



# The Natural Law Foundations of Modern Social Theory

A Quest for Universalism

DANIEL CHERNILO

CAMBRIDGE

# The Natural Law Foundations Of Modern Social Theory

**Kenneth Allan**



## **The Natural Law Foundations Of Modern Social Theory:**

**The Natural Law Foundations of Modern Social Theory** Daniel Chernilo, 2013-01-31 After several decades in which it became a prime target for critique universalism remains one of the most important issues in social and political thought Daniel Chernilo reassesses social theory's universalistic orientation and explains its origins in natural law theory using an impressive array of classical and contemporary sources that include among others Habermas Leo Strauss Weber Marx Hegel Rousseau and Hobbes The Natural Law Foundations of Modern Social Theory challenges previous accounts of the rise of social theory recovers a strong idea of humanity and revisits conventional arguments on sociology's relationship to modernity the enlightenment and natural law It reconnects social theory to its scientific and philosophical roots its descriptive and normative tasks and its historical and systematic planes Chernilo's defense of universalism for contemporary social theory will surely engage students of sociology political theory and moral philosophy alike *Reconciling Law and Morality in Human Rights Discourse* Willy Moka-Mubelo, 2016-12-13 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 *Pufendorf's Theory of Sociability: Passions, Habits and Social Order* Heikki Haara, 2018-11-08 This book centres on Samuel Pufendorf's 1632-1694 moral and political

philosophy a subject of recently renewed interest among intellectual historians philosophers and legal scholars in the English speaking world Pufendorf s significance in conceptualizing sociability in a way that ties moral philosophy the theory of the state political economy and moral psychology together has already been acknowledged but this book is the first systematic investigation of the moral psychological underpinnings of Pufendorf s theory of sociability in their own right Readers will discover how Pufendorf s psychological and social explanation of sociability plays a crucial role in his natural law theory By drawing attention to Pufendorf s scattered remarks and observations on human psychology a new interpretation of the importance of moral psychology is presented The author maintains that Pufendorf s reflection on the psychological and physical capacities of human nature also matters for his description of how people adopt sociability as their moral standard in practice We see how since Pufendorf s interest in human nature is mainly political moral psychological formulations are important for Pufendorf s theorizing of social and political order This work is particularly useful for scholars investigating the multifaceted role of passions and emotions in the history of moral and political philosophy It also affords a better understanding of what later philosophers such as Smith Hume or Rousseau might have found appealing in Pufendorf s writings As such this book will also interest researchers of the Enlightenment natural law and early modern philosophy

*Constitution* Fábio Portela Lopes de Almeida, 2020-09-30 Der Band diskutiert die Rolle und Wichtigkeit von Verfassungen in modernen Gesellschaften Aus interdisziplinärer Perspektive wird aufgezeigt wie sich Verfassungen trotz großer Vielfalt innerhalb der Gesellschaft entwickeln konnten und wie sie dabei helfen ein gemeinsames Moralsystem zu schaffen Der Mensch ist die einzige Spezies die in großen Gemeinschaften leben kann obwohl ihre Mitglieder genetisch unabhängige Individuen sind Diese Vielfalt macht die Rolle von Verfassungen besonders komplex Die Arbeit beleuchtet wie der Konstitutionalismus zur Etablierung eines einheitlichen Moralsystems beiträgt

*Sociological Theory and the Capability Approach* Spiros Gangas, 2019-10-10 Sociological Theory and the Capability Approach connects normative strands of sociological theory to the fusion of ethics and economics proposed by Amartya Sen s and Martha Nussbaum s capability approach Spanning classical Hegel Marx Durkheim Scheler Weber and contemporary debates Parsons Giddens Luhmann it identifies areas that bridge the current gap between sociology and capability approach It thus builds on explanatory and normative concerns shared by both traditions Engaging readers from sociology and capability approach Spiros Gangas suggests that the proposed dialogue should be layered along the main areas of value theory economy and society extending this inquiry into the normative meaning attached to being human To this end the book reconstructs the notion of agency along the tracks of Nussbaum s central human capabilities considering also alienation and the sociology of emotions It concludes by addressing the capability approach through the lens of social institutions before it takes up the challenge of ideological fundamentalism and how it can be effectively confronted by capability approach This original book provides a fresh perspective on capability approach as it embeds it in the rich pool of sociological theory s accomplishments As an

exercise in theoretical and normative convergence it will be required reading for academics and students in social theory cultural theory philosophy and human development studies *Legitimization in World Society* Aldo Mascareño, Kathya Araujo, 2016-04-22 Emerging traits of late global modernity such as transnationalism multiculturalism individualization and supranational contexts of action raise the question of what holds society together Responses have typically made reference to legitimization but the modern world presents challenges to such responses for in such a differentiated globalized setting legitimization can no longer appeal to the previous national ideological or religious foundations of early modernity From a variety of theoretical and empirical perspectives this book explores the manner in which legitimization can be constructed by people groups or institutions under the contemporary pressures and possibilities of modern world society Drawing on cosmopolitan theory postcolonial sociology systems theory and historical sociology it engages with questions of human rights processes of individualization and the constitution of transnational spaces in its examination of the challenges to legitimization As such it will be of interest to scholars of sociology political science and social and legal theory concerned with questions of globalization and the problems of social cohesion and legitimacy **The 'Postmodern Turn' in the Social Sciences** Simon Susen, 2015-07-23 Simon Susen examines the impact of the postmodern turn on the contemporary social sciences On the basis of an innovative five dimensional approach this study provides a systematic comprehensive and critical account of the legacy of the postmodern turn notably in terms of its continuing relevance in the twenty first century

