Christianity and Global Law

This book explores both historical and contemporary Christian sources and dimensions of global law and includes critical perspectives from various religious and philosophical traditions.

Two dozen leading scholars discuss the constituent principles of this new global legal order historically, comparatively, and currently. The first part uses a historical-biographical approach to study a few of the major Christian architects of global law and transnational legal theory, from St. Paul to Jacques Maritain. The second part distills the deep Christian sources and dimensions of the main principles of global law, historically and today, separating out the distinct Catholic, Protestant, and Orthodox Christian contributions as appropriate. Finally, the authors address a number of pressing global issues and challenges, where a Christian-informed legal perspective can and should have deep purchase and influence. The work makes no claim that Christianity is the only historical shaper of global law, nor that it should monopolize the theory and practice of global law today. But the book does insist that Christianity, as one of the world's great religions, has deep norms and practices, ideas and institutions, prophets and procedures that can be of benefit as the world struggles to find global legal resources to confront humanity's greatest challenges.

The volume will be an essential resource for academics and researchers working in the areas of law and religion, transnational law, legal philosophy, and legal history.

Rafael Domingo is the Spruill Family Professor of Law and Religion at Emory University, USA, and Alvaro d'Ors Professor of Law at the University of Navarra, Spain.

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Law and Religion

The practice of religion by individuals and groups, the rise of religious diversity, and the fear of religious extremism, raise profound questions for the interaction between law and religion in society. The regulatory systems involved, the religion laws of secular government (national and international) and the religious laws of faith communities, are valuable tools for our understanding of the dynamics of mutual accommodation and the analysis and resolution of issues in such areas as: religious freedom; discrimination; the autonomy of religious organisations; doctrine, worship and religious symbols; the property and finances of religion; religion, education and public institutions; and religion, marriage and children. In this series, scholars at the forefront of law and religion contribute to the debates in this area. The books in the series are analytical with a key target audience of scholars and practitioners, including lawyers, religious leaders, and others with an interest in this rapidly developing discipline.

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Christianity and Global Law
Edited by Rafael Domingo and John Witte, Jr.

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Christianity and Global Law

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John Witte, Jr.

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To the Memory of Alonzo L. McDonald (1928–2019)

Global Leader of Church, State, Society, and Economics


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Contents

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Preface and acknowledgments

This volume on *Christianity and Global Law* is one of several new introductions to Christianity and law commissioned by the Center for the Study of Law and Religion at Emory University. Each volume is an anthology of some two dozen chapters written by leading scholars. Each volume has historical, doctrinal, and comparative materials designed to uncover Christian sources and dimensions of familiar legal topics. Each volume is authoritative but accessible, calibrated to reach students, scholars, and instructors in law, divinity, graduate, and advanced college courses as well as educated readers from various fields interested in what Christianity has, can, and perhaps should offer to the world of law. Earlier titles in this series include *Christianity and Law* (2008); *Christianity and Human Rights* (2010); *Christianity and Family Law* (2017); and *Christianity and Natural Law* (2017). Other titles are forthcoming on Christianity and church law, conscience, constitutionalism, criminal law, economic law, international law, migration law, and private law. We aim to commission similar volumes on Christianity and bankruptcy law, education law, elder law, environmental law, health law, labor law, procedural law, remedies, and other familiar legal topics.

This volume on *Christianity and Global Law*—together with the parallel volumes in press on criminal law and private law—was made possible by a generous grant from Fieldstead and Company, a private California foundation. We give thanks to the Fieldstead board and directors for their generous support and to the program officers, Dr. Stephen Erikson and Dr. Joe Gorra, for their wise counsel as we planned these volumes. We are deeply grateful to Dr. Gary S. Hauk, Emory University historian and senior editor in the Center for the Study of Law and Religion, for sharing his superb editorial talents so generously in copyediting this manuscript. We also express our warm thanks to our Center colleagues, Ms. Anita Mann and Ms. Amy Wheeler, for their skillful administration of this and other scholarly projects.

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Suzie McDonald, and Mr. Peter McDonald, for their decades-long support of John Witte's ongoing work in law and Christianity and their collaboration on several earlier projects and volumes, including other titles in this series.

Ambassador Alonzo McDonald passed away on November 21, 2019, just as this volume was going to press. Al was very much a global leader of church, state, society, and economy. He was a Marine Corps veteran, a distinguished businessman, and a generous philanthropist. His career included service as CEO of McKinsey & Company; president and vice-chairman of the Bendix Corporation; White House Staff Director under President Jimmy Carter; and U.S. ambassador for trade who led the world in negotiating the General Agreement on Tariffs and Trade (GATT), a fundamental early expression of global law. He was a leading member of the Council on Foreign Relations, the International Chamber of Commerce, the Center for Inter-American Relations, and the French-American Foundation. He was also co-founder of the Trinity Forum and trustee of Emory University. With gratitude for his remarkable life of faith and work, we dedicate this book to the memory of Alonzo McDonald.

It was a joy for us to work with such a range of leading scholars from North America, Europe, Australia, and South Africa who contributed fresh chapters to this volume. We are delighted to publish this volume and several others in the distinguished Law and Religion series edited by one of the world's preeminent scholars of law and religion, Professor Norman Doe. Professor Doe and his many colleagues in the Cardiff Centre for Law and Religion have been vital trans-Atlantic allies with our Emory Center for the Study of Law and Religion. We give thanks for their leadership in this expanding global field of interdisciplinary legal study, and for their partnership with us in publishing this and parallel volumes on law and Christianity.

Finally, we express our warm thanks to Alison Kirk and her colleagues at Routledge in taking on these volumes and applying their usual standards of excellence in their editing, production, and marketing of this volume.

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Introduction

Rafael Domingo and John Witte, Jr.

This volume explores the interaction between Christianity and the challenges and principles of global law. By "global law," we mean the emerging common law of humanity that transcends both the law of individual states and the international law between and among nations and regions. The challenges pressing for global law solutions today include massive human rights violations, international terrorism, genocide, war, arms trafficking, refugees and migrants, sex trafficking, global disease, hunger, famine, poverty, global political and economic corruption, global climate and environmental challenges, and major (bio)technological issues—all of which are beyond the capacity or power of any nation or even of international law to address fully. Discussions of global law today build on ancient and foundational principles such as dignity, equality, solidarity, sovereignty, subsidiarity, pluralism, the common good, and the rule of law. They also build on the efforts of earlier great legal minds from classical times until today who have sought to translate these legal principles into effective and enduring precepts and practices to address the major challenges of their day, sometimes using such sweeping concepts as *ius naturale, ius gentium, ius commune*, and comparable appeals to "universals."

The new field of global law study remains a work in progress, and it will require some time and experimentation before it is settled—particularly given the recent resurgence of nationalism and balkanization along religious, ethnic, linguistic, and racial lines. What Goethe said about the development of science also applies to the evolution of law: "With the expansion of knowledge, from time to time a rearrangement becomes necessary; it usually happens according to newer maxims, but always remains provisional."[1] The growing interdependence of the world's economies, cultures, and populations, and the rapid emergence of massive new global challenges to human civilization, now calls for this radical "rearrangement" of law and the creation of new legal "maxims," however "provisional," to guide the development of law in subsequent generations.

This volume is part and product of the rapidly emerging scholarship on global law.[2] It presents freshly commissioned chapters by two dozen leading jurists, theologians, philosophers, political scientists, historians, and social scientists from North America, Europe, South Africa, and Australia. The chapters reflect the provisional, experimental, and sometimes controversial discourse about global

law today. Some contributors equate global law with international law; others see it as any law beyond the international law between and among sovereign states. For some, global law is only a worldwide growing legal consciousness to resolve planetary problems together; for others, it is a set of legal institutions organized on a global level to deal with public goods that affect humanity as a whole. For some, global law is the result of a process of constitutionalization of international law; for others, global law is a common law of humanity, a true world law. Our view as editors is that global law must remain complementary to national legal systems and focused only on specific global challenges facing global humanity. We do not envision a comprehensive and universal global legal system encompassing and preempting the national and international legal systems in the world. But we do believe that global law's primary focus on the fundamental dignity of the global person rather than on the community of sovereign nation-states will eventually bring profound changes to the foundations of international law.

While the chapters in this volume do not settle on a common definition or concept of global law, they do focus on the past, present, and potential contributions of global Christianity to global law. This topic is rather new to contemporary global law scholarship, even though Christianity with its 2.3 billion members[3] is the largest faith in the world. The relationship of Christianity and global law is worthy of close examination, and this volume outlines some of the emerging resources, questions, and methods. We make no claim that Christianity has been the only historical shaper of global law, nor that it should monopolize the theory and practice of global law today or in the future. Our hypothesis is more modest but nonetheless insistent: that Christianity has deep norms and practices, ideas and institutions, prophets and procedures that can be of great benefit as the world struggles to find global legal resources to confront humanity's greatest challenges.

This volume is deliberately ecumenical in character and reflects a range of historical and contemporary Christian perspectives on global law, with contributors offering descriptive, normative, and critical insights. The book is also decidedly interreligious in orientation, seeking to present Christian teachings on global law in a way that we hope will resonate with readers of all religions, first philosophies, and legal traditions. And the book is interdisciplinary in perspective, designed to show that secular legal systems, including the budding global law systems, are based in part on fundamental religious beliefs, values, and ideas. In the history of the Western legal tradition, Christian teachings and practices provided many of the founding beliefs and values of public, private, penal, and procedural law and legal theory. We editors believe that these same Christian teachings and practices are valuable for the emerging systems of global law as well, alongside sundry other religious and philosophical systems.

Part I: historical-biographical approach

The first part of our volume is biographical in nature. Behind many legal achievements, including the development of global law, one finds Christian values and

ideals as they were interpreted at a given time. And behind those ideals, one often finds particular Christian legal thinkers who left an indelible mark on our legal culture. From among the hundreds of possible figures to study, we have selected eleven principal figures from the first century to the twentieth century who contributed key ideas and insights to the later development of global law or some aspects of it. We have included major jurists like Alberico Gentili (1552–1608), Johannes Althusius (1563–1638), and Hugo Grotius (1583–1645). We have also included the Apostle Paul (c. 5–c. 64–67 CE); theologians like Augustine of Hippo (354–430), Thomas Aquinas (1225–1274), Francisco de Vitoria (1483–1546), and Francisco Suárez (1548–1617); philosophers like Immanuel Kant (1724–1804) and Jacques Maritain (1882–1973); and the politician Robert Schuman (1886–1963)—all of whom influenced the law more profoundly than many jurists.[4]

To be sure, without globalization there is no properly global law, and talking about global law prior to the Second World War is thus somewhat anachronistic. But it is also true that the idea of the existence of some legal principles of universal validity based on a common human nature and comparable experience is at the heart of Western civilization, as is the idea that law is the result of a long process of legal evolution, political maturation, and social development. Each chapter zeroes in on the specific key insight or legal contribution of that historical writer who later proved critical to the formation of global law.

In Chapter 1, C. Kavin Rowe argues that it is far from obvious that St. Paul was a defender of a universal moral law, or even a natural law. According to Rowe, in St. Paul's writings law most frequently means the Torah, that is, the law of God revealed to Moses and recorded in the Pentateuch; Torah was not equivalent to a universal moral law. Instead, Rowe defends the idea that Christian freedom and Christian wisdom are the real tools offered for St. Paul for living in the world in accordance with the will of God.

This first chapter poses a perennial dialectic that will occupy several other chapters in this volume, namely, that some theologians have a complex and critical view about natural law, even while most Christians take it for granted. The critical view can be seen in natural law skeptics such as Karl Barth or, currently, Michael Welker. On the other hand, according to a natural law doctrine very much supported by Thomas Aquinas and the Catholic Church, and by Althusius and the Calvinist tradition, the Torah itself contains many truths accessible to natural reason, which are immutable and permanent throughout human history. Whether such a traditional doctrine actually comports with St. Paul's reasoning is the central question posed by Rowe's exegesis in the first chapter.

In Chapter 2, on Augustine, Josef Lössl argues that classical (Greco-Roman) political thought knew the concept of the common good as an ideal in civic life which was as unquestioned as it was unattainable. In his monumental volume on *The City of God*, St. Augustine of Hippo mercilessly deconstructed the myth of ancient civic virtue and, taking Rome as example, laid bare the crisis and failure of the ancient civic project. He replaced it with a broader and, at the same time, deeper vision. His scope was the whole of humanity, the law of nature, and the

law of nations. He explored in principle the human condition and analyzed basic concepts such as the private vs. the public, the common vs. the particular, institutions such as marriage and family, and socioeconomic phenomena such as labor and leisure, poverty and wealth. This chapter discusses these and other aspects of Augustine's teaching on the common good and outlines briefly its continuing relevance.

This is an adventuresome but convincing reading of Augustine's wide-ranging thought and of how his worldview and imperial context provide interesting insights even for global law discussions in our day. Augustine's understanding of the *city* and its conceptual connections to the city of Rome and the Roman Empire, and to the kingdom of God and the new city of Jerusalem coming down in the Book of Revelation, is crucial to capturing Augustine's political thought. The reader will probably enjoy the parallel attention to the common good as both an intellectual and a spiritual reality, and the particular expressions of and challenges to these goods in Augustine's discussions of legal cases, private property disputes, work in monastic communities, and love within nuclear families of ancient Rome. The chapter also analyzes the Augustinian understanding of natural law, which, grounded in creation, is more authoritative and capable of delivering justice than the traditional law of nations based on human *consensus.*

In Chapter 3, Charles J. Reid, Jr. analyzes some of Thomas Aquinas's central juridical and legal ideas that shaped Western legal culture for many centuries in Catholic, Protestant, and Enlightenment liberal thought alike. Key to understanding Aquinas's realistic approach to law is the thought that law is both divine and human reason (*ratio*), with no conflicts between them. Divine reason is perfect, and it provides coherence to the whole law. Divine reason fixes the plan for the universe and is the ultimate archetype for rationally based human law. Human reason aspires to pursue the good by discovering the divine plan for communal creatures. Although there are immutable principles, the law is not static but flexible, since if human needs change, so must the law. A major point of the chapter is that straightforward translations of Aquinas's Latin writings often do a disservice to his thought. That happens especially with the Latin words *lex* and *ius*, which do not have an easy translation into English as they have into French, Italian, Spanish, and even German.

In Chapter 4, examining the foundations of a "global commonwealth," Andreas Wagner explores the understanding of the law of nations by Francisco de Vitoria, the founder of the so-called School of Salamanca. A pioneer in the development of the idea of public international law and the global human community, Francisco de Vitoria inaugurated the discourse and debate on global law in expounding his general conception of a global political commonwealth, organized according to republican motives. According to Vitoria, while this global commonwealth comprises both nations and individual persons, it is constituted primarily by the latter. All human beings are citizens both of their home nations and of the global commonwealth. In their capacity as global citizens, individuals can claim their legal rights against other foreign persons and communities and even against the otherwise sovereign particular political community of which

they are a member. The chapter points out some ambivalences resulting from the political use that imperial colonists made of Vitoria's arguments and from the formal way in which he presented them. However, critics targeting these ambivalences seem to disagree about whether global law should then be more or less interventionist than Vitoria had suggested. Interestingly, both types of criticism can be discerned in today's reception of Vitoria as well as in some of his contemporaries' reactions.

In Chapter 5, Henrik Lagerlund introduces Francisco Suárez's thinking on the law of nations and just war. Suárez was also a member of the School of Salamanca and was strongly inspired by the medieval Thomistic tradition. He made essential contributions to natural theology, the philosophy of mind and action, metaphysics, ethics, political philosophy, and law. Suárez developed a modern account of the law of nations as a form of positive human law, not a mere extension of natural reason as it was seen by his predecessors. Included within the law of nations was the law of war, whose rules were drawn from custom but then cast in written positive law forms. Suárez argued that war as such is not intrinsically evil, and, therefore, that a just war is possible under some conditions. According to Suárez, defensive war is not only allowed but sometimes even commanded. His thinking influenced the jurisprudence of Grotius, Pufendorf, Leibniz, and Descartes, opening the doors to new modern legal developments.

In Chapter 6, Rafael Domingo and Giovanni Minnucci analyze the secularization of the law of nations led by Alberico Gentili. An early modern Italian legal theorist and legal practitioner, Alberico Gentili was a transitional figure, able to combine the standards of the old Italian school of civilians (the Bartolists) and the new categories of the legal humanists. He designed an autonomous and practical framework for the law of nations based on three pillars: the Greco-Roman natural law, the Justinian compilation of Roman law texts, and the Bodinian notion of sovereignty as supreme, perpetual, and indivisible power. By doing this, Gentili freed the law of nations from excessive scholastic influences and theological importations, and he contributed to the establishment of the theoretical pillars of the European modern state and to the building up of a society of sovereign nations.

In Chapter 7 on Johannes Althusius, John Wiite, Jr. analyzes the life and thought of this early seventeenth-century Calvinist German jurist and political philosopher, especially his account of the ultimate rule of natural laws and rights. This account would appeal not only to Christians but to all individuals seriously concerned about faith, justice, order, equality, and liberty. Althusius opposed the Bodinian vision of the unitary state-monarchy as the best guarantor of order and peace. He laid the foundations of the law in human nature, natural rights, symbiotic association (such as family and kinship, guilds and estates, cities and provinces), social contract, divine covenant, written constitutionalism, and political federalism, among others. Many of Althusius's legal foundations, especially his early developments of the theories of federation and subsidiarity, are now considered by scholars as true pillars of the emerging idea of global law.

In Chapter 8, Jon Miller examines Hugo Grotius's argument for the making of modern natural law theory. An uncommon thinker living an uncommon life

under uncommon social circumstances, Grotius is considered to be the father of modern international law and a pivotal figure in his time. While his originality is still under question, his work certainly had a massive influence on international legal theory and politics, including the laws of war and peace, the law of the sea and trade, and the development of natural rights. Miller offers a theistic explanation about the meaning of Grotius's (in)famous phrase *etiam si Deus non daretur*—that is, that the natural law would exist "even if God did not exist"—which is often misunderstood by scholars. According to Miller, the argument that natural law is self-evident to rational human nature presupposes the existence of God and the creation of rational humans made in the image of God. At the end of his chapter, Miller offers a suggestive comparison between German Protestant Reformer Martin Luther and Dutch Protestant Hugo Grotius.

After Chapter 8, we move from the Reformation era to the Enlightenment, to the post-Westphalian modern international system. The series of treaties that came together in the so-called Peace of Westphalia (1648) ended a century of European wars of religions that killed more than eight million people, even with the primitive weaponry of the day. In Chapter 9, Lawrence Pasternack delves into Immanuel Kant's ideas set out in his 1795 master work on *Religion and Perpetual* [or "Everlasting"—*ewig*] *Peace*, one of the best expressions of rational Enlightenment thought on war and peace. Pasternack shows how some of Kant's affirmative religious positions influenced his approach to international relations, and specifically how his 1795 work was shaped by some of the key topics of a previous writing that had deeper theological insights. Arguing that the German adjective *ewig* in Kant's famous work is better translated as *everlasting* or *eternal* rather than *perpetual*, Pasternack argues that Kant advocated not merely the interruption of all hostilities in the international realm but the true conversion of international relations into a scenario of *everlasting* peace.

The last two chapters of the first historical-biographical part explore the lives and thinking of two twentieth-century French titans, Jacques Maritain and Robert Schuman. In Chapter 10, William Sweet examines the decisive influence of Jacques Maritain, the great Catholic philosopher, theologian, and diplomat, on the justification, proposal, and development of the Universal Declaration of Human Rights (1948). The author demonstrates powerfully Maritain's contributions to natural, positive, and international rights discussions before, during, and after the UN Declaration. Readers will be surprised by how much Maritain had already developed his thinking before the Second World War and how he shifted his logic and argumentation as he watched and listened in the formulation of the international documents.

In Chapter 11, Rafael Domingo introduces Robert Schuman, one of the architects of European reconciliation and integration. Having been raised in the controversial border state of Alsace-Lorraine, he strongly desired a free and unified Europe and joined in cooperation and friendship across state lines. Although Schuman never talked specifically about global law, some of his decisive ideas, principles, and values that inspired European integration are critical for the development of global law and human community, Domingo argues. These include

the idea of the centrality of the person, the need to eliminate wars through peaceful legal tools, the importance of limiting state sovereignty without dissolving sovereign nations, and the principles of solidarity and subsidiarity.

Part II: structural principles of global governance

The second part of the book deals with several structural principles of global law: dignity, equality, solidarity, sovereignty, subsidiarity, pluralism, the common good, and the rule of law. Although the chapters in this part are more normative and theoretical, the authors continue to draw on historical examples and exemplars. The structural principles selected for analysis are not exclusive to global law, but they have proved critical to its development and are even at the heart of it.

If there is a universal common good for all humanity, that good itself creates a global community, whose existence and protection should be subject to a global *rule of law*. This global human community is not a mere federation of sovereign nation-states but a universal community of all human persons without exclusion. All persons are by their nature compulsory members of this global humanity, and no one can freely abandon it. Such a unique community of individuals should be based on the *imago Dei* principle of dignity, which provides equal legal status to all persons without exception. Moreover, if humanity is indivisible, the governance of this global human community must be inspired by the further principle of solidarity. Membership in a global community, however, sits alongside voluntary and involuntary membership in other communities as well: families, neighborhoods, local states, and various social, economic, recreational, and other voluntary associations. The principles of limited sovereignty and subsidiarity thus allow the integration and coordination of different instrumental communities with the global human community.[5]

In Chapter 12, Neil Walker offers a general introduction to the second part of the volume by focusing on the contested concept of a global rule of law. He explains the pros and cons of the two prevalent narratives on the topic: the secular narrative and the religious narrative. The former tries to regularize globalization detached from religion; the latter sees in the Christian tradition a foundation for a globally expansive rule of law. Walker defends an integrative third way, supported in part by the work of German philosopher Jürgen Habermas, and argues that religiously inspired actors and institutions can themselves be active agents of a process of "secularization" in which the religious sources are harmoniously mixed with other secular sources.

In Chapter 13, Martin Schlag delves into the Christian origins of human dignity in the Roman Catholic tradition. Although human dignity is not properly a biblical term, the Bible paves the path for Christian theology to frame a dignity-based legal anthropology. According to Schlag, while it is true that other religious traditions and philosophical schools developed concepts similar to dignity, the Christian tradition has played a decisive role in the consolidation of the idea worldwide. Schlag appreciates all attempts to establish a universal and secular concept of human dignity in order to promote good pillars in democratic

societies, but he argues that Christian values, and specifically dignity, without following Christ are ultimately rootless.

In Chapter 14, Julian Rivers focuses on some key elements for a challenging conversation about equality in modern law as he deeply engages with biblical and historical sources and arguments together with the latest national and international documents. He puts together and compares the words of the fourth-century Christian apologist Lactantius and suggests that Christianity has something relevant to say about equality and the Universal Declaration of Human Rights (1948). According to Rivers, what Christianity offers to the idea of equality is a solid metaphysical foundation; a long tradition of narratives and images that overcome legal abstractions and technicalities; a serious commitment to individual equality under law and the subsequent support for a set of antidiscriminatory laws; and a good balance between individual and collective identities and political structures.

In Chapter 15, on the principle of the common good, George Duke contrasts the teachings of Augustine and Aquinas with contemporary theories of Jürgen Habermas, John Rawls, and Adrian Vermeule, and especially with the natural law theorists John Finnis and Mark Murphy. The main difference between medieval and contemporary theories of the common good, Duke argues, is the medieval interpretation of virtue as constitutive for the common good of any political community. According to Duke, all political communities necessarily aim at the common good. However, their understanding of the concrete ethical meaning and normative relevance of that idea is intrinsically related to the interpretation of citizen virtue. The reason is that the common good is finally dependent upon a conception of the ultimate purpose of a good human life. The chapter ends with some reflections on the status of the common good as a normative principle.

In Chapter 16, Nicholas Aroney distills an immense body of jurisprudence on the modern meaning of political sovereignty, particularly as attached to the nation-state and its territory. In order to avoid any possibility of a world *imperium*, Aroney is cautious about the proposal of a global law that succeeds or supplants international law. On a global scale, the author defends a principle of *limited* sovereignty—based not on Jean Bodin's idea of absolute and indivisible sovereignty but rather on Johannes Althusius's federal principle. Instrumental and intermediary communities between the global human community and the individual—such as nations, regions, and various nonstate associations—help to satisfy most of the needs of human beings on an intermediate scale, Aroney argues, and they are crucial for developing human freedom and a healthy political, social, and economic life.

In Chapter 17, Ana Marta González analyzes the Christian roots of the principle of solidarity. She shows how the principle of solidarity emerged in response to the *social question* that pressed for answers in the aftermath of the French Revolution and the industrial revolution. While both socialism and solidarism came to frame solidarity mostly in political and sociological terms, Christianity has mainly approached it from a theological and practical perspective. Many scholars opposed solidarity to Christian charity and argued that solidarity is just

an aspirational principle or a natural fact for assuring social cohesion. González argues, however, that solidarity is not merely the result of structural decisions in political communities but also an ethical response to ethical social issues. Solidarity has an ontological dimension, prior to any social interaction and social form.

In Chapter 18, Thomas C. Kohler analyzes the political, economic, ethical, and social dimensions of the principle of subsidiarity. The subsidiarity principle promotes the centrality of the human person in the decision-making process of any political community and urges that immediate and local associations are often best positioned to develop the personal capacities and individual responsibilities of each person, even while that person remains an involuntary member of national, international, and global legal communities. Kohler explains why the principle of subsidiarity, so relevant in Europe, has gained little attention in the United States. The Consolidated Version of the Treaty on European Union enshrines the solidarity principle in its Article 5, providing in part that "the use of Union competencies is governed by the principle of subsidiarity" and that "national parliaments ensure compliance with the principle of subsidiarity."

Part III: global issues and public global goods

The third part of the volume deals with illustrative global issues, deeply influenced by Christianity, that come under the domain of global law. Our starting assumption is that global law is not the only legal system of the global legal community, but it complements the work of existing local, national, and international laws in dealing with pressing global legal issues that transcend the capacity of any nation or region to deal with them comprehensively. Global law, several contributors in this part emphasize, is not a monopolistic world law, and the existence of a global legal community does not presuppose the need for a global state that subsumes and preempts all other lesser sovereigns. Such a move would mark the end of social freedom and political life. Humanity as such is universal and total, but the legal-political structures and institutions that govern it should not be. Global law should satisfy only certain specific human needs, namely, those that affect humanity as such and can be resolved adequately only on the global scale. Some contributors to this section object to this perspective, but it sounds through the structure of the book itself.

This third part begins with a provocative Chapter 19 by leading historian Samuel Moyn. Moyn argues that most accounts of Christianity and human rights have proved apologetic and fictitious. While other historians, including several authors in this volume, have argued that human rights are the product of millennia-long cultural and religious traditions and are based on deep theological, philosophical, political, and legal reflections, Moyn emphasizes how *contingently* and *recently* Christianity engaged human rights, and how tenuous the human rights revolution has been in concretely addressing real-world problems. Moyn inspects critically the claim that American Protestants placed religious freedom at the foundation of the US Constitution and Bill of Rights, arguing that this is revisionist history. He also debunks claims of a long Catholic tradition of human rights, arguing that

it was only after the Second World War that the church came to embrace human rights, reversing its aversion to liberalism, democracy, and human rights after the French Revolution.

In Chapter 20, on the global economic order, Daniel A. Crane suggests that, although it is difficult for Christians to agree about the principles and content of an economic worldview, there is a specific economic message in the Bible. In his parables, Jesus talked about financial and management concerns, about money and its distribution, and about taxes and economic activity. According to Crane, the Christian tradition in economics arises not only from Christians' desire to interact with their cultures but also out of the great abundance of biblical sources and the need to reflect the faith in economic decisions. In our day, however, the engagement between formal Christian institutions and global economic and political institutions such as the World Trade Organization, the International Monetary Fund, and the World Bank is almost nonexistent, and most large corporations prefer not to be involved in religious issues to avoid inadvertent offense. According to Crane, the specific role of Christian institutions in the global economic sphere remains a difficult challenge for the twenty-first century.

In Chapter 21, Silas W. Allard describes the emerging global law of migration and the tension between person-centric and state-centric approaches, the latter of which come at massive costs to the fundamentals of human dignity. The chapter provides a good balance of crisp description and normative advocacy. Allard argues for the need to place the particular political community in service of those who move in search of opportunities to live and flourish. The boundary-crossing responsibility to protect the inherent dignity of any person calls for a prioritizing of individual and family interests and rights over the exclusive interests of nation-states through global practices of solidarity and cooperation.

In Chapter 22, on environmental protection and animal law, Mark Somos and Anne Peters validate the centrality of this topic of true and urgent global import in a volume on Christianity and global law. They take the Christian side of the story seriously, albeit critically and comparatively with other faiths and classical teachings. They introduce adroitly the range of interesting literature on point in a range of fields, not least law and legal history on both sides of the Atlantic. They frame issues of environmental care, stewardship, and, more particularly, animal law and rights, for Christians and other people of faith.

In Chapter 23, Mary Ellen O'Connell offers a brief history of the Christian contribution to the tradition of pacifism, the doctrine of just war, the doctrine's limits on war, and the tensions between natural law and positive law theories in relation to the use of force. According to O'Connell, the more relevant Christian contribution to the law governing the use of force is its rejection of violence, as well as the conception that the resort to war is immoral. O'Connell argues for the revival of the idea of natural law to liberate jurisprudence from the consequences of positivistic consensualism. However, she notes that any revitalization of natural law doctrines should take into consideration the diversity of the global community.

Finally, in Chapter 24 on international criminal law, Johan D. van der Vyver focuses on the contributions of Christianity to criminal law on a global scale and, particularly, the role of the Holy See in drafting the statute for a permanent international criminal court. The Catholic Church's contribution rested upon the moral commitment to help the international community, not upon any political, economic, or diplomatic interest, as was common in many government delegations. Van der Vyver explains how the Holy See tried to assure that a deliberately ambiguous terminology could serve to contradict moral doctrines. For instance, the refined nuances in distinguishing between forced and enforced action was one of the Holy See's contributions to the statute.

Conclusion

The Christian tradition has, for centuries, offered theological, philosophical, moral, and legal ideas and tools that have contributed to the development of law, legal systems, and legal procedures. These Christian teachings and doctrines have inspired the laws of local communities, of nation-states, and of the modern international law system. They hold power and potential for the process of globalization of law as well. To be sure, the emerging idea of global law is not a Christian creation, just as the ideas of the common good, human dignity, natural law, and human rights are not Christian creations. But many Christian principles and prophets have helped shape these emerging ideas, building on and alongside other religious and philosophical traditions.

The modern process of secularization of law is a help, not a hindrance, to the ongoing collaboration between Christianity and law, because secularization itself is an idea that is also inspired and illuminated by Christian teachings. "Render unto Caesar the things that are Caesar's, and unto God the things that are God's."[6] These were revolutionary words pronounced by Jesus in addressing the global imperial Roman law of his day, and these words have enduring insight for our day. Just because the realm of Caesar involves principles, rules, and propositions derived from legal sources does not mean that metalegal sources (moral, religious, and spiritual) cannot provide legal inspiration, too. Otherwise, it would be easy to fall into a legal reductionism which damages the essential unity of the human person. Christianity teaches that human persons, while subjects of the realm of Caesar, are also subjects within the realm of God, and they of necessity bring the values of this transcendent realm into the temporal realm. Jesus did so in his day, often formulating his message in maxims, parables, and hypotheticals that Jews and Greeks, Romans and Samaritans could understand, appreciate, and apply. Christians can and should do so in our day, using the best methods of public reasoning to offer instructions to a pluralistic legal world.

As a universal religion, Christianity is concerned about humanity as such and not only about a particular ethnicity, culture, or group. According to Christianity, humanity is the family of the children of God and comprises creatures made in the image of God. This Christian truth enlightens from a spiritual dimension not

only all global human affairs but also the whole process of globalization as such. This metalegal truth grants legitimacy to the global human community. That is one of the reasons why early ecumenical Christian bodies like the World Council of Churches weighed in decisively on global questions. It also explains why the modern Roman Catholic Church, starting with Pope John XIII,[7] began to advocate global governance or world authority to deal with global questions. As Pope Benedict XVI summarized:

> Such an authority would need to be regulated by law, to observe consistently the principles of subsidiarity and solidarity, to seek to establish the common good, and to make a commitment to securing authentic integral human development inspired by the values of charity in truth.[8]

We started with a Goethe aphorism, and we end with another one: "When two masters of the same art differ from one another in their way of expounding things, probably the insoluble problem lies in the middle between the two of them."[9] This volume was not a matter of two experts but of twenty-five international scholars, and all of them differ from one another. Probably the reader will find the solution of global law in the middle of all the explanations.

Notes

1 Goethe, 424, 426. The translation is ours.
2 See, among others, Twining; Madunic and Kirton; Teitel; Walker; Capaldo; Dybowski and García Pérez; and Kingsbury et al.
3 See www.pewresearch.org/fact-tank/2017/04/05/christians-remain-worlds-largest-religious-group-but-they-are-declining-in-europe/ (accessed September 23, 2019).
4 On the idea of Christian jurists, see the introduction in Domingo and Martínez-Torrón, eds., 1–29, esp. at 1–3.
5 See Domingo, "The New Global Human Community," 563–87; Domingo, "A Global Law for a Global Community," 1–22.
6 Matthew 22:21.
7 Pope John XXIII, Encyclical Letter *Pacem in Terris* (April 11, 1963), § 140 and § 141.
8 See Benedict XVI (Joseph Ratzinger), Encyclical Letter *Caritas in veritate* (June 29, 2009), § 67. See also the echo in Pope Francis, Encyclical Letter *Laudato si'* (May 24, 2015), § 175.
9 Goethe, vol. 12, 422, no. 418.

Recommended reading

Aroney, Nicholas, ed. *Christianity and Constitutionalism*. Oxford and New York: Oxford University Press, forthcoming.

Berman, Harold. *Faith and Order: The Reconciliation of Law and Religion*. Grand Rapids, MI and Cambridge: Wm. B. Eerdmans Publishing Co., 1993.

Crane, Daniel A., and Samuel Gregg, eds. *Christianity and Market Regulation*. Cambridge and New York: Cambridge University Press, forthcoming.

Domingo, Rafael. "A Global Law for a Global Community." In Dybowski and García Pérez, *Globalization of Law*, 1–22.

Domingo, Rafael. "The New Global Human Community." *Chicago Journal of International Law* 13/1 (2012): 563–87.

Domingo, Rafael. *The New Global Law*. New York and Cambridge: Cambridge University Press, 2010.

Domingo, Rafael, and Javier Martínez-Torrón, eds. *Great Christian Jurists in Spanish History*. Cambridge and New York: Cambridge University Press, 2018.

Duke, George, and Robert P. George. *The Cambridge Companion to Natural Law Jurisprudence*. Cambridge and New York: Cambridge University Press, 2017.

Dybowski, Maciej, and Rafael García Pérez, eds. *Globalization of Law: The Role of Human Dignity*. Cizur Menor: Thomson, Reuters Aranzadi, 2018.

Fassbender, Bardo, and Anne Peters, eds. *The Oxford Handbook of the History of International Law*. Oxford and New York: Oxford University Press, 2014.

Goethe, Johann Wolfgang. "Maximen und Reflexionen." In *Goethes Werke*, vol. 12, 3rd ed., 424, 426. Hamburg: Christian Wegner Verlag, 1958.

González, Ana Marta, ed. *Contemporary Perspectives on Natural Law: Natural Law as a Limiting Concept*. London and New York: Routledge, 2016.

Kingsbury, Benedict, et al. *Megaregulation Contested: Global Economic Ordering After TPP*. Oxford and New York: Oxford University Press, 2019.

Klabbers, Jan, Anne Peters, and Geir Ulfstein. *The Constitutionalization of International Law*. Oxford and New York: Oxford University Press, 2009.

Koskenniemi, Martti, Mónica García-Salmones Rovira, and Paolo Amorosa. *International Law and Religion: Historical and Contemporary Perspectives*. Oxford and New York: Oxford University Press, 2017.

Lagerlund, Henrik, and Benjamin Hill. *The Routledge Companion to Sixteenth Century Philosophy*. London and New York: Routledge, 2017.

Lössl, Josef. *The Early Church: History and Memory*. New York and London: T&T Clark International, 2010.

Madunic, Jelena, and John J. Kirton, eds. *Global Law*. New York and London: Routledge, 2009.

Minnucci, Giovanni. *"Silete theologi in munere alieno." Alberico Gentili tra diritto, teologia e religione*. Milan: Monduzzi editoriale, 2016.

Moyn, Samuel. *Christian Human Rights*. Philadelphia: University of Pennsylvania Press, 2015.

O'Connell, Mary Ellen. *The Power and Purpose of International Law*. Oxford and New York: Oxford University Press, 2008.

Pasternack, Lawrence. *Kant's Religion within the Boundaries of Mere Reason: An Interpretation and Defense*. London and New York: Routledge, 2014.

Peters, Anne. *Beyond Human Rights: The Legal Status of the Individual in International Law*. Cambridge and New York: Cambridge University Press, 2016.

Ratzinger, Joseph (Benedict XVI). Encyclical Letter *Caritas in veritate*. The Vatican City: Libreria Editrice Vaticana, June 29, 2009.

Rivers, Julian. *The Law of Organized Religions: Between Establishment and Secularism*. Oxford: Oxford University Press, 2010.

Rowe, C. Kavin. *One True Life: The Stoics and Early Christians as Rival Traditions*. New Haven and London: Yale University Press, 2016.

Schlag, Martin. *La dignità dell'uomo come principio sociale. Il contributo della fede cristiana allo Stato secolare*. Rome: EDUSC, 2013.

Sweet, William, ed. *Philosophical Theory and the Universal Declaration of Human Rights*. Ottawa: University of Ottawa Press, 2003.

Teitel, Ruti. *Humanity's Law*. Oxford and New York: Oxford University Press, 2011.

Twining, William. *Globalization and Legal Theory*. Cambridge and New York: Cambridge University Press, 2000.

Van der Vyver, Johan D. *The International Criminal Court: American Responses to the Rome Conference and the Role of the European Union*. Trier: Institut für Rechtspolitik an der Universität Trier, 2003.

Walker, Neil. *Intimations of Global Law*. Cambridge and New York: Cambridge University Press, 2015.

Witte, John, Jr., and Frank Alexander, eds. *Christianity and Human Rights: An Introduction*. Cambridge and New York: Cambridge University Press, 2011.

Witte, John, Jr., and M. Christian Green, eds. *Religion and Human Rights: An Introduction*. Oxford and New York: Oxford University Press, 2011.

