NATURE AND REASON AS SOURCES OF LAW IN JOSEPH RATZINGER'S EVALUATION OF RELATIVISM

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GEORGE JOSEPH

Under the Supervision of

Dr. habil. JÓZSEF SIMON

Department of Philosophy
Faculty of Humanities and Social Sciences
University of Szeged, Hungary
2 0 2 4

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Foreword

This dissertation is to fill the gap in accounting relativism by investigating the deficits of an exclusively positivist hermeneutics underlying it, and to bring to light the reasonability of nature and the harmony of the objective and subjective reason evidential in natural law. At the same time, the text placed in Your hands is also the result of my inadequate yet rewarding personal search for *reason*. More than ten years ago, the day of the inauguration of my undergraduate studies at Loyola College, the first time I stay away from my family-home, my father gave me a single-sentence advice: "Now onwards, live by your reason." However, the question of reason assumed intellectual seriousness within me only four years later. Sometime in 2017, while reading history at the University of Kerala, I became sceptical about the deterministic levels of positivist hermeneutics in contemporary historiography and the egoistic character of Marxist political culture. Even as I acknowledge the function of Marxist politics in overcoming the caste-inequalities which had prevented coherence of the society in Kerala for centuries, I was convinced about the urgent necessity to seek for more rational way forward if creative pursuits and civility are to be advanced in the society. It was in this context that I came across the writings of Joseph Ratzinger. I was impressed by Ratzinger's courage to go beyond positivism and to speak about the notion of truth humbly in a cultural situation which considers speaking about truth as naivety or arrogance. Eventually, I discovered that Ratzinger's adventure to go beyond positivism without either relapsing to relativism on the one hand and fundamentalism on the other hand have carved space to modestly affirm the presence of *truth a priori* with a responsible attitude to reason, epistemology, and subjectivity. In my depths, I was assured that this approach touches on every aspect of human life in private and public spheres – faith, marriage, family, conjugal ethics, politics, legislations, economical relations, human rights, education, innumerable questions of freedom – and contribute to uplift culture in our times. Although the substantial part of Ratzinger's cultural criticism address the questions faced by the economically and technologically developed parts of the world, the ill-effects of the technocratic culture are clearly visible in the sensibilities and perspectives of the generation coming of age in the developing parts of the world too. Seeing these from India, on

the one hand, there is the toxicity and weight of irrational traditions that cause hindrance to the advancement of human freedom, and on the other hand, a grave set of consequences is pervading the society and culture in the form of hedonism, consumerism, narcotics, domestic violence, and a general social depression. When the Tempus Foundation offered the Stipendium Hungaricum Scholarship, I received an opportunity to pursue these questions systematically.

The figure and message of Joseph Ratzinger is received variously. One view is that even a liberal-maximum by the former Prefect of the Congregation for the Doctrine of Faith is of very little help in meeting the aspirations of contemporary man. Accordingly, cultural interpretation by someone who officiate apologetics is in itself a radical bias that is against the aspirations of a secular society. However, as I evaluate Ratzinger's worldview-bias, he does nothing more than defending the Christian faith. After the high-tide of secularization, John Rawls had allowed that Christian faith is a non-public reason that derives its ethics from well-thought out traditions. Similarly, Habermas had also said that religious worldviews give an awareness of what is missing. In fact, the mature demand of democracy and secularism is that we must not only simply "allow" particular world-view biases, but also sincerely delve into them and have readiness to absorb from them if such views make good sense. Ratzinger's writings anticipate this maturity of democratic discourse. He writes with a simple trust in the intellectual ability of each person. He invites the contemporary person to open oneself to reason, and also to purify the *pure reason*. Nowhere in Ratzinger's writings have I come across arrogant formulation of the concept of truth and its demands. He himself once said that one who speaks about the notion of truth must be ready to speak of it like a clown, or else the truth would appear like the dictator's truth. With profound respect to each person's subjectivity, Ratzinger simply appeals to the heart of the person rather than imposing onto one's conscience a loud voice.

A major criticism against Ratzinger is about his inability to distinguish the nuances within Marxism, as a result of which his treatment of Marxism seems to be a one-sided polemical attack that hides several aspects of Marxism that deserve appreciation.[1] This criticism is partially reasonable, I think, as the Christian-majority countries where political Marxism or liberation theology had struck were in an urgent need of addressing class-

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[1] Joseph Anthony Burke, "Pope Benedict on Capitalism, Marxism, and Globalization," *Catholic Social Science Review* 14 (2009), 167-191.

inequalities, an aspect which Christianity had historically failed since the industrial revolution.[2] Ratzinger's insufficient attention to distinguish the nuances within Marxism may be understood if we consider the nature and purpose of his works which treated Marxism. He, in the capacity of the Prefect of the Congregation of the Doctrine of Faith, had the primary task to defend Christian faith which has overall different form from Marxist doctrine and method. Thus, his writings of Marxism were limited to this function and he left the positive aspects of liberation theology largely unattended. Nevertheless, he himself admits that Marxism has several layers and that various layers are to be welcomed.

Likewise, another critical concern with Ratzinger's worldview is about the *degree* of the problem of relativism. He sees relativism as a problem with the seriousness of dictatorship. However, the question is raised whether the ascription of the degree of dictatorship for the problem of relativism is more a criticism of an imagined culture than the criticism of a real culture of lived experience of normativity. Those who adhere to relativistic worldview object Ratzinger's view that relativism is the priority of one's own ego and one's own desires that believes nothing.[3] The objection is that such a description of relativism is too simplistic.[4] There is some truth in these objections. However, unlike the ideologies of the previous century which were more political expressions, relativism is a personal attitude of the subject-person, and hence the proper place of relativism is a person's heart. Only in a derived sense relativism is a problem of the social structure. This makes it difficult to measure the degree of relativism in various different contexts across latitudes and longitudes. It is needless to tell that all those who hold a relativistic moral conception are not indifferent to values. Nor are all the adherents of relativistic worldview egoistic and desirous. Nevertheless, Ratzinger's ascription of the degree of dictatorship for the problem of relativism is a great gesture and a wise alert that has an urgent function to correct the wrongs that pervades various spheres of social and personal life. Inasmuch as the deeper details in the normative thought of Ratzinger helps people to cultivate their personal and community-lives, the forceful vocabularies are even helpful to be aware of the deeper problems, I think.

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[2] Gustavo Gutierrez, *A Theology of Liberation: History, Politics, and Salvation* (New York: Orbis Books, 1973), xvii-xxix.

[3] Joseph Ratzinger, "Homily for the Mass for the Election of the Roman Pontiff" (St. Peter's Basilica, Vatican, April 18, 2005).

[4] Richard Shusterman, "Fallibilism and Faith," *Common Knowledge* 13/2 (2007), 379-384.

Still another problem is the doubt raised whether relativism is a universal problem or the problem only of the most technologically advanced societies.[5] The popular culture and some electoral verdicts in the past decade reveal that modernism and secularization was questioned differently in different parts of the world. In the western world, it was questioned by relativism, as is clearly illustrated by the demand for New-Age religion after the high tide of secularization. Anti-modernism assumed the form of nationalism in several post-communist countries. Meanwhile, in the postcolonial countries, the yearning was to provide corrective to the Western libertinism by resurrecting their own ancient legacies and indigenous cultures which were so much wounded during colonialism. Given these differences, we cannot speak of normativity merely in the Western terms which hides the fuller picture of normativity. Thus the question is asked about the rationale of problematizing relativism which is only a problem of the advanced societies. Even as there is some truth in this contestation, we must admit that relativism is already a sign of our times. Failure to read this sign will be a great damage to humanity and its culture. The degenerations occurring from within the advanced technocratic societies are equally the signs of the urban life of Asia and Africa. Hence the need to question the deformities within the hegemonic culture propagated in the non-western world which converges with the western relativism. We cannot turn our eyes when marriages are weakened by cultural carelessness, families are deconstructed conceptually, and the human persons suffer various traumas within their body and mind. Failure to attend to the problem of relativism would be a mistake in estimating the culture of the century and its years which we are not yet given to see.

Other criticisms against Ratzinger very often confuse between criticisms about his philosophical approach and the criticisms on the decisions and indecisions of the Church.[6] This confusion, it seems to me, is more in the Western world, and far less or next to nothing in other parts of the world where Ratzinger is discussed. The litany of criticisms against him are often mixed with the disappointment about the inadequate measures to curb paedophilia, the question of the rights of homosexual partners, and other questions on bioethics and conjugal ethics which are the serious problems in the Western world today. In Asia and Africa, the priorities

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[5] Mikael Stenmark, "Relativism as a Challenge to Religion: Christianity, Truth and the Dictatorship of Relativism," *Relativism and Post-Truth in Contemporary Society: Possibilities and Challenges,* eds. Mikael Stenmark, Steve Fuller and Ulf Zackariasson (Gewerbestrassa: Palgrave macmillan, 2018), 203.

[6] For example, see the various news-reports after the release of 2022 report titled "Sexueller Missbrauch Minderjähriger und erwachsener Schutzbefohlener durch Kleriker sowie hauptamtliche Bedienstete im Bereich der Erzdi"zese München und Freising von 1945 und 2019" prepared by Westpfahl Spilker Wastl law firm.

on the questions of freedom and traditions are fundamentally different, and Ratzinger's defence of natural law and the accompanying values are considered as efforts to bring into light their own enlightened aspects of culture, and as an urgent corrective for the too much concupiscent and technocratic cultural perspective.

Even as I am convinced about the validity of Ratzinger's way of understanding relativism, I am also convinced about the necessity of alternative ways of conceptualizing relativism. For example, Peter Berger's *The Many Altars of Modernity* (Boston/Berlin 2014) is a brilliant critique of secularization which offers a nuanced theory of pluralism. Another way to understand relativism is to conceptualise it in different contexts. *Relativism: Interpretation and Confrontation* (Notre Dame, Indiana 1989) and *Relativism: A Contemporary Anthology* (New York 2010) edited by Michael Krausz bring into discussion various epistemological aspects of relativism. These methods are very beneficial to understand the deeper complexities involved in normativity. Nevertheless, in this dissertation I limited myself to conceptualise relativism based on Ratzinger's hermeneutic which in its wholeness help one to internally distinguish between pluralism and plurality, conservatism and conservation, traditionalism and tradition, and likewise other social concepts. Addressing life and death, heaven and earth, and other big philosophical questions, Ratzinger's approach provides itself as more helpful for me to fulfil my own expectation from this dissertation: to see as fully as possible *the upper-room* of history from the vantage point of philosophy. Throughout the ages, discourses on law, norms, rights, and responsibilities have always had reference to this upper-room of history, and therefore, all of this history cannot be seen merely as a pre-history of morality.

Therefore, the first and the third chapters of this dissertation assume the form of historical arguments. The former chapter is to explain the emergence of relativism as a development in the intellectual history and the latter chapter is to verify the potentiality of natural law to engage in dialogue with evolving situations of normativity. Ratzinger himself has consistently adopted historical method since his earliest writings. In his doctoral dissertation, he engaged Augustine in dialogue with Roman political theology which has foundations in various forms of Platonism, and verified Augustine's argument that Christian faith is in continuity with philosophy and the victory of reason.[7] The historical method

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[7] Joseph Ratzinger, "Self-Presentation as member of the Pontifical Academy of Sciences," (Vatican City: Libreria Editrice Vaticana). Available at: https://www.vatican.va/content/benedict-xvi/en/biography/documents/hf_ben-xvi_bio_20050419_self-presentation.html (Accessed on: 19.11.2023).

continued in his postdoctoral work on Bonaventure's theology.[8] Later, he furthered this approach to explain the problem of relativism. In his Regensburg lecture on the relationship between faith and reason, he explains relativism as a result of de-hellenization and radical disconnect with the concept of Logos that occurred in three historical stages: Reformation in the sixteenth century, liberation theology in the nineteenth and twentieth centuries, and cultural pluralism of contemporary times. In his meeting with the Doctrinal Commissions of Latin America, Ratzinger explained relativism in connection with recourse to the religions of Asia, the syncretism in the New Age religion, and the subsequent confusion between orthodoxy and orthopraxy. In his books and articles on the crisis of culture, he understands postmodern sensibilities as the signs of a particular historical period – the trends that must not be uncritically conformed to. In other writings, Ratzinger points out the evolution of natural law jurisprudence and the role of ideologies such as Marxism in order to explicate the emergence of relativism in normativity. The aim of the opening chapter is to understand all these aspects as a whole movement in the intellectual history.

The second chapter is the treatment of positivism, which I understand as the methodological underpinning of relativism. Treatment of positivism is essential in order to understand relativism as a systematic error of worldview. The rationale of this argument, as to how relativism and positivism converges in spite of their *seemingly* very different worldviews, is stated in the Preliminary Remarks for the Chapter II. This chapter is, on the one hand, an attempt to show how philosophy had suffered loss because of the reductive methodology of positivist hermeneutics, and on the other hand, a background-study to inspire confidence once again to start the discussion about natural law after all the great landmarks in epistemology in the previous centuries.[9]

Whereas the function of the *historical* presentation in the first chapter is to understand logically the problem of relativism, the same method is adopted in the third chapter to state the evidentiality of natural law in widely different historical contexts among which the norms

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[8] Joseph Ratzinger, *The Theology of History in St. Bonaventure* (Illinois, Chicago: Franciscan Herald Press, 1989), v-vi.

[9] On positivist hermeneutics, see: Benedict XVI, *Verbum Domini: On the Word of God in the Life and Mission of the Church* (Vatican City: Libreria Editrice Vaticana, 2010), § 35-b. Available at: https://www.vatican.va/content/benedict-xvi/en/apost_exhortations/documents/hf_ben-xvi_exh_20100930_verbum-domini.html (Accessed on: 19.11.2023).

See also, Benedict XVI, *Address during the 14th General Congregation of the Synod of Bishops on October 14, 2008* (Vatican City: Libreria Editrice Vaticana, 2008). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2008/october/documents/hf_ben-xvi_spe_20081014_sinodo.html (Accessed on: 19.11.2023).

needed ever new clarifications with the development in epistemology. A *total historical picture* of natural law is helpful for one to understand, appreciate, and to be assured about the concept of nature lying at the bedrock of Western jurisprudence that has in the course of over two millennia influenced the jurisprudence of mankind. If we are to be able to conceptualize nature and to integrate that concept for the purpose of normativity, then we cannot help but discussing the history of natural law within which the concept of nature evolved. Hence the necessity to have a short look at Aristotle, Cicero, Patristics, Scholasticism, Voluntarism, Early Modernity, Enlightenment, Legal Positivism, and the Critical Social Theory. In the lack of this grand historical picture, one is prone to lose one's way in the hall of interpretations and re-interpretations of positive law, finally ending up in suffocative legalism.

In the twentieth century, the pioneers of new natural theory have resurrected various aspects of natural law which have enlightened jurisprudential discourse over centuries. Each of them have different degrees of convergences with Ratzinger. Jacques Maritain, Étinenne Gilson, Leo Strauss, Germain Grisez, John Finnis, John Haldane, Russel Hittinger, Pierre Manent, and Alasdair Macintyre among others have defended virtue ethics, communitarian ethics, Aristotelian phronesis, analytical Thomism, and natural rights within the grand framework of natural law. These initiatives were of great value to take normative discussions beyond existentialism and subjectivism. However, in the determination for being more inclusive, there were also tendencies in various versions of new natural law to dilute the concept to nature into a pragmatic concept and to subordinate it to positive law, with a hope that in this way one could keep oneself away from the unfeasible moral consequences of the exclusivity of positive law on the one hand but also keep away from being charged for the intellectual naivety of defending transcendental dimension of nature. The method which is concerned only about taming the consequences of the positive law does not sufficiently address the demands of human anthropology which provides for the dignity of the human person and bears the sign of permanent character. Thus, an integral understanding of the concept of nature requires the full historical picture of natural law. This is a necessity if nature to which natural law gives light is to really touch a person's being in deepest and fullest sense, or else natural law would have only a relative value as *a philosophy among several philosophies*. The third chapter is structured in order to respond to this more weighty demand made by the perennial anthropology.

The objective of the fourth chapter is to understand the concepts of nature and reason. On the one hand, the philosophical sense of nature in itself is distinct from the sense ascribed to it within the jurisprudential tradition of natural law but on the other hand, both are inextricably interconnected. The concept of nature in Joseph Ratzinger has various layers. As an intellectual concept, nature in Ratzinger has roots in German intellectual tradition, particularly that of the inter-war biblical, liturgical, and ecumenical movements and the post-Second World War natural law and Christian democracy.[10]

In this dissertation, however, the discussion of the concept of nature in Ratzinger is limited to his own writings. This approach is a strength as well as a weakness. Positively, it helps to understand the core-theological and philosophical priorities of Ratzinger's attitude to nature. However, in this limiting to core, there is also a loss of capacity to engage with wider perspectives that make up the discussions on normativity. Notwithstanding this deficiency, I hope that I have brought into discussion some important elements of nature in Ratzinger's own writings. The over-arching element of Ratzinger's view of nature, as I understand it, is his attempt to find interconnection between historical natural law with biblical natural theology embedded in the concept of Logos in John 1: 1-5. In this interconnection, Ratzinger finds the priority of reason over un-reason in the order of existence and also the relationship between faith and reason. Ratzinger is confident that the Logos-centric view of nature can engage in respectful dialogue with other religious-cultures such as Islam and Hindu-Buddhist world on the one hand and the postmodern and agnostic worldviews on the other hand. This is the rationale of his call for an inter-cultural search for nature. He finds this all the more important in the contemporary world where globalization and its signs such as massive migrations, market-economy, and internet interconnect peoples more than in any time in the history. The Logos-centric view of nature in Ratzinger has definite grounding in the acknowledgement of Creator God. He defends metaphysical and transcendental dimension of nature by calling attention to the historical experiences of Marxism, Nazism, and other utopian ideologies of the

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[10] In order to enunciate a fuller intellectual concept of nature as it is in Joseph Ratzinger, we should read Ratzinger and reflect his argumentations vis-à-vis Romano Guardini, Ernst Cassirer, Martin Heidegger, Carl Schmitt, Joachim Ritter, Hans Georg Gadammer, Josef Pieper, Ernst-Wolfgang Böckenförde, and Robert Spaemann, among others. However, due to the act of prioritizing the arguments to emphasize the *evidentiality and reasonability* of the concept of nature over the arguments to *conceptualise* nature itself, this dissertation has not succeeded in comparing Ratzinger within the German intellectual world. It would be highly beneficial to do so, and it is a matter of satisfaction that there are attempts in this direction within Hungary, as for example, a dissertation-in-writing by András Jancsó discusses the concept of political theology in Joseph Ratzinger and contrasts him with Böckenförde.

modernity which ended up in totalitarianism. So doing, he affirms that only the concept of nature backed by an authentic eschatology can save states and societies from collapsing to ever-new possible forms of dictatorships, among which he fears relativism as the ideology that makes contemporary man's sensibilities most vulnerable.

Notwithstanding all the merits of Ratzinger's understanding of nature, he doesn't adequately emphasize on the dimension of human subjectivity. Thanks to the great movements in philosophy, psychology, and various other disciplines in the previous centuries, today we have a great epistemological wealth on the subjective dimension of human person which has helped greatly to advance human freedom. Thus, the predominantly objectivistic articulation of nature in Ratzinger needs supplementation so as to see the greater detail of human subjectivity and its coherence with objective nature. To put it in other way round, if natural law is to appeal to a contemporary person, one must be able to grasp the inter-relationship between naturalism and personalism. Ratzinger himself understands this necessity. In his speech at Reichstag, he says that the objective and subjective reason are rooted in the Creative reason of God. There are several attempts to understand this harmony between the objective and the subjective. I chose Karol Wojtyła's *Person and Act* to supplement Ratzinger, both of them being close working partners and thus shared same worldview in elaborating normative discourse.

The questions pursued in this dissertation is the fruit of several gestations. Prior to the beginning of the study, when I looked normativity from India, I was curious only about the marginalization and politicisation of faith in the public sphere where civil discourses are formed. Only with the innumerable interactions in the daily life with peoples across the world – an opportunity I received in Szeged and in Europe – did I become more convinced and aware of the problem of relativism as a deficiency of thought which needs to be overcome with more solid foundations.

In this pursuit, I owe my deepest gratitude to Prof. József Simon, my Doctoral Father who shepherded me through the natural law and enabled me to think systematically about normativity. He trained me to think independently and at the same time responsibly within the unity and diversity of history of philosophy. I thank Prof. András Máté-Tóth whose interventions throughout my study helped me to get connected to the questions of our times in various practical settings. Thanks to Prof. Emese Mogyoródi who administered the progress of

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I. Demand for Relativism as the Criterion of Normativity

PRELIMINARY REMARKS

Is there a *nature* that embrace the transcendental and immanent dimensions of human existence such that an order of *objective norms* is binding on us, the *subject-persons*? Is truth a structural category in rationally discerning norms?[1] These questions have already been worked out through the centuries in great depths and can be asked in a variety of ways. A question of this magnitude can be asked only imperfectly and inadequately within the limits of a dissertation. However, since it is the task of each generation to build the world anew, we cannot afford to ignore important subjects simply because great minds have already worked on these problems. Today, relativism is regarded as the *Weltanschauung* in the discussions on normativity. Relativism is a worldview; an anthropological conviction by which a person thinks that there is *no objective truth* in the order of existence; no *given* nature which must serve as the fundamental criterion of values for individual human-subjects or for inter-subjectively constituted society.[2] The multiplicity of cultures serves to demonstrate the relativism of all cultures, and therefore, there is reluctance to acknowledge the existence of truth.

There thus occurs a need to understand the notion of relativism and to clarify its normative insufficiency; to cognize the nature inherent in human beings by understanding the notion historically; and to re-discover nature in today's intellectual and cultural situation. Thus, we will see anew that truth has ramifications in orienting political activity, religious worldviews, conjugal ethics, the self-limitation of technological possibilities, community-solidarity, fair economy, and innumerable aspects of individual-freedom. In this dissertation, I

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[1] Joseph Ratzinger, *Jesus of Nazareth: Part II – Holy Week: From the Entrance into Jerusalem to the Resurrection* (San Francisco: Ignatius Press, 2011), 92.

[2] Matthew J. Moore, "Pluralism, Relativism, and Liberalism," *Political Research Quarterly* 62 (2009)/ 2, 244-256.

take Benedict XVI's (Joseph Ratzinger) statement at the Reichstag as the capital-sentence for our investigation.[3]

> "The question of what now corresponds to the law of truth, what is actually right and may be enacted as law, is less obvious. In terms of the underlying anthropological issues, what is right and may be given the force of law is in no way simply self-evident today. The question of how to recognize what is truly right and thus to serve justice when framing laws has never been simple, and today in view of the vast extent of our knowledge and our capacity, it has become still harder. How do we recognize what is right? In history, systems of law have almost always been based on religion: decisions regarding what was to be lawful among men were taken with reference to the divinity. Unlike other great religions, Christianity has never proposed a revealed law to the State and to society, that is to say a juridical order derived from revelation. Instead, it has pointed to *nature* and *reason* as *the true sources of law* – and to the harmony of *objective* and *subjective* reason, which naturally presupposes that both spheres are rooted in the *creative reason of God*."[4]

Ratzinger's invitation to discover the harmony of objective and subjective discernment of norms prompts one immediately to think about Mahatma Gandhi whose name has gone down in history for his unparalleled quest to seek truth through politics. His memoirs entitled *The Story of My Experiments with Truth* is a narrative of how even uncertain, humble, and subjective experiments in ethics are in concordance with the objective truth. The truth that he found was 'mostly exaggerated, suppressed or modified by the natural weakness of man.' Often groping in the dark, such experiments revealed only 'faintest glimmer' and 'little fleeting glimpses' which 'hardly convey an idea of the indestructible lustre of truth.'[5] In spite of all these limitations, Gandhi firmly arrives at the conclusion that the ultimacy of truth firmly bounds political activity. In the contemporary world, however, such claims are considered as insufficient enlightenment.[6] In today's cultural environment, the genuine interest in human subjectivity has reached a point where *the subject alone* is regarded as the only essential point of reference, thus marking a lack of confidence in truth.[7] Pontius Pilate's famous question

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[3] For biographical details of Joseph Ratzinger, see, Joseph Ratzinger, *Milestones 1927-1977* (San Francisco: Ignatius Press, 1998); Peter Seewald, *Benedict XVI: A Life Volume I – Youth in Nazi Germany to the Second Vatican Council, 1927-1965* (New York: Bloomsbury Continuum, 2020); Peter Seewald, *Benedict XVI: A Life Volume II – Professor and Prefect to Pope and Pope Emeritus, 1966 – The Present* (New York: Bloomsbury Continuum, 2021).

[4] Benedict XVI, "The Listening Heart: Reflections on the Foundations of Law" (Meeting with the Political Representatives at the Reichstag Building, Berlin, Germany, September 22, 2011). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin.html (Accessed on: 12.05.2023).

[5] M.K. Gandhi, *The Story of My Experiments with Truth*, Online Edition (Ahmedabad: Navjeevan Publishers, 1949), 86, 174, 555. Available at:
https://www.mkgandhi.org/ebks/An-Autobiography.pdf (Accessed on: 12.05.2023).

[6] Joseph Ratzinger, *Truth and Tolerance: Christian Belief and World Religions* (San Francisco: Ignatius Press, 2004), 25.

[7] Joseph Ratzinger, "Main Problems of Contemporary Theology" (Meeting with the Doctrinal Commissions of Latin America, Bogotá, Columbia, March 27, 1984). Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19840327_bogota-ratzinger_sp.html (Accessed on: 12.05.2023).

"What is Truth?" seems to be the only appropriate attitude for determining the structure of society. It is said that truth is something unattainable and unanswerable, and it can be safely dismissed to the subjective sphere.[8]

Corresponding to the proliferation of methods and concepts which have resulted in specialized knowledge in the realm of epistemology, there is also a diversification of value-systems which are seemingly incompatible with each other. The conflicting assumptions on morality spark doubt in one's mind about their objectivity. After all, are not values merely human constructs? Won't one section of peoples' conception of truth subjugate the conscience and convictions of others? From these observations, certain conjectures are deduced: all knowledge is socially and culturally situated; and there are no moral values which can claim to be true and superior.[9] We can speak about ethics only in provisional terms; as forms of opinions. What one community holds to be true and good are determined by the criteria by which it defines such values. There are no meta-criteria to judge intrinsic truth, absolute beauty, and universal good. There is no *one correct option* in the realm of normativity.[10] Morality lacks primal evidentiary character of being objective. Common values shared by various subjectivities enable human beings to live together. Obligation to look for truth is no longer felt necessary.

Thus, the dawn of new millennium is called by many as the *post-truth* era. To claim to know any existential truths is regarded as fundamentalist. The time of definitive certainties in the realm of normativity is over.[11] Time and again, particular ideologies and traditions have claimed truth while they were raising these claims only to hold on to power. Very often in history, the states and communities had imposed ideological manipulation and unreasonable moralistic restrictions. An example of these errors, according to Ratzinger, is the absolutization

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[8] Ratzinger, *Jesus of Nazareth: Part II*, 92-93.

[9] Massimo Luciani, "Concerning the Doctrine of Democracy in Benedict XVI," *Pope Benedict XVI's Legal Thought: A Dialogue on the Foundation of Law,* ed. Marta Cartabia and Andrea Simoncini (New York: Cambridge University Press, 2015), 201.

[10] Ratzinger, *Truth and Tolerance*, 118.

[11] Post-truth is an ambiguous concept. Hannah Arendt's warning about defactualization essentially tells about the post-truth situation. That is, there is today a conflict between real world and self-deceived deceiver, giving unlimited possibilities for manipulating people, image-making, ideologizing, and in having non-relations between facts and decisions. Of late, Yuval Noah Harari had hypothesized that humans have always lived in the age of post-truth because Homo-sapiens is a post-truth species. See, Hannah Arendt, "Lying in Politics: Reflections on the Pentagon Papers" *Crises of the Republic* (New York: Harcourt Brace & Co., 1972), 1-47; Yuval Noah Harari, *21 Lessons for the 21st Century* (New York: Random House, 2018).

of state by the Marxists.[12] From all such experiences, conclusion is reached that the construction of freely ordered collective life in a state is a *relative* process, and not *absolute*. What we are certain about is only functional truth that we have discovered through science.[13] The question about *truth-in-itself* is quite often openly excluded as unscholarly. Truth is irrelevant for our purposes; the task of politics is to achieve peace and justice, and any instruments of power that cater these goals are good for us. The virtues of tolerance and mutual respect so essential in a pluralist society does not allow anyone to assert any ethical principle as absolute. Only what is convenient and useful at a particular moment needs to be accounted to make ethical choices. Thus, Hans Kelsen famously observed that relativism is the 'Weltanschauung' that democratic idea presumes.[14] Only with that condition can a state continue to be free and open to the future. Ratzinger however points to the unsustainability of this way of ascertaining normativity even as he acknowledges that some measure of relativism is necessary for democracies to thrive. Humans and the society become capable to make rational choices only by first understanding that the world comes of reason.[15]

The situation that we face is a paradox. On the one hand we have great knowledge and power that open up arenas which were hitherto hidden, and on the other hand, modern humans fail to face up to the question of the truth as such. This would mean at the same time that reason is constrained by the pressure of interests and the attraction of utility. Sensibility to private interests clash with sensibility to truth. Political parties and other agencies which form political will, de facto, always aim to achieve majority and hence will almost inevitably attend to interests they promise to satisfy. However, when truth counts for nothing, the rule of pragmatism takes over, arbitrariness of changing opinions and logic of powerful lobbies decide the criteria, and one surrenders the field to whoever is the stronger. If politics is to be saved from being irrational myths; if social responsibility is to take precedence by letting go mere subjective opinions and impressions that divide society into fragments, then fidelity to truth is essential. Truth and error, truth and untruth, are almost inseparably mixed together.[16] Truth

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[12] Joseph Ratzinger, "The current situation of Faith and Theology" (Meeting with the Doctrinal Commissions of Latin America, Guadalajara, Mexico, May 7, 1996). Available at: https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19960507_guadalajara-ratzinger_en.html (Accessed on: 12.05.2023).

[13] Ratzinger, *Jesus of Nazareth: Part II*, 93.

[14] Hans Kelsen, "Vom Wesen und Wert der Demokratie" in *Weimar: A Jurisprudence of Crisis*, ed. Arthur J. Jacobson and Bernhard Schlink (California: University of California Press, 2000), 108.

[15] Joseph Ratzinger, *Introduction to Christianity* (San Francisco: Ignatius Press, 2004), 23.

[16] Joseph Ratzinger and Vittorio Messori, *The Ratzinger Report: An Exclusive Interview on the State of the Church* (San Francisco: Ignatius Press, 1985), 175.

doesn't appear readily in its grandeur and purity to us. However, at least as small fragments of reality, truth is certainly evident to us. The question of truth is not a frivolity, but rather a question that concerns the existence or nonexistence of man. The duty to seek the truth is the necessary presupposition of every authentic personal maturation. Thus, the question of truth once again makes its visitation, and we are again and again called to work out its essential aspects: What is truth? Are we able to recognize it? Can it serve as a criterion for our intellect and will, both in individual choices and in the life of the community?

1. DE-HELLENIZATION OF REASON IN THE MODERN INTELLECTUAL HISTORY

Up until the medieval period, the Greek thought and its concept of Logos which evolved through Plato and Aristotle was considered complementary to the Logos-centric worldview of the Biblical faith. Philosophy had provided an image of the world in which one could affirm faith as meaningful and enlightened aspect of life.[17] Neoplatonic writings of Augustine and Justin in Patristics-period testify to this *original unity* of faith and reason.[18] The systematic form of faith's harmony with reason was once again clarified by Thomas Aquinas in the thirteenth century in the backdrop of new intellectual challenges. Christendom had received his synthesis as the authentic point of reference for normativity. In all these, the natural beings were conceived to have interior principles bestowed on them by nature, and cause them to have a relation to their creative origin and to their end and good.

However, in his late writings, Augustine himself had reflected about the limitations of human intellect to seek God as a consequence of original sin. The separation of faith and reason became systematic in nominalism. Following the Augustinian heritage, late medieval nominalism held that the concept of nature in terms of good and bad is incompatible with the sovereignty of God, for that would be to tie God's hands, and to infringe on his sovereign right of decision about what was good.[19] The separation attained radical form in the philosophy of voluntarism in later medieval Europe. Voluntarism attempted to understand the will and power of God outside the category of *reason*. Since the wake of voluntarist conception of reason in the early modernity, there occurred a systematic de-Hellenization of reason which radicalized

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[17] Joseph Ratzinger, *Faith and the Future* (San Francisco: Ignatius Press, 2009), 33.

[18] Robert Louis Wilken, "The Reasonableness of Faith" in *The Spirit of Early Christian Thought: Seeking the Face of God* (New Haven: Yale University Press, 2003), 162-185.

[19] Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 82.

the concept of *freedom* and ideologized the notion of *progress* one-sidedly, thus abandoning *the whole breadth* of reason.[20] Voluntarism regarded natural beings as artefacts, not as beings having an interior principle of order toward the good.

Voluntarism received new impulse in the Reformation era of sixteenth century. The principle of *sola Scriptura* which attempted to purify Christian faith from over-reaching scholasticism initiated the divorce between faith and reason.[21] Martin Luther (1483 – 1546) had declared the freedom of conscience rather than unquestioned submission to clerical hierarchy of the religion. When he taught that man's salvation depended not on the Church but on one's own personal faith in God, many saw it as a great liberating thrust from the yoke of feudal structures.[22] The whole institutional system of the medieval western world was called to question. However, Luther's movement was limited only to the religious realm. He vehemently opposed political radicalism such as the peasants' struggle and the Baptists' movement.

In the new intellectual climate, Francis Bacon (1561 – 1626) proposed the dictum *victoria cursus artis super naturam* (the triumph of art over nature) which prompted the interpretation of nature in conformity with its laws. The mind may exercise over the nature of things that authority which properly belongs to it. He said that the "wisdom which we have derived principally from the Greeks is but like the boyhood of knowledge, and has the characteristic property of boys: it can talk, but it cannot generate, for it is fruitful of controversies but barren of works." [23] Human knowledge becomes mature only when it is directed to its true end, namely power over nature in order to minister to the needs of life.[24] Of the four causes investigated by the Aristotelian philosophy of nature, the two, final and formal cause, should be dismissed. Giving attention to the final cause hinders the concerns of power since power is concerned with subjecting something as material to a new superimposed purpose. Inquiries into nature have the best result when they begin with physics and end in

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[20] Benedict XVI, "Faith, Reason and the University: Memories and Reflections" (Meeting with the Representatives of Science, Aula Magna of the University of Regensburg, Germany, September 12, 2006). Available at:
https://www.vatican.va/content/benedict-xvi/en/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg.html (Accessed on: 12.05.2023).

[21] Benedict XVI, *Faith, Reason and the University*.

[22] Martin Luther, *The Freedom of a Christian 1520: The Annotated Luther Study Edition*, trans. Timothy J. Wengert (Minneapolis: Fortress Press, 2016), 10.

[23] Francis Bacon, *The New Organon and Related Writings* (Indianapolis: Bobbs-Merrill, 1960), 7-8.

[24] Bacon, *The New Organon*, 267-268.

mathematics. [25] He was confident that a new interplay between science and praxis would give way to totally new discoveries and inventions. A completely new world was sought in which progress would overcome all forms of dependencies. Bacon's fundamental philosophical principles came to inform the overall shape of scientific reason by giving rise to a new correlation between experiment and method.

After Bacon, the decisive influence on the direction taken by the modern mind was René Descartes (1596 – 1650) who sought way to reconceive nature in order to yield empowering kind of knowledge. He judged that the entire class of causes which people customarily derive from a thing's *end*, is utterly useless in physics.[26] He grounded philosophy in self-awareness (*cogito, ergo sum*: I think, therefore I am). To him, absolute certainty is only the purely formal intellectual certainty of facts. Intellectual certainty would require mathematical certainty. He adhered to a form of rational theology. Descartes was convinced of the possibility of metaphysics – including the concept of God – that was in accordance with the description of nature in mechanistic laws in mathematical terms. The laws of nature as conceived by pure reason were created by a God who could have created them in another way. On the one hand, the *cogito* argument constraints God as not being able to deceive me when I perceive myself as thinking thing; on the other hand, God has been free to establish the laws of nature according to his unconstrained will. This latter motif refers Descartes to the tradition of divine voluntarism. What's more, Descartes's concept of divine creation equals to divine conservation: things obeying the laws of nature are conserved by divine will continually, that is, they are created continually. Descartes elevated mathematics to the position of prototype of all rational thinking.[27] This way of conceiving nature had profound effects on the understanding of the place of the human person in the cosmos. On the one hand, there is a world of pure externality without any interiority, and on the other hand, there is the human soul; a thinking thing; a rational consciousness which is limited to a world of pure interiority.

Following Bacon and Descartes, the mechanistic view of nature denied the interiority of material beings and, as a result, the inner-connection between the human being with the natural cosmos was deprived. With this background, at the height of the Enlightenment, various slogans challenged the synthesis of faith and reason and demanded that religion must

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[25] Bacon, *The New Organon*, 129.
[26] Descartes, *Discourse on Method*, 83.
[27] Ratzinger, *Introduction to Christianity*, 42.

function within the bounds of pure reason. Immanuel Kant (1724 – 1804) endeavoured to provide rational foundation for science without destroying morality and faith. Ratzinger is particularly concerned about the evolution of the notions of *reason* and *freedom* in Kant.

Kant was doubtless that mathematical-materialist determinism is the valid way to understand nature. In Kant's view, pure reason, when it tries to expand knowledge beyond appearances based on sensory data, inevitably end up as illusion and self-contradictions. Any premise that we call objective is not reality in itself, but only a reality as it is the object of our thought and is thus measureable and can be calculated.[28] The subjective, for its part, eludes "objective" explanation. Therefore, "God could not be known within the sphere of pure reason," he said.[29] But at the same time, he was well aware of the unsettling effects of mechanistic natural science on morality and religion. He was critical of utilitarianism which viewed everything as merely a means to achieve pleasure. He considered utilitarianism as a preference for mere calculation that serves irrational inclinations. In order to overcome utilitarianism, he was deeply committed to the preservation of morality and religion just as he defended natural science. Without God one could not coherently act in moral manner or attain the highest good, he held. However, according to Kant, existence of God and the acknowledgement of immortality of soul can only be the postulates of practical reason. "I had to do away with knowledge to make room for faith," he said.[30]

Ratzinger finds this way of conceptualizing reason problematic. If theoretical reason is incompetent in matters of morality and religion, then freedom, immortality, and God matters only for practical purposes and moral decency, not for the sake of being and truth.[31] In this matrix, truth become an external concept that each individual grasps from his own perspective. Conscience is detached from objective moral truth and any universal reference to truth concerning good is impossible. If Kantian view is adhered to, then upon the presumption that the bottommost depths of the cosmos that man did not himself make are opaque, human mind is denied his capacity and task to search after *Being*, Ratzinger fears.[32] If faith does not have capacity to interpret reality as a whole, Ratzinger finds it disturbing that it also means that we

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[28] Joseph Ratzinger, *On Conscience* (San Francisco: Ignatius Press, 2007), 44.
[29] Immanuel Kant, "Introduction," *Critique of Pure Reason* (Cambridge: Cambridge University Press, 1998), 127-152.
[30] Kant, *Critique of Pure Reason*, 117.
[31] Michael Waldstein, "Introduction" in John Paul II, *Man and Woman He Created Them: A Theology of the Body* (Boston: Pauline Books, 2006), 47
[32] Ratzinger, *Introduction to Christianity*, 44.

can know only what we make ourselves. This means that the reality we encounter has within itself no moral expression, but speaks only the language of human calculation. Thus, in Ratzinger's view, Kantian solution to do justice to human subjectivity by limiting reason theoretically eventually turned reason into an arbitrary notion.

Ratzinger believes that Kantian conceptualization of reason had direct impact on the notion of human freedom and the lived experience of normativity since then. He notes that Kant's conceptualization was by no means to remove all the reasonable constraints that are necessary for just normativity. Ratzinger is positive inasmuch as the aim of Kantian philosophy is to erect a reasonable society constituted by reasonable persons. Kant was convinced that only by man's emancipation from the constraints of nature and superstition he becomes the acting subject of history. A sense of inner freedom would free humans from superstition and atavistic fears, which cause many obstacles to his development.[33] Therefore, Kant believed that one must have the boldness to use one's reason without being held back by fear before the frontiers of the unknown. Thus, one would not have to accept history as an unalterable fate but can guide one's own destinies and thus shape history as a process of liberation. Instead of conforming to external determination by authorities and normative influence of traditions and inherited social rules, humans must courageously exercise his own reason and insights to liberate himself.[34] For example, when there is clash between devotion to duty and inclination to pleasure, one must adhere by devotion to duty because inclination to pleasure does not belong to the order of reason. According to Kant, this moral law takes the form of categorical imperative, in a tone that categorically commands "do this!" The moral law does not suggest or propose a good; it demands obedience. This imperative is fulfilled through willing. The will have self-legislating character. Self-determination is enough to serve reasonable restrictions and to guide one's own will. Kant said that the Enlightenment is man's emergence from the immaturity for which he himself is to blame.[35] Thus, he pronounced *Sapere aude* (Dare to use Your reason) which became the motto of the Enlightenment.

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[33] Joseph Ratzinger, *Instruction on Christian Freedom and Liberation* (Vatican: Congregation for the Doctrine of the Faith, 2004). Available at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_freedom-liberation_en.html (Accessed on: 12.05.2023).
[34] Gregg Lambert, "Sapere Aude?" *Symploke* 14 (2006), 55-67.
[35] Immanuel Kant, "An answer to the question: What is Enlightenment? [1784]" *Practical Philosophy* ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 11-22.

In Ratzinger's view, a radically new idea of truth and freedom emerged from Kantian conceptualization. He evaluates that the greatest possible betterment of the world is the only the betterment by "moral commandment" if Kant is adhered to.[36] On the one hand, human person often fail to oblige by this commandment, and on the other hand, since Kant, the concept of freedom has been tried out repeatedly with respect to its various ends with positive and negative consequences in the experience of normativity. Ratzinger finds yet another problem with Kant. While until Kant, unity of philosophical thought had guaranteed reliable certainty for intellectual arguments with which humans could take for granted the ultimate cause of the being of things, with the dismissal of metaphysics as pre-critical philosophy, such certainty almost wholly vanished. Ratzinger observes that consequently man's hope, until then largely eschatological, became faith in material progress. According to this vision, it is possible to design perfect humans and perfect society with structural formulas. These premises led to the reduction of reason into a materialistic vision. The verdict by Kant has determined the fate of philosophy since then in such a way that anyone who claims the possibility of metaphysics today finds his position as just *one philosophy* among *many 'philosophies,'* thus greatly reducing the value of any metaphysical conviction, Ratzinger observes.[37] Summarily, even if there may be alternative perspectives of the interpretations of Kantian philosophy, Ratzinger's observation concerning the decline of the concept of *truth a priori* in Kant proves to be important for understanding the subsequent relativization process in the history of thought.

One attempt to restore the unity of philosophy which was disrupted by Kant was that of the later idealist thinkers, who once again tried to penetrate into the realm of total reality to understand absolute reason as the *being-as-a-whole*. In Georg Wilhelm Friedrich Hegel (1770 – 1831), for example, philosophy became a historical question and *Being* itself a *historical process*.[38] Henceforth, the world is not a firm housing of *Being*, rather, it is a *process*. Hegel understood whole history as the history of freedom, which makes its way dialectically even through things that are opposed to freedom.[39] Thus, he conceived freedom through the logic of history.

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[36] Ratzinger, *On Conscience*, 44-45.
[37] Ratzinger, *Faith and the Future*, 33.
[38] Ratzinger, *Introduction to Christianity*, 44.
[39] For a fuller understanding, see, George Wilhelm Friedrich Hegel, *The Philosophy of History* (Mineola, New York: Dover Publications, 1956), 14-128.

Auguste Comte's (1798 – 1857) positivism provides us with another approach against this background. Comte re-surveyed the historical evolution of human thought and distinguished three phases in it: theological-fictive, metaphysical-abstract, and positivist.[40] He observed that the success of natural science rested in the self-limitation of reason, and therefore, by extending the laws of its method to human sciences, we could solve social problems as well. The laws of positivist method emerged as a demand for a certain approach to be employed within the exact sciences. Specialized forms of positivistic reason had enabled pragmatic thinking and scientific professionalism. The exact sciences were successful thanks to positivist law. Thus, natural sciences had already generated an exclusive conviction in its own potential with new discoveries. Comte was optimistic about the universality of positivist scientific analysis, and he held that even humans themselves - their essential human nature and moral phenomena – would become subject matter for the positive sciences. Ultimately, there would be a social physics which would solve human-question and social problems as exactly as natural physics charts the inanimate world.[41] Thus, question about God's existence would become obsolete and dismissed by man's consciousness as quite simply meaningless. Positivist sociology restricted itself to materialistic understanding of bases of human existence. It imagined that its conception of reason is universal and complete in itself, without the need for any other cultural aspects to supplement it.

