

DISCUSSION*

Tadeusz Styczeń, SDS

To begin with, I would like to draw your attention to Prof. J. Seifert's lecture, devoted to the philosophers' responsibility for the spiritual condition of the contemporary world. To be exact, I would like all of us, as philosophers, to consider the case of the young woman who came as a student to the International Academy of Philosophy in Dallas, USA, which takes so much pride in the motto of Plato's Academy – *diligere veritatem omnem et in omnibus* – just to tell its rector straightforwardly that there are no philosophers in today's world, and that likewise her professor cannot be called a philosopher.

As we can clearly see, the girl does not merely represent the attitude of a neutral observer who simply states that there are no philosophers in the contemporary world. Her remark is a reproach, in saying that those who profess themselves to be philosophers are not philosophers. Let us put aside – for a moment – the problem of whether her accusation is or is not well justified. Rather, we must be sure not to miss something particularly important which comes to light in this accusation. The very fact that someone who does not simply express his own opinion, but on behalf of the whole world accuses philosophers of having betrayed philosophy, proves at least two important things: firstly, that the ideal of philosophy, though betrayed by philosophers, remains something indisputably important not only to the one making the accusation, but also to the whole world; and secondly, that the philosopher's betrayal of this ideal is considered not only as faithlessness to his vocation, or as the philosopher's betrayal of himself, but also as his betrayal of the world. The philosopher is simply accused here of doing harm to the world by depriving it of himself – as philosopher – and by lying to the world. While actually depriving the world of himself as a philosopher, he placates it by pretending to remain a philosopher. Instead of pursuing the job of the true philosopher, which consists in strengthening and meeting the need for truth, he thus offers the

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world an image of the sophist, of someone who only flatters its tastes and preferences. Thus, this accusation expresses – first of all – the call to make the ideal of philosophy present in the world once again, to make it remain in the world; in other words, to make the “ideal” represented by philosophers “reach the pavement”... To sum up: the young woman expresses the world’s opinion that there are sophists everywhere, yet one cannot see a philosopher; we are waiting for them to return...

However, the fact that the girl has not yet met a philosopher does not mean that there are none in the world. Still, the accusation inherent in her statement makes us reflect on this situation and draw the right conclusions. I have two of them, and I would like all of us to give them careful, though critical consideration. The very fact that we can be accused of betraying philosophy may sadden us. Is it not a real drama not to have withstood the test in one’s own vocation? Yet, a deeper look into the reason for having made such an accusation against philosophers raises a hope, or even a certain optimism... While accusing philosophers of betraying their profession, the world still remains hungry for philosophy, it is still waiting for philosophy, and it even sees philosophy as the way to regain its true identity. And though it is the world that keeps praising sophists who offer it imitations of freedom at reduced prices in place of philosophy, and promises of hope disguised in imitations of truth; though it is the world enslaved by its own confusion, that will condemn to death philosophers who are troubadours of difficult truths and of good that places demands upon us, as it condemned Socrates in Athens for having disrupted its peaceful existence; this very same world will in time discover that it has let itself be lured on by appearances of truth and freedom, and that it has been killing its prophets in the name of these delusions. Then it will be able to distinguish between a sophist and a philosopher. It will stop following the sophist and start waiting for another return of the philosopher, which may, or even must mean to us that the world is waiting for our conversion...

A philosopher is usually expected to be a disciple of what he can teach quite well, of that which he has mastered. One could even suppose that the young woman in Dallas, who accused philosophers of betraying philosophy, was able to make this accusation because, through their lectures, she was able to grasp the universal significance of the essence of philosophical teaching. The philosophers she encountered may have lacked this “something more” – a testimony, a philosophical argument *par excellence* – which in a way constitutes the final justification for all the demonstrated – and otherwise important – foundations of what they, as philosophers, proclaim.

Let me add something more to the argument concerning testimony. Let us assume the optimum conditions in which, as philosophers, we possess all the didactic abilities of the master Socrates. Let us further assume that the group of our disciples comprises only men of that genius which distinguished Plato

among Socrates' disciples. Even if our assumption were true, which is rather improbable, we must not forget one thing: even Plato himself, having such a master, was able to understand what Socrates – as a philosophy teacher – had been trying to hand down to him only at the moment when Socrates' refused the offer to help him escape from prison in order to regain freedom. Plato was able to grasp the essence of freedom only when Socrates revealed it to him in his decision to stay in prison, when he could have freely left it and chosen the freedom outside. He would remain free only if he remained faithful to the truth, because of his love for it, but also because of his love for all those people towards whom he felt the obligation to testify to truth, including those who had put him in prison because of this testimony, and who were going to kill him. Thus, the price of freedom, which proved to be the fruit of faithful love of truth and of truthful love of people, is not only the readiness to give one's life for truth, but also the readiness to be rejected by those to whom, because of his love for them and for the truth, one reveals it. A philosopher appreciates being popular; after all, the reason why he teaches is that he wants his ideas to be accepted, and that he would like himself to be accepted together with them. Yet, he is ready to abandon his popularity whenever it turns out to be opposed to the love of truth, or to the truthful love of people. His ultimate readiness for physical death at the hands of the people, as well as the readiness for death in the eyes of their opinion prove to be the features constitutive for a philosopher. It is only by these features that he can be identified as a philosopher.

