

## CAN LAW CEASE TO EXIST? ON THE ONTOLOGICAL FOUNDATIONS OF THE ATROPHY OF LAW

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**ABSTRACT:** It is obvious that law is a part of man's social reality. Moreover, the basic historical information is such that a civilization's condition remains closely tied to the law; wherever law loses power, human associative life also disintegrates. Nevertheless, a very long time ago, that is, in the poetic and mythological visions of the world contained in *Ἔργα καὶ Ἡμέραι* and *Metamorphoseon*, the law was depicted as something that appeared in interpersonal relationships only after a certain moment; as such, the law is something that man does not necessarily need. What is more, the *spiritus movens* of anarchist thought, currently present in the broadly understood philosophical discourse, is the postulate of the abolition (or death) of the law. Is this postulate feasible, however? Is it possible that in the future there will be no law and people will still exist? The subject of the research collected in the article is a solution to this problem. However, I will not try to formulate and justify it, nor will I present the solutions worked out or suggested so far. Instead, I will take up the problem of how the findings regarding the facts that denote the assumptions of the question "can law cease to exist among people?" determine the solution (i.e. ontological theory) of the question of the possibility of law disappearing. In other words, in this article, I will discuss the existential foundations of the atrophy of law.

**KEYWORDS:** Legal norm; Legal order; Atrophy of law; Necessary relation; Unnecessary relation; Community.

### INTRODUCTION

The word "atrophy" refers to various situations in which something belonging to a given person ceases to exist. The issue of atrophy of law, emphasizing the fact

that law is present among people, may consequently be expressed as follows: can law cease to exist among people? Of course, this is not a question that often bothers metaphysicians. It does not relate directly with *ens et essentia* or other aspects of ontic composition. The possibility of law disappearing is also hardly a jurisprudence problem. Philosophy of law, in particular contemporary theoretical investigations, rather focuses on the properties of the legal system, the correctness of legal interpretation and the proper application of legal regulations. Nonetheless, the answer to the question formulated fulfils several important functions; it especially provides crucial data to solve the problem of the necessity of the state, sets the scope of answers to questions on anarchy, and helps to understand the issue of human responsibility. Therefore, the atrophy of law is worth investigating. The article concerns the ontological bases for the possibility of law disappearing, and these are directly indicated by the assumptions in the wording "can law cease to exist among people?" Namely, solving the problem of the atrophy of law depends on some findings about the following entities: law ("...law [...] exist[s]..."), relation ("...among...") and community ("...people..."). These findings will be discussed below.

The considerations in the article will consist of four main parts. I will first outline the attributes of law (*point 1*), relations (*point 2*) and community (*point 3*) that are relevant to the issue of the atrophy of law. Next, I will indicate (*Conclusion*) how the findings of these attributes determine the answer to the question: can law cease to exist among people?

## 1. IUS ET LEX

At the very beginning, two quite obvious terminological circumstances should be emphasized. On the one hand, the word "law" is an equivocal name; in particular, this name is applied to designate norms of a certain kind (legal norms) as well as to mark an order of a certain type. If one says, for example, "a law limiting the hours of work from ten to eight hours per day," then some norm concerning someone's conduct at work is invoked. In turn, the expression "it is the judge who will declare the law between the buyer and the seller" rather

indicates the order (relationship) called "sales."<sup>1</sup> On the other hand, Latin terminology, along with the rest of Roman legal thought, is still often present in contemporary legal discourse, and two Latin words are useful for our considerations. Namely, these regard ancient Roman tradition, a concrete legal norm (as well as, *mutatis mutandis*, a set of such norms and a source of a concrete legal norm) may be designated by the term "*lex*," whereas a certain order can be indicated by the word "*ius*."<sup>2</sup>

Several statements can be made about *lex* which are acceptable for the majority of legal doctrine. First, every legal norm is an utterance that (a) points out how a human (its addressee) ought to behave (or how its addressee may behave) under certain circumstances, (b) is created by a human decision and c) is communicated to the public. It is, generally speaking, the one whose task it is to take care of a community (authority) that specifies a certain behavioural pattern that should be binding for (at least one other) human.<sup>3</sup> Therefore, every legal norm always exists "in a specific social group, at a specific time, and in a specific place."<sup>4</sup> Second, a legal norm cannot have arbitrary content. A legal norm is not only subject to a state of affairs, existing at a certain time and place, but it is also determined by the potential social situation which, in the authority's opinion, is worth implementing (then the norm sets a command or permit) or whose realisation must be prevented (then the legal norm sets a prohibition).<sup>5</sup> Third, there are many types of sources for legal norms. Indeed, only those standards of conduct whose authorship can be attributed to public authority are considered to be legal norms. In everyday legal practice, however, legal norms are discovered (reconstructed, interpreted) by juxtaposing normative acts, evaluations, values and judicial practices with directives (arguments) accepted by the legal culture