In the successive period, Ludwig Feuerbach (1804 – 1872) and Karl Marx (1818 – 1883) rejected the absoluteness of reason as the ground of all things.[42] By absolutizing *matter* rather than reason, Karl Marx denied the notion of any *enduring truth*. He reconstructed Hegelian dialectics into a system based purely on materialistic interpretation in which only precise scientific knowledge qualifies as knowledge at all. He elaborated his thoughts into a programme for human liberation; a concrete plan for shaping history. He deduced that all history is a history of progressive liberations and, therefore, we can engineer our own history. "So far philosophers have merely interpreted the world in various ways; it is necessary to change it," Marx said.[43] Man's task in the realm of morality is to intervene in the process of

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[40] Harald A. Pedersen, "The Positive Philosophy of Auguste Comte," *The Social Science Bulletin* 6 (1952)/ 2, 45-46.

[41] Ernest Kilzer, "Some Antecedents of Sociology," *The American Catholic Sociological Review* 13 (1952)/ 4, 233.

[42] Ratzinger, *Faith and the Future*, 40.

[43] Karl Marx and Friedrich Engels, *The German Ideology including Theses on Feuerbach and the Introduction to the Critique of Political Economy* (Amherst, New York: Prometheus Books, 1998), 571.

change. In this conception, truth is no more the *measure* of humans, instead, humans themselves *create* truth. Thus, for Marx, truth is not the truth of *Being*, but the practical knowledge for changing the world by focusing on future and action. *Techne* (action; makability) became the dominant aspect of reason.

Based on this analysis, Marx called for the emancipation from tradition and authority, and thus, religion was once again called into question. Any notion of God was rendered meaningless. The fundamental principles of the religion seemed to contradict the enlightened world and its idea of freedom. Consequently, any values which conflict with freedom was considered archaic taboo. Today, a common man's perspective about freedom was articulated by Marx in a simple formula: "… to do one thing today, another tomorrow, to go hunting in the morning and fishing in the afternoon and in the evening look after the cattle, to indulge in criticism after dinner, just as the fancy takes me."[44] "A being only considers himself independent when he stands on his own feet; and he only stands on his own feet when he owes his existence to himself. A man who lives by the grace of another regards himself as a dependent being," Marx proposed.[45] According to this view, if I have to expect redemption from someone else, I am dependent. If I am dependent, I am not free. If I am not free, I am also exposed to uncertainty; I cannot do the decisive deed myself. If I am not free and uncertain, then I am unredeemed. Therefore, the decisive thing is to overcome all dependence.[46]

Marx held that the person who acts in freedom is the one who aligns himself with the momentum of history. In the background of the industrial revolution, he said that the bearer of future history is the proletariat, and therefore, the bearer of the logic of history is the party of the proletariat, the Communist party. The truth, i.e. the change must be initiated systematically and orderly through the controlling power of the party. Thus the history of freedom becomes identical to the history of the party. In practical terms, those who act according to party logic, and only those, act in keeping with freedom.[47] When party logic demands arrests and terror, then it goes without saying that such action, too, is in keeping with freedom. In spite of the just demands that the Communist party raised on behalf of the workers, its radically collectivist goals ignored the transcendental vocation of the human person and attributed to humans a

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[44] Marx and Engels, *The German Ideology*, 53.

[45] Karl Marx, "Economic and Philosophical Manuscripts of 1844," *Marx-Engels Collected Works* (London: Lawrence & Wishart, 1975-2005), Vol. 3, 304.

[46] Joseph Ratzinger, *Faith and Politics* (San Francisco: Ignatius Press, 2018), 26.

[47] Joseph Ratzinger, *Church, Ecumenism and Politics: New Endeavours in Ecclesiology* (San Francisco: Ignatius Press, 2008), 75.

purely earthly destiny, thus giving rise to new forms of servitude. Viewing from the vantage point of post-Communist world, it is crystal clear to us that Marxian interpretation was a partisan history with partisan interpretation of the idea of freedom. The pedagogy of freedom that he advised was merely an education to rebel against all preconceived values, towards unlimited liberation of the human being, so that human person could design himself "creatively." In the final analysis, in spite of being an intelligent and sharp analysis, in effect, Marxism reduced philosophy to a party philosophy.[48]

On the one hand, philosophy did not become exact science as Kant conceived it to be, and on the other hand, the party-route taken by Marxism exposed itself as a dangerous fallacy. In such a context, in order to overcome the fragmentation and helplessness of philosophy, Jean Paul Sartre (1905 – 1980) came forth with existentialist philosophy in the previous century.[49] Sartre defended a far more radical freedom by re-working the Marxist philosophy. In his view, the human being is pure existence. What he is and what he ought to be are not determined.[50] This is in contrast to animals which live their lives according to the pattern of law that they have inbuilt within them. Animals are happy because they simply are what they are, and do not need to consider what to do with their lives. But the being of humans is an open question. Humans can decide for themselves what being a human means to each of them; what one can do about it; and what shape one can give it. Humans does not have a nature; humans are simply freedom.[51]

That being the case, the real constraint of all man's constraints is God, and therefore, God's non-existence is a pre-requisite for human freedom. For if there were a God, then indeed the space of human existence would be predetermined by him and obedience would be the inescapable fundamental condition of our lives. Therefore, in order to be free, everyone must invent for himself what he thinks it means to be human, and no standard limits him when he does so. "Man is what he makes himself to be," Sartre formulates the quintessence of his philosophy of freedom.[52] Freedom is no longer mere emancipation from tradition and authority,

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[48] Ratzinger, *Introduction to Christianity*, 45-52.

[49] See, Martin Heidegger, *Being and Time*, trans. Joan Stambaugh (New York: State University of New York Press, 1996); Jean-Paul Sartre, *Existentialism is a Humanism* (New Haven: Yale University Press, 2007).

[50] Stephen Wang, "Human Incompletion, Happiness, and the Desire for God in Sartre's Being and Nothingness," *Sartre Studies International* 12 (2006)/ 1, 1.

[51] For elaborated account of Sartre's understanding of freedom, see, Jean-Paul Sartre, *Being and Nothingness* (New York: Washington Square Press, 1993).

[52] Jean-Paul Sartre, *Existentialism is a Humanism*, 22.

instead, it is emancipation from the idea of humans as creature, from one's own *nature*, to complete indeterminacy that is open to everything. The idea of freedom takes to its most radical and irrational extreme here. Freedom from God would logically mean freedom from meaning, to the point of meaninglessness.[53] One becomes an unhappy being that does not know what one is, what one is for, what one is supposed to do with oneself. In the ocean of nothingness, one is compelled to first plan what one wants to be, because the fact that there is no idea of oneself naturally implies also that there is no meaning. Thus, if humans in imitation of animals "make" oneself, one is hell to oneself and to the other precisely for that reason. From Ratzinger's point of view, the freedom that Sartre discovers is in truth man's condemnation. To be free means to be damned. On the one hand, the exodus from the constraints of faith when accomplished down to the last possible boundary gives humans complete "freedom." But this very freedom which provides neither stability nor a sense of direction for humans appears simultaneously to be the opposite of redemption. Thus, existentialism has nihilistic implications. The essence of existentialism is a certain estrangement between humans and the world, with the loss of the idea of a kindred cosmos.

Contrary to existentialists, structuralists represented a philosophical programme to renounce completely all attempts to solve unsolvable questions about reality. The concluding statement by Ludwig Wittgenstein (1889 – 1951) in his *Tractatus logico-philosophicus* summarize its method: "What we cannot speak about we must pass over silence."[54] Structuralists confined themselves to the analysis of the human language and yielded much valuable epistemological knowledge. They argued that it doesn't make any sense to speak about a reality beyond language; to speak about truth.[55] They considered the attempt to interpret consciousness as too ambitious a task for philosophy. Thus, under the pressure of its standards for certainty, philosophy prompted by positivist reason abandoned the question about the truth and investigates nothing more than feasibility.[56] Thus philosophy, imitating natural science, no longer seek truth but instead only consider the accuracy of the methods used. Philosophy had

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[53] Ratzinger, *Faith and Politics*, 27.
[54] Ludwig Wittgenstein, *Tractatus Logico-Philosophicus* (London: Routledge, 2001), 89.
[55] For the foundational text in structural linguistics, see, Ferdinand de Saussure, *Course in General Linguistics* (New York: Columbia University Press, 2011).
[56] Charles Guignon, "Philosophy after Wittgenstein and Heidegger," *Philosophy and Phenomenological Research* 50 (1990)/ 4, 669.

excluded the more thoroughgoing questions. This is particularly true in linguistic analysis.[57] Reality appears to be inaccessible in any case.

The step-by-step de-hellenization process of reason in modernity reached its apex in positivism that assumes different forms in contemporary times, to which John Paul II called forth attention in *Fides et Ratio*.[58] Eclecticism is one such form. When individual ideas from different philosophies are drawn for argumentation without concern for their internal coherence, elements of truth and errors in a given doctrine are indistinguishable. Exclusivity of historicism is another configuration of positivist reason. In order to understand an aspect from the past correctly, the aspects are set within the proper historical and cultural context in which originated. What is true in one space and time cannot be true in another. Notwithstanding all of its merits and necessity, historical-critical method, in its exclusivity, denies even the possibility for the validity of truth as an omni-temporal and omni-spatial category.[59] Even if a formulation is bound in some way by time and culture, the truth and error can also invariably be identified and evaluated as such despite the distance of space and time.

Another garb of positivist reason is scientism - a tendency to consign all that has to do with the question of the meaning of life to the realm of the intuitions or imaginary, and thus, out of the sphere of reason. Religious, theological, ethical, and aesthetic knowledge are relegated to the realm of mere fantasy. This leads to the impoverishment of human thought by failing to address the ultimate questions which the mankind encounter constantly from the beginning of time.[60]

Somewhat paradoxically, the reduction of the dimensions of reason resulted in the key orientations of modernity: progress, freedom, and science (techne). We feel that the servitude which humans had experienced in the past was due to ignorance and prejudices and, by wresting from nature its secrets, we could construct for ourselves a greater world. The remarkable successes of this method makes us believe that nothing is outside human force,

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[57] Ratzinger, *Faith and the Future*, 17.

[58] John Paul II, *Fides et Ratio: On the Relationship between Faith and Reason* (Vatican City: Libreria Editrice Vaticana, 1998), paras 86-90. Available at: https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091998_fides-et-ratio.html (Accessed on: 12.05.2023).

[59] Joseph Ratzinger, "Biblical Interpretation in Crisis," *The Erasmus Lecture* (The Institute on Religion and Public Life, New York, 1988). Available at: https://www.firstthings.com/web-exclusives/2008/04/biblical-interpretation-in-crisis (Accessed on: 12.05.2023).

[60] The various forms of methodological reduction in philosophy in contemporary times listed in this paragraph is a summary of John Paul II, *Fides et Ratio*.

capacities, and action. Man's dominion over matter is established as a fact. The background culture created by this orientation to a large extent eliminated the validity of other forms of reason, thus ushering in a relativistic view about the whole spectrum of values; creating a one-sided mythology.[61] Earlier, tradition was a firm programme that appeared to provide rational and reliable insights with which humans could live safely. People always strived to preserve status quo because the traditions seemed to be the protective mantle for social order. In the new context, the opposite appeared to be more promising. People increasingly recognized that the future is in progress and change, and not in traditions which always tend to look towards the past. The basic intellectual standpoint of the human spirit was metaphysical and traditional earlier, but it is basically scientific and progressive in the new context. Eventually, the notion of reason got divorced from the insights provided by the classical sources of knowledge such as religious ethics, historical traditions, and collective memory.[62] The *rational* was reduced to scientific-positivist and calculable categories.[63]

2. DIVERGENCE OF NATURAL LAW DURING THE ENLIGHTENMENT

In the previous section, I attempted to describe how reason decreased in its dimensions through positivist conception of reason along with its modernist and existentialist consequences. The whole breadth of reason diminished further through the precise way in which natural law evolved in the course of modernity. I will investigate the nuances of this evolution in Chapter III.2. At this point, suffice it to understand how both Habermas and Ratzinger identify two contrasting trajectories of natural law which resulted in two distinct social philosophies and political programmes since then.[64] They compare the motive-forces and the resultant natures of the fundamental rights guaranteed by the constitutions of the United States and France.[65]

In the Anglo-Saxon sphere, natural law tradition evolved into constitutional democracy. After the American independence, the Founding Fathers drew upon the natural law tradition of Lockean legacy to formulate the doctrine of natural rights as the foundation for American civil society and its constitution. American constitution identified the rights by virtue of

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[61] Joseph Ratzinger, *Values in a Time of Upheaval* (San Francisco: Ignatius Press, 2006), 12.
[62] Benedict XVI, *The Listening Heart.*
[63] Ratzinger, *On Conscience*, 33.
[64] Ratzinger, *Church, Ecumenism and Politics*, 74.
[65] Jürgen Habermas, *Theory and Practice* (Boston: Beacon Press, 1974), 95-96.

anthropologically grounded ideas of human nature. Citizens participate in the administration of power by freely exercising their political will in elections by which they delegate authority for administration. [66] The erection of non-partisan laws provide for the independent administration of justice. The government functions by the principle of separation of powers which create institutions of executive power. Freedom is not without constraints in this way of organizing human affairs. There is also an inherent fragility for constitutional democracy, that is, the obligation to observe law enacted by the majority-will even if it is manipulated by political parties, elections, publicity, capital, and the agency of people who dominate public opinions at a particular moment. Notwithstanding these limits, Alexis de Tocqueville (1805 – 1859) had noted that the unique feature for the stability of democracy in America is that religion is positively accommodated in its public sphere and that religious values contribute to its legal discourses. Recalling Tocqueville's study about American democracy, later, Ratzinger also observed that each society must protect its mores – the ethical forces from its own history – in order to flourish in peace and order.[67] In order for the brittle political structure of America to hold together and to make possible an order of freedoms, Tocqueville saw as an essential prerequisite the fact that in America a fundamental moral conviction nourished by Protestant Christianity was alive, which first gave to its institutions and democratic mechanisms their supporting foundations.[68] This moral synthesis had not been mandated or defined, but everyone felt it to be integral part of the national foundation. Thus, the formal mechanisms of democracy in America worked because of an unwritten consensus among citizens that shaped the entire structure of society.[69] Thus, religion thrived in the public realm of America.[70]

> "The Revolution in the United States was produced by a mature and thoughtful taste for liberty, and not by a vague and undefined instinct for independence. It was not based upon passions for disorder; on the contrary, it proceeded with love of order and of legality. When democracy comes with mores and beliefs, it leads to liberty. When it comes with moral and religious anarchy, it leads to despotism."[71]

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[66] Joseph Ratzinger, "Truth and Freedom," *Communio: International Catholic Review* 23 (1996), 20.

[67] Ratzinger, *Church, Ecumenism and Politics*, 96.

[68] Joseph Ratzinger and Marcello Pera, *Without Roots: The West, Relativism, Christianity, Islam* (New York: Basic Books, 2007), 108-109.

[69] Joseph Ratzinger, *A Turning Point for Europe? The Church in the Modern World: Assessment and Forecast* (San Francisco: Ignatius Press, 1994), 43.

[70] Mary Ann Glendon, "Religious Freedom in the Political Speeches of Pope Benedict XVI," *Pope Benedict XVI's Legal Thought*, 139; See also, Benedict XVI, "Interview during the flight to the United States of America," (April 15, 2008). Available at:
https://www.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080415_intervista-usa.html (Accessed on: 12.05.2023).

[71] Alexis de Tocqueville, *Democracy in America* Vol. 1, ed. Eduardo Nolla, trans. James T. Schleifer (Indianapolis: Liberty Fund, 2010), 117.

Unlike the American constitution, the *Declaration of the Rights of Man and of the Citizen* in France attempted to secure rights as a contract between citizens.[72] The contractual conception of human rights in French constitution subsequently secularized the political thought in the continental Europe. The French revolution had started with the idea of constitutional democracy. Eventually, it swiftly cast off any restraints on freedom and embarked on the more radical direction set by Jean-Jacques Rousseau (1712 – 1778).[73] His concept of nature is anti-metaphysical and oriented toward the desire of perfect freedom from all constraints. The emphasis was on the more radical freedoms of the individual over against the state and social institutions.[74] Later, Nietzsche and Marx took up this radical line. They were dissatisfied with democratically domesticated freedoms and regarded such freedoms as merely apparent and inefficacious freedom.[75] Marxism promised better and more audacious freedom than what is ever realized in democracy. Consequently, unlike in America, the mainstream French secular culture held religion in disdain. It was told that the ethic of tolerance and universal peace require religion and state to be held mutually incompatible. Wherever this vision was accepted, the synthesis of religious values and democratic theory lost credibility. Consequently, the content of religion was reduced to mere symbolism.[76]

A great litany of objections is raised against the historical pathologies of religion in this tradition. Disappointment begins with the fact that the *modus operandi* of religion contradict democratic deliberations in almost every respect. Whereas secular society functions on the basis of the ideals of tolerance, pluralism, and equality, religions are seemingly organized around forms of hierarchy justified by patriarchal conception of society.[77] The canons and dogmas of religion appears to be authoritative commandments and obligations rather than rights and liberties. Religions were most often in the forefront in opposing modern scientific advancements. Viewed in this way, the programme of religion is incapable to achieve peace, prosperity, and happiness. Furthermore, the expansionist tendency of religions has caused great

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[72] Jürgen Habermas, "Why Europe needs a Constitution," *New Left Review* II (2001), 5-22.

[73] Ratzinger, *Truth and Freedom*, 21-22.

[74] Ratzinger, *Truth and Freedom*, 21.

[75] There is also an alternative perspective that Marxian Property Theory is based on natural law. See, G. Paul Peterson, "Karl Marx and His Vision of Salvation: The Natural Law and Private Property," *Review of Social Economy* 52 (1994)/ 3, 377-390.

[76] Ratzinger, *Truth and Tolerance*, 50.

[77] Joseph Ratzinger, "Difficulties confronting the faith in Europe today" (Meeting with the Doctrinal Commissions of Europe, Luxembourg, May 2, 1989). Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19890502_laxenburg-ratzinger_en.html (Accessed on: 12.05.2023).

cultural harms across the world. In lieu of the proclamation of gospel, so many indigenous cultures had been trampled down in the course of colonial era.[78]

The long history of religious violence, bigotry, fundamentalism, and chauvinism in the forms of crusades, jihads, pogroms, inquisitions, and ostracisms testify that the prejudices of race, family, class, collective hatreds, and passions of clans merge with religion. Innocent people are often killed in the holy name of God.[79] By taking the road of fanaticism and terrorism, religions gravely become archaic and deadly, instead of being healing and saving force. In the disguise of faith, terrorists self-legitimize their method as the answer of powerless and oppressed peoples to the arrogance of the powerful and as just punishment for the latter's cruelty.[80] Terrorists regard their self-annihilation as magnificent martyrdom accompanied by eschatological promises. Religious doctrines darken their consciences with cynicism of ideology, ultimately robbing them off their capacity for reconciliation.[81]

Time and again, we witness the recurrence of wrong forms of relationship between faith and politics. Where religions had assumed the last word on ethics, fideistic principles had been brought into political norms, the worst form of which takes the shape of theocracy. Attempts to apply coercion in complex human problems violated the fundamental value of freedom. Habermas therefore warns against interpretative-monopoly of religions.[82] Where religion succumb to the temptation to use power to secure its doctrines, faith risk being suffocated. Similarly, where religion is used to enforce political peace, it becomes the servant of power and bend to its criteria. Not infrequently have religious motives been merely cover for other reasons such as the desire for domination and wealth. Law and morality are destroyed by a partisan conception of God, which equates the absoluteness of God with one's own community

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[78] For self-critical analysis of the Catholic Church in view of the celebration of the Jubilee Year 2000, see, International Theological Commission, *Memory and Reconciliation: The Church and the Faults of the Past* (Vatican: 1999). Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20000307_memory-reconc-itc_en.html (Accessed on: 12.05.2023).
[79] Benedict XVI, *Caritas in Veritate: On Integral Human Development in Charity and Truth* (Vatican City: Libreria Editrice Vaticana, 2009), § 29. Available at:
https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html (Accessed on: 12.05.2023).
[80] Joseph Ratzinger, "Pre-Political Moral Foundations of a Free Republic," *Political Theologies: Public Religions in a Post-Secular World*, eds. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006), 264.
[81] Ratzinger, *Values in a Time of Upheaval*, 37.
[82] Jürgen Habermas, "On the Relations Between the Secular Liberal State and Religion," *Political Theologies*, 259.

or its interests. Consequently, the corruption of politics appears as if the doctrine of faith itself is corrupt.[83]

Thus, in the context of contemporary pluralism, there is a widespread scepticism against natural law, presuming that it that is a cultural and historical feature of Christianity, specifically a Roman Catholic doctrine, and that its insights are not accessible to all. The apprehension is that if natural law is the true source of law, then political legitimacy would be limited exclusively to the extent political activity adheres to the essential criteria of natural law. When the interpretation on the requirements of human nature is made by the religious authority, the institutional and procedural autonomy of the democratic state are robbed off. If natural law is obliged by, then democratic and parliamentary laws become captive to ecclesiastical moral criteria. It is true that natural law at times was misapplied because it was burdened with too much specifically Christian content.[84] To the extent to which the fundamental Christian consensus disintegrated, the evidential moral character of natural law also fell apart.[85]

> "Constitutional theory in classical antiquity, in the Middle Ages, and even in the conflicts of the modern period, has appealed to the natural law that can be known by "right reason" (ratio recta). Today, however, this "right reason" seems to have ceased delivering answers to our questions, and natural law is considered, no longer as accessible to the insight of all persons ... It seems that all that exists today is partisan reason, no longer a reason common to all men, at least as far as the great fundamental structures of values are concerned."[86]

Thus, natural law was discarded, giving way for the exclusivism of legal positivism in discerning norms. In early twentieth century, O.W. Holmes said that the jurists who believe in natural law seemed 'to be in that naïve state of mind that accepts what has been familiar and accepted by them and their neighbours as something that must be accepted by all men everywhere.'[87] Natural law became a laughingstock and a dull instrument as the metaphysical rationality that it presupposes is not immediately evident.[88]

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[83] Joseph Ratzinger, *Jesus of Nazareth: Part I - From the Baptism in the Jordan to the Transfiguration* (New York: Doubleday Publishers, 2007), 56.
[84] Ratzinger, *Church, Ecumenism and Politics*, 201.
[85] Ratzinger, *Faith and Politics*, 147.
[86] Ratzinger, *Values in a Time of Upheaval*, 13.
[87] Oliver Wendell Holmes, "Natural Law," *Harvard Law Review* 32 (1918)/ 1, 40-44.
[88] Joseph Ratzinger, *The God of Jesus Christ: Meditations on the Triune God* (San Francisco: Ignatius Press, 2008), 46.

3. MARXIST PEDAGOGY AS REBELLION, LIBERTINISM, AND LIBERATION THEOLOGY

The political career of Marxism was kick-started with the promise of universal justice, peace, and the abolition of inequitable master-servant relationships. The rapid advancement of technical development and the industrialization resulted in a new social situation in which a class of industrial proletariat emerged and lived in dreadful living conditions. Karl Marx and Friedrich Engels (1820 – 1895) were convinced that the situation must not continue and that a change was necessary. Marx saw the consolation of heaven as a recompense for the tears on earth as an empty promise.[89] The hope of eternal life brings no improvement to the problems of humans but only renders permanent the wretched state of the world and benefits only those in whose interest it is to preserve the *status quo*.[90] What is required is not the truth of the afterlife but the truth of the here and now; not redemption *through* suffering, but redemption *from* suffering. The path to be taken is not to expect help from God, but to humanize man. Instead of waiting for heavenly consolation, social action must be taken to change the present state of affairs. This change could not simply continue in small, linear steps.[91]

With his incisive intellect, Marx called for a world revolution as the panacea for all the social problems. Marxism claimed that it knew the fundamental structure of world-history and society and proposed to use that knowledge to firmly guide the society into the future in the right direction. Many believed that Marxism would provide a universally valid formula for the right configuration of historical action. All the unfulfilled promises of religions seemed attainable through its *scientifically conceived political-praxis*.[92] The collectivization of the means of production would change things for the better. The Communist Manifesto was written with a conviction that social reform will end all the sufferings in the world.[93]

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[89] Joseph Ratzinger, *Dogma and Preaching: Applying Christian Doctrine to Daily Life* (San Francisco: Ignatius Press, 2005), 119.

[90] Karl Marx famously wrote that religion is 'das Opium des Volks' in the introduction to *A Contribution to the Critique of Hegel's Philosophy of Right*. For a precise understanding of the context, see, Esther Oluffa Pedersen, "Religion is the Opium of the People: An Investigation into the Intellectual Context of Marx's Critique of Religion," *History of Political Thought* 36 (2015)/ 2, 354-387.

[91] Benedict XVI, *Spe Salvi: On Christian Hope* (Vatican City: Libreria Editrice Vaticana, 2007), § 20. Available at:
https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20071130_spe-salvi.html (Accessed on: 12.05.2023).

[92] Ratzinger, *Introduction to Christianity*, 13-14.

[93] Karl Marx and Friedrich Engels, *The Communist Manifesto* (New York: International Publishers, 2007).

Early in the twentieth century, the wind of Marxism questioned the class-structure of societies in various parts of the world. Over the course of the century, Marxism assumed various forms such as real socialism, liberation theology, and neo-Marxism. On the basis of doctrines of dialectical materialism and class-war, communist movements attempted to spread philosophical atheism where they established political regimes. A fundamental aspect that mattered in the path towards revolution concerned the freedom of the individual. In Marx's view, freedom of a person is dependent upon the structure of the whole. Only a successful struggle for a changed social structure in the world can safeguard the rights of the individual. So, for the moment, struggle for freedom means to extend one's solidarity for the common freedom and not to claim any individual-freedom. Acting by this way, in the end, there would be limitless freedom for each individual.[94]

By the same token that prioritised *social aspect* over the *individual*, Marxism raised objection against the idea of charity by telling that the poor need *justice*, and not *charity*.[95] Almsgiving is a means adopted by the rich to soothe their consciences and to shirk their real obligation to work for justice. Works of charity help them to maintain their own status and to rob the poor of their rights. In an unjust system, anyone who engages in charitable initiatives is actually serving that unjust system, making it appear at least to some extent tolerable. This in turn slows down a potential revolution and thus blocks the struggle for a better world.[96] Instead of contributing through individual works of charity, we need to build a just social order in which all receive their share of the world's goods and no longer have to depend on charity.[97] Charity is open to each person's freedom, always endangered, never perfect, and must be achieved over and over again. Therefore, a programme based on charity cannot design or secure just structures. In a liberated society, the good no longer depends on the ethical striving of the people; it is simply and irrevocably provided by the structures. Ethos does not support the structures because ethos is always fragile.[98] The opposite is correct in Marxist understanding:

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[94] Marx and Engels, *The Communist Manifesto*, 22.
[95] Benedict XVI, *Deus Caritas Est: On Christian Love* (Vatican City: Libreria Editrice Vaticana, 2005), § 26. Available at:
https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est.html (Accessed on: 12.05.2023).
[96] Benedict XVI, *Deus Caritas Est*, § 31b.
[97] Benedict XVI, *Deus Caritas Est*, § 26.
[98] Ratzinger, *Church, Ecumenism and Politics*, 81.

solid and stable structures guarantee the ethos. This materialistic way of conceiving values overlooked and relativized the great tradition of charity.

A second form taken by Marxism was in the direction of libertinism. The developments in the year 1968 made it clear that the post-war reconstruction and existential philosophy in liberal democracies were not convincing answers for the aspirations of the young generation that grew up to adulthood then. Something else was demanded by them.[99] The big demand for individual-freedom in radical measures perplexed western Europe. A crack occurred between generations. Marc Bloch (1866 – 1944), Theodor W. Adorno (1903 – 1969), Max Horkheimer (1895 – 1973), and Herbert Marcuse (1898 – 1979) served as the guidebook for the university-students who revolted in France and Germany in 1968 and provided them with the paradigms of actions to react to the challenges of world-misery.[100] According to Ratzinger, those who rebelled in that year "not only considered post-war reconstruction of Europe inadequate, full of injustice, full of selfishness and greed, but also viewed the entire course of history since the triumph of Christianity as a mistake and a failure. The young people wanted to improve things, to bring about freedom, equality, and justice."[101] Among all the demands raised by the young generation, the most fundamental was sexual freedom.[102] A new gender-ideology was floated by waves of feminism. Marxism mediated liberalism's way to libertinism in which each individual could assume for oneself what is good for each person in sexual matters. The decline of faith in God provided permissibility in the ethical choices of the individual. Friedrich Nietzsche's (1844 – 1900) dictum that 'God is dead' was re-told among the young people to courageously stand up for one's own rights against the state and even against the historically kept precedents and conventions.[103] The continuing material prosperity in spite of the decisions made against God invigorated the situation in the next decades to rebel against that which were traditionally held to be normative.

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[99] For an elaborate analysis of student riots, stonewall riots, sexual revolution, feminism, civil rights, and the publication of *Humanae Vitae*, see, Thomas V. Gourlay and Daniel Matthys eds., *1968 – Culture and Counterculture: A Catholic Critique* (Oregon: Pickwick, 2020). On the shift from existentialism to Marxism as the general framework of thinking in the German universities in the late sixties, see, Joseph Ratzinger, *Milestones: Memoirs 1927-1977* (San Francisco: Ignatius Press, 1998), 132.

[100] Joseph Ratzinger, *The current situation of Faith and Theology*.

[101] Ratzinger, *Introduction to Christianity*, 11.

[102] Benedict XVI, "The Church and the Scandal of Sexual Abuse" (Vatican: April 10, 2019). Available at: https://www.catholicnewsagency.com/news/41013/full-text-of-benedict-xvi-essay-the-church-and-the-scandal-of-sexual-abuse (Accessed on: 12.05.2023).

[103] Friedrich Nietzsche, *The Gay Science: With a Prelude in German Rhymes and an Appendix of Songs* (Cambridge: Cambridge University Press, 2001), 120.

Unlike the above two atheistic forms, Marxism joined hands *with* religion in the pursuit of liberation theology. Liberation theology is a phenomenon with multiple layers. Much before its radicalization in Latin America in the latter part of the twentieth century, liberation theology had its origin in exegesis since the mid-nineteenth century. The success of science and technology by empirical method prompted Adolf von Harnack (1851 – 1930) to attempt the historical-critical method which made strict distinctions between the God of philosophers and the God of Abraham, Isaac, and Jacob.[104] It was reasoned that *praxis* have primacy over *doxa*, that is, only *practical* faith and *practical* reason counts. Consequently, ethics was constructed out of foundations of psychology, sociology, and other *disciplines* which determined the hermeneutics of the Gospel, rather than the *ecclesial communio*.

This conceptualization took radical form in the 1980s in Latin America. The social atmosphere in the Christian countries of the continent was ruinous. Millions had been gradually tortured by structural injustice. It seemed that class struggle was a reality. As the ortho-*praxy* of religion became badly deficient, its ortho-*doxy* was also called into question. Against this background, Marxism was proposed as a hermeneutical system for interpreting the Bible.[105] Refusals of this theology considered it as an escape from reality as well as a denial of reason and morality. Ratzinger observes about the state-of-affairs that existed:

> "In fact, in the background there is always the same observation: We experience a world that does not correspond to a good God. Poverty, oppression, all kinds of unjust domination, the suffering of the just and the innocent constitute the signs of the times and of all times. And we all suffer. From this the theology of liberation deduced that the situation could only be overcome through a radical change in the structures of this world, which are structures of sin and evil. Overthrow of sin will come about not through individual conversions but through struggle against the structures of injustice. This struggle ought to be political because the structures are consolidated and preserved through politics. Redemption thus became a political process for which Marxist philosophy provided the essential guidelines."[106]

The syncretic convergence of liberation theology and religious pluralism deduced that the absolute reality could *not be understood*, but it may *be constructed*.[107] In this way, truth is suspected and only praxis is counted, and radical positivism replaced and relativized the values confirmed by long historical experiences. It must also be kept in mind that Marxism was only the radicalization of an ideological concept that even without Marxism significantly determined the signature of the previous century.[108] Absolutization of the belief in progress and scientific-

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[104] Ratzinger, *Jesus of Nazareth: Part I*, 16-22; Adolf von Harnack, *What is Christianity?* (Philadelphia: Fortress Press, 1986).
[105] *The Ratzinger Report*, 190.
[106] Joseph Ratzinger, *The current situation of Faith and Theology*.
[107] Ratzinger, *Church, Ecumenism and Politics*, 64.
[108] Ratzinger, *A Turning Point for Europe*, 37.

technological civilization shattered and relativized traditional ethos that had given shape to the liberal culture of democracy. More lasting ethics require of us to overcome mere current opinions and embrace more tranquil demands made by the greater truths.

In 1989, being enthused by the widely building chain reaction against communism in the Central and Eastern Europe, Francis Fukuyama (b. 1952) said that just as western liberalism had defeated fascism in the Second World War, it would once again emerge victorious against Marxism.[109] The more important argument by him was that the fall of communism would end forever the progression of history as a dialectical process conceptualised by Hegel and taken forward by Marx. History had reached an absolute moment in which an ultimate, rational form of society would come into being through the universalization of Western liberal democracy as the final form of human government.[110] At that particular moment, events unfolded as Fukuyama had attempted to interpret them. Democratic movements strengthened across the Central and Eastern Europe like a wave, and new governments were established. The Soviet Union ceased to exist in 1991. China, that called itself Communist, and India, a mixed-economy until then, were heading in the direction of liberal economic order with large-scale reforms.[111] Free markets and consumerist culture showed signs of becoming universal.

A decade later, however, our world began to witness again the triumph of ideological heritages radically different from liberalism. Multiform of terrorism in previous years testify to the fact of fundamentalism in our contemporary world. Communist governments were replaced by nationalist and authoritarian systems in several post-Soviet countries. China represents the combination of technocratic economic rationalism and illiberal non-democratic government. Russia resurged as a faux-democracy. The West Asian countries tell us that economic prosperity need not have democracy and liberal culture as pre-conditions, but it can also come about through potential variables such as oil. Arab Spring failed to stabilize liberal order in North Africa. Communal ideologies began to determine configuration of political

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[109] Francis Fukuyama, "The End of History?" *The National Interest* 16 (1989), 3-18.
[110] With the ascendency of Western liberal democracy and the dissolution of the Soviet Union, humanity has reached "not just … the passing of a particular period of post-war history, but the end of history as such: That is, the end-point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government," claimed Fukuyama. See, Francis Fukuyama, *The End of History and the Last Man* (New York: Macmillan, 1992), xi.
[111] Tom Ginsburg, "Whence the Liberal Order? China, the United States and the Return of Sovereignty" *Democracies and International Law* (Cambridge: Cambridge University Press, 2021), 237; For a comprehensive view about the new economic direction taken by India, see, Manmohan Singh, *Changing India* (Oxford: Oxford University Press, 2018).

power in South Asia, resulting in grave crisis in the working of the constitution.[112] Notwithstanding the fact of *illiberalism*, the cultural revolution in consumerist and hedonist lines is real everywhere as the countries reconfigure their economic structures and modernise technologically even without being liberal democracies. The continuous exchange of values prompted by mass media, masses of domains in the internet, and massive migration in our times of globalization connect people across the planet and relativize value-systems of peoples and communities around the world. Observing the paradoxes of the new millennium, once an optimistic Fukuyama now amended his enthusiastic convictions about liberalism. In spite of innumerable freedoms and the rule of law and political accountability, the time of common marketization; the life after "the end of history" will be *a very sad time*, perhaps "centuries of boredom" with "economic calculation, the endless solving of technical problems, environmental concerns, and the satisfaction of sophisticated consumer demands," he observed.[113] "We need a better theory of the human soul," he said by revising his perceptions recently.[114]

In around the same time Fukuyama had hoped for *the end of history*, Joseph Ratzinger also attempted to reflect on the causes and consequences of what had happened in the Eastern Europe. "The fact that closed doors have opened, that separating walls have collapsed and that there is more freedom – these are the consoling and encouraging events (…) and remain signposts of and a basis for hope."[115] However, "the collapse of Marxism does not of itself bring about a free state and a healthy society." "One who abandons Marxism has not thereby automatically found a new foundation on which to base his life," Ratzinger remarked.[116] Ratzinger said that the intellectual vacuum that has come into being after the failure of the Marxist experiment must be filled up with *right contents and foundations* in order to secure a stable future. Otherwise, he foresaw the possibility for the building up of relativistic culture on the ruins of Marxism. "In many situations a dash of relativism, a bit of scepticism, can be useful," but "where relativism is consistently thought through and lived, either it becomes

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[112] See, for example, Martha C. Nussbaum, *The Clash Within: Democracy, Religious Violence, and India's Future* (Massachusetts: Harvard University Press, 2008), 1.

[113] Fukuyama, *The End of History*, 18.

[114] Francis Fukuyama, *Identity: The Demand for Dignity and the Politics of Resentment* (New York: Farrar, Straus and Giroux, 2018), 19.

[115] Ratzinger, *A Turning Point for Europe,* 42.

[116] Ratzinger, *A Turning Point for Europe*, 42.

nihilism or else it expands positivism into the power that dominates everything, thus ending again in totalitarian conditions," Ratzinger warned.[117]

4. SYNCRETISM OF THE POST-METAPHYSICAL WEST AND THE COSMOLOGY OF THE EAST

In an earlier passage, I had discussed the ambitious attempt of Immanuel Kant to synthetically manufacture a purely rational religion based on one's own insight. Whatever theoretical merits it might have had, the Kantian programme was perceived as not bearing on people's lives as a whole. On the one hand, religion should not remain as an artificial edifice lacking vital force to touch human existence, and on the other hand, it should incorporate the progress in rational knowledge. Friedrich Schleiermacher (1768 – 1834), an evangelical theologian and a contemporary of Kant, sought a way in this direction. He theorized a new concept of religion which was independent from both metaphysics as well as the operations of pure reason. According to him, humans grasp reality through mind's contact with the world. The human mind consists of three provinces which exist as non-interchangeable forms, such that none of them are derived from any other and none of them can be transmuted into any other. Understanding, will, and emotion are the three provinces which are correlated to science, ethics, and religion respectively.[118] "Practice is art, speculation is science, religion is the sense and taste for the infinite," Schleiermacher said.[119] The experience of the infinite and of man's dependence on it characterizes the correlation between emotion and religion. The teachings of religions could be understood only through an attitude of reverence and commitment, and not through any rational deliberation.

The thesis by Schleiermacher resulted in *philosophical homelessness of faith*.[120] Firstly, the substance of religion was narrowed down merely into the realm of intuition, devoid of actions and praxis. The legitimate domain of religion is piety that has no ground in reason. If that be the case, then the statements of faith are merely stammering attempts to express something that in reality are inexpressible. Thus the contents expressed in religion are nothing more than forms of piety which are only of secondary importance.[121] Secondly, reason is

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[117] Ratzinger, *A Turning Point for Europe*, 32.
[118] Ratzinger, *Faith and the Future*, 34.
[119] Friedrich Schleiermacher, *On Religion: Speeches to its Cultured Despisers*, trans. John Oman (Michigan: Grand Rapids, 2006), 184.
[120] Schleiermacher, *On Religion*, 98-99.
[121] Ratzinger, *Truth and Tolerance*, 45.

deprived of its ability to recognize the truth of existence, creation, and God. When *consciousness* and *being* doesn't understand each other, humans are left in the prison of radical subjectivism (which is different from subjectivity), and reason is reduced to that which is only functional. Where faith lacks philosophical certainty, it is emptied of all contents, and what finds justification in Schleiermacher's attempt, according to Ratzinger, is only religion, and not faith.[122]

Even as modern science takes God's non-existence as the working hypothesis to explain the universe, the dominant line of secularization today is based on agnosticism rather than atheism.[123] To deny the existence of God altogether is too difficult a claim to prove and, therefore, outright atheism was replaced by agnostic world-view. However, in spite of the separation of faith and philosophy, humans essentially remained humans, and in humans continued the perpetual thirst for meaning in its power and integrity. This compelled many to seek for alternatives. In the previous decades, this search took the form what is today known as the *New Age Religion*. "In the leaden loneliness of a God-forsaken world, in its interior boredom, the search for mysticism, for any sort of contact with the divine, sprung up anew," observes Ratzinger.[124] "Wherever there is a report of apparition, thousands travel there, in order to discover, perhaps, a crack in the world through which heaven might look down on them and send them consolation," tells him.[125] Religion did not simply disappear, rather it became modern.

In this search, the Enlightenment philosophical tradition of Europe found new appeal in Asian religions, particularly those of Indian subcontinent.[126] Let us make a brief excursus to understand the early encounter of Western Christianity and Asian religions in order to grasp the background which set their post-modern interaction later. Unlike in Africa or Latin America, Christian message could not convince the vast majority of people in India, China, or Japan precisely because the high religious cultures of Indo-China had already produced a great legacy of sacred texts and writings of profound philosophical soundness.[127] In Africa and Latin

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[122] Ratzinger, *Introduction to Christianity*, 96.
[123] Joseph Ratzinger, *Christianity and the Crisis of Cultures* (San Francisco: Ignatius Press, 2006), 25.
[124] Ratzinger, *Introduction to Christianity*, 16.
[125] Ratzinger, *Introduction to Christianity*, 16.
[126] Joseph Ratzinger, *The current situation of Faith and Theology*.
[127] Joseph Ratzinger, "Christ, Faith and the Challenge of Cultures" (Meeting with the Doctrinal Commissions in Asia, Hong Kong, March 3, 1993). Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19930303_hong-kong-ratzinger_en.html (Accessed on: 12.05.2023).

America, pre-literary tribal cultures had lost their inner credibility and vitality, and there was a longing for monotheism; a quest for *one God* over *many gods*. Thus Christian proclamation was there the interiorly awaited answer. On the other hand, in India and China, philosophical reasoning in Upanishads and Vedas and Tao and Confucius had already interpreted the world as a whole and, in so doing, assigned a rational structure for life and culture of people. Hence Christianity could not be experienced here as a new stage of life, rather it appeared more as a foreign culture and religion establishing itself next to one's own and threatening to supplant it.[128] Therefore, the encounter between Christian and Asian religious worlds was minimal as long as the Western philosophy and normativity was characterized by Christian faith.

However, once the Western philosophy began to advance in the direction set by Immanuel Kant, it was held that the absolute reality could not enter history. Thus, pluralist theology became the feature of Western consciousness. The figure of Jesus of Nazareth was relativized by historical-critical method and Jesus was newly interpreted as a mere religious figure. Since then, the philosophy of the West could find points of convergence with Indian religious cosmology. John Hick (1922 – 2012) and Paul Knitter (b. 1939) point to the curious similarity between the post-metaphysical philosophy of the West and the philosophical intuitions of India.[129] The point of convergence was Immanuel Kant's distinction between phenomena and noumena which finds ally in intuition of Indian religions that the divine cannot enter unveiled into the world of appearances in which we live.[130]

The essential idea of Hinduism is the experience of unity between oneself and the total cosmic reality. This worldview of universal harmony was first established by the notion of '*Tat vam asi*' in ancient Upanishads and it was recently clarified in neo-Hinduism represented by Sarvepalli Radhakrishnan (1888 – 1975). The understanding that the divine which is absolute transcendence can express itself in the world of appearances only in relative reflections is embedded in the Hindu worldview.[131] Agnostic spirituality in Buddhism also became appealing to many who abandoned the Christian faith. According to Buddhist understanding, there is no truth in the world. One finds the truth only when one leaves the world. The entire world is the source of suffering with cycles of re-incarnation. In order to break free from this endless entanglement, one must take the path of enlightenment. For many, this mystical enlightenment

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[128] Ratzinger, *Christ, Faith and the Challenge of Cultures*.
[129] Joseph Ratzinger, *The current situation of Faith and Theology*.
[130] Joseph Ratzinger, *The current situation of Faith and Theology*.
[131] S. Radhakrishnan, *Indian Philosophy Volume I* (Oxford: Oxford University Press, 2009).

in the God-concept of Asian religions appeared to be more humble and respectful to the great mystery of God and man, than the dogmas of Christianity.[132] Hinduism and Buddhism are not institutionally structured, nor are they dogmatically determined.[133] From these models, it was assumed that religious faith need not necessarily have any particular creed or mandatory catechism. Both of these religions emphasized ortho-*praxis* and not ortho-*doxy*. This seemed to be more convenient and reasonable for enlightened sensibilities of post-modern man. Thus, although relativism is offshoot of the western world and its irreligious and pragmatic forms of philosophical thought; and although the starting points and the directions they provide for human existence are also different in both these traditions, the post-metaphysical West and Eastern religious intuitions evolved into a syncretic relationship.

