

The Transformation of Social Contract Theory: From Classical Natural Law Theory to the Individual of Liberalism

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Abstract

This article aims to analyze how classical Natural Law Theory in the 17th century underwent a philosophical and epistemological transformation to become the foundational theory of the modern state in 17th century Europe. One of the primary focuses of this analysis is on exploring the historical societal processes and phenomena resulting from the principles of the Theory of Natural Law, particularly the theories of social contract. Another pivotal aspect of this scrutiny involves analyzing the relationship between individual-reason-nature, grounded in Liberalism's Theory of Natural Law, by comparing perspectives on Natural society and symbolic society. In a sense, this article aims to bridge distant and recent history, creating a short circuit to analyze the changes and transformations within the Theory of Natural Law.

Key Words: Political thought, Liberalism, Individualism, Natural Law, Enlightenment, Social Contract Theory

Jel Codes: Z00, Z1, Z19

1. Introduction

This article aims to analyze the philosophical and epistemological transformation of the classical Natural Law Theory into the foundational theory for the modern state within the 17th-century European political thought tradition. One of the primary focuses of this analysis will be on the social contract theories, a principle of Natural Law Theory, and the historical societal processes and phenomena that led to their emergence.

Another focal point of this analysis is the examination and comparison of the individual-reason-nature categories, which Liberalism grounds on Natural Law Theory, through the perspectives of Natural society and symbolic cultural society. In a sense, this article can be considered a proposal to reconsider this theory by bridging the distant past with the recent past.

Natural Law Theory has become highly popular among contemporary jurists and political scientists, sparking significant debates in the legal and extra-

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legal literature of the Western world. The renewed interest in this subject in academic and intellectual circles was particularly driven by the rise of totalitarian regimes during the period of World War II. Until the beginning of the 20th century, Natural Law seemed to have almost disappeared from the stage.

2. Literature Review

The concepts of natural law and natural society have frequently been regarded as ideological illusions, especially since the rise of modernism. With modernism, the rejection of a teleological view of nature, the explanation of nature through a modern scientific and positivist method, and the detachment from the traditional references of legislators, followed by an emphasis on the individual, are considered complete departure from the understanding of the pre-modern era. In the 17th century, classical Natural Law Theory, stripped of its religious references, provided the theoretical and intellectual foundations for a new political society design. The most prominent feature of this transformation was the rational project of constructing concrete social relations based on an imaginary social contract with the categories of nature, reason, and individual influenced by Enlightenment philosophy, reshaping the functions of political power and public reason, and constructing a secular foundation for societal and legal understanding.

The Natural Law Theory was not just a centuries-long struggle for superiority between Enlightenment philosophy and medieval religious thought; it was also a result of tension between philosophical beliefs, manifested not only on a conceptual level but also within differing epistemologies. Two distinct modes of reasoning, accompanied by mutual arguments and antinomies, grounded in two different epistemologies. The source of the differences between the traditional Natural Law theory, with its perceived obligations, and the secular Natural Law theory grounded in liberalism, which centered on the individual, lay in philosophical and ideological beliefs. The disparities between these two approaches became evident in the ease with which they embraced particular methodologies (Raynolds, 1993: 441).

Modern Natural Law theory has various definitions, with the most comprehensive being Kelsen's definition. According to Kelsen, Natural Law theory is a doctrine containing a set of objective norms or laws universally applicable within nature and discoverable through reason. This objectivist approach assumes, as a fundamental characteristic of Natural Law theory, that it is not society's rules but rather a product of nature. This approach has a deep-rooted history, starting from ancient Greece and Rome and continuing through to the present day. Kelsen, providing the most systematic and comprehensive definition of Modern Natural Law Theory, aimed to offer a definitive solution to the eternal problem of justice. He addressed the question of what is right and wrong in mutual relations among humans. This answer assumes that humans have the ability to distinguish between what is natural, i.e., in accordance with nature and what is contrary to nature and prohibited by nature. This assumption argues that it is possible to derive certain rules from nature, i.e., from human nature, the nature of society, and even the nature of things. These rules provide a complete prescription for human behavior, asserting that a careful examination of the facts of nature can find a fair solution to our social

problems. Nature, in this context, is considered the ultimate legislator (Kelsen, 1949: 481).

The history of thought is a product of the times and places it traverses. However, even though thoughts are products of specific times and places, over time, they can transcend the boundaries and times in which they originated, acquiring different dimensions and contents. The history of modern political concepts is, in a sense, the reconstruction and effective reassessment of reality to systematically reconstruct political concepts and categories. Transforming the various meanings that concepts have gained throughout history into a linear and linear interpretation and interpreting them according to a new societal design or the need of the future is a characteristic of modern thought. (Chignola, 2002:534). This design not only envisions the society of the future but also redesigns the past. For this design, transforming the political experience of the past and its conceptual framework, even its grammar, to centralize the dominant interpretation of science and reshape public reason according to the needs of its own time turns into ideological tools, attributing universality and objectivity (Batazar, 2018: 264).

The Natural Law Theory systematically defined by Thomas Aquinas in the 13th century is quite distinct from today's modern Natural Law Theory. The theoretical foundations of modern Natural Law Theory emerge from the fundamental doctrines of thinkers such as Hugo Grotius, Thomas Hobbes, Baruch Spinoza, John Locke, and Samuel Puffendorf in the 17th century (Locke, J. Nidditch, 1979: 10).

These theories have brought about a structural transformation in law and political thought, replacing the practical philosophy of traditional Aristotle. Like the natural scientists of the seventeenth century, natural law theorists sought to define the unchanging regularities of social structure with precision and a scientific method to unravel the complex structure of authority. In addition to practical philosophy, they drew inspiration from the natural sciences in ethics, economics, and politics to imitate geometric, analytical-deductive methods in order to achieve cognitive certainty. Almost as if systematically reconstructing the "state," they claimed that by dissecting it into its smallest components and starting from certain principles inherent in human nature, they could derive a binding system of norms through effective logic and methodical reasoning. The foundational key concepts of Natural Law Theory, namely "contract" and "natural state," gained concreteness in a logical and fictional relationship. (Stolberg, 2016: 204).

