

1: The Nature of Law (Stanford Encyclopedia of Philosophy)

Law of nature, in the philosophy of science, a stated regularity in the relations or order of phenomena in the world that holds, under a stipulated set of conditions, either universally or in a stated proportion of instances. (The notion is distinct from that of a natural law—i.e., a law of right.

What is natural law? When Thomas Jefferson wrote, "We hold these truths to be self-evident" he was referring to natural law. Natural law is the universal standard that directly reflects human nature; natural law can be determined by careful consideration of the human condition, regardless of cultural influences. Jefferson considered the equality of man, and life, liberty, and the pursuit of happiness purpose and livelihood to be born directly from the nature of humanity. The concept of natural law has evolved and will continue to do so. Plato hinted at it when he wrote of the ultimate, perfect forms that nature attempts to reflect. Aristotle believed there was a common law that applied to all of nature, and governments would do well to attempt to live by it, even if they had to resort to not governing at all. Cicero believed natural law comes directly from God. He defined it as "the safety of citizens, the preservation of states, and the tranquility and happiness of human life. He believed natural law was more individual and based on personal survival and prosperity. The primary purpose of society is to avert war, Hobbes said, because war harms individuals. If developed properly, civil law also known as "positive law" is derived from natural law. Where natural law is vague citizens should be safe, governments must develop more specific standards violent criminals will be prosecuted. In an ideal world, everyone would be internally ruled by natural law. Government would be all but unnecessary, and all humanity would be willingly subject to universal standards. The problem, obviously, is that mankind is unable to agree on the definition of natural law and has no hope of agreeing on how it should be enforced. Hobbes said the fulfillment of natural law was protection of the individual, Cicero said it was support of the state, and Jefferson said it was life and liberty—despite the fact that he owned slaves. In truth, natural law is given by Him who created nature, and most philosophers have looked to God for the definition. The Bible does support the idea of natural law, but not in the way most think. Paul spoke of natural law in Romans 2: Therefore, God gave us His revealed law, inspiring the prophets and the writers of the Bible to explain how to live according to the natural law that we catch glimpses of, but can never really grasp. The natural law God gave to humanity is fairly similar to what most cultures would include in their mores: But we are more than biological life forms. If that love entails personal harm Matthew 5: Our spiritual nature is greater than our physical nature, and our spiritual natural law trumps even physical life.

2: Law of nature | Define Law of nature at www.enganchecubano.com

Science includes many principles at least once thought to be laws of nature: Newton's law of gravitation, his three laws of motion, the ideal gas laws, Mendel's laws, the laws of supply and demand, and so on.

The Social Thesis asserts that law is, profoundly, a social phenomenon, and that the conditions of legal validity consist of social—“that is, non-normative”—facts. Law, they thought, is basically the command of the sovereign. Later legal positivists have modified this view, maintaining that social rules, and not the facts about sovereignty, constitute the grounds of law. Most contemporary legal positivists share the view that there are rules of recognition, namely, social rules or conventions which determine certain facts or events that provide the ways for the creation, modification, and annulment of legal standards. These facts, such as an act of legislation or a judicial decision, are the sources of law conventionally identified as such in each and every modern legal system. One way of understanding the legal positivist position here is to see it as a form of reduction: Natural lawyers deny this insight, insisting that a putative norm cannot become legally valid unless it passes a certain threshold of morality. Positive law must conform in its content to some basic precepts of natural law, that is, universal morality, in order to become law in the first place. In other words, natural lawyers maintain that the moral content or merit of norms, and not just their social origins, also form part of the conditions of legal validity. And again, it is possible to view this position as a non-reductive conception of law, maintaining that legal validity cannot be reduced to non-normative facts. The Separation Thesis is an important negative implication of the Social Thesis, maintaining that there is a conceptual separation between law and morality, that is, between what the law is, and what the law ought to be. The Separation Thesis, however, has often been overstated. It is sometimes thought that natural law asserts, and legal positivism denies, that the law is, by necessity, morally good or that the law must have some minimal moral content. The Social Thesis certainly does not entail the falsehood of the assumption that there is something necessarily good in the law. Legal positivism can accept the claim that law is, by its very nature or its essential functions in society, something good that deserves our moral appreciation. Nor is legal positivism forced to deny the plausible claim that wherever law exists, it would have to have a great many prescriptions which coincide with morality. There is probably a considerable overlap, and perhaps necessarily so, between the actual content of law and morality. Once again, the Separation Thesis, properly understood, pertains only to the conditions of legal validity. It asserts that the conditions of legal validity do not depend on the moral merits of the norms in question. What the law is cannot depend on what it ought to be in the relevant circumstances. Many contemporary legal positivists would not subscribe to this formulation of the Separation Thesis. A contemporary school of thought, called inclusive legal positivism, endorses the Social Thesis, namely, that the basic conditions of legal validity derive from social facts, such as social rules or conventions which happen to prevail in a given community. But, inclusive legal positivists maintain, legal validity is sometimes a matter of the moral content of the norms, depending on the particular conventions that happen to prevail in any given community. The social conventions on the basis of which we identify the law may, but need not, contain reference to moral content as a condition of legality. The natural law tradition has undergone a considerable refinement in the 20th century, mainly because its classical, popular version faced an obvious objection about its core insight: The idea that law must pass, as it were, a kind of moral filter in order to count as law strikes most jurists as incompatible with the legal world as we know it. Therefore, contemporary natural lawyers have suggested different and more subtle interpretations of the main tenets of natural law. For example, John Finnis views natural law in its Thomist version not as a constraint on the legal validity of positive laws, but mainly as an elucidation of an ideal of law in its fullest, or highest sense, concentrating on the ways in which law necessarily promotes the common good. As we have noted earlier, however, it is not clear that such a view about the necessary moral content of law is at odds with the main tenets of legal positivism. To the extent that there is a debate here, it is a metaphysical one about what is essential or necessary to law, and about whether the essential features of law must be elucidated in teleological terms or not. Legal positivists do not tend to seek deep teleological accounts of law, along the lines articulated by Finnis, but whether they need to deny

such metaphysical projects is far from clear. His core idea is that the very distinction between facts and values in the legal domain, between what the law is and what it ought to be, is much more blurred than legal positivism would have it: Determining what the law is in particular cases inevitably depends on moral-political considerations about what it ought to be. Evaluative judgments, about the content law ought to have or what it ought to prescribe, partly determine what the law actually is. This conception went through two main stages. In the s Dworkin argued that the falsehood of legal positivism resides in the fact that it is incapable of accounting for the important role that legal principles play in the law. Legal positivism envisaged, Dworkin claimed, that the law consists of rules only. However, this is a serious mistake, since in addition to rules, law is partly determined by legal principles. The distinction between rules and principles is a logical one. If it does not apply, it is simply irrelevant to the outcome. On the other hand, principles do not determine an outcome even if they clearly apply to the pertinent circumstances. Principles provide judges with a legal reason to decide the case one way or the other, and hence they only have a dimension of weight. The most interesting, and from a positivist perspective, most problematic, aspect of legal principles, however, consists in their moral dimension. It is, in fact, partly a moral consideration that determines whether a legal principle exists or not. Because a legal principle exists, according to Dworkin, if the principle follows from the best moral and political interpretation of past judicial and legislative decisions in the relevant domain. In other words, legal principles occupy an intermediary space between legal rules and moral principles. Legal rules are posited by recognized institutions and their validity derives from their enacted source. Moral principles are what they are due to their content, and their validity is purely content dependent. Legal principles, on the other hand, gain their validity from a combination of source-based and content-based considerations. As Dworkin put it in the most general terms: The validity of a legal principle then, derives, from a combination of facts and moral considerations. The facts concern the past legal decisions which have taken place in the relevant domain, and the considerations of morals and politics concern the ways in which those past decisions can best be accounted for by the correct moral principles. Needless to say, if such an account of legal principles is correct, the Separation Thesis can no longer be maintained. But many legal philosophers doubt that there are legal principles of the kind Dworkin envisaged. There is an alternative, more natural way to account for the distinction between rules and principles in the law: Legal norms can be more or less general, or vague, in their definition of the norm-act prescribed by the rule, and the more general or vague they are, the more they tend to have those quasi-logical features Dworkin attributes to principles. More importantly, notice that if you make the legal validity of norms, such as legal principles, depend on moral argument, you allow for the possibility that an entire legal community may get its laws wrong. Any moral mistake in the reasoning leading to a legal principle might render the conclusion about the principle unsound, and the principle itself thus not legally valid. Since there is nothing to prevent judges and other legal actors from making moral mistakes, there is nothing to prevent a result whereby an entire legal community, and for a long time, gets its laws wrong Marmor , chapter 4. Perhaps Dworkin would have not found this problematic, but others might; the idea that an entire legal community can be systematically mistaken about its own laws might strike legal theorists as deeply problematic. The main argument consists of two main premises. The first thesis maintains that determining what the law requires in each and every particular case necessarily involves interpretative reasoning. Now, according to the second premise, interpretation always involves evaluative considerations. More precisely, perhaps, interpretation is neither purely a matter of determining facts, nor is it a matter of evaluative judgment per se, but an inseparable mixture of both. Clearly enough, one who accepts both these theses must conclude that the Separation Thesis is fundamentally flawed. If Dworkin is correct about both theses, it surely follows that determining what the law requires always involves evaluative considerations. Some legal philosophers have argued that legal reasoning is not as thoroughly interpretative as Dworkin assumes. Interpretation, according to this view, long maintained by H. Hart , chapter 7 , is an exception to the standard understanding of language and communication, rendered necessary only when the law is, for some reason, unclear. However, in most standard instances, the law can simply be understood, and applied, without the mediation of interpretation Marmor , chapter 6. Note, however, that although both Dworkin and inclusive legal positivists share the view that morality and legal validity are closely related, they differ on the grounds of

