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November 2022

Law as an Instrument of the Common Good

Saul Arturo Madueno Alvarez

Western University, smadueno@uwo.ca

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Citation of this paper:

Madueno Alvarez, Saul Arturo, "Law as an Instrument of the Common Good" (2022). *Inspiring Minds – A Digital Collection of Western's Graduate Research, Scholarship and Creative Activity*. 278.

<https://ir.lib.uwo.ca/inspiringminds/278>

It is important to make a distinction between what is generally understood as an instrumental use of the law –e.g., laws used for particularistic interests– and instrumentality of the law as an inherent quality of it –i.e., that laws are always instrumental. The recognition of this quality as essential to the law lets us notice its teleological character, where the common good is its proper end. This approach is based on an Aristotelian conception of the nation as a political community (not founded by contract –à la Hobbes– but *by nature* –human being as *zoon politikon*) whose *telos* is the good of its constituents, which is the reason why we ‘agree’ to be *ruled by laws* and not by the whims of any individual. My purpose then is to make explicit the inherent instrumentality of the law and how it serves as a vehicle to that *telos*.