Plato, Socrates' disciple of exceptional talent, was able to grasp all of this only on his way home on that memorable night after he had visited Socrates in prison for the last time, and when he had left him there, lonely and awaiting execution, wholly because of his love for truth and for people. There would be no Plato today, neither would there be his Academy with the motto "*diligere veritatem omnem et in omnibus*," if it had not been for this testimony of the Philosopher. And despite his disciple's rare genius and his own didactic talent, Socrates, Plato's prodigious master, probably would not have been able to assist at Plato's moral birth, or to teach him what constitutes the *unum necessarium*, by any means other than this testimony. Had it not been for this testimony, Socrates would not have been able to teach Plato that which constitutes the very core of ethics and anthropology; namely, that man fulfills himself and attains his freedom always and only by his love for truth and for man – the one who can find and fulfil himself only by the identification of this self – in an act of free choice – with the truth which he has grasped. To put it briefly, man attains self-fulfillment and freedom through the love of truth.

So, even if they do not have disciples as intelligent as Plato, and even if they themselves are not as masterful at teaching philosophy as was Socrates, cannot contemporary philosophers, despite all this, be philosophers? It seems

that they can if only they have enough courage to reach for the argument which is most important for any philosopher – for the argument of testimony. And it is for this argument, above all, that the contemporary world, with its representatives – such as the young woman in Dallas – is waiting. Maybe we really need to treat her accusation as an appeal on behalf of the whole world, directed to us all, as an appeal for honest self-examination. Unpopularity and the possibility of being condemned to banishment, or to death by absence among the living while still alive, probably remain constant points of reference in the philosopher's self-examination. During the celebration at Pamplona University in which the Faculty of Philosophy conferred the title *doctor honoris causa* title on Robert Spaemann, he joked: "Have I become a sophist if the world approves of me by conferring on me the *doctor honoris causa* title while I am still alive?," and then added "A philosopher should end his life the way Socrates did, and bear fruit by his death." A Polish poet, C.K. Norwid, expresses this truth in the famous verses: "What have you done to Athens, Socrates,/ That the people make a gold statue to you,/ having poisoned you before?..."

Jan Sieg, SJ

It is a nice surprise for me that despite the philosophical character of our symposium, there has also appeared in Fr. Salij's lecture, a topic referring to the Person of Christ. If we keep separating philosophy from theology, we will never be able to grasp the whole truth. I am positive that this is the reason why we have been so weak while facing the world. Whenever we act as mere philosophers, we are vulnerable in many respects. But when we speak as Christian philosophers, we present not only new ideas, but also the perspective of Grace. Therefore I am very content to see the union of philosophy and theology here.

Now, I would like to make a remark concerning the first lecture. Truth is the correspondence between idea and reality (*adequatio mentis et rei*). Yet, I must stress that it does not suffice to speak about the human idea, since all truth is first in God. As His Father's idea, Christ is the truth; as the *Verbum*, He is the first truth which is God. Everything has been created in God, and human nature was first thought of by God. The very first problem concerning *adequatio* is the *adequatio* of human nature and God's idea. When we have a closer look at the contemporary world, we cannot help asking the question whether the human race is in correspondence with God's idea today; whether it corresponds to God's idea embodied in Jesus Christ, and not just to the human idea. *Gaudium et spes*, the Constitution of the Second Vatican Council, addresses today's world, but every one of its chapters concludes with a christological vision. The Council has been speaking to the world from the christological perspective. And therefore, if we are talking about truth today,

we must not forget to ask about the *adequatio* of the world of today's man to God's idea of man, which can be seen in Jesus Christ.

To conclude, I must repeat that I am very pleased with the programme of this session – both with its philosophical and theological dimension.

Wolfgang Waldstein

With reference to what we have heard, I think it would be worthwhile to distinguish between two historical phases which have been crucial for the origins of Europe. The first one concerns pre-Christian times, when man stood in the attitude of advent, of openness to God and truth, and to what he was able to grasp by his unaided powers. In *Dei verbum*, the dogmatic Constitution on God's Revelation, the Second Vatican Council stresses that man was generously lavished with the power of cognition, and that, with the power of his reason, he can correctly get to know God from his creation. This is absolutely true about the times before the Christian Revelation, about the cognitive efforts of Greek philosophy, about its Roman continuation, and above all, about Roman law. However, the situation changed diametrically after the Revelation. One could say that now, people no longer have any justification for rejecting the truth revealed to them by God Himself. However, the truths grasped before do remain valid. While reading the encyclical *Veritatis splendor* I recognize many ideas which can already be found in Cicero. Truth is independent of time, and always remains valid. In my opinion, a revival of all the diversity of the truths grasped is crucial to the future of Europe, and I think that the encyclical *Veritatis splendor* is a document addressed to the future of the twentieth century. Why is this so? Because truth is often rejected today, because people have grown blind to it, and many contemporary teachers, many theologians, are no longer able to comprehend this encyclical. This situation calls for a radical change, and with God's help people must become open to truth again, and if they do so, they will also be able to understand the encyclical.

Alphons Horten

I would like to make a statement concerning a different matter. Unlike the Rev. Fr. Styczeń, I think that the Karlsruhe judges reached a very bold decision, which can be seen if we consider the context in which they were acting. There was no "*jein*" – ["yes-no"]. If, for whole decades, the existing law had not been enforced, it could be declared – at best – that a given act is a violation of the law; yet the court could not be ordered to declare this violation liable to penalty. Such has been the political practice in the "post-Christian" era.

Having a close look at the *De regimine principum* by St. Thomas Aquinas, you can see that the author gives the prince freedom of choice of the lesser

evil. Anyone in the position of the prince whom St. Thomas counsels must – in his decisions – take into consideration conditions other than the ones taken into account by someone who considers matters purely theoretically and sets principles.

I honestly find the verdict reached by the Constitutional Tribunal in Karlsruhe, which proclaims abortion as a violation of the law, to be a particularly courageous decision. Though we do consider abortion as a violation of the law, the general condition of public life is such that we cannot prescribe the court to penalize abortion.

