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# A Natural Law Approach to Normativity

Sebastian Donnelly

# A Natural Law Approach To Normativity

**Panos Theodorou, Pedro Manuel  
Santos Alves, Anna Irene Baka**



## **A Natural Law Approach To Normativity:**

*A Natural Law Approach to Normativity* Bebhinn Donnelly, 2007-01-01 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 the approach to Hume s dichotomy This volume will be of interest to academics in philosophy of law moral political philosophy natural law theorists and students of jurisprudence internationally

**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

*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     **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 *The Normative Force of the Factual* Nicoletta Bersier Ladavac, Christoph Bezemek, Frederick Schauer, 2019-06-26 This book explores the interrelation of facts and norms How does law originate in the first place What lies at the roots of this phenomenon How is it preserved And how does it come to an end Questions like these led Georg Jellinek to speak of the normative force of the factual in the early 20th century emphasizing the human tendency to infer rules from recurring events and to perceive a certain practice not only as a fact but as a norm a norm which not only allows us to distinguish regularity from irregularity but at the same time to treat deviances as transgressions Today Jellinek's concept still provides astonishing insights on the dichotomy of is and ought to be the emergence of the normative the efficacy and the defeasibility of legal norms and the distinct character of what legal theorists refer to as normativity It leads us back to early legal history it connects anthropology and legal theory and it demonstrates the interdependence of law and the social sciences In short it invites us to fundamentally reassess the interrelation of facts and norms from various perspectives The contributing authors to this volume have accepted that invitation **New Approaches to Neo-Kantianism** Nicolas de Warren, Andrea Sebastiano Staiti, 2015-06-11 A collection of new essays examining the impact of Neo Kantianism on a range of philosophical topics and fields of study *Ecological Law in Practice* Geoffrey Garver, 2024-10-21 This book presents a series of ecological law case studies designed to illustrate in concrete real world ways how ecological law would transform law in a range of diverse contexts Ecological law is an emerging and currently mostly theoretical discipline grounded in the need to shift away from anthropocentric legal systems which aim to promote economic growth using strong protections of private property regimes and state sovereignty to ecological approaches which emphasize ecocentrism the primacy of ecological limits and intragenerational intergenerational and interspecies fairness and justice The ecological law case studies presented in this book apply the theoretical principles and concepts of ecological law to diverse real world situations or activities in several countries and contexts Taking up a range of examples from Brazil Canada Germany Mexico Nigeria the United States and internationally the book demonstrates the concrete relevance of ecological law to contemporary sustainability challenges as it reveals pathways for overcoming real world challenges in the implementation and public acceptance of ecological law This book will appeal to researchers scholars

and policy makers working in the area of environmental law and governance as well as others with relevant interests in sociolegal studies human geography political science and environmental studies      *Ecoviolence and the Law: Supranational Normative Foundation of Ecocrime* Laura Westra, 2021-11-22 Exploring such acts of environmental violence as ecocrimes the author builds the case that the international law principles of jus cogens and erga omnes justify characterizing ecocrime as a just crime requiring action to curb their occurrence and punishment to deter them The book discusses the obstacles that defining environmental assaults as ecocrimes will face both in national and international circumstances The author concludes by proposing the creation of an International Environmental Court that would adjudicate ecocrime issues This forward thinking work will be of great interest to all involved in the human rights issues of environmental threats Published under the Transnational Publishers imprint      **Universal Jurisdiction in International Criminal Law** Aisling O'Sullivan, 2017-02-03 With the sensational arrest of former Chilean dictator Augusto Pinochet in 1998 the rise to prominence of universal jurisdiction over crimes against international law seemed to be assured The arrest of Pinochet and the ensuing proceedings before the UK courts brought universal jurisdiction into the foreground of the fight against impunity and the principle was read as an important complementary mechanism for international justice one that could offer justice to victims denied an avenue by the limited jurisdiction of international criminal tribunals Yet by the time of the International Court of Justice's Arrest Warrant judgment four years later the picture looked much bleaker and the principle was being read as a potential tool for politically motivated trials This book explores the debate over universal jurisdiction in international criminal law aiming to unpack a practice in which international lawyers continue to disagree over the concept of universal jurisdiction Using Martti Koskenniemi's work as a foil this book exposes the argumentative techniques in operation in national and international adjudication since the 1990s Drawing on overarching patterns within the debate Aisling O'Sullivan argues that it is bounded by a tension between contrasting political preferences or positions labelled as moralist ending impunity and formalist avoiding abuse and she reads the debate as a movement of hegemonic and counter hegemonic positions that struggle for hegemonic control However she draws out how these positions moralist formalist merge into one another and this produces a tendency towards a middle position that continues to prefer a particular preference moralist or formalist Aisling O'Sullivan then traces the transformation towards this tendency that reflects an internal split among international lawyers between building a utopia court of humanity and recognizing its impossibility of being realized      **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