this relationship. Inclusive positivism, on the other hand, maintains that such a dependence of legal validity on moral considerations is a contingent matter; it does not derive from the nature of law or of legal reasoning as such. Inclusive positivists accept the Social Thesis; they claim that moral considerations affect legal validity only in those cases where this is dictated by the social rules or conventions which happen to prevail in a given legal system. Legal validity, according to this view, is entirely dependent on the conventionally recognized factual sources of law. It may be worth noting that those legal theories maintaining that legal validity partly depends on moral considerations must also share a certain view about the nature of morality. Namely, they must hold an objective stance with respect to the nature of moral values. Otherwise, if moral values are not objective and legality depends on morality, legality would also be rendered subjective, posing serious problems for the question of how to identify what the law is. Some legal theories, however, do insist on the subjectivity of moral judgements, thus embracing the skeptical conclusions that follow about the nature of law. According to these skeptical theories, law is, indeed, profoundly dependent on morality, but, as these theorists assume that morality is entirely subjective, it only demonstrates how the law is also profoundly subjective, always up for grabs, so to speak. This skeptical approach, fashionable in so-called post-modernist literature, crucially depends on a subjectivist theory of values, which is rarely articulated in this literature in any sophisticated way. This conspicuous feature of law made it very tempting for some philosophers to assume that the normativity of law resides in its coercive aspect. Even within the legal positivist tradition, however, the coercive aspect of the law has given rise to fierce controversies. Early legal positivists, such as Bentham and Austin, maintained that coercion is an essential feature of law, distinguishing it from other normative domains. Legal positivists in the 20th century have tended to deny this, claiming that coercion is neither essential to law, nor, actually, pivotal to the fulfillment of its functions in society. How to understand these claims about the essence of law, and the question of whether these claims are about metaphysics or something else, perhaps about morality, will be discussed in section 2. John Austin famously maintained that each and every legal norm, as such, must comprise a threat backed by sanction. This involves at least two separate claims: In a second, though not less problematic sense, the intimate connection between the law and the threat of sanctions is a thesis about the normativity of law. In addition to this particular controversy, there is the further question, concerning the relative importance of sanctions for the ability of law to fulfill its social functions. Twentieth century legal positivists, like H. Hart and Joseph Raz, deny this, maintaining that the coercive aspect of law is much more marginal than their predecessors assumed. Once again, the controversy here is actually twofold: And even if it is not deemed essential, how important it is, compared with the other functions law fulfills in our lives? This emphasis on the reason-giving function of rules is surely correct, but perhaps not enough. Supporters of the predictive account could claim that it only begs the further question of why people should regard the rules of law as reasons or justifications for actions. If it is, for example, only because the law happens to be an efficient sanction-provider, then the predictive model of the normativity of law may turn out to be correct after all. The extent to which law can actually guide behavior by providing its subjects with reasons for action has been questioned by a very influential group of legal scholars in the first half of the 20th century, called the Legal Realism school. American Legal Realists claimed that our ability to predict the outcomes of legal cases on the basis of the rules of law is rather limited. In the more difficult cases which tend to be adjudicated in the appellate courts, legal rules, by themselves, are radically indeterminate as to the outcome of the cases.

3: Natural law - Wikipedia

The laws of physics are generally looked upon as a paradigm of exactitude. Therefore one would naturally take it for granted that probably no other science would be able to give such a clear and definite answer when asked what is meant when we speak of a law of nature.

References and Further Reading 1. Laws of Nature vs. Laws of Science what he at that time called "physical laws" are with few exceptions are inaccurate, are at best approximations of the truth, and are of limited range of application. The theme has since been picked up and advanced by Nancy Cartwright. If scientific laws are inaccurate, then presumably there must be some other laws statements, propositions, principles, doubtless more complex, which are accurate, which are not approximation to the truth but are literally true. When, for example, generations of philosophers have agonized over whether physical determinism precludes the existence of free will for example, Honderich, they have been concerned with these latter laws, the laws of nature itself. It is the explication of these latter laws, the Laws of Nature, that is the topic of this article. We will not here be examining the "approximate truths" of science. Thus, to cite just one example, the controversy over whether scientific laws are merely instruments lies outside the topic of this article. Regularity Recent scholarship for example, that of J. Wright and of Beauchamp and Rosenberg makes a convincing case that the received view as to what David Hume offered as an explication of the concept of law of nature was quite mistaken, indeed the very opposite of what Hume was arguing. What, historically, until late in the Twentieth Century, was called the "Humean" account of Laws of Nature was a misnomer. Hume himself was no "Humean" as regards laws of nature. Hume, it turns out, was a Necessitarian i. His legendary skepticism was epistemological. He was concerned, indeed even baffled, how our knowledge of physical necessity could arise. What, in experience, accounted for the origin of the idea? What, in experience, provided evidence of the existence of the property? He could find nothing that played such a role. Yet, in spite of his epistemological skepticism, he persisted in his belief that laws of nature are physical necessities. So as not to perpetuate the historical error as to what "Humean" properly connotes, I will abandon that term altogether and will adopt the relatively unproblematical term "Regularity" in its stead. There is no physical necessity, either in laws or in nature itself. There is no intermediate state between logical necessity on the one hand and sheer contingency on the other. Necessitarianism Necessitarians, in contrast, argue that there is physical or as they sometimes call it "nomic" or "nomological" necessity. They offer two different accounts. According to some Necessitarians, physical necessity is a property of the Laws of Nature along with truth, universality, etc. Thus, for example, on the first of these two Necessitarian theories, electrons will bear the electrical charge. On this latter account, the statement "All electrons bear a charge of Laws of Nature 1. But "Stars exist" although true does not express a law of nature: Categorical claims which are equivalent to conditional claims e. Laws of physics which are expressed mathematically are taken to be elliptical for conditional truths. Regularists say "yes"; Necessitarians, "no". Laws of Nature Moas a large flightless bird that lived in New Zealand have been extinct for more than a century. Suppose it died at the age of n years. Thus the statement "No moa lives beyond the age of n years" is true where "lives" is being used as a tenseless verb. Moreover this statement satisfies all the other necessary conditions specified above. But, Necessitarians will argue, the statement "No moa lives beyond the age of n years" is not a law of nature. It is counterintuitive to believe that such a statement could be on the same metaphysical footing as "No perpetual motion machine of the first kind exists", or, citing another example, "No object having mass is accelerated beyond the speed of light". The difference lies in the alleged fact that the latter two cases about perpetual motion machines and about massy objects are physically necessary truths; the former about moas is a mere accidental truth. Now suppose that Ludwig had a younger brother, Johann, hatched from the same clutch of eggs, one hour later than Ludwig himself. Poor Johann he was shot by a hunter 10 minutes before Ludwig died of his illness. But, surely, had Johann not been shot, he would have lived to a greater age than Ludwig. Unlike his very slightly older brother, Johann was in perfect health. His death was a misfortune; it was not mandated by a law of nature. Given that what it is to be physically impossible is to be logically inconsistent with a law of nature,