However, it is interesting that, as the press has made it known, the pronouncement of “violation of the law” has exerted a substantial influence on public opinion in the new German states.

Tadeusz Styczeń, SDS

I wish to address Mr. A. Horten’s critical comments on my remark about the declaration of the Karlsruhe Tribunal. I should have better developed the idea which I briefly expressed as a proposal to invite the Karlsruhe Constitutional Tribunal to call for the reaction of one of the very first be affected by their declaration. I was rather doubtful whether the unborn would express their gratitude to the judges, whether they would say “Thank you.” While listening carefully to Mr. Horten’s statement I was hoping, thinking already of this invitation, to hear some kind of reference to it, and I was interested in the other possible reactions which he would propose for consideration. Who should call on whom? I was anxious to hear such a statement, which in my opinion is so telling. However, I did not hear it. This is a pity. For it is only in the dialogue with the unborn on the subject which concerns them so deeply that we can learn what is necessary for the legal and ethical regulation of their case, what is necessary so that the law would remain law, so that it would not turn into a “*corruptio legis*.”

Mr. Horten mentioned different circles of the addressees of this declaration, yet he took no stance towards my suggestion, presented already in the opening speech, to call on the unborn first of all, and to talk to them on this matter which is indeed a matter of life or death. After all, this issue concerns them primarily. What would they say to the Karlsruhe judges? Thank you?

Mr. Horten was speaking about the necessity of taking into consideration contemporary German public opinion, which is not used to respecting the life of the unborn, and which the Tribunal could not ignore. But why should a judge make himself dependent on anyone, if his role is to be dependent on nobody and on nothing, other than that which is due to one man from another in the name of the truth about himself? This truth is that of the *suum cuique, suum vel ius sive iustum*. Why should the judges be obliged to such an extent

to take into consideration the “post-Christian mentality” of public opinion, if the matter at stake concerns man as man, regardless of any epoch or time, and therefore because it is timeless? Has Socrates’ “pre-Christian” adage “More fortunate is the victim of a wrong than the wrongdoer” lost any of its accuracy today? Why did the judges have to take public opinion so much into consideration if the point is that they should be shaping it without any servile flattering of it, the task of the court is not consideration of public opinion, but the passing of verdicts which respect the principles of justice absolutely.

So, I am asking: what, according to those judges, and also according to Mr. Horten, does the principle of the independence of the court consist of in the context of the verdict given by the Constitutional Tribunal in Karlsruhe? Is the Tribunal really unable to render a verdict which would respect the equality of all people in front of the law, as such a Tribunal, if its faithful advocacy of what is just were in fact be rejected by the people of a “post-Christian” mentality? For what, then, does the Tribunal exist? Does it still remain itself, and is it at all helpful when bowing and scraping to public opinion and to circumstances, “*unter Umständen*,” as Mr. Horten has put it? Does the argument by which Mr. Horten would like to defend the judges, namely that public opinion has to be taken into consideration, have enough validity, if their task is to defend man solely because he is man, regardless of all historical or cultural circumstances? What is the point of stressing “*unter diesen Umständen*” here, while the matter in question absolutely excludes any haggling, any “in such circumstances,” because those whom it concerns are humans, not things, because the problem of man and his life is betrayed the moment we let the idea of any compromise, or bargaining about it, enter our heads?

So, I am asking right now if there is sufficient reason for passing a verdict which does not respect the principle of justice in the possibility, or probability, that it would be rejected – together with the Tribunal – by the people? Would not such a rejection provide the grounds for taking pride in the Tribunal’s work? Is not refraining from the verdict and following the opinion of a morally corrupt society a renunciation of the only chance of giving this society a “shock treatment”? What would the pre-Christian Socrates say to the “carefulness” of their arguments were he to sit among the judges of the Constitutional Court? Would he woo public opinion and the tastes of the voters-to-be at the cost of the lives of innocent human beings?

Finally, there was a suggestion to call on St. Thomas, as the author of the small book, *De regimine principum*. I would like to put aside the fact that in this very matter such a suggestion is totally out of place. Yet, even if – *dato non concessio* – St. Thomas should allow any compromise in the question of killing the unborn, what would we hear from the Teacher who reprimanded not only the Pharisees, but also Moses, for having bowed to the opinion of the headstrong in the question of divorce. There are matters which exclude

a possibility of compromise, even if compromise has been practiced for whole centuries. Among them lies the protection of the unborn from any attempt on their lives made by the lawmaker who, instead of defending them, collaborates with the very perpetrator of this crime.

This is the matter standing at the top of the list of those which are not subject to compromise. Submission here would mean the destruction of everything else. All the things mentioned by Mr. Horten are probably important variables of the problem, yet these variables cannot change the essence of the evil of murder committed on innocent human beings with the assent of the law. Therefore, having estimated all the parameters at their proper value, we must consider them from the point of view of the ones who are the main, or even more, the very first addressees of the Tribunal's declaration, as they are the ones primarily interested in its fundamental essence. They are the ones who, having received no legal support, are to lose their lives due to the Tribunal's recognition that the act of killing any of them is exempt from punishment. It is the Tribunal itself that will take the responsibility for their deaths. The Tribunal will finally be called to account for the way it has carried out its duties, and not for the words it has spoken, since preaching is not the job of the Tribunal, but of preachers and moralists. The unborn are the ones who will die, killed by the aggressor, left abandoned during this attempt on their lives. Therefore, the main addressee of the Tribunal's declaration is the *nasciturus-moriturus*. And thus, only his opinion has the value of being decisive in the evaluation of the verdict given. Are the unborn – by means of this legal verdict – legally protected? Let them give the answer. And let the judges who are to decide whether the law is the law, or only an appearance of the law, listen to this answer. *Caveant consules...*

