

HIJACINT ETEROVIĆ'S RECEPTION OF KANT'S UNDERSTANDING OF NATURAL LAW

Hrvoje Lasić

UDK 340.12 Kant, I.
340.12 Eterović, H.

Introduction

In this presentation we shall look at Kant's understanding of natural law which Hijacint Eterović¹ studied analytically and critically, comparing it to

- ¹ Hijacint (Frano) Eterović, Dominican, philosopher and theologian, born on 14th October 1913 in Pučišće on the island of Brač. After attending Senior Franciscan Grammar School in Dubrovnik, on 30th of October 1930 he joined the Dominican Order in Dubrovnik. He started philosophical–theological studies at the Dominican Theological College in Dubrovnik, continued his then in Louvain (Belgium), where on 24th July 1938 he was ordained a priest. After his ordination he returned to Zagreb, where he performed various clerical functions and conducted scientific research. He was the manager of the Dominican Publishing Company Istina; at Zagreb University he received a diploma in classical languages, Greek and Latin (1944), and he taught at the Junior Dominican Grammar School in Zagreb. After the end of the Second World War he left his homeland and went to the West (Czech Republic, the Netherlands, France, Spain). Later he left for the USA, where he lived until his death in 1981.

The basic philosophical–theological knowledge he acquired at the Dominican universities, continuing his studies at the Catholic universities in his homeland and abroad (Zagreb), Olomouc (Czech R.), Le Saulchoir (France). He wrote his Ph.D. Thesis entitled “Desiderium beatitudinis in actione humana, Aspectus psychologico–dynamicus huius doctrinae apud S. Thomam” (Olomouc, 1948). He won his master's degree in Philosophy at Chicago University (University of Chicago, 1965). He taught moral philosophy (ethics) at the Dominican University in Alicante (Spain). In 1952, he came to USA, where he taught sociology at the University of Albuquerque in New Mexico and at the College of St. Joseph, and theology and philosophy at the College of St. Catherine in Saint Paul and the College of St. Teresa in Winoni, Minnesota, and philosophy and classical languages at De Paul University in Chicago (1962–1968).

In view of his opus, Hijacint (Frano) Eterović can be rightfully ranked among the most relevant scientific and cultural figures of the Croatian people. In Madrid he started a review for modern political issues “Osoba i duh” (Person and Spirit — Madrid 1949–1955). He founded the Croatian Catholic Mission in Chicago (1973) and he is the co–founder of the Croatian Cultural Centre in Chicago. In co–operation with dr. Krsto Spalatin he published the Encyclopedia: “Croatia: Land, People, Culture” (Chicago 1964, 1969, 1970, 1976). It is an encyclopedia about the Croatian culture written in English and designed in 10 volumes. Three

the approaches of other philosophers and philosophical streams through the history of philosophy from Plato to Kant. Since the theme of the workshop is: "The Reception of Kant in Croatian Christian Philosophy" (on the occasion of the 200th anniversary of Kant's death), we would like to present another important Croatian philosopher of Christian origin, who remained unknown to our scientific and cultural public. The philosopher in question is Hijacint (Frano) Eterović, from the island of Brač, the citizen of the United States of America, who had been active in his homeland as well as abroad for more than 40 years. He studied natural and liberal sciences, the knowledge of nature and man, the creator and legislator of nature, organization of nature, natural law and man's relation to it from the moral and ethical point of view. He wrote about those themes in several studies, research articles and papers. In this presentation we shall talk primarily about his scientific works in which he discusses philosophical–theological approach to natural law, his understanding of natural law in relation to moral law in the history of philosophy and religious sciences.

Based on our research of Eterović's work, articles and studies, we shall try to explain his clear inclination to a traditional approach to metaphysics and understanding of natural law, as well as his objection to Kant for being inconsistent in application of the "method" in the study of the traditional understanding of metaphysics as a science through history and for the introduction of the categorical imperative in the field of cognition. Taking into consideration the fact that Hijacint Eterović is not well known to the Croatian public, we shall briefly talk about his life and scientific work, that is important for Croatian philosophical and cultural heritage.