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1 The philosophical tradition, almost from its very beginning, perceives what the English name "law" denotes today entities occurring on two levels of reality. Cf. Giovanni Reale, *Storia della filosofia antica*, vol. 5, 5 vols, 4th ed., Milano Vita e Pensiero, 1989, p. 152.

2 Cf. Peter Glare (ed.), *Oxford Latin Dictionary*, London, Oxford University Press, 1968, pp. 984-985, 1021-1022.

3 These features of a legal norm are included in the classic definition: "[*Lex*] nihil est aliud quam quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata" (Sancti Thomae de Aquino, *Summa Theologiae*, I-II, q. 90, a. 4, co; <https://www.corpusthomicum.org/sth2090.html> [access: 9.05.2021]).

4 Antoni Kość, *Podstawy filozofii prawa*, Lublin, Petit, 2005, p. 87.

5 Cf. *ibidem*, pp. 86-87, 169-177.

(especially by jurisprudence and legal practice).<sup>6</sup>

The characteristics presented above only concern, so to say, one level of law. Namely, if a legal norm is an utterance indicating how its addressee ought to behave (or how they may behave) under certain circumstances, law also exists as a certain order. This very circumstance is pointed out by the word "*ius*." It is undisputed that the subjects of such order are people. Furthermore, one can only truly say that law-order is present only among people; it does not connect people and things but people who dispose of things. Even when we say that "a law concerns a thing," we use a short-cut. Here, we have in mind someone's permission to do something with that thing in relation to another person (on whose side there is an obligation corresponding to that permission or another permission for doing something else with that thing). The fact that it is people who are the subjects of law-order connects with two significant circumstances. First, human nature and the actual state of people's culture among whom law exists remain the conditions of the contents of law-order. Second, law-order is always implemented in human activities, i.e. through the actions of this order's subjects.<sup>7</sup>

The above general statements on law are widely accepted in jurisprudence. The point is, however, that the consensus about what law is actually ends with what these statements communicate. In particular, the structure of a legal norm, the binding force of such a norm, its functions, how it is reconstructed, as well as the connections between *leges* remain to be disputed. Moreover, the very relation between *lex* and *ius* is a constant subject of philosophical debates; and here, worth noting are two extreme positions on the last issue. On the one hand, already at the dawn of reflection on law, views were formulated that *lex* expresses *ius*; the authority's statements (legal norms) are generalizations (or exemplifications, participations, copies, references, etc.) of relationships among people. In these types of positions, *ius* is rather not the order that is genetically derived from statements of authority about duties and permissions (although the word "*ius*" is also sometimes used in this way), but an obligation-duty arrangement between a man and a man, existing thanks to human nature (as well as human culture and

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6 Cf. John Bell, 'Sources of Law,' *The Cambridge Law Journal*, vol. 77/1, 2018, pp. 42-45.

7 Mieczysław Krąpiec, *Person and Natural Law*, trans. M. Szymańska, New York, Peter Lang Publishing, 1993, pp. 188-196.

for the common good); as such, law-order (*ius*) remains ontically primordial for a legal norm (*lex*) and performs a validating function for it.<sup>8</sup> On the other hand, numerous theories inform us about the opposite connection between *ius* and *lex*. Philosophers subscribing to these ideas typically do not deny that there are legal relationships among people. Nonetheless, they do reserve that such order occurs rather through statements by the legislator (legal norms) or by the decisions of judiciaries (decisions made accordingly to legal norms) than because of man's natural (moral) arrangement.<sup>9</sup>

## 2. UNDERSTANDING RELATIONS

Our investigations shall now focus on three theses on the ontological theory of relations.<sup>10</sup> The first thesis takes the form: "every relation boils down to any arrangement of one entity to another." According to the second claim, "every relation is either a conceptual relation or a real relation." In turn, the shape of the third statement is as follows: "every real relation is either a necessary relation or an unnecessary relation."

