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**The Ideal Origins of
Natural Rights**

Dario Pagano

**PhD Candidate on "Human Rights:
Evolution, Protection and Limits"**

University of Palermo

Italy

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The Ideal Origins of Natural Rights

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Abstract

The modern age jusnaturalism defined a new way of conceiving the socio-politic and ethical-legal institutions.

Through the tenet of natural, universal, inviolable, innate and pre-institutional rights, modern intellectuals laid the foundations for setting the fundament and sense of the civil society and of its political machinery. The spreading humanism and the consequent rationalist methodology used for the description and the evaluation of the various spheres of human experience, with specific attention to political, juridical and social themes, constituted the conceptual frame within which were developed the most relevant theoretical expedients and the most significant moral ideas whose echoes continues even now, occupying scientific debates with particular regard to problems set by human rights.

On the occasion of debates about the epistemological statute of human rights, a profuse philosophical current support its continuity with natural rights, consequently explaining its operative mechanism through these ideas: the ideas of a social contract, the dichotomy between state of nature and civil state, natural law and positive law, the conception of man as a rational being, able to explain, by intellect, physical and social mechanisms; conceived with the pristine features of liberty and equality.

The aim of this work is to demonstrate, with the help of historical fragments, that the conceptual presuppositions that inspired the modern jusnaturalists represent the formulation in juridical terms of ideas born in ancient age, that can be found in a tendency of the sophistic doctrine - of the utopist/naturalist type - and in the different phases in which the stoic doctrine articulates.

Keywords: natural rights, moral and political concepts.

The Seed of Ethical Rationalism in the Sophist Doctrine

Sophists (V century BC.), framers of the discipline known as rhetoric -that is the art of persuasion through the use of language - responded adequately to issues from the dawning democratic order, considering that, according to the effective description of Geymonat (1970, 26), "living in a democracy means to participate actively in meetings, to take the word, to make one own opinion prevail between the others, and therefore to know how to weigh the various meanings and nuances of words, having in the ear the happiest expressions of the poets, to succeed to arrange periods in an order that enchain attention, stimulate fantasies and raise up the consensus: it means to possess that complex of grammatical, lexical, syntactic, stylistic, and literary knowledge, which is the art of eloquence".

The activity of the sophist, being aimed at determining the success of one own individual opinion within the public debate, which is related both to the legal and political sphere, was considered closely related to some techniques borrowed from the judicial practice, and in particular the so-called "Art of the judicial proof": this technique is based on an attitude of renouncement towards the search for the truth of things, preferring rather perfection and development of methods and techniques that serve to make a particular point of view appear as the truth (Fassò 2001, 24).

The most significant aspect of the sophist doctrine, from which evicts a fundamental contribution to the development of the natural rights doctrines of the modern age, was to have set the centre of philosophical inquiry no more on physical world, but on humanity.

On the other hand, the nascent democratic system had introduced a new way of understanding the socio-political relationship: the citizen was no longer the passive part of the political relationship, characterized by being submitted to the sovereign power, but became one of the actors, if not the main character, in the process of determining the life of the political community.

This renewal was assisted by a rationalist approach, which aimed to raise a criticism to the established current order. Dispensers of doubt, the Sophists criticized the legal and political institutions and the metaphysical conceptions in the name of reason.

Through the use of intellect, they helped to undermine the certainties that were consolidated in the various areas of human experience. This was worth to them to be called "the Greek enlighteners" (Bloch 2005, 7; Fassò 2001, 25; Rommen 1965, 7) as they tried to break down, in a rational manner, the categories developed by their predecessors, with the aim of freeing man from the prejudice that was keeping his mind, standing out also against the knowledge supported by the authority of tradition.

