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(1a2ae. 90-97)

Thomas Gilby O.P.

Excerpt

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## de lege

CONSEQUENTER CONSIDERANDUM EST de principiis exterioribus actuum. Principium autem exterius ad malum inclinans est diabolus, de cuius tentatione in *Primo* dictum est.<sup>1</sup> Principium autem exterius movens ad bonum est Deus, qui et nos instruit per legem et iuvat per gratiam. Unde primo de lege, secundo de gratia dicendum est. Circa legem autem,

primo, oportet considerare de ipsa lege in communi;  
secundo, de partibus ejus.

Circa legem autem in communi tria occurrant consideranda,

primo quidem, de essentia ipsius;  
secundo, de differentia legum;  
tertio, de effectibus legis.

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<sup>1</sup>Ia. 114

\*Principle, that from which anything in any manner starts. A real principle is a cause when a relationship of dependence is involved. 'Objective' is inserted in the translation so as not to suggest an externalism not proper to law as such. The response to positive law imposed on us may be 'artificial', but the Eternal Law, natural law, and the Gospel law of grace shape inner voluntary acts springing from persons born in human nature and reborn in the Spirit. The text uses *exterior* in contrast to the *interior* or subjective principles of human activity hitherto studied in the *Prima Secundæ* in the treatises on the psychology of human acts (1a2æ. 6-17, Vol. 17 of this series), their morality (1a2æ. 18-21, Vol. 18), their emotional texture (1a2æ. 22-48, Vols. 19, 20 & 21), the strengthening of them through habits, virtues,

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## law

WE HAVE NOW TO EXAMINE the objective principles of human activity.<sup>a</sup> The devil is among them, and as an influence for evil; how he tempts us has been already discussed in the *Prima Pars*.<sup>b</sup> From outside the principle of our going towards good is God, who builds us up by law and supports us by grace. So then we shall speak about law in the first place, and about grace afterwards. About law we look at

first, law in general (90–92)

second, its types (93–108).<sup>c</sup>

As for law in general there are three headings,

first, the nature of law (90);<sup>d</sup>

second, the varieties of law (91);

three, the effects of law (92).

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and Gifts of the Holy Ghost (1a2ae. 49–70, Vols. 22, 23 & 24), and weakening through sin (1a2ae. 71–89, Vols. 25, 26 & 27).

<sup>b</sup>Also 1a2ae. 80. There is no organized system of sin; 1a2ae. 73, 1. The Devil or Antichrist may be referred to as the Prince of Evil or the *Caput Malorum*; 3a. 8, 7 & 8. 1a. 49, 3. Below 1a2ae. 96, 4 note *d*. On the law of sin in our members see 1a2ae. 91, 6.

<sup>c</sup>Types; the text reads ‘parts’. They are not kinds of law strictly speaking, for law is not divided like a genus into species; for example the Eternal Law is not one sort of law among many. 1a2ae, 91. Introduction, Appendix 2.

<sup>d</sup>Appendix 1.

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## Quaestio 90. de essentia legis

Circa primum quaeruntur quatuor:

1. utrum lex sit aliquid rationis;
2. de fine legis;
3. de causa ejus;
4. de promulgatione ipsius.

### *articulus 1. utrum lex sit aliquid rationis*

AD PRIMUM sic proceditur.<sup>1</sup> 1. Videtur quod lex non sit aliquid rationis. Dicit enim Apostolus, *Videō aliam legem in membris meis*, etc.<sup>2</sup> Sed nihil quod est rationis est in membris, quia ratio non utitur organo corporali. Ergo lex non est aliquid rationis.

2. Præterea, in ratione non est nisi potentia, habitus, et actus. Sed lex non est ipsa potentia rationis; similiter etiam non est aliquis habitus rationis, quia habitus rationis sunt virtutes intellectuales, de quibus supra dictum est;<sup>3</sup> nec etiam actus rationis est, quia cessante rationis actu lex cessaret, puta in dormientibus. Ergo lex non est aliquid rationis.

3. Præterea, lex movet eos qui subjiuntur legi ad recte agendum. Sed movere ad agendum proprie pertinet ad voluntatem, ut patet ex præmissis.<sup>4</sup> Ergo lex non pertinet ad rationem, sed magis ad voluntatem, secundum quod etiam Jurisperitus dicit,<sup>5</sup> *Quod placuit principi, legis habet vigorem*.