then every false existential statement of the sort "Some S is P" or "There is an S that is a P" would turn out to be, not just false, but physically impossible. But surely the statement "There is a river of cola", although false, is not physically impossible. There could be such a river. It would merely require a colossal accident such as befell Boston in when a huge vat of molasses ruptured, or the foolish waste of a great deal of money. If "there is a river of cola" is not to be regarded as physically impossible, then some one or more further conditions must be added to the set of necessary conditions for lawfulness. Physical necessity would seem to be that needed further condition. Failure Suppose 1 that Earth is the only planet in the universe to have supported intelligent life; and 2 that all life on Earth perished in when the earth was struck by a meteor 10, km in diameter. Clearly, under those conditions, the Wright Brothers would never have flown their plane at Kitty Hawk. Even though tinkerers and engineers had been trying for centuries to build a heavier-than-air motorized flying machine, everyone had failed to produce one. But their failure was merely failure; these projects were not doomed. Yet, if the universe had had the slightly different history just described, the statement "there is a heavier-than-air motorized flying machine" would turn out to be physically impossible; hence the project was doomed. But, Necessitarians will argue, not all projects that fail are doomed. Some are doomed, e. Again, just as in the case of accidental truths and lawful truths, we do not want to collapse the distinction between doom and failure. Some projects are doomed; others are mere failures. The distinction warrants being preserved, and that requires positing physical necessity and "what is the other side of the same coin" physical impossibility. The Case for Regularity With the dawning of the modern, scientific, age came the growing realization of an extensive sublime order in nature. To be sure, humankind has always known that there is some order in the natural world e. But until the rise of modern science, no one suspected the sweep of this order. The worldview of the West has changed radically since the Renaissance. From a world which seemed mostly chaotic, there emerged an unsuspected underlying order, an order revealed by physics, chemistry, biology, economics, sociology, psychology, neuroscience, geology, evolutionary theory, pharmacology, epidemiology, etc. And so, alongside the older metaphysical question, "Why is there anything, rather than nothing? What accounts for it? Naturalizing Philosophy Even as recently as the Eighteenth Century, we find philosophers e. Montesquieu explicitly attributing the order in nature to the hand of God, more specifically to His having imposed physical laws on nature in much the same way as He imposed moral laws on human beings. There was one essential difference, however. In the Twentieth Century virtually all scientists and philosophers have abandoned theistic elements in their accounts of the Laws of Nature. But to a very great extent "so say the Regularists" the Necessitarians have merely replaced God with Physical Necessity. Regularists reject this view of the world. Regularists eschew a view of Laws of Nature which would make of them inviolable edicts imposed on the universe. Such a view, Regularists claim, is simply a holdover from a theistic view. It is time, they insist, to adopt a thoroughly naturalistic philosophy of science, one which is not only purged of the hand of God, but is also purged of its unempirical latter-day surrogate, namely, nomological necessity. The difference is, perhaps, highlighted most strongly in Necessitarians saying that the Laws of Nature govern the world; while Regularists insist that Laws of Nature do no more or less than correctly describe the world. I will not further pursue the issue of reductivism in this article. Just this say the Necessitarians: How can Regularists reply to this seemingly devastating attack, issuing as it does from deeply entrenched philosophical intuitions? Regularists will defend their theory against this particular objection by arguing that the expression "physically impossible" has different meanings in the two theories: That is, anything that is inconsistent with a Law of Nature is "physically impossible". On a prescriptivist account of Laws of Nature, one would say Laws of Nature "rule out" certain events and states-of-affairs. On both accounts "Necessitarianism and Regularity" what is physically impossible never, ever, occurs "not in the past, not at present, not in the future, not here, and not anywhere else. What is physically impossible is not merely nonoccurrent or nonexistent. These events and states-of-affairs simply could not occur or exist. When Necessitarians say of a claim e. In contrast, when Regularists say that some situation is physically impossible e. There is no nomic dimension to their claim. They are not making the modal claim that there could not be such a river; they are making simply the factual nonmodal claim that there timelessly is no such river. According to Regularists, the concept of physical impossibility is nothing but a special case of the

concept of timeless falsity. It is only when one imports from other theories Necessitarianism, Prescriptivism, etc. Understand the ambiguity of the expression, and especially its nonmodal character in the Regularity theory, and the objection that the Necessitarians level is seen to miss its mark. There is an allied residual problem with the foundations of Necessitarianism. Some recent authors [e. Armstrong and Carroll] have written books attempting to explicate the concept of nomicity. But they confess to being unable to explicate the concept, and they ultimately resort to treating it as an unanalyzable base on which to erect a theory of physical lawfulness. Regularity and Explanation Another philosophical intuition that has prompted the belief in Necessitarianism has been the belief that to explain why one event occurred rather than another, one must argue that the occurring event "had to happen" given the laws of nature and antecedent conditions.

4: Laws of Nature | Internet Encyclopedia of Philosophy

Natural law (Latin: ius naturale, lex naturalis) is a philosophy asserting that certain rights are inherent by virtue of human nature, endowed by nature—traditionally by God or a transcendent source—and that these can be understood universally through human reason.

The laws of physics are generally looked upon as a paradigm of exactitude. Therefore one would naturally take it for granted that probably no other science would be able to give such a clear and definite answer when asked what is meant when we speak of a law of nature. What is a Law of Nature? The answer does not really seem to be very difficult. Experience—first the unsystematized experience of his daily struggle for life and afterwards the experience derived from systematically and rationally planned scientific experiments—shows him that the natural processes which take place in his environment do not follow one another in an arbitrary, kaleidoscopic manner, but that they present a notable degree of regularity. He eagerly strives to become acquainted with the nature of this regularity, because such knowledge will be of tremendous advantage to him in his struggle for life. The order of nature thus perceived by man is of the same type throughout. Certain features in the succession of natural events always and everywhere show themselves to be connected with certain other features. Of special biological significance is that case in which the one group of characters precedes the other group in time. The circumstances preceding a certain happening A which is often observed in nature, divide themselves into two typical groups: When it is further discovered that conversely the unchanging group is always followed by A, this discovery gives rise to the statement that this invariable group of circumstances is the cause that brings about the phenomenon A. Thus, hand-in-hand with the discovery of special regular connections, we come to the idea of a general necessary connectedness between one phenomenon and others as an abstraction from the mass of connections as a whole. Above and beyond our actual experience, the general postulate is laid down that in those cases in which we have not yet succeeded in isolating the causal source of any specific phenomenon, such a source must surely exist—in other words, that every natural process or event is absolutely and quantitatively determined at least through the totality of the circumstances or physical conditions that accompany its appearance. This postulate is sometimes called the "principle of causality. Now, what we call a "law of nature" is nothing else than any one of the regularities observed in natural occurrences, insofar as it is looked upon as necessary, in the sense of the above-mentioned postulate. Is there still some obscurity here, some occasion for doubt? And, if so, where? Since about the actual facts there can be no doubt whatever, the only questionable feature is the justifiability or universal applicability of the causal postulate. Within the past four or five decades physical research has clearly and definitely shown—strange discovery—that chance is the common root of all the rigid conformity to Law that has been observed, at least in the overwhelming majority of natural processes, the regularity and invariability of which have led to the establishment of the postulate of universal causality. In order to produce a physical process wherein we observe such conformity to Law innumerable thousands, often billions, of single atoms or molecules must combine. For professional physicists I may say here in parenthesis that this is also true of those phenomena in which, as we often say to-day, the effect produced by a single atom can be successfully studied; because in truth the interaction of this atom with thousands of others determines the observed effect. In a very large number of cases of totally different types, we have now succeeded in explaining the observed regularity as completely due to the tremendously large number of molecular processes that are cooperating. The individual process may, or may not, have its own strict regularity. In the observed regularity of the mass phenomenon the individual regularity if any need not be considered as a factor. On the contrary, it is completely effaced by averaging millions of single processes, the average values being the only things that are observable to us. The average values manifest their own purely statistical regularity, which they would also do if the outcome of each single molecular process were determined by the throwing of dice, the spinning of a roulette wheel or the drawing of sweepstake tickets from a drum. The statistical interpretation of the laws is illustrated in the simplest and clearest manner by the phenomena of gases, from which, by the way, the new ideas started. In this case the individual process is the collision of two gas molecules, either with one