The fundamental difference of this new Natural Law Theory from the classical Natural Law theory lies in the concept of the fictionalized natural state and social contract. In contrast to all previous natural law theories, the starting point was an entirely isolated individual, assumed to be in a fictitious "state of nature," and the primary concern was how rights and duties could exist in this scenario. The natural state and social contract assumed concrete human duties and responsibilities based on the will to make contracts as the foundation for establishing a political society on these two imaginative concepts. All legitimate forms of community,

from marriage and family to the state, were grounded in the assumption that individuals voluntarily bound themselves through contracts. The inevitable consequence of this logic was that all relationships were based on the individual's will, isolated from existing and historical power relations (Porter, 1999: 56). The assumption of unrestricted contractual freedom in the individual's state of nature could justify the use of power in various forms, ranging from slavery to absolute monarchy. While implying the claim that all individuals willingly submitted to the rule of their masters, this principle also suggested questioning all forms of governance, from totalitarian regimes to democratic ones.

The assumption that Natural Law theory is derived from the individual is the theory put forth by John Locke, asserting that the rights of individuals in a state of nature are fundamentally inalienable, and the establishment of the state can only serve to protect these rights (Locke, 1982: 74). The common social climate underlying these theories originates from the religious conflicts that emerged in many European countries during the 17th century. This is because one of the fundamental assumptions of Natural Law Theory is that the human contract is made not through revelation but through cognitive abilities and reason.

Considering the power struggle between religious sects and the secular authority of the church during the period's religious wars, it becomes understandable that the foundation of a new political society is based on a secular systematic framework. Establishing sovereignty over this fragmented structure was challenging for each sect and religious community, as they referred to divine authority in establishing their own political and social order. Therefore, a new theory was needed to reduce all these differences to a single formula (Raynol, 1993: 453).

If this theory were based on revelation or religion, it would imply that the chaotic situation could not be overcome. Therefore, it assumed that, unlike revelation, it could be established through natural cognitive abilities, namely reason. As Schmitt expressed, the silence of theology was necessary (Schmitt, 2017:46). This assumption, historically, was based on the foundational assumption of equality among everyone in a state of nature to render meaningless the historical and class privileges of the clergy and aristocracy. In other words, if we accept ourselves in a state of nature, the idea that humans are somehow equal as pure natural beings became legitimate. This theory, as an integral part, grounded the legitimacy of political authority on a secular rational basis, providing a way out of this entire chaotic and distressing situation.

Natural Law Theory emerged as a solution to overcome the fragmentation of sovereignty in the chaotic social and political conditions of the 17th century, left by religious and civil wars (internal conflicts). It represented a departure from the classical model alongside the design of modern state and society, redefined with new ideological content by purging it from scholastic elements in the formation of the state. This contrasting use also served as a tool to legitimize the political status of the emerging middle class. Although its source is ancient, references are made to the fact that the conceptual model of Natural Law theory, whose content has been reconstructed, is embraced by conservative thinkers (Orrego, 2004: 289).

The founding legitimacy of the modern state is syncretic ally assumed from the classical Natural Law theory, portraying the state's origin as the starting point. In this assumption, the state of nature and civil society are positioned as opposites because civil society assumes that it was born to correct or eliminate the deficiencies of the "natural state" (Bobiou, 1993: 22).

Another reason for the revival of Natural Law Theory in the social and political arena was the Renaissance and Reformation movements that emphasized Hellenistic doctrines. As the elite class distanced itself from society, this intellectual climate paved the way for the development of natural law thinking by blending Aristotle's dialectical method. The emerging middle class, especially predominant in European cities, constituted the most common class of the Protestant denomination. The agenda of this developing middle class necessitated the framework of civil law and institutions that encompassed relationships such as property, trade, and Exchange (Cobban, 1964: 214). These secular institutions at that time easily adopted pagan teachings against the theses of the church or interpreted them as compatible with Christian beliefs, becoming dominant. One of the supporters of this idea was Montaigne. Montaigne, at various stages of his life, became a Stoic, then a Sceptic, and ultimately almost an Epicurean. For Pascal, like Montaigne, skepticism was a means of defending Christianity. The interactive process of this thought began to take root in the 16th century through the communication among many Protestant churches in Europe, they were transforming the Stoic school of thought and giving rise to a new understanding of nature. This nature, in turn, laid the theoretical groundwork for an individualistic ethos in the seventeenth century (Rapp, 1982: 373).

The conceptual development, dissemination and its reinterpretation as well as the purification from old semantic residues of the Natural Law theory's model, were carried out by the bourgeois class representing the founding class and ideology of the modern state. This middle class shaped the theoretical paradigm of political thought in Europe. Natural Law Theory served as a cornerstone that the middle class embraced to exclude the sovereignty of the church, which derived its legitimacy from God, from this equation. Therefore, this model against the church, based on the opposition between the state of nature and civil society, consciously or unconsciously embeds this process into the theoretical foundations of historical development.

The approach to John Locke's Natural Law theory, which constitutes the foundational inspiration for the liberal worldview of the bourgeois class as the founding class of modern states, is criticized in the same manner. Locke rejects the notion that humans have a natural inclination towards virtues and justice, stating, "If moral principles are derived from human nature, then we must pay attention to what all humans are actually inclined towards; because there is great diversity among humans in this regard, so we cannot reach an acceptable level of generality unless we start from the natural inclinations of most people; most people are naturally inclined towards their own personal interests, and even directly towards

their personal interests; however, this natural inclination weakens virtues and justice rather than supporting them (Strauss, 1958: 491).

Natural Law theory, in both legal philosophy and political philosophy, developed criteria to establish the legitimacy of modern thought based on its rational roots. This rational foundation, in Liberalism, is constructed with reference to the human mind, whereas in classical Natural Law Theory, it is the rationality of nature as meant by Thomas Aquinas. This rationality was independent of those who understand and apply it. In nature, this rationality was not a construct or invention, but a law given by God. It encompassed human beings and their intellect. This given law, as the law of law, determined all the laws underneath it because it was the sovereignty of all sovereignties. The law emanating from it was the law of laws.