Ziccardi Capaldo, Giuliana. *The Pillars of Global Law*. 2nd ed. London and New York: Routledge, 2016.

References

1 Paul nevertheless figures frequently in religious discussions of natural law. See, e.g., Adolphe, Fastiggi, and Vacca. It is important to note that the meaning of the expression "natural law" has also undergone profound change in the modern world. See, inter alia, Hittinger, 1–30. For the purposes of this chapter, I use the terms universal moral law, moral law, and natural law in as rudimentary a sense as possible: they means the basic, normative way we are supposed to be in the world that can be discerned simply by thinking/observing/arguing with others, etc. Legitimate debate could be had about whether natural law and universal moral law mean or refer to the same thing. In my view, if one speaks of a/the moral law, one invokes norms that trade on metaphysical affirmations and commitments; if one speaks of natural law, one also invokes norms that trade on metaphysical affirmations and commitments. Whether the two sets of metaphysical affirmations and commitments are identical or not would vary depending on what exactly was intended by "moral" and "natural." In short, the words will mean what we use them to mean.

2 On the complicated question of the "Noachide" commandments and whether Jews thought Gentiles were expected to keep certain pre-Mosaic laws, see, inter alia, Bockmuehl, *Jewish Law in Gentile Churches*, 145–73.

3 The Stoics are actually more complex and would not mean by "nature" what it is frequently taken to mean today. I have written about the meaning of Stoic words elsewhere; see in relation to the topic of this chapter, for example, the section on the words "God and World" in Rowe, *One True Life*, 226–28. Some scholars, of course, trace natural law back to Plato, but one would need to demonstrate that Plato's use of "nature" or of "law" or of "reason," and so on, mean what is meant in any given modern natural law discussion to know that the continuity between the posited point of origin and current debate was real. See the discussion in Crowe, 1–27.

4 There are other passages one could read, of course, but sooner or later these must figure prominently. One could also think automatically of 1 Corinthians 6:1–11 in relation to Gentile courts of law, or Romans 13:1–7 in relation to various forms of government, but there are many others. Richard Cassidy, e.g., focuses on 2 Timothy in "St. Paul: Between the Law of Caesar and the Justice of Christ in Second Timothy," and Mary Healy on Ephesians 5 in "St. Paul, Ephesians 5, and Same-Sex Marriage"; both essays are in Adolphe, Fastiggi, and Vacca, 1–20, 147–59, respectively. For the commitment to reception history as a hermeneutically illuminating way to understand an earlier writer's positions or the range of a text's plausible field of meaning, see Bockmuehl, *Seeing the Word*.

5 Reading this passage to affirm that the Gentiles do in fact "have some knowledge of what is right and good through the law of creation and through conscience" is such a common mistake that one can pick an example almost at random. I cite Carl Braaten because of his indisputably excellent contributions to theology. It is therefore all the more striking that such a common mistake finds its way into his arguments about natural law. See Braaten, 36.

6 By nature (*physei*) is meant here "by birth," i.e., they are not Jewish and thus are not born into the way of life that is Torah. *Physei*, that is, should not be read with *poiein* to require the translation "do by nature."

7 Moreover, it would make little sense to point to the observance of a/the natural law as the move to set up the discussion of Jewish Christian behavior that follows.

8 On the current interpretation and history of discussion of this passage, see especially Gathercole.

9 Moreover, the coordination of sin and will means that even if there were a law to be discovered, we could not unproblematically obey it, as Paul forcefully argues in

Romans 7:14–25, for example. The point of discovering a universal law we cannot obey makes sense in certain tendencies of Luther's law/gospel theology, but it is hard to account for otherwise.

10 It is customary in the modern period for New Testament scholars to argue that the Paul of Acts and the Paul of the Epistles should be kept apart. For certain tasks this makes some sense. But I take Bockmuehl's larger methodological point in *Seeing the Word* about "reception" to be correct, and apply it here in this way: in an attempt to assess the range of the New Testament's Paul for the question of a universal moral law, we would do well to examine his immediate reception within the New Testament text that most directly and elaborately speaks to this question.

11 For fuller discussion, see Rowe, *World Upside Down*, 27–41.

12 Barrett, 850–51.

13 Rowe, *World Upside Down*, 77.

14 Of course Acts does not portray Paul's death as the Gospel does that of Jesus. But the reader of Acts knows about Paul's death and can see the foreshadowing again and again in the way Acts tells about Paul's mission (in his speech to the Ephesian elders, for example, in Acts 20:17–38). On this point, see especially Talbert, 231.

15 Interestingly, Tertullian, ever the lawyer he was trained to be, argues that the Roman practice here contradicts Roman law (i.e., there is no identifiable crime that goes with the name Christian—as stealing goes with thief, for example—and yet the Christians are treated as criminals and punished as such). This argument is an instance of ad hoc reasoning with the law to criticize its unjust application. See Tertullian's *Apology*.

16 On this point, see Schreiner; Westberg, both in Cromartie, 51–76, 103–17, respectively.

17 Such evidence could, of course, be quite complicated in any of its particular instantiations. For example, we might observe that some peoples have the explicitly articulated prohibition against killing and think that this reflects knowledge of God's law. Paul's reply would likely move from this theoretical or noetic judgment (epistemology) to the practice (practical reason): but they kill anyway. The critical Pauline test for God's law is what we could call the *regula vitae*, that is, whether it shows up in life as the law that is lived.

18 For an example of how "convergences" or ad hoc agreements can be put constructively to work without large-scale moral theories or background notions of universally binding norms, see Engelhardt.

19 Even as others might appear. The point is not that everything common will disappear but that things in common are ad hoc and will shift. Christians should be wisely alert to things in common and make of them practically what we are able to make of them. But we should not be fooled into thinking—to put it in Wittgensteinian terms—that secular grammar and Christian grammar are the rules of the same language.

20 A slightly different way to put the point about freedom is to speak of critical distance. Freedom vis-à-vis human laws always implies a critical distance from any given law. It is this critical distance that is presupposed in the Romans' early worries about Christian "obstinacy." The Romans did not of course speak of "critical distance" as the Christian political posture. But it is the fact of that distance—the willingness to insert Christian theological understanding between Roman law and Christian obedience to it—that renders intelligible the Roman mystification at the Christian refusal to worship/sacrifice to the gods/emperor.

1 The classic modern biography of Augustine is still Brown, *Augustine of Hippo*; among the more recent biographies see Fox.

2 See Ducot; Marafioti and Ducot, 931–54; see also below in the next section.

3 As Augustine himself had to experience bitterly, when a high-ranking friend, the *comes* Marcellinus, to whom he had dedicated *The City of God*, was arbitrarily

executed as a consequence of court intrigues in 412; see Drecoll, 1160–65. For wider evidence of state brutality (coercion, persecution, etc.) see Shaw, passim.

4 Thus O'Daly, 3.24.

5 However, I would not go as far as Ralph Mathisen, who concludes that Augustine "was a most effective spokesperson for the social and political establishment;" see Mathisen, 806. Some aspects of Augustine's political thought, as we shall hopefully see below, were potentially deeply subversive to the dominant strands of society in his day.

6 For a broad understanding of church aid in Augustine's time, see Brown, *Through the Eye of a Needle*, passim and especially 322–38.

7 For a recent example of such an understanding of the common good, see Reich. For previous studies of Augustine's understanding of the concept, see Canning, 219–22.

8 See, e.g., *City of God* 1 praef. his reference to the earthly state (*civitas terrena*, by which he means not only but also the Roman Empire), which he has no choice but to inhabit, as constantly seeking to enslave people, while it is itself enslaved by lust for domination (*quae cum dominari adpetit, etsi populi serviant, ipsa ei dominandi libido dominatur*).

9 Ibid., *magnum opus et arduum*.

10 For a good introduction to this work, see still O'Daly.

11 See for this BeDuhn.

12 For a recent study of this aspect of his life, see Doyle.

13 TeSelle, "The Civic Vision in Augustine's City of God." To be sure, Augustine did speak of the "reign of God," namely within the "City of God" (*City of God* 19.24).

14 See for this Assmann, 223–34.

15 See for this Chang; TeSelle, "The Civic Vision in Augustine's City of God," 276, too, assumes Pauline influence on Augustine in this regard.

16 Carter, 176.

17 *City of God*, 19.24.

18 *City of God*, 3.24. Even today, the period of the Gracchi is still seen as marking the beginning of the end of the Roman republic; see, e.g., Watts, 45–118.

19 *City of God*, 2.21; 3.21–23. A sense among people that justice (economic, social, juridical) is no longer served by the public system is still seen as one of the root causes for the total breakdown of social order, as happened, for example, on the occasion of the riots engulfing several cities in the United Kingdom around August 9, 2011; see Newburn.

20 *City of God*, 2.21 with reference to Cicero, *Republic*, 2.42ff., 3.5.

21 Cf. Aristotle, *Politics*, 3.6–7.12.

22 See Jehne, 24–25.

23 See for this Knopf.

24 Meaning more "distributively" and "equitably," in tune with and for the benefit of the general public. Considering the actual amount of power held by the *princeps* (who was called *imperator* for a good reason) and the damage to the common good caused by the abuse of this power, the arrangement under the Principate may have been a cruel pretense; thus famously Syme. But it was (admittedly) nevertheless remarkably successful and enduring despite being in a state of permanent crisis and transformation.

25 For Augustine, the Christian emperors had not made a fundamental structural difference to the empire (*City of God*, 5.24–26). Some of them seem to have been blessed by God as individuals, which also had a positive effect on their reign and resulted in benefits for the people. But that was all. A persecutor such as Julian the Apostate could reemerge at any time and reverse the situation (18.52).

26 See for what follows Dougherty.
27 Ibid., 583; *Against Faustus*, 22.27; 30.33; *Sermon*, 81.2; *Diverse questions*, 53.2; *Quantity of the Soul*, 36.80. Typically, for Augustine, God, by virtue of divine will, is not bound by the law which God created, but can, and indeed does, override it; this is not unnatural but supernatural; see *City of God*, 21.8.
28 *Letter*, 157.3.15; *City of God*, 11.27.
29 *Confessions*, 2.4.9; *On the Trinity*, 12.15.24–25; see also Lössl, "How 'Bad' Is Augustine's 'Bad Conscience?' "
30 *Confessions*, 3.7.13; *On the Trinity*, 14.15.21; *Letter*, 138.1.4, 8; *Diverse Questions*, 31.1.
31 *On Christian Doctrine*, 1.26.27; *On the Literal Interpretation of Genesis*, 9.17.32.
32 See Dougherty, 583 for the expression *summa ratio* with reference to *On Free Will*, 1.6.14–15 and *On True Religion*, 31.58.
33 See Dodaro, 14.
34 Harper, 213: "Slavery belonged to the *ius gentium*."
35 Note in this context *Retractions*, 1.8.2: "It is one thing to inquire into the source of evil and another to inquire how one can return to his original good or reach one that is greater." To be sure, in the case of slavery as well as in other cases (capital punishment, social care, economic injustice) Augustine did offer very concrete and compelling ideas for improvement; see Gregory, 54; against Harper, 213, who seems to suggest that church leaders were resigned to the prevailing state of affairs.
36 Harper, 213.
37 See for this also Madec, "Commune-proprium."
38 Cf. Plotinus, *Ennead*, 6.4–5; Porphyry, *Sentence*, 40, as reflected, for example, in *The Immortality of the Soul*, 6, or *Soliloquies*, 2.22 (something is "in the mind" even before I think of it).
39 *On Free Will*, 2.19.
40 *Confessions*, 10.8.
41 *On Free Will*, 2.37.
42 *On the Literal Interpretation of Genesis*, 11.14.18.
43 *On Free Will*, 2.53.
44 *On the Trinity*, 12.14.
45 Ibid. A similar idea is expressed by Plotinus, *Ennead*, 6.5.12: Attempts to increase the "all" by adding a particular ("something") will lead to diminution; for what the particular adds to the all is negativity. The problematic nature of privatizing public goods and concerns (adding a private interest to the common interest) has also been recognized in economics including for the sphere of social media, e.g., Facebook, where "public networks" are in reality devices that generate profit for private companies, sometimes with devastating consequences for their users; see Mazzucato, 249–59; Zuboff, 446–54, especially 449. Zuboff's analysis of surveillance capitalism has generally a very Augustinian ring; see, e.g., pp. 26–27 on the weakness of human nature.
46 Again, *On the Trinity*, 12.14 referring to 1 Timothy 6:10. One could almost replace the term "avarice" with "addiction."
47 *On the Literal Interpretation of Genesis*, 11.15.19–20; *City of God*, 14.28.
48 *City of God*, 15.3; 15.14.
49 See *City of God*, 5.18 with a multitude of examples.
50 *City of God*, 5.18.
51 *Enarration in Psalm*, 105.34.
52 This is not to say that the institutional *ecclesia* could not claim for itself truth and demand allegiance in Augustine's view (similar to the way any earthly authority could), but one could not expect from it visible and palpable perfection here on

earth. For Augustine, the church's perfection was "mystical." It was only real insofar as the church represented aspects of the City of God. This put Augustine at odds with groups such as the Donatists, who claimed that their members were perfect by definition, that is, by virtue of having been baptized into their church, which was by definition perfect; or the Pelagians, for whom the church's perfection was visible in the ascetic perfection of at least some of its members. Todd Breyfogle writes on this: "Augustine's theological and ecclesiological contestations with the Donatists and Pelagians are also political in that both sects represented, for Augustine, an impatience with the Christian's pilgrim status and with the mystical character of the Church." Breyfogle, 522.

53 Augustine wrote *The Good of Marriage* in a context of controversy. A Roman monk, Jovinian, had put forward the argument that marriage and celibacy were equally meritorious forms of the Christian life. To this Jerome responded with a series of polemical letters (48–50) which seemed to disparage married life in favor of monastic celibacy. By focusing on the social benefits (as well as limitations) of marriage rather than on sexual ethics (abstinence vs. concupiscence) Augustine (in *The Good of Marriage*) put forward a moderate position; for a comprehensive account see Hunter, *Marriage, Celibacy and Heresy in Ancient Christianity*; see also Hunter, "Bono coniugali, De," 110–11.

54 *The Good of Marriage*, 1.1.

55 Ibid., 9.9.

56 Ibid., 3.3.

57 Ibid., 5.5, 6.6, 11.12.

58 To that extent he agrees with Jovinian (see above n. 53).

59 *The Good of Marriage*, 13.15, 19.22.

60 Hunter, "Bono coniugali," 110; cf. Augustine, *The Good of Marriage*, 17.19.

61 See for this, e.g., the episode in *Confessions*, 6.14.24, according to which marriages prevented a group of young men from following their intellectual pursuits; more references like this in Hunter, "Marriage," 535.

62 See, e.g., *Soliloquies*, 1.10.17.

63 For what follows, see Lawless, "Opere Monachorum," 596.

64 See Brown, *Treasure in Heaven*, especially 89–108, where Egyptian monasticism is credited with a work ethic that tended not to be shared by Syrian monasticism, and 65 and 70 on Augustine's *The Work of Monks*.

65 Augustine discusses these arguments in *The Work of Monks*, 1–30.

66 Ibid., 28.36.

67 Ibid., 16.19: *compatiantur infirmis, et amore privatae rei non inligati manibus suis in commune laborare, praepositis suis sine murmure obtemperare.*

68 Compare for these above n. 22–23.

69 *The Work of Monks*, 25.32. "He who was honored with a triumph after subduing Africa" (Augustine, pandering to his addressees' regard for classical education, even uses the technical term, *Africa edomita*) was of course Scipio Africanus, who was perhaps *the* most highly regarded Roman in Antiquity. By the writers celebrating him, Augustine may in the first instance have thought of Valerius Maximus, *Facts* 4.4 and Seneca, *Consolation to Helvia* 12.6. Both authors relate the anecdote of Scipio's inability to pay his daughter's dowry.

70 This passage suggests that those who "converted [to the monastic life] from the state of poverty" may not all have been poor in the economic sense. If they were healthy and skilled, they may well have earned a good living from manual labor and even become prosperous. But their reliance on manual labor kept them socially at a low level. For more details on Roman society in the time of Augustine see Mathisen, 804.

71 With the expression *sapor Christi* ("savor of Christ") Augustine invokes the concept of the "spiritual senses." It is significant that he does so when addressing the "better off," those better educated and used to a more refined and sophisticated lifestyle. They need to learn to "savor" Christ's values (humility and deprivation of food and other sensual pleasures) instead of physical pleasures. The message would have been less appropriate for those joining the monastic life from poorer backgrounds, who were better used to sensual deprivation but also less sophisticated in the use of their senses; for Augustine's teaching on the spiritual senses, see Harrison, 767–68.
72 See for this above n. 48, with references to *City of God*, 15.3 and 15.14.
73 Cf. above n. 50 and in *The Work of Monks*, 25.32 the expression *societas eorum quibus est anima una et cor unum in deo*. See also Madec, "Le communisme spirituel."
74 See above n. 5.
75 See for this also Dodaro, who draws lines between Cicero and Augustine.
76 See above n. 73.
77 Following Ernst Troeltsch, this is not to say that Augustine's thought provided a blueprint for the Middle Ages. However, it did offer some principal thinking on which later thinkers, above all Thomas Aquinas, could also build.
78 Or, as Gregory, 57, prefers to call it, "ethics of citizenship."
79 Troeltsch's position is best developed in Troeltsch, *Augustin*; Harnack's can be traced in Harnack, *Augustin*; see also the summaries by Starr.
80 Compare Gregory, 32.
81 For further discussion of these points see Gregory, 36.
82 For an extensive discussion of this problem (including the term "logic of terror," coined by the German philosopher Kurt Flasch), see Lössl, "Augustine, 'Pelagianism,' Julian of Aeclanum and Modern Scholarship."
83 Compare Gregory, 43–44.
84 Compare Gregory, 49–54 at 52: Not all societies are equally (hopelessly) corrupt.
1 Drury, 3.
2 Küng, 101–2.
3 Given, 46.
4 Foster, 30.
5 Aquinas, *Summa Theologiae*, Ia, IIae, q. 90, art. 1, *responsio*.
6 Brewbaker, 585.
7 Cascarelli, 235, n. 5.
8 Zuckert, 705.
9 Aquinas, *Treatise on Law*, 2.
10 Kletzer, 63.
11 Aquinas, *Summa Theologiae*, vol. 28, p. 7.
12 Post.
13 Aquinas, *Summa Theologiae*, Ia, IIae, q. 90, art. 1, resp., ad 3. The maxim is a paraphrase of Ulpian, *quod principi placuit*, *legis habet vigorem*. *Digest* 1.4.1. Cf., Wilks, 213–14 and n. 1.
14 Aquinas, *Summa Theologiae*, Ia, IIae, q. 90, art. 4, *resp.*
15 Jones, 40.
16 Alcuin, *Grammatica, Patrologia Latina* 101, 849, 858.
17 Casey, 99.
18 Copeland, 206.
19 Ia, IIae, q. 91, art. 1, *resp.*
20 Ia, IIae, q. 93, art. 1, *resp.*
21 Ibid.
22 Ia, IIae, q. 100, art. 2, *resp.*

23 Ia, IIae, q. 91, art. 4, *resp.* (divine law); Ia, IIae, q. 91, art. 2., *resp.* (natural law).
24 Ia, IIae, q. 94, art. 2, *resp.*; and Ia, IIae, q. 94. art. 3, *resp.*
25 Celano.
26 Peters, 269–70.
27 Ia IIae, q. 90, art. 2, *resp.*
28 Ibid.
29 Ibid.
30 Jordan, 40.
31 Colish, 267.
32 Ia, IIae, q. 92, art. 1, *resp.*
33 Ia, IIae, q. 96, art. 1, *resp.*
34 Ia, IIae, q. 95, art. 4, *resp.*
35 Ia, IIae, q. 97, art. 4, *resp*; Ia, IIae, q. 96, art. 6, *resp.*
36 X. 1.6.20.
37 Ia, IIae, q. 97, art. 4, *resp.*
38 Ia, IIae, q. 58, art. 1, *obj.* 1, and *resp.*
39 Hamouda and Price, 193–94.
40 Pope, 265–72.
41 Ia, IIae, q. 95, art. 1, *resp. ad* 2.
42 Ia, IIae, q. 93, art. 3, *resp.*
43 Dean, 84.
44 See, for example, de Gandino; and Schioppa, 152.
45 Ia, IIae, q. 90, art. 4, *resp.*
46 Ia, IIae, q. 91, art. 1, *resp.*
47 Ibid., *ad* 1.
48 Ia, q. 24, art. 1, *resp.*
49 Ia, IIae, q. 93, art. 2.

 51 Ia, IIae, q. 94, art. 2, *resp*.

52 Ia, IIae, q. 94, art. 3, *resp.*
53 Ibid.
54 Charles J. Reid, Jr., *Treatise on Jurisprudence*, draft of chapter 10 (under contract with West Academic Publishing).
55 Ia, Iiae, q. 91, art. 1, *resp.*
56 Ia, IIae, q. 13, art. 3, *resp.*
57 There are problems with translating *praecipiendi* straightforwardly as "command," which I address in the section "Words and Phrases," below, and I have used the word "command" here largely as a matter of convenience.
58 Ia, IIae, q. 92, art. 2., *resp.*
59 Ia, IIae, q. 91, art. 3, *resp.*, *ad* 3.
60 Ia, IIae, q. 97, art. 1, *resp.*
61 Ia, IIae, q. 97, art. 2, *resp.*
62 Ibid.
63 Ibid.
64 Ibid., *ad* 3.
65 Ia, IIae, q. 95, art. 3, *resp*. Thomas is here closely following a text of Modestinus, preserved in the *Digest*, 1.3.25.
66 Pennington, *Pope and Bishops*, 15–17; "Bishops and Their Dioceses." Cf. X.2.24.18 (Innocent III's decree *Quanto Personam*).

67 Ia, IIae, q. 97, art. 3 (*utrum consuetudo possit obtinere vim legis*).
68 Ia, IIae, q. 97, art. 3, *resp.*
69 See Bonfield for example.
70 See Akehurst for example.
71 See Hierbaut for example.
72 Ia, IIae, q. 97, art. 3, *resp. ad* 3.
73 Ibid.
74 Ia, IIae, q. 97, art. 3, *resp. ad* 2.
75 Ibid.
76 Ibid.
77 Ia, IIae, q. 97, art. 3, *resp.*
78 Ia, IIae, q. 92, art. 2.
79 *Digest* 1,3,1.
80 Ia, IIae, q. 84, art. 2, resp. (*Hoc est ergo primum praeceptum legis, quod bonum est faciendum et prosequendum, et malum vitandum*).
81 Aquinas, *Summa Theologiae*, *supra*, vol. 28, p. 81.
82 Aquinas, *Treatise on Law*, Freddoso, tr., *supra*.
83 Ia, IIae, q. 90. art. 2, *resp., ad* 1.
84 Speer, 670.
85 Ia, IIae, q. 92, art. 2 (*Sed idem imperare quod praecipere*).
86 Peter Damian, *Sermo*, 46.
87 Jordan, *Teaching Bodies*, 122.
88 Ia, IIae, q. 93, art. 1, *resp.*
89 *Summa Contra Gentiles*, Bk. III, c. 59 (*visio divinae substantiae est ultimus finis cuiuslibet intellectualis substantiae*).
90 Ia, I Iae, q. 91, art. 3, *resp., ad* 2.
91 Tierney.
92 Ia, IIae, q. 91, art. 2, *resp. ad* 3.
93 Ia, IIae, q. 91, art. 3, *resp. ad* 2.
94 Ia, IIae, q. 91, art. 2, *resp. ad* 3.
95 Ia, IIae, q. 92, art. 1, *resp.*
96 Ia, IIae, q. 96, art. 2, *resp.*
97 Ia, IIae, q. 92, art. 2, *resp., ad* 4.
98 Ia, IIae, q. 92, art. 1, *resp. ad* 4.
99 Van den Eynde.
100 Kuttner.
101 Ia, IIae, q. 99, art. 3, *resp.*
102 Ia, IIae, q. 91, art. 4, *resp.*
103 Ia, IIae, q. 90, art. 1, *resp.*
104 Ia, IIae, q. 93, art. 1, *resp.*
105 Brundage, 171.
106 See, for example, Murphy, 54–55; McInerny, "Aquinas' Moral Theory"; and Hannon.
107 Ia, IIae, q. 91, art. 4, *resp.*

1 Cf. Villoslada.
2 For Vitoria's more political *relectiones*, several modern editions are available, some of them very recent. The most prominent is the English-only *Political Writings*, edited by Pagden and Lawrance. This also includes some other texts, such as letters and Vitoria's commentary on Thomas Aquinas's *Summa Theologiae*, *Prima Secundae*, q. 90–105, the so-called *Treatise on Law*. A bilingual Latin-German, more complete edition of the *relectiones* is Vitoria, *Vorlesungen (Relectiones), Völkerrecht Politik Kirche*. A Latin-only online edition based on the first printed publication of the *relectiones* (Lyon: Boyer, 1557) has been established

by Thomas Duve and Matthias Lutz-Bachmann at https://id.salamanca.school/texts/W0013. Finally, the major part of Vitoria's commentaries on the *Secunda Secundae* of Thomas Aquinas's *Summa Theologiae* (including the commentary on the *Treatise on Law* from the *Prima Secundae* as an appendix) is available in Vitoria, *Comentarios a la Secunda secundae de Santo Tomás*. In the following, I will give references to the Pagden/Lawrance and the online edition, where available. Translations have been minimally modified from Lawrance's.

3 Vitoria, *On Civil Power*, § 5 (q. 1), Pagden and Lawrance, 9; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.3.article5. For a discussion of which form this overseeing power can take—monarchic or democratic—cf. Wagner, "Zum Verhältnis von Völkerrecht und Rechtsbegriff bei Francisco de Vitoria."

4 Vitoria, *On Civil Power*, §§ 3–5, 6, 7 (q. 1), respectively. As the *form* of political power, one might think of the series of political-legal activities that Vitoria mentions in § 8: "The [multitude] as such cannot frame laws, [issue decrees], judge disputes, punish transgressors" [ed. Pagden/Lawrance, 14; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.3.article8]; he did not say explicitly, however, that he meant this as an explanation of the formal cause.

5 Vitoria explained this most clearly in a fragment discovered by Beltrán de Heredia in 1931. Pagden and Lawrance include this fragment in Vitoria's *relectio On Dietary Laws* [q. 1, art. 5, p. 227f.], Horst/Justenhoven/Stüben include it in the *Relectio De Indis* [Second Part, §§ 13ff., p. 506ff.].

6 Vitoria, *On Civil Power*, § 14 (q. 2) [ed. Pagden/Lawrance, p. 32; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.3.article14, near the very end of the article].

7 Vitoria, *I On the Power of the Church*, q. 5 [ed. Pagden/Lawrance, §§ 1–19, pp. 82ff.; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.1.6].

8 See Vitoria, *De Indis*, q. 2, art. 2 (second unjust title) [ed. Pagden/Lawrance, §§ 26–31, pp. 258ff.; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.5.27].

9 Ibid. [ed. Pagden/Lawrance, p. 264; ed. Duve/lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.5.article31].

10 For instance, the first reason he adduces for the first of the possible just titles for the Spanish conquest in *De Indis* is "the law of nations (*ius gentium*), which either is or derives from natural law" [ed. Pagden/Lawrance, p. 278].

11 Cf. Oliveira e Silva.

12 Ed. Beltrán de Heredia, Vol. 3 (Salamanca: Apartado, 1934), 12ff.

13 Pagden/Lawrance, § 21, q. 3, art. 4, p. 40; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.3.article21

14 Pagden/Lawrance, § 2, p. 278/§ 4, p. 281; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.5.41.article2/https://id.salamanca.school/texts/W0013:vol1.5.41.article4

15 Cf. Vitoria, *Comentarios a la Secunda Secundae de Santo Tomás*, q. 57, art. 3.4 [ed. Beltrán de Heredia, p. 16].

16 Vitoria, *On Civil Power*, § 21 (q. 3, art. 4) [ed. Pagden/Lawrance, p. 40; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.3.article21].

17 On custom creating, changing, and abrogating law, cf. Vitoria, *Commentaries on the Prima Secundae of Thomas Aquinas*, q. 97, art. 3 [Ed. Pagden/Lawrance, pp. 185f.; as an appendix in *Comentarios a la Secunda Secundae de Santo Tomás*, ed. by Beltrán de Heredia, Vol. VI, 1952, pp. 438f.]. Cf. also Tierney, 101–24.

18 Vitoria, *De Indis*, q. 3, art. 1 (first just title) [ed. Pagden/Lawrance, p. 278; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.5.41.article2].
19 Vitoria, *De Indis*, q. 2, art. 5 (fifth unjust title) [ed. Pagden/Lawrance, pp. 273f.; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.5.article40], or, more explicitly, in the fragment mentioned above already, in *On Dietary Laws*, q. 1, art. 5, fourth conclusion [ed. Pagden/Lawrance, pp. 224f.], resp. in *De Indis*, second part, art. 7 [ed. Horst/Justenhoven/Stüben, pp. 500–03].
20 Vitoria, *De Indis*, q. 3, art. 5 (fifth just title) [ed. Pagden/Lawrance, pp. 287f.; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.5.41.article15], or again *On Dietary Laws*, q. 1, art. 5, fifth conclusion [ed. Pagden/Lawrance, pp. 225f.], resp. *De Indis*, second part, art. 8 [ed. Horst/Justenhoven/Stüben, pp. 503–5].
21 Cf. also Vitoria's *relectio On the Law of War*, q. 1, art. 2 [ed. Pagden/Lawrance, pp. 299–302; ed. Duve/Lutz-Bachmann, https://id.salamanca.school/texts/W0013:vol1.6.article2].
22 Anghie, *Imperialism, Sovereignty and the Making of International Law*. On similarly critical perspectives, cf. Bohrer. Vitoria's role in the also not-so-unproblematic development of twentieth-century international legal doctrine is discussed, for example, by Rasilla del Moral, "Francisco de Vitoria's Unexpected Transformations and Reinterpretations for International Law."
23 An interesting discussion about how to conceptualize a theoretical framework that could complement an "ideal" normative theory in this sense has developed precisely as an interchange between European and Latin-American perspectives: cf. Curcó Cobos.

1 This summary of Suárez's life and work is based on the one given in Lagerlund (2018). For more substantial accounts see the introduction to Hill and Lagerlund (2012) and also to Sala and Fastiggi (2014) as well as Shields and Schwartz (2015).
2 For earlier presentations of this topic see foremost Brett (2018) and Tierney (2007). See also Nussbaum (1950) as well as Coujou (2014) and Hamilton (1963).
3 For more on Suárez on natural law, see Lagerlund (2018) and Gordley (2012). Pink (2012) develops a somewhat different view than Gordley (2012).
4 One of the few philosophers cited in the *Meditations* is Suárez. On this see the introduction to Hill and Lagerlund (2012) and also Ariew (2012).
5 For more about this, see Casilini (2017).
6 See Ariew (2012) for a somewhat different view.
7 Most of my quotations and references will be to Thomas Pink's edition, titled in English *Selections from Three Works* (Suárez 2015), but the original Latin can be found in Volumes 5 and 6 of the *Opera Omnia* in 28 volumes (Suárez 1856–78).
8 Thomas Aquinas, *ST*, I–II, q. 95, a. 4: "For in the first place it belongs to the notion of human law, to be derived from the law of nature, as explained above. In this respect positive law is divided into the 'law of nations' and 'civil law,' according to the two ways in which something may be derived from the law of nature, as stated above. Because, to the law of nations belong those things which are derived from the law of nature, as conclusions from premises, e.g., just buyings and sellings, and the like, without which men cannot live together, which is a point of the law of nature, since man is by nature a social animal, as is proved in Polit. i, 2."
9 See Pink (2012) and Lagerlund (2018).
10 See more in Lagerlund (2018).

11 The distinction between written and unwritten law (*ius scriptum* and *ius non scriptum*) goes back a long way and was common in medieval times (see Meder 2008). It is a distinction between statutes enacted by a king or parliament and cases decided by judges, that is, legal customs. The use of the terms "written" and "unwritten" is a little bit misleading. Written law does not necessarily mean rules of law expressed in writing, but a law dictated in an imperative way and where precepts in their words constitute the law. Natural law, as understood by Suárez, is written law in this sense. Unwritten law does not mean that it is not formulated in writing, but is derived through consensus in the reasons and spirit of, for example, cases rather than the letter of the law. The difference lies in that written law is obligatory because it is enacted, while unwritten law is obligatory as general custom. English common law is often described as the "custom of the realm" (Pollock 1896, 242).
12 He in several places expresses himself in this way, namely that the law gives rise to a power or ability to do something. The law can in this way be said to empower a nation or a sovereign, in Suárez's terminology. For more on this power or obligation, see Lagerlund (2018).
13 See Kadens (2012) for a historical argument similar to this one. She discusses the notion of merchant law in the Middle Ages and raises serious doubt about whether custom was ever really used as the basis for international law, at least on trade and merchant law.
14 See Nussbaum (1950, 102–11), and Miller (2014). See also Thomas Aquinas, *ST*, II–II, q. 40, and Cajetan's commentary on this question, which is the most important background for Suárez's own discussion.
15 See Reichberg (2011) for a careful and more extensive treatment of just war than the one given here. I will merely mention a few interesting aspects that I feel are missing from previous accounts. One of the more substantial accounts of Suárez on the law of war can be found in Haggenmacher (1983).
16 See Nussbaum (1950, 106–7).
17 For more on this, see Lagerlund (2018).

1 On the Bodinian idea of sovereignty, see Bodin, *On Sovereignty*; for the original, see Bodin, *Les six livres de la République*.
2 Gentili, *De iure belli* 1.9.64. In general, we follow the English translation but have made some adjustments when necessary. Gentili recognizes that "the learned" Vitoria and Covarrubias also declare that religion is not a good reason for war (*De iure belli* 1.9.61, p. 39).
3 See Gentili, *De iure belli* 1.12.92, p. 57: "Keep silence, theologians, in matters which concern others!"
4 Schmitt, 126.
5 Gentilli, *De iure belli* 1.15.111, p. 69.
6 Grotius, *De iure belli ac pacis*, Prolegomena § 38: cuius diligentia sicut alios adiuvari posse scio, et me adiutum profiteor ["from his work I confess I have derived assistance, as I believe others will profit too."] The lecture caused enormous patriotic impact on the young kingdom of Italy.
7 Holland, *An Inaugural Lecture*.
8 In our day, scholars like Benedict Kingsbury, Benjamin Straumann, Diego Panizza, Andreas Wagner, Ursula Vollerthun, Peter Schröder, Anthony Padgen, Giovanni Minnucci, Diego Quaglioni, and Alain Wijffels, to mention some of them, have produced impressive scholarship on Gentili. See bibliography at the end of the chapter.
9 See Gentili, *De Papatu Romano Antichristo*, from the manuscript D'Orville 607, Bodleian Library, University of Oxford (1580–85 and 1591).
10 For further biographical information, see Van der Molen; de Benedictis; and Minnucci, "Gentili, Alberico."

11 Scipione Gentili also became a famous jurist. During his lifetime, his fame in Europe surpassed that of Alberico. See Bianchin.
12 A complete list of Gentili's works is offered by I.W.F. Maclean, "Alberico Gentili: His Publishers and the Vagaries of the Book Trade between England and Germany," in Maclean, *Learning and the Market Place*, 323–37.
13 Gentili, *De legationibus libri tres*; *De iure belli libri tres*; *Hispanicae Advocationis libri duo*.
14 Gentili, *The Wars of Romans*.
15 See Gentili, *De legationibus* 3.22.231, p. 201. On the *De legationibus*, see Feingold.
16 Gentili, *De iure belli* 1.2.17, p. 12.
17 Ibid., 1.3.22, p. 15.
18 Ibid., 1.3.23, p. 15.
19 Ibid., 1.3.22, p. 15.
20 Ibid., 1.3.23, p. 15.
21 Ibid., 2.1.209, p. 131.
22 Ibid., 3.1.470, p. 289.
23 Ibid., 3.2.482, p. 295.
24 On the importance of this work to understanding Gentili's thought, see Minnucci, *Silete theologi in munere alieno*, 190–96.
25 *Index librorum prohibitorum SS. Domini nostri Gregorii XVI Pontificis Maximi* (Roma: Monteregali 1841), 196: "Gentilis, Albericus, Disputationum de nuptiis libri VII, Dec. 7 aug. 1603;—et caetera ejusdem opera omia, dec. 7 aug. 1603."
26 Gentili, *De iure belli* 1.1.1–2, p. 3.
27 Ibid., 1.1.3, p. 4.
28 Ibid., 1.5.46, p. 29.
29 Ibid., 1.1.8, p. 7.
30 Ibid., 1.12.92, p. 57.
31 Gentili, *Disputationum de nuptiis libri septem*, 112–13: *Flammis, flammis libros spurcissimos barbarorum, non solum impiissimos Antichristi. Flammis omnes, flammis: ut Lutherus magnus facere docuit*! On this topic, Minnucci, *Silete theologi in munere alieno*, 196–202.
32 Gentili, *Disputationum libri tres:* I. *De libris Iuris Canonici*. On this topic, Minnucci, "Alberico Gentili: un protestante alle prese con il Corpus Iuris Canonici."
33 See, for instance, Cicero, *De re publica* 3.33 and *De officiis* 3.17.69. For Latin sources, we use *The Latin Library*: www.thelatinlibrary.com/.
34 Gaius spoke of *ius gentium* at the beginning of his *Institutes* (1.1.1) and contrasted it, as did Cicero, with *ius civile*. Gaius said that civilized peoples—that is, those organized according to law and custom—govern themselves partly by their own law and partly by the law common to all people. The law proper to the city is civil law; the one established by natural reason among all people is called the law of nations because of its universal observance. Natural reason determines, in the abstract, what the law of nations is or could be, and its enforced general application among nations makes it so concretely.
35 Ulpian, in *Digest* 1.1.6, differentiated the civil law, which he considered *proprium* or local (*ius proprium, id est civile*), from a common law comprising both the law of nations and natural law. For Ulpian, however, Cicero's and Gaius's bipartite division becomes tripartite (civil law, law of nature, law of nations). According to Ulpian (*Digest* 1.1.1.3), the reason for this is that the law of nations would be common only to people, whereas the natural law would in general encompass animals as well. For the whole *Corpus iuris*, we use the edition of Mommsen, Krüger, Kroll, and Schöll.

