Natural Law And Natural Rights Jim

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 right - the idea that there is a collection of laws and rights based not on custom or belief but that are "natural" in origin - is typically associated with liberal politics and freedom. But during the French Revolution, this tradition was interpreted to justify the most repressive actions of the violent period known as the Terror." "In The Terror of Natural Right, Dan Edelstein argues that the revolutionaries used the natural right concept of the "enemy of the human race" - an individual who has transgressed the laws of nature and must be executed without judicial formalities - to authorize three-quarters of the deaths during the Terror. But the significance of the natural right did not end with its legal application. Edelstein argues that the Jacobins shared a political philosophy that he calls "natural republicanism," which assumed the natural state of society was a republic and that natural right provided its only acceptable laws. Ultimately, he argues that what we call the Terror was in fact only one facet of the republican theory that prevailed from Louis's trial until the fall of Robespierre." "A work of historical analysis, political theory, literary criticism, and intellectual history, The Terror of Natural Right challenges prevailing assumptions of the Terror to offer a new perspective on the Revolutionary period."--BOOK JACKET.

Natural-law theory grounds human laws in universal truths of God’s creation. The task of the judicial system was to build an edifice of positive law on natural law’s foundations. R. H. Helmholz shows how lawyers and judges made and interpreted natural law arguments in the West, and concludes that historically it has advanced the cause of justice.

Considering the steady increase in intellectual property rights in the last century, does it make sense to speak of ’user’s rights’ and can limitations on intellectual liberty be justified from a rights-based perspective? This book philosophically defends the importance of the public domain and user’s rights through the use of natural-rights thought. Utilizing primarily the work of John Locke, it contends that considerations of natural justice and human freedom impose powerful constraints on the proper reach and substance of intellectual property rights, especially copyright. It investigates both the internal and external natural-rights constraints on intellectual property, and argues in particular for the importance to human freedom of the right to intellectual liberty - the right to inform one’s actions by learning about the world. It concludes that respect for fundamental freedom-based interests require a balanced approach to the scope, strength and duration of intellectual property rights.

Natural Rights and the New Republicanism

Studies on Natural Rights, Natural Law, and Church Law, 1150-1625

Essays on Law in General

An Analytic Reconstruction

The Defence of English Colonialism

Aquinas's Theory of Natural Law

St. Thomas Aquinas and the Natural Law Tradition

The origins of natural rights theories in medieval Europe and their development in the seventeenth century.

How do laws resemble rules of games, moral rules, personal rules, rules found in religious teachings, school rules, and so on? Are laws rules at all? Are they all made by human beings? And if so how should we go about interpreting them? How are they organized into systems, and what does it mean for these systems to have 'constitutions'? Should everyone want to live under a system of law? Is there a special kind of 'legal justice'? Does it consist simply in applying the law of the system? And how does it relate to the ideal of 'the rule of law'? These and other classic questions in the philosophy of law form the subject-matter of Law as a Leap of Faith. In this book John Gardner collects, revisits, and supplements fifteen years of celebrated writings on general questions about law and legal systems - writings in which he attempts, without loss of philosophical finesse or insight, to cut through some of the technicalities with which the subject has become encrusted in the late twentieth century. Taking his agenda broadly from H.L.A. Hart's The Concept of Law (1961), Gardner shows how the key ideas in that work live on, and how they have been and can still be improved in modest ways to meet important criticisms - in some cases by concession, in some cases by circumvention, and in some cases by restatement. In the process Gardner engages with key ideas of other modern giants of the subject including Kelsen, Holmes, Raz, and Dworkin. Most importantly he presents the main elements of his own unique and refreshingly direct way of thinking about law, brought together in one place for the first time.

Providing the most comprehensive guide to modern natural law theory available, this major contribution to the history of philosophy sets out the full background to liberal ideas of rights and contractarianism, and offers an extensive study of the Scottish Enlightenment.

