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A Natural Law Approach to Normativity

Sebastian Donnelly

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Peter Langford, Ian Bryan, John McGarry



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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 Towards a Normative Theory of International Relations Mervyn Frost, 1986-04-03 An examination of the moral theory of war

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 Legal Norms and Normativity Sylvie Delacroix, 2006-10-05 This book offers a genealogical explanation of law s normativity The term genealogical conveys a commitment to a non metaphysical type of enquiry While it explains how law as a normative phenomenon comes about it does not seek to ground law s normativity in anything but the context of social interaction giving rise to it Legal normativity is brought about on a daily basis Whether in revolutionary circumstances or in the quotidian need for judges lawmakers or citizens to balance law s demands with those of morality or prudence our ability to bind ourselves through law ultimately depends on our capacity to articulate a better way of living together and to commit ourselves to it These efforts of assessment and articulation depend in turn on our conception of normative agency Assert the need to trace

the truth of ethical judgments to some independent moral facts conditioning their objectivity and you will get a different understanding of what it is we are doing when we dispute law's authority in the name of moral values. Tracing the truth of moral judgements back to our own social practices not only affects the nature of disagreement it also dramatically increases our responsibility when as lawmakers judges or citizens we take the law into our own hands and confront it with our moral expectations.

Hegel and Contemporary Practical Philosophy James Gledhill, Sebastian Stein, 2020-04-08 While Kantian constructivism has become one of the most influential and systematic schools of thought in analytic moral and political philosophy Hegelian approaches to practical normativity hold out the promise of building upon Kantian insights into individual self-determination while avoiding their dualistic tendencies. James Gledhill and Sebastian Stein unite distinguished scholars of German idealism and contemporary Anglophone practical philosophy with rising stars in the field to explore whether Hegelian idealist philosophy can offer the categories that analytic practical philosophy requires to overcome the contradictions that have so far plagued Kantian constructivism. The volume organizes the contributions into three parts. The first of these engages debates in metaethics regarding the relationship between realism and constructivism. The second part sees contributors draw on debates about the nature of political normativity focusing primarily on the problems of historical contextualism, relativism and critical reflection. The concluding part considers the application of the Hegelian framework to contemporary debates about specific ethical issues including multiculturalism, democracy and human rights. Hegel and Contemporary Practical Philosophy contributes to the on-going debate about the importance of systematic philosophy in the context of practical philosophy, engages with contemporary discussions about the shape of a rational social order and gauges the timeliness of Hegelian philosophy. This book is a must-read for scholars interested in Hegel and in the contemporary tradition of Kantian constructivism in moral and political philosophy.

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.

The Normative and the Political Leon Sosnowski, 2025-10-08 In recent years much has been written about the interaction between international law and the political. Yet the field of International Relations has paid limited attention to how centering the interpretation of the international on each of these favors radically different orders. With this book Leon Sosnowski effectively demonstrates the plausibility of a foreign policy recognizing the

primacy of International Law He does so by synthesizing Hans Kelsen's legal cosmopolitanism and elements of Hans J Morgenthau's classical realism into a new theoretical framework Normative Effectivism He argues that it is an international political theory to challenge the current sovereigntist wave contributing to a sustainable international order He illustrates his arguments with a novel reading of Kelsen and Morgenthau's opposition to Carl Schmitt's worldview His analysis shows that the post WWII international system is at a critical crossroads evidenced by Russia's post Cold War foreign policy and the international response Securing an important place in the subfield of International Political Theory The Normative and The Political will be equally useful to scholars in International Relations Ethics and International Law Practical Reason and Norms Joseph Raz, 1999-09-09 Practical Reason and Norms focuses on three problems In what way are rules normative and how do they differ from ordinary reasons What makes normative systems systematic What distinguishes legal systems and in what consists their normativity All three questions are answered by taking reasons as the basic normative concept and showing the distinctive role reasons have in every case thus paving the way to a unified account of normativity Rules are a structure of reasons to perform the required act and an exclusionary reason not to follow some competing reasons Exclusionary reasons are explained and used to unlock the secrets of orders promises and decisions as well as rules Games are used to exemplify normative systems Inevitably the analysis extends to some aspects of normative discourse which is truth apt but with a diminished assertoric force **Foundations of a Sociology of Canon Law** Judith Hahn, 2022-08-08 This Open Access book investigates the legal reality of the church through a sociological lens and from the perspective of canon law studies the discipline which researches the law and the legal structure of the Catholic Church It introduces readers from various backgrounds to the sociology of canon law which is both a legal and a theological field of study and is the first step towards introducing a new subdiscipline of the sociology of canon law As a theoretical approach to mapping out this field it asks what theology and canon law may learn from sociology it discusses the understanding of law in religious contexts studies the preconditions of legal validity and effectiveness and based on these findings it asks in what sense it is possible to speak of canon law By studying a religious order as its struggles to find a balance between continuity and change this book also contributes to the debates on religious law in modernity and the challenges it faces from secular states and plural societies This book is of interest to researchers and students of the sociology of law legal studies law and religion the sociology of religion theology and religious studies This is an open access book **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

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