



AGORA

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great conversations*

Natural Law - Part III

Saturday, January 8, 2022

Plato - Crito

1 So: What next? Should one cause harm, Crito, or not?

Cr: Presumably not, Socrates.

So: And then? Is returning a harm for a harm just, as the many say, or not just?

Cr: Not at all.

5 So: Because harming a man in any way is no different from doing an injustice.

Cr: That's true.

So: One must neither repay an injustice nor cause harm to any man, no matter what one suffers because of him. And see to it, Crito, that in
d agreeing with this you are not agreeing contrary to what you believe, because I know that few people believe it and would continue to believe it. And there is no common ground between those who hold this and those who don't, but when they see each other's positions they are bound to despise one other. So think carefully about whether you yourself agree and believe it and let us begin thinking from here, that it is never right to act unjustly or to return an injustice or to retaliate when one has suffered some harm by repaying the harm. Do you reject or accept this starting principle?
10 e For it still seems good to me now, as it did long ago, but if it looked some other way to you, speak up and educate me. If you're sticking to what we said before, listen to what comes next.

Cr: I do stick to it, and I accept it. Go ahead.

So: Here in turn is the next point. Or rather, I'll ask you: when someone has made an agreement with someone else, and it is just, must he
20 keep to it or betray it?

Cr: He must keep to it.

50a So: Observe what follows from this. By leaving here without persuading the city are we doing someone a harm, and those whom we should least of all harm, or not? And are we keeping to the just agreements we made, or not?

Cr: I'm unable to answer what you're asking, Socrates; I don't know.

25 So: Well, look at it this way. If the laws and the community of the city came to us when we were about to run away from here, or whatever it should be called, and standing over us were to ask, "Tell me, Socrates,

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b what are you intending to do? By attempting this deed, aren't you
 planning to do nothing other than destroy us, the laws, and the civic
 community, as much as you can? Or does it seem possible to you that any
 5 city where the verdicts reached have no force but are made powerless and
 corrupted by private citizens could continue to exist and not be in ruins?"

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What will we say, Crito, to these questions and others like them?
 Because there's a lot more a person could say, especially an orator, on
 behalf of this law we're destroying, which establishes the verdicts that
 10 c have been decided as sovereign. Or will we say to them "The city treated
 us unjustly and did not decide the case properly"? Will we say this or
 something like it?

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Cr: By Zeus, that's what we'll say, Socrates.

So: What if the laws then said, "Socrates, did we agree on this, we
 and you, to honor the decisions that the city makes?" And if we were
 surprised to hear them say this, perhaps they would say, "Socrates, don't
 15 be surprised at what we're saying but answer, since you are used to
 participating in questioning and answering. Come then, what reason can
 d you give us and the city for trying to destroy us? Did we not, to begin
 with, give birth to you? And wasn't it through us that your father married
 your mother and conceived you? So show those of us, the laws concerning
 marriages, what fault you find that keeps them from being good?" "I find
 20 no fault with them," I would say.

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"What about the laws concerning the upbringing and education of
 children, by which you too were raised? Or didn't those of us, the laws
 established on this matter, give good instructions when they directed your
 25 e father to educate you in the arts and gymnastics?" "They did," I would say.

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"Well, then. Since you have been born and brought up and
 25 educated, could you say that you were not our offspring and slave from
 the beginning, both you and your ancestors? And if this is so, do you
 suppose that justice between you and us is based on equality, and do you
 think that whatever we might try to do to you, it is just for you to do these
 things to us in return? Justice between you and your father, or your master
 if you happened to have one, was not based on equality, so that you could
 not do whatever you had suffered in return, neither speak back when
 30 crossed nor strike back when struck nor many other such things. Will you
 be allowed to do this to your homeland and the laws, so that, if we try to
 51a destroy you, thinking this to be just, you will then try to destroy us the
 laws and your homeland in return with as much power as you have and
 claim that you're acting justly in doing so, the man who truly cares about
 virtue?"