another or with the wall of the container. The pressure of the gas against the walls of the container was formerly attributed to a specific expansive force of matter in the gaseous state; but according to the molecular theory it is due to the bombardment of the molecules. The number of collisions per second against one square centimeter of the surface of the wall is tremendous. For atmospheric pressure at zero degrees Centigrade it runs into twenty-four figures ². Even in the most complete terrestrial vacuum and for only one square millimeter and only one-thousandth of a second the number still runs into a figure of eleven places. Besides giving a complete account of the so-called gas laws, that is, of the dependence of pressure on temperature and volume, the molecular theory also explains all other properties of real gases, such as friction, heat conduction, diffusion ³ and this purely statistically, as a consequence of the molecules being exchanged between different parts of the gas by individual processes of the utmost irregularity. In performing the corresponding calculations and discussing the relevant considerations we generally assume the validity of the mechanical laws for the single happening, the collision. But it must be stated that this is not at all necessary. It would be quite sufficient to assume that at each individual collision an increase in mechanical energy and mechanical momentum is just as probable as a decrease, so that taking the average of a great many collisions, these quantities remain constant in much the same way as two dice cubes, if thrown a million times, will yield the average 7 whereas the result of each single throw is a pure matter of chance. From what has been said it follows that the statistical interpretation of the gas laws is possible, perhaps also that it is the most simple; yet we cannot conclude that it is the only possible interpretation. But a crucial test is furnished by the following experiment. If the pressure of a gas is really only a statistical average value it must be subject to fluctuations. These must become all the more obvious the more the number of cooperating elementary processes is reduced by reducing 1 the surface against which the pressure is exerted and 2 the inertia of the body which experiences the pressure, in order to allow a prompt reaction to a fluctuation that occurs within a short period of time. Both these conditions can be attained by suspending tiny, ultra-microscopical particles in the gas. These actually show a zig-zag movement of extreme irregularity, long known as the Brownian movement, which never comes to rest and agrees in all particulars with the theoretical predictions. Although the number of molecules which hit the particle during a measurable period of time is still very large, it is yet not large enough to produce an absolutely uniform pressure from all sides. Through a chance preponderance of the impact in a chance direction, which changes quite irregularly from moment to moment, the particle will be driven hither and thither on quite an irregular path. Here, therefore, we see a law of nature ⁴ the law of gas pressure - losing its exact validity in proportion as the number of cooperating individual processes decreases. One cannot easily imagine a more convincing proof of the essentially statistical character of at least this law. But however many examples are considered, they scarcely suffice to render our belief in the statistical character of physical laws as certain as does the fact that the Second Law of Thermodynamics, or Law of Entropy, which plays a role in positively every physical process, has clearly proved to be the prototype of statistical law. Although this matter would justify a closer examination, on account of its extraordinary interest, I must confine myself here to the very cursory remark that empirically the Law of Entropy is very intimately connected with the typical one-directional character of all natural processes. Although the Law of Entropy by itself is not sufficient to determine the direction in which the state of a material system will change in the next instant, it always excludes certain directions of change, the direction exactly opposite to the one which actually occurs being always excluded. By virtue of the statistical method the Law of Entropy has taken on the following content: In regard to what I have said up to now there is no essential difference of opinion among physicists. But the case is otherwise in regard to what I shall have to say from now on. Although we have discovered physical laws to be of a statistical character, which does not necessarily imply the strictly causal determination of individual molecular processes, still the general opinion is that we should find the individual process ⁵ for instance, the collision of two gas molecules - determined by rigid causality, if we could trace it. In a similar way the result of a game of roulette would not be something haphazard for any one who could measure exactly the impetus given to the wheel, the resistance of the air, the friction on the axis, etc. In some cases, among which is also the one of colliding gas molecules, it is even claimed that quite definite features of the individual process can be ascertained; viz. It was the experimental physicist, Franz Exner, who for the first time, in ,

launched a very acute philosophical criticism against the taken-for-granted manner in which the absolute determinism of molecular processes was accepted by everybody. He came to the conclusion that the assertion of determinism was certainly possible, yet by no means necessary, and when more closely examined not at all very probable. As to the non-necessity, I have already given my opinion; and I believe with Exner that it can be upheld, even despite the fact that most physicists claim quite definite characteristics for the elementary laws which they postulate. Naturally we can explain the energy principle on the large scale by its already holding good in the single events. But I do not see that we are bound to do so. In like manner we can explain the expansive force of a gas as the sum of the expansive forces of its elementary particles. But this interpretation is here decidedly incorrect, and I do not see why there it should be looked upon as the only possible one. I may further remark that the energy-momentum theorem provides us with only four equations, thus leaving the elementary process to a great extent undetermined, even if it complies with them. Whence arises the widespread belief that the behavior of molecules is determined by absolute causality, whence the conviction that the contrary is unthinkable? Simply from the custom, inherited through thousands of years, of thinking causally, which makes the idea of determined events, of absolute, primary causalness, seem complete nonsense, a logical absurdity. But from what source was this habit of causal thinking derived? Why, from observing for hundreds and thousands of years precisely those regularities in the natural course of events which, in the light of our present knowledge, are most certainly not governed by causality; or at least not so governed essentially, since we now know them to be statistically regulated phenomena. Therewith this traditional habit of thinking loses its rational foundation. In practice, of course, the habit may safely be retained, since it predicts the outcomes satisfactorily. But to allow this habit to force upon us the postulate that, behind the observed statistical regularities, there must be causal laws, would quite obviously involve a logically vicious circle. Not only are there no considerations that force this assumption upon us, but we should realize, still further, that such a duality in the laws of Nature is somewhat improbable. On the one hand we should have the intrinsic, genuine, absolute laws of the infinitesimal domain; while on the other there would be that observed macroscopic regularity of events which in its most essential features is not due to the existence of the genuine laws but is determined rather by the concept of pure number, the most translucent and simple creation of the human mind. Clear and definite intelligibility in the world of outer appearances, and behind this a dark, eternally unintelligible imperative, a mysterious Kismet! The possibility that this may be in reality the case must be admitted; but this duplication of natural law so closely resembles the animistic duplication of natural objects, that I cannot regard it as at all tenable. It must not be supposed, however, that I consider it a simple and easy matter to carry through and defend this new, a-causal i. The ruling opinion to-day is that at least the laws of gravitation and electro-dynamics are of the absolute, elementary type, that they also govern the world of atoms and electrons and are perhaps at the basis of everything as the primary and fundamental Law. Must we conclude from this that his gravitational equations are an elementary law? I hardly think so. In no case of a natural process is the number of single atoms which must cooperate in order that an observable effect may be produced so vast as in the case of gravitational phenomena. This would explain, from the statistical point of view, why we can attain such extraordinary accuracy in forecasting movements of the planets centuries ahead. With reference to the particle, these principles actually involve nothing more than a tendency towards absolute perseverance. That under certain conditions nothing changes is surely the simplest Law that can be conceived, and hardly falls within the concept of causal determination. It may after all be reconcilable with a strictly a-causal view of Nature. In contradistinction to gravitation, the laws of electro-dynamics are quite generally applied to-day to processes within the atom itself, and indeed with amazing success. These positive results will be considered the most serious objection that can be advanced against the a-causal view. The space at my disposal does not allow of my going further into this question. The demand for an absolute law in the background of the statistical law "a demand which at the present day almost everybody considers imperative" goes beyond the reach of experience. The burden of proof falls on those who champion absolute causality, and not on those who question it. For a doubtful attitude in this respect is to-day by far the more natural. The electro-dynamic theory of the atom appears unsuited to furnish the proof, because this theory itself is universally recognized to be suffering from serious intrinsic

incoherences which are often felt to be of a logical character. I prefer to believe that, once we have discarded our rooted predilection for absolute Causality, we shall succeed in overcoming these difficulties, rather than expect atomic theory to substantiate the dogma of Causality. This address was not printed on the occasion of its delivery. The text here follows the original manuscript from which the address was read.

5: Law Of Nature | Definition of Law Of Nature by Merriam-Webster

Laws of Nature. Laws of Nature are to be distinguished both from Scientific Laws and from Natural Laws, as invoked in legal or ethical theories, nor Scientific Laws, which some researchers consider to be scientists' attempts to state or approximate the Laws of Nature, will be discussed in this article.

History[edit] The use of natural law, in its various incarnations, has varied widely throughout history. There are a number of theories of natural law, that differ from each other with respect to the role that morality plays in determining the authority of legal norms. This article deals with its usages separately rather than attempt to unify them into a single theory. Abraham even dares to tell the Most High that his plan to destroy the city Genesis In this respect, natural law as described in the interaction between Abraham and God predates the later Greek exposition of it by Plato, Socrates and Aristotle. However, an even earlier set of laws is attributed to the Seven Laws of Noah. The seven Noahide laws as traditionally enumerated are the following: To establish courts of justice. Not to commit murder. Not to commit adultery or sexual immorality. Not to eat flesh torn from a living animal. According to this, all modern humans are descendants of Noah, thus the name Noahide Laws in reference to laws that apply to all of humanity. After the flood, God sealed a covenant with Noah with the following admonitions Genesis 9: Flesh of a living animal: Please improve it by verifying the claims made and adding inline citations. Statements consisting only of original research should be removed. What the law commanded would be expected to vary from place to place, but what was "by nature" should be the same everywhere. A "law of nature" would therefore have the flavor more of a paradox than something that obviously existed. Of these, Aristotle is often said to be the father of natural law. Universal law is the law of Nature. For there really is, as every one to some extent divines, a natural justice and injustice that is binding on all men, even on those who have no association or covenant with each other. Stoic natural law[edit] The development of this tradition of natural justice into one of natural law is usually attributed to the Stoics. The rise of natural law as a universal system coincided with the rise of large empires and kingdoms in the Greek world. There is no change in political theory so startling in its completeness as the change from the theory of Aristotle to the later philosophical view represented by Cicero and Seneca We think that this cannot be better exemplified than with regard to the theory of the equality of human nature. McIlwain likewise observes that "the idea of the equality of men is the most profound contribution of the Stoics to political thought" and that "its greatest influence is in the changed conception of law that in part resulted from it. According to this belief, within humans there is a "divine spark" which helps them to live in accordance with nature. The stoics felt that there was a way in which the universe had been designed, and that natural law helped us to harmonise with this. Marcus Tullius Cicero Cicero wrote in his De Legibus that both justice and law originate from what nature has given to humanity, from what the human mind embraces, from the function of humanity, and from what serves to unite humanity. Commanding us to do what is right, forbidding us to do what is wrong. It has dominion over good men, but possesses no influence over bad ones. No other law can be substituted for it, no part of it can be taken away, nor can it be abrogated altogether. Neither the people or the senate can absolve from it. It is not one thing at Rome, and another thing at Athens: The jurisprudence of the Roman Empire was rooted in Cicero, who held "an extraordinary grip Which shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the meanwhile accusing or else excusing one another. In the twelfth century, Gratian equated the natural law with divine law. Albertus Magnus would address the subject a century later, and his pupil, St. See also Biblical law in Christianity. Meanwhile, Aquinas taught that all human or positive laws were to be judged by their conformity to the natural law. An unjust law is not a law, in the full sense of the word. This principle laid the seed for possible societal tension with reference to tyrants. For Christians, natural law is how human beings manifest the divine image in their life. Thus, whereas deontological systems merely require certain duties be performed, Christianity explicitly states that no one can, in fact, perform any duties if grace is lacking. Living the natural law is how humanity displays the gifts of life and grace, the gifts of all that is good. The apparent good or evil consequence resulting from the moral act