**Law, Morality, and Legal Positivism** International Association for Philosophy of Law and Social Philosophy.

World Congress,2004 Contents P Capps Positivism in Law and International Law D von Daniels Is Positivism a State Centered Theory K E Himma Legal Positivism s Conventionality Thesis and the Methodology of Conceptual Analysis R Nunan A Modest Rehabilitation of the Separability Thesis A Oladosu Choosing Legal Theory on Cultural Grounds An African Case for Legal Positivism C Orrego Hart s Last Legal Positivism Morality Might Be Objective Legality Certainly is Not M Pavcnik Die Un Produktivitat der Positivistischen Jurisprudenz M Haase The Hegelianism in Kelsen s Pure Theory of Law S Papaefthymiou The House Kelsen Built U J Pak Legal Practitioners Need of Reflective Application of Legal Philosophy in Korea U Schmill Jurisprudence and the Concept of Revolution D Venema Judicial Discretion a Necessary Evil J Baker Rights Obligations and Duties and the Intersection of Law Conventions and Morals S Berteau Legal Systems Claim to Normativity and the Concept of Law J Dalberg Larsen On the Relevance of Habermas and Theories of Legal Pluralism for the Study of Environmental Law A Philippopoulos Mihalopoulos A Connection of No Connection in Luhmann and Derrida

**Kelsenian Legal Science and the Nature of Law** Peter Langford,Ian Bryan,John McGarry,2017-05-16 This book critically examines the conception of legal science and the nature of law developed by Hans Kelsen It provides a single dedicated space for a range of established European scholars to engage with the influential work of this Austrian jurist legal philosopher and political philosopher The introduction provides a thematization of the Kelsenian notion of law as a legal science Divided into six parts the chapter contributions feature distinct levels of analysis Overall the structure of the book provides a sustained reflection upon central aspects of Kelsenian legal science and the nature of law Parts one and two examine the validity of the project of Kelsenian legal science with particular reference to the social fact thesis the notion of a science of positive law and the specifically Kelsenian concept of the basic norm Grundnorm The next three parts engage in a critical analysis of the relationship of Kelsenian legal science to constitutionalism practical reason and human rights The last part involves an examination of the continued pertinence of Kelsenian legal science as a theory of the nature of law with a particular focus upon contemporary non positivist theories of law The conclusion discusses the increasing distance of contemporary theories of legal positivism from a Kelsenian notion of legal science in its consideration of the nature of law

**Aristotelian Naturalism** Martin Hähnel,2020-04-06 This book features many of the leading voices championing the revival of Neo Aristotelian Ethical Naturalism AN in contemporary philosophy It addresses the whole range of issues facing this research program at present



Coverage in the collection identifies differentiations details standpoints and points out new perspectives This volume answers a need AN is quite new to contemporary philosophy despite its deep roots in the history of philosophy As yet there are many unanswered questions regarding its relation to contemporary views in metaethics It is certainly not equivalent to dominant naturalistic approaches to metaethics in Anglophone philosophy Indeed it is not obviously incompatible with some approaches identified as nonnaturalistic Further there are controversies regarding the views of the first wave of virtue revivalists The work of G E M Anscombe and Philippa Foot is frequently misunderstood despite the fact that they are important figures in the contemporary revival This volume details a robust approach to ethics by situating it within the context of human life It will help readers to better understand how AN raises deep questions about the relation of action and its evaluation to human nature Neo Aristotelians argue that something like the traditional cardinal virtues practical wisdom temperance justice and courage are qualities that perfect human reason and desire

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