

the posterior follows as a rational consequence.

(11) The more general is prior to the more special.

(12) That which is more honourable or higher in rank or dignity is prior to that which is less so.

Prius natura, as practically used by Aristotle, seems often to convey no clear notion. But he certainly calls the *prius dignitate* and *prius causalitate* both *prius natura*. The usage of the Aristotelians is to call that *prius natura* which is prior in consecution or in causality. That is prior in consecution which is such that if something else is supposed it is supposed, but which being supposed something else is not thereby supposed. Thus, if two are supposed, one is supposed; but one being supposed, two is not thereby supposed. Hence, one is prior to two. *Prius causalitate* is either *prius natura generantis* or *prius natura intendente*. *Prius natura generantis* is the priority of the simple to the complex, as of the parts to the whole; *prius natura intendente* is the priority of the perfect to the imperfect, as of the whole to the parts. But this hardly seems to agree with Aristotle (646 a 25). *Prius nobis* (πρὸς ἡμᾶς πρότερον) is what is prior in the order of learning, or more easily known. (C.S.P.)

Privacy: see PUBLIC AND PRIVATE.

Private [Lat. *privatus*, not public, from *privus*, single]: Ger. *privat* (the occasional use of *geheim* is significant of the early identification of *private* and family concerns); Fr. *privé, particulier*; Ital. *privato*. (1) Strictly pertaining to (a) a single individual (e. g. a private life), or (b) a group of individuals (e. g. a private company).

(2) A person who holds no public office or military commission is a private person, soldier, &c. Cf. PUBLIC AND PRIVATE.

(F.H.G.—J.M.B.)

The conception of (1) private affairs, and (2) a private person, is extremely dim in tribal communities, and becomes quite distinct only in high civilizations. PUBLIC (q.v.) and private are fully differentiated only when civic organization has arisen. Distinction (2) antedates the oldest written decisions of English common law. 'Any private person (and *a fortiori* a peace officer) that is present when any felony is committed is bound by the law to arrest the felon, on pain of fine and imprisonment, if he escapes through the negligence of the standers by' (Blackstone, *Commentaries*, Bk. IV. chap. xxi). (F.H.G.)

Private Law [Lat. *ius privatum*]: Ger. *Privatrecht*; Fr. *droit privé*; Ital. *diritto privato*. That part of law which looks mainly to individual interests and relations, as distinguished from public law, which looks merely to public interests and relations.

The line of demarcation cannot be precisely drawn. In the pursuit of remedies provided by private law, the state is never an actor, unless for the protection of rights of individuals, or of rights of its own not directly flowing from its sovereign character. Proceedings of the class last mentioned are sometimes classed under the remedies of public law (see Holland, *Jurisprudence*, chap. xvi. 330; Pollock, *Jurisprudence*, chap. iv. 94). Private law comprehends the law of private property and obligations, including succession, the domestic relations, and, in a certain sense, civil procedure.

'Publicum ius est quod ad statum rei Romanae spectat: privatum quod ad singulorum utilitatem' (*Inst. of Just.*, i. 1, *de iustitia et iure*, 4). (S.E.B.)

Privation [Lat. *privatio*, trans. of Gr. *στέρησις*]: Ger. *Beraubung*; Fr. *privation*; Ital. *privazione*. The negation or absence of what is natural or customary, i.e. of habit.

Thus, blindness is privation of sight. See Aristotle's *Praedicamenta*, chap. x; also *Met.*, I (the book *περὶ μωρίας*), iv. 1055 b 2, and Δ. xxii. (C.S.P.)

Aristotle especially attributes privation to matter (*ὑλη*) conceived as if lacking form (*εἶδος*) (*Met.*, 1055 b 13). To the scholastics evil is the privation of good. Cf. Eisler, *Wörterb. d. philos. Begriffe*, 'Beraubung,' 'Privation.'

The adjective form *privative* (Gr. *στερητικός*) denotes, as in *PRIVATIVE PROPOSITION* (q.v.), the presence of privation. (J.M.B.)

Privative: see PRIVATION.

Privilege (in law) [Lat. *privilegium*]: Ger. *Vorrecht, Privilegium*; Fr. *privilege*; Ital. *privilegio*. (1) A beneficial faculty or immunity conferred by a state upon one or more persons.

(2) As used by civilians, an implied hypothecation of a person's property, given by law to secure his obligations. See the French *Code Civil*, Liv. III. Tit. 18.

Breach of privilege: a violation of the privileges belonging to a legislative body or its members. Question of privilege: a question raised in such a body, touching its privileges or those of any of its members.

In ancient Rome a *privilegium* was a law specially directed against an individual,