



MARCIN MAZUREK

## Sources of Modern Natural Law in Hugo Grotius's Political Philosophy

**ABSTRACT:** The article aims to show the sources of modern legal-natural discourse in Hugo Grotius's political philosophy of. The text shows an attempt, fundamental for Grotius's thought, to address the change of problem field in modern practical philosophy. It consists in shifting the burden of legal and political thought from the issue of power-exercising mechanisms to the problem of its legitimization, with a simultaneous, extensive reconstruction of the concept of human nature in its volitional and intellectual dimension. The thesis organizing the undertaken considerations is that in Grotius's legal and political thought, the main problems of modern practical philosophy are focused as if in a lens, but at the same time this thought designates basic directions of modern research on human nature in their multifaceted connection with the issues of the sources and essence of social and political order.

**KEYWORDS:** natural law • eternal law • nature • legal order • morality • social life

Modern theories of natural law, at least from the moment when Hegel subjected them to thorough criticism, began to be treated as an expression of aspirations and ideological background of the emerging bourgeois stratum, disrupting the post-medieval order of rule, along with its entire axiological and metaphysical horizon. This criticism, repeated for various reasons and for different purposes, has become a permanent element of modern intellectual culture. The renaissance of the concept of natural law took place only in the twentieth century. What is symptomatic, however, is that it was the renaissance mainly of the earlier theory of natural law, authored by Thomas Aquinas. Modern natural law has not been re-conceptualized. Rawls, Nozick, Buchanan and others referred only to the Hobbesian or Locke's social contract as a classical model of the theory of rational choice, which, in turn, was to be a tool for assessing legal and systemic tools and social institutions which fill the democratic liberal order.

In this context, putting the theories of natural law back in their proper historical context seems to be an indispensable preliminary step to show the

impact they have had on shaping modern social and political thought. Prior to drawing conclusions from these considerations, one may risk a thesis that natural law was a milestone on the path to the constitution of philosophical, as well as legal and political, discourse within which there appeared a wide field for discussion about human subjectivity, the function of law and legitimization of state power. The justification for such a thesis will require, however, undertaking two mutually determined ventures which are the purpose of this work. The first is the indication of the effects, invaluable for the whole modern legal and natural thought, of Hugo Grotius's failure in his attempt to create a non-theological, yet a coherent concept of natural law. The second is critical analysis of the intellectual trend, so characteristic for late modernity, aimed at reviving the concept of natural law by Thomas, and rehabilitation of Thomism by instilling it in the secular philosophy of politics.

This trend, in its methodological layer, is based on separating what is theological from what is philosophical in Thomas's thought – each time in the belief that his legal and natural solutions can constitute an independent argumentative structure, or an object and tool of phenomenological perception. This illusion results not only in misinterpretation of the Aquinas's thoughts, but also in blurring the essence of modern natural law. It turns out that it is only a less consistent and less coherent alternative to Thomism, supposedly in the same problem field, although in reality it is an attempt to respond to a change, or to transformation, of this field. Separating the theological perspective from the philosophical one in Thomas's thought is simply a secondary and extremely problematic interference, depriving Thomism of the basis for its existence in a specific, historical role, without offering it a new one in return.

To paraphrase Leo Strauss, it can be said that this interference bears distinctive features of historicism and results from the conviction that a thought which is historically well-established may be valid not by revealing an objective truth manifesting itself in social life, regardless of historical conditions, but only when it is modernized<sup>1</sup>. A great example of the Aquinas's thought included in the discussed reinterpretation trend is delivered by Zbigniew Stawrowski:

It is because of the internal nature of natural law that it appears to us rather as *ius* than *lex*. Thomas uses the term *lex naturalis*, but the word *lex* corresponds to the perspective of the theologian who, as part of a particular religious tradition, speaks of God as the ruler and legisla-

<sup>1</sup> L. Strauss, *Jerusalem and Athens Critically Revisited*, Maryland 1996.

tor, and of man as a creature subjected to God's law. On the other hand, from the philosophical (phenomenological) perspective, the question of who established natural law seems secondary to the fact that this law is present in us and acts in us, and when we realize it, this law obliges us in the end, directing to what is right and just<sup>2</sup>.

