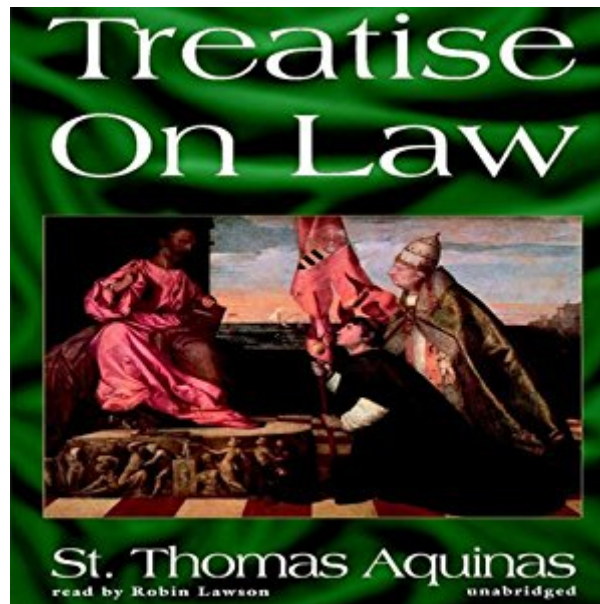




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Treatise On Law



Synopsis

Saint Thomas Aquinas, an Italian philosopher and Dominican friar who lived during the 13th century, was the greatest of the medieval theologians. His writings harmonized faith and reason, which resulted in a Christian form of rationalism. This treatise comprises questions 90-97 of the Summa Theologica, in which St. Thomas presents a philosophical analysis of the nature and structure of law. Believing that law achieves its results by imposing moral obligations rather than outright force on those subject to it, he proceeds to explore vital questions about the essence of law, kinds of law, effects of law, eternal law, natural law, human law, and changes in law.

Book Information

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Customer Reviews

Really boring, antiquated, and not relevant

I got what I paid for, a cheap book in moderate condition. Thanks for the good deal!

St. Thomas Aquinas (c.1224-1274) did not write a specific Treatise on Law. Rather this book edits part of St. Thomas' SUMMA THEOLOGIAE whereby Aquinas made intelligent comments on law. Father R.J. Henle, S.J. did a masterful job in compiling and editing Aquinas' TREATISE ON LAW. A very unique feature of this book is the Father Henle's excellent editing of this book. Father Henle gives readings careful notes to improve reading and understanding the text. He has the English and Latin of Aquinas' text which is a benefit to those who know Latin. Father Henle begins this book with a precise explanation of how Scholastic arguments were arranged. He gives the method of

argument and response used in Medieval universities. Father Henle also provides insight how the Scholastic method was used by St. Thomas Aquinas in Aquinas' texts including THE TREATISE ON LAW.²¹ 11th century readers should know how Aquinas defined the law. Aquinas argued that the law gave each man his due-good or bad. Aquinas begins with view that the law was Natural Law. He argued that the Natural Law could be traced to God's Law since God or the Divine Being (The Unmoved Mover according St. Thomas Aquinas) was the creator of all things including law and civil behavior. Aquinas carefully explained the men obey the law because, as part of God's creation, men were prone to approach the Divine. Or, because of the fact men were not perfect, some men obeyed the law because of the threat of legal sanctions. He offered an interesting view that those who obeyed the law due to legal sanctions could be influenced to see the benefits of the law. The law was positive in that it protected men and promoted social harmony. The law was negative in that men could be legally punished for harming "their fellow man." St. Thomas Aquinas also knew that some rulers and some laws were unjust. He stated that an unjust law was not law at all, and those who actively followed an unjust law were not only guilty of wrong doing but were also engaged in evil which offended God. Yet, Aquinas also urged caution and prudence as he realized that few men had a martyr complex. Aquinas would have refuted such "reformers" such as Luther and Calvin. Father Henle has a brief comment in page 230 that Aquinas realizing that men were not perfect, they could be good with the aid of the Catholic Church and desire to be better. G.K. Chesterton had a good comment when he stated that Original Sin did not mean men were depraved or inherently evil. Chesterton argued that Original Sin meant that men were not as good as they could be which is a view Aquinas shared. Aquinas would have refuted Calvin's view that many of not most men were reprobates and were lost. Aquinas would have disagreed in that men were not hopeless since God created Man. One disagreement that this reviewer has with St. Thomas Aquinas is his statement that a judge was required to impose legal sanctions including the death penalty even if the judge knew the defendant were innocent. Aquinas argued that a jury or a presentation could be in error, but Aquinas argued that the law had to be followed. St. Thomas Aquinas was opposed to unjust law, but he was obviously no political revolutionary. He realized that law is complex, and he was adamant that the law had to be carefully explained. A federal judge recently overturned a legal decision because the defendant was denied a fair explanation of the law. The judge cited St. Thomas Aquinas as part of his reasoning. Father Henle edited a solid book. His edition would be of interest to anyone who knows Latin as well as novices who study Latin. The book is a useful guide to those who want a better understanding of legal reasoning. The book is also useful to those who want a better understanding of Medieval Scholasticism and philosophy. Obviously this reviewer strongly

recommends this book

The reader of the cassette tape version of *Treatise on Law* does an excellent job--well-paced, clear, and natural-sounding (as natural as a medieval philosopher can be made to sound!). I listened to this a few times while commuting. That's not easy to do as the book is rather dense, and I would not recommend doing that unless you already have some familiarity with subject matter. There is one thing that makes putting Aquinas's *Summa Theologica* on tape particularly unwieldy: the objections are all stated, followed by the responsio, and then the replies. By the time you get to the replies you will probably have forgotten which objection was which, and the context of the replies does not always make this clear. I rate the production 5 stars nonetheless, because I think it would probably be taking too great of inappropriate editorial liberties to group objections with replies together--even though this would probably make them easier to understand. Obviously, you should have a copy of the text to refer to when you get home; then you can sort out confusions. Anyone who gives classics like this fewer than 5 stars on grounds of the content of the works is being silly. I give the production itself 5 stars as well.

Admittedly a difficult work to read, Thomas Aquinas' Treatise on Law is well worth the effort. Its difficulty stems from the strictures of its genre-- the scholastic method of disputation, important in the development of modern critical thinking. The treatise is a rich work that seeks to probe the limits of human ethical knowledge. He asks us to consider the questions "what are my rights, how can I know and guarantee them, what are the limits of the state in relation to the individual." If you've ever pondered the meaning of the words "we hold these truths to be self-evident" in the Declaration of Independence, start with this book. Aquinas has few peers in his understanding of what it means to be a human-being. Agree or disagree with him, Aquinas' vision of a universe whose very fabric both constitutes and guarantees a moral order is deeply moving and ennobling. No less a person than the Rev. Dr. Martin Luther King acknowledged in his Letter from a Birmingham Jail his debt to the Treatise on Law. If you love freedom, read this book!

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The treatise on law provides a concise definition of law, a fabulous discussion of natural law, and a view into the inner working of our own human law. A must for lawyers and legislators.

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