This is why I reiterate my invitation directed to the authors of the verdict "*rechtswidrig/straffrei*," and maybe to Mr. Horten as well, to face the ones who will die helpless, without any support on our part, due this declaration. By the way, we must feel the consequence of the present moment, we must feel the importance of this hour, and of our personal responsibility for it. If we support – here and now, during the symposium "Europe – to be or not to be," held at the Catholic University of Lublin – the Karlsruhe formula "*rechtswidrig/straffrei*," if we use such a tool as the performative function of language, we publicly perform the act of condemning the unborn here in Europe, that is, of depriving their lives of any legal protection. Thus, we also become guilty of their death, because of our participation in this concrete act on the part of the European Legislator and the Highest Supreme Judge (*Bundestag* and the Constitutional Tribunal in Karlsruhe) who corrupt the law by collaboration with the perpetrator of a crime, and who protects the perpetrator from any consequences of the act of killing innocent victims by giving the victims no shield, except

for an attempt to persuade them that the perpetrator's action, in which the Tribunal as a lawmaker participates, is a violation of the law.

Here in Lublin we have been trying to defend the victims, as well as the name of the law, by means of persuasion. We appeal to the Karlsruhe Tribunal to visit one of the unborn. We believe in the diagnostic power of such a visit to one over whom hangs the death sentence. Such a visit may bring a flash of light. We therefore recall here Plato's night visit to Socrates. I cherish the hope that a flash of sudden revelation awaits the authors of the Karlsruhe declaration during their visit to one of the unborn – to one of those condemned to death. Thus, I appeal for a little courage and a little imagination to be able to pay such a visit. And let us imagine this visit from the perspective of the *nasciturus-moriturus* himself, who is waiting in his mother's womb for the execution of the death sentence already passed. He – our *nasciturus-moriturus* – receives some particularly good news. In a moment he will have an unusual visit. The representatives of the state, who are responsible for his well-being, are coming to see him. And the matter concerns his most fundamental good: his life. Every human being is who he or she is if he or she is alive. To make an attempt on someone's life means to make an attempt on this person. They know it well in Karlsruhe. There exists an appropriate regulation in the Constitution. It guarantees everyone the inviolability of their life, together with equality in front of the law. It is they, the supreme judges, who pass verdicts in light of the truth about the human dignity proper to every individual person, and who are guided by no other opinion than by this truth, are coming especially to him or to her, with a specially prepared message, in the exercise of their office. They will visit him in person, as the representatives of the Supreme Arm of the Law in Germany – all the celebrities of the Karlsruhe Constitutional Court will come to him to announce the result of their work on the verdict concerning the legal regulation which allows for his unpunished murder, passed by a majority of votes in the *Bundestag*, and appealed by the parliamentary minority. And now, the verdict specially prepared for him will be announced. And the verdict is: "*rechtswidrig/straffrei.*"

Let me express one variant of an unborn child's possible reply: "Gentlemen! No moral objection can be raised against you. You cannot be accused of betrayal, of having betrayed me, or the institution of law. The reason is that one who is unable to see what constitutes the necessary condition of any rational discourse among people does not know what he or she is doing. This is all I have to say to you before I die. And let it be my gift for you, for the rest of the life which remains to you."

I consider it my duty, not the duty of a philosopher, but simply the duty of a human being, to support the unborn in the name of interhuman solidarity – to support them as victims of the greatest wrong that the strong can do against those who are totally helpless and completely innocent, citing as their warrant

the majesty of the law and the state. I must support the unborn, tell the whole world about their plight, try to amplify the “silent scream” of man, of the *nasciturus-moriturus*, who was ordered – from the pedestal of the supreme seat which decides upon the validity of the law – to die, and given no kind of help. He would not be able to say: “Thank you for your help” without putting into question not only his own dignity, but also the human dignity of those who come to announce to him the verdict passed on his case. He has no cause for gratitude not only because he has not received the assistance due to him from the court of justice, but also because he is addressed in a language which brings discredit to the rationality of the ones who dare use it. The reason is that the one who is capable of accepting a principle which includes both “yes” and “no” cannot be taken seriously as a partner in a rational discourse. Such discourse assumes respect for the principle of non-contradiction as its necessary condition. If, despite the visit, the Tribunal claimed to have done its best in those circumstances – because of the state of public mentality – to rescue the life of the *nasciturus-moriturus*, its members can now return home to reflect on their merits in saving the lives of the unborn. The very unborn are no longer interested in the false help of the arm of the Law. Among moralists and preachers they will find advocates better than the supreme judges of Karlsruhe.

Would there be any other reason for the visit paid to one of the unborn by the persons who have introduced themselves as advocates of the Constitutional Tribunal, if the dialogue between the partners proves to be totally impossible because of the lack of logic on one side?

While trying to listen intently to the wordless scream of the unborn, I could not hear a “thank you” (would the formula: “thank you for hurrying to help me at the moment of the attempt on my life with your verdict: *rechtswidrig/straffrei*” – not be a great irony?) Thus, I have considered it my duty to take up action on behalf of the ones who, apart from the silent scream already visible through the eye of the camera, are left with nothing but the weapon of the truth that they are human beings. Who will put this truth into words for them, if the Independent Tribunal made its verdict dependent on public opinion instead of turning people to the truth that man is human and, as such, has an absolute right to have his life protected, whatever the circumstances.

On this occasion, I recall a voice from nearly a century ago, a voice which Hannah Arendt refers to in *The Origin of Totalitarianism*. “*J'accuse!*” “I Accuse!” It was the voice coming from beyond the body which acted on behalf of the French state, from outside of the government responsible for the injustice committed against citizen Dreyfuss in order to satisfy the French people, suffering from their own racial hatred. Only the novelist Emil Zola hurried to rescue the honour of the French Republic, throwing “*J'accuse!*” in the faces of public opinion and the French legal organs, which were consumed with antisemitism.

