**AQUINAS: Natural Law and Human Law**

1. Preambles
   1. The prima pars : what can be known by applying intelligence to examine experience
      1. God exists, and is intelligent and loving
      2. He creates an intelligible universe to share in being and goodness
      3. Cares for plans and governs the being and activity of the universe.
   2. Human capacities for knowing, loving and choosing.
      1. Free choice and control of his actions
      2. Internal and external choices of human action which each has a goal or end
      3. Horizon of personal activity
         1. Ultimate end,
         2. Self-fulfillment,
         3. Perfection of the agent
         4. Satisfaction of all desires
         5. Total good or happiness
   3. Only unmediated vision of god can ultimately fulfill this desire.
   4. Intellect and will form a properly human and moral act.
   5. Habits and virtues keep passions under control.
   6. Sin and vice are the failure of reason
2. Defining Law
   1. Binding rule for action that Commands and orders through prescribing or prohibiting
   2. Law belongs to reason
   3. Law has a purpose or end, the common good, especially of the community
   4. Law is work of either whole community or one representative
   5. Law should be promulgated for it to be effective
3. Types of Law
   1. Eternal Law
      1. Granted by divine providence and governed by divine reason
      2. Comprehensive and for all creatures in different ways
   2. Natural Law
      1. Grounded in a teleological view of human beings and the universe
      2. It is a universal moral Law without any genuine discretion
      3. Rational creature participates in eternal law through its exercise of providence for self, while aiming for ends of eternal law
      4. Man has already a natural inclination toward good and against evil
      5. Self-preservation
      6. Preservation of the species
      7. Know truth and associate with others
      8. Self-evident when predicate points to definition of the subject
         1. Any whole is greater than the part
         2. One cannot maintain contradictory positions at the same time
      9. Natural Inclinations
         1. Movement and rest
         2. Non cognitive beings’ natural appetite
         3. Cognitive beings’ sensitive or animal appetite
         4. Human’s rational appetite
      10. Naturally moved by good, necessarily moved by total good
      11. Natural law can be eliminated in a particular action because reason may be impeded by some passion.
      12. Virtue, a second nature, cannot exist without a first nature, a natural law.
      13. Practical reason seeks the means to achieve through guiding the appetite in subsequent tasks.
      14. Habits are developed through exercise at a certain kind of act relative to the habit itself.
      15. Prudence sets order to means by applying universal principles
      16. Moral training and knowing reasons for the facts
   3. Human Law
      1. Derived from natural law
         1. Conclusions from natural law
         2. Derived from matters left undetermined by natural law
      2. Common Good: Justice, virtue, peace, tranquility, etc.
         1. Extrinsic: distinct from community but is some object to be achieved by common effort
         2. Intrinsic good of order or set of relations among parts
         3. Intrinsic good of many, inhere in individuals but are useful through communion
      3. Just and equitable sharing of burdens
      4. Human law cannot prohibit interior acts or states, but only hope to train through exterior acts and hope they be imbibed.
      5. Rights
         1. Rights govern transactions among people. It is just action or thing as owed to someone.
         2. Law is blueprint and rights are the set of actual relationships
      6. Limits of Human Law
         1. Divine law is necessary since all humans have a ultimate end in God.
         2. Uncertainty in human judgment which may cause confusion
         3. Humans can only make laws about matters they can judge
         4. Cannot punish all evils
4. Legal and Moral obligation
   1. Law is genuine
      1. Pronouncement of practical reason
      2. By the appropriate authority
      3. Guiding the community
      4. To its common good
   2. Morality is different from legality, but if law doesn’t bind morally, It doesn’t bind legally
   3. Just laws derive from eternal laws.
   4. Law contrary to divine law must never be obeyed
   5. Laws against human good may be obeyed, but only to avoid scandal or turmoil
   6. Law and Morality
      1. Law must set up order of justice and peace where people can live in relative security
      2. Details are dependent on legislator, but natural law requires it be just.
      3. Human law is not required to enforce all of natural law, but only those without which people cannot live together
      4. Morality and natural law set up primarily negative parameters where law must remain.
      5. Authority of rulers and their laws derive from eternal and natural law