NATURAL LAW AND SOCIAL SCIENCE: SOME HISTORICAL CONSIDERATIONS

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Today the idea of natural law is generally considered a subject in ethics, politics and jurisprudence and concerned with the status of basic norms. During the last one and a half centuries natural law has come to be seen as particularly central to Catholic theology's contributions to these fields. These modern concerns have tended to obscure some important features of natural law thinking in the preceding period from the sixteenth to the early nineteenth century. This is the subject of the present lecture.

Early-modern natural law was as inter-disciplinary as the Max-Weber-Lecture programme and in fact became a major seed-bed for early forms of social science. This development was premised upon the articulation of a concept of social phenomena, a sphere that had some sort of identity separate from the individual persons 'manning' it. The means to this end were the notion of contracts as vehicles for the exchange of rights and the idea that contracts are linguistic performances. But were such transactions not simply reducible to human nature? And were the status of rights and the obligation of contracts not dependent upon God's natural law?

It will be argued that in their attempt to deal with religious metaphysics in politics, some of the natural lawyers, notably Hobbes and Pufendorf, began to articulate ideas of social phenomena per se. But at the same time they encountered the problem of how to relate the social to human nature – to the psychological, as we would say. And to the extent that they reached some clarity about a social sphere, they raised the issue of its historical character and, hence, that of the forms of explanation to which it was open. This was an issue that was pursued with vigour through the Enlightenment, and I will briefly re-visit Hume and Smith as examples of this.