

OUTLINE OF TOPICS

	PAGE
1. The definition of law	972
1a. The end of law: peace, order, and the common good	
1b. Law in relation to reason or will	073
1c. The authority and power needed for making law	
1d. The promulgation of law: the need and the manner of its declaration	
2. The major kinds of law: comparison of human, natural, and divine law; comparison of natural and positive, innate and acquired, private and public, abstract and civil rights	974
3. The divine law	
3a. The eternal law in the divine government of the universe: the law in the nature of all creatures	
(1) The natural moral law as the eternal law in human nature	
(2) The distinction between the eternal law and the positive commandments of God	975
3b. The divine positive law: the difference between the law revealed in the Old and the New Testament	
(1) Law in the Old Testament: the moral, the judicial, and the ceremonial precepts of the Old Law	
(2) Law in the New Testament: the law of love and grace; ceremonial precepts of the New Law	976
4. The natural law	
4a. The law of reason or the moral law: the order and habit of its principles	
4b. The law of men living in a state of nature	
4c. The <i>a priori</i> principles of innate or abstract right: universal law in the order of freedom; the objectification of the will	
4d. The natural law as underlying the precepts of virtue: its relation to the moral precepts of divine law	977
4e. The relation of natural law to natural rights and natural justice	971
	CHAPTER 46: LAW
	PAGES
4f. The relation of natural law to civil or municipal law: the state of nature and the regulations of the civil state	977
4g. The relation of natural law to the law of nations and to international law: sovereign states and the state of nature ■■	978
4h. The precepts of the natural law and the condition of the state of nature with respect to slavery and property	
5. The human or positive law: the sanction of coercive force	
5a. The difference between laws and decrees	
5b. The kinds or divisions of positive law	979
5c. The justice of positive law: the standards of natural law and constitutionality	
5d. The origins of positive law in the legislative process: the function of the legislator	
5e. The mutability or variability of positive law: the maintenance or change of laws	980
5f. The relation of positive law to custom	
5g. The application of positive law to cases: the casuistry of the judicial process; the conduct of a trial; the administration of justice	981
5h. The defect of positive law: its need for correction or dispensation by equity	982
6. Law and the individual	
6a. Obedience to the authority and force of law: the sanctions of conscience and	

fear; the objective and subjective sanctions of law; law, duty, and right	
6b. The exemption of the sovereign person from the coercive force of law	983
6c. The force of tyrannical, unjust, or bad laws: the right of rebellion or disobedience	
6d. The educative function of law in relation to virtue and vice: the efficacy of law as limited by virtue in the individual citizen	
6e. The breach of law: crime and punishment	984
(1) The nature and causes of crime	
(2) The prevention of crime	
(3) The punishment of crime	985
7. Law and the state	986
7a. The distinction between government by men and government by laws: the nature of constitutional or political law	
7b. The supremacy of law as the principle of political freedom	
7c. The priority of natural to civil law: the inviolability or inalienability of natural rights	
7d. Tyranny and treason or sedition as illegal acts: the use of force without authority	987
7e. The need for administrative discretion in matters undetermined by law: the royal prerogative	
7f. The juridical conception of the person: the legal personality of the state and other corporations	
8. Historical observations on the development of law and on the diversity of legal systems or institutions	
9. The legal profession and the study of law: praise and dispraise of lawyers and judges	988