However, none of the concepts of natural law can be detached from their historical and political conditions. The tremendous career of the treaty *On the Law of War and Peace* at the beginning of the modern era, is only one of many testimonies in this respect. This becomes apparent when we look at Grotius's view on human nature: in the conceptual layer he uses Thomas's solutions, but the more precisely it is done, the more he moves away from them in the substantive layer. In fact, he must face an extraordinary problem, completely alien to the tradition of natural law existing at the time. After all, Augustine and Thomas did not want to prove that the agreement between people creates the state. This settlement only defines the rules of power functioning, but it in no sense explains the genesis of the state. It was obvious for Augustine and Thomas that both the state and power are the result of divine establishment. According to Augustine, they constitute the answer to the evil nature of man, while for Thomas they are the effect and fulfilment of social nature of the human species.

Grotius has no essential starting point – neither the knowledge of the origins of the state, nor its goals, nor a ready concept of human nature. He has to build these elements, basing them on one another, to construct the idea of natural law capable of playing its own historical role. The situation of a vigorously expanding, increasingly complicated supranational economy, simply required the development of new tools to prevent and resolve increasingly frequent international conflicts, largely unknown in the past<sup>3</sup>. However, to fully appreciate the scale of this task, as well as to understand its fundamental difficulties, it is necessary to return to Thomas's idea in order to highlight those elements of his concept which constitute its pillars, but also a troublesome starting point and an extremely prolific impulse for Grotius's reflections.

For Thomas, the key thesis is the one according to which “[...] it is evident that all things partake somewhat of the eternal law, in so far as, namely, from

<sup>2</sup> Z. Stawrowski, *Prawo naturalne a ład polityczny*, Kraków–Warszawa 2006, p. 106.

<sup>3</sup> It is interesting that the subsequent generations of modern thinkers, from John Locke, through Adam Smith, Immanuel Kant to Saint-Simon, saw in the free development of free market economy an antidote to conflicts, which were to arise against the disintegration of medieval structures. Grotius, despite all sympathy for the development of early capitalism, perceived the situation in a more problematic way.

its being imprinted on them, they derive their respective inclinations to their proper acts and ends<sup>4</sup>. A human being, of course, participates in God's plan, and hence is subject to eternal law, which means that he or she has a natural inclination towards characteristic actions and purpose – "It is evident that the natural law is nothing else than the rational creature's participation of the eternal law"<sup>5</sup>. The quoted excerpts from *Summa Theologica* touch upon the key issue from which the analysis of Grotius's natural law system should begin. It is the way and the degree of participation of rational and irrational creatures in eternal law. Thomas's position in this matter is clear at the starting point. To put it briefly, all creatures participate in eternal law, because

[...] the world is ruled by Divine Providence, that 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, therefore it is that this kind of law must be called eternal<sup>6</sup>.

Furthermore, "[...] irrational creatures are subject to eternal law, through being moved by Divine providence; but not, as rational creatures are, through understanding the Divine commandment"<sup>7</sup>. The awareness of God's commandment is, in fact, self-knowledge concerning human nature, human inclinations consistent with eternal law, whose nurturing and development leads to achieving the degree of perfection available to a human being or, speaking in more modern terms, full development of human personality. Thanks to free will and the ability to make choices, a human being is burdened with responsibility for who he or she becomes, at the same time gaining the right to apply for the highest reward – salvation. The evil consists in not using the light of natural reason, abandoning the innate inclinations, and thus rejecting the indications of natural law, making "wrong use" of eternal law, in the departure from one's own destiny as a rational creature.

In this way, *lex naturalis* appears as *jus naturale* – what constitutes the command of the will of God determines the essence and becomes the way of human existence. However, this does not change the fact that natural law is still the way in which humans participate in eternal law. Both moments cannot be separated, and autonomous existence cannot be given

<sup>4</sup> St. Thomas Aquinas *The Summa Theologica*, London 1925, (I-II q. 91, a. 2), p. 3668.

<sup>5</sup> *Ibidem*, (I-II q. 91, a. 2), p. 3669.

<sup>6</sup> *Ibidem*, (I-II q. 91, a. 1), p. 3666.

<sup>7</sup> *Ibidem*, (I-II q. 93, a. 5), p. 3698.

to natural law. This, and not only this, is already visible at the moment when Thomas faces an evident logical problem of his conception in the context of participation of irrational creatures in eternal law. The fact that they are subject to this law is obvious just because they exist, but at the same time they cannot be subject to it because of the nature of the law as such. After all,

[...] a law is something pertaining to reason. Irrational creatures, however, do not partake thereof in a rational manner, wherefore there is no participation of the eternal law in them, except by way of similitude<sup>8</sup>.

