

THE OLD LAW

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THE END OF THE REDEMPTION was definitively accomplished by the propitiatory death of the God-man on Golgotha and His glorious resurrection from the tomb on the first Easter Sunday. Since the sin of our proto-parents, all the aid, all the benefits and graces which God bestowed on his chosen people were directed to a unique end: the Incarnation of the Word and His redemptive mission. One of the principal favors which God gave the Israelites was the Old Law, which we find formulated in the last four books of the Pentateuch by Moses, the divinely appointed lawgiver of the Children of Israel. We who live under the New Dispensation fail, perhaps, to realize the rôle that this Old Law played in the economy of salvation. For even after the Word became Flesh, the Old Covenant was not destroyed. Christ never told the Jews to forget about the Old Law as though it had never existed. On the contrary, in forthright and direct words He told His disciples: "Do not think that I have come to destroy the Law or the Prophets. I have not come to destroy, but to fulfill." (*Matt.* 5:17).¹

¹ Commenting on these words of Christ, St. Thomas cites seven ways in which the Savior perfectly effected this fulfillment. *First*, Christ fulfilled the moral precepts by tempering them with the sweetness of charity; for the fullness of the Law is love: "This is my commandment, that you love one another as I have loved you." (*John*, 15:12); *secondly*, Christ fulfilled the ceremonial precepts by removing the veil of figures: "The veil of the temple was torn in two." (*Matt.* 27:51); "The Lamb is worthy to take the scroll and open its seals." (*Apoc.* 5:9); *thirdly*, Christ fulfilled the prophecies by showing that they found their ultimate resolution in Him: "These are the words which I spoke to you while I was yet with you, that all things must be fulfilled that are written in the Law of Moses and the Prophets and the Psalms concerning Me." (*Luke*, 24:44); *fourthly*, the Savior confirmed the promises that God had made: "The promises were made to Abraham and his offspring." (*Gal.* 3:16); *fifthly*, Christ mitigated the judicial precepts by His mercy; thus to the woman taken in adultery He spoke comforting words, words which were all the more comforting in that they came from God Himself, "Neither will I condemn thee." (*John*, 8:11); *sixthly*, Our Lord offered counsels to men: "If thou wilt be perfect, go, sell what thou hast, and give to the poor and thou shalt have treasure in heaven; and come, follow Me." (*Matt.* 19:21); *finally*, Christ fulfilled all the promises that had been made concerning the mission of the Holy Spirit and the Incarnation of the Son: "Behold, . . . I will make a new covenant." (*Heb.* 8:8).

Although Catholics are familiar in some way with the prophetic figures of Christ such as Isaias' "prince of peace and father of the world to come," and Jeremias' "man of sorrows," they remain ignorant of the nature of the Old Law which Christ also fulfilled.² A study of this law will be profitable then, not only from the Christological viewpoint, but also because the Old Law was given by God to the people He had chosen above all others as peculiarly His own. It is a Divine Law, a manifestation of the fecundity of the divine goodness, and can be considered with profit as such.

GENERAL NOTIONS AND DIVISION

The Old Law was called by the Jews the *Torah*; it was for them what we would call "the law *par excellence*." The Hebrew word *torah* is derived from words meaning to teach; we can recall the ever recurring prayer of the Psalmist in Psalm 118 asking God to teach him the divine law. Over and above this general sense of teaching there is included in the signification of the word *torah* the notion of a teaching that is meant to be a rule or measure of men's conduct. The Hebrews used the word to refer to the Mosaic legislation as well as the books which contained it; ordinarily in the Old Testament it is taken to mean the ensemble of laws contained in the Pentateuch.

The Mosaic Law is not a logically ordered codification. Diverse laws are occasionally tied in with historical facts. It would carry us too far astray in a general study of the Old Law to consider and explain the detailed divisions and ramifications of the Hebraic legislation. St. Thomas offers a three-fold division of the precepts of the Old Covenant: the moral, judicial, and ceremonial. A more detailed and complete division is given by Lesêtre.³

² The expression "the Law and the Prophets" is found many times in Sacred Scripture. The prophets are mentioned together with the Law because their function consisted in seeing that the Mosaic Law and the alliance with God which was a consequence of this Law should be kept. God made them, in some way, responsible for the manner in which the people kept the Law. Thus, we read in *Ezechiel* (3:17-18): "Son of man, I have made thee a watchman to the house of Israel: and thou shalt hear the word out of My mouth and shall tell it to them from Me. If, when I say to the wicked: Thou shalt surely die: thou declare it not to him nor speak to him that he may be converted from his wicked way and live, the same wicked man shall die in his iniquity, but I will require his blood at thy hand."