Leviathan or The Matter, Forme and Power of a Common-Wealth Ecclesiastical and Civil is a book written by an English materialist philosopher Thomas Hobbes about problems of the state existence and development. Leviathan is a name of a Bible monster, a symbol of nature powers that belittles a man. Hobbes uses this character to describe a powerful state ("God of the death"). He starts with a postulate about a natural human state ("the war of all against all") and develops the idea "man is a wolf to a man". When people stay for a long time in the position of an inevitable extermination they give a part of their natural rights, for the sake of their lives and general peace, according to an unspoken agreement to someone who is obliged to maintain a free usage of the rest of their rights – to the state. The state, a union of people, where the will of a single one (the state) is compulsory for everybody, has a task to regulate the relations between all the people. The book was banned several times in England and Russia.

Contemporary Perspectives

Continuity and Discontinuity in the History of Ideas

Natural Rights Liberalism from Locke to Nozick: Volume 22, Part 1

Natural Law and Natural Rights

Toward a Recovery of Practical Reason

Natural Law Theory

Republicanism, the Cult of Nature, and the French Revolution

Liberal political philosophy and natural law theory are not contradictory, but - properly understood - mutually reinforcing. Contemporary liberalism (as represented by Rawls, Guttman and Thompson, Dworkin, Raz, and Macedo) rejects natural law and seeks to diminish its historical contribution to the liberal political tradition, but it is only one, defective variant of liberalism. A careful analysis of the history of liberalism, identifying its core principles, and a similar examination of

classical natural law theory (as represented by Thomas Aquinas and his intellectual descendants), show that a natural law liberalism is possible and desirable. Natural law theory embraces the key principles of liberalism, and it also provides balance in resisting some of its problematic tendencies. Natural law liberalism is the soundest basis for American public philosophy, and it is a potentially more attractive and persuasive form of liberalism for nations that have tended to resist it.

Presents an ambitious narrative and fresh re-assessment of common law and natural law's varied interactions in America, 1630 to 1930.

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 ofdiscussion, 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-talk; 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 complexrelation 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.

This treatise offers an original interpretation of Locke's doctrine of property, a full account of his writings and activities in relation to the Earl of Shaftesbury, and a new interpretation of Locke's lasting influence on American political thought.

Contemporary Perspectives on Natural Law

From Grotius to the Scottish Enlightenment

Natural Law in Court

Natural Rights Individualism and Progressivism in American Political Philosophy: Volume 29

Institutionalized Reason

Common Law and Natural Law in America

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 intertwines. The book argues that they cannot be properly understood if taken each in isolation from the others.

Natural Law and Natural RightsNatural Law and Natural RightsNatural Law and Natural RightsOUP Oxford

"In 1776, the American Declaration of Independence appealed to "the Laws of nature and of Nature's God" and affirmed "these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness . . . ." In 1935, John Dewey, professor of philosophy at Columbia University, declared, "Natural rights and natural liberties exist only in the kingdom of mythological social zoology." These opposing pronouncements on natural rights represent two separate and antithetical American political traditions: natural rights individualism, the original Lockean tradition of the Founding; and Progressivism, the collectivist reaction to individualism which arose initially in the newly established universities in the decades following the Civil War"--

Presents a systematic, contemporary defence of the natural law outlook in ethics, politics and jurisprudence.

Natural Law Liberalism

Natural Rights and the Right to Choose

The Foundations of Natural Morality
The Idea of Natural Rights
Natural Law, Religion, and Rights
The Terror of Natural Right
An Exploration of the Relationship Between Natural Law and Natural Rights, with Special Emphasis on the Teachings of Thomas Hobbes and John Locke

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.

Ethical constraints on relations among individuals within and between societies have always reflected or invoked a higher authority than the caprices of human will. For over two thousand years Natural Law and Natural Rights were the constellations of ideas and presuppositions that fulfilled this role in the west, and exhibited far greater similarities than most commentators want to admit. Such ideas were the lens through which Europeans evaluated the rest of the world. In his major new book David Boucher rejects the view that Natural Rights constituted a secularisation of Natural Law ideas by showing that most of the significant thinkers in the field, in their various ways, believed that reason leads you to the discovery of your obligations, while God provides the ground for discharging them. Furthermore, the book maintains that Natural Rights and Human Rights are far less closely related than is often asserted because Natural Rights never cast adrift the religious foundationalism, whereas Human Rights, for the most

part, have jettisoned the Christian metaphysics upon which both Natural Law and Natural Rights depended. Human Rights theories, on the whole, present us with foundationless universal constraints on the actions of individuals, both domestically and internationally. Finally, one of the principal contentions of the book is that these purportedly universal rights and duties almost invariably turn out to be conditional, and upon close scrutiny end up being 'special' rights and privileges as the examples of multicultural encounters, slavery and racism, and women's rights demonstrate.

