

## Natural Rights Theories Their Origin And Development

This book focusses on conceptual shifts in the successive formulations of natural law theory by Aquinas, Suárez, Grotius, Pufendorf, and Finnis, and reveals the accumulation of problems, inherent in natural law and theory, which ultimately led to its demise.

Daniel Chernilo offers an original reconstruction of the history of universalism in modern social thought from Hobbes to Habermas.

This is the classic study of the history and continuing philosophical values of the law of nature. D'Entreves discerned three distinct sources that have contributed to the development of natural law: Roman law teachings, Christian beliefs regarding law, and egalitarian and revolutionary theories of the Enlightenment. Now regarded as a classic work, Natural Law has exercised considerable influence over the course of Anglo-American legal theory in the past forty years. The statements of Clarence Thomas during his 1991 Senate confirmation hearings show that the law of nature still holds powerful appeal in defining judicial rules.In the new introduction, Cary J. Nederman points out both the contemporary value and the historical significance of Natural Law. He also provides the biographical as well as intellectual context for d'Entreves immense accomplishments. This volume is essential reading for students of legal history, political theory, and philosophy. It will also be of interest to historians.Few texts provide as concise or as cogent an introduction to natural theory as Alexander Passerin d'Entreves' Natural Law: An Introduction to Legal Philosophy... Transaction Publishers has performed a genuine service by bringing out a new edition of Natural Law.D'Entreves' analysis is clear and penetrating, and will guide the student of natural law to further, fruitful study.—Mitchell Muncy, The University Bookman

Provides an historical perspective on the political philosophies of Locke and Hume, identifying continuities in the development of 17th and 18th-century political theory. Argues that Hume's moral sense theory was an attempt to underpin natural law with an adequate moral psychology.

Philosophy and Government 1572-1651

Debating Medieval Natural Law

The Writings of Gershom Carmichael

The Origins of Political Order

A Survey

Philosophical Foundations of Human Rights

Essays on Bentham

*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.*

*Readership: This book would be suitable for students, academics and scholars of law, philosophy, politics, international relations and economics*

*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.*

*This book provides a complete overview of the Founders' natural rights theory and its policy implications.*

*Natural Right and History*

*Natural Law Theory*

*The Invention of Modern Democracy*

*Their Origin and Development*

*Natural Law and the Origin of Political Economy*

*Book review : Richard Tuck, Natural rights theories, their origin and development*

*Natural Rights and Intellectual Property*

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 natural law theorists and their critics.

Natural Rights TheoriesTheir Origin and DevelopmentCambridge University Press

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.

Human rights are thought to guarantee pluralism by protecting individual liberty from imposed religious conceptions of virtue. Yet critics often argue that this secular focus on merely avoiding violations can also enable unfettered individualism and undermine appeal to the common good. This book uncovers in secular rights pioneer Hugo Grotius a rights theory that points toward the enlargement of individual responsibility. It grounds this connection in Grotius' unexplored theological corpus, which reveals a dual metaethics and jurisprudence. Here a deontological natural law undergirds a secular theory of rights that is self-aware of its own limitations. A theological practical reason then guides the exercise of these rights, so as not to compromise the political order that defends them. The book then illustrates this symbiosis of rights and responsibilities in five areas: consent theories of government, rights of rebellion, criminal punishment, war and international responsibility, and Atonement theology. This reassesses Grotius' legacy as a secularist opponent of classical political thought, and suggests that modern liberalism and universal human rights are compatible with a world of resurgent religion.

The Defence of English Colonialism

Locke: Two Treatises of Government

Leviathan

Hugo Grotius and the Modern Theology of Freedom

Roman Law in the State of Nature

A Quest for Universalism

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

*This study investigates the thinking of European authors from Vitoria to Kant about political justice, the global community, and the rights of strangers as one special form of interaction among individuals of divergent societies, political communities, and cultures. Taking an interdisciplinary approach, it covers historical material from a predominantly philosophical perspective, interpreting authors who have tackled problems related to the rights of strangers under the heading of international hospitality. Their analyses of the civitas maxima or the societas humani generis covered the nature of the global commonwealth. Their doctrines of natural law (ius naturae) were supposed to provide what we nowadays call theories of political justice. The focus of the work is on international hospitality as part of the law of nations, on its scope and justification. It follows the political ideas of Francisco de Vitoria and the Second Scholastic in the 16th century, of Alberico Gentili, Hugo Grotius, Samuel Pufendorf, Christian Wolff, Emer de Vattel, Johann Jacob Moser, and Immanuel Kant. It draws attention to the international dimension of political thought in Thomas Hobbes, John Locke, Jean-Jacques Rousseau, David Hume, Adam Smith, and others. This is predominantly a study in intellectual history which contextualizes ideas, but also emphasizes their systematic relevance.*