36 The Emperor Justinian adopted Gaius's definition of *ius gentium* and its later three-way division by Ulpian in the sixth century in his *Institutes* (1.2.1) and *Digest* (1.1.1.2).
37 Gentili, *De iure belli* 1.1.10, p. 8. The statement comes from Cicero, *Tusculanae Disputationum* 1.13.30.
38 Gentili, *De iure belli* 1.15.109, p. 68.
39 Ibid., 1.15.109, p. 68.
40 Ibid., 1.15.110, p. 68.
41 Ibid., 1.3.26, p. 17.
42 Ibid., 1.1.26, p. 17.
43 Ibid., 1.1.27, p. 17.
44 Ibid., 1.3.28 p. 18.
45 Ibid., 1.3.27, p. 18. On this topic, see Domingo, *Roman Law*, 169.
46 On the value of *Corpus iuris* as a legal source among sovereign powers, see Straumann, 102–23.
47 Padgen, 92.
48 Gentili, *De iure belli* 1.9.65, p. 41: "Religion is a part of the law of nature and therefore that law will not protect those who have no share in it."
49 See Domingo, *God and the Secular Legal System*.
50 Gentili, *De iure belli* 1.12.92, p. 57.
51 In this sense, Phillipson.
52 Gentili, *Disputationum de nuptiis libri septem*; hereafter *De nuptiis*.
53 On the importance of this work to understanding Gentili's thought, see Minnucci, *Silete theologi in munere alieno*, 190–96. See also Minnucci, *Alberico Gentili iuris interpres della prima Età moderna*, 19–60, with bibliography.
54 See Ulpian, *Digest* 1.1.1.
55 Gentili, *De nuptiis*, 57.
56 See Celsus, *Digest* 1.1.1pr.
57 See Gentili, *De nuptiis*, p. 57. On this topic, Minnucci, *Silete theologi in munere alieno*, 213–14.
58 See Gentili, *De nuptiis*, 93.
59 Ibid., 1.9.61, 39.
60 Ibid., 1.9.59, 38. These ideas are firmly rooted in Early Christian Thought (Tertullian and Lactantius, among others). See Wilken.
61 Ibid., 1.9.60, p. 38.
62 Ibid., 1.10.71, p. 44.
63 Ibid.
64 Ibid., 1.11.79–84, pp. 49–52.
65 Ibid., 1.11.84, p. 52.
66 Gentili, *De nuptiis*, 9–10.
67 Gentili, *De iure belli*, 1.9.64, p. 41.
68 Ibid., 1.9.66, p. 41.
69 Ibid., 1.9.65, p. 41.

1 This article is excerpted in part from my volume *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism* (Cambridge: Cambridge University Press, 2007), ch. 3.
2 Althusius, *Politica methodice digesta atque exemplis sacris & profanis illustrata*. See abridged English translation, *Politica Johannes Althusius*, ed. and trans. F.S. Carney (Indianapolis, IN: Liberty Fund, 1995); abridged German text of the 1614 edition published as Althusius, *Politik*, and Latin and English versions of the preface to the 1610 edition in Laursen, 193–201. I have used the 1614 Friedrich edition unless otherwise noted, and adapted the English translation by F.S. Carney in *Politica* [hereafter Pol.]

3 Althusius, *Dicaeologicae libri tres, totum et universum Jus, quo utimur, methodice complectentes*; I have used the 1618 edition throughout [hereafter Dic.].
4 Dic. 1.13.6, 10; Pol. XXI.35–40; Pol. XXII.1–12; Pol., Preface (1603, 1610, and 1614 eds.).
5 Pol. X.4; Pol. XIX.6, 15, 23, 29, 49; Pol. XX.18; Pol. XXVIII.30–32; Dic. I.13.3, 6–8.
6 Dic. I.13.10–18; Pol. I.32–39; Pol. IX.21; Pol. XVIII.22; Pol. XXI.16–19; Pol. XXXVIII.37.
7 Dic. I.13.1, 14–15; Pol. XXX.16, 19–20.
8 Dic. 1.13.13–18; Dic. I.14; Pol. XXI.1–20.
9 Dic. I.6.4–6, 26; Dic. I.13.16–18; Pol. XXI.20–21; Pol. XXIII.1–20.
10 Pol. VII.7–12; Pol. X.3–12; Pol. XVIII.32–44; Pol. XXI.22–29.
11 Dic. 1.13.4–18; Dic. 1.14.1–14; Dic. I.35.22–23; Pol. VII.7–12; Pol. IX.20–21; Pol. X.3–12; Pol. XVIII.32–44; Pol. XXI.22–29; Pol. XXII passim.
12 Ibid.
13 Dic. I.13.11, 18–19.
14 Pol., Preface (1610 and 1614 eds.); Pol. XXI.29. See further sustained discussions of the Decalogue in Pol. VII.7–12; Pol. X.3–12; Pol. XVIII.32–44; Pol. XXI.22–29, 41; Dic. I.13.10–18; Dic. 1.14.1–3; and further brief references in Pol. XVIII.66; Pol. XIX.14, 31, 59, 69; Pol. XXVII.18; Pol. XXIX.1; Pol. XXVIII.32, 38, 77, 100.
15 Pol. XXI.25–27, quoting in part from Cicero, *The Orator*, I.43.
16 Pol. XXI.33–40; Pol XXII.3–4; Dic. I.14.5–11; Dic. I.16.9–10; Dic. I.101.43; Dic. 115.1–36.
17 Pol. XXI.33; Dic. 1.14.5; Dic. I.16.9–18.
18 Pol. VIII.72–91; Pol. XXI.32–33; Dic. 1.14.20; Dic. I.15.18–21.
19 Dic. I.14.1–20; Dic. I.15.1–21; Dic. I.16.8; Pol. VIII.72–86; Pol. XXI.30–40; Pol. XXII.1–3, 10.
20 Dic. I.25.1–8; Pol. XXI.22–24.
21 Pol. XX.12–13, 20–22; Pol. XXXVII.21–22, 33–34, 36; Pol. XXVIII.14, 53–66; Pol. XXXVIII.10–14, 77–78; Dic. 1.101.32–33, 42–43; Dic. 1.113.8–9, 12; 1.115.10–36.
22 Pol. XXVIII.62.
23 Pol. VII.4–7; Pol. IX.33–45; Pol. XXVIII.14, 37–73, 62–66; Dic. I.25.8–10.
24 Pol. XI.33–45; Pol. XXVIII.60–66.
25 *The Works of John Locke*, 12th ed., 9 vols. (London, 1824), 5:47.
26 Dic. I.25–26; Dic. I.117–22; Pol. X.5–7; Civ. Con. II.1.
27 Pol. VI.43–44; Pol. IX.5–9; Dic. I.81.8–15.
28 Pol. VI.47; Dic. 1.26.10–19, 33; Dic. 1.81.7–18.
29 See the detailed table at the head of book 1 in Dic.
30 Dic. 1.18–24, 27–33, 36–63, 78–81,130; Dic. II.12–23.
31 Dic. I.81.4, 7, 18.
32 Dic. I.5, 7, 9–10, 13, 25, 28–30, 80; III.9.38–44; Pol. III.37–41.
33 Dic I.64–97; Dic. II.11–22.
34 See, e.g., recent efforts along these lines in Doe, *Christian Law*, and Doe, *Comparative Religious Law*.

1 I mention some of these in my article on Grotius for the *Stanford Encyclopedia of Philosophy* (https://plato.stanford.edu/entries/grotius/). For additional discussion, see Tuck, "Introduction" to Grotius, *De Iure Belli ac Pacis*, ix–xii. Hereafter I refer to this work by Grotius as *DIB*.
2 Perhaps because Grotius was an important man who led a fascinating life, there are numerous biographies of him. In the concluding section of this chapter, I provide two historical sources. Two more recent lives are Dumbauld, *The Life and*

Legal Writings of Hugo Grotius, and Edwards, *Hugo Grotius*. I have relied on these sources and my own understanding of Grotius in this section on his life and works.

3 For more on this work and the theological-political context, see the "General Introduction" to the excellent critical edition produced by Harm-Jan van Dam.

4 The most comprehensive record of Grotius's writings remains the *Bibliographie* by Ter Meulen and Diermanse.

5 This work was first published posthumously, although a partial edition appeared in Grotius's lifetime under the title *Annotationes in libros Evangeliorum* (1641).

6 Throughout this chapter, I use the edition of the *DIB* edited by Tuck. For the *DIP*, I use the edition edited by Van Ittersum.

7 Van Ittersum retells the story of the composition and eventual publication of *DIP* on pp. xiv–xxiii of her edition of the volume.

8 The tendency to equate *ius naturale* and *lex naturalis* goes back to Grotius's day, as we learn from Hobbes. He writes, "though they that speak of this subject use to confound *jus* [*sic*] and *lex* (*right* and *law*), yet they ought to be distinguished, because Right consisteth in liberty to do or to forbear, whereas Law determineth and bindeth to one of them; so that law and right differ as much as obligation and liberty, which in one and the same matter are inconsistent" (*Leviathan* 1.14.3).

9 An excellent guide to the vast literature on the subject of this paragraph can be found in Rasilla Del Moral.

10 As Isidore of Seville wrote a thousand years before Grotius: "Natural law is common to all nations. It is followed everywhere by all people due to a natural impulse, not because of any institution": *Etymologiarum sive originum libri XX*, bk. 5, para. 4, 1 (my translation).

11 For a helpful introductory discussion of natural law in Plato, Aristotle, and the Stoics, see Striker.

12 See, e.g., Aquinas, *Summa theologiae*, Ia–IIae, question 91, article 4, pp. 944–45.

13 See, e.g., Ockham's *Commentary on the Sentences*, 2, 4–5.

14 See, e.g., *De Legibus*, bk. 1, ch. 5, section 13 (for his agreement with Ockham) and bk. 2, ch. 6, section 5 (for his agreement with Aquinas).

15 See, e.g., Vreeland. The first comprehensive treatment wholly dedicated to international law was by Zouche.

16 As Grotius writes of his method, "first, let us see what is true universally and as a general proposition; then, let us gradually narrow this generalization, adapting it to the special nature of the case under consideration. Just as the mathematicians customarily prefix to any concrete demonstration a preliminary statement of certain broad axioms on which all persons are easily agreed, in order that there may be some fixed point from which to trace the proof of what follows, so shall we point out certain rules and laws of the most general nature . . . with the purpose of laying a foundation upon which our other conclusions may safely rest" (*DIP*, ch. 1, pp. 17–18).

17 Grotius, *DIP*, "Prolegomena," § 7. Henceforth all citations to this work will be in-text. Two notes about abbreviations: (1) I use *DIB* plus book, chapter and section numbers to refer to the *De Iure Belli ac Pacis*; (2) I use "Prolegomena" plus a section number to cite this part of the *DIB*. All translations are from Tuck's edition.

18 Korsgaard, 22.

19 Suárez, bk. 2, ch. 6, section 3.

20 Irwin, 86. Irwin himself does not think of Grotius as a pioneer in natural law; he is only citing the opinions of the many others who do.

21 These descriptions of their personalities are my own. In forming them, I have relied on various sources, including Albrecht Beutel, "Luther's Life," and Helmar Junghans,"Luther's Wittenberg," both in part 1 of McKim, *Cambridge Companion to Luther*. For Grotius, see the hagiographic "Life of Hugo Grotius" published

with *De Iure Belli ac Pacis* (see note 3 for the full bibliographical record) as well as Bayle, "Grotius."

22 Luther, "Against the Robbing and Murdering Hordes," *Luther's Works*, vol. 46, p. 50.

23 There is a balanced discussion of this topic in Hendrix "Luther's Impact on the Sixteenth Century." See also Hillerbrand.

24 See especially Luther's "Temporal Authority: To What Extent It Should Be Obeyed," in *Luther's Works*, vol. 45, pp. 81–129. For discussion, see Cargill Thompson, ch. 3, and Massing, 573–74.

25 See, e.g., *DIP*, ch. 4, question 2, p. 73ff. of Van Ittersum's edition.

26 At the same time, it is not the case that Grotius never directly responded to Luther. One such instance is documented in Irwin, *The Development of Ethics*, 85.

27 Most notably, there is *De veritate religionis Christianae* (The truth of the Christian religion). Here Grotius argues both for the superiority of the Christian religion over all others and for the agreement of all Christians on a core set of beliefs. These core commitments are vastly more important than the peripheral issues where Christians disagreed.

28 For more on Luther and this war, see Friedeburg.

29 An excellent summary of Grotius's religious writings and his core beliefs can be found in Tuck, *Philosophy and Government*, 179–86.

30 Letter from Grotius to G.M. Lingelsheim of November 1, 1606, translated and printed in Van Ittersum's edition of the *DIP,* p. 552.

1 Philpott, 206.

2 Such trends are discussed in "Kant's Philosophy of Religion" in the *Stanford Encyclopedia of Philosophy*. https://plato.stanford.edu/entries/kant-religion/.

3 Hobbes, 70.

4 Citations to Kant will be to the Akademie Ausgabe by volume and page, except for the *Critique of Pure Reason*, where citations will use the standard A/B edition pagination. Unless otherwise noted, English quotations will be from *The Cambridge Edition of the Works of Immanuel Kant.*

5 See Pasternack, "Kant on the Debt of Sin."

6 Kant does not seem settled as to whether or not our duty to perpetual peace is a duty to merely strive towards it or a duty to bring it into actuality. In the *Religion* and in *Perpetual Peace,* he seems to support the former; in the *Metaphysics of Morals*, he indicates instead the latter (6:350).

7 One might think of Neville Chamberlain's appeasement of Hitler as such an example.

8 Guyer, 430.

9 Ibid., 434.

10 Ibid.

11 Ibid., 426.

12 Note that Guyer does not claim that prudence and the mechanisms of nature are sufficient to realize perpetual peace, as he too acknowledges the role of an "inscrutable choice to be virtuous" (425). My point, however, is that what Guyer utilizes to provide the basis for our confidence that perpetual peace is not impossible pertains instead to peace pacts.

13 This is not to say that agents interested in the moral betterment of humanity would not support cosmopolitanism, for it is not only better than active warfare but it also may be seen as helping make us potentially more receptive to moral growth. See Frierson.

14 See Pasternack, "Restoring Kant's Conception of the Highest Good."

15 In other words, while moral politicians may still pursue a duty to avoid warfare and promote peace, the antinomy between politics and morality may be read as a

challenge to the possibility of perpetual peace. As such, unless we have a way to overcome the catch-22 conveyed by the antinomy, we may in fact have to conclude that the "crooked wood" of humanity tells us either that perpetual peace is "demonstrably impossible," or at least how it is possible "surpasses every concept of ours."

16 See Pasternack, "Religious Assent and the Question of Theology."

17 Kant does not follow the Augustinian thesis that our moral capacities are so corrupted by original sin that we no longer have the volitional powers needed to become morally good. Rather, his point is that out of self-interest, we would not choose to subordinate it to morality, and thus once we have willed to prioritize self-interest over morality (something Kant claims all humanity has done), we would never will to reverse that order. Hence, it is out of the logic of what we have willed that we face the catch-22 which then prompts the need for divine aid. See 6:51–52.

18 By analogy, we may separate our specific duties, such as to be charitable, from the more radical duty to undergo a "moral revolution," whereby we change our "supreme maxim" to one that prioritizes morality over self-interest. It is the latter which Kant maintains requires our appeal to divine aid (6:47–52).

19 Breul and Schnurr.

20 Early translations shifted between "perpetual" and "eternal." Examples include the 1796 *Project for a Perpetual Peace* (unknown translator, London: Vernor and Hood) and *Eternal Peace* (J.D. Morell, London: Hodder and Stoughton, 1884). One possible reason why "perpetual" was chosen by translators is because of the antecedent French work on perpetual peace by Abbé St. Pierre, *Project pur rendre la paix perpetuelle en Europe* (1713).

21 See Borowski; see also Hunter.

22 Thanks to Geoff Dargan, Pablo Muchnik, and Rob Gressis for helpful discussion and feedback.

1 Maritain, "The Possibilities for Cooperation in a Divided World," 172–84, at 182.

2 See Chenaux.

3 Maritain, *Humanisme integral*, in *Oeuvres complètes*, 443, translation mine. See *Integral Humanism*.

4 In *The Review of Politics*, 8 (1946): 419–55, at 420. This text, based on lectures from 1939 ("The Person and the Individual") and 1945 ("The Human Person in Society"), appeared almost simultaneously in French, in the *Revue Thomiste* (mai-août 1946): 237–78. A year later, in 1947, it was published in book form with some minor revisions.

5 Maritain, *Humanisme integral*, 447. Stibora, 33, seems to have missed this obvious reference.

6 Moyn, "Jacques Maritain, Christian New Order, and the Birth of Human Rights," 59. Stibora, 52, disagrees, though her arguments here are weak.

7 In Maritain, *Scholasticism and Politics*.

8 Ibid., 111.

9 Maritain, "Integral Humanism and the Crisis of Modern Times."

10 Maritain, "Person and the Common Good," 432.

11 Ibid., 442.

12 Ibid., 435.

13 Ibid., 442.

14 Some members of the Commission on Human Rights made just this mistake. See *Commission on Human Rights: Summary Record of the Fourteenth Meeting, New York, 4 February 1947*, E/CN.4/SR.14, pp. 4–5, at https://digitallibrary.un.org/record/626959/files/E_CN.4_SR.14-EN.pdf.

15 See, for example, Meinveille; see also Perez; and Compagnon, 165–70.
16 De Koninck.
17 Maritain responded to De Koninck's criticisms, albeit indirectly, in "The Person and the Common Good."
18 Maritain, *The Rights of Man and Natural Law*, 39–41. See also Maritain, *Natural Law*, 96–98.
19 Ibid., 49.
20 Ibid., 39–40.
21 Ibid., 40.
22 Ibid., 39.
23 Ibid., 46–47.
24 Ibid., 51–53.
25 Ibid., 60.
26 Ibid., 52; see also *Man and the State*, 103–5.
27 See Maritain's essay "Christianisme et démocratie," in *Le crépuscule de la civilisation*, 76 and 81, and his "Introduction," to UNESCO (ed.), *Human Rights: Comments and Interpretations,* UNESCO/PHS/3 (rev.) Paris (July 25, 1948) [later republished, with minor changes, London: Allan Wingate, 1949], p. vii. Maritain's account of the inalienability of rights is controversial. See, for example, Crosson. Interestingly, Maritain did not use the term "inalienable rights" in *Les droits de l'homme et la loi naturelle*.
28 See Roth.
29 See Sweet, "Charles Malik."
30 This was, as noted above, a disputed term. Malik was responsible for including the term in the preamble of the UDHR. Chang objected to the term, but the commission allowed the word to remain. For a recent discussion, see Nelson.
31 See Glendon, 144.
32 American Anthropological Association, 539–43.
33 Commission on Human Rights, Summary Record of the Seventy-Fourth Meeting, June 15, 1947, E/CN.4/SR.74, p 14 at https://undocs.org/E/CN.4/SR.74.
34 See Ochs and Gimeno.
35 See Goodale's mildly dismissive, but also somewhat inaccurate, comments on Maritain's relation to the UDHR, in "The Myth of Universality."
36 Agi, 212. See also Winter and Prost, 164.
37 Mougel, 76.
38 Ibid., 65, my translation.
39 These quotations are taken from Maritain's discussion and list, given in Maritain, *Natural Law,* 71–98.
40 See note 14 above and E/CN.4/SR.14, 4–5.
41 Maritain, *Natural Law*, 79.
42 Taylor and Maclure, 96.
43 Malik, 11.
44 Maritain, *Natural Law*, 80.
45 Ibid., 97.
46 A further reason for believing that Maritain may have had an influence on the UDHR is based on the possible impact of the American Declaration of the Rights and Duties of Man (May 2, 1948)—sometimes called the "Bogota Declaration"—on the UDHR. Given Maritain's influence in Latin America in the late 1930s and early 1940s, it is possible that Maritain had some effect on this text and thus, indirectly, on the UDHR. For his influence in Latin America, see, Ramos-Reyes.
47 UNESCO, ed., *Human Rights*, Appendix II, p. 11.
48 Maritain, "La Voix de la Paix," in *Oeuvres Complètes*, Vol. 9. See n. 1 above.

49 "M. Maritain Calls for Unity," *Unesco Courier* 1/1, February 1948.
50 See Seydoux. See also Barré, *Beggars for Heaven*, 393–94.
51 Maritain, "Introduction," in UNESCO, *Human Rights*, II.
52 Maritain, "Philosophical Examination of Human Rights," in UNESCO, *Human Rights*, 59–63, at 59.
53 Goodale, "The Myth of Universality," 610.
54 "The Grounds of an International Declaration of Human Rights," in UNESCO, *Human Rights*.
55 Letter from E.H. Carr to J. Huxley, September 29, 1947, reprinted in *Letters to the Contrary*.
56 Maritain, "Introduction," I.
57 Ibid.
58 See Maritain, *Man and the State*, 107; see also *Natural Law*, ed. Sweet, 74.
59 Maritain, *Man and the State*, 87, 107.
60 Sweet, "Maritain's Criticisms of Natural Law Theories."
61 Maritain, *La loi naturelle ou loi non écrite*. Texte inédit, établi par Georges Brazzola (Fribourg: Éditions Universitaires, 1986). An English edition, *Lectures on Natural Law*, tr. William Sweet, is forthcoming from University of Notre Dame Press. Versions of the first and second chapters also appeared in *Man and the State*, ch. 4, "Natural Law and Moral Law" [in *Moral Principles of Action: Man's Ethical Imperative*, ed. Ruth Nanda Anshen (New York: Harper and Brothers, 1952), 62–76], and in some other essays of the period.
62 Maritain, *The Range of Reason*, 22.
63 Maritain, *La loi naturelle*, 52, 56.
64 Maritain, "Philosophical Examination of Human Rights," 63.
65 Maritain, *Natural Law*, 79, n. 40.
66 See Maritain's paper, "Natural Law and the Rights of Man: A Philosophical Discussion," preserved in the Jacques and Raissa Maritain papers at Kolbsheim. The paper seems to have been read at the College of St. Thomas, in St. Paul, Minnesota, in late 1950/early 1951, and is almost identical to *Man and the State*, ch. 4, and to "The Philosophical Foundations of Natural Law" in *Natural Law and World Law, volume d'hommage offert a Kotaro Tanaka* (Tokyo: Yuhikaku, 1954), 133–43.
67 Maritain, *Man and the State*, 90–98.
68 Maritain, "Communication with regard to the Draft World Declaration on the Rights of Man," Letter of June 18, 1947, p. 3, section 5. http://unesdoc.unesco.org/images/0012/001243/124341eb.pdf. See also his "Philosophical Examination of Human Rights," 60.
69 Ibid.
70 Maritain, *La loi naturelle*, 190. Translations are mine.
71 Ibid., 190–91, emphasis mine.
72 Ibid.
73 Moyn, "Personalism, Community, and the Origins of Human Rights," 87.
74 Maritain, "Philosophical Examination of Human Rights," 61.
1 See Schuman, *French Foreign Policy*, 5. In a letter of 1942 to Robert Rochefort, Robert Schuman wrote (in French): "We are the very imperfect instruments of a Providence which makes use of them in the accomplishment of great designs which go beyond us. This certainty demands a lot of modesty but gives us a serenity that would not always be justified by our personal experiences considered from a merely human point of view." See Roth, *Robert Schuman*, 562.
2 See some examples in Krijtenburg, *Schuman's Europe*, 52–53. https://openaccess.leidenuniv.nl/bitstream/handle/1887/19767/fulltext.pdf?sequence=17.
3 Acheson, 32.

4 Fimister.
5 Krijtenburg, *Schuman's Europe*.
6 See Poidevin; see also Pennera.
7 Rochefort; Lejeune;Roth; Lücker and Seitlinger; Pelt.
8 Mittendorfer.
9 For biographical details, see the biographies listed in notes 2–7 and the bibliography.
10 On the Franco-Prussian War, see Wawro; also Howard.
11 The territory was made up of 93 percent of Alsace and 26 percent of Lorraine; the remaining portions of these regions continued to be part of France. Since its complete reversion to France following World War I, the territory has been referred to administratively as Alsace-Moselle. Since 2016, Alsace and Lorraine are a part of the new French administrative region in northeastern France called Great East. For an overview of the history of Alsace-Lorraine, see Roth, *Alsace-Lorraine*.
12 It is a west Germanic language, very close to German and Dutch, with borrowed words from French. In Luxembourg, children study in Luxembourgish at kindergarten level and in German and French at primary level.
13 The letters received by Schuman from his mother (1906–09) are deposited in the Schuman Papers (34 J 1) at the Departmental Archives in the Moselle. See Hiegel and Duvigneau, 10. For a commentary about these letters, see Poidevin, 17–19.
14 In Alsace and Moselle, a local law is still in force. Established in 1919 after the end of the First World War, it is applied in the French departments of Bas-Rhin, Haut-Rhin, and Moselle, grouped under the generic name of Alsace-Moselle, which is now in the Grand East region. This local law retains the provisions set up by German authorities between 1871 and 1918 when those provisions are considered more favorable to the inhabitants of Alsace and Moselle. The local law also includes the pre-1870 French laws maintained by the German administration but abrogated by the French authorities before their return in 1918. Finally, the local law includes specific French laws after 1918 applicable only to these territories. The local law mainly affects professional regulations, credit institutions, statutory holidays, legislation on the reimbursement of health expenses, social assistance for the poorest persons, the organization of justice and the courts, civil procedures, bankruptcy, the land register, the law of hunting, and the law of association. The French law on separation of the churches and the state of December 9, 1905, is not applied in Alsace and Moselle. Instead, the 1801 Concordat with the Holy See and the special laws of 1802 are still in force. As result, religious education is compulsory in primary and secondary schools (with permission of the parents); the University of Strasbourg and the University of Metz are the only French public universities to teach theology; the remuneration of the ministers of the four recognized cults (Catholic priests, Lutheran and Reformed pastors, and Jewish rabbis) is taken over by the state. The appointments of the archbishop of Strasbourg and the bishop of Metz are made by the president of the French Republic, the last head of state in the world to appoint Catholic bishops. For an overview of the local law in Alsace and Moselle, see Institut Du Droit Local Alsacien-Mosellan.
15 On the so-called Vichy regime, see Burrin.
16 See Poidevin, 137.
17 Schuman was prime minister again for a week, September 5–11, 1948.
18 See Lejeune, *Robert Schuman, père de l'Europe*, 153.
19 See the whole text available at: https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration_en.
20 On the spirituality of the declaration, see Wilton, 13–32. As Fimister well pointed out, the 1950 declaration resulted from the "self-conscious application" by

Schuman of the Catholic social thought and neo-Thomistic political philosophy to international relations. See Fimister, 17.

21 See Schuman, *For Europe*, 110.

22 Ibid., 20.

23 Ibid., 119: "In a small hotel on Rue Martignac, it was Jean Monnet who, together with his collaborators, sketched out within a few months, discretely and in the utmost secrecy—not even the government knew—the idea of the coal and steel community." See also Monnet, *Memoirs*, 318–35. The first draft was prepared by Paul Reuter, Schuman's colleague and the lawyer at the Foreign Ministry, and it was mainly edited by Jean Monnet, Étienne Hirsch, Pierre Uri, and Bernard Clappier. In her doctoral thesis, Margriet Krijtenburg tries to recover Schuman's leadership in the project. See Krijtenburg, *Schuman's Europe*. In the same vein, see also Price, 61–62. On the role of Paul Reuter, see Cohen. For a general overview, see Reuter, *La Communauté européenne*.

24 Schuman, *For Europe*, 119. On this relationship, see Roussel, 87–92.

25 Schuman, *For Europe*, 119. An example of risk is, for instance, that two days before the declaration, on May 7, 1950, Schuman, without the consent of the French Council of Ministers, assured Chancellor Konrad Adenauer in a letter that the proposal of declaration would be approved a few days later by the French government. The letter is available at: www.cvce.eu/content/publication/1999/2/10/5b2f4ed8-b98c-4dc3-b7de-0f53bf11ff55/publishable_en.pdf.

26 On constitutional European moments, see Weiler, esp. 3–4.

27 See Rochefort, 317; and Poidevin, 367.

28 The lack of understanding between De Gaulle and Schuman was profound. See Fimister, 170–71; and Lejeune, *Robert Schuman, père de l'Europe*, 135–138. The divergences among the two politicians are explained by Chopra, 35–39.

29 After the establishment of the European Economic Community (ECC) and the European Atomic Energy Community (Euratom) in 1957, a single assembly was created with the powers and responsibilities assigned to it at the EEC and Euratom treaties. This assembly also replaced the Common Assembly of the European Coal and Steel Community. The single assembly held its first session on March 19, 1958. It was this new assembly that elected Schuman as president unanimously. The official and unified designation as European Parliament was made by Art. 2 of the Single European Act of 1986. For an overview of the history of the European Parliament, see: www.cvce.eu/en/obj/european_parliament-en-ad6a0d57-08ef-427d-a715-f6e3bfaf775a.html.

30 See Poidevin, 420.

31 On the cause of beatification, see Institut Saint-Benoît, esp. 11–15.

32 Information available at: www.eui.eu/DepartmentsAndCentres/RobertSchumanCentre/Index.aspx.

33 Information available at: http://wwwen.uni.lu/recherche/robert_schuman_institute_of_european_affairs.

34 See Hiegel and Duvigneau, available at: www.archives57.com/phocadownload/6._FONDS_PRIVES/politique/frad57%20034-036j%20papiers%20schuman.pdf.

35 The inventory is available at: http://archives.eui.eu/en/fonds/153157?item=HALK.

36 A list of Schuman's more than sixty minor writings, lectures, and speeches can be found in Poidevin, *Robert Schuman, homme d'État*, 481, 484–86. Most of them can be consulted in the Schuman Papers (34 J) at the Departamental Archive of Moselle. Some are available at: www.schuman.info led by David Heilbron Price.

37 Schuman, *For Europe*. The English translation of the essay must be improved.

38 Schuman, *For Europe*, 15.
39 Robert Schuman, "Préface," in Reuter, *La Communauté européenne*, 3–8, at 7. The legal approach to the idea of supranationality was deeply developed by Paul Reuter.
40 Ibid., 18.
41 Ibid., 22.
42 Ibid., 29.
43 Ibid., 134.
44 Ibid., 35.
45 Ibid., 36.
46 Ibid., 37.
47 Ibid., 43.
48 Ibid., 51.
49 Ibid., 44.
50 Ibid., 46.
51 Ibid., 61.
52 Ibid., 79.
53 Ibid., 139.
54 Ibid., 86.
55 Ibid., 93.
56 The Decision and the Act on European elections by direct universal suffrage were signed in Brussels on September 20, 1976. The Act entered into force in July 1978, following ratification by all member states. The first elections took place on June 7 and 10, 1979. See basic information at: www.europarl.europa.eu/ftu/pdf/en/FTU_1.3.1.pdf.
57 Schuman, *For Europe*, 108.
58 Around thirty-three thousand people are employed by the European Commission. In the European Parliament, around six thousand people work in the general secretariat and in the political groups. In the Council of the European Union, around thirty-five hundred people work in the general secretariat. See basic information at https://europa.eu/european-union/about-eu/figures/administration_en
59 Schuman, *For Europe*, 106.
60 For further development, Domingo, "The New Global Human Community."
1 See, e.g., Orford.
2 Ungern-Sternberg, 295.
3 Waldron.
4 Ibid., 158.
5 Ibid., 157; see also Tamanaha, ch. 9.
6 This list is adapted from Rosenfeld, at 1313.
7 Taylor.
8 Walker, "Beyond the Holistic Constitution?"
9 See, e.g., Krygier.
10 See, e.g., Rosenfeld, 1313.
11 See, e.g,. Tamanaha, ch. 7.
12 Ibid., ch. 7–8.
13 See, e.g., Waldron, "Are Sovereigns Entitled to the Benefits of the International Rule of Law?"
14 On the realist-liberal distinction, see, e.g., Slaughter.
15 Orford, 2.
16 See, e.g., Sen.
17 See, e.g., Neff, esp. ch. 10.

18 On different models of morally relevant interconnectedness in respect of global justice, see Walker, "The Gap between Global Law and Global Justice."
19 See Samuelson.
20 Chimni.
21 See, e.g., Pogge.
22 See, e.g., Singer.
23 See, e.g., Koskenniemi, "International Law and Religion: No Stable Ground," 3–24.
24 Koskenniemi, "No Stable Ground," 16.
25 See Chapter 3 of this volume on Thomas Aquinas and the doctrine of natural law.
26 See, e.g., Ungern-Sternberg.
27 See Chapter 4 in this volume.
28 See Chapter 5 in this volume.
29 See Chapter 6 in this volume.
30 See Chapter 8 in this volume.
31 See Chapter 9 in this volume.
32 Schmitt.
33 See, e.g., Nafziger.
34 Paz, 926.
35 Koskenniemi, "No Stable Ground," 9.
36 See Chapter 2 in this volume.
37 Koskenniemi, "No Stable Ground," 4.
38 Moyn. See also Chapter 19 in this volume.
39 See, e.g., Weiler.
40 Fukuyama.
41 See, e.g., Zuquete.
42 Domingo, *New Global Law*. See also his "Gaius, Vattel, and the New Global Law Paradigm."
43 Domingo, *New Global Law*, 157–58.
44 Ibid., ch. 4.
45 See, e.g., Walker, *Intimations*, ch. 5.
46 See, e.g., Waldron, "The Image of God."
47 See, e.g., Habermas.
1 Barilan, 89.
2 "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world"; www.un.org/en/universal-declaration-human-rights/.
3 See Shulztiner and Carmi, 461–90.
4 Ibid., 490.
5 Carozza, https://doi.org/10.1093/law/9780199640133.003.0015, downloaded December 2018.
6 Whitman, 1196.
7 Ibid., 1170.
8 Kass, 246.
9 "Adam was one hundred and thirty years old when he begot a son in his likeness, after his image; and he named him Seth."
10 "Anyone who sheds the blood of a human being, by a human being shall that one's blood be shed; for in the image of God have human beings been made."
11 "Yet you have made him little less than a god, crowned him with glory and honor."
12 "For God formed us to be imperishable; the image of his own nature he made us."
13 "He endowed them with strength like his own, and made them in his image."

14 Paul's letter to Philemon clearly asks for Onesimus's liberation. See on Gregory of Nyssa's rejection of slavery, keywords "social analogy" and "slavery," in Mateo-Seco and Maspero.
15 Meilaender, "Human Dignity and Public Bioethics," 40.
16 Theophilus, *Ad Autolycum*, II.18, p. 57.
17 Tertullian, *Adversus Marcionem*, vol. I, p. 481 (my own translation).
18 Cicero, *De Re Publica* I, XXVII, 43: "*Quaniam distinctos dignitatis gradus non habebant, non tenebat ornatum suum civitas*": pp. 68–69.
19 See Hanvey, 212.
20 Aquinas, *Scriptum Super . . . Petri Lombardi Episcopi Parisiensis*, vol. 1, Liber 1, distinctio 10, q. 1 art. 5, p. 270.
21 Aquinas, *Summa Theologiae*, I, q. 29, a. 3, ad 2.
22 Ibid., II–II, q. 64, a. 2.
23 Ibid., II–II, q. 189, a. 6, ad 3: "*Persona liberi hominis superat omnem aestimationem pecuniae*." (my translation). This was a formulation also of Roman law.
24 Ibid., q. 66, a 1 c.
25 Aquinas, *Scriptum Super . . . Petri Lombardi Episcopi Parisiensis*, vol. 3, Liber 3, distinctio 35, q. 1 art. 4, quaestiuncula 3, solutio 1, p. 1189.
26 Aquinas, *De Veritate*, q. 5, a. 7 c.
27 Pico della Mirandola, 225.
28 Vitoria, *De Indis et de Iure Belli Relectiones*, Section I, n. 21. p. 127, n. 24, p. 128.
29 For the Protestant tradition on human dignity, see Witte.
30 Kant, n. 428–29, p. 15–57.
31 Ibid., n. 435, p. 172.
32 Ibid., n. 433, p. 166.

1 I am grateful to Jonathan Burnside, Rafael Domingo, Ian Leigh, and John Witte, Jr. for their comments on an earlier draft.
2 Lactantius, *Divine Institutes*, 5.14 (trans. Oliver and Joan Lockwood O'Donovan).
3 The O'Donovans claim that he was "the first Christian thinker to subject the idea of justice to serious analysis." See O'Donovan and O'Donovan, 46–47.
4 Lactantius, 5.15.
5 Such as the theory Plato puts in the mouth of Glaucon in book 2 of *The Republic*.
6 www.equalrightstrust.org/content/declaration-principles-equality. Accessed April 9, 2019.
7 See Walker.
8 See Cover.
9 See Dworkin.
10 Raz, ch. 9.
11 Romans 5:12–21.
12 Genesis 3:20; Acts 17:26.
13 Romans 3:23–24.
14 1 Corinthians 12:12–13; Galatians 3:26–28; Colossians 3:11.
15 See, classically, St. Augustine, *The City of God Against the Pagans* (411–26), esp. book 15.1 for the relationship between the two cities and Adam/Christ.
16 See Berman.
17 Deuteronomy 3:12–20; Joshua 13–22.
18 Leviticus 25.
19 This is Dworkin's preferred model: *Sovereign Virtue*, 89; cf. Hutton.
20 Amos 6:1–7; 2:6.
21 1 Kings 21; Isaiah 5:8–10; Micah 2:1–2.
22 E.g., Deuteronomy 10:18; 14:29; Psalm 94:6; Jeremiah 7:6; 22:3; Ezekiel 22:7; Zechariah 7:10; Malachi 3:5.
23 Exodus 19:3–8; Deuteronomy 5:22.