SED CONTRA est quod ad legem pertinet præcipere et prohibere. Sed imperare est rationis, ut supra habitum est.<sup>6</sup> Ergo lex est aliquid rationis.

<sup>1</sup>cf 1a2æ. 91, 1; 92, 1; 94, 1

<sup>2</sup>Romans 7, 23

<sup>3</sup>1a2æ. 57

<sup>4</sup>1a2æ. 9, 1

<sup>5</sup>Digest 1, IV, 1. Berlin 1, 35a

<sup>6</sup>1a2æ. 17, 1

\*The opening article sets the key to the treatise: mere force in possession is not law, and domination is obeyed only when charged by reason. Even omnipotence cannot break the order of truth: 1a. 25, 3, 4 & 5. *De potentia* 1, 4-7. One consequence will appear later, that it is of the nature of law to be directive, not compulsive; 1a2æ. 96, 5.

The discussion is typical of the *Prima Secundæ* which is about thought directed to action, and of a period when ideas were being converted into institutions.

'Mind' is here preferred to 'reason' to translate *ratio* lest it be thought that all laws have to be reasoned out. The process of reasoning applies to those laws that are like conclusions from principles of natural law, or like constructions laid upon these conclusions; 1a2æ. 95, 2. Appendix 6.

<sup>b</sup>*Jurisperitus*, a juriconsult or jurisprudent; here in fact the authority of Ulpian (d. 228) who, it is said, provided a third of the material for the *Digest* or *Pandects*.

Roman Law, which had grown out of the decisions of magistrates, based on accepted custom and equity, was set out in order by a series of great juriconsults,

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## Question 90. the nature of law

Here there are four points of inquiry:

1. whether law is a function of reason;
2. about its purpose;
3. its agent;
4. and its promulgation.

*article 1. is law a function of mind?*

THE FIRST POINT:<sup>1a</sup> 1. Law apparently is not a function of mind, since St Paul says that *I see another law in my members, warring against the law of my mind.*<sup>2</sup> What is mental does not enter into our members, for thought is not exercised through a physical organ. Hence law is not a function of reason.

2. Besides, in the reason there is but the faculty itself, a disposition it may have, or an activity. Law however, is not the very faculty, nor one of its dispositions, for these, as we have seen,<sup>3</sup> are the intellectual virtues, nor an activity, for then it would lapse when reasoning is suspended, as during sleep. Law, therefore, does not belong to the reason.

3. Then also, law motions its subjects to act aright. Yet it has been stated<sup>4</sup> that setting human activity into motion is properly the work of the will. Therefore law is the office of will rather than of mind; which accords with the words of the Jurist, *what has pleased the sovereign has the force of law.*<sup>5b</sup>

ON THE OTHER HAND the burden of law is to prescribe or prohibit. Such executive commanding issues from the reason, as already noted.<sup>6</sup> Consequently law is a function of reason.

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notably Gaius (c. 150–180) and Ulpian; their work was incorporated with later edicts, rescripts, and imperial constitutions, which amended the laws or made new ones (cf 1a2ae. 95, 4, footnotes), in the systematization of the Emperor Justinian. The revised edition of his *Code* in 529 had been preceded the year before by the *Digest*, a compression of the writings of the classical jurists which was given the force of law. The *Institutes*, a professional manual based on Gaius, appeared about the same time. These, together with the *Novels*, or new legislation, mostly in Greek, form the *Corpus Juris Civilis* (Vol. I, 15th ed. 1928; Vol. II, 9th ed. 1915, by P. Krüger & T. Mommsen, Berlin).

The Roman Law was overlaid in the West by the barbarian invasions; its recovery began from Bologna at the end of the eleventh century. Irnerius headed the line of Glossators which ended with Accursius, an older contemporary of St Thomas, Gratian the line of Canonists; the old *corpus* of Justinian was dead, but the Canonists first and the Civilians afterwards, particularly the Post-Glossators, renewed it and made of it a living law adapted to the politics of Church and State.