Putting temporarily aside the problem Thomas faced in the context of the purposefulness of the natural world's existence, it should be noted that eternal law can only be realized in a rational creature due to its reason, thus acting as natural law. It turns out, finally, that it is impossible to separate theological and philosophical orders due to their incomplete nature. The attempt to present Thomas's theory of natural law as universal, by separating the theological and philosophical moment, is doomed to failure, simply because the concept of natural law has its roots in theology, and the sense and purpose of theology can ultimately be justified in a rational way (i.e. without referring to the authority of the Holy Scriptures) only on the basis of concrete, practical, legal and natural solutions; eternal law can be defined as a law only when it concerns rational creatures, and thus as natural law. And, since natural law determines the purpose of human existence, it gives it a meaning in an objective, i.e. legal and natural, way, as an extension of eternal law, which is perpetually in force. This fact is lost when the question of natural law is treated as possible to be depicted in isolation from the theological context, which Thomas himself consistently avoided even at the level of language.

The philosophical basis of Grotius's theory of natural law emerges from historical limitation, consisting in the inability to supplement it with the idea of eternal law. Almost immediately, there emerges a problem completely unknown to Thomas, as someone who was a theologian and a philosopher at the same time, although Thomas-the philosopher would certainly have to struggle with it. So, although Thomas had a problem with defining, in legal

<sup>8</sup> *Ibidem*, (I-II q. 91, a. 2), p. 3669. The first premise present in the above reasoning is developed by Thomas, among others, in the following place: "Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting [...]. Now the rule and measure of human acts is the reason, which is the first principle of human acts [...]. Now that which is the principle in any genus, is the rule and measure of that genus: for instance, unity in the genus of numbers, and the first movement in the genus of movements. Consequently, it follows that law is something pertaining to reason". *Ibidem*, (I-II q. 90, a. 1), p. 3657.

terms, the way in which the Creator manages the irrational world, due to the definition of law as the norm of proper conduct of a rational creature, it is obvious and completely understandable that God's constant interference in the creation gives a purpose, and therefore also meaning to its existence. This interference gives creatures the reason for their existence – it defines them as immanent elements of the universe, having a specific place and role to play in God's plan. To an even greater extent, this applies to rational creatures acting purposefully in two ways – by nature and therefore instinctively, as well as deliberately, consciously. In Grotius's concept – and this is the heart of the matter – there is a sudden shift of accents. Eternal law is replaced by force, affecting all creatures, as an external principle alien to them, with a disproportionately smaller sphere of influence. Grotius writes:

[...] we should also make this exception in the case of other animals, that their pursuit of their own interests is tempered by a regard partly for their own offspring, and partly for the other members of their species. We believe that this proceeds in their case from some extrinsic principle of intelligence, since a similar intelligence does not appear in other actions of theirs, which are equally difficult<sup>9</sup>.

From Thomas's perspective, this force was the internal principle of creation, something that defines it – a principle determining its essence and not only affecting its actions. This rational principle, Thomas's eternal law, becomes only its own shadow in Grotius's thinking. He no longer uses the concept of eternal law, although he cannot give it up altogether. He does not even use the very concept of "law" in relation to irrational creatures, in the belief that "[...] nothing is properly susceptible to Right and Obligation, but a Being that is capable of forming general Maxims [...]"<sup>10</sup>. The binding foundation of Thomas's thought is the certainty of the Creator-Lawmaker's existence, which at the same time forces him to consolidate in his conception the problem of law affecting irrational creatures. Grotius may already be able to say:

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 [...]<sup>11</sup>.

The alienness of this external principle is, however, fully expressed in the context of the impact on a human being. The law of nature is no

<sup>9</sup> H. Grotius, *The Rights of War and Peace*, Indianapolis 2005, p. 1747.

<sup>10</sup> *Ibidem*, p. 157.

<sup>11</sup> *Ibidem*, p. 1748.

longer the mode of action of this mysterious force. This force does not place a human being in the assigned role, does not define human nature. It does not give dignity to a human being as a rational and free creature but, as an external and alien factor interferes with a human, humiliates and disgraces him. Breaking out of its power is treated as ennoblement – being subject to it as humiliation and slavery. At the same time, there is a different order of cognition: Grotius – unlike Thomas – sees irrational creatures by analogy to rational creatures. For Thomas, a human being is an animated being, equipped with reason, and for Grotius, with his decidedly anthropocentric point of departure, an irrational creature is only a defective and deplorable likeness of a rational creature. Natural law becomes human law, a right of a human being as an entity undeniably separate from the rest of creation.

