TREATISE ON LAW (QQ 90-108)

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Q. 90. OF THE ESSENCE OF LAW (FOUR ARTICLES)

We have now to consider the extrinsic principles of acts. Now the extrinsic principle inclining to evil is the devil, of whose temptations we have spoken in the FP, Q[114]. But the extrinsic principle moving to good is God, Who both instructs us by means of His Law, and assists us by His Grace: wherefore in the first place we must speak of law; in the second place, of grace.

[37425] Iª-IIae q. 90 pr. Consequenter considerandum est de principiis exterioribus actuum. Principium autem exterius ad malum inclinans est Diabolus, de cuius tentatione in primo dictum est. Principium autem exterius movens ad bonum est Deus, qui et nos instruit per legem, et iuvat per gratiam. Unde primo, de lege; secundo, de gratia dicendum est. Circa legem autem, primo oportet considerare de ipsa lege in communi; secundo, de partibus eius. Circa legem autem in communi tria occurrunt consideranda, primo quidem, de essentia ipsius; secundo, de differentia legum; tertio, de effectibus legis. Circa primum quaeruntur quatuor. Primo, utrum lex sit aliquid rationis. Secundo, de fine legis. Tertio, de causa eius. Quarto, de promulgatione ipsius.

Concerning law, we must consider: (1) Law itself in general; (2) its parts. Concerning law in general three points offer themselves for our consideration: (1) Its essence; (2) The different kinds of law; (3) The effects of law.

Under the first head there are four points of inquiry:

(1) Whether law is something pertaining to reason?

(2) Concerning the end of law;

(3) Its cause;

(4) The promulgation of law.

Q. 90. A. 1. Whether law is something pertaining to reason?

Objection 1: It would seem that law is not something pertaining to reason. For the Apostle says (Rom. 7:23): "I see another law in my members," etc. But nothing pertaining to reason is in the members; since the reason does not make use of a bodily organ. Therefore law is not something pertaining to reason.

[37426] Iª-IIae q. 90 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex non sit aliquid rationis. Dicit enim apostolus, ad Rom. VII, *video aliam legem in membris meis,* et cetera. Sed nihil quod est rationis, est in membris, quia ratio non utitur organo corporali. Ergo lex non est aliquid rationis.

Objection 2: Further, in the reason there is nothing else but power, habit, and act. But law is not the power itself of reason. In like manner, neither is it a habit of reason: because the habits of reason are the intellectual virtues of which we have spoken above (Q[57]). Nor again is it an act of reason: because then law would cease, when the act of reason ceases, for instance, while we are asleep. Therefore law is nothing pertaining to reason.

[37427] Iª-IIae q. 90 a. 1 arg. 2 Praeterea, in ratione non est nisi potentia, habitus et actus. Sed lex non est ipsa potentia rationis. Similiter etiam non est aliquis habitus rationis, quia habitus rationis sunt virtutes intellectuales, de quibus supra dictum est. Nec etiam est actus rationis, quia cessante rationis actu, lex cessaret, puta in dormientibus. Ergo lex non est aliquid rationis.

Objection 3: Further, the law moves those who

[37428] Iª-IIae q. 90 a. 1 arg. 3 Praeterea, lex

are subject to it to act aright. But it belongs properly to the will to move to act, as is evident from what has been said above (Q[9], A[1]). Therefore law pertains, not to the reason, but to the will; according to the words of the Jurist (Lib. i, ff., De Const. Prin. leg. i): "Whatsoever pleaseth the sovereign, has force of law."

movet eos qui subiiciuntur legi, ad recte agendum. Sed movere ad agendum proprie pertinet ad voluntatem, ut patet ex praemissis. Ergo lex non pertinet ad rationem, sed magis ad voluntatem, secundum quod etiam iurisperitus dicit, *quod placuit principi, legis habet vigorem*.

On the contrary, It belongs to the law to command and to forbid. But it belongs to reason to command, as stated above (Q[17], A[1]). Therefore law is something pertaining to reason.

[37429] Iª-IIae q. 90 a. 1 s. c. Sed contra est quod ad legem pertinet praecipere et prohibere. Sed imperare est rationis, ut supra habitum est. Ergo lex est aliquid rationis.

I answer that, Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting: for "lex" [law] is derived from "ligare" [to bind], because it binds one to act. Now the rule and measure of human acts is the reason, which is the first principle of human acts, as is evident from what has been stated above (Q[1], A[1], ad 3); since it belongs to the reason to direct to the end, which is the first principle in all matters of action, according to the Philosopher (Phys. ii). Now that which is the principle in any genus, is the rule and measure of that genus: for instance, unity in the genus of numbers, and the first movement in the genus of movements. Consequently it follows that law is something pertaining to reason.

[37430] Iª-IIae q. 90 a. 1 co. Respondeo dicendum quod lex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum, vel ab agendo retrahitur, dicitur enim lex a ligando, quia obligat ad agendum. Regula autem et mensura humanorum actuum est ratio, quae est primum principium actuum humanorum, ut ex praedictis patet, rationis enim est ordinare ad finem, qui est primum principium in agendis, secundum philosophum. In unoquoque autem genere id quod est principium, est mensura et regula illius generis, sicut unitas in genere numeri, et motus primus in genere motuum. Unde relinquitur quod lex sit aliquid pertinens ad rationem.

Reply to Objection 1: Since law is a kind of rule and measure, it may be in something in two ways. First, as in that which measures and rules: and since this is proper to reason, it follows that, in this way, law is in the reason alone. Secondly, as in that which is measured and ruled. In this way, law is in all those things that are inclined to something by reason of some law: so that any inclination arising from a law, may be called a law, not essentially but by participation as it were. And thus the inclination of the members to concupiscence is called "the law of the members."

[37431] Iª-IIae q. 90 a. 1 ad 1 Ad primum ergo dicendum quod, cum lex sit regula quaedam et mensura, dicitur dupliciter esse in aliquo. Uno modo, sicut in mensurante et regulante. Et quia hoc est proprium rationis, ideo per hunc modum lex est in ratione sola. Alio modo, sicut in regulato et mensurato. Et sic lex est in omnibus quae inclinantur in aliquid ex aliqua lege, ita quod quaelibet inclinatio proveniens ex aliqua lege, potest dici lex, non essentialiter, sed quasi participative. Et hoc modo inclinatio ipsa membrorum ad concupiscendum lex membrorum vocatur.

Reply to Objection 2: Just as, in external action, we may consider the work and the work done, for instance the work of building and the house built; so in the acts of reason, we may consider the act itself of reason, i.e. to understand and to reason,

[37432] Iª-IIae q. 90 a. 1 ad 2 Ad secundum dicendum quod, sicut in actibus exterioribus est considerare operationem et operatum, puta aedificationem et aedificatum; ita in operibus rationis est considerare ipsum actum rationis, qui

and something produced by this act. With regard to the speculative reason, this is first of all the definition; secondly, the proposition; thirdly, the syllogism or argument. And since also the practical reason makes use of a syllogism in respect of the work to be done, as stated above (Q[13], A[3]; Q[76], A[1]) and since as the Philosopher teaches (Ethic. vii, 3); hence we find in the practical reason something that holds the same position in regard to operations, as, in the speculative intellect, the proposition holds in regard to conclusions. Such like universal propositions of the practical intellect that are directed to actions have the nature of law. And these propositions are sometimes under our actual consideration, while sometimes they are retained in the reason by means of a habit.

est intelligere et ratiocinari, et aliquid per huiusmodi actum constitutum. Quod quidem in speculativa ratione primo quidem est definitio; secundo, enunciatio; tertio vero, syllogismus vel argumentatio. Et quia ratio etiam practica utitur quodam syllogismo in operabilibus, ut supra habitum est, secundum quod philosophus docet in VII Ethic.; ideo est invenire aliquid in ratione practica quod ita se habeat ad operationes, sicut se habet propositio in ratione speculativa ad conclusiones. Et huiusmodi propositiones universales rationis practicae ordinatae ad actiones, habent rationem legis. Quae quidem propositiones aliquando actualiter considerantur, aliquando vero habitualiter a ratione tenentur.

Reply to Objection 3: Reason has its power of moving from the will, as stated above (Q[17], A[1]): for it is due to the fact that one wills the end, that the reason issues its commands as regards things ordained to the end. But in order that the volition of what is commanded may have the nature of law, it needs to be in accord with some rule of reason. And in this sense is to be understood the saying that the will of the sovereign has the force of law; otherwise the sovereign's will would savor of lawlessness rather than of law.

[37433] Iª-IIae q. 90 a. 1 ad 3 Ad tertium dicendum quod ratio habet vim movendi a voluntate, ut supra dictum est, ex hoc enim quod aliquis vult finem, ratio imperat de his quae sunt ad finem. Sed voluntas de his quae imperantur, ad hoc quod legis rationem habeat, oportet quod sit aliqua ratione regulata. Et hoc modo intelligitur quod voluntas principis habet vigorem legis, alioquin voluntas principis magis esset iniquitas quam lex.

Q. 90. A. 2. Whether the law is always something directed to the common good?

Objection 1: It would seem that the law is not always directed to the common good as to its end. For it belongs to law to command and to forbid. But commands are directed to certain individual goods. Therefore the end of the law is not always the common good.

[37434] Iª-IIae q. 90 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod lex non ordinetur semper ad bonum commune sicut ad finem. Ad legem enim pertinet praecipere et prohibere. Sed praecepta ordinantur ad quaedam singularia bona. Non ergo semper finis legis est bonum commune.

Objection 2: Further, the law directs man in his actions. But human actions are concerned with particular matters. Therefore the law is directed to some particular good.

[37435] Iª-IIae q. 90 a. 2 arg. 2 Praeterea, lex dirigit hominem ad agendum. Sed actus humani sunt in particularibus. Ergo et lex ad aliquod particulare bonum ordinatur.

Objection 3: Further, Isidore says (Etym. v, 3): "If the law is based on reason, whatever is based on reason will be a law." But reason is the foundation not only of what is ordained to the

[37436] Iª-IIae q. 90 a. 2 arg. 3 Praeterea, Isidorus dicit, in libro Etymol., *si ratione lex constat, lex erit omne quod ratione constiterit*. Sed ratione consistit non solum quod ordinatur ad bonum

common good, but also of that which is directed private good. Therefore the law is not only directed to the good of all, but also to the private good of an individual.

commune, sed etiam quod ordinatur ad bonum privatum. Ergo lex non ordinatur solum ad bonum commune, sed etiam ad bonum privatum unius.

On the contrary, Isidore says (Etym. v, 21) that "laws are enacted for no private profit, but for the common benefit of the citizens."

[37437] Iª-IIae q. 90 a. 2 s. c. Sed contra est quod Isidorus dicit, in V Etymol., quod *lex est nullo privato commodo, sed pro communi utilitate civium conscripta*.

I answer that, As stated above (A[1]), the law belongs to that which is a principle of human acts, because it is their rule and measure. Now as reason is a principle of human acts, so in reason itself there is something which is the principle in respect of all the rest: wherefore to this principle chiefly and mainly law must needs be referred. Now the first principle in practical matters, which are the object of the practical reason, is the last end: and the last end of human life is bliss or happiness, as stated above (Q[2], A[7]; Q[3], A[1]). Consequently the law must needs regard principally the relationship to happiness. Moreover, since every part is ordained to the whole, as imperfect to perfect; and since one man is a part of the perfect community, the law must needs regard properly the relationship to universal happiness. Wherefore the Philosopher, in the above definition of legal matters mentions both happiness and the body politic: for he says (Ethic. v, 1) that we call those legal matters "just, which are adapted to produce and preserve happiness and its parts for the body politic": since the state is a perfect community, as he says in Polit. i, 1.

Now in every genus, that which belongs to it chiefly is the principle of the others, and the others belong to that genus in subordination to that thing: thus fire, which is chief among hot things, is the cause of heat in mixed bodies, and these are said to be hot in so far as they have a share of fire. Consequently, since the law is chiefly ordained to the common good, any other precept in regard to some individual work, must needs be devoid of the nature of a law, save in so far as it regards the common good. Therefore every law is ordained to the common good.

[37438] Iª-IIae q. 90 a. 2 co. Respondeo dicendum quod, sicut dictum est, lex pertinet ad id quod est principium humanorum actuum, ex eo quod est regula et mensura. Sicut autem ratio est principium humanorum actuum, ita etiam in ipsa ratione est aliquid quod est principium respectu omnium aliorum. Unde ad hoc oportet quod principaliter et maxime pertineat lex. Primum autem principium in operativis, quorum est ratio practica, est finis ultimus. Est autem ultimus finis humanae vitae felicitas vel beatitudo, ut supra habitum est. Unde oportet quod lex maxime respiciat ordinem qui est in beatitudinem. Rursus, cum omnis pars ordinetur ad totum sicut imperfectum ad perfectum; unus autem homo est pars communitatis perfectae, necesse est quod lex proprie respiciat ordinem ad felicitatem communem. Unde et philosophus, in praemissa definitione legalium, mentionem facit et de felicitate et communione politica. Dicit enim, in V Ethic., quod *legalia iusta dicimus factiva et conservativa felicitatis et particularum ipsius, politica communicatione*, perfecta enim communitas civitas est, ut dicitur in I Polit. In quolibet autem genere id quod maxime dicitur, est principium aliorum, et alia dicuntur secundum ordinem ad ipsum, sicut ignis, qui est maxime calidus, est causa caliditatis in corporibus mixtis, quae intantum dicuntur calida, inquantum participant de igne. Unde oportet quod, cum lex maxime dicatur secundum ordinem ad bonum commune, quodcumque aliud praeceptum de particulari opere non habeat rationem legis nisi secundum ordinem ad bonum commune. Et ideo omnis lex ad bonum commune ordinatur.

Reply to Objection 1: A command denotes an application of a law to matters regulated by the

[37439] Iª-IIae q. 90 a. 2 ad 1 Ad primum ergo dicendum quod praeceptum importat

law. Now the order to the common good, at which the law aims, is applicable to particular ends. And in this way commands are given even concerning particular matters.

applicationem legis ad ea quae ex lege regulantur. Ordo autem ad bonum commune, qui pertinet ad legem, est applicabilis ad singulares fines. Et secundum hoc, etiam de particularibus quibusdam praecepta dantur.

Reply to Objection 2: Actions are indeed concerned with particular matters: but those particular matters are referable to the common good, not as to a common genus or species, but as to a common final cause, according as the common good is said to be the common end.

[37440] Iª-IIae q. 90 a. 2 ad 2 Ad secundum dicendum quod operationes quidem sunt in particularibus, sed illa particularia referri possunt ad bonum commune, non quidem communitate generis vel speciei, sed communitate causae finalis, secundum quod bonum commune dicitur finis communis.

Reply to Objection 3: Just as nothing stands firm with regard to the speculative reason except that which is traced back to the first indemonstrable principles, so nothing stands firm with regard to the practical reason, unless it be directed to the last end which is the common good: and whatever stands to reason in this sense, has the nature of a law.

[37441] Iª-IIae q. 90 a. 2 ad 3 Ad tertium dicendum quod, sicut nihil constat firmiter secundum rationem speculativam nisi per resolutionem ad prima principia indemonstrabilia, ita firmiter nihil constat per rationem practicam nisi per ordinationem ad ultimum finem, qui est bonum commune. Quod autem hoc modo ratione constat, legis rationem habet.

Q. 90. A. 3. Whether the reason of any man is competent to make laws?

Objection 1: It would seem that the reason of any man is competent to make laws. For the Apostle says (Rom. 2:14) that "when the Gentiles, who have not the law, do by nature those things that are of the law . . . they are a law to themselves." Now he says this of all in general. Therefore anyone can make a law for himself.

[37442] Iª-IIae q. 90 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod cuiuslibet ratio sit factiva legis. Dicit enim apostolus, ad Rom. II, quod *cum gentes, quae legem non habent, naturaliter ea quae legis sunt faciunt, ipsi sibi sunt lex*. Hoc autem communiter de omnibus dicit. Ergo quilibet potest facere sibi legem.

Objection 2: Further, as the Philosopher says (Ethic. ii, 1), "the intention of the lawgiver is to lead men to virtue." But every man can lead another to virtue. Therefore the reason of any man is competent to make laws.

[37443] Iª-IIae q. 90 a. 3 arg. 2 Praeterea, sicut philosophus dicit, in libro II Ethic., *intentio legislatoris est ut inducat hominem ad virtutem*. Sed quilibet homo potest alium inducere ad virtutem. Ergo cuiuslibet hominis ratio est factiva legis.

Objection 3: Further, just as the sovereign of a state governs the state, so every father of a family governs his household. But the sovereign of a state can make laws for the state. Therefore every father of a family can make laws for his household.

[37444] Iª-IIae q. 90 a. 3 arg. 3 Praeterea, sicut princeps civitatis est civitatis gubernator, ita quilibet paterfamilias est gubernator domus. Sed princeps civitatis potest legem in civitate facere. Ergo quilibet paterfamilias potest in sua domo facere legem.

On the contrary, Isidore says (Etym. v, 10): "A

[37445] Iª-IIae q. 90 a. 3 s. c. Sed contra est quod

law is an ordinance of the people, whereby something is sanctioned by the Elders together with the Commonalty."

Isidorus dicit, in libro Etymol., et habetur in decretis, dist. II, *lex est constitutio populi, secundum quam maiores natu simul cum plebibus aliquid sanxerunt*. Non est ergo cuiuslibet facere legem.

I answer that, A law, properly speaking, regards first and foremost the order to the common good. Now to order anything to the common good, belongs either to the whole people, or to someone who is the viceregent of the whole people. And therefore the making of a law belongs either to the whole people or to a public personage who has care of the whole people: since in all other matters the directing of anything to the end concerns him to whom the end belongs.

[37446] Iª-IIae q. 90 a. 3 co. Respondeo dicendum quod lex proprie, primo et principaliter respicit ordinem ad bonum commune. Ordinare autem aliquid in bonum commune est vel totius multitudinis, vel alicuius gerentis vicem totius multitudinis. Et ideo condere legem vel pertinet ad totam multitudinem, vel pertinet ad personam publicam quae totius multitudinis curam habet. Quia et in omnibus aliis ordinare in finem est eius cuius est proprius ille finis.

Reply to Objection 1: As stated above (A[1], ad 1), a law is in a person not only as in one that rules, but also by participation as in one that is ruled. In the latter way each one is a law to himself, in so far as he shares the direction that he receives from one who rules him. Hence the same text goes on: "Who show the work of the law written in their hearts."

[37447] Iª-IIae q. 90 a. 3 ad 1 Ad primum ergo dicendum quod, sicut supra dictum est, lex est in aliquo non solum sicut in regulante, sed etiam participative sicut in regulato. Et hoc modo unusquisque sibi est lex, inquantum participat ordinem alicuius regulantis. Unde et ibidem subditur, *qui ostendunt opus legis scriptum in cordibus suis*.

Reply to Objection 2: A private person cannot lead another to virtue efficaciously: for he can only advise, and if his advice be not taken, it has no coercive power, such as the law should have, in order to prove an efficacious inducement to virtue, as the Philosopher says (Ethic. x, 9). But this coercive power is vested in the whole people or in some public personage, to whom it belongs to inflict penalties, as we shall state further on (Q[92], A[2], ad 3; SS, Q[64], A[3]). Wherefore the framing of laws belongs to him alone.

[37448] Iª-IIae q. 90 a. 3 ad 2 Ad secundum dicendum quod persona privata non potest inducere efficaciter ad virtutem. Potest enim solum monere, sed si sua monitio non recipiatur, non habet vim coactivam; quam debet habere lex, ad hoc quod efficaciter inducat ad virtutem, ut philosophus dicit, in X Ethic. Hanc autem virtutem coactivam habet multitudo vel persona publica, ad quam pertinet poenas infligere, ut infra dicetur. Et ideo solius eius est leges facere.

Reply to Objection 3: As one man is a part of the household, so a household is a part of the state: and the state is a perfect community, according to Polit. i, 1. And therefore, as the good of one man is not the last end, but is ordained to the common good; so too the good of one household is ordained to the good of a single state, which is a perfect community. Consequently he that governs a family, can indeed make certain commands or ordinances, but not such as to have properly the force of law.

[37449] Iª-IIae q. 90 a. 3 ad 3 Ad tertium dicendum quod, sicut homo est pars domus, ita domus est pars civitatis, civitas autem est communitas perfecta, ut dicitur in I Politic. Et ideo sicut bonum unius hominis non est ultimus finis, sed ordinatur ad commune bonum; ita etiam et bonum unius domus ordinatur ad bonum unius civitatis, quae est communitas perfecta. Unde ille qui gubernat aliquam familiam, potest quidem facere aliqua praecepta vel statuta; non tamen quae proprie habeant rationem legis.

Q. 90. A. 4. Whether promulgation is essential to a law?

Objection 1: It would seem that promulgation is not essential to a law. For the natural law above all has the character of law. But the natural law needs no promulgation. Therefore it is not essential to a law that it be promulgated.

[37450] Iª-IIae q. 90 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod promulgatio non sit de ratione legis. Lex enim naturalis maxime habet rationem legis. Sed lex naturalis non indiget promulgatione. Ergo non est de ratione legis quod promulgetur.

Objection 2: Further, it belongs properly to a law to bind one to do or not to do something. But the obligation of fulfilling a law touches not only those in whose presence it is promulgated, but also others. Therefore promulgation is not essential to a law.

[37451] Iª-IIae q. 90 a. 4 arg. 2 Praeterea, ad legem pertinet proprie obligare ad aliquid faciendum vel non faciendum. Sed non solum obligantur ad implendam legem illi coram quibus promulgatur lex, sed etiam alii. Ergo promulgatio non est de ratione legis.

Objection 3: Further, the binding force of a law extends even to the future, since "laws are binding in matters of the future," as the jurists say (Cod. 1, tit. De lege et constit. leg. vii). But promulgation concerns those who are present. Therefore it is not essential to a law.

[37452] Iª-IIae q. 90 a. 4 arg. 3 Praeterea, obligatio legis extenditur etiam in futurum, quia leges futuris negotiis necessitatem imponunt, ut iura dicunt. Sed promulgatio fit ad praesentes. Ergo promulgatio non est de necessitate legis.

On the contrary, It is laid down in the Decretals, dist. 4, that "laws are established when they are promulgated."

[37453] Iª-IIae q. 90 a. 4 s. c. Sed contra est quod dicitur in decretis, IV dist., quod *leges instituuntur cum promulgantur*.

I answer that, As stated above (A[1]), a law is imposed on others by way of a rule and measure. Now a rule or measure is imposed by being applied to those who are to be ruled and measured by it. Wherefore, in order that a law obtain the binding force which is proper to a law, it must needs be applied to the men who have to be ruled by it. Such application is made by its being notified to them by promulgation. Wherefore promulgation is necessary for the law to obtain its force.

Thus from the four preceding articles, the definition of law may be gathered; and it is nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.

[37454] Iª-IIae q. 90 a. 4 co. Respondeo dicendum quod, sicut dictum est, lex imponitur aliis per modum regulae et mensurae. Regula autem et mensura imponitur per hoc quod applicatur his quae regulantur et mensurantur. Unde ad hoc quod lex virtutem obligandi obtineat, quod est proprium legis, oportet quod applicetur hominibus qui secundum eam regulari debent. Talis autem applicatio fit per hoc quod in notitiam eorum deducitur ex ipsa promulgatione. Unde promulgatio necessaria est ad hoc quod lex habeat suam virtutem. Et sic ex quatuor praedictis potest colligi definitio legis, quae nihil est aliud quam quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata.

Reply to Objection 1: The natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him

[37455] Iª-IIae q. 90 a. 4 ad 1 Ad primum ergo dicendum quod promulgatio legis naturae est ex hoc ipso quod Deus eam mentibus hominum

naturally.

inseruit naturaliter cognoscendam.

Reply to Objection 2: Those who are not present when a law is promulgated, are bound to observe the law, in so far as it is notified or can be notified to them by others, after it has been promulgated.

[37456] Iª-IIae q. 90 a. 4 ad 2 Ad secundum dicendum quod illi coram quibus lex non promulgatur, obligantur ad legem servandam, inquantum in eorum notitiam devenit per alios, vel devenire potest, promulgatione facta.

Reply to Objection 3: The promulgation that takes place now, extends to future time by reason of the durability of written characters, by which means it is continually promulgated. Hence Isidore says (Etym. v, 3; ii, 10) that "lex [law] is derived from legere [to read] because it is written."

[37457] Iª-IIae q. 90 a. 4 ad 3 Ad tertium dicendum quod promulgatio praesens in futurum extenditur per firmitatem Scripturae, quae quodammodo semper eam promulgat. Unde Isidorus dicit, in II Etymol., quod *lex a legendo vocata est, quia scripta est*.

Q. 91. OF THE VARIOUS KINDS OF LAW (SIX ARTICLES)

We must now consider the various kinds of law: under which head there are six points of inquiry:

(1) Whether there is an eternal law?

(2) Whether there is a natural law?

(3) Whether there is a human law?

(4) Whether there is a Divine law?

(5) Whether there is one Divine law, or several?

(6) Whether there is a law of sin?

[37458] Iª-IIae q. 91 pr. Deinde considerandum est de diversitate legum. Et circa hoc quaeruntur sex. Primo, utrum sit aliqua lex aeterna. Secundo, utrum sit aliqua lex naturalis. Tertio, utrum sit aliqua lex humana. Quarto, utrum sit aliqua lex divina. Quinto, utrum sit una tantum, vel plures. Sexto, utrum sit aliqua lex peccati.

Q. 91. A. 1. Whether there is an eternal law?

Objection 1: It would seem that there is no eternal law. Because every law is imposed on someone. But there was not someone from eternity on whom a law could be imposed: since God alone was from eternity. Therefore no law is eternal.

[37459] Iª-IIae q. 91 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod non sit aliqua lex aeterna. Omnis enim lex aliquibus imponitur. Sed non fuit ab aeterno aliquis cui lex posset imponi, solus enim Deus fuit ab aeterno. Ergo nulla lex est aeterna.

Objection 2: Further, promulgation is essential to law. But promulgation could not be from eternity: because there was no one to whom it could be promulgated from eternity. Therefore no law can be eternal.

[37460] Iª-IIae q. 91 a. 1 arg. 2 Praeterea, promulgatio est de ratione legis. Sed promulgatio non potuit esse ab aeterno, quia non erat ab aeterno cui promulgaretur. Ergo nulla lex potest esse aeterna.

Objection 3: Further, a law implies order to an end. But nothing ordained to an end is eternal: for the last end alone is eternal. Therefore no law is eternal.

[37461] Iª-IIae q. 91 a. 1 arg. 3 Praeterea, lex importat ordinem ad finem. Sed nihil est aeternum quod ordinetur ad finem, solus enim ultimus finis est aeternus. Ergo nulla lex est aeterna.

On the contrary, Augustine says (De Lib. Arb. i, 6): "That Law which is the Supreme Reason cannot be understood to be otherwise than unchangeable and eternal."

[37462] Iª-IIae q. 91 a. 1 s. c. Sed contra est quod Augustinus dicit, in I de Lib. Arb., *lex quae summa ratio nominatur, non potest cuipiam intelligenti non incommutabilis aeternaque videri*.

I answer that, As stated above (Q[90], A[1], ad 2; AA[3],4), a law is nothing else but a dictate of practical reason emanating from the ruler who governs a perfect community. Now it is evident, granted that the world is ruled by Divine Providence, as was stated in the FP, Q[22], AA[1],2, that the whole community of the

[37463] Iª-IIae q. 91 a. 1 co. Respondeo dicendum quod, sicut supra dictum est, nihil est aliud lex quam quoddam dictamen practicae rationis in principe qui gubernat aliquam communitatem perfectam. Manifestum est autem, supposito quod mundus divina providentia regatur, ut in primo habitum est, quod tota communitas universi

universe is governed by Divine Reason. Wherefore the very Idea of the government of things in God the Ruler of the universe, has the nature of a law. And since the Divine Reason's conception of things is not subject to time but is eternal, according to Prov. 8:23, therefore it is that this kind of law must be called eternal.

gubernatur ratione divina. Et ideo ipsa ratio gubernationis rerum in Deo sicut in principe universitatis existens, legis habet rationem. Et quia divina ratio nihil concipit ex tempore, sed habet aeternum conceptum, ut dicitur Prov. VIII; inde est quod huiusmodi legem oportet dicere aeternam.

Reply to Objection 1: Those things that are not in themselves, exist with God, inasmuch as they are foreknown and preordained by Him, according to Rom. 4:17: "Who calls those things that are not, as those that are." Accordingly the eternal concept of the Divine law bears the character of an eternal law, in so far as it is ordained by God to the government of things foreknown by Him.

[37464] Iª-IIae q. 91 a. 1 ad 1 Ad primum ergo dicendum quod ea quae in seipsis non sunt, apud Deum existunt, inquantum sunt ab ipso praecognita et praeordinata; secundum illud Rom. IV, *qui vocat ea quae non sunt, tanquam ea quae sunt*. Sic igitur aeternus divinae legis conceptus habet rationem legis aeternae, secundum quod a Deo ordinatur ad gubernationem rerum ab ipso praecognitarum.

Reply to Objection 2: Promulgation is made by word of mouth or in writing; and in both ways the eternal law is promulgated: because both the Divine Word and the writing of the Book of Life are eternal. But the promulgation cannot be from eternity on the part of the creature that hears or reads.

[37465] Iª-IIae q. 91 a. 1 ad 2 Ad secundum dicendum quod promulgatio fit et verbo et scripto; et utroque modo lex aeterna habet promulgationem ex parte Dei promulgantis, quia et verbum divinum est aeternum, et Scriptura libri vitae est aeterna. Sed ex parte creaturae audientis aut inspicientis, non potest esse promulgatio aeterna.

Reply to Objection 3: The law implies order to the end actively, in so far as it directs certain things to the end; but not passively---that is to say, the law itself is not ordained to the end---except accidentally, in a governor whose end is extrinsic to him, and to which end his law must needs be ordained. But the end of the Divine government is God Himself, and His law is not distinct from Himself. Wherefore the eternal law is not ordained to another end.

[37466] Iª-IIae q. 91 a. 1 ad 3 Ad tertium dicendum quod lex importat ordinem ad finem active, inquantum scilicet per eam ordinantur aliqua in finem, non autem passive, idest quod ipsa lex ordinetur ad finem, nisi per accidens in gubernante cuius finis est extra ipsum, ad quem etiam necesse est ut lex eius ordinetur. Sed finis divinae gubernationis est ipse Deus, nec eius lex est aliud ab ipso. Unde lex aeterna non ordinatur in alium finem.

Q. 91. A. 2. Whether there is in us a natural law?

Objection 1: It would seem that there is no natural law in us. Because man is governed sufficiently by the eternal law: for Augustine says (De Lib. Arb. i) that "the eternal law is that by which it is right that all things should be most orderly." But nature does not abound in superfluities as neither does she fail in necessaries. Therefore no law is natural to man.

[37467] Iª-IIae q. 91 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod non sit in nobis aliqua lex naturalis. Sufficienter enim homo gubernatur per legem aeternam, dicit enim Augustinus, in I de Lib. Arb., quod *lex aeterna est qua iustum est ut omnia sint ordinatissima*. Sed natura non abundat in superfluis, sicut nec deficit in necessariis. Ergo non est aliqua lex homini naturalis.

Objection 2: Further, by the law man is directed, in his acts, to the end, as stated above (Q[90], A[2]). But the directing of human acts to their end is not a function of nature, as is the case in irrational creatures, which act for an end solely by their natural appetite; whereas man acts for an end by his reason and will. Therefore no law is natural to man.

[37468] Iª-IIae q. 91 a. 2 arg. 2 Praeterea, per legem ordinatur homo in suis actibus ad finem, ut supra habitum est. Sed ordinatio humanorum actuum ad finem non est per naturam, sicut accidit in creaturis irrationabilibus, quae solo appetitu naturali agunt propter finem, sed agit homo propter finem per rationem et voluntatem. Ergo non est aliqua lex homini naturalis.

Objection 3: Further, the more a man is free, the less is he under the law. But man is freer than all the animals, on account of his free-will, with which he is endowed above all other animals. Since therefore other animals are not subject to a natural law, neither is man subject to a natural law.

[37469] Iª-IIae q. 91 a. 2 arg. 3 Praeterea, quanto aliquis est liberior, tanto minus est sub lege. Sed homo est liberior omnibus animalibus, propter liberum arbitrium, quod prae aliis animalibus habet. Cum igitur alia animalia non subdantur legi naturali, nec homo alicui legi naturali subditur.

On the contrary, A gloss on Rom. 2:14: "When the Gentiles, who have not the law, do by nature those things that are of the law," comments as follows: "Although they have no written law, yet they have the natural law, whereby each one knows, and is conscious of, what is good and what is evil."

[37470] Iª-IIae q. 91 a. 2 s. c. Sed contra est quod, Rom. II, super illud, *cum gentes, quae legem non habent, naturaliter ea quae legis sunt faciunt*, dicit Glossa, *etsi non habent legem scriptam, habent tamen legem naturalem, qua quilibet intelligit et sibi conscius est quid sit bonum et quid malum*.

I answer that, As stated above (Q[90], A[1], ad 1), law, being a rule and measure, can be in a person in two ways: in one way, as in him that rules and measures; in another way, as in that which is ruled and measured, since a thing is ruled and measured, in so far as it partakes of the rule or measure. Wherefore, since all things subject to Divine providence are ruled and measured by the eternal law, as was stated above (A[1]); it is evident that all things partake somewhat of the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law. Hence the Psalmist after saying (Ps. 4:6): "Offer up the sacrifice of justice," as though someone asked what the works of justice are, adds: "Many say,

[37471] Iª-IIae q. 91 a. 2 co. Respondeo dicendum quod, sicut supra dictum est, lex, cum sit regula et mensura, dupliciter potest esse in aliquo, uno modo, sicut in regulante et mensurante; alio modo, sicut in regulato et mensurato, quia inquantum participat aliquid de regula vel mensura, sic regulatur vel mensuratur. Unde cum omnia quae divinae providentiae subduntur, a lege aeterna regulentur et mensurentur, ut ex dictis patet; manifestum est quod omnia participant aliqualiter legem aeternam, inquantum scilicet ex impressione eius habent inclinationes in proprios actus et fines. Inter cetera autem rationalis creatura excellentiori quodam modo divinae providentiae subiacet, inquantum et ipsa fit providentiae particeps, sibi ipsi et aliis providens. Unde et in ipsa participatur ratio aeterna, per quam habet naturalem inclinationem ad debitum actum et finem. Et talis participatio legis aeternae in rationali creatura lex naturalis dicitur. Unde cum Psalmista dixisset, sacrificate sacrificium iustitiae, quasi quibusdam quaerentibus quae sunt iustitiae opera, subiungit, multi dicunt, quis ostendit nobis bona? Cui quaestioni respondens, dicit, signatum est super nos lumen vultus tui,

Who showeth us good things?" in answer to which question he says: "The light of Thy countenance, O Lord, is signed upon us": thus implying that the light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the Divine light. It is therefore evident that the natural law is nothing else than the rational creature's participation of the eternal law.

domine, quasi lumen rationis naturalis, quo discernimus quid sit bonum et malum, quod pertinet ad naturalem legem, nihil aliud sit quam impressio divini luminis in nobis. Unde patet quod lex naturalis nihil aliud est quam participatio legis aeternae in rationali creatura.

Reply to Objection 1: This argument would hold, if the natural law were something different from the eternal law: whereas it is nothing but a participation thereof, as stated above.

[37472] Iª-IIae q. 91 a. 2 ad 1 Ad primum ergo dicendum quod ratio illa procederet, si lex naturalis esset aliquid diversum a lege aeterna. Non autem est nisi quaedam participatio eius, ut dictum est.

Reply to Objection 2: Every act of reason and will in us is based on that which is according to nature, as stated above (Q[10], A[1]): for every act of reasoning is based on principles that are known naturally, and every act of appetite in respect of the means is derived from the natural appetite in respect of the last end. Accordingly the first direction of our acts to their end must needs be in virtue of the natural law.

[37473] Iª-IIae q. 91 a. 2 ad 2 Ad secundum dicendum quod omnis operatio, rationis et voluntatis derivatur in nobis ab eo quod est secundum naturam, ut supra habitum est, nam omnis ratiocinatio derivatur a principiis naturaliter notis, et omnis appetitus eorum quae sunt ad finem, derivatur a naturali appetitu ultimi finis. Et sic etiam oportet quod prima directio actuum nostrorum ad finem, fiat per legem naturalem.

Reply to Objection 3: Even irrational animals partake in their own way of the Eternal Reason, just as the rational creature does. But because the rational creature partakes thereof in an intellectual and rational manner, therefore the participation of the eternal law in the rational creature is properly called a law, since a law is something pertaining to reason, as stated above (Q[90], A[1]). Irrational creatures, however, do not partake thereof in a rational manner, wherefore there is no participation of the eternal law in them, except by way of similitude.

[37474] Iª-IIae q. 91 a. 2 ad 3 Ad tertium dicendum quod etiam animalia irrationalia participant rationem aeternam suo modo, sicut et rationalis creatura. Sed quia rationalis creatura participat eam intellectualiter et rationaliter, ideo participatio legis aeternae in creatura rationali proprie lex vocatur, nam lex est aliquid rationis, ut supra dictum est. In creatura autem irrationali non participatur rationaliter, unde non potest dici lex nisi per similitudinem.

Q. 91. A. 3. Whether there is a human law?

Objection 1: It would seem that there is not a human law. For the natural law is a participation of the eternal law, as stated above (A[2]). Now through the eternal law "all things are most orderly," as Augustine states (De Lib. Arb. i, 6). Therefore the natural law suffices for the ordering of all human affairs. Consequently there is no

[37475] Iª-IIae q. 91 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod non sit aliqua lex humana. Lex enim naturalis est participatio legis aeternae, ut dictum est. Sed per legem aeternam omnia sunt ordinatissima, ut Augustinus dicit, in I de Lib. Arb. Ergo lex naturalis sufficit ad omnia humana ordinanda. Non est ergo necessarium

need for a human law.

quod sit aliqua lex humana.

Objection 2: Further, a law bears the character of a measure, as stated above (Q[90], A[1]). But human reason is not a measure of things, but vice versa, as stated in Metaph. x, text. 5. Therefore no law can emanate from human reason.

[37476] Iª-IIae q. 91 a. 3 arg. 2 Praeterea, lex habet rationem mensurae, ut dictum est. Sed ratio humana non est mensura rerum, sed potius e converso, ut in X Metaphys. dicitur. Ergo ex ratione humana nulla lex procedere potest.

Objection 3: Further, a measure should be most certain, as stated in Metaph. x, text. 3. But the dictates of human reason in matters of conduct are uncertain, according to Wis. 9:14: "The thoughts of mortal men are fearful, and our counsels uncertain." Therefore no law can emanate from human reason.

[37477] Iª-IIae q. 91 a. 3 arg. 3 Praeterea, mensura debet esse certissima, ut dicitur in X Metaphys. Sed dictamen humanae rationis de rebus gerendis est incertum; secundum illud Sap. IX, *cogitationes mortalium timidae, et incertae providentiae nostrae*. Ergo ex ratione humana nulla lex procedere potest.

On the contrary, Augustine (De Lib. Arb. i, 6) distinguishes two kinds of law, the one eternal, the other temporal, which he calls human.

[37478] Iª-IIae q. 91 a. 3 s. c. Sed contra est quod Augustinus, in I de Lib. Arb., ponit duas leges, unam aeternam et aliam temporalem, quam dicit esse humanam.

I answer that, As stated above (Q[90], A[1], ad 2), a law is a dictate of the practical reason. Now it is to be observed that the same procedure takes place in the practical and in the speculative reason: for each proceeds from principles to conclusions, as stated above (De Lib. Arb. i, 6). Accordingly we conclude that just as, in the speculative reason, from naturally known indemonstrable principles, we draw the conclusions of the various sciences, the knowledge of which is not imparted to us by nature, but acquired by the efforts of reason, so too it is from the precepts of the natural law, as from general and indemonstrable principles, that the human reason needs to proceed to the more particular determination of certain matters. These particular determinations, devised by human reason, are called human laws, provided the other essential conditions of law be observed, as stated above (Q[90], AA[2] ,3,4). Wherefore Tully says in his Rhetoric (De Invent. Rhet. ii) that "justice has its source in nature; thence certain things came into custom by reason of their utility; afterwards these things which emanated from nature and were approved by custom, were sanctioned by fear and reverence for the law."

[37479] Iª-IIae q. 91 a. 3 co. Respondeo dicendum quod, sicut supra dictum est, lex est quoddam dictamen practicae rationis. Similis autem processus esse invenitur rationis practicae et speculativae, utraque enim ex quibusdam principiis ad quasdam conclusiones procedit, ut superius habitum est. Secundum hoc ergo dicendum est quod, sicut in ratione speculativa ex principiis indemonstrabilibus naturaliter cognitis producuntur conclusiones diversarum scientiarum, quarum cognitio non est nobis naturaliter indita, sed per industriam rationis inventa; ita etiam ex praeceptis legis naturalis, quasi ex quibusdam principiis communibus et indemonstrabilibus, necesse est quod ratio humana procedat ad aliqua magis particulariter disponenda. Et istae particulares dispositiones adinventae secundum rationem humanam, dicuntur leges humanae, servatis aliis conditionibus quae pertinent ad rationem legis, ut supra dictum est. Unde et Tullius dicit, in sua Rhetor., quod *initium iuris est a natura profectum; deinde quaedam in consuetudinem ex utilitate rationis venerunt; postea res et a natura profectas et a consuetudine probatas legum metus et religio sanxit*.

Reply to Objection 1: The human reason cannot have a full participation of the dictate of the Divine Reason, but according to its own mode, and imperfectly. Consequently, as on the part of the speculative reason, by a natural participation of Divine Wisdom, there is in us the knowledge of certain general principles, but not proper knowledge of each single truth, such as that contained in the Divine Wisdom; so too, on the part of the practical reason, man has a natural participation of the eternal law, according to certain general principles, but not as regards the particular determinations of individual cases, which are, however, contained in the eternal law. Hence the need for human reason to proceed further to sanction them by law.

[37480] Iª-IIae q. 91 a. 3 ad 1 Ad primum ergo dicendum quod ratio humana non potest participare ad plenum dictamen rationis divinae, sed suo modo et imperfecte. Et ideo sicut ex parte rationis speculativae, per naturalem participationem divinae sapientiae, inest nobis cognitio quorundam communium principiorum, non autem cuiuslibet veritatis propria cognitio, sicut in divina sapientia continetur; ita etiam ex parte rationis practicae naturaliter homo participat legem aeternam secundum quaedam communia principia, non autem secundum particulares directiones singulorum, quae tamen in aeterna lege continentur. Et ideo necesse est ulterius quod ratio humana procedat ad particulares quasdam legum sanctiones.

Reply to Objection 2: Human reason is not, of itself, the rule of things: but the principles impressed on it by nature, are general rules and measures of all things relating to human conduct, whereof the natural reason is the rule and measure, although it is not the measure of things that are from nature.

[37481] Iª-IIae q. 91 a. 3 ad 2 Ad secundum dicendum quod ratio humana secundum se non est regula rerum, sed principia ei naturaliter indita, sunt quaedam regulae generales et mensurae omnium eorum quae sunt per hominem agenda, quorum ratio naturalis est regula et mensura, licet non sit mensura eorum quae sunt a natura.

Reply to Objection 3: The practical reason is concerned with practical matters, which are singular and contingent: but not with necessary things, with which the speculative reason is concerned. Wherefore human laws cannot have that inerrancy that belongs to the demonstrated conclusions of sciences. Nor is it necessary for every measure to be altogether unerring and certain, but according as it is possible in its own particular genus.

[37482] Iª-IIae q. 91 a. 3 ad 3 Ad tertium dicendum quod ratio practica est circa operabilia, quae sunt singularia et contingentia, non autem circa necessaria, sicut ratio speculativa. Et ideo leges humanae non possunt illam infallibilitatem habere quam habent conclusiones demonstrativae scientiarum. Nec oportet quod omnis mensura sit omni modo infallibilis et certa, sed secundum quod est possibile in genere suo.

Q. 91. A. 4. Whether there was any need for a Divine law?

Objection 1: It would seem that there was no need for a Divine law. Because, as stated above (A[2]), the natural law is a participation in us of the eternal law. But the eternal law is a Divine law, as stated above (A[1]). Therefore there was no need for a Divine law in addition to the natural law, and human laws derived therefrom.

[37483] Iª-IIae q. 91 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod non fuerit necessarium esse aliquam legem divinam. Quia, ut dictum est, lex naturalis est quaedam participatio legis aeternae in nobis. Sed lex aeterna est lex divina, ut dictum est. Ergo non oportet quod praeter legem naturalem, et leges humanas ab ea derivatas, sit aliqua alia lex divina.

Objection 2: Further, it is written (Ecclus. 15:14) that "God left man in the hand of his own

[37484] Iª-IIae q. 91 a. 4 arg. 2 Praeterea, Eccli. XV dicitur quod *Deus dimisit hominem in manu*

counsel." Now counsel is an act of reason, as stated above (Q[14], A[1]). Therefore man was left to the direction of his reason. But a dictate of human reason is a human law as stated above (A[3]). Therefore there is no need for man to be governed also by a Divine law.

consilii sui. Consilium autem est actus rationis, ut supra habitum est. Ergo homo dimissus est gubernationi suae rationis. Sed dictamen rationis humanae est lex humana, ut dictum est. Ergo non oportet quod homo alia lege divina gubernetur.

Objection 3: Further, human nature is more self-sufficing than irrational creatures. But irrational creatures have no Divine law besides the natural inclination impressed on them. Much less, therefore, should the rational creature have a Divine law in addition to the natural law.

[37485] Iª-IIae q. 91 a. 4 arg. 3 Praeterea, natura humana est sufficientior irrationalibus creaturis. Sed irrationales creaturae non habent aliquam legem divinam praeter inclinationem naturalem eis inditam. Ergo multo minus creatura rationalis debet habere aliquam legem divinam praeter naturalem legem.

On the contrary, David prayed God to set His law before him, saying (Ps. 118:33): "Set before me for a law the way of Thy justifications, O Lord."

[37486] Iª-IIae q. 91 a. 4 s. c. Sed contra est quod David expetit legem a Deo sibi poni, dicens, *legem pone mihi, domine, in via iustificationum tuarum*.

I answer that, Besides the natural and the human law it was necessary for the directing of human conduct to have a Divine law. And this for four reasons. First, because it is by law that man is directed how to perform his proper acts in view of his last end. And indeed if man were ordained to no other end than that which is proportionate to his natural faculty, there would be no need for man to have any further direction of the part of his reason, besides the natural law and human law which is derived from it. But since man is ordained to an end of eternal happiness which is inproportionate to man's natural faculty, as stated above (Q[5], A[5]), therefore it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God.

[37487] Iª-IIae q. 91 a. 4 co. Respondeo dicendum quod praeter legem naturalem et legem humanam, necessarium fuit ad directionem humanae vitae habere legem divinam. Et hoc propter quatuor rationes. Primo quidem, quia per legem dirigitur homo ad actus proprios in ordine ad ultimum finem. Et si quidem homo ordinaretur tantum ad finem qui non excederet proportionem naturalis facultatis hominis, non oporteret quod homo haberet aliquid directivum ex parte rationis, supra legem naturalem et legem humanitus positam, quae ab ea derivatur. Sed quia homo ordinatur ad finem beatitudinis aeternae, quae excedit proportionem naturalis facultatis humanae, ut supra habitum est; ideo necessarium fuit ut supra legem naturalem et humanam, dirigeretur etiam ad suum finem lege divinitus data. Secundo, quia propter incertitudinem humani iudicii, praecipue de rebus contingentibus et particularibus, contingit de actibus humanis diversorum esse diversa iudicia, ex quibus etiam diversae et contrariae leges procedunt. Ut ergo homo absque omni dubitatione scire possit quid ei sit agendum et quid vitandum, necessarium fuit ut in actibus propriis dirigeretur per legem divinitus datam, de qua constat quod non potest errare. Tertio, quia de his potest homo legem ferre, de quibus potest iudicare. Iudicium autem hominis esse non potest de interioribus motibus, qui latent, sed solum de exterioribus actibus, qui apparent. Et tamen ad

Secondly, because, on account of the uncertainty of human judgment, especially on contingent and particular matters, different people form different judgments on human acts; whence also different and contrary laws result. In order, therefore, that man may know without any doubt what he ought to do and what he ought to avoid, it was necessary for man to be directed in his proper acts by a law given by God, for it is certain that such a law cannot err.

Thirdly, because man can make laws in those

matters of which he is competent to judge. But man is not competent to judge of interior movements, that are hidden, but only of exterior acts which appear: and yet for the perfection of virtue it is necessary for man to conduct himself aright in both kinds of acts. Consequently human law could not sufficiently curb and direct interior acts; and it was necessary for this purpose that a Divine law should supervene.

Fourthly, because, as Augustine says (De Lib. Arb. i, 5,6), human law cannot punish or forbid all evil deeds: since while aiming at doing away with all evils, it would do away with many good things, and would hinder the advance of the common good, which is necessary for human intercourse. In order, therefore, that no evil might remain unforbidden and unpunished, it was necessary for the Divine law to supervene, whereby all sins are forbidden.

And these four causes are touched upon in Ps. 118:8, where it is said: "The law of the Lord is unspotted," i.e. allowing no foulness of sin; "converting souls," because it directs not only exterior, but also interior acts; "the testimony of the Lord is faithful," because of the certainty of what is true and right; "giving wisdom to little ones," by directing man to an end supernatural and Divine.

perfectionem virtutis requiritur quod in utrisque actibus homo rectus existat. Et ideo lex humana non potuit cohibere et ordinare sufficienter interiores actus, sed necessarium fuit quod ad hoc superveniret lex divina. Quarto quia, sicut Augustinus dicit, in I de Lib. Arb., lex humana non potest omnia quae male fiunt, punire vel prohibere, quia dum auferre vellet omnia mala, sequeretur quod etiam multa bona tollerentur, et impediretur utilitas boni communis, quod est necessarium ad conversationem humanam. Ut ergo nullum malum improhibitum et impunitum remaneat, necessarium fuit supervenire legem divinam, per quam omnia peccata prohibentur. Et istae quatuor causae tanguntur in Psalmo XVIII, ubi dicitur, lex domini immaculata, idest nullam peccati turpitudinem permittens; convertens animas, quia non solum exteriores actus, sed etiam interiores dirigit; testimonium domini fidele, propter certitudinem veritatis et rectitudinis; sapientiam praestans parvulis, inquantum ordinat hominem ad supernaturalem finem et divinum.

Reply to Objection 1: By the natural law the eternal law is participated proportionately to the capacity of human nature. But to his supernatural end man needs to be directed in a yet higher way. Hence the additional law given by God, whereby man shares more perfectly in the eternal law.

[37488] Iª-IIae q. 91 a. 4 ad 1 Ad primum ergo dicendum quod per naturalem legem participatur lex aeterna secundum proportionem capacitatis humanae naturae. Sed oportet ut altiori modo dirigatur homo in ultimum finem supernaturalem. Et ideo superadditur lex divinitus data, per quam lex aeterna participatur altiori modo.

Reply to Objection 2: Counsel is a kind of inquiry: hence it must proceed from some principles. Nor is it enough for it to proceed from principles imparted by nature, which are the precepts of the natural law, for the reasons given above: but there is need for certain additional principles, namely, the precepts of the Divine law.

[37489] Iª-IIae q. 91 a. 4 ad 2 Ad secundum dicendum quod consilium est inquisitio quaedam, unde oportet quod procedat ex aliquibus principiis. Nec sufficit quod procedat ex principiis naturaliter inditis, quae sunt praecepta legis naturae, propter praedicta, sed oportet quod superaddantur quaedam alia principia, scilicet praecepta legis divinae.

Reply to Objection 3: Irrational creatures are not ordained to an end higher than that which is

[37490] Iª-IIae q. 91 a. 4 ad 3 Ad tertium dicendum quod creaturae irrationales non

proportionate to their natural powers: consequently the comparison fails.

ordinantur ad altiorem finem quam sit finis qui est proportionatus naturali virtuti ipsarum. Et ideo non est similis ratio.

Q. 91. A. 5. Whether there is but one Divine law?

Objection 1: It would seem that there is but one Divine law. Because, where there is one king in one kingdom there is but one law. Now the whole of mankind is compared to God as to one king, according to Ps. 46:8: "God is the King of all the earth." Therefore there is but one Divine law.

[37491] Iª-IIae q. 91 a. 5 arg. 1 Ad quintum sic proceditur. Videtur quod lex divina sit una tantum. Unius enim regis in uno regno est una lex. Sed totum humanum genus comparatur ad Deum sicut ad unum regem; secundum illud Psalmi XLVI, *rex omnis terrae Deus*. Ergo est una tantum lex divina.

Objection 2: Further, every law is directed to the end which the lawgiver intends for those for whom he makes the law. But God intends one and the same thing for all men; since according to 1 Tim. 2:4: "He will have all men to be saved, and to come to the knowledge of the truth." Therefore there is but one Divine law.

[37492] Iª-IIae q. 91 a. 5 arg. 2 Praeterea, omnis lex ordinatur ad finem quem legislator intendit in eis quibus legem fert. Sed unum et idem est quod Deus intendit in omnibus hominibus; secundum illud I ad Tim. II, *vult omnes homines salvos fieri, et ad agnitionem veritatis venire*. Ergo una tantum est lex divina.

Objection 3: Further, the Divine law seems to be more akin to the eternal law, which is one, than the natural law, according as the revelation of grace is of a higher order than natural knowledge. Therefore much more is the Divine law but one.

[37493] Iª-IIae q. 91 a. 5 arg. 3 Praeterea, lex divina propinquior esse videtur legi aeternae, quae est una, quam lex naturalis, quanto altior est revelatio gratiae quam cognitio naturae. Sed lex naturalis est una omnium hominum. Ergo multo magis lex divina.

On the contrary, The Apostle says (Heb. 7:12): "The priesthood being translated, it is necessary that a translation also be made of the law." But the priesthood is twofold, as stated in the same passage, viz. the levitical priesthood, and the priesthood of Christ. Therefore the Divine law is twofold, namely the Old Law and the New Law.

[37494] Iª-IIae q. 91 a. 5 s. c. Sed contra est quod apostolus dicit, ad Heb. VII, *translato sacerdotio, necesse est ut legis translatio fiat*. Sed sacerdotium est duplex, ut ibidem dicitur, scilicet sacerdotium leviticum, et sacerdotium Christi. Ergo etiam duplex est lex divina, scilicet lex vetus, et lex nova.

I answer that, As stated in the FP, Q[30], A[3], distinction is the cause of number. Now things may be distinguished in two ways. First, as those things that are altogether specifically different, e.g. a horse and an ox. Secondly, as perfect and imperfect in the same species, e.g. a boy and a man: and in this way the Divine law is divided into Old and New. Hence the Apostle (Gal. 3:24,25) compares the state of man under the Old Law to that of a child "under a pedagogue"; but the state under the New Law, to that of a full

[37495] Iª-IIae q. 91 a. 5 co. Respondeo dicendum quod, sicut in primo dictum est, distinctio est causa numeri. Dupliciter autem inveniuntur aliqua distingui. Uno modo, sicut ea quae sunt omnino specie diversa, ut equus et bos. Alio modo, sicut perfectum et imperfectum in eadem specie, sicut puer et vir. Et hoc modo lex divina distinguitur in legem veterem et legem novam. Unde apostolus, ad Gal. III, comparat statum veteris legis statui puerili existenti sub paedagogo, statum autem novae legis comparat statui viri perfecti, qui iam

grown man, who is "no longer under a pedagogue."

Now the perfection and imperfection of these two laws is to be taken in connection with the three conditions pertaining to law, as stated above. For, in the first place, it belongs to law to be directed to the common good as to its end, as stated above (Q[90], A[2]). This good may be twofold. It may be a sensible and earthly good; and to this, man was directly ordained by the Old Law: wherefore, at the very outset of the law, the people were invited to the earthly kingdom of the Chananaeans (Ex. 3:8, 17). Again it may be an intelligible and heavenly good: and to this, man is ordained by the New Law. Wherefore, at the very beginning of His preaching, Christ invited men to the kingdom of heaven, saying (Mat. 4:17): "Do penance, for the kingdom of heaven is at hand." Hence Augustine says (Contra Faust. iv) that "promises of temporal goods are contained in the Old Testament, for which reason it is called old; but the promise of eternal life belongs to the New Testament."

Secondly, it belongs to the law to direct human acts according to the order of righteousness (A[4]): wherein also the New Law surpasses the Old Law, since it directs our internal acts, according to Mat. 5:20: "Unless your justice abound more than that of the Scribes and Pharisees, you shall not enter into the kingdom of heaven." Hence the saying that "the Old Law restrains the hand, but the New Law controls the mind" (Sentent. iii, D, xl).

Thirdly, it belongs to the law to induce men to observe its commandments. This the Old Law did by the fear of punishment: but the New Law, by love, which is poured into our hearts by the grace of Christ, bestowed in the New Law, but foreshadowed in the Old. Hence Augustine says (Contra Adimant. Manich. discip. xvii) that "there is little difference [*The 'little difference' refers to the Latin words 'timor' and 'amor'---'fear' and 'love.'] between the Law and the Gospel---fear and love."

non est sub paedagogo. Attenditur autem perfectio et imperfectio utriusque legis secundum tria quae ad legem pertinent, ut supra dictum est. Primo enim ad legem pertinet ut ordinetur ad bonum commune sicut ad finem, ut supra dictum est. Quod quidem potest esse duplex. Scilicet bonum sensibile et terrenum, et ad tale bonum ordinabat directe lex vetus; unde statim, Exodi III, in principio legis, invitatur populus ad regnum terrenum Chananaeorum. Et iterum bonum intelligibile et caeleste, et ad hoc ordinat lex nova. Unde statim Christus ad regnum caelorum in suae praedicationis principio invitavit, dicens, *poenitentiam agite, appropinquavit enim regnum caelorum*, Matth. IV. Et ideo Augustinus dicit, in IV contra Faustum, quod *temporalium rerum promissiones testamento veteri continentur, et ideo vetus appellatur, sed aeternae vitae promissio ad novum pertinet testamentum*. Secundo ad legem pertinet dirigere humanos actus secundum ordinem iustitiae. In quo etiam superabundat lex nova legi veteri, interiores actus animi ordinando; secundum illud Matth. V, *nisi abundaverit iustitia vestra plus quam Scribarum et Pharisaeorum, non intrabitis in regnum caelorum*. Et ideo dicitur quod *lex vetus cohibet manum, lex nova animum*. Tertio ad legem pertinet inducere homines ad observantias mandatorum. Et hoc quidem lex vetus faciebat timore poenarum, lex autem nova facit hoc per amorem, qui in cordibus nostris infunditur per gratiam Christi, quae in lege nova confertur, sed in lege veteri figurabatur. Et ideo dicit Augustinus, contra Adimantum Manichaei discipulum, *quod brevis differentia est legis et Evangelii, timor et amor*.

Reply to Objection 1: As the father of a family issues different commands to the children and to the adults, so also the one King, God, in His one

[37496] Iª-IIae q. 91 a. 5 ad 1 Ad primum ergo dicendum quod, sicut paterfamilias in domo alia mandata proponit pueris et adultis, ita etiam unus

kingdom, gave one law to men, while they were yet imperfect, and another more perfect law, when, by the preceding law, they had been led to a greater capacity for Divine things.

rex Deus, in uno suo regno, aliam legem dedit hominibus adhuc imperfectis existentibus; et aliam perfectiorem iam manuductis per priorem legem ad maiorem capacitatem divinorum.

Reply to Objection 2: The salvation of man could not be achieved otherwise than through Christ, according to Acts 4:12: "There is no other name . . . given to men, whereby we must be saved." Consequently the law that brings all to salvation could not be given until after the coming of Christ. But before His coming it was necessary to give to the people, of whom Christ was to be born, a law containing certain rudiments of righteousness unto salvation, in order to prepare them to receive Him.

[37497] Iª-IIae q. 91 a. 5 ad 2 Ad secundum dicendum quod salus hominum non poterat esse nisi per Christum; secundum illud Act. IV, *non est aliud nomen datum hominibus, in quo oporteat nos salvos fieri*. Et ideo lex perfecte ad salutem omnes inducens, dari non potuit nisi post Christi adventum. Antea vero dari oportuit populo ex quo Christus erat nasciturus, legem praeparatoriam ad Christi susceptionem, in qua quaedam rudimenta salutaris iustitiae continerentur.

Reply to Objection 3: The natural law directs man by way of certain general precepts, common to both the perfect and the imperfect: wherefore it is one and the same for all. But the Divine law directs man also in certain particular matters, to which the perfect and imperfect do not stand in the same relation. Hence the necessity for the Divine law to be twofold, as already explained.

[37498] Iª-IIae q. 91 a. 5 ad 3 Ad tertium dicendum quod lex naturalis dirigit hominem secundum quaedam praecepta communia, in quibus conveniunt tam perfecti quam imperfecti, et ideo est una omnium. Sed lex divina dirigit hominem etiam in quibusdam particularibus, ad quae non similiter se habent perfecti et imperfecti. Et ideo oportuit legem divinam esse duplicem, sicut iam dictum est.

Q. 91. A. 6. Whether there is a law in the fomes of sin?

Objection 1: It would seem that there is no law of the "fomes" of sin. For Isidore says (Etym. v) that the "law is based on reason." But the "fomes" of sin is not based on reason, but deviates from it. Therefore the "fomes" has not the nature of a law.

[37499] Iª-IIae q. 91 a. 6 arg. 1 Ad sextum sic proceditur. Videtur quod non sit aliqua lex fomitis. Dicit enim Isidorus, in V Etymol., quod *lex ratione consistit*. Fomes autem non consistit ratione, sed magis a ratione deviat. Ergo fomes non habet rationem legis.

Objection 2: Further, every law is binding, so that those who do not obey it are called transgressors. But man is not called a transgressor, from not following the instigations of the "fomes"; but rather from his following them. Therefore the "fomes" has not the nature of a law.

[37500] Iª-IIae q. 91 a. 6 arg. 2 Praeterea, omnis lex obligatoria est, ita quod qui ipsam non servant, transgressores dicuntur. Sed fomes non constituit aliquem transgressorem ex hoc quod ipsum non sequitur, sed magis transgressor redditur si quis ipsum sequatur. Ergo fomes non habet rationem legis.

Objection 3: Further, the law is ordained to the common good, as stated above (Q[90], A[2]). But the "fomes" inclines us, not to the common, but to our own private good. Therefore the "fomes" has

[37501] Iª-IIae q. 91 a. 6 arg. 3 Praeterea, lex ordinatur ad bonum commune, ut supra habitum est. Sed fomes non inclinat ad bonum commune, sed magis ad bonum privatum. Ergo fomes non

not the nature of sin.

habet rationem legis.

On the contrary, The Apostle says (Rom. 7:23): "I see another law in my members, fighting against the law of my mind."

[37502] Iª-IIae q. 91 a. 6 s. c. Sed contra est quod apostolus dicit, Rom. VII, *video aliam legem in membris meis, repugnantem legi mentis meae*.

I answer that, As stated above (A[2]; Q[90], A[1], ad 1), the law, as to its essence, resides in him that rules and measures; but, by way of participation, in that which is ruled and measured; so that every inclination or ordination which may be found in things subject to the law, is called a law by participation, as stated above (A[2]; Q[90], A[1] , ad 1). Now those who are subject to a law may receive a twofold inclination from the lawgiver. First, in so far as he directly inclines his subjects to something; sometimes indeed different subjects to different acts; in this way we may say that there is a military law and a mercantile law. Secondly, indirectly; thus by the very fact that a lawgiver deprives a subject of some dignity, the latter passes into another order, so as to be under another law, as it were: thus if a soldier be turned out of the army, he becomes a subject of rural or of mercantile legislation.

Accordingly under the Divine Lawgiver various creatures have various natural inclinations, so that what is, as it were, a law for one, is against the law for another: thus I might say that fierceness is, in a way, the law of a dog, but against the law of a sheep or another meek animal. And so the law of man, which, by the Divine ordinance, is allotted to him, according to his proper natural condition, is that he should act in accordance with reason: and this law was so effective in the primitive state, that nothing either beside or against reason could take man unawares. But when man turned his back on God, he fell under the influence of his sensual impulses: in fact this happens to each one individually, the more he deviates from the path of reason, so that, after a fashion, he is likened to the beasts that are led by the impulse of sensuality, according to Ps. 48:21: "Man, when he was in honor, did not understand: he hath been compared to senseless beasts, and made like to them."

So, then, this very inclination of sensuality which is called the "fomes," in other animals has simply the nature of a law (yet only in so far as a law

[37503] Iª-IIae q. 91 a. 6 co. Respondeo dicendum quod, sicut supra dictum est, lex essentialiter invenitur in regulante et mensurante, participative autem in eo quod mensuratur et regulatur; ita quod omnis inclinatio vel ordinatio quae invenitur in his quae subiecta sunt legi, participative dicitur lex, ut ex supradictis patet. Potest autem in his quae subduntur legi, aliqua inclinatio inveniri dupliciter a legislatore. Uno modo, inquantum directe inclinat suos subditos ad aliquid; et diversos interdum ad diversos actus; secundum quem modum potest dici quod alia est lex militum, et alia est lex mercatorum. Alio modo, indirecte, inquantum scilicet per hoc quod legislator destituit aliquem sibi subditum aliqua dignitate, sequitur quod transeat in alium ordinem et quasi in aliam legem, puta si miles ex militia destituatur, transibit in legem rusticorum vel mercatorum. Sic igitur sub Deo legislatore diversae creaturae diversas habent naturales inclinationes, ita ut quod uni est quodammodo lex, alteri sit contra legem, ut si dicam quod furibundum esse est quodammodo lex canis, est autem contra legem ovis vel alterius mansueti animalis. Est ergo hominis lex, quam sortitur ex ordinatione divina secundum propriam conditionem, ut secundum rationem operetur. Quae quidem lex fuit tam valida in primo statu, ut nihil vel praeter rationem vel contra rationem posset subrepere homini. Sed dum homo a Deo recessit, incurrit in hoc quod feratur secundum impetum sensualitatis, et unicuique etiam particulariter hoc contingit, quanto magis a ratione recesserit, ut sic quodammodo bestiis assimiletur, quae sensualitatis impetu feruntur; secundum illud Psalmi XLVIII, *homo, cum in honore esset, non intellexit, comparatus est iumentis insipientibus, et similis factus est illis*. Sic igitur ipsa sensualitatis inclinatio, quae fomes dicitur, in aliis quidem animalibus simpliciter habet rationem legis, illo tamen modo quo in talibus lex dici potest, secundum directam inclinationem. In hominibus autem secundum hoc non habet rationem legis, sed magis est deviatio a

may be said to be in such things), by reason of a direct inclination. But in man, it has not the nature of law in this way, rather is it a deviation from the law of reason. But since, by the just sentence of God, man is destitute of original justice, and his reason bereft of its vigor, this impulse of sensuality, whereby he is led, in so far as it is a penalty following from the Divine law depriving man of his proper dignity, has the nature of a law.

lege rationis. Sed inquantum per divinam iustitiam homo destituitur originali iustitia et vigore rationis, ipse impetus sensualitatis qui eum ducit, habet rationem legis, inquantum est poenalis et ex lege divina consequens, hominem destituente propria dignitate.

Reply to Objection 1: This argument considers the "fomes" in itself, as an incentive to evil. It is not thus that it has the nature of a law, as stated above, but according as it results from the justice of the Divine law: it is as though we were to say that the law allows a nobleman to be condemned to hard labor for some misdeed.

[37504] Iª-IIae q. 91 a. 6 ad 1 Ad primum ergo dicendum quod ratio illa procedit de fomite secundum se considerato, prout inclinat ad malum. Sic enim non habet rationem legis, ut dictum est, sed secundum quod sequitur ex divinae legis iustitia, tanquam si diceretur lex esse quod aliquis nobilis, propter suam culpam, ad servilia opera induci permitteretur.

Reply to Objection 2: This argument considers law in the light of a rule or measure: for it is in this sense that those who deviate from the law become transgressors. But the "fomes" is not a law in this respect, but by a kind of participation, as stated above.

[37505] Iª-IIae q. 91 a. 6 ad 2 Ad secundum dicendum quod obiectio illa procedit de eo quod est lex quasi regula et mensura, sic enim deviantes a lege transgressores constituuntur. Sic autem fomes non est lex, sed per quandam participationem, ut supra dictum est.

Reply to Objection 3: This argument considers the "fomes" as to its proper inclination, and not as to its origin. And yet if the inclination of sensuality be considered as it is in other animals, thus it is ordained to the common good, namely, to the preservation of nature in the species or in the individual. And this is in man also, in so far as sensuality is subject to reason. But it is called "fomes" in so far as it strays from the order of reason.

[37506] Iª-IIae q. 91 a. 6 ad 3 Ad tertium dicendum quod ratio illa procedit de fomite quantum ad inclinationem propriam, non autem quantum ad suam originem. Et tamen si consideretur inclinatio sensualitatis prout est in aliis animalibus, sic ordinatur ad bonum commune, idest ad conservationem naturae in specie vel in individuo. Et hoc est etiam in homine, prout sensualitas subditur rationi. Sed fomes dicitur secundum quod exit rationis ordinem.

Q. 92. OF THE EFFECTS OF LAW (TWO ARTICLES)

We must now consider the effects of law; under which head there are two points of inquiry:

(1) Whether an effect of law is to make men good?

(2) Whether the effects of law are to command, to forbid, to permit, and to punish, as the Jurist states?

[37507] Iª-IIae q. 92 pr. Deinde considerandum est de effectibus legis. Et circa hoc quaeruntur duo. Primo, utrum effectus legis sit homines facere bonos. Secundo, utrum effectus legis sint imperare, vetare, permittere et punire, sicut legisperitus dicit.

Q. 92. A. 1. Whether an effect of law is to make men good?

Objection 1: It seems that it is not an effect of law to make men good. For men are good through virtue, since virtue, as stated in Ethic. ii, 6 is "that which makes its subject good." But virtue is in man from God alone, because He it is Who "works it in us without us," as we stated above (Q[55], A[4]) in giving the definition of virtue. Therefore the law does not make men good.

[37508] Iª-IIae q. 92 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod legis non sit facere homines bonos. Homines enim sunt boni per virtutem, virtus enim est quae bonum facit habentem, ut dicitur in II Ethic. Sed virtus est homini a solo Deo, ipse enim eam facit in nobis sine nobis, ut supra dictum est in definitione virtutis. Ergo legis non est facere homines bonos.

Objection 2: Further, Law does not profit a man unless he obeys it. But the very fact that a man obeys a law is due to his being good. Therefore in man goodness is presupposed to the law. Therefore the law does not make men good.

[37509] Iª-IIae q. 92 a. 1 arg. 2 Praeterea, lex non prodest homini nisi legi obediat. Sed hoc ipsum quod homo obedit legi, est ex bonitate. Ergo bonitas praeexigitur in homine ad legem. Non igitur lex facit homines bonos.

Objection 3: Further, Law is ordained to the common good, as stated above (Q[90], A[2]). But some behave well in things regarding the community, who behave ill in things regarding themselves. Therefore it is not the business of the law to make men good.

[37510] Iª-IIae q. 92 a. 1 arg. 3 Praeterea, lex ordinatur ad bonum commune, ut supra dictum est. Sed quidam bene se habent in his quae ad commune pertinent, qui tamen in propriis non bene se habent. Non ergo ad legem pertinet quod faciat homines bonos.

Objection 4: Further, some laws are tyrannical, as the Philosopher says (Polit. iii, 6). But a tyrant does not intend the good of his subjects, but considers only his own profit. Therefore law does not make men good.

[37511] Iª-IIae q. 92 a. 1 arg. 4 Praeterea, quaedam leges sunt tyrannicae, ut philosophus dicit, in sua politica. Sed tyrannus non intendit ad bonitatem subditorum, sed solum ad propriam utilitatem. Non ergo legis est facere homines bonos.

On the contrary, The Philosopher says (Ethic. ii, 1) that the "intention of every lawgiver is to make good citizens."

[37512] Iª-IIae q. 92 a. 1 s. c. Sed contra est quod philosophus dicit, in II Ethic., quod *voluntas cuiuslibet legislatoris haec est, ut faciat cives bonos*.

I answer that, as stated above (Q[90], A[1], ad 2; AA[3],4), a law is nothing else than a dictate of reason in the ruler by whom his subjects are governed. Now the virtue of any subordinate thing consists in its being well subordinated to that by which it is regulated: thus we see that the virtue of the irascible and concupiscible faculties consists in their being obedient to reason; and accordingly "the virtue of every subject consists in his being well subjected to his ruler," as the Philosopher says (Polit. i). But every law aims at being obeyed by those who are subject to it. Consequently it is evident that the proper effect of law is to lead its subjects to their proper virtue: and since virtue is "that which makes its subject good," it follows that the proper effect of law is to make those to whom it is given, good, either simply or in some particular respect. For if the intention of the lawgiver is fixed on true good, which is the common good regulated according to Divine justice, it follows that the effect of the law is to make men good simply. If, however, the intention of the lawgiver is fixed on that which is not simply good, but useful or pleasurable to himself, or in opposition to Divine justice; then the law does not make men good simply, but in respect to that particular government. In this way good is found even in things that are bad of themselves: thus a man is called a good robber, because he works in a way that is adapted to his end.

[37513] Iª-IIae q. 92 a. 1 co. Respondeo dicendum quod, sicut supra dictum est, lex nihil aliud est quam dictamen rationis in praesidente, quo subditi gubernantur. Cuiuslibet autem subditi virtus est ut bene subdatur ei a quo gubernatur, sicut videmus quod virtus irascibilis et concupiscibilis in hoc consistit quod sint bene obedientes rationi. Et per hunc modum *virtus cuiuslibet subiecti est ut bene subiiciatur principanti*, ut philosophus dicit, in I Polit. Ad hoc autem ordinatur unaquaeque lex, ut obediatur ei a subditis. Unde manifestum est quod hoc sit proprium legis, inducere subiectos ad propriam ipsorum virtutem. Cum igitur virtus sit quae bonum facit habentem, sequitur quod proprius effectus legis sit bonos facere eos quibus datur, vel simpliciter vel secundum quid. Si enim intentio ferentis legem tendat in verum bonum, quod est bonum commune secundum iustitiam divinam regulatum, sequitur quod per legem homines fiant boni simpliciter. Si vero intentio legislatoris feratur ad id quod non est bonum simpliciter, sed utile vel delectabile sibi, vel repugnans iustitiae divinae; tunc lex non facit homines bonos simpliciter, sed secundum quid, scilicet in ordine ad tale regimen. Sic autem bonum invenitur etiam in per se malis, sicut aliquis dicitur bonus latro, quia operatur accommode ad finem.

Reply to Objection 1: Virtue is twofold, as explained above (Q[63], A[2]), viz. acquired and infused. Now the fact of being accustomed to an action contributes to both, but in different ways; for it causes the acquired virtue; while it disposes to infused virtue, and preserves and fosters it when it already exists. And since law is given for the purpose of directing human acts; as far as human acts conduce to virtue, so far does law make men good. Wherefore the Philosopher says in the second book of the Politics (Ethic. ii) that "lawgivers make men good by habituating them to good works."

[37514] Iª-IIae q. 92 a. 1 ad 1 Ad primum ergo dicendum quod duplex est virtus, ut ex supradictis patet, scilicet acquisita, et infusa. Ad utramque autem aliquid operatur operum assuetudo, sed diversimode, nam virtutem quidem acquisitam causat; ad virtutem autem infusam disponit, et eam iam habitam conservat et promovet. Et quia lex ad hoc datur ut dirigat actus humanos, inquantum actus humani operantur ad virtutem, intantum lex facit homines bonos. Unde et philosophus dicit, II Polit., quod *legislatores assuefacientes faciunt bonos*.

Reply to Objection 2: It is not always through perfect goodness of virtue that one obeys the law, but sometimes it is through fear of punishment, and sometimes from the mere dictates of reason,

[37515] Iª-IIae q. 92 a. 1 ad 2 Ad secundum dicendum quod non semper aliquis obedit legi ex bonitate perfecta virtutis, sed quandoque quidem ex timore poenae; quandoque autem ex solo

which is a beginning of virtue, as stated above (Q[63], A[1]).

dictamine rationis, quod est quoddam principium virtutis, ut supra habitum est.

Reply to Objection 3: The goodness of any part is considered in comparison with the whole; hence Augustine says (Confess. iii) that "unseemly is the part that harmonizes not with the whole." Since then every man is a part of the state, it is impossible that a man be good, unless he be well proportionate to the common good: nor can the whole be well consistent unless its parts be proportionate to it. Consequently the common good of the state cannot flourish, unless the citizens be virtuous, at least those whose business it is to govern. But it is enough for the good of the community, that the other citizens be so far virtuous that they obey the commands of their rulers. Hence the Philosopher says (Polit. ii, 2) that "the virtue of a sovereign is the same as that of a good man, but the virtue of any common citizen is not the same as that of a good man."

[37516] Iª-IIae q. 92 a. 1 ad 3 Ad tertium dicendum quod bonitas cuiuslibet partis consideratur in proportione ad suum totum, unde et Augustinus dicit, in III Confess., quod *turpis omnis pars est quae suo toti non congruit*. Cum igitur quilibet homo sit pars civitatis, impossibile est quod aliquis homo sit bonus, nisi sit bene proportionatus bono communi, nec totum potest bene consistere nisi ex partibus sibi proportionatis. Unde impossibile est quod bonum commune civitatis bene se habeat, nisi cives sint virtuosi, ad minus illi quibus convenit principari. Sufficit autem, quantum ad bonum communitatis, quod alii intantum sint virtuosi quod principum mandatis obediant. Et ideo philosophus dicit, in III Polit., quod *eadem est virtus principis et boni viri; non autem eadem est virtus cuiuscumque civis et boni viri*.

Reply to Objection 4: A tyrannical law, through not being according to reason, is not a law, absolutely speaking, but rather a perversion of law; and yet in so far as it is something in the nature of a law, it aims at the citizens' being good. For all it has in the nature of a law consists in its being an ordinance made by a superior to his subjects, and aims at being obeyed by them, which is to make them good, not simply, but with respect to that particular government.

[37517] Iª-IIae q. 92 a. 1 ad 4 Ad quartum dicendum quod lex tyrannica, cum non sit secundum rationem, non est simpliciter lex, sed magis est quaedam perversitas legis. Et tamen inquantum habet aliquid de ratione legis, intendit ad hoc quod cives sint boni. Non enim habet de ratione legis nisi secundum hoc quod est dictamen alicuius praesidentis in subditis, et ad hoc tendit ut subditi legi sint bene obedientes; quod est eos esse bonos, non simpliciter, sed in ordine ad tale regimen.

Q. 92. A. 2. Whether the acts of law are suitably assigned?

Objection 1: It would seem that the acts of law are not suitably assigned as consisting in "command," "prohibition," "permission" and "punishment." For "every law is a general precept," as the jurist states. But command and precept are the same. Therefore the other three are superfluous.

[37518] Iª-IIae q. 92 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod legis actus non sint convenienter assignati in hoc quod dicitur quod legis actus est imperare, vetare, permittere et punire. Lex enim omnis praeceptum commune est, ut legisconsultus dicit. Sed idem est imperare quod praecipere. Ergo alia tria superfluunt.

Objection 2: Further, the effect of a law is to induce its subjects to be good, as stated above (A[1]). But counsel aims at a higher good than a command does. Therefore it belongs to law to counsel rather than to command.

[37519] Iª-IIae q. 92 a. 2 arg. 2 Praeterea, effectus legis est ut inducat subditos ad bonum, sicut supra dictum est. Sed consilium est de meliori bono quam praeceptum. Ergo magis pertinet ad legem consulere quam praecipere.

Objection 3: Further, just as punishment stirs a man to good deeds, so does reward. Therefore if to punish is reckoned an effect of law, so also is to reward.

[37520] Iª-IIae q. 92 a. 2 arg. 3 Praeterea, sicut homo aliquis incitatur ad bonum per poenas, ita etiam et per praemia. Ergo sicut punire ponitur effectus legis, ita etiam et praemiare.

Objection 4: Further, the intention of a lawgiver is to make men good, as stated above (A[1]). But he that obeys the law, merely through fear of being punished, is not good: because "although a good deed may be done through servile fear, i.e. fear of punishment, it is not done well," as Augustine says (Contra duas Epist. Pelag. ii). Therefore punishment is not a proper effect of law.

[37521] Iª-IIae q. 92 a. 2 arg. 4 Praeterea, intentio legislatoris est ut homines faciat bonos, sicut supra dictum est. Sed ille qui solo metu poenarum obedit legi, non est bonus, nam *timore servili, qui est timor poenarum, etsi bonum aliquis faciat, non tamen bene aliquid fit*, ut Augustinus dicit. Non ergo videtur esse proprium legis quod puniat.

On the contrary, Isidore says (Etym. v, 19): "Every law either permits something, as: 'A brave man may demand his reward'": or forbids something, as: "No man may ask a consecrated virgin in marriage": or punishes, as: "Let him that commits a murder be put to death."

[37522] Iª-IIae q. 92 a. 2 s. c. Sed contra est quod Isidorus dicit, in V Etymol., *omnis lex aut permittit aliquid, ut, vir fortis praemium petat. Aut vetat, ut, sacrarum virginum nuptias nulli liceat petere. Aut punit, ut, qui caedem fecerit, capite plectatur*.

I answer that, Just as an assertion is a dictate of reason asserting something, so is a law a dictate of reason, commanding something. Now it is proper to reason to lead from one thing to another. Wherefore just as, in demonstrative sciences, the reason leads us from certain principles to assent to the conclusion, so it induces us by some means to assent to the precept of the law.

Now the precepts of law are concerned with human acts, in which the law directs, as stated above (Q[90], AA[1],2; Q[91], A[4]). Again there are three kinds of human acts: for, as stated above (Q[18], A[8]), some acts are good generically, viz. acts of virtue; and in respect of these the act of the law is a precept or command, for "the law commands all acts of virtue" (Ethic. v, 1). Some acts are evil generically, viz. acts of vice, and in respect of these the law forbids. Some acts are generically indifferent, and in respect of these the law permits; and all acts that are either not distinctly good or not distinctly bad may be called indifferent. And it is the fear of punishment that law makes use of in order to ensure obedience: in which respect punishment is an effect of law.

[37523] Iª-IIae q. 92 a. 2 co. Respondeo dicendum quod, sicut enuntiatio est rationis dictamen per modum enuntiandi, ita etiam lex per modum praecipiendi. Rationis autem proprium est ut ex aliquo ad aliquid inducat. Unde sicut in demonstrativis scientiis ratio inducit ut assentiatur conclusioni per quaedam principia, ita etiam inducit ut assentiatur legis praecepto per aliquid. Praecepta autem legis sunt de actibus humanis, in quibus lex dirigit, ut supra dictum est. Sunt autem tres differentiae humanorum actuum. Nam sicut supra dictum est, quidam actus sunt boni ex genere, qui sunt actus virtutum, et respectu horum, ponitur legis actus praecipere vel imperare; praecipit enim lex omnes actus virtutum, ut dicitur in V Ethic. Quidam vero sunt actus mali ex genere, sicut actus vitiosi, et respectu horum, lex habet prohibere. Quidam vero ex genere suo sunt actus indifferentes, et respectu horum, lex habet permittere. Et possunt etiam indifferentes dici omnes illi actus qui sunt vel parum boni vel parum mali. Id autem per quod inducit lex ad hoc quod sibi obediatur, est timor poenae, et quantum ad hoc, ponitur legis effectus punire.

Reply to Objection 1: Just as to cease from evil is a kind of good, so a prohibition is a kind of precept: and accordingly, taking precept in a wide sense, every law is a kind of precept.

[37524] Iª-IIae q. 92 a. 2 ad 1 Ad primum ergo dicendum quod, sicut cessare a malo habet quandam rationem boni, ita etiam prohibitio habet quandam rationem praecepti. Et secundum hoc, large accipiendo praeceptum, universaliter lex praeceptum dicitur.

Reply to Objection 2: To advise is not a proper act of law, but may be within the competency even of a private person, who cannot make a law. Wherefore too the Apostle, after giving a certain counsel (1 Cor. 7:12) says: "I speak, not the Lord." Consequently it is not reckoned as an effect of law.

[37525] Iª-IIae q. 92 a. 2 ad 2 Ad secundum dicendum quod consulere non est proprius actus legis, sed potest pertinere etiam ad personam privatam, cuius non est condere legem. Unde etiam apostolus, I ad Cor. VII, cum consilium quoddam daret, dixit, ego dico, non dominus. Et ideo non ponitur inter effectus legis.

Reply to Objection 3: To reward may also pertain to anyone: but to punish pertains to none but the framer of the law, by whose authority the pain is inflicted. Wherefore to reward is not reckoned an effect of law, but only to punish.

[37526] Iª-IIae q. 92 a. 2 ad 3 Ad tertium dicendum quod etiam praemiare potest ad quemlibet pertinere, sed punire non pertinet nisi ad ministrum legis, cuius auctoritate poena infertur. Et ideo praemiare non ponitur actus legis, sed solum punire.

Reply to Objection 4: From becoming accustomed to avoid evil and fulfill what is good, through fear of punishment, one is sometimes led on to do so likewise, with delight and of one's own accord. Accordingly, law, even by punishing, leads men on to being good.

[37527] Iª-IIae q. 92 a. 2 ad 4 Ad quartum dicendum quod per hoc quod aliquis incipit assuefieri ad vitandum mala et ad implendum bona propter metum poenae, perducitur quandoque ad hoc quod delectabiliter et ex propria voluntate hoc faciat. Et secundum hoc, lex etiam puniendo perducit ad hoc quod homines sint boni.

Q. 93. OF THE ETERNAL LAW (SIX ARTICLES)

We must now consider each law by itself; and (1) The eternal law; (2) The natural law; (3) The human law; (4) The old law; (5) The new law, which is the law of the Gospel. Of the sixth law which is the law of the "fomes," suffice what we have said when treating of original sin.

Concerning the first there are six points of inquiry:

(1) What is the eternal law?

(2) Whether it is known to all?

(3) Whether every law is derived from it?

(4) Whether necessary things are subject to the eternal law?

(5) Whether natural contingencies are subject to the eternal law?

(6) Whether all human things are subject to it?

[37528] Iª-IIae q. 93 pr. Deinde considerandum est de singulis legibus. Et primo, de lege aeterna; secundo, de lege naturali; tertio, de lege humana; quarto, de lege veteri; quinto, de lege nova, quae est lex Evangelii. De sexta autem lege, quae est lex fomitis, sufficiat quod dictum est cum de peccato originali ageretur. Circa primum quaeruntur sex. Primo, quid sit lex aeterna. Secundo, utrum sit omnibus nota. Tertio, utrum omnis lex ab ea derivetur. Quarto, utrum necessaria subiiciantur legi aeternae. Quinto, utrum contingentia naturalia subiiciantur legi aeternae. Sexto, utrum omnes res humanae ei subiiciantur.

Q. 93. A. 1. Whether the eternal law is a sovereign type [*Ratio] existing in God?

Objection 1: It would seem that the eternal law is not a sovereign type existing in God. For there is only one eternal law. But there are many types of things in the Divine mind; for Augustine says (Qq. lxxxiii, qu. 46) that God "made each thing according to its type." Therefore the eternal law does not seem to be a type existing in the Divine mind.

[37529] Iª-IIae q. 93 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex aeterna non sit ratio summa in Deo existens. Lex enim aeterna est una tantum. Sed rationes rerum in mente divina sunt plures, dicit enim Augustinus, in libro octoginta trium quaest., quod *Deus singula fecit propriis rationibus*. Ergo lex aeterna non videtur esse idem quod ratio in mente divina existens.

Objection 2: Further, it is essential to a law that it be promulgated by word, as stated above (Q[90], A[4]). But Word is a Personal name in God, as stated in the FP, Q[34], A[1]: whereas type refers to the Essence. Therefore the eternal law is not the same as a Divine type.

[37530] Iª-IIae q. 93 a. 1 arg. 2 Praeterea, de ratione legis est quod verbo promulgetur, ut supra dictum est. Sed verbum in divinis dicitur personaliter, ut in primo habitum est, ratio autem dicitur essentialiter. Non igitur idem est lex aeterna quod ratio divina.

Objection 3: Further, Augustine says (De Vera Relig. xxx): "We see a law above our minds, which is called truth." But the law which is above our minds is the eternal law. Therefore truth is the eternal law. But the idea of truth is not the same as the idea of a type. Therefore the eternal law is not the same as the sovereign type.

[37531] Iª-IIae q. 93 a. 1 arg. 3 Praeterea, Augustinus dicit, in libro de vera Relig., *apparet supra mentem nostram legem esse, quae veritas dicitur*. Lex autem supra mentem nostram existens est lex aeterna. Ergo veritas est lex aeterna. Sed non est eadem ratio veritatis et rationis. Ergo lex aeterna non est idem quod ratio

summa.

On the contrary, Augustine says (De Lib. Arb. i, 6) that "the eternal law is the sovereign type, to which we must always conform."

[37532] Iª-IIae q. 93 a. 1 s. c. Sed contra est quod Augustinus dicit, in I de Lib. Arb., quod *lex aeterna est summa ratio, cui semper obtemperandum est*.

I answer that, Just as in every artificer there pre-exists a type of the things that are made by his art, so too in every governor there must pre-exist the type of the order of those things that are to be done by those who are subject to his government. And just as the type of the things yet to be made by an art is called the art or exemplar of the products of that art, so too the type in him who governs the acts of his subjects, bears the character of a law, provided the other conditions be present which we have mentioned above (Q[90]). Now God, by His wisdom, is the Creator of all things in relation to which He stands as the artificer to the products of his art, as stated in the FP, Q[14], A[8]. Moreover He governs all the acts and movements that are to be found in each single creature, as was also stated in the FP, Q[103], A[5]. Wherefore as the type of the Divine Wisdom, inasmuch as by It all things are created, has the character of art, exemplar or idea; so the type of Divine Wisdom, as moving all things to their due end, bears the character of law. Accordingly the eternal law is nothing else than the type of Divine Wisdom, as directing all actions and movements.

[37533] Iª-IIae q. 93 a. 1 co. Respondeo dicendum quod, sicut in quolibet artifice praeexistit ratio eorum quae constituuntur per artem, ita etiam in quolibet gubernante oportet quod praeexistat ratio ordinis eorum quae agenda sunt per eos qui gubernationi subduntur. Et sicut ratio rerum fiendarum per artem vocatur ars vel exemplar rerum artificiatarum, ita etiam ratio gubernantis actus subditorum, rationem legis obtinet, servatis aliis quae supra esse diximus de legis ratione. Deus autem per suam sapientiam conditor est universarum rerum, ad quas comparatur sicut artifex ad artificiata, ut in primo habitum est. Est etiam gubernator omnium actuum et motionum quae inveniuntur in singulis creaturis, ut etiam in primo habitum est. Unde sicut ratio divinae sapientiae inquantum per eam cuncta sunt creata, rationem habet artis vel exemplaris vel ideae; ita ratio divinae sapientiae moventis omnia ad debitum finem, obtinet rationem legis. Et secundum hoc, lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva omnium actuum et motionum.

Reply to Objection 1: Augustine is speaking in that passage of the ideal types which regard the proper nature of each single thing; and consequently in them there is a certain distinction and plurality, according to their different relations to things, as stated in the FP, Q[15], A[2]. But law is said to direct human acts by ordaining them to the common good, as stated above (Q[90], A[2]). And things, which are in themselves different, may be considered as one, according as they are ordained to one common thing. Wherefore the eternal law is one since it is the type of this order.

[37534] Iª-IIae q. 93 a. 1 ad 1 Ad primum ergo dicendum quod Augustinus loquitur ibi de rationibus idealibus, quae respiciunt proprias naturas singularum rerum, et ideo in eis invenitur quaedam distinctio et pluralitas, secundum diversos respectus ad res, ut in primo habitum est. Sed lex dicitur directiva actuum in ordine ad bonum commune, ut supra dictum est. Ea autem quae sunt in seipsis diversa, considerantur ut unum, secundum quod ordinantur ad aliquod commune. Et ideo lex aeterna est una, quae est ratio huius ordinis.

Reply to Objection 2: With regard to any sort of word, two points may be considered: viz. the word itself, and that which is expressed by the

[37535] Iª-IIae q. 93 a. 1 ad 2 Ad secundum dicendum quod circa verbum quodcumque duo possunt considerari, scilicet ipsum verbum, et ea

word. For the spoken word is something uttered by the mouth of man, and expresses that which is signified by the human word. The same applies to the human mental word, which is nothing else that something conceived by the mind, by which man expresses his thoughts mentally. So then in God the Word conceived by the intellect of the Father is the name of a Person: but all things that are in the Father's knowledge, whether they refer to the Essence or to the Persons, or to the works of God, are expressed by this Word, as Augustine declares (De Trin. xv, 14). And among other things expressed by this Word, the eternal law itself is expressed thereby. Nor does it follow that the eternal law is a Personal name in God: yet it is appropriated to the Son, on account of the kinship between type and word.

quae verbo exprimuntur. Verbum enim vocale est quiddam ab ore hominis prolatum; sed hoc verbo exprimuntur quae verbis humanis significantur. Et eadem ratio est de verbo hominis mentali, quod nihil est aliud quam quiddam mente conceptum, quo homo exprimit mentaliter ea de quibus cogitat. Sic igitur in divinis ipsum verbum, quod est conceptio paterni intellectus, personaliter dicitur, sed omnia quaecumque sunt in scientia patris, sive essentialia sive personalia, sive etiam Dei opera exprimuntur hoc verbo, ut patet per Augustinum, in XV de Trin. Et inter cetera quae hoc verbo exprimuntur, etiam ipsa lex aeterna verbo ipso exprimitur. Nec tamen propter hoc sequitur quod lex aeterna personaliter in divinis dicatur. Appropriatur tamen filio, propter convenientiam quam habet ratio ad verbum.

Reply to Objection 3: The types of the Divine intellect do not stand in the same relation to things, as the types of the human intellect. For the human intellect is measured by things, so that a human concept is not true by reason of itself, but by reason of its being consonant with things, since "an opinion is true or false according as it answers to the reality." But the Divine intellect is the measure of things: since each thing has so far truth in it, as it represents the Divine intellect, as was stated in the FP, Q[16], A[1]. Consequently the Divine intellect is true in itself; and its type is truth itself.

[37536] Iª-IIae q. 93 a. 1 ad 3 Ad tertium dicendum quod ratio intellectus divini aliter se habet ad res quam ratio intellectus humani. Intellectus enim humanus est mensuratus a rebus, ut scilicet conceptus hominis non sit verus propter seipsum, sed dicitur verus ex hoc quod consonat rebus, ex hoc enim quod res est vel non est, opinio vera vel falsa est. Intellectus vero divinus est mensura rerum, quia unaquaeque res intantum habet de veritate, inquantum imitatur intellectum divinum, ut in primo dictum est. Et ideo intellectus divinus est verus secundum se. Unde ratio eius est ipsa veritas.

Q. 93. A. 2. Whether the eternal law is known to all?

Objection 1: It would seem that the eternal law is not known to all. Because, as the Apostle says (1 Cor. 2:11), "the things that are of God no man knoweth, but the Spirit of God." But the eternal law is a type existing in the Divine mind. Therefore it is unknown to all save God alone.

[37537] Iª-IIae q. 93 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod lex aeterna non sit omnibus nota. Quia ut dicit apostolus, I ad Cor., *quae sunt Dei, nemo novit nisi spiritus Dei*. Sed lex aeterna est quaedam ratio in mente divina existens. Ergo omnibus est ignota nisi soli Deo.

Objection 2: Further, as Augustine says (De Lib. Arb. i, 6) "the eternal law is that by which it is right that all things should be most orderly." But all do not know how all things are most orderly. Therefore all do not know the eternal law.

[37538] Iª-IIae q. 93 a. 2 arg. 2 Praeterea, sicut Augustinus dicit, in libro de Lib. Arb., *lex aeterna est qua iustum est ut omnia sint ordinatissima*. Sed non omnes cognoscunt qualiter omnia sint ordinatissima. Non ergo omnes cognoscunt legem aeternam.

Objection 3: Further, Augustine says (De Vera

[37539] Iª-IIae q. 93 a. 2 arg. 3 Praeterea,

Relig. xxxi) that "the eternal law is not subject to the judgment of man." But according to Ethic. i, "any man can judge well of what he knows." Therefore the eternal law is not known to us.

Augustinus dicit, in libro de vera Relig., quod *lex aeterna est de qua homines iudicare non possunt*. Sed sicut in I Ethic. dicitur, *unusquisque bene iudicat quae cognoscit*. Ergo lex aeterna non est nobis nota.

On the contrary, Augustine says (De Lib. Arb. i, 6) that "knowledge of the eternal law is imprinted on us."

[37540] Iª-IIae q. 93 a. 2 s. c. Sed contra est quod Augustinus dicit, in libro de Lib. Arb., quod *aeternae legis notio nobis impressa est*.

I answer that, A thing may be known in two ways: first, in itself; secondly, in its effect, wherein some likeness of that thing is found: thus someone not seeing the sun in its substance, may know it by its rays. So then no one can know the eternal law, as it is in itself, except the blessed who see God in His Essence. But every rational creature knows it in its reflection, greater or less. For every knowledge of truth is a kind of reflection and participation of the eternal law, which is the unchangeable truth, as Augustine says (De Vera Relig. xxxi). Now all men know the truth to a certain extent, at least as to the common principles of the natural law: and as to the others, they partake of the knowledge of truth, some more, some less; and in this respect are more or less cognizant of the eternal law.

[37541] Iª-IIae q. 93 a. 2 co. Respondeo dicendum quod dupliciter aliquid cognosci potest, uno modo, in seipso; alio modo, in suo effectu, in quo aliqua similitudo eius invenitur; sicut aliquis non videns solem in sua substantia, cognoscit ipsum in sua irradiatione. Sic igitur dicendum est quod legem aeternam nullus potest cognoscere secundum quod in seipsa est, nisi solum beati, qui Deum per essentiam vident. Sed omnis creatura rationalis ipsam cognoscit secundum aliquam eius irradiationem, vel maiorem vel minorem. Omnis enim cognitio veritatis est quaedam irradiatio et participatio legis aeternae, quae est veritas incommutabilis, ut Augustinus dicit, in libro de vera Relig. Veritatem autem omnes aliqualiter cognoscunt, ad minus quantum ad principia communia legis naturalis. In aliis vero quidam plus et quidam minus participant de cognitione veritatis; et secundum hoc etiam plus vel minus cognoscunt legem aeternam.

Reply to Objection 1: We cannot know the things that are of God, as they are in themselves; but they are made known to us in their effects, according to Rom. 1:20: "The invisible things of God . . . are clearly seen, being understood by the things that are made."

[37542] Iª-IIae q. 93 a. 2 ad 1 Ad primum ergo dicendum quod ea quae sunt Dei, in seipsis quidem cognosci a nobis non possunt, sed tamen in effectibus suis nobis manifestantur, secundum illud Rom. I, *invisibilia Dei per ea quae facta sunt, intellecta, conspiciuntur*.

Reply to Objection 2: Although each one knows the eternal law according to his own capacity, in the way explained above, yet none can comprehend it: for it cannot be made perfectly known by its effects. Therefore it does not follow that anyone who knows the eternal law in the way aforesaid, knows also the whole order of things, whereby they are most orderly.

[37543] Iª-IIae q. 93 a. 2 ad 2 Ad secundum dicendum quod legem aeternam etsi unusquisque cognoscat pro sua capacitate, secundum modum praedictum, nullus tamen eam comprehendere potest, non enim totaliter manifestari potest per suos effectus. Et ideo non oportet quod quicumque cognoscit legem aeternam secundum modum praedictum, cognoscat totum ordinem rerum, quo omnia sunt ordinatissima.

Reply to Objection 3: To judge a thing may be understood in two ways. First, as when a cognitive power judges of its proper object, according to Job 12:11: "Doth not the ear discern words, and the palate of him that eateth, the taste?" It is to this kind of judgment that the Philosopher alludes when he says that "anyone can judge well of what he knows," by judging, namely, whether what is put forward is true. In another way we speak of a superior judging of a subordinate by a kind of practical judgment, as to whether he should be such and such or not. And thus none can judge of the eternal law.

[37544] Iª-IIae q. 93 a. 2 ad 3 Ad tertium dicendum quod iudicare de aliquo potest intelligi dupliciter. Uno modo, sicut vis cognitiva diiudicat de proprio obiecto; secundum illud Iob XII, *nonne auris verba diiudicat, et fauces comedentis saporem?* Et secundum istum modum iudicii, philosophus dicit quod unusquisque bene iudicat quae cognoscit, iudicando scilicet an sit verum quod proponitur. Alio modo, secundum quod superior iudicat de inferiori quodam practico iudicio, an scilicet ita debeat esse vel non ita. Et sic nullus potest iudicare de lege aeterna.

Q. 93. A. 3. Whether every law is derived from the eternal law?

Objection 1: It would seem that not every law is derived from the eternal law. For there is a law of the "fomes," as stated above (Q[91], A[6]), which is not derived from that Divine law which is the eternal law, since thereunto pertains the "prudence of the flesh," of which the Apostle says (Rom. 8:7), that "it cannot be subject to the law of God." Therefore not every law is derived from the eternal law.

[37545] Iª-IIae q. 93 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod non omnis lex a lege aeterna derivetur. Est enim quaedam lex fomitis, ut supra dictum est. Ipsa autem non derivatur a lege divina, quae est lex aeterna, ad ipsam enim pertinet prudentia carnis, de qua apostolus dicit, ad Rom. VIII, quod *legi Dei non potest esse subiecta*. Ergo non omnis lex procedit a lege aeterna.

Objection 2: Further, nothing unjust can be derived from the eternal law, because, as stated above (A[2], OBJ[2]), "the eternal law is that, according to which it is right that all things should be most orderly." But some laws are unjust, according to Is. 10:1: "Woe to them that make wicked laws." Therefore not every law is derived from the eternal law.

[37546] Iª-IIae q. 93 a. 3 arg. 2 Praeterea, a lege aeterna nihil iniquum procedere potest, quia sicut dictum est, lex aeterna est secundum quam iustum est ut omnia sint ordinatissima. Sed quaedam leges sunt iniquae; secundum illud Isaiae X, *vae qui condunt leges iniquas*. Ergo non omnis lex procedit a lege aeterna.

Objection 3: Further, Augustine says (De Lib. Arb. i, 5) that "the law which is framed for ruling the people, rightly permits many things which are punished by Divine providence." But the type of Divine providence is the eternal law, as stated above (A[1]). Therefore not even every good law is derived from the eternal law.

[37547] Iª-IIae q. 93 a. 3 arg. 3 Praeterea, Augustinus dicit, in I de Lib. Arbit., quod *lex quae populo regendo scribitur, recte multa permittit quae per divinam providentiam vindicantur*. Sed ratio divinae providentiae est lex aeterna, ut dictum est. Ergo nec etiam omnis lex recta procedit a lege aeterna.

On the contrary, Divine Wisdom says (Prov. 8:15): "By Me kings reign, and lawgivers decree just things." But the type of Divine Wisdom is the eternal law, as stated above (A[1]). Therefore all laws proceed from the eternal law.

[37548] Iª-IIae q. 93 a. 3 s. c. Sed contra est quod, Prov. VIII, divina sapientia dicit, *per me reges regnant, et legum conditores iusta decernunt*. Ratio autem divinae sapientiae est lex aeterna, ut supra dictum est. Ergo omnes leges a lege aeterna procedunt.

I answer that, As stated above (Q[90], AA[1],2), the law denotes a kind of plan directing acts towards an end. Now wherever there are movers ordained to one another, the power of the second mover must needs be derived from the power of the first mover; since the second mover does not move except in so far as it is moved by the first. Wherefore we observe the same in all those who govern, so that the plan of government is derived by secondary governors from the governor in chief; thus the plan of what is to be done in a state flows from the king's command to his inferior administrators: and again in things of art the plan of whatever is to be done by art flows from the chief craftsman to the under-crafts-men, who work with their hands. Since then the eternal law is the plan of government in the Chief Governor, all the plans of government in the inferior governors must be derived from the eternal law. But these plans of inferior governors are all other laws besides the eternal law. Therefore all laws, in so far as they partake of right reason, are derived from the eternal law. Hence Augustine says (De Lib. Arb. i, 6) that "in temporal law there is nothing just and lawful, but what man has drawn from the eternal law."

[37549] Iª-IIae q. 93 a. 3 co. Respondeo dicendum quod, sicut supra dictum est, lex importat rationem quandam directivam actuum ad finem. In omnibus autem moventibus ordinatis oportet quod virtus secundi moventis derivetur a virtute moventis primi, quia movens secundum non movet nisi inquantum movetur a primo. Unde et in omnibus gubernantibus idem videmus, quod ratio gubernationis a primo gubernante ad secundos derivatur, sicut ratio eorum quae sunt agenda in civitate, derivatur a rege per praeceptum in inferiores administratores. Et in artificialibus etiam ratio artificialium actuum derivatur ab architectore ad inferiores artifices, qui manu operantur. Cum ergo lex aeterna sit ratio gubernationis in supremo gubernante, necesse est quod omnes rationes gubernationis quae sunt in inferioribus gubernantibus, a lege aeterna deriventur. Huiusmodi autem rationes inferiorum gubernantium sunt quaecumque aliae leges praeter legem aeternam. Unde omnes leges, inquantum participant de ratione recta, intantum derivantur a lege aeterna. Et propter hoc Augustinus dicit, in I de Lib. Arb., quod *in temporali lege nihil est iustum ac legitimum, quod non ex lege aeterna homines sibi derivaverunt*.

Reply to Objection 1: The "fomes" has the nature of law in man, in so far as it is a punishment resulting from Divine justice; and in this respect it is evident that it is derived from the eternal law. But in so far as it denotes a proneness to sin, it is contrary to the Divine law, and has not the nature of law, as stated above (Q[91], A[6]).

[37550] Iª-IIae q. 93 a. 3 ad 1 Ad primum ergo dicendum quod fomes habet rationem legis in homine, inquantum est poena consequens divinam iustitiam, et secundum hoc manifestum est quod derivatur a lege aeterna. Inquantum vero inclinat ad peccatum, sic contrariatur legi Dei, et non habet rationem legis, ut ex supradictis patet.

Reply to Objection 2: Human law has the nature of law in so far as it partakes of right reason; and it is clear that, in this respect, it is derived from the eternal law. But in so far as it deviates from reason, it is called an unjust law, and has the nature, not of law but of violence. Nevertheless even an unjust law, in so far as it retains some appearance of law, though being framed by one who is in power, is derived from the eternal law; since all power is from the Lord God, according to Rom. 13:1.

[37551] Iª-IIae q. 93 a. 3 ad 2 Ad secundum dicendum quod lex humana intantum habet rationem legis, inquantum est secundum rationem rectam, et secundum hoc manifestum est quod a lege aeterna derivatur. Inquantum vero a ratione recedit, sic dicitur lex iniqua, et sic non habet rationem legis, sed magis violentiae cuiusdam. Et tamen in ipsa lege iniqua inquantum servatur aliquid de similitudine legis propter ordinem potestatis eius qui legem fert, secundum hoc etiam derivatur a lege aeterna, omnis enim potestas a domino Deo est, ut dicitur Rom. XIII.

Reply to Objection 3: Human law is said to permit certain things, not as approving them, but

[37552] Iª-IIae q. 93 a. 3 ad 3 Ad tertium dicendum quod lex humana dicitur aliqua

as being unable to direct them. And many things are directed by the Divine law, which human law is unable to direct, because more things are subject to a higher than to a lower cause. Hence the very fact that human law does not meddle with matters it cannot direct, comes under the ordination of the eternal law. It would be different, were human law to sanction what the eternal law condemns. Consequently it does not follow that human law is not derived from the eternal law, but that it is not on a perfect equality with it.

permittere, non quasi ea approbans, sed quasi ea dirigere non potens. Multa autem diriguntur lege divina quae dirigi non possunt lege humana, plura enim subduntur causae superiori quam inferiori. Unde hoc ipsum quod lex humana non se intromittat de his quae dirigere non potest, ex ordine legis aeternae provenit. Secus autem esset si approbaret ea quae lex aeterna reprobat. Unde ex hoc non habetur quod lex humana non derivetur a lege aeterna, sed quod non perfecte eam assequi possit.

Q. 93. A. 4. Whether necessary and eternal things are subject to the eternal law?

Objection 1: It would seem that necessary and eternal things are subject to the eternal law. For whatever is reasonable is subject to reason. But the Divine will is reasonable, for it is just. Therefore it is subject to (the Divine) reason. But the eternal law is the Divine reason. Therefore God's will is subject to the eternal law. But God's will is eternal. Therefore eternal and necessary things are subject to the eternal law.

[37553] Iª-IIae q. 93 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod necessaria et aeterna subiiciantur legi aeternae. Omne enim quod rationabile est, rationi subditur. Sed voluntas divina est rationabilis, cum sit iusta. Ergo rationi subditur. Sed lex aeterna est ratio divina. Ergo voluntas Dei subditur legi aeternae. Voluntas autem Dei est aliquod aeternum. Ergo etiam aeterna et necessaria legi aeternae subduntur.

Objection 2: Further, whatever is subject to the King, is subject to the King's law. Now the Son, according to 1 Cor. 15:28,24, "shall be subject . . . to God and the Father . . . when He shall have delivered up the Kingdom to Him." Therefore the Son, Who is eternal, is subject to the eternal law.

[37554] Iª-IIae q. 93 a. 4 arg. 2 Praeterea, quidquid subiicitur regi, subiicitur legi regis. *Filius autem*, ut dicitur I ad Cor. XV, *subiectus erit Deo et patri, cum tradiderit ei regnum*. Ergo filius, qui est aeternus, subiicitur legi aeternae.

Objection 3: Further, the eternal law is Divine providence as a type. But many necessary things are subject to Divine providence: for instance, the stability of incorporeal substances and of the heavenly bodies. Therefore even necessary things are subject to the eternal law.

[37555] Iª-IIae q. 93 a. 4 arg. 3 Praeterea, lex aeterna est ratio divinae providentiae. Sed multa necessaria subduntur divinae providentiae, sicut permanentia substantiarum incorporalium et corporum caelestium. Ergo legi aeternae subduntur etiam necessaria.

On the contrary, Things that are necessary cannot be otherwise, and consequently need no restraining. But laws are imposed on men, in order to restrain them from evil, as explained above (Q[92], A[2]). Therefore necessary things are not subject to the eternal law.

[37556] Iª-IIae q. 93 a. 4 s. c. Sed contra, ea quae sunt necessaria, impossibile est aliter se habere, unde cohibitione non indigent. Sed imponitur hominibus lex ut cohibeantur a malis, ut ex supradictis patet. Ergo ea quae sunt necessaria, legi non subduntur.

I answer that, As stated above (A[1]), the eternal law is the type of the Divine government.

[37557] Iª-IIae q. 93 a. 4 co. Respondeo dicendum quod, sicut supra dictum est, lex aeterna est ratio

Consequently whatever is subject to the Divine government, is subject to the eternal law: while if anything is not subject to the Divine government, neither is it subject to the eternal law. The application of this distinction may be gathered by looking around us. For those things are subject to human government, which can be done by man; but what pertains to the nature of man is not subject to human government; for instance, that he should have a soul, hands, or feet. Accordingly all that is in things created by God, whether it be contingent or necessary, is subject to the eternal law: while things pertaining to the Divine Nature or Essence are not subject to the eternal law, but are the eternal law itself.

divinae gubernationis. Quaecumque ergo divinae gubernationi subduntur, subiiciuntur etiam legi aeternae, quae vero gubernationi aeternae non subduntur, neque legi aeternae subduntur. Horum autem distinctio attendi potest ex his quae circa nos sunt. Humanae enim gubernationi subduntur ea quae per homines fieri possunt, quae vero ad naturam hominis pertinent, non subduntur gubernationi humanae, scilicet quod homo habeat animam, vel manus aut pedes. Sic igitur legi aeternae subduntur omnia quae sunt in rebus a Deo creatis, sive sint contingentia sive sint necessaria, ea vero quae pertinent ad naturam vel essentiam divinam, legi aeternae non subduntur, sed sunt realiter ipsa lex aeterna.

Reply to Objection 1: We may speak of God's will in two ways. First, as to the will itself: and thus, since God's will is His very Essence, it is subject neither to the Divine government, nor to the eternal law, but is the same thing as the eternal law. Secondly, we may speak of God's will, as to the things themselves that God wills about creatures; which things are subject to the eternal law, in so far as they are planned by Divine Wisdom. In reference to these things God's will is said to be reasonable [rationalis]: though regarded in itself it should rather be called their type [ratio].

[37558] Iª-IIae q. 93 a. 4 ad 1 Ad primum ergo dicendum quod de voluntate Dei dupliciter possumus loqui. Uno modo, quantum ad ipsam voluntatem, et sic, cum voluntas Dei sit ipsa eius essentia, non subditur gubernationi divinae neque legi aeternae, sed est idem quod lex aeterna. Alio modo possumus loqui de voluntate divina quantum ad ipsa quae Deus vult circa creaturas, quae quidem subiecta sunt legi aeternae, inquantum horum ratio est in divina sapientia. Et ratione horum, voluntas Dei dicitur rationabilis. Alioquin, ratione sui ipsius, magis est dicenda ipsa ratio.

Reply to Objection 2: God the Son was not made by God, but was naturally born of God. Consequently He is not subject to Divine providence or to the eternal law: but rather is Himself the eternal law by a kind of appropriation, as Augustine explains (De Vera Relig. xxxi). But He is said to be subject to the Father by reason of His human nature, in respect of which also the Father is said to be greater than He.

[37559] Iª-IIae q. 93 a. 4 ad 2 Ad secundum dicendum quod filius Dei non est a Deo factus, sed naturaliter ab ipso genitus. Et ideo non subditur divinae providentiae aut legi aeternae, sed magis ipse est lex aeterna per quandam appropriationem, ut patet per Augustinum, in libro de vera Relig. Dicitur autem esse subiectus patri ratione humanae naturae, secundum quam etiam pater dicitur esse maior eo.

The third objection we grant, because it deals with those necessary things that are created.

[37560] Iª-IIae q. 93 a. 4 ad 3 Tertium concedimus, quia procedit de necessariis creatis.

Reply to Objection 4: As the Philosopher says (Metaph. v, text. 6), some necessary things have a cause of their necessity: and thus they derive from something else the fact that they cannot be otherwise. And this is in itself a most effective

[37561] Iª-IIae q. 93 a. 4 ad 4 Ad quartum dicendum quod, sicut philosophus dicit, in V Metaphys., quaedam necessaria habent causam suae necessitatis, et sic hoc ipsum quod impossibile est ea aliter esse, habent ab alio. Et

restraint; for whatever is restrained, is said to be restrained in so far as it cannot do otherwise than it is allowed to.

hoc ipsum est cohibitio quaedam efficacissima, nam quaecumque cohibentur, intantum cohiberi dicuntur, inquantum non possunt aliter facere quam de eis disponatur.

Q. 93. A. 5. Whether natural contingents are subject to the eternal law?

Objection 1: It would seem that natural contingents are not subject to the eternal law. Because promulgation is essential to law, as stated above (Q[90], A[4]). But a law cannot be promulgated except to rational creatures, to whom it is possible to make an announcement. Therefore none but rational creatures are subject to the eternal law; and consequently natural contingents are not.

[37562] Iª-IIae q. 93 a. 5 arg. 1 Ad quintum sic proceditur. Videtur quod naturalia contingentia non subsint legi aeternae. Promulgatio enim est de ratione legis, ut supra dictum est. Sed promulgatio non potest fieri nisi ad creaturas rationales, quibus potest aliquid denuntiari. Ergo solae creaturae rationales subsunt legi aeternae. Non ergo naturalia contingentia.

Objection 2: Further, "Whatever obeys reason partakes somewhat of reason," as stated in Ethic. i. But the eternal law, is the supreme type, as stated above (A[1]). Since then natural contingents do not partake of reason in any way, but are altogether void of reason, it seems that they are not subject to the eternal law.

[37563] Iª-IIae q. 93 a. 5 arg. 2 Praeterea, ea quae obediunt rationi, participant aliqualiter ratione, ut dicitur in I Ethic. Lex autem aeterna est ratio summa, ut supra dictum est. Cum igitur naturalia contingentia non participent aliqualiter ratione, sed penitus sint irrationabilia, videtur quod non subsint legi aeternae.

Objection 3: Further, the eternal law is most efficient. But in natural contingents defects occur. Therefore they are not subject to the eternal law.

[37564] Iª-IIae q. 93 a. 5 arg. 3 Praeterea, lex aeterna est efficacissima. Sed in naturalibus contingentibus accidit defectus. Non ergo subsunt legi aeternae.

On the contrary, It is written (Prov. 8:29): "When He compassed the sea with its bounds, and set a law to the waters, that they should not pass their limits."

[37565] Iª-IIae q. 93 a. 5 s. c. Sed contra est quod dicitur Prov. VIII, *quando circumdabat mari terminum suum, et legem ponebat aquis ne transirent fines suos*.

I answer that, We must speak otherwise of the law of man, than of the eternal law which is the law of God. For the law of man extends only to rational creatures subject to man. The reason of this is because law directs the actions of those that are subject to the government of someone: wherefore, properly speaking, none imposes a law on his own actions. Now whatever is done regarding the use of irrational things subject to man, is done by the act of man himself moving those things, for these irrational creatures do not move themselves, but are moved by others, as stated above (Q[1], A[2]). Consequently man

[37566] Iª-IIae q. 93 a. 5 co. Respondeo dicendum quod aliter dicendum est de lege hominis, et aliter de lege aeterna, quae est lex Dei. Lex enim hominis non se extendit nisi ad creaturas rationales quae homini subiiciuntur. Cuius ratio est quia lex est directiva actuum qui conveniunt subiectis gubernationi alicuius, unde nullus, proprie loquendo, suis actibus legem imponit. Quaecumque autem aguntur circa usum rerum irrationalium homini subditarum, aguntur per actum ipsius hominis moventis huiusmodi res, nam huiusmodi irrationales creaturae non agunt seipsas, sed ab aliis aguntur, ut supra habitum est.

cannot impose laws on irrational beings, however much they may be subject to him. But he can impose laws on rational beings subject to him, in so far as by his command or pronouncement of any kind, he imprints on their minds a rule which is a principle of action.

Now just as man, by such pronouncement, impresses a kind of inward principle of action on the man that is subject to him, so God imprints on the whole of nature the principles of its proper actions. And so, in this way, God is said to command the whole of nature, according to Ps. 148:6: "He hath made a decree, and it shall not pass away." And thus all actions and movements of the whole of nature are subject to the eternal law. Consequently irrational creatures are subject to the eternal law, through being moved by Divine providence; but not, as rational creatures are, through understanding the Divine commandment.

Et ideo rebus irrationalibus homo legem imponere non potest, quantumcumque ei subiiciantur. Rebus autem rationalibus sibi subiectis potest imponere legem, inquantum suo praecepto, vel denuntiatione quacumque, imprimit menti earum quandam regulam quae est principium agendi. Sicut autem homo imprimit, denuntiando, quoddam interius principium actuum homini sibi subiecto, ita etiam Deus imprimit toti naturae principia propriorum actuum. Et ideo per hunc modum dicitur Deus praecipere toti naturae; secundum illud Psalmi CXLVIII, *praeceptum posuit, et non praeteribit*. Et per hanc etiam rationem omnes motus et actiones totius naturae legi aeternae subduntur. Unde alio modo creaturae irrationales subduntur legi aeternae, inquantum moventur a divina providentia, non autem per intellectum divini praecepti, sicut creaturae rationales.

Reply to Objection 1: The impression of an inward active principle is to natural things, what the promulgation of law is to men: because law, by being promulgated, imprints on man a directive principle of human actions, as stated above.

[37567] Iª-IIae q. 93 a. 5 ad 1 Ad primum ergo dicendum quod hoc modo se habet impressio activi principii intrinseci, quantum ad res naturales, sicut se habet promulgatio legis quantum ad homines, quia per legis promulgationem imprimitur hominibus quoddam directivum principium humanorum actuum, ut dictum est.

Reply to Objection 2: Irrational creatures neither partake of nor are obedient to human reason: whereas they do partake of the Divine Reason by obeying it; because the power of Divine Reason extends over more things than human reason does. And as the members of the human body are moved at the command of reason, and yet do not partake of reason, since they have no apprehension subordinate to reason; so too irrational creatures are moved by God, without, on that account, being rational.

[37568] Iª-IIae q. 93 a. 5 ad 2 Ad secundum dicendum quod creaturae irrationales non participant ratione humana, nec ei obediunt, participant tamen, per modum obedientiae, ratione divina. Ad plura enim se extendit virtus rationis divinae quam virtus rationis humanae. Et sicut membra corporis humani moventur ad imperium rationis, non tamen participant ratione, quia non habent aliquam apprehensionem ordinatam ad rationem; ita etiam creaturae irrationales moventur a Deo, nec tamen propter hoc sunt rationales.

Reply to Objection 3: Although the defects which occur in natural things are outside the order of particular causes, they are not outside the order of universal causes, especially of the First Cause, i.e. God, from Whose providence nothing can escape, as stated in the FP, Q[22], A[2]. And since the eternal law is the type of Divine providence,

[37569] Iª-IIae q. 93 a. 5 ad 3 Ad tertium dicendum quod defectus qui accidunt in rebus naturalibus, quamvis sint praeter ordinem causarum particularium, non tamen sunt praeter ordinem causarum universalium; et praecipue causae primae, quae Deus est, cuius providentiam nihil subterfugere potest, ut in primo dictum est.

as stated above (A[1]), hence the defects of natural things are subject to the eternal law.

Et quia lex aeterna est ratio divinae providentiae, ut dictum est, ideo defectus rerum naturalium legi aeternae subduntur.

Q. 93. A. 6. Whether all human affairs are subject to the eternal law?

Objection 1: It would seem that not all human affairs are subject to the eternal law. For the Apostle says (Gal. 5:18): "If you are led by the spirit you are not under the law." But the righteous who are the sons of God by adoption, are led by the spirit of God, according to Rom. 8:14: "Whosoever are led by the spirit of God, they are the sons of God." Therefore not all men are under the eternal law.

[37570] Iª-IIae q. 93 a. 6 arg. 1 Ad sextum sic proceditur. Videtur quod non omnes res humanae subiiciantur legi aeternae. Dicit enim apostolus, ad Gal. V, *si spiritu ducimini, non estis sub lege*. Sed viri iusti, qui sunt filii Dei per adoptionem, spiritu Dei aguntur; secundum illud Rom. VIII, *qui spiritu Dei aguntur, hi filii Dei sunt*. Ergo non omnes homines sunt sub lege aeterna.

Objection 2: Further, the Apostle says (Rom. 8:7): "The prudence [Vulg.: 'wisdom'] of the flesh is an enemy to God: for it is not subject to the law of God." But many are those in whom the prudence of the flesh dominates. Therefore all men are not subject to the eternal law which is the law of God.

[37571] Iª-IIae q. 93 a. 6 arg. 2 Praeterea, apostolus dicit, ad Rom. VIII, *prudentia carnis inimica est Deo, legi enim Dei subiecta non est*. Sed multi homines sunt in quibus prudentia carnis dominatur. Ergo legi aeternae, quae est lex Dei, non subiiciuntur omnes homines.

Objection 3: Further, Augustine says (De Lib. Arb. i, 6) that "the eternal law is that by which the wicked deserve misery, the good, a life of blessedness." But those who are already blessed, and those who are already lost, are not in the state of merit. Therefore they are not under the eternal law.

[37572] Iª-IIae q. 93 a. 6 arg. 3 Praeterea, Augustinus dicit, in I de Lib. Arb., quod *lex aeterna est qua mali miseriam, boni vitam beatam merentur*. Sed homines iam beati, vel iam damnati, non sunt in statu merendi. Ergo non subsunt legi aeternae.

On the contrary, Augustine says (De Civ. Dei xix, 12): "Nothing evades the laws of the most high Creator and Governor, for by Him the peace of the universe is administered."

[37573] Iª-IIae q. 93 a. 6 s. c. Sed contra est quod Augustinus dicit, XIX de Civ. Dei, *nullo modo aliquid legibus summi creatoris ordinatorisque subtrahitur, a quo pax universitatis administratur*.

I answer that, There are two ways in which a thing is subject to the eternal law, as explained above (A[5]): first, by partaking of the eternal law by way of knowledge; secondly, by way of action and passion, i.e. by partaking of the eternal law by way of an inward motive principle: and in this second way, irrational creatures are subject to the eternal law, as stated above (A[5]). But since the rational nature, together with that which it has in common with all creatures, has something proper to itself inasmuch as it is rational, consequently it

[37574] Iª-IIae q. 93 a. 6 co. Respondeo dicendum quod duplex est modus quo aliquid subditur legi aeternae, ut ex supradictis patet, uno modo, inquantum participatur lex aeterna per modum cognitionis; alio modo, per modum actionis et passionis, inquantum participatur per modum principii motivi. Et hoc secundo modo subduntur legi aeternae irrationales creaturae, ut dictum est. Sed quia rationalis natura, cum eo quod est commune omnibus creaturis, habet aliquid sibi proprium inquantum est rationalis, ideo secundum

is subject to the eternal law in both ways; because while each rational creature has some knowledge of the eternal law, as stated above (A[2]), it also has a natural inclination to that which is in harmony with the eternal law; for "we are naturally adapted to the recipients of virtue" (Ethic. ii, 1).

Both ways, however, are imperfect, and to a certain extent destroyed, in the wicked; because in them the natural inclination to virtue is corrupted by vicious habits, and, moreover, the natural knowledge of good is darkened by passions and habits of sin. But in the good both ways are found more perfect: because in them, besides the natural knowledge of good, there is the added knowledge of faith and wisdom; and again, besides the natural inclination to good, there is the added motive of grace and virtue.

Accordingly, the good are perfectly subject to the eternal law, as always acting according to it: whereas the wicked are subject to the eternal law, imperfectly as to their actions, indeed, since both their knowledge of good, and their inclination thereto, are imperfect; but this imperfection on the part of action is supplied on the part of passion, in so far as they suffer what the eternal law decrees concerning them, according as they fail to act in harmony with that law. Hence Augustine says (De Lib. Arb. i, 15): "I esteem that the righteous act according to the eternal law; and (De Catech. Rud. xviii): Out of the just misery of the souls which deserted Him, God knew how to furnish the inferior parts of His creation with most suitable laws."

utrumque modum legi aeternae subditur, quia et notionem legis aeternae aliquo modo habet, ut supra dictum est; et iterum unicuique rationali creaturae inest naturalis inclinatio ad id quod est consonum legi aeternae; sumus enim innati ad habendum virtutes, ut dicitur in II Ethic. Uterque tamen modus imperfectus quidem est, et quodammodo corruptus, in malis; in quibus et inclinatio naturalis ad virtutem depravatur per habitum vitiosum; et iterum ipsa naturalis cognitio boni in eis obtenebratur per passiones et habitus peccatorum. In bonis autem uterque modus invenitur perfectior, quia et supra cognitionem naturalem boni, superadditur eis cognitio fidei et sapientiae; et supra naturalem inclinationem ad bonum, superadditur eis interius motivum gratiae et virtutis. Sic igitur boni perfecte subsunt legi aeternae, tanquam semper secundum eam agentes. Mali autem subsunt quidem legi aeternae, imperfecte quidem quantum ad actiones ipsorum, prout imperfecte cognoscunt et imperfecte inclinantur ad bonum, sed quantum deficit ex parte actionis, suppletur ex parte passionis, prout scilicet intantum patiuntur quod lex aeterna dictat de eis, inquantum deficiunt facere quod legi aeternae convenit. Unde Augustinus dicit, in I de Lib. Arb., *iustos sub aeterna lege agere existimo*. Et in libro de catechizandis rudibus, dicit quod *Deus ex iusta miseria animarum se deserentium, convenientissimis legibus inferiores partes creaturae suae novit ornare*.

Reply to Objection 1: This saying of the Apostle may be understood in two ways. First, so that a man is said to be under the law, through being pinned down thereby, against his will, as by a load. Hence, on the same passage a gloss says that "he is under the law, who refrains from evil deeds, through fear of punishment threatened by the law, and not from love of virtue." In this way the spiritual man is not under the law, because he fulfils the law willingly, through charity which is poured into his heart by the Holy Ghost. Secondly, it can be understood as meaning that the works of a man, who is led by the Holy Ghost, are the works of the Holy Ghost rather than his

[37575] Iª-IIae q. 93 a. 6 ad 1 Ad primum ergo dicendum quod illud verbum apostoli potest intelligi dupliciter. Uno modo, ut esse sub lege intelligatur ille qui nolens obligationi legis subditur, quasi cuidam ponderi. Unde Glossa ibidem dicit quod *sub lege est qui timore supplicii quod lex minatur, non amore iustitiae, a malo opere abstinet*. Et hoc modo spirituales viri non sunt sub lege, quia per caritatem, quam spiritus sanctus cordibus eorum infundit, voluntarie id quod legis est, implent. Alio modo potest etiam intelligi inquantum hominis opera qui spiritu sancto agitur, magis dicuntur esse opera spiritus sancti quam ipsius hominis. Unde cum spiritus

own. Therefore, since the Holy Ghost is not under the law, as neither is the Son, as stated above (A[4], ad 2); it follows that such works, in so far as they are of the Holy Ghost, are not under the law. The Apostle witnesses to this when he says (2 Cor. 3:17): "Where the Spirit of the Lord is, there is liberty."

sanctus non sit sub lege, sicut nec filius, ut supra dictum est; sequitur quod huiusmodi opera, inquantum sunt spiritus sancti, non sint sub lege. Et huic attestatur quod apostolus dicit, II ad Cor. III, *ubi spiritus domini, ibi libertas*.

Reply to Objection 2: The prudence of the flesh cannot be subject to the law of God as regards action; since it inclines to actions contrary to the Divine law: yet it is subject to the law of God, as regards passion; since it deserves to suffer punishment according to the law of Divine justice. Nevertheless in no man does the prudence of the flesh dominate so far as to destroy the whole good of his nature: and consequently there remains in man the inclination to act in accordance with the eternal law. For we have seen above (Q[85], A[2]) that sin does not destroy entirely the good of nature.

[37576] Iª-IIae q. 93 a. 6 ad 2 Ad secundum dicendum quod prudentia carnis non potest subiici legi Dei ex parte actionis, quia inclinat ad actiones contrarias legi Dei. Subiicitur tamen legi Dei ex parte passionis, quia meretur pati poenam secundum legem divinae iustitiae. Nihilominus tamen in nullo homine ita prudentia carnis dominatur, quod totum bonum naturae corrumpatur. Et ideo remanet in homine inclinatio ad agendum ea quae sunt legis aeternae. Habitum est enim supra quod peccatum non tollit totum bonum naturae.

Reply to Objection 3: A thing is maintained in the end and moved towards the end by one and the same cause: thus gravity which makes a heavy body rest in the lower place is also the cause of its being moved thither. We therefore reply that as it is according to the eternal law that some deserve happiness, others unhappiness, so is it by the eternal law that some are maintained in a happy state, others in an unhappy state. Accordingly both the blessed and the damned are under the eternal law.

[37577] Iª-IIae q. 93 a. 6 ad 3 Ad tertium dicendum quod idem est per quod aliquid conservatur in fine, et per quod movetur ad finem, sicut corpus grave gravitate quiescit in loco inferiori, per quam etiam ad locum ipsum movetur. Et sic dicendum est quod, sicut secundum legem aeternam aliqui merentur beatitudinem vel miseriam, ita per eandem legem in beatitudine vel miseria conservantur. Et secundum hoc, et beati et damnati subsunt legi aeternae.

Q. 94. OF THE NATURAL LAW (SIX ARTICLES)

We must now consider the natural law; concerning which there are six points of inquiry:

(1) What is the natural law?