Subsequently, the concept of religion was relativized to the bottom.[134] The key feature of the new vision is that God has vanished and humans are the sole actor left on the scene. God is not rejected absolutely, but relegated to purely private and subjective realm. God the Absolute is something that must be experienced rather than believed.[135] Forget all the contradictions and disparities among various beliefs, the only thing that matter is contact with the inexpressible mystery. Distinguishing God from rest of the world would demand adoration, and to avoid this inconvenience, we must consider God as a spiritual energy that pervades the universe. Only this sense of oneness with universe as a whole can abolish all the divisions in the world. According to this vision, we cannot know truth in its whole; we cannot comprehend God himself. The immense mystery of the Divine cannot be fixed in one image; on a single Revelation.[136] All the great paths and variety of images express something of the same whole. Both intellectual humility and universal peace demand us to relativize the value of the doctrine of each religion and to recognize in each faith-system a little of the truth instead of claiming truth as such.

But, this way of thinking only apparently claims to respect religious traditions. They are seen as a variety of traditions that people should be allowed to maintain even though they ultimately mean nothing. Religion and faith are being used to further political objectives. Only

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[132] Ratzinger, *Introduction to Christianity*, 17.
[133] Ratzinger, *Introduction to Christianity*, 17.
[134] Ratzinger, *Truth and Tolerance*, 12.
[135] James V. Schall, S.J., "On Understanding Contemporary Intellectual Movements: Ratzinger on the Modern Mind," *Homiletic and Pastoral Review*, XCVIII (October 1997), 6-14. See also, Joseph Ratzinger, "The New Pagans and the Church: A 1958 Lecture," trans. Kenneth Baker, *Homiletic and Pastoral Review* (January 2017).
[136] Ratzinger, *Truth and Tolerance*, 54.

practical truths count *actually* – those which are verifiable and falsifiable, and thus contribute to structure the world right in front of us. Religion is relevant only to the extent that it can further that goal.[137] By this vision, religion is subordinated to positivist reason and faith is relegated as a subculture although it is tolerated.

> "Objectifying reason, New Age thinking tells us, closes our way to the mystery of reality; existing as the self shuts us out from the fullness of cosmic reality. . . Redemption lies in breaking down the limits of the self, in plunging into the fullness of life and all that is living, in going back home to the universe. Ecstasy is being sought for, the intoxication of infinity . . . the gods are returning. They have become more credible than God."[138]

We must now look into the result of this syncretism. Wherever this synthesis was applied, it was told that faith is not required. Instead, emphasis was on psychological therapies and practices. It began to be held that such rational-cognitive remedies are completely aware of all scientific findings and that they are based on scientific knowledge than the method of faith and prayer.[139] But in the background-culture of materialism and hedonism, all the intensities of ecstasies were depicted as joy of the infinite. Intoxicating music, frantic lights, dark shadows, and rhythms of raves were held as legitimate methods to forget the agony of the finite and to experience the eternity.[140] Black magic, sorcery, witchcraft, and occultism of the old times assumed new forms and became appealing once again.[141] Rational and irrational elements compounded weirdly, and the re-entry of Gnosticism through the New Age School of thought ended up as a new paganism.[142] This pattern of interaction is grave philosophical loss for both those who are nourished in the East or the West because it relativizes both systems of ethics.[143] It undermines some of the great values of Indian ortho-*praxis* which has sustained the large masses of people in several sublime natural values and pious asceticism over millennia. It also overlooks the fundamental aspects of Judeo-Christian ortho-*doxy* which had matured in the West and served as the formative idea of liberal society that respect human dignity of each person. It is a fact that the greatest formulation of human dignity is that God

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[137] Joseph Ratzinger, *Jesus of Nazareth: Part I,* 67.

[138] Ratzinger, *Truth and Tolerance*, 41.

[139] Ratzinger, *A Turning Point for Europe*, 44.

[140] Michael Fuss describes New Age as the result of a mixture of Judaeo-Christian elements with the process of secularization, with Gnosticism and with elements of Oriental religions. See also, James J. LeBar, *Cults, Sects and the New Age* (Huntington, Indiana: Our Sunday Visitor, 1989), 288.

[141] Ratzinger, *A Turning Point for Europe*, 38.

[142] Ratzinger, *A Turning Point for Europe*, 44.

[143] Marilyn Ferguson is the well-known representative of "New Age Movement." For more details on this line of thinking, see Marilyn Ferguson, *The Aquarian Conspiracy: Personal and Social Transformation in our Time* (Los Angeles: Jeremy P. Tarcher, 1987), 464.

created man and woman in His image and likeness. Where this conviction is lost, in the long run, society collapses.

The new radical mysticism that grew in the realm of religion in the previous decades have a tendency to leave the decisive questions of life and death, origin and eternity to the realm of feeling divorced from reason. The movements of cosmos are sought to be understood through pleasure and euphoria. Where the guardianship of reason is lacking, instead of uplifting man, religion serves only to satisfy the momentary desires of man. A religion that severs ties with transcendence draws people to irrationality, superstitions, and the magical. There is a risk that its adherents will revert to anarchic and disastrous engagements. When humans fail to use their reason to address the essential aspects in his life, new forms of myths make their way into the fore. Not only is this a rejection of modernity, but also a rejection of human person. If a religion doesn't offer comprehensive meaning for life through the proclamation of truth, then religion is a mere self-satisfying programme and faith is only a set of symbols that doesn't really matter for life.

Thus, syncretism that evolves into an assertive relativism in turn becomes intolerant to the religions that teach about doctrine of truth. For the sake of not offending anyone, it argues that the religious symbols must not be allowed in public sphere. This is in reality the abolition of tolerance, for it means that religion is no longer allowed to express itself visibly. For instance, when people try to force religious faiths to change their positions on sexual ethics in the name of non-discrimination, then religions are no longer allowed to live out their own identity. Instead, an abstract, negative religion is being made into a tyrannical standard. In the end, tolerance is being abolished in the name of defence of tolerance.[144] Thus, the frame of reference defined by New Religiosity for the freedom of religion is only *seemingly* freedom.

CONCLUDING REMARKS

The developments in epistemology and the corresponding proliferation of methods have casted *a radical doubt* against the existence of truth a priori, objectivity of nature, and the meta-criteria to evaluate values good and beautiful. This doubt takes various forms and names, and their analyses have prompted new consensus and conflicts with respect to ethics. As the point of departure for this dissertation, I have attempted to formulate this problem in terms of

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[144] Benedict XVI, *Light of the World: The Pope, the Church, and the Signs of the Times* (San Francisco: Ignatius Press, 2010), 27.

relativism and to understand it within the hermeneutic adopted by Joseph Ratzinger. The systematic error of relativism has resulted in a gap between man's immense technical capabilities on the one hand and adequate moral criteria to operate them on the other hand. As a result, mere pragmatism dictates the normativity and the stronger one takes the field at a particular moment.

In the foregoing section, four aspects are identified and elaborated based on Ratzinger's writings on the question of the evolution in the intellectual history which resulted in the exclusivity of relativism. First is the de-hellenization of the concept of reason by which it lost its unity with faith. The separation of reason from Aristotelian and Platonic Logos-centric view of normativity has its systematic origins in medieval voluntarism in the centuries following Aquinas. With the new emphasis on the primacy of the *will*, its inextricable ties with *intellect* was doubted. The mechanistic concept of nature formulated by Bacon and Descartes and the background since the Reformation furthered this separation of reason from Logos. An important landmark in the development in this direction was Immanuel Kant's separation of pure reason from practical reason, after which metaphysics lost the integrity it had in philosophy until then. Various post-Kantian pursuits in philosophy such as idealism, positivism, Marxism, and existentialism diminished the concepts of *truth* and *nature* in ordering norms. Summarily, in Ratzinger's view, reason became a calculable and scientific-positivist category in its evolution through modernity.

Another aspect in Ratzinger's argument on which I have trained attention is that the jurisprudential tradition of natural law took two fundamental trajectories during the Enlightenment. Whereas the constitutional democracies in the Anglo-Saxon world emerged with reference to nature as *anthropological*, the continental thinking on natural law in Rousseau's tradition was more radical and *contractual*. Eventually, natural law was marginalized as a cultural feature of Christianity which has less to do with pluralist societies.

The developments through Marxism is central to recapitulate Ratzinger's understanding about the development of relativism. Marxism promised to erect a humanizing path and redeem people from sufferings through scientifically conceived political praxis. It took the form of real socialism in communist regimes; libertinism in the sexual revolution of 1968; and liberation theology in Latin America in 1980s. The problem that Ratzinger sees with all these variants of Marxism is the reduction of truth and morality to mere praxis which is

separated from doxa, as if reality could be constructed. In his view, if the collapse of Marxism is not followed by the replacement with authentic foundations and contents, then the normativity can turn out into relativism or the expansion of positivism into new forms of totalitarianisms.

Finally, the development of syncretic religion in the postmodernity to address the question of plurality is seen by Ratzinger as a cause for relativism in religious worldviews. On the one hand, Kant's separation of phenomena and noumena had found ally in the intuition of the Indian religions that the absolute reality could not enter unveiled into the history. On the other hand, failure of synthetic rational religion by Kant had given way for religion of piety in the tradition of Schleiermacher which was taken up by New Age religion in terms of agnosticism and a renewed search for mysticism in God-forsaken world. Consequently, pluralist religion lost the guardianship of reason and teachings of the doctrine of truth was relegated into the level of subculture.

Summarily, in Ratzinger's view, the separation of faith and reason, marginalization of natural law, developments in Marxist tradition, and the emergence of syncretic worldviews in pluralist religion contributed to the relativization of the concept of truth and in the diminishing the concept of nature. The next task is to identify the lowest common denominator in the underlying methodology of all these, to which I must turn now.

II. Insufficiency of Positivist Approach Underlying Relativism

PRELIMINARY REMARKS

In the English-speaking world, Hayden White's *Metahistory: The Historical Imagination in Nineteenth-Century Europe* is regarded as a critique of positivism and defence of relativism in historiography.[1] The author brilliantly analyses the nuances of positivism and relativism and contrasts both these methods by studying various tropes, emplotments, and ideologies in the philosophers and the historians of the nineteenth century. Positivism values only those facts which are empirically provable, thus reducing the scope of historical narratives. Relativism overcomes this hindrance by valuing various narratives which cannot be simply fitted into the empirical conditions, White argued. In literary theory and historiography, the arguments by White are very important to assimilate broader narratives. However, the value ascribed by relativist method for various narratives is only relative value which doesn't have force to touch one's conscience. Thus, no narrative has any truth-value that is binding on any person in the deepest sense of one's existence. Once positivism rejects the truth-value of a particular value due to its empirical uncertainty, relativism doesn't ask whether it is *True* and *Rational* in the deepest sense. Rather, the values are simply accommodated with relative value, thus unable to go to the bottom-most depths. Therefore, inasmuch as philosophy is a discipline that inquire about the existential questions – God, man, world, life, and death – the contrast between positivism and relativism is only apparent because the value that relativist method ascribes to various narratives is not *rational* value but *relative* value. Thus, notwithstanding the differences between positivism and relativism in literary theory, at a deeper level, both these approaches converge when they consider the fundamental questions of philosophy. They are only *seemingly* different. It is in this sense that positivism is regarded as the underlying approach of relativism.

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[1] Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore and London: The John Hopkins University Press, 1973), 1-42.

The scepticism prompted by positivist method permits us to know ever more deeply the rational structures of matter. Thanks to positivist conception of reason, man's dominion over matter has grown by truly unthinkable measures in the previous centuries.[2] Humanity's enormous advances in medicine, technology, and the harnessing of natural forces are due to the capacity of this form of reason's capacity to demonstrate experimentally and to quantify clearly. We also hope to see even more improvement in the future.[3] Thanks to this method, we also have more precise understanding of language, epistemology, and anthropology. At the first glance, positivism seems to be humble before the immensity of modern knowledge by admitting man's lack of capacity to know and recognize truth.[4] However, in a second analysis, we realize that there is a false pride that compel us to turn our faces against the notion of truth *a priori*.[5] In spite of the methodical discipline that makes positivist reason appear modest, exclusivity of immanence in its method diminishes our confidence to recognize and grow to the truth.[6] Joseph Ratzinger observes a false pride and ego in the exclusivity of relativism.

> "How many winds of doctrine we have known in recent decades, how many ideological currents, how many ways of thinking? ….. from Marxism to liberalism, even to libertinism; from collectivism to radical individualism; from atheism to a vague religious mysticism; from agnosticism to syncretism; and so forth. Every day new sects are created….. Relativism, which is letting oneself be tossed and swept along by every wind of teaching, looks like the only attitude acceptable to today's standards. We are moving toward a dictatorship of relativism, which does not recognize anything as certain and which has as its highest goal one's own ego and one's own desires."[7]

Therefore, in what follows, I attempt to outline the insufficiency of positivist method by relying on Joseph Ratzinger's line of thought.

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[2] Joseph Ratzinger, "Europe's Crisis of Culture" (Acceptance Speech upon receiving the St. Benedict Award for the Promotion of Life and the Family in Europe, Convent of Saint Scholastica, Subiaco, Italy, April 1, 2005), *The Essential Pope Benedict XVI: His Central Writings and Speeches*, eds. John F. Thornton and Susan B. Varenne (New York: HarperCollins e-books, 2007), 325-335.

[3] A contemporary innovation built on the mathematical properties of the World Wide Web is Google. See, Sergey Brin and Lawrence Page, *The Anatomy of a Large-Scale Hypertextual Web Search Engine,* http://infolab.stanford.edu/~backrub/google.html. For a summary of how the system grew rapidly, see *Trillions of Questions, No Easy Answers,* Available at*:* https://www.youtube.com/watch?v=tFq6Q_muwG0 (Accessed on: 12.05.2023).

[4] Joseph Ratzinger, *Christianity and the Crisis of Cultures* (San Francisco: Ignatius Press, 2006), 25.

[5] Joseph Ratzinger and Marcello Pera, *Without Roots: The West, Relativism, Christianity, Islam* (New York: Basic Books, 2007), 128.

[6] Joseph Ratzinger, *Truth and Tolerance: Christian Belief and World Religions* (San Francisco: Ignatius Press, 2004), 49.

[7] Joseph Ratzinger, "Homily for the Mass for the Election of the Roman Pontiff" (St. Peter's Basilica, Vatican, April 18, 2005). Available at:
https://www.vatican.va/gpII/documents/homily-pro-eligendo-pontifice_20050418_en.html (Accessed on: 12.05.2023).

1. THE GULF BETWEEN TECHNICAL AND MORAL

Earlier, natural science sought to unravel not only the laws of the matter but also the foundations of human nature. The philosophical underpinnings of natural science can be found in Plato. Galileo, Newton, and Copernicus were all Platonists. Their fundamental premise was that the world has a rational and mathematical structure, and that by starting with this hypothesis, we can decipher it and, through experimentation, make it understandable and useful. Therefore, historically, humans had many direct encounters with nature, and these encounters with the natural world were important starting points of religious experience, since God was to be known through the things He made.[8]

The innovation brought in by positivist method was in linking Platonism with an empirical approach. A relation was sought between the ideal and experiment. In this reformed method of natural sciences, the experiment is built around an existing interpretive idea that is put to the test in a practical setting, adjusted by corrections, and left open to further inquiries. Mathematical conceptualisation enables generalization of principles, identification of laws and possibility of appropriate actions.[9] Positivist method is a controlled form of rationality that limits reality to phenomena.[10] Only those things that can be objectively verified are certain. Only what is evident and can be measured and grasped are considered to be real. Reason is restricted to what can be demonstrated experimentally and quantified clearly. The quantitative measurement of reality enabled pragmatic questions about functionality. Thus, scientific-positivism replaced pre-modern unified-form of knowledge and provides us with specialized knowledge about the structure of matter, resulting in functional and professional solutions in the technical realm.[11]

The success of natural science is telling that the positivist limitation of reason is in fact very useful and absolutely necessary within its own field. At the same time, everything else that cannot be measured or calculated in a laboratory-setting is deemed non-rational. Consequently, nature is reduced to a jumble of data connected by *random* relationship. The nature we now encounter bears the mark of human work and organization, and thus, now we lack this significant source of religious existence. The word *nature* for many today is almost

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[8] Joseph Ratzinger, "The World and the Church: A Contrast between Vatican I and Vatican II: Lecture-Text for Cardinal Frings (1961)" in Jared Wicks, "Six texts by Prof. Joseph Ratzinger as peritus before and during Vatican Council II," *Gregorianum* 89 (2008)/ 3, 258.

[9] Ratzinger, *Truth and Tolerance*, 48-49.

[10] Ratzinger, *Values in a Time of Upheaval*, 12.

[11] Joseph Ratzinger, *Church, Ecumenism and Politics: New Endeavours in Ecclesiology* (San Francisco: Ignatius Press, 2008), 62.

incomprehensible in its full dimensions due to a concept of nature that is no longer metaphysical, but only empirical. The farther the Enlightenment advanced historically, the more it fell into the habit of narrowing the concept of nature and reason. The technological culture affected human beings religiously in a manner different from that of previous cultures, and we became ever less capable of perceiving the source of rationality, the *creative* reason. All that remains now, in contrast to the reason that explores the deeper strata of reality, is reason in the narrowest sense.[12] The capacity to see the laws of material being made us incapable of seeing the ethical message contained in *being*, a message that tradition calls *lex naturalis*, natural moral law.[13] Thus, when positivist method of natural science was adopted in philosophy, a new concept of truth and reality emerged in modern thinking and living. When positivist method is seen as the sole indicator of reason, all reality was simply reduced as the by-products of mechanical processes, with no morality of its own. Notwithstanding its advantages, positivism is insufficient to address the depths of human questions.

Positivist reason is built on materialistic *interpretation* of nature.[14] Consequently, it became materialist *ideology* when applied to philosophy. The ideology of materialistic progress redefined the way in which the relationship between matter and spirit was understood earlier. There is no total denial of the spirit in positivist approach, but what is at stake is the relationship between the matter and the spirit. In positivist understanding, matter is the first and original element, and the spirit is the product of the matter. If we know the law of matter, then we can also direct the course of the spirit. By remodelling structures and by rearranging the material conditions, we can reconstruct history.[15]

At philosophical level, it is then assumed that there is no rationale for the beginning of the world. What is rational in the world is the consequence of a series of accidents that accumulated through time and became a kind of necessity. According to this perspective, the world has no meaning other than the goals set forth by evolution itself.[16] The natural law's perception that reason is the foundation of all existence is replaced by an idea that reality arose

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[12] Ratzinger, *Values in a Time of Upheaval*, 39.

[13] Benedict XVI, "Address to the Participants in the International Congress on Natural Moral Law," (Vatican City, February 12, 2007). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2007/february/documents/hf_ben-xvi_spe_20070212_pul.html (Accessed on: 12.05.2023).

[14] In his classical analysis of Marxism, Kolakowski deals with the problems of application of materialist ideology in politics. See, Leszek Kolakowski, *Main Currents of Marxism: Its Rise, Growth, and Dissolution*: (Oxford: Oxford University Press, 1978). The three volumes are titled *The Founders*; *The Golden Age*; and *The Breakdown.*

[15] Joseph Ratzinger, *A Turning Point for Europe? The Church in the Modern World: Assessment and Forecast* (San Francisco: Ignatius Press, 1994), 28.

[16] Joseph Ratzinger, *On Conscience* (San Francisco: Ignatius Press, 2007), 45.

from chance and luck, and therefore from the irrational. Inasmuch as evolution is regarded as the universal theory of *being*, reason is nothing more than a by-product floating in a sea of irrationality, ultimately meaningless. Thus, the previous perspective of nature is wrecked and replaced by a new vision in which nature is considered unfashionable, reason meaningless, and truth subject to scepticism. When nature, including the human being, is viewed as the result of mere chance or evolutionary determinism, our sense of responsibility wanes.[17] An indifferent reason in which nature, being itself, is no longer a transparent moral message creates a sense of disorientation that renders the choices of daily life precarious and uncertain. It would only leave confusion in the consciences of people.

If self-limiting reason in this way is declared to be the ultimate and unsurpassable form of all human thought, as a philosophy of life, then what remains is simply an amputated reason.[18] Some of the key concepts of evolutionary ethic are natural selection, method of reproduction and variation, selectivity, the struggle for survival, the victory of the fittest, and successful adaptation. According to Ratzinger, on the practical level, exclusivity of evolutionary understanding of existence has the ill-potential to emerge as a bloodthirsty morality with little regard for universal peace or love of one's neighbour. All the visible creatures can be exploited or manipulated at one's will and fancy.

As a result of inquiry into the quantitative aspect of reality, the world seems to be measurable and technologically exploitable.[19] Today we find ourselves in a period of globalization which is characterised by technology, a new form of universality.[20] To form a mind that is capable of thinking in technological terms is regarded today as the key to man's integral development. We know, assess, and decide on our lives from within a technocratic cultural perspective to which we belong structurally. The technical worldview is so overwhelming that often the truth is egoistically assumed in such a way that whatever is technically possible and caters utility is also morally permissible.[21] However, if humans are allowed to do something solely because he knows how to do it technically, then knowledge need not necessarily operate with adequate moral criteria. Science that does not recognize any

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[17] Benedict XVI, *Caritas in Veritate: On Integral Human Development in Charity and Truth* (Vatican City: Libreria Editrice Vaticana, 2009), § 48. Available at:
https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html (Accessed on: 12.05.2023).
[18] Joseph Ratzinger, *Faith and the Future* (San Francisco: Ignatius Press, 2009), 41.
[19] Ratzinger, *Church, Ecumenism and Politics*, 62.
[20] Ratzinger, *Truth and Tolerance*, 21.
[21] Benedict XVI, *Caritas in Veritate*, § 70.

standard but its own capabilities become autonomous from the sphere of ethics. Progress built on technical knowledge *alone* can become blind and destructive force.[22]

In order to understand the destructive possibility of progress alongside its constructive nature, two distinct aspects in the contemporary conception of progress needs to be distinguished. First, *there is progress in knowledge*. Our capability in understanding reality has grown incredibly by combining mathematical worldview with experimentation. For instance, today we know the functional structure of reality to the extent that we can partially copy and manufacture life ourselves. Second, *knowledge that facilitate progress is power*. If I know something, then I also get a grip of control over such things. Knowledge provides power, but in such a way that with our own power we can now also destroy the world that we think we have figured out cognitively. This compounding of knowledge and power is lacking an essential perspective, namely the aspect of good.[23] In our discourses on progress, we haven't adequately asked about *the question of good*. This is precisely the limitation of the Baconian programme. Both humanity and the earth now require protection because of the very magnitude of the power that has been attained. Bacon did not anticipate this deep paradox of the power derived from knowledge when he said that *knowledge is power*.[24] As a result, the ethical aspect of responsibility towards the Creator and to the future generations has to a great extent been overlooked. When one's own power is the only thing being increased by one's knowledge, this kind of progress becomes very deadly. In order to achieve authentic progress, we must always have this question in mind: where should knowledge lead power? Is it just a matter of being able to control, or must we also have some intrinsic standards about what is good for humans and for the world?

In spite of the fact that technology helps us overcome our physical constraints, we constantly realize that the technological choices made thus far have yielded rather mixed results. For instance, in spite of the growth of economies all over the world as a result of technological advancements, we also witness widespread poverty, depletion of earth's resources, and grave inequality in the distribution of goods.[25] In spite of comforts available today more than any time in the past, technological civilization of ours is precisely an age of

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[22] Ratzinger, *Truth and Tolerance*, 49.

[23] Benedict XVI, *Light of the World: The Pope, the Church, and the Signs of the Times* (San Francisco: Ignatius Press, 2010), 24.

[24] Francis Bacon, "Meditationes Sacrae [1597]," *The Works of Francis Bacon*, ed. James Spedding et al., Vol. 14 (Boston: Houghton Mifflin, 1860-64), 95. See also, Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age* (Chicago: University of Chicago Press, 1984), 141.

[25] Joseph Ratzinger, *Europe's Crisis of Culture,* 326.

escape to the ecstasy of narcotics, thus disclosing the inability of many to find harmony with today's facts and their protest against the vacuum existing in our society.[26] For those who are subjected to the drugs, life is boring and empty in spite of technologies, and require pseudo-mystical shortcut to "open up" to the future. In spite of the clear understanding of modern biology that human life is formed at the moment of fertilization, we also hear shocking reports of forty to fifty million abortions every year, making it evident that the law of jungle, the survival of the fittest, surpasses the rule of law in the guise of clever use of ambiguous legislative expressions.[27] In spite of great security systems available today, all of us know that these safeguards are not sufficient to stop terrorism, cybercrimes, and the threats that respect no borders. On the one hand, the technical possibilities had enabled new means of transport and trade; new facilities for the exchange of food resources, raw materials, labour and technical skills, so that masses of people are ensured life of dignity, adequate nourishment, and freedom from poverty. On the other hand, we are confronted with growing fears as our immunity is threatened by frequent recurring of natural disasters and radical changes in climate-patterns.[28] This clearly tell us that we destroy the very foundations of our future by using technological capabilities blindly to subjugate the forces of nature. The expansion of our dominance over matter implies that our abilities have increased not only to create but also to destroy. Our time is not only one of immense possibilities and opportunities, but also one of great risks and threats; a time for responsibility.

By putting scientific capabilities exclusively at the service of power or mere commercial success, science deprive humans of all honour and disintegrate into pathological form. Let us, for example, take the case of genetic alteration which have enabled us to see long-hidden potentialities in nature. This technology taught us how to take advantage of natural components by breaking them down, recombining them in new ways, and modifying living beings by inserting the genes of another living being. These alterations have aided the health and nutritional requirements of mankind. However, when the research material involves human organisms, the experiments based on this technology surpass the boundary. When this

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[26] Ratzinger, *A Turning Point for Europe*, 13.

[27] Ratzinger, "The Problem of Threats to Human Life," *The Essential Pope Benedict XVI*, 384; Benedict XVI, "If You Want to Cultivate Peace, Protect Creation," *Message for the Celebration of the 43rd World Day of Peace* (Vatican City: Libreria Editrice Vaticana, 2010). Available at: https://www.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20091208_xliii-world-day-peace.html (Accessed on: 12.05.2023).

[28] Joseph Ratzinger, *Instruction on Christian Freedom and Liberation* (Vatican: Congregation for the Doctrine of the Faith, 2004). Available at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_freedom-liberation_en.html (Accessed on: 12.05.2023).

technology is applied for selective breeding of humans in various experiments of eugenics, the embryos of persons become a mere storehouse of useful organs and humans are reduced to the status of mere product.[29] When surplus embryos, the inevitable product of in vitro fertilization are frozen and discarded, those foetuses become guinea pigs for research. Further, with the possibility it provides for the choice of sex, in vitro fertilization regularly becomes the occasion for selective abortion as well. The lives are sacrificed in the name of future-oriented research. Prenatal diagnoses to deliberately destroy all foetuses that may be deformed or defective is also a pathology. If science fails to serve human dignity, it loses its essence and becomes an instrument of horror. Avoiding major hereditary illness is one thing; fine-tuning a person for extreme sports, war, and eugenic politics is quite another.[30]

> "This is demonstrated today, on the one hand, in the way that science treats human life: man is becoming a technological object while vanishing to an ever greater degree as a human subject, and he has only himself to blame. When human embryos are artificially "cultivated" so as to have "research material" and to obtain a supply of organs, which then are supposed to benefit other human beings, there is scarcely an outcry, because so few are horrified any more. Progress demands all this, and they really are noble goals: improving the quality of life – at least for those who can afford to have recourse to such services. But if man, in his origin and at his very roots, is only an object to himself, if he is "produced" and comes off the production line with selected features and accessories, what on earth is man then supposed to think of man? How should he act toward him? What will be man's attitude toward man when he can no longer find anything of the divine mystery in the other, but only his know-how?"[31]

The new technological power is linked to economic power and leads to a concentration of it. Whoever controls technology has power over both men and the world. By its method of centralizing power and through its exploitation of the earth, the world has been divided into north and south, into rich and poor. Relationships of dependence have grown both within nations and between nations, which in the previous years has given rise to a new claim to liberation. As a result, previously unknown forms of inequality have emerged between those who possess technological knowledge and those who are simple users of technology. If technological know-how merely advances without corresponding moral growth, those who are in possession of technology will continue to prosper while the circumstances of those who dwell in its shadow will not change.[32]

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[29] Joseph Ratzinger, "Pre-Political Moral Foundations of a Free Republic," *Political Theologies: Public Religions in a Post-Secular World*, eds. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006), 279.

[30] Giuliano Amato, "Faith and Reason in the Regensburg Address," *Pope Benedict XVI's Legal Thought: A Dialogue on the Foundation of Law,* ed. Marta Cartabia and Andrea Simoncini (New York: Cambridge University Press, 2015), 133-134.

[31] Joseph Ratzinger, *Introduction to Christianity* (San Francisco: Ignatius Press, 2004), 15-16.

[32] For a case of this form of marginalization, see, Shailaja Paik, *Dalit Women's Education in Modern India: Double Discrimination* (London: Routledge, 2014).

The reason for these dilemmas is that science and technology grow rapidly, but we grasp adequate moral criteria to use these instruments only slowly. Although our mastery over nature ever increase with our growing knowledge of the structure of matter and in the light of increasingly sophisticated inventions, our ethical awareness and moral judgment have not progressed in a similar manner. Only scant attention is given to moral reason and there is a gulf between the velocities of science and morality. Thus, progress frequently become merely mechanistic, materialistic, and deterministic. Technology by itself won't take us beyond maximizing profit in business or consolidating power in politics. Justice and fairness are guaranteed only through upright men and women who have not only professional competence, but also conscience finely tuned to the concerns of the common good. This dilemma is ever-present because man's freedom is always new and his decisions cannot be made in advance by any others. Every person and every generation freely make moral decision anew. New generation can of course draw upon the moral wisdom of those who went before, but we can also reject it because it is not self-evident in the same way that material inventions are. Unlike the machines that we use, the moral experiences of humanity are not readily at hand; they are presented to us only as an appeal to our freedom. Our freedom is always fragile, and so, each generation has the task to search diligently in the sources depended by the previous generations for the right use of freedom in order to build solid structures.[33]

These problems which represent the real emergency of our time are telling us that all scientific and technological progress is neither a liberation nor a moral advancement in itself. The dilemma of confidence in progress was articulated by Theodor W. Adorno. He claimed that progress, evaluated properly, is not an evolution from savagery to humanitarianism, but a progress from the slingshot to the atom bomb.[34] The ambiguity of progress becomes evident. Without doubt, progress provides new possibilities for good, but it also creates terrifying possibilities for evil—possibilities that earlier did not exist. We have all seen how progress, in the wrong hands, can become and has indeed become a horrifying progress in evil. Earlier, it was widely believed that freedom could be achieved through the progress in the domains of sciences, technology and economics. This was a misunderstanding of the essence and requirements of freedom. Technical advancement that is not accompanied by a corresponding

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[33] Benedict XVI, *Spe Salvi: On Christian Hope* (Vatican City: Libreria Editrice Vaticana, 2007), § 24. Available at:
https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20071130_spe-salvi.html (Accessed on: 12.05.2023).
[34] Theodor W. Adorno, *Negative Dialectics* (New York: The Seabury Press, 1973), 319-320.

advance in a person's ethical development and inner growth is not progress at all but rather a danger to both humans and the world. A new vigour in morality within our technical culture is ever more essential today if the power of technology is to be prevented from becoming a power of oppression over human groups or entire peoples.[35]

Absolutizing technology make it an ideological force that threaten to hold us back from encountering the full meaning of each person's being and truth; from grasping the holistic meaning of human activities. Understanding reason based on a single form of certainty is unsustainable because it no longer provides any perspective on the more in-depth and fundamental questions of mankind. There is an unhealthy overdevelopment in the realm of technical and pragmatic knowledge on the one hand and a diminishing of essential basics on the other hand. The feeble imitators of Galileo and Kant replaced moral reason by a calculating reason.[36] Humans has today become a prisoner of his own methods, and is deemed to function solely within one's own shell.

All that have been discussed so far is not to tell that positivist vision is wrong. A pure error, without admixture of truth, could never endure long among people. The concern is to tell that generalization of positivism mutilates man, and therefore, it is an unjust methodological constraint for the deeper questions of man. Positively, today unlike in the height of modernity, to have ethical criteria for scientific research and technological application is no longer considered as obscurantism.[37] What needs to recognized is that technological knowledge by itself is not concerned with the fundamental existential questions of *being* but only pragmatic and functional questions, and therefore, close attention must be given in order to ensure that the growth of technological progress is in parity with the growth of moral reason, so that progress can be achieved ethically and humanely without being an ideology.

2. FREEDOM AND ANTHROPOLOGY

Let us now turn to make a deeper analysis of one particular value – freedom – as it is understood by Ratzinger, and ask ourselves if positivist interpretation sufficiently grasp its full content. Freedom is today considered as a fundamental value that measures everything.[38] All of us are vigilant to ensure the freedom of religious choice, freedom to express one's own

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[35] Benedict XVI, *Spe Salvi,* § 21.
[36] Ratzinger, *Christianity and the Crisis of Cultures*, 7.
[37] Ratzinger, *On Conscience*, 31.
[38] Joseph Ratzinger and Vittorio Messori, *The Ratzinger Report: An Exclusive Interview on the State of the Church* (San Francisco: Ignatius Press, 1985), 171.

opinion, democratic ordering of the state, safeguarding of the rights of man, and the prohibition of discrimination. However, freedom emerges also with various cultural meanings.[39] In secularized world, the quest for freedom takes the form of liberation from religious ethics and hence from the limitations of humans themselves. In the global south, freedom has the connotation of social, economic, and political transformation. In Islamic world, liberation is primarily understood as the attempt to disengage from Western traditions and colonial inheritance and to search for their own identity.[40] In spite of these conceptual variations, all the cultures are faced with positivist reason and the canon of freedoms formed in the tradition of the Enlightenment.

Positively, the consciousness of contemporary humans is impressed more and more deeply with an awareness of the dignity of human person, together with the affirmation of the inalienable rights of individuals and peoples. Today more and more people enjoy and make use of a responsible freedom, act on their own judgment, not driven by coercion but motivated by a sense of duty. However, in spite of the fact that we enjoy hitherto almost unimaginable freedoms, humans are in no way redeemed. One is not free and experiences a growing alienation. We can see this in various forms in our times. One feels that one's freedom is threatened and restricted on every side. This means that we have to draw attention to the deviations of freedoms that we have attained and work for the conditions of an economic, social, political and cultural kind which make possible the full exercise of freedom. With centralization of many services, technological civilization has created constraints that were formerly unknown. There are ambiguities with respect to the freedoms that we have attained, and we are faced with the question whether the modern history of freedom has really produced an appreciable increase in freedom or whether the area of freedom and the area of compulsion have just shifted.[41]

From the analysis about the conceptualization of freedom in the modern intellectual history (see Chapter I.1), it can be said that the key feature of contemporary perception of freedom is boredom with institutionally organized freedom. There is a cry for better, radical freedom everywhere. All the secularist liberation programmes, notwithstanding differences in

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[39] Joseph Ratzinger, "Main Problems of Contemporary Theology" (Meeting with the Doctrinal Commissions of Latin America, Bogotá, Columbia, March 27, 1984). Available at: https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19840327_bogota-ratzinger_sp.html (Accessed on: 12.05.2023).
[40] *The Ratzinger Report*, 172.
[41] Ratzinger, *Church, Ecumenism and Politics*, 73.

their particular goals, have one element in common: they are attempting to achieve liberation exclusively in the immanent plane, restricted to history, in this world.[42] But, as we shall see in our further analysis, it is precisely this starting point that has brought humans to the current situation. When dignity is conceived with a limited positivist view that closes itself completely to transcendence, freedom is reduced to an absolute libertarian freedom and nothing more. Some of the new factors that entered into the discourses on freedom since the Enlightenment had grown into pernicious forms.

At the heart of this world-view are the ideas of autonomy and anti-authoritarianism. Life is basically very complicated and short, and therefore, one wants to snatch as much out of it possible, and no one has the right to interfere in one's way.[43] One wants to scoop life out till there is nothing left. A person may choose to have "life in abundance" as he understands it. Anyone who would stand in one's way is an enemy of one's self-realization.[44] Anything "Thou shalt not" in the realm of normativity is an encroachment against which the individual must defend himself. In this purely individualistic conception of humans, one is only oneself without relations. Reduction of freedom to the possibility of doing anything that might make an empty life exciting and interesting for a moment is only a superficial expression of purely egoistical being. If the autonomous subject has the last word, then its desires are simply unlimited. One's freedom is fallible and one's desire may be drawn to an apparent good, a false good.[45] By one's free will, one can act either in a positive sense or in a destructive way.

In this vision, either God doesn't count in man's ethos, and even if He exists, He doesn't have anything to do with us. Responsibility before God is replaced with responsibility before history and humanity.[46] However, the sole authority that determine the moral is public opinion and its tribunals. "Here we must appeal to the modest authority of common sense," Ratzinger tells, "it cannot go well if man tries to claim for himself a freedom that fundamentally contradicts his own truth and if he constructs the programme of all his activity on this denial of the truth."[47] The experiences of the previous century testify that when humans wish to free oneself from dependence on God, far from gaining his freedom, one destroys it. Escaping the

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[42] *The Ratzinger Report*, 173.

[43] Joseph Ratzinger, *Salt of the Earth: The Church at the End of the Millennium* (San Francisco: Ignatius Press, 1997), 60.

[44] For perspectives that resonate this idea, see, for example, Martha C. Nussbaum, *Sex and Social Justice* (New York: Oxford University Press, 1999), 184.

[45] Joseph Ratzinger, *Instruction on Christian Freedom*.

[46] Ratzinger, *Salt of the Earth*, 47.

[47] Joseph Ratzinger, *Faith and Politics* (San Francisco: Ignatius Press, 2018), 29.

measuring rod of truth, one falls prey to the arbitrary. Fraternal relations between people are abolished and give place to terror, hatred, and fear. When the concept of freedom is totally detached from the concept of God, the multiplication of rights emerges even to the point of nihilistic rights of human person to deny oneself, which in the end becomes the destruction of the concept of law.[48] This is a strange consensus of modern existence, Ratzinger remarks. When stripped off the foundations of religious traditions and thinking of great philosophers, freedom becomes an ill-defined or undefined concept, and thus, a freedom of indifference.[49] If freedom is determined as the consensus of those who have dominant voice in the society, the whole idea deteriorates into an intellectual tyranny and a meaningless game of concepts that does not inspire confidence. If freedom is understood as the emancipation from all conditions, what remains is only a confused ideology of freedom.

Broad outlines of the contemporary debate on freedoms in the realm of sexual ethics could clarify the observations made above. Everywhere there are urges to overturn the "outmoded" convictions; to revise the old standards. No matter how meaningful they may have been in the past, such ideals are no longer acceptable today because we have finally discovered our rights, and therefore, we need not subordinate the freedom of our conscience to some external authority.[50] If anyone really wish to promote human freedom, then he is obliged to set aside old social taboos and come to the lines of new understandings. If anyone is honest in his aspiration to end discriminations, he must accept moral equivalence of all forms of sexual activity as long as they are motivated by "love" or at least do not hurt anyone.[51] It has become almost difficult for anyone to tell that homosexuality is objectively wrong in the order of existence.[52] We are asked to accept various fleeting, and problematic forms of living together as equivalent to family established through natural structure of marriage.[53] For the sake of pluralism and tolerance, we are asked to be indifferent to the harms and instabilities that we actually observe in the radically different types of unions which obscure the specific nature and indispensable role of marriage and family.[54]

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[48] Ratzinger, *Faith and Politics*, 18.
[49] Joseph Ratzinger, *Europe's Crisis of Culture,* 325-35.
[50] Joseph Ratzinger, "Difficulties confronting the faith in Europe today" (Meeting with the Doctrinal Commissions of Europe, Luxembourg, May 2, 1989). Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19890502_laxenburg-ratzinger_en.html (Accessed on: 12.05.2023).
[51] Ratzinger, *Difficulties confronting the faith in Europe today*.
[52] Joseph Ratzinger, *Europe's Crisis of Culture*, 329.
[53] Ratzinger, "Crises of Law," *The Essential Pope Benedict XVI*, 378.
[54] Benedict XVI, *If You Want to Cultivate Peace, Protect Creation*.

The aura of morality that is conferred upon and changed norms of behaviour is defended by two concepts: conscience and freedom.[55] Here, conscience is no longer knowledge which derives from a higher form of knowing. Instead, it is purely self-determination of individual by which each person decides for himself what is moral in a given situation. Norms are no longer the last word which one should oblige. At the most they are only external rules that may supply models for direction. Where such thinking predominates, the relationship between person and body also changes. Whether the body be of the masculine or the feminine sex, the body no longer expresses being at all. Where this kind of thinking has been completely adopted, the difference between homosexuality and heterosexuality as well as that between sexual relations within or outside marriage have become unimportant. This change is regarded as a liberation when compared to how things have been up until now, as if a door is opened to freedoms hitherto unknown. Subsequently, the body is seen as a possession that a person can use in whichever way he deems to be most beneficial for achieving "quality of life."[56] According to this vision, the body is something that each person possesses. Humans no longer rely on the given-ness of one's body to tell one who one is or what one should do; instead, one relies entirely on one's own reasonable judgment and complete independence to decide what to do with it.

This particular vision of freedom of humans is sometimes fused with feminist ideology and its aspiration for anthropological liberation.[57] Today we have drawn distinction between the biological phenomenon of sexuality and the forms it has taken in history; what is known as gender. Historical injustices which has resulted in serious gender-inequalities must of course be addressed proactively. However, the call for revolution against the whole historical shape of sexuality many a times triggers a revolution against the biological givens as well. Consequently, the idea that "nature" has something to say is no longer acceptable. Humans are to have the freedom to remodel oneself as one wishes. One must be liberated from all the prior givens of one's essence. One creates oneself into what one desires, and only in this manner is one truly free and liberated. Here, emancipation called for is not simply a liberation from imposed social roles but, a liberation that aims to free a person from human biological determination; from given-ness. However, when we rebel against our biological limitations,

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[55] Ratzinger, *Difficulties confronting the faith in Europe today*.
[56] Joseph Ratzinger, *Difficulties confronting the faith in Europe today*.
[57] Joseph Ratzinger, *Salt of the Earth: The Church at the End of the Millennium* (San Francisco: Ignatius Press, 1997), 49.

we ultimately rebel against their creatureliness itself.[58] Hence the need to re-read the language of the body in the truth of the man.

A closer look into the above-mentioned experiences reveal the underlying individualistic anthropology which largely determine moral assumptions today. Each individual demands complete freedom of choice based on one's own personal ethical convictions. Idea of conscience is seen as to be largely personal rather than collective moral conscience as understood in the past. According to this vision, we must guarantee maximum freedom to each citizen through compromise of interests. Anything contrary is regarded as intolerance. As a result, search for truth is no longer a collective effort. Freedom is understood today not as striving for good with the help of traditions and community, rather, it is emancipation from all conditions that prevent each one from following one's own reason. This idea of freedom, however, reflect traits prompted by individualism, utilitarianism, materialism, and hedonist ideology. "Body and spirit are put in radical opposition; the body does not receive life from the spirit, and the spirit does not give life to the body. Humans thus ceases to live as a person and a subject. Regardless of all intentions and declarations to the contrary, one becomes merely an object."[59]

The essential point is this: authentic political freedom is stably achieved and maintained over time only through correct application of moral freedom, for the latter in turn clarify where each individual gets his identity, his truth, from which only politics gets orientation. Therefore, it is always necessary to reflect on the ethical content of human freedom. Only from this starting point can the responsibilities be shared within a state. Freedom keeps its dignity only if it stays connected with its ethical foundation and mission. Freedom that consist solely of being able to satisfy one's needs would not be a human freedom; it would only be an empty and aimless freedom that remain in the animal realm.[60] When humans has internalized morality and in one's innermost being reaches beyond oneself, morality and freedom not antithetical, rather, mutually dependent realities that build on one another.

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[58] Ratzinger, *Salt of the Earth*, 49.

[59] John Paul II, Gratissimam *Sane: Letter to Families* (Vatican City: Libreria Editrice Vaticana, 1994), § 19. Available at:
https://www.vatican.va/content/john-paul-ii/en/letters/1994/documents/hf_jp-ii_let_02021994_families.html
(Accessed on: 12.05.2023).

[60] Ratzinger, *Faith and Politics*, 68.

