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Ethical Etiology of Constitutionalism as an Expression of Security Culture

Etyczna etiologia konstytucjonalizmu jako wyraz kultury bezpieczeństwa

ABSTRACT

The basis for the functioning of social groups are moral principles developed in the course of shaping the forms of interpersonal relations in collective life systems. Often, these ethical and moral principles took the form of unwritten law, although deeply rooted in individual and social consciousness, performing an adequate regulatory function in a given social system. The following thesis is worth justifying: Morality is a social phenomenon that constitutes the genesis of the phenomenon of law. Constitutionalism as a socio-cultural achievement is not an accidental creation, but rather the result of a centuries-old process of shaping culture, forms of social relations, customs, and, above all, security culture. Constitutionalism cannot be considered in isolation from the historical and cultural (moral) context. It should be assumed that this socio-cultural achievement, materialized in a juridical form, is the quintessence of the development (maturation) of the model of social relations incorporated into the structure of a democratic state. Therefore, according to the authors, it is difficult to falsify the thesis that the idea of constitutionalism and the institutions representing it constitute an important pillar of security culture.

Keywords: law; constitutionalism; morality; ethics; code of ethics; security culture

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INTRODUCTION

One of the important interpretations of the constitution is the dynamic foundation of the creation of a national community, a politically organized society, in the process of its constitution.[1] In turn, constitutionalism understood in a rudimentary and processual way is a formally and legally sanctioned social mechanism that effectively subordinates political power to the rule of law and causes the juridification of political power. Researchers referring to the modern understanding of democracy as a deliberative and participatory system define constitutionalism as the rule of law based on moral discourse.[2] Constitutionalism marks the institutional structure of the state and is inherent in a democratic regime.[3] It strongly emphasizes the supremacy of written law – the constitution – in the system of exercising legislative, executive and judicial power. The legal force of the constitution applies absolutely to all state organs, and subordinate legal provisions must be consistent with it.

Constitutionalism is an attribute of the socio-cultural and political, established achievements resulting from a multi-generational process of implementing the concept of a human community organized in the institutional form of a democratic state, including in such areas as the division of powers, political freedoms, guarantees of human rights and national security culture.[4] It should be emphasized that the process of shaping security is accompanied by the risk of violating the human

[1] H. Pitkin, *The Idea of a Constitution*, "Journal of Legal Education" 1987, vol. 37(2), p. 168.

[2] N.C. Santiago, *The Constitution of Deliberative Democracy*, New Haven–London 1996, p. 5.

[3] "Constitutionalism" can be defined in general and specific perspectives. The general version indicates a specific legal order and system of power in the state, but not legitimized by the constitution. It may concern the foundations of the legal and political system that dominates and justifies a given institutional structure. In *sensu stricto* approach indicates the constitution as the superior legal act legitimizing the balance and principles of mutual control in the aspect of the separation of powers and emphasizes the regulatory permissions and limitations of state authorities and the scope of citizens' rights and obligations. The authors use the term here in a narrower sense, assuming the primary role of the constitution in legitimizing not only the separation of powers, but also democracy and civil liberties. The referents of the term "constitutionalism" come from liberalism, human rights, freedom, equal justice under the law, individualism and the separation of the private and public spheres. This term is the legal, political and public nature of a person and his/her role in a system of democratically controlled power. It has such attributes as: setting boundaries in establishing law, corrective role of the judiciary, introducing protective mechanisms, non-contradiction of the adopted law with the constitution, regulation of political relations in the state, shaping social awareness of the authorities' power in relation to citizens. See R. Guastini, *Lezioni di teoria del diritto e dello stato*, Torino 2006; A. Bryk, *Konstytucjonalizm. Od starożytnego Izraela do liberalizmu amerykańskiego*, Kraków 2013; L. Jamróz, *Ewolucja konstytucjonalizmu francuskiego (1789–1958). Rola republikańskiej tradycji konstytucyjnej*, Białystok 2019; A. Sulikowski, *Konstytucjonalizm a nowoczesność. Dyskurs konstytucyjny wobec triumfu i kryzysu moderny*, Wrocław 2012.

[4] R. Linton (*The Cultural Background of Personality*, New York 1945, p. 31) stated that "culture is a configuration of learned behaviors and results of behavior whose component elements are shared and transmitted by the members of a particular society". Culture, as a complex of perpetuated,

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rights guaranteed by the constitution. The restrictions introduced on civil rights justified by the need to combat threats in public space[5] (cyberspace) must be adequate to these threats.[6] Therefore, it is important for public authorities (government and local government) to act in accordance with the principle of proportionality.