Eterović remained unknown to the Croatian public because he was forced to live outside his homeland, where free thinking and speech about human rights and dignity of man were not allowed. It was something to dream about. As a cultural worker and a patriot, Eterović was known in the world and among Croatian immigrants all around the world. He wrote his scientific works in Croatian, English and Spanish. He was primarily occupied with cultural and spiritual heritage of the Croatian people, emphasizing the distinct features of the Croatian spirit, persistence and toughness of the Croatian people in pursuit of the nation independence. No doubt, his philosophical

volumes have been published so far. He wrote several books: *The Life of Alojzije Stepinac* (Chicago, 1970); *Approaches to Natural Law from Plato to Kant* (New York, 1972); *Okaljani hrvatski jezik (Croatian Language The Defiled)* (New York, 1976); *Natrag prirodi: Putopisi europskim sredozemljem te Sjevernom i Južnom Amerikom* (Back to Nature: Travel Book through the European Mediterranean and North and South America) (Mainz 1979); *Aristotle's Nicomachean Ethics: Commentary and Analysis* (UP of America, Washington 1980). He wrote articles in the field of moral philosophy. He was a member of the American Philosophical Society and the American Academy of Political and Social Sciences.

thought is of Christian inspiration, it is worth discussing and its place is in the Croatian cultural and scientific heritage. Thanks to Tomo Vereš, Eterović was included in the Croatian Biographical Lexicon.

I. *Hijacint Eterović's Understanding of the Natural Law*

In his philosophical–theological researches and discussions Eterović was primarily focused on the understanding of nature and man from the moral (ethical) point of view. Under the notion of “nature” Eterović understands the whole of the universe in which man exists as one of its components. For him the notions of “nature” and “character” have ontological and anthropological meaning, as in the philosophy of the Antiquity and Middle Ages. According to Tomo Vereš’s opinion, in the Croatian philosophical literature the terms “nature” and “character” are usually used as synonyms. They have their historical development and should not be considered identical². In his studies of nature Eterović tries to discover its creator and legislator, its structure and purpose, whereas man, he observes as a part of nature and a person, independent corporeal–spiritual being, equipped with a rational soul, free will, feelings and reason, and consciousness, which are all expressed through human actions and behavior. He believes that man is a part of nature and that he can be known only through knowledge of nature, its creator and legislator. It is the only way man can understand himself, the meaning and purpose of his existence, and the only way he can achieve his final goal: the supreme good, real happiness and eternal peace in the Kingdom of God.

In his extensive study entitled “*Closed and Open Humanism*”,³ Eterović observes human being in relation to the Absolute Being, God. In front of him there are two great enigmas: the Universe and its relation to the First Mover and Purpose, which is in religious language called God, and man, who is a great enigma to himself. He thinks that the meaning of human life and its purpose, as well as his creation, depend on the knowledge of man and God. Having in mind personal destiny of each individual, he understands why has the problem of man become engraved in the centre of history and the axis around which circles the meaning, the feeling and the striving⁴. Aware of determination of human being, he considers justified the statement that the human problem cannot be solved separately from those of the Universe and of God and

2 T. Vereš, Napomene uz pojmove “naravi” i “prirode” u povijesti filozofije, in: *Obnovljeni život*, 5 (1991) pp. 415–431

3 H. F. Eterović, “Zatvoreni i stvoreni humanizmi” in “Osoba i duh”, No. 1 (1951) pp. 3–9

4 Ibid, p. 3; see “Granice slobode”, in: *Osoba i duh*, 2–3 (1951), 12–15, p. 14

that it is impossible to “shut the man out from the Universe and divine reality with which he is connected by the most intimate fibers of his being”⁵.