The expression "every relation boils down to any arrangement of one entity to another" is useful when introducing data concerning the structure of a relation. If a relation is *ordo unius ad aliud*, two "boundary points" (i.e. two correlates) may be distinguished in its structure. The first is reflected in the wording "the subject of the relation," whereas the other is denoted by the expression "the object of the relation," and this differentiation answers the function that beings perform in a relation. The subject of the relation is that which is arranged under the relation. In contrast, the object of the relation is the relation's component to which the

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8 Cf. Krapiec, *Person and natural law*, pp. 2-4. Concepts of law of this type are usually qualified by the adjective "natural" (Heinrich Mitteis, *Über das Naturrecht*, Berlin, Akademie-Verlag, 1948, p. 7; Ana González, *Natural Law as a Limiting Concept: A Reading of Thomas Aquinas*, in: A. González (ed.), *Contemporary Perspectives on Natural Law. Natural Law as a Limiting Concept*, London and New York, Routledge, 2016, pp. 11-25.

9 This conception of the law can be collectively described as "legal positivism" (Anthony Sebok, *Legal Positivism in American Jurisprudence*, Cambridge, Cambridge University Press, 1998, pp. 30-32; Tom Campbell, 'The point of legal positivism', *King's College Law Journal*, vol. 9, 1998, pp. 63-97; Matthew Kramer, *In Defense of Legal Positivism: Law Without Trimmings*, Oxford, Oxford University Press, 1999).

10 The foundations of the theory were formulated by Aristotle and particularly developed by Thomas Aquinas. I base this research on the interpretations of Aristotle's and Aquinas' works presented by the members of the Lublin Philosophical School (*Lublin Thomism*).

subject is arranged by virtue of the relation.<sup>11</sup> For example, in the juxtaposition that "Peter is older than John," Peter is the subject of the relation of eldership and John is the object of this relation. This is because Peter is arranged here as being older than John; and John is the one to whom Peter is arranged as older. In turn, in the relation  $R$ : "thing  $x$  is the steering wheel of vehicle  $y$ ,"  $x$  is the subject of  $R$  and  $y$  is the object of  $R$ . Thus, by virtue of  $R$   $x$  is arranged as the steering wheel to  $y$ ; and  $y$  is that to what  $x$  is arranged as the steering wheel.

The second thesis indicates that no conceptual relation is a real relation, and no real relation is a conceptual relation. What is more, the expression "every relation is either a conceptual relation or a real relation" postulates some, at least, general descriptions of a conceptual relation and a real relation. Namely, we are dealing with a conceptual relation if at least one of its correlates is a conceptual being; and a being is conceptual always when its existence depends in any way on someone's consciousness. This means *a contrario* that a real relation occurs if each of its correlates is a real being, meaning that it is a being that does not exist at any rate through somebody's cognitive powers.<sup>12</sup> A few examples will clarify these definitions. The friendship between Hercule Poirot and Captain Arthur Hastings is a conceptual relation, because the famous detective and his companion-chronicler exist by virtue of Agatha Christie's imagination and those who have read her books. The relationship between Erwin Schrödinger and Schrödinger's cat remains conceptual since Schrödinger's cat is a thought experiment formulated by Erwin Schrödinger. In turn, the distance between Mount Kosciuszko and Mount Everest and the kinship between Plato and Speusippus are real relations. The two indicated points on Earth remain towards

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11 Cf. Aristotle, *Categories*, trans. E. Edghill, in: W. Ross (ed.) *The Works of Aristotle*, vol. I, Chicago, William Benton: *Encyclopædia Britannica*, 1952, pp. 10-11; idem, *Metaphysics*, trans. W. Ross, in: W. Ross (ed.) *The Works of Aristotle*, vol. I, Chicago, William Benton: *Encyclopædia Britannica*, 1952, pp. 542-543; Sancti Thomae de Aquino, *Summa Theologiae*, I, q. 28, a. 1, *resp.*; *ibidem*, I, q. 28, a. 1, *resp.*; *ibidem*, q. 13, a. 7, *resp.*; Mieczysław Krąpiec, *Metaphysics. An Outline of the History of Being*, trans. T. Sandok, New York, Peter Land Publishing, 1991, p. 304; Andrzej Maryniarczyk, *The Pluralistic Interpretation of Reality*, trans. H. McDonald, Lublin 2011, Polskie Towarzystwo Tomasza z Akwinu, pp. 26-29; Antoni B. Stępień, *Punkt wyjścia w filozofii. Teoria relacji: filozoficzne i logiczna*, Lublin, TN KUL, 2005, pp. 143, 148.

