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HUMAN LAW AND ITS LEGAL IMPLICATIONS IN LIGHT OF SAINT THOMAS AQUINAS'S TREATISE ON LAW[1]

A LEI HUMANA E SUAS IMPLICAÇÕES JURÍDICAS SOB A ÓTICA DO TRATADO DAS LEI DE SANTO TOMÁS DE AQUINO

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ABSTRACT

This article examines the legal implications of human law as theorized by Aquinas in the Treatise on Law. The central problem is the structural tension between the generality of the juridical norm and the irreducible demand for justice in particular cases: to what extent does the Thomistic framework supply normative grounds for a legal practice capable of surpassing formalism without lapsing into arbitrariness. The general objective is to analyze the mechanisms through which lex, directed toward the common good, bears upon concrete juridical practice. The specific objectives are: to examine the distinction between lex and ius; to analyze equity and interpretation as instruments of normative adaptation; to investigate dispensation as a subsidiary mode of adjudication; to elucidate the judicial function in light of prudence and virtue; and to identify custom (consuetudo) as an autonomous source of ius. The article proceeds from the thesis that the final cause of lex, namely the common good and the realization of justice, takes precedence over its formal cause, legitimating adaptive applications of the norm in particular circumstances. The method is hypothetical-deductive, grounded in a theoretical-bibliographic approach combining exegetical reading of primary sources with systematic engagement with secondary literature. The findings indicate that the Thomistic framework grounds legal practice in virtue, prudence, and the pursuit of the objectively just, without reducing it to formalism or dissolving it into arbitrariness.

Keywords: Natural Law; Human Law; Equity; Justice; Legal Interpretation.

RESUMO

O presente artigo examina as implicações jurídicas da lei humana conforme teorizada por Aquino no Tratado das Leis. O problema de pesquisa reside na tensão entre a generalidade estrutural da norma jurídica e a exigência de justiça nos casos particulares, indagando em que medida o arcabouço tomista oferece fundamentos normativos para uma prática jurídica que supere o formalismo sem incorrer em arbitrariedade. O objetivo geral consiste em analisar os mecanismos pelos quais a lex, orientada ao bem comum, incide na prática jurídica concreta. Os objetivos específicos consistem em examinar a distinção entre lex e ius e seus efeitos sobre a compreensão do fenômeno jurídico, analisar o papel da equidade e da interpretação, investigar a dispensa como técnica subsidiária de adjudicação, compreender a função judicial à luz da prudência e da virtude e identificar o costume (consuetudo) como fonte autônoma do ius. Parte-se da tese de que a causa final da lei, isto é, o bem comum e a realização da justiça, prevalece sobre a causa formal, legitimando aplicações adaptativas da norma em circunstâncias particulares. Metodologicamente, a pesquisa adota abordagem teórico-bibliográfica, desenvolvida mediante leitura analítica e

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exegética das fontes primárias e diálogo sistemático com a literatura secundária especializada, seguindo o método hipotético-dedutivo. Os resultados indicam que o arcabouço tomista oferece uma compreensão coerente da relação entre lex e ius, que não se reduz ao formalismo jurídico nem se dissolve em arbitrariedade, mas fundamenta a prática jurídica na virtude, na prudência e na busca do justo objetivo.

Palavras-chave: *Lei Natural; Lei Humana; Equidade; Justiça; Interpretação Jurídica.*

1 INTRODUCTION

The relationship between law and justice has occupied legal and political philosophy since antiquity. In the contemporary landscape of jurisprudence, dominated by positivist frameworks that tend to reduce law to its enacted textual form, the natural law tradition offers a markedly different account of what law is and what it is for. Among the most systematic and philosophically rigorous expositions of that tradition stands the legal theory of Saint Thomas Aquinas (2020), whose Treatise on Law, contained in the *Summa Theologiae* (I–II, qq. 90–97), remains one of the foundational texts of Western jurisprudence.

The central problem driving this article is the structural tension between the generality inherent in any juridical norm and the irreducible demand for justice in particular cases. The guiding question may be stated as follows: to what extent does the framework of Thomas Aquinas provide normative grounds for a legal practice capable of moving beyond formalism without thereby collapsing into arbitrariness.

