

## QUESTION 99

### The Precepts of the Old Law

We next have to consider the precepts of the Old Law—first, the distinction among the precepts (question 99) and, second, each of the distinct types of precepts (questions 100-105).

On the first topic there are six questions: (1) Does the Old Law contain many precepts or just one precept? (2) Does the Old Law contain any moral precepts? (3) Does the Old Law contain ceremonial precepts in addition to the moral precepts? (4) Does the Old Law contain judicial precepts in addition to the moral and ceremonial precepts? (5) Does the Old Law contain any type of precept besides these three? (6) How did the Old Law induce the observance of these precepts?

### Article 1

#### Does the Old Law contain just one precept ?

It seems that the Old Law contains only one precept (*praeceptum*):

**Objection 1:** As was established above (q. 92, a. 2), a law is nothing other than a precept. But the Old Law is a single law. Therefore, it contains only one precept.

**Objection 2:** In Romans 13:9 the Apostle says, “If there is any other commandment, it is comprised in this word: ‘You shall love your neighbor as yourself.’” But this is a single commandment (*mandatum*). Therefore, the Old Law contains only one commandment.

**Objection 3:** Matthew 7:12 says, “All things whatsoever you would that men should do to you, do you also to them; for this is the Law and the prophets.” But the whole of the Old Law is contained in the Law and the prophets. Therefore, the whole of the Old Law contains just one precept.

**But contrary to this:** In Ephesians 2:15 the Apostle says, “... making void the Law of commandments contained in decrees.” And he is talking about the Old Law, as is clear from a Gloss on this same passage. Therefore, the Old Law contains many commandments within itself.

**I respond:** Since a precept of the law is obligatory, it concerns something that ought to be done. But the fact that something ought to be done stems from its being necessary for some end. Hence, it is clearly part of the notion of a precept that it implies an ordering to an end, insofar as what is commanded is necessary or expedient for that end.

Now it is possible for a single end to be such that many things are necessary or expedient for it. Accordingly, precepts can be given with respect to different things insofar as they are ordered to a single end. Hence, one should claim that (a) all the precepts of the Old Law are one insofar as they are ordered to a single end, and yet that (b) they are many because of the diversity of the things that are ordered to that end.

**Reply to objection 1:** The Old Law is called a single law because it is ordered to a single end, and yet it contains diverse precepts because of the distinction among the things that are ordered to that end. Similarly, the craft of building is a single craft because of the oneness of its end, since it aims at building a house; and yet it contains diverse precepts because of the diversity of the acts that are ordered to this end.

**Reply to objection 2:** As the Apostle says in 1 Timothy 1:5, “The goal of the precept is charity.” For every law aims at establishing the friendship either of men with one another or of man with God. And so the whole of the Law is fulfilled in the single commandment, “You shall love your neighbor as yourself,” taken as the goal of all the commandments. For the love of God is also included in the love of neighbor when the neighbor is loved because of God. Hence, the Apostle used this one precept in place of the two precepts which have to do with the love of God and the love of neighbor and about which our

Lord says in Matthew 22:40, “On these two commandments depend the whole Law and the prophets.”

**Reply to objection 3:** As *Ethics* 9 puts it, “The friendly acts directed toward another proceed from the friendly acts that a man directs toward himself,” viz., as long as the man is related to the other in the same way that he is related to himself. And so when it says, “All things whatsoever you would that men should do to you, do you also to them,” a certain rule for the love of neighbor, implicitly contained in “You shall love your neighbor as yourself,” is being explicated. Hence, it is a sort of explication of that commandment.

## Article 2

### Does the Old Law contain moral precepts?

It seems that the Old Law does not contain any moral precepts:

**Objection 1:** As was established above (q. 91, a. 4-5), the Old Law is distinct from the law of nature. But moral precepts belong to the law of nature. Therefore, they do not belong to the Old Law.

