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Justice and Morality

Beyond Camelot

Reflections on Philosophy and Religion

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Natural Law Ethics in Theory and Practice

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Reflections on Philosophy and Religion

Natural Law Reflections On Theory And Practice | e1fed357fba0defedd6c43cb4ae15c1d0

Written during a period when cultural diversity and pluralism were beginning to have an impact on ethics and politics, these essays provide a defense of natural law and natural right that continues to be timely. --BOOK JACKET.

Understood historically, culturally, politically, geographically, or philosophically, the idea of Europe and notion of European identity conjure up as much controversy as consensus. The mapping of the relation between ideas of Europe and their philosophical articulation and contestation has never benefitted from clear boundaries, and if it is to retain its relevance to the challenges now facing the world, it must become an evolving conceptual landscape of critical reflection. The Routledge Handbook of Philosophy and Europe provides an outstanding reference work for the exploration of Europe in its manifold conceptions, narratives, institutions, and values. Comprising twenty-seven chapters by a group of international contributors, the Handbook is divided into three parts: Europe of the philosophers Concepts and controversies Debates and horizons. Essential reading for students and researchers in philosophy, politics, and European studies, the Handbook will also be of interest to those in related disciplines such as sociology, religion, and European history and history of ideas.

The Routledge Companion to Social and Political Philosophy is a comprehensive, definitive reference work, providing an up-to-date survey of the field, charting its history and key figures and movements, and addressing enduring questions as well as contemporary research. Features unique to the Companion are: an extensive coverage of the history of social and political thought, including separate chapters on the development of political thought in the Islamic world, India, and China as well in modern Germany, France, and Britain a focus on the core concepts and the normative foundations of social and political theory a seven-chapter section devoted exclusively to distributive justice, the central issue of political philosophy since Rawls' Theory of Justice extensive coverage of global justice and international issues, which recently have emerged as vital topics an eight-chapter section on issues in social and political philosophy. The Companion is divided into eight thematic sections: The History of Social and Political Theory; Political Theories and Ideologies; Normative Foundations; The National State and Beyond; Distributive Justice; Political Concepts; Concepts and Methods in Social Philosophy; Issues in Social and Political Philosophy. Comprised of sixty-nine newly commissioned essays by leading scholars from throughout the world, The Routledge Companion to Social and Political Philosophy is the most comprehensive and authoritative resource in social and political philosophy for students and scholars.

This book argues that many of the basic concepts that we use to describe and analyze our governmental system are out of date. Developed in large part during the Middle Ages, they fail to confront the administrative character of modern government. These concepts, which include power, discretion, democracy, legitimacy, law, rights, and property, bear the indelible imprint of this bygone era's attitudes, and Arthurian fantasies, about governance. As a result, they fail to provide us with the tools we need to understand, critique, and improve the government we actually possess. Beyond Camelot explains the causes and character of this failure, and then proposes a new conceptual framework, drawn from management science and engineering, which describes our administrative government more accurately, and identifies its weaknesses instead of merely bemoaning its modernity. This book's proposed framework envisions government as a network of connected units that are authorized by superior units and that supervise subordinate ones. Instead of using inherited, emotion-laden concepts like democracy and legitimacy to describe the relationship between these units and private citizens, it directs attention to the particular interactions between these units and the citizenry, and to the mechanisms by which government obtains its citizens' compliance. Instead of speaking about law and legal rights, it proposes that we address the way that the modern state formulates policy and secures its implementation. Instead of perpetuating outdated ideas that we no longer really believe about the sanctity of private property, it suggests that we focus on the way that resources are allocated in order to establish markets as our means of regulation. Highly readable, Beyond Camelot offers an insightful and provocative discussion of how we must transform our understanding of government to keep pace with the transformation that government itself has undergone.