A human being is either subject to the forces of nature (which in Grotius's concept are no longer eternal law, but not yet a prosaic network of biological determinants) or follows natural law. Nature is constituted by soulless but powerful instincts which move all creatures; instincts, from which intelligent beings have a moral obligation to free themselves by means of natural laws. What appears here is a clear notion of freedom, as self-determination, which assumes autonomy from what is natural, and hence is particularistic and selfish. And so, the concept of human freedom is formulated as something specifically human, incomparable to dispositions of other creatures. It is also important that Grotius does not deal with the principles of the existence of inanimate entities at all. They do not interest him, because they do not determine the moral condition of a human being. This becomes symptomatic in confrontation with the philosophical system of Thomas Hobbes, in which a human being is immersed in the world and its eternal, unchanging laws in the same way as irrational or inanimate beings, which is not a source of humiliation for a human being. In a puzzling way, the optics of Hobbes and Thomas Aquinas are closer to each other than to Grotius's, although Grotius, struggling with the political obsolescence of Thomas's concept, creates a theoretical precedent, also for Hobbes's philosophy.

The following words of Grotius are significant:

Moreover, despite the fact that natural law, with which I am concerned, whether we think of it as the basis of society or take it more loosely [sive illud sociale, sive quod laxius ita dicitur], necessarily derives from intrinsic principles of a human being [ex principiis homini internis necessario profluit], it can also justly be attributed to God, since He willed that there should be such principles in us<sup>12</sup>.

<sup>12</sup> *Ibidem*, pp. 1748–1749.

But could God not want it? Well, it turns out that God had no choice – by creating a human being, He had to agree to natural law, because “[...] the Law of Nature is so unalterable, that God Himself cannot change it”<sup>13</sup>, “[...] for since the Law of Nature (as I said before) is perpetual and unchangeable, nothing could be commanded by GOD, who can never be unjust, contrary to this Law”<sup>14</sup>. Grotius makes it clear that the positive divine law, which he distinguishes and separates from natural law, is limited only to moral issues, such as the prohibition of concubinage, polygamy or divorce, without touching what is constitutive of the legal and political order<sup>15</sup>. It is an evident detachment of the issue of the purpose of human life (in the sense of moral theology) from the problem of establishing a just legal and political order. Anyway, Grotius’s attitude to the Revealed Word is not difficult to guess after he tries to neutralize the teachings of Christ, which contradict his concept of human nature and natural law, in a ruthless and simultaneously awkward way. He interprets the following words of Christ: “If any Man will sue thee at the Law, and take away thy Coat, let him have thy Cloak also [...]”, in an almost grotesque way:

[...] CHRIST, to exercise our Patience, would not have us dispute for Things that may be easily recovered, as a Coat, or a Cloak with a Coat, if one runs a Risque of being deprived of both; nor prosecute our Right according to Law, however well founded it may be<sup>16</sup>.

This also applies to the following commandment

[...] If any Man shall compel thee to go with him one Mile, go with him two: Our Lord did not say a hundred Miles, which might draw one too far from his necessary Business, but one, and if occasion be, two, which is only a kind of a Walk, and the Trouble and Hindrance occasioned by it almost nothing at all<sup>17</sup>.

In the light of Grotius’s concept, a human being has natural inclinations to live in society, and the task of reason consists in recognizing them and directing them in a conscious and effective way in order to organize social life. Reason is a criterion of human behaviour, hence its legislative character. The logic of Thomas’s thoughts is preserved here, but the perspective is evidently transformed. Unlike in Thomas’s reasoning, the

<sup>13</sup> *Ibidem*, p. 155.

<sup>14</sup> *Ibidem*, p. 175.

<sup>15</sup> *Ibidem*, pp. 195–196.

<sup>16</sup> *Ibidem*, p. 210.

<sup>17</sup> *Ibidem*, s. 211.

natural inclination to live in a community is the source of natural law, not its manifestation – “[...] for human nature itself is the mother of natural law [...]”<sup>18</sup>. In a logical sense, human nature is assumed here before natural law, which must be derived from it. This, therefore, ultimately denies Thomas’s thesis that natural law is an element of eternal law, permeating the whole of creation, and defining human nature. It consolidates, in return, the position of a human being, as an autonomous, self-determining legislator, although the term “human being” is used by Grotius as a general notion, a genre, as well as the name of a concrete individual being. This allows him (in the first case) to create a perspective of legislative objectivity and thus avoid subjectivism and relativism in defining the concept of common good, with a simultaneous and innovative, but suspended attempt to use the potential of individualism for the purpose of counter-topical legitimization of power (in the second case)<sup>19</sup>. In order to take a closer look at this issue, however, one should follow the way in which Grotius defines human nature and derives natural law from it.

