

# LAW

## Part 1. Introduction

Regarding our understanding of law, let us ask the following questions:

- What is law?
- What is the purpose of human laws in relation to the objective standards of the moral law as set forth by God?
- Are there different kinds of law, and do they make conflicting demands upon man's behaviour?
- How are conflicts between conscience and law to be resolved?

The purpose of law is to allow men in society a proper measure of freedom to protect their rights and to remind them of their responsibilities to others.

When the people are morally upright, the tendency is to have fewer laws.

When the people are inclined towards vice, the tendency to have many laws.

### 1. Definition of Law

Law is a rule of conduct enacted by a competent authority for the common good.

#### **Laws are a rule of conduct.**

Laws give the guidelines of what a person should and should not do.

Laws must always require something reasonable.

They are supposed to protect objective values and should not come from the arbitrary will of authority.

#### **Laws are enacted by a competent authority**

That means it is made by those responsible for the care of the community.

Laws are executed by the people who have the power – the lawful authority.

#### **Laws exist for the common good**

Laws seek a just society for all citizens.

Laws try to keep the conditions to promote the common good.

#### **Laws must officially promulgated**

Laws need to be communicated in an official manner to all the people before they become public.

If not they do not have power.

## 2. Division and Kinds of Law

Division of law depends on the author of the law – Divine Law and Human Law

Divine law is made by God

Human law is made by man

**There are four expressions of Divine Law:**

**a. Eternal Law**

The eternal law is the law of God that governs the whole creation.

The eternal law governs...

...the *physical order* of physical bodies

...the *biological order* of living beings

...the *moral order* of rational beings. The eternal law is the law of God that governs the whole creation.

The eternal law governs...

...the *physical order* of physical bodies

...the *biological order* of living beings

...the *moral order* of rational beings.

It is the order of the universe made by God.

Everyone can see the order in the world starting from the movement of the planets and stars down to the movements of atoms.

Scientists call them the laws of nature.

It is known as eternal law.

Eternal law is:

The first law – the starting point for all other laws.

The foundation of all law – all laws must be built on it.

Intrinsic – it orders interiorly by means of providence through which God governs the universe.

Universal – it applies to creatures of God.

**b. Moral Law**

Is the participation of man in the eternal law.

The moral law is the portion of the *eternal law* that governs the moral order of creatures with rational nature.

Creatures with rational nature are *angels* and *men*

Moral Law can be natural or revealed:

**c. Divine Positive Law**

The divine positive law is the law of God that has been revealed by God to men.

The divine positive law is found in the Bible, especially the *Ten Commandments* and the teachings of Jesus Christ (who is true God and true man).

A subset is Evangelical Law. This is specifically Christian. We have become a new man as we read in the New Testament.

2<sup>nd</sup> letter of St. Peter 1:3-4

For indeed his divine power has granted us everything that makes for life and devotion, through the knowledge of him who called us by his own glory and power. Through these, he has bestowed on us the precious and very great promises, so that through them you may come to share in the divine nature, after escaping from the corruption that is in the world because of evil desire.

The new law is a law of love because it makes us act out of the love infused by the Holy Spirit.

The content of this new law responds to the obligation of the Christian to shape his life according to Jesus Christ. Since it attempts to dictate a life according to the Gospel, it is called evangelical law.

#### **d. Natural law**

Is the participation of man in the eternal law.

Natural law is the eternal law of God written in the heart of every human being as it applies to the life of man.

Man is not a chaotic being. His body needs all his organs to function properly together. If something is not working, then he gets sick.

Man is also an acting being. He cannot be chaotic in his activity but is ruled by an order proper to his actions.

Natural law has three properties:

Universality – which means it applies to everyone.

Immutability – which means it cannot be changed.

Absolute – which means it must be followed.

The natural law is UNIVERSAL.

When we say that the natural law is universal, we mean that...

... it applies to all human beings.

Therefore, all men and women, without exception, are subject to the natural law.

The natural law is IMMUTABLE.

When we say that the natural law is immutable, we mean that...

... it is not subject to change.

Therefore, the natural law will always be the same, no matter the time or the place.

The natural law is ABSOLUTE.

When we say that the natural law is absolute, we mean that...

... it must be observed at all cost.

Because the natural law has God as its author, it cannot be supplanted by any law made by men.

### **Human Law**

Human law is promulgated by those who have authority to do so.

Civil law is legislated by a legitimate government. For example, traffic laws or tax laws.

If human law goes against moral law then we do not have to follow the law.

### **3. Meaning and purpose of law.**

The morally good and evil proceed from the nature of things, and the effects of Original Sin in our human nature. Things do not become good or evil because we would like them to be or because society says that something is acceptable or unacceptable.

We need to understand this to learn to respect the rights and duties of each person.

Laws must correspond to God's will, who is the creator and knower of all that aids our human life. God knows and indicates what is permitted or prohibited because he knows what helps or hurts man.

Good and evil have a foundation based on the truth. For example, it is evil to kill another person not because it is against the law but because every man has the right to live.

To do good is also necessary in law. For example, to help a criminal return to a normal life in society is good because it gives back the dignity to the person not because the law allows this to happen.