**Objection 2:** Divine law was supposed to assist men in cases where human reason is deficient; this is clear with those things pertaining to the Faith that lie beyond human reason. But man’s reason seems to be sufficient for moral precepts. Therefore, moral precepts are not part of the Old Law, which is a type of divine law.

**Objection 3:** The Old Law is called “the letter that kills,” as is clear from 2 Corinthians 3:6. But moral precepts give life and do not kill—this according to Psalm 118:93 (“I will never forget Your precepts (*iustificaciones*), because in them You give me life.”) Therefore, no moral precepts belong to the Old Law.

**But contrary to this:** Ecclesiasticus 17:9 says, “He gave them discipline and the law of life for an inheritance.” But ‘discipline’ (*disciplina*) pertains to morals, since a Gloss on Hebrews 12:11 (“Every chastisement (*disciplina*) ...”) says, “Discipline involves the learning of morals through difficulties.” Therefore, the Law given by God contained moral precepts.

**I respond:** As is clear from Exodus 20:13 and 15 “You shall not kill ... You shall not steal”), the Old Law contained certain moral precepts. And this makes sense. For just as the main intention of human law is to establish the friendship of men with one another, so too the intention of divine law is mainly to establish man’s friendship with God. Now since, according to Ecclesiasticus 13:19 (“Every beast loves its like”), likeness is a reason for love, it is impossible for there to be friendship between man and God, who is absolutely good, unless men are made good. Hence, Leviticus 19:2 says, “You will be holy, for I am holy.” But the goodness of a man is virtue, which makes the one who has it good. And so precepts of the Old Law had by all means to be given concerning the acts of the virtues. And these are the moral precepts of the Law.

**Reply to objection 1:** The Old Law is distinguished from the law of nature not in the sense of being altogether different from it, but in the sense of adding something to it. For just as grace presupposes nature, so too divine law must presuppose the natural law.

**Reply to objection 2:** It was appropriate for divine law to provide for man not only in those matters for which reason is insufficient, but also in those matters concerning which man’s reason can be impeded. Now as far as the moral precepts are concerned, man’s reason cannot be mistaken about the universal principle in the case of the most general precepts of the law of nature, but it can nonetheless, because of habitual sinning, be blinded with respect to particular actions. On the other hand, there are many whose reason goes awry with respect to those other moral precepts that are like conclusions

deduced from the most general precepts of the law of nature, with the result that many people are such that their reason judges as permissible things that are evil in themselves (*mala secundum se*). Hence, man had to be given assistance, through the authority of divine law, against both kinds of error.

Similarly, in order to prevent the error of human reason that was occurring with many people, the things proposed to us for acceptance by faith (*credenda*) include not only some that reason cannot attain to, e.g., that God is three, but also some that right reason can attain to, e.g., that there is one God.

**Reply to objection 3:** As Augustine shows in *De Spiritu et Littera*, the letter of the law can be an occasion of ‘killing’ even in the case of the moral precepts, viz., insofar as it commands what is good without offering the assistance of grace to fulfill what it commands.

### Article 3

#### Does the Old Law contain ceremonial precepts in addition to the moral precepts?

It seems that the Old Law does not contain ceremonial precepts in addition to the moral precepts:

**Objection 1:** Every law that is given to men directs human acts. But as was explained above (q. 1, a. 3), human acts are called moral acts. Therefore, it seems that the Old Law given to men should have contained only moral precepts.

**Objection 2:** Precepts called ‘ceremonial’ seem to pertain to divine worship. But divine worship is an act of one of the virtues, viz., the virtue of religion, which, as Tully says in *Rhetorica*, “offers worship and ceremony to the divine nature.” Therefore, since, as has been explained (a. 2), the moral precepts are concerned with the acts of the virtues, it seems that the ceremonial precepts should not be distinguished from the moral precepts.