Social reality reflects the maxim *ubi societas, ibi ius*. The law is an implication of a specific social structure, although the primary measure of social order is morality, i.e. rectitude, which sets the standards of social communication by embedding the principle of equity in the social group. The unwritten customary law that has dominated throughout human history was largely based on moral principles recognized in a given socio-cultural environment.

The morality developed in society, as well as the ethical and theological vision of axiological reality, influenced the forms of government, including the relationship between the ruler and the people. Morality and religion legitimized the principles of monarchical power or formed the basis of the ideas of republicanism. The aim of this article is to identify and analyze the primary ethical principles that constitute the etiological basis for the development of the idea of constitutionalism presented in the historical context and the context of security culture.[7] In the course of cognitive reflection, the authors used methods of literature analysis and criticism, as well as analysis and logical construction. A heuristic approach was used based on the following hypothesis: Constitutionalism as a legal order and a system of power in the state is not the product of a specific convention; it is etiologically related to the culture of values, ethical normativism and evolving customs. Changes of an axiological and juridical nature are harnessed in the historical perspective and

enriched and accumulated mental and material achievements of societies, often imperceptibly but decisively influences the results studied by representatives of the security sciences discipline.

[5] M. Karpiuk, *The Provision of Safety in Water Areas: Legal Issues*, "Studia Iuridica Lublinensia" 2022, vol. 31(1), p. 79.

[6] See M. Karpiuk, J. Kostrubiec, *Provincial Governor as a Body Responsible for Combating State Security Threats*, "Studia Iuridica Lublinensia" 2024, vol. 33(1), p. 112; M. Czuryk, *Restrictions on the Exercising of Human and Civil Rights and Freedoms Due to Cybersecurity Issues*, "Studia Iuridica Lublinensia" 2022, vol. 31(3), p. 32.

[7] The development of culture, including legal systems, is an integral attribute of the modernization processes. The regulations and legal norms created over the course of history define a specific security culture, which is based on the need to maintain continuity, survival and development. Constitutionalism is a modern model of shaping security in political systems based on the idea of the nation. Security culture is a measure that includes quantitative and qualitative attributes of continuity embedded in, among others, ethics and law. Security culture can be defined as "a set of consolidated material and immaterial elements of human achievements, characterized by the fact that they allow individual and group entities to counteract many different threats" (J. Piwowarski, *Transdyscyplinarna istota kultury bezpieczeństwa narodowego*, Słupsk 2016, p. 20). According to M. Cieślarczyk (*Teoretyczne i metodologiczne podstawy badania problemów bezpieczeństwa i obronności państwa*, Siedlce 2011, p. 157), security culture is "a pattern of basic assumptions, values, norms, rules, symbols and beliefs characteristic of a given entity. (…) it is a way of feeling security and thinking about it".

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are subject to reconfiguration processes determined by current cultural conditions. Research on constitutionalism is largely recentivist in nature, assuming the current *status quo*, and not including an etiological approach, which consequently fits in *sensu largo* into the cultural context (moral, customary) and in *sensu stricto* into the space of shaping the security culture.

GREEK TELEOLOGY OF CULTURE AND LAW

Athenian democracy was a remarkable socio-cultural achievement, but it was devoid of modern social and legal egalitarianism and was far from the idea of universal equality of all people before the law. Maintaining the historical line, however, does not allow for such a free comparison. Each era and phase of civilizational development is characterized by ideological, legal, and political systems adequate to the currently prevailing culture. The system of power in ancient Greece was subordinated to a commonly used morality supported by elements of mythology and philosophy.

Greek culture was led by eudaimonia, the idea of happiness and deep reflection on how to achieve this happiness. For Aristotle, eudaimonia meant a state of mind that a human individual achieved through balanced satisfaction of all his needs, spiritual, intellectual, physical and material. It can be described as the happiness that 'eudaimonic wealth' brings to a person – the equivalent of the potential of each of the three dimensions in which the universal, timeless phenomenon of security culture is built and has a social impact, and they are: first dimension – mental and spiritual, second dimension – community-legal-organizational, and third dimension – physical and material.

There is clearly a close correlation between the criteria on the issue of individual morality (teleology of happiness) and social and political principles.