Freedom conceived as absence of obligation inevitably play into the hands of fanaticism and arbitrariness, that ultimately lead up to destruction.[61] Freedom suffers the lack of substance if we see it simply as an ever-wider relaxation of norms. When construed egoistically, freedom in reality become a perversion of freedom.[62] A concept of freedom as absolute right of individual without substance, orientation, and direction reduce human interactions to the level of power-relations, wherein the weakest ones are deprived of the rights due to them. The constant extension of individual freedoms in the direction of absolute liberation from all order is not sustainable.[63] If it must endure, then freedom must be the possibility for self-realization of one's own essence and authentic nature. Freedom must always be in a proper relationship with the notions of truth, goodness, law, morality, and responsibility. Freedom to destroy oneself or others is not freedom, but a diabolical parody of freedom.[64]

We need to grasp the idea of good *itself*, and not simply what each person conceives on his own as good. Law and order is not contrary to freedom, but its condition, a constitutive element of freedom itself. The concept of freedom by its very essence calls for supplementation by the concept of law.[65] When confidence in the law no longer seems to offer sufficient protection, security and peace are sought in mutual threats, which become a danger for all. Therefore, anyone who wants freedom cannot strive for lawlessness but, rather, must strive for good and humane law as the law of freedom. It is only by learning to unite one's will to the others for the sake of true good that a person learns rectitude of will.[66] Far from being achieved in total self-sufficiency and an absence of relationships, freedom only truly exists where reciprocal bonds link people to one another. Thus, a further aspect opens up: rights, when detached from a framework of duties which grants them their full meaning, can run wild. Duties set a limit on rights by pointing to the anthropological and ethical framework of which rights are a part, in this way ensuring that they do not become arbitrary licence. The correlation between rights and duties makes a person capable to assume responsibility for his choices.[67]

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[61] Benedict XVI, "Meeting with Representatives from the World of Culture" (Collége des Bernardins, Paris, France, September 12, 2008). Available at:
https://www.vatican.va/content/benedict-xvi/en/speeches/2008/september/documents/hf_ben-xvi_spe_20080912_parigi-cultura.html (Accessed on: 12.05.2023).
[62] Ratzinger, *The Problem of Threats to Human Life*, 387-90.
[63] Ratzinger, *Church, Ecumenism and Politics*, 76-79.
[64] Ratzinger, *Truth and Tolerance*, 73.
[65] Ratzinger, *Faith and Politics*, 69.
[66] Joseph Ratzinger, *Instruction on Christian Freedom*.
[67] Benedict XVI, *Caritas in Veritate*, § 43.

Only by recognizing the higher obligation of insight and love can freedom fulfil this task of binding both the individual and the community. National communities can be shaped in freedom only with the objective of freedom in justice.[68] Many of today's problems are due to the crisis between truth and freedom. Rights, in order to be rights, must presuppose law which provide them with the binding force. Law in turn presuppose ethos, which is open to faith, the ultimate assent of existence. In the deepest sense of the word, freedom is not just a participation in given social structure, rather it is also a partaking in the *Being*.[69] "We are not some casual and meaningless product of evolution. Each of us is the result of a thought of God. Each of us is willed, each of us is loved, each of us is necessary," reminds Joseph Ratzinger.[70] Hence, we must systematically try to understand the cognizability of natural law in the history of philosophy in order to overcome the obstructions before us that prompts the people of our time from recognizing the depths of nature and reason.

3. VALUE-NEUTRALITY AND FRATERNAL ECONOMY

In today's world, on the one hand, the traditional networks of civic solidarity face an increasing number of challenges to overcome in the context of politically uncontrolled economic modernization. On the other hand, the mere fact that we have become neighbours by virtue of globalization does not make us brothers automatically.[71] At stake is the question of solidarity; civic cooperation in the specific situation of today. In order to get a glimpse of the problem, in this section, let us attempt to examine some outlines of the current situation of global market economy as it is understood by Ratzinger. It is perhaps the most important sign of our times that demands pre-political morality from societies across the world so as to bring about authentic cooperation. Within the limits of this dissertation, I can only try to sketch with the utmost conciseness a few baselines in order to come to our point.

The global market has driven wealthy nations to look for outsourcing locations to make possible low-cost production, and thus to lower the cost of various commodities, boost purchasing power, and speed up the rate of development in terms of increased availability of consumer goods for the local market. Thus, the market has sparked new types of rivalry

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[68] Ratzinger, *Faith and Politics*, 65.
[69] Ratzinger, *Church, Ecumenism and Politics*, 64.
[70] Benedict XVI, "Homily at the Mass of Inauguration of Pontificate" (St. Peter's Square, Vatican, April 24, 2005). Available at:
https://www.vatican.va/content/benedict-xvi/en/homilies/2005/documents/hf_ben-xvi_hom_20050424_inizio-pontificato.html (Accessed on: 12.05.2023).
[71] Benedict XVI, *Caritas in Veritate*, § 19.

between States as they try to attract international companies to establish production centres through a number of ways, including favourable fiscal regimes and liberalization of labour market.[72] As a result of these processes, social security systems have been toned down in an effort to gain a stronger competitive advantage on the global market. This has put workers' rights, basic human rights, and the solidarity created by the welfare state in grave risk. Overly competitive environments foster structural insecurity, which in turn generates new kinds of instability. Although it is true that free movement of labour facilitates the creation of wealth and cultural exchange, life becomes vulnerable where the fundamental rights are violated. As the great advances in science and technology are not accompanied with corresponding moral development, the world's wealth grew only in absolute terms, with spheres of economic super-development of a consumerist kind on the one hand and new forms of poverty on the other hand. Life in many poor countries is still extremely insecure as a consequence of food shortages. Hunger still reaps enormous numbers of victims. These instances are telling us that a mere theoretical acknowledgement of equality of peoples doesn't automatically gets translated into collective experience of solidarity.

The market is the economic institution that permits encounter between persons, inasmuch as they are economic subjects who make use of contracts to regulate their relations as they exchange goods and services of equivalent value between them, in order to satisfy their needs and desires. The market is subject to the principles of commutative justice which regulates the relations of giving and receiving between parties. However, the goal of market-solidarity requires more than this. Alongside commutative justice, an ethical economy must also fulfil distributive justice and social justice.[73] Grave imbalances are produced when economic action, conceived merely as an engine for wealth creation, is detached from political action, conceived as a means for pursuing justice through redistribution. Market must not become the place where the strong subdue the weak. Therefore, commercial relationships cannot exclude the principle of gratuitousness, social responsibility of businesses, and pursuit of the common good.[74] The economic sphere is neither ethically neutral, nor inherently inhuman. It is part and parcel of human activity and precisely because it is human, it must be structured and governed in an ethical manner. One of the greatest problem that we face with the big businesses is that they are answerable almost only to their investors, and many a times

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[72] Benedict XVI, *Caritas in Veritate*, § 25.
[73] Benedict XVI, *Caritas in Veritate*, § 35.
[74] Benedict XVI, *Caritas in Veritate*, § 36.

they operate with funds that are generated anonymously. The outsourcing of production can weaken the company's sense of responsibility towards the stakeholders - the workers, the suppliers, the consumers, the natural environment and broader society. Without internal forms of solidarity and mutual trust, the market cannot completely fulfil its proper economic function.[75] Today it is this trust which has ceased to exist, and the loss of trust is a grave loss.

It is tempting for us to think that these principles of market-solidarity are unrealistic given the unavoidable involvement of commercial logic and profit-motive by the players in the market. Following the tradition inaugurated by Adam Smith, the economy ought to play by its own rules. This position holds that the market is incompatible with ethics because voluntary moral actions contradict market rules and drive the moralizing entrepreneur out of the game. For a long time, then, business ethics, rang like hollow metal because the economy was held to work on efficiency and not on morality.[76] The natural laws of the market necessarily work for the good, whatever may be true of the morality of individuals. The true play of market laws best guarantees progress and even distributive justice. This way of understanding things is not entirely false, as the successes of the market economy illustrate. But neither is it completely correct, as is evident in the problems of today's world economy. Positively, the freedom of individual businessmen and the free play of market forces enable the self-regulation of supply and demand, and work toward economic efficiency and progress. It is not only liberal to a great extent, but also deterministic. One is completely controlled by the binding laws of the market while believing one acts in freedom.[77]

From what has been said, one thing becomes clear, that market is not a negative force by its nature, but it can be so only because of certain ideologies that make it so. Market is shaped by the cultural configurations which define it and give it direction. Economy and finance, as instruments, can be used badly when those at the helm are motivated by purely selfish ends. It is man's darkened reason that result in all these consequences, not the instrument as such.[78] Therefore, it is not the instrument that must be called to account, but individuals,

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[75] Benedict XVI, *Caritas in Veritate*, § 35.

[76] Joseph Ratzinger, "Church and economy: Responsibility for the future of the world economy," *Communio: International Catholic Review* 13 (1986), 200. Available at:
https://www.communio-icr.com/articles/view/church-and-economy-responsibility-for-the-world-economy
(Accessed on: 12.05.2023).

[77] Ratzinger, *Church and economy*, 200.

[78] Benedict XVI, *Caritas in Veritate*, § 36.

their moral conscience and their personal and social responsibility.[79] In search for fixing this problem, it was often maintained that the creation of institutions was sufficient to guarantee the fulfilment of fair economic management. The institutions working on the binary model of market-plus-state has accustomed us to think only in terms of the private business leader of a capitalistic bent on the one hand and the State director on the other. Unfortunately, too much confidence was put in such institutions, as if they would automatically deliver the desired objective. In fact, institutions cannot work without common ethical convictions.[80] These cannot come from purely empirical reason, rather, they demand corresponding human attitudes, and these attitudes flourish only when the historical foundation of a culture and the ethical-religious insights that it contains are taken into consideration. Because business activity has a human significance, meta-economic reason is indispensable alongside emphasis on professional aspects.[81] Principal causes of underdevelopment are not only structural. Various dimensions of the human person must also be strengthened. Integral development involves a free assumption of responsibility in solidarity on the part of everyone. Cultural renewal free persons in a society from the yoke of ideologies, to properly orient their will with the sense of solidarity for integral human advancement. Solidarity cannot remain as a utopian dream. It is something so fundamental for the authentic progress of the peoples. The effective democratic process in a liberal state is dependent upon the political integration and solidarity of its citizens.

In the long run, if a liberal state is to survive in peace and order, the freedoms of citizens and corporations must be regulated from within, out of the moral substance of the individual and the homogeneity of society. However, a state cannot guarantee these inner regulatory forces by its own efforts - with the instruments of legal coercion and authoritative command - without abandoning its liberalness.[82] Thus, the creation of ethical structures for currency, controlling commerce, and coordinating financial markets in ways that do not prove harmful to the poor become fundamental and indispensable. "Today we need a maximum of specialized economic understanding, but also a maximum of ethos so that specialized economic understanding may enter the service of the right goals," Ratzinger says.[83] Adherence to the

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[79] For a systematic study on the subject, see, Helen J. Alford, O.P., and Michael J. Naughton, *Managing as if Faith Mattered: Christian Social Principles in the Modern Organization* (Indiana: University of Notre Dame Press, 2001).

[80] Benedict XVI, *Caritas in Veritate*, § 11.

[81] Benedict XVI, *Caritas in Veritate*, § 41.

[82] Ernst-Wolfgang Böckenförde, "The Rise of the State as a Process of Secularization [1967]," *Religion, Law, and Democracy: Selected Writings Volume II*, eds. Mirjam Künkler and Tine Stein (Oxford: Oxford University Press, 2020), 167.

[83] Ratzinger, *Church and economy*, 204.

natural law of market economy guarantee efficiency, but not morality. Therefore, it is the responsibility of political will to employ the economic laws towards the goal of morality. Countries progress to the extend the economic forms based on solidarity find their natural home in civil society.[84] A direct requirement for all these is to create new fronts of solidarity.[85] Solidarity must operate on all levels – not only within the classes, but also between various segments of the society, between the rich and the poor. Institutions and social organizations at various levels, and the state itself, must participate in the spirit of solidarity. If efforts are taken to order the society on a stronger moral foundation, it should be quite possible to reconcile morality and efficiency; to orient the goals not simply toward maximum profit, but also to self-restraint and common service.

This requires us to go beyond mere positivist reason which definitely grasps the equality between men, but it does not necessarily establish fraternity by transcending all the complexities of the social order.[86] Positive Law operates on the principle of the opinion of the majority. Unanimity is rarely achieved in democratic will-formation, and therefore, delegation and majority-decision are rational means for legal procedures.[87] We cannot deny the competence of majority-principle to pass laws and establish norms. Majority-principle is sufficient in many issues concerning civil coexistence. However, moral reason is always above majority. Dignity of humans and humanity involve values that no majority can annul. The problem with majority-opinion is that only quantitative judgments are taken into consideration to decide over issues.[88] Axiological premises are not taken into account. Where the qualitative aspect of the premises is disregarded, the value-judgments existing in a society at a given moment are reflected and converted into legal standards at the behest of the pressure of momentarily stronger group. The popular opinion is not always made by distinguishing right and wrong, rather, it is overwhelmingly influenced by a variety of other variables. As a result, truth-of-the-matter is at the risk of being replaced by majority opinion.

When legislative process is controlled exclusively by statistics, legality triumph over justice, thereby denying the essence of democracy and destabilizing natural order. Just legal demands of minorities may get crushed even if the legal procedures are correctly followed. At the worst, mere majoritarian will that doesn't inquire into truth runs the risky possibility of

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[84] Benedict XVI, *Caritas in Veritate*, § 39.
[85] Joseph Ratzinger, *Instruction on Christian Freedom*.
[86] Benedict XVI, *Caritas in Veritate*, § 19.
[87] Ratzinger, *Pre-Political Moral Foundations of a Free Republic*, 262.
[88] Ratzinger, *Values in a Time of Upheaval*, 12.

being converted into totalitarian ideologies. Nazism which attempted to construct a state based on an a-historical reason and Marxism which saw itself as the builders of a new world and new humans based on a reason that denied God are the examples of momentarily stronger voices of majority. They reigned when popular opinion took precedence over what actually occurred. Ratzinger calls this state of affairs as the dictatorship of appearances.[89] Value-neutral positivism does not provide universal moral standards for ordered system of law.

> "In a world in which moral convictions lack a common reference to the truth, such convictions have the value of mere opinion. It would be an expression of intolerance to seek to impose a conviction on others through legislation, thus limiting their freedom. Social life…..is seen as the result of a compromise of interests, with a view to guaranteeing the maximum freedom for each. In reality, however, wherever the decisive criterion for recognizing rights is the majority opinion, wherever the right to express one's own freedom prevails over the right of a voiceless minority, there might has become the criterion of right….. In reality, in order to exist, political community must recognize a minimum of objectively established rights not granted by social conventions but antecedent to any political system of law."[90]

4. GOD-ECLIPSE IN SOCIETY AND SCIENCE

Let us refer back to the discussion about the programme of Marxism which was discussed in Chapter I.3, and recollect that the Marxist notion of freedom and justice was based on the primacy of social structures. This focus gravely undermined the importance of personal ethos and personal responsibility in ordering the state and society. There is some truth in this argument of Marxism, but also much that is mistaken. A just social order must secure for each person his share of the society's goods. In fact, the just structuring of society had to be approached in a new way as the relationship between capital and labour became the decisive issue after the industrial revolution.[91] The states did not realize the gravity of the problem. Capital and the means of production were now the new source of power which, concentrated in the hands of a few, led to the suppression of the rights of the working classes, against which they had to rebel. However, as a whole, the programme of rebellion was fabricated upon a mythical conception that the new structures would necessarily produce new humans and new society.[92] The Marxist idea of disregarding individual-morality in the pursuit of erecting just structures is fundamentally flawed. A wrong which is at the root of an unjust structure is primarily and immediately a voluntary act which has its source in the freedom of individuals.

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[89] Ratzinger, "Culture and Truth: Some Reflections on the Encyclical Letter Fides et Ratio*," The Essential Pope Benedict XVI*, 375.

[90] Ratzinger, *The Problem of Threats to Human Life*, 385.

[91] Benedict XVI, *Deus Caritas Est: On Christian Love* (Vatican City: Libreria Editrice Vaticana, 2005), § 26. Available at:
https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est.html (Accessed on: 12.05.2023).

[92] Ratzinger, *Truth and Tolerance*, 71.

Only in a derived and secondary sense is it applicable to structures.[93] Good structures help, but of themselves they are not enough. Structures are operated by human beings who have freedom, and the freedom by nature is open and fragile. Therefore, persons have primacy over the structures. If any structures claim to guarantee good irrevocably, that means that freedom is also denied by that structure. Conversion of the hearts of persons is important for the improvement of structures.[94]

The claim that just structures would make charity superfluous is a mistaken materialistic conception of man. The rejection of charity is an inhuman philosophy. One does not make the world more human by refusing to act humanely here and now. We contribute to a better world only by personally doing good now, with full commitment and wherever we have the opportunity. Where charity is denied for today's needy, "people are sacrificed to the Moloch of the future - a future whose effective realization is at best doubtful," Ratzinger says.[95] Charity will always be necessary, even in the most just society. There is no ordering of the state so just that it can eliminate the need for a service of love.[96] Whoever wants to eliminate love is preparing to eliminate humans as such. Human beings live in a relationship that is made not only by rights and duties but also by gratuitousness and communion.[97] There will always be suffering which cries out for consolation and help. There will always be loneliness. There will always be situations of material need where help in the form of concrete love of neighbour is indispensable. "Charity goes beyond justice, because to love is to give, to offer what is *mine* to the other; but it never lacks justice, which prompts us to give the other what is *his*, what is due to him by reason of his being or his acting," observes Ratzinger.[98] Thus, justice and charity are not extraneous to each other; they are inseparable. In strict sense of the word, charity not only demands justice but also completes it by the logic of giving and forgiving. Social actions need authentic doctrines. Just structures are formed not through some partisan doctrine but through charity freed from ideology.

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[93] John Paul II, *Reconciliatio et Paenitentia: On Reconciliation and Penance in the Mission of the Church Today* (Vatican City: Libreria Editrice Vaticana, 1984), § 16. Available at: https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_02121984_reconciliatio-et-paenitentia.html (Accessed on: 12.05.2023).
[94] Joseph Ratzinger, *Instruction on Christian Freedom*.
[95] Benedict XVI, *Deus Caritas Est*, § 31b.
[96] Benedict XVI, *Deus Caritas Est*, § 28b.
[97] Benedict XVI, *Caritas in Veritate*, § 6.
[98] Benedict XVI, *Caritas in Veritate*, § 6.

The error of Marx is now evident. Marx presumed that with the fall of political power and the socialization of means of production, everything would belong to everyone and all would desire the best for one another. All contradictions would be resolved and that men would finally sort themselves out and proceed along the right path simply by the victory of the revolution. But why didn't it happen that way, but evolved into trails of appalling destruction? He forgot that humans always remain humans.[99] He forgot humans and their freedom always remains also freedom for evil. He thought that once the economy had been put right, everything would automatically be put right. The whole destructive experience of Marxism confirm that humans are not merely the product of economic conditions, and it is not possible to redeem humans purely from the outside by creating a favourable economic environment. Humans are always finite, and therefore, absolute ideal situation will never exist within human history. A perfected ordering of freedom is never possible. The myth of liberated world of the future, in which everything will be different and everything good, is false. We can only ever construct relative social orders. Marx gave the most exact economic analysis through the logic of history, but he expected metahistorical within history and confused these two different realities.[100] Eschatological promises within history lack genuine relationship between the promise and the approaches to it. Instead of liberating us, such promises disappoint and enslave us.

Unlike the greater part of the twentieth century which Eric Hobsbawm (1917 – 2012) called the *Age of Extremes*, the present point of time seems to be more safe from the fantasy of overwrought demands and hopes about politics.[101] With the lessons learned from the experiences of the previous century, very few people today seriously think that it is possible to realise a paradise of mankind's happiness within the state. However, the spirit of utopia can re-emerge at any moment when the intrinsic nature of human beings is forgotten in ever new ways. One must know the limits of the state; what the tasks of the state *are not*. The state is not the source of truth and morality. The state is not the whole of human existence and does not encompass all human hope. Man's hopes lie beyond any political action.[102] By our nature, humans cannot live without the *totality of hope*.[103] When human person loses the greater hope

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[99] Benedict XVI, *Spe Salvi*, § 21.

[100] Ratzinger, *Church, Ecumenism and Politics*, 64.

[101] Eric Hobsbawm, *Age of Extremes: The Short Twentieth Century 1914-1991* (London: Abacus, 1994).

[102] Ratzinger, *Faith and Politics*, 60; Pontifical Council for Justice and Peace, "Chapter VIII: The Political Community" *Compendium of the Social Doctrine of the Church* (Vatican City: Libreria Editrice Vaticana, 2004). Available at:
https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html (Accessed on: 12.05.2023).

[103] Ratzinger, *Faith and Politics*, 61.

that embraces the whole, what remains is the universal primacy of the political. However, each time human person attempts to surrender the totality of his hope to the state, then law and politics fall back into utopia, giving way to the mythology of the divine state. Politics that claim to embrace the whole of human existence doesn't fulfil its promises, instead, it falsifies and diminishes humans by being a politics of enslavement. Let us summarize. Human beings are always open to freedom which is very fragile. Therefore, structural justice alone isn't enough to secure a just and fair social order. Personal responsibility that manifests in the concrete expressions of charity is necessary. To ignore this dimension is to exaggerate human capacity and to expect the meta-history within history, which however is a utopian dream. We need a totality of hope that goes much beyond the hopes which can be fulfilled by the state.

Against this background of man's great *hope*, we must evaluate the problems with God-eclipse from normativity in contemporary world. Today, either God is denied altogether or His existence is judged to be not demonstrable, uncertain, and therefore belongs to the realm of subjective choices – something, in any case, irrelevant to public life.[104] Many view that a world in which the innocent suffer and power takes the form of cynicism cannot be the work of a good God.[105] Since there is no responsible God to establish justice, for the sake of morality, humans must contest against this God and create a just system himself. Perhaps something or someone might have set the world in motion eons ago, but he does not matter to us at all.[106] True realism is what is real right there in front of us - our problems of bread.[107] So we must let the things of God fade into unreality, or at least into a secondary world. We must construct a world by our own lights, we must build on our own foundation; the dead roots are not part of our present identity.

According to this vision, the norms and contents of Enlightenment and the secular culture are sufficient to erect reasonable identity. Any reasoning that deviates from the scientific method looks to be a reversion to the Enlightenment norms, and is thus categorically

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[104] Benedict XVI, *Message for the Twenty-Sixth World Youth Day* (Vatican City: Libreria Editrice Vaticana, 2010). Available at:
https://www.vatican.va/content/benedict-xvi/en/messages/youth/documents/hf_ben-xvi_mes_20100806_youth.html (Accessed on: 12.05.2023).
[105] Joseph Ratzinger, "The current situation of Faith and Theology" (Meeting with the Doctrinal Commissions of Latin America, Guadalajara, Mexico, May 7, 1996). Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19960507_guadalajara-ratzinger_en.html (Accessed on: 12.05.2023).
[106] Benedict XVI, *Light of the World*, 26.
[107] Joseph Ratzinger, *Jesus of Nazareth: Part I - From the Baptism in the Jordan to the Transfiguration* (New York: Doubleday Publishers, 2007), 47.

rejected as a prescientific or unscientific mode of thought.[108] It is held that practical truth is enough to justify the normativity of the state and society, and that political activity does not necessitate metaphysics. In this scheme, neither transcendence nor nature have any authority in envisaging norms. As a result, religion and morality have lost their evidential value and have been relegated from the realm of reason to the domain of subjective experience. So God can retire from public life and from the foundations of the state. Instead, confidence is placed in technological endeavours as the *proper method* to domesticate the entire power of the universe by leaving no untamed force behind, and the dominion of the 'unknown' is banished altogether.

However, our actual experiences testify us that when reason does not have the ability to think about the ultimate questions about God and man, objective good and evil, truth and falsehood, grace and sin, death and eternal life, then nothing is good or evil in itself. When the solidity of foundational concepts of human life is cancelled out, everything is regarded as merely fleeting and provisional. Where nothing is intrinsically right or wrong but only relatively so, people are left with no solid footing. When relativism is affirmed as the *defining philosophy*, everything is given same value, leaving no space for ethical judgment, and there would be no unique values worthy to be defended over others.[109] Gradually, every values are regarded equally meaningless too. Citizens won't feel any urge for any *real* moral duty and, if there are any, such impulses would always be subordinated to individual's interests and conveniences. In the end, what first appear as the height of theoretical tolerance, political elegance, and philosophical refinement expose itself as acquiescence, capitulation, and loss of conviction and identity.[110]

Gradually, morality is separated from law, the norms are deprived of authentic values, and then there is no definitive commitment to anything.[111] Ultimately, the only reference point for each person would be what he conceives on his own as good. One would no longer accept any moral claim beyond one's calculations. It is the calculation of consequences of actions that determine what must be considered moral. In the attempt to evolve ethical norms based on quantitative method of calculation, morality will be rejected and replaced by *technique* to guarantee justice through the mechanical security of a correctly engineered society. Confidence

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[108] Ratzinger, *Truth and Tolerance*, 49.
[109] Gadamer also tells about the necessity of having a 'pre'-judice for any ethical understanding. See, Hans-Georg Gadamer, *Truth and Method* (London: Bloomsbury, 2013), 283.
[110] Ratzinger and Pera, *Without Roots*, 128.
[111] Ratzinger, *Culture and Truth: Some Reflections on the Encyclical Letter Fides et Ratio*, 376.

is put in proper ordering and arrangement of predefined parts to generate the intended result. Norms are hoped to be derived from a scientifically guaranteed interpretation of history.

The category of good disappears and unfeasible social behaviours take root first merely as a sickness of individuals, but the lived experience tell us that such behaviours could become so active and so widespread in an intellectual climate wherein good and bad are interchangeable.[112] The moment normativity is left to self-sufficient thought that justify relativism for mere functionality, humans are abandoned to the rule of man. However, this is precisely what dissatisfy and agitate us most today because human's dominion over humans is often much more sinister with abysses of uncontrolled power. Knowledge becomes a destructive force when one doesn't accept any moral wisdom beyond one's own calculations of benefit and utility. Peace built over relativistic tolerance give way for nihilism. Human thought becomes not only more free, but also more narrow, reminds Jan Ross.[113]

When God is omitted, at first, everything else might be as clever as can be, yet, one loses one's dignity and one's authentic humanity and thus, the essential thing breaks down.[114] Gradually, society appears to be nothing more than a collection of radically sceptic individual-monads arranged side by side. Ultimately, the contract that binds people together inevitably becomes a mere agreement in which those who have the power impose their will on others. When social contract deems and dismiss God as unscientific, then public perception is blocked off and barred from the sources of knowledge that are part of mankind's deepest memory. Reason is capitulated and denied its ultimate possibilities. Culture is dismembered and robbed of its completeness.[115] The sole reference point will be confused consciences of individuals which judge moral on the basis of appearances and cold calculation. People abandon or retain morality depending on their utility, finally ending up in moralism. Mere traffic rules for human behaviour leads to the ethical impoverishment of society.[116] Wherever transcendence was set aside, God-question did not simply disappear, instead, humans turned to illusory hopes and made flight into utopia.[117] Non-reality was enhanced as the reference point of action, and as a

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[112] Benedict XVI, *Light of the World*, 22.
[113] Jan Ross, "Die Stimme des Papstes," *Die Zeit* 44 (1998). Available at:
https://www.zeit.de/1998/44/Die_Stimme_des_Papstes (Accessed on: 12.05.2023).
[114] Benedict XVI, *Light of the World*, 33.
[115] Benedict XVI, "The Listening Heart: Reflections on the Foundations of Law" (Meeting with the Political Representatives at the Reichstag Building, Berlin, Germany, September 22, 2011). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin.html (Accessed on: 12.05.2023).
[116] Ratzinger, *Introduction to Christianity*, 22.
[117] Ratzinger, *Church, Ecumenism and Politics*, 81.

result, various other sicknesses also emerged. Law loses its substance if it is quantitatively reasoned by calculation and experimentation, and all that remain will be sound and fury.

For this reason, the great thinkers of Frankfurt school were critical of atheism even as they were sceptical of a just God's image. Max Horkheimer and Theodor W. Adorno rejected the possibility of ever finding a this-worldly substitute for God even as they excluded the figure of a loving God.[118] A world without God is a world without hope. Hatred is the currency of a society where everything seems to be lie. The claim that humanity is able to do what God has failed to accomplish in the affairs of the world is intrinsically false. It is no accident that this claim has led to the greatest forms of cruelty and violations of justice.[119] A world which has to create its own justice is a world without hope. No one can guarantee that the cynicism of power will cease to dominate the world. Nothing can answer for centuries of suffering. Adorno had also asserted that justice - true justice - would require "a world that would not only abolish extant suffering but revoke the suffering that is irrevocably past."[120] So we need source of justice that is outside ourselves.

A strictly anti-metaphysical positivist reason cannot provide orientation for the vast majority of historical situations around the world that have metaphysical aspects in their social assumptions.[121] Just as a particular culture is not universal, the reasoning that comes of a particular culture is also incomplete. By refusing to learn from historical experiences, positivist reason detaches from basic memory of mankind, from the entire non-material dimension of reality, purposefully cuts reason off from historical foundations, depriving itself of the great sources. Human life becomes impossible if one cannot trust others or rely a priori on the moral experiences and knowledge that has accumulated over generations.[122] Individuals become alienated, communities lose their identities, and states succumb to weakness, uncertainty, stagnation, and dread as a result. What is left over as reason is only a stopgap solution which ultimately ends up in spreading pessimism.

Only when reason re-establishes contact with its roots does it become more complete.[123] Reducing the fundamental questions in the philosophy of being by positivist method is a mistake as it betrays the specific function philosophy is supposed to fulfil. Absolute positivist

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[118] Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments* (Stanford: Stanford University Press, 2002), 233-4.
[119] Benedict XVI, *Spe Salvi*, § 42.
[120] Theodor W. Adorno, *Negative Dialectics* (New York: The Seabury Press, 1973), 403.
[121] Joseph Ratzinger, *Europe's Crisis of Culture*, 331.
[122] Ratzinger, *Christianity and the Crisis of Cultures*, 24.
[123] Joseph Ratzinger, *Europe's Crisis of Culture*, 334-35.

method makes the inquiry about God, humans, and reality in general quite impossible. If humans cannot use their reason to ask about the crucial issues regarding his life and death, but has to leave these decisive questions to the realm of feeling, then we are not advancing reason but dishonouring it. The disintegration of humans, thus brought about, results equally in a sick form of religion and a sick form of science. "Inquiry about God is not the forlorn effort of the obsolete world that is trying to keep itself alive after its time has run out, but the most necessary thorn in the flesh of our minds, forcing us constantly to search for ourselves and to expose ourselves to the full responsibility of being human – a responsibility that cannot be reduced to the language of calculus," Ratzinger says.[124] As a result of narrowing down reason into the plane of immanence, there is today a lust for life on the one hand and disgust with life on the other hand. This irony demonstrates the need to open up to transcendence; to have sensitivity to truth.

The positivist worldview is important, but it is *not enough* to describe the whole spectrum of human existence. It is not necessarily incorrect, but it is simply incomplete. Positivism is incapable to enter into dialogue with religious diversities of our world because it does not recognize the transcendental dimension of reason. Reason seen exclusively as pragmatic, scientific, and autonomous is therefore a reduction of reason.

> "… one cannot prove the necessity of God for man in the same manner as one would verify experimentally, say, the quantum theory of Max Planck. Saying this, however, we touch the real root of the philosophical movement of the whole modern period and the foundation of its present dilemma, which has led in practice to a widespread destruction of philosophy in general. For all the contradictions by which it seems to have been hopelessly fragmented, philosophical thought today is guided by a common basic tendency: by the attempt to turn philosophy into an exact science, to practice it *more geometrico*, as Spinoza put it. This endeavour becomes all the more fateful for philosophy, the more the exact natural sciences develop and express themselves in a method, for in the same measure does the distance between the scientific quality of philosophy and that of the natural sciences increase. The universality, the generality, the communicability and demonstrability of the constantly advancing natural sciences, which never cease to increase their common treasure of assured knowledge, confront philosophy, which, despite all efforts, has been utterly torn in shreds and whose practitioners understand one another less and less, with scarcely two heads to be found among them who agree. This damages the prestige of philosophy, and it is always making fresh starts, but these now seek, by rigorous limitation of scope and clear definition of method, to make philosophy "positive" in the sense of natural science, which is limited to what is given and amenable to verification."[125]

Therefore, philosophy has the responsibility to overcome the temptations of any arbitrary theorizing, and perceive reality more responsibly and more completely in order to give life meaning. Penetrating the expressions and structures of language may be a convenient task, but that doesn't fulfil the function of philosophy – its responsibility to reality. This means

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[124] Ratzinger, *Faith and the Future*, 42.
[125] Ratzinger, *Faith and the Future*, 39.

that the realm of reason must be enlarged once more. We must break open the prison we have created for ourselves and recognize other forms of ascertaining things, forms that take into account the whole of man. Reason must employ a variety of methods depending on the nature of its goal. Time and again, we have witnessed that the philosophical homelessness of faith indicates, not its obsolescence, but the general crisis in thought. "The strict application of methodical discipline should not mean just the pursuit of success; it should mean the pursuit of truth and the readiness to find it," says Ratzinger.[126] Philosophy will have to give up its ambition to be exact in the same way as physics and chemistry are exact. It does have continuity and universality on its own that in many ways surpass the natural sciences. Authentic reason must take nature seriously, or else it would deteriorate into positivist reason which seems like "a concrete bunker with no windows, in which we ourselves provide lighting and atmospheric conditions, being no longer willing to obtain either from God's wide world…."[127] Philosophy must critically examine the developments in individual sciences and find if there are any hasty assumptions and unfounded certainties about the existential questions of man. It has the indispensable function to help evolve proper moral criteria for science. Human thought runs in several channels and we have to speak about the inexpressible if he would talk about himself. The intellect of humans reaches farther than formal logic.[128]

CONCLUDING REMARKS

The statement on the deficits of positivist method in the preceding section was necessitated by the presumption that positivism and relativism converges in their incapability to reach out to the question of truth a priori, in spite of their seemingly different methodological appearances. The critique of positivist scepticism also involves deepest appreciation of its method which has enabled us to discern the rational structures of matter, the basis for enormous technological advancements. Positivist approach involving experiments, identification of laws, and the search for appropriate actions is a controlled form of rationality. Its empirical method considers nature as a jumble of data connected by random relationship, hence less capable of *the creative reason* and the ethical message in *being*. The application of mechanically conceived nature into philosophy results in versions of materialistic ideologies, resulting in concepts of truth and reality that doesn't refer to metaphysical grounding. Ultimately, wherever reality is regarded as risen from chance and luck, reason seems to float in meaninglessness.

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[126] Ratzinger, *Truth and Tolerance*, 49.
[127] Benedict XVI, *The Listening Heart*.
[128] Ratzinger, *Faith and the Future*, 42.

This overwhelmingly technical worldview is at the root of contemporary conception of progress. The aspect of *good* is left out when the knowledge that facilitate progress is regarded as *power*. Where power is not tamed and directed by knowledge, progress becomes deadly without intrinsic ethical standards, as is evident from the grave depletion of earth's resources, inequality in distribution among world's peoples, escapism into narcotics and other pseudo-mystical solutions, cybercrimes, terrorism, and bio-ethical lapses. Hence the need to bridge moral choices and technical capabilities by human person's freedom.

Description of freedom proper is challenging but necessary in spite of its sure inadequacies. On the one hand there is the quest for liberation from religious ethics and even the desire to emerge from the anthropological "limitations" of humans. On the other hand, freedom has connotation of specific ways for social, economic, and political transformation in different parts of the world, as for example, the attempts to disengage with the West and to replace with indigenous traditions in the postcolonial countries. In spite of these conceptual variations, peoples of all cultures are faced with the canon of freedoms defended by positivist reasoning. Positively, this tradition has given more awareness of personalist aspects of human dignity. At the same time, surveillance-world of ours testifies the emergence of new constraints in the areas where people enjoyed freedoms in the past. The boredom of secularist liberation programmes with institutionally organized freedom has prompted the search for liberation purely in immanent plane, thereby closing oneself to transcendence. Consequently, multiplication of such freedoms has also resulted in nihilistic conception of rights and confused ideology of freedom that ultimately destroy the concept of law itself. This is evident in the radical quests for new freedoms with respect to sexual ethics as well as in the current structure of market-driven global economy that has created spheres of economic super-development on the one hand and the spheres of grave poverty on the other hand, thus calling for the need to learn personalism and subjectivity with reference to proper nature.

In Ratzinger's view, the real problem of normativity concerns the application of freedom of individuals who act voluntarily, thus necessitating the need for conversion of hearts of *persons*. Only in a derived and secondary sense is it a problem of unjust structures. When the category of *good* is relativized in normativity, what first begins as a sickness of individual-persons later transforms into unfeasible social behaviours. Thus, it is important to know the limits of the state and the freedoms it can guarantee without wounding the innate nature of human beings, or else the spirit of utopia can emerge again in ever new ways. Human persons need a totality of hope that goes beyond political hopes. Hence the need to see God-eclipse in

normativity with alert. When God is altogether left out, everything seems to be clever first, but the dignity of human persons is left totally into human-hands. The definitive commitment to the defence of dignity is relativized in this process, and techniques-based mechanical security of a correctly engineered society is always fragile. Ratzinger analyses that positivist method is not wrong, but necessarily incomplete. For discovering proper normativity, philosophy has the vocation to go beyond formal logic and arbitrary theorizing.

III. Cognizability of Natural Law in Historical Contexts

PRELIMINARY REMARKS

Lon Fuller's (1902 – 1978) *Case of the Speluncean Explorers* presents us a microcosm of the contemporary debates on jurisprudential ethics in the form of a puzzle which contrasts different legal philosophies, with the main two being natural law and legal positivism.[1] While on an expedition, five individuals encountered a landslide and were trapped in the interior of a cave. On the twenty third day of their entrapment, they did the unimaginable, that is, they consumed the flesh of one of their companion to avoid death by starvation. On the thirty second day of their confinement, after a huge rescue operation in which ten people lost their lives, the explorers were saved. Upon rescue, the four explorers were tried and convicted for murder by the trial-court, for the statute reads, "whoever shall wilfully take the life of another shall be punished with death." The defendants testified that the arrangement to roll a dice in order to decide whose life is to be sacrificed as others' food was proposed by their colleague whose flesh they consumed. Therefore, an appeal was filed before a bench of five judges at the fictional Supreme Court of Newgarth. Based on their moral impulse, each judge discerned about what philosophy would be applicable to judge the circumstance. Acknowledging the unfortunate circumstance in which the explorers found themselves, the first judge opined that they were entitled to clemency. However, because the statute is very clear to judge with death penalty, he decided to remit the case to the executive to decide. The second judge creatively interpreted that the explorers were not in a civil society, but in the natural state where they themselves had drawn a new charter of government which is appropriate for their unique circumstance. Therefore, the law of Commonwealth was not applicable for them. The third judge opined that it would be absurdity to convict the four whose lives were saved at the cost of ten other heroic lives. However, because it was equally factual that the crime had monstrous

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[1] Lon L. Fuller, "The Case of the Speluncean Explorers," *Harvard Law Review* 62 (1949)/ 4, 616-645.

nature, he finally refused to hear the case. The fourth judge gave primacy to the wording of the law. Because the deceased explorer was not about to kill others, there was no question of self-defence. The law would apply as it is written, and the four were convicted for death. The fifth judge applied the philosophy of common sense and said that the four men had endured more humiliation than the most men in a thousand years, and therefore, they were acquitted of any charges. Finally, because the bench of five judges was equally divided, the death sentence judged by the trial court was upheld.

This fictional creation by Fuller throws light into *the fact of subjectivity* in the interpretation of norms and the derivation of ethics. Coloured by one's own understanding of what law is, and operated by one's unconscious intuitions, the same set of facts yield different narratives and conclusions as to what justice is in a given set of circumstances. At the heart of the debate between natural law and legal positivism, there lies the problem of subjectivity in man's perception. Those who insist on the necessity of natural law principles argue that this legal tradition have a directive and corrective function vis-à-vis positive law, and thus ensure harmonious continuity with the past and stability for political fabric. Those who consider that legal positivism is normatively self-sufficient feel the need for a clean break with many norms of the past in order to accommodate today's diversity.

Kwame Anthony Appiah (b. 1954) had observed that essentialism is very dangerous in thinking about humans, given the multifarious features and identities in the contemporary world.[2] Identities of people of our times are shaped more determinatively by new modes of communications in the context of globalization. New commodities, industries, and labour markets create hitherto unknown legal relations. The emerging changes in science and technology such as artificial intelligence, robotics, and reproductive technologies have impacted the contemporary cultural transformations. Our old notions of personhood and identities are disrupted and challenged by new materialistic understandings of agency. There is thus today a new sexual politics, and perceptions about new relations between humans and non-humans. Recently there has been a turn to assert these identities to counter the old-fashioned and out-dated insistence on natural morality, and thus to overcome taboos about historically diminished personhood and discriminated identities. The objective of identity-politics is to utilize the avenues open in liberal democracies to present vociferously the voice

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[2] See, Kwame Anthony Appiah, *The Lies that Bind: Rethinking Identity* (New York: Liveright Publishing Corporation, 2018).

of less privileged communities and less dominant narratives. In this way, it attempts to make a new conversation on constitutional morality, human dignity, ethics, and religion.[3]

Seen this way, then, the problem with natural law is that it is too rigid, static, dogmatic, impersonal, and in the form of general verdicts, and thus unable to recognize the complexities involved in all these new and various individual-experiences, or to assimilate and tolerate these new fluid identities of individuals and groups. The philosophy of essentialism embedded in natural law is incompatible with contemporary pluralist world. The demands of natural law that personhood be oriented according to certain natural values and universal principles derived from nature are too burdensome. Such demands are against the very idea of liberal democracy. Natural law results only in marginalization, humiliation, and embarrassment of those who do not adhere to its principles. It creates a class of diminished personhoods who are shunned and made to feel disrespectful in their own eyes.[4] The norms of natural law would only institutionalize discrimination on the basis of ethical demands. Thus, it is better to leave beside the notion of natural law and its ethical demands as a hopeless endeavour and instead undertake conversations within the framework of legal positivism. After all, the claims about objective and ontological criterion of justice have often resorted to intolerance and even violence. Therefore, isn't it wise to accept juridical positivism as the ethical foundation of law and politics?

D.Y. Chandrachud (b. 1959) observes that the endurance and resilience of a constitution depends upon its ability to reflect the march of time, to cope with the current problems, and to adapt to the values and needs of evolving circumstances.[5] Constitution is not a static text, but essentially a transformative instrument; a living document that must be read dynamically. Failure to recognize this dimension means that one loses the essence of the constitution. If we are really committed to build an egalitarian society, we must recognize the groups of people who had been discriminated against over the period of time. If the law is to be more than just expression of power, we must come in terms with multi-faceted social realities which constitute our plurality. In his seminal book *Constitutional Identity*, Gary Jacobsohn argues that a constitution acquires identity through experience. "Identity emerges dialogically and represents

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[3] Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Massachusetts: The MIT Press, 1995), 171; For a theoretical study of self-presentation vis-à-vis society, see, Erving Goffman, *The Presentation of Self in Everyday Life* (Edinburgh: University of Edinburgh Press, 1956).
[4] Dhananjaya Y. Chandrachud, "Conceptualising Marginalization: Agency, Assertion, and Personhood," *Journal of Social Inclusion Studies* 8 (2022)/ 1, 14-16.
[5] Dhananjaya Y. Chandrachud, "Why Constitution Matters," (Bombay High Court: K.T. Desai Memorial Lecture 2019). Available at: https://www.youtube.com/watch?v=vr1Dc_-ZKbQ&t=1874s (Accessed on: 12.05.2023).

a mix of political aspirations and commitments that are expressive of a nation's past, as well as the determination of those within the society who seek in some ways to transcend that past," he opines.[6] James Boyd White (b. 1938) put the same idea in telling that "law is not at heart an abstract system or scheme of rules, as we often think of it; nor is it a set of institutional arrangements that can be adequately described in a language of social science; rather, it is an inherently unstable structure of thought and expression, built upon a distinct set of dynamic and dialogic tensions. It is not a set of rules at all, but a form of life. It is a process by which old is made new, over and over again."[7]

However, in order to arrive at the starting point for further discussions, I must also recall the conclusions drawn in the previous chapters based on Ratzinger's evaluation of relativism and positivism. In the light of history of philosophy, I had tried to explicate how various manifestations of relativism in our times have consequence on current questions about normativity. Time and again, the laws which have come into force merely by the sheer will of majority had displayed their moral deficit. When manipulated by ideology, the voice of the majority become arbitrary, and thus harm the common good. There is also a danger that the private interests without adequate sense of duty and social responsibility would be transformed into the status of law.[8] Thus, purely positivist, subjective, and scientistic reason fail us in our pursuit of reason in the spheres of law and ethics. If each person were to declare for oneself what is morally right and wrong in every circumstances, then there would be no common moral norms at all, but only the reckoning up of consequences. Ethics would be replaced by calculation, and those who have greatest power could impose their positions arbitrarily on others, unchecked by any authority apart from themselves. Positivist method in law is not wrong, but incomplete.