Are we not exceeding all the possible stages of our own disgrace and of the profanation of the most laudable achievements of political culture – which indeed state and law are for the human community understood as *res publica*, as the brotherhood of all people committed to the good of every individual, without exception – if the “*rechtswidrig/straffrei*” declared by these institutions is their only declaration addressed to the innocent whose lives are threatened? Have we not sunk as low as is possible, if this is all that today’s moral and political organs of final appeal against injustice are able to do for them?

This is why I stand by the unborn, and I am calling from Lublin to the Constitutional Court in Karlsruhe on their behalf: “I Accuse!”

However, all of us, particularly philosophers, are called today to speak about how to protect mankind from this unprecedented disgrace, and also from the attempt to hide this disgrace from ourselves, which is also unprecedented – we are called to speak about how to prevent this disgrace which continues to grow as those who bring it about are trying to disguise it with the appearance of virtue.

Rocco Buttiglione

First of all, I ask myself a question about the mutual relation between the two lectures. Fr. Salij pointed to Pascal. Pascal tells us that our God is not the God of philosophers. Philosophers will never be able to get to know this God. This is where an enormous tension between philosophy and theology appears. More in the spirit of Malebranche, Prof. Seifert tends to say that the God of philosophers is, or may be, simultaneously the God of the Christians; that there is no contradiction between the God of Plato and the God of Jesus Christ.

As an Italian, I started my academic career with the history of Greek philosophy, so let me ask a historical question: where – from the historical point of view – does the contradiction start? What did Pascal have in mind when he distinguished and set the God of philosophers against the God of Christians?

I have the impression that Pascal meant the God of his own interpretation of Descartes’ philosophy. According to this interpretation, Cartesian philosophy deals exclusively with the notions of extension and pure idea – one extreme being the pure idea (*res cogitans*), and the other one – pure extension (*res extensa*). What does this philosophy lack? It lacks an existential synthesis, namely the person. I think that when he speaks about the God of philosophers, he means the God who is the object of the mere *esprit de géométrie*. The *esprit de géométrie* is the faculty of direct inference of conclusions from premisses. However, if you want to comprehend the human world, the *esprit de géométrie* turns out not to be useful. Why is this so? Because the problem of what is human cannot be exhausted in our being able to link premisses with conclusions in a logical way. Though mere logic would suffice in order to establish

these relations, there are too many premisses to take all of them into account. We have too many pieces of information. The world of geometry is a simple one. The human world is much richer. Already Pascal formulated a theory of a surplus of information which actually destroys itself. If we have too many pieces of information, we turn out to have no information at all. And here, the *esprit de finesse* appears. Its role is to discern principles and provide us with relevant premisses, since there are many things which appear the same but are totally different. However, according to Pascal, this is not philosophy. Philosophy remains limited within the domain of *esprit de géométrie*. When Josef Seifert speaks about philosophy, this philosophy is a phenomenological one, i.e. it starts with making accurate distinctions, and thus its domain spreads into the domain of what is human, so that in the end it is possible to create the philosophy of the person. Pascal considered that such a philosophy could be created only through a close union with theology, and he actually saw it as part of theology. Therefore, while considering the relation between theology and philosophy, we must remember the difference between these two philosophies – the philosophy which does not, and which cannot, consider the person, and the one which ultimately considers itself personology. Is the latter philosophy possible without the person of Christ? There have been attempts at creating such a philosophy which seem independent of the person of Christ, and yet which are dependent on Him, at least as *semina verbi*. However, as far as the existential dimension is concerned, the philosophy of person was discovered within theology.

Later, this union was understood much better than in Pascal. In our considerations, we start with philosophy which, while remaining itself, simultaneously preserves its existential relation with the Christian faith.

Jarostaw Merecki, SDS

My remarks will concern the lecture delivered by Prof. Fr. J. Salij. Fr. Salij characterized modernity as the period of gradual departure from Christ, so according to his words, we could say that today we are, in a way, living in the post-Christian times. It would then be possible to express the most significant characteristic of modernity by means of the imperative “Let us depart from Christ.” This statement does reflect an aspect of the complex spiritual process of the origin and development of the phenomenon called modernity. However, it is worth pointing here to another – in a sense opposite – aspect of this phenomenon. A great Italian philosopher, Augusto Del Noce, once said that in the very centre of the problem of modernity is the person of Christ. Modern man often rejects Christ in the dimension of His divinity; to be more general, he rejects the existence of any supernatural reality. However, the longing for salvation remains in him. It is the longing for “something totally different” (“*Die*

Sehnsucht nach dem ganz anderen"), to use Horkheimer's words. All the great philosophies of modernity, particularly Marxism, have been trying to replace transcendent salvation with an immanent one taking place within this world. Today, after the collapse of Marxism, we know that the attempt to replace the "Kingdom of God" with the "kingdom of man" was a failure. So, we are on the threshold of a new epoch. Modern man may completely give up his yearning for "something totally different" and eradicate the thirst for salvation from his heart (the phenomenon of the so-called post-modernism seems to point to such an evolution). However, the unsuccessful attempt at salvation within the worldly dimension may have made contemporary man more open to the offer made by Christianity (all the more so since the religious motive has always been present in modern culture, not just the non-religious one). Thus, Christianity may be facing a particular challenge today. And here is my question: how would you describe the spiritual condition of today's Europe in this respect: Can we say – and if so, in what sense – that this is the "post-Christian" Europe?