**Objection 3:** The precepts that seem to be ceremonial are those which signify something in a figurative way. But as Augustine says in *De Doctrina Christiana 2*, “Among men it is words that have attained preeminence in signifying.” Therefore, there was no need for the Law to contain ceremonial precepts concerned with certain figurative actions.

**But contrary to this:** Deuteronomy 4:13-14 says, “Ten words He wrote in two tables of stone, and He commanded me at that time that I should teach you the ceremonies and judgments which you shall do.” But the ten precepts of the Law are moral precepts. Therefore, besides the moral precepts there are also distinct ceremonial precepts.

**I respond:** As has been explained (a. 2), divine law is instituted mainly to order men toward God, whereas human law is instituted mainly to order men toward one another.

So human laws have concerned themselves with divine worship only in relation to the common good of men, and for this reason they have also concocted many things about divine matters insofar as this seemed expedient to them for the shaping of human morals; this is clear in the rites of the Gentiles.

By contrast, divine law ordered men toward one another insofar as this was consonant with their being ordered toward God—which is what divine law was mainly concerned with. Now man is ordered toward God not only through interior mental acts, i.e., acts of faith, hope, and love (*credere, sperare et amare*), but also through the exterior acts by which man professes his submission (*servitudo*) to God. And these acts are said to pertain to the worship of God.

According to some, this worship is called ‘ceremony’ (*caeremonia*) from the *munia*, i.e., gifts, of Ceres (*Caeres*), who was called the goddess of fruits, because they first offered oblations to God from their fruits. An alternative explanation is that, as Valerius Maximus claims, the name ‘ceremony’ was introduced to signify divine worship among the Latins because of a certain town near Rome called

‘Caere’; for when Rome was captured by the Gauls, the sacred artifacts of the Romans were taken there and reverently preserved. So, then, the precepts in the Law that are concerned with the worship of God are specifically called *ceremonial* precepts.

**Reply to objection 1:** Human acts also extend to divine worship, and so the Old Law given to men contains precepts concerning these acts as well.

**Reply to objection 2:** As was explained above (q. 91, a. 3), the precepts of the law of nature are general and stand in need of specification. They are specified both by human law and by divine law. And just as the specifications that are made by human law are themselves said to belong not to the law of nature but to positive law instead, so too the specifications of the precepts of the law of nature that are made by divine law are distinguished from the moral precepts that belong to the law of nature.

Therefore, since *worshipping God* is an act of virtue, it has to do with a *moral* precept; however, the *specification* of this precept—viz., that God should be worshiped with such-and-such sacrifices and such-and-such gifts—belongs to the *ceremonial* precepts. And it is in this way that the ceremonial precepts are distinguished from the moral precepts.

**Reply to objection 3:** In *De Caelesti Hierarchia*, chap. 1 Dionysius says that divine realities cannot be made manifest to men except under certain sensible likenesses. But these likenesses move the soul more when they are not only expressed in words but also proffered to the senses. And so divine realities are handed down in Scripture not only through likenesses expressed in words, but also through likenesses of things that are proposed to sight—and this is what the ceremonial precepts are concerned with.

#### Article 4

##### Does the Old Law contain judicial precepts in addition to the moral and ceremonial precepts?

It seems that the Old Law does not contain any judicial precepts in addition to the moral and ceremonial precepts:

**Objection 1:** In *Contra Faustum* Augustine says that in the Old Law “there are precepts that have to do with living life and precepts that have to do with signifying life.” But the precepts that have to do with living life are the moral precepts, whereas the precepts that have to do with signifying life are the ceremonial precepts. Therefore, one should not posit distinct judicial precepts in the law over and beyond these two types of precepts.

**Objection 2:** A Gloss on Psalm 118:102 (“I have not turned from your judgments”) says, “That is, I have not turned from what you have set up as a rule for living.” But a rule for living pertains to the moral precepts. Therefore, the judicial precepts should not be distinguished from the moral precepts.