In the sophistic ideas, which took care of every aspect of human experience, comprising the field of law, it can be found the genesis of the anthropocentric tradition on which rest the foundations of European legal culture (Pisanò 2011, 62-63; Spadaro 2001, 629, 2). Despite the harsh criticism to the sophistic current, however, it should be given to it credit for having

placed the human being at the centre of the philosophical investigation. Man, according to Protagoras (D-K 1934/1938, 80 B 1), is measure of all things. This statement announces a breakthrough in the way of conceiving the investigation regarding many different areas of the human experience, implementing a transition from a "cosmological" vision of Greek philosophy to an anthropological one, which shifts the emphasis from nature understood as comprehensive of all things (including men) to the human nature of the single man. Man doesn't consider himself anymore as a small part of the immense storyline of the cosmos, pushed at every step by an immanent necessity, and stands eagerly at the centre of the universe, conscious of his own creative freedom and of the strength of his objectifying reason (Opocher 2000, 27).

The rational nature of the human being is fit to dissipate the political constraints in favour of the universal recognition of the other in virtue of the possession of a common identity, expressing original ideas of freedom and equality.

Of the same idea, Hippias (Platone, *Protagora*, 337) identifies in common nature the ontological foundation of all humanity, transcending distinctions of status, introduced with the establishment of the political community. Man not only transcends the political community, but he is a pre-requirement. This option towards a common brotherhood, which is expressed independently from the possession of artificial requirements, leads the sophist to consider men equal by nature and not by convention: "in fact similar is, by nature, relative to similar". Concept also incorporated by Antiphon (DK 1934/38, 87 B44) that, in the analysis of irrational social inequalities, anchors the common bond between human beings to the possession of the same biological requirements, considering that those who were born from illustrious fathers, are respected and honoured, while those who come from a normal home are not distinguished, nor respected, nor honoured! We act like barbarians towards each other. In fact, by nature, we all possess a similar origin common to Greeks and barbarians: in fact, it should be clear thinking about the natural needs of all men: everyone has the opportunity to acquire them in the same way, and in doing this no one is distinguished as a barbarian or as a Greek: in fact, "all of us breathe the air using mouth and nostrils and eat with our own hands".

However, while Antiphon enhances the appearance of the same identity of the physical needs of men belonging to different social extraction and different geo-political areas, Hippias, instead, focuses on the emotional relationships that bind human beings, advocating, in this way, a doctrine which, far from considering only the materialistic and selfish aspect of human nature, is based on the sympathy for similars, which enables to recognize between members of different social communities friends and relatives (Bill, 1928, 61-62).

The common condition of natural liberty of every man excludes as a result the possibility of hierarchical relationships; since no one is inherently superior to another, by nature all men are equal to each other.

In this way is threatened to the foundation the distinction between Greeks and barbarians, and with it the construction of hierarchies among members of the human species for which the institution of slavery was justified. As pointed

out by Alcidas (Rommen 1965: 7-8) "God created all men free. No one was made a slave by nature".

As the modern natural rights theorists, also the sophists fought against social conventions, arguing that the laws in force, rather than representing tools to cultivate human virtues, were artificial constructions designed to promote specific interests. Law is an artificial construct that forces man into constraints that oppress its nature.

The dichotomy between νόμος (positive laws/conventions) and φύσις (nature) marks the dawn of natural law, and constitutes a structural defining characteristic, together with the function of criticizing the political authority (Strauss 1990, 93 - 94, 102).

Hippias (DK 1934/38, 86 C 1), basing his ideas on the concept of a free and equal nature of men, supports the overcoming of positive law by a universal law that recognizes the only bond of similarity and special relateness that binds human beings of all cities and nations, preventing the perpetration of violence exerted by law (positive) "tyrant" above human nature.

Antiphon adds his voice to this echo (DK 1934/38, 87 B 44) and enhancing the contrast between nature and law, states that "most of the right decisions according to law were enacted in hostility to nature".

In this fragment is highlighted the distinction between positive laws and natural laws.

The first ones provide reasons to act and formal criteria of evaluation of another's behaviour; basically, transgression or compliance with the rules is verified by the associates. They are, however, changeable in time and space, and therefore contingent and relative. The anchor to social observation, however, implies that the offender will not be responsabilized and will be exempt from punishment should he succeed in hiding his conduct to those who made the laws.

The second ones, instead, bind the individual to its own conscience, are recorded in its intimate personal sphere, and are dictated by necessity. This means that the violation of a law innate in the human being cannot be hidden or unacknowledged to themselves, as the one who does so "causes harm to himself not in the opinion but in the truth" (DK 1934 / 38 , 60 A 2).