For centuries, natural law was the main philosophical legal paradigm. Now, it is a wonder when a court of law invokes it. Arthur Kaufmann already underlined a modern general "horror iuris naturalis". We also know, with Winfried Hassemer, that the succession of legal paradigms is a matter of fashion. But why did natural law become outdated? Are there any remnants of it still alive today? This book analyses a number of prejudices and myths that have created a general misconception of natural law. As Jean-Marc Trigaux put it: there is a
natural law that positivists invented. Not the real one(s). It seeks to understand not only the usual adversaries of natural law (like legalists, positivists and historicists) but also its further enemies, the inner enemies of natural law, such as internal aporias, political and ideological manipulations, etc. The book puts forward a reasoned and balanced examination of this treasure of western political and juridical though. And, if we look at it another way, natural law is by no means a loser in our times: because it lives in modern human rights.

While many of the Reformers considered natural law unproblematic, many Protestants consider natural law a “Catholic thing,” and not persuasive. Natural law, it is thought, competes with the Gospel, overlooks the centrality of Christ, posits a domain of pure nature, and overlooks the noetic effects of sin. This “Protestant Prejudice,” however strong, overlooks developments in contemporary natural law quite capable and willing to incorporate the usual objections into natural law. While the natural law itself is universal and invariant, theories about the natural law vary widely. The Protestant Prejudice may respond to natural law understood from within the modes of common sense and classical metaphysics, but largely overlooks contemporary natural law beginning from the first-person account of subjectivity and practical reason. Consequently, the sophisticated thought of John Paul II, Martin Rhonheimer, Germain Grisez, and John Finnis is overlooked. Further, the work of Bernard Lonergan allows for a natural law admitting of noetic sin, eagerly incorporating grace, community, the limits of history, a real but limited autonomy, and the centrality of Christ in a natural law that is both grounded and natural.

A global debate has emerged within Islam about how to coexist with democracy. Even in Asia, where such ideas have always been marginal, radical groups are taking the view that scriptural authority requires either Islamic rule (Dar-ul-Islam) or a state of war with the essentially illegitimate authority of non-Muslims or secularists. This book places the debate in a specifically Asian context. It draws attention to Asia (east of Afghanistan), as not only the home of the majority of the world’s Muslims but also Islam’s historic laboratory in dealing with religious pluralism. In Asia, pluralism is not simply a contemporary development of secular democracies, but a long-tested pattern based on both principle and pragmatism. For many centuries, Muslims in Asia have argued about the legitimacy of non-Islamic government over Muslims, and the legitimacy of non-Muslim peoples, polities and rights under Islamic governance. This book analyses such debates and the ways they have been reconciled, in South and Southeast Asia, up to the present. The evidence presented here suggests that Muslims have adapted flexibly and creatively to the pluralism with which they have lived, and are likely to continue to do so.

The A to Z of Ethics covers a very broad range of ethical topics, including ethical theories, historical periods, historical figures, applied ethics, ethical issues, ethical concepts, non-Western approaches, and related disciplines. Harry J. Gensler and Earl W. Spurgin tackle such issues as abortion, capital punishment, stem cell research, and terrorism while also explaining key theories like utilitarianism, natural law, social contract, and virtue ethics. This reference provides a complete overview of ethics through a detailed chronology, an introductory essay, a bibliography, and over 200 cross-referenced dictionary entries, including bioethics, business ethics, Aristotle, Hobbes, autonomy, confidentiality, Confucius, and psychology.

Offers a substantial discussion of a central theme in Christian theology - that everything comes from and depends upon God.

How do ethical norms relate to human nature? This comprehensive and interdisciplinary volume surveys the latest thinking on natural law.

The United Nations is commemorating the 25th anniversary of the 1986 Declaration on the Right to Development, which proclaimed the right to be: ‘an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be realized’. The UN now aims to mainstream the right into its policies and operational activities, and is reviewing prospects for an internationally-binding legal instrument. The evolution of the right to development, however, has been dominated by debates about its conceptual validity and practical ramifications. It has been hailed as the cornerstone of the entire human rights system and criticized as a distracting ideological initiative. Questions also persist about the role of the right in reforming the international economic order. This book examines the legal and moral foundations of the right to development, addressing the major issues. It then considers the right to development in the global economy, noting the challenges of globalization and identifying key principles such as differential treatment of developing countries, participation and accountability. It relates the right to broad objectives such as the Millennium Development Goals, the human rights-based approach to development, and environmental sustainability. Implications for international economic law and policy in the areas of trade, development finance and corporate responsibility are assessed. The conclusion looks to the legal and ethical contributions - and limitations - of the right to development in this new context. With an academic and professional background in international law, human rights and moral theology, the author brings a unique interdisciplinary focus to this timely project.