³ II. Lesêtre, article *Loi Mosaique* in the *Dictionnaire de la Bible*, Paris, Letouzey et Ané, Editeurs, t. IV, col. 330-331.

SAINT THOMAS ON THE OLD LAW

In the *Summa Theologiae*, St. Thomas devotes eight questions comprising some forty-six articles to the consideration of the Old Law in itself and of its ceremonial and judicial precepts. (I-II, qq. 98-105) Some of these articles are quite lengthy and complex. As a matter of fact, the answer to one of his objections—Q. 102, art. 6, ad 1—is longer than any other article that we have been able to find in the *Summa*! Why has the greatest Doctor of Christendom seen fit to devote so much material to the question of the Old Law? For since the advent of Christ we live under the law of grace and are not held to the minutial observances of the Old Covenant. Aquinas himself in his Prologue to the *Summa* promises to treat with the help of God *breviter et dilucide* and with the avoidance of useless questions everything that pertains to sacred doctrine. He has not broken this promise in the matter at hand. As a matter of fact, as the late Father Vincent McNabb has written, "His genius and instinct for order have rarely been seen at such full flood as in his codification of the Mosaic Law." St. Thomas justifies himself and the extended treatment he has accorded the Old Law in the very first question of his tract on the subject. We shall examine in this article the doctrine of the Master without entering into a more detailed consideration of the three-fold kind of precept contained in the Old Covenant.

The reasoning which St. Thomas employs to point out that the Old Law was good in itself—and, therefore, we might add, profitable for us to consider—is thoroughly convincing, proceeding as it does from the very nature of law which he has previously established. In our ordinary way of speaking we say of a bad law that it is unreasonable; that it does not conform to rational principles. On the other hand, we praise a good law as completely reasonable and built on a sound foundation of basic tenets. Does the Old Covenant meet these requirements? Yes, answers Aquinas, because it served as an agent to temper the flame of concupiscence which is one of the archenemies of reason and it also forbade all sins that contravene the norms of right reason. With his customary precision, however, he is careful to point out the nature of the goodness which the Old Law had.

Law is that good which Scholastics call the *bonum utile*, the good which serves towards the attainment of some end. Now from experience we know that all things that are useful are not equally so. Some are sufficient of themselves to enable us to gain the end we desire, while others help us attain our goal but are not sufficient of themselves to bring about an efficacious gaining of the end. To illustrate:

next week I must travel from Washington to Boston. Now two alternatives are offered me: either I can go to Boston by train and be reasonably certain of arriving at my destination in eight hours or I can accept a ride from a friend who is driving as far as New York. The first alternative is obviously the better of the two. The train will get me to Boston in good time and with all the conveniences of modern railway travel. By accepting a ride from my friend I shall get only so far; I will be helped along to Boston, but I will never get to Boston for the simple reason that my benefactor is travelling only as far as New York. So, Divine Law has as its *raison d'être* the leading of men to everlasting happiness. In God's plan, the only way that man can reach this sublime end is through the grace of the Holy Spirit. This grace will enable the man who coöperates with it to win eternal life through the merits of Christ. The Old Law is intrinsically inefficacious to lead to this lofty goal. It helped man, it is true; but it could not and cannot lead him to the beatific vision. Aquinas sums the whole thing up in terse, yet complete phraseology: *Lex vetus bona quidem est, sed imperfecta*. The Old Law is indeed good, but imperfectly so: "For the law brought nothing to perfection: but a bringing of a better hope, by which we draw nigh to God." (*Heb.* 7:19).

THE ORIGIN OF THE OLD LAW

It is a matter of faith, solemnly defined by both the Tridentine and Vatican Councils, that the Old Law came from the same God who saved men through the grace of His only-begotten Son. As we have seen, the Law was ordered to the Incarnation of the Word and it directed men to the Redeemer both by bearing witness to Him and by disposing men for His coming. Since it belongs to the same agent to dispose subjects for a definite end and to lead them to that end, and since God leads all men to beatitude who correspond with His grace, it follows that the Old Law was given by God.

There are two rather evident difficulties attendant upon this conclusion. *First*: the works of God are perfect. The Law however, as has been noted, was imperfect, and hence it does not seem that it could have had a divine origin. *Secondly*: it is the will of God that all men be saved. But again as we have seen, the Old Law was intrinsically inefficacious to effect salvation and thus it would seem that it could not have come from God.

St. Thomas answers these two difficulties with his usual clarity and precision. To the first objection he responds that it is possible to

conceive of something being perfect not absolutely, but relative to the time in which it is given. For example, in the early 1940's the British Spitfire was considered to be the most perfect fighter plane there was. Now we have the American Saber Jets which surpass the Spitfire. So the Old Law, considering when and to whom it was given, was perfect—perfect, that is to say, relatively; because when the “fullness of time” came, when shadow yielded to substance, it was replaced by the *Lex Evangelii*, the New Law.