Thomas Aquinas, the founding father of classical Natural Law theory, defines the hierarchy of norms and the qualities and sources of laws within the integrity of the theoretical system, positioning them within the hierarchy of norms. Aquinas' Natural Law Theory, with the dawn of the modern state, underwent reinterpretation, shedding the religious aspect according to the worldview necessitated by the needs and positions of social class differentiations and new social practices. This reinterpretation in the political changes and transformations in Western societies follows a parallel evolution with the history of the modern nation-state, the common political form of these classes (Ward, 1992: 342).

Hence, the reinterpretation of this theory in the West parallels the historical evolution of social classes and the common political form of the modern nation-state. Therefore, in the West, the term "etat" or "state," evoking the concept of the state, connotes stability, conditionality, and order, in parallel with the concept of class thinking.

The emergence of the modern state has made the theory of natural society a foundational and explanatory key concept in the Western political realm. The set of foundational and explanatory concepts of society is not dependent on the worldview of social classes. Similar to the approach of classical liberalism to natural law theory, modern liberal ideology assumes the concept of the free individual as a necessary consequence of nature and natural law, legitimizing it ideologically as an anti-thesis to feudal guild privileges being irrational and ahistorical. Many criticisms developed against this fundamental argument of liberalism assert that the concept of the "individual" is not inherent to human nature but is a historical phenomenon belonging to a specific period, even considering it a historical category or a fictional construct, echoing both scholastic approaches and a form of Marxist theory as another variation of modern positivist ideology. According to this perspective, the "individual" is not a thing that has unchanging linear law of nature, but a historical category derived from history, not nature (Bedenheimer, 1964: 42).

One of the fundamental criticisms directed against liberal ideology is related to the selection of the individual as the party to the social contract, a central component of the Natural Law Theory. Liberalism, in its natural law theory, focuses on the individual and the individual's reason as the immutable, invulnerable fundamental category of natural law, rather than considering society, family, or other comprehensive institutions. The question of why the individual, rather than

family, society, or other comprehensive institutions, is chosen as the party to the social contract forms the core of criticisms against liberal ideology. In classical natural law theory, Thomas Aquinas' designation of the laws as the law of laws, referred to as "eternal law," explains this aspect of participation in natural law by bringing together the institutions above it (Thomas, 2004: 375). Therefore, the classical approach derives every activity of reason and will from what be suitable for nature for humans. Since all reasoning is naturally derived from known principles, the desire for things for a purpose is naturally derived from the natural desire for a result (Finnis, 2004: 401). Thomas Aquinas thus integrates natural law theory into the foundation of universal principles derived from the nature of the individual. Thomas Aquinas, natural law occupies a unique and strategic position in the history of legal theorizing (Orrego, 2004: 288).

In Thomas Aquinas's theory of natural law, the primary supreme law is above positive human law and moral legality. This law is nothing other than moral laws (Aquinas, 2002: 402). It positions itself independently of social practices, establishing its evidence, criteria, and existence internally, regardless of whether people recognize it or not (Finnis, 2004: 407). From the perspective of natural law theory, natural law (morality) possesses normative power or compelling force. Anyone is capable of knowing this law. The law is a technique adapted to moral purposes, serving the common good of society. The common good is the realization and enhancement of moral thought and the well-being of individuals. The subject, having an act for human development, is naturally inclined to respect and promote it, carrying this natural tendency for both one and others. Classical natural law theory describes this as the spontaneous normative power of ethics (Demiray, 2015: 811).

Unlike Aquinas's foundational and explanatory Natural Law theory of medieval society, Modern Natural Law Theory, with the construction of the modern state, provided the source and legitimacy of the sovereignty for new political structures or reconstructed political structures over the philosophical remnants of feudal society by emphasizing universal reason. This new design of the universe and society adopted the universal and rational nature of classical natural law theory, emptied of its theological content through a syncretic interpretation, to legitimize liberal ideology. In this new design of the universe and society, the minds of founding intellectuals saw themselves as heirs to Kant, Locke, and Stuart Mill. (Bersten, Siveria, 2006: 13).

Liberal ideology, which places the individual at the center as the basic subject, formulated social order in Natural Law Theory based on abstract concepts such as rationalism and empiricism, while also formulating the state as a construct, an independent human-made mortal structure, free from God, and as its main purpose to exclude God and the church from this equation. Within this formula, instead of seeking metaphysical reasons behind everything happening on earth, it brought the methods of mathematics, geometry, and physics, the language of nature, into the social and political sphere to prove that there were founding rational

reasons. Physics became the main source of inspiration for Natural Law theorists in the 17th century (Chignola, 2002: 532).

According to this positive perspective, social order existed to enable individuals to achieve their goals. Modern Natural Law Theory formulated this within the concept of the social contract, designed to restrain the anti-social and apolitical tendencies of human nature. This thought led to the declaration and legislation of universal rights, natural rights, and declarations of human and civil rights. The eighteenth century was a century in which Natural Law Theory triumphed. Natural law shaped the content of the French Declaration of the Rights of Man and of the Citizen and the American Declaration of Human Rights. It also influenced the American Constitution, the Polish Constitution, and penetrated the legal codes of Austria, Prussia, and France. However, the idea of a social order based on natural law collided with the emerging ideologies of the nineteenth century, such as positivism and historicism, which questioned the universality and objectivity of natural law. The inability of Natural Law Theory to transcend local and cultural boundaries over time weakened its claims to validity (Tokarczyk, 1993:73).

However, traditional natural law theory has been defended and reevaluated by many philosophers and theologians in the 20th and early 21st centuries. In contrast to the classical form of Natural Law Theory, the Social Contract theory of liberal ideology guided the constitutional movements of the 19th century. This time, the theory, initially belonging to religious thought, was transformed into a legitimizing tool of positivist and liberal thought as a kind of reversed theology, as claimed by Carl Schmitt in the modern era Critics referring to classical Natural Law Theory often handicapped their arguments by focusing on an understanding that seems to suggest that classical Natural Law Theory would remain unchanged, as if it were an unalterable truth, a view that drew the focus of Catholic reactions (Schmitt, 1996: 65).

In addition, the criticisms directed towards Modern Natural Law Theory were based on more solid foundations. Many of these criticisms asserted that symbolic cultural diversity could not be defined by the universal abstract laws of Natural Law, and therefore, a Natural Law Theory could not be established. One fundamental thesis of this view was that the abstract universality and natural laws of the Enlightenment were incompatible with concrete traditions, symbolic values, and history, as well as being disconnected from cultural contexts, constituting nominal progressive ideologies that do not align with reality.

