

The Natural Law Foundations of Modern Social Theory

After several decades in which it became a prime target for critique, universalism remains one of the most important issues in social and political thought. Daniel Chernilo reassesses the universalistic orientation of social theory and explains its origins in natural law theory, using an impressive array of classical and contemporary sources that include, among others, Jürgen Habermas, Karl Löwith, Leo Strauss, Weber, Marx, Hegel, Rousseau and Hobbes. *The Natural Law Foundations of Modern Social Theory* challenges previous accounts of the rise of social theory, recovers a strong idea of humanity and revisits conventional arguments on sociology's relationship to modernity, the Enlightenment and natural law. It reconnects social theory to its scientific and philosophical roots, its descriptive and normative tasks and its historical and systematic planes. Chernilo's defence of universalism for contemporary social theory will surely engage students of sociology, political theory and moral philosophy alike.

DANIEL CHERNILO is a Senior Lecturer in Sociology at Loughborough University.





The Natural Law Foundations of Modern Social Theory

A Quest for Universalism

Daniel Chernilo





CAMBRIDGE UNIVERSITY PRESS Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo, Delhi, Mexico City

Cambridge University Press The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
Information on this title: www.cambridge.org/9781107009806

© Daniel Chernilo 2013

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2013

Printed and bound in the United Kingdom by the MPG Books Group

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Chernilo, Daniel.

The natural law foundations of modern social theory: a quest for universalism / Daniel Chernilo.

p. cm.

Includes bibliographical references.

ISBN 978-1-107-00980-6 (Hardback)

1. Natural Law-Social aspects. 2. Sociological jurisprudence-Philosophy.

I. Title.

K460.C55 2013

300.1-dc23

2012027742

ISBN 978-1-107-00980-6 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.



Contents

	Acknowledgements	page	vii
	Introduction		1
Pa	art I On the relationships between social theory and natural law		13
1	Contemporary social theory and natural law: Jürgen Habermas		15
2	A natural law critique of modern social theory: Karl Löwith Leo Strauss and Eric Voegelin	,	39
Pa	art II Natural law		71
3	Natural law and the question of universalism		73
4	Modern natural law I: Hobbes and Rousseau on the state of nature and social life		97
5	Modern natural law II: Kant and Hegel on proceduralism and ethical life	1	21
Pa	art III Classical social theory	1	147
6	Classical social theory I: Marx, Tönnies and Durkheim on alienation, community and society	1	49
7	Classical social theory II: Simmel and Weber on the universality of sociability and reasonableness	1	82

v



vi	Contents	
8	Social theory as the natural law of 'artificial' social relations	203
	Epilogue	222
	Note on original versions References Index	227 228 240



Acknowledgements

I would not have been able to complete this book without Robert Fine and Aldo Mascareño's support and friendship. They read and reread innumerable versions of the materials that now make up this book, offered advice on most aspects of it and encouraged me to keep going at key moments of doubt. My personal and intellectual gratitude to them is immense.

My thanks to Sabina Mihelj who carefully commented on various chapters at different stages of this project and to the Press's anonymous reviewers whose suggestions were most helpful in sharpening up my original ideas. I have also benefited a great deal from conversations, discussions with several friends and colleagues, and from their suggestions and objections: Omar Aguilar, Rafael Alvear, Margaret Archer, Luis Campos, Rodrigo Cordero, Sérgio Costa, José Maurício Domingues, George Lawson, William Outhwaite, Csaba Szaló, Chris Thornhill and Bryan Turner. Material support during the early part of this project was provided by a research Grant from the Chilean Council for Science and Technology (1080213). The usual disclaimer of sole responsibility for all errors contained here applies in full.

Paula has once again generously shared the satisfactions and tribulations of the past few years of our life together. My daughter Leonor has been the main inspiration throughout this project and it is a wonderful coincidence that a printed copy of this book may reach her hands just at a time when she is beginning to put words together. She will be able to read by herself that I dedicated it to her: *Leonor*, *aquí está tu libro*.

vii