

Law as a Guide to Justice

A Symposium on the Philosophical and Theological Foundations of Law and Justice
in Honour of Amanda Perreau-Saussine Ezcurra (1971-2012)

Lecture Theatre LG18, Faculty of Law, University of Cambridge, Saturday 4 March 2017

This Symposium aims to honour the work of Amanda Perreau-Saussine Ezcurra, a Fellow and Lecturer in Law at Queens' College until her untimely death in 2012.

Perreau-Saussine Ezcurra was a natural lawyer. She maintained that there is a small set of natural laws of justice, such as the prohibition of murder, which constrain our practical reason: they limit the range of actions which one may reasonably adopt. For Perreau-Saussine Ezcurra these constraints held for all human beings independently of any positive law. At the same time, she argued that positive laws can be guides to natural justice: statutory law, customary law, and divine law help us to recognize these natural laws of justice (as is the case, for instance, for criminal codes which prohibit murder in all countries). Yet, Perreau-Saussine Ezcurra was keenly aware that positive laws are fallible: all too often they are guides to injustice rather than justice. For her, any adequate account of natural law had therefore to determine when and why we are justified to rely on the guidance of positive laws. There needed to be an alternative way of identifying natural law, a way which does not resort to the guidance of positive law.

For many philosophers who share this belief in natural laws of justice this alternative way consists in an appeal to human reason alone. Following an older tradition whose primary exponent is perhaps Thomas Aquinas, Perreau-Saussine Ezcurra, by contrast, argued that justice arises from a law-like ordering of the animate and inanimate world and from human needs that exist prior to human reason and action. Moreover, belief in natural law, for her, also presupposed belief in a benign providence or sustainment of this order.

In an unfinished book, entitled *Law as a Guide to Justice: Old Questions for New Natural Lawyers*, Perreau-Saussine Ezcurra wanted to defend these ideas and thereby encourage fellow natural lawyers to expose the premises of any belief in natural laws of justice. Taking up this encouragement, the organisers of the Symposium have invited a handful of distinguished scholars to sympathetically, but critically explore four central themes of Perreau-Saussine Ezcurra's interdisciplinary work:

1. The benign law-like ordering of the world and especially of human nature (philosophy of nature and philosophical anthropology)
2. The derivation of exceptionless natural laws of justice from this order (natural law theory)
3. The guidance afforded by positive state law, custom, and divine law (legal philosophy)
4. The benign structure and providential ordering sustaining the natural order and representing the foundation of natural law (theology and metaphysics).

The Symposium is free, but requires **registration** on <http://tinyurl.com/joce765>.

Venue: Lecture Theatre LG18, Faculty of Law, University of Cambridge.

Date and time: Saturday, 4 March 2017 from 9.00am to 6.00pm

Catering: free coffee and lunch (all voluntary **donations** are most welcome!)

A complete conference programme is provided overleaf.

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9.15 - 9.45: Introduction

Moderator: James Bernard Murphy, Dartmouth College (US)

Onora O'Neill, University of Cambridge
'Opening Remarks on Amanda Perreau-Saussine Ezcurra'

Tobias Schaffner
'Four Central Themes in Amanda Perreau-Saussine Ezcurra's
Laws as a Guide to Justice: Old Questions for New Natural Lawyers'

9.45 - 11.15: A Law-Like Ordering of the World and Human Nature

Moderator: Nick McBride, Pembroke College, Cambridge

John Cottingham, University of Reading
'Nature and Natural Law: The Constraints on Practical Reasoning'
Response by Sr Margaret Atkins, Boarbank Hall

Nicholas Lombardo, The Catholic University of America
'Desire, law, and silence: Finding natural law in human desire,
divine positive law, and divine silence'
Response by Caroline Humfress, University of St Andrews

11.15 - 11.45: Coffee Break

11.45 - 13.15: The Natural Laws arising from our Sociable Nature

Moderator: TBC

Larry Arnhart, Northern Illinois University
'Biological Sociability in Thomistic Natural Law'
Response by (TBC)

Sean Coyle, University of Birmingham
'Can Natural Laws be Derived from Sociability?'
Response by James Bernard Murphy, Dartmouth College (US)

13.15 - 14.00: Lunch Break

14.00 - 15.30: Positive State Law as a Guide to (Natural) Justice

Moderator: TBC

Gerald J. Postema, UNC School of Law (US)

‘Hale’s Common-Law Naturalism’

Response by Judge James Crawford, International Court of Justice

James R. Stoner, Jr., Louisiana State University

**‘Determination and Deduction: How Aquinas Might Distinguish the Work of the
Legislator from the Work of the Judge.’**

Response by Nigel Simmonds, University of Cambridge

15.30 - 16.00: Coffee Break

16.00 - 17.30: When and Why are Positive Laws a Guide to Justice?

Moderator: Nigel Simmonds, University of Cambridge

James Bernard Murphy, Dartmouth College (US)

‘Justifying Human Rights: The Threat and the Promise’

Response by Tobias Schaffner

Nick McBride, Pembroke College, Cambridge

‘Equality, Flourishing and the Existence of Legal Absolutes’

Response by Guglielmo Verdirame, King’s College London

17.30- 17.45: Closing Remarks