

1. Record Nr.	UNINA9910811664603321
Autore	Finnis John
Titolo	Natural law and natural rights [[electronic resource] /] / John Finnis
Pubbl/distr/stampa	Oxford ; ; New York, : Oxford University Press, 2011
ISBN	0-19-102154-7 1-283-29975-5 9786613299758 0-19-161665-6
Edizione	[2nd ed.]
Descrizione fisica	xvi, 494 p
Collana	Clarendon law series
Disciplina	340.1
Soggetti	Natural law Law - Philosophy Law and ethics
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references (p. [480]-483) and index.
Nota di contenuto	Cover -- Contents -- Abbreviations -- Part One -- I: EVALUATION AND THE DESCRIPTION OF LAW -- I.1. The Formation of Concepts for Descriptive Social Science -- I.2. Attention to Practical Point -- I.3. Selection of Central Case and Focal Meaning -- I.4. Selection of Viewpoint -- I.5. The Theory of Natural Law -- Notes -- II: IMAGES AND OBJECTIONS -- II.1. Natural Law and Theories of Natural Law -- II.2. Legal Validity and Morality -- II.3. The Variety of Human Opinions and Practices -- II.4. The Illicit Inference from Facts to Norms -- II.5. Hume and Clarke on 'Is' and 'Ought' -- II.6. Clarke's Antecedents -- II.7. The 'Perverved Faculty' Argument -- II.8. Natural Law and the Existence and Will of God -- Notes -- Part Two -- III: A BASIC FORM OF GOOD: KNOWLEDGE -- III.1. An Example -- III.2. From Inclination to Grasp of Value -- III.3. Practical Principle and Participation in Value -- III.4. The Self-evidence of the Good of Knowledge -- III.5. 'Object of Desire' and Objectivity -- III.6. Scepticism about this Basic Value is Indefensible -- Notes -- IV: THE OTHER BASIC VALUES -- IV.1. Theoretical Studies of 'Universal' Values -- IV.2. The Basic Forms of Human Good: A Practical Reflection -- IV.3. An Exhaustive List? -- IV.4. All Equally Fundamental -- IV.5. Is Pleasure the Point of It All? -- Notes -- V: THE BASIC

REQUIREMENTS OF PRACTICAL REASONABLENESS -- V.1. The Good of Practical Reasonableness Structures Our Pursuit of Goods -- V.2. A Coherent Plan of Life -- V.3. No Arbitrary Preferences Amongst Values -- V.4. No Arbitrary Preferences Amongst Persons -- V.5. Detachment and Commitment -- V.6. The (Limited) Relevance of Consequences: Efficiency, Within Reason -- V.7. Respect for Every Basic Value in Every Act -- V.8. The Requirements of the Common Good -- V.9. Following One's Conscience -- V.10. The Product of these Requirements: Morality.

Notes -- VI: COMMUNITY, COMMUNITIES, AND COMMON GOOD -- VI.

1. Reasonableness and Self-interest -- VI.2. Types of Unifying Relationship -- VI.3. 'Business' Community and 'Play' Community -- VI.4. Friendship -- VI.5. 'Communism' and 'Subsidiarity' -- VI.6. Complete Community -- VI.7. The Existence of a Community -- VI.8. The

Common Good -- Notes -- VII: JUSTICE -- VII.1. Elements of Justice -- VII.2. General Justice -- VII.3. Distributive Justice -- VII.4. Criteria of Distributive Justice -- VII.5. Commutative Justice -- VII.6. Justice and the State -- VII.7. An Example of Justice: Bankruptcy -- Notes -- VIII:

RIGHTS -- VIII.1. 'Natural', 'Human', or 'Moral' Rights -- VIII.2. An Analysis of Rights-talk -- VIII.3. Are Duties 'Prior to' Rights? -- VIII.4. Rights and the Common Good -- VIII.5. The Specification of Rights -- VIII.6. Rights and Equality of Concern and Respect -- VIII.7. Absolute Human Rights -- Notes -- IX: AUTHORITY -- IX.1. The Need for

Authority -- IX.2. The Meanings of 'Authority' -- IX.3. Formation of Conventions or Customary Rules -- IX.4. The Authority of Rulers -- IX.5. 'Bound By Their Own Rules'? -- Notes -- X: LAW -- X.1. Law and Coercion -- X.2. Unjust Punishment -- X.3. The Main Features of Legal Order -- X.4. The Rule of Law -- X.5. Limits of the Rule of Law -- X.6.

A Definition of Law -- X.7. Derivation of 'Positive' from 'Natural' Law -- Notes -- XI: OBLIGATION -- XI.1. 'Obligation', 'Ought', and Rational Necessity -- XI.2. Promissory Obligation -- XI.3. Variable and Invariant Obligatory Force -- XI.4. 'Legally Obligatory': the Legal Sense and the Moral Sense -- XI.5. Contractual Obligation in Law: Performance or Compensation? -- XI.6. Legal Obligation in the Moral Sense: Performance or Submission to Penalty? -- XI.7. Obligation and Legislative Will.

XI.8. 'Reason' and 'Will' in Decision, Legislation, and Compliance with Law -- XI.9. Moral Obligation and God's Will -- Notes -- XII UNJUST LAWS -- XII.1. A Subordinate Concern of Natural Law Theory -- XII.2. Types of Injustice in Law -- XII.3. Effects of Injustice on Obligation -- XII.4. 'Lex Injusta Non Est Lex' -- Notes -- Part Three -- XIII: NATURE, REASON, GOD -- XIII.1. Further Questions about the Point of Human Existence -- XIII.2. Orders, Disorders, and the Explanation of Existence -- XIII.3. Divine Nature and 'Eternal Law': Speculation and Revelation -- XIII.4. Natural Law as 'Participation of Eternal Law' -- XIII.5. Concluding Reflections on the Point and Force of Practical Reasonableness -- Notes -- Postscript -- Bibliography -- Index -- A -- B -- C -- D -- E -- F -- G -- H -- I -- J -- K -- L -- M -- N -- O -- P -- Q -- R -- S -- T -- U -- V -- W -- X -- Z.

---

## Sommario/riassunto

Natural Law and Natural Rights is widely recognised as a seminal contribution to the philosophy of law, and an essential reference point for all students of the subject. This new edition includes a substantial postscript by the author responding to thirty years of comment, criticism, and further work in the field.

---