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Are you so wise that it has slipped your mind that the homeland is
 deserving of more honor and reverence and worship than your mother
 and father and all of your other ancestors? And is held in higher esteem
 35 b both by the gods and by men of good sense? And that when she is angry
 you should show her more respect and compliance and obedience than
 your father, and either convince her or do what she commands, and suffer
 without complaining if she orders you to suffer something? And that
 40 whether it is to be beaten or imprisoned, or to be wounded or killed if she
 leads you into war, you must do it? And that justice is like this, and that

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you must not be daunted or withdraw or abandon your position, but at war and in the courts and everywhere you must do what the city and the homeland orders, or convince her by appealing to what is naturally just? And that it is not holy to use force against one's mother or father, and it is so much worse to do so against one's homeland?" What will we say to this, Crito? That the laws speak the truth? Or not?

Cr: It looks so to me.

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So: "Consider, then, Socrates" the laws might say, "whether we speak the truth about the following: that it is not just for you to try to do to us what you're now attempting. For we gave birth to you, brought you up, educated you, and gave you and all the other citizens everything we could that's good, and yet even so we pronounce that we have given the power to any Athenian who wishes, when he has been admitted as an adult and sees the affairs of the city and us the laws and is not pleased with us, to take his possessions and leave for wherever he wants. And if any among you wants to live in a colony because we and the city do not satisfy him, or if he wants to go somewhere else and live as a foreigner, none of us laws stands in the way or forbids him from taking his possessions with him and leaving for wherever he wants.

But whoever remains with us, having observed how we decide lawsuits and take care of other civic matters, we claim that this man by his action has now made an agreement with us to do what we command him to do, and we claim that anyone who does not obey is guilty three times over, because he disobeys us who gave birth to him, and who raised him, and because, despite agreeing to be subject to us, he does not obey us or persuade us if we are doing something improper, and although we give him an alternative and don't angrily press him to do what we order but instead we allow either of two possibilities, either to persuade us or to comply, he does neither of these.

We say that you especially will be liable to these charges, Socrates, if indeed you carry out your plans, and you not least of the Athenians but most of all." If, then, I would say, "How do you mean?", perhaps they would scold me justly, saying that I have made this agreement more than other Athenians. They might say, "Socrates, we have great evidence for this, that we and the city satisfy you. For you would never have lived here more than all of the other Athenians unless it seemed particularly good to you, and you never left the city for a festival, except once to Isthmos, but never to anywhere else, except on military duty, nor did you ever make another trip like other Athenians, nor did any urge seize you to get to know a different city or other laws, but we and our city were sufficient for you.

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So intently did you choose us and agree to be governed by us that, in particular, because the city was satisfactory to you, you had children in it. Moreover, at your trial you could have proposed exile, if you had wished, and what you're now trying to do to the city without her consent, you could have done then with her consent. At the time, you prided yourself on not being angry if you had to die, and you chose death, you said, in preference to exile. But now you neither feel shame in the face of those words nor have you any respect for us the laws. By trying to destroy

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d us you are doing what the most despicable slave would do, trying to run away contrary to the contract and the agreement by which you agreed to be governed by us. So answer us first on the particular point of whether or
5 not we speak the truth in claiming that you agreed to be governed by us in deed and not merely in words." What can we say to this, Crito? Mustn't we agree?

Cr: We must, Socrates.

e So: "Aren't you", they might say, "going against your contract and agreement with us ourselves, which you were not forced to agree to nor
10 deceived about nor compelled to decide upon in a short time but over seventy years, in which time you could have gone away if we did not satisfy you and these agreements did not appear just to you. You did not prefer Lakedaimonia* nor Crete, each of which you claim is well-governed,
53a nor any other of the Hellenic cities or the foreign ones, but you left it less than the lame and the blind and the other disabled people. Evidently the
15 city and also we the laws were so much more pleasing to you than to other Athenians, for is a city without laws satisfactory to anyone? Now then, won't you keep to your agreement? You will, if you are convinced by us, at any rate, Socrates; and at least you won't look ridiculous by leaving the city.

