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DOMINIC FARRELL AND JOSEPH THAM, "The Natural Law Tradition, Reason and Bioethics", in HON-LAM LI AND MICHAEL CAMPBELL (eds.), *Public Reason and Bioethics: Three Perspectives*, Palgrave Macmillan 2021, 59-92.

The Natural Law Tradition, Public Reason, and Bioethics

Dominic Farrell LC – Joseph Tham LC

Pontifical Athenaeum Regina Apostolorum (Rome)

Over the last fifty years, many countries have passed legislation to permit a series of controversial biomedical practices such as in-vitro fertilization, surrogate pregnancies, abortion, and euthanasia. In each case, the change in legislation has enjoyed a certain amount of public support and has been defended as bringing both moral progress and social benefits. Normally, however, a significant sector of the public has opposed it on moral grounds. Consequently, there is generally a heated debate surrounding such legislation, and rightly so. What is at stake in these debates over first-order ethical issues is not just another matter of public policy, but conflicting views on important underlying second-order questions, such as personal identity and human dignity. But by what standard can our political and legal institutions settle first-order bioethical issues and the underlying second-order questions legitimately?

This is where theories of 'public reason' are promising. In contemporary philosophical parlance, this term of art has gained currency thanks to the influential work of John Rawls. In his anti-perfectionist liberalism, the political and legal rules of a society are just and legitimate if and only if they pass the test of public reason: if they are acceptable to all reasonable persons.

Natural Law And Public Reason

Kent Greenawalt



Natural Law And Public Reason:

Natural Law and Public Reason Robert P. George, Christopher Wolfe, 2000 Public reason is one of the central concepts in modern liberal political theory As articulated by John Rawls it presents a way to overcome the difficulties created by intractable differences among citizens religious and moral beliefs by strictly confining the place of such convictions in the public sphere Identifying this conception as a key point of conflict this book presents a debate among contemporary natural law and liberal political theorists on the definition and validity of the idea of public reason Its distinguished contributors examine the consequences of interpreting public reason more broadly as right reason according to natural law theory versus understanding it in the narrower sense in which Rawls intended They test public reason by examining its implications for current issues confronting the questions of abortion and slavery and matters relating to citizenship This energetic exchange advances our understanding of both Rawls s contribution to political philosophy and the lasting relevance of natural law It provides new insights into crucial issues facing society today as it points to new ways of thinking about political theory and practice

Natural Law Liberalism Christopher Wolfe, 2006-08-21 Liberal political philosophy and natural law theory are not contradictory but properly understood mutually reinforcing Contemporary liberalism as represented by Rawls Guttman and Thompson Dworkin Raz and Macedo rejects natural law and seeks to diminish its historical contribution to the liberal political tradition but it is only one defective variant of liberalism A careful analysis of the history of liberalism identifying its core principles and a similar examination of classical natural law theory as represented by Thomas Aquinas and his intellectual descendants show that a natural law liberalism is possible and desirable Natural law theory embraces the key principles of liberalism and it also provides balance in resisting some of its problematic tendencies Natural law liberalism is the soundest basis for American public philosophy and it is a potentially more attractive and persuasive form of liberalism for nations that have tended to resist it

Public Reason and Bioethics Hon-Lam Li, Michael Campbell, 2022-01-01 This book explores and elaborates three theories of public reason drawn from Rawlsian political liberalism natural law theory and Confucianism Drawing together academics from these separate approaches the volume explores how the three theories critique each other as well as how each one brings its theoretical arsenal to bear on the urgent contemporary debate of medical assistance in dying The volume is structured in two parts an exploration of the three traditions followed by an in depth overview of the conceptual and historical background In Part I the three comprehensive opening chapters are supplemented by six dynamic chapters in dialogue with each other each author responding to the other two traditions and subsequently reflecting on the possible deficiencies of their own theories The chapters in Part II cover a broad range of subjects from an overview of the history of bioethics to the nature of autonomy and its status as a moral and political value In its entirety the volume provides a vibrant and exemplary collaborative resource to scholars interested in the role of public reason and its relevance in bioethical debate

Public Reason and Political Community Andrew Lister, 2013-10-24

Public Reason and Political Community defends the liberal ideal of public reason against its critics but as a form of moral compromise for the sake of civic friendship rather than as a consequence of respect for persons as moral agents At the heart of the principle of public justification is an idealized unanimity requirement which can be framed in at least two different ways Is it our reasons for political decisions that have to be unanimously acceptable to qualified points of view otherwise we exclude them from deliberation or is it coercive state action that must be unanimously acceptable otherwise we default to not having a common rule or policy on the issue at hand Andrew Lister explores the anti perfectionist dilemma that results from this ambiguity He defends the reasons model on grounds of the value of political community and applies it to recent debates about marriage

