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Natural Law Theory Contemporary Essays

Pauline C. Westerman



Natural Law Theory Contemporary Essays:

Natural Law Theory Robert P. George, 1992 This volume presents twelve original essays by contemporary natural law theorists and their critics Natural law theory is enjoying a revival of interest today in a variety of disciplines including law philosophy political science and theology and religious studies These essays offer readers a sense of the lively contemporary debate among natural law theorists of different schools as well as between natural law theorists and their critics **Natural Law Theory** Robert P. George, 1992 **Contemporary Perspectives on Natural Law** Ana Marta González, 2016-05-13 Resorting to natural law is one way of conveying the philosophical conviction that moral norms are not merely conventional rules Accordingly the notion of natural law has a clear metaphysical dimension since it involves the recognition that human beings do not conceive themselves as sheer products of society and history And yet if natural law is to be considered the fundamental law of practical reason it must show also some intrinsic relationship to history and positive law The essays in this book examine this tension between the metaphysical and the practical and how the philosophical elaboration of natural law presents this notion as a limiting concept between metaphysics and ethics between the mutable and the immutable between is and ought and in connection with the latter even the tension between politics and eschatology as a double horizon of ethics This book contributed to by scholars from Europe and America is a major contribution to the renewed interest in natural law It provides the reader with a comprehensive overview of natural law both from a historical and a systematic point of view It ranges from the mediaeval synthesis of Aquinas through the early modern elaborations of natural law up to current discussions on the very possibility and practical relevance of natural law theory for the contemporary mind **Natural Law and Modern Moral Philosophy: Volume 18, Social Philosophy and Policy, Part 1** Ellen Frankel Paul, Fred D. Miller (Jr.), Jeffrey Paul, 2001-01-29 The essays in this volume written by academic lawyers as well as legal and moral philosophers address some of the most intriguing questions raised by natural law theory and its implications for law morality and public policy Some of the essays explore the implications that natural law theory has for jurisprudence asking what natural law suggests about the use of legal devices such as constitutions and precedents Other essays examine the connections between natural law and natural rights **Natural Law and Contemporary Public Policy** David Forte, 1998-08-01 Rooted in Western classical and medieval philosophies the natural law movement of the last few decades seeks to rediscover fundamental moral truths In this book prominent thinkers demonstrate how natural law can be used to resolve a wide range of complex social political and constitutional issues by addressing controversial subjects that include the family taxation war racial discrimination medical technology and sexuality This volume will be of value to those working in philosophy political science and legal theory as well as to policy analysts legislators and judges **Natural Law, Liberalism, and Morality** Robert P. George, 2001 A number of leading defenders of natural law and liberalism offer frank and lively exchanges touching upon critical issues surrounding contemporary moral and political theory **Natural Law** Alejandro Néstor García

Martínez, Mario Šilar, José M. Torralba, 2009-03-26 Modern moral and political philosophy is in debt with natural law theory both in its ancient and mediaeval elaborations While the very notion of a natural law has proved highly controversial among 20th Century scholars the last decades have witnessed a renewed interest in it Indeed the threats and challenges as result of multiculturalism plural societies and global changes have generated a renewed attention to natural law theory Clearly it offers solid basis as possible framework to a better understanding of human goods without contradictions and partial bias The purpose of the present volume is to provide an overview of the history of this concept Cicero St Paul Aquinas Melanchthon Montaigne Descartes Leibniz Hume Burke Kant MacIntyre etc as well as a deep understanding of ongoing research both in Europe and in America Furthermore the specificity of these studies will be of particular value to philosophers law philosophers historians anthropologists sociologists and theologians and those concerned on such issues as the relation between law and moral norm law and practical reason and the presence of the idea of natural law in several prominent thinkers It includes a selected bibliography on natural law The book also provides an excellent introduction to several of the major topics in natural law theory making it useful both as a reference text and as a sourcebook for academics alike Natural law is a rich complex and highly disputed term Since its first appearances in the history of Western civilization it has been used both to point to God as the source of the moral order and to assert that there is an objective order of justice in nature that men and their laws ought to respect In modern times natural law theory gave birth to what we usually call human rights Unlike the meaning of the term the importance of an ongoing debate on natural law and on the theories related to it is undisputable This is why I welcome today this new collection of essays edited by Alejandro N stor Garc a Mart nez Mario ilar and Jos M Torralba Natural Law Historical Systematic and Juridical Approaches includes a wide variety of studies covering key authors and issues in natural law theory Younger students will appreciate the clarity of the chapters and more trained readers the detailed and accurate bibliographical references that each of them offers The editors s choice to go from a historical approach to contemporary theories and then to theoretical and more practical issues is also commendable Students in philosophy and in legal theory will greatly benefit from this book Fulvio Di Blasi author of God and the Natural Law A Rereading of Thomas Aquinas