> "The positivist approach to nature and reason, the positivist world view in general, is a most important dimension of human knowledge and capacity that we may in no way dispense with. But in and of itself it is not a sufficient culture corresponding to the full breadth of the human condition. Where positivist reason considers itself the only sufficient culture and banishes all other cultural realities to the status of subcultures, it diminishes man, indeed it threatens his humanity. . . Where there are concerted efforts to recognize only positivism as a common culture and a common basis for law-making, reducing

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[6] Gary Jeffrey Jacobsohn, *Constitutional Identity* (Massachusetts: Harvard University Press, 2010), 7.

[7] James Boyd White, "An Old-Fashioned View of the Nature of Law," *Theoretical Inquiries in Law* 12 (2011)/ 1, 382.

[8] Benedict XVI, "Address to the Participants in the International Congress on Natural Moral Law," (Vatican City, February 12, 2007). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2007/february/documents/hf_ben-xvi_spe_20070212_pul.html (Accessed on: 12.05.2023).

all the other insights and values of our culture to the level of subculture . . . extremist and radical movements emerge to fill the vacuum."[9]

A certain potential for moral insight is definitely present today, for instance, in the quest against climate change and in the great actions for cyber-ethics. However, a new and deeper moral consciousness with higher binding authority is necessary for this moral will to be transformed into an effective political will.[10] Again, if the general awareness is to permeate into the personal sphere such that it becomes a personal decision, we need the authority that touches the conscience, that is close to the individual, and thus make each person capable of having a fundamental attitude of acts of self-denial. So, Ratzinger believes that there must be sources for judgment of conscience other than the subjective reflections of each individual.[11] Recourse to natural law is a requirement for legal ethics and harmonious ordering of politics. It is a legitimate apparatus by which society can secure religiously neutral moral values that the state cannot furnish on its own. It exposes the problems of positive legislations when the latter become fundamentally incompatible with the demands of ethics. With its capacity to clarify basic ethical requirements and to create moral obligations, natural law can act as a catalyst for reform and to keep society from deteriorating to unacceptable levels of moral relativism.[12] Natural law revisits the questions of political legitimacy, societal stability, value-pluralism, and the conceptions of common good.[13] It proceeds from facts to normativity and propose values, prescriptions, precepts, prohibitions, and permissions in various spheres of social life, for instance in medical and sexual ethics, gender discourse, human rights, just war theory, and international law.[14] Through the application of reason and exercise of conscience, it discovers criteria to assess the legitimacy of actions and laws. It discerns the existence of universal principles and provide moral standards and ethical constraints.

Anybody serious about humanity cannot withdraw from responsibly asking whether the contemporary plurality of identities and ethics is completely a rational and enlightened

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[9] Benedict XVI, "The Listening Heart: Reflections on the Foundations of Law" (Meeting with the Political Representatives at the Reichstag Building, Berlin, Germany, September 22, 2011). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin.html (Accessed on: 12.05.2023).

[10] Benedict XVI, *Light of the World: The Pope, the Church, and the Signs of the Times* (San Francisco: Ignatius Press, 2010), 25.

[11] Joseph Ratzinger, *On Conscience* (San Francisco: Ignatius Press, 2007), 8.

[12] Andrés Ollero, "Acting Contrary to Reason is Contrary to God's Nature," *Pope Benedict XVI's Legal Thought: A Dialogue on the Foundation of Law,* ed. Marta Cartabia and Andrea Simoncini (New York: Cambridge University Press, 2015), 208.

[13] Hans W. Blom, "Introduction," *Sacred Polities, Natural Law and the Law of Nations in the 16th-17th Centuries*, ed. Hans W. Blom (Leiden: Brill, 2022), 1.

[14] Helen Costigane, "Natural Law in the Roman Catholic Tradition," *Christianity and Natural Law: An Introduction*, ed. Norman Doe (Cambridge: Cambridge University Press, 2017), 18.

evolution of human race in the direction of emancipation, or whether much of it are signs of mental collapse and cultural disintegration. Shouldn't we once again ask ourselves whether or not the acts and identities that have gained legitimacy in the postmodernity are objectively in agreement in human nature? Must we not check if there are sufficient safeguards in positive law to ensure that constitutionally tolerated objective wrongs are not misread by the citizens as progressive norms for human advancement? Doesn't constitution have responsibility to help those who are more exposed to new modes of communications from sinking to the levels of perils associated with new liberties? Shouldn't there be normative and disciplinary shelters to ensure that in our way to advance liberty and fraternity we do not lose ourselves in licentiousness and promiscuity? Aren't we turning away from the rational insights in our cultural memories? Can anything apart from some basic natural values guide us to find harmony between the secular state and religious societies all over the world? These questions and doubts once again necessarily prompt us to read through natural law. I attempt to undertake this task in this chapter with a particular objective to understand the meaning of the principal-statement of our consideration, the remark by Joseph Ratzinger that nature and reason are the true sources of law.

1. CLASSICAL FOUNDATIONS UP TO SCHOLASTICISM

The long history of natural law progressed through great wisdom traditions embedded in philosophy and religions. In the pre-biblical natural order, in the absence of self-revelation of a free and personal God, humans looked for moral order in the cosmos around him. This theo-cosmological ethics founded on gods lost evidence once the biblical fact of monotheism and the Athenian philosophical enlightenment gained resonance in history.[15] In the first half of the second century BC, the social natural law developed by the Stoic philosophers came into contact with leading teachers of Roman law. Thus, classical natural law emerged in the search for deeper grounding for law in this three-way encounter between Jerusalem, Athens, and Rome: monotheism of Israel, philosophical reasoning of the Greeks, and the Roman law.[16] Through this encounter, the juridical culture of the West was born, which was and is of key significance for the juridical culture of mankind. This pre-Christian marriage between law and philosophy opened up the path that led via the Christian Middle Ages and the juridical

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[15] Hans Urs Von Balthasar, "Nine Propositions on Christian Ethics," *Principles of Christian Morality* eds. Heinz Schürmann, Joseph Ratzinger, and Hans Urs Von Balthasar (San Francisco: Ignatius Press, 2006), 30.
[16] John W. Cairns and Paul Du Plessis eds., *Beyond Dogmatics: Law and Society in the Roman World* (Edinburgh: Edinburgh University Press, 2007); Benedict XVI, *The Listening Heart*.

developments of the Age of Enlightenment all the way to set the criteria that define the legal tradition of modern constitutional democracy and the Universal Declaration of Human Rights.[17]

The sophists made distinction between the laws that have their origin in convention and those that have force in nature. Validity of the former varies among peoples but the latter demands obligation from everyone.[18] Although Plato did not explicitly elaborate natural law, he defended a system of cognitivist ethics. He held that only one who himself knows and has experienced the good is capable of ruling well.[19] In Aristotle, natural law attained coherence through the concept of phronesis. According to him, the identification of nature is a pre-condition for knowing human good.[20] "What is proper to each thing is by nature best and pleasantest for it; for a human being, therefore, the life in accordance with intellect is best and pleasantest, since this, more than anything else, constitutes humanity. So this life will also be the happiest," he said.[21] Aristotle held that the way for us to realize our human nature is to realize our divine nature, which is done by the contemplation of the divine. Unlike Christian belief in ex-nihilo creation, Aristotle rejected the idea of God the Creator. The divine or unmoved mover is co-eternal with the material world. That is, the unmoved mover is a cause in the sense of what is potentially striving to become actual. The natural law tradition in the Roman Law represented by early Cicero has roots in Aristotelian republicanism.[22] Cicero was one of the two Praetors in the last period of Roman Republic. His conviction was that the body politic must be constituted only by free men who by virtue of their capacity as political agents must engage in rational communications, and thus raise political institutions. This Ciceronian conception arises out of Aristotle's view that "the city belongs among the things that exist by nature, and that man is by nature a political animal."[23] Although this vision excludes the political participation of women, children, and slaves, the institutions so formed necessarily express human nature because they are the result of rational and linguistic deliberations. This

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[17] Benedict XVI, *The Listening Heart.*

[18] International Theological Commission, *In Search of a Universal Ethic: A New Look at the Natural Law* (Vatican City: 2009), § 19. Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html (Accessed on: 12.05.2023).

[19] Joseph Ratzinger, *Values in a Time of Upheaval* (San Francisco: Ignatius Press, 2006), 24.

[20] D.S. Hutchinson, "Ethics," *The Cambridge Companion to Aristotle*, ed. Jonathan Barnes (Cambridge: Cambridge University Press, 1995), 197.

[21] Aristotle, *Nicomachean Ethics* X, 7, 1178a, trans. Roger Crisp (Cambridge: Cambridge University Press, 2004), 196.

[22] See, Paul J. Du Plessis, *Cicero's Law: Rethinking Roman Law of the Late Republic* (Edinburgh: Edinburgh University Press, 2016), 18.

[23] Aristotle, *Politics* I, 2, 1253a, trans. Carnes Lord (Chicago: The University of Chicago Press, 2013), 43.

elitist view which assume that the political authority represents the human nature of the subjects is fundamentally different from the modern natural law thinking for which the point of departure is the conflict between individual subject and the political authority.

The later writings of Cicero were largely influenced by Stoicism which emphasised the unity of all human beings.[24] The entire cosmos forms the immense body of Zeus and all humankind constitutes a single body. In spite of various cultural forms, the humanity of *being* human is unvarying in all times and places. Politically, Stoicism was a stance of individual's inner freedom vis-à-vis the state. Individual's ideal surpass and stand above the laws of the state.[25] Resonating the Stoic universalist ethic, Cicero tells that what is good and ought to be done corresponds to nature. An eternal law guides both the cosmos and the human reason.

> "True law is right reason in agreement with Nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrong-doing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, although neither have any effect upon the wicked. It is a sin to try and alter this law, nor is it allowable to attempt to repeal a part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by Senate or People, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and for all times, and there will be one master and one rule, that is, God, over us all, for He is the author of this law, its promulgator, and its enforcing judge."[26]

In a similar tone, the Roman jurist Ulpian had said that even the brute animals shared a measure of the knowledge of natural law by some form of instinct. His conception of natural law is passed on to us through *The Digest of Justinian*.[27]

> "*Jus naturale* is that which nature has taught to all animals; for it is not a law specific to mankind but is common to all animals – land animals, sea animals, and the birds as well. Out of this comes the union of man and woman which we call marriage, and the procreation of children, and their rearing. So we can see that the other animals, wild beasts included, are rightly understood to be acquainted with this law. *Jus gentium*, the law of nations, is that which all human peoples observe. That it is not co-extensive with natural law can be grasped easily, since this latter is common to all animals whereas *jus gentium* is common only to human beings among themselves."[28]

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[24] Fernando H. Llano Alonso, "Cicero and Natural Law," *Archives for Philosophy of Law and Social Philosophy* 98 (2012)/ 2, 157.

[25] Paul Cliteur and Afshin Ellian, *A New Introduction to Jurisprudence: Legality, Legitimacy, and the Foundations of the Law* (New York: Routledge, 2019), 11.

[26] Cicero, *De re publica* III, 22, in Idem, *De re publica De legibus*, trans. Clinton W. Keyes (Cambridge, Massachusetts: Harvard University Press, 1928). Available at:
http://www.attalus.org/cicero/republic3.html. (Accessed on: 12.05.2023).

[27] For an elaborate discussion on the expression *instinctus naturae* in the discussion of the natural law in Justinian's Digest, see, Robert A. Greene, "Instinct of Nature: Natural Law, Syndersis, and the Moral Sense," *Journal of the History of Ideas* 58 (1997)/ 2, 173-198.

[28] *The Digest of Justinian* I,1,1:3,4 trans. Alan Watson (Philadelphia: University of Pennsylvania Press, 1985), 1.

The Christian pronouncement of natural law as it appears in the epistles of Paul the Apostle reflect the cosmic vision of Stoicism.[29] "When gentiles, who do not have the law, do by nature things required by the law, they are a law for themselves, even though they do not have the law. They show that the requirements of the law are written on their hearts, while their conscience also bearing witness, and their thoughts sometimes accusing them and at other times even defending them," wrote Paul.[30] The influence of Philo of Alexandria and Flavius Josephus are visible in the teachings of John Chrysostom and Origen.[31] The theology of Augustine has starting point in Cicero.[32] Notwithstanding these continuities, the Greco-Roman natural law is fundamentally different from the patristic conception of the unity of the world. The former which is derived from pantheism views *the divine itself as part of the world*, and therefore, political configurations in the world itself have divine status.[33] The political authority of the Roman empire converted the idea of the unity of humanity into political reality in which the whole cosmos is centred around Rome. On the other hand, the Church-Fathers' vision on normativity had the basis in *the unity of the peoples*. Unlike the cosmic unity of Stoicism, biblical God stands free vis-à-vis world.[34] The Fathers held that the unity of peoples is fractured by sin, which is the mystery of division. Thus, Christianity understood natural law in the framework of the history of salvation within which different stages of nature can be distinguished. Natural law is realized differently in man's original nature, fallen nature, and restored nature.[35] Being a salvific scheme of natural law, the patristic vision was in logical continuity with the monotheistic faith of Israel and the theology of Paul the Apostle. Within this framework, Christianity was understood as representing the triumph of demythologization and knowledge. Thus, enlightenment was seen as part of Christian religion and not as its opponent.

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[29] Frederick Clifton Grant, "St. Paul and Stoicism," *The Biblical World* 45 (1915)/ 5, 268; Benedict XVI, "Saint Paul - 1," (General Audience, Paul VI Hall, July 2, 2008). Available at: https://www.vatican.va/content/benedict-xvi/en/audiences/2008/documents/hf_ben-xvi_aud_20080702.html (Accessed on: 12.05.2023).

[30] Romans 2:14-15 (New International Version).

[31] Sabrina Inowlocki, "Josephus and Patristic Literature," *A Companion to Josephus* ed. Honora Howell Chapman and Zuleika Rodgers (West Sussex: Wiley Blackwell, 2016), 356-367; Mireille Hadas-Lebel, "Philo: Father of the Church Honoris Causa," *Philo of Alexandria: A Thinker in the Jewish Diaspora* (Leiden: Brill, 2012), 201-221.

[32] John Hammond Taylor, "St. Augustine and the "Hortensius" of Cicero," *Studies in Philology* 60 (1963)/ 3, 487.

[33] James Luther Adams, "The Law of Nature in Greco-Roman Thought," *The Journal of Religion* 25 (1945)/ 2, 110.

[34] Joseph Ratzinger, *The Unity of the Nations: A Vision of the Church-Fathers* (Washington, D.C.: The Catholic University of America Press, 2015), 12.

[35] *In Search of a Universal Ethic*, § 26.

Origen (c. 185 – c. 253) and Augustine (354 – 430) are representatives of early Christians' awareness to the political world.[36] Both of them wrote about the relationship between national and human identity when the Christians were accused in the Roman empire. Augustine's systematic debate with Rome's political theology has starting point in the questions the Christians faced from the angry pagans upon the fall of Rome in 410 AD.[37] "Where are the graves of the apostles?" the Christians were asked. Those who were sceptical about Christianity said that the empire was unconquered when it was entrusted to the protection of local gods. The fall of Rome clearly implied that the God of Christians may perhaps be concerned with the eternal happiness of man, but He doesn't have interest in political affairs. From this, the accusers deduced that the domain of politics had its own set of laws which had no bearing on the supreme God. The state must have a this-worldly religion for political affairs.[38] Philosophically, this sentiment against Christianity was a justification of Platonism which presumed that there is infinite gulf between God and the world; spirit and matter.[39] The famous Platonist Apuleius (c. 124 – 170) had said: "Between God and man there is no contact."[40] It is impossible for God to involve in the concrete activities associated with human life, and therefore we need intermediary beings in worldly affairs.

However, Christian apologetics were convinced about the reliance of political on the providence of God.[41] Augustine had two major assertions against the accusations made against the Christian faith.[42] First, the political religion of Rome intellectually represented by Scaevola, Varro (116 BC – 27 BC), and Seneca (4 BC – AD 65) was canonization of *custom* as opposed to *truth*. Thus, the Roman religion was a mere *subordinate function* of the state. It catered service to the state and upheld the interests of various groups that professed it. Second, he said that the enslavement to such untruthful customs delivered humans over to the ungodly powers. Augustine saw the influence of Stoicism and Platonism behind the rationale of Roman political

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[36] The discussions about Augustinian views is limited to his Neoplatonic orientation. See, Ratzinger, *The Unity of the Nations*. For an elaborate discussion on Late Augustine, see, Susanna Elm and Christopher M. Blunda eds., *The Late (Wild) Augustine* (Leiden: Brill, 2021).

[37] Johannes Van Oort, *Jerusalem and Babylon: A Study of Augustine's City of God and the Sources of his Doctrine of the Two Cities* (Leiden: Brill, 1991), 164.

[38] This is only an outline of the intellectual climate of Augustine's time as understood by Ratzinger in his reflections about the *City of God*. See, Ratzinger, *The Unity of the Nations*, 71-76. Augustine elaborates the perceptions against Christianity during his time in the first section of his work. See, St. Augustine, *City of God*, trans. Henry Bettenson (London: Penguin, 1984), Books I – V.

[39] Ratzinger, *The Unity of the Nations*, 87.

[40] Apuleius, *On the God of Socrates* 4, cited in St. Augustine, *City of God*, trans. Henry Bettenson (London: Penguin, 1984), IX, 16.

[41] Peter J. Burnell, "The Status of Politics in St. Augustine's City of God," *History of Political Thought* 13 (1992)/ 1, 13.

[42] Joseph Ratzinger, *The Unity of the Nations,* 74.

theology and pointed out that the whole pagan religion of Rome was founded on an exaggeration of human worth. From Stoic monism, political authority of the empire derived right of the state to identify itself as the norm and source of religion. From the radical exaggeration of transcendence in Platonism, the state assumed that God had nothing to do with the world. Augustine's *apologia* emphasised Christian belief in creation and incarnation of God over against Stoic monism and Platonism which separated God and the world. *City of God* is the narration of natural law operating within the framework of salvation-history.[43] At the same time, he was well aware about the inherent fragility of the idea of a 'Christian political world.' He viewed the whole world as provisional, the mankind imperfect, and the state impermanent. Therefore, he did not try to give politics with a Christian constitution, instead, let it remain as it was and allowed it to struggle with its own relative structure.[44] Augustine's *City of God* remained the charter for the Christian Middle Ages up to the age of scholasticism.[45]

Before making further inquiry about natural law in the Christian West in the Middle Ages, let us make an excursus to get a glimpse about the extent of the integration of natural law in other Abrahamic religions. Abrahamic religions are in agreement that God created the natural order and placed humans within the order of creation. Man's capacity to judge right from wrong on the basis of moral awareness about the universal law is affirmed by all the three faiths.[46] However, while the precepts of ethics and jurisprudence were formulated in the Christendom on the basis of natural law, it has received only marginal reception in Jewish and Islamic legal thought.[47] According to Jewish and Islamic understanding, notwithstanding the potential of reason to grasp the universal law, man's *being* is subject to vicissitudes of human nature and to the particular environment within which his actions take concrete form. Therefore, God generously *revealed the law* in order to enable human beings to establish right relationship with Him. Humans need the revealed law to overcome imperfect comprehension of the universal law which he could otherwise discover only through the fallible use of human

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[43] Roy J. Deferrari and M. Jerome Keeler, "St. Augustine's City of God: Its Plan and Development," *The American Journal of Philology* 50 (1929)/ 2, 109-137.

[44] Joseph Ratzinger, *The Unity of the Nations,* 115.

[45] Patristic period (the age of Greek and Latin Church Fathers) dates from the second century to the eighth century AD.

[46] Anver M. Emon, Matthew Levering, and David Novak, *Natural Law: A Jewish, Christian, and Islamic Trialogue* (Oxford: Oxford University Press, 2014), 4, 66, 144.

[47] Norman Doe, "Natural Law in an Interfaith Context: The Abrahamic Religions," *Christianity and Natural Law*, 185.

reason.[48] The category of reason is acknowledged in Judaism and Islam, but it is inextricably tied up and subordinated to revelation and scripture.

The Jewish faith held that norms must have the basis of the revealed law of God. An autonomous natural law is not essential because the Torah contains all the valid norms required to address every questions arising in life-situations. However, some Jewish thinkers had acknowledged natural law, at least marginally. Justification was based on the natural concepts of righteousness and order in the Noahide law which existed before the revelation, and therefore, comprehendible by instinct and tradition.[49] In first century AD, Philo of Alexandria (c. 20 BC – AD 50) had pointed out that the principles of nature are inherent both in Mosaic law as well as in Hellenistic thought.[50]

The history of natural law in Islam has multiple facets. *Sharia*, the classical Islamic jurisprudence, holds that humans must obey the law revealed by God in the Quran. Revelation is *sine qua non* because reason is insufficient in strength to command obedience of people. The scripture is the sole authority to know the will of God. In the course of centuries, Islamic jurisprudence had to address various concrete milieus during when human reason and experiences were recognized as legitimate sources of law.[51] Evolution of the concepts of *ijma*, *qiyas*, and *urf* testify to the consensus of jurists, reasoning by analogy, and custom respectively.[52] The Mutazilites were the first pre-modern school of thought in Islam to defend the capacity of human reason to discover the will of God independently of revelation. Relying on the concept of nature, its adherents proposed the objective and normative authority of reason.[53] The Asharites were the second prominent school to accept the validity of natural reason. In order to understand the essence of law, they emphasized the necessity to look to Sharia which came about through scriptural revelation. But wherever the scripture is silent, human reason provides ethical norm. To put it other way round, the Asharites held that all the objective decisions must be firmly rooted in revelation because it does not violate natural

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[48] Norman Doe, *Natural Law in an Interfaith Context: The Abrahamic Religions*, 203.

[49] Jason P. Rosenblatt, "Natural Law and Noachide Precepts: Grotius, Selden, Milton, and Barbeyrac," in *Renaissance England's Chief Rabbi: John Selden* (Oxford: Oxford University Press, 2006), 135.

[50] John W. Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Greco-Roman Law* (Leiden: Brill, 2003), 83.

[51] Anver M. Emon, "Islamic Natural Law Theories," *Natural Law: A Jewish, Christian, and Islamic Trialogue* (Oxford: Oxford University Press, 2014), 144.

[52] Muhammad Zain bin Haji Othman and Muhammad Bakhit al-Mutii, "Urf as a source of Islamic Law," *Islamic Studies* 20 (1981)/ 4, 343.

[53] Anver M. Emon, "Natural Law and Natural Rights in Islamic Law," *Journal of Law and Religion* 20 (2005)/ 2, 354-360.

reason.[54] The faculty of reason is unequally distributed among humans, and therefore, we must accept divine law springing from revelation as superior to the natural law. In the previous century, Sayyid Qutb and Abu-al-Ala Mawdudi attempted for an ethical system by harmonizing nature, faculty of moral awareness, and divine revelation. They held that Sharia precisely define the standards which everyone must adhere to. Humankind must order social affairs in accordance with the revelation communicated by God through prophets. Humans fulfil their natural inclination to God in their obedience to Sharia. Humans do not have discretion in those matters on which God's revelation has already stipulated the directions. On the other hand, it is also true that the universal law which pre-dates revelation has enabled people to distinguish right from wrong. From these, they deduced that the validity of natural law is subordinated to revelation.[55]

Meanwhile, the Christendom in Europe had reached the highest point of material expansion and urbanization in the thirteenth century. With the emergence of new cities and social groups, alongside the directions given in the monastic tradition of Benedict[56] in the centuries after the fall of the Roman empire, there occurred a need for more intellectual subtlety in understanding metaphysics and Christian epistemology. In the aftermath of the investiture controversy, there was also a demand for rational foundation of normativity beyond spiritual justification of politics. The new situation gave rise to scholastic tradition in philosophy. The availability of Latin translations of the works of Aristotle made possible by the mediation of Arabic world enabled Thomas Aquinas (1225 – 1274) to synthesise Christian revelation and Greek philosophy. The works of Aristotle were closest to Judeo-Christian worldview and completely independent of it. Aquinas thoroughly and systematically worked out natural law in the scholastic tradition.[57]

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[54] Javad Fakhkhar Toosi, "The Ashari Theological School and the authority of Human Reason in Ethics," *Islam and Civilizational Renewal* 11 (2020)/ 1, 110-125.

[55] See also, Karen Taliaferro, *The Possibility of Religious Freedom: Early Natural Law and the Abrahamic Faiths* (Cambridge: Cambridge University Press, 2019); H. Chad Hillier, "Muhammad Iqbal on al-fiqh: towards a Natural Law jurisprudence," *Journal of Islamic Law and Culture* 12 (2010)/ 3, 258-283.

[56] On the medieval influence of monasticism, see, Lowrie J. Daly, *Benedictine Monasticism: Its Formation and Development through the 12ᵗʰ Century* (New York: Sheed and Ward, 1965); Benedict XVI, "Meeting with Representatives from the World of Culture" (Collége des Bernardins, Paris, France, September 12, 2008). Available at:
https://www.vatican.va/content/benedict-xvi/en/speeches/2008/september/documents/hf_ben-xvi_spe_20080912_parigi-cultura.html (Accessed on: 12.05.2023).

[57] Benedict XVI, "Saint Thomas Aquinas - I," (General Audience, Saint Peter's Square, June 2, 2010). Available at:
https://www.vatican.va/content/benedict-xvi/en/audiences/2010/documents/hf_ben-xvi_aud_20100602.html (Accessed on: 12.05.2023).

Aquinas justify natural law by taking into account the inherent dignity of the human person and his capacity of discernment. He relied on Aristotle to structure the framework of natural law.[58] At the same time, he upheld Christian belief in ex-nihilo creation unlike Plato and Aristotle who denied creation.[59] He combined both these traditions and sought to understand the relationship between divine revelation and morality.[60] This relationship is justifiable because humans lack certitude in judgments, especially with respect to particular and contingent matters. Aquinas identified and distinguished between eternal law, natural law, human law, and divine law in the order of existence.

> "A law is nothing else but a dictate of practical reason emanating from the ruler who governs a perfect community. Now it is evident, granted that the world is ruled by Divine Providence, …the whole community of the universe is governed by Divine Reason. Wherefore the very idea of the government of things in God the Ruler of the universe, has the nature of a law. And since the Divine Reason's conception of things is not subject to time but is eternal, according to Prov. viii.23, therefore it is that this kind of law must be called eternal."[61]

> "The rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law."[62]

> "Just as, in the speculative reason, from naturally known indemonstrable principles, we draw the conclusions of the various sciences, the knowledge of which is not imparted to us by nature, but acquired by the efforts of reason, so too it is from the precepts of the natural law, as from general and indemonstrable principles, that the human reason needs to proceed to the more particular determination of certain matters. These particular determinations, devised by human reason, are called human laws, provided the other essential conditions of law be observed."[63]

> "Besides the natural and the human law it was necessary for the directing of human conduct to have a Divine law… By the natural law the eternal law is participated proportionately to the capacity of human nature. But to his supernatural end man needs to be directed in a yet higher way. Hence the additional law given by God, whereby man shares more perfectly in the eternal law."[64]

Human beings, by virtue of their reason, can grasp the nature of the good and exercise free will to attain the same. While non-rational creatures function on the basis of instinct, humans participate in God's wisdom through their reason. From the general precepts of natural law, human reason proceeds to more particular determinations which are culturally relative.

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[58] Benedict XVI, "Saint Thomas Aquinas - II," (General Audience, Saint Peter's Square, June 16, 2010). Available at:
https://www.vatican.va/content/benedict-xvi/en/audiences/2010/documents/hf_ben-xvi_aud_20100616.html
(Accessed on: 12.05.2023).

[59] John Lamont, "Aquinas on Divine Simplicity," *The Monist: Analytical Thomism* 80 (1997)/ 4, 531.

[60] P.E. McKeever, "Theology and Natural law," *Proceedings of the American Catholic Theological Society* 21 (1966), 227.

[61] Thomas Aquinas, *Summa Theologiae* Ia IIae q. 91 a.1 (Paternoster Row, London: R & T Washbourne, 1915), 9-10.

[62] Aquinas, *Summa Theologiae* Ia IIae q. 91 a.2 (1915), 11.

[63] Aquinas, *Summa Theologiae* Ia IIae q. 91 a.3 (1915), 13.

[64] Aquinas, *Summa Theologiae* Ia IIae q. 91 a.4 (1915), 15-16.

Natural law is not an immediate and complete action-guide for particular matters.[65] Law and ethics take different forms in different cultures and in different epochs of a single culture. The evolution of ethical perceptions on the questions such as death penalty, slavery, and lending at interest are telling about the infinitely different ways in which the contingent realities are ordered.[66] Aquinas said that if a person "happen to have only one of the two kinds of knowledge, it is preferable that it be knowledge of the particular realities that more closely affect the action."[67] Thus, the essential element that bridges general principles of natural law and practical rectitude in particular situations is prudence. There are negative precepts in Aquinas in the form of prohibitions against murder, adultery, and theft.[68] But positive precepts based on prudential reason is the more important feature of Aquinas' natural law. Citing Aquinas, Newman opined that "the natural law. . . is an impression of the divine light in us, a participation of the eternal law in the rational creature. This law, as apprehended in the minds of individual men, is called conscience; and though it may suffer refraction in passing into the intellectual medium of each, it is not therefore so affected as to lose its character of being the divine law, but still has, as such, the prerogative of commanding obedience."[69] To sum up, Aquinas attempted to synthesise both Christian and non-Christian sources through scholastic method and elaborated natural law within metaphysical and theological framework. He confirmed Aristotelian view that ethical and political order is a work of human intelligence. Aquinas held that natural law is distinct but not totally separate from revelation. His formulation was paradigmatic in the sense that the later versions of natural law were derived in reference to his thinking.

2. VOLUNTARISM, EARLY MODERNITY, AND THE ENLIGHTENMENT

In the immediate centuries after Aquinas, natural law was significantly revised by voluntarism, a current of scholasticism represented by John Duns Scotus (c. 1265 – 1308) and

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[65] Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, MI: William B. Eerdmans, 2005), 14.

[66] *In Search of a Universal Ethic*, § 53.

[67] Thomas Aquinas, *Sententia libri Ethicorum*, Lib VI, 6 (ed. Leonine, t. XLVII, 353-354). The English version follows translation from Latin rendered in *In Search of a Universal Ethic*, § 56.
Available at: https://www.corpusthomisticum.org/ctc06.html (Accessed on: 12.05.2023).

[68] Helen Costigane, *Natural Law in the Roman Catholic Tradition*, 30.

[69] John Henry Newman, 'A Letter Addressed to the Duke of Norfolk on Occasion of Mr. Gladstone's Recent Expostulation [1874]' in *Certain Difficulties Felt by Anglicans in Catholic Teaching*, Vol. II (London: Longmans, Green, and Co., 1900), 246-247.

William of Ockham (1287 – 1347).[70] While Aquinas held that freedom is the fruit of the collaborative participation of the mind (intellect) and the will, and not an inherent feature of the will alone, Duns Scotus understood freedom as the fundamental quality of the will.[71] He affirmed that the will of God the Logos embodied in love transcends the category of knowledge (intellect). The primacy of will in Duns Scotus was to shed light on the fact that God is charity before all else.[72] In Scotus' view, God "is formally love and formally charity."[73] Thus, God radiates his goodness and love beyond himself.[74] This line of thinking later evolved into voluntarism which understood freedom in contrast to Thomist intellectualism.[75] Whereas Aquinas held law as an expression of reason and act of wisdom, voluntarists maintained that law is connected solely to the will of the lawmaker. According to them, God is absolute freedom, and therefore, nature is not a criterion to know the will of God. They rejected naturalism that subjected God to the laws of nature. In the writings of some of the later authors, the wish to save God's absolute sovereignty over nature ended up in the idea of a God who would not even be bound to truth and good. At the wake of Reformation, Luther assimilated the spirit of voluntarism. He had strong antipathies against philosophical culture of universities and his thinking is reflective of nominalism. From Luther onwards, analogy was drawn between God's freedom and human freedom.

> "God is that Being, for whose will no cause or reason is to be assigned, as a rule or standard by which it acts; seeing that, nothing is superior or equal to it, but it is itself the rule of all things. For if it acted by any rule or standard, or from any cause or reason, it would be no longer the will of God. Wherefore, what God wills, is not therefore right, because He ought or ever was bound so to will; but on the contrary, what takes place is therefore rights, because He so wills. A cause and reason are assigned for the will of the creature, but not for the will of the Creator; unless you set up, over Him, another Creator."[76]

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[70] Arthur Stephen McGrade, *The Political Thought of William of Ockham: Personal and Institutional Principles* (Cambridge: Cambridge University Press, 1974).

[71] Benedict XVI, "John Duns Scotus," (General Audience, Paul VI Hall, July 7, 2010). Available at: https://www.vatican.va/content/benedict-xvi/en/audiences/2010/documents/hf_ben-xvi_aud_20100707.html (Accessed on: 12.05.2023).

[72] Benedict XVI, "Letter for the International Congress in Cologne marking the seventh centenary of the death of Blessed Duns Scotus" (Rome, October 28, 2008). Available at: https://www.vatican.va/content/benedict-xvi/en/apost_letters/documents/hf_ben-xvi_apl_20081028_duns-scoto.html (Accessed on: 12.05.2023).

[73] Duns Scotus, *Ordinatio* I, d. 17, n. 173, Online Edition (Charlottesville, Va.: InteLex Corporation, 1993), 489. Available at: https://www.aristotelophile.com/Books/Translations/Ordinatio%20I.pdf (Accessed on:12.05.2023).

[74] Benedict XVI, *Letter for the seventh centenary of Duns Scotus*.

[75] J.B. Schneewind, "Voluntarism and the Foundations of Ethics," *Proceedings and Addresses of the American Philosophical Association* 70 (1996)/ 2, 25-41.

[76] Martin Luther, *De Servo Arbitrio*. See the English translation: *The Bondage of Will*, Online Edition (Grand Rapids, Michigan: Christian Classics Ethereal Library), 164. Available at: https://www.ccel.org/ccel/l/luther/bondage/cache/bondage.pdf. (Accessed on: 12.05.2023). For a comprehensive summary of Luther's views, see also, John Dillenberger ed., *Martin Luther: Selections from his Writings* (New York: Garden City, 1961).

Lutheran conception of God in terms of absolute voluntarist freedom eventually disconnected humans from the truth of one's being. This method of reasoning relativized the existing intelligible structures built on natural reasoning. God was seen as an arbitrary decision maker. Morality was reduced to mere obedience to the commandments that express the will of the lawmaker. Consequently, humans were disconnected from several of previous notions of objective good.[77]

The early modern natural law evolved against the backdrop of Reformation and Counter-Reformation.[78] After the sixteenth century schism in the Church and the emergence of different Christian denominations, violent confessional wars raged Europe. The urgent need for political unity between different communities demanded to modify natural law in the light of reason common to all.[79] Furthermore, the encounter of peoples living in different continents as a result of geographical explorations in the sixteenth and the seventeenth centuries prompted tolerance and put a new set of questions about the ethical convictions of *ordo Christiana*.[80] The pioneers of Protestantism held that God had authored natural law in the heart of man. It is realized by Providence in history through man's conscience. This vision was not so far from the defence of *recta ratio* in the tradition of Cicero and Aquinas. However, this original vision of Protestantism was secularized incrementally in the creative tension between theology, ethics, politics, jurisprudence, and philosophy.

Hugo Grotius (1583 – 1645) was the founding figure of the new direction taken by natural law. He inherited voluntarist writings of Martin Luther and John Calvin (1509 – 1564) on the one hand and the scholastic intellectualism of Aquinas on the other. Arthur Eyffinger opines that his theory of law and rights mark a gradual move from the former to the latter.[81] While the law of nature is attributed to the will of God in *Adamus exul* (The Hague, 1601), moral quality of an act is represented in *De iure belli ac pacis* (Paris, 1625) as the compliance with right reason which is inherent to man's social nature.[82] According to him, individuals with

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[77] Benedict XVI, "Faith, Reason and the University: Memories and Reflections" (Lecture, Meeting with the Representatives of Science, Aula Magna of the University of Regensburg, Germany, September 12, 2006). Available at:
https://www.vatican.va/content/benedict-xvi/en/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg.html (Accessed on: 12.05.2023).
[78] T.J. Hochstrasser, "Early Modern Natural Law Theories and Their Contexts," *The Historical Journal* 38 (1995)/2, 487-490.
[79] Joseph Ratzinger, "Pre-Political Moral Foundations of a Free Republic," *Political Theologies: Public Religions in a Post-Secular World*, eds. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006), 262.
[80] Hans W. Blom, *Sacred Polities*, 9-10.
[81] Arthur Eyffinger, "Grotius on Natural Law: An Inventory of Propositions," *Sacred Polities*, 186.
[82] Arthur Eyffinger, *Grotius on Natural Law*, 186.

natural rights, social inclinations, and self-interests constitute the basic units of society. Individuals negotiate the aspects of property, authority and obligations and arrive at a contractual arrangement. Transgression of the obligations would be met by the enforcement of punishment.[83] Humans have the capability to adhere to this framework of law by virtue of reason alone, no matter the theological differences. Grotius understands natural law as the dictate of right reason. Reciprocity is a key expectation in individual's civil engagements. This voluntary gesture that comes out of man's free will is essential for any effective formal contract. So the essential element that requires ethical orientation is man's will. Unlike for God who is *fons boni*, intellect and will are not identical in man. Whenever man's free will is posed against his intellect, his will become a source of evil.[84] Grotius' objective is to seek if any forms of law could help resolve this moral dilemma of man. He believed that self-interests of individuals and the needs of the commonwealth can be harmonized by virtue of the faculties of man's intelligence and speech. Although he did not deny the ill-potential of competition, strife, and envy among humans, he was also optimistic about the sociability of man.[85] Let us briefly examine the Impious Hypothesis in the prolegomena of *De iure belli ac pacis* which had paradigmatic impact in the subsequent secularization of natural law. Grotius wrote about the validity of the term *law* in this text.

> "Among the things which are unique to man is the desire for society, that is, for community with those who belong to his species – though not a community of any kind, but one at peace, and with a rational order… This care for society in accordance with the human intellect, which we have roughly sketched, is the source of ius… It is appropriate to human nature rationally to follow good judgment in these matters, and not be disturbed by fear or the lure of immediate pleasure, and that whatever is plainly contrary to good judgment is also contrary to the law of nature (that is, of human nature) … What I have just said would be relevant even if we were to suppose (what we cannot suppose without the greatest wickedness) that there is no God, or that human affairs are of no concern to him: the contrary of which on the one hand is borne in upon us (however unwilling we may be) by an innate light in our soul, and on the other is confirmed by many arguments and by miracles witnessed down the ages. It follows that without exception we should obey God as our creator to whom we owe everything, especially as he has revealed himself as the best and most powerful being."[86]

Summarily, Grotius tells that the law of nature would remain objective and intact even if one denied the existence of God; the will of God; and his providential care for mankind. Undoubtedly, he is the first post- medieval thinker to present natural law in secular terms.

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[83] Knud Haakonssen, *Natural law and moral philosophy: From Grotius to the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1996), 28.

[84] Arthur Eyffinger, *Grotius on Natural Law*, 178.

[85] The dualism in man's nature identified by Grotius was later described by Thomas Hobbes figuratively by drawing upon the proverb *homo-homini lupus* (man-to-man wolf). "To speak impartially, both sayings are very true; That Man to Man is a kind of God; and that Man to Man is an arrant Wolfe: The first is true, if we compare Citizens amongst themselves; and the second, if we compare Cities." See, Thomas Hobbes, *De Cive*, trans. Howard Warrender (New York: Oxford University Press, 1983), 24.

[86] Hugo Grotius, "Prolegomena," *The Rights of War and Peace*, ed. Richard Tuck (Indianapolis: Liberty Fund, 2005), 1747-1748.

However, it would not be correct to overlook the larger narrative of prolegomena which has theological foundation. That he did not want to leave Creator out of equation is evident from his affirmation in the same text that the very opposite of this view has been implanted in us partly by reason, partly by unbroken tradition, and confirmed by many proofs as well as by miracles attested by all ages.[87] Grotius' aim is to find the source of natural law; to inquire whether it is established by divine ordinances or have its origin in custom.[88] According to him, human intelligence is the foundation of natural law. Although natural law is independent of God, it impels an obligatory character because humans have the faculty to know and act in accordance with general principles it lay down. Therefore, it is also the foundation of municipal law and the law of the nations. Natural law binds people to act with reason which is a moral necessity. It is a framework of general character with universal and comprehensive aims, and it does not provide tailor-made answers for the dilemmas before man. Grotius' aim was not to create a system of secular law, but to demonstrate that various orders of law fit together in harmony without contradiction. However, the nature of obligation and of God's involvement in morality posed unavoidable questions for later Grotians.[89] Among those who interpreted Grotius, there were those who did not consider religion as an integral part of their worldview, and therefore altogether ignored the theological foundation in Grotius. As Jirí Chotas put it, one can view Grotius as the father of modern natural law only in retrospect, that is, from the perspective of how he was interpreted by his followers, and based on the motifs from his work which they developed later.[90]

Francisco Suárez (1548 – 1617), a contemporary of Grotius, was another prominent figure in the early modernity to expound natural law. He belonged to the school of Spanish scholasticism, a sixteenth century movement initiated by Francisco de Vitoria (c. 1483 – 1546) that reworked scholastic doctrine of value-objectivism against the backdrop of new ethical dilemmas. With the discovery of America, the powerlessness of the native peoples in the New World against the imperialist weaponry of Spain posed the question of human rights in Europe.[91] Spanish scholasticism defended the rights of the natives. In his attempt to formulate a theory of rights and law in *De legibus ac Deo legislatore* (Coimbra, 1612), Suárez reflected on scholastic and voluntarist assumptions on divine grace and free will. According to him, law

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[87] Jirí Chotas, "Grotius on the Foundation of Natural Law," *Sacred Polities*, 228.

[88] Hugo Grotius, *Prolegomena*, 1747-1748.

[89] J.B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge: Cambridge University Press, 1998), 75.

[90] Jirí Chotas, *Grotius on the Foundation of Natural Law*, 239.

[91] Ratzinger, *Pre-Political Moral Foundations of a Free Republic*, 265.

in the strict sense applies only to beings who possess reason and freedom.[92] Only in metaphorical way does it applies to inanimate creatures and animals. The act of will on the part of legislator is what makes law obligatory on rational creatures.[93] The binding nature of law makes it a timeless discourse. By adopting Aquinas' classification of eternal law, natural law, human law, and divine law as the starting point, Suárez re-affirmed scholasticism and explained that various forms of law participate differently but harmoniously in the eternal law. Accordingly, divine law is God's will that bind the subjects through revelation in scripture. Human positive law comes into force by the interventions of legislator. Natural law is the essence of human positive law, the means by which true moral standards of eternal law applies to human moral nature.[94] Suárez held that the rational beings have capacity and intelligence to submit to the moral governance of law by the acts of self-legislation and self-regulation.[95] This view is partly supportive of the notion of contract. However, according to him, the contract gets annulled and sovereignty returns to community, the original natural source, when government is tyrannical.

> "The Natural Law is not a preceptive law, properly so-called, since it is not the indication of the will of some superior; … on the contrary, it is a law indicating what should be done, and what should be avoided, what of its own nature is intrinsically good and necessary, and what is intrinsically evil."[96]

Meanwhile, Thomas Hobbes, Samuel Pufendorf, and Adam Smith carried forward voluntarist modifications. This intellectual tradition particularly focused on the notion of human will in the search for ethics. Pierre Manent (b. 1949) observes that natural law tradition gradually marginalized and evolved into contractarianism through the agency of fear and the assertion of liberal idea of rights.[97] In his view, once the Aristotelian tradition diminished in political discourses, the scholars in the Lutheran tradition had put to question the Thomist tradition as well. According to Manent, a key figure among them was Thomas Hobbes (1588 – 1679). He reworked Grotius' legacy in the English-speaking world. Although the commonalities in both of them is a complex matter, there are certainly continuities between *The Freedom of the Seas* (Leiden, 1609), *The Rights of War and Peace* (Paris, 1625), and *The Truth of Christian Religion* (Leiden, 1627) by Grotius and *Elements of Law* (1640, published

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[92] William E. May, "The Natural Law doctrine of Francisco Suárez," *The New Scholasticism* 58 (1984)/ 4, 409-423.

