

James Madison Program in American Ideals and Institutions



Presents a Public Conference
Cosponsored by
The Association for the Study of Free Institutions, University of Nebraska at Omaha
The Bouton Law Lecture Fund

Natural Law, Natural Rights, and the American Republic

**Monday–Tuesday, May 17-18, 2010
Lewis Library 120, Princeton University**

What is the relationship between the free societies of the modern world and the western tradition of political philosophy? The fact of such a relationship is clear, but its exact character is ambiguous. On the one hand, modern free societies were undeniably shaped by modern political philosophy, and in particular by the doctrine of individual natural rights. On the other hand, although this modern natural rights doctrine emerged to some extent in opposition to the older tradition of natural law – which emphasized the priority of the community to the individual, and of natural duties to natural rights – the new tradition in some ways depended intellectually on the older one and may not have broken completely from it. This tension is perhaps most evident in the case of the American republic, the product of a philosophically informed founding bearing evidence of the influence of modern, classical, and Christian thought.

A further ambiguity is introduced by movements within contemporary free societies that would detach those societies from the influence of natural rights liberalism. In America, for example, some question whether the maintenance of a free society requires continued reliance on the natural rights doctrine or, more broadly, the “Laws of Nature and of Nature’s God,” suggesting that a more comprehensive freedom will arise if society takes its bearings from notions of historical progress rather than a static concept of nature.

Endeavoring to encourage the careful consideration these issues demand, the James Madison Program in American Ideals and Institutions and the Association for the Study of Free Institutions are pleased to announce a conference on *Natural Law, Natural Rights, and the American Republic*. The program includes scholars from various disciplines in the social sciences and the humanities speaking on issues such as the influence of natural law thinking on the American founders, the role of natural law and natural rights in post-founding American history and politics, the place of natural law in American jurisprudence, and the compatibility of the doctrine of natural rights with prudence and community.

We seek to address a number of questions: How did the leading American founders understand the relationship of their political project to the tradition of natural law thinking? Did the founding generation have a coherent vision of natural law and political society, or was their thinking characterized by as much disagreement as agreement on these fundamental issues? What role has the founding’s account of natural law and natural rights played in subsequent political controversies in American history? To what extent, and with what merit, have conceptions of natural law and natural rights influenced American jurisprudence, including constitutional interpretation? Is a doctrine of natural rights compatible with the traditional political virtue of prudence or practical wisdom? Does the doctrine of natural rights provide a sufficient basis for decent and choiceworthy political community? Finally, what is the philosophic character of the American republic established by the founders? Is it liberal, classical, Christian, some combination of these influences, or something else entirely?

Natural Law, Natural Rights, and the American Republic

**Lewis Library 120
Princeton University**

Monday, May 17, 2010

10:30 a.m. – Noon **Presentation of Award of the Association for the Study of Free Institutions to Michael P. Zuckert**

Keynote Address: Mr. Chief Justice Madison: Reflections on Judicial Review in the Natural Rights Republic

Michael P. Zuckert, *Nancy Reeves Dreux Professor, Department of Political Science, University of Notre Dame*

1:30 - 3:15 p.m. **Nature as a Standard: Natural Law in the Early American Republic**

Panelists: “James Wilson,” **Mark David Hall**, *George Fox University*

“John Witherspoon,” **Jeffrey H. Morrison**, *Regent University*

“Thomas Jefferson,” **James W. Ceaser**, *University of Virginia*

“Natural Law Constitutionalism in the American Founding,” **C. Bradley Thompson**, *Clemson University*

Chair: **Thomas K. Lindsay**

3:45 - 5:30 p.m. **Natural Law and Natural Rights: Post-Founding Applications and Rejections**

Panelists: “Nature as a Standard in the Marshall Court’s Jurisprudence,” **Robert Faulkner**, *Boston College*

“Lincoln and Natural Rights,” **Lucas E. Morel**, *Washington and Lee University*

“The Flight from Nature: John Dewey and the Progressive Turn,” **Bradley C. S. Watson**, *Saint Vincent College*

“Spurning the Inevitable: Do Contemporary Liberals Appeal to Nature as a Standard of Justice?” **Christopher Wolfe**, *Thomas International Center*

Chair: **Ken I. Kersch**, *Boston College*

Tuesday, May 18, 2010

9:15 - 11:00 a.m. Natural Law in American Legal Interpretation: Jurisprudential Virtue or Jurisprudential Vice?

Panelists: **Lawrence A. Alexander**, *University of San Diego School of Law*

Hadley Arkes, *Amherst College*

Matthew J. Franck, *Radford University*

Gary L. McDowell, *University of Richmond*

Chair: **George W. Dent, Jr.**, *Case Western Reserve University School of Law*

11:15 a.m. - 1:00 p.m. Natural Rights, Prudence, and the Basis of Community

Panelists: "Sensus Communis and Nature's Law: Why Communities Know Natural Law Better Than Philosophers Do," **Patrick J. Deneen**, *Georgetown University*

"Who Are We? Samuel Huntington, the American Founding, and the Problem of American Identity," **Carson Holloway**, *University of Nebraska at Omaha*

"Tocqueville's Contribution to Sustaining a Natural Rights Republic," **Paul A. Rahe**, *Hillsdale College*

"Common Sense and Common Law in American Independence," **James R. Stoner, Jr.**, *Louisiana State University*

Chair: **Matthew S. Holland**, *Utah Valley University*

2:45 - 4:30 p.m. Roundtable on the American Republic: Liberal, Classical, Christian, or What?

Panelists: **Alan R. Gibson**, *California State University at Chico*

Garrett Ward Sheldon, *University of Virginia's College at Wise*

Darren Staloff, *Princeton University and City College of New York*

Michael P. Zuckert, *University of Notre Dame*

Chair: **Robert P. George**, *Princeton University*