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Natural Law and Natural Rights Natural Rights and the New Republicanism The Foundations of Natural Morality Natural Rights Theories Natural Rights Liberalism from Locke to Nozick: Volume 22, Part 1 The Terror of Natural Right Natural Rights and the Right to Choose Natural law and natural rights The Limits of Ethics in International Relations Liberty and Law Natural Law, Religion, and Rights Human Rights and Natural Law The Idea of Natural Rights Natural Law and Natural Rights The Political Theory of the American Founding Natural Law and Human Rights Natural Law, Laws of Nature, Natural Rights Natural Right and History My Daily Constitution Property and Justice John Locke's Concept of Natural Law from the Essays on the Law of Nature to the Second Treatise of Government Reason, Religion, and Natural Law Natural Law in Court A HIDEOUS MONSTER OF THE MIND Thomas Hobbes and the Natural Law After the Natural Law A Treatise of the Laws of Nature Rights of Nature Christianity and Natural Law The Revival of Natural Law Concepts Natural Law Natural Rights Individualism and Progressivism in American Political Philosophy: Volume 29, Part 2 Mere Natural Law Natural Rights Individualism and Progressivism in American Political Philosophy: Volume 29 Philosophical Foundations of Human Rights Hobbes and the Law of Nature Are There Any Natural Rights? Darwinian Natural Right The Constitutional Foundations of Intellectual Property The Limits of Ethics in International Relations

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. 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. The origins of natural rights theories in medieval Europe and their development in the seventeenth century. The "natural law" worldview developed over the course of almost two thousand years beginning with Plato and Aristotle and culminating with St. Thomas Aquinas in the thirteenth century. This tradition holds that the world is ordered, intelligible and good, that there are objective moral truths which we can know and that human beings can achieve true happiness only by following our inborn nature, which draws us toward our own perfection. Most accounts of the natural law are based on a God-centered understanding of the world. After the Natural Law traces this tradition from Plato and Aristotle to Thomas Aquinas and then describes how and why modern philosophers such as Descartes, Locke and Hobbes began to chip away at this foundation. The book argues that natural law is a necessary foundation for our most important moral and political values – freedom, human rights, equality, responsibility and human dignity, among others. Without a theory of natural law, these values lose their coherence: we literally cannot make sense of them given the assumptions of modern philosophy. Part I of the book traces the development of natural law theory from Plato and Aristotle through the crowning achievement of Thomas Aquinas. Part II explores how modern philosophers have systematically chipped away at the only coherent foundation for these values. As a result, our most important moral and political ideals today are incoherent. Modern political and moral thinkers have been led either to dilute the meaning of such terms as freedom or the moral good – or abandon these ideas altogether. Thus, modern philosophy and political thought are leading us either toward anarchy or totalitarianism. The conclusion, entitled "Why God Matters", shows how even the philosophical assumptions of the natural law depend on a personal God. This book gives an account of a full spectrum of property rights and their relationship to individual liberty. It shows that a purely deontological approach to justice can deal with the most complex questions regarding the property system. Moreover, the author considers the economic, ecological, and technological complexities of our real-world property systems. The result is a more conceptually sound account of natural rights and the property system they demand. If we think that liberty should be at the centre of justice, what does that mean for the property system? Economists and lawyers widely agree that a property system must be composed of many different types of property: the kind of private ownership one has over one’s person and immediate possessions, as well as the kinds of common ownership we each have in our local streets, as well as many more. However, theories of property and justice have not given anything approaching an adequate account of the relationship between liberty and any other form of property other than private ownership. It is often thought that a basic commitment to liberty cannot really tell us how to arrange the major complexities of the property system, which diverge from simple private ownership. Property and Justice demonstrates how philosophical rigour coupled with interdisciplinary engagement enables us to think clearly about how to deal with real-world problems. It will be of interest to political philosophers, political theorists, and legal theorists working on property rights and justice. Subtitled: A NATURAL LAW PERSPECTIVE, 365 essays, each 365 words, on Uncle Sam ?s birthright, genealogy, and orientation, OR the Constitution ?s philosophical and historical presuppositions and implications, OR Philosophy for Dummies. Many modern historians and thinkers describe western history as a progressive movement toward freedom--freedom from religious and rational morality. For them Uncle Sam rides the current crest of this wave. The American government is said to be agnostic about religion and indifferent about philosophy. There is no universal anthropology behind political judgements, no rational psychology behind political institutions, no history behind arguments, no epistemology behind communications, no metaphysics behind American independence, no ethics behind our Constitution, no moral authority behind our laws, and no logic behind their interpretation. In fact, there are no bonds to anything past, especially since there are no foundations either temporal or ontological for any convictions whatsoever. This view grossly distorts Uncle Sam ?s basic orientation, and the distortion is really an attempted abortion, because many moderns have a phobia about that orientation, which is Natural Law. Readership: This book would be suitable for students, academics and scholars of law, philosophy, politics, international relations and economics "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"-- 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. 