The Historical Dictionary of Ethics covers a very broad range of ethical topics, including ethical theories, historical periods, historical figures, applied ethics, ethical issues, ethical concepts, non-Western approaches, and related disciplines. Harry J. Gensler and Earl W. Spurgin tackle such issues as abortion, capital punishment, stem cell research, and terrorism while also explaining key theories like utilitarianism, natural law, social contract, and virtue ethics. This reference provides a complete overview of ethics through a detailed chronology, an introductory essay, a bibliography, and over 200 cross-referenced dictionary entries, including bioethics, business ethics, Aristotle, Hobbes, autonomy, confidentiality, Confucius, and psychology.

From Human Dignity to Natural Law shows how the whole of the natural law, as understood in the Aristotelian Thomistic tradition, is contained implicitly in human dignity. Human dignity means existing for one’s own good (the common good as well as one’s individual good), and not as a mere means to an alien good. But what is the true human good? This
question is answered with a careful analysis of Aristotle’s definition of happiness. The natural law can then be understood as the precepts that guide us in achieving happiness. To show that human dignity is a reality in the nature of things and not a mere human invention, it is necessary to show that human beings exist by nature for the achievement of the properly human good in which happiness is found. This implies finality in nature. Since contemporary natural science does not recognize final causality, the book explains why living things, as least, must exist for a purpose and why the scientific method, as currently understood, is not able to deal with this question. These reflections will also enable us to respond to a common criticism of natural law theory: that it attempts to derive statements of what ought to be from statements about what is. After defining the natural law and relating it to human or positive law, Richard Berquist considers Aquinas’s formulation of the first principle of the natural law. It then discusses the love commandments to love God above all things and to love one’s neighbor as oneself as the first precepts of the natural law. Subsequent chapters are devoted to clarifying and defending natural law precepts concerned with the life issues, with sexual morality and marriage, and with fundamental natural rights. From Human Dignity to Natural Law concludes with a discussion of alternatives to the natural law.

In this book I argue for an approach that conceives human rights as both moral and legal rights. The merit of such an approach is its capacity to understand human rights more in terms of the kind of world free and reasonable beings would like to live in rather than simply in terms of what each individual is legally entitled to. While I acknowledge that every human being has the moral entitlement to be granted living conditions that are conducive to a dignified life, I maintain, at the same time, that the moral and legal aspects of human rights are complementary and should be given equal weight. The legal aspect compensates for the limitations of moral human rights the observance of which depends on the conscience of the individual, and the moral aspect tempers the mechanical and inhumane application of the law. Unlike the traditional or orthodox approach, which conceives human rights as rights that individuals have by virtue of their humanity, and the political or practical approach, which understands human rights as legal rights that are meant to limit the sovereignty of the state, the moral-legal approach reconciles law and morality in human rights discourse and underlines the importance of a legal framework that compensates for the deficiencies in the implementation of moral human rights. It not only challenges the exclusively negative approach to fundamental liberties but also emphasizes the necessity of an enforcement mechanism that helps those who are not morally motivated to refrain from violating the rights of others. Without the legal mechanism of enforcement, the understanding of human rights would be reduced to simply framing moral claims against injustices. From the moral-legal approach, the protection of human rights is understood as a common and shared responsibility. Such a responsibility goes beyond the boundaries of nation-states and requires the establishment of a cosmopolitan human rights regime based on the conviction that all human beings are members of a community of fate and that they share common values which transcend the limits of their individual states. In a cosmopolitan human rights regime, people are protected as persons and not as citizens of a particular state.

