

## The Human Need for Law

**Laura Zavatta**

Università degli Studi del Sannio - Benevento  
Department of Law, Economics, Management and  
Quantitative Methods (D.E.M.M.)  
Researcher of Philosophy of Law  
Legal Fundamentals, Criminal Law  
Applied Philosophy, Human Rights

### Abstract

*In a context of perpetual conflict, typical of every man, between existence and co-existence, we can identify the task that philosophy of law has to play to help his difficult and uneven path over the centuries. We must reflect on these two fundamental dimensions that characterize his "Dasein" (as Heidegger would say), or his "Being in the world": existence and co-existence. And we must reflect not only on what differentiates these dimensions, but also on what identifies them. Then we can say that morality shapes our existence and law regulates our co-existence, in a perspective of identity and difference. Law and morality are an identity that is different and a difference that is identified with a correlation for which they are as autonomous and interacting systems. Morality is "lex in interiore homine" or unwritten law of conscience and duty. The law is "lex in exteriore homine", or written and prescribed law, that constrains the behavior of its recipients, ensuring its effectiveness through coercion. "Lex in interiore homine" is born in the interior of each individual as an act of conscience or duty, perceived as "to do" that we have to do, and it is the essence of morality content. At the same time, "lex in interiore homine" gives rise to "lex in exteriore homine", or to the foundation of law in the form of ordinary and regulatory rules of states.*

**Keywords:** Law - Morality - Human Doing - Liquid Society - Ethical Genius

### ***1. Arts and Techniques of the Human "Doing".***

Law and morality are disciplines that, beginning of time, govern the relationship between men in their lives in community. Namely, they are arts and techniques of the human "doing" by which we can settle the causes of conflicts, revealing to be an indispensable component in the operation of society forces. Law and morality - Lon Fuller warns - imply a negative essence, which consists in commanding the indispensable behaviors belonging to civil life, such as, for example, do not kill, do not fool, do not harm, do not defame<sup>1</sup>. There are many causes of conflict between humans and all of them have really deep roots. One of the most usual and major causes is certainly due to the need to possess the essential goods for survival, a shelter that must become a comfortable accommodation, availability of daily food, clothing appropriate to weather and decorum, tools for the processing of raw materials. These goods are not at hand, but involve a laborious and sometimes tragic conquest, associated with specific manual skills and use of complex equipment. It may be added that, above all, the goods are not quantitatively sufficient for the satisfaction of needs that characterize our species, so as to arouse vigilance for their use with utility behaviors that marked the birth and development of a specific science, the Economy. The possible conflict over the ownership of goods is always resurgent, not only because of the scarcity of natural resources, or limited resources, but also of the vulnerable conditions of men.

Human vulnerability, in fact, complicates greatly the historical and social situations of every civilization, because the course of things, as noted by David Hume, does not appear what is supposed to be.

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<sup>1</sup> L.L. Fuller (1986). *The Morality of Law*, ed. by A. Dal Brollo. Milano. Giuffrè, p. 60. See, on this subject, the interesting theoretical development of A.C. Amato Mangiameli (2012). *Arte e/o tecnica. Sfide giuridiche*. Padova: Cedam.

Many events are uncertain and many deceive our expectation, and we are then subjected to an infinite number of accidents, whose causes are unknown and variable<sup>2</sup>. In addition, though all men are profoundly different in athleticism, agility and intellectual ability, no individual is so powerful and robust as to be able to impose its hegemony, alone, without the help of others, with the exception of rare and short periods of time. In this regard, Hobbes argues that nature has made all men so equal, both in the faculties of body and in those of spirit, which, though we often find an individual stronger or smarter than others, the difference between man and man is not so great that someone can claim a benefit for itself that can not be claimed by someone else<sup>3</sup>. It is therefore inevitable, taking up the ideas of Hobbes, that in the “state of nature”, before the establishment of law, men manifest their “right of all” (*ius omnium in omnia*) with substantially similar forces - for which everyone runs the risk of being overwhelmed by the other, since all are equally equipped with enough power to cause damage to own similars<sup>4</sup>. Hobbes’ description of fear and distrust in relations with others, is exemplary and unsurpassed. What the philosopher calls “time of Warre”, ie the wartime - using a metaphor not only circumscribed to the war episodes - is generated by a general state of *bellum omnium contra omnes*, an unfortunate condition that, without the imposition of law, belongs to the very structure of human existence. In this state of exasperated rivalry and hoarding of goods necessary for survival, in which all are enemies of all, no one can be sure to not incur in the maximum of evils, that is to lose the “highest good” that is life, with a violent death. For this reason, every man needs to leave the primitive state of nature, obeying his natural laws that indicate, because of its utilitarian reason, the indispensable means to achieve the ultimate goal of self through the establishment of state and law.