*Samuel Pufendorf's work on natural law and political economy was extensive and has been cited by several important figures in the history of economic thought. Yet his name is rarely mentioned in textbooks on the history of economic thought, the history of political science or the history of philosophy. In this unprecedented study, Arild Sæther sheds new light both on Pufendorf's own life and work, as well as his influence on his contemporaries and on later scholars. This book explores Pufendorf 's doctrines of political economy and his work on natural law, which was translated into several major European languages. Natural Law and the Origin of Political Economy considers the influence he had on the writings on political economy of John Locke, Charles Montesquieu, Jean-Jacques Rousseau, Francis Hutcheson and Adam Smith, amongst others. If Smith can be called the father of modern economics, this book claims that Pufendorf can be called the grandfather. This volume is of great importance to those who study Pufendorf 's extensive works, as well as those interested in history of economic thought, political economy and political philosophy.*

*This book provides a complete overview of the American Founders' political theory, covering natural rights, natural law, state of nature, social compact, consent, and the policy implications of these ideas. The book is intended as a response to the current scholarly consensus, which holds that the Founders' political thought is best understood as an amalgam of liberalism, republicanism, and perhaps other traditions. West argues that, on the contrary, the foundational documents overwhelmingly point to natural rights as the lens through which all politics is understood. The book explores in depth how the Founders' supposedly republican policies on citizen character formation do not contradict but instead complement their liberal policies on property and economics. Additionally, the book shows how the Founders' embraced other traditions in their politics, such as common law and Protestantism.*

*Natural Law in Jurisprudence and Politics*

*Profit and Principle*

*The Idea of Human Rights*

*An Introduction to Legal Philosophy*

*Continuity and Discontinuity in the History of Ideas*

*Aquinas to Finnis*

*The Rights of War and Peace*

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.

An important figure in the natural law tradition and in the Scottish Enlightenment, Gershom Carmichael defended a strong theory of rights and drew attention to Grotius, Pufendorf, and Locke. Gershom Carmichael was a teacher and writer who played an important role in the Scottish Enlightenment of the eighteenth century. His philosophy focused on the natural rights of individuals—the natural right to defend oneself, to own the property on which one has labored, and to services contracted for with others. Carmichael argued that slavery is incompatible with the rights of men and citizens, and he believed that subjects have the right to resist rulers who exceed the limits of their powers. Although he appealed to the authority of Grotius and Locke, the grounds on which he defended natural rights were distinctively his own. He drew upon the Reformed or Presbyterian theology to propose that, in respecting the natural rights of individuals, one shows one's reverence for God's creation. Inasmuch as all of mankind longs for lasting happiness, which can be found only in worship of or reverence for God, such reverence is the natural law which obliges all to respect the rights of all. Natural Rights includes Supplements and Observations on Pufendorf (1724), Natural Theology (1729), Logic (1722), two theses, and a manuscript on teaching, all in English for the first time. Gershom Carmichael (1672-1729) was the first professor of moral philosophy at the University of Glasgow, preceding Hutcheson, Smith, and Reid. James Moore is Professor of Political Science at Concordia University in Montreal. Michael Silverthorn is Honorary University Fellow in the School of Classics at the University of Exeter. Knud Haakonssen is Professor of Intellectual History and Director of the Centre for Intellectual History at the University of Sussex, England.

In this provocative and engaging new book, Randy Barnett outlines a powerful and original theory of liberty structured by the liberal conception of justice and the rule of law. Drawing on insights from philosophy, political theory, economics, and law, he shows how this new conception of liberty can confront, and solve, the central social problems of knowledge, interest, and power. -What is liberty, as opposed to license, and why is it so important? When people pursue happiness, peace, and prosperity whilst living in society, they confront pervasive problems of knowledge, interest, and power. These problems are dealt with by ensuring the liberty of the people to pursue their own ends, but addressing these problems also requires that liberty be structured by certain rights and procedures associated with the classical liberal conception of justice and the rule of law. In this controversial new work, Barnett examines the serious social problems that are addressed by liberty and the background or 'natural' rights and 'rule of law' procedures that distinguish liberty from license. He goes on to outline the constitutional framework that is needed to protect this structure of liberty. This is the only discussion of the liberal conception of justice and the rule of law to draw upon insights from philosophy, economics, political theory, and law to describe comprehensively the vital social functions performed by adherence to these concepts. It is clear and accessible prose ensures that it will be of immense value to both scholars and students working in a range of academic disciplines.

In this classic work, Leo Strauss examines the problem of natural right and argues that there is a firm foundation in reality for the distinction between right and wrong in ethics and politics. On the centenary of Strauss's birth, and the fifteenth anniversary of the Walgreen Lectures which spawned the work, Natural Right and History remains as controversial and essential as ever. "Strauss . . . makes a significant contribution towards an understanding of the intellectual crisis in which we find ourselves. . . .[and] brings to his task an admirable scholarship and a brilliant, incisive mind."—John H. Halowell, American Political Science Review Leo Strauss (1899-1973) was the Robert Maynard Hutchins Distinguished Service Professor Emeritus in Political Science at the University of Chicago.