"Just think about what good it would do you and your friends if
20 you break it and do wrong in one of these ways. It's pretty clear that your friends will risk exile along with you and disenfranchisement from the city and confiscation of their property. And if you first go to one of the closest cities, to Thebes or to Megara—since both are well-governed—you would be an enemy, Socrates, of those governments, and all those who care about their cities will regard you suspiciously, thinking that you are a destroyer of the laws. And you will confirm the opinion of the judges in thinking
25 that they judged the case correctly, since whoever is a destroyer of the laws would certainly be considered in some way a destroyer of young and foolish men.

"Will you flee, then, from well-governed cities and from the most civilized people? Is it worth it to you to live like this? Will you associate
30 with them, Socrates, and feel no shame when talking with them? What will you say, Socrates—what you said here, that virtue and justice are most valuable for humans and lawfulness and the laws? And you don't think the conduct of this Socrates will appear shameful? One should think so.

d "But will you leave these places and go to Crito's friends in Thessaly, since there is plenty of disorder and disobedience there? They might listen with pleasure to you, about how you amusingly ran away
35 from prison wearing some costume or a peasant's vest or something else of the sort that runaways typically dress themselves in, altering your appearance. But still, will no one say that an old man, who probably only has a short time left in his life, was so greedy in his desire to live that he dared to violated the greatest laws? Perhaps not, if you do not annoy anyone. But if you do, Socrates, you will hear many dishonorable things about yourself. You will surely spend your life sucking up to everyone and being a slave. What else will you do but feast in Thessaly, as though you had traveled to Thessaly for dinner? And those speeches, the ones about
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54a justice and the other virtues, where will they be?

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"Is it for the sake of your children that you want to live, so that you can raise and educate them? What are you going to do, in that case? You'll raise and educate them by bringing them to Thessaly and making them outsiders, so that they will enjoy that benefit too? Or if not that, will they grow up better if they are raised and educated with you alive but away from them, because your friends will take care of them? Is it that if you go to Thessaly, they'll look after them, but if you go to Hades they won't? If those who claim to be your friends are any good, you must believe they will.

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"So be convinced by we who brought you up, Socrates, and do not put children or life or anything else ahead of justice, so that when you go to Hades you will be able to provide all this as your defense to those who rule there. Since neither in this world, nor in the next when you arrive, will this action be thought better or more just or more pious for you and your friends to do. But as it is you leave us, if indeed you depart, having been done an injustice not by us, the laws, but by men. If you return the injustice, however, and repay the harm and flee in shame, having violated your agreement and contract with us and harmed those who least of all should be harmed, yourself, your friends, your homeland, and us, we will make life hard for you while you're alive, and then our brothers, the laws in Hades, will not receive you favorably, knowing that you also tried to destroy us as far as you were able. So do not be persuaded by Crito to do what he says instead of what we say."

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Rest assured, my dear friend Crito, that this is what I seem to hear, just as the Korubantes* seem to hear the pipes, and this sound, from these words, resonates within me and makes me unable to hear anything else. So be aware that, based on what I currently believe, at least, if you speak in opposition to this, you will speak in vain. Nevertheless, if you honestly think you can do something more, speak.

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Cr: No, Socrates. I am unable to speak.

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So: Then let it be, Crito, and let us act in this way, since this is where the god leads us.

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Plato - Laws

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ATHENIAN: They are good; but we say that there are still better men whose virtue is displayed in the greatest of all battles. And we too have a poet whom we summon as a witness, Theognis, citizen of Megara in Sicily:

'Cyrnus,' he says, 'he who is faithful in a civil broil is worth his weight in gold and silver.'