He specifically emphasizes man’s unique position in the Universe. Man is immersed with his body into the reality of the Universe and he can hardly escape the system and laws that rule the development of other beings. Immersed into the Universe and carried by the force of natural laws, man can change little in that order. Even though he is only a part of the Universe, he is capable of forcing himself upon the world around him, because he can comprehend, he can want to love, in other words, man’s spirit can exercise supreme power upon the Universe in its triple expression: in thought, free decision and love”.⁶

In the article entitled “The Limits of Freedom,” Eterović clearly and loudly emphasizes that the first limits of man’s freedom are determined under the natural laws that rule the Universe, and that man as a part of Universe⁷ should be ruled by the order that was given to him together with his character. This order, discovered and dictated to the will by reason, is called natural, not written law, and it bonds people, without exception, of all age, position and sex; in other words, that natural law is not created by man, but only discovered by him. In fact, he is only a tiny part of the eternal Law by which the Creator rules the Universe.”⁸ However, for Kant the only good in the world is the good will⁹; it is good by volition i. e. by itself; it has a value in itself.¹⁰ The will is inseparable from the practical mind, which as a power should influence the former, its true attribute being “to create the will, which is good in itself.”. However, the will should not be the only pure good, although it has to be the supreme good and a condition to everything else, even to the aspiration towards beatitude.¹¹ For according to natural necessity it can be assumed that all rational beings have a purpose to aspire towards beatitude.¹² Moreover “only a rational being has the capability to act according to the notion of the law, in other words, according to the principles or the will. As reason is necessary for the deduction of action from the law, the will is actually a practical mind.¹³ For realization of beatitude only one categorical imperative is needed, and it is: *Act only upon the maxim, you may wish to become the general law.*¹⁴

5 Ibid, p. 3; see “Granice slobode” in *Osoba i duh*, 2–3 (1951), 12–15, p. 14

6 “Zatvoreni i otvoreni humanizam“, Ibid, pages 3–4

7 “Granice slobode” Ibid, page 12

8 Ibid, page 13

9 I. Kant, *Dvije rasprave: I. Prolegomena za svaku buduću metafiziku* (1783), II. *Osnov metafizike čudoređa* (1785), MH, Zagreb 1953, page. 155

10 Ibid, page 156

11 Ibid, page 158

12 Ibid, page 178

13 Ibid, page 175

14 Ibid, p. 183; see S. Zimmermann, *Kant i neoskolastika*, II, Zagreb, 1921, pp. 124–125

According to Kant, “the universality of the law, by which all activities take place is called constitutes that which nature in the most general sense (according to form), i. e. the being of things, if it is determined according to general laws, the general imperative of the duty could be the following: *Act is if the maxim of your activity should aided by your will, become a general natural law.*¹⁵ Kant’s understanding of human will and its purpose essentially differs from that of Eterović. Namely, according to Kant, the purpose serves to the will as an objective principle of its self-determination; the purpose is of equal value to all rational beings if it is given with the help of reason itself¹⁶. Therefore, Kant says that man and generally speaking every rational being exists as a purpose unto itself”; and this the purpose “always has to be considered at the same time as a purpose behind all its activities”¹⁷. According to Kant, “if there should exist supreme practical principle, and considering the human will, a categorical imperative, then it has to be such that, as a notion of that which, is a necessary purpose for everyone, since it is purpose by itself, it constitutes the objective principle of the will which therefore may serve as a general practical law. The basis of this principle is: Rational nature exists as a purpose by itself”¹⁸. According to this principle, Kant makes the following conclusion: “Practical imperative will be the following: *Act in a way that you always take the mankind, in your person, as well as in every other person, as a purpose, never as a means*¹⁹.”

Thus Kant expressed the principle of morality in three formulas (maxims) of a single law, which all have: 1. *a form* that consists of generality, and that is the formula of moral imperative expressed in these words: maxims have to be chosen in a way as if they should be valid as a general natural law; 2. *a matter*, namely, a purpose, and here the formula says: a rational being, by its nature as a purpose, i. e. as a purpose by itself, has to serve to each maxima as a condition of all, only different and intentional purposes, which is limiting them; 3: *a complete determination* of all maxims by using the aforementioned formula: namely, all maxims should be, according to their own legislation in harmony with the potential natural kingdom. (...). It is better, however, to morally judge by using a strict method and to take for one’s basis the general formula of categorical imperative: *Act according to the maxima, which can at the same time make itself a general law.* But if we want to *realize* the moral law, then it is useful to conduct the same activity through three previously mentioned notions and to bring them closer as much as possible to maturation.”²⁰