**Objection 3:** Judgment seems to be an act of justice—this according to Psalm 93:15 (“Until justice is turned into judgment”). But acts of justice, like acts of the other virtues, have to do with the moral precepts. Therefore, the moral precepts include the judicial precepts within themselves and so should not be distinguished from them.

**But contrary to this:** Deuteronomy 6:1 says, “These are the precepts and ceremonies and judgments.” But ‘precepts’ refers antonomastically to the moral precepts. Therefore, in addition to the moral and ceremonial precepts there are also judicial precepts.

**I respond:** As has been explained (aa. 2-3), it is the function of divine law to order men to one another and to God. Both of these functions belong in a general way to the dictates of the law of nature, which the moral precepts are concerned with, but both must be specified by divine law or human law.

For in speculative matters as well as in practical matters (*tam in speculativis quam in activis*) the naturally known principles are general. Therefore, just as the specification of the general precept regarding divine worship is accomplished through the ceremonial precepts, so too the specification of the general precept of justice that must be observed among men is specified through the judicial precepts.

Accordingly, one must posit three types of precepts in the Old Law, viz., (a) the *moral* precepts, which have to do with the dictates of the law of nature, (b) the *ceremonial* precepts, which are specifications of divine worship, and (c) the *judicial* precepts, which are specifications of the justice that is to be observed among men. Hence, in Romans 7:12, after having claimed that “the law is holy,” the Apostle adds, “The commandment is just and holy and good” (*iustum et sanctum et bonum*)—‘just’ with respect to the judicial precepts, ‘holy’ with respect to the ceremonial precepts (for ‘holy’ means what has been dedicated to God), and ‘good’, i.e., ‘upright’ (*honestum*), with respect to the moral precepts.

**Reply to objection 1:** Both the moral precepts and the judicial precepts have to do with directing human life. And they are both contained under one of the disjuncts Augustine posits, viz., under ‘precepts that have to do with living life’.

**Reply to objection 2:** ‘Judgment’ signifies the execution of justice, which consists in the application of reason in a determinate way to particular actions. Hence, the judicial precepts share something in common with the moral precepts, viz., being derived from reason, and something in common with the ceremonial precepts, viz., being specifications of general precepts. And this is why the judicial and moral precepts are sometimes included together under ‘judgments’, as in Deuteronomy 5:1 (“Hear, O Israel, the ceremonies and judgments ...”), while at other times it is the judicial and ceremonial precepts that are included together under ‘judgments’, as in Leviticus 18:4, “You shall do my judgments, and shall observe my precepts”—where ‘precepts’ refers to the moral precepts and ‘judgments’ refers to the judicial and ceremonial precepts.

**Reply to objection 3:** An act of justice, taken in general, pertains to the moral precepts, whereas the specification of that act as a particular pertains to the judicial precepts.

## Article 5

### Are there any precepts contained in the Old Law in addition to the moral, ceremonial, and judicial precepts?

It seems that there are precepts contained in the Old Law in addition to the moral, ceremonial, and judicial precepts:

**Objection 1:** The judicial precepts have to do with the act of justice, which is between man and man, whereas the ceremonial precepts have to do with the act of religion, by which God is worshiped. But as was explained above (q. 60, a. 5), there are many other virtues besides these two, e.g., temperance, fortitude, generosity, and lots of others. Therefore, the Old Law contains many other precepts in addition to those mentioned above.

**Objection 2:** Deuteronomy 11:1 says, “Love the Lord your God and observe His precepts and ceremonies, His judgments and mandates.” But as has been explained (a. 4), ‘precepts’ (*praecepta*) refers here to the moral precepts. Therefore, besides the moral, judicial, and ceremonial precepts, there are still other precepts contained in the Law, and these are called ‘mandates’ (*mandata*).

**Objection 3:** Deuteronomy 6:17 says, “Keep the precepts of the Lord your God, and the testimonies and ceremonies which I have commanded you.” Therefore, in addition to all the other precepts mentioned above, there are also testimonies (*testimonia*) contained in the Law.

