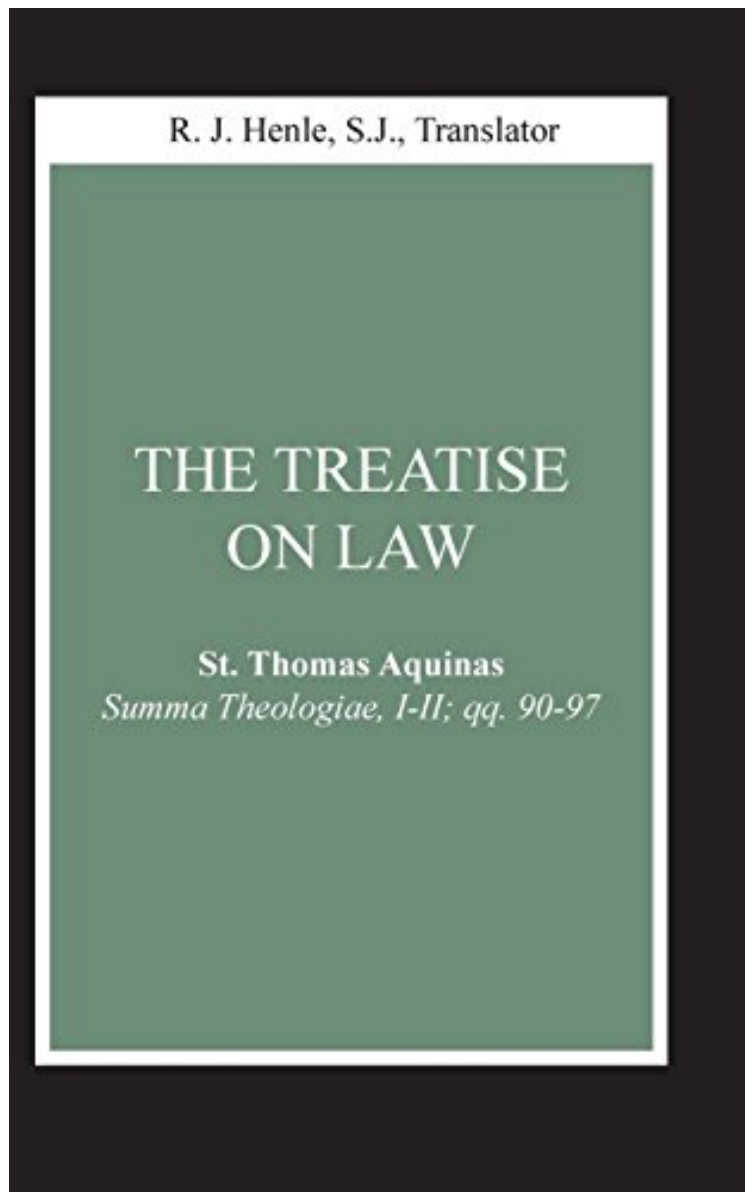


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## **Treatise on Law, The: (Summa Theologiae, I-II; qq. 90-97) (Notre Dame Studies in Law and Contemporary Issues)**

*Thomas Aquinas*

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**Thomas Aquinas : Treatise on Law, The: (Summa Theologiae, I-II; qq. 90-97) (Notre Dame Studies in Law and Contemporary Issues)** before purchasing it in order to gauge whether or not it would be worth my time, and all praised Treatise on Law, The: (Summa Theologiae, I-II; qq. 90-97) (Notre Dame Studies in Law and Contemporary

Issues):