More specifically, it aims to analyze the practical mechanisms through which *lex*, understood as an ordinance of reason directed toward the common good, is realized in concrete juridical situations. These mechanisms include the relationship between *lex* and *ius*, the role of particular cases in the application of general norms, the techniques of interpretation and dispensation, the nature and function of judicial adjudication, and the legal force of customary law *(consuetudo*).

Five specific objectives emerge to structure the inquiry. The first is to examine the distinction between *lex* and *ius* and its implications for understanding the juridical phenomenon as such. The second is to analyze equity (*epieikeia*) and interpretation as the principal instruments through which the general norm is brought to bear upon the demands of the concrete case. The third is to investigate dispensation as a subsidiary and exceptional mode of adjudication, operative where interpretation alone proves insufficient. The fourth is to elucidate the judicial function in light of the Thomistic requirements of prudence and virtue. The fifth and final objective is to identify legal custom (*consuetudo*) as an autonomous source of ius, irreducible to enacted lex.

Methodologically, the study proceeds from a theoretical and bibliographic standpoint, combining close analytical and exegetical engagement with primary sources with sustained critical dialogue with the relevant secondary literature. The governing method is hypothetical-deductive: the

hypotheses concerning the relationship between *lex*, *ius*, and justice are first formulated and then subjected to rigorous scrutiny through the analysis of the sources, with a view to their confirmation, qualification, or refinement.

The study is justified by the enduring relevance of Aquinas's legal philosophy to contemporary debates in jurisprudence. As legal positivism continues to face challenges from theories that emphasize the moral dimensions of law, including Ronald Dworkin's interpretivism and the strands of natural law theory associated with John Finnis and Joseph Boyle, a return to the Thomistic sources offers not merely historical interest but genuine theoretical resources. In particular, the Thomistic account of equity, interpretation, and dispensation provides a sophisticated alternative to both rigid textualism and unprincipled judicial discretion, two persistent problems in modern legal practice.

The pertinence of the inquiry is further evidenced by the structural parallel Aquinas draws between the moral order and the juridical order. Just as the virtuous individual must navigate between general moral principles and particular circumstances through the exercise of prudence (*prudentia*), so too must the judge navigate between the general provisions of *lex* and the demands of justice in the concrete case. This analogy between moral virtue and juridical practice carries significant implications for how legal professionals understand their own office and the standards by which they ought to be evaluated. It also speaks to a broader question that pervades contemporary jurisprudence: whether the application of law is, or ought to be, a purely technical enterprise, or whether it is irreducibly bound up with the exercise of practical wisdom and moral character.

From a theoretical standpoint, the article engages primarily with the reading of Aquinas offered by Bastit (2010), whose *Naissance de la loi moderne* situates Thomistic legal theory within the broader history of jurisprudence and provides the principal analytical framework for the present inquiry. Villey's philosophy of law (2014) illuminates the *ius/lex* distinction and the vocation of the jurist as one who says what is just in particular cases, a function that Villey (2014) sees as irreducible to the mere application of enacted norms. Garrigou-Lagrange (1932) informs the discussion of judicial prudence through his account of Thomistic virtue theory, while Aristotle's Politics (1988) provides the broader philosophical backdrop against which Aquinas's legal thought must be understood. The work of Sousa (1977) is also engaged in relation to the formation of juridical conscience and the indispensable role of natural law in sustaining a just legal order, especially under the Brazilian legal system and legal history.

The article proceeds as follows. Section 1 examines the nature of human *lex* and its relationship to *ius*, establishing the foundational conceptual distinctions. Section 1.1 addresses the problem of particular cases and the limits of general norms. Section 2 analyzes the techniques of equity, interpretation, and dispensation as instruments for achieving justice in specific circumstances. Section 3 considers the office of the judge and the nature of judicial adjudication within the Thomistic framework. Section 4 examines customary law (*consuetudo*) as a source of *ius* and its relationship to enacted *lex*. The article concludes with final remarks synthesizing the principal findings and their implications for

contemporary jurisprudence.

2 HUMAN LAW AND ITS LEGAL EFFECTS

Human law is directed toward the governance of human beings and their social relations; it thus regulates and prescribes external acts, namely those involving practical conduct. From this notion arises the concept of ius, which concerns the practical matters governed by law. As Bastit (2010) affirms, *lex* is a partial cause of *ius*. It is not the object of this study to analyze the distinction between *lex* and *ius* in full; nevertheless, Bastit's assertion warrants acknowledgment here.