15 I. Kant *Osnov metafizike ćudoređa*, page 184 — *Basics of Metaphysics of Morality*, page 184

16 *Ibid.*, page 190

17 *Ibid.*, page 191

18 *Ibid.*, pp. 191–192

19 *Ibid.*, page 192

20 *Ibid.*, page 199

Eterović, on the other hand, is clear in explaining the will as one of the powers of the human soul: “The will is not a purpose unto itself; it can not despise the leadership of reason, because it is blind by itself. Otherwise we fall into voluntarism, raising the will above the reason against the natural relationship of these powers, according to the wrong principle *stat pro ratione voluntas*. The will moves itself and all other powers, except the physiological ones. It moves and the reason dictates where, how and when. The will aspires towards the goodness and reason aspires towards the truth. The will’s aspiration to moral goodness and the mind’s aspiration to appropriate culture spring from natural law, and from there follows man’s basic right to perfecting of the moral and intellectual life.”²¹

In other words, this natural law development of directs the human being. In fact, “it encompasses all our aspirations, in the first place the basic one: to perfection, to the ideal of goodness. The basic norm of the natural law: do good and avoid evil means: do good, because it raises you in your human dignity; avoid evil, because it darkens and ruins spiritual values in you.”²² Eterović’s understanding of the basic norm of the natural law is completely different from Kant’s teaching on stability of the evil principle besides the good principle or on radical evil in human nature, because, according to Eterović, the legislator of the natural law is the supreme legislator of all norms, God, and not, as Kant teaches, human mind and good will.²³

Contrary to Kant’s understanding of human freedom, Eterović firmly emphasizes that human freedom is not absolute, that it has its limits that are necessary condition of its full development. Those limits are set by the Universe around us and by the character and personality in us. Finally, there is an Authority above us to whom we also owe obedience, and even to all those who are participants of the supreme Authority.²⁴ But this supreme Authority, the absolute Being, which a religious man calls God, “as the first cause of our being and as the final purpose of our life, attracts man to Himself. We can struggle against and resist this attracting force, but that means a jump into an emptiness and uncertainty, into the abyss and ruin.”²⁵

21 H. F. Eterović, “Granice slobode”, page 13

22 Ibid, page 13

23 I. Kant, *Die Religion innerhalb der Grenzen der blossen Vernunft*, in: *Werke in sechs Bänden*, Band IV: Immanuel Kant, *Schriften zur Ethik und Religionsphilosophie*, Darmstadt 1963; comp Eterovich, F. H., *Approaches to Natural Law from Plato to Kant*, pages 145–150; comp. I Kant, *Religija unutar granica čistoga uma*, Beograd 1990.

24 H. F. Eterović, “Granice slobode”, page 14

25 Ibid, page 14

According to Eterović's opinion, as a rationalist and idealist, Kant limited humanism to man and the world in which he lives denying him thus turned inwardly to that the approach to the metaphysical world. Moreover, Kant extent that he thought metaphysics of being impossible outside of man. Namely, "God's subsistence, freedom and immortality of the soul are just postulates of Ethics, but these realities cannot be demonstrated, they only have to be believed in. To reach them human thought rose in the past according the principle of causality and finiteness, but since for Kant both of these principles are subjective categories, it is impossible for him to jump into an non-subjective reality. Man is to himself simply the last cause and purpose: "... reasonable character exists as a purpose in itself."²⁶

Kant's subjectivist view of the world was accepted by advocates of voluntarism and existentialism. So Schopenhauer sees human nature in will. Human will is merely the conscious expression of the world's will, which produces all phenomena in the world. Nietzsche exchanged reason for will, To existentialists this world is enough (Heidegger), and that is why they do not succeed in breaking the closed worldly and cosmic system and openly move towards transcendence; they talk a lot about "ideals" and "values," but they are afraid to specify openly and clearly the ideal and the maximum of values outside human and cosmic reality in God²⁷. Eterović shares Mounier's point of view according to which the crisis of the closed humanism reached its peak in the twentieth century: "Today we do not know what man is. As he is experiencing great changes in our days, many think that there is no human nature at all. Some express this opinion: everything is possible to man and they find hope. The others say: everything is permitted to man, and they let reins go completely. The third group finally say: everything is permitted over a man."²⁸