Natural Law

Natural Rights Theories

Samuel Pufendorf and the History of Economics

Natural Law and Natural Rights

Studies in Jurisprudence and Political Theory

Justice and the Rule of Law

The Limits of Ethics in International Relations

**"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.**

In his introduction Professor Hart offers both an exposition and a critical assessment of some central issues in jurisprudence and political theory. Essay themes include Bentham's identification of the forms of mystification protecting the law from criticism, his relation to Beccaria and his conversion to democratic radicalism.

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.

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/judicial 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.

Contemporary Essays

Natural Law and the Theory of Property

An Analytic Reconstruction

The Natural Law Foundations of Modern Social Theory

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

Intellectual Liberty

Natural rights theories

Nations are not trapped by their pasts, but events that happened hundreds or even thousands of years ago continue to exert huge influence on present-day politics. If we are to understand the politics that we now take for granted, we need to understand its origins. Francis Fukuyama examines the paths that different societies have taken to reach their current forms of political order. This book starts with the very beginning of mankind and comes right up to the eve of the French and American revolutions, spanning such diverse disciplines as economics, anthropology and geography. The

Origins of Political Order is a magisterial study on the emergence of mankind as a political animal, by one of the most eminent political thinkers writing today.

Human rights have become one of the most important moral concepts in global political life over the last 60 years. Charles Beitz, one of the world's leading philosophers, offers a compelling new examination of the idea of a human right. Originally published in 1960, this analysis of all of Locke's publications quickly became established as the standard edition of the Treatises as well as a work of political theory in its own right.

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

and Saccenti 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.

The Structure of Liberty : Justice and the Rule of Law

The Disintegration of Natural Law Theory

Natural Rights, Public Policy, and the Moral Conditions of Freedom

Political Thought and the International Order from Grotius to Kant

Grotius to Hume

Natural Law Theories in the Early Enlightenment

*Offers a new interpretation of the foundations of Hugo Grotius' highly influential doctrine of natural law and natural rights.*

*"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.*

*The Rights of War and Peace is the first fully historical account of the formative period of modern theories of international law. It sets the scene with an extensive history of the theory of international relations from antiquity down to the seventeenth century. Professor Tuck then examines the arguments over the moral basis for war and international aggression, and links the debates to the writings of the great political theorists such as Hobbes, Locke, Rousseau, and Kant. This is not only an account of international law: as Professor Tuck shows, ideas about inter-state relations were central to the formation of modern liberal political theory, for the best example the kind of agent which liberalism presupposes was provided by the modern state. As a result the book illuminates the presuppositions behind much current political theory, and puts into a new perspective the connection between liberalism and imperialism.*

*An in-depth study of Hugo Grotius' involvement with the Dutch East India Company or VOC, this monograph uncovers the ideological origins of the First Dutch Empire, particularly the implications of Grotius' rights theories for European merchants and their indigenous trading partners.*

*Their origin and development*

*From Prehuman Times to the French Revolution*

*The Political Theory of the American Founding*

*Natural Law and Justice*

*The Rights of Strangers*

*Transcending Natural Rights*

*Natural Rights on the Threshold of the Scottish Enlightenment*

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.

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.

Natural law is a perennial though poorly represented and understood issue in political philosophy and the philosophy of law. In this 2006 book, Mark C. Murphy argues that the central thesis of natural law jurisprudence - that law is backed by decisive reasons for compliance - sets the agenda for natural law political philosophy, demonstrating how law gains its binding force by way of the common good of the political community. Murphy's work ranges over the central questions of natural law jurisprudence and political philosophy, including the formulation and defense of the natural law jurisprudential thesis, the nature of the common good, the connection between the promotion of the common good and requirement of obedience to law, and the justification of punishment.

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 Trencard 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.

Aquinas's Theory of Natural Law

Natural Rights and the New Republicanism

Natural Law, Natural Rights, and Human Rights in Transition

Hugo Grotius, Natural Rights Theories and the Rise of Dutch Power in the East Indies, 1595-1615

The Sleeping Sovereign

Natural Law, Laws of Nature, Natural Rights

John Locke and America

Richard Tuck traces the history of the distinction between sovereignty and government and its relevance to the development of democratic thought. Tuck shows that this was a central issue in the political debates of the seventeenth and eighteenth centuries, and provides a new interpretation of the political thought of Bodin, Hobbes and Rousseau. Integrating legal theory and the history of political thought, he also provides one of the first modern histories of the constitutional referendum, and shows the importance of the United States in the history of the referendum. The book derives from the John Robert Seeley Lectures delivered by

Richard Tuck at the University of Cambridge in 2012, and will appeal to students and scholars of the history of ideas, political theory and political philosophy.

Major new study of European political thought in the sixteenth and seventeenth centuries.

The Idea of Natural Rights

Theories of International Hospitality, the Global Community and Political Justice since Vitoria