*Footnote continued on page 6*

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## SUMMA THEOLOGIAE, 1a2ae. 90, 1

RESPONSIO: Dicendum quod lex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum vel ab agendo retrahitur. Dicitur enim lex a ligando, quia obligat ad agendum. Regula autem et mensura humanorum actuum est ratio, quæ est principium primum actuum humanorum, ut ex prædictis patet.<sup>7</sup> Rationis enim est ordinare ad finem, qui est primum principium in agendis secundum Philosophum.<sup>8</sup> In unoquoque autem genere id quod est primum principium est mensura et regula illius generis; sicut unitas in genere numeri, et motus primus in genere motuum. Unde relinquitur quod lex sit aliquid pertinens ad rationem.

1. Ad primum ergo dicendum quod, cum lex sit regula quaedam et mensura, dicitur dupliciter esse in aliquo. Uno modo sicut in mensurante et regulante; et quia hoc est proprium rationis, ideo per hunc modum lex est in ratione sola. Alio modo sicut in regulato et mensurato; et sic lex est in omnibus quæ inclinatur in aliquid ex aliqua lege; ita quod quælibet inclinatio proveniens ex aliqua lege potest dici 'lex' non essentialiter, sed quasi participative. Et hoc modo inclinatio ipsa membrorum ad concupiscendum 'lex membrorum' vocatur.<sup>9</sup>

2. Ad secundum dicendum quod, sicut in actibus exterioribus est considerare operationem et operatum, puta ædificationem et ædificatum, ita in operibus rationis est considerare ipsum actum rationis, qui est intelligere et ratiocinari, et aliquid per huiusmodi actum constitutum; quod quidem in speculativa ratione primo quidem est definitio; secundo, enuntiatio; tertio, vero syllogismus vel argumentatio. Et quia ratio etiam practica utitur quodam syllogismo in operabilibus, ut supra habitum est,<sup>10</sup> secundum quod Philosophus docet in *Ethic.*,<sup>11</sup> ideo est invenire aliquid in ratione practica quod ita se habeat ad operationes sicut se habet propositio in ratione speculativa ad conclusiones; et huiusmodi propositiones universales

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'The ghost story', it has been described, 'of the second life of the Roman Law after the demise of the body in which it first saw the light.' P. Vinogradoff, *Roman and Canon Law in Medieval Europe*, Oxford, 1929. J. Kantorowicz, *Studies in the Glossators of the Roman Law*, Cambridge, 1938.

The quotation from the *Digest*, which is the famous *Lex Regia* that exercised the political writers of the sixteenth century, is part of a text dealing with the act of alienation in the people's alleged contract of subjection to the Emperor. For the cognate maxim, of the *Princeps Solutus*, the ruler exempt from law, see 1a2ae. 96, 5 ad 3.

The mind from itself is an ordaining and ruling power, *virtus ordinativa et regitiva*; CG III, 78. *De veritate* III, 3. In *De anima* III, lect. 15.

<sup>7</sup>1a2ae. 1, 1 ad 3; 66, 1

<sup>8</sup>*Physics* II, 9. 200a22. *Ethics* VII, 8. 1151a16. St Thomas, *lect.* 8

<sup>9</sup>Peter Lombard, *Sentences* II, 30, 8. Quaracchi I, 464

<sup>10</sup>1a2ae. 13, 3; 76, 1; 77, 2 ad 4

<sup>11</sup>*Ethics* VII, 3. 1147a24

<sup>o</sup>*Regula et mensura*, a phrase often repeated. *Rego*, to keep or lead straight, guide,

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## NATURE OF LAW

**REPLY:** Law is a kind of direction or measure for human activity through which a person is led to do something or held back.<sup>c</sup> The word comes from *ligando*, because it is binding on how we should act.<sup>d</sup> Now direction and measure come to human acts from reason, from which, as we have shown,<sup>7</sup> they start. It is the function of reason to plan for an end, and this purpose, as Aristotle notes,<sup>8</sup> is the original source of what we do.<sup>e</sup> The originating principle in any class strikes the note for all there comprised, for instance the unit of calculation in a numerical system, or the first motion that sets going a derivative series of motions. We are left with the conclusion, then, that law is something that belongs to reason.