Josef Seifert

To begin with, I would like to refer to the remarks concerning the relation between the lectures delivered by Fr. Salij and myself; and speaking generally, I will take into consideration the relation between the faith, Christianity and philosophy, also taking Pascal's views into account.

Firstly, I would say that mere philosophy, or philosophical cognition of truth, is independent in the sense that it has its own rationality, and that virtually everyone is able to grasp certain truths; but also in the sense that philosophy, or natural pre-theoretical cognition is a condition of religious faith. The principle *fides presupponit rationem* is as important here as *gratia supponit naturam*. One can say that the very basic notions, such as God, man, salvation, sin, conscience, judgement, justice, humility, would not be understood, nor would the revealing of them be accepted, were man not in possession of the light of reason – of cognition – which enables him to accept them. In this sense, I find fideism, which considers philosophy an extension of religious faith, totally unjustified. It seems unjustified also from the historical point of view: in my opinion, Cicero, quoted here already by Prof. Waldstein, was able to know natural law, just as Hippocrates was able to know medical ethics, so if our society decided to shape its law or ethical notions according to this knowledge, the Christians would surely be delighted.

Secondly, I am convinced – as is Fr. Salij – that Christians have gained not only a new understanding of what was already grasped with the help of reason, but also a totally new truth, together with a further knowledge of the truth about God and man. Thus – also according to the words of Pascal and John

Paul II – it is really possible to grasp this new dimension of man. And I think that what Fr. Salij presented in his lecture as the new centre of being is closely related to what was also aptly expressed by Scheler – that the novelty of Christian Revelation consists in the reversed direction of love. During the whole period of antiquity God was considered as the supreme object of love; however, it was thought impossible, as Plato put it, that the most perfect Being should love not itself, but man. Thus, the dimension of the truth about God and man of which the philosopher could only have a vague intuition is the truth that God first loved man, that the Supreme Holiness not only loves sinners, but also loves them enough to have sent His Son to this earth and to deliver Him up to the dread of crucifixion. And it is also in this sense – as Scheler stresses in his philosophy of religion – that these truths could not be grasped in their essence by man himself, since they presuppose some divine action. They cannot be deduced from evident philosophical data since they are not necessary, geometrical conclusions, but proceed from the free will of the Saviour. And I find it dangerous when philosophy tries – as in Hegel – to interpret the truths of religious faith in an almost geometrical, or purely philosophical mode.

And thirdly, I would like to stress that from the historical point of view, Revelation has a very positive influence on philosophy. Truths which can, in principle, be grasped by human reason have become more intelligible, thanks to Revelation. The most beautiful explanation of why these truths were also revealed was, in my opinion, given by St. Thomas. He shows first of all that Revelation made it possible for everyone, not only for the few, to grasp these truths. Then he adds that due to Revelation, these truths will not have to be grasped as a result of philosophical effort, which sometimes takes many years, but will be known immediately and unmistakably. In my opinion, philosophy of the person, philosophy of man, equality of all people, the injustice of slavery, emancipation of women, as well as many other things which today are considered as obvious, were in fact discovered due to the positive influence of Revelation.

As far as the Karlsruhe declaration is concerned, I also find the verdict passed by the Constitutional Tribunal a substantial step forward, unlike in the USA, where – on the plea of the right of the freedom of conscience – abortion was declared legal. So, the Karlsruhe declaration does seem to me to have been an important step that cannot be compared with the verdict officially stating that the right to live does not belong to everyone.

However – and here I would agree with Fr. Styczeń – it seems to me that the statement which recognizes that the unborn also have the fundamental right to life guaranteed by the constitution, and which simultaneously states that the violation of this right will be exempt from punishment, comprises an internal contradiction. If it is said that the one who violates the law cannot be punished, and should only be sent for consultation, then – it seems to me – it is an-

nounced that his act was not a crime. If rape is considered a crime, that is, if the state recognizes the woman's right to preserve her sexual integrity, and if someone perpetrates rape on her and does not get punished but only sent for consultation, then such a verdict implicitly sanctions the violation of this fundamental human right. Thus, such a verdict is deeply illogical, because if something is a fundamental human right, its protection is the first obligation of the state.

Alphons Horten

I am still not convinced. The relevant legal regulation cannot be always enforced in the given circumstances. This is the point. The Karlsruhe judge must have known that it was implausible to restore punishment for violation of a law which had not been enforced for so many years. What is more, there were five judges on the Tribunal, so the Catholic one did not decide by himself – a majority vote was obtained, one could say, thanks to a compromise. And in these days it would be impossible to achieve even that. The case of the Karlsruhe declaration is analogous to the one of the prince about whom St. Thomas writes. Aquinas does not approve of indecency, yet he says that the prince cannot prevent it. In the given circumstances, he is not to renounce his respect for a principle, but to choose the lesser evil (*minus malum*). This difference turns out to be decisive. Should then the Catholic judge have clung to his beliefs, and should he have taken responsibility for the Tribunal's having taken no decision at all, or should he rather have said "Let us make this compromise with others." We must not forget, after all, that this compromise not only turned out to be a great achievement, but also provoked numerous protests after the verdict had been announced. Anyway, apart from that, nothing else could be changed. This is what St. Thomas tells the prince: you cannot change anything. In my opinion a real problem is exemplified here; it is by no means merely a legal problem, but the problem of the judge who must decide in accordance with his conscience, just as the prince had to. They must both face the law.

