

# Contents

---

<i>Acknowledgements</i>	vii
<i>Series Preface</i>	ix
<i>Introduction by James Bernard Murphy</i>	xi
<i>Selected Bibliography compiled by Carl A. Yirka and Heidi E. Conner</i>	xix

## PART I INTRODUCTION TO AQUINAS

1 Otto Bird (1987), ‘On Reading the <i>Summa</i> : An Introduction to Saint Thomas Aquinas’, in Mortimer J. Adler (ed.), <i>The Great Ideas Today</i> , Chicago, IL: Encyclopedia Britannica, pp. 126–54.	3
---	---

## PART II THE PROBLEMS OF NATURAL LAW

2 Robert P. George (1999), ‘Recent Criticism of Natural Law Theory’, <i>In Defense of Natural Law</i> , Oxford: Oxford University Press, pp. 31–82.	35
3 Anthony J. Lisska (2008), ‘The Metaphysical Presuppositions of Natural Law in Thomas Aquinas: A New Look at Some Old Questions’, in Fulvio Di Blasi, Joshua P. Hochschild and Jeffrey Langan (eds), <i>Virtue’s End: God in Moral Philosophy of Aristotle and Aquinas</i> , South Bend, IN: St Augustine’s Press, pp. 67–83.	87

## PART III LAW AND MORALITY

4 Mortimer J. Adler (1942), ‘A Question about Law’, in Robert E. Brennan (ed.), <i>Essays in Thomism</i> , New York: Sheed & Ward, pp. 207–36, 388–410.	107
5 Alan Donagan (1969), ‘The Scholastic Theory of Moral Law in the Modern World’, in Anthony Kenney (ed.), <i>Aquinas: A Collection of Critical Essays</i> , London: Macmillan, pp. 325–39.	161
6 Mary M. Keys (2001), ‘Aquinas’s Two Pedagogies: A Reconsideration of the Relation between Law and Moral Virtue’, <i>American Journal of Political Science</i> , 45, pp. 519–31.	177

## PART IV NATURAL LAW AND NATURAL RIGHTS

7 Michael P. Zuckert (1996–1997), ‘Do Natural Rights Derive from Natural Law?’, <i>Harvard Journal of Law and Public Policy</i> , 20, pp. 695–731.	193
8 Joseph Boyle (2001), ‘Fairness in Holdings: A Natural Law Account of Property and Welfare Rights’, <i>Social Philosophy and Policy</i> , pp. 206–26.	231



## PART V DIMENSIONS OF POSITIVE LAW

- 9 James Bernard Murphy (2005), 'Law's Positivity in the Natural Law Jurisprudence of Thomas Aquinas', *The Philosophy of Positive Law: Foundations of Jurisprudence*, New Haven and London: Yale University Press, pp. 48–116. 255
- 10 Daniel Westberg (1994), 'The Relation between Positive and Natural Law in Aquinas', *Journal of Law and Religion*, 11, pp. 1–22. 325
- 11 Gilbert Bailey (1941), 'The Promulgation of Law', *American Political Science Review*, 35, pp. 1059–84. 347

## PART VI ONE THOMISTIC CRITIQUE OF MANY MODERN JURISPRUDENCES

- 12 John Finnis (1984–1985), 'The Authority of Law in the Predicament of Contemporary Social Theory', *Journal of Law, Ethics and Public Policy*, 1, pp. 115–37. 375
- 13 John Finnis (1993–1994), 'Liberalism and Natural Law Theory', *Mercer Law Review*, 45, pp. 687–704. 399

## PART VII A THOMISTIC APPROACH TO SELECTED LEGAL PROBLEMS

- 14 Nicholas Aroney (2007), 'Subsidiarity, Federalism, and the Best Constitution: Thomas Aquinas on City, Province and Empire', *Law and Philosophy*, 26, pp. 161–228. 419
  - 15 Patrick Halligan (1989), 'The Environmental Policy of Saint Thomas Aquinas', *Environmental Law*, 19, pp. 767–806. 487
  - 16 M. Cathleen Kaveny (1991), 'Toward a Thomistic Perspective on Abortion and the Law in Contemporary America', *The Thomist*, 55, pp. 343–96. 527
  - 17 Stephen R. Latham (1996–1997), 'Aquinas and Morphine: Notes on Double Effect at the End of Life', *DePaul Journal of Health Care Law*, 1, pp. 625–44. 581
- Conclusion: 'The Modern Return to Aquinas' by Richard Oliver Brooks 601
- Name Index 611