"The essays in this book have also been published, without introduction and index, in the semiannual journal Social philosophy & policy, volume 22, number 1"--T.p. verso. Includes bibliographical references and index.

Common law is explored as the alternative to natural rights as a means of restricting state power. The separation of powers is weighed in the balance and found wanting as a brake on state power. The underlying root of this inability is discovered in the philosophy of natural rights. Natural rights gave birth to the separation of powers, but neither the former nor the latter has been able to restrain government. This failure is highlighted in detail, and the alternative means to the same end, the common law, is brought to the fore.

Common Law & Natural Rights

Natural Law, Laws of Nature, Natural Rights

Law as a Leap of Faith

On the Compatibility of Natural Rights and the Natural Law

Natural Law and the Nature of Law

A Treatise of the Laws of Nature

Reason, Religion, and Natural Law

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 natual law theorists and their critics.

This first English translation of Pierre Manent’s profound and strikingly original book La loi naturelle et les droits de l’homme is a reflection on the central question of the Western political tradition. In six chapters, developed from the prestigious Étienne Gilson lectures at the Institut Catholique de Paris, and in a related appendix, Manent contemplates the steady displacement of the natural law by the modern conception of human rights. He aims to restore the grammar of moral and political action, and thus the possibility of an authentically political order that is fully compatible with liberty. Manent boldly confronts the prejudices and dogmas of those who have repudiated the classical and Christian notion of

"liberty under law" and in the process shows how groundless many contemporary appeals to human rights turn out to be. Manent denies that we can generate obligations from a condition of what Locke, Hobbes, and Rousseau call the "state of nature," where human beings are absolutely free, with no obligations to others. In his view, our ever-more-imperial affirmation of human rights needs to be reintegrated into what he calls an "archic" understanding of human and political existence, where law and obligation are inherent in liberty and meaningful human action. Otherwise we are bound to act thoughtlessly and in an increasingly arbitrary or willful manner. Natural Law and Human Rights will engage students and scholars of politics, philosophy, and religion, and will captivate sophisticated readers who are interested in the question of how we might reconfigure our knowledge of, and talk with one another about, politics.
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.
This new critique of Aquinas's theory of natural law discusses the background of the theory in Aristotle and advances new interpretations of contemporary legal issues which hark back to Aquinas.

Intellectual Liberty

Natural Rights and Intellectual Property

From the Puritans to the Legal Realists

A Very Short Introduction

Rights: Concepts and Contexts

From Plato to Spinoza

A Survey

Beginning with Saint Thomas Aquinas and ending with the latest developments in international human rights, 'Narrative, Nature, and the Natural Law: From Aquinas to International Human Rights,' brings a fairly traditional interpretation of the natural law to some rather untraditional problems and areas, including evolutionary natural law.

Rights: Concepts and Contexts contains the central works of recent scholarship on the nature of rights, with contributions by some of the most prominent contemporary theorists in moral, legal, and political philosophy, including Joseph Raz, Robert Alexy, Jeremy Waldron, Morton Horwitz, Stephen Darwall, Margaret Gilbert, David Lyons, and Aharon Barak. With approaches ranging from the political to the historical, and from the analytical to the critical, this collection touches on the major conceptual and practical questions of this important field: what is the nature and grounding of human rights? How should conflicts of rights best be analyzed? Are rights best understood in terms of choice, benefits, or some hybrid of the two? What are the connections between rights and duties, and between rights and justice? The collection also offers useful introductions to emerging issues in rights theory such as the purported bipolarity of rights.

