**Chapter 10 Law**

**A. Problem**

**1.** The fact that a norm exists does not impose any obligation on us to use it.

a. It does not oblige us to make our conduct moral

2. Law: That which obligates us to conform our conduct to the norm of

morality.

a. Hypothetical imperative: The norm shows you how to be moral.

b. Categorical imperative: You have to make your acts conform to the

norm of morality.

**B. Meaning of Law**

1. Law is the rule and measure of acts directing them to their proper ends. It

implies a necessity on the beings it directs.

a. Physical law: It directs non free beings to uniform actions toward

their ends by an inner necessity of their nature. It is the nature of

bodies and structures of the universe that necessitates them to act as

they do.

b. Moral Law: It directs free beings to act towards their ends by imposing

obligations on the free will. This obligation is a moral necessity. It

cannot be physically impelling and they can be broken by the beings

bound by them. Human acts are governed by the moral law.

**C. Definition of Law**

**1.** Law is an ordinance of reason for the common good, promulgated by one

who has the care of the community.

a. An ordinance is an imposition of a superior on the will of an inferior.

b. Of Reason: To be reasonable a law must be consistent, just,

observable, enforceable and useful.

c. For the common good: It is different from a command imposed on an

individual, because it looks to the benefit of the community as a

whole, not to a personal or private good.

d. Laws for the common good are

* Territorial: binding in a certain region
* Relatively permanent
* From a public authority

e. Promulgated: the Law must be made known to those whom it binds

in such a way that persons can know it without too much difficulty. It

is objectively binding.

f. By one who has care of the community: It must come from a lawgiver

having jurisdiction. It can be an individual or group. Jurisdiction refers

to the authority of a legitimate superior as well as to the territory in

which it can be enforced.

2. All of these qualities: Mandatory, reasonable, for the common good,

promulgated and authoritative must be present for a law to be genuine and

to impose a moral obligation.

**D. Law and Freedom**

1. Freedom broadly means the absence of bonds or restraints. Not all types of

freedom are good. It would include license.

a. The purpose of law is to eliminate license and promote true liberality.

2. There are Three kinds of freedom corresponding to three kinds of bonds:

a. Chains, ropes, bars: These bonds impose an external physical

necessity which restrains the body but not the inner action of the

will. Freedom from this compulsion is called freedom of spontaneity.

b. Bonds determined by one’s own nature: A being lacking in free will is

subject to its own natural tendencies and instincts. This is an internal

physical necessity and is the domain of physical laws. Freedom from

inner determination is free will or freedom of choice.

c. Morals bonds, which is a way of restraining the free will of rational

beings by the authority of a commanding will. They impose a moral

necessity. Freedom from law, from dictation by a commanding will is

called freedom of independence.

3. Because these bonds a different, one type of freedom may exist without

another.

a. Freedom of independence has meaning only with regard to human

laws which are not possessed universally for all mankind, but for

certain political divisions or classes of people.

b. Man cannot have freedom of independence from human law and he

can have no independence from the natural moral law.

4. Freedom FROM versus Freedom FOR

a. It is good for a person to be free from various restrictions so that he

may be free for the kind of life he is meant to live for the attainment

of his end.

b. Law curtails freedom from but it enhances freedom for since it

enables man to live the kind of life he has been created for.

5. The purpose of laws is to protect and promote true liberality.

a. Law tends to make men good, directing them to their final end and

pointing out the means necessary to that end.

b. It frees man from the bondage to ignorance and error without

lessening man’s responsibility and self-control.

c. True freedom is the right to do what we ought and the laws show us

where the ought lies.

**D. Kinds of Laws**

1. Classification of Laws:

a. Duration: Eternal (God)

Temporal (Man)

b. Mode of Promulgation: Nature

Positive

c. Origin: Divine (eternal and natural)

Human (temporal and positive)