The multitude and diversity of criticisms regarding natural law arise from incompatible theories and perspectives. Therefore, the theory of natural society and law still faces a significant challenge in the contemporary world. The focus of these challenges is not so much on the theoretical validity of natural law but rather on discussions about how it can be applied to concrete situations and contexts. Many of these discussions are also comprised of context-independent debates. Regardless of the perspective from which criticisms about natural law are made, the resolution of these criticisms cannot occur without explaining the theoretical, social, and political conditions of this thought. Many of these criticisms stem from the abstract

relationships of thoughts (Steinberger, 1986: 394). In practice, despite being described as an abstract and fictional theory, natural law theory, starting in the 16th century, provided concrete solutions that ultimately resolved and determined the outcomes and statuses of the sovereignty struggles between the Church and political power during the peasant uprisings and religious wars in Europe. A more detailed examination of this process reveals that the natural law theory, which liberal thought relies on, was the fundamental reason for the increasing localization of political authority in the Middle Ages and created a political legitimacy source independent of the Church's universally based metaphysical authority hierarchy. This was initially realized in Protestant countries through the institutionalization of natural law (Rapp, 1989: 381).

In the institutions of the Catholic Church during the Middle Ages, natural law was extensively studied, and this continued even after the Reformation. However, scholastic natural law was philosophically embedded in a religious metaphysics that, although not entirely, was somewhat antipathetic to most Protestant natural law. More importantly, scholastic natural law was an academic and institutional part of the traditional philosophy curriculum and theology. Outside the Anglo-Saxon world, in Continental Europe, Protestant natural law theory became an independent discipline with the establishment of professorships dedicated to the subject in secular universities founded in the 19th century. Much of the early modern natural law history revolved around conflicts over the position and control of these professorships. Within universities, there was a three-way competition between philosophy, law, and theology (Tocarczyk, 1992: 74). Essentially, this competition, when viewed from the outside, reflected the power struggle between political and religious authorities within the university. In short, natural law served a wide range of functions, both in terms of shaping internal politics and institutions in Europe geopolitically. In the 19th century, it provided legal and political status to nation-states, which became the political units of the social and economic power of the middle class. Additionally, Natural Law Theory functioned pedagogically, facilitating the institutionalization of these ideas on a kind of citizenship law basis through education, ensuring the knowledge and acceptance of legal thought in society (Solani, 2010:872). Law faculties in Europe, starting with legal philosophy, facilitated the dissemination of the terminology and vocabulary of a new paradigm worldwide. Possessing such knowledge became a prerequisite for both individuals and states in contemporary society, as it played a crucial role in international relations and diplomatic relations between modern states. Thus, Natural Law Theory gained political significance by providing a systematic theory of social and political life, uniting functions that were not previously integrated within the systematic coherence of a philosophical theory, including citizenship ethics, legal doctrine, and political and social theory. As political power integrated, Early Modern Natural Law gained systematic breadth by excluding several theological-philosophical trends (Porter, 1999: 208).

Natural law theories thus provided a standard to legitimize law and fundamentally questioned the legitimacy of legal relations with traditional,

religious authority by applying positive law. The foundation was no longer the traditional, ancient, institutionally rooted communities and institutions created by the sum of individuals, but rather the contract created as the source of political sovereignty. The assumption of this theory was utilized for the benefit of the individual or citizen against noble privileges or state authority. Consequently, natural law theory was based on the relationship between individual thought and historical situational dependence. This abstract legal relationship detailed the universally binding legal foundations, neutralizing the conflicts of religion and sectarian wars by putting an end to them. Another result was the limitation of political oppression during the absolute monarchy period. Lastly, natural law transcending all nations and positive international law created collectively by nations provided a legal ground to regulate and mitigate war (Outram, 2007: 121).

In the 18th century, Natural Law Theory, which acquired a new form and function with Enlightenment philosophy, entered into a conflict with its traditional form and mode of thought. This conflict between the modern form and the traditional form involved differences and tensions not only at the theoretical level but also turned into a hegemonic conflict in terms of sovereignty relations in political philosophy, with one defining the other by bracketing it. The definition of the old theory by the dominant discourse within its own social and ideological form resulted not only from differences in methodological approaches but also from the historical change and transformation of the political connotations of this concept. Today, one of the most pressing issues in the modern world is the understanding of natural law on which the design of the universe and society is based. The moral categories that Aquinas of the 13th century described as natural law, distinguishing good from evil as the light of common sense, have been transformed by modern liberal ideology into an economic category of utility-harm maximization.

3. The Epistemological Transformation of Natural Law

The question of how modern liberal ideology reformulated classical natural law theory, based on theoretical and philosophical roots, is crucial for understanding the differences in worldview and societal design. These differences are primarily related to the formulation of the relationship between reason and spirit. While the modern liberal tradition associates' reason, which safeguards and nurtures individual interests, with common sense, it does not see the same reason recognizing actions that would be detrimental to individuals or humanity within the same natural framework. Another contradiction in liberal thought lies in the metaphysical ethical problems concerning the applicability of natural law compared to positive law. These issues are not limited to the metaphysical realm but also manifest themselves in the understanding of the human-nature-society relationship.

Starting with the natural sciences, these problems become apparent in the methodological and conceptual issues between what Aquinas called "philosophical *moralis*" – concerning society and the humanities – and the natural sciences in the modern era. These problems are related to the applicability, functionality, and role of natural moral law and natural law theory in the contemporary world. Other issues manifest as legal-political historical problems and crises alongside the applications of natural law. Methodologically categorized problems are related to the

epistemological causality of the nature-human-reason relationship in the natural law theory of Liberalism. It assumes social contract theories as both foundational and explanatory theories, treating them as factual realities. However, social contract theories are fictional illusions and illusions with no connection to social reality.

The general inclination of liberal epistemology is the assumption of the superiority of human reason over nature, a prominent trend in 19th-century liberal thought. The fundamental premise of this thought is the reluctance to accept the moral legitimacy of natural or traditional statuses and institutions. Consequently, they believe that human reason should intervene in these institutions, redistributing them based on rational moral principles (Magee, 1988: 52). This kind of redistribution, upheaving the characteristic traditional natural tendencies of societies derived from human reason, elevated the rational mind of enlightenment as the measure of all physical and metaphysical values. Thus, liberalism is fundamentally a kind of humanism, understood as an ethos that emphasizes individuals' capacity to rationally construct their social worlds and create their own realities, showcasing their moral autonomies (Steinberger, 1986: 391).

