| Contents of the Online Companion to the Commentary   | page xi  |
|--|----------|
| Acknowledgments  | XV       |
| St. Thomas's Prayer Ante Studium ("Before Study")  | xvii     |
| Diagram of the Architecture of Law   | xviii    |
| Introduction   | xix      |
| I. LAW ITSELF, IN GENERAL (QUESTIONS 90–92, ALL INCLUDED IN THIS COMMENTARY)   | I        |
| Before Reading Question 90   | I        |
| St. Thomas's Prologue to Questions 90–92   |          |
|  | 5        |
| A. The essence of law (Question 90)  1. Whether law is something pertaining to reason?   | 5        |
| (Question 90, Article 1)  2. Concerning the end of law – in particular, whether the law is always something directed to the common good: | 12       |
| (Question 90, Article 2) 3. Concerning its cause – in particular, whether the reason   | 27       |
| any man is competent to make laws? (Question 90, Art 4. Concerning its promulgation – in particular, whether                             | ,        |
| promulgation is essential to a law? (Question 90, Artic  | le 4) 49 |
| Before Reading Question 91   | 57       |
| St. Thomas's Prologue to Question 91   | 59       |
| B. The different kinds of law (Question 91)  | 59       |
| 1. Whether there is an eternal law? (Question 91, Article  | 1) 61    |
| 2. Whether there is a natural law? (Question 91, Article 2   |          |
| 3. Whether there is a human law? (Question 91, Article 3)  |          |
| 4. Whether there is a Divine law? (Question 91, Article 4,   |          |
| 5. Whether there is one Divine law, or several? (Question Article 5)   |          |
| 6. Whether there is a law of sin? (Question 91, Article 6)   | 111      |
| Before reading Question 92   | 136      |
| St. Thomas's Prologue to Question 92   | 137      |
| C. The effects of law (Question 92)  |          |
| 1. Whether an effect of law is to make men good?   | 137      |
| (Question 92, Article 1) 2. Whether the effects of law are to command, to forbid, a permit, and to punish, as the Jurist states?         | to 138   |
| (Question 92, Article 2)   | 149      |

| II. THE PARTS OF LAW (QUESTIONS 93-108; THIS COMM   | IENTARY     |
|---|-------------|
| INCLUDES QUESTIONS 93-97, AND THE ONLINE COMI   |             |
| THE COMMENTARY INCLUDES ADDITIONAL COMMENT  | ARY ON      |
| EXCERPTS FROM QUESTIONS 97–108)   | 159         |
| Before Reading Question 93  | 159         |
| St. Thomas's Prologue to Questions 93-108   | 163         |
| A. Of the eternal law (Question 93)  1. What is the eternal law – in particular, whether the  | 163         |
| eternal law is a sovereign type [ratio] existing in God? (Question 93, Article 1)  2. Whether the eternal law is known to all?                  | 164         |
| (Question 93, Article 2) 3. Whether every law is derived from the eternal law?  | 174         |
| (Question 93, Article 3) 4. Whether necessary and eternal things are subject to the   | 182         |
| eternal law? (Question 93, Article 4) 5. Whether natural contingents are subject to the eternal l   | 191<br>aw?  |
| (Question 93, Article 5) 6. Whether all human affairs are subject to the eternal lau  | 201         |
| (Question 93, Article 6)  | 211         |
| Before Reading Question 94  | 224         |
| St. Thomas's Prologue to Question 94  | 228         |
| B. Of the natural law (Question 94)  1. What is the natural law – in particular, whether it is a  | 228         |
| habit? (Question 94, Article 1)  2. What are the precepts of the natural law – in particular whether it contains several precepts, or only one? | 229         |
| (Question 94, Article 2) 3. Whether all acts of virtue are prescribed by the natural  | 237<br>law? |
| (Question 94, Article 3) 4. Whether the natural law is the same in all men?   | 256         |
| (Question 94, Article 4) 5. Whether the natural law can be changed?   | 263         |
| (Question 94, Article 5) 6. Whether the natural law can be abolished from the   | 277         |
| heart of man? (Question 94, Article 6)  | 290         |
| Before Reading Question 95  | 299         |
| St. Thomas's Prologue to Question 95  | 300         |

| C. Of human law (Questions 95–97)                            | 300  |
|--|------|
| 1. Considered in itself (Question 95)                        | 300  |
| a. Its utility: Whether it was useful for laws to be framed  | ,,,, |
| by men? (Question 95, Article 1)                             | 302  |
| b. Its origin: Whether every human law is derived from the   |      |
| natural law? (Question 95, Article 2)                        | 311  |
| c. Its quality: Whether Isidore's description of the quality |      |
| of positive law is appropriate? (Question 95, Article 3)     | 322  |
| d. Its division: Whether Isidore's division of human laws is |      |
| appropriate? (Question 95, Article 4)                        | 332  |
| Before Reading Question 96                                   | 346  |
| St. Thomas's Prologue to Question 96                         | 348  |
| 2. Its power (Question 96)                                   | 348  |
| a. Whether human law should be framed for the                |      |
| community rather than the individual?                        |      |
| (Question 96, Article 1)                                     | 349  |
| b. Whether human law should repress all vices?               |      |
| (Question 96, Article 2)                                     | 359  |
| c. Whether human law is competent to direct all acts of      |      |
| virtue? (Question 96, Article 3)                             | 371  |
| d. Whether it binds a man in conscience?                     |      |
| (Question 96, Article 4)                                     | 379  |
| e. Whether all men are subject to human laws?                |      |
| (Question 96, Article 5)                                     | 393  |
| f. Whether those who are under the law may act beside the    |      |
| letter of the law? (Question 96, Article 6)                  | 406  |
| Before Reading Question 97                                   | 418  |
| St. Thomas's Prologue to Question 97                         | 420  |
| 3. Its mutability (Question 97)                              | 420  |
| a. Whether human law is changeable? (Question 97,            |      |
| Article 1)   | 421  |
| b. Whether it should be always changed, whenever             |      |
| anything better occurs? (Question 97, Article 2)             | 429  |
| c. Whether it is abolished by custom, and whether custom     |      |
| obtains the force of law? (Question 97, Article 3)           | 436  |
| d. Whether the application of human law should be            |      |
| changed by dispensation of those in authority?               |      |
| (Question 97, Article 4)                                     | 449  |
| Index  | 461  |