[93] "If one is speaking of law in the strict sense of the term, only that is law which imposes an obligation of some sort," Francisco Suárez, *A Treatise on Laws and God the Lawgiver* I.1.vii in *Selections from Three Works* ed. Thomas Pink (Indianapolis: Liberty Fund, 2015), 23.

[94] Haakonssen, *Natural Law and moral philosophy*, 16.

[95] Dominique Bauer, "Natural Law, Contingence and History in the Legal Thought of Francisco Suárez," *Sacred Polities*, 159.

[96] Suárez, *A Treatise on Laws and God the Lawgiver* II.6.iii.

[97] Ferenc Hörcher, "Pierre Manent on Natural Law and Human Rights," *Acta Humana* 4 (2020), 87-103.

in London 1651), *On the Citizen* (Amsterdam, 1647), and *Leviathan* (London, 1651) by Hobbes with respect to natural jurisprudential concepts in ethics.[98] Both of them wrote from theistic standpoint but attempted to explain also how people who don't share theistic beliefs can have moral life.[99] As the traditional bases of cooperation were threatened in the context of the civil war, Hobbes sought for new avenues of cooperation that could accommodate plurality. The upheavals in England are resonated in the state of nature in *Leviathan* in which social relationship is characterised by ego, desire, appetite, aversion, and lack of industry. However, the common desire for survival prompt prudence among the people. As a result, society gives form to contract by which powerful sovereign emerge.

In Manent's view, the narrative of the state of nature wherein everyone is at war with everyone diminished the conception of state based on natural values.[100] The state was no longer a coming together of communities but a mechanism of administration based on the science of obedience.[101] Hobbes deduced that the self-interests of individuals could come into harmony through contract which defend common moral virtues and institutions. Although Hobbesian principle of authority - *authoritas, non veritas facit legem* - is not in favour of permanent values proper to natural state of humans, there remains a constant human property which is independent of any social circumstances. This human feature is the ability of being obliged. Based on the inherent motif of pure will, Hobbesian authority reveals the a priori structure of the relationship between political authority and political subjects. Thus, Hobbes' political thought is not only contract, but also natural law system based on the concepts of will and obligation. In contemporary discourses of game theory, Hobbesian system is sought as a model for action and cooperation among individuals who do not have access to natural system of values.[102]

In seventeenth century Germany, Samuel Pufendorf (1632 – 1694) interpreted Grotius by re-working Lutheran foundation of natural jurisprudence. He regarded that human beings are not given to know *God who is far away*. Grotian claim of moral objectivism is a mistake

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[98] R. Tuck, "Grotius, Carneades and Hobbes," *Grotiana* 4 (1983), 43-62; R. Tuck, "Hobbes and Descartes," *Perspectives on Thomas Hobbes* eds. G.A.J. Rogers and A. Ryan (Oxford: Oxford University Press, 1988), 11-41.

[99] R. Tuck, "Optics and sceptics: The philosophical foundations of Hobbes's political thought," *Conscience and Casuistry in Early Modern Europe* ed. Edmund Leites (Cambridge: Cambridge University Press, 1988), 235-263.

[100] Pierre Manent, *Natural Law and Human Rights: Toward a Recovery of Practical Reason* (Notre Dame, Indiana: University of Notre Dame Press, 2020), 7-10.

[101] Hörcher, *Pierre Manent on Natural Law and Human Rights*, 87-103.

[102] Antonino Palumbo, "Playing Hobbes: Theory of Games and Hobbesian Political Theory," *UEA Papers in Philosophy* 8 (1996), 1-29.

because we don't have any rational access to it. [103] Nevertheless, we are under obligation in the natural state of affairs through God's command by way of natural religion. Pufendorf conceived physical world and moral world as two self-contained spheres. The physical world work on laws discoverable by physical sciences and doesn't have any inherent moral qualities. Moral order, on the other hand, is featured by human nature's concern for self-preservation.[104] Law is necessary to derive moral judgments such as good, evil, justice, and injustice. Only beings with intellect and free-will can participate in legal discourse which involves both rights and duties. While rights are secured by contractual and quasi-contractual means, duties are imposed by the law of nature to make the rights effective. In the state of nature wherein there are no agreements between individuals, nobody have authority over others to impose punishment. However, the breach of duties in a society established by contract is dealt with the instrument of punishment. Thus, the system of contract enables those who don't have rational capacity to recognize precepts of natural law through reason, to at least externally uphold natural values for political stability and sociability. Pufendorf didn't adhere to the concept of natural rights as liberties and the suggestion that political government is justified by its protection of such rights. He argued for a principled limit to the state's role in human life.

John Locke (1632 – 1704) represents the transition between early modern natural law and the empirical Scottish Enlightenment.[105] In his attempt to account for the moral diversity, he held that the space and time in themselves are not objective entities, instead, they are only epistemological features. Notwithstanding that, we perceive things stably in space and time. Thus, morality, like mathematics, is a realm where human reasoning can attain a level of rational certitude and demonstrative accuracy. In this way, he defended that empirical inquiry on the one hand and the existence of universally valid objectivist values on the other hand are compatible to each other. Our self-consciousness with the properties of perception and reason demonstrate the existence of 'an eternal, most powerful, and most knowing Being.' Two questions follow from the affirmation that the relationship between God and humans is characterised by dependence – first, whether God is the lawmaker for humanity by virtue of being the Creator, and second, whether the law of nature is discernible by human reason. In the

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[103] Samuel Pufendorf, *Two Books of the Elements of Universal Jurisprudence* (Indianapolis: Liberty Fund, 2009), 48-52.

[104] Haakonssen, *Natural Law and moral philosophy*, 39.

[105] Locke thought of natural law in traditional voluntarist terms. For an early statement of his philosophical views, see, John Locke, *Essays on the Law of Nature* ed. W. von Leyden (Oxford: University Press, 1954). In his *Second Treatise of Government*, Locke outlines ideas for a more civilized society based on natural rights and contract theory. The book is a key foundational text in the theory of liberalism. See, John Locke, *Second Treatise of Government and A Letter Concerning Toleration* (Oxford: Oxford University Press, 2016).

Essay Concerning Human Understanding (1689), Locke views the aim of the law of nature as to secure public happiness, the preservation of society, and the benefit of all. In the *Second Treatise of Government* (1689), the law of nature is more fundamental as to preserve humanity in others as well as in oneself. The discourse on rights spring from these objectives of law. That is, we create the system of rights through contract in order to fulfil the duties prescribed by natural law. Because the law of nature is understandable by natural reason, we have the ability to sanction law for ourselves by institutional arrangements. However, given the demonstrable dependence of humanity on the Creator, immortality is rationally possible, and therefore, it is reasonable to fear that divine sanctions are attached to the law of nature.[106]

The paradigmatic shift in the conceptualization of nature was through Immanuel Kant. It is argued in either ways as to whether or not Kant's ethical theory has affinities to natural system of values.[107] One argument to affirm the natural law orientation of Kant is to draw parallels between Kant and Philip Melanchthon (1497 – 1560), Luther's contemporary who laid down the intellectual foundation for the Reformation.[108] According to Melanchthon, humans doesn't have any natural or rational capacity for ethics on the *individual* level; ethics is accessible by the *community*. Gospel is the only foundation of ethics. An ethical life is a life lived by faith. However, as human beings, we are required to harmonise our acts with inter-subjectively constituted social structures. Therefore, we must look to our inborn natural knowledge which has the potential to inform us about ethics. Kant substituted the notion of Gospel in Melanchthon by categorical imperative. Having discussed some key aspects of Kantian ethics in connection with the evolution of positivism, let us continue with empirical Scottish Enlightenment in order to comprehend the further historical evolution of natural law.[109]

In the foregoing discussions, we have seen that the moral philosophy of Hobbes, Pufendorf, and Locke were influenced by natural law theories developed within Protestantism after Hugo Grotius. A common agreement among them all is that natural law allows for us certain natural rights. Such rights impose on us duties, the fulfilment of which is morality.

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[106] For comprehensive review of Locke's moral theory, see, John Colman, *John Locke's Moral Philosophy* (Edinburgh: Edinburgh University Press, 1983).

[107] Kennet R. Westphal, *How Hume and Kant Reconstruct Natural Law: Justifying Strict Objectivity without Debating Moral Realism* (Oxford: Clarendon Press, 2016).

[108] Sachiko Kusukawa, "Law and Gospel: the reforms of Luther and Melanchthon," *The Transformation of Natural Philosophy: The Case of Philip Melanchthon* (Cambridge: Cambridge University Press, 1995).

[109] See also, J.B. Schneewind, "Kant and Natural Law Ethics," *Ethics* 104 (1993)/ 1, 53-74; Leonard Krieger, "Kant and the Crisis of Natural Law," *Journal of the History of Ideas* 26 (1965)/ 2, 191-210.

Except for eschatological hope, morality was considered by them as an open-ended system based on contract among the individuals. With the exception of Grotius, they held that structures of things did not contain any moral meanings.[110] All values and meanings are *constructed* by means of contracts which enable the performance of duties imposed by natural law. Not disregarding the act of will of God, they held that human beings are delegated with the task of creating political and moral institutions such as property, civil governments, laws of nations, and marriage. The contracts are made by human reason derived from human nature, unaided by revelation.

In the eighteenth century, empirical philosophers of Scottish Enlightenment such as Francis Hutcheson (1694 – 1746), David Hume (1711 – 1776), Adam Smith (1723 – 1790), Thomas Reid (1710 – 1796), and Adam Ferguson (1723 – 1816) carried forward this tradition and attempted to understand *contractarian negotiations as historical socio-political development*.[111] The Scottish philosophers held the historical dimension of contract as determinative because moral consciousness, judgments, and institutions are formed by the accommodations reached at a given stage of society.[112] A key point of discussion was whether God's will have any role in conferring moral force on natural law, or whether moral authority is an independent category left with humanity. What powers of moral discernment does the human beings possess? For Adam Smith, the sphere of morality is open and uncertain, and therefore negotiated by formal procedures.[113] Unlike Hobbes, he does not believe in the state of nature, that is, some pre-governmental condition of mankind. Smith holds that humanity must have had some rudimentary forms of contracts even in the primitive stage of existence as hunters and gatherers. The historical dimension of contract in Adam Smith becomes further understandable through his social theory of social self. According to him, consciousness of one's identity is a continuous self, standing in relationships to others. It is a function of neither divinely implanted soul nor natural reason. Rather, self is formed in our interaction with others, hence a historical process.[114] James Mill (1773 – 1836) integrated natural law with

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[110] Haakonssen, *Natural Law and moral philosophy*, 39.

[111] For a detailed discussion of the moral philosophy of Hume and Smith, see, Knud Haakonssen, *The Science of a Legislator: The Natural Jurisprudence of David Hume and Adam Smith* (Cambridge: Cambridge University Press, 1981). See also, Haakonssen, *Natural Law and moral philosophy*, 100-153.

[112] Knud Haakonssen, "Natural jurisprudence and the identity of the Scottish Enlightenment," *Philosophy and Religion in Enlightenment Britain: New Case Studies* ed. Ruth Ravage (Oxford: Oxford University Press, 2012), 258-278.

[113] R.L. Meek, "New Light on Adam Smith's Glasgow lectures on jurisprudence," *History of Political Economy* 8 (1976), 467-477.

[114] Haakonssen, *Natural Law and moral philosophy*, 131.

utilitarianism.[115] According to Mill, rights are not simply open-ended powers, but rather, they are the powers granted for the purpose of contributing to the overall moral order and towards the maximization of happiness. Right institutional forms must be erected to create harmony among the psychologically egoistic individuals. The Scottish Enlightenment attempted to conceptualize a metanarrative in order to address the historical relativity and cultural diversity around the world, a task which was left for the Enlightenment philosophers to address.

3. LEGAL POSITIVISM AND THE NEW NATURAL LAW

The general positivist philosophy of Auguste Comte (see Chapter I.1) gained momentum in the sphere of jurisprudence through John Austin (1790 – 1859) in the nineteenth century.[116] He clearly distinguished positive law from other forms of law, such as laws of morality, social norms, and the natural law.[117] In the twentieth century, Hans Kelsen (1881 – 1973) separated natural law and legal positivism into two exclusive domains.[118] He appropriated Immanuel Kant's transcendental logic laid down in the *Critique of Pure Reason* as the foundation of his methodological position.[119] With that starting point, he engaged in sustained dialogue with natural law and defended the system of legal positivism. In Kelsen's view, legal science is a normative science. It must take into consideration only whether the norms are valid or not. The question of the efficacy and value of norms is not its concern. Legal science accomplished through positive law is the science of the *ought* (Sollen), and not that of *is* (Sein).[120] The norms are fundamentally mutable and autonomous from the sphere of value. The legal science works on the basis of the principle of imputation. It describes the provisions that indicate the way people must behave. Sanctions must be imposed on those who fail to act in the manner required. The idea of justice and injustice are transformed into the notions of legal and illegal. Human actions are legally regulated through this norm-sanction interconnectedness which provides for external constraint and coercion upon human behaviour.

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[115] Jacob Viner, "Bentham and J.S. Mill: The Utilitarian Background," *The American Economic Review* 39 (1949)/ 2, 360-382.

[116] H.B. Acton, "Comte's Positivism and the Science of Society," *Philosophy* 26 (1951)/ 99, 291-310.

[117] John Austin, *The province of jurisprudence determined*, ed. Wilfrid E. Rumble (Cambridge: Cambridge University Press, 1995).

[118] For a summary of the constitutional theory of Kelsen, see, Lars Vinx, *The Guardian of the Constitution: Hans Kelsen and Carl Schmitt on the Limits of Constitutional Law* (Cambridge: Cambridge University Press, 2015).

[119] Peter Langford, Ian Bryan, and John McGarry, *Hans Kelsen and the Natural Law Tradition* (Leiden: Brill, 2019), 24.

[120] Nicoletta Bersier Ladavac, "Sein and Sollen, "Is" and "Ought" and the Problem of Normativity in Hans Kelsen" in *The Normative Force of the Factual: Legal Philosophy Between Is and Ought* ed. Nicoletta Bersier Ladavac et al. (Cham, Switzerland: Springer, 2019).

Within this interconnectedness, positive law creates a range of rights and duties for the legal person.

Kelsen contrasted norm and nature by pointing out that the objective and method of law is different from that of other empirical and natural sciences which operate on the principle of causality. Law is meaningful in itself in the form of norms. It belongs to ideal reality and not natural reality. According to Kelsen, although general law has logical priority over individual law, it is in an unfinished state as general norms.[121] Only when they are applied to concrete circumstances do the natural principles become meaningful. The process of realizing natural law in individual circumstance is necessarily an act of positivizing, and thus, natural law contradicts its own idea.[122] Another issue is that natural law categorize positive law as good, bad, just, and unjust according to the degree of coincidence and conflict the latter have with the former. A fundamental dictum that governs natural law is *lex injusta non est lex* (an unjust law is not law).[123] However, Kelsen argues that social reality is made of diverse, and often contradictory social values, and therefore a democratic polity must be justified on the basis of epistemological relativism rather than metaphysical absolutism upon which natural law is based.[124] By drawing explicit distinction between norm and nature, he rejected any forms of naturalism. However, in 1965, at the age of eighty-four, he abandoned the dualism between norm and nature. His new position was that norm can come only through will. But, if nature were to contain will, that would require the presupposition that the will of Creator God first entered into nature. "Any attempt to discuss the truth of this belief is utterly futile," he held.[125] Finally, he concluded that nature contain norms, but not will.

By the end of the Second World War, it became clear for the eyes of the world that the horrors and consequences of totalitarianism had inextricable links with pure juridical positivism. The memory of traumatic experiences during when man's dignity was trampled down prompted people once again to think that it is still rational to speak about the inviolable ecology so unique to human beings. It was once again asserted that *dignity* is the most intrinsic and radical quality of human beings. Values and norms are inherent to humans, and therefore, they are *not to be invented* but *to be found*. By virtue of being members of human species, we

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[121] Hans Kelsen, "The Idea of Natural Law," *Essays in Legal and Moral Philosophy* (Dordrecht: Reidel, 1973), 40-41.
[122] Hans Kelsen, *The Idea of Natural Law*, 59.
[123] This maxim is attributed to St. Augustine. See, Russell Sandberg, "Towards a Jurisprudence of Christian Law," *Christianity and Natural Law*, 222.
[124] Langford, Bryan, and McGarry, *Hans Kelsen and the Natural Law*, 29.
[125] Benedict XVI, *The Listening Heart*.

have inalienable rights. Such rights are not merely the creation of positive law, but rather, they are fundamental values with unique, absolute, irreplaceable, permanent, and ontological status. Therefore, legal ordinances need to be in conformity with human dignity. These convictions once again made the concept of nature reasonable, thus leading to the renaissance of natural law because it could provide a rational basis for the human rights. *The Universal Declaration of Human Rights* in 1948 is the singularly greatest post-war affirmation of natural law. It offers solid basis for promoting a more just world. The rights enumerated in the declaration flow from the 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family,' the preamble of the charter reads. Thus, the determining feature in the post-war renewal of natural law is the concept of dignity.

The renewal of natural law in the latter half of twentieth century is reflective of the fact that radical secularization is not a linear or regularly advancing process.[126] However, that doesn't mean that there is an agreement on the question of metaphysical justification for natural law among the major figures who renewed this legal tradition in the previous century- Leo Strauss, Jacques Maritain (1882 – 1973), Lon Fuller, Ernst Wolfgang Böckenförde, Germain Grisez (1929 – 2018), John Finnis (b. 1940), and Pierre Manent among others. The disagreement arose principally in their quest to make natural law appealing to the fact of pluralism and the aspirations of liberalism. Nevertheless, there is a common agreement among them all to rectify several cultural traumas of postmodernity on an urgent basis.[127]

The renewed natural law complemented the liberal political philosophy represented by John Rawls (1921 – 2002) on the question of how a juridical body of norms can be established as an ordering of human rights and human dignity.[128] In Rawls' view, legitimacy is the minimum requirement and justice (understood as fairness) is the optimal goal of liberal normative order.[129] In this scheme, the comprehensive religious doctrines are denied the character of public reason.[130] This early theory of John Rawls was expressive of a radical

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[126] On the renewal of natural law, see, Richard J. Fafara, *Etienne Gilson: Formation and Development* (Toronto: Pontifical Institute of Mediaeval Studies, 2018); John Haldane, *Faithful Reason* (London: Routledge, 2004); Charles L. Palms, "The Natural Law Philosophy of Lon L. Fuller," *The Catholic Lawyer* 11 (1965)/ 2, 94-117.

[127] See, for example, John Finnis, *Natural Law and Natural Rights* (New York: Oxford University Press, 2011); Manent, *Natural Law and Human Rights*.

[128] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

[129] John Rawls, *Justice as Fairness: A Restatement* (Massachusetts: The Belknap Press of Harvard University Press, 2001).

[130] Benedict XVI, *Lecture (undelivered) at La Sapienza University* (Rome, January 17, 2008). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2008/january/documents/hf_ben-xvi_spe_20080117_la-sapienza.html (Accessed on: 12.05.2023).

secularist culture, which for decades, was openly suspicious and antagonistic to religious expressions in public discourse.[131] Ratzinger opposes Rawls' idea of lumping all faiths under the general term *religion* as if they were all made of the same fabric. Later on, Rawls changed his conviction and said that religious doctrines, in spite of not being public reason, derive from a responsible and well thought-out tradition with satisfactory arguments in support of the doctrines concerned.[132] Therefore, they qualify as non-public reason which cannot simply be dismissed by those who live by a rigid secular reason. Ratzinger considers this assertion of Rawls as an acknowledgment that the historical sources of human wisdom which have the weight of experience are signs of reasonableness and enduring significance. Faced with a-historical forms of reason, the wisdom that comes to humanity through great religious traditions should be valued as a heritage that cannot be cast with impunity. Although Rawls himself amended his views, his radically secularist convictions had deeply influenced the cultural mind-set of liberal democracies at both theoretical and practical levels.[133]

Pointing to the crisis prompted by the exclusivity of procedurality in liberal and positivist legality, in nineteen sixties, Ernst Wolfgang Böckenförde (1930 – 2019) doubted the capability of a democratic constitutional state to guarantee and renew the normative preconditions of its existence with its own resources.[134] He said that a liberal state is secured by the normative resources that it cannot itself guarantee.[135] He persuaded that a constitutional state must draw on pre-political moral foundations for the ethical integrity of citizens. In order to secure the foundations of its validity, even a fully positivized constitutional order would require religious convictions, ethical customs of national communities, or some other sustaining force as collectively binding ethics. Legal order cannot be self-referentially legitimized exclusively on the basis of democratically generated legal procedures. It is important for a liberal state to preserve the aspects of homogeneity around which societal solidarity can be built even as the liberal constitution is bound to protect heterogeneous identities. Common traditions that bring about solidarity are necessary to create conditions of

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[131] John Rawls, *A Theory of Justice* (Massachusetts: The Belknap Press of Harvard University Press, 1999).

[132] Benedict XVI, *Lecture at La Sapienza*.

[133] John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64 (1997)/ 3, 765-807.

[134] Ernst-Wolfgang Böckenförde, "The Rise of the State as a Process of Secularization [1967]," *Religion, Law, and Democracy: Selected Writings Volume II*, eds. Mirjam Künkler and Tine Stein (Oxford: Oxford University Press, 2020), 167.

[135] Böckenförde, *The Rise of the State*, 167.

governability.[136] This task requires that freedom must be regulated from within. The question is whether the regulatory mechanisms in a liberal state such as legal coercion and authoritative command of the ordinances have sufficient moral force to secure these ideals. Böckenförde is sceptical about that, and tells that a state can relapse from the secularised level to new forms of totalitarianism in the absence of authentic binding forces for civic solidarity. Therefore, in order for a secular democracy to work effectively, it requires the moral traditions which brought it to birth.[137]

This conviction leads to reaffirmation of natural law in its corrective and directive functions. Natural law corrects positive law when our sense of justice contradicts with ethical content of the positive law. Böckenförde doesn't adhere to the scholastic approach of Aquinas, rather, he finds affinity with voluntarist natural law in the tradition of Hobbes, Pufendorf, and Rousseau. Their affirmations favouring unlimited power for the sovereign and their recognition that the person is characterised by pure will are common denominators with political theology of Carl Schmitt (1888 – 1985) and Münster school pioneered by Joachim Ritter (1903 – 1974) with which Böckenförde finds affinity.[138] The reason for affirmation of sovereignty is however different in voluntarist natural law and political theology. While the former is based on contract, the latter draws analogy between the power of the sovereign and God by emphasising theological concepts and doctrines. With these convictions, Böckenförde approaches the question of human dignity. He warns that conceiving dignity as a part of positive law would narrow down it merely as a legal concept, thereby relativizing its value.[139] That is why natural law is a pre-requisite to secure the foundation for law. But isn't natural law also a value-production of society, a cultural construct? After all, we have seen so many different interpretations of this legal tradition over centuries. With respect to political theology, as we have witnessed in the previous century, for example in Marxism, it has a temptation to promise a millennium of peace and happiness. However, our experiences confirm that when politics assume chiliastic form and claim to perform the divine function, it actually ends up in being diabolic[140]. Therefore, Böckenförde attempts to draw a solution by clubbing natural law with

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[136] Ferenc Hörcher, "Prepolitical values? Böckenförde, Habermas and Ratzinger and the use of the humanities in constitutional interpretation," *Contemporary Philosophy and Humanities* (2014), 114.

[137] Ferenc Hörcher, "Natural Law, Human Dignity and Tradition of Böckenförde's Catholic Political Theology, from a Conservative Viewpoint," *Pro Publico Bono – Public Administration* 9 (2021)/ 2, 86-103, esp. 90.

[138] Mirjam Künkler and Tine Stein, "Carl Schmit in Ernst-Wolfgang Böckenförde's work: Carrying Weimar constitutional theory into the Bonn Republic," *Constellations* 25 (2018)/ 2, 225-241.

[139] Böckenförde, "Will Human Dignity Remain Inviolable? [2004]" in *Religion, Law, and Democracy*, 354-365.

[140] Joseph Ratzinger, *Church, Ecumenism and Politics: New Endeavours in Ecclesiology* (San Francisco: Ignatius Press, 2008), 93-95.

political theology. For a natural law norm to be acceptable, he says, it must undergo the litmus test of both tradition and reception.[141] The former is to save the valuable inheritance which come down to us through religious doctrines and customs. The latter is to ensure through the feedback of the subject-human governed that the norms are receptible for their *sensus communis* wisdom.

Complementary to Böckenförde is Pierre Manent's proposition of natural law.[142] He criticises the postmodern understanding of freedom which attempts to liberate individual from nature, external norms, and various legal, moral, and material barriers.[143] While nature in the past served as the source of order and law and thus guaranteed the well-functioning of human communities, it is today regarded as unlimited and unrestricted freedom. This change in the conception of nature has come through the clash within liberalism between modernist universalism and postmodern relativism.[144] The shift to dogmatism of rights causes obstacles to rule of law and orderly existence of community. The ideology of radical individualism destroys the architecture of public life. Pierre Manent attempts to make natural law reasonable once again by proposing that any system and society must facilitate the motivations of what are pleasant, useful, and fair. In proposing so, he brings Aristotelian phronesis into contemporary discourse.[145] Ever since early modernity, philosophers had almost altogether dismissed Aristotelian practical wisdom because of its reference to metaphysics and teleology. Manent attempted to resurrect this normative loss in a secular framework. He believes that the postulates of practical wisdom that guide actions actually make man prudent than Kant's categorical imperative which commands moral action against which individuals simply fail.[146]

4. NATURAL LAW AND CRITICAL SOCIAL THEORY

Now I must turn to focus on how natural law entered into dialogue with Critical Social Theory in the previous decades. This is important because Critical Social Theory is fundamental to understand the discourses of secularization and postmodernity. Jürgen Habermas, its representative, found problem with Böckenförde's conviction about pre-political morality. He feared whether the state would be able to maintain ideological neutrality so

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[141] Hörcher, *Natural Law, Human Dignity and Tradition of Böckenförde's Catholic Political Theology*, 101.

[142] Manent, *Natural Law and Human Rights*.

[143] Pierre Manent, Daniel J. Mahoney, and Paul Senton, *Modern Liberty and its Discontents* (Washington, D.C: Rowman & Littlefield, 2000), 169.

[144] Hörcher, *Pierre Manent on Natural Law and Human Rights*, 87-103.

[145] Hörcher, *Pierre Manent on Natural Law and Human Rights*, 87-103.

[146] For historical account about Europe's struggle for normativity, see, Pierre Manent, *Metamorphoses of the City: On the Western Dynamic* (Massachusetts: Harvard University Press, 2013).

necessary in plural societies by accommodating some pre-political morality.[147] Therefore, Habermas asserted that the legitimacy of a liberal constitution is self-generated by virtue of constitutional principles. Although political liberalism is vulnerable to a variety of external threats, a constitution does not have any inherent weakness that would cognitively or motivationally endanger its self-stabilization. Anyhow, there is no particular need for democracy to look on for some ethics from outside. He says that the legitimacy of a constitutional charter derives from two sources: from the equal participation of all citizens in the political process and from the reasonable manner in which political disputes are resolved.[148] With regard to the reasonableness, he tells that it cannot simply be the opinion of arithmetical majorities, but must have the character of an argumentation that is sensitive to the truth.[149]

Unlike natural law which attempts to lay down explicit ideas of *human nature*, critical social theory is woven around the concepts of the *social*.[150] It seeks to imagine the inalienable features of our common humanity in the context of heterogeneity of modern life. Its increasingly open-ended conceptualisation makes it seemingly more inclusive in terms of participants and more reflective in terms of justifications. However, in its endeavour to accommodate too many value-orientations of the social world, critical social theory has almost become a value-neutral social science. Daniel Chernilo points out the serious loss of normativity in this intellectual tradition.

> "Indeed, from Foucault's genealogy to Derrida's deconstruction, from Lyotard's postmodern condition to Rorty's criticisms of the 'Plato-Kant' consensus, from Luhmann's thoroughgoing critique of 'old European thinking' to Latour's blurred distinction between the human and the non-human, from Bourdieu's struggles for capital and resources to the postcolonial unfathomable 'other' . . . All their differences notwithstanding, these views agree on the need for a reinvention of how we practice socio-political enquiry that, quite crucially, involves transcending the limitations of universalism and its unwarranted natural law baggage."[151]

As natural law was declared outcast, positivism amplified in the conceptual, methodological, and normative planes of contemporary social theory. Jürgen Habermas (b. 1929) is a key figure who has attempted to re-assess the foundations of democratic and legal theory by investigating the relationship between both these traditions. He said:

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[147] Jürgen Habermas, "On the Relations Between the Secular Liberal State and Religion," *Political Theologies*, 251.

[148] Joseph Ratzinger, "Pre-Political Moral Foundations of a Free Republic," *Political Theologies*, 266.

[149] On Habermas' note on the "wahrheitssensibles Argumentationsverfahren," see, Benedict XVI, *Lecture at La Sapienza*.

[150] Daniel Chernilo, *The Natural Law Foundations of Modern Social Theory: A Quest for Universalism* (Cambridge: Cambridge University Press, 2013), 5.

[151] Chernilo, *The Natural Law Foundations of Modern Social Theory*, 6.

"I understand political liberalism (which I defend in the specific form of Kantian republicanism) as a non-religious, post-metaphysical justification of the normative foundations of constitutional democracy. This theory is situated in the tradition of rational natural law that eschews the strong cosmological or soteriological assumptions of classical and religious natural law . . . The post-Kantian justification of liberal constitutional principles in the twentieth century had less trouble with the remnants of objective natural law (and the material ethics of values) than with historicist and empiricist forms of criticism."[152]

Habermas' objective is to understand social life in the tension between the descriptive task of contemporary social theory and the normative task of natural law, and thus, to embrace modernity's scientific developments without surrendering to positivist restrictions. He holds the view of natural law tradition that the 'individuals are bearers of fundamental and inviolable rights whose origin is in fact pre-political and hence cannot be discretionarily modified by acts of self-legislation.'[153] That is, human dignity is an essential attribute which the democratic legislators cannot alter at will. The normative status of human rights would be downgraded if they were to be merely a creation of popular sovereignty. Positively, the long history of natural law in Greek, Roman, and Christian traditions by virtue of transcendental proposition had evoked the strong sense of the universality of the human species. However, it failed to recognize the individual as an inviolable moral agent. Classical and religious natural law 'developed well a collective notion of *dignitas humana*, but it was explained in terms of a distinguished ontological status of human beings in the cosmos. The superior value of the species might have justified some kind of species protection but not the inviolability of the dignity of the human person as a source of normative claims . . . The relative superiority of humanity and its members must be replaced by the absolute worth of any person. The issue is the unique worth of each person.'[154] Habermas believes that, on the one hand, norms must be objectively valid because they refer to human beings in general. On the other, they must also be subjectively approved by individual persons in their particular socio-cultural lifeworlds.[155] While the traditional natural law emphasises on the former aspect, modern natural law and contemporary social theory with immanent approach to human affairs is geared more towards the latter. Thus, natural law, according to him, is not directly relevant in explaining the

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[152] Jürgen Habermas, *Between Naturalism and Religion* (Cambridge: Polity Press, 2008), 102-103.

[153] Chernilo, *The Natural Law Foundations of Modern Social Theory*, 21. See also, Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Massachusetts: The MIT Press, 1996).

[154] Jürgen Habermas, "The Concept of Human Dignity and the Realistic Utopia of Human Rights," *Metaphilosophy* 41 (2010)/ 4, 473.

[155] Chernilo, *The Natural Law Foundations of Modern Social Theory*, 19.

structural developments of modernity, but it is crucial normative resource at the level of the intellectual foundation of many of modernity's institutions.[156]

For a clearer understanding of what Habermas perceived as the function of natural law, we must look into some aspects of his methodology. His approach is sociological because he believes that sociology is the social science that most systematically combine empirical *description*, theoretical *explanation*, and the normative *critique* of modern social life.[157] The discipline of sociology seeks the possibility to address social questions both empirically and discursively. However, by the second half of twentieth century, this discipline assumed exclusivity of positivism and technocratic decisionism in order to become fully modern and scientific, and in this process, it lost its ability to understand questions of normativity. Habermas recognized the intellectual threat of the situation, and therefore, wanted to seek for normativity in connection with rather than in opposition to natural law.[158] He preferred the approaches of Weber and Parson over Niklas Luhmann's purely descriptive or John Rawls' purely normative approach to law.

Habermas' social theory has its starting point in the categorical imperative wherein Immanuel Kant assumed that transcendentalism had become untenable, and therefore, rationality must be established through procedures. Habermas reworked Kantian assumptions with the conviction that, on the one hand there can be no more metaphysical thinking in the strict sense, but on the other, metaphysical questions remain intact in the form of universal problems of humanity. From these observations, he developed discourse theory and communicative reason.[159]

In discourse theory, he argues that justification comes not merely through overlapping consensus; but through discursive deliberation on the universalizability of proposed norms. Consensus should come only on the force of better argument (insight), not constraint.[160] Citizens' will must be formed by virtue of everyone's insights. In the discursive process to arrive at a reasoned consensus on norms, other participants must be respected in advance as

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[156] For an early account by Habermas on natural law, see, Jürgen Habermas, "Natural Law and Revolution," *Theory and Practice* (Boston: Beacon Press, 1974), 82-120.

[157] Chernilo, *The Natural Law Foundations of Modern Social Theory*, 24.

[158] Matthew G. Specter, *Habermas: An Intellectual Biography* (Cambridge: Cambridge University Press, 2010), 166.

[159] Maureen Junker-Kenny, *Religion and Public Reason: A Comparison of the Positions of John Rawls, Jürgen Habermas and Paul Ricoeur* (Berlin: De Gruyter, 2014), 104.

[160] Junker-Kenny, *Religion and Public Reason*, 106.

partners who strive to contribute their best judgement. Others' perspectives have to be expressed and cannot be anticipated by conjecture.

Two fundamental keys in this process are Universalization Principle and Discourse Principle. A contested norm cannot meet the consent of the participants in a practical discourse unless Universalization Principle holds, that is, unless all affected can freely accept the consequences and side effects of the observance of the controversial norm. In order to arrive at Universalization Principle, it is necessary to adhere to Discourse Principle, that is, to acknowledge even the arguments of enemies if they are good ones, and it is also important to permit even those people to speak who aren't yet capable of arguing well. Only those norms can claim to be valid that meet with the approval of all affected in their capacity as participants in a practical discourse. Thus, inclusivity is the fundamental insight of Universalization Principle, and collective decision making through intersubjective deliberation is the hallmark of the Discourse Principle.[161]

Theory of communicative reason seeks for an alternative foundation for reason that had become purely instrumental. It marks a paradigm change from the philosophy of consciousness to language, for Habermas insist that the faculty of reason is embodied in language.[162] Linguistically structured communication is a universal and distinctive feature of human beings which provides ability to forge understanding, autonomy, and responsibility.[163] Language is a social fact which provides a basis for reconstructing plurality. An interaction becomes communicative when the participants coordinate their plans of action consensually. Whereas in strategic action one actor tries to influence the behaviour of another by means of the threat of sanctions or the prospect of gratification in order to cause the interaction to continue as the first actor desires, in communicative action one actor seeks rationally to motivate another by relying on the illocutionary binding/bonding effect.[164]

Two major keys in communicative reason are lifeworld rationality and system rationality.[165] Lifeworld is constituted by values, symbolically structured practices, background

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[161] Jürgen Habermas, "Discourse Ethics," *Moral Consciousness and Communicative Action* trans. C. Lenhardt and S. Weber Nicholsen (Cambridge, Massachusetts: MIT Press, 1990), 89-91.

[162] Jürgen Habermas, *The Theory of Communicative Action.* Vol. I: *Reason and the Rationalization of Society* (London: Heinemann, 1984); Jürgen Habermas, *The Theory of Communicative Action*. Vol. II: *Lifeworld and System: A Critique of Functionalist reason* (Boston: Beacon Press, 1987).

[163] Junker-Kenny, *Religion and Public Reason*, 105.

[164] Habermas, *Moral Consciousness and Communicative Action*, 58.

[165] Hugh Baxter, "System and Life-World in Habermas's "Theory of Communicative Action," *Theory and Society* 16 (1987)/ 1, 39-86.

assumptions, and aspirations. It has particular role in building communicative reason because socialization and everyday communication takes place in it. Lifeworld is a trustworthy foundation for moral reflection because 'everyday life is a more promising medium for regaining the lost unity of reason than are today's expert cultures or yesteryear's classical philosophy of reason.'[166] Even if values of the lifeworld and universalizable moral norms occupy different levels, the barrier between them is not completely hermetic. Values from particular life forms may become generalizable norms. Particularly, in an age of marketization at a global scale, reasoning in the lifeworld has indispensable function to support the formation of moral personhood. Habermas contrasts it with system imperatives of political power and economics which he deems as a purely strategic and technical rationality which leads to impoverishment and homogenization.

These outlines suggest that Habermas, like Kant, believed that the core of normative discourses lies more in their justificatory strategies than in their substantive content. That is to say, it is necessary to account for the procedure with which we justify our decisions as normatively sound. The procedure is understood as an act of deduction by both of them. For Kant, it is transcendental, and for Habermas, it is immanent. Habermas makes this shift by reconceptualising Kant's deontological ethics.[167] Kant's ideas of pure reason are transformed by Habermas into idealising presuppositions of communicative action that orient subjects capable of speech and action. For instance, cosmological idea of the unity of the world in Kant would be understood as pragmatic presuppositions of a common objective world by Habermas.[168] Earlier, transcendental deductions in Kant's categorical imperative was essentially a reflexive testing of moral maxims. Habermas transformed it into a more pragmatic and immanent transcendence by proposing the model of an argumentative discourse of moral maxims. "No matter how counterfactual, (the arguments) are by no means mere constructs. Rather they are operatively effective in the behaviour of the participants themselves," Habermas says.[169] In other words, while the test of universalization is self-reflective in Kant, it is dialogical and a public procedure in Habermas. This amendment is a combination of reconstruction and construction: re-constructivist because it seeks in language the capacity to

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[166] Habermas, *Moral Consciousness and Communicative Action*, 18.
[167] Junker-Kenny, *Religion and Public Reason*, 103.
[168] Chernilo, *The Natural Law Foundations of Modern Social Theory*, 34.
[169] Jürgen Habermas, *Truth and Justification* (Massachusetts: MIT Press, 2003), 107-108.

recognize the role of the other; and constructivist because norms are not already given, but needs to be identified in an inclusive procedure.[170]

Discourse theory and communicative reason are justified by post-metaphysical thinking. It is a secular way of thinking that insists on distinguishing faith and knowledge as two essentially different modes of taking-to-be-true. He admits that a philosophy that thinks post-metaphysically cannot answer the question *why be moral at all*. However, he also points out that this question does not arise meaningfully for communicatively socialized individuals for whom there are no good reasons for behaving otherwise.[171] At the same time, he does not flatly reject metaphysics. According to Habermas, although metaphysics is no longer the most advanced way of justifying human knowledge, it still has a role to play in helping us reflect on who we are as human beings. He insists that post-metaphysical thinking must include religious traditions in its own genealogy.[172] He understands contemporary society as post-secular.[173] This conceptualization is to reckon with the continuing existence and relevance of different religious traditions, even if the societies themselves are largely secularized.

The fact that religions have survived despite the loss of functions that accrued to them in their histories poses a challenge to secular self-understanding. Modern course of rationalization is an open-ended process in which currently observable revitalization of religions may or may not continue. Religion is a source for normativity and a legitimate form of resistance against a growing imbalance between *system* and *lifeworld*. By virtue of being a cultural resource, religion offers language and vision of an un-failing life and mentalities of solidarity against the pathologies of late modern and hyper-capitalist societies defined by logic of commercialization and market-led individualization.[174] According to Habermas, religious traditions perform the function of articulating *an awareness of what is lacking* or absent. They keep alive a sensitivity to failure and suffering; and rescue from oblivion the dimensions of social and personal relations in which advances in cultural and social rationalization have

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[170] Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice*, trans. J. Flynn (New York: Columbia University Press, 2011), 86-87.
[171] Jürgen Habermas, "Transcendence from within," *Habermas, Modernity, and Public Theology* ed. Don S. Browning and Schüssler Fiorenza (New York: Crossroad, 1992), 239.
[172] Habermas, *Between Naturalism and Religion*, 6.
[173] Jürgen Habermas, "A Postsecular World Society? On the Philosophical Significance of Postsecular Consciousness and the Multicultural World Society. Jürgen Habermas interviewed by Eduardo Mendieta," trans. M. Fritsch, *The Immanent Frame* (February 3, 2010). Available at:
https://tif.ssrc.org/2010/02/03/a-postsecular-world-society/ (Accessed on: 12.05.2023).
[174] Habermas, *Between Naturalism and Religion*, 107-111.

caused utter devastation.[175] All actions that go beyond strict reciprocity require a stronger motivation, such as the one supplied by religions. Therefore, religion is not a priori irrational. Believers have right to contribute to public sphere from their particular identities. In fact, the key concepts of modern self-understandings in Western ethics have origins in the encounter of antique philosophy with biblical monotheism.[176] According to Habermas, post-metaphysical reason is not only communicative, but also historically situated in relationship with religion. What is necessary is to translate the monolingual contributions of religious citizens to secular language if they are not to fall on deaf ears.[177] Daniel Chernilo, therefore, calls Habermas' critical social theory a form of post-metaphysical natural law.[178]

CONCLUDING REMARKS

In the present pluralist context, concept of nature has to account new notions of personhood and subjectivity which regard essentialist normative demands of natural law to be humiliating, marginalizing, discriminating, and embarrassing. The discussions in the current chapter intended to fulfil a first step of this demanding task – to understand how natural law jurisprudence evolved against various new epistemological situations over the course of millennia.

Even as it is true that natural law cannot be properly understood without reference to historical Christian milieu, the concept of nature dates back to pre-Christian contact between Jerusalem, Athens, and Rome. Aristotelian phronesis and Stoic ethic based on cosmic unity are visible in Cicero's conception of nature. After Paul, a decisive development of Christian natural law was in Augustine's *City of God* which distinguished stages of human nature based on the framework of salvation-history. The concrete aim was to respond to Roman political theology based on forms of Platonism which accused Christians for the fall of Rome. Following the great urbanization in the thirteenth century, Thomas Aquinas synthesised Christian theology and Aristotle and once again clarified natural law in scholastic tradition by distinguishing eternal law, natural law, human law, and divine law. Unlike Plato and Aristotle, he defended *ex nihilo* creation and understood freedom as the collaborative participation of intellect and will.

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[175] Jürgen Habermas et. al., *An Awareness of What is Missing: Faith and Reason in a Post-Secular Age* (Cambridge: Polity Press, 2010), 15-23.

[176] Jürgen Habermas, "Israel or Athens: Where does onamnestic reason belong?" trans. P. Dews, in *Religion and Rationality: Essays on Reason, God and Modernity* ed. E. Mendieta (Cambridge: Polity Press, 2002), 132-133.

[177] Habermas, *On the Relations Between the Secular Liberal State and Religion*, 260.

[178] See, Chernilo, *The Natural Law Foundations of Modern Social Theory*, 18.

In the centuries that followed, voluntarism represented by William of Ockham and Duns Scotus emphasized the primacy of will over intellect in order to tell that God is charity above all else. For Reformation, Luther assimilated this spirit and drew analogy between God's freedom and human freedom. Early modern natural law had starting point in Protestantism and the background of confessional civil wars which demanded the search for new avenues for political unity. Hugo Grotius drew on both Aquinas and Luther and discerned that natural law has objective foundation but it is rooted in human intelligence. Francisco Suárez reworked Aquinas' fourfold division of laws and emphasized that natural law is obligatory on rational creatures by the act of will on the part of the legislator. Natural law gradually evolved into contractarianism and liberal idea of rights in Hobbes and Pufendorf. John Locke marked the transition from natural law to Scottish enlightenment and held that morality is a realm where reasoning can attain demonstrative accuracy, provided that we perceive matter stably in space and time. There was general consensus among the early modern natural law theorists that normativity is an open-ended system based on contract, except for eschatological hope. The metaphysical rationale of natural law was challenged by Immanuel Kant who separated pure reason and practical reason. The theorists of Scottish enlightenment prioritized historical aspect of contract with the belief that moral consciousness and institutions are formed by the accommodations reached at a given stage of society. Later, the general positivist approach of Auguste Comte assumed jurisprudential dimension through John Austin. In the twentieth century, Hans Kelsen contrasted norm and nature and separated natural law and legal positivism into two exclusive spheres. He held that legal science concerns the legitimacy of norms, not their efficacy and value, and therefore, it is a science of *ought* and not that of *is*.

