

## Summa Theologica Ia IIae q90. THE ESSENCE OF LAW

1. Is law something pertaining to reason?
2. The end of law
3. Its cause
4. The promulgation of law

[From the *Summa Theologica* of Saint Thomas Aquinas as translated by the Fathers of the English Dominican Province, and from the works of Blessed John Duns Scotus as selected and arranged by Jerome of Montefortino and as translated by Peter L.P. Simpson. Texts are taken from the *Opus Oxoniense*, the *Reportata Parisiensia*, and the *Quodlibeta* of the Wadding edition of Scotus' works.]

### Article 1. Whether law is something pertaining to reason?

#### *Aquinas*

Objection 1. It would seem that law is not something pertaining to reason. For the Apostle says (*Romans* 7:23): "I see another law in my members," etc. But nothing pertaining to reason is in the members; since the reason does not make use of a bodily organ. Therefore law is not something pertaining to reason.

Objection 2. Further, in the reason there is nothing else but power, habit, and act. But law is not the power itself of reason. In like manner, neither is it a habit of reason: because the habits of reason are the intellectual virtues of which we have spoken above (57). Nor again is it an act of reason: because then law would cease, when the act of reason ceases, for instance, while we are asleep. Therefore law is nothing pertaining to reason.

Objection 3. Further, the law moves those who are subject to it to act aright. But it belongs properly to the will to move to act, as is evident from what has been said above (9, 1). Therefore law pertains, not to the reason, but to the will; according to the words of the Jurist (*Lib. i, ff., De Const. Prin. leg. i*): "Whatsoever pleaseth the

#### *Scotus* [*Loc. infra cit.*]

Objection 1. It seems that law is something of reason. For it pertains to law itself to prescribe and prohibit; but to command belongs to reason; for reason shows and dictates what needs to have been done; therefore law is something of reason.

Objection 2. According to the philosopher (*Ethics* 1, last chapter), "The appetite obeys reason;" therefore the will obeys the commands of reason; therefore it is the job of reason itself to command, and to pass laws that are to be kept in the republic.

Objection 3. From what was said above (q.10 a.4). By the name of eternal law we rightly understand the judgment of the divine intellect; this judgment, through participation derived to intellectual natures, is born as natural law; therefore if eternal and natural law pertain to reason, much more must other laws, which are declarations of those laws, be attributed to reason.

On the Contrary, law moves those who are subject to the law to act rightly; but moving to act properly pertains to the will; therefore it belongs to the same will to pass

sovereign, has force of law.”

On the contrary, It belongs to the law to command and to forbid. But it belongs to reason to command, as stated above (17, 1). Therefore law is something pertaining to reason.

I answer that, Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting: for “lex” [law] is derived from “ligare” [to bind], because it binds one to act. Now the rule and measure of human acts is the reason, which is the first principle of human acts, as is evident from what has been stated above (1, 1, ad 3); since it belongs to the reason to direct to the end, which is the first principle in all matters of action, according to the Philosopher (*Phys.* ii). Now that which is the principle in any genus, is the rule and measure of that genus: for instance, unity in the genus of numbers, and the first movement in the genus of movements. Consequently it follows that law is something pertaining to reason.

Reply to Objection 1. Since law is a kind of rule and measure, it may be in something in two ways. First, as in that which measures and rules: and since this is proper to reason, it follows that, in this way, law is in the reason alone. Secondly, as in that which is measured and ruled. In this way, law is in all those things that are inclined to something by reason of some law: so that any inclination arising from a law, may be called a law, not essentially but by participation as it were. And thus the inclination of the members to concupiscence is called “the law of the members.”

Reply to Objection 2. Just as, in external action, we may consider the work and the work done, for instance the work of

laws, according to what even the Jurist says: “What has pleased the prince has the force of law.”

I answer that, *it is said here* in the sentence that law is something of reason: for the rule and measure of human acts is reason, since it is proper to reason itself to order things to the end, which is the first principle in things to be done. But in any genus whatever, what is the principle is equally the measure and rule of that genus, as unity in the case of numbers. Law therefore ought to pertain to reason. *It seems to us*, that law is rather an act of will, informed by prudence, on the presupposition of a practical pointing out by reason.

