

The Moral Aspect of Divine Law

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The Catholic Encyclopedia, Volume IX
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Divine Law is that which is enacted by God and made known to man through revelation. We distinguish between the Old Law, contained in the Pentateuch, and the New Law, which was revealed by Jesus Christ and is contained in the New Testament. The Divine Law of the Old Testament, or the Mosaic Law, is commonly divided into civil, ceremonial, and moral precepts. The civil legislation regulated the relations of the people of God among themselves and with their neighbours; the ceremonial regulated matters of religion and the worship of God; the moral was a Divine code of ethics. In this article we shall confine our attention exclusively to the moral precepts of the Divine Law. In the Old Testament it is contained for the most part and summed up in the Decalogue (Ex., xx, 2-17; Lev., xix, 3, 11-18; Deut., v, 1-33).

The Old and the New Testament, Christ and His Apostles, Jewish as well as Christian tradition, agree in asserting that Moses wrote down the Law at the direct inspiration of God. God Himself, then, is the lawgiver, Moses merely acted as the intermediary between God and His people; he merely promulgated the Law which he had been inspired to write down. This is not the same as to say that the whole of the Old Law was revealed to Moses. There is abundant evidence in Scripture itself that many portions of the Mosaic legislation existed and were put in practice long before the time of Moses. Circumcision is an instance of this. The religious observance of the seventh day is another, and this indeed, seems to be implied in the very form in which the Third Commandment is worded: “*Remember* that thou keep holy the sabbath day.” If we except the merely positive determinations of time and manner in which religious worship was to be paid to God according to this commandment, and the prohibition of making images to represent God contained in the first commandment, all the precepts of the Decalogue are also precepts of the natural law, which can be gathered by reason from nature herself, and in fact they were known long before Moses wrote them down at the express command of God. This is the teaching of St. Paul — “For when the Gentiles, who have not the law, do by nature those things that are of the law; these having not the law [of Moses], are a law

to themselves: who shew the work of the law written in their hearts, their conscience bearing witness to them” (Rom., ii, 14, 15). Although the substance of the Decalogue is thus both of natural and Divine law, yet its express promulgation by Moses at the command of God was not without its advantages. The great moral code, the basis of all true civilization, in this manner became the clear, certain, and publicly recognized standard of moral conduct for the Jewish people, and through them for Christendom.

Because the code of morality which we have in the Old Testament was inspired by God and imposed by Him on His people, it follows that there is nothing in it that is immoral or wrong. It was indeed imperfect, if it be compared with the higher morality of the Gospel, but, for all that, it contained nothing that is blameworthy. It was suited to the low stage of civilization to which the Israelites had at the time attained; the severe punishments which it prescribed for transgressors were necessary to bend the stiff necks of a rude people; the temporal rewards held out to those who observed the law were adapted to an unspiritual and carnal race. Still its imperfections must not be exaggerated. In its treatment of the poor, of strangers, of slaves, and of enemies, it was vastly superior to the civilly more advanced Code of Hammurabi and other celebrated codes of ancient law. It did not aim merely at regulating the external acts of the people of God, it curbed also licentious thoughts and covetous desires. The love of God and of one's neighbour was the great precept of the Law, its summary and abridgment, that on which the whole Law and the Prophets depended. In spite of the undeniable superiority in this respect of the Mosaic Law to the other codes of antiquity, it has not escaped the adverse criticism of heretics in all ages and of Rationalists in our own day. To meet this adverse criticism it will be sufficient to indicate a few general principles that should not be lost sight of, and then to treat a few points in greater detail.