Hence: 1. Taken as a rule and measure, law can be present in two manners, first, and this is proper to the reason, as in the ruling and measuring principle, and in this manner it is in the reason alone; second, as in the subject ruled and measured, and in this manner law is present wherever it communicates a tendency to something, which tendency can be called derivatively, though not essentially, a 'law'. The inclination to concupiscence of our physical parts in this sense is called 'the law of members'.<sup>9f</sup>

2. As with outward acts a distinction can be drawn between the doing and the deed, for instance the actual work on a building and the work that is built, so also with the activities of reason the actual thinking, namely understanding and reasoning, and what is thought out, namely first a definition, next a proposition, and finally a syllogism or argument, can be considered apart.<sup>g</sup> And because the practical reason makes use of a sort of syllogism in settling on a course of action, as already noted<sup>10</sup> in accordance with the teaching of Aristotle,<sup>11</sup> a proposition can be discerned which is to practice what a premise is to the conclusions the theoretic reason draws.<sup>h</sup> General propositions of this type in the practical reason which bears on

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conduct, direct, draw the boundaries, mark the limits, rule, control. *Metior*, to measure, mete out, judge one thing by another. The illustrations from number and motion suggest that the notion of law should be at once fixed and dynamic. Hooker speaks of a 'rule or canon whereby actions are framed'; *Ecclesiastical Polity* I, 3, 1.

<sup>a</sup>*Ligo*, to bind, oblige; this etymology comes from Cassiodorus. Isidore's, from *lego*, to collect, pick out, read aloud, is noted below; art. 4 ad 3. Cicero gives *lex* from *delectus* (*deligere*), which, like the Greek *nomos*, implies a just apportioning. St Augustine relates the term to *diligendo*, chosen loving.

<sup>c</sup>The end, or final cause: as purposed, *in ordine intentionis*, the first of the causes; as accomplished, *in ordine executionis*, the last; 1a2ae. I, 1 & 2.

<sup>d</sup>By Peter Lombard, *Sentences* II, 30, 8. cf below 1a2ae. 91, 6.

<sup>e</sup>Apprehension, judgment, reasoning—the three mental operations that make the headings for the classical curriculum of formal logic.

<sup>f</sup>The theoretical reason and the practical reason are not different psychological faculties; the distinction refers to the double interest of one single mind, namely

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rationis practicæ ordinatæ ad actiones habent rationem legis: quæ quidem propositiones aliquando actualiter considerantur, aliquando vero habitualiter a ratione tenentur.

3. Ad tertium dicendum quod ratio habet vim movendi a voluntate, ut supra dictum est.<sup>12</sup> Ex hoc enim quod aliquis vult finem, ratio imperat de his quæ sunt ad finem. Sed voluntas de his quæ imperantur, ad hoc quod legis rationem habeat, oportet quod sit aliqua ratione regulata; et hoc modo intelligitur quod *voluntas principis habet vigorem legis*: alioquin voluntas principis magis esset iniquitas quam lex.

*articulus 2. utrum lex ordinetur semper ad bonum commune*

AD SECUNDUM sic proceditur.<sup>1</sup> Videtur quod lex non ordinetur semper ad bonum commune sicut ad finem. Ad legem enim pertinet præcipere et prohibere. Sed præcepta ordinantur ad quædam singularia bona. Non ergo semper finis legis est bonum commune.

2. Præterea, lex dirigit hominem ad agendum. Sed actus humani sunt in particularibus. Ergo et lex ad aliquod particulare bonum ordinatur.

3. Præterea, Isidorus dicit, *Si ratione lex constat, lex erit omne quod ratione constiterit.*<sup>2</sup> Sed ratione consistit non solum quod ordinatur ad bonum commune, sed etiam quod ordinatur ad privatum bonum unius. Ergo\* lex non ordinatur solum ad bonum commune, sed etiam ad bonum privatum unius.

SED CONTRA est quod Isidorus dicit quod *lex est nullo privato commodo, sed pro communi utilitate civium conscripta.*<sup>3</sup>

RESPONSIO: Dicendum quod, sicut dictum est,<sup>4</sup> lex pertinet ad id quod est principium humanorum actuum, ex eo quod est regula et mensura. Sicut autem ratio est principium humanorum actuum, ita etiam in ipsa ratione est aliquid quod est principium respectu omnium aliorum: unde ad hoc

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truth for its own sake and truth in doing and making; 1a. 79, 11. The syllogism referred to is not an apodictic or demonstrative deduction, but a syllogism in the wide sense, of one proposition following from another, as when reasoning leads to a decision; *Prior Analytics* I, 1. 24b18. *Topics*, I, 1. 100a5. *Ethics* VII, 3-5. 1145b20-47b20. St Thomas, *lect.* 2-3. cf Vol. 18 of this series, Appendices 8 & 9.