Law is a reasonable requirement of the legitimate authority to protect the dignity of man and the social order.

It should be clear that law is a great good. It helps man to protect his own existence and a means to protect his personal and social being.

### **4. Just Law (Law that has Justice as its basis)**

A law is just if it follows eternal law and natural law. If it does, it has the power to bind us in conscience and to disobey such a law would be a sin.

The following conditions are needed for a law to be just:

a. It must promote the common good.

A just law must seek the good of all the members of society not only some members.

An unjust law only seeks the good of a small part of society while neglecting the needs of others. For example: a law that requires only poor people to do military service but exempting the rich.

Question: Can you think of a law in Hong Kong that is limited only to some members of society?

b. The burdens which the law imposes on society must reflect an “equality of proportion”

The burden of the law must be shared by all members of society -- not just some. For example: Income taxes are just but all members of that society must be taxed. People should pay taxes according to their ability to pay. To make someone who does not have enough money is unjust.

c. It must not be more than the power of its human authors.

Laws must correspond to natural law. No human authority can decide that something wrong is allowable. For example: The laws that allow slavery are wrong because it goes against human dignity.

Also laws that allow abortion, euthanasia, divorce and “same-sex marriage” are wrong.

If any of these conditions are missing, the law is unjust and therefore not binding.

5. Conflicts between conscience and law.

There may be laws which are against natural law and that we need to oppose and try to change. These actions should not be done easily. Even among unjust laws they do not all bear the same degree of moral evil.

We must oppose laws which are against natural law and inflict serious injury upon the lives or dignity of the members of society. It is always important to remember that a concern for justice and resistance to evil must be balanced by a Christian love for all people and a genuine respect for authority of civil government.

## STEWARDSHIP

### Part 2. Creation is for all men.

#### 1. Passages from the Bible showing the relationship of man with created things

God created the world and gave everything to man so that he may be lord over it. Below are passages from the Bible that describe this.

Genesis 1:26-29

God made all kinds of wild animals, all kinds of cattle, and all kinds of creeping things of the earth. God saw how good it was. Then God said: "Let us make man in our image, after our likeness. Let them have dominion over the fish of the sea, the birds of the air, and the cattle, and over all the wild animals and all the creatures that crawl on the ground." God created man in his image; in the divine image he created him; male and female he created them. God blessed them, saying: "Be fertile and multiply; fill the earth and subdue it. Have dominion over

the fish of the sea, the birds of the air, and all the living things that move on the earth." God also said: "See, I give you every seed-bearing plant all over the earth and every tree that has seed-bearing fruit on it to be your food; and to all the animals of the land, all the birds of the air, and all the living creatures that crawl on the ground, I give all the green plants for food." And so it happened.

### Genesis 2:19-20

So the LORD God formed out of the ground various wild animals and various birds of the air, and he brought them to the man to see what he would call them; whatever the man called each of them would be its name. The man gave names to all the cattle, all the birds of the air, and all the wild animals; but none proved to be the suitable partner for the man.

God entrusted the earth and its resources to the common stewardship of mankind. The passages from the Bible explain how God has set this.

## **2. Universal destiny of created goods**

The goods of creation are destined for the whole human race.

There are four truths regarding the destination of goods.

- i. The superiority of man over the rest of creation, indicated by the fact that man gives them their names.
- ii. The purpose of the world's material resources, vegetables and animals, is to serve man and he should have command over them.
- iii. Man can be served by all things, but his dominion is not absolute: he can use them, but he must also protect and develop them.
- iv. Biblical teachings highlight the fact that created goods are destined for all men and not only for some of them.

The fourth truth that creation is destined for all men comes first before the right to private property.

Men need to have individual property to guarantee their freedom and dignity as human beings and to help each one meet his own basic needs.

## **3. Man possesses the right to property**

Man must have the things necessary for living a human life. Each person must be able to own things he needs to live properly.

These are the reasons why man needs property:

- i. Man needs to plan for his future. If he is unable to own things now, he cannot plan for the future.
- ii. Man is a free being. Freedom demands that man possess things as his own or else he would be controlled by outside factors.
- iii. Family life would be difficult if the family did not have things to take care of their needs.
- iv. Man's work needs to be equitably compensated. That means man must get the right payment for the work he does.

## **4. Relation between the universal destiny of goods and the right to private property**

The right to private property is secondary to the social function of property. When there is a dispute between private property and its social function the social principle comes first.

The reason is that God created goods for all men. Thus when only some possess many goods and make it impossible for the majority of men to live in dignity, God's plan is not followed.

## **5. The social doctrine of the Church**

The Catholic Church teaches how men should take care of created goods in this world. It covers everything related to the common good and to justice in social life. The basic principles that need to be considered are:

- The labor and work done
- Just wages = proper salary
- Right to private property
- Social function of property
- Right to belong to associations
- Exercise of freedom
- Social function of economics
- Role of government

## **6. Duty of Christians to participate in public life**

The conduct of a Christian is not only concerned with individual acts. It requires participation and collaboration in public activity so that society can be influenced to follow the ethical demands contained in the Gospel.

Christians must be part of their society and work to make them carry a Christian environment.