

# Natural Law and Human Rights

Natural law and human rights share a common origin



Natural law can provide a foundation for human rights



Human rights can provide a framework for natural law



Examples of the inseparable bond between natural law and human rights can be found in many legal systems worldwide



# Natural Law And Natural Rights

**Francis Oakley**



## **Natural Law And Natural Rights:**

**Natural Law and Natural Rights** John Finnis, 2011-04-07 First published in 1980 *Natural Law and Natural Rights* is widely heralded as a seminal contribution to the philosophy of law and an authoritative restatement of natural law doctrine. It has offered generations of students and other readers a thorough grounding in the central issues of legal moral and political philosophy from Finnis's distinctive perspective. This new edition includes a substantial postscript by the author in which he responds to thirty years of discussion, criticism, and further work in the field to develop and refine the original theory. The book closely integrates the philosophy of law with ethics, social theory, and political philosophy. The author develops a sustained and substantive argument; it is not a review of other people's arguments but makes frequent illustrative and critical reference to classical, modern, and contemporary writers in ethics, social and political theory, and jurisprudence. The preliminary First Part reviews a century of analytical jurisprudence to illustrate the dependence of every descriptive social science upon evaluations by the theorist. A fully critical basis for such evaluations is a theory of natural law. Standard contemporary objections to natural law theory are reviewed and shown to rest on serious misunderstandings. The Second Part develops in ten carefully structured chapters an account of basic human goods and basic requirements of practical reasonableness, community, and the common good; justice, the logical structure of rights, the bases of human rights, their specification, and their limits; authority and the formation of authoritative rules by non-authoritative persons and procedures; law, the Rule of Law, and the derivation of laws from the principles of practical reasonableness; the complex relation between legal and moral obligation and the practical and theoretical problems created by unjust laws. A final Part develops a vigorous argument about the relation between natural law, natural theology, and revelation; between moral concern and other ultimate questions.

**The Idea of Natural Rights** Brian Tierney, 2001 This series originally published by Scholars Press and now available from Eerdmans is intended to foster exploration of the religious dimensions of law, the legal dimensions of religion, and the interaction of legal and religious ideas, institutions, and methods. Written by leading scholars of law, political science, and related fields, these volumes will help meet the growing demand for literature in the burgeoning interdisciplinary study of law and religion.

**Natural Rights Theories** Richard Tuck, 1979 The origins of natural rights theories in medieval Europe and their development in the seventeenth century.

**Natural Law and Natural Rights** Albert Cook Outler, Thomas S. K. Scott-Craig, Edwin W. Patterson, 2012-06-01 Additional Author Is Arthur L. Harding Southern Methodist University Studies in Jurisprudence 2

**Natural Law, Laws of Nature, Natural Rights** Francis Oakley, 2005-09-22 Choice Outstanding Academic Title 2006 The existence and grounding of human or natural rights is a heavily contested issue today not only in the West but in the debates raging between fundamentalists and liberals or modernists in the Islamic world. So too are the revised versions of natural law espoused by thinkers such as John Finnis and Robert George. This book focuses on three bodies of theory that developed between the thirteenth and seventeenth centuries: 1. the foundational belief in the existence

of a moral juridical natural law embodying universal norms of right and wrong and accessible to natural human reason 2 the understanding of scientific uniformities of nature as divinely imposed laws which rose to prominence in the seventeenth century and 3 finally the notion that individuals are bearers of inalienable natural or human rights While seen today as distinct bodies of theory often locked in mutual conflict they grew up inextricably intertwined The book argues that they cannot be properly understood if taken each in isolation from the others Natural Right and Natural Law Javier Hervada, 1987

