

The Natural Law Tradition and the Declaration of Independence

I. The Thomistic Tradition of Natural Law

A) Thomas Aquinas and "Christian Aristotelianism"

1. Natural law principles are permanent and universal
2. Natural law principles are objective and discovered, not created.
3. The objective principles of natural law can be grasped with reason
4. Natural law principles serve as a standard from which to judge conventional laws.
5. Natural law principles prescribe and conscribe how men should act.

B) The Sophoclean play *Antigone* and MLK's *Letter From A Birmingham Jail*

C) The *value* of universalistic claims is that they provide a standard against which conventions and laws can be judged.

D) The *problem* of natural law is that it is difficult to give content and substance to the natural laws. What laws are natural laws? Who gets to say what these standards are?

II. The Transformation of the Natural Law Tradition in the 17th and 18th centuries into the Natural Rights tradition

A) Discussion of Hobbes and Locke

B) Transformations of the Natural Law Tradition into the Natural Law – Natural Rights Tradition

1. The law of nature becomes a doctrine about self-preservation, not human flourishing. When this takes place, Locke and Hobbes suggest that individuals can exercise autonomy in determining what kind of life to live.
2. Aristotle and Aquinas had maintained that man is a social and political animal who becomes fully human only in society; Locke argues that men are equal and independent in a state of nature. Men, in other words, are naturally individualistic.
3. Rights in the natural law tradition are derived from the law of nature, but they are understood as spheres in which the government cannot interfere, not as obligations and duties.
4. The role of government becomes limited to the protection of rights, not the fulfillment of human excellence.

The Tradition Of Natural Law The Tradition Of Natural Law

Francisco José Contreras



The Tradition Of Natural Law The Tradition Of Natural Law:

Thomas Hobbes and the Natural Law Tradition Norberto Bobbio, 1993-03-15 Pre eminent among European political philosophers Norberto Bobbio has throughout his career turned to the political theory of Thomas Hobbes Gathered here for the first time are the most important of his essays which together provide both a valuable introduction to Hobbes s thought and a fresh understanding of Hobbes s place in the theory of modern politics Tracing Hobbes s work through De Cive and Leviathan Bobbio identifies the philosopher s relation to the tradition of natural law That Hobbes must now be understood in both this tradition as well as in the seemingly contradictory positivist tradition becomes clear for the first time in Bobbio s account Bobbio also demonstrates that Hobbes cannot be easily labelled liberal or totalitarian in Bobbio s provocative analysis of Hobbes s justification of the state Hobbes emerges as a true conservative Though his primary concern is to reconstruct the inner logic of Hobbes s thought Bobbio is also attentive to the philosopher s biography and weaves into his analysis details of Hobbes s life and world his exile in France his relation with the Mersenne circle his disputes with Anglican bishops and accusations of heresy leveled against him The result is a revealing thoroughly new portrait of the first theorist of the modern state

The Tradition of Natural Law Vulkan Kuic, Yves R. Simon, 2022 The tradition of natural law is one of the foundations of Western civilization At its heart is the conviction that there is an objective and universal justice which transcends humanity s particular expressions of justice It asserts that there are certain ways of behaving which are appropriate to humanity simply by virtue of the fact that we are all human beings Recent political debates indicate that it is not a tradition that has gone unchallenged in fact the opposition is as old as the tradition itself By distinguishing between philosophy and ideology by recalling the historical adventures of natural law and by reviewing the theoretical problems involved in the doctrine Simon clarifies much of the confusion surrounding this perennial debate He tackles the questions raised by the application of natural law with skill and honesty as he faces the difficulties of the subject Simon warns against undue optimism in a revival of interest in natural law and insists that the study of natural law begins with the analysis of the law of the land He writes not as a polemicist but as a philosopher and he writes of natural law with the same force conciseness lucidity and simplicity which have distinguished all his other works

The Tradition of Natural Law Yves R. Simon, 1965 This work has its origin in the course The Problem of Natural Law given by the late Professor Yves R Simon at the University of Chicago in the winter quarter of 1958 Editor s preface

Origins of the Natural Law Tradition Robert N. Wilkin, Thomas E. Davitt, John S. Marshall, 2020-05-19 CONCEPTS of a Law of Nature are as old as Western philosophy From its inception Greek philosophy was concerned to reduce the apparent chaos and conflict of the visible world to some principle of harmony and order The true relationship of man to the world about him was of primary concern Philosophical solutions of these problems were found in concepts of Natural Law by which men could be brought into an ideal relationship with each other and with their environment In selecting the four theories of Natural Law it was thought advisable to explore