**Debating Humanity** Daniel Chernilo, 2017-04-20 Debating Humanity explores sociological and philosophical efforts to delineate key features of humanity that identify us as members of the human species After challenging the normative contradictions of contemporary posthumanism this book goes back to the foundational debate on humanism between Jean Paul Sartre and Martin Heidegger in the 1940s and then re assesses the implicit and explicit anthropological arguments put forward by seven leading postwar theorists self transcendence Hannah Arendt adaptation Talcott Parsons responsibility Hans Jonas language J rgen Habermas strong evaluations Charles Taylor reflexivity Margaret Archer and reproduction of life Luc Boltanski Genuinely interdisciplinary and boldly argued Daniel Chernilo has crafted a novel philosophical sociology that defends a universalistic principle of humanity as vital to any adequate understanding of social life Routledge International Handbook of Contemporary Social and Political Theory Gerard Delanty, Stephen P. Turner, 2021-09-20 The triangular relationship between the social the political and the cultural has opened up social and political theory to new challenges The social can no longer be reduced to the category of society and the political extends beyond the traditional concerns of the nature of the state and political authority This Handbook will address a range of issues that have recently emerged from the disciplines of social and political theory focusing on key themes as opposed to schools of thought or major theorists It is divided into three sections which address the most influential theoretical traditions that have emerged from the legacy of the twentieth century the most important new and emerging frameworks of analysis today the major theoretical

problems in recent social and political theory The Second edition is an enlarged revised and updated version of the first edition which was published in 2011 and comprised 42 chapters The new edition consists of 50 chapters of which seventeen are entirely new chapters covering topics that have become increasingly prominent in social and political theory in recent years such as populism the new materialism postcolonialism Deleuzean theory post humanism post capitalism as well as older topics that were not covered in the first edition such as Arendt the gift critical realism anarchism All chapters retained from the first edition have been thoroughly revised and updated The Routledge International Handbook of Contemporary Social and Political Theory encompasses the most up to date developments in contemporary social and political theory and as such is an essential research tool for both undergraduate and postgraduate students as well as researchers working in the fields of political theory social and political philosophy contemporary social theory and cultural theory

**Jurisprudence and Socio-Legal Studies** Roger Cotterrell, 2024-03-12 This book presents a set of related studies aimed at showing key points of intersection and common interest between jurisprudence and socio legal studies which are otherwise typically considered distinct fields It reflects and draws on the author s work in these areas over more than four decades The first half of the book explores theoretical issues surrounding the enterprise of socio legal research its current scope and its historical traditions Some chapters directly compare juristic theory and socio legal inquiry Chapters in Part II profile a selection of European jurists whose work offers important insights for socio legal inquiry Other chapters frame these studies explore the history of interactions between jurisprudence and socio legal research and show points of convergence between these fields that are increasingly important today A main aim of the book is to show the current urgency of linking and broadening juristic and social scientific interests in law Internationally oriented the book will be of interest to students and researchers in the areas of jurisprudence legal philosophy sociology of law socio legal studies and comparative law It is suitable as supplementary reading for courses in any of these subjects

*Routledge International Handbook of Cosmopolitanism Studies* Gerard Delanty, 2018-07-27 Cosmopolitanism is about the extension of the moral and political horizons of people societies organizations and institutions Over the past 25 years there has been considerable interest in cosmopolitan thought across the human social sciences The second edition of the Routledge International Handbook of Cosmopolitanism Studies is an enlarged revised and updated version of the first edition It consists of 50 chapters across a broader range of topics in the social and human sciences Eighteen entirely new chapters cover topics that have become increasingly prominent in cosmopolitan scholarship in recent years such as sexualities public space the Kantian legacy the commons internet generations care and heritage This Second Edition aims to showcase some of the most innovative and promising developments in recent writing in the human and social sciences on cosmopolitanism Both comprehensive and innovative in the topics covered the Routledge International Handbook of Cosmopolitanism Studies is divided into four sections Cosmopolitan theory and history with a focus on the classical and contemporary approaches The cultural dimensions of

cosmopolitanism The politics of cosmopolitanism World varieties of cosmopolitanism There is a strong emphasis in interdisciplinarity with chapters covering contributions in philosophy history sociology anthropology media studies international relations The Handbook's clear and comprehensive style will appeal to a wide undergraduate and postgraduate audience across the social and human sciences