Grotius, at the starting point, relies on the words and (what is significant) the authority of Cicero:

[...] there are two Sorts of natural Principles; some that go before, and are called by the Greeks The first Impressions of Nature; and others that come after, but ought to be the Rule of our Actions, preferably to the former<sup>20</sup>.

These first principles are – according to Grotius – instinctive, oversaturated with egoism and care for self-preservation. These include the pursuit of things conducive to life and health of an individual, and the removal of the factors which threaten them. The resulting rules are all manifestations of respect towards others and their property, which define social attitudes of a human being. Therefore, although an instinct is primary

[...] Right Reason should still be dearer to us than that natural Instinct [...]. Since these Things are undoubtedly true, and easily allowed by Men of solid Judgment, without any farther Demonstration, we must then, in examining the Law of Nature, first consider whether the Point in Question be conformable to the first Impressions of Nature, and

<sup>18</sup> *Ibidem*, s. 1749.

<sup>19</sup> Strauss is therefore wrong claiming that Hobbes should be regarded as the creator of liberalism, because he was the first to make human rights his starting point, only to later re-determine an individual’s duties towards the state (L. Strauss, *Natural Right and History*, Chicago 1965). Grotius was first.

<sup>20</sup> H. Grotius, *The Rights of War and Peace*, *op.cit.*, p. 180.

afterwards, whether it agrees with the other natural Principle, which, tho' posterior, is more excellent [...]”<sup>21</sup>.

The first principles of nature are, in fact, instincts of an egoistic nature, prompting human beings to seek their own benefits, regardless of the good of others. The source of these natural inclinations is the most primitive instinct, namely the self-preservation one, which pushes people into conflicts and wars. Hence, it is obvious that: “Among the first Impressions of Nature there is nothing repugnant to War; nay, all Things rather favour it [...]”<sup>22</sup>. From the position in which Grotius places a human being, and which somewhat later Hobbes called the state of war of all against all, a human being is saved by right reason, which suggests that, in order to effectively pursue self-preservation, what is necessary is self-limitation and resignation from total, natural freedom. Right reason simply learns natural law and presents it as necessary.

Why does Grotius emphasize so strongly that the principles of right reason are “more valuable”, “dearer”, “more deserving of praise” than the first principles of nature? This is an indication that Grotius stops half-way, and refrains from drawing conclusions concerning the state of general conflict caused by natural instincts of a human being. He does not want to allow a situation in which the state order, state and international law, and ultimately also natural law, turn out to be a simple consequence of human egoism. Trying to save the autonomous element of human nature and the natural laws resulting from it, his concept of the original contract loses its foundation; it begins to require justification instead of guaranteeing one. Grotius makes it ultimately impossible for himself to use the potential of contractual resolutions, bringing the matter to the extreme by saying: “[...] for human nature itself is the mother of natural law, as it drives us to seek a common society [societatem mutuam], even if there is no shortage of resources [...]”<sup>23</sup>. Grotius rejects the possibility of deriving general legal and political concepts from what is individual, from a selfish pursuit to satisfy one’s needs.

“The principles of natural law are clear and self-evident, to a much higher degree than the things which we perceive with our outward senses—even though our senses do not fail us if their organs are working properly and other necessary conditions are met”<sup>24</sup>. This argument is as convincing,

<sup>21</sup> *Ibidem*.

<sup>22</sup> *Ibidem*, pp. 182–183.

<sup>23</sup> *Ibidem*, p. 1749.

<sup>24</sup> *Ibidem*, p. 1756.

as it is perplexing. Above all, it is a problematic question when “the senses fail us” in the field of right reason, and what the “necessary conditions” are supposed to be. The very concept of right reason suggests the possibility that a non-right or depraved reason exist. This undoubtedly indicates that Grotius is convinced of the possibility of both an optimal and a distorted way of human functioning as a rational and moral creature. This becomes even more problematic in the light of the statement: “Natural Right is the Rule and Dictate of Right Reason, shewing the Moral Deformity or Moral Necessity there is in any Act, according to its Suitableness or Unsuitableness to a reasonable Nature”<sup>25</sup>. It is hard to resist the impression that this is a forecast of Kant’s practical philosophy, using the concepts of absolute command, moral necessity, good will, and, in opposition to them, egoism, wilfulness and moral abomination; i.e. the philosophy excluding utilitarian, or any other, pragmatic examination of morality. It is Grotius’s right reason that commands to obey the law and adhere to oaths even if by doing so an individual were to be exposed to unavoidable loss of prestige or money, because only in this way the continuity of the law, and thus the possibility of using it in the future can be guaranteed. The opposite behaviour would be unreasonable<sup>26</sup>.