Beginning with Saint Thomas Aquinas and ending with the latest developments in international human rights, 'Narrative, Nature, and the Natural Law: From Aquinas to International Human Rights,' brings a fairly traditional interpretation of the natural law to some rather untraditional problems and areas, including evolutionary natural law.

Creon’s Ghost examines the enduring problem of the relationship between man’s law and a “higher” law from the perspective of core humanities texts and through discussion of hotly debated contemporary legal conundrums. Today, such issues as intelligent design in school curricula, same-sex marriage, and faith-based government grants are all examples of the interaction between man’s law and some other set of moral principles. As these debates are considered in this book, the author uses texts such as Antigone and Plato’s Republic and pairs them with the most important jurisprudence texts of the 20th century to explore different approaches to the contemporary conflict or court ruling under consideration. Creon’s Ghost demonstrates that the humanities can both illuminate our understanding of contemporary problems and that “classic” texts can be read alongside jurisprudential texts, thus enriching our understanding of and appreciation for law.

Melanie Klein is one of the few analysts whose body of work has inspired sociologists, philosophers, religious scholars, literary critics and political theorists, all attracted to the cross-fertilisation of her ideas. Other Banalities represents a long over-due exploration of her legacy, including contributions from acclaimed interdisciplinary scholars and practitioners. The contributors situate Klein within the history of the psychoanalytic movement, investigate her key theoretical and clinical advances, and look at how her thought has informed contemporary perspectives in the behavioural sciences and humanities. Topics covered range from Klein’s major psychological theories to clinical pathology, child development, philosophy, sociology, politics, religion, ethics and aesthetics. This volume reflects the auspicious future for Kleinian revivalism and demonstrates the broad relevance of Kleinian thought. It will be of great interest to scholars and practitioners of psychology, psychoanalysis and psychotherapy.

The last 100 years can be described as pivotal in our appreciation of human rights. From the Déclaration des droits internationaux de l’homme of 1929 to the more recent discussion of the establishment of an International Court of Justice, the notions of ‘rights’ and ‘international human rights’ have extended beyond rarefied philosophical discourse to become part of our basic vocabulary. The United Nations Universal Declaration of Human Rights (UDHR) of 1948 is a key document that is central to contemporary dialogues about human rights. The UDHR and its subsequent protocols and conventions enumerate a lengthy list of rights that many recognize as fundamental in ensuring human dignity. Philosophical Theory and the Universal Declaration of Human Rights examines the relations and interrelations among theoretical and practical analyses of human rights. Edited by William Sweet, this extensive volume draws on the work of philosophers, political theorists, and those involved in the implementation of human rights. Although diverse in subject and approach, the essays collectively argue that the language of rights and the corresponding legal and political instruments have an important place in contemporary social and political philosophy.

"This volume presents a selection of previously published essays by Joseph Boyle, a crucial contributor to 20th century Catholic moral philosophy through his development of the New Classical Natural Law Theory"--
St. Paul, the Natural Law, and Contemporary Legal Theory grew out of the Year of St. Paul (2008-2009) proclaimed by Pope Benedict XVI. It brings together the insights of Scripture scholars, theologians, philosophers and law professors on the ongoing importance of the natural law for legal theory and international relations. It argues that all human beings share certain common ethical standards based on the moral law written into the human heart.

Reaffirming the Universal Declaration’s recognition of the human rights of the unborn child, this book explores the implications of this recognition for modern international human rights law, establishing a case for restoring legal protection for children at risk of abortion.

The Routledge Guidebook to Aquinas’ Summa Theologiae introduces readers to a work which represents the pinnacle of medieval Western scholarship and which has inspired numerous commentaries, imitators, and opposing views. Outlining the main arguments Aquinas utilizes to support his conclusions on various philosophical and theological questions, this clear and comprehensive guide explores: the historical context in which Aquinas wrote a critical discussion of the topics outlined in the text including theology, metaphysics, epistemology, psychology, ethics, and political theory the ongoing influence of the Summa Theologiae in modern philosophy and theology. Offering a close reading of the original work, this guidebook highlights the central themes of Aquinas’ masterwork and is an essential read for anyone seeking an understanding of this highly influential work in the history of philosophy.