only concepts of Natural Law as a manifestation of universal order leaving for the future the subsidiary notions of Natural Rights developed in more recent centuries The four theories have been presented in terms of their principal expositors Cicero with his transcending synthesis of the Aristotelian man and the Stoic cosmology St Thomas Aquinas with his Hellenized adaptation of traditional Jewish Christian theology Richard Hooker who provided an intellectual bridge between the neoclassical Natural Law of Bracton of John of Salisbury and of Anglican theology and the rationalist Natural Rights doctrines of the seventeenth century and Herbert Spencer who constructed a sort of Natural Law on the basis of the natural laws of biological existence as propounded by Charles Darwin From the Introduction by Arthur L Harding *St. Thomas Aquinas and the Natural Law Tradition* John Goyette, Mark S. Latkovic, Richard S. Myers, 2004-09 Papers from a conference held in June 2000 in Michigan *The Tradition of Natural Law* Vukan Kuic, Yves R. Simon, 2024-10-22 Available in a new digital edition with reflowable text suitable for e readers The tradition of natural law is one of the foundations of Western civilization At its heart is the conviction that there is an objective and universal justice which transcends humanity's particular expressions of justice It asserts that there are certain ways of behaving which are appropriate to humanity simply by virtue of the fact that we are all human beings Recent political debates indicate that it is not a tradition that has gone unchallenged in fact the opposition is as old as the tradition itself By distinguishing between philosophy and ideology by recalling the historical adventures of natural law and by reviewing the theoretical problems involved in the doctrine Simon clarifies much of the confusion surrounding this perennial debate He tackles the questions raised by the application of natural law with skill and honesty as he faces the difficulties of the subject Simon warns against undue optimism in a revival of interest in natural law and insists that the study of natural law begins with the analysis of the law of the land He writes not as a polemicist but as a philosopher and he writes of natural law with the same force conciseness lucidity and simplicity which have distinguished all his other works *The Tradition of Natural Law* Yves René Marie Simon, 1992 The tradition of natural law is one of the foundations of Western civilization At its heart is the conviction that there is an objective and universal justice which transcends humanity's particular expressions of justice It asserts that there are certain ways of behaving which are appropriate to humanity simply by virtue of the fact that we are all human beings Recent political debates indicate that it is not a tradition that has gone unchallenged in fact the opposition is as old as the tradition itself By distinguishing between philosophy and ideology by recalling the historical adventures of natural law and by reviewing the theoretical problems involved in the doctrine Simon clarifies much of the confusion surrounding this perennial debate He tackles the questions raised by the application of natural law with skill and honesty as he faces the difficulties of the subject Simon warns against undue optimism in a revival of interest in natural law and insists that the study of natural law begins with the analysis of the law of the land He writes not as a polemicist but as a philosopher and he writes of natural law with the same force conciseness lucidity and simplicity which have distinguished all his other works *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

Natural Law Alessandro Passerin d'Entrèves, The Threads of Natural Law Francisco José Contreras, 2012-12-13 The notion of natural law has repeatedly furnished human beings with a shared grammar in times of moral and cultural crisis Stoic natural law for example emerged precisely when the Ancient World lost the Greek polis which had been the point of reference for Plato's and Aristotle's political philosophy In key moments such as this natural law has enabled moral and legal dialogue between peoples and traditions holding apparently clashing world views This volume revisits some of these key moments in intellectual and social history partly with an eye to extracting valuable lessons for ideological conflicts in the present and perhaps near future The contributions to this volume discuss both historical and contemporary schools of natural law Topics on historical schools of natural law include how Aristotelian theory of rules paved the way for the birth of the idea of natural law the idea's first mature account in Cicero's work the tension between two rival meanings of man's rational nature in Aquinas' natural law theory and the scope of Kant's allusions to natural law Topics on contemporary natural law schools include John Finnis's and Germain Grisez's new natural law theory natural law theories in a broader sense such as Adolf Reinach's legal phenomenology Ortega y Gasset's and Scheler's ethical perspectivism the natural law response to Kelsen's conflation of democracy and moral relativism natural law's role in 20th century international law doctrine Ronald Dworkin's understanding of law as a branch of political morality and Alasdair MacIntyre's virtue-based approach to natural law

Research Handbook on Natural Law Theory Jonathan Crowe, Constance Youngwon Lee, 2019 p p1 margin 0 0px 0 0px 0 0px 0 0px font 10 0px Arial p p2 margin 0 0px 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

