

BEHIND THE CONFLICTS

## Without natural law, international law is not possible

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CULTURE

11\_03\_2026



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International law: everyone talks about it, but no one applies it. Some even wonder if it really exists. If we consider Ukraine, Venezuela, Gaza and now Iran, we can see that all the protagonists have violated it. Have they violated it to promote their own interests or

because they do not recognise it? The former is usually pointed to, while the latter is overlooked. However, some worldviews do not accept international law, revealing an interesting fact: international law is not suitable for all worldviews, but requires appropriate thinking. International law, and therefore also its violations, poses a problem of thought as well as of interests to be defended and promoted.

**This also explains the deadlock at the UN**, which continually refers to international law, yet expresses a vision that conflicts with it — as do many of its member states. The UN's weakness certainly stems from the fact that its vision is very different from the current situation, but it also stems from Jacques Maritain's failed prediction that a new international public ethic based on the concept of the human person was possible. He deluded himself into thinking that all religions and cultures could agree on this concept, but this was never going to happen.

**International law requires appropriate thinking.** In this regard, it is worth bearing in mind that the two worldviews confronting each other in Iran — the 'Western' and 'Islamic' (Shiite) versions — are incapable of providing an adequate foundation for international law. This is because both deny the existence of the Law, and it is impossible to have international law without the Law. By 'Law', written with a capital 'L' to distinguish it from the subjective laws provided for by positive laws, we mean the natural order — the right that corresponds to this objective, finalistic and unavailable order by nature. This unwritten law is inscribed in the order of reality and must inspire legal systems, including international ones. It is 'the order of reason in human actions' (St Thomas).

**However, the Islamic religion, being both culture and civilisation**, knows no distinction between reason and faith, and therefore does not recognise the Law as defined above. This law presupposes an order of nature and reason that is autonomous with respect to religious faith. It also believes that the legitimacy of political authority is based on this, as [Benedict XVI explained to the German Federal Parliament in 2011](#). Islam does not recognise this plane of natural reason to which morality and law belong autonomously, because the only possible law consists of Allah's unfathomable decrees, which are religious, legal, civil and criminal at the same time. This source is superior to rationality and truth itself; recall [Benedict XVI's speech](#) in Regensburg.

**Here, too, political authority is established by law**, but not as something autonomous from religion, but as religious law.

**Islamic law is not concerned with the universality of human beings**, but with the

universality of the *Ummah* (the Muslim community), which is superior to the laws of states and to international law. Faced with the choice of obeying the *Ummah* or international law, Muslims will always obey the former. Any Muslim country's membership of an international organisation is subject to mental reservation.

**Turning to the current dominant culture in the West,** we find that it is difficult or impossible for them to conceive of law because they deny the concept of 'nature'. President Trump suggested that he wanted to revive this tradition of thought, influenced by the Christian and Catholic wing of the MAGA movement. However, in terms of international relations, he seems to have taken a different path, hence the current internal tension within the movement. By denying the existence of a natural order that expresses a universal and objective law, the only remaining option is to believe that the measure of law is utility, as Hobbes thought, or, at most, 'the set of conditions by which the will of one man may be reconciled with the will of another', as Kant believed — a kind of compromise between selfishness that applies to relations between both citizens and states.

**Positivism is the dominant modern Western cultural idea that has replaced law with rights.** It is not the only current, but it is certainly the most prevalent. According to this philosophy, the rules of international relations are only legitimate if they are decided and established by the state entities that formulate and sign them. However, legitimacy based on effectiveness can be delegitimised by a new consensus that gives rise to a new effectiveness. Even effectiveness without consent can become legitimate. This occurs when the interests at stake change, but primarily because this philosophy permits it.