Research Handbook on Natural Law Theory Jonathan Crowe, Constance Youngwon Lee, 2019 p p1 margin 0 0px 0 0px 0 0px font 10 0px Arial p p2 margin 0 0px 0 0px 0 0px font 10 0px Arial min height 11 0px span s1 font 10 0px Helvetica This thought provoking Research Handbook provides a snapshot of current research on natural law theory in ethics politics and law showcasing the breadth and diversity of contemporary natural law thought The Research Handbook on Natural Law Theory examines topics such as foundational figures in Western natural law theory natural law ideas in a variety of religious and cultural traditions normative foundations of natural law as well as issues of law and governance Featuring contributions by leading international scholars this Research Handbook offers a valuable resource for scholars in law philosophy religious studies and related fields

Aristotle and Natural Law

Tony Burns, 2011-10-27 Aristotle and Natural Law lays out a new theoretical approach which distinguishes between the notions of interpretation appropriation negotiation and reconstruction of the meaning of texts and their component concepts These categories are then deployed in an examination of the role which the concept of natural law is used by Aristotle in a number of key texts The book argues that Aristotle appropriated the concept of natural law first formulated by the defenders of naturalism in the nature versus convention debate in classical Athens Thereby he contributed to the emergence and historical evolution of the meaning of one of the most important concept in the lexicon of Western political thought Aristotle and Natural Law argues that Aristotle s ethics is best seen as a certain type of natural law theory which does not allow for the possibility that individuals might appeal to natural law in order to criticize existing laws and institutions Rather its function is to provide them with a philosophical justification from the standpoint of Aristotle s metaphysics The Disintegration of Natural Law Theory Pauline C. Westerman, 2014-10-21 John Finnis s proposal to rehabilitate Aquinas s natural law theory as an appropriate foundation of legal and moral theory rests on the assumption that Aquinas s theory can be restored by eliminating the mistaken interpretations of subsequent natural law theorists This book challenges that assumption After a brief analysis of Aquinas the theories of Suarez Grotius and Pufendorf are investigated It is argued that their theories are no mistakes but attempts at solving problems inherent in natural law theory As these attempts all fail tensions remain and ultimately lead to the demise of the theory Finally it is argued that Finnis running into the same problems cannot hope to restore Aquinas s theoretical edifice **The Problem of Natural Law** Douglas Kries, 2007-01-01 The Problem of Natural Law takes up the problem of how natural law theory might be made a serious contender in modern moral political and legal debate Author Douglas Kries takes as his starting point the question of how human beings are said to know the natural law which is a question that has traditionally been answered by appealing to the notion of conscience Since Thomas Aquinas articulated the classic formulation of natural law theory the book begins with an analysis of Thomas s notion of conscience It then examines both the philosophical and theological objections that have been raised against the Thomistic notion of conscience and argues that this long standing teaching could and should be bracketed by contemporary natural law theory On the basis of this reformulation of natural law Kries then proceeds to show how reviving natural law theory might be possible in the contemporary context though it will need to be preceded by a reformulation of the natural law theory itself especially with respect to the doctrine of conscience If this is accomplished Thomistic natural law will be better situated to respond to its three most important contemporary critics the existentialism of Sartre the deontology of Kant and the political hedonism of Hobbes **Biblical Natural Law** Matthew Levering, 2008-03-20 An introduction to natural law theory and a challenge to re think current biblical scholarship on the topic Levering establishes the relevance of a biblical worldview to the contemporary pursuit of a moral life and locates his argument in the context of the philosophical development of natural law theory from Cicero to Nietzsche The Invisible Origins of Legal Positivism W.E.