Publisher Description

Originally published in German in 1936, The Natural Law is the first work to clarify the differences between traditional natural law as represented in the writings of Cicero, Aquinas, and Hooker and the

revolutionary doctrines of natural rights espoused by Hobbes, Locke, and Rousseau. Beginning with the legacies of Greek and Roman life and thought, Rommen traces the natural law tradition to its displacement by legal positivism and concludes with what the author calls "the reappearance" of natural law thought in more recent times. In seven chapters each Rommen explores "The History of the Idea of Natural Law" and "The Philosophy and Content of the Natural Law." In his introduction, Russell Hittinger places Rommen's work in the context of contemporary debate on the relevance of natural law to philosophical inquiry and constitutional interpretation. Heinrich Rommen (1897–1967) taught in Germany and England before concluding his distinguished scholarly career at Georgetown University. Russell Hittinger is William K. Warren Professor of Catholic Studies and Research Professor of Law at the University of Tulsa.

Natural Law and Human Rights

John Locke and America

From Aquinas to International Human Rights

A Study in Legal and Social History and Philosophy

Natural Law and Practical Rationality

Natural Law and Moral Philosophy

Debating Medieval Natural Law

A defense of a contemporary natural law theory of practical rationality.

Raymond Wacks reveals the intriguing and challenging nature of legal philosophy, exploring the notion of law and its role in our lives. He refers to key thinkers from Aristotle to Rawls, from Bentham to Derrida and looks at the central questions behind legal theory, and law's relation to justice, morality, and democracy.

This edited volume examines the ways in which theological considerations have figured in natural law theorizing, from Plato to Spinoza. Theological considerations have long had a pronounced role in Catholic natural law theories, but have not been seriously examined from a wider perspective. The contributors to this volume take a more inclusive view of the relation between conceptions of natural law and theistic claims and principles. They do not jointly defend one particular thematic claim, but articulate diverse ways in which natural law has both been understood and related to theistic claims. In addition to exploring Plato and the Stoics, the volume also looks at medieval Jewish thought, the thought of Aquinas, Scotus, and Ockham, and the ways in which Spinoza's thought includes resonances of earlier views and intimations of later developments. Taken as a whole, these essays enlarge the scope of the discussion of natural law through study of how the naturalness of natural law has often been related to theses about the divine. The latter are often crucial elements of natural law theorizing, having an integral role in accounting for the metaethical status and ethical bindingness of natural law. At the same time, the question of the relation between natural law and God — and the relation between natural law and divine command — has been addressed in a multiplicity of ways by key figures throughout the history of natural law theorizing, and these essays accord them the explanatory significance they deserve.

"Human beings are a part of nature and apart from it." The argument of Natural Law and Justice is that the philosophy of natural law and contemporary theories about the nature of justice are both efforts to make sense of the fundamental paradox of human experience: individual freedom and responsibility in a causally determined universe. Professor Weinreb restores the original understanding of natural law as a philosophy about the place of humankind in nature. He traces the natural law tradition from its origins in Greek speculation through its classic Christian statement by Thomas Aquinas. He goes on to show how the social contract theorists adapted the idea of natural law to provide for political obligation in civil society and how the idea was transformed in Kant's account of human freedom. He brings the historical narrative down to the present with a discussion of the contemporary debate between natural law and legal positivism, including particularly the natural law theories of Finnis, Richards, and Dworkin. Professor

Weinreb then adopts the approach of modern political philosophy to develop the idea of justice as a union of the distinct ideas of desert and entitlement. He shows liberty and equality to be the political analogues of desert and entitlement and both pairs to be the normative equivalents of freedom and cause. In this part of the book, Weinreb considers the theories of justice of Rawls and Nozick as well as the communitarian theory of MacIntyre and Sandel. The conclusion brings the debates about natural law and justice together, as parallel efforts to understand the human condition. This original contribution to legal philosophy will be especially appreciated by scholars, teachers, and students in the fields of political philosophy, legal philosophy, and the law generally.

Narrative, Nature, and the Natural Law

Natural Law as a Limiting Concept

Virtue and Law in Plato and Beyond

Philosophy of Law

Leviathan

Natural Law and Justice

The Limits of Ethics in International Relations

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.