It has always been freely admitted by Christians that the Mosaic Law is an imperfect institution; still Christ came not to destroy it but to fulfil and perfect it. We must bear in mind that God, the Creator and Lord of all things, and the Supreme Judge of the world, can do and command things which man the creature is not authorized to do or command. On this principle we may account for and defend the command given by God to exterminate certain nations, and the permission given by Him to the Israelites to spoil the Egyptians. The tribes of Chanaan richly deserved the fate to which they were condemned by God; and if there were innocent people among the guilty, God is the absolute Lord of life and death, and He commits no injustice when He takes away what He has given. Besides, He can make up by gifts of a higher order in another life for sufferings which have been patiently endured in this life. A great want of historical perspective is shown by those, critics who judge the Mosaic Law by the humanitarian and sentimental canons of the twentieth century. A recent writer (Keane, “The Moral Argument against the Inspiration of the Old Testament” in the *Hibbert Journal*, October, 1905, p. 155) professes to be very much shocked by what is prescribed in Exodus, xxi, 5-6. It is there laid down that if a Hebrew slave who has a wife and children prefers to remain with his master rather than go out free when the sabbatical year comes round, he is to be taken to the door-post and have his ear bored through with an awl, and then he is to remain a slave for life. It was a sign and mark by which he was known to be a lifelong slave. The

practice was doubtless already familiar to the Israelites of the time, as it was to their neighbours. The slave himself probably thought no more of the operation than does a South African beauty, when her lip or ear is pierced for the lip-ring and the ear-ring, which in her estimation are to add to her charms. It is really too much when a staid professor makes such a prescription the ground for a grave charge of inhumanity against the law of Moses. Nor should the institution of slavery be made a ground of attack against the Mosaic legislation. It existed everywhere and although in practice it is apt to lead to many abuses, still, in the mild form in which it was allowed among the Jews, and with the safeguards prescribed by the Law, it cannot be said with truth to be contrary to sound morality.

Polygamy and divorce, though less insisted on by Rationalist critics, in reality constitute a more serious difficulty against the holiness of the Mosaic Law than any of those which have just been mentioned. The difficulty is one which has engaged the attention of the Fathers and theologians of the Church from the beginning. To answer it they take their stand on the teaching of the Master in the nineteenth chapter of St. Matthew and the parallel passages of Holy Scripture. What is there said of divorce is applicable to plurality of wives. The strict law of marriage was made known to our first parents in Paradise: "They shall be two in one flesh" (Gen., ii, 24). When the sacred text says two it excludes polygamy, when it says one flesh it excludes divorce. Amid the general laxity with regard to marriage which existed among the Semitic tribes, it would have been difficult to preserve the strict law. The importance of a rapid increase among the chosen people of God so as to enable them to defend themselves from their neighbours, and to fulfil their appointed destiny, seemed to favour relaxation. The example of some of the chief of the ancient Patriarchs was taken by their descendants as being a sufficient indication of the dispensation granted by God. With special safeguards annexed to it Moses adopted the Divine dispensation on account of the hardness of heart of the Jewish people. Neither polygamy nor divorce can be said to be contrary to the primary precepts of nature. The primary end of marriage is compatible with both. But at least they are against the secondary precepts of the natural law: contrary, that is, to what is required for the well-ordering of human life. In these secondary precepts, however, God can dispense for good reason if He sees fit to do so. In so doing He uses His sovereign authority to diminish the right of absolute equality which naturally exists between man and woman with reference to marriage. In this way, without suffering any stain on His holiness, God could permit and sanction polygamy and divorce in the Old Law.

Christ is the author of the New Law. He claimed and exercised supreme legislative authority in spiritual matters from the beginning of His public life until His Ascension into heaven. In Him the Old Law had its fulfilment and attained its chief purpose. The civil legislation of Moses had for its object to form and preserve a peculiar people for the worship of the one true God, and to prepare the way for the coming of the Messiah who was to be born of the seed of Abraham. The new Kingdom of God which Christ founded was not confined to a single nation, it embraced all the nations of the earth, and when the new Israel was constituted, the old Israel with its separatist law became antiquated; it had fulfilled its mission. The ceremonial laws of Moses were types and figures of the purer,

more spiritual, and more efficacious sacrifice and sacraments of the New Law, and when these were instituted the former lost their meaning and value. By the death of Christ on the Cross the New Covenant was sealed, and the Old was abrogated, but until the Gospel had been preached and duly promulgated, out of deference to Jewish prejudices, and out of respect for ordinances, which after all were Divine, those who wished to do so were at liberty to conform to the practices of the Mosaic Law. When the Gospel had been duly promulgated the civil and ceremonial precepts of the Law of Moses became not only useless, but false and superstitious, and thus forbidden.

