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A Natural Law Approach to Normativity

Sebastian Donnelly

A Natural Law Approach To Normativity

Mervyn Frost



A Natural Law Approach To Normativity:

A Natural Law Approach to Normativity Bebhinn Donnelly, 2016-03-03 Exploring the relationship between natural law theory and the philosophy of law Bebhinn Donnelly proposes a new approach to natural law theory one which addresses some of the tradition's shortcomings and advances further its approach to Hume's dichotomy Key features Provides a clear definition of nature in this context Contrasts the work of Hume and Kant regarding the is/ought issue Examines the approach in traditional natural law Presents a full discussion of Finnis and the departure from traditional natural law Proposes a new natural law approach to normativity drawing on the strengths of traditional natural law theory Illustrates how natural law may provide a normative base for law A Natural Law Approach to Normativity presents an original perspective on natural law theory and will be of interest to academics in philosophy of law moral political philosophy natural law theorists and students of jurisprudence internationally

Natural Law and Thomistic Juridical Realism Petar Popovic, 2022-02-04 This book proposes a rather novel legal philosophical approach to understanding the intersection between law and morality It does so by analyzing the conditions for the existence of a juridical domain of natural law from the perspective of the tradition of Thomistic juridical realism In order to highlight the need to reconnect with this tradition in the context of contemporary legal philosophy the book presents various other recent jurisprudential positions regarding the overlap between law and morality While most authors either exclude a conceptual necessity for the inclusion of moral principles in the nature of law or refer to the purely moral status of natural law at the foundations of the legal phenomenon the book seeks to elucidate the essential properties of the juridical status of natural law In order to establish the juridicity of natural law the book explores the relevant arguments of Thomas Aquinas and some of his main commentators on this issue above all Michel Villey and Javier Hervada It establishes that Thomistic juridical realism observes the juridical phenomenon not only from the perspective of legal norms or subjective individual rights but also from the perspective of the primary meaning of the concept of right ius namely the just thing itself as the object of justice In this perspective natural rights already possess a fully juridical status and can be described as natural juridical goods In addition from the viewpoint of Thomistic juridical realism we can identify certain natural norms or principles of justice as the juridical title of these rights or goods The book includes an assessment of the prospective points of dialogue with the other trends in Thomistic legal philosophy as well as with various accounts of the nature of law in contemporary legal theory

Phenomenology of Law and Normativity Panos Theodorou, Pedro Manuel Santos Alves, Anna Irene Baka, 2024-09-16 Against the widespread mainstream take on the philosophy of law this collected volume fills an important scholarly gap by introducing a phenomenological account of some of the major questions and themes of jurisprudence such as rights and norms This volume argues that wherever there is a demand for grounding normativity the phenomenological method can provide a priori albeit corrigible access to essential truths with reference to beings and their social relationships The present work reflects upon the place and potential impact on the theory of law and