24 1 Samuel 8:10–18.
25 Deuteronomy 17:14–20.
26 Exodus 23:6–8; Leviticus 19:15.
27 See, e.g., Code of Hammurabi (c. 1754 BCE), which distinguishes extensively according to the relative status of slaves, freeborn, and freedpersons.
28 2 Chronicles 19:7.
29 Proverbs 17:15; Romans 2:11; Ephesians 6:9; Colossians 3:25; 1 Peter 1:17.
30 Deuteronomy 25:1.
31 Luke 1:52–53.
32 Summed up in the prophetic words, "Jacob I have loved, but Esau I have hated": Malachi 1:2–3.
33 See the gospels generally! John 4 will suffice as an example of outstanding intersectionality.
34 Philippians 2:6.
35 2 Corinthians 8:9, 13.
36 2 Corinthians 5:21.
37 Matthew 22: 34–40.
38 Luke 14:11; 18:14.
39 Luke 16:25.
40 John 9:41.
41 1 Corinthians 1:27–28.
42 Matthew 19:30; 20:16; Mark 9:35; Luke 13:30; Luke 9:48.
43 Galatians 3:26–28.
44 Acts 2:44–45.
45 Acts 2:6; 6:1–7.
46 1 Thessalonians 4:11–12; 2 Thessalonians 3:6–10.
47 2 Corinthians 8:1–15.
48 Exodus 16:18.
49 James 2:1–9.
50 Revelation 7:9–10.
51 See Colossians 3:22–4:1; 1 Timothy 1:10; and the remarkably countercultural letter of Philemon. A similar, although considerably more complex and controversial, case can be made in relation to the position of women.
52 Estimates of the size of the slave population vary considerably. It is often claimed that 30 to 40 percent of the Italian population were slaves in the first century BCE. Kyle Harper reviews the evidence for the later Empire as a whole and lands on a figure of 10 percent. See Harper, *Slavery*, ch. 1.
53 Excerpts in O'Donovan and O'Donovan, 66–88.
54 See Siedentop.
55 This is the thesis of David Bentley Hart in *Atheist Delusions*. For a parallel account of sexual ethics, see Harper, *From Shame to Sin*.
56 See Pojman.
57 Waldron, *God, Locke, and Equality*.
58 Ibid., 243.
59 Waldron, *One Another's Equals*, 205.
60 Wolterstorff, ch. 16.
61 Promissory Oaths Act 1868, s. 4.
62 Augustine was not the only bishop to complain about the time this absorbed. See Lamoreaux.
63 UDHR, art. 7; see also ICCPR, art. 26.
64 UDHR, art. 10; see also ICCPR, art. 14(1).
65 UDHR, art. 2; see also ICCPR, art. 2(1).
66 ICESCR, art. 2.

67 Art. 1(1).
68 *Le Lys Rouge* (1894).
69 *Brown v. Board of Education*, 347 US 483 (1954).
70 CERD, art. 1(4); see also CEDAW, art. 4(1).
71 See Khaitan.
72 Art. 8.
73 See, e.g., CERD, art (1); CEDAW, art. 1(1); CRPD, art. 2.
74 *D.H. v. Czech Republic* (57325/00), November 13, 2007 (ECtHR, Grand Chamber). The most recent major human rights treaty (CRPD, 2006) expressly states that it extends to "all forms of discrimination including denial of reasonable accommodation." This must refer to indirect discrimination.
75 CRPD, art. 5(3).
76 See the commitment to "universal design" in CRPD, art. 4(f).
77 Art. 13.
78 CEDAW, art. 5(a).
79 Ibid., art. 16.
80 See, e.g., Cain.
81 CRC, art. 5.
82 ICCPR, art. 25.
83 ICESCR, art. 7.
84 Ibid., art. 11(2)(b).
85 Charter of the United Nations (1945), art. 2(1).
86 Art. 9(2).
87 Art. 18(1)
88 ICCPR, art. 1; ICESCR, art. 1.
89 McCorquodale, 361.
90 See Westen.
91 *Nichomachean Ethics* V.3; *Politics* I.5.
92 O'Donovan, *Ways of Judgment*, 33.
93 See Smith.
94 See White and, for a vigorous Christian case along similar lines, Forrester.
1 Rawls, 217.
2 Finnis, *Natural Law and Natural Rights*, 155. Finnis's instrumental account of the common good is indebted to Grisez, 850, and John XXIII, *Mater et Magistra*, § 65.
3 Adrian Vermeule, "The Common Bad," unpublished presentation at the Thomistic Institute, October 2018.
4 Ibid.
5 See, for example, Weithman.
6 *De civitate Dei*. 19.17.
7 Ibid., 15.3.
8 Ibid., 15.2, 14.28.
9 Aquinas, *Summa Theologia* (ST) II–II q. 29. a.1.
10 ST II–II q. 57, a.1.
11 ST II–II q. 58. a. 6 and 7.
12 ST II–II q. 58. a 6.
13 ST I–II. q. 90. a.4.
14 ST I–II q. 95 a.1; *Summa Contra Gentiles* III. 121.
15 ST II–II q. 104. a. 5.
16 ST I–II. q. 90. a.3; q. 107 a. 2.
17 Weithman, 371–72.

18 As Josef Lössl notes in this volume, Augustine aims "beyond any political notion of the common good . . . and explore[s] the anthropological, theological, and in particular eschatological dimensions of the concept."
19 See Canning for excellent discussion of this point.
20 *De Libero Arbitrio* 2.14.37.
21 *Regula* 5:2.
22 *Confessiones* 12.25.34.
23 Canning, at 221 citing *De civitate Dei* 19.17.
24 Kempshall, 73.
25 Ibid.
26 *Summa Contra Gentiles* III. 117 and ST I–II q. 109. a.3.
27 Kempshall, 102.
28 ST II–II q. 58. a.15.
29 Ibid.
30 ST II–II q. 58. a.6.
31 Ibid.
32 ST I–II q. 90. a. 4.
33 *De Regno*, I. I.
34 ST I–II q. 91. a. 2.
35 *Summa Contra Gentiles* III. 2.
36 ST I–II I, q. 1, a. 1, 2.
37 ST I–II q. 90 a. 3.
38 ST I–II q. 72, a. 4; q. 93, a. 1; q. 95, a. 4; q. 96, a. 4; q. 97, a. 4; II–II, q. 109, a. 3; q. 114, a. 2; q. 129, a. 6.
39 It is instructive in this context that Aquinas derives the precepts of the "law of nations" (*ius gentium*) from the natural law by reference to justice as a form of good order: just relations (e.g., in buying and selling) are necessary in any political community, if humans are to live together in relative harmony. ST I–I q. 95 a. 4.
40 ST I–II q. 17, a. 4.
41 Kempshall, 100. This understanding can of course extend to smaller associations (such as the family and church), each with its own common goods worthy of promotion through law. Conversely, the breakdown of such institutions tends to have flow-on effects for the sense of a shared common good beyond the provision of public goods in a narrower material sense.
42 *Sententia Ethic*, lib. 1 l. 1 n. 5.
43 Ibid.
44 Tuck, 55.
45 *Ethica*, I.4.16 and V.3.9.
46 *De Legibus*, III, III, VIII.
47 Habermas, 84, 95.
48 Murphy, "Common Good," 134–35.
49 Ibid., 135.
50 Ibid.
51 Murphy, *Natural Law*, 114.
52 See Keys, 41–48.
53 Finnis, "The Authority of Law," 86–87.
54 Ibid., 87–89.
55 Murphy, "Common Good," 136.
56 Ibid., 137.
57 Ibid.
58 Ibid., 136.
59 Ibid., 148.

60 Finnis, *Natural Law and Natural Rights*, 85–90. See also Finnis, *Aquinas*, 82, 97–98.
61 Finnis, "The Authority of Law," 133–37.
62 Finnis, "Reflections and Responses," 520.
63 Ibid.
64 Finnis, *Natural Law and Natural Rights*, 153.
65 Ibid., 138. Italics mine.
66 Murphy, "The Common Good," 142.
67 Ibid., 157.
68 Ibid.
69 Ibid.
70 Ibid., 31.
71 *Ethica*, I.3.14.
72 Kempshall, 31.
73 Ibid., 32.
74 Ibid., 38–40.
75 *Ethicorum Libri Decem*, 1.6.3.
76 *Sententia Ethic*, lib. 1 l. 1 n. 5.
77 Ibid.
78 Kempshall, 100.
79 Finnis, "Authority of Law," 116.
80 See Pakaluk. Cf. Aristotle's claim that it is the virtuous person who acts most courageously and nobly in dangerous situations because they have more to lose (*NE* 1117b10–15).
81 *Super Ethica*, III.8.
82 Finnis, *Natural Law and Natural Rights*, 155.

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2 Walker, 18–24.
3 Domingo, "A Global Law for a Global Community," 1.
4 Domingo, *The New Global Law*, 92, 145–46, 166.
5 Ibid., xvi.
6 Ibid., 71–72.
7 Jens Bartelson observes that while sovereignty is "essentially contested as to its meaning," it is "essentially uncontested" as to its foundational role in modern political discourse: Bartelson, 14.
8 Charter of the United Nations (1945), Preamble, Arts. 2.1, 2.4, 2.7; see also Art. 78.
9 Sinclair, 10–21.
10 Vienna Convention on the Law of Treaties (signed 1969, came into force 1980), Preamble, Arts. 1(a), 11, 24.2, 34. See also Henkin, 11.
11 Vienna Convention, Arts. 26, 52.
12 Subject to any reservations it may have made, as in turn qualified by any objections by other state parties pursuant to the treaty: Vienna Convention, Arts. 19–23; see Cassese, 173–75.
13 Vienna Convention, Arts. 49–54. Withdrawal from or denunciation of a treaty is also possible where it is established that the parties intended to admit the possibility of doing so or the right to do so can be implied from the nature of the treaty: Vienna Convention Art. 56.1.
14 Vienna Convention, Arts. 39–41.

15 Charter of the United Nations (1945), Preamble, Arts. 1.2, 73. See, likewise, Art. 76 in relation to trust territories.
16 See International Covenant on Civil and Political Rights (1966), Art. 1.1; International Covenant on Economic, Social and Cultural Rights (1966), Art. 1.1.
17 Glanville, 85–86.
18 Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, UNGA Resolution 2131 [XX] (1965), cited in ibid., 86.
19 Cassese, 48. He adds that the principle is the only one on which there is "unqualified agreement" among states "regardless of ideologies, political leanings, and circumstances."
20 Condorelli and Cassese, 14–18.
21 Oppenheim, Vol. 1, 206–7 (§ 123).
22 Ibid., 207–8 (§ 124).
23 As Martin Wight observed, "It would be impossible to have a society of sovereign states unless each state, while claiming sovereignty for itself, recognized that every other state had the right to claim and enjoy its own sovereignty as well": Wight, 135.
24 Oppenheim, Vol. 1, 208–15, 221–29 (§§ 125–29, 134–37). On the duty to protect, see Glanville, *Sovereignty and the Responsibility to Protect.*
25 Bodin, *On Sovereignty*, I.8, p 1. On Bodin's significance, see Skinner, 286–301; Hinsley, 119–25; Bartelson, 141–43.
26 Bodin, I.8, p 1. Bodin's Latin translation rendered the sentence thus: "*maiestas est summa in cives legibusque solute potestas.*" See Domingo, *New Global Law*, 66, and Domingo, "Roman Law and Global Constitutionalism."
27 Bodin, I.8, pp. 3, 4, 7–8, 11, 13, 19; see also pp. 23, 32, 39; I.10, p 51.
28 Ibid., I.8, p. 34; I.10, pp. 46, 50.
29 Maritain, "The Concept of Sovereignty," 343, 344, 346.
30 Hobbes, *Leviathan,* II.17, p. 132 [87]. On Hobbes's significance, see Hinsley, 141–57.
31 Bodin, II.17, p. 132 [87]–[88].
32 Hinsley, 143–44.
33 Negretto, 179.
34 Hobbes, *Leviathan*, I.15, p. 110 [182]; I.16, p. 123 [80]; II.20, p. 160 [170]; II.26, p. 203 [137], p. 208 [140]; II.31, p. 276 [187]. See also Hobbes, *A Dialogue*, Vol. 11, p. 31.
35 Hobbes, *Leviathan*, II.9, 250 [169]; II.18, pp. 133–39 [88]–[92], p. 139 [92]–[93]; II.22, p. 172 [115], pp. 175–77 [118], p. 181 [121]–[122]; II.26, p. 204 [137]–[138]; II.29, pp. 253–54 [171]–[172], p. 251 [170], pp. 256–57 [174]; II.30, p. 268 [71].
36 Bodin drew a similar set of conclusions. See Bodin, I.10, pp. 48–49, 52.
37 Ibid. II.29, pp. 253–54; III.42, pp. 384–85, 421–24, 427–28; III:35, pp. 314–15; III.38, pp. 345–60; III:41, pp. 375–76; IV.44, pp. 486–90, 474–75; IV.46, pp. 526–27. See also Wright, 20, and Wright's translation of Hobbes's "Appendix" to *Leviathan* (1688), §§ 193–94, 199–200, pp. 160, 162.
38 Negretto, 186.
39 Hobbes, *Leviathan*, I.12, p. 96 [61]; II.30, p. 273 [185].
40 Ibid., I.13, p. 98 [63].
41 Malcolm, ch. 13, "Hobbes's Theory of International Relations."
42 Bodin, I.8 pp. 13–14, 45.
43 Jens Bartelson has written of an "ideological deification of sovereign authority": Bartelson, 153.
44 Augustine, *Enchiridion*, XXIV.96.

45 Courtenay, 243, 244–47. See also Boh, 185.
46 Ibid., 252.
47 Milbank, 194–95, citing Hostiensis, *Summa Aurea* (1250–53) and discussing Kantorowicz, "The Sovereignty of the Artist."
48 Oakley, *The Watershed of Modern Politics*, ch. 5.
49 Oakley, "Jacobean Political Theology," 329–30, citing Bodin, *Six Books on the Commonwealth*, I.8, p. 13.
50 Foisneau, 271.
51 Courtenay, 254.
52 Oakley, "Jacobean Political Theology," 332–33.
53 Courtenay, 253. On the "operationalisation" of the *potentia absoluta*, see also Oakley, "The Absolute and Ordained Power of God in Sixteenth- and Seventeenth-Century Theology," 437; Oakley, "The Absolute and Ordained Power of God and King in the Sixteenth and Seventeenth Centuries," 669.
54 Justinian, *Digest*, I.3.3; I.4.1.
55 Pennington, "Law, Legislative Authority, and Theories of Government, 1150–1300," 424, 432.
56 Ibid., 432.
57 Kantorowicz, *The King's Two Bodies*, 463.
58 Elshtain, 69–70.
59 Eusebius, 58.
60 Augustine, *City of God*, XIX.7; XIX.13, 20.
61 Cochrane, vi, 509–10, citing Augustine, *City of* God, XIII.5.
62 O'Donovan, *The Desire of the Nations*, 146–51.
63 Berman, 10.
64 Milbank, 268, 276.
65 Hueglin, 169.
66 For more detail, see Chapter 7 in this volume. Interest in Althusius's work was revived by Gierke in his *Johannes Althusius* and was a seminal influence on the pluralist thought of Frederick Maitland, John Neville Figgis, Abraham Kuyper, and Herman Dooyeweerd. See Runciman; and Van der Vyver.
67 Althusius, *Politica: An Abridged Translation*, IX.21.
68 Ibid., IX.21 (citing Romans 13:1 and Augustine, *City of God*, IV.4); X.1.
69 Ibid., IX.21.
70 Ibid., XIX.9–11.
71 *Digest*, 1.4.1.
72 Althusius, *Politica*, XIX.35 (again citing Augustine, *City of God*, IV.4); XVIII.106.
73 Ibid., V.8; VII.1; IX.1, 3, 5; XIX.6–7, 49.
74 Ibid., IX.15, 18, 19, 25.
75 Althusius, "Preface to the First Edition (1603)," in ibid., 7; see also ibid., XXXVII.1.
76 Ibid., IX.22, 27 (citing Augustine, *City of God*, XIX.15).
77 Althusius, *Politica*, XVIII.48, 63, 88, 90; XX.20; XXXVIII.28–29, 50, 61, 76, 112.
78 Runciman, 45.
79 For an array of examples, see *Oxford English Dictionary*, 2nd ed, *sv* "sovereign," "sovereignty."
80 Elshtain, *Sovereignty*, 43.
81 Kuyper, 79: "the Sovereignty of the Triune God over the whole cosmos, in all its spheres and kingdoms . . . eradiates in mankind in a threefold deduced supremacy, viz., 1. The Sovereignty in the *State*; 2. The Sovereignty in *Society*; and 3. The Sovereignty in the *Church*."
82 Hegel, §§ 330, 331.

83 O'Donovan, "Government as Judgment."
84 Schmitt, 37. On Schmitt's motives and presuppositions, see Howse, 212.
85 Domingo, *New Global Law*, 49.
86 Ibid., 71, 103, 117.
87 Wight, 43.
88 Ibid., 276.
89 For details, see Aroney, "Formation," 277; and Aroney, "Constituent Power," 5.
90 Cavanaugh, 243, 260.
91 Moltmann, 19.
92 O'Donovan, *Ways of Judgment*, 214.

1 Monti, 45. See also Metz, "Solidarität und Geschichte. Institution und sozialer Begriff der Solidarität in Westeuropa im 19.Jahrhundert," 172–94.
2 Zimmermann, 53, footnote 136.
3 Stjernø, 27–28.
4 Wilkinson and Kleinan, 190–94.
5 See Augier, 4. For an extensive study of the development of solidarity in Catholic Social Teaching, see Montii.
6 See Oseewaard.
7 "J'ai voulu remplacer la charité du christianisme par la solidarité humaine." Leroux, *La Grève*, vol. 1, ch. 42, p. 254. For a comprehensive account of his approach to solidarity and Christianity, see Leroux, *De L'Humanité*. See also Metz, 172–94.
8 Leroux starts his *De L'Humanité* with a quote from Romans 12:5. Auguste Comte used the organic metaphor to approach social reality, as did Alfred Fouillée and Léon Bourgeois. However, it was also a highly controversial idea within social theory: See Tarde, 78–82. John Paul II saw in this doctrine the fundamental anthropological error of socialism (*Centessimus Annus*, n. 13).
9 See Monti, 73.
10 See Sennett, 41.
11 See Blais; also Augier.
12 See Bouglé.
13 In the UK, Toynbee Hall opened in 1884 with Christian inspiration, while Chicago's Hull House opened in 1889 in the United States. Its founder, Jane Addams, had visited Toynbee Hall; Hull House, however, was not religiously based. Dorothy Day, herself a Catholic convert, continued this idea in the 1930s with her Hospitality Houses.
14 Such as the Tuskegee Institute for the education of black people advanced by Booker T. Washington or the progress of community work. See Sennett, 44–45, 55–62.
15 See Parsons, *Structure of Social Action*, 688–91.
16 See Stjerno, 38–39.
17 Parsons, "Concept of Influence," 224–54, 240.
18 See his notion of "primary groups." Cooley, 179–84.
19 Parsons, *Structure of Social Action*, 713.
20 Delbos, 7–12, 637.
21 Blondel, 210.
22 Ibid., 207.
23 Ibid., 217.
24 See Russo.
25 Sorokin, *Social and Cultural Mobility*, 538–40.
26 See Sorokin, *Ways and Power of Love*, 8.
27 See Rodrigo del Blanco.

28 According to the direction, it can be direct or indirect solidarity (which resembles Cooley's distinction between primary and secondary groups); according to intensity, it can be minimal (courtesy, benevolent neutrality, amiability) or maximal (passion, friendship, compassion, devotion); according to extension it can be minimal (for instance, that between a tourist and a shopper, a client, etc.) or universal (which encompasses everything, as in a family); according to the subjects it can be interpersonal or intergroup; according to the motivation, it can be fundamental, intentional, normative, mechanic, organic; according to the meanings and values, it can be total or special. All these forms can be organized around three types: family-type solidarity, compulsive-type solidarity, and mixed-type solidarity. See Rodrigo del Blanco, 86–106.
29 See Baggio.
30 Francis, Pope, 482 Among secular authors, it is perhaps John Rawls who most closely argued along these lines, highlighting the limited role fraternity has played in the political arena so far, and trying to make room for it in his theory of justice through his "Difference Principle." See Rawls, 90.
1 Isensee, 333.
2 Baumgartner, 13.
3 Koslowski, 39.
4 Wedderburn, 14.
5 Nell-Breuning, 79.
6 Coleman, 183.
7 Machiavelli, 43.
8 Montesquieu, 237.
9 Lincoln, vol. 2, 220.
10 Ketteler, *Freiheit, Autorität und Kirche*, 282–83.
11 Ketteler, "Offenes Schreiben Kettelers als Deputierten der deutschen Nationalversammlung an seine Wähler, 17. September 1848," in *Wilhelm Emmanuel von Kettelers Schriften,* 403.
12 *Die Katholiken im Deutschen Reich. Entwurf zu einem politischen Programm* in, Ketteler, *Sämtliche Werke,* section 1, vol. 4, 210.
13 Ketteler, *Sämtliche Werke,* sect. 1, vol. 5, 122.
14 Buss, 15.
15 Isensee, 345.
16 Nell-Breuning, 114 (emphasis in original).
17 Isensee, 339.
18 Tocqueville, 509–10.
19 Ibid., 506–7.
20 Ibid., 510.
21 Ibid., 691.
22 Ibid., 694.
23 Ibid., 522–23.
24 Ibid., 517.
25 Mounier, 19.
26 Isensee, 81.
27 Tuebner.
28 Kittner, 929.
29 Furet, 107.
30 Ketteler, *Sämtliche Werke,* sect. 1, vol. 1, 227.
31 Hayward, vi–vii.
32 Tischner, 7.
33 In speaking in this essay of "the proper" or "the responsible unfolding of the personality," I intend by those qualifiers to distinguish the self-transcendence

such a process entails from the narcissistic and ungrounded sense of unfolding or development of the personality spoken of by Wilhelm von Humboldt in his work *Ideen zu einem Versuch, die Gänzen der Wirksamkeit des Staats zu bestimmen*, especially part 2 of that essay, which finds substantial echo in John Stuart Mill's *On Liberty*. Among other pathologies, these latter approaches lead to an extraordinary individualism and estrangement from others that not only denies the sort of transcendence that grounds friendship and community but also edges into self-divination. On this theme, see Voegelin, 1.

34 Gilson, 4–5.

Chapter 2

1 See John Paul II.
2 See Zuber's *L'origine religieuse des droits de l'homme*, which is now the best general work on the topic. For a counterpoint to the cautious skepticism of my treatment, compare Witte and Alexander, *Christianity and Human Rights*.
3 Henkin is accessible and authoritative.
4 See Schwarzschild.
5 See Gregory.
6 See Villey.
7 On this topic, see the relevant chapters in Halme-Tuomisaari and Slotte.
8 See Witte, *The Reformation of Rights*.
9 Walzer, 300.
10 Collinson, 46.
11 See Arendt.
12 Edelstein, "Christian Human Rights in the French Revolution"; *On the Spirit of Rights*, 196–204.
13 See Howard.
14 On comparative Christian frameworks for expansion over "sacred space," see Elliott, esp. ch. 6.
15 See Lake and Reynolds.
16 Chappel, "Explaining the Catholic Turn to Rights in the 1930s."
17 See Bouwman; see also Lindqvist.
18 See Moyn, "Personalism, Community, and the Origins of Human Rights."
19 Bainton, 13–14; Schultz. Compare also Wilken.
20 See Lecler.
21 Ritter, 469; Moyn, "The First Historian of Human Rights."
22 Engler; Moyn, *The Last Utopia*, ch. 4.
23 Macintyre, 69.
24 Walker, 27, 71; Domingo, 143 (footnote omitted). But compare Soirila.
25 See Berman.

Chapter 3

1 See Turley.
2 See, generally, Stiglitz.
3 See, for example, Decock; Colish.
4 Pufendorf; Grotius.
5 Luther.
6 See Stark.
7 Mokyr, 229, 314.
8 See Becker, Pfaff, and Rubin.
9 See Gregg.
10 See Chamberlain.
11 See Temple.
12 Janz, 63.
13 Barro and McCleary.
14 See Benedict XVI, *Caritas in veritate* (emphasis added).
15 World Council of Churches.

16 "Church of England urges five days of prayer for the poor as Brexit looms," www.theguardian.com/uk-news/2019/feb/23/justin-welby-says-poorest-face-biggest-risks-posed-by-brexit-uncertainty.
17 Marshall, 397.
18 See Williams.
19 Ibid.
20 See Woodberry, who argues that conversionary Protestants "were a crucial catalyst initiating the development and spread of religious liberty, mass education, mass printing, newspapers, voluntary organizations, and colonial reforms, thereby creating the conditions that made stable democracy more likely."
21 See Jedwab, Meier, and Moradi. The authors collect much of the research on the economic effects of missionary expansion but also argue that some of the ostensible effects may be endogenous—missionaries went to locations that were already the best suited for economic development.
22 https://factsandtrends.net/2016/12/12/10-key-trends-in-global-christianity-for-2017/.
23 See, for example, Freeman.
24 See Bush, Fountain, and Feener; see also Thaut.
25 Pew Forum.
26 Ibid.
27 Ibid.
28 See Wood and Heslam.
29 See Kurt, Inman, and Gino.
30 See Khanna.
31 See Afsharipour and Rana.
32 *Citizens United v. FEC*, 558 US 310 (2010).
33 *Burwell v. Hobby Lobby Stores, Inc.*, 573 US 682 (2014).
34 "Clarification on Wal-Mart's Holiday Greeting," https://corporate.walmart.com/_news_/news-archive/2005/12/01/clarification-on-wal-marts-holiday-greeting.
35 See Harrison and Kjellberg.

1 International Organization for Migration, 15. As a proportion of global population, international migration has remained relatively steady over the past thirty-five years, rising from 2.3 percent in 1970 to 3.3 percent in 2013. International Organization for Migration, 15. It is worth noting, however, that 1 percent of the world's population of 7.7 billion is 77 million people—a small number in relative, but not absolute, terms.
2 UNHCR, 1, 13.
3 G.A. Res. 71/1, New York Declaration for Refugees and Migrants, paras. 7, 10–11 (October 3, 2016) (emphasis added).
4 Domingo, xvi–xvii.
5 "U.N. Commissioner Wants U.S. to Show Leadership on Refugee Crisis," *NPR*, October 23, 2017, www.npr.org/2017/10/23/559454562/u-n-commissioner-wants-u-s-to-show-leadership-on-refugee-crisis.
6 Betts, 23.
7 Convention Relating to the Status of Stateless Persons, Sept. 28, 1954, 360 U.N.T.S. 117; Convention on the Reduction of Statelessness (Aug. 30, 1961), 989 U.N.T.S. 175; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Dec. 18, 1990), 2220 U.N.T.S. 3; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Nov. 15, 2000), 2237 U.N.T.S. 319. See footnote 9 for treaties regarding refugees.

8 See, for example, G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 13 (Dec. 10, 1948) (right of return to one's country of nationality; right to leave any country), art. 14 (right to seek asylum), art. 15 (limiting denationalization); International Covenant on Civil and Political Rights, art. 12 (right of return to one's country of nationality; right to leave any country), art. 13 (due process before expulsion from country of residence), art. 23 (right to family unity) (Dec. 16, 1966), 999 U.N.T.S. 171; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3 (non-refoulement to a situation of torture) (Dec. 10, 1984), 1465 U.N.T.S. 85.

9 Convention Relating to the Status of Refugees (July 28, 1951), 189 U.N.T.S. 137; Protocol Relating to the Status of Refugees (Jan. 31, 1967), 606 U.N.T.S. 267. Hereafter, I refer to the 1951 Convention and the 1967 Protocol. When referring to the 1951 Convention as modified by the 1967 Protocol, I use the term "Refugee Convention." As of writing, there are 147 state parties to the Refugee Convention. For a discussion of the substantive impact of the rights contained in the Refugee Convention, see Hathaway.

10 Einarsen, paras. 9–11, http://opil.ouplaw.com.proxy.library.emory.edu/view/10.1093/actrade/9780199542512.001.0001/actrade-9780199542512-chapter-2. See also Goodwin-Gill and McAdam, 16 ("In treaties and arrangements concluded under the auspices of the League of Nations, a group or category approach was adopted. That someone was [a] outside their country of origin and [b] without the protection of the government of that State, were sufficient and necessary conditions."); Gatrell, ch. 2.

11 The Refugee Convention defines a refugee as:

> any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

1951 Convention, art. 1(A)(2) (as modified by the 1967 Protocol art. 1(2)). The 1951 Convention did contain important geographic and temporal limitations related to the postwar context of the late 1940s and early 1950s. Article 1(A)(2) of the 1951 Convention limited the refugee definition to those persons impacted by events "occurring before 1 January 1951," and article 1(B)(1) permitted state parties to the 1951 Convention to declare that "events occurring before 1 January 1951" meant "events occurring in Europe before 1 January 1951." These temporal and geographic limitations were subsequently removed by article 1(2) of the 1967 Protocol, giving the refugee definition a global scope (both geographically and temporally). The expanded scope of the Refugee Convention reflects the movement toward a global law of migration discussed below.

12 Aleinikoff, 29 n36; Lauterpacht and Bethlehem, 149–63; Goodwin-Gill and McAdam, 345–54. For arguments that nonrefoulement is a *jus cogens* norm, see Costello and Foster; Allain.

13 For regional agreements, see, for example, OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, Sept. 10, 1969, 1001 U.N.T.S. 45; Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, held at Cartagena, Colombia, November 19–22, 1984. For international treaties, see, for

example, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Dec. 18, 1990), 2220 U.N.T.S. 3.

14 See Schoenholtz.

15 See, for example, Allard, "Global and Local Challenges to Refugee Protection."

16 The Global Compact for Safe, Orderly and Regular Migration was finalized in July 2018 and adopted at the International Conference on the Global Compact for Migration, December 10–11, 2018, in Marrakech, Morocco. In the end, 164 UN member states signed the compact in Marrakech. The Global Compact on Refugees (G.A. Res. 73/12 (Part II)) was adopted by the UN General Assembly on December 17, 2018, with 181 UN member states voting in favor of the resolution. Only the United States and Hungary voted against the compact on refugees, and a small number of countries abstained from the vote.

17 Hathaway, 596.

18 New York Declaration, para. 21; see also Global Compact on Migration, para. 15 (asserting "people-centered" and "national sovereignty" as foundations of the framework).

19 See Allard, "Reimagining Asylum"; Malkki, "Speechless Emissaries"; and Snyder.

20 Arendt, 182.

21 Simpson, 230, quoted in Gatrell, 53 (interpolation in Gatrell).

22 Douglas, 36; see also Bretherton, 137 (drawing the same analogy to Douglas).

23 Reed, 228, quoting Agamben, 3; see also Ngai.

24 Heyer, 109; see also Kerwin, 204.

25 Quoted in Kerwin, 204.

26 Cruz, 57.

27 Carroll, 5–6.

28 Francis, 9, https://migrants-refugees.va/wp-content/uploads/2018/03/Legal-size-ENG-2nd-Edition-Towards-the-Global-Compacts-2018-EMAIL.pdf (quoting Psalm 146:9).

29 See, for example, the stories of Jesus's interactions with the Samaritan woman (John 4:1–26), the centurion (Matthew 8:5–13), and tax collectors (Luke 19:1–10, Mark 2:13–17).

30 Rajendra, 142–44.

31 United States Conference of Catholic Bishops, "Welcoming the Stranger among Us: Unity in Diversity" (United States Catholic Conference, 2000), http://usccb.org/issues-and-action/cultural-diversity/pastoral-care-of-migrants-refugees-and-travelers/resources/welcoming-the-stranger-among-us-unity-in-diversity.cfm (emphasis added).

32 Bretherton, 131. For Bretherton's genealogy of Christian cosmopolitanism, see Bretherton, 131–33.

33 Ibid., 132–33.

34 Reed, 242.

35 United Methodist Church, "Welcoming the Migrant to the U.S.," in *The Book of Resolutions of the United Methodist Church* (Nashville, TN: The United Methodist Publishing House, 2016), www.umc.org/what-we-believe/welcoming-the-migrant-to-the-us.

36 For other biblical laws relating to the foreigner, see Carroll, 11–12.

37 Bretherton, 135.

38 Heyer, 115, quoting Steck, 164.

39 Francis, "Homily at 'Arena' Sports Camp."

1 IPCC, "Summary for Policymakers," in Stocker, et al., eds., 17.

2 Francis, *Laudato si'*, par. 17. See the essays in Pasquale.

3 Jenkins, 3. Also see Kotzé.

4 Peters, 10.

5 Ibid., 16.
6 Remele, 48; Schroer, 9–10.
7 White, 1205.
8 *Laudato si'*, par. 66. According to Pope Francis, Genesis and other biblical phrases cited by Lynn White and others against Christianity should be put in their context and read in light of the progressive evolution of Christianity (par. 67).
9 *Laudato si'*, par. 67–69. See for specifically animal-friendly reinterpretations of the notion of "dominion" in Genesis: Linzey, 14–19; Rosenberger, 117.
10 This structure repeats in chapter 2 of the encyclical, which begins with the call for dialogue between the religious and secular concerns for nature, asserts the Catholic posture of dialogue and search for synthesis between faith and reason, then proceeds to adumbrate the Catholic contribution with no reference to science or any secular position.
11 For Judaism and early Christianity, see Grant.
12 In Roman law: *Digest* I.i.3, XLVIII.vi.11. *Code* IX.xvi.2. In canon law: *Decretals* V.xii.18, *Constitutions of Clement* V.iv. In natural and international law: Hugo Grotius, *De iure praedae*, VII.104. *De iure belli ac pacis*, I.II.i.180–83.
13 See the references in Depew, at 402–3, and in Evrigenis, 99–101.
14 Notable moral discussions of this animal emblem of sociability, with direct legal implications for regulating commonwealths, appear in storks' piety toward parents in James I, "The Trew Law of Free Monarchies" (1598) in *Political Writings*, 62–84, at 77; Hugo Grotius, *De iure belli ac pacis* (Paris, 1625), Prolegomena; and *The Pennsylvania, Delaware, Maryland, and Virginia almanack and ephemeris, for the year of our Lord, 1783* (Baltimore, 1782), which intriguingly cites Samuel Bochart's *Hierozoicon* (London, 1663). A related sentimental-political commonplace held that storks live only in republics—e.g., Harrington, 8–9.
15 Comparably, Cicero argued that humans want the same things as animals: *pax, libertas, otium*. Cicero, *De leg. agr*. II.iv.9.
16 Partial survey of this literature in Grotius, *De iure belli ac pacis*, I.I.xi.157.
17 Grotius, *De iure belli ac pacis*, II.V.xii.530–31, II.VII.iv.585–86, II.XX.v.959.
18 E.g., Grotius, *De iure belli ac pacis*, Prolegomena, 79–85. For early modern strategies to draw this distinction, and render animals objects but not subjects of law and dominion, see Brett, *Changes of State* and Brett, "Rights of and over Animals." Later cases in Rahe.
19 Richard Popkin, Richard Tuck, and others convincingly show that neoskepticism was one of the key intellectual movements that prompted a shift of emphasis from divine law to natural law and natural science. To give one influential example, Montaigne revived and reframed several doctrines of Sextus Empiricus, the best-known ancient Skeptic. For instance, due to human epistemic arrogance, animals understand nature and each other better than humanity does (Montaigne, 16–17, 31–33, 50–51, 54–55). Gregarious animals have better-organized societies and polities than humans (Ibid., 19). Some animal species are religious (Ibid., 33). Animals can excel humans in household management and even war (Ibid., 38–41). Some animals have a superior understanding of mathematics (Ibid., 44–45). Their moral qualities generally surpass ours, whether one examines faithfulness, gratitude, trustworthiness in alliance, greatness of spirit, self-criticism, or clemency (Ibid., 41f.). Montaigne also follows Sextus in comparing the virtues of animals over humans with the virtues of ordinary people over scholars and philosophers (Ibid., 35, 52–53, 59, 64, 66). Also see Seneca, *De ira*, I.xvi.
20 *Digest* IX.i.1, Grotius, *De iure belli ac pacis*, I.II.iii.188.
21 Philo, *On the Decalogue*, commentary on the Fifth Commandment.
22 See Evans; also Fischer; also Girgen.

23 Seneca, *De clementia* 1.18, cited in Grotius, *De iure belli ac pacis*, III.X.1414–16, III.XIV.1483.
24 See Schwartz. Arnaoutoglou, 27–28. Aquinas, *Summa Contra Gentiles*, III.112.13, p. 119. Compare John Locke, *Second Treatise*, on the natural prohibition against waste.
25 See Vossius.
26 Nussbaum, 1514–16.
27 See Allen.
28 Roman law: *Digest* XLI.i.5. Canon law: *Decretum* I.i.7. The legal title for wild animals that could never become property is *ferae naturae*.
29 Grotius, *Mare liberum*, 23, 111, passim. Somos, *American States of Nature*, 316–17.
30 E.g., Grotius, *De veritate*, noting that God gave Creation to humankind not only according to Genesis but also according to Hesiod, Ovid, and other pagans. Linzey, "Is Christianity Irredeemably Speciesist?" xi–xx.
31 Augustine, *City of God*, XII.23.
32 Ibid., I.20.
33 Ephrem, cited in McLaughlin, at 138n3.
34 Grotius, *Meletius*, 114.
35 Ibid., 117.
36 Ibid.
37 For the cardinal Roman law passages see Grotius, *Mare liberum*, 24–31.
38 See Bodansky. See also Shaffer.
39 Feichtner and Ranganathan, 546.
40 See Peñalver; see also Kaul.
41 See Winter and Shimo.
42 Schrijver, *passim*. See also Nolte, "The International Law Commission and Community Interests." Nolte also points out that a "community interest does not fall from the sky" but "needs to be socially established (constructed, recognized)" even in the case of scientifically provable facts, such as environmental harm. Our point is that the electoral tactics mentioned above are relevant methods for constructing them. The renewed appreciation that sovereignty encompasses responsibility is the core idea of the "responsibility to protect" (Resolution adopted by the General Assembly, World Summit Outcome, UN-Doc. A/RES/60/1 of October 24, 2005, para. 138).
43 Mickelson, charting the emergence of references to the interests of future generations in CHM regimes.
44 ILC Report 2015 (n 10), 22–23 at para. 53, cited in Nolte, "International Law Commission."
45 S Murase, Second report on the protection of the atmosphere (March 2, 2015) UN-Doc.A/CN.4/681, 18–19 at par. 29. P.H. Sand/J.B. Wiener, "Towards a New International Law of the Atmosphere?" (2016) 7 GoJIL 195, 216. Both cited in Nolte, "The International Law Commission."
46 Statute of the International Law Commission, Art. 1(1), Nov. 21, 1947.
47 Kosmus, Renner, and Ullrich, *Integrating Ecosystem Services into Development Planning: A Stepwise Approach for Practitioners Based on the TEEB Approach* (GIZ, 2012). Also see www.bbc.com/news/world-asia-india-46436829.
48 McDuff, 105.
49 *Laudato si'*, par. 20, 25, 45, 42–48, passim.
50 Ibid., par. 30.
51 Ibid., par. 51–53.
52 Ibid., par. 15.
53 See Lin. Lin's article shows targeted lobbying, pressure on US legislators, voter mobilization, and other direct legal effects of *Laudato si'*.