The social and legal consequences of this idea would be evident in Modern Natural Law Theory. Liberalism's theory of natural law is based on the view that the activities inherent in social life have a practical nature and stem from natural necessities. These necessities are considered either as a tool of practical activity or as a reflection of practical activity. The thought and meaning world, for instance, the existence of symbolic systems such as religion and ideology, is reduced to practical logic as an extension of practical activity and natural necessities (Sunar, 1986: 25). Practical activity within liberalism's utility theory is seen either at the individual (subjective) level, directed towards the satisfaction of natural passions (interests), or at the objective level as activity necessary to conform to or overcome natural conditions. In contrast, the interpretive cultural approach opposes the assumption of natural necessity in thought systems and social reality. It argues that all this reality is connected with a metaphysical and symbolic world of meaning. Human acquisition finds its existence only within a social world of meaning. A world disconnected from the metaphysical world would mean reducing the acquisition and tendencies of a sociological world to zoological regularity. If the laws of society were as regular as the laws of zoology, the work of sociologists could be as easy as that of zoologists (Halim, 1986: 10).

In this context, the doctrine of natural law provided the basis for interpreting and legitimizing new forms of social life. A purely philosophical or non-Christian theory could not function in this way in Western medieval society. However, in a world shaped by the ideology of enlightenment, achieving social consensus by referring only to the Holy Scriptures or the practices of the church would not be possible. This period gained concreteness due to the complexity of new political and economic practices emerging alongside new institutions and ways of life, as well as the rapid expansion of urban life. Advocates of new practices claimed that their organized practices were based on the Holy Scriptures and Christian ethics,

constantly conflicting with those who defended traditions (Porter, 1999:17). Liberal ideology, transforming the theory of natural law in its ideological crucible, considers maximizing individual interests as the essence of social practice. Modern natural law theory, based methodologically on the assumption of empiricism, presupposes knowledge as a reality more related to objects, assuming it as a relationship between subject and object. In contrast, a hermeneutic and meaning-based methodology assumes knowledge as an indirect relationship between subject and object. Natural law and theory, in its modern form, are formulated in John Locke's concept of *tabula rasa*. In this concept, Locke evaluates humans as passive beings entirely determined by their environment, not as active entities. The human mind comes into the world as a blank slate (*Tabula Rasa*), and knowledge is shaped through the mind's impressions. There is no possibility for the human mind to transcend the world of senses. According to liberal thought, social order is subject to natural laws beyond human will (Sunar, 1986: 79).

Liberal thought considers the theory of society as a derivative of rational behavior in evaluating social order. The use of the concept of reason in the sense of rationality explains the utilitarian worldview on which liberalism is based. According to the classical natural law theory, the infinite law used to establish ethical rules is crucial. Social contract theories ground the establishment of the modern state on a contract by considering society and the state as a construction. Hobbes argues that this reason, unlike Aquinas's morality, is an intellect that is natural and material and gained through experiencing what happens on the earth (Hobbes, 2007: 44). Hobbes describes the natural laws he names as rules perceived through reason about what humans should or should not do but says that these will only truly be called laws to the extent that they are made law by God in the holy books (Hobbes, 2007: 63).

Modern political science, starting with Machiavelli and Hobbes, led to the definite elimination of the claim that politics is for justice. This idea later became dominant alongside positivism in the 19th century, legitimizing it by value-independent contemporary social sciences. According to Leo Strauss, this unfortunate divorce between philosophy and sociology led to the accusation and negation of social sciences as a pure relativism, the logical consequence of the modern intellectual nihilist movement (Daniel, E. 2016:165). Jürgen Habermas also holds a parallel intellectual attitude to this trend. By reestablishing the relationship between the normative issues of political philosophy and the emotional and descriptive method of social theory (Habermas, 2022: 23). Habermas suggests rethinking modern new science beyond pure transcendental style and metanarratives, claiming that natural sciences and universal understanding are discourses within social practices (White, 1989: 21). This argument places universalism on the agenda of modern social sciences.

Unlike the traditional understanding of natural law, natural law theory assumes that objective norms and laws that can be universally applied within nature can be grasped by reason and the rational method of the mind. Natural law philosophy also represented a tradition. Aquinas' natural law theory had a completely opposite meaning. According to Aquinas, natural law is a moral order and not the law of the order of given physical facts (Dianin. 2000:280). One of those

who argue that natural law, adhering to Aquinas' fundamental theoretical roots, needs to be reinterpreted is Jean Porter. Porter characterizes Aquinas' theological orientation as a kind of moral relativism, a kind of moral pluralism (Rhonheimer, 2006: 357).

Essentially, Jean Porter attempted to explore the theological, religious, cultural, and social contexts of natural law, revealing non-theological starting points for modern natural law by showing that rational methods cannot be purely straightforward, separate from the historical contexts of positivist methods. Because these acquisitions can only find a place within certain cultural, specific practices, and traditions (Porter, 1999: 27).

The difference between classical natural law theory and modern natural law theory can also be interpreted as an epistemological break. These distinctions go beyond the theoretical philosophical interpretations of knowledge and entail a structural transformation in the relationships between human-human, human-society, and human-nature, reshaping the understanding of God, humanity, and nature. The natural law theory of modern society argues that the morality of society, as a reflection of rational thought through natural laws, can be established independently of any religious reference. The logical consequence of this argument reduces social and cultural reality to a positive epistemology based on the explanation. In this epistemology, religion, tradition, and social uniqueness are deemed unscientific, while methods based on understanding are condemned as either non-historical or archaic.

Regarding the epistemological views contained in interpretive approaches, they accept a hermeneutic cultural or symbolic societal model in social practices rather than universal regularities in natural societal models as in positivism (Weber, 1989: 1431).