Conklin,2012-12-06 Conklin's thesis is that the tradition of modern legal positivism beginning with Thomas Hobbes postulated different senses of the invisible as the authorising origin of humanly posited laws Conklin re-reads the tradition by privileging how the canons share a particular understanding of legal language as written Leading philosophers who have espoused the tenets of the tradition have assumed that legal language is written and that the authorising origin of humanly posited rules norms is inaccessible to the written legal language Conklin's re-reading of the tradition teases out how each of these leading philosophers has postulated that the authorising origin of humanly posited laws is an unanalysable externality to the written language of the legal structure As such the authorising origin of posited rules norms is inaccessible or invisible to their written language What is this authorising origin Different forms include an originary author an a priori concept and an immediacy of bonding between person and laws In each case the origin is unwritten in the sense of being inaccessible to the authoritative texts written by the officials of civil institutions of the sovereign state Conklin sets his thesis in the context of the legal theory of the polis and the pre-polis of Greek tribes The author claims that the problem is that the tradition of legal positivism of a modern sovereign state excises the experiential or bodily meanings from the written language of the posited rules norms thereby forgetting the very pre-legal authorising origin of the posited norms that each philosopher admits as offering the finality that legal reasoning demands if it is to be authoritative **Reason in Action** John

Finnis,2011-04-07 Reason in Action collects John Finnis's work on the theory of practical reason and moral philosophy The essays in the volume range from foundational issues of meta-ethics to the practical application of natural law theory to ethical problems such as nuclear deterrence obscenity and free speech and abortion and cloning Defending the objectivity of some evaluative and moral judgments the volume's meta-ethical papers debate with figures as diverse as Jürgen Habermas Bernard Williams David Hume Max Weber and Christine Korsgaard and offer a new understanding of Wittgenstein's On Certainty Further papers engage with Philippa Foot Geoffrey Warnock Leo Strauss Terence Irwin Matthew Kramer neo-scholastic interpreters of Aquinas utilitarians game theorists and Immanuel Kant on the shape of moral thought John Rawls's conception of public reason J. S. Mill's understanding of free speech and Jacques Maritain's appeal to connatural knowledge are critically contested Foundational questions addressed in the volume include how legal reasoning differs from general practical reasoning how aesthetic appreciation differs from erotic attraction how subrational elements enter into the rational standard of fairness how virtues depend upon principles and norms and how incommensurabilities count in moral thought These essays mark the development of Finnis's new classical theory of natural law engaged with contemporary thinkers and problems Several essays including two previously unpublished show the theory's emergence before Natural Law and Natural Rights Other unpublished essays include a discussion of pornography an analysis of freedom of speech and a substantive introduction reflecting on the theory its reception and the convergence on it of capabilities theorists such as Amartya Sen and Martha Nussbaum **Reason, Morality, and Law** John Keown DCL,Robert P. George,2013-03-21 John Finnis is a