**The Foundations of Natural Morality** S. Adam Seagrave, 2014-05-05 Recent years have seen a renaissance of interest in the relationship between natural law and natural rights During this time the concept of natural rights has served as a conceptual lightning rod either strengthening or severing the bond between traditional natural law and contemporary human rights Does the concept of natural rights have the natural law as its foundation or are the two ideas as Leo Strauss argued profoundly incompatible With *The Foundations of Natural Morality* S Adam Seagrave addresses this controversy offering an entirely new account of natural morality that compellingly unites the concepts of natural law and natural rights Seagrave agrees with Strauss that the idea of natural rights is distinctly modern and does not derive from traditional natural law Despite their historical distinctness however he argues that the two ideas are profoundly compatible and that the thought of John Locke and Thomas Aquinas provides the key to reconciling the two sides of this long standing debate In doing so he lays out a coherent concept of natural morality that brings together thinkers from Plato and Aristotle to Hobbes and Locke revealing the insights contained within these disparate accounts as well as their incompleteness when considered in isolation Finally he turns to an examination of contemporary issues including health care same sex marriage and the death penalty showing how this new account of morality can open up a more fruitful debate Mere Natural Law Hadley Arkes, 2023-05-02

Originalism Is Not Enough In this profoundly important reassessment of constitutional interpretation the eminent legal philosopher Hadley Arkes argues that originalism alone is an inadequate answer to judicial activism Untethered from mere Natural Law the moral principles knowable by all our legal and constitutional system is doomed to incoherence The framers of the Constitution regarded the self evident truths of the Natural Law as foundational And yet in our own time both liberals and conservatives insist that we must interpret the Constitution while ignoring its foundation Making the case anew for Natural Law Arkes finds it not in theories hovering in the clouds or in benign platitudes be generous be selfless He draws us back rather to the ground of Natural Law as the American Founders understood it the anchoring truths of common sense truths grasped at once by the ordinary man unburdened by theories imbibed in college and law school When liberals discovered hitherto unknown rights in the emanations and penumbras of a living constitution conservatives responded with an originalism that refuses to venture beyond the bare text But in framing that text the Founders appealed to moral principles that were there before the Constitution and would be there even if there were no Constitution An originalism that is detached from those anchoring principles has strayed far from the original meaning of the

Constitution It is powerless moreover to resist the imposition of a perverse moral vision on our institutions and our lives  
 Brilliant in its analysis essential in its argument Mere Natural Law is a must read for everyone who cares about the  
 Constitution morality and the rule of law     *Natural Law, Laws of Nature, Natural Rights* Francis Oakley, 2005-09-22 Choice  
 Outstanding Academic Title 2006 The existence and grounding of human or natural rights is a heavily contested issue today  
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 today as distinct bodies of theory often locked in mutual conflict they grew up inextricably intertwined The book argues that  
 they cannot be properly understood if taken each in isolation from the others     *John Locke's Concept of Natural Law from  
 the Essays on the Law of Nature to the Second Treatise of Government* Franziska Quabeck, 2013 John Locke's account of  
 natural law which forms the very basis of his political philosophy has troubled many critics over time The two works that  
 shed light on Locke's theory are the early *Essays on the Law of Nature* and the *Second Treatise of Government* published  
 over 20 years later Many critics have assumed that the early work presents a voluntarist approach to natural law and the  
 second a rationalist approach but the present analysis in this book shows that Locke's theory is consistent Both works  
 present a concept of the law of nature that must be placed between voluntarism and rationalism Series Polypoton Munster  
 Collection Academic Writings Polypoton Munsteraner Sammlung Akademischer Schriften Vol 3     *Philosophical Theory and  
 the Universal Declaration of Human Rights* William Sweet, 2003 *Philosophical Theory and the Universal Declaration of  
 Human Rights* examines the relations and interrelations among theoretical and practical analyses of human rights Edited by  
 William Sweet this volume draws on the works of philosophers political theorists and those involved in the implementation of  
 human rights The essays although diverse in method and approach collectively argue that the language of rights and  
 corresponding legal and political instruments have an important place in contemporary social political philosophy Published  
 in English     *Natural Law* Howard P. Kainz, 2004 Is there such a thing as an objective law of morality Natural law theorists  
 maintain that there is and *Natural Law* probes the history and implications of this powerful concept Tracing the development  
 of natural law from ancient times to the present the book also examines the leading figures transitions and turning points in  
 the idea's evolution and brings a natural law approach to contemporary issues such as abortion homosexuality and assisted  
 suicide     *The Natural Law* Heinrich Albert Rommen, 1979     **Natural Law and the Antislavery Constitutional  
 Tradition** Justin Buckley Dyer, 2012-02-13 *Natural Law and the Antislavery Constitutional Tradition* is a succinct account of