*Declaration:* [*Oxon.* 4 d.15 a.2 n.6ff.; d.47 q.1 n.3ff.; 1 d.44 n.1ff.] law (*lex*) is derived from binding (*ligando*): he alone can restrict others through legitimate authority to obeying his just mandates who can give commands and prescriptions to those who are bound to obey to him; otherwise he would be passing laws in vain if he could not compel observance of them; it belongs to the same power and virtue, then, to pass laws and to give commands. But to command is an act of will, its object having being shown to it in advance, and not of reason, although reason shows practically what needs to have been done; nevertheless rational appetite is able, by its innate power of domination over itself, to follow reason’s dictates or, by choosing other or opposed things, to contemn them, as was declared above (q.17 a.1); therefore the making of laws and the binding of subjects to them by legitimate authority will equally belong to the will. Next, [*Oxon.* 4 d.14 q.2 n.5] intellectual virtue says what is true or not true, whether it be practical or theoretical. But law bids to act, to work towards what it has prescribed, but does not incline one to making an announcement that one must thus act. Law therefore does

building and the house built; so in the acts of reason, we may consider the act itself of reason, i.e. to understand and to reason, and something produced by this act. With regard to the speculative reason, this is first of all the definition; secondly, the proposition; thirdly, the syllogism or argument. And since also the practical reason makes use of a syllogism in respect of the work to be done, as stated above (13, 3; 76, 1) and since as the Philosopher teaches (*Ethic.* vii, 3); hence we find in the practical reason something that holds the same position in regard to operations, as, in the speculative intellect, the proposition holds in regard to conclusions. Such like universal propositions of the practical intellect that are directed to actions have the nature of law. And these propositions are sometimes under our actual consideration, while sometimes they are retained in the reason by means of a habit.

Reply to Objection 3. Reason has its power of moving from the will, as stated above (17, 1): for it is due to the fact that one wills the end, that the reason issues its commands as regards things ordained to the end. But in order that the volition of what is commanded may have the nature of law, it needs to be in accord with some rule of reason. And in this sense is to be understood the saying that the will of the sovereign has the force of law; otherwise the sovereign's will would savor of lawlessness rather than of law.

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commands. But to the extent that it does propose positive laws these primarily import an act of will, as has been said. Added to this is that some general laws, giving dictates about things to be done, are fixed in advance by the divine will and not by the intellect as it precedes the act of the divine will, because in those laws there is not found a necessity in the terms, as that all the wicked will be damned in the end. They have this, then, from the divine will so establishing them, and operating according to those laws. Wherefore, although the eternal law be the judgment of the divine intellect, the laws that are however

not belong to the intellective virtue, but rather to the appetitive. (But see q.17 a.1.)

Reply to Objection 1. I reply [*Oxon. ib.*] that we do not admit this hypothesis about command; on the contrary we say that efficacious commanding, whether of itself or of other powers, pertains to the will alone; but it is proper to reason to point out, practically that is, and to intimate to the will, in accord with prudence, what is to be chosen, embraced, or fled from; but in no way can it command either itself or others; rather, while its dictate, the most correct possible, is in place, the will is able to order and effect the opposite, so that the other powers in fact carry out what was just.

Reply to Objection 2. The response was given above (q.17 a.1).

Reply to Objection 3. It must be said that certainly eternal law is a judgment of the divine intellect, and that the law of nature is light derived thence to us; but law properly meant does not, because of that, belong to reason. For since it is a feature of law to command and to prescribe things to be done and to forbid what is perverted, hence law cannot be anything other than the will, duly promulgated however, of him who presides over the republic. Reason does not command, but judges and proposes to the will what is to be done. Therefore the law of nature or the instilled light of the intellect is not properly law, because although it indicates what one ought to do it does not however give

fixed in advance for men about things to be done are to be attributed, not to the divine intellect, but to the divine will (on which matter there is more in the following article).

To what is said *on the contrary*, one sort of response will be this: reason has from the will the power of moving. For from the fact that someone wills the end reason gives commands about the things that are for the end: but the will about the things which are commanded, in order for it to possess the nature of law, ought to be ruled by some reason, and in this way it is understood that the will of the prince has the force of law; otherwise the will of the prince would rather be iniquity than law. -- *We do not approve* this solution; because [*Oxon.* 1 d.44] if reason should borrow from the will its power of moving, much more can the will itself, by its innate virtue, move both itself and also the other powers. Wherefore when it intends and wills the end it commands the intellect to inquire about and investigate suitable and opportune means for attaining the end; and when these are proposed to the will, it pertains to it to choose these or those, so that it might become possessed of the end which it intends. Reason, therefore, does not command or give precepts to the will, nor does it intimate to it that these things are thus to be done such that necessarily or without hesitation it should embrace what the intellect dictates and intimates – which has been said in line with the doctrine of Anselm and Augustine, who are witness that the will gives commands to itself and to the other powers of the soul. Wherefore since properly and per se it concerns the will to direct by command and move to rightly acting all those whatever who are subject to it, the establishing and making of laws, to the extent that prudence will have dictated and that the good of those who are bound by the law will have required, will also belong to it.