Positivism, based on the assumption of pure perceptual empiricism, asserts that knowledge is derived from and represents the external world as it is. Therefore, elements such as words, concepts, and religion are considered in a dependent relationship with the "concrete" and "real" world outside of themselves, and it is indicated that there is an "equivalence" between knowledge and the world. From the interpretive approach, however, the relationship between knowledge and the world is very different. Language is not derived from the world, theory is not derived from nature, and speech does not reflect events. The relationship between the world and thought is not an equivalent relationship but a relationship of "formation" or establishment. Although the world exists beyond knowledge, the order of the external world is established through knowledge. The difference between interpretation and positivism, when viewed through the lens of the application of positivism, arises not from the theories of "equivalence" and "establishment" but from the fact that they are two separate establishment theories. In other words, in the interpretive approach, the subject-object relationship is indirectly established through a symbolic system, while in the positivist approach, it is grounded in practical logic and activity (Sunar, 1986: 142).

The symbolic or cultural approach, in contrast to the assumptions of modern political theory, reconstructs the theory of natural society by establishing it on an economic basis. However, its emergence as a universal ideology manifests itself as economism and sociologism, rooted in classical economics, forming the basis of liberal thought. Even the critique of classical economics, such as the Marxist approach, is not independent of the utility theory. The principle of utility reaches its peak in liberal thought because the principle of utility in liberal thought derives its power from economics (Sunar, 1986: 161). Economics is everything: the reason for the existence of society, the foundation of politics, the content of life. The fundamental impulse of liberalism is formed by the "homo economicus." The homo economicus of liberal understanding is essentially a rational being engaged in exchange, trade, and calculation of profit and loss. Man is a homo economicus, not a zoon politikon. Homo economicus, like Hobbes' perpetually moving man, directs himself. Lock describes the individual driven by the desire for ownership, inseparable from humanity's personality, skills, and labor, in contrast to the ownership of products produced through labor and skills that can be separated from humanity. (Buğra, 1995; 84). According to Hobbes, without a general power that controls individuals through the fear of punishment, no agreement or association based on a contract can create the environment necessary for the application of natural law (Hobbes, 2007a: 82).

As seen, Hobbes and liberals converge on human nature in natural law and social theory: fundamentally, humans, facing the destructive impact of their desires, or, in short, Eros, have created sovereign power to establish order (Hobbes, 2007b: 83). Even the sophists advised acting in accordance with laws while safeguarding one's interests. A distinctive feature of liberalism is the assumption that humans, as utilitarian beings, homo economicus, can independently establish an order. Locke's social contract is more optimistic than Hobbes; according to Locke, even though the natural state lacks the order and protection of political life, it still has a semblance of order and a secure environment. Their goals are not to dominate each other but to fulfill desires and needs. Essentially, in the state of nature, humans partially conform to natural laws. However, to enhance their security, people move to the social contract stage. For this purpose, almost everyone adheres to certain laws. These laws are fundamentally natural laws because a rational individual knows that an environment independent of these laws would turn into chaos.

In a chaotic environment, as Hobbes also pointed out, civilized life is impossible. Locke describes the state of nature as such a gently regulated state of life that it raises a question of why humanity did not remain in the state of nature. In other words, why was there a need to transition from the state of nature to political (civil) society? Locke provides the following answer to this question: While almost everyone adhered to natural laws, when some irrational individuals began to disturb the peace of others, natural peace was disrupted, and the necessity of transitioning to civil life arose (Locke, 1982: 131). However, unlike Hobbes, Locke does not grant the right to sovereign power to establish all laws and rules. Transitioning from the state of nature to civil society occurs with the condition of preserving "natural rights." The governing power is not sovereign but rather has

limited duties within society; there is little need for governing power beyond the enforcement of contracts and the provision of security services.

John Locke justified the 1688 revolution by grounding the authority of the social contract established by society with citizens in Natural Law Theory, relying on the contract between the individual and the sovereign, acting as their representative, to comply with timeless laws given to individuals. Locke's ideas would later manifest themselves in the American Constitution. Indeed, Americans and the French asserted that natural law, declared in the presence of the Supreme Being, would continue the universality of classical and Christian thought without distinguishing between different segments of the human race (Lefebvre, 2015: 64). The abstract universality principle of Natural Law would later be attempted to be resolved with the legal understanding of Positivism developed by German Redbruch using Machiavelli's method. The dichotomy between reality and methodology meant the separation of "what is" from "what should be" and the separation of value from truth. Although the foundations of Natural Law are based on nature, positive law will only be built on what is "real." For Redbruch, the essential thing about these principles was to distinguish truth from value, and this distinction is made as follows (Ward, 1992: 338). Unlike legal philosophy, positive law is formulated not based on what should be but on what is, thus attempting to eliminate the gap between the normative judgments of law and reality through the understanding of positive law. Another problem in the second half of the 19th century was to present a governance understanding compatible with rights, freedoms, and the assumed economic activity field they presuppose (İslamoğlu, 2021: 27).

In Hobbes's natural theory, the natural state is complete chaos, and natural man is assumed to be a wolf tearing apart his own kind. The fundamental claim of Natural Law theory is that the destructive instincts of humans need to be controlled, and limiting violence and arbitrary harm is necessary for the regulation and protection of society (Bedenheimer, 1964: 44). Unlike Hobbes, Locke argues that even in the state of nature, humans are "rational" beings acting to maximize their own benefit and interests. The essence of the liberal view lies in the discovery of money, the development of trade, and the accumulation of property capital, which were realized in the state of nature but without achieving complete security without the establishment of civil society. More precisely, the political order is not an institution but the establishment of natural order with some corrections. In Locke's thought, the political system is not a precondition that underlies social life but a superstructure. In other words, society is fundamentally an independent mechanism that can self-regulate with a few corrections (Sunar, 1986: 75).