However, evidence of natural law was sought after once again in the previous century. The Universal Declaration of Human Rights of 1948 is a clear statement after the traumas of the Second World War that values and norms are to be found and not be invented. Böckenförde attempted to find harmony between natural law and political theology and Pierre Manent tried to resurrect Aristotelian phronesis into contemporary discourse. It is noteworthy that critical social theory represented by Jürgen Habermas understood political liberalism in the genealogy of rational natural law. On the basis of this long historical background, it can be stated that natural law has always been a partner in dialogue on normativity. Hence the need to train our attention on the concept of nature in more detail. The task in the final chapter is to attempt this based on Joseph Ratzinger's thinking.

IV. A Proposition for Re-discovering Nature and Reason in Normativity

PRELIMINARY REMARKS

The previous chapter ended with the description of Habermas' attempt to lay down an alternative foundation against radical subjectivism and relativism through discourse-ethics and communicative rationality. According to him, rationality is guaranteed by the principle of discussions. That is, only those norms to which all the concerned participants give assent in a dialogue are bound to be objective. Ratzinger agrees that the method of discourse helps to test the value of proposed norms. However, he considers it to be a formal ethic that lacks substance.[1] Moral conscience of person is relegated to the margins in the dialogical search for compromise. In Ratzinger's view, true debate doesn't replace personal moral convictions, but rather it presupposes and enriches them. He is confident that the tradition of natural law has the potential to hold the greater breadth of rationality.

"Implicitly, the standard of natural law is strongly coloured and formed by key Christian ideas and is unthinkable without them," Ratzinger tells that the concept of nature involved in natural law was largely shaped by a concrete historical Christian milieu and its attendant theological beliefs.[2] However, he also reminds that the threads of natural law are much older than Christianity, and therefore, the development of natural law has gone on irreversible such that it has irradiated even the non-Biblical religious and ethical systems, which for example, is visible in the writings of Tagore and Gandhi.[3] In this concluding chapter,

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[1] International Theological Commission, *In Search of a Universal Ethic: A New Look at the Natural Law* (Vatican: 2009), § 8. Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20090520_legge-naturale_en.html (Accessed on: 12.05.2023).
[2] Vincent L. Strand S.J. and Sam Zeno Conedera S.J., Ratzinger's Republic: Pope Benedict XVI on natural law and Church and State, *Nova et Vetera*, English Edition 18 (2020)/ 2, 669-694.
[3] Hans Urs Von Balthasar, "Nine Propositions on Christian Ethics," *Principles of Christian Morality* eds. Heinz Schürmann, Joseph Ratzinger, and Hans Urs Von Balthasar (San Francisco: Ignatius Press, 2006), 30.

in the light of the history of natural law which I have discussed in the previous chapter, let us see some of the key aspects of Joseph Ratzinger's understanding of *nature* and *reason*.

Ratzinger's understanding of nature as a philosophical concept has roots, as I had mentioned in the Foreword, in the German intellectual world of the twentieth century. For example, in elaborating the concept of nature, he is in agreement with Robert Spaemann's opinion that separation of *meaning* from *being* leaves human person in a dilemma to choose between two alternatives: either to be a fanatic or be a cynic.[4]

> "The fanatic finds himself in a meaningless facticity and sides with meaning, with love, communication, and reason against reality. Whether there is any meaning at all depends on his action. And therefore, as he pursues his goal, no moral standards whatsoever are set for him, since his goal is what establishes morality in the first place. His failure would be the worst of all evils, because the world-as-it-is is the worst of all possible worlds. The antithesis of the fanatic is the cynic. Meaning, reason, happiness are for him epiphenomena on the surface of a meaningless facticity. Whether as an active player or as a satisfied onlooker, he sides with this facticity, with power against meaning, which is only an illusion. For him, as for the fanatic, everything is permitted, except that he needs no justification for it from morality or the history of philosophy. Fanaticism and cynicism are opposites, yet they meet, like all extremes. The cynic is often a disillusioned fanatic who has lost faith that his goal can be realized and no longer seeks meaning but only power."[5]

The post - Second World War period in Germany during when there was a renewed search for nature in normativity in order to prevent any totalitarian ideologies from usurping power is the proper context to understand Ratzinger's conviction that Spaemann's dilemma has implication not only in private realm but also in political decisions. In the following section, I however limit only to the threads from Ratzinger's own writings in order to explicate the concept of nature.

1. METAPHYSICS OF DIGNITY AND THE RELIGIOUS SOURCE OF NORMATIVITY

Let us take up the question as to what provides for the source of dignity inherent in human beings. Dignity is an a priori value that a human being has independently of any social experience. The career of the concept of dignity has Biblical origins. The Judeo-Christian tradition defends the notion of transcendence-based dignity which is due to the fact that human beings are created in the image and likeness of God.[6] During the Renaissance, Pico della Mirandola (1463 – 1494) revived the human ideal of Greek philosophy as the base of the

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[4] Joseph Ratzinger, *Fundamental Speeches from Five Decades* (San Francisco: Ignatius Press, 2012), 39.
[5] Robert Spaemann, "Die Frage nach der Bedeutung des Wortes 'Gott'," *Internationale katholische Zeitschrift "Communio"* 1 (1972), 71.
[6] For a contemporary classic that defends Judeo-Christian conception of human dignity, see, John Paul II, *Man and Woman He Created Them: A Theology of the Body* (Boston: Pauline Books, 2006).

dignity of human beings.[7] Later, Kant based dignity in the fact that each human is value in himself; an end in himself, and therefore, social institutions must let each individual say what he wants to say.

> "In the realm of ends everything has either a price or a dignity. What has a price is such that something else can also be put in its place as its *equivalent*; by contrast, that which is elevated above all price, and admits of no equivalent, has a dignity. That which refers to universal human inclinations and needs has a *market price*; that which, even without presupposing any need, is in accord with a certain taste, i.e., a satisfaction in the mere purposeless play of the powers of our mind, an *affective price*; but that which constitutes the condition under which alone something can be an end in itself does not have merely a relative worth, i.e., a price, but rather an inner worth, i.e., *dignity*."[8]

Notwithstanding the particularities, in the last analysis, the source for the concept of dignity can be reduced to either of two possibilities: non-metaphysical or metaphysical basis. Let us briefly take up the first possibility. Dignity as a non-metaphysical category excludes *imago Dei* discourse which had previously provided the basis for the concept of dignity in theist and deist perceptions of natural law. If this position is accepted, then human dignity would be based on an anthropological understanding derived from human reasoning and experience. Various observations seem to justify this position. It is undeniable that many human rights that we enjoy today are backed by fundamental liberal beliefs and values of modernity born of secularism, enlightenment, and humanist rationalism.[9] Karel Vasak (1929 – 2015), a Czech-French jurist points out that several significant movements for civic solidarity, political, social, cultural, and environmental rights, peace, sustainable development, and the protection of environment were influenced by secular ideals of the French revolution – liberty, equality, and fraternity. Furthermore, human rights have a specifically liberal democratic dimension, they being established by written, positive, and actionable laws guaranteed by the constitution.[10] Thus, the rights are not drawn immediately from natural law, but instead, they presuppose the existence of secular and constitutional state. Furthermore, the values such as liberty and equality defended by human rights movements are sometimes contradictory to the ways in which the metaphysical justifications of the religions are organized by authority, hierarchy, orthodoxy, and uniformity. While the former stands for freedom of speech and expression, the latter very often demands the virtues of silence and submission.

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[7] Ernst Cassirer, "Giovanni Pico Della Mirandola: A Study in the History of Renaissance Ideas," *Journal of the History of Ideas* 3 (1942)/ 3, 319-346.

[8] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, trans. Allen W. Wood (New Haven and London: Yale University Press, 2002), 52-53.

[9] John Witte, Jr., "To Serve Right and to Fight Wrong: Why Religion, Human Rights, and Human Dignity Need Each Other," *Pope Benedict XVI's Legal Thought: A Dialogue on the Foundation of Law,* ed. Marta Cartabia and Andrea Simoncini (New York: Cambridge University Press, 2015), 117.

[10] Karel Vasak, "A 30-Year Struggle: The sustained efforts to give force of law to the Universal declaration of Human Rights," *The UNESCO Courier* (November 1977), 29-32.

However, wherever human rights are justified exclusively on the basis of non-metaphysical conceptions of dignity, there has been a demand to multiply rights, very often according to one's own whims, fancies, and disordered desires. Such demands make social order vulnerable as they fail to consider the objective requirements of the common good of humanity. Time and again, non-metaphysical assumptions on dignity have been prone to the sensations of irresponsible consumerism, greedy interests of lobbies, radical individualism, and licentiousness. Purely legalistic conception of rights based on liberal textual positivism runs the risk of undergoing distortion of meaning as the light of natural reason and the goodwill for overall socio-natural equilibrium are denied in the course of argumentation for rights. Conception of rights separated from moral sense of values will result in the re-interpretation of rights based on narrow utilitarian legalism. The rights would in turn be understood as permissibility, that is, to actively pursue anything that is legally allowed. Thus, rights get divorced from ethical-rational dimension which provides for their goal and foundation, and become weak propositions.

In his famous *Letter to a Law Student interested in Social Justice*, William P. Quigley points to the dangerous situation that "what is legal is often not just, and what is just is often not at all legal."[11] If, in the course of re-imagining law, we fail to make distinction between genuine plurality and radical pluralism, we would be absolutizing the virtue of tolerance even at the cost of basic ethical convictions. Such tolerance contradicts itself to the point that we would end up in total relativism. Once such state-of-affairs is reached, even the basic rights would be understood as relative and mere products of historical contingency, thus leading to new forms of totalitarianisms. Therefore, political accord or societal consensus which are subject to the whims of shifting majorities cannot create adequate basis for human rights. There is a grave contradiction in how rights are conceptualized in non-metaphysical justification of human dignity. On the one hand, we have affirmed that human rights are inherent in every human being and prior to any formal legislations, and proclaimed these rights in declarations. We assert values like dignity of the person, justice, and peace. On the other hand, we dramatically act to the contrary on the practical level by accepting or tolerating a variety of ways in which human life is violated or undervalued.[12] Laws that are contradictory to life are

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[11] William P. Quigley, "Letter to a Law Student interested in Social Justice," *DePaul Journal for Social Justice* 1 (2007)/ 1, 7-28.

[12] Benedict XVI, *Caritas in Veritate: On Integral Human Development in Charity and Truth* (Vatican City: Libreria Editrice Vaticana, 2009), § 15. Available at:
https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html (Accessed on: 12.05.2023).

very common, and they have already influenced people's mentality as if they were signs of cultural progress.[13] Appeals are made that the public entities must recognize and defend arbitrary rights while the fundamental and elementary right to life of foetuses is violated in many parts of the world.

Thus, if the basic human rights are grounded in a constitution on the basis of a weak and ambiguous foundation of relativism and indifferentism regarding values, these fundamental rights would eventually be seen only as rights with relative value. A morally less sound regime would find no reason to protect any of these rights if they cause any hindrance to its functioning. Thus, mere theoretical affirmation of rights in the name of tolerance need not practically secure the basic rights. The common good that human rights movements strive to accomplish cannot be attained merely by applying correct procedures because comprehensive idea of human rights is not simply legalistic or atheistic.

The question that strikes at this point is where then to find effective evidence for human dignity with sufficient motivational force. By appeal to what authority can dignity be asserted? Dignity require reference to objective ethics and common truth. The question about God undeniably enters into the question about man and his freedoms. Our historical experiences attest to the fact that religions have played a critical role in the development of the current legal framework of human dignity and rights. The fundamental idea of human rights is in intrinsic continuity with the Christian tradition, even though the linguistic and conceptual means are quite disparate. The early Church Fathers, particularly Origen, had claimed the freedom of association, speech, and conscience. Ambrose and Augustine had stood for the freedom of clergy and laity to serve right and to fight against wrong. Thomas Aquinas and Francis of Vitoria combined reason, nature, Greek philosophy, and Roman law to build much of the basic architecture of public, private, penal, and procedural laws and rights. Early modern Lutherans, Calvinists, Anglicans, and Anabaptists played vital roles in the development of rule of law in liberal tradition. This trajectory exemplifies that there is continuity between the early intellectual achievements in Hebrew, Greek, and Roman heritage, Christian Middle Ages, the juridical developments in the age of the Enlightenment, and the Universal Declaration of Human Rights in 1948.[14]

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[13] Benedict XVI, *Caritas in Veritate*, § 28.
[14] John Witte, Jr., "To Serve Right," *Pope Benedict XVI's Legal Thought*, 110.

Thus, in order to understand their deeper rationale, rights require interpretation that involves the constant nurture of the wider context of faith-communities which have evolved through history. Only metaphysical justification of dignity considers that value as not only a legal claim but also an ethical claim. Metaphysics supplements the doctrine of human rights with essential connection it requires with the doctrine of responsibilities and the limits that we must accept.[15] According to Ratzinger, "the conviction that there is a Creator God is what gave rise to the idea of human rights, the idea of equality of all before the law, the recognition of the inviolability of human dignity in every single person and the awareness of people's responsibility for their actions."[16] Greater commitment to the defence of rights spring only from the acknowledgement of creator God.[17] The great declarations on human rights that have survived the tests of the times were pronounced in this framework.[18]

Various brands of positivism came and went in the previous century, but it is quite obvious that these had become the basis for the deep desperation of mankind today, a desperation which hides behind an official façade of optimism.[19] Nevertheless, there is still a silent awareness of the need of an alternative to lead us out of the blind alleys of our plausibilities, to gain once again the courage for truth, and to re-find the fundamental natural linkages that form the depths of man's being. Although transcendence may at first glance seem out of place or as an obstacle, humans has been made in such a way that we cannot live without a future. Even the present becomes unbearable without a future. Let us listen to the final words of Simone de Beauvoir's (1908 – 1986) memoirs. In these words, she expresses the abysmal melancholy of a present without a future. In terms of her conviction that death is an irrevocable end, even the most beautiful elements of life appear to her as deception.

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[15] Benedict XVI, "Address to the Members of the General Assembly of the United Nations Organization" (The United Nations Organization Headquarters, New York, April 18, 2008). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit.html (Accessed on: 12.05.2023).

[16] Benedict XVI, "The Listening Heart: Reflections on the Foundations of Law" (Meeting with the Political Representatives at the Reichstag Building, Berlin, Germany, September 22, 2011). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin.html (Accessed on: 12.05.2023).

[17] Joseph Ratzinger, "The Problem of Threats to Human Life," *The Essential Pope Benedict XVI: His Central Writings and Speeches*, eds. John F. Thornton and Susan B. Varenne (New York: HarperCollins e-books, 2007), 383.

[18] Andrew Woodcock, "Jacques Maritain, Natural Law and the Universal Declaration of Human Rights," *Journal of the History of International Law* 8 (2006), 245-266.

[19] Joseph Ratzinger, "Difficulties confronting the faith in Europe today" (Meeting with the Doctrinal Commissions of Europe, Luxembourg, May 2, 1989). Available at: https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19890502_laxenburg-ratzinger_en.html (Accessed on: 12.05.2023).

"Yet I loathe the thought of annihilating myself quite as much now as I ever did. I think with sadness of all the books I've read, all the places I've seen, all the knowledge I've amassed and that will be no more. All the music, all the paintings, all the culture, so many places: and suddenly nothing... Nothing will have taken place, I can still see the hedge of hazel trees flurried by the wind and the promises with which I fed my beating heart while I stood gazing at the gold mine at my feet: a whole life to live. The promises have all been kept. And yet, turning an incredulous gaze toward that young and credulous girl, I realize with stupor how much I was gypped."[20]

Openness to transcendence improves human freedom and transforms the political and economic systems of the States; the vast fields of culture, civilization, and development.[21] A reason that is deaf to transcendence and relegates religion to the realm of subcultures is not capable of engaging in dialogue in a pluralist environment. Here, we come across a set of interrelated categories that are integral to normativity – faith and reason. Historically, Enlightenment was seen as part of the religion and not as its opponent.[22] We must not lose sight of the original unity of the Enlightenment and religion, their reciprocal relationships, simply because of the fact that there were conflicts between both over the course of previous centuries.

The fundamental condition for faith and reason to be capable to perform their tasks in normativity is that they must be brought into proper relationship. Even as reason has legitimate autonomy in the realm of normativity, reason is in need of constant purification because of the ethical blindness caused by the dazzling influence of power and special interests. Faith frees reason from its blind spots and therefore helps it to be ever more fully itself.[23] Faith enables reason to do its work more effectively and to see its proper object more clearly. On the other hand, faith does not grow out of animosity and scepticism towards reason, but only out of a fundamental affirmation and a spacious reasonableness. Reason must therefore necessarily cleanse faith. According to Tracey Rowland, Ratzinger replaces Kantian pure reason by a purified reason in order to seek for a framework beyond the exclusivity of legal positivism.[24] Let us listen Ratzinger in some length about this inter-relationship between reason and faith.

"The objective norms governing right action are accessible to reason, prescinding from the content of revelation. According to this understanding, the role of religion in political debate is not so

[20] Simone de Beauvoir, *Force of Circumstances Part II – Hard Times 1952-1962* (New York: Paragon House, 1992), 379-380.

[21] John Paul II, "Homily for the Inauguration of His Pontificate" (St. Peter's Square, Vatican, October 22, 1978). Available at: https://www.vatican.va/content/john-paul-ii/en/homilies/1978/documents/hf_jp-ii_hom_19781022_inizio-pontificato.html (Accessed on: 12.05.2023).

[22] Joseph Ratzinger, *Truth and Tolerance: Christian Belief and World Religions* (San Francisco: Ignatius Press, 2004), 52.

[23] Benedict XVI, *Deus Caritas Est: On Christian Love* (Vatican City: Libreria Editrice Vaticana, 2005), § 28a, 29. Available at: https://www.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est.html (Accessed on: 12.05.2023).

[24] Tracey Rowland, *Ratzinger's Faith: The Theology of Pope Benedict XVI* (Oxford: Oxford University Press, 2008), 119-120.

much to supply these norms, as if they could not be known by non-believers – still less to propose concrete political solutions, which would lie altogether outside the competence of religion – but rather to help purify and shed light upon the application of reason to the discovery of objective moral principles. This "corrective" role of religion vis-à-vis reason is not always welcomed, though, partly because distorted forms of religion, such as sectarianism and fundamentalism, can be seen to create serious social problems themselves. And in their turn, these distortions of religion arise when insufficient attention is given to the purifying and structuring role of reason within religion. It is a two-way process. Without the corrective supplied by religion, though, reason too can fall prey to distortions, as when it is manipulated by ideology or applied in a partial way that fails to take full account of the dignity of the human person. Such misuse of reason, after all, was what gave rise to the slave trade in the first place and to many other social evils, not least the totalitarian ideologies of the twentieth century. This is why I would suggest that the world of reason and the world of faith—the world of secular rationality and the world of religious belief— need one another and should not be afraid to enter into a profound and ongoing dialogue, for the good of our civilization. Religion, in other words, is not a problem for legislators to solve, but a vital contributor to the national conversation."[25]

What then is the social function of religious discourse? It is fundamentally wrong to cheapen religion as a psychotherapeutic trick by reducing it solely to a realm of self-satisfying piety devoid of reason, as in the tradition of Schleiermacher, or to a matter of social issues, as in the tradition of liberation theology.[26] Religion becomes meaningful only when one leaves it its entire power. Because the role of faith is to integrate humans in their entirety, its legitimacy is in the cooperation of thinking, understanding, willing, and feeling. Faith is not a watered-down form of natural science, nor is an ancient or medieval prelude that must disappear when the actual thing appears; rather, it is something essentially different. It is not provisional knowledge but existential decision. "*I rely on You*" is what we mean when we say, "I believe in God." I receive certainty from the "You" that is distinct from but not less equal to the certainty derived through experiment and calculation.[27] So, faith is basically an assent to God rather than a massive schema made of various supernatural facts that stands as a peculiar second order of knowledge alongside the scientific disciplines. The essence of religion is man's ability to go beyond himself; beyond all tangible and measurable reality and to enter into relationship with the unknown reality that faith calls God.[28] When faith is reduced ontologically in order to have an intellectual truce with reason, both reason and faith suffer equal damage in this false peace.

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[25] Benedict XVI, *Meeting with the Representatives of British Society, including the Diplomatic Corps, Politicians, Academics and Business Leaders* (Westminster Hall, September 17, 2010). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2010/september/documents/hf_ben-xvi_spe_20100917_societa-civile.html (Accessed on: 12.05.2023).

[26] Joseph Ratzinger, *A Turning Point for Europe? The Church in the Modern World: Assessment and Forecast* (San Francisco: Ignatius Press, 1994), 33.

[27] Joseph Ratzinger, *Faith and the Future* (San Francisco: Ignatius Press, 2009), 18.

[28] Joseph Ratzinger, *Salt of the Earth: The Church at the End of the Millennium* (San Francisco: Ignatius Press, 1997), 11.

In our contemporary world, according to Ratzinger, a positive service that faith can do for politics is to guard against various political theologies which exploit and usurp the political sphere with messianic hopes. The cry for the grand and big project always has the cachet of morality; in contrast, restricting oneself to what is possible, seems to be meekness. But, as a matter of fact, political morality consists precisely of resisting the seductive force of the grandiose words for which humanity and its potential are being gambled away.[29] We are effectively liberated from the irrationality of political myths only with the knowledge that mankind's greater expectations are safe in God's hands. To renounce the hope of faith is to renounce the political reason's sense of proportion. Hope in the higher and the eternal also include hope in the present. Trustworthy hope helps us to approach the present realistically and lead us to goal. Properly understood, political morality is not audacious moralism, which seeks to do God's business, but rather honesty, which acknowledges man's limitations and does man's duties.[30] Thus, faith is a stand for sobriety. It maintains that politics must strive for what is feasible and reasonable, rather than hankering after what is unrealistic and unreasonable.

At the same time, Ratzinger is also well aware of the limits that religion must keep in the public sphere. Religion doesn't possess political reason to provide any specific answers to concrete political questions. Nevertheless, it vitally contributes to national conversations by creating convictions and consensus, forming consciences, and shaping communities as environments of peace.[31] Religion's task in politics is primarily educative: to break open the prison of positivism and awaken man's receptivity to the truth and to God.[32] In this process, religions should not impose a hierarchy of values that can only be recognized inside the faith. One can only reclaim that which are accessible to reason and essential to the construction of a sound legal order. At first glance, we recognize that law and freedom could survive without religion, thus leaving an impression that the latter is more vulnerable than the former. However, if law and freedom is to flourish without succumbing to anarchy; if the ideals such as liberty, equality, and fraternity are to become concrete visions and values of communities and institutions, those ideals require content and coherence. Religion, being an ineradicable condition of human lives and human communities, can invariably provide many of the sources

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[29] Joseph Ratzinger, *Faith and Politics* (San Francisco: Ignatius Press, 2018), 61.
[30] Paul VI, *Humanae Vitae: On the Regulation of Birth* (Vatican City: Libreria Editrice Vaticana, 1968), § 17. Available at:
https://www.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae.html
(Accessed on: 12.05.2023).
[31] Benedict XVI, *Meeting with the Representatives of British Society*.
[32] Ratzinger, *A Turning Point for Europe*, 21.

and scales for these values.[33] We need the pedagogy of faith, its deeds of love, to keep alive the basic criterion of justice and to keep away from the arbitrariness of power. By helping human beings to discover truth that allow them to make more adequate decisions about how to live, faith strengthens freedom.

Ratzinger points to the paradoxical situation at play today. On the one hand, "people want to be liberated from … the old-fashioned faith that, by its contradiction of modern knowledge, has become such an oppressive burden to them" whereas on the other hand, "the days in which we live are very much characterized by a yearning for faith: the world of planned economy, of research, of exact calculation and experiment is quite obviously not enough to satisfy people," Ratzinger observes.[34] Within this ironical situation of double dissatisfaction, there has been a renewed search for faith today, and religion is once again regarded as an everyday-presence in both personal and societal life.[35] Faith, despite all the constellations in the history of ideas, nevertheless survives because it conforms to the essence of man. The thirst for infinity is unquenchable in man. An ultimate interior openness to truth, love, and God remains in the depths of his being. The great ethical insights of mankind are just as reasonable and true as the experimental knowledge of the realm of the natural sciences and technology. They have a profound impact on the essential character of Being and have decisive significance for the humanity of man. Although more sparse, religion is deeper in many ways in the technological age.[36] The positive relationship between faith and reason bring us to our final question: how should we characterize the factor of man's nature if faith and reason are in harmony. Before proceeding further, let us listen to the final testament of Joseph Ratzinger published after his death, in which he summarizes his conviction about this harmony.

> "… Do not be confused. Often it seems as if science – on the one hand, the natural sciences; on the other, historical research – has irrefutable insights to offer that are contrary to the Catholic faith. I have witnesses from times long past the changes in natural science and have seen how apparent certainties against the faith vanished, proving themselves not to be science but philosophical interpretations only apparently belonging to science – just as, moreover, it is in dialogue with the natural sciences that faith has learned to understand the limits of the scope of its affirmations and thus its own specificity. For sixty years now, I … have seen seemingly unshakeable theses collapse with the changing generations, which turned out to be mere hypotheses: the liberal generation (Harnack, Jülicher, etc.), the

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[33] Rafael Domingo, "Human Dignity without God? Reflections on Some Relevant Speeches of Benedict XVI," *Pope Benedict XVI's Legal Thought*, 56.
[34] Ratzinger, *Faith and the Future*, 16.
[35] Ratzinger, *Faith and the Future*, 17.
[36] Joseph Ratzinger, "The World and the Church: A Contrast between Vatican I and Vatican II: Lecture-Text for Cardinal Frings (1961)" in Jared Wicks, "Six texts by Prof. Joseph Ratzinger as peritus before and during Vatican Council II," *Gregorianum* 89 (2008)/ 3, 259.

existentialist generation (Bultmann, etc.), the Marxist generation. I have seen, and see, how, out of the tangle of hypotheses, the reasonableness of faith has emerged and is emerging anew."[37]

2. INTER-CULTURAL CONVERGENCE ON NATURE AND REASON

The aim of normativity is not only to secure constitutional guarantee that safeguard individual's rights against the state, rather, it acquires more completeness and perfection to the extent it is able to secure social cohesion. This requires the collective motivation of the citizenry, which is ensured not by pure formalistic legal approach, but by cultural-historical interpretation of the constitution.[38] All the major historical cultures except the modern technological civilization have some form of religion at the core. The technological civilization does not undo the religious cultures. But, mere acknowledgment of the transcendental dimension of human beings doesn't solve today's problems in normativity in pluralist societies because metaphysics is interpreted so differently by different religions and cultural traditions. How then can the particular cultures coexist in harmony within a pluralistic framework? The path of secularization has proved to be a failure as it hegemonically silenced the normative forces of historical cultures, thereby doing great harm to people. Hence the need for inter-religious and inter-cultural search for the nature and reason.

In the first glance, we observe that no rational and ethical formula can be agreed upon by contemporary people who live in a world that is host to diverse cultural and anthropological traditions. Unity is a question today even within individual cultural spheres which are subject to new forms of tensions. At the same time, there is also a new longing to identify ethical bases to set up cooperative structures for controlling and regulating exercise of powers.[39] For example, the *Weltethos* project by Hans Küng (1928 – 2021) had attempted to find ethical principles common to various cultures to organize power, although it couldn't take into account the polyphonic relationship between cultures.[40]

The first condition for a fruitful intercultural search for nature is that various particular cultures must have commonalities on that what define the nature of man. C.S. Lewis surveyed

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[37] Benedict XVI, *My Spiritual Testament* (Vatican City: Libreria Editrice Vaticana, 2022). Available at: https://www.vatican.va/content/benedict-xvi/en/elezione/documents/testamento-spirituale-bxvi.html (Accessed on: 12.05.2023).
[38] Ferenc Hörcher, "Prepolitical values? Böckenförde, Habermas and Ratzinger and the use of the humanities in constitutional interpretation" in *Contemporary Philosophy and Humanities* (2014), 110
[39] Joseph Ratzinger, *Values in a Time of Upheaval* (San Francisco: Ignatius Press, 2006), 14.
[40] Hans Küng – Karl Josef Kuschel ed. *A Global Ethic: The Declaration of the Parliament of the World's Religions* (London: SCM Press, 1993); Hans Küng, *Global Responsibilty: In Search of a New World Ethic* (New York: Continuum, 1991).

on the question of nature in great historical cultures and found threads of agreement among them on several fundamental ethical principles.[41] I have already discussed the continuities in the conception of *nature* in Greek philosophy, Roman Stoic Law, and Judeo-Christian tradition. The Indian concept of *Dharma* also reflect various aspects of this natural morality.[42] In Hindu view, the socio-religious obligation of humans arises out of the relationship between the Creator and creation. The cosmos and human societies are regulated by the fundamental law, the adherence to which is necessary for ethical and social ordering, without which there would be serious imbalances.[43] The fundamental doctrines of *Dharma* are laid down in *Upanishads*, the collection of two textual bodies: *Sruthi* (revelations) and *Smriti* (remembered traditions). An important text belonging to the latter category is the Laws of Manu (*Manava Dharmasastra*, c. 200-100 BC).[44] It influenced the structuring of Hindu society in the subsequent centuries by immortalizing the immemorial custom as the transcendent law to which everyone must conform with diligence. On the one hand, this textual tradition justified the unjust and discriminatory caste-hierarchy in Indian social milieu that has evolved and come down to current times as one of the most problematic social question in India. At the same time, it is also a fundamental text to understand the natural ethic embedded in Hindu worldview. One's commitment to good or bad actions in the present life influence the successive rebirths through an indefinite cycle of transmigrations. This doctrine has consequences for one's behaviour with others because it impels high degree of goodness, non-violence, tolerance, and disinterested actions for the benefit of others.[45]

The Buddhist religion which had emerged as an alternative to heavily ritualistic tendencies of early form of Hinduism proposed that the fundamental reality of suffering in the world can be solved by overcoming desires that create sense of dissatisfaction in man.[46] This task requires adherence to natural framework of ethic rooted in discipline, concentration, wisdom, non-violence, chaste life, compassion, honesty, and frugality. At around the same time Buddhism emerged in India, Lao Tse had proposed *Tao* (Way) in the sixth century BC. In

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[41] C.S. Lewis, *The Abolition of Man or Reflections on Education with Special Reference to the Teaching of English in the Upper Forms of Schools* (New York: HarperCollins e-books, 2009), 12-14. C.S. Lewis, 1898 – 1963: Anglican lay theologian. The author of *Surprised by Joy* and *The Screwtape Letters*.

[42] Joseph Ratzinger, "Pre-Political Moral Foundations of a Free Republic," *Political Theologies: Public Religions in a Post-Secular World*, eds. Hent de Vries and Lawrence E. Sullivan (New York: Fordham University Press, 2006), 266.

[43] S. Radhakrishnan, *The Hindu View of Life* (Noida: Harper Element, 2012), 35.

[44] George Bühler, *The Laws of Manu* (Delhi: Cosmo Publications, 2004).

[45] S. Radhakrishnan, *Indian Philosophy Volume I* (Oxford: Oxford University Press, 2009), 249-256.

[46] Romila Thapar, "Imagined Religious Communities? Ancient History and the Modern Search for a Hindu Identity," *Modern Asian Studies* 23 (1989)/ 2, 212.

Chinese cultural world, *Tao* is the primordial principle that govern the entire universe. Disorders and disturbances in socio-political spheres are due to resistance to *Tao*, the re-establishment of which is necessary to make the world liveable again. The spiritual and material realms are inseparable, and therefore, their harmony must be ensured in the transformative processes that take place in the flux of time.[47] Confucius made this ethic more rigid by emphasising the necessity of filial piety and respect for rites.[48] That is, humans are placed in natural order by ritualized relation (*li*) which is fundamental for the stability of relations in family and society.[49]

The morality of Islam also shares these principles. The self-understanding of Islam is that it is entrusted with the task to restore the original natural religion by adhering to the teachings that has come through Mohammed.[50] Accordingly, to do good means to obey the commandments and to do evil means to disobey them. Even the cult of the ancestors in Africa and South East Asia is not something closed, but have highest point in God who is in relation to humanity. Life is valued as the most precious value. Thus, various great religions assimilated the human experiences over millennia into a patrimony of moral values and philosophical wisdom which can be discerned by people cutting across cultures. Although these ethical traditions are of religious nature, they constitute a cultural capital which reflect several aspects of the essential ecology of man. From this, we can assume the potential universality of every culture, for they are bound so closely together and share truth concerning God, man, and reality as a whole. It is evident that religious faiths don't supply any independent source of norms of its own, but adopt practical reason of contemporary peoples too.

At this point, let us focus on a second condition to propose inter-culturality as a valid premise for pluralistic society. Because same human nature is at work in all the cultures, they have the ability to metamorphose and inculturate.[51] Inculturation is the expectation that a particular culture have sufficient openness to undergo fruitful transformation in its encounter with another culture.[52] But we frequently hear about the *clash of cultures*. Does a particular

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[47] Lao Tzu, *Tao Te Ching*, trans. Paul J. Lin, Online Edition (Michigan: Centre for Chinese Studies, 1977), ix-xxii. Available at:
https://library.oapen.org/bitstream/handle/20.500.12657/41829/9780472901388.pdf (Accessed on: 12.05.2023).
[48] For an overview of Confucian morality, see, Daniel A. Bell ed., *Confucian Political Ethics* (Princeton: Princeton University Press, 2008)
[49] *In Search of a Universal Ethic*, § 15.
[50] *In Search of a Universal Ethic*, § 17.
[51] Ratzinger, *Truth and Tolerance*, 22.
[52] Joseph Ratzinger, "Christ, Faith and the Challenge of Cultures" (Meeting with the Doctrinal Commissions in Asia, Hong Kong, March 3, 1993). Available at:

culture actually have the ability to inculturate? In fact, the greatness of a culture is in its openness and capacity to give and to receive; to let itself be transformed, and thus to become better adapted to the truth and to man.[53]

We only need to look at the continual changes in the faith of Israel from the time of patriarchs to the Wisdom literature in the Old Testament to be convinced about the ability of a culture to inculturate. The precedents of the Ten Commandments seen in the Egyptian list of transgressions and in the interrogations of Babylonian exorcisms tell us that Jewish religious culture had assimilated wisdom from Egypt, Sumerian, and Semitic lands.[54] Similarly, the Christian doctrine preached by Paul the Apostle is influenced by Stoic ethos and the rational discernment of Seneca. In the writings of the Church Fathers, theology absorbed Greek reasoning. During the period of the great migration, Christian message inculturated into the customs of Germanic and Slavic peoples.[55] As early as the first century AD, Brahmanism opened up itself to the Christian faith by the preaching of St. Thomas the Apostle in the Malabar. In all these examples, we see that the *cultures which open up* doesn't lose anything, but undergo purification and rise to true heights. Thus, a culture has capacity to abandon certain elements and to receive something greater and thus to enrich itself in expansiveness of truth through intercultural encounters. An authentic dialogue of cultures can make the human nature self-evident once again. However, the opposite way of interaction is also possible for cultures. When the rational insights of interacting cultures are trimmed away and the irrational aspects are combined together, inculturation give way for the flight into irrational, as I have discussed in Chapter I.4 in connection with the syncretism of the post-metaphysical western philosophy and the cosmological intuitions of the eastern religions.[56]

3. PERSONAL NATURE AND OBJECTIVE HUMANITY

A major problem with natural law is its more objectivist character by which it doesn't sufficiently take into account the aspect of human subjectivity. If natural law is to convincingly inform a contemporary person, then the subjective consciences of subject-persons from diverse ethical backgrounds must be able to grasp the objective norms in harmony with their own

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https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19930303_hong-kong-ratzinger_en.html (Accessed on: 12.05.2023).
[53] Ratzinger, *Christ, Faith and the Challenge of Cultures*.
[54] Hans Urs Von Balthasar, *Nine Propositions on Christian Ethics*, 18.
[55] Ratzinger, "Culture and Truth: Some Reflections on the Encyclical Letter Fides et Ratio," *The Essential Pope Benedict XVI*, 373.
[56] Ratzinger, *Truth and Tolerance*, 27.

subjectivity. The classical metaphysical conception perceives conscience as the highest norm that humans are to follow, even in opposition to authority.[57] The function of any moral authority is only to present ethic to the consciences of persons. The final word is arrived through free deliberations by the person himself at the level of conscience. The witness to conscience is truer to the extent one utilizes one's freedom in an awakened state where one's being finds inclination towards God.

Unlike the collective moral conscience as perceived in the past, the notion that certain objective values are accessible to conscience is problematic today because new horizons of epistemology have revealed to us that the values that a person internalize may be the convictions of others who have formed a person. Ratzinger is conscious of the possibility that others can impress their will on a person in such a way that the will communicated by others externally is heard by the person as the voice deep within one's own inner self.[58] Thus, the taboos of one's upbringing are falsely understood as the voice of God, whereas in reality it is only the voice of the past which fears the present.[59] One's inability to amend the ways may also be justified as faithfulness to inner voice. Human development is hindered when one's super-ego insinuate in this way into the concept of conscience. With new knowledge of anthropology and new capacities of mankind, it has become ever more difficult to determine what is right and may be given the force of law. The commonplace today is to see conscience as the absolute right to self-determination.

In this new conception, clearly Kantian in origin, conscience is detached from its constitutive relationship with a content of moral truth, and is reduced to a mere formal condition of morality. Its suggestion, "do good and avoid evil," would have no necessary and universal reference to the truth concerning the good, but would be linked only with the goodness of the subjective intention. Concrete actions would depend for their moral qualification on the self-understanding of the individual, which is always culturally and circumstantially determined. In this conception, conscience is nothing but subjectivity elevated to the ultimate criterion of action.[60]

According to Ratzinger, if this understanding is adhered by, then objective values either doesn't exist, or if they do exist, then they are too demanding. Thus, the obligation to seek for

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[57] Joseph Ratzinger, *On Conscience* (San Francisco: Ignatius Press, 2007), 13.
[58] Ratzinger, *On Conscience*, 41.
[59] Joseph Ratzinger, *Church, Ecumenism and Politics: New Endeavours in Ecclesiology* (San Francisco: Ignatius Press, 2008), 68.
[60] Ratzinger, *The Problem of Threats to Human Life*, 387.

objective truth terminates, and one feels that it is sufficient to adhere to a subjective conscience, which even if erroneous, makes life easier and marks a more human course.[61] To put it plainly, Ratzinger says that this would also mean that humans are more at ease in the dark than in the light. The diminishing of the sight of objective values lulls one into a false calm of conscience with self-satisfied security.[62] This robs one of the sense of guilt which is an essential element in one's psychological make-up. When sufficient attention is not given to discern the objective, the subjective morality would try to establish one's own goals over the laws of nature, thereby relegating morality into a sphere of calculation. By this logic, morality is a correct technique of combining predetermined elements to yield the desired result. Thus, conscience gets equated to superficial convictions woven from self-righteousness, lethargy, and conformity to trending opinion.[63]

The evidentiality of objective character of norms is less accessible today particularly because the general culture centred around the traits of individualism, utilitarianism, and materialism had converted into a hedonist ideology that understands the authority as constraint on, threat to, and negation of freedom.[64] Therefore, in order to prevent the misuse and premature application of conscience, it must be purified constantly. In Ratzinger's view, since conscience is something that is for us a *given* and belongs to our essence, it must be considered as an organ which needs growth, training, and practice.[65] It is important to recognize that human being - the subjective person - is not only *will* and *intellect*, but also *nature*. One is neither a self-creating freedom nor some assemblage built by chance, but rather, one is endowed with a nature that cannot be manipulated at will.[66]

Unlike *Nicomachean Ethics* and *Summa Theologiae*, contemporary philosophy very often separate ethics from anthropology as if they are incompatible with one another. However, physical order meets moral order in the human acts, and therefore, the anthropology as *homo ethicus* is integral to understand human being and his conscience. It is impossible to completely eliminate anthropological implications of ethics. A fundamental concept that stands at the nexus of anthropology and ethics is the *consciousness* of the subject-person. If we are to affirm that the norms must be derived by acknowledging the intelligibility of nature, we must

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[61] Ratzinger, *On Conscience*, 41.
[62] Ratzinger, *On Conscience*, 19.
[63] Ratzinger, *On Conscience*, 17-19.
[64] Ratzinger, *The Problem of Threats to Human Life*, 387.
[65] Ratzinger, *On Conscience*, 42.
[66] Benedict XVI, *The Listening Heart*.

consider, albeit briefly, the 'subject person' *to* whom the objective norms are addressed; *in* whom the norms proposed are accomplished, actualized, and acted through. For this, we must treat man-person as a *consciousness* rather than as a *being*. In the brief excursus that follows, let us synoptically reflect and benefit from the brilliant phenomenological analysis by Karol Wojtyła who had undertaken this question in *Person and Act*.[67] Wojtyła's phenomenological analysis complements Ratzinger's conceptualization of the harmony of the objective and subjective reason.[68]

According to Wojtyła, consciousness characterizes the totality of cognitive capabilities of human-person. Consciousness reflects, mirrors, interiorizes, and understands what happens in humans and what one does. However, consciousness does not yet contain any reasoning, it does not pursue any explanation, and therefore, "to be conscious" doesn't amount to "know oneself." Self-knowledge draws from consciousness. Thanks to our consciousness, humans experiences oneself as a subject. A human person conscious of oneself perceives the superiority of consciousness over sensations. Thus, consciousness participates and accompanies every human act. A *fieri* of the moral value is mirrored by the consciousness in each act of the person.[69]

As long as consciousness is understood as one aspect, Wojtyła agrees that a human person can authentically comprehend one's subjectivity. However, when consciousness is not considered as *one aspect* but as the *only real* content of thinking, then, Wojtyła finds the problem that "to be" would be narrowly equated as "to be the content of consciousness." No being outside consciousness is accepted. Here, the coordination of the aspect of being and the aspect of consciousness is lost, the semantic side of consciousness is cancelled out, and consciousness ceases to be something real. Thus, the absolutization of one aspect of the experience of human at the expense of another is a disproportional understanding of experiences and the denial of the correlation between the both. The consequent mental attitude is an irreal idealism that ends up in subjectivism. Whereas *subjectivity* is an element of the objective reality of man, *subjectivism* is a defective and the most widespread theory of that subjectivity. Idealizing subjectivism and extreme objectivism are pseudo solutions to the

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[67] Karol Wojtyła, *Person and Act and Related Essays* (Washington, D.C: The Catholic University of America Press, 2021).
[68] Benedict XVI, *The Listening Heart.*
[69] Wojtyła, *Person and Act*, 13, 65, 79.

problem of humans as a subject, Wojtyła says. For a clearer picture, we need to overcome the errors of both materialistic determinism and intellectualistic determinism.[70]

An important point follows from this: consciousness is *more real* or *less real* based on the extend of correctness in cognizing experiences. Wojtyła observes that the phenomenalistic viewpoint undermines the unity of many experiences, regarding the individual's experience as nothing more than a collection of feelings or perceptions. It is true that not everyone can draw from one person's experience. Quantitatively, it is inevitably restricted to a few or many. However, he also points to the fact that the experiences have a totality as well. Insofar as they are comprehensible through reciprocal communication, one's own experience and the experiences of others make up single totality.[71] Our experiences influence that of others, and we in turn are influenced by the experiences of others, leaving an inter-subjectivity between the subject persons. No experience exists without at least some understanding since human knowledge is a social fact. Understanding, however, differs from experience in some ways. Experience by itself leaves us with a plethora of facts, with all of their diversity and multiplicity. Understanding helps us illuminate experiences by allowing us to go ever deeper into them. With a conscious relationship to experience, we discursively reach new intuitive understandings and develop the capacity to evaluate the contents and contexts of experiences with greater maturity. Experiential fact is brought to semantic unity through induction, which is the work of the intellect. We discover a new mobilization of experience on the basis of this semantic unity, and within this paradigm, morality is better reflected. Thus, proper or improper reception of the experiences result in corresponding mental attitudes. These attitudes are manifested in how people interpret human beings, as well as how they understand reality.[72]

According to Wojtyła, consciousness assimilates an experience by virtue of self-knowledge which actively and cognitively understand the meaning of things. Consciousness is very closely united with self-knowledge in such a way that the level of consciousness is determined by the degree of self-knowledge. Self-knowledge gives intelligibility to obscure facts through reflective thinking, and thus contributes to the formation of consciousness. Self-knowledge doesn't involve generalization about man; it flows exclusively from self-experience to self-understanding. Accordingly, moral self-knowledge is essentially distinct from knowledge about morality; religious self-knowledge stands apart from all other forms of

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[70] Wojtyła, *Person and Act*, 21, 77, 79, 236.
[71] Wojtyła, *Person and Act*, 50, 111, 503.
[72] Wojtyła, *Person and Act*, 52, 54, 107, 108-111.

theological or religious knowledge. Likewise, social self-knowledge is distinct from any knowledge about society. Self-knowledge focuses on one's own "I" as the proper object. By virtue of the objectivizing function of self-knowledge, the subjective content of consciousness is transformed into full consciousness, and thus, the being grasps its own objective existence.[73]

Just like any other knowledge, Wojtyła maintains that self-knowledge is also subject to the laws of efficiency, and it can handle better or worse its own object. Self-knowledge must be effective if its essential task, governance over sensations, is to be carried out. Efficient self-knowledge facilitates command over affections and thereby prevents emotionalization of consciousness. At a certain level of intensity of sensations, consciousness performs both mirroring and reflexivity functions normally. Such degree of emotions and sensations are important for the sake of morality. At that level, authentic lived experiences are formed in their subjective fullness; consciousness is not robbed of the objectivizing relation to emotive facts. Even as emotions are something that simply occurs to a person, that same person is also aware of them and, in a sense, controls them through consciousness. This governance is necessary for internal integration. Moral values are formed only on the basis of this governance.[74]

However, Wojtyła warns that the sensations in the subject human sometimes surge and strengthen. If the subject human is deficient in self-knowledge, affections intensify in him beyond his comprehension, exceeding the threshold of normal. Sensations emotionalize consciousness and stop it from becoming what it should. In moments of extreme emotionalization, emotions fall directly into consciousness. In this moment, consciousness continues to mirror affective facts. Consciousness mirrors even in the greatest intensity of emotions and sensations, but this mirroring no longer has the appropriate significance for the emotional sphere of interior life. Any understanding is missing from mirroring since self-knowledge hasn't provided it. Consequently, consciousness loses its superiority, that is, its objective relation to sensations. Self-knowledge fails to establish meaning when it doesn't keep emotions in the intellectual dependence. The emotive reality paralyzes the voluntarium, the way proper to the will with which acts should be accomplished. Thus, with the invasion of sensations or passions in consciousness or with a lack of efficient self-knowledge, reflexive function of consciousness is hampered, the semantic side of sensations is lost, and human person lives by one's affections objectively rather than experiencing them subjectively.[75]

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[73] Wojtyła, *Person and Act*, 66-73.
[74] Wojtyła, *Person and Act*, 82-86.
[75] Wojtyła, *Person and Act*, 83-89.

