

# Contents

## Part I Foundations

<b>1</b>	<b>Goethe's Swan</b> . . . . .	3
1.1	The Paradigms . . . . .	3
1.2	The Eternal Return of Natural Law . . . . .	4
1.3	What is the Nature of Natural Law? . . . . .	4
<b>2</b>	<b>The Contributions of the Paradigm "Natural Law"</b> . . . . .	9
2.1	Natural Law is a Legal Pluralist Ontology . . . . .	9
2.2	Natural Law and Legal Principles . . . . .	10
2.3	Natural Law, a Juridical Vigilant of Power . . . . .	11
2.4	Natural Law, a Bridge Between Law and Morality . . . . .	12
<b>3</b>	<b>Sterility of Natural Law Theoricism</b> . . . . .	13
3.1	The Leipzig Book Fairs . . . . .	13
3.2	Deconstructing Myths About Natural Law . . . . .	15
3.2.1	Natural Law is Not the Perfect Law . . . . .	15
3.2.2	Natural Law Needs Positive Law (and Vice Versa) . . . . .	16
3.2.3	Natural Law May Change . . . . .	17
3.2.4	Natural Law is Neither a Decalogue Nor a List of Legal Titles. . . . .	19
<b>4</b>	<b>From the Side of Positivism</b> . . . . .	21
4.1	Legalistic Positivism . . . . .	21
4.2	Sociological Positivism and Historicism . . . . .	22

## Part II New Visions Old Questions

<b>5 Contemporary Natural Law Dialogues</b> . . . . .	25
5.1 A Plural Natural Law, in Dialogue . . . . .	25
5.2 Dialogues with Literature, Economic Theory and Theories of Justice . . . . .	26
5.2.1 Natural Law and Literature . . . . .	26
5.2.2 Natural Law and Economy . . . . .	27
5.2.3 Natural Law and New Theories of Justice . . . . .	28
5.3 Dialogues with the Past: the Issue of “Classic” or “Modern” Natural Law . . . . .	29
5.4 The Dialogue Between Natural Law and Human Rights . . . . .	34
5.5 For a Non-political and Unitary Theory of Natural Law . . . . .	36
<b>6 What Natural Law Is, What It Is Not</b> . . . . .	39
6.1 Natural Law Is Esoteric . . . . .	39
6.2 Natural Law Is a Method . . . . .	39
6.3 Natural Law Is Not a Code . . . . .	41
6.4 Natural Law Is Not Even Written . . . . .	41
6.5 Natural Law Is Dialectical . . . . .	42
<b>7 Legacies and Achievements of Iusnaturalism</b> . . . . .	45
7.1 Lights and Shadows of the Political Legacy of Iusnaturalism . . . . .	45
7.2 The Legacy of Natural Law Principles and the Hierarchy of Legal Sources . . . . .	48
7.3 Iusnaturalism, a “Constant and Perpetual” Quest and Fight for Justice. Pedagogy of Justice . . . . .	48
7.4 Iusnaturalism, a Monument of Intellectual Pluralism . . . . .	49
7.5 Iusnaturalism, Philosophical Father of Human Rights . . . . .	50
7.6 Natural Law as Theories of Justice. The Apory of ‘Suum’ and Social Justice . . . . .	51
7.7 Justice, <i>Constans et Perpetua Voluntas</i> . . . . .	54
<b>8 Avatars of Natural Law. Natural Law in Different Colours</b> . . . . .	55
8.1 Beyond the Classic Opposition Natural/Positive . . . . .	55
8.2 The Law or the Judge? . . . . .	55
8.3 The Dogma or the Topic? . . . . .	56
8.4 All the Theories . . . . .	57
8.5 New Theories. The example of Neo-constitutionalism . . . . .	58
8.6 New inputs. The example of “Vital Law” . . . . .	59
8.7 A Critical Neo-Iusnaturalism . . . . .	59
<b>Appendix</b> . . . . .	61
<b>References</b> . . . . .	63



<http://www.springer.com/978-3-642-32658-5>

Rethinking Natural Law

Ferreira da Cunha, P.

2013, XVI, 70 p., Softcover

ISBN: 978-3-642-32658-5