Man, at the same time striving for practical perfection in what 'nature' intended for, contributes to strengthening the political system of the state. The level and 'climate' of the culture of an individual and the culture of society imply the level and character of the political culture of the state, which is currently a component of the national security culture. The correlation of individual morality outlined above and its transposition to the political plane can be seen in the views of Plato, the teacher of Aristotle. In his opinion, the virtues of a person's soul illustrate the social structure of the state. A political entity such as the state is just when each citizen performs his duties well in accordance with his social position. The essence of the political value of Plato's vision lies in the integration of the private and public spheres. A good state is a security entity consisting of citizens committed to its ideas, whose space of activity is strictly defined by both moral rules and legal norms. The law is a derivative of the quality of the social structure and, at the same time, the result

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of social and political consensus. Reflection on the shape of Aristotle's political system should be considered a Greek contribution to the culture of security, which is today a point of reference in considerations on constitutionalism. The conclusion comes to mind that the idea of constitutionalism is the result of Aristotle's strategy of thinking about a good political system of the state. The above assumption is reflected in the narrow approach to constitutionalism, according to which the constitution legitimizes balance and mutual control in the separation of powers in the state. The concept of balance, outlined by Aristotle, defines the idea of modern constitutionalism and is also the primary criterion for creating a culture of security. The idea of balance ('the golden mean') has its roots in ethics. Aristotle stated that "in the *Ethics* it was rightly said that a happy life is a life consisting in practicing virtue without obstacles, and virtue is a mean between extremes, the best life must be one that sticks to the mean, and the mean that can be achieved by 'everyone'."[8]

INTEGRITY, ETHICS AND LAW

Constitutionalism became the developmental apogee of political thought, determined by its moral and customary foundation. The Age of Enlightenment, preceded by the achievements of Greek philosophy, Roman law, transcendent thought of the Middle Ages and Renaissance humanism, became a kind of culmination of the existing wealth of moral principles, the idea of citizenship, human rights and finally the concept of the nation state.

The constitution, as the basic law, becomes an act of superior law that is also a special symbol and a socio-cultural tool which accumulated the ideas of human rights and the democratic system.

Constitutionalism, which assumes the main role of the constitution and, consequently, its functions as an essential and criterial document-basis for other provisions of positive law, highlights the eternal principle of coupling morality and law, that is, the relations that occur between I and II streams of security culture, however, acting on a much higher level of social awareness, political awareness and civic awareness than in earlier eras.

The constitution, as a written act of superior law, focuses, as never before in history, on the principles mediating the ethical and legal spheres. It is an act of reconciliation of natural rights, a sense of justice, awareness of equality before the law with the institutionalized form of functioning of the state as a political unit. The constitution is therefore a platform for communication between the state and the nation based on ethical and legal coupling.

[8] Arystoteles, *Polityka*, Warszawa 2001, p. 121.

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Moral principles, which can be described as moral laws, constituting one of the basic components of the I stream of security culture, gave rise to legal juridical normativism that sanctioned both the quality and power relations existing in the state.[9] Morality and its core, which is integrity, constitutes the primary interpretation of law, which can be described as a secondary normative reconciliation of previous social customs, in other words, morality, by implementing power, is in its essence a law-making mechanism.

Polish historian and social philosopher F. Koneczny calls the above genetic order of law aposterioric. According to this theoretician of civilization, this type of etiology of law was presented mainly by the Japanese and the Romans; "both have *a posteriori* law that serves to sanction the postulates resulting from their ethics. In these two cases, the source of law is undoubtedly ethics".[10] Attempts to differentiate the sources of law and reduce them to sacral systems (e.g. Brahmin or Jewish sacrality), ruling (Turanian and Chinese civilizations), civil (Western civilization) do not falsify the thesis assuming the primary nature of the phenomenon of morality (integrity) and its theory – ethics – toward secondary socio-cultural epiphenomenon, that is, law.[11] Theological systems, or laws issued in the state by the monarch or by the father in the family, have always taken into account a certain set of moral norms determining a certain social culture,[12] as the basis for the functioning of II stream of security culture.

The causal order that can be applied to morality, ethics and law can be considered constructive from the point of view of order of the history of the civilizational development. However, if we accept the thesis that juridical law becomes the criterial spectrum of ethical assessment, then this state contributes to the decomposition of social structures.