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And such an one is far better, as we affirm, than the other in a more difficult kind of war, much in the same degree as justice and temperance and wisdom, when united with courage, are better than courage only; for a man cannot be faithful and good in civil strife without having all virtue. But in the war of which Tyrtaeus speaks, many a mercenary soldier will take his stand and be ready to die at his post, and yet they are generally and almost without exception insolent, unjust, violent men, and the most senseless of human beings. You will ask what the conclusion is, and what I am seeking to prove: I maintain that the divine legislator of Crete, like any other who is worthy of consideration, will always and above all things in making laws have regard to the greatest virtue; which, according to Theognis, is loyalty in the hour of danger, and may be truly called perfect justice. Whereas, that virtue which Tyrtaeus highly praises is well enough, and was praised by the poet at the right time, yet in place and dignity may be said to be only fourth rate (i.e., it ranks after justice, temperance, and wisdom.).

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CLEINIAS: Stranger, we are degrading our inspired lawgiver to a rank which is far beneath him.

ATHENIAN: Nay, I think that we degrade not him but ourselves, if we imagine that Lycurgus and Minos laid down laws both in Lacedaemon and Crete mainly with a view to war.

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CLEINIAS: What ought we to say then?

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ATHENIAN: What truth and what justice require of us, if I am not mistaken, when speaking in behalf of divine excellence;—that the legislator when making his laws had in view not a part only, and this the lowest part of virtue, but all virtue, and that he devised classes of laws answering to the kinds of virtue; not in the way in which modern inventors of laws make the classes, for they only investigate and offer laws whenever a want is felt, and one man has a class of laws about allotments and heiresses, another about assaults; others about ten thousand other such matters. But we maintain that the right way of examining into laws is to proceed as we have now done, and I admired the spirit of your exposition; for you were quite right in beginning with virtue, and saying that this was the aim of the giver of the law, but I thought that you went wrong when you added that all his legislation had a view only to a part, and the least part of virtue, and this called forth my subsequent remarks. Will you allow me then to explain how I should have liked to have heard you expound the matter?

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CLEINIAS: By all means.

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ATHENIAN: You ought to have said, Stranger—The Cretan laws are with reason famous among the Hellenes; for they fulfil the object of laws, which is to make those who use them happy; and they confer every sort of good. Now goods are of two kinds: there are human and there are divine goods, and the human hang upon the divine; and the state which attains the greater, at the

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same time acquires the less, or, not having the greater, has neither. Of the lesser goods the first is health, the second beauty, the third strength, including swiftness in running and bodily agility generally, and the fourth is wealth, not the blind god (Pluto), but one who is keen of sight, if only he has wisdom for his companion. For wisdom is chief and leader of the divine class of goods, and next follows temperance; and from the union of these two with courage springs justice, and fourth in the scale of virtue is courage. All these naturally take precedence of the other goods, and this is the order in which the legislator must place them, and after them he will enjoin the rest of his ordinances on the citizens with a view to these, the human looking to the divine, and the divine looking to their leader mind. Some of his ordinances will relate to contracts of marriage which they make one with another, and then to the procreation and education of children, both male and female; the duty of the lawgiver will be to take charge of his citizens, in youth and age, and at every time of life, and to give them punishments and rewards; and in reference to all their intercourse with one another, he ought to consider their pains and pleasures and desires, and the vehemence of all their passions; he should keep a watch over them, and blame and praise them rightly by the mouth of the laws themselves. Also with regard to anger and terror, and the other perturbations of the soul, which arise out of misfortune, and the deliverances from them which prosperity brings, and the experiences which come to men in diseases, or in war, or poverty, or the opposite of these; in all these states he should determine and teach what is the good and evil of the condition of each. In the next place, the legislator has to be careful how the citizens make their money and in what way they spend it, and to have an eye to their mutual contracts and dissolutions of contracts, whether voluntary or involuntary: he should see how they order all this, and consider where justice as well as injustice is found or is wanting in their several dealings with one another; and honour those who obey the law, and impose fixed penalties on those who disobey, until the round of civil life is ended, and the time has come for the consideration of the proper funeral rites and honours of the dead. And the lawgiver reviewing his work, will appoint guardians to preside over these things,—some who walk by intelligence, others by true opinion only, and then mind will bind together all his ordinances and show them to be in harmony with temperance and justice, and not with wealth or ambition. This is the spirit, Stranger, in which I was and am desirous that you should pursue the subject. And I want to know the nature of all these things, and how they are arranged in the laws of Zeus, as they are termed, and in those of the Pythian Apollo, which Minos and Lycurgus gave; and how the order of them is discovered to his eyes, who has experience in laws gained either by study or habit, although they are far from being self-evident to the rest of mankind like ourselves.