Eterović is an advocate of the open integral humanism in which the natural and supernatural dimension of the human being come into prominence, synthesis and not mixture of immanence and transcendence, interrelation of man and God, elevation and not destruction of human nature by divine nature (T. Aquinas, J. Maritain). The potential for real humanism Eterović sees only in a synthesis of immanence and transcendentalism. "There is a universe in

26 (I. Kant, *Grundlegung zur Metaphysik der Sitten*, sp. Translated by Espasa Calpe, 1946, page 83; comp. Eterovich, F. H. *Approaches to Natural Law from Plato to Kant*, pages 145–148; comp. Eterović, H. F., "Zatvoreni i otvoreni humanizam", No. 1 (1951), page 5

27 H. F. Eterović, "Zatvoreni i otvoreni humanizam," pages 5–6

28 E. Mounier, *Le personalisme*, Paris 1950, page 116; comp. Eterović, *Zatvoreni i otvoreni humanizam*, page 7.

man: a microcosmos, but this does not prevent the existence of the great universe outside man: a macrocosmos, which helps man on the way to God. God is in all beings by His agency, and in man also by Mercy, but He doesn't become one with man in pantheistic sense. Instead by His personal, tri life, he overcomes immeasurably all created and limited creatures, the Universe and man in it. In his nature and in his life, man has *in potentia* all outlines of his future perfection. But the richness and fullness he can find only outside himself. And not in the universe of created beings, because nothing created and limited can satisfy him and make him happy, but through the universe in perfect God."²⁹

Listing the works on the modern problem of good and evil, in order for the reader to be able to distinguish between different approaches and mistakes of the authors in the understanding and interpreting of the problem of evil in man and the world, Eterović classifies them in three groups: amoralists (who negate the difference between evil and good; this includes also materialists, who neither moral ideas, nor moral order), positivists (they admit only facts that are relative and subjective, moral is that which is useful — utilitarianism), subjectivists (they measure moral good and evil by subjective standards). Taking into consideration Kant and Kantism, Eterović thinks that Kant created a system in the field of morality, inspired by stoic morality. "For him human reason is the supreme and the only norm of morality, reason is autonomous and independent, creating laws, giving orders to itself by means of a categorical imperative. And any activity should be out of respect for duty. Not because in good actions we become more perfect."³⁰

Eterović thinks that Kant's understanding of morality is essentially different from scholastic, because he separated moral from its transcendental roots — from God, and made it too strict and dry, the way it suits His Majesty the Reason, when he breaks with natural and transcendent withdraw world and his own shell within."³¹ He also thinks that Kant's influence on the laic understanding of Ethics (Ethics without Religion) has lasted too long and that, especially among the Croats, it has found many enthusiastic followers, one of the most distinguished among them being the movement of Miljenko Vidović in Sarajevo.³²

29 Ibid, p. 9. M. Blondel wrote about God's agency in all creatures, particularly in man by Mercy, in this work *l'Action*, 1893.

30 H. F. Eterović, "Duc in altum": Literatura za moderni problem dobra i zla, in: *Osoba i duh*, No. 6 (1950), pp. 20–22, comp. p. 21

31 Ibid, p. 21

32 Ibid. it would be good if someone studies that movement in more detail.

II. *Historical Approach to Natural Law*

In addition to the studies and researches about natural law, Eterović dedicated to this subject an entire text entitled *Approaches to Natural Law from Plato to Kant*.³³ He presented various approaches to natural law through the history and came to the conclusion that the theory of natural law, as the basis of the human moral important to the human nature, is woven into all societies and political philosophies in the West. In the historical survey Eterović cites five main traditions that emphasize the concept of natural law: classic, Christian, empiricist, rational and idealistic. In them he expresses the main philosophical ideas of certain philosophers in the context of their works. He warns about the lack of morality in personal and social life, as well as in the international relationships, despite constant advancement of humanistic sciences and technical achievements, which, on the contrary, force us to return to nature and to its laws based on moral foundations of the primordial Legislator. He reminds that natural law generally inspired the greatest minds in the history, who thought about it with admiration reverence and tried to understand its purpose.

