

# THE MEANING OF LAW

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How strange we human beings are! We want to know a multitude of things, but we are barely interested in knowing ourselves. We want to own a multitude of things, and we do not own ourselves. And these two defects go hand in hand as we only own what we really know. What use is an automobile, an aeroplane or a super-computer if we do not know how to use them? And, of course, the better we know them, the better we will use them. Do we know how to “use” ourselves? What I want to emphasise is that knowledge produces power, correct knowledge produces correct power, just as bad knowledge produces bad power.

Knowledge gives power, a capacity for dominion, for transformation, for influence. If a legislator does not truly understand what law is, his laws will probably not be obeyed; he *believes* he has power, but in fact he has not, or has very little, because it is based only on violence, on obligation. Thus, only the person who is *obeyed* has power. If not his power is a mere formality worth no more than the paper it is written on.

I do not find the theory of power so difficult to discuss. It is enough to consider how many reasons someone may have to obey, to know how many possibilities of power exist. There are five reasons for obeying: 1) Violence: you are threatened; 2) Reward: you gain something; 3) Custom: you feel tied to certain customs or your people’s traditions; 4) “Leadership”: you feel attracted by someone’s cordiality or qualities; 5) Belief: you are convinced that doing what you are asked is what is best for your good and the common good.

The most rudimentary form of power is 1 above, because in it intelligence, liberty and human dignity are considered of secondary importance, if at all. Nevertheless, it cannot be left aside, since at times it is the only way to obtain the *first common good – peace*. All “incorrect violence” should be condemned, but not the reasonable use of force without torture (within police or prison actions, in order to avoid criminal violence). Without it the law would be ineffective.

In any case, obedience is better achieved by means of no. 5, the most difficult incidentally. *Convincing* reasonably, by one’s own good behaviour (i.e., with the example of moral integrity) is the best system. If social leaders – in politics, economy, culture, etc. – give good example, they will, little by little and sooner than you would think, achieve a positive social transformation of society.

Man frequently admires his reflection: in a material mirror to know himself physically; in a scientific mirror (a master) to find his own scientific capacity; in a fashion mirror (models) women are inspired in their dress; in a divine mirror (Jesus Christ) Christians look at themselves in order to be good. Therefore, social leaders – in politics, in business, in art, in sport, etc. – are the mirrors of the people. This is their great responsibility. The moral, political, economic and cultural level of the people depends on them. Consequently, these people cannot live for themselves; rather they must live for everyone else.

According to Thomas Aquinas’, law is a rational order for the common good, enacted by legitimate power.

Order firstly, is the uniting of several elements, without suppressing their variety. In pure uniformity there is no life – tyranny kills life – but neither is there in pure diversity, as separation is death. The *life* of society lies in correct order, in the appropriate combination of unity and variety. This combination always demands *subordination*: we are united by what is superior to us. Private interest only unites temporarily and never truly. Thus, law unites us when it reflects a *true universal reason* (order through *reason*) and not when it is the expression of purely private interest.

The order of reason must be enacted, i.e., made public, *communicated*. If, for example, a government made laws and did not publish them, even if they were truly just, they could not be laws. On the contrary, a legitimate, well-known, and socially accepted custom is law, in spite of not being written, as writing is not the only means of making something public.

Lastly, for law to be law it must be enacted by legitimate power. Indeed, no stranger to a people can promulgate laws, precisely because being a stranger he does not *communicate* with the people. An unaccepted legislator can only impose the law by means of violent injustice, but it will not be true law. The only exception to this occurs in a society so internally divided that the “normality of the norm” becomes impossible.

A law enacted against a reasonable legitimate custom, or against the just rights of the people, is not legitimate, because it does not communicate any practical truth to the order of the common good. It is similar to a law which is impossible to observe.

As human beings, we need things and relationships in order to live: a place to live, a place to earn our bread and social relations without which we would not be human. Generically we all have the right to what we need. Moreover, being human implies having more than is absolutely necessary: science, art and religion are not indispensable for material sustenance, yet they are more necessary for everyone than food itself, if we wish to be distinguished from the animals. Science, art, religion are *culture*, the cultivation of the spirit. The spirit of cultivation is the spirit of caring, of attention, of love.

When a human being cultivates the spirit he learns to cultivate those material objects which cover his “physical” needs. Economy is the spirit of home and work. Thus, a good economy always respects private property. Respect, in itself, is only possible when people have a general agreement on mutual respect, a *desire for justice*. This permanent desire to give every one what is his – that is, to do justice – is the basis of all true law.

Without this spirit of justice, there is – in the end – no support for law but coercion. But anything that is coerced, forced, treated violently looks for revenge. A law based on coercive force can only keep an unstable peace for a limited period of time. There is no alternative: without law there can be no culture, civilization, development; and without justice there is no true law. And justice is the centre of what we call *ethics*.