(2) What are the precepts of the natural law?

(3) Whether all acts of virtue are prescribed by the natural law?

(4) Whether the natural law is the same in all?

(5) Whether it is changeable?

(6) Whether it can be abolished from the heart of man?

[37578] Iª-IIae q. 94 pr. Deinde considerandum est de lege naturali. Et circa hoc quaeruntur sex. Primo, quid sit lex naturalis. Secundo, quae sint praecepta legis naturalis. Tertio, utrum omnes actus virtutum sint de lege naturali. Quarto, utrum lex naturalis sit una apud omnes. Quinto, utrum sit mutabilis. Sexto, utrum possit a mente hominis deleri.

Q. 94. A. 1. Whether the natural law is a habit?

Objection 1: It would seem that the natural law is a habit. Because, as the Philosopher says (Ethic. ii, 5), "there are three things in the soul: power, habit, and passion." But the natural law is not one of the soul's powers: nor is it one of the passions; as we may see by going through them one by one. Therefore the natural law is a habit.

[37579] Iª-IIae q. 94 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex naturalis sit habitus. Quia ut philosophus dicit, in II Ethic., *tria sunt in anima, potentia, habitus et passio*. Sed naturalis lex non est aliqua potentiarum animae, nec aliqua passionum, ut patet enumerando per singula. Ergo lex naturalis est habitus.

Objection 2: Further, Basil [*Damascene, De Fide Orth. iv, 22] says that the conscience or "synderesis is the law of our mind"; which can only apply to the natural law. But the "synderesis" is a habit, as was shown in the FP, Q[79], A[12]. Therefore the natural law is a habit.

[37580] Iª-IIae q. 94 a. 1 arg. 2 Praeterea, Basilius dicit quod conscientia, sive synderesis, est lex intellectus nostri, quod non potest intelligi nisi de lege naturali. Sed synderesis est habitus quidam, ut in primo habitum est. Ergo lex naturalis est habitus.

Objection 3: Further, the natural law abides in man always, as will be shown further on (A[6]). But man's reason, which the law regards, does not always think about the natural law. Therefore the natural law is not an act, but a habit.

[37581] Iª-IIae q. 94 a. 1 arg. 3 Praeterea, lex naturalis semper in homine manet, ut infra patebit. Sed non semper ratio hominis, ad quam lex pertinet, cogitat de lege naturali. Ergo lex naturalis non est actus, sed habitus.

On the contrary, Augustine says (De Bono Conjug. xxi) that "a habit is that whereby something is done when necessary." But such is not the natural law: since it is in infants and in the damned who cannot act by it. Therefore the natural law is not a habit.

[37582] Iª-IIae q. 94 a. 1 s. c. Sed contra est quod Augustinus dicit, in libro de bono coniugali, quod *habitus est quo aliquid agitur cum opus est*. Sed naturalis lex non est huiusmodi, est enim in parvulis et damnatis, qui per eam agere non possunt. Ergo lex naturalis non est habitus.

I answer that, A thing may be called a habit in two ways. First, properly and essentially: and thus the natural law is not a habit. For it has been stated above (Q[90], A[1], ad 2) that the natural law is something appointed by reason, just as a proposition is a work of reason. Now that which a man does is not the same as that whereby he does it: for he makes a becoming speech by the habit of grammar. Since then a habit is that by which we act, a law cannot be a habit properly and essentially.

Secondly, the term habit may be applied to that which we hold by a habit: thus faith may mean that which we hold by faith. And accordingly, since the precepts of the natural law are sometimes considered by reason actually, while sometimes they are in the reason only habitually, in this way the natural law may be called a habit. Thus, in speculative matters, the indemonstrable principles are not the habit itself whereby we hold those principles, but are the principles the habit of which we possess.

[37583] Iª-IIae q. 94 a. 1 co. Respondeo dicendum quod aliquid potest dici esse habitus dupliciter. Uno modo, proprie et essentialiter, et sic lex naturalis non est habitus. Dictum est enim supra quod lex naturalis est aliquid per rationem constitutum, sicut etiam propositio est quoddam opus rationis. Non est autem idem quod quis agit, et quo quis agit, aliquis enim per habitum grammaticae agit orationem congruam. Cum igitur habitus sit quo quis agit, non potest esse quod lex aliqua sit habitus proprie et essentialiter. Alio modo potest dici habitus id quod habitu tenetur, sicut dicitur fides id quod fide tenetur. Et hoc modo, quia praecepta legis naturalis quandoque considerantur in actu a ratione, quandoque autem sunt in ea habitualiter tantum, secundum hunc modum potest dici quod lex naturalis sit habitus. Sicut etiam principia indemonstrabilia in speculativis non sunt ipse habitus principiorum, sed sunt principia quorum est habitus.

Reply to Objection 1: The Philosopher proposes there to discover the genus of virtue; and since it is evident that virtue is a principle of action, he mentions only those things which are principles of human acts, viz. powers, habits and passions. But there are other things in the soul besides these three: there are acts; thus "to will" is in the one that wills; again, things known are in the knower; moreover its own natural properties are in the soul, such as immortality and the like.

[37584] Iª-IIae q. 94 a. 1 ad 1 Ad primum ergo dicendum quod philosophus intendit ibi investigare genus virtutis, et cum manifestum sit quod virtus sit quoddam principium actus, illa tantum ponit quae sunt principia humanorum actuum, scilicet potentias, habitus et passiones. Praeter haec autem tria sunt quaedam alia in anima, sicut quidam actus, ut velle est in volente; et etiam cognita sunt in cognoscente; et proprietates naturales animae insunt ei, ut immortalitas et alia huiusmodi.

Reply to Objection 2: "Synderesis" is said to be the law of our mind, because it is a habit containing the precepts of the natural law, which are the first principles of human actions.

[37585] Iª-IIae q. 94 a. 1 ad 2 Ad secundum dicendum quod synderesis dicitur lex intellectus nostri, inquantum est habitus continens praecepta legis naturalis, quae sunt prima principia operum humanorum.

Reply to Objection 3: This argument proves that the natural law is held habitually; and this is granted.

[37586] Iª-IIae q. 94 a. 1 ad 3 Ad tertium dicendum quod ratio illa concludit quod lex naturalis habitualiter tenetur. Et hoc concedimus.

Reply to Objection 4: To the argument advanced in the contrary sense we reply that sometimes a man is unable to make use of that which is in him

[37587] Iª-IIae q. 94 a. 1 ad 4 Ad id vero quod in contrarium obiicitur, dicendum quod eo quod habitualiter inest, quandoque aliquis uti non potest

habitually, on account of some impediment: thus, on account of sleep, a man is unable to use the habit of science. In like manner, through the deficiency of his age, a child cannot use the habit of understanding of principles, or the natural law, which is in him habitually.

propter aliquod impedimentum, sicut homo non potest uti habitu scientiae propter somnum. Et similiter puer non potest uti habitu intellectus principiorum, vel etiam lege naturali, quae ei habitualiter inest, propter defectum aetatis.

Q. 94. A. 2. Whether the natural law contains several precepts, or only one?

Objection 1: It would seem that the natural law contains, not several precepts, but one only. For law is a kind of precept, as stated above (Q[92], A[2]). If therefore there were many precepts of the natural law, it would follow that there are also many natural laws.

[37588] Iª-IIae q. 94 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod lex naturalis non contineat plura praecepta, sed unum tantum. Lex enim continetur in genere praecepti, ut supra habitum est. Si igitur essent multa praecepta legis naturalis, sequeretur quod etiam essent multae leges naturales.

Objection 2: Further, the natural law is consequent to human nature. But human nature, as a whole, is one; though, as to its parts, it is manifold. Therefore, either there is but one precept of the law of nature, on account of the unity of nature as a whole; or there are many, by reason of the number of parts of human nature. The result would be that even things relating to the inclination of the concupiscible faculty belong to the natural law.

[37589] Iª-IIae q. 94 a. 2 arg. 2 Praeterea, lex naturalis consequitur hominis naturam. Sed humana natura est una secundum totum, licet sit multiplex secundum partes. Aut ergo est unum praeceptum tantum legis naturae, propter unitatem totius, aut sunt multa, secundum multitudinem partium humanae naturae. Et sic oportebit quod etiam ea quae sunt de inclinatione concupiscibilis, pertineant ad legem naturalem.

Objection 3: Further, law is something pertaining to reason, as stated above (Q[90], A[1]). Now reason is but one in man. Therefore there is only one precept of the natural law.

[37590] Iª-IIae q. 94 a. 2 arg. 3 Praeterea, lex est aliquid ad rationem pertinens, ut supra dictum est. Sed ratio in homine est una tantum. Ergo solum unum praeceptum est legis naturalis.

On the contrary, The precepts of the natural law in man stand in relation to practical matters, as the first principles to matters of demonstration. But there are several first indemonstrable principles. Therefore there are also several precepts of the natural law.

[37591] Iª-IIae q. 94 a. 2 s. c. Sed contra est quia sic se habent praecepta legis naturalis in homine quantum ad operabilia, sicut se habent prima principia in demonstrativis. Sed prima principia indemonstrabilia sunt plura. Ergo etiam praecepta legis naturae sunt plura.

I answer that, As stated above (Q[91], A[3]), the precepts of the natural law are to the practical reason, what the first principles of demonstrations are to the speculative reason; because both are self-evident principles. Now a thing is said to be self-evident in two ways: first, in itself; secondly, in relation to us. Any proposition is said to be self-evident in itself, if its predicate is contained

[37592] Iª-IIae q. 94 a. 2 co. Respondeo dicendum quod, sicut supra dictum est, praecepta legis naturae hoc modo se habent ad rationem practicam, sicut principia prima demonstrationum se habent ad rationem speculativam, utraque enim sunt quaedam principia per se nota. Dicitur autem aliquid per se notum dupliciter, uno modo, secundum se; alio modo, quoad nos. Secundum se

in the notion of the subject: although, to one who knows not the definition of the subject, it happens that such a proposition is not self-evident. For instance, this proposition, "Man is a rational being," is, in its very nature, self-evident, since who says "man," says "a rational being": and yet to one who knows not what a man is, this proposition is not self-evident. Hence it is that, as Boethius says (De Hebdom.), certain axioms or propositions are universally self-evident to all; and such are those propositions whose terms are known to all, as, "Every whole is greater than its part," and, "Things equal to one and the same are equal to one another." But some propositions are self-evident only to the wise, who understand the meaning of the terms of such propositions: thus to one who understands that an angel is not a body, it is self-evident that an angel is not circumscriptively in a place: but this is not evident to the unlearned, for they cannot grasp it.

Now a certain order is to be found in those things that are apprehended universally. For that which, before aught else, falls under apprehension, is "being," the notion of which is included in all things whatsoever a man apprehends. Wherefore the first indemonstrable principle is that "the same thing cannot be affirmed and denied at the same time," which is based on the notion of "being" and "not-being": and on this principle all others are based, as is stated in Metaph. iv, text. 9. Now as "being" is the first thing that falls under the apprehension simply, so "good" is the first thing that falls under the apprehension of the practical reason, which is directed to action: since every agent acts for an end under the aspect of good. Consequently the first principle of practical reason is one founded on the notion of good, viz. that "good is that which all things seek after." Hence this is the first precept of law, that "good is to be done and pursued, and evil is to be avoided." All other precepts of the natural law are based upon this: so that whatever the practical reason naturally apprehends as man's good (or evil) belongs to the precepts of the natural law as something to be done or avoided.

Since, however, good has the nature of an end, and evil, the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of

quidem quaelibet propositio dicitur per se nota, cuius praedicatum est de ratione subiecti, contingit tamen quod ignoranti definitionem subiecti, talis propositio non erit per se nota. Sicut ista propositio, homo est rationale, est per se nota secundum sui naturam, quia qui dicit hominem, dicit rationale, et tamen ignoranti quid sit homo, haec propositio non est per se nota. Et inde est quod, sicut dicit Boetius, in libro de Hebdomad., quaedam sunt dignitates vel propositiones per se notae communiter omnibus, et huiusmodi sunt illae propositiones quarum termini sunt omnibus noti, ut, omne totum est maius sua parte, et, quae uni et eidem sunt aequalia, sibi invicem sunt aequalia. Quaedam vero propositiones sunt per se notae solis sapientibus, qui terminos propositionum intelligunt quid significent, sicut intelligenti quod Angelus non est corpus, per se notum est quod non est circumscriptive in loco, quod non est manifestum rudibus, qui hoc non capiunt. In his autem quae in apprehensione omnium cadunt, quidam ordo invenitur. Nam illud quod primo cadit in apprehensione, est ens, cuius intellectus includitur in omnibus quaecumque quis apprehendit. Et ideo primum principium indemonstrabile est quod non est simul affirmare et negare, quod fundatur supra rationem entis et non entis, et super hoc principio omnia alia fundantur, ut dicitur in IV Metaphys. Sicut autem ens est primum quod cadit in apprehensione simpliciter, ita bonum est primum quod cadit in apprehensione practicae rationis, quae ordinatur ad opus, omne enim agens agit propter finem, qui habet rationem boni. Et ideo primum principium in ratione practica est quod fundatur supra rationem boni, quae est, bonum est quod omnia appetunt. Hoc est ergo primum praeceptum legis, quod bonum est faciendum et prosequendum, et malum vitandum. Et super hoc fundantur omnia alia praecepta legis naturae, ut scilicet omnia illa facienda vel vitanda pertineant ad praecepta legis naturae, quae ratio practica naturaliter apprehendit esse bona humana. Quia vero bonum habet rationem finis, malum autem rationem contrarii, inde est quod omnia illa ad quae homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda. Secundum igitur ordinem inclinationum naturalium, est ordo praeceptorum legis naturae. Inest enim primo inclinatio homini ad bonum secundum naturam in qua communicat cum

pursuit, and their contraries as evil, and objects of avoidance. Wherefore according to the order of natural inclinations, is the order of the precepts of the natural law. Because in man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being, according to its nature: and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals: and in virtue of this inclination, those things are said to belong to the natural law, "which nature has taught to all animals" [*Pandect. Just. I, tit. i], such as sexual intercourse, education of offspring and so forth. Thirdly, there is in man an inclination to good, according to the nature of his reason, which nature is proper to him: thus man has a natural inclination to know the truth about God, and to live in society: and in this respect, whatever pertains to this inclination belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination.

omnibus substantiis, prout scilicet quaelibet substantia appetit conservationem sui esse secundum suam naturam. Et secundum hanc inclinationem, pertinent ad legem naturalem ea per quae vita hominis conservatur, et contrarium impeditur. Secundo inest homini inclinatio ad aliqua magis specialia, secundum naturam in qua communicat cum ceteris animalibus. Et secundum hoc, dicuntur ea esse de lege naturali quae natura omnia animalia docuit, ut est coniunctio maris et feminae, et educatio liberorum, et similia. Tertio modo inest homini inclinatio ad bonum secundum naturam rationis, quae est sibi propria, sicut homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod in societate vivat. Et secundum hoc, ad legem naturalem pertinent ea quae ad huiusmodi inclinationem spectant, utpote quod homo ignorantiam vitet, quod alios non offendat cum quibus debet conversari, et cetera huiusmodi quae ad hoc spectant.

Reply to Objection 1: All these precepts of the law of nature have the character of one natural law, inasmuch as they flow from one first precept.

[37593] Iª-IIae q. 94 a. 2 ad 1 Ad primum ergo dicendum quod omnia ista praecepta legis naturae, inquantum referuntur ad unum primum praeceptum, habent rationem unius legis naturalis.

Reply to Objection 2: All the inclinations of any parts whatsoever of human nature, e.g. of the concupiscible and irascible parts, in so far as they are ruled by reason, belong to the natural law, and are reduced to one first precept, as stated above: so that the precepts of the natural law are many in themselves, but are based on one common foundation.

[37594] Iª-IIae q. 94 a. 2 ad 2 Ad secundum dicendum quod omnes inclinationes quarumcumque partium humanae naturae, puta concupiscibilis et irascibilis, secundum quod regulantur ratione, pertinent ad legem naturalem, et reducuntur ad unum primum praeceptum, ut dictum est. Et secundum hoc, sunt multa praecepta legis naturae in seipsis, quae tamen communicant in una radice.

Reply to Objection 3: Although reason is one in itself, yet it directs all things regarding man; so that whatever can be ruled by reason, is contained under the law of reason.

[37595] Iª-IIae q. 94 a. 2 ad 3 Ad tertium dicendum quod ratio, etsi in se una sit, tamen est ordinativa omnium quae ad homines spectant. Et secundum hoc, sub lege rationis continentur omnia ea quae ratione regulari possunt.

Q. 94. A. 3. Whether all acts of virtue are prescribed by the natural law?

Objection 1: It would seem that not all acts of virtue are prescribed by the natural law. Because, as stated above (Q[90], A[2]) it is essential to a law that it be ordained to the common good. But some acts of virtue are ordained to the private good of the individual, as is evident especially in regards to acts of temperance. Therefore not all acts of virtue are the subject of natural law.

[37596] Iª-IIae q. 94 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod non omnes actus virtutum sint de lege naturae. Quia, ut supra dictum est, de ratione legis est ut ordinetur ad bonum commune. Sed quidam virtutum actus ordinantur ad bonum privatum alicuius, ut patet praecipue in actibus temperantiae. Non ergo omnes actus virtutum legi subduntur naturali.

Objection 2: Further, every sin is opposed to some virtuous act. If therefore all acts of virtue are prescribed by the natural law, it seems to follow that all sins are against nature: whereas this applies to certain special sins.

[37597] Iª-IIae q. 94 a. 3 arg. 2 Praeterea, omnia peccata aliquibus virtuosis actibus opponuntur. Si igitur omnes actus virtutum sint de lege naturae, videtur ex consequenti quod omnia peccata sint contra naturam. Quod tamen specialiter de quibusdam peccatis dicitur.

Objection 3: Further, those things which are according to nature are common to all. But acts of virtue are not common to all: since a thing is virtuous in one, and vicious in another. Therefore not all acts of virtue are prescribed by the natural law.

[37598] Iª-IIae q. 94 a. 3 arg. 3 Praeterea, in his quae sunt secundum naturam, omnes conveniunt. Sed in actibus virtutum non omnes conveniunt, aliquid enim est virtuosum uni, quod est alteri vitiosum. Ergo non omnes actus virtutum sunt de lege naturae.

On the contrary, Damascene says (De Fide Orth. iii, 4) that "virtues are natural." Therefore virtuous acts also are a subject of the natural law.

[37599] Iª-IIae q. 94 a. 3 s. c. Sed contra est quod Damascenus dicit, in III libro, quod virtutes sunt naturales. Ergo et actus virtuosi subiacent legi naturae.

I answer that, We may speak of virtuous acts in two ways: first, under the aspect of virtuous; secondly, as such and such acts considered in their proper species. If then we speak of acts of virtue, considered as virtuous, thus all virtuous acts belong to the natural law. For it has been stated (A[2]) that to the natural law belongs everything to which a man is inclined according to his nature. Now each thing is inclined naturally to an operation that is suitable to it according to its form: thus fire is inclined to give heat. Wherefore, since the rational soul is the proper form of man, there is in every man a natural inclination to act according to reason: and this is to act according to virtue. Consequently, considered thus, all acts of virtue are prescribed by the natural law: since each one's reason naturally dictates to him to act virtuously. But if we speak of virtuous acts, considered in themselves, i.e. in their proper

[37600] Iª-IIae q. 94 a. 3 co. Respondeo dicendum quod de actibus virtuosis dupliciter loqui possumus, uno modo, inquantum sunt virtuosi; alio modo, inquantum sunt tales actus in propriis speciebus considerati. Si igitur loquamur de actibus virtutum inquantum sunt virtuosi, sic omnes actus virtuosi pertinent ad legem naturae. Dictum est enim quod ad legem naturae pertinet omne illud ad quod homo inclinatur secundum suam naturam. Inclinatur autem unumquodque naturaliter ad operationem sibi convenientem secundum suam formam, sicut ignis ad calefaciendum. Unde cum anima rationalis sit propria forma hominis, naturalis inclinatio inest cuilibet homini ad hoc quod agat secundum rationem. Et hoc est agere secundum virtutem. Unde secundum hoc, omnes actus virtutum sunt de lege naturali, dictat enim hoc naturaliter unicuique propria ratio, ut virtuose agat. Sed si

species, thus not all virtuous acts are prescribed by the natural law: for many things are done virtuously, to which nature does not incline at first; but which, through the inquiry of reason, have been found by men to be conducive to well-living.

loquamur de actibus virtuosis secundum seipsos, prout scilicet in propriis speciebus considerantur, sic non omnes actus virtuosi sunt de lege naturae. Multa enim secundum virtutem fiunt, ad quae natura non primo inclinat; sed per rationis inquisitionem ea homines adinvenerunt, quasi utilia ad bene vivendum.

Reply to Objection 1: Temperance is about the natural concupiscences of food, drink and sexual matters, which are indeed ordained to the natural common good, just as other matters of law are ordained to the moral common good.

[37601] Iª-IIae q. 94 a. 3 ad 1 Ad primum ergo dicendum quod temperantia est circa concupiscentias naturales cibi et potus et venereorum, quae quidem ordinantur ad bonum commune naturae, sicut et alia legalia ordinantur ad bonum commune morale.

Reply to Objection 2: By human nature we may mean either that which is proper to man---and in this sense all sins, as being against reason, are also against nature, as Damascene states (De Fide Orth. ii, 30): or we may mean that nature which is common to man and other animals; and in this sense, certain special sins are said to be against nature; thus contrary to sexual intercourse, which is natural to all animals, is unisexual lust, which has received the special name of the unnatural crime.

[37602] Iª-IIae q. 94 a. 3 ad 2 Ad secundum dicendum quod natura hominis potest dici vel illa quae est propria homini, et secundum hoc, omnia peccata, inquantum sunt contra rationem, sunt etiam contra naturam, ut patet per Damascenum, in II libro. Vel illa quae est communis homini et aliis animalibus, et secundum hoc, quaedam specialia peccata dicuntur esse contra naturam; sicut contra commixtionem maris et feminae, quae est naturalis omnibus animalibus, est concubitus masculorum, quod specialiter dicitur vitium contra naturam.

Reply to Objection 3: This argument considers acts in themselves. For it is owing to the various conditions of men, that certain acts are virtuous for some, as being proportionate and becoming to them, while they are vicious for others, as being out of proportion to them.

[37603] Iª-IIae q. 94 a. 3 ad 3 Ad tertium dicendum quod ratio illa procedit de actibus secundum seipsos consideratis. Sic enim, propter diversas hominum conditiones, contingit quod aliqui actus sunt aliquibus virtuosi, tanquam eis proportionati et convenientes, qui tamen sunt aliis vitiosi, tanquam eis non proportionati.

Q. 94. A. 4. Whether the natural law is the same in all men?

Objection 1: It would seem that the natural law is not the same in all. For it is stated in the Decretals (Dist. i) that "the natural law is that which is contained in the Law and the Gospel." But this is not common to all men; because, as it is written (Rom. 10:16), "all do not obey the gospel." Therefore the natural law is not the same in all men.

[37604] Iª-IIae q. 94 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod lex naturae non sit una apud omnes. Dicitur enim in decretis, dist. I, quod *ius naturale est quod in lege et in Evangelio continetur*. Sed hoc non est commune omnibus, quia, ut dicitur Rom. X, *non omnes obediunt Evangelio*. Ergo lex naturalis non est una apud omnes.

Objection 2: Further, "Things which are

[37605] Iª-IIae q. 94 a. 4 arg. 2 Praeterea, ea quae

according to the law are said to be just," as stated in Ethic. v. But it is stated in the same book that nothing is so universally just as not to be subject to change in regard to some men. Therefore even the natural law is not the same in all men.

sunt secundum legem, iusta esse dicuntur, ut dicitur in V Ethic. Sed in eodem libro dicitur quod nihil est ita iustum apud omnes, quin apud aliquos diversificetur. Ergo lex etiam naturalis non est apud omnes eadem.

Objection 3: Further, as stated above (AA[2],3), to the natural law belongs everything to which a man is inclined according to his nature. Now different men are naturally inclined to different things; some to the desire of pleasures, others to the desire of honors, and other men to other things. Therefore there is not one natural law for all.

[37606] Iª-IIae q. 94 a. 4 arg. 3 Praeterea, ad legem naturae pertinet id ad quod homo secundum naturam suam inclinatur, ut supra dictum est. Sed diversi homines naturaliter ad diversa inclinantur, alii quidem ad concupiscentiam voluptatum, alii ad desideria honorum, alii ad alia. Ergo non est una lex naturalis apud omnes.

On the contrary, Isidore says (Etym. v, 4): "The natural law is common to all nations."

[37607] Iª-IIae q. 94 a. 4 s. c. Sed contra est quod Isidorus dicit, in libro Etymol., *ius naturale est commune omnium nationum*.

I answer that, As stated above (AA[2],3), to the natural law belongs those things to which a man is inclined naturally: and among these it is proper to man to be inclined to act according to reason. Now the process of reason is from the common to the proper, as stated in Phys. i. The speculative reason, however, is differently situated in this matter, from the practical reason. For, since the speculative reason is busied chiefly with the necessary things, which cannot be otherwise than they are, its proper conclusions, like the universal principles, contain the truth without fail. The practical reason, on the other hand, is busied with contingent matters, about which human actions are concerned: and consequently, although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects. Accordingly then in speculative matters truth is the same in all men, both as to principles and as to conclusions: although the truth is not known to all as regards the conclusions, but only as regards the principles which are called common notions. But in matters of action, truth or practical rectitude is not the same for all, as to matters of detail, but only as to the general principles: and where there is the same rectitude in matters of detail, it is not equally known to all.

It is therefore evident that, as regards the general principles whether of speculative or of practical

[37608] Iª-IIae q. 94 a. 4 co. Respondeo dicendum quod, sicut supra dictum est, ad legem naturae pertinent ea ad quae homo naturaliter inclinatur; inter quae homini proprium est ut inclinetur ad agendum secundum rationem. Ad rationem autem pertinet ex communibus ad propria procedere, ut patet ex I Physic. Aliter tamen circa hoc se habet ratio speculativa, et aliter ratio practica. Quia enim ratio speculativa praecipue negotiatur circa necessaria, quae impossibile est aliter se habere, absque aliquo defectu invenitur veritas in conclusionibus propriis, sicut et in principiis communibus. Sed ratio practica negotiatur circa contingentia, in quibus sunt operationes humanae, et ideo, etsi in communibus sit aliqua necessitas, quanto magis ad propria descenditur, tanto magis invenitur defectus. Sic igitur in speculativis est eadem veritas apud omnes tam in principiis quam in conclusionibus, licet veritas non apud omnes cognoscatur in conclusionibus, sed solum in principiis, quae dicuntur communes conceptiones. In operativis autem non est eadem veritas vel rectitudo practica apud omnes quantum ad propria, sed solum quantum ad communia, et apud illos apud quos est eadem rectitudo in propriis, non est aequaliter omnibus nota. Sic igitur patet quod, quantum ad communia principia rationis sive speculativae sive practicae, est eadem veritas seu rectitudo apud omnes, et aequaliter nota. Quantum vero ad proprias conclusiones rationis speculativae, est eadem

reason, truth or rectitude is the same for all, and is equally known by all. As to the proper conclusions of the speculative reason, the truth is the same for all, but is not equally known to all: thus it is true for all that the three angles of a triangle are together equal to two right angles, although it is not known to all. But as to the proper conclusions of the practical reason, neither is the truth or rectitude the same for all, nor, where it is the same, is it equally known by all. Thus it is right and true for all to act according to reason: and from this principle it follows as a proper conclusion, that goods entrusted to another should be restored to their owner. Now this is true for the majority of cases: but it may happen in a particular case that it would be injurious, and therefore unreasonable, to restore goods held in trust; for instance, if they are claimed for the purpose of fighting against one's country. And this principle will be found to fail the more, according as we descend further into detail, e.g. if one were to say that goods held in trust should be restored with such and such a guarantee, or in such and such a way; because the greater the number of conditions added, the greater the number of ways in which the principle may fail, so that it be not right to restore or not to restore.

Consequently we must say that the natural law, as to general principles, is the same for all, both as to rectitude and as to knowledge. But as to certain matters of detail, which are conclusions, as it were, of those general principles, it is the same for all in the majority of cases, both as to rectitude and as to knowledge; and yet in some few cases it may fail, both as to rectitude, by reason of certain obstacles (just as natures subject to generation and corruption fail in some few cases on account of some obstacle), and as to knowledge, since in some the reason is perverted by passion, or evil habit, or an evil disposition of nature; thus formerly, theft, although it is expressly contrary to the natural law, was not considered wrong among the Germans, as Julius Caesar relates (De Bello Gall. vi).

veritas apud omnes, non tamen aequaliter omnibus nota, apud omnes enim verum est quod triangulus habet tres angulos aequales duobus rectis, quamvis hoc non sit omnibus notum. Sed quantum ad proprias conclusiones rationis practicae, nec est eadem veritas seu rectitudo apud omnes; nec etiam apud quos est eadem, est aequaliter nota. Apud omnes enim hoc rectum est et verum, ut secundum rationem agatur. Ex hoc autem principio sequitur quasi conclusio propria, quod deposita sint reddenda. Et hoc quidem ut in pluribus verum est, sed potest in aliquo casu contingere quod sit damnosum, et per consequens irrationabile, si deposita reddantur; puta si aliquis petat ad impugnandam patriam. Et hoc tanto magis invenitur deficere, quanto magis ad particularia descenditur, puta si dicatur quod deposita sunt reddenda cum tali cautione, vel tali modo, quanto enim plures conditiones particulares apponuntur, tanto pluribus modis poterit deficere, ut non sit rectum vel in reddendo vel in non reddendo. Sic igitur dicendum est quod lex naturae, quantum ad prima principia communia, est eadem apud omnes et secundum rectitudinem, et secundum notitiam. Sed quantum ad quaedam propria, quae sunt quasi conclusiones principiorum communium, est eadem apud omnes ut in pluribus et secundum rectitudinem et secundum notitiam, sed ut in paucioribus potest deficere et quantum ad rectitudinem, propter aliqua particularia impedimenta (sicut etiam naturae generabiles et corruptibiles deficiunt ut in paucioribus, propter impedimenta), et etiam quantum ad notitiam; et hoc propter hoc quod aliqui habent depravatam rationem ex passione, seu ex mala consuetudine, seu ex mala habitudine naturae; sicut apud germanos olim latrocinium non reputabatur iniquum, cum tamen sit expresse contra legem naturae, ut refert Iulius Caesar, in libro de bello Gallico.

Reply to Objection 1: The meaning of the sentence quoted is not that whatever is contained in the Law and the Gospel belongs to the natural law, since they contain many things that are above nature; but that whatever belongs to the natural

[37609] Iª-IIae q. 94 a. 4 ad 1 Ad primum ergo dicendum quod verbum illud non est sic intelligendum quasi omnia quae in lege et in Evangelio continentur, sint de lege naturae, cum multa tradantur ibi supra naturam, sed quia ea

law is fully contained in them. Wherefore Gratian, after saying that "the natural law is what is contained in the Law and the Gospel," adds at once, by way of example, "by which everyone is commanded to do to others as he would be done by."

quae sunt de lege naturae, plenarie ibi traduntur. Unde cum dixisset Gratianus quod *ius naturale est quod in lege et in Evangelio continetur*, statim, exemplificando, subiunxit, *quo quisque iubetur alii facere quod sibi vult fieri*.

Reply to Objection 2: The saying of the Philosopher is to be understood of things that are naturally just, not as general principles, but as conclusions drawn from them, having rectitude in the majority of cases, but failing in a few.

[37610] Iª-IIae q. 94 a. 4 ad 2 Ad secundum dicendum quod verbum philosophi est intelligendum de his quae sunt naturaliter iusta non sicut principia communia, sed sicut quaedam conclusiones ex his derivatae; quae ut in pluribus rectitudinem habent, et ut in paucioribus deficiunt.

Reply to Objection 3: As, in man, reason rules and commands the other powers, so all the natural inclinations belonging to the other powers must needs be directed according to reason. Wherefore it is universally right for all men, that all their inclinations should be directed according to reason.

[37611] Iª-IIae q. 94 a. 4 ad 3 Ad tertium dicendum quod, sicut ratio in homine dominatur et imperat aliis potentiis, ita oportet quod omnes inclinationes naturales ad alias potentias pertinentes ordinentur secundum rationem. Unde hoc est apud omnes communiter rectum, ut secundum rationem dirigantur omnes hominum inclinationes.

Q. 94. A. 5. Whether the natural law can be changed?

Objection 1: It would seem that the natural law can be changed. Because on Ecclus. 17:9, "He gave them instructions, and the law of life," the gloss says: "He wished the law of the letter to be written, in order to correct the law of nature." But that which is corrected is changed. Therefore the natural law can be changed.

[37612] Iª-IIae q. 94 a. 5 arg. 1 Ad quintum sic proceditur. Videtur quod lex naturae mutari possit. Quia super illud Eccli. XVII, *addidit eis disciplinam et legem vitae*, dicit Glossa, *legem litterae, quantum ad correctionem legis naturalis, scribi voluit*. Sed illud quod corrigitur, mutatur. Ergo lex naturalis potest mutari.

Objection 2: Further, the slaying of the innocent, adultery, and theft are against the natural law. But we find these things changed by God: as when God commanded Abraham to slay his innocent son (Gn. 22:2); and when he ordered the Jews to borrow and purloin the vessels of the Egyptians (Ex. 12:35); and when He commanded Osee to take to himself "a wife of fornications" (Osee 1:2). Therefore the natural law can be changed.

[37613] Iª-IIae q. 94 a. 5 arg. 2 Praeterea, contra legem naturalem est occisio innocentis, et etiam adulterium et furtum. Sed ista inveniuntur esse mutata a Deo, puta cum Deus praecepit Abrahae quod occideret filium innocentem, ut habetur Gen. XXII; et cum praecepit Iudaeis ut mutuata Aegyptiorum vasa subriperent, ut habetur Exod. XII; et cum praecepit Osee ut uxorem fornicariam acciperet, ut habetur Osee I. Ergo lex naturalis potest mutari.

Objection 3: Further, Isidore says (Etym. 5:4) that "the possession of all things in common, and universal freedom, are matters of natural law."

[37614] Iª-IIae q. 94 a. 5 arg. 3 Praeterea, Isidorus dicit, in libro Etymol., quod *communis omnium possessio, et una libertas, est de iure naturali*. Sed

But these things are seen to be changed by human laws. Therefore it seems that the natural law is subject to change.

haec videmus esse commutata per leges humanas. Ergo videtur quod lex naturalis sit mutabilis.

On the contrary, It is said in the Decretals (Dist. v): "The natural law dates from the creation of the rational creature. It does not vary according to time, but remains unchangeable."

[37615] Iª-IIae q. 94 a. 5 s. c. Sed contra est quod dicitur in decretis, dist. V, *naturale ius ab exordio rationalis creaturae. Nec variatur tempore, sed immutabile permanet*.

I answer that, A change in the natural law may be understood in two ways. First, by way of addition. In this sense nothing hinders the natural law from being changed: since many things for the benefit of human life have been added over and above the natural law, both by the Divine law and by human laws.

Secondly, a change in the natural law may be understood by way of subtraction, so that what previously was according to the natural law, ceases to be so. In this sense, the natural law is altogether unchangeable in its first principles: but in its secondary principles, which, as we have said (A[4]), are certain detailed proximate conclusions drawn from the first principles, the natural law is not changed so that what it prescribes be not right in most cases. But it may be changed in some particular cases of rare occurrence, through some special causes hindering the observance of such precepts, as stated above (A[4]).

[37616] Iª-IIae q. 94 a. 5 co. Respondeo dicendum quod lex naturalis potest intelligi mutari dupliciter. Uno modo, per hoc quod aliquid ei addatur. Et sic nihil prohibet legem naturalem mutari, multa enim supra legem naturalem superaddita sunt, ad humanam vitam utilia, tam per legem divinam, quam etiam per leges humanas. Alio modo intelligitur mutatio legis naturalis per modum subtractionis, ut scilicet aliquid desinat esse de lege naturali, quod prius fuit secundum legem naturalem. Et sic quantum ad prima principia legis naturae, lex naturae est omnino immutabilis. Quantum autem ad secunda praecepta, quae diximus esse quasi quasdam proprias conclusiones propinquas primis principiis, sic lex naturalis non immutatur quin ut in pluribus rectum sit semper quod lex naturalis habet. Potest tamen immutari in aliquo particulari, et in paucioribus, propter aliquas speciales causas impedientes observantiam talium praeceptorum, ut supra dictum est.

Reply to Objection 1: The written law is said to be given for the correction of the natural law, either because it supplies what was wanting to the natural law; or because the natural law was perverted in the hearts of some men, as to certain matters, so that they esteemed those things good which are naturally evil; which perversion stood in need of correction.

[37617] Iª-IIae q. 94 a. 5 ad 1 Ad primum ergo dicendum quod lex scripta dicitur esse data ad correctionem legis naturae, vel quia per legem scriptam suppletum est quod legi naturae deerat, vel quia lex naturae in aliquorum cordibus, quantum ad aliqua, corrupta erat intantum ut existimarent esse bona quae naturaliter sunt mala; et talis corruptio correctione indigebat.

Reply to Objection 2: All men alike, both guilty and innocent, die the death of nature: which death of nature is inflicted by the power of God on account of original sin, according to 1 Kings 2:6: "The Lord killeth and maketh alive." Consequently, by the command of God, death can be inflicted on any man, guilty or innocent, without any injustice whatever. In like manner adultery is intercourse with another's wife; who is

[37618] Iª-IIae q. 94 a. 5 ad 2 Ad secundum dicendum quod naturali morte moriuntur omnes communiter, tam nocentes quam innocentes. Quae quidem naturalis mors divina potestate inducitur propter peccatum originale; secundum illud I Reg. II, *dominus mortificat et vivificat*. Et ideo absque aliqua iniustitia, secundum mandatum Dei, potest infligi mors cuicumque homini, vel nocenti vel innocenti. Similiter etiam adulterium est

allotted to him by the law emanating from God. Consequently intercourse with any woman, by the command of God, is neither adultery nor fornication. The same applies to theft, which is the taking of another's property. For whatever is taken by the command of God, to Whom all things belong, is not taken against the will of its owner, whereas it is in this that theft consists. Nor is it only in human things, that whatever is commanded by God is right; but also in natural things, whatever is done by God, is, in some way, natural, as stated in the FP, Q[105], A[6], ad 1.

concubitus cum uxore aliena, quae quidem est ei deputata secundum legem divinitus traditam. Unde ad quamcumque mulierem aliquis accedat ex mandato divino, non est adulterium nec fornicatio. Et eadem ratio est de furto, quod est acceptio rei alienae. Quidquid enim accipit aliquis ex mandato Dei, qui est dominus universorum, non accipit absque voluntate domini, quod est furari. Nec solum in rebus humanis quidquid a Deo mandatur, hoc ipso est debitum, sed etiam in rebus naturalibus quidquid a Deo fit, est quodammodo naturale, ut in primo dictum est.

Reply to Objection 3: A thing is said to belong to the natural law in two ways. First, because nature inclines thereto: e.g. that one should not do harm to another. Secondly, because nature did not bring in the contrary: thus we might say that for man to be naked is of the natural law, because nature did not give him clothes, but art invented them. In this sense, "the possession of all things in common and universal freedom" are said to be of the natural law, because, to wit, the distinction of possessions and slavery were not brought in by nature, but devised by human reason for the benefit of human life. Accordingly the law of nature was not changed in this respect, except by addition.

[37619] Iª-IIae q. 94 a. 5 ad 3 Ad tertium dicendum quod aliquid dicitur esse de iure naturali dupliciter. Uno modo, quia ad hoc natura inclinat, sicut non esse iniuriam alteri faciendam. Alio modo, quia natura non induxit contrarium, sicut possemus dicere quod hominem esse nudum est de iure naturali, quia natura non dedit ei vestitum, sed ars adinvenit. Et hoc modo communis omnium possessio, et omnium una libertas, dicitur esse de iure naturali, quia scilicet distinctio possessionum et servitus non sunt inductae a natura, sed per hominum rationem, ad utilitatem humanae vitae. Et sic in hoc lex naturae non est mutata nisi per additionem.

Q. 94. A. 6. Whether the law of nature can be abolished from the heart of man?

Objection 1: It would seem that the natural law can be abolished from the heart of man. Because on Rom. 2:14, "When the Gentiles who have not the law," etc. a gloss says that "the law of righteousness, which sin had blotted out, is graven on the heart of man when he is restored by grace." But the law of righteousness is the law of nature. Therefore the law of nature can be blotted out.

[37620] Iª-IIae q. 94 a. 6 arg. 1 Ad sextum sic proceditur. Videtur quod lex naturae possit a corde hominis aboleri. Quia Rom. II, super illud, *cum gentes, quae legem non habent,* etc., dicit Glossa quod *in interiori homine per gratiam innovato, lex iustitiae inscribitur, quam deleverat culpa*. Sed lex iustitiae est lex naturae. Ergo lex naturae potest deleri.

Objection 2: Further, the law of grace is more efficacious than the law of nature. But the law of grace is blotted out by sin. Much more therefore can the law of nature be blotted out.

[37621] Iª-IIae q. 94 a. 6 arg. 2 Praeterea, lex gratiae est efficacior quam lex naturae. Sed lex gratiae deletur per culpam. Ergo multo magis lex naturae potest deleri.

Objection 3: Further, that which is established by law is made just. But many things are enacted by men, which are contrary to the law of nature. Therefore the law of nature can be abolished from

[37622] Iª-IIae q. 94 a. 6 arg. 3 Praeterea, illud quod lege statuitur, inducitur quasi iustum. Sed multa sunt ab hominibus statuta contra legem naturae. Ergo lex naturae potest a cordibus

the heart of man.

hominum aboleri.

On the contrary, Augustine says (Confess. ii): "Thy law is written in the hearts of men, which iniquity itself effaces not." But the law which is written in men's hearts is the natural law. Therefore the natural law cannot be blotted out.

[37623] Iª-IIae q. 94 a. 6 s. c. Sed contra est quod Augustinus dicit, in II Confess., *lex tua scripta est in cordibus hominum, quam nec ulla quidem delet iniquitas*. Sed lex scripta in cordibus hominum est lex naturalis. Ergo lex naturalis deleri non potest.

I answer that, As stated above (AA[4],5), there belong to the natural law, first, certain most general precepts, that are known to all; and secondly, certain secondary and more detailed precepts, which are, as it were, conclusions following closely from first principles. As to those general principles, the natural law, in the abstract, can nowise be blotted out from men's hearts. But it is blotted out in the case of a particular action, in so far as reason is hindered from applying the general principle to a particular point of practice, on account of concupiscence or some other passion, as stated above (Q[77], A[2]). But as to the other, i.e. the secondary precepts, the natural law can be blotted out from the human heart, either by evil persuasions, just as in speculative matters errors occur in respect of necessary conclusions; or by vicious customs and corrupt habits, as among some men, theft, and even unnatural vices, as the Apostle states (Rom. i), were not esteemed sinful.

[37624] Iª-IIae q. 94 a. 6 co. Respondeo dicendum quod, sicut supra dictum est, ad legem naturalem pertinent primo quidem quaedam praecepta communissima, quae sunt omnibus nota, quaedam autem secundaria praecepta magis propria, quae sunt quasi conclusiones propinquae principiis. Quantum ergo ad illa principia communia, lex naturalis nullo modo potest a cordibus hominum deleri in universali. Deletur tamen in particulari operabili, secundum quod ratio impeditur applicare commune principium ad particulare operabile, propter concupiscentiam vel aliquam aliam passionem, ut supra dictum est. Quantum vero ad alia praecepta secundaria, potest lex naturalis deleri de cordibus hominum, vel propter malas persuasiones, eo modo quo etiam in speculativis errores contingunt circa conclusiones necessarias; vel etiam propter pravas consuetudines et habitus corruptos; sicut apud quosdam non reputabantur latrocinia peccata, vel etiam vitia contra naturam, ut etiam apostolus dicit, ad Rom. I.

Reply to Objection 1: Sin blots out the law of nature in particular cases, not universally, except perchance in regard to the secondary precepts of the natural law, in the way stated above.

[37625] Iª-IIae q. 94 a. 6 ad 1 Ad primum ergo dicendum quod culpa delet legem naturae in particulari, non autem in universali, nisi forte quantum ad secunda praecepta legis naturae, eo modo quo dictum est.

Reply to Objection 2: Although grace is more efficacious than nature, yet nature is more essential to man, and therefore more enduring.

[37626] Iª-IIae q. 94 a. 6 ad 2 Ad secundum dicendum quod gratia etsi sit efficacior quam natura, tamen natura essentialior est homini, et ideo magis permanens.

Reply to Objection 3: This argument is true of the secondary precepts of the natural law, against which some legislators have framed certain enactments which are unjust.

[37627] Iª-IIae q. 94 a. 6 ad 3 Ad tertium dicendum quod ratio illa procedit de secundis praeceptis legis naturae, contra quae aliqui legislatores statuta aliqua fecerunt, quae sunt iniqua.

Q. 95. OF HUMAN LAW (FOUR ARTICLES)

We must now consider human law; and (1) this law considered in itself; (2) its power; (3) its mutability. Under the first head there are four points of inquiry:

(1) Its utility.

(2) Its origin.

(3) Its quality.

(4) Its division.

[37628] Iª-IIae q. 95 pr. Deinde considerandum est de lege humana. Et primo quidem, de ipsa lege secundum se; secundo, de potestate eius; tertio, de eius mutabilitate. Circa primum quaeruntur quatuor. Primo, de utilitate ipsius. Secundo, de origine eius. Tertio, de qualitate ipsius. Quarto, de divisione eiusdem.

Q. 95. A. 1. Whether it was useful for laws to be framed by men?

Objection 1: It would seem that it was not useful for laws to be framed by men. Because the purpose of every law is that man be made good thereby, as stated above (Q[92], A[1]). But men are more to be induced to be good willingly by means of admonitions, than against their will, by means of laws. Therefore there was no need to frame laws.

[37629] Iª-IIae q. 95 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod non fuerit utile aliquas leges poni ab hominibus. Intentio enim cuiuslibet legis est ut per eam homines fiant boni, sicut supra dictum est. Sed homines magis inducuntur ad bonum voluntarii per monitiones, quam coacti per leges. Ergo non fuit necessarium leges ponere.

Objection 2: Further, As the Philosopher says (Ethic. v, 4), "men have recourse to a judge as to animate justice." But animate justice is better than inanimate justice, which contained in laws. Therefore it would have been better for the execution of justice to be entrusted to the decision of judges, than to frame laws in addition.

[37630] Iª-IIae q. 95 a. 1 arg. 2 Praeterea, sicut dicit philosophus, in V Ethic., *ad iudicem confugiunt homines sicut ad iustum animatum*. Sed iustitia animata est melior quam inanimata, quae legibus continetur. Ergo melius fuisset ut executio iustitiae committeretur arbitrio iudicum, quam quod super hoc lex aliqua ederetur.

Objection 3: Further, every law is framed for the direction of human actions, as is evident from what has been stated above (Q[90], AA[1],2). But since human actions are about singulars, which are infinite in number, matter pertaining to the direction of human actions cannot be taken into sufficient consideration except by a wise man, who looks into each one of them. Therefore it would have been better for human acts to be directed by the judgment of wise men, than by the framing of laws. Therefore there was no need of human laws.

[37631] Iª-IIae q. 95 a. 1 arg. 3 Praeterea, lex omnis directiva est actuum humanorum, ut ex supradictis patet. Sed cum humani actus consistant in singularibus, quae sunt infinita, non possunt ea quae ad directionem humanorum actuum pertinent, sufficienter considerari, nisi ab aliquo sapiente, qui inspiciat singula. Ergo melius fuisset arbitrio sapientum dirigi actus humanos, quam aliqua lege posita. Ergo non fuit necessarium leges humanas ponere.

On the contrary, Isidore says (Etym. v, 20): "Laws were made that in fear thereof human audacity might be held in check, that innocence

[37632] Iª-IIae q. 95 a. 1 s. c. Sed contra est quod Isidorus dicit, in libro Etymol., *factae sunt leges ut earum metu humana coerceretur audacia,*

might be safeguarded in the midst of wickedness, and that the dread of punishment might prevent the wicked from doing harm." But these things are most necessary to mankind. Therefore it was necessary that human laws should be made.

tutaque sit inter improbos innocentia, et in ipsis improbis formidato supplicio refrenetur nocendi facultas. Sed haec sunt maxime necessaria humano generi. Ergo necessarium fuit ponere leges humanas.

I answer that, As stated above (Q[63], A[1]; Q[94], A[3]), man has a natural aptitude for virtue; but the perfection of virtue must be acquired by man by means of some kind of training. Thus we observe that man is helped by industry in his necessities, for instance, in food and clothing. Certain beginnings of these he has from nature, viz. his reason and his hands; but he has not the full complement, as other animals have, to whom nature has given sufficiency of clothing and food. Now it is difficult to see how man could suffice for himself in the matter of this training: since the perfection of virtue consists chiefly in withdrawing man from undue pleasures, to which above all man is inclined, and especially the young, who are more capable of being trained. Consequently a man needs to receive this training from another, whereby to arrive at the perfection of virtue. And as to those young people who are inclined to acts of virtue, by their good natural disposition, or by custom, or rather by the gift of God, paternal training suffices, which is by admonitions. But since some are found to be depraved, and prone to vice, and not easily amenable to words, it was necessary for such to be restrained from evil by force and fear, in order that, at least, they might desist from evil-doing, and leave others in peace, and that they themselves, by being habituated in this way, might be brought to do willingly what hitherto they did from fear, and thus become virtuous. Now this kind of training, which compels through fear of punishment, is the discipline of laws. Therefore in order that man might have peace and virtue, it was necessary for laws to be framed: for, as the Philosopher says (Polit. i, 2), "as man is the most noble of animals if he be perfect in virtue, so is he the lowest of all, if he be severed from law and righteousness"; because man can use his reason to devise means of satisfying his lusts and evil passions, which other animals are unable to do.

[37633] Iª-IIae q. 95 a. 1 co. Respondeo dicendum quod, sicut ex supradictis patet, homini naturaliter inest quaedam aptitudo ad virtutem; sed ipsa virtutis perfectio necesse est quod homini adveniat per aliquam disciplinam. Sicut etiam videmus quod per aliquam industriam subvenitur homini in suis necessitatibus, puta in cibo et vestitu, quorum initia quaedam habet a natura, scilicet rationem et manus, non autem ipsum complementum, sicut cetera animalia, quibus natura dedit sufficienter tegumentum et cibum. Ad hanc autem disciplinam non de facili invenitur homo sibi sufficiens. Quia perfectio virtutis praecipue consistit in retrahendo hominem ab indebitis delectationibus, ad quas praecipue homines sunt proni, et maxime iuvenes, circa quos efficacior est disciplina. Et ideo oportet quod huiusmodi disciplinam, per quam ad virtutem perveniatur, homines ab alio sortiantur. Et quidem quantum ad illos iuvenes qui sunt proni ad actus virtutum, ex bona dispositione naturae, vel consuetudine, vel magis divino munere, sufficit disciplina paterna, quae est per monitiones. Sed quia inveniuntur quidam protervi et ad vitia proni, qui verbis de facili moveri non possunt; necessarium fuit ut per vim et metum cohiberentur a malo, ut saltem sic male facere desistentes, et aliis quietam vitam redderent, et ipsi tandem per huiusmodi assuetudinem ad hoc perducerentur quod voluntarie facerent quae prius metu implebant, et sic fierent virtuosi. Huiusmodi autem disciplina cogens metu poenae, est disciplina legum. Unde necessarium fuit ad pacem hominum et virtutem, ut leges ponerentur, quia sicut philosophus dicit, in I Polit., *sicut homo, si sit perfectus virtute, est optimum animalium; sic, si sit separatus a lege et iustitia, est pessimum omnium*; quia homo habet arma rationis ad explendas concupiscentias et saevitias, quae non habent alia animalia.

Reply to Objection 1: Men who are well

[37634] Iª-IIae q. 95 a. 1 ad 1 Ad primum ergo

disposed are led willingly to virtue by being admonished better than by coercion: but men who are evilly disposed are not led to virtue unless they are compelled.

dicendum quod homines bene dispositi melius inducuntur ad virtutem monitionibus voluntariis quam coactione, sed quidam male dispositi non ducuntur ad virtutem nisi cogantur.

Reply to Objection 2: As the Philosopher says (Rhet. i, 1), "it is better that all things be regulated by law, than left to be decided by judges": and this for three reasons. First, because it is easier to find a few wise men competent to frame right laws, than to find the many who would be necessary to judge aright of each single case. Secondly, because those who make laws consider long beforehand what laws to make; whereas judgment on each single case has to be pronounced as soon as it arises: and it is easier for man to see what is right, by taking many instances into consideration, than by considering one solitary fact. Thirdly, because lawgivers judge in the abstract and of future events; whereas those who sit in judgment of things present, towards which they are affected by love, hatred, or some kind of cupidity; wherefore their judgment is perverted.

Since then the animated justice of the judge is not found in every man, and since it can be deflected, therefore it was necessary, whenever possible, for the law to determine how to judge, and for very few matters to be left to the decision of men.

[37635] Iª-IIae q. 95 a. 1 ad 2 Ad secundum dicendum quod, sicut philosophus dicit, I Rhetor., *melius est omnia ordinari lege, quam dimittere iudicum arbitrio*. Et hoc propter tria. Primo quidem, quia facilius est invenire paucos sapientes, qui sufficiant ad rectas leges ponendas, quam multos, qui requirerentur ad recte iudicandum de singulis. Secundo, quia illi qui leges ponunt, ex multo tempore considerant quid lege ferendum sit, sed iudicia de singularibus factis fiunt ex casibus subito exortis. Facilius autem ex multis consideratis potest homo videre quid rectum sit, quam solum ex aliquo uno facto. Tertio, quia legislatores iudicant in universali, et de futuris, sed homines iudiciis praesidentes iudicant de praesentibus, ad quae afficiuntur amore vel odio, aut aliqua cupiditate; et sic eorum depravatur iudicium. Quia ergo iustitia animata iudicis non invenitur in multis; et quia flexibilis est; ideo necessarium fuit, in quibuscumque est possibile, legem determinare quid iudicandum sit, et paucissima arbitrio hominum committere.

Reply to Objection 3: Certain individual facts which cannot be covered by the law "have necessarily to be committed to judges," as the Philosopher says in the same passage: for instance, "concerning something that has happened or not happened," and the like.

[37636] Iª-IIae q. 95 a. 1 ad 3 Ad tertium dicendum quod quaedam singularia, quae non possunt lege comprehendi, necesse est committere iudicibus, ut ibidem philosophus dicit, puta de eo quod est factum esse vel non esse, et de aliis huiusmodi.

Q. 95. A. 2. Whether every human law is derived from the natural law?

Objection 1: It would seem that not every human law is derived from the natural law. For the Philosopher says (Ethic. v, 7) that "the legal just is that which originally was a matter of indifference." But those things which arise from the natural law are not matters of indifference. Therefore the enactments of human laws are not derived from the natural law.

[37637] Iª-IIae q. 95 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod non omnis lex humanitus posita a lege naturali derivetur. Dicit enim philosophus, in V Ethic., quod *iustum legale est quod ex principio quidem nihil differt utrum sic vel aliter fiat*. Sed in his quae oriuntur ex lege naturali, differt utrum sic vel aliter fiat. Ergo ea quae sunt legibus humanis statuta, non omnia derivantur a lege naturae.

Objection 2: Further, positive law is contrasted with natural law, as stated by Isidore (Etym. v, 4) and the Philosopher (Ethic. v, 7). But those things which flow as conclusions from the general principles of the natural law belong to the natural law, as stated above (Q[94], A[4]). Therefore that which is established by human law does not belong to the natural law.

[37638] Iª-IIae q. 95 a. 2 arg. 2 Praeterea, ius positivum dividitur contra ius naturale, ut patet per Isidorum, in libro Etymol., et per philosophum, in V Ethic. Sed ea quae derivantur a principiis communibus legis naturae sicut conclusiones, pertinent ad legem naturae, ut supra dictum est. Ergo ea quae sunt de lege humana, non derivantur a lege naturae.

Objection 3: Further, the law of nature is the same for all; since the Philosopher says (Ethic. v, 7) that "the natural just is that which is equally valid everywhere." If therefore human laws were derived from the natural law, it would follow that they too are the same for all: which is clearly false.

[37639] Iª-IIae q. 95 a. 2 arg. 3 Praeterea, lex naturae est eadem apud omnes, dicit enim philosophus, in V Ethic., quod *naturale iustum est quod ubique habet eandem potentiam*. Si igitur leges humanae a naturali lege derivarentur, sequeretur quod etiam ipsae essent eaedem apud omnes. Quod patet esse falsum.

Objection 4: Further, it is possible to give a reason for things which are derived from the natural law. But "it is not possible to give the reason for all the legal enactments of the lawgivers," as the jurist says [*Pandect. Justin. lib. i, ff, tit. iii, v; De Leg. et Senat.]. Therefore not all human laws are derived from the natural law.

[37640] Iª-IIae q. 95 a. 2 arg. 4 Praeterea, eorum quae a lege naturali derivantur, potest aliqua ratio assignari. Sed non omnium quae a maioribus lege statuta sunt, ratio reddi potest, ut iurisperitus dicit. Ergo non omnes leges humanae derivantur a lege naturali.

On the contrary, Tully says (Rhet. ii): "Things which emanated from nature and were approved by custom, were sanctioned by fear and reverence for the laws."

[37641] Iª-IIae q. 95 a. 2 s. c. Sed contra est quod Tullius dicit, in sua Rhetor., *res a natura profectas, et a consuetudine probatas, legum metus et religio sanxit*.

I answer that, As Augustine says (De Lib. Arb. i, 5) "that which is not just seems to be no law at all": wherefore the force of a law depends on the extent of its justice. Now in human affairs a thing is said to be just, from being right, according to the rule of reason. But the first rule of reason is the law of nature, as is clear from what has been stated above (Q[91], A[2], ad 2). Consequently every human law has just so much of the nature of law, as it is derived from the law of nature. But if in any point it deflects from the law of nature, it is no longer a law but a perversion of law.

But it must be noted that something may be derived from the natural law in two ways: first, as a conclusion from premises, secondly, by way of determination of certain generalities. The first way is like to that by which, in sciences,

[37642] Iª-IIae q. 95 a. 2 co. Respondeo dicendum quod, sicut Augustinus dicit, in I de Lib. Arb., *non videtur esse lex, quae iusta non fuerit*. Unde inquantum habet de iustitia, intantum habet de virtute legis. In rebus autem humanis dicitur esse aliquid iustum ex eo quod est rectum secundum regulam rationis. Rationis autem prima regula est lex naturae, ut ex supradictis patet. Unde omnis lex humanitus posita intantum habet de ratione legis, inquantum a lege naturae derivatur. Si vero in aliquo, a lege naturali discordet, iam non erit lex sed legis corruptio. Sed sciendum est quod a lege naturali dupliciter potest aliquid derivari, uno modo, sicut conclusiones ex principiis; alio modo, sicut determinationes quaedam aliquorum communium. Primus quidem modus est similis ei quo in scientiis ex principiis conclusiones demonstrativae producuntur. Secundo vero modo

demonstrated conclusions are drawn from the principles: while the second mode is likened to that whereby, in the arts, general forms are particularized as to details: thus the craftsman needs to determine the general form of a house to some particular shape. Some things are therefore derived from the general principles of the natural law, by way of conclusions; e.g. that "one must not kill" may be derived as a conclusion from the principle that "one should do harm to no man": while some are derived therefrom by way of determination; e.g. the law of nature has it that the evil-doer should be punished; but that he be punished in this or that way, is a determination of the law of nature.

Accordingly both modes of derivation are found in the human law. But those things which are derived in the first way, are contained in human law not as emanating therefrom exclusively, but have some force from the natural law also. But those things which are derived in the second way, have no other force than that of human law.

simile est quod in artibus formae communes determinantur ad aliquid speciale, sicut artifex formam communem domus necesse est quod determinet ad hanc vel illam domus figuram. Derivantur ergo quaedam a principiis communibus legis naturae per modum conclusionum, sicut hoc quod est non esse occidendum, ut conclusio quaedam derivari potest ab eo quod est nulli esse malum faciendum. Quaedam vero per modum determinationis, sicut lex naturae habet quod ille qui peccat, puniatur; sed quod tali poena puniatur, hoc est quaedam determinatio legis naturae. Utraque igitur inveniuntur in lege humana posita. Sed ea quae sunt primi modi, continentur lege humana non tanquam sint solum lege posita, sed habent etiam aliquid vigoris ex lege naturali. Sed ea quae sunt secundi modi, ex sola lege humana vigorem habent.

Reply to Objection 1: The Philosopher is speaking of those enactments which are by way of determination or specification of the precepts of the natural law.

[37643] Iª-IIae q. 95 a. 2 ad 1 Ad primum ergo dicendum quod philosophus loquitur de illis quae sunt lege posita per determinationem vel specificationem quandam praeceptorum legis naturae.

Reply to Objection 2: This argument avails for those things that are derived from the natural law, by way of conclusions.

[37644] Iª-IIae q. 95 a. 2 ad 2 Ad secundum dicendum quod ratio illa procedit de his quae derivantur a lege naturae tanquam conclusiones.

Reply to Objection 3: The general principles of the natural law cannot be applied to all men in the same way on account of the great variety of human affairs: and hence arises the diversity of positive laws among various people.

[37645] Iª-IIae q. 95 a. 2 ad 3 Ad tertium dicendum quod principia communia legis naturae non possunt eodem modo applicari omnibus, propter multam varietatem rerum humanarum. Et exinde provenit diversitas legis positivae apud diversos.

Reply to Objection 4: These words of the Jurist are to be understood as referring to decisions of rulers in determining particular points of the natural law: on which determinations the judgment of expert and prudent men is based as on its principles; in so far, to wit, as they see at once what is the best thing to decide.

[37646] Iª-IIae q. 95 a. 2 ad 4 Ad quartum dicendum quod verbum illud iurisperiti intelligendum est in his quae sunt introducta a maioribus circa particulares determinationes legis naturalis; ad quas quidem determinationes se habet expertorum et prudentum iudicium sicut ad quaedam principia; inquantum scilicet statim vident quid congruentius sit particulariter

Hence the Philosopher says (Ethic. vi, 11) that in such matters, "we ought to pay as much attention to the undemonstrated sayings and opinions of persons who surpass us in experience, age and prudence, as to their demonstrations."

determinari. Unde philosophus dicit, in VI Ethic., quod *in talibus oportet attendere expertorum et seniorum vel prudentum indemonstrabilibus enuntiationibus et opinionibus, non minus quam demonstrationibus*.

Q. 95. A. 3. Whether Isidore's description of the quality of positive law is appropriate?

Objection 1: It would seem that Isidore's description of the quality of positive law is not appropriate, when he says (Etym. v, 21): "Law shall be virtuous, just, possible to nature, according to the custom of the country, suitable to place and time, necessary, useful; clearly expressed, lest by its obscurity it lead to misunderstanding; framed for no private benefit, but for the common good." Because he had previously expressed the quality of law in three conditions, saying that "law is anything founded on reason, provided that it foster religion, be helpful to discipline, and further the common weal." Therefore it was needless to add any further conditions to these.

[37647] Iª-IIae q. 95 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod Isidorus inconvenienter qualitatem legis positivae describat, dicens, *erit lex honesta, iusta, possibilis secundum naturam, secundum consuetudinem patriae, loco temporique conveniens, necessaria, utilis; manifesta quoque, ne aliquid per obscuritatem in captionem contineat; nullo privato commodo, sed pro communi utilitate civium scripta*. Supra enim in tribus conditionibus qualitatem legis explicaverat, dicens, *lex erit omne quod ratione constiterit, dumtaxat quod religioni congruat, quod disciplinae conveniat, quod saluti proficiat*. Ergo superflue postmodum conditiones legis multiplicat.

Objection 2: Further, Justice is included in honesty, as Tully says (De Offic. vii). Therefore after saying "honest" it was superfluous to add "just."

[37648] Iª-IIae q. 95 a. 3 arg. 2 Praeterea, iustitia pars est honestatis; ut Tullius dicit, in I de Offic. Ergo postquam dixerat honesta, superflue additur iusta.

Objection 3: Further, written law is condivided with custom, according to Isidore (Etym. ii, 10). Therefore it should not be stated in the definition of law that it is "according to the custom of the country."

[37649] Iª-IIae q. 95 a. 3 arg. 3 Praeterea, lex scripta, secundum Isidorum, contra consuetudinem dividitur. Non ergo debuit in definitione legis poni quod esset secundum consuetudinem patriae.

Objection 4: Further, a thing may be necessary in two ways. It may be necessary simply, because it cannot be otherwise: and that which is necessary in this way, is not subject to human judgment, wherefore human law is not concerned with necessity of this kind. Again a thing may be necessary for an end: and this necessity is the same as usefulness. Therefore it is superfluous to say both "necessary" and "useful."

[37650] Iª-IIae q. 95 a. 3 arg. 4 Praeterea, necessarium dupliciter dicitur. Scilicet id quod est necessarium simpliciter, quod impossibile est aliter se habere, et huiusmodi necessarium non subiacet humano iudicio, unde talis necessitas ad legem humanam non pertinet. Est etiam aliquid necessarium propter finem, et talis necessitas idem est quod utilitas. Ergo superflue utrumque ponitur, necessaria et utilis.

On the contrary, stands the authority of Isidore.

[37651] Iª-IIae q. 95 a. 3 s. c. Sed contra est auctoritas ipsius Isidori.

I answer that, Whenever a thing is for an end, its form must be determined proportionately to that end; as the form of a saw is such as to be suitable for cutting (Phys. ii, text. 88). Again, everything that is ruled and measured must have a form proportionate to its rule and measure. Now both these conditions are verified of human law: since it is both something ordained to an end; and is a rule or measure ruled or measured by a higher measure. And this higher measure is twofold, viz. the Divine law and the natural law, as explained above (A[2]; Q[93], A[3]). Now the end of human law is to be useful to man, as the jurist states [*Pandect. Justin. lib. xxv, ff., tit. iii; De Leg. et Senat.]. Wherefore Isidore in determining the nature of law, lays down, at first, three conditions; viz. that it "foster religion," inasmuch as it is proportionate to the Divine law; that it be "helpful to discipline," inasmuch as it is proportionate to the nature law; and that it "further the common weal," inasmuch as it is proportionate to the utility of mankind.

All the other conditions mentioned by him are reduced to these three. For it is called virtuous because it fosters religion. And when he goes on to say that it should be "just, possible to nature, according to the customs of the country, adapted to place and time," he implies that it should be helpful to discipline. For human discipline depends on first on the order of reason, to which he refers by saying "just": secondly, it depends on the ability of the agent; because discipline should be adapted to each one according to his ability, taking also into account the ability of nature (for the same burdens should be not laid on children as adults); and should be according to human customs; since man cannot live alone in society, paying no heed to others: thirdly, it depends on certain circumstances, in respect of which he says, "adapted to place and time." The remaining words, "necessary, useful," etc. mean that law should further the common weal: so that "necessity" refers to the removal of evils; "usefulness" to the attainment of good; "clearness of expression," to the need of preventing any harm ensuing from the law itself. And since, as stated above (Q[90], A[2]), law is ordained to the common good, this is expressed in the last part of the description.

[37652] Iª-IIae q. 95 a. 3 co. Respondeo dicendum quod uniuscuiusque rei quae est propter finem, necesse est quod forma determinetur secundum proportionem ad finem; sicut forma serrae talis est qualis convenit sectioni; ut patet in II Physic. Quaelibet etiam res recta et mensurata oportet quod habeat formam proportionalem suae regulae et mensurae. Lex autem humana utrumque habet, quia et est aliquid ordinatum ad finem; et est quaedam regula vel mensura regulata vel mensurata quadam superiori mensura; quae quidem est duplex, scilicet lex divina et lex naturae, ut ex supradictis patet. Finis autem humanae legis est utilitas hominum; sicut etiam iurisperitus dicit. Et ideo Isidorus in conditione legis, primo quidem tria posuit, scilicet quod religioni congruat, inquantum scilicet est proportionata legi divinae; quod disciplinae conveniat, inquantum est proportionata legi naturae; quod saluti proficiat, inquantum est proportionata utilitati humanae. Et ad haec tria omnes aliae conditiones quas postea ponit, reducuntur. Nam quod dicitur honesta, refertur ad hoc quod religioni congruat. Quod autem subditur, *iusta, possibilis secundum naturam, secundum consuetudinem patriae, loco temporique conveniens*, additur ad hoc quod conveniat disciplinae. Attenditur enim humana disciplina primum quidem quantum ad ordinem rationis, qui importatur in hoc quod dicitur iusta. Secundo, quantum ad facultatem agentium. Debet enim esse disciplina conveniens unicuique secundum suam possibilitatem, observata etiam possibilitate naturae (non enim eadem sunt imponenda pueris, quae imponuntur viris perfectis); et secundum humanam consuetudinem; non enim potest homo solus in societate vivere, aliis morem non gerens. Tertio, quantum ad debitas circumstantias, dicit, loco temporique conveniens. Quod vero subditur, necessaria, utilis, etc., refertur ad hoc quod expediat saluti, ut necessitas referatur ad remotionem malorum; utilitas, ad consecutionem bonorum; manifestatio vero, ad cavendum nocumentum quod ex ipsa lege posset provenire. Et quia, sicut supra dictum est, lex ordinatur ad bonum commune, hoc ipsum in ultima parte determinationis ostenditur.

Reply to Objections: This suffices for the Replies to the Objections.

[37653] Iª-IIae q. 95 a. 3 ad arg. Et per hoc patet responsio ad obiecta.

Q. 95. A. 4. Whether Isidore's division of human laws is appropriate?

Objection 1: It would seem that Isidore wrongly divided human statutes or human law (Etym. v, 4, seqq.). For under this law he includes the "law of nations," so called, because, as he says, "nearly all nations use it." But as he says, "natural law is that which is common to all nations." Therefore the law of nations is not contained under positive human law, but rather under natural law.

[37654] Iª-IIae q. 95 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod inconvenienter Isidorus divisionem legum humanarum ponat, sive iuris humani. Sub hoc enim iure comprehendit ius gentium, quod ideo sic nominatur, ut ipse dicit, quia eo omnes fere gentes utuntur. Sed sicut ipse dicit, *ius naturale est quod est commune omnium nationum*. Ergo ius gentium non continetur sub iure positivo humano, sed magis sub iure naturali.

Objection 2: Further, those laws which have the same force, seem to differ not formally but only materially. But "statutes, decrees of the commonalty, senatorial decrees," and the like which he mentions (Etym. v, 9), all have the same force. Therefore they do not differ, except materially. But art takes no notice of such a distinction: since it may go on to infinity. Therefore this division of human laws is not appropriate.

[37655] Iª-IIae q. 95 a. 4 arg. 2 Praeterea, ea quae habent eandem vim, non videntur formaliter differre, sed solum materialiter. Sed leges, plebiscita, senatusconsulta, et alia huiusmodi quae ponit, omnia habent eandem vim. Ergo videtur quod non differant nisi materialiter. Sed talis distinctio in arte non est curanda, cum possit esse in infinitum. Ergo inconvenienter huiusmodi divisio humanarum legum introducitur.

Objection 3: Further, just as, in the state, there are princes, priests and soldiers, so are there other human offices. Therefore it seems that, as this division includes "military law," and "public law," referring to priests and magistrates; so also it should include other laws pertaining to other offices of the state.

[37656] Iª-IIae q. 95 a. 4 arg. 3 Praeterea, sicut in civitate sunt principes et sacerdotes et milites, ita etiam sunt et alia hominum officia. Ergo videtur quod, sicut ponitur quoddam ius militare, et ius publicum, quod consistit in sacerdotibus et magistratibus; ita etiam debeant poni alia iura, ad alia officia civitatis pertinentia.

Objection 4: Further, those things that are accidental should be passed over. But it is accidental to law that it be framed by this or that man. Therefore it is unreasonable to divide laws according to the names of lawgivers, so that one be called the "Cornelian" law, another the "Falcidian" law, etc.

[37657] Iª-IIae q. 95 a. 4 arg. 4 Praeterea, ea quae sunt per accidens, sunt praetermittenda. Sed accidit legi ut ab hoc vel illo homine feratur. Ergo inconvenienter ponitur divisio legum humanarum ex nominibus legislatorum, ut scilicet quaedam dicatur Cornelia, quaedam Falcidia, et cetera.

On the contrary, The authority of Isidore (OBJ[1]) suffices.

[37658] Iª-IIae q. 95 a. 4 s. c. In contrarium auctoritas Isidori sufficiat.

I answer that, A thing can of itself be divided in respect of something contained in the notion of that thing. Thus a soul either rational or irrational

[37659] Iª-IIae q. 95 a. 4 co. Respondeo dicendum quod unumquodque potest per se dividi secundum id quod in eius ratione continetur. Sicut in ratione

is contained in the notion of animal: and therefore animal is divided properly and of itself in respect of its being rational or irrational; but not in the point of its being white or black, which are entirely beside the notion of animal. Now, in the notion of human law, many things are contained, in respect of any of which human law can be divided properly and of itself. For in the first place it belongs to the notion of human law, to be derived from the law of nature, as explained above (A[2]). In this respect positive law is divided into the "law of nations" and "civil law," according to the two ways in which something may be derived from the law of nature, as stated above (A[2]). Because, to the law of nations belong those things which are derived from the law of nature, as conclusions from premises, e.g. just buyings and sellings, and the like, without which men cannot live together, which is a point of the law of nature, since man is by nature a social animal, as is proved in Polit. i, 2. But those things which are derived from the law of nature by way of particular determination, belong to the civil law, according as each state decides on what is best for itself.

Secondly, it belongs to the notion of human law, to be ordained to the common good of the state. In this respect human law may be divided according to the different kinds of men who work in a special way for the common good: e.g. priests, by praying to God for the people; princes, by governing the people; soldiers, by fighting for the safety of the people. Wherefore certain special kinds of law are adapted to these men.

Thirdly, it belongs to the notion of human law, to be framed by that one who governs the community of the state, as shown above (Q[90], A[3]). In this respect, there are various human laws according to the various forms of government. Of these, according to the Philosopher (Polit. iii, 10) one is "monarchy," i.e. when the state is governed by one; and then we have "Royal Ordinances." Another form is "aristocracy," i.e. government by the best men or men of highest rank; and then we have the "Authoritative legal opinions" [Responsa Prudentum] and "Decrees of the Senate" [Senatus consulta]. Another form is "oligarchy," i.e. government by a few rich and powerful men; and then we have "Praetorian," also called

animalis continetur anima, quae est rationalis vel irrationalis, et ideo animal proprie et per se dividitur secundum rationale et irrationale; non autem secundum album et nigrum, quae sunt omnino praeter rationem eius. Sunt autem multa de ratione legis humanae, secundum quorum quodlibet lex humana proprie et per se dividi potest. Est enim primo de ratione legis humanae quod sit derivata a lege naturae, ut ex dictis patet. Et secundum hoc dividitur ius positivum in ius gentium et ius civile, secundum duos modos quibus aliquid derivatur a lege naturae, ut supra dictum est. Nam ad ius gentium pertinent ea quae derivantur ex lege naturae sicut conclusiones ex principiis, ut iustae emptiones, venditiones, et alia huiusmodi, sine quibus homines ad invicem convivere non possent; quod est de lege naturae, quia homo est naturaliter animal sociale, ut probatur in I Polit. Quae vero derivantur a lege naturae per modum particularis determinationis, pertinent ad ius civile, secundum quod quaelibet civitas aliquid sibi accommodum determinat. Secundo est de ratione legis humanae quod ordinetur ad bonum commune civitatis. Et secundum hoc lex humana dividi potest secundum diversitatem eorum qui specialiter dant operam ad bonum commune, sicut sacerdotes, pro populo Deum orantes; principes, populum gubernantes; et milites, pro salute populi pugnantes. Et ideo istis hominibus specialia quaedam iura aptantur. Tertio est de ratione legis humanae ut instituatur a gubernante communitatem civitatis, sicut supra dictum est. Et secundum hoc distinguuntur leges humanae secundum diversa regimina civitatum. Quorum unum, secundum philosophum, in III Polit., est regnum, quando scilicet civitas gubernatur ab uno, et secundum hoc accipiuntur constitutiones principum. Aliud vero regimen est aristocratia, idest principatus optimorum, vel optimatum, et secundum hoc sumuntur responsa prudentum, et etiam senatusconsulta. Aliud regimen est oligarchia, idest principatus paucorum divitum et potentum, et secundum hoc sumitur ius praetorium, quod etiam honorarium dicitur. Aliud autem regimen est populi, quod nominatur democratia, et secundum hoc sumuntur plebiscita. Aliud autem est tyrannicum, quod est omnino corruptum, unde ex hoc non sumitur aliqua lex. Est etiam aliquod regimen ex istis commixtum, quod est optimum, et secundum hoc sumitur lex, *quam maiores natu simul cum plebibus sanxerunt*, ut Isidorus dicit. Quarto vero

"Honorary," law. Another form of government is that of the people, which is called "democracy," and there we have "Decrees of the commonalty" [Plebiscita]. There is also tyrannical government, which is altogether corrupt, which, therefore, has no corresponding law. Finally, there is a form of government made up of all these, and which is the best: and in this respect we have law sanctioned by the "Lords and Commons," as stated by Isidore (Etym. v, 4, seqq.).

Fourthly, it belongs to the notion of human law to direct human actions. In this respect, according to the various matters of which the law treats, there are various kinds of laws, which are sometimes named after their authors: thus we have the "Lex Julia" about adultery, the "Lex Cornelia" concerning assassins, and so on, differentiated in this way, not on account of the authors, but on account of the matters to which they refer.

de ratione legis humanae est quod sit directiva humanorum actuum. Et secundum hoc, secundum diversa de quibus leges feruntur, distinguuntur leges, quae interdum ab auctoribus nominantur, sicut distinguitur lex Iulia de adulteriis, lex Cornelia de sicariis, et sic de aliis, non propter auctores, sed propter res de quibus sunt.

Reply to Objection 1: The law of nations is indeed, in some way, natural to man, in so far as he is a reasonable being, because it is derived from the natural law by way of a conclusion that is not very remote from its premises. Wherefore men easily agreed thereto. Nevertheless it is distinct from the natural law, especially it is distinct from the natural law which is common to all animals.

[37660] Iª-IIae q. 95 a. 4 ad 1 Ad primum ergo dicendum quod ius gentium est quidem aliquo modo naturale homini, secundum quod est rationalis, inquantum derivatur a lege naturali per modum conclusionis quae non est multum remota a principiis. Unde de facili in huiusmodi homines consenserunt. Distinguitur tamen a lege naturali, maxime ab eo quod est omnibus animalibus communis.

Reply to Objections 2--4: The Replies to the other Objections are evident from what has been said.

[37661] Iª-IIae q. 95 a. 4 ad 2 Ad alia patet responsio ex his quae dicta sunt.

Q. 96. OF THE POWER OF HUMAN LAW (SIX ARTICLES)

We must now consider the power of human law. Under this head there are six points of inquiry:

(1) Whether human law should be framed for the community?

(2) Whether human law should repress all vices?

(3) Whether human law is competent to direct all acts of virtue?

(4) Whether it binds man in conscience?

(5) Whether all men are subject to human law?

(6) Whether those who are under the law may act beside the letter of the law?

[37662] Iª-IIae q. 96 pr. Deinde considerandum est de potestate legis humanae. Et circa hoc quaeruntur sex. Primo, utrum lex humana debeat poni in communi. Secundo, utrum lex humana debeat omnia vitia cohibere. Tertio, utrum omnium virtutum actus habeat ordinare. Quarto, utrum imponat homini necessitatem quantum ad forum conscientiae. Quinto, utrum omnes homines legi humanae subdantur. Sexto, utrum his qui sunt sub lege, liceat agere praeter verba legis.

Q. 96. A. 1. Whether human law should be framed for the community rather than for the individual?

Objection 1: It would seem that human law should be framed not for the community, but rather for the individual. For the Philosopher says (Ethic. v, 7) that "the legal just . . . includes all particular acts of legislation . . . and all those matters which are the subject of decrees," which are also individual matters, since decrees are framed about individual actions. Therefore law is framed not only for the community, but also for the individual.

[37663] Iª-IIae q. 96 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex humana non debeat poni in communi, sed magis in particulari. Dicit enim philosophus, in V Ethic., quod *legalia sunt quaecumque in singularibus lege ponunt; et etiam sententialia*, quae sunt etiam singularia, quia de singularibus actibus sententiae feruntur. Ergo lex non solum ponitur in communi, sed etiam in singulari.

Objection 2: Further, law is the director of human acts, as stated above (Q[90], AA[1],2). But human acts are about individual matters. Therefore human laws should be framed, not for the community, but rather for the individual.

[37664] Iª-IIae q. 96 a. 1 arg. 2 Praeterea, lex est directiva humanorum actuum, ut supra dictum est. Sed humani actus in singularibus consistunt. Ergo leges humanae non debent in universali ferri, sed magis in singulari.

Objection 3: Further, law is a rule and measure of human acts, as stated above (Q[90], AA[1],2). But a measure should be most certain, as stated in Metaph. x. Since therefore in human acts no general proposition can be so certain as not to fail in some individual cases, it seems that laws should be framed not in general but for individual cases.

[37665] Iª-IIae q. 96 a. 1 arg. 3 Praeterea, lex est regula et mensura humanorum actuum, ut supra dictum est. Sed mensura debet esse certissima, ut dicitur in X Metaphys. Cum ergo in actibus humanis non possit esse aliquod universale certum, quin in particularibus deficiat; videtur quod necesse sit leges non in universali, sed in singulari poni.

On the contrary, The jurist says (Pandect. Justin. lib. i, tit. iii, art. ii; De legibus, etc.) that "laws

[37666] Iª-IIae q. 96 a. 1 s. c. Sed contra est quod iurisperitus dicit, quod *iura constitui oportet in*

should be made to suit the majority of instances; and they are not framed according to what may possibly happen in an individual case."

his quae saepius accidunt, ex his autem quae forte uno casu accidere possunt, iura non constituuntur.

I answer that, Whatever is for an end should be proportionate to that end. Now the end of law is the common good; because, as Isidore says (Etym. v, 21) that "law should be framed, not for any private benefit, but for the common good of all the citizens." Hence human laws should be proportionate to the common good. Now the common good comprises many things. Wherefore law should take account of many things, as to persons, as to matters, and as to times. Because the community of the state is composed of many persons; and its good is procured by many actions; nor is it established to endure for only a short time, but to last for all time by the citizens succeeding one another, as Augustine says (De Civ. Dei ii, 21; xxii, 6).

[37667] Iª-IIae q. 96 a. 1 co. Respondeo dicendum quod unumquodque quod est propter finem, necesse est quod sit fini proportionatum. Finis autem legis est bonum commune, quia, ut Isidorus dicit, in libro Etymol., *nullo privato commodo, sed pro communi utilitate civium lex debet esse conscripta*. Unde oportet leges humanas esse proportionatas ad bonum commune. Bonum autem commune constat ex multis. Et ideo oportet quod lex ad multa respiciat, et secundum personas, et secundum negotia, et secundum tempora. Constituitur enim communitas civitatis ex multis personis; et eius bonum per multiplices actiones procuratur; nec ad hoc solum instituitur quod aliquo modico tempore duret, sed quod omni tempore perseveret per civium successionem, ut Augustinus dicit, in XXII de Civ. Dei.

Reply to Objection 1: The Philosopher (Ethic. v, 7) divides the legal just, i.e. positive law, into three parts. For some things are laid down simply in a general way: and these are the general laws. Of these he says that "the legal is that which originally was a matter of indifference, but which, when enacted, is so no longer": as the fixing of the ransom of a captive. Some things affect the community in one respect, and individuals in another. These are called "privileges," i.e. "private laws," as it were, because they regard private persons, although their power extends to many matters; and in regard to these, he adds, "and further, all particular acts of legislation." Other matters are legal, not through being laws, but through being applications of general laws to particular cases: such are decrees which have the force of law; and in regard to these, he adds "all matters subject to decrees."

[37668] Iª-IIae q. 96 a. 1 ad 1 Ad primum ergo dicendum quod philosophus in V Ethic. ponit tres partes iusti legalis, quod est ius positivum. Sunt enim quaedam quae simpliciter in communi ponuntur. Et haec sunt leges communes. Et quantum ad huiusmodi, dicit quod *legale est quod ex principio quidem nihil differt sic vel aliter, quando autem ponitur, differt*, puta quod captivi statuto pretio redimantur. Quaedam vero sunt quae sunt communia quantum ad aliquid, et singularia quantum ad aliquid. Et huiusmodi dicuntur privilegia, quasi leges privatae, quia respiciunt singulares personas, et tamen potestas eorum extenditur ad multa negotia. Et quantum ad hoc, subdit, *adhuc quaecumque in singularibus lege ponunt*. Dicuntur etiam quaedam legalia, non quia sint leges, sed propter applicationem legum communium ad aliqua particularia facta; sicut sunt sententiae, quae pro iure habentur. Et quantum ad hoc, subdit, et sententialia.

Reply to Objection 2: A principle of direction should be applicable to many; wherefore (Metaph. x, text. 4) the Philosopher says that all things belonging to one genus, are measured by one, which is the principle in that genus. For if there were as many rules or measures as there are

[37669] Iª-IIae q. 96 a. 1 ad 2 Ad secundum dicendum quod illud quod est directivum, oportet esse plurium directivum, unde in X Metaphys., philosophus dicit quod omnia quae sunt unius generis, mensurantur aliquo uno, quod est primum in genere illo. Si enim essent tot regulae vel

things measured or ruled, they would cease to be of use, since their use consists in being applicable to many things. Hence law would be of no use, if it did not extend further than to one single act. Because the decrees than to one single act. Because the decrees of prudent men are made for the purpose of directing individual actions; whereas law is a general precept, as stated above (Q[92], A[2], OBJ[2]).

mensurae quot sunt mensurata vel regulata, cessaret utilitas regulae vel mensurae, quae est ut ex uno multa possint cognosci. Et ita nulla esset utilitas legis, si non se extenderet nisi ad unum singularem actum. Ad singulares enim actus dirigendos dantur singularia praecepta prudentium, sed lex est praeceptum commune, ut supra dictum est.

Reply to Objection 3: "We must not seek the same degree of certainty in all things" (Ethic. i, 3). Consequently in contingent matters, such as natural and human things, it is enough for a thing to be certain, as being true in the greater number of instances, though at times and less frequently it fail.

[37670] Iª-IIae q. 96 a. 1 ad 3 Ad tertium dicendum quod non est eadem certitudo quaerenda in omnibus, ut in I Ethic. dicitur. Unde in rebus contingentibus, sicut sunt naturalia et res humanae, sufficit talis certitudo ut aliquid sit verum ut in pluribus, licet interdum deficiat in paucioribus.

Q. 96. A. 2. Whether it belongs to the human law to repress all vices?

Objection 1: It would seem that it belongs to human law to repress all vices. For Isidore says (Etym. v, 20) that "laws were made in order that, in fear thereof, man's audacity might be held in check." But it would not be held in check sufficiently, unless all evils were repressed by law. Therefore human laws should repress all evils.

[37671] Iª-IIae q. 96 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod ad legem humanam pertineat omnia vitia cohibere. Dicit enim Isidorus, in libro Etymol., quod *leges sunt factae ut earum metu coerceatur audacia*. Non autem sufficienter coerceretur, nisi quaelibet mala cohiberentur per legem. Ergo lex humana debet quaelibet mala cohibere.

Objection 2: Further, the intention of the lawgiver is to make the citizens virtuous. But a man cannot be virtuous unless he forbear from all kinds of vice. Therefore it belongs to human law to repress all vices.

[37672] Iª-IIae q. 96 a. 2 arg. 2 Praeterea, intentio legislatoris est cives facere virtuosos. Sed non potest esse aliquis virtuosus, nisi ab omnibus vitiis compescatur. Ergo ad legem humanam pertinet omnia vitia compescere.

Objection 3: Further, human law is derived from the natural law, as stated above (Q[95], A[2]). But all vices are contrary to the law of nature. Therefore human law should repress all vices.

[37673] Iª-IIae q. 96 a. 2 arg. 3 Praeterea, lex humana a lege naturali derivatur, ut supra dictum est. Sed omnia vitia repugnant legi naturae. Ergo lex humana omnia vitia debet cohibere.

On the contrary, We read in De Lib. Arb. i, 5: "It seems to me that the law which is written for the governing of the people rightly permits these things, and that Divine providence punishes them." But Divine providence punishes nothing but vices. Therefore human law rightly allows some vices, by not repressing them.

[37674] Iª-IIae q. 96 a. 2 s. c. Sed contra est quod dicitur in I de Lib. Arb., *videtur mihi legem istam quae populo regendo scribitur, recte ista permittere, et divinam providentiam vindicare*. Sed divina providentia non vindicat nisi vitia. Ergo recte lex humana permittit aliqua vitia, non cohibendo ipsa.

I answer that, As stated above (Q[90], AA[1],2), law is framed as a rule or measure of human acts. Now a measure should be homogeneous with that which it measures, as stated in Metaph. x, text. 3,4, since different things are measured by different measures. Wherefore laws imposed on men should also be in keeping with their condition, for, as Isidore says (Etym. v, 21), law should be "possible both according to nature, and according to the customs of the country." Now possibility or faculty of action is due to an interior habit or disposition: since the same thing is not possible to one who has not a virtuous habit, as is possible to one who has. Thus the same is not possible to a child as to a full-grown man: for which reason the law for children is not the same as for adults, since many things are permitted to children, which in an adult are punished by law or at any rate are open to blame. In like manner many things are permissible to men not perfect in virtue, which would be intolerable in a virtuous man.

Now human law is framed for a number of human beings, the majority of whom are not perfect in virtue. Wherefore human laws do not forbid all vices, from which the virtuous abstain, but only the more grievous vices, from which it is possible for the majority to abstain; and chiefly those that are to the hurt of others, without the prohibition of which human society could not be maintained: thus human law prohibits murder, theft and such like.

[37675] Iª-IIae q. 96 a. 2 co. Respondeo dicendum quod, sicut iam dictum est, lex ponitur ut quaedam regula vel mensura humanorum actuum. Mensura autem debet esse homogenea mensurato, ut dicitur in X Metaphys., diversa enim diversis mensuris mensurantur. Unde oportet quod etiam leges imponantur hominibus secundum eorum conditionem, quia, ut Isidorus dicit. *Lex debet esse possibilis et secundum naturam, et secundum consuetudinem patriae*. Potestas autem sive facultas operandi ex interiori habitu seu dispositione procedit, non enim idem est possibile ei qui non habet habitum virtutis, et virtuoso; sicut etiam non est idem possibile puero et viro perfecto. Et propter hoc non ponitur eadem lex pueris quae ponitur adultis, multa enim pueris permittuntur quae in adultis lege puniuntur, vel etiam vituperantur. Et similiter multa sunt permittenda hominibus non perfectis virtute, quae non essent toleranda in hominibus virtuosis. Lex autem humana ponitur multitudini hominum, in qua maior pars est hominum non perfectorum virtute. Et ideo lege humana non prohibentur omnia vitia, a quibus virtuosi abstinent; sed solum graviora, a quibus possibile est maiorem partem multitudinis abstinere; et praecipue quae sunt in nocumentum aliorum, sine quorum prohibitione societas humana conservari non posset, sicut prohibentur lege humana homicidia et furta et huiusmodi.

Reply to Objection 1: Audacity seems to refer to the assailing of others. Consequently it belongs to those sins chiefly whereby one's neighbor is injured: and these sins are forbidden by human law, as stated.

[37676] Iª-IIae q. 96 a. 2 ad 1 Ad primum ergo dicendum quod audacia pertinere videtur ad invasionem aliorum. Unde praecipue pertinet ad illa peccata quibus iniuria proximis irrogatur; quae lege humana prohibentur, ut dictum est.

Reply to Objection 2: The purpose of human law is to lead men to virtue, not suddenly, but gradually. Wherefore it does not lay upon the multitude of imperfect men the burdens of those who are already virtuous, viz. that they should abstain from all evil. Otherwise these imperfect ones, being unable to bear such precepts, would break out into yet greater evils: thus it is written (Ps. 30:33): "He that violently bloweth his nose, bringeth out blood"; and (Mat. 9:17) that if "new

[37677] Iª-IIae q. 96 a. 2 ad 2 Ad secundum dicendum quod lex humana intendit homines inducere ad virtutem, non subito, sed gradatim. Et ideo non statim multitudini imperfectorum imponit ea quae sunt iam virtuosorum, ut scilicet ab omnibus malis abstineant. Alioquin imperfecti, huiusmodi praecepta ferre non valentes, in deteriora mala prorumperent, sicut dicitur Prov. XXX, *qui nimis emungit, elicit sanguinem*; et Matth. IX dicitur quod, si vinum novum, idest

wine," i.e. precepts of a perfect life, "is put into old bottles," i.e. into imperfect men, "the bottles break, and the wine runneth out," i.e. the precepts are despised, and those men, from contempt, break into evils worse still.

praecepta perfectae vitae, mittatur in utres veteres, idest in homines imperfectos, utres rumpuntur, et vinum effunditur, idest, praecepta contemnuntur, et homines ex contemptu ad peiora mala prorumpunt.

Reply to Objection 3: The natural law is a participation in us of the eternal law: while human law falls short of the eternal law. Now Augustine says (De Lib. Arb. i, 5): "The law which is framed for the government of states, allows and leaves unpunished many things that are punished by Divine providence. Nor, if this law does not attempt to do everything, is this a reason why it should be blamed for what it does." Wherefore, too, human law does not prohibit everything that is forbidden by the natural law.

[37678] Iª-IIae q. 96 a. 2 ad 3 Ad tertium dicendum quod lex naturalis est quaedam participatio legis aeternae in nobis, lex autem humana deficit a lege aeterna. Dicit enim Augustinus, in I de Lib. Arb., *lex ista quae regendis civitatibus fertur, multa concedit atque impunita relinquit, quae per divinam providentiam vindicantur. Neque enim quia non omnia facit, ideo quae facit, improbanda sunt*. Unde etiam lex humana non omnia potest prohibere quae prohibet lex naturae.

Q. 96. A. 3. Whether human law prescribes acts of all the virtues?

Objection 1: It would seem that human law does not prescribe acts of all the virtues. For vicious acts are contrary to acts of virtue. But human law does not prohibit all vices, as stated above (A[2]). Therefore neither does it prescribe all acts of virtue.

[37679] Iª-IIae q. 96 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod lex humana non praecipiat actus omnium virtutum. Actibus enim virtutum opponuntur actus vitiosi. Sed lex humana non prohibet omnia vitia, ut dictum est. Ergo etiam non praecipit actus omnium virtutum.

Objection 2: Further, a virtuous act proceeds from a virtue. But virtue is the end of law; so that whatever is from a virtue, cannot come under a precept of law. Therefore human law does not prescribe all acts of virtue.

[37680] Iª-IIae q. 96 a. 3 arg. 2 Praeterea, actus virtutis a virtute procedit. Sed virtus est finis legis, et ita quod est ex virtute, sub praecepto legis cadere non potest. Ergo lex humana non praecipit actus omnium virtutum.

Objection 3: Further, law is ordained to the common good, as stated above (Q[90], A[2]). But some acts of virtue are ordained, not to the common good, but to private good. Therefore the law does not prescribe all acts of virtue.

[37681] Iª-IIae q. 96 a. 3 arg. 3 Praeterea, lex ordinatur ad bonum commune, ut dictum est. Sed quidam actus virtutum non ordinantur ad bonum commune, sed ad bonum privatum. Ergo lex non praecipit actus omnium virtutum.

On the contrary, The Philosopher says (Ethic. v, 1) that the law "prescribes the performance of the acts of a brave man . . . and the acts of the temperate man . . . and the acts of the meek man: and in like manner as regards the other virtues and vices, prescribing the former, forbidding the latter."

[37682] Iª-IIae q. 96 a. 3 s. c. Sed contra est quod philosophus dicit, in V Ethic., quod *praecipit lex fortis opera facere, et quae temperati, et quae mansueti; similiter autem secundum alias virtutes et malitias, haec quidem iubens, haec autem prohibens*.

I answer that, The species of virtues are

[37683] Iª-IIae q. 96 a. 3 co. Respondeo dicendum

distinguished by their objects, as explained above (Q[54], A[2]; Q[60], A[1]; Q[62], A[2]). Now all the objects of virtues can be referred either to the private good of an individual, or to the common good of the multitude: thus matters of fortitude may be achieved either for the safety of the state, or for upholding the rights of a friend, and in like manner with the other virtues. But law, as stated above (Q[90], A[2]) is ordained to the common good. Wherefore there is no virtue whose acts cannot be prescribed by the law. Nevertheless human law does not prescribe concerning all the acts of every virtue: but only in regard to those that are ordainable to the common good---either immediately, as when certain things are done directly for the common good---or mediately, as when a lawgiver prescribes certain things pertaining to good order, whereby the citizens are directed in the upholding of the common good of justice and peace.

quod species virtutum distinguuntur secundum obiecta, ut ex supradictis patet. Omnia autem obiecta virtutum referri possunt vel ad bonum privatum alicuius personae, vel ad bonum commune multitudinis, sicut ea quae sunt fortitudinis potest aliquis exequi vel propter conservationem civitatis, vel ad conservandum ius amici sui; et simile est in aliis. Lex autem, ut dictum est, ordinatur ad bonum commune. Et ideo nulla virtus est de cuius actibus lex praecipere non possit. Non tamen de omnibus actibus omnium virtutum lex humana praecipit, sed solum de illis qui sunt ordinabiles ad bonum commune, vel immediate, sicut cum aliqua directe propter bonum commune fiunt; vel mediate, sicut cum aliqua ordinantur a legislatore pertinentia ad bonam disciplinam, per quam cives informantur ut commune bonum iustitiae et pacis conservent.

Reply to Objection 1: Human law does not forbid all vicious acts, by the obligation of a precept, as neither does it prescribe all acts of virtue. But it forbids certain acts of each vice, just as it prescribes some acts of each virtue.

[37684] Iª-IIae q. 96 a. 3 ad 1 Ad primum ergo dicendum quod lex humana non prohibet omnes actus vitiosos, secundum obligationem praecepti, sicut nec praecipit omnes actus virtuosos. Prohibet tamen aliquos actus singulorum vitiorum, sicut etiam praecipit quosdam actus singularum virtutum.

Reply to Objection 2: An act is said to be an act of virtue in two ways. First, from the fact that a man does something virtuous; thus the act of justice is to do what is right, and an act of fortitude is to do brave things: and in this way law prescribes certain acts of virtue. Secondly an act of virtue is when a man does a virtuous thing in a way in which a virtuous man does it. Such an act always proceeds from virtue: and it does not come under a precept of law, but is the end at which every lawgiver aims.

[37685] Iª-IIae q. 96 a. 3 ad 2 Ad secundum dicendum quod aliquis actus dicitur esse virtutis dupliciter. Uno modo, ex eo quod homo operatur virtuosa, sicut actus iustitiae est facere recta, et actus fortitudinis facere fortia. Et sic lex praecipit aliquos actus virtutum. Alio modo dicitur actus virtutis, quia aliquis operatur virtuosa eo modo quo virtuosus operatur. Et talis actus semper procedit a virtute, nec cadit sub praecepto legis, sed est finis ad quem legislator ducere intendit.

Reply to Objection 3: There is no virtue whose act is not ordainable to the common good, as stated above, either mediately or immediately.

[37686] Iª-IIae q. 96 a. 3 ad 3 Ad tertium dicendum quod non est aliqua virtus cuius actus non sint ordinabiles ad bonum commune, ut dictum est, vel mediate vel immediate.

Q. 96. A. 4. Whether human law binds a man in conscience?

Objection 1: It would seem that human law does

[37687] Iª-IIae q. 96 a. 4 arg. 1 Ad quartum sic

not bind man in conscience. For an inferior power has no jurisdiction in a court of higher power. But the power of man, which frames human law, is beneath the Divine power. Therefore human law cannot impose its precept in a Divine court, such as is the court of conscience.

proceditur. Videtur quod lex humana non imponat homini necessitatem in foro conscientiae. Inferior enim potestas non potest imponere legem in iudicio superioris potestatis. Sed potestas hominis, quae fert legem humanam, est infra potestatem divinam. Ergo lex humana non potest imponere legem quantum ad iudicium divinum, quod est iudicium conscientiae.

Objection 2: Further, the judgment of conscience depends chiefly on the commandments of God. But sometimes God's commandments are made void by human laws, according to Mat. 15:6: "You have made void the commandment of God for your tradition." Therefore human law does not bind a man in conscience.

[37688] Iª-IIae q. 96 a. 4 arg. 2 Praeterea, iudicium conscientiae maxime dependet ex divinis mandatis. Sed quandoque divina mandata evacuantur per leges humanas; secundum illud Matth. XV, *irritum fecistis mandatum Dei propter traditiones vestras*. Ergo lex humana non imponit necessitatem homini quantum ad conscientiam.

Objection 3: Further, human laws often bring loss of character and injury on man, according to Is. 10:1 et seqq.: "Woe to them that make wicked laws, and when they write, write injustice; to oppress the poor in judgment, and do violence to the cause of the humble of My people." But it is lawful for anyone to avoid oppression and violence. Therefore human laws do not bind man in conscience.

[37689] Iª-IIae q. 96 a. 4 arg. 3 Praeterea, leges humanae frequenter ingerunt calumniam et iniuriam hominibus; secundum illud Isaiae X, *vae qui condunt leges iniquas, et scribentes iniustitias scripserunt, ut opprimerent in iudicio pauperes, et vim facerent causae humilium populi mei*. Sed licitum est unicuique oppressionem et violentiam evitare. Ergo leges humanae non imponunt necessitatem homini quantum ad conscientiam.

On the contrary, It is written (1 Pet. 2:19): "This is thankworthy, if for conscience . . . a man endure sorrows, suffering wrongfully."

[37690] Iª-IIae q. 96 a. 4 s. c. Sed contra est quod dicitur I Petr. II, *haec est gratia, si propter conscientiam sustineat quis tristitias, patiens iniuste*.

I answer that, Laws framed by man are either just or unjust. If they be just, they have the power of binding in conscience, from the eternal law whence they are derived, according to Prov. 8:15: "By Me kings reign, and lawgivers decree just things." Now laws are said to be just, both from the end, when, to wit, they are ordained to the common good---and from their author, that is to say, when the law that is made does not exceed the power of the lawgiver---and from their form, when, to wit, burdens are laid on the subjects, according to an equality of proportion and with a view to the common good. For, since one man is a part of the community, each man in all that he is and has, belongs to the community; just as a part, in all that it is, belongs to the whole; wherefore nature inflicts a loss on the part, in order to save

[37691] Iª-IIae q. 96 a. 4 co. Respondeo dicendum quod leges positae humanitus vel sunt iustae, vel iniustae. Si quidem iustae sint, habent vim obligandi in foro conscientiae a lege aeterna, a qua derivantur; secundum illud Prov. VIII, *per me reges regnant, et legum conditores iusta decernunt*. Dicuntur autem leges iustae et ex fine, quando scilicet ordinantur ad bonum commune; et ex auctore, quando scilicet lex lata non excedit potestatem ferentis; et ex forma, quando scilicet secundum aequalitatem proportionis imponuntur subditis onera in ordine ad bonum commune. Cum enim unus homo sit pars multitudinis, quilibet homo hoc ipsum quod est et quod habet, est multitudinis, sicut et quaelibet pars id quod est, est totius. Unde et natura aliquod detrimentum infert parti, ut salvet totum. Et secundum hoc,

the whole: so that on this account, such laws as these, which impose proportionate burdens, are just and binding in conscience, and are legal laws.

leges huiusmodi, onera proportionabiliter inferentes, iustae sunt, et obligant in foro conscientiae, et sunt leges legales.

On the other hand laws may be unjust in two ways: first, by being contrary to human good, through being opposed to the things mentioned above---either in respect of the end, as when an authority imposes on his subjects burdensome laws, conducive, not to the common good, but rather to his own cupidity or vainglory---or in respect of the author, as when a man makes a law that goes beyond the power committed to him---or in respect of the form, as when burdens are imposed unequally on the community, although with a view to the common good. The like are acts of violence rather than laws; because, as Augustine says (De Lib. Arb. i, 5), "a law that is not just, seems to be no law at all." Wherefore such laws do not bind in conscience, except perhaps in order to avoid scandal or disturbance, for which cause a man should even yield his right, according to Mat. 5:40,41: "If a man . . . take away thy coat, let go thy cloak also unto him; and whosoever will force thee one mile, go with him other two."

Iniustae autem sunt leges dupliciter. Uno modo, per contrarietatem ad bonum humanum, e contrario praedictis, vel ex fine, sicut cum aliquis praesidens leges imponit onerosas subditis non pertinentes ad utilitatem communem, sed magis ad propriam cupiditatem vel gloriam; vel etiam ex auctore, sicut cum aliquis legem fert ultra sibi commissam potestatem; vel etiam ex forma, puta cum inaequaliter onera multitudini dispensantur, etiam si ordinentur ad bonum commune. Et huiusmodi magis sunt violentiae quam leges, quia, sicut Augustinus dicit, in libro de Lib. Arb., *lex esse non videtur, quae iusta non fuerit*. Unde tales leges non obligant in foro conscientiae, nisi forte propter vitandum scandalum vel turbationem, propter quod etiam homo iuri suo debet cedere, secundum illud Matth. V, *qui angariaverit te mille passus, vade cum eo alia duo; et qui abstulerit tibi tunicam, da ei et pallium*. Alio modo leges possunt esse iniustae per contrarietatem ad bonum divinum, sicut leges tyrannorum inducentes ad idololatriam, vel ad quodcumque aliud quod sit contra legem divinam. Et tales leges nullo modo licet observare, quia sicut dicitur Act. V, *obedire oportet Deo magis quam hominibus*.

Secondly, laws may be unjust through being opposed to the Divine good: such are the laws of tyrants inducing to idolatry, or to anything else contrary to the Divine law: and laws of this kind must nowise be observed, because, as stated in Acts 5:29, "we ought to obey God rather than man."

Reply to Objection 1: As the Apostle says (Rom. 13:1,2), all human power is from God . . . "therefore he that resisteth the power," in matters that are within its scope, "resisteth the ordinance of God"; so that he becomes guilty according to his conscience.

[37692] Iª-IIae q. 96 a. 4 ad 1 Ad primum ergo dicendum quod, sicut apostolus dicit, ad Rom. XIII, *omnis potestas humana a Deo est, et ideo qui potestati resistit*, in his quae ad ordinem potestatis pertinent, Dei ordinationi resistit. Et secundum hoc efficitur reus quantum ad conscientiam.

Reply to Objection 2: This argument is true of laws that are contrary to the commandments of God, which is beyond the scope of (human) power. Wherefore in such matters human law should not be obeyed.

[37693] Iª-IIae q. 96 a. 4 ad 2 Ad secundum dicendum quod ratio illa procedit de legibus humanis quae ordinantur contra Dei mandatum. Et ad hoc ordo potestatis non se extendit. Unde in talibus legi humanae non est parendum.

Reply to Objection 3: This argument is true of a

[37694] Iª-IIae q. 96 a. 4 ad 3 Ad tertium

law that inflicts unjust hurt on its subjects. The power that man holds from God does not extend to this: wherefore neither in such matters is man bound to obey the law, provided he avoid giving scandal or inflicting a more grievous hurt.

dicendum quod ratio illa procedit de lege quae infert gravamen iniustum subditis, ad quod etiam ordo potestatis divinitus concessus non se extendit. Unde nec in talibus homo obligatur ut obediat legi, si sine scandalo vel maiori detrimento resistere possit.

Q. 96. A. 5. Whether all are subject to the law?

Objection 1: It would seem that not all are subject to the law. For those alone are subject to a law for whom a law is made. But the Apostle says (1 Tim. 1:9): "The law is not made for the just man." Therefore the just are not subject to the law.

[37695] Iª-IIae q. 96 a. 5 arg. 1 Ad quintum sic proceditur. Videtur quod non omnes legi subiiciantur. Illi enim soli subiiciuntur legi, quibus lex ponitur. Sed apostolus dicit, I ad Tim. I, quod *iusto non est lex posita*. Ergo iusti non subiiciuntur legi humanae.

Objection 2: Further, Pope Urban says [*Decretals. caus. xix, qu. 2]: "He that is guided by a private law need not for any reason be bound by the public law." Now all spiritual men are led by the private law of the Holy Ghost, for they are the sons of God, of whom it is said (Rom. 8:14): "Whosoever are led by the Spirit of God, they are the sons of God." Therefore not all men are subject to human law.

[37696] Iª-IIae q. 96 a. 5 arg. 2 Praeterea, Urbanus Papa dicit, et habetur in decretis, XIX qu. II, *qui lege privata ducitur, nulla ratio exigit ut publica constringatur*. Lege autem privata spiritus sancti ducuntur omnes viri spirituales, qui sunt filii Dei; secundum illud Rom. VIII, *qui spiritu Dei aguntur, hi filii Dei sunt*. Ergo non omnes homines legi humanae subiiciuntur.

Objection 3: Further, the jurist says [*Pandect. Justin. i, ff., tit. 3, De Leg. et Senat.] that "the sovereign is exempt from the laws." But he that is exempt from the law is not bound thereby. Therefore not all are subject to the law.

[37697] Iª-IIae q. 96 a. 5 arg. 3 Praeterea, iurisperitus dicit quod princeps legibus solutus est. Qui autem est solutus a lege, non subditur legi. Ergo non omnes subiecti sunt legi.

On the contrary, The Apostle says (Rom. 13:1): "Let every soul be subject to the higher powers." But subjection to a power seems to imply subjection to the laws framed by that power. Therefore all men should be subject to human law.

[37698] Iª-IIae q. 96 a. 5 s. c. Sed contra est quod apostolus dicit, Rom. XIII, *omnis anima potestatibus sublimioribus subdita sit*. Sed non videtur esse subditus potestati, qui non subiicitur legi quam fert potestas. Ergo omnes homines debent esse legi humanae subiecti.

I answer that, As stated above (Q[90], AA[1],2; A[3], ad 2), the notion of law contains two things: first, that it is a rule of human acts; secondly, that it has coercive power. Wherefore a man may be subject to law in two ways. First, as the regulated is subject to the regulator: and, in this way, whoever is subject to a power, is subject to the law framed by that power. But it may happen in two ways that one is not subject to a power. In

[37699] Iª-IIae q. 96 a. 5 co. Respondeo dicendum quod, sicut ex supradictis patet, lex de sui ratione duo habet, primo quidem, quod est regula humanorum actuum; secundo, quod habet vim coactivam. Dupliciter ergo aliquis homo potest esse legi subiectus. Uno modo, sicut regulatum regulae. Et hoc modo omnes illi qui subduntur potestati, subduntur legi quam fert potestas. Quod autem aliquis potestati non subdatur, potest

one way, by being altogether free from its authority: hence the subjects of one city or kingdom are not bound by the laws of the sovereign of another city or kingdom, since they are not subject to his authority. In another way, by being under a yet higher law; thus the subject of a proconsul should be ruled by his command, but not in those matters in which the subject receives his orders from the emperor: for in these matters, he is not bound by the mandate of the lower authority, since he is directed by that of a higher. In this way, one who is simply subject to a law, may not be a subject thereto in certain matters, in respect of which he is ruled by a higher law.

Secondly, a man is said to be subject to a law as the coerced is subject to the coercer. In this way the virtuous and righteous are not subject to the law, but only the wicked. Because coercion and violence are contrary to the will: but the will of the good is in harmony with the law, whereas the will of the wicked is discordant from it. Wherefore in this sense the good are not subject to the law, but only the wicked.

contingere dupliciter. Uno modo, quia est simpliciter absolutus ab eius subiectione. Unde illi qui sunt de una civitate vel regno, non subduntur legibus principis alterius civitatis vel regni, sicut nec eius dominio. Alio modo, secundum quod regitur superiori lege. Puta si aliquis subiectus sit proconsuli, regulari debet eius mandato, non tamen in his quae dispensantur ei ab imperatore, quantum enim ad illa, non adstringitur mandato inferioris, cum superiori mandato dirigatur. Et secundum hoc contingit quod aliquis simpliciter subiectus legi, secundum aliqua legi non adstringitur, secundum quae regitur superiori lege. Alio vero modo dicitur aliquis subdi legi sicut coactum cogenti. Et hoc modo homines virtuosi et iusti non subduntur legi, sed soli mali. Quod enim est coactum et violentum, est contrarium voluntati. Voluntas autem bonorum consonat legi, a qua malorum voluntas discordat. Et ideo secundum hoc boni non sunt sub lege, sed solum mali.

Reply to Objection 1: This argument is true of subjection by way of coercion: for, in this way, "the law is not made for the just men": because "they are a law to themselves," since they "show the work of the law written in their hearts," as the Apostle says (Rom. 2:14,15). Consequently the law does not enforce itself upon them as it does on the wicked.

[37700] Iª-IIae q. 96 a. 5 ad 1 Ad primum ergo dicendum quod ratio illa procedit de subiectione quae est per modum coactionis. Sic enim iusto non est lex posita, quia ipsi sibi sunt lex, dum ostendunt opus legis scriptum in cordibus suis, sicut apostolus, ad Rom. II, dicit. Unde in eos non habet lex vim coactivam, sicut habet in iniustos.

Reply to Objection 2: The law of the Holy Ghost is above all law framed by man: and therefore spiritual men, in so far as they are led by the law of the Holy Ghost, are not subject to the law in those matters that are inconsistent with the guidance of the Holy Ghost. Nevertheless the very fact that spiritual men are subject to law, is due to the leading of the Holy Ghost, according to 1 Pet. 2:13: "Be ye subject . . . to every human creature for God's sake."

[37701] Iª-IIae q. 96 a. 5 ad 2 Ad secundum dicendum quod lex spiritus sancti est superior omni lege humanitus posita. Et ideo viri spirituales, secundum hoc quod lege spiritus sancti ducuntur, non subduntur legi, quantum ad ea quae repugnant ductioni spiritus sancti. Sed tamen hoc ipsum est de ductu spiritus sancti, quod homines spirituales legibus humanis subdantur; secundum illud I Petr. II, *subiecti estote omni humanae creaturae, propter Deum*.

Reply to Objection 3: The sovereign is said to be "exempt from the law," as to its coercive power; since, properly speaking, no man is coerced by himself, and law has no coercive power save from the authority of the sovereign. Thus then is the

[37702] Iª-IIae q. 96 a. 5 ad 3 Ad tertium dicendum quod princeps dicitur esse solutus a lege, quantum ad vim coactivam legis, nullus enim proprie cogitur a seipso; lex autem non habet vim coactivam nisi ex principis potestate.

sovereign said to be exempt from the law, because none is competent to pass sentence on him, if he acts against the law. Wherefore on Ps. 50:6: "To Thee only have I sinned," a gloss says that "there is no man who can judge the deeds of a king." But as to the directive force of law, the sovereign is subject to the law by his own will, according to the statement (Extra, De Constit. cap. Cum omnes) that "whatever law a man makes for another, he should keep himself. And a wise authority [*Dionysius Cato, Dist. de Moribus] says: 'Obey the law that thou makest thyself.'" Moreover the Lord reproaches those who "say and do not"; and who "bind heavy burdens and lay them on men's shoulders, but with a finger of their own they will not move them" (Mat. 23:3,4). Hence, in the judgment of God, the sovereign is not exempt from the law, as to its directive force; but he should fulfil it to his own free-will and not of constraint. Again the sovereign is above the law, in so far as, when it is expedient, he can change the law, and dispense in it according to time and place.

Sic igitur princeps dicitur esse solutus a lege, quia nullus in ipsum potest iudicium condemnationis ferre, si contra legem agat. Unde super illud Psalmi l, *tibi soli peccavi* etc., dicit Glossa quod *lex non habet hominem qui sua facta diiudicet*. Sed quantum ad vim directivam legis, princeps subditur legi propria voluntate; secundum quod dicitur extra, de constitutionibus, cap. cum omnes, *quod quisque iuris in alterum statuit, ipse eodem iure uti debet. Et sapientis dicit auctoritas, patere legem quam ipse tuleris*. Improperatur etiam his a domino qui dicunt et non faciunt; et qui aliis onera gravia imponunt, et ipsi nec digito volunt ea movere; ut habetur Matth. XXIII. Unde quantum ad Dei iudicium, princeps non est solutus a lege, quantum ad vim directivam eius; sed debet voluntarius, non coactus, legem implere. Est etiam princeps supra legem, inquantum, si expediens fuerit, potest legem mutare, et in ea dispensare, pro loco et tempore.

Q. 96. A. 6. Whether he who is under a law may act beside the letter of the law?

Objection 1: It seems that he who is subject to a law may not act beside the letter of the law. For Augustine says (De Vera Relig. 31): "Although men judge about temporal laws when they make them, yet when once they are made they must pass judgment not on them, but according to them." But if anyone disregard the letter of the law, saying that he observes the intention of the lawgiver, he seems to pass judgment on the law. Therefore it is not right for one who is under the law to disregard the letter of the law, in order to observe the intention of the lawgiver.

[37703] Iª-IIae q. 96 a. 6 arg. 1 Ad sextum sic proceditur. Videtur quod non liceat ei qui subditur legi, praeter verba legis agere. Dicit enim Augustinus, in libro de vera Relig., *in temporalibus legibus, quamvis homines iudicent de his cum eas instituunt, tamen quando fuerint institutae et firmatae, non licebit de ipsis iudicare, sed secundum ipsas*. Sed si aliquis praetermittat verba legis, dicens se intentionem legislatoris servare, videtur iudicare de lege. Ergo non licet ei qui subditur legi, ut praetermittat verba legis, ut intentionem legislatoris servet.

Objection 2: Further, he alone is competent to interpret the law who can make the law. But those who are subject to the law cannot make the law. Therefore they have no right to interpret the intention of the lawgiver, but should always act according to the letter of the law.

[37704] Iª-IIae q. 96 a. 6 arg. 2 Praeterea, ad eum solum pertinet leges interpretari, cuius est condere leges. Sed hominum subditorum legi non est leges condere. Ergo eorum non est interpretari legislatoris intentionem, sed semper secundum verba legis agere debent.

Objection 3: Further, every wise man knows how to explain his intention by words. But those who framed the laws should be reckoned wise: for Wisdom says (Prov. 8:15): "By Me kings reign,

[37705] Iª-IIae q. 96 a. 6 arg. 3 Praeterea, omnis sapiens intentionem suam verbis novit explicare. Sed illi qui leges condiderunt, reputari debent sapientes, dicit enim sapientia, Prov. VIII, *per me*

and lawgivers decree just things." Therefore we should not judge of the intention of the lawgiver otherwise than by the words of the law.

reges regnant, et legum conditores iusta decernunt. Ergo de intentione legislatoris non est iudicandum nisi per verba legis.

On the contrary, Hilary says (De Trin. iv): "The meaning of what is said is according to the motive for saying it: because things are not subject to speech, but speech to things." Therefore we should take account of the motive of the lawgiver, rather than of his very words.

[37706] Iª-IIae q. 96 a. 6 s. c. Sed contra est quod Hilarius dicit, in IV de Trin., *intelligentia dictorum ex causis est assumenda dicendi, quia non sermoni res, sed rei debet esse sermo subiectus*. Ergo magis est attendendum ad causam quae movit legislatorem, quam ad ipsa verba legis.

I answer that, As stated above (A[4]), every law is directed to the common weal of men, and derives the force and nature of law accordingly. Hence the jurist says [*Pandect. Justin. lib. i, ff., tit. 3, De Leg. et Senat.]: "By no reason of law, or favor of equity, is it allowable for us to interpret harshly, and render burdensome, those useful measures which have been enacted for the welfare of man." Now it happens often that the observance of some point of law conduces to the common weal in the majority of instances, and yet, in some cases, is very hurtful. Since then the lawgiver cannot have in view every single case, he shapes the law according to what happens most frequently, by directing his attention to the common good. Wherefore if a case arise wherein the observance of that law would be hurtful to the general welfare, it should not be observed. For instance, suppose that in a besieged city it be an established law that the gates of the city are to be kept closed, this is good for public welfare as a general rule: but, it were to happen that the enemy are in pursuit of certain citizens, who are defenders of the city, it would be a great loss to the city, if the gates were not opened to them: and so in that case the gates ought to be opened, contrary to the letter of the law, in order to maintain the common weal, which the lawgiver had in view.

Nevertheless it must be noted, that if the observance of the law according to the letter does not involve any sudden risk needing instant remedy, it is not competent for everyone to expound what is useful and what is not useful to the state: those alone can do this who are in authority, and who, on account of such like cases, have the power to dispense from the laws. If,

[37707] Iª-IIae q. 96 a. 6 co. Respondeo dicendum quod, sicut supra dictum est, omnis lex ordinatur ad communem hominum salutem, et intantum obtinet vim et rationem legis; secundum vero quod ab hoc deficit, virtutem obligandi non habet. Unde iurisperitus dicit quod *nulla iuris ratio aut aequitatis benignitas patitur ut quae salubriter pro utilitate hominum introducuntur, ea nos duriori interpretatione, contra ipsorum commodum, perducamus ad severitatem*. Contingit autem multoties quod aliquid observari communi saluti est utile ut in pluribus, quod tamen in aliquibus casibus est maxime nocivum. Quia igitur legislator non potest omnes singulares casus intueri, proponit legem secundum ea quae in pluribus accidunt, ferens intentionem suam ad communem utilitatem. Unde si emergat casus in quo observatio talis legis sit damnosa communi saluti, non est observanda. Sicut si in civitate obsessa statuatur lex quod portae civitatis maneant clausae, hoc est utile communi saluti ut in pluribus, si tamen contingat casus quod hostes insequantur aliquos cives, per quos civitas conservatur, damnosissimum esset civitati nisi eis portae aperirentur, et ideo in tali casu essent portae aperiendae, contra verba legis, ut servaretur utilitas communis, quam legislator intendit. Sed tamen hoc est considerandum, quod si observatio legis secundum verba non habeat subitum periculum, cui oportet statim occurri, non pertinet ad quemlibet ut interpretetur quid sit utile civitati et quid inutile, sed hoc solum pertinet ad principes, qui propter huiusmodi casus habent auctoritatem in legibus dispensandi. Si vero sit subitum periculum, non patiens tantam moram ut ad superiorem recurri possit, ipsa necessitas dispensationem habet annexam, quia necessitas non subditur legi.

however, the peril be so sudden as not to allow of the delay involved by referring the matter to authority, the mere necessity brings with it a dispensation, since necessity knows no law.

Reply to Objection 1: He who in a case of necessity acts beside the letter of the law, does not judge the law; but of a particular case in which he sees that the letter of the law is not to be observed.

[37708] Iª-IIae q. 96 a. 6 ad 1 Ad primum ergo dicendum quod ille qui in casu necessitatis agit praeter verba legis, non iudicat de ipsa lege, sed iudicat de casu singulari, in quo videt verba legis observanda non esse.

Reply to Objection 2: He who follows the intention of the lawgiver, does not interpret the law simply; but in a case in which it is evident, by reason of the manifest harm, that the lawgiver intended otherwise. For if it be a matter of doubt, he must either act according to the letter of the law, or consult those in power.

[37709] Iª-IIae q. 96 a. 6 ad 2 Ad secundum dicendum quod ille qui sequitur intentionem legislatoris, non interpretatur legem simpliciter; sed in casu in quo manifestum est per evidentiam nocumenti, legislatorem aliud intendisse. Si enim dubium sit, debet vel secundum verba legis agere, vel superiores consulere.

Reply to Objection 3: No man is so wise as to be able to take account of every single case; wherefore he is not able sufficiently to express in words all those things that are suitable for the end he has in view. And even if a lawgiver were able to take all the cases into consideration, he ought not to mention them all, in order to avoid confusion: but should frame the law according to that which is of most common occurrence.

[37710] Iª-IIae q. 96 a. 6 ad 3 Ad tertium dicendum quod nullius hominis sapientia tanta est ut possit omnes singulares casus excogitare, et ideo non potest sufficienter per verba sua exprimere ea quae conveniunt ad finem intentum. Et si posset legislator omnes casus considerare, non oporteret ut omnes exprimeret, propter confusionem vitandam, sed legem ferre deberet secundum ea quae in pluribus accidunt.

Q. 97. OF CHANGE IN LAWS (FOUR ARTICLES)

We must now consider change in laws: under which head there are four points of inquiry:

(1) Whether human law is changeable?

(2) Whether it should be always changed, whenever anything better occurs?

(3) Whether it is abolished by custom, and whether custom obtains the force of law?

(4) Whether the application of human law should be changed by dispensation of those in authority?

[37711] Iª-IIae q. 97 pr. Deinde considerandum est de mutatione legum. Et circa hoc quaeruntur quatuor. Primo, utrum lex humana sit mutabilis. Secundo, utrum semper debeat mutari, quando aliquid melius occurrerit. Tertio, utrum per consuetudinem aboleatur; et utrum consuetudo obtineat vim legis. Quarto, utrum usus legis humanae per dispensationem rectorum immutari debeat.

Q. 97. A. 1. Whether human law should be changed in any way?

Objection 1: It would seem that human law should not be changed in any way at all. Because human law is derived from the natural law, as stated above (Q[95], A[2]). But the natural law endures unchangeably. Therefore human law should also remain without any change.

[37712] Iª-IIae q. 97 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex humana nullo modo debeat mutari. Lex enim humana derivatur a lege naturali, ut supra dictum est. Sed lex naturalis immobilis perseverat. Ergo et lex humana debet immobilis permanere.

Objection 2: Further, as the Philosopher says (Ethic. v, 5), a measure should be absolutely stable. But human law is the measure of human acts, as stated above (Q[90], AA[1],2). Therefore it should remain without change.

[37713] Iª-IIae q. 97 a. 1 arg. 2 Praeterea, sicut philosophus dicit, in V Ethic., mensura maxime debet esse permanens. Sed lex humana est mensura humanorum actuum, ut supra dictum est. Ergo debet immobiliter permanere.

Objection 3: Further, it is of the essence of law to be just and right, as stated above (Q[95], A[2]). But that which is right once is right always. Therefore that which is law once, should be always law.

[37714] Iª-IIae q. 97 a. 1 arg. 3 Praeterea, de ratione legis est quod sit iusta et recta, ut supra dictum est. Sed illud quod semel est rectum, semper est rectum. Ergo illud quod semel est lex, semper debet esse lex.

On the contrary, Augustine says (De Lib. Arb. i, 6): "A temporal law, however just, may be justly changed in course of time."

[37715] Iª-IIae q. 97 a. 1 s. c. Sed contra est quod Augustinus dicit, in I de Lib. Arb., *lex temporalis quamvis iusta sit, commutari tamen per tempora iuste potest*.

I answer that, As stated above (Q[91], A[3]), human law is a dictate of reason, whereby human acts are directed. Thus there may be two causes for the just change of human law: one on the part of reason; the other on the part of man whose acts are regulated by law. The cause on the part of reason is that it seems natural to human reason to

[37716] Iª-IIae q. 97 a. 1 co. Respondeo dicendum quod sicut supra dictum est, lex humana est quoddam dictamen rationis, quo diriguntur humani actus. Et secundum hoc duplex causa potest esse quod lex humana iuste mutetur, una quidem ex parte rationis; alia vero ex parte hominum, quorum actus lege regulantur. Ex parte

advance gradually from the imperfect to the perfect. Hence, in speculative sciences, we see that the teaching of the early philosophers was imperfect, and that it was afterwards perfected by those who succeeded them. So also in practical matters: for those who first endeavored to discover something useful for the human community, not being able by themselves to take everything into consideration, set up certain institutions which were deficient in many ways; and these were changed by subsequent lawgivers who made institutions that might prove less frequently deficient in respect of the common weal.

quidem rationis, quia humanae rationi naturale esse videtur ut gradatim ab imperfecto ad perfectum perveniat. Unde videmus in scientiis speculativis quod qui primo philosophati sunt, quaedam imperfecta tradiderunt, quae postmodum per posteriores sunt magis perfecta. Ita etiam est in operabilibus. Nam primi qui intenderunt invenire aliquid utile communitati hominum, non valentes omnia ex seipsis considerare, instituerunt quaedam imperfecta in multis deficientia quae posteriores mutaverunt, instituentes aliqua quae in paucioribus deficere possent a communi utilitate.

On the part of man, whose acts are regulated by law, the law can be rightly changed on account of the changed condition of man, to whom different things are expedient according to the difference of his condition. An example is proposed by Augustine (De Lib. Arb. i, 6): "If the people have a sense of moderation and responsibility, and are most careful guardians of the common weal, it is right to enact a law allowing such a people to choose their own magistrates for the government of the commonwealth. But if, as time goes on, the same people become so corrupt as to sell their votes, and entrust the government to scoundrels and criminals; then the right of appointing their public officials is rightly forfeit to such a people, and the choice devolves to a few good men."

Ex parte vero hominum, quorum actus lege regulantur, lex recte mutari potest propter mutationem conditionum hominum, quibus secundum diversas eorum conditiones diversa expediunt. Sicut Augustinus ponit exemplum, in I de Lib. Arb., quod *si populus sit bene moderatus et gravis, communisque utilitatis diligentissimus custos, recte lex fertur qua tali populo liceat creare sibi magistratus, per quos respublica administretur. Porro si paulatim idem populus depravatus habeat venale suffragium, et regimen flagitiosis sceleratisque committat; recte adimitur tali populo potestas dandi honores, et ad paucorum bonorum redit arbitrium*.

Reply to Objection 1: The natural law is a participation of the eternal law, as stated above (Q[91], A[2]), and therefore endures without change, owing to the unchangeableness and perfection of the Divine Reason, the Author of nature. But the reason of man is changeable and imperfect: wherefore his law is subject to change. Moreover the natural law contains certain universal precepts, which are everlasting: whereas human law contains certain particular precepts, according to various emergencies.

[37717] Iª-IIae q. 97 a. 1 ad 1 Ad primum ergo dicendum quod naturalis lex est participatio quaedam legis aeternae, ut supra dictum est, et ideo immobilis perseverat, quod habet ex immobilitate et perfectione divinae rationis instituentis naturam. Sed ratio humana mutabilis est et imperfecta. Et ideo eius lex mutabilis est. Et praeterea lex naturalis continet quaedam universalia praecepta, quae semper manent, lex vero posita ab homine continet praecepta quaedam particularia, secundum diversos casus qui emergunt.

Reply to Objection 2: A measure should be as enduring as possible. But nothing can be absolutely unchangeable in things that are subject to change. And therefore human law cannot be altogether unchangeable.

[37718] Iª-IIae q. 97 a. 1 ad 2 Ad secundum dicendum quod mensura debet esse permanens quantum est possibile. Sed in rebus mutabilibus non potest esse aliquid omnino immutabiliter permanens. Et ideo lex humana non potest esse

omnino immutabilis.

Reply to Objection 3: In corporal things, right is predicated absolutely: and therefore, as far as itself is concerned, always remains right. But right is predicated of law with reference to the common weal, to which one and the same thing is not always adapted, as stated above: wherefore rectitude of this kind is subject to change.

[37719] Iª-IIae q. 97 a. 1 ad 3 Ad tertium dicendum quod rectum in rebus corporalibus dicitur absolute, et ideo semper, quantum est de se, manet rectum. Sed rectitudo legis dicitur in ordine ad utilitatem communem, cui non semper proportionatur una eademque res, sicut supra dictum est. Et ideo talis rectitudo mutatur.

Q. 97. A. 2. Whether human law should always be changed, whenever something better occurs?

Objection 1: It would seem that human law should be changed, whenever something better occurs. Because human laws are devised by human reason, like other arts. But in the other arts, the tenets of former times give place to others, if something better occurs. Therefore the same should apply to human laws.