**Objection 4:** Psalm 118:93 says, “I will never forget Your justifications (*iustificaciones*),” Therefore, the precepts of the Old Law include not only the moral, ceremonial, and judicial precepts, but justifications as well.

**But contrary to this:** Deuteronomy 6:1 says: “Here are the precepts, and ceremonies, and judgments which the Lord your God commanded you.” And these three are set forth at the beginning of the Law. Therefore, all the precepts of the Law are included in them.

**I respond:** Certain things are posited in the Law as precepts, whereas others are posited as ordered toward the fulfillment of the precepts. The precepts concern things that are to be done. For the fulfillment of these precepts man has two inducements, viz., (a) the authority of the one commanding and (b) the advantage associated with the fulfillment, i.e., the acquisition of some useful, pleasurable, or upright good, or the avoidance of some contrary evil.

Therefore, certain things had to be proposed in the Old Law which would indicate the authority of God commanding, e.g., Deuteronomy 6:4 (“Hear, O Israel, the Lord God your God is one”) and Genesis 1:1 (“In the beginning God created the heaven and the earth”). These are called *testimonies* (*testimonia*).

Again, certain things had to be proposed as rewards for those who observed the law and punishments for those who transgressed it, as is clear from Deuteronomy 28:1 (“If you will listen to the voice of the Lord your God, He will make you higher than all the nations ...”). And these are called *justifications* (*iustificaciones*), insofar as God justly punishes some or rewards others.

Now things that are to be done fall under a precept only insofar as they have something of the character of what is owed. But there are two kinds of debts, one having to do with the rule of reason and the other having to do with the rule of a specifying law—just as the Philosopher in *Ethics* 5 distinguishes two modes of the just, viz., the morally just and the legally just.

There are two kinds of moral debts. For reason dictates that a thing is to be done either (a) as something necessary, without which the order of virtue cannot exist, or (b) as something useful for preserving the order of virtue in a better way. Accordingly, certain things pertaining to what is moral are either precisely commanded or precisely forbidden in the Law—e.g., “You shall not kill” and “You shall not steal.” And these are called *precepts* (*praecepta*) in the proper sense. On the other hand, certain things are commanded or forbidden not as precisely owed, but for the sake of what is better. And these can be called *mandates* (*mandata*), since they contain a certain inducement and persuasiveness—e.g., Exodus 22:26 (“If you take a garment from your neighbor in pledge, you should return it to him before sunset”) and others of this sort. This is why Jerome says that there is justice in the precepts and charity in the mandates.

Now debts arising from a specification of law have to do with the judicial precepts in human matters and with the ceremonial precepts in divine matters—although those having to do with punishments and rewards can also be called testimonies, insofar as they are declarations of divine justice. On the other hand, all the precepts of the Law can be called justifications, insofar as they are executions of legal justice.

In addition, there is an alternative way to distinguish mandates from precepts, viz., what are called precepts are such that God issues them through Himself, whereas mandates are such that He gives them through others, as the name ‘mandate’ seems to suggest.

From all of this it is clear that all the precepts of the Law are included among the moral, ceremonial, and judicial precepts, whereas the other things do not have the character of precepts, but instead, as has been explained, are ordered toward the observance of the precepts.

**Reply to objection 1:** Justice alone, among the other virtues, implies the notion of what is owed. And so the moral is specifiable by law to the extent that it pertains to justice, a certain part of which is religion, as Tully says. Hence, legal justice cannot include anything except the ceremonial precepts and judicial precepts.

**Reply to objection 2 and objection 3 and objection 4:** The replies to the other objections are clear from what has been said.

