



IDEAS IN CONTEXT

# Natural Law Theories IN THE Early Enlightenment



T. J. HOCHSTRASSER

# Natural Law Theories In The Early Enlightenment

**T. Hochstrasser, P. Schröder**



## **Natural Law Theories In The Early Enlightenment:**

*Natural Law Theories in the Early Enlightenment* T. J. Hochstrasser, 2000-09-14 This major addition to Ideas in Context examines the development of natural law theories in the early stages of the Enlightenment in Germany and France T J Hochstrasser investigates the influence exercised by theories of natural law from Grotius to Kant with a comparative analysis of the important intellectual innovations in ethics and political philosophy of the time Hochstrasser includes the writings of Samuel Pufendorf and his followers who evolved a natural law theory based on human sociability and reason fostering a new methodology in German philosophy This book assesses the first histories of political thought since ancient times giving insights into the nature and influence of debate within eighteenth century natural jurisprudence Ambitious in range and conceptually sophisticated *Natural Law Theories in the Early Enlightenment* will be of great interest to scholars in history political thought law and philosophy

*Early Modern Natural Law Theories* T. Hochstrasser, P. Schröder, 2003-10-31 This collection offers a timely opportunity to re examine both the coherence of the concept of an early Enlightenment and the specific contribution of natural law theories to its formation It reassesses the work of major thinkers such as Grotius Hobbes Locke Malebranche Pufendorf and Thomasius and evaluates the appeal and importance of the discourse of natural jurisprudence both to those working inside conventional educational and political structures and to those outside

Early Modern Natural Law Theories T. Hochstrasser, P. Schröder, 2013-06-29 The study of natural law theories in the early Enlightenment continues to be one of the most fruitful areas of research in early modern intellectual history In recent years there have been substantial reassessments of Grotius Pufendorf Thomasius 1 and the whole university based tradition associated with the Fr haujkl rung The appeal of the discourse of natural jurisprudence to groups and individuals operating outside conventional educational and political structures such as the Huguenot diaspora has also been highlighted Moreover the contextual understanding of the work of unambiguously major philosophers such as Hobbes and Kant and its reception has been greatly enhanced by studies that have sought to view them as 3 participants in rather than bystanders alongside the discourse of natural law Thus thinkers previously not considered central to this discourse have been incorporated into it afresh However there is no danger of natural jurisprudence going unchallenged as the meta discourse of political theory in this period for recently new studies of the role of libertine and jansenist thought in shaping the priorities of the early Republic of Letters have challenged its position among the intellectual 4 achievements of the social and political theory of the early Enlightenment This volume therefore offers a timely opportunity to reassess both the coherence of the concept of early Enlightenment and the specific contribution of natural law theories to it

Natural Law and Laws of Nature in Early Modern Europe Michael Stolleis, 2016-04-22 This impressive volume is the first attempt to look at the intertwined histories of natural law and the laws of nature in early modern Europe These notions became central to jurisprudence and natural philosophy in the seventeenth century the debates that informed developments in those fields drew heavily on theology and

moral philosophy and vice versa Historians of science law philosophy and theology from Europe and North America here come together to address these central themes and to consider the question was the emergence of natural law both in European jurisprudence and natural philosophy merely a coincidence or did these disciplinary traditions develop within a common conceptual matrix in which theological philosophical and political arguments converged to make the analogy between legal and natural orders compelling This book will stimulate new debate in the areas of intellectual history and the history of philosophy as well as the natural and human sciences in general *The Law of Nations and Natural Law 1625-1800* Simone Zurbuchen, 2019-11-26 The Law of Nations and Natural Law 1625 1800 offers innovative studies on the development of the law of nations after the Peace of Westphalia This period was decisive for the origin and constitution of the discipline which eventually emancipated itself from natural law and became modern international law A specialist on the law of nations in the Swiss context and on its major figure Emer de Vattel Simone Zurbuchen prompted scholars to explore the law of nations in various European contexts The volume studies little known literature related to the law of nations as an academic discipline offers novel interpretations of classics in the field and deconstructs myths associated with the law of nations in the Enlightenment **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 **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 Law and the Law of Nations in Eighteenth- and Nineteenth-Century Italy](#), 2023-11-07 The open access publication of this book was financially supported by the Swiss National Science Foundation This volume sheds new light on modern theories of natural law through the lens of the fragmented political contexts of Italy in the eighteenth and nineteenth centuries and the dramatic changes of the times From the age of reforms through revolution and the Risorgimento to the unification movement which ended with the creation of the unified Kingdom of Italy in 1861 we see a move from natural law and the law of nations to international law whose teaching was introduced in Italian universities of the newly created Kingdom The essays collected here show that natural law