External acts are not, therefore, absolutely constrained by the norm in its general form. The legal implications of *lex* lie in the relationship between *lex* and *ius*, insofar as the latter has justice as its object, and must therefore be realized in concrete cases. Concrete cases represent the final degree of derivation that *lex* reaches, as Bastit (2010, p. 185) states, "the level of determination at which *lex* should unite with the particular escapes it in order to become that of *ius*." Thus, in concrete cases, justice, which is the object of *ius* and the final cause of *lex*, understood as the common good, must prevail. Accordingly, the practice of legal professionals consists, as Villey (2014) affirms, in the space between the strict application of the law and justice in particular cases. This relationship will be examined through the juridical implications of lex.

When *lex* fulfills its role of ordering toward the common good, and is realized not as a dead letter but as the application of the just, it is, as Aristotle (2015) held, in the concrete case that the union between *ius* and *lex* occurs. This is why the present topic warrants careful analysis.

2.1 PARTICULAR CASES AND LEX

Human law is mutable and must aim at the common good; it therefore prescribes in a general manner, without encompassing singular cases, since these are not the norm of the community, though they may call for different treatment depending on the context in which they arise. Nevertheless, the law must be just, and in order to attain justice it may be necessary to apply *lex* in a manner different from what is enacted, since the final cause of law takes precedence over its formal cause, as Bastit (2010) argues. Thus, if it is more just to apply lex differently in a particular case, it ought to be applied accordingly. Lex cannot be particular, for it would fail to attain the common good and would instead privilege the will of an individual to the detriment of the community. This would constitute not law, but iniquity, as Aquinas (2020) teaches.

This diversity arises from the very essence of lex. Before prescribing an act, lex must order toward the good. Justice is inscribed therein; therefore, if a norm is unjust in a particular case, it must be adapted to that specific situation.

When legislators enact the *leges* of the polity, they do so with a view to what is most benefi-

cial to the whole community, addressing situations that are recurrent; they cannot foresee every case. It is in such cases that juridical activity consists, as Villey (2014) states, in those matters that fall outside the rule of *lex*, the just result for the particular case must be sought, as Bastit (2010) affirms. To attain the just result, judges employ **interpretation and dispensation**, aiming at the equity of relations among the citizens who compose the community, as Bastit (2010) presents.

3 EQUITY, INTERPRETATION, AND DISPENSATION

Equity and interpretation are intrinsically related, since equity is a part of the virtue of justice, and as stated, leges must be just, especially in particular cases. As a virtue, equity must be practiced in order to be acquired; it is a habit (*habitus*), that is, something constant. One is not virtuous by performing a sporadic act of courage, even a coward may do so, but by being courageous at all times. In this sense, equity (epieikeia) stands to the jurist as courage stands to the soldier: a decision is just only if grounded in equity, just as one possesses fortitude only through the habitual practice of courageous acts. In this regard, Sousa (1977, p. 150) states that “institutions, however good they may be, are of no avail in securing a regime of justice for societies, if the men who set them in motion have not formed their conscience in deference to natural law and divine law.”

Interpretation, in turn, is, as Bastit (2010) argues, the discipline or technique that enables the adaptation of law to particular cases. It is therefore a means to that end, namely equity. Interpretation is not confined to positive law; it applies equally to the legal norms of a political community and to natural law. As already stated, the final cause takes precedence over the formal cause. Accordingly, where it serves to realize the Good, the formal cause may be set aside, not *lex* itself, which already provides that the Good is its end. In attaining that end, lex is fully realized.

> The value of interpretation lies in the equitable solution to which it allows one to arrive. Interpretation does not lead to violating the text of *lex*, but to understanding it intelligently and not materially. It reveals what the legislator would have said in that case if he had had to resolve it himself. It highlights the truth of *lex* before a special case. (BASTIT, 2010, p. 144)

Nevertheless, interpretation cannot proceed according to the will of the parties, for otherwise an unjust decision would result. Aquinas (2020, p. 583) holds that “it is not lawful for anyone to interpret what is useful or harmful to the city. This belongs only to those in authority who, on account of such cases, have the power to dispense from lex.” Aquinas (2020) further maintains that interpretation must accord with the will of the legislator, and that recourse must therefore be had to those who hold authority to adjudicate; it is they who must judge the case equitably.