## Article 6

### Was it right for the Old Law to have induced the observance of its precepts by temporal promises and threats?

It seems that it was not right for the Old Law to have induced observance of its precepts by temporal promises and threats:

**Objection 1:** The intention behind divine law is that men should submit to God through fear and love; hence, Deuteronomy 10:12 says, “And now, Israel, what does the Lord your God require of you, but that you fear the Lord your God, and walk in His ways, and love Him?” But a passionate desire (*cupiditas*) for temporal things leads one away from God; for in 83 *Quaestiones* Augustine says, “Passionate desire is poison with respect to charity.” Therefore, temporal promises and threats seem to be contrary to the lawmaker’s intention—and this renders a law worthy of condemnation, as is clear from the Philosopher in *Politics* 2.

**Objection 2:** Divine law is more excellent than human law. But we see that among the sciences, a given science is higher to the extent that it proceeds by means of higher middle terms. Therefore, since human law tries to induce men by temporal threats and promises, it was not right for divine law to proceed in this way; instead, it should have proceeded by means of something loftier.

**Objection 3:** What happens indifferently to good men and bad men cannot be the reward for justice or the punishment for sin. But as Ecclesiastes 9:2 says, “All things equally happen to the just and to the wicked, to the good and to the evil, to the clean and to the unclean, to him that offers victims of sacrifice and to him that despises sacrifices.” Therefore, temporal goods or evils are not appropriately used as the rewards or punishments attached to the commandments of divine law.

**But contrary to this:** Isaiah 1:19-20 says, “If you are willing and listen to me, you shall eat the good things of the land. But if you are unwilling and provoke me to anger, the sword shall devour you.”

**I respond:** Just as in the speculative sciences men are induced to assent to the conclusions by means of syllogistic middle terms, so too in the case of all laws men are induced to observe the precepts by means of punishments and rewards. Now we see in the case of the speculative sciences that the middle terms are proposed to the hearer in a way corresponding to his condition. Hence, in the sciences one must proceed in an orderly fashion so that learning might begin with things that are better known. So, too, one who wishes to induce a man to the observance of the precepts must begin to move him by appealing to things he has an affection for; for instance, children are enticed into doing things by childish treats.

Now it was explained above (q. 98, a. 1-3) that the Old Law disposed men for the Christ in the way that something imperfect disposes one for something perfect. Hence, the Old Law was given to a people still imperfect in comparison with the perfection that was to come through the Christ, and so, as is clear from Galatians 3:24, this people was comparable to a child who is under the tutelage of a teacher. Now man’s perfection consists in his adhering to spiritual things while holding temporal things in contempt, as is clear from what the Apostle says in Philippians 1:13 and 15 (“Forgetting the things that are behind and stretching forth myself to those that are before ... Let us therefore, as many as are perfect, be thus minded.”) And the mark of imperfect men is that they desire temporal things and yet in relation to God, whereas the mark of corrupt men is that they set up temporal goods as their end. Hence, it was fitting

that it should be through temporal things, which imperfect men had an affection for, that the Old Law led men to God.

**Reply to objection 1:** The passionate desire by which a man sets up temporal goods as his end is poison with respect to charity. But the pursuit of temporal goods that a man desires in relation to God is a sort of path that leads the imperfect to love God—this according to Psalm 48:19 (“He will praise You when You are good to him.”)

**Reply to objection 2:** Human law induces men by temporal rewards or punishments that are to be delivered by men, whereas divine law induces men by rewards or punishments that are to be given by God. And it is in this way that divine law proceeds through more lofty middle terms.

**Reply to objection 3:** As is clear to one who reflects on the stories in the Old Testament, the general situation of the people under the Law was always prosperous as long as they observed the law, and as soon as they turned away from the precepts of the Law, they fell into many adversities. But some particular people, even while observing the justice of the Laws, fell into adversities, either because (a) they had already become spiritual, so that through this adversity they were drawn even further away from an affection for temporal things and their virtue was proved, or because (b) while fulfilling the exterior works of the Law, they had fixed their hearts wholly on temporal things and had separated their hearts from God—this according to Isaiah 29:13 (“This people honors me with their lips, but their heart is far from me”).