is not relevant to the act itself. Insofar as one lives the natural law, temporal satisfaction may or may not be attained, but salvation will be attained. The state, in being bound by the natural law, is conceived as an institution whose purpose is to assist in bringing its subjects to true happiness. True happiness derives from living in harmony with the mind of God as an image of the living God. After the Protestant Reformation, some Protestant denominations maintained parts of the Catholic concept of natural law. The English theologian Richard Hooker from the Church of England adapted Thomistic notions of natural law to Anglicanism five principles: He argued that the antagonism between human beings can only be overcome through a divine law, which he believed to have been sent through prophets. This is also the position of the Ashari school, the largest school of Sunni theology. The concept of natural law entered the mainstream of Western culture through his Aristotelian commentaries, influencing the subsequent Averroist movement and the writings of Thomas Aquinas. The concept of Istislah in Islamic law bears some similarities to the natural law tradition in the West, as exemplified by Thomas Aquinas. However, whereas natural law deems good what is self-evidently good, according as it tends towards the fulfilment of the person, istislah calls good whatever is connected to one of five "basic goods". Some add also "honour". This is a concept predating European legal theory, and reflects a type of law that is universal and may be determined by reason and observation of natural action. Neil McLeod identifies concepts that law must accord with: These two terms occur frequently, though Irish law never strictly defines them. These were two very real concepts to the jurists and the value of a given judgment with respect to them was apparently ascertainable. Although under the law any third person could fulfill the duty if both parties agreed, and both were sane.

Law of nature or Laws of nature may refer to. Science. Physical law, a scientific generalization based upon empirical observation; Natural law, any of a number of doctrines in moral, political, and legal theory.

Its essence In English this term is frequently employed as equivalent to the laws of nature , meaning the order which governs the activities of the material universe. Among the Roman jurists natural law designated those instincts and emotions common to man and the lower animals, such as the instinct of self-preservation and love of offspring. In its strictly ethical applicationâ€”the sense in which this article treats itâ€”the natural law is the rule of conduct which is prescribed to us by the Creator in the constitution of the nature with which He has endowed us. When God willed to give existence to creatures, He willed to ordain and direct them to an end. In the case of inanimate things, this Divine direction is provided for in the nature which God has given to each; in them determinism reigns. Like all the rest of creation, man is destined by God to an end, and receives from Him a direction towards this end. This ordination is of a character in harmony with his free intelligent nature. In virtue of his intelligence and free will , man is master of his conduct. Unlike the things of the mere material world he can vary his action, act, or abstain from action, as he pleases. Yet he is not a lawless being in an ordered universe. In the very constitution of his nature, he too has a law laid down for him, reflecting that ordination and direction of all things, which is the eternal law. The rule, then, which God has prescribed for our conduct, is found in our nature itself. Those actions which conform with its tendencies, lead to our destined end, and are thereby constituted right and morally good; those at variance with our nature are wrong and immoral. The norm, however, of conduct is not some particular element or aspect of our nature. The standard is our whole human nature with its manifold relationships, considered as a creature destined to a special end. Actions are wrong if, though subserving the satisfaction of some particular need or tendency, they are at the same time incompatible with that rational harmonious subordination of the lower to the higher which reason should maintain among our conflicting tendencies and desires see GOOD. For example, to nourish our bodies is right; but to indulge our appetite for food to the detriment of our corporal or spiritual life is wrong. Self-preservation is right, but to refuse to expose our life when the well-being of society requires it, is wrong. It is wrong to drink to intoxication, for, besides being injurious to health, such indulgence deprives one of the use of reason, which is intended by God to be the guide and dictator of conduct. There is, then, a double reason for calling this law of conduct natural: In both respects it is distinguished from the Divine positive law, which contains precepts not arising from the nature of things as God has constituted them by the creative act, but from the arbitrary will of God. This law we learn not through the unaided operation of reason, but through the light of supernatural revelation. We may now analyse the natural law into three constituents: The discriminating norm is, as we have just seen, human nature itself, objectively considered. It is, so to speak, the book in which is written the text of the law , and the classification of human actions into good and bad. Strictly speaking, our nature is the proximate discriminating norm or standard. The remote and ultimate norm, of which it is the partial reflection and application, is the Divine nature itself, the ultimate groundwork of the created order. The binding or obligatory norm is the Divine authority, imposing upon the rational creature the obligation of living in conformity with his nature, and thus with the universal order established by the Creator. Contrary to the Kantian theory that we must not acknowledge any other lawgiver than conscience , the truth is that reason as conscience is only immediate moral authority which we are called upon to obey, and conscience itself owes its authority to the fact that it is the mouthpiece of the Divine will and imperium. The manifesting norm *norma denuntians* , which determines the moral quality of actions tried by the discriminating norm, is reason. Through this faculty we perceive what is the moral constitution of our nature, what kind of action it calls for, and whether a particular action possesses this requisite character. The contents of the natural law Radically, the natural law consists of one supreme and universal principle, from which are derived all our natural moral obligations or duties. We cannot discuss here the many erroneous opinions regarding the fundamental rule of life. Some of them are utterly false â€”for instance, that of Bentham , who made the pursuit of utility or temporal pleasure the foundation of the moral code, and that of Fichte, who taught that the

supreme obligation is to love self above everything and all others on account of self. Others present the true idea in an imperfect or one-sided fashion. Epicurus, for example, held the supreme principle to be, "Follow nature"; the Stoics inculcated living according to reason. But these philosophers interpreted their principles in a manner less in conformity with our doctrine than the tenor of their words suggests. Catholic moralists, though agreeing upon the underlying conception of the Natural Law, have differed more or less in their expression of its fundamental formula. Among many others we find the following: Thomas is at once the most simple and philosophic. Starting from the premise that good is what primarily falls under the apprehension of the practical reason—that is of reason acting as the dictator of conduct—and that, consequently, the supreme principle of moral action must have the good as its central idea, he holds that the supreme principle, from which all the other principles and precepts are derived, is that good is to be done, and evil avoided I-II, Q, xciv, a. Passing from the primary principle to the subordinate principles and conclusions, moralists divide these into two classes: Such, for instance, are "Adore God"; "Honour your parents"; "Do not steal"; 2 those other conclusions and precepts which are reached only through a more or less complex course of inference. It is this difficulty and uncertainty that requires the natural law to be supplemented by positive law, human and Divine. As regards the vigour and binding force of these precepts and conclusions, theologians divide them into two classes, primary and secondary. To the first class belong those which must, under all circumstances, be observed if the essential moral order is to be maintained. The secondary precepts are those whose observance contributes to the public and private good and is required for the perfection of moral development, but is not so absolutely necessary to the rationality of conduct that it may not be lawfully omitted under some special conditions. For example, under no circumstances is polyandry compatible with the moral order, while polygamy, though inconsistent with human relations in their proper moral and social development, is not absolutely incompatible with them under less civilized conditions. The qualities of the natural law a The natural law is universal, that is to say, it applies to the entire human race, and is in itself the same for all. Every man, because he is a man, is bound, if he will conform to the universal order willed by the Creator, to live conformably to his own rational nature, and to be guided by reason. However, infants and insane persons, who have not the actual use of their reason and cannot therefore know the law, are not responsible for that failure to comply with its demands. Since it is founded in the very nature of man and his destination to his end—two bases which rest upon the immutable ground of the eternal law—it follows that, assuming the continued existence of human nature, it cannot cease to exist. The natural law commands and forbids in the same tenor everywhere and always. We enunciate, for instance, one of the leading precepts in the words: Herein exists no variation in the law; what the law forbids is not all taking of life, but all unjust taking of life. With regard to the possibility of any change by abrogation or dispensation, there can be no question of such being introduced by any authority except that of God Himself. But reason forbids us to think that even He could exercise such power, because, given the hypothesis that He wills man to exist, He wills him necessarily to live conformably to the eternal law, by observing in his conduct the law of reason. The Almighty, then, cannot be conceived as willing this and simultaneously willing the contradictory, that man should be set free from the law entirely through its abrogation, or partially through dispensation from it. It is true that some of the older theologians, followed or copied by some later ones, hold that God can dispense, and, in fact in some instances, has dispensed from the secondary precepts of the natural law, while others maintain that the bearing of the natural law is changed by the operation of positive law. However, an examination of the arguments offered in support of these opinions shows that the alleged examples of dispensation are: But it is not necessary to see in these cases a dispensation from the precepts forbidding theft and murder. The classic instance alleged as an example of b is the legalization of polygamy among the Hebrews. Polygamy, however, is not under all circumstances incompatible with the essential principles of a rationally ordered life, since the chief ends prescribed by nature for the marital union—the propagation of the race and the due care and education of offspring—may, in certain states of society, be attained in a polygamous union. The theory that God can dispense from any part of the law, even from the secondary precepts, is scarcely compatible with the doctrine, which is the common teaching of the School, that the natural law is founded on the eternal law, and, therefore, has for its ultimate ground the immutable essence of God himself. As regards c, when positive law,