12 Cf. Sancti Thomae de Aquino, *Summa Theologiae*, I, q. 13, a. 7, *resp.*; Krąpiec, *Metaphysics*, pp. 304-305; Stępień, *Punkt wyjścia w filozofii. Teoria relacji: filozoficzne i logiczna*, pp. 148-157; Tomasz Duma, *Metafizyka relacji*, Lublin, Polskie Towarzystwo Tomasza z Akwinu, 2017, pp. 106-107.

each other at a constant distance regardless if anyone knows what this distance is (or even whether there is anyone who operates using the concept of distance). Similarly, the fact that Speusippus was the son of Plato's sister is not dependent on anyone's knowledge.

Let us now notice two circumstances. Namely, a concrete real being: 1) always consists of many different elements as well as 2) always exists in a certain space-time, made of other concrete real being beings; and due to 1) and 2), when considering a concrete real being as a subject of a real relation, we should distinguish two separated classes of real relations. This two-part division is indicated by the third thesis: "every real relation is either a necessary relation or an unnecessary relation." Thus, on the one hand, there are relations necessary for a being because they constitute the arrangement of its elements as a particular system to a component of this system; as such, necessary relations are included in a being and are neither acquired nor lost by the being without the loss of its existence or its identity. For example, a relation between essence and existence in each being is a necessary relation; and the way a concrete leg relates to an individual body is also a relation of this kind. There is no non-existent content in a being as well, and a certain tissue structure is the leg only because this and no other way joins this body and performs specific functions as part of it.

On the other hand, we see that the world is full of relations that only "come" to already constituted and existing separately real beings. Relationships such as similarity, employment and friendship bring nothing to the content (and existence) of entities that are similar, employed or friends respectively. It is precisely those relations that bring nothing to the content (and existence) of their correlates that remain unnecessary. Thus, every unnecessary relation exists not because it is a substructure of being (as in the case of necessary relations), but because of some unity of beings (its correlates); and such a foundation of unnecessary relation, as the examples mentioned above illustrate, may be an instance of various categories of being.<sup>13</sup> What is more, the content of each unnecessary relation is determined by the actions of its correlates. For example,

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13 Cf. Krąpiec, *Metaphysics*, pp. 306-309; *idem*, *Język i świat realny*, Lublin, RW KUL, 1995, p. 212; Duma, *Metafizyka relacji*, pp. 556-563.

the friendship between Peter and John is defined by Peter and John's actions towards each other.<sup>14</sup>

### 3. COMMUNITIES AS RELATIONS

If the law exists as an order (relationship) among people and/or an utterance formulated by one person to another, then the law is involved in associated human life. The investigations on the ontological foundations of atrophy of law should, therefore, include some data about the ontic status of human communities.

The ultimate reason for people living in communities is to be found in the contingency of being. Namely, a being is contingent because its existence and essence are different; and due to this difference, a being can simply cease to be, and its content always contains a greater or lesser portion of deficiencies. Contingency manifests itself in the deficiencies of a being's content; and as such, contingency is also the *raison d'être* of a being's inclinations and needs. On the one hand, a being tends to try to obtain only what it does not possess; on the other hand, a being may tend to preserve only what it possesses but does not have to possess. Thus, every human being is contingent; and it is as contingent beings that people are inclined to take on different actions to satisfy needs, i.e. to obtain what they do not possess or to preserve what they do not have to possess.<sup>15</sup> In short, our inclinations (as grounded in the contingency of our being) justify our needs (as rooted in inclinations) and our actions (as aimed at satisfying needs).