the development of American antislavery constitutionalism in the years preceding the Civil War In a series of case studies Dyer reconstructs the arguments of prominent antislavery thinkers such as John Quincy Adams John McLean Abraham Lincoln and Frederick Douglass What emerges is a convoluted understanding of American constitutional development that emphasizes the centrality of natural law to America's greatest constitutional crisis Natural Law, Religion, and Rights Henrik Syse, 2007 This book discusses some of those ethical and political questions that puzzled several of the great minds of the twentieth century such as Leo Strauss Eric Voegelin Jacques Maritain and John Finnis the question of natural law and its relationship to a teaching of individual freedom and rights The main aim of the book is to interpret anew the relationship between law and rights in Thomas Hobbes and John Locke two important founders of modern rights doctrines But in order to put their teachings into the right perspective Syse also portrays and discusses other models of law and rights from Aristotle through Thomas Aquinas to John Duns Scotus and William of Ockham with detours to the teachings of Plato Cicero and Augustine Throughout the discussion the role of religion and revelation is given center stage as a complex yet fascinating picture of the relationship between natural law religion and rights emerges one which is neither as simple nor as complicated as often imagined Natural Law Religion and Rights should be of interest both to students struggling with the meaning and contents of the natural law tradition as well as to teachers and researchers working on the many faceted problems of natural law and natural rights **Philosophy, Rights and Natural Law** Hunter Ian Hunter, 2019-01-22 Over his long and illustrious career Knud Haakonssen has explored the role of natural law in formulating doctrines of obligation and rights in accordance with the interests of early modern polities and churches The essays collected in this volume range across this exciting and contested field These 13 new essays acknowledge Haakonssen's immense academic achievement and give us new insights into the cultural and political role of law and rights in a variety of historical contexts and circumstances

Natural Law and Evangelical Political Thought Jesse Covington, Bryan T. McGraw, Micah Watson, 2012-11-16 Natural law has long been a cornerstone of Christian political thought providing moral norms that ground law in a shareable account of human goods and obligations Despite this history twentieth and twenty first century evangelicals have proved quite reticent to embrace natural law casting it as a relic of scholastic Roman Catholicism that underestimates the import of scripture and the division between Christians and non Christians As recent critics have noted this reluctance has posed significant problems for the coherence and completeness of evangelical political reflections Responding to evangelically minded thinkers increasing calls for a re engagement with natural law this volume explores the problems and prospects attending evangelical rapprochement with natural law Many of the chapters are optimistic about an evangelical re appropriation of natural law but note ways in which evangelical commitments might lend distinctive shape to this engagement *Common Law and Natural Law in America* Andrew Forsyth, 2019-04-11 Presents an ambitious narrative and fresh re assessment of common law and natural law's varied interactions in America 1630 to 1930 Natural Law and Thomistic Juridical Realism Petar

Popovic,2022-02-04 This book proposes a rather novel legal philosophical approach to understanding the intersection between law and morality It does so by analyzing the conditions for the existence of a juridical domain of natural law from the perspective of the tradition of Thomistic juridical realism In order to highlight the need to reconnect with this tradition in the context of contemporary legal philosophy the book presents various other recent jurisprudential positions regarding the overlap between law and morality While most authors either exclude a conceptual necessity for the inclusion of moral principles in the nature of law or refer to the purely moral status of natural law at the foundations of the legal phenomenon the book seeks to elucidate the essential properties of the juridical status of natural law In order to establish the juridicity of natural law the book explores the relevant arguments of Thomas Aquinas and some of his main commentators on this issue above all Michel Villey and Javier Hervada It establishes that Thomistic juridical realism observes the juridical phenomenon not only from the perspective of legal norms or subjective individual rights but also from the perspective of the primary meaning of the concept of right ius namely the just thing itself as the object of justice In this perspective natural rights already possess a fully juridical status and can be described as natural juridical goods In addition from the viewpoint of Thomistic juridical realism we can identify certain natural norms or principles of justice as the juridical title of these rights or goods The book includes an assessment of the prospective points of dialogue with the other trends in Thomistic legal philosophy as well as with various accounts of the nature of law in contemporary legal theory

**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

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