human or Divine, imposes obligations which only modify the bearing of the natural law, it cannot correctly be said to change it. Positive law may not ordain anything contrary to the natural law, from which it draws its authority; but it may—and this is one of its functions—determine with more precision the bearing of the natural law, and for good reasons, supplement its conclusions. For example, in the eyes of the natural law mutual verbal agreement to a contract is sufficient; yet, in many kinds of contract, the civil law declares that no agreement shall be valid, unless it be expressed in writing and signed by the parties before witnesses. In establishing this rule the civil authority merely exercises the power which it derives from the natural law to add to the operation of the natural law such conditions as the common good may call for. Contrary to the almost universally received doctrine, a few theologians held erroneously that the natural law depends not on the essential necessary will of God, but upon His arbitrary positive will, and taught consistently with this view, that the natural law may be dispensed from or even abrogated by God. The conception, however, that the moral law is but an arbitrary enactment of the Creator, involves the denial of any absolute distinction between right and wrong—a denial which, of course, sweeps away the very foundation of the entire moral order. Our knowledge of the law Founded in our nature and revealed to us by our reason, the moral law is known to us in the measure that reason brings a knowledge of it home to our understanding. How far can man be ignorant of the natural law, which, as St. Paul says, is written in the human heart Romans 2: The general teaching of theologians is that the supreme and primary principles are necessarily known to every one having the actual use of reason. These principles are really reducible to the primary principle which is expressed by St. Thomas in the form: Wherever we find man we find him with a moral code, which is founded on the first principle that good is to be done and evil avoided. When we pass from the universal to more particular conclusions, the case is different. Some follow immediately from the primary, and are so self-evident that they are reached without any complex course of reasoning. Such are, for example: No person whose reason and moral nature is ever so little developed can remain in ignorance of such precepts except through his own fault. Another class of conclusions comprises those which are reached only by a more or less complex course of reasoning. These may remain unknown to, or be misinterpreted even by persons whose intellectual development is considerable. To reach these more remote precepts, many facts and minor conclusions must be correctly appreciated, and, in estimating their value, a person may easily err, and consequently, without moral fault, come to a false conclusion. A few theologians of the seventeenth and eighteenth centuries, following some older ones, maintained that there cannot exist in anyone practical ignorance of the natural law. This opinion however has no weight for the controversy see Bouquillon, "Theologia Fundamentalis", n. Theoretically speaking, man is capable of acquiring a full knowledge of the moral law, which is, as we have seen, nothing but the dictates of reason properly exercised. Actually, taking into consideration the power of passion, prejudice, and other influences which cloud the understanding or pervert the will, one can safely say that man, unaided by supernatural revelation, would not acquire a full and correct knowledge of the contents of the natural law cf. Vatican Council, Sess. In proof we need but recall that the noblest ethical teaching of pagans, such as the systems of Plato, Aristotle, and the Stoics, was disfigured by its approbation of shockingly immoral actions and practices. As the fundamental and all-embracing obligation imposed upon man by the Creator, the natural law is the one to which all his other obligations are attached. The duties imposed on us in the supernatural law come home to us, because the natural law and its exponent, conscience, tell us that, if God has vouchsafed to us a supernatural revelation with a series of precepts, we are bound to accept and obey it. The natural law is the foundation of all human law inasmuch as it ordains that man shall live in society, and society for its constitution requires the existence of an authority, which shall possess the moral power necessary to control the members and direct them to the common good. Human laws are valid and equitable only in so far as they correspond with, and enforce or supplement the natural law; they are null and void when they conflict with it. Thomas explains the lawfulness of this procedure. Because human actions, which are the subject of laws are individual and innumerable, it is not possible to establish any law that may not sometimes work out unjustly. Legislators, however, in passing laws attend to what commonly happens, though to apply the common rule will sometimes work injustice and defeat the intention of the law itself. In such cases it is bad to follow the law; it is good to set aside its letter and follow the dictates of justice

WHAT IS A LAW OF NATURE? pdf

and the common good II-II. Logically , chronologically, and ontologically antecedent to all human society for which it provides the indispensable basis, the natural or moral law is neither—as Hobbes, in anticipation of the modern positivistic school , taught—a product of social agreement or convention, nor a mere congeries of the actions, customs, and ways of man, as claimed by the ethicists who, refusing to acknowledge the First Cause as a Personality with whom one entertains personal relations, deprive the law of its obligatory basis.

7: CATHOLIC ENCYCLOPEDIA: Natural Law

Law of nature definition is - a natural instinct or a natural relation of human beings or other animals due to native character or condition. a natural instinct or a natural relation of human beings or other animals due to native character or condition.

This is the philosophy on which the American Constitution and all Western political systems today are based. But there are many different interpretations of the natural law, from the Ciceronian to the Thomistic to the Grotian. What version of natural law supports liberal politics? Some argue that this is a misguided question. This is probably the greatest controversy in Locke interpretation today. Natural law theories hold that human beings are subject to a moral law. Morality is fundamentally about duty, the duty each individual has to abide by the natural law. Is Locke a follower of Hobbes, basing his theory on right rather than natural law? What difference does it make? The moral logic is something like this: This right is the fundamental moral fact, rather than any duty individuals have to a law or to each other. The priority of individual right reflects our separateness, our lack of moral ties to one another. Individuals create societies and governments to escape this condition. The sole purpose of the contract is to safeguard the rights of each citizen. Locke speaks of a state of nature where men are free, equal, and independent. Is it natural law or Hobbesian natural right? The Founding Fathers, in the Declaration of Independence, speak of both natural rights and natural laws. Natural law and natural right may be combined, but if they are, one must take precedence over the other. Hobbes had argued that freedom and equality, and the priority of individual right, meant that individuals in the state of nature could pursue their survival and interest without limitation. They had no duty to respect the rights of others. This is why the state of nature was a state of war. The source of this duty, he says, is natural law. Hobbes and Locke agree that individuals have a right to property in the state of nature, but Hobbes denies that individuals have any duty to respect the property of others. Locke says individuals have a duty to respect the property and lives and liberties of others even in the state of nature, a duty he traces to natural law. Here, then, is the issue in the natural law's natural right dichotomy: How extensive is this loophole? In the beginning of the Second Treatise, Locke seems to claim that the state of nature is a place of peace and harmony. This is the deepest controversy in Locke interpretation today, a controversy that is sometimes acrimonious. Even for those who see Locke as a kind of Hobbesian, though, it is generally agreed that Locke believes in some degree of natural duty to respect the rights of others. Similarly, for those who see Locke as a natural law thinker, there is controversy over the source of that law. Locke says, in the First Treatise of Government and elsewhere, that God is the source of the natural law. But God is much less in evidence in the Second Treatise. Further, if Locke is serious about natural law, it is clear that his version of natural law is quite different from that of other natural law thinkers, such as Thomas Aquinas. If Locke is a natural law thinker, his version of natural law is much more individualistic, much closer to Hobbes, than were previous versions. For contemporary Americans, one reason for studying Locke together with Hobbes is to understand the character of liberalism. A liberal system such as ours enshrines individual rights, but its health depends upon people exercising those rights responsibly. It depends on people taking seriously their duty to respect the rights of others. Many observers believe that, while Americans today are eager to claim their rights, too few are willing to shoulder the attendant responsibilities. Is a rights-based society doomed to degenerate into simple selfishness? Or is it possible to construct a rights philosophy with a robust element of responsibility built into it? Must such a philosophy place natural law above individual right? Must this law have a religious dimension? These are questions that should send us back to Hobbes, Locke, and the architects of the American Constitution. Natural Rights and the New Republicanism, Chs Princeton University Press, This is a more extensive statement of the quasi-Hobbesian interpretation. This presents a more traditional interpretation of Locke as a natural law thinker. Another interpretation of Locke as natural law thinker.

8: What Is A Law Of Nature?

LAW OF NATURE. The law of nature is that which God, the sovereign of the universe, has prescribed to all men, not by any formal promulgation, but by the internal dictate of reason alone. It is discovered by a just consideration of the agreeableness or disagreeableness of human actions to the nature.