was not only the subject of a highly codified academic teaching but also provided a broader conceptual and philosophical frame underlying the science of man Natural law is also a language wherein reform programmes of education and of politics have taken form affecting a variety of discourses and literary genres Contributors are Alberto Clerici Vittor Ivo Comparato Giuseppina De Giudici Fr d ric Ieva Girolamo Imbruglia Francesca Iurlaro Serena Luzzi Elisabetta Fiocchi Malaspina Emanuele Salerno Gabriella Silvestrini Antonio Trampus

**The Cambridge Companion to Hugo Grotius** Randall Lesaffer, Janne E. Nijman, 2021-09-16 Offers an overview of Grotius work and thought from his historical theological and political writing to his seminal legal interventions

**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

*The Cambridge Handbook of Natural Law and Human Rights* Tom Angier, Iain T. Benson, Mark D. Retter, 2022-11-17 This Handbook provides an intellectually rigorous and accessible overview of the relationship between natural law and human rights It fills a crucial gap in the literature with leading scholarship on the importance of natural law as a philosophical foundation for human rights and its significance for contemporary debates The themes covered include the role of natural law thought in the history of human rights human rights scepticism the different notions of subjective right the various foundations for human rights within natural law ethics the relationship between natural law and human rights in religious traditions the idea of human dignity the relation between human rights political community and law human rights interpretation and tensions between human rights law and natural law ethics This Handbook is an ideal introduction to natural law perspectives on human rights while also offering a concise summary of scholarly developments in the field

**The Cambridge Companion to Adam Smith** Knud Haakonssen, 2006-03-06 Adam Smith is best known as the founder of scientific economics and as an early proponent of the modern market economy Political economy however was only one part of Smith s comprehensive intellectual system Consisting of a theory of mind and its functions in language arts science

and social intercourse Smith's system was a towering contribution to the Scottish Enlightenment His ideas on social intercourse also served as the basis for a moral theory that provided both historical and theoretical accounts of law politics and economics This Companion volume provides an examination of all aspects of Smith's thought Collectively the essays take into account Smith's multiple contexts Scottish British European Atlantic biographical institutional political philosophical and they draw on all of his works including student notes from his lectures Pluralistic in approach the volume provides a contextualist history of Smith as well as direct philosophical engagement with his ideas

**Natural Law, Economics and the Common Good** Samuel Gregg, Harold James, 2012-03-08 In the wake of the financial crisis of 2008 and ongoing debt related troubles there have been widespread calls to put banking and economic activity on a secure ethical foundation either by regulation or through voluntary reform In this volume a distinguished set of authors explore various economic philosophical and ethical ideas from historical contemporary and future looking perspectives At the core are two related ideas much mentioned but far more rarely examined the idea of natural law and that of the common good In these essays the foundations and meaning of these notions are carefully studied and put to work in examining the nature and scope of ethics in relation to global economics

*Spinoza and Law* Andre Santos Campos, 2017-07-05 This volume collects some of the best writings on Spinoza's philosophy of law and includes a critical examination of Spinoza's theory of the types of law his natural law theory as well as the modern reformulation of his approach to the nature of laws and to natural rights This collection of essays some of which are published in the English language for the very first time shows how Spinoza was able to deliver a revolutionary idea of natural law that breaks away from the traditions of natural law and of legal positivism The bulk of Spinoza's references to law derive from his metaphysical and political texts but they have sufficient depth in order to form a groundbreaking theory of law that has been somewhat neglected by modern jurisprudence The volume also features an introduction which places Spinoza's writings in the context of modern jurisprudence as well as an extensive bibliography It is suited to the needs of jurisprudence scholars teachers and students and is an essential resource for all law libraries it is also essential to anybody who wishes to engage in Spinoza studies nowadays whose practical philosophy has received a recent boom in attention by readers throughout the world