## **Article 2. Whether the law is always something directed to the common good?**

### ***Aquinas***

Objection 1. It would seem that the law is not always directed to the common good as to its end. For it belongs to law to command and to forbid. But commands are directed to certain individual goods. Therefore the end of the law is not always the common good.

Objection 2. Further, the law directs man in his actions. But human actions are concerned with particular matters. Therefore the law is directed to some particular good.

Objection 3. Further, Isidore says (*Etym.* v, 3): “If the law is based on reason, whatever

### ***Scotus*** [*Loc. infra cit.*]

Objection 1. It seems that law is not always ordered to the common good as to its end. For, according to the previous article, it belongs to the same virtue and power to pass and command laws; but the ruler of a republic frequently commands these or those particular acts to be performed as being for the good of those same particular persons; therefore law does not always regard the common good but sometimes the particular good as well.

Objection 2. It belongs to law to prescribe and to prohibit; but prescriptions are ordered to certain individual goods; therefore the end of law is not always the

is based on reason will be a law.” But reason is the foundation not only of what is ordained to the common good, but also of that which is directed private good. Therefore the law is not only directed to the good of all, but also to the private good of an individual.

On the contrary, Isidore says (*Etym.* v, 21) that “laws are enacted for no private profit, but for the common benefit of the citizens.”

I answer that, As stated above (1), the law belongs to that which is a principle of human acts, because it is their rule and measure. Now as reason is a principle of human acts, so in reason itself there is something which is the principle in respect of all the rest: wherefore to this principle chiefly and mainly law must needs be referred. Now the first principle in practical matters, which are the object of the practical reason, is the last end: and the last end of human life is bliss or happiness, as stated above (2, 7; 3, 1). Consequently the law must needs regard principally the relationship to happiness. Moreover, since every part is ordained to the whole, as imperfect to perfect; and since one man is a part of the perfect community, the law must needs regard properly the relationship to universal happiness. Wherefore the Philosopher, in the above definition of legal matters mentions both happiness and the body politic: for he says (*Ethic.* v, 1) that we call those legal matters “just, which are adapted to produce and preserve happiness and its parts for the body politic”: since the state is a perfect community, as he says in *Polit.* i, 1.

Now in every genus, that which belongs to it chiefly is the principle of the others, and the others belong to that genus in subordination to that thing: thus fire, which is chief among hot things, is the cause of

common good.

On the Contrary, Isidore (*Etym.* 5.11) says, “Law is written for no private advantage but for the common utility of all.”

I answer that law is always ordered both to intend the end and to be concerned about the common good. *Declaration:* [*Oxon.* 4 d.15 q.2n.6] law ought to be sanctioned, established, and proceed from him who has prudence and authority in the republic. This is evident, because if prudence is absent, the law will be irrational and fatuous. If it does not possess authority, it does not bind anyone, and in this way the nature of law does not consist of right and prudent dictate. But by the fact of that authority, by which he can bind the republic to carrying out his laws, the legislator has an end other than that which is observed by whoever is subject to him. As, therefore, [*Oxon. ib.* d.14 q.2 n.7] he excels them all in authority, so ought the end by which he is moved, and to which he orders the members of the republic which he governs, to be more universal. That more universal end is nothing other than the common good of the republic and of its members, for whom he wishes well being and whom he commands to conduct themselves among themselves in ordered fashion. And to be sure that ought to be the end of the law and of the legislator; not his own good, unless the good of the legislator excels every good of the community, as is the divine good with respect to the divine laws passed for the sake of men; for of these the ultimate end is the glory of the Legislator himself. By establishing, therefore, for everyone laws marked with prudence and rectitude, he orders and directs, compels and urges them towards the common good intended by him, using general precepts to command things to be done and forbid the contrary, though only because these latter oppose

heat in mixed bodies, and these are said to be hot in so far as they have a share of fire. Consequently, since the law is chiefly ordained to the common good, any other precept in regard to some individual work, must needs be devoid of the nature of a law, save in so far as it regards the common good. Therefore every law is ordained to the common good.