From the Bottom Up Kent Greenawalt, 2016-05-02 Kent Greenawalt's *From the Bottom Up* constitutes a collection of articles and essays written over the last five decades of his career They cover a wide range of topics many of which address ties between political and moral philosophy and what the law does and should provide A broad general theme is that in all these domains what really is the wisest approach to difficult circumstances often depends on the particular issues involved and their context Both judges and scholars too often rely on abstract general formulations to provide answers A notable example in political philosophy was the suggestion of the great and careful scholar John Rawls that laws should be based exclusively on public reason The essays explain that given uncertainty of what people perceive as the line between public reason and their religion convictions the inability of public reason to resolve some difficulty questions such as what we owe to higher animals and the feeling of many that their religious understanding should count urging exclusive reliance on public reason is not a viable approach Other essays show similar problems with asserted bases for legal interpretations and the content of provisions such as the First Amendment

The Common Good of Constitutional Democracy Martin Rhonheimer, 2013 *The Common Good of Constitutional Democracy* offers a rich collection of essays in political philosophy by Swiss philosopher Martin Rhonheimer Like his other books in both ethical theory and applied ethics which have recently been published in English the essays included are distinguished by the philosophical rigor and meticulous attention to the primary and secondary literature of the various topics discussed

Public Reason and Courts Silje A. Langvatn, Mattias Kumm, Wojciech Sadurski, 2020-06-04 *Public Reason and Courts* is an interdisciplinary study of public reason and courts with contributions from leading scholars in legal theory political philosophy and political science The book's chapters demonstrate the breadth of ways in which public reason and public justification is currently seen as relevant for adjudicative reasoning and review practices and includes critical assessments of different ways that the idea of public reason has been applied to courts It shows that public reason is not just an abstract theoretical concept used by political philosophers but an idea that spurs new perspectives and normative frameworks also for legal scholars and judges In particular the book demonstrates the potential and the limitations of the idea of public reason as a source of legitimacy for courts in a context where many courts face political backlashes and crisis of trust

Rawls Sebastiano Maffettone, 2010 The most complete introduction to the

work of John Rawls The literature on Rawls and his main arguments are presented in an unprecedented way An indispensable tool for teachers and students This book is necessary reading for anyone interested in contemporary political thought

The Contribution of Natural Law Theory to Moral and Legal Debate Concerning Suicide, Assisted Suicide, and Voluntary Euthanasia Craig Paterson, 2001 *The Cambridge Companion to Natural Law Jurisprudence* George Duke, Robert P. George, 2017-06-16 This volume brings together leading experts on natural law theory to provide perspectives on the nature and foundations of law

Religion and Public Reasons John Finnis, 2011-04-07 The essays in Religion and Public Reasons seek to argue for and illustrate a central element of John Finnis's theory of natural law that the main tenets of personal and political morality and of a good legal order are taught both by reason arguments accessible to everyone and by authentic divine revelation teachings accessible to all who have a reasonable faith in its witnesses The author's main books each include arguments for rejecting atheism and agnosticism several papers here take up these arguments and indicate ways in which they open onto the reasonable grounds for accepting that more about God's nature and about the meaning of Creation including ongoing natural evolution is disclosed by the revelation carried far forward among the Jewish people and given definitive form by the Jews and Greeks who assembled in the universal Church as witnesses of Christ to carry forward that revelation into our present Several papers argue that public reason properly includes such a religion and that Humeian Nietzschean Deweyian Rawlsian or other atheistical or deistic understandings of a reasonable secularism are badly mistaken Many substantial papers record the author's position in controversies within Catholicism since the 1960s on social justice contraception and abortion nuclear deterrence Newman on conscience before pope Maritain's hopes for a new Christendom and von Balthasar's for a hell empty of human persons and on proportionalism and Lonerganian historical consciousness as moral theological methods Previously unpublished papers include several University and college sermons and a substantial introduction

Tradition in the Public Square David Novak, Randi Rashkover, 2008-03-12 Tradition in the Public Square collects key essays by David Novak one of the world's leading contemporary Jewish thinkers Novak's insightful writings in this reader address the inextricable relationship between philosophical and theological matters and present the implications of his philosophical theology for social ethics and politics One of the marks perhaps the most important mark of a great thinker is the ability to respond to the conditions and problems of one's time by changing the terms of the conversation By this standard David Novak ranks as one of the great American theologians of our time His work a response to the primary issue confronting modern Judaism namely what it means to be a part of Western culture yet separate from its secularized form of life has helped to make Jewish theology and philosophy thriving fields in North American university life from the introduction