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[9] In the old, simple (tribal) social structures, morality and law as well as various forms of sanctions resulted from general social customs. See J. Witort, *Zarysy prawa pierwotnego*, Warszawa 1899, p. 6, after: A. Ławniczak, *Geneza konstytucji*, Wrocław 2015, p. 18.

[10] F. Koneczny, *O wielości cywilizacji*, Warszawa 2015, p. 380.

[11] It can be assumed that even an authoritarian ruler does not function in a moral and ethical vacuum. *Dura lex* also has a specific origin. However, based on the etymology of the Latin paremia *salus populi suprema lex esto*, as well as from the social perspective, the primacy of morality towards the law in the state should not be open to criticism.

[12] In the Egyptian civilization, the regulatory and corrective function in society was played by unwritten moral and custom rules, rooted by tradition in the minds of the time participants of public life (see W. Bator, *Myśl starożytnego Egiptu*, Kraków 1993, p. 133). A. Ławniczak (*op. cit.*, p. 28) emphasizes that "states of this type were characterized by religious, cultural and social homogeneity, resulting in conservatism of socio-political life. As a result, almost everyone inherited their place in the system and knew what to not to violate the applicable rules, therefore there was no need to create regulations that had to be resorted to in questionable situations resulting from ongoing changes (social and economic), which is easier in polycentric societies, where diversity encourages the search for positive legal solutions that facilitate the maintenance of elementary order in a form of statehood that is moving away from the original, simple pattern and determined by civilizational changes".

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JAPANESE NORMATIVE TRADITION

The primordial nature of morality towards the law is rooted in the normative tradition of Japan. Regulatory and governing functions are based on principles derived from the deontology of ethical codes. Their power of influence resulted from a significant degree of internalization of values, principles and norms, which were not so much a substitute for legal norms, but their prototype and proper carrier in the social space. Written ethical principles simultaneously served as juridical norms, but also utterly shaped ludic customs, deeply shaping people's attitudes and behaviors. Outlining the genre difference between the ethical norm and the legal norm in Japanese culture, it is the least identifiable in contrast to Western culture. The ethical norm, deeply rooted in Japanese customs, also had a juridical function. Examples include the *Bushido* code of honor[13] and the Seventeen-Article Constitution. The aim of the latter was to indicate ethical principles, the respect of which was to ensure the security of the state as an entity of great value to its citizens and a high level of security culture for its inhabitants. The law included, among other things, the principles stating that every person was part of a specific group and should live in harmony with its members. The Seventeen-Article Constitution contains the basics of central management. It is considered the original outline of the Japanese constitution.

In 604 CE Prince Shotoku, as a regent representing Empress Suiko, announced on behalf of the monarch the constitution he designed under the title the Law of the Seventeen Articles,[14] which was the first set of legal recommendations of this rank, which were the basic guide for the army and for officials performing public functions in the Empire of Japan. This Constitution also established a system of values for the Japanese ruler's subjects, because it was assumed that the officials' duty was to shape appropriate attitudes both for themselves, and, through them, also of all the Emperor's subjects.

The proto-constitution, *Jushichijo Kenpo*, placed morality, which is a manifestation of natural law, above what statutory law offers, above the application of penalties and other severe sanctions. It contained tips aimed at spiritual development and shaping appropriate ethical attitudes of a person who, by following them, will be a good official who will efficiently build the national security culture for the well-being of citizens and state security.

[13] *Bushido* (Japanese: *bushi* – warrior, *do* – life path) – an unwritten set of ethical rules of Japanese samurai.

[14] J. Piwowarski, *Samodoskonalenie i bezpieczeństwo w samurajskim kodeksie Bushido*, Kraków 2011, p. 125.

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The Seventeen-Article Constitution contains a clear message that morality should have explicit priority over law, effectively becoming the haven of the security of people and the entire state. This document tells how to live and how to ensure the successful functioning of the state. The starting point, however, is human being, both as an individual, but above all, located in the social context. This approach generated maturation of responsibility. It should be remembered that the document under discussion has never been repealed, so it is still formally in force. It has become a very strong part of the mentality of the Japanese, both those from the period when the law was created and those today who still live in accordance with the spirit of the instructions contained therein.

