

Law as “Act of Reason” and “Command”

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IN THIS ARTICLE, I focus on the way in which we should interpret Aquinas’s thesis that “law pertains to reason” when we look at it from the viewpoint of the analogical nature of the concept of law. Due to the modern debate on voluntarism, scholars usually frame Aquinas’s thesis in the context of stating the primacy of the intellect over the will in the concept of law. There is something true in this approach, but it is nonetheless misleading. To understand Aquinas’s statement that “law pertains to reason” we must analytically divide it into two conceptual elements: “act of reason” and “command.” As striking as it might seem, the first one includes already the power of the will and refers to a perfect meaning of practical knowledge that is applicable also to God. The second, on the other hand, refers practical knowledge to a relation between two or more subjects, and does not include the “binding force,” which in the complete definition of law comes later, with the concept of authority. In what follows, I will first touch briefly upon the analogical predication of “law,” and then I will examine in more detail the meaning of law, respectively, as an “act of reason” and a “command.”

I. The Analogical Nature of Aquinas’s Concept of Law

I assume, for simplicity, that a purely equivocal predication of “law” is clearly not what Aquinas had in mind. A univocal predication should immediately be discarded also because three out of the four kinds¹ of law listed by Aquinas (eternal, natural, divine, and human) refer to God’s action,

¹ Of course, as the predication is not univocal, I use “kind” in a non-technical way.

and “univocal predication is impossible between God and creatures.”² Moreover, there is obviously no specific difference to add to each kind in order to obtain its respective nature—as we should, for example, add “rational” to “animal” in order to obtain human nature. On whatever kind of law we focus, the definition given by Aquinas is supposed to be already complete.

“Law” is used analogically: Namely, it is predicated of God’s law and man’s law “according to proportion” with “something one [*aliquid unum*];” or “according to priority and posteriority” with respect to something one.³ More particularly, it is used analogically according to the second “way” of analogical predication indicated by Aquinas: Namely, the one in which “the order of reference of two things is not to something else but to one of them.”⁴ Moreover, the terms “eternal law,” “natural law,” and “divine law” imply “relation to creatures”; and, consequently, they fit what Aquinas says in *ST* I, q. 13, a. 7: Namely, (1) they are predicated of God *ex tempore*, that is, from our temporal perspective and “not by reason of any change in Him”; (2) they imply a “relation” that is real from the side of creatures—as “creatures are really related to God”—and logical from the side of God—as “in God there is no real relation to creatures, but a relation only in idea, inasmuch as creatures are referred to Him”; and (3) like the terms “Savior” and “Creator,” they signify “directly” “the action of God, which is his essence.”

The analogical nature of Aquinas’s concept of law has many very important consequences that are closely related to one another.

1. The first one flows at once from what we have just said about q. 13, a. 7. When the term “law” refers to God’s action, it implies *a way to know God* grounded on a real relation to him on the side of creatures. More particularly, (A.1) when God’s law has to do with nature, Aquinas’s discussion of law overlaps with his philosophical explanation of creation and of God’s existence and essence: That is, it depends on what we know about God starting from creatures.⁵ On the other hand, (A.2.), when God’s action refers to something higher

² Thomas Aquinas, *Summa Theologiae* I, q. 13, a. 5. All translations are by the Fathers of the English Dominican Province (New York: Benzinger, 1947). See also *Summa contra Gentiles*, bk. 1, ch. 32. Translations of book 1 of the *Summa contra Gentiles* are by A. C. Pegis (Notre Dame, IN: University of Notre Dame Press, 1975).

³ Ibid. See also *ScG*, bk. 1, ch. 34.

⁴ *ScG*, bk. 1, ch. 34; *ST* I, q. 13, a. 5, c.

⁵ *ST* I, q. 13, a. 1, c.

than nature (that is, grace), Aquinas's discussion of law depends on what we know about God through Revelation. The use of the term "law," in this case, depends on the real relation creatures have to God due to the action of grace.