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. 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. John Locke's account of natural law, which forms the very basis of his political philosophy, has troubled many critics over time. The two works that shed light on Locke's theory are the early Essays on the Law of Nature and the Second Treatise of Government, published over 20 years later. Many critics have assumed that the early work presents a voluntarist approach to natural law and the second a rationalist approach, but the present analysis in this book shows that Locke's theory is consistent. Both works present a concept of the law of nature that must be placed between voluntarism and rationalism. (Series: Polyptoton. Munster Collection, Academic Writings / Polyptoton. Munsteraner Sammlung Akademischer Schriften - Vol. 3) 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. Has Hobbesian moral and political theory been fundamentally misinterpreted by most of his readers? Since the criticism of John Bramhall, Hobbes has generally been regarded as advancing a moral and political theory that is antithetical to classical natural law theory. Kody Cooper challenges this traditional interpretation of Hobbes in Thomas Hobbes and the Natural Law. Hobbes affirms two essential theses of classical natural law theory: the capacity of practical reason to grasp intelligible goods or reasons for action and the legally binding character of the practical requirements essential to the pursuit of human flourishing. Hobbes’s novel contribution lies principally in his formulation of a thin theory of the good. This book seeks to prove that Hobbes has more in common with the Aristotelian-Thomistic tradition of natural law philosophy than has been recognized. According to Cooper, Hobbes affirms a realistic philosophy as well as biblical revelation as the ground of his philosophical-theological anthropology and his moral and civil science. In addition, Cooper contends that Hobbes's thought, although transformative in important ways, also has important structural continuities with the Aristotelian-Thomistic tradition of practical reason, theology, social ontology, and law. What emerges from this study is a nuanced assessment of Hobbes’s place in the natural law tradition as a formulator of natural law liberalism. This book will appeal to political theorists and philosophers and be of particular interest to Hobbes scholars and natural law theorists. This is the first major work in English to explore at length the meaning, context, aims, and vital importance of Thomas Hobbes's concepts of the law of nature and the right of nature. Hobbes remains one of the most challenging and controversial of early modern philosophers, and debates persist about the interpretation of many of his ideas, particularly his views about natural law and natural right. In this book, Perez Zagorin argues that these two concepts are the twin foundations of the entire structure of Hobbes's moral and political thought. Zagorin clears up numerous misconceptions about Hobbes and his relation to earlier natural law thinkers, in particular Hugo Grotius, and he reasserts the often overlooked role of the Hobbesian law of nature as a moral standard from which even sovereign power is not immune. Because Hobbes is commonly thought to be primarily a theorist of sovereignty, political absolutism, and unitary state power, the

significance of his moral philosophy is often underestimated and widely assumed to depend entirely on individual self-interest. Zagorin reveals Hobbes's originality as a moral philosopher and his importance as a thinker who subverted and transformed the idea of natural law. Hobbes and the Law of Nature is a major contribution to our understanding of Hobbes's moral, legal, and political philosophy, and a book rich in interpretive and critical insights into Hobbes's writing and thought. Protection of intellectual property (IP) rights is indispensable to maintaining a vibrant economy, especially in the digital age as creativity and innovation increasingly take intangible forms. Long before the digital age, however, the U.S. Constitution secured the IP rights of authors and inventors to the fruits of their labors. The essays in this book explore the foundational underpinnings of intellectual property that informed the Constitution of 1787, and it explains how these concepts informed the further development of IP rights from the First Congress through Reconstruction. The essays address the contributions of figures such as John Locke, George Washington, James Madison, Thomas Jefferson, Noah Webster, Joseph Story, Daniel Webster, and Abraham Lincoln to the development of IP rights within the context of American constitutionalism. Claims that copyrights and patents are not property at all are in fashion in some quarters. This book"s essays challenge those dubious claims. Unlike other works that offer a strictly pragmatic or utilitarian defense of IP rights, this book seeks to recover the Constitution"s understanding of IP rights as ultimately grounded in the natural rights of authors and inventors. "A fascinating, illuminating and insightful exploration of the roots of intellectual property law in America. Essential for students, teachers and practitioners in the field. Intellectually sound and highly readable." -- Theodore Olson, Solicitor General of the United States, 2001-2004 "The current proposals for copyright and patent reform are often stated in an impatient manner, as if there were only one side to a difficult problem. It is therefore refreshing to have this book by Randolph May and Seth Cooper that offers a careful and instructive exploration of the larger natural law foundations of modern intellectual property law and shows how the traditional concerns of the natural lawyers lend added weight to the soundness of the current IP system." -- Richard Epstein, Laurence A. Tisch Professor