, because it does not involve conscious decision-making. Natural, on the other hand, means free activity within the area of what is possible, provided that natural mechanisms are taken into account and thus respected. Freedom or autonomy is not achieved by following raw natural instincts or, for that matter, by arbitrary creation of one’s own laws irrespective of the nature of persons. As John Paul II explains in *Veritatis Splendor*, respecting natural law is not heteronomy (which would be opposed to autonomy) but it involves free acceptance of rules discovered within oneself, given and definitely not imposed on oneself. “The rightful autonomy of the practical reason means that man possesses in himself his own law, received from the Creator. Nevertheless, *the autonomy of reason cannot mean that reason itself creates values and moral norms* (cf. Address to a Group of Bishops from the United States on the occasion of their *ad Limina* Visit (October 15, 1988), 6: *Insegnamenti*, XI, 3 (1988), 1228)” (*Veritatis Splendor*, n. 40). Later in this document the pope writes as follows: “Patterned on God’s freedom, man’s freedom is not negated by his obedience to the divine law; indeed, only through this obedience does it abide in the truth and conform to human dignity. This is clearly stated by the Council:

Human dignity requires man to act through conscious and free choice, as motivated and prompted personally from within, and not through blind internal impulse or merely external pressure. Man achieves such dignity when he frees himself from all subservience to his feelings, and in a free choice of the good, pursues his own end by effectively and assiduously marshalling the appropriate means. (Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 17) (*Veritatis Splendor*, n. 42)

This argumentation makes the point that natural law of respecting human dignity as the source of rights does not really limit one’s freedom but rather protects the freedom and rights of everyone who respects its precepts and freedom of those around him/her. Following the discovered law should not be categorized as thoughtless naturalism and thus irrational slavery of determinism but as the only rational option for a person who recognizes his/her status of being able to grasp the given moral laws with equally given reason, as well as being able to freely abide by these laws and use them creatively towards one’s fulfilment.

After all, the precepts of the natural law are all about the value of person, of human life and its goodness independent of anybody’s will. This should be

clear to everyone using reason, as a universal ethical basis agreed on by the Enlightenment thinkers, though they modified both the vision of the Creator and nature itself. Maybe that is why the Western humanity has not kept loyalty to the Enlightenment thought and during times of crisis the only witness to the natural law seemed to be visible in the Catholic social thought. In *Evangelium Vitae* John Paul II expressed his claim stating that the natural law is available to every reasonable being: “Even in the midst of difficulties and uncertainties, every person sincerely open to truth and goodness can, by the light of reason and the hidden action of grace, come to recognize in the natural law written in the heart (cf. Rom 2:14–15) the sacred value of human life from its very beginning until its end, and can affirm the right of every human being to have this primary good respected to the highest degree. Upon the recognition of this right, every human community and the political community itself are founded” (*Evangelium Vitae*, n. 2). In one sentence the pope summarizes the link between the universal ability to discover and adhere to the natural law, its essence located in the objective value of human life, and the consequent rights of the human person.

I wrote earlier about how crucial it is that acceptance of the view of human dignity as given, not created, actually safeguards the human free status as a being independent of the will of other persons. The argumentation made in *Evangelium Vitae* goes even further to asserting that the supernatural source of this dignity needs to be recognized, too, which makes the freedom even deeper: “It is [...] essential that man should acknowledge his inherent condition as a creature to whom God has granted being and life as a gift and a duty. Only by admitting his innate dependence can man live and use his freedom to the full, and at the same time respect the life and freedom of every other person” (*Evangelium Vitae*, n. 96). Maybe the Enlightenment vision was too difficult to stick to in the long run precisely due to the fact that separation of nature from God made it virtually impossible to see nature as the plausible foundation of rights. Our perception of nature may no longer be clear, once we divide the natural from the supernatural factor. Maybe the Enlightenment was still too much influenced by the Protestant ideas which assumed that nature is totally corrupt, therefore the common/political sphere (where the philosophy and practice of rights are located) cannot be moral. Long time has passed between the age when Paweł Włodkowic argued that morality discovered in the natural law is the foundation in politics, in public life, not only in private sphere, and the age of the so called Reason when the meaning of nature already gained quite a lot of vagueness, not to mention its divorce from the loving God as the lack of agreement on how to treat His Nature. The theological and philosophical conflicts in the European history had their long-distance effects visible in the political-philosophical standpoints concerning the question of rights. As Michał Paluch OP reminds, a Catholic grace builds upon nature and fulfills nature, while for a Protestant grace is supposed to replace nature, both of which so far

stay in mutual conflict.⁹ This was reflected in the modern civil view of opposition between nature and society, whose rules were supposed to order the supposed chaos of nature, including human nature and the nature of society. Laws were supposed to give shape to the social reality and guarantee the dignity and freedom of persons rather than be based on them as given and independent on society. This, in turn, came from the Protestant understanding of nature as totally fallen, totally corrupt. Catholicism sees nature as seriously hurt but not totally deprived of the primary value. Hence, that is why it is within the Catholic social thought that we can still find the development of the precepts of natural law and the firm belief that these precepts can be identified by every person using reason and having good will. Furthermore, that is why there is still the link preserved between nature and God as its ultimate Source, whose traces can be noticed in the structure of the world (another term describing nature, actually).