The tradition of natural law is one of the foundations of Western civilization. At its heart is the conviction that there is an objective and universal justice which transcends humanity’s particular expressions of justice. It asserts that there are certain ways of behaving which are appropriate to humanity simply by virtue of the fact that we are all human beings. Recent political debates indicate that it is not a tradition that has gone unchallenged: in fact, the opposition is as old as the tradition itself. By distinguishing between philosophy and ideology, by recalling the historical advances of natural law, and by reviewing the theoretical problems involved in the doctrine, Simon clarifies much of the confusion surrounding this perennial debate. He tackles the questions raised by the application of natural law with skill and honesty as he faces the difficulties of the subject. Simon warns against undue optimism in a revival of interest in natural law and insists that the study of natural law beings with the analysis of “the law of the land.” He writes not as a polemicist but as a philosopher, and he writes of natural law with the same force, conciseness, lucidity and simplicity which have distinguished all his other works.

This volume addresses the issue of the human encounter with the Mystery of God and the purpose of human life. It explores major themes from diverse cultural and philosophical traditions, starting with questions about the possibility of belief in God, His transcendence as seen in both East and West, and ending with questions about ethics and about personhood, human dignity and human rights. Taking an eclectic approach, the chapters in this book each uniquely address aspects of the human encounter with the Mystery of God, drawing from specific cultures and traditions, and using a particular philosophical and theological style. Together, the chapters provide a fresh approach and a synergy that ensures that each topic contributes something new to the dialogue between religion and culture.

Bridging the contending theories of natural law and international relations, this book proposes a ‘relational ontology’ as the basis for rethinking our approach to international politics. Amanda Beattie challenges both the conventional interpretation of natural law as necessarily and intractably theological, and the dominant conception of international relations as structurally distinct from the ends of human good, in order to recover the centrality of other-directed agency to the promotion of human development. Offering an important contribution to the study of international political thought, the book contains a number of challenging and controversial ideas which should provoke constructive debate within international relations theory, political theory, and philosophical ethics.

Indian ethics is one of the great traditions of moral thought in world philosophy whose insights have influenced thinkers in early Greece, Europe, Asia, and the New World. This is the first such systematic study of the spectrum of moral reflections from India, engaging a critical cross-cultural perspective and attending to modern secular sensibilities. The volume explores the scope and limits of Indian ethical thinking, reflecting on the interpretation and application of its teachings and practices in the comparative and contemporary contexts. The chapters chart orthodox and heterodox debates, from early classical Hindu texts to Buddhist, Jain, Yoga, and Gandhian ethics. The range of issues includes: life-values and virtues, karma and dharma, evil and suffering, renunciation and enlightenment; and extends to questions of human rights and justice, ecology and animal ethics, nonviolence and democracy. Ramifications for rethinking ethics in a postmodern and global era are also explored. Indian Ethics offers an invaluable resource for students of philosophy, religion, human sciences and cultural studies, and to those interested in South Asian responses to moral dilemmas in the postcolonial era.

Today the idea of natural law as the basic ingredient in moral, legal, and political thought presents a challenge not faced for almost two hundred years. On the surface, there would appear to be little room in the contemporary world for a widespread belief in natural law. The basic philosophies of the opposition—the rationalism of the philosophes, the utilitarianism of Bentham, the materialism of Marx—appear to have made prior philosophies irrelevant. Yet these newer philosophies themselves have been overtaken by disillusionment born of conflicts between “might” and “right.” Many thoughtful people who were loyal to secular belief have become dissatisfied with the lack of normative principles and have turned once more to natural law. This first book-length study of Edmund Burke and his philosophy, originally published in 1958, explores this intellectual giant’s relationship to, and belief in, natural law. It has long been thought that Edmund Burke was an enemy of the natural law, and was a proponent of conservative utilitarianism. Peter J. Stanlis shows that, on the contrary, Burke was one of the most eloquent and profound defenders of natural law morality and politics in Western civilization. A philosopher in the classical tradition of Aristotle and Cicero, and in the Scholastic tradition of Aquinas, Burke appealed to natural law in the political problems he encountered in American, Irish, Indian, and
British affairs, and in reaction to the French Revolution. This book is as relevant today as it was when it was first published, and will be mandatory reading for students of philosophy, political science, law, and history.