Judging according to the intention of the legislator cannot be understood in the sense adopted by many modern theories of law, which in numerous instances reduce themselves to the material text and thereby impose injustices. Rather, it must be understood as the pursuit of the just, of the common

good, of the very final cause of lex. As Bastit (2010, p. 146) states, "the intention of the legislator that is sought is this pursuit of the common good in its objectivity; it is from this that the determination of the equitable solution derives." The adjudicating authority thus employs interpretation to attain the end of lex and to realize it in full.

Aquinas (2020, p. 583) affirms that, in "a case in which the observance of lex would be harmful to the common good, lex ought not to be observed." Therein lies the foundation of dispensation. Dispensation is a technique of adjudication whereby the adjudicating authority sets aside the application of law in the concrete case in order to attain equity. Dispensation occurs only in a subsidiary manner with respect to interpretation, that is, when interpretation is insufficient to attain the common good. It serves the same function as interpretation, applying lex in such a way as to realize the common good and justice in the concrete case, with one distinction: in this instance, the application of lex is dispensed with, since its application would produce an unjust outcome.

This is a prerogative of the adjudicating authority, but it is not an arbitrary act. The application of this technique is undertaken with a view to the common good and to justice, and it cannot be employed to benefit a particular individual, since this would constitute iniquity, an act undertaken not for the good of the polity but in the service of private interests.

Interpretation and dispensation are techniques that may be employed only by those who hold the power to adjudicate matters of the community, whether directly or by delegation from the legislator. It is therefore impermissible for citizens to disregard leges at their own discretion. Aquinas (2020, p. 587) confirms this, stating that "whoever holds the office of governing the multitude has the power to dispense from human law." It is the duty of citizens to submit to the rule of law, and this submission itself makes them better. There are, however, certain cases in which one may set aside the requirements of the law by one's own will.

These are cases involving manifest necessity and urgency. Aquinas (2020) refers to evident and sudden danger, citing the example of a besieged city in which a norm requires that the gates remain closed. If citizens are left outside and exposed to danger, the gates ought to be opened to admit them. In such a case, it is appropriate for the norm to be set aside without prior authorization, since it is just that citizens be able to take refuge within the walls. This is so because the purpose of the norm is to protect the inhabitants of the city from the surrounding enemy, and this purpose is equally fulfilled by departing from the norm and admitting those who remain outside. All that has been said may be summarized as the pursuit of reasonable ends by reasonable means.

4 THE ADJUDICATION OF CASES

Adjudication is the manner by which the adjudicating authority renders decisions in concrete cases. Judges are those delegated by legislators to apply the law; their office consists in applying

the norm according to the *lex* while also adapting it to the particular case. The judge employs the techniques of interpretation and dispensation; it is the judge, vested with power delegated by the legislator, who resolves the conflicts of the community. Judges determine what is owed by one person to another, or what is owed by an individual to society. As Bastit (2010, p. 145) states: "those charged with applying *lex* to particular cases can and must have recourse to equity."

The judge's object of work is therefore justice; the judge must pursue equity in concrete cases, just as the legislator pursues the common good in the enactment of *leges*. As noted, equity is a virtue (a part of justice), and as such must be practiced and must become a habit. Judges must therefore be virtuous in order to be good, since only one who is good can render equity in cases. Garrigou-Lagrange (1932, p. 286) holds that "judgment requires a virtue in the judge so that his judgment may not be disturbed."

The judge's charge is not the common good but justice. This means that the judge is not required to be general and universal, nor to render decisions with a view to the welfare of the community as a whole; that is the work of the legislator. It falls instead to the judge to declare *ius* (*ius dicere*) in the particular cases brought before him. The judge's office is to attend to the things themselves, even, if necessary, before the law.

> The activity of the judge is not situated at the same level as that of the legislator who promulgates *lex*. In promulgating *lex*, the legislator adheres to a general decision, a *ratio*; the judge, in turn, declares *ius*. He grounds his judgment in a prudential inquiry and in an apprehension of the particular as such, which requires an appeal to experience, memory, and, ultimately, to the sensible. (BASTIT, 2010, p. 151)

The judge plays a secondary role with respect to legal justice; his task is merely to follow legal norms and law, since, as Aquinas held, it is easier to find a few good legislators than to find judges who are prudent and capable of applying justice. Aquinas grounds this claim on the observation that judges are more susceptible to becoming emotionally involved in cases, whereas the legislator remains at a remove and is thus better positioned to perceive the general rule, while the judge's vision may be obscured by the particularities of concrete situations.