of Law and Director, Classical Liberal Institute, New York University School of Law "Given the importance of the protection of intellectual property rights to our nation"s economy and to innovation and investment, this book addressing the constitutional foundations and philosophical underpinnings of IP rights provides a valuable antidote to the all too prevalent and damaging populist view that "information wants to be free."" -- Robert Atkinson, President, Information Innovation & Technology Foundation "I loved the book, and I hope it finds a large audience. Over the years, I"ve had many people tell me my interpretation of the Constitution"s Intellectual Property Clause was wrong. Hopefully, this new book by Randolph May and Seth Cooper, with its scholarly yet highly readable treatment, will refocus the debate about IP rights on first principles and our Founders" intentions." -- Marybeth Peters, Register of Copyrights of the United States, 1994-2011 "This is an essential volume for anyone who cares about the Constitution and intellectual property. The Framers thought intellectual property was important enough to provide for its protection expressly in the Constitution. This book provides invaluable insights into the Framers" decision and should inform contemporary debates about the nature of that protection." -- Paul Clement, Solicitor General of the United States, 2005-2008 "Randolph May and Seth Cooper have authored a welcome addition to the literature on intellectual property rights. Well-researched and clearly written, this book provides an invaluable historical perspective that will contribute significantly to the ongoing debates about the conceptual underpinnings of copyright and patent law." -- Cary Sherman, Chairman and CEO of RIAA "Finally, two talented authors add intellectual heft to the ongoing debate about the true nature of copyright--as an exclusive private property right, or as a limited right to be doled out stingily, riddled with exceptions and limitations, to be given away free-of-charge. It has become fashionable in some academic circles to treat copyright exclusivity as a quaint but outmoded notion, and its advocates as hopeless naïfs. But Mr. May and Mr. Cooper, by going back to first principles and natural rights, show us that an exclusive property right is at the heart of copyright protection. Their learned analysis should be widely read, especially by Members of Congress and judges, to help them understand the true nature of the debate and the deep roots of the copyright pedigree as a natural private property right--historically unique, socially revolutionary, and worth fighting for. Three cheers for Messrs. May and Cooper!" -- Ralph Oman, Register of Copyrights of the United States, 1985-1993 "The natural rights approach that May and Cooper take has not disappeared entirely from copyright discourse these days. One hears hints of it in court opinions and policy statements, and a few intrepid academics write from such a perspective, including, for example, Adam Mossof and Mark Schultz, who are mentioned in the book"s acknowledgements. But May and Cooper have written a thorough recitation of how copyright is justified under a natural rights theory and how that justification is reflected in US law--and a project of such scope is increasingly rare...May and Cooper have contributed an excellent primer on the natural rights justification for intellectual property rights in the US and its reflection in the Constitution and early American jurisprudence." -- Terry Hart, Copyhype "May and Cooper"s book is written by academics for academics, though it is entirely accessible to any reader, if constitutional scholarship on intellectual property is your cup of post-revolutionary tea, so to speak." -- David Newhoff, The Illusion of More Shows how Darwinian biology supports an Aristotelian view of ethics as rooted in human nature. This book shows how Darwinian biology supports an Aristotelian view of ethics as rooted in human nature. Defending a conception of “Darwinian natural right” based on the claim that the good is the desirable, the author argues that there are at least twenty natural desires that are universal to all human societies because they are based in human biology. The satisfaction of these natural desires constitutes a universal standard for judging social practice as either fulfilling or frustrating human nature, although prudence is required in judging what is best for particular circumstances. The author studies the familial bonding of parents and children and the conjugal bonding of men and women as illustrating social behavior that conforms to Darwinian natural right. He also studies slavery and psychopathy as illustrating social behavior that contradicts Darwinian natural right. He argues as well that the natural moral sense does not require religious belief, although such belief can sometimes reinforce the dictates of nature. "This beautiful little book rediscovers the missing biology of Aristotle especially as it applies to moral phisophy and does so in a thoroughly modern way, that is, by integrating it with modern Darwinian thinking, a subject Arnhart easily masters. The result is a very impressive piece of intellectual work, rich in detail and far-reaching in scope and in conclusions." — Robert Trivers, Rutgers University Rights of nature is an idea that has come of age. In recent years, a diverse range of countries and jurisdictions have adopted these norms, which involve granting legal rights to nature or natural objects, such as rivers, forests, or ecosystems. This book critically examines the idea of natural objects as right-holders and analyzes legal cases, policies, and philosophical issues relating to this development. Drawing on contributions from a range of experts in the field, Rights of Nature: A Re-examination investigates the potential for this innovative idea to revolutionize the concepts of rights, standing, and recognition as traditionally understood in many legal systems. Taking as its starting point Stone’s influential 1972 article "Should Trees Have Standing?," the book examines the progress rights of nature have made since that time, by identifying central themes, unifying principles, and key distinctions in how rights of nature discourse has been operationalized in the disciplines of law, philosophy, and the social sciences. These themes and principles are illustrated through a wide variety of examples, including ecosystem services, indigenous thinking, and ecological restoration, demonstrating how the relationship between humanity and the natural world may be transforming. Taking a philosophical, political, and legal perspective, this book will be of great interest to students and scholars of environmental law and policy, environmental ethics, and philosophy. 