normativity stemming from the phenomenology of Edmund Husserl largely overlooked by legal philosophers and legal theorists Further coverage contains those who have built upon these ideas of Husserl such as Martin Heidegger Alfred Schutz Edith Stein Emmanuel Levinas and Adolf Reinach This text addresses new issues and questions from the general perspective of the phenomenology of law It is a response to those critical of phenomenology by presenting sober arguments in support of its potential for achieving a deeper grasp of legal normative concepts such as rights claims obligations promises and apologies Boundaries between law and morality as well as legal and social ontologies are approached from a phenomenological perspective It appeals to students researchers and professionals working in phenomenology ethics legal philosophy and human rights theory and practice *Towards a Normative Theory of International Relations* Mervyn Frost,1986-04-03 An examination of the moral theory of war *The Normativity of the Natural* Mark J. Cherry,2009-05-27 Western philosophy has long nurtured the hope to resolve moral controversies through reason thereby to secure moral direction and human meaning without the need for a defining encounter with God or the transcendent The expectation is for a moral rationality that is universal and able adequately to frame and guide the moral life Moral and cultural unity was sought through philosophical reflection on human nature and the basic goods of a properly nurtured and virtuous life that is through appeal to what has come to be called the natural law The natural law addresses permissible moral choice through objective understandings of human nature and human goods Persons are obligated to act in ways that are compatible with creating and integrating the basic human goods into their lives and the lives of others Such goods provide the basis for practical reasoning about virtuous choices and immediate reasons for action The goal is the making of rational choices in the pursuit of a virtuous flourishing human life Natural law theorists have argued extensively against human cloning abortion and same gender marriage Yet whose assumptions regarding human nature should guide our understanding of the basic goods that mark the full flourishing human life Moreover why should nature even human nature be thought of as a moral boundary beyond which one must not trespass Persons may wish actively to direct human evolution utilizing the tools of both imagination and biotechnology Perhaps nature is simply a challenge to be addressed overcome and set aside This volume is a critical exploration of natural law theory Church Law in Modernity Judith Hahn,2019-03-28 Discusses natural law as a traditional but highly contested source of canon law **Contemporary Catholic Health Care Ethics** David F. Kelly,2004-10-28 As David Kelly writes Catholic moral theology has not been completely constant over the centuries it has learned and developed In *Contemporary Catholic Health Care Ethics* he demonstrates how Catholic health care ethics can and should evolve similarly in response to the lightning speed of modern medical advances Kelly draws on and analyzes the Catholic tradition of medical ethics but he does not shy away from criticizing it as well giving health care professionals hospital ethics committees and students a fresh treatment of Catholic health care ethics emphasizing theology methodology and application First discussing the Catholic understanding of the human person Kelly proposes a Catholic Christian

approach to the meaning of human life as it applies specifically to health care. He includes a brief history of the relationship between religion and medicine and makes strong claims about how theology ought and ought not to be applied in health care ethics. Drawing from the terminology and approaches used by secular bioethics, he suggests how a Catholic perspective on health care can utilize certain secular moral philosophical positions even as they apply to the issues of birth control and end of life concerns. As practitioners, patients, and families face the difficult decision to continue or stop treatment for dying patients, Kelly compassionately but practically explores their concerns in light of American law and ethics. Finally, he provides measured insight on pain management, hospital ethics committees, stem cell research, genetic engineering, and allocation of health care resources. Contemporary Catholic Health Care Ethics is informed, challenging, articulate, and bold, bringing to the extremely important field of Catholic health care ethics a much needed and welcome voice, unafraid to speak to the most difficult issues of the 21st century.

Normative Jurisprudence Robin West, 2011-08-22 Normative Jurisprudence aims to reinvigorate normative legal scholarship that both criticizes positive law and suggests reforms for it on the basis of stated moral values and legalistic ideals. It looks sequentially and in detail at the three major traditions in jurisprudence: natural law, legal positivism, and critical legal studies that have in the past provided philosophical foundations for just such normative scholarship. Over the last fifty years or so, all of these traditions, although for different reasons, have taken a number of different turns toward empirical analysis, conceptual analysis, or Foucaultian critique and away from straightforward normative criticism. As a result, normative legal scholarship that is aimed at criticism and reform is now lacking a foundation in jurisprudential thought. The book criticizes those developments and suggests a return, albeit with different and in many ways larger challenges to this traditional understanding of the purpose of legal scholarship.

A Foucauldian Approach to International Law Leonard M. Hammer, 2016-03-23 Foucault's challenging view of power and knowledge as the basis for interpreting the international system forms the central themes of this book. As the application of international law expands and develops, this book considers how Foucault's approach may create a viable framework that is not beset by ontological issues. With international law essentially stuck within an older framework of outmoded statist approaches and overly broad understanding of the significance of external actors such as international organizations, current interpretations are either rooted in a narrow attempt to demonstrate a functioning normative structure or interpret developments as reflective of some emerging and somewhat unwieldy ethical order. This book therefore aims to ameliorate the approaches of a number of different schools within the disciplines of international law and international relations without being wedded to a single concept. Current scholarship in international law tends to favour an unresolved critique, a utopian vision, or to refer to other disciplines like international relations without fully explaining the significance or importance of taking such a step. This book analyses a variety of problems and issues that have surfaced within the international system and provides a framework for consideration of these issues with a view towards accounting for ongoing developments in the international arena.

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

A Natural Law Approach To Normativity Book Review: Unveiling the Power of Words

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