[37720] Iª-IIae q. 97 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod semper lex humana, quando aliquid melius occurrit, sit mutanda. Leges enim humanae sunt adinventae per rationem humanam, sicut etiam aliae artes. Sed in aliis artibus mutatur id quod prius tenebatur, si aliquid melius occurrat. Ergo idem est etiam faciendum in legibus humanis.

Objection 2: Further, by taking note of the past we can provide for the future. Now unless human laws had been changed when it was found possible to improve them, considerable inconvenience would have ensued; because the laws of old were crude in many points. Therefore it seems that laws should be changed, whenever anything better occurs to be enacted.

[37721] Iª-IIae q. 97 a. 2 arg. 2 Praeterea, ex his quae praeterita sunt, providere possumus de futuris. Sed nisi leges humanae mutatae fuissent supervenientibus melioribus adinventionibus, multa inconvenientia sequerentur, eo quod leges antiquae inveniuntur multas ruditates continere. Ergo videtur quod leges sint mutandae, quotiescumque aliquid melius occurrit statuendum.

Objection 3: Further, human laws are enacted about single acts of man. But we cannot acquire perfect knowledge in singular matters, except by experience, which "requires time," as stated in Ethic. ii. Therefore it seems that as time goes on it is possible for something better to occur for legislation.

[37722] Iª-IIae q. 97 a. 2 arg. 3 Praeterea, leges humanae circa singulares actus hominum statuuntur. In singularibus autem perfectam cognitionem adipisci non possumus nisi per experientiam, quae tempore indiget, ut dicitur in II Ethic. Ergo videtur quod per successionem temporis possit aliquid melius occurrere statuendum.

On the contrary, It is stated in the Decretals (Dist. xii, 5): "It is absurd, and a detestable shame, that we should suffer those traditions to be changed which we have received from the fathers of old."

[37723] Iª-IIae q. 97 a. 2 s. c. Sed contra est quod dicitur in decretis, dist. XII, *ridiculum est et satis abominabile dedecus, ut traditiones quas antiquitus a patribus suscepimus, infringi patiamur*.

I answer that, As stated above (A[1]), human law is rightly changed, in so far as such change is

[37724] Iª-IIae q. 97 a. 2 co. Respondeo dicendum quod, sicut dictum est, lex humana intantum recte

conducive to the common weal. But, to a certain extent, the mere change of law is of itself prejudicial to the common good: because custom avails much for the observance of laws, seeing that what is done contrary to general custom, even in slight matters, is looked upon as grave. Consequently, when a law is changed, the binding power of the law is diminished, in so far as custom is abolished. Wherefore human law should never be changed, unless, in some way or other, the common weal be compensated according to the extent of the harm done in this respect. Such compensation may arise either from some very great and every evident benefit conferred by the new enactment; or from the extreme urgency of the case, due to the fact that either the existing law is clearly unjust, or its observance extremely harmful. Wherefore the jurist says [*Pandect. Justin. lib. i, ff., tit. 4, De Constit. Princip.] that "in establishing new laws, there should be evidence of the benefit to be derived, before departing from a law which has long been considered just."

mutatur, inquantum per eius mutationem communi utilitati providetur. Habet autem ipsa legis mutatio, quantum in se est, detrimentum quoddam communis salutis. Quia ad observantiam legum plurimum valet consuetudo, intantum quod ea quae contra communem consuetudinem fiunt, etiam si sint leviora de se, graviora videantur. Unde quando mutatur lex, diminuitur vis constrictiva legis, inquantum tollitur consuetudo. Et ideo nunquam debet mutari lex humana, nisi ex aliqua parte tantum recompensetur communi saluti, quantum ex ista parte derogatur. Quod quidem contingit vel ex hoc quod aliqua maxima et evidentissima utilitas ex novo statuto provenit, vel ex eo quod est maxima necessitas, ex eo quod lex consueta aut manifestam iniquitatem continet, aut eius observatio est plurimum nociva. Unde dicitur a iurisperito quod *in rebus novis constituendis, evidens debet esse utilitas, ut recedatur ab eo iure quod diu aequum visum est*.

Reply to Objection 1: Rules of art derive their force from reason alone: and therefore whenever something better occurs, the rule followed hitherto should be changed. But "laws derive very great force from custom," as the Philosopher states (Polit. ii, 5): consequently they should not be quickly changed.

[37725] Iª-IIae q. 97 a. 2 ad 1 Ad primum ergo dicendum quod ea quae sunt artis, habent efficaciam ex sola ratione, et ideo ubicumque melior ratio occurrat, est mutandum quod prius tenebatur. *Sed leges habent maximam virtutem ex consuetudine*, ut philosophus dicit, in II Polit. Et inde non sunt de facili mutandae.

Reply to Objection 2: This argument proves that laws ought to be changed: not in view of any improvement, but for the sake of a great benefit or in a case of great urgency, as stated above.

[37726] Iª-IIae q. 97 a. 2 ad 2 Ad secundum dicendum quod ratio illa concludit quod leges sunt mutandae, non tamen pro quacumque melioratione, sed pro magna utilitate vel necessitate, ut dictum est.

Reply to Objection 3: This answer applies also to the Third Objection.

[37727] Iª-IIae q. 97 a. 2 ad 3 Et similiter dicendum est ad tertium.

Q. 97. A. 3. Whether custom can obtain force of law?

Objection 1: It would seem that custom cannot obtain force of law, nor abolish a law. Because human law is derived from the natural law and from the Divine law, as stated above (Q[93], A[3]; Q[95], A[2]). But human custom cannot change either the law of nature or the Divine law.

[37728] Iª-IIae q. 97 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod consuetudo non possit obtinere vim legis, nec legem amovere. Lex enim humana derivatur a lege naturae et a lege divina, ut ex supradictis patet. Sed consuetudo hominum non potest immutare legem naturae, nec legem

Therefore neither can it change human law.

divinam. Ergo etiam nec legem humanam immutare potest.

Objection 2: Further, many evils cannot make one good. But he who first acted against the law, did evil. Therefore by multiplying such acts, nothing good is the result. Now a law is something good; since it is a rule of human acts. Therefore law is not abolished by custom, so that the mere custom should obtain force of law.

[37729] Iª-IIae q. 97 a. 3 arg. 2 Praeterea, ex multis malis non potest fieri unum bonum. Sed ille qui incipit primo contra legem agere, male facit. Ergo, multiplicatis similibus actibus, non efficietur aliquod bonum. Lex autem est quoddam bonum, cum sit regula humanorum actuum. Ergo per consuetudinem non potest removeri lex, ut ipsa consuetudo vim legis obtineat.

Objection 3: Further, the framing of laws belongs to those public men whose business it is to govern the community; wherefore private individuals cannot make laws. But custom grows by the acts of private individuals. Therefore custom cannot obtain force of law, so as to abolish the law.

[37730] Iª-IIae q. 97 a. 3 arg. 3 Praeterea, ferre legem pertinet ad publicas personas, ad quas pertinet regere communitatem, unde privatae personae legem facere non possunt. Sed consuetudo invalescit per actus privatarum personarum. Ergo consuetudo non potest obtinere vim legis, per quam lex removeatur.

On the contrary, Augustine says (Ep. ad Casulan. xxxvi): "The customs of God's people and the institutions of our ancestors are to be considered as laws. And those who throw contempt on the customs of the Church ought to be punished as those who disobey the law of God."

[37731] Iª-IIae q. 97 a. 3 s. c. Sed contra est quod Augustinus dicit, in Epist. ad Casulan., *mos populi Dei et instituta maiorum pro lege sunt tenenda. Et sicut praevaricatores legum divinarum, ita et contemptores consuetudinum ecclesiasticarum coercendi sunt*.

I answer that, All law proceeds from the reason and will of the lawgiver; the Divine and natural laws from the reasonable will of God; the human law from the will of man, regulated by reason. Now just as human reason and will, in practical matters, may be made manifest by speech, so may they be made known by deeds: since seemingly a man chooses as good that which he carries into execution. But it is evident that by human speech, law can be both changed and expounded, in so far as it manifests the interior movement and thought of human reason. Wherefore by actions also, especially if they be repeated, so as to make a custom, law can be changed and expounded; and also something can be established which obtains force of law, in so far as by repeated external actions, the inward movement of the will, and concepts of reason are most effectually declared; for when a thing is done again and again, it seems to proceed from a deliberate judgment of reason. Accordingly, custom has the force of a law,

[37732] Iª-IIae q. 97 a. 3 co. Respondeo dicendum quod omnis lex proficiscitur a ratione et voluntate legislatoris, lex quidem divina et naturalis a rationabili Dei voluntate; lex autem humana a voluntate hominis ratione regulata. Sicut autem ratio et voluntas hominis manifestantur verbo in rebus agendis, ita etiam manifestantur facto, hoc enim unusquisque eligere videtur ut bonum, quod opere implet. Manifestum est autem quod verbo humano potest et mutari lex, et etiam exponi, inquantum manifestat interiorem motum et conceptum rationis humanae. Unde etiam et per actus, maxime multiplicatos, qui consuetudinem efficiunt, mutari potest lex, et exponi, et etiam aliquid causari quod legis virtutem obtineat, inquantum scilicet per exteriores actus multiplicatos interior voluntatis motus, et rationis conceptus, efficacissime declaratur; cum enim aliquid multoties fit, videtur ex deliberato rationis iudicio provenire. Et secundum hoc, consuetudo et habet vim legis, et legem abolet, et est legum

abolishes law, and is the interpreter of law.

interpretatrix.

Reply to Objection 1: The natural and Divine laws proceed from the Divine will, as stated above. Wherefore they cannot be changed by a custom proceeding from the will of man, but only by Divine authority. Hence it is that no custom can prevail over the Divine or natural laws: for Isidore says (Synon. ii, 16): "Let custom yield to authority: evil customs should be eradicated by law and reason."

[37733] Iª-IIae q. 97 a. 3 ad 1 Ad primum ergo dicendum quod lex naturalis et divina procedit a voluntate divina, ut dictum est. Unde non potest mutari per consuetudinem procedentem a voluntate hominis, sed solum per auctoritatem divinam mutari posset. Et inde est quod nulla consuetudo vim obtinere potest contra legem divinam vel legem naturalem, dicit enim Isidorus, in Synonym., *usus auctoritati cedat, pravum usum lex et ratio vincat*.

Reply to Objection 2: As stated above (Q[96], A[6]), human laws fail in some cases: wherefore it is possible sometimes to act beside the law; namely, in a case where the law fails; yet the act will not be evil. And when such cases are multiplied, by reason of some change in man, then custom shows that the law is no longer useful: just as it might be declared by the verbal promulgation of a law to the contrary. If, however, the same reason remains, for which the law was useful hitherto, then it is not the custom that prevails against the law, but the law that overcomes the custom: unless perhaps the sole reason for the law seeming useless, be that it is not "possible according to the custom of the country" [* Q[95], A[3]], which has been stated to be one of the conditions of law. For it is not easy to set aside the custom of a whole people.

[37734] Iª-IIae q. 97 a. 3 ad 2 Ad secundum dicendum quod, sicut supra dictum est, leges humanae in aliquibus casibus deficiunt, unde possibile est quandoque praeter legem agere, in casu scilicet in quo deficit lex, et tamen actus non erit malus. Et cum tales casus multiplicantur, propter aliquam mutationem hominum, tunc manifestatur per consuetudinem quod lex ulterius utilis non est, sicut etiam manifestaretur si lex contraria verbo promulgaretur. Si autem adhuc maneat ratio eadem propter quam prima lex utilis erat, non consuetudo legem, sed lex consuetudinem vincit, nisi forte propter hoc solum inutilis lex videatur, quia non est possibilis secundum consuetudinem patriae, quae erat una de conditionibus legis. Difficile enim est consuetudinem multitudinis removere.

Reply to Objection 3: The people among whom a custom is introduced may be of two conditions. For if they are free, and able to make their own laws, the consent of the whole people expressed by a custom counts far more in favor of a particular observance, that does the authority of the sovereign, who has not the power to frame laws, except as representing the people. Wherefore although each individual cannot make laws, yet the whole people can. If however the people have not the free power to make their own laws, or to abolish a law made by a higher authority; nevertheless with such a people a prevailing custom obtains force of law, in so far as it is tolerated by those to whom it belongs to make laws for that people: because by the very fact that they tolerate it they seem to approve of that which is introduced by custom.

[37735] Iª-IIae q. 97 a. 3 ad 3 Ad tertium dicendum quod multitudo in qua consuetudo introducitur duplicis conditionis esse potest. Si enim sit libera multitudo, quae possit sibi legem facere, plus est consensus totius multitudinis ad aliquid observandum, quem consuetudo manifestat, quam auctoritas principis, qui non habet potestatem condendi legem, nisi inquantum gerit personam multitudinis. Unde licet singulae personae non possint condere legem, tamen totus populus legem condere potest. Si vero multitudo non habeat liberam potestatem condendi sibi legem, vel legem a superiori potestate positam removendi; tamen ipsa consuetudo in tali multitudine praevalens obtinet vim legis, inquantum per eos toleratur ad quos pertinet multitudini legem imponere, ex hoc enim ipso videntur approbare quod consuetudo induxit.

Q. 97. A. 4. Whether the rulers of the people can dispense from human laws?

Objection 1: It would seem that the rulers of the people cannot dispense from human laws. For the law is established for the "common weal," as Isidore says (Etym. v, 21). But the common good should not be set aside for the private convenience of an individual: because, as the Philosopher says (Ethic. i, 2), "the good of the nation is more godlike than the good of one man." Therefore it seems that a man should not be dispensed from acting in compliance with the general law.

[37736] Iª-IIae q. 97 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod rectores multitudinis non possint in legibus humanis dispensare. Lex enim statuta est pro communi utilitate, ut Isidorus dicit. Sed bonum commune non debet intermitti pro privato commodo alicuius personae, quia, ut dicit philosophus, in I Ethic., *bonum gentis divinius est quam bonum unius hominis*. Ergo videtur quod non debeat dispensari cum aliquo ut contra legem communem agat.

Objection 2: Further, those who are placed over others are commanded as follows (Dt. 1:17): "You shall hear the little as well as the great; neither shall you respect any man's person, because it is the judgment of God." But to allow one man to do that which is equally forbidden to all, seems to be respect of persons. Therefore the rulers of a community cannot grant such dispensations, since this is against a precept of the Divine law.

[37737] Iª-IIae q. 97 a. 4 arg. 2 Praeterea, illis qui super alios constituuntur, praecipitur Deut. I, *ita parvum audietis ut magnum, nec accipietis cuiusquam personam, quia Dei iudicium est*. Sed concedere alicui quod communiter denegatur omnibus, videtur esse acceptio personarum. Ergo huiusmodi dispensationes facere rectores multitudinis non possunt, cum hoc sit contra praeceptum legis divinae.

Objection 3: Further, human law, in order to be just, should accord with the natural and Divine laws: else it would not "foster religion," nor be "helpful to discipline," which is requisite to the nature of law, as laid down by Isidore (Etym. v, 3). But no man can dispense from the Divine and natural laws. Neither, therefore, can he dispense from the human law.

[37738] Iª-IIae q. 97 a. 4 arg. 3 Praeterea, lex humana, si sit recta, oportet quod consonet legi naturali et legi divinae, aliter enim non congrueret religioni, nec conveniret disciplinae, quod requiritur ad legem, ut Isidorus dicit. Sed in lege divina et naturali nullus homo potest dispensare. Ergo nec etiam in lege humana.

On the contrary, The Apostle says (1 Cor. 9:17): "A dispensation is committed to me."

[37739] Iª-IIae q. 97 a. 4 s. c. Sed contra est quod dicit apostolus, I ad Cor. IX, *dispensatio mihi credita est*.

I answer that, Dispensation, properly speaking, denotes a measuring out to individuals of some common goods: thus the head of a household is called a dispenser, because to each member of the household he distributes work and necessaries of life in due weight and measure. Accordingly in every community a man is said to dispense, from the very fact that he directs how some general precept is to be fulfilled by each individual. Now it happens at times that a precept, which is conducive to the common weal as a general rule,

[37740] Iª-IIae q. 97 a. 4 co. Respondeo dicendum quod dispensatio proprie importat commensurationem alicuius communis ad singula, unde etiam gubernator familiae dicitur dispensator, inquantum unicuique de familia cum pondere et mensura distribuit et operationes et necessaria vitae. Sic igitur et in quacumque multitudine ex eo dicitur aliquis dispensare, quod ordinat qualiter aliquod commune praeceptum sit a singulis adimplendum. Contingit autem quandoque quod aliquod praeceptum quod est ad

is not good for a particular individual, or in some particular case, either because it would hinder some greater good, or because it would be the occasion of some evil, as explained above (Q[96], A[6]). But it would be dangerous to leave this to the discretion of each individual, except perhaps by reason of an evident and sudden emergency, as stated above (Q[96], A[6]). Consequently he who is placed over a community is empowered to dispense in a human law that rests upon his authority, so that, when the law fails in its application to persons or circumstances, he may allow the precept of the law not to be observed. If however he grant this permission without any such reason, and of his mere will, he will be an unfaithful or an imprudent dispenser: unfaithful, if he has not the common good in view; imprudent, if he ignores the reasons for granting dispensations. Hence Our Lord says (Lk. 12:42): "Who, thinkest thou, is the faithful and wise dispenser [Douay: steward], whom his lord setteth over his family?"

commodum multitudinis ut in pluribus, non est conveniens huic personae, vel in hoc casu, quia vel per hoc impediretur aliquid melius, vel etiam induceretur aliquod malum, sicut ex supradictis patet. Periculosum autem esset ut hoc iudicio cuiuslibet committeretur, nisi forte propter evidens et subitum periculum, ut supra dictum est. Et ideo ille qui habet regere multitudinem, habet potestatem dispensandi in lege humana quae suae auctoritati innititur, ut scilicet in personis vel casibus in quibus lex deficit, licentiam tribuat ut praeceptum legis non servetur. Si autem absque hac ratione, pro sola voluntate, licentiam tribuat, non erit fidelis in dispensatione, aut erit imprudens, infidelis quidem, si non habeat intentionem ad bonum commune; imprudens autem, si rationem dispensandi ignoret. Propter quod dominus dicit, Lucae XII, *quis, putas, est fidelis dispensator et prudens, quem constituit dominus super familiam suam?*

Reply to Objection 1: When a person is dispensed from observing the general law, this should not be done to the prejudice of, but with the intention of benefiting, the common good.

[37741] Iª-IIae q. 97 a. 4 ad 1 Ad primum ergo dicendum quod, quando cum aliquo dispensatur ut legem communem non servet, non debet fieri in praeiudicium boni communis; sed ea intentione ut ad bonum commune proficiat.

Reply to Objection 2: It is not respect of persons if unequal measures are served out to those who are themselves unequal. Wherefore when the condition of any person requires that he should reasonably receive special treatment, it is not respect of persons if he be the object of special favor.

[37742] Iª-IIae q. 97 a. 4 ad 2 Ad secundum dicendum quod non est acceptio personarum si non serventur aequalia in personis inaequalibus. Unde quando conditio alicuius personae requirit ut rationabiliter in ea aliquid specialiter observetur, non est personarum acceptio si sibi aliqua specialis gratia fiat.

Reply to Objection 3: Natural law, so far as it contains general precepts, which never fail, does not allow of dispensations. In other precepts, however, which are as conclusions of the general precepts, man sometimes grants a dispensation: for instance, that a loan should not be paid back to the betrayer of his country, or something similar. But to the Divine law each man stands as a private person to the public law to which he is subject. Wherefore just as none can dispense from public human law, except the man from whom the law derives its authority, or his delegate; so, in the precepts of the Divine law, which are from God,

[37743] Iª-IIae q. 97 a. 4 ad 3 Ad tertium dicendum quod lex naturalis inquantum continet praecepta communia, quae nunquam fallunt, dispensationem recipere non potest. In aliis vero praeceptis, quae sunt quasi conclusiones praeceptorum communium, quandoque per hominem dispensatur, puta quod mutuum non reddatur proditori patriae, vel aliquid huiusmodi. Ad legem autem divinam ita se habet quilibet homo, sicut persona privata ad legem publicam cui subiicitur. Unde sicut in lege humana publica non potest dispensare nisi ille a quo lex auctoritatem habet, vel is cui ipse commiserit; ita

none can dispense but God, or the man to whom He may give special power for that purpose.

in praeceptis iuris divini, quae sunt a Deo, nullus potest dispensare nisi Deus, vel si cui ipse specialiter committeret.

Q. 98. OF THE OLD LAW (SIX ARTICLES)

In due sequence we must now consider the Old Law; and (1) The Law itself; (2) Its precepts. Under the first head there are six points of inquiry:

[37744] Iª-IIae q. 98 pr. Consequenter considerandum est de lege veteri. Et primo, de ipsa lege; secundo, de praeceptis eius. Circa primum quaeruntur sex. Primo, utrum lex vetus sit bona. Secundo, utrum sit a Deo. Tertio, utrum sit ab eo mediantibus Angelis. Quarto, utrum data sit omnibus. Quinto, utrum omnes obliget. Sexto, utrum congruo tempore fuerit data.

(1) Whether the Old Law was good?

(2) Whether it was from God?

(3) Whether it came from Him through the angels?

(4) Whether it was given to all?

(5) Whether it was binding on all?

(6) Whether it was given at a suitable time?

Q. 98. A. 1. Whether the Old Law was good?

Objection 1: It would seem that the Old Law was not good. For it is written (Ezech. 20:25): "I gave them statutes that were not good, and judgments in which they shall not live." But a law is not said to be good except on account of the goodness of the precepts that it contains. Therefore the Old Law was not good.

[37745] Iª-IIae q. 98 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex vetus non fuerit bona. Dicitur enim Ezech. XX *dedi eis praecepta non bona, et iudicia in quibus non vivent*. Sed lex non dicitur bona nisi propter bonitatem praeceptorum quae continet. Ergo lex vetus non fuit bona.

Objection 2: Further, it belongs to the goodness of a law that it conduce to the common welfare, as Isidore says (Etym. v, 3). But the Old Law was not salutary; rather was it deadly and hurtful. For the Apostle says (Rom. 7:8, seqq.): "Without the law sin was dead. And I lived some time without the law. But when the commandment came sin revived; and I died." Again he says (Rom. 5:20): "Law entered in that sin might abound." Therefore the Old Law was not good.

[37746] Iª-IIae q. 98 a. 1 arg. 2 Praeterea, ad bonitatem legis pertinet ut communi saluti proficiat sicut Isidorus dicit. Sed lex vetus non fuit salutifera, sed magis mortifera et nociva. Dicit enim apostolus, Rom. VII, *sine lege peccatum mortuum erat. Ego autem vivebam sine lege aliquando, sed cum venisset mandatum, peccatum revixit, ego autem mortuus sum*; et Rom. V, *lex subintravit ut abundaret delictum*. Ergo lex vetus non fuit bona.

Objection 3: Further, it belongs to the goodness of the law that it should be possible to obey it, both according to nature, and according to human custom. But such the Old Law was not: since Peter said (Acts 15:10): "Why tempt you (God) to put a yoke on the necks of the disciples, which neither our fathers nor we have been able to bear?" Therefore it seems that the Old Law was not good.

[37747] Iª-IIae q. 98 a. 1 arg. 3 Praeterea, ad bonitatem legis pertinet quod sit possibilis ad observandum et secundum naturam, et secundum humanam consuetudinem. Sed hoc non habuit lex vetus, dicit enim Petrus, Act. XV, *quid tentatis imponere iugum super cervicem discipulorum, quod neque nos, neque patres nostri, portare potuimus?* Ergo videtur quod lex vetus non fuerit bona.

On the contrary, The Apostle says (Rom. 7:12): "Wherefore the law indeed is holy, and the commandment holy, and just, and good."

[37748] Iª-IIae q. 98 a. 1 s. c. Sed contra est quod apostolus dicit, Rom. VII, itaque *lex quidem sancta est, et mandatum sanctum et iustum et bonum*.

I answer that, Without any doubt, the Old Law was good. For just as a doctrine is shown to be good by the fact that it accords with right reason, so is a law proved to be good if it accords with reason. Now the Old Law was in accordance with reason. Because it repressed concupiscence which is in conflict with reason, as evidenced by the commandment, "Thou shalt not covet thy neighbor's goods" (Ex. 20:17). Moreover the same law forbade all kinds of sin; and these too are contrary to reason. Consequently it is evident that it was a good law. The Apostle argues in the same way (Rom. 7): "I am delighted," says he (verse 22), "with the law of God, according to the inward man": and again (verse 16): "I consent to the law, that is good."

But it must be noted that the good has various degrees, as Dionysius states (Div. Nom. iv): for there is a perfect good, and an imperfect good. In things ordained to an end, there is perfect goodness when a thing is such that it is sufficient in itself to conduce to the end: while there is imperfect goodness when a thing is of some assistance in attaining the end, but is not sufficient for the realization thereof. Thus a medicine is perfectly good, if it gives health to a man; but it is imperfect, if it helps to cure him, without being able to bring him back to health. Again it must be observed that the end of human law is different from the end of Divine law. For the end of human law is the temporal tranquillity of the state, which end law effects by directing external actions, as regards those evils which might disturb the peaceful condition of the state. On the other hand, the end of the Divine law is to bring man to that end which is everlasting happiness; which end is hindered by any sin, not only of external, but also of internal action. Consequently that which suffices for the perfection of human law, viz. the prohibition and punishment of sin, does not suffice for the perfection of the Divine law: but it is requisite that it should make man altogether fit to partake of everlasting happiness. Now this cannot be done save by the grace of the Holy Ghost, whereby "charity" which fulfilleth the law

[37749] Iª-IIae q. 98 a. 1 co. Respondeo dicendum quod absque omni dubio lex vetus bona fuit. Sicut enim doctrina ostenditur esse vera ex hoc quod consonat rationi rectae, ita etiam lex aliqua ostenditur esse bona ex eo quod consonat rationi. Lex autem vetus rationi consonabat. Quia concupiscentiam reprimebat, quae rationi adversatur; ut patet in illo mandato, non concupisces rem proximi tui, quod ponitur Exod. XX. Ipsa etiam omnia peccata prohibebat, quae sunt contra rationem. Unde manifestum est quod bona erat. Et haec est ratio apostoli, Rom. VII, condelector, inquit, legi Dei secundum interiorem hominem; et iterum, consentio legi, quoniam bona est. Sed notandum est quod bonum diversos gradus habet, ut Dionysius dicit, IV cap. de Div. Nom., est enim aliquod bonum perfectum, et aliquod bonum imperfectum. Perfecta quidem bonitas est, in his quae ad finem ordinantur, quando aliquid est tale quod per se sufficiens est inducere ad finem, imperfectum autem bonum est quod operatur aliquid ad hoc quod perveniatur ad finem, non tamen sufficit ad hoc quod ad finem perducat. Sicut medicina perfecte bona est quae hominem sanat, imperfecta autem est quae hominem adiuvat, sed tamen sanare non potest. Est autem sciendum quod est alius finis legis humanae, et alius legis divinae. Legis enim humanae finis est temporalis tranquillitas civitatis, ad quem finem pervenit lex cohibendo exteriores actus, quantum ad illa mala quae possunt perturbare pacificum statum civitatis. Finis autem legis divinae est perducere hominem ad finem felicitatis aeternae; qui quidem finis impeditur per quodcumque peccatum, et non solum per actus exteriores, sed etiam per interiores. Et ideo illud quod sufficit ad perfectionem legis humanae, ut scilicet peccata prohibeat et poenam apponat, non sufficit ad perfectionem legis divinae, sed oportet quod hominem totaliter faciat idoneum ad participationem felicitatis aeternae. Quod quidem fieri non potest nisi per gratiam spiritus sancti, per quam diffunditur caritas in cordibus nostris, quae legem adimplet, gratia enim Dei vita aeterna, ut dicitur Rom. VI. Hanc autem gratiam lex vetus conferre non potuit, reservabatur enim hoc

. . . "is spread abroad in our hearts" (Rom. 5:5): since "the grace of God is life everlasting" (Rom. 6:23). But the Old Law could not confer this grace, for this was reserved to Christ; because, as it is written (Jn. 1:17), the law was given "by Moses, grace and truth came by Jesus Christ." Consequently the Old Law was good indeed, but imperfect, according to Heb. 7:19: "The law brought nothing to perfection."

Christo, quia, ut dicitur Ioan. I, *lex per Moysen data est; gratia et veritas per Iesum Christum facta est*. Et inde est quod lex vetus bona quidem est, sed imperfecta; secundum illud Heb. VII, *nihil ad perfectum adduxit lex*.

Reply to Objection 1: The Lord refers there to the ceremonial precepts; which are said not to be good, because they did not confer grace unto the remission of sins, although by fulfilling these precepts man confessed himself a sinner. Hence it is said pointedly, "and judgments in which they shall not live"; i.e. whereby they are unable to obtain life; and so the text goes on: "And I polluted them," i.e. showed them to be polluted, "in their own gifts, when they offered all that opened the womb, for their offenses."

[37750] Iª-IIae q. 98 a. 1 ad 1 Ad primum ergo dicendum quod dominus loquitur ibi de praeceptis caeremonialibus; quae quidem dicuntur non bona, quia gratiam non conferebant, per quam homines a peccato mundarentur, cum tamen per huiusmodi se peccatores ostenderent. Unde signanter dicitur, et iudicia in quibus non vivent, idest per quae vitam gratiae obtinere non possunt; et postea subditur, et pollui eos in muneribus suis, idest pollutos ostendi, *cum offerrent omne quod aperit vulvam, propter delicta sua*.

Reply to Objection 2: The law is said to have been deadly, as being not the cause, but the occasion of death, on account of its imperfection: in so far as it did not confer grace enabling man to fulfil what is prescribed, and to avoid what it forbade. Hence this occasion was not given to men, but taken by them. Wherefore the Apostle says (Rom. 5:11): "Sin, taking occasion by the commandment, seduced me, and by it killed me." In the same sense when it is said that "the law entered in that sin might abound," the conjunction "that" must be taken as consecutive and not final: in so far as men, taking occasion from the law, sinned all the more, both because a sin became more grievous after law had forbidden it, and because concupiscence increased, since we desire a thing the more from its being forbidden.

[37751] Iª-IIae q. 98 a. 1 ad 2 Ad secundum dicendum quod lex dicitur occidisse, non quidem effective, sed occasionaliter, ex sua imperfectione, inquantum scilicet gratiam non conferebat, per quam homines implere possent quod mandabat, vel vitare quod vetabat. Et sic occasio ista non erat data, sed sumpta ab hominibus. Unde et apostolus ibidem dicit, *occasione accepta peccatum per mandatum seduxit me, et per illud occidit*. Et ex hac etiam ratione dicitur quod lex subintravit ut abundaret delictum, ut ly ut teneatur consecutive, non causaliter, inquantum scilicet homines, accipientes occasionem a lege, abundantius peccaverunt; tum quia gravius fuit peccatum post legis prohibitionem; tum etiam quia concupiscentia crevit, magis enim concupiscimus quod nobis prohibetur.

Reply to Objection 3: The yoke of the law could not be borne without the help of grace, which the law did not confer: for it is written (Rom. 9:16): "It is not him that willeth, nor of him that runneth," viz. that he wills and runs in the commandments of God, "but of God that showeth mercy." Wherefore it is written (Ps. 118:32): "I have run the way of Thy commandments, when Thou didst enlarge my heart," i.e. by giving me grace and charity.

[37752] Iª-IIae q. 98 a. 1 ad 3 Ad tertium dicendum quod iugum legis servari non poterat sine gratia adiuvante, quam lex non dabat, dicitur enim Rom. IX, *non est volentis neque currentis*, scilicet velle et currere in praeceptis Dei, sed miserentis Dei. Unde et in Psalmo CXVIII dicitur, *viam mandatorum tuorum cucurri, cum dilatasti cor meum*, scilicet per donum gratiae et caritatis.

Q. 98. A. 2. Whether the Old Law was from God?

Objection 1: It would seem that the Old Law was not from God. For it is written (Dt. 32:4): "The works of God are perfect." But the Law was imperfect, as stated above (A[1]). Therefore the Old Law was not from God.

[37753] Iª-IIae q. 98 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod lex vetus non fuerit a Deo. Dicitur enim Deut. XXXII, *Dei perfecta sunt opera*. Sed lex fuit imperfecta, ut supra dictum est. Ergo lex vetus non fuit a Deo.

Objection 2: Further, it is written (Eccles. 3:14): "I have learned that all the works which God hath made continue for ever." But the Old Law does not continue for ever: since the Apostle says (Heb. 7:18): "There is indeed a setting aside of the former commandment, because of the weakness and unprofitableness thereof." Therefore the Old Law was not from God.

[37754] Iª-IIae q. 98 a. 2 arg. 2 Praeterea, Eccle. III dicitur, *didici quod omnia opera quae fecit Deus, perseverent in aeternum*. Sed lex vetus non perseverat in aeternum, dicit enim apostolus, ad Heb. VII, *reprobatio fit quidem praecedentis mandati, propter infirmitatem eius et inutilitatem*. Ergo lex vetus non fuit a Deo.

Objection 3: Further, a wise lawgiver should remove, not only evil, but also the occasions of evil. But the Old Law was an occasion of sin, as stated above (A[1], ad 2). Therefore the giving of such a law does not pertain to God, to Whom "none is like among the lawgivers" (Job 36:22).

[37755] Iª-IIae q. 98 a. 2 arg. 3 Praeterea, ad sapientem legislatorem pertinet non solum mala auferre, sed etiam occasiones malorum. Sed vetus lex fuit occasio peccati, ut supra dictum est. Ergo ad Deum, cui nullus est similis in legislatoribus, ut dicitur Iob XXXVI, non pertinebat legem talem dare.

Objection 4: Further, it is written (1 Tim. 2:4) that God "will have all men to be saved." But the Old Law did not suffice to save man, as stated above (A[1]). Therefore the giving of such a law did not appertain to God. Therefore the Old Law was not from God.

[37756] Iª-IIae q. 98 a. 2 arg. 4 Praeterea, I ad Tim. II, dicitur quod *Deus vult omnes homines salvos fieri*. Sed lex vetus non sufficiebat ad salutem hominum, ut supra dictum est. Ergo ad Deum non pertinebat talem legem dare. Lex ergo vetus non est a Deo.

On the contrary, Our Lord said (Mat. 15:6) while speaking to the Jews, to whom the Law was given: "You have made void the commandment of God for your tradition." And shortly before (verse 4) He had said: "Honor thy father and mother," which is contained expressly in the Old Law (Ex. 20:12; Dt. 5:16). Therefore the Old Law was from God.

[37757] Iª-IIae q. 98 a. 2 s. c. Sed contra est quod dominus dicit, Matth. XV, loquens Iudaeis, quibus erat lex vetus data, *irritum fecistis mandatum Dei propter traditiones vestras*. Et paulo ante praemittitur, *honora patrem tuum et matrem tuam*, quod manifeste in lege veteri continetur. Ergo lex vetus est a Deo.

I answer that, The Old Law was given by the good God, Who is the Father of Our Lord Jesus Christ. For the Old Law ordained men to Christ in two ways. First by bearing witness to Christ; wherefore He Himself says (Lk. 24:44): "All things must needs be fulfilled, which are written in the law . . . and in the prophets, and in the

[37758] Iª-IIae q. 98 a. 2 co. Respondeo dicendum quod lex vetus a bono Deo data est, qui est pater domini nostri Iesu Christi. Lex enim vetus homines ordinabat ad Christum dupliciter. Uno quidem modo, testimonium Christo perhibendo, unde ipse dicit, Lucae ult., *oportet impleri omnia quae scripta sunt in lege et Psalmis et prophetis*

psalms, concerning Me": and (Jn. 5:46): "If you did believe Moses, you would perhaps believe Me also; for he wrote of Me." Secondly, as a kind of disposition, since by withdrawing men from idolatrous worship, it enclosed [concludebat] them in the worship of one God, by Whom the human race was to be saved through Christ. Wherefore the Apostle says (Gal. 3:23): "Before the faith came, we were kept under the law shut up [conclusi], unto that faith which was to be revealed." Now it is evident that the same thing it is, which gives a disposition to the end, and which brings to the end; and when I say "the same," I mean that it does so either by itself or through its subjects. For the devil would not make a law whereby men would be led to Christ, Who was to cast him out, according to Mat. 12:26: "If Satan cast out Satan, his kingdom is divided" [Vulg.: 'he is divided against himself']. Therefore the Old Law was given by the same God, from Whom came salvation to man, through the grace of Christ.

de me; et Ioan. V, *si crederetis Moysi, crederetis forsitan et mihi, de me enim ille scripsit*. Alio modo, per modum cuiusdam dispositionis, dum, retrahens homines a cultu idololatriae, concludebat eos sub cultu unius Dei, a quo salvandum erat humanum genus per Christum, unde apostolus dicit, ad Gal. III, *priusquam veniret fides, sub lege custodiebamur conclusi in eam fidem quae revelanda erat*. Manifestum est autem quod eiusdem est disponere ad finem et ad finem perducere, et dico eiusdem per se vel per suos subiectos. Non enim Diabolus legem tulisset per quam homines adducerentur ad Christum, per quem erat eiiciendus; secundum illud Matth. XII, *si Satanas Satanam eiicit, divisum est regnum eius*. Et ideo ab eodem Deo a quo facta est salus hominum per gratiam Christi, lex vetus data est.

Reply to Objection 1: Nothing prevents a thing being not perfect simply, and yet perfect in respect of time: thus a boy is said to be perfect, not simply, but with regard to the condition of time. So, too, precepts that are given to children are perfect in comparison with the condition of those to whom they are given, although they are not perfect simply. Hence the Apostle says (Gal. 3:24): "The law was our pedagogue in Christ."

[37759] Iª-IIae q. 98 a. 2 ad 1 Ad primum ergo dicendum quod nihil prohibet aliquid non esse perfectum simpliciter, quod tamen est perfectum secundum tempus, sicut dicitur aliquis puer perfectus non simpliciter, sed secundum temporis conditionem. Ita etiam praecepta quae pueris dantur, sunt quidem perfecta secundum conditionem eorum quibus dantur, etsi non sint perfecta simpliciter. Et talia fuerunt praecepta legis. Unde apostolus dicit, ad Gal. III, *lex paedagogus noster fuit in Christo*.

Reply to Objection 2: Those works of God endure for ever which God so made that they would endure for ever; and these are His perfect works. But the Old Law was set aside when there came the perfection of grace; not as though it were evil, but as being weak and useless for this time; because, as the Apostle goes on to say, "the law brought nothing to perfection": hence he says (Gal. 3:25): "After the faith is come, we are no longer under a pedagogue."

[37760] Iª-IIae q. 98 a. 2 ad 2 Ad secundum dicendum quod opera Dei perseverant in aeternum, quae sic Deus fecit ut in aeternum perseverent, et haec sunt ea quae sunt perfecta. Lex autem vetus reprobatur tempore perfectionis gratiae, non tanquam mala, sed tanquam infirma et inutilis pro isto tempore, quia, ut subditur, nihil ad perfectum adduxit lex. Unde ad Gal. III, dicit apostolus, *ubi venit fides, iam non sumus sub paedagogo*.

Reply to Objection 3: As stated above (Q[79], A[4]), God sometimes permits certain ones to fall into sin, that they may thereby be humbled. So also did He wish to give such a law as men by

[37761] Iª-IIae q. 98 a. 2 ad 3 Ad tertium dicendum quod, sicut supra dictum est, Deus aliquando permittit aliquos cadere in peccatum, ut exinde humilientur. Ita etiam voluit talem legem

their own forces could not fulfill, so that, while presuming on their own powers, they might find themselves to be sinners, and being humbled might have recourse to the help of grace.

dare quam suis viribus homines implere non possent, ut sic dum homines de se praesumentes peccatores se invenirent, humiliati recurrerent ad auxilium gratiae.

Reply to Objection 4: Although the Old Law did not suffice to save man, yet another help from God besides the Law was available for man, viz. faith in the Mediator, by which the fathers of old were justified even as we were. Accordingly God did not fail man by giving him insufficient aids to salvation.

[37762] Iª-IIae q. 98 a. 2 ad 4 Ad quartum dicendum quod, quamvis lex vetus non sufficeret ad salvandum hominem, tamen aderat aliud auxilium a Deo hominibus simul cum lege, per quod salvari poterant, scilicet fides mediatoris, per quam iustificati sunt antiqui patres, sicut etiam nos iustificamur. Et sic Deus non deficiebat hominibus quin daret eis salutis auxilia.

Q. 98. A. 3. Whether the Old Law was given through the angels?

Objection 1: It seems that the Old Law was not given through the angels, but immediately by God. For an angel means a "messenger"; so that the word "angel" denotes ministry, not lordship, according to Ps. 102:20,21: "Bless the Lord, all ye His Angels . . . you ministers of His." But the Old Law is related to have been given by the Lord: for it is written (Ex. 20:1): "And the Lord spoke . . . these words," and further on: "I am the Lord Thy God." Moreover the same expression is often repeated in Exodus, and the later books of the Law. Therefore the Law was given by God immediately.

[37763] Iª-IIae q. 98 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod lex vetus non fuerit data per Angelos, sed immediate a Deo. Angelus enim nuntius dicitur, et sic nomen Angeli ministerium importat, non dominium; secundum illud Psalmi CII, *benedicite domino, omnes Angeli eius, ministri eius*. Sed vetus lex a domino tradita esse perhibetur, dicitur enim Exod. XX, *locutusque est dominus sermones hos*, et postea subditur, *ego enim sum dominus Deus tuus*. Et idem modus loquendi frequenter repetitur in Exodo, et in libris consequentibus legis. Ergo lex est immediate data a Deo.

Objection 2: Further, according to Jn. 1:17, "the Law was given by Moses." But Moses received it from God immediately: for it is written (Ex. 33:11): "The Lord spoke to Moses face to face, as a man is wont to speak to his friend." Therefore the Old Law was given by God immediately.

[37764] Iª-IIae q. 98 a. 3 arg. 2 Praeterea, sicut dicitur Ioan. I, lex per Moysen data est. Sed Moyses immediate accepit a Deo, dicitur enim Exod. XXXIII, *loquebatur dominus ad Moysen facie ad faciem, sicut loqui solet homo ad amicum suum*. Ergo lex vetus immediate data est a Deo.

Objection 3: Further, it belongs to the sovereign alone to make a law, as stated above (Q[90], A[3]). But God alone is Sovereign as regards the salvation of souls: while the angels are the "ministering spirits," as stated in Heb. 1:14. Therefore it was not meet for the Law to be given through the angels, since it is ordained to the salvation of souls.

[37765] Iª-IIae q. 98 a. 3 arg. 3 Praeterea, ad solum principem pertinet legem ferre, ut supra dictum est. Sed solus Deus est princeps salutis animarum, *Angeli vero sunt administratorii spiritus*, ut dicitur ad Heb. I. Ergo lex vetus per Angelos dari non debuit, cum ordinaretur ad animarum salutem.

On the contrary, The Apostle said (Gal. 3:19) that the Law was "given [Vulg.: 'ordained'] by

[37766] Iª-IIae q. 98 a. 3 s. c. Sed contra est quod dicit apostolus, ad Gal. III, *lex data est per*

angels in the hand of a Mediator." And Stephen said (Acts 7:53): "(Who) have received the Law by the disposition of angels."

Angelos in manu mediatoris. Et Act. VII, dicit Stephanus, *accepistis legem in dispositione Angelorum*.

I answer that, The Law was given by God through the angels. And besides the general reason given by Dionysius (Coel. Hier. iv), viz. that "the gifts of God should be brought to men by means of the angels," there is a special reason why the Old Law should have been given through them. For it has been stated (AA[1],2) 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: thus the ship-builder himself rivets the planks together, but prepares the material by means of the workmen who assist him under his direction. 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. It is thus that the Apostle at the beginning of his epistle to the Hebrews (1:2) proves the excellence of the New Law over the Old; because in the New Testament "God . . . hath spoken to us by His Son," whereas in the Old Testament "the word was spoken by angels" (Heb. 2:2).

[37767] Iª-IIae q. 98 a. 3 co. Respondeo dicendum quod lex data est a Deo per Angelos. Et praeter generalem rationem, quam Dionysius assignat, in IV cap. Cael. Hier., quod *divina debent deferri ad homines mediantibus Angelis*, specialis ratio est quare legem veterem per Angelos dari oportuit. Dictum est enim quod lex vetus imperfecta erat, sed disponebat ad salutem perfectam generis humani, quae futura erat per Christum. Sic autem videtur in omnibus potestatibus et artibus ordinatis, quod ille qui est superior, principalem et perfectum actum operatur per seipsum; ea vero quae disponunt ad perfectionem ultimam, operatur per suos ministros; sicut navifactor compaginat navem per seipsum, sed praeparat materiam per artifices subministrantes. Et ideo conveniens fuit ut lex perfecta novi testamenti daretur immediate per ipsum Deum hominem factum; lex autem vetus per ministros Dei, scilicet per Angelos, daretur hominibus. Et per hunc modum apostolus, in principio ad Heb., probat eminentiam novae legis ad veterem, quia in novo testamento locutus est nobis Deus in filio suo, in veteri autem testamento est sermo factus per Angelos.

Reply to Objection 1: As Gregory says at the beginning of his Morals (Praef. chap. i), "the angel who is described to have appeared to Moses, is sometimes mentioned as an angel, sometimes as the Lord: an angel, in truth, in respect of that which was subservient to the external delivery; and the Lord, because He was the Director within, Who supported the effectual power of speaking." Hence also it is that the angel spoke as personating the Lord.

[37768] Iª-IIae q. 98 a. 3 ad 1 Ad primum ergo dicendum quod, sicut Gregorius dicit, in principio Moral., *Angelus qui Moysi apparuisse describitur, modo Angelus, modo dominus memoratur. Angelus videlicet, propter hoc quod exterius loquendo serviebat; dominus autem dicitur, quia interius praesidens loquendi efficaciam ministrabat*. Et inde est etiam quod quasi ex persona domini Angelus loquebatur.

Reply to Objection 2: As Augustine says (Gen. ad lit. xii, 27), it is stated in Exodus that "the Lord spoke to Moses face to face"; and shortly afterwards we read, "Show me Thy glory. Therefore He perceived what he saw and he

[37769] Iª-IIae q. 98 a. 3 ad 2 Ad secundum dicendum quod, sicut Augustinus dicit, XII super Gen. ad Litt., in Exodo dicitur, *locutus est dominus Moysi facie ad faciem*; et paulo post subditur, *ostende mihi gloriam tuam. Sentiebat*

desired what he saw not." Hence he did not see the very Essence of God; and consequently he was not taught by Him immediately. Accordingly when Scripture states that "He spoke to him face to face," this is to be understood as expressing the opinion of the people, who thought that Moses was speaking with God mouth to mouth, when God spoke and appeared to him, by means of a subordinate creature, i.e. an angel and a cloud. Again we may say that this vision "face to face" means some kind of sublime and familiar contemplation, inferior to the vision of the Divine Essence.

ergo quid videbat; et quod non videbat, desiderabat. Non ergo videbat ipsam Dei essentiam, et ita non immediate ab eo instruebatur. Quod ergo dicitur quod loquebatur ei facie ad faciem, secundum opinionem populi loquitur Scriptura, qui putabat Moysen ore ad os loqui cum Deo, cum per subiectam creaturam, idest per Angelum et nubem, ei loqueretur et appareret. Vel per visionem faciei intelligitur quaedam eminens contemplatio et familiaris, infra essentiae divinae visionem.

Reply to Objection 3: It is for the sovereign alone to make a law by his own authority; but sometimes after making a law, he promulgates it through others. Thus God made the Law by His own authority, but He promulgated it through the angels.

[37770] Iª-IIae q. 98 a. 3 ad 3 Ad tertium dicendum quod solius principis est sua auctoritate legem instituere, sed quandoque legem institutam per alios promulgat. Et ita Deus sua auctoritate instituit legem, sed per Angelos promulgavit.

Q. 98. A. 4. Whether the Old Law should have been given to the Jews alone?

Objection 1: It would seem that the Old Law should not have been given to the Jews alone. For the Old Law disposed men for the salvation which was to come through Christ, as stated above (AA[2],3). But that salvation was to come not to the Jews alone but to all nations, according to Is. 49:6: "It is a small thing that thou shouldst be my servant to raise up the tribes of Jacob, and to convert the dregs of Israel. Behold I have given thee to be the light of the Gentiles, that thou mayest be My salvation, even to the farthest part of the earth." Therefore the Old Law should have been given to all nations, and not to one people only.

[37771] Iª-IIae q. 98 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod lex vetus non debuerit dari soli populo Iudaeorum. Lex enim vetus disponebat ad salutem quae futura erat per Christum, ut dictum est. Sed salus illa non erat futura solum in Iudaeis, sed in omnibus gentibus; secundum illud Isaiae XLIX, *parum est ut sis mihi servus ad suscitandas tribus Iacob et faeces Israel convertendas, dedi te in lucem gentium, ut sis salus mea usque ad extremum terrae*. Ergo lex vetus dari debuit omnibus gentibus, et non uni populo tantum.

Objection 2: Further, according to Acts 10:34,35, "God is not a respecter of persons: but in every nation, he that feareth Him, and worketh justice, is acceptable to Him." Therefore the way of salvation should not have been opened to one people more than to another.

[37772] Iª-IIae q. 98 a. 4 arg. 2 Praeterea, sicut dicitur Act. X, *non est personarum acceptor Deus, sed in omni gente qui timet Deum et facit iustitiam, acceptus est illi*. Non ergo magis uni populo quam aliis viam salutis debuit aperire.

Objection 3: Further, the law was given through the angels, as stated above (A[3]). But God always vouchsafed the ministrations of the angels not to the Jews alone, but to all nations: for it is

[37773] Iª-IIae q. 98 a. 4 arg. 3 Praeterea, lex data est per Angelos, sicut iam dictum est. Sed ministeria Angelorum Deus non solum Iudaeis, sed omnibus gentibus semper exhibuit, dicitur

written (Ecclus. 17:14): "Over every nation He set a ruler." Also on all nations He bestows temporal goods, which are of less account with God than spiritual goods. Therefore He should have given the Law also to all peoples.

enim Eccli. XVII, *in unamquamque gentem praeposuit rectorem*. Omnibus etiam gentibus temporalia bona largitur, quae minus sunt curae Deo quam spiritualia bona. Ergo etiam legem omnibus populis dare debuit.

On the contrary, It is written (Rom. 3:1,2): "What advantage then hath the Jew? . . . Much every way. First indeed, because the words of God were committed to them": and (Ps. 147:9): "He hath not done in like manner to every nation: and His judgments He hath not made manifest unto them."

[37774] Iª-IIae q. 98 a. 4 s. c. Sed contra est quod dicitur Rom. III, *quid ergo amplius est Iudaeo? Multum quidem per omnem modum. Primum quidem, quia credita sunt illis eloquia Dei*. Et in Psalmo CXLVII dicitur, *non fecit taliter omni nationi, et iudicia sua non manifestavit eis*.

I answer that, It might be assigned as a reason for the Law being given to the Jews rather than to other peoples, that the Jewish people alone remained faithful to the worship of one God, while the others turned away to idolatry; wherefore the latter were unworthy to receive the Law, lest a holy thing should be given to dogs.

But this reason does not seem fitting: because that people turned to idolatry, even after the Law had been made, which was more grievous, as is clear from Ex. 32 and from Amos 5:25,26: "Did you offer victims and sacrifices to Me in the desert for forty years, O house of Israel? But you carried a tabernacle for your Moloch, and the image of your idols, the star of your god, which you made to yourselves." Moreover it is stated expressly (Dt. 9:6): "Know therefore that the Lord thy God giveth thee not this excellent land in possession for thy justices, for thou art a very stiff-necked people": but the real reason is given in the preceding verse: "That the Lord might accomplish His word, which He promised by oath to thy fathers Abraham, Isaac, and Jacob."

What this promise was is shown by the Apostle, who says (Gal. 3:16) that "to Abraham were the promises made and to his seed. He saith not, 'And to his seeds,' as of many: but as of one, 'And to thy seed,' which is Christ." And so God vouchsafed both the Law and other special boons to that people, on account of the promised made to their fathers that Christ should be born of them. For it was fitting that the people, of whom Christ was to be born, should be signalized by a special sanctification, according to the words of Lev. 19:2: "Be ye holy, because I . . . am holy." Nor

[37775] Iª-IIae q. 98 a. 4 co. Respondeo dicendum quod posset una ratio assignari quare potius populo Iudaeorum data sit lex quam aliis populis, quia, aliis ad idololatriam declinantibus, solus populus Iudaeorum in cultu unius Dei remansit; et ideo alii populi indigni erant legem recipere, ne sanctum canibus daretur. Sed ista ratio conveniens non videtur, quia populus ille etiam post legem latam, ad idololatriam declinavit, quod gravius fuit, ut patet Exod. XXXII; et Amos V, *numquid hostias et sacrificium obtulistis mihi in deserto quadraginta annis, domus Israel? Et portastis tabernaculum Moloch vestro, et imaginem idolorum vestrorum, sidus Dei vestri, quae fecistis vobis*. Expresse etiam dicitur Deut. IX, *scito quod non propter iustitias tuas dominus Deus tuus dedit tibi terram hanc in possessionem, cum durissimae cervici sis populus*. Sed ratio ibi praemittitur, *ut compleret verbum suum dominus, quod sub iuramento pollicitus est patribus tuis, Abraham, Isaac et Iacob*. Quae autem promissio eis sit facta, ostendit apostolus, ad Galat. III, dicens, *Abrahae dictae sunt promissiones, et semini eius. Non dicit, seminibus, quasi in multis, sed quasi in uno, et semini tuo, qui est Christus*. Deus igitur et legem et alia beneficia specialia illi populo exhibuit propter promissionem eorum patribus factam ut ex eis Christus nasceretur. Decebat enim ut ille populus ex quo Christus nasciturus erat, quadam speciali sanctificatione polleret; secundum illud quod dicitur Levit. XIX, *sancti eritis, quia ego sanctus sum*. Nec etiam fuit propter meritum ipsius Abrahae ut talis promissio ei fieret, ut scilicet Christus ex eius semine nasceretur, sed ex gratuita electione et vocatione. Unde dicitur Isaiae XLI, *quis suscitavit ab oriente*

again was it on account of the merit of Abraham himself that this promise was made to him, viz. that Christ should be born of his seed: but of gratuitous election and vocation. Hence it is written (Is. 41:2): "Who hath raised up the just one form the east, hath called him to follow him?"

It is therefore evident that it was merely from gratuitous election that the patriarchs received the promise, and that the people sprung from them received the law; according to Dt. 4:36, 37: "Ye did [Vulg.: 'Thou didst'] hear His words out of the midst of the fire, because He loved thy fathers, and chose their seed after them." And if again it asked why He chose this people, and not another, that Christ might be born thereof; a fitting answer is given by Augustine (Tract. super Joan. xxvi): "Why He draweth one and draweth not another, seek not thou to judge, if thou wish not to err."

iustum, vocavit eum ut sequeretur se? Sic ergo patet quod ex sola gratuita electione patres promissionem acceperunt, et populus ex eis progenitus legem accepit; secundum illud Deut. IV, *audistis verba illius de medio ignis, quia dilexit patres, et elegit semen eorum post illos*. Si autem rursus quaeratur quare hunc populum elegit ut ex eo Christus nasceretur, et non alium, conveniet responsio Augustini, quam dicit super Ioan., *quare hunc trahat et illum non trahat, noli velle diiudicare, si non vis errare*.

Reply to Objection 1: Although the salvation, which was to come through Christ, was prepared for all nations, yet it was necessary that Christ should be born of one people, which, for this reason, was privileged above other peoples; according to Rom. 9:4: "To whom," namely the Jews, "belongeth the adoption as of children (of God) . . . and the testament, and the giving of the Law . . . whose are the fathers, and of whom is Christ according to the flesh."

[37776] Iª-IIae q. 98 a. 4 ad 1 Ad primum ergo dicendum quod, quamvis salus futura per Christum, esset omnibus gentibus praeparata; tamen oportebat ex uno populo Christum nasci, qui propter hoc prae aliis praerogativas habuit; secundum illud Rom. IX, quorum, scilicet Iudaeorum, *est adoptio filiorum Dei, et testamentum et legislatio; quorum patres; ex quibus Christus est secundum carnem*.

Reply to Objection 2: Respect of persons takes place in those things which are given according to due; but it has no place in those things which are bestowed gratuitously. Because he who, out of generosity, gives of his own to one and not to another, is not a respecter of persons: but if he were a dispenser of goods held in common, and were not to distribute them according to personal merits, he would be a respecter of persons. Now God bestows the benefits of salvation on the human race gratuitously: wherefore He is not a respecter of persons, if He gives them to some rather than to others. Hence Augustine says (De Praedest. Sanct. viii): "All whom God teaches, he teaches out of pity; but whom He teaches not, out of justice He teaches not": for this is due to the condemnation of the human race for the sin of the first parent.

[37777] Iª-IIae q. 98 a. 4 ad 2 Ad secundum dicendum quod acceptio personarum locum habet in his quae ex debito dantur, in his vero quae ex gratuita voluntate conferuntur, acceptio personarum locum non habet. Non enim est personarum acceptor qui ex liberalitate de suo dat uni et non alteri, sed si esset dispensator bonorum communium, et non distribueret aequaliter secundum merita personarum, esset personarum acceptor. Salutaria autem beneficia Deus humano generi confert ex sua gratia. Unde non est personarum acceptor si quibusdam prae aliis conferat. Unde Augustinus dicit, in libro de Praedest. Sanct., *omnes quos Deus docet, misericordia docet, quos autem non docet, iudicio non docet*. Hoc enim venit ex damnatione humani generis pro peccato primi parentis.

Reply to Objection 3: The benefits of grace are forfeited by man on account of sin: but not the benefits of nature. Among the latter are the ministries of the angels, which the very order of various natures demands, viz. that the lowest beings be governed through the intermediate beings: and also bodily aids, which God vouchsafes not only to men, but also to beasts, according to Ps. 35:7: "Men and beasts Thou wilt preserve, O Lord."

[37778] Iª-IIae q. 98 a. 4 ad 3 Ad tertium dicendum quod beneficia gratiae subtrahuntur homini propter culpam, sed beneficia naturalia non subtrahuntur. Inter quae sunt ministeria Angelorum, quae ipse naturarum ordo requirit, ut scilicet per media gubernentur infima; et etiam corporalia subsidia, quae non solum hominibus, sed etiam iumentis Deus administrat, secundum illud Psalmi XXXV, *homines et iumenta salvabis, domine*.

Q. 98. A. 5. Whether all men were bound to observe the Old Law?

Objection 1: It would seem that all men were bound to observe the Old Law. Because whoever is subject to the king, must needs be subject to his law. But the Old Law was given by God, Who is "King of all the earth" (Ps. 46:8). Therefore all the inhabitants of the earth were bound to observe the Law.

[37779] Iª-IIae q. 98 a. 5 arg. 1 Ad quintum sic proceditur. Videtur quod omnes homines obligarentur ad observandam veterem legem. Quicumque enim subditur regi, oportet quod subdatur legi ipsius. Sed vetus lex est data a Deo, qui est rex omnis terrae, ut in Psalmo XLVI dicitur. Ergo omnes habitantes terram tenebantur ad observantiam legis.

Objection 2: Further, the Jews could not be saved without observing the Old Law: for it is written (Dt. 27:26): "Cursed be he that abideth not in the words of this law, and fulfilleth them not in work." If therefore other men could be saved without the observance of the Old Law, the Jews would be in a worse plight than other men.

[37780] Iª-IIae q. 98 a. 5 arg. 2 Praeterea, Iudaei salvari non poterant nisi legem veterem observarent, dicitur enim Deut. XXVII, *maledictus qui non permanet in sermonibus legis huius, nec eos opere perficit*. Si igitur alii homines sine observantia legis veteris potuissent salvari, peior fuisset conditio Iudaeorum quam aliorum hominum.

Objection 3: Further, the Gentiles were admitted to the Jewish ritual and to the observances of the Law: for it is written (Ex. 12:48): "If any stranger be willing to dwell among you, and to keep the Phase of the Lord, all his males shall first be circumcised, and then shall he celebrate it according to the manner; and he shall be as he that is born in the land." But it would have been useless to admit strangers to the legal observances according to Divine ordinance, if they could have been saved without the observance of the Law. Therefore none could be saved without observing the Law.

[37781] Iª-IIae q. 98 a. 5 arg. 3 Praeterea, gentiles ad ritum Iudaicum et ad observantias legis admittebantur, dicitur enim Exod. XII, *si quis peregrinorum in vestram voluerit transire coloniam, et facere phase domini, circumcidetur prius omne masculinum eius, et tunc rite celebrabit, eritque simul sicut indigena terrae*. Frustra autem ad observantias legales fuissent extranei admissi ex ordinatione divina, si absque legalibus observantiis salvari potuissent. Ergo nullus salvari poterat nisi legem observaret.

On the contrary, Dionysius says (Coel. Hier. ix) that many of the Gentiles were brought back to God by the angels. But it is clear that the Gentiles did not observe the Law. Therefore some could be

[37782] Iª-IIae q. 98 a. 5 s. c. Sed contra est quod Dionysius dicit, IX cap. Cael. Hier., quod multi gentilium per Angelos sunt reducti in Deum. Sed constat quod gentiles legem non observabant.

saved without observing the Law.

Ergo absque observantia legis poterant aliqui salvari.

I answer that, The Old Law showed forth the precepts of the natural law, and added certain precepts of its own. Accordingly, as to those precepts of the natural law contained in the Old Law, all were bound to observe the Old Law; not because they belonged to the Old Law, but because they belonged to the natural law. But as to those precepts which were added by the Old Law, they were not binding on save the Jewish people alone.

The reason of this is because the Old Law, as stated above (A[4]), was given to the Jewish people, that it might receive a prerogative of holiness, in reverence for Christ Who was to be born of that people. Now whatever laws are enacted for the special sanctification of certain ones, are binding on them alone: thus clerics who are set aside for the service of God are bound to certain obligations to which the laity are not bound; likewise religious are bound by their profession to certain works of perfection, to which people living in the world are not bound. In like manner this people was bound to certain special observances, to which other peoples were not bound. Wherefore it is written (Dt. 18:13): "Thou shalt be perfect and without spot before the Lord thy God": and for this reason they used a kind of form of profession, as appears from Dt. 26:3: "I profess this day before the Lord thy God," etc.

[37783] Iª-IIae q. 98 a. 5 co. Respondeo dicendum quod lex vetus manifestabat praecepta legis naturae, et superaddebat quaedam propria praecepta. Quantum igitur ad illa quae lex vetus continebat de lege naturae, omnes tenebantur ad observantiam veteris legis, non quia erant de veteri lege, sed quia erant de lege naturae. Sed quantum ad illa quae lex vetus superaddebat, non tenebantur aliqui ad observantiam veteris legis nisi solus populus Iudaeorum. Cuius ratio est quia lex vetus, sicut dictum est, data est populo Iudaeorum ut quandam praerogativam sanctitatis obtineret, propter reverentiam Christi, qui ex illo populo nasciturus erat. Quaecumque autem statuuntur ad specialem aliquorum sanctificationem, non obligant nisi illos, sicut ad quaedam obligantur clerici, qui mancipantur divino ministerio, ad quae laici non obligantur; similiter et religiosi ad quaedam perfectionis opera obligantur ex sua professione, ad quae saeculares non obligantur. Et similiter ad quaedam specialia obligabatur populus ille, ad quae alii populi non obligabantur. Unde dicitur Deut. XVIII, *perfectus eris, et absque macula, cum domino Deo tuo*. Et propter hoc etiam quadam professione utebantur; ut patet Deut. XXVI, *profiteor hodie coram domino Deo tuo* et cetera.

Reply to Objection 1: Whoever are subject to a king, are bound to observe his law which he makes for all in general. But if he orders certain things to be observed by the servants of his household, others are not bound thereto.

[37784] Iª-IIae q. 98 a. 5 ad 1 Ad primum ergo dicendum quod quicumque subduntur regi, obligantur ad legem eius observandam quam omnibus communiter proponit. Sed si instituat aliqua observanda a suis familiaribus ministris, ad haec ceteri non obligantur.

Reply to Objection 2: 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. Hence it is written (Dt. 4:8): "What other nation is there so renowned that hath ceremonies and just judgments, and all the law?" In like manner, from this point of view, the state

[37785] Iª-IIae q. 98 a. 5 ad 2 Ad secundum dicendum quod homo quanto Deo magis coniungitur, tanto efficitur melioris conditionis. Et ideo quanto populus Iudaeorum erat adstrictus magis ad divinum cultum, dignior aliis populis erat. Unde dicitur Deut. IV, *quae est alia gens sic inclyta, ut habeat caeremonias, iustaque iudicia, et universam legem?* Et similiter etiam quantum

of clerics is better than that of the laity, and the state of religious than that of folk living in the world.

ad hoc sunt melioris conditionis clerici quam laici, et religiosi quam saeculares.

Reply to Objection 3: The Gentiles obtained salvation more perfectly and more securely under the observances of the Law than under the mere natural law: and for this reason they were admitted to them. So too the laity are now admitted to the ranks of the clergy, and secular persons to those of the religious, although they can be saved without this.

[37786] Iª-IIae q. 98 a. 5 ad 3 Ad tertium dicendum quod gentiles perfectius et securius salutem consequebantur sub observantiis legis quam sub sola lege naturali, et ideo ad eas admittebantur. Sicut etiam nunc laici transeunt ad clericatum, et saeculares ad religionem, quamvis absque hoc possint salvari.

Q. 98. A. 6. Whether the Old Law was suitably given at the time of Moses?

Objection 1: It would seem that the Old Law was not suitably given at the time of Moses. Because the Old Law disposed man for the salvation which was to come through Christ, as stated above (AA[2],3). But man needed this salutary remedy immediately after he had sinned. Therefore the Law should have been given immediately after sin.

[37787] Iª-IIae q. 98 a. 6 arg. 1 Ad sextum sic proceditur. Videtur quod lex vetus non convenienter fuerit data tempore Moysi. Lex enim vetus disponebat ad salutem quae erat futura per Christum, sicut dictum est. Sed statim homo post peccatum indiguit huiusmodi salutis remedio. Ergo statim post peccatum lex vetus debuit dari.

Objection 2: Further, the Old Law was given for the sanctification of those from whom Christ was to be born. Now the promise concerning the "seed, which is Christ" (Gal. 3:16) was first made to Abraham, as related in Gn. 12:7. Therefore the Law should have been given at once at the time of Abraham.

[37788] Iª-IIae q. 98 a. 6 arg. 2 Praeterea, lex vetus data est propter sanctificationem eorum ex quibus Christus nasciturus erat. Sed Abrahae incoepit fieri promissio de semine, quod est Christus, ut habetur Gen. XII. Ergo statim tempore Abrahae debuit lex dari.

Objection 3: Further, as Christ was born of those alone who descended from Noe through Abraham, to whom the promise was made; so was He born of no other of the descendants of Abraham but David, to whom the promise was renewed, according to 2 Kings 23:1: "The man to whom it was appointed concerning the Christ of the God of Jacob . . . said." Therefore the Old Law should have been given after David, just as it was given after Abraham.

[37789] Iª-IIae q. 98 a. 6 arg. 3 Praeterea, sicut Christus non est natus ex aliis descendentibus ex Noe nisi ex Abraham, cui facta est promissio; ita etiam non est natus ex aliis filiis Abrahae nisi ex David, cui est promissio renovata, secundum illud II Reg. XXIII, *dixit vir cui constitutum est de Christo Dei Iacob*. Ergo lex vetus debuit dari post David, sicut data est post Abraham.

On the contrary, The Apostle says (Gal. 3:19) that the Law "was set because of transgressions, until the seed should come, to whom He made the promise, being ordained by angels in the hand of a Mediator": ordained, i.e. "given in orderly

[37790] Iª-IIae q. 98 a. 6 s. c. Sed contra est quod apostolus dicit, ad Gal. III, quod *lex propter transgressionem posita est, donec veniret semen cui promiserat, ordinata per Angelos in manu mediatoris*, idest ordinabiliter data, ut Glossa

fashion," as the gloss explains. Therefore it was fitting that the Old Law should be given in this order of time.

dicit. Ergo congruum fuit ut lex vetus illo temporis ordine traderetur.

I answer that, It was most fitting for the Law to be given at the time of Moses. The reason for this may be taken from two things in respect of which every law is imposed on two kinds of men. Because it is imposed on some men who are hard-hearted and proud, whom the law restrains and tames: and it is imposed on good men, who, through being instructed by the law, are helped to fulfil what they desire to do. Hence it was fitting that the Law should be given at such a time as would be appropriate for the overcoming of man's pride. For man was proud of two things, viz. of knowledge and of power. He was proud of his knowledge, as though his natural reason could suffice him for salvation: and accordingly, in order that his pride might be overcome in this matter, man was left to the guidance of his reason without the help of a written law: and man was able to learn from experience that his reason was deficient, since about the time of Abraham man had fallen headlong into idolatry and the most shameful vices. Wherefore, after those times, it was necessary for a written law to be given as a remedy for human ignorance: because "by the Law is the knowledge of sin" (Rom. 3:20). But, after man had been instructed by the Law, his pride was convinced of his weakness, through his being unable to fulfil what he knew. Hence, as the Apostle concludes (Rom. 8:3,4), "what the Law could not do in that it was weak through the flesh, God sent [Vulg.: 'sending'] His own Son . . . that the justification of the Law might be fulfilled in us."

With regard to good men, the Law was given to them as a help; which was most needed by the people, at the time when the natural law began to be obscured on account of the exuberance of sin: for it was fitting that this help should be bestowed on men in an orderly manner, 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.

[37791] Iª-IIae q. 98 a. 6 co. Respondeo dicendum quod convenientissime lex vetus data fuit tempore Moysi. Cuius ratio potest accipi ex duobus, secundum quod quaelibet lex duobus generibus hominum imponitur. Imponitur enim quibusdam duris et superbis, qui per legem compescuntur et domantur, imponitur etiam bonis, qui, per legem instructi, adiuvantur ad implendum quod intendunt. Conveniens igitur fuit tali tempore legem veterem dari, ad superbiam hominum convincendam. De duobus enim homo superbiebat, scilicet de scientia, et de potentia. De scientia quidem, quasi ratio naturalis ei posset sufficere ad salutem. Et ideo ut de hoc eius superbia convinceretur permissus est homo regimini suae rationis absque adminiculo legis scriptae, et experimento homo discere potuit quod patiebatur rationis defectum, per hoc quod homines usque ad idololatriam et turpissima vitia circa tempora Abrahae sunt prolapsi. Et ideo post haec tempora fuit necessarium legem scriptam dari in remedium humanae ignorantiae, quia per legem est cognitio peccati, ut dicitur Rom. III. Sed postquam homo est instructus per legem, convicta est eius superbia de infirmitate, dum implere non poterat quod cognoscebat. Et ideo, sicut apostolus concludit, ad Rom. VIII, *quod impossibile erat legi, in qua infirmabatur per carnem, misit Deus filium suum, ut iustificatio legis impleretur in nobis*. Ex parte vero bonorum, lex data est in auxilium. Quod quidem tunc maxime populo necessarium fuit, quando lex naturalis obscurari incipiebat propter exuberantiam peccatorum. Oportebat autem huiusmodi auxilium quodam ordine dari, ut per imperfecta ad perfectionem manuducerentur. Et ideo inter legem naturae et legem gratiae, oportuit legem veterem dari.

Reply to Objection 1: It was not fitting for the Old Law to be given at once after the sin of the

[37792] Iª-IIae q. 98 a. 6 ad 1 Ad primum ergo dicendum quod statim post peccatum primi

first man: both because man was so confident in his own reason, that he did not acknowledge his need of the Old Law; because as yet the dictate of the natural law was not darkened by habitual sinning.

hominis non competebat legem veterem dari, tum quia nondum homo recognoscebat se ea indigere, de sua ratione confisus. Tum quia adhuc dictamen legis naturae nondum erat obtenebratum per consuetudinem peccandi.

Reply to Objection 2: A law should not be given save to the people, since it is a general precept, as stated above (Q[90], AA[2],3); wherefore at the time of Abraham God gave men certain familiar, and, as it were, household precepts: but when Abraham's descendants had multiplied, so as to form a people, and when they had been freed from slavery, it was fitting that they should be given a law; for "slaves are not that part of the people or state to which it is fitting for the law to be directed," as the Philosopher says (Polit. iii, 2,4,5).

[37793] Iª-IIae q. 98 a. 6 ad 2 Ad secundum dicendum quod lex non debet dari nisi populo, est enim praeceptum commune, ut dictum est. Et ideo tempore Abrahae data sunt quaedam familiaria praecepta, et quasi domestica, Dei ad homines. Sed postmodum, multiplicatis eius posteris intantum quod populus esset, et liberatis eis a servitute, lex convenienter potuit dari, nam servi non sunt pars populi vel civitatis, cui legem dari competit, ut philosophus dicit, in III Polit.

Reply to Objection 3: Since the Law had to be given to the people, not only those, of whom Christ was born, received the Law, but the whole people, who were marked with the seal of circumcision, which was the sign of the promise made to Abraham, and in which he believed, according to Rom. 4:11: hence even before David, the Law had to be given to that people as soon as they were collected together.

[37794] Iª-IIae q. 98 a. 6 ad 3 Ad tertium dicendum quod, quia legem oportebat alicui populo dari, non solum illi ex quibus Christus natus est, legem acceperunt; sed totus populus consignatus signaculo circumcisionis, quae fuit signum promissionis Abrahae factae et ab eo creditae, ut dicit apostolus, Rom. IV. Et ideo etiam ante David oportuit legem dari tali populo iam collecto.

Q. 99. OF THE PRECEPTS OF THE OLD LAW (SIX ARTICLES)

We must now consider the precepts of the Old Law; and (1) how they are distinguished from one another; (2) each kind of precept. Under the first head there are six points of inquiry:

(1) Whether the Old Law contains several precepts or only one?

(2) Whether the Old Law contains any moral precepts?

(3) Whether it contains ceremonial precepts in addition to the moral precepts?

(4) Whether besides these it contains judicial precepts?

(5) Whether it contains any others besides these?

(6) How the Old Law induced men to keep its precepts.

[37795] Iª-IIae q. 99 pr. Deinde considerandum est de praeceptis veteris legis. Et primo, de distinctione ipsorum; secundo, de singulis generibus distinctis. Circa primum quaeruntur sex. Primo, utrum legis veteris sint plura praecepta, vel unum tantum. Secundo, utrum lex vetus contineat aliqua praecepta moralia. Tertio, utrum praeter moralia contineat caeremonialia. Quarto, utrum contineat, praeter haec, iudicialia. Quinto, utrum praeter ista tria contineat aliqua alia. Sexto, de modo quo lex inducebat ad observantiam praedictorum.

Q. 99. A. 1. Whether the Old Law contains only one precept?

Objection 1: It would seem that the Old Law contains but one precept. Because a law is nothing else than a precept, as stated above (Q[90], AA[2],3). Now there is but one Old Law. Therefore it contains but one precept.

[37796] Iª-IIae q. 99 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod in lege veteri non contineatur nisi unum praeceptum. Lex enim est nihil aliud quam praeceptum, ut supra habitum est. Sed lex vetus est una. Ergo non continet nisi unum praeceptum.

Objection 2: Further, the Apostle says (Rom. 13:9): "If there be any other commandment, it is comprised in this word: Thou shalt love thy neighbor as thyself." But this is only one commandment. Therefore the Old Law contained but one commandment.

[37797] Iª-IIae q. 99 a. 1 arg. 2 Praeterea, apostolus dicit, Rom. XIII, *si quod est aliud mandatum, in hoc verbo instauratur, diliges proximum tuum sicut teipsum*. Sed istud mandatum est unum. Ergo lex vetus non continet nisi unum mandatum.

Objection 3: Further, it is written (Mat. 7:12): "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 comprised in the Law and the prophets. Therefore the whole of the Old Law contains but one commandment.

[37798] Iª-IIae q. 99 a. 1 arg. 3 Praeterea, Matth. VII, dicitur, *omnia quaecumque vultis ut faciant vobis homines, et vos facite illis, haec est enim lex et prophetae*. Sed tota lex vetus continetur in lege et prophetis. Ergo tota lex vetus non habet nisi unum praeceptum.

On the contrary, The Apostle says (Eph. 2:15): "Making void the Law of commandments

[37799] Iª-IIae q. 99 a. 1 s. c. Sed contra est quod apostolus dicit, ad Ephes. II, *legem mandatorum*

contained in decrees": where he is referring to the Old Law, as the gloss comments, on the passage. Therefore the Old Law comprises many commandments.

decretis evacuans. Et loquitur de lege veteri, ut patet per Glossam ibidem. Ergo lex vetus continet in se multa mandata.

I answer that, Since a precept of law is binding, it is about something which must be done: and, that a thing must be done, arises from the necessity of some end. Hence it is evident that a precept implies, in its very idea, relation to an end, in so far as a thing is commanded as being necessary or expedient to an end. Now many things may happen to be necessary or expedient to an end; and, accordingly, precepts may be given about various things as being ordained to one end. Consequently we must say that all the precepts of the Old Law are one in respect of their relation to one end: and yet they are many in respect of the diversity of those things that are ordained to that end.

[37800] Iª-IIae q. 99 a. 1 co. Respondeo dicendum quod praeceptum legis, cum sit obligatorium, est de aliquo quod fieri debet. Quod autem aliquid debeat fieri, hoc provenit ex necessitate alicuius finis. Unde manifestum est quod de ratione praecepti est quod importet ordinem ad finem, inquantum scilicet illud praecipitur quod est necessarium vel expediens ad finem. Contingit autem ad unum finem multa esse necessaria vel expedientia. Et secundum hoc possunt de diversis rebus dari praecepta inquantum ordinantur ad unum finem. Unde dicendum est quod omnia praecepta legis veteris sunt unum secundum ordinem ad unum finem, sunt tamen multa secundum diversitatem eorum quae ordinantur ad finem illum.

Reply to Objection 1: The Old Law is said to be one as being ordained to one end: yet it comprises various precepts, according to the diversity of the things which it directs to the end. Thus also the art of building is one according to the unity of its end, because it aims at the building of a house: and yet it contains various rules, according to the variety of acts ordained thereto.

[37801] Iª-IIae q. 99 a. 1 ad 1 Ad primum ergo dicendum quod lex vetus dicitur esse una secundum ordinem ad finem unum, et tamen continet diversa praecepta, secundum distinctionem eorum quae ordinat ad finem. Sicut etiam ars aedificativa est una secundum unitatem finis, quia tendit ad aedificationem domus, tamen continet diversa praecepta, secundum diversos actus ad hoc ordinatos.

Reply to Objection 2: As the Apostle says (1 Tim. 1:5), "the end of the commandment is charity"; since every law aims at establishing friendship, either between man and man, or between man and God. Wherefore the whole Law is comprised in this one commandment, "Thou shalt love thy neighbor as thyself," as expressing the end of all commandments: because love of one's neighbor includes love of God, when we love our neighbor for God's sake. Hence the Apostle put this commandment in place of the two which are about the love of God and of one's neighbor, and of which Our Lord said (Mat. 22:40): "On these two commandments dependeth the whole Law and the prophets."

[37802] Iª-IIae q. 99 a. 1 ad 2 Ad secundum dicendum quod, sicut apostolus dicit, I ad Tim. I, *finis praecepti caritas est*, ad hoc enim omnis lex tendit, ut amicitiam constituat vel hominum ad invicem, vel hominis ad Deum. Et ideo tota lex impletur in hoc uno mandato, *diliges proximum tuum sicut teipsum*, sicut in quodam fine mandatorum omnium, in dilectione enim proximi includitur etiam Dei dilectio, quando proximus diligitur propter Deum. Unde apostolus hoc unum praeceptum posuit pro duobus quae sunt de dilectione Dei et proximi, de quibus dicit dominus, Matth. XXII, *in his duobus mandatis pendet omnis lex et prophetae*.

Reply to Objection 3: As stated in Ethic. ix, 8,

[37803] Iª-IIae q. 99 a. 1 ad 3 Ad tertium

"friendship towards another arises from friendship towards oneself," in so far as man looks on another as on himself. Hence when it is said, "All things whatsoever you would that men should do to you, do you also to them," this is an explanation of the rule of neighborly love contained implicitly in the words, "Thou shalt love thy neighbor as thyself": so that it is an explanation of this commandment.

dicendum quod, sicut dicitur in IX Ethic., *amicabilia quae sunt ad alterum, venerunt ex amicabilibus quae sunt homini ad seipsum*, dum scilicet homo ita se habet ad alterum sicut ad se. Et ideo in hoc quod dicitur, *omnia quaecumque vultis ut faciant vobis homines, et vos facite illis*, explicatur quaedam regula dilectionis proximi, quae etiam implicite continetur in hoc quod dicitur, *diliges proximum tuum sicut teipsum*. Unde est quaedam explicatio istius mandati.

Q. 99. A. 2. Whether the Old Law contains moral precepts?

Objection 1: It would seem that the Old Law contains no moral precepts. For the Old Law is distinct from the law of nature, as stated above (Q[91], AA[4],5; Q[98], A[5]). But the moral precepts belong to the law of nature. Therefore they do not belong to the Old Law.

[37804] Iª-IIae q. 99 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod lex vetus non contineat praecepta moralia. Lex enim vetus distinguitur a lege naturae, ut supra habitum est. Sed praecepta moralia pertinent ad legem naturae. Ergo non pertinent ad legem veterem.

Objection 2: Further, the Divine Law should have come to man's assistance where human reason fails him: as is evident in regard to things that are of faith, which are above reason. But man's reason seems to suffice for the moral precepts. Therefore the moral precepts do not belong to the Old Law, which is a Divine law.

[37805] Iª-IIae q. 99 a. 2 arg. 2 Praeterea, ibi subvenire debuit homini lex divina, ubi deficit ratio humana, sicut patet in his quae ad fidem pertinent, quae sunt supra rationem. Sed ad praecepta moralia ratio hominis sufficere videtur. Ergo praecepta moralia non sunt de lege veteri, quae est lex divina.

Objection 3: Further, the Old Law is said to be "the letter that killeth" (2 Cor. 3:6). But the moral precepts do not kill, but quicken, according to Ps. 118:93: "Thy justifications I will never forget, for by them Thou hast given me life." Therefore the moral precepts do not belong to the Old Law.

[37806] Iª-IIae q. 99 a. 2 arg. 3 Praeterea, lex vetus dicitur littera occidens, ut patet II ad Cor. III. Sed praecepta moralia non occidunt, sed vivificant; secundum illud Psalmi CXVIII, *in aeternum non obliviscar iustificationes tuas, quia in ipsis vivificasti me*. Ergo praecepta moralia non pertinent ad veterem legem.

On the contrary, It is written (Ecclus. 17:9): "Moreover, He gave them discipline [Douay: 'instructions'] and the law of life for an inheritance." Now discipline belongs to morals; for this gloss on Heb. 12:11: "Now all chastisement [disciplina]," etc., says: "Discipline is an exercise in morals by means of difficulties." Therefore the Law which was given by God comprised moral precepts.

[37807] Iª-IIae q. 99 a. 2 s. c. Sed contra est quod dicitur Eccli. XVII, *addidit illis disciplinam, et legem vitae haereditavit eos*. Disciplina autem pertinet ad mores, dicit enim Glossa ad Heb. XII, super illud, omnis disciplina etc., *disciplina est eruditio morum per difficilia*. Ergo lex a Deo data, praecepta moralia continebat.

I answer that, The Old Law contained some moral precepts; as is evident from Ex. 20:13, 15:

[37808] Iª-IIae q. 99 a. 2 co. Respondeo dicendum quod lex vetus continebat praecepta quaedam

"Thou shalt not kill, Thou shalt not steal." This was reasonable: because, just as the principal intention of human law is to created friendship between man and man; so the chief intention of the Divine law is to establish man in friendship with God. Now since likeness is the reason of love, according to Ecclus. 13:19: "Every beast loveth its like"; there cannot possibly be any friendship of man to God, Who is supremely good, unless man become good: wherefore it is written (Lev. 19:2; 11:45): "You shall be holy, for I am holy." But the goodness of man is virtue, which "makes its possessor good" (Ethic. ii, 6). Therefore it was necessary for the Old Law to include precepts about acts of virtue: and these are the moral precepts of the Law.

moralia, ut patet Exod. XX, *non occides, non furtum facies*. Et hoc rationabiliter. Nam sicut intentio principalis legis humanae est ut faciat amicitiam hominum ad invicem; ita intentio legis divinae est ut constituat principaliter amicitiam hominis ad Deum. Cum autem similitudo sit ratio amoris, secundum illud Eccli. XIII, *omne animal diligit simile sibi*; impossibile est esse amicitiam hominis ad Deum, qui est optimus, nisi homines boni efficiantur, unde dicitur Levit. XIX, *sancti eritis, quoniam ego sanctus sum*. Bonitas autem hominis est virtus, quae facit bonum habentem. Et ideo oportuit praecepta legis veteris etiam de actibus virtutum dari. Et haec sunt moralia legis praecepta.

Reply to Objection 1: The Old Law is distinct from the natural law, not as being altogether different from it, but as something added thereto. For just as grace presupposes nature, so must the Divine law presuppose the natural law.

[37809] Iª-IIae q. 99 a. 2 ad 1 Ad primum ergo dicendum quod lex vetus distinguitur a lege naturae non tanquam ab ea omnino aliena, sed tanquam aliquid ei superaddens. Sicut enim gratia praesupponit naturam, ita oportet quod lex divina praesupponat legem naturalem.

Reply to Objection 2: It was fitting that the Divine law should come to man's assistance not only in those things for which reason is insufficient, but also in those things in which human reason may happen to be impeded. Now human reason could not go astray in the abstract, as to the universal principles of the natural law; but through being habituated to sin, it became obscured in the point of things to be done in detail. But with regard to the other moral precepts, which are like conclusions drawn from the universal principles of the natural law, the reason of many men went astray, to the extend of judging to be lawful, things that are evil in themselves. Hence there was need for the authority of the Divine law to rescue man from both these defects. Thus among the articles of faith not only are those things set forth to which reason cannot reach, such as the Trinity of the Godhead; but also those to which right reason can attain, such as the Unity of the Godhead; in order to remove the manifold errors to which reason is liable.

[37810] Iª-IIae q. 99 a. 2 ad 2 Ad secundum dicendum quod legi divinae conveniens erat ut non solum provideret homini in his ad quae ratio non potest, sed etiam in his circa quae contingit rationem hominis impediri. Ratio autem hominis circa praecepta moralia, quantum ad ipsa communissima praecepta legis naturae, non poterat errare in universali, sed tamen, propter consuetudinem peccandi, obscurabatur in particularibus agendis. Circa alia vero praecepta moralia, quae sunt quasi conclusiones deductae ex communibus principiis legis naturae, multorum ratio oberrabat, ita ut quaedam quae secundum se sunt mala, ratio multorum licita iudicaret. Unde oportuit contra utrumque defectum homini subveniri per auctoritatem legis divinae. Sicut etiam inter credenda nobis proponuntur non solum ea ad quae ratio attingere non potest, ut Deum esse trinum; sed etiam ea ad quae ratio recta pertingere potest, ut Deum esse unum; ad excludendum rationis humanae errorem, qui accidebat in multis.

Reply to Objection 3: As Augustine proves (De Spiritu et Litera xiv), even the letter of the law is

[37811] Iª-IIae q. 99 a. 2 ad 3 Ad tertium dicendum quod, sicut Augustinus probat in libro

said to be the occasion of death, as to the moral precepts; in so far as, to wit, it prescribes what is good, without furnishing the aid of grace for its fulfilment.

de spiritu et littera, etiam littera legis quantum ad praecepta moralia, occidere dicitur occasionaliter, inquantum scilicet praecipit quod bonum est, non praebens auxilium gratiae ad implendum.

Q. 99. A. 3. Whether the Old Law comprises ceremonial, besides moral, precepts?

Objection 1: It would seem that the Old Law does not comprise ceremonial, besides moral, precepts. For every law that is given to man is for the purpose of directing human actions. Now human actions are called moral, as stated above (Q[1], A[3]). Therefore it seems that the Old Law given to men should not comprise other than moral precepts.

[37812] Iª-IIae q. 99 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod lex vetus non contineat praecepta caeremonialia, praeter moralia. Omnis enim lex quae hominibus datur, est directiva humanorum actuum. Actus autem humani morales dicuntur, ut supra dictum est. Ergo videtur quod in lege veteri hominibus data, non debeant contineri nisi praecepta moralia.

Objection 2: Further, those precepts that are styled ceremonial seem to refer to the Divine worship. But Divine worship is the act of a virtue, viz. religion, which, as Tully says (De Invent. ii) "offers worship and ceremony to the Godhead." Since, then, the moral precepts are about acts of virtue, as stated above (A[2]), it seems that the ceremonial precepts should not be distinct from the moral.

[37813] Iª-IIae q. 99 a. 3 arg. 2 Praeterea, praecepta quae dicuntur caeremonialia, videntur ad divinum cultum pertinere. Sed divinus cultus est actus virtutis, scilicet religionis, quae, ut Tullius dicit in sua Rhetoric., *divinae naturae cultum caeremoniamque affert*. Cum igitur praecepta moralia sint de actibus virtutum, ut dictum est, videtur quod praecepta caeremonialia non sint distinguenda a moralibus.

Objection 3: Further, the ceremonial precepts seem to be those which signify something figuratively. But, as Augustine observes (De Doctr. Christ. ii, 3,4), "of all signs employed by men words hold the first place." Therefore there is no need for the Law to contain ceremonial precepts about certain figurative actions.

[37814] Iª-IIae q. 99 a. 3 arg. 3 Praeterea, praecepta caeremonialia esse videntur quae figurative aliquid significant. Sed sicut Augustinus dicit, in II de Doctr. Christ., *verba inter homines obtinuerunt principatum significandi*. Ergo nulla necessitas fuit ut in lege continerentur praecepta caeremonialia de aliquibus actibus figurativis.

On the contrary, It is written (Dt. 4:13,14): "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 commandments of the Law are moral precepts. Therefore besides the moral precepts there are others which are ceremonial.

[37815] Iª-IIae q. 99 a. 3 s. c. Sed contra est quod dicitur Deut. IV, *decem verba scripsit in duabus tabulis lapideis, mihique mandavit in illo tempore ut docerem vos caeremonias et iudicia quae facere deberetis*. Sed decem praecepta legis sunt moralia. Ergo praeter praecepta moralia sunt etiam alia praecepta caeremonialia.

I answer that, As stated above (A[2]), the Divine law is instituted chiefly in order to direct men to God; while human law is instituted chiefly in order to direct men in relation to one another. Hence human laws have not concerned

[37816] Iª-IIae q. 99 a. 3 co. Respondeo dicendum quod, sicut dictum est, lex divina principaliter instituitur ad ordinandum homines ad Deum; lex autem humana principaliter ad ordinandum homines ad invicem. Et ideo leges humanae non

themselves with the institution of anything relating to Divine worship except as affecting the common good of mankind: and for this reason they have devised many institutions relating to Divine matters, according as it seemed expedient for the formation of human morals; as may be seen in the rites of the Gentiles. On the other hand the Divine law directed men to one another according to the demands of that order whereby man is directed to God, which order was the chief aim of that law. Now man is directed to God not only by the interior acts of the mind, which are faith, hope, and love, but also by certain external works, whereby man makes profession of his subjection to God: and it is these works that are said to belong to the Divine worship. This worship is called "ceremony" [the munia, i.e. gifts] of Ceres (who was the goddess of fruits), as some say: because, at first, offerings were made to God from the fruits: or because, as Valerius Maximus states [*Fact. et Dict. Memor. i, 1], the word "ceremony" was introduced among the Latins, to signify the Divine worship, being derived from a town near Rome called "Caere": since, when Rome was taken by the Gauls, the sacred chattels of the Romans were taken thither and most carefully preserved. Accordingly those precepts of the Law which refer to the Divine worship are specially called ceremonial.

curaverunt aliquid instituere de cultu divino nisi in ordine ad bonum commune hominum, et propter hoc etiam multa confinxerunt circa res divinas, secundum quod videbatur eis expediens ad informandos mores hominum; sicut patet in ritu gentilium. Sed lex divina e converso homines ad invicem ordinavit secundum quod conveniebat ordini qui est in Deum, quem principaliter intendebat. Ordinatur autem homo in Deum non solum per interiores actus mentis, qui sunt credere, sperare et amare; sed etiam per quaedam exteriora opera, quibus homo divinam servitutem profitetur. Et ista opera dicuntur ad cultum Dei pertinere. Qui quidem cultus caeremonia vocatur, quasi munia, idest dona, Caereris, quae dicebatur dea frugum, ut quidam dicunt, eo quod primo ex frugibus oblationes Deo offerebantur. Sive, ut maximus Valerius refert, nomen caeremoniae introductum est ad significandum cultum divinum apud Latinos, a quodam oppido iuxta Romam, quod Caere vocabatur, eo quod, Roma capta a gallis, illuc sacra Romanorum ablata sunt, et reverentissime habita. Sic igitur illa praecepta quae in lege pertinent ad cultum Dei, specialiter caeremonialia dicuntur.

Reply to Objection 1: Human acts extend also to the Divine worship: and therefore the Old Law given to man contains precepts about these matters also.

[37817] Iª-IIae q. 99 a. 3 ad 1 Ad primum ergo dicendum quod humani actus se extendunt etiam ad cultum divinum. Et ideo etiam de his continet praecepta lex vetus hominibus data.

Reply to Objection 2: As stated above (Q[91], A[3]), the precepts of the natural law are general, and require to be determined: and they are determined both by human law and by Divine law. And just as these very determinations which are made by human law are said to be, not of natural, but of positive law; so the determinations of the precepts of the natural law, effected by the Divine law, are distinct from the moral precepts which belong to the natural law. Wherefore to worship God, since it is an act of virtue, belongs to a moral precept; but the determination of this precept, namely that He is to be worshipped by such and such sacrifices, and such and such offerings, belongs to the ceremonial precepts.

[37818] Iª-IIae q. 99 a. 3 ad 2 Ad secundum dicendum quod, sicut supra dictum est, praecepta legis naturae communia sunt, et indigent determinatione. Determinantur autem et per legem humanam, et per legem divinam. Et sicut ipsae determinationes quae fiunt per legem humanam, non dicuntur esse de lege naturae, sed de iure positivo; ita ipsae determinationes praeceptorum legis naturae quae fiunt per legem divinam, distinguuntur a praeceptis moralibus, quae pertinent ad legem naturae. Colere ergo Deum, cum sit actus virtutis, pertinet ad praeceptum morale, sed determinatio huius praecepti, ut scilicet colatur talibus hostiis et talibus muneribus, hoc pertinet ad praecepta

Consequently the ceremonial precepts are distinct from the moral precepts.

caeremonialia. Et ideo praecepta caeremonialia distinguuntur a praeceptis moralibus.

Reply to Objection 3: As Dionysius says (Coel. Hier. i), the things of God cannot be manifested to men except by means of sensible similitudes. Now these similitudes move the soul more when they are not only expressed in words, but also offered to the senses. Wherefore the things of God are set forth in the Scriptures not only by similitudes expressed in words, as in the case of metaphorical expressions; but also by similitudes of things set before the eyes, which pertains to the ceremonial precepts.

[37819] Iª-IIae q. 99 a. 3 ad 3 Ad tertium dicendum quod, sicut Dionysius dicit, I cap. Cael. Hier., divina hominibus manifestari non possunt nisi sub aliquibus similitudinibus sensibilibus. Ipsae autem similitudines magis movent animum quando non solum verbo exprimuntur, sed etiam sensui offeruntur. Et ideo divina traduntur in Scripturis non solum per similitudines verbo expressas, sicut patet in metaphoricis locutionibus; sed etiam per similitudines rerum quae visui proponuntur, quod pertinet ad praecepta caeremonialia.

Q. 99. A. 4. Whether, besides the moral and ceremonial precepts, there are also judicial precepts?

Objection 1: It would seem that there are no judicial precepts in addition to the moral and ceremonial precepts in the Old Law. For Augustine says (Contra Faust. vi, 2) that in the Old Law there are "precepts concerning the life we have to lead, and precepts regarding the life that is foreshadowed." Now the precepts of the life we have to lead are moral precepts; and the precepts of the life that is foreshadowed are ceremonial. Therefore besides these two kinds of precepts we should not put any judicial precepts in the Law.

[37820] Iª-IIae q. 99 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod praeter praecepta moralia et caeremonialia, non sint aliqua praecepta iudicialia in veteri lege. Dicit enim Augustinus, contra Faustum, quod in lege veteri sunt praecepta vitae agendae, et praecepta vitae significandae. Sed praecepta vitae agendae sunt moralia; praecepta autem vitae significandae sunt caeremonialia. Ergo praeter haec duo genera praeceptorum, non sunt ponenda in lege alia praecepta iudicialia.

Objection 2: Further, a gloss on Ps. 118:102, "I have not declined from Thy judgments," says, i.e. "from the rule of life Thou hast set for me." But a rule of life belongs to the moral precepts. Therefore the judicial precepts should not be considered as distinct from the moral precepts.

[37821] Iª-IIae q. 99 a. 4 arg. 2 Praeterea, super illud Psalmi CXVIII, *a iudiciis tuis non declinavi*, dicit Glossa, *idest ab his quae constituisti regulam vivendi*. Sed regula vivendi pertinet ad praecepta moralia. Ergo praecepta iudicialia non sunt distinguenda a moralibus.

Objection 3: Further, judgment seems to be an act of justice, according to Ps. 93:15: "Until justice be turned into judgment." But acts of justice, like the acts of other virtues, belong to the moral precepts. Therefore the moral precepts include the judicial precepts, and consequently should not be held as distinct from them.

[37822] Iª-IIae q. 99 a. 4 arg. 3 Praeterea, iudicium videtur esse actus iustitiae; secundum illud Psalmi XCIII, *quoadusque iustitia convertatur in iudicium*. Sed actus iustitiae, sicut et actus ceterarum virtutum, pertinet ad praecepta moralia. Ergo praecepta moralia includunt in se iudicialia, et sic non debent ab eis distingui.

On the contrary, It is written (Dt. 6:1): "These are the precepts and ceremonies, and judgments":

[37823] Iª-IIae q. 99 a. 4 s. c. Sed contra est quod dicitur Deut. VI, *haec sunt praecepta et*

where "precepts" stands for "moral precepts" antonomastically. Therefore there are judicial precepts besides moral and ceremonial precepts.

caeremoniae atque iudicia. Praecepta autem antonomastice dicuntur moralia. Ergo praeter praecepta moralia et caeremonialia, sunt etiam iudicialia.

I answer that, As stated above (AA[2],3), it belongs to the Divine law to direct men to one another and to God. Now each of these belongs in the abstract to the dictates of the natural law, to which dictates the moral precepts are to be referred: yet each of them has to be determined by Divine or human law, because naturally known principles are universal, both in speculative and in practical matters. Accordingly just as the determination of the universal principle about Divine worship is effected by the ceremonial precepts, so the determination of the general precepts of that justice which is to be observed among men is effected by the judicial precepts.

We must therefore distinguish three kinds of precept in the Old Law; viz. "moral" precepts, which are dictated by the natural law; "ceremonial" precepts, which are determinations of the Divine worship; and "judicial" precepts, which are determinations of the justice to be maintained among men. Wherefore the Apostle (Rom. 7:12) after saying that the "Law is holy," adds that "the commandment is just, and holy, and good": "just," in respect of the judicial precepts; "holy," with regard to the ceremonial precepts (since the word "sanctus"---"holy"---is applied to that which is consecrated to God); and "good," i.e. conducive to virtue, as to the moral precepts.

[37824] Iª-IIae q. 99 a. 4 co. Respondeo dicendum quod, sicut dictum est, ad legem divinam pertinet ut ordinet homines ad invicem et ad Deum. Utrumque autem horum in communi quidem pertinet ad dictamen legis naturae, ad quod referuntur moralia praecepta, sed oportet quod determinetur utrumque per legem divinam vel humanam, quia principia naturaliter nota sunt communia tam in speculativis quam in activis. Sicut igitur determinatio communis praecepti de cultu divino fit per praecepta caeremonialia, sic et determinatio communis praecepti de iustitia observanda inter homines, determinatur per praecepta iudicialia. Et secundum hoc, oportet tria praecepta legis veteris ponere; scilicet moralia, quae sunt de dictamine legis naturae; caeremonialia, quae sunt determinationes cultus divini; et iudicialia, quae sunt determinationes iustitiae inter homines observandae. Unde cum apostolus, Rom. VII, dixisset quod lex est sancta, subiungit quod mandatum est iustum et sanctum et bonum, iustum quidem, quantum ad iudicialia; sanctum, quantum ad caeremonialia (nam sanctum dicitur quod est Deo dicatum); bonum, idest honestum, quantum ad moralia.

Reply to Objection 1: Both the moral and the judicial precepts aim at the ordering of human life: and consequently they are both comprised under one of the heads mentioned by Augustine, viz. under the precepts of the life we have to lead.

[37825] Iª-IIae q. 99 a. 4 ad 1 Ad primum ergo dicendum quod tam praecepta moralia, quam etiam iudicialia, pertinent ad directionem vitae humanae. Et ideo utraque continentur sub uno membro illorum quae ponit Augustinus, scilicet sub praeceptis vitae agendae.

Reply to Objection 2: Judgment denotes execution of justice, by an application of the reason to individual cases in a determinate way. Hence the judicial precepts have something in common with the moral precepts, in that they are derived from reason; and something in common with the ceremonial precepts, in that they are determinations of general precepts. This explains

[37826] Iª-IIae q. 99 a. 4 ad 2 Ad secundum dicendum quod iudicium significat executionem iustitiae, quae quidem est secundum applicationem rationis ad aliqua particularia determinate. Unde praecepta iudicialia communicant in aliquo cum moralibus, inquantum scilicet a ratione derivantur; et in aliquo cum caeremonialibus, inquantum scilicet

why sometimes "judgments" comprise both judicial and moral precepts, as in Dt. 5:1: "Hear, O Israel, the ceremonies and judgments"; and sometimes judicial and ceremonial precepts, as in Lev. 18:4: "You shall do My judgments, and shall observe My precepts," where "precepts" denotes moral precepts, while "judgments" refers to judicial and ceremonial precepts.

sunt quaedam determinationes communium praeceptorum. Et ideo quandoque sub iudiciis comprehenduntur praecepta iudicialia et moralia, sicut Deut. V, audi, Israel, caeremonias atque iudicia; quandoque vero iudicialia et caeremonialia, sicut Levit. XVIII, facietis iudicia mea, et praecepta mea servabitis, ubi praecepta ad moralia referuntur, iudicia vero ad iudicialia et caeremonialia.

Reply to Objection 3: The act of justice, in general, belongs to the moral precepts; but its determination to some special kind of act belongs to the judicial precepts.

[37827] Iª-IIae q. 99 a. 4 ad 3 Ad tertium dicendum quod actus iustitiae in generali pertinet ad praecepta moralia, sed determinatio eius in speciali pertinet ad praecepta iudicialia.

Q. 99. A. 5. Whether the Old Law contains any others besides the moral, judicial, and ceremonial precepts?

Objection 1: It would seem that the Old Law contains others besides the moral, judicial, and ceremonial precepts. Because the judicial precepts belong to the act of justice, which is between man and man; while the ceremonial precepts belong to the act of religion, whereby God is worshipped. Now besides these there are many other virtues, viz. temperance, fortitude, liberality, and several others, as stated above (Q[60], A[5]). Therefore besides the aforesaid precepts, the Old Law should comprise others.

[37828] Iª-IIae q. 99 a. 5 arg. 1 Ad quintum sic proceditur. Videtur quod aliqua alia praecepta contineantur in lege veteri praeter moralia, iudicialia et caeremonialia. Iudicialia enim praecepta pertinent ad actum iustitiae, quae est hominis ad hominem; caeremonialia vero pertinent ad actum religionis, qua Deus colitur. Sed praeter has sunt multae aliae virtutes, scilicet temperantia, fortitudo, liberalitas, et aliae plures, ut supra dictum est. Ergo praeter praedicta oportet plura alia in lege veteri contineri.

Objection 2: Further, it is written (Dt. 11:1): "Love the Lord thy God, and observe His precepts and ceremonies, His judgments and commandments." Now precepts concern moral matters, as stated above (A[4]). Therefore besides the moral, judicial and ceremonial precepts, the Law contains others which are called "commandments." [*The "commandments" (mandata) spoken of here and in the body of this article are not to be confused with the Commandments (praecepta) in the ordinary acceptance of the word.]

[37829] Iª-IIae q. 99 a. 5 arg. 2 Praeterea, Deut. XI dicitur, *ama dominum Deum tuum, et observa eius praecepta et caeremonias et iudicia atque mandata*. Sed praecepta pertinent ad moralia, ut dictum est. Ergo praeter moralia, iudicialia et caeremonialia, adhuc alia continentur in lege, quae dicuntur mandata.

Objection 3: Further, it is written (Dt. 6:17): "Keep the precepts of the Lord thy God, and the testimonies and ceremonies which I have [Vulg.: 'He hath'] commanded thee." Therefore in addition to the above, the Law comprises "testimonies."

[37830] Iª-IIae q. 99 a. 5 arg. 3 Praeterea, Deut. VI dicitur, *custodi praecepta domini Dei tui, ac testimonia et caeremonias quas tibi praecepi*. Ergo praeter omnia praedicta adhuc in lege testimonia continentur.

Objection 4: Further, it is written (Ps. 118:93): "Thy justifications (i.e. "Thy Law," according to a gloss) I will never forget." Therefore in the Old Law there are not only moral, ceremonial and judicial precepts, but also others, called "justifications."

[37831] Iª-IIae q. 99 a. 5 arg. 4 Praeterea, in Psalmo CXVIII dicitur, *in aeternum non obliviscar iustificationes tuas*, Glossa, *idest legem*. Ergo praecepta legis veteris non solum sunt moralia, caeremonialia et iudicialia, sed etiam iustificationes.

On the contrary, It is written (Dt. 6:1): "These are the precepts and ceremonies and judgments which the Lord your God commanded . . . you." And these words are placed at the beginning of the Law. Therefore all the precepts of the Law are included under them.

[37832] Iª-IIae q. 99 a. 5 s. c. Sed contra est quod dicitur Deut. VI, *haec sunt praecepta et caeremoniae atque iudicia quae mandavit dominus Deus vobis*. Et haec ponuntur in principio legis. Ergo omnia praecepta legis sub his comprehenduntur.

I answer that, Some things are included in the Law by way of precept; other things, as being ordained to the fulfilment of the precepts. Now the precepts refer to things which have to be done: and to their fulfilment man is induced by two considerations, viz. the authority of the lawgiver, and the benefit derived from the fulfilment, which benefit consists in the attainment of some good, useful, pleasurable or virtuous, or in the avoidance of some contrary evil. Hence it was necessary that in the Old Law certain things should be set forth to indicate the authority of God the lawgiver: e.g. Dt. 6:4: "Hear, O Israel, the Lord our God is one Lord"; and Gn. 1:1: "In the beginning God created heaven and earth": and these are called "testimonies." Again it was necessary that in the Law certain rewards should be appointed for those who observe the Law, and punishments for those who transgress; as it may be seen in Dt. 28: "If thou wilt hear the voice of the Lord thy God . . . He will make thee higher than all the nations," etc.: and these are called "justifications," according as God punishes or rewards certain ones justly.

The things that have to be done do not come under the precept except in so far as they have the character of a duty. Now a duty is twofold: one according to the rule of reason; the other according to the rule of a law which prescribes that duty: thus the Philosopher distinguishes a twofold just---moral and legal (Ethic. v, 7).

Moral duty is twofold: because reason dictates that something must be done, either as being so necessary that without it the order of virtue would be destroyed; or as being useful for the better

[37833] Iª-IIae q. 99 a. 5 co. Respondeo dicendum quod in lege ponuntur aliqua tanquam praecepta; aliqua vero tanquam ad praeceptorum adimpletionem ordinata. Praecepta quidem sunt de his quae sunt agenda. Ad quorum impletionem ex duobus homo inducitur, scilicet ex auctoritate praecipientis; et ex utilitate impletionis, quae quidem est consecutio alicuius boni utilis, delectabilis vel honesti, aut fuga alicuius mali contrarii. Oportuit igitur in veteri lege proponi quaedam quae auctoritatem Dei praecipientis indicarent, sicut illud Deut. VI, *audi, Israel, dominus Deus tuus Deus unus est*; et illud Gen. I, *in principio creavit Deus caelum et terram*. Et huiusmodi dicuntur testimonia. Oportuit etiam quod in lege proponerentur quaedam praemia observantium legem, et poenae transgredientium, ut patet Deut. XXVIII, *si audieris vocem domini Dei tui, faciet te excelsiorem cunctis gentibus,* et cetera. Et huiusmodi dicuntur iustificationes, secundum quod Deus aliquos iuste punit vel praemiat. Ipsa autem agenda sub praecepto non cadunt nisi inquantum habent aliquam debiti rationem. Est autem duplex debitum, unum quidem secundum regulam rationis, aliud autem secundum regulam legis determinantis; sicut philosophus, in V Ethic., distinguit duplex iustum, scilicet morale et legale. Debitum autem morale est duplex, dictat enim ratio aliquid faciendum vel tanquam necessarium, sine quo non potest esse ordo virtutis; vel tanquam utile ad hoc quod ordo virtutis melius conservetur. Et secundum hoc, quaedam moralium praecise praecipiuntur vel prohibentur in lege, sicut, non occides, non furtum facies. Et haec proprie dicuntur praecepta. Quaedam vero praecipiuntur vel prohibentur, non

maintaining of the order of virtue. And in this sense some of the moral precepts are expressed by way of absolute command or prohibition, as "Thou shalt not kill, Thou shalt not steal": and these are properly called "precepts." Other things are prescribed or forbidden, not as an absolute duty, but as something better to be done. These may be called "commandments"; because they are expressed by way of inducement and persuasion: an example whereof is seen in Ex. 22:26: "If thou take of thy neighbor a garment in pledge, thou shalt give it him again before sunset"; and in other like cases. Wherefore Jerome (Praefat. in Comment. super Marc.) says that "justice is in the precepts, charity in the commandments." Duty as fixed by the Law, belongs to the judicial precepts, as regards human affairs; to the "ceremonial" precepts, as regards Divine matters.

Nevertheless those ordinances also which refer to punishments and rewards may be called "testimonies," in so far as they testify to the Divine justice. Again all the precepts of the Law may be styled "justifications," as being executions of legal justice. Furthermore the commandments may be distinguished from the precepts, so that those things be called "precepts" which God Himself prescribed; and those things "commandments" which He enjoined [mandavit] through others, as the very word seems to denote.

From this it is clear that all the precepts of the Law are either moral, ceremonial, or judicial; and that other ordinances have not the character of a precept, but are directed to the observance of the precepts, as stated above.

quasi praecise debita, sed propter melius. Et ista possunt dici mandata, quia quandam inductionem habent et persuasionem. Sicut illud Exod. XXII, *si pignus acceperis vestimentum a proximo tuo, ante solis occasum reddas ei*; et aliqua similia. Unde Hieronymus dicit quod *in praeceptis est iustitia, in mandatis vero caritas*. Debitum autem ex determinatione legis, in rebus quidem humanis pertinet ad iudicialia; in rebus autem divinis, ad caeremonialia. Quamvis etiam ea quae pertinent ad poenam vel praemia, dici possint testimonia, inquantum sunt protestationes quaedam divinae iustitiae. Omnia vero praecepta legis possunt dici iustificationes, inquantum sunt quaedam executiones legalis iustitiae. Possunt etiam aliter mandata a praeceptis distingui, ut praecepta dicantur quae Deus per seipsum iussit; mandata autem, quae per alios mandavit, ut ipsum nomen sonare videtur. Ex quibus omnibus apparet quod omnia legis praecepta continentur sub moralibus, caeremonialibus et iudicialibus, alia vero non habent rationem praeceptorum, sed ordinantur ad praeceptorum observationem, ut dictum est.

Reply to Objection 1: Justice alone, of all the virtues, implies the notion of duty. Consequently moral matters are determinable by law in so far as they belong to justice: of which virtue religion is a part, as Tully says (De Invent. ii). Wherefore the legal just cannot be anything foreign to the ceremonial and judicial precepts.

[37834] Iª-IIae q. 99 a. 5 ad 1 Ad primum ergo dicendum quod sola iustitia, inter alias virtutes, importat rationem debiti. Et ideo moralia intantum sunt lege determinabilia, inquantum pertinent ad iustitiam, cuius etiam quaedam pars est religio, ut Tullius dicit. Unde iustum legale non potest esse aliquod praeter caeremonialia et iudicialia praecepta.

Reply to Objections 2--4: The Replies to the other Objections are clear from what has been said.

[37835] Iª-IIae q. 99 a. 5 ad 2 Ad alia patet responsio per ea quae dicta sunt.

Q. 99. A. 6. Whether the Old Law should have induced men to the observance of its precepts, by means of temporal promises and threats?

Objection 1: It would seem that the Old Law should not have induced men to the observance of its precepts, by means of temporal promises and threats. For the purpose of the Divine law is to subject man to God by fear and love: hence it is written (Dt. 10:12): "And now, Israel, what doth the Lord thy God require of thee, but that thou fear the Lord thy God, and walk in His ways, and love Him?" But the desire for temporal goods leads man away from God: for Augustine says (Qq. lxxxiii, qu. 36), that "covetousness is the bane of charity." Therefore temporal promises and threats seem to be contrary to the intention of a lawgiver: and this makes a law worthy of rejection, as the Philosopher declares (Polit. ii, 6).

[37836] Iª-IIae q. 99 a. 6 arg. 1 Ad sextum sic proceditur. Videtur quod lex vetus non debuerit inducere ad observantiam praeceptorum per temporales promissiones et comminationes. Intentio enim legis divinae est ut homines Deo subdat per timorem et amorem, unde dicitur Deut. X, *et nunc, Israel, quid dominus Deus tuus petit a te, nisi ut timeas dominum Deum tuum, et ambules in viis eius, et diligas eum?* Sed cupiditas rerum temporalium abducit a Deo, dicit enim Augustinus, in libro octoginta trium quaest., quod *venenum caritatis est cupiditas*. Ergo promissiones et comminationes temporales videntur contrariari intentioni legislatoris, quod facit legem reprobabilem, ut patet per philosophum, in II Polit.

Objection 2: Further, the Divine law is more excellent than human law. Now, in sciences, we notice that the loftier the science, the higher the means of persuasion that it employs. Therefore, since human law employs temporal threats and promises, as means of persuading man, the Divine law should have used, not these, but more lofty means.

[37837] Iª-IIae q. 99 a. 6 arg. 2 Praeterea, lex divina est excellentior quam lex humana. Videmus autem in scientiis quod quanto aliqua est altior, tanto per altiora media procedit. Ergo cum lex humana procedat ad inducendum homines per temporales comminationes et promissiones, lex divina non debuit ex his procedere, sed per aliqua maiora.

Objection 3: Further, the reward of righteousness and the punishment of guilt cannot be that which befalls equally the good and the wicked. But as stated in Eccles. 9:2, "all" temporal "things equally happen to the just and to the wicked, to the good and the evil, to the clean and to the unclean, to him that offereth victims, and to him that despiseth sacrifices." Therefore temporal goods or evils are not suitably set forth as punishments or rewards of the commandments of the Divine law.

[37838] Iª-IIae q. 99 a. 6 arg. 3 Praeterea, illud non potest esse praemium iustitiae vel poena culpae, quod aequaliter evenit et bonis et malis. Sed sicut dicitur Eccle. IX, *universa, temporalia, aeque eveniunt iusto et impio, bono et malo, mundo et immundo, immolanti victimas et sacrificia contemnenti*. Ergo temporalia bona vel mala non convenienter ponuntur ut poenae vel praemia mandatorum legis divinae.

On the contrary, It is written (Is. 1:19,20): "If you be willing, and will hearken to Me, you shall eat the good things of the land. But if you will not, and will provoke Me to wrath: the sword shall devour you."

[37839] Iª-IIae q. 99 a. 6 s. c. Sed contra est quod dicitur Isaiae I, *si volueritis, et audieritis me, bona terrae comedetis. Quod si nolueritis, et me ad iracundiam provocaveritis, gladius devorabit vos*.

I answer that, As in speculative sciences men are persuaded to assent to the conclusions by means

[37840] Iª-IIae q. 99 a. 6 co. Respondeo dicendum quod, sicut in scientiis speculativis inducuntur

of syllogistic arguments, so too in every law, men are persuaded to observe its precepts by means of punishments and rewards. Now it is to be observed that, in speculative sciences, the means of persuasion are adapted to the conditions of the pupil: wherefore the process of argument in sciences should be ordered becomingly, so that the instruction is based on principles more generally known. And thus also he who would persuade a man to the observance of any precepts, needs to move him at first by things for which he has an affection; just as children are induced to do something, by means of little childish gifts. Now it has been said above (Q[98], AA[1],2,3) that the Old Law disposed men to (the coming of) Christ, as the imperfect in comparison disposes to the perfect, wherefore it was given to a people as yet imperfect in comparison to the perfection which was to result from Christ's coming: and for this reason, that people is compared to a child that is still under a pedagogue (Gal. 3:24). But the perfection of man consists in his despising temporal things and cleaving to things spiritual, as is clear from the words of the Apostle (Phil. 3:13, 15): "Forgetting the things that are behind, I stretch [Vulg.: 'and stretching'] forth myself to those that are before . . . Let us therefore, as many as are perfect, be thus minded." Those who are yet imperfect desire temporal goods, albeit in subordination to God: whereas the perverse place their end in temporalities. It was therefore fitting that the Old Law should conduct men to God by means of temporal goods for which the imperfect have an affection.

homines ad assentiendum conclusionibus per media syllogistica, ita etiam in quibuslibet legibus homines inducuntur ad observantias praeceptorum per poenas et praemia. Videmus autem in scientiis speculativis quod media proponuntur auditori secundum eius conditionem, unde oportet ordinate in scientiis procedere, ut ex notioribus disciplina incipiat. Ita etiam oportet eum qui vult inducere hominem ad observantiam praeceptorum, ut ex illis eum movere incipiat quae sunt in eius affectu, sicut pueri provocantur ad aliquid faciendum aliquibus puerilibus munusculis. Dictum est autem supra quod lex vetus disponebat ad Christum sicut imperfectum ad perfectum, unde dabatur populo adhuc imperfecto in comparatione ad perfectionem quae erat futura per Christum, et ideo populus ille comparatur puero sub paedagogo existenti, ut patet Galat. III. Perfectio autem hominis est ut, contemptis temporalibus, spiritualibus inhaereat, ut patet per illud quod apostolus dicit, Philipp. III, *quae quidem retro sunt obliviscens, ad ea quae priora sunt me extendo. Quicumque ergo perfecti sumus, hoc sentiamus*. Imperfectorum autem est quod temporalia bona desiderent, in ordine tamen ad Deum. Perversorum autem est quod in temporalibus bonis finem constituant. Unde legi veteri conveniebat ut per temporalia, quae erant in affectu hominum imperfectorum, manuduceret homines ad Deum.

Reply to Objection 1: Covetousness whereby man places his end in temporalities, is the bane of charity. But the attainment of temporal goods which man desires in subordination to God is a road leading the imperfect to the love of God, according to Ps. 48:19: "He will praise Thee, when Thou shalt do well to him."

[37841] Iª-IIae q. 99 a. 6 ad 1 Ad primum ergo dicendum quod cupiditas, qua homo constituit finem in temporalibus bonis, est caritatis venenum. Sed consecutio temporalium bonorum quae homo desiderat in ordine ad Deum, est quaedam via inducens imperfectos ad Dei amorem; secundum illud Psalmi XLVIII, *confitebitur tibi cum benefeceris illi*.

Reply to Objection 2: Human law persuades men by means of temporal rewards or punishments to be inflicted by men: whereas the Divine law persuades men by meas of rewards or punishments to be received from God. In this respect it employs higher means.

[37842] Iª-IIae q. 99 a. 6 ad 2 Ad secundum dicendum quod lex humana inducit homines ex temporalibus praemiis vel poenis per homines inducendis, lex vero divina ex praemiis vel poenis exhibendis per Deum. Et in hoc procedit per media altiora.

Reply to Objection 3: As any one can see, who reads carefully the story of the Old Testament, the common weal of the people prospered under the Law as long as they obeyed it; and as soon as they departed from the precepts of the Law they were overtaken by many calamities. But certain individuals, although they observed the justice of the Law, met with misfortunes---either because they had already become spiritual (so that misfortune might withdraw them all the more from attachment to temporal things, and that their virtue might be tried)---or because, while outwardly fulfilling the works of the Law, their heart was altogether fixed on temporal goods, and far removed from God, according to Is. 29:13 (Mat. 15:8): "This people honoreth Me with their lips; but their hearts is far from Me."

[37843] Iª-IIae q. 99 a. 6 ad 3 Ad tertium dicendum quod, sicut patet historias veteris testamenti revolventi, communis status populi semper sub lege in prosperitate fuit, quandiu legem observabant; et statim declinantes a praeceptis legis, in multas adversitates incidebant. Sed aliquae personae particulares etiam iustitiam legis observantes, in aliquas adversitates incidebant, vel quia iam erant spirituales effecti, ut per hoc magis ab affectu temporalium abstraherentur, et eorum virtus probata redderetur; aut quia, opera legis exterius implentes, cor totum habebant in temporalibus defixum et a Deo elongatum, secundum quod dicitur Isaiae XXIX, *populus hic labiis me honorat, cor autem eorum longe est a me*.

Q. 100. OF THE MORAL PRECEPTS OF THE OLD LAW (TWELVE ARTICLES)

We must now consider each kind of precept of the Old Law: and (1) the moral precepts, (2) the ceremonial precepts, (3) the judicial precepts. Under the first head there are twelve points of inquiry:

(1) Whether all the moral precepts of the Old Law belong to the law of nature?

(2) Whether the moral precepts of the Old Law are about the acts of all the virtues?

(3) Whether all the moral precepts of the Old Law are reducible to the ten precepts of the decalogue?

(4) How the precepts of the decalogue are distinguished from one another?

(5) Their number;

(6) Their order;

(7) The manner in which they were given;

(8) Whether they are dispensable?

(9) Whether the mode of observing a virtue comes under the precept of the Law?

(10) Whether the mode of charity comes under the precept?

(11) The distinction of other moral precepts;

(12) Whether the moral precepts of the Old Law justified man?

[37844] Iª-IIae q. 100 pr. Deinde considerandum est de singulis generibus praeceptorum veteris legis. Et primo, de praeceptis moralibus; secundo, de caeremonialibus; tertio, de iudicialibus. Circa primum quaeruntur duodecim. Primo, utrum omnia praecepta moralia veteris legis sint de lege naturae. Secundo, utrum praecepta moralia veteris legis sint de actibus omnium virtutum. Tertio, utrum omnia praecepta moralia veteris legis reducantur ad decem praecepta Decalogi. Quarto, de distinctione praeceptorum Decalogi. Quinto, de numero eorum. Sexto, de ordine. Septimo, de modo tradendi ipsa. Octavo, utrum sint dispensabilia. Nono, utrum modus observandi virtutem cadat sub praecepto. Decimo, utrum modus caritatis cadat sub praecepto. Undecimo, de distinctione aliorum praeceptorum moralium. Duodecimo, utrum praecepta moralia veteris legis iustificent.

Q. 100. A. 1. Whether all the moral precepts of the Old Law belong to the law of nature?

Objection 1: It would seem that not all the moral precepts belong to the law of nature. For it is written (Ecclus. 17:9): "Moreover He gave them instructions, and the law of life for an inheritance." But instruction is in contradistinction to the law of nature; since the law of nature is not learnt, but instilled by natural instinct. Therefore not all the moral precepts belong to the natural law.

[37845] Iª-IIae q. 100 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod non omnia praecepta moralia pertineant ad legem naturae. Dicitur enim Eccli. XVII, *addidit illis disciplinam, et legem vitae haereditavit illos*. Sed disciplina dividitur contra legem naturae, eo quod lex naturalis non addiscitur, sed ex naturali instinctu habetur. Ergo non omnia praecepta moralia sunt de lege naturae.

Objection 2: Further, the Divine law is more

[37846] Iª-IIae q. 100 a. 1 arg. 2 Praeterea, lex

perfect than human law. But human law adds certain things concerning good morals, to those that belong to the law of nature: as is evidenced by the fact that the natural law is the same in all men, while these moral institutions are various for various people. Much more reason therefore was there why the Divine law should add to the law of nature, ordinances pertaining to good morals.

divina perfectior est quam lex humana. Sed lex humana superaddit aliqua ad bonos mores pertinentia his quae sunt de lege naturae, quod patet ex hoc quod lex naturae est eadem apud omnes, huiusmodi autem morum instituta sunt diversa apud diversos. Ergo multo fortius divina lex aliqua ad bonos mores pertinentia debuit addere supra legem naturae.

Objection 3: Further, just as natural reason leads to good morals in certain matters, so does faith: hence it is written (Gal. 5:6) that faith "worketh by charity." But faith is not included in the law of nature; since that which is of faith is above nature. Therefore not all the moral precepts of the Divine law belong to the law of nature.

[37847] Iª-IIae q. 100 a. 1 arg. 3 Praeterea, sicut ratio naturalis inducit ad aliquos bonos mores, ita et fides, unde etiam dicitur ad Galat. V, quod fides per dilectionem operatur. Sed fides non continetur sub lege naturae, quia ea quae sunt fidei, sunt supra rationem naturalem. Ergo non omnia praecepta moralia legis divinae pertinent ad legem naturae.

On the contrary, The Apostle says (Rom. 2:14) that "the Gentiles, who have not the Law, do by nature those things that are of the Law": which must be understood of things pertaining to good morals. Therefore all the moral precepts of the Law belong to the law of nature.

[37848] Iª-IIae q. 100 a. 1 s. c. Sed contra est quod dicit apostolus, Rom. II, quod *gentes, quae legem non habent, naturaliter ea quae legis sunt, faciunt*, quod oportet intelligi de his quae pertinent ad bonos mores. Ergo omnia moralia praecepta legis sunt de lege naturae.

I answer that, The moral precepts, distinct from the ceremonial and judicial precepts, are about things pertaining of their very nature to good morals. Now since human morals depend on their relation to reason, which is the proper principle of human acts, those morals are called good which accord with reason, and those are called bad which are discordant from reason. And as every judgment of speculative reason proceeds from the natural knowledge of first principles, so every judgment of practical reason proceeds from principles known naturally, as stated above (Q[94], AA[2],4): from which principles one may proceed in various ways to judge of various matters. For some matters connected with human actions are so evident, that after very little consideration one is able at once to approve or disapprove of them by means of these general first principles: while some matters cannot be the subject of judgment without much consideration of the various circumstances, which all are not competent to do carefully, but only those who are wise: just as it is not possible for all to consider the particular conclusions of sciences, but only for those who are versed in philosophy: and lastly

[37849] Iª-IIae q. 100 a. 1 co. Respondeo dicendum quod praecepta moralia, a caeremonialibus et iudicialibus distincta, sunt de illis quae secundum se ad bonos mores pertinent. Cum autem humani mores dicantur in ordine ad rationem, quae est proprium principium humanorum actuum, illi mores dicuntur boni qui rationi congruunt, mali autem qui a ratione discordant. Sicut autem omne iudicium rationis speculativae procedit a naturali cognitione primorum principiorum, ita etiam omne iudicium rationis practicae procedit ex quibusdam principiis naturaliter cognitis, ut supra dictum est. Ex quibus diversimode procedi potest ad iudicandum de diversis. Quaedam enim sunt in humanis actibus adeo explicita quod statim, cum modica consideratione, possunt approbari vel reprobari per illa communia et prima principia. Quaedam vero sunt ad quorum iudicium requiritur multa consideratio diversarum circumstantiarum, quas considerare diligenter non est cuiuslibet, sed sapientum, sicut considerare particulares conclusiones scientiarum non pertinet ad omnes, sed ad solos philosophos. Quaedam vero sunt ad quae diiudicanda indiget homo adiuvari per

there are some matters of which man cannot judge unless he be helped by Divine instruction; such as the articles of faith.

It is therefore evident that since the moral precepts are about matters which concern good morals; and since good morals are those which are in accord with reason; and since also every judgment of human reason must needs by derived in some way from natural reason; it follows, of necessity, that all the moral precepts belong to the law of nature; but not all in the same way. For there are certain things which the natural reason of every man, of its own accord and at once, judges to be done or not to be done: e.g. "Honor thy father and thy mother," and "Thou shalt not kill, Thou shalt not steal": and these belong to the law of nature absolutely. And there are certain things which, after a more careful consideration, wise men deem obligatory. Such belong to the law of nature, yet so that they need to be inculcated, the wiser teaching the less wise: e.g. "Rise up before the hoary head, and honor the person of the aged man," and the like. And there are some things, to judge of which, human reason needs Divine instruction, whereby we are taught about the things of God: e.g. "Thou shalt not make to thyself a graven thing, nor the likeness of anything; Thou shalt not take the name of the Lord thy God in vain."

instructionem divinam, sicut est circa credenda. Sic igitur patet quod, cum moralia praecepta sint de his quae pertinent ad bonos mores; haec autem sunt quae rationi congruunt; omne autem rationis humanae iudicium aliqualiter a naturali ratione derivatur, necesse est quod omnia praecepta moralia pertineant ad legem naturae, sed diversimode. Quaedam enim sunt quae statim per se ratio naturalis cuiuslibet hominis diiudicat esse facienda vel non facienda, sicut *honora patrem tuum et matrem tuam, et, non occides, non furtum facies*. Et huiusmodi sunt absolute de lege naturae. Quaedam vero sunt quae subtiliori consideratione rationis a sapientibus iudicantur esse observanda. Et ista sic sunt de lege naturae, ut tamen indigeant disciplina, qua minores a sapientioribus instruantur, sicut illud, *coram cano capite consurge, et honora personam senis*, et alia huiusmodi. Quaedam vero sunt ad quae iudicanda ratio humana indiget instructione divina, per quam erudimur de divinis, sicut est illud, *non facies tibi sculptile neque omnem similitudinem; non assumes nomen Dei tui in vanum*.

Reply to Objections This suffices for the Replies to the Objections.

[37850] Iª-IIae q. 100 a. 1 ad arg. Et per hoc patet responsio ad obiecta.

Q. 100. A. 2. Whether the moral precepts of the Law are about all the acts of virtue?

Objection 1: It would seem that the moral precepts of the Law are not about all the acts of virtue. For observance of the precepts of the Old Law is called justification, according to Ps. 118:8: "I will keep Thy justifications." But justification is the execution of justice. Therefore the moral precepts are only about acts of justice.

[37851] Iª-IIae q. 100 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod praecepta moralia legis non sint de omnibus actibus virtutum. Observatio enim praeceptorum veteris legis iustificatio nominatur, secundum illud Psalmi CXVIII, *iustificationes tuas custodiam*. Sed iustificatio est executio iustitiae. Ergo praecepta moralia non sunt nisi de actibus iustitiae.

Objection 2: Further, that which comes under a precept has the character of a duty. But the character of duty belongs to justice alone and to none of the other virtues, for the proper act of justice consists in rendering to each one his due.

[37852] Iª-IIae q. 100 a. 2 arg. 2 Praeterea, id quod cadit sub praecepto, habet rationem debiti. Sed ratio debiti non pertinet ad alias virtutes nisi ad solam iustitiam, cuius proprius actus est reddere unicuique debitum. Ergo praecepta legis

Therefore the precepts of the moral law are not about the acts of the other virtues, but only about the acts of justice.

moralia non sunt de actibus aliarum virtutum, sed solum de actibus iustitiae.

Objection 3: Further, every law is made for the common good, as Isidore says (Etym. v, 21). But of all the virtues justice alone regards the common good, as the Philosopher says (Ethic. v, 1). Therefore the moral precepts are only about the acts of justice.