4. Nature and Science

After the enthusiastic rediscovery of man and nature during the Renaissance, thinkers such as Descartes, Spinoza, Leibniz, Locke, Berkeley, Hume, and Kant followed in creating a philosophical system to consolidate ideas. Descartes, who focused on the human mind for obtaining certain knowledge since

the senses could not be trusted, marked the beginning of the Age of Reason as a systematic creator. Descartes explains that the feeling of trust and certainty is due to the situation of being sure of not obtaining knowledge from objects outside of the human (Rhonmainer, 2021: 165). However, he proved that the feeling of doubt belongs to humans as certain knowledge, even if the external universe to which doubt is directed does not belong to humans. Thus, he opened a new door to the method of positive knowledge for critical reasons (Descartes, 2008: 17). Descartes, together with Newton and Galileo, laid the foundations for the Age of Enlightenment in Europe with the stones of the 17th-century scientific revolution. Descartes, along with Leibniz and Spinoza, began to change established mental patterns not only in the theoretical field but also in the social and religious spheres. Thus, the Cartesian mechanistic conception of the world and the universe made positive epistemology predominant. Descartes's mechanistic worldview, later likened to a perfectly functioning machine by David Hume, formed the common mental foundations of Cartesian thought.

The fundamental principles of this epistemology can be explained as follows: What Descartes pursued was certainty and absolute knowledge; he believed in the idea that there is only one science, and knowledge is gained exclusively through the mind, resulting in clear and distinct information. Therefore, there can be only one scientific method. Descartes believed that there would be nothing so distant or hidden that his method could not reach or discover. Descartes addresses this problem in the context of the "cause and effect" issue. According to him, for our lives to continue, we must believe in the uniformity and universality of causality.

Despite Descartes, Hume argues that causality is a constant conjunction of events and therefore, we can only believe in this conjunction with psychological reasons. For Hume, the problem for rational people is not only the existence of God but also His nature. According to him, the first reality cannot exist without a cause; this cause is the first cause of nature. Therefore, since effects resemble each other, according to all rules of similarity, causes also resemble each other, and the Creator of Nature is somewhat similar to the human mind, but with much greater abilities. This a posteriori argument simultaneously proves the existence of a God and His similarity to the human mind and intellect (Hume, 2013: 14).

Although David Hume attributes the first cause to God, the Enlightenment's view of nature was grounded not in all of nature, but only in human nature, in contrast to the understanding of nature of Ancient Greece and the 13th-century Aquinas. The Enlightenment era not only shaped the history of thought but also based its entire intellectual, social, and legal structure on this theory, particularly transforming communication, language, and religion. The traces of this transformation are concretely observed in terms of political semantics, concepts, and vocabulary (Schuppert, G, Barrett, R. 2021: 123).

In contrast to continental Europe, in England, the Enlightenment did not only occur against the churches but also within the churches, as advocated by some thinkers, albeit to a lesser extent. According to Roy Porter, Enlightenment in England did not happen against Protestantism but took place within it.

Enlightenment in Scotland was fundamentally a Christian enlightenment (Robertson, R, Dixon, S, Bracewell W, 2017: 321).

The intellectual aspect of the Enlightenment developed parallel to the geographical and intellectual expansion of Europe. Starting with the discovery of the New World and gaining momentum with the sea exploration of the Pacific through the journeys of James Cook and Louis-Antoine de Bougainville, it reached its peak in the late 18th century. The development of modern sciences systematically transformed Europe into the world's knowledge repertoire, much like how goods traveled between various ports in overseas expeditions (Hardtwig, 2010: 9).

In England, unlike continental Europe, there were proponents of the idea that the Enlightenment not only took place against the churches but also within the churches. Especially, according to Roy Porter, the Enlightenment in England did not happen against Protestantism but occurred within it. The Enlightenment in Scotland was fundamentally a Christian enlightenment (Robertson, R, Dixon, S, Bracewell W, 2017: 321).

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The 17th-century scientific revolution, although Descartes' mechanistic and geometric worldview was not widespread, gradually influenced minds. Later, this thought, following in the footsteps of the late medieval philosophy and theology and the Italian Renaissance, did not play a significant role until a new approach to nature and society was introduced. With Enlightenment philosophy, this thought tendency became inclined to see everything in an individualistic character. In the Classical Natural Law Theory, Aquinas, following Aristotle, assumed that humans are part of a natural order. Observations indicated that these traditional theologians tended to focus on human nature and, consequently, the contractual character of society by placing only human nature at the center, opposing the integrity of traditional human nature that transcends nature. The development of this thought trend was parallel to the revival of certain Hellenistic doctrines with similar goals of exalting the individual beyond nature. Stoic thoughts had a significant influence on the development of this idea. Humanists, in selecting texts, adopted a version of Stoicism mixed with elements of Aristotle instead of the pure version of Stoicism, shaping their views on nature and society (Rapp, 1982: 372). This thought tradition later materialized in Descartes' Cartesian thought with the pursuit of doubt and certainty.

According to Descartes, the lack of certainty in our knowledge based on continuity, which is the basis of continuity, is not due to the absence of a logical connection of continuous connection but rather comes from the difficulty of determining similarity. Perceptions are fundamentally based on continuity. Logical inference is also based on continuity. Arguing that the cause is stronger than the effect is meaningless. Nevertheless, there must be a distinction between cause and effect. This distinction cannot arise from the world's tendency towards uniformity. It is understood that the most suitable criterion to distinguish cause from effect is the presence of certain conditions that a cause can control.

In Descartes' method, realistic perception theories acknowledge that the senses provide information that goes far beyond the concept of sense. However, even the simplest perceptual process requires significant inferences of the mind. The birth of colors, sounds, etc., from physical or physiological events does not align with our general knowledge. Visual images are not sensory data that provide us with information; instead, the mind constructs them based on its own knowledge. Perception is based on continuity, i.e., causality. According to positivists, the external world consists of individual facts, but these facts are not in a random relationship; they create an orderly world. The goal of science is to recreate this world within a theory. According to the positivist view, explaining an event means incorporating that event into a general law. A general law is a generalization obtained by inductive means from observed events (Saybaşılı, 1986: 24).

The rational and positivist understanding of knowledge in the 17th century is based on the ontological assumption that the world has an independent structure from those who know. Later, this positive Cartesian world design would also influence legal philosophy, giving a new form to Natural Law theory. The thought that established the Natural Law Theory and the model of the natural society was the same thought. The intellect Hobbes, Locke, and Rousseau designed for society as a derivative of contract theories was a mechanistic Cartesian intellect. The method of this intellect, as expressed by Habermas, establishes rules for the construction and testing of possible experiments and scientific propositions (Habermas, 1992: 96). A different form of this positivist thought in social and political theory manifests itself in Marxism, the rebellious and defiant child of modern reason. From classical Marxists to modern Marxists, figures like Lukacs, Korsch, Gramsci, and theorists of the Russian Revolution period belong to the same group. Marxist theory, despite borrowing the deterministic aspect of positivism from Hegelian "Historicism," includes different tendencies such as humanism, spontaneity, voluntarism; yet, all of these still lead to the gateway of enlightenment (Saybaşılı, 1999: 126).