We might modestly ascertain from the foregoing observations of Karol Wojtyła that consciousness doesn't obstruct our ability to know a person in the objective order. Rather, consciousness integrated by self-knowledge retains both the objective sense and the subjective status in the internal structure of man. Our relationship to reality begins with our experiences, yet the reality, which we only partially experience and cognize, already exists before our cognition. We do not create the reality by cognizing it but discover it to be already there. Although human person experiences oneself as a subject, yet one is also an objective being. In this dynamic, the relationship between person and morality is presented to us in both its subjective and objective wholeness. Whereas subjectivity of the person in one's relation to one's acts is grasped by virtue of consciousness, subjectivism is a mental attitude in which consciousness is separated from self-knowledge. Both these mental attitudes must be clearly distinguished since they have two different implications in the realm of ethics.[76] Morality understood exclusively as the content of consciousness is the consequences of idealizing subjectivism. Therefore, in order for cognition and acts to be more mature and complete, we need to have the broadest possible vision of reality-in-itself. Mere subjectivism is a threat to creative connection between the objective and the subjective. Subjectivity of a person includes a basic understanding of the relationship between existence and action. Here we find the justification for the old philosophical adage *operari sequitur esse*. In order to act, one must first exist. The existence of action is ordered and subordinated to the existence of man. This axiom helps us to understand both the subjectivity of the person and the integration of nature into the subject person.[77] The complete picture of subjectivity proper to the person corresponds to the nature which is his fundamental property.

From this, one can infer some aspects about the nature shared by human beings. The subject person is not merely an "individual humanity." The subject person's personal nature is intrinsically connected to the entirety of humanity. This entirety, the nature, is inherent in the subject person and is the basis of the entire dynamism that shapes the personal existence of the subject person. Individual existence, the essential dynamization of any subject person, derives from existence proper to humanity. Thus, one cannot speak about nature – the essence of humans and one's whole dynamism - merely as an individualization by the person although existence as an individual belonging to humanity is personal. An essential coherence occurs between the subject person and action through the concept of nature. This coherence is an

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[76] Wojtyła, *Person and Act*, 88-89.
[77] Wojtyła, *Person and Act*, 183-184, 472-475.

experiential reality that occurs wherever action follows nature. Thus, the understanding of nature inherent in the adage *operari sequitur esse* is an interior necessity if we are to acknowledge that value of the person is prior to value of the act.[78]

What does this mean for normativity? If both the subjective and the objective are in harmony in phenomenological realm, we could also say that personalism is not opposed to naturalism in normative plane, Wojtyła remarks.[79] Only exaggerated personalism reject internal ordering of nature, leaving the subjective conscience of humans alone as the point of reference for norms. The lived experience of moral good and evil is the consequence of how norms are related to conscience, as is known from the experience of morality. Not only the fact that human person acts, but also the fact that humans should act in a particular way belongs to criteria for norms. It is incorrect to ground norms solely on the fact of existence of acts by disregarding the duty for responsible acts from the criteria for norms. Therefore, norms must always seek after good, and they cannot exclude value-judgments. Moral values and anti-values must be clearly distinguished if norms must qualify ethically.[80] Thus, merely relativized values don't help us to form consciences on fundamental values that cannot be mocked without putting humans and society itself in danger. There must be some objective standards that enable us live as communities in solidarity rather than as collections of conformists.

Here, we encounter the decisive question as to how persons with subjective consciences can understand themselves in the context of the diversity of cultural ways of life and the pluralism of worldviews and religious convictions? How can the persons acquire a greater motivational outlay than what is legally commanded, so that they can actively exercise their communicative and participatory rights for public good?[81] Historically, civic solidarity was borne of common language and common religion. With the emancipation of the temporal order from traditional religious authorities and obligations, a new togetherness and integration was found in the consciousness of national homogeneity which unified people within the nation-states. The unity of the nation followed from the unity of religion. The idea of nation has not completely lost its formative power even today. However, the process of secularization and

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[78] Wojtyła, *Person and Act*, 185, 547.
[79] Joseph Ratzinger, "Main Problems of Contemporary Theology" (Meeting with the Doctrinal Commissions of Latin America, Bogotá, Columbia, March 27, 1984). Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/incontri/rc_con_cfaith_19840327_bogota-ratzinger_sp.html (Accessed on: 12.05.2023).
[80] Wojtyła, *Person and Act*, 185, 547.
[81] Jürgen Habermas, "On the Relations Between the Secular Liberal State and Religion," *Political Theologies,* 254.

individualistic understanding of rights move people increasingly away from religions, nations, ethnicities, and folkish cultures – the various forms of communion which create homogeneity among people. Of recent, there has been an attempt to find a new basis of homogeneity in the existence of shared beliefs about values. In Böckenförde's view, it proves an exceedingly poor and even dangerous substitute because it opens the door to an extreme subjectivism of the values, each laying claim to objective validity, and thus destroy rather than consolidate the greater solidarity required in a pluralistic society.[82] A principal difficulty that we face with the old forms that unified us morally is that many of them have been alienated today. The habits of life and the basic model of thinking underlying them defended by the traditional binding forms had become foreign with the emergence of a moral permissivism that accompanied economic liberalism.[83] It has become increasingly difficult to see the old framework of morality as reasonable, and it is considered too far from what is considered normal.

Notwithstanding these difficulties, the recognition of communitarian dimension of wisdom is very important to purify conscience. Morality was always historically guaranteed by community. The traditions of a community store experiences of generations and translate them into wisdom to build up the society. Human as a subject person may not necessarily know always what one wants. Contradictory wishes can exist in one and the same person. Often the desire of a particular moment may be thought of by a person as his want. Furthermore, man's desires are greater than his abilities.[84] Thus the obstacle which opposes his will does not always come from outside, but from the limits of his own being. The 'we' of an active community helps the individual-person to overcome his erroneous subjectivities.[85] Our freedoms have the vocation to be positive strivings for the good, which reason uncovers with the help of the community and traditions. A purely individual freedom abolishes itself because the individual's freedom can exist only in an order of shared freedoms of peoples that are mutually limiting and mutually supporting. Part of freedom is the ability of the conscience to perceive the fundamental values of mankind that concern everyone. Thus, if the freedom of humans

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[82] Ernst-Wolfgang Böckenförde, "The Rise of the State as a Process of Secularization," *Religion, Law, and Democracy: Selected Writings Volume II*, eds. Mirjam Künkler and Tine Stein (Oxford: Oxford University Press, 2020), 166-167.

[83] Joseph Ratzinger, *Main Problems of Contemporary Theology*.

[84] Joseph Ratzinger, *Instruction on Christian Freedom and Liberation* (Vatican: Congregation for the Doctrine of the Faith, 2004). Available at:
https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_freedom-liberation_en.html (Accessed on: 12.05.2023).

[85] For a detailed view of the concept of conscience in Newman, see, Gerard Magill, "Moral Law" in *Religious Morality in John Henry Newman: Hermeneutics of the Imagination* (Cham, Switzerland: Springer, 2015), 113-144.

exists within an ordered coexistence of freedoms, then freedom needs a communitarian content. Even when freedom is subject to forms of conditioning, it is not thereby completely destroyed. People who undergo terrible constraints succeed in manifesting their freedom and taking steps to secure their own liberation. Reasonable constraints create better conditions for the effective exercise of freedom.

In this effort, Ratzinger points to Platonic conception of anamnesis derived from Socratic method of teaching through questioning which enable the students to remember what they already knew.[86] John Henry Newman (1801 – 1890) developed this method of rejuvenation of memory in order for humans to discern objective values. According to Newman, something like an original memory of good and true are implanted in us. Efforts are required to overcome social and cultural pressures which threaten this memory. For this, he introduces the middle term of truth in the discourse that places authority and freedom as two opposite ideas.[87] According to Newman, recognition of truth as the central conception would help to balance freedom and authority. Alasdair Macintyre (b. 1929) also reflects the sentiments shared by Ratzinger about the necessity of the communitarian search for *nature*.[88] According to Macintyre, Nietzsche's moral philosophy, with its apparent honesty, embodies a sentiment shared by people today. Nietzsche's *Übermensch*, the superman who transcends, doesn't find objective morality anywhere in the social world to date.[89] For Nietzsche, what were deemed to be objective since ancient Greece were in fact expressions of subjective will – masks for the will to power. Nietzsche had contempt to traditional moral conception based on conscience on the one hand and Kantian categorical imperative based on universalizability on the other hand.[90] Natural rights and utilitarian principles are myths; eighteenth century conception of autonomous moral subject based on reason is also untrue. Instead, he asserted that morality is something that humans must create with one's own heroic acts of *will* by bringing *new tables of goods*.[91] But what sources will meaningfully direct the lofty, fragile, and non-rational phenomena such as the *will* of humans, so that one can come up with new tables of law and live by them, asks Macintyre. Nietzsche's criticisms which began with genuine moral insight ends up as a fantasy, he observes.

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[86] Ratzinger, *On Conscience*, 24-30.
[87] Ratzinger, *On Conscience*, 20.
[88] Alasdair Macintyre, *After Virtue: A Study in Moral Theory* (Indiana: University of Notre Dame Press, 2007).
[89] Macintyre, "Nietzsche or Aristotle," *After Virtue*, 113.
[90] Friedrich Nietzsche, *The Gay Science: With a Prelude in German Rhymes and an Appendix of Songs* (Cambridge: Cambridge University Press, 2001), 188.
[91] Friedrich Nietzsche, *The Gay Science*, 114.

Ratzinger, therefore, points to the power of traditions and the evidentiality of historical morality. Even as we say that the objective norms governing right action are accessible to reason, he says that we must also keep in mind that pure reason independent of history does not exist. Erudite private opinions of scholars might be appropriate for rigorous professorial thinking, but they are not enough for living reality where we are called to form community out of multi-layered complexities, Ratzinger warns. Thus, historical traditions inevitably matter in the ethical foundation for political choices. The historical traditions - mores - are a set of basic convictions, habits, and customs that manifest themselves in ways of living, forming a consensus on the fundamental values of people. Only when the ethical-religious concepts inherent in the historical basis of a culture are preserved and accepted seriously do human attitudes suitable for collective life flourish. The stronger the foundation of mores, the less coercion will be required to keep society in order. Ignoring mores does not increase freedom; rather, it paves the way for tyranny. The cultivation and protection of the essential moral judgments as common good is a condition for freedom. Moral forces of history can also be the forces in the present. It is not right to consider the whole ethical experiences in the history until today as a pre-history of morality. Humans are not automatically on a higher level just because he has mastered the use of more advanced technologies.[92] A society that isolates itself from the great ethical and religious forces of its own history commits self-destruction. What is important is to employ reason in order to grasp the evidential character of those values in the continually changing circumstances.

Solidarity is incapable of imposing compulsion, and so, all those in responsibility have obligation to actively promote moral wisdom without a vague ethical neutrality.[93] This is the method to strengthen law without resorting to external coercion. Morality is not an abstract set of rules for conduct, rather, it presupposes a community way of life within which morality is defined and is able to be observed. Historically, morality does not belong purely to the category of subjectivity.[94] The various specific experiences of different peoples are essential as indicators for human behaviour, although they themselves cannot be considered sources for morality. If a society wishes to survive, it must to a certain extent turn to the primordial ideals, to the foundational, standard models of humanity. The political players in a state does not need to think that it is exclusively their own responsibility to bring about social solidarity. By adhering to the principle of subsidiarity, alongside the state, the support for strengthening weak

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[92] Ratzinger, *Values in a Time of Upheaval*, 12.
[93] Habermas, *On the Relations Between the Secular Liberal State and Religion*, 253.
[94] Ratzinger, *On Conscience*, 37.

constitutional systems can easily be accompanied by the development of other actors of cultural, social, territorial and religious nature.[95] Initiatives arising from these different social forces and intermediate communities must be generously acknowledged and supported if the state is to build closeness with those in the fringes of the society.[96] At the same time, it is also possible that the moral perception of community itself can be disordered and corrupt, for example, when the predominant custom of people cause scandal instead of being a standard model for behaviour, or when new areas of knowledge emerge with which the current life patterns cannot cope. Thus, individual's reliance on common historical experiences has limits as well.

4. NATURE AND CREATIVE REASON

In the discussion about Hans Kelsen's reasoning about the basis of normativity (see Chapter III.3), it was seen that he draws total separation between norm and nature. Ratzinger points out the insufficiency of Kelsen's view by affirming that the objective reason that manifests itself in nature presuppose a Creative Reason (Creator Spiritus).[97] Ratzinger observes that the unbridgeable gulf between *is* and *ought*, such that *ought* cannot be derived from *is*, is symptomatic of the peculiar intellectual situation of modernity during when the positivist understanding of nature was almost universally accepted. Originally, liberalism has firm roots in God. Where creator God's *Is* is lacking; where there is no *will* that first enters, then *Ought* that supply norms would have only a meagre foundation of pragmatic ethics.[98] If Kelsen's definition of nature as 'an aggregate of objective data linked together in terms of cause and effect' were to accepted, then no ethical indication can be derived from it.[99] If the domain of law considers nature as a purely functional category as positivism considers it to be, then we could access merely functional answers, thereby being incapable to bridge ethics and law. The same applies to reason too. If only positivist reason is held as generally scientific, and if anything that is not verifiable or falsifiable is not accepted in the realm of reason, then ethics and religion would be relegated into the subjective.[100] This narrowing down of nature and

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[95] Joseph Ratzinger, *Instruction on Christian Freedom*.
[96] Benedict XVI, *Deus Caritas Est*, § 28b.
[97] Benedict XVI, *The Listening Heart*.
[98] Benedict XVI, *The Listening Heart*.
[99] Benedict XVI, *The Listening Heart*.
[100] Benedict XVI, *The Listening Heart*.

reason had excluded classical sources of knowledge, resulting in the dramatic crises at the height of modernity.

The acknowledgment of inviolability of man's dignity and of the rights that follow from it require an understanding of normativity not merely in terms of formal consensus and correct procedures, but a foundation that guarantee the absolute sacredness of human life. In Ratzinger's estimation, the doctrine that humans are made in the image of God contains what Kant expressed when he described humans as an end and not a means.[101] Both formulations evidently make clear that human person is a subject of rights and not only an object of law. This dignity is not subject to modification by anyone, and therefore, the basis for norms that guarantee it must precede any human law. Only thus can our education be capable of meeting the expectations for dialogue and social cooperation; only thus can we ensure a valid bulwark against the arbitrary power or the deception of ideological manipulation. We need ethical convergences based on the nature of the human person if we are to assent this inviolability firmly. The tradition of ethical wisdom calls this convergence as the natural law. Even as there are valuable scientific methods which attempt to evade deep ethical struggles of human beings through psychological insights, therapeutics, social researches, and pedagogical researches, there remains an unexplained remainder outside all the calculations; that which is decisive in defining what is properly human. Natural law is going into this properness of man.

The temptation within a technologically advanced and culturally pluralist setting is to understand nature only as a collection of contingent functional data, hoping thereby to construct a purely rational order of nature.[102] However, Ratzinger points out that nature carries within itself so many interrelations, thus pointing to its ultimate indivisibility and transcendental meaning. When the right to life and natural death are not respected; human conception, gestation, and birth made artificial; and human embryos sacrificed to research, then the conscience of society loses the concept of human ecology. Correspondingly, he says that there is also the deterioration of environmental ecology. Our duties towards human person and the environment are linked. When we demean the former, we also disrupt the latter.[103] This is so because we interpret and shape natural environment through our freedom; and if our freedom

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[101] Ratzinger, *Faith and Politics*, 14.

[102] Benedict XVI, *Caritas in Veritate*, § 48; Benedict XVI, "General Audience" (St. Peter's Square, Vatican, September 28, 2011). Available at:
https://www.vatican.va/content/benedict-xvi/en/audiences/2011/documents/hf_ben-xvi_aud_20110928.html
(Accessed on: 12.05.2023).

[103] Benedict XVI, *Caritas in Veritate*, § 51.

is to be constructive, it must function in accordance with moral law. So the book of nature is indivisible in such a way that the sanctity of natural environment is connected to the sanctity of life, family, social relations, marriage, and sexuality.[104] Isn't it contradictory to expect that people must respect natural environment when our laws and educational system doesn't help us to respect ourselves? When human nature is respected within society, environmental ecology also benefits with the natural mark of solidarity.[105] Hence, in order to discern ethics for the foundations of law, it is necessary to broaden the concept of nature, understanding it not only as a collection of functions but beyond this as the measure inscribed in our very being.

Ratzinger explains the notion of nature through Logos understood as the Creative Reason.[106] However, affirming creation as the foundation of nature is not without complexities in today's intellectual situation. In his dialogue with Ratzinger, Paolo Flores d'Arcais observed that understanding natural law by virtue of creation is problematic since this first principle is prejudicial to people who do not believe in God but adhere to some versions of bang theories. The essential question here is whether "nature" is a word of philosophy or a word of faith. In Ratzinger's view, the origins of the concept of nature goes back in past even before the Christian faith. For example, Stoic philosophy had understood nature pantheistically. The Stoics did not acknowledge the Creator or creation but considered nature as a divine quality, the moral message of which is valid for everyone. In general, Greek philosophy used the concept of nature, or *physis*, in various contexts. They also had the concept of Logos, but they conceived Logos in immanent and impersonal terms. Ancient traditions attest to us that nature can be understood even without faith; we are able to speak of nature beyond the grasp of creation.[107] The Logos in Greek philosophy was taken forward by Christianity and explained as *Dia*-Logos. The novelty introduced by Christianity was to understand Logos as the *Truth in Person and the Atonement*.[108] Human nature is deeply rooted in God who is both Logos

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[104] Benedict XVI, "The Human Person, The Heart of Peace," *Message for the Celebration of the 40ᵗʰ World Day of Peace* (Vatican City: Libreria Editrice Vaticana, 2007), § 8. Available at: https://www.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20061208_xl-world-day-peace.html (Accessed on: 12.05.2023).

[105] For a detailed view of human ecology, see, Benedict XVI, *The Garden of God: Toward a Human Ecology* (Washington, D.C.: The Catholic University of America Press, 2014).

[106] Andrés Ollero, "Acting Contrary to Reason is Contrary to God's Nature," *Pope Benedict XVI's Legal Thought*, 211.

[107] Ratzinger, *Faith and Politics*, 163.

[108] Ratzinger, *On Conscience*, 30.

(Creator-as-Reason) and *Dia*-Logos (Creator-as-Relation).[109] In this way, the notion of Creative Reason cognizes reason's dynamic interplay with revelation.

But does this mean anything at all to the modern human persons who understand nature as mass of amorphous, meaningless, and inert matter which he manipulates with technical skills to bring about new designs? In spite of all the great advancements that the positivist methodology has brought in the realm of science and technology, its methodological self-limitation to materialist agency makes it unable to acknowledge the primacy of Logos. The world presupposes no reason; what is reasonable in it is the result of a combination of accidents whose ongoing accumulation developed a kind of necessity. However, when positivist method declares that the existence originated out of the laws of chance, it would also mean that the irrational is the real primal force. The difference between the perception of Logos-centric worldview and the positivist thesis of casual origin of the universe has far reaching implications. Where positivist argument is taken for granted, Ratzinger says that the freedom of humans is understood as a by-product in humanity's business of construction of the world. On the one hand, this view allows to justify freedom as complete right to self-determination, but on the other, it is also possible for the totalitarian systems to deny even basic freedoms. Logos-centric view understands freedom as the starting point and the structural principle of all that exist. Accordingly, man's freedom is not merely participation in a given social structure, but rather, it is partaking in the divine being itself who is the Creative reason.[110] From this we could recognize that humans live not just by mathematical reason but also by moral reason, that which ensures inviolability of human's freedom.[111]

Nature understood as the proceeding from the Creative Reason guarantees that the nature itself is not the origin of the laws discovered within it because it didn't come about by evolution kick-started by blind chance or cosmic chemical accidents, rather, it was made and placed intelligibly by the Creator.[112] Thus, according to Ratzinger, the Creative Reason, God

[109] Pablo Blanco Sarto, "Logos and Dialogos: Faith, Reason, and Love according to Joseph Ratzinger" *in A Journey through the Theology of Pope Benedict XVI* ed. Thomas Padiyath et al (Kottayam: OIRSI Publication, 2022), 23-31.

[110] Ratzinger, *Church, Ecumenism and Politics*, 63.

[111] Benedict XVI, "Faith, Reason and the University: Memories and Reflections" (Meeting with the Representatives of Science, Aula Magna of the University of Regensburg, Germany, September 12, 2006). Available at: https://www.vatican.va/content/benedict-xvi/en/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg.html (Accessed on: 12.05.2023); Giuliano Amato, "Faith and Reason in the Regensburg Address," *Pope Benedict XVI's Legal Thought*, 125-136.

[112] Ratzinger, *Christianity and the Crisis of Cultures*, 15.

understood as Logos, gives intelligibility to the creation and reason for human existence.[113] It is an acknowledgment that the world and mankind are ultimately governed not by the laws of matter, but by a saving *Reason* that created the world.[114] Acknowledgment of the rational primal ground that impart meaning for everything makes nature with teleological rationality intelligible once again.

Notwithstanding the course of evolution, the beginning of everything has reason, and only by that alpha-reason can *reason itself* be justified in any event. Acknowledgment of nature is the decision to prioritise reason over un-reason; to prioritise reason over matter; to acknowledge the presence of reason in matter.[115] This reason guarantee that the world is a good place to live in spite of all the suffering that it contains because this original *Meaning* knows me and loves me.[116] "It remains true that we could not love if we were not first loved by God," Ratzinger reminds.[117] Understanding Love as the primordial and the Creative Reason at the beginning; and as the innermost source of existence is not anti-rational, instead it far exceeds reason.[118] This understanding is the strongest possible rejection of every ideology of violence and thus guarantees all morality. Logos keep the world away from hybris of insolence and inordinate self-pride that pollute human relationships today.[119] Any enlightenment that cancels this choice, contrary to all appearances, represents a shrinking of enlightenment.[120] Otherwise, our situation, in the imbalance between our material capacity and the lack of judgment in our hearts, become threat for ourselves and for the whole creation. Logos is the inevitable key in resisting political theologies and utopia.

In search for political normativity, natural law will attain intelligibility and integrity today only if we sincerely analyse and reasonably explain the nature and validity of transcendence which was once questioned by historical-critical scholarship and positivist-

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[113] Benedict XVI, "Address to Members of the International Theological Commission" (Hall of Popes, Vatican, October 5, 2007). Available at:
https://www.vatican.va/content/benedict-xvi/en/speeches/2007/october/documents/hf_ben-xvi_spe_20071005_cti.html (Accessed on: 12.05.2023).

[114] Benedict XVI, "Address to the Participants in the International Congress on Natural Moral Law," (Vatican City, February 12, 2007). Available at:
https://www.vatican.va/content/benedict-xvi/en/speeches/2007/february/documents/hf_ben-xvi_spe_20070212_pul.html (Accessed on: 12.05.2023).

[115] Ratzinger, *Faith and Politics*, 170.

[116] Joseph Ratzinger, *Introduction to Christianity* (San Francisco: Ignatius Press, 2004), 80.

[117] Joseph Ratzinger, *Jesus of Nazareth: Part III - The Infancy Narratives* (New York: Image Books, 2012), 61.

[118] Ratzinger, *Faith and Politics*, 141.

[119] Giuliano Amato, "Faith and Reason," *Pope Benedict XVI's Legal Thought*, 126.

[120] Ratzinger, *Truth and Tolerance*, 55.

empirical thought.[121] By proceeding from the intelligibility of nature to the author of intelligibility, we are able to discern the heart of morality and reality. Nature expresses the conviction that realities carry within themselves a moral message. There is a morality of being itself. Nature becomes more coherent and intelligible when natural law is understood as analogous to natural theology than when it is perceived merely in terms of anthropological constants or thoughtful experience conveyed by the wisdom traditions.[122] Thus, moral values are secured within the systems of law and justice as human tasks receive essential direction and orientation. When we recognize the face of God as the face of Reason, we are not paralyzed by any adversity, we are not afraid about the world or future or our weaknesses, for this Reason has allowed me to live in this moment of history.[123]

The crisis of law today is that our great learning distracts us from simply gazing upon the whole reality. We know so much about the complexities of the issues, and it seems to us that they cannot be so simple. However, nature becomes more and more clear to us when we overcome the intricacies of our detailed knowledge and open up ourselves to the ultimate simplicity of being.[124] We need to go beyond the restrictions of the empirical and engage with man's true depth. In spite of all their use in informing us, we must go beyond the hypertexts and artificial intelligence and seek the depths of our being. Truth never stop surprising those who seek the truth with conviction and humility. We need to reverse the folly to do away with God, which time and time again have ended up only in doing away with man. Metaphysics and nature; faith and reason; law and morality are all not opposed but intimately connected. When we gradually grow into this wholeness, we find springs of meaning instead of simply drifting through life as a banal existence that doesn't believe in anything.[125] With a new openness to the greater dimensions of reason, with a new recognition of some ancient truths, the dictatorship of relativism can be brought to an end. So, faith in the Creator God and His Creation is essential for better understanding the foundations of law. No law made by humans

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[121] For detailed study of the features and limits of historical critical scholarship, see the "Foreword" in Joseph Ratzinger, *Jesus of Nazareth Volume I: From the Baptism in the Jordan to the Transfiguration* (New York: Doubleday, 2007), xi-xxiv.

[122] Joseph Ratzinger, *Volk und Haus Gottes in Augustins Lehre von der Kirche* (Freiburg: Herder, 2011), 400-401.

[123] Benedict XVI, "Homily on the occasion of the 26th World Youth Day," (Madrid, August 20, 2011). Available at:
https://www.vatican.va/content/benedict-xvi/en/speeches/2011/august/documents/hf_ben-xvi_spe_20110820_veglia-madrid.html (Accessed on: 12.05.2023).

[124] Ratzinger, *Jesus of Nazareth: Part I*, 277.

[125] Joseph Ratzinger, *Meditations for the Way of the Cross at the Colosseum* (Vatican City: Libreria Editrice Vaticana, 2005). Available at:
https://www.vatican.va/news_services/liturgy/2005/documents/ns_lit_doc_20050325_via-crucis_en.html
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can override the norm written by the Creator without society becoming dramatically wounded in what constitutes its basic foundation, Ratzinger reminds.[126]

CONCLUDING REMARKS

After the analysis of relativism, its methodological deficits, and the evidentiality of natural law in the previous chapters, the final chapter highlighted the content of the concepts of nature and reason in the thinking of Joseph Ratzinger. So doing, the aim was to verify Ratzinger's statement at the Reichstag that nature and reason are the true sources of law and that the objective and subjective reason are rooted in the creative reason of God. Four threads are identified and elaborated to explicate Ratzinger's thesis. First, for an integral understanding of nature, the question as to what provides for the basis for human dignity is fundamental. Notwithstanding the fact that non-metaphysically grounded humanist rationalism, enlightenment, and secularism had been source of several of today's rights in liberal dimension, an exclusively non-metaphysical conception of dignity multiplies rights according to one's own whims and fancies. This can become problematic against the background of consumerism, individualism in the forms of libertarian permissibility and utilitarian legalism. Hence the need to go beyond ambiguous foundations of relativism regarding values and ground dignity in the human nature open to transcendence. Ratzinger points out that the conviction that there is a Creator God was always at the root of defending human dignity, the most visible expression of which in our times is the Universal Declaration of Human Rights.

On the basis of acknowledgement of transcendence, nature can be searched in an intercultural way, believes Ratzinger. This is important given that constitutions which secure norms are not merely formalistic legal mechanism but also cultural historical interpretations of morality. The continuity of the concept of nature is visible in Greek philosophy, Stoicism, Judeo-Christian tradition, Dharma in Indian religiosity, Tao and Confucian ethics in China, Islam, and in the tribal cultures of Africa. Each of these cultures has ability to metamorphose and inculturate for fruitful transformation as the same human nature is at work in all. Hence the need for dialogue between cultures for the search of nature and norms which is all the more important in multicultural context of the present age.

Ratzinger is well aware that the above two aspects – transcendental dimension and interculturality – which refer to the objectivist character of nature needs assent of human

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[126] Benedict XVI, *Address to the Participants in the International Congress on Natural Moral Law*.

person's subjectivity if the rootedness of norms in nature are to be appealing to persons. In order to find coherence between person and action through the concept of nature, the subject-person needs to treated as consciousness than as a being. Based on Karol Wojtyła's *Person and Act* which treat consciousness, experience, and self-knowledge, it was modestly stated that the norms are related to conscience. This justifies the rationale for communitarian dimension of norms.

Finally, the most fundamental aspect of nature in Ratzinger's evaluation, an aspect which is the strongest corrective to relativism, is the rootedness of nature in Logos – the creative reason. Logos guarantee that reason is not merely a result of combination of accidents that accumulated into a kind of reason and that nature is not a mere mass of amorphous, meaningless, and inert matter that one can manipulate with technical skills to bring about new designs. Instead, Logos resists all forms of political theologies and utopia and guarantees that freedom and reason are the structural principle of created nature. Here, historical natural law converges with biblical natural theology. During the dialogue with the Pharisees who questioned Jesus Christ about conjugal morality, he avoids entangling himself in juridical or casuistic controversies, and instead, he appeals to the "beginning." (Mathew 19:8) Appealing to the very authority of the first Legislator is the key to understand nature and reason in their proper normative meaning.[127] Reason is normative because in the beginning was the creative reason, the Logos: "In the beginning was the Logos, and the Logos was with God, and the Logos was God." (John 1:1) Nature is normative because in the beginning the reason created nature: "In the beginning God created the heaven and the earth." (Genesis 1:1)

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[127] John Paul II, *A Theology of the Body*, 133.

Synopsis

The motives that induced me to write this study are several. In the course of my previous encounters with the discipline of history, I realized the limitations of historical-critical method based on positivism in historical narratives. I recognized that the textual positivism in the writing of history is only one manifestation of the larger positivist thinking in various spheres of engagements in our times. Furthermore, the radical influence of secularization and its libertine consequences in every society on the structures of marriage and family, conjugal ethics, political activity, religious worldviews, the self-limitation of technological possibilities, community-solidarity, fair economy, and innumerable aspects of individual-freedom prompted me to think about the source of the dignity of human persons – which is the goal of all these structures.

In various texts of Joseph Ratzinger, I found the sources with coherent analysis which I felt an urgent necessity and great benefit to develop. In the speech at the beginning of the conclave that elected him Pope Benedict XVI, Ratzinger identified relativism as the most serious problem faced by contemporary man. Later, in his speech at Reichstag, he proposed nature and reason as the true sources of law in finding the basis for normativity. From these starting points, I decided to write the dissertation titled 'Nature and Reason as Sources of Law in Joseph Ratzinger's Evaluation of Relativism.'

In order to think the problem of relativism systematically, thanks to Professor József Simon, I was introduced to the great history of the jurisprudential tradition of natural law, the theoretical framework which brought constitutional democracy in the West into birth and nurtured the foundation of normativity over the course of two millennia. In the previous century, seemingly unshakable theses of the liberal generation, the existentialist generation, and the Marxist generation had collapsed with the emergence of new circumstances whereas the appeal to natural law had laid down solid foundation for the human rights after the horrors of Second World War. Summarily, therefore, the objective of this dissertation is to inquire

whether natural law clearly inform and convincingly provide the corrective for the problem of relativism.

The first task of the study is to arrive at a provisional definition of relativism. Relativism is a worldview and an anthropological conviction by which a person thinks that there is no objective truth in the order of existence; no given nature which must serve as the fundamental criterion of values for individual human-subjects or for inter-subjectively constituted society. We can speak about ethics only in provisional terms and there are no meta-criteria to judge intrinsic truth, absolute beauty, and universal good. I find very serious problem with this view. If one let oneself be tossed and swept along by every wind of teaching and if one does not recognize anything as certain, then one simply drift through life as a banal existence that does not believe in anything and one's highest goal is one's own ego and one's own desires. When the category of good disappears, unfeasible social behaviours take root first merely as a sickness of individuals, but the lived experience tells us that such behaviours could become so active and so widespread in an intellectual climate wherein good and bad are interchangeable. For better understanding the foundations of law, we need better theory.

In order to be able to make a proposition, we need to first survey as to how the intellectual situation of relativism emerged in thinking about normativity, the task which I have concentrated in the first chapter by relying on Ratzinger's interpretation of modernity as a whole, in the stages of which relativism evolved as the worldview for normativity. First, Ratzinger identifies the de-hellenization of reason in the modern intellectual history. Philosophy distanced from the concept of Logos which had earlier provided an image of the world in which one could affirm faith as meaningful and enlightened aspect of life. The unity between faith and reason underwent separation in the late medieval nominalism and even more radically in voluntarism. Against this background, a way was sought to reconceive nature in order to yield an empowering kind of knowledge, following which the mechanistic view of nature denied the interiority of material beings. After various post-Kantian pursuits in idealism, positivism, and Marxism, in the previous century, existentialist philosophy attempted to overcome the fragmentation of philosophy. Jean Paul Sartre defended a radical freedom and regarded that the existence of human being – his very nature; what he is and ought to be – is not determined.

Second, in the course described above, the legal tradition of natural law diverged and assumed two directions. In the Anglo-Saxon sphere, it evolved into constitutional democracy,

as we see in the American constitution which identified the rights by virtue of anthropologically grounded ideas of human nature. On the other hand, the contractual conception of human rights in French constitution had the basis of a concept of nature which is not metaphysical. In the subsequent evolution of thinking on normativity, there was a widespread scepticism against natural law that it is a cultural and historical feature of Christianity, specifically a Catholic doctrine, the insights of which are not accessible to all. It was feared that if natural law is obliged by, then parliamentary laws would become captive to ecclesiastical moral criteria.

Third, in Ratzinger's view, the political career of Marxism had a particular influence on relativizing ethics. The whole programme of real socialism was fabricated upon a mythical conception that the new structures would necessarily produce new humans and new society. This materialistic way of conceiving values disregarded individual-morality. During the students-revolution of 1968, Marxism mediated liberalism's way to libertinism in which each individual could assume for oneself what is good for each person in sexual matters. In these, the existence of truth a priori was suspected – manipulation of human nature. If the intellectual vacuum that has come into being with the failure of Marxism is not filled with right foundations, a relativistic culture would build up on the ruins of Marxism, which if consistently lived through, would become nihilism.

Fourth, syncretism between the post-metaphysical philosophy of the West with Indian religions relativized religious worldview. The point of convergence was Immanuel Kant's distinction between phenomena and noumena which finds ally in the intuition of Indian religions that the divine cannot enter unveiled into the world of appearances in which we live. Furthermore, Hinduism and Buddhism are not institutionally structured, nor are they dogmatically determined. These models seemed to be an attitude of intellectual humility. In the resultant New Age Religion, intensities of ecstasies and euphoria are depicted as joy of the infinite. In this syncretism, religion is only a set of symbols; a self-satisfying programme.

In the light of these four observations by Ratzinger, we may say that the methodological reduction of positivism is at the root of relativism. In a first look, this argumentation may seem to be an irony as positivism is the method that values only those facts which are empirically provable whereas relativism overcomes this hindrance by valuing various narratives which cannot be simply fitted into the empirical conditions. However, the convergence between relativism and positivism consists in the fact that the value ascribed by relativist method is only relative value which has no binding force to touch the deepest sense of one's existence.

Positivist method permits us to know ever more deeply the rational structures of matter with its capacity to demonstrate experimentally and to quantify clearly. Notwithstanding this merit, there is also in it a false pride that compel us to turn our faces against the notion of truth a priori. This calls for the need to clarify the insufficiency of positivist method, which I attempt in the second chapter according to the following four points.

First, positivist method, with specialized knowledge about structure of matter, enables us to arrive at functional solutions in the technical realm. Here, nature is reduced to a jumble of data connected by random relationship. Reason is only the consequence of a series of accidents that accumulated through time and became a kind of necessity. Within a technocratic cultural perspective, it is highly likely to read that whatever is technically possible and caters utility is also morally permissible, thus lacking an essential perspective, namely the aspect of good. In order to bridge the gulf between the growth of technological progress and moral reason, we need to go beyond positivist reason.

Second, in positivist reason, responsibility before God is replaced with responsibility before humanity and history. In this process, thinking about freedom can also assume superficial expression of one's own ego. The multiplication of rights can emerge even to the point of nihilistic rights to deny oneself, which in the end becomes parody of freedom and the destruction of the concept of law. The problem of ill-defined freedoms and undefined freedoms is due to the lack of sufficient attention to the connection between freedom and anthropology. Hence the need to go beyond positivism and re-read the being of the human person in the truth of his nature.

Third, in the context of economic modernization with spheres of economic super-development of a consumerist kind on the one hand and the spheres of underdevelopment on the other hand, the aspiration of civic solidarity requires more motivational force than what can be legally commanded by positive law. Alongside a maximum of specialized economic knowledge to solve the structural causes of underdevelopment, we also need a meta-economic reason to strengthen various dimensions of human person who act in the economy.

Fourth, positivism can result in God-eclipse in the society. When God is omitted, at first, everything else might be as clever as can be, yet, as a consequence, humans are abandoned to the rule of human. However, this is precisely what dissatisfy and agitate us most today because human's absolute dominion over humans is often much more sinister with abysses of uncontrolled power. Those who have the power impose their will on others. Only an authentic

eschatology limits human behaviour within the state. To ignore this dimension is to exaggerate human capacity and to expect the meta-historical within history, the failure of Marxism.

This is not to tell that positivist method in law is wrong. In fact, the positivist approach to nature and reason is a most important dimension of human knowledge and capacity. But in and of itself it does not represent a sufficient culture corresponding to the full breadth of the human condition. Hence the need to re-visit natural law as fully as possible; to recognize once again its directive and corrective function vis-à-vis positive law. However, given the multifarious and fluid identities in the contemporary world, essentialism underlying natural law is regarded as very dangerous in thinking about humans. Demands of natural law morality is seen as too rigid and dogmatic; and unable to recognize the complexities involved in various individual-experiences. It results only in marginalization, humiliation, and embarrassment of those who do not adhere to its principles. Notwithstanding these challenges, we must seek the wisdom of natural law, the task which we undertake in the third chapter by understanding natural law in four broad historical phases.

The first phase considers the period from the classical foundations up to scholasticism. The classical natural law emerged in the search for deeper grounding for law in the three-way encounter between Jerusalem, Athens, and Rome. Through this encounter, the juridical culture of the West was born, which is of key significance for the juridical culture of mankind. Christianity understood natural law in the framework of the history of salvation within which man's original nature, fallen nature, and restored nature can be distinguished. Even as the Christendom had reached the highest point of urbanization in the thirteenth century, Thomas Aquinas synthesized Christian revelation and Greek philosophy and developed the scholastic tradition of natural law. He identified and distinguished between eternal law, natural law, human law, and divine law in the order of existence.

The second phase treats voluntarism, early modernity, and the Enlightenment. Whereas Aquinas held law as an expression of reason and act of wisdom, voluntarism, in wish to save God's absolute sovereignty over nature, maintained that law is connected solely to the will of the lawmaker. From Martin Luther onwards, analogy was drawn between God's freedom and human freedom. The early modern natural law pioneered by Hugo Grotius and Francisco Suárez evolved against this backdrop. In the period that followed, a common agreement among Thomas Hobbes, Samuel Pufendorf, and John Locke was that natural law allows for us certain rights which impose on us duties. Except for eschatological hope, they considered morality as

an open-ended system based on contract. Later, the philosophers of the Scottish Enlightenment held the historical dimension of contract as determinative because moral consciousness and institutions are formed by the accommodations reached at a given stage of society. In this way, natural law assumed contractual dimension.

The third phase attempts to understand natural law vis-à-vis legal positivism. Appropriating Immanuel Kant's transcendental logic, Hans Kelsen defended the system of legal positivism by contrasting norm and nature. In Kelsen's view, legal science is a normative science which must consider only whether the norms are valid or not. The norms are autonomous from the sphere of value. However, after the traumatic experiences of totalitarianism, it was once again recognized that the values and norms are inherent to humans, and therefore, they are not to be invented but to be found. The universal Declaration of Human Rights in 1948 is the post-war affirmation of natural law. Later, seeing the crisis prompted by the exclusivity of procedurality in political liberalism, Ernst Wolfgang Böckenförde said that a liberal state is secured by the normative resources that it cannot itself guarantee.

The fourth phase consider natural law's encounter with the Critical Social Theory represented by Jürgen Habermas. According to him, political liberalism is a non-religious justification situated in the tradition of rational natural law that eschews cosmological or soteriological assumptions of classical and religious natural law. In his view, liberal constitutional principles have less trouble with objective natural law than with historicist and empiricist forms of criticism.

Based on the study of natural law in its historical dimension; from its classical origins up to its encounter with legal positivism and critical social theory, it can be assumed that the appeal to nature is ever present in normativity. Hence the need to re-read the concepts of nature and reason integrally and comprehensively – by considering its inevitable metaphysical, cultural, personalist, historical and theological roots. In the concluding chapter, I attempt this task in line of Joseph Ratzinger's thinking. First, the initial question relates to the metaphysical source of normativity. In spite of the fact that many human rights that we enjoy today are born of values of secularism, enlightenment and humanist rationalism, non-metaphysical conceptions of dignity had resulted in a narrow utilitarian legalism. If human dignity is to be understood as an a priori value, then the constitution must go beyond weak and ambiguous foundation of relativism. The conviction that there is a Creator God is what gave rise to the idea of human rights, the idea of equality of all before the law, and the awareness of people's

responsibility for their actions. Second, a constitution is not only the product of a purely formalistic legal approach, but also a cultural historical interpretation. Therefore, the search for nature takes intercultural way. The question of nature has threads of agreement in great historical cultures, which together constitutes a patrimony of moral values that reflect several aspects of the essential ecology of man. Third, as the physical order meets the moral order in human acts, there is a need to understand the essential coherence that occur between the subject person and action through the concept of nature. By seeking the relationship between naturalism and personalism, we can arrive at a more complete picture of subjectivity proper to the person and find that it corresponds to the nature which is his fundamental property.

Finally, on the basis of all these discussions, I hope it is reasonable to verify Joseph Ratzinger's statement that the objective reason that manifests itself in nature presupposes a Creative Reason. If nature were to be an aggregate of objective data linked together in terms of cause and effect, then no ethical indication can be derived from it except some mere pragmatic and functional answers which have no serious binding effect on human conscience. Normativity is not merely a matter of formal consensus or correct procedures; it is the foundation that guarantee the absolute sacredness of human life; dignity that is not subject to modification by anyone. The Creative Reason, God understood as Logos, gives intelligibility to the creation and reason for human existence. By assenting to nature and reason in their proper normative meaning that Logos provides, relativism can be evaluated correctly.

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