[37853] Iª-IIae q. 100 a. 2 arg. 3 Praeterea, omnis lex ponitur propter bonum commune, ut dicit Isidorus. Sed inter virtutes sola iustitia respicit bonum commune, ut philosophus dicit, in V Ethic. Ergo praecepta moralia sunt solum de actibus iustitiae.

On the contrary, Ambrose says (De Paradiso viii) that "a sin is a transgression of the Divine law, and a disobedience to the commandments of heaven." But there are sins contrary to all the acts of virtue. Therefore it belongs to Divine law to direct all the acts of virtue.

[37854] Iª-IIae q. 100 a. 2 s. c. Sed contra est quod Ambrosius dicit, quod *peccatum est transgressio legis divinae, et caelestium inobedientia mandatorum*. Sed peccata contrariantur omnibus actibus virtutum. Ergo lex divina habet ordinare de actibus omnium virtutum.

I answer that, Since the precepts of the Law are ordained to the common good, as stated above (Q[90], A[2]), the precepts of the Law must needs be diversified according to the various kinds of community: hence the Philosopher (Polit. iv, 1) teaches that the laws which are made in a state which is ruled by a king must be different from the laws of a state which is ruled by the people, or by a few powerful men in the state. Now human law is ordained for one kind of community, and the Divine law for another kind. Because human law is ordained for the civil community, implying mutual duties of man and his fellows: and men are ordained to one another by outward acts, whereby men live in communion with one another. This life in common of man with man pertains to justice, whose proper function consists in directing the human community. Wherefore human law makes precepts only about acts of justice; and if it commands acts of other virtues, this is only in so far as they assume the nature of justice, as the Philosopher explains (Ethic. v, 1).

But the community for which the Divine law is ordained, is that of men in relation to God, either in this life or in the life to come. And therefore the Divine law proposes precepts about all those matters whereby men are well ordered in their relations to God. Now man is united to God by his reason or mind, in which is God's image. Wherefore the Divine law proposes precepts

[37855] Iª-IIae q. 100 a. 2 co. Respondeo dicendum quod, cum praecepta legis ordinentur ad bonum commune, sicut supra habitum est, necesse est quod praecepta legis diversificentur secundum diversos modos communitatum, unde et philosophus, in sua politica, docet quod alias leges oportet statuere in civitate quae regitur rege, et alias in ea quae regitur per populum, vel per aliquos potentes de civitate. Est autem alius modus communitatis ad quam ordinatur lex humana, et ad quam ordinatur lex divina. Lex enim humana ordinatur ad communitatem civilem, quae est hominum ad invicem. Homines autem ordinantur ad invicem per exteriores actus, quibus homines sibi invicem communicant. Huiusmodi autem communicatio pertinet ad rationem iustitiae, quae est proprie directiva communitatis humanae. Et ideo lex humana non proponit praecepta nisi de actibus iustitiae; et si praecipiat actus aliarum virtutum, hoc non est nisi inquantum assumunt rationem iustitiae; ut patet per philosophum, in V Ethic. Sed communitas ad quam ordinat lex divina, est hominum ad Deum, vel in praesenti vel in futura vita. Et ideo lex divina praecepta proponit de omnibus illis per quae homines bene ordinentur ad communicationem cum Deo. Homo autem Deo coniungitur ratione, sive mente, in qua est Dei imago. Et ideo lex divina praecepta proponit de omnibus illis per quae ratio hominis est bene ordinata. Hoc autem contingit per actus omnium

about all those matters whereby human reason is well ordered. But this is effected by the acts of all the virtues: since the intellectual virtues set in good order the acts of the reason in themselves: while the moral virtues set in good order the acts of the reason in reference to the interior passions and exterior actions. It is therefore evident that the Divine law fittingly proposes precepts about the acts of all the virtues: yet so that certain matters, without which the order of virtue, which is the order of reason, cannot even exist, come under an obligation of precept; while other matters, which pertain to the well-being of perfect virtue, come under an admonition of counsel.

virtutum, nam virtutes intellectuales ordinant bene actus rationis in seipsis; virtutes autem morales ordinant bene actus rationis circa interiores passiones et exteriores operationes. Et ideo manifestum est quod lex divina convenienter proponit praecepta de actibus omnium virtutum, ita tamen quod quaedam, sine quibus ordo virtutis, qui est ordo rationis, observari non potest, cadunt sub obligatione praecepti; quaedam vero, quae pertinent ad bene esse virtutis perfectae, cadunt sub admonitione consilii.

Reply to Objection 1: The fulfilment of the commandments of the Law, even of those which are about the acts of the other virtues, has the character of justification, inasmuch as it is just that man should obey God: or again, inasmuch as it is just that all that belongs to man should be subject to reason.

[37856] Iª-IIae q. 100 a. 2 ad 1 Ad primum ergo dicendum quod adimpletio mandatorum legis etiam quae sunt de actibus aliarum virtutum, habet rationem iustificationis, inquantum iustum est ut homo obediat Deo. Vel etiam inquantum iustum est quod omnia quae sunt hominis, rationi subdantur.

Reply to Objection 2: Justice properly so called regards the duty of one man to another: but all the other virtues regard the duty of the lower powers to reason. It is in relation to this latter duty that the Philosopher speaks (Ethic. v, 11) of a kind of metaphorical justice.

[37857] Iª-IIae q. 100 a. 2 ad 2 Ad secundum dicendum quod iustitia proprie dicta attendit debitum unius hominis ad alium, sed in omnibus aliis virtutibus attenditur debitum inferiorum virium ad rationem. Et secundum rationem huius debiti, philosophus assignat, in V Ethic., quandam iustitiam metaphoricam.

Reply to Objection 3 The Reply to the Third Objection is clear from what has been said about the different kinds of community.

[37858] Iª-IIae q. 100 a. 2 ad 3 Ad tertium patet responsio per ea quae dicta sunt de diversitate communitatis.

Q. 100. A. 3. Whether all the moral precepts of the Old Law are reducible to the ten precepts of the decalogue?

Objection 1: It would seem that not all the moral precepts of the Old Law are reducible to the ten precepts of the decalogue. For the first and principal precepts of the Law are, "Thou shalt love the Lord thy God," and "Thou shalt love thy neighbor," as stated in Mat. 22:37,39. But these two are not contained in the precepts of the decalogue. Therefore not all the moral precepts are contained in the precepts of the decalogue.

[37859] Iª-IIae q. 100 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod non omnia praecepta moralia veteris legis reducantur ad decem praecepta Decalogi. Prima enim et principalia legis praecepta sunt, diliges dominum Deum tuum, et, diliges proximum tuum, ut habetur Matth. XXII. Sed ista duo non continentur in praeceptis Decalogi. Ergo non omnia praecepta moralia continentur in praeceptis Decalogi.

Objection 2: Further, the moral precepts are not reducible to the ceremonial precepts, but rather vice versa. But among the precepts of the decalogue, one is ceremonial, viz. "Remember that thou keep holy the Sabbath-day." Therefore the moral precepts are not reducible to all the precepts of the decalogue.

[37860] Iª-IIae q. 100 a. 3 arg. 2 Praeterea, praecepta moralia non reducuntur ad praecepta caeremonialia, sed potius e converso. Sed inter praecepta Decalogi est unum caeremoniale, scilicet, *memento ut diem sabbati sanctifices*. Ergo praecepta moralia non reducuntur ad omnia praecepta Decalogi.

Objection 3: Further, the moral precepts are about all the acts of virtue. But among the precepts of the decalogue are only such as regard acts of justice; as may be seen by going through them all. Therefore the precepts of the decalogue do not include all the moral precepts.

[37861] Iª-IIae q. 100 a. 3 arg. 3 Praeterea, praecepta moralia sunt de omnibus actibus virtutum. Sed inter praecepta Decalogi ponuntur sola praecepta pertinentia ad actus iustitiae; ut patet discurrenti per singula. Ergo praecepta Decalogi non continent omnia praecepta moralia.

On the contrary, The gloss on Mat. 5:11: "Blessed are ye when they shall revile you," etc. says that "Moses, after propounding the ten precepts, set them out in detail." Therefore all the precepts of the Law are so many parts of the precepts of the decalogue.

[37862] Iª-IIae q. 100 a. 3 s. c. Sed contra est quod, Matth. V, super illud, *beati estis cum maledixerint* etc., dicit Glossa quod *Moyses, decem praecepta proponens, postea per partes explicat*. Ergo omnia praecepta legis sunt quaedam partes praeceptorum Decalogi.

I answer that, The precepts of the decalogue differ from the other precepts of the Law, in the fact that God Himself is said to have given the precepts of the decalogue; whereas He gave the other precepts to the people through Moses. Wherefore the decalogue includes those precepts the knowledge of which man has immediately from God. Such are those which with but slight reflection can be gathered at once from the first general principles: and those also which become known to man immediately through divinely infused faith. Consequently two kinds of precepts are not reckoned among the precepts of the decalogue: viz. first general principles, for they need no further promulgation after being once imprinted on the natural reason to which they are self-evident; as, for instance, that one should do evil to no man, and other similar principles: and again those which the careful reflection of wise men shows to be in accord with reason; since the people receive these principles from God, through being taught by wise men. Nevertheless both kinds of precepts are contained in the precepts of the decalogue; yet in different ways. For the first general principles are contained in them, as principles in their proximate conclusions; while those which are known through wise men are contained, conversely, as conclusions in their

[37863] Iª-IIae q. 100 a. 3 co. Respondeo dicendum quod praecepta Decalogi ab aliis praeceptis legis differunt in hoc, quod praecepta Decalogi per seipsum Deus dicitur populo proposuisse; alia vero praecepta proposuit populo per Moysen. Illa ergo praecepta ad Decalogum pertinent, quorum notitiam homo habet per seipsum a Deo. Huiusmodi vero sunt illa quae statim ex principiis communibus primis cognosci possunt modica consideratione, et iterum illa quae statim ex fide divinitus infusa innotescunt. Inter praecepta ergo Decalogi non computantur duo genera praeceptorum, illa scilicet quae sunt prima et communia, quorum non oportet aliam editionem esse nisi quod sunt scripta in ratione naturali quasi per se nota, sicut quod nulli debet homo malefacere, et alia huiusmodi; et iterum illa quae per diligentem inquisitionem sapientum inveniuntur rationi convenire, haec enim proveniunt a Deo ad populum mediante disciplina sapientum. Utraque tamen horum praeceptorum continentur in praeceptis Decalogi, sed diversimode. Nam illa quae sunt prima et communia, continentur in eis sicut principia in conclusionibus proximis, illa vero quae per sapientes cognoscuntur, continentur in eis, e converso, sicut conclusiones in principiis.

principles.

Reply to Objection 1: Those two principles are the first general principles of the natural law, and are self-evident to human reason, either through nature or through faith. Wherefore all the precepts of the decalogue are referred to these, as conclusions to general principles.

[37864] Iª-IIae q. 100 a. 3 ad 1 Ad primum ergo dicendum quod illa duo praecepta sunt prima et communia praecepta legis naturae, quae sunt per se nota rationi humanae, vel per naturam vel per fidem. Et ideo omnia praecepta Decalogi ad illa duo referuntur sicut conclusiones ad principia communia.

Reply to Objection 2: The precept of the Sabbath observance is moral in one respect, in so far as it commands man to give some time to the things of God, according to Ps. 45:11: "Be still and see that I am God." In this respect it is placed among the precepts of the decalogue: but not as to the fixing of the time, in which respect it is a ceremonial precept.

[37865] Iª-IIae q. 100 a. 3 ad 2 Ad secundum dicendum quod praeceptum de observatione sabbati est secundum aliquid morale, inquantum scilicet per hoc praecipitur quod homo aliquo tempore vacet rebus divinis; secundum illud Psalmi XLV, *vacate, et videte quoniam ego sum Deus*. Et secundum hoc, inter praecepta Decalogi computatur. Non autem quantum ad taxationem temporis, quia secundum hoc est caeremoniale.

Reply to Objection 3: The notion of duty is not so patent in the other virtues as it is in justice. Hence the precepts about the acts of the other virtues are not so well known to the people as are the precepts about acts of justice. Wherefore the acts of justice especially come under the precepts of the decalogue, which are the primary elements of the Law.

[37866] Iª-IIae q. 100 a. 3 ad 3 Ad tertium dicendum quod ratio debiti in aliis virtutibus est magis latens quam in iustitia. Et ideo praecepta de actibus aliarum virtutum non sunt ita nota populo sicut praecepta de actibus iustitiae. Et propter hoc actus iustitiae specialiter cadunt sub praeceptis Decalogi, quae sunt prima legis elementa.

Q. 100. A. 4. Whether the precepts of the decalogue are suitably distinguished from one another?

Objection 1: It would seem that the precepts of the decalogue are unsuitably distinguished from one another. For worship is a virtue distinct from faith. Now the precepts are about acts of virtue. But that which is said at the beginning of the decalogue, "Thou shalt not have strange gods before Me," belongs to faith: and that which is added, "Thou shalt not make . . . any graven thing," etc. belongs to worship. Therefore these are not one precept, as Augustine asserts (Qq. in Exod. qu. lxxi), but two.

[37867] Iª-IIae q. 100 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod inconvenienter praecepta Decalogi distinguantur. Latria enim est alia virtus a fide. Sed praecepta dantur de actibus virtutum. Sed hoc quod dicitur in principio Decalogi, non habebis deos alienos coram me, pertinet ad fidem, quod autem subditur, non facies sculptile etc., pertinet ad latriam. Ergo sunt duo praecepta, et non unum, sicut Augustinus dicit.

Objection 2: Further, the affirmative precepts in the Law are distinct from the negative precepts; e.g. "Honor thy father and thy mother," and, "Thou shalt not kill." But this, "I am the Lord thy God," is affirmative: and that which follows,

[37868] Iª-IIae q. 100 a. 4 arg. 2 Praeterea, praecepta affirmativa in lege distinguuntur a negativis, sicut, honora patrem et matrem, et, non occides. Sed hoc quod dicitur, ego sum dominus Deus tuus, est affirmativum, quod autem subditur,

"Thou shalt not have strange gods before Me," is negative. Therefore these are two precepts, and do not, as Augustine says (Qq. in Exod. qu. lxxi), make one.

non habebis deos alienos coram me, est negativum. Ergo sunt duo praecepta, et non continentur sub uno, ut Augustinus ponit.

Objection 3: Further, the Apostle says (Rom. 7:7): "I had not known concupiscence, if the Law did not say: 'Thou shalt not covet.'" Hence it seems that this precept, "Thou shalt not covet," is one precept; and, therefore, should not be divided into two.

[37869] Iª-IIae q. 100 a. 4 arg. 3 Praeterea, apostolus, ad Rom. VII, dicit, *concupiscentiam nesciebam, nisi lex diceret, non concupisces*. Et sic videtur quod hoc praeceptum, non concupisces, sit unum praeceptum. Non ergo debet distingui in duo.

On the contrary, stands the authority of Augustine who, in commenting on Exodus (Qq. in Exod. qu. lxxi) distinguishes three precepts as referring to God, and seven as referring to our neighbor.

[37870] Iª-IIae q. 100 a. 4 s. c. Sed contra est auctoritas Augustini, in Glossa super Exod., ubi ponit tria praecepta pertinentia ad Deum, et septem ad proximum.

I answer that, The precepts of the decalogue are differently divided by different authorities. For Hesychius commenting on Lev. 26:26, "Ten women shall bake your bread in one oven," says that the precept of the Sabbath-day observance is not one of the ten precepts, because its observance, in the letter, is not binding for all time. But he distinguishes four precepts pertaining to God, the first being, "I am the Lord thy God"; the second, "Thou shalt not have strange gods before Me," (thus also Jerome distinguishes these two precepts, in his commentary on Osee 10:10, "On thy" [Vulg.: "their"] "two iniquities"); the third precept according to him is, "Thou shalt not make to thyself any graven thing"; and the fourth, "Thou shalt not take the name of the Lord thy God in vain." He states that there are six precepts pertaining to our neighbor; the first, "Honor thy father and thy mother"; the second, "Thou shalt not kill"; the third, "Thou shalt not commit adultery"; the fourth, "Thou shalt not steal"; the fifth, "Thou shalt not bear false witness"; the sixth, "Thou shalt not covet."

But, in the first place, it seems unbecoming for the precept of the Sabbath-day observance to be put among the precepts of the decalogue, if it nowise belonged to the decalogue. Secondly, because, since it is written (Mat. 6:24), "No man can serve two masters," the two statements, "I am the Lord thy God," and, "Thou shalt not have strange gods before Me" seem to be of the same

[37871] Iª-IIae q. 100 a. 4 co. Respondeo dicendum quod praecepta Decalogi diversimode a diversis distinguuntur. Hesychius enim, Levit. XXVI, super illud, *decem mulieres in uno clibano coquunt panes*, dicit praeceptum de observatione sabbati non esse de decem praeceptis, quia non est observandum, secundum litteram, secundum omne tempus. Distinguit tamen quatuor praecepta pertinentia ad Deum, ut primum sit, ego sum dominus Deus tuus; secundum sit, non habebis deos alienos coram me (et sic etiam distinguit haec duo Hieronymus, Osee X, super illud, propter duas iniquitates tuas); tertium vero praeceptum esse dicit, non facies tibi sculptile; quartum vero, non assumes nomen Dei tui in vanum. Pertinentia vero ad proximum dicit esse sex, ut primum sit, honora patrem tuum et matrem tuam; secundum, non occides; tertium, non moechaberis; quartum, non furtum facies; quintum, non falsum testimonium dices; sextum, non concupisces. Sed primo hoc videtur inconveniens, quod praeceptum de observatione sabbati praeceptis Decalogi interponatur, si nullo modo ad Decalogum pertineat. Secundo quia, cum scriptum sit Matth. VI, nemo potest duobus dominis servire, eiusdem rationis esse videtur, et sub eodem praecepto cadere, ego sum dominus Deus tuus, et, non habebis deos alienos. Unde Origenes, distinguens etiam quatuor praecepta ordinantia ad Deum, ponit ista duo pro uno praecepto; secundum vero ponit, non facies sculptile; tertium, non assumes nomen Dei tui in

nature and to form one precept. Hence Origen (Hom. viii in Exod.) who also distinguishes four precepts as referring to God, unites these two under one precept; and reckons in the second place, "Thou shalt not make . . . any graven thing"; as third, "Thou shalt not take the name of the Lord thy God in vain"; and as fourth, "Remember that thou keep holy the Sabbath-day." The other six he reckons in the same way as Hesychius.

Since, however, the making of graven things or the likeness of anything is not forbidden except as to the point of their being worshipped as gods---for God commanded an image of the Seraphim [Vulg.: Cherubim] to be made and placed in the tabernacle, as related in Ex. 25:18---Augustine more fittingly unites these two, "Thou shalt not have strange gods before Me," and, "Thou shalt not make . . . any graven thing," into one precept. Likewise to covet another's wife, for the purpose of carnal knowledge, belongs to the concupiscence of the flesh; whereas, to covet other things, which are desired for the purpose of possession, belongs to the concupiscence of the eyes; wherefore Augustine reckons as distinct precepts, that which forbids the coveting of another's goods, and that which prohibits the coveting of another's wife. Thus he distinguishes three precepts as referring to God, and seven as referring to our neighbor. And this is better.

vanum; quartum, memento ut diem sabbati sanctifices. Alia vero sex ponit sicut Hesychius. Sed quia facere sculptile vel similitudinem non est prohibitum nisi secundum hoc, ut non colantur pro diis (nam et in tabernaculo Deus praecepit fieri imaginem Seraphim, ut habetur Exod. XXV); convenientius Augustinus ponit sub uno praecepto, non habebis deos alienos, et, non facies sculptile. Similiter etiam concupiscentia uxoris alienae ad commixtionem, pertinet ad concupiscentiam carnis; concupiscentiae autem aliarum rerum, quae desiderantur ad possidendum, pertinent ad concupiscentiam oculorum; unde etiam Augustinus ponit duo praecepta de non concupiscendo rem alienam, et uxorem alienam. Et sic ponit tria praecepta in ordine ad Deum, et septem in ordine ad proximum. Et hoc melius est.

Reply to Objection 1: Worship is merely a declaration of faith: wherefore the precepts about worship should not be reckoned as distinct from those about faith. Nevertheless precepts should be given about worship rather than about faith, because the precept about faith is presupposed to the precepts of the decalogue, as is also the precept of charity. For just as the first general principles of the natural law are self-evident to a subject having natural reason, and need no promulgation; so also to believe in God is a first and self-evident principle to a subject possessed of faith: "for he that cometh to God, must believe that He is" (Heb. 11:6). Hence it needs no other promulgation that the infusion of faith.

[37872] Iª-IIae q. 100 a. 4 ad 1 Ad primum ergo dicendum quod latria non est nisi quaedam protestatio fidei, unde non sunt alia praecepta danda de latria, et alia de fide. Potius tamen sunt danda de latria quam de fide, quia praeceptum fidei praesupponitur ad praecepta Decalogi, sicut praeceptum dilectionis. Sicut enim prima praecepta communia legis naturae sunt per se nota habenti rationem naturalem, et promulgatione non indigent; ita etiam et hoc quod est credere in Deum, est primum et per se notum ei qui habet fidem, accedentem enim ad Deum oportet credere quia est, ut dicitur ad Heb. XI. Et ideo non indiget alia promulgatione nisi infusione fidei.

Reply to Objection 2: The affirmative precepts are distinct from the negative, when one is not

[37873] Iª-IIae q. 100 a. 4 ad 2 Ad secundum dicendum quod praecepta affirmativa

comprised in the other: thus that man should honor his parents does not include that he should not kill another man; nor does the latter include the former. But when an affirmative precept is included in a negative, or vice versa, we do not find that two distinct precepts are given: thus there is not one precept saying that "Thou shalt not steal," and another binding one to keep another's property intact, or to give it back to its owner. In the same way there are not different precepts about believing in God, and about not believing in strange gods.

distinguuntur a negativis, quando unum non comprehenditur in alio, sicut in honoratione parentum non includitur quod nullus homo occidatur, nec e converso. Sed quando affirmativum comprehenditur in negativo vel e converso, non dantur super hoc diversa praecepta, sicut non datur aliud praeceptum de hoc quod est, non furtum facies, et de hoc quod est conservare rem alienam, vel restituere eam. Et eadem ratione non sunt diversa praecepta de credendo in Deum, et de hoc quod non credatur in alienos deos.

Reply to Objection 3: All covetousness has one common ratio: and therefore the Apostle speaks of the commandment about covetousness as though it were one. But because there are various special kinds of covetousness, therefore Augustine distinguishes different prohibitions against coveting: for covetousness differs specifically in respect of the diversity of actions or things coveted, as the Philosopher says (Ethic. x, 5).

[37874] Iª-IIae q. 100 a. 4 ad 3 Ad tertium dicendum quod omnis concupiscentia convenit in una communi ratione, et ideo apostolus singulariter de mandato concupiscendi loquitur. Quia tamen in speciali diversae sunt rationes concupiscendi, ideo Augustinus distinguit diversa praecepta de non concupiscendo, differunt enim specie concupiscentiae secundum diversitatem actionum vel concupiscibilium, ut philosophus dicit, in X Ethic.

Q. 100. A. 5. Whether the precepts of the decalogue are suitably set forth?

Objection 1: It would seem that the precepts of the decalogue are unsuitably set forth. Because sin, as stated by Ambrose (De Paradiso viii), is "a transgression of the Divine law and a disobedience to the commandments of heaven." But sins are distinguished according as man sins against God, or his neighbor, or himself. Since, then, the decalogue does not include any precepts directing man in his relations to himself, but only such as direct him in his relations to God and himself, it seems that the precepts of the decalogue are insufficiently enumerated.

[37875] Iª-IIae q. 100 a. 5 arg. 1 Ad quintum sic proceditur. Videtur quod inconvenienter praecepta Decalogi enumerentur. Peccatum enim, ut Ambrosius dicit, est *transgressio legis divinae, et caelestium inobedientia mandatorum*. Sed peccata distinguuntur per hoc quod homo peccat vel in Deum, vel in proximum, vel in seipsum. Cum igitur in praeceptis Decalogi non ponantur aliqua praecepta ordinantia hominem ad seipsum, sed solum ordinantia ipsum ad Deum et proximum; videtur quod insufficiens sit enumeratio praeceptorum Decalogi.

Objection 2: Further, just as the Sabbath-day observance pertained to the worship of God, so also did the observance of other solemnities, and the offering of sacrifices. But the decalogue contains a precept about the Sabbath-day observance. Therefore it should contain others also, pertaining to the other solemnities, and to the sacrificial rite.

[37876] Iª-IIae q. 100 a. 5 arg. 2 Praeterea, sicut ad cultum Dei pertinebat observatio sabbati, ita etiam observatio aliarum solemnitatum, et immolatio sacrificiorum. Sed inter praecepta Decalogi est unum pertinens ad observantiam sabbati. Ergo etiam debent esse aliqua pertinentia ad alias solemnitates, et ad ritum sacrificiorum.

Objection 3: Further, as sins against God include

[37877] Iª-IIae q. 100 a. 5 arg. 3 Praeterea, sicut

the sin of perjury, so also do they include blasphemy, or other ways of lying against the teaching of God. But there is a precept forbidding perjury, "Thou shalt not take the name of the Lord thy God in vain." Therefore there should be also a precept of the decalogue forbidding blasphemy and false doctrine.

contra Deum peccare contingit periurando, ita etiam blasphemando, vel alias contra doctrinam divinam mentiendo. Sed ponitur unum praeceptum prohibens periurium, cum dicitur, *non assumes nomen Dei tui in vanum*. Ergo peccatum blasphemiae, et falsae doctrinae, debent aliquo praecepto Decalogi prohiberi.

Objection 4: Further, just as man has a natural affection for his parents, so has he also for his children. Moreover the commandment of charity extends to all our neighbors. Now the precepts of the decalogue are ordained unto charity, according to 1 Tim. 1:5: "The end of the commandment is charity." Therefore as there is a precept referring to parents, so should there have been some precepts referring to children and other neighbors.

[37878] Iª-IIae q. 100 a. 5 arg. 4 Praeterea, sicut homo naturalem dilectionem habet ad parentes, ita etiam ad filios. Mandatum etiam caritatis ad omnes proximos extenditur. Sed praecepta Decalogi ordinantur ad caritatem; secundum illud I Tim. I, *finis praecepti caritas est*. Ergo sicut ponitur quoddam praeceptum pertinens ad parentes, ita etiam debuerunt poni aliqua praecepta pertinentia ad filios et ad alios proximos.

Objection 5: Further, in every kind of sin, it is possible to sin in thought or in deed. But in some kinds of sin, namely in theft and adultery, the prohibition of sins of deed, when it is said, "Thou shalt not commit adultery, Thou shalt not steal," is distinct from the prohibition of the sin of thought, when it is said, "Thou shalt not covet thy neighbor's goods," and, "Thou shalt not covet thy neighbor's wife." Therefore the same should have been done in regard to the sins of homicide and false witness.

[37879] Iª-IIae q. 100 a. 5 arg. 5 Praeterea, in quolibet genere peccati contingit peccare corde et opere. Sed in quibusdam generibus peccatorum, scilicet in furto et adulterio, seorsum prohibetur peccatum operis, cum dicitur, non moechaberis, non furtum facies; et seorsum peccatum cordis, cum dicitur, non concupisces rem proximi tui, et, non concupisces uxorem proximi tui. Ergo etiam idem debuit poni in peccato homicidii et falsi testimonii.

Objection 6: Further, just as sin happens through disorder of the concupiscible faculty, so does it arise through disorder of the irascible part. But some precepts forbid inordinate concupiscence, when it is said, "Thou shalt not covet." Therefore the decalogue should have included some precepts forbidding the disorders of the irascible faculty. Therefore it seems that the ten precepts of the decalogue are unfittingly enumerated.

[37880] Iª-IIae q. 100 a. 5 arg. 6 Praeterea, sicut contingit peccatum provenire ex inordinatione concupiscibilis, ita etiam ex inordinatione irascibilis. Sed quibusdam praeceptis prohibetur inordinata concupiscentia, cum dicitur, non concupisces. Ergo etiam aliqua praecepta in Decalogo debuerunt poni per quae prohiberetur inordinatio irascibilis. Non ergo videtur quod convenienter decem praecepta Decalogi enumerentur.

On the contrary, It is written (Dt. 4:13): "He shewed you His covenant, which He commanded you to do, and the ten words that He wrote in two tablets of stone."

[37881] Iª-IIae q. 100 a. 5 s. c. Sed contra est quod dicitur Deut. IV, *ostendit vobis pactum suum, quod praecepit ut faceretis; et decem verba quae scripsit in duabus tabulis lapideis*.

I answer that, As stated above (A[2]), just as the

[37882] Iª-IIae q. 100 a. 5 co. Respondeo

precepts of human law direct man in his relations to the human community, so the precepts of the Divine law direct man in his relations to a community or commonwealth of men under God. Now in order that any man may dwell aright in a community, two things are required: the first is that he behave well to the head of the community; the other is that he behave well to those who are his fellows and partners in the community. It is therefore necessary that the Divine law should contain in the first place precepts ordering man in his relations to God; and in the second place, other precepts ordering man in his relations to other men who are his neighbors and live with him under God.

Now man owes three things to the head of the community: first, fidelity; secondly, reverence; thirdly, service. Fidelity to his master consists in his not giving sovereign honor to another: and this is the sense of the first commandment, in the words "Thou shalt not have strange gods." Reverence to his master requires that he should do nothing injurious to him: and this is conveyed by the second commandment, "Thou shalt not take the name of the Lord thy God in vain." Service is due to the master in return for the benefits which his subjects receive from him: and to this belongs the third commandment of the sanctification of the Sabbath in memory of the creation of all things.

To his neighbors a man behaves himself well both in particular and in general. In particular, as to those to whom he is indebted, by paying his debts: and in this sense is to be taken the commandment about honoring one's parents. In general, as to all men, by doing harm to none, either by deed, or by word, or by thought. By deed, harm is done to one's neighbor---sometimes in his person, i.e. as to his personal existence; and this is forbidden by the words, "Thou shalt not kill": sometimes in a person united to him, as to the propagation of offspring; and this is prohibited by the words, "Thou shalt not commit adultery": sometimes in his possessions, which are directed to both the aforesaid; and with this regard to this it is said, "Thou shalt not steal." Harm done by word is forbidden when it is said, "Thou shalt not bear false witness against thy neighbor": harm done by thought is forbidden in the words, "Thou shalt not covet."

dicendum quod, sicut supra dictum est, sicut praecepta legis humanae ordinant hominem ad communitatem humanam, ita praecepta legis divinae ordinant hominem ad quandam communitatem seu rempublicam hominum sub Deo. Ad hoc autem quod aliquis in aliqua communitate bene commoretur, duo requiruntur, quorum primum est ut bene se habeat ad eum qui praeest communitati; aliud autem est ut homo bene se habeat ad alios communitatis consocios et comparticipes. Oportet igitur quod in lege divina primo ferantur quaedam praecepta ordinantia hominem ad Deum; et deinde alia praecepta ordinantia hominem ad alios proximos simul conviventes sub Deo. Principi autem communitatis tria debet homo, primo quidem, fidelitatem; secundo, reverentiam; tertio, famulatum. Fidelitas quidem ad dominum in hoc consistit, ut honorem principatus ad alium non deferat. Et quantum ad hoc accipitur primum praeceptum, cum dicitur, non habebis deos alienos. Reverentia autem ad dominum requiritur ut nihil iniuriosum in eum committatur. Et quantum ad hoc accipitur secundum praeceptum, quod est, non assumes nomen domini Dei tui in vanum. Famulatus autem debetur domino in recompensationem beneficiorum quae ab ipso percipiunt subditi. Et ad hoc pertinet tertium praeceptum, de sanctificatione sabbati in memoriam creationis rerum. Ad proximos autem aliquis bene se habet et specialiter, et generaliter. Specialiter quidem, quantum ad illos quorum est debitor, ut eis debitum reddat. Et quantum ad hoc accipitur praeceptum de honoratione parentum. Generaliter autem, quantum ad omnes, ut nulli nocumentum inferatur, neque opere neque ore neque corde. Opere quidem infertur nocumentum proximo, quandoque quidem in personam propriam, quantum ad consistentiam scilicet personae. Et hoc prohibetur per hoc quod dicitur, non occides. Quandoque autem in personam coniunctam quantum ad propagationem prolis. Et hoc prohibetur cum dicitur, non moechaberis. Quandoque autem in rem possessam, quae ordinatur ad utrumque. Et quantum ad hoc dicitur, non furtum facies. Nocumentum autem oris prohibetur cum dicitur, *non loqueris contra proximum tuum falsum testimonium*. Nocumentum autem cordis prohibetur cum dicitur, non concupisces. Et secundum hanc etiam differentiam possent distingui tria praecepta ordinantia in Deum. Quorum primum pertinet ad

The three precepts that direct man in his behavior towards God may also be differentiated in this same way. For the first refers to deeds; wherefore it is said, "Thou shalt not make . . . a graven thing": the second, to words; wherefore it is said, "Thou shalt not take the name of the Lord thy God in vain": the third, to thoughts; because the sanctification of the Sabbath, as the subject of a moral precept, requires repose of the heart in God. Or, according to Augustine (In Ps. 32 : Conc. 1), by the first commandment we reverence the unity of the First Principle; by the second, the Divine truth; by the third, His goodness whereby we are sanctified, and wherein we rest as in our last end.

opus, unde ibi dicitur, non facies sculptile. Secundum ad os, unde dicitur, non assumes nomen Dei tui in vanum. Tertium pertinet ad cor, quia in sanctificatione sabbati, secundum quod est morale praeceptum, praecipitur quies cordis in Deum. Vel, secundum Augustinum, per primum praeceptum reveremur unitatem primi principii; per secundum, veritatem divinam; per tertium, eius bonitatem, qua sanctificamur, et in qua quiescimus sicut in fine.

Reply to Objection 1: This objection may be answered in two ways. First, because the precepts of the decalogue can be reduced to the precepts of charity. Now there was need for man to receive a precept about loving God and his neighbor, because in this respect the natural law had become obscured on account of sin: but not about the duty of loving oneself, because in this respect the natural law retained its vigor: or again, because love of oneself is contained in the love of God and of one's neighbor: since true self-love consists in directing oneself to God. And for this reason the decalogue includes those precepts only which refer to our neighbor and to God.

Secondly, it may be answered that the precepts of the decalogue are those which the people received from God immediately; wherefore it is written (Dt. 10:4): "He wrote in the tables, according as He had written before, the ten words, which the Lord spoke to you." Hence the precepts of the decalogue need to be such as the people can understand at once. Now a precept implies the notion of duty. But it is easy for a man, especially for a believer, to understand that, of necessity, he owes certain duties to God and to his neighbor. But that, in matters which regard himself and not another, man has, of necessity, certain duties to himself, is not so evident: for, at the first glance, it seems that everyone is free in matters that concern himself. And therefore the precepts which prohibit disorders of a man with regard to himself, reach the people through the instruction of men who are versed through the instruction of men who are versed in such matters; and, consequently, they are not contained in the

[37883] Iª-IIae q. 100 a. 5 ad 1 Ad primum ergo potest responderi dupliciter. Primo quidem, quia praecepta Decalogi referuntur ad praecepta dilectionis. Fuit autem dandum praeceptum homini de dilectione Dei et proximi, quia quantum ad hoc lex naturalis obscurata erat propter peccatum, non autem quantum ad dilectionem sui ipsius, quia quantum ad hoc lex naturalis vigebat. Vel quia etiam dilectio sui ipsius includitur in dilectione Dei et proximi, in hoc enim homo vere se diligit, quod se ordinat in Deum. Et ideo etiam in praeceptis Decalogi ponuntur solum praecepta pertinentia ad proximum et ad Deum. Aliter potest dici quod praecepta Decalogi sunt illa quae immediate populus recepit a Deo, unde dicitur Deut. X, *scripsit in tabulis, iuxta id quod prius scripserat, verba decem, quae locutus est ad vos dominus*. Unde oportet praecepta Decalogi talia esse quae statim in mente populi cadere possunt. Praeceptum autem habet rationem debiti. Quod autem homo ex necessitate debeat aliquid Deo vel proximo, hoc de facili cadit in conceptione hominis, et praecipue fidelis. Sed quod aliquid ex necessitate sit debitum homini de his quae pertinent ad seipsum et non ad alium, hoc non ita in promptu apparet, videtur enim primo aspectu quod quilibet sit liber in his quae ad ipsum pertinent. Et ideo praecepta quibus prohibentur inordinationes hominis ad seipsum, perveniunt ad populum mediante instructione sapientum. Unde non pertinent ad Decalogum.

decalogue.

Reply to Objection 2: All the solemnities of the Old Law were instituted in celebration of some Divine favor, either in memory of past favors, or in sign of some favor to come: in like manner all the sacrifices were offered up with the same purpose. Now of all the Divine favors to be commemorated the chief was that of the Creation, which was called to mind by the sanctification of the Sabbath; wherefore the reason for this precept is given in Ex. 20:11 : "In six days the Lord made heaven and earth," etc. And of all future blessings, the chief and final was the repose of the mind in God, either, in the present life, by grace, or, in the future life, by glory; which repose was also foreshadowed in the Sabbath-day observance: wherefore it is written (Is. 58:13): "If thou turn away thy foot from the Sabbath, from doing thy own will in My holy day, and call the Sabbath delightful, and the holy of the Lord glorious." Because these favors first and chiefly are borne in mind by men, especially by the faithful. But other solemnities were celebrated on account of certain particular favors temporal and transitory, such as the celebration of the Passover in memory of the past favor of the delivery from Egypt, and as a sign of the future Passion of Christ, which though temporal and transitory, brought us to the repose of the spiritual Sabbath. Consequently, the Sabbath alone, and none of the other solemnities and sacrifices, is mentioned in the precepts of the decalogue.

[37884] Iª-IIae q. 100 a. 5 ad 2 Ad secundum dicendum quod omnes solemnitates legis veteris sunt institutae in commemorationem alicuius divini beneficii vel praeteriti commemorati, vel futuri praefigurati. Et similiter propter hoc omnia sacrificia offerebantur. Inter omnia autem beneficia Dei commemoranda, primum et praecipuum erat beneficium creationis, quod commemoratur in sanctificatione sabbati, unde Exod. XX pro ratione huius praecepti ponitur, *sex enim diebus fecit Deus caelum et terram* et cetera. Inter omnia autem futura beneficia, quae erant praefiguranda, praecipuum et finale erat quies mentis in Deo, vel in praesenti per gratiam, vel in futuro per gloriam, quae etiam figurabatur per observantiam sabbati; unde dicitur Isaiae LVIII, *si averteris a sabbato pedem tuum, facere voluntatem tuam in die sancto meo, et vocaveris sabbatum delicatum, et sanctum domini gloriosum*. Haec enim beneficia primo et principaliter sunt in mente hominum, maxime fidelium. Aliae vero solemnitates celebrantur propter aliqua particularia beneficia temporaliter transeuntia, sicut celebratio phase propter beneficium praeteritae liberationis ex Aegypto, et propter futuram passionem Christi, quae temporaliter transivit, inducens nos in quietem sabbati spiritualis. Et ideo, praetermissis omnibus aliis solemnitatibus et sacrificiis, de solo sabbato fiebat mentio inter praecepta Decalogi.

Reply to Objection 3: As the Apostle says (Heb. 6:16), "men swear by one greater than themselves; and an oath for confirmation is the end of all their controversy." Hence, since oaths are common to all, inordinate swearing is the matter of a special prohibition by a precept of the decalogue. According to one interpretation, however, the words, "Thou shalt not take the name of the Lord thy God in vain," are a prohibition of false doctrine, for one gloss expounds them thus: "Thou shalt not say that Christ is a creature."

[37885] Iª-IIae q. 100 a. 5 ad 3 Ad tertium dicendum quod, sicut apostolus dicit, ad Heb. VI, *homines per maiorem sui iurant, et omnis controversiae eorum finis ad confirmationem est iuramentum*. Et ideo, quia iuramentum est omnibus commune, propter hoc prohibitio inordinationis circa iuramentum, specialiter praecepto Decalogi prohibetur. Peccatum vero falsae doctrinae non pertinet nisi ad paucos, unde non oportebat ut de hoc fieret mentio inter praecepta Decalogi. Quamvis etiam, quantum ad aliquem intellectum, in hoc quod dicitur, non assumes nomen Dei tui in vanum, prohibeatur falsitas doctrinae, una enim Glossa exponit, non dices Christum esse creaturam.

Reply to Objection 4: That a man should not do harm to anyone is an immediate dictate of his natural reason: and therefore the precepts that forbid the doing of harm are binding on all men. But it is not an immediate dictate of natural reason that a man should do one thing in return for another, unless he happen to be indebted to someone. Now a son's debt to his father is so evident that one cannot get away from it by denying it: since the father is the principle of generation and being, and also of upbringing and teaching. Wherefore the decalogue does not prescribe deeds of kindness or service to be done to anyone except to one's parents. On the other hand parents do not seem to be indebted to their children for any favors received, but rather the reverse is the case. Again, a child is a part of his father; and "parents love their children as being a part of themselves," as the Philosopher states (Ethic. viii, 12). Hence, just as the decalogue contains no ordinance as to man's behavior towards himself, so, for the same reason, it includes no precept about loving one's children.

[37886] Iª-IIae q. 100 a. 5 ad 4 Ad quartum dicendum quod statim ratio naturalis homini dictat quod nulli iniuriam faciat, et ideo praecepta prohibentia nocumentum, extendunt se ad omnes. Sed ratio naturalis non statim dictat quod aliquid sit pro alio faciendum, nisi cui homo aliquid debet. Debitum autem filii ad patrem adeo est manifestum quod nulla tergiversatione potest negari, eo quod pater est principium generationis et esse, et insuper educationis et doctrinae. Et ideo non ponitur sub praecepto Decalogi ut aliquod beneficium vel obsequium alicui impendatur nisi parentibus. Parentes autem non videntur esse debitores filiis propter aliqua beneficia suscepta, sed potius e converso. Filius etiam est aliquid patris; et patres amant filios ut aliquid ipsorum, sicut dicit philosophus, in VIII Ethic. Unde eisdem rationibus non ponuntur aliqua praecepta Decalogi pertinentia ad amorem filiorum, sicut neque etiam aliqua ordinantia hominem ad seipsum.

Reply to Objection 5: The pleasure of adultery and the usefulness of wealth, in so far as they have the character of pleasurable or useful good, are of themselves, objects of appetite: and for this reason they needed to be forbidden not only in the deed but also in the desire. But murder and falsehood are, of themselves, objects of repulsion (since it is natural for man to love his neighbor and the truth): and are desired only for the sake of something else. Consequently with regard to sins of murder and false witness, it was necessary to proscribe, not sins of thought, but only sins of deed.

[37887] Iª-IIae q. 100 a. 5 ad 5 Ad quintum dicendum quod delectatio adulterii, et utilitas divitiarum, sunt propter seipsa appetibilia, inquantum habent rationem boni delectabilis vel utilis. Et propter hoc oportuit in eis prohiberi non solum opus, sed etiam concupiscentiam. Sed homicidium et falsitas sunt secundum seipsa horribilia, quia proximus et veritas naturaliter amantur, et non desiderantur nisi propter aliud. Et ideo non oportuit circa peccatum homicidii et falsi testimonii prohibere peccatum cordis, sed solum operis.

Reply to Objection 6: As stated above (Q[25], A[1]), all the passions of the irascible faculty arise from the passions of the concupiscible part. Hence, as the precepts of the decalogue are, as it were, the first elements of the Law, there was no need for mention of the irascible passions, but only of the concupiscible passions.

[37888] Iª-IIae q. 100 a. 5 ad 6 Ad sextum dicendum quod, sicut supra dictum est, omnes passiones irascibilis derivantur a passionibus concupiscibilis. Et ideo in praeceptis Decalogi, quae sunt quasi prima elementa legis, non erat mentio facienda de passionibus irascibilis, sed solum de passionibus concupiscibilis.

Q. 100. A. 6. Whether the ten precepts of the decalogue are set in proper order?

Objection 1: It would seem that the ten precepts of the decalogue are not set in proper order.

[37889] Iª-IIae q. 100 a. 6 arg. 1 Ad sextum sic proceditur. Videtur quod inconvenienter

Because love of one's neighbor is seemingly previous to love of God, since our neighbor is better known to us than God is; according to 1 Jn. 4:20: "He that loveth not his brother, whom he seeth, how can he love God, Whom he seeth not?" But the first three precepts belong to the love of God, while the other seven pertain to the love of our neighbor. Therefore the precepts of the decalogue are not set in proper order.

ordinentur decem praecepta Decalogi. Dilectio enim proximi videtur esse praevia ad dilectionem Dei, quia proximus est nobis magis notus quam Deus; secundum illud I Ioan. IV, *qui fratrem suum, quem videt, non diligit, Deum, quem non videt, quomodo potest diligere?* Sed tria prima praecepta pertinent ad dilectionem Dei, septem vero alia ad dilectionem proximi. Ergo inconvenienter praecepta Decalogi ordinantur.

Objection 2: Further, the acts of virtue are prescribed by the affirmative precepts, and acts of vice are forbidden by the negative precepts. But according to Boethius in his commentary on the Categories [*Lib. iv, cap. De Oppos.], vices should be uprooted before virtues are sown. Therefore among the precepts concerning our neighbor, the negative precepts should have preceded the affirmative.

[37890] Iª-IIae q. 100 a. 6 arg. 2 Praeterea, per praecepta affirmativa imperantur actus virtutum, per praecepta vero negativa prohibentur actus vitiorum. Sed secundum Boetium, in commento praedicamentorum, prius sunt extirpanda vitia quam inserantur virtutes. Ergo inter praecepta pertinentia ad proximum, primo ponenda fuerunt praecepta negativa quam affirmativa.

Objection 3: Further, the precepts of the Law are about men's actions. But actions of thought precede actions of word or outward deed. Therefore the precepts about not coveting, which regard our thoughts, are unsuitably placed last in order.

[37891] Iª-IIae q. 100 a. 6 arg. 3 Praeterea, praecepta legis dantur de actibus hominum. Sed prior est actus cordis quam oris vel exterioris operis. Ergo inconvenienti ordine praecepta de non concupiscendo, quae pertinent ad cor, ultimo ponuntur.

On the contrary, The Apostle says (Rom. 13:1): "The things that are of God, are well ordered" [Vulg.: 'Those that are, are ordained of God']. But the precepts of the decalogue were given immediately by God, as stated above (A[3]). Therefore they are arranged in becoming order.

[37892] Iª-IIae q. 100 a. 6 s. c. Sed contra est quod apostolus dicit, Rom. XIII, *quae a Deo sunt, ordinata sunt*. Sed praecepta Decalogi sunt immediate data a Deo, ut dictum est. Ergo convenientem ordinem habent.

I answer that, As stated above (AA[3],5, ad 1), the precepts of the decalogue are such as the mind of man is ready to grasp at once. Now it is evident that a thing is so much the more easily grasped by the reason, as its contrary is more grievous and repugnant to reason. Moreover, it is clear, since the order of reason begins with the end, that, for a man to be inordinately disposed towards his end, is supremely contrary to reason. Now the end of human life and society is God. Consequently it was necessary for the precepts of the decalogue, first of all, to direct man to God; since the contrary to this is most grievous. Thus also, in an army, which is ordained to the commander as to its end, it is requisite first that the soldier should

[37893] Iª-IIae q. 100 a. 6 co. Respondeo dicendum quod, sicut dictum est, praecepta Decalogi dantur de his quae statim in promptu mens hominis suscipit. Manifestum est autem quod tanto aliquid magis a ratione suscipitur, quanto contrarium est gravius et magis rationi repugnans. Manifestum est autem quod, cum rationis ordo a fine incipiat, maxime est contra rationem ut homo inordinate se habeat circa finem. Finis autem humanae vitae et societatis est Deus. Et ideo primo oportuit per praecepta Decalogi hominem ordinare ad Deum, cum eius contrarium sit gravissimum. Sicut etiam in exercitu, qui ordinatur ad ducem sicut ad finem, primum est quod miles subdatur duci, et huius

be subject to the commander, and the opposite of this is most grievous; and secondly it is requisite that he should be in coordination with the other soldiers.

Now among those things whereby we are ordained to God, the first is that man should be subjected to Him faithfully, by having nothing in common with His enemies. The second is that he should show Him reverence: the third that he should offer Him service. Thus, in an army, it is a greater sin for a soldier to act treacherously and make a compact with the foe, than to be insolent to his commander: and this last is more grievous than if he be found wanting in some point of service to him.

As to the precepts that direct man in his behavior towards his neighbor, it is evident that it is more repugnant to reason, and a more grievous sin, if man does not observe the due order as to those persons to whom he is most indebted. Consequently, among those precepts that direct man in his relations to his neighbor, the first place is given to that one which regards his parents. Among the other precepts we again find the order to be according to the gravity of sin. For it is more grave and more repugnant to reason, to sin by deed than by word; and by word than by thought. And among sins of deed, murder which destroys life in one already living is more grievous than adultery, which imperils the life of the unborn child; and adultery is more grave than theft, which regards external goods.

contrarium est gravissimum; secundum vero est ut aliis coordinetur. Inter ipsa autem per quae ordinamur in Deum, primum occurrit quod homo fideliter ei subdatur, nullam participationem cum inimicis habens. Secundum autem est quod ei reverentiam exhibeat. Tertium autem est quod etiam famulatum impendat. Maiusque peccatum est in exercitu si miles, infideliter agens, cum hoste pactum habeat, quam si aliquam irreverentiam faciat duci, et hoc est etiam gravius quam si in aliquo obsequio ducis deficiens inveniatur. In praeceptis autem ordinantibus ad proximum, manifestum est quod magis repugnat rationi, et gravius peccatum est, si homo non servet ordinem debitum ad personas quibus magis est debitor. Et ideo inter praecepta ordinantia ad proximum, primo ponitur praeceptum pertinens ad parentes. Inter alia vero praecepta etiam apparet ordo secundum ordinem gravitatis peccatorum. Gravius est enim, et magis rationi repugnans, peccare opere quam ore, et ore quam corde. Et inter peccata operis, gravius est homicidium, per quod tollitur vita hominis iam existentis, quam adulterium, per quod impeditur certitudo prolis nasciturae; et adulterium gravius quam furtum, quod pertinet ad bona exteriora.

Reply to Objection 1: Although our neighbor is better known than God by the way of the senses, nevertheless the love of God is the reason for the love of our neighbor, as shall be declared later on (SS, Q[25], A[1]; SS, Q[26], A[2]). Hence the precepts ordaining man to God demanded precedence of the others.

[37894] Iª-IIae q. 100 a. 6 ad 1 Ad primum ergo dicendum quod, quamvis secundum viam sensus proximus sit magis notus quam Deus, tamen dilectio Dei est ratio dilectionis proximi, ut infra patebit. Et ideo praecepta ordinantia ad Deum, fuerunt praeordinanda.

Reply to Objection 2: Just as God is the universal principle of being in respect of all things, so is a father a principle of being in respect of his son. Therefore the precept regarding parents was fittingly placed after the precepts regarding God. This argument holds in respect of affirmative and negative precepts about the same kind of deed: although even then it is not

[37895] Iª-IIae q. 100 a. 6 ad 2 Ad secundum dicendum quod, sicut Deus est universale principium essendi omnibus, ita etiam pater est principium quoddam essendi filio. Et ideo convenienter post praecepta pertinentia ad Deum, ponitur praeceptum pertinens ad parentes. Ratio autem procedit quando affirmativa et negativa pertinent ad idem genus operis. Quamvis etiam et

altogether cogent. For although in the order of execution, vices should be uprooted before virtues are sown, according to Ps. 33:15: "Turn away from evil, and do good," and Is. 1:16,17: "Cease to do perversely; learn to do well"; yet, in the order of knowledge, virtue precedes vice, because "the crooked line is known by the straight" (De Anima i): and "by the law is the knowledge of sin" (Rom. 3:20). Wherefore the affirmation precept demanded the first place. However, this is not the reason for the order, but that which is given above. Because in the precepts regarding God, which belongs to the first table, an affirmative precept is placed last, since its transgression implies a less grievous sin.

in hoc non habeat omnimodam efficaciam. Etsi enim in executione operis, prius extirpanda sint vitia quam inserendae virtutes, secundum illud Psalmi XXXIII, *declina a malo, et fac bonum*, et Isaiae I, *quiescite agere perverse, discite benefacere*; tamen in cognitione prior est virtus quam peccatum, quia per rectum cognoscitur obliquum, ut dicitur in I de anima. Per legem autem cognitio peccati, ut Rom. III dicitur. Et secundum hoc, praeceptum affirmativum debuisset primo poni. Sed non est ista ratio ordinis, sed quae supra posita est. Quia in praeceptis pertinentibus ad Deum, quae sunt primae tabulae, ultimo ponitur praeceptum affirmativum, quia eius transgressio minorem reatum inducit.

Reply to Objection 3: Although sin of thought stands first in the order of execution, yet its prohibition holds a later position in the order of reason.

[37896] Iª-IIae q. 100 a. 6 ad 3 Ad tertium dicendum quod peccatum cordis etsi sit prius in executione, tamen eius prohibitio posterius cadit in ratione.

Q. 100. A. 7. Whether the precepts of the decalogue are suitably formulated?

Objection 1: It would seem that the precepts of the decalogue are unsuitably formulated. Because the affirmative precepts direct man to acts of virtue, while the negative precepts withdraw him from acts of vice. But in every matter there are virtues and vices opposed to one another. Therefore in whatever matter there is an ordinance of a precept of the decalogue, there should have been an affirmative and a negative precept. Therefore it was unfitting that affirmative precepts should be framed in some matters, and negative precepts in others.

[37897] Iª-IIae q. 100 a. 7 arg. 1 Ad septimum sic proceditur. Videtur quod praecepta Decalogi inconvenienter tradantur. Praecepta enim affirmativa ordinant ad actus virtutum, praecepta autem negativa abstrahunt ab actibus vitiorum. Sed circa quamlibet materiam opponuntur sibi virtutes et vitia. Ergo in qualibet materia de qua ordinat praeceptum Decalogi, debuit poni praeceptum affirmativum et negativum. Inconvenienter igitur ponuntur quaedam affirmativa et quaedam negativa.

Objection 2: Further, Isidore says (Etym. ii, 10) that every law is based on reason. But all the precepts of the decalogue belong to the Divine law. Therefore the reason should have been pointed out in each precept, and not only in the first and third.

[37898] Iª-IIae q. 100 a. 7 arg. 2 Praeterea, Isidorus dicit quod omnis lex ratione constat. Sed omnia praecepta Decalogi pertinent ad legem divinam. Ergo in omnibus debuit ratio assignari, et non solum in primo et tertio praecepto.

Objection 3: Further, by observing the precepts man deserves to be rewarded by God. But the Divine promises concern the rewards of the precepts. Therefore the promise should have been included in each precept, and not only in the

[37899] Iª-IIae q. 100 a. 7 arg. 3 Praeterea, per observantiam praeceptorum meretur aliquis praemia a Deo. Sed divinae promissiones sunt de praemiis praeceptorum. Ergo promissio debuit poni in omnibus praeceptis, et non solum in primo

second and fourth.

et quarto.

Objection 4: Further, the Old Law is called "the law of fear," in so far as it induced men to observe the precepts, by means of the threat of punishments. But all the precepts of the decalogue belong to the Old Law. Therefore a threat of punishment should have been included in each, and not only in the first and second.

[37900] Iª-IIae q. 100 a. 7 arg. 4 Praeterea, lex vetus dicitur lex timoris, inquantum per comminationes poenarum inducebat ad observationes praeceptorum. Sed omnia praecepta Decalogi pertinent ad legem veterem. Ergo in omnibus debuit poni comminatio poenae, et non solum in primo et secundo.

Objection 5: Further, all the commandments of God should be retained in the memory: for it is written (Prov. 3:3): "Write them in the tables of thy heart." Therefore it was not fitting that mention of the memory should be made in the third commandment only. Consequently it seems that the precepts of the decalogue are unsuitably formulated.

[37901] Iª-IIae q. 100 a. 7 arg. 5 Praeterea, omnia praecepta Dei sunt in memoria retinenda, dicitur enim Prov. III, *describe ea in tabulis cordis tui*. Inconvenienter ergo in solo tertio praecepto fit mentio de memoria. Et ita videntur praecepta Decalogi inconvenienter tradita esse.

On the contrary, It is written (Wis. 11:21) that "God made all things, in measure, number and weight." Much more therefore did He observe a suitable manner in formulating His Law.

[37902] Iª-IIae q. 100 a. 7 s. c. Sed contra est quod dicitur Sap. XI, quod *Deus omnia fecit in numero, pondere et mensura*. Multo magis ergo in praeceptis suae legis congruum modum tradendi servavit.

I answer that, The highest wisdom is contained in the precepts of the Divine law: wherefore it is written (Dt. 4:6): "This is your wisdom and understanding in the sight of nations." Now it belongs to wisdom to arrange all things in due manner and order. Therefore it must be evident that the precepts of the Law are suitably set forth.

[37903] Iª-IIae q. 100 a. 7 co. Respondeo dicendum quod in praeceptis divinae legis maxima sapientia continetur, unde dicitur Deut. IV, *haec est vestra sapientia et intellectus coram populis*. Sapientis autem est omnia debito modo et ordine disponere. Et ideo manifestum esse debet quod praecepta legis convenienti modo sunt tradita.

Reply to Objection 1: Affirmation of one thing always leads to the denial of its opposite: but the denial of one opposite does not always lead to the affirmation of the other. For it follows that if a thing is white, it is not black: but it does not follow that if it is not black, it is white: because negation extends further than affirmation. And hence too, that one ought not to do harm to another, which pertains to the negative precepts, extends to more persons, as a primary dictate of reason, than that one ought to do someone a service or kindness. Nevertheless it is a primary dictate of reason that man is a debtor in the point of rendering a service or kindness to those from

[37904] Iª-IIae q. 100 a. 7 ad 1 Ad primum ergo dicendum quod semper ad affirmationem sequitur negatio oppositi, non autem semper ad negationem unius oppositi sequitur affirmatio alterius. Sequitur enim, si est album, non est nigrum, non tamen sequitur, si non est nigrum, ergo est album, quia ad plura sese extendit negatio quam affirmatio. Et inde est etiam quod non esse faciendum iniuriam, quod pertinet ad praecepta negativa, ad plures personas se extendit, secundum primum dictamen rationis, quam esse debitum ut alicui obsequium vel beneficium impendatur. Inest autem primo dictamen rationis quod homo debitor est beneficii vel obsequii

whom he has received kindness, if he has not yet repaid the debt. Now there are two whose favors no man can sufficiently repay, viz. God and man's father, as stated in Ethic. viii, 14. Therefore it is that there are only two affirmative precepts; one about the honor due to parents, the other about the celebration of the Sabbath in memory of the Divine favor.

exhibendi illis a quibus beneficia accepit, si nondum recompensavit. Duo autem sunt quorum beneficiis sufficienter nullus recompensare potest, scilicet Deus et pater, ut dicitur in VIII Ethic. Et ideo sola duo praecepta affirmativa ponuntur, unum de honoratione parentum; aliud de celebratione sabbati in commemorationem divini beneficii.

Reply to Objection 2: The reasons for the purely moral precepts are manifest; hence there was no need to add the reason. But some of the precepts include ceremonial matter, or a determination of a general moral precept; thus the first precept includes the determination, "Thou shalt not make a graven thing"; and in the third precept the Sabbath-day is fixed. Consequently there was need to state the reason in each case.

[37905] Iª-IIae q. 100 a. 7 ad 2 Ad secundum dicendum quod illa praecepta quae sunt pure moralia, habent manifestam rationem, unde non oportuit quod in eis aliqua ratio adderetur. Sed quibusdam praeceptis additur caeremoniale, vel determinativum praecepti moralis communis, sicut in primo praecepto, non facies sculptile; et in tertio praecepto determinatur dies sabbati. Et ideo utrobique oportuit rationem assignari.

Reply to Objection 3: Generally speaking, men direct their actions to some point of utility. Consequently in those precepts in which it seemed that there would be no useful result, or that some utility might be hindered, it was necessary to add a promise of reward. And since parents are already on the way to depart from us, no benefit is expected from them: wherefore a promise of reward is added to the precept about honoring one's parents. The same applies to the precept forbidding idolatry: since thereby it seemed that men were hindered from receiving the apparent benefit which they think they can get by entering into a compact with the demons.

[37906] Iª-IIae q. 100 a. 7 ad 3 Ad tertium dicendum quod homines ut plurimum actus suos ad aliquam utilitatem ordinant. Et ideo in illis praeceptis necesse fuit promissionem praemii apponere, ex quibus videbatur nulla utilitas sequi, vel aliqua utilitas impediri. Quia vero parentes sunt iam in recedendo, ab eis non expectatur utilitas. Et ideo praecepto de honore parentum additur promissio. Similiter etiam praecepto de prohibitione idololatriae, quia per hoc videbatur impediri apparens utilitas quam homines credunt se posse consequi per pactum cum Daemonibus initum.

Reply to Objection 4: Punishments are necessary against those who are prone to evil, as stated in Ethic. x, 9. Wherefore a threat of punishment is only affixed to those precepts of the law which forbade evils to which men were prone. Now men were prone to idolatry by reason of the general custom of the nations. Likewise men are prone to perjury on account of the frequent use of oaths. Hence it is that a threat is affixed to the first two precepts.

[37907] Iª-IIae q. 100 a. 7 ad 4 Ad quartum dicendum quod poenae praecipue necessariae sunt contra illos qui sunt proni ad malum, ut dicitur in X Ethic. Et ideo illis solis praeceptis legis additur comminatio poenarum, in quibus erat pronitas ad malum. Erant autem homines proni ad idololatriam, propter generalem consuetudinem gentium. Et similiter sunt etiam homines proni ad periurium, propter frequentiam iuramenti. Et ideo primis duobus praeceptis adiungitur comminatio.

Reply to Objection 5: The commandment about the Sabbath was made in memory of a past blessing. Wherefore special mention of the memory is made therein. Or again, the

[37908] Iª-IIae q. 100 a. 7 ad 5 Ad quintum dicendum quod praeceptum de sabbato ponitur ut commemorativum beneficii praeteriti. Et ideo specialiter in eo fit mentio de memoria. Vel quia

commandment about the Sabbath has a determination affixed to it that does not belong to the natural law, wherefore this precept needed a special admonition.

praeceptum de sabbato habet determinationem adiunctam quae non est de lege naturae; et ideo hoc praeceptum speciali admonitione indiguit.

Q. 100. A. 8. Whether the precepts of the decalogue are dispensable?

Objection 1: It would seem that the precepts of the decalogue are dispensable. For the precepts of the decalogue belong to the natural law. But the natural law fails in some cases and is changeable, like human nature, as the Philosopher says (Ethic. v, 7). Now the failure of law to apply in certain particular cases is a reason for dispensation, as stated above (Q[96], A[6]; Q[97], A[4]). Therefore a dispensation can be granted in the precepts of the decalogue.

[37909] Iª-IIae q. 100 a. 8 arg. 1 Ad octavum sic proceditur. Videtur quod praecepta Decalogi sint dispensabilia. Praecepta enim Decalogi sunt de iure naturali. Sed iustum naturale in aliquibus deficit, et mutabile est, sicut et natura humana, ut philosophus dicit, in V Ethic. Defectus autem legis in aliquibus particularibus casibus est ratio dispensandi, ut supra dictum est. Ergo in praeceptis Decalogi potest fieri dispensatio.

Objection 2: Further, man stands in the same relation to human law as God does to Divine law. But man can dispense with the precepts of a law made by man. Therefore, since the precepts of the decalogue are ordained by God, it seems that God can dispense with them. Now our superiors are God's viceregents on earth; for the Apostle says (2 Cor. 2:10): "For what I have pardoned, if I have pardoned anything, for your sakes have I done it in the person of Christ." Therefore superiors can dispense with the precepts of the decalogue.

[37910] Iª-IIae q. 100 a. 8 arg. 2 Praeterea, sicut se habet homo ad legem humanam, ita se habet Deus ad legem datam divinitus. Sed homo potest dispensare in praeceptis legis quae homo statuit. Ergo, cum praecepta Decalogi sint instituta a Deo, videtur quod Deus in eis possit dispensare. Sed praelati vice Dei funguntur in terris, dicit enim apostolus, II ad Cor. II, *nam et ego, si quid donavi, propter vos donavi in persona Christi*. Ergo etiam praelati possunt in praeceptis Decalogi dispensare.

Objection 3: Further, among the precepts of the decalogue is one forbidding murder. But it seems that a dispensation is given by men in this precept: for instance, when according to the prescription of human law, such as evil-doers or enemies are lawfully slain. Therefore the precepts of the decalogue are dispensable.

[37911] Iª-IIae q. 100 a. 8 arg. 3 Praeterea, inter praecepta Decalogi continetur prohibitio homicidii. Sed in isto praecepto videtur dispensari per homines, puta cum, secundum praeceptum legis humanae, homines licite occiduntur, puta malefactores vel hostes. Ergo praecepta Decalogi sunt dispensabilia.

Objection 4: Further, the observance of the Sabbath is ordained by a precept of the decalogue. But a dispensation was granted in this precept; for it is written (1 Macc. 2:4): "And they determined in that day, saying: Whosoever shall come up to fight against us on the Sabbath-day, we will fight against him." Therefore the precepts of the decalogue are dispensable.

[37912] Iª-IIae q. 100 a. 8 arg. 4 Praeterea, observatio sabbati continetur inter praecepta Decalogi. Sed in hoc praecepto fuit dispensatum, dicitur enim I Machab. II, *et cogitaverunt in die illa dicentes, omnis homo quicumque venerit ad nos in bello die sabbatorum, pugnemus adversus eum*. Ergo praecepta Decalogi sunt dispensabilia.

On the contrary, are the words of Is. 24:5, where

[37913] Iª-IIae q. 100 a. 8 s. c. Sed contra est

some are reproved for that "they have changed the ordinance, they have broken the everlasting covenant"; which, seemingly, apply principally to the precepts of the decalogue. Therefore the precepts of the decalogue cannot be changed by dispensation.

quod dicitur Isaiae XXIV, quidam reprehenduntur de hoc quod mutaverunt ius, dissipaverunt foedus sempiternum, quod maxime videtur intelligendum de praeceptis Decalogi. Ergo praecepta Decalogi mutari per dispensationem non possunt.

I answer that, As stated above (Q[96], A[6]; Q[97], A[4]), precepts admit of dispensation, when there occurs a particular case in which, if the letter of the law be observed, the intention of the lawgiver is frustrated. Now the intention of every lawgiver is directed first and chiefly to the common good; secondly, to the order of justice and virtue, whereby the common good is preserved and attained. If therefore there by any precepts which contain the very preservation of the common good, or the very order of justice and virtue, such precepts contain the intention of the lawgiver, and therefore are indispensable. For instance, if in some community a law were enacted, such as this---that no man should work for the destruction of the commonwealth, or betray the state to its enemies, or that no man should do anything unjust or evil, such precepts would not admit of dispensation. But if other precepts were enacted, subordinate to the above, and determining certain special modes of procedure, these latter precepts would admit of dispensation, in so far as the omission of these precepts in certain cases would not be prejudicial to the former precepts which contain the intention of the lawgiver. For instance if, for the safeguarding of the commonwealth, it were enacted in some city that from each ward some men should keep watch as sentries in case of siege, some might be dispensed from this on account of some greater utility.

Now the precepts of the decalogue contain the very intention of the lawgiver, who is God. For the precepts of the first table, which direct us to God, contain the very order to the common and final good, which is God; while the precepts of the second table contain the order of justice to be observed among men, that nothing undue be done to anyone, and that each one be given his due; for it is in this sense that we are to take the precepts of the decalogue. Consequently the precepts of the decalogue admit of no dispensation whatever.

[37914] Iª-IIae q. 100 a. 8 co. Respondeo dicendum quod, sicut supra dictum est, tunc in praeceptis debet fieri dispensatio, quando occurrit aliquis particularis casus in quo, si verbum legis observetur, contrariatur intentioni legislatoris. Intentio autem legislatoris cuiuslibet ordinatur primo quidem et principaliter ad bonum commune; secundo autem, ad ordinem iustitiae et virtutis, secundum quem bonum commune conservatur, et ad ipsum pervenitur. Si qua ergo praecepta dentur quae contineant ipsam conservationem boni communis, vel ipsum ordinem iustitiae et virtutis; huiusmodi praecepta continent intentionem legislatoris, et ideo indispensabilia sunt. Puta si poneretur hoc praeceptum in aliqua communitate, quod nullus destrueret rempublicam, neque proderet civitatem hostibus, sive quod nullus faceret aliquid iniuste vel male; huiusmodi praecepta essent indispensabilia. Sed si aliqua alia praecepta traderentur ordinata ad ista praecepta, quibus determinantur aliqui speciales modi, in talibus praeceptis dispensatio posset fieri; inquantum per omissionem huiusmodi praeceptorum in aliquibus casibus, non fieret praeiudicium primis praeceptis, quae continent intentionem legislatoris. Puta si, ad conservationem reipublicae, statueretur in aliqua civitate quod de singulis vicis aliqui vigilarent ad custodiam civitatis obsessae; posset cum aliquibus dispensari propter aliquam maiorem utilitatem. Praecepta autem Decalogi continent ipsam intentionem legislatoris, scilicet Dei. Nam praecepta primae tabulae, quae ordinant ad Deum, continent ipsum ordinem ad bonum commune et finale, quod Deus est; praecepta autem secundae tabulae continent ipsum ordinem iustitiae inter homines observandae, ut scilicet nulli fiat indebitum, et cuilibet reddatur debitum; secundum hanc enim rationem sunt intelligenda praecepta Decalogi. Et ideo praecepta Decalogi sunt omnino indispensabilia.

Reply to Objection 1: The Philosopher is not speaking of the natural law which contains the very order of justice: for it is a never-failing principle that "justice should be preserved." But he is speaking in reference to certain fixed modes of observing justice, which fail to apply in certain cases.

[37915] Iª-IIae q. 100 a. 8 ad 1 Ad primum ergo dicendum quod philosophus non loquitur de iusto naturali quod continet ipsum ordinem iustitiae, hoc enim nunquam deficit, iustitiam esse servandam. Sed loquitur quantum ad determinatos modos observationis iustitiae, qui in aliquibus fallunt.

Reply to Objection 2: As the Apostle says (2 Tim. 2:13), "God continueth faithful, He cannot deny Himself." But He would deny Himself if He were to do away with the very order of His own justice, since He is justice itself. Wherefore God cannot dispense a man so that it be lawful for him not to direct himself to God, or not to be subject to His justice, even in those matters in which men are directed to one another.

[37916] Iª-IIae q. 100 a. 8 ad 2 Ad secundum dicendum quod, sicut apostolus dicit, II ad Tim. II, *Deus fidelis permanet, negare seipsum non potest*. Negaret autem seipsum, si ipsum ordinem suae iustitiae auferret, cum ipse sit ipsa iustitia. Et ideo in hoc Deus dispensare non potest, ut homini liceat non ordinate se habere ad Deum, vel non subdi ordini iustitiae eius, etiam in his secundum quae homines ad invicem ordinantur.

Reply to Objection 3: The slaying of a man is forbidden in the decalogue, in so far as it bears the character of something undue: for in this sense the precept contains the very essence of justice. Human law cannot make it lawful for a man to be slain unduly. But it is not undue for evil-doers or foes of the common weal to be slain: hence this is not contrary to the precept of the decalogue; and such a killing is no murder as forbidden by that precept, as Augustine observes (De Lib. Arb. i, 4). In like manner when a man's property is taken from him, if it be due that he should lose it, this is not theft or robbery as forbidden by the decalogue.

Consequently when the children of Israel, by God's command, took away the spoils of the Egyptians, this was not theft; since it was due to them by the sentence of God. Likewise when Abraham consented to slay his son, he did not consent to murder, because his son was due to be slain by the command of God, Who is Lord of life and death: for He it is Who inflicts the punishment of death on all men, both godly and ungodly, on account of the sin of our first parent, and if a man be the executor of that sentence by Divine authority, he will be no murderer any more than God would be. Again Osee, by taking unto himself a wife of fornications, or an adulterous woman, was not guilty either of adultery or of fornication: because he took unto himself one who was his by command of God, Who is the

[37917] Iª-IIae q. 100 a. 8 ad 3 Ad tertium dicendum quod occisio hominis prohibetur in Decalogo secundum quod habet rationem indebiti, sic enim praeceptum continet ipsam rationem iustitiae. Lex autem humana hoc concedere non potest, quod licite homo indebite occidatur. Sed malefactores occidi, vel hostes reipublicae, hoc non est indebitum. Unde hoc non contrariatur praecepto Decalogi, nec talis occisio est homicidium, quod praecepto Decalogi prohibetur, ut Augustinus dicit, in I de Lib. Arb. Et similiter si alicui auferatur quod suum erat, si debitum est quod ipsum amittat, hoc non est furtum vel rapina, quae praecepto Decalogi prohibentur. Et ideo quando filii Israel praecepto Dei tulerunt Aegyptiorum spolia, non fuit furtum, quia hoc eis debebatur ex sententia Dei. Similiter etiam Abraham, cum consensit occidere filium, non consensit in homicidium, quia debitum erat eum occidi per mandatum Dei, qui est dominus vitae et mortis. Ipse enim est qui poenam mortis infligit omnibus hominibus, iustis et iniustis, pro peccato primi parentis, cuius sententiae si homo sit executor auctoritate divina, non erit homicida, sicut nec Deus. Et similiter etiam Osee, accedens ad uxorem fornicariam, vel ad mulierem adulteram, non est moechatus nec fornicatus, quia accessit ad eam quae sua erat secundum mandatum divinum, qui est auctor institutionis matrimonii. Sic igitur praecepta ipsa Decalogi, quantum ad rationem iustitiae quam continent, immutabilia sunt. Sed quantum ad aliquam

Author of the institution of marriage.

Accordingly, therefore, the precepts of the decalogue, as to the essence of justice which they contain, are unchangeable: but as to any determination by application to individual actions---for instance, that this or that be murder, theft or adultery, or not---in this point they admit of change; sometimes by Divine authority alone, namely, in such matters as are exclusively of Divine institution, as marriage and the like; sometimes also by human authority, namely in such matters as are subject to human jurisdiction: for in this respect men stand in the place of God: and yet not in all respects.

determinationem per applicationem ad singulares actus, ut scilicet hoc vel illud sit homicidium, furtum vel adulterium, aut non, hoc quidem est mutabile, quandoque sola auctoritate divina, in his scilicet quae a solo Deo sunt instituta, sicut in matrimonio, et in aliis huiusmodi; quandoque etiam auctoritate humana, sicut in his quae sunt commissa hominum iurisdictioni. Quantum enim ad hoc, homines gerunt vicem Dei, non autem quantum ad omnia.

Reply to Objection 4: This determination was an interpretation rather than a dispensation. For a man is not taken to break the Sabbath, if he does something necessary for human welfare; as Our Lord proves (Mat. 12:3, seqq.).

[37918] Iª-IIae q. 100 a. 8 ad 4 Ad quartum dicendum quod illa excogitatio magis fuit interpretatio praecepti quam dispensatio. Non enim intelligitur violare sabbatum qui facit opus quod est necessarium ad salutem humanam; sicut dominus probat, Matth. XII.

Q. 100. A. 9. Whether the mode of virtue falls under the precept of the law?

Objection 1: It would seem that the mode of virtue falls under the precept of the law. For the mode of virtue is that deeds of justice should be done justly, that deeds of fortitude should be done bravely, and in like manner as to the other virtues. But it is commanded (Dt. 26:20) that "thou shalt follow justly after that which is just." Therefore the mode of virtue falls under the precept.

[37919] Iª-IIae q. 100 a. 9 arg. 1 Ad nonum sic proceditur. Videtur quod modus virtutis cadat sub praecepto legis. Est enim modus virtutis ut aliquis iuste operetur iusta, et fortiter fortia, et similiter de aliis virtutibus. Sed Deut. XVI praecipitur, *iuste quod iustum est exequeris*. Ergo modus virtutis cadit sub praecepto.

Objection 2: Further, that which belongs to the intention of the lawgiver comes chiefly under the precept. But the intention of the lawgiver is directed chiefly to make men virtuous, as stated in Ethic. ii: and it belongs to a virtuous man to act virtuously. Therefore the mode of virtue falls under the precept.

[37920] Iª-IIae q. 100 a. 9 arg. 2 Praeterea, illud maxime cadit sub praecepto quod est de intentione legislatoris. Sed intentio legislatoris ad hoc principaliter fertur ut homines faciat virtuosos, sicut dicitur in II Ethic. Virtuosi autem est virtuose agere. Ergo modus virtutis cadit sub praecepto.

Objection 3: Further, the mode of virtue seems to consist properly in working willingly and with pleasure. But this falls under a precept of the Divine law, for it is written (Ps. 99:2): "Serve ye the Lord with gladness"; and (2 Cor. 9:7): "Not with sadness or necessity: for God loveth a cheerful giver"; whereupon the gloss says:

[37921] Iª-IIae q. 100 a. 9 arg. 3 Praeterea, modus virtutis proprie esse videtur ut aliquis voluntarie et delectabiliter operetur. Sed hoc cadit sub praecepto legis divinae, dicitur enim in Psalmo XCIX, *servite domino in laetitia*; et II ad Cor. IX, *non ex tristitia aut ex necessitate, hilarem enim datorem diligit Deus*; ubi Glossa dicit, *quidquid*

"Whatever ye do, do gladly; and then you will do it well; whereas if you do it sorrowfully, it is done in thee, not by thee." Therefore the mode of virtue falls under the precept of the law.

boni facis, cum hilaritate fac, et tunc bene facis, si autem cum tristitia facis, fit de te, non tu facis. Ergo modus virtutis cadit sub praecepto legis.

On the contrary, No man can act as a virtuous man acts unless he has the habit of virtue, as the Philosopher explains (Ethic. ii, 4; v, 8). Now whoever transgresses a precept of the law, deserves to be punished. Hence it would follow that a man who has not the habit of virtue, would deserve to be punished, whatever he does. But this is contrary to the intention of the law, which aims at leading man to virtue, by habituating him to good works. Therefore the mode of virtue does not fall under the precept.

[37922] Iª-IIae q. 100 a. 9 s. c. Sed contra, nullus potest operari eo modo quo operatur virtuosus, nisi habeat habitum virtutis; ut patet per philosophum, in II et V Ethic. Quicumque autem transgreditur praeceptum legis, meretur poenam. Sequeretur ergo quod ille qui non habet habitum virtutis, quidquid faceret, mereretur poenam. Hoc autem est contra intentionem legis, quae intendit hominem, assuefaciendo ad bona opera, inducere ad virtutem. Non ergo modus virtutis cadit sub praecepto.

I answer that, As stated above (Q[90], A[3], ad 2), a precept of law has compulsory power. Hence that on which the compulsion of the law is brought to bear, falls directly under the precept of the law. Now the law compels through fear of punishment, as stated in Ethic. x, 9, because that properly falls under the precept of the law, for which the penalty of the law is inflicted. But Divine law and human law are differently situated as to the appointment of penalties; since the penalty of the law is inflicted only for those things which come under the judgment of the lawgiver; for the law punishes in accordance with the verdict given. Now man, the framer of human law, is competent to judge only of outward acts; because "man seeth those things that appear," according to 1 Kings 16:7: while God alone, the framer of the Divine law, is competent to judge of the inward movements of wills, according to Ps. 7:10 : "The searcher of hearts and reins is God."

Accordingly, therefore, we must say that the mode of virtue is in some sort regarded both by human and by Divine law; in some respect it is regarded by the Divine, but not by the human law; and in another way, it is regarded neither by the human nor by the Divine law. Now the mode of virtue consists in three things, as the Philosopher states in Ethic. ii. The first is that man should act "knowingly": and this is subject to the judgment of both Divine and human law; because what a man does in ignorance, he does accidentally. Hence according to both human and Divine law,

[37923] Iª-IIae q. 100 a. 9 co. Respondeo dicendum quod, sicut supra dictum est, praeceptum legis habet vim coactivam. Illud ergo directe cadit sub praecepto legis, ad quod lex cogit. Coactio autem legis est per metum poenae, ut dicitur X Ethic., nam illud proprie cadit sub praecepto legis, pro quo poena legis infligitur. Ad instituendam autem poenam aliter se habet lex divina, et lex humana. Non enim poena legis infligitur nisi pro illis de quibus legislator habet iudicare, quia ex iudicio lex punit. Homo autem, qui est legis lator humanae, non habet iudicare nisi de exterioribus actibus, quia *homines vident ea quae parent*, ut dicitur I Reg. XVI. Sed solius Dei, qui est lator legis divinae est iudicare de interioribus motibus voluntatum; secundum illud Psalmi VII, *scrutans corda et renes Deus*. Secundum hoc igitur dicendum est quod modus virtutis quantum ad aliquid respicitur a lege humana et divina; quantum ad aliquid autem, a lege divina sed non a lege humana; quantum ad aliquid vero, nec a lege humana nec a lege divina. Modus autem virtutis in tribus consistit, secundum philosophum, in II Ethic. Quorum primum est, si aliquis operetur sciens. Hoc autem diiudicatur et a lege divina et a lege humana. Quod enim aliquis facit ignorans, per accidens facit. Unde secundum ignorantiam aliqua diiudicantur ad poenam vel ad veniam, tam secundum legem humanam quam secundum legem divinam. Secundum autem est ut aliquis operetur volens, vel eligens et propter hoc eligens; in quo importatur duplex motus interior, scilicet

certain things are judged in respect of ignorance to be punishable or pardonable.

The second point is that a man should act "deliberately," i.e. "from choice, choosing that particular action for its own sake"; wherein a twofold internal movement is implied, of volition and of intention, about which we have spoken above (QQ[8], 12): and concerning these two, Divine law alone, and not human law, is competent to judge. For human law does not punish the man who wishes to slay, and slays not: whereas the Divine law does, according to Mat. 5:22: "Whosoever is angry with his brother, shall be in danger of the judgment."

The third point is that he should "act from a firm and immovable principle": which firmness belongs properly to a habit, and implies that the action proceeds from a rooted habit. In this respect, the mode of virtue does not fall under the precept either of Divine or of human law, since neither by man nor by God is he punished as breaking the law, who gives due honor to his parents and yet has not the habit of filial piety.

voluntatis et intentionis, de quibus supra dictum est. Et ista duo non diiudicat lex humana, sed solum lex divina. Lex enim humana non punit eum qui vult occidere et non occidit, punit autem eum lex divina, secundum illud Matth. V, *qui irascitur fratri suo, reus erit iudicio*. Tertium autem est ut firme et immobiliter habeat et operetur. Et ista firmitas proprie pertinet ad habitum, ut scilicet aliquis ex habitu radicato operetur. Et quantum ad hoc, modus virtutis non cadit sub praecepto neque legis divinae neque legis humanae, neque enim ab homine neque a Deo punitur tanquam praecepti transgressor, qui debitum honorem impendit parentibus, quamvis non habeat habitum pietatis.

Reply to Objection 1: The mode of doing acts of justice, which falls under the precept, is that they be done in accordance with right; but not that they be done from the habit of justice.

[37924] Iª-IIae q. 100 a. 9 ad 1 Ad primum ergo dicendum quod modus faciendi actum iustitiae qui cadit sub praecepto, est ut fiat aliquid secundum ordinem iuris, non autem quod fiat ex habitu iustitiae.

Reply to Objection 2: The intention of the lawgiver is twofold. His aim, in the first place, is to lead men to something by the precepts of the law: and this is virtue. Secondly, his intention is brought to bear on the matter itself of the precept: and this is something leading or disposing to virtue, viz. an act of virtue. For the end of the precept and the matter of the precept are not the same: just as neither in other things is the end the same as that which conduces to the end.

[37925] Iª-IIae q. 100 a. 9 ad 2 Ad secundum dicendum quod intentio legislatoris est de duobus. De uno quidem, ad quod intendit per praecepta legis inducere, et hoc est virtus. Aliud autem est de quo intendit praeceptum ferre, et hoc est id quod ducit vel disponit ad virtutem, scilicet actus virtutis. Non enim idem est finis praecepti et id de quo praeceptum datur, sicut neque in aliis rebus idem est finis et quod est ad finem.

Reply to Objection 3: That works of virtue should be done without sadness, falls under the precept of the Divine law; for whoever works with sadness works unwillingly. But to work with pleasure, i.e. joyfully or cheerfully, in one respect falls under the precept, viz. in so far as pleasure ensues from the love of God and one's neighbor

[37926] Iª-IIae q. 100 a. 9 ad 3 Ad tertium dicendum quod operari sine tristitia opus virtutis, cadit sub praecepto legis divinae, quia quicumque cum tristitia operatur, non volens operatur. Sed delectabiliter operari, sive cum laetitia vel hilaritate, quodammodo cadit sub praecepto, scilicet secundum quod sequitur delectatio ex

(which love falls under the precept), and love causes pleasure: and in another respect does not fall under the precept, in so far as pleasure ensues from a habit; for "pleasure taken in a work proves the existence of a habit," as stated in Ethic. ii, 3. For an act may give pleasure either on account of its end, or through its proceeding from a becoming habit.

dilectione Dei et proximi, quae cadit sub praecepto, cum amor sit causa delectationis, et quodammodo non, secundum quod delectatio consequitur habitum; delectatio enim operis est signum habitus generati, ut dicitur in II Ethic. Potest enim aliquis actus esse delectabilis vel propter finem, vel propter convenientiam habitus.

Q. 100. A. 10. Whether the mode of charity falls under the precept of the Divine law?

Objection 1: It would seem that the mode of charity falls under the precept of the Divine law. For it is written (Mat. 19:17): "If thou wilt enter into life, keep the commandments": whence it seems to follow that the observance of the commandments suffices for entrance into life. But good works do not suffice for entrance into life, except they be done from charity: for it is written (1 Cor. 13:3): "If I should distribute all my goods to feed the poor, and if I should deliver my body to be burned, and have not charity, it profiteth me nothing." Therefore the mode of charity is included in the commandment.

[37927] Iª-IIae q. 100 a. 10 arg. 1 Ad decimum sic proceditur. Videtur quod modus caritatis cadat sub praecepto divinae legis. Dicitur enim Matth. XIX, *si vis ad vitam ingredi, serva mandata*, ex quo videtur quod observatio mandatorum sufficiat ad introducendum in vitam. Sed opera bona non sufficiunt ad introducendum in vitam, nisi ex caritate fiant, dicitur enim I ad Cor. XIII, *si distribuero in cibos pauperum omnes facultates meas, et si tradidero corpus meum ita ut ardeam, caritatem autem non habuero, nihil mihi prodest*. Ergo modus caritatis est in praecepto.

Objection 2: Further, the mode of charity consists properly speaking in doing all things for God. But this falls under the precept; for the Apostle says (1 Cor. 10:31): "Do all to the glory of God." Therefore the mode of charity falls under the precept.

[37928] Iª-IIae q. 100 a. 10 arg. 2 Praeterea, ad modum caritatis proprie pertinet ut omnia fiant propter Deum. Sed istud cadit sub praecepto, dicit enim apostolus, I ad Cor. X, *omnia in gloriam Dei facite*. Ergo modus caritatis cadit sub praecepto.

Objection 3: Further, if the mode of charity does not fall under the precept, it follows that one can fulfil the precepts of the law without having charity. Now what can be done without charity can be done without grace, which is always united to charity. Therefore one can fulfil the precepts of the law without grace. But this is the error of Pelagius, as Augustine declares (De Haeres. lxxxviii). Therefore the mode of charity is included in the commandment.

[37929] Iª-IIae q. 100 a. 10 arg. 3 Praeterea, si modus caritatis non cadit sub praecepto, ergo aliquis potest implere praecepta legis non habens caritatem. Sed quod potest fieri sine caritate, potest fieri sine gratia, quae semper adiuncta est caritati. Ergo aliquis potest implere praecepta legis sine gratia. Hoc autem est Pelagiani erroris; ut patet per Augustinum, in libro de haeresibus. Ergo modus caritatis est in praecepto.

On the contrary, Whoever breaks a commandment sins mortally. If therefore the mode of charity falls under the precept, it follows that whoever acts otherwise than from charity sins mortally. But whoever has not charity, acts otherwise than from charity. Therefore it follows

[37930] Iª-IIae q. 100 a. 10 s. c. Sed contra est quia quicumque non servat praeceptum, peccat mortaliter. Si igitur modus caritatis cadat sub praecepto, sequitur quod quicumque operatur aliquid et non ex caritate, peccet mortaliter. Sed quicumque non habet caritatem, operatur non ex

that whoever has not charity, sins mortally in whatever he does, however good this may be in itself: which is absurd.

caritate. Ergo sequitur quod quicumque non habet caritatem, peccet mortaliter in omni opere quod facit, quantumcumque sit de genere bonorum. Quod est inconveniens.

I answer that, Opinions have been contrary on this question. For some have said absolutely that the mode of charity comes under the precept; and yet that it is possible for one not having charity to fulfil this precept: because he can dispose himself to receive charity from God. Nor (say they) does it follow that a man not having charity sins mortally whenever he does something good of its kind: because it is an affirmative precept that binds one to act from charity, and is binding not for all time, but only for such time as one is in a state of charity. On the other hand, some have said that the mode of charity is altogether outside the precept.

[37931] Iª-IIae q. 100 a. 10 co. Respondeo dicendum quod circa hoc fuerunt contrariae opiniones. Quidam enim dixerunt absolute modum caritatis esse sub praecepto. Nec est impossibile observare hoc praeceptum caritatem non habenti, quia potest se disponere ad hoc quod caritas ei infundatur a Deo. Nec quandocumque aliquis non habens caritatem facit aliquid de genere bonorum, peccat mortaliter, quia hoc est praeceptum affirmativum, ut ex caritate operetur, et non obligat ad semper, sed pro tempore illo quo aliquis habet caritatem. Alii vero dixerunt quod omnino modus caritatis non cadit sub praecepto. Utrique autem quantum ad aliquid, verum dixerunt. Actus enim caritatis dupliciter considerari potest. Uno modo, secundum quod est quidam actus per se. Et hoc modo cadit sub praecepto legis quod de hoc specialiter datur, scilicet, *diliges dominum Deum tuum, et, diliges proximum tuum*. Et quantum ad hoc, primi verum dixerunt. Non enim est impossibile hoc praeceptum observare, quod est de actu caritatis, quia homo potest se disponere ad caritatem habendam, et quando habuerit eam, potest ea uti. Alio modo potest considerari actus caritatis secundum quod est modus actuum aliarum virtutum, hoc est secundum quod actus aliarum virtutum ordinantur ad caritatem, quae est finis praecepti, ut dicitur I ad Tim. I, dictum est enim supra quod intentio finis est quidam modus formalis actus ordinati in finem. Et hoc modo verum est quod secundi dixerunt, quod modus caritatis non cadit sub praecepto, hoc est dictu, quod in hoc praecepto, honora patrem, non includitur quod honoretur pater ex caritate, sed solum quod honoretur pater. Unde qui honorat patrem, licet non habens caritatem, non efficitur transgressor huius praecepti, etsi sit transgressor praecepti quod est de actu caritatis, propter quam transgressionem meretur poenam.

Both these opinions are true up to a certain point. Because the act of charity can be considered in two ways. First, as an act by itself: and thus it falls under the precept of the law which specially prescribes it, viz. "Thou shalt love the Lord thy God," and "Thou shalt love thy neighbor." In this sense, the first opinion is true. Because it is not impossible to observe this precept which regards the act of charity; since man can dispose himself to possess charity, and when he possesses it, he can use it. Secondly, the act of charity can be considered as being the mode of the acts of the other virtues, i.e. inasmuch as the acts of the other virtues are ordained to charity, which is "the end of the commandment," as stated in 1 Tim. i, 5: for it has been said above (Q[12], A[4]) that the intention of the end is a formal mode of the act ordained to that end. In this sense the second opinion is true in saying that the mode of charity does not fall under the precept, that is to say that this commandment, "Honor thy father," does not mean that a man must honor his father from charity, but merely that he must honor him. Wherefore he that honors his father, yet has not charity, does not break this precept: although he does break the precept concerning the act of charity, for which reason he deserves to be punished.

Reply to Objection 1: Our Lord did not say, "If

[37932] Iª-IIae q. 100 a. 10 ad 1 Ad primum ergo

thou wilt enter into life, keep one commandment"; but "keep" all "the commandments": among which is included the commandment concerning the love of God and our neighbor.

dicendum quod dominus non dixit, si vis ad vitam ingredi, serva unum mandatum, sed, serva omnia mandata. Inter quae etiam continetur mandatum de dilectione Dei et proximi.

Reply to Objection 2: The precept of charity contains the injunction that God should be loved from our whole heart, which means that all things would be referred to God. Consequently man cannot fulfil the precept of charity, unless he also refer all things to God. Wherefore he that honors his father and mother, is bound to honor them from charity, not in virtue of the precept, "Honor thy father and mother," but in virtue of the precept, "Thou shalt love the Lord thy God with thy whole heart." And since these are two affirmative precepts, not binding for all times, they can be binding, each one at a different time: so that it may happen that a man fulfils the precept of honoring his father and mother, without at the same time breaking the precept concerning the omission of the mode of charity.

[37933] Iª-IIae q. 100 a. 10 ad 2 Ad secundum dicendum quod sub mandato caritatis continetur ut diligatur Deus ex toto corde, ad quod pertinet ut omnia referantur in Deum. Et ideo praeceptum caritatis implere homo non potest, nisi etiam omnia referantur in Deum. Sic ergo qui honorat parentes, tenetur ex caritate honorare, non ex vi huius praecepti quod est, honora parentes, sed ex vi huius praecepti, diliges dominum Deum tuum ex toto corde tuo. Et cum ista sint duo praecepta affirmativa non obligantia ad semper, possunt pro diversis temporibus obligare. Et ita potest contingere quod aliquis implens praeceptum de honoratione parentum, non tunc transgrediatur praeceptum de omissione modi caritatis.

Reply to Objection 3: Man cannot fulfil all the precepts of the law, unless he fulfil the precept of charity, which is impossible without charity. Consequently it is not possible, as Pelagius maintained, for man to fulfil the law without grace.

[37934] Iª-IIae q. 100 a. 10 ad 3 Ad tertium dicendum quod observare omnia praecepta legis homo non potest, nisi impleat praeceptum caritatis, quod non fit sine gratia. Et ideo impossibile est quod Pelagius dixit, hominem implere legem sine gratia.

Q. 100. A. 11. Whether it is right to distinguish other moral precepts of the law besides the decalogue?

Objection 1: It would seem that it is wrong to distinguish other moral precepts of the law besides the decalogue. Because, as Our Lord declared (Mat. 22:40), "on these two commandments" of charity "dependeth the whole law and the prophets." But these two commandments are explained by the ten commandments of the decalogue. Therefore there is no need for other moral precepts.

[37935] Iª-IIae q. 100 a. 11 arg. 1 Ad undecimum sic proceditur. Videtur quod inconvenienter distinguantur alia moralia praecepta legis praeter Decalogum. Quia ut dominus dicit, Matth. XXII, *in duobus praeceptis caritatis pendet omnis lex et prophetae*. Sed haec duo praecepta explicantur per decem praecepta Decalogi. Ergo non oportet alia praecepta moralia esse.

Objection 2: Further, the moral precepts are distinct from the judicial and ceremonial precepts, as stated above (Q[99], AA[3],4). But the determinations of the general moral precepts belong to the judicial and ceremonial precepts: and the general moral precepts are contained in the decalogue, or are even presupposed to the

[37936] Iª-IIae q. 100 a. 11 arg. 2 Praeterea, praecepta moralia a iudicialibus et caeremonialibus distinguuntur, ut dictum est. Sed determinationes communium praeceptorum moralium pertinent ad iudicialia et caeremonialia praecepta, communia autem praecepta moralia sub Decalogo continentur, vel etiam Decalogo

decalogue, as stated above (A[3]). Therefore it was unsuitable to lay down other moral precepts besides the decalogue.

praesupponuntur, ut dictum est. Ergo inconvenienter traduntur alia praecepta moralia praeter Decalogum.

Objection 3: Further, the moral precepts are about the acts of all the virtues, as stated above (A[2]). Therefore, as the Law contains, besides the decalogue, moral precepts pertaining to religion, liberality, mercy, and chastity; so there should have been added some precepts pertaining to the other virtues, for instance, fortitude, sobriety, and so forth. And yet such is not the case. It is therefore unbecoming to distinguish other moral precepts in the Law besides those of the decalogue.

[37937] Iª-IIae q. 100 a. 11 arg. 3 Praeterea, praecepta moralia sunt de actibus omnium virtutum, ut supra dictum est. Sicut igitur in lege ponuntur praecepta moralia praeter Decalogum pertinentia ad latriam, liberalitatem et misericordiam, et castitatem; ita etiam deberent poni aliqua praecepta pertinentia ad alias virtutes, puta ad fortitudinem, sobrietatem, et alia huiusmodi. Quod tamen non invenitur. Non ergo convenienter distinguuntur in lege alia praecepta moralia quae sunt praeter Decalogum.

On the contrary, It is written (Ps. 18:8): "The law of the Lord is unspotted, converting souls." But man is preserved from the stain of sin, and his soul is converted to God by other moral precepts besides those of the decalogue. Therefore it was right for the Law to include other moral precepts.

[37938] Iª-IIae q. 100 a. 11 s. c. Sed contra est quod in Psalmo XVIII dicitur, *lex domini immaculata, convertens animas*. Sed per alia etiam moralia quae Decalogo superadduntur, homo conservatur absque macula peccati, et anima eius ad Deum convertitur. Ergo ad legem pertinebat etiam alia praecepta moralia tradere.

I answer that, As is evident from what has been stated (Q[99], AA[3],4), the judicial and ceremonial precepts derive their force from their institution alone: since before they were instituted, it seemed of no consequence whether things were done in this or that way. But the moral precepts derive their efficacy from the very dictate of natural reason, even if they were never included in the Law. Now of these there are three grades: for some are most certain, and so evident as to need no promulgation; such as the commandments of the love of God and our neighbor, and others like these, as stated above (A[3]), which are, as it were, the ends of the commandments; wherefore no man can have an erroneous judgment about them. Some precepts are more detailed, the reason of which even an uneducated man can easily grasp; and yet they need to be promulgated, because human judgment, in a few instances, happens to be led astray concerning them: these are the precepts of the decalogue. Again, there are some precepts the reason of which is not so evident to everyone, but only the wise; these are moral precepts added to the decalogue, and given to the people by God through Moses and Aaron.

[37939] Iª-IIae q. 100 a. 11 co. Respondeo dicendum quod, sicut ex dictis patet, praecepta iudicialia et caeremonialia ex sola institutione vim habent, quia antequam instituerentur, non videbatur differre utrum sic vel aliter fieret. Sed praecepta moralia ex ipso dictamine naturalis rationis efficaciam habent, etiam si nunquam in lege statuantur. Horum autem triplex est gradus. Nam quaedam sunt certissima, et adeo manifesta quod editione non indigent; sicut mandata de dilectione Dei et proximi, et alia huiusmodi, ut supra dictum est, quae sunt quasi fines praeceptorum, unde in eis nullus potest errare secundum iudicium rationis. Quaedam vero sunt magis determinata, quorum rationem statim quilibet, etiam popularis, potest de facili videre; et tamen quia in paucioribus circa huiusmodi contingit iudicium humanum perverti, huiusmodi editione indigent, et haec sunt praecepta Decalogi. Quaedam vero sunt quorum ratio non est adeo cuilibet manifesta, sed solum sapientibus, et ista sunt praecepta moralia superaddita Decalogo, tradita a Deo populo per Moysen et Aaron. Sed quia ea quae sunt manifesta, sunt principia cognoscendi eorum quae non sunt manifesta; alia praecepta moralia superaddita Decalogo

But since the things that are evident are the principles whereby we know those that are not evident, these other moral precepts added to the decalogue are reducible to the precepts of the decalogue, as so many corollaries. Thus the first commandment of the decalogue forbids the worship of strange gods: and to this are added other precepts forbidding things relating to worship of idols: thus it is written (Dt. 18:10,11): "Neither let there be found among you anyone that shall expiate his son or daughter, making them to pass through the fire: . . . neither let there by any wizard nor charmer, nor anyone that consulteth pythonic spirits, or fortune-tellers, or that seeketh the truth from the dead." The second commandment forbids perjury. To this is added the prohibition of blasphemy (Lev. 24:15, seqq) and the prohibition of false doctrine (Dt. 13). To the third commandment are added all the ceremonial precepts. To the fourth commandment prescribing the honor due to parents, is added the precept about honoring the aged, according to Lev. 19:32: "Rise up before the hoary head, and honor the person of the aged man"; and likewise all the precepts prescribing the reverence to be observed towards our betters, or kindliness towards our equals or inferiors. To the fifth commandment, which forbids murder, is added the prohibition of hatred and of any kind of violence inflicted on our neighbor, according to Lev. 19:16: "Thou shalt not stand against the blood of thy neighbor": likewise the prohibition against hating one's brother (Lev. 19:17): "Thou shalt not hate thy brother in thy heart." To the sixth commandment which forbids adultery, is added the prohibition about whoredom, according to Dt. 23:17: "There shall be no whore among the daughters of Israel, nor whoremonger among the sons of Israel"; and the prohibition against unnatural sins, according to Lev. 28:22,23: "Thou shalt not lie with mankind . . . thou shalt not copulate with any beast." To the seventh commandment which prohibits theft, is added the precept forbidding usury, according to Dt. 23:19: "Thou shalt not lend to thy brother money to usury"; and the prohibition against fraud, according to Dt. 25:13: "Thou shalt not have divers weights in thy bag"; and universally all prohibitions relating to peculations and larceny. To the eighth commandment, forbidding false testimony, is added the prohibition against false judgment, according to Ex. 23:2: "Neither shalt

reducuntur ad praecepta Decalogi, per modum cuiusdam additionis ad ipsa. Nam in primo praecepto Decalogi prohibetur cultus alienorum deorum, cui superadduntur alia praecepta prohibitiva eorum quae ordinantur in cultum idolorum; sicut habetur Deut. XVIII, *non inveniatur in te qui lustret filium suum aut filiam, ducens per ignem, nec sit maleficus atque incantator, nec Pythones consulat neque divinos, et quaerat a mortuis veritatem*. Secundum autem praeceptum prohibet periurium. Superadditur autem ei prohibitio blasphemiae, Levit. XXIV; et prohibitio falsae doctrinae, Deut. XIII. Tertio vero praecepto superadduntur omnia caeremonialia. Quarto autem praecepto, de honore parentum, superadditur praeceptum de honoratione senum, secundum illud Levit. XIX, *coram cano capite consurge, et honora personam senis*; et universaliter omnia praecepta inducentia ad reverentiam exhibendam maioribus, vel ad beneficia exhibenda vel aequalibus vel minoribus. Quinto autem praecepto, quod est de prohibitione homicidii, additur prohibitio odii et cuiuslibet violationis contra proximum, sicut illud Levit. XIX, *non stabis contra sanguinem proximi tui*; et etiam prohibitio odii fratris, secundum illud, *ne oderis fratrem tuum in corde tuo*. Praecepto autem sexto, quod est de prohibitione adulterii, superadditur praeceptum de prohibitione meretricii, secundum illud Deut. XXIII, *non erit meretrix de filiabus Israel, neque fornicator de filiis Israel*; et iterum prohibitio vitii contra naturam, secundum illud Levit. XVIII, *cum masculo non commisceberis, cum omni pecore non coibis*. Septimo autem praecepto, de prohibitione furti adiungitur praeceptum de prohibitione usurae, secundum illud Deut. XXIII, *non foenerabis fratri tuo ad usuram*; et prohibitio fraudis, secundum illud Deut. XXV, *non habebis in sacculo diversa pondera*; et universaliter omnia quae ad prohibitionem calumniae et rapinae pertinent. Octavo vero praecepto, quod est de prohibitione falsi testimonii, additur prohibitio falsi iudicii, secundum illud Exod. XXIII, *nec in iudicio plurimorum acquiesces sententiae, ut a veritate devies*; et prohibitio mendacii, sicut ibi subditur, *mendacium fugies*; et prohibitio detractionis, secundum illud Levit. XIX, *non eris criminator et susurro in populis*. Aliis autem duobus praeceptis nulla alia adiunguntur, quia per ea universaliter omnis mala concupiscentia prohibetur.

thou yield in judgment, to the opinion of the most part, to stray from the truth"; and the prohibition against lying (Ex. 23:7): "Thou shalt fly lying," and the prohibition against detraction, according to Lev. 19:16: "Thou shalt not be a detractor, nor a whisperer among the people." To the other two commandments no further precepts are added, because thereby are forbidden all kinds of evil desires.

Reply to Objection 1: The precepts of the decalogue are ordained to the love of God and our neighbor as pertaining evidently to our duty towards them; but the other precepts are so ordained as pertaining thereto less evidently.

[37940] Iª-IIae q. 100 a. 11 ad 1 Ad primum ergo dicendum quod ad dilectionem Dei et proximi ordinantur quidem praecepta Decalogi secundum manifestam rationem debiti, alia vero secundum rationem magis occultam.

Reply to Objection 2: It is in virtue of their institution that the ceremonial and judicial precepts "are determinations of the precepts of the decalogue," not by reason of a natural instinct, as in the case of the superadded moral precepts.

[37941] Iª-IIae q. 100 a. 11 ad 2 Ad secundum dicendum quod praecepta caeremonialia et iudicialia sunt determinativa praeceptorum Decalogi ex vi institutionis, non autem ex vi naturalis instinctus, sicut praecepta moralia superaddita.

Reply to Objection 3: The precepts of a law are ordained for the common good, as stated above (Q[90], A[2]). And since those virtues which direct our conduct towards others pertain directly to the common good, as also does the virtue of chastity, in so far as the generative act conduces to the common good of the species; hence precepts bearing directly on these virtues are given, both in the decalogue and in addition thereto. As to the act of fortitude there are the order to be given by the commanders in the war, which is undertaken for the common good: as is clear from Dt. 20:3, where the priest is commanded (to speak thus): "Be not afraid, do not give back." In like manner the prohibition of acts of gluttony is left to paternal admonition, since it is contrary to the good of the household; hence it is said (Dt. 21:20) in the person of parents: "He slighteth hearing our admonitions, he giveth himself to revelling, and to debauchery and banquetings."

[37942] Iª-IIae q. 100 a. 11 ad 3 Ad tertium dicendum quod praecepta legis ordinantur ad bonum commune, ut supra dictum est. Et quia virtutes ordinantes ad alium directe pertinent ad bonum commune; et similiter virtus castitatis, inquantum actus generationis deservit bono communi speciei; ideo de istis virtutibus directe dantur praecepta et Decalogi et superaddita. De actu autem fortitudinis datur praeceptum proponendum per duces exhortantes in bello, quod pro bono communi suscipitur, ut patet Deut. XX, ubi mandatur sacerdoti, *nolite metuere, nolite cedere*. Similiter etiam actus gulae prohibendus committitur monitioni paternae, quia contrariatur bono domestico, unde dicitur Deut. XXI, ex persona parentum, *monita nostra audire contemnit, comessationibus vacat et luxuriae atque conviviis*.

Q. 100. A. 12. Whether the moral precepts of the Old Law justified man?

Objection 1: It would seem that the moral precepts of the Old Law justified man. Because the Apostle says (Rom. 2:13): "For not the

[37943] Iª-IIae q. 100 a. 12 arg. 1 Ad duodecimum sic proceditur. Videtur quod praecepta moralia veteris legis iustificarent. Dicit

hearers of the Law are justified before God, but the doers of the Law shall be justified." But the doers of the Law are those who fulfil the precepts of the Law. Therefore the fulfilling of the precepts of the Law was a cause of justification.

enim apostolus, Rom. II, *non enim auditores legis iusti sunt apud Deum, sed factores legis iustificabuntur*. Sed factores legis dicuntur qui implent praecepta legis. Ergo praecepta legis adimpleta iustificabant.

Objection 2: Further, it is written (Lev. 18:5): "Keep My laws and My judgments, which if a man do, he shall live in them." But the spiritual life of man is through justice. Therefore the fulfilling of the precepts of the Law was a cause of justification.

[37944] Iª-IIae q. 100 a. 12 arg. 2 Praeterea, Levit. XVIII dicitur, *custodite leges meas atque iudicia, quae faciens homo vivet in eis*. Sed vita spiritualis hominis est per iustitiam. Ergo praecepta legis adimpleta iustificabant.

Objection 3: Further, the Divine law is more efficacious than human law. But human law justifies man; since there is a kind of justice consisting in fulfilling the precepts of law. Therefore the precepts of the Law justified man.

[37945] Iª-IIae q. 100 a. 12 arg. 3 Praeterea, lex divina efficacior est quam lex humana. Sed lex humana iustificat, est enim quaedam iustitia in hoc quod praecepta legis adimplentur. Ergo praecepta legis iustificabant.

On the contrary, The Apostle says (2 Cor. 3:6): "The letter killeth": which, according to Augustine (De Spir. et Lit. xiv), refers even to the moral precepts. Therefore the moral precepts did not cause justice.

[37946] Iª-IIae q. 100 a. 12 s. c. Sed contra est quod apostolus dicit, II ad Cor. III, littera occidit. Quod secundum Augustinum, in libro de spiritu et littera, intelligitur etiam de praeceptis moralibus. Ergo praecepta moralia non iustificabant.

I answer that, Just as "healthy" is said properly and first of that which is possessed of health, and secondarily of that which is a sign or a safeguard of health; so justification means first and properly the causing of justice; while secondarily and improperly, as it were, it may denote a sign of justice or a disposition thereto. If justice be taken in the last two ways, it is evident that it was conferred by the precepts of the Law; in so far, to wit, as they disposed men to the justifying grace of Christ, which they also signified, because as Augustine says (Contra Faust. xxii, 24), "even the life of that people foretold and foreshadowed Christ."

But if we speak of justification properly so called, then we must notice that it can be considered as in the habit or as in the act: so that accordingly justification may be taken in two ways. First, according as man is made just, by becoming possessed of the habit of justice: secondly, according as he does works of justice, so that in this sense justification is nothing else than the execution of justice. Now justice, like the other

[37947] Iª-IIae q. 100 a. 12 co. Respondeo dicendum quod, sicut sanum proprie et primo dicitur quod habet sanitatem, per posterius autem quod significat sanitatem, vel quod conservat sanitatem; ita iustificatio primo et proprie dicitur ipsa factio iustitiae; secundario vero, et quasi improprie, potest dici iustificatio significatio iustitiae, vel dispositio ad iustitiam. Quibus duobus modis manifestum est quod praecepta legis iustificabant, inquantum scilicet disponebant homines ad gratiam Christi iustificantem, quam etiam significabant; quia sicut dicit Augustinus, contra Faustum, *etiam vita illius populi prophetica erat, et Christi figurativa*. Sed si loquamur de iustificatione proprie dicta, sic considerandum est quod iustitia potest accipi prout est in habitu, vel prout est in actu, et secundum hoc, iustificatio dupliciter dicitur. Uno quidem modo, secundum quod homo fit iustus adipiscens habitum iustitiae. Alio vero modo, secundum quod opera iustitiae operatur, ut secundum hoc iustificatio nihil aliud sit quam iustitiae executio. Iustitia autem, sicut et aliae virtutes potest accipi et acquisita et infusa, ut ex

virtues, may denote either the acquired or the infused virtue, as is clear from what has been stated (Q[63], A[4]). The acquired virtue is caused by works; but the infused virtue is caused by God Himself through His grace. The latter is true justice, of which we are speaking now, and in this respect of which a man is said to be just before God, according to Rom. 4:2: "If Abraham were justified by works, he hath whereof to glory, but not before God." Hence this justice could not be caused by moral precepts, which are about human actions: wherefore the moral precepts could not justify man by causing justice.

If, on the other hand, by justification we understand the execution of justice, thus all the precepts of the Law justified man, but in various ways. Because the ceremonial precepts taken as a whole contained something just in itself, in so far as they aimed at offering worship to God; whereas taken individually they contained that which is just, not in itself, but by being a determination of the Divine law. Hence it is said of these precepts that they did not justify man save through the devotion and obedience of those who complied with them. On the other hand the moral and judicial precepts, either in general or also in particular, contained that which is just in itself: but the moral precepts contained that which is just in itself according to that "general justice" which is "every virtue" according to Ethic. v, 1: whereas the judicial precepts belonged to "special justice," which is about contracts connected with the human mode of life, between one man and another.

supradictis patet. Acquisita quidem causatur ex operibus, sed infusa causatur ab ipso Deo per eius gratiam. Et haec est vera iustitia, de qua nunc loquimur, secundum quam aliquis dicitur iustus apud Deum; secundum illud Rom. IV, *si Abraham ex operibus legis iustificatus est, habet gloriam, sed non apud Deum*. Haec igitur iustitia causari non poterat per praecepta moralia, quae sunt de actibus humanis. Et secundum hoc, praecepta moralia iustificare non poterant iustitiam causando. Si vero accipiatur iustificatio pro executione iustitiae, sic omnia praecepta legis iustificabant, aliter tamen et aliter. Nam praecepta caeremonialia continebant quidem iustitiam secundum se in generali, prout scilicet exhibebantur in cultum Dei, in speciali vero non continebant secundum se iustitiam, nisi ex sola determinatione legis divinae. Et ideo de huiusmodi praeceptis dicitur quod non iustificabant nisi ex devotione et obedientia facientium. Praecepta vero moralia et iudicialia continebant id quod erat secundum se iustum vel in generali, vel etiam in speciali. Sed moralia praecepta continebant id quod est secundum se iustum secundum iustitiam generalem quae est omnis virtus, ut dicitur in V Ethic. Praecepta vero iudicialia pertinebant ad iustitiam specialem, quae consistit circa contractus humanae vitae, qui sunt inter homines ad invicem.

Reply to Objection 1: The Apostle takes justification for the execution of justice.

[37948] Iª-IIae q. 100 a. 12 ad 1 Ad primum ergo dicendum quod apostolus accipit ibi iustificationem pro executione iustitiae.

Reply to Objection 2: The man who fulfilled the precepts of the Law is said to live in them, because he did not incur the penalty of death, which the Law inflicted on its transgressors: in this sense the Apostle quotes this passage (Gal. 3:12).

[37949] Iª-IIae q. 100 a. 12 ad 2 Ad secundum dicendum quod homo faciens praecepta legis dicitur vivere in eis, quia non incurrebat poenam mortis, quam lex transgressoribus infligebat. In quo sensu inducit hoc apostolus, Gal. III.

Reply to Objection 3: The precepts of human law justify man by acquired justice: it is not about this that we are inquiring now, but only about that

[37950] Iª-IIae q. 100 a. 12 ad 3 Ad tertium dicendum quod praecepta legis humanae iustificant iustitia acquisita, de qua non quaeritur

justice which is before God.

ad praesens, sed solum de iustitia quae est apud Deum.

Q. 101. OF THE CEREMONIAL PRECEPTS IN THEMSELVES (FOUR ARTICLES)

We must now consider the ceremonial precepts: and first we must consider them in themselves; secondly, their cause; thirdly, their duration. Under the first head there are four points of inquiry:

(1) The nature of the ceremonial precepts;

(2) Whether they are figurative?

(3) Whether there should have been many of them?

(4) Of their various kinds.

[37951] Iª-IIae q. 101 pr. Consequenter considerandum est de praeceptis caeremonialibus. Et primo, de ipsis secundum se; secundo, de causa eorum; tertio, de duratione ipsorum. Circa primum quaeruntur quatuor. Primo, quae sit ratio praeceptorum caeremonialium. Secundo, utrum sint figuralia. Tertio, utrum debuerint esse multa. Quarto, de distinctione ipsorum.

Q. 101. A. 1. Whether the nature of the ceremonial precepts consists in their pertaining to the worship of God?

Objection 1: It would seem that the nature of the ceremonial precepts does not consist in their pertaining to the worship of God. Because, in the Old Law, the Jews were given certain precepts about abstinence from food (Lev. 11); and about refraining from certain kinds of clothes, e.g. (Lev. 19:19): "Thou shalt not wear a garment that is woven of two sorts"; and again (Num. 15:38): "To make to themselves fringes in the corners of their garments." But these are not moral precepts; since they do not remain in the New Law. Nor are they judicial precepts; since they do not pertain to the pronouncing of judgment between man and man. Therefore they are ceremonial precepts. Yet they seem in no way to pertain to the worship of God. Therefore the nature of the ceremonial precepts does not consist in their pertaining to Divine worship.

[37952] Iª-IIae q. 101 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod ratio praeceptorum caeremonialium non in hoc consistat quod pertinent ad cultum Dei. In lege enim veteri dantur Iudaeis quaedam praecepta de abstinentia ciborum, ut patet Levit. XI; et etiam de abstinendo ab aliquibus vestimentis, sicut illud Levit. XIX, *vestem quae ex duobus texta est, non indueris*; et iterum quod praecipitur Num. XV, *ut faciant sibi fimbrias per angulos palliorum*. Sed huiusmodi non sunt praecepta moralia, quia non manent in nova lege. Nec etiam iudicialia, quia non pertinent ad iudicium faciendum inter homines. Ergo sunt caeremonialia. Sed in nullo pertinere videntur ad cultum Dei. Ergo non est ratio caeremonialium praeceptorum quod pertineant ad cultum Dei.

Objection 2: Further, some state that the ceremonial precepts are those which pertain to solemnities; as though they were so called from the "cerei" [candles] which are lit up on those occasions. But many other things besides solemnities pertain to the worship of God. Therefore it does not seem that the ceremonial precepts are so called from their pertaining to the Divine worship.

[37953] Iª-IIae q. 101 a. 1 arg. 2 Praeterea, dicunt quidam quod praecepta caeremonialia dicuntur illa quae pertinent ad solemnitates, quasi dicerentur a cereis, qui in solemnitatibus accenduntur. Sed multa alia sunt pertinentia ad cultum Dei praeter solemnitates. Ergo non videtur quod praecepta caeremonialia ea ratione dicantur, quia pertinent ad cultum Dei.

Objection 3: Further, some say that the ceremonial precepts are patterns, i.e. rules, of

[37954] Iª-IIae q. 101 a. 1 arg. 3 Praeterea, secundum quosdam praecepta caeremonialia

salvation: because the Greek {chaire} is the same as the Latin "salve." But all the precepts of the Law are rules of salvation, and not only those that pertain to the worship of God. Therefore not only those precepts which pertain to Divine worship are called ceremonial.

dicuntur quasi normae, idest regulae, salutis, nam chaire in Graeco idem est quod salve. Sed omnia praecepta legis sunt regulae salutis, et non solum illa quae pertinent ad Dei cultum. Ergo non solum illa praecepta dicuntur caeremonialia quae pertinent ad cultum Dei.

Objection 4: Further, Rabbi Moses says (Doct. Perplex. iii) that the ceremonial precepts are those for which there is no evident reason. But there is evident reason for many things pertaining to the worship of God; such as the observance of the Sabbath, the feasts of the Passover and of the Tabernacles, and many other things, the reason for which is set down in the Law. Therefore the ceremonial precepts are not those which pertain to the worship of God.

[37955] Iª-IIae q. 101 a. 1 arg. 4 Praeterea, Rabbi Moyses dicit quod praecepta caeremonialia dicuntur quorum ratio non est manifesta. Sed multa pertinentia ad cultum Dei habent rationem manifestam, sicut observatio sabbati, et celebratio phase et Scenopegiae, et multorum aliorum, quorum ratio assignatur in lege. Ergo caeremonialia non sunt quae pertinent ad cultum Dei.

On the contrary, It is written (Ex. 18:19,20): "Be thou to the people in those things that pertain to God . . . and . . . shew the people the ceremonies and the manner of worshipping."

[37956] Iª-IIae q. 101 a. 1 s. c. Sed contra est quod dicitur Exod. XVIII, *esto populo in his quae ad Deum pertinent, ostendasque populo caeremonias et ritum colendi*.

I answer that, As stated above (Q[99], A[4]), the ceremonial precepts are determinations of the moral precepts whereby man is directed to God, just as the judicial precepts are determinations of the moral precepts whereby he is directed to his neighbor. Now man is directed to God by the worship due to Him. Wherefore those precepts are properly called ceremonial, which pertain to the Divine worship. The reason for their being so called was given above (Q[99], A[3]), when we established the distinction between the ceremonial and the other precepts.

[37957] Iª-IIae q. 101 a. 1 co. Respondeo dicendum quod, sicut supra dictum est, caeremonialia praecepta determinant praecepta moralia in ordine ad Deum, sicut iudicialia determinant praecepta moralia in ordine ad proximum. Homo autem ordinatur ad Deum per debitum cultum. Et ideo caeremonialia proprie dicuntur quae ad cultum Dei pertinent. Ratio autem huius nominis posita est supra, ubi praecepta caeremonialia ab aliis sunt distincta.

Reply to Objection 1: The Divine worship includes not only sacrifices and the like, which seem to be directed to God immediately, but also those things whereby His worshippers are duly prepared to worship Him: thus too in other matters, whatever is preparatory to the end comes under the science whose object is the end. Accordingly those precepts of the Law which regard the clothing and food of God's worshippers, and other such matters, pertain to a certain preparation of the ministers, with the view of fitting them for the Divine worship: just as those who administer to a king make use of

[37958] Iª-IIae q. 101 a. 1 ad 1 Ad primum ergo dicendum quod ad cultum Dei pertinent non solum sacrificia et alia huiusmodi, quae immediate ad Deum ordinari videntur, sed etiam debita praeparatio colentium Deum ad cultum ipsius, sicut etiam in aliis quaecumque sunt praeparatoria ad finem, cadunt sub scientia quae est de fine. Huiusmodi autem praecepta quae dantur in lege de vestibus et cibis colentium Deum, et aliis huiusmodi, pertinent ad quandam praeparationem ipsorum ministrantium, ut sint idonei ad cultum Dei, sicut etiam specialibus observantiis aliqui utuntur qui sunt in ministerio

certain special observances. Consequently such are contained under the ceremonial precepts.

regis. Unde etiam sub praeceptis caeremonialibus continentur.

Reply to Objection 2: The alleged explanation of the name does not seem very probable: especially as the Law does not contain many instances of the lighting of candles in solemnities; since, even the lamps of the Candlestick were furnished with "oil of olives," as stated in Lev. 24:2. Nevertheless we may say that all things pertaining to the Divine worship were more carefully observed on solemn festivals: so that all ceremonial precepts may be included under the observance of solemnities.

[37959] Iª-IIae q. 101 a. 1 ad 2 Ad secundum dicendum quod illa expositio nominis non videtur esse multum conveniens, praesertim cum non multum inveniatur in lege quod in solemnitatibus cerei accenderentur, sed in ipso etiam candelabro lucernae cum oleo olivarum praeparabantur, ut patet Lev. XXIV. Nihilominus tamen potest dici quod in solemnitatibus omnia illa quae pertinebant ad cultum Dei, diligentius observabantur, et secundum hoc, in observatione solemnitatum omnia caeremonialia includuntur.

Reply to Objection 3: Neither does this explanation of the name appear to be very much to the point, since the word "ceremony" is not Greek but Latin. We may say, however, that, since man's salvation is from God, those precepts above all seem to be rules of salvation, which direct man to God: and accordingly those which refer to Divine worship are called ceremonial precepts.

[37960] Iª-IIae q. 101 a. 1 ad 3 Ad tertium dicendum quod nec illa expositio nominis videtur esse multum conveniens, nomen enim caeremoniae non est Graecum, sed Latinum. Potest tamen dici quod, cum salus hominis sit a Deo, praecipue illa praecepta videntur esse salutis regulae, quae hominem ordinant ad Deum. Et sic caeremonialia dicuntur quae ad cultum Dei pertinent.

Reply to Objection 4: This explanation of the ceremonial precepts has a certain amount of probability: not that they are called ceremonial precisely because there is no evident reason for them; this is a kind of consequence. For, since the precepts referring to the Divine worship must needs be figurative, as we shall state further on (A[2]), the consequence is that the reason for them is not so very evident.

[37961] Iª-IIae q. 101 a. 1 ad 4 Ad quartum dicendum quod illa ratio caeremonialium est quodammodo probabilis, non quod ex eo dicuntur caeremonialia quia eorum ratio non est manifesta; sed hoc est quoddam consequens. Quia enim praecepta ad cultum Dei pertinentia oportet esse figuralia, ut infra dicetur, inde est quod eorum ratio non est adeo manifesta.

Q. 101. A. 2. Whether the ceremonial precepts are figurative?

Objection 1: It would seem that the ceremonial precepts are not figurative. For it is the duty of every teacher to express himself in such a way as to be easily understood, as Augustine states (De Doctr. Christ. iv, 4,10) and this seems very necessary in the framing of a law: because precepts of law are proposed to the populace; for which reason a law should be manifest, as Isidore declares (Etym. v, 21). If therefore the precepts of the Law were given as figures of something, it seems unbecoming that Moses should have delivered these precepts without explaining what

[37962] Iª-IIae q. 101 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod praecepta caeremonialia non sint figuralia. Pertinet enim ad officium cuiuslibet doctoris ut sic pronunciet ut de facili intelligi possit, sicut Augustinus dicit, in IV de Doctr. Christ. Et hoc maxime videtur esse necessarium in legis latione, quia praecepta legis populo proponuntur. Unde lex debet esse manifesta, ut Isidorus dicit. Si igitur praecepta caeremonialia data sunt in alicuius rei figuram, videtur inconvenienter tradidisse huiusmodi praecepta Moyses, non exponens quid figurarent.

they signified.

Objection 2: Further, whatever is done for the worship of God, should be entirely free from unfittingness. But the performance of actions in representation of others, seems to savor of the theatre or of the drama: because formerly the actions performed in theatres were done to represent the actions of others. Therefore it seems that such things should not be done for the worship of God. But the ceremonial precepts are ordained to the Divine worship, as stated above (A[1]). Therefore they should not be figurative.

[37963] Iª-IIae q. 101 a. 2 arg. 2 Praeterea, ea quae in cultum Dei aguntur, maxime debent honestatem habere. Sed facere aliqua facta ad alia repraesentanda, videtur esse theatricum, sive poeticum, in theatris enim repraesentabantur olim per aliqua quae ibi gerebantur, quaedam aliorum facta. Ergo videtur quod huiusmodi non debeant fieri ad cultum Dei. Sed caeremonialia ordinantur ad cultum Dei, ut dictum est. Ergo caeremonialia non debent esse figuralia.

Objection 3: Further, Augustine says (Enchiridion iii, iv) that "God is worshipped chiefly by faith, hope, and charity." But the precepts of faith, hope, and charity are not figurative. Therefore the ceremonial precepts should not be figurative.

[37964] Iª-IIae q. 101 a. 2 arg. 3 Praeterea, Augustinus dicit, in Enchirid., quod *Deus maxime colitur fide, spe et caritate*. Sed praecepta quae dantur de fide, spe et caritate, non sunt figuralia. Ergo praecepta caeremonialia non debent esse figuralia.

Objection 4: Further, Our Lord said (Jn. 4:24): "God is a spirit, and they that adore Him, must adore Him in spirit and in truth." But a figure is not the very truth: in fact one is condivided with the other. Therefore the ceremonial precepts, which refer to the Divine worship, should not be figurative.

[37965] Iª-IIae q. 101 a. 2 arg. 4 Praeterea, dominus dicit, Ioan. IV, *spiritus est Deus, et eos qui adorant eum, in spiritu et veritate adorare oportet*. Sed figura non est ipsa veritas, immo contra se invicem dividuntur. Ergo caeremonialia, quae pertinent ad cultum Dei, non debent esse figuralia.

On the contrary, The Apostle says (Col. 2:16,17): "Let no man . . . judge you in meat or in drink, or in respect of a festival day, or of the new moon, or of the sabbaths, which are a shadow of things to come."

[37966] Iª-IIae q. 101 a. 2 s. c. Sed contra est quod apostolus dicit, ad Colos. II, *nemo vos iudicet in cibo aut in potu, aut in parte diei festi aut Neomeniae aut sabbatorum, quae sunt umbra futurorum*.

I answer that, As stated above (A[1]; Q[99], AA[3],4), the ceremonial precepts are those which refer to the worship of God. Now the Divine worship is twofold: internal, and external. For since man is composed of soul and body, each of these should be applied to the worship of God; the soul by an interior worship; the body by an outward worship: hence it is written (Ps. 83:3): "My heart and my flesh have rejoiced in the living God." And as the body is ordained to God through the soul, so the outward worship is ordained to the internal worship. Now interior worship consists in the soul being united to God by the intellect and

[37967] Iª-IIae q. 101 a. 2 co. Respondeo dicendum quod, sicut iam dictum est, praecepta caeremonialia dicuntur quae ordinantur ad cultum Dei. Est autem duplex cultus Dei, interior, et exterior. Cum enim homo sit compositus ex anima et corpore, utrumque debet applicari ad colendum Deum, ut scilicet anima colat interiori cultu, et corpus exteriori, unde dicitur in Psalmo LXXXIII, *cor meum et caro mea exultaverunt in Deum vivum*. Et sicut corpus ordinatur in Deum per animam, ita cultus exterior ordinatur ad interiorem cultum. Consistit autem interior cultus in hoc quod anima coniungatur Deo per

affections. Wherefore according to the various ways in which the intellect and affections of the man who worships God are rightly united to God, his external actions are applied in various ways to the Divine worship.

For in the state of future bliss, the human intellect will gaze on the Divine Truth in Itself. Wherefore the external worship will not consist in anything figurative, but solely in the praise of God, proceeding from the inward knowledge and affection, according to Is. 51:3: "Joy and gladness shall be found therein, thanksgiving and the voice of praise."

But in the present state of life, we are unable to gaze on the Divine Truth in Itself, and we need the ray of Divine light to shine upon us under the form of certain sensible figures, as Dionysius states (Coel. Hier. i); in various ways, however, according to the various states of human knowledge. For under the Old Law, neither was the Divine Truth manifest in Itself, nor was the way leading to that manifestation as yet opened out, as the Apostle declares (Heb. 9:8). Hence the external worship of the Old Law needed to be figurative not only of the future truth to be manifested in our heavenly country, but also of Christ, Who is the way leading to that heavenly manifestation. But under the New Law this way is already revealed: and therefore it needs no longer to be foreshadowed as something future, but to be brought to our minds as something past or present: and the truth of the glory to come, which is not yet revealed, alone needs to be foreshadowed. This is what the Apostle says (Heb. 11:1): "The Law has [Vulg.: 'having'] a shadow of the good things to come, not the very image of the things": for a shadow is less than an image; so that the image belongs to the New Law, but the shadow to the Old.

intellectum et affectum. Et ideo secundum quod diversimode intellectus et affectus colentis Deum Deo recte coniungitur, secundum hoc diversimode exteriores actus hominis ad cultum Dei applicantur. In statu enim futurae beatitudinis, intellectus humanus ipsam divinam veritatem in seipsa intuebitur. Et ideo exterior cultus non consistet in aliqua figura, sed solum in laude Dei, quae procedit ex interiori cognitione et affectione; secundum illud Isaiae li, *gaudium et laetitia invenietur in ea, gratiarum actio et vox laudis*. In statu autem praesentis vitae, non possumus divinam veritatem in seipsa intueri, sed oportet quod radius divinae veritatis nobis illucescat sub aliquibus sensibilibus figuris, sicut Dionysius dicit, I cap. Cael. Hier., diversimode tamen, secundum diversum statum cognitionis humanae. In veteri enim lege neque ipsa divina veritas in seipsa manifesta erat, neque etiam adhuc propalata erat via ad hoc perveniendi, sicut apostolus dicit, ad Heb. IX. Et ideo oportebat exteriorem cultum veteris legis non solum esse figurativum futurae veritatis manifestandae in patria; sed etiam esse figurativum Christi, qui est via ducens ad illam patriae veritatem. Sed in statu novae legis, haec via iam est revelata. Unde hanc praefigurari non oportet sicut futuram, sed commemorari oportet per modum praeteriti vel praesentis, sed solum oportet praefigurari futuram veritatem gloriae nondum revelatam. Et hoc est quod apostolus dicit, ad Heb. X, *umbram habet lex futurorum bonorum, non ipsam imaginem rerum*, umbra enim minus est quam imago; tanquam imago pertineat ad novam legem, umbra vero ad veterem.