To the second objection St. Thomas answers that together with the Old Law, men of the pre-Christian era had another aid for salvation: their faith in the coming of a Messiah. The *antiqui patres*, as Aquinas calls them, were justified by their firm, unswerving faith in the Mediator to come: the desire of the eternal hills for whom the religious Israelite sighed.

Having shown that the Old Law came from God, Aquinas proceeds to show how Jahweh gave this law to his chosen people. He teaches—and in this he has the weight of Patristic tradition to support him—that God gave the Old Law to the Jews by means of the angels. The reasons he assigns for this is clearer in his own words than in any paraphrase: “It has been stated that the Old Law was imperfect, and yet disposed man to that perfect salvation of the human race which was to come through Christ. Now it is to be observed that wherever there is an order of powers or arts, he that holds the highest place, himself exercises the principal and perfect acts; while those things which dispose to the ultimate perfection are effected by him through his subordinates; . . . Consequently it was fitting that the perfect law of the New Testament should be given by the incarnate God immediately; but that the Old Law should be given to men by the ministers of God, i.e., by the angels.”⁴

THE EXTENSION OF THE OLD LAW

If the Old Law was of such worth, why was it given to the Jews alone? Since it disposed men for the redemption brought about by Christ, and since Christ died for all men, it would seem that the Law ought to have been given to all nations. Was it perhaps given to the Jews because the other nations defiled themselves with idol worship while the Jews remained monotheistic? No, says St. Thomas, because even after the Law had been given, the Jews fell into idolatry. The real reason is given in Sacred Scripture itself. The Law was given

⁴ *S. Theol.* I-II, q. 98, art. 3.

“that the Lord might accomplish His word, which He promised by oath to thy fathers, Abraham, Isaac, and Jacob.” (*Deut.* 9:5) From all eternity God knew that He would send His Son to redeem man. He knew also of what people His Son should be born, and He promised the Jewish Patriarchs that the Messiah should arise from their seed. Now it was a tremendous happening that the Son of God should become man; preparations worthy of the event had to be made, which included the sanctification of the people out of whom He was to spring. True, salvation is for all, Jew and Gentile alike, but Christ had to be born of one race to whom, as the Apostle wrote, “belongeth the adoption as of children (of God), . . . and the testament, and the giving of the Law; . . . whose are the fathers, of whom is Christ according to the flesh.” (*Rom.* 9:4) In order to be sanctified, to be a race worthy of the Redeemer who was to be born of them, the Israelites needed a guide. That guide was the Mosaic Law, the essentials of which were given by God to Moses on Sinai. Yet one might ask “Why the Jews? Why not the Chaldeans? the Babylonians? another people?” To answer these questions we would have to know what it is not given man to comprehend: the inscrutable mind of God. Even to attempt an answer is to be rash. St. Augustine advises us against it in his famous words: *Noli velle dijudicare, si non vis errare.*

There remains still another difficulty on this point. We have seen the fittingness of the divine act which decreed that the Law should be given to the Jews alone. There are, however, at least two seemingly unassailable arguments which lead us to the conclusion that *all men* and not only the Jews were held to the observance of this Law. *First*: in human affairs we know that all those who are ruled by a king are subject to the legislation of their sovereign. God, however, is the King of Kings, *rex omnis terrae* (*Ps.* 46:8), and thus it would seem that all who dwell on the earth should be subject to His laws. The *second* argument stems from the nature of the Old Law itself as a signal expression of the divine predilection towards the Jews. From the Old Testament we know that a Jew could not be saved unless he observed the Law. Other men, however, merely because they did not have the Law were not thereby excluded from salvation. Hence, the lot of the Jews would seem to be harder than that of the nations contemporaneous with them, i.e., the Law loses its character as a *donum auxilians divinum*.

The solution to this problem can be seen only through a distinction. In giving the Old Law, God did not do violence to the nature of man; He did not intend to place man under an insupportable yoke. In other words, He acted, as He always does, according to the nature

of things; in this case it was according to the nature of the rational being whom He created. Thus, in the Old Law God included certain precepts that were of the natural law. Over and above these precepts He added certain other commands which were proper to the Jews. So all men were bound to obey the precepts of the natural law as they are contained in the Old Law, not because of their formulation in the Mosaic legislation, but because they *are* of the natural law. Those commandments over and above the precepts of the natural law were binding on the Jews alone.