pioneer in the development of a new yet classically grounded theory of natural law His work offers a systematic philosophy of practical reasoning and moral choosing that addresses the great questions of the rational foundations of ethical judgments the identification of moral norms human agency and the freedom of the will personal identity the common good the role and functions of law the meaning of justice and the relationship of morality and politics to religion and the life of faith The core of Finnis theory articulated in his seminal work *Natural Law and Natural Rights* has profoundly influenced later work in the philosophy of law and moral and political philosophy while his contributions to the ethical debates surrounding nuclear deterrence abortion euthanasia sexual morality and religious freedom have powerfully demonstrated the practical implications of his natural law theory This volume which gathers eminent moral legal and political philosophers and theologians to engage with John Finnis work offers the first sustained critical study of Finnis contribution across the range of disciplines in which rational and morally upright choosing is a central concern It includes a substantial response from Finnis himself in which he comments on each of their 27 essays and defends and develops his ideas and arguments

The Rule of Law Under Fire? Raymond Wacks, 2021-10-21 Does the rise of populism authoritarianism and nationalism threaten the welfare of the rule of law Is this fundamental democratic ideal under siege In this timely and important book Raymond Wacks examines the philosophical roots of the rule of law and its modern often contentious interpretation He then investigates 16 potential ideological economic legal and institutional dangers to the rule of law They range from the exercise of judicial and administrative discretion and parliamentary sovereignty to the growth of globalisation the war on terror and the disquieting power of Big Tech He also considers the enactment and enforcement in several countries of Draconian measures to curtail the spread of COVID 19 which has generated fears that these emergency powers may outlive the pandemic and become a permanent feature of the legal landscape thereby impairing the rule of law Wacks identifies which issues among this extensive array pose genuine risks to the rule of law and suggests how they might be confronted to ensure its defence and preservation

Covenantal Thinking Paul E. Nahme, Yaniv Feller, 2024-03-01 The philosophy and theology of David Novak one of the most prominent and creative contemporary Jewish thinkers grapples with Judaism Christian theology the tradition of natural law and the Western philosophical canon Never shying away from contested ethical and religious themes Novak s original insights and intellectual spirit have spanned voluminous publications and inspired Jewish Christian and Muslim thinkers to engage concepts such as religious liberty covenantal morality and the importance of theological reasoning Written primarily by scholars in the field of Jewish thought *Covenantal Thinking* is a collection of essays dedicated to Novak s work The book examines topics such as election natural law Jewish political thought Zionism and the relation between reason and revelation This collection is unique because it includes Novak s replies to his critics including his clarifications of his philosophical and theological positions Offering a vital contribution to contemporary Jewish thought *Covenantal Thinking* illuminates Novak s contributions as a scholar who trained conversed with and inspired the next generation of philosophical

theologians **Reclaiming Leisure** H. Ramsay, 2005-09-20 Leisure activities account for much of our time and money But are contemporary forms of leisure good for us Are they really leisure And how much does and should leisure matter Classical philosophers paid attention to these questions Increasingly modern philosophers too are realizing the importance of leisure and of a good leisure work balance Hayden Ramsay looks at the meaning of leisure and the links between recreation relaxation virtue and happiness By focussing on leisure activities such as sport travel music and reading Ramsay explores the need for good play in a good life *Natural Law and the Nature of Law* Jonathan Crowe, 2019-04-25 Presents a systematic contemporary defence of the natural law outlook in ethics politics and jurisprudence The Legacy of H.L.A. Hart Matthew H. Kramer, 2008 This book is the product of a major British Academy Symposium held in 2007 to mark the centenary of the birth of H L A Hart the most important legal philosopher and one of the most important political philosophers of the twentieth century The book brings together contributions from eighteen of the world s foremost legal and political philosophers who explore the many subjects in which Hart produced influential work Each essay engages in an original analysis of philosophical problems that were tackled by Hart some essays including extended critical discussions of his major works The Concept of Law Punishment and Responsibility Causation in the Law and Law Liberty and Morality All the main topics of Hart s philosophical writings are featured general jurisprudence and legal positivism criminal responsibility and punishment theories of rights toleration and liberty theories of justice and causation in the law

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