References and Further Reading 1. Two Kinds of Natural Law Theory At the outset, it is important to distinguish two kinds of theory that go by the name of natural law. The first is a theory of morality that is roughly characterized by the following theses. First, moral propositions have what is sometimes called objective standing in the sense that such propositions are the bearers of objective truth-value; that is, moral propositions can be objectively true or false. Though moral objectivism is sometimes equated with moral realism see, e. Strictly speaking, then, natural law moral theory is committed only to the objectivity of moral norms. The second thesis constituting the core of natural law moral theory is the claim that standards of morality are in some sense derived from, or entailed by, the nature of the world and the nature of human beings. Thomas Aquinas, for example, identifies the rational nature of human beings as that which defines moral law: On this common view, since human beings are by nature rational beings, it is morally appropriate that they should behave in a way that conforms to their rational nature. Thus, Aquinas derives the moral law from the nature of human beings thus, "natural law". But there is another kind of natural law theory having to do with the relationship of morality to law. According to natural law theory of law, there is no clean division between the notion of law and the notion of morality. Though there are different versions of natural law theory, all subscribe to the thesis that there are at least some laws that depend for their "authority" not on some pre-existing human convention, but on the logical relationship in which they stand to moral standards. Otherwise put, some norms are authoritative in virtue of their moral content, even when there is no convention that makes moral merit a criterion of legal validity. The idea that the concepts of law and morality intersect in some way is called the Overlap Thesis. As an empirical matter, many natural law moral theorists are also natural law legal theorists, but the two theories, strictly speaking, are logically independent. One can deny natural law theory of law but hold a natural law theory of morality. John Austin, the most influential of the early legal positivists, for example, denied the Overlap Thesis but held something that resembles a natural law ethical theory. Indeed, Austin explicitly endorsed the view that it is not necessarily true that the legal validity of a norm depends on whether its content conforms to morality. But while Austin thus denied the Overlap Thesis, he accepted an objectivist moral theory; indeed, Austin inherited his utilitarianism almost wholesale from J. Mill and Jeremy Bentham. Here it is worth noting that utilitarians sometimes seem to suggest that they derive their utilitarianism from certain facts about human nature; as Bentham once wrote, "nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne" Bentham , 1. Thus, a commitment to natural law theory of morality is consistent with the denial of natural law theory of law. Conversely, one could, though this would be unusual, accept a natural law theory of law without holding a natural law theory of morality. One could, for example, hold that the conceptual point of law is, in part, to reproduce the demands of morality, but also hold a form of ethical subjectivism or relativism. On this peculiar view, the conceptual point of law would be to enforce those standards that are morally valid in virtue of cultural consensus. For this reason, natural law theory of law is logically independent of natural law theory of morality. The remainder of this essay will be exclusively concerned with natural law theories of law. The Project of Conceptual Jurisprudence The principal objective of conceptual or analytic jurisprudence has traditionally been to provide an account of what distinguishes law as a system of norms from other systems of norms, such as ethical norms. As John Austin describes the project, conceptual jurisprudence seeks "the essence or nature which is common to all laws that are properly so called" Austin , Accordingly, the task of conceptual jurisprudence is to provide a set of necessary and sufficient conditions for the existence of law that distinguishes law from non-law in every possible world. While this task is usually interpreted as an attempt to

analyze the concepts of law and legal system, there is some confusion as to both the value and character of conceptual analysis in philosophy of law. As Brian Leiter points out, philosophy of law is one of the few philosophical disciplines that takes conceptual analysis as its principal concern; most other areas in philosophy have taken a naturalistic turn, incorporating the tools and methods of the sciences. To clarify the role of conceptual analysis in law, Brian Bix distinguishes a number of different purposes that can be served by conceptual claims: Bix takes conceptual analysis in law to be primarily concerned with 3 and 4. In any event, conceptual analysis of law remains an important, if controversial, project in contemporary legal theory. Conceptual theories of law have traditionally been characterized in terms of their posture towards the Overlap Thesis. Thus, conceptual theories of law have traditionally been divided into two main categories: Classical Natural Law Theory All forms of natural law theory subscribe to the Overlap Thesis, which asserts that there is some kind of non-conventional relation between law and morality. According to this view, then, the notion of law cannot be fully articulated without some reference to moral notions. Though the Overlap Thesis may seem unambiguous, there are a number of different ways in which it can be interpreted. The strongest construction of the Overlap Thesis forms the foundation for the classical naturalism of Aquinas and Blackstone. Aquinas distinguishes four kinds of law: Eternal law is comprised of those laws that govern the nature of an eternal universe; as Susan Dimock , 22 puts it, one can "think of eternal law as comprising all those scientific physical, chemical, biological, psychological, etc. One cannot discover divine law by natural reason alone; the precepts of divine law are disclosed only through divine revelation. The natural law is comprised of those precepts of the eternal law that govern the behavior of beings possessing reason and free will. The first precept of the natural law, according to Aquinas, is the somewhat vacuous imperative to do good and avoid evil. Here it is worth noting that Aquinas holds a natural law theory of morality: Good and evil are thus both objective and universal. But Aquinas is also a natural law legal theorist. On his view, a human law that is, that which is promulgated by human beings is valid only insofar as its content conforms to the content of the natural law; as Aquinas puts the point: The idea that a norm that does not conform to the natural law cannot be legally valid is the defining thesis of conceptual naturalism. As William Blackstone describes the thesis, "This law of nature, being co-eval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: In this passage, Blackstone articulates the two claims that constitute the theoretical core of conceptual naturalism: It should be noted that classical naturalism is consistent with allowing a substantial role to human beings in the manufacture of law. While the classical naturalist seems committed to the claim that the law necessarily incorporates all moral principles, this claim does not imply that the law is exhausted by the set of moral principles. There will still be coordination problems e. Thus, the classical naturalist does not deny that human beings have considerable discretion in creating natural law. Rather she claims only that such discretion is necessarily limited by moral norms: Critics of conceptual naturalism have raised a number of objections to this view. First, it has often been pointed out that, contra Augustine, unjust laws are all-too- frequently enforced against persons. As Austin petulantly put the point: Now, to say that human laws which conflict with the Divine law are not binding, that is to say, are not laws, is to talk stark nonsense. The most pernicious laws, and therefore those which are most opposed to the will of God, have been and are continually enforced as laws by judicial tribunals. Suppose an act innocuous, or positively beneficial, be prohibited by the sovereign under the penalty of death; if I commit this act, I shall be tried and condemned, and if I object to the sentence, that it is contrary to the law of God, who has commanded that human lawgivers shall not prohibit acts which have no evil consequences, the Court of Justice will demonstrate the inconclusiveness of my reasoning by hanging me up, in pursuance of the law of which I have impugned the validity Austin , Another frequently expressed worry is that conceptual naturalism undermines the possibility of moral criticism of the law; inasmuch as conformity with natural law is a necessary condition for legal validity, all valid law is, by definition, morally just. Thus, on this line of reasoning, the legal validity of a norm necessarily entails its moral justice. As Jules Coleman and Jeffrey Murphy , 18 put the point: The important things [conceptual naturalism] supposedly allows us to do e. If we really want to think about the law from the moral point of view, it may obscure the task if we see law and morality as essentially linked in some way. Moral criticism and reform of law may be

aided by an initial moral skepticism about the law. There are a couple of problems with this line of objection. First, conceptual naturalism does not foreclose criticism of those norms that are being enforced by a society as law. Insofar as it can plausibly be claimed that the content of a norm being enforced by society as law does not conform to the natural law, this is a legitimate ground of moral criticism: Thus, the state commits wrong by enforcing that norm against private citizens. Conceptual jurisprudence assumes the existence of a core of social practices constituting law that requires a conceptual explanation. The project motivating conceptual jurisprudence, then, is to articulate the concept of law in a way that accounts for these pre-existing social practices. A conceptual theory of law can legitimately be criticized for its failure to adequately account for the pre-existing data, as it were; but it cannot legitimately be criticized for either its normative quality or its practical implications. A more interesting line of argument has recently been taken up by Brian Bix. Following John Finnis, Bix rejects the interpretation of Aquinas and Blackstone as conceptual naturalists, arguing instead that the claim that an unjust law is not a law should not be taken literally: A more reasonable interpretation of statements like "an unjust law is no law at all" is that unjust laws are not laws "in the fullest sense. Similarly, to say that an unjust law is "not really law" may only be to point out that it does not carry the same moral force or offer the same reasons for action as laws consistent with "higher law" Bix. Like Bix, Finnis believes that the naturalism of Aquinas and Blackstone should not be construed as a conceptual account of the existence conditions for law. According to Finnis, the classical naturalists were not concerned with giving a conceptual account of legal validity; rather they were concerned with explaining the moral force of law: Accordingly, an unjust law can be legally valid, but it cannot provide an adequate justification for use of the state coercive power and is hence not obligatory in the fullest sense; thus, an unjust law fails to realize the moral ideals implicit in the concept of law. An unjust law, on this view, is legally binding, but is not fully law. Finnis distinguishes a number of equally valuable basic goods: Each of these goods, according to Finnis, has intrinsic value in the sense that it should, given human nature, be valued for its own sake and not merely for the sake of some other good it can assist in bringing about. Moreover, each of these goods is universal in the sense that it governs all human cultures at all times. The point of moral principles, on this view, is to give ethical structure to the pursuit of these basic goods; moral principles enable us to select among competing goods and to define what a human being can permissibly do in pursuit of a basic good. Thus, Finnis sums up his theory of law as follows: Again, it bears emphasizing that Finnis takes care to deny that there is any necessary moral test for legal validity: Nevertheless, Finnis believes that to the extent that a norm fails to satisfy these conditions, it likewise fails to fully manifest the nature of law and thereby fails to fully obligate the citizen-subject of the law. The Procedural Naturalism of Lon L. Fuller Like Finnis, Lon Fuller rejects the conceptual naturalist idea that there are necessary substantive moral constraints on the content of law. But Fuller, unlike Finnis, believes that law is necessarily subject to a procedural morality.

