

Public Abstract

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In this dissertation I present a theory about the nature of law that is rooted in the natural law tradition, and I defend that theory against objections or challenges to it from the tradition of legal positivism. This dissertation demonstrates that the best articulation of a natural law theory of law more is explanatorily fruitful and at least as descriptively accurate as the best versions of legal positivism.

More specifically, the general theory of law that I defend in this dissertation, which I call weak natural law, is able to maintain that whether a putative law is a law of a given legal system is a matter of social fact or convention while also providing an explanation of how and why law by itself can provide independent reasons for action. Weak natural law achieves these two goals by allowing for the answer to the question of whether a norm is a law to be a descriptive fact and by asserting that a valid law is only a law in the fullest sense of that term only when it fulfills a moral standard, or purpose, that is inherent in the nature of law. In defending both of those claims, weak natural law accommodates the undeniable positivity of law without erroneously separating law from its unique role in practical reasoning about what one should do or who one should be.