As we entered the 20th century, the positivist worldview and understanding of the universe underwent new criticisms and assumed new forms. One of these was Logical Positivism. Logical Positivism, developed for the purpose of addressing the problems raised by Hume and Kant, was initially formulated by philosophers in Vienna, known as the Vienna Circle, including Moritz, Schlick Rodolf, and Carnap. Thinkers like Otto Neurath formed a group asserting that all theoretical propositions could fundamentally be reduced to the language of observation. Their motto was, "Language is the picture of reality." The central

problem of Wittgenstein's Tractatus, stating that the world is represented through language, was foundational to their ideas, grounding the structure of language to correspond to the structure of the world (Wittgenstein, 2002: 45). Wittgenstein's thoughts had a profound impact on the logical positivists known as the Vienna Circle. According to positivists, the process of verification forms the basis of all genuine knowledge, and theories verified through observation can possess scientific qualities. Fundamental objections against the "mechanical Cartesian world design and conception" were mainly raised by those who advocate a symbolic view of society, emphasizing its cultural and symbolic aspects.

Again, this group, based on Wittgenstein's views, argues that grasping social reality through a Nomological positivist explanatory method is not possible. According to them, society is a way of life grounded in a system of meaning. In other words, social relations, contrary to what positivists claim, carry semantic rather than causal qualities. Advocates of this view include Winch (2015: 79). The world encountered by social scientists is a secondary-level reality, not primary. This world is a symbolic and shared reality among objects, previously organized logically by humans. Therefore, the clarification of symbols is the fundamental task of explanation.

5. Conclusion

Natural Law Theory has a long history in the political thought, providing ideological tools for a new social state design in terms of both the source and use of sovereignty, while becoming one of the fundamental topics in the history of political thought, legal philosophy, and theology.

This article attempted to answer questions about how Natural Law theory has transformed into the contemporary understanding of human-nature-reason in modern liberal thought, and how it has constructed a new legal theory with the materials of another ancient collapsed world in terms of its own conceptual foundations. Regarding the nature of Natural Law theory, the question of whether Natural Law is given, or a human construct was a question theologians asked in the Middle Ages. Natural Law is presented today as a category not invented by the timeless human mind but discovered by the human mind, embedded in the ontology of man, thus presented as a discovered immutable eternal truth. The illusion that liberalism's "self-aware individual" is eternal with reference to Natural Law is now being unraveled because the crisis of its philosophy is manifested in the crisis of the individual. In this article, arguments of liberalism, the cosmic ideology of the modern world, about whether they originate from nature or natural law were addressed.

Now, to briefly summarize the main errors of these answers; the concept of Natural Law is defined as a law independent of the practitioners from an ontological point of view of the nature, universe, and human understanding in which it is located throughout time, describing a theological morality that frames the world and human understanding. Although the classical theory reflected the existing natural understandings of the 12th and 13th centuries, it is the fundamental field for

comparing and understanding the theological, moral, and ontological crises of the modern world today. We tried to explain how the concepts of man, society, ethics, and reason in today's modern liberal thought, unlike the concepts of the classical Natural Law theory, have undergone a transformation, even though there is no possibility of application. In this article, by addressing the evolution of natural law theory, changes in the concepts of humans, God, society, and good-evil within the liberal worldview were discussed. Additionally, an attempt was made to explain how natural law theory is in a complex relationship with social practices, society, state, and human relations.

The article also suggests that natural law theory played a fundamental role in creating a mindset. It was observed that this theory has a significant impact on shaping the functioning of society, law, and ethical values, affecting law at both primary and secondary levels. As an answer to another fundamental question of this article, Natural Law Theory and its epistemological dimensions in the contemporary world were discussed through the concepts of science, nature, and reason. Furthermore, the uniqueness of social theory within the positivist epistemology and its tense relationship with cultural structures were discussed from the perspective of symbolic society. The epistemological difference between these two can be described as two different minds that comprehend nature, the universe, and society. The positivist method, based on Cartesian reason, which relies on "explanation," was compared with the symbolic cultural social theory based on "understanding." The premises and consequences of these two different modes of understanding were discussed. The fundamental difference between these models was discussed against the symbolic view, which argues that social reality cannot exist outside a cultural structure, while the Positivist view perceives social reality as a natural phenomenon and grounds its theories on three points. The basic assumptions of the thought that emphasize the importance of history rather than human nature within the symbolic society approach, which puts forward the idea that society also has a cultural ontology, in other words, that social life is cultural, were also compared. The primary argument presented by the cultural and symbolic society approach against modern Natural Law Theory is the normative and monolithic stance of "scientism" as an ideology, not science. Critical arguments were discussed, and the arguments and criticisms of Cartesian reason, which characterizes social and cultural structures as social physics, were examined. Starting with the 17th-century scientific revolution and continuing with the 18th-century enlightenment revolution, the rational and empirical method that provided the tools to understand the dictionary of the modern world in the construction of economic, social, and political structures, how it defined the concepts of nature, reason, and the individual, and the theoretical and intellectual premises on which these definitions were made were explained. One of the conclusions reached in this article is the fact that within the universal abstract paradigm of positivism, the relationship between human-nature-individuals is reduced to the object of modern reason. This approach defines humans not within a system of meaning but as objects of a mechanistic linear process.

In conclusion, the symbolic approach does not imply that Natural Law Theory has no influence on the understanding of society. The relationship between humans and nature, like interpersonal relationships, is based on cultural reasons and symbolic logic as much as it is based on the relationship with nature. However, the modern Natural Law approach often assumes society as a design. In contrast, human actions and relationships shape a mental and conceptual activity that is intertwined throughout history and society. The universality that transcends all times becomes a political tool in the hegemonic race of science, abstractness, conditioning science to an ideological hegemony. Therefore, the closing sentence of this article can be summed up with Ortega Gasset's statement: "Societies have no nature; they have history"

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