STUDIA PRAWNICZE KUL
4 (92) 2022

Dawid Kostecki, *The philosophy of law by Marian Ignacy Morawski SJ*, Wydawnictwo KUL, Lublin 2021, pp. 309

Dawid Kostecki, *Filozofia prawa Mariana Ignacego Morawskiego SJ*, Wydawnictwo KUL, Lublin 2021, s. 309

Давид Костецки, *Философия права Мариана Игнатия Моравского SJ*, Wydawnictwo KUL, Люблин 2021, 309 с.

Давід Костецький, *Філософія права Маріана Ігнація Моравського SJ*, Wydawnictwo KUL, Люблін 2021, ст. 309

MACIEJ JOŃCA
Dr. habil., Professor of University of Szczecin
e-mail: maciej.jonca@usz.edu.pl, https://orcid.org/0000-0003-4982-8936

If anyone ever had the idea of creating a publishing series with the slogan "the grass is always greener on the other side," this monograph would certainly fit in perfectly. Dawid Kostecki has rediscovered the person and doctrine of one of the most interesting Polish Catholic thinkers of the turn of the 19th and 20th centuries for the Polish reader. However, the title of his work is somewhat misleading. The author provides the reader with more than a dry synthesis of the thoughts of his hero.

Chapter I of the book entitled "Philosophy of law as a science" is a concise compendium, which allows us to understand what philosophy of law is and how Dawid Kostecki understands it. We can read that the "reflection on the philosophy of law in scientific terms can only make sense if we are able to describe its phenomenon precisely using the conceptual apparatus" (p. 25). In this part, the author prepares the reader to reflect on whether it is possible to create a thesis about the existence of some type of Marian Ignacy Morawski's philosophy of law. It is necessary to remember that we are talking about a man who did not graduate from law studies, and who probably did not consider himself to be a one hundred percent philosopher either (he was rather a priest, a preacher, a scholar and a publicist referring to selected philosophical currents).

Chapter II ("Marian Ignacy Morawski SJ and his times") reflects the meanders of the Jesuit's life and outlines the conditions in which his intellectual profile was formed. Rightly so, as "no philosophical system is created in isolation from the reality of the epoch" (p. 59). A reminder of the leading intellectual currents of the 19th century (positivism, evolutionism, materialism, liberalism, empiricism) is of

ISSN: 1897-7146; eISSN: 2719-4264;
https://doi.org/10.31743/sp.13835

considerable value, but an attentive reader has a chance to learn something else from this chapter. As the author notes: "after the First World War, and especially after the Second, the socio-political, economic and intellectual constellation changed to such an extent that we only rarely reach back to the world of the nineteenth century. We understand it poorly, and in the multitude of new phenomena, the problems, characters and cognitive perspectives that shaped those times disappear" (p. 91). It is extremely important to recognise that the aforementioned cognitive perspectives were present in the circle of elites that shaped the fate and image of the 20th-century world. Their at least partial understanding allows us to hope that we will be able to comprehend some of their attitudes and choices. In the subsection entitled "The causes of the decline of philosophy as a science in the view of Marian I. Morawski SJ" (pp. 96–99), I can see a charming subject for exploring the origins of the concept of the president's responsibility before God and history, which found an excellent embodiment in the regulations of the Polish Constitution from 1935.

Chapter III is entitled "The significance of the work *Filozofia i jej zadania* in the renewal of scholasticism." This part is not inferior to the previous ones, although here, the author tends to strike more hagiographic notes. He presents an outline of the philosophical thought of the Jesuit thinker. We can find many synthetic reflections on scholasticism and Thomistic philosophy. When we read them, another idea comes to mind. It is one thing to describe the revival of Thomistic thought in 19th-century Polish writing. But how wonderful it would be if one day someone took a broader perspective and was tempted to find an answer to the question "to what degree Morawski was present in the political, social and religious life of the Second Polish Republic?".

The author deals with the concept of the "natural law" in the following chapter. This part is devoted to reflections on the natural law, with the author reaching back to the ancient and medieval traditions. Apart from Morawski's teaching, the views on the natural law of such thinkers as Antoni Borowski and Antoni Szymański are also summarised here. This is an interesting chapter, but in my opinion, it is also a bit "divergent." However, I do not blame the author. Certainly, it was difficult for him to make a choice and create something similar to a synthesis of issues that are related in essence, but quite distant if you look at the title of the work.

The considerations that have begun in the previous chapter are continued in the part entitled "The natural order as the foundation of morality and law." In this section, the author focuses exclusively on organising and describing Marian Ignacy Morawski's views on ethical values. The reader's attention will certainly be drawn to his arguments concerning the relations not only between law and morality, but also

between religion and morality. The discussions and summaries are set against the background of the leading currents of European thought at the time.