2. Second, when the term "law" refers to man's action it involves participation in God's action. That is to say, when we analogically predicate the same term (or perfection) of God and of a creature, it means both: (B.1) that the perfection existing in the creature causally depends on God; and (B.2) that what "*we attribute to creatures, pre-exists in God, and in a more excellent and higher way.*"⁶ Unjust human law is a "perversion" ultimately because God's perfection cannot be analogically predicated of what departs from the *imago Dei*.
3. Third, the meaning of "law" is prior in God according to reality (*secundum naturam*) but prior in man according to the order of our knowledge (*secundum cognitionem*).⁷ This means that when we first call something "law" we do it according to the way (*modus significandi*) in which the human law (which is prior in our knowledge) is law. However, the reality that the term "law" signifies (its *res significata*) belongs primarily to God's action.⁸ When Aquinas, in *quaestio* 90, begins to define "law," he cannot but observe first the nature of law as it exists in human reality.⁹ However, the definition of law he elaborates is supposed to reach a level of refinement in which its *res significata* will be perfectly (and first) applied to God's action.

As far as I can tell, the best textual evidence of this is the first objection of *ST* I–II, q. 90, a. 4 ("Whether promulgation is essential to a law?"), which reads: "It would seem that promulgation is not essential to a law. For the natural law above all has the character of law (*maxime habet rationem legis*). But the natural law needs no promulgation. Therefore it is not essential to a law that it be promulgated." The meaning of this objection is clear: If what *maxime habet rationem legis* does not need promulgation, it follows that this feature is not essential to the concept of law. Aquinas replies: "The natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally." In this reply, the premise of the

⁶ *ST* I, q. 13, a. 2, c. As is well-known, Aquinas in this passage uses as an example the term "good."

⁷ *ScG*, bk. 1, ch. 34.

⁸ *ST* I, q. 13, a. 6.

⁹ And even the terminology used—the imposition of names—depends on the way (*modus significandi*) in which "law" is predicated of "human law."

objection is confirmed: The perfect *res significata* of what is called “promulgation” belongs indeed to what *maxime habet rationem legis*, that is, to natural law.¹⁰ We might wonder why Aquinas here mentions natural law instead of eternal law, given that the former is not different from the latter¹¹ but is definitely less comprehensive. There are possibly many reasons for it, but one of them might well be that natural law is, in creatures, the highest level of participation in the eternal law. Natural law, therefore, *maxime habet rationem legis*, not only as to the human law, but also to all things that are regulated by the eternal law. Probably, at the moment of stating what is essential to the concept of law, Aquinas focused spontaneously on the highest natural *imago Dei* in creation.¹²

The major difficulty in interpreting Aquinas’s concept of law should be evident at this point. Not only the concept as a whole but also each term used in defining it must be analogically applied first (in its perfect meaning) to God’s action and only secondarily to man’s action—even if, as we have said, the first meaning in the order of our knowledge comes from human reality. But how can a definition, made up of genera and specific differences, be applied to God, given that no univocal or generic predication is possible in the case of God?¹³ The answer to this apparent inconsistency lies at the very root of Aquinas’s doctrine of “the names of God.”

As we mentioned above, “our knowledge of God is derived from the perfections which flow from Him to creatures, which perfections are in God in a more eminent way than in creatures.”¹⁴ However, the way (*modus significandi*) in which we know creatures’ perfections depends always on a genus-specific difference intellectual process that starts ultimately with the genus of things (*rerum*).¹⁵ To be “alive,” for example, or

¹⁰ ST I, q. 90, a. 4, obj. 1. It is worth noticing that the objection does not refer to any other author. This means that, while writing it, Aquinas was actually thinking that natural law *maxime habet rationem legis*; and that the character of “promulgation” (which is clearly something required for human law to be *just*) should belong to natural law first and in the most excellent way.

¹¹ ST I, q. 91, a. 2, ad 1.

¹² It is also possible that Aquinas here uses the term “natural law” in a more general sense, which includes the natural *laws* of both human beings and every other creature, and which refers to the way in which the eternal law exists in creatures. To reserve the term “natural law” to the case of human nature is a linguistic convention of which Aquinas should have been well aware.

¹³ Aquinas himself writes that “nothing is predicated of God as a genus or a difference; and thus neither is anything predicated as a definition, nor likewise as a species, which is constituted of genus and difference.” ScG, bk. 1, ch. 32.

¹⁴ ST I, q. 13, a. 3, c.