Tadeusz Styczeń, SDS

We must nevertheless remember and distinguish one thing: a verdict of the Constitutional Tribunal is to qualify directly a legal regulation or law-making parliamentary act. The legal act in this case was appealed by a parliamentary minority as an act legalizing lawlessness. This lawlessness consists in the law-maker's depriving the one who is being killed of any protection, and in providing protection for the murderer from any legal consequences. Thus, the question here concerns legal protection (*lex*) of an essential and fundamental

human right (*ius*). What the Tribunal directly qualified was a Parliamentary law-making act, and not the actual act of having committed murder, the latter being qualified only indirectly. The role of a judge on the Constitutional Tribunal must be distinguished from the role of a judge who is to decide on the verdict and punishment according to law existing in a jurisprudential state. I do not object to the judge's being magnanimous while applying the law (while deciding on the delinquent's ability in body and mind), assessing the degree of criminality and deciding upon the punishment. In some circumstances the judge may, or even should, renounce inflicting a punishment for killing one unborn, yet the very act should remain punishable in the legal sense. The controversy has been provoked by the law-maker's declaration that the act of killing the unborn is not to be punishable, and as such it will remain... unpunished. There is no doubt that a judge can desist from inflicting a punishment for a legally penal act. However, if a law-maker promulgates impunity for the act of killing the unborn, and simultaneously declares that such an act is a violation of the law, then he arbitrarily dismisses himself from the duty which constitutes his identity as the law-maker in a jurisprudential state. He pretends to have adopted the role of a moralist or a preacher, and deceives public opinion as to the essence of his mission and responsibility in a jurisprudential state. He makes a false impression that he does care about the common good, whereas he collaborates with the criminal in violating this good.

In this context, I suggest that we should stop using the term "lesser evil" or "*minus malum*," which has become encumbered with so much ambiguity, and start talking about the unsurpassable limits of compromise. It is certainly clear that we must accept having a finger cut off, if this is the only way to save the hand. Here, it is possible to say that a lesser evil must be allowed so that a bigger one should be prevented. We should rescue a whole by sacrificing a part. However, this way of thinking by means of categories: a part of a whole, a whole, must not be used in relation to persons, as a person is not a part of the society in the way a hand is a part of the body, or a tree is a part of a forest. A human being is an absolute good in him or herself, and this is so regardless of whether he or she is a part of a whole. The reduction of the person to a part of a whole means departure from the ethical and legal personalistic attitude, and it signifies we have reached the level of utilitarianism where the human person is treated as an element of a collective. The notion of the lesser evil, of the *minus malum*, means – on the basis of utilitarianism – that people can be counted in the same way as things: how many for how many. This one will be killed, though he is innocent, since assent to this murder will save the rest. Thus, we depart here from the level of ethics (*non sunt facienda mala ut eveniant bona*), and we take up the position which is contemporarily called proportionalism. The United Nations Conference on "Population and Development," which is to be held in Cairo, has already become the arena

in which these two attitudes or tendencies will engage in a confrontation. One of them can be expressed by the idea that the lives of some people must be taken in order to protect the lives of others (whose life for whom?). The other has an authentically ethical character and declares that no one can be killed in any circumstances in order to protect the life of another. The *minus malum* category cannot be used if we are confronted with something that is intrinsically evil (*malum necessarium*) – the attempt to justify it morally, through comparing it with another evil, turns out to be a fallacy (*ignorantia elenchi*). Caiphas' argument would still remain ethically invalid, even if the whole nation had been saved from destruction by putting the Innocent to death.

Alphons Horten

The principle of *minus malum* states that in practice nothing better can be done.

Tadeusz Styczeń, SDS

It is necessary to know where the principle of *minus malum* can, and even should, be applied, and distinguish it from instances in which any attempt to use it is an ethical absurdity. A surgeon is not only allowed, but even supposed to cut off a patient's finger if this is the only way to save his hand. Raskolnikov must not kill the old woman, who may well die on her sack full of gold the next day, even if – by killing the old woman and saving himself from starving to death – Raskolnikov will save for society his own unusual, personal talent. And it would remain true even if, by this murder, he were to save the whole of Russia from unavoidable catastrophe.

Alphons Horten

Fr. Styczeń has agreed that the alternative to the compromise is an even worse law, in which there would appear no open contradiction. And this is exactly the law which the Christian judge opposed.

Tadeusz Styczeń, SDS

It is an obligation of the lawmaker to give protection to the victim of an expected murder in the form of a relevant legal regulation which will defend him, or her, from the perpetrator's fatal blow, and which would – at the same time – protect the very perpetrator from the morally suicidal blow. If the lawgiver does not perform this elementary duty, all his further rhetoric is a mere mocking of the victim. Thus, all the worse for the lawmaker if he hides his essential yet unfulfilled obligation towards the victim behind the rhetoric of the Christian

paraenesis in order to achieve his aim. It even looks like a mockery of Christianity, if you have in mind the words: “whenever you refused to help one of these least important ones, you refused to help me. Get away from me, I never knew you!” and if you note that this warning comes from Jesus Christ, God most compassionate in human form. The lawmaker’s obligation is to actively protect the victim of murder, and not merely announce that the attempt on his, or her, life is a wrong. By taking no legal action against attempted murder, and by only declaring that the murder is a wrong to the victim, the lawmakers are making a rod for their own backs, as their inaction will bring condemnation upon them. They pass a verdict upon themselves. They themselves have done nothing where it was absolutely necessary to take up action in order to protect the victims of violence from lawlessness. The law-makers disclose that they have entered upon the slippery way of cooperation with the perpetrator. Thus, I would not advise taking the trouble of defending them, and, at any rate, there is no chance of exculpating them.

Yes, you are right, and I take full responsibility for what you suggest: it would be even better – not worse at all – for the law and for the law-makers – if they did not disguise with stylistic rhetoric the fact that they are not doing what they, as law-makers, absolutely must do for the victims. They should not adopt expressions belonging to preaching, when they have not fulfilled the duty of defending the victims of an extreme wrong. We do not have to do with a worse law here, but with the lack of any law, and thus with a *peccatum omissionis* – with having reneged upon an action fundamentally due on the part of the law-makers, which is difficult to explain or to justify.