The only possibility that men have to live in safety, in fact, is to put power in the hands of an individual or an assembly of individuals, which, by majority vote, incorporates their wills into a single will and establishes the law. With this method, the multitude is unified forming a single person, giving rise to the State - name acquired in the Italian Renaissance with the meditation of Machiavelli and Guicciardini<sup>5</sup> - which reproduces the typical characteristics of the Latin “*civitas*”. The final goal, or design of men, is predicting to obtain, in this way, their conservation and a more comfortable life. For this, we need to get out of the terrible condition of the state of nature, which is a state of perpetual war, an inevitable consequence of the passions of men when it lacks a power that controls and imposes a law system that makes them live according to prearranged rules. Hume maintains the idea that humanity could not survive the dangers and destruction if individuals are not associated with one another: and the association among men could not take place except through the law and justice<sup>6</sup>, by which is possible to preserve the life of community thanks to an agreement between the possession of the individual goods and the attainment of the common good - satisfying, thereby, the desire for survival that characterizes all living beings<sup>7</sup>. In interpreting the thought of Hobbes, Hughes wonders if the obligation is necessary to obey. *Is Political Obligation Necessary for Obedience?* Schmitt, with a theory in agreement with that of Hobbes, highlights his opinion by stating: “A state is not a state unless it can put an end to that kind of war” referring to the civil war<sup>8</sup>. Bobbio also argues that: “It is necessary that human beings agree to institute a state that will create the conditions for living a life according to reason.

<sup>2</sup> D. Hume (1947). *Dialogues Concerning Natural Religion*, ed. by M. Dal Pra. Milano: Bocca, 122-131. For an interesting study of the treated theme, see P. Di Lucia, A.G. Conte (2013). *Normative Dimensions of Impossibility*. In C. Stancati, A. Givigliano, E. Fadda, G. Cosenza, *The Nature of Social Reality*. Newcastle upon Tyne: Cambridge Scholars, pp. 34-44.

<sup>3</sup> T. Hobbes (1974). *Leviathan*, philosophical Library. Rome-Bari: Laterza, (Chapter XIII) p. 106.

<sup>4</sup> T. Hobbes (1886). *Leviathan, Or the Matter, Forme, and Power of a Commonwealth, Ecclesiasticall and Civil*, (2nd ed.), London: (Printed by Ballantyne Press for) George Routledge and Sonsp, p. 110.

<sup>5</sup> For this search you may see these issues: N. Machiavelli (2013). *Il Principe*, Introd. N. Borsellino, ed. by A. Capata, (3rd ed.) Roma: Newton Compton, p. 84 ff; F. Guicciardini (1988). *Storia d'Italia*. Introd. E. Pasquini, presentation and notes E. Mazzali, Milano: Garzanti, 3 vols.

<sup>6</sup> D. Hume (1739/40). *Treatise of Human Nature. Being an Attempt to introduce the experimental Method of Reasoning into Morality Subjects*. Vol. III, Part 2, Of Justice and Injustice. London: Thomas Longman, Digireads.com Publishing, p. 261 ff.

<sup>7</sup> T. Hughes (2012). *Is Political Obligation Necessary for Obedience? Hobbes on Hostility, War and Obligation*. *Political Theory*. New series, Annals II, USA: University of California Santa Barbara, pp. 77-99.

<sup>8</sup> See C. Schmitt (1996). *The Leviathan in the State Theory of Thomas Hobbes*. Westport: Greenwood Press.

This agreement is an act of will. Thus, the state is not a product of nature, but of the human will; the state is artificial man”<sup>9</sup>. The contemporary debate of the scholars aims at deepening the concept of obedience and consensus, placing the old (but always relevant) question over whether there is, beyond to the legal and political obligation, a natural idea of duty and justice accessible to man through reason which allows its realization<sup>10</sup>.