9: Laws of Nature (Stanford Encyclopedia of Philosophy)

But the idea that human nature is governed by such laws raises hackles. Perhaps because of this, they have often been proposed with tongue in cheek - which makes it all the more disconcerting.

What is it to be a Law? Here are four reasons philosophers examine what it is to be a law of nature: First, as indicated above, laws at least appear to have a central role in scientific practice. Second, laws are important to many other philosophical issues. Third, Goodman famously suggested that there is a connection between lawhood and confirmability by an inductive inference. Fourth, philosophers love a good puzzle. Suppose that everyone here is seated *cf.* Then, trivially, that everyone here is seated is true. Though true, this generalization does not seem to be a law. It is just too accidental. What makes the difference? This may not seem like much of a puzzle. That everyone here is seated is spatially restricted in that it is about a specific place; the principle of relativity is not similarly restricted. So, it is easy to think that, unlike laws, accidentally true generalizations are about specific places. But that is not what makes the difference. There are true nonlaws that are not spatially restricted. Consider the unrestricted generalization that all gold spheres are less than one mile in diameter. There are no gold spheres that size and in all likelihood there never will be, but this is still not a law. There also appear to be generalizations that could express laws that are restricted. The perplexing nature of the puzzle is clearly revealed when the gold-sphere generalization is paired with a remarkably similar generalization about uranium spheres: All gold spheres are less than a mile in diameter. All uranium spheres are less than a mile in diameter. Though the former is not a law, the latter arguably is. What makes the former an accidental generalization and the latter a law? Systems One popular answer ties being a law to deductive systems. The idea dates back to John Stuart Mill [*f.* Deductive systems are individuated by their axioms. The logical consequences of the axioms are the theorems. Some true deductive systems will be stronger than others; some will be simpler than others. These two virtues, strength and simplicity, compete. It is easy to make a system stronger by sacrificing simplicity: It is easy to make a system simple by sacrificing strength: According to Lewis , 73 , the laws of nature belong to all the true deductive systems with a best combination of simplicity and strength. So, for example, the thought is that it is a law that all uranium spheres are less than a mile in diameter because it is, arguably, part of the best deductive systems; quantum theory is an excellent theory of our universe and might be part of the best systems, and it is plausible to think that quantum theory plus truths describing the nature of uranium would logically entail that there are no uranium spheres of that size Loewer , It is doubtful that the generalization that all gold spheres are less than a mile in diameter would be part of the best systems. It could be added as an axiom to any system, but it would bring little or nothing of interest in terms of strength and adding it would sacrifice something in terms of simplicity. Lewis later made significant revisions to his account in order to address problems involving physical probability. See his and his Many features of the systems approach are appealing. For one thing, it appears to deal with a challenge posed by vacuous laws. Some laws are vacuously true: But there are also lots of vacuously true nonlaws: With the systems approach, there is no exclusion of vacuous generalizations from the realm of laws, and yet only those vacuous generalizations that belong to the best systems qualify *cf.* Furthermore, it is reasonable to think that one goal of scientific theorizing is the formulation of true theories that are well balanced in terms of their simplicity and strength. So, the systems approach seems to underwrite the truism that an aim of science is the discovery of laws Earman , ; Loewer , One last aspect of the systems view that is appealing to many though not all is that it is in keeping with broadly Humean constraints on a sensible metaphysics. There is no overt appeal to closely related modal concepts *e.* Other aspects of the systems approach have made philosophers wary. See, especially, Armstrong , 66–73; van Fraassen , 40–64; Carroll , 6–7 The appeal to simplicity raises further questions stemming from the apparent need for a regimented language to permit reasonable comparisons of the systems. See Lewis , More recently, John Roberts questions the systems approach at a point sometimes thought to be a strength of the view: There is the practice of curve-fitting, which involves weighing the competing virtues of simplicity and closeness of fit, but this is a practice that is part of the process of discovering what is true. Tim Maudlin , 16 and Roberts , 23 also charge that the systems approach

is ill-suited to rule out widespread and striking regularities as laws, even those that are clearly determined by the initial conditions. That the universe is closed, that entropy generally increases, that the planets of our solar system are co-planar, and others if true could be added to any true deductive system, greatly increasing the strength of the system, with only a small cost in terms of simplicity. Interestingly, sometimes the systems view is abandoned because it satisfies the broadly Humean constraints on an account of laws of nature; some argue that what generalizations are laws is not determined by local matters of particular fact. See Section 4 below. Though Humeans like Lewis generally favor realism to any form of anti-realism Section 5 below, Nora Berenstain and James Ladyman have argued that scientific realism is incompatible with Humeanism because realism requires a notion of natural necessity not susceptible to Humean analysis. Universals In the late s, there emerged a competitor for the systems approach and all other Humean attempts to say what it is to be a law. Led by Armstrong, Fred Dretske, and Michael Tooley, the rival approach appeals to universals to distinguish laws from nonlaws. Suppose it to be a law that Fs are Gs. F-ness and G-ness are taken to be universals. A certain relation, a relation of non-logical or contingent necessitation, holds between F-ness and G-ness. This framework promises to address familiar puzzles and problems: Maybe the difference between the uranium-spheres generalization and the gold-spheres generalization is that being uranium does necessitate being less than one mile in diameter, but being gold does not. Worries about the subjective nature of simplicity, strength and best balance do not emerge; there is no threat of lawhood being mind-dependent so long as necessitation is not mind-dependent. Some Armstrong, Dretske think that the framework supports the idea that laws play a special explanatory role in inductive inferences, since a law is not just a universal generalization, but is an entirely different creature – a relation holding between two other universals. The framework is also consistent with lawhood not supervening on local matters of particular fact; the denial of Humean supervenience often accompanies acceptance of the universals approach. For there truly to be this payoff, however, more has to be said about what N is. This is the problem Bas van Fraassen calls the identification problem. He couples this with a second problem, what he calls the inference problem. The essence of this pair of problems was captured early on by Lewis with his usual flair: Basically, there needs to be a specification of what the lawmaking relation is the identification problem. Then, there needs to be a determination of whether it is suited to the task the inference problem: Does its holding support corresponding counterfactuals? Do laws really turn out not to supervene, to be mind-independent, to be explanatory? Armstrong does say more about what his lawmaking relation is. He states in reply to van Fraassen: It is at this point that, I claim, the Identification problem has been solved. The required relation is the causal relation, now hypothesized to relate types not tokens. Questions remain about the nature of this causal relation understood as a relation that relates both token events and universals. See van Fraassen, and Carroll, Humean Supervenience Rather than trying to detail all the critical issues that divide the systems approach and the universals approach, we will do better to focus our attention on the especially divisive issue of supervenience. It concerns whether Humean considerations really determine what the laws are. There are some important examples that appear to show that they do not. Tooley, asks us to suppose that there are ten different kinds of fundamental particles. So, there are fifty-five possible kinds of two-particle interactions. Suppose that fifty-four of these kinds have been studied and fifty-four laws have been discovered. The interaction of X and Y particles have not been studied because conditions are such that they never will interact. Nevertheless, it seems that it might be a law that, when X particles and Y particles interact, P occurs. Similarly it might be a law that when X and Y particles interact, Q occurs. There seems to be nothing about the local matters of particular fact in this world that fixes which of these generalizations is a law. Consider the possibility that there is a lone particle traveling through otherwise empty space at a constant velocity of, say, one meter per second. But, it might also be the case that this world is not Newtonian and that it is a law that all bodies have velocity at one meter per second; it could be that this generalization is not accidental and would have held true even if there were other bodies slamming into the lone particle. See especially Earman; Lange, 85 Minkowski space-time, the space-time of Special Relativity, is a model of the field equations of General Relativity in particular, it is a vacuum solution. So an empty Minkowski space-time is one way the world could be if it is governed by the laws of General Relativity. But is Minkowski space-time a model only

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of the General Relativistic laws? One could, for example, postulate that Special Relativity is the complete and accurate account of space-time structure, and produce another theory of gravitation, which would still have the vacuum Minkowski space-time as a model.

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