54 Mary Evelyn Tucker and John Grim, "Overview of World Religions and Ecology" (2009), The Forum on Religion and Ecology at Yale, http://fore.yale.edu/religion/.
55 See Catechism of the Catholic Church, 2417. Stewardship in environmental theology takes Paul's use of *oikonomia* for its founding concept. Jenkins, *Ecologies of Grace*, 81.
56 Passmore, 29.
57 Jenkins, *Ecologies of Grace*, 84.
58 Ibid., 90.
59 Scully, 117, 131.
60 Rosenberger.
61 Jenkins, *Ecologies of Grace*, 78–81, n. 22.
62 McDuff, 113–14.
63 Heltzel, cited in the excellent article by Jochemsen.
64 *Laudato si'*, par. 53.
65 Ibid., par. 43.
66 Garner, at 112.
67 Ibid., 120.
68 Ibid., 168.
69 Ibid., 129.
70 McLaughlin, 127 on stewardship and responsibility in Irenaeus.
71 Jenkins, ch. 1–2.
72 McLaughlin, 129–35.
73 See, e.g., *Laudato si'*, par. 70.
74 Catechism of the Catholic Church, 2416. This is the key message of Saint Francis's Canticle of the Sun. See Moloney.
75 *Laudato si'*, par. 33.
76 Electoral prioritization: see Parry. Via civil disobedience and unlawful action: see Cooke.
77 Kymlicka On problems of reframing global commons as public good via transboundary harm, *erga omnes* obligations, or multilateral environmental agreements: Brunnée.
78 Jenkins, *Ecologies of Grace*, 9, n. 15 surveying part of this literature. Phrase from 12.
79 E.g., George of Trebizond, Preface to his 1452 ed. of Plato's *Laws*. Cunaeus. A relevant treatment is Porras, 641–60. "The providentialist doctrine of commerce, adopted by the early authors of international law, remains embedded in the structure of international law and cannot easily be dislodged. Until this doctrine is dislodged, however, international law will continue to be hobbled in its ability to address the urgent task of protecting the natural environment." Although in this contribution Porras does not discuss the Christian sources and beliefs of "early authors of international law," she notes in passing that their commodification of nature "complemented the Judeo-Christian belief that God had given dominion over the created Earth to human beings": 660.
80 See Brosnan; see also Purdy. Purdy's account runs from James Kent, *Commentaries on American Law*, vol. 3 (1828), through the Romanticism of Transcendentalists such as Thoreau and Emerson to the still-active Sierra Club.
81 Purdy, 218.
82 See Broder; see also Gore.
83 Grotius, *Truth of Christian Religion*, I.iii.33, I.vii.36–37.
84 Nagle.
85 Nagle, 337, endorsing this phrase by Kari Konkola.
86 *Laudato si'*, par. 40–42.

87 Ibid., e.g., par. 56–61.
88 Ibid., par. 59.
89 See Braithwaite.
90 See Northcott.
91 Purdy, 173, *passim*.
92 Inglehart and Baker. See also http://www.worldvaluessurvey.org/wvs.jsp.
93 None of these categories is monolithic or constant. Laurel Kearns offers yet another taxonomy and genealogy of Christian environmentalism. Michael Northcott, *Christianity and Environmental Ethics*: environmental theologies can be anthropocentric, theocentric, or ecocentric. Jenkins 15n35. Laurel Kearns from sociological observation of US groups: ecojustice, Christian stewardship, and creation spirituality as 3 models. Jenkins 18n58.
94 Warde.
95 A point well made in McLaughlin.
96 Austria (1988), Germany (1990), Azerbaijan (1999), Moldova (2002), Switzerland (2002), Liechtenstein (2003), the Netherlands (2015).
97 The European Union (2008); France (2015); Portugal and Colombia (2016).
98 Peters, "Introduction to the Symposium on Global Animal Law," containing, inter alia, overviews of recent European trends of dereification, and US and Latin American endowments of animals with habeas corpus, and human right analogues.
99 Weiss, on an important use of the secular moral norm of equity to prompt international environmental law to evolve. The opportunity for legal progress through moral contest is laid out in directly relevant general terms, without discussing religion, Blattner, 274–90.
100 E.g., Jenkins, Tucker, and Grim.
101 *Laudato si'*, par. 122–23.

1 The standard account of international law in antiquity is Bederman. See also Neff, *Justice Among Nations*; Grewe; Nussbaum, 35.
2 United Nations Charter Article 1. Article 2(4) mandates that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations." Among the important books on this law, see Gray.
3 While the subject of this volume is "global law," I do not understand "global law" to be distinct from international law. International law is the system of rules, principles, and processes applicable to activity at the inter-state level. It includes principles and procedures for making, applying, and enforcing the law. Accordingly, this chapter focuses on the relationship between Christian reflection on law and force and the evolution of the international legal prohibition on the use of force. But see Domingo, *The New Global Law*.
4 Brownlie, 5.
5 Grotius, "Prolegomena."
6 Brownlie, 5.
7 *Tertullian, On Idolatry*, ch. 19; "Concerning Military Service."
8 Neff, 3–5, 10–11; Grewe, 108–11; Nussbaum, 35.
9 Grewe, 108. See also "The Donatists," *New World Encyclopedia*, www.newworldencyclopedia.org/entry/Donatist.
10 See, e.g., "Augustine Letter to Boniface," reprinted in Friedman, 7. See also von Elbe. Neff recounts similar but earlier ideas found in Confucianism: "War was seen as a last resort, to counteract antisocial conduct and reinforce the norms which integrated the society into a harmonious whole": Neff, 10.
11 Augustine, *De Civitate Dei*, bk. 19, ch. 13. See also Thomas Aquinas, *Summa Theologica*, II–II, 29, i, ad 1.

12 Brownlie, 5–6.
13 See Aquinas, *Summa Theologica*, I–II, 96, iii. In De Regno and the Commentary on St. Matthew, for example, he writes explicitly of the province or kingdom as a cooperative union of city states in pursuit of peace.
14 Grewe, 109. See also von Elbe, 669, and Brownlie, 6.
15 O'Connell and Day, 562–80; Porter, 48–49.
16 Kaveny, 29, citing Aquinas, *Summa Theologica*, I–II, 91, iv.
17 Neff, 74, 78. See also Adeno.
18 Grotius, *De Jure Belli ac Pacis*, "Prolegomena."
19 Neff, 141; Lauterpacht, 31, citing Grotius, *De Jure Belli ac Pacis*, "Prolegomena," 23.
20 Samuel Pufendorf, *The Law of Nature and of Nations* (1672), quoted in Porter, 27–28. See also d'Aspremont and Kammerhofer.
21 Vattel, 302.
22 Von Elbe, 684.
23 Kingsbury, 424; also Oppenheim, *International Law*, 92.
24 Oppenheim, *International Law*, 55–57; Kingsbury, 431.
25 Oppenheim, "The Science of International Law," 332. See also Nussbaum, 234–35.
26 Hart, 227.
27 O'Connell and Day.
28 Farrell, 140–41, 150–53.
29 Kelsen, 330.
30 Ibid.
31 Childress, 467–68.
32 Carr, 186–88.
33 Schmitt, 176–80.
34 See the discussion of Gustav Radbuch's linkage of Germany's crimes to positivism in Fuller.
35 See Luban, Strudler, and Wasserman, 2352.
36 See Hathaway and Shapiro, esp. ch. 13, "The End of Conquest."
37 O'Connell, "The Crisis in Ukraine—2014."
38 Akehurst, 25. And see ch. 1 more generally.
39 See Pope John XXIII, *Pacem in Terris*; and Pope Paul VI.
40 See, e.g., Williamson.
41 See Elie.
42 Niebuhr, 111.
43 During the Cuban Missile Crisis, the Kennedy administration took care to make arguments that would not diminish Soviet legal duties in the area of use of force. See Chayes, 67–68.
44 See Johnson.
45 Elshtain, "The Third Annual Grotius Lecture"; *Just War Against Terror*.
46 Biggar, esp. ch. 6, "On not always giving the Devil the benefit of law: Legality, morality, and Kosovo."
47 See Christiansen.
48 Brooks, "The Defection Track." See also Brooks, "At War in Libya."
49 Prime Minister's Office, 10 Downing Street, Syria Action—UK Government Legal Position, April 14, 2018.
50 The US Department of Justice issued a memo arguing the President had authority under the US Constitution to attack without Congressional authorization.
51 See O'Connell and Day; Koskenniemi; Geoff Gordon; and Orakhelashvili.
52 Sztucki, 59.
53 Allott, 269.

54 Vienna Convention on the Law of Treaties, Art. 64.
55 Hehir.
1 Bassiouni, 50.
2 See Hall.
3 As to the case against Von Hagenbusch, see Schwartzenberger, 462–66; Deschênes, at 250–52.
4 Bassiouni, n. 1, at 2; Cavicchia, 224; Marquardt, Constitutionality of an International Criminal Court," *Columbia Journal of Transnational Law* 33 (1995): 76–77; Jamison, 421; Carpenter, 230–31; Karadsheh, 248; Lin, 757; Peter, 177; Brown, 766; Bos, "Recent Developments," 41; Adriaan Bos, "A Perspective," 465; McGoldrick, 13; also mentioning the prosecution in 1268 of Conradin von Hofenstafen for "waging aggressive war."
5 G.A. Res. 52/160 of 15 Dec. 1997 (annex), para. 3, U.N. GAOR Supp. (No. 49), U.N. Doc. A/52/49, at 384.
6 Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9 (July 17, 1998), reprinted in 37 I.L.M. 1002 (1998) (hereafter "ICC Statute").
7 Zimmermann, 234.
8 Broomhall, 19–20.
9 Ibid., 2.
10 See Johan D. van der Vyver, "Civil Society and the International Criminal Court," *Journal of Human Rights* 2.3 (2003): 425–39.
11 See Van der Vyver, "Civil Society and the International Criminal Court."
12 Pace and Thieroff, 391; Pace and Schense, 110–11.
13 See Hall, "The Third and Fourth Sessions"; "The Fifth Session."
14 Pace and Schense, n. 12, at 115; see Pace, "The Relationship Between the International Criminal Court and Non-Governmental Organizations," 209 (speaking of "the extraordinary goodwill and trust that developed between the Coalition and governments").
15 Broomhall, n. 8, at13.
16 Bos, "Recent Developments," n. 4, at 45.
17 "Les ONG et les Nations Unies Veulent Travailler Ensemble," Montreal, Agence France Presse: Informations Generales (Dec. 8, 1999).
18 "Welcome," *Terra Viva* 5 (June 15, 1998).
19 ICC Statute, n. 6, art. 13(b).
20 Ibid., art. 16.
21 See Reynolds, 605–06; Streains, 358; Cottier, 249.
22 Barry, 59.
23 See Streains, 360–61; Cottier, 248–49.
24 Streains, n. 23, at 357.
25 Ibid., 364; see also Moshan, 180–81 (making the same point in the context of crimes against humanity).
26 ICC Statute, n. 6, art. 7(1)(g).
27 Ibid., art. 8(2)(b)(xxii).
28 Ibid., art. 8(2)(c)(vi).
29 Ibid., art. 21(3) (emphasis added).
30 Ibid., art. 7(1)(h) (emphasis added.)
31 See Salant, 216; Sadat, 180.
32 See Sadat, n. 31, at 160.
33 ICC Statute, n. 6, art 7(3).
34 Ibid., art. 7(1).
35 Ibid., art. 7(1)(h) (requiring that persecution is to involve "any act referred to in this paragraph or any crime within the jurisdiction of the Court").
36 Ibid., art. 7(2)(f).

37 Ibid., art. 8(2)(b)(xxii).
38 Ibid., art. 67(1)(b); see Kreß, 336–37.
39 Report of the Preparatory Commission for the International Criminal Court, *Finalized Draft Text of the Rules of Procedure and Evidence*, Rule 73(1), U.N. Doc. PCNICC/2000/INF/3/Add.1 (12 July 2000).
40 Ibid., Rule 73(3).
41 Ibid.
42 Sadat, n. 31, at 267; Bothe, 396–97.
43 Statute of the International Atomic Energy Agency, 276 U.N.T.S. 3.
44 Treaty on the Non-Proliferation of Nuclear Weapons, 729 U.N.T.S. 161.
45 Kirsch and Holmes, 7.
46 Legality of the Threat or Use of Nuclear Weapons, 1996 ICJ 226, para. 105E.
47 Mexico, in Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth Session, The Hague (November 18–26, 2009), Annex II, *Report of the Working Group on the Review Conference*, Appendix II (at 64).
48 See Assembly of States Parties to the Rome Statute of the International Criminal Court, Eighth Session, New York (December 4–14, 2017), *Report of the Working Group on Amendments*, U.N. Doc. ICC-ASP/16/22, II. B. (para. 23) (November 15, 2017) (noting that "Mexico indicated that it would present an updated paper on its proposal after the conclusion of the United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons. Leading Towards their Total Elimination").
49 Migliore, 38.
50 Terrell and McNamee, 460.
51 Migliore, n. 49, at 38.
52 Ibid., 36.
53 See ICC Statute, n. 6, art. 8(2)(viii).
54 Ibid., art. 124. France, as well as Colombia, attached an Article 124 declaration to their respective instruments of ratification, but both of those declarations were subsequently withdrawn.
55 See Van der Vyver, "The International Criminal Court: American Responses."
56 See Lippman.
57 Schabas, 424.

Adolphe, Jane, Robert L. Fastiggi, and Michael Vacca, eds. *St. Paul, the Natural Law, and Contemporary Legal Theory*. Lanham, MD: Lexington Books, 2012.

Barrett, C.K. *Acts*. Vol. 2. International Critical Commentary. London: T. & T. Clark, 1998.

Bockmuehl, Markus. *Jewish Law in Gentile Churches: Halakhah and the Beginning of Christian Public Ethics*. Edinburgh: T & T Clark, 2000.

Bockmuehl, Markus. *Seeing the Word: Refocusing New Testament Study*. Studies in Theological Interpretation. Grand Rapids, MI: Baker Academic, 2006.

Braaten, Carl E. "Response to Russell Hittinger." In Cromartie, *A Preserving Grace*.

Cassidy, Richard. "St. Paul: Between the Law of Caesar and the Justice of Christ in Second Timothy." In *St. Paul, the Natural Law, and Contemporary Legal Theory*, edited by Jane Adolphe, Robert L. Fastiggi, and Michael Vacca, 1–20. Lanham, MD: Lexington Books, 2012.

Cromartie, Michael, ed. *A Preserving Grace: Protestants, Catholics, and Natural Law*. Grand Rapids, MI: Eerdmans, 1997.

Crowe, Michael Bertram. *The Changing Profile of the Natural Law*. The Hague: Martinus Nijhoff, 1977.

Engelhardt, H. Tristram, Jr. *The Foundations of Bioethics*. 2nd ed. New York: Oxford University Press, 1996.
Gathercole, Simon J. "A Law unto Themselves: The Gentiles in Romans 2.14–15 Revisited." *Journal for the Study of the New Testament* 24/3 (2002): 27–49.
Hittinger, Russell. "Natural Law and Catholic Moral Theology." In *A Preserving Grace: Protestants, Catholics, and Natural Law*, edited by Michael Cromartie, 1–30. Grand Rapids, MI: Eerdmans, 1997.
Rowe, C. Kavin. *One True Life: The Stoics and Early Christians as Rival Traditions*. New Haven, CT: Yale University Press, 2016.
Rowe, C. Kavin. *World Upside Down: Reading Acts in the Graeco-Roman Age*. New York: Oxford University Press, 2009.
Schreiner, Susan E. "Calvin's Use of Natural Law." In *A Preserving Grace: Protestants, Catholics, and Natural Law*, edited by Michael Cromartie, 51–76. Grand Rapids, MI: Eerdmans, 1997.
Talbert, Charles H. *Reading Acts: A Literary and Theological Commentary on the Acts of the Apostles*. Reading the New Testament. Macon, GA: Smyth & Helwys Publishing, Inc., 2005.
Westberg, Daniel. "The Reformed Tradition and Natural Law." In *A Preserving Grace: Protestants, Catholics, and Natural Law*, edited by Michael Cromartie, 103–17. Grand Rapids, MI: Eerdmans, 1997.
Assmann, Jan. *Exodus: Die Revolution der Alten Welt*. Munich: Beck, 2015.
BeDuhn, Jason. *Augustine's Manichaean Dilemma 1: Conversion and Apostasy, 373–388 C.E.* Philadelphia: University of Pennsylvania Press, 2010.
Breyfogle, Todd. "Citizenship and Signs: Rethinking Augustine's *On the Two Cities*." In *A Companion to Greek and Roman Political Thought*, edited by Ryan K. Balot, 501–26. Hoboken, NJ: Wiley Blackwell, 2009.
Brown, Peter. *Augustine of Hippo: A Biography*. Berkeley: University of California Press, 2000.
Brown, Peter. *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350–550 AD*. Princeton, NJ: Princeton University Press, 2012.
Brown, Peter. *Treasure in Heaven: The Holy Poor in Early Christianity*. Charlottesville: University of Virginia Press, 2016.
Canning, Raymond. "Common Good." In *Augustine Through the Ages: An Encyclopedia*, edited by Allan D. Fitzgerald O.S.A., 219–22. Grand Rapids, MI: Eerdmans, 1999.
Carter, Warren. *Matthew and Empire: Initial Explorations*. Harrisburg, PA: Trinity Press International, 2001.
Chang, Kei Eun. *The Community, the Individual and the Common Good:* To Idion *and* To Sympheron *in the Greco-Roman World and Paul*. London: Bloomsbury, 2013.
Dodaro, Robert. *Christ and the Just Society in the Thought of Augustine*. Cambridge: Cambridge University Press, 2004.
Dougherty, Richard J. "Natural Law." In Fitzgerald, *Augustine Through the Ages*, 582–84.
Doyle, Daniel Edward. "Augustin als Bischof: Visitator und Richter." In *Augustin Handbuch*, edited by Volker Henning Drecoll, 218–24. Tübingen: Mohr Siebeck, 2007.
Drecoll, Volker. "Marcellinus." *Augustinus-Lexikon* 3 (2010): 1160–65.

Ducot, Michèle. "Ius." *Augustinus-Lexikon* 3 (2010): 854–59.
Fitzgerald O.S.A., Allan D. *Augustine Through the Ages*. Grand Rapids, MI: Eerdmans, 1999.
Fox, Robin Lane. *Augustine: Conversion to Confessions*. London: Allen Lane, 2015.
Gregory, Eric. *Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship*. Chicago and London: University of Chicago Press, 2008.
Harnack, Adolph von. *Augustin: Reflexionen und Maximen*. Tübingen: Mohr Siebeck, 1922.
Harper, Kyle. *Slavery in the Late Roman World AD 275–425*. Cambridge: Cambridge University Press, 2016.
Harrison, Carol. "Senses, Spiritual." In Fitzgerald, *Augustine Through the Ages*, 767–68.
Hunter, David G. "Bono coniugali, De." In Fitzgerald, *Augustine Through the Ages*.
Hunter, David G. "Marriage." In Fitzgerald, *Augustine Through the Ages*, 535–37.
Hunter, David G. *Marriage, Celibacy and Heresy in Ancient Christianity: The Jovinianist Controversy*. Oxford: Oxford University Press, 2007.
Jehne, Martin. "Der römische Senat als Hüter des Gemeinsinns." In Jehne and Lundgreen, *Gemeinsinn und Gemeinwohl in der römischen Antike*, 23–50.
Jehne, Martin, and Christoph Lundgreen, eds. *Gemeinsinn und Gemeinwohl in der römischen Antike*. Stuttgart: Steiner, 2013.
Knopf, Fabian. "Gemeinsinn und Gemeinwohl in der politischen Rhetorik Ciceros und in den Geschichtswerken Sallusts." In Jehne and Lundgreen, *Gemeinsinn und Gemeinwohl*, 51–74.
Lavere, George J. "The Problem of the Common Good in Augustine's *Civitas Terrena*." *Augustinian Studies* 14 (1983): 1–10.
Lawless, George. *Augustine of Hippo and His Monastic Rule*. Oxford: Clarendon Press, 1988.
Lawless, George. "Opere Monachorum, De." In Fitzgerald, *Augustine Through the Ages*.
Lössl, Josef. "Augustine, 'Pelagianism,' Julian of Aeclanum and Modern Scholarship." *Journal of Ancient Christianity* 11 (2007): 129–50.
Lössl, Josef. "How 'Bad' Is Augustine's 'Bad Conscience?'" *Studia Patristica* 86 (2017): 89–96.
Madec, Goulven. "Commune-proprium." *Augustinus-Lexikon* 1/7–8 (1994): 1079–81.
Madec, Goulven. "Le communisme spirituel." In *Homo Spiritalis. Festgabe für Luc Verheijen OSA*, edited by Cornelius Mayer and Karl Heinz Chelius, 225–39. Würzburg: Augustinus-Verlag, 1987.
Marafioti, Domenico, and Michèle Ducot. "Lex." *Augustinus-Lexikon* 3 (2010): 931–54.
Markus, Robert A. "*De Civitate Dei*: Pride and the Common Good." In *Augustine: "Second Founder of the Faith,"* edited by Joseph C. Schnaubelt and Frederick van Fleteren, 245–59. New York: Peter Lang, 1990.
Markus, Robert A. *Saeculum: History and Society in the Theology of Saint Augustine*. Cambridge: Cambridge University Press, 1988.
Mathisen, Ralph. "Society, Social Thought." In Fitzgerald, *Augustine Through the Ages*, 803–6.

Mazzucato, Mariana. *The Value of Everything: Making and Taking in the Global Economy*. London: Allen Lane, 2018.
Newburn, Tim, and Others, "David Cameron, the Queen and the Rioters' Sense of Injustice." *The Guardian*, December 5, 2011. www.theguardian.com/uk/2011/dec/05/cameron-queen-injustice-english-rioters
O'Daly, G.J.P. *Augustine's City of God: An Introduction*. Oxford: Oxford University Press, 1999.
Reich, Robert. *The Common Good*. New York: Knopf, 2018.
Shaw, Brent D. *Sacred Violence: African Christians and Sectarian Hatred in the Age of Augustine*. Cambridge: Cambridge University Press, 2011.
Starr, Bradley E. "Harnack, Adolph von" and "Troeltsch, Ernst." In Fitzgerald, *Augustine Through the Ages*, 414–16, 851–52.
Syme, Ronald. *The Roman Revolution*. Oxford: Clarendon Press, 1939.
TeSelle, Eugene. "The Civic Vision in Augustine's *City of God*." *Thought* 62 (1987): 268–80.
TeSelle, Eugene. "Towards an Augustinian Politics." *Journal of Religious Ethics* 16 (1988): 87–108.
Troeltsch, Ernst. *Augustin, die christliche Antike und das Mittelalter im Anschluss an die Schrift De Civitate Dei*. Munich: Oldenbourg, 1915.
Watts, Edward. *Mortal Republic: How Rome Fell into Tyranny*. New York: Basic Books, 2018.
Zuboff, Shoshanna. *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York: Public Affairs, 2018.
Akehurst, F.R.P., trans. *The Etablissements de Saint Louis: Thirteenth-Century Law Texts from Tours, Orléans, and Paris*. Philadelphia: University of Pennsylvania Press, 1996.
Aquinas, Thomas. *Summa Theologiae*. London: Blackfriars, 1964.
Aquinas, Thomas. *Treatise on Law: The Complete Text*. Translated by Alfred J. Freddoso. South Bend, IN: St. Augustine's Press, 2009.
Bonfield, Lloyd. "The Nature of Customary Law in the Manor Courts of Medieval England." *Comparative Studies in Society and History* 31 (1989): 514–34.
Brewbaker III, William S. "Thomas Aquinas and the Metaphysics of Law." *Alabama Law Review* 58 (2007): 575–614.
Brundage, James A. *Medieval Canon Law*. London: Routledge, 1995.
Cascarelli, Joseph C. "Presumptions of Innocence and Natural Law: Machiavelli and Aquinas." *American Journal of Jurisprudence* 41 (1996): 229ff.
Casey, Michael. "Reading Saint Bernard: The Man, the Medium, and the Message." In *A Companion to Bernard of Clairvaux*, edited by Brian Patrick Maguire, 62ff. Leiden: Brill, 2011.
Celano, Anthony J. "The Concept of Worldly Beatitude in the Writings of Thomas Aquinas." *Journal of the History of Philosophy* 25 (1987): 215–26.
Colish, Marcia L. *Medieval Foundations of the Western Intellectual Tradition: 400–1400*. New Haven: Yale University Press, 1997.
Copeland, Rita. *Rhetoric, Hermeneutics, and Translation in the Middle Ages: Academic Tradition and Vernacular Texts*. Cambridge: Cambridge University Press, 1991.
De Gandino, Alberto. *Quaestiones Statutorum*. Bologna, 1901.
Dean, Trevor. *Crime and Justice in Late Medieval Italy*. Cambridge: Cambridge University Press, 2009.

Drury, Shadia B. *Aquinas and Modernity: The Lost Promise of Natural Law*. Lanham, MD: Rowman & Littlefield, 2008.
Finnis, John. *Aquinas: Moral, Political, and Legal Theory*. Oxford: Oxford University Press, 1998.
Foster, Kenelm, ed. and trans. *The Life of St. Thomas Aquinas: Biographical Documents*. London: Longmans, Green, 1959.
Gilson, Étienne. *The Spirit of Thomism*. New York: Harper & Row, 1964.
Given, James Buchanan. *Inquisition and Medieval Society: Power, Discipline, and Resistance in Languedoc*. Ithaca, NY: Cornell University Press, 1997.
Goyette, John, et al., eds. *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives*. Washington, DC: Catholic University of America Press, 2004.
Gregory, David L. "St. Thomas Aquinas, Jacques Maritain, and Law." *Catholic Lawyer* 40 (2000): 381–400.
Hamouda, O.F., and B.B. Price. "The Justice of the Just Price." *European Journal of the History of Economic Thought* 4 (1997): 191ff.
Hannon, Patrick. "Aquinas, Morality, and Law." *Irish Theological Quarterly* 56 (1990): 278–86.
Hierbaut, Dirk. "Who Were the Makers of Customary Law in Medieval Europe? Some Answers Based on Sources About the Spokesmen of Flemish Feudal Courts." *Legal History Review* 75 (2007): 257–74.
Jones, Mark Wilson. *Principles of Roman Architecture*. New Haven: Yale University Press, 2000.
Jordan, Mark D. *Teaching Bodies: Moral Formation in the Summa of Thomas Aquinas*. New York: Fordham University Press, 2017.
Jordan, William Chester. *Louis IX and the Challenge of the Crusade: A Study in Rulership*. Princeton, NJ: Princeton University Press, 1979.
Kletzer, Christoph. *The Idea of a Pure Theory of Law: An Interpretation and Defense*. Oxford: Hart Publishing, 2018.
Küng, Hans. *Great Christian Thinkers: Paul, Origen, Aquinas, Luther, Schleiermacher, Barth*. New York: Continuum, 1994.
Kuttner, Stephan. "Sur les origines du term droit positif." *Revue historique du droit français et étranger* 15 (1936): 728–40.
Maritain, Jacques. *The Angelic Doctor: The Life and Thought of Thomas Aquinas*. Translated By J.F. Scanlan. New York: Dial Press, 1931.
McInerny, Ralph. "Aquinas' Moral Theory." *Journal of Medical Ethics* 13 (1987): 31–33.
McInerny, Ralph. *St. Thomas Aquinas*. Boston: Twayne, 1977.
Murphy, James Bernard. *The Philosophy of Positive Law: Foundations of Jurisprudence*. New Haven, CT: Yale University Press, 2005.
Pennington, Kenneth. "Bishops and Their Dioceses." *Folia Canonica* 5 (2002): 7–17.
Pennington, Kenneth. *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries*. Philadelphia: University of Pennsylvania Press, 1984.
Peters, Greg. "Religious Orders and Pastoral Care in the Late Middle Ages." In *A Companion to Pastoral Care in the Late Middle Ages (1200–1500)*, edited by Robert Stansbury, 263ff. Leiden: Brill, 2010.
Pope, Stephen J. "Poverty and Natural Law." In *Poverty and Morality: Religious and Secular Perspectives*, edited by William A. Galston and Peter H. Hoffenberg, 265ff. Cambridge: Cambridge University Press, 2010.

Post, Gaines. "Vincentius Hispanus, 'Pro Ratione Voluntas,' and Medieval and Early Modern Theories of Sovereignty." *Traditio* 28 (1972): 159–84.
Schioppa, Antonio Padoa. *A History of Law in Europe: From the Early Middle Ages to the Twentieth Century*. Cambridge: Cambridge University Press, 2017.
Speer, Andreas. "Aesthetics." In *The Oxford Handbook of Medieval Philosophy*, edited by John Marenbon, 66ff. Oxford: Oxford University Press, 2012.
Tierney, Brian. *Liberty and Law: The Idea of Permissive Natural Law, 1100–1800*. Washington, DC: Catholic University of America Press, 2014.
Van den Eynde, Damien. "The Terms *Ius Positivum* and *Signum Positivum* in Twelfth-Century Scholasticism." *Franciscan Studies* 9 (1949): 41–49.
Wilks, Michael. *The Problem of Sovereignty in the Later Middle Ages: The Papal Monarchy with Augustinus Triumphus and the Publicists*. Cambridge: Cambridge University Press, 1963.
Zuckert, Michael P. "Do Natural Rights Derive from Natural Law?" *Harvard Journal of Law and Public Policy* 20 (1997): 695ff.
Anghie, Antony. *Imperialism, Sovereignty and the Making of International Law*. Cambridge: Cambridge University Press, 2005.
Beneyto, José María, and Justo Corti Varela, eds. *At the Origins of Modernity: Francisco de Vitoria and the Discovery of International Law*. Cham: Springer, 2017. doi:10.1007/978-3-319-62998-8.
Bohrer, Ashley. "Color-Blind Racism in Early Modernity: Race, Colonization, and Capitalism in the Work of Francisco de Vitoria." *Journal of Speculative Philosophy* 32/2 (2018): 388–99, doi:10.5325/jspecphil.32.3.0388
Brett, Annabel S. *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. Princeton, NJ: Princeton University Press, 2011.
Curcó Cobos, Felipe. "Latin American Political Thought as a Response to Discourse Ethics." *Latin American Research Review* 50/4 (2015): 69–87.
Demelemestre, Gaëlle. "Sens, portée et enjeu de la référence à l'unité du genre humain dans la doctrine classique du droit des gens." *Réforme Humanisme Renaissance* 85/2 (2017): 95–136, doi:10.3917/rhren.085.0095.
Pagden, Anthony. "Human Rights, Natural Rights, and Europe's Imperial Legacy." *Political Theory* 31/2 (2003): 171–99, doi:10.1177/0090591702251008.
Koskenniemi, Martti. "Empire and International Law: The Real Spanish Contribution." *University of Toronto Law Journal* 61 (2011): 1–36, doi:10.3138/utlj.61.1.001.
Koskenniemi, Martti. "Vitoria and Us: Thoughts on Critical Histories of International Law." *Rechtsgeschichte: Legal History (Rg)* 22 (2014): 119–38, doi:10.12946/rg22/119-138.
Niemelä, Pekka. "A Cosmopolitan World Order? Perspectives on Francisco de Vitoria and the United Nations." *Max Planck Yearbook of United Nations Law* 12 (2008): 301–44, doi:10.1163/18757413-90000026a.
Oliveira e Silva, Paula. "The Concept of *ius gentium*: Some Aspects of Its Doctrinal Development from the 'School of Salamanca' to the Universities of Coimbra and Évora." In *The Concept of Law* (lex) *in the Moral and Political Thought of the "School of Salamanca,"* edited by Danaë Simmermacher, Kirstin Bunge, Marco Fuchs, and Anselm Spindler, 106–28. Leiden: Brill, 2016, doi:10.1163/9789004322707_007.
Rasilla del Moral, Ignacio de la. "Francisco de Vitoria's Unexpected Transformations and Reinterpretations for International Law." *International Community Law Review* 15 (2013): 287–318, doi:10.1163/18719732-12341254.

Rasilla del Moral, Ignacio de la. *In the Shadow of Vitoria: A History of International Law in Spain (1770–1953)*. Leiden: Brill, 2017, doi:10.1163/9789004343238.

Scattola, Merio. "Das Ganze und die Teile. Menschheit und Völker in der naturrechtlichen Kriegslehre von Francisco de Vitoria." In *Francisco de Vitorias 'De Indis' in interdisziplinärer Perspektive*, edited by Norbert Brieskorn and Gieon Stiening, 97–120. Stuttgart: Frommann-Holzboog, 2011.

Tierney, Brian. "Vitoria and Suarez on ius gentium, Natural Law, and Custom." In *The Nature of Customary Law: Legal, Historical and Philosophical Perspectives*, edited by Amanda Perreau-Saussine and James B. Murphy. Cambridge: Cambridge University Press, 2007.

Villoslada, Ricardo. *La Universidad de París durante los estudios de Francisco de Vitoria, O.P. (1507–1522)*. Roma: Università Gregoriana, 1938.

Vitoria, Francisco de. *Comentarios a la Secunda secundae de Santo Tomás*. Edited by Vicente Beltrán de Heredia. 6 Vols. Salamanca: Apartado, 1932–52.

Vitoria, Francisco de. *Political Writings*. Edited by Anthony Pagden and Jeremy Lawrance. Cambridge: Cambridge University Press, 1991.

Vitoria, Francisco de. *Vorlesungen (Relectiones), Völkerrecht Politik Kirche*. Edited by Ulrich Horst, Heinz-Gerhard Justenhoven and Joachim Stüben. 2 Vols. Stuttgart: Kohlhammer, 1995/1997.

Wagner, Andreas. "Between Cosmopolitan Citizens and Sovereign Nations: International Law According to the Spanish Scholastics." In *A Companion to the Spanish Scholastics*, edited by Harald Braun and Erik De Bom. Leiden: Brill, forthcoming.

Wagner, Andreas. "Francisco de Vitoria." In *Great Christian Jurists in Spanish History*, edited by Rafael Domingo and Javier Martínez-Torrón, 84–97. Cambridge: Cambridge University Press, 2018, doi:10.1017/9781108624732.005.

Wagner, Andreas. "Francisco de Vitoria and Alberico Gentili on the Legal Character of the Global Commonwealth." *Oxford Journal of Legal Studies* 31/3 (2011): 565–82, doi:10.1093/ojls/gqr008.

Wagner, Andreas. "Zum Verhältnis von Völkerrecht und Rechtsbegriff bei Francisco de Vitoria." In Wagner, Bunge, and Spindler, *Die Normativität des Rechts bei Francisco de Vitoria*, 255–86.

Wagner, Andreas, Kirstin Bunge, and Anselm Spindler, eds. *Die Normativität des Rechts bei Francisco de Vitoria*. Stuttgart: Frommann-Holzboog, 2011.

Ariew, Roger. "Descartes and Leibniz as Readers of Suárez: Theory of Distinctions and Principle of Individuation." In *The Philosophy of Suárez*, edited by Benjamin Hill and Henrik Lagerlund, 38–56. Oxford: Oxford University Press, 2012.

Bach, Oliver, Norbert Brieskorn, and Gideon Stiening, eds. *Die Naturrechtslehre des Francisco Suárez*. Berlin: Walter de Gruyter, 2017.

Brett, Annabel. "Francisco De Vitoria (1483–1546) and Francisco Suárez (1548–1617)." In *The Oxford Handbook of the History of International Law*, edited by Bardo Fassbender and Anne Peters, 1086–91. Oxford: Oxford University Press, 2018.

Cajetan [Thomas de Vio], 1540–41. *Sancti Thomae Aquinatis Doctoris Angelici Opera Omnia iussum pensaque Leonis XIII, cum commentariis Thomae de Vio Caietani Ordinis Praedicatorum*. Vol. 8. Rome: Typographia Polyglotta, 1895.

Casilini, Christiano. "The Jesuits." In *The Routledge Companion to Sixteenth Century Philosophy*, edited by Benjamin Hill and Henrik Lagerlund, 159–88. New York: Routledge, 2017.

Coujou, Jean-Paul. "Political Thought and Legal Theory in Suárez." In *The Companion to Francisco Suárez*, edited by Victor Salas and Robert Fastiggi, 29–71. Leiden: Brill, 2014.

García Cuadrado, José Angel, ed. *Los fundamentos antropológicos de la ley en Suárez*. Colección de Pensamiento Medieval y Renacentista 145. Pamplona: Eunsa, 2014.

Gordley, James. "Suárez and Natural Law." In Hill and Lagerlund, *The Philosophy of Suárez*, 209–29.

Haggenmacher, Peter. *Grotius et la doctrine de la guerre juste*. Paris: Presses Universitaires de France, 1983.

Hamilton, Bernice. *Political Thought in Sixteenth-Century Spain: A Study of the Political Ideas of Vitoria, De Soto, Suárez, and Molina*. Oxford: Oxford University Press, 1963.

Hill, Benjamin, and Henrik Lagerlund. "Ethics." In Hill and Lagerlund, *The Routledge Companion to Sixteenth Century Philosophy*, 516–37.

Hill, Benjamin, and Henrik Lagerlund. *The Philosophy of Suárez*. Oxford: Oxford University Press, 2012.

Kadens, Elily. "The Myth of the Customary Law Merchant." *Texas Law Review* 90 (2012): 1153–206.

Lagerlund, Henrik. "Francisco Suárez." In *Great Christian Jurists in Spanish History*, edited by Rafael Domingo and Javier Martínez-Torrón, 210–24. Cambridge: Cambridge University Press, 2018.

Meder, Stephan. *Ius non scriptum: Traditionen privater Rechtssetzung*. Tübingen: Mohr Siebeck, 2008.

Miller, Jon. "Hugo Grotius." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Spring 2014 ed. https://plato.stanford.edu/archives/spr2014/entries/grotius/.

Nussbaum, Artur. *A Concise History of The Law of Nations*. New York: The Macmillan Company, 1950.

Pink, Thomas. "Reason and Obligation in Suárez." In Hill and Lagerlund, *The Philosophy of Suárez*, 175–208.

Pollock, Frederick. *A First Book of Jurisprudence for Students of the Common Law*. London and New York: The Macmillan Company, 1896.

Reichberg, G. "Suárez on Just War." In *Interpreting Suárez: Critical Essays*, edited by D. Schwartz, 185–204. Cambridge: Cambridge University Press, 2011.

Salas, Victor, and Robert Fastiggi, eds. *The Companion to Francisco Suárez*. Leiden: Brill, 2014.

Schwartz, Daniel. "Francisco Suárez on Consent and Political Obligation." *Vivarium* 48 (2008): 59–81.