## 2. *The Rule of Law*

There arose, in modern times, especially with Kant, the idea of rule of law. The rule of law, in Kant’s representation, indicates a political organization defined by rules, which, by their specific and unique function, ensure compliance and the guarantee of individual rights. The Kantian State opposes the ethical State, that is those forms of state that intend to bring to fruition the objective of citizens’ happiness or realize the values emphasized by a certain ideology. Specifically we should define the Kantian State a liberal state because it sees as destination the guarantee of individual freedoms. The liberalism of Kant, however, is not empirical, as the one of Locke and Montesquieu, but is rational: in his liberalism freedom, and the right that guarantees and protects freedom, responds to the universal requirement of reason. It should be remembered that with the speculation of Locke and Montesquieu the theory of Constitutionalism took shape. It puts emphasis on the guarantee of freedom of singular individual and on the submission to law, not only by the recipients but also by the political power holders<sup>11</sup>. The legal system sets the limits of the power dividing it into its core functions (legislative, executive and judicial) recognizing and ensuring the individual rights of citizens, in their sphere of freedom guaranteed and protected by appropriate legal instruments, and with granting by the government apparatus of written Constitutions. The first form of the constitutional State was being implemented in England when William III of Orange, in 1689, agreed to recognize, together with the crown, a declaration of the rights of Parliament in which were set the limits of royal power. Even for a highly original philosopher like Nietzsche, every state uses the legal system as a legitimizing function, so it can be called “rule of law”. And although there are still many aspects to be verified in the particular manifestations of the state, Nietzsche does not reject its sovereignty understood as the limit of human existence. On the noblest men, in fact, it acts in the form of a higher feeling and is estimated by the philosopher when it manages to give life to the education of people and implementation of a culture of each single man creator. If the state, however, is limited to consolidate and promote mass and mediocrity, if it cares not already about the individual “in his unrepeatable and irreplaceable forms, but only in his redundant and replaceable forms, then Nietzsche rejects it because it corrupts the man”<sup>12</sup>. So there is a double meaning, one positive and the other negative both for the state that the legal system, which statement of a will that aspires to make durable, or even perennial, some defined power relations. If the laws that a state shall issue are intended to protect the uniqueness of individuals, achieving the order requested by the society, which consists precisely in bringing forth the higher type of man; and if, by doing so, the balance of power that underlies every law is able to impose the rules of the best part, the noblest part of mankind, state and law assume the meaning of high guarantors of order. However, there is always the risk that those who manage the power, use these organisms only as tools to secure their being there and their wealth, reducing the state to an inadequate means and the law to an accumulation of laws.

## 3. *Lex in Interiore et Exteriore Homine.*

To avoid this, in a context of perpetual conflict, typical of every man, between existence and co-existence, we can identify the task that philosophy of law has to play to help his difficult and uneven path over the centuries. We must reflect on these two fundamental dimensions that characterize his “*Dasein*” (as Heidegger would say), or his “*Being in the world*”: existence and co-existence. And we must reflect not only on what differentiates these dimensions but also on what identifies them. Then we can say that morality shapes our existence and law regulates our co-existence, in a perspective of identity and difference. Morality and law are an identity that is

<sup>9</sup> N. Bobbio (1993). *Thomas Hobbes and the Natural Law Tradition*. USA: University of Chicago Press, p. 47.

<sup>10</sup> A. J. Simmons (1979). *Morality Principles and Political Obligations*. USA: Princeton University Press; H. Warrender (2000). *The Political Philosophy of Hobbes: His Theory of Obligation*, USA: Oxford University Press.

<sup>11</sup> See M. Barberis (2012). *Stato costituzionale. Sul nuovo costituzionalismo*. Modena: Mucchi.

<sup>12</sup> On the thought of Nietzsche you can see the work of K. Jaspers (1996). *Nietzsche. Introduction to the understanding of his philosophy*, ed. by L. Rustichelli, Milano: Mursia. See also E. Castrucci (2016). *On the Idea of Potency. Juridical and Theological Roots of the Western Cultural Tradition*, Edinburgh: Edinburgh University Press, pp. VII-192.

different and a difference that is identified with a correlation relationship for which they are as autonomous and interacting systems.