The Routledge Companion to Ethics John Skorupski, 2010-06-21 The Routledge Companion to Ethics is an outstanding survey of the whole field of ethics by a distinguished international team of contributors Over 60 chapters are divided into six clear sections the history of ethics meta ethics perspectives from outside ethics ethical perspectives morality debates in ethics The Companion opens with a comprehensive historical overview of ethics including chapters on Plato Aristotle Hume and Kant and ethical thinking in China India and the Arabic tradition The second part covers the domain of meta ethics The third part covers important challenges to ethics from the fields of anthropology psychology sociobiology and economics The fourth and fifth sections cover competing theories of ethics and the nature of morality respectively with entries on consequentialism Kantian morality virtue ethics relativism evil and

responsibility amongst many others A comprehensive final section includes the most important topics and controversies in applied ethics such as rights justice and distribution the end of life the environment poverty war and terrorism The Routledge Companion to Ethics is a superb resource for anyone interested in the subject whether in philosophy or related disciplines such as politics education or law Fully indexed and cross referenced with helpful further reading sections at the end of each chapter it is ideal for those coming to the field of ethics for the first time as well as readers already familiar with the subject

**Hans Kelsen and the Natural Law Tradition** Peter Langford,Ian Bryan,John McGarry,2019-03-19 Hans Kelsen and the Natural Law Tradition provides the first sustained examination of Hans Kelsen s critical engagement itself founded upon a distinctive theory of legal positivism with the Natural Law Tradition This edited collection commences with a comprehensive introduction which establishes the character of Kelsen s critical engagement as a general critique of natural law combined with a more specific critique of representative thinkers of the Natural Law Tradition The subsequent chapters are then devoted to a detailed analysis of Kelsen s engagement with prominent theorists from the Natural Law Tradition The volume concludes with an exploration focusing upon the delineation of a non positivist legal theory in the debate between Robert Alexy and Joseph Raz of the continued presence of Kelsenian legal positivism in contemporary legal theory *Kant on Laws* Eric Watkins,2019-05-16 Provides a unified account of the notion of law both natural and moral in Kant s abstract and empirical philosophy [Feminist Encounters with Legal Philosophy](#) Maria Drakopoulou,2013-12-17 Presenting feminist readings of texts from the legal philosophical and jurisprudential canon the papers collected here offer an interdisciplinary and critical challenge to established modes of reading law Feminist approaches to law usually take the form of either critical engagements with legal doctrine legal concepts and ideas or critical assessments of the effects that specific areas of law have upon the lives of women This collection however although rooted in feminist legal scholarship takes the established canon of legal texts as the object of inquiry Taking as their common starting point the fact that legal texts are plural and open to multiple readings all the contributions in this collection offer subversive but supplementary interpretations of the legal canon In this respect however they do not merely sustain an array of feminist styles and theories of reading revealing and re appropriating the plural space of legal interpretation they seek to open a hitherto unexplored arena for a feminist politics of law Feminist Encounters with Legal Philosophy is a thoroughly researched interdisciplinary collection that will interest students and scholars of Law Philosophy and Feminism *Natural Law and Civil Sovereignty* I. Hunter,David Saunders,2002-06-19 In Natural Law and Civil Sovereignty new research by leading international scholars is brought to bear on a single crucial issue the role of early modern natural law doctrines in reconstructing the relations between moral right and civil authority in the face of profound religious and political conflict In addition to providing fresh insights into the hard fought struggle to legitimate a desacralised civil order the book also shows the degree to which the legitimacy of the modern secular state remains dependent on this decisive set of developments **The Open Secret** Alister E. McGrath,2011-09-23

Natural theology in the view of many is in crisis In this long awaited book Alister McGrath sets out a new vision for natural theology re establishing its legitimacy and utility A timely and innovative resource on natural theology the exploration of knowledge of God as it is observed through nature Written by internationally regarded theologian and author of numerous bestselling books Alister McGrath Develops an intellectually rigorous vision of natural theology as a point of convergence between the Christian faith the arts and literature and the natural sciences opening up important possibilities for dialogue and cross fertilization Treats natural theology as a cultural phenomenon broader than Christianity itself yet always possessing a distinctively Christian embodiment Explores topics including beauty goodness truth and the theological imagination how investigating nature gives rise to both theological and scientific theories the idea of a distinctively Christian approach to nature and how natural theology can function as a bridge between Christianity and other faiths



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