¹⁵ As “ens” (being) is not a genus: See ScG, bk. 1, ch. 25. For the general explanation of the analogical nature of *ens* see, of course, the first article of *De veritate*.

to be a "person," are obtained by adding a specific difference to a certain genus of existing things: "material bodies" and "individual substances," respectively. It cannot be questioned that every term we use for creatures' perfections expresses a specific *quidditas* (*modus significandi*) that as such cannot be predicated of God. This is why Aquinas, to justify his doctrine on analogy, has to make a crucial distinction between: (a) names, like "stone," that express the perfections flowing from God's creative act "along with a mode that is proper to a creature"¹⁶—these names can be predicated of God only metaphorically; and (b) names, like "living," that "express these perfections absolutely, without any such mode of participation being part of their signification"¹⁷—in these names the *res significata* can be separated from the *modus significandi*, and they can be predicated of God analogically.

For Aquinas, we arrive at every concept by studying the genera and specific differences of the things we know through experience; and it is evident that we do not predicate any definition as such of God. At the moment of analogically naming God, we should be sure that the concepts we use express perfections of things in a way that is not necessarily limited by their specific way of participating in God's perfection.

II. Law as an Act of Reason

That law is an "act of reason" cannot mean "discursive knowledge" (*scientia discursiva*) because this knowledge is proper to human imperfect intellect¹⁸ but is impossible in God, who "sees all things in one (thing), which is Himself."¹⁹ If by "reason" we mean "reasoning about something" in the sense that certain knowledge is not immediately available to the intellect, then God's knowledge cannot be called "rational" but only "intellectual." God's knowledge of the law, consequently, must be an intellectual knowledge, at once of the means and of the (common) end. If this is true, the concept of law as such cannot refer either to prudential reasoning or to prudence.²⁰ The fact that we humans need prudence should be inter-

¹⁶ ScG, bk. 1, ch. 30.

¹⁷ ST I, q. 13, a. 3, ad 1.

¹⁸ Which "does not simultaneously possess all things capable of being understood, but only a few things from which he is moved in a measure to grasp other things." ST I, q. 60, a. 2, c.

¹⁹ ST I, q. 14, a. 7; ScG, bk. 1, ch. 57.

²⁰ At least, as far as by "prudence" we mean something involving necessarily a reasoning or deliberation process. This is the meaning of prudence most common in the contemporary debate. As I shall mention later, Aquinas uses sometimes a "purified" concept of prudence, which does not involve discursive reason and whose *res significata* can be applied also to God's providence and law. In the present article, when

puted in the sense that our (limited) intellect has to struggle to reach a (often limited) knowledge of the means to the end. However, once the means has been identified, and the law has been passed, there is no reason properly to call our knowledge of the means-common good relationship “prudential”—if not in the limited and secondary sense that it is an imperfect knowledge: Namely, that most of the time we cannot be sure we have identified the best means to the end.²¹

So, “act of reason” does not mean “discursive reason” and does not mean “act of prudence”; but it cannot mean also purely speculative knowledge (*scientia speculativa*) because law “directs to the end.”²² Aquinas explains that knowledge of the means-end relationship, when it is not “ordered to the end of operation,”²³ is only speculative. In this sense, both our knowledge of how to build a house that we do not want to build and God’s knowledge of what “He can make, but does not make at any time” are speculative.²⁴ However, God has “practical knowledge [*scientia practica*] of what He makes in some period of time” (that is, of creation) because “knowledge is called practical from the end.”²⁵ “Act of reason,” in the definition of law, means therefore “practical knowledge”; and this knowledge is called “practical,” not because it involves either discursive reason or prudence, and not even because it is knowledge of the means to the end, but rather because it is a knowledge that *tends* toward the end via some means: That is to say, it is a knowledge that requires the action of the *will*. Aquinas is extremely clear and consistent on this point. In *ST* I, q. 14, a. 8 (*Videtur quod scientia dei non sit causa rerum*), for example, he clarifies that “the knowledge of God [*scientia Dei*] is the cause of things” insofar as “there is added to it the inclination to an effect, which inclination is through the will”:

I say, without qualification, that the concept of law cannot refer to prudence, I always imply a concept of prudence involving necessarily deliberation and reasoning.

²¹ As we shall see better below, this is true not only of the act of passing a law but of the concept of (free) action itself. For us every action is an “act of prudence” because we need discursive reason to reach the knowledge of the means. Prudence, however, cannot be essential to the definition of (free) action; otherwise “(free) action” could not be predicated of God. This means, in turn, that strictly speaking our knowledge of the moral action does not essentially include the prudential reasoning that is needed in order to figure out what the best action to do here and now is.

²² *ST* I–II, q. 90, a. 1: *ordinatur ad finem operationis*.