Morality is “*lex in interiore homine*” or unwritten law of conscience and duty, while the law is “*lex in exteriori homine*”, or written and prescribed law, that constrains the behavior of its recipients, ensuring its effectiveness through coercion. “*Lex in interiore homine*” is born in the interior of each individual as an act of conscience or duty, perceived as “*to do*” that we have to do, and it is the essence of morality content. At the same time, “*lex in interiore homine*” gives rise to “*lex in exteriori homine*” or to the foundation of law in the form of ordinary and regulatory rules of states. So morality is flecked on law, and law is reflected on morality and neither the one nor the other disperses its difference or breaks its identity. On the one hand, morality, as the unwritten law of conscience and duty, it would not be credible if it did not take possession of law as a compulsory requirement to protect and guarantee the goals to be pursued and the needs to be met for the human co-existence in the world. On the other, law, as a compulsory requirement, it would not be justified if it did not involve an achievement of goals and a satisfaction of needs that are the moral commitment index for the very existence of man in the world. Each of us, therefore, exists and co-exists, being an individuality that lives individually but in connection with the world of things, people and institutions, and protects itself against the dangers of his tampering or even its cancellation that are also influenced by the opening in relation to the world of things, people and institutions. It is impossible, in fact, in this context, not to mention the increasingly serious dangers of our existence in the co-existence, concerning the risk of tampering and cancellation of individuality, ever more looming today over the fate of each of us. The phenomenon of globalization that is affecting all people around the planet poses serious risks for life of each and complicates greatly the question of law.

#### **4. The “Planet-Village”.**

The challenge of the so-called globalization, which is affirmed in the various languages with the terms of globalization, *globalización*, *Globalisierung*, takes in the French language - probably - an accent and a more expressive universal appeal: “*mondialisation*”. The condition of humanity seems increasingly paradoxical and disorderly, turned over previous generations because it is dragged and almost overwhelmed by the worldliness of the “planet-village” that offers the opportunity to move people and goods from one continent to another in a matter of few hours. Mundialization has also its most obvious feature in the real-time transfer - thanks to the fast technologies of the web navigation - of a considerable amount of data, information, and news<sup>13</sup>. In becoming citizens of the world, however, instead of discovering the reasons for unity, it gets more acute, for the inhabitants of planet Earth, the contradiction of the civilizations with their different cultures, laws, customs of life, religious faiths, and political principles. These differences were limited and harmless when communities remained separate, distinct and distant, due to remoteness; whereas now, in the planet-village, they end up to find themselves on a daily basis, more and more, side by side, assuming an alarming dimension. The attempt to build a global community through an efficient organism of international law is the United Nations, recognized by all nations as a means of protecting the peace, justice, freedom and well-being, based on Charter of Human Rights. But the universally recognized authority of the UN is not always enough to govern the contradictions. Its resolutions by a majority have no absolute value, even when they are not blocked by a veto due to each nation’s elite, which are the permanent members of the Security Council. The United Nations is even an expensive facade organism, not quite sufficient to solve crises and problems that arise between States or within a Member State<sup>14</sup>. The same applies to the general problems in environmental protection or assistance to people who are in acute food and health needs, and for the agricultural and industrial economic rehabilitation of backward areas<sup>15</sup>. In the age of globalization or high modernity, as defined by Giddens, in addition to the particular problems of the country and continent in which we live, each of us should be able to cope with a great worldwide insecurity. In fact, we find ourselves, in some ways reassured, in a daily routine that gives us the illusion that our lives are safe, but we realize now, with a serious awareness of the risk which surrounds us.

<sup>13</sup> See P. Becchi (2013). *Cyberspazio e democrazia. Come la rete sta cambiando il mondo*. Paradoxa, p. 71-83.

<sup>14</sup> In a deepening of the question of international law, see G. Preterossi (2015). *La défi de l’immédiateté. Une réflexion métajuridique sur la crise du droit international*. In (edited by) J.F. Kervégan, M. Plouviez, P.Y. Quiviger, Norme et violence. Hildesheim: Olms, pp. 219-236.

<sup>15</sup> For comparison with this thought, see G. Sartor (2011). *The modular logic of private international law*. *Artificial Intelligence and Law*. Vol. 19, p. 233-261.

It is a risk that has nature and a global dimension, such as the growing economic interdependence, which implies the probability that a financial crisis in a remote part of our planet, could lead to the collapse of the entire world economic system<sup>16</sup>. Moreover, it seems increasingly clear that the nation-State sovereignty has been largely eroded, as Bauman writes, and it is even more difficult the protection against phenomena such as extraterritorial terrorism or globalized terrorism. In that not only economic, but also military, commercial and criminal forces, are taking on a global significance and are able to involve both local interests that the power of the individual countries<sup>17</sup>.