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. 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 fiftieth 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. Hallowell, 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. The essays in this collection investigate two political traditions and their critical interactions. The first series of essays deals with the development of natural rights individualism, some examining its origins in the thought of the seminal political theorist, John Locke, and the influential constitutional theorist, Montesquieu, others the impact of their theories on intellectual leaders during the American Revolution and the Founding era, and still others the culmination of this tradition in the writings of nineteenth-century individualists such as Lysander Spooner. The second series of essays focuses on the Progressive repudiation of natural rights individualism and its far-reaching effect on American politics and public policy. 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. 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. 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. Edelstein further contends that the Jacobins shared a political philosophy that he calls “natural republicanism,” which assumed that the natural state of society was a republic and that natural right provided its only acceptable laws. Ultimately, he proves 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 highly original 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. Liberty and Law examines a previously underappreciated theme in legal history - the idea of permissive natural law. The idea is mentioned only peripherally, if at all, in modern histories of natural law. Yet it engaged the attention of jurists, philosophers, and theologians over a long period and formed an integral part of their teachings. This ensured that natural law was not conceived of as merely a set of commands and prohibitions that restricted human conduct, but also as affirming a realm of human freedom, understood as both freedom from subjection and freedom of choice. Freedom can be used in many ways, and throughout the whole period from 1100 to 1800 the idea of permissive natural law was deployed for various purposes in response to different problems that arose. It was frequently invoked to explain the origin of private property and the beginnings of civil government. Originalism Is Not Enough In this profoundly important reassessment of constitutional interpretation, the eminent legal philosopher Hadley Arkes argues that “originalism” alone is an inadequate answer to judicial activism. Untethered from “mere Natural Law”—the moral principles knowable by all—our legal and constitutional system is doomed to incoherence. The framers of the Constitution regarded the “self-evident” truths of the Natural Law as foundational. And yet in our own time, both liberals and conservatives insist that we must interpret the Constitution while ignoring its foundation. Making the case anew for Natural Law, Arkes finds it not in theories hovering in the clouds or in benign platitudes (“be generous,” “be selfless”). He draws us back, rather, to the ground of Natural Law as the American Founders understood it, the anchoring truths of common sense—truths grasped at once by the ordinary man, unburdened by theories imbibed in college and law school. When liberals discovered hitherto unknown rights in the “emanations” and “penumbras” of a “living constitution,” conservatives responded with an “originalism” that refuses to venture beyond the bare text. But in framing that text, the Founders appealed to moral principles that were there before the Constitution and would be there even if there were no Constitution. An originalism that is detached from those anchor - ing principles has strayed far from the original meaning of the Constitution. It is powerless, moreover, to resist the imposition of a perverse moral vision on our institutions and our lives. Brilliant in its analysis, essential in its argument, Mere Natural Law is a must-read for everyone who cares about the Constitution, morality, and the rule of law. First published in 1930. Bibliography: p. [351]-371. Bibliographical footnotes. Over the last thirty years the American political class has come to talk itself out of the doctrines of 'natural rights' that formed the main teaching of the American Founders and Abraham Lincoln. With that move, it has removed the ground for its own rights. Ironically, this transition has been made without awareness, with a serene conviction that constitutional rights are being expanded. In the name of 'privacy' and 'autonomy', new claims of liberty have been unfolded, all of them bound up in some way with the notion of sexual freedom. The 'right to choose an abortion' has been the 'right' to shift the political class from doctrines of natural right. This new right overturned the liberal jurisprudence of the New Deal, placing jurisprudence on a different foundation. If there is a right to abortion, it has been detached from the logic of natural rights and stripped of moral substance. 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 book provides a complete overview of the Founders' natural rights theory and its policy implications. This book compares historical and modern natural law ideas across global Christian traditions and explores their use in church law. Hegel's early philosophical essay demonstrates the need for a pure empiricism and complete formalism in scientific endeavor. 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. "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.

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