Reply to Objection 1: The things of God are not to be revealed to man except in proportion to his capacity: else he would be in danger of downfall, were he to despise what he cannot grasp. Hence it was more beneficial that the Divine mysteries should be revealed to uncultured people under a veil of figures, that thus they might know them at least implicitly by using those figures to the honor of God.

[37968] Iª-IIae q. 101 a. 2 ad 1 Ad primum ergo dicendum quod divina non sunt revelanda hominibus nisi secundum eorum capacitatem, alioquin daretur eis praecipitii materia, dum contemnerent quae capere non possent. Et ideo utilius fuit ut sub quodam figurarum velamine divina mysteria rudi populo traderentur, ut sic saltem ea implicite cognoscerent, dum illis figuris deservirent ad honorem Dei.

Reply to Objection 2: Just as human reason fails to grasp poetical expressions on account of their being lacking in truth, so does it fail to grasp Divine things perfectly, on account of the sublimity of the truth they contain: and therefore in both cases there is need of signs by means of sensible figures.

[37969] Iª-IIae q. 101 a. 2 ad 2 Ad secundum dicendum quod, sicut poetica non capiuntur a ratione humana propter defectum veritatis qui est in eis, ita etiam ratio humana perfecte capere non potest divina propter excedentem ipsorum veritatem. Et ideo utrobique opus est repraesentatione per sensibiles figuras.

Reply to Objection 3: Augustine is speaking there of internal worship; to which, however, external worship should be ordained, as stated above.

[37970] Iª-IIae q. 101 a. 2 ad 3 Ad tertium dicendum quod Augustinus ibi loquitur de cultu interiore; ad quem tamen ordinari oportet exteriorem cultum, ut dictum est.

Reply to Objection 4 The same answer applies to the Fourth Objection: because men were taught by Him to practice more perfectly the spiritual worship of God.

[37971] Iª-IIae q. 101 a. 2 ad 4 Et similiter dicendum est ad quartum, quia per Christum homines plenius ad spiritualem Dei cultum sunt introducti.

Q. 101. A. 3. Whether there should have been man ceremonial precepts?

Objection 1: It would seem that there should not have been many ceremonial precepts. For those things which conduce to an end should be proportionate to that end. But the ceremonial precepts, as stated above (AA[1],2), are ordained to the worship of God, and to the foreshadowing of Christ. Now "there is but one God, of Whom are all things . . . and one Lord Jesus Christ, by Whom are all things" (1 Cor. 8:6). Therefore there should not have been many ceremonial precepts.

[37972] Iª-IIae q. 101 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod non debuerint esse multa caeremonialia praecepta. Ea enim quae sunt ad finem, debent esse fini proportionata. Sed caeremonialia praecepta, sicut dictum est, ordinantur ad cultum Dei et in figuram Christi. Est autem *unus Deus, a quo omnia; et unus dominus Iesus Christus, per quem omnia*, ut dicitur I ad Cor. VIII. Ergo caeremonialia non debuerunt multiplicari.

Objection 2: Further, the great number of the ceremonial precepts was an occasion of transgression, according to the words of Peter (Acts 15:10): "Why tempt you God, to put a yoke upon the necks of the disciples, which neither our fathers nor we have been able to bear?" Now the transgression of the Divine precepts is an obstacle to man's salvation. Since, therefore, every law should conduce to man's salvation, as Isidore says (Etym. v, 3), it seems that the ceremonial precepts should not have been given in great number.

[37973] Iª-IIae q. 101 a. 3 arg. 2 Praeterea, multitudo caeremonialium praeceptorum transgressionis erat occasio; secundum illud quod dicit Petrus, Act. XV, *quid tentatis Deum, imponere iugum super cervicem discipulorum, quod neque nos, neque patres nostri, portare potuimus?* Sed transgressio divinorum praeceptorum contrariatur humanae saluti. Cum igitur lex omnis debeat saluti congruere hominum, ut Isidorus dicit, videtur quod non debuerint multa praecepta caeremonialia dari.

Objection 3: Further, the ceremonial precepts referred to the outward and bodily worship of God, as stated above (A[2]). But the Law should have lessened this bodily worship: since it

[37974] Iª-IIae q. 101 a. 3 arg. 3 Praeterea, praecepta caeremonialia pertinebant ad cultum Dei exteriorem et corporalem, ut dictum est. Sed huiusmodi cultum corporalem lex debebat

directed men to Christ, Who taught them to worship God "in spirit and in truth," as stated in Jn. 4:23. Therefore there should not have been many ceremonial precepts.

diminuere, quia ordinabat ad Christum, qui docuit homines Deum colere in spiritu et veritate, ut habetur Ioan. IV. Non ergo debuerunt multa praecepta caeremonialia dari.

On the contrary, (Osee 8:12): "I shall write to them [Vulg.: 'him'] My manifold laws"; and (Job 11:6): "That He might show thee the secrets of His wisdom, and that His Law is manifold."

[37975] Iª-IIae q. 101 a. 3 s. c. Sed contra est quod dicitur Osee VIII, *scribam eis multiplices leges intus*; et Iob XI, ut *ostenderet tibi secreta sapientiae, quod multiplex sit lex eius*.

I answer that, As stated above (Q[96], A[1]), every law is given to a people. Now a people contains two kinds of men: some, prone to evil, who have to be coerced by the precepts of the law, as stated above (Q[95], A[1]); some, inclined to good, either from nature or from custom, or rather from grace; and the like have to be taught and improved by means of the precepts of the law. Accordingly, with regard to both kinds of the law. Accordingly, with regard to both kinds of men it was expedient that the Old Law should contain many ceremonial precepts. For in that people there were many prone to idolatry; wherefore it was necessary to recall them by means of ceremonial precepts from the worship of idols to the worship of God. And since men served idols in many ways, it was necessary on the other hand to devise many means of repressing every single one: and again, to lay many obligations on such like men, in order that being burdened, as it were, by their duties to the Divine worship, they might have no time for the service of idols. As to those who were inclined to good, it was again necessary that there should be many ceremonial precepts; both because thus their mind turned to God in many ways, and more continually; and because the mystery of Christ, which was foreshadowed by these ceremonial precepts, brought many boons to the world, and afforded men many considerations, which needed to be signified by various ceremonies.

[37976] Iª-IIae q. 101 a. 3 co. Respondeo dicendum quod, sicut supra dictum est, omnis lex alicui populo datur. In populo autem duo genera hominum continentur, quidam proni ad malum, qui sunt per praecepta legis coercendi, ut supra dictum est; quidam habentes inclinationem ad bonum, vel ex natura vel ex consuetudine, vel magis ex gratia; et tales sunt per legis praeceptum instruendi et in melius promovendi. Quantum igitur ad utrumque genus hominum, expediebat praecepta caeremonialia in veteri lege multiplicari. Erant enim in illo populo aliqui ad idololatriam proni, et ideo necesse erat ut ab idololatriae cultu per praecepta caeremonialia revocarentur ad cultum Dei. Et quia multipliciter homines idololatriae deserviebant, oportebat e contrario multa institui ad singula reprimenda, et iterum multa talibus imponi, ut, quasi oneratis ex his quae ad cultum Dei impenderent, non vacaret idololatriae deservire. Ex parte vero eorum qui erant prompti ad bonum, etiam necessaria fuit multiplicatio caeremonialium praeceptorum. Tum quia per hoc diversimode mens eorum referebatur in Deum, et magis assidue. Tum etiam quia mysterium Christi, quod per huiusmodi caeremonialia figurabatur, multiplices utilitates attulit mundo, et multa circa ipsum consideranda erant, quae oportuit per diversa caeremonialia figurari.

Reply to Objection 1: When that which conduces to an end is sufficient to conduce thereto, then one such thing suffices for one end: thus one remedy, if it be efficacious, suffices sometimes to restore men to health, and then the remedy needs not to be repeated. But when that which conduces to an end is weak and imperfect, it needs to be multiplied: thus many remedies are given to a sick

[37977] Iª-IIae q. 101 a. 3 ad 1 Ad primum ergo dicendum quod, quando id quod ordinatur ad finem, est sufficiens ad ducendum in finem, tunc sufficit unum ad unum finem, sicut una medicina, si sit efficax, sufficit quandoque ad sanitatem inducendam, et tunc non oportet multiplicari medicinam. Sed propter debilitatem et imperfectionem eius quod est ad finem, oportet

man, when one is not enough to heal him. Now the ceremonies of the Old Law were weak and imperfect, both for representing the mystery of Christ, on account of its surpassing excellence; and for subjugating men's minds to God. Hence the Apostle says (Heb. 7:18,19): "There is a setting aside of the former commandment because of the weakness and unprofitableness thereof, for the law brought nothing to perfection." Consequently these ceremonies needed to be in great number.

eam multiplicari, sicut multa remedia adhibentur infirmo, quando unum non sufficit ad sanandum. Caeremoniae autem veteris legis invalidae et imperfectae erant et ad repraesentandum Christi mysterium, quod est superexcellens; et ad subiugandum mentes hominum Deo. Unde apostolus dicit, ad Heb. VII, *reprobatio fit praecedentis mandati, propter infirmitatem et inutilitatem, nihil enim ad perfectum adduxit lex*. Et ideo oportuit huiusmodi caeremonias multiplicari.

Reply to Objection 2: A wise lawgiver should suffer lesser transgressions, that the greater may be avoided. And therefore, in order to avoid the sin of idolatry, and the pride which would arise in the hearts of the Jews, were they to fulfil all the precepts of the Law, the fact that they would in consequence find many occasions of disobedience did not prevent God from giving them many ceremonial precepts.

[37978] Iª-IIae q. 101 a. 3 ad 2 Ad secundum dicendum quod sapientis legislatoris est minores transgressiones permittere, ut maiores caveantur. Et ideo, ut caveretur transgressio idololatriae, et superbiae quae in Iudaeorum cordibus nasceretur si omnia praecepta legis implerent, non propter hoc praetermisit Deus multa caeremonialia praecepta tradere, quia de facili sumebant ex hoc transgrediendi occasionem.

Reply to Objection 3: The Old Law lessened bodily worship in many ways. Thus it forbade sacrifices to be offered in every place and by any person. Many such like things did it enact for the lessening of bodily worship; as Rabbi Moses, the Egyptian testifies (Doct. Perplex. iii). Nevertheless it behooved not to attenuate the bodily worship of God so much as to allow men to fall away into the worship of idols.

[37979] Iª-IIae q. 101 a. 3 ad 3 Ad tertium dicendum quod vetus lex in multis diminuit corporalem cultum. Propter quod statuit quod non in omni loco sacrificia offerrentur, neque a quibuslibet. Et multa huiusmodi statuit ad diminutionem exterioris cultus; sicut etiam Rabbi Moyses Aegyptius dicit. Oportebat tamen non ita attenuare corporalem cultum Dei, ut homines ad cultum Daemonum declinarent.

Q. 101. A. 4. Whether the ceremonies of the Old Law are suitably divided into sacrifices, sacred things, sacraments, and observances?

Objection 1: It would seem that the ceremonies of the Old Law are unsuitably divided into "sacrifices, sacred things, sacraments, and observances." For the ceremonies of the Old Law foreshadowed Christ. But this was done only by the sacrifices, which foreshadowed the sacrifice in which Christ "delivered Himself an oblation and a sacrifice to God" (Eph. 5:2). Therefore none but the sacrifices were ceremonies.

[37980] Iª-IIae q. 101 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod caeremoniae veteris legis inconvenienter dividantur in sacrificia, sacra, sacramenta et observantias. Caeremoniae enim veteris legis figurabant Christum. Sed hoc solum fiebat per sacrificia, per quae figurabatur sacrificium quo Christus se obtulit oblationem et hostiam Deo, ut dicitur ad Ephes. V. Ergo sola sacrificia erant caeremonialia.

Objection 2: Further, the Old Law was ordained to the New. But in the New Law the sacrifice is the Sacrament of the Altar. Therefore in the Old Law there should be no distinction between

[37981] Iª-IIae q. 101 a. 4 arg. 2 Praeterea, vetus lex ordinabatur ad novam. Sed in nova lege ipsum sacrificium est sacramentum altaris. Ergo in veteri lege non debuerunt distingui sacramenta contra

"sacrifices" and "sacraments."

sacrificia.

Objection 3: Further, a "sacred thing" is something dedicated to God: in which sense the tabernacle and its vessels were said to be consecrated. But all the ceremonial precepts were ordained to the worship of God, as stated above (A[1]). Therefore all ceremonies were sacred things. Therefore "sacred things" should not be taken as a part of the ceremonies.

[37982] Iª-IIae q. 101 a. 4 arg. 3 Praeterea, sacrum dicitur quod est Deo dicatum, secundum quem modum tabernaculum et vasa eius sacrificari dicebantur. Sed omnia caeremonialia erant ordinata ad cultum Dei, ut dictum est. Ergo caeremonialia omnia sacra erant. Non ergo una pars caeremonialium debet sacra nominari.

Objection 4: Further, "observances" are so called from having to be observed. But all the precepts of the Law had to be observed: for it is written (Dt. 8:11): "Observe [Douay: 'Take heed'] and beware lest at any time thou forget the Lord thy God, and neglect His commandments and judgments and ceremonies." Therefore the "observances" should not be considered as a part of the ceremonies.

[37983] Iª-IIae q. 101 a. 4 arg. 4 Praeterea, observantiae ab observando dicuntur. Sed omnia praecepta legis observari debebant, dicitur enim Deut. VIII, *observa et cave ne quando obliviscaris domini Dei tui, et negligas mandata eius atque iudicia et caeremonias*. Non ergo observantiae debent poni una pars caeremonialium.

Objection 5: Further, the solemn festivals are reckoned as part of the ceremonial: since they were a shadow of things to come (Col. 2:16,17): and the same may be said of the oblations and gifts, as appears from the words of the Apostle (Heb. 9:9): and yet these do not seem to be inclined in any of those mentioned above. Therefore the above division of ceremonies is unsuitable.

[37984] Iª-IIae q. 101 a. 4 arg. 5 Praeterea, solemnitates inter caeremonialia computantur, cum sint in umbram futuri, ut patet ad Colos. II. Similiter etiam oblationes et munera; ut patet per apostolum, ad Heb. IX. Quae tamen sub nullo horum contineri videntur. Ergo inconveniens est praedicta distinctio caeremonialium.

On the contrary, In the Old Law each of the above is called a ceremony. For the sacrifices are called ceremonies (Num. 15:24): "They shall offer a calf . . . and the sacrifices and libations thereof, as the ceremonies require." Of the sacrament of Order it is written (Lev. 7:35): "This is the anointing of Aaron and his sons in the ceremonies." Of sacred things also it is written (Ex. 38:21): "These are the instruments of the tabernacle of the testimony . . . in the ceremonies of the Levites." And again of the observances it is written (3 Kings 9:6): "If you . . . shall turn away from following Me, and will not observe [Douay: 'keep'] My . . . ceremonies which I have set before you."

[37985] Iª-IIae q. 101 a. 4 s. c. Sed contra est quod in veteri lege singula praedicta caeremoniae vocantur. Sacrificia enim dicuntur caeremoniae Num. XV, *offerat vitulum et sacrificia eius ac libamenta, ut caeremoniae eius postulant*. De sacramento etiam ordinis dicitur Levit. VII, *haec est unctio Aaron et filiorum eius in caeremoniis*. De sacris etiam dicitur Exod. XXXVIII, haec sunt *instrumenta tabernaculi testimonii in caeremoniis Levitarum*. De observantiis etiam dicitur III Reg. IX, *si aversi fueritis, non sequentes me, nec observantes caeremonias quas proposui vobis*.

I answer that, As stated above (AA[1],2), the

[37986] Iª-IIae q. 101 a. 4 co. Respondeo

ceremonial precepts are ordained to the Divine worship. Now in this worship we may consider the worship itself, the worshippers, and the instruments of worship. The worship consists specially in "sacrifices," which are offered up in honor of God. The instruments of worship refer to the "sacred things," such as the tabernacle, the vessels and so forth. With regard to the worshippers two points may be considered. The first point is their preparation for Divine worship, which is effected by a sort of consecration either of the people or of the ministers; and to this the "sacraments" refer. The second point is their particular mode of life, whereby they are distinguished from those who do not worship God: and to this pertain the "observances," for instance, in matters of food, clothing, and so forth.

dicendum quod, sicut supra dictum est, caeremonialia praecepta ordinantur ad cultum Dei. In quo quidem cultu considerari possunt et ipse cultus, et colentes, et instrumenta colendi. Ipse autem cultus specialiter consistit in sacrificiis, quae in Dei reverentiam offeruntur. Instrumenta autem colendi pertinent ad sacra, sicut est tabernaculum, et vasa, et alia huiusmodi. Ex parte autem colentium duo possunt considerari. Scilicet et eorum institutio ad cultum divinum, quod fit per quandam consecrationem vel populi, vel ministrorum, et ad hoc pertinent sacramenta. Et iterum eorum singularis conversatio, per quam distinguuntur ab his qui Deum non colunt, et ad hoc pertinent observantiae, puta in cibis et vestimentis et aliis huiusmodi.

Reply to Objection 1: It was necessary for the sacrifices to be offered both in some certain place and by some certain men: and all this pertained to the worship of God. Wherefore just as their sacrifices signified Christ the victim, so too their sacraments and sacred things of the New Law; while their observances foreshadowed the mode of life of the people under the New Law: all of which things pertain to Christ.

[37987] Iª-IIae q. 101 a. 4 ad 1 Ad primum ergo dicendum quod sacrificia oportebat offerri et in aliquibus locis, et per aliquos homines, et totum hoc ad cultum Dei pertinet. Unde sicut per sacrificia significatur Christus immolatus, ita etiam per sacramenta et sacra illorum figurabantur sacramenta et sacra novae legis; et per eorum observantias figurabatur conversatio populi novae legis. Quae omnia ad Christum pertinent.

Reply to Objection 2: The sacrifice of the New Law, viz. the Eucharist, contains Christ Himself, the Author of our Sanctification: for He sanctified "the people by His own blood" (Heb. 13:12). Hence this Sacrifice is also a sacrament. But the sacrifices of the Old Law did not contain Christ, but foreshadowed Him; hence they are not called sacraments. In order to signify this there were certain sacraments apart from the sacrifices of the Old Law, which sacraments were figures of the sanctification to come. Nevertheless to certain consecrations certain sacrifices were united.

[37988] Iª-IIae q. 101 a. 4 ad 2 Ad secundum dicendum quod sacrificium novae legis, idest Eucharistia, continet ipsum Christum, qui est sanctificationis auctor, sanctificavit enim per suum sanguinem populum, ut dicitur ad Heb. ult. Et ideo hoc sacrificium etiam est sacramentum. Sed sacrificia veteris legis non continebant Christum, sed ipsum figurabant, et ideo non dicuntur sacramenta. Sed ad hoc designandum seorsum erant quaedam sacramenta in veteri lege, quae erant figurae futurae consecrationis. Quamvis etiam quibusdam consecrationibus quaedam sacrificia adiungerentur.

Reply to Objection 3: The sacrifices and sacraments were of course sacred things. But certain things were sacred, through being dedicated to the Divine worship, and yet were not sacrifices or sacraments: wherefore they retained the common designation of sacred things.

[37989] Iª-IIae q. 101 a. 4 ad 3 Ad tertium dicendum quod etiam sacrificia et sacramenta erant sacra. Sed quaedam erant quae erant sacra, utpote ad cultum Dei dicata, nec tamen erant sacrificia nec sacramenta, et ideo retinebant sibi commune nomen sacrorum.

Reply to Objection 4: Those things which pertained to the mode of life of the people who worshipped God, retained the common designation of observances, in so far as they fell short of the above. For they were not called sacred things, because they had no immediate connection with the worship of God, such as the tabernacle and its vessels had. But by a sort of consequence they were matters of ceremony, in so far as they affected the fitness of the people who worshipped God.

[37990] Iª-IIae q. 101 a. 4 ad 4 Ad quartum dicendum quod ea quae pertinebant ad conversationem populi colentis Deum, retinebant sibi commune nomen observantiarum, inquantum a praemissis deficiebant. Non enim dicebantur sacra, quia non habebant immediatum respectum ad cultum Dei, sicut tabernaculum et vasa eius. Sed per quandam consequentiam erant caeremonialia, inquantum pertinebant ad quandam idoneitatem populi colentis Deum.

Reply to Objection 5: Just as the sacrifices were offered in a fixed place, so were they offered at fixed times: for which reason the solemn festivals seem to be reckoned among the sacred things. The oblations and gifts are counted together with the sacrifices; hence the Apostle says (Heb. 5:1): "Every high-priest taken from among men, is ordained for men in things that appertain to God, that he may offer up gifts and sacrifices."

[37991] Iª-IIae q. 101 a. 4 ad 5 Ad quintum dicendum quod, sicut sacrificia offerebantur in determinato loco ita etiam offerebantur in determinatis temporibus, unde etiam solemnitates inter sacra computari videntur. Oblationes autem et munera computantur cum sacrificiis, quia Deo offerebantur, unde apostolus dicit, ad Heb. V, *omnis pontifex ex hominibus assumptus, pro hominibus constituitur in his quae sunt ad Deum, ut offerat dona et sacrificia*.

Q. 102. OF THE CAUSES OF THE CEREMONIAL PRECEPTS (SIX ARTICLES)

We must now consider the causes of the ceremonial precepts: under which head there are six points of inquiry:

(1) Whether there was any cause for the ceremonial precepts?

(2) Whether the cause of the ceremonial precepts was literal or figurative?

(3) The causes of the sacrifices;

(4) The causes of the sacrifices;

(5) The causes of the sacred things;

(6) The causes of the observances.

[37992] Iª-IIae q. 102 pr. Deinde considerandum est de causis caeremonialium praeceptorum. Et circa hoc quaeruntur sex. Primo, utrum praecepta caeremonialia habeant causam. Secundo, utrum habeant causam litteralem, vel solum figuralem. Tertio, de causis sacrificiorum. Quarto, de causis sacramentorum. Quinto, de causis sacrorum. Sexto, de causis observantiarum.

Q. 102. A. 1. Whether there was any cause for the ceremonial precepts?

Objection 1: It would seem that there was no cause for the ceremonial precepts. Because on Eph. 2:15, "Making void the law of the commandments," the gloss says, (i.e.) "making void the Old Law as to the carnal observances, by substituting decrees, i.e. evangelical precepts, which are based on reason." But if the observances of the Old Law were based on reason, it would have been useless to void them by the reasonable decrees of the New Law. Therefore there was no reason for the ceremonial observances of the Old Law.

[37993] Iª-IIae q. 102 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod caeremonialia praecepta non habeant causam. Quia super illud Ephes. II, legem mandatorum decretis evacuans, dicit Glossa, *idest, evacuans legem veterem quantum ad carnales observantias, decretis, idest praeceptis evangelicis, quae ex ratione sunt*. Sed si observantiae veteris legis ex ratione erant, frustra evacuarentur per rationabilia decreta novae legis. Non ergo caeremoniales observantiae veteris legis habebant aliquam rationem.

Objection 2: Further, the Old Law succeeded the law of nature. But in the law of nature there was a precept for which there was no reason save that man's obedience might be tested; as Augustine says (Gen. ad lit. viii, 6,13), concerning the prohibition about the tree of life. Therefore in the Old Law there should have been some precepts for the purpose of testing man's obedience, having no reason in themselves.

[37994] Iª-IIae q. 102 a. 1 arg. 2 Praeterea, vetus lex successit legi naturae. Sed in lege naturae fuit aliquod praeceptum quod nullam rationem habebat nisi ut hominis obedientia probaretur; sicut Augustinus dicit, VIII super Gen. ad Litt., de prohibitione ligni vitae. Ergo etiam in veteri lege aliqua praecepta danda erant in quibus hominis obedientia probaretur, quae de se nullam rationem haberent.

Objection 3: Further, man's works are called moral according as they proceed from reason. If therefore there is any reason for the ceremonial precepts, they would not differ from the moral precepts. It seems therefore that there was no cause for the ceremonial precepts: for the reason

[37995] Iª-IIae q. 102 a. 1 arg. 3 Praeterea, opera hominis dicuntur moralia secundum quod sunt a ratione. Si igitur caeremonialium praeceptorum sit aliqua ratio, non different a moralibus praeceptis. Videtur ergo quod caeremonialia praecepta non habeant aliquam causam, ratio enim praecepti ex

of a precept is taken from some cause.

aliqua causa sumitur.

On the contrary, It is written (Ps. 18:9): "The commandment of the Lord is lightsome, enlightening the eyes." But the ceremonial precepts are commandments of God. Therefore they are lightsome: and yet they would not be so, if they had no reasonable cause. Therefore the ceremonial precepts have a reasonable cause.

[37996] Iª-IIae q. 102 a. 1 s. c. Sed contra est quod dicitur in Psalmo XVIII, *praeceptum domini lucidum, illuminans oculos*. Sed caeremonialia sunt praecepta Dei. Ergo sunt lucida. Quod non esset nisi haberent rationabilem causam. Ergo praecepta caeremonialia habent rationabilem causam.

I answer that, Since, according to the Philosopher (Metaph. i, 2), it is the function of a "wise man to do everything in order," those things which proceed from the Divine wisdom must needs be well ordered, as the Apostle states (Rom. 13:1). Now there are two conditions required for things to be well ordered. First, that they be ordained to their due end, which is the principle of the whole order in matters of action: since those things that happen by chance outside the intention of the end, or which are not done seriously but for fun, are said to be inordinate. Secondly, that which is done in view of the end should be proportionate to the end. From this it follows that the reason for whatever conduces to the end is taken from the end: thus the reason for the disposition of a saw is taken from cutting, which is its end, as stated in Phys. ii, 9. Now it is evident that the ceremonial precepts, like all the other precepts of the Law, were institutions of Divine wisdom: hence it is written (Dt. 4:6): "This is your wisdom and understanding in the sight of nations." Consequently we must needs say that the ceremonial precepts were ordained to a certain end, wherefrom their reasonable causes can be gathered.

[37997] Iª-IIae q. 102 a. 1 co. Respondeo dicendum quod, cum sapientis sit ordinare, secundum philosophum, in I Metaphys., ea quae ex divina sapientia procedunt, oportet esse ordinata, ut apostolus dicit, ad Rom. XIII. Ad hoc autem quod aliqua sint ordinata, duo requiruntur. Primo quidem, quod aliqua ordinentur ad debitum finem, qui est principium totius ordinis in rebus agendis, ea enim quae casu eveniunt praeter intentionem finis, vel quae non serio fiunt sed ludo, dicimus esse inordinata. Secundo oportet quod id quod est ad finem, sit proportionatum fini. Et ex hoc sequitur quod ratio eorum quae sunt ad finem, sumitur ex fine, sicut ratio dispositionis serrae sumitur ex sectione, quae est finis eius, ut dicitur in II Physic. Manifestum est autem quod praecepta caeremonialia, sicut et omnia alia praecepta legis, sunt ex divina sapientia instituta, unde dicitur Deut. IV, *haec est sapientia vestra et intellectus coram populis*. Unde necesse est dicere quod praecepta caeremonialia sint ordinata ad aliquem finem, ex quo eorum rationabiles causae assignari possunt.

Reply to Objection 1: It may be said there was no reason for the observances of the Old Law, in the sense that there was no reason in the very nature of the thing done: for instance that a garment should not be made of wool and linen. But there could be a reason for them in relation to something else: namely, in so far as something was signified or excluded thereby. On the other hand, the decrees of the New Law, which refer chiefly to faith and the love of God, are reasonable from the very nature of the act.

[37998] Iª-IIae q. 102 a. 1 ad 1 Ad primum ergo dicendum quod observantiae veteris legis possunt dici sine ratione quantum ad hoc, quod ipsa facta in sui natura rationem non habebant, puta quod vestis non conficeretur ex lana et lino. Poterant tamen habere rationem ex ordine ad aliud, inquantum scilicet vel aliquid per hoc figurabatur, vel aliquid excludebatur. Sed decreta novae legis, quae praecipue consistunt in fide et dilectione Dei, ex ipsa natura actus rationabilia sunt.

Reply to Objection 2: The reason for the prohibition concerning the tree of knowledge of good and evil was not that this tree was naturally evil: and yet this prohibition was reasonable in its relation to something else, in as much as it signified something. And so also the ceremonial precepts of the Old Law were reasonable on account of their relation to something else.

[37999] Iª-IIae q. 102 a. 1 ad 2 Ad secundum dicendum quod prohibitio ligni scientiae boni et mali non fuit propter hoc quod illud lignum esset naturaliter malum, sed tamen ipsa prohibitio habuit aliquam rationem ex ordine ad aliud, inquantum scilicet per hoc aliquid figurabatur. Et sic etiam caeremonialia praecepta veteris legis habent rationem in ordine ad aliud.

Reply to Objection 3: The moral precepts in their very nature have reasonable causes: as for instance, "Thou shalt not kill, Thou shalt not steal." But the ceremonial precepts have a reasonable cause in their relation to something else, as stated above.

[38000] Iª-IIae q. 102 a. 1 ad 3 Ad tertium dicendum quod praecepta moralia secundum suam naturam habent rationabiles causas, sicut, non occides, non furtum facies. Sed praecepta caeremonialia habent rationabiles causas ex ordine ad aliud, ut dictum est.

Q. 102. A. 2. Whether the ceremonial precepts have a literal cause or merely a figurative cause?

Objection 1: It would seem that the ceremonial precepts have not a literal, but merely a figurative cause. For among the ceremonial precepts, the chief was circumcision and the sacrifice of the paschal lamb. But neither of these had any but a figurative cause: because each was given as a sign. For it is written (Gn. 17:11): "You shall circumcise the flesh of your foreskin, that it may be a sign of the covenant between Me and you": and of the celebration of the Passover it is written (Ex. 13:9): "It shall be as a sign in thy hand, and as a memorial before thy eyes." Therefore much more did the other ceremonial precepts have none but a figurative reason.

[38001] Iª-IIae q. 102 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod praecepta caeremonialia non habeant causam litteralem, sed figuralem tantum. Inter praecepta enim caeremonialia praecipua erant circumcisio, et immolatio agni paschalis. Sed utrumque istorum non habebat nisi causam figuralem, quia utrumque istorum datum est in signum. Dicitur enim Gen. XVII, *circumcidetis carnem praeputii vestri, ut sit in signum foederis inter me et vos*. Et de celebratione phase dicitur Exod. XIII, *erit quasi signum in manu tua, et quasi monumentum ante oculos tuos*. Ergo multo magis alia caeremonialia non habent nisi causam figuralem.

Objection 2: Further, an effect is proportionate to its cause. But all the ceremonial precepts are figurative, as stated above (Q[101], A[2]). Therefore they have no other than a figurative cause.

[38002] Iª-IIae q. 102 a. 2 arg. 2 Praeterea, effectus proportionatur suae causae. Sed omnia caeremonialia sunt figuralia, ut supra dictum est. Ergo non habent nisi causam figuralem.

Objection 3: Further, if it be a matter of indifference whether a certain thing, considered in itself, be done in a particular way or not, it seems that it has not a literal cause. Now there are certain points in the ceremonial precepts, which appear to be a matter of indifference, as to whether they be done in one way or in another: for instance, the number of animals to be offered, and other such particular circumstances. Therefore there is no literal cause for the precepts

[38003] Iª-IIae q. 102 a. 2 arg. 3 Praeterea, illud quod de se est indifferens utrum sic vel non sic fiat, non videtur habere aliquam litteralem causam. Sed quaedam sunt in praeceptis caeremonialibus quae non videntur differre utrum sic vel sic fiant, sicut est de numero animalium offerendorum, et aliis huiusmodi particularibus circumstantiis. Ergo praecepta veteris legis non habent rationem litteralem.

of the Old Law.

On the contrary, Just as the ceremonial precepts foreshadowed Christ, so did the stories of the Old Testament: for it is written (1 Cor. 10:11) that "all (these things) happened to them in figure." Now in the stories of the Old Testament, besides the mystical or figurative, there is the literal sense. Therefore the ceremonial precepts had also literal, besides their figurative causes.

[38004] Iª-IIae q. 102 a. 2 s. c. Sed contra, sicut praecepta caeremonialia figurabant Christum, ita etiam historiae veteris testamenti, dicitur enim I ad Cor. X, quod omnia in figuram contingebant illis. Sed in historiis veteris testamenti, praeter intellectum mysticum seu figuralem, est etiam intellectus litteralis. Ergo etiam praecepta caeremonialia, praeter causas figurales, habebant etiam causas litterales.

I answer that, As stated above (A[1]), the reason for whatever conduces to an end must be taken from that end. Now the end of the ceremonial precepts was twofold: for they were ordained to the Divine worship, for that particular time, and to the foreshadowing of Christ; just as the words of the prophets regarded the time being in such a way as to be utterances figurative of the time to come, as Jerome says on Osee 1:3. Accordingly the reasons for the ceremonial precepts of the Old Law can be taken in two ways. First, in respect of the Divine worship which was to be observed for that particular time: and these reasons are literal: whether they refer to the shunning of idolatry; or recall certain Divine benefits; or remind men of the Divine excellence; or point out the disposition of mind which was then required in those who worshipped God. Secondly, their reasons can be gathered from the point of view of their being ordained to foreshadow Christ: and thus their reasons are figurative and mystical: whether they be taken from Christ Himself and the Church, which pertains to the allegorical sense; or to the morals of the Christian people, which pertains to the moral sense; or to the state of future glory, in as much as we are brought thereto by Christ, which refers to the anagogical sense.

[38005] Iª-IIae q. 102 a. 2 co. Respondeo dicendum quod, sicut supra dictum est, ratio eorum quae sunt ad finem, oportet quod a fine sumatur. Finis autem praeceptorum caeremonialium est duplex, ordinabatur enim ad cultum Dei pro tempore illo, et ad figurandum Christum; sicut etiam verba prophetarum sic respiciebant praesens tempus, quod etiam in figuram futuri dicebantur, ut Hieronymus dicit, super Osee. Sic igitur rationes praeceptorum caeremonialium veteris legis dupliciter accipi possunt. Uno modo, ex ratione cultus divini qui erat pro tempore illo observandus. Et rationes istae sunt litterales, sive pertineant ad vitandum idololatriae cultum; sive ad rememoranda aliqua Dei beneficia; sive ad insinuandam excellentiam divinam; vel etiam ad designandam dispositionem mentis quae tunc requirebatur in colentibus Deum. Alio modo possunt eorum rationes assignari secundum quod ordinantur ad figurandum Christum. Et sic habent rationes figurales et mysticas, sive accipiantur ex ipso Christo et Ecclesia, quod pertinet ad allegoriam; sive ad mores populi Christiani, quod pertinet ad moralitatem; sive ad statum futurae gloriae, prout in eam introducimur per Christum, quod pertinet ad anagogiam.

Reply to Objection 1: Just as the use of metaphorical expressions in Scripture belongs to the literal sense, because the words are employed in order to convey that particular meaning; so also the meaning of those legal ceremonies which commemorated certain Divine benefits, on account of which they were instituted, and of others similar which belonged to that time, does not go beyond the order of literal causes. Consequently when we assert that the cause of the

[38006] Iª-IIae q. 102 a. 2 ad 1 Ad primum ergo dicendum quod, sicut intellectus metaphoricae locutionis in Scripturis est litteralis, quia verba ad hoc proferuntur ut hoc significent; ita etiam significationes caeremoniarum legis quae sunt commemorativae beneficiorum Dei propter quae instituta sunt, vel aliorum huiusmodi quae ad illum statum pertinebant, non transcendunt ordinem litteralium causarum. Unde quod assignetur causa celebrationis phase quia est

celebration of the Passover was its signification of the delivery from Egypt, or that circumcision was a sign of God's covenant with Abraham, we assign the literal cause.

signum liberationis ex Aegypto, et quod circumcisio est signum pacti quod Deus habuit cum Abraham, pertinet ad causam litteralem.

Reply to Objection 2: This argument would avail if the ceremonial precepts had been given merely as figures of things to come, and not for the purpose of worshipping God then and there.

[38007] Iª-IIae q. 102 a. 2 ad 2 Ad secundum dicendum quod ratio illa procederet, si caeremonialia praecepta essent data solum ad figurandum futurum, non autem ad praesentialiter Deum colendum.

Reply to Objection 3: As we have stated when speaking of human laws (Q[96], AA[1] ,6), there is a reason for them in the abstract, but not in regard to particular conditions, which depend on the judgment of those who frame them; so also many particular determinations in the ceremonies of the Old Law have no literal cause, but only a figurative cause; whereas in the abstract they have a literal cause.

[38008] Iª-IIae q. 102 a. 2 ad 3 Ad tertium dicendum quod, sicut in legibus humanis dictum est quod in universali habent rationem, non autem quantum ad particulares conditiones, sed haec sunt ex arbitrio instituentium; ita etiam multae particulares determinationes in caeremoniis veteris legis non habent aliquam causam litteralem, sed solam figuralem; in communi vero habent etiam causam litteralem.

Q. 102. A. 3. Whether a suitable cause can be assigned for the ceremonies which pertained to sacrifices?

Objection 1: It would seem that no suitable cause can be assigned for the ceremonies pertaining to sacrifices. For those things which were offered in sacrifice, are those which are necessary for sustaining human life: such as certain animals and certain loaves. But God needs no such sustenance; according to Ps. 49:13: "Shall I eat the flesh of bullocks? Or shall I drink the blood of goats?" Therefore such sacrifices were unfittingly offered to God.

[38009] Iª-IIae q. 102 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod non possit conveniens ratio assignari caeremoniarum quae ad sacrificia pertinent. Ea enim quae in sacrificium offerebantur, sunt illa quae sunt necessaria ad sustentandam humanam vitam, sicut animalia quaedam, et panes quidam. Sed tali sustentamento Deus non indiget; secundum illud Psalmi XLIX, *numquid manducabo carnes taurorum, aut sanguinem hircorum potabo?* Ergo inconvenienter huiusmodi sacrificia Deo offerebantur.

Objection 2: Further, only three kinds of quadrupeds were offered in sacrifice to God, viz. oxen, sheep and goats; of birds, generally the turtledove and the dove; but specially, in the cleansing of a leper, an offering was made of sparrows. Now many other animals are more noble than these. Since therefore whatever is best should be offered to God, it seems that not only of these three should sacrifices have been offered to Him.

[38010] Iª-IIae q. 102 a. 3 arg. 2 Praeterea, in sacrificium divinum non offerebantur nisi de tribus generibus animalium quadrupedum, scilicet de genere bovum, ovium et caprarum; et de avibus, communiter quidem turtur et columba; specialiter autem in emundatione leprosi fiebat sacrificium de passeribus. Multa autem alia animalia sunt eis nobiliora. Cum igitur omne quod est optimum Deo sit exhibendum, videtur quod non solum de istis rebus fuerint Deo sacrificia offerenda.

Objection 3: Further, just as man has received

[38011] Iª-IIae q. 102 a. 3 arg. 3 Praeterea, sicut

from God the dominion over birds and beasts, so also has he received dominion over fishes. Consequently it was unfitting for fishes to be excluded from the divine sacrifices.

homo a Deo habet dominium volatilium et bestiarum, ita etiam piscium. Inconvenienter igitur pisces a divino sacrificio excludebantur.

Objection 4: Further, turtledoves and doves indifferently are commanded to be offered up. Since then the young of the dove are commanded to be offered, so also should the young of the turtledove.

[38012] Iª-IIae q. 102 a. 3 arg. 4 Praeterea, indifferenter offerri mandantur turtures et columbae. Sicut igitur mandantur offerri pulli columbarum, ita etiam pulli turturum.

Objection 5: Further, God is the Author of life, not only of men, but also of animals, as is clear from Gn. 1:20, seqq. Now death is opposed to life. Therefore it was fitting that living animals rather than slain animals should be offered to God, especially as the Apostle admonishes us (Rom. 12:1), to present our bodies "a living sacrifice, holy, pleasing unto God."

[38013] Iª-IIae q. 102 a. 3 arg. 5 Praeterea, Deus est auctor vitae non solum hominum, sed etiam animalium; ut patet per id quod dicitur Gen. I. Mors autem opponitur vitae. Non ergo debuerunt Deo offerri animalia occisa, sed magis animalia viventia. Praecipue quia etiam apostolus monet, Rom. XII, *ut exhibeamus nostra corpora hostiam viventem, sanctam, Deo placentem*.

Objection 6: Further, if none but slain animals were offered in sacrifice to God, it seems that it mattered not how they were slain. Therefore it was unfitting that the manner of immolation should be determined, especially as regards birds (Lev. 1:15, seqq.).

[38014] Iª-IIae q. 102 a. 3 arg. 6 Praeterea, si animalia Deo in sacrificium non offerebantur nisi occisa, nulla videtur esse differentia qualiter occidantur. Inconvenienter igitur determinatur modus immolationis, praecipue in avibus, ut patet Levit. I.

Objection 7: Further, every defect in an animal is a step towards corruption and death. If therefore slain animals were offered to God, it was unreasonable to forbid the offering of an imperfect animal, e.g. a lame, or a blind, or otherwise defective animal.

[38015] Iª-IIae q. 102 a. 3 arg. 7 Praeterea, omnis defectus animalis via est ad corruptionem et mortem. Si igitur animalia occisa Deo offerebantur, inconveniens fuit prohibere oblationem animalis imperfecti, puta claudi aut caeci, aut aliter maculosi.

Objection 8: Further, those who offer victims to God should partake thereof, according to the words of the Apostle (1 Cor. 10:18): "Are not they that eat of the sacrifices partakers of the altar?" It was therefore unbecoming for the offerers to be denied certain parts of the victims, namely, the blood, the fat, the breastbone and the right shoulder.

[38016] Iª-IIae q. 102 a. 3 arg. 8 Praeterea, illi qui offerunt hostias Deo, debent de his participare; secundum illud apostoli, I Cor. X, *nonne qui edunt hostias, participes sunt altaris?* Inconvenienter igitur quaedam partes hostiarum offerentibus subtrahebantur, scilicet sanguis et adeps, et pectusculum et armus dexter.

Objection 9: Further, just as holocausts were offered up in honor of God, so also were the peace-offerings and sin-offerings. But no female animals was offered up to God as a holocaust,

[38017] Iª-IIae q. 102 a. 3 arg. 9 Praeterea, sicut holocausta offerebantur in honorem Dei, ita etiam hostiae pacificae et hostiae pro peccato. Sed nullum animal feminini sexus offerebatur Deo in

although holocausts were offered of both quadrupeds and birds. Therefore it was inconsistent that female animals should be offered up in peace-offerings and sin-offerings, and that nevertheless birds should not be offered up in peace-offerings.

holocaustum, fiebant tamen holocausta tam de quadrupedibus quam de avibus. Ergo inconvenienter in hostiis pacificis et pro peccato offerebantur animalia feminini sexus; et tamen in hostiis pacificis non offerebantur aves.

Objection 10: Further, all the peace-offerings seem to be of one kind. Therefore it was unfitting to make a distinction among them, so that it was forbidden to eat the flesh of certain peace-offerings on the following day, while it was allowed to eat the flesh of other peace-offerings, as laid down in Lev. 7:15, seqq.

[38018] Iª-IIae q. 102 a. 3 arg. 10 Praeterea, omnes hostiae pacificae unius generis esse videntur. Non ergo debuit poni ista differentia, quod quorundam pacificorum carnes non possent vesci in crastino, quorundam autem possent, ut mandatur Levit. VII.

Objection 11: Further, all sins agree in turning us from God. Therefore, in order to reconcile us to God, one kind of sacrifice should have been offered up for all sins.

[38019] Iª-IIae q. 102 a. 3 arg. 11 Praeterea, omnia peccata in hoc conveniunt quod a Deo avertunt. Ergo pro omnibus peccatis, in Dei reconciliationem, unum genus sacrificii debuit offerri.

Objection 12: Further, all animals that were offered up in sacrifice, were offered up in one way, viz. slain. Therefore it does not seem to be suitable that products of the soil should be offered up in various ways; for sometimes an offering was made of ears of corn, sometimes of flour, sometimes of bread, this being baked sometimes in an oven, sometimes in a pan, sometimes on a gridiron.

[38020] Iª-IIae q. 102 a. 3 arg. 12 Praeterea, omnia animalia quae offerebantur in sacrificium, uno modo offerebantur, scilicet occisa. Non videtur ergo conveniens quod de terrae nascentibus diversimode fiebat oblatio, nunc enim offerebantur spicae, nunc simila, nunc panis, quandoque quidem coctus in clibano, quandoque in sartagine, quandoque in craticula.

Objection 13: Further, whatever things are serviceable to us should be recognized as coming from God. It was therefore unbecoming that besides animals, nothing but bread, wine, oil, incense, and salt should be offered to God.

[38021] Iª-IIae q. 102 a. 3 arg. 13 Praeterea, omnia quae in usum nostrum veniunt, a Deo recognoscere debemus. Inconvenienter ergo praeter animalia, solum haec Deo offerebantur, panis, vinum, oleum, thus et sal.

Objection 14: Further, bodily sacrifices denote the inward sacrifice of the heart, whereby man offers his soul to God. But in the inward sacrifice, the sweetness, which is denoted by honey, surpasses the pungency which salt represents; for it is written (Ecclus. 24:27): "My spirit is sweet above honey." Therefore it was unbecoming that the use of honey, and of leaven which makes bread savory, should be forbidden in a sacrifice; while the use was prescribed, of salt which is pungent, and of incense which has a bitter taste.

[38022] Iª-IIae q. 102 a. 3 arg. 14 Praeterea, sacrificia corporalia exprimunt interius sacrificium cordis, quo homo spiritum suum offert Deo. Sed in interiori sacrificio plus est de dulcedine, quam repraesentat mel, quam de mordacitate, quam repraesentat sal, dicitur enim Eccli. XXIV, *spiritus meus super mel dulcis*. Ergo inconvenienter prohibebatur in sacrificio apponi mel et fermentum, quod etiam facit panem sapidum; et praecipiebatur ibi apponi sal, quod est mordicativum, et thus, quod habet saporem

Consequently it seems that things pertaining to the ceremonies of the sacrifices have no reasonable cause.

amarum. Videtur ergo quod ea quae pertinent ad caeremonias sacrificiorum, non habeant rationabilem causam.

On the contrary, It is written (Lev. 1:13): "The priest shall offer it all and burn it all upon the altar, for a holocaust, and most sweet savor to the Lord." Now according to Wis. 7:28, "God loveth none but him that dwelleth with wisdom": whence it seems to follow that whatever is acceptable to God is wisely done. Therefore these ceremonies of the sacrifices were wisely done, as having reasonable causes.

[38023] Iª-IIae q. 102 a. 3 s. c. Sed contra est quod dicitur Levit. I, *oblata omnia adolebit sacerdos super altare in holocaustum et odorem suavissimum domino*. Sed sicut dicitur Sap. VII, *neminem diligit Deus nisi qui cum sapientia inhabitat*, ex quo potest accipi quod quidquid est Deo acceptum, est cum sapientia. Ergo illae caeremoniae sacrificiorum cum sapientia erant, velut habentes rationabiles causas.

I answer that, As stated above (A[2]), the ceremonies of the Old Law had a twofold cause, viz. a literal cause, according as they were intended for Divine worship; and a figurative or mystical cause, according as they were intended to foreshadow Christ: and on either hand the ceremonies pertaining to the sacrifices can be assigned to a fitting cause.

For, according as the ceremonies of the sacrifices were intended for the divine worship, the causes of the sacrifices can be taken in two ways. First, in so far as the sacrifice represented the directing of the mind to God, to which the offerer of the sacrifice was stimulated. Now in order to direct his mind to God aright, man must recognize that whatever he has is from God as from its first principle, and direct it to God as its last end. This was denoted in the offerings and sacrifices, by the fact that man offered some of his own belongings in honor of God, as though in recognition of his having received them from God, according to the saying of David (1 Paral. xxix, 14): "All things are Thine: and we have given Thee what we received of Thy hand." Wherefore in offering up sacrifices man made protestation that God is the first principle of the creation of all things, and their last end, to which all things must be directed. And since, for the human mind to be directed to God aright, it must recognize no first author of things other than God, nor place its end in any other; for this reason it was forbidden in the Law to offer sacrifice to any other but God, according to Ex. 22:20: "He that sacrificeth to gods, shall be put to death, save only to the Lord." Wherefore another reasonable cause may be assigned to the

[38024] Iª-IIae q. 102 a. 3 co. Respondeo dicendum quod, sicut supra dictum est, caeremoniae veteris legis duplicem causam habebant, unam scilicet litteralem, secundum quod ordinabantur ad cultum Dei; aliam vero figuralem, sive mysticam, secundum quod ordinabantur ad figurandum Christum. Et ex utraque parte potest convenienter assignari causa caeremoniarum quae ad sacrificia pertinebant. Secundum enim quod sacrificia ordinabantur ad cultum Dei, causa sacrificiorum dupliciter accipi potest. Uno modo, secundum quod per sacrificia repraesentabatur ordinatio mentis in Deum, ad quam excitabatur sacrificium offerens. Ad rectam autem ordinationem mentis in Deum pertinet quod omnia quae homo habet, recognoscat a Deo tanquam a primo principio, et ordinet in Deum tanquam in ultimum finem. Et hoc repraesentabatur in oblationibus et sacrificiis, secundum quod homo ex rebus suis, quasi in recognitionem quod haberet ea a Deo, in honorem Dei ea offerebat; secundum quod dixit David, I Paral. XXIX, *tua sunt omnia; et quae de manu tua accepimus, dedimus tibi*. Et ideo in oblatione sacrificiorum protestabatur homo quod Deus esset primum principium creationis rerum et ultimus finis, ad quem essent omnia referenda. Et quia pertinet ad rectam ordinationem mentis in Deum ut mens humana non recognoscat alium primum auctorem rerum nisi solum Deum, neque in aliquo alio finem suum constituat; propter hoc prohibebatur in lege offerre sacrificium alicui alteri nisi Deo, secundum illud Exod. XXII, *qui immolat diis, occidetur, praeter domino soli*. Et ideo de causa caeremoniarum circa sacrificia potest assignari ratio alio modo, ex hoc quod per

ceremonies of the sacrifices, from the fact that thereby men were withdrawn from offering sacrifices to idols. Hence too it is that the precepts about the sacrifices were not given to the Jewish people until after they had fallen into idolatry, by worshipping the molten calf: as though those sacrifices were instituted, that the people, being ready to offer sacrifices, might offer those sacrifices to God rather than to idols. Thus it is written (Jer. 7:22): "I spake not to your fathers and I commanded them not, in the day that I brought them out of the land of Egypt, concerning the matter of burnt-offerings and sacrifices."

Now of all the gifts which God vouchsafed to mankind after they had fallen away by sin, the chief is that He gave His Son; wherefore it is written (Jn. 3:16): "God so loved the world, as to give His only-begotten Son; that whosoever believeth in Him, may not perish, but may have life everlasting." Consequently the chief sacrifice is that whereby Christ Himself "delivered Himself . . . to God for an odor of sweetness" (Eph. 5:2). And for this reason all the other sacrifices of the Old Law were offered up in order to foreshadow this one individual and paramount sacrifice---the imperfect forecasting the perfect. Hence the Apostle says (Heb. 10:11) that the priest of the Old Law "often" offered "the same sacrifices, which can never take away sins: but" Christ offered "one sacrifice for sins, for ever." And since the reason of the figure is taken from that which the figure represents, therefore the reasons of the figurative sacrifices of the Old Law should be taken from the true sacrifice of Christ.

huiusmodi homines retrahebantur a sacrificiis idolorum. Unde etiam praecepta de sacrificiis non fuerunt data populo Iudaeorum nisi postquam declinavit ad idololatriam, adorando vitulum conflatilem, quasi huiusmodi sacrificia sint instituta ut populus ad sacrificandum promptus, huiusmodi sacrificia magis Deo quam idolis offerret. Unde dicitur Ierem. VII, *non sum locutus cum patribus vestris, et non praecepi eis, in die qua eduxi eos de terra Aegypti, de verbo holocautomatum et victimarum*. Inter omnia autem dona quae Deus humano generi iam per peccatum lapso dedit, praecipuum est quod dedit filium suum, unde dicitur Ioan. III, *sic Deus dilexit mundum ut filium suum unigenitum daret, ut omnis qui credit in ipsum non pereat, sed habeat vitam aeternam*. Et ideo potissimum sacrificium est quo ipse Christus seipsum obtulit Deo in odorem suavitatis, ut dicitur ad Ephes. V. Et propter hoc omnia alia sacrificia offerebantur in veteri lege ut hoc unum singulare et praecipuum sacrificium figuraretur, tanquam perfectum per imperfecta. Unde apostolus dicit, ad Heb. X, quod *sacerdos veteris legis easdem saepe offerebat hostias, quae nunquam possunt auferre peccata, Christus autem pro peccatis obtulit unam in sempiternum*. Et quia ex figurato sumitur ratio figurae, ideo rationes sacrificiorum figuralium veteris legis sunt sumendae ex vero sacrificio Christi.

Reply to Objection 1: God did not wish these sacrifices to be offered to Him on account of the things themselves that were offered, as though He stood in need of them: wherefore it is written (Is. 1:11): "I desire not holocausts of rams, and fat of fatlings, and blood of calves and lambs and buckgoats." But, as stated above, He wished them to be offered to Him, in order to prevent idolatry; in order to signify the right ordering of man's mind to God; and in order to represent the mystery of the Redemption of man by Christ.

[38025] Iª-IIae q. 102 a. 3 ad 1 Ad primum ergo dicendum quod Deus non volebat huiusmodi sacrificia sibi offerri propter ipsas res quae offerebantur, quasi eis indigeret, unde dicitur Isaiae I, *holocausta arietum, et adipem pinguium, et sanguinem vitulorum et hircorum et agnorum, nolui*. Sed volebat ea sibi offerri, ut supra dictum est, tum ad excludendam idololatriam; tum ad significandum debitum ordinem mentis humanae in Deum; tum etiam ad figurandum mysterium redemptionis humanae factae per Christum.

Reply to Objection 2: In all the respects mentioned above (ad 1), there was a suitable

[38026] Iª-IIae q. 102 a. 3 ad 2 Ad secundum dicendum quod quantum ad omnia praedicta,

reason for these animals, rather than others, being offered in sacrifice to God. First, in order to prevent idolatry. Because idolaters offered all other animals to their gods, or made use of them in their sorceries: while the Egyptians (among whom the people had been dwelling) considered it abominable to slay these animals, wherefore they used not to offer them in sacrifice to their gods. Hence it is written (Ex. 8:26): "We shall sacrifice the abominations of the Egyptians to the Lord our God." For they worshipped the sheep; they reverenced the ram (because demons appeared under the form thereof); while they employed oxen for agriculture, which was reckoned by them as something sacred.

Secondly, this was suitable for the aforesaid right ordering of man's mind to God: and in two ways. First, because it is chiefly by means of these animals that human life is sustained: and moreover they are most clean, and partake of a most clean food: whereas other animals are either wild, and not deputed to ordinary use among men: or, if they be tame, they have unclean food, as pigs and geese: and nothing but what is clean should be offered to God. These birds especially were offered in sacrifice because there were plenty of them in the land of promise. Secondly, because the sacrificing of these animals represented purity of heart. Because as the gloss says on Lev. 1, "We offer a calf, when we overcome the pride of the flesh; a lamb, when we restrain our unreasonable motions; a goat, when we conquer wantonness; a turtledove, when we keep chaste; unleavened bread, when we feast on the unleavened bread of sincerity." And it is evident that the dove denotes charity and simplicity of heart.

Thirdly, it was fitting that these animals should be offered, that they might foreshadow Christ. Because, as the gloss observes, "Christ is offered in the calf, to denote the strength of the cross; in the lamb, to signify His innocence; in the ram, to foreshadow His headship; and in the goat, to signify the likeness of 'sinful flesh' [*An allusion to Col. 2:11 (Textus Receptus)]. The turtledove and dove denoted the union of the two natures"; or else the turtledove signified chastity; while the dove was a figure of charity. "The wheat-flour foreshadowed the sprinkling of believers with the water of Baptism."

conveniens ratio fuit quare ista animalia offerebantur Deo in sacrificium, et non alia. Primo quidem, ad excludendum idololatriam. Quia omnia alia animalia offerebant idololatrae diis suis, vel eis ad maleficia utebantur, ista autem animalia apud Aegyptios, cum quibus conversati erant, abominabilia erant ad occidendum, unde ea non offerebant in sacrificium diis suis; unde dicitur Exod. VIII, *abominationes Aegyptiorum immolabimus domino Deo nostro*. Oves enim colebant; hircos venerabantur, quia in eorum figura Daemones apparebant; bobus autem utebantur ad agriculturam, quam inter res sacras habebant. Secundo, hoc conveniens erat ad praedictam ordinationem mentis in Deum. Et hoc dupliciter. Primo quidem, quia huiusmodi animalia maxime sunt per quae sustentatur humana vita, et cum hoc mundissima sunt, et mundissimum habent nutrimentum. Alia vero animalia vel sunt silvestria, et non sunt communiter hominum usui deputata, vel, si sunt domestica, immundum habent nutrimentum, ut porcus et gallina; solum autem id quod est purum, Deo est attribuendum. Huiusmodi autem aves specialiter offerebantur, quia habentur in copia in terra promissionis. Secundo, quia per immolationem huiusmodi animalium puritas mentis designatur. Quia, ut dicitur in Glossa Levit. I, *vitulum offerimus, cum carnis superbiam vincimus; agnum, cum irrationales motus corrigimus; haedum, cum lasciviam superamus; turturem, dum castitatem servamus; panes azymos, cum in azymis sinceritatis epulamur*. In columba vero manifestum est quod significatur caritas et simplicitas mentis. Tertio vero, conveniens fuit haec animalia offerri in figuram Christi. Quia, ut in eadem Glossa dicitur, *Christus in vitulo offertur, propter virtutem crucis; in agno, propter innocentiam; in ariete, propter principatum; in hirco, propter similitudinem carnis peccati. In turture et columba duarum naturarum coniunctio monstrabatur*, vel in turture castitas, in columba caritas significatur. *In similagine aspersio credentium per aquam Baptismi figurabatur*.

Reply to Objection 3: Fish through living in water are further removed from man than other animals, which, like man, live in the air. Again, fish die as soon as they are taken out of water; hence they could not be offered in the temple like other animals.

[38027] Iª-IIae q. 102 a. 3 ad 3 Ad tertium dicendum quod pisces, quia in aquis vivunt, magis sunt alieni ab homine quam alia animalia, quae vivunt in aere, sicut et homo. Et iterum pisces, ex aqua extracti, statim moriuntur, unde non poterant in templo offerri, sicut alia animalia.

Reply to Objection 4: Among turtledoves the older ones are better than the young; while with doves the case is the reverse. Wherefore, as Rabbi Moses observes (Doct. Perplex. iii), turtledoves and young doves are commanded to be offered, because nothing should be offered to God but what is best.

[38028] Iª-IIae q. 102 a. 3 ad 4 Ad quartum dicendum quod in turturibus meliores sunt maiores quam pulli; in columbis autem e converso. Et ideo, ut Rabbi Moyses dicit, mandantur offerri turtures et pulli columbarum, quia omne quod est optimum, Deo est attribuendum.

Reply to Objection 5: The animals which were offered in sacrifice were slain, because it is by being killed that they become useful to man, forasmuch as God gave them to man for food. Wherefore also they were burnt with fire: because it is by being cooked that they are made fit for human consumption. Moreover the slaying of the animals signified the destruction of sins: and also that man deserved death on account of his sins; as though those animals were slain in man's stead, in order to betoken the expiation of sins. Again the slaying of these animals signified the slaying of Christ.

[38029] Iª-IIae q. 102 a. 3 ad 5 Ad quintum dicendum quod animalia in sacrificium oblata occidebantur, quia veniunt in usum hominis occisa, secundum quod a Deo dantur homini ad esum. Et ideo etiam igni cremabantur, quia per ignem decocta fiunt apta humano usui. Similiter etiam per occisionem animalium significatur destructio peccatorum. Et quod homines erant digni occisione pro peccatis suis, ac si illa animalia loco eorum occiderentur, ad significandum expiationem peccatorum. Per occisionem etiam huiusmodi animalium significabatur occisio Christi.

Reply to Objection 6: The Law fixed the special manner of slaying the sacrificial animals in order to exclude other ways of killing, whereby idolaters sacrificed animals to idols. Or again, as Rabbi Moses says (Doct. Perplex. iii), "the Law chose that manner of slaying which was least painful to the slain animal." This excluded cruelty on the part of the offerers, and any mangling of the animals slain.

[38030] Iª-IIae q. 102 a. 3 ad 6 Ad sextum dicendum quod specialis modus occidendi animalia immolata determinabatur in lege ad excludendum alios modos, quibus idololatrae animalia idolis immolabant. Vel etiam, ut Rabbi Moyses dicit, *lex elegit genus occisionis quo animalia minus affligebantur occisa*. Per quod excludebatur etiam immisericordia offerentium, et deterioratio animalium occisorum.

Reply to Objection 7: It is because unclean animals are wont to be held in contempt among men, that it was forbidden to offer them in sacrifice to God: and for this reason too they were forbidden (Dt. 23:18) to offer "the hire of a strumpet or the price of a dog in the house of . . . God." For the same reason they did not offer animals before the seventh day, because such were abortive as it were, the flesh being not yet firm on account of its exceeding softness.

[38031] Iª-IIae q. 102 a. 3 ad 7 Ad septimum dicendum quod, quia animalia maculosa solent haberi contemptui etiam apud homines, ideo prohibitum est ne Deo in sacrificium offerrentur, propter quod etiam prohibitum erat *ne mercedem prostibuli, aut pretium canis, in domum Dei offerrent*. Et eadem etiam ratione non offerebant animalia ante septimum diem, quia talia animalia erant quasi abortiva, nondum plene consistentia, propter teneritudinem.

Reply to Objection 8: There were three kinds of sacrifices. There was one in which the victim was entirely consumed by fire: this was called "a holocaust, i.e. all burnt." For this kind of sacrifice was offered to God specially to show reverence to His majesty, and love of His goodness: and typified the state of perfection as regards the fulfilment of the counsels. Wherefore the whole was burnt up: so that as the whole animal by being dissolved into vapor soared aloft, so it might denote that the whole man, and whatever belongs to him, are subject to the authority of God, and should be offered to Him.

Another sacrifice was the "sin-offering," which was offered to God on account of man's need for the forgiveness of sin: and this typifies the state of penitents in satisfying for sins. It was divided into two parts: for one part was burnt; while the other was granted to the use of the priests to signify that remission of sins is granted by God through the ministry of His priests. When, however, this sacrifice was offered for the sins of the whole people, or specially for the sin of the priest, the whole victim was burnt up. For it was not fitting that the priests should have the use of that which was offered for their own sins, to signify that nothing sinful should remain in them. Moreover, this would not be satisfaction for sin: for if the offering were granted to the use of those for whose sins it was offered, it would seem to be the same as if it had not been offered.

The third kind of sacrifice was called the "peace-offering," which was offered to God, either in thanksgiving, or for the welfare and prosperity of the offerers, in acknowledgment of benefits already received or yet to be received: and this typifies the state of those who are proficient in the observance of the commandments. These sacrifices were divided into three parts: for one part was burnt in honor of God; another part was allotted to the use of the priests; and the third part to the use of the offerers; in order to signify that man's salvation is from God, by the direction of God's ministers, and through the cooperation of those who are saved.

But it was the universal rule that the blood and fat were not allotted to the use either of the priests or of the offerers: the blood being poured out at the foot of the altar, in honor of God, while the fat

[38032] Iª-IIae q. 102 a. 3 ad 8 Ad octavum dicendum quod triplex erat sacrificiorum genus. Quoddam erat quod totum comburebatur, et hoc dicebatur holocaustum, quasi totum incensum. Huiusmodi enim sacrificium offerebatur Deo specialiter ad reverentiam maiestatis ipsius, et amorem bonitatis eius, et conveniebat perfectionis statui in impletione consiliorum. Et ideo totum comburebatur, ut sicut totum animal, resolutum in vaporem, sursum ascendebat, ita etiam significaretur totum hominem, et omnia quae ipsius sunt, Dei dominio esse subiecta, et ei esse offerenda. Aliud autem erat sacrificium pro peccato, quod offerebatur Deo ex necessitate remissionis peccati, et conveniebat statui poenitentium in satisfactione peccatorum. Quod dividebatur in duas partes, nam una pars eius comburebatur, alia vero cedebat in usum sacerdotum; ad significandum quod expiatio peccatorum fit a Deo per ministerium sacerdotum. Nisi quando offerebatur sacrificium pro peccato totius populi, vel specialiter pro peccato sacerdotis, tunc enim totum comburebatur. Non enim debebant in usum sacerdotum venire ea quae pro peccato eorum offerebantur, ut nihil peccati in eis remaneret. Et quia hoc non esset satisfactio pro peccato, si enim cederet in usum eorum pro quorum peccatis offerebatur, idem esse videretur ac si non offerrent. Tertium vero sacrificium vocabatur hostia pacifica, quae offerebatur Deo vel pro gratiarum actione, vel pro salute et prosperitate offerentium, ex debito beneficii vel accepti vel accipiendi, et convenit statui proficientium in impletione mandatorum. Et ista dividebantur in tres partes, nam una pars incendebatur ad honorem Dei, alia pars cedebat in usum sacerdotum, tertia vero pars in usum offerentium; ad significandum quod salus hominis procedit a Deo, dirigentibus ministris Dei, et cooperantibus ipsis hominibus qui salvantur. Hoc autem generaliter observabatur, quod sanguis et adeps non veniebant neque in usum sacerdotum, neque in usum offerentium, sed sanguis effundebatur ad crepidinem altaris, in honorem Dei; adeps vero adurebatur in igne. Cuius ratio una quidem fuit ad excludendam idololatriam. Idololatrae enim bibebant de sanguine victimarum, et comedebant adipes; secundum illud Deut. XXXII, *de quorum victimis comedebant adipes, et bibebant vinum libaminum*. Secunda ratio est ad informationem humanae vitae. Prohibebatur enim eis usus sanguinis, ad

was burnt upon the altar (Lev. 9:9,10). The reason for this was, first, in order to prevent idolatry: because idolaters used to drink the blood and eat the fat of the victims, according to Dt. 32:38: "Of whose victims they eat the fat, and drank the wine of their drink-offerings." Secondly, in order to form them to a right way of living. For they were forbidden the use of the blood that they might abhor the shedding of human blood; wherefore it is written (Gn. 9:4,5): "Flesh with blood you shall not eat: for I will require the blood of your lives": and they were forbidden to eat the fat, in order to withdraw them from lasciviousness; hence it is written (Ezech. 34:3): "You have killed that which was fat." Thirdly, on account of the reverence due to God: because blood is most necessary for life, for which reason "life" is said to be "in the blood" (Lev. 17:11, 14): while fat is a sign of abundant nourishment. Wherefore, in order to show that to God we owe both life and a sufficiency of all good things, the blood was poured out, and the fat burnt up in His honor. Fourthly, in order to foreshadow the shedding of Christ's blood, and the abundance of His charity, whereby He offered Himself to God for us.

In the peace-offerings, the breast-bone and the right shoulder were allotted to the use of the priest, in order to prevent a certain kind of divination which is known as "spatulamantia," so called because it was customary in divining to use the shoulder-blade [spatula], and the breast-bone of the animals offered in sacrifice; wherefore these things were taken away from the offerers. This is also denoted the priest's need of wisdom in the heart, to instruct the people---this was signified by the breast-bone, which covers the heart; and his need of fortitude, in order to bear with human frailty---and this was signified by the right shoulder.

Reply to Objection 9: Because the holocaust was the most perfect kind of sacrifice, therefore none but a male was offered for a holocaust: because the female is an imperfect animal. The offering of turtledoves and doves was on account of the poverty of the offerers, who were unable to offer bigger animals. And since peace-victims were offered freely, and no one was bound to offer them against his will, hence these birds were

hoc quod horrerent humani sanguinis effusionem, unde dicitur Gen. IX, *carnem cum sanguine non comedetis, sanguinem enim animarum vestrarum requiram*. Esus vero adipum prohibebatur eis ad vitandam lasciviam, unde dicitur Ezech. XXXIV, *quod crassum erat, occidebatis*. Tertia ratio est propter reverentiam divinam. Quia sanguis est maxime necessarius ad vitam, ratione cuius dicitur anima esse in sanguine, adeps autem abundantiam nutrimenti demonstrat. Et ideo ut ostenderetur quod a Deo nobis est et vita et omnis bonorum sufficientia, ad honorem Dei effundebatur sanguis, et adurebatur adeps. Quarta ratio est quia per hoc figurabatur effusio sanguinis Christi, et pinguedo caritatis eius, per quam se obtulit Deo pro nobis. De hostiis autem pacificis in usum sacerdotis cedebat pectusculum et armus dexter, ad excludendum quandam divinationis speciem quae vocatur spatulamantia, quia scilicet in spatulis animalium immolatorum divinabant, et similiter in osse pectoris. Et ideo ista offerentibus subtrahebantur. Per hoc etiam significabatur quod sacerdoti erat necessaria sapientia cordis ad instruendum populum, quod significabatur per pectus, quod est tegumentum cordis; et etiam fortitudo ad sustentandum defectus, quae significatur per armum dextrum.

[38033] Iª-IIae q. 102 a. 3 ad 9 Ad nonum dicendum quod, quia holocaustum erat perfectissimum inter sacrificia, ideo non offerebatur in holocaustum nisi masculus, nam femina est animal imperfectum. Oblatio autem turturum et columbarum erat propter paupertatem offerentium, qui maiora animalia offerre non poterant. Et quia hostiae pacificae gratis offerebantur, et nullus eas offerre cogebatur nisi

offered not among the peace-victims, but among the holocausts and victims for sin, which man was obliged to offer at times. Moreover these birds, on account of their lofty flight, while befitting the perfection of the holocausts: and were suitable for sin-offerings because their song is doleful.

spontaneus; ideo huiusmodi aves non offerebantur inter hostias pacificas, sed inter holocausta et hostias pro peccato, quas quandoque oportebat offerre. Aves etiam huiusmodi, propter altitudinem volatus, congruunt perfectioni holocaustorum, et etiam hostiis pro peccato, quia habent gemitum pro cantu.

Reply to Objection 10: The holocaust was the chief of all the sacrifices: because all were burnt in honor of God, and nothing of it was eaten. The second place in holiness, belongs to the sacrifice for sins, which was eaten in the court only, and on the very day of the sacrifice (Lev. 7:6, 15). The third place must be given to the peace-offerings of thanksgiving, which were eaten on the same day, but anywhere in Jerusalem. Fourth in order were the "ex-voto" peace-offerings, the flesh of which could be eaten even on the morrow. The reason for this order is that man is bound to God, chiefly on account of His majesty; secondly, on account of the sins he has committed; thirdly, because of the benefits he has already received from Him; fourthly, by reason of the benefits he hopes to receive from Him.

[38034] Iª-IIae q. 102 a. 3 ad 10 Ad decimum dicendum quod inter omnia sacrificia holocaustum erat praecipuum, quia totum comburebatur in honorem Dei, et nihil ex eo comedebatur. Secundum vero locum in sanctitate tenebat hostia pro peccato, quae comedebatur solum in atrio a sacerdotibus, et in ipsa die sacrificii. Tertium vero gradum tenebant hostiae pacificae pro gratiarum actione, quae comedebantur ipso die, sed ubique in Ierusalem. Quartum vero locum tenebant hostiae pacificae ex voto, quarum carnes poterant etiam in crastino comedi. Et est ratio huius ordinis quia maxime obligatur homo Deo propter eius maiestatem, secundo, propter offensam commissam; tertio, propter beneficia iam suscepta; quarto, propter beneficia sperata.

Reply to Objection 11: Sins are more grievous by reason of the state of the sinner, as stated above (Q[73], A[10]): wherefore different victims are commanded to be offered for the sin of a priest, or of a prince, or of some other private individual. "But," as Rabbi Moses says (Doct. Perplex. iii), "we must take note that the more grievous the sin, the lower the species of animals offered for it. Wherefore the goat, which is a very base animal, was offered for idolatry; while a calf was offered for a priest's ignorance, and a ram for the negligence of a prince."

[38035] Iª-IIae q. 102 a. 3 ad 11 Ad undecimum dicendum quod peccata aggravantur ex statu peccantis, ut supra dictum est. Et ideo alia hostia mandatur offerri pro peccato sacerdotis et principis, vel alterius privatae personae. Est autem attendendum, ut Rabbi Moyses dicit, quod *quanto gravius erat peccatum, tanto vilior species animalis offerebatur pro eo. Unde capra, quod est vilissimum animal, offerebatur pro idololatria, quod est gravissimum peccatum; pro ignorantia vero sacerdotis offerebatur vitulus; pro negligentia autem principis, hircus*.

Reply to Objection 12: In the matter of sacrifices the Law had in view the poverty of the offerers; so that those who could not have a four-footed animal at their disposal, might at least offer a bird; and that he who could not have a bird might at least offer bread; and that if a man had not even bread he might offer flour or ears of corn.

The figurative cause is that the bread signifies Christ Who is the "living bread" (Jn. 6:41, 51). He was indeed an ear of corn, as it were, during

[38036] Iª-IIae q. 102 a. 3 ad 12 Ad duodecimum dicendum quod lex in sacrificiis providere voluit paupertati offerentium, ut qui non posset habere animal quadrupes, saltem offerret avem; quam qui habere non posset, saltem offerret panem; et si hunc habere non posset, saltem offerret farinam vel spicas. Causa vero figuralis est quia panis significat Christum, qui est panis vivus, ut dicitur Ioan. VI. Qui quidem erat sicut in spica, pro statu legis naturae, in fide patrum; erat autem sicut simila in doctrina legis prophetarum; erat autem

the state of the law of nature, in the faith of the patriarchs; He was like flour in the doctrine of the Law of the prophets; and He was like perfect bread after He had taken human nature; baked in the fire, i.e. formed by the Holy Ghost in the oven of the virginal womb; baked again in a pan by the toils which He suffered in the world; and consumed by fire on the cross as on a gridiron.

sicut panis formatus post humanitatem assumptam; coctus igne, idest formatus spiritu sancto in clibano uteri virginalis; qui etiam fuit coctus in sartagine, per labores quos in mundo sustinebat; in cruce vero quasi in craticula adustus.

Reply to Objection 13: The products of the soil are useful to man, either as food, and of these bread was offered; or as drink, and of these wine was offered; or as seasoning, and of these oil and salt were offered; or as healing, and of these they offered incense, which both smells sweetly and binds easily together.

Now the bread foreshadowed the flesh of Christ; and the wine, His blood, whereby we were redeemed; oil betokens the grace of Christ; salt, His knowledge; incense, His prayer.

[38037] Iª-IIae q. 102 a. 3 ad 13 Ad decimumtertium dicendum quod ea quae in usum hominis veniunt de terrae nascentibus, vel sunt in cibum, et de eis offerebatur panis. Vel sunt in potum, et de his offerebatur vinum. Vel sunt in condimentum, et de his offerebatur oleum et sal. Vel sunt in medicamentum, et de his offerebatur thus, quod est aromaticum et consolidativum. Per panem autem figuratur caro Christi; per vinum autem sanguis eius, per quem redempti sumus; oleum figurat gratiam Christi; sal scientiam; thus orationem.

Reply to Objection 14: Honey was not offered in the sacrifices to God, both because it was wont to be offered in the sacrifices to idols; and in order to denote the absence of all carnal sweetness and pleasure from those who intend to sacrifice to God. Leaven was not offered, to denote the exclusion of corruption. Perhaps too, it was wont to be offered in the sacrifices to idols.

Salt, however, was offered, because it wards off the corruption of putrefaction: for sacrifices offered to God should be incorrupt. Moreover, salt signifies the discretion of wisdom, or again, mortification of the flesh.

Incense was offered to denote devotion of the heart, which is necessary in the offerer; and again, to signify the odor of a good name: for incense is composed of matter, both rich and fragrant. And since the sacrifice "of jealousy" did not proceed from devotion, but rather from suspicion, therefore incense was not offered therein (Num. 5:15).

[38038] Iª-IIae q. 102 a. 3 ad 14 Ad decimumquartum dicendum quod mel non offerebatur in sacrificiis Dei, tum quia consueverat offerri in sacrificiis idolorum. Tum etiam ad excludendam omnem carnalem dulcedinem et voluptatem ab his qui Deo sacrificare intendunt. Fermentum vero non offerebatur, ad excludendam corruptionem. Et forte etiam in sacrificiis idolorum solitum erat offerri. Sal autem offerebatur, quia impedit corruptionem putredinis, sacrificia autem Dei debent esse incorrupta. Et etiam quia in sale significatur discretio sapientiae; vel etiam mortificatio carnis. Thus autem offerebatur ad designandam devotionem mentis, quae est necessaria offerentibus; et etiam ad designandum odorem bonae famae, nam thus et pingue est, et odoriferum. Et quia sacrificium zelotypiae non procedebat ex devotione, sed magis ex suspicione, ideo in eo non offerebatur thus.

Q. 102. A. 4. Whether sufficient reason can be assigned for the ceremonies pertaining to holy things?

Objection 1: It would seem that no sufficient reason can be assigned for the ceremonies of the

[38039] Iª-IIae q. 102 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod caeremoniarum veteris

Old Law that pertain to holy things. For Paul said (Acts 17:24): "God Who made the world and all things therein; He being Lord of heaven and earth, dwelleth not in temples made by hands." It was therefore unfitting that in the Old Law a tabernacle or temple should be set up for the worship of God.

legis quae ad sacra pertinent sufficiens ratio assignari non possit. Dicit enim Paulus, Act. XVII, *Deus, qui fecit mundum et omnia quae in eo sunt, hic, caeli et terrae cum sit dominus, non in manufactis templis habitat*. Inconvenienter igitur ad cultum Dei tabernaculum, vel templum, in lege veteri est institutum.

Objection 2: Further, the state of the Old Law was not changed except by Christ. But the tabernacle denoted the state of the Old Law. Therefore it should not have been changed by the building of a temple.

[38040] Iª-IIae q. 102 a. 4 arg. 2 Praeterea, status veteris legis non fuit immutatus nisi per Christum. Sed tabernaculum designabat statum veteris legis. Non ergo debuit mutari per aedificationem alicuius templi.

Objection 3: Further, the Divine Law, more than any other indeed, should lead man to the worship of God. But an increase of divine worship requires multiplication of altars and temples; as is evident in regard to the New Law. Therefore it seems that also under the Old Law there should have been not only one tabernacle or temple, but many.

[38041] Iª-IIae q. 102 a. 4 arg. 3 Praeterea, divina lex praecipue etiam debet homines inducere ad divinum cultum. Sed ad augmentum divini cultus pertinet quod fiant multa altaria et multa templa, sicut patet in nova lege. Ergo videtur quod etiam in veteri lege non debuit esse solum unum templum aut unum tabernaculum sed multa.

Objection 4: Further, the tabernacle or temple was ordained to the worship of God. But in God we should worship above all His unity and simplicity. Therefore it seems unbecoming for the tabernacle or temple to be divided by means of veils.

[38042] Iª-IIae q. 102 a. 4 arg. 4 Praeterea, tabernaculum, seu templum, ad cultum Dei ordinabatur. Sed in Deo praecipue oportet venerari unitatem et simplicitatem. Non videtur igitur fuisse conveniens ut tabernaculum, seu templum, per quaedam vela distingueretur.

Objection 5: Further, the power of the First Mover, i.e. God, appears first of all in the east, for it is in that quarter that the first movement begins. But the tabernacle was set up for the worship of God. Therefore it should have been built so as to point to the east rather than the west.

[38043] Iª-IIae q. 102 a. 4 arg. 5 Praeterea, virtus primi moventis, qui est Deus, primo apparet in parte orientis, a qua parte incipit primus motus. Sed tabernaculum fuit institutum ad Dei adorationem. Ergo debebat esse dispositum magis versus orientem quam versus occidentem.

Objection 6: Further, the Lord commanded (Ex. 20:4) that they should "not make . . . a graven thing, nor the likeness of anything." It was therefore unfitting for graven images of the cherubim to be set up in the tabernacle or temple. In like manner, the ark, the propitiatory, the candlestick, the table, the two altars, seem to have been placed there without reasonable cause.

[38044] Iª-IIae q. 102 a. 4 arg. 6 Praeterea, Exod. XX, dominus praecepit ut *non facerent sculptile, neque aliquam similitudinem*. Inconvenienter igitur in tabernaculo, vel in templo, fuerunt sculptae imagines Cherubim. Similiter etiam et arca, et propitiatorium, et candelabrum, et mensa, et duplex altare, sine rationabili causa ibi fuisse videntur.

Objection 7: Further, the Lord commanded (Ex.

[38045] Iª-IIae q. 102 a. 4 arg. 7 Praeterea,

20:24): "You shall make an altar of earth unto Me": and again (Ex. 20:26): "Thou shalt not go up by steps unto My altar." It was therefore unfitting that subsequently they should be commanded to make an altar of wood laid over with gold or brass; and of such a height that it was impossible to go up to it except by steps. For it is written (Ex. 27:1,2): "Thou shalt make also an altar of setim wood, which shall be five cubits long, and as many broad . . . and three cubits high . . . and thou shalt cover it with brass": and (Ex. 30:1, 3): "Thou shalt make . . . an altar to burn incense, of setim wood . . . and thou shalt overlay it with the purest gold."

dominus praecepit, Exod. XX, altare de terra facietis mihi. Et iterum, non ascendes ad altare meum per gradus. Inconvenienter igitur mandatur postmodum altare fieri de lignis auro vel aere contextis; et tantae altitudinis ut ad illud nisi per gradus ascendi non posset. Dicitur enim Exod. XXVII, *facies et altare de lignis setim, quod habebit quinque cubitos in longitudine, et totidem in latitudine, et tres cubitos in altitudine; et operies illud aere*. Et Exod. XXX dicitur, *facies altare ad adolendum thymiamata, de lignis setim, vestiesque illud auro purissimo*.

Objection 8: Further, in God's works nothing should be superfluous; for not even in the works of nature is anything superfluous to be found. But one cover suffices for one tabernacle or house. Therefore it was unbecoming to furnish the tabernacle with many coverings, viz. curtains, curtains of goats' hair, rams' skins dyed red, and violet-colored skins (Ex. 26).

[38046] Iª-IIae q. 102 a. 4 arg. 8 Praeterea, in operibus Dei nihil debet esse superfluum, quia nec in operibus naturae aliquid superfluum invenitur. Sed uni tabernaculo, vel domui, sufficit unum operimentum. Inconvenienter igitur tabernaculo fuerunt apposita multa tegumenta, scilicet cortinae, saga cilicina, pelles arietum rubricatae, et pelles hyacintinae.

Objection 9: Further, exterior consecration signifies interior holiness, the subject of which is the soul. It was therefore unsuitable for the tabernacle and its vessels to be consecrated, since they were inanimate things.

[38047] Iª-IIae q. 102 a. 4 arg. 9 Praeterea, consecratio exterior interiorem sanctitatem significat, cuius subiectum est anima. Inconvenienter igitur tabernaculum et eius vasa consecrabantur, cum essent quaedam corpora inanimata.

Objection 10: Further, it is written (Ps. 33:2): "I will bless the Lord at all times, His praise shall always be in my mouth." But the solemn festivals were instituted for the praise of God. Therefore it was not fitting that certain days should be fixed for keeping solemn festivals; so that it seems that there was no suitable cause for the ceremonies relating to holy things.

[38048] Iª-IIae q. 102 a. 4 arg. 10 Praeterea, in Psalmo XXXIII dicitur, *benedicam dominum in omni tempore, semper laus eius in ore meo*. Sed solemnitates instituuntur ad laudandum Deum. Non ergo fuit conveniens ut aliqui certi dies statuerentur ad solemnitates peragendas. Sic igitur videtur quod caeremoniae sacrorum convenientes causas non haberent.

On the contrary, The Apostle says (Heb. 8:4) that those who "offer gifts according to the law . . . serve unto the example and shadow of heavenly things. As it was answered to Moses, when he was to finish the tabernacle: See, says He, that thou make all things according to the pattern which was shown thee on the mount." But that is most reasonable, which presents a likeness to heavenly things. Therefore the ceremonies

[38049] Iª-IIae q. 102 a. 4 s. c. Sed contra est quod apostolus dicit, ad Heb. VIII, quod *illi qui offerunt secundum legem munera, exemplari et umbrae deserviunt caelestium, sicut responsum est Moysi, cum consummaret tabernaculum, vide, inquit, omnia facito secundum exemplar quod tibi in monte monstratum est*. Sed valde rationabile est quod imaginem caelestium repraesentat. Ergo caeremoniae sacrorum rationabilem causam

relating to holy things had a reasonable cause.

habebant.

I answer that, The chief purpose of the whole external worship is that man may give worship to God. Now man's tendency is to reverence less those things which are common, and indistinct from other things; whereas he admires and reveres those things which are distinct from others in some point of excellence. Hence too it is customary among men for kings and princes, who ought to be reverenced by their subjects, to be clothed in more precious garments, and to possess vaster and more beautiful abodes. And for this reason it behooved special times, a special abode, special vessels, and special ministers to be appointed for the divine worship, so that thereby the soul of man might be brought to greater reverence for God.

[38050] Iª-IIae q. 102 a. 4 co. Respondeo dicendum quod totus exterior cultus Dei ad hoc praecipue ordinatur ut homines Deum in reverentia habeant. Habet autem hoc humanus affectus, ut ea quae communia sunt, et non distincta ab aliis, minus revereatur; ea vero quae habent aliquam excellentiae discretionem ab aliis, magis admiretur et revereatur. Et inde etiam hominum consuetudo inolevit ut reges et principes, quos oportet in reverentia haberi a subditis, et pretiosioribus vestibus ornentur, et etiam ampliores et pulchriores habitationes possideant. Et propter hoc oportuit ut aliqua specialia tempora, et speciale habitaculum, et specialia vasa, et speciales ministri ad cultum Dei ordinarentur, ut per hoc animi hominum ad maiorem Dei reverentiam adducerentur. Similiter etiam status veteris legis, sicut dictum est, institutus erat ad figurandum mysterium Christi. Oportet autem esse aliquid determinatum id per quod aliud figurari debet, ut scilicet eius aliquam similitudinem repraesentet. Et ideo etiam oportuit aliqua specialia observari in his quae pertinent ad cultum Dei.

In like manner the state of the Old Law, as observed above (A[2]; Q[100] , A[12]; Q[101], A[2]), was instituted that it might foreshadow the mystery of Christ. Now that which foreshadows something should be determinate, so that it may present some likeness thereto. Consequently, certain special points had to be observed in matters pertaining to the worship of God.

Reply to Objection 1: The divine worship regards two things: namely, God Who is worshipped; and men, who worship Him. Accordingly God, Who is worshipped, is confined to no bodily place: wherefore there was no need, on His part, for a tabernacle or temple to be set up. But men, who worship Him, are corporeal beings: and for their sake there was need for a special tabernacle or temple to be set up for the worship of God, for two reasons. First, that through coming together with the thought that the place was set aside for the worship of God, they might approach thither with greater reverence. Secondly, that certain things relating to the excellence of Christ's Divine or human nature might be signified by the arrangement of various details in such temple or tabernacle.

[38051] Iª-IIae q. 102 a. 4 ad 1 Ad primum ergo dicendum quod cultus Dei duo respicit, scilicet Deum, qui colitur; et homines colentes. Ipse igitur Deus, qui colitur, nullo corporali loco clauditur, unde propter ipsum non oportuit tabernaculum fieri, aut templum. Sed homines ipsum colentes corporales sunt, et propter eos oportuit speciale tabernaculum, vel templum, institui ad cultum Dei, propter duo. Primo quidem, ut ad huiusmodi locum convenientes cum hac cogitatione quod deputaretur ad colendum Deum, cum maiori reverentia accederent. Secundo, ut per dispositionem talis templi, vel tabernaculi, significarentur aliqua pertinentia ad excellentiam divinitatis vel humanitatis Christi. Et hoc est quod Salomon dicit, III Reg. VIII, *si caelum et caeli caelorum te capere non possunt, quanto magis domus haec, quam aedificavi tibi? Et* postea subdit, *sint oculi tui aperti super domum hanc, de qua dixisti, erit nomen meum ibi; ut exaudias deprecationem servi tui et populi tui Israel*. Ex quo patet quod domus sanctuarii non est instituta

To this Solomon refers (3 Kings 8:27) when he says: "If heaven and the heavens of heavens cannot contain Thee, how much less this house which I have built" for Thee? And further on (3 Kings 8:29, 20) he adds: "That Thy eyes may be

open upon this house . . . of which Thou hast said: My name shall be there; . . . that Thou mayest hearken to the supplication of Thy servant and of Thy people Israel." From this it is evident that the house of the sanctuary was set up, not in order to contain God, as abiding therein locally, but that God might be made known there by means of things done and said there; and that those who prayed there might, through reverence for the place, pray more devoutly, so as to be heard more readily.

ad hoc quod Deum capiat, quasi localiter inhabitantem; sed ad hoc quod nomen Dei habitet ibi, idest ut notitia Dei ibi manifestetur per aliqua quae ibi fiebant vel dicebantur; et quod, propter reverentiam loci, orationes fierent ibi magis exaudibiles ex devotione orantium.

Reply to Objection 2: Before the coming of Christ, the state of the Old Law was not changed as regards the fulfilment of the Law, which was effected in Christ alone: but it was changed as regards the condition of the people that were under the Law. Because, at first, the people were in the desert, having no fixed abode: afterwards they were engaged in various wars with the neighboring nations; and lastly, at the time of David and Solomon, the state of that people was one of great peace. And then for the first time the temple was built in the place which Abraham, instructed by God, had chosen for the purpose of sacrifice. For it is written (Gn. 22:2) that the Lord commanded Abraham to "offer" his son "for a holocaust upon one of the mountains which I will show thee": and it is related further on (Gn. 22:14) that "he calleth the name of that place, The Lord seeth," as though, according to the Divine prevision, that place were chosen for the worship of God. Hence it is written (Dt. 12:5,6): "You shall come to the place which the Lord your God shall choose . . . and you shall offer . . . your holocausts and victims."

Now it was not meet for that place to be pointed out by the building of the temple before the aforesaid time; for three reasons assigned by Rabbi Moses. First, lest the Gentiles might seize hold of that place. Secondly, lest the Gentiles might destroy it. The third reason is lest each tribe might wish that place to fall to their lot, and strifes and quarrels be the result. Hence the temple was not built until they had a king who would be able to quell such quarrels. Until that time a portable tabernacle was employed for divine worship, no place being as yet fixed for the worship of God. This is the literal reason for the distinction between the tabernacle and the temple.

[38052] Iª-IIae q. 102 a. 4 ad 2 Ad secundum dicendum quod status veteris legis non fuit immutatus ante Christum quantum ad impletionem legis, quae facta est solum per Christum, est tamen immutatus quantum ad conditionem populi qui erat sub lege. Nam primo populus fuit in deserto, non habens certam mansionem; postmodum autem habuerunt varia bella cum finitimis gentibus; ultimo autem, tempore David et Salomonis, populus ille habuit quietissimum statum. Et tunc primo aedificatum fuit templum, in loco quem designaverat Abraham, ex divina demonstratione, ad immolandum. Dicitur enim Gen. XXII, quod dominus mandavit Abrahae ut offerret filium suum *in holocaustum super unum montium quem monstravero tibi*. Et postea dicit quod appellavit nomen illius loci, *dominus videt*, quasi secundum Dei praevisionem esset locus ille electus ad cultum divinum. Propter quod dicitur Deut. XII, *ad locum quem elegerit dominus Deus vester, venietis, et offeretis holocausta et victimas vestras*. Locus autem ille designari non debuit per aedificationem templi ante tempus praedictum, propter tres rationes, quas Rabbi Moyses assignat. Prima est ne gentes appropriarent sibi locum illum. Secunda est ne gentes ipsum destruerent. Tertia vero ratio est ne quaelibet tribus vellet habere locum illum in sorte sua, et propter hoc orirentur lites et iurgia. Et ideo non fuit aedificatum templum donec haberent regem, per quem posset huiusmodi iurgium compesci. Antea vero ad cultum Dei erat ordinatum tabernaculum portatile per diversa loca, quasi nondum existente determinato loco divini cultus. Et haec est ratio litteralis diversitatis tabernaculi et templi. Ratio autem figuralis esse potest quia per haec duo significatur duplex status. Per tabernaculum enim, quod est mutabile, significatur status praesentis

The figurative reason may be assigned to the fact that they signify a twofold state. For the tabernacle, which was changeable, signifies the state of the present changeable life: whereas the temple, which was fixed and stable, signifies the state of future life which is altogether unchangeable. For this reason it is said that in the building of the temple no sound was heard of hammer or saw, to signify that all movements of disturbance will be far removed from the future state. Or else the tabernacle signifies the state of the Old Law; while the temple built by Solomon betokens the state of the New Law. Hence the Jews alone worked at the building of the tabernacle; whereas the temple was built with the cooperation of the Gentiles, viz. the Tyrians and Sidonians.

vitae mutabilis. Per templum vero, quod erat fixum et stans, significatur status futurae vitae, quae omnino invariabilis est. Et propter hoc in aedificatione templi dicitur quod non est auditus sonitus mallei vel securis, ad significandum quod omnis perturbationis tumultus longe erit a statu futuro. Vel per tabernaculum significatur status veteris legis, per templum autem a Salomone constructum, status novae legis. Unde ad constructionem tabernaculi soli Iudaei sunt operati, ad aedificationem vero templi cooperati sunt etiam gentiles, scilicet Tyrii et Sidonii.

Reply to Objection 3: The reason for the unity of the temple or tabernacle may be either literal or figurative. The literal reason was the exclusion of idolatry. For the Gentiles put up various times to various gods: and so, to strengthen in the minds of men their belief in the unity of the Godhead, God wished sacrifices to be offered to Him in one place only. Another reason was in order to show that bodily worship is not acceptable of itself: and so they restrained from offering sacrifices anywhere and everywhere. But the worship of the New Law, in the sacrifice whereof spiritual grace is contained, is of itself acceptable to God; and consequently the multiplication of altars and temples is permitted in the New Law.

As to those matters that regarded the spiritual worship of God, consisting in the teaching of the Law and the Prophets, there were, even under the Old Law, various places, called synagogues, appointed for the people to gather together for the praise of God; just as now there are places called churches in which the Christian people gather together for the divine worship. Thus our church takes the place of both temple and synagogue: since the very sacrifice of the Church is spiritual; wherefore with us the place of sacrifice is not distinct from the place of teaching. The figurative reason may be that hereby is signified the unity of the Church, whether militant or triumphant.

[38053] Iª-IIae q. 102 a. 4 ad 3 Ad tertium dicendum quod ratio unitatis templi, vel tabernaculi, potest esse et litteralis, et figuralis. Litteralis quidem est ratio ad exclusionem idololatriae. Quia gentiles diversis diis diversa templa constituebant, et ideo, ut firmaretur in animis hominum fides unitatis divinae, voluit Deus ut in uno loco tantum sibi sacrificium offerretur. Et iterum ut per hoc ostenderet quod corporalis cultus non propter se erat ei acceptus. Et ideo compescebantur ne passim et ubique sacrificia offerrent. Sed cultus novae legis, in cuius sacrificio spiritualis gratia continetur, est secundum se Deo acceptus. Et ideo multiplicatio altarium et templorum acceptatur in nova lege. Quantum vero ad ea quae pertinebant ad spiritualem cultum Dei, qui consistit in doctrina legis et prophetarum, erant etiam in veteri lege diversa loca deputata in quibus conveniebant ad laudem Dei, quae dicebantur synagogae, sicut et nunc dicuntur Ecclesiae, in quibus populus Christianus ad laudem Dei congregatur. Et sic Ecclesia nostra succedit in locum et templi et synagogae, quia ipsum sacrificium Ecclesiae spirituale est; unde non distinguitur apud nos locus sacrificii a loco doctrinae. Ratio autem figuralis esse potest quia per hoc significatur unitas Ecclesiae, vel militantis vel triumphantis.

Reply to Objection 4: Just as the unity of the

[38054] Iª-IIae q. 102 a. 4 ad 4 Ad quartum

temple or tabernacle betokened the unity of God, or the unity of the Church, so also the division of the tabernacle or temple signified the distinction of those things that are subject to God, and from which we arise to the worship of God. Now the tabernacle was divided into two parts: one was called the "Holy of Holies," and was placed to the west; the other was called the "Holy Place" [*Or 'Sanctuary'. The Douay version uses both expressions], which was situated to the east. Moreover there was a court facing the tabernacle. Accordingly there are two reasons for this distinction. One is in respect of the tabernacle being ordained to the worship of God. Because the different parts of the world are thus betokened by the division of the tabernacle. For that part which was called the Holy of Holies signified the higher world, which is that of spiritual substances: while that part which is called the Holy Place signified the corporeal world. Hence the Holy Place was separated from the Holy of Holies by a veil, which was of four different colors (denoting the four elements), viz. of linen, signifying earth, because linen, i.e. flax, grows out of the earth; purple, signifying water, because the purple tint was made from certain shells found in the sea; violet, signifying air, because it has the color of the air; and scarlet twice dyed, signifying fire: and this because matter composed of the four elements is a veil between us and incorporeal substances. Hence the high-priest alone, and that once a year, entered into the inner tabernacle, i.e. the Holy of Holies: whereby we are taught that man's final perfection consists in his entering into that (higher) world: whereas into the outward tabernacle, i.e. the Holy Place, the priests entered every day: whereas the people were only admitted to the court; because the people were able to perceived material things, the inner nature of which only wise men by dint of study are able to discover.

But regard to the figurative reason, the outward tabernacle, which was called the Holy Place, betokened the state of the Old Law, as the Apostle says (Heb. 9:6, seqq.): because into that tabernacle "the priests always entered accomplishing the offices of sacrifices." But the inner tabernacle, which was called the Holy of Holies, signified either the glory of heaven or the spiritual state of the New Law to come. To the latter state Christ brought us; and this was

dicendum quod, sicut in unitate templi, vel tabernaculi, repraesentabatur unitas Dei, vel unitas Ecclesiae; ita etiam in distinctione tabernaculi, vel templi, repraesentabatur distinctio eorum quae Deo sunt subiecta, ex quibus in Dei venerationem consurgimus. Distinguebatur autem tabernaculum in duas partes, in unam quae vocabatur sancta sanctorum, quae erat Occidentalis; et aliam quae vocabatur sancta, quae erat ad orientem. Et iterum ante tabernaculum erat atrium. Haec igitur distinctio duplicem habet rationem. Unam quidem, secundum quod tabernaculum ordinatur ad cultum Dei. Sic enim diversae partes mundi in distinctione tabernaculi figurantur. Nam pars illa quae sancta sanctorum dicitur, figurabat saeculum altius, quod est spiritualium substantiarum, pars vero illa quae dicitur sancta, exprimebat mundum corporalem. Et ideo sancta a sanctis sanctorum distinguebantur quodam velo, quod quatuor coloribus erat distinctum, per quos quatuor elementa designantur, scilicet bysso, per quod designatur terra, quia byssus, idest linum, de terra nascitur; purpura, per quam significatur aqua, fiebat enim purpureus color ex quibusdam conchis quae inveniuntur in mari; hyacintho, per quem significatur aer, quia habet aereum colorem; et cocco bis tincto, per quem designatur ignis. Et hoc ideo quia materia quatuor elementorum est impedimentum per quod velantur nobis incorporales substantiae. Et ideo in interius tabernaculum, idest in sancta sanctorum, solus summus sacerdos, et semel in anno, introibat, ut designaretur quod haec est finalis perfectio hominis, ut ad illud saeculum introducatur. In tabernaculum vero exterius, idest in sancta, introibant sacerdotes quotidie, non autem populus, qui solum ad atrium accedebat, quia ipsa corpora populus percipere potest; ad interiores autem eorum rationes soli sapientes per considerationem attingere possunt. Secundum vero rationem figuralem, per exterius tabernaculum, quod dicitur sancta, significatur status veteris legis, ut apostolus dicit, ad Heb. IX, quia ad illud tabernaculum *semper introibant sacerdotes sacrificiorum officia consummantes*. Per interius vero tabernaculum, quod dicitur sancta sanctorum, significatur vel caelestis gloria, vel etiam status spiritualis novae legis, qui est quaedam inchoatio futurae gloriae. In quem statum nos Christus introduxit, quod figurabatur per hoc quod summus sacerdos, semel in anno,

signified by the high-priest entering alone, once a year, into the Holy of Holies. The veil betokened the concealing of the spiritual sacrifices under the sacrifices of old. This veil was adorned with four colors: viz. that of linen, to designate purity of the flesh; purple, to denote the sufferings which the saints underwent for God; scarlet twice dyed, signifying the twofold love of God and our neighbor; and violet, in token of heavenly contemplation. With regard to the state of the Old Law the people and the priests were situated differently from one another. For the people saw the mere corporeal sacrifices which were offered in the court: whereas the priests were intent on the inner meaning of the sacrifices, because their faith in the mysteries of Christ was more explicit. Hence they entered into the outer tabernacle. This outer tabernacle was divided from the court by a veil; because some matters relating to the mystery of Christ were hidden from the people, while they were known to the priests: though they were not fully revealed to them, as they were subsequently in the New Testament (cf. Eph. 3:5).

solus in sancta sanctorum intrabat. Velum autem figurabat spiritualium occultationem sacrificiorum in veteribus sacrificiis. Quod velum quatuor coloribus erat ornatum, bysso quidem, ad designandam carnis puritatem; purpura autem, ad figurandum passiones quas sancti sustinuerunt pro Deo; cocco bis tincto, ad significandum caritatem geminam Dei et proximi; hyacintho autem significabatur caelestis meditatio. Ad statum autem veteris legis aliter se habebat populus, et aliter sacerdotes. Nam populus ipsa corporalia sacrificia considerabat, quae in atrio offerebantur. Sacerdotes vero rationem sacrificiorum considerabant, habentes fidem magis explicitam de mysteriis Christi. Et ideo intrabant in exterius tabernaculum. Quod etiam quodam velo distinguebatur ab atrio, quia quaedam erant velata populo circa mysterium Christi, quae sacerdotibus erant nota. Non tamen erant eis plene revelata, sicut postea in novo testamento, ut habetur Ephes. III.

Reply to Objection 5: Worship towards the west was introduced in the Law to the exclusion of idolatry: because all the Gentiles, in reverence to the sun, worshipped towards the east; hence it is written (Ezech. 8:16) that certain men "had their backs towards the temple of the Lord, and their faces to the east, and they adored towards the rising of the sun." Accordingly, in order to prevent this, the tabernacle had the Holy of Holies to westward, that they might adore toward the west. A figurative reason may also be found in the fact that the whole state of the first tabernacle was ordained to foreshadow the death of Christ, which is signified by the west, according to Ps. 67:5: "Who ascendeth unto the west; the Lord is His name."

[38055] Iª-IIae q. 102 a. 4 ad 5 Ad quintum dicendum quod adoratio ad occidentem fuit introducta in lege ad excludendam idololatriam, nam omnes gentiles, in reverentiam solis, adorabant ad orientem; unde dicitur Ezech. VIII, quod *quidam habebant dorsa contra templum domini et facies ad orientem, et adorabant ad ortum solis*. Unde ad hoc excludendum, tabernaculum habebat sancta sanctorum ad occidentem, ut versus occidentem adorarent. Ratio etiam figuralis esse potest quia totus status prioris tabernaculi ordinabatur ad figurandum mortem Christi, quae significatur per occasum; secundum illud Psalmi LXVII, *qui ascendit super occasum, dominus nomen illi*.

Reply to Objection 6: Both literal and figurative reasons may be assigned for the things contained in the tabernacle. The literal reason is in connection with the divine worship. And because, as already observed (ad 4), the inner tabernacle, called the Holy of Holies, signified the higher world of spiritual substances, hence that tabernacle contained three things, viz. "the ark of the testament in which was a golden pot that had

[38056] Iª-IIae q. 102 a. 4 ad 6 Ad sextum dicendum quod eorum quae in tabernaculo continebantur, ratio reddi potest et litteralis et figuralis. Litteralis quidem, per relationem ad cultum divinum. Et quia dictum est quod per tabernaculum interius, quod dicebatur sancta sanctorum, significabatur saeculum altius spiritualium substantiarum, ideo in illo tabernaculo tria continebantur. Scilicet arca

manna, and the rod of Aaron that had blossomed, and the tables" (Heb. 9:4) on which were written the ten commandments of the Law. Now the ark stood between two "cherubim" that looked one towards the other: and over the ark was a table, called the "propitiatory," raised above the wings of the cherubim, as though it were held up by them; and appearing, to the imagination, to be the very seat of God. For this reason it was called the "propitiatory," as though the people received propitiation thence at the prayers of the high-priest. And so it was held up, so to speak, by the cherubim, in obedience, as it were, to God: while the ark of the testament was like the foot-stool to Him that sat on the propitiatory. These three things denote three things in that higher world: namely, God Who is above all, and incomprehensible to any creature. Hence no likeness of Him was set up; to denote His invisibility. But there was something to represent his seat; since, to wit, the creature, which is beneath God, as the seat under the sitter, is comprehensible. Again in that higher world there are spiritual substances called angels. These are signified by the two cherubim, looking one towards the other, to show that they are at peace with one another, according to Job 25:2: "Who maketh peace in . . . high places." For this reason, too, there was more than one cherub, to betoken the multitude of heavenly spirits, and to prevent their receiving worship from those who had been commanded to worship but one God. Moreover there are, enclosed as it were in that spiritual world, the intelligible types of whatsoever takes place in this world, just as in every cause are enclosed the types of its effects, and in the craftsman the types of the works of his craft. This was betokened by the ark, which represented, by means of the three things it contained, the three things of greatest import in human affairs. These are wisdom, signified by the tables of the testament; the power of governing, betokened by the rod of Aaron; and life, betokened by the manna which was the means of sustenance. Or else these three things signified the three Divine attributes, viz. wisdom, in the tables; power, in the rod; goodness, in the manna---both by reason of its sweetness, and because it was through the goodness of God that it was granted to man, wherefore it was preserved as a memorial of the Divine mercy. Again, these three things were represented in Isaias' vision. For he "saw the Lord

testamenti, in qua erat urna aurea habens manna, et virga Aaron quae fronduerat, et tabulae in quibus erant scripta decem praecepta legis. Haec autem arca sita erat inter duos Cherubim, qui se mutuis vultibus respiciebant. Et super arcam erat quaedam tabula, quae dicebatur propitiatorium, super alas Cherubim, quasi ab ipsis Cherubim portaretur, ac si imaginaretur quod illa tabula esset sedes Dei. Unde et propitiatorium dicebatur, quasi exinde populo propitiaretur, ad preces summi sacerdotis. Et ideo quasi portabatur a Cherubim, quasi Deo obsequentibus, arca vero testamenti erat quasi scabellum sedentis supra propitiatorium. Per haec autem tria designantur tria quae sunt in illo altiori saeculo. Scilicet Deus, qui super omnia est, et incomprehensibilis omni creaturae. Et propter hoc nulla similitudo eius ponebatur, ad repraesentandam eius invisibilitatem. Sed ponebatur quaedam figura sedis eius, quia scilicet creatura comprehensibilis est, quae est subiecta Deo, sicut sedes sedenti. Sunt etiam in illo altiori saeculo spirituales substantiae, quae Angeli dicuntur. Et hi significantur per duos Cherubim; mutuo se respicientes, ad designandam concordiam eorum ad invicem, secundum illud Iob XXV, qui facit concordiam in sublimibus. Et propter hoc etiam non fuit unus tantum Cherubim, ut designaretur multitudo caelestium spirituum, et excluderetur cultus eorum ab his quibus praeceptum erat ut solum unum Deum colerent. Sunt etiam in illo intelligibili saeculo rationes omnium eorum quae in hoc saeculo perficiuntur quodammodo clausae, sicut rationes effectuum clauduntur in suis causis, et rationes artificiatorum in artifice. Et hoc significabatur per arcam, in qua repraesentabantur, per tria ibi contenta, tria quae sunt potissima in rebus humanis, scilicet sapientia, quae repraesentabatur per tabulas testamenti; potestas regiminis, quae repraesentabatur per virgam Aaron; vita, quae repraesentabatur per manna, quod fuit sustentamentum vitae. Vel per haec tria significabantur tria Dei attributa, scilicet sapientia, in tabulis; potentia, in virga; bonitas, in manna, tum propter dulcedinem, tum quia ex Dei misericordia est populo datum, et ideo in memoriam divinae misericordiae conservabatur. Et haec tria etiam figurata sunt in visione Isaiae. Vidit enim dominum sedentem super solium excelsum et elevatum; et Seraphim assistentes; et domum impleri a gloria Dei. Unde et Seraphim

sitting upon a throne high and elevated"; and the seraphim standing by; and that the house was filled with the glory of the Lord; wherefrom the seraphim cried out: "All the earth is full of His glory" (Is. 6:1, 3). And so the images of the seraphim were set up, not to be worshipped, for this was forbidden by the first commandment; but as a sign of their function, as stated above.

The outer tabernacle, which denotes this present world, also contained three things, viz. the "altar of incense," which was directly opposite the ark; the "table of proposition," with the twelve loaves of proposition on it, which stood on the northern side; and the "candlestick," which was placed towards the south. These three things seem to correspond to the three which were enclosed in the ark; and they represented the same things as the latter, but more clearly: because, in order that wise men, denoted by the priests entering the temple, might grasp the meaning of these types, it was necessary to express them more manifestly than they are in the Divine or angelic mind. Accordingly the candlestick betokened, as a sensible sign thereof, the wisdom which was expressed on the tables (of the Law) in intelligible words. The altar of incense signified the office of the priest, whose duty it was to bring the people to God: and this was signified also by the rod: because on that altar the sweet-smelling incense was burnt, signifying the holiness of the people acceptable to God: for it is written (Apoc. 8:3) that the smoke of the sweet-smelling spices signifies the "justifications of the saints" (cf. Apoc. 19:8). Moreover it was fitting that the dignity of the priesthood should be denoted, in the ark, by the rod, and, in the outer tabernacle, by the altar of incense: because the priest is the mediator between God and the people, governing the people by Divine power, denoted by the rod; and offering to God the fruit of His government, i.e. the holiness of the people, on the altar of incense, so to speak. The table signified the sustenance of life, just as the manna did: but the former, a more general and a coarser kind of nourishment; the latter, a sweeter and more delicate. Again, the candlestick was fittingly placed on the southern side, while the table was placed to the north: because the south is the right-hand side of the world, while the north is the left-hand side, as stated in De Coelo et Mundo ii; and wisdom, like other spiritual goods, belongs to the right hand,

dicebant, plena est omnis terra gloria eius. Et sic similitudines Seraphim non ponebantur ad cultum, quod prohibebatur primo legis praecepto, sed in signum ministerii, ut dictum est. In exteriori vero tabernaculo, quod significat praesens saeculum, continebantur etiam tria, scilicet altare thymiamatis, quod erat directe contra arcam; mensa propositionis, super quam duodecim panes apponebantur, erat posita ex parte aquilonari; candelabrum vero ex parte Australi. Quae tria videntur respondere tribus quae erant in arca clausa, sed magis manifeste eadem repraesentabant, oportet enim rationes rerum ad manifestiorem demonstrationem perduci quam sint in mente divina et Angelorum, ad hoc quod homines sapientes eas cognoscere possint qui significantur per sacerdotes ingredientes tabernaculum. In candelabro igitur designabatur, sicut in signo sensibili, sapientia quae intelligibilibus verbis exprimebatur in tabulis. Per altare vero thymiamatis significabatur officium sacerdotum, quorum erat populum ad Deum reducere, et hoc etiam significabatur per virgam. Nam in illo altari incedebatur thymiama boni odoris, per quod significabatur sanctitas populi acceptabilis Deo, dicitur enim Apoc. VIII, quod per fumum aromatum significantur iustificationes sanctorum. Convenienter autem sacerdotalis dignitas in arca significabatur per virgam, in exteriori vero tabernaculo per altare thymiamatis, quia sacerdos mediator est inter Deum et populum, regens populum per potestatem divinam, quam virga significat; et fructum sui regiminis, scilicet sanctitatem populi, Deo offert, quasi in altari thymiamatis. Per mensam autem significatur nutrimentum vitae, sicut et per manna. Sed hoc est communius et grossius nutrimentum, illud autem suavius et subtilius. Convenienter autem candelabrum ponebatur ex parte Australi, mensa autem ex parte aquilonari, quia Australis pars est dextera pars mundi, aquilonaris autem sinistra, ut dicitur in II de caelo et mundo; sapientia autem pertinet ad dextram, sicut et cetera spiritualia bona; temporale autem nutrimentum ad sinistram, secundum illud Prov. III, in sinistra illius divitiae et gloria. Potestas autem sacerdotalis media est inter temporalia et spiritualem sapientiam, quia per eam et spiritualis sapientia et temporalia dispensantur. Potest autem et horum alia ratio assignari magis litteralis. In arca enim continebantur tabulae legis, ad tollendam legis oblivionem, unde dicitur Exod.

while temporal nourishment belongs on the left, according to Prov. 3:16: "In her left hand (are) riches and glory." And the priestly power is midway between temporal goods and spiritual wisdom; because thereby both spiritual wisdom and temporal goods are dispensed.

Another literal signification may be assigned. For the ark contained the tables of the Law, in order to prevent forgetfulness of the Law, wherefore it is written (Ex. 24:12): "I will give thee two tables of stone, and the Law, and the commandments which I have written: that thou mayest teach them" to the children of Israel. The rod of Aaron was placed there to restrain the people from insubordination to the priesthood of Aaron; wherefore it is written (Num. 17:10): "Carry back the rod of Aaron into the tabernacle of the testimony, that it may be kept there for a token of the rebellious children of Israel." The manna was kept in the ark to remind them of the benefit conferred by God on the children of Israel in the desert; wherefore it is written (Ex. 16:32): "Fill a gomor of it, and let it be kept unto generations to come hereafter, that they may know the bread wherewith I fed you in the wilderness." The candlestick was set up to enhance the beauty of the temple, for the magnificence of a house depends on its being well lighted. Now the candlestick had seven branches, as Josephus observes (Antiquit. iii, 7,8), to signify the seven planets, wherewith the whole world is illuminated. Hence the candlestick was placed towards the south; because for us the course of the planets is from that quarter. The altar of incense was instituted that there might always be in the tabernacle a sweet-smelling smoke; both through respect for the tabernacle, and as a remedy for the stenches arising from the shedding of blood and the slaying of animals. For men despise evil-smelling things as being vile, whereas sweet-smelling things are much appreciated. The table was place there to signify that the priests who served the temple should take their food in the temple: wherefore, as stated in Mat. 12:4, it was lawful for none but the priests to eat the twelve loaves which were put on the table in memory of the twelve tribes. And the table was not placed in the middle directly in front of the propitiatory, in order to exclude an idolatrous rite: for the Gentiles, on the feasts of the moon, set up a table in front of the idol of the moon, wherefore it is

XXIV, *dabo tibi duas tabulas lapideas et legem ac mandata quae scripsi, ut doceas filios Israel*. Virga vero Aaron ponebatur ibi ad comprimendam dissensionem populi de sacerdotio Aaron, unde dicitur Num. XVII, *refer virgam Aaron in tabernaculum testimonii, ut servetur in signum rebellium filiorum Israel*. Manna autem conservabatur in arca, ad commemorandum beneficium quod dominus praestitit filiis Israel in deserto, unde dicitur Exod. XVI, *imple gomor ex eo, et custodiatur in futuras retro generationes, ut noverint panes de quibus alui vos in solitudine*. Candelabrum vero erat institutum ad honorificentiam tabernaculi, pertinet enim ad magnificentiam domus quod sit bene luminosa. Habebat autem candelabrum septem calamos, ut Iosephus dicit, ad significandum septem planetas, quibus totus mundus illuminatur. Et ideo ponebatur candelabrum ex parte Australi, quia ex illa parte est nobis planetarum cursus. Altare vero thymiamatis erat institutum ut iugiter in tabernaculo esset fumus boni odoris, tum propter venerationem tabernaculi; tum etiam in remedium fetoris quem oportebat accidere ex effusione sanguinis et occisione animalium. Ea enim quae sunt fetida, despiciuntur quasi vilia, quae vero sunt boni odoris, homines magis appretiant. Mensa autem apponebatur ad significandum quod sacerdotes templo servientes, in templo victum habere debebant, unde duodecim panes superpositos mensae, in memoriam duodecim tribuum, solis sacerdotibus edere licitum erat, ut habetur Matth. XII. Mensa autem non ponebatur directe in medio ante propitiatorium, ad excludendum ritum idololatriae, nam gentiles in sacris lunae proponebant mensam coram idolo lunae; unde dicitur Ierem. VII, *mulieres conspergunt adipem ut faciant placentas reginae caeli*. In atrio vero extra tabernaculum continebatur altare holocaustorum, in quo offerebantur Deo sacrificia de his quae erant a populo possessa. Et ideo in atrio poterat esse populus, qui huiusmodi Deo offerebat per manus sacerdotum. Sed ad altare interius, in quo ipsa devotio et sanctitas populi Deo offerebatur, non poterant accedere nisi sacerdotes, quorum erat Deo offerre populum. Est autem hoc altare extra tabernaculum in atrio constitutum, ad removendum cultum idololatriae, nam gentiles infra templa altaria constituebant ad immolandum idolis. Figuralis vero ratio omnium horum assignari potest ex relatione tabernaculi ad

written (Jer. 7:18): "The women knead the dough, to make cakes to the queen of heaven."

In the court outside the tabernacle was the altar of holocausts, on which sacrifices of those things which the people possessed were offered to God: and consequently the people who offered these sacrifices to God by the hands of the priest could be present in the court. But the priests alone, whose function it was to offer the people to God, could approach the inner altar, whereon the very devotion and holiness of the people was offered to God. And this altar was put up outside the tabernacle and in the court, to the exclusion of idolatrous worship: for the Gentiles placed altars inside the temples to offer up sacrifices thereon to idols.

The figurative reason for all these things may be taken from the relation of the tabernacle to Christ, who was foreshadowed therein. Now it must be observed that to show the imperfection of the figures of the Law, various figures were instituted in the temple to betoken Christ. For He was foreshadowed by the "propitiatory," since He is "a propitiation for our sins" (1 Jn. 2:2). This propitiatory was fittingly carried by cherubim, since of Him it is written (Heb. 1:6): "Let all the angels of God adore Him." He is also signified by the ark: because just as the ark was made of setim-wood, so was Christ's body composed of most pure members. More over it was gilded: for Christ was full of wisdom and charity, which are betokened by gold. And in the ark was a golden pot, i.e. His holy soul, having manna, i.e. "all the fulness of the Godhead" (Col. 2:9). Also there was a rod in the ark, i.e. His priestly power: for "He was made a . . . priest for ever" (Heb. 6:20). And therein were the tables of the Testament, to denote that Christ Himself is a lawgiver. Again, Christ was signified by the candlestick, for He said Himself (Jn. 8:12): "I am the Light of the world"; while the seven lamps denoted the seven gifts of the Holy Ghost. He is also betokened in the table, because He is our spiritual food, according to Jn. 6:41, 51: "I am the living bread": and the twelve loaves signified the twelve apostles, or their teaching. Or again, the candlestick and table may signify the Church's teaching, and faith, which also enlightens and refreshes. Again, Christ is signified by the two altars of holocausts and incense. Because all

Christum, qui figurabatur. Est autem considerandum quod ad designandum imperfectionem legalium figurarum, diversae figurae fuerunt institutae in templo ad significandum Christum. Ipse enim significatur per propitiatorium, quia ipse est propitiatio pro peccatis nostris, ut dicitur I Ioan. II. Et convenienter hoc propitiatorium a Cherubim portatur, quia de eo scriptum est, adorent eum omnes Angeli Dei, ut habetur Heb. I. Ipse etiam significatur per arcam, quia sicut arca erat constructa de lignis setim, ita corpus Christi de membris purissimis constabat. Erat autem deaurata, quia Christus fuit plenus sapientia et caritate, quae per aurum significantur. Intra arcam autem erat urna aurea, idest sancta anima; habens manna, idest omnem plenitudinem divinitatis. Erat etiam in arca virga, idest potestas sacerdotalis, quia ipse est factus sacerdos in aeternum. Erant etiam ibi tabulae testamenti, ad designandum quod ipse Christus est legis dator. Ipse etiam Christus significatur per candelabrum, quia ipse dicit, ego sum lux mundi, per septem lucernas, septem dona spiritus sancti. Ipse est spiritualis cibus, secundum illud Ioan. VI, ego sum panis vivus, duodecim autem panes significant duodecim apostolos, vel doctrinam eorum. Sive per candelabrum et mensam potest significari doctrina et fides Ecclesiae, quae etiam illuminat et spiritualiter reficit. Ipse etiam Christus significatur per duplex altare holocaustorum et thymiamatis. Quia per ipsum oportet nos Deo offerre omnia virtutum opera, sive illa quibus carnem affligimus, quae offeruntur quasi in altari holocaustorum; sive illa quae, maiore mentis perfectione, per spiritualia perfectorum desideria, Deo offeruntur in Christo, quasi in altari thymiamatis, secundum illud ad Heb. ult., *per ipsum ergo offeramus hostiam laudis semper Deo*.

works of virtue must be offered to us to God through Him; both those whereby we afflict the body, which are offered, as it were, on the altar of holocausts; and those which, with greater perfection of mind, are offered to God in Christ, by the spiritual desires of the perfect, on the altar of incense, as it were, according to Heb. 13:15: "By Him therefore let us offer the sacrifice of praise always to God."

Reply to Objection 7: The Lord commanded an altar to be made for the offering of sacrifices and gifts, in honor of God, and for the upkeep of the ministers who served the tabernacle. Now concerning the construction of the altar the Lord issued a twofold precept. One was at the beginning of the Law (Ex. 20:24, seqq.) when the Lord commanded them to make "an altar of earth," or at least "not of hewn stones"; and again, not to make the altar high, so as to make it necessary to "go up" to it "by steps." This was in detestation of idolatrous worship: for the Gentiles made their altars ornate and high, thinking that there was something holy and divine in such things. For this reason, too, the Lord commanded (Dt. 16:21): "Thou shalt plant no grove, nor any tree near the altar of the Lord thy God": since idolaters were wont to offer sacrifices beneath trees, on account of the pleasantness and shade afforded by them. There was also a figurative reason for these precepts. Because we must confess that in Christ, Who is our altar, there is the true nature of flesh, as regards His humanity---and this is to make an altar of earth; and again, in regard to His Godhead, we must confess His equality with the Father---and this is "not to go up" to the altar by steps. Moreover we should not couple the doctrine of Christ to that of the Gentiles, which provokes men to lewdness.

But when once the tabernacle had been constructed to the honor of God, there was no longer reason to fear these occasions of idolatry. Wherefore the Lord commanded the altar of holocausts to be made of brass, and to be conspicuous to all the people; and the altar of incense, which was visible to none but the priests. Nor was brass so precious as to give the people an occasion for idolatry.

Since, however, the reason for the precept, "Thou

[38057] Iª-IIae q. 102 a. 4 ad 7 Ad septimum dicendum quod dominus praecepit altare construi ad sacrificia et munera offerenda, in honorem Dei et sustentationem ministrorum qui tabernaculo deserviebant. De constructione autem altaris datur a domino duplex praeceptum. Unum quidem in principio legis, Exod. XX, ubi dominus mandavit quod facerent altare de terra, vel saltem de lapidibus non sectis; et iterum quod non facerent altare excelsum, ad quod oporteret per gradus ascendere. Et hoc, ad detestandum idololatriae cultum, gentiles enim idolis construebant altaria ornata et sublimia, in quibus credebant aliquid sanctitatis et numinis esse. Propter quod etiam dominus mandavit, Deut. XVI, *non plantabis lucum, et omnem arborem, iuxta altare domini Dei tui*, idololatrae enim consueverunt sub arboribus sacrificare, propter amoenitatem et umbrositatem. Quorum etiam praeceptorum ratio figuralis fuit. Quia in Christo, qui est nostrum altare, debemus confiteri veram carnis naturam, quantum ad humanitatem, quod est altare de terra facere, et quantum ad divinitatem, debemus in eo confiteri patris aequalitatem, quod est non ascendere per gradus ad altare. Nec etiam iuxta Christum debemus admittere doctrinam gentilium, ad lasciviam provocantem. Sed facto tabernaculo ad honorem Dei, non erant timendae huiusmodi occasiones idololatriae. Et ideo dominus mandavit quod fieret altare holocaustorum de aere, quod esset omni populo conspicuum; et altare thymiamatis de auro, quod soli sacerdotes videbant. Nec erat tanta pretiositas aeris ut per hoc populus ad aliquam idololatriam provocaretur. Sed quia Exod. XX ponitur pro ratione huius praecepti, *non ascendes per gradus ad altare meum*, id quod subditur, ne reveletur turpitudo tua; considerandum est quod hoc etiam fuit institutum ad excludendam idololatriam, nam in sacris Priapi sua pudenda gentiles populo denudabant. Postmodum autem indictus est

shalt not go up by steps unto My altar" (Ex. 20:26) is stated to have been "lest thy nakedness be discovered," it should be observed that this too was instituted with the purpose of preventing idolatry, for in the feasts of Priapus the Gentiles uncovered their nakedness before the people. But later on the priests were prescribed the use of loin-cloths for the sake of decency: so that without any danger the altar could be placed so high that the priests when offering sacrifices would go up by steps of wood, not fixed but movable.

sacerdotibus feminalium usus ad tegimen pudendorum. Et ideo sine periculo institui potuit tanta altaris altitudo ut per aliquos gradus ligneos, non stantes sed portatiles, in hora sacrificii, sacerdotes ad altare ascenderent sacrificia offerentes.

Reply to Objection 8: The body of the tabernacle consisted of boards placed on end, and covered on the inside with curtains of four different colors, viz. twisted linen, violet, purple, and scarlet twice dyed. These curtains, however, covered the sides only of the tabernacle; and the roof of the tabernacle was covered with violet-colored skins; and over this there was another covering of rams' skins dyed red; and over this there was a third curtain made of goats' hair, which covered not only the roof of the tabernacle, but also reached to the ground and covered the boards of the tabernacle on the outside. The literal reason of these coverings taken altogether was the adornment and protection of the tabernacle, that it might be an object of respect. Taken singly, according to some, the curtains denoted the starry heaven, which is adorned with various stars; the curtain (of goats' skin) signified the waters which are above the firmament; the skins dyed red denoted the empyrean heaven, where the angels are; the violet skins, the heaven of the Blessed Trinity.

The figurative meaning of these things is that the boards of which the tabernacle was constructed signify the faithful of Christ, who compose the Church. The boards were covered on the inner side by curtains of four colors: because the faithful are inwardly adorned with the four virtues: for "the twisted linen," as the gloss observes, "signifies the flesh refulgent with purity; violet signifies the mind desirous of heavenly things; purple denotes the flesh subject to passions; the twice dyed scarlet betokens the mind in the midst of the passions enlightened by the love of God and our neighbor." The coverings of the building designate prelates and doctors,

[38058] Iª-IIae q. 102 a. 4 ad 8 Ad octavum dicendum quod corpus tabernaculi constabat ex quibusdam tabulis in longitudinem erectis, quae quidem interius tegebantur quibusdam cortinis ex quatuor coloribus variatis, scilicet de bysso retorta, et hyacintho, ac purpura, coccoque bis tincto. Sed huiusmodi cortinae tegebant solum latera tabernaculi, in tecto autem tabernaculi erat operimentum unum de pellibus hyacinthinis; et super hoc aliud de pellibus arietum rubricatis; et desuper tertium de quibusdam sagis cilicinis, quae non tantum operiebant tectum tabernaculi, sed etiam descendebant usque terram, et tegebant tabulas tabernaculi exterius. Horum autem operimentorum ratio litteralis in communi erat ornatus et protectio tabernaculi, ut in reverentia haberetur. In speciali vero, secundum quosdam, per cortinas designabatur caelum sydereum, quod est diversis stellis variatum; per saga, aquae quae sunt supra firmamentum; per pelles rubricatas, caelum Empyreum, in quo sunt Angeli; per pelles hyacinthinas, caelum sanctae Trinitatis. Figuralis autem ratio horum est quia per tabulas ex quibus construebatur tabernaculum, significantur Christi fideles, ex quibus construitur Ecclesia. Tegebantur autem interius tabulae cortinis quadricoloribus, quia fideles interius ornantur quatuor virtutibus; *nam in bysso retorta*, ut Glossa dicit, *significatur caro castitate renitens; in hyacintho, mens superna cupiens; in purpura, caro passionibus subiacens; in cocco bis tincto, mens inter passiones Dei et proximi dilectione praefulgens*. Per operimenta vero tecti designantur praelati et doctores, in quibus debet renitere caelestis conversatio, quod significatur per pelles hyacinthinas; promptitudo ad martyrium, quod significant pelles rubricatae; austeritas vitae et tolerantia adversorum, quae significantur per saga

who ought to be conspicuous for their heavenly manner of life, signified by the violet colored skins: and who should also be ready to suffer martyrdom, denoted by the skins dyed red; and austere of life and patient in adversity, betokened by the curtains of goats' hair, which were exposed to wind and rain, as the gloss observes.

cilicina, quae erant exposita ventis et pluviis, ut Glossa dicit.

Reply to Objection 9: The literal reason for the sanctification of the tabernacle and vessels was that they might be treated with greater reverence, being deputed, as it were, to the divine worship by this consecration. The figurative reason is that this sanctification signified the sanctification of the living tabernacle, i.e. the faithful of whom the Church of Christ is composed.

[38059] Iª-IIae q. 102 a. 4 ad 9 Ad nonum dicendum quod sanctificatio tabernaculi et vasorum eius habebat causam litteralem ut in maiori reverentia haberetur, quasi per huiusmodi consecrationem divino cultui deputatum. Figuralis autem ratio est quia per huiusmodi sanctificationem significatur spiritualis sanctificatio viventis tabernaculi, scilicet fidelium, ex quibus constituitur Ecclesia Christi.

Reply to Objection 10: Under the Old Law there were seven temporal solemnities, and one continual solemnity, as may be gathered from Num. 28, 29. There was a continual feast, since the lamb was sacrificed every day, morning and evening: and this continual feast of an abiding sacrifice signified the perpetuity of Divine bliss. Of the temporal feasts the first was that which was repeated every week. This was the solemnity of the "Sabbath," celebrated in memory of the work of the creation of the universe. Another solemnity, viz. the "New Moon," was repeated every month, and was observed in memory of the work of the Divine government. For the things of this lower world owe their variety chiefly to the movement of the moon; wherefore this feast was kept at the new moon: and not at the full moon, to avoid the worship of idolaters who used to offer sacrifices to the moon at that particular time. And these two blessings are bestowed in common on the whole human race; and hence they were repeated more frequently.