### 5. *Revolutions Hardly Identifiable.*

According to Bauman, nowadays, it would no longer be possible to attack the “palace” to save the world, because power is no longer concentrated in a particular place, but it is scattered, spread throughout the globe. It could also be no more revolutions, from the traditional point of view since revolutions are a historical phenomenon that dates back to a time in which power was concentrated in a particular place. “When the Bolsheviks made the revolution, stormed the Winter Palace because power was there, and they thought ‘we take the palace, and power will be ours’. The French revolutionaries stormed the Bastille because that was the symbol of power in which were concentrated all injustices, they stormed Versailles and arrested the King. There was an ‘address’ of power, a real address: you knew exactly where it was power. Not any more, now power is scattered, spread around the globe, the planet. What should the revolutionaries do? Which building should they attack?”<sup>18</sup>. It almost seems that humanity is experiencing great revolutions, although it is not easy to define their characteristics. As Pfersmann writes: “*Les révolutions exercent une étrange fascination sur les philosophes et les juristes. Elle est à la fois valorisée et redoutée. Mais elle est surtout très difficile à saisir. On croit connaître des cas simples comme les Révolutions américaines ou française, mais elles le sont beaucoup moins qu’on ne le pense. Et surtout, les cas les plus fréquents sont ceux de révolutions discrètes, imperceptibles et, partant, difficilement identifiables. Encore plus étranges sont les cas de révolutions que l’on découvre rétrospectivement comme ayant changé imperceptiblement, mais fondamentalement l’ordre juridique dans le passé - et que l’on pourrait éventuellement également faire disparaître à nouveau dans un temps reculé*”<sup>19</sup>. And so, while we delude ourselves that the political decision-making is restricted to the level of the nation-State, power is already beyond national borders. “What we are experiencing is one-statism by inertia inherited from the past manuals, a government that pretends to control the situation, when it has to suffer the power of financial markets, and the speculators who are robbing capitals, moving them elsewhere, while the majority of people suffer from lack of jobs and livelihoods”<sup>20</sup>. Thus, the “mondialisation”, or “the monster without a face”, could be the most important change of the entire human history. It is a new phenomenon which is realized as a process or a set of processes to trans-planetary level, that on the one hand causes the increase of multi-directional flow, of individuals, objects, places, more and more liquid information; on the other creates structures that tend to curb or accelerate these flows<sup>21</sup>.

<sup>16</sup> G. Ritzer (2012). Sociological theory. Classical roots and contemporary challenges, Milano: Apogeo, pp. 177-179. See A. Giddens (2003). Seize the opportunity. The challenges of a changing world. Bari: Carocci; A. Giddens (2014) Fundamentals of sociology. Firenze: il Mulino.

<sup>17</sup> Z. Bauman (2011). The darkness of the postmodern. Roma: Aliberti, p. 39. See also A.C. Amato Mangiameli (2009), Dans un monde post-national. Toronto: Les Presses de l’Université Laval diffusion.

<sup>18</sup> Z. Bauman (2009). The darkness of the postmodern, cit., pp. 55-56. For a correct view of the problem, we must analyze the development of this thought in J. F. Lyotard, O. Pfersmann (2009). Das postmoderne Wissen, Wien: Passagen.

<sup>19</sup> O. Pfersmann (2016). Révolutions constitutionnelles imperceptibles et rétrospectives. Filosofia de Diritti Umani. Philosophy of Human Rights. Vol. 45, An. XVIII, p. 13 ff.

<sup>20</sup> Z. Bauman (2009). The darkness of the postmodern, cit., pp. 54-55. See also M. La Torre (2014). La decadencia de Occidente. Sobre el futuro de la democracia. In (edited by) Francisco M. Mora Sifuentes, Democracia. Ensayos de filosofía política y jurídica. México: Fontamara, pp. 13-32.

<sup>21</sup> G. Ritzer (2012), Sociological theory, cit., p. 374. See M. La Torre (2015). La cittadinanza "liquida". Cittadinanza dell’Unione Europea e liberalismo autoritario. Sociologia del diritto, p. 105-130.

It then becomes essential, as claimed by Zarka<sup>22</sup> (2014), to rethink “*le cosmopolitism*”. The phenomenon of globalization is unstoppable, and against migratory flows, that are shifting more and more from south and east to north and west of the world, it is unlikely that we can build barriers, boundaries, “barbed wire”, or make laws or prohibitions that can stop them<sup>23</sup>. Moreover, as Kant already said in the eighteenth century, the sphericity of our Earth determines the fact that men must resign themselves to meet and co-exist, finding, by the law of survival, the ability to do so in the best way<sup>24</sup> through the indispensable tool of law<sup>25</sup>.