It was otherwise with the moral precepts of the Mosaic Law. The Master expressly taught that the observance of these, inasmuch as they are prescribed by nature herself, is necessary for salvation — “If thou wouldst enter into life keep the commandments”, — those well-known precepts of the Decalogue. Of these commandments those words of His are especially true — “I came not to destroy the law but to fulfil it.” This Christ did by insisting anew on the great law of charity towards God and man, which He explained more fully and gave us new motives for practising. He corrected the false glosses with which the Scribes and Pharisees had obscured the law as revealed by God, and He brushed aside the heap of petty observances with which they had overloaded it, and made it an intolerable burden. He denounced in unmeasured terms the externalism of Pharisaic observance of the Law, and insisted on its spirit being observed as well as the letter. As was suited to a law of love which replaced the Mosaic Law of fear, Christ wished to attract men to obey His precepts out of motives of charity and filial obedience, rather than compel submission by threats of punishment. He promised spiritual blessings rather than temporal, and taught His followers to despise the goods of this world in order to fix their affections on the future joys of life eternal. He was not content with a bare observance of the law, He boldly proposed to His disciples the infinite goodness and holiness of God for their model, and urged them to be perfect as their heavenly Father is perfect. For such as were specially called, and who were not content to observe the commandments merely, He proposed counsels of consummate perfection. By observing these His specially chosen followers, not only conquered their vices, but destroyed the roots of them, by constantly denying their natural propensities to honours, riches, and earthly pleasures. Still it is admitted by Catholic theologians that Christ added no new merely moral precepts to the natural law. There is of course a moral obligation to believe the truths which the Master revealed concerning God, man's destiny, and the Church. Moral obligations, too, arise from the institution of the sacraments, some of which are necessary to salvation. But even here nothing is added directly to the natural law; given the revelation of truth by God, the obligation to believe it follows naturally for all to whom the revelation is made known; and given the institution of necessary means of grace and salvation, the obligation to use them also follows necessarily.

As we saw above, the Master abrogated the dispensations which made polygamy and divorce lawful for the Jews owing to the special circumstances in which they were placed. In this respect the natural law was restored to its primitive integrity. Somewhat similarly with regard to the love of enemies, Christ clearly explained the natural law of charity on the point, and urged it against the perverse interpretation of the Pharisees. The Law of

Moses had expressly enjoined the love of friends and fellow-citizens. But at the same time it forbade the Jews to make treaties with foreigners, to conclude peace with the Ammonites, Moabites, and other neighbouring tribes; the Jew was allowed to practise usury in dealing with foreigners; God promised that He would be an enemy to the enemies of His people. From these and similar provisions the Jewish doctors seem to have drawn the conclusion that it was lawful to hate one's enemies. Even St. Augustine, as well as some other Fathers and Doctors of the Church, thought that hatred of enemies, like polygamy and divorce, was permitted to the Jews on account of their hardness of heart. It is clear, however, that, since enemies share the same nature with us, and are children of the same common Father, they may not be excluded from the love which, by the law of nature, we owe to all men. This obligation Christ no less clearly than beautifully expounded, and taught us how to practise by His own noble example. The Catholic Church by virtue of the commission given to her by Christ is the Divinely constituted interpreter of the Divine Law of both the Old and the New Testament.

ST. THOMAS, *Summa theologica* (Parma, 1852); SUAREZ, *De Legibus* (Paris, 1856); PESCH, *Prælectiones dogmaticæ, V* (Freiburg, 1900); KNABENBAUER, *Commentarius in Evangelia* (Paris, 1892); GIGOT, *Biblical Lectures* (New York, 1901); PALMIERI, *De Matrimonio* (Rome, 1880); PELT, *Histoire de l'ancien Testament* (Paris, 1901); VON HUMMELAUER, *Commentarius in Exodum, Leviticum, Deuteronomium* (Paris, 1897, 1901); VIGOUROUX, *Dict. de la Bible* (Paris, 1908); *Hastings Dict. of the Bible* (Edinburgh, 1904).