APOSTERIORIC ETIOLOGY OF LAW

The aposterioric etiology of law is based on the following cultural and normative foundations: mythologism (totemism), normative ethics (culture), customary normativism (customs), natural rights, positive law, constitutionalism. The thesis that, regardless of the positioning of ethics as a source of law, ethical principles create the actual content of the above cultural and normative foundations seems right. They penetrate the literal and actual essence of the law, legitimized by the authorities. Ethics cannot therefore be reduced to a purely genetic aspect, but its principles should be seen in the forms of institutionalized law.

The alienation of law from the set of ethical principles rooted in a given culture, as articulated above, will increase social anxiety and will create axiological dissonance in the strict sense. This process will be even more significant in the social sphere, the higher the level of value internalization. Solutions to the growing 'conflict of ethics and law' will then not be identified with the area of ethics, but rather in the act of changing the law. Situations of law that go beyond the sphere of ethics over time will become a basis for revolutionary or evolutionary leveling and the desired ethical and legal harmony. The alienation of law from ethics is characterized by a temporary nature and significant social turbulence. The law-making authority alienates itself from society and exposes itself to the risk of losing trust, which consequently generates social conflicts.

The identification of the genetics of law in the area of ethics is not a purely theoretical speculation, but rather constitutes an essential element of a broader socio-political perspective and enters the scope of the relationship between society and the state. The analysis of this relationship largely determines the primacy of ethics in relation to law and its development, which finds its apogee in constitutionalism. The evolution of law from ethics (customs) to constitutionalism is conjugated to the evolution of social culture, the idea of the nation state, and is finally the result of the dialectical clash between the *a priori* nature of the law enacted by an author-

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itarian ruler[15] and *a posteriori* nature of the law enacted by a socially legitimized authority.[16] This statement validates the thesis that a democratic regime legitimizes the *a posteriori* law, while an authoritarian regime illustrates the *a priori* law. Consequently, constitutionalism in a democracy not only has theoretical grounds but also shapes the practice of the functioning of the rule of law.

Authoritarianism places the constitution in a purely theoretical sphere; in the reality of public life, there are no references to constitutional provisions or the content of the constitution itself legitimizes authoritarian power. In *sensu largo*, constitutionalism can be considered the triumph of Enlightenment rationalism and the beginning of the process of giving value to human rights, which in the practice of statutory law are reflected in the constitution.[17]

Effective research reflection on the moral and ethical etiology of law leads to an interesting analysis of the problem of sanctions for non-compliance with moral-ethical and legal norms, framed from the perspective of the origins of the state, and an instructive conclusion on this matter.

The primality of morality expressed in ethical principles as a normative criterion, emphasizing the importance of *vox populi* in the practice of social life, results from the ineffectiveness of sanctions that can be imposed on a human individual for non-compliance with a moral and ethical norm. The general and only sanction for entering into conflict with a moral and ethical (public) norm is social ostracism.[18]

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[15] Authoritarianism imposing law on society has an *a priori* nature and is an expression of the ruler's will, it is normative support in meeting ruler's needs and pursuing particular interests. Society is an instrument (means) in achieving the goals of authoritarian power.

[16] According to F. Koneczny, oriental civilizations reflect the supremacy of power and the public unethical nature derived from it. The private sphere is determined by the political sphere. The opposite ethical and political order occurs in Latin civilization. The 'genre difference' in understanding ethics as a social domain on the one hand and a political domain on the other is visible when comparing the Latin civilization with other civilizations. The predominance of ethics over the will of the ruler in the analysis of the sources of law is clear in Latin civilization. The above matter, pointing to a specific ethical dichotomy between civilizations, was highlighted by Koneczny in the following statement: "In the Turanian civilization, public life is generally unethical, and therefore there is a constant ethical discrepancy between the state and private affairs, which could never be established without some kind of ethics. This is generally a feature of the Orient (…) All civilizations in which the state is not based on society and in which the source of law is the will of the ruler have contributed to the unethical nature of public life" (F. Koneczny, *op. cit.*, p. 381, 384). The accuracy of the above statement is confirmed by M. Weber (*Szkice z socjologii religii*, Warszawa 1984, p. 70), emphasizing that constitutionalization is the domain of the Western world, because "all Asian sciences about the state completely lacked Aristotelian-type systematics and rational concepts".

[17] Constitution of the Republic of Poland of 1997 in Article 30 refers directly to human rights: "The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities".

[18] Ostracism is etymologically related to the practice of imposing sanctions on those who challenge democracy in the Greek *polis* (*ostrakon* – shell). Ostracism is a type of social condemnation

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The complexity of public space and the human tendency to violate norms have demonstrated the insufficiency of punitive forms of ostracism.