Thomas Aquinas - Summa Theologiae I-II Question 94 Article 2

Article 2

Does the natural law contain many precepts or just one precept?

It seems that the natural law contains just one precept and not many precepts:

Objection 1: As was explained above (q. 92, a. 2), law is contained under the genus *precept*. Therefore, if the natural law contained many precepts, it would follow that there are likewise many natural laws.

Objection 2: The natural law follows upon the nature of man. But human nature is one taken as a whole, even though it has multiple parts. Therefore, either (a) there is just one precept of the law of nature because of the oneness of the whole or (b) there are many precepts because of the multiplicity of the parts of human nature, in which case even what stems from the inclination of the concupiscible [part of the soul] will belong to the natural law.

Objection 3: As was explained above (q. 90, a. 1), law is something that belongs to reason. But there is just a single faculty of reason in a man. Therefore, the natural law contains just one precept.

But contrary to this: The precepts of the natural law play the same role in a man with respect to matters of action that first principles play with respect to matters of demonstration. But there are many indemonstrable first principles. Therefore, there are likewise many precepts of the natural law.

I respond: As was explained above (a. 1), the precepts of the law of nature bear the same relation to practical reason that the first principles of demonstration bear to speculative reason. For in both cases they are principles that are known *per se* (*per se nota*).

Now there are two senses in which something is said to be known *per se*: (a) in its own right (*secundum se*) and (b) as regards us (*quoad nos*). Every proposition (*propositio*) said to be known *per se* in its own right is such that its predicate is part of the notion of its subject (*de ratione subiecti*); and yet it happens that such a proposition will not be known *per se* to someone who does not know the definition of the subject. For instance, the proposition ‘A man is rational’ is known *per se* given its own nature, since anyone who expresses *man* expresses *rational*; and yet this proposition is not known *per se* to someone who does not know the real definition (*quid sit*) of man. This is why, as Boethius points out in *De Hebdomadibus*, certain fundamental truths (*dignitates*) and propositions (*propositiones*) are known *per se* in general to everyone—and these are the ones whose terms are known to everyone, e.g., ‘Every whole is greater than its part’ and ‘Things equal to one and the same thing are equal to each other’—whereas other propositions are known *per se* only to the wise, who understand what the terms of the proposition signify. For instance, to someone who understands that an angel is not a body it is known *per se* that an angel does not exist circumscriptively in a place; however, this is not obvious to unsophisticated people, who do not grasp the point in question.

Now there is a certain ordering among those things that fall within everyone’s apprehension. The first thing to fall within apprehension is *being*, a grasp of which is included in everything that anyone apprehends. So the first indemonstrable principle, founded upon the notions *being* and *non-being*, is

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‘One is not to affirm and deny [the same thing] at the same time’. And, as *Metaphysics* 4 says, all the other principles are founded upon this one.