Among them a special place belongs to I. Kant, who in his work "Critique of Practical Reason" emphasizes the moral law in man as a categorical imperative" which provokes reverence and admiration, at the same time, the more and the longer one thinks about it.

Eterović presented various theories and thoughts about natural law, mainly built up on the foundation of morality. *Approaches to Natural Law* are different and opinions are radically divided, especially when we talk about typical function that determines the human nature. As great number of thinkers sees this function in the process of thinking; even more of them sees the motive of human action or non-action in the feeling or instinct. Their opinions are not completely different because both groups believe that thinking feeling are necessarily united in human nature, only the accent is strictly on either of them. According to Eterović, triple division could be applied to the following questions. Does man have some kind of self-determination, a power of conscience? If he does, is he equipped with the principles that will guide him in his attempts to realize himself or to reach his personal maturity? Or is he guided by his feelings or constantly primitive instincts that are in his nature? Or is it possible that both powers, rational and irrational, are specified in order to be united and joined in his realization?

There are specific precepts about natural law which contain many contradictions, as was particularly noticeable in the last century. They differ in

33 H. F. Eterović, *Approaches to Natural Law from Plato to Kant*, Exposition Presse New York 1972

34 I. Kant, *Kritika praktičnoga uma*, Kultura, Zagreb 1956, p. 185

answers to the following questions: are all moralities conventional and usual or is in the end some morality also natural? Are all pure moralities completely subjective or individual, or is morality as such objective? Are all moralities situational or circumstantial or relative, or is universal morality valid everywhere and always? Are all human deeds good because they are ordered by civil laws or is the greatest part of those deeds (acts) ordered or forbidden because it is good or bad to man as a man? Is the civil law the greatest instance of morality, or is it based in human nature? Finally, is it or is it not such a thing in general ethical heritage of all people a natural code of morality by which all individuals and nations can direct themselves (which they can turn to), in spite of their cultural–social differences? Can social consciousness (or can't it) of modern pluralistic society be a model to some universal recognitions of the rules of morality?

Contrary to Kant, Eterović distinguished between natural law and natural right. Natural law is an ethical, not a legal notion. Natural law is not a creation of man, as are the civil laws. It is “human moral basis,” draft, a guide for moral behavior, a rule of life given to human nature by the Supreme Legislator, and not a legal formula that was given by the legislators; it differs from the civil law that is imposed to the citizens by the will of the legislator.³⁵

The Christian tradition used classical approaches to natural law and wove them into its own theological perspective. According to this tradition the source of natural law is based on personal God who is the creator, guardian (provider) and the measure (ruler) of man and the world. Thus, according to the Church Fathers (Augustinus), theologians of the Middle Ages (Thomas Aquinas) and the scholastics of the 16th and the 17th century (Vitoria and Suarez), natural law is a participation of man in eternal God's law which leads man and all things to their goal. Idealistic tradition also uses transcendental approach to natural law, but contrary to the Christian tradition. Namely, according to the idealistic tradition natural law is the law of the free mind and will. For Kant it is expressed in the categorical imperative; for Fichte in absolute free spiritual will.³⁶

III. *Kant's Approach to Natural Law in Interpretation of H. Eterović*

Commenting directly on the idealistic tradition and concentrating on Kant's transcendentalist approach to natural law, Eterović noticed Kant's critical thinking about “method” by which he wanted once and for all to overcome the problem of human cognition. In his search for suitable answer to the ques-

35 H. F. Eterović, *Approaches to Natural Law*, pages 15–17

36 *Ibid.*, page 17–18

tion what a man is, i. e. what he can become, what we have to do and what he can hope for, the answers of the empiricists were not unknown to Kant (Hobbes, Locke, Hume), and neither were the thoughts of the rationalists (Leibnitz, Rousseau, Wolff). However, they were only partly acceptable to him. He saw the solution in a middle way between these two different approaches. On the one hand he believed in the feeling of experience, and on the other hand, he thought that the human reason is responsible for the truth, for cognition. He suggested *a priori* categories of transformed reason in the observation of the phenomenon in scientific facts, and the result of this point of view was the creation of a barrier between the reason and outer world of sensible experience. So the subject becomes the creator of truth and morality. In that way Kant expressed natural law as an imperative of free will which in consent with the practical reason, determines what is good, and what is not good.