There are many different needs involved in a human being. We can, of course, categorise them according to different criteria. In particular, if we see that without satisfying certain needs, a human being will simply cease to be, then all our needs can be divided into vital needs (e.g. nutritional needs) and needs which are not vital for a person (like a need to acquire knowledge about the theory of being and a need to have friends). Moreover, among various human needs there are needs

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14 "Actio quae tran sit in aliquod extrinsecum est realiter media inter agens et subiectum recipiens actionem", Sancti Thomae de Aquino, *Summa Theologiae*, I q. 54, a. 1, ad 3. Cf. e.g., Franciszek Mazurek, 'Charakter relacji społecznych', *Studia Philosophiae Christianae*, vol. 9/2, 1973, pp. 95-99.

15 Cf. e.g., Karol Wojtyła, *Persona e atto*, Milano, Bompiani, 2001, pp. 368-369; G. Reale, *Storia della filosofia antica*, vol. 5, pp. 59-60; Mieczysław Krąpiec, *I – Man. An Outline of Philosophical Anthropology*, trans. M Lescoe, A. Woznicki, T. Sandok, Mariel Publications, Connecticut, 1983, pp. 193-194.



that expire when they are met (e.g. needs to acquire reading or driving skills) and those that cannot be met permanently and completely, i.e. inextinguishable needs (e.g. resting needs). In turn, if we consider that there are needs whose satisfaction exceeds a single person's capabilities, we can distinguish between needs whose satisfaction require the cooperation of people (e.g. needs associated with having a family life) and those which can be achieved without such cooperation (e.g. home-ownership needs).<sup>16</sup> It is precisely such cooperation that makes those who cooperate enter into relationships, and the moment when a particular human being enters into a relationship with another human being is the moment when a human community is organized. This circumstance reveals a few relevant attributes of the ontic status of human communities. First, each human community remains a set of real unnecessary relations. Namely, every single community is a real relation due to the fact that its correlates, meaning people, are real. Furthermore, every single community is an unnecessary relation because it does not constitute correlates, i.e. a community does not establish anything contained in people who are involved in it. Second, various communities are to facilitate (or support) the satisfaction of various needs. For example, the family serves to fulfil other human needs than a religious association or an enterprise.

Thus, from the ontological perspective, a human community boils down to a set of unnecessary relations among people. This circumstance has the following consequence: the content of a given human community is determined by the acts that people undertake as its correlates. In other words, the activities that its members undertake to meet the needs for which they have organised that community define what a particular community is. In turn, each human act is conditioned by many different factors; and the class of such determinants includes, among others, the purpose of the undertaken activity, the current condition of the organism of the one who acts, the cultural quality within which the actor operates, as well as properties of the natural world at the moment of

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16 "A human being is in every way dependent on his fellow human beings, who can offer him objects of particular needs; on the other hand, they have their life, civilization and cultural needs [...]. A child needs parents, [...] a student needs a teacher, a sick [person] needs a doctor, a consumer needs a food producer, a producer needs consumers, etc." (Kość, *Podstawy filozofii prawa*, p. 104). Besides, everyday experience shows that people cooperate not only in order to satisfy their basic inclinations, but also to satisfy other, further needs. Cf. Krąpiec, *I – Man*, pp. 238-259.

action. Moreover, community members give such factors the shape of "rules of the social game," i.e. established or accepted norms (requirements) of behaviour in a given community.<sup>17</sup>

Concerning the "rules of the social game," two circumstances should be highlighted here. First, all human communities are to be ordered according to the type of need they serve. The satisfaction of different needs by a human entity requires that she/he undertake different activities, including various activities for which she/he must enter into a relationship with another person or with other people (that is, to form a community). In turn, human needs, also those involved in associated human life, are formally the same due to the fact they are rooted in a human being's same formal structure.<sup>18</sup> Importantly, the varieties of communities established under this criterion correspond to different types of activities relevant to the determination of community content; for example, activities relevant to communities belonging to the "family" class are different from those appropriate to the "school" class. The different varieties of human communities (distinguished according to the category of need to be met) are, therefore, determined by more or less different sets of varieties of activity factors, and as a consequence, the different varieties of communities cannot be arranged according to the same rules of social play. These are the reasons for various orders of norms to coexist side by side in the sphere of associated human life.

The second circumstance is as follows: the sphere of social life is always largely ordered for an individual human being living in a particular place and time. A human entity simply comes upon most of the relationships (communities). As a result, a particular person does not so much create new types of relationships but organizes new relationships according to existing community patterns.

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17 Cf. Antoni Kościł, *Pojęcie natury rzeczy we współczesnej filozofii prawa*, „Prawo – Administracja – Kościł”, vol. 2-3, 2000, pp. 35-42.