²³ *ST* I, q. 14, a. 16.

²⁴ *Ibid.*

²⁵ *Ibid.* See also *ST* I–II, q. 9, a. 1, ad 2: “[T]he speculative intellect is not a mover, but the practical intellect is.”

Now it is manifest that God causes things by his intellect, since his being is his act of understanding; and hence his knowledge must be the cause of things, in so far as his will is joined to it. Hence the knowledge of God as the cause of things is usually called the "knowledge of approbation" [*scientia approbationis*].²⁶

In the order of our knowledge, the analogical meaning of law comes from human law; and, due to the limitation of our intellect, human law (like every moral act) requires both discursive reason and prudence. This is why in the *prima secundae* Aquinas uses the term "practical reason," which is evidently more appropriate to human reality than to divine reality. However, he is very careful in considering always the *res significata* by "practical reason" according to its perfect meaning of *scientia practica* that we have just seen in *ST* I, q. 14, a. 16. This consistency is very easy to verify if we just focus on the connection that traces *ST* I–II, q. 90, a. 1, backward to *ST* I–II, q. 1, a. 1 (*Videtur quod homini non conveniat agere propter finem*) and, backward again, to *ST* I, q. 19, a. 10 (*Videtur quod deus non habeat liberum arbitrium*).

In *ST* I–II, q. 90, a. 1, Aquinas says that "law" pertains to reason because it is "a rule and measure of acts, whereby man is induced to act or is restrained from acting"; and

the rule and measure of human acts is the reason [*ratio*], which is the first principle of human acts, as is evident from what has been stated above; since it belongs to the reason to direct to the end [*rationis enim est ordinare ad finem*], which is the first principle in all matters of action [*in agendi*].

We should already catch a glimpse of Aquinas's train of reasoning in that the expression *rationis enim est ordinare ad finem* is virtually equivalent to the expressions used in *ST* I, q. 14, a. 16, to define divine practical intellect and science. But let us go to the "what has been stated above": that is, to the way in which he had defined "*ratio*" as "the first principle of human acts" and as what "directs to the end."

Summa Theologiae I–II, q. 1, a. 1, aims at distinguishing *human* acts as *rational* from the acts of irrational creatures. In short, the difference is that human acts are not the outcome of necessary factors but of "free-will [*liberum arbitrium*]," which is defined as "the faculty of will and reason [*facultas voluntatis et rationis*]." The "*ratio*" that "directs to the end" and is "the first principle of human acts" must be therefore continuous in the *prima secundae* with the *ratio* of the *liberum arbitrium*; and it is important to

²⁶ *ST* I, q. 14, a. 8, c.

note that in the definition of *liberum arbitrium* as “*facultas voluntatis et rationis*” the concept of *liberum arbitrium* depends on the concept of *ratio*, and not vice versa. This is important because *ST* I, q. 19, a. 10, says that God has *liberum arbitrium* in the same way in which *ST* I–II, q. 1, a. 1, says that humans have *liberum arbitrium*:

We have free-will with respect to what we will not of necessity, nor by natural instinct. For our will to be happy does not appertain to free-will, but to natural instinct. Hence other animals, that are moved to act by natural instinct, are not said to be moved by free-will. Since then God necessarily wills his own goodness, but other things not necessarily, as shown above, He has free will with respect to what He does not necessarily will.²⁷

The conclusion is inevitable: If God has *liberum arbitrium*, and *liberum arbitrium* depends on the concept of *ratio*, the concept of *ratio* cannot refer either to discursive reason or to prudential knowledge. It is also evident, at this point, that God has *liberum arbitrium* according to *ST* I, q. 19, a. 10, exactly as he has *scientia practica* according to *ST* I, q. 14, a. 16—the only difference being that *scientia practica* does not refer just to what God “does not necessarily will,” but to what he actually freely wants. In other words, “*ratio*,” as the knowledge of what leads to the end, becomes “practical knowledge” when the end is also wanted by the agent: that is, when the agent has an active inclination toward it. In this case, the means is loved by the will because of the end (*dilectio electiva*: love of choice)²⁸ and “man is induced to act or is restrained from acting.” With this last line, we are back to *ST* I–II, q. 90, a. 1, and we can confidently assert that Aquinas uses *ratio practica* (or simply *ratio*) in the *prima secundae* in a way that is consistent with the perfect meaning of *scientia practica* given in *ST* I, q. 14, a. 16. With this extensive meaning of *ratio* in mind, Aquinas will not hesitate, in the treatise on law, to apply the term “practical reason” to God—as he does, for example, in q. 91, a. 1.²⁹

²⁷ *ST* I, q. 19, a. 10.