### **6. Potentially Catastrophic Collisions in the World.**

In a world stage that has many alarming problems, the culture of each ethnic group tends to remain basically closed in itself. Our Earth will become, in a metaphorical and menacing version, like a mosaic of cultures, or as a pool table where the balls representing the world civilizations, bounce on each other with the risk of potentially catastrophic collisions. They would be two serious incidents to confirm the reliability of this disturbing theory: the Sept. 11 terrorist attacks in New York and the subsequent wars, first in Afghanistan and then in Iraq. But we must also consider the growing multiculturalism present both in the United States, where there is an increase of citizens of Hispanic origin, and in the nations of Western Europe, where groups of Muslim origin and culture are increasing. The massive arrival of Muslims in Europe increases drastic differences and aversions, which are difficult to overcome among minority populations and those of majority, now dramatically exacerbated by the horrific acts of terror and death executed by ISIS groups.

### **7. Conclusion. Ethical Genius as Law in Our DNA.**

What can we say in conclusion? We all live in a troubled and fragmented society, whose fragments - as Bauman writes - are not divided and defined, but fluid, ephemeral and insidious, and constantly changing. For this reason, it is natural that often we don't know which is the correct way to proceed. We now try this, now that way, experimenting<sup>26</sup>. But an experimenting - often blind - could doom humanity to a life of moral ambiguity with legal ambiguity involvement and this would lead to the legal system break which would become irresolvable, for pave the way to a total disintegration. However although today every man lives, in his existence and co-existence, a time of great danger and confusion, we have to trust that, “*ab origine*”, he is supported by an ethical genius that changes with the changing of its needs over the time<sup>27</sup>.

So we hope that humanity is different from how it appears nowadays, in which it seems that individuals are increasingly closed in themselves, and hopelessly isolated in their singular morality - which is an improper way to describe and justify the selfishness by which all are deaf to the reasons and needs for others - only for taking care of its own interests. The ethical genius would still be the hope that never goes out of men, because author of existential models that offer and make winning the fundamental rule of law, namely “*Recte vivere et abesse a delictis*” which comes from the interior of every human being, that is, from his DNA, susceptible to a referral to a Kantian aphorism, although by this autonomous.

<sup>22</sup> See Y.C. Zarka (2014). *Refonder le cosmopolitisme*. Paris: PUF; A. Artosi, S. Vida, *L'Occidente di fronte a se stesso. Tramonto o autocritica?* Jura Gentium. Vol. IX, p. 41-56; I.A. Trujillo Perez (2015). *Cosmopolitanism and Human Rights*. In (edited by) L. Cebolla Sanahuja, F. Ghia, *Cosmopolitanism. Between Ideals and Reality*, Newcastle: Cambridge Scholars, pp. 10-34.

<sup>23</sup> See L. Avitabile, B. Romano, F. Mercadante, A. Rivera Llano (2010). *Il filosofo del diritto davanti alla crisi della complessità*. Napoli: Esi. See also, S.C. Amato (2015). *Criminal Punishment in Crisis*. In (edited by) A. Incampo, W. Zelanek, *Universality of Punishment*. Bari: Cacucci, pp. 15-28.

<sup>24</sup> See I. Kant (1985). *Perpetual Peace. A philosophical Sketch*, ed. by N. Merker. Introd. N. Bobbio, Roma: Editori Riuniti.

<sup>25</sup> For an interesting discussion of this topic, see G. Zanetti (2015), *Reflexiones sobre la igualdad a la luz de la Teoría Crítica de la Raza (Critical Race Theory)*. *Derechos y Libertades*, p. 47-66.

<sup>26</sup> See Z. Bauman (2013). *Communitas. Same and different in liquid society*, ed. by C. Bordoni, Roma: Aliberti.

<sup>27</sup> See especially G. Rensi (1912). *Ethical Genius and Other Essays*. Bari: Laterza; G. Capozzi (2010). *The Legal Reason in The Systems of “Doing”*. Napoli: Semeja, pp. 151-180. L. Baccelli (2011). *The Logical Foundation of Fundamental Rights and their Universality*. *Res Publica*. Vol. 17, p. 369-376; G. Così (1996). *Naturalità del diritto e universali giuridici*. In F. D'Agostino, *Pluralità delle culture e universalità dei diritti*. Torino: Giappichelli; L. Pannarale (2013). *La verità del diritto*. *Sociologia del diritto*. Vol. XL, p. 159-174.

*“Two things fill the mind with ever new and increasing admiration and awe, the more often an the longer the reflection is concerned with them: the starry sky above me and the moral law within me. These two things I do not need to look for or suppose, as though they were veiled in darkness or transcendent beyond my horizon; I see them before me and immediately I connect them with the consciousness of my existence”<sup>28</sup>.*

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