Schwartz, Daniel. "Late Scholastic Just War Theory." In *Oxford Handbook on Ethics of War*, edited by S. Lazar and H. Frowe, 122–44. Oxford: Oxford University Press, 2018.

Shields, Christopher, and Daniel Schwartz. "Francisco Suárez." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Summer 2015 ed. http://plato.stanford.edu/archives/sum2015/entries/suárez/.

Suárez, Francisco. *Opera omnia*. Edited by M. André and C. Berton. 28 Vols. Paris: Ludovicus Vivès, 1856–78.

Suárez, Francisco. *Selections from Three Works: A Treatise on Laws and God the Lawgiver, a Defense of the Catholic and Apostolic Faith, a Work on the Three Theological*

Virtues: Faith, Hope, and Charity. Translated by G.L. Williams, et al. Indianapolis: Liberty Fund, 2015.
Tierney, Brian "Vitoria and Suárez on ius gentium, Natural Law, and Custom." In *The Nature of Customary Law: Legal, Historical and Philosophical Perspectives*, edited by A. Perreau-Saussine and J. Murphy, 101–24. Cambridge: Cambridge University Press, 2007.
Bianchin, Lucia. "Gentili, Scipione." In Birocchi, et al., *Dizionario Biografico dei giuristi italiani*, vol. 1, 969–70.
Birocchi, Italo, Ennio Cortese, Antonello Mattone, and Marco Nicola Miletti, eds. *Dizionario biografico dei giuristi italiani (XII–XX secolo)*. Bologna: Il Mulino, 2013.
Bodin, Jean. *Les six livres de la République*. Le Plessis Trévise: Myriel, 2017.
Bodin, Jean. *On Sovereignty*. Edited by Julian H. Franklin. Cambridge: Cambridge University Press, 1992.
De Benedictis, Angela. "Gentili, Alberico." In *Dizionario biografico degli Italiani*, vol. 53, 245–51. Roma: Istituto della Enciclopedia Italiana, 2000.
Domingo, Rafael. *God and the Secular Legal System*. New York and Cambridge: Cambridge University Press, 2016.
Domingo, Rafael. *Roman Law: An Introduction*. London and New York: Routledge, 2018.
Feingold, Mordechai. "What's in a Date? Alberico Gentili and the Genesis of *De legationibus libri tres*." *Notes & Queries* 64 (2017): 312–17.
Gentili, Alberico. *De iure belli libri tres*. The Classics of International Law. Translated by John C. Rolfe and introduction by C. Phillipson. New York: Oceana Publications, 1964.
Gentili, Alberico. *De legationibus libri tres*. Translated by Gordon J. Laing. New York: Oceana Publications, 1964.
Gentili, Alberico. *De Papatu Romano Antichristo*. Edited by Giovanni Minnucci. Milan: Monduzzi Editoriale, 2018.
Gentili, Alberico. *Disputationum de nuptiis libri septem*. Hanau: Apud Guilielmum Antonium, 1601.
Gentili, Alberico. *Hispanicae Advocationis libri duo*. Translated by Frank Frost Abbott. New York: Oceana Publications, 1968.
Gentili, Alberico. *The Wars of Romans*. A Critical Edition and Translation of *De Armis Romanis* (1599). Edited by Benedict Kingsbury and Benjamin Straumann and translated by David Lupher. Oxford: Oxford University Press, 2010.
Grotius, Hugo. *De iure belli ac pacis*. Translated by Francis Kelsey. New York: Oceana Publications, 1964.
Holland, Thomas Erskine. "Alberico Gentili." In *Studies in International Law*, edited by Thomas Erskine Holland, 1–39. Oxford, 1898. Reprinted Aalen: Scientia, 1979.
Holland, Thomas Erskine. *An Inaugural Lecture on Albericus Gentilis Delivered at All Souls College, November 7, 1874*. London: The Macmillan Company, 1874.
Kingsbury, Benedict, and Benjamin Straumann, eds. *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of the Empire*. Oxford and New York: Oxford University Press, 2010.
Lacchè, Luigi, ed. *Ius gentium, ius communicationis, ius belli: Alberico Gentili e gli orizzonti della modernità. Atti del Convegno in occasione delle celebrazioni del quarto centenario della morte di Alberico Gentili (1552–1608)* (Macerata, December 6–7, 2007). Milano: Giuffrè, 2009.

Maclean, I.W.F. *Learning and the Market Place: Essays in the History of the Early Modern Book*. Leiden: Brill, 2009.
Minnucci, Giovanni. *Alberico Gentili iuris interpres della prima Età moderna*. Milan: Monduzzi Editoriale, 2011.
Minnucci, Giovanni. "Alberico Gentili: un protestante alle prese con il Corpus Iuris Canonici." *Ius Ecclesiae* 19 (2007): 347–68.
Minnucci, Giovanni. "Gentili, Alberico." In Birocchi, et al., *Dizionario biografico dei giuristi italiani (XII–XX secolo)*, vol. 1, 967–69.
Minnucci, Giovanni. "Giuristi, teologi, libertas religionis nel pensiero di Alberico Gentili." *Teoria e História do Direito* 3 (2017): 13–36.
Minnucci, Giovanni. "La Riforma, il diritto canonico e i giuristi protestanti: qualche spunto di riflessione." *Historia et ius. Rivista di storia giuridica dell'età medievale e moderna* 15 (2019): 1–23.
Minnucci, Giovanni. *Silete theologi in munere alieno. Alberico Gentili tra diritto, teologia e religione*. Milan: Monduzzi Editoriale, 2016.
Mommsen, Theodor, Paul Krüger, Wilhelm Kroll, and Rudolf Schöll, eds. *Corpus Iuris Civilis*. 3 Vols. Hildesheim: Weidmann, 1989–93.
Pagden, Anthony. *The Burdens of Empire: 1539 to the Present*. Cambridge and New York: Cambridge University Press, 2015.
Panizza, Diego. *Alberico Gentili, giurista ideologo nell'Inghilterra elisabettiana*. Padova: Tipografia "La Garangola," 1981.
Panizza, Diego. "Political Theory and Jurisprudence in Gentili's De Iure Belli: The Great Debate Between 'Theological' and 'Humanist' Perspectives from Vitoria to Grotius." IILJ Working Paper 2005/15 History and Theory of International Law Series. New York University School of Law. http://iilj.org/wp-content/uploads/2016/08/Panizza-Political-Theory-and-Jurisprudence-in-Gentilis-De-Iure-Belli-2005-1.pdf.
Phillipson, Coleman. "Introduction." In *De iure belli libri tres*, edited by Alberico Gentili, 9–51. New York: Oceana Publications, 1964.
Quaglioni, Diego, ed. "Introduzione." In *Il diritto di guerra*, edited by Alberico Gentili and translated by Pietro Nencini, ix–xxxiii. Milan: Giuffre, 2008.
Quaglioni, Diego. "The Italian Readers of Bodin, 17th—18th Centuries: The Italian Readers Out of Italy: Alberico Gentili." In *The Reception of Bodin*, edited by Howell A. Lloyd, 371–96. Leiden: Brill, 2013.
Schmitt, Carl. *The Nomos of the Earth in the International Law of the Ius Publicum Europeaum*. Translated by G.L. Ulmen. Candor, NY: Tellos Press Publishing, 2006.
Straumann, Benjamin. "The *Corpus Iuris* as a Source of Law Between Sovereigns in Alberico Gentili's Thought." In Kingsbury and Straumann, *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of the Empire*.
Tuck, Richard. *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*. Oxford: Oxford University Press, 1999.
Van der Molen, Gesina H.J. *Alberico Gentili and the Development of International Law: His Life Work and Times*. 2nd ed. Leyden: A.W. Sijthoff, 1968.
Vollerthun, Ursula. *The Idea of International Society: Erasmus, Vitoria, Gentili, and Grotius*. Edited by James L. Richardson. Cambridge and New York: Cambridge University Press, 2017.
Wagner, Andreas. "Alberico Gentili: Sovereignty, Natural Law, and the System of Roman Civil Law." In *System, Order, and International Law: The Early History of International Legal Thought from Machiavelli to Hegel*, edited by S. Kadelbach, T.

Kleinlein, and D. Roth-Isigkeit, 92–114. Oxford and New York: Oxford University Press, 2017.
Wagner, Andreas. "Francisco de Vitoria and Alberico Gentili on the Legal Character of the Global Commonwealth." *Oxford Journal of Legal Studies* 31/3 (2011): 565–82.
Wijffels, Alain. "Alberico Gentili e il rinnovamento del diritto pubblico nella tradizione dello ius commune." In *Alberico Gentili (San Ginesio 1552—Londra 1608). Atti dei Convegni nel Quarto Centenario della morte*, vol. 2, 519–56. Milano: Giuffrè Editore, 2010.
Wijffels, Alain. "Antiqui et recentiores: Alberico Gentili—Beyond Mos Italicus and Legal Humanism." In *Reassessing Legal Humanism and Its Claims. Petere fontes?* edited by Paul du Plessis and John W. Cairns, 11–40. Edinburgh: Edinburgh University Press, 2015.
Wijffels, Alain. "From Perugia to Oxford: Past and Present of Political Paradigms." In *Alberico Gentili. La tradizione giuridica perugina e la fondazione del diritto internazionale*, 57–78. Perugia: Università degli Studi, 2010.
Wilken, Robert Loius. *Liberty in the Things of Go: The Christian Origins of Religious Freedom*. New Haven and London: Yale University Press, 2019.
Althusius, Johannes. *Dicaeologicae libri tres, totum et universum Jus, quo utimur, methodice complectentes*. Herborn, 1617; Frankfurt, 1618.
Althusius, Johannes. *On Law and Power*. Edited and translated by J. Veenstra, et al. Grand Rapids, MI: CLP Academic, 2013.
Althusius, Johannes. *Politica Johannes Althusius*. Edited and translated by F.S. Carney. Indianapolis: Liberty Fund, 1995.
Althusius, Johannes. *Politica methodice digesta atque exemplis sacris & profanis illustrata*. 3rd ed. Herborn, 1614. Reprinted as *Politica Methodice Digesta*. Edited by Carl J. Friedrich. Cambridge, MA: Harvard University Press, 1932.
Althusius, Johannes. *Politik*. Edited by Dieter Wyduckel, translated by Heinrich Janssen. Berlin: Duncker & Humblot, 2003.
Doe, Norman. *Christian Law: Contemporary Principles*. Cambridge: Cambridge University Press, 2013.
Doe, Norman. *Comparative Religious Law: Judaism, Christianity, and Islam*. Cambridge: Cambridge University Press, 2018.
Friedrich, Carl J. *Johannes Althusius und sein Werk im Rahmen der Entwicklung der Theorie von der Politik*. Berlin: Duncker & Humblot, 1975.
Gierke, Otto von. *The Development of Political Theory*. Translated by Bernard Freyd. New York: H. Fertig, 1966.
Hueglin, Thomas O. *Early Modern Concepts for a Late Modern World: Althusius on Community and Federalism*. Reprint ed. Waterloo, ON: Wilfred Laurier University Press, 2009.
Krawietz, Werner, and Dieter Wyduckdel, eds. *Politische Theorie des Johannes Althusius*. Berlin: Duncker & Humblot, 1988.
Laursen, John Christian, ed. *New Essays on the Political Thought of the Huguenots of the Refuge*. Leiden: Brill, 1995.
Reibstein, Ernst. *Johannes Althusius als Fortsetzer der Schule von Salamanca*. Karlsruhe: n.p., 1955.
Scupin, Hans U., et al., eds. *Althusius-Bibliographie. Bibliographie zur politischen Ideengeschichte und Staatslehre, zum Staatsrecht und zur Verfassungsgeschichte des 16. bis 18. Jahrhundert*. Berlin: Duncker & Humblot, 1973.

Winters, P.J. *Die Politik des Johannes Althusius und ihre zeitgenossischen Quellen*. Freiburg: Rombach, 1963.
Wolf, Erik. *Grosse Rechtsdenker der deutschen Geistesgeschichte*. 4th ed. Tübingen: Mohr, 1963.
Aquinas, Thomas. *Summa Theologiae*. Alba-Rome: Editiones Paulinae, 1962.
Bayle, Pierre. "Grotius." In *Dictionnaire historique et critique*. 5th ed. Amsterdam, Leyde, La Haye and Utrecht, 1640.
Blom, Hans W., ed. *Hugo Grotius on War and Booty in De iure praedae—Concepts and Context*. Leiden: Brill Academic Publishers, 2009. The papers collected here study the *DIP* from many different disciplines.
Blom, Hans W., and Laurens C. Winkel, eds. *Grotius and the Stoa*. Assen, The Netherlands: Royal Van Gorcum, 2004. This volume contains several papers on Grotius's understanding and use of ancient Stoicism, including his deployment of it in the argument for natural law.
Brooke, Christopher. *Philosophic Pride: Stoicism and Political Thought from Lipsius to Rousseau*. Princeton, NJ: Princeton University Press, 2012. See especially chapter two, on Grotius.
Cargill Thompson, W.D.J. *The Political Thought of Martin Luther*. Sussex: The Harvester Press, 1984.
D'Entrèves, A.P. *Natural Law*. 2nd ed. London: Hutchinson & Co. Publishers, 1970. See especially chapter 4 for a discussion of Grotius's alleged originality.
Dumbauld, Edward. *The Life and Legal Writings of Hugo Grotius*. Norman: University of Oklahoma Press, 1969.
Edwards, Charles. *Hugo Grotius*. Chicago: Nelson-Hall, 1981.
Friedeburg, Robert von. *Luther's Legacy: The Thirty Years War and the Modern Notion of "State" in the Empire, 1530s to 1790s*. Cambridge: Cambridge University Press, 2016.
Grotius, Hugo. *De Imperio Summarum Potestatum circa Sacra*. Edited by Harm-Jan van Dam. Vol. 1. Leiden: Brill, 2001.
Grotius, Hugo. *De Iure Belli ac Pacis*. Edited by Jean Barbeyrac and Richard Tuck and translated by John Morrice. Indianapolis: Liberty Fund, 2005.
Grotius, Hugo. *De Iure Praedae Commentarius*. Edited by Martine Julia van Ittersum and translated by Gwladys L. Williams and Walter H. Zeydel. Indianapolis: Liberty Fund, 2006.
Hendrix, Scott H. "Luther's Impact on the Sixteenth Century." *The Sixteenth Century Journal* 16/1 (Spring 1985).
Hendrix, Scott H. *Martin Luther: A Very Short Introduction*. Oxford: Oxford University Press, 2010. This is perhaps the best short biography of Luther.
Hillerbrand, Hans J. "The Legacy of Martin Luther." In McKim, *Cambridge Companion to Luther*.
Irwin, Terence. *The Development of Ethics*. Vol. 2. Oxford: Oxford University Press, 2008.
Isidore of Seville. *Etymologiarum sive originum libri XX*. Edited by W.M. Lindsay. Oxford: Clarendon Press, 1911.
Korsgaard, Christine. *The Sources of Normativity*. Cambridge: Cambridge University Press, 1996.
Luther, Martin. *Luther's Works*. Philadelphia: Fortress Press, 1955–86.
Massing, Michael. *Fatal Discord: Erasmus, Luther, and the Fight for the Western Mind*. New York: Harper, 2018.

McKim, Donald K., ed. *Cambridge Companion to Luther*. Cambridge: Cambridge University Press, 2003.
Mitsis, Phillip. "The Stoic Origin of Natural Rights." In *Topics in Stoic Philosophy*, edited by Katerina Ierodiakonou. Oxford: Oxford University Press, 1999.
Rasilla Del Moral, Ignacio De La. "History of International Law, 1550–1700." In *Oxford Bibliographies*. www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0036.xml.
Schneewind, J.B. *The Invention of Autonomy: A History of Modern Moral Philosophy*. Cambridge: Cambridge University Press, 1998. Part 1 of this influential book is called "The Rise and Fall of Modern Natural Law"; see especially chapters 4–5, which deal extensively with Grotius.
Straumann, Benjamin. *Roman Law in the State of Nature: The Classical Foundations of Hugo Grotius' Natural Law*. Cambridge: Cambridge University Press, 2015.
Striker, Gisela. "Origins of the Concept of Natural Law." *Proceedings of the Boston Area Colloquium in Ancient Philosophy* 2 (1987): 79–94.
Suárez, Francisco. "De Legibus." In *Selections from Three Works of Francisco Suarez*. Oxford: Clarendon Press, 1944.
Ter Meulen, Jacob, and P.J.J. Diermanse, eds. *Bibliographie des écrits imprimés de Hugo Grotius*. The Hague: Martinus Nijhoff, 1950.
Tierney, Brian. "Origins of Natural Rights Language: Texts and Contexts, 1150–1250." *History of Political Thought* 10 (1989): 615–46.
Tuck, Richard. "Introduction." In Grotius, *De Iuri Belli ac Pacis*.
Tuck, Richard. *Natural Rights Theories: Their Origin and Development*. Cambridge: Cambridge University Press, 1979.
Tuck, Richard. *Philosophy and Government: 1572–1651*. Cambridge: Cambridge University Press, 1993.
Van Ittersum, Martine Julia. *Profit and Principle: Hugo Grotius, Natural Rights Theories and the Rise of Dutch Power in the East Indies, 1595–1615*. Leiden: Brill Academic Publishers, 2006. This is a close study of the *DIP*.
Vreeland, Hamilton, Jr. *Hugo Grotius: The Father of the Modern Science of International Law*. Oxford: Oxford University Press, 1917.
Zouche, Richard. *Iuris et iducii fecialis, sive iuris inter gentes, et quaestionum de eodem explication*. Oxford: H. Hall, 1650.
Borowski, Ludwig. "Kant's Censorship Troubles." Appendix 4. In *Darstellung des Lebens und Characters Immanuel Kant's*. Königsberg: Friedrich Nicolovius, 1804. Reprinted and edited by F. Gross. Berlin: Deutsche Bibliothek, 1912.
Breul, Wolfgang, and Jan Carsten Schnurr, eds. *Geschichtsbewusstsein und Zukunftserwartung in Pietismus und Erweckungsbewegung*. Göttingen: Vandehoeck & Ruprecht, 2013.
DiCenso, James. *Kant, Religion, and Politics*. Cambridge: Cambridge University Press, 2011.
Dora, Ion, ed. *Kant and International Relations Theory: Cosmopolitan Community-Building*. London: Routledge, 2012.
Frierson, Patrick. "The Moral Importance of Politeness in Kant's Anthropology." *Kantian Review* 9 (2005): 105–27.
Guyer, Paul. "Nature, Morality, and the Possibility of Peace." In *Kant on Freedom, Law, and Happiness*. Cambridge: Cambridge University Press, 2000.
Hobbes, Thomas. *Leviathan*. New York: Dover, 2006.

Hunter, Ian. "Kant's Religion and Prussian Religious Policy." *Modern Intellectual History* 2 (2005): 1–27.
Insole, Christopher. "Kant on Christianity, Religion and Politics: Three Hopes, Three Limits." *Studies in Christian Ethics* 29 (2016): 14–33.
Kant, Immanuel. *Cambridge Edition of the Works of Immanuel Kant*. Edited by Paul Guyer and Allen Wood. Cambridge: Cambridge University Press, 1992.
Kant, Immanuel. *Werke*. Akademie Ausgabe. Berlin: 1894.
Kleingeld, Pauline. *Kant and Cosmopolitanism: The Philosophical Ideal of World Citizenship*. Cambridge: Cambridge University Press, 2012.
Molloy, Seán. *Kant's International Relations: The Political Theology of Perpetual Peace*. Ann Arbor: University of Michigan Press, 2017.
Palmquist, Stephen. *Comprehensive Commentary on Kant's Religion Within the Bounds of Bare Reason*. Chichester: Wiley, 2015.
Pasternack, Lawrence. "Kant on the Debt of Sin." *Faith and Philosophy* 29/1 (2012): 30–52.
Pasternack, Lawrence. *Kant's Religion Within the Boundaries of Mere Reason: An Interpretation and Defense*. Routledge Philosophy Guidebook Series. London: Routledge, 2014.
Pasternack, Lawrence. "Religious Assent and the Question of Theology: Making Room for Historical Faith." In *Kant and the Question of Theology*, edited by Chris Firestone and Nathan Jacobs, 99–118. Cambridge: Cambridge University Press, 2017.
Pasternack, Lawrence. "Restoring Kant's Conception of the Highest Good." *Journal of the History of Philosophy* 55/3 (2017): 435–68.
Philpott, Daniel. "The Religious Roots of Modern International Relations." *World Politics* 52 (January 2002).
Ripstein, Arthur. *Force and Freedom: Kant's Legal and Political Philosophy*. Cambridge, MA: Harvard University Press, 2009.
Rossi, Philip. *The Social Authority of Reason: Kant's Critique, Radical Evil, and the Destiny of Humankind*. Albany: State University of New York Press, 2005.
Sweet, Kristi. *Kant on Practical Life: From Duty to History*. Cambridge: Cambridge University Press, 2013.
Taylor, Robert. "Kant's Political Religion: The Transparency of Perpetual Peace and the Highest Good." *Review of Politics* 72 (2010): 1–24.
Agi, Marc. *René Cassin, prix Nobel de la paix, 1887–1976, père de la 'Declaration universelle des droits de l'homme*.' Paris: Perrin, 1998.
American Anthropological Association, Executive Board. "Statement on Human Rights." *American Anthropologist*, New Series 49/4 (1947): 539–43.
Barré, Jean-Luc. *Jacques et Raïssa Maritain, les mendiants du ciel*. Paris: Stock, 1996. English translation, *Jacques & Raïssa Maritain: Beggars for Heaven*. Translated by Bernard E. Doering. Notre Dame, IN: University of Notre Dame Press, 2005.
Charette, Léon. "Le droit naturel et le droit des gens d'après Jacques Maritain." *Maritain Studies/Etudes Maritainiennes* 5 (1989): 41–62.
Chenaux, P. *Paul VI et Maritain. Les rapports du "montinianisme" et du "maritanisme."* Rome: Ed. Studium, 1994.
Compagnon, Olivier. *Jacques Maritain et l'Amérique du Sud. Le modèle malgré lui*. Villeneuve-d'Ascq: Presses universitaires du Septentrion, 2003.
Crosson, Frederick J. "Maritain and Natural Rights." *The Review of Metaph*ysics 36 (1983): 895–912.

De Koninck, Charles. *De la primauté du bien commun contre les personnalistes. Le principe de l'ordre nouveau*. Montréal: Éditions Fides, 1943.
Glendon, Mary Ann. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House, 2001.
Goodale, Mark, ed. *Letters to the Contrary: A Curated History of the UNESCO Human Rights Survey*. Stanford, CA: Stanford University Press, 2018.
Goodale, Mark. "The Myth of Universality: The UNESCO 'Philosophers' Committee' and the Making of Human Rights." *Law & Social Inquiry* 43 (2018): 596–617.
Hittinger, F. Russell. "Maritain on Human Rights as Constitutional Limits." Paper presented at New York University, sponsored by Carnegie Council on Ethics and International Affairs and the American Maritain Association, November 9, 1994.
Malik, Charles Habib. "The Universal Declaration of Human Rights." In *Free and Equal: Human Rights in Ecumenical Perspective*, edited by O. Frederick Nolde. Geneva: World Council of Churches, 1968.
Maritain, Jacques. *Integral Humanism: Temporal and Spiritual Problems of a New Christendom*. Translated by Joseph W. Evans. Notre Dame, IN: University of Notre Dame Press, 1973.
Maritain, Jacques. "Integral Humanism and the Crisis of Modern Times." *The Review of Politics* 1 (1939): 1–17.
Maritain, Jacques. *Le crépuscule de la civilization*. Montreal: Editions de l'Arbre, 1941.
Maritain, Jacques. *Letters to the Contrary: A Curated History of the UNESCO Human Rights Survey*. Edited and introduced by Mark Goodale. Stanford, CA: Stanford University Press, 2018.
Maritain, Jacques. *Man and the State*. Chicago: University of Chicago Press, 1951.
Maritain, Jacques. *Natural Law: Reflections on Theory and Practice*. Edited by William Sweet. South Bend, IN: St. Augustine's Press, 2001.
Maritain, Jacques. *The Range of Reason*. New York: Scribner's, 1952.
Maritain, Jacques. *The Rights of Man and Natural Law* [*Les droits de l'homme et la loi naturelle*. New York: Éditions de la Maison Française, 1942)]. Translated by Doris C. Anson. London: Geoffrey Bles, The Centenary Press, 1944.
Maritain, Jacques. *Scholasticism and Politics*. New York: The Macmillan Company, 1940.
Maritain, Jacques, and Maritain Raïssa. *Oeuvres completes*. Paris: Éditions Saint-Paul, 1984.
Meinveille, Julio. *Critica de la Concepción de Maritain sobre la Persona Humana*. Buenos Aires: Ed. Nuestro Tiempo, 1948.
Mougel, René. "Jacques Maritain et la Declaration universelle des droits de l'homme, 1948." *Cahiers Jacques Maritain* 61 (2010): 65–77.
Moyn, Samuel. "Jacques Maritain, Christian New Order, and the Birth of Human Rights." In *Intercultural Dialogue and Human Rights*, edited by Luigi Bonanate, Roberto Papini, and William Sweet. Washington, DC: Council for Research in Values and Philosophy, 2011.
Moyn, Samuel. "Personalism, Community, and the Origins of Human Rights." In *Human Rights in the Twentieth Century*, edited by Stefan-Ludwig Hoffmann. Cambridge: Cambridge University Press, 2010.
Nelson, John O. "Are There Inalienable Rights?" *Philosophy* 64 (1989): 519–24.

Ochs, René, and José Blat Gimeno. "Looking Back." In *UNESCO on the Eve of Its Fortieth Anniversary*, edited by Amadou-Mahtar M'bow, 5. Paris: Unesco, 1985. www.unesco.org/education/nfsunesco/pdf/OCHS_1_E.PDF.

Pérez, Luis Arturo. *Estudio de filiosofía político-social*. Santiago de Chile: Editorial El Imparcial, 1948.

Ramos-Reyes, Mario Fernando. "The Impact of Jacques Maritain's Political Thought in Twentieth Century Latin America." PhD dissertation, University of Kansas, 1996.

Ramos-Reyes, Mario Fernando. "Latin American Democracies at the Crossroads." In *The Common Things: Essays on Thomism and Education*, edited by Daniel McInerny, 247–58. Washington, DC: Catholic University of America Press, 1999.

Roth, Hans Ingvar. *P.C. Chang and the Universal Declaration of Human Rights*. Philadelphia: University of Pennsylvania Press, 2018.

Seydoux, Roger. "Jacques Maritain à Mexico." *Cahiers Jacques Maritain* 10 (1984): 25–28.

Stibora, Carrie Rose. "Jacques Maritain and Alasdair MacIntyre on Human Rights." PhD dissertation, Catholic University of America, 2013.

Sweet, William. "Charles Malik: From Process to Reality." In *On the Philosophical Thought of Charles Malik: Vol. 1: Whitehead, Reason and Spirit*, edited by Habib C. Malik and Tony E. Nasrallah, 27–51. Louaize, Lebanon: Notre Dame University Press, 2018.

Sweet, William. "Human Rights in Ethics, Law, and Politics." In *Intercultural Dialogue and Human Rights*, edited by Luigi Bonanate, Roberto Papini, and William Sweet, 31–53. Washington, DC: Council for Research in Values and Philosophy, 2011.

Sweet, William. "Jacques Maritain (1882–1973)." In *Great Christian Jurists in French History*, edited by Olivier Descamps and Rafael Domingo, 387–403. New York: Cambridge University Press, 2018.

Sweet, William. "Maritain's Criticisms of Natural Law Theories." *Études maritainiennes/Maritain Studies* 12 (1996): 33–49.

Taylor, Charles, and Jocelyn Maclure. *Secularism and Freedom of Conscience*. Cambridge, MA: Harvard University Press, 2011.

Winter, J.M., and Antoine Prost. *René Cassin and Human Rights: From the Great War to the Universal Declaration*. Cambridge: Cambridge University Press, 2013.

Acheson, Dean Gooderham. "Robert Schuman." In *Sketches from Life of Men I Have Known*, edited by Dean Gooderham Acheson, 31–59. New York: Harper, 1961.

Adenauer, Konrad. *Memoirs, 1945–53*. Translated by Beate Ruhm von Oppen. London: Weidenfeld and Nicholson, 1966.

Benning, Hermann J. *Robert Schuman: Leben und Vermächtnis*. Munich: Verlag Neue Stadt 2013.

Beyer, Henry. *Robert Schuman, L'Europe par la réconciliation franco-allemande*. Lausanne: Fondation Jean Monnet pour l'Europe, Centre de recherches européennes, 1986.

Bitsch, Marie-Therèse. *Robert Schuman: Apôtre de l'Europe 1953–1963*. Brussels: Peter Lang, 2010.

Burrin, Philippe. *France Under the Germans: Collaboration and Compromise*. Translated by Janet Lloyd. New York: New Press, 1996.

Chaplin, Jonathan, and Gary Wilton, eds. *God and the EU: Faith in the European Project*. London and New York: Routledge, 2016.

Chopra, Hardev Singh. *De Gaulle and the European Unity*. New Delhi: Abhinav Publications, 1974.
Cohen, Antonin. "Le plan Schuman de Paul Reuter. Entre communauté nationale et fédération européenne." *Revue française de science politique* 48 (1998): 645–63.
Conzemius, Victor. *Robert Schuman: Christ und Staatsmann*. Hamburg: F. Witting, 1985.
Descamps, Olivier, and Rafael Domingo. *Great Christian Jurists in French History*. Cambridge and New York: Cambridge University Press, 2019.
Domingo, Rafael. "The New Global Human Community." *Chicago Journal of International Law* 13/1 (2012): 563–87.
Domingo, Rafael. *The New Global Law*. Cambridge and New York: Cambridge University Press, 2010.
Fimister, Alan Paul. *Robert Schuman: Neo-Scholastic Humanism and the Reunification of Europe*. Frankfurt am Main and Bern: Peter Lang, 2011.
Griffiths, Richard T. "The Founding Fathers." In *The Oxford Handbook of the European Union*, edited by Erik Jones, Anand Menon, and Stephen Weatherill, 181–92. Oxford and New York: Oxford University Press, 2012.
Heilbron Price, David. *Robert Schuman, Jalonneur de la Paix Mondiale*. Berlin: Bron Communications, 2014.
Hiegel, Charles, and Marion Duvigneau. *Papiers de Robert Schuman. Répertoire numérique détaillé des fonds déposés sous les cotes 34 et 36 J*. Saint-Julien-lès-Metz: Archives départamentales de la Moselle, 2002.
Howard, Michael. *The Franco-Prussian War: The German Invasion of France 1870–1871*. 2nd ed. London and New York: Routledge, 2001.
Institut Du Droit Local Alsacien-Mosellan, ed. *Le guide du droit local: Le droit applicable en Alsace et en Moselle de A à Z*. 4th ed. Strasbourg: Institut Du Droit Local Alsacien-Mosellan, 2015.
Institut Saint-Benoît. *Robert Schuman. Saintité et politique. Actes des journées organisées à Metz du 4 au 8 septembre 2013*. Metz: Éditions des Paraiges, 2013.
Kaiser, Wolfram. *Christian Democracy and the Origins of European Union*. Cambridge: Cambridge University Press, 2007.
Krijtenburg, Margriet. "Robert Schuman: Principal Architect of the European Union." Research paper. Markets, Culture and Ethics Centre Research Papers, March 1, 2015. Rome: Pontifical University of the Holy Cross.
Krijtenburg, Margriet. *Schuman's Europe: His Frame of Reference*. Leiden: Leiden University, 2012.
Lejeune, René. *Robert Schuman, père de l'Europe (1886–1963)*. Paris: Fayard, 2000.
Lejeune, René. *Robert Schuman, une âme pour l'Europe*. Paris and Fribourg: Editions Saint-Paul, 1986.
Lücker, Hans August, and Jean Seitlinger. *Robert Schuman und die Einigung Europas*. Bonn: Bouvier Verlag, 2000.
McCauliff, C.M.A. "Union in Europe: Constitutional Philosophy and the Schuman Declaration, May 9, 1950." *Columbia Journal of European Law* 18 (2011–12): 441–72.
Milward, Alan Steele. *The European Rescue of the Nation-State*. Hoboken, NJ: Taylor & Francis, 1999.
Mittendorfer, Rudolf. *Robert Schuman. Architekt des neuen Europa*. Hildesheim and New York: Georg Olms, 1983.
Monnet, Jean. *Memoirs*. London: Third Millenium, 2015.

Monnet, Jean, and Robert Schuman. *Correspondence (1947–1963)*. Laussane: Fondation Jean Monnet pour l'Europe, 1986.
Mowat, Robert Case. *Creating the European Community*. New York: Barnes & Noble Books, 1973.
Muñoz Martínez, María Ángeles. "El pensamiento europeo de Robert Schuman: el retorno lógico de la Unión Europea a la comunidad federación." Madrid: Universidad Complutense, 2012. Doctoral thesis. http://eprints.ucm.es/16322/1/T33942.pdf
Oreja, Marcelino, and Rafael Domingo. "Robert Schuman." In *Juristas Universales IV*, edited by Rafael Domingo, 141–45. Madrid and Barcelona: Marcial Pons, 2004.
Pelt, Jean-Marie. *Robert Schuman, Père de l'Europe—Father of Europe*. English Version. Thionville: General Council of Moselle, Serge Domini Publisher, 2001.
Pennera, Christian. *La jeunesse et les débuts politiques d'un grand européen, de 1886 à 1924*. Sarreguemines: Editions Pierron 1985.
Poidevin, Raymond. *Robert Schuman, homme d'État (1886–1963)*. Paris: Imprimerie nationale, 1986.
Price, David Heilbron. *Robert Schuman, Jalonneur de la paix mondiale*. Berlin: Brons Commuications, 2014.
Reuter, Paul. *La Communauté européenne du charbon et de l'acier*. Paris: Librairie Geénérale, 1953.
Reuter, Paul. *La naissance de l'Europe communautaire*. Lausanne: Fondation Jean Monnet pour l'Europe, 1980.
Rochefort, Robert. *Robert Schuman*. Paris: Cerf, 1968.
Roth, François. *Alsace-Lorraine: histoire d'un "pays perdu," de 1870 à nos jours*. Nancy: Editions de la Place Stanislas, 2010.
Roth, François. *Robert Schuman. Du Lorrain des frontières au père de l'Europe*. Paris: Fayard 2008.
Roussel, Éric. "Les paradoxes de la relation Jean Monnet—Robert Schuman." In Schirmann, *Robert Schuman et les Pères de l'Europe*.
Schirmann, Sylvain, ed. *Robert Schuman et les pères de l'Europe*. Brussels: Perter Lang, 2008.
Schreiber, Thomas. *Robert Schuman. De la déclaration Schuman à pour l'Europe*. Paris: Lignes de Repères, 2013.
Schuman, Robert. *For Europe*. Paris: Foundation Robert Schuman; Chêne-Bourg: Nagel, 2010.
Schuman, Robert. *French Foreign Policy Towards Germany Since the War*. Stevenson Memorial Lecture delivered on October 29, 1953. London: Geoffrey Cumberlege; Oxford: Oxford University Press, 1954.
Wahl, Jürgen. *Robert Schuman: Visionär, Politiker, Architekt Europas*. Trier: Paulinus, 1999.
Wawro, Geoffrey. *The Franco-Prussian War: The German Conquest of France in 1870–1871*. Cambridge and New York: Cambridge University Press, 2003.
Weiler, J.H.H. *The Constitution of Europe*. Cambridge and New York: Cambridge University Press, 1999.
Wilton, Gary. "Christianity and the Founding: The Legacy of Robert Schuman." In *God and the EU: Faith in the European Project*, edited by Jonathan Chaplin and Gary Wilton. London and New York: Routledge, 2016.
Zin, Edoardo. *Robert Schuman: un padre dell'Europa unita*. Rome: AVE, 2013.

Chimni, B.S. "A Just World Under Law: A View from the South." *American University International Law Review* 22 (2007): 199–220.
Domingo, Rafael. "Gaius, Vattel, and the New Global Law Paradigm." *European Journal of International Law* 22 (2011): 627–47.
Domingo, Rafael. *The New Global Law*. Cambridge: Cambridge University Press, 2010.
Fukuyama, Francis. *The End of History and the Last Man*. New York: Free Press, 1992.
Habermas, Jürgen. "Religion in the Public Sphere." *European Journal of Philosophy* 14/1 (2006): 1–25.
Koskenniemi, Martti, Rovira Mónica García-Salmones, and Paolo Amorosa, eds. *International Law and Religion: Historical and Contemporary Perspectives*. Oxford: Oxford University Press, 2017.
Krygier, Martin. "The Rule of Law: Pasts, Presents and Two Possible Futures." *Annual Review of Law and Social Science* 12 (2016): 199–229.
Moyn, Samuel. *Christian Human Rights*. Philadelphia: University of Pennsylvania Press, 2015.
Nafziger, J.A.F. "The Functions of Religion in the International Legal System." In *Religion and International Law*, edited by M.W. Janis and C. Evans, 155–76. Boston and Leiden: Martinis Nijhoff, 2004.
Neff, Stephen. *Justice Among Nations*. Cambridge, MA: Harvard University Press, 2014.
Orford, Anne. "A Global Rule of Law." In *The Cambridge Companion to the Rule of Law*, edited by Martin Loughlin and Jens Meierhenrich. Cambridge: Cambridge University Press, forthcoming.
Paz, Reut Yael. "Religion, Secularism and International Law." In *The Oxford Handbook of the Theory of International Law*, edited by Ann Orford and Florian Hoffman, 923–39. Oxford: Oxford University Press, 2016.
Pogge, Thomas. *World Poverty and Human Rights*. 2nd ed. Cambridge: Polity, 2008.
Rosenfeld, Michel. "The Rule of Law and the Legitimacy of Constitutional Democracy." *Southern California Law Review* 74 (2001): 1307ff.
Samuelson, Paul A. "The Pure Theory of Public Expenditure." *Review of Economics and Statistics* 36 (1954): 387.
Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago: University of Chicago Press, 2006.
Sen, Amartya. *The Idea of Justice*. London: Allen Lane, 2009.
Singer, Peter. *One World: The Ethics of Globalization*. 2nd ed. New Haven: Yale University Press, 2004.
Slaughter, Anne Marie. "International Law in a World of Liberal States." *European Journal of International Law* 6 (1995): 1–39.
Tamanaha, Brian. *On the Rule of Law*. Cambridge: Cambridge University Press, 2004.
Taylor, Charles. *Modern Social Imaginaries*. Durham, NC: Duke University Press, 2004.
Ungern-Sternberg, Antje Von. "Religion and Religious Intervention." In *The Oxford Handbook of the History of International Law*, edited by Bardo Fassbender and Anne Peters, 294–316. Oxford: Oxford University Press, 2012.
Waldron, Jeremy. "Are Sovereigns Entitled to the Benefits of the International Rule of Law?" *European Journal of International Law* 22 (2011): 315ff.