As a consequence, Grotius approaches the perfectionist position. On the other hand, however, his concept depends on specific determinism which operates within human nature itself. Since natural law determines the proper way of human functioning, breaking it automatically means consequences. The following words indicate this:

[...] laws can still have an effect even without any violence annexed to them. For justice leads to a secure conscience, while injustice leads to the torment and laceration which Plato depicts in the hearts of tyrants; the common consent of upright people approves of justice and condemns injustice [...]<sup>27</sup>.

Grotius probably refers to chapter LXXX of Plato’s *Gorgias*. He is mistaken. In his dialogue, the Greek philosopher describes the visual appearance of tyrants’ souls as disfigured by their injustices, adding that they are imprisoned for that; there is no mention of remorse, there is guilt and punishment, and it is even difficult to find any repentance. Interestingly, Grotius always speaks about conscience in an awkward and metaphorical

<sup>25</sup> *Ibidem*, pp. 150–151.

<sup>26</sup> *Ibidem*, p. 1750.

<sup>27</sup> *Ibidem*, pp. 1750–1751.

way; nevertheless he often speaks of it, trying to find a way to support his theory inside a human being.

Ultimately, human nature takes on a monadic form: it appears to be closed, autotelic and suspended in a vacuum. This is the effect, on the one hand, of opposing its instincts, drives and desires, as well as rejecting the possibility of deriving general principles from them; on the other hand, it is the result of reducing theological legal and moral order to a set of norms of a moral nature. Such a concept of human nature will be extremely intensely exploited in the Age of Enlightenment, with all its consequences, such as natural religion<sup>28</sup> or the idea of natural righteousness<sup>29</sup>. John Locke will finally separate the problem of faith from politics, and even the question of truth from religion, which will not prevent him from stigmatizing atheists as morally incapable of social coexistence<sup>30</sup>. In late modernity, the notion of human nature will become unreliable as reductionistic or universalizing; too narrow, thus excluding or too wide, hence empty.

Thomas's theory of eternal, natural and positive law, and the concept of human nature correlated with them, were a reference point for Grotius, but only as a rational approach to reality which elapsed – in this sense, this approach became irrational for him. Grotius suffered a defeat in an attempt to detach legal-natural conclusions from their theological context, being simultaneously attached to perfectionism, moralism and finality, as well as contempt for moral and political materialism and hedonism. Looking at it from a different perspective, his legal and political thought, underestimated and neglected today, if not to say – ignored, is a courageous and valuable, though unsuccessful, attempt to uphold the legal and natural basis for political practice. And although, on the basis of his political philosophy, the position of the state and the way of its legitimization remain unclear, Grotius indicated problems which later initiated legal and natural theories, perhaps more coherent and better justified, but much more biased. It can be said that Grotius stopped at a point beyond which legal and natural conclusions perform a servant function towards political practice rather than towards a rational view thereon. 

<sup>28</sup> D. Diderot, *Political Writings*, Cambridge 2001.

<sup>29</sup> F.V. Morelly, *Code De La Nature*, Charleston 2014.

<sup>30</sup> J. Locke, *A Letter Concerning Toleration*, New York 1990.

MARCIN MAZUREK – absolwent Instytutu Filozofii Uniwersytetu Warszawskiego, doktor nauk społecznych, adiunkt na Wydziale Bezpieczeństwa Narodowego Akademii Sztuki Wojennej. Doktorant na Wydziale Filozofii UW. Specjalizuje się w problematyce bezpieczeństwa w kontekście kulturowej, gospodarczej i politycznej integracji, decentralizacji władzy oraz ewolucji pojęcia panowania i suwerenności.

MARCIN MAZUREK – graduate of the Institute of Philosophy at the University of Warsaw, Ph.D. in social sciences, Assistant Professor at the Faculty of National Security, War Studies Academy. Ph.D. student at the Faculty of Philosophy, the University of Warsaw. He specializes in security issues in the context of cultural, economic and political integration, decentralization of power and evolution of the concept of rule and sovereignty.

ORCID 0000-0002-8159-3762