Readings in Ethics offers a vast collection of carefully edited readings arranged chronologically across five historical periods. The selections cover many major Western and non-Western schools of thought, including Daoism, virtue ethics, Buddhism, natural law, deontology, utilitarianism, contractarianism, liberalism, Marxism, feminism, and communitarianism. In addition to texts from canonical philosophers such as Plato, Mill, Wollstonecraft, and Rawls, the volume draws from other sources of wisdom: stories, fables, proverbs, medieval mystical treatises, literature, and poetry. The editors have also written substantial introductions, annotations, discussion questions, and suggestions for further reading, making for a thorough guided tour of our ethical past and present.

Law, Person, and Community: Philosophical, Theological, and Comparative Perspectives on Canon Law takes up the fundamental question “What is law?” through a consideration of the interrelation of the concepts of law, person, and community. As with the concept of law described by secular legal theorists, canon law aims to set a societal order that harmonizes the interests of individuals and communities, secures peace, guarantees freedom, and establishes justice. At the same time, canon law rests upon a traditional understanding of the spiritual end of the human person and religious nature of community. The comparison of one of the world’s ancient systems of religious law with contemporary conceptions of law rooted in secular theory raises questions about the law’s power to bind individuals and communities. Professor John J. Coughlin employs comparative methodology in an attempt to reveal the differing concepts of the human person reflected in both canon law and secular legal theory. Contrasting the contemporary positivistic view of law with the classical view reflected in canon law, Law, Person, and Community discusses the relationship between canon law, theology, and natural law. It also probes the interplay between the metaphysical and historical in the theory of law by an examination of canonical equity, papal authority, and the canon law of marriage. It juxtaposes the assumptions of canon law about church-state relations with those of the modern liberal state as exemplified by U.S. first amendment jurisprudence. No scholarly work has yet addressed this question of how the principles and substance of canon law, both past and present, relate to current issues in legal theory, such as the foundation of human rights in and particular the right of religious freedom for individuals and communities.

In Roman Catholic Political Philosophy author James V. Schall tries to demonstrate that Roman Catholicism and political philosophy—revelation and reason—are not contradictory. It is his contention that political philosophy, the primary focus of the book, asks certain questions about human purpose and destiny that it cannot, by itself, answer. Revelation is the natural complement to these important questions about God, human being, and the world. Schall manages to avoid polemics or triumphalism as he shows that revelation and political thought contribute to a fuller understanding of each other.

This introductory textbook presents Christian philosophical and theological approaches to ethics. Combining their expertise in philosophy and theology, the authors explain the beliefs, values, and practices of various Christian ethical viewpoints, addressing biblical teachings as well as traditional ethical theories that contribute to informed moral decision-making. Each chapter begins with Words to Watch and includes a relevant case study on a vexing ethical issue, such as caring for the environment, human sexuality, abortion, capital punishment, war, and euthanasia. End-of-chapter reflection questions, illustrations, and additional information tables are also included.

French legal culture, from the Middle Ages to the present day, has had an impressive influence on legal norms and institutions that have emerged in Europe and the Americas, as well as in Asian and African countries. This volume examines the lives of twenty-seven key legal thinkers in French history, with a focus on how their Christian faith and ideals were a factor in framing the evolution of French jurisprudence. Professors Olivier Descamps and Rafael Domingo bring together this diverse group of distinguished legal scholars and historians to provide a unique comparative study of law and religion that will be of value to scholars, lawyers, and students. The collaboration among French and non-French scholars, and the diversity of international and methodological perspectives, gives this volume its own unique character and value to add to this fascinating series.