Waldron, Jeremy. "The Image of God: Rights, Reason and Order." In *Christianity and Human Rights*, edited by John Witte, Jr. and Frank S. Alexander, 216–32. Cambridge: Cambridge University Press, 2010.
Waldron, Jeremy. "Is the Rule of Law an Essentially Contested Concept (in Florida)?" *Law and Philosophy* 21 (2002): 137–64.
Walker, Neil. "Beyond the Holistic Constitution?" In *The Twilight of Constitutionalism?* edited by Petra Dobner and Martin Loughlin, 291–308. Oxford: Oxford University Press, 2010.
Walker, Neil. "The Gap Between Global Law and Global Justice: A Preliminary Analysis." In *In Pursuit of Pluralist Jurisprudence*, edited by Nicole Roughan and Andrew Halpin, 216–38. Cambridge: Cambridge University Press, 2019.
Walker, Neil. *Intimations of Global Law*. Cambridge: Cambridge University Press, 2015.
Weiler, Joseph H.H. "The Political and Legal Culture of European Integration: An Exploratory Essay." *International Journal of Constitutional Law* 9 (2011): 678–94.
Zuquete, Jose Pedro. "Populism and Religion." In *The Oxford Handbook of Populism*, edited by Cristobal Rovira Kaltwasser, Paul Taggart, and Paulina Ochoa Espejo, 445–66. Oxford: Oxford University Press, 2017.
Aquinas, Thomas. *Scriptum Super Libros Sententiarum Magistri Petri Lombardi Episcopi Parisiensis*. Edited by R.P. Mandonnet, O.P. Vol. 1. Paris: Lethielleux, 1929.
Aquinas, Thomas. *Summa Theologiae*. London: Blackfriars, 1964.
Barilan, Yechiel Michael. *Human Dignity, Human Rights, and Responsibility: The New Language of Global Bioethics and Biolaw*. Cambridge, MA, and London: The MIT Press, 2012.
Carozza, Paolo. "Human Dignity." In *The Oxford Handbook of International Human Rights Law*, edited by Dinah Shelton, 345–60. Oxford: Oxford University Press, 2013.
Cicero. *De Re Publica*. Loeb Classical Library. Cambridge, MA: Harvard University Press, 1966.
Debes, Remy, ed. *Dignity: A History*. Oxford: Oxford University Press, 2017.
Dilley, Stephen, and Nathan J. Palpant, eds. *Human Dignity in Bioethics: From Worldviews to the Public Square*. New York and London: Routledge, 2013.
Hanvey, James. "Dignity, Person and *Imago Trinitatis*." In *Understanding Human Dignity*. Proceedings of the British Academy 192, edited by Christopher McCrudden, 209–29. Oxford: Oxford University Press, 2013.
Kant, Immanuel. *On the Foundation of Morality: A Modern Version of the Gundlegung*. Translated and commentary by Brendan E.A. Liddell. Bloomington and London: Indiana University Press, 1970.
Kass, Leon R. *Life, Liberty and the Defense of Dignity: The Challenge for Bioethics*. New York and London: Encounter Books, 2002.
Kraynak, Robert P., and Glenn Tinder, eds. *In Defense of Human Dignity: Essays for Our Times*. Notre Dame, IN: University of Notre Dame Press, 2003.
Lawler, Peter Augustine. *Modern and American Dignity: Who We Are as Persons, and What That Means for Our Future*. Wilmington, DE: ISI Books, 2001.
Mateo-Seco, Lucas Francisco, and Giulio Maspero, eds. *The Brill Dictionary of Gregory of Nyssa*. Leiden and Boston: Brill, 2009.
McCrudden, Christopher. *Understanding Human Dignity*. Proceedings of the British Academy 192. Oxford: Oxford University Press, 2013.

Meilaender, Gilbert. "Human Dignity and Public Bioethics." *The New Atlantis* 17 (Summer 2007): 33–52.
Meilaender, Gilbert. *Neither Beast nor God: The Dignity of the Human Person*. New York and London: New Atlantis Books, 2009.
Pico della Mirandola, Giovanni. "Oration on the Dignity of Man." In *The Renaissance Philosophy of Man*, edited by Ernst Cassirer, Paul Oskar Kristeller, and John Herman Randall, 223–54. Chicago: The University of Chicago Press, 1948.
Pöschl, Viktor. "Der Begriff der Würde im antiken Rom und später." In *Sitzungsberichte der Heidelberger Akademie der Wissenschaften, Philosophisch-historische Klasse*, Vol. 3. Heidelberg: Carl Winter Universitätsverlag, 1989.
Rosen, Michael. *Dignity: Its History and Meaning*. Cambridge, MA, and London: Harvard University Press, 2012.
Rychlak, Ronald J., ed. *American Law from a Catholic Perspective: Through a Clearer Lens*. Lanham, Boulder, New York, and London: Rowman & Littlefield, 2015.
Scaperlanda, Michael A., and Teresa Stanton Collett, eds. *Recovering Self-Evident Truths: Catholic Perspectives on American Law*. Washington, DC: The Catholic University of America Press, 2007.
Schlag, Martin. *La dignità dell'uomo come principio sociale: Il contributo della fede cristiana allo Stato secolare*. Rome: EDUSC, 2013.
Shulztiner, Doron, and Guy E. Carmi. "Human Dignity in National Constitutions: Functions, Promises and Dangers." *The American Journal of Comparative Law* 62/2 (Spring 2014): 461–90.
Tertullian. "Adversus Marcionem." In *Corpus Christianorum Series Latina*. Turnholt: Brepols, 1965.
Theophilus of Antioch. *Ad Autolycum*. Translated by Robert Grant. Oxford: Clarendon Press, 1970.
Vitoria, Francisco de. *De Indis et de Iure Belli Relectiones*. Translated by Ernest Nys. Washington, DC: Carnegie Institute of Washington, 1917.
Waldron, Jeremy, Wai Chee Dimock, Don Herzog, and Michael Rosen. *Dignity, Rank, and Rights*. Edited by Meir Dan-Cohen. Oxford: Oxford University Press, 2012.
Whitman, James Q. "The Two Western Cultures of Privacy: Dignity Versus Liberty." *The Yale Law Journal* 113/6 (April 2004): 1151–221.
Witte, John, Jr. "Between Sanctity and Depravity: Human Dignity in Protestant Perspective." In *In Defense of Human Dignity: Essays for Our Times*, edited by Robert P. Kraynak and Glenn Tinder, 119–37. Notre Dame, IN: University of Notre Dame Press, 2003.
Allan, T.R.S. *Law, Liberty, and Justice: The Legal Foundations of British Constitutionalism*. Chapter 7. Oxford: Clarendon Press, 2003.
Berman, Joshua. *Created Equal: How the Bible Broke with Ancient Political Thought*. Oxford: Oxford University Press, 2008.
Cain, Patricia A. "Feminism and the Limits of Equality." *Georgia Law Review* 24 (1990): 803–48.
Cover, Robert. "Foreword: *Nomos* and Narrative." *Harvard Law Review* 97 (1983–84): 4–68.
Durham, W. Cole, Jr., and Donlu Thayer. *Religion and Equality: Law in Conflict*. London and New York: Routledge, 2016.
Dworkin, Ronald. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press, 2000.

Forrester, Duncan B. *On Human Worth*. London: SCM Press, 2001.
Ghanea, Nazila. "Religion, Equality, and Non-Discrimination." In *Religion and Human Rights: An Introduction*, edited by John Witte, Jr. and M. Christian Green. Oxford: Oxford University Press, 2011.
Greenawalt, Kent. "Religion and Equality." In *Christianity and Human Rights: An Introduction*, edited by John Witte, Jr. and Frank S. Alexander. Cambridge: Cambridge University Press, 2012.
Harper, Kyle. *From Shame to Sin: The Christian Transformation of Sexual Morality in Late Antiquity*. Cambridge, MA: Harvard University Press, 2016.
Harper, Kyle. *Slavery in the Late Roman World, AD 275–425*. Cambridge: Cambridge University Press, 2011.
Hart, David Bentley. *Atheist Delusions: The Christian Revolution and Its Fashionable Enemies*. New Haven and London: Yale University Press, 2009.
Hutton, Will. "Leviticus Chapter 25 Is a Passage That Makes *Das Kapital* Look Tame." *The Observer*, October 3, 1999.
Khaitan, Tarunabh. *A Theory of Discrimination Law*. Oxford: Oxford University Press, 2015.
Lactantius. "Divine Institutes." In *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought, 100–1625*, edited by Oliver O'Donovan and Joan Lockwood O'Donovan. Grand Rapids, MI: Eerdmans, 1999.
Lamoreaux, John C. "Episcopal Courts in Late Antiquity." *Journal of Early Christian Studies* 3 (1995): 143–67.
McCorquodale, Robert. "Group Rights." In Moeckli, et al., *International Human Rights Law*, 3rd ed.
Moekli, Daniel. "Equality and Non-Discrimination." In Moeckli, et al., *International Human Rights Law*, 3rd ed.
Moekli, Daniel, Sangeeta Shah, and Sandesh Sivakumaran. *International Human Rights Law*. 3rd ed. Oxford: Oxford University Press, 2018.
O'Donovan, Oliver. *The Ways of Judgment*. Grand Rapids, MI: Eerdmans, 2005.
Pojman, Louis. "On Equal Human Worth: A Critique of Contemporary Egalitarianism." In *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland. New York: Oxford University Press, 1997.
Raz, Joseph. *The Morality of Freedom*. Oxford: Oxford University Press, 1986.
Siedentop, Larry. *Inventing the Individual: The Origins of Western Liberalism*. London: Penguin, 2015.
Smith, Steven D. "Equality, Religion and Nihilism." In *Research Handbook on Law and Religion*, edited by Rex Ahdar. Cheltenham: Edward Elgar Publishing, 2018.
Volf, Miroslav. *Exclusion and Embrace: A Theological Exploration of Identity, Otherness and Reconciliation*. Nashville: Abingdon Press, 1996.
Waldron, Jeremy. *God, Locke, and Equality: Christian Foundations of John Locke's Political Thought*. Cambridge: Cambridge University Press, 2002.
Waldron, Jeremy. *One Another's Equals: The Basis of Human Equality*. Cambridge, MA: The Belknap Press, 2017.
Walker, Neil. *Intimations of Global Law*. Cambridge: Cambridge University Press, 2015.
Westen, Peter. "The Empty Idea of Equality." *Harvard Law Review* 95 (1982): 537–96.
White, Stuart. *Equality*. London: Polity Press, 2007.

Wolterstorff, Nicholas. *Justice: Rights and Wrongs*. Princeton, NJ: Princeton University Press, 2008.
Canning, Raymond. "Common Good." In *Augustine Through the Ages: An Encyclopedia*, edited by Allan D. Fitzgerald O.S.A., 219–22. Grand Rapids, MI: Eerdmans, 1999.
Cochran, Clarke E. "Yves R. Simon and 'The Common Good': A Note on the Concept." *Ethics* 88 (1978): 229–39.
Finnis, John. *Aquinas: Moral, Political, and Legal Theory*. Oxford: Oxford University Press, 1998.
Finnis, John. "The Authority of Law in the Predicament of Social Theory." *Notre Dame Journal of Law Ethics and Public Policy* 115 (1984–85): 115–38.
Finnis, John. *Natural Law and Natural Rights*. 2nd ed. Oxford: Oxford University Press, 2011.
Finnis, John. "Reflections and Responses." In *Reason, Morality, and Law*, edited by John Keown and Robert P. George. Oxford: Oxford University Press, 2013.
Grisez, Germain. *The Way of the Lord Jesus. Vol. 2: Leading A Christian Life*. Chicago: Franciscan Press, 1993.
Habermas, Jürgen. *Between Facts and Norms*. Translated by William Rehg. Cambridge: Polity, 1996.
John XXIII, Pope. *Mater et magistra*. Mahwah, NJ: Paulist Press, 1962.
Kempshall, M.S. *The Common Good in Late Medieval Political Thought*. Oxford: Oxford University Press, 1999.
Keys, Mary M. *Aquinas, Aristotle, and the Promise of the Common Good*. Cambridge: Cambridge University Press, 2006.
Murphy, Mark C. "The Common Good." *Review of Metaphysics* 59 (2005): 133–64.
Murphy, Mark C. *Natural Law in Jurisprudence and Politics*. Cambridge: Cambridge University Press, 2006.
Pakaluk, Michael. "Is the Common Good of Political Society Limited and Instrumental?" *Review of Metaphysics* 55 (2001): 57–94.
Rawls, John. *A Theory of Justice*. Rev. ed. Cambridge, MA: Harvard University Press, 1999.
Tuck, Richard. *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*. Oxford: Oxford University Press, 1999.
Weithman, Paul J. "Augustine and Aquinas on Original Sin and the Function of Political Authority." *Journal of the History of Philosophy* 30 (1992): 353–76.
Althusius, Johannes. *Politica: An Abridged Translation*. Translated by Frederick Carney. Indianapolis, IN: Liberty Fund, 1995.
Althusius, Johannes. *Politica methodice digesta atque exemplis sacris & profanis illustrate*. 3rd ed. Herborn, 1614.
Aroney, Nicholas. "Constituent Power and the Constituent States: Towards a Theory of the Amendment of Federal Constitutions." *Jus Politicum: Revue de droit politique* 17 (2017).
Aroney, Nicholas. "Formation, Representation and Amendment in Federal Constitutions." *American Journal of Comparative Law* 54/1 (2006).
Augustine. *City of God*. Translated by R.W. Dyson. Cambridge: Cambridge University Press, 1998.
Augustine. *Enchiridion: On Faith, Hope, and Love*. Translated by Albert C. Outler. Louisville: Westminster Press, 1955.

Bartelson, Jens. *A Genealogy of Sovereignty*. Cambridge: Cambridge University Press, 1995.
Berman, Harold J. *Law and Revolution: The Formation of the Western Legal Tradition*. Cambridge, MA: Harvard University Press, 1983.
Bodin, Jean. *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*. Translated by Julian H. Franklin. Cambridge: Cambridge University Press, 1992.
Boh, Ivan. "Divine Omnipotence in the Early Sentences." In Rudavsky, *Divine Omniscience*.
Cassese, Antonio. *International Law*. 2nd ed. Oxford: Oxford University Press, 2005.
Cavanaugh, William T. "Killing for the Telephone Company: Why the Nation-State Is Not the Keeper of the Common Good." *Modern Theology* 20/2 (2004).
Cochrane, Charles Norris. *Christianity and Classical Culture: A Study of Thought and Action from Augustus to Augustine*. Oxford: Oxford University Press, 1944.
Condorelli, Luigi, and Antonio Cassese. "Is Leviathan Still Holding Sway Over International Dealings?" In *Realizing Utopia: The Future of International Law*, edited by Antonio Cassese. Oxford: Oxford University Press, 2012.
Courtenay, William J. "The Dialectic of Omnipotence in the High and Late Middle Ages." In Rudavsky, *Divine Omniscience and Omnipotence in Medieval Philosophy*.
Domingo, Rafael. "A Global Law for a Global Community." In *Globalization of Law: The Role of Human Dignity*, edited by Maciej Dybowski and Rafael García Pérez. Cizur Menor, Navarra: Thomson Reuters Aranzadi, 2018.
Domingo, Rafael. *The New Global Law*. Cambridge: Cambridge University Press, 2010.
Domingo, Rafael. "Roman Law and Global Constitutionalism." *San Diego International Law Journal* 20 (2019) 1–24.
Elshtain, Jean Bethke. *Sovereignty: God, State, and Self*. New York: Basic Books, 2008.
Eusebius of Caesarea. "From a Speech on the Dedication of the Holy Sepulchre Church." In *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought, 100–1625*, edited by Oliver O'Donovan and Joan Lockwood O'Donovan. Grand Rapids, MI: Eerdmans, 1999.
Foisneau, Luc. "Omnipotence, Necessity and Sovereignty: Hobbes and the Absolute and Ordinary Powers of God and King." In *The Cambridge Companion to Hobbes's Leviathan*, edited by Patricia Springborg. Cambridge: Cambridge University Press, 2007.
Gierke, Otto von. *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien*. Breslau, 1880.
Glanville, Luke. "The Myth of 'Traditional' Sovereignty." *International Studies Quarterly* 57/1 (2013).
Glanville, Luke. *Sovereignty and the Responsibility to Protect: A New History*. Chicago: University of Chicago Press, 2014.
Hegel, G.W.F. *Elements of the Philosophy of Right*. Translated by H.B. Nisbet. Cambridge: Cambridge University Press, first published 1821, 1991.
Henkin, Louis. *International Law: Politics and Values*. Dordrecht: Martinus Nijhoff, 1995.
Hinsley, F.H. *Sovereignty*. 2nd ed. Cambridge: Cambridge University Press, 1986.
Hobbes, Thomas. "A Dialogue Between a Philosopher and a Student, of the Common Laws of England." In *The Clarendon Edition of the Works of Thomas Hobbes*, edited by Alan Cromartie and Quentin Skinner. Oxford: Clarendon Press, 2005.

Hobbes, Thomas. *Leviathan, or the Matter, Forme, & Power of a Common-Wealth Ecclesiastical and Civill*. 1651. Reprint ed. Oxford: Clarendon Press, 1929.
Howse, Robert. "Schmitt, Schmitteanism and Contemporary International Legal Theory." In *The Oxford Handbook of the Theory of International Law*, edited by Anne Orford and Florian Hoffmann. Oxford: Oxford University Press, 2016.
Hueglin, Thomas O. *Early Modern Concepts for a Late Modern World: Althusius on Community and Federalism*. Waterloo, OT: Wilfrid Laurier University Press, 1999.
Justinian. *The Digest of Justinian*. Translated by Alan Watson. Philadelphia: University of Pennsylvania Press, 1998.
Kantorowicz, Ernst H. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton, NJ: Princeton University Press, 1957.
Kantorowicz, Ernst H. "The Sovereignty of the Artist: A Note on Legal Maxims and Renaissance Theories of Art." In *Selected Studies*. Locust Valley, NY: J.J. Augustin, 1965.
Kuyper, Abraham. *Lectures on Calvinism*. Grand Rapids, MI: Eerdmanns, 1931.
Malcolm, Noel. *Aspects of Hobbes*. Oxford: Oxford University Press, 2004.
Maritain, Jacques. "The Concept of Sovereignty." *American Political Science Review* 44 (1950).
Milbank, John. *Beyond Secular Order: The Representation of Being and the Representation of the People*. Hoboken, NJ: Wiley Blackwell, 2013.
Milbank, John "On Complex Space." In *The Word Made Strange: Theology, Language, Culture*. Oxford: Blackwell, 1997.
Moltmann, Jürgen. "Covenant or Leviathan? Political Theology for Modern Times." *Scottish Journal of Theology* 47/1 (1994).
Negretto, Gabriel L. "Hobbes' Leviathan: The Irresistible Power of a Mortal God." *Analisi e diritto: Ricerche di giurisprudenza analitica* 2001.
Oakley, Francis. "The Absolute and Ordained Power of God and King in the Sixteenth and Seventeenth Centuries: Philosophy, Science, Politics, and Law." *Journal of the History of Ideas* 59/4 (1998).
Oakley, Francis. "The Absolute and Ordained Power of God in Sixteenth- and Seventeenth-Century Theology." *Journal of the History of Ideas* 59/3 (1998).
Oakley, Francis. "Jacobean Political Theology: The Absolute and Ordinary Powers of the King." *Journal of the History of Ideas* 29/3 (1968).
Oakley, Francis. *The Watershed of Modern Politics: Law, Virtue, Kingship, and Consent (1300–1650)*. New Haven: Yale University Press, 2015.
O'Donovan, Oliver. *The Desire of the Nations: Rediscovering the Roots of Political Theology*. Cambridge: Cambridge University Press, 1996.
O'Donovan, Oliver. "Government as Judgment." *First Things* 92 (April 1999): 36.
O'Donovan, Oliver. *The Ways of Judgment*. Grand Rapids, MI: Eerdmans, 2005.
Oppenheim, Lassa. *International Law: A Treatise*. Edited by Ronald Roxburgh. 3rd ed. London: Longmans, Green and Co, 1920.
Pennington, Kenneth. "Law, Legislative Authority, and Theories of Government, 1150–1300." In *The Cambridge History of Medieval Political Thought C. 350—C. 1450*, edited by J.H. Burns. Cambridge: Cambridge University Press, 1988.
Rudavsky, Tamar, ed. *Divine Omniscience and Omnipotence in Medieval Philosophy: Islamic, Jewish and Christian Perspectives*. Dordrecht: Springer, 1985.
Runciman, David. *Pluralism and the Personality of the State*. Cambridge: Cambridge University Press, 1997.

Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by George Schwab. Chicago: University of Chicago Press, [1922] 2005.
Sinclair, Ian. *The Vienna Convention on the Law of Treaties*. 2nd ed. Manchester: Manchester University Press, 1984.
Skinner, Quentin. *The Foundations of Modern Political Thought. Volume II: The Age of Reformation*. Cambridge: Cambridge University Press, 1978.
Van Der Vyver, Johan D. "Sphere Sovereignty of Religious Institutions: A Contemporary Calvinistic Theory of Church-State Relations." In *Church Autonomy: A Comparative Survey*, edited by Gerhard Robbers. Frankfurt am Main: Peter Lang, 2001.
Walker, Neil. *Intimations of Global Law*. Cambridge: Cambridge University Press, 2015.
Wight, Martin. *Systems of States*. Leicester: Leicester University Press, 1977.
Wright, George Herbert. *Religion, Politics and Thomas Hobbes*. Dordrecht: Springer, 2005.
Augier, Serge. *La pensé solidariste*. Paris: PUF, 2010.
Baggio, Antonio Maria. "The Forgotten Principle: Fraternity in its Public Dimension." *Claritas: Journal of Dialogue and Culture* 2/2 (2013): 35–52.
Bayertz, Kurt. *Solidarität. Begriff und Problem*. Frankfurt am Main: Suhrkamp, 1998. [*Solidarity*, Springer, 1999].
Benedict XVI, Pope. "Caritas in veritate." *Acta Apostolicae Sedis*, 101/8 (2009): 641–709.
Blais, Marie-Claude. *La solidarité. Histoire d'une idée*. Paris: Éditions Gallimard, 2007.
Blondel, Maurice. *Action* (1893). *Essay on a Critique of Life and a Science of Practice*. Notre Dame, IN: University of Notre Dame Press, 1984.
Bouglé, Celestin. "Note sur les origines chrétiennes du solidarisme." *Revue de Métaphysique et de morale* 44 (1906): 251–64.
Cooley, Charles Horton. *On Self and Social Organization*. Chicago and London: The University of Chicago Press, 1998.
Delbos, Victor. "Compte rendu su L'Action (1893) de Maurice Blondel." *Revue philosophique de la France et de l'étranger* (1894).
Francis, Pope. "Ad participes Sessionis Plenariae Pontificiae Academiae Scientiarum Socialium." Acta Apostolicae Sedis, 109/5 (2017): 481–486.
John Paul II, Pope. "Sollicitudo rei sociales." *Acta Apostolicae Sedis*, 80/5 (1988): 513–86.
Leroux, Pierre. *De L'Humanité*. Paris: Fayard, 1985.
Leroux, Pierre. *La Grève de Samarez. Poème Philosophique*. Paris: E. Dentú, 1863.
Metz, Karl H. "Solidarität und Geschichte. Institution und sozialer Begriff der Solidarität in Westeuropa im 19.Jahrhundert." In Bayertz, *Solidarität. Begriff und Problem*.
Monti, Eros. *Alle Fonti della Solidarietà. La nozione di solidarietà nella Dottrina Sociale della Chiesa*. Milano: Pontificia Universitas Gregoriana, 1999.
Oseewaard, Marinus. "Settling the Social Question: Three Variants of Modern Christian Social Thought." *Journal of Markets & Morality* 14/2 (2011): 301–17.
Parsons, Talcott. "On the Concept of Influence." In *On Institutions and Social Evolution*. Chicago: The University of Chicago Press, 1982.
Parsons, Talcott. *The Structure of Social Action: A Study in Social Theory with Special Reference to a Group of Recent European Writers*. Vol. 2. New York: Free Press, 1968.

Ratzinger, Joseph Cardinal. *Die Christliche Brüderlichkeit*. München: Kösel Verlag, 1960. [*The Meaning of Christian Brotherhood*. San Francisco: Ignatius Press, 1993.]
Rawls, John. *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1971.
Rodrigo del Blanco, María José. *Pitirim A. Sorokin: Equilibrio social y solidaridad*. Pamplona: Servicio de Publicaciones de la Universidad de Navarra, 2003.
Russo, Antonio. "L'idée de solidarité dans Catholicisme (1938)." *Revue théologique de Louvain* 44 (2013): 55–81.
Sennett, Richard. *Together: The Rituals, Pleasures, and Politics of Cooperation*. London: Penguin Books, 2013.
Sorokin, Pitirim A. *Social and Cultural Mobility*. New York: The Free Press, 1959.
Sorokin, Pitirim A. *The Ways and Power of Love*. Boston: Beacon Press, 1954.
Stjernø, Steinar. *Solidarity in Europe: The History of an Idea*. Cambridge: Cambridge University Press, 2009.
Tarde, Gabriel de. *On Communication and Social Influence: Selected Papers*. Chicago: University of Chicago Press, 2010.
Vincent, Gilbert. "Ethos Protestant, Éthique de la solidarité. L'heritage kantien. Reprises et transformations." *Revue d'Histoire et de philosophie religieuses* 82/3 (2002): 307–30.
Wilkinson, Iain, and Arthur Kleinan. *A Passion for Society: How We Think About Human Suffering*. Oakland: University of California Press, 2016.
Zimmermann, Reinhard. *The Law of Obligations: Roman Foundation of the Civilian Tradition*. Oxford: Oxford University Press, 1996.
Baumgartner, Alois. "'Jede Gesellschaftstätigkeit ist ihrem Wesen nach subsidiär': Zur anthropologischen und theologischen Begründung der Subsidiarität." In Nörr and Oppermann, *Subsidiarität: Idee und Wirklichkeit*.
Buss, Franz Joseph von. *Die Aufgabe des katholischen Theils teutscher Nation in der Gagenwart, oder der katholische Verein Teutschlands*. Regensburg: Verlag von Georg Joseph Manz, 1851.
Coleman, John S.J. "Development of Church Social Teaching." In *Official Catholic Social Teaching*, edited by Charles E. Curran and Richard A. McCormick. New York: Paulist Press, 1986.
Furet, François. "The Night of August 4." In *A Critical Dictionary of the French Revolution*, edited by François Furet and Mona Ozouf and translated by Arthur Goldhammer. Cambridge, MA: The Belknap Press, 1989.
Gilson, Étienne. *The Church Speaks to the Modern World: The Social Teachings of Leo XIII*. Garden City, NY: Doubleday, 1954.
Gundlach, Gustav. *Die Ordnung der menschlichen Gesellschaft*. Vol. 1. Köln: Verlag J.P. Bachem, Katholischen Sozialwissenschaftlichen Zentralstelle, Mönchengladbach, 1964.
Hagel, Joachim. *Solidarität und Subsidiarität—Prinzipien einer theologischen Ethik? Eine Untersuchung zur normativen Ordnungstheorie*. Innsbruck and Vienna: Tyrolia Verlag 1999.
Hayward, J.E.S. "The Idea of Solidarity in French Social and Political Thought in the Nineteenth and Early Twentieth Centuries." PhD diss., University of London, 1958.
Höffner, Joseph. "Christliche Gesellschaftslehre." In *Joseph Höffner: Ausgewählte Schriften, Bd. 1, Perspektiven Sozialer Gerechtigkeit*, edited by Ursula Nothelle-Wildfeuer and Jörg Althammer. Paderborn: Ferdinand Schöningh 2015.

Isensee, Josef. *Subsidiaritätsprinzip und Verfassungsrecht: Eine Studie über das Regulativ des Verhältnisses von Staat und Gesellschaft*. 2nd ed. Berlin: Duncker & Humblot, 2001.

Ketteler, Wilhelm Emmanuel Freiherr von. "Freiheit, Autorität und Kirche." In *Sämtliche Werke und Briefe*, edited by Erwin Iserloh, section 1, vol. 1. Mainz: von Hase & Koehler Verlag, 1977.

Ketteler, Wilhelm Emmanuel Freiherr von. *Wilhelm Emmanuel von Kettelers Schriften, Bd. I: Religiöse, kirchliche u. kirchenpolitische Schriften*, edited by Johannes Mumbauer. Kempten and München: Verlag der Jos. Kölsel'schen Buchhandlung, 1911.

Kittner, Michael. *Arbeits- und Sozialordnung*. Continued by Olaf Deinert. Frankfurt am Main: Bund Verlag, 2018.

Kohler, Thomas C. "In Praise of Little Platoons." In *Building the Free Society: Democracy, Capitalism and Catholic Social Teaching*, edited by George Weigel and Robert Royal. Grand Rapids, MI: Eerdmans, 1993.

Kohler, Thomas C. "Lessons from the Social Charter: State, Corporation and the Meaning of Subsidiarity." *University of Toronto Law Journal* 43 (1993): 607ff.

Komonchak, Joseph A. "Subsidiarity in the Church: The State of the Question." *Jurist* 48 (1998): 298ff.

Koslowski, Peter. "Subsidiarität als Prinzip der Koordination der Gesellschaft." In Nörr and Oppermann, *Subsidiarität: Idee und Wirklichkeit*.

Lawrence, Frederick G. "The Economic Good of Order and Culture in Relation to Solidarity, Subsidiarity, and Responsibility." In *The Fragility of Consciousness: Faith, Reason and the Human Good*, edited by Randall S. Rosenberg and Kevin M. Vander Schel, 296ff. Toronto, Buffalo and London: The University of Toronto Press, 2017.

Lecheler, Helmut. *Das Subsidiaritätsprinzip: Strukturprinzip einer europäischen Union*. Berlin: Duncker & Humblot, 1993.

Lincoln, Abraham. *Collected Works*. Edited by Roy P. Basler. New Brunswick, NJ: Rutgers University Press, 1953.

Machiavelli, Niccòlo. *The Prince*. Translated by Harvey C. Mansfield. Chicago and London: University of Chicago Press, 1985.

Millon-Delsol, Chantal. *L'État Subsidiaire: Ingérence et non-ingérence de l'État: le principe de subsidiarité aux fondements de l'histoire européenne*. Paris: Presses Univeritaires de France, 1992.

Montesquieu. *The Spirit of the Laws*. Translated by Thomas Nugent. New York: Hafner, 1949.

Mounier, Emmanuel. *Personalism*. Translated by Philip Mairet. Notre Dame, IN: University of Notre Dame Press, 1952.

Nell-Breuning, Oswald von. *Baugesetz der Gesellschaft: Solidarität und Subsidiarität*. Freiburg im Breisgau: Herder Verlag, 1990.

Nörr, Knut Wolfgang, and Thomas Oppermann, eds. *Subsidiarität: Idee und Wirklichkeit: Zur Reichweit eines Prinzips in Deutschland und Europa*. Tübingen: Mohr-Siebeck, 1997.

Nothelle-Wildfeuer, Ursula, and Arnd Küppers. "Subsidiarität." In *Neues Handbuch philosophischer Grundbegriffe*, edited by Armin G. Wildfeuer and Petra Kolmer, 2135–45. Freiburg im Breisgau: Verlag Karl Alber, 2013.

Pontifical Council for Justice and Peace. *Compendium of the Social Doctrine of the Church*. Città del Vaticano: Libreria Editrice Vaticana, 2004.

Schasching, Johannes. *Zeitgerecht, zeitbedingt: Nell-Breuning und die Sozialenzyklika Quadragesimo anno nach dem Vatikanischen Geheimarchiv*. Bornheim: Ketteler, 1994.
Tischner, Jósef. *The Spirit of Solidarity*. Translated by Marek B. Zalensi and Benjamin Fiore S.J. San Francisco: Harper & Row, 1984.
Tocqueville, Alexis de. *Democracy in America*. Edited by J.P. Meyer and translated by George Lawrence. Garden City, NY: Anchor Books, 1969.
Tuebner, Gunther. "Substantive and Reflexive Elements in Modern Law." *Law and Society Review* 17 (1983): 229.
Voegelin, Eric. "The German University and the Order of German Society: A Reconsideration of the Nazi Era." In *Published Essays, 1966–1985*. Baton Rouge: Louisiana State University Press, 1990.
Wedderburn, Kenneth William, Lord of Charlton. "The Social Charter in Britain: Labour Law and Labour Courts?" Chorley Lecture 1990. *Modern Law Review* 54 (1991): 14.
Arendt, Hannah. *On Revolution*. New York: Viking Press, 1957.
Bainton, Roland H. *The Travail of Religious Liberty: Nine Biographical Studies*. Philadelphia: Fortress Press, 1951.
Berman, Harold J. "World Law: An Ecumenical Jurisprudence of the Holy Spirit." *Theology Today* 63 (Fall 2006): 365–74.
Bouwman, Bastiaan. "Universal Rights in a Divided World: The Human Rights Engagement of the World Council of Churches from the 1940s to the 1970s." PhD diss., London School of Economics, 2018.
Chappel, James. *Catholic Modern: The Challenge of Totalitarianism and the Remaking of the Church*. Cambridge, MA: Harvard University Press, 2018.
Chappel, James. "Explaining the Catholic Turn to Rights in the 1930s." In *Christianity and Human Rights Revisited*, edited by Daniel Steinmetz Jenkins and Sarah Shortall. Cambridge: Cambridge University Press, forthcoming.
Collinson, Patrick. "The Case of and for Protestantism." In *Historical Change and Human Rights*, edited by Olwen Hufton. New York: Harper Collins, 1995.
Domingo, Rafael. *The New Global Law*. Cambridge: Cambridge University Press, 2010.
Edelstein, Dan. "Christian Human Rights in the French Revolution." *Journal of the History of Ideas* 79/3 (July 2018): 411–26.
Edelstein, Dan. *On the Spirit of Rights*. Chicago: University of Chicago Press, 2018.
Elliott, J.H. *Empires of the Atlantic World: Britain and Spain in America, 1492–1830s*. New Haven: Yale University Press, 2006.
Engler, Mark. "Toward the 'Rights of the Poor': Human Rights in Liberation Theology." *Journal of Religious Ethics* 28/3 (Fall 2000): 339–65.
Gregory, Brad. *The Unintended Reformation: How a Religious Revolution Secularized Society*. Cambridge, MA: Harvard University Press, 2012.
Halme-Tuomisaari, Miia, and Pamela Slotte, eds. *Revisiting the Origins of Human Rights*. Cambridge: Cambridge University Press, 2015.
Henkin, Louis. "Judaism and Human Rights." *Judaism* 25/4 (Fall 1976): 435–46.
Howard, Thomas Albert. *Remembering the Reformation: An Inquiry into the Meanings of Protestantism*. Oxford: Oxford University Press, 2018.
Invernizzi Accetti, Carlo. *What Is Christian Democracy? Politics, Religion, and Ideology*. Cambridge: Cambridge University Press, 2019.

Jenkins, Daniel Steinmetz, and Sarah Shortall, eds. *Christianity and Human Rights Revisited*. Cambridge: Cambridge University Press, forthcoming.
John Paul II, Pope. *Ecclesia in Europa*. London: Catholic Truth Society, 2003.
Lake, Marilyn, and Henry Reynolds. *Drawing the Global Color Line: White Men's Countries and the International Challenge of Racial Equality*. Cambridge: Cambridge University Press, 2008.
Lecler, Joseph S.J. *Histoire de la tolérance au siècle de la Réforme*. 2 vols. Paris: Aubier, 1955. Available in English as *Tolerance and the Reformation*. 2 Vols. Translated by T.L. Westow. New York: Association Press, 1960.
Lindqvist, Linde. *Religious Freedom and the Universal Declaration of Human Rights*. Cambridge: Cambridge University Press, 2017.
Macintyre, Alasdair. *After Virtue: A Study in Moral Theory*. Notre Dame, IN: Notre Dame University Press, 1981.
Moyn, Samuel. *Christian Human Rights*. Philadelphia: University of Pennsylvania Press, 2015.
Moyn, Samuel. "The First Historian of Human Rights." *American Historical Review* 116/1 (February 2011): 58–79.
Moyn, Samuel. *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press, 2010.
Moyn, Samuel. "Personalism, Community, and the Origins of Human Rights." In *Human Rights in the Twentieth Century*, edited by Stefan-Ludwig Hoffmann. Cambridge: Cambridge University Press, 2011.
Moyn, Samuel. "Too Much Secularism? Religious Freedom in European History and the European Court of Human Rights." In *Freedom of Religion, Secularism, and Human Rights*, edited by Nehal Bhuta. Oxford: Oxford University Press, 2019.
Ritter, Gerhard. "Die englisch-amerikanischen Kirchen und die Friedensfrage." *Zeitwende* 18 (1949): 459–70.
Schultz, Kevin M. *Tri-Faith America: How Catholics and Jews Held Postwar America to Its Protestant Promise*. Oxford: Oxford University Press, 2011.
Schwarzschild, Steven S. "Do Noachites Have to Believe in Revelation? (A Passage in Dispute between Maimonides, Spinoza, Mendelssohn, and Hermann Cohen): A Contribution to a Jewish View of Natural Law." In *Pursuit of the Ideal: Jewish Writings of Steven Schwarzschild*, edited by Menachem Kellner. Albany: State University of New York Press, 1990.
Soirila, Ukri. "The Law of Humanity Project: An Immanent Critique." PhD diss., University of Helsinki, 2018.
Villey, Michel. *Le droit et les droits de l'homme*. Paris: Presses Universitaires de France, 1983.
Walker, Neil. *Intimations of Global Law*. Cambridge: Cambridge University Press, 2014.
Walzer, Michael. *The Revolution of the Saints: A Study in the Origins of Radical Politics*. Cambridge, MA: Harvard University Press, 1965.
Wilken, Robert Louis. *Liberty in the Things of God: The Christian Origins of Religious Freedom*. New Haven: Yale University Press, 2019.
Witte, John, Jr. *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism*. Cambridge: Cambridge University Press, 2007.
Witte, John, Jr., and Frank S. Alexander, eds. *Christianity and Human Rights: An Introduction*. Cambridge: Cambridge University Press, 2011.