Julia Annas presents a study of Plato's account of the relation of virtue to law: how it developed from the Republic to the Laws, and how his ideas were taken up by Cicero and by Philo of Alexandria. Annas shows that, rather than rejecting the approach to an ideal society in the Republic (as generally thought), Plato is in both dialogues concerned with the relation of virtue to law, and obedience to law, and presents, in the Laws, a more careful and sophisticated account of that relation. His approach in the Laws differs from his earlier one, because he now tries to build from the political cultures of actual societies (and their histories) instead of producing a theoretical thought-experiment. Plato develops an original project in which obedience to law is linked with education to promote understanding of the laws and of the virtues which obedience to them promote. Annas also explores how this project appeals independently to the very different later writers Cicero and Philo of Alexandria.

To explore and evaluate the current revival, this volume brings together many of the foremost scholars on natural law. They examine the relation between Thomistic natural law and the larger philosophical and theological tradition. Furthermore, they assess the contemporary relevance of St. Thomas's natural law doctrine to current legal and political philosophy.

In Debating Medieval Natural Law: A Survey, Riccardo Saccenti examines and evaluates the major lines of interpretation of the medieval concepts of natural rights and natural law within the twentieth and early twenty-first centuries and explains how the major historiographical interpretations of ius naturale and lex naturalis have changed. His

bibliographical survey analyzes not only the chronological evolution of various interpretations of natural law but also how they differ, in an effort to shed light on the historical debate and on the medieval roots of modern human rights theories. Saccenti critically examines the historical analyses of the major historians of medieval political and legal thought while addressing how to further research on the subject. His perspective interlaces different disciplinary points of view: history of philosophy, as well as history of canon and civil law and history of theology. By focusing on a variety of disciplines, Saccenti creates an opportunity to evaluate each interpretation of medieval lex naturalis in terms of the area it enlightens and within specific cultural contexts. His survey is a basis for future studies concerning this topic and will be of interest to scholars of the history of law and, more generally, of the history of ideas in the twentieth century.

Natural Law, Natural Rights, and Human Rights in Transition

Natural Rights Theories

The Natural Law

The Jurisprudence of Robert Alexy

Their Origin and Development

Contemporary Essays

In Natural Rights and the New Republicanism, Michael Zuckert proposes a new view of the political philosophy that lay behind the founding of the United States. In a book that will interest political scientists, historians, and philosophers, Zuckert looks at the Whig or opposition tradition as it developed in England. He argues that there were, in fact, three opposition traditions: Protestant, Grotian, and Lockean. Before the English Civil War the opposition was inspired by the effort to find the "one true Protestant politics--an effort that was seen to be a failure by the end of the Interregnum period. The Restoration saw the emergence of the Whigs, who sought a way to ground politics free from the sectarian theological-scriptural conflicts of the previous period. The Whigs were particularly influenced by the Dutch natural law philosopher Hugo Grotius. However, as Zuckert shows, by the mid-eighteenth century John Locke had replaced Grotius as the philosopher of the Whigs. Zuckert's analysis concludes with a penetrating examination of John Trenchard and Thomas Gordon, the English "Cato," who, he argues, brought together Lockean political philosophy and pre-existing Whig political science into a new and powerful synthesis. Although it has been misleadingly presented as a separate "classical republican" tradition in recent scholarly discussions, it is this "new republicanism" that served as the philosophical point of departure for the founders of the American republic.

This volume gathers leading figures from legal philosophy and constitutional theory to offer a critical examination of the work of Robert Alexy. The contributions explore the issues surrounding the complex relations between rights, law, and morality and reflect on Alexy's distinctive work on these

issues. The focus across the contributions is on Alexy's main pre-occupations - his anti-positivist views on the nature of law, his approach to the nature of legal reasoning, and his understanding of constitutional rights as legal principles. In an extended response to the contributions in the volume, Alexy develops his views on these central issues. The volume's juxtaposition of Anglo-American and German perspectives brings into focus the differences as well as the prospect of cross-fertilization between Continental and Anglo-American work in jurisprudence.