Nature is the centre of truth and necessity, opposed to positive law that is weak opinion and contingency. It follows that, in the event of a conflict between νόμος and φύσις, there is the duty to follow nature, transgressing the laws of men. These sophists do not deny the form of natural law and natural moral but support, unlike the conservative philosophers, that there is a contradiction between the order that reigns in the Polis and the natural law.

A further implication that follows from the distinction examined is the consideration of the positive rule, result of the opinion, as an exterior rule, functionally destined to strengthen the bond generated by the innate rule of natural law, present in the individual consciousness and expression of his rational nature

This way of understanding nature and law in a cosmopolitan sense, which assumes the equality of human beings to legal and ethical paradigm of inter-

individual relationship, tends to take the path of abstraction, bordering the utopia.

First of all, it manifests itself in a socio-political context in which the egalitarian cosmopolitanism, pre-institutional type, is difficult to reconcile with a system devised to define the value of men within the borders of Polis, in relation to a rigid hierarchical view of social relationship. The Greek Polis had a pedagogical function of fundamental importance: to educate the individual to the virtues (the aim of every man) through the instrument of the law. Consequently, the virtuous man was the citizen. In consideration of these ethical reasons, the sophist hypothesis, transcending the boundaries of the Polis, would be anachronistic.

Secondly, abstraction results in their rationalist approach, which aims to derive criteria of behaviour that express the distinctive property of man, reason. The rule of law is not derived just from strength, deduced only from empirically perceptible characteristics, but is also the result of logical processes that allow it to establish itself, first of all, in the inner hole of each individual.

In sophistry is also possible to trace the doctrine that will have a relevant effect in the modern era, named contractualism, according to which the Polis is an accidental fact, produced by a human decision, the result of a free agreement between individuals. There is a primordial construction of the doctrine of the state of nature as the primordial condition of human nature in which there was only natural law and, with the aid of a contract, humanity passes in the civil state. The contents of this transition and its results depend on the way of understanding the state of nature.

Contractualism is suited to the rationalistic attitude of the Sophists and to their political purposes: in fact, if the positive law is unfair because is linked to the ambiguity of opinion and convention, which are prone to overlook the natural needs of men, the State, which is its source, shares the same conventional nature.

The contractual origin of civil society is also found in the thought of Lycophron (DK 1934/38, 83 3), according to which "social life is reduced to a military alliance only geographically different from other alliances with distant communities and law is reduced to a convention ... a guarantee of reciprocal rights, but not of making citizens good and righteous". The philosopher anchors the foundation of civil society in an intersubjective agreement, denouncing, however, the weakness of this binding.

Law is not enough to lead men to virtues; its only function resides in the safety of the members of the community. Law, in Lycophron, is mere an outward rule, intended to ensure an "internal" independence, among citizens, but also an "external" independence between citizens and strangers.

Lycophron proves to follow the teachings of Antiphon (DK 1934/38, 87 B 44 A 1), which in turn uses the device of intersubjective agreement to explain the political society.

Ultimately, it could be argued that the Sophists already manifested the need to connect civil society with the consent intersubjective, in its

paradigmatic and political ideal form, the social agreement between free and equal individuals (Strauss 1990.129-130)¹.

The Consecration of Reason in Stoicism

Like Sophists, also for Stoics the human being is the primary object of philosophical inquiry; unlike these, however, the stoic humanism celebrates the social feeling, producing a progressive convergence between the cosmological and anthropological dimension, in consideration of the historical and political context within which the stoicism developed, characterized by the expansion of territorial boundaries of the Polis to the boundless predominant Roman Empire.

The Stoics based their philosophical positions on the cultural legacy of Socrates, Plato, Aristotle and the peripatetic school; this could not be otherwise because the leaders of the stoic movement are regarded as descendants of the "cynical", one of the two schools of thought (the other was Cyrenaics) which developed from the Socratic thesis.

The significant impact that will have the Stoic thought in later elaborations about the natural rights is to be found, first, in the thesis of the peculiar human nature, the echo of which will cover the centuries and will consolidate, in the end, into the onto-axiological foundation of modern theories of natural rights.