The other five feasts were celebrated once a year: and they commemorated the benefits which had been conferred especially on that people. For there was the feast of the "Passover" in the first month to commemorate the blessing of being delivered out of Egypt. The feast of "Pentecost" was celebrated fifty days later, to recall the blessing of the giving of the Law. The other three feasts were kept in the seventh month, nearly the

[38060] Iª-IIae q. 102 a. 4 ad 10 Ad decimum dicendum quod in veteri lege erant septem solemnitates temporales, et una continua, ut potest colligi Num. XXVIII et XXIX. Erat enim quasi continuum festum, quia quotidie mane et vespere immolabatur agnus. Et per illud continuum festum iugis sacrificii repraesentabatur perpetuitas divinae beatitudinis. Festorum autem temporalium primum erat quod iterabatur qualibet septimana. Et haec erat solemnitas sabbati, quod celebrabatur in memoriam creationis rerum, ut supra dictum est. Alia autem solemnitas iterabatur quolibet mense, scilicet festum Neomeniae, quod celebrabatur ad commemorandum opus divinae gubernationis. Nam haec inferiora praecipue variantur secundum motum lunae, et ideo celebrabatur hoc festum in novitate lunae. Non autem in eius plenitudine, ad evitandum idololatrarum cultum, qui in tali tempore lunae sacrificabant. Haec autem duo beneficia sunt communia toti humano generi, et ideo frequentius iterabantur. Alia vero quinque festa celebrabantur semel in anno, et recolebantur in eis beneficia specialiter illi populo exhibita. Celebrabatur enim festum phase primo mense, ad commemorandum beneficium liberationis ex Aegypto. Celebrabatur autem festum Pentecostes post quinquaginta dies, ad recolendum beneficium legis datae. Alia vero tria festa celebrabantur in mense septimo, qui quasi totus apud eos erat solemnis, sicut et septimus dies. In prima enim die mensis septimi erat festum tubarum, in memoriam liberationis

whole of which was solemnized by them, just as the seventh day. For on the first of the seventh month was the feast of "Trumpets," in memory of the delivery of Isaac, when Abraham found the ram caught by its horns, which they represented by the horns which they blew. The feast of Trumpets was a kind of invitation whereby they prepared themselves to keep the following feast which was kept on the tenth day. This was the feast of "Expiation," in memory of the blessing whereby, at the prayer of Moses, God forgave the people's sin of worshipping the calf. After this was the feast of "Scenopegia" or of "Tents," which was kept for seven days, to commemorate the blessing of being protected and led by God through the desert, where they lived in tents. Hence during this feast they had to take "the fruits of the fairest tree," i.e. the citron, "and the trees of dense foliage" [*Douay and A. V. and R. V. read: 'Boughs of thick trees'], i.e. the myrtle, which is fragrant, "and the branches of palm-trees, and willows of the brook," which retain their greenness a long time; and these are to be found in the Land of promise; to signify that God had brought them through the arid land of the wilderness to a land of delights. On the eighth day another feast was observed, of "Assembly and Congregation," on which the people collected the expenses necessary for the divine worship: and it signified the uniting of the people and the peace granted to them in the Land of promise.

The figurative reason for these feasts was that the continual sacrifice of the lamb foreshadowed the perpetuity of Christ, Who is the "Lamb of God," according to Heb. 13:8: "Jesus Christ yesterday and today, and the same for ever." The Sabbath signified the spiritual rest bestowed by Christ, as stated in Heb. 4. The Neomenia, which is the beginning of the new moon, signified the enlightening of the primitive Church by Christ's preaching and miracles. The feast of Pentecost signified the Descent of the Holy Ghost on the apostles. The feast of Trumpets signified the preaching of the apostles. The feast of Expiation signified the cleansing of the Christian people from sins: and the feast of Tabernacles signified their pilgrimage in this world, wherein they walk by advancing in virtue. The feast of Assembly or Congregation foreshadowed the assembly of the faithful in the kingdom of heaven: wherefore this feast is described as "most holy" (Lev. 23:36).

Isaac, quando Abraham invenit arietem haerentem cornibus, quem repraesentabant per cornua quibus buccinabant. Erat autem festum tubarum quasi quaedam invitatio ut praepararent se ad sequens festum, quod celebrabatur decimo die. Et hoc erat festum expiationis, in memoriam illius beneficii quo Deus propitiatus est peccato populi de adoratione vituli, ad preces Moysi. Post hoc autem celebrabatur festum Scenopegiae, idest tabernaculorum, septem diebus, ad commemorandum beneficium divinae protectionis et deductionis per desertum, ubi in tabernaculis habitaverunt. Unde in hoc festo debebant habere fructum arboris pulcherrimae, idest citrum, et lignum densarum frondium, idest myrtum, quae sunt odorifera; et spatulas palmarum, et salices de torrente, quae diu retinent suum virorem; et haec inveniuntur in terra promissionis; ad significandum quod per aridam terram deserti eos duxerat Deus ad terram deliciosam. Octavo autem die celebrabatur aliud festum, scilicet coetus atque collectae, in quo colligebantur a populo ea quae erant necessaria ad expensas cultus divini. Et significabatur adunatio populi et pax praestita in terra promissionis. Figuralis autem ratio horum festorum est quia per iuge sacrificium agni figuratur perpetuitas Christi, qui est agnus Dei; secundum illud Heb. ult., *Iesus Christus heri et hodie, ipse et in saecula*. Per sabbatum autem significatur spiritualis requies nobis data per Christum, ut habetur ad Heb. IV. Per Neomeniam autem, quae est incoeptio novae lunae, significatur illuminatio primitivae Ecclesiae per Christum, eo praedicante et miracula faciente. Per festum autem Pentecostes significatur descensus spiritus sancti in apostolos. Per festum autem tubarum significatur praedicatio apostolorum. Per festum autem expiationis significatur emundatio a peccatis populi Christiani. Per festum autem tabernaculorum, peregrinatio eorum in hoc mundo, in quo ambulant in virtutibus proficiendo. Per festum autem coetus atque collectae significatur congregatio fidelium in regno caelorum, et ideo istud festum dicebatur sanctissimum esse. Et haec tria festa erant continua ad invicem, quia oportet expiatos a vitiis proficere in virtute, quousque perveniant ad Dei visionem, ut dicitur in Psalmo LXXXIII.

These three feasts followed immediately on one another, because those who expiate their vices should advance in virtue, until they come to see God, as stated in Ps. 83:8.

Q. 102. A. 5. Whether there can be any suitable cause for the sacraments of the Old Law?

Objection 1: It would seem that there can be no suitable cause for the sacraments of the Old Law. Because those things that are done for the purpose of divine worship should not be like the observances of idolaters: since it is written (Dt. 12:31): "Thou shalt not do in like manner to the Lord thy God: for they have done to their gods all the abominations which the Lord abhorreth." Now worshippers of idols used to knive themselves to the shedding of blood: for it is related (3 Kings 18:28) that they "cut themselves after their manner with knives and lancets, till they were all covered with blood." For this reason the Lord commanded (Dt. 14:1): "You shall not cut yourselves nor make any baldness for the dead." Therefore it was unfitting for circumcision to be prescribed by the Law (Lev. 12:3).

[38061] Iª-IIae q. 102 a. 5 arg. 1 Ad quintum sic proceditur. Videtur quod sacramentorum veteris legis conveniens causa esse non possit. Ea enim quae ad cultum divinum fiunt, non debent esse similia his quae idololatrae observabant, dicitur enim Deut. XII, *non facies similiter domino Deo tuo, omnes enim abominationes quas aversatur dominus, fecerunt diis suis*. Sed cultores idolorum in eorum cultu se incidebant usque ad effusionem sanguinis, dicitur enim III Reg. XVIII, quod *incidebant se, iuxta ritum suum, cultris et lanceolis, donec perfunderentur sanguine*. Propter quod dominus mandavit, Deut. XIV, *non vos incidetis, nec facietis calvitium super mortuo*. Inconvenienter igitur circumcisio erat instituta in lege.

Objection 2: Further, those things which are done for the worship of God should be marked with decorum and gravity; according to Ps. 34:18: "I will praise Thee in a grave [Douay: 'strong'] people." But it seems to savor of levity for a man to eat with haste. Therefore it was unfittingly commanded (Ex. 12:11) that they should eat the Paschal lamb "in haste." Other things too relative to the eating of the lamb were prescribed, which seem altogether unreasonable.

[38062] Iª-IIae q. 102 a. 5 arg. 2 Praeterea, ea quae in cultum divinum fiunt, debent honestatem et gravitatem habere; secundum illud Psalmi XXXIV, *in populo gravi laudabo te*. Sed ad levitatem quandam pertinere videtur ut homines festinanter comedant. Inconvenienter igitur praeceptum est, Exod. XII, ut comederent festinanter agnum paschalem. Et alia etiam circa eius comestionem sunt instituta, quae videntur omnino irrationabilia esse.

Objection 3: Further, the sacraments of the Old Law were figures of the sacraments of the New Law. Now the Paschal lamb signified the sacrament of the Eucharist, according to 1 Cor. 5:7: "Christ our Pasch is sacrificed." Therefore there should also have been some sacraments of the Old Law to foreshadow the other sacraments of the New Law, such as Confirmation, Extreme Unction, and Matrimony, and so forth.

[38063] Iª-IIae q. 102 a. 5 arg. 3 Praeterea, sacramenta veteris legis figurae fuerunt sacramentorum novae legis. Sed per agnum paschalem significatur sacramentum Eucharistiae; secundum illud I ad Cor. V, *Pascha nostrum immolatus est Christus*. Ergo etiam debuerunt esse aliqua sacramenta in lege quae praefigurarent alia sacramenta novae legis, sicut confirmationem et extremam unctionem et matrimonium, et alia sacramenta.

Objection 4: Further, purification can scarcely be done except by removing something impure. But

[38064] Iª-IIae q. 102 a. 5 arg. 4 Praeterea, purificatio non potest convenienter fieri nisi ab

as far as God is concerned, no bodily thing is reputed impure, because all bodies are God's creatures; and "every creature of God is good, and nothing to be rejected that is received with thanksgiving" (1 Tim. 4:4). It was therefore unfitting for them to be purified after contact with a corpse, or any similar corporeal infection.

aliquibus immunditiis. Sed quantum ad Deum, nullum corporale reputatur immundum, quia omne corpus creatura Dei est; *et omnis creatura Dei bona, et nihil reiiciendum quod cum gratiarum actione percipitur*, ut dicitur I ad Tim. IV. Inconvenienter igitur purificabantur propter contactum hominis mortui, vel alicuius huiusmodi corporalis infectionis.

Objection 5: Further, it is written (Ecclus. 34:4): "What can be made clean by the unclean?" But the ashes of the red heifer [*Cf. Heb. 9:13] which was burnt, were unclean, since they made a man unclean: for it is stated (Num. 19:7, seqq.) that the priest who immolated her was rendered unclean "until the evening"; likewise he that burnt her; and he that gathered up her ashes. Therefore it was unfittingly prescribed there that the unclean should be purified by being sprinkled with those cinders.

[38065] Iª-IIae q. 102 a. 5 arg. 5 Praeterea, Eccli. XXXIV dicitur, *ab immundo quid mundabitur?* Sed cinis vitulae rufae quae comburebatur, immundus erat, quia immundum reddebat, dicitur enim Num. XIX, quod sacerdos qui immolabat eam, commaculatus erat usque ad vesperum; similiter et ille qui eam comburebat; et etiam ille qui eius cineres colligebat. Ergo inconvenienter praeceptum ibi fuit ut per huiusmodi cinerem aspersum immundi purificarentur.

Objection 6: Further, sins are not something corporeal that can be carried from one place to another: nor can man be cleansed from sin by means of something unclean. It was therefore unfitting for the purpose of expiating the sins of the people that the priest should confess the sins of the children of Israel on one of the buck-goats, that it might carry them away into the wilderness: while they were rendered unclean by the other, which they used for the purpose of purification, by burning it together with the calf outside the camp; so that they had to wash their clothes and their bodies with water (Lev. 16).

[38066] Iª-IIae q. 102 a. 5 arg. 6 Praeterea, peccata non sunt aliquid corporale, quod possit deferri de loco ad locum, neque etiam per aliquid immundum potest homo a peccato mundari. Inconvenienter igitur ad expiationem peccatorum populi, sacerdos super unum hircorum confitebatur peccata filiorum Israel, ut portaret ea in desertum, per alium autem, quo utebantur ad purificationes, simul cum vitulo comburentes extra castra, immundi reddebantur, ita quod oportebat eos lavare vestimenta et carnem aqua.

Objection 7: Further, what is already cleansed should not be cleansed again. It was therefore unfitting to apply a second purification to a man cleansed from leprosy, or to a house; as laid down in Lev. 14.

[38067] Iª-IIae q. 102 a. 5 arg. 7 Praeterea, illud quod iam est mundatum, non oportet iterum mundari. Inconvenienter igitur, mundata lepra hominis, vel etiam domus, alia purificatio adhibebatur; ut habetur Levit. XIV.

Objection 8: Further, spiritual uncleanness cannot be cleansed by material water or by shaving the hair. Therefore it seems unreasonable that the Lord ordered (Ex. 30:18, seqq.) the making of a brazen laver with its foot, that the priests might wash their hands and feet before entering the temple; and that He commanded (Num. 8:7) the Levites to be sprinkled with the

[38068] Iª-IIae q. 102 a. 5 arg. 8 Praeterea, spiritualis immunditia non potest per corporalem aquam, vel pilorum rasuram, emundari. Irrationabile igitur videtur quod dominus praecepit Exod. XXX, ut fieret labium aeneum cum basi sua ad lavandum manus et pedes sacerdotum qui ingressuri erant tabernaculum; et quod praecipitur Num. VIII, quod Levitae

water of purification, and to shave all the hairs of their flesh.

abstergerentur aqua lustrationis, et raderent omnes pilos carnis suae.

Objection 9: Further, that which is greater cannot be cleansed by that which is less. Therefore it was unfitting that, in the Law, the higher and lower priests, as stated in Lev. 8 [*Cf. Ex. 29], and the Levites, according to Num. 8, should be consecrated with any bodily anointing, bodily sacrifices, and bodily oblations.

[38069] Iª-IIae q. 102 a. 5 arg. 9 Praeterea, quod maius est, non potest sanctificari per illud quod minus est. Inconvenienter igitur per quandam unctionem corporalem, et corporalia sacrificia, et oblationes corporales, fiebat in lege consecratio maiorum et minorum sacerdotum, ut habetur Levit. VIII; et Levitarum, ut habetur Num. VIII.

Objection 10: Further, as stated in 1 Kings 16:7, "Man seeth those things that appear, but the Lord beholdeth the heart." But those things that appear outwardly in man are the dispositions of his body and his clothes. Therefore it was unfitting for certain special garments to be appointed to the higher and lower priests, as related in Ex. 28 [*Cf. Lev. 8:7, seqq.]. It seems, moreover, unreasonable that anyone should be debarred from the priesthood on account of defects in the body, as stated in Lev. 21:17, seqq.: "Whosoever of thy seed throughout their families, hath a blemish, he shall not offer bread to his God . . . if he be blind, if he be lame," etc. It seems, therefore, that the sacraments of the Old Law were unreasonable.

[38070] Iª-IIae q. 102 a. 5 arg. 10 Praeterea, sicut dicitur I Reg. XVI, *homines vident ea quae parent, Deus autem intuetur cor*. Sed ea quae exterius parent in homine, est corporalis dispositio, et etiam indumenta. Inconvenienter igitur sacerdotibus maioribus et minoribus quaedam specialia vestimenta deputabantur, de quibus habetur Exod. XXVIII. Et sine ratione videtur quod prohiberetur aliquis a sacerdotio propter corporales defectus, secundum quod dicitur Levit. XXI, *homo de semine tuo per familias qui habuerit maculam, non offeret panes Deo suo, si caecus fuerit, vel claudus*, et cetera. Sic igitur videtur quod sacramenta veteris legis irrationabilia fuerint.

On the contrary, It is written (Lev. 20:8): "I am the Lord that sanctify you." But nothing unreasonable is done by God, for it is written (Ps. 103:24): "Thou hast made all things in wisdom." Therefore there was nothing without a reasonable cause in the sacraments of the Old Law, which were ordained to the sanctification of man.

[38071] Iª-IIae q. 102 a. 5 s. c. Sed contra est quod dicitur Levit. XX, *ego sum dominus, qui sanctifico vos*. Sed a Deo nihil sine ratione fit, dicitur enim in Psalmo CIII, *omnia in sapientia fecisti*. Ergo in sacramentis veteris legis, quae ordinabantur ad hominum sanctificationem, nihil erat sine rationabili causa.

I answer that, As stated above (Q[101], A[4]), the sacraments are, properly speaking, things applied to the worshippers of God for their consecration so as, in some way, to depute them to the worship of God. Now the worship of God belonged in a general way to the whole people; but in a special way, it belonged to the priests and Levites, who were the ministers of divine worship. Consequently, in these sacraments of the Old Law, certain things concerned the whole people in general; while others belonged to the ministers.

In regard to both, three things were necessary.

[38072] Iª-IIae q. 102 a. 5 co. Respondeo dicendum quod, sicut supra dictum est, sacramenta proprie dicuntur illa quae adhibebantur Dei cultoribus ad quandam consecrationem, per quam scilicet deputabantur quodammodo ad cultum Dei. Cultus autem Dei generali quidem modo pertinebat ad totum populum; sed speciali modo pertinebat ad sacerdotes et Levitas, qui erant ministri cultus divini. Et ideo in istis sacramentis veteris legis quaedam pertinebant communiter ad totum populum; quaedam autem specialiter ad ministros. Et circa utrosque tria erant necessaria. Quorum primum est institutio in statu colendi Deum. Et

The first was to be established in the state of worshipping God: and this institution was brought about---for all in general, by circumcision, without which no one was admitted to any of the legal observances---and for the priests, by their consecration. The second thing required was the use of those things that pertain to divine worship. And thus, as to the people, there was the partaking of the paschal banquet, to which no uncircumcised man was admitted, as is clear from Ex. 12:43, seqq.: and, as to the priests, the offering of the victims, and the eating of the loaves of proposition and of other things that were allotted to the use of the priests. The third thing required was the removal of all impediments to divine worship, viz. of uncleannesses. And then, as to the people, certain purifications were instituted for the removal of certain external uncleannesses; and also expiations from sins; while, as to the priests and Levites, the washing of hands and feet and the shaving of the hair were instituted.

And all these things had reasonable causes, both literal, in so far as they were ordained to the worship of God for the time being, and figurative, in so far as they were ordained to foreshadow Christ: as we shall see by taking them one by one.

haec quidem institutio communiter quantum ad omnes, fiebat per circumcisionem, sine qua nullus admittebatur ad aliquid legalium, quantum vero ad sacerdotes, per sacerdotum consecrationem. Secundo requirebatur usus eorum quae pertinent ad divinum cultum. Et sic quantum ad populum, erat esus paschalis convivii, ad quem nullus incircumcisus admittebatur, ut patet Exod. XII, et quantum ad sacerdotes, oblatio victimarum, et esus panum propositionis et aliorum quae erant sacerdotum usibus deputata. Tertio requirebatur remotio eorum per quae aliqui impediebantur a cultu divino, scilicet immunditiarum. Et sic quantum ad populum, erant institutae quaedam purificationes a quibusdam exterioribus immunditiis, et etiam expiationes a peccatis, quantum vero ad sacerdotes et Levitas, erat instituta ablutio manuum et pedum, et rasio pilorum. Et haec omnia habebant rationabiles causas et litterales, secundum quod ordinabantur ad cultum Dei pro tempore illo; et figurales, secundum quod ordinabantur ad figurandum Christum; ut patebit per singula.

Reply to Objection 1: The chief literal reason for circumcision was in order that man might profess his belief in one God. And because Abraham was the first to sever himself from the infidels, by going out from his house and kindred, for this reason he was the first to receive circumcision. This reason is set forth by the Apostle (Rom. 4:9, seqq.) thus: "He received the sign of circumcision, a seal of the justice of the faith which he had, being uncircumcised"; because, to wit, we are told that "unto Abraham faith was reputed to justice," for the reason that "against hope he believed in hope," i.e. against the hope that is of nature he believed in the hope that is of grace, "that he might be made the father of many nations," when he was an old man, and his wife an old and barren woman. And in order that this declaration, and imitation of Abraham's faith, might be fixed firmly in the hearts of the Jews, they received in their flesh such a sign as they could not forget, wherefore it is written (Gn. 17:13): "My covenant shall be in your flesh for a

[38073] Iª-IIae q. 102 a. 5 ad 1 Ad primum ergo dicendum quod litteralis ratio circumcisionis principalis quidem fuit ad protestationem fidei unius Dei. Et quia Abraham fuit primus qui se ab infidelibus separavit, exiens de domo sua et de cognatione sua, ideo ipse primus circumcisionem accepit. Et hanc causam assignat apostolus, ad Rom. IV, *signum accepit circumcisionis, signaculum iustitiae fidei quae est in praeputio*, quia scilicet in hoc legitur Abrahae fides reputata ad iustitiam, quod contra spem in spem credidit, scilicet contra spem naturae in spem gratiae, ut fieret pater multarum gentium, cum ipse esset senex, et uxor sua esset anus et sterilis. Et ut haec protestatio, et imitatio fidei Abrahae, firmaretur in cordibus Iudaeorum, acceperunt signum in carne sua, cuius oblivisci non possent, unde dicitur Gen. XVII, *erit pactum meum in carne vestra in foedus aeternum*. Ideo autem fiebat octava die, quia antea puer est valde tenellus, et posset ex hoc graviter laedi, et reputatur adhuc quasi quiddam non solidatum, unde etiam nec animalia offerebantur

perpetual covenant." This was done on the eighth day, because until then a child is very tender, and so might be seriously injured; and is considered as something not yet consolidated: wherefore neither are animals offered before the eighth day. And it was not delayed after that time, lest some might refuse the sign of circumcision on account of the pain: and also lest the parents, whose love for their children increases as they become used to their presence and as they grow older, should withdraw their children from circumcision. A second reason may have been the weakening of concupiscence in that member. A third motive may have been to revile the worship of Venus and Priapus, which gave honor to that part of the body. The Lord's prohibition extended only to the cutting of oneself in honor of idols: and such was not the circumcision of which we have been speaking.

The figurative reason for circumcision was that it foreshadowed the removal of corruption, which was to be brought about by Christ, and will be perfectly fulfilled in the eighth age, which is the age of those who rise from the dead. And since all corruption of guilt and punishment comes to us through our carnal origin, from the sin of our first parent, therefore circumcision was applied to the generative member. Hence the Apostle says (Col. 2:11): "You are circumcised" in Christ "with circumcision not made by hand in despoiling of the body of the flesh, but in the circumcision of" Our Lord Jesus "Christ."

ante octavum diem. Ideo vero non magis tardabatur, ne propter dolorem aliqui signum circumcisionis refugerent, et ne parentes etiam, quorum amor increscit ad filios post frequentem conversationem et eorum augmentum, eos circumcisioni subtraherent. Secunda ratio esse potuit ad debilitationem concupiscentiae in membro illo. Tertia ratio, in sugillationem sacrorum Veneris et Priapi, in quibus illa pars corporis honorabatur. Dominus autem non prohibuit nisi incisionem quae in cultum idolorum fiebat, cui non erat similis praedicta circumcisio. Figuralis vero ratio circumcisionis erat quia figurabatur ablatio corruptionis fienda per Christum, quae perfecte complebitur in octava aetate, quae est aetas resurgentium. Et quia omnis corruptio culpae et poenae provenit in nos per carnalem originem ex peccato primi parentis, ideo talis circumcisio fiebat in membro generationis. Unde apostolus dicit, ad Colos. II, *circumcisi estis in Christo circumcisione non manu facta in expoliatione corporis carnis, sed in circumcisione domini nostri Iesu Christi*.

Reply to Objection 2: The literal reason of the paschal banquet was to commemorate the blessing of being led by God out of Egypt. Hence by celebrating this banquet they declared that they belonged to that people which God had taken to Himself out of Egypt. For when they were delivered from Egypt, they were commanded to sprinkle the lamb's blood on the transoms of their house doors, as though declaring that they were averse to the rites of the Egyptians who worshipped the ram. Wherefore they were delivered by the sprinkling or rubbing of the blood of the lamb on the door-posts, from the danger of extermination which threatened the Egyptians.

Now two things are to be observed in their

[38074] Iª-IIae q. 102 a. 5 ad 2 Ad secundum dicendum quod litteralis ratio paschalis convivii fuit in commemorationem beneficii quo Deus eduxit eos de Aegypto. Unde per huiusmodi convivii celebrationem profitebantur se ad illum populum pertinere quem Deus sibi assumpserat ex Aegypto. Quando enim sunt ex Aegypto liberati, praeceptum est eis ut sanguine agni linirent superliminaria domorum, quasi protestantes se recedere a ritibus Aegyptiorum, qui arietem colebant. Unde et liberati sunt per sanguinis agni aspersionem vel linitionem in postibus domorum, a periculo exterminii quod imminebat Aegyptiis. In illo autem exitu eorum de Aegypto duo fuerunt, scilicet festinantia ad egrediendum, impellebant enim eos Aegyptii ut exirent velociter, ut habetur Exod. XII; imminebatque periculum ei qui non

departure from Egypt: namely, their haste in going, for the Egyptians pressed them to go forth speedily, as related in Ex. 12:33; and there was danger that anyone who did not hasten to go with the crowd might be slain by the Egyptians. Their haste was shown in two ways. First by what they ate. For they were commanded to eat unleavened bread, as a sign "that it could not be leavened, the Egyptians pressing them to depart"; and to eat roast meat, for this took less time to prepare; and that they should not break a bone thereof, because in their haste there was no time to break bones. Secondly, as to the manner of eating. For it is written: "You shall gird your reins, and you shall have shoes on your feet, holding staves in your hands, and you shall eat in haste": which clearly designates men at the point of starting on a journey. To this also is to be referred the command: "In one house shall it be eaten, neither shall you carry forth of the flesh thereof out of the house": because, to wit, on account of their haste, they could not send any gifts of it.

The stress they suffered while in Egypt was denoted by the wild lettuces. The figurative reason is evident, because the sacrifice of the paschal lamb signified the sacrifice of Christ according to 1 Cor. 5:7: "Christ our pasch is sacrificed." The blood of the lamb, which ensured deliverance from the destroyer, by being sprinkled on the transoms, signified faith in Christ's Passion, in the hearts and on the lips of the faithful, by which same Passion we are delivered from sin and death, according to 1 Pet. 1:18: "You were . . . redeemed . . . with the precious blood . . . of a lamb unspotted." The partaking of its flesh signified the eating of Christ's body in the Sacrament; and the flesh was roasted at the fire to signify Christ's Passion or charity. And it was eaten with unleavened bread to signify the blameless life of the faithful who partake of Christ's body, according to 1 Cor. 5:8: "Let us feast . . . with the unleavened bread of sincerity and truth." The wild lettuces were added to denote repentance for sins, which is required of those who receive the body of Christ. Their loins were girt in sign of chastity: and the shoes of their feet are the examples of our dead ancestors. The staves they were to hold in their hands denoted pastoral authority: and it was commanded that the paschal lamb should be eaten in one house, i.e. in a catholic church, and not in the conventicles of

festinaret exire cum multitudine, ne remanens occideretur ab Aegyptiis. Festinantia autem designabatur dupliciter. Uno quidem modo per ea quae comedebant. Praeceptum enim erat eis quod comederent panes azymos, in huius signum, quod non poterant fermentari, cogentibus exire Aegyptiis; et quod comederent assum igni, sic enim velocius praeparabatur; et quod os non comminuerent ex eo, quia in festinantia non vacat ossa frangere. Alio modo, quantum ad modum comedendi. Dicitur enim, *renes vestros accingetis, calceamenta habebitis in pedibus, tenentes baculos in manibus, et comedetis festinanter*, quod manifeste designat homines existentes in promptu itineris. Ad idem etiam pertinet quod eis praecipitur, *in una domo comedetis, neque feretis de carnibus eius foras*, quia scilicet, propter festinantiam, non vacabat invicem mittere exennia. Amaritudo autem quam passi fuerant in Aegypto, significabatur per lactucas agrestes. Figuralis autem ratio patet. Quia per immolationem agni paschalis significabatur immolatio Christi; secundum illud I ad Cor. V, *Pascha nostrum immolatus est Christus*. Sanguis vero agni liberans ab exterminatore, linitis superliminaribus domorum, significat fidem passionis Christi in corde et ore fidelium, per quam liberamur a peccato et a morte; secundum illud I Petr. I, *redempti estis pretioso sanguine agni immaculati*. Comedebantur autem carnes illae, ad significandum esum corporis Christi in sacramento. Erant autem assae igni, ad significandum passionem, vel caritatem Christi. Comedebantur autem cum azymis panibus, ad significandam puram conversationem fidelium sumentium corpus Christi, secundum illud I ad Cor. V, *epulemur in azymis sinceritatis et veritatis*. Lactucae autem agrestes addebantur, in signum poenitentiae peccatorum, quae necessaria est sumentibus corpus Christi. Renes autem accingendi sunt cingulo castitatis. Calceamenta autem pedum sunt exempla mortuorum patrum. Baculi autem habendi in manibus, significant pastoralem custodiam. Praecipitur autem quod in una domo agnus paschalis comedatur, idest in Ecclesia Catholicorum, non in conventiculis haereticorum.

heretics.

Reply to Objection 3: Some of the sacraments of the New Law had corresponding figurative sacraments in the Old Law. For Baptism, which is the sacrament of Faith, corresponds to circumcision. Hence it is written (Col. 2:11,12): "You are circumcised . . . in the circumcision of" Our Lord Jesus "Christ: buried with Him in Baptism." In the New Law the sacrament of the Eucharist corresponds to the banquet of the paschal lamb. The sacrament of Penance in the New Law corresponds to all the purifications of the Old Law. The sacrament of Orders corresponds to the consecration of the pontiff and of the priests. To the sacrament of Confirmation, which is the sacrament of the fulness of grace, there would be no corresponding sacrament of the Old Law, because the time of fulness had not yet come, since "the Law brought no man [Vulg.: 'nothing'] to perfection" (Heb. 7:19). The same applies to the sacrament of Extreme Unction, which is an immediate preparation for entrance into glory, to which the way was not yet opened out in the Old Law, since the price had not yet been paid. Matrimony did indeed exist under the Old Law, as a function of nature, but not as the sacrament of the union of Christ with the Church, for that union was not as yet brought about. Hence under the Old Law it was allowable to give a bill of divorce, which is contrary to the nature of the sacrament.

[38075] Iª-IIae q. 102 a. 5 ad 3 Ad tertium dicendum quod quaedam sacramenta novae legis habuerunt in veteri lege sacramenta figuralia sibi correspondentia. Nam circumcisioni respondet Baptismus, qui est fidei sacramentum, unde dicitur ad Col. II, *circumcisi estis in circumcisione domini nostri Iesu Christi, consepulti ei in Baptismo*. Convivio vero agni paschalis respondet in nova lege sacramentum Eucharistiae. Omnibus autem purificationibus veteris legis respondet in nova lege sacramentum poenitentiae. Consecrationi autem pontificum et sacerdotum respondet sacramentum ordinis. Sacramento autem confirmationis, quod est sacramentum plenitudinis gratiae, non potest respondere in veteri lege aliquod sacramentum, quia nondum advenerat tempus plenitudinis, eo quod neminem ad perfectum adduxit lex. Similiter autem et sacramento extremae unctionis, quod est quaedam immediata praeparatio ad introitum gloriae, cuius aditus nondum patebat in veteri lege, pretio nondum soluto. Matrimonium autem fuit quidem in veteri lege prout erat in officium naturae; non autem prout est sacramentum coniunctionis Christi et Ecclesiae, quae nondum erat facta. Unde et in veteri lege dabatur libellus repudii, quod est contra sacramenti rationem.

Reply to Objection 4: As already stated, the purifications of the Old Law were ordained for the removal of impediments to the divine worship: which worship is twofold; viz. spiritual, consisting in devotion of the mind to God; and corporal, consisting in sacrifices, oblations, and so forth. Now men are hindered in the spiritual worship by sins, whereby men were said to be polluted, for instance, by idolatry, murder, adultery, or incest. From such pollutions men were purified by certain sacrifices, offered either for the whole community in general, or also for the sins of individuals; not that those carnal sacrifices had of themselves the power of expiating sin; but that they signified that expiation of sins which was to be effected by Christ, and of which those of old became partakers by protesting

[38076] Iª-IIae q. 102 a. 5 ad 4 Ad quartum dicendum quod, sicut dictum est, purificationes veteris legis ordinabantur ad removendum impedimenta cultus divini. Qui quidem est duplex, scilicet spiritualis, qui consistit in devotione mentis ad Deum; et corporalis, qui consistit in sacrificiis et oblationibus et aliis huiusmodi. A cultu autem spirituali impediuntur homines per peccata, quibus homines pollui dicebantur, sicut per idololatriam et homicidium, per adulteria et incestus. Et ab istis pollutionibus purificabantur homines per aliqua sacrificia vel communiter oblata pro tota multitudine, vel etiam pro peccatis singulorum. Non quod sacrificia illa carnalia haberent ex seipsis virtutem expiandi peccatum, sed quia significabant expiationem peccatorum futuram per Christum, cuius

their faith in the Redeemer, while taking part in the figurative sacrifices.

The impediments to external worship consisted in certain bodily uncleannesses; which were considered in the first place as existing in man, and consequently in other animals also, and in man's clothes, dwelling-place, and vessels. In man himself uncleanness was considered as arising partly from himself and partly from contact with unclean things. Anything proceeding from man was reputed unclean that was already subject to corruption, or exposed thereto: and consequently since death is a kind of corruption, the human corpse was considered unclean. In like manner, since leprosy arises from corruption of the humors, which break out externally and infect other persons, therefore were lepers also considered unclean; and, again, women suffering from a flow of blood, whether from weakness, or from nature (either at the monthly course or at the time of conception); and, for the same reason, men were reputed unclean if they suffered from a flow of seed, whether due to weakness, to nocturnal pollution, or to sexual intercourse. Because every humor issuing from man in the aforesaid ways involves some unclean infection. Again, man contracted uncleanness by touching any unclean thing whatever.

Now there was both a literal and a figurative reason for these uncleannesses. The literal reason was taken from the reverence due to those things that belong to the divine worship: both because men are not wont, when unclean, to touch precious things: and in order that by rarely approaching sacred things they might have greater respect for them. For since man could seldom avoid all the aforesaid uncleannesses, the result was that men could seldom approach to touch things belonging to the worship of God, so that when they did approach, they did so with greater reverence and humility. Moreover, in some of these the literal reason was that men should not be kept away from worshipping God through fear of coming in contact with lepers and others similarly afflicted with loathsome and contagious diseases. In others, again, the reason was to avoid idolatrous worship: because in their sacrificial rites the Gentiles sometimes employed human blood and seed. All these bodily uncleannesses were purified either by the mere sprinkling of

participes erant etiam antiqui, protestantes fidem redemptoris in figuris sacrificiorum. A cultu vero exteriori impediebantur homines per quasdam immunditias corporales, quae quidem primo considerabantur in hominibus; consequenter etiam in aliis animalibus, et in vestimentis et domibus et vasis. In hominibus quidem immunditia reputabatur partim quidem ex ipsis hominibus; partim autem ex contactu rerum immundarum. Ex ipsis autem hominibus immundum reputabatur omne illud quod corruptionem aliquam iam habebat, vel erat corruptioni expositum. Et ideo, quia mors est corruptio quaedam, cadaver hominis reputabatur immundum. Similiter etiam, quia lepra ex corruptione humorum contingit, qui etiam exterius erumpunt et alios inficiunt, leprosi etiam reputabantur immundi. Similiter etiam mulieres patientes sanguinis fluxum, sive per infirmitatem, sive etiam per naturam vel temporibus menstruis vel etiam tempore conceptionis. Et eadem ratione viri reputabantur immundi fluxum seminis patientes, vel per infirmitatem, vel per pollutionem nocturnam, vel etiam per coitum. Nam omnis humiditas praedictis modis ab homine egrediens, quandam immundam infectionem habet. Inerat etiam hominibus immunditia quaedam ex contactu quarumcumque rerum immundarum. Istarum autem immunditiarum ratio erat et litteralis, et figuralis. Litteralis quidem, propter reverentiam eorum quae ad divinum cultum pertinent. Tum quia homines pretiosas res contingere non solent cum fuerint immundi. Tum etiam ut ex raro accessu ad sacra, ea magis venerarentur. Cum enim omnes huiusmodi immunditias raro aliquis cavere possit, contingebat quod raro poterant homines accedere ad attingendum ea quae pertinebant ad divinum cultum, et sic quando accedebant, cum maiori reverentia et humilitate mentis accedebant. Erat autem in quibusdam horum ratio litteralis ut homines non reformidarent accedere ad divinum cultum, quasi refugientes consortium leprosorum et similium infirmorum, quorum morbus abominabilis erat et contagiosus. In quibusdam etiam ratio erat ad vitandum idololatriae cultum, quia gentiles in ritu suorum sacrificiorum utebantur quandoque humano sanguine et semine. Omnes autem huiusmodi immunditiae corporales purificabantur vel per solam aspersionem aquae, vel quae maiores erant, per aliquod sacrificium ad expiandum peccatum, ex quo tales infirmitates

water, or, in the case of those which were more grievous, by some sacrifice of expiation for the sin which was the occasion of the uncleanness in question.

The figurative reason for these uncleannesses was that they were figures of various sins. For the uncleanness of any corpse signifies the uncleanness of sin, which is the death of the soul. The uncleanness of leprosy betokened the uncleanness of heretical doctrine: both because heretical doctrine is contagious just as leprosy is, and because no doctrine is so false as not to have some truth mingled with error, just as on the surface of a leprous body one may distinguish the healthy parts from those that are infected. The uncleanness of a woman suffering from a flow of blood denotes the uncleanness of idolatry, on account of the blood which is offered up. The uncleanness of the man who has suffered seminal loss signifies the uncleanness of empty words, for "the seed is the word of God." The uncleanness of sexual intercourse and of the woman in child-birth signifies the uncleanness of original sin. The uncleanness of the woman in her periods signifies the uncleanness of a mind that is sensualized by pleasure. Speaking generally, the uncleanness contracted by touching an unclean thing denotes the uncleanness arising from consent in another's sin, according to 2 Cor. 6:17: "Go out from among them, and be ye separate . . . and touch not the unclean thing."

Moreover, this uncleanness arising from the touch was contracted even by inanimate objects; for whatever was touched in any way by an unclean man, became itself unclean. Wherein the Law attenuated the superstition of the Gentiles, who held that uncleanness was contracted not only by touch, but also by speech or looks, as Rabbi Moses states (Doct. Perplex. iii) of a woman in her periods. The mystical sense of this was that "to God the wicked and his wickedness are hateful alike" (Wis. 14:9).

There was also an uncleanness of inanimate things considered in themselves, such as the uncleanness of leprosy in a house or in clothes. For just as leprosy occurs in men through a corrupt humor causing putrefaction and corruption in the flesh; so, too, through some corruption and excess of humidity or dryness,

contingebant. Ratio autem figuralis harum immunditiarum fuit quia per huiusmodi exteriores immunditias figurabantur diversa peccata. Nam immunditia cadaveris cuiuscumque significat immunditiam peccati, quod est mors animae. Immunditia autem leprae significat immunditiam haereticae doctrinae, tum quia haeretica doctrina contagiosa est, sicut et lepra; tum etiam quia nulla falsa doctrina est quae vera falsis non admisceat, sicut etiam in superficie corporis leprosi apparet quaedam distinctio quarundam macularum ab alia carne integra. Per immunditiam vero mulieris sanguinifluae, designatur immunditia idololatriae, propter immolatitium cruorem. Per immunditiam vero viri seminiflui, designatur immunditia vanae locutionis, eo quod semen est verbum Dei. Per immunditiam vero coitus, et mulieris parientis, designatur immunditia peccati originalis. Per immunditiam vero mulieris menstruatae, designatur immunditia mentis per voluptates emollitae. Universaliter vero per immunditiam contactus rei immundae designatur immunditia consensus in peccatum alterius; secundum illud II ad Cor. VI, *exite de medio eorum et separamini, et immundum ne tetigeritis*. Huiusmodi autem immunditia contactus derivabatur etiam ad res inanimatas, quidquid enim quocumque modo tangebat immundus, immundum erat. In quo lex attenuavit superstitionem gentilium, qui non solum per contactum immundi dicebant immunditiam contrahi, sed etiam per collocutionem aut per aspectum, ut Rabbi Moyses dicit de muliere menstruata. Per hoc autem mystice significabatur id quod dicitur Sap. XIV, *similiter odio sunt Deo impius et impietas eius*. Erat autem et immunditia quaedam ipsarum rerum inanimatarum secundum se, sicut erat immunditia leprae in domo et in vestimentis. Sicut enim morbus leprae accidit in hominibus ex humore corrupto putrefaciente carnem et corrumpente, ita etiam propter aliquam corruptionem et excessum humiditatis vel siccitatis, fit quandoque aliqua corrosio in lapidibus domus, vel etiam in vestimento. Et ideo hanc corruptionem vocabat lex lepram, ex qua domus vel vestis immunda iudicaretur. Tum quia omnis corruptio ad immunditiam pertinebat, ut dictum est. Tum etiam quia contra huiusmodi corruptionem gentiles deos Penates colebant, et ideo lex praecepit huiusmodi domus, in quibus fuerit talis corruptio perseverans, destrui, et vestes comburi, ad tollendam idololatriae occasionem. Erat etiam et

there arises sometimes a kind of corruption in the stones with which a house is built, or in clothes. Hence the Law called this corruption by the name of leprosy, whereby a house or a garment was deemed to be unclean: both because all corruption savored of uncleanness, as stated above, and because the Gentiles worshipped their household gods as a preservative against this corruption. Hence the Law prescribed such houses, where this kind of corruption was of a lasting nature, to be destroyed; and such garments to be burnt, in order to avoid all occasion of idolatry. There was also an uncleanness of vessels, of which it is written (Num. 19:15): "The vessel that hath no cover, and binding over it, shall be unclean." The cause of this uncleanness was that anything unclean might easily drop into such vessels, so as to render them unclean. Moreover, this command aimed at the prevention of idolatry. For idolaters believed that if mice, lizards, or the like, which they used to sacrifice to the idols, fell into the vessels or into the water, these became more pleasing to the gods. Even now some women let down uncovered vessels in honor of the nocturnal deities which they call "Janae."

The figurative reason of these uncleannesses is that the leprosy of a house signified the uncleanness of the assembly of heretics; the leprosy of a linen garment signified an evil life arising from bitterness of mind; the leprosy of a woolen garment denoted the wickedness of flatterers; leprosy in the warp signified the vices of the soul; leprosy on the woof denoted sins of the flesh, for as the warp is in the woof, so is the soul in the body. The vessel that has neither cover nor binding, betokens a man who lacks the veil of taciturnity, and who is unrestrained by any severity of discipline.

quaedam immunditia vasorum, de qua dicitur Num. XIX, vas quod *non habuerit cooperculum et ligaturam desuper, immundum erit*. Cuius immunditiae causa est quia in talia vasa de facili poterat aliquid immundum cadere, unde poterant immundari. Erat etiam hoc praeceptum ad declinandam idololatriam, credebant enim idololatrae quod, si mures aut lacertae, vel aliquid huiusmodi, quae immolabant idolis, cito caderent in vasa vel in aquas, quod essent diis gratiosa. Adhuc etiam aliquae mulierculae vasa dimittunt discooperta in obsequium nocturnorum numinum, quae ianas vocant. Harum autem immunditiarum ratio est figuralis quia per lepram domus significatur immunditia congregationis haereticorum. Per lepram vero in veste linea significatur perversitas morum ex amaritudine mentis. Per lepram vero vestis laneae significatur perversitas adulatorum. Per lepram in stamine significantur vitia animae, per lepram vero in subtegmine significantur peccata carnalia, sicut enim stamen est in subtegmine, ita anima in corpore. Per vas autem quod non habet operculum nec ligaturam, significatur homo qui non habet aliquod velamen taciturnitatis, et qui non constringitur aliqua censura disciplinae.

Reply to Objection 5: As stated above (ad 4), there was a twofold uncleanness in the Law; one by way of corruption in the mind or in the body; and this was the graver uncleanness; the other was by mere contact with an unclean thing, and this was less grave, and was more easily expiated. Because the former uncleanness was expiated by sacrifices for sins, since all corruption is due to sin, and signifies sin: whereas the latter uncleanness was expiated by the mere sprinkling of a certain water, of which water we read in

[38077] Iª-IIae q. 102 a. 5 ad 5 Ad quintum dicendum quod, sicut dictum est, duplex erat immunditia in lege. Una quidem per aliquam corruptionem mentis vel corporis, et haec immunditia maior erat. Alia vero erat immunditia ex solo contactu rei immundae, et haec minor erat, et faciliori ritu expiabatur. Nam immunditia prima expiabatur sacrificio pro peccato, quia omnis corruptio ex peccato procedit et peccatum significat, sed secunda immunditia expiabatur per solam aspersionem aquae cuiusdam, de qua

Num. 19. For there God commanded them to take a red cow in memory of the sin they had committed in worshipping a calf. And a cow is mentioned rather than a calf, because it was thus that the Lord was wont to designate the synagogue, according to Osee 4:16: "Israel hath gone astray like a wanton heifer": and this was, perhaps, because they worshipped heifers after the custom of Egypt, according to Osee 10:5: "(They) have worshipped the kine of Bethaven." And in detestation of the sin of idolatry it was sacrificed outside the camp; in fact, whenever sacrifice was offered up in expiation of the multitude of sins, it was all burnt outside the camp. Moreover, in order to show that this sacrifice cleansed the people from all their sins, "the priest" dipped "his finger in her blood," and sprinkled "it over against the door of the tabernacle seven times"; for the number seven signified universality. Further, the very sprinkling of blood pertained to the detestation of idolatry, in which the blood that was offered up was not poured out, but was collected together, and men gathered round it to eat in honor of the idols. Likewise it was burnt by fire, either because God appeared to Moses in a fire, and the Law was given from the midst of fire; or to denote that idolatry, together with all that was connected therewith, was to be extirpated altogether; just as the cow was burnt "with her skin and her flesh, her blood and dung being delivered to the flames." To this burning were added "cedar-wood, and hyssop, and scarlet twice dyed," to signify that just as cedar-wood is not liable to putrefaction, and scarlet twice dyed does not easily lose its color, and hyssop retains its odor after it has been dried; so also was this sacrifice for the preservation of the whole people, and for their good behavior and devotion. Hence it is said of the ashes of the cow: "That they may be reserved for the multitude of the children of Israel." Or, according to Josephus (Antiq. iii, 8,9,10), the four elements are indicated here: for "cedar-wood" was added to the fire, to signify the earth, on account of its earthiness; "hyssop," to signify the air, on account of its smell; "scarlet twice dyed," to signify water, for the same reason as purple, on account of the dyes which are taken out of the water: thus denoting the fact that this sacrifice was offered to the Creator of the four elements. And since this sacrifice was offered for the sin of idolatry, both "he that burned her," and "he that gathered up the ashes," and "he that

quidem aqua expiationis habetur Num. XIX. Mandatur enim ibi a domino quod accipiant vaccam rufam, in memoriam peccati quod commiserunt in adoratione vituli. Et dicitur vacca magis quam vitulus, quia sic dominus synagogam vocare consuevit; secundum illud Osee IV, sicut vacca lasciviens declinavit Israel. Et hoc forte ideo quia vaccas in morem Aegyptii, coluerunt; secundum illud Osee X, vaccas Bethaven coluerunt. Et in detestationem peccati idololatriae, immolabatur extra castra. Et ubicumque sacrificium fiebat pro expiatione multitudinis peccatorum, cremabatur extra castra totum. Et ut significaretur per hoc sacrificium emundari populus ab universitate peccatorum, intingebat sacerdos digitum in sanguine eius, et aspergebat contra fores sanctuarii septem vicibus, quia septenarius universitatem significat. Et ipsa etiam aspersio sanguinis pertinebat ad detestationem idololatriae, in qua sanguis immolatitius non effundebatur, sed congregabatur, et circa ipsum homines comedebant in honorem idolorum. Comburebatur autem in igne. Vel quia Deus Moysi in igne apparuit, et in igne data est lex. Vel quia per hoc significabatur quod idololatria totaliter erat extirpanda, et omne quod ad idololatriam pertinebat, sicut vacca cremabatur, tam pelle et carnibus, quam sanguine et fimo, flammae traditis. Adiungebatur etiam in combustione lignum cedrinum, hyssopus, coccusque bis tinctus, ad significandum quod, sicut ligna cedrina non de facili putrescunt, et coccus bis tinctus non amittit colorem, et hyssopus retinet odorem etiam postquam fuerit desiccatus; ita etiam hoc sacrificium erat in conservationem ipsius populi, et honestatis et devotionis ipsius. Unde dicitur de cineribus vaccae, *ut sint multitudini filiorum Israel in custodiam*. Vel, secundum Iosephum, quatuor elementa significata sunt, igni enim apponebatur cedrus, significans terram, propter sui terrestreitatem; hyssopus, significans aerem, propter odorem; coccus, significans aquam, eadem ratione qua et purpura, propter tincturas, quae ex aquis sumuntur, ut per hoc exprimeretur quod illud sacrificium offerebatur creatori quatuor elementorum. Et quia huiusmodi sacrificium offerebatur pro peccato idololatriae, in eius detestationem et comburens, et cineres colligens, et ille qui aspergit aquas in quibus cinis ponebatur, immundi reputabantur, ut per hoc ostenderetur quod quidquid quocumque modo ad

sprinkled the water" in which the ashes were placed, were deemed unclean in detestation of that sin, in order to show that whatever was in any way connected with idolatry should be cast aside as being unclean. From this uncleanness they were purified by the mere washing of their clothes; nor did they need to be sprinkled with the water on account of this kind of uncleanness, because otherwise the process would have been unending, since he that sprinkled the water became unclean, so that if he were to sprinkle himself he would remain unclean; and if another were to sprinkle him, that one would have become unclean, and in like manner, whoever might sprinkle him, and so on indefinitely.

The figurative reason of this sacrifice was that the red cow signified Christ in respect his assumed weakness, denoted by the female sex; while the color of the cow designated the blood of His Passion. And the "red cow was of full age," because all Christ's works are perfect, "in which there" was "no blemish"; "and which" had "not carried the yoke," because Christ was innocent, nor did He carry the yoke of sin. It was commanded to be taken to Moses, because they blamed Him for transgressing the law of Moses by breaking the Sabbath. And it was commanded to be delivered "to Eleazar the priest," because Christ was delivered into the hands of the priests to be slain. It was immolated "without the camp," because Christ "suffered outside the gate" (Heb. 13:12). And the priest dipped "his finger in her blood," because the mystery of Christ's Passion should be considered and imitated.

It was sprinkled "over against . . . the tabernacle," which denotes the synagogue, to signify either the condemnation of the unbelieving Jews, or the purification of believers; and this "seven times," in token either of the seven gifts of the Holy Ghost, or of the seven days wherein all time is comprised. Again, all things that pertain to the Incarnation of Christ should be burnt with fire, i.e. they should be understood spiritually; for the "skin" and "flesh" signified Christ's outward works; the "blood" denoted the subtle inward force which quickened His external deeds; the "dung" betokened His weariness, His thirst, and all such like things pertaining to His weakness. Three things were added, viz. "cedar-wood," which denotes the height of hope or

idololatriam pertinet, quasi immundum est abiiciendum. Ab hac autem immunditia purificabantur per solam ablutionem vestimentorum, nec indigebant aqua aspergi propter huiusmodi immunditiam, quia sic esset processus in infinitum. Ille enim qui aspergebat aquam, immundus fiebat, et sic si ipse seipsum aspergeret, immundus remaneret; si autem alius eum aspergeret, ille immundus esset; et similiter ille qui illum aspergeret, et sic in infinitum. Figuralis autem ratio huius sacrificii est quia per vaccam rufam significatur Christus secundum infirmitatem assumptam, quam femininus sexus designat. Sanguinem passionis eius designat vaccae color. Erat autem vacca rufa aetatis integrae, quia omnis operatio Christi est perfecta. In qua nulla erat macula, nec portavit iugum, quia non portavit iugum peccati. Praecipitur autem adduci ad Moysen, quia imputabant ei transgressionem Mosaicae legis in violatione sabbati. Praecipitur etiam tradi Eleazaro sacerdoti, quia Christus occidendus in manus sacerdotum traditus est. Immolatur autem extra castra, quia extra portam Christus passus est. Intingit autem sacerdos digitum in sanguine eius, quia per discretionem, quam digitus significat, mysterium passionis Christi est considerandum et imitandum. Aspergitur autem contra tabernaculum, per quod synagoga designatur, vel ad condemnationem Iudaeorum non credentium; vel ad purificationem credentium. Et hoc septem vicibus, vel propter septem dona spiritus sancti; vel propter septem dies, in quibus omne tempus intelligitur. Sunt autem omnia quae ad Christi incarnationem pertinent, igne cremanda, idest spiritualiter intelligenda, nam per pellem et carnem exterior Christi operatio significatur; per sanguinem, subtilis et interna virtus exteriora vivificans; per fimum, lassitudo, sitis, et omnia huiusmodi ad infirmitatem pertinentia. Adduntur autem tria, cedrus, quod significat altitudinem spei, vel contemplationis; hyssopus, quod significat humilitatem, vel fidem; coccus bis tinctus, quod significat geminam caritatem; per haec enim debemus Christo passo adhaerere. Iste autem cinis combustionis colligitur a viro mundo, quia reliquiae passionis pervenerunt ad gentiles, qui non fuerunt culpabiles in Christi morte. Apponuntur autem cineres in aqua ad expiandum, quia ex passione Christi Baptismus sortitur virtutem emundandi peccata. Sacerdos autem qui immolabat et comburebat vaccam, et ille qui

contemplation; "hyssop," in token of humility or faith; "scarlet twice dyed," which denotes twofold charity; for it is by these three that we should cling to Christ suffering. The ashes of this burning were gathered by "a man that is clean," because the relics of the Passion came into the possession of the Gentiles, who were not guilty of Christ's death. The ashes were put into water for the purpose of expiation, because Baptism receives from Christ's Passion the power of washing away sins. The priest who immolated and burned the cow, and he who burned, and he who gathered together the ashes, were unclean, as also he that sprinkled the water: either because the Jews became unclean through putting Christ to death, whereby our sins are expiated; and this, until the evening, i.e. until the end of the world, when the remnants of Israel will be converted; or else because they who handle sacred things with a view to the cleansing of others contract certain uncleannesses, as Gregory says (Pastor. ii, 5); and this until the evening, i.e. until the end of this life.

comburebat, et qui colligebat cineres, immundus erat, et etiam qui aspergebat aquam, vel quia Iudaei facti sunt immundi ex occisione Christi, per quam nostra peccata expiantur; et hoc usque ad vesperum, idest usque ad finem mundi, quando reliquiae Israel convertentur. Vel quia illi qui tractant sancta intendentes ad emundationem aliorum, ipsi etiam aliquas immunditias contrahunt, ut Gregorius dicit, in pastorali; et hoc usque ad vesperum, idest usque ad finem praesentis vitae.

Reply to Objection 6: As stated above (ad 5), an uncleanness which was caused by corruption either of mind or of body was expiated by sin-offerings. Now special sacrifices were wont to be offered for the sins of individuals: but since some were neglectful about expiating such sins and uncleannesses; or, through ignorance, failed to offer this expiation; it was laid down that once a year, on the tenth day of the seventh month, a sacrifice of expiation should be offered for the whole people. And because, as the Apostle says (Heb. 7:28), "the Law maketh men priests, who have infirmity," it behooved the priest first of all to offer a calf for his own sins, in memory of Aaron's sin in fashioning the molten calf; and besides, to offer a ram for a holocaust, which signified that the priestly sovereignty denoted by the ram, who is the head of the flock, was to be ordained to the glory of God. Then he offered two he-goats for the people: one of which was offered in expiation of the sins of the multitude. For the he-goat is an evil-smelling animal; and from its skin clothes are made having a pungent odor; to signify the stench, uncleanness and the sting of sin. After this he-goat had been immolated, its blood was taken, together with the blood of the calf, into the Holy of Holies, and the entire sanctuary was sprinkled with it; to signify that the

[38078] Iª-IIae q. 102 a. 5 ad 6 Ad sextum dicendum quod, sicut dictum est, immunditia quae ex corruptione proveniebat vel mentis vel corporis, expiabatur per sacrificia pro peccato. Offerebantur autem specialia sacrificia pro peccatis singulorum, sed quia aliqui negligentes erant circa expiationem huiusmodi peccatorum et immunditiarum; vel etiam propter ignorantiam ab expiatione huiusmodi desistebant; institutum fuit ut semel in anno, decima die septimi mensis, fieret sacrificium expiationis pro toto populo. Et quia, sicut apostolus dicit, ad Heb. VII, *lex constituit homines sacerdotes infirmitatem habentes*, oportebat quod sacerdos prius offerret pro seipso vitulum pro peccato, in commemorationem peccati quod Aaron fecerat in conflatione vituli aurei; et arietem in holocaustum, per quod significabatur quod sacerdotis praelatio, quam aries designat, qui est dux gregis, erat ordinanda ad honorem Dei. Deinde autem offerebat pro populo duos hircos. Quorum unus immolabatur, ad expiandum peccatum multitudinis. Hircus enim animal fetidum est, et de pilis eius fiunt vestimenta pungentia, ut per hoc significaretur fetor et immunditia et aculei peccatorum. Huius autem hirci immolati sanguis inferebatur, simul etiam cum sanguine vituli, in sancta sanctorum, et

tabernacle was cleansed from the uncleanness of the children of Israel. But the corpses of the he-goat and calf which had been offered up for sin had to be burnt, to denote the destruction of sins. They were not, however, burnt on the altar: since none but holocausts were burnt thereon; but it was prescribed that they should be burnt without the camp, in detestation of sin: for this was done whenever sacrifice was offered for a grievous sin, or for the multitude of sins. The other goat was let loose into the wilderness: not indeed to offer it to the demons, whom the Gentiles worshipped in desert places, because it was unlawful to offer aught to them; but in order to point out the effect of the sacrifice which had been offered up. Hence the priest put his hand on its head, while confessing the sins of the children of Israel: as though that goat were to carry them away into the wilderness, where it would be devoured by wild beasts, because it bore the punishment of the people's sins. And it was said to bear the sins of the people, either because the forgiveness of the people's sins was signified by its being let loose, or because on its head written lists of sins were fastened.

The figurative reason of these things was that Christ was foreshadowed both by the calf, on account of His power; and by the ram, because He is the Head of the faithful; and by the he-goat, on account of "the likeness of sinful flesh" (Rom. 8:3). Moreover, Christ was sacrificed for the sins of both priests and people: since both those of high and those of low degree are cleansed from sin by His Passion. The blood of the calf and of the goat was brought into the Holies by the priest, because the entrance to the kingdom of heaven was opened to us by the blood of Christ's Passion. Their bodies were burnt without the camp, because "Christ suffered without the gate," as the Apostle declares (Heb. 13:12). The scape-goat may denote either Christ's Godhead Which went away into solitude when the Man Christ suffered, not by going to another place, but by restraining His power: or it may signify the base concupiscence which we ought to cast away from ourselves, while we offer up to Our Lord acts of virtue.

With regard to the uncleanness contracted by those who burnt these sacrifices, the reason is the same as that which we assigned (ad 5) to the

aspergebatur ex eo totum sanctuarium, ad significandum quod tabernaculum emundabatur ab immunditiis filiorum Israel. Corpus vero hirci et vituli quae immolata sunt pro peccato, oportebat comburi, ad ostendendum consumptionem peccatorum. Non autem in altari, quia ibi non comburebantur totaliter nisi holocausta. Unde mandatum erat ut comburerentur extra castra, in detestationem peccati, hoc enim fiebat quandocumque immolabatur sacrificium pro aliquo gravi peccato, vel pro multitudine peccatorum. Alter vero hircus emittebatur in desertum, non quidem ut offerretur Daemonibus, quos colebant gentiles in desertis, quia eis nihil licebat immolari; sed ad designandum effectum illius sacrificii immolati. Et ideo sacerdos imponebat manum super caput eius, confitens peccata filiorum Israel, ac si ille hircus deportaret ea in desertum, ubi a bestiis comederetur, quasi portans poenam pro peccatis populi. Dicebatur autem portare peccata populi, vel quia in eius emissione significabatur remissio peccatorum populi, vel quia colligabatur super caput eius aliqua schedula ubi erant scripta peccata. Ratio autem figuralis horum erat quia Christus significatur et per vitulum, propter virtutem; et per arietem, quia ipse est dux fidelium; et per hircum, propter similitudinem carnis peccati. Et ipse Christus est immolatus pro peccatis et sacerdotum et populi, quia per eius passionem et maiores et minores a peccato mundantur. Sanguis autem vituli et hirci infertur in sancta per pontificem, quia per sanguinem passionis Christi patet nobis introitus in regnum caelorum. Comburuntur autem eorum corpora extra castra, quia extra portam Christus passus est, ut apostolus dicit, ad Heb. ult. Per hircum autem qui emittebatur, potest significari vel ipsa divinitas Christi, quae in solitudinem abiit, homine Christo patiente, non quidem locum mutans, sed virtutem cohibens, vel significatur concupiscentia mala, quam debemus a nobis abiicere, virtuosos autem motus domino immolare. De immunditia vero eorum qui huiusmodi sacrificia comburebant, eadem ratio est quae in sacrificio vitulae rufae dicta est.

sacrifice of the red heifer.

Reply to Objection 7: The legal rite did not cleanse the leper of his deformity, but declared him to be cleansed. This is shown by the words of Lev. 14:3, seqq., where it was said that the priest, "when he shall find that the leprosy is cleansed," shall command "him that is to be purified": consequently, the leper was already healed: but he was said to be purified in so far as the verdict of the priest restored him to the society of men and to the worship of God. It happened sometimes, however, that bodily leprosy was miraculously cured by the legal rite, when the priest erred in his judgment.

Now this purification of a leper was twofold: for, in the first place, he was declared to be clean; and, secondly, he was restored, as clean, to the society of men and to the worship of God, to wit, after seven days. At the first purification the leper who sought to be cleansed offered for himself "two living sparrows . . . cedar-wood, and scarlet, and hyssop," in such wise that a sparrow and the hyssop should be tied to the cedar-wood with a scarlet thread, so that the cedar-wood was like the handle of an aspersory: while the hyssop and sparrow were that part of the aspersory which was dipped into the blood of the other sparrow which was "immolated . . . over living waters." These things he offered as an antidote to the four defects of leprosy: for cedar-wood, which is not subject to putrefaction, was offered against the putrefaction; hyssop, which is a sweet-smelling herb, was offered up against the stench; a living sparrow was offered up against numbness; and scarlet, which has a vivid color, was offered up against the repulsive color of leprosy. The living sparrow was let loose to fly away into the plain, because the leper was restored to his former liberty.

On the eighth day he was admitted to divine worship, and was restored to the society of men; but only after having shaved all the hair of his body, and washed his clothes, because leprosy rots the hair, infects the clothes, and gives them an evil smell. Afterwards a sacrifice was offered for his sin, since leprosy was frequently a result of sin: and some of the blood of the sacrifice was put on the tip of the ear of the man that was to be cleansed, "and on the thumb of his right hand, and

[38079] Iª-IIae q. 102 a. 5 ad 7 Ad septimum dicendum quod per ritum legis leprosus non emundabatur a macula leprae, sed emundatus ostendebatur. Et hoc significatur Lev. XIV, cum dicitur de sacerdote, *cum invenerit lepram esse emundatam, praecipiet ei qui purificatur*. Iam ergo lepra mundata erat, sed purificari dicebatur, inquantum iudicio sacerdotis restituebatur consortio hominum et cultui divino. Contingebat tamen quandoque ut divino miraculo per ritum legis corporalis mundaretur lepra, quando sacerdos decipiebatur in iudicio. Huiusmodi autem purificatio leprosi dupliciter fiebat, nam primo, iudicabatur esse mundus; secundo autem, restituebatur tanquam mundus consortio hominum et cultui divino, scilicet post septem dies. In prima autem purificatione offerebat pro se leprosus mundandus duos passeres vivos, et lignum cedrinum, et vermiculum, et hyssopum; hoc modo ut filo coccineo ligarentur passer et hyssopus simul cum ligno cedrino, ita scilicet quod lignum cedrinum esset quasi manubrium aspersorii. Hyssopus vero et passer erant id quod de aspersorio tingebatur in sanguine alterius passeris immolati in aquis vivis. Haec autem quatuor offerebat contra quatuor defectus leprae, nam contra putredinem, offerebatur cedrus, quae est arbor imputribilis; contra fetorem, hyssopus, quae est herba odorifera; contra insensibilitatem, passer vivus; contra turpitudinem coloris, vermiculus, qui habet vivum colorem. Passer vero vivus avolare dimittebatur in agrum, quia leprosus restituebatur pristinae libertati. In octavo vero die admittebatur ad cultum divinum, et restituebatur consortio hominum. Primo tamen rasis pilis totius corporis et vestimentis, eo quod lepra pilos corrodit, et vestimenta inquinat et fetida reddit. Et postmodum sacrificium offerebatur pro delicto eius, quia lepra plerumque inducitur pro peccato. De sanguine autem sacrificii tingebatur extremum auriculae eius qui erat mundandus, et pollices manus dextrae et pedis, quia in istis partibus primum lepra dignoscitur et sentitur. Adhibebantur etiam huic ritui tres liquores, scilicet sanguis, contra sanguinis corruptionem; oleum, ad designandam sanationem morbi; aqua viva, ad emundandum spurcitiem. Figuralis autem ratio erat quia per duos passeres significantur divinitas et humanitas Christi. Quorum unus,

the great toe of his right foot"; because it is in these parts that leprosy is first diagnosed and felt. In this rite, moreover, three liquids were employed: viz. blood, against the corruption of the blood; oil, to denote the healing of the disease; and living waters, to wash away the filth.

The figurative reason was that the Divine and human natures in Christ were denoted by the two sparrows, one of which, in likeness of His human nature, was offered up in an earthen vessel over living waters, because the waters of Baptism are sanctified by Christ's Passion. The other sparrow, in token of His impassible Godhead, remained living, because the Godhead cannot die: hence it flew away, for the Godhead could not be encompassed by the Passion. Now this living sparrow, together with the cedar-wood and scarlet or cochineal, and hyssop, i.e. faith, hope and charity, as stated above (ad 5), was put into the water for the purpose of sprinkling, because we are baptized in the faith of the God-Man. By the waters of Baptism or of his tears man washes his clothes, i.e. his works, and all his hair, i.e. his thoughts. The tip of the right ear of the man to be cleansed is moistened with some the blood and oil, in order to strengthen his hearing against harmful words; and the thumb and toe of his right hand and foot are moistened that his deeds may be holy. Other matters pertaining to this purification, or to that also of any other uncleannesses, call for no special remark, beyond what applies to other sacrifices, whether for sins or for trespasses.

scilicet humanitas, immolatur in vase fictili super aquas viventes, quia per passionem Christi aquae Baptismi consecrantur. Alius autem, scilicet impassibilis divinitas, vivus remanebat, quia divinitas mori non potest. Unde et avolabat, quia passione astringi non poterat. Hic autem passer vivus, simul cum ligno cedrino et cocco, vel vermiculo, et hyssopo, idest fide, spe et caritate, ut supra dictum est, mittitur in aquam ad aspergendum, quia in fide Dei et hominis baptizamur. Lavat autem homo, per aquam Baptismi vel lacrymarum, vestimenta sua, idest opera, et omnes pilos, idest cogitationes. Tingitur autem extremum auriculae dextrae eius qui mundatur, de sanguine et de oleo, ut eius auditum muniat contra corrumpentia verba, pollices autem manus dextrae et pedis tinguntur, ut sit eius actio sancta. Alia vero quae ad hanc purificationem pertinent, vel etiam aliarum immunditiarum, non habent aliquid speciale praeter alia sacrificia pro peccatis vel pro delictis.

Reply to Objections 8&9 Just as the people were initiated by circumcision to the divine worship, so were the ministers by some special purification or consecration: wherefore they are commanded to be separated from other men, as being specially deputed, rather than others, to the ministry of the divine worship. And all that was done touching them in their consecration or institution, was with a view to show that they were in possession of a prerogative of purity, power and dignity. Hence three things were done in the institution of ministers: for first, they were purified; secondly, they were adorned [*'Ornabantur.' Some editions have 'ordinabantur'---'were ordained': the former reading is a reference to Lev. 8:7-9] and consecrated; thirdly, they were employed in the ministry. All in general used to be purified by

[38080] Iª-IIae q. 102 a. 5 ad 8 Ad octavum et nonum dicendum quod, sicut populus instituebatur ad cultum Dei per circumcisionem, ita ministri per aliquam specialem purificationem vel consecrationem, unde et separari ab aliis praecipiuntur, quasi specialiter ad ministerium cultus divini prae aliis deputati. Et totum quod circa eos fiebat in eorum consecratione vel institutione ad hoc pertinebat ut ostenderetur eos habere quandam praerogativam puritatis et virtutis et dignitatis. Et ideo in institutione ministrorum tria fiebant, primo enim, purificabantur; secundo, ornabantur et consecrabantur; tertio, applicabantur ad usum ministerii. Purificabantur quidem communiter omnes per ablutionem aquae, et per quaedam sacrificia; specialiter autem Levitae radebant omnes pilos carnis suae; ut habetur Lev.

washing in water, and by certain sacrifices; but the Levites in particular shaved all the hair of their bodies, as stated in Lev. 8 (cf. Num. 8).

With regard to the high-priests and priests the consecration was performed as follows. First, when they had been washed, they were clothed with certain special garments in designation of their dignity. In particular, the high-priest was anointed on the head with the oil of unction: to denote that the power of consecration was poured forth by him on to others, just as oil flows from the head on to the lower parts of the body; according to Ps. 132:2: "Like the precious ointment on the head that ran down upon the beard, the beard of Aaron." But the Levites received no other consecration besides being offered to the Lord by the children of Israel through the hands of the high-priest, who prayed for them. The lesser priests were consecrated on the hands only, which were to be employed in the sacrifices. The tip of their right ear and the thumb of their right hand, and the great toe of their right foot were tinged with the blood of the sacrificial animal, to denote that they should be obedient to God's law in offering the sacrifices (this is denoted by touching their right ear); and that they should be careful and ready in performing the sacrifices (this is signified by the moistening of the right foot and hand). They themselves and their garments were sprinkled with the blood of the animal that had been sacrificed, in memory of the blood of the lamb by which they had been delivered in Egypt. At their consecration the following sacrifices were offered: a calf, for sin, in memory of Aaron's sin in fashioning the molten calf; a ram, for a holocaust, in memory of the sacrifice of Abraham, whose obedience it behooved the high-priest to imitate; again, a ram of consecration, which was a peace-offering, in memory of the delivery form Egypt through the blood of the lamb; and a basket of bread, in memory of the manna vouchsafed to the people.

In reference to their being destined to the ministry, the fat of the ram, one roll of bread, and the right shoulder were placed on their hands, to show that they received the power of offering these things to the Lord: while the Levites were initiated to the ministry by being brought into the tabernacle of the covenant, as being destined to the ministry touching the vessels of the sanctuary.

VIII. Consecratio vero circa pontifices et sacerdotes hoc ordine fiebat. Primo enim, postquam abluti erant, induebantur quibusdam vestimentis specialibus pertinentibus ad designandum dignitatem ipsorum. Specialiter autem pontifex oleo unctionis in capite ungebatur, ut designaretur quod ab ipso diffundebatur potestas consecrandi ad alios, sicut oleum a capite derivatur ad inferiora; ut habetur in Psalmo CXXXII, *sicut unguentum in capite, quod descendit in barbam, barbam Aaron*. Levitae vero non habebant aliam consecrationem, nisi quod offerebantur domino a filiis Israel per manus pontificis, qui orabat pro eis. Minorum vero sacerdotum solae manus consecrabantur, quae erant applicandae ad sacrificia. Et de sanguine animalis immolatitii tingebatur extremum auriculae dextrae ipsorum, et pollices pedis ac manus dextrae, ut scilicet essent obedientes legi Dei in oblatione sacrificiorum, quod significatur in intinctione auris dextrae; et quod essent solliciti et prompti in executione sacrificiorum, quod significatur in intinctione pedis et manus dextrae. Aspergebantur etiam ipsi, et vestimenta eorum, sanguine animalis immolati, in memoriam sanguinis agni per quem fuerunt liberati in Aegypto. Offerebantur autem in eorum consecratione huiusmodi sacrificia, vitulus pro peccato, in memoriam remissionis peccati Aaron circa conflationem vituli; aries in holocaustum, in memoriam oblationis Abrahae, cuius obedientiam pontifex imitari debebat; aries etiam consecrationis, qui erat quasi hostia pacifica, in memoriam liberationis de Aegypto per sanguinem agni; canistrum panum, in memoriam mannae praestiti populo. Pertinebat autem ad applicationem ministerii quod imponebantur super manus eorum adeps arietis, et torta panis unius, et armus dexter, ut ostenderetur quod accipiebant potestatem huiusmodi offerendi domino. Levitae vero applicabantur ad ministerium per hoc quod intromittebantur in tabernaculum foederis, quasi ad ministrandum circa vasa sanctuarii. Figuralis vero horum ratio erat quia illi qui sunt consecrandi ad spirituale ministerium Christi, debent primo purificari per aquam Baptismi et lacrymarum in fide passionis Christi, quod est expiativum et purgativum sacrificium. Et debent radere omnes pilos carnis, idest omnes pravas cogitationes. Debent etiam ornari virtutibus; et consecrari oleo spiritus sancti; et aspersione sanguinis Christi. Et sic debent esse

The figurative reason of these things was that those who are to be consecrated to the spiritual ministry of Christ, should be first of all purified by the waters of Baptism, and by the waters of tears, in their faith in Christ's Passion, which is a sacrifice both of expiation and of purification. They have also to shave all the hair of their body, i.e. all evil thoughts. They should, moreover, be decked with virtues, and be consecrated with the oil of the Holy Ghost, and with the sprinkling of Christ's blood. And thus they should be intent on the fulfilment of their spiritual ministry.

intenti ad exequenda spiritualia ministeria.

Reply to Objection 10: As already stated (A[4]), the purpose of the Law was to induce men to have reverence for the divine worship: and this in two ways; first, by excluding from the worship of God whatever might be an object of contempt; secondly, by introducing into the divine worship all that seemed to savor of reverence. And, indeed, if this was observed in regard to the tabernacle and its vessels, and in the animals to be sacrificed, much more was it to be observed in the very ministers. Wherefore, in order to obviate contempt for the ministers, it was prescribed that they should have no bodily stain or defect: since men so deformed are wont to be despised by others. For the same reason it was also commanded that the choice of those who were to be destined to the service of God was not to be made in a broadcast manner from any family, but according to their descent from one particular stock, thus giving them distinction and nobility.

In order that they might be revered, special ornate vestments were appointed for their use, and a special form of consecration. This indeed is the general reason of ornate garments. But the high-priest in particular had eight vestments. First, he had a linen tunic. Secondly, he had a purple tunic; round the bottom of which were placed "little bells" and "pomegranates of violet, and purple, and scarlet twice dyed." Thirdly, he had the ephod, which covered his shoulders and his breast down to the girdle; and it was made of gold, and violet and purple, and scarlet twice dyed and twisted linen: and on his shoulders he bore two onyx stones, on which were graven the names of the children of Israel. Fourthly, he had the rational, made of the same material; it was square in shape, and was worn on the breast, and was

[38081] Iª-IIae q. 102 a. 5 ad 10 Ad decimum dicendum quod, sicut iam dictum est, intentio legis erat inducere ad reverentiam divini cultus. Et hoc dupliciter, uno modo, excludendo a cultu divino omne id quod poterat esse contemptibile; alio modo, apponendo ad cultum divinum omne illud quod videbatur ad honorificentiam pertinere. Et si hoc quidem observabatur in tabernaculo et vasis eius, et animalibus immolandis, multo magis hoc observandum erat in ipsis ministris. Et ideo ad removendum contemptum ministrorum, praeceptum fuit ut non haberent maculam vel defectum corporalem, quia huiusmodi homines solent apud alios in contemptu haberi. Propter quod etiam institutum fuit ut non sparsim ex quolibet genere ad Dei ministerium applicarentur, sed ex certa prosapia secundum generis successionem, ut ex hoc clariores et nobiliores haberentur. Ad hoc autem quod in reverentia haberentur, adhibebatur eis specialis ornatus vestium, et specialis consecratio. Et haec est in communi causa ornatus vestium. In speciali autem sciendum est quod pontifex habebat octo ornamenta. Primo enim, habebat vestem lineam. Secundo, habebat tunicam hyacinthinam; in cuius extremitate versus pedes, ponebantur per circuitum tintinabula quaedam, et mala Punica facta ex hyacintho et purpura coccoque bis tincto. Tertio, habebat superhumerale, quod tegebat humeros et anteriorem partem usque ad cingulum; quod erat ex auro et hyacintho et purpura, coccoque bis tincto, et bysso retorta. Et super humeros habebat duos onychinos, in quibus erant sculpta nomina filiorum Israel. Quartum erat rationale, ex eadem materia factum; quod erat quadratum, et ponebatur in pectore, et coniungebatur superhumerali. Et in hoc rationali erant duodecim lapides pretiosi distincti per

fastened to the ephod. On this rational there were twelve precious stones set in four rows, on which also were graven the names of the children of Israel, in token that the priest bore the burden of the whole people, since he bore their names on his shoulders; and that it was his duty ever to think of their welfare, since he wore them on his breast, bearing them in his heart, so to speak. And the Lord commanded the "Doctrine and Truth" to be put in the rational: for certain matters regarding moral and dogmatic truth were written on it. The Jews indeed pretend that on the rational was placed a stone which changed color according to the various things which were about to happen to the children of Israel: and this they call the "Truth and Doctrine." Fifthly, he wore a belt or girdle made of the four colors mentioned above. Sixthly, there was the tiara or mitre which was made of linen. Seventhly, there was the golden plate which hung over his forehead; on it was inscribed the Lord's name. Eighthly, there were "the linen breeches to cover the flesh of their nakedness," when they went up to the sanctuary or altar. Of these eight vestments the lesser priests had four, viz. the linen tunic and breeches, the belt and the tiara.

According to some, the literal reason for these vestments was that they denoted the disposition of the terrestrial globe; as though the high-priest confessed himself to be the minister of the Creator of the world, wherefore it is written (Wis. 18:24): "In the robe" of Aaron "was the whole world" described. For the linen breeches signified the earth out of which the flax grows. The surrounding belt signified the ocean which surrounds the earth. The violet tunic denoted the air by its color: its little bells betoken the thunder; the pomegranates, the lightning. The ephod, by its many colors, signified the starry heaven; the two onyx stones denoted the two hemispheres, or the sun and moon. The twelve precious stones on the breast are the twelve signs of the zodiac: and they are said to have been placed on the rational because in heaven, are the types [rationes] of earthly things, according to Job 38:33: "Dost thou know the order of heaven, and canst thou set down the reason [rationem] thereof on the earth?" The turban or tiara signified the empyrean: the golden plate was a token of God, the governor of the universe.

quatuor ordines, in quibus etiam sculpta erant nomina filiorum Israel, quasi ad designandum quod ferret onus totius populi, per hoc quod habebat nomina eorum in humeris; et quod iugiter debebat de eorum salute cogitare, per hoc quod portabat eos in pectore, quasi in corde habens. In quo etiam rationali mandavit dominus poni doctrinam et veritatem, quia quaedam pertinentia ad veritatem iustitiae et doctrinae, scribebantur in illo rationali. Iudaei tamen fabulantur quod in rationali erat lapis qui secundum diversos colores mutabatur, secundum diversa quae debebant accidere filiis Israel, et hoc vocant veritatem et doctrinam. Quintum erat balteus, idest cingulus quidam, factus ex praedictis quatuor coloribus. Sextum erat tiara, idest mitra quaedam, de bysso. Septimum autem erat lamina aurea, pendens in fronte eius, in qua erat nomen domini. Octavum autem erant femoralia linea, ut operirent carnem turpitudinis suae, quando accederent ad sanctuarium vel ad altare. Ex istis autem octo ornamentis minores sacerdotes habebant quatuor, scilicet tunicam lineam, femoralia, balteum et tiaram. Horum autem ornamentorum quidam rationem litteralem assignant, dicentes quod in istis ornamentis designatur dispositio orbis terrarum, quasi pontifex protestaretur se esse ministrum creatoris mundi, unde etiam Sap. XVIII dicitur quod in veste Aaron erat descriptus orbis terrarum. Nam femoralia linea figurabant terram, ex qua linum nascitur. Baltei circumvolutio significabat Oceanum, qui circumcingit terram. Tunica hyacinthina suo colore significabat aerem, per cuius tintinabula significabantur tonitrua; per mala granata, coruscationes. Superhumerale vero significabat sua varietate caelum sidereum, duo onychini, duo hemisphaeria, vel solem et lunam. Duodecim gemmae in pectore, duodecim signa in zodiaco, quae dicebantur posita in rationali, quia in caelestibus sunt rationes terrenorum, secundum illud Iob XXXVIII, *numquid nosti ordinem caeli, et ponis rationem eius in terra?* Cidaris autem, vel tiara, significabat caelum Empyreum. Lamina aurea, Deum omnibus praesidentem. Figuralis vero ratio manifesta est. Nam maculae vel defectus corporales a quibus debebant sacerdotes esse immunes, significant diversa vitia et peccata quibus debent carere. Prohibetur enim esse caecus, idest, ne sit ignorans. Ne sit claudus, idest instabilis, et ad diversa se inclinans. Ne sit parvo, vel grandi, vel torto naso, idest ne per defectum

The figurative reason is evident. Because bodily stains or defects wherefrom the priests had to be immune, signify the various vices and sins from which they should be free. Thus it is forbidden that he should be blind, i.e. he ought not to be ignorant: he must not be lame, i.e. vacillating and uncertain of purpose: that he must have "a little, or a great, or a crooked nose," i.e. that he should not, from lack of discretion, exceed in one direction or in another, or even exercise some base occupation: for the nose signifies discretion, because it discerns odors. It is forbidden that he should have "a broken foot" or "hand," i.e. he should not lose the power of doing good works or of advancing in virtue. He is rejected, too, if he have a swelling either in front or behind [Vulg.: 'if he be crook-backed']: by which is signified too much love of earthly things: if he be blear-eyed, i.e. if his mind is darkened by carnal affections: for running of the eyes is caused by a flow of matter. He is also rejected if he had "a pearl in his eye," i.e. if he presumes in his own estimation that he is clothed in the white robe of righteousness. Again, he is rejected "if he have a continued scab," i.e. lustfulness of the flesh: also, if he have "a dry scurf," which covers the body without giving pain, and is a blemish on the comeliness of the members; which denotes avarice. Lastly, he is rejected "if he have a rupture" or hernia; through baseness rending his heart, though it appear not in his deeds.

The vestments denote the virtues of God's ministers. Now there are four things that are necessary to all His ministers, viz. chastity denoted by the breeches; a pure life, signified by the linen tunic; the moderation of discretion, betokened by the girdle; and rectitude of purpose, denoted by the mitre covering the head. But the high-priests needed four other things in addition to these. First, a continual recollection of God in their thoughts; and this was signified by the golden plate worn over the forehead, with the name of God engraved thereon. Secondly, they had to bear with the shortcomings of the people: this was denoted by the ephod which they bore on their shoulders. Thirdly, they had to carry the people in their mind and heart by the solicitude of charity, in token of which they wore the rational. Fourthly, they had to lead a godly life by performing works of perfection; and this was signified by the violet tunic. Hence little golden

discretionis, vel in plus vel in minus excedat, aut etiam aliqua prava exerceat; per nasum enim discretio designatur, quia est discretivus odoris. Ne sit fracto pede vel manus, idest ne amittat virtutem bene operandi, vel procedendi in virtutem. Repudiatur etiam si habeat gibbum vel ante vel retro, per quem significatur superfluus amor terrenorum. Si est lippus, idest per carnalem affectum eius ingenium obscuratur, contingit enim lippitudo ex fluxu humoris. Repudiatur etiam si habeat albuginem in oculo, idest praesumptionem candoris iustitiae in sua cogitatione. Repudiatur etiam si habuerit iugem scabiem, idest petulantiam carnis. Et si habuerit impetiginem, quae sine dolore corpus occupat, et membrorum decorem foedat, per quam avaritia designatur. Et etiam si sit herniosus vel ponderosus, qui scilicet gestat pondus turpitudinis in corde, licet non exerceat in opere. Per ornamenta vero designantur virtutes ministrorum Dei. Sunt autem quatuor quae sunt necessariae omnibus ministris, scilicet castitas, quae significatur per femoralia; puritas vero vitae, quae significatur per lineam tunicam; moderatio discretionis quae significatur per cingulum; rectitudo intentionis, quae significatur per tiaram protegentem caput. Sed prae his pontifices debent quatuor habere. Primo quidem, iugem Dei memoriam in contemplatione, et hoc significat lamina aurea habens nomen Dei, in fronte. Secundo, quod supportent infirmitates populi, quod significat superhumerale. Tertio, quod habeant populum in corde et in visceribus per sollicitudinem caritatis, quod significatur per rationale. Quarto, quod habeant conversationem caelestem per opera perfectionis, quod significatur per tunicam hyacinthinam. Unde et tunicae hyacinthinae adiunguntur in extremitate tintinabula aurea, per quae significatur doctrina divinorum, quae debet coniungi caelesti conversationi pontificis. Adiunguntur autem mala Punica, per quae significatur unitas fidei et concordia in bonis moribus, quia sic coniuncta debet esse eius doctrina, ut per eam fidei et pacis unitas non rumpatur.

bells were fixed to the bottom of the violet tunic, which bells signified the teaching of divine things united in the high-priest to his godly mode of life. In addition to these were the pomegranates, signifying unity of faith and concord in good morals: because his doctrine should hold together in such a way that it should not rend asunder the unity of faith and peace.

Q. 102. A. 6. Whether there was any reasonable cause for the ceremonial observances?

Objection 1: It would seem that there was no reasonable cause for the ceremonial observances. Because, as the Apostle says (1 Tim. 4:4), "every creature of God is good, and nothing to be rejected that is received with thanksgiving." It was therefore unfitting that they should be forbidden to eat certain foods, as being unclean according to Lev. 11 [*Cf. Dt. 14].

[38082] Iª-IIae q. 102 a. 6 arg. 1 Ad sextum sic proceditur. Videtur quod observantiarum caeremonialium nulla fuerit rationabilis causa. Quia ut apostolus dicit, I ad Tim. IV, *omnis creatura Dei est bona, et nihil reiiciendum quod cum gratiarum actione percipitur*. Inconvenienter igitur prohibiti sunt ab esu quorundam ciborum tanquam immundorum, ut patet Lev. XI.

Objection 2: Further, just as animals are given to man for food, so also are herbs: wherefore it is written (Gn. 9:3): "As the green herbs have I delivered all" flesh "to you." But the Law did not distinguish any herbs from the rest as being unclean, although some are most harmful, for instance, those that are poisonous. Therefore it seems that neither should any animals have been prohibited as being unclean.

[38083] Iª-IIae q. 102 a. 6 arg. 2 Praeterea, sicut animalia dantur in cibum hominis, ita etiam et herbae, unde dicitur Gen. IX, *quasi olera virentia dedi vobis omnem carnem*. Sed in herbis lex non distinxit aliquas immundas, cum tamen aliquae illarum sint maxime nocivae, ut puta venenosae. Ergo videtur quod nec de animalibus aliqua debuerint prohiberi tanquam immunda.

Objection 3: Further, if the matter from which a thing is generated be unclean, it seems that likewise the thing generated therefrom is unclean. But flesh is generated from blood. Since therefore all flesh was not prohibited as unclean, it seems that in like manner neither should blood have been forbidden as unclean; nor the fat which is engendered from blood.

[38084] Iª-IIae q. 102 a. 6 arg. 3 Praeterea, si materia est immunda ex qua aliquid generatur, pari ratione videtur quod id quod generatur ex ea, sit immundum. Sed ex sanguine generatur caro. Cum igitur non omnes carnes prohiberentur tanquam immundae, pari ratione nec sanguis debuit prohiberi quasi immundus; aut adeps, qui ex sanguine generatur.

Objection 4: Further, Our Lord said (Mat. 10:28; cf. Lk. 12:4), that those should not be feared "that kill the body," since after death they "have no more that they can do": which would not be true if after death harm might come to man through anything done with his body. Much less therefore does it matter to an animal already dead how its flesh be cooked. Consequently there seems to be no reason in what is said, Ex. 23:19: "Thou shalt not boil a kid in the milk of its dam."

[38085] Iª-IIae q. 102 a. 6 arg. 4 Praeterea, dominus dicit, Matth. X, eos non esse timendos qui occidunt corpus, quia post mortem non habent quid faciant, quod non esset verum, si in nocumentum homini cederet quid ex eo fieret. Multo igitur minus pertinet ad animal iam occisum qualiter eius carnes decoquantur. Irrationabile igitur videtur esse quod dicitur Exod. XXIII, *non coques haedum in lacte matris suae*.

Objection 5: Further, all that is first brought forth of man and beast, as being most perfect, is commanded to be offered to the Lord (Ex. 13). Therefore it is an unfitting command that is set forth in Lev. 19:23: "when you shall be come into the land, and shall have planted in it fruit trees, you shall take away the uncircumcision [*'Praeputia,' which Douay version renders 'first fruits'] of them," i.e. the first crops, and they "shall be unclean to you, neither shall you eat of them."

[38086] Iª-IIae q. 102 a. 6 arg. 5 Praeterea, ea quae sunt primitiva in hominibus et animalibus, tanquam perfectiora, praecipiuntur domino offerri. Inconvenienter igitur praecipitur Lev. XIX, *quando ingressi fueritis terram, et plantaveritis in ea ligna pomifera, auferetis praeputia eorum*, idest prima germina, et immunda erunt vobis, nec edetis ex eis.

Objection 6: Further, clothing is something extraneous to man's body. Therefore certain kinds of garments should not have been forbidden to the Jews: for instance (Lev. 19:19): "Thou shalt not wear a garment that is woven of two sorts": and (Dt. 22:5): "A woman shall not be clothed with man's apparel, neither shall a man use woman's apparel": and further on (Dt. 22:11): "Thou shalt not wear a garment that is woven of woolen and linen together."

[38087] Iª-IIae q. 102 a. 6 arg. 6 Praeterea, vestimentum extra corpus hominis est. Non igitur debuerunt quaedam specialia vestimenta Iudaeis interdici, puta quod dicitur Lev. XIX, *vestem quae ex duobus texta est, non indueris*; et Deut. XXII, *non induetur mulier veste virili, et vir non induetur veste feminea*; et infra, *non indueris vestimento quod ex lana linoque contextum est*.

Objection 7: Further, to be mindful of God's commandments concerns not the body but the heart. Therefore it is unsuitably prescribed (Dt. 6:8, seqq.) that they should "bind" the commandments of God "as a sign" on their hands; and that they should "write them in the entry"; and (Num. 15:38, seqq.) that they should "make to themselves fringes in the corners of their garments, putting in them ribands of blue . . . they may remember . . . the commandments of the Lord."

[38088] Iª-IIae q. 102 a. 6 arg. 7 Praeterea, memoria mandatorum Dei non pertinet ad corpus, sed ad cor. Inconvenienter igitur praecipitur Deut. VI, quod *ligarent praecepta Dei quasi signum in manu sua, et quod scriberentur in limine ostiorum; et quod per angulos palliorum facerent fimbrias, in quibus ponerent vittas hyacinthinas, in memoriam mandatorum Dei*, ut habetur Num. XV.

Objection 8: Further, the Apostle says (1 Cor. 9:9) that God does not "take care for oxen," and, therefore, neither of other irrational animals. Therefore without reason is it commanded (Dt. 22:6): "If thou find, as thou walkest by the way, a bird's nest in a tree . . . thou shalt not take the dam with her young"; and (Dt. 25:4): "Thou shalt not muzzle the ox that treadeth out thy corn"; and (Lev. 19:19): "Thou shalt not make thy cattle to gender with beasts of any other kind."

[38089] Iª-IIae q. 102 a. 6 arg. 8 Praeterea, apostolus dicit, I ad Cor. IX, quod non est cura Deo de bobus, et per consequens neque de aliis animalibus irrationalibus. Inconvenienter igitur praecipitur Deut. XXII, *si ambulaveris per viam, et inveneris nidum avis, non tenebis matrem cum filiis*; et Deut. XXV, *non alligabis os bovis triturantis*; et Lev. XIX, *iumenta tua non facies coire cum alterius generis animantibus*.

Objection 9: Further, no distinction was made between clean and unclean plants. Much less therefore should any distinction have been made

[38090] Iª-IIae q. 102 a. 6 arg. 9 Praeterea, inter plantas non fiebat discretio mundorum ab immundis. Ergo multo minus circa culturam

about the cultivation of plants. Therefore it was unfittingly prescribed (Lev. 19:19): "Thou shalt not sow thy field with different seeds"; and (Dt. 22:9, seqq.): "Thou shalt sow thy vineyard with divers seeds"; and: "Thou shalt not plough with an ox and an ass together."

plantarum debuit aliqua discretio adhiberi. Ergo inconvenienter praecipitur Lev. XIX, *agrum non seres diverso semine*; et Deut. XXII, *non seres vineam tuam altero semine; et, non arabis in bove simul et asino*.

Objection 10: Further, it is apparent that inanimate things are most of all subject to the power of man. Therefore it was unfitting to debar man from taking silver and gold of which idols were made, or anything they found in the houses of idols, as expressed in the commandment of the Law (Dt. 7:25, seqq.). It also seems an absurd commandment set forth in Dt. 23:13, that they should "dig round about and . . . cover with earth that which they were eased of."

[38091] Iª-IIae q. 102 a. 6 arg. 10 Praeterea, ea quae sunt inanimata, maxime videmus hominum potestati esse subiecta. Inconvenienter igitur arcetur homo ab argento et auro ex quibus fabricata sunt idola, et ab aliis quae in idolorum domibus inveniuntur, praecepto legis quod habetur Deut. VII. Ridiculum etiam videtur esse praeceptum quod habetur Deut. XXIII, ut *egestiones humo operirent, fodientes in terra*.

Objection 11: Further, piety is required especially in priests. But it seems to be an act of piety to assist at the burial of one's friends: wherefore Tobias is commended for so doing (Tob. 1:20, seqq.). In like manner it is sometimes an act of piety to marry a loose woman, because she is thereby delivered from sin and infamy. Therefore it seems inconsistent for these things to be forbidden to priests (Lev. 21).

[38092] Iª-IIae q. 102 a. 6 arg. 11 Praeterea, pietas maxime in sacerdotibus requiritur. Sed ad pietatem pertinere videtur quod aliquis funeribus amicorum intersit, unde etiam de hac Tobias laudatur, ut habetur Tob. I. Similiter etiam quandoque ad pietatem pertinet quod aliquis in uxorem accipiat meretricem, quia per hoc eam a peccato et infamia liberat. Ergo videtur quod haec inconvenienter prohibeantur sacerdotibus, Lev. XXI.

On the contrary, It is written (Dt. 18:14): "But thou art otherwise instructed by the Lord thy God": from which words we may gather that these observances were instituted by God to be a special prerogative of that people. Therefore they are not without reason or cause.

[38093] Iª-IIae q. 102 a. 6 s. c. Sed contra est quod dicitur Deut. XVIII, *tu autem a domino Deo tuo aliter institutus es*, ex quo potest accipi quod huiusmodi observantiae sunt institutae a Deo ad quandam specialem illius populi praerogativam. Non ergo sunt irrationabiles, aut sine causa.

I answer that, The Jewish people, as stated above (A[5]), were specially chosen for the worship of God, and among them the priests themselves were specially set apart for that purpose. And just as other things that are applied to the divine worship, need to be marked in some particular way so that they be worthy of the worship of God; so too in that people's, and especially the priests', mode of life, there needed to be certain special things befitting the divine worship, whether spiritual or corporal. Now the worship prescribed by the Law foreshadowed the mystery of Christ: so that whatever they did was a figure of things

[38094] Iª-IIae q. 102 a. 6 co. Respondeo dicendum quod populus Iudaeorum, ut supra dictum est, specialiter erat deputatus ad cultum divinum; et inter eos, specialiter sacerdotes. Et sicut aliae res quae applicantur ad cultum divinum, aliquam specialitatem debent habere, quod pertinet ad honorificentiam divini cultus; ita etiam et in conversatione illius populi, et praecipue sacerdotum, debuerunt esse aliqua specialia congruentia ad cultum divinum, vel spiritualem vel corporalem. Cultus autem legis figurabat mysterium Christi, unde omnia eorum gesta figurabant ea quae ad Christum pertinent;

pertaining to Christ, according to 1 Cor. 10:11: "All these things happened to them in figures." Consequently the reasons for these observances may be taken in two ways, first according to their fittingness to the worship of God; secondly, according as they foreshadow something touching the Christian mode of life.

secundum illud I Cor. X, *omnia in figuram contingebant illis*. Et ideo rationes harum observantiarum dupliciter assignari possunt, uno modo, secundum congruentiam ad divinum cultum; alio modo, secundum quod figurant aliquid circa Christianorum vitam.

Reply to Objection 1: As stated above (A[5], ad 4,5), the Law distinguished a twofold pollution or uncleanness; one, that of sin, whereby the soul was defiled; and another consisting in some kind of corruption, whereby the body was in some way infected. Speaking then of the first-mentioned uncleanness, no kind of food is unclean, or can defile a man, by reason of its nature; wherefore we read (Mat. 15:11): "Not that which goeth into the mouth defileth a man; but what cometh out of the mouth, this defileth a man": which words are explained (Mat. 15:17) as referring to sins. Yet certain foods can defile the soul accidentally; in so far as man partakes of them against obedience or a vow, or from excessive concupiscence; or through their being an incentive to lust, for which reason some refrain from wine and flesh-meat.

If, however, we speak of bodily uncleanness, consisting in some kind of corruption, the flesh of certain animals is unclean, either because like the pig they feed on unclean things; or because their life is among unclean surroundings: thus certain animals, like moles and mice and such like, live underground, whence they contract a certain unpleasant smell; or because their flesh, through being too moist or too dry, engenders corrupt humors in the human body. Hence they were forbidden to eat the flesh of flat-footed animals, i.e. animals having an uncloven hoof, on account of their earthiness; and in like manner they were forbidden to eat the flesh of animals that have many clefts in their feet, because such are very fierce and their flesh is very dry, such as the flesh of lions and the like. For the same reason they were forbidden to eat certain birds of prey the flesh of which is very dry, and certain water-fowl on account of their exceeding humidity. In like manner certain fish lacking fins and scales were prohibited on account of their excessive moisture; such as eels and the like. They were, however, allowed to eat ruminants and animals with a divided hoof, because in such animals the humors

[38095] Iª-IIae q. 102 a. 6 ad 1 Ad primum ergo dicendum quod, sicut supra dictum est, duplex pollutio, vel immunditia, observabatur in lege, una quidem culpae, per quam polluebatur anima; alia autem corruptionis cuiusdam, per quam quodammodo inquinatur corpus. Loquendo igitur de prima immunditia, nulla genera ciborum immunda sunt, vel hominem inquinare possunt, secundum suam naturam, unde dicitur Matth. XV, *non quod intrat in os, coinquinat hominem; sed quae procedunt de ore, haec coinquinant hominem*; et exponitur hoc de peccatis. Possunt tamen aliqui cibi per accidens inquinare animam, inquantum scilicet contra obedientiam vel votum, vel nimia concupiscentia comeduntur; vel inquantum praebent fomentum luxuriae, propter quod aliqui a vino et carnibus abstinent. Secundum autem corporalem immunditiam, quae est corruptionis cuiusdam, aliquae animalium carnes immunditiam habent, vel quia ex rebus immundis nutriuntur, sicut porcus; aut immunde conversantur, sicut quaedam animalia sub terra habitantia, sicut talpae et mures et alia huiusmodi, unde etiam quendam fetorem contrahunt; vel quia eorum carnes, propter superfluam umiditatem vel siccitatem, corruptos humores in corporibus humanis generant. Et ideo prohibitae sunt eis carnes animalium habentium soleas, idest ungulam unam non fissam, propter eorum terrestreitatem. Et similiter sunt eis prohibitae carnes animalium habentium multas fissuras in pedibus, quia sunt nimis cholerica et adusta, sicut carnes leonis et huiusmodi. Et eadem ratione prohibitae sunt eis aves quaedam rapaces, quae sunt nimiae siccitatis; et quaedam aves aquaticae, propter excessum humiditatis. Similiter etiam quidam pisces non habentes pinnulas et squamas, ut anguillae et huiusmodi, propter excessum humiditatis. Sunt autem eis concessa ad esum animalia ruminantia et findentia ungulam, quia habent humores bene digestos, et sunt medie complexionata, quia nec sunt nimis humida, quod significant ungulae; neque sunt nimis terrestria,

are well absorbed, and their nature well balanced: for neither are they too moist, as is indicated by the hoof; nor are they too earthly, which is shown by their having not a flat but a cloven hoof. Of fishes they were allowed to partake of the drier kinds, of which the fins and scales are an indication, because thereby the moist nature of the fish is tempered. Of birds they were allowed to eat the tamer kinds, such as hens, partridges, and the like. Another reason was detestation of idolatry: because the Gentiles, and especially the Egyptians, among whom they had grown up, offered up these forbidden animals to their idols, or employed them for the purpose of sorcery: whereas they did not eat those animals which the Jews were allowed to eat, but worshipped them as gods, or abstained, for some other motive, from eating them, as stated above (A[3], ad 2). The third reason was to prevent excessive care about food: wherefore they were allowed to eat those animals which could be procured easily and promptly.

With regard to blood and fat, they were forbidden to partake of those of any animals whatever without exception. Blood was forbidden, both in order to avoid cruelty, that they might abhor the shedding of human blood, as stated above (A[3], ad 8); and in order to shun idolatrous rite whereby it was customary for men to collect the blood and to gather together around it for a banquet in honor of the idols, to whom they held the blood to be most acceptable. Hence the Lord commanded the blood to be poured out and to be covered with earth (Lev. 17:13). For the same reason they were forbidden to eat animals that had been suffocated or strangled: because the blood of these animals would not be separated from the body: or because this form of death is very painful to the victim; and the Lord wished to withdraw them from cruelty even in regard to irrational animals, so as to be less inclined to be cruel to other men, through being used to be kind to beasts. They were forbidden to eat the fat: both because idolaters ate it in honor of their gods; and because it used to be burnt in honor of God; and, again, because blood and fat are not nutritious, which is the cause assigned by Rabbi Moses (Doct. Perplex. iii). The reason why they were forbidden to eat the sinews is given in Gn. 32:32, where it is stated that "the children of Israel . . . eat not the sinew . . . because he touched the sinew of"

cum non habeant ungulam continuam, sed fissam. In piscibus etiam concessi sunt eis pisces sicciores, quod significatur per hoc quod habent squamas et pinnulas, per hoc enim efficitur temperata complexio humida piscium. In avibus etiam sunt eis concessae magis temperatae, sicut gallinae, perdices, et aliae huiusmodi. Alia ratio fuit in detestationem idololatriae. Nam gentiles, et praecipue Aegyptii, inter quos erant nutriti, huiusmodi animalia prohibita idolis immolabant, vel eis ad maleficia utebantur. Animalia vero quae Iudaeis sunt concessa ad esum non comedebant, sed ea tanquam deos colebant; vel propter aliam causam ab eis abstinebant, ut supra dictum est. Tertia ratio est ad tollendam nimiam diligentiam circa cibaria. Et ideo conceduntur illa animalia quae de facili et in promptu haberi possunt. Generaliter tamen prohibitus est eis esus sanguinis et adipis cuiuslibet animalis. Sanguinis quidem tum ad vitandam crudelitatem, ut detestarentur humanum sanguinem effundere, sicut supra dictum est. Tum etiam ad vitandum idololatriae ritum, quia eorum consuetudo erat ut circa sanguinem congregatum adunarentur ad comedendum in honorem idolorum, quibus reputabant sanguinem acceptissimum esse. Et ideo dominus mandavit quod sanguis effunderetur, et quod pulvere operiretur. Et propter hoc etiam prohibitum est eis comedere animalia suffocata vel strangulata, quia sanguis eorum non separaretur a carne. Vel quia in tali morte animalia multum affliguntur; et dominus voluit eos a crudelitate prohibere etiam circa animalia bruta, ut per hoc magis recederent a crudelitate hominis, habentes exercitium pietatis etiam circa bestias. Adipis etiam esus prohibitus est eis, tum quia idololatrae comedebant illum in honorem deorum suorum. Tum etiam quia cremabatur in honorem Dei. Tum etiam quia sanguis et adeps non generant bonum nutrimentum, quod pro causa inducit Rabbi Moyses. Causa autem prohibitionis esus nervorum exprimitur Gen. XXXII, ubi dicitur quod *non comedunt filii Israel nervum, eo quod tetigerit nervum femoris Iacob, et obstupuerit*. Figuralis autem ratio horum est quia per omnia huiusmodi animalia prohibita designantur aliqua peccata, in quorum figuram illa animalia prohibentur. Unde dicit Augustinus, in libro contra Faustum, *si de porco et agno requiratur, utrumque natura mundum est, quia omnis creatura Dei bona est, quadam vero*

Jacob's "thing and it shrank."

The figurative reason for these things is that all these animals signified certain sins, in token of which those animals were prohibited. Hence Augustine says (Contra Faustum iv, 7): "If the swine and lamb be called in question, both are clean by nature, because all God's creatures are good: yet the lamb is clean, and the pig is unclean in a certain signification. Thus if you speak of a foolish, and of a wise man, each of these expressions is clean considered in the nature of the sound, letters and syllables of which it is composed: but in signification, the one is clean, the other unclean." The animal that chews the cud and has a divided hoof, is clean in signification. Because division of the hoof is a figure of the two Testaments: or of the Father and Son: or of the two natures in Christ: of the distinction of good and evil. While chewing the cud signifies meditation on the Scriptures and a sound understanding thereof; and whoever lacks either of these is spiritually unclean. In like manner those fish that have scales and fins are clean in signification. Because fins signify the heavenly or contemplative life; while scales signify a life of trials, each of which is required for spiritual cleanness. Of birds certain kinds were forbidden. In the eagle which flies at a great height, pride is forbidden: in the griffon which is hostile to horses and men, cruelty of powerful men is prohibited. The osprey, which feeds on very small birds, signifies those who oppress the poor. The kite, which is full of cunning, denotes those who are fraudulent in their dealings. The vulture, which follows an army, expecting to feed on the carcases of the slain, signifies those who like others to die or to fight among themselves that they may gain thereby. Birds of the raven kind signify those who are blackened by their lusts; or those who lack kindly feelings, for the raven did not return when once it had been let loose from the ark. The ostrich which, though a bird, cannot fly, and is always on the ground, signifies those who fight God's cause, and at the same time are taken up with worldly business. The owl, which sees clearly at night, but cannot see in the daytime, denotes those who are clever in temporal affairs, but dull in spiritual matters. The gull, which flies both in the air and swims in the water, signifies those who are partial both to Circumcision and to Baptism: or else it denotes those who would fly

significatione, agnus mundus, porcus immundus est. Tanquam, si stultum et sapientem diceres, utrumque hoc verbum natura vocis et litterarum et syllabarum ex quibus constat, mundum est, significatione autem unum est mundum, et aliud immundum. Animal enim quod ruminat et ungulam findit, mundum est significatione. Quia fissio ungulae significat distinctionem duorum testamentorum; vel patris et filii; vel duarum naturarum in Christo; vel discretionem boni et mali. Ruminatio autem significat meditationem Scripturarum, et sanum intellectum earum. Cuicumque autem horum alterum deest, spiritualiter immundus est. Similiter etiam in piscibus illi qui habent squamas et pinnulas, significatione mundi sunt. Quia per pinnulas significatur vita sublimis, vel contemplatio; per squamas autem significatur aspera vita; quorum utrumque necessarium est ad munditiam spiritualem. In avibus autem specialia quaedam genera prohibentur. In aquila enim, quae alte volat, prohibetur superbia. In gryphe autem, qui equis et hominibus infestus est, crudelitas potentum prohibetur. In haliaeeto autem, qui pascitur minutis avibus, significantur illi qui sunt pauperibus molesti. In milvo autem, qui maxime insidiis utitur, designantur fraudulenti. In vulture autem, qui sequitur exercitum expectans comedere cadavera mortuorum, significantur illi qui mortes et seditiones hominum affectant ut inde lucrentur. Per animalia corvini generis significantur illi qui sunt voluptatibus denigrati, vel qui sunt expertes bonae affectionis, quia corvus, semel emissus ab arca, non est reversus. Per struthionem, qui, cum sit avis, volare non potest, sed semper est circa terram, significantur Deo militantes et se negotiis saecularibus implicantes. Nycticorax, quae in nocte acuti est visus, in die autem non videt, significat eos qui in temporalibus sunt astuti, in spiritualibus hebetes. Larus autem, qui et volat in aere et natat in aqua, significat eos qui et circumcisionem et Baptismum venerantur, vel significat eos qui per contemplationem volare volunt, et tamen vivunt in aquis voluptatum. Accipiter vero, qui deservit hominibus ad praedam, significat eos qui ministrant potentibus ad depraedandum pauperes. Per bubonem, qui in nocte pastum quaerit, de die autem latet, significantur luxuriosi, qui occultari quaerunt in nocturnis operibus quae agunt. Mergulus autem, cuius natura est ut sub undis diutius immoretur, significat gulosos, qui aquis

by contemplation, yet dwell in the waters of sensual delights. The hawk, which helps men to seize the prey, is a figure of those who assist the strong to prey on the poor. The screech-owl, which seeks its food by night but hides by day, signifies the lustful man who seeks to lie hidden in his deeds of darkness. The cormorant, so constituted that it can stay a long time under water, denotes the glutton who plunges into the waters of pleasure. The ibis is an African bird with a long beak, and feeds on snakes; and perhaps it is the same as the stork: it signifies the envious man, who refreshes himself with the ills of others, as with snakes. The swan is bright in color, and by the aid of its long neck extracts its food from deep places on land or water: it may denote those who seek earthly profit though an external brightness of virtue. The bittern is a bird of the East: it has a long beak, and its jaws are furnished with follicules, wherein it stores its food at first, after a time proceeding to digest it: it is a figure of the miser, who is excessively careful in hoarding up the necessaries of life. The coot [*Douay: 'porphyrion.' St. Thomas' description tallies with the coot or moorhen: though of course he is mistaken about the feet differing from one another.] has this peculiarity apart from other birds, that it has a webbed foot for swimming, and a cloven foot for walking: for it swims like a duck in the water, and walks like a partridge on land: it drinks only when it bites, since it dips all its food in water: it is a figure of a man who will not take advice, and does nothing but what is soaked in the water of his own will. The heron [*Vulg.: 'herodionem'], commonly called a falcon, signifies those whose "feet are swift to shed blood" (Ps. 13:3). The plover [*Here, again, the Douay translators transcribed from the Vulgate: 'charadrion'; 'charadrius' is the generic name for all plovers.], which is a garrulous bird, signifies the gossip. The hoopoe, which builds its nest on dung, feeds on foetid ordure, and whose song is like a groan, denotes worldly grief which works death in those who are unclean. The bat, which flies near the ground, signifies those who being gifted with worldly knowledge, seek none but earthly things. Of fowls and quadrupeds those alone were permitted which have the hind-legs longer than the forelegs, so that they can leap: whereas those were forbidden which cling rather to the earth: because those who abuse the doctrine of the four Evangelists, so that they are not lifted deliciarum se immergunt. Ibis vero avis est in Africa habens longum rostrum, quae serpentibus pascitur, et forte est idem quod ciconia, et significat invidos, qui de malis aliorum, quasi de serpentibus, reficiuntur. Cygnus autem est coloris candidi, et longo collo quod habet, ex profunditate terrae vel aquae cibum trahit, et potest significare homines qui per exteriorem iustitiae candorem lucra terrena quaerunt. Onocrotalus autem avis est in partibus orientis, longo rostro, quae in faucibus habet quosdam folliculos, in quibus primo cibum reponit, et post horam in ventrem mittit, et significat avaros, qui immoderata sollicitudine vitae necessaria congregant. Porphyrio autem, praeter modum aliarum avium, habet unum pedem latum ad natandum, alium fissum ad ambulandum, quia et in aqua natat ut anates, et in terra ambulat ut perdices, solo morsu bibit, omnem cibum aqua tingens, et significat eos qui nihil ad alterius arbitrium facere volunt, sed solum quod fuerit tinctum aqua propriae voluntatis. Per Herodionem qui vulgariter falco dicitur, significantur illi quorum pedes sunt veloces ad effundendum sanguinem. Charadrius autem, quae est avis garrula, significat loquaces. Upupa autem, quae nidificat in stercoribus et fetenti pascitur fimo, et gemitum in cantu simulat, significat tristitiam saeculi, quae in hominibus immundis mortem operatur. Per vespertilionem autem, quae circa terram volitat, significantur illi qui, saeculari scientia praediti, sola terrena sapiunt. Circa volatilia autem et quadrupedia, illa sola conceduntur eis quae posteriora crura habent longiora, ut salire possint. Alia vero, quae terrae magis adhaerent, prohibentur, quia illi qui abutuntur doctrina quatuor Evangelistarum, ut per eam in altum non subleventur, immundi reputantur. In sanguine vero et adipe et nervo, intelligitur prohiberi crudelitas, et voluptas, et fortitudo ad peccandum.

up thereby, are reputed unclean. By the prohibition of blood, fat and nerves, we are to understand the forbidding of cruelty, lust, and bravery in committing sin.

Reply to Objection 2: Men were wont to eat plants and other products of the soil even before the deluge: but the eating of flesh seems to have been introduced after the deluge; for it is written (Gn. 9:3): "Even as the green herbs have I delivered . . . all" flesh "to you." The reason for this was that the eating of the products of the soil savors rather of a simple life; whereas the eating of flesh savors of delicate and over-careful living. For the soil gives birth to the herb of its own accord; and such like products of the earth may be had in great quantities with very little effort: whereas no small trouble is necessary either to rear or to catch an animal. Consequently God being wishful to bring His people back to a more simple way of living, forbade them to eat many kinds of animals, but not those things that are produced by the soil. Another reason may be that animals were offered to idols, while the products of the soil were not.

[38096] Iª-IIae q. 102 a. 6 ad 2 Ad secundum dicendum quod esus plantarum et aliorum terrae nascentium adfuit apud homines etiam ante diluvium, sed esus carnium videtur esse post diluvium introductus; dicitur enim Gen. IX, *quasi olera virentia dedi vobis omnem carnem*. Et hoc ideo, quia esus terrae nascentium magis pertinet ad quandam simplicitatem vitae; esus autem carnium ad quasdam delicias et curiositatem vivendi. Sponte enim terra herbam germinat, vel cum modico studio huiusmodi terrae nascentia in magna copia procurantur, oportet autem cum magno studio animalia vel nutrire, vel etiam capere. Et ideo volens dominus populum suum reducere ad simpliciorem victum, multa in genere animalium eis prohibuit, non autem in genere terrae nascentium. Vel etiam quia animalia immolabantur idolis, non autem terrae nascentia.

The Reply to the Third Objection is clear from what has been said (ad 1).

[38097] Iª-IIae q. 102 a. 6 ad 3 Ad tertium patet responsio ex dictis.

Reply to Objection 4: Although the kid that is slain has no perception of the manner in which its flesh is cooked, yet it would seem to savor of heartlessness if the dam's milk, which was intended for the nourishment of her offspring, were served up on the same dish. It might also be said that the Gentiles in celebrating the feasts of their idols prepared the flesh of kids in this manner, for the purpose of sacrifice or banquet: hence (Ex. 23) after the solemnities to be celebrated under the Law had been foretold, it is added: "Thou shalt not boil a kid in the milk of its dam." The figurative reason for this prohibition is this: the kid, signifying Christ, on account of "the likeness of sinful flesh" (Rom. 8:3), was not to be seethed, i.e. slain, by the Jews, "in the milk of its dam," i.e. during His infancy. Or else it signifies that the kid, i.e. the sinner, should not be boiled in the milk of its dam, i.e. should not be cajoled by flattery.

Reply to Objection 5: The Gentiles offered their gods the first-fruits, which they held to bring them good luck: or they burnt them for the purpose of secrecy. Consequently (the Israelites) were commanded to look upon the fruits of the first three years as unclean: for in that country nearly all the trees bear fruit in three years' time; those trees, to wit, that are cultivated either from seed, or from a graft, or from a cutting: but it seldom happens that the fruit-stones or seeds encased in a pod are sown: since it would take a longer time for these to bear fruit: and the Law considered what happened most frequently. The fruits, however, of the fourth year, as being the firstlings of clean fruits, were offered to God: and from the fifth year onward they were eaten.

The figurative reason was that this foreshadowed the fact that after the three states of the Law (the first lasting from Abraham to David, the second, until they were carried away to Babylon, the third until the time of Christ), the Fruit of the Law, i.e. Christ, was to be offered to God. Or again, that we must mistrust our first efforts, on account of their imperfection.

[38098] Iª-IIae q. 102 a. 6 ad 4 Ad quartum dicendum quod, etsi haedus occisus non sentiat qualiter carnes eius coquantur, tamen in animo decoquentis ad quandam crudelitatem pertinere videtur si lac matris, quod datum est ei pro nutrimento, adhibeatur ad consumptionem carnium ipsius. Vel potest dici quod gentiles in solemnitatibus idolorum taliter carnes haedi coquebant, ad immolandum vel ad comedendum. Et ideo Exod. XXIII, postquam praedictum fuerat de solemnitatibus celebrandis in lege, subditur, *non coques haedum in lacte matris suae*. Figuralis autem ratio huius prohibitionis est quia praefigurabatur quod Christus, qui est haedus propter similitudinem carnis peccati, non erat a Iudaeis coquendus, idest occidendus, in lacte matris, idest tempore infantiae. Vel significatur quod haedus idest peccator, non est coquendus in lacte matris, idest non est blanditiis deliniendus.

Reply to Objection 6: It is said of a man in Ecclus. 19:27, that "the attire of the body . . . " shows "what he is." Hence the Lord wished His people to be distinguished from other nations, not only by the sign of the circumcision, which was in the flesh, but also by a certain difference of attire. Wherefore they were forbidden to wear garments woven of woolen and linen together, and for a woman to be clothed with man's apparel, or vice versa, for two reasons. First, to avoid idolatrous worship. Because the Gentiles, in their religious rites, used garments of this sort, made of various materials. Moreover in the worship of Mars, women put on men's armor; while, conversely, in the worship of Venus men donned women's attire. The second reason was to preserve them from lust: because the employment of various materials in the making of garments signified inordinate union of sexes, while the use of male attire by a woman, or vice versa, has an incentive to evil desires, and offers an occasion of lust. The figurative reason is that the prohibition of wearing a garment woven of woolen and linen signified that it was forbidden to unite the simplicity of innocence, denoted by wool, with the duplicity of

[38099] Iª-IIae q. 102 a. 6 ad 5 Ad quintum dicendum quod gentiles fructus primitivos, quos fortunatos aestimabant, diis suis offerebant, vel etiam comburebant eos ad quaedam magica facienda. Et ideo praeceptum est eis ut fructus trium primorum annorum immundos reputarent. In tribus enim annis fere omnes arbores terrae illius fructum producunt, quae scilicet vel seminando, vel inserendo, vel plantando coluntur. Raro autem contingit quod ossa fructuum arboris, vel semina latentia, seminentur, haec enim tardius facerent fructum, sed lex respexit ad id quod frequentius fit. Poma autem quarti anni, tanquam primitiae mundorum fructuum, Deo offerebantur, a quinto autem anno, et deinceps, comedebantur. Figuralis autem ratio est quia per hoc praefiguratur quod post tres status legis, quorum unus est ab Abraham usque ad David, secundus usque ad transmigrationem Babylonis, tertius usque ad Christum, erat Christus Deo offerendus, qui est fructus legis. Vel quia primordia nostrorum operum debent esse nobis suspecta, propter imperfectionem.

malice, betokened by linen. It also signifies that woman is forbidden to presume to teach, or perform other duties of men: or that man should not adopt the effeminate manners of a woman.

Reply to Objection 7: As Jerome says on Mat. 23:6, "the Lord commanded them to make violet-colored fringes in the four corners of their garments, so that the Israelites might be distinguished from other nations." Hence, in this way, they professed to be Jews: and consequently the very sight of this sign reminded them of their law.

When we read: "Thou shalt bind them on thy hand, and they shall be ever before thy eyes [Vulg.: 'they shall be and shall move between thy eyes'], the Pharisees gave a false interpretation to these words, and wrote the decalogue of Moses on a parchment, and tied it on their foreheads like a wreath, so that it moved in front of their eyes": whereas the intention of the Lord in giving this commandment was that they should be bound in their hands, i.e. in their works; and that they should be before their eyes, i.e. in their thoughts. The violet-colored fillets which were inserted in their cloaks signify the godly intention which should accompany our every deed. It may, however, be said that, because they were a carnal-minded and stiff-necked people, it was necessary for them to be stirred by these sensible things to the observance of the Law.

Reply to Objection 8: Affection in man is twofold: it may be an affection of reason, or it may be an affection of passion. If a man's affection be one of reason, it matters not how man behaves to animals, because God has subjected all things to man's power, according to Ps. 8:8: "Thou hast subjected all things under his feet": and it is in this sense that the Apostle says that "God has no care for oxen"; because God does not ask of man what he does with oxen or other animals.

But if man's affection be one of passion, then it is moved also in regard to other animals: for since the passion of pity is caused by the afflictions of others; and since it happens that even irrational animals are sensible to pain, it is possible for the

[38100] Iª-IIae q. 102 a. 6 ad 6 Ad sextum dicendum quod sicut dicitur Eccli. XIX, *amictus corporis enuntiat de homine*. Et ideo voluit dominus ut populus eius distingueretur ab aliis populis non solum signo circumcisionis, quod erat in carne, sed etiam certa habitus distinctione. Et ideo prohibitum fuit eis ne induerentur vestimento ex lana et lino contexto, et ne mulier indueretur veste virili, aut e converso, propter duo. Primo quidem, ad vitandum idololatriae cultum. Huiusmodi enim variis vestibus ex diversis confectis gentiles in cultu suorum deorum utebantur. Et etiam in cultu Martis mulieres utebantur armis virorum; in cultu autem Veneris e converso viri utebantur vestibus mulierum. Alia ratio est ad declinandam luxuriam. Nam per commixtiones varias in vestimentis omnis inordinata commixtio coitus excluditur. Quod autem mulier induatur veste virili, aut e converso, incentivum est concupiscentiae, et occasionem libidini praestat. Figuralis autem ratio est quia in vestimento contexto ex lana et lino interdicitur coniunctio simplicitatis innocentiae, quae figuratur per lanam, et subtilitatis malitiae, quae figuratur per linum. Prohibetur etiam quod mulier non usurpet sibi doctrinam, vel alia virorum officia; vel vir declinet ad mollities mulierum.

[38101] Iª-IIae q. 102 a. 6 ad 7 Ad septimum dicendum quod, sicut Hieronymus dicit, super Matth., *dominus iussit ut in quatuor angulis palliorum hyacinthinas fimbrias facerent, ad populum Israel dignoscendum ab aliis populis*. Unde per hoc se esse Iudaeos profitebantur, et ideo per aspectum huius signi inducebantur in memoriam suae legis. Quod autem dicitur, *ligabis ea in manu tua, et erunt semper ante oculos tuos, Pharisaei male interpretabantur, scribentes in membranis Decalogum Moysi, et ligabant in fronte, quasi coronam, ut ante oculos moverentur*, cum tamen intentio domini mandantis fuerit ut ligarentur in manu, idest in operatione; et essent ante oculos, idest in meditatione. In hyacinthinis etiam vittis, quae palliis inserebantur, significatur caelestis intentio, quae omnibus operibus nostris

affection of pity to arise in a man with regard to the sufferings of animals. Now it is evident that if a man practice a pitiful affection for animals, he is all the more disposed to take pity on his fellow-men: wherefore it is written (Prov. 11:10): "The just regardeth the lives of his beasts: but the bowels of the wicked are cruel." Consequently the Lord, in order to inculcate pity to the Jewish people, who were prone to cruelty, wished them to practice pity even with regard to dumb animals, and forbade them to do certain things savoring of cruelty to animals. Hence He prohibited them to "boil a kid in the milk of its dam"; and to "muzzle the ox that treadeth out the corn"; and to slay "the dam with her young." It may, nevertheless, be also said that these prohibitions were made in hatred of idolatry. For the Egyptians held it to be wicked to allow the ox to eat of the grain while threshing the corn. Moreover certain sorcerers were wont to ensnare the mother bird with her young during incubation, and to employ them for the purpose of securing fruitfulness and good luck in bringing up children: also because it was held to be a good omen to find the mother sitting on her young.

As to the mingling of animals of divers species, the literal reason may have been threefold. The first was to show detestation for the idolatry of the Egyptians, who employed various mixtures in worshipping the planets, which produce various effects, and on various kinds of things according to their various conjunctions. The second reason was in condemnation of unnatural sins. The third reason was the entire removal of all occasions of concupiscence. Because animals of different species do not easily breed, unless this be brought about by man; and movements of lust are aroused by seeing such things. Wherefore in the Jewish traditions we find it prescribed as stated by Rabbi Moses that men shall turn away their eyes from such sights.

The figurative reason for these things is that the necessities of life should not be withdrawn from the ox that treadeth the corn, i.e. from the preacher bearing the sheaves of doctrine, as the Apostle states (1 Cor. 9:4, seqq.). Again, we should not take the dam with her young: because in certain things we have to keep the spiritual senses, i.e. the offspring, and set aside the observance of the letter, i.e. the mother, for

debet adiungi. Potest tamen dici quod, quia populus ille carnalis erat et durae cervicis, oportuit etiam per huiusmodi sensibilia eos ad legis observantiam excitari.

instance, in all the ceremonies of the Law. It is also forbidden that beast of burden, i.e. any of the common people, should be allowed to engender, i.e. to have any connection, with animals of another kind, i.e. with Gentiles or Jews.

Reply to Objection 9: All these minglings were forbidden in agriculture; literally, in detestation of idolatry. For the Egyptians in worshipping the stars employed various combinations of seeds, animals and garments, in order to represent the various connections of the stars. Or else all these minglings were forbidden in detestation of the unnatural vice.

They have, however, a figurative reason. For the prohibition: "Thou shalt not sow thy field with different seeds," is to be understood, in the spiritual sense, of the prohibition to sow strange doctrine in the Church, which is a spiritual vineyard. Likewise "the field," i.e. the Church, must not be sown "with different seeds," i.e. with Catholic and heretical doctrines. Neither is it allowed to plough "with an ox and an ass together"; thus a fool should not accompany a wise man in preaching, for one would hinder the other.

[38102] Iª-IIae q. 102 a. 6 ad 8 Ad octavum dicendum quod affectus hominis est duplex, unus quidem secundum rationem; alius vero secundum passionem. Secundum igitur affectum rationis, non refert quid homo circa bruta animalia agat, quia omnia sunt subiecta eius potestati a Deo, secundum illud Psalmi VIII, *omnia subiecisti sub pedibus eius*. Et secundum hoc apostolus dicit quod non est cura Deo de bobus, quia Deus non requirit ab homine quid circa boves agat, vel circa alia animalia. Quantum vero ad affectum passionis, movetur affectus hominis etiam circa alia animalia, quia enim passio misericordiae consurgit ex afflictionibus aliorum, contingit autem etiam bruta animalia poenas sentire, potest in homine consurgere misericordiae affectus etiam circa afflictiones animalium. Proximum autem est ut qui exercetur in affectu misericordiae circa animalia, magis ex hoc disponatur ad affectum misericordiae circa homines, unde dicitur Prov. XII, *novit iustus animas iumentorum suorum; viscera autem impiorum crudelia*. Et ideo ut dominus populum Iudaicum, ad crudelitatem pronum, ad misericordiam revocaret, voluit eos exerceri ad misericordiam etiam circa bruta animalia, prohibens quaedam circa animalia fieri quae ad crudelitatem quandam pertinere videntur. Et ideo prohibuit ne coqueretur haedus in lacte matris; et quod non alligaretur os bovi trituranti; et quod non occideretur mater cum filiis. Quamvis etiam dici possit quod haec prohibita sunt eis in detestationem idololatriae. Nam Aegyptii nefarium reputabant ut boves triturantes de frugibus comederent. Aliqui etiam malefici utebantur matre avis incubante et pullis eius simul captis, ad fecunditatem et fortunam circa nutritionem filiorum. Et etiam quia in auguriis reputabatur hoc esse fortunatum, quod inveniretur mater incubans filiis. Circa commixtionem vero animalium diversae speciei, ratio litteralis potuit esse triplex. Una quidem, ad detestationem idololatriae Aegyptiorum, qui diversis commixtionibus utebantur in servitium planetarum, qui secundum diversas coniunctiones habent diversos effectus, et super diversas species

rerum. Alia ratio est ad excludendum concubitus contra naturam. Tertia ratio est ad tollendam universaliter occasionem concupiscentiae. Animalia enim diversarum specierum non commiscentur de facili ad invicem, nisi hoc per homines procuretur; et in aspectu coitus animalium excitatur homini concupiscentiae motus. Unde etiam in traditionibus Iudaeorum praeceptum invenitur, ut Rabbi Moyses dicit, ut homines avertant oculos ab animalibus coeuntibus. Figuralis autem horum ratio est quia bovi trituranti, idest praedicatori deferenti segetes doctrinae, non sunt necessaria victus subtrahenda; ut apostolus dicit, I ad Cor. IX. Matrem etiam non simul debemus tenere cum filiis, quia in quibusdam retinendi sunt spirituales sensus, quasi filii, et dimittenda est litteralis observantia, quasi mater; sicut in omnibus caeremoniis legis. Prohibetur etiam quod iumenta, idest populares homines, non faciamus coire, idest coniunctionem habere, cum alterius generis animantibus, idest cum gentilibus vel Iudaeis.

Reply to Objection 10: [*The Reply to the Tenth Objection is lacking in the codices. The solution given here is found in some editions, and was supplied by Nicolai.] Silver and gold were reasonably forbidden (Dt. 7) not as though they were not subject to the power of man, but because, like the idols themselves, all materials out of which idols were made, were anathematized as hateful in God's sight. This is clear from the same chapter, where we read further on (Dt. 7:26): "Neither shalt thou bring anything of the idol into thy house, lest thou become an anathema like it." Another reason was lest, by taking silver and gold, they should be led by avarice into idolatry to which the Jews were inclined. The other precept (Dt. 23) about covering up excretions, was just and becoming, both for the sake of bodily cleanliness; and in order to keep the air wholesome; and by reason of the respect due to the tabernacle of the covenant which stood in the midst of the camp, wherein the Lord was said to dwell; as is clearly set forth in the same passage, where after expressing the command, the reason thereof is at once added, to wit: "For the Lord thy God walketh in the midst of thy camp, to deliver thee, and to give up thy enemies to thee, and let thy camp be holy [i.e. clean], and let no uncleanness appear therein."

[38103] Iª-IIae q. 102 a. 6 ad 9 Ad nonum dicendum quod omnes illae commixtiones in agricultura sunt prohibitae, ad litteram, in detestationem idololatriae. Quia Aegyptii, in venerationem stellarum, diversas commixtiones faciebant et in seminibus et in animalibus et in vestibus, repraesentantes diversas coniunctiones stellarum. Vel omnes huiusmodi commixtiones variae prohibentur ad detestationem coitus contra naturam. Habent tamen figuralem rationem. Quia quod dicitur, non seres vineam tuam altero semine, est spiritualiter intelligendum, quod in Ecclesia, quae est spiritualis vinea, non est seminanda aliena doctrina. Et similiter ager, idest Ecclesia, non est seminandus diverso semine, idest Catholica doctrina et haeretica. Non est etiam simul arandum in bove et asino, quia fatuus sapienti in praedicatione non est sociandus, quia unus impedit alium.

The figurative reason for this precept, according to Gregory (Moral. xxxi), is that sins which are the fetid excretions of the mind should be covered over by repentance, that we may become acceptable to God, according to Ps. 31:1: "Blessed are they whose iniquities are forgiven, and whose sins are covered." Or else according to a gloss, that we should recognize the unhappy condition of human nature, and humbly cover and purify the stains of a puffed-up and proud spirit in the deep furrow of self-examination.