Public Reason Fred M. Frohock, 1999 What resources do we have Frohock asks to develop a version of public reason which can succeed even in the deep pluralism anticipated in democratic practices

BOOK JACKET

Constitutional Public Reason Wojciech Sadurski, 2023 This book

shows how public reason is both central and useful for thinking about legitimacy in constitutional law and theory It helps academics to understand many important doctrines in constitutional adjudication of some leading constitutional courts around the world and in the supranational sphere **Between Desire and Reason** Fernando Simón-Yarza,2019-11-06

Respect for and promotion of human rights have come to be seen as the basis of legitimacy of modern Western civilization There is nevertheless a striking contrast between our common view on the importance of rights and our profound disagreement on their meaning and content This disagreement has become increasingly sharp in the last decades due to the emergence of controversial new rights This book offers an in depth account of the most important moral debates exploring the ethical and political foundations underlying the different understandings of rights In the first part the author focuses on the role played by the ideas of good and reason in the Thomistic Aristotelian and Kantian traditions and he compares those concepts with the main currents of contemporary liberalism which among other things focus on our emancipation from the limits of nature The book attempts to show the dehumanizing effects of denying the relevance of integral human good in defining the scope of human rights and liberties and offers an alternative way forward for our understanding of human rights in a pluralistic society Incommensurability and its Implications for Practical Reasoning, Ethics and Justice Martijn Boot,2017-06-27

If values conflict and rival human interests clash we often have to weigh them against each other However under particular conditions incommensurability prevents the assignment of determinable and impartial weights In those cases an objective balance does not exist The original thesis of this book sheds new light on aspects of incommensurability and its implications for public decision making ethics and justice Martijn Boot analyzes a number of previously ignored or unrecognized concepts such as incomplete comparability incompletely justified choice indeterminateness and ethical deficit concepts that are essential for comprehending problems of incommensurability Apart from problematic implications incommensurability has also favourable consequences It creates room for autonomous rational choices that are not dictated by reason Besides insight into incommensurability promotes recognition of different possible rankings of universally valid but sometimes conflicting human values This book avoids unnecessary technical language and is accessible not only for specialists but for a large audience of philosophers ethicists political theorists economists lawyers and interested persons without specialized knowledge *When Free Exercise and Nonestablishment Conflict* Kent Greenawalt,2017-06-19

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof The First Amendment aims to separate church and state but Kent Greenawalt examines many situations in which its two clauses the Nonestablishment Clause and the Free Exercise Clause point in opposite directions How should courts decide Religion and the Constitution Kent Greenawalt,2006

Calling throughout for religion to be taken more seriously as a force for meaning in people's lives Religion and the Constitution aims to accommodate the maximum expression of religious conviction that is consistent with a commitment to fairness and the public welfare Includes information on abortion atheism atheists *Bear v*

Reformed Mennonite Church Harry Blackmun William Brennan Catholicism Catholics child custody Christianity Christians conscientious objection to military service discrimination Employment Division v Smith Establishment Clause religious exemptions Fourteenth Amendment Free Exercise Clause Free Speech Clause harassment by employers Hinduism Hindus Islam Muslims Jehovah's Witnesses Judaism Jews Lyng v Northwestern Indian Cemetery Protective Association Native American Church Sandra Day O'Connor Protestantism Protestants religion religious beliefs Sherbert v Verner Sunday closing laws Wisconsin v Yoder zoning Zummo v Zummo etc *The Negotiable Constitution* Grégoire C. N. Webber, 2009-11-26 Grégoire C N Webber explores how open ended constitutional rights leave a constitution open to renegotiation by the political process **Religion and the Constitution, Volume 2** Kent Greenawalt, 2008-05-19 Balancing respect for religious conviction and the values of liberal democracy is a daunting challenge for judges and lawmakers particularly when religious groups seek exemption from laws that govern others Should students in public schools be allowed to organize devotional Bible readings and prayers on school property Does reciting under God in the Pledge of Allegiance establish a preferred religion What does the Constitution have to say about displays of religious symbols and messages on public property Religion and the Constitution presents a new framework for addressing these and other controversial questions that involve competing demands of fairness liberty and constitutional validity In this second of two major volumes on the intersection of constitutional and religious issues in the United States Kent Greenawalt focuses on the Constitution's Establishment Clause which forbids government from favoring one religion over another or religion over secularism The author begins with a history of the clause its underlying principles and the Supreme Court's main decisions on establishment and proceeds to consider specific controversies Taking a contextual approach Greenawalt argues that the state's treatment of religion cannot be reduced to a single formula Calling throughout for acknowledgment of the way religion gives meaning to people's lives Religion and the Constitution aims to accommodate the maximum expression of religious conviction that is consistent with a commitment to fairness and the public welfare

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