

NATURAL LAW

DEFINITION

Natural law is a theory asserting that certain rights or values are inherent by virtue of human nature and can be universally understood through human reason. It posits that these laws are immutable and unchangeable, serving as a basis for morality and justice throughout human history.

EXAMPLES

- Right to life
- Pursuit of happiness
- Family bonds
- Property ownership
- Self-defense
- Truth-telling
- Religious freedom
- Reproduction rights

Natural Law And Practical Reason Natural Law And Practical Reason

Nathanael Alan Blake



Natural Law And Practical Reason Natural Law And Practical Reason:

Practical Reason in Law and Morality Neil MacCormick, 2008 This text offers a clear account of the philosophy of practical reason in ethics and legal theory It explains how reasons relate to actions the nature of values and their relation to reasons and the relation of morality to legal reasoning *Practical Reason in Law and Morality* Neil

MacCormick, 2011-04-28 The concept of practical reason is central to contemporary thought on ethics and the philosophy of law acting well means acting for good reasons Explaining this requires several stages How do reasons relate to actions at all as incentives and in explanations What are values how do they relate to human nature and how do they enter practical reasoning How do the concepts of right and wrong fit in and in what way do they involve questions of mutual trust among human beings How does our moral freedom our freedom to form our own moral commitments relate to our responsibilities to each other How is this final question transposed into law and legal commitments This book explores these questions vital to understanding the nature of law and morality It presents a clear account of practical reason valuable to students of moral philosophy and jurisprudence at undergraduate or postgraduate levels For more advanced scholars it also offers a reinterpretation of Kant's views on moral autonomy and Smith's on self command marrying Smith's moral sentiments to Kant's categorical imperative in a novel way The book concludes and underpins the author's Law State and Practical Reason series Taken together the books offer an overarching theory of the nature of law and legal reason the role of the State and the nature of moral reason and judgement **Natural Law and Practical Reason** Martin Rhonheimer, 1993 Rhonheimer applies moral theology to practical questions such as what does it mean to violate the natural law or to be unnatural

Kelsenian Legal Science and the Nature of Law Peter Langford, Ian Bryan, John McGarry, 2017-05-16 This book critically examines the conception of legal science and the nature of law developed by Hans Kelsen It provides a single dedicated space for a range of established European scholars to engage with the influential work of this Austrian jurist legal philosopher and political philosopher The introduction provides a thematization of the Kelsenian notion of law as a legal science Divided into six parts the chapter contributions feature distinct levels of analysis Overall the structure of the book provides a sustained reflection upon central aspects of Kelsenian legal science and the nature of law Parts one and two examine the validity of the project of Kelsenian legal science with particular reference to the social fact thesis the notion of a science of positive law and the specifically Kelsenian concept of the basic norm Grundnorm The next three parts engage in a critical analysis of the relationship of Kelsenian legal science to constitutionalism practical reason and human rights The last part involves an examination of the continued pertinence of Kelsenian legal science as a theory of the nature of law with a particular focus upon contemporary non positivist theories of law The conclusion discusses the increasing distance of contemporary theories of legal positivism from a Kelsenian notion of legal science in its consideration of the nature of law

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 Society

Sean Coyle, 2023-07-12 Modern society is riven by social divisions between conservatives and progressives liberals and socialists the mainstream and the rise of far right political groups etc Instead of truth there are post truth and alternative facts In the wake of problems caused by untruthful politicians and world leaders by Brexit and Covid the need to repair or rebuild our communities has become paramount but what kind of community should we build and on what foundations This book suggests that natural law is such a foundation Natural Law and Modern Society presents a new theory of natural law grounded in the thought of Saint Thomas Aquinas aimed at answering questions relevant to the world of today from the nature of morality and ethics to the theory of law obligation and political authority from the domestic realm to international community It seeks to elicit from the natural law tradition timeless truths concerning the human condition in particular the social and political dimensions to human existence This mode of existence it argues is not a problem to be resolved through some permutation of political institutions but a predicament to be managed At the heart of the book is the identification of a core morality a set of moral requirements that are foundational to every society at all places and times as distinct from those standards that are particular to this or that society at some time