Reply to Objection 1. A command denotes an application of a law to matters regulated by the law. Now the order to the common good, at which the law aims, is applicable to particular ends. And in this way commands are given even concerning particular matters.

Reply to Objection 2. Actions are indeed concerned with particular matters: but those particular matters are referable to the common good, not as to a common genus or species, but as to a common final cause, according as the common good is said to be the common end.

Reply to Objection 3. Just as nothing stands firm with regard to the speculative reason except that which is traced back to the first indemonstrable principles, so nothing stands firm with regard to the practical reason, unless it be directed to the last end which is the common good: and whatever stands to reason in this sense, has the nature of a law.

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right reason and impede the common good.

Reply to Objection 1: [*Oxon.* 1 d.44 n.3] the law has respect only to general cases and to the common order of the republic in question. It does not, then, have respect to particular cases, nor do they belong to it. About particular cases, therefore, there is no law but a judgment according to the law. Example: there is a law established that every murderer should be punished with death. If someone acts against that law, he is judged in line with the law's prescription; and that is the conclusion of the law, ordering and dictating that this murderer be punished with death. But if the ruler of the republic in addition command individual citizens to perform certain particular acts, it is an open fact that he does not do that except in order to the wellbeing of the city, of which those persons are members.

Reply to Objection 2: [*Oxon.* 4 d.46 q.1 n.11] those individual goods which are intended by the legislator when he prescribes these things or forbids those things are willed in order to the justice of the public good, which the legislator simply and per se wills; particulars, however, he intends in a certain respect. And to that extent it is true that sometimes the keeping of just laws that make dispositions about personal goods is not just and right, if it should happen that the observance of such commands should act to the detriment of public justice, that is, the wellbeing of the republic.

### Article 3. Whether the reason of any man is competent to make laws?

#### *Aquinas*

Objection 1. It would seem that the reason of any man is competent to make laws. For the Apostle says (*Rom. ii. 14*) that “when the Gentiles, who have not the law, do by nature those things that are of the law, . . . they are a law to themselves.” Now he says this of all in general. Therefore anyone can make a law for himself.

Objection 2. Further, as the Philosopher says (*Ethic. ii. 1*), “the intention of the lawgiver is to lead men to virtue.” But every man can lead another to virtue. Therefore the reason of any man is competent to make laws.

Objection 3. Further, just as the sovereign of a state governs the state, so every father of a family governs his household. But the sovereign of a state can make laws for the state. Therefore every father of a family can make laws for his household.

On the contrary, Isidore says (*Etym. v. 10*): “A law is an ordinance of the people, whereby something is sanctioned by the Elders together with the Commonalty.”

I answer that, A law, properly speaking, regards first and foremost the order to the common good. Now to order anything to the common good, belongs either to the whole people, or to someone who is the vice-regent of the whole people. And therefore the making of a law belongs either to the whole people or to a public personage who has care of the whole people: since in all other matters the directing of anything to the end concerns him to whom the end belongs.

Reply to Objection 1. As stated above (A. 1

#### *Scotus* [*Loc. infra cit.*]

Objection 1. It seems that the reason of anyone whatever can make law. For [*Oxon. 2 d.28 n.1*] the Apostle writes (*Rom. 2*): “When the Gentiles, who have the law, naturally do the things which are of the law, although not having such a law, they are a law unto themselves.” But that is said about everyone, because to everyone the same nature is common.

Objection 2. The legislator needs prudence most of all so that he might establish those laws which prudence indicates can be of advantage to others: but it can happen that the reason of anyone whatever prudently make dictates about what is to be done by himself and by others; therefore the reason of anyone whatever can be maker of law.

On the contrary, it is written in *Sentences* d.2 ch.1: “Law is the constitution of the people, whereby the elders by birth, along with the populace, sanction something.” No one therefore by his own private dictate of reason can establish a law for others.

I answer that, it must be said [*Oxon. 4 d.15 q.2 n.6; d.46 q.1*] that it cannot pertain to merely anyone to sanction some law.