If it does not even occur to the law-makers that they are allowed not to provide legal and penal protection against the act of stealing such a good thing as a car, which it is totally possible to live without, how can they consistently justify having abandoned legal and penal protection of the good which absolutely no one can live without, namely of the good of life. Thus, if the law-makers do not want to undermine the basis of their own existence as law-makers, they must choose: either to provide absolute legal and penal protection of the life of the unborn, as fundamental good belonging to every human person, or to give up legal and penal protection of any other good belonging to man, and thus to erase the whole penal code. *Tertium non datur nisi tertium confusionis*. This is the confusion which confronts us here. It can be characterized either by means of Duns Scotus’ law, which I have just mentioned, or with the help of the infamous German “*jein*.” The choice between these two is a matter of taste.

Let us return to the imagined visit to the cell of the condemned. The *nasciturus* is the condemned, and the cell is the place which so far has been the safest one for man – his mother’s womb. Despite everything, the *nasciturus* is the *nasciturus-moriturus* now. The law-makers know it. And everything that they have to offer to the one threatened with death is reduced to nothing at all

– while they remain law-makers! – reduced to the act of telling him there – in that cell – that the one who will take his life will perform an act of wrong, an act of lawlessness against him. Can you not hear the answer now: “But haven’t you introduced yourselves as advocates of the Tribunal? Have I been mistaken? Or maybe you are children who have disguised themselves in the law-makers’ or judges’ gowns? If so, go back to school so that they can explain you your task, the role of the law-maker in a jurisprudent state, the role of the Tribunal judge. And then come to visit me. I am looking forward to it. My life depends on your having understood these roles, and on your having taken their meaning into account. I am waiting. You will save yourselves if you save me. I am waiting. There is not much time left. So, hurry up so that you can manage to come before I am murdered. And before you die. I am waiting.”

Wolfgang Waldstein

I cannot go into details of the Karlsruhe verdict, this matter would require more time. I totally share Fr. Styczeń’s point of view, and I agree that we deal here with one of the most important problems of our times. The inconsistency of the Karlsruhe verdict was certainly conditioned by the actual state of affairs. The verdict in question not only proclaims that killing unborn babies is violation of the law, but it also states clearly that the state may abandon penalization in order to defend this law. This compromise was the only chance to arrive at any decision. Nevertheless, I must say that the decision not to penalize is contradictory to the Tribunal’s own verdict. So, I think that in this sense we can justifiably state that finally there did emerge a “*jein*.”

The fact that nothing more was possible is the objective reality. However, I think that it is also worth noting the initiative taken up in the *Bundestag* (though I do not know anything about its chances of being passed) to introduce another amendment, if the Tribunal had not excluded its possibility. The Tribunal, so to say, proposed another option, but it can be clearly and immediately seen what was done to this proposal. The new bill proposed for ratification by the coalition sets a time limit to the permissibility of abortion in the guise of the obligatory consultation. So, we can see what such a compromise leads to. However, to conclude my remarks, I would like to stress that we need to pray for these two parliamentary members who have introduced this new bill, so that their initiative will be successful.

Jacek Salij, OP

I would like to answer two questions: firstly, the one concerning the relation between the God of the Christian religion, of the God of Abraham and Isaac, and the God of philosophers; and secondly, the question whether there is any

sense in distinguishing pre-Christian thinking from post-Christian. I do agree with what Prof. Buttiglione said about Pascal's idea of the God of philosophers, which actually referred to the God of Descartes. However, generally speaking, I would like to draw your attention to the fact that too radical a differentiation of the God of reason from the God of Revelation is directly inconsistent with the Catholic faith, which has been written in the *De fide cattolica*, the dogmatic Constitution of the First Vatican Council. In my opinion, the whole sense of distinguishing the God of Abraham from the God of philosophers lies in two points. Firstly, it expresses an objection to the false God created by the human reason. Thus, the point is that reason, which does not want to recognize the true God and which creates Him in its own image, is speaking about a false God. Secondly, this differentiation shows that owing to the Revelation of God, we can get to know Him in a better way, which draws us closer to Him. According to the formula of the Catholic faith, God, who created the world, and whom unaided human reason is able to know in some way, is the same God who revealed Himself in Jesus Christ. This formula derives from the Constitution *De fide cattolica*, and it was repeated in the Constitution *Gaudium et spes*. And this perspective certainly also concerns the moral law. What has been said throughout the discussion about Cicero, Hippocrates, and other wise men who were able to discern the moral law, deeply harmonizes with the formulas of these councils.

As to the problem whether there is any sense in differentiating the pre-Christian from "post-Christian" thought, I think that the main characteristic of post-Christian thought is that man has started to pretend that he is no longer man, and that he rather sees himself as the Demiurge standing not in front of reality, but in front of a chaos which he can shape according to his ideas. As far as pre-Christian thinking is concerned, it was deeply tied up with a search for truth, for the truth about God as well as about man and morality, even if this search was "not unmistaken and not totally clear," as the Second Vatican Council put it.

And I would like to return to the first question. I warmly agree with Fr. Styczeń, who sees in Socrates a great pre-Christian prophet. Let me draw your attention to the fact that already in the year 160 A.D., St. Justin said so about Socrates. After all, it was not accidental that the Christians made use of the Stoic notion of *logoi spermatikoi* in order to speak about the *semina verbi*, diffused in pagan thought, which have been recalled in today's discussion.

Translated by *Dorota Chabrajska*