18 It is worth noting that a human being is a *compositum* of form and matter. Namely, while the form (nature) of a human being is the same in all people (i.e. every human being has a human nature), then the "material" in which this form lies remains different in every human being. This means that as people, we have formally (generically) the same needs, but our individuality, including the concreteness of our needs (the fact that in a given situation a particular need has one and not another form), is justified by the conditions of matter.

## CONCLUSION

The above paragraphs present the attributes of law, relations and communities that are of paramount importance when considering the possibility of law disappearing. At this point, we must describe how the findings concerning these features determine the answer to the question: can law cease to exist among people?

As described in the first paragraph, it is rather safe to say that law occurs on two levels of reality. It includes norms of human behaviour (*lex*) and a certain order among people (*ius*). Each legal norm has a limited temporal and territorial scope and is determined by an authority's opinion about a potential social situation worth implementing or whose realisation must be prevented. In turn, the legal order depends on the structure of human nature and the current cultural status of those people among whom it exists; as such, the law-order is manifested in their activities. The findings regarding the interaction between *ius* and *lex* itself are already crucial in finding the solution to the problem of the possibility of law disappearing. This interaction, however, is understood variously. In fact, it fuels perennial jurisprudential debate between natural law and legal positivism; and different findings regarding the interaction of *lex* with *ius* would affect the answers to the problem differently. If one takes the idea that law boils down to legal norms (and, as a consequence, legal norms, at the most, appointing the legal order), then the problem of law disappearing heuristically depends on the concept of authority creating legal norms and the concept of community. Namely, the solution to the issue of the atrophy of law is determined by the answers to such questions as: 1. "is there a community for which a division between those who govern and those who are governed is necessary?"; and if so, then: 2. "can such a community be governed without a set of assumptions about what is right and wrong for that community?"; and if so, then: 3. "is it possible to govern without directing utterances about duties and permissions to those in power?"

These questions lose significance if *ius* is expressed by *lex*. When we recognize that legal norms (statements by the authority about orders, prohibitions or permissions) express only a certain kind of order (legal order), then the problem of the atrophy of the law becomes dependent on the attributes of this order. However, if the legal order is some kind of "order among people," then in the light of the second paragraph, the answer to the question "can there be no law?" requires

determining what kind of order, that is, what relation we are dealing with here. More precisely, the solution to the question of the possibility of the law decaying heuristically depends on whether *ius* is a real relation (or even – *tertium non datur* – is it a conceptual relation)? The answer to this question, even though the legal order exists among people, is not obvious. The simple fact that the law exists among people does not mean that it exists independently of the consciousness of the people among whom it exists. In other words, in order to determine whether *ius* is a real relation (or a conceptual relation), it is necessary to precisely characterize the correlates of the legal order, and especially to examine what in human beings makes them such correlates. While establishing that the legal order consists in conceptual relations seems to prejudge the possibility of the atrophy of law, all the more so determining that law is a real relation significantly complicates the problem of the possibility of the disappearance of law. If it is established that the legal order creates real relations among people, and resolving the issue of the atrophy of law will determine the question of the necessary character of these relations. Nevertheless, even establishing that the law amounts to a real unnecessary relationship among people does not entail the claim that it can cease to exist among people. If the legal order is built by real unnecessary relations, the possibility of the disappearance of the law will be determined by the arrangements regarding the foundation (foundations) of such relations.

As indicated in the third paragraph, the issue of the foundation of an unnecessary relation, whose correlates are people, implies several findings regarding the ontic status of a community (although such a status is also important for the issue of the necessity of authority, which is a key issue in resolving the possibility of the disappearance of *lex*). Every human community exists as a bundle of relationships among people due to their necessity to cooperate in meeting those needs whose satisfaction exceeds the capacity of a single person (or whose satisfaction by a single person is more difficult than satisfaction through cooperation). Therefore, the community does not add anything to the contents of the people it includes, but its essence is realized through activities aimed at satisfying the need or needs for which it has been established. In turn, if communities exist to meet the needs of their members, then the problem of the atrophy of the *ius* requires determining whether the foundation of *ius* is the subject of (at least) one of the inextinguishable and vital human needs met only within

the community. This, however, presupposes the answer to the question: do communities that people establish in order to meet inexhaustible and vital needs exist?

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