\*Piana & Faucher leave the rest of the sentence unsaid

<sup>12</sup>1a2ae. 17, 1

<sup>1</sup>cf 1a2ae. 95, 4; 96, 1. III *Sentences* 37, 2, ii ad 5. In *Ethic.* v, *lect.* 2

<sup>2</sup>*Etymologies* II, 10, & v, 3. PL 82, 130 & 199

<sup>3</sup>*ibid* v, 21. PL 82, 203

<sup>4</sup>art. 1

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what has to be done have the character of law; sometimes they are actually adverted to, sometimes they are convictions held merely as habits of mind.

3. The reason gets its motive force from the will, as we have shown.<sup>121</sup> For it is because a person wills an end that his reason effectively governs arrangements to bring it about. To have the quality of law in what is so commanded the will must be ruled by some reason, and the maxim, *the prince's will has the force of law*, has to be understood with that proviso, otherwise his will would make for lawlessness rather than law.<sup>1</sup>

*article 2. is law always ordained to the common good?*

THE SECOND POINT:<sup>1</sup> I. Not always, it would seem, is the common good the shaping purpose of law.<sup>a</sup> For it is the office of law to prescribe and prohibit. Such precepts are aimed at the individual good. Consequently the purpose of law is not always the common good.

2. Moreover, law directs man in his actions. These, however, are always about particular matters. Hence law also is for the sake of particular benefit.

3. Furthermore, Isidore<sup>b</sup> remarks that *if law is founded on reason, then law will be all that stands to reason*.<sup>2</sup> Now reason stands for what is for the good of the private individual as well as of the community. Therefore law is not only ordered to the common good but to private individual good as well.

ON THE OTHER HAND there is Isidore saying, *law is enacted for no private benefit, but for the common service of citizens*.<sup>3</sup>

REPLY: To be a principle of human acts, as we have said,<sup>4</sup> is part of the nature of law, since it is for them a rule and measure. As their beginning lies in the reason, so also one phase of its activity is the start of what follows; this first and foremost is where law comes in. Now the deeds we

<sup>1</sup>The influence of reason on will is like that of a formal cause, of will on reason like that of an efficient cause; the result is meaning in motion, which in law is a reasonable ordination for the love of the common good, art. 2. For the interplay of reason and will see 1a. 82, 4; 1a2ae. 9, 1. The examination of freedom fastens on their deliberation, not on executive spontaneity; 1a. 83, 3 & 4. *De malo* IV, 1. *De veritate* XXIV, 4, 5 & 6. For the dialectic of love see Vol. 1 of this series, Appendix 10.

<sup>2</sup>Lawlessness, *iniquitas*, from *in-aequus*, unequal, unfair, unjust.

<sup>a</sup>Common good; Appendix 4.

<sup>b</sup>St Isidore of Seville, d. 636. His twenty books of *Etymologies* was the main encyclopedia of classical learning for the Middle Ages.

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oportet quod principaliter et maxime pertineat lex. Primum autem principium in operativis, quorum est ratio practica, est finis ultimus. Est autem ultimus finis humanæ vitæ felicitas vel beatitudo, ut supra habitum est.<sup>5</sup> Unde oportet quod lex maxime respiciat ordinem qui est in beatitudine.

Rursus cum omnis pars ordinetur ad totum sicut imperfectum ad perfectum, unus autem homo est pars communitatis perfectæ, necesse est quod lex proprie respiciat ordinem ad felicitatem communem. Unde et Philosophus, præmissa definitione legalium, mentionem facit de felicitate et communiōne politica: dicit enim in v *Ethic.* quod *legalia iusta dicimus factiva et conservativa felicitatis et particularium ipsius politica communiōne*;<sup>6</sup> perfecta enim communitas civitas est, ut dicitur in I *Politic.*<sup>7</sup>

In quolibet autem genere id quod 'maxime' dicitur est principium aliorum, et alia dicuntur secundum ordinem ad ipsum: sicut ignis, qui est maxime calidus, est causa caliditatis in corporibus mixtis, quæ intantum dicuntur calida inquantum participant de igne. Unde oportet, cum lex maxime dicatur secundum ordinem ad bonum commune, quod quodcumque aliud præceptum de particulari opere non habeat rationem legis nisi secundum ordinem ad bonum commune.

Et ideo omnis lex ad bonum commune ordinatur.