5 Now just as *being* is the first thing to fall within apprehension absolutely speaking, so *good* is the first thing to fall within the apprehension of practical reason, which is ordered toward action. For every agent acts for the sake of an end, which has the character of a good. And so the first principle in practical reasoning is what is founded on the notion *good*, which is the notion (*quod fundatur supra rationem boni quae est*): *The good is what all things desire*. Therefore, the first precept of law is that good ought to be done and pursued and that evil ought to be avoided. And all the other precepts of the law of nature are founded upon this principle—so that, namely, all the things to be done or avoided that practical reason
10 naturally apprehends as human goods are such that they belong to the precepts of the law of nature. For since what is good has the character of an end and what is bad has the character of the contrary of an end, it follows that all the things man has a natural inclination toward are such that (a) reason naturally apprehends them as goods and thus as things that ought to be pursued by action and (b) reason naturally apprehends their contraries as evils and thus things that ought to be avoided.

15 Therefore, there is an ordering of the precepts of the natural law that corresponds to the ordering of the natural inclinations.

First, man has an inclination toward the good with respect to the nature he shares in common with all substances, viz., insofar as every substance strives for the conservation of its own *esse* in accord with its own nature. And what belongs to the natural law in light of this inclination is everything through which man’s life is conserved or through which what is contrary to the preservation of his life is thwarted.

20 Second, man has an inclination toward certain more specific [goods] with respect to the nature that he shares in common with the other animals. Accordingly, those things are said to belong to the natural law which nature teaches all the animals, i.e., the union of male and female, the education of offspring, etc.

25 Third, man has an inclination toward the good with respect to the rational nature that is proper to him; for instance, man has a natural inclination toward knowing the truth about God and toward living in society. Accordingly, those things that are related to this sort of inclination belong to the natural law, e.g., that a man avoid ignorance, that he not offend the others with whom he has to live in community, and other such things related to this inclination.

Reply to objection 1: Insofar as all these precepts of the law of nature are traced back to a single first principle, they have the character of a single natural law.

30 **Reply to objection 2:** All the inclinations of any of the parts of human nature, e.g., the concupiscible part and the irascible part, are relevant to the natural law insofar as they are regulated by reason, and, as has been explained, they are traced back to a single first precept. Accordingly, even though the precepts of the law of nature are many in themselves, they nonetheless share a single root.

Reply to objection 3: Even if reason is in itself one, it nonetheless orders all the things relating to men. Accordingly, the law of reason contains everything that can be regulated by reason.

Hobbes - Leviathan XIV

CHAPTER XIV. OF THE FIRST AND SECOND NATURALL LAWES, AND OF CONTRACTS

Right Of Nature What

The RIGHT OF NATURE, which Writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto.

Liberty What

By LIBERTY, is understood, according to the proper signification of the word, the absence of externall Impediments: which Impediments, may oft take away part of a mans power to do what hee would; but cannot hinder him from using the power left him, according as his judgement, and reason shall dictate to him.

A Law Of Nature What

A LAW OF NATURE, (Lex Naturalis,) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound Jus, and Lex, Right and Law; yet they ought to be distinguished; because RIGHT, consisteth in liberty to do, or to forbear; Whereas LAW, determineth, and bindeth to one of them: so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same matter are inconsistent.

Naturally Every Man Has Right To Everything

And because the condition of Man, (as hath been declared in the precedent Chapter) is a condition of Warre of every one against every one; in which case every one is governed by his own Reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemies; It followeth, that in such a condition, every man has a Right to every thing; even to one anothers body. And therefore, as long as this naturall Right of every man to every thing endureth, there can be no security to any man, (how strong or wise soever he be,) of living out the time, which Nature ordinarily alloweth men to live.

The Fundamental Law Of Nature

And consequently it is a precept, or generall rule of Reason, "That every man, ought to endeavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre." The first branch, of which Rule, containeth the first, and

Fundamentall Law of Nature; which is, "To seek Peace, and follow it." The Second, the summe of the Right of Nature; which is, "By all means we can, to defend our selves."