²⁸ On the concepts of *dilectio naturalis* and *dilectio electiva*, see *ST* I, q. 60, aa. 1–2.

²⁹ “Respondeo dicendum quod, sicut supra dictum est, nihil est aliud lex quam quoddam dictamen practicae rationis in principe qui gubernat aliquam communitatem perfectam. Manifestum est autem, supposito quod mundus divina providentia regatur, ut in primo habitum est, quod tota communitas universi gubernatur ratione divina. Et ideo ipsa ratio gubernationis rerum in Deo sicut in principe universitatis existens, legis habet rationem.” Actually, Aquinas goes so far as to give to prudence the restricted meaning of *scientia practica*, and to call God’s providence “prudence.” He writes: “[I]t belongs to prudence, according to the Philosopher, ‘to order other things towards an end,’ whether in regard to oneself

This intense discussion does not only have the very relevant conclusion that "act of reason," in the definition of law, does not mean either "discursive reason" or "prudence." It has also two other extremely important consequences. One is that it gives us the essential definition of practical knowledge (or practical science) according to Aquinas. Practical knowledge is the (intellectual) knowledge of the means-end relationship in which the will is actually willing the end. This knowledge is already "action" because for the agent who is inclined toward the end, the choice of the will coincides with the identification of the means by the intellect: No other factor is conceptually required. In God, *scientia practica* is already the choice and the act to create.³⁰ The other very important consequence is that the "will," as the inclination to the end known by the intellect, is present in the definition of law from the start. The will is what makes reason *practical*, by providing knowledge with the power to act; *willing* the common good grounds the choice of the (human or divine) legislator to pursue it via a specific *legal* means. Whatever the second concept of the definition does, it is not adding the will to the picture.

III. Law as a Command

First of all, we have to dispel any doubt on "command" being the second conceptual element of "law" even if it might not appear clearly so in the famous definition given in *ST* I–II, q. 90, a. 4 (*quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata*). *Lex* is not just a "dictate of reason [*rationis dictamen*]" but, as *ST* I–II, q. 92, a. 2, explains, "a dictate of reason *per modum praecipiendi*": that is, by way of (or as a) precept, or command. "Command" adds a specific nature to the act of reason involved in the concept of law.

Now, the paragraph in which this partial definition—*dictamen rationis per modum praecipiendi*—appears, focuses on distinguishing *lex* from a mere theoretical act of reason: namely, from a "dictate of reason *per modum enuntiandi*." In this sense, the definition could just be referred to the concept of practical knowledge as described in the previous section. However, it is relatively easy to see that *lex est rationis dictamen per modum praecipiendi* means more than that: specifically, that it adds to the concept of "act of reason" the concept of *imperare* (to command) as described in *ST* I–II, q. 17. In order to make this point clear, we should first trace the

... or in regard to others subject to him. ... In this way prudence or providence may suitably be attributed to God." *ST* I, q. 22, a. 1, c.

³⁰ In passing: There is a striking similarity between Aquinas's concept of practical knowledge and Aristotle's idea that practical syllogism concludes with the actual action.

terminology of the treatise on law back to *ST I-II*, q. 17, and then focus directly on the meaning of *imperare*.

As for the terminology, there is no doubt that for Aquinas “*praecipere*” and *imperare* are the same kind of action.³¹ This appears clearly, not only from the overall context of *ST I-II*, q. 92, a. 2, just cited, but from several other passages of the treatise on law. The most important for us is nothing other than the first article of the treatise, the one on “law pertaining to reason.” More specifically, its *sed contra*, which reads, “On the contrary, it belongs to the law to command [*praecipere*] and to forbid. But it belongs to reason to command [*imperare*], as stated above (17, 1). Therefore law is something pertaining to reason.” In this passage it is unquestionable, not only that *praecipere* and *imperare* are interchangeable, but also that Aquinas refers the act of reason that is “law” to *imperare* as described in *ST I-II*, q. 17. *Lex est rationis dictamen per modum praecipendi*, therefore, is the same as *lex est rationis dictamen per modum imperandi* according to the meaning of *imperare* given in *ST I-II*, q. 17.