Eterović points out that Kant wrote three critiques in order to analyze the process of science, ethics and esthetic knowledge. He analyzed his theory of knowledge (science) in his “Critique of Pure Reason” (1771) and in the summary, “Prolegomena to Any Future Metaphysics” (1783). He created an ethical theory in his work “The Groundwork of the Metaphysics of Morals” (1785) and “Critique of Practical Reason” (1788). Wanting to show at least in the basic outlines his approach to Ethics, Kant (Eterović points out) at his old age wrote “The Metaphysics of Morality” (1797) in two volumes: the first is about the science of law (law, justice) entitled “The Metaphysical Elements of Justice,” and in the second entitled “The Metaphysical Principles of Virtue” he writes about the science of virtue. Both parts are about duties that are in the end the results of the categorical imperative. In presenting Kant’s study about natural law, Eterović used primarily the first part of the Metaphysics of Morality, pointing out that Kant wrote about morality of international relations in his small, but important work “Eternal Peace” (1795)³⁷.

IV. *Natural Law and Social System*

Kant states the existence of moral or natural law, it is his starting point and he is its steady follower and advocate. This is confirmed by the final thought of his Critique of Practical Reason: “Two things fulfill the mind with ever new and increasing admiration and awe, the oftener and more steadily we reflect on them: the starry heavens above me and the moral law within me.”³⁸ Eterović used the English translation, whereas: the original German text is: Zwei Dinge erfüllen das Gemüt mit immer neuer und zunehmenden Bewunderung

37 Ibid. Pages 141–142

38 I. Kant, Critique of Practical Reason, trans., with an introducing by Lewis White, Liberal Arts Library (Indianapolis: Bobs–Merrill, 1956, “Conclusion”, p. 166, see Eterović, *ibid.*, p. 150.

und Ehrfurcht, öfter und anhaltender sich das Nachdenken damit beschäftigt: Der bestirnte Himmel über mir, und das moralische Gesetz in mir”.³⁹ Kant does not look for those two things outside his horizon, but sees them before him and connects them directly with consciousness of his own existence. Due to strong influence of his empiricist and rationalist predecessors (Hobbes, Locke, Leibnitz, Rousseau and Wolf), he, like his predecessors, identifies the notion of natural law with the notion of natural right. However, Kant goes his own way in interpretation of natural law as a categorical imperative decided by free will.

Kant divides law (*das Recht* — law, justice), which is identical to natural law (*das naturrecht*), into natural and civic (statutory) law. In the beginning he calls natural law the private law, and later the public law. Natural (private) law he derives a priori from the principles of autonomous will, which is valid for all people in all times and places: the civic law is derived from the will of the lawmaker in the civil society and therefore it is valid for specific country (law of the country) and administratively it is limited by authorities of the lawmaker. The public law can never be in contradiction with the categorical imperative of the autonomous will and it will always be the moral law.⁴⁰

Legal order is relative to the formal condition of the outer freedom, in other words, to the law or justice. Moral order — the kingdom of virtue — on the other hand, is relative to the purpose of the pure practical reason, which man has within himself as his autonomous will. Moral order is kingdom of inner will. Virtuous living will enable everyone to be respected as a purpose unto himself. In other words “The highest principle of science of virtue is this: Act in concordance with the maxim the purposes are such that it may be universal law to everyone who has those purpose.”⁴¹