The root reason for this answer lies, again, in a consideration of Christ—the final cause of the Old Covenant. The *raison d'être* of the Old Law was, as we have seen, the sanctification of the Jews that they might achieve a certain degree of holiness which would enable them the more worthily to receive the Saviour. Now it is a matter of sheer common sense that whenever laws are laid down as a means of effecting the sanctity of a group, these laws bind only that group. Men in the world are not held to observe celibacy, precisely because the latter is an ecclesiastical law imposed by Holy Mother Church only on certain of her children. Similarly, the Jewish nation because of its peculiar calling by God was obliged to the fulfillment of certain laws that had no binding force on other peoples.

Once this answer is understood, the replies to the difficulties mentioned above can be seen clearly. To the first, Aquinas answers that while all the subjects of a king are held to observe the laws which their sovereign propound for all their subjects, they are by no means bound to keep the precepts which the ruler lays down for a group that is closely associated with him.

Aquinas answers the second objection noted above as follows: "The more a man is united to God, the better his state becomes: wherefore the more the Jewish people were bound to the worship of God, the greater their excellence over other peoples."

THE OLD LAW IN THE MOSAIC ERA

St. Thomas concludes his treatment of the Old Law in general with an article which is as appropriate as it is artistically constructed. Having treated succinctly but completely the Old Law in itself, its origin, the way it was handed down to man, its subjects, and binding force, he asks the question which comes most naturally to our minds: Why was the Old Law given in the Mosaic era? His first objection has considerable weight. We have seen, he says, that the Old Law was an imperfect good, a disposing cause of the salvation which was

to come through Christ. Now our first parents immediately after they succumbed to the wiles of the serpent needed for themselves and their posterity an aid for salvation. Hence, it seems that the Old Covenant should have been instituted by God immediately after the sin of Adam and Eve.

Before answering this objection it will be advantageous to consider the doctrine contained in the body of this article. The basic reason why the Mosaic era was the most fitting time for the Old Law can be understood by looking at the two types of men upon whom laws are imposed. Laws are imposed, first of all, on the hard of heart and the proud who are restrained and checked by them; secondly, it is given to good men who, taught by the law, are aided in carrying out their good intentions.

From this Aquinas concludes that the Old Law was most fittingly given at the time of Moses so that the pride of man might be overcome. Before the Law man gloried in his own knowledge and power. Not recognizing the inability of natural reason to grasp even the least truth of the supernatural order, he deemed it sufficient for his salvation. Man had to be convinced of the debility of his intellectual powers in this regard and so, says St. Thomas, man was left to the guidance of his reason without the help of a written law: and man could learn from experience that reason was deficient, since about the time of Abraham man had fallen headlong into idolatry and the most shameful vices. With the knowledge that came to man with the Law, there also came a realization of his proper position in the universe. Once he became cognizant of his weakness, his pride was considerably lessened, since he became acutely aware of his helplessness to fulfill what he knew.

To those who were earnestly attempting to follow the dictates of their conscience and the natural law, the Old Law was given as an aid. Considering the degrading practices into which their neighbors had fallen, there was a possibility that the good might also defect, and consequently it was befitting that this assistance, as St. Thomas writes, "should be bestowed on men in an orderly fashion, so that they might be led from imperfection to perfection; wherefore it was becoming that the Old Law should be given between the law of nature and the law of grace."

The answer which St. Thomas gives to the objection we have cited is profound in its brevity. In our own lives we are reluctant to accept the help of our neighbors until we are absolutely certain that we need their assistance. We will not ask anyone's aid until we have repeatedly failed in whatever we are trying to accomplish. Our pride

will not let us admit that we are insufficient of ourselves to perform the task in question. So it was that immediately after the fall of our first parents man had not ceased thinking of his own reason as being self-sufficient for salvation. He did not, in other words, acknowledge his need of the Old Law. In like manner, immediately after the first sin the dictates of the natural law were not obfuscated by man's habitual sinning and consequently his need of the Old Law was not imminently necessary.

After he had considered the Old Law in its more general aspects, St. Thomas goes on to treat in some detail the precepts of the Old Covenant: the moral, the ceremonial, and the judicial. It is here that the Angelic Doctor's plenary knowledge of the types of Christ in the Old Testament is clearly recognized. An understanding of this section of the *Prima Secundae* is almost essential for a full appreciation of Aquinas' tract *De Christo* in the *Tertia Pars*.

No, St. Thomas was not wasting his time in treating of the Old Law. He was not delving into useless questions that would be of little use to posterity. If the whole *Summa* is a labor of love, then this tract in particular can be called one of the most beautiful expressions of St. Thomas' love for his God. Upon completing it he could well have said with St. Augustine: *Lex tua, veritas tua; veritas tua, Tu.*