Natural Law Essay, Research Paper

Ancient Greek philosophers were the first to elaborate a natural law doctrine. Heraclitus spoke in the 6th century BC of a common wisdom that pervades the whole universe, for all human laws are nourished by one, the divine. Aristotle distinguished between two kinds of justice: “A rule of justice is natural that has the same validity everywhere, and does not depend on our accepting it or not; a rule is legal [conventional] that in the first instance may be settled in one way or the other indifferently.” The Stoics, especially the philosopher Chrysippus of Soli, constructed a systematic natural law theory. According to Stoicism the whole cosmos is rationally ordered by an active principle variously named God, mind, or fate. Every individual nature is part of the cosmos. To live virtuously means to live in accord with one’s nature, to live according to right reason. Because passion and emotion are considered irrational movements of the soul, the wise individual seeks to eradicate the passions and consciously embrace the rational life. This doctrine was popularized among the Romans by the 1st-century BC orator Cicero, who gave a famous definition of natural law in his De Republica:”True law is right reason in agreement with Nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions.

Natural Law, in ethical philosophy, theology, law, and social theory, a set of principles, based on what are assumed to be the permanent characteristics of human nature, that can serve as a standard for evaluating conduct and civil laws. It is considered fundamentally unchanging and universally applicable. Because of the ambiguity of the word nature, the meaning of natural varies. With that in mind natural law may be considered an ideal to humanity or a general fact, the way human beings usually act. Natural law is contrasted with positive law, the enactments of civil society.

In the 19th century a critical spirit dominated discussions of natural law. The existence of a natural law was generally regarded as improvable, and it was largely replaced in legal theory by utilitarianism, formulated by the English philosopher Jeremy Bentham as “the greatest happiness of the greatest number,” and by legal positivism, according to which law is based simply on “the command of the ruler,” in the phrase of the English jurist John Austin.

Jeremy Bentham was an outspoken advocate of law reform, who established political doctrines on things like natural law and contractarianism, also the first to produce a utilitarian justification for democracy. Mr. Bentham is also quoted to have said much on subjects as diverse as prison reform, religion, poor relief, international law, and animal welfare. Labeled as a visionary far ahead of his time, he advocated universal suffrage and the decriminalisation of homosexuality.