It seems that only by assuming this optimistic Catholic view of nature can both the status of human rights be safe and the connection between the natural and supernatural seen as supportive of freedom rather than dangerous for it. In the social teaching encyclical (already quoted above) published short after the fall of the so called real socialism in Europe, John Paul II reflects on this issue when he analyzes socialism: "If we then inquire as to the source of this mistaken concept of the nature of the person and the 'subjectivity' of society, we must reply that its first cause is atheism. It is by responding to the call of God contained in the being of things that man becomes aware of his transcendent dignity. Every individual must give this response, which constitutes the apex of his humanity, and no social mechanism or collective subject can substitute for it. The denial of God deprives the person of his foundation, and consequently leads to a reorganization of the social order without reference to the person's dignity and responsibility. The atheism of which we are speaking is also closely connected with the rationalism of the Enlightenment, which views human and social reality in a mechanistic way. Thus there is a denial of the supreme insight concerning man's true greatness, his transcendence in respect to earthly realities, the contradiction in his heart between the desire for the fullness of what is good and his own inability to attain it and, above all, the need for salvation which results from this situation" (*Centesimus Annus*, n. 13). Seemingly opposed philosophies of liberal Enlightenment and communist tradition are here treated as presenting the same mistake of mechanism in viewing human nature. Mechanicism is nothing else than seeing nature as devoid of meaning, originally being caused by the separation from the supernatural. Thus, the whole logic presented here comes to being summarized as follows: the human rights are founded on dignity, dignity is given within human nature, and nature is given by God. What

⁹ Paluch OP, "Jak chrześcijanin powinien zareagować na sekularyzację? Dwa typy reakcji niemieckich teologów," 481.

is more, only by assuming the supernatural source of nature can we keep the assumption of the stable standing of the natural human rights.

So, within the world which seems changing all the time and which seems to have nothing stable, we can and maybe even have to assume that there are the natural and even supernatural foundations of rights, which we find so dear to our civilization that we like to advocate all over the world. Since we like to treat them as the intercultural basis for universal debates, we would better not avoid delving deeper into their possible metaphysical roots, even if we do not expect to persuade everyone about their source. Hopefully, at least we personally will have greater confidence in promoting these rights and greater knowledge on how to use them in practice.

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Aneta Gawkowska

À la recherche des fondements : la nature, la société et les droits

Résumé

L'article présente l'analyse du sujet des points de vue alternatifs sur les fondements des droits de l'homme, localisés dans la nature ou dans la société. L'auteure se plonge dans les questions portant sur les relations entre la nature et la culture, ainsi que les significations de ces notions dans le contexte de la théorie de Florian Znaniecki, concernant la compréhension du cofacteur humaniste. Le texte analyse les conceptions de la dignité, de la liberté, de l'autonomie et de la vérité anthropologique avec les arguments de l'enseignement social catholique, et en particulier des encycliques de Jean-Paul II. L'auteure cherche également des liens entre les fondements naturels et surnaturels des droits de l'homme.

Mots clés : nature, droit naturel, construction sociale, droits de l'homme, liberté, autonomie

Aneta Gawkowska

Alla ricerca dei fondamenti: natura, società e diritti

Sommario

L'articolo presenta l'analisi dell'argomento delle opinioni alternative riguardanti i fondamenti dei diritti umani, collocati nella natura o nella società. L'autrice si addentra nelle questioni delle relazioni tra la natura e la cultura e nelle questioni dei significati di tali nozioni nel contesto della comprensione del coefficiente umanista della teoria di Florian Znaniecki. Il testo analizza i concetti di dignità, libertà, autonomia e verità antropologica con gli argomenti dell'insegnamento sociale cattolico, in particolare delle encicliche di Giovanni Paolo II. L'autrice intraprende anche la ricerca dei legami tra i fondamenti naturali e sovrannaturali dei diritti umani.

Parole chiave: natura, diritto naturale, costruito sociale, diritti umani, libertà, autonomia