

Some Greek and Roman ideas of natural law

Aristotle (384-322 B.C.E.)

- (1) Of political justice part is natural, part legal, natural, that which everywhere has the same force and does not exist by people's thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent, e.g. that a prisoner's ransom shall be a mina. . . . It is evident which sort of thing, among things capable of being otherwise, is by nature, and which is not but is legal and conventional. . . . The things which are just by virtue of convention and expediency are like measures; for wine and corn measures are not everywhere equal. . . . Similarly, the things which are just not by nature but by human enactment are not everywhere the same, since constitutions also are not the same, though there is but one which is everywhere by nature the best. [*Nichomachean Ethics*, W. D. Ross (tr.), 1134^b-1135^a.]

Cicero (106-43 B.C.E.) [The translation is from *The Hellenistic Philosophers*, Long and Sedley (eds.) (Cambridge: Cambridge University Press, 1987). This passage is from a work that survives only in fragments, and its immediate context is not known.]

- (2) True law is right reason, in agreement with nature, diffused over everyone, consistent, everlasting. . . . There will not be a different law at Rome and at Athens, or a different law now and in the future, but one law, everlasting and immutable, will hold good for all peoples and at all times. . . . Whoever does not obey it is fleeing from himself and treating his human nature with contempt. [*Republic*, 3.33.]

Ulpian (d. 228 C.E.)

- (3) When a man means to give his attention to law (*jus*), he ought first to know whence the term *jus* is derived. Now *jus* is so called from *justitia*; in fact, according to the nice definition of Celsus, *jus* is the art of what is good and fair. [The *Digest* of Justinian, C. H. Munro (tr.), book I, title 1, article 1.]
- (4) Justice is a constant, unfailing disposition to give every one his legal due. 1. The principles of law are these: Live up-

rightly, injure no man, give every man his due. 2. To be learned in the law (*jurisprudentia*) is to be acquainted with divine and human things, to know what is just and what is unjust. [*Ibid.*, article 10.]

Julius Paulus (fl. c. 200 C.E.)

- (5) The word *jus* is used in a number of different senses: in the first place, in that in which the name is applied to that which is under all circumstances fair and right, as in the case of natural law; secondly, where the word signifies that which is available for the benefit of all or most persons in any particular state, as in the case of the expression civil law. [*Ibid.*, article 11.]