I. Ad primum ergo dicendum quod præceptum importat applicationem ad ea quæ lege regulantur. Ordo autem ad bonum commune, qui pertinet ad legem, est applicabilis ad singulares fines. Et secundum hoc etiam de particularibus quibusdam præcepta dantur.

<sup>5</sup>1a2ae. I, 6 & 7; 2, 5 & 7; 69, I

<sup>6</sup>*Ethics* v, I. 1129b17. St Thomas, *lect. 2*

<sup>7</sup>*Politics* I, I. 1252a5. St Thomas, *lect. I*

<sup>8</sup>*Felicitas*, from *feo*, to produce, whence also *fecundus* and *femina*. *Beatitudo*, from *beo*, to gladden, enrich. Objective beatitude, the cause of our happiness; subjective beatitude, the state of happiness. The ordering of all rightful activity to happiness is the theme running throughout St Thomas's moral theology: Vol. 18 of this series, Appendices 1–4. For human happiness, see 1a2ae. 2–5; for God's happiness, which is the theological common good, see 1a. 26.

<sup>9</sup>The thought derives from Plato on love as the desire and pursuit of the whole. When the whole is rendered as an economic or political group then the full life it offers is bound to be at some cost to the inclinations of the part considered in isolation. This community-life was more comprehensive to a Greek philosopher than to a Christian theologian, who looked beyond it to the higher city of God and was prepared to dispute its claims to be submitted to.

On this point of the subordination of the individual to the group, Maritain's distinction between individuals and persons is useful. A human being can be considered as a part of a greater whole, and then, considered as a unit or individual within it he subserves its needs. As a person, however, he can rise above it and enter into an association in which there is no subjection and, properly speaking, no law. *Quis legem dat amantibus?* The political community occupies an intermediate posi-

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perform, these being the concern of the practical reason, all originate from our last end. We have shown that the last end of human living is happiness or well-being.<sup>5c</sup> Consequently law is engaged above all with the plan of things for human happiness.

Again, since the subordination of part to whole is that of incomplete to rounded-off reality, and since a human individual man is part of the full life of the community, it must needs be that law properly speaking deals with this subordination to a common happiness.<sup>d</sup> Thus Aristotle, having explained what he means by 'legal', mentions the happiness of the body politic when he says in the *Ethics*<sup>6</sup> that *we call those acts legally just that tend to produce and preserve happiness and its components for the political community*, the perfect community, according to the *Politics*,<sup>7</sup> being the State.<sup>e</sup>

When we speak of 'a-most-of-all' in any class of things then it is the principle and centre of reference for them all, as fire, for instance, which is the hottest thing of all, is the cause of heat in bodies mixed with ether elements, and they are called hot in so far as they share its nature.<sup>f</sup> And since we speak of law most of all in terms of the common good, it follows that any other precept about more particular business will not have the nature of law except in so far as it enters into this plan for the common good.

Therefore every law is shaped to the common good.

Hence: 1. A precept implies a decisive application to the matters which law regulates.<sup>g</sup> These include individual ends, for the plan for the common good, which is the concern of law, really has to come down to them. That is why precepts are given in certain particular cases.

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tion between a group which owns us and a circle of friends; our characteristic activity within it is free obedience to lawful commands. cf below, art. 3, note g. T. Gilby, *Between Community and Society*, A Theology of the State, London & New York, 1953.

<sup>c</sup>The perfect community, namely possessing autarky, self-sufficient to provide the advantages of life in the main; *Ethics* VIII, 9. 1160a23. St Thomas, *lect.* 9. The *polis* or City-State of Aristotle; the *Res Publica* of the Romans. Typically for St Thomas a *regnum*, a realm or kingdom: the *Regnum* in the Middle Ages was his own Kingdom of Sicily. *Communitas* here includes the whole body of free citizens, just as *universitas regni* includes all tenants-in-chief of the Crown.

<sup>f</sup>The example, as in the *quarta via* (1a. 2, 3) may be taken merely to illustrate the argument; for 'fire' read 'Sun' as the principle of thermal energy in our world. The cosmology of the four elements may be here neglected.

<sup>g</sup>*Applicatio*, also *usus activus*, technical terms for that part of a human act which marks the passage from intention to execution. Activity that was previously a judgment and choice within the mind and will now begin to take effect as a deed. cf 1a2æ. 16, 1 & 4.