Origins of the Natural Law Tradition Arthur Leon Harding, 1971

Proportionalism and the Natural Law Tradition Christopher Kaczor, 2010

Consequentialism and Catholic ethics seem to be natural enemies. The Catholic prohibition against intentionally killing the innocent, lying, committing adultery and so on contradicts the very essence of consequentialism that no act may be assessed as good or evil independently of its consequences. However, in the 1960s within the Catholic tradition itself there arose a method in ethics called proportionalism which practically if not theoretically affirmed that which consequentialists have long affirmed and Catholic ethicists had so long denied: namely, one may do evil that good may come. According to proportionalists, so long as the good effects are proportioned to the bad effects of the act, the act is licit even if evil is used as a means to achieve the good. In this book Christopher Kaczor argues against the plausibility of proportionalism and its first proponents, namely Peter Knauer, Joseph Fuchs, Bruno Schüller, Louis Janssens, and Richard McCormick. Examining the genealogy of the movement, he disputes a received history that depicts proportionalism as a recovery of Thomas Aquinas. Instead, contends Kaczor, proportionalism is best seen as the organic successor to the moral manuals of the pre-Vatican II era. Proportionalism arises not from Thomas but rather extends many of the tendencies and presuppositions of the manuals. In particular, it retains their marginalizing of the account of human action as a knowing willing involving a number of stages not always consciously recognized yet carefully described by Thomas in *Summa theologiae* Prima Secundae 6-17. Kaczor shows that a great deal of the plausibility of proportionalism rests on a fragile foundation that is rapidly eroding. An education in the moral manuals, Christopher Kaczor is Assistant Professor of Philosophy at Loyola Marymount University. He has studied with the foremost American proponent of proportionalism, Richard A. McCormick, S.J. Kaczor is author of numerous articles and reviews and editor of *Proportionalism: For and Against*. Praise for the book: Balanced discussions that fairly portray both sides of the proportionalism debate are rare. Christopher Kaczor's recent book is one such source. Although no fan of proportionalism, Kaczor succeeds in clearing up the misunderstandings because of this, his book is an invaluable contribution and it appears none too soon. Kaczor is a well-organized writer. His chapters are systematically presented. He first gives the context of the chapter's area of discussion, then defines the crucial terms, gives the moralists' views on the subject, often this amounts to explaining how they have understood the key terms, and finally offers a detailed discussion of a few common cases to illustrate his points. This consistently helps the reader through difficult material. This is a well-done and very useful book for anyone either interested in the principle of double effect, proportionalism, or the scholastic influence upon moral theology. Nancy M. Rourke, *Irish Theological Quarterly*. Excellent, well-argued. The best study of proportionalism available, displaying considerable knowledge of the system. Leo J. Elders, *Review of Metaphysics*. Those tempted to dismiss proportionalism simply because it has been the target of magisterial ire would do well to read Kaczor. Catholic Studies. Well-written and thorough. Kaczor avoids the inflated and abrasive rhetoric characteristic of most other critiques of proportionalism as he takes on the thorny and much-debated question of whether proportionalism is an expression of authentic Catholic doctrine. This book will undoubtedly stimulate many discussions in

Catholic moral theology Aline H Kalbian Review of Politics Kaczor's study is a remarkable achievement It is simply the best book length critique of proportion

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

The Natural Law Tradition and Belief David Arday, 2019 For over twenty centuries from ancient Greece the ideal of natural law has been appealed to in Western moral and legal philosophy as a grounding for ethics and jurisprudence centered on capacities of a common human nature From the early medieval advent of Christendom it was embedded within theistic and religious systems for over a millennium during which time it was treated as incomplete and part of an enveloping divine law of ethics Modern agnosticism in theology religion and metaphysics then saw natural law unhitched from these associations but it is still suspect due to its lingering ties with these disciplines and practices It endured through its meta ethical capacity to integrate changes in science with ethics via its central notion of wellbeing as the perfection of human nature via access to the highest good however variously understood Today nature and human nature's wellbeing are both endangered Ecological destruction arising from unbridled growth industrial pollution nuclear weapons and mass population displacement though poverty and wars threaten humanity But in terms of the meta ethics of wellbeing both the humanist normative ethics of natural law and some of its enveloping theistic and religious divine law addenda can be invoked to address such evils The book aims to reinvigorate natural law as a unifying ethical organon for this purpose showing that it can dialogue with its enveloping divine law overlays constructively uncovering its points of essential unity with them and generating some unified solutions to the global threats mentioned like poverty These are largely due to global injustices like tax evasion the arms trade and political corruption which are better prevented by cooperatively agreed and enforced global ideals norms and laws based on natural and divine law grounding international laws rather than appealing to national norms and laws alone

Thomas Hobbes and the Debate over Natural Law and Religion Stephen A. State, 2013-07-18 The argument laid out in this book discusses and interprets the work of Hobbes in relation to religion It compares a traditional interpretation of Hobbes where Hobbes' use of conventional terminology when talking about natural law is seen as ironic or merely convenient despite an atheist viewpoint with the view

that Hobbes morality is truly traditional and Christian The book considers other thinkers of the age in tandem with Hobbes and discusses in detail his theology inspired by corporeal mechanics The position is that there are significant senses in which Hobbes can be said to be a traditional natural law theorist *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 **The Medieval**

Tradition of Natural Law Harold Joseph Johnson,1987 This anthology aims to add to a deeper understanding of the tradition of natural law throughout the medieval period It runs contrary to the opinion so commonly held since the Renaissance that any tradition deemed medieval has little or even nothing to offer to contemporary needs and interests

Natural Law and Political Realism in the History of Political Thought: From the sophists to Machiavelli R. W. Dyson,2005 This is the first volume of a detailed history of the traditions of natural law and political realism in western political thought It elucidates the ways in which the relation between politics and morality was understood by major thinkers from classical antiquity to the Renaissance Emphasis is given not only to the exegesis of texts but to the intellectual and historical contexts in which those texts must be read if they are to be properly understood The second volume continues the analysis through the twenty first century and addresses the question of whether the modern natural law rhetoric of human rights can be given a respectable philosophical basis This two volume set is a valuable resource for scholars working in the fields of history international relations philosophy and politics **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

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