The ideas about human nature, understood as a combination of instincts and reason that unites the human species, together with the political events related to the birth of a political system designed to accommodate within it both citizens and foreigners, supported the flourishing of egalitarian instances capable of transcending political boundaries to embrace the whole human race.

In the Stoic view, human nature was the product of two requirements: *οικειοσις* and reason.

Οικειοσις is the fundamental innate instinct that man shares with all animals: the instinct of self-preservation, from which comes the duty to remain intact in his natural state, behaving in a manner that is adequate to his nature and avoiding an attitude contrast with it. The self-interest is extendable also to sons and to the components of the same species.

But human nature is not only will. Seneca, investigating the nature of things and noting that for every living being there is an attribute drawn from

¹ Protagoras (Platone, *Protagoras*, 12, 322b), using literary gimmick of the myth supported the possibility of a situation in which humans would live isolated from each other and there wouldn't be cities, a pre-institutional pessimistic hypothesis. It was a "wild and immoral condition of life" (DK 1934/38, 86 C 1). The man's inability to ensure himself a life safe from the offenses of men and animals, gave rise to the civil society, the product of the divine gift of political art, which consists in the ability to put into practice justice in order to establish the social order and promote social solidarity.

In the satyr play *Sisyphus*, Critias, one of the "thirty tyrants" who presided over the government of Athens in 404-403 BC, describes a pessimistic state of nature, characterized by the absence of punishment and reward for human actions, marked by disorder, by the domain of instincts and passions, by violence and revenge that necessitated the punitive law "so that justice was queen of all and had the strength of a slave" (DK 1934/38, 88 B 25).

nature that acts also as a criterion of evaluation (the flavour of the wine for grapevine; sense of smell for dogs), asks himself the question of what would be the very essence of man. He finds the answer in reason.

The faculty of rationality distinguishes human beings from all other animals, causing him to acquire a certain proximity to the divinity. Seneca said about the members of human race: *homo sacra res homini*, throwing, in this way, the basis for the development of the idea of human dignity. Only by maintaining the right reason and cultivating perfection, man will reach its proper aim: happiness (Seneca, *Lettere morali a Lucilio*, 76)¹.

The prominent stoic virtue is the right reason. The one who is able to follow the right reason, acting according to it, it's a wise man. He lives an ascetic life, marked by the renunciation of pleasures and needs, so that he can improve his wisdom.

Another exponent of Stoicism, Marcus Aurelius, was convinced that reason is the specific and common trait to every human being. According to the Emperor, the intellectual capacity creates a connection between rational beings, category in which he places man and God (defined rather as universal nature), who is the most perfect consciousness and rational essence from which derives the immense variety of living creatures. Man is in particularly close to God: "Jupiter has detached a particle from himself and gave it to men" (Marco Aurelio, *Ricordi*, V, 27). This particle is intelligence, which adds a divine light to human nature.

To Marcus Aurelius (*Ricordi*, VI, 58), rationality inscribed in man's nature gives him the ability to understand the surrounding reality allowing himself to exercise free decision, as human freedom is based on reason. Man is free and no one can stop him from leading a life according to its nature".

The natural instinct, οὐκείσσις, is not a natural principle that ends in itself, but human being must be constantly guided by the light of reason.

Stoics, and especially the representatives of the Roman current, argued that men are equal and kin by the fact of being human, and by the fact that they are part of the divine essence, they are by nature inclined to join and associate with other men.

¹Stoics had a very high regard of the law, being it a manifestation of universal reason. In the same vein Chrysippus (Arnim 1898 III 325), source of inspiration for the modern natural rights doctrines, described the world as a single, ideal, objective and universal reality, in which God, nature and reason converge. A big state ruled by a single law: the natural reason, which prescribes what must be done and forbids what you should not do; law is the queen of the actions of gods and men; it must preside over the good and the bad, over governments and leaders and it must be rule for what is right and what is wrong. Also for Cicero (*De Republica*, III, 22/23) true law is the *recta ratio* accordant to nature, universal, unchangeable and eternal, which prescribes to act righteously and prohibits evil.