What does *imperare* mean in *ST I-II*, q. 17? First of all, *imperare* is an act that belongs to the genus of the voluntary acts. Inside this genus, however, it is not “voluntary” (1) as the acts that proceed from the will without mediation (*ut immediate ipsius voluntatis existents*), but (2) as the acts that exist as commanded by the will (*qui sunt voluntarii quasi a voluntate imperati*).³² Not all “voluntary acts” are strictly speaking acts of the will; *imperare*, for example, is technically an act of “reason.” In any case, it goes without saying that the acts that belong to the second category (like command) must be preceded by acts that belong to the first (like intention and choice).

The distinction between the two categories becomes crucial precisely as soon as we consider that “choice” (*electio*, in Latin; *proairesis*, in Greek) belongs to the first category as an act that pertains *materially* to the will and *formally* to reason.³³ This means that (a) since choice is an act following practical knowledge as described in the previous section, and (b) since the acts of the second category follow the acts of the first category, (c) “practical knowledge” as such does not include the (more specific) meaning of act of reason “as command.”

Now, the reason why *imperare* belongs to the second category is that it involves *mediation* between the choice itself and the movement that actually leads from the means to the desired end. In the case of command, in

³¹ Except for *secundum quid* predications like the one in *ST I-II*, q. 92, a. 2, where *imperare* is said to be one of the four “acts of law.”

³² See *ST I-II*, q. 6, prologue.

³³ See *ST I-II*, q. 13, a. 1.

other words, we have a second agent responsible for the movement that attains the end chosen by the first agent. "To command [*imperare*] is to move, not anyhow, but by intimating and declaring to another."³⁴ Again: "To command [*imperare*] is nothing other than to direct someone to do something, by a certain motion or intimation."³⁵

As far as the "imposition of names" is concerned, the term "command" signifies first the orders given by one human being to another human being; and what is essential to it is, as we have just seen, the fracture, so to speak, between the agent who chooses and the agent who performs the movement leading from the means to the end. For example, I want the table to be set for dinner and I tell my child, "Set the table for dinner!" The movement leading to the end is performed not by me but by my child. What the command essentially aims at is to induce another agent to act in a way that realizes the means-end connection as known and chosen by the one who commands. It is only by way of an analogical extension that Aquinas uses the term "command" in question 17 for the command-relations existing between the faculties of the same agent. This is already clear from the fact that in defining "command" in question 17 Aquinas uses a terminology taken from the relationships humans have with one another: "to direct someone to do something," and so on. The main evidence, however, is that the inter-faculties meaning could not be predicated of God—whereas "command" is, for instance, in *ST* I-II, q. 93, a. 5, c: "God is said to command [*praecipere*] the whole of nature"—because this meaning is inseparable from the way in which our complex and imperfect human nature works.

What is most important is to understand why "command" is for Aquinas an act of reason. This is not easy for us because we are culturally too close to a long voluntaristic tradition that affected deeply both moral thought and legal theory. In a sense, Aquinas's point is extremely easy and reasonable. He says that "command" is basically what "orders the one commanded [*ordinat eum cui imperat*]."³⁶ That is to say, a command is meant to *create an order*—a means-end order—in the action of "the one commanded" with respect to the end to be achieved through his action. Now, it goes without saying that the act of "ordering" something (in the sense, clearer in Latin, of putting in order, arranging, and so on) belongs in and of itself to reason. Therefore, the means-end relations that those who command want, so to speak, to transfer to "the ones commanded" is something essentially rational. At the same time, (a) since the power of the soul

³⁴ *ST* I-II, q. 17, a. 1, ad 1.

³⁵ *ST* I-II, q. 17, a. 2, c.

that *moves* is never the knowing faculty but always the appetite—which, by definition, is what goes or tends toward the known object—, and (b) since command is supposed to induce a movement in the second agent, Aquinas says (c) that command is an act of reason that “retains in itself something of an act of the will.”