Reply to Objection 11: Sorcerers and idolatrous priests made use, in their rites, of the bones and flesh of dead men. Wherefore, in order to extirpate the customs of idolatrous worship, the Lord commanded that the priests of inferior degree, who at fixed times served in the temple, should not "incur an uncleanness at the death" of anyone except of those who were closely related to them, viz. their father or mother, and others thus near of kin to them. But the high-priest had always to be ready for the service of the sanctuary; wherefore he was absolutely forbidden to approach the dead, however nearly related to him. They were also forbidden to marry a "harlot" or "one that has been put away," or any other than a virgin: both on account of the reverence due to the priesthood, the honor of which would seem to be tarnished by such a marriage: and for the sake of the children who would be disgraced by the mother's shame: which was most of all to be avoided when the priestly dignity was passed on from father to son. Again, they were commanded to shave neither head nor beard, and not to make incisions in their flesh, in order to exclude the rites of idolatry. For the priests of the Gentiles shaved both head and beard, wherefore it is written (Bar 6:30): "Priests sit in their temples having their garments rent, and their heads and beards shaven." Moreover, in worshipping their idols "they cut themselves with knives and lancets" (3 Kings 18:28). For this reason the priests of the Old Law were commanded to do the contrary.

The spiritual reason for these things is that priests should be entirely free from dead works, i.e. sins. And they should not shave their heads, i.e. set wisdom aside; nor should they shave their beards, i.e. set aside the perfection of wisdom; nor rend

[38104] Iª-IIae q. 102 a. 6 ad 11 Ad undecimum dicendum quod malefici et sacerdotes idolorum utebantur in suis ritibus ossibus vel carnibus hominum mortuorum. Et ideo, ad extirpandum idololatriae cultum, praecepit dominus ut sacerdotes minores, qui per tempora certa ministrabant in sanctuario, non inquinarentur in mortibus nisi valde propinquorum, scilicet patris et matris et huiusmodi coniunctarum personarum. Pontifex autem semper debebat esse paratus ad ministerium sanctuarii, et ideo totaliter prohibitus erat ei accessus ad mortuos, quantumcumque propinquos. Praeceptum etiam est eis ne ducerent uxorem meretricem ac repudiatam, sed virginem. Tum propter reverentiam sacerdotum, quorum dignitas quodammodo ex tali coniugio diminui videretur. Tum etiam propter filios, quibus esset ad ignominiam turpitudo matris, quod maxime tunc erat vitandum, quando sacerdotii dignitas secundum successionem generis conferebatur. Praeceptum etiam erat eis ut non raderent caput nec barbam, nec in carnibus suis facerent incisuram, ad removendum idololatriae ritum. Nam sacerdotes gentilium radebant caput et barbam, unde dicitur Baruch VI, *sacerdotes sedent habentes tunicas scissas, et capita et barbam rasam*. Et etiam in cultu idolorum incidebant se cultris et lanceolis, ut dicitur III regum XVIII. Unde contraria praecepta sunt sacerdotibus veteris legis. Spiritualis autem ratio horum est quia sacerdotes omnino debent esse immunes ab operibus mortuis, quae sunt opera peccati. Et etiam non debent radere caput, idest deponere sapientiam; neque deponere barbam, idest sapientiae perfectionem; neque etiam scindere vestimenta aut incidere carnes, ut scilicet vitium schismatis non incurrant.

their garments or cut their flesh, i.e. they should not incur the sin of schism.

Q. 103. OF THE DURATION OF THE CEREMONIAL PRECEPTS (FOUR ARTICLES)

We must now consider the duration of the ceremonial precepts: under which head there are four points of inquiry:

(1) Whether the ceremonial precepts were in existence before the Law?

(2) Whether at the time of the Law the ceremonies of the Old Law had any power of justification?

(3) Whether they ceased at the coming of Christ?

(4) Whether it is a mortal sin to observe them after the coming of Christ?

[38105] Iª-IIae q. 103 pr. Deinde considerandum est de duratione caeremonialium praeceptorum. Et circa hoc quaeruntur quatuor. Primo, utrum praecepta caeremonialia fuerint ante legem. Secundo, utrum in lege aliquam virtutem habuerint iustificandi. Tertio, utrum cessaverint Christo veniente. Quarto, utrum sit peccatum mortale observare ea post Christum.

Q. 103. A. 1. Whether the ceremonies of the Law were in existence before the Law?

Objection 1: It would seem that the ceremonies of the Law were in existence before the Law. For sacrifices and holocausts were ceremonies of the Old Law, as stated above (Q[101], A[4]). But sacrifices and holocausts preceded the Law: for it is written (Gn. 4:3,4) that "Cain offered, of the fruits of the earth, gifts to the Lord," and that "Abel offered of the firstlings of his flock, and of their fat." Noe also "offered holocausts" to the Lord (Gn. 18:20), and Abraham did in like manner (Gn. 22:13). Therefore the ceremonies of the Old Law preceded the Law.

[38106] Iª-IIae q. 103 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod caeremoniae legis fuerint ante legem. Sacrificia enim et holocausta pertinent ad caeremonias veteris legis, ut supra dictum est. Sed sacrificia et holocausta fuerunt ante legem. Dicitur enim Gen. IV, quod *Cain obtulit de fructibus terrae munera domino; Abel autem obtulit de primogenitis gregis sui, et de adipibus eorum*. Noe etiam obtulit holocausta domino, ut dicitur Gen. VIII; et Abraham similiter, ut dicitur Gen. XXII. Ergo caeremoniae veteris legis fuerunt ante legem.

Objection 2: Further, the erecting and consecrating of the altar were part of the ceremonies relating to holy things. But these preceded the Law. For we read (Gn. 13:18) that "Abraham . . . built . . . an altar to the Lord"; and (Gn. 28:18) that "Jacob . . . took the stone . . . and set it up for a title, pouring oil upon the top of it." Therefore the legal ceremonies preceded the Law.

[38107] Iª-IIae q. 103 a. 1 arg. 2 Praeterea, ad caeremonias sacrorum pertinet constructio altaris, et eius inunctio. Sed ista fuerunt ante legem. Legitur enim Gen. XIII, quod Abraham aedificavit altare domino; et de Iacob dicitur Gen. XXVIII, quod *tulit lapidem et erexit in titulum fundens oleum desuper*. Ergo caeremoniae legales fuerunt ante legem.

Objection 3: Further, the first of the legal sacraments seems to have been circumcision. But circumcision preceded the Law, as appears from Gn. 17. In like manner the priesthood preceded the Law; for it is written (Gn. 14:18) that "Melchisedech . . . was the priest of the most high God." Therefore the sacramental ceremonies preceded the Law.

[38108] Iª-IIae q. 103 a. 1 arg. 3 Praeterea, inter sacramenta legalia primum videtur fuisse circumcisio. Sed circumcisio fuit ante legem, ut patet Gen. XVII. Similiter etiam sacerdotium fuit ante legem, dicitur enim Gen. XIV, quod Melchisedech erat sacerdos Dei summi. Ergo caeremoniae sacramentorum fuerunt ante legem.

Objection 4: Further, the distinction of clean from unclean animals belongs to the ceremonies of observances, as stated above (Q[100], 2, A[6], ad 1). But this distinction preceded the Law; for it is written (Gn. 7:2,3): "Of all clean beasts take seven and seven . . . but of the beasts that are unclean, two and two." Therefore the legal ceremonies preceded the Law.

[38109] Iª-IIae q. 103 a. 1 arg. 4 Praeterea, discretio mundorum animalium ab immundis pertinet ad caeremonias observantiarum, ut supra dictum est. Sed talis discretio fuit ante legem, dicitur enim Gen. VII, *ex omnibus mundis animalibus tolle septena et septena; de animantibus vero immundis, duo et duo*. Ergo caeremoniae legales fuerunt ante legem.

On the contrary, It is written (Dt. 6:1): "These are the precepts and ceremonies . . . which the Lord your God commanded that I should teach you." But they would not have needed to be taught about these things, if the aforesaid ceremonies had been already in existence. Therefore the legal ceremonies did not precede the Law.

[38110] Iª-IIae q. 103 a. 1 s. c. Sed contra est quod dicitur Deut. VI, *haec sunt praecepta et caeremoniae quae mandavit dominus Deus vester ut docerem vos*. Non autem indiguissent super his doceri, si prius praedictae caeremoniae fuissent. Ergo caeremoniae legis non fuerunt ante legem.

I answer that, As is clear from what has been said (Q[101], A[2]; Q[102] , A[2]), the legal ceremonies were ordained for a double purpose; the worship of God, and the foreshadowing of Christ. Now whoever worships God must needs worship Him by means of certain fixed things pertaining to external worship. But the fixing of the divine worship belongs to the ceremonies; just as the determining of our relations with our neighbor is a matter determined by the judicial precepts, as stated above (Q[99], A[4]). Consequently, as among men in general there were certain judicial precepts, not indeed established by Divine authority, but ordained by human reason; so also there were some ceremonies fixed, not by the authority of any law, but according to the will and devotion of those that worship God. Since, however, even before the Law some of the leading men were gifted with the spirit of prophecy, it is to be believed that a heavenly instinct, like a private law, prompted them to worship God in a certain definite way, which would be both in keeping with the interior worship, and a suitable token of Christ's mysteries, which were foreshadowed also by other things that they did, according to 1 Cor. 10:11: "All . . . things happened to them in figure." Therefore there were some ceremonies before the Law, but they were not legal ceremonies, because they were not as yet established by legislation.

[38111] Iª-IIae q. 103 a. 1 co. Respondeo dicendum quod, sicut ex dictis patet, caeremoniae legis ad duo ordinabantur, scilicet ad cultum Dei, et ad figurandum Christum. Quicumque autem colit Deum, oportet quod per aliqua determinata eum colat, quae ad exteriorem cultum pertinent. Determinatio autem divini cultus ad caeremonias pertinet; sicut etiam determinatio eorum per quae ordinamur ad proximum, pertinet ad praecepta iudicialia; ut supra dictum est. Et ideo sicut inter homines communiter erant aliqua iudicialia, non tamen ex auctoritate legis divinae instituta, sed ratione hominum ordinata; ita etiam erant quaedam caeremoniae, non quidem ex auctoritate alicuius legis determinatae, sed solum secundum voluntatem et devotionem hominum Deum colentium. Sed quia etiam ante legem fuerunt quidam viri praecipui prophetico spiritu pollentes, credendum est quod ex instinctu divino, quasi ex quadam privata lege, inducerentur ad aliquem certum modum colendi Deum, qui et conveniens esset interiori cultui, et etiam congrueret ad significandum Christi mysteria, quae figurabantur etiam per alia eorum gesta, secundum illud I ad Cor. X, *omnia in figuram contingebant illis*. Fuerunt igitur ante legem quaedam caeremoniae, non tamen caeremoniae legis, quia non erant per aliquam legislationem institutae.

Reply to Objection 1: The patriarchs offered up these oblations, sacrifices and holocausts previously to the Law, out of a certain devotion of their own will, according as it seemed proper to them to offer up in honor of God those things which they had received from Him, and thus to testify that they worshipped God Who is the beginning and end of all.

[38112] Iª-IIae q. 103 a. 1 ad 1 Ad primum ergo dicendum quod huiusmodi oblationes et sacrificia et holocausta offerebant antiqui ante legem ex quadam devotione propriae voluntatis, secundum quod eis videbatur conveniens ut in rebus quas a Deo acceperant, quas in reverentiam divinam offerrent, protestarentur se colere Deum, qui est omnium principium et finis.

Reply to Objection 2: They also established certain sacred things, because they thought that the honor due to God demanded that certain places should be set apart from others for the purpose of divine worship.

[38113] Iª-IIae q. 103 a. 1 ad 2 Ad secundum dicendum quod etiam sacra quaedam instituerunt, quia videbatur eis conveniens ut in reverentiam divinam essent aliqua loca ab aliis discreta, divino cultui mancipata.

Reply to Objection 3: The sacrament of circumcision was established by command of God before the Law. Hence it cannot be called a sacrament of the Law as though it were an institution of the Law, but only as an observance included in the Law. Hence Our Lord said (Jn. 7:20) that circumcision was "not of Moses, but of his fathers." Again, among those who worshipped God, the priesthood was in existence before the Law by human appointment, for the Law allotted the priestly dignity to the firstborn.

[38114] Iª-IIae q. 103 a. 1 ad 3 Ad tertium dicendum quod sacramentum circumcisionis praecepto divino fuit statutum ante legem. Unde non potest dici sacramentum legis quasi in lege institutum, sed solum quasi in lege observatum. Et hoc est quod dominus dicit, Ioan. VII, *circumcisio non ex Moyse est, sed ex patribus eius*. Sacerdotium etiam erat ante legem apud colentes Deum, secundum humanam determinationem, quia hanc dignitatem primogenitis attribuebant.

Reply to Objection 4: The distinction of clean from unclean animals was in vogue before the Law, not with regard to eating them, since it is written (Gn. 9:3): "Everything that moveth and liveth shall be meat for you": but only as to the offering of sacrifices because they used only certain animals for that purpose. If, however, they did make any distinction in regard to eating; it was not that it was considered illegal to eat such animals, since this was not forbidden by any law, but from dislike or custom: thus even now we see that certain foods are looked upon with disgust in some countries, while people partake of them in others.

[38115] Iª-IIae q. 103 a. 1 ad 4 Ad quartum dicendum quod distinctio mundorum animalium et immundorum non fuit ante legem quantum ad esum, cum dictum sit Gen. IX, *omne quod movetur et vivit, erit vobis in cibum*, sed solum quantum ad sacrificiorum oblationem, quia de quibusdam determinatis animalibus sacrificia offerebant. Si tamen quantum ad esum erat aliqua discretio animalium, hoc non erat quia esus illorum reputaretur illicitus, cum nulla lege esset prohibitus, sed propter abominationem vel consuetudinem, sicut et nunc videmus quod aliqua cibaria sunt in aliquibus terris abominabilia, quae in aliis comeduntur.

Q. 103. A. 2. Whether, at the time of the Law, the ceremonies of the Old Law had any power of justification?

Objection 1: It would seem that the ceremonies of the Old Law had the power of justification at the time of the Law. Because expiation from sin and consecration pertains to justification. But it is

[38116] Iª-IIae q. 103 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod caeremoniae veteris legis habuerint virtutem iustificandi tempore legis. Expiatio enim a peccato, et consecratio hominis,

written (Ex. 39:21) that the priests and their apparel were consecrated by the sprinkling of blood and the anointing of oil; and (Lev. 16:16) that, by sprinkling the blood of the calf, the priest expiated "the sanctuary from the uncleanness of the children of Israel, and from their transgressions and . . . their sins." Therefore the ceremonies of the Old Law had the power of justification.

ad iustificationem pertinent, sed Exod. XXIX, dicitur quod per aspersionem sanguinis et inunctionem olei consecrabantur sacerdotes et vestes eorum; et Levit. XVI, dicitur quod sacerdos per aspersionem sanguinis vituli *expiabat sanctuarium ab immunditiis filiorum Israel, et a praevaricationibus eorum atque peccatis*. Ergo caeremoniae veteris legis habebant virtutem iustificandi.

Objection 2: Further, that by which man pleases God pertains to justification, according to Ps. 10:8: "The Lord is just and hath loved justice." But some pleased God by means of ceremonies, according to Lev. 10:19: "How could I . . . please the Lord in the ceremonies, having a sorrowful heart?" Therefore the ceremonies of the Old Law had the power of justification.

[38117] Iª-IIae q. 103 a. 2 arg. 2 Praeterea, id per quod homo placet Deo, ad iustitiam pertinet; secundum illud Psalmi X, *iustus dominus, et iustitias dilexit*, sed per caeremonias aliqui Deo placebant, secundum illud Levit. X, *quomodo potui placere domino in caeremoniis mente lugubri?* Ergo caeremoniae veteris legis habebant virtutem iustificandi.

Objection 3: Further, things relating to the divine worship regard the soul rather than the body, according to Ps. 18:8: "The Law of the Lord is unspotted, converting souls." But the leper was cleansed by means of the ceremonies of the Old Law, as stated in Lev. 14. Much more therefore could the ceremonies of the Old Law cleanse the soul by justifying it.

[38118] Iª-IIae q. 103 a. 2 arg. 3 Praeterea, ea quae sunt divini cultus magis pertinent ad animam quam ad corpus; secundum illud Psalmi XVIII, *lex domini immaculata, convertens animas*. Sed per caeremonias veteris legis mundabatur leprosus, ut dicitur Levit. XIV. Ergo multo magis caeremoniae veteris legis poterant mundare animam, iustificando.

On the contrary, The Apostle says (Gal. 2) [*The first words of the quotation are from 3:21: St. Thomas probably quoting from memory, substituted them for 2:21, which runs thus: 'If justice be by the Law, then Christ died in vain.']: "If there had been a law given which could justify [Vulg.: 'give life'], Christ died in vain," i.e. without cause. But this is inadmissible. Therefore the ceremonies of the Old Law did not confer justice.

[38119] Iª-IIae q. 103 a. 2 s. c. Sed contra est quod apostolus dicit, Galat. II, *si data esset lex quae posset iustificare, Christus gratis mortuus esset*, idest sine causa. Sed hoc est inconveniens. Ergo caeremoniae veteris legis non iustificabant.

I answer that, As stated above (Q[102], A[5], ad 4), a twofold uncleanness was distinguished in the Old Law. One was spiritual and is the uncleanness of sin. The other was corporal, which rendered a man unfit for divine worship; thus a leper, or anyone that touched carrion, was said to be unclean: and thus uncleanness was nothing but a kind of irregularity. From this uncleanness, then, the ceremonies of the Old Law had the power to cleanse: because they were ordered by the Law to

[38120] Iª-IIae q. 103 a. 2 co. Respondeo dicendum quod, sicut supra dictum est, in veteri lege duplex immunditia observabatur. Una quidem spiritualis, quae est immunditia culpae. Alia vero corporalis, quae tollebat idoneitatem ad cultum divinum, sicut leprosus dicebatur immundus, vel ille qui tangebat aliquod morticinum, et sic immunditia nihil aliud erat quam irregularitas quaedam. Ab hac igitur immunditia caeremoniae veteris legis habebant

be employed as remedies for the removal of the aforesaid uncleannesses which were contracted in consequence of the prescription of the Law. Hence the Apostle says (Heb. 9:13) that "the blood of goats and of oxen, and the ashes of a heifer, being sprinkled, sanctify such as are defiled, to the cleansing of the flesh." And just as this uncleanness which was washed away by such like ceremonies, affected the flesh rather than the soul, so also the ceremonies themselves are called by the Apostle shortly before (Heb. 9:10) justices of the flesh: "justices of the flesh," says he, "being laid on them until the time of correction."

On the other hand, they had no power of cleansing from uncleanness of the soul, i.e. from the uncleanness of sin. The reason of this was that at no time could there be expiation from sin, except through Christ, "Who taketh away the sins [Vulg.: 'sin'] of the world" (Jn. 1:29). And since the mystery of Christ's Incarnation and Passion had not yet really taken place, those ceremonies of the Old Law could not really contain in themselves a power flowing from Christ already incarnate and crucified, such as the sacraments of the New Law contain. Consequently they could not cleanse from sin: thus the Apostle says (Heb. 10:4) that "it is impossible that with the blood of oxen and goats sin should be taken away"; and for this reason he calls them (Gal. 4:9) "weak and needy elements": weak indeed, because they cannot take away sin; but this weakness results from their being needy, i.e. from the fact that they do not contain grace within themselves.

However, it was possible at the time of the Law, for the minds of the faithful, to be united by faith to Christ incarnate and crucified; so that they were justified by faith in Christ: of which faith the observance of these ceremonies was a sort of profession, inasmuch as they foreshadowed Christ. Hence in the Old Law certain sacrifices were offered up for sins, not as though the sacrifices themselves washed sins away, but because they were professions of faith which cleansed from sin. In fact, the Law itself implies this in the terms employed: for it is written (Lev. 4:26; 5:16) that in offering the sacrifice for sin "the priest shall pray for him . . . and it shall be forgiven him," as though the sin were forgiven, not in virtue of the sacrifices, but through the faith and devotion of those who offered them. It must

virtutem emundandi, quia huiusmodi caeremoniae erant quaedam remedia adhibita ex ordinatione legis ad tollendas praedictas immunditias ex statuto legis inductas. Et ideo apostolus dicit, ad Heb. IX, quod *sanguis hircorum et taurorum, et cinis vitulae aspersus, inquinatos sanctificat ad emundationem carnis*. Et sicut ista immunditia quae per huiusmodi caeremonias emundabatur, erat magis carnis quam mentis; ita etiam ipsae caeremoniae iustitiae carnis dicuntur ab ipso apostolo, parum supra, *iustitiis, inquit, carnis usque ad tempus correctionis impositis*. Ab immunditia vero mentis, quae est immunditia culpae, non habebant virtutem expiandi. Et hoc ideo quia expiatio a peccatis nunquam fieri potuit nisi per Christum, qui tollit peccata mundi, ut dicitur Ioan. I, et quia mysterium incarnationis et passionis Christi nondum erat realiter peractum, illae veteris legis caeremoniae non poterant in se continere realiter virtutem profluentem a Christo incarnato et passo, sicut continent sacramenta novae legis. Et ideo non poterant a peccato mundare, sicut apostolus dicit, ad Heb. X, quod *impossibile est sanguine taurorum aut hircorum auferri peccata*. Et hoc est quod, Gal. IV, apostolus vocat ea egena et infirma elementa, infirma quidem, quia non possunt a peccato mundare; sed haec infirmitas provenit ex eo quod sunt egena, idest eo quod non continent in se gratiam. Poterat autem mens fidelium, tempore legis, per fidem coniungi Christo incarnato et passo, et ita ex fide Christi iustificabantur. Cuius fidei quaedam protestatio erat huiusmodi caeremoniarum observatio, inquantum erant figura Christi. Et ideo pro peccatis offerebantur sacrificia quaedam in veteri lege, non quia ipsa sacrificia a peccato emundarent, sed quia erant quaedam protestationes fidei, quae a peccato mundabat. Et hoc etiam ipsa lex innuit ex modo loquendi, dicitur enim Levit. IV et V, quod in oblatione hostiarum pro peccato orabit pro eo sacerdos, et dimittetur ei; quasi peccatum dimittatur non ex vi sacrificiorum, sed ex fide et devotione offerentium. Sciendum est tamen quod hoc ipsum quod veteris legis caeremoniae a corporalibus immunditiis expiabant, erat in figura expiationis a peccatis quae fit per Christum. Sic igitur patet quod caeremoniae in statu veteris legis non habebant virtutem iustificandi.

be observed, however, that the very fact that the ceremonies of the Old Law washed away uncleanness of the body, was a figure of that expiation from sins which was effected by Christ.

It is therefore evident that under the state of the Old Law the ceremonies had no power of justification.

Reply to Objection 1: That sanctification of priests and their sons, and of their apparel or of anything else belonging to them, by sprinkling them with blood, had no other effect but to appoint them to the divine worship, and to remove impediments from them, "to the cleansing of the flesh," as the Apostle states (Heb. 9:13) in token of that sanctification whereby "Jesus" sanctified "the people by His own blood" (Heb. 13:12). Moreover, the expiation must be understood as referring to the removal of these bodily uncleannesses, not to the forgiveness of sin. Hence even the sanctuary which could not be the subject of sin is stated to be expiated.

[38121] Iª-IIae q. 103 a. 2 ad 1 Ad primum ergo dicendum quod illa sanctificatio sacerdotum et filiorum eius, et vestium ipsorum, vel quorumcumque aliorum, per aspersionem sanguinis, nihil aliud erat quam deputatio ad divinum cultum, et remotio impedimentorum ad emundationem carnis, ut apostolus dicit; in praefigurationem illius sanctificationis qua Iesus per suum sanguinem sanctificavit populum. Expiatio etiam ad remotionem huiusmodi corporalium immunditiarum referenda est, non ad remotionem culpae. Unde etiam sanctuarium expiari dicitur, quod culpae subiectum esse non poterat.

Reply to Objection 2: The priests pleased God in the ceremonies by their obedience and devotion, and by their faith in the reality foreshadowed; not by reason of the things considered in themselves.

[38122] Iª-IIae q. 103 a. 2 ad 2 Ad secundum dicendum quod sacerdotes placebant Deo in caeremoniis propter obedientiam et devotionem et fidem rei praefiguratae, non autem propter ipsas res secundum se consideratas.

Reply to Objection 3: Those ceremonies which were prescribed in the cleansing of a leper, were not ordained for the purpose of taking away the defilement of leprosy. This is clear from the fact that these ceremonies were not applied to a man until he was already healed: hence it is written (Lev. 14:3,4) that the priest, "going out of the camp, when he shall find that the leprosy is cleansed, shall command him that is to be purified to offer," etc.; whence it is evident that the priest was appointed the judge of leprosy, not before, but after cleansing. But these ceremonies were employed for the purpose of taking away the uncleanness of irregularity. They do say, however, that if a priest were to err in his judgment, the leper would be cleansed miraculously by the power of God, but not in virtue of the sacrifice. Thus also it was by miracle that the thigh of the adulterous woman rotted, when she had drunk the water "on which" the priest had "heaped curses,"

[38123] Iª-IIae q. 103 a. 2 ad 3 Ad tertium dicendum quod caeremoniae illae quae erant institutae in emundatione leprosi, non ordinabantur ad tollendam immunditiam infirmitatis leprae. Quod patet ex hoc quod non adhibebantur huiusmodi caeremoniae nisi iam emundato, unde dicitur Levit. XIV, quod *sacerdos, egressus de castris, cum invenerit lepram esse mundatam, praecipiet ei qui purificatur ut offerat*, etc.; ex quo patet quod sacerdos constituebatur iudex leprae emundatae, non autem emundandae. Adhibebantur autem huiusmodi caeremoniae ad tollendam immunditiam irregularitatis. Dicunt tamen quod quandoque, si contingeret sacerdotem errare in iudicando, miraculose leprosus mundabatur a Deo virtute divina, non autem virtute sacrificiorum. Sicut etiam miraculose mulieris adulterae computrescebat femur, bibitis aquis in quibus sacerdos maledicta congesserat, ut habetur Num.

as stated in Num. 5:19-27.

V.

Q. 103. A. 3. Whether the ceremonies of the Old Law ceased at the coming of Christ?

Objection 1: It would seem that the ceremonies of the Old Law did not cease at the coming of Christ. For it is written (Bar 4:1): "This is the book of the commandments of God, and the law that is for ever." But the legal ceremonies were part of the Law. Therefore the legal ceremonies were to last for ever.

[38124] Iª-IIae q. 103 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod caeremoniae veteris legis non cessaverint in Christi adventu. Dicitur enim Baruch IV, *hic est liber mandatorum Dei, et lex quae est in aeternum*. Sed ad legem pertinebant legis caeremoniae. Ergo legis caeremoniae in aeternum duraturae erant.

Objection 2: Further, the offering made by a leper after being cleansed was a ceremony of the Law. But the Gospel commands the leper, who has been cleansed, to make this offering (Mat. 8:4). Therefore the ceremonies of the Old Law did not cease at Christ's coming.

[38125] Iª-IIae q. 103 a. 3 arg. 2 Praeterea, oblatio leprosi mundati ad legis caeremonias pertinebat. Sed etiam in Evangelio praecipitur leproso emundato ut huiusmodi oblationes offerat. Ergo caeremoniae veteris legis non cessaverunt Christo veniente.

Objection 3: Further, as long as the cause remains, the effect remains. But the ceremonies of the Old Law had certain reasonable causes, inasmuch as they were ordained to the worship of God, besides the fact that they were intended to be figures of Christ. Therefore the ceremonies of the Old Law should not have ceased.

[38126] Iª-IIae q. 103 a. 3 arg. 3 Praeterea, manente causa, manet effectus. Sed caeremoniae veteris legis habebant quasdam rationabiles causas, inquantum ordinabantur ad divinum cultum; etiam praeter hoc quod ordinabantur in figuram Christi. Ergo caeremoniae veteris legis cessare non debuerunt.

Objection 4: Further, circumcision was instituted as a sign of Abraham's faith: the observance of the sabbath, to recall the blessing of creation: and other solemnities, in memory of other Divine favors, as state above (Q[102], A[4], ad 10; A[5], ad 1). But Abraham's faith is ever to be imitated even by us: and the blessing of creation and other Divine favors should never be forgotten. Therefore at least circumcision and the other legal solemnities should not have ceased.

[38127] Iª-IIae q. 103 a. 3 arg. 4 Praeterea, circumcisio erat instituta in signum fidei Abrahae; observatio autem sabbati ad recolendum beneficium creationis; et aliae solemnitates legis ad recolendum alia beneficia Dei; ut supra dictum est. Sed fides Abrahae est semper imitanda etiam a nobis; et beneficium creationis, et alia Dei beneficia, semper sunt recolenda. Ergo ad minus circumcisio et solemnitates legis cessare non debuerunt.

On the contrary, The Apostle says (Col. 2:16,17): "Let no man . . . judge you in meat or in drink, or in respect of a festival day, or of the new moon, or of the sabbaths, which are a shadow of things to come": and (Heb. 8:13): "In saying a new (testament), he hath made the former old: and that which decayeth and groweth old, is near its end."

[38128] Iª-IIae q. 103 a. 3 s. c. Sed contra est quod apostolus dicit, ad Coloss. II, *nemo vos iudicet in cibo aut in potu, aut in parte diei festi aut Neomeniae aut sabbatorum, quae sunt umbra futurorum*. Et ad Heb. VIII dicitur quod, *dicendo novum testamentum, veteravit prius, quod autem antiquatur et senescit, prope interitum est*.

I answer that, All the ceremonial precepts of the

[38129] Iª-IIae q. 103 a. 3 co. Respondeo

Old Law were ordained to the worship of God as stated above (Q[101], AA[1],2). Now external worship should be in proportion to the internal worship, which consists in faith, hope and charity. Consequently exterior worship had to be subject to variations according to the variations in the internal worship, in which a threefold state may be distinguished. One state was in respect of faith and hope, both in heavenly goods, and in the means of obtaining them---in both of these considered as things to come. Such was the state of faith and hope in the Old Law. Another state of interior worship is that in which we have faith and hope in heavenly goods as things to come; but in the means of obtaining heavenly goods, as in things present or past. Such is the state of the New Law. The third state is that in which both are possessed as present; wherein nothing is believed in as lacking, nothing hoped for as being yet to come. Such is the state of the Blessed.

In this state of the Blessed, then, nothing in regard to worship of God will be figurative; there will be naught but "thanksgiving and voice of praise" (Is. 51:3). Hence it is written concerning the city of the Blessed (Apoc. 21:22): "I saw no temple therein: for the Lord God Almighty is the temple thereof, and the Lamb." Proportionately, therefore, the ceremonies of the first-mentioned state which foreshadowed the second and third states, had need to cease at the advent of the second state; and other ceremonies had to be introduced which would be in keeping with the state of divine worship for that particular time, wherein heavenly goods are a thing of the future, but the Divine favors whereby we obtain the heavenly boons are a thing of the present.

dicendum quod omnia praecepta caeremonialia veteris legis ad cultum Dei sunt ordinata, ut supra dictum est. Exterior autem cultus proportionari debet interiori cultui, qui consistit in fide, spe et caritate. Unde secundum diversitatem interioris cultus, debuit diversificari cultus exterior. Potest autem triplex status distingui interioris cultus. Unus quidem secundum quem habetur fides et spes et de bonis caelestibus, et de his per quae in caelestia introducimur, de utrisque quidem sicut de quibusdam futuris. Et talis fuit status fidei et spei in veteri lege. Alius autem est status interioris cultus in quo habetur fides et spes de caelestibus bonis sicut de quibusdam futuris, sed de his per quae introducimur in caelestia, sicut de praesentibus vel praeteritis. Et iste est status novae legis. Tertius autem status est in quo utraque habentur ut praesentia, et nihil creditur ut absens, neque speratur ut futurum. Et iste est status beatorum. In illo ergo statu beatorum nihil erit figurale ad divinum cultum pertinens, sed solum gratiarum actio et vox laudis. Et ideo dicitur Apoc. XXI, de civitate beatorum, *templum non vidi in ea, dominus enim Deus omnipotens templum illius est, et agnus*. Pari igitur ratione, caeremoniae primi status, per quas figurabatur et secundus et tertius, veniente secundo statu, cessare debuerunt; et aliae caeremoniae induci, quae convenirent statui cultus divini pro tempore illo, in quo bona caelestia sunt futura, beneficia autem Dei per quae ad caelestia introducimur, sunt praesentia.

Reply to Objection 1: The Old Law is said to be "for ever" simply and absolutely, as regards its moral precepts; but as regards the ceremonial precepts it lasts for even in respect of the reality which those ceremonies foreshadowed.

[38130] Iª-IIae q. 103 a. 3 ad 1 Ad primum ergo dicendum quod lex vetus dicitur esse in aeternum, secundum moralia quidem, simpliciter et absolute, secundum caeremonialia vero, quantum ad veritatem per ea figuratam.

Reply to Objection 2: The mystery of the redemption of the human race was fulfilled in Christ's Passion: hence Our Lord said then: "It is consummated" (Jn. 19:30). Consequently the prescriptions of the Law must have ceased then altogether through their reality being fulfilled. As

[38131] Iª-IIae q. 103 a. 3 ad 2 Ad secundum dicendum quod mysterium redemptionis humani generis completum fuit in passione Christi, unde tunc dominus *dixit, consummatum est*, ut habetur Ioan. XIX. Et ideo tunc totaliter debuerunt cessare legalia, quasi iam veritate eorum consummata. In

a sign of this, we read that at the Passion of Christ "the veil of the temple was rent" (Mat. 27:51). Hence, before Christ's Passion, while Christ was preaching and working miracles, the Law and the Gospel were concurrent, since the mystery of Christ had already begun, but was not as yet consummated. And for this reason Our Lord, before His Passion, commanded the leper to observe the legal ceremonies.

cuius signum, in passione Christi velum templi legitur esse scissum, Matth. XXVII. Et ideo ante passionem Christi, Christo praedicante et miracula faciente, currebant simul lex et Evangelium, quia iam mysterium Christi erat inchoatum, sed nondum consummatum. Et propter hoc mandavit dominus, ante passionem suam, leproso, ut legales caeremonias observaret.

Reply to Objection 3: The literal reasons already given (Q[102]) for the ceremonies refer to the divine worship, which was founded on faith in that which was to come. Hence, at the advent of Him Who was to come, both that worship ceased, and all the reasons referring thereto.

[38132] Iª-IIae q. 103 a. 3 ad 3 Ad tertium dicendum quod rationes litterales caeremoniarum supra assignatae referuntur ad divinum cultum, qui quidem cultus erat in fide venturi. Et ideo, iam veniente eo qui venturus erat, et cultus ille cessat, et omnes rationes ad hunc cultum ordinatae.

Reply to Objection 4: The faith of Abraham was commended in that he believed in God's promise concerning his seed to come, in which all nations were to blessed. Wherefore, as long as this seed was yet to come, it was necessary to make profession of Abraham's faith by means of circumcision. But now that it is consummated, the same thing needs to be declared by means of another sign, viz. Baptism, which, in this respect, took the place of circumcision, according to the saying of the Apostle (Col. 2:11, 12): "You are circumcised with circumcision not made by hand, in despoiling of the body of the flesh, but in the circumcision of Christ, buried with Him in Baptism."

As to the sabbath, which was a sign recalling the first creation, its place is taken by the "Lord's Day," which recalls the beginning of the new creature in the Resurrection of Christ. In like manner other solemnities of the Old Law are supplanted by new solemnities: because the blessings vouchsafed to that people, foreshadowed the favors granted us by Christ. Hence the feast of the Passover gave place to the feast of Christ's Passion and Resurrection: the feast of Pentecost when the Old Law was given, to the feast of Pentecost on which was given the Law of the living spirit: the feast of the New Moon, to Lady Day, when appeared the first rays of the sun, i.e. Christ, by the fulness of grace: the feast of Trumpets, to the feasts of the Apostles: the feast of Expiation, to the feasts of Martyrs and

[38133] Iª-IIae q. 103 a. 3 ad 4 Ad quartum dicendum quod fides Abrahae fuit commendata in hoc quod credidit divinae promissioni de futuro semine, in quo benedicerentur omnes gentes. Et ideo quandiu hoc erat futurum, oportebat protestari fidem Abrahae in circumcisione. Sed postquam iam hoc est perfectum, oportet idem alio signo declarari, scilicet Baptismo, qui in hoc circumcisioni succedit; secundum illud apostoli, ad Coloss. II, *circumcisi estis circumcisione non manu facta in expoliatione corporis carnis, sed in circumcisione domini nostri Iesu Christi, consepulti ei in Baptismo*. Sabbatum autem, quod significabat primam creationem, mutatur in diem dominicum, in quo commemoratur nova creatura inchoata in resurrectione Christi. Et similiter aliis solemnitatibus veteris legis novae solemnitates succedunt, quia beneficia illi populo exhibita, significant beneficia nobis concessa per Christum. Unde festo phase succedit festum passionis Christi et resurrectionis. Festo Pentecostes, in quo fuit data lex vetus, succedit festum Pentecostes in quo fuit data lex spiritus vitae. Festo Neomeniae succedit festum beatae virginis, in qua primo apparuit illuminatio solis, idest Christi, per copiam gratiae. Festo tubarum succedunt festa apostolorum. Festo expiationis succedunt festa martyrum et confessorum. Festo tabernaculorum succedit festum consecrationis Ecclesiae. Festo coetus atque collectae succedit festum Angelorum; vel etiam festum omnium sanctorum.

Confessors: the feast of Tabernacles, to the feast of the Church Dedication: the feast of the Assembly and Collection, to feast of the Angels, or else to the feast of All Hallows.

Q. 103. A. 4. Whether since Christ's Passion the legal ceremonies can be observed without committing mortal sin?

Objection 1: It would seem that since Christ's Passion the legal ceremonies can be observed without committing mortal sin. For we must not believe that the apostles committed mortal sin after receiving the Holy Ghost: since by His fulness they were "endued with power from on high" (Lk. 24:49). But the apostles observed the legal ceremonies after the coming of the Holy Ghost: for it is stated (Acts 16:3) that Paul circumcised Timothy: and (Acts 21:26) that Paul, at the advice of James, "took the men, and . . . being purified with them, entered into the temple, giving notice of the accomplishment of the days of purification, until an oblation should be offered for every one of them." Therefore the legal ceremonies can be observed since the Passion of Christ without mortal sin.

[38134] Iª-IIae q. 103 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod post passionem Christi legalia possint sine peccato mortali observari. Non est enim credendum quod apostoli, post acceptum spiritum sanctum, mortaliter peccaverint, eius enim plenitudine sunt induti virtute ex alto, ut dicitur Lucae ult. Sed apostoli post adventum spiritus sancti legalia observaverunt, dicitur enim Act. XVI, quod Paulus circumcidit Timotheum; et Act. XXI, dicitur quod Paulus, secundum consilium Iacobi, *assumptis viris, purificatus cum eis intravit in templum, annuntians expletionem dierum purificationis, donec offerretur pro unoquoque eorum oblatio*. Ergo sine peccato mortali possunt post Christi passionem legalia observari.

Objection 2: Further, one of the legal ceremonies consisted in shunning the fellowship of Gentiles. But the first Pastor of the Church complied with this observance; for it is stated (Gal. 2:12) that, "when" certain men "had come" to Antioch, Peter "withdrew and separated himself" from the Gentiles. Therefore the legal ceremonies can be observed since Christ's Passion without committing mortal sin.

[38135] Iª-IIae q. 103 a. 4 arg. 2 Praeterea, vitare consortia gentilium ad caeremonias legis pertinebat. Sed hoc observavit primus pastor Ecclesiae, dicitur enim ad Gal. II, quod, cum venissent quidam Antiochiam, *subtrahebat et segregabat se Petrus a gentilibus*. Ergo absque peccato post passionem Christi legis caeremoniae observari possunt.

Objection 3: Further, the commands of the apostles did not lead men into sin. But it was commanded by apostolic decree that the Gentiles should observe certain ceremonies of the Law: for it is written (Acts 15:28,29): "It hath seemed good to the Holy Ghost and to us, to lay no further burden upon you than these necessary things: that you abstain from things sacrificed to idols, and from blood, and from things strangled, and from fornication." Therefore the legal ceremonies can be observed since Christ's Passion without committing mortal sin.

[38136] Iª-IIae q. 103 a. 4 arg. 3 Praeterea, praecepta apostolorum non induxerunt homines ad peccatum. Sed ex decreto apostolorum statutum fuit quod gentiles quaedam de caeremoniis legis observarent, dicitur enim Act. XV, *visum est spiritui sancto et nobis nihil ultra imponere oneris vobis quam haec necessaria, ut abstineatis vos ab immolatis simulacrorum, et sanguine, et suffocato, et fornicatione*. Ergo absque peccato caeremoniae legales possunt post Christi passionem observari.

On the contrary, The Apostle says (Gal. 5:2): "If you be circumcised, Christ shall profit you nothing." But nothing save mortal sin hinders us from receiving Christ's fruit. Therefore since Christ's Passion it is a mortal sin to be circumcised, or to observe the other legal ceremonies.

[38137] Iª-IIae q. 103 a. 4 s. c. Sed contra est quod apostolus dicit, ad Gal. V, *si circumcidimini, Christus nihil vobis proderit*. Sed nihil excludit fructum Christi nisi peccatum mortale. Ergo circumcidi, et alias caeremonias observare, post passionem Christi est peccatum mortale.

I answer that, All ceremonies are professions of faith, in which the interior worship of God consists. Now man can make profession of his inward faith, by deeds as well as by words: and in either profession, if he make a false declaration, he sins mortally. Now, though our faith in Christ is the same as that of the fathers of old; yet, since they came before Christ, whereas we come after Him, the same faith is expressed in different words, by us and by them. For by them was it said: "Behold a virgin shall conceive and bear a son," where the verbs are in the future tense: whereas we express the same by means of verbs in the past tense, and say that she "conceived and bore." In like manner the ceremonies of the Old Law betokened Christ as having yet to be born and to suffer: whereas our sacraments signify Him as already born and having suffered. Consequently, just as it would be a mortal sin now for anyone, in making a profession of faith, to say that Christ is yet to be born, which the fathers of old said devoutly and truthfully; so too it would be a mortal sin now to observe those ceremonies which the fathers of old fulfilled with devotion and fidelity. Such is the teaching Augustine (Contra Faust. xix, 16), who says: "It is no longer promised that He shall be born, shall suffer and rise again, truths of which their sacraments were a kind of image: but it is declared that He is already born, has suffered and risen again; of which our sacraments, in which Christians share, are the actual representation."

[38138] Iª-IIae q. 103 a. 4 co. Respondeo dicendum quod omnes caeremoniae sunt quaedam protestationes fidei, in qua consistit interior Dei cultus. Sic autem fidem interiorem potest homo protestari factis, sicut et verbis, et in utraque protestatione, si aliquid homo falsum protestatur, peccat mortaliter. Quamvis autem sit eadem fides quam habemus de Christo, et quam antiqui patres habuerunt; tamen quia ipsi praecesserunt Christum, nos autem sequimur, eadem fides diversis verbis significatur a nobis et ab eis. Nam ab eis dicebatur, ecce virgo concipiet et pariet filium, quae sunt verba futuri temporis, nos autem idem repraesentamus per verba praeteriti temporis, dicentes quod concepit et peperit. Et similiter caeremoniae veteris legis significabant Christum ut nasciturum et passurum, nostra autem sacramenta significant ipsum ut natum et passum. Sicut igitur peccaret mortaliter qui nunc, suam fidem protestando, diceret Christum nasciturum, quod antiqui pie et veraciter dicebant; ita etiam peccaret mortaliter, si quis nunc caeremonias observaret, quas antiqui pie et fideliter observabant. Et hoc est quod Augustinus dicit, contra Faustum, *iam non promittitur nasciturus, passurus, resurrecturus, quod illa sacramenta quodammodo personabant, sed annuntiatur quod natus sit, passus sit, resurrexerit; quod haec sacramenta quae a Christianis aguntur, iam personant*.

Reply to Objection 1: On this point there seems to have been a difference of opinion between Jerome and Augustine. For Jerome (Super Galat. ii, 11, seqq.) distinguished two periods of time. One was the time previous to Christ's Passion, during which the legal ceremonies were neither dead, since they were obligatory, and did expiate in their own fashion; nor deadly, because it was not sinful to observe them. But immediately after

[38139] Iª-IIae q. 103 a. 4 ad 1 Ad primum ergo dicendum quod circa hoc diversimode sensisse videntur Hieronymus et Augustinus. Hieronymus enim distinxit duo tempora. Unum tempus ante passionem Christi, in quo legalia nec erant mortua, quasi non habentia vim obligatoriam, aut expiativam pro suo modo; nec etiam mortifera, quia non peccabant ea observantes. Statim autem post passionem Christi incoeperunt esse non

Christ's Passion they began to be not only dead, so as no longer to be either effectual or binding; but also deadly, so that whoever observed them was guilty of mortal sin. Hence he maintained that after the Passion the apostles never observed the legal ceremonies in real earnest; but only by a kind of pious pretense, lest, to wit, they should scandalize the Jews and hinder their conversion. This pretense, however, is to be understood, not as though they did not in reality perform those actions, but in the sense that they performed them without the mind to observe the ceremonies of the Law: thus a man might cut away his foreskin for health's sake, not with the intention of observing legal circumcision.

But since it seems unbecoming that the apostles, in order to avoid scandal, should have hidden things pertaining to the truth of life and doctrine, and that they should have made use of pretense, in things pertaining to the salvation of the faithful; therefore Augustine (Epist. lxxxii) more fittingly distinguished three periods of time. One was the time that preceded the Passion of Christ, during which the legal ceremonies were neither deadly nor dead: another period was after the publication of the Gospel, during which the legal ceremonies are both dead and deadly. The third is a middle period, viz. from the Passion of Christ until the publication of the Gospel, during which the legal ceremonies were dead indeed, because they had neither effect nor binding force; but were not deadly, because it was lawful for the Jewish converts to Christianity to observe them, provided they did not put their trust in them so as to hold them to be necessary unto salvation, as though faith in Christ could not justify without the legal observances. On the other hand, there was no reason why those who were converted from heathendom to Christianity should observe them. Hence Paul circumcised Timothy, who was born of a Jewish mother; but was unwilling to circumcise Titus, who was of heathen nationality.

The reason why the Holy Ghost did not wish the converted Jews to be debarred at once from observing the legal ceremonies, while converted heathens were forbidden to observe the rites of heathendom, was in order to show that there is a difference between these rites. For heathenish ceremonial was rejected as absolutely unlawful, and as prohibited by God for all time; whereas the

solum mortua, idest non habentia virtutem et obligationem; sed etiam mortifera, ita scilicet quod peccabant mortaliter quicumque ea observabant. Unde dicebat quod apostoli nunquam legalia observaverunt post passionem secundum veritatem; sed solum quadam pia simulatione, ne scilicet scandalizarent Iudaeos et eorum conversionem impedirent. Quae quidem simulatio sic intelligenda est, non quidem ita quod illos actus secundum rei veritatem non facerent, sed quia non faciebant tanquam legis caeremonias observantes; sicut si quis pelliculam virilis membri abscinderet propter sanitatem, non causa legalis circumcisionis observandae. Sed quia indecens videtur quod apostoli ea occultarent propter scandalum quae pertinent ad veritatem vitae et doctrinae, et quod simulatione uterentur in his quae pertinent ad salutem fidelium; ideo convenientius Augustinus distinxit tria tempora. Unum quidem ante Christi passionem, in quo legalia non erant neque mortifera neque mortua. Aliud autem post tempus Evangelii divulgati, in quo legalia sunt et mortua et mortifera. Tertium autem est tempus medium, scilicet a passione Christi usque ad divulgationem Evangelii, in quo legalia fuerunt quidem mortua, quia neque vim aliquam habebant, neque aliquis ea observare tenebatur; non tamen fuerunt mortifera, quia illi qui conversi erant ad Christum ex Iudaeis, poterant illa legalia licite observare, dummodo non sic ponerent spem in eis quod ea reputarent sibi necessaria ad salutem, quasi sine legalibus fides Christi iustificare non posset. His autem qui convertebantur ex gentilitate ad Christum, non inerat causa ut ea observarent. Et ideo Paulus circumcidit Timotheum, qui ex matre Iudaea genitus erat; Titum autem, qui ex gentilibus natus erat, circumcidere noluit. Ideo autem noluit spiritus sanctus ut statim inhiberetur his qui ex Iudaeis convertebantur observatio legalium, sicut inhibebatur his qui ex gentilibus convertebantur gentilitatis ritus, ut quaedam differentia inter hos ritus ostenderetur. Nam gentilitatis ritus repudiabatur tanquam omnino illicitus, et a Deo semper prohibitus, ritus autem legis cessabat tanquam impletus per Christi passionem, utpote a Deo in figuram Christi institutus.

legal ceremonial ceased as being fulfilled through Christ's Passion, being instituted by God as a figure of Christ.

Reply to Objection 2: According to Jerome, Peter withdrew himself from the Gentiles by pretense, in order to avoid giving scandal to the Jews, of whom he was the Apostle. Hence he did not sin at all in acting thus. On the other hand, Paul in like manner made a pretense of blaming him, in order to avoid scandalizing the Gentiles, whose Apostle he was. But Augustine disapproves of this solution: because in the canonical Scripture (viz. Gal. 2:11), wherein we must not hold anything to be false, Paul says that Peter "was to be blamed." Consequently it is true that Peter was at fault: and Paul blamed him in very truth and not with pretense. Peter, however, did not sin, by observing the legal ceremonial for the time being; because this was lawful for him who was a converted Jew. But he did sin by excessive minuteness in the observance of the legal rites lest he should scandalize the Jews, the result being that he gave scandal to the Gentiles.

[38140] Iª-IIae q. 103 a. 4 ad 2 Ad secundum dicendum quod, secundum Hieronymum, Petrus simulatorie se a gentilibus subtrahebat, ut vitaret Iudaeorum scandalum, quorum erat apostolus. Unde in hoc nullo modo peccavit, sed Paulus eum similiter simulatorie reprehendit, ut vitaret scandalum gentilium, quorum erat apostolus. Sed Augustinus hoc improbat, quia Paulus in canonica Scriptura, scilicet Gal. II, in qua nefas est credere aliquid esse falsum, dicit quod Petrus reprehensibilis erat. Unde verum est quod Petrus peccavit, et Paulus vere eum, non simulatorie, reprehendit. Non autem peccavit Petrus in hoc quod ad tempus legalia observabat, quia hoc sibi licebat, tanquam ex Iudaeis converso. Sed peccabat in hoc quod circa legalium observantiam nimiam diligentiam adhibebat ne scandalizaret Iudaeos, ita quod ex hoc sequebatur gentilium scandalum.

Reply to Objection 3: Some have held that this prohibition of the apostles is not to be taken literally, but spiritually: namely, that the prohibition of blood signifies the prohibition of murder; the prohibition of things strangled, that of violence and rapine; the prohibition of things offered to idols, that of idolatry; while fornication is forbidden as being evil in itself: which opinion they gathered from certain glosses, which expound these prohibitions in a mystical sense. Since, however, murder and rapine were held to be unlawful even by the Gentiles, there would have been no need to give this special commandment to those who were converted to Christ from heathendom. Hence others maintain that those foods were forbidden literally, not to prevent the observance of legal ceremonies, but in order to prevent gluttony. Thus Jerome says on Ezech. 44:31 ("The priest shall not eat of anything that is dead"): "He condemns those priests who from gluttony did not keep these precepts."

But since certain foods are more delicate than these and more conducive to gluttony, there seems no reason why these should have been forbidden

[38141] Iª-IIae q. 103 a. 4 ad 3 Ad tertium dicendum quod quidam dixerunt quod illa prohibitio apostolorum non est intelligenda ad litteram, sed secundum spiritualem intellectum, ut scilicet in prohibitione sanguinis, intelligatur prohibitio homicidii; in prohibitione suffocati, intelligatur prohibitio violentiae et rapinae; in prohibitione immolatorum, intelligatur prohibitio idololatriae; fornicatio autem prohibetur tanquam per se malum. Et hanc opinionem accipiunt ex quibusdam Glossis, quae huiusmodi praecepta mystice exponunt. Sed quia homicidium et rapina etiam apud gentiles reputabantur illicita, non oportuisset super hoc speciale mandatum dari his qui erant ex gentilitate conversi ad Christum. Unde alii dicunt quod ad litteram illa comestibilia fuerunt prohibita, non propter observantiam legalium, sed propter gulam comprimendam. Unde dicit Hieronymus, super illud Ezech. XLIV, *omne morticinum etc., condemnat sacerdotes qui in turdis et ceteris huiusmodi, haec, cupiditate gulae, non custodiunt*. Sed quia sunt quaedam cibaria magis delicata et gulam provocantia, non videtur ratio quare fuerunt haec magis quam alia prohibita. Et ideo dicendum, secundum tertiam

more than the others.

We must therefore follow the third opinion, and hold that these foods were forbidden literally, not with the purpose of enforcing compliance with the legal ceremonies, but in order to further the union of Gentiles and Jews living side by side. Because blood and things strangled were loathsome to the Jews by ancient custom; while the Jews might have suspected the Gentiles of relapse into idolatry if the latter had partaken of things offered to idols. Hence these things were prohibited for the time being, during which the Gentiles and Jews were to become united together. But as time went on, with the lapse of the cause, the effect lapsed also, when the truth of the Gospel teaching was divulged, wherein Our Lord taught that "not that which entereth into the mouth defileth a man" (Mat. 15:11); and that "nothing is to be rejected that is received with thanksgiving" (1 Tim. 4:4). With regard to fornication a special prohibition was made, because the Gentiles did not hold it to be sinful.

opinionem, quod ad litteram ista sunt prohibita, non ad observandum caeremonias legis, sed ad hoc quod posset coalescere unio gentilium et Iudaeorum insimul habitantium. Iudaeis enim, propter antiquam consuetudinem, sanguis et suffocatum erant abominabilia, comestio autem immolatorum simulacris, poterat in Iudaeis aggenerare circa gentiles suspicionem reditus ad idololatriam. Et ideo ista fuerunt prohibita pro tempore illo, in quo de novo oportebat convenire in unum gentiles et Iudaeos. Procedente autem tempore, cessante causa, cessat effectus; manifestata evangelicae doctrinae veritate, in qua dominus docet quod nihil quod per os intrat, coinquinat hominem, ut dicitur Matth. XV; *et quod nihil est reiiciendum quod cum gratiarum actione percipitur*, ut I ad Tim. IV dicitur. Fornicatio autem prohibetur specialiter, quia gentiles eam non reputabant esse peccatum.

Q. 104. OF THE JUDICIAL PRECEPTS (FOUR ARTICLES)

We must now consider the judicial precepts: and first of all we shall consider them in general; in the second place we shall consider their reasons. Under the first head there are four points of inquiry:

(1) What is meant by the judicial precepts?

(2) Whether they are figurative?

(3) Their duration;

(4) Their division.

[38142] Iª-IIae q. 104 pr. Consequenter considerandum est de praeceptis iudicialibus. Et primo, considerandum est de ipsis in communi; secundo, de rationibus eorum. Circa primum quaeruntur quatuor. Primo, quae sint iudicialia praecepta. Secundo, utrum sint figuralia. Tertio, de duratione eorum. Quarto, de distinctione eorum.

Q. 104. A. 1. Whether the judicial precepts were those which directed man in relation to his neighbor?

Objection 1: It would seem that the judicial precepts were not those which directed man in his relations to his neighbor. For judicial precepts take their name from "judgment." But there are many things that direct man as to his neighbor, which are not subordinate to judgment. Therefore the judicial precepts were not those which directed man in his relations to his neighbor.

[38143] Iª-IIae q. 104 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod ratio praeceptorum iudicialium non consistat in hoc quod sunt ordinantia ad proximum. Iudicialia enim praecepta a iudicio dicuntur. Sed multa sunt alia quibus homo ad proximum ordinatur, quae non pertinent ad ordinem iudiciorum. Non ergo praecepta iudicialia dicuntur quibus homo ordinatur ad proximum.

Objection 2: Further, the judicial precepts are distinct from the moral precepts, as stated above (Q[99], A[4]). But there are many moral precepts which direct man as to his neighbor: as is evidently the case with the seven precepts of the second table. Therefore the judicial precepts are not so called from directing man as to his neighbor.

[38144] Iª-IIae q. 104 a. 1 arg. 2 Praeterea, praecepta iudicialia a moralibus distinguuntur, ut supra dictum est. Sed multa praecepta moralia sunt quibus homo ordinatur ad proximum, sicut patet in septem praeceptis secundae tabulae. Non ergo praecepta iudicialia dicuntur ex hoc quod ad proximum ordinant.

Objection 3: Further, as the ceremonial precepts relate to God, so do the judicial precepts relate to one's neighbor, as stated above (Q[99], A[4]; Q[101], A[1]). But among the ceremonial precepts there are some which concern man himself, such as observances in matter of food and apparel, of which we have already spoken (Q[102], A[6], ad 1,6). Therefore the judicial precepts are not so called from directing man as to his neighbor.

[38145] Iª-IIae q. 104 a. 1 arg. 3 Praeterea, sicut se habent praecepta caeremonialia ad Deum, ita se habent iudicialia praecepta ad proximum, ut supra dictum est. Sed inter praecepta caeremonialia sunt quaedam quae pertinent ad seipsum, sicut observantiae ciborum et vestimentorum, de quibus supra dictum est. Ergo praecepta iudicialia non ex hoc dicuntur quod ordinent hominem ad proximum.

On the contrary, It is reckoned (Ezech. 18:8) among other works of a good and just man, that

[38146] Iª-IIae q. 104 a. 1 s. c. Sed contra est quod dicitur Ezech. XVIII, inter cetera bona opera

"he hath executed true judgment between man and man." But judicial precepts are so called from "judgment." Therefore it seems that the judicial precepts were those which directed the relations between man and man.

viri iusti, *si iudicium verum fecerit inter virum et virum*. Sed iudicialia praecepta a iudicio dicuntur. Ergo praecepta iudicialia videntur dici illa quae pertinent ad ordinationem hominum ad invicem.

I answer that, As is evident from what we have stated above (Q[95], A[2] ; Q[99], A[4]), in every law, some precepts derive their binding force from the dictate of reason itself, because natural reason dictates that something ought to be done or to be avoided. These are called "moral" precepts: since human morals are based on reason. At the same time there are other precepts which derive their binding force, not from the very dictate of reason (because, considered in themselves, they do not imply an obligation of something due or undue); but from some institution, Divine or human: and such are certain determinations of the moral precepts. When therefore the moral precepts are fixed by Divine institution in matters relating to man's subordination to God, they are called "ceremonial" precepts: but when they refer to man's relations to other men, they are called "judicial" precepts. Hence there are two conditions attached to the judicial precepts: viz. first, that they refer to man's relations to other men; secondly, that they derive their binding force not from reason alone, but in virtue of their institution.

[38147] Iª-IIae q. 104 a. 1 co. Respondeo dicendum quod, sicut ex supradictis patet, praeceptorum cuiuscumque legis quaedam habent vim obligandi ex ipso dictamine rationis, quia naturalis ratio dictat hoc esse debitum fieri vel vitari. Et huiusmodi praecepta dicuntur moralia, eo quod a ratione dicuntur mores humani. Alia vero praecepta sunt quae non habent vim obligandi ex ipso dictamine rationis, quia scilicet in se considerata non habent absolute rationem debiti vel indebiti; sed habent vim obligandi ex aliqua institutione divina vel humana. Et huiusmodi sunt determinationes quaedam moralium praeceptorum. Si igitur determinentur moralia praecepta per institutionem divinam in his per quae ordinatur homo ad Deum, talia dicentur praecepta caeremonialia. Si autem in his quae pertinent ad ordinationem hominum ad invicem, talia dicentur praecepta iudicialia. In duobus ergo consistit ratio iudicialium praeceptorum, scilicet ut pertineant ad ordinationem hominum ad invicem; et ut non habeant vim obligandi ex sola ratione, sed ex institutione.

Reply to Objection 1: Judgments emanate through the official pronouncement of certain men who are at the head of affairs, and in whom the judicial power is vested. Now it belongs to those who are at the head of affairs to regulate not only litigious matters, but also voluntary contracts which are concluded between man and man, and whatever matters concern the community at large and the government thereof. Consequently the judicial precepts are not only those which concern actions at law; but also all those that are directed to the ordering of one man in relation to another, which ordering is subject to the direction of the sovereign as supreme judge.

[38148] Iª-IIae q. 104 a. 1 ad 1 Ad primum ergo dicendum quod iudicia exercentur officio aliquorum principum, qui habent potestatem iudicandi. Ad principem autem pertinet non solum ordinare de his quae veniunt in litigium, sed etiam de voluntariis contractibus qui inter homines fiunt, et de omnibus pertinentibus ad populi communitatem et regimen. Unde praecepta iudicialia non solum sunt illa quae pertinent ad lites iudiciorum; sed etiam quaecumque pertinent ad ordinationem hominum ad invicem, quae subest ordinationi principis tanquam supremi iudicis.

Reply to Objection 2: This argument holds in respect of those precepts which direct man in his relations to his neighbor, and derive their binding

[38149] Iª-IIae q. 104 a. 1 ad 2 Ad secundum dicendum quod ratio illa procedit de illis praeceptis ordinantibus ad proximum, quae

force from the mere dictate of reason.

habent vim obligandi ex solo dictamine rationis.

Reply to Objection 3: Even in those precepts which direct us to God, some are moral precepts, which the reason itself dictates when it is quickened by faith; such as that God is to be loved and worshipped. There are also ceremonial precepts, which have no binding force except in virtue of their Divine institution. Now God is concerned not only with the sacrifices that are offered to Him, but also with whatever relates to the fitness of those who offer sacrifices to Him and worship Him. Because men are ordained to God as to their end; wherefore it concerns God and, consequently, is a matter of ceremonial precept, that man should show some fitness for the divine worship. On the other hand, man is not ordained to his neighbor as to his end, so as to need to be disposed in himself with regard to his neighbor, for such is the relationship of a slave to his master, since a slave "is his master's in all that he is," as the Philosopher says (Polit. i, 2). Hence there are no judicial precepts ordaining man in himself; all such precepts are moral: because the reason, which is the principal in moral matters, holds the same position, in man, with regard to things that concern him, as a prince or judge holds in the state. Nevertheless we must take note that, since the relations of man to his neighbor are more subject to reason than the relations of man to God, there are more precepts whereby man is directed in his relations to his neighbor, than whereby he is directed to God. For the same reason there had to be more ceremonial than judicial precepts in the Law.

[38150] Iª-IIae q. 104 a. 1 ad 3 Ad tertium dicendum quod etiam in his quae ordinant ad Deum, quaedam sunt moralia, quae ipsa ratio fide informata dictat, sicut Deum esse amandum et colendum. Quaedam vero sunt caeremonialia, quae non habent vim obligationis nisi ex institutione divina. Ad Deum autem pertinent non solum sacrificia oblata Deo, sed etiam quaecumque pertinent ad idoneitatem offerentium et Deum colentium. Homines enim ordinantur in Deum sicut in finem, et ideo ad cultum Dei pertinet, et per consequens ad caeremonialia praecepta, quod homo habeat quandam idoneitatem respectu cultus divini. Sed homo non ordinatur ad proximum sicut in finem, ut oporteat eum disponi in seipso in ordine ad proximum, haec enim est comparatio servorum ad dominos, *qui id quod sunt, dominorum sunt*, secundum philosophum, in I Polit. Et ideo non sunt aliqua praecepta iudicialia ordinantia hominem in seipso, sed omnia talia sunt moralia, quia ratio, quae est principium moralium, se habet in homine respectu eorum quae ad ipsum pertinent, sicut princeps vel iudex in civitate. Sciendum tamen quod, quia ordo hominis ad proximum magis subiacet rationi quam ordo hominis ad Deum, plura praecepta moralia inveniuntur per quae ordinatur homo ad proximum, quam per quae ordinatur ad Deum. Et propter hoc etiam oportuit plura esse caeremonialia in lege quam iudicialia.

Q. 104. A. 2. Whether the judicial precepts were figurative?

Objection 1: It would seem that the judicial precepts were not figurative. Because it seems proper to the ceremonial precepts to be instituted as figures of something else. Therefore, if the judicial precepts are figurative, there will be no difference between the judicial and ceremonial precepts.

[38151] Iª-IIae q. 104 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod praecepta iudicialia non figurent aliquid. Hoc enim videtur esse proprium caeremonialium praeceptorum, quod sint in figuram alicuius rei instituta. Si igitur etiam praecepta iudicialia aliquid figurent, non erit differentia inter iudicialia et caeremonialia praecepta.

Objection 2: Further, just as certain judicial precepts were given to the Jewish people, so also were some given to other heathen peoples. But the

[38152] Iª-IIae q. 104 a. 2 arg. 2 Praeterea, sicuti illi populo Iudaeorum data sunt quaedam iudicialia praecepta, ita etiam aliis populis

judicial precepts given to other peoples were not figurative, but stated what had to be done. Therefore it seems that neither were the judicial precepts of the Old Law figures of anything.

gentilium. Sed iudicialia praecepta aliorum populorum non figurant aliquid, sed ordinant quid fieri debeat. Ergo videtur quod neque praecepta iudicialia veteris legis aliquid figurarent.

Objection 3: Further, those things which relate to the divine worship had to be taught under certain figures, because the things of God are above our reason, as stated above (Q[101], A[2], ad 2). But things concerning our neighbor are not above our reason. Therefore the judicial precepts which direct us in relation to our neighbor should not have been figurative.

[38153] Iª-IIae q. 104 a. 2 arg. 3 Praeterea, ea quae ad cultum divinum pertinent, figuris quibusdam tradi oportuit, quia ea quae Dei sunt, supra nostram rationem sunt, ut supra dictum est. Sed ea quae sunt proximorum, non excedunt nostram rationem. Ergo per iudicialia, quae ad proximum nos ordinant, non oportuit aliquid figurari.

On the contrary, The judicial precepts are expounded both in the allegorical and in the moral sense (Ex. 21).

[38154] Iª-IIae q. 104 a. 2 s. c. Sed contra est quod Exod. XXI iudicialia praecepta allegorice et moraliter exponuntur.

I answer that, A precept may be figurative in two ways. First, primarily and in itself: because, to wit, it is instituted principally that it may be the figure of something. In this way the ceremonial precepts are figurative; since they were instituted for the very purpose that they might foreshadow something relating to the worship of God and the mystery of Christ. But some precepts are figurative, not primarily and in themselves, but consequently. In this way the judicial precepts of the Old Law are figurative. For they were not instituted for the purpose of being figurative, but in order that they might regulate the state of that people according to justice and equity. Nevertheless they did foreshadow something consequently: since, to wit, the entire state of that people, who were directed by these precepts, was figurative, according to 1 Cor. 10:11: "All . . . things happened to them in figure."

[38155] Iª-IIae q. 104 a. 2 co. Respondeo dicendum quod dupliciter contingit aliquod praeceptum esse figurale. Uno modo, primo et per se, quia scilicet principaliter est institutum ad aliquid figurandum. Et hoc modo praecepta caeremonialia sunt figuralia, ad hoc enim sunt instituta, ut aliquid figurent pertinens ad cultum Dei et ad mysterium Christi. Quaedam vero praecepta sunt figuralia non primo et per se, sed ex consequenti. Et hoc modo praecepta iudicialia veteris legis sunt figuralia. Non enim sunt instituta ad aliquid figurandum; sed ad ordinandum statum illius populi secundum iustitiam et aequitatem. Sed ex consequenti aliquid figurabant, inquantum scilicet totus status illius populi, qui per huiusmodi praecepta disponebatur, figuralis erat; secundum illud I ad Cor. X, *omnia in figuram contingebant illis*.

Reply to Objection 1: The ceremonial precepts are not figurative in the same way as the judicial precepts, as explained above.

[38156] Iª-IIae q. 104 a. 2 ad 1 Ad primum ergo dicendum quod praecepta caeremonialia alio modo sunt figuralia quam iudicialia, ut dictum est.

Reply to Objection 2: The Jewish people were chosen by God that Christ might be born of them. Consequently the entire state of that people had to be prophetic and figurative, as Augustine states (Contra Faust. xxii, 24). For this reason even the judicial precepts that were given to this people

[38157] Iª-IIae q. 104 a. 2 ad 2 Ad secundum dicendum quod populus Iudaeorum ad hoc electus erat a Deo, quod ex eo Christus nasceretur. Et ideo oportuit totum illius populi statum esse propheticum et figuralem, ut Augustinus dicit, contra Faustum. Et propter hoc etiam iudicialia

were more figurative that those which were given to other nations. Thus, too, the wars and deeds of this people are expounded in the mystical sense: but not the wars and deeds of the Assyrians or Romans, although the latter are more famous in the eyes of men.

illi populo tradita, magis sunt figuralia quam iudicialia aliis populis tradita. Sicut etiam bella et gesta illius populi exponuntur mystice; non autem bella vel gesta Assyriorum vel Romanorum, quamvis longe clariora secundum homines.

Reply to Objection 3: In this people the direction of man in regard to his neighbor, considered in itself, was subject to reason. But in so far as it was referred to the worship of God, it was above reason: and in this respect it was figurative.

[38158] Iª-IIae q. 104 a. 2 ad 3 Ad tertium dicendum quod ordo ad proximum in populo illo, secundum se consideratus, pervius erat rationi. Sed secundum quod referebatur ad cultum Dei, superabat rationem. Et ex hac parte erat figuralis.

Q. 104. A. 3. Whether the judicial precepts of the Old Law bind for ever?

Objection 1: It would seem that the judicial precepts of the Old Law bind for ever. Because the judicial precepts relate to the virtue of justice: since a judgment is an execution of the virtue of justice. Now "justice is perpetual and immortal" (Wis. 1:15). Therefore the judicial precepts bind for ever.

[38159] Iª-IIae q. 104 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod praecepta iudicialia veteris legis perpetuam obligationem habeant. Praecepta enim iudicialia pertinent ad virtutem iustitiae, nam iudicium dicitur iustitiae executio. Iustitia autem est perpetua et immortalis, ut dicitur Sap. I. Ergo obligatio praeceptorum iudicialium est perpetua.

Objection 2: Further, Divine institutions are more enduring than human institutions. But the judicial precepts of human laws bind for ever. Therefore much more do the judicial precepts of the Divine Law.

[38160] Iª-IIae q. 104 a. 3 arg. 2 Praeterea, institutio divina est stabilior quam institutio humana. Sed praecepta iudicialia humanarum legum habent perpetuam obligationem. Ergo multo magis praecepta iudicialia legis divinae.

Objection 3: Further, the Apostle says (Heb. 7:18) that "there is a setting aside of the former commandment, because of the weakness and unprofitableness thereof." Now this is true of the ceremonial precept, which "could [Vulg.: 'can'] not, as to the conscience, make him perfect that serveth only in meats and in drinks, and divers washings and justices of the flesh," as the Apostle declares (Heb. 9:9,10). On the other hand, the judicial precepts were useful and efficacious in respect of the purpose for which they were instituted, viz. to establish justice and equity among men. Therefore the judicial precepts of the Old Law are not set aside, but still retain their efficacy.

[38161] Iª-IIae q. 104 a. 3 arg. 3 Praeterea, apostolus dicit, ad Heb. VII, quod *reprobatio fit praecedentis mandati propter infirmitatem ipsius et inutilitatem*. Quod quidem verum est de mandato caeremoniali quod *non poterat facere perfectum iuxta conscientiam servientem solummodo in cibis et in potibus et variis Baptismatibus et iustitiis carnis*, ut apostolus dicit, ad Heb. IX. Sed praecepta iudicialia utilia erant et efficacia ad id ad quod ordinabantur, scilicet ad iustitiam et aequitatem inter homines constituendam. Ergo praecepta iudicialia veteris legis non reprobantur, sed adhuc efficaciam habent.

On the contrary, The Apostle says (Heb. 7:12) that "the priesthood being translated it is

[38162] Iª-IIae q. 104 a. 3 s. c. Sed contra est quod apostolus dicit, ad Heb. VII, quod *translato*

necessary that a translation also be made of the Law." But the priesthood was transferred from Aaron to Christ. Therefore the entire Law was also transferred. Therefore the judicial precepts are no longer in force.

sacerdotio, necesse est ut legis translatio fiat. Sed sacerdotium est translatum ab Aaron ad Christum. Ergo etiam et tota lex est translata. Non ergo iudicialia praecepta adhuc obligationem habent.

I answer that, The judicial precepts did not bind for ever, but were annulled by the coming of Christ: yet not in the same way as the ceremonial precepts. For the ceremonial precepts were annulled so far as to be not only "dead," but also deadly to those who observe them since the coming of Christ, especially since the promulgation of the Gospel. On the other hand, the judicial precepts are dead indeed, because they have no binding force: but they are not deadly. For if a sovereign were to order these judicial precepts to be observed in his kingdom, he would not sin: unless perchance they were observed, or ordered to be observed, as though they derived their binding force through being institutions of the Old Law: for it would be a deadly sin to intend to observe them thus.

The reason for this difference may be gathered from what has been said above (A[2]). For it has been stated that the ceremonial precepts are figurative primarily and in themselves, as being instituted chiefly for the purpose of foreshadowing the mysteries of Christ to come. On the other hand, the judicial precepts were not instituted that they might be figures, but that they might shape the state of that people who were directed to Christ. Consequently, when the state of that people changed with the coming of Christ, the judicial precepts lost their binding force: for the Law was a pedagogue, leading men to Christ, as stated in Gal. 3:24. Since, however, these judicial precepts are instituted, not for the purpose of being figures, but for the performance of certain deeds, the observance thereof is not prejudicial to the truth of faith. But the intention of observing them, as though one were bound by the Law, is prejudicial to the truth of faith: because it would follow that the former state of the people still lasts, and that Christ has not yet come.

[38163] Iª-IIae q. 104 a. 3 co. Respondeo dicendum quod iudicialia praecepta non habuerunt perpetuam obligationem, sed sunt evacuata per adventum Christi, aliter tamen quam caeremonialia. Nam caeremonialia adeo sunt evacuata ut non solum sint mortua, sed etiam mortifera observantibus post Christum, maxime post Evangelium divulgatum. Praecepta autem iudicialia sunt quidem mortua, quia non habent vim obligandi, non tamen sunt mortifera. Quia si quis princeps ordinaret in regno suo illa iudicialia observari, non peccaret, nisi forte hoc modo observarentur, vel observari mandarentur, tanquam habentia vim obligandi ex veteris legis institutione. Talis enim intentio observandi esset mortifera. Et huius differentiae ratio potest accipi ex praemissis. Dictum est enim quod praecepta caeremonialia sunt figuralia primo et per se, tanquam instituta principaliter ad figurandum Christi mysteria ut futura. Et ideo ipsa observatio eorum praeiudicat fidei veritati, secundum quam confitemur illa mysteria iam esse completa. Praecepta autem iudicialia non sunt instituta ad figurandum, sed ad disponendum statum illius populi, qui ordinabatur ad Christum. Et ideo, mutato statu illius populi, Christo iam veniente, iudicialia praecepta obligationem amiserunt, lex enim fuit paedagogus ducens ad Christum, ut dicitur ad Gal. III. Quia tamen huiusmodi iudicialia praecepta non ordinantur ad figurandum, sed ad aliquid fiendum, ipsa eorum observatio absolute non praeiudicat fidei veritati. Sed intentio observandi tanquam ex obligatione legis, praeiudicat veritati fidei, quia per hoc haberetur quod status prioris populi adhuc duraret, et quod Christus nondum venisset.

Reply to Objection 1: The obligation of observing justice is indeed perpetual. But the

[38164] Iª-IIae q. 104 a. 3 ad 1 Ad primum ergo dicendum quod iustitia quidem perpetuo est

determination of those things that are just, according to human or Divine institution, must needs be different, according to the different states of mankind.

observanda. Sed determinatio eorum quae sunt iusta secundum institutionem humanam vel divinam, oportet quod varietur secundum diversum hominum statum.

Reply to Objection 2: The judicial precepts established by men retain their binding force for ever, so long as the state of government remains the same. But if the state or nation pass to another form of government, the laws must needs be changed. For democracy, which is government by the people, demands different laws from those of oligarchy, which is government by the rich, as the Philosopher shows (Polit. iv, 1). Consequently when the state of that people changed, the judicial precepts had to be changed also.

[38165] Iª-IIae q. 104 a. 3 ad 2 Ad secundum dicendum quod praecepta iudicialia ab hominibus instituta habent perpetuam obligationem, manente illo statu regiminis. Sed si civitas vel gens ad aliud regimen deveniat, oportet leges mutari. Non enim eaedem leges conveniunt in democratia, quae est potestas populi, et in oligarchia, quae est potestas divitum; ut patet per philosophum, in sua politica. Et ideo etiam, mutato statu illius populi, oportuit praecepta iudicialia mutari.

Reply to Objection 3: Those judicial precepts directed the people to justice and equity, in keeping with the demands of that state. But after the coming of Christ, there had to be a change in the state of that people, so that in Christ there was no distinction between Gentile and Jew, as there had been before. For this reason the judicial precepts needed to be changed also.

[38166] Iª-IIae q. 104 a. 3 ad 3 Ad tertium dicendum quod illa praecepta iudicialia disponebant populum ad iustitiam et aequitatem secundum quod conveniebat illi statui. Sed post Christum, statum illius populi oportuit mutari, ut iam in Christo non esset discretio gentilis et Iudaei, sicut antea erat. Et propter hoc oportuit etiam praecepta iudicialia mutari.

Q. 104. A. 4. Whether it is possible to assign a distinct division of the judicial precepts?

Objection 1: It would seem that it is impossible to assign a distinct division of the judicial precepts. Because the judicial precepts direct men in their relations to one another. But those things which need to be directed, as pertaining to the relationship between man and man, and which are made use of by men, are not subject to division, since they are infinite in number. Therefore it is not possible to assign a distinct division of the judicial precepts.

[38167] Iª-IIae q. 104 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod praecepta iudicialia non possint habere aliquam certam divisionem. Praecepta enim iudicialia ordinant homines ad invicem. Sed ea quae inter homines ordinari oportet, in usum eorum venientia, non cadunt sub certa distinctione, cum sint infinita. Ergo praecepta iudicialia non possunt habere certam distinctionem.

Objection 2: Further, the judicial precepts are decisions on moral matters. But moral precepts do not seem to be capable of division, except in so far as they are reducible to the precepts of the decalogue. Therefore there is no distinct division of the judicial precepts.

[38168] Iª-IIae q. 104 a. 4 arg. 2 Praeterea, praecepta iudicialia sunt determinationes moralium. Sed moralia praecepta non videntur habere aliquam distinctionem, nisi secundum quod reducuntur ad praecepta Decalogi. Ergo praecepta iudicialia non habent aliquam certam distinctionem.

Objection 3: Further, because there is a distinct

[38169] Iª-IIae q. 104 a. 4 arg. 3 Praeterea,

division of the ceremonial precepts, the Law alludes to this division, by describing some as "sacrifices," others as "observances." But the Law contains no allusion to a division of the judicial precepts. Therefore it seems that they have no distinct division.

praecepta caeremonialia quia certam distinctionem habent, eorum distinctio in lege innuitur, dum quaedam vocantur sacrificia, quaedam observantiae. Sed nulla distinctio innuitur in lege praeceptorum iudicialium. Ergo videtur quod non habeant certam distinctionem.

On the contrary, Wherever there is order there must needs be division. But the notion of order is chiefly applicable to the judicial precepts, since thereby that people was ordained. Therefore it is most necessary that they should have a distinct division.

[38170] Iª-IIae q. 104 a. 4 s. c. Sed contra, ubi est ordo, oportet quod sit distinctio. Sed ratio ordinis maxime pertinet ad praecepta iudicialia, per quae populus ille ordinabatur. Ergo maxime debent habere distinctionem certam.

I answer that, Since law is the art, as it were, of directing or ordering the life of man, as in every art there is a distinct division in the rules of art, so, in every law, there must be a distinct division of precepts: else the law would be rendered useless by confusion. We must therefore say that the judicial precepts of the Old Law, whereby men were directed in their relations to one another, are subject to division according to the divers ways in which man is directed.

Now in every people a fourfold order is to be found: one, of the people's sovereign to his subjects; a second of the subjects among themselves; a third, of the citizens to foreigners; a fourth, of members of the same household, such as the order of the father to his son; of the wife to her husband; of the master to his servant: and according to these four orders we may distinguish different kinds of judicial precepts in the Old Law. For certain precepts are laid down concerning the institution of the sovereign and relating to his office, and about the respect due to him: this is one part of the judicial precepts. Again, certain precepts are given in respect of a man to his fellow citizens: for instance, about buying and selling, judgments and penalties: this is the second part of the judicial precepts. Again, certain precepts are enjoined with regard to foreigners: for instance, about wars waged against their foes, and about the way to receive travelers and strangers: this is the third part of the judicial precepts. Lastly, certain precepts are given relating to home life: for instance, about servants, wives and children: this is the fourth part of the judicial precepts.

[38171] Iª-IIae q. 104 a. 4 co. Respondeo dicendum quod, cum lex sit quasi quaedam ars humanae vitae instituendae vel ordinandae, sicut in unaquaque arte est certa distinctio regularum artis, ita oportet in qualibet lege esse certam distinctionem praeceptorum, aliter enim ipsa confusio utilitatem legis auferret. Et ideo dicendum est quod praecepta iudicialia veteris legis, per quae homines ad invicem ordinabantur, distinctionem habent secundum distinctionem ordinationis humanae. Quadruplex autem ordo in aliquo populo inveniri potest, unus quidem, principum populi ad subditos; alius autem, subditorum ad invicem; tertius autem, eorum qui sunt de populo ad extraneos; quartus autem, ad domesticos, sicut patris ad filium, uxoris ad virum, et domini ad servum. Et secundum istos quatuor ordines distingui possunt praecepta iudicialia veteris legis. Dantur enim quaedam praecepta de institutione principum et officio eorum, et de reverentia eis exhibenda, et haec est una pars iudicialium praeceptorum. Dantur etiam quaedam praecepta pertinentia ad concives ad invicem, puta circa emptiones et venditiones, et iudicia et poenas. Et haec est secunda pars iudicialium praeceptorum. Dantur etiam quaedam praecepta pertinentia ad extraneos, puta de bellis contra hostes, et de susceptione peregrinorum et advenarum. Et haec est tertia pars iudicialium praeceptorum. Dantur etiam in lege quaedam praecepta pertinentia ad domesticam conversationem, sicut de servis, et uxoribus, et filiis. Et haec est quarta pars iudicialium praeceptorum.

Reply to Objection 1: Things pertaining to the ordering of relations between one man and another are indeed infinite in number: yet they are reducible to certain distinct heads, according to the different relations in which one man stands to another, as stated above.

[38172] Iª-IIae q. 104 a. 4 ad 1 Ad primum ergo dicendum quod ea quae pertinent ad ordinationem hominum ad invicem, sunt quidem numero infinita; sed tamen reduci possunt ad aliqua certa, secundum differentiam ordinationis humanae, ut dictum est.

Reply to Objection 2: The precepts of the decalogue held the first place in the moral order, as stated above (Q[100], A[3]): and consequently it is fitting that other moral precepts should be distinguished in relation to them. But the judicial and ceremonial precepts have a different binding force, derived, not from natural reason, but from their institution alone. Hence there is a distinct reason for distinguishing them.

[38173] Iª-IIae q. 104 a. 4 ad 2 Ad secundum dicendum quod praecepta Decalogi sunt prima in genere moralium, ut supra dictum est, et ideo convenienter alia praecepta moralia secundum ea distinguuntur. Sed praecepta iudicialia et caeremonialia habent aliam rationem obligationis non quidem ex ratione naturali sed ex sola institutione. Et ideo distinctionis eorum est alia ratio.

Reply to Objection 3: The Law alludes to the division of the judicial precepts in the very things themselves which are prescribed by the judicial precepts of the Law.

[38174] Iª-IIae q. 104 a. 4 ad 3 Ad tertium dicendum quod ex ipsis rebus quae per praecepta iudicialia ordinantur in lege, innuit lex distinctionem iudicialium praeceptorum.

Q. 105. OF THE REASON FOR THE JUDICIAL PRECEPTS (FOUR ARTICLES)

We must now consider the reason for the judicial precepts: under which head there are four points of inquiry:

(1) Concerning the reason for the judicial precepts relating to the rulers;

(2) Concerning the fellowship of one man with another;

(3) Concerning matters relating to foreigners;

(4) Concerning things relating to domestic matters.

[38175] Iª-IIae q. 105 pr. Deinde considerandum est de ratione iudicialium praeceptorum. Et circa hoc quaeruntur quatuor. Primo, de ratione praeceptorum iudicialium quae pertinent ad principes. Secundo, de his quae pertinent ad convictum hominum ad invicem. Tertio, de his quae pertinent ad extraneos. Quarto, de his quae pertinent ad domesticam conversationem.

Q. 105. A. 1. Whether the Old Law enjoined fitting precepts concerning rulers?

Objection 1: It would seem that the Old Law made unfitting precepts concerning rulers. Because, as the Philosopher says (Polit. iii, 4), "the ordering of the people depends mostly on the chief ruler." But the Law contains no precept relating to the institution of the chief ruler; and yet we find therein prescriptions concerning the inferior rulers: firstly (Ex. 18:21): "Provide out of all the people wise [Vulg.: 'able'] men," etc.; again (Num. 11:16): "Gather unto Me seventy men of the ancients of Israel"; and again (Dt. 1:13): "Let Me have from among you wise and understanding men," etc. Therefore the Law provided insufficiently in regard to the rulers of the people.

[38176] Iª-IIae q. 105 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod inconvenienter lex vetus de principibus ordinaverit. Quia, ut philosophus dicit, in III Polit., *ordinatio populi praecipue dependet ex maximo principatu*. Sed in lege non invenitur qualiter debeat institui supremus princeps. Invenitur autem de inferioribus principibus, primo quidem, Exod. XVIII, provide de omni plebe viros sapientes, etc.; et Num. XI, congrega mihi septuaginta viros de senioribus Israel; et Deut. I, date ex vobis viros sapientes et gnaros, et cetera. Ergo insufficienter lex vetus principes populi ordinavit.

Objection 2: Further, "The best gives of the best," as Plato states (Tim. ii). Now the best ordering of a state or of any nation is to be ruled by a king: because this kind of government approaches nearest in resemblance to the Divine government, whereby God rules the world from the beginning. Therefore the Law should have set a king over the people, and they should not have been allowed a choice in the matter, as indeed they were allowed (Dt. 17:14,15): "When thou . . . shalt say: I will set a king over me . . . thou shalt set him," etc.

[38177] Iª-IIae q. 105 a. 1 arg. 2 Praeterea, optimi est optima adducere, ut Plato dicit. Sed optima ordinatio civitatis vel populi cuiuscumque est ut gubernetur per regem, quia huiusmodi regimen maxime repraesentat divinum regimen, quo unus Deus mundum gubernat. A principio igitur lex debuit regem populo instituere; et non permittere hoc eorum arbitrio, sicut permittitur Deut. XVII, *cum dixeris, constituam super me regem, eum constitues,* et cetera.

Objection 3: Further, according to Mat. 12:25: "Every kingdom divided against itself shall be made desolate": a saying which was verified in the Jewish people, whose destruction was brought

[38178] Iª-IIae q. 105 a. 1 arg. 3 Praeterea, sicut dicitur Matth. XII, omne regnum in se divisum desolabitur, quod etiam experimento patuit in populo Iudaeorum, in quo divisio regni fuit

about by the division of the kingdom. But the Law should aim chiefly at things pertaining to the general well-being of the people. Therefore it should have forbidden the kingdom to be divided under two kings: nor should this have been introduced even by Divine authority; as we read of its being introduced by the authority of the prophet Ahias the Silonite (3 Kings 11:29, seqq.).

destructionis causa. Sed lex praecipue debet intendere ea quae pertinent ad communem salutem populi. Ergo debuit in lege prohiberi divisio regni in duos reges. Nec etiam debuit hoc auctoritate divina introduci; sicut legitur introductum auctoritate domini per Ahiam Silonitem prophetam, III Reg. XI.

Objection 4: Further, just as priests are instituted for the benefit of the people in things concerning God, as stated in Heb. 5:1; so are rulers set up for the benefit of the people in human affairs. But certain things were allotted as a means of livelihood for the priests and Levites of the Law: such as the tithes and first-fruits, and many like things. Therefore in like manner certain things should have been determined for the livelihood of the rulers of the people: the more that they were forbidden to accept presents, as is clearly stated in Ex. 23:8: "You shall not [Vulg.: 'Neither shalt thou'] take bribes, which even blind the wise, and pervert the words of the just."

[38179] Iª-IIae q. 105 a. 1 arg. 4 Praeterea, sicut sacerdotes instituuntur ad utilitatem populi in his quae ad Deum pertinent, ut patet Heb. V; ita etiam principes instituuntur ad utilitatem populi in rebus humanis. Sed sacerdotibus et Levitis qui sunt in lege, deputantur aliqua ex quibus vivere debeant, sicut decimae et primitiae, et multa alia huiusmodi. Ergo similiter principibus populi debuerunt aliqua ordinari unde sustentarentur, et praecipue cum inhibita sit eis munerum acceptio, ut patet Exod. XXIII, *non accipietis munera, quae excaecant etiam prudentes, et subvertunt verba iustorum*.

Objection 5: Further, as a kingdom is the best form of government, so is tyranny the most corrupt. But when the Lord appointed the king, He established a tyrannical law; for it is written (1 Kings 8:11): "This will be the right of the king, that shall reign over you: He will take your sons," etc. Therefore the Law made unfitting provision with regard to the institution of rulers.

[38180] Iª-IIae q. 105 a. 1 arg. 5 Praeterea, sicut regnum est optimum regimen, ita tyrannis est pessima corruptio regiminis. Sed dominus regi instituendo instituit ius tyrannicum, dicitur enim I Reg. VIII, *hoc erit ius regis qui imperaturus est vobis, filios vestros tollet*, et cetera. Ergo inconvenienter fuit provisum per legem circa principum ordinationem.

On the contrary, The people of Israel is commended for the beauty of its order (Num. 24:5): "How beautiful are thy tabernacles, O Jacob, and thy tents." But the beautiful ordering of a people depends on the right establishment of its rulers. Therefore the Law made right provision for the people with regard to its rulers.

[38181] Iª-IIae q. 105 a. 1 s. c. Sed contra est quod populus Israel de pulchritudine ordinationis commendatur, Num. XXIV, *quam pulchra tabernacula tua, Iacob; et tentoria tua, Israel*. Sed pulchritudo ordinationis populi dependet ex principibus bene institutis. Ergo per legem populus fuit circa principes bene institutus.

I answer that, Two points are to be observed concerning the right ordering of rulers in a state or nation. One is that all should take some share in the government: for this form of constitution ensures peace among the people, commends itself to all, and is most enduring, as stated in Polit. ii, 6. The other point is to be observed in respect of the kinds of government, or the different ways in

[38182] Iª-IIae q. 105 a. 1 co. Respondeo dicendum quod circa bonam ordinationem principum in aliqua civitate vel gente, duo sunt attendenda. Quorum unum est ut omnes aliquam partem habeant in principatu, per hoc enim conservatur pax populi, et omnes talem ordinationem amant et custodiunt, ut dicitur in II Polit. Aliud est quod attenditur secundum speciem

which the constitutions are established. For whereas these differ in kind, as the Philosopher states (Polit. iii, 5), nevertheless the first place is held by the "kingdom," where the power of government is vested in one; and "aristocracy," which signifies government by the best, where the power of government is vested in a few. Accordingly, the best form of government is in a state or kingdom, where one is given the power to preside over all; while under him are others having governing powers: and yet a government of this kind is shared by all, both because all are eligible to govern, and because the rules are chosen by all. For this is the best form of polity, being partly kingdom, since there is one at the head of all; partly aristocracy, in so far as a number of persons are set in authority; partly democracy, i.e. government by the people, in so far as the rulers can be chosen from the people, and the people have the right to choose their rulers.

Such was the form of government established by the Divine Law. For Moses and his successors governed the people in such a way that each of them was ruler over all; so that there was a kind of kingdom. Moreover, seventy-two men were chosen, who were elders in virtue: for it is written (Dt. 1:15): "I took out of your tribes wise and honorable, and appointed them rulers": so that there was an element of aristocracy. But it was a democratical government in so far as the rulers were chosen from all the people; for it is written (Ex. 18:21): "Provide out of all the people wise [Vulg.: 'able'] men," etc.; and, again, in so far as they were chosen by the people; wherefore it is written (Dt. 1:13): "Let me have from among you wise [Vulg.: 'able'] men," etc. Consequently it is evident that the ordering of the rulers was well provided for by the Law.

Reply to Objection 1: This people was governed under the special care of God: wherefore it is written (Dt. 7:6): "The Lord thy God hath chosen thee to be His peculiar people": and this is why the Lord reserved to Himself the institution of the chief ruler. For this too did Moses pray (Num. 27:16): "May the Lord the God of the spirits of all the flesh provide a man, that may be over this multitude." Thus by God's orders Josue was set at the head in place of Moses; and we read about

regiminis, vel ordinationis principatuum. Cuius cum sint diversae species, ut philosophus tradit, in III Polit., praecipuae tamen sunt regnum, in quo unus principatur secundum virtutem; et aristocratia, idest potestas optimorum, in qua aliqui pauci principantur secundum virtutem. Unde optima ordinatio principum est in aliqua civitate vel regno, in qua unus praeficitur secundum virtutem qui omnibus praesit; et sub ipso sunt aliqui principantes secundum virtutem; et tamen talis principatus ad omnes pertinet, tum quia ex omnibus eligi possunt, tum quia etiam ab omnibus eliguntur. Talis enim est optima politia, bene commixta ex regno, inquantum unus praeest; et aristocratia, inquantum multi principantur secundum virtutem; et ex democratia, idest potestate populi, inquantum ex popularibus possunt eligi principes, et ad populum pertinet electio principum. Et hoc fuit institutum secundum legem divinam. Nam Moyses et eius successores gubernabant populum quasi singulariter omnibus principantes, quod est quaedam species regni. Eligebantur autem septuaginta duo seniores secundum virtutem, dicitur enim Deut. I, *tuli de vestris tribubus viros sapientes et nobiles, et constitui eos principes*, et hoc erat aristocraticum. Sed democraticum erat quod isti de omni populo eligebantur; dicitur enim Exod. XVIII, *provide de omni plebe viros sapientes,* etc., et etiam quod populus eos eligebat; unde dicitur Deut. I, date ex vobis viros sapientes, et cetera. Unde patet quod optima fuit ordinatio principum quam lex instituit.

[38183] Iª-IIae q. 105 a. 1 ad 1 Ad primum ergo dicendum quod populus ille sub speciali cura Dei regebatur, unde dicitur Deut. VII, *te elegit dominus Deus tuus ut sis ei populus peculiaris*. Et ideo institutionem summi principis dominus sibi reservavit. Et hoc est quod Moyses petivit, Num. XXVII, *provideat dominus Deus spirituum omnis carnis, hominem qui sit super multitudinem hanc*. Et sic ex Dei ordinatione institutus est Iosue in principatu post Moysen, et de singulis iudicibus

each of the judges who succeeded Josue that God "raised . . . up a saviour" for the people, and that "the spirit of the Lord was" in them (Judges 3:9, 10, 15). Hence the Lord did not leave the choice of a king to the people; but reserved this to Himself, as appears from Dt. 17:15: "Thou shalt set him whom the Lord thy God shall choose."

qui post Iosue fuerunt, legitur quod Deus suscitavit populo salvatorem, et quod spiritus domini fuit in eis, ut patet Iudic. III. Et ideo etiam electionem regis non commisit dominus populo, sed sibi reservavit; ut patet Deut. XVII, *eum constitues regem, quem dominus Deus tuus elegerit*.

Reply to Objection 2: A kingdom is the best form of government of the people, so long as it is not corrupt. But since the power granted to a king is so great, it easily degenerates into tyranny, unless he to whom this power is given be a very virtuous man: for it is only the virtuous man that conducts himself well in the midst of prosperity, as the Philosopher observes (Ethic. iv, 3). Now perfect virtue is to be found in few: and especially were the Jews inclined to cruelty and avarice, which vices above all turn men into tyrants. Hence from the very first the Lord did not set up the kingly authority with full power, but gave them judges and governors to rule them. But afterwards when the people asked Him to do so, being indignant with them, so to speak, He granted them a king, as is clear from His words to Samuel (1 Kings 8:7): "They have not rejected thee, but Me, that I should not reign over them."

Nevertheless, as regards the appointment of a king, He did establish the manner of election from the very beginning (Dt. 17:14, seqq.): and then He determined two points: first, that in choosing a king they should wait for the Lord's decision; and that they should not make a man of another nation king, because such kings are wont to take little interest in the people they are set over, and consequently to have no care for their welfare: secondly, He prescribed how the king after his appointment should behave, in regard to himself; namely, that he should not accumulate chariots and horses, nor wives, nor immense wealth: because through craving for such things princes become tyrants and forsake justice. He also appointed the manner in which they were to conduct themselves towards God: namely, that they should continually read and ponder on God's Law, and should ever fear and obey God. Moreover, He decided how they should behave towards their subjects: namely, that they should not proudly despise them, or ill-treat them, and that they should not depart from the paths of

[38184] Iª-IIae q. 105 a. 1 ad 2 Ad secundum dicendum quod regnum est optimum regimen populi, si non corrumpatur. Sed propter magnam potestatem quae regi conceditur, de facili regnum degenerat in tyrannidem, nisi sit perfecta virtus eius cui talis potestas conceditur, quia non est nisi virtuosi bene ferre bonas fortunas, ut philosophus dicit, in IV Ethic. Perfecta autem virtus in paucis invenitur, et praecipue Iudaei crudeles erant et ad avaritiam proni, per quae vitia maxime homines in tyrannidem decidunt. Et ideo dominus a principio eis regem non instituit cum plena potestate, sed iudicem et gubernatorem in eorum custodiam. Sed postea regem ad petitionem populi, quasi indignatus, concessit, ut patet per hoc quod dixit ad Samuelem, I Reg. VIII, *non te abiecerunt, sed me, ne regnem super eos*. Instituit tamen a principio circa regem instituendum, primo quidem, modum eligendi. In quo duo determinavit, ut scilicet in eius electione expectarent iudicium domini; et ut non facerent regem alterius gentis, quia tales reges solent parum affici ad gentem cui praeficiuntur, et per consequens non curare de eis. Secundo, ordinavit circa reges institutos qualiter deberent se habere quantum ad seipsos, ut scilicet non multiplicarent currus et equos, neque uxores, neque etiam immensas divitias; quia ex cupiditate horum principes ad tyrannidem declinant, et iustitiam derelinquunt. Instituit etiam qualiter se deberent habere ad Deum, ut scilicet semper legerent et cogitarent de lege Dei, et semper essent in Dei timore et obedientia. Instituit etiam qualiter se haberent ad subditos suos, ut scilicet non superbe eos contemnerent, aut opprimerent, neque etiam a iustitia declinarent.

justice.

Reply to Objection 3: The division of the kingdom, and a number of kings, was rather a punishment inflicted on that people for their many dissensions, specially against the just rule of David, than a benefit conferred on them for their profit. Hence it is written (Osee 13:11): "I will give thee a king in My wrath"; and (Osee 8:4): "They have reigned, but not by Me: they have been princes, and I knew not."

[38185] Iª-IIae q. 105 a. 1 ad 3 Ad tertium dicendum quod divisio regni, et multitudo regum, magis est populo illi data in poenam pro multis dissensionibus eorum, quas maxime contra regnum David iustum moverant, quam ad eorum profectum. Unde dicitur Osee XIII, *dabo tibi regem in furore meo*; et Osee VIII, *ipsi regnaverunt, et non ex me, principes extiterunt, et non cognovi*.

Reply to Objection 4: The priestly office was bequeathed by succession from father to son: and this, in order that it might be held in greater respect, if not any man from the people could become a priest: since honor was given to them out of reverence for the divine worship. Hence it was necessary to put aside certain things for them both as to tithes and as to first-fruits, and, again, as to oblations and sacrifices, that they might be afforded a means of livelihood. On the other hand, the rulers, as stated above, were chosen from the whole people; wherefore they had their own possessions, from which to derive a living: and so much the more, since the Lord forbade even a king to have superabundant wealth to make too much show of magnificence: both because he could scarcely avoid the excesses of pride and tyranny, arising from such things, and because, if the rulers were not very rich, and if their office involved much work and anxiety, it would not tempt the ambition of the common people; and would not become an occasion of sedition.

[38186] Iª-IIae q. 105 a. 1 ad 4 Ad quartum dicendum quod sacerdotes per successionem originis sacris deputabantur. Et hoc ideo ut in maiori reverentia haberentur, si non quilibet ex populo posset sacerdos fieri, quorum honor cedebat in reverentiam divini cultus. Et ideo oportuit ut eis specialia quaedam deputarentur, tam in decimis quam in primitiis, quam etiam in oblationibus et sacrificiis, ex quibus viverent. Sed principes, sicut dictum est, assumebantur ex toto populo, et ideo habebant certas possessiones proprias, ex quibus vivere poterant. Et praecipue cum dominus prohiberet etiam in rege ne superabundaret divitiis aut magnifico apparatu, tum quia non erat facile quin ex his in superbiam et tyrannidem erigeretur; tum etiam quia, si principes non erant multum divites, et erat laboriosus principatus et sollicitudine plenus, non multum affectabatur a popularibus, et sic tollebatur seditionis materia.

Reply to Objection 5: That right was not given to the king by Divine institution: rather was it foretold that kings would usurp that right, by framing unjust laws, and by degenerating into tyrants who preyed on their subjects. This is clear from the context that follows: "And you shall be his slaves [Douay: 'servants']": which is significative of tyranny, since a tyrant rules is subjects as though they were his slaves. Hence Samuel spoke these words to deter them from asking for a king; since the narrative continues: "But the people would not hear the voice of Samuel." It may happen, however, that even a good king, without being a tyrant, may take away

[38187] Iª-IIae q. 105 a. 1 ad 5 Ad quintum dicendum quod illud ius non dabatur regi ex institutione divina; sed magis praenuntiatur usurpatio regum, qui sibi ius iniquum constituunt in tyrannidem degenerantes, et subditos depraedantes. Et hoc patet per hoc quod in fine subdit, *vosque eritis ei servi*, quod proprie pertinet ad tyrannidem, quia tyranni suis subditis principantur ut servis. Unde hoc dicebat Samuel ad deterrendum eos ne regem peterent, sequitur enim, *noluit autem audire populus vocem Samuelis*. Potest tamen contingere quod etiam bonus rex, absque tyrannide, filios tollat, et constituat tribunos et centuriones, et multa

the sons, and make them tribunes and centurions; and may take many things from his subjects in order to secure the common weal.

accipiat a subditis, propter commune bonum procurandum.

Q. 105. A. 2. Whether the judicial precepts were suitably framed as to the relations of one man with another?

Objection 1: It would seem that the judicial precepts were not suitably framed as regards the relations of one man with another. Because men cannot live together in peace, if one man takes what belongs to another. But this seems to have been approved by the Law: since it is written (Dt. 23:24): "Going into thy neighbor's vineyard, thou mayest eat as many grapes as thou pleasest." Therefore the Old Law did not make suitable provisions for man's peace.

[38188] Iª-IIae q. 105 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod inconvenienter fuerint tradita praecepta iudicialia quantum ad popularium convictum. Non enim possunt homines pacifice vivere ad invicem, si unus accipiat ea quae sunt alterius. Sed hoc videtur esse inductum in lege, dicitur enim Deut. XXIII, *ingressus vineam proximi tui, comede uvas quantum tibi placuerit*. Ergo lex vetus non convenienter providebat hominum paci.

Objection 2: Further, one of the chief causes of the downfall of states has been the holding of property by women, as the Philosopher says (Polit. ii, 6). But this was introduced by the Old Law; for it is written (Num. 27:8): "When a man dieth without a son, his inheritance shall pass to his daughter." Therefore the Law made unsuitable provision for the welfare of the people.

[38189] Iª-IIae q. 105 a. 2 arg. 2 Praeterea, ex hoc maxime multae civitates et regna destruuntur, quod possessiones ad mulieres perveniunt, ut philosophus dicit, in II Polit. Sed hoc fuit introductum in veteri lege, dicitur enim Num. XXVII, *homo cum mortuus fuerit absque filio, ad filiam eius transibit hereditas*. Ergo non convenienter providit lex saluti populi.

Objection 3: Further, it is most conducive to the preservation of human society that men may provide themselves with necessaries by buying and selling, as stated in Polit. i. But the Old Law took away the force of sales; since it prescribes that in the 50th year of the jubilee all that is sold shall return to the vendor (Lev. 25:28). Therefore in this matter the Law gave the people an unfitting command.

[38190] Iª-IIae q. 105 a. 2 arg. 3 Praeterea, societas hominum maxime per hoc conservatur, quod homines emendo et vendendo sibi invicem res suas commutant quibus indigent, ut dicitur in I Polit. Sed lex vetus abstulit virtutem venditionis, mandavit enim quod possessio vendita reverteretur ad venditorem in quinquagesimo anno iubilaei, ut patet Levit. XXV. Inconvenienter igitur lex populum illum circa hoc instituit.

Objection 4: Further, man's needs require that men should be ready to lend: which readiness ceases if the creditors do not return the pledges: hence it is written (Ecclus. 29:10): "Many have refused to lend, not out of wickedness, but they were afraid to be defrauded without cause." And yet this was encouraged by the Law. First, because it prescribed (Dt. 15:2): "He to whom any thing is owing from his friend or neighbor or brother, cannot demand it again, because it is the year of remission of the Lord"; and (Ex. 22:15) it is stated that if a borrowed animal should die

[38191] Iª-IIae q. 105 a. 2 arg. 4 Praeterea, necessitatibus hominum maxime expedit ut homines sint prompti ad mutuum concedendum. Quae quidem promptitudo tollitur per hoc quod creditores accepta non reddunt, unde dicitur Eccli. XXIX, *multi non causa nequitiae non faenerati sunt, sed fraudari gratis timuerunt*. Hoc autem induxit lex. Primo quidem, quia mandavit Deut. XV, *cui debetur aliquid ab amico vel proximo ac fratre suo, repetere non poterit, quia annus remissionis est domini*; et Exod. XXII dicitur quod si praesente domino animal mutuatum

while the owner is present, the borrower is not bound to make restitution. Secondly, because the security acquired through the pledge is lost: for it is written (Dt. 24:10): "When thou shalt demand of thy neighbor any thing that he oweth thee, thou shalt not go into his house to take away a pledge"; and again (Dt. 24:12,13): "The pledge shall not lodge with thee that night, but thou shalt restore it to him presently." Therefore the Law made insufficient provision in the matter of loans.

mortuum fuerit, reddere non tenetur. Secundo, quia aufertur ei securitas quae habetur per pignus, dicitur enim Deut. XXIV, *cum repetes a proximo tuo rem aliquam quam debet tibi, non ingredieris domum eius ut pignus auferas*; et iterum, *non pernoctabit apud te pignus, sed statim reddes ei*. Ergo insufficienter fuit ordinatum in lege de mutuis.

Objection 5: Further, considerable risk attaches to goods deposited with a fraudulent depositary: wherefore great caution should be observed in such matters: hence it is stated in 2 Mac. 3:15 that "the priests . . . called upon Him from heaven, Who made the law concerning things given to be kept, that He would preserve them safe, for them that had deposited them." But the precepts of the Old Law observed little caution in regard to deposits: since it is prescribed (Ex. 22:10,11) that when goods deposited are lost, the owner is to stand by the oath of the depositary. Therefore the Law made unsuitable provision in this matter.

[38192] Iª-IIae q. 105 a. 2 arg. 5 Praeterea, ex defraudatione depositi maximum periculum imminet, et ideo est maxima cautela adhibenda, unde etiam dicitur II Mach. III, quod *sacerdotes invocabant de caelo eum qui de depositis legem posuit, ut his qui deposuerant ea, salva custodiret*. Sed in praeceptis veteris legis parva cautela circa deposita adhibetur, dicitur enim Exod. XXII quod in amissione depositi statur iuramento eius apud quem fuit depositum. Ergo non fuit circa hoc legis ordinatio conveniens.

Objection 6: Further, just as a workman offers his work for hire, so do men let houses and so forth. But there is no need for the tenant to pay his rent as soon as he takes a house. Therefore it seems an unnecessarily hard prescription (Lev. 19:13) that "the wages of him that hath been hired by thee shall not abide with thee until morning."

[38193] Iª-IIae q. 105 a. 2 arg. 6 Praeterea, sicut aliquis mercenarius locat operas suas, ita etiam aliqui locant domum, vel quaecumque alia huiusmodi. Sed non est necessarium ut statim pretium locatae domus conductor exhibeat. Ergo etiam nimis durum fuit quod praecipitur Levit. XIX, *non morabitur opus mercenarii tui apud te usque mane*.

Objection 7: Further, since there is often pressing need for a judge, it should be easy to gain access to one. It was therefore unfitting that the Law (Dt. 17:8,9) should command them to go to a fixed place to ask for judgment on doubtful matters.

[38194] Iª-IIae q. 105 a. 2 arg. 7 Praeterea, cum frequenter immineat iudiciorum necessitas, facilis debet esse accessus ad iudicem. Inconvenienter igitur statuit lex, Deut. XVII, ut irent ad unum locum expetituri iudicium de suis dubiis.

Objection 8: Further, it is possible that not only two, but three or more, should agree to tell a lie. Therefore it is unreasonably stated (Dt. 19:15) that "in the mouth of two or three witnesses every word shall stand."

[38195] Iª-IIae q. 105 a. 2 arg. 8 Praeterea, possibile est non solum duos, sed etiam tres vel plures concordare ad mentiendum. Inconvenienter igitur dicitur Deut. XIX, *in ore duorum vel trium testium stabit omne verbum*.

Objection 9: Further, punishment should be fixed according to the gravity of the fault: for which

[38196] Iª-IIae q. 105 a. 2 arg. 9 Praeterea, poena debet taxari secundum quantitatem culpae, unde

reason also it is written (Dt. 25:2): "According to the measure of the sin, shall the measure also of the stripes be." Yet the Law fixed unequal punishments for certain faults: for it is written (Ex. 22:1) that the thief "shall restore five oxen for one ox, and four sheep for one sheep." Moreover, certain slight offenses are severely punished: thus (Num. 15:32, seqq.) a man is stoned for gathering sticks on the sabbath day: and (Dt. 21:18, seqq.) the unruly son is commanded to be stoned on account of certain small transgressions, viz. because "he gave himself to revelling . . . and banquetings." Therefore the Law prescribed punishments in an unreasonable manner.

dicitur etiam Deut. XXV, *pro mensura peccati erit et plagarum modus*. Sed quibusdam aequalibus culpis lex statuit inaequales poenas, dicitur enim Exod. XXII, quod restituet fur quinque boves pro uno bove, et quatuor oves pro una ove. Quaedam etiam non multum gravia peccata gravi poena puniuntur, sicut Num. XV, lapidatus est qui collegerat ligna in sabbato. Filius etiam protervus propter parva delicta, quia scilicet comessationibus vacabat et conviviis, mandatur lapidari, Deut. XXI. Igitur inconvenienter in lege sunt institutae poenae.

Objection 10: Further, as Augustine says (De Civ. Dei xxi, 11), "Tully writes that the laws recognize eight forms of punishment, indemnity, prison, stripes, retaliation, public disgrace, exile, death, slavery." Now some of these were prescribed by the Law. "Indemnity," as when a thief was condemned to make restitution fivefold or fourfold. "Prison," as when (Num. 15:34) a certain man is ordered to be imprisoned. "Stripes"; thus (Dt. 25:2), "if they see that the offender be worthy of stripes; they shall lay him down, and shall cause him to be beaten before them." "Public disgrace" was brought on to him who refused to take to himself the wife of his deceased brother, for she took "off his shoe from his foot, and" did "spit in his face" (Dt. 25:9). It prescribed the "death" penalty, as is clear from (Lev. 20:9): "He that curseth his father, or mother, dying let him die." The Law also recognized the "lex talionis," by prescribing (Ex. 21:24): "Eye for eye, tooth for tooth." Therefore it seems unreasonable that the Law should not have inflicted the two other punishments, viz. "exile" and "slavery."

[38197] Iª-IIae q. 105 a. 2 arg. 10 Praeterea, sicut Augustinus dicit, XXI de Civ. Dei, *octo genera poenarum in legibus esse scribit Tullius, damnum, vincula, verbera, talionem, ignominiam, exilium, mortem, servitutem*. Ex quibus aliqua sunt in lege statuta. Damnum quidem, sicut cum fur condemnabatur ad quintuplum vel quadruplum. Vincula vero, sicut Num. XV, mandatur de quodam quod in carcerem includatur. Verbera vero, sicut Deut. XXV, *si eum qui peccavit dignum viderint plagis, prosternent, et coram se facient verberari*. Ignominiam etiam inferebat illi qui nolebat accipere uxorem fratris sui defuncti, quae tollebat calceamentum illius, et spuebat in faciem illius. Mortem etiam inferebat, ut patet Levit. XX, *qui maledixerit patri suo aut matri, morte moriatur*. Poenam etiam talionis lex induxit, dicens Exod. XXI, *oculum pro oculo, dentem pro dente*. Inconveniens igitur videtur quod alias duas poenas, scilicet exilium et servitutem, lex vetus non inflixit.

Objection 11: Further, no punishment is due except for a fault. But dumb animals cannot commit a fault. Therefore the Law is unreasonable in punishing them (Ex. 21:29): "If the ox . . . shall kill a man or a woman," it "shall be stoned": and (Lev. 20:16): "The woman that shall lie under any beast, shall be killed together with the same." Therefore it seems that matters pertaining to the relations of one man with another were unsuitably regulated by the Law.

[38198] Iª-IIae q. 105 a. 2 arg. 11 Praeterea, poena non debetur nisi culpae. Sed bruta animalia non possunt habere culpam. Ergo inconvenienter eis infligitur poena, Exod. XXI, *bos lapidibus obruetur qui occiderit virum aut mulierem*. Et Levit. XX dicitur, *mulier quae succubuerit cuilibet iumento, simul interficiatur cum eo*. Sic igitur videtur quod inconvenienter ea quae pertinent ad convictum hominum ad invicem, fuerint in lege veteri ordinata.

Objection 12: Further, the Lord commanded (Ex. 21:12) a murderer to be punished with death. But the death of a dumb animal is reckoned of much less account than the slaying of a man. Hence murder cannot be sufficiently punished by the slaying of a dumb animal. Therefore it is unfittingly prescribed (Dt. 21:1, 4) that "when there shall be found . . . the corpse of a man slain, and it is not known who is guilty of the murder . . . the ancients" of the nearest city "shall take a heifer of the herd, that hath not drawn in the yoke, nor ploughed the ground, and they shall bring her into a rough and stony valley, that never was ploughed, nor sown; and there they shall strike off the head of the heifer."

[38199] Iª-IIae q. 105 a. 2 arg. 12 Praeterea, dominus mandavit Exod. XXI, quod homicidium morte hominis puniretur. Sed mors bruti animalis multo minus reputatur quam occisio hominis. Ergo non potest sufficienter recompensari poena homicidii per occisionem bruti animalis. Inconvenienter igitur mandatur Deut. XXI quod *quando inventum fuerit cadaver occisi hominis, et ignorabitur caedis reus, seniores propinquioris civitatis tollant vitulam de armento quae non traxit iugum nec terram scidit vomere, et ducent eam ad vallem asperam atque saxosam quae numquam arata est nec sementa recepit, et caedent in ea cervices vitulae*.

On the contrary, It is recalled as a special blessing (Ps. 147:20) that "He hath not done in like manner to every nation; and His judgments He hath not made manifest to them."

[38200] Iª-IIae q. 105 a. 2 s. c. Sed contra est quod pro speciali beneficio commemoratur in Psalmo CXLVII, *non fecit taliter omni nationi, et iudicia sua non manifestavit eis*.

I answer that, As Augustine says (De Civ. Dei ii, 21), quoting Tully, "a nation is a body of men united together by consent to the law and by community of welfare." Consequently it is of the essence of a nation that the mutual relations of the citizens be ordered by just laws. Now the relations of one man with another are twofold: some are effected under the guidance of those in authority: others are effected by the will of private individuals. And since whatever is subject to the power of an individual can be disposed of according to his will, hence it is that the decision of matters between one man and another, and the punishment of evildoers, depend on the direction of those in authority, to whom men are subject. On the other hand, the power of private persons is exercised over the things they possess: and consequently their dealings with one another, as regards such things, depend on their own will, for instance in buying, selling, giving, and so forth. Now the Law provided sufficiently in respect of each of these relations between one man and another. For it established judges, as is clearly indicated in Dt. 16:18: "Thou shalt appoint judges and magistrates in all its [Vulg.: 'thy'] gates . . . that they may judge the people with just judgment." It is also directed the manner of pronouncing just judgments, according to Dt. 1:16,17: "Judge that which is just, whether he be

[38201] Iª-IIae q. 105 a. 2 co. Respondeo dicendum quod, sicut Augustinus in II de Civ. Dei introducit a Tullio dictum, *populus est coetus multitudinis iuris consensu et utilitatis communione sociatus*. Unde ad rationem populi pertinet ut communicatio hominum ad invicem iustis praeceptis legis ordinetur. Est autem duplex communicatio hominum ad invicem, una quidem quae fit auctoritate principum; alia autem fit propria voluntate privatarum personarum. Et quia voluntate uniuscuiusque disponi potest quod eius subditur potestati, ideo auctoritate principum, quibus subiecti sunt homines, oportet quod iudicia inter homines exerceantur, et poenae malefactoribus inferantur. Potestati vero privatarum personarum subduntur res possessae, et ideo propria voluntate in his possunt sibi invicem communicare, puta emendo, vendendo, donando, et aliis huiusmodi modis. Circa utramque autem communicationem lex sufficienter ordinavit. Statuit enim iudices, ut patet Deut. XVI, *iudices et magistros constitues in omnibus portis eius, ut iudicent populum iusto iudicio*. Instituit etiam iustum iudicii ordinem, ut dicitur Deut. I, *quod iustum est iudicate, sive civis ille sit sive peregrinus, nulla erit personarum distantia*. Sustulit etiam occasionem iniusti iudicii, acceptionem munerum iudicibus prohibendo; ut patet Exod. XXIII, et Deut. XVI.

one of your own country or a stranger: there shall be no difference of persons." It also removed an occasion of pronouncing unjust judgment, by forbidding judges to accept bribes (Ex. 23:8; Dt. 16:19). It prescribed the number of witnesses, viz. two or three: and it appointed certain punishments to certain crimes, as we shall state farther on (ad 10).

But with regard to possessions, it is a very good thing, says the Philosopher (Polit. ii, 2) that the things possessed should be distinct, and the use thereof should be partly common, and partly granted to others by the will of the possessors. These three points were provided for by the Law. Because, in the first place, the possessions themselves were divided among individuals: for it is written (Num. 33:53,54): "I have given you" the land "for a possession: and you shall divide it among you by lot." And since many states have been ruined through want of regulations in the matter of possessions, as the Philosopher observes (Polit. ii, 6); therefore the Law provided a threefold remedy against the regularity of possessions. The first was that they should be divided equally, wherefore it is written (Num. 33:54): "To the more you shall give a larger part, and to the fewer, a lesser." A second remedy was that possessions could not be alienated for ever, but after a certain lapse of time should return to their former owner, so as to avoid confusion of possessions (cf. ad 3). The third remedy aimed at the removal of this confusion, and provided that the dead should be succeeded by their next of kin: in the first place, the son; secondly, the daughter; thirdly, the brother; fourthly, the father's brother; fifthly, any other next of kin. Furthermore, in order to preserve the distinction of property, the Law enacted that heiresses should marry within their own tribe, as recorded in Num. 36:6.

Secondly, the Law commanded that, in some respects, the use of things should belong to all in common. Firstly, as regards the care of them; for it was prescribed (Dt. 22:1-4): "Thou shalt not pass by, if thou seest thy brother's ox or his sheep go astray; but thou shalt bring them back to thy brother," and in like manner as to other things. Secondly, as regards fruits. For all alike were allowed on entering a friend's vineyard to eat of the fruit, but not to take any away. And, specially, with respect to the poor, it was prescribed that the

Instituit etiam numerum testium duorum vel trium; ut patet Deut. XVII, et XIX. Instituit etiam certas poenas pro diversis delictis, ut post dicetur. Sed circa res possessas optimum est, sicut dicit philosophus, in II Polit., quod possessiones sint distinctae, et usus sit partim communis, partim autem per voluntatem possessorum communicetur. Et haec tria fuerunt in lege statuta. Primo enim, ipsae possessiones divisae erant in singulos, dicitur enim Num. XXXIII, *ego dedi vobis terram in possessionem, quam sorte dividetis vobis*. Et quia per possessionum irregularitatem plures civitates destruuntur, ut philosophus dicit, in II Polit.; ideo circa possessiones regulandas triplex remedium lex adhibuit. Unum quidem, ut secundum numerum hominum aequaliter dividerentur, unde dicitur Num. XXXIII, *pluribus dabitis latiorem, et paucioribus angustiorem*. Aliud remedium est ut possessiones non in perpetuum alienentur, sed certo tempore ad suos possessores revertantur, ut non confundantur sortes possessionum. Tertium remedium est ad huiusmodi confusionem tollendam, ut proximi succedant morientibus, primo quidem gradu, filius; secundo autem, filia; tertio, fratres; quarto, patrui; quinto, quicumque propinqui. Et ad distinctionem sortium conservandam, ulterius lex statuit ut mulieres quae sunt haeredes, nuberent suae tribus hominibus, ut habetur Num. XXXVI. Secundo vero, instituit lex ut quantum ad aliqua usus rerum esset communis. Et primo, quantum ad curam, praeceptum est enim Deut. XXII, *non videbis bovem et ovem fratris tui errantem, et praeteribis, sed reduces fratri tuo*; et similiter de aliis. Secundo, quantum ad fructum. Concedebatur enim communiter quantum ad omnes, ut ingressus in vineam amici posset licite comedere, dum tamen extra non auferret. Quantum ad pauperes vero specialiter, ut eis relinquerentur manipuli obliti, et fructus et racemi remanentes, ut habetur Lev. XIX, et Deut. XXIV. Et etiam communicabantur ea quae nascebantur in septimo anno; ut habetur Exod. XXIII, et Lev. XXV. Tertio vero, statuit lex communicationem factam per eos qui sunt domini rerum. Unam pure gratuitam, unde dicitur Deut. XIV, *anno tertio separabis aliam decimam, venientque Levites et peregrinus et pupillus et vidua, et comedent et saturabuntur*. Aliam vero cum recompensatione utilitatis, sicut per venditionem et emptionem, et locationem et conductionem, et per mutuum, et iterum per

forgotten sheaves, and the bunches of grapes and fruit, should be left behind for them (Lev. 19:9; Dt. 24:19). Moreover, whatever grew in the seventh year was common property, as stated in Ex. 23:11 and Lev. 25:4.

Thirdly, the law recognized the transference of goods by the owner. There was a purely gratuitous transfer: thus it is written (Dt. 14:28,29): "The third day thou shalt separate another tithe . . . and the Levite . . . and the stranger, and the fatherless, and the widow . . . shall come and shall eat and be filled." And there was a transfer for a consideration, for instance, by selling and buying, by letting out and hiring, by loan and also by deposit, concerning all of which we find that the Law made ample provision. Consequently it is clear that the Old Law provided sufficiently concerning the mutual relations of one man with another.

depositum, de quibus omnibus inveniuntur ordinationes certae in lege. Unde patet quod lex vetus sufficienter ordinavit convictum illius populi.

Reply to Objection 1: As the Apostle says (Rom. 13:8), "he that loveth his neighbor hath fulfilled the Law": because, to wit, all the precepts of the Law, chiefly those concerning our neighbor, seem to aim at the end that men should love one another. Now it is an effect of love that men give their own goods to others: because, as stated in 1 Jn. 3:17: "He that . . . shall see his brother in need, and shall shut up his bowels from him: how doth the charity of God abide in him?" Hence the purpose of the Law was to accustom men to give of their own to others readily: thus the Apostle (1 Tim. 6:18) commands the rich "to give easily and to communicate to others." Now a man does not give easily to others if he will not suffer another man to take some little thing from him without any great injury to him. And so the Law laid down that it should be lawful for a man, on entering his neighbor's vineyard, to eat of the fruit there: but not to carry any away, lest this should lead to the infliction of a grievous harm, and cause a disturbance of the peace: for among well-behaved people, the taking of a little does not disturb the peace; in fact, it rather strengthens friendship and accustoms men to give things to one another.

[38202] Iª-IIae q. 105 a. 2 ad 1 Ad primum ergo dicendum quod, sicut apostolus dicit, Rom. XIII, *qui diligit proximum, legem implevit*, quia scilicet omnia praecepta legis, praecipue ordinata ad proximum, ad hunc finem ordinari videntur, ut homines se invicem diligant. Ex dilectione autem procedit quod homines sibi invicem bona sua communicent, quia ut dicitur I Ioan. III, *qui viderit fratrem suum necessitatem patientem, et clauserit viscera sua ab eo, quomodo caritas Dei manet in illo?* Et ideo intendebat lex homines assuefacere ut facile sibi invicem sua communicarent, sicut et apostolus, I ad Tim. VI, divitibus mandat facile tribuere et communicare. Non autem facile communicativus est qui non sustinet quod proximus aliquid modicum de suo accipiat, absque magno sui detrimento. Et ideo lex ordinavit ut liceret intrantem in vineam proximi, racemos ibi comedere, non autem extra deferre, ne ex hoc daretur occasio gravis damni inferendi, ex quo pax perturbaretur. Quae inter disciplinatos non perturbatur ex modicorum acceptione, sed magis amicitia confirmatur, et assuefiunt homines ad facile communicandum.

Reply to Objection 2: The Law did not prescribe that women should succeed to their father's estate

[38203] Iª-IIae q. 105 a. 2 ad 2 Ad secundum dicendum quod lex non statuit quod mulieres

except in default of male issue: failing which it was necessary that succession should be granted to the female line in order to comfort the father, who would have been sad to think that his estate would pass to strangers. Nevertheless the Law observed due caution in the matter, by providing that those women who succeeded to their father's estate, should marry within their own tribe, in order to avoid confusion of tribal possessions, as stated in Num. 36:7,8.

succederent in bonis paternis, nisi in defectu filiorum masculorum. Tunc autem necessarium erat ut successio mulieribus concederetur in consolationem patris, cui grave fuisset si eius hereditas omnino ad extraneos transiret. Adhibuit tamen circa hoc lex cautelam debitam, praecipiens ut mulieres succedentes in haereditate paterna, nuberent suae tribus hominibus, ad hoc quod sortes tribuum non confunderentur, ut habetur Num. ult.

Reply to Objection 3: As the Philosopher says (Polit. ii, 4), the regulation of possessions conduces much to the preservation of a state or nation. Consequently, as he himself observes, it was forbidden by the law in some of the heathen states, "that anyone should sell his possessions, except to avoid a manifest loss." For if possessions were to be sold indiscriminately, they might happen to come into the hands of a few: so that it might become necessary for a state or country to become void of inhabitants. Hence the Old Law, in order to remove this danger, ordered things in such a way that while provision was made for men's needs, by allowing the sale of possessions to avail for a certain period, at the same time the said danger was removed, by prescribing the return of those possessions after that period had elapsed. The reason for this law was to prevent confusion of possessions, and to ensure the continuance of a definite distinction among the tribes.

But as the town houses were not allotted to distinct estates, therefore the Law allowed them to be sold in perpetuity, like movable goods. Because the number of houses in a town was not fixed, whereas there was a fixed limit to the amount of estates, which could not be exceeded, while the number of houses in a town could be increased. On the other hand, houses situated not in a town, but "in a village that hath no walls," could not be sold in perpetuity: because such houses are built merely with a view to the cultivation and care of possessions; wherefore the Law rightly made the same prescription in regard to both (Lev. 25).

[38204] Iª-IIae q. 105 a. 2 ad 3 Ad tertium dicendum quod, sicut philosophus dicit, in II Polit., regulatio possessionum multum confert ad conservationem civitatis vel gentis. Unde, sicut ipse dicit, apud quasdam gentilium civitates statutum fuit *ut nullus possessionem vendere posset, nisi pro manifesto detrimento*. Si enim passim possessiones vendantur, potest contingere quod omnes possessiones ad paucos deveniant, et ita necesse erit civitatem vel regionem habitatoribus evacuari. Et ideo lex vetus, ad huiusmodi periculum amovendum, sic ordinavit quod et necessitatibus hominum subveniretur, concedens possessionum venditionem usque ad certum tempus; et tamen periculum removit, praecipiens ut certo tempore possessio vendita ad vendentem rediret. Et hoc instituit ut sortes non confunderentur, sed semper remaneret eadem distinctio determinata in tribubus. Quia vero domus urbanae non erant sorte distinctae, ideo concessit quod in perpetuum vendi possent, sicut et mobilia bona. Non enim erat statutus numerus domorum civitatis, sicut erat certa mensura possessionis, ad quam non addebatur, poterat autem aliquid addi ad numerum domorum civitatis. Domus vero quae non erant in urbe, sed in villa muros non habente, in perpetuum vendi non poterant, quia huiusmodi domus non construuntur nisi ad cultum et ad custodiam possessionum; et ideo lex congrue statuit idem ius circa utrumque.

Reply to Objection 4: As stated above (ad 1), the purpose of the Law was to accustom men to its

[38205] Iª-IIae q. 105 a. 2 ad 4 Ad quartum dicendum quod, sicut dictum est, intentio legis

precepts, so as to be ready to come to one another's assistance: because this is a very great incentive to friendship. The Law granted these facilities for helping others in the matter not only of gratuitous and absolute donations, but also of mutual transfers: because the latter kind of succor is more frequent and benefits the greater number: and it granted facilities for this purpose in many ways. First of all by prescribing that men should be ready to lend, and that they should not be less inclined to do so as the year of remission drew nigh, as stated in Dt. 15:7, seqq. Secondly, by forbidding them to burden a man to whom they might grant a loan, either by exacting usury, or by accepting necessities of life in security; and by prescribing that when this had been done they should be restored at once. For it is written (Dt. 23:19): "Thou shalt not lend to thy brother money to usury": and (Dt. 24:6): "Thou shalt not take the nether nor the upper millstone to pledge; for he hath pledged his life to thee": and (Ex. 22:26): "If thou take of thy neighbor a garment in pledge, thou shalt give it him again before sunset." Thirdly, by forbidding them to be importunate in exacting payment. Hence it is written (Ex. 22:25): "If thou lend money to any of my people that is poor that dwelleth with thee, thou shalt not be hard upon them as an extortioner." For this reason, too, it is enacted (Dt. 24:10,11): "When thou shalt demand of thy neighbor anything that he oweth thee, thou shalt not go into his house to take away a pledge, but thou shalt stand without, and he shall bring out to thee what he hath": both because a man's house is his surest refuge, wherefore it is offensive to a man to be set upon in his own house; and because the Law does not allow the creditor to take away whatever he likes in security, but rather permits the debtor to give what he needs least. Fourthly, the Law prescribed that debts should cease together after the lapse of seven years. For it was probable that those who could conveniently pay their debts, would do so before the seventh year, and would not defraud the lender without cause. But if they were altogether insolvent, there was the same reason for remitting the debt from love for them, as there was for renewing the loan on account of their need.