> Judgments about particular cases proceed from cases that arise suddenly. Now, it is easier for a person to see what is right after prolonged deliberation than when relying on a single fact alone (…); those who preside over judgment judge the present case, inflamed by love or hatred (…), which corrupts their judgment. (SAINT THOMAS AQUINAS, 2020, p. 572)

The judicial sentence is the declaration and determination of what is just in the particular case. It must be grounded in prudence, experience, and sensibility, which is precisely why Aquinas (2020) holds that it is not the judge's role to make leges. The sentence, in light of these elements, must be reasonable rather than merely rational, since it is embedded in a concretization within reality, and not in mere speculative reasoning.

When it is said that the judge must adjudicate according to *lex*, Aquinas is not invoking the

modern concept; he means that in rendering judgment on a case, *lex* must be applied in accordance with what it is, an ordinance directed toward the just. In doing so, the judge realizes *lex* and fulfills its function within the community. As Bastit (2010, p. 152) states, judgment is "a knowledge of realities in act in which the intelligible form apprehended by *lex* is surpassed, or rather more perfectly realized." This is the case of the final cause, the good, superseding the norm, its formal cause. To judge according to *lex*, therefore, is to apply it in accordance with its essence; equitable judgment perfects *lex* just as customary law does, rendering it concrete and realizing its end.

5 CUSTOMARY LAW

Legal custom (consuetudo) is the aggregate of acts repeatedly performed by the community over time. It enters the domain of *ius* insofar as it acquires the force of law, for reason and will are expressed not only through the intellect but also through human acts. Accordingly, repeated external acts manifest the internal rational process from which law originates, and the same holds true of customary law. Aquinas (2020, p. 586) states that "reason and will are manifested not only in words regarding acts that a person is about to perform, but also through the acts themselves, for each person acts in accordance with what he deems good." Legal custom arises from the very nature of the community; moreover, it is the expression of the popular will and reason, and derives directly from natural law, since rationality is constitutive of human beings. Bastit (2010, p. 155) confirms this, teaching that "just as natural law is known through the observation of natural inclinations, the lex of the polity can be known through the spontaneous manifestations of its nature."

Consuetudo, possessing the essential characteristics of *lex*, comes to operate as *lex* itself, and is consequently subject to the same requirements. In particular, it must always order toward the common good; furthermore, it must be just, and accord with natural and eternal law, as Bastit (2010) holds. Since it carries the legal force, customary law may repeal, interpret, and alter existing law. It perfects the *lex* because it becomes common to the whole polity and endures over time, the very aim the legislator envisioned in enacting *lex*, as Aquinas (2020) teaches.

Legal custom stands to the polity as habit stands to individuals; likewise, it renders *lex* better through time and repeated practice, just as habit makes individuals more virtuous. On this comparison, Bastit (2010, p. 154) observes that "customs are the political equivalent of the habitus (…); they are acquisitions through which the requirements of a nature are manifested. They are the good habits of a polity that emerge from its constitution."

Legal custom may itself undergo change and effect change, as already noted, for human law is mutable and imperfect; accordingly, its refinement is therefore often necessary. Customary law, insofar as it is just, renders leges and individuals more virtuous, ensuring that they are obeyed; moreover, it has the power to imprint on society the acts prescribed by *lex*, which is why it is said to perfect

lex, as Bastit (2010) teaches. However, customary law may also derive from bad habits, and in which case it must be replaced by new legislation. Legal custom may abrogate the law when it is no longer just, whether by reason of iniquity, loss of its object, or failure to serve the common good, and when custom proves more beneficial in such circumstances, as Aquinas (2020) teaches. Similarly, custom may also derogate from a law in the situations described above, as well as when it fails to satisfy its own essential requirements. As previously noted, frequent changes in the legal order are inadvisable, since they weaken both the observance and the normative force of law.

