ANCIENT AND MEDIEVAL THEORIES OF LAW

NATURAL LAW
- The theory that human laws are derived from eternal and unchangeable principles that regulate the natural world, and that people can become aware of these laws through the use of reason
- Example: parents protecting their offspring
- The closer that human laws mirror the natural law, the better society will function

NATURAL PHILOSOPHERS

SOCRATES
- Socrates never wrote down any of his thoughts, although we know of his teachings from the writings of his pupil, Plato
- His philosophic method was to meet people in the streets and marketplaces of Athens and start a discussion about a particular topic, such as justice, knowledge, love and virtue – Dialectic or Socratic method – to clarify an idea through discussion
- Socrates believed the law must guide people in the right way to live; and obeying the law is based on the eternal principles that govern the universe

PLATO
- He believed that the most basic law is to do good and avoid evil
- Law is closely associated with morality
- Humans were social by nature and that organized society was a natural institution
- Society, or the state, did not exist for economic reasons alone but to help people develop the good life, the life that is led according to principles of justice
- For Plato, justice exists when all the powers of an individual or society work together for the good of the whole.

ARISTOTLE
- Aristotle believed that humans could use reason to decide on what is right and wrong or what is just and unjust
- Aristotle created the theory of rationalism which is using reason to analyze the natural world through observation
- He felt that people fell into 3 categories: some are born good, some can be made good through education, and most people live by their passions (i.e. greed)
- Plato believed that education would prevent people from being ruled by their passions, but Aristotle believed that law itself did this
- Like Plato, Aristotle felt that the law had a moral purpose which is that the law forced people to live according to their reason rather than their passions
- By following their reason, people fulfill their greatest potential as humans – to live a good life

ST. THOMAS AQUINAS
- Aquinas identified 4 kinds of laws: eternal law, natural law, divine positive law, and human positive law
- According to Aquinas, justice sprang from natural rights; rights were not created by human laws
- He believed that law was the mirror of a natural world order that was made known to humans by their own reasoning and by divine revelation through Christian prophets
- He identified preserving one’s own life, mating, and educating one’s children as examples of humans’ natural inclinations (instincts)