As regards animals granted in loan, the Law enacted that if, through the neglect of the person to whom they were lent, they perished or

erat assuefacere homines suis praeceptis ad hoc quod sibi invicem de facili in necessitatibus subvenirent, quia hoc maxime est amicitiae fomentum. Et hanc quidem facilitatem subveniendi non solum statuit in his quae gratis et absolute donantur, sed etiam in his quae mutuo conceduntur, quia huiusmodi subventio frequentior est, et pluribus necessaria. Huiusmodi autem subventionis facilitatem multipliciter instituit. Primo quidem, ut faciles se praeberent ad mutuum exhibendum, nec ab hoc retraherentur anno remissionis appropinquante, ut habetur Deut. XV. Secundo, ne eum cui mutuum concederent, gravarent vel usuris, vel etiam aliqua pignora omnino vitae necessaria accipiendo, et si accepta fuerint, quod statim restituerentur. Dicitur enim Deut. XXIII, *non faeneraberis fratri tuo ad usuram*; et XXIV, *non accipies loco pignoris inferiorem et superiorem molam, quia animam suam apposuit tibi*; et Exod. XXII dicitur, *si pignus a proximo tuo acceperis vestimentum, ante solis occasum reddes ei*. Tertio, ut non importune exigerent. Unde dicitur Exod. XXII, *si pecuniam mutuam dederis populo meo pauperi qui habitat tecum, non urgebis eum quasi exactor*. Et propter hoc etiam mandatur Deut. XXIV, *cum repetes a proximo tuo rem aliquam quam debet tibi, non ingredieris in domum eius ut pignus auferas; sed stabis foris, et ille tibi proferet quod habuerit*, tum quia domus est tutissimum uniuscuiusque receptaculum, unde molestum homini est ut in domo sua invadatur; tum etiam quia non concedit creditori ut accipiat pignus quod voluerit, sed magis debitori ut det quo minus indiguerit. Quarto, instituit quod in septimo anno debita penitus remitterentur. Probabile enim erat ut illi qui commode reddere possent, ante septimum annum redderent, et gratis mutuantem non defraudarent. Si autem omnino impotentes essent, eadem ratione eis erat debitum remittendum ex dilectione, qua etiam erat eis de novo dandum propter indigentiam. Circa animalia vero mutuata haec lex statuit, ut propter negligentiam eius cui mutuata sunt, si in ipsius absentia moriantur vel debilitentur, reddere ea compellatur. Si vero eo praesente et diligenter custodiente, mortua fuerint vel debilitata, non cogebatur restituere, et maxime si erant mercede conducta, quia ita etiam potuissent mori et debilitari apud mutuantem; et ita, si conservationem animalis consequeretur, iam aliquod lucrum reportaret ex mutuo, et non esset gratuitum mutuum. Et maxime hoc

deteriorated in his absence, he was bound to make restitution. But if they perished or deteriorated while he was present and taking proper care of them, he was not bound to make restitution, especially if they were hired for a consideration: because they might have died or deteriorated in the same way if they had remained in possession of the lender, so that if the animal had been saved through being lent, the lender would have gained something by the loan which would no longer have been gratuitous. And especially was this to be observed when animals were hired for a consideration: because then the owner received a certain price for the use of the animals; wherefore he had no right to any profit, by receiving indemnity for the animal, unless the person who had charge of it were negligent. In the case, however, of animals not hired for a consideration, equity demanded that he should receive something by way of restitution at least to the value of the hire of the animal that had perished or deteriorated.

observandum erat quando animalia erant mercede conducta, quia tunc habebat certum pretium pro usu animalium; unde nihil accrescere debebat per restitutionem animalium, nisi propter negligentiam custodientis. Si autem non essent mercede conducta, potuisset habere aliquam aequitatem ut saltem tantum restitueret quantum usus animalis mortui vel debilitati conduci potuisset.

Reply to Objection 5: The difference between a loan and a deposit is that a loan is in respect of goods transferred for the use of the person to whom they are transferred, whereas a deposit is for the benefit of the depositor. Hence in certain cases there was a stricter obligation of returning a loan than of restoring goods held in deposit. Because the latter might be lost in two ways. First, unavoidably: i.e. either through a natural cause, for instance if an animal held in deposit were to die or depreciate in value; or through an extrinsic cause, for instance, if it were taken by an enemy, or devoured by a beast (in which case, however, a man was bound to restore to the owner what was left of the animal thus slain): whereas in the other cases mentioned above, he was not bound to make restitution; but only to take an oath in order to clear himself of suspicion. Secondly, the goods deposited might be lost through an avoidable cause, for instance by theft: and then the depositary was bound to restitution on account of his neglect. But, as stated above (ad 4), he who held an animal on loan, was bound to restitution, even if he were absent when it depreciated or died: because he was held responsible for less negligence than a depositary, who was only held responsible in case of theft.

[38206] Iª-IIae q. 105 a. 2 ad 5 Ad quintum dicendum quod haec differentia est inter mutuum et depositum, quia mutuum traditur in utilitatem eius cui traditur; sed depositum traditur in utilitatem deponentis. Et ideo magis arctabatur aliquis in aliquibus casibus ad restituendum mutuum, quam ad restituendum depositum. Depositum enim perdi poterat dupliciter. Uno modo, ex causa inevitabili, vel naturali, puta si esset mortuum vel debilitatum animal depositum; vel extrinseca, puta si esset captum ab hostibus, vel si esset comestum a bestia; in quo tamen casu tenebatur deferre ad dominum animalis id quod de animali occiso supererat. In aliis autem praedictis casibus nihil reddere tenebatur, sed solum, ad expurgandam suspicionem fraudis, tenebatur iuramentum praestare. Alio modo poterat perdi ex causa evitabili, puta per furtum. Et tunc, propter negligentiam custodis, reddere tenebatur. Sed, sicut dictum est, ille qui mutuo accipiebat animal, tenebatur reddere, etiam si debilitatum aut mortuum fuisset in eius absentia. De minori enim negligentia tenebatur quam depositarius, qui non tenebatur nisi de furto.

Reply to Objection 6: Workmen who offer their labor for hire, are poor men who toil for their daily bread: and therefore the Law commanded wisely that they should be paid at once, lest they should lack food. But they who offer other commodities for hire, are wont to be rich: nor are they in such need of their price in order to gain a livelihood: and consequently the comparison does not hold.

[38207] Iª-IIae q. 105 a. 2 ad 6 Ad sextum dicendum quod mercenarii qui locant operas suas, pauperes sunt, de laboribus suis victum quaerentes quotidianum, et ideo lex provide ordinavit ut statim eis merces solveretur, ne victus eis deficeret. Sed illi qui locant alias res, divites esse consueverunt, nec ita indigent locationis pretio ad suum victum quotidianum. Et ideo non est eadem ratio in utroque.

Reply to Objection 7: The purpose for which judges are appointed among men, is that they may decide doubtful points in matters of justice. Now a matter may be doubtful in two ways. First, among simple-minded people: and in order to remove doubts of this kind, it was prescribed (Dt. 16:18) that "judges and magistrates" should be appointed in each tribe, "to judge the people with just judgment." Secondly, a matter may be doubtful even among experts: and therefore, in order to remove doubts of this kind, the Law prescribed that all should foregather in some chief place chosen by God, where there would be both the high-priest, who would decide doubtful matters relating to the ceremonies of divine worship; and the chief judge of the people, who would decide matters relating to the judgments of men: just as even now cases are taken from a lower to a higher court either by appeal or by consultation. Hence it is written (Dt. 17:8,9): "If thou perceive that there be among you a hard and doubtful matter in judgment . . . and thou see that the words of the judges within thy gates do vary; arise and go up to the place, which the Lord thy God shall choose; and thou shalt come to the priests of the Levitical race, and to the judge that shall be at that time." But such like doubtful matters did not often occur for judgment: wherefore the people were not burdened on this account.

[38208] Iª-IIae q. 105 a. 2 ad 7 Ad septimum dicendum quod iudices ad hoc inter homines constituuntur, quod determinent quod ambiguum inter homines circa iustitiam esse potest. Dupliciter autem aliquid potest esse ambiguum. Uno modo, apud simplices. Et ad hoc dubium tollendum, mandatur Deut. XVI, ut *iudices et magistri constituerentur per singulas tribus, ut iudicarent populum iusto iudicio*. Alio modo contingit aliquid esse dubium etiam apud peritos. Et ideo ad hoc dubium tollendum, constituit lex ut omnes recurrerent ad locum principalem a Deo electum, in quo et summus sacerdos esset, qui determinaret dubia circa caeremonias divini cultus; et summus iudex populi, qui determinaret quae pertinent ad iudicia hominum, sicut etiam nunc per appellationem, vel per consultationem, causae ab inferioribus iudicibus ad superiores deferuntur. Unde dicitur Deut. XVII, *si difficile et ambiguum apud te iudicium perspexeris, et iudicum intra portas tuas videris verba variari; ascende ad locum quem elegerit dominus, veniesque ad sacerdotes levitici generis, et ad iudicem qui fuerit illo tempore*. Huiusmodi autem ambigua iudicia non frequenter emergebant. Unde ex hoc populus non gravabatur.

Reply to Objection 8: In the business affairs of men, there is no such thing as demonstrative and infallible proof, and we must be content with a certain conjectural probability, such as that which an orator employs to persuade. Consequently, although it is quite possible for two or three witnesses to agree to a falsehood, yet it is neither easy nor probable that they succeed in so doing: wherefore their testimony is taken as being true,

[38209] Iª-IIae q. 105 a. 2 ad 8 Ad octavum dicendum quod in negotiis humanis non potest haberi probatio demonstrativa et infallibilis, sed sufficit aliqua coniecturalis probabilitas, secundum quam rhetor persuadet. Et ideo, licet sit possibile duos aut tres testes in mendacium convenire, non tamen est facile nec probabile quod conveniant; et ideo accipitur eorum testimonium tanquam verum; et praecipue si in

especially if they do not waver in giving it, or are not otherwise suspect. Moreover, in order that witnesses might not easily depart from the truth, the Law commanded that they should be most carefully examined, and that those who were found untruthful should be severely punished, as stated in Dt. 19:16, seqq.

There was, however, a reason for fixing on this particular number, in token of the unerring truth of the Divine Persons, Who are sometimes mentioned as two, because the Holy Ghost is the bond of the other two Persons; and sometimes as three: as Augustine observes on Jn. 8:17: "In your law it is written that the testimony of two men is true."

suo testimonio non vacillent, vel alias suspecti non fuerint. Et ad hoc etiam quod non de facili a veritate testes declinarent, instituit lex ut testes diligentissime examinarentur, et graviter punirentur qui invenirentur mendaces, ut habetur Deut. XIX. Fuit tamen aliqua ratio huiusmodi numeri determinandi, ad significandam infallibilem veritatem personarum divinarum, quae quandoque numerantur duae, quia spiritus sanctus est nexus duorum, quandoque exprimuntur tres; ut Augustinus dicit, super illud Ioan. VIII, *in lege vestra scriptum est quia duorum hominum testimonium verum est*.

Reply to Objection 9: A severe punishment is inflicted not only on account of the gravity of a fault, but also for other reasons. First, on account of the greatness of the sin, because a greater sin, other things being equal, deserves a greater punishment. Secondly, on account of a habitual sin, since men are not easily cured of habitual sin except by severe punishments. Thirdly, on account of a great desire for or a great pleasure in the sin: for men are not easily deterred from such sins unless they be severely punished. Fourthly, on account of the facility of committing a sin and of concealing it: for such like sins, when discovered, should be more severely punished in order to deter others from committing them.

Again, with regard to the greatness of a sin, four degrees may be observed, even in respect of one single deed. The first is when a sin is committed unwillingly; because then, if the sin be altogether involuntary, man is altogether excused from punishment; for it is written (Dt. 22:25, seqq.) that a damsel who suffers violence in a field is not guilty of death, because "she cried, and there was no man to help her." But if a man sinned in any way voluntarily, and yet through weakness, as for instance when a man sins from passion, the sin is diminished: and the punishment, according to true judgment, should be diminished also; unless perchance the common weal requires that the sin be severely punished in order to deter others from committing such sins, as stated above. The second degree is when a man sins through ignorance: and then he was held to be guilty to a certain extent,

[38210] Iª-IIae q. 105 a. 2 ad 9 Ad nonum dicendum quod non solum propter gravitatem culpae, sed etiam propter alias causas gravis poena infligitur. Primo quidem, propter quantitatem peccati, quia maiori peccato, ceteris paribus, gravior poena debetur. Secundo, propter peccati consuetudinem, quia a peccatis consuetis non faciliter homines abstrahuntur nisi per graves poenas. Tertio, propter multam concupiscentiam vel delectationem in peccato, ab his enim non de facili homines abstrahuntur nisi per graves poenas. Quarto, propter facilitatem committendi peccatum, et latendi in ipso, huiusmodi enim peccata, quando manifestantur, sunt magis punienda, ad terrorem aliorum. Circa ipsam etiam quantitatem peccati quadruplex gradus est attendendus, etiam circa unum et idem factum. Quorum primus est quando involuntarius peccatum committit. Tunc enim, si omnino est involuntarius, totaliter excusatur a poena, dicitur enim Deut. XXII, quod puella quae opprimitur in agro, *non est rea mortis, quia clamavit, et nullus affuit qui liberaret eam*. Si vero aliquo modo fuerit voluntarius, sed tamen ex infirmitate peccat, puta cum quis peccat ex passione, minuitur peccatum, et poena, secundum veritatem iudicii, diminui debet; nisi forte, propter communem utilitatem, poena aggravetur, ad abstrahendum homines ab huiusmodi peccatis, sicut dictum est. Secundus gradus est quando quis per ignorantiam peccavit. Et tunc aliquo modo reus reputabatur, propter negligentiam addiscendi; sed tamen non puniebatur per iudices, sed expiabat peccatum suum per sacrificia. Unde dicitur Levit. IV, *anima*

on account of his negligence in acquiring knowledge: yet he was not punished by the judges but expiated his sin by sacrifices. Hence it is written (Lev. 4:2): "The soul that sinneth through ignorance," etc. This is, however, to be taken as applying to ignorance of fact; and not to ignorance of the Divine precept, which all were bound to know. The third degree was when a man sinned from pride, i.e. through deliberate choice or malice: and then he was punished according to the greatness of the sin [*Cf. Dt. 25:2]. The fourth degree was when a man sinned from stubbornness or obstinacy: and then he was to be utterly cut off as a rebel and a destroyer of the commandment of the Law [*Cf. Num. 15:30,31].

Accordingly we must say that, in appointing the punishment for theft, the Law considered what would be likely to happen most frequently (Ex. 22:1-9): wherefore, as regards theft of other things which can easily be safeguarded from a thief, the thief restored only twice their value. But sheep cannot be easily safeguarded from a thief, because they graze in the fields: wherefore it happened more frequently that sheep were stolen in the fields. Consequently the Law inflicted a heavier penalty, by ordering four sheep to be restored for the theft of one. As to cattle, they were yet more difficult to safeguard, because they are kept in the fields, and do not graze in flocks as sheep do; wherefore a yet more heavy penalty was inflicted in their regard, so that five oxen were to be restored for one ox. And this I say, unless perchance the animal itself were discovered in the thief's possession: because in that case he had to restore only twice the number, as in the case of other thefts: for there was reason to presume that he intended to restore the animal, since he kept it alive. Again, we might say, according to a gloss, that "a cow is useful in five ways: it may be used for sacrifice, for ploughing, for food, for milk, and its hide is employed for various purposes": and therefore for one cow five had to be restored. But the sheep was useful in four ways: "for sacrifice, for meat, for milk, and for its wool." The unruly son was slain, not because he ate and drank: but on account of his stubbornness and rebellion, which was always punished by death, as stated above. As to the man who gathered sticks on the sabbath, he was stoned as a breaker of the Law, which commanded the sabbath to be observed, to testify the belief in the

quae peccaverit per ignorantiam, et cetera. Sed hoc intelligendum est de ignorantia facti, non autem de ignorantia praecepti divini, quod omnes scire tenebantur. Tertius gradus est quando aliquis ex superbia peccabat, idest ex certa electione vel ex certa malitia. Et tunc puniebatur secundum quantitatem delicti. Quartus autem gradus est quando peccabat per proterviam et pertinaciam. Et tunc, quasi rebellis et destructor ordinationis legis, omnino occidendus erat. Secundum hoc, dicendum est quod in poena furti considerabatur secundum legem id quod frequenter accidere poterat. Et ideo pro furto aliarum rerum, quae de facili custodiri possunt a furibus, non reddebat fur nisi duplum. Oves autem non de facili possunt custodiri a furto, quia pascuntur in agris, et ideo frequentius contingebat quod oves furto subtraherentur. Unde lex maiorem poenam apposuit, ut scilicet quatuor oves pro una ove redderentur. Adhuc autem boves difficilius custodiuntur, quia habentur in agris, et non ita pascuntur gregatim sicut oves. Et ideo adhuc hic maiorem poenam apposuit, ut scilicet quinque boves pro uno bove redderentur. Et hoc dico, nisi forte idem animal inventum fuerit vivens apud eum, quia tunc solum duplum restituebat, sicut et in ceteris furtis; poterat enim haberi praesumptio quod cogitaret restituere, ex quo vivum servasset. Vel potest dici, secundum Glossam, quod *bos habet quinque utilitates, quia immolatur, arat, pascit carnibus, lactat, et corium etiam diversis usibus ministrat*, et ideo pro uno bove quinque boves reddebantur. Ovis autem habet quatuor utilitates, quia immolatur, pascit, lac dat, et lanam ministrat. Filius autem contumax, non quia comedebat et bibebat, occidebatur, sed propter contumaciam et rebellionem, quae semper morte puniebatur, ut dictum est. Ille vero qui colligebat ligna in sabbato, lapidatus fuit tanquam legis violator, quae sabbatum observari praecipiebat in commemorationem fidei novitatis mundi, sicut supra dictum est. Unde occisus fuit tanquam infidelis.

newness of the world, as stated above (Q[100], A[5]): wherefore he was slain as an unbeliever.

Reply to Objection 10: The Old Law inflicted the death penalty for the more grievous crimes, viz. for those which are committed against God, and for murder, for stealing a man, irreverence towards one's parents, adultery and incest. In the case of thief of other things it inflicted punishment by indemnification: while in the case of blows and mutilation it authorized punishment by retaliation; and likewise for the sin of bearing false witness. In other faults of less degree it prescribed the punishment of stripes or of public disgrace.

The punishment of slavery was prescribed by the Law in two cases. First, in the case of a slave who was unwilling to avail himself of the privilege granted by the Law, whereby he was free to depart in the seventh year of remission: wherefore he was punished by remaining a slave for ever. Secondly, in the case of a thief, who had not wherewith to make restitution, as stated in Ex. 22:3.

The punishment of absolute exile was not prescribed by the Law: because God was worshipped by that people alone, whereas all other nations were given to idolatry: wherefore if any man were exiled from that people absolutely, he would be in danger of falling into idolatry. For this reason it is related (1 Kings 26:19) that David said to Saul: "They are cursed in the sight of the Lord, who have case me out this day, that I should not dwell in the inheritance of the Lord, saying: Go, serve strange gods." There was, however, a restricted sort of exile: for it is written in Dt. 19:4 [*Cf. Num. 35:25] that "he that striketh [Vulg.: 'killeth'] his neighbor ignorantly, and is proved to have had no hatred against him, shall flee to one of the cities" of refuge and "abide there until the death of the high-priest." For then it became lawful for him to return home, because when the whole people thus suffered a loss they forgot their private quarrels, so that the next of kin of the slain were not so eager to kill the slayer.

[38211] Iª-IIae q. 105 a. 2 ad 10 Ad decimum dicendum quod lex vetus poenam mortis inflixit in gravioribus criminibus, scilicet in his quae contra Deum peccantur, et in homicidio, et in furto hominum, et in irreverentia ad parentes, et in adulterio, et in incestibus. In furto autem aliarum rerum adhibuit poenam damni. In percussuris autem et mutilationibus induxit poenam talionis; et similiter in peccato falsi testimonii. In aliis autem minoribus culpis induxit poenam flagellationis vel ignominiae. Poenam autem servitutis induxit in duobus casibus. In uno quidem, quando, septimo anno remissionis, ille qui erat servus, nolebat beneficio legis uti ut liber exiret. Unde pro poena ei infligebatur ut in perpetuum servus remaneret. Secundo, infligebatur furi, quando non habebat quod posset restituere, sicut habetur Exod. XXII. Poenam autem exilii universaliter lex non statuit. Quia in solo populo illo Deus colebatur, omnibus aliis populis per idololatriam corruptis, unde si quis a populo illo universaliter exclusus esset, daretur ei occasio idololatriae. Et ideo I Reg. XXVI dicitur quod David dixit ad Saul, *maledicti sunt qui eiecerunt me hodie, ut non habitem in hereditate domini, dicentes, vade, servi diis alienis*. Erat tamen aliquod particulare exilium. Dicitur enim Deut. XIX quod *qui percusserit proximum suum nesciens, et qui nullum contra ipsum habuisse odium comprobatur*, ad unam urbium refugii confugiebat, et ibi manebat usque ad mortem summi sacerdotis. Tunc enim licebat ei redire ad domum suam, quia in universali damno populi consueverunt particulares irae sedari, et ita proximi defuncti non sic proni erant ad eius occisionem.

Reply to Objection 11: Dumb animals were ordered to be slain, not on account of any fault of theirs; but as a punishment to their owners, who

[38212] Iª-IIae q. 105 a. 2 ad 11 Ad undecimum dicendum quod animalia bruta mandabantur occidi, non propter aliquam ipsorum culpam; sed

had not safeguarded their beasts from these offenses. Hence the owner was more severely punished if his ox had butted anyone "yesterday or the day before" (in which case steps might have been taken to butting suddenly). Or again, the animal was slain in detestation of the sin; and lest men should be horrified at the sight thereof.

in poenam dominorum, qui talia animalia non custodierant ab huiusmodi peccatis. Et ideo magis puniebatur dominus si bos cornupeta fuerat ab heri et nudiustertius, in quo casu poterat occurri periculo; quam si subito cornupeta efficeretur. Vel occidebantur animalia in detestationem peccati; et ne ex eorum aspectu aliquis horror hominibus incuteretur.

Reply to Objection 12: The literal reason for this commandment, as Rabbi Moses declares (Doct. Perplex. iii), was because the slayer was frequently from the nearest city: wherefore the slaying of the calf was a means of investigating the hidden murder. This was brought about in three ways. In the first place the elders of the city swore that they had taken every measure for safeguarding the roads. Secondly, the owner of the heifer was indemnified for the slaying of his beast, and if the murder was previously discovered, the beast was not slain. Thirdly, the place, where the heifer was slain, remained uncultivated. Wherefore, in order to avoid this twofold loss, the men of the city would readily make known the murderer, if they knew who he was: and it would seldom happen but that some word or sign would escape about the matter. Or again, this was done in order to frighten people, in detestation of murder. Because the slaying of a heifer, which is a useful animal and full of strength, especially before it has been put under the yoke, signified that whoever committed murder, however useful and strong he might be, was to forfeit his life; and that, by a cruel death, which was implied by the striking off of its head; and that the murderer, as vile and abject, was to be cut off from the fellowship of men, which was betokened by the fact that the heifer after being slain was left to rot in a rough and uncultivated place.

Mystically, the heifer taken from the herd signifies the flesh of Christ; which had not drawn a yoke, since it had done no sin; nor did it plough the ground, i.e. it never knew the stain of revolt. The fact of the heifer being killed in an uncultivated valley signified the despised death of Christ, whereby all sins are washed away, and the devil is shown to be the arch-murderer.

[38213] Iª-IIae q. 105 a. 2 ad 12 Ad duodecimum dicendum quod ratio litteralis illius mandati fuit, ut Rabbi Moyses dicit, quia frequenter interfector est de civitate propinquiori. Unde occisio vitulae fiebat ad explorandum homicidium occultum. Quod quidem fiebat per tria. Quorum unum est quod seniores civitatis iurabant nihil se praetermisisse in custodia viarum. Aliud est quia ille cuius erat vitula damnificabatur in occisione animalis, et si prius manifestaretur homicidium, animal non occideretur. Tertium est quia locus in quo occidebatur vitula, remanebat incultus. Et ideo, ad evitandum utrumque damnum, homines civitatis de facili manifestarent homicidam, si scirent, et raro poterat esse quin aliqua verba vel iudicia super hoc facta essent. Vel hoc fiebat ad terrorem, in detestationem homicidii. Per occisionem enim vitulae, quae est animal utile et fortitudine plenum, praecipue antequam laboret sub iugo, significabatur quod quicumque homicidium fecisset, quamvis esset utilis et fortis, occidendus erat; et morte crudeli, quod cervicis concisio significabat; et quod tanquam vilis et abiectus a consortio hominum excludendus erat, quod significabatur per hoc quod vitula occisa in loco aspero et inculto relinquebatur, in putredinem convertenda. Mystice autem per vitulam de armento significatur caro Christi; quae non traxit iugum, quia non fecit peccatum; nec terram scidit vomere, idest seditionis maculam non admisit. Per hoc autem quod in valle inculta occidebatur, significabatur despecta mors Christi; per quam purgantur omnia peccata, et Diabolus esse homicidii auctor ostenditur.

Q. 105. A. 3. Whether the judicial precepts regarding foreigners were framed in a suitable manner?

Objection 1: It would seem that the judicial precepts regarding foreigners were not suitably framed. For Peter said (Acts 10:34,35): "In very deed I perceive that God is not a respecter of persons, but in every nation, he that feareth Him and worketh justice is acceptable to Him." But those who are acceptable to God should not be excluded from the Church of God. Therefore it is unsuitably commanded (Dt. 23:3) that "the Ammonite and the Moabite, even after the tenth generation, shall not enter into the church of the Lord for ever": whereas, on the other hand, it is prescribed (Dt. 23:7) to be observed with regard to certain other nations: "Thou shalt not abhor the Edomite, because he is thy brother; nor the Egyptian because thou wast a stranger in his land."

[38214] Iª-IIae q. 105 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod iudicialia praecepta non sint convenienter tradita quantum ad extraneos. Dicit enim Petrus, Act. X, *in veritate comperi quoniam non est acceptor personarum Deus; sed in omni gente qui timet Deum et operatur iustitiam, acceptus est illi*. Sed illi qui sunt Deo accepti, non sunt ab Ecclesia Dei excludendi. Inconvenienter igitur mandatur Deut. XXIII, quod *Ammonites et Moabites, etiam post decimam generationem, non intrabunt Ecclesiam domini in aeternum*; e contrario autem ibidem praecipitur de quibusdam gentibus, *non abominaberis Idumaeum, quia frater tuus est; nec Aegyptium, quia advena fuisti in terra eius*.

Objection 2: Further, we do not deserve to be punished for those things which are not in our power. But it is not in man's power to be an eunuch, or born of a prostitute. Therefore it is unsuitably commanded (Dt. 23:1,2) that "an eunuch and one born of a prostitute shalt not enter into the church of the Lord."

[38215] Iª-IIae q. 105 a. 3 arg. 2 Praeterea, ea quae non sunt in potestate nostra, non merentur aliquam poenam. Sed quod homo sit eunuchus, vel ex scorto natus, non est in potestate eius. Ergo inconvenienter mandatur Deut. XXIII, quod *eunuchus, et ex scorto natus, non ingrediatur Ecclesiam domini*.

Objection 3: Further, the Old Law mercifully forbade strangers to be molested: for it is written (Ex. 22:21): "Thou shalt not molest a stranger, nor afflict him; for yourselves also were strangers in the land of Egypt": and (Ex. 23:9): "Thou shalt not molest a stranger, for you know the hearts of strangers, for you also were strangers in the land of Egypt." But it is an affliction to be burdened with usury. Therefore the Law unsuitably permitted them (Dt. 23:19,20) to lend money to the stranger for usury.

[38216] Iª-IIae q. 105 a. 3 arg. 3 Praeterea, lex vetus misericorditer mandavit ut advenae non affligantur, dicitur enim Exod. XXII, *advenam non contristabis, neque affliges eum, advenae enim et ipsi fuistis in terra Aegypti*; et XXIII, *peregrino molestus non eris, scitis enim advenarum animas, quia et ipsi peregrini fuistis in terra Aegypti*. Sed ad afflictionem alicuius pertinet quod usuris opprimatur. Inconvenienter igitur lex permisit, Deut. XXIII, ut alienis ad usuram pecuniam mutuarent.

Objection 4: Further, men are much more akin to us than trees. But we should show greater care and love for these things that are nearest to us, according to Ecclus. 13:19: "Every beast loveth its like: so also every man him that is nearest to himself." Therefore the Lord unsuitably commanded (Dt. 20:13-19) that all the inhabitants of a captured hostile city were to be slain, but that the fruit-trees should not be cut down.

[38217] Iª-IIae q. 105 a. 3 arg. 4 Praeterea, multo magis appropinquant nobis homines quam arbores. Sed his quae sunt nobis magis propinqua, magis debemus affectum et effectum dilectionis impendere; secundum illud Eccli. XIII, *omne animal diligit simile sibi, sic et omnis homo proximum sibi*. Inconvenienter igitur dominus, Deut. XX, mandavit quod de civitatibus hostium captis omnes interficerent, et tamen arbores fructiferas non succiderent.

Objection 5: Further, every one should prefer the common good of virtue to the good of the individual. But the common good is sought in a war which men fight against their enemies. Therefore it is unsuitably commanded (Dt. 20:5-7) that certain men should be sent home, for instance a man that had built a new house, or who had planted a vineyard, or who had married a wife.

[38218] Iª-IIae q. 105 a. 3 arg. 5 Praeterea, bonum commune secundum virtutem est bono privato praeferendum ab unoquoque. Sed in bello quod committitur contra hostes, quaeritur bonum commune. Inconvenienter igitur mandatur Deut. XX, quod, imminente proelio, aliqui domum remittantur, puta qui aedificavit domum novam, qui plantavit vineam, vel qui despondit uxorem.

Objection 6: Further, no man should profit by his own fault. But it is a man's fault if he be timid or faint-hearted: since this is contrary to the virtue of fortitude. Therefore the timid and faint-hearted are unfittingly excused from the toil of battle (Dt. 20:8).

[38219] Iª-IIae q. 105 a. 3 arg. 6 Praeterea, ex culpa non debet quis commodum reportare. Sed quod homo sit formidolosus et corde pavido, culpabile est, contrariatur enim virtuti fortitudinis. Inconvenienter igitur a labore proelii excusabantur formidolosi et pavidum cor habentes.

On the contrary, Divine Wisdom declares (Prov. 8:8): "All my words are just, there is nothing wicked nor perverse in them."

[38220] Iª-IIae q. 105 a. 3 s. c. Sed contra est quod sapientia divina dicit, Prov. VIII, *recti sunt omnes sermones mei, non est in eis pravum quid neque perversum*.

I answer that, Man's relations with foreigners are twofold: peaceful, and hostile: and in directing both kinds of relation the Law contained suitable precepts. For the Jews were offered three opportunities of peaceful relations with foreigners. First, when foreigners passed through their land as travelers. Secondly, when they came to dwell in their land as newcomers. And in both these respects the Law made kind provision in its precepts: for it is written (Ex. 22:21): "Thou shalt not molest a stranger [advenam]"; and again (Ex. 22:9): "Thou shalt not molest a stranger [peregrino]." Thirdly, when any foreigners wished to be admitted entirely to their fellowship and mode of worship. With regard to these a certain order was observed. For they were not at once admitted to citizenship: just as it was law with some nations that no one was deemed a citizen except after two or three generations, as the Philosopher says (Polit. iii, 1). The reason for this was that if foreigners were allowed to meddle with the affairs of a nation as soon as they settled down in its midst, many dangers might occur, since the foreigners not yet having the common good firmly at heart might attempt something hurtful to the people. Hence it was that the Law prescribed in respect of certain nations that had

[38221] Iª-IIae q. 105 a. 3 co. Respondeo dicendum quod cum extraneis potest esse hominum conversatio dupliciter, uno modo, pacifice; alio modo, hostiliter. Et quantum ad utrumque modum ordinandum, lex convenientia praecepta continebat. Tripliciter enim offerebatur Iudaeis occasio ut cum extraneis pacifice communicarent. Primo quidem, quando extranei per terram eorum transitum faciebant quasi peregrini. Alio modo, quando in terram eorum adveniebant ad inhabitandum sicut advenae. Et quantum ad utrumque, lex misericordiae praecepta proposuit, nam Exod. XXII dicitur, *advenam non contristabis*; et XXIII dicitur, *peregrino molestus non eris*. Tertio vero, quando aliqui extranei totaliter in eorum consortium et ritum admitti volebant. Et in his quidam ordo attendebatur. Non enim statim recipiebantur quasi cives, sicut etiam apud quosdam gentilium statutum erat ut non reputarentur cives nisi qui ex avo, vel abavo, cives existerent, ut philosophus dicit, in III Polit. Et hoc ideo quia, si statim extranei advenientes reciperentur ad tractandum ea quae sunt populi, possent multa pericula contingere; dum extranei, non habentes adhuc amorem firmatum ad bonum publicum, aliqua contra populum attentarent. Et ideo lex statuit ut

close relations with the Jews (viz., the Egyptians among whom they were born and educated, and the Idumeans, the children of Esau, Jacob's brother), that they should be admitted to the fellowship of the people after the third generation; whereas others (with whom their relations had been hostile, such as the Ammonites and Moabites) were never to be admitted to citizenship; while the Amalekites, who were yet more hostile to them, and had no fellowship of kindred with them, were to be held as foes in perpetuity: for it is written (Ex. 17:16): "The war of the Lord shall be against Amalec from generation to generation."

In like manner with regard to hostile relations with foreigners, the Law contained suitable precepts. For, in the first place, it commanded that war should be declared for a just cause: thus it is commanded (Dt. 20:10) that when they advanced to besiege a city, they should at first make an offer of peace. Secondly, it enjoined that when once they had entered on a war they should undauntedly persevere in it, putting their trust in God. And in order that they might be the more heedful of this command, it ordered that on the approach of battle the priest should hearten them by promising them God's aid. Thirdly, it prescribed the removal of whatever might prove an obstacle to the fight, and that certain men, who might be in the way, should be sent home. Fourthly, it enjoined that they should use moderation in pursuing the advantage of victory, by sparing women and children, and by not cutting down fruit-trees of that country.

de quibusdam gentibus habentibus aliquam affinitatem ad Iudaeos, scilicet de Aegyptiis, apud quos nati fuerant et nutriti, et de Idumaeis, filiis Esau fratris Iacob, in tertia generatione reciperentur in consortium populi; quidam vero, quia hostiliter se ad eos habuerant, sicut Ammonitae et Moabitae, nunquam in consortium populi admitterentur; Amalecitae autem, qui magis eis fuerant adversati, et cum eis nullum cognationis habebant consortium, quasi hostes perpetui haberentur; dicitur enim Exod. XVII, *bellum Dei erit contra Amalec a generatione in generationem*. Similiter etiam quantum ad hostilem communicationem cum extraneis, lex convenientia praecepta tradidit. Nam primo quidem, instituit ut bellum iuste iniretur, mandatur enim Deut. XX, quod quando accederent ad expugnandum civitatem, offerrent ei primum pacem. Secundo, instituit ut fortiter bellum susceptum exequerentur, habentes de Deo fiduciam. Et ad hoc melius observandum, instituit quod, imminente proelio, sacerdos eos confortaret, promittendo auxilium Dei. Tertio, mandavit ut impedimenta proelii removerentur, remittendo quosdam ad domum, qui possent impedimenta praestare. Quarto, instituit ut victoria moderate uterentur, parcendo mulieribus et parvulis, et etiam ligna fructifera regionis non incidendo.

Reply to Objection 1: The Law excluded the men of no nation from the worship of God and from things pertaining to the welfare of the soul: for it is written (Ex. 12:48): "If any stranger be willing to dwell among you, and to keep the Phase of the Lord; all his males shall first be circumcised, and then shall he celebrate it according to the manner, and he shall be as that which is born in the land." But in temporal matters concerning the public life of the people, admission was not granted to everyone at once, for the reason given above: but to some, i.e. the Egyptians and Idumeans, in the third generation; while others were excluded in perpetuity, in detestation of their past offense, i.e. the peoples of

[38222] Iª-IIae q. 105 a. 3 ad 1 Ad primum ergo dicendum quod homines nullius gentis exclusit lex a cultu Dei et ab his quae pertinent ad animae salutem, dicitur enim Exod. XII, *si quis peregrinorum in vestram voluerit transire coloniam, et facere phase domini; circumcidetur prius omne masculinum eius, et tunc rite celebrabit, eritque simul sicut indigena terrae*. Sed in temporalibus, quantum ad ea quae pertinebant ad communitatem populi, non statim quilibet admittebatur, ratione supra dicta, sed quidam in tertia generatione, scilicet Aegyptii et Idumaei; alii vero perpetuo excludebantur, in detestationem culpae praeteritae, sicut Moabitae et Ammonitae et Amalecitae. Sicut enim punitur

Moab, Ammon, and Amalec. For just as one man is punished for a sin committed by him, in order that others seeing this may be deterred and refrain from sinning; so too may one nation or city be punished for a crime, that others may refrain from similar crimes.

Nevertheless it was possible by dispensation for a man to be admitted to citizenship on account of some act of virtue: thus it is related (Judith 14:6) that Achior, the captain of the children of Ammon, "was joined to the people of Israel, with all the succession of his kindred." The same applies to Ruth the Moabite who was "a virtuous woman" (Ruth 3:11): although it may be said that this prohibition regarded men and not women, who are not competent to be citizens absolutely speaking.

unus homo propter peccatum quod commisit, ut alii videntes timeant et peccare desistant; ita etiam propter aliquod peccatum gens vel civitas potest puniri, ut alii a simili peccato abstineant. Poterat tamen dispensative aliquis in collegium populi admitti propter aliquem virtutis actum, sicut Iudith XIV dicitur quod Achior, dux filiorum Ammon, *appositus est ad populum Israel, et omnis successio generis eius*. Et similiter Ruth Moabitis, quae mulier virtutis erat. Licet possit dici quod illa prohibitio extendebatur ad viros, non ad mulieres, quibus non competit simpliciter esse cives.

Reply to Objection 2: As the Philosopher says (Polit. iii, 3), a man is said to be a citizen in two ways: first, simply; secondly, in a restricted sense. A man is a citizen simply if he has all the rights of citizenship, for instance, the right of debating or voting in the popular assembly. On the other hand, any man may be called citizen, only in a restricted sense, if he dwells within the state, even common people or children or old men, who are not fit to enjoy power in matters pertaining to the common weal. For this reason bastards, by reason of their base origin, were excluded from the "ecclesia," i.e. from the popular assembly, down to the tenth generation. The same applies to eunuchs, who were not competent to receive the honor due to a father, especially among the Jews, where the divine worship was continued through carnal generation: for even among the heathens, those who had many children were marked with special honor, as the Philosopher remarks (Polit. ii, 6). Nevertheless, in matters pertaining to the grace of God, eunuchs were not discriminated from others, as neither were strangers, as already stated: for it is written (Isa. 56:3): "Let not the son of the stranger that adhereth to the Lord speak, saying: The Lord will divide and separate me from His people. And let not the eunuch say: Behold I am a dry tree."

[38223] Iª-IIae q. 105 a. 3 ad 2 Ad secundum dicendum quod, sicut philosophus dicit, in III Polit., dupliciter aliquis dicitur esse civis, uno modo, simpliciter; et alio modo, secundum quid. Simpliciter quidem civis est qui potest agere ea quae sunt civium, puta dare consilium vel iudicium in populo. Secundum quid autem civis dici potest quicumque civitatem inhabitat, etiam viles personae et pueri et senes, qui non sunt idonei ad hoc quod habeant potestatem in his quae pertinent ad commune. Ideo ergo spurii, propter vilitatem originis, excludebantur ab Ecclesia, idest a collegio populi, usque ad decimam generationem. Et similiter eunuchi, quibus non poterat competere honor qui patribus debebatur, et praecipue in populo Iudaeorum, in quo Dei cultus conservabatur per carnis generationem, nam etiam apud gentiles, qui multos filios genuerant, aliquo insigni honore donabantur, sicut philosophus dicit, in II Polit. Tamen quantum ad ea quae ad gratiam Dei pertinent, eunuchi ab aliis non separabantur, sicut nec advenae, ut dictum est, dicitur enim Isaiae LVI, *non dicat filius advenae qui adhaeret domino, dicens, separatione dividet me dominus a populo suo. Et non dicat eunuchus, ecce ego lignum aridum*.

Reply to Objection 3: It was not the intention of the Law to sanction the acceptance of usury from

[38224] Iª-IIae q. 105 a. 3 ad 3 Ad tertium dicendum quod accipere usuras ab alienis non erat

strangers, but only to tolerate it on account of the proneness of the Jews to avarice; and in order to promote an amicable feeling towards those out of whom they made a profit.

secundum intentionem legis, sed ex quadam permissione, propter pronitatem Iudaeorum ad avaritiam; et ut magis pacifice se haberent ad extraneos, a quibus lucrabantur.

Reply to Objection 4: A distinction was observed with regard to hostile cities. For some of them were far distant, and were not among those which had been promised to them. When they had taken these cities, they killed all the men who had fought against God's people; whereas the women and children were spared. But in the neighboring cities which had been promised to them, all were ordered to be slain, on account of their former crimes, to punish which God sent the Israelites as executor of Divine justice: for it is written (Dt. 9:5) "because they have done wickedly, they are destroyed at thy coming in." The fruit-trees were commanded to be left untouched, for the use of the people themselves, to whom the city with its territory was destined to be subjected.

[38225] Iª-IIae q. 105 a. 3 ad 4 Ad quartum dicendum quod circa civitates hostium quaedam distinctio adhibebatur. Quaedam enim erant remotae, non de numero illarum urbium quae eis erant repromissae, et in talibus urbibus expugnatis occidebantur masculi, qui pugnaverant contra populum Dei; mulieribus autem et infantibus parcebatur. Sed in civitatibus vicinis, quae erant eis repromissae omnes mandabantur interfici, propter iniquitates eorum priores, ad quas puniendas dominus populum Israel quasi divinae iustitiae executorem mittebat, dicitur enim Deut. IX, *quia illae egerunt impie, introeunte te deletae sunt*. Ligna autem fructifera mandabantur reservari propter utilitatem ipsius populi, cuius ditioni civitas et eius territorium erat subiiciendum.

Reply to Objection 5: The builder of a new house, the planter of a vineyard, the newly married husband, were excluded from fighting, for two reasons. First, because man is wont to give all his affection to those things which he has lately acquired, or is on the point of having, and consequently he is apt to dread the loss of these above other things. Wherefore it was likely enough that on account of this affection they would fear death all the more, and be so much the less brave in battle. Secondly, because, as the Philosopher says (Phys. ii, 5), "it is a misfortune for a man if he is prevented from obtaining something good when it is within his grasp." And so lest the surviving relations should be the more grieved at the death of these men who had not entered into the possession of the good things prepared for them; and also lest the people should be horror-stricken at the sight of their misfortune: these men were taken away from the danger of death by being removed from the battle.

[38226] Iª-IIae q. 105 a. 3 ad 5 Ad quintum dicendum quod novus aedificator domus, aut plantator vineae, vel desponsator uxoris, excludebatur a proelio propter duo. Primo quidem, quia ea quae homo de novo habet, vel statim paratus est ad habendum, magis solet amare, et per consequens eorum amissionem timere. Unde probabile erat quod ex tali amore magis mortem timerent, et sic minus fortes essent ad pugnandum. Secundo quia, sicut philosophus dicit, in II Physic., *infortunium videtur quando aliquis appropinquat ad aliquod bonum habendum, si postea impediatur ab illo*. Et ideo ne propinqui remanentes magis contristarentur de morte talium, qui bonis sibi paratis potiti non fuerunt; et etiam populus, considerans hoc, horreret; huiusmodi homines a mortis periculo sunt sequestrati per subtractionem a proelio.

Reply to Objection 6: The timid were sent back home, not that they might be the gainers thereby; but lest the people might be the losers by their presence, since their timidity and flight might cause others to be afraid and run away.

[38227] Iª-IIae q. 105 a. 3 ad 6 Ad sextum dicendum quod timidi remittebantur ad domum, non ut ipsi ex hoc commodum consequerentur; sed ne populus ex eorum praesentia incommodum consequeretur, dum per eorum timorem et fugam

etiam alii ad timendum et fugiendum provocarentur.

Q. 105. A. 4. Whether the Old Law set forth suitable precepts about the members of the household?

Objection 1: It would seem that the Old Law set forth unsuitable precepts about the members of the household. For a slave "is in every respect his master's property," as the Philosopher states (Polit. i, 2). But that which is a man's property should be his always. Therefore it was unfitting for the Law to command (Ex. 21:2) that slaves should "go out free" in the seventh year.

[38228] Iª-IIae q. 105 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod inconvenienter lex vetus praecepta ediderit circa personas domesticas. Servus enim id quod est, domini est, ut philosophus dicit, in I Polit. Sed id quod est alicuius, perpetuo eius esse debet. Ergo inconvenienter lex mandavit Exod. XXI, quod servi septimo anno liberi abscederent.

Objection 2: Further, a slave is his master's property, just as an animal, e.g. an ass or an ox. But it is commanded (Dt. 22:1-3) with regard to animals, that they should be brought back to the owner if they be found going astray. Therefore it was unsuitably commanded (Dt. 23:15): "Thou shalt not deliver to his master the servant that is fled to thee."

[38229] Iª-IIae q. 105 a. 4 arg. 2 Praeterea, sicut animal aliquod, ut asinus aut bos, est possessio domini, ita etiam servus. Sed de animalibus praecipitur Deut. XXII, quod restituantur dominis suis, si errare inveniantur. Inconvenienter ergo mandatur Deut. XXIII, *non tradas servum domino suo, qui ad te confugerit*.

Objection 3: Further, the Divine Law should encourage mercy more even than the human law. But according to human laws those who ill-treat their servants and maidservants are severely punished: and the worse treatment of all seems to be that which results in death. Therefore it is unfittingly commanded (Ex. 21:20,21) that "he that striketh his bondman or bondwoman with a rod, and they die under his hands . . . if the party remain alive a day . . . he shall not be subject to the punishment, because it is his money."

[38230] Iª-IIae q. 105 a. 4 arg. 3 Praeterea, lex divina debet magis ad misericordiam provocare quam etiam lex humana. Sed secundum leges humanas graviter puniuntur qui nimis aspere affligunt servos aut ancillas. Asperrima autem videtur esse afflictio ex qua sequitur mors. Inconvenienter igitur statuitur Exod. XXI, quod *qui percusserit servum suum vel ancillam virga, si uno die supervixerit, non subiacebit poenae, quia pecunia illius est*.

Objection 4: Further, the dominion of a master over his slave differs from that of the father over his son (Polit. i, 3). But the dominion of master over slave gives the former the right to sell his servant or maidservant. Therefore it was unfitting for the Law to allow a man to sell his daughter to be a servant or handmaid (Ex. 21:7).

[38231] Iª-IIae q. 105 a. 4 arg. 4 Praeterea, alius est principatus domini ad servum, et patris ad filium, ut dicitur in I et III Polit. Sed hoc ad principatum domini ad servum pertinet, ut aliquis servum vel ancillam vendere possit. Inconvenienter igitur lex permisit quod aliquis venderet filiam suam in famulam vel ancillam.

Objection 5: Further, a father has power over his son. But he who has power over the sinner has the right to punish him for his offenses. Therefore it is unfittingly commanded (Dt. 21:18, seqq.) that a father should bring his son to the ancients of the

[38232] Iª-IIae q. 105 a. 4 arg. 5 Praeterea, pater habet sui filii potestatem. Sed eius est punire excessus, qui habet potestatem super peccantem. Inconvenienter igitur mandatur Deut. XXI, quod pater ducat filium ad seniores civitatis

city for punishment.

puniendum.

Objection 6: Further, the Lord forbade them (Dt. 7:3, seqq.) to make marriages with strange nations; and commanded the dissolution of such as had been contracted (1 Esdras 10). Therefore it was unfitting to allow them to marry captive women from strange nations (Dt. 21:10, seqq.).

[38233] Iª-IIae q. 105 a. 4 arg. 6 Praeterea, dominus prohibuit, Deut. VII, ut cum alienigenis non sociarent coniugia; et coniuncta etiam separarentur, ut patet I Esdrae X. Inconvenienter igitur Deut. XXI conceditur eis ut captivas alienigenarum ducere possint uxores.

Objection 7: Further, the Lord forbade them to marry within certain degrees of consanguinity and affinity, according to Lev. 18. Therefore it was unsuitably commanded (Dt. 25:5) that if any man died without issue, his brother should marry his wife.

[38234] Iª-IIae q. 105 a. 4 arg. 7 Praeterea, dominus in uxoribus ducendis quosdam consanguinitatis et affinitatis gradus praecepit esse vitandos, ut patet Lev. XVIII. Inconvenienter igitur mandatur Deut. XXV, quod si aliquis esset mortuus absque liberis, uxorem ipsius frater eius acciperet.

Objection 8: Further, as there is the greatest familiarity between man and wife, so should there be the staunchest fidelity. But this is impossible if the marriage bond can be sundered. Therefore it was unfitting for the Lord to allow (Dt. 24:1-4) a man to put his wife away, by writing a bill of divorce; and besides, that he could not take her again to wife.

[38235] Iª-IIae q. 105 a. 4 arg. 8 Praeterea, inter virum et uxorem, sicut est maxima familiaritas, ita debet esse firmissima fides. Sed hoc non potest esse, si matrimonium dissolubile fuerit. Inconvenienter igitur dominus permisit, Deut. XXIV, quod aliquis posset uxorem dimittere, scripto libello repudii; et quod etiam ulterius eam recuperare non posset.

Objection 9: Further, just as a wife can be faithless to her husband, so can a slave be to his master, and a son to his father. But the Law did not command any sacrifice to be offered in order to investigate the injury done by a servant to his master, or by a son to his father. Therefore it seems to have been superfluous for the Law to prescribe the "sacrifice of jealousy" in order to investigate a wife's adultery (Num. 5:12, seqq.). Consequently it seems that the Law put forth unsuitable judicial precepts about the members of the household.

[38236] Iª-IIae q. 105 a. 4 arg. 9 Praeterea, sicut uxor potest frangere fidem marito, ita etiam servus domino, et filius patri. Sed ad investigandam iniuriam servi in dominum, vel filii in patrem, non est institutum in lege aliquod sacrificium. Superflue igitur videtur institui sacrificium zelotypiae ad investigandum uxoris adulterium, Num. V. Sic igitur inconvenienter videntur esse tradita in lege praecepta iudicialia circa personas domesticas.

On the contrary, It is written (Ps. 18:10): "The judgments of the Lord are true, justified in themselves."

[38237] Iª-IIae q. 105 a. 4 s. c. Sed contra est quod dicitur in Psalmo XVIII, *iudicia domini vera, iustificata in semetipsa*.

I answer that, The mutual relations of the members of a household regard everyday actions directed to the necessities of life, as the Philosopher states (Polit. i, 1). Now the

[38238] Iª-IIae q. 105 a. 4 co. Respondeo dicendum quod communio domesticarum personarum ad invicem, ut philosophus dicit, in I Polit., est secundum quotidianos actus qui

preservation of man's life may be considered from two points of view. First, from the point of view of the individual, i.e. in so far as man preserves his individuality: and for the purpose of the preservation of life, considered from this standpoint, man has at his service external goods, by means of which he provides himself with food and clothing and other such necessaries of life: in the handling of which he has need of servants. Secondly man's life is preserved from the point of view of the species, by means of generation, for which purpose man needs a wife, that she may bear him children. Accordingly the mutual relations of the members of a household admit of a threefold combination: viz. those of master and servant, those of husband and wife, and those of father and son: and in respect of all these relationships the Old Law contained fitting precepts. Thus, with regard to servants, it commanded them to be treated with moderation---both as to their work, lest, to wit, they should be burdened with excessive labor, wherefore the Lord commanded (Dt. 5:14) that on the Sabbath day "thy manservant and thy maidservant" should "rest even as thyself"---and also as to the infliction of punishment, for it ordered those who maimed their servants, to set them free (Ex. 21:26,27). Similar provision was made in favor of a maidservant when married to anyone (Ex. 21:7, seqq.). Moreover, with regard to those servants in particular who were taken from among the people, the Law prescribed that they should go out free in the seventh year taking whatever they brought with them, even their clothes (Ex. 21:2, seqq.): and furthermore it was commanded (Dt. 15:13) that they should be given provision for the journey.

With regard to wives the Law made certain prescriptions as to those who were to be taken in marriage: for instance, that they should marry a wife from their own tribe (Num. 36:6): and this lest confusion should ensue in the property of various tribes. Also that a man should marry the wife of his deceased brother when the latter died without issue, as prescribed in Dt. 25:5,6: and this in order that he who could not have successors according to carnal origin, might at least have them by a kind of adoption, and that thus the deceased might not be entirely forgotten. It also forbade them to marry certain women; to wit, women of strange nations, through fear of their

ordinantur ad necessitatem vitae. Vita autem hominis conservatur dupliciter. Uno modo, quantum ad individuum, prout scilicet homo idem numero vivit, et ad talem vitae conservationem opitulantur homini exteriora bona, ex quibus homo habet victum et vestitum et alia huiusmodi necessaria vitae; in quibus administrandis indiget homo servis. Alio modo conservatur vita hominis secundum speciem per generationem, ad quam indiget homo uxore, ut ex ea generet filium. Sic igitur in domestica communione sunt tres combinationes, scilicet domini ad servum, viri ad uxorem, patris ad filium. Et quantum ad omnia ista lex vetus convenientia praecepta tradidit. Nam quantum ad servos, instituit ut modeste tractarentur et quantum ad labores, ne scilicet immoderatis laboribus affligerentur, unde Deut. V, dominus mandavit ut in die sabbati requiesceret servus et ancilla tua sicut et tu, et iterum quantum ad poenas infligendas, imposuit enim poenam mutilatoribus servorum ut dimitterent eos liberos, sicut habetur Exod. XXI. Et simile etiam statuit in ancilla quam in uxorem aliquis duxerit. Statuit etiam specialiter circa servos qui erant ex populo, ut septimo anno liberi egrederentur cum omnibus quae apportaverant, etiam vestimentis, ut habetur Exod. XXI. Mandatur etiam insuper Deut. XV, ut ei detur viaticum. Circa uxores vero, statuitur in lege quantum ad uxores ducendas. Ut scilicet ducant uxores suae tribus, sicut habetur Num. ult., et hoc ideo, ne sortes tribuum confundantur. Et quod aliquis in uxorem ducat uxorem fratris defuncti sine liberis, ut habetur Deut. XXV, et hoc ideo, ut ille qui non potuit habere successores secundum carnis originem, saltem habeat per quandam adoptionem, et sic non totaliter memoria defuncti deleretur. Prohibuit etiam quasdam personas ne in coniugium ducerentur, scilicet alienigenas, propter periculum seductionis; et propinquas, propter reverentiam naturalem quae eis debetur. Statuit etiam qualiter uxores iam ductae tractari deberent. Ut scilicet non leviter infamarentur, unde mandatur puniri ille qui falso crimen imponit uxori, ut habetur Deut. XXII. Et quod etiam propter uxoris odium filius detrimentum non pateretur, ut habetur Deut. XXI. Et etiam quod, propter odium uxorem non affligeret, sed potius, scripto libello, eam dimitteret, ut patet Deut. XXIV. Et ut etiam maior dilectio inter coniuges a principio contrahatur, praecipitur quod, cum aliquis nuper uxorem acceperit, nihil ei publicae necessitatis iniungatur,

losing their faith; and those of their near kindred, on account of the natural respect due to them. Furthermore it prescribed in what way wives were to be treated after marriage. To wit, that they should not be slandered without grave reason: wherefore it ordered punishment to be inflicted on the man who falsely accused his wife of a crime (Dt. 22:13, seqq.). Also that a man's hatred of his wife should not be detrimental to his son (Dt. 21:15, seqq.). Again, that a man should not ill-use his wife through hatred of her, but rather that he should write a bill of divorce and send her away (Dt. 24:1). Furthermore, in order to foster conjugal love from the very outset, it was prescribed that no public duties should be laid on a recently married man, so that he might be free to rejoice with his wife.

ut libere possit laetari cum uxore sua. Circa filios autem, instituit ut patres eis disciplinam adhiberent, instruendo eos in fide, unde habetur Exod. XII, *cum dixerint vobis filii vestri, quae est ista religio? Dicetis eis, victima transitus domini est*. Et quod etiam instruerent eos in moribus, unde dicitur Deut. XXI, quod patres dicere debent, *monita nostra audire contemnit, commessationibus vacat et luxuriae atque conviviis*.

With regard to children, the Law commanded parents to educate them by instructing them in the faith: hence it is written (Ex. 12:26, seqq.): "When your children shall say to you: What is the meaning of this service? You shall say to them: It is the victim of the passage of the Lord." Moreover, they are commanded to teach them the rules of right conduct: wherefore it is written (Dt. 21:20) that the parents had to say: "He slighteth hearing our admonitions, he giveth himself to revelling and to debauchery."

Reply to Objection 1: As the children of Israel had been delivered by the Lord from slavery, and for this reason were bound to the service of God, He did not wish them to be slaves in perpetuity. Hence it is written (Lev. 25:39, seqq.): "If thy brother, constrained by poverty, sell himself to thee, thou shalt not oppress him with the service of bondservants: but he shall be as a hireling and a sojourner . . . for they are My servants, and I brought them out of the land of Egypt: let them not be sold as bondmen": and consequently, since they were slaves, not absolutely but in a restricted sense, after a lapse of time they were set free.

[38239] Iª-IIae q. 105 a. 4 ad 1 Ad primum ergo dicendum quod, quia filii Israel erant a domino de servitute liberati, et per hoc divinae servituti addicti, noluit dominus ut in perpetuum servi essent. Unde dicitur Lev. XXV, *si paupertate compulsus vendiderit se tibi frater tuus, non eum opprimes servitute famulorum, sed quasi mercenarius et colonus erit. Mei enim sunt servi, et ego eduxi eos de terra Aegypti, non veneant conditione servorum*. Et ideo, quia simpliciter servi non erant, sed secundum quid, finito tempore, dimittebantur liberi.

Reply to Objection 2: This commandment is to be understood as referring to a servant whom his master seeks to kill, or to help him in committing some sin.

[38240] Iª-IIae q. 105 a. 4 ad 2 Ad secundum dicendum quod mandatum illud intelligitur de servo qui a domino quaeritur ad occidendum, vel ad aliquod peccati ministerium.

Reply to Objection 3: With regard to the ill-

[38241] Iª-IIae q. 105 a. 4 ad 3 Ad tertium

treatment of servants, the Law seems to have taken into consideration whether it was certain or not: since if it were certain, the Law fixed a penalty: for maiming, the penalty was forfeiture of the servant, who was ordered to be given his liberty: while for slaying, the punishment was that of a murderer, when the slave died under the blow of his master. If, however, the hurt was not certain, but only probable, the Law did not impose any penalty as regards a man's own servant: for instance if the servant did not die at once after being struck, but after some days: for it would be uncertain whether he died as a result of the blows he received. For when a man struck a free man, yet so that he did not die at once, but "walked abroad again upon his staff," he that struck him was quit of murder, even though afterwards he died. Nevertheless he was bound to pay the doctor's fees incurred by the victim of his assault. But this was not the case if a man killed his own servant: because whatever the servant had, even his very person, was the property of his master. Hence the reason for his not being subject to a pecuniary penalty is set down as being "because it is his money."

dicendum quod circa laesiones servis illatas, lex considerasse videtur utrum sit certa vel incerta. Si enim laesio certa esset, lex poenam adhibuit, pro mutilatione quidem, amissionem servi qui mandabatur libertati donandus; pro morte autem, homicidii poenam, cum servus in manu domini verberantis moreretur. Si vero laesio non esset certa, sed aliquam apparentiam haberet, lex nullam poenam infligebat in proprio servo, puta cum percussus servus non statim moriebatur, sed post aliquos dies. Incertum enim erat utrum ex percussione mortuus esset. Quia si percussisset liberum hominem, ita tamen quod statim non moreretur, sed super baculum suum ambularet, non erat homicidii reus qui percusserat, etiam si postea moreretur. Tenebatur tamen ad impensas solvendas quas percussus in medicos fecerat. Sed hoc in servo proprio locum non habebat, quia quidquid servus habebat, et etiam ipsa persona servi, erat quaedam possessio domini. Et ideo pro causa assignatur quare non subiaceat poenae pecuniariae, quia pecunia illius est.

Reply to Objection 4: As stated above (ad 1), no Jew could own a Jew as a slave absolutely: but only in a restricted sense, as a hireling for a fixed time. And in this way the Law permitted that through stress of poverty a man might sell his son or daughter. This is shown by the very words of the Law, where we read: "If any man sell his daughter to be a servant, she shall not go out as bondwomen are wont to go out." Moreover, in this way a man might sell not only his son, but even himself, rather as a hireling than as a slave, according to Lev. 25:39,40: "If thy brother, constrained by poverty, sell himself to thee, thou shalt not oppress him with the service of bondservants: but he shall be as a hireling and a sojourner."

[38242] Iª-IIae q. 105 a. 4 ad 4 Ad quartum dicendum quod, sicut dictum est, nullus Iudaeus poterat possidere Iudaeum quasi simpliciter servum; sed erat servus secundum quid, quasi mercenarius, usque ad tempus. Et per hunc modum permittebat lex quod, paupertate cogente, aliquis filium aut filiam venderet. Et hoc etiam verba ipsius legis ostendunt, dicit enim, *si quis vendiderit filiam suam in famulam, non egredietur sicut ancillae exire consueverunt*. Per hunc etiam modum non solum filium, sed etiam seipsum aliquis vendere poterat, magis quasi mercenarium quam quasi servum; secundum illud Levit. XXV, *si paupertate compulsus vendiderit se tibi frater tuus, non eum opprimes servitute famulorum, sed quasi mercenarius et colonus erit*.

Reply to Objection 5: As the Philosopher says (Ethic. x, 9), the paternal authority has the power only of admonition; but not that of coercion, whereby rebellious and headstrong persons can be compelled. Hence in this case the Lord commanded the stubborn son to be punished by the rulers of the city.

[38243] Iª-IIae q. 105 a. 4 ad 5 Ad quintum dicendum quod, sicut philosophus dicit, in X Ethic., principatus paternus habet solam admonendi potestatem; non autem habet vim coactivam, per quam rebelles et contumaces comprimi possunt. Et ideo in hoc casu lex mandabat ut filius contumax a principibus

civitatis puniretur.

Reply to Objection 6: The Lord forbade them to marry strange women on account of the danger of seduction, lest they should be led astray into idolatry. And specially did this prohibition apply with respect to those nations who dwelt near them, because it was more probable that they would adopt their religious practices. When, however, the woman was willing to renounce idolatry, and become an adherent of the Law, it was lawful to take her in marriage: as was the case with Ruth whom Booz married. Wherefore she said to her mother-in-law (Ruth 1:16): "Thy people shall be my people, and thy God my God." Accordingly it was not permitted to marry a captive woman unless she first shaved her hair, and pared her nails, and put off the raiment wherein she was taken, and mourned for her father and mother, in token that she renounced idolatry for ever.

[38244] Iª-IIae q. 105 a. 4 ad 6 Ad sextum dicendum quod dominus alienigenas prohibuit in matrimonium duci propter periculum seductionis, ne inducerentur in idololatriam. Et specialiter hoc prohibuit de illis gentibus quae in vicino habitabant, de quibus erat magis probabile quod suos ritus retinerent. Si qua vero idololatriae cultum dimittere vellet, et ad legis cultum se transferre, poterat in matrimonium duci, sicut patet de Ruth, quam duxit Booz in uxorem. Unde ipsa dixerat socrui suae, *populus tuus populus meus, Deus tuus Deus meus*, ut habetur Ruth I. Et ideo captiva non aliter permittebatur in uxorem duci nisi prius rasa caesarie, et circumcisis unguibus, et deposita veste in qua capta est, et fleret patrem et matrem, per quae significatur idololatriae perpetua abiectio.

Reply to Objection 7: As Chrysostom says (Hom. xlviii super Matth.), "because death was an unmitigated evil for the Jews, who did everything with a view to the present life, it was ordained that children should be born to the dead man through his brother: thus affording a certain mitigation to his death. It was not, however, ordained that any other than his brother or one next of kin should marry the wife of the deceased, because" the offspring of this union "would not be looked upon as that of the deceased: and moreover, a stranger would not be under the obligation to support the household of the deceased, as his brother would be bound to do from motives of justice on account of his relationship." Hence it is evident that in marrying the wife of his dead brother, he took his dead brother's place.

[38245] Iª-IIae q. 105 a. 4 ad 7 Ad septimum dicendum quod, sicut Chrysostomus dicit, super Matth., *quia immitigabile malum mors erat apud Iudaeos, qui omnia pro praesenti vita faciebant, statutum fuit ut defuncto filius nasceretur ex fratre, quod erat quaedam mortis mitigatio. Non autem alius quam frater vel propinquus iubebatur accipere uxorem defuncti, quia non ita crederetur* (qui ex tali coniunctione erat nasciturus) *esse filius eius qui obiit; et iterum extraneus non ita haberet necessitatem statuere domum eius qui obierat, sicut frater, cui etiam ex cognatione hoc facere iustum erat*. Ex quo patet quod frater in accipiendo uxorem fratris sui, persona fratris defuncti fungebatur.

Reply to Objection 8: The Law permitted a wife to be divorced, not as though it were just absolutely speaking, but on account of the Jews' hardness of heart, as Our Lord declared (Mat. 19:8). Of this, however, we must speak more fully in the treatise on Matrimony (SP, Q[67]).

[38246] Iª-IIae q. 105 a. 4 ad 8 Ad octavum dicendum quod lex permisit repudium uxoris, non quia simpliciter iustum esset, sed propter duritiam Iudaeorum; ut dominus dicit, Matth. XIX. Sed de hoc oportet plenius tractari cum de matrimonio agetur.

Reply to Objection 9: Wives break their conjugal

[38247] Iª-IIae q. 105 a. 4 ad 9 Ad nonum

faith by adultery, both easily, for motives of pleasure, and hiddenly, since "the eye of the adulterer observeth darkness" (Job 24:15). But this does not apply to a son in respect of his father, or to a servant in respect of his master: because the latter infidelity is not the result of the lust of pleasure, but rather of malice: nor can it remain hidden like the infidelity of an adulterous woman.

dicendum quod uxores fidem matrimonii frangunt per adulterium et de facili, propter delectationem; et latenter, *quia oculus adulteri observat caliginem*, ut dicitur Iob XXIV. Non autem est similis ratio de filio ad patrem, vel de servo ad dominum, quia talis infidelitas non procedit ex concupiscentia delectationis, sed magis ex malitia; nec potest ita latere sicut infidelitas mulieris adulterae.

Q. 106. OF THE LAW OF THE GOSPEL, CALLED THE NEW LAW, CONSIDERED IN ITSELF (FOUR ARTICLES)

In proper sequence we have to consider now the Law of the Gospel which is called the New Law: and in the first place we must consider it in itself; secondly, in comparison with the Old Law; thirdly, we shall treat of those things that are contained in the New Law. Under the first head there are four points of inquiry:

(1) What kind of law is it? i.e. Is it a written law or is it instilled in the heart?

(2) Of its efficacy, i.e. does it justify?

(3) Of its beginning: should it have been given at the beginning of the world?

(4) Of its end: i.e. whether it will last until the end, or will another law take its place?

[38248] Iª-IIae q. 106 pr. Consequenter considerandum est de lege Evangelii, quod dicitur lex nova. Et primo, de ipsa secundum se; secundo, de ipsa per comparationem ad legem veterem; tertio, de his quae in lege nova continentur. Circa primum quaeruntur quatuor. Primo, qualis sit, utrum scilicet scripta vel indita. Secundo, de virtute eius, utrum iustificet. Tertio, de principio eius, utrum debuerit dari a principio mundi. Quarto, de termino eius utrum scilicet sit duratura usque ad finem, an debeat ei alia lex succedere.

Q. 106. A. 1. Whether the New Law is a written law?

Objection 1: It would seem that the New Law is a written law. For the New Law is just the same as the Gospel. But the Gospel is set forth in writing, according to Jn. 20:31: "But these are written that you may believe." Therefore the New Law is a written law.

[38249] Iª-IIae q. 106 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex nova sit lex scripta. Lex enim nova est ipsum Evangelium. Sed Evangelium est descriptum, Ioan. XX, *haec autem scripta sunt ut credatis*. Ergo lex nova est lex scripta.

Objection 2: Further, the law that is instilled in the heart is the natural law, according to Rom. 2:14,15: "(The Gentiles) do by nature those things that are of the law . . . who have [Vulg.: 'show'] the work of the law written in their hearts." If therefore the law of the Gospel were instilled in our hearts, it would not be distinct from the law of nature.

[38250] Iª-IIae q. 106 a. 1 arg. 2 Praeterea, lex indita est lex naturae; secundum illud Rom. II, *naturaliter ea quae legis sunt faciunt, qui habent opus legis scriptum in cordibus suis*. Si igitur lex Evangelii esset lex indita, non differret a lege naturae.

Objection 3: Further, the law of the Gospel is proper to those who are in the state of the New Testament. But the law that is instilled in the heart is common to those who are in the New Testament and to those who are in the Old Testament: for it is written (Wis. 7:27) that Divine Wisdom "through nations conveyeth herself into holy souls, she maketh the friends of God and prophets." Therefore the New Law is not instilled in our hearts.

[38251] Iª-IIae q. 106 a. 1 arg. 3 Praeterea, lex Evangelii propria est eorum qui sunt in statu novi testamenti. Sed lex indita communis est et eis qui sunt in novo testamento, et eis qui sunt in veteri testamento, dicitur enim Sap. VII, quod *divina sapientia per nationes in animas sanctas se transfert, amicos Dei et prophetas constituit*. Ergo lex nova non est lex indita.

On the contrary, The New Law is the law of the New Testament. But the law of the New Testament is instilled in our hearts. For the Apostle, quoting the authority of Jeremiah 31:31, 33: "Behold the days shall come, saith the Lord; and I will perfect unto the house of Israel, and unto the house of Judah, a new testament," says, explaining what this statement is (Heb. 8:8, 10): "For this is the testament which I will make to the house of Israel . . . by giving [Vulg.: 'I will give'] My laws into their mind, and in their heart will I write them." Therefore the New Law is instilled in our hearts.

[38252] Iª-IIae q. 106 a. 1 s. c. Sed contra est quod lex nova est lex novi testamenti. Sed lex novi testamenti est indita in corde. Apostolus enim, ad Heb. VIII, dicit, inducens auctoritatem quae habetur Ierem. XXXI, *ecce dies venient, dicit dominus, et consummabo super domum Israel et super domum Iuda testamentum novum*, et exponens quid sit hoc testamentum, dicit, *quia hoc est testamentum quod disponam domui Israel, dando leges meas in mentem eorum, et in corde eorum superscribam eas*. Ergo lex nova est lex indita.

I answer that, "Each thing appears to be that which preponderates in it," as the Philosopher states (Ethic. ix, 8). Now that which is preponderant in the law of the New Testament, and whereon all its efficacy is based, is the grace of the Holy Ghost, which is given through faith in Christ. Consequently the New Law is chiefly the grace itself of the Holy Ghost, which is given to those who believe in Christ. This is manifestly stated by the Apostle who says (Rom. 3:27): "Where is . . . thy boasting? It is excluded. By what law? Of works? No, but by the law of faith": for he calls the grace itself of faith "a law." And still more clearly it is written (Rom. 8:2): "The law of the spirit of life, in Christ Jesus, hath delivered me from the law of sin and of death." Hence Augustine says (De Spir. et Lit. xxiv) that "as the law of deeds was written on tables of stone, so is the law of faith inscribed on the hearts of the faithful": and elsewhere, in the same book (xxi): "What else are the Divine laws written by God Himself on our hearts, but the very presence of His Holy Spirit?"

Nevertheless the New Law contains certain things that dispose us to receive the grace of the Holy Ghost, and pertaining to the use of that grace: such things are of secondary importance, so to speak, in the New Law; and the faithful need to be instructed concerning them, both by word and writing, both as to what they should believe and as to what they should do. Consequently we must say that the New Law is in the first place a law that is inscribed on our hearts, but that secondarily it is a written law.

[38253] Iª-IIae q. 106 a. 1 co. Respondeo dicendum quod *unaquaeque res illud videtur esse quod in ea est potissimum*, ut philosophus dicit, in IX Ethic. Id autem quod est potissimum in lege novi testamenti, et in quo tota virtus eius consistit, est gratia spiritus sancti, quae datur per fidem Christi. Et ideo principaliter lex nova est ipsa gratia spiritus sancti, quae datur Christi fidelibus. Et hoc manifeste apparet per apostolum, qui, ad Rom. III, dicit, *ubi est ergo gloriatio tua? Exclusa est. Per quam legem? Factorum? Non, sed per legem fidei*, ipsam enim fidei gratiam legem appellat. Et expressius ad Rom. VIII dicitur, *lex spiritus vitae in Christo Iesu liberavit me a lege peccati et mortis*. Unde et Augustinus dicit, in libro de spiritu et littera, quod *sicut lex factorum scripta fuit in tabulis lapideis, ita lex fidei scripta est in cordibus fidelium*. Et alibi dicit in eodem libro, *quae sunt leges Dei ab ipso Deo scriptae in cordibus, nisi ipsa praesentia spiritus sancti?* Habet tamen lex nova quaedam sicut dispositiva ad gratiam spiritus sancti, et ad usum huius gratiae pertinentia, quae sunt quasi secundaria in lege nova, de quibus oportuit instrui fideles Christi et verbis et scriptis, tam circa credenda quam circa agenda. Et ideo dicendum est quod principaliter nova lex est lex indita, secundario autem est lex scripta.

Reply to Objection 1: The Gospel writings contain only such things as pertain to the grace of the Holy Ghost, either by disposing us thereto, or by directing us to the use thereof. Thus with regard to the intellect, the Gospel contains certain matters pertaining to the manifestation of Christ's Godhead or humanity, which dispose us by means of faith through which we receive the grace of the Holy Ghost: and with regard to the affections, it contains matters touching the contempt of the world, whereby man is rendered fit to receive the grace of the Holy Ghost: for "the world," i.e. worldly men, "cannot receive" the Holy Ghost (Jn. 14:17). As to the use of spiritual grace, this consists in works of virtue to which the writings of the New Testament exhort men in divers ways.

[38254] Iª-IIae q. 106 a. 1 ad 1 Ad primum ergo dicendum quod in Scriptura Evangelii non continentur nisi ea quae pertinent ad gratiam spiritus sancti vel sicut dispositiva, vel sicut ordinativa ad usum huius gratiae. Sicut dispositiva quidem quantum ad intellectum per fidem, per quam datur spiritus sancti gratia, continentur in Evangelio ea quae pertinent ad manifestandam divinitatem vel humanitatem Christi. Secundum affectum vero, continentur in Evangelio ea quae pertinent ad contemptum mundi, per quem homo fit capax gratiae spiritus sancti, mundus enim, idest amatores mundi, non potest capere spiritum sanctum, ut habetur Ioan. XIV. Usus vero spiritualis gratiae est in operibus virtutum, ad quae multipliciter Scriptura novi testamenti homines exhortatur.

Reply to Objection 2: There are two ways in which a thing may be instilled into man. First, through being part of his nature, and thus the natural law is instilled into man. Secondly, a thing is instilled into man by being, as it were, added on to his nature by a gift of grace. In this way the New Law is instilled into man, not only by indicating to him what he should do, but also by helping him to accomplish it.

[38255] Iª-IIae q. 106 a. 1 ad 2 Ad secundum dicendum quod dupliciter est aliquid inditum homini. Uno modo, pertinens ad naturam humanam, et sic lex naturalis est lex indita homini. Alio modo est aliquid inditum homini quasi naturae superadditum per gratiae donum. Et hoc modo lex nova est indita homini, non solum indicans quid sit faciendum, sed etiam adiuvans ad implendum.

Reply to Objection 3: No man ever had the grace of the Holy Ghost except through faith in Christ either explicit or implicit: and by faith in Christ man belongs to the New Testament. Consequently whoever had the law of grace instilled into them belonged to the New Testament.

[38256] Iª-IIae q. 106 a. 1 ad 3 Ad tertium dicendum quod nullus unquam habuit gratiam spiritus sancti nisi per fidem Christi explicitam vel implicitam. Per fidem autem Christi pertinet homo ad novum testamentum. Unde quibuscumque fuit lex gratiae indita, secundum hoc ad novum testamentum pertinebant.

Q. 106. A. 2. Whether the New Law justifies?

Objection 1: It would seem that the New Law does not justify. For no man is justified unless he obeys God's law, according to Heb. 5:9: "He," i.e. Christ, "became to all that obey Him the cause of eternal salvation." But the Gospel does not always cause men to believe in it: for it is written (Rom. 10:16): "All do not obey the Gospel." Therefore the New Law does not justify.

[38257] Iª-IIae q. 106 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod lex nova non iustificet. Nullus enim iustificatur nisi legi Dei obediat; secundum illud ad Heb. V, *factus est*, scilicet Christus, *omnibus obtemperantibus sibi causa salutis aeternae*. Sed Evangelium non semper hoc operatur quod homines ei obediant, dicitur enim Rom. X, non omnes obediunt Evangelio. Ergo lex nova non iustificat.

Objection 2: Further, the Apostle proves in his

[38258] Iª-IIae q. 106 a. 2 arg. 2 Praeterea,

epistle to the Romans that the Old Law did not justify, because transgression increased at its advent: for it is stated (Rom. 4:15): "The Law worketh wrath: for where there is no law, neither is there transgression." But much more did the New Law increase transgression: since he who sins after the giving of the New Law deserves greater punishment, according to Heb. 10:28,29: "A man making void the Law of Moses dieth without any mercy under two or three witnesses. How much more, do you think, he deserveth worse punishments, who hath trodden underfoot the Son of God," etc.? Therefore the New Law, like the Old Law, does not justify.

apostolus probat, ad Rom., quod lex vetus non iustificabat, quia ea adveniente praevaricatio crevit, habetur enim ad Rom. IV, *lex iram operatur, ubi enim non est lex, nec praevaricatio*. Sed multo magis lex nova praevaricationem addidit, maiori enim poena est dignus qui post legem novam datam adhuc peccat; secundum illud Heb. X, *irritam quis faciens legem Moysi, sine ulla miseratione, duobus vel tribus testibus, moritur. Quanto magis putatis deteriora mereri supplicia, qui filium Dei conculcaverit, et cetera?* Ergo lex nova non iustificat, sicut nec vetus.

Objection 3: Further, justification is an effect proper to God, according to Rom. 8:33: "God that justifieth." But the Old Law was from God just as the New Law. Therefore the New Law does not justify any more than the Old Law.

[38259] Iª-IIae q. 106 a. 2 arg. 3 Praeterea, iustificare est proprius effectus Dei; secundum illud ad Rom. VIII, Deus qui iustificat. Sed lex vetus fuit a Deo, sicut et lex nova. Ergo lex nova non magis iustificat quam lex vetus.

On the contrary, The Apostle says (Rom. 1:16): "I am not ashamed of the Gospel: for it is in the power of God unto salvation to everyone that believeth." But there is no salvation but to those who are justified. Therefore the Law of the Gospel justifies.

[38260] Iª-IIae q. 106 a. 2 s. c. Sed contra est quod apostolus dicit, ad Rom. I, *non erubesco Evangelium, virtus enim Dei est in salutem omni credenti*. Non autem est salus nisi iustificatis. Ergo lex Evangelii iustificat.

I answer that, As stated above (A[1]), there is a twofold element in the Law of the Gospel. There is the chief element, viz. the grace of the Holy Ghost bestowed inwardly. And as to this, the New Law justifies. Hence Augustine says (De Spir. et Lit. xvii): "There," i.e. in the Old Testament, "the Law was set forth in an outward fashion, that the ungodly might be afraid"; "here," i.e. in the New Testament, "it is given in an inward manner, that they may be justified." The other element of the Evangelical Law is secondary: namely, the teachings of faith, and those commandments which direct human affections and human actions. And as to this, the New Law does not justify. Hence the Apostle says (2 Cor. 3:6) "The letter killeth, but the spirit quickeneth": and Augustine explains this (De Spir. et Lit. xiv, xvii) by saying that the letter denotes any writing external to man, even that of the moral precepts such as are contained in the Gospel. Wherefore the letter, even of the Gospel would kill, unless there were the inward presence of the healing grace of faith.

[38261] Iª-IIae q. 106 a. 2 co. Respondeo dicendum quod, sicut dictum est, ad legem Evangelii duo pertinent. Unum quidem principaliter, scilicet ipsa gratia spiritus sancti interius data. Et quantum ad hoc, nova lex iustificat. Unde Augustinus dicit, in libro de spiritu et littera, ibi, scilicet in veteri testamento, lex extrinsecus posita est, qua iniusti terrerentur, hic, scilicet in novo testamento, intrinsecus data est, qua iustificarentur. Aliud pertinet ad legem Evangelii secundario, scilicet documenta fidei, et praecepta ordinantia affectum humanum et humanos actus. Et quantum ad hoc, lex nova non iustificat. Unde apostolus dicit, II ad Cor. III, *littera occidit, spiritus autem vivificat*. Et Augustinus exponit, in libro de spiritu et littera, quod per litteram intelligitur quaelibet Scriptura extra homines existens, etiam moralium praeceptorum qualia continentur in Evangelio. Unde etiam littera Evangelii occideret, nisi adesset interius gratia fidei sanans.

Reply to Objection 1: This argument holds true of the New Law, not as to its principal, but as to its secondary element: i.e. as to the dogmas and precepts outwardly put before man either in words or in writing.

[38262] Iª-IIae q. 106 a. 2 ad 1 Ad primum ergo dicendum quod illa obiectio procedit de lege nova non quantum ad id quod est principale in ipsa, sed quantum ad id quod est secundarium in ipsa, scilicet quantum ad documenta et praecepta exterius homini proposita vel verbo vel scripto.

Reply to Objection 2: Although the grace of the New Testament helps man to avoid sin, yet it does not so confirm man in good that he cannot sin: for this belongs to the state of glory. Hence if a man sin after receiving the grace of the New Testament, he deserves greater punishment, as being ungrateful for greater benefits, and as not using the help given to him. And this is why the New Law is not said to "work wrath": because as far as it is concerned it gives man sufficient help to avoid sin.

[38263] Iª-IIae q. 106 a. 2 ad 2 Ad secundum dicendum quod gratia novi testamenti, etsi adiuvet hominem ad non peccandum, non tamen ita confirmat in bono ut homo peccare non possit, hoc enim pertinet ad statum gloriae. Et ideo si quis post acceptam gratiam novi testamenti peccaverit, maiori poena est dignus, tanquam maioribus beneficiis ingratus, et auxilio sibi dato non utens. Nec tamen propter hoc dicitur quod lex nova iram operatur, quia quantum est de se, sufficiens auxilium dat ad non peccandum.

Reply to Objection 3: The same God gave both the New and the Old Law, but in different ways. For He gave the Old Law written on tables of stone: whereas He gave the New Law written "in the fleshly tables of the heart," as the Apostle expresses it (2 Cor. 3:3). Wherefore, as Augustine says (De Spir. et Lit. xviii), "the Apostle calls this letter which is written outside man, a ministration of death and a ministration of condemnation: whereas he calls the other letter, i.e. the Law of the New Testament, the ministration of the spirit and the ministration of justice: because through the gift of the Spirit we work justice, and are delivered from the condemnation due to transgression."

[38264] Iª-IIae q. 106 a. 2 ad 3 Ad tertium dicendum quod legem novam et veterem unus Deus dedit, sed aliter et aliter. Nam legem veterem dedit scriptam in tabulis lapideis, legem autem novam dedit scriptam in tabulis cordis carnalibus, ut apostolus dicit, II ad Cor. III. Proinde sicut Augustinus dicit, in libro de spiritu et littera, *litteram istam extra hominem scriptam, et ministrationem mortis et ministrationem damnationis apostolus appellat. Hanc autem, scilicet novi testamenti legem, ministrationem spiritus et ministrationem iustitiae dicit, quia per donum spiritus operamur iustitiam, et a praevaricationis damnatione liberamur.*

Q. 106. A. 3. Whether the New Law should have been given from the beginning of the world?

Objection 1: It would seem that the New Law should have been given from the beginning of the world. "For there is no respect of persons with God" (Rom. 2:11). But "all" men "have sinned and do need the glory of God" (Rom. 3:23). Therefore the Law of the Gospel should have been given from the beginning of the world, in order that it might bring succor to all.

[38265] Iª-IIae q. 106 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod lex nova debuerit dari a principio mundi. Non enim est personarum acceptio apud Deum, ut dicitur ad Rom. II. Sed omnes homines peccaverunt, et egent gloria Dei, ut dicitur ad Rom. III. Ergo a principio mundi lex Evangelii dari debuit, ut omnibus per eam subveniretur.

Objection 2: Further, as men dwell in various places, so do they live in various times. But God, "Who will have all men to be saved" (1 Tim.

[38266] Iª-IIae q. 106 a. 3 arg. 2 Praeterea, sicut in diversis locis sunt diversi homines, ita etiam in diversis temporibus. Sed Deus, *qui vult omnes*

2:4), commanded the Gospel to be preached in all places, as may be seen in the last chapters of Matthew and Mark. Therefore the Law of the Gospel should have been at hand for all times, so as to be given from the beginning of the world.

homines salvos fieri, ut dicitur I ad Tim. II, mandavit Evangelium praedicari in omnibus locis; ut patet Matth. ult., et Marc. ult. Ergo omnibus temporibus debuit adesse lex Evangelii, ita quod a principio mundi daretur.

Objection 3: Further, man needs to save his soul, which is for all eternity, more than to save his body, which is a temporal matter. But God provided man from the beginning of the world with things that are necessary for the health of his body, by subjecting to his power whatever was created for the sake of man (Gn. 1:26-29). Therefore the New Law also, which is very necessary for the health of the soul, should have been given to man from the beginning of the world.

[38267] Iª-IIae q. 106 a. 3 arg. 3 Praeterea, magis est necessaria homini salus spiritualis, quae est aeterna, quam salus corporalis, quae est temporalis. Sed Deus ab initio mundi providit homini ea quae sunt necessaria ad salutem corporalem, tradens eius potestati omnia quae erant propter hominem creata, ut patet Gen. I. Ergo etiam lex nova, quae maxime est necessaria ad salutem spiritualem, debuit hominibus a principio mundi dari.

On the contrary, The Apostle says (1 Cor. 15:46): "That was not first which is spiritual, but that which is natural." But the New Law is highly spiritual. Therefore it was not fitting for it to be given from the beginning of the world.

[38268] Iª-IIae q. 106 a. 3 s. c. Sed contra est quod apostolus dicit, I ad Cor. XV, *non prius quod spirituale est, sed quod animale*. Sed lex nova est maxime spiritualis. Ergo lex nova non debuit dari a principio mundi.

I answer that, Three reasons may be assigned why it was not fitting for the New Law to be given from the beginning of the world. The first is because the New Law, as stated above (A[1]), consists chiefly in the grace of the Holy Ghost: which it behoved not to be given abundantly until sin, which is an obstacle to grace, had been cast out of man through the accomplishment of his redemption by Christ: wherefore it is written (Jn. 7:39): "As yet the Spirit was not given, because Jesus was not yet glorified." This reason the Apostle states clearly (Rom. 8:2, seqq.) where, after speaking of "the Law of the Spirit of life," he adds: "God sending His own Son, in the likeness of sinful flesh, of sin* hath condemned sin in the flesh, that the justification of the Law might be fulfilled in us." [*St. Thomas, quoting perhaps from memory, omits the "et" (and), after "sinful flesh." The text quoted should read thus: "in the likeness of sinful flesh, and a sin offering ({peri hamartias}), hath," etc.]

A second reason may be taken from the perfection of the New Law. Because a thing is not brought to perfection at once from the outset, but through an orderly succession of time; thus one is at first a

[38269] Iª-IIae q. 106 a. 3 co. Respondeo dicendum quod triplex ratio potest assignari quare lex nova non debuit dari a principio mundi. Quarum prima est quia lex nova, sicut dictum est, principaliter est gratia spiritus sancti; quae abundanter dari non debuit antequam impedimentum peccati ab humano genere tolleretur, consummata redemptione per Christum; unde dicitur Ioan. VII, *nondum erat spiritus datus, quia Iesus nondum erat glorificatus*. Et hanc rationem manifeste assignat apostolus ad Rom. VIII, ubi, postquam praemiserat de lege spiritus vitae, subiungit, *Deus, filium suum mittens in similitudinem carnis peccati, de peccato damnavit peccatum in carne, ut iustificatio legis impleretur in nobis*. Secunda ratio potest assignari ex perfectione legis novae. Non enim aliquid ad perfectum adducitur statim a principio, sed quodam temporali successionis ordine, sicut aliquis prius fit puer, et postmodum vir. Et hanc rationem assignat apostolus ad Gal. III, *lex paedagogus noster fuit in Christo, ut ex fide iustificemur. At ubi venit fides, iam non sumus sub paedagogo*. Tertia ratio sumitur ex hoc quod lex nova est lex gratiae, et ideo primo oportuit quod homo relinqueretur sibi in statu veteris legis,

boy, and then a man. And this reason is stated by the Apostle (Gal. 3:24,25): "The Law was our pedagogue in Christ that we might be justified by faith. But after the faith is come, we are no longer under a pedagogue."

The third reason is found in the fact that the New Law is the law of grace: wherefore it behoved man first of all to be left to himself under the state of the Old Law, so that through falling into sin, he might realize his weakness, and acknowledge his need of grace. This reason is set down by the Apostle (Rom. 5:20): "The Law entered in, that sin might abound: and when sin abounded grace did more abound."

ut, in peccatum cadendo, suam infirmitatem cognoscens, recognosceret se gratia indigere. Et hanc rationem assignat apostolus ad Rom. V, dicens, *lex subintravit ut abundaret delictum, ubi autem abundavit delictum, superabundavit et gratia*.

Reply to Objection 1: Mankind on account of the sin of our first parents deserved to be deprived of the aid of grace: and so "from whom it is withheld it is justly withheld, and to whom it is given, it is mercifully given," as Augustine states (De Perfect. Justit. iv) [*Cf. Ep. ccvii; De Pecc. Mer. et Rem. ii, 19]. Consequently it does not follow that there is respect of persons with God, from the fact that He did not offer the Law of grace to all from the beginning of the world, which Law was to be published in due course of time, as stated above.

[38270] Iª-IIae q. 106 a. 3 ad 1 Ad primum ergo dicendum quod humanum genus propter peccatum primi parentis meruit privari auxilio gratiae. *Et ideo quibuscumque non datur, hoc est ex iustitia, quibuscumque autem datur, hoc est ex gratia*, ut Augustinus dicit, in libro de Perfect. Iustit. Unde non est acceptio personarum apud Deum ex hoc quod non omnibus a principio mundi legem gratiae proposuit, quae erat debito ordine proponenda, ut dictum est.

Reply to Objection 2: The state of mankind does not vary according to diversity of place, but according to succession of time. Hence the New Law avails for all places, but not for all times: although at all times there have been some persons belonging to the New Testament, as stated above (A[1], ad 3).

[38271] Iª-IIae q. 106 a. 3 ad 2 Ad secundum dicendum quod diversitas locorum non variat diversum statum humani generis, qui variatur per temporis successionem. Et ideo omnibus locis proponitur lex nova, non autem omnibus temporibus, licet omni tempore fuerint aliqui ad novum testamentum pertinentes, ut supra dictum est.

Reply to Objection 3: Things pertaining to the health of the body are of service to man as regards his nature, which sin does not destroy: whereas things pertaining to the health of the soul are ordained to grace, which is forfeit through sin. Consequently the comparison will not hold.

[38272] Iª-IIae q. 106 a. 3 ad 3 Ad tertium dicendum quod ea quae pertinent ad salutem corporalem, deserviunt homini quantum ad naturam, quae non tollitur per peccatum. Sed ea quae pertinent ad spiritualem salutem, ordinantur ad gratiam, quae amittitur per peccatum. Et ideo non est similis ratio de utrisque.

Q. 106. A. 4. Whether the New Law will last till the end of the world?

Objection 1: It would seem that the New Law

[38273] Iª-IIae q. 106 a. 4 arg. 1 Ad quartum sic

will not last until the end of the world. Because, as the Apostle says (1 Cor. 13:10), "when that which is perfect is come, that which is in part shall be done away." But the New Law is "in part," since the Apostle says (1 Cor. 13:9): "We know in part and we prophesy in part." Therefore the New Law is to be done away, and will be succeeded by a more perfect state.

proceditur. Videtur quod lex nova non sit duratura usque ad finem mundi. Quia ut apostolus dicit, I ad Cor. XIII, *cum venerit quod perfectum est, evacuabitur quod ex parte est*. Sed lex nova ex parte est, dicit enim apostolus ibidem, *ex parte cognoscimus, et ex parte prophetamus*. Ergo lex nova evacuanda est, alio perfectiori statu succedente.

Objection 2: Further, Our Lord (Jn. 16:13) promised His disciples the knowledge of all truth when the Holy Ghost, the Comforter, should come. But the Church knows not yet all truth in the state of the New Testament. Therefore we must look forward to another state, wherein all truth will be revealed by the Holy Ghost.

[38274] Iª-IIae q. 106 a. 4 arg. 2 Praeterea, dominus, Ioan. XVI, promisit discipulis suis in adventu spiritus sancti Paracleti cognitionem omnis veritatis. Sed nondum Ecclesia omnem veritatem cognoscit, in statu novi testamenti. Ergo expectandus est alius status, in quo per spiritum sanctum omnis veritas manifestetur.

Objection 3: Further, just as the Father is distinct from the Son and the Son from the Father, so is the Holy Ghost distinct from the Father and the Son. But there was a state corresponding with the Person of the Father, viz. the state of the Old Law, wherein men were intent on begetting children: and likewise there is a state corresponding to the Person of the Son: viz. the state of the New Law, wherein the clergy who are intent on wisdom (which is appropriated to the Son) hold a prominent place. Therefore there will be a third state corresponding to the Holy Ghost, wherein spiritual men will hold the first place.

[38275] Iª-IIae q. 106 a. 4 arg. 3 Praeterea, sicut pater est alius a filio et filius a patre, ita spiritus sanctus a patre et filio. Sed fuit quidam status conveniens personae patris, scilicet status veteris legis, in quo homines generationi intendebant. Similiter etiam est alius status conveniens personae filii, scilicet status novae legis, in quo clerici, intendentes sapientiae, quae appropriatur filio, principantur. Ergo erit status tertius spiritus sancti, in quo spirituales viri principabuntur.

Objection 4: Further, Our Lord said (Mat. 24:14): "This Gospel of the kingdom shall be preached in the whole world . . . and then shall the consummation come." But the Gospel of Christ is already preached throughout the whole world: and yet the consummation has not yet come. Therefore the Gospel of Christ is not the Gospel of the kingdom, but another Gospel, that of the Holy Ghost, is to come yet, like unto another Law.

[38276] Iª-IIae q. 106 a. 4 arg. 4 Praeterea, dominus dicit, Matth. XXIV, praedicabitur hoc *Evangelium regni in universo orbe, et tunc veniet consummatio*. Sed Evangelium Christi iamdiu est praedicatum in universo orbe; nec tamen adhuc venit consummatio. Ergo Evangelium Christi non est Evangelium regni, sed futurum est aliud Evangelium spiritus sancti, quasi alia lex.

On the contrary, Our Lord said (Mat. 24:34): "I say to you that this generation shall not pass till all (these) things be done": which passage Chrysostom (Hom. lxxvii) explains as referring to "the generation of those that believe in Christ." Therefore the state of those who believe in Christ will last until the consummation of the world.

[38277] Iª-IIae q. 106 a. 4 s. c. Sed contra est quod dominus dicit, Matth. XXIV, *dico vobis quia non praeteribit generatio haec donec omnia fiant*, quod Chrysostomus exponit de generatione fidelium Christi. Ergo status fidelium Christi manebit usque ad consummationem saeculi.

I answer that, The state of the world may change in two ways. In one way, according to a change of law: and thus no other state will succeed this state of the New Law. Because the state of the New Law succeeded the state of the Old Law, as a more perfect law a less perfect one. Now no state of the present life can be more perfect that the state of the New Law: since nothing can approach nearer to the last end than that which is the immediate cause of our being brought to the last end. But the New Law does this: wherefore the Apostle says (Heb. 10:19-22): "Having therefore, brethren, a confidence in the entering into the Holies by the blood of Christ, a new . . . way which He hath dedicated for us . . . let us draw near." Therefore no state of the present life can be more perfect than that of the New Law, since the nearer a thing is to the last end the more perfect it is.

In another way the state of mankind may change according as man stands in relation to one and the same law more or less perfectly. And thus the state of the Old Law underwent frequent changes, since at times the laws were very well kept, and at other times were altogether unheeded. Thus, too, the state of the New Law is subject to change with regard to various places, times, and persons, according as the grace of the Holy Ghost dwells in man more or less perfectly. Nevertheless we are not to look forward to a state wherein man is to possess the grace of the Holy Ghost more perfectly than he has possessed it hitherto, especially the apostles who "received the firstfruits of the Spirit, i.e. sooner and more abundantly than others," as a gloss expounds on Rom. 8:23.

[38278] Iª-IIae q. 106 a. 4 co. Respondeo dicendum quod status mundi variari potest dupliciter. Uno modo, secundum diversitatem legis. Et sic huic statui novae legis nullus alius status succedet. Successit enim status novae legis statui veteris legis tanquam perfectior imperfectiori. Nullus autem status praesentis vitae potest esse perfectior quam status novae legis. Nihil enim potest esse propinquius fini ultimo quam quod immediate in finem ultimum introducit. Hoc autem facit nova lex, unde apostolus dicit, ad Heb. X, *habentes itaque, fratres, fiduciam in introitu sanctorum in sanguine Christi, quam initiavit nobis viam novam, accedamus ad eum*. Unde non potest esse aliquis perfectior status praesentis vitae quam status novae legis, quia tanto est unumquodque perfectius, quanto ultimo fini propinquius. Alio modo status hominum variari potest secundum quod homines diversimode se habent ad eandem legem, vel perfectius vel minus perfecte. Et sic status veteris legis frequenter fuit mutatus, cum quandoque leges optime custodirentur, quandoque omnino praetermitterentur. Sic etiam status novae legis diversificatur, secundum diversa loca et tempora et personas, inquantum gratia spiritus sancti perfectius vel minus perfecte ab aliquibus habetur. Non est tamen expectandum quod sit aliquis status futurus in quo perfectius gratia spiritus sancti habeatur quam hactenus habita fuerit, maxime ab apostolis, qui primitias spiritus acceperunt, *idest et tempore prius et ceteris abundantius*, ut Glossa dicit Rom. VIII.

Reply to Objection 1: As Dionysius says (Eccl. Hier. v), there is a threefold state of mankind; the first was under the Old Law; the second is that of the New Law; the third will take place not in this life, but in heaven. But as the first state is figurative and imperfect in comparison with the state of the Gospel; so is the present state figurative and imperfect in comparison with the heavenly state, with the advent of which the present state will be done away as expressed in that very passage (1 Cor. 13:12): "We see now through a glass in a dark manner; but then face to face."

[38279] Iª-IIae q. 106 a. 4 ad 1 Ad primum ergo dicendum quod, sicut Dionysius dicit, in Eccl. Hier., triplex est hominum status, primus quidem veteris legis; secundus novae legis; tertius status succedit non in hac vita, sed in patria. Sed sicut primus status est figuralis et imperfectus respectu status evangelici, ita hic status est figuralis et imperfectus respectu status patriae; quo veniente, iste status evacuatur, sicut ibi dicitur, *videmus nunc per speculum in aenigmate, tunc autem facie ad faciem*.

Reply to Objection 2: As Augustine says (Contra Faust. xix, 31), Montanus and Priscilla pretended that Our Lord's promise to give the Holy Ghost was fulfilled, not in the apostles, but in themselves. In like manner the Manicheans maintained that it was fulfilled in Manes whom they held to be the Paraclete. Hence none of the above received the Acts of the Apostles, where it is clearly shown that the aforesaid promise was fulfilled in the apostles: just as Our Lord promised them a second time (Acts 1:5): "You shall be baptized with the Holy Ghost, not many days hence": which we read as having been fulfilled in Acts 2. However, these foolish notions are refuted by the statement (Jn. 7:39) that "as yet the Spirit was not given, because Jesus was not yet glorified"; from which we gather that the Holy Ghost was given as soon as Christ was glorified in His Resurrection and Ascension. Moreover, this puts out of court the senseless idea that the Holy Ghost is to be expected to come at some other time.

Now the Holy Ghost taught the apostles all truth in respect of matters necessary for salvation; those things, to wit, that we are bound to believe and to do. But He did not teach them about all future events: for this did not regard them according to Acts 1:7: "It is not for you to know the times or moments which the Father hath put in His own power."

[38280] Iª-IIae q. 106 a. 4 ad 2 Ad secundum dicendum quod, sicut Augustinus dicit in libro contra Faustum, Montanus et Priscilla posuerunt quod promissio domini de spiritu sancto dando non fuit completa in apostolis, sed in eis. Et similiter Manichaei posuerunt quod fuit completa in Manichaeo, quem dicebant esse spiritum Paracletum. Et ideo utrique non recipiebant actus apostolorum, in quibus manifeste ostenditur quod illa promissio fuit in apostolis completa, sicut dominus iterato eis promisit, Act. I, *baptizamini in spiritu sancto non post multos hos dies*; quod impletum legitur Act. II. Sed istae vanitates excluduntur per hoc quod dicitur Ioan. VII, *nondum erat spiritus datus, quia Iesus nondum erat glorificatus*, ex quo datur intelligi quod statim glorificato Christo in resurrectione et ascensione, fuit spiritus sanctus datus. Et per hoc etiam excluditur quorumcumque vanitas qui dicerent esse expectandum aliud tempus spiritus sancti. Docuit autem spiritus sanctus apostolos omnem veritatem de his quae pertinent ad necessitatem salutis, scilicet de credendis et agendis. Non tamen docuit eos de omnibus futuris eventibus, hoc enim ad eos non pertinebat, secundum illud Act. I, *non est vestrum nosse tempora vel momenta, quae pater posuit in sua potestate*.

Reply to Objection 3: The Old Law corresponded not only to the Father, but also to the Son: because Christ was foreshadowed in the Old Law. Hence Our Lord said (Jn. 5:46): "If you did believe Moses, you would perhaps believe me also; for he wrote of Me." In like manner the New Law corresponds not only to Christ, but also to the Holy Ghost; according to Rom. 8:2: "The Law of the Spirit of life in Christ Jesus," etc. Hence we are not to look forward to another law corresponding to the Holy Ghost.

[38281] Iª-IIae q. 106 a. 4 ad 3 Ad tertium dicendum quod lex vetus non solum fuit patris, sed etiam filii, quia Christus in veteri lege figurabatur. Unde dominus dicit, Ioan. V, *si crederetis Moysi, crederetis forsitan et mihi, de me enim ille scripsit*. Similiter etiam lex nova non solum est Christi, sed etiam spiritus sancti; secundum illud Rom. VIII, *lex spiritus vitae in Christo Iesu,* et cetera. Unde non est expectanda alia lex, quae sit spiritus sancti.

Reply to Objection 4: Since Christ said at the very outset of the preaching of the Gospel: "The kingdom of heaven is at hand" (Mat. 4:17), it is most absurd to say that the Gospel of Christ is not the Gospel of the kingdom. But the preaching of the Gospel of Christ may be understood in two

[38282] Iª-IIae q. 106 a. 4 ad 4 Ad quartum dicendum quod, cum Christus statim in principio evangelicae praedicationis dixerit, appropinquavit regnum caelorum, stultissimum est dicere quod Evangelium Christi non sit Evangelium regni. Sed praedicatio Evangelii Christi potest intelligi

ways. First, as denoting the spreading abroad of the knowledge of Christ: and thus the Gospel was preached throughout the world even at the time of the apostles, as Chrysostom states (Hom. lxxv in Matth.). And in this sense the words that follow---"and then shall the consummation come," refer to the destruction of Jerusalem, of which He was speaking literally. Secondly, the preaching of the Gospel may be understood as extending throughout the world and producing its full effect, so that, to wit, the Church would be founded in every nation. And in these sense, as Augustine writes to Hesychius (Epist. cxcix), the Gospel is not preached to the whole world yet, but, when it is, the consummation of the world will come.

dupliciter. Uno modo, quantum ad divulgationem notitiae Christi, et sic praedicatum fuit Evangelium in universo orbe etiam tempore apostolorum, ut Chrysostomus dicit. Et secundum hoc, quod additur, et tunc erit consummatio, intelligitur de destructione Ierusalem, de qua tunc ad litteram loquebatur. Alio modo potest intelligi praedicatio Evangelii in universo orbe cum pleno effectu, ita scilicet quod in qualibet gente fundetur Ecclesia. Et ita, sicut dicit Augustinus, in epistola ad Hesych., nondum est praedicatum Evangelium in universo orbe, sed, hoc facto, veniet consummatio mundi.

Q. 107. OF THE NEW LAW AS COMPARED WITH THE OLD (FOUR ARTICLES)

We must now consider the New Law as compared with the Old: under which head there are four points of inquiry:

(1) Whether the New Law is distinct from the Old Law?

(2) Whether the New Law fulfils the Old?

(3) Whether the New Law is contained in the Old?

(4) Which is the more burdensome, the New or the Old Law?

[38283] Iª-IIae q. 107 pr. Deinde considerandum est de comparatione legis novae ad legem veterem. Et circa hoc quaeruntur quatuor. Primo, utrum lex nova sit alia lex a lege veteri. Secundo, utrum lex nova impleat veterem. Tertio, utrum lex nova contineatur in veteri. Quarto, quae sit gravior, utrum lex nova vel vetus.

Q. 107. A. 1. Whether the New Law is distinct from the Old Law?

Objection 1: It would seem that the New Law is not distinct from the Old. Because both these laws were given to those who believe in God: since "without faith it is impossible to please God," according to Heb. 11:6. But the faith of olden times and of nowadays is the same, as the gloss says on Mat. 21:9. Therefore the law is the same also.

[38284] Iª-IIae q. 107 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex nova non sit alia a lege veteri. Utraque enim lex datur fidem Dei habentibus, quia *sine fide impossibile est placere Deo*, ut dicitur Heb. XI. Sed eadem fides est antiquorum et modernorum, ut dicitur in Glossa Matth. XXI. Ergo etiam est eadem lex.

Objection 2: Further, Augustine says (Contra Adamant. Manich. discip. xvii) that "there is little difference between the Law and Gospel" [*The 'little difference' refers to the Latin words 'timor' and 'amor']---"fear and love." But the New and Old Laws cannot be differentiated in respect of these two things: since even the Old Law comprised precepts of charity: "Thou shalt love thy neighbor" (Lev. 19:18), and: "Thou shalt love the Lord thy God" (Dt. 6:5). In like manner neither can they differ according to the other difference which Augustine assigns (Contra Faust. iv, 2), viz. that "the Old Testament contained temporal promises, whereas the New Testament contains spiritual and eternal promises": since even the New Testament contains temporal promises, according to Mk. 10:30: He shall receive "a hundred times as much . . . in this time, houses and brethren," etc.: while in the Old Testament they hoped in promises spiritual and eternal, according to Heb. 11:16: "But now they desire a better, that is to say, a heavenly country," which is said of the patriarchs. Therefore it seems that the New Law is not

[38285] Iª-IIae q. 107 a. 1 arg. 2 Praeterea, Augustinus dicit, in libro contra Adamantum Manich. Discip., quod *brevis differentia legis et Evangelii est timor et amor*. Sed secundum haec duo nova lex et vetus diversificari non possunt, quia etiam in veteri lege proponuntur praecepta caritatis; Lev. XIX, *diliges proximum tuum*; et Deut. VI, *diliges dominum Deum tuum*. Similiter etiam diversificari non possunt per aliam differentiam quam Augustinus assignat, contra Faustum, quod *vetus testamentum habuit promissa temporalia, novum testamentum habet promissa spiritualia et aeterna*. Quia etiam in novo testamento promittuntur aliqua promissa temporalia; secundum illud Marc. X, *accipiet centies tantum in tempore hoc, domos et fratres,* et cetera. Et in veteri testamento sperabantur promissa spiritualia et aeterna; secundum illud ad Heb. XI, *nunc autem meliorem patriam appetunt, idest caelestem*, quod dicitur de antiquis patribus. Ergo videtur quod nova lex non sit alia a veteri.

distinct from the Old.

Objection 3: Further, the Apostle seems to distinguish both laws by calling the Old Law "a law of works," and the New Law "a law of faith" (Rom. 3:27). But the Old Law was also a law of faith, according to Heb. 11:39: "All were [Vulg.: 'All these being'] approved by the testimony of faith," which he says of the fathers of the Old Testament. In like manner the New Law is a law of works: since it is written (Mat. 5:44): "Do good to them that hate you"; and (Lk. 22:19): "Do this for a commemoration of Me." Therefore the New Law is not distinct from the Old.

[38286] Iª-IIae q. 107 a. 1 arg. 3 Praeterea, apostolus videtur distinguere utramque legem, ad Rom. III, veterem legem appellans legem factorum, legem vero novam appellans legem fidei. Sed lex vetus fuit etiam fidei; secundum illud Heb. XI, *omnes testimonio fidei probati sunt*, quod dicit de patribus veteris testamenti. Similiter etiam lex nova est lex factorum, dicitur enim Matth. V, *benefacite his qui oderunt vos*; et Luc. XXII, *hoc facite in meam commemorationem*. Ergo lex nova non est alia a lege veteri.

On the contrary, the Apostle says (Heb. 7:12): "The priesthood being translated it is necessary that a translation also be made of the Law." But the priesthood of the New Testament is distinct from that of the Old, as the Apostle shows in the same place. Therefore the Law is also distinct.

[38287] Iª-IIae q. 107 a. 1 s. c. Sed contra est quod apostolus dicit, ad Heb. VII, *translato sacerdotio, necesse est ut legis translatio fiat*. Sed aliud est sacerdotium novi et veteris testamenti, ut ibidem apostolus probat. Ergo est etiam alia lex.

I answer that, As stated above (Q[90], A[2]; Q[91], A[4]), every law ordains human conduct to some end. Now things ordained to an end may be divided in two ways, considered from the point of view of the end. First, through being ordained to different ends: and this difference will be specific, especially if such ends are proximate. Secondly, by reason of being closely or remotely connected with the end. Thus it is clear that movements differ in species through being directed to different terms: while according as one part of a movement is nearer to the term than another part, the difference of perfect and imperfect movement is assessed.

Accordingly then two laws may be distinguished from one another in two ways. First, through being altogether diverse, from the fact that they are ordained to diverse ends: thus a state-law ordained to democratic government, would differ specifically from a law ordained to government by the aristocracy. Secondly, two laws may be distinguished from one another, through one of them being more closely connected with the end, and the other more remotely: thus in one and the same state there is one law enjoined on men of mature age, who can forthwith accomplish that which pertains to the common good; and another

[38288] Iª-IIae q. 107 a. 1 co. Respondeo dicendum quod, sicut supra dictum est, omnis lex ordinat conversationem humanam in ordine ad aliquem finem. Ea autem quae ordinantur ad finem, secundum rationem finis dupliciter diversificari possunt. Uno modo, quia ordinantur ad diversos fines, et haec est diversitas speciei, maxime si sit finis proximus. Alio modo, secundum propinquitatem ad finem vel distantiam ab ipso. Sicut patet quod motus differunt specie secundum quod ordinantur ad diversos terminos, secundum vero quod una pars motus est propinquior termino quam alia, attenditur differentia in motu secundum perfectum et imperfectum. Sic ergo duae leges distingui possunt dupliciter. Uno modo, quasi omnino diversae, utpote ordinatae ad diversos fines, sicut lex civitatis quae esset ordinata ad hoc quod populus dominaretur, esset specie differens ab illa lege quae esset ad hoc ordinata quod optimates civitatis dominarentur. Alio modo duae leges distingui possunt secundum quod una propinquius ordinat ad finem, alia vero remotius. Puta in una et eadem civitate dicitur alia lex quae imponitur viris perfectis, qui statim possunt exequi ea quae pertinent ad bonum commune; et alia lex de disciplina puerorum, qui sunt instruendi qualiter postmodum opera virorum exequantur. Dicendum

law regulating the education of children who need to be taught how they are to achieve manly deeds later on.

We must therefore say that, according to the first way, the New Law is not distinct from the Old Law: because they both have the same end, namely, man's subjection to God; and there is but one God of the New and of the Old Testament, according to Rom. 3:30: "It is one God that justifieth circumcision by faith, and uncircumcision through faith." According to the second way, the New Law is distinct from the Old Law: because the Old Law is like a pedagogue of children, as the Apostle says (Gal. 3:24), whereas the New Law is the law of perfection, since it is the law of charity, of which the Apostle says (Col. 3:14) that it is "the bond of perfection."

est ergo quod secundum primum modum, lex nova non est alia a lege veteri, quia utriusque est unus finis, scilicet ut homines subdantur Deo; est autem unus Deus et novi et veteris testamenti, secundum illud Rom. III, *unus Deus est qui iustificat circumcisionem ex fide, et praeputium per fidem*. Alio modo, lex nova est alia a veteri. Quia lex vetus est quasi paedagogus puerorum, ut apostolus dicit, ad Gal. III, lex autem nova est lex perfectionis, quia est lex caritatis, de qua apostolus dicit, ad Colos. III, quod est vinculum perfectionis.

Reply to Objection 1: The unity of faith under both Testaments witnesses to the unity of end: for it has been stated above (Q[62], A[2]) that the object of the theological virtues, among which is faith, is the last end. Yet faith had a different state in the Old and in the New Law: since what they believed as future, we believe as fact.

[38289] Iª-IIae q. 107 a. 1 ad 1 Ad primum ergo dicendum quod unitas fidei utriusque testamenti attestatur unitati finis, dictum est enim supra quod obiectum theologicarum virtutum, inter quas est fides, est finis ultimus. Sed tamen fides habuit alium statum in veteri et in nova lege, nam quod illi credebant futurum, nos credimus factum.

Reply to Objection 2: All the differences assigned between the Old and New Laws are gathered from their relative perfection and imperfection. For the precepts of every law prescribe acts of virtue. Now the imperfect, who as yet are not possessed of a virtuous habit, are directed in one way to perform virtuous acts, while those who are perfected by the possession of virtuous habits are directed in another way. For those who as yet are not endowed with virtuous habits, are directed to the performance of virtuous acts by reason of some outward cause: for instance, by the threat of punishment, or the promise of some extrinsic rewards, such as honor, riches, or the like. Hence the Old Law, which was given to men who were imperfect, that is, who had not yet received spiritual grace, was called the "law of fear," inasmuch as it induced men to observe its commandments by threatening them with penalties; and is spoken of as containing temporal promises. On the other hand, those who are possessed of virtue, are inclined to do virtuous deeds through love of virtue, not on account of

[38290] Iª-IIae q. 107 a. 1 ad 2 Ad secundum dicendum quod omnes differentiae quae assignantur inter novam legem et veterem, accipiuntur secundum perfectum et imperfectum. Praecepta enim legis cuiuslibet dantur de actibus virtutum. Ad operanda autem virtutum opera aliter inclinantur imperfecti, qui nondum habent virtutis habitum; et aliter illi qui sunt per habitum virtutis perfecti. Illi enim qui nondum habent habitum virtutis, inclinantur ad agendum virtutis opera ex aliqua causa extrinseca, puta ex comminatione poenarum, vel ex promissione aliquarum extrinsecarum remunerationum, puta honoris vel divitiarum vel alicuius huiusmodi. Et ideo lex vetus, quae dabatur imperfectis, idest nondum consecutis gratiam spiritualem, dicebatur lex timoris, inquantum inducebat ad observantiam praeceptorum per comminationem quarundam poenarum. Et dicitur habere temporalia quaedam promissa. Illi autem qui habent virtutem, inclinantur ad virtutis opera agenda propter amorem virtutis, non propter aliquam poenam aut remunerationem extrinsecam. Et ideo lex nova,

some extrinsic punishment or reward. Hence the New Law which derives its pre-eminence from the spiritual grace instilled into our hearts, is called the "Law of love": and it is described as containing spiritual and eternal promises, which are objects of the virtues, chiefly of charity. Accordingly such persons are inclined of themselves to those objects, not as to something foreign but as to something of their own. For this reason, too, the Old Law is described as "restraining the hand, not the will" [*Peter Lombard, Sent. iii, D, 40]; since when a man refrains from some sins through fear of being punished, his will does not shrink simply from sin, as does the will of a man who refrains from sin through love of righteousness: and hence the New Law, which is the Law of love, is said to restrain the will.

Nevertheless there were some in the state of the Old Testament who, having charity and the grace of the Holy Ghost, looked chiefly to spiritual and eternal promises: and in this respect they belonged to the New Law. In like manner in the New Testament there are some carnal men who have not yet attained to the perfection of the New Law; and these it was necessary, even under the New Testament, to lead to virtuous action by the fear of punishment and by temporal promises.

But although the Old Law contained precepts of charity, nevertheless it did not confer the Holy Ghost by Whom "charity . . . is spread abroad in our hearts" (Rom. 5:5).

cuius principalitas consistit in ipsa spirituali gratia indita cordibus, dicitur lex amoris. Et dicitur habere promissa spiritualia et aeterna, quae sunt obiecta virtutis, praecipue caritatis. Et ita per se in ea inclinantur, non quasi in extranea, sed quasi in propria. Et propter hoc etiam lex vetus dicitur cohibere manum, non animum, quia qui timore poenae ab aliquo peccato abstinet, non simpliciter eius voluntas a peccato recedit, sicut recedit voluntas eius qui amore iustitiae abstinet a peccato. Et propter hoc lex nova, quae est lex amoris, dicitur animum cohibere. Fuerunt tamen aliqui in statu veteris testamenti habentes caritatem et gratiam spiritus sancti, qui principaliter expectabant promissiones spirituales et aeternas. Et secundum hoc pertinebant ad legem novam. Similiter etiam in novo testamento sunt aliqui carnales nondum pertingentes ad perfectionem novae legis, quos oportuit etiam in novo testamento induci ad virtutis opera per timorem poenarum, et per aliqua temporalia promissa. Lex autem vetus etsi praecepta caritatis daret, non tamen per eam dabatur spiritus sanctus, per quem diffunditur caritas in cordibus nostris, ut dicitur Rom. V.

Reply to Objection 3: As stated above (Q[106], AA[1],2), the New Law is called the law of faith, in so far as its pre-eminence is derived from that very grace which is given inwardly to believers, and for this reason is called the grace of faith. Nevertheless it consists secondarily in certain deeds, moral and sacramental: but the New Law does not consist chiefly in these latter things, as did the Old Law. As to those under the Old Testament who through faith were acceptable to God, in this respect they belonged to the New Testament: for they were not justified except through faith in Christ, Who is the Author of the New Testament. Hence of Moses the Apostle says (Heb. 11:26) that he esteemed "the reproach of Christ greater riches than the treasure of the

[38291] Iª-IIae q. 107 a. 1 ad 3 Ad tertium dicendum quod, sicut supra dictum est, lex nova dicitur lex fidei, inquantum eius principalitas consistit in ipsa gratia quae interius datur credentibus, unde dicitur gratia fidei. Habet autem secundario aliqua facta et moralia et sacramentalia, sed in his non consistit principalitas legis novae, sicut principalitas veteris legis in eis consistebat. Illi autem qui in veteri testamento Deo fuerunt accepti per fidem, secundum hoc ad novum testamentum pertinebant, non enim iustificabantur nisi per fidem Christi, qui est auctor novi testamenti. Unde et de Moyse dicit apostolus, ad Heb. XI, quod *maiores divitias aestimabat thesauro Aegyptiorum, improperium Christi*.

Egyptians."

Q. 107. A. 2. Whether the New Law fulfils the Old?

Objection 1: It would seem that the New Law does not fulfil the Old. Because to fulfil and to void are contrary. But the New Law voids or excludes the observances of the Old Law: for the Apostle says (Gal. 5:2): "If you be circumcised, Christ shall profit you nothing." Therefore the New Law is not a fulfilment of the Old.

[38292] Iª-IIae q. 107 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod lex nova legem veterem non impleat. Impletio enim contrariatur evacuationi. Sed lex nova evacuat, vel excludit observantias legis veteris, dicit enim apostolus, ad Gal. V, *si circumcidimini, Christus nihil vobis proderit*. Ergo lex nova non est impletiva veteris legis.

Objection 2: Further, one contrary is not the fulfilment of another. But Our Lord propounded in the New Law precepts that were contrary to precepts of the Old Law. For we read (Mat. 5:27-32): You have heard that it was said to them of old: . . . "Whosoever shall put away his wife, let him give her a bill of divorce. But I say to you that whosoever shall put away his wife . . . maketh her to commit adultery." Furthermore, the same evidently applies to the prohibition against swearing, against retaliation, and against hating one's enemies. In like manner Our Lord seems to have done away with the precepts of the Old Law relating to the different kinds of foods (Mat. 15:11): "Not that which goeth into the mouth defileth the man: but what cometh out of the mouth, this defileth a man." Therefore the New Law is not a fulfilment of the Old.

[38293] Iª-IIae q. 107 a. 2 arg. 2 Praeterea, contrarium non est impletivum sui contrarii. Sed dominus in lege nova proposuit quaedam praecepta contraria praeceptis veteris legis. Dicitur enim Matth. V, *audistis quia dictum est antiquis, quicumque dimiserit uxorem suam, det ei libellum repudii. Ego autem dico vobis, quicumque dimiserit uxorem suam, facit eam moechari*. Et idem consequenter patet in prohibitione iuramenti, et etiam in prohibitione talionis, et in odio inimicorum. Similiter etiam videtur dominus exclusisse praecepta veteris legis de discretione ciborum, Matth. XV, *non quod intrat in os, coinquinat hominem*. Ergo lex nova non est impletiva veteris.

Objection 3: Further, whoever acts against a law does not fulfil the law. But Christ in certain cases acted against the Law. For He touched the leper (Mat. 8:3), which was contrary to the Law. Likewise He seems to have frequently broken the sabbath; since the Jews used to say of Him (Jn. 9:16): "This man is not of God, who keepeth not the sabbath." Therefore Christ did not fulfil the Law: and so the New Law given by Christ is not a fulfilment of the Old.

[38294] Iª-IIae q. 107 a. 2 arg. 3 Praeterea, quicumque contra legem agit, non implet legem. Sed Christus in aliquibus contra legem fecit. Tetigit enim leprosum, ut dicitur Matth. VIII, quod erat contra legem. Similiter etiam videtur sabbatum pluries violasse, unde de eo dicebant Iudaei, Ioan. IX, *non est hic homo a Deo, qui sabbatum non custodit*. Ergo Christus non implevit legem. Et ita lex nova data a Christo, non est veteris impletiva.

Objection 4: Further, the Old Law contained precepts, moral, ceremonial, and judicial, as stated above (Q[99], A[4]). But Our Lord (Mat. 5) fulfilled the Law in some respects, but without mentioning the judicial and ceremonial precepts. Therefore it seems that the New Law is not a

[38295] Iª-IIae q. 107 a. 2 arg. 4 Praeterea, in veteri lege continebantur praecepta moralia, caeremonialia et iudicialia, ut supra dictum est. Sed dominus, Matth. V, ubi quantum ad aliqua legem implevit, nullam mentionem videtur facere de iudicialibus et caeremonialibus. Ergo videtur

complete fulfilment of the Old.

quod lex nova non sit totaliter veteris impletiva.

On the contrary, Our Lord said (Mat. 5:17): "I am not come to destroy, but to fulfil": and went on to say (Mat. 5:18): "One jot or one tittle shall not pass of the Law till all be fulfilled."

[38296] Iª-IIae q. 107 a. 2 s. c. Sed contra est quod dominus dicit, Matth. V, *non veni solvere legem, sed adimplere*. Et postea, subdit, *iota unum, aut unus apex, non praeteribit a lege, donec omnia fiant*.

I answer that, As stated above (A[1]), the New Law is compared to the Old as the perfect to the imperfect. Now everything perfect fulfils that which is lacking in the imperfect. And accordingly the New Law fulfils the Old by supplying that which was lacking in the Old Law.

Now two things of every law is to make men righteous and virtuous, as was stated above (Q[92], A[1]): and consequently the end of the Old Law was the justification of men. The Law, however, could not accomplish this: but foreshadowed it by certain ceremonial actions, and promised it in words. And in this respect, the New Law fulfils the Old by justifying men through the power of Christ's Passion. This is what the Apostle says (Rom. 8:3,4): "What the Law could not do . . . God sending His own Son in the likeness of sinful flesh . . . hath condemned sin in the flesh, that the justification of the Law might be fulfilled in us." And in this respect, the New Law gives what the Old Law promised, according to 2 Cor. 1:20: "Whatever are the promises of God, in Him," i.e. in Christ, "they are 'Yea'." [*The Douay version reads thus: "All the promises of God are in Him, 'It is'."] Again, in this respect, it also fulfils what the Old Law foreshadowed. Hence it is written (Col. 2:17) concerning the ceremonial precepts that they were "a shadow of things to come, but the body is of Christ"; in other words, the reality is found in Christ. Wherefore the New Law is called the law of reality; whereas the Old Law is called the law of shadow or of figure.

Now Christ fulfilled the precepts of the Old Law both in His works and in His doctrine. In His works, because He was willing to be circumcised and to fulfil the other legal observances, which were binding for the time being; according to Gal. 4:4: "Made under the Law." In His doctrine He fulfilled the precepts of the Law in three ways. First, by explaining the true sense of the Law.

[38297] Iª-IIae q. 107 a. 2 co. Respondeo dicendum quod, sicut dictum est, lex nova comparatur ad veterem sicut perfectum ad imperfectum. Omne autem perfectum adimplet id quod imperfecto deest. Et secundum hoc lex nova adimplet veterem legem, inquantum supplet illud quod veteri legi deerat. In veteri autem lege duo possunt considerari, scilicet finis; et praecepta contenta in lege. Finis vero cuiuslibet legis est ut homines efficiantur iusti et virtuosi, ut supra dictum est. Unde et finis veteris legis erat iustificatio hominum. Quam quidem lex efficere non poterat, sed figurabat quibusdam caeremonialibus factis, et promittebat verbis. Et quantum ad hoc, lex nova implet veterem legem iustificando virtute passionis Christi. Et hoc est quod apostolus dicit, ad Rom. VIII, *quod impossibile erat legi, Deus, filium suum mittens in similitudinem carnis peccati, damnavit peccatum in carne, ut iustificatio legis impleretur in nobis*. Et quantum ad hoc, lex nova exhibet quod lex vetus promittebat; secundum illud II ad Cor. I, quotquot promissiones Dei sunt, in illo est, idest in Christo. Et iterum quantum ad hoc etiam complet quod vetus lex figurabat. Unde ad Colos. II dicitur de caeremonialibus quod erant umbra futurorum, corpus autem Christi, idest, veritas pertinet ad Christum. Unde lex nova dicitur lex veritatis, lex autem vetus umbrae vel figurae. Praecepta vero veteris legis adimplevit Christus et opere, et doctrina. Opere quidem, quia circumcidi voluit, et alia legalia observare, quae erant illo tempore observanda; secundum illud Gal. IV, *factum sub lege*. Sua autem doctrina adimplevit praecepta legis tripliciter. Primo quidem, verum intellectum legis exprimendo. Sicut patet in homicidio et adulterio, in quorum prohibitione Scribae et Pharisaei non intelligebant nisi exteriorem actum prohibitum, unde dominus legem adimplevit, ostendendo etiam interiores actus peccatorum cadere sub prohibitione. Secundo, adimplevit dominus praecepta legis,

This is clear in the case of murder and adultery, the prohibition of which the Scribes and Pharisees thought to refer only to the exterior act: wherefore Our Lord fulfilled the Law by showing that the prohibition extended also to the interior acts of sins. Secondly, Our Lord fulfilled the precepts of the Law by prescribing the safest way of complying with the statutes of the Old Law. Thus the Old Law forbade perjury: and this is more safely avoided, by abstaining altogether from swearing, save in cases of urgency. Thirdly, Our Lord fulfilled the precepts of the Law, by adding some counsels of perfection: this is clearly seen in Mat. 19:21, where Our Lord said to the man who affirmed that he had kept all the precepts of the Old Law: "One thing is wanting to thee: If thou wilt be perfect, go, sell whatsoever thou hast," etc. [*St. Thomas combines Mat. 19:21 with Mk. 10:21].

ordinando quomodo tutius observaretur quod lex vetus statuerat. Sicut lex vetus statuerat ut homo non peiuraret, et hoc tutius observatur si omnino a iuramento abstineat, nisi in casu necessitatis. Tertio, adimplevit dominus praecepta legis, superaddendo quaedam perfectionis consilia, ut patet Matth. XIX, ubi dominus dicenti se observasse praecepta veteris legis, dicit, unum tibi deest. *Si vis perfectus esse, vade et vende omnia quae habes,* et cetera.

Reply to Objection 1: The New Law does not void observance of the Old Law except in the point of ceremonial precepts, as stated above (Q[103], AA[3],4). Now the latter were figurative of something to come. Wherefore from the very fact that the ceremonial precepts were fulfilled when those things were accomplished which they foreshadowed, it follows that they are no longer to be observed: for it they were to be observed, this would mean that something is still to be accomplished and is not yet fulfilled. Thus the promise of a future gift holds no longer when it has been fulfilled by the presentation of the gift. In this way the legal ceremonies are abolished by being fulfilled.

[38298] Iª-IIae q. 107 a. 2 ad 1 Ad primum ergo dicendum quod lex nova non evacuat observantiam veteris legis nisi quantum ad caeremonialia, ut supra habitum est. Haec autem erant in figuram futuri. Unde ex hoc ipso quod caeremonialia praecepta sunt impleta, perfectis his quae figurabantur, non sunt ulterius observanda, quia si observarentur, adhuc significaretur aliquid ut futurum et non impletum. Sicut etiam promissio futuri doni locum iam non habet, promissione iam impleta per doni exhibitionem et per hunc modum, caeremoniae legis tolluntur cum implentur.

Reply to Objection 2: As Augustine says (Contra Faust. xix, 26), those precepts of Our Lord are not contrary to the precepts of the Old Law. For what Our Lord commanded about a man not putting away his wife, is not contrary to what the Law prescribed. "For the Law did not say: 'Let him that wills, put his wife away': the contrary of which would be not to put her away. On the contrary, the Law was unwilling that a man should put away his wife, since it prescribed a delay, so that excessive eagerness for divorce might cease through being weakened during the writing of the bill. Hence Our Lord, in order to impress the fact that a wife ought not easily to be put away,

[38299] Iª-IIae q. 107 a. 2 ad 2 Ad secundum dicendum quod, sicut Augustinus dicit, contra Faustum, praecepta illa domini non sunt contraria praeceptis veteris legis *quod enim dominus praecepit de uxore non dimittenda, non est contrarium ei quod lex praecepit. Neque enim ait lex, qui voluerit, dimittat uxorem; cui esset contrarium non dimittere. Sed utique nolebat dimitti uxorem a viro, qui hanc interposuit moram, ut in dissidium animus praeceps libelli conscriptione refractus absisteret. Unde dominus, ad hoc confirmandum ut non facile uxor dimittatur, solam causam fornicationis excepit*. Et idem etiam dicendum est in prohibitione

allowed no exception save in the case of fornication." The same applies to the prohibition about swearing, as stated above. The same is also clear with respect to the prohibition of retaliation. For the Law fixed a limit to revenge, by forbidding men to seek vengeance unreasonably: whereas Our Lord deprived them of vengeance more completely by commanding them to abstain from it altogether. With regard to the hatred of one's enemies, He dispelled the false interpretation of the Pharisees, by admonishing us to hate, not the person, but his sin. As to discriminating between various foods, which was a ceremonial matter, Our Lord did not forbid this to be observed: but He showed that no foods are naturally unclean, but only in token of something else, as stated above (Q[102], A[6], ad 1).

iuramenti, sicut dictum est. Et idem etiam patet in prohibitione talionis. Taxavit enim modum vindictae lex, ut non procederetur ad immoderatam vindictam, a qua dominus perfectius removit eum