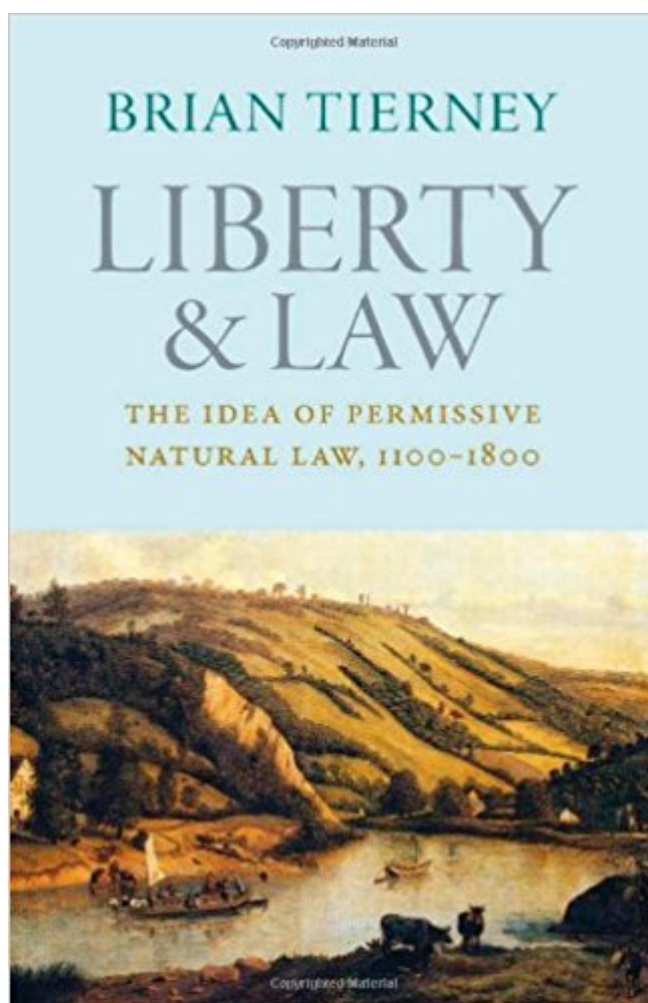


The book was found

Liberty And Law: The Idea Of Permissive Natural Law, 1100-1800 (Studies In Medieval And Early Modern Canon Law)



Synopsis

Liberty and Law examines a previously underappreciated theme in legal history—the idea of permissive natural law. The idea is mentioned only peripherally, if at all, in modern histories of natural law. Yet it engaged the attention of jurists, philosophers, and theologians over a long period and formed an integral part of their teachings. This ensured that natural law was not conceived of as merely a set of commands and prohibitions that restricted human conduct, but also as affirming a realm of human freedom, understood as both freedom from subjection and freedom of choice. Freedom can be used in many ways, and throughout the whole period from 1100 to 1800 the idea of permissive natural law was deployed for various purposes in response to different problems that arose. It was frequently invoked to explain the origin of private property and the beginnings of civil government. Several kinds of permissive natural law were identified. Permission could be positive or negative, depending on whether it was specifically conceded by a legislator or only tacitly allowed. It could free from sin or merely remit some temporal punishment that was due. It could commend some conduct without commanding it or permit some evil without condoning it. Medieval canonists used the concept of permissive natural law to harmonize the discordant texts that they found in their sources; William of Ockham found it a powerful tool in his defense of Franciscan poverty against papal criticisms; for Richard Hooker it justified both the constitutional structure and the ritual practices of the Anglican church; John Selden used it to uphold the inviolability of contracts, most importantly the contract of government; Hugo Grotius made it a central theme in his treatment of the conduct permissible in waging war; in the eighteenth century Jean Barbeyrac and Jean-Jacques Burlamaqui associated the idea with the emerging doctrine of natural rights. In *Liberty and Law*, Tierney has presented us with a magisterial and provocative way of interpreting legal history.

Book Information

Series: Studies in Medieval and Early Modern Canon Law (Book 12)

Paperback: 400 pages

Publisher: The Catholic University of America Press (February 3, 2014)

Language: English

ISBN-10: 0813225817

ISBN-13: 978-0813225814

Product Dimensions: 8.6 x 6 x 1.1 inches

Shipping Weight: 1.2 pounds (View shipping rates and policies)

Average Customer Review: 4.0 out of 5 stars 1 customer review

Best Sellers Rank: #665,952 in Books (See Top 100 in Books) #50 in Books > Law > Legal Theory & Systems > Natural Law #76 in Books > Christian Books & Bibles > Churches & Church Leadership > Canon Law #321 in Books > Law > Philosophy

Customer Reviews

BRIAN TIERNEY is Bryce and Edith M. Bowmar Professor in Humanistic Studies Emeritus, Cornell University

A learned study of a less noted aspect of the natural law tradition.

[Download to continue reading...](#)

Liberty and Law: The Idea of Permissive Natural Law, 1100-1800 (Studies in Medieval and Early Modern Canon Law) The Common Legal Past of Europe, 1000-1800 (Studies in Medieval and Early Modern Canon Law) The History of Courts and Procedure in Medieval Canon Law (History of Medieval Canon Law) Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century (Studies in Medieval and Early Modern Canon Law) The Treatise on Laws (Decretum DD. 1-20) with the Ordinary Gloss (Studies in Medieval and Early Modern Canon Law) (v. 2) Gratian's Tractatus de penitentia: A New Latin Edition with English Translation (Studies in Medieval and Early Modern Canon Law) Gratian the Theologian (Studies in Medieval and Early Modern Canon Law) The History of Byzantine and Eastern Canon Law to 1500 (History of Medieval Canon Law) An Age of Empires, 1200-1750 (The Medieval and Early Modern World) (Medieval & Early Modern World) An Age of Science and Revolutions, 1600-1800: The Medieval & Early Modern World Student Study Guide to An Age of Science and Revolutions, 1600-1800 (Medieval & Early Modern World) Medieval Canon Law (The Medieval World) Canonical Collections of the Early Middle Ages (ca. 400-1140) (History Medieval Canon Law) Images and Cultures of Law in Early Modern England: Justice and Political Power, 1558-1660 (Cambridge Studies in Early Modern British History) 1800 Stamps of the World: A Stunning Visual Directory Of Rare And Familiar Issues, Organized Country By Country With Over 1800 Images Of Collectables From Up To 200 Countries A History of Everyday Life in Scotland, 1600-1800: A History of Everyday Life in Scotland, 1600 to 1800 (A History of Everyday Life in Scotland EUP) Standard Catalog of World Coins 1701-1800 (Standard Catalog of World Coins Eighteenth Century, 1701-1800) Canon 7D Experience - The Still Photographer's Guide to Operation and Image Creation With the Canon EOS 7D An Introduction to the Old Testament, Second Edition: The Canon and Christian Imagination (Canon & Christian Imagination) Canon 7D Mark II Experience - The Still Photography Guide to Operation and Image

Creation with the Canon EOS 7D Mark II

Contact Us

DMCA

Privacy

FAQ & Help