0 of 3 people found the following review helpful. One StarBy SpencerReally boring, antiquated, and not relevant0 of 7 people found the following review helpful. not badBy LucasI got what I paid for, a cheap book in moderate condition. Thanks for the good deal!11 of 11 people found the following review helpful. A Thoughtful Treatise on the LawBy James E. EgolfSt. Thomas Aquinas (c.1224-1274) did not write a specific Treatise on Law. Rather this book edits part of St. Thomas' SUMMA THEOLOGIAE whereby Aquinas made intelligent comments on law. Father R.J. Henle, S.J. did a masterful job in compiling and editing Aquinas' TREATISE ON LAW. A very unique feature of this book is the Father Henle's excellent editing of this book. Father Henle gives readings careful notes to improve reading and understanding the text. He has the English and Latin of Aquinas' text which is a benefit to those who know Latin. Father Henle begins this book with a precise explanation of how Scholastic arguments were arranged. He gives the method of argument and response used in Medieval universities. Father Henle also provides insight how the Scholastic method was used by St. Thomas Aquinas in Aquinas' texts including THE TREATISE ON LAW. 21st. century readers should know how Aquinas defined the law. Aquinas argued that the law gave each man his due—good or bad. Aquinas begins with view that the law was Natural Law. He argued that the Natural Law could be traced to God's Law since God or the Divine Being (The Unmoved Mover according St. Thomas Aquinas) was the creator of all things including law and civil behavior. Aquinas carefully explained the men obey the law because, as part of God's creation, men were prone to approach the Divine. Or, because of the fact men were not perfect, some men obeyed the law because of the threat of legal sanctions. He offered an interesting view that those who obeyed the law due to legal sanctions could be influenced to see the benefits of the law. The law was positive in that it protected men and promoted social harmony. The law was negative in that men could be legally punished for harming "their fellow man." St. Thomas Aquinas also knew that some rulers and some laws were unjust. He stated that an unjust law was not law at all, and those who actively followed an unjust law were not only guilty of wrong doing but were also engaged in evil which offended God. Yet, Aquinas also urged caution and prudence as he realized that few men had a martyr complex. Aquinas would have refuted such "reformers" such as Luther and Calvin. Father Henle has a brief comment in page 230 that Aquinas realizing that men were not perfect, they could be good with the aid of the Catholic Church and desire to be better. G.K. Chesterton had a good comment when he stated that Original Sin did not mean men were depraved or inherently evil. Chesterton argued that Original Sin meant that men were not as good as they could be which is a view Aquinas shared. Aquinas would have refuted Calvin's view that many of not most men were reprobates and were lost. Aquinas would have disagreed in that men were not hopeless since God created Man. One disagreement that this reviewer has with St. Thomas Aquinas is his statement that a judge was required to impose legal sanctions including the death penalty even if the judge knew the defendant were innocent. Aquinas argued that a jury or a presentation could be in error, but Aquinas argued that the law had to be followed. St. Thomas Aquinas was opposed to unjust law, but he was obviously no political revolutionary. He realized that law is complex, and he was adamant that the law had to be carefully explained. A federal judge recently overturned a legal decision because the defendant was denied a fair explanation of the law. The judge cited St. Thomas Aquinas as part of his reasoning. Father Henle edited a solid book. His edition would be of interest to anyone who knows Latin as well as novices who study Latin. The book is a useful guide to those who want a better understanding of legal reasoning. The book is also useful to those who want a better understanding of Medieval Scholasticism and philosophy. Obviously this reviewer strongly recommends this book

In this translation of Saint Thomas Aquinas's *The Treatise on Law*, R. J. Henle, S.J., a well-known authority on philosophy and jurisprudence, fluently and accurately presents the Latin and English translation of this important work. Henle provides the necessary background for an informed reading of the *Treatise*, as well as the only in-depth commentary available in English on this text.

Language Notes  
Text: English, Latin (translation)  
Original Language: Latin  
About the Author  
R. J. Henle, S.J. (1909-2000) was professor emeritus of philosophy and jurisprudence at St. Louis University. Father Henle published hundreds of books, articles, and reviews. Noteworthy among them were his Latin Series, *Marquette Aquinas Lecture*, *Method in Metaphysics*, *St. Thomas and Platonism*, and *Theory of Knowledge*.