Zuber, Valentine. *L'origine religieuse des droits de l'homme: le christianisme face aux libertés modernes (XVIIIe—XXIe siècles)*. Geneva: Labor et Fides, 2017.
Afsharipour, Afra, and Shruti Rana. "The Emergence of New Corporate Social Responsibility Regimes in China and India." *UC Davis Business Law Journal* 14 (2014): 175.
Alan, Robert C. *Global Economic History: A Very Short Introduction*. Oxford: Oxford University Press, 2011.
Barro, Robert J., and Rachel McCleary. "Religion and Economic Growth." NBER Working Paper No. 9682, May 2003. www.nber.org/papers/w9682.
Becker, Sasha O., Steven Pfaff, and Jared Rubin. "Causes and Consequences of the Protestant Reformation." https://warwick.ac.uk/fac/soc/economics/research/workingpapers/2016/twerp_1105_becker.pdf.
Benedict XVI, Pope. "Caritas in veritate." Encyclical Letter of the Supreme Pontiff. http://w2.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html.
Bush, Robin, Philip Fountain, and R. Michael Feener. "Religious Actors in Disaster Relief: An Introduction." *International Journal of Mass Emergencies and Disaster* 33/1 (2015). www.ijmed.org/articles/667/download/.
Chamberlain, John. *The Roots of Capitalism*. Indianapolis, IN: Liberty Fund, 1977.
Clarke, John N., and Geoffrey R. Edwards, eds. *Global Governance in the Twenty-First Century*. Basingstoke: Palgrave Macmillan, 2004.
Colish, Marcia L. *Medieval Foundations of the Western Intellectual Tradition 400–1400*. New Haven: Yale University Press, 1997.
Crane, Daniel A., and Samuel Gregg, eds. *Christianity and Market Regulation*. Cambridge: Cambridge University Press, forthcoming.
Decock, Wim. "Martín de Azpilcueta." In Domingo and Martínez-Torrón, *Great Christian Jurists in Spanish History*.
Domingo, Rafael, and Javier Martínez-Torrón, eds. *Great Christian Jurists in Spanish History*. Cambridge: Cambridge University Press, 2018.
Freeman, Dena. "Pentecostalism and Economic Development in Sub-Saharan Africa." In *The Routledge Handbook of Religions and Global Development*, edited by Emma Tomalin. London: Routledge, 2015.
Gregg, Samuel. "Commercial Order and the Scottish Enlightenment: The Christian Context." In *Christian Theology and Market Economics*, edited by Ian R. Harper and Samuel Gregg, 43–59. Cheltenham: Edward Elgar Publishing Inc., 2008.
Grotius, Hugo. *The Rights of War and Peace Including the Law of Nature and of Nations.* Translated by A.C. Campbell. Washington, DC and London: M.W. Dunne, 1901.
Harper, Ian R., and Samuel Gregg, eds. *Christian Theology and Market Economics.* Cheltnham: Edward Elgar Publishing Inc., 2008.
Harrison, Debbie, and Hans Kjellberg, "How Users Shape Markets." https://journals.sagepub.com/doi/pdf/10.1177/1470593116652004
Janz, Denis R. *World Christianity and Marxism*. New York: Oxford University Press, 1998.
Jedwab, Remi, Felix Meier, and Alexander Moradi. "The Economics of Missionary Expansion: Evidence from Africa and Implications for Development." Centre for the Study of African Economies. July 5, 2018. https://pdfs.semanticscholar.org/ed41/6084500b874309e962e65cc4eb3239951183.pdf.
Khanna, V.S. "Corporate Criminal Liability: What Purposes Does It Serve?" *Harvard Law Review* 109 (1996): 1477.

Krugman, Paul R., Maurice Obstfeld, and Marc Melitz. *International Economics: Theory and Practice, Global Edition*. 2nd ed. New York: Pearson, 2017.
Kurt, Didem, J. Jeffrey Inman, and Francesca Gino. "Shoppers with Strong Religious Beliefs Spend Less and Make Fewer Impulse Purchases." https://hbr.org/2018/07/shoppers-with-strong-religious-beliefs-spend-less-and-make-fewer-impulse-purchases.
Luther, Martin. "On Trading and Usury." In *Works of Martin Luther*. Philadelphia: A.J. Holman Company, 1915.
Marshall, Katherine. "Faith, Religion, and International Development." In Oslington, *The Oxford Book of Christianity and Economics*.
Mokyr, Joel. *A Culture of Growth: The Origins of the Modern Economy*. Princeton, NJ: Princeton University Press, 2018.
Oslington, Paul, ed. *The Oxford Book of Christianity and Economics*. Oxford: Oxford University Press, 2014.
Pew Forum. "Global Christianity: A Report on the Size and Distribution of the World's Christian Population." www.pewforum.org/2011/12/19/global-christianity-exec/.
Pufendorf, Samuel. *Political Writings*. Edited by Craig L. Carr and translated by Michael J. Seidler. New York: Oxford University Press, 1994.
Stark, Rodney. *The Victory of Reason: How Christianity Led to Freedom, Capitalism, and Western Success*. New York: Random House, 2007.
Stiglitz, Joseph E. *Globalization and Its Discontents*. New York: W.W. Norton, 2002.
Temple, William. *The Kingdom of God*. London: The Macmillan Company, 1912.
Thaut, Laura C. "The Role of Faith in Christian Faith-Based Humanitarian Agencies: Constructing the Taxonomy." *International Journal for Voluntary and Nonprofit Organizations* 20 (2009): 319–50. https://link.springer.com/article/10.1007%2Fs11266-009-9098-8.
Tomalin, Emma, ed. *The Routledge Handbook of Religions and Global Development*. London: Routledge, 2015.
Turley, Steve. *The New Nationalism: How the Populist Right Is Defeating Globalism and Awakening a New Political Order*. Turley Talks, 2018.
Williams, Paul S. "Christianity and the Global Economic Order." In Oslington, *The Oxford Book of Christianity and Economics*.
Wood, Eric A.S., and Peter S. Heslam. "Faith and Business Practice Amongst Christian Entrepreneurs in Developing and Emerging Markets." www.scielo.org.za/pdf/koers/v79n2/04.pdf.
Woodberry, Robert D. *The Missionary Roots of Liberal Democracy*. Washington, DC: American Political Science Association, 2012.
World Council of Churches. "Roadmap for Congregations, Communities, and Churches for an Economy of Life and Ecological Justice." March 11, 2019. www.oikoumene.org/en/resources/documents/wcc-programmes/diakonia/economy-of-life/roadmap-for-congregations-communities-and-churches-for-an-economy-of-life-and-ecological-justice.
Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford, CA: Stanford University Press, 1998.
Aleinikoff, T. Alexander. *International Legal Norms and Migration: An Analysis*. Geneva: International Organization for Migration, 2002.
Allain, Jean. "The *Jus Cogens* Nature of *Non-refoulement*." *International Journal of Refugee Law* 13/4 (2001): 533–58.

Allard, Silas W. "Global and Local Challenges to Refugee Protection." *International Journal of Legal Information* 46/1 (2018): 45–52.

Allard, Silas W. "Reimagining Asylum: Religious Narratives and the Moral Obligation to the Asylum Seeker." *Refuge: Canada's Journal on Refugees* 29/1 (2013): 121–29. http://pi.library.yorku.ca/ojs/index.php/refuge/article/view/37521.

Arendt, Hannah. "Part Two: Imperialism." In *The Origins of Totalitarianism*. Orlando, FL: Harcourt, Inc., 1976.

Betts, Alexander. *Survival Migration: Failed Governance and the Crisis of Displacement*. Ithaca, NY: Cornell University Press, 2013.

Bretherton, Luke. *Christianity and Contemporary Politics: The Conditions and Possibilities of Faithful Witness*. Malden, MA: Wiley-Blackwell, 2010.

Carroll R., M. Daniel. *Immigration and the Bible*. Missio Dei 19. Elkhart, IN: Mennonite Mission Network, 2010.

Costello, Cathryn, and Michelle Foster. "Non-Refoulement as Custom and *Jus Cogens*? Putting the Prohibition to the Test." In *Netherlands Yearbook of International Law 2015: Jus Cogens: Quo Vadis?* edited by Maarten den Heijer and Harmen van der Wilt, 273–327. The Hague: T.M.C. Asser Press, 2016.

Cruz, Gemma Tulud. *Toward a Theology of Migration: Social Justice and Religious Experience*. New York: Palgrave Macmillan, 2014.

Domingo, Rafael. *The New Global Law*. Cambridge: Cambridge University Press, 2010.

Douglas, Mary. *Mary Douglas Collected Works. Vol. 2: Purity and Danger: An Analysis of Concepts of Pollution and Taboo*. London: Routledge, 2003.

Einarsen, Terje. "Part One Background, Drafting History of the 1951 Convention and the 1967 Protocol." In *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol: A Commentary*, edited by Andreas Zimmermann, Felix Machts, and Jonas Dörschner. Oxford: Oxford University Press, 2011. http://opil.ouplaw.com.proxy.library.emory.edu/view/10.1093/actrade/9780199542512.001.0001/actrade-9780199542512-chapter-2.

Francis, Pope. "Homily at 'Arena' Sports Camp, Salina Quarter, Lampedusa, Italy," July 8, 2013. http://w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130708_omelia-lampedusa.html.

Francis, Pope. "Message of His Holiness Pope Francis for the 51st World Day of Peace 1 January 2018: Migrants and Refugees: Men and Women in Search of Peace." In *Towards the Global Compacts on Migrants and on Refugees 2018*. Vatican City: Migrants & Refugees Section, Integral Human Development, 2018.

Gatrell, Peter. *The Making of the Modern Refugee*. Oxford: Oxford University Press, 2013.

Goodwin-Gill, Guy S., and Jane McAdam. *The Refugee in International Law*. 3rd ed. Oxford: Oxford University Press, 2007.

Groody, Daniel G., and Gioacchino Campese. *A Promised Land, a Perilous Journey: Theological Perspectives on Migration*. Notre Dame, IN: University of Notre Dame Press, 2008.

Hamid, Mohsin. *Exit West*. New York: Riverhead Books, 2017.

Hathaway, James C. "The Global Cop-Out on Refugees." *International Journal of Refugee Law* 30/4 (2018): 591–604.

Heimburger, Robert W. *God and the Illegal Alien: United States Immigration Law and a Theology of Politics*. Cambridge: Cambridge University Press, 2018.

Heyer, Kristin E. *Kinship Across Borders: A Christian Ethic of Immigration*. Washington, DC: Georgetown University Press, 2012.
International Organization for Migration. *World Migration Report 2018*. Geneva: International Organization for Migration, 2017.
Kang, Namsoon. *Cosmopolitan Theology: Reconstituting Planetary Hospitality, Neighbor-Love, and Solidarity in an Uneven World*. St. Louis, MO: Chalice Press, 2013.
Kerwin, Donald. "The Natural Rights of Migrants and Newcomers: A Challenge to U.S. Law and Policy." In Groody and Campese, *A Promised Land, a Perilous Journey: Theological Perspectives on Migration*.
Lauterpacht, Elihu, and Daniel Bethlehem. "The Scope and Content of the Principle of *Non-Refoulement*: Opinion." In *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*, edited by Erika Feller, Volker Türk, and Frances Nicholson. Cambridge: Cambridge University Press, 2003.
Malkki, Liisa Helena. "Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization." In *Genocide: An Anthropological Reader*, edited by Alexander Laban Hinton, 344–67. Malden, MA: Blackwell Publishers, Inc., 2002.
Ngai, Mae M. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton University Press, 2014.
Rajendra, Tisha M. *Migrants and Citizens: Justice and Responsibility in the Ethics of Immigration*. Grand Rapids, MI: William B. Eerdmans Publishing Co., 2017.
Reed, Esther D. *Theology for International Law*. London: Bloomsbury, 2013.
Schoenholtz, Andrew I. "The New Refugees and the Old Treaty: Persecutors and Persecuted in the Twenty-First Century." *Chicago Journal of International Law* 16/1 (2015): 81–126, 83.
Simpson, John Hope. *The Refugee Problem: Report of a Survey*. Oxford: Oxford University Press, 1939.
Snyder, Susanna. *Asylum-Seeking, Migration and Church*. Burlington, VT: Ashgate, 2012.
Steck, Christopher. "Solidarity, Citizenship, and Globalization: Developing a New Framework for Theological Reflection on U.S.—Mexico Immigration." *Journal for Peace and Justice Studies* 14/2 (2004): 164.
United Nations High Commissioner for Refugees. *Global Trends: Forced Displacement in 2017*. Geneva: UNHCR, 2018.
Allen, Michael. "Pythagoras in the Early Renaissance." In *A History of Pythagoreanism*, edited by Carl A. Huffman, 435–53. Cambridge: Cambridge University Press, 2014.
Aquinas, Thomas. *Summa Contra Gentiles*. Translated by Vernon J. Bourke. Notre Dame, IN: University of Notre Dame Press, 1975.
Arnaoutoglou, Ilias. *Ancient Greek Laws: A Sourcebook*. London: Routledge, 1998.
Augustine. *The City of God*. Translated by Henry Bettenson. New York: Penguin, 2004.
Benvenisti, Eyal, and Georg Nolte, eds. *Community Interests Across International Law*. Oxford: Oxford University Press, 2018.
Blattner, Charlotte E. *Protecting Animals Within and Across Borders: Extraterritorial Jurisdiction and the Challenges of Globalization*. Oxford: Oxford University Press, 2019.
Bodansky, Daniel. "What's in a Concept? Global Public Goods, International Law, and Legitimacy." *European Journal of International Law* 23/3 (2012): 651–68.

Braithwaite, Victoria. *Do Fish Feel Pain?* Oxford: Oxford University Press, 2010.
Brett, Annabel. *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. Princeton, NJ: Princeton University Press, 2011.
Brett, Annabel. "Rights of and over Animals in the *Ius Naturae et Gentium* (Sixteenth and Seventeenth Centuries)." *AJIL Unbound* 111 (2017): 257–61.
Broder, John M. "Climate Change Doubt Is Tea Party Article of Faith." *New York Times*, October 20, 2010.
Brosnan, Kathleen A. "Law and the Environment." In *The Oxford Handbook of Environmental History*, edited by Andrew C. Isenberg. New York: Oxford University Press, 2014.
Brunnée, Jutta. "International Environmental Law and Community Interests: Procedural Aspects." In *Community Interests Across International Law*, edited by Eyal Benvenisti and Georg Nolte. 151–75.
Cicero, Marcus Tullius. "On the Agrarian Law." In Pro Quinctio. Pro Roscio Amerino. Pro Roscio Comoedo. On the Agrarian Law. Translated by J. H. Freese. Loeb Classical Library 240. Cambridge, MA: Harvard University Press, 1930.
Cunaeus, Petrus. *De Republica Hebraeorum*. Leiden, 1617.
Cooke, Steve. "Understanding Animal Liberation." In Garner and O'Sullivan, *Political Turn*, 119–35.
Depew, David J. "The Ethics of Aristotle's *Politics*." In *A Companion to Greek and Roman Political Thought*, edited by Ryan K. Balot, 399–418. Chichester: Wiley-Blackwell, 2009.
Ephrem. *Commentary in Genesis* II.4. *St. Ephrem the Syrian: Selected Prose Works, 99*. Edited by Kathleen McVey and translated by Edward G. Mathews, Jr. and Joseph P. Amar. Washington, DC: The Catholic University of America Press, 1994.
Evans, Edward Payson. *The Criminal Prosecution and Capital Punishment of Animals* (1906). London: Faber & Faber, 1988.
Evrigenis, Ioannis. *Images of Anarchy*. Cambridge: Cambridge University Press, 2014.
Feichtner, Isabel, and Surabhi Ranganathan. "International Law and Economic Exploitation in the Global Commons: Introduction." *European Journal of International Law* 30/2 (2019): 541–46.
Fischer, Michael. *Tierstrafen und Tierprozesse: zur sozialen Konstruktion von Rechtssubjekten*. Münster: Lit verlag, 2002.
Francis, Pope. *Laudato Si': On Care for Our Common Home*. Papal Encyclical. Rome: Vatican City, 2015.
Garner, Robert. "A Defense of a Broad Animal Protectionism." In *The Animal Rights Debate: Abolition or Regulation?* edited by Gary Francione and Robert Garner, 103–74. New York: Columbia University Press, 2010.
Garner, Robert, and Siobhan O'Sullivan, eds. *The Political Turn in Animal Ethics*. London: Rowman & Littlefield, 2016.
Girgen, Jen. "The Historical and Contemporary Prosecution and Punishment of Animals." *Animal Law* 9 (2003): 97–133.
Gore, Al. *The Assault on Reason*. New York: Penguin, 2007.
Grant, Robert M. *Early Christians and Animals*. London: Routledge, 1999.
Grotius, Hugo. *Mare liberum* (1609). Edited by David Armitage and translated by Richard Hakluyt. Indianapolis, IN: Liberty Fund, 2004.
Grotius, Hugo. *The Truth of Christian Religion* (1625). Edited by Maria Rosa Antognazza and translated by John Clarke in 1743. Indianapolis, IN: Liberty Fund, 2012.

Hagencord, Rainer, ed. *Wenn sich Tiere in der Theologie tummeln: Ansätze einer theologischen Zoologie*. Regensburg: Pustet, 2010.
Harrington, James. *The Censure of the Rota*. London, 1660.
Heltzel, P.G. "The World House: Prophetic Protestantism and the Struggle for Environmental Justice." *Union Seminary Quarterly Review* 63/1–2 (2010): 26–41.
Inglehart, R., and W.E. Baker. "Modernization, Cultural Change and the Persistence of Traditional Values." *American Sociological Review* 65/1 (2000): 19–51.
Irrgang, Bernhard. *Christliche Umweltethik: Eine Einführung*. München: Reinhardt, 1992.
James, I. *Political Writings*. Edited by Johann P. Sommerville. Cambridge: Cambridge University Press, 1994.
Jenkins, Willis J. *Ecologies of Grace: Environmental Ethics and Christian Theology*. Oxford: Oxford University Press, 2008.
Jenkins, Willis J., Mary Evelyn Tucker, and John Grim, eds. *Routledge Handbook of Ecology and Religion*. London: Routledge, 2016.
Jochemsen, Henk. "The Relationship Between (Protestant) Christianity and the Environment Is Ambivalent." *Philosophia Reformata* 83 (2018): 34–50.
Kaul, Inge. "Putting Climate Finance into Context: A Global Public Goods Perspective." In *Climate Finance*, edited by Anil Markandya, Ibon Galarraga, and Dirk Rübbelke, 129–56. Singapore: World Scientific Publishing, 2016.
Kotzé, L.J. *Global Environmental Constitutionalism in the Anthropocene*. London: Bloomsbury, 2016.
Kymlicka, Will. Review of Robert Garner and Siobhan O'Sullivan (eds.), "The Political Turn in Animal Ethics." *Animal Studies Journal* 6/1 (2017): 179–80.
Lin, Albert. "Pope Francis' Encyclical on the Environment as Private Environmental Governance." *George Washington Journal of Energy & Environmental Law* 9/1 (2018): 33–44.
Linzey, Andrew. *Animal Rights: A Christian Assessment of Man's Treatment of Animals*. London: SCM Press, 1976.
Linzey, Andrew. "Is Christianity Irredeemably Speciesist?" In *Animals on the Agenda: Questions About Animals for Theology and Ethics*, edited by Andrew Linzey and Dorothy Yamamoto. London: SCM, 1998.
McDuff, Mallory. *Natural Saints: How People of Faith Are Working to Save God's Earth*. New York: Oxford University Press, 2010.
McLaughlin, Ryan Patrick. "Evidencing the Eschaton: Progressive-Transformative Animal Welfare in the Church Fathers." *Modern Theology* 27/1 (2011): 121–46.
Mickelson, Karin. "Common Heritage of Mankind as a Limit to Exploitation of the Global Commons." *European Journal of International Law* 30/2 (2019): 635–63.
Moloney, Brian. *Francis of Assisi and His Canticle of Brother Sun Reassessed*. New York: Palgrave Macmillan, 2013.
de Montaigne, Michel. *The Essays: A Selection*, trans. and ed. M.A. Screech. London: Penguin, 1993.
Nagle, John Copeland. "Humility and Environmental Law." *Liberty University Law Review* 10/3 (2016): 335–69.
Nolte, George. "The International Law Commission and Community Interests." In Benvenisti and Nolte, *Community Interests*, 101–17.
Northcott, M.S. "Reformed Protestantism and the Origins of Modern Environmentalism." *Philosophia reformata* 83/1 (2018): 19–33.

Nussbaum, Martha. "Animal Rights: The Need for a Theoretical Basis." *Harvard Law Review* 114 (2001): 1506–49.
Parry, Lucy. "Deliberative Democracy and Animals: Not-So-Strange Bedfellows." In Garner and O'Cullivan, *Political Turn*, 137–54.
Pasquale, Frank, ed. *Care for the World: Laudato Si' and Catholic Social Thought in an Era of Climate Crisis*. Cambridge: Cambridge University Press, 2019.
Passmore, John. *Man's Responsibility for Nature*. London: Duckworth, 1974.
Peñalver, Eduardo M. "Carbon Trading and the Morality of Markets in *Laudato si'*." In Pasquale, *Care for the World*, 41–55.
Peters, Anne. "Global Animal Law: What It Is and Why We Need It." *Transnational Environmental Law* 5/1 (2016): 9–23.
Peters, Anne. "Introduction to the Symposium on Global Animal Law (Part I): Animals Matter in International Law and International Law Matters for Animals." *AJIL Unbound* 111 (2017): 252–56.
Porras, Ileana. "Appropriating Nature: Commerce, Property, and the Commodification of Nature in the Law of Nations." *Leiden Journal of International Law* 27 (2014): 641–60.
Purdy, Jedediah. "American Natures: The Shape of Conflict in Environmental Law." *Harvard Environmental Law Review* 36 (2012): 169–228.
Rahe, Paul. "The Political Needs of a Tool-Making Animal: Madison, Hamilton, Locke, and the Question of Property." *Social Philosophy & Policy* 22/1 (Winter 2005): 1–26.
Remele, Kurt. *Die Würde des Tieres ist unantastbar: eine neue christliche Tierethik*. Kevelaer: Butzon & Bercker, 2016.
Rosenberger, M. *Der Traum vom Frieden zwischen Mensch und Tier: eine christliche Tierethik*. München: Kösel, 2015.
Schrijver, Nico. *Permanent Sovereignty over Natural Resources: Balancing Rights and Duties*. Cambridge: Cambridge University Press, 2008.
Schroer, Silvia. *Die Tiere in der Bibel: Eine kulturgeschichtliche Reise*. Herder: Freiburg im Breisgau, 2010.
Schwartz, Eilon. "Is the Tree Human?" In *Trees, Earth, and Torah: A Tu B'Shvat Anthology*, edited by Ari Elon, Naomi Mara Hyman, and Arthur Waskow, 83–105. Philadelphia, PA: The Jewish Publication Society, 1999.
Scully, Matthew. *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy*. New York: St Martin's Griffin, 2002.
Shaffer, Gregory. "International Law and Global Public Goods in a Legal Pluralist World." *European Journal of International Law* 23/3 (2012): 669–93.
Shimo, Alexandra. "While Nestlé Extracts Millions of Litres from Their Land, Residents Have No Drinking Water." *The Guardian*, October 4, 2018.
Somos, Mark. *American States of Nature: The Origins of Independence, 1761–1775*. New York: Oxford University Press, 2019,
Stocker, Thomas F., et al. eds. *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. New York: Cambridge University Press, 2013.
Vossius, Gerardus. *De Theologia Gentili et physiologia Christiana, sive, De origine ac progressu idololatriae*. Amsterdam, 1642.
Warde, Paul. *The Invention of Sustainability: Nature and Destiny, c. 1500–1780*. Cambridge: Cambridge University Press, 2018.
Weiss, Edith Brown. *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity*. Dobbs Ferry, NY: Transnational Publishers, 1989.

White, Lynn. "The Historical Roots of Our Ecological Crisis." *Science* 155 (1967): 1205.
Winter, Caroline. "Nestlé Makes Billions Bottling Water It Pays Nearly Nothing for." *Bloomberg Businessweek*, September 22, 2017.
Adeno, Addis. "Imagining the International Community." *Human Rights Quarterly* 31 (2009): 145–50.
Akehurst, Michael. *A Modern Introduction to International Law*. New York: Atherton Press, 1970.
Allott, Philip. "Beyond War and Diplomacy: A Giant Step for Mankind." *German Yearbook of International Law* 60 (2017): 269–313.
Bederman, David. *International Law in Antiquity*. Cambridge: Cambridge University Press, 2001.
Biggar, Nigel. *In Defence of War*. Oxford: Oxford University Press, 2013.
Brooks, David. "At War in Libya." *New York Times*, March 21, 2011.
Brooks, David. "The Defection Track." *New York Times*, April 1, 2011.
Brownlie, Ian. *International Law and the Use of Force by States*. New York: Oxford University Press, 1963.
Carr, E.H. *The Twenty Years' Crisis 1919–1939*. London: The Macmillan Company, 1939.
Chayes, Abram. *The Cuban Missile Crisis: International Crises and the Role of Law*. New York: Oxford University Press, 1974.
Childress, James F. "Reinhold Niebuhr's Critique of Pacifism." *The Review of Politics* 36/4 (1974).
Christiansen, Drew. "How to Think About Humanitarian Intervention." *National Catholic Reporter*, August 22, 2014. www.ncronline.org/blogs/ncr-today/how-think-about-humanitarian-intervention.
D'Aspremont, Jean, and Jorg Kammerhofer. "Introduction." In *The Oxford Handbook on the Sources of International Law*, edited by Samantha Besson and Jean d'Aspremont, 12–13. Oxford: Oxford University Press, 2017.
Domingo, Rafael. *The New Global Law*. Cambridge: Cambridge University Press, 2010.
Elie, Paul. "A Man for All Reasons." *The Atlantic*, November 2007.
Elshtain, Jean Bethke. *Just War Against Terror: The Burden of American Power in a Violent World*. New York: Basic Books, 2003.
Elshtain, Jean Bethke. "The Third Annual Grotius Lecture: Just War and Humanitarian Intervention." *American University International Law Review* 17/1 (2001): 10.
Farrell, J.C. *Beloved Lady: A History of Jane Addams' Ideas on Reform and Peace*. Baltimore: Johns Hopkins University Press, 1967.
Friedman, Leon, ed. *The Law of War: A Documentary History*. New York: Random House, 1972.
Fuller, Lon L. "Positivism and Fidelity to Law—A Reply to Professor Hart." *Harvard Law Review* 71 (1957): 630–72.
Gordon, Geoff. "Natural Law in International Legal Theory: Linear and Dialectical Presentations." In Orford and Hoffmann, *The Oxford Handbook of the Theory of International Law*, 279–305.
Gray, Christine. *International Law and the Use of Force*. Oxford. Oxford University Press, 2018.
Grewe, W.G. *The Epochs of International Law*. Edited and translated by Michael Byers. New York: Walter de Gruyter, 2000.

Grotius, Hugo. *De Jure Belli ac Pacis* [The Law of War and Peace]. Translated by Francis W. Kelsey. Buffalo: Liberal Arts Press, 1995.
Hart, H.L.A. *The Concept of Law*. Oxford: Oxford University Press, 1961.
Hathaway, Oona A., and Scott J. Shapiro. *The Internationalists: How a Radical Plan to Outlaw War Remade the World*. New York: Simon & Schuster, 2017.
Hehir, J. Bryan. "What Can Be Done? What Should Be Done?" *America*, October 8, 2001. www.americamagazine.org/content/article.cfm?article_id=1066.
John XXIII, Pope. *Pacem in Terris*. Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity, and Liberty, April 11, 1963.
Johnson, James Turner. "Just War, as It Was and Is." *First Things*, January 1, 2005.
Justenhoven, Heinz-Gerhard, and Mary Ellen O'Connell, eds. *Peace Through Law: Reflections on* Pacem in Terris *from Philosophy, Law, Theology, and Political Science*. London: Nomos, Bloomsbury, 2016.
Kaveny, M.C. *Law's Virtues: Fostering Autonomy and Solidarity in American Society*. Washington, DC: Georgetown University Press, 2012.
Kelsen, Hans. *General Theory of Law and the State*. Translated by Anders Wedberg. Cambridge, MA: Harvard University Press, 1945.
Kingsbury, Benedict. "Legal Positivism as Normative Politics: International Society, Balance of Power and Lassa Oppenheim's Positive International Law." *European Journal of International Law* 13 (2002).
Koskenniemi, Martti. "Transformations of Natural Law, Germany 1648–1815." In Orford and Hoffmann, *The Oxford Handbook of the Theory of International Law*, 59–81.
Lauterpacht, Hersch. "The Grotian Tradition in International Law." *British Yearbook of International Law* 23 (1946): 1–53.
Luban, David, Alan Strudler, and David Wasserman. "Moral Responsibility in the Age of Bureaucracy." *Michigan Law Review* 90 (1992).
Neff, Stephen. *Justice Among Nations: A History of International Law*. Cambridge, MA: Harvard University Press, 2014.
Neff, Stephen. *War and the Law of Nations: A General History*. Cambridge: Cambridge University Press, 2005.
Niebuhr, Reinhold. *Moral Man and Immoral Society: A Study in Ethics and Politics*. New York: Charles Scribner's Sons, 1932.
Nussbaum, Arthur. *A Concise History of the Law of Nations*. New York: The Macmillan Company, 1954. Revised 1962.
O'Connell, Mary Ellen. *The Art of Law in the International Community*. Cambridge: Cambridge University Press, 2019.
O'Connell, Mary Ellen. "The Crisis in Ukraine—2014." In *The Use of Force in International Law: A Case-Based Approach*, edited by Tom Ruys, Olivier Corten, and Alexandra Hofer, 855–72. Oxford: Oxford University Press, 2018.
O'Connell, Mary Ellen, and Caleb Day. "Sources and the Legality and Validity of International Law: Natural Law as Source of Extra-Positive Norms." In *The Oxford Handbook on the Sources of International Law*, edited by Samantha Besson and Jean d'Aspremont, 562–80. Oxford: Oxford University Press, 2017.
Oppenheim, Lassa. *International Law, A Treatise*. Vol. 1. London: Longmans, Green, and Co., 1905.
Oppenheim, Lassa. "The Science of International Law." *American Journal of International Law* 2 (1908).

Orakhelashvili, Alexander. "Natural Law and Justice." In *Max Planck Encyclopedia of International Law*, edited by Rüdiger Wolfrum. Oxford: Oxford University Press, 2007. Available online.
Orford, Anne, and Florian Hoffmann, eds. *The Oxford Handbook of the Theory of International Law*. Oxford: Oxford University Press, 2016.
Paul VI, Pope. *Address of His Holiness Paul VI to the General Assembly of the United Nations 4 October 1965*. Vatican City: Tipografic poliglotta vaticana, 1966.
Porter, Jean. *Nature as Reason: A Thomistic Theory of the Natural Law*. Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 2004.
Schmitt, Carl. *Positionen und Begriffe im Kampf mit Weimar-Genf-Versailles 1923–1939*. Berlin: Duncker & Humblot, 1940. Reissued 1988.
Sztucki, Jerzy. *Jus Cogens and the Vienna Convention on the Law of Treaties: A Critical Appraisal*. Vienna: Springer, 1974.
Vattel, Emer de. *The Law of Nations or the Principles of Natural Law, Applied to the Conduct and the Affairs of Nations and of Sovereigns*. Translated by Charles G. Fenwick. Washington, DC: Carnegie Institution of Washington, 1916.
Von Elbe, Joachim. "The Evolution of the Concept of the Just War in International Law." *American Journal of International Law* 33/9 (1939): 665–88.
Williamson, Roger. "Justice, Peace and the Integrity of Creation, the Message of the World Council of Churches." *Security Dialogue* 18/3 (1987): 399–414.
Barry, Kathleen. *Female Sexual Slavery*. Engelwood Cliffs, NJ: Prentice-Hall, 1979.
Bassiouni, M. Cherif. *A Draft International Criminal Code and Draft Statute for an International Criminal Court*. Dordrecht, Boston and Lancaster: Martinus Nijhoffm 1987.
Bos, Adriaan. "The International Criminal Court: A Perspective." In Lee, *The International Criminal Court*.
Bos, Adriaan. "The International Criminal Court: Recent Developments." In Hebel, Lammers, and Schukking, *Reflections on the International Criminal Court: Essays in Honour of Adriaan Bos*.
Bothe, Michael. "War Crimes." In Cassese, Gaeta, and Jones, *The Rome Statute of the International Criminal Court*.
Broomhall, Bruce. *International Justice and the International Criminal Court: Between Sovereignty and the Rule of Law*. Oxford: Oxford University Press, 2003.
Brown, Daniel J. "The International Criminal Court and Trials in Absentia." *Brooklyn Journal of International Law* 24 (1999)
Carpenter, Allegra Carroll. "The International Criminal Court and the Crime of Aggression." Nordic Journal of International Law 64 (1995).
Cassese, Antonio, Paola Gaeta, and John R.W.D. Jones, eds. *The Rome Statute of the International Criminal Court: A Commentary*. Oxford: Oxford University Press, 2002.
Cavicchia, Joel. "The Prospects for an International Criminal Court in the 1990's." *Dickinson Journal of International Law* 10 (1992).
Cottier, Michael. "Rape and Other Forms of Sexual Violence." In *Commentary on the Rome Statute of the International Criminal Court*, edited by Otto Triffterer. Baden-Baden: Nomos Verlagsgesellschaft, 1999.
Deschênes, Jules. "Toward International Criminal Justice." *Criminal Law Forum* 5 (1994): 249–78.

Hall, Christopher Keith. "The Fifth Session of the U.N.'s Preparatory Committee on the Establishment of an International Criminal Court." *American Journal of International Law* 92 (1998): 339ff.

Hall, Christopher Keith. "Origins of the ICC Concept (1872–1945)." *CICC Monitor* 6 (Nov. 6, 1997).

Hall, Christopher Keith. "The Third and Fourth Sessions of the U.N.'s Preparatory Committee on the Establishment of an International Criminal Court." *American Journal of International Law* 92 (1998): 125.

Hebel, Herman A.M. von, J.G. Lammers, and Jolien Schukking, eds. *Reflections on the International Criminal Court: Essays in Honour of Adriaan Bos.* The Hague: T.M.C. Asser Publ., 1999.

Jamison, Sandra L. "A Permanent International Criminal Court: A Proposal that Overcomes Past Objections." *Denver Journal of International Law and* Policy 33 (1995).

Karadsheh, Rose Marie. "Creating an International Criminal Court: Confronting the Conflicting Criminal Procedures of Iran and the United States." *Dickinson Journal of International Law* 14 (1996).

Kirsch, Philippe, and John T. Holmes. "The Rome Conference on an International Criminal Court: The Negotiations Process." *American Journal of International Law* 93 (1999).

Kreß, Claus. "Witnesses in Proceedings before the International Criminal Court: An Analysis in the Light of Comparative Criminal Procedure." In *International and National Prosecution of Crimes Under International Law: Current Developments*, edited by Horst Fischer, Claus Kress, and Sascha Rolf Lüder. Berlin: Arno Spitz GmdH, 2001.

Lee, Roy S., ed. *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations, Results.* The Hague/Boston/London: Kluwer Law International, 1999.

Lin, Christa Tzu-Hsui. "The International Criminal Tribunal: Taiwan's Last Hope." *Pacific Rim Law and Policy Journal* 6 (1997).

Lippman, T.W. "Ambassador to the Darkest Areas of Human Conflict." *Washington Post* (Nov. 18, 1997): A19.

Marquardt, Paul D. "Law without Borders: The Constitutionality of an International Criminal Court." *Columbia Journal of Transnational Law* 33 (1995).

McGoldrick, Dominic. "Criminal Trials before International Tribunals, Legacy and Legitimacy." In *The Permanent International Criminal Court: Legal and Policy Issues*, edited by Dominic McGoldrick, Peter Rowe, and Eric Donnelly. Oxford and Portland: Hart, 2004.

Migliore, Celestino. "Ways and Means of the International Activity of the Holy See." In *Church and State; Changing Paradigms. Monsignor W. Onclin Chair 1999.* Leuven: Uitgeverij Peeters, 1999.

Moshan, Brook Sari. "Women, War and Words: The Gender Component of the Permanent International Criminal Court's Definition of Crimes against Humanity." *Fordham International Law Journal* 22 (1998).

Pace, William R. "The Relationship Between the International Criminal Court and Non-Governmental Organizations." In von Hebel, Lammers, and Schukking, *Reflections on the International Criminal Court.*

Pace, William R., and Jennifer Schense. "The Role of Non-Governmental Organizations." In Cassese, Gaeta, and Jones, *The Rome Statute of the International Criminal Court: A Commentary.*

Pace, William R., and Mark Thieroff. "Participation of Non-Governmental Organizations." In Lee, *The International Criminal Court.*

Peter, Matthew D. "The Proposed International Criminal Court: A Commentary on the Legal and Political Debates regarding Jurisdiction that Threatens the Establishment of an Effective Court." *Syracuse Journal of International Law and Commerce* 24 (1997).

Reynolds, Sarnata. "Deterring and Preventing Rape and Sexual Slavery During Periods of Armed Conflict." *Law and Inequality: A Journal of Theory and Practice* 16 (1998).

Sadat, Leila Nadya. *The International Criminal Court and the Transformation of International Law: Justice for the New Millennium.* Ardsley, NY: Transnational, 2002.

Salant, Per. "International Criminal Law Principles." In Lee, *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations, Results.*

Schabas, William A. "The International Criminal Court: The Secret of Its Success." *Criminal Law Forum: An International Journal* (2001).

Schwartzenberger, George. *International Law as Applied by International Courts and Tribunals.* London: Stevens & Sons Ltd., 1968.

Streains, Cate. "Gender Issues." In Lee, *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations, Results.*

Terrell, Timothy P., and Bernard L. McNamee. "Transovereignty: Separating Human Rights from Traditional Sovereignty and the Implications for the Ethics of International Practice." *Fordham International Law Journal* (1994).

Van der Vyver, Johan D. "Civil Society and the International Criminal Court." *Journal of Human Rights* 2/3 (2003): 425–39.

Van der Vyver, Johan D. "The International Criminal Court: American Responses to the Rome Conference and the Role of the European Union." *Rechtspolitisches Forum* 19. Institut für Rechtspolitik an der Universität Trier (2003).

Zimmermann, Andreas. "Israel and the International Criminal Court: An Outsider's Perspective." *Israel Yearbook on Human Rights* 36 (2006).