The Second Law Of Nature

From this Fundamentall Law of Nature, by which men are commanded to endeavour Peace, is derived this second Law; "That a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himselfe he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himselfe." For as long as every man holdeth this Right, of doing any thing he liketh; so long are all men in the condition of Warre. But if other men will not lay down their Right, as well as he; then there is no Reason for any one, to devest himselfe of his: For that were to expose himselfe to Prey, (which no man is bound to) rather than to dispose himselfe to Peace. This is that Law of the Gospell; "Whatsoever you require that others should do to you, that do ye to them." And that Law of all men, "Quod tibi feiri non vis, alteri ne feceris."

CHAPTER XV. OF OTHER LAWES OF NATURE

The Third Law Of Nature, Justice

From that law of Nature, by which we are obliged to transferre to another, such Rights, as being retained, hinder the peace of Mankind, there followeth a Third; which is this, That Men Performe Their Covenants Made: without which, Covenants are in vain, and but Empty words; and the Right of all men to all things remaining, wee are still in the condition of Warre.

Justice And Injustice What

And in this law of Nature, consisteth the Fountain and Originall of JUSTICE. For where no Covenant hath preceded, there hath no Right been transferred, and every man has right to every thing; and consequently, no action can be Unjust. But when a Covenant is made, then to break it is Unjust: And the definition of INJUSTICE, is no other than The Not Performance Of Covenant. And whatsoever is not Unjust, is Just.

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Justice And Propriety Begin With The Constitution of Common-wealth But because Covenants of mutuall trust, where there is a feare of not performance on either part, (as hath been said in the former Chapter,) are invalid; though the Originall of Justice be the making of Covenants; yet Injustice actually there can be none, till the cause of such feare be taken away; which while men are in the naturall condition of Warre, cannot be done. Therefore before the names of Just, and Unjust can have place, there must be some coercive Power, to compell men equally to the performance of their Covenants, by the terroure of some punishment, greater than the benefit they expect by the breach of their Covenant; and to make good that Propriety, which by mutuall Contract men acquire, in recompence of the universall Right they abandon: and such power there is none before the erection of a Common-wealth. And this is also to be gathered out of the ordinary definition of Justice in the Schooles: For they say, that "Justice is the constant Will of giving to every man his own." And therefore where there is no Own, that is, no Propriety, there is no Injustice; and where there is no coercive Power erected, that is, where there is no Common-wealth, there is no Propriety; all men having Right to all things: Therefore where there is no Common-wealth, there nothing is Unjust. So that the nature of Justice, consisteth in keeping of valid Covenants: but the Validity of Covenants begins not but with the Constitution of a Civill Power, sufficient to compell men to keep them: And then it is also that Propriety begins.

Maritain - The Rights of Man and the Natural Law

discarded as worthless. But since man is endowed with intelligence and determines his own ends, it is up to him to put himself in tune with the ends necessarily demanded by his nature. This means that there is, by virtue of human nature, *an order or a disposition which human reason can discover and according to which the human will must act in order to attune itself to the necessary ends of the human being. The unwritten law, or natural law, is nothing more than that.*

Natural law is not a written law. Men know it with greater or less difficulty, and in different degrees, running the risk of error here as elsewhere. The only practical knowledge all men have naturally and infallibly in common is that we must do good and avoid evil. This is the preamble and the principle of natural law; it is not the law itself. Natural law is the ensemble of things to do and not to do which follow therefrom *in necessary* fashion, and *from the simple fact that man is man*, nothing else being taken into account. That every sort of error and deviation is possible in the determination of these things merely proves that our sight is weak and that innumerable accidents can corrupt our judgment. Montaigne maliciously remarked that, among certain peoples, incest and thievery were considered virtuous acts. Pascal was scandalized by this. We are scandalized by the fact that cruelty, denunciation of parents, the lie for the service of the party, the murder of old or sick people should be considered virtuous actions by young people educated according to Nazi methods. All this proves nothing against natural law, any more than a mistake in addition proves anything against arithmetic, or the mistakes of certain primitive peoples, for whom the stars were holes in the tent which covered the world, prove anything against astronomy.