Conceiving of legal custom as an active element of *ius*, by virtue of its capacity to express the reason and will of the community, Aquinas (2020) holds that custom may enter into the legal order in two ways, through promulgation by the people, or through the tolerance of the prince (the head of the community). Furthermore, Aquinas (2020) maintains that if the people are free and capable of legislating, they may promulgate custom as positive law, given that the people possess the authority to create their own legal norms, being the very source of the community's authority; consequently, the ruler is subordinate to the popular will. In this scenario, custom transforms into *lex*. To illustrate this, one may refer to Brazilian law, specifically Article 4 of the "Lei de Introdução às Normas do Direito Brasileiro" (LINDB), it's the legal act that introduce the rules of Brazilian Law, which enshrines custom as a source of *ius* applicable in cases of statutory omission.

When, however, the people do not hold or are not capable of promulgating *lex* by themselves, custom acquires the force of *lex* to the extent that the authorities of the polity remain inactive, tolerating the acts of the citizens. The heads of the community consent to the custom because they respect the authority that the people hold and understand that such a practice may be conducive to the common good of the community. As Bastit (2010, p. 157) teaches: "the legislator does not deal with matter, he legislates for men who also intervene with their intelligence and their will". This is exemplified by the common law tradition, to which Anglo-Saxon countries adhere; in this legal tradition, the authorities hold the power to legislate but acknowledge the value of legal custom for their societies and accordingly refrain from promulgating written *leges,* the legal act itself.

6 FINAL REMARKS

The foregoing analysis has sought to reconstruct, from the standpoint of Thomistic legal philosophy, the principal mechanisms through which human *lex* is realized in the juridical order. Several conclusions emerge from this inquiry.

First, the distinction between *lex* and *ius* is not merely terminological but reflects a fundamental difference in the objects and purposes of legislative and juridical activity. *Lex* is the general ordinance of reason directed toward the common good, whereas *ius* is the just thing itself, that is, the object of justice as it must be determined in particular cases. The legal professional operates in

the space between these two, tasked with realizing the former through an attentiveness to the latter. It is this irreducible gap between the generality of *lex* and the particularity of concrete situations that makes juridical practice both necessary and irreducibly practical in character and resistant to any purely algorithmic or formalist account.

Second, the mutability and generality of human law are not defects to be overcome but structural features to be acknowledged and addressed through appropriate juridical techniques. Interpretation and dispensation are not departures from the rule of law, rather, they are expressions of its deepest purpose, the realization of justice. Both techniques are grounded in the principle that the final cause of *lex*, the common good, supersedes its formal cause, that is, the enacted text, when the two come into conflict in a particular case. In this sense, Aquinas offers a principled and non-arbitrary account of what is often, in contemporary jurisprudence, treated as a merely pragmatic matter of judicial discretion.

Third, the office of the judge is constitutively distinct from that of the legislator. Whereas the legislator attends to the common good through the promulgation of general norms, the judge attends to justice through the prudential determination of what is due in each particular case. This requires not merely technical competence but moral virtue, above all the virtue of prudence (*prudentia*) and its juridical expression, equity (*epieikeia*). A virtuous judge is not an incidental good but a necessary condition for just adjudication. This conclusion stands in implicit but significant tension with the dominant tendency in modern legal theory to evaluate judicial quality solely in terms of methodological rigor or doctrinal consistency, while bracketing questions of character and moral formation.

Fourth, customary law (*consuetudo*), far from being a marginal or residual source of *ius*, occupies a central place in the Thomistic account of the legal order. As the expression of the rational and volitional life of the community over time, custom carries the force of *lex* and may repeal, interpret, or supplement enacted legal norms. The common law tradition, with its sustained reliance on judicial precedent and communal practice, may be understood as an institutional embodiment of this Thomistic insight, one that Aquinas himself anticipates in his discussion of the role of princely tolerance in the formation of customary *ius*.

Taken together, these conclusions suggest that the Thomistic framework remains a philosophically serious and practically fruitful resource for contemporary jurisprudence. Against the reductionism of legal positivism, which tends to sever lex from its ends, and against the subjectivism of certain strands of legal realism, which tends to dissolve ius into the preferences of adjudicators the Thomistic account preserves the possibility of a juridical practice that is at once rational, just, and genuinely responsive to the demands of the common good. Therefore, the recovery of this tradition does not constitute a retreat into historical curiosity but rather represents a resource of considerable contemporary relevance for those concerned with the foundations of law, the nature of justice, and the moral responsibilities of those who exercise juridical authority.

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