The contrast that emerged in the sophistry of right by law and right by nature it was reduced to unity by the Stoic doctrine through the concept of universal reason that identifies the reasonable act as an act in accordance with nature. It does not escape, however, the possibility of a conflict between natural law and positive law. In this case, even the Stoics, as the sophists and philosophers of natural law, argue the prevalence of nature over convention.

Already in the early Stoa, as reported by Plutarch analysing the doctrine of Zeno, are given the basis of the normative theory of the *civitas maxima*, which requires to lead a life that transcends cultural differences of the various populations within the framework of a common feeling that binds men from every part of the kingdom, within the constraint of universal citizenship, "like a flock that grazes in the same way and grows together" (Arnim 1898, I, 262)

It seems to be the revival of the doctrine of sophistry that gives dignity to all that is related to man, exalting the values of freedom and equality.

The idea of brotherhood, that together with a life in harmony with reason, is the second bulwark upon which the Stoic doctrine is based (Bloch 2005, 13), stems from the nature equally possessed by humans, and is in contrast with all those ways of treating man that does not comply with the demands of nature. It's relevant, for this thesis, the idea of *homonoi*, which is the unity of thought located within the human species.

The common thoughts are such that all of them are expressed in the same way by the experience; they justify the *consensus gentium*, and contain the most certain truth. As being endowed with freedom and equality, men can't be reduced in a state of subjection so that they give up their autonomy, denying their own nature, then even slaves are men, kin and brothers. Slaves are, like free men, part of the divinity that dwells in their souls, belonging to the same human community. Seneca clearly manifested this feeling of universal equality: "they are slaves; no, they are men ... they are our fellow slaves, if you think that fate has the same power as much above us as above them" (Seneca, *Lettere morali a Lucilio*, V, 47).

Epictetus, an exponent of Stoicism who was directly involved with the slavery issue, as he was a slave too, was oriented positively to a feeling of universal brotherhood as sons of God (*Diatriba*, II, 3, 1). As Marcus Aurelius Antoninus will say (*Ricordi*, VI, 44), effectively expressing the inclusion of man in a universal human family, growing the idea of a *civitas maxima* subject to natural law: "As Antonino my country is Rome; as a man, my country is the world".

A corollary of the *civitas maxima* will be the *communis possessio*, an idea closely linked to the following development of the concept of subjective natural rights. This idea, located in the thought of Seneca (*Lettere morali a Lucilio*, XIV, 90, 4-6) - which drew on Posidonius - postulating the existence of a state of nature preceding the political organization portrayed as an age of gold whose government was entrusted to the wise men, was based on a contractualistic nature. It was a state without laws, morally perfect, devoid of violence, defender of everyone's needs and especially of the weakest, marked by the common possession of goods, where the administration of the society wasn't based on coercion, but on the common sense of adherence to human nature. The corruption of customs, however, leads to the need for a political organization which, with the help of law, remedies at the man impiety.

To Seneca, society is a fundamental value that nature has given to man as its distinctive feature, enabling him to exercise power over other living beings and over things, and that he must exercise as a part of that ratio, which rules all

world (D'Addio 1954, 168), allowing him to live in harmony, establishing relationships of mutual aid.

Seneca attributes to law, a conventional product needed in certain situations, not only the task of regulating social life, but also the one to limit the power of rulers.

The Idea of Individual Normativity

The Sophist thought and the Stoic doctrine, while elevating man to a fundamental unit on which is erected the whole existence, show a different side to different contradictions that limit the range of their ethical-legal and ethical-policies thesis¹.

Despite these, we can trace the idea - that unites and brings down the time gap between the philosophical positions considered -, of an individual who has a legal and ethical value capable of resisting to the assaults of political power.

With the Sophists it was witnessed "the discovery of the individual as the true creator of politics", with independence of thought and equal to the other members of the species, placed in a common original condition of existence ruled by the law of nature.

With the Stoics was enforced the normative role of reason from which depends the strong power of natural rules above human behaviour enforcing also human values. In the universal recognition of the mutual recognition originates culture of fundamental rights concerning human dignity (Argiroffi 2012, 65).