The penultimate chapter, "Marian I. Morawski as a philosopher of law," corresponds to the title of the whole book to the greatest extent. Traditionally, also in this section, the reader receives more than was promised. The isolation of the Jesuit's views on the problem of the will in the legal discourse appears to be a fascinating issue, if only due to the fact that during the apogee of Morawski's creative activity, the dispute between supporters of the "theory of will" and the "theory of statement" became heated in the German doctrine. Regardless of that, the author relates the Jesuit's opinions to the ideas put forward by the representatives of the evolutionary school of legal philosophy. The deliberations about instinct and legal intuition remind us that language shapes reality, even though Morawski in his works "touches the mentioned subject matter only to a limited extent" (p. 246).

The whole work concludes with a study entitled "Marian Ignacy Morawski and evolutionary philosophy of law and universal grammar of morality." It provides the synthesis of the Jesuit's philosophical and legal thought to the contemporary research discourse. A good impression is made especially by the projection of Ignacy Morawski's theories onto the background of trends, which have proved very popular in recent years. They include evolutionary psychology (pp. 240–242) and evolutionary ethics (pp. 242–244). This procedure (juxtaposition), was repeated many times in this chapter and shows that Morawski's texts contain much (if not all) of what his successors wrote about in a different language, dressing up their arguments in new clothes. An apt observation by prof. Jan Stanisław Łoś fits this narration: "artistry consists in the way of using and arranging materials that have been known for a long time, just like in the art of arranging mosaics, where one can create masterpieces out of pebbles that are still the same. Many poets before Dante wrote about hell."

The author himself set an ambitious goal. As already mentioned, Marian Ignacy Morawski did not consider himself a philosopher of law. This is not a problem, since Cicero, Seneca, St Thomas Aquinas, and many other non-lawyers, whose works are now frequently used in philosophical and legal discourse, also did not regard themselves as such. However, while the contemporary philosophy of law has no problems with the above, the thesis that Morawski can be considered a philosopher of law has yet to be proved. The author has risen to the challenge and simultaneously showed off his technical skills.

The work is written in a careful, sophisticated language. The subject matter is not the simplest, especially for someone who – like me – usually applies the rule of limited trust to philosophical and philosophical-legal texts. Dawid Kostecki shares the

opinions and views of his protagonist but does not overshadow or overwhelm him in his argumentation. He lets him speak and often allows him to express himself in quotations. He uses Morawski's archaic network of terms only when he deems it necessary. However, when he speaks in his own name, he uses modern terminological instruments.

Dawid Kostecki's monograph is a source of inspiration for people outside the circle of philosophers of law. Gustav Hugo, mentioned on p. 28, is well known also in the context of studies dedicated to *ius Romanum*. At German universities, he taught, among other things (or perhaps, above all) Roman law. The author states that the philosophy of law "is a field on the border of philosophy and law," and places the history of political and legal doctrines between history, law and political science (p. 38). The same can be said about *ius Romanum*. The danger of "getting stuck in speculative abstractions" is part of every science (cf. p. 43). I was very pleased to read the considerations devoted to the law as "a manifestation of culture" (pp. 46–47). The author's reminders relating to the delineation of chronological frameworks are valuable. He claims: "of course, precise chronological caesuras are in this case a matter of convention, if only for the reason that we find the relevant dates in one area of history – almost always political history – while trying to encompass the entirety of collective life" (p. 71). The author also recalls, among other things, the following statement by his protagonist: "the darker he explained himself, the more profound a thinker he seemed to be" (p. 97). This is, regrettably, a comment that is as important as it is timeless. In another place, we read: "theology in this epoch was almost stagnant; and philosophy, which, as a consequence of the multiplication of disputes and questions, became more and more separated from theology, instead of following the right course, rather deviated and became infected with harmful influences" (p. 105). Unfortunately, this diagnosis perfectly fits the present situation among, for example, Roman law researchers and legal historians.

The figure of Marian Ignacy Morawski and his intellectual legacy are not just mere research objects for Dawid Kostecki. First, the author gets close to the character described, then establishes a friendship with him and finally identifies with his thought. The manner in which the argument is conducted, which should be regarded as sovereign and fully conscious, proves not only the writer's erudition but also his cleverness. In an unobtrusive way, Dawid Kostecki attempts to lead the reader along the same road he himself has recently taken. I have the impression that on this occasion, he not only summarises, synthesises and contextualises but also evangelises. Marian I. Morawski would certainly have liked it very much.