Kant accepts subjective definition of the law as moral opportunity (*moralische Vermögen*) or capability of attaching oneself to others. Native law is the one that belongs to everyone by nature, independent from the legal act, and acquired law demands such an act. The native law of freedom contains in itself other laws that are a necessary precondition for sustenance of creatures. Native laws are part of the system of the natural law.⁴²

39 I. Kant, *Werke in sech Bänden*, herausgegeben von Wilhelm Weischedel, Band IV: I. Kant, *Schriften zur Ethik und Religionsphilosophie*, Wissenschaftliche Buchgesellschaft Darmstadt, 1963, p. 300

40 H. F. Eterović, *Approaches to Natural Law*, pp. 151–152.

41 I. Kant, *The Metaphysical Principles of Virtue* (pt. 2 of *The Metaphysics of Morals*), trans. James Ellington, with introd. by Werner Wick, *Liberal Arts Library* (Indianapolis: Bobbs-Merrill, 1964), No. 395, p. 54; comp. Eterovich, F. H. *Approaches to Natural Law*, p. 153)

42 H. F. Eterović, *Approaches to Natural Law*, p. 154. Here Eterović refers to Kant's interpretation of metaphysical ground for justice, see Immanuel Kant, *The Metaphysical Elements of Justice*, trans. with an introducing by John Ladd, *Liberal Arts Library* (Indianapolis: Bobbs Merrill, 1965), No, 237, p. 43

Relying on empiricist and rationalist traditions of the natural law, Kant differentiates between the natural state in which there is no political authority and the civil state in which civil society is a subject of political authority, giving preference to the latter. He describes the natural state, as “non-legal state of affairs, i. e. the state in which is not served legal justice. ...”⁴³ We have to mention that Kant does not introduce natural state as something that existed in the history. For him the natural state is the logical base for rights and duties of individuals — right and duties that the state in civil society wants to protect, but not to create.

The actual states, including the republic form of the government, for Kant are only approximations to the ideal state in which the general will of the people corresponds to the will of the citizens. The government has to be ideally governed by the universal consent of its citizens. That was the primordial contract that is what the government of the autonomous citizens has to be like. The state and its laws have to be judged according to their ideality. The law and politics are part of the moral ideal. All laws — positive laws of the state — are based on the principles of justice or natural law. That is why we have to respect the laws, because they represent just duties.⁴⁴

Conclusion

Having in mind the historical survey of significant natural law theories presented by Eterović in his scientific papers, starting with Aristotle to Kant, pointing out some philosophers and philosophical currents: empiricism, rationalism, existentialism clear disagreement of philosophers in the understanding of the natural, i. e. moral law. The natural law is observed by Eterović from ontological, metaphysical, immanent and transcendent point of view. He presented different historical approaches to the natural law and reached the conclusion that the theory of natural law as the basis of human moral essential to human nature, is woven into all societies and political philosophies. He stated five main traditions that emphasize the concept of the natural law (classical, Christian, rationalist, empiricist and idealistic).

As opposed to Kant, Eterović distinguishes between natural law and the natural right; natural law is ethical, not legal notion; it is not created by man, but it is moral human basis, a guide for moral behavior; the rule that is given to human nature by the Supreme Legislator, not by legal formula given by the lawmaker. Eterović follows the Christian Ethics according to which the source

43 H. F. Eterović, *Approaches to Natural Law*, p. 156

44 *Ibid.*, page 159

of the natural law is based on personal God, creator, guardian, ruler of man and the world. The natural law is participation of man in God's eternal law that leads man and all things to their goals.

Idealistic tradition is contrary to the Christian tradition; namely, according to idealistic tradition, natural law is the law of free mind and will, expressed in Kant's categorical imperative and in Fichte's absolute free will. Transcendentalist approach to the natural law Kant expressed as the imperative of free will, which in accordance with practical reason determines what is good, and what is not good. Eterović chose the classical traditional approach to metaphysics and understanding of the natural law. He criticizes Kant of consistent application the "method" for studying of categorical imperative that is not based on empirical knowledge, but on practical reason and free will. Natural law as the basis of human morality which is important in human nature is an undisputable fact for both authors. They both discover it in human nature, but they disagree in respect of its origin and purpose.