This book shares with English readers Chinese theoretical and practical explorations of moral education curriculum for primary schools within the basic education curriculum reform project since 2001. The book expounds this moral education curriculum reform and focuses on three main ideas: The curriculum’s aim is to enrich children’s experiences and reflect their own lives; the curriculum’s content is originated from children’s lives; the curriculum’s structure is developed from children’s learning approach in their morality and social study. In this book, light is also shed on how to construct moral education textbooks, direct moral instruction, and moral teacher identity in the perspective of moral learning; how to knit law education and Chinese traditional culture education in moral curriculum. This is the first comprehensive book focusing on Chinese moral education curriculum reform. It will appeal to researchers, research students, and writers of moral education textbooks. It is also suitable for teacher training programs to help future teachers learn about moral education curriculum and help them effectively design and organize it for children’s morality study.

Human rights refers to the concept of human beings as having universal rights, or status, regardless of legal jurisdiction, and likewise other localising factors, such as ethnicity and nationality. For many, the concept of “human rights” is based in religious principles. However, because a formal concept of human rights has not been universally accepted, the term has some degree of variance between its use in different local jurisdictions -- difference in both meaningful substance as well as in protocols for and styles of application. Ultimately the most general meaning of the term is one which can only apply universally, and hence the term “human rights” is often itself an appeal to such transcended principles, without basing such on existing legal concepts. The term “humanism” refers to the developing doctrine of such universally applicable values, and it is on the basic concept that human beings have innate rights, that more specific local legal concepts are often based. Within particular societies, “human rights” refers to standards of behaviour as accepted within their
respective legal systems regarding 1) the well being of individuals, 2) the freedom and autonomy of individuals, and 3) the representation of the human interest in government. These rights commonly include the right to life, the right to an adequate standard of living, the prohibition of genocide, freedom from torture and other mistreatment, freedom of expression, freedom of movement, the right to self-determination, the right to education, and the right to participation in cultural and political life. These norms are based on the legal and political traditions of United Nations member states and are incorporated into international human rights instruments. This new book brings together the latest book literature centred on this crucial topic.

Since America’s founding, natural law principles play a critical role in the development of rights and human dignity. Commencing with the notion that rights are derived from a higher, metaphysical power over mere promulgation and human legislation, the natural law advocate sees law and human rights in the context of a more perpetual and perennial philosophy. Coupled with this is the view that the natural law provides a series of undeniable precepts for human operations or a natural prescription for human life based on the natural order. Hence early court cases tend to emphasize the “natural” versus the unnatural and just as compellingly argue that the natural order, aligned with the eternal law, delivers a measure for human action. Earlier US Supreme Court cases often use this sort of language in granting or denying rights in certain human activity. As a result, a survey of some of the most significant landmark cases from the Supreme Court are assessed in “Natural Law and the US Supreme Court since Roe v. Wade” and by implication, those cases which seem to disregard these fundamental principles, such as the slavery decisions, are highlighted.

In Section 1, I outline the history of natural law theory, covering Plato, Aristotle, the Stoics and Aquinas. In Section 2, I explore two alternative traditions of natural law, and explain why these constitute rivals to the Aristotelian tradition. In Section 3, I go on to elaborate a via negativa along which natural law norms can be discovered. On this basis, I unpack what I call three ‘experiments in being’, each of which illustrates the cogency of this method. In Section 4, I investigate and rebut two seminal challenges to natural law methodology, namely, the fact/value distinction in metaethics and Darwinian evolutionary biology. In Section 5, I then outline and criticise the ‘new’ natural law theory, which is an attempt to revise natural law thought in light of the two challenges above. I conclude, in Section 6, with a summary and some reflections on the prospects for natural law theory.


This book contains the collected papers of Alan Donagan on topics in the philosophy of religion. Donagan was respected as a leading figure in American moral philosophy. His untimely death in 1991 prevented him from collecting his philosophical reflections on religion, particularly Christianity, and its relation to ethics and other concerns. This collection, therefore, constitutes the fullest expression of Donagan's thought on Christianity and ethics, in which it is possible to discern the outlines of a coherent, overarching theory. Editor Anthony Perovich has supplied a useful introduction, which brings Donagan's work into focus and brings out the unifying themes in the essays.