Since therefore the second mover does not move, save in virtue of the first mover [that is, the will], it follows that the very fact that the reason moves by commanding, is due to the power of the will. Consequently it follows that command is an act of the reason, presupposing an act of the will, in virtue of which the reason, by its command, moves to the execution of the act.³⁶

So far so good; but how does “command” induce the second agent to act? This is a key question because appetite, whether rational or irrational, is an internal principle of movement. The fact that I am hungry does not make somebody else eat; and the simple fact that I want somebody to do something does not make him do it. Certainly, the command should express, or convey, the will of the one who commands to “the one commanded.” Precisely in this sense the act of reason “retains in itself something of an act of the will”; and the execution of the command happens by way of *obeying* and not *just* by way of doing something reasonable. However, “the one commanded,” even if perceiving clearly the will of the one who commands, might remain perfectly indifferent to the command if his internal principle of motion—his appetite or inclination—were not somehow aroused by the command itself. In order for the command to be *effective*, therefore, the one who commands must have the *power* to cause the movement of—or to *bind*—the internal principle of motion of “the one commanded.” Without this power, somebody might well command something—maybe shouting in a square—but no result would follow from it. From this point of view, the conceptual element of the “power to move the second agent,” or “to bind him,” does not seem to be logically implicit in the notion of “command.” This is why, I think, the concept of law is usually associated with another element called “authority.” And this is also why “command,” unlike “law,” admits of a reflexive predication. Let me explain this better.

In q. 17, a. 6, Aquinas says that it is not inconsistent to say that “reason commands itself” because “reason reflects upon itself, consequently just as it directs [*ordinat*] the acts of other powers, so can it direct [*ordinare*] its own act.” On the basis of Aquinas’s explanation, we might think of cases

³⁶ ST I–II, q. 17, a. 1, c.

in which we tell ourselves something like "Okay, I have to focus on this now!" or—in a situation that is not perfectly clear—"This is what I have to do because it is clearly the right thing to do." Since "to command" means to induce a movement according to a rational means-end plan, we can say that we command ourselves when we *reflexively* try to reach the final *assent* to a specific course of action by telling ourselves that it is the most rational course of action to undertake. What we cannot say is that in these cases we "obligate," or "bind," ourselves. And this is why Aquinas consistently writes in the treatise on law that "properly speaking, none imposes a law on his own actions."³⁷ This is also consistent with the principle, which Aquinas takes from Aristotle, according to which nobody can, properly speaking, do injustice to himself because (1) injustice is something going against the will/freedom of somebody, and (2) nobody, strictly speaking, can voluntarily go against his own will.³⁸

Now, providing "command" does not imply the meaning of "binding"; what does it add exactly to "act of reason" in the definition of law? Basically three things: (1) the conceptual element of the "relation between two subjects or agents" (according to a rational plan—order—envisioned by he who commands); (2) the conceptual element of being an "external principle of action"; and (3) the conceptual element of involving a formal "act of obedience." The first should be already clear from what we have said above. As for the second, it means that "command" as such is *external* to the (second) agent that moves according to the means-end relation implicated by the command. (This is conceptually true also in the case of reason commanding itself because this is exactly what the reflexive intellectual process does, to make reason dialogue with itself as if from the outside.) Command, in other words, is something external to the actual movement at stake—as my saying "Set the table for dinner!" is external to my child setting the table for dinner. This means, in turn, that strictly speaking when we have a command the action performed by the second agent must be formally described as an act of obedience. If this is not the case, the use of command (and, accordingly, of law) is only metaphorical—as when we do what somebody else wants us to do *just* because we recognize that it is the best thing for us to do.

The question now is, "Are these conceptual elements present in the treatise on law?" The answer is as easy as it is surprising. In the entire structure of the *Summa Theologiae*, "law" is dealt with at the exact moment of approaching the "external principles" of action: *Consequenter considerandum*

³⁷ ST I-II, q. 93, a. 5, c: *nullus, proprie loquendo, suis actibus legem imponit.*

³⁸ See Thomas Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, trans. C. I. Litzinger, OP (Notre Dame, IN: Dumb Ox Books, 1964), V, 17, 1138b5–14, n. 1107.

est de principiis exterioribus actuum.³⁹ And, starting with the first article of the treatise, Aquinas is very clear that law “may be in something in two ways [*dicitur dupliciter esse in aliquo*]. First, as in that which measures and rules [*uno modo, sicut in mensurante et regulante*]. . . . Secondly, as in that which is measured and ruled [*alio modo, sicut in regulato et mensurato*].” Finally, that law requires obedience is implicit in every passage related to the binding force of law, for example in *ST* I–II, q. 96, a. 4: “Whether human law binds a man in conscience?” The binding force, though, as we mentioned, requires also the *power* of the “authority. The analysis of this conceptual element goes beyond the limits of this paper. N·V

³⁹ *ST* I–II, q. 90, prologue.