**Theorising Noumenal Power** Mark Haugaard, Matthias Kettner, 2020-06-09 Theorising Noumenal Power is a critical engagement with Rainer Forst's theory of what he calls noumenal power Forst is the most significant younger generation critical theorist of the Frankfurt School and his critics include several of the most influential contemporary political power theorists The concept of noumenal power locates the sources of social and political power in the space of reasons or justifications using a normatively neutral account of justification To exercise power on that account means to be able to determine use close or open up the space of justifications for others Going back to Kant the social subject is theorized as a reasoning being who confers legitimacy upon political structures based upon the cognitive faculty of justification As argued by Max Weber authority is the foundation of political institutions and authority presupposes a belief in legitimacy On the one hand such beliefs can be distorted as in ideology or they can be based upon a process of reasoned justification relative to normatively desirable principles Critiquing the former while building upon the latter serves as the foundation for theorising just democratic political institutions For Forst's critics a key theme is how to differentiate ideological bad justification typically based upon emotion from normatively right democratic reasoning Other important themes are the analysis of structural domination or the use of threats or other means of exercising power The debate in this volume constitutes an exciting new way of rethinking the foundations of ideology political power democracy and justice Providing a state of the art discussion concerning the relationship between political power and justification Theorising Noumenal Power is essential for students and scholars interested in the theoretical foundations of political power democracy and justice The chapters were originally published in the Journal of Political Power

Routledge Handbook of Cosmopolitanism Studies Gerard Delanty, 2012 This book reflects the broad reception of cosmopolitan thought in a variety of disciplines and across international borders

The New Blackwell Companion to Social Theory Bryan S. Turner, 2009-01-30 A comprehensive new collection covering the principal traditions and critical contemporary issues of social theory Builds on the success of The Blackwell Companion to Social Theory second edition with substantial revisions entirely new contributions and a fresh editorial direction Explores contemporary areas such as actor network theory social constructionism human rights and cosmopolitanism Includes chapters on demography science and technology studies and genetics and social theory Emphasizes key areas of sociology which have had an important impact in shaping the discipline as a whole

Classical and Contemporary Social Theory Tim Delaney, 2016-01-08 Classical and Contemporary Social Theory Investigation and Application 1 e is the most comprehensive informative social theory book on the market The title covers multiple schools of thought and applies their ideas to society today Readers will learn the origins

of social theory and understand the role of myriad social revolutions that shaped the course of societies around the world

*Religion, Realism and Social Theory* Philip A Mellor, 2004-10-18 This book challenges those contemporary sociologists who argue that the notion of society is an outmoded basis for sociological analysis and instead revitalizes the idea that sociology is truly the study of society Mellor returns the human and religious aspects of social life to the centre of social theory

**Contemporary Social and Sociological Theory** Kenneth Allan, 2006 An upper division undergraduate social theory textbook that introduces the student to the multitude of different theorists This book helps students grasp theories and their relevance and application to modern life

*John Locke's Two Treatises of Government* Edward J. Harpham, 1992 The past thirty years have witnessed a renaissance in Lockean scholarship New work and new thinking has now recast our most basic comprehension of John Locke 1623-1704 as a political theorist and of Locke's *Two Treatises of Government* as a historical document This collection of essays investigates the implications of the new scholarship for our understanding of Locke's political thought and its impact upon the liberal tradition John Locke's *Two Treatises of Government* has long been recognized as one of the great works of political philosophy Three centuries after it was written students and scholars continue to study it for insights into the intellectual origins of the modern world and for a better understanding of such fundamental concepts as natural rights social contract limited government and the rule of law The seven essays in this volume explore various dimensions of Locke's *Two Treatises* The introductory essay places the new scholarship in a historical context The next four essays show how this recent literature has affected our view of particular aspects of the *Two Treatises* its theory of politics its religious underpinnings its theory of rationality and its conception of the relationship between politics and economics The final two essays discuss how the new scholarship has changed our understanding of the impact of the *Two Treatises* upon political thought in the eighteenth and late twentieth centuries Included at the end of the text is an extended secondary bibliography on John Locke's *Two Treatises* These essays do not seek closure Nor do they set forth a single correct interpretation Instead they offer readers a deeper appreciation of how our view of Locke's *Two Treatises* has changed over the last three decades and the importance of those changes in understanding of the liberal tradition A solid contribution to the literature bringing together some of the best new scholarship on Locke and reflecting the diversity breadth and depth of the current debate on both Locke and early liberalism The editor's selection clearly demonstrates there is no single orthodox reading of Locke and conveys the intellectually lively debate that pervades the field today Ronald J Terchek author of *Locke Smith Mill and the Liberal Concept of Agency*

**Jurisprudence** Brian Bix, 2012 A broad overview of the main topics and central issues in legal theory Jurisprudence provides students with an informative introduction Academically challenging and often controversial ideas are pre

**The Range of Social Theory** Floyd Nelson House, 1929



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