Tradition in the Ethics of Alasdair MacIntyre

Christopher Stephen Lutz, 2004-01-01 Tradition in the Ethics of Alasdair MacIntyre presents a stimulating intellectual history and expertly reasoned defense of this towering figure in contemporary American philosophy Drawing on interviews and published works Christopher Lutz traces MacIntyre s philosophical development and refutes the criticisms of the major thinkers including Martha Nussbaum and Thomas Nagel who have most vocally attacked him Permanently shifting the debate on MacIntyre s oeuvre Lutz convincingly demonstrates how MacIntyre s neo Aristotelian ethical thought provides an essential corrective to the contemporary discussions of relativism and ideology while successfully drawing on the objectivity of Thomistic natural law

Research Handbook on Natural Law Theory Jonathan Crowe, Constance Youngwon Lee, 2019 p

p1 margin 0 Opx 0 Opx 0 Opx 0 Opx font 10 Opx Arial p p2 margin 0 Opx 0 Opx 0 Opx 0 Opx font 10 Opx Arial min height 11 Opx span s1 font 10 Opx 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

Natural Law and History Nathanael Alan Blake, 2015 The new natural law theory of John Finnis and others is an ambitious but flawed reinterpretation of the natural law tradition It dispenses with ontological or teleological commitments appealing instead to practical reason and self evident first principles directing one toward basic human goods as starting points for moral reflection The new natural lawyers claim that their methods yield absolute moral norms that must never be violated but these norms produce legalistic casuistry and undermine personal moral responsibility Among the alternative approaches to natural law theorizing that help rectify these difficulties is the work of Jean Porter whose interpretation of Aquinas deemphasizes natural law as a means of deriving specific universal moral principles instead viewing the natural law as a capability for moral reflection The work of Alasdair MacIntyre who argues that truth emerges from within traditions not as a universally accessible set of principles is also valuable for this project Such considerations direct one to Hans Georg Gadamer who provided an understanding of truth that is neither relativistic nor scientific Rather than viewing human contingency and finitude as obstacles to be overcome in the quest for truth he regarded them as the conditions in which truth may be known Although it is not possible to arrive at a final universal formulation of moral truth moral truth is not beyond our grasp Rather truth has the character of an encounter in the moment of moral insight or communication Reconsidered in light of this the natural law is best understood not as a universal set of moral principles accessible to all reasonable people of goodwill but the capability for true moral apprehension communication and imagination within the contingencies and finitude of human existence Edmund Burke is an example of a statesman who embodied this approach to the natural law He also illustrates the too often neglected importance of imagination to the apprehension of moral truth While the theological side of this reconsideration of natural law remains to be explored a beginning may be made by considering Soren Kierkegaard and Dietrich Bonhoeffer and their emphasis on the personal God of Christianity

The Defence of Natural Law Charles Covell, 1992-10-20 The Defence of Natural Law comprises a study of the philosophies of law expounded by Lon L Fuller Michael Oakeshott F A Hayek Ronald Dworkin and John Finnis The work of these theorists is situated in relation to the modern tradition in legal philosophy In this way it is demonstrated that the theorists adhered closely to the natural law standpoint in legal philosophy while also defending the particular view of the proper functions of law and the state that distinguished the tradition of modern liberalism 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 Law Quarterly Review, 1895 **Critique of Practical Reason, and Other Writings in Moral Philosophy** Immanuel Kant, 1976 **Proceedings of the Aristotelian Society** Aristotelian Society (Great Britain), 1895 List of members in each volume **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 *The Irish Ecclesiastical Record* ,1899 **Journal of the Society of Christian Ethics** ,2007 **Kant's Kritik of judgment, tr. with intr. and notes by J.H. Bernard** Immanuel Kant,1892 **Ave Maria** ,1882 *Nature as Reason* Jean Porter,2005 This noteworthy book develops a new theory of the natural law that takes its orientation from the account of the natural law developed by Thomas Aquinas as interpreted and supplemented in the context of scholastic theology in the twelfth and thirteenth centuries Though this history might seem irrelevant to twenty first century life Jean Porter shows that the scholastic approach to the natural law still has much to contribute to the contemporary discussion of Christian ethics Aquinas and his interlocutors provide a way of thinking about the natural law that is distinctively theological while at the same time remaining open to other intellectual perspectives including those of science In the course of her work Porter examines the scholastics assumptions and beliefs about nature Aquinas s account of happiness and the overarching claim that reason can generate moral norms Ultimately Porter argues that a Thomistic theory of the natural law is well suited to provide a starting point for developing a more nuanced account of the relationship between specific beliefs and practices While Aquinas s approach to the natural law may not provide a system of ethical norms that is both universally compelling and detailed enough to be practical it does offer something that is arguably more valuable namely a way of reflecting theologically on the phenomenon of human morality

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