

Tedmund Chan, Boston College  
18 Fairbanks St., #2, Brighton, MA 02135; e-mail: tedschan@yahoo.com

Is the Distinction between “Modern” and “Pre-Modern” Unfounded?  
A Response to Brian Tierney

According to John Lukacs, when “modern” first appeared in English around 1580, its original sense “was close to the original Latin *modernus*: ‘today’s,’ ‘present.’”<sup>1</sup> However, by the end of the 17th century, it was already being used to differentiate periods of European history. Since then it has been carried over into intellectual history to mark off “modern” philosophy from “medieval” philosophy, especially in the area of ethics and political theory. While some scholars have shown the continuities that exist between medieval philosophy and modern philosophy, others have focused on the discontinuities. In a recent article, Brian Tierney investigates the historical roots of our understanding of rights.<sup>2</sup> He notes that it is a common assumption that “in the seventeenth century, a new individualism replaced the more corporative ethos of earlier Western society and introduced a new idea of natural rights into political thought.”<sup>3</sup> Tierney responds that medieval society and culture was actually marked by both individualism and corporatism.

One supposed consequence of modernity’s individualism is a novel doctrine of natural rights, especially as it is formulated by Thomas Hobbes and John Locke. According to some, it “was inherently incompatible with the established tradition of natural law.”<sup>4</sup> Tierney focuses his attention on John Locke, maintaining that Hobbes is irrelevant since his characteristic teaching “that individuals have rights, but no duty to respect the rights of others” has “little to do with modern ways of thinking about human rights.”<sup>5</sup> In contrast, “it is widely agreed that Locke’s work was an important influence in the formation of modern liberal ideas, including ideas concerning rights.”<sup>6</sup> Tierney examines three topics to show the relationship between Locke and his medieval predecessors. They are the following: “(1) the idea of individual consent to government, (2) the idea of self-ownership or self-mastery, and (3) the existence of natural rights within a system of natural law thinking.”<sup>7</sup>

I will first give an exposition of Tierney’s arguments for the continuity between Locke and his medieval predecessors in these three areas, supplementing Tierney’s discussion of natural rights with his *The Idea of Natural Rights* and other writings.<sup>8</sup> This will be followed by my response to his arguments, which includes a discussion of the relationship between rights and the common good. Finally, I will end with some reflections on the writing of intellectual history and of history in general.

---

<sup>1</sup> John Lukacs, *At the End of an Age* (New Haven, CT: Yale University Press, 2002), 5.

<sup>2</sup> Brian Tierney, “Historical Roots of Modern Rights: Before Locke and After,” *Ave Maria Law Review* 3.1 (Spring 2005), 23-43. Available online at <<http://www.avemarialaw.edu/publications/lawReview/articles/AMLR.v3i1.Tierney.final.pdf>>.

<sup>3</sup> “Historical Roots of Modern Rights,” 25. As representatives of this way of understanding modernity, Tierney cites George H. Sabine, A. P. D’Entrèves, Leo Strauss, C. B. Macpherson, Jack Donnelly, and Charles Taylor (“Historical Roots of Modern Rights,” 25-6).

<sup>4</sup> “Historical Roots of Modern Rights,” 24. Tierney mentions Michel Villey and the followers of Leo Strauss as exponents of this view. Villey is not alone among Catholic intellectuals in holding “that the modern notion of subjective natural rights was inconsistent with the classical idea of an objective natural right” (“Historical Roots of Modern Rights,” 24-5).

<sup>5</sup> “Historical Roots of Modern Rights,” 25.

<sup>6</sup> “Historical Roots of Modern Rights,” 25.

<sup>7</sup> “Historical Roots of Modern Rights,” 28.

<sup>8</sup> Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law: 1150-1625* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1997).