In conclusion, it would be wrong to trace the origins of natural rights in ancient story, thought as legal claims that denote a specific configuration of the individual and of its interaction with the organization of political power.

There is only reference to the objective sense of normativity, the law, instead of the subjective sense of normativity, the rights.

¹First, the sophistry is not just reducible only to cosmopolitan current promoted by those thinkers who interpret social relations on the basis of natural equality. In fact naturalistic and abstract position comes together with a naturalistic and realistic position.

With regard to human nature, even if with Hippias, Alcidas, and Lycophron was emphasized the egalitarian aspect in the bosom of a rational-utopian reconstruction of human nature, with Calicles (Platone, *Gorgia*, 38-39, 483 b-484 a) or Trasimachus (D-K 1934/38 85 b 6a) natural features of human beings consists in the power of the strongest over the weakest. Justice and law are the expressions of the strongest's power. In fact, the most relevant sophist position conduct to a skeptical, relativist and positivist behavior, opposite to the naturalist and universalist intention of part of doctrine.

Also the egalitarian spirit has significant weaknesses. If the clear vision of a humanity marked by an equal nature was achieved through the intellectual effort, this meant that each would have to be placed in a position to reach it.

However, not all possess this faculty, but only a few men, who, by virtue of their reflective qualities deserved the appellation of sages.

The ethical ideal of the wiseman leads to an interpretation of the bipolar world of human, who know the contrast existing between the wise and the foolish. The latter, whom lack of reason associate them to beasts, are not worth to be considered humans.

By the way, if there is the need to understand the moral and political ideas underlying the legal paradigm of natural rights, then it can be supported their referability to ancient thought, where it was born and took its first steps such anthropocentric revolution that introduced the world to the ethical and legal relief of human being subjectivity.

References

- Argiroffi, A. 2012. *La filosofia di Lucio Anneo Seneca tra etica, diritto e politica*. Torino: Giappichelli.
- Arnim, H. Von. 1898. *Leben und Werke des Dio von Prusa, mit einer Einleitung: Sophistik, Rhetorik, Philosophie in ihrem Kampf um die Jugendbildung*. Berlin: Weidmann.
- Bill, A. 1928. *La morale et la loi dans la philosophie antique*. Paris: Alcan.
- Bloch, E. 2005. *Diritto naturale e dignità umana* (1961). Torino: Giappichelli.
- Cicerone, M. T. (1878) *Opera omnia*, a cura di C.F. Müller e G. Friedrich. Lipsia.
- D'Addio, M. 1954. *L'idea del contratto sociale dai sofisti alla riforma e il "De Principatu" di Mario Salamonio*. Milano: Giuffrè.
- Diels, H. e Kranz, W. 1934/1938. *Die Fragmente der Vorsokratiker, Griechisch und Deutsch*. Berlin: Weidmann.
- Epitteto. (2009) *Tutte le opere*, a cura di G. Reale, C. Cassanmagnago. Milano: Bompiani.
- Fassò, G. 2001. *Storia della filosofia del diritto. Antichità e medioevo*. Bari: Laterza.
- Geymonat, L. 1970. *Storia del pensiero filosofico e scientifico*. Milano: Garzanti.
- Marco Aurelio Antonino. (1948) *Ricordi*, a cura di C. Mazzantini. Torino: Chiantore.
- Opocher, E. 2000. *Lezioni di filosofia del diritto*. Padova: CEDAM.
- Pisanò, A. 2011. *I diritti umani come fenomeno cosmopolita. Internazionalizzazione, regionalizzazione, specificazione*. Milano: Giuffrè.
- Platone. (1974) *Tutte le opere*, a cura di G. Pugliese Carratelli. Firenze.
- Rommen, H. 1965. *L'eterno ritorno del diritto naturale*. Roma: Studium.
- Seneca, L.A. (1957) *Lettere morali a Lucilio*, traduz. E. Levi Milano: Bompiani .
- Spadaro, A. 2001. "La Carta europea dei diritti fra identità e diversità e fra tradizione e secolarizzazione". *Diritto pubblico comparato ed europeo*.
- Strauss, L. 1990. *Diritto naturale e storia* (1953). Genova: Il Melangolo.