The presentation of man as an egoistic individual created the need for formal and legal sanction of moral and ethical norms and, consequently, introducing into the public space a catalog of sanctions for non-compliance with legal norms. In this approach, the legal sanction acquired a primary position in relation to the moral and ethical sanction, which amounts to social exclusion or social contestation, as a secondary sanction. The role of positive law in the ordering of social structure, sanctioning institutions, and public order in the course of increasingly complex and dynamic civilizational changes has become increasingly important over time.[19] This is not only about the size and complexity (stratification) of the social (and institutional) structure of the state, but about guaranteeing the validity of human and civil rights.

CONCLUSIONS

In post-modern reality, morality and its theory – ethics, as elements of the genesis and the original platform for the formation of legal norms, not only have not lost their importance, but they still constitute a criterion reference plane in attempts to answer the question: What are the grounds for making the right choices in facing the alternative of good and evil? One can formulate a thesis that contemporary constitutionalism contains the quintessence of the ethical tradition of free, democratic societies and modern legal categories.

In this sense, the constitution, as the superior measure of constitutionalism, is a social (national) superior agreement on the axiology of equity through legal normativism. Ethical equity and positive law guard the dignity of a person existing in a state political organization, which is not primary to him but is the result of an institutionalized consensus of people whose goal is to achieve harmony between the private and public (political) spheres. The above consensus is a type of social contract that is binding as long as fundamental values can be found in its content.

The primordial nature of ethics towards law, which in the concept of contractualism is shaped along with the creation of the political structure of the state, dates back to the so-called pre-state period. Therefore, in order to join a socio-political contract, human individuals, as personal security entities, are guided by the prin-

that in ancient Greece involved the exile of those citizens who were suspected of trying to overthrow democracy. Free citizens decided to expel a person suspected of striving for tyranny from the polis.

[19] In Egyptian civilization, strongly rooted traditionalism and unwritten social customs were sufficient regulators of the public sphere. A. Ławniczak (*op. cit.*, p. 28) emphasizes that every Egyptian knew his place in the system and at the same time "knew what to do in order not to violate the applicable rules, therefore there was no need to create regulations that had to be resorted to in questionable situations resulting from changes (…)".

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ciples of freedom and equality[20] and, probably in a more or less conscious way, brotherhood, as the genesis of the idea of community.

If culture is the entirety of a person's material and spiritual achievements, and its components are the principles of social relations that reduce threats, e.g., cultural patterns and moral criteria of behavior, then it influences the creation of social facts and artifacts of its sub-area. This sub-area of culture is referred to as 'national security culture'.[21] The cultural turn towards a holistic approach of scholars from social sciences backgrounds occurred due to the concepts based on a cultural research perspective,[22] as well as on moral values as the basis for the idea of constitutionalism.

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ABSTRAKT

Podstawą funkcjonowania grup społecznych są zasady moralne wypracowane w toku kształtowania się form relacji międzyludzkich w systemach życia zbiorowego. Często owe pryncypia etyczno-obyczajowe miały formę prawa niepisanego, aczkolwiek głęboko zakorzenionego w świadomości jednostkowej i społecznej, pełniącego adekwatną funkcję regulacyjną w danym systemie społecznym. Warta uzasadnienia jest następująca teza: Moralność to zjawisko społeczne, stanowiące genezę fenomenu prawa. Konstytucjonalizm jako społeczno-kulturowy dorobek nie jest tworem akcydentalnym, a raczej efektem wiekowego procesu kształtowania się kultury, form relacji społecznych, obyczajowości, przede wszystkim zaś kultury bezpieczeństwa. Konstytucjonalizmu nie można rozpatrywać w oderwaniu od kontekstu historycznego i kulturowego (moralnego). Należy przyjąć, że ów dorobek społeczno-kulturowy, zmaterializowany w formie jurydycznej, jest kwintesencją kształtowania się (dojrzewania) modelu stosunków społecznych wprzęgniętych w strukturę państwa demokratycznego. Wobec powyższego zdaniem autorów trudno sfalsyfikować tezę, że idea konstytucjonalizmu i reprezentujące ją instytucje stanowią ważny filar kultury bezpieczeństwa.

Słowa kluczowe: prawo; konstytucjonalizm; moralność; etyka; kodeks etyczny; kultura bezpieczeństwa