*Declaration:* from what was said in the preceding article, it is primarily and per se the job of the law to order towards the common good of the republic those whom it acts on, so much so that sometimes breaking particular laws, even just ones, may be held to be more just if the observance of those laws should appear to lead to the detriment of the common good. Therefore he who establishes laws ought to be informed with prudence and authority – with prudence, to be sure, so that he might establish what is to be carried out for

ad 1), a law is in a person not only as in one that rules, but also by participation as in one that is ruled. In the latter way each one is a law to himself, in so far as he shares the direction that he receives from one who rules him. Hence the same text goes on: “Who shows the work of the law written in their hearts.”

Reply to Objection 2. A private person cannot lead another to virtue efficaciously: for he can only advise, and if his advice be not taken, it has no coercive power, such as the law should have, in order to prove an efficacious inducement to virtue, as the Philosopher says (*Ethic.* x. 9). But this coercive power is vested in the whole people or in some public personage, to whom it belongs to inflict penalties, as we shall state further on (Q. 92, A. 2 ad 3; II-II, Q. 64, A. 3). Wherefore the framing of laws belongs to him alone.

Reply to Objection 3. As one man is a part of the household, so a household is a part of the state: and the state is a perfect community, according to *Polit.* i. 1. And therefore, as the good of one man is not the last end, but is ordained to the common good; so too the good of one household is ordained to the good of a single state, which is a perfect community. Consequently he that governs a family, can indeed make certain commands or ordinances, but not such as to have properly the force of law.

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public and political power in accordance with which it can establish laws for others and indicate that they be kept. But whether the Gentiles can, by their own strength, keep the law that is intrinsically instilled in them will be disputed below.

Reply to Objection 2. This is clear from what was said in the solution: because in a legislator there should come together both prudence and authority. The first without the second can provide the law with the necessary efficacy and strength. But the second

achieving civil happiness by the community, or so that the community might partake in the common good, which results from the observance of the laws in the community, which community is, through aggregation, a certain unity. But this cannot be enough for the stabilizing of law if authority be lacking. For since ‘law’ [*lex*] is derived from ‘binding’ [*ligando*], not any opinion of even the most prudent man binds the community; nor does it in any way bind anyone at all if he does not preside over anyone as a prince to whom just power has been derived from the elders or was recently handed over by the community. Since, therefore, this public authority does not reside in just any person, neither will it thence belong to just anyone to pass laws and to oblige others to keep them.

Reply to Objection 1. I reply [*Quodlib.* q. 18 nn. 3-6; *Oxon.* 2 d. 28 n. 8] that, from the text alleged, nothing can be concluded except that there is present to an agent through his intellect a rule intrinsic to his actions, and that rule indeed is the right dictate of reason. If someone therefore gives right dictates about the object and the other circumstances, an act, if elicited conformable thereto, will be morally right for him; but if otherwise, it must be full of moral malice. Anyone therefore is a law unto himself in his acts; because in everyone there is instilled a reason that gives dictates about the rightness or wrongness of his acts. But a law or intrinsic rule of this sort cannot make any law, unless there belong to it in addition a



without the first would establish laws that were unjust, vain, and not at all congruent with public utility.

#### Article 4. Whether promulgation is essential to a law?

##### *Aquinas*

Objection 1. It would seem that promulgation is not essential to a law. For the natural law above all has the character of law. But the natural law needs no promulgation. Therefore it is not essential to a law that it be promulgated.

Objection 2. Further, it belongs properly to a law to bind one to do or not to do something. But the obligation of fulfilling a law touches not only those in whose presence it is promulgated, but also others. Therefore promulgation is not essential to a law.

Objection 3. Further, the binding force of a law extends even to the future, since “laws are binding in matters of the future,” as the jurists say (*Cod. 1, tit. De lege et constit. leg. vii*). But promulgation concerns those who are present. Therefore it is not essential to a law.

On the contrary, It is laid down in the Decretals, dist. 4, that “laws are established when they are promulgated.”

I answer that, As stated above (1), a law is imposed on others by way of a rule and measure. Now a rule or measure is imposed by being applied to those who are to be ruled and measured by it. Wherefore, in order that a law obtain the binding force which is proper to a law, it must needs be applied to the men who have to be ruled by it. Such application is made by its being

##### *Scotus* [*Oxon. 4 d.3 q.4; Report. ib.*]

Objection 1. It seems that the promulgation of law is not necessarily included in the idea of law. For [*Oxon. Prolog. q.2 n.7*] natural law most of all possess the idea of law, so much so that the divine positive law handed down in the Canon seems to be, as it were, a certain explication of the natural law, which, according to the Apostle (*Rom. 2*) “is written in our hearts:” but there is no need of any promulgation for a law of that sort; therefore promulgation does not belong to the idea of law.

Objection 2. The promulgation of law cannot take place except before those who are present, who can hear the edicts and laws of the princes explicating the princes’ will: but a law not only binds and orders those who are present but also makes dispositions for the future; therefore since to those who are to come after the promulgation cannot extend, it is evident that this promulgation does not pertain to the idea of law.

Objection 3. Law (*lex*) is derived from binding (*ligando*) those who are subject to the law: but law compels to its observance not only those to whom promulgation has been made, but rather also those who have not heard its promulgation; therefore promulgation must be established as outside the idea of law.

On the Contrary, in *Sentences* d.4 ch.3 it says: “Laws are instituted when they are

notified to them by promulgation. Wherefore promulgation is necessary for the law to obtain its force.

Thus from the four preceding articles, the definition of law may be gathered; and it is nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.

Reply to Objection 1. The natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally.

Reply to Objection 2. Those who are not present when a law is promulgated, are bound to observe the law, in so far as it is notified or can be notified to them by others, after it has been promulgated.

Reply to Objection 3. The promulgation that takes place now, extends to future time by reason of the durability of written characters, by which means it is continually promulgated. Hence Isidore says (*Etym.* v, 3; ii, 10) that "lex [law] is derived from legere [to read] because it is written."

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known by nature, unless it be promulgated to him by someone suitable and authenticated. For someone cannot be understood to have been bound to the keeping a law by the mere institution of it unless it be proposed to him through an authentic herald, or by the true repute and testimony of good men, whose testimony anyone is rationally held to believe. Promulgation is therefore necessary to law, and has regard to its idea, to such an extent that, if this be taken away, it does not bind others, nor is anyone obligated to observing it, even if the institution and determination of a legislator will have preceded who is endowed with prudence and the necessary authority.

Reply to Objection 1. I respond that what is said in the solution is to be understood of positive law, whose terms are not naturally known and which is not a law written in our hearts. Those things, therefore, that are known by the natural light of the intellect have been promulgated and sufficiently intimated to everyone, nor does natural law need further promulgation.

promulgated; they are confirmed when they are confirmed in the mores of those who use them."

I answer that, it must be said that promulgation so enters into the idea of law that, unless this be understood, law has no power of binding others to its observance. *Declaration:* [*Oxon.* 4 d.3 q.4 n.4] it does not seem true, in the first place, that laws are instituted then when they are promulgated, but rather promulgation ought to presuppose the institution of the law. For a law is not promulgated unless it be first determined by the legislator, from whom it has its firmness and strength; but that determination is rightly said to be the institution of the law. When this is done, the law is to be revealed by the legislator to some person as to a solemn herald of the law, if it is through a person that it is to be intimated and promulgated to others. For if this sort of intimation and promulgation happen to be absent, no one is held to keep the commands of positive law, which is not something known interiorly in the heart. *Proof:* for the Savior says (*John* 15): "If I had not come and had spoken to them, they would not have sin." From which saying I take this proposition: no one is held to any divine positive precept, which may not be

Reply to Objection 2. We say that certainly positive laws have regard to the future, nor can they be intimated to everyone concerned in the way that this is done to those who are present. Therefore succeeding men must believe those who preceded them, from whom they received, and are made certain about, the institution and promulgation of the law carried out by suitable and authenticated persons; and on their testimony posterity must rely.

Reply to Objection 3. This is apparent from what was said; because [*Oxon. Prol. q.2 n.6*] those who do not hear the promulgation of the law must rely on the testimony of others, with whom it would be irrational to disagree. Added to this is that we have, in the case of the divine laws, sacred codices which, with the most true testimony of the Church which damns all lies, we believe. But as regards human laws we read them described in books, which laws we do not doubt to have been founded by legislators endowed with prudence and the authority of sanctioning laws for the public good of the republic.

Reply to On the Contrary. To *the argument on the contrary* we say that laws are, properly, not instituted when they are promulgated; rather institution must precede intimation and promulgation, as said in the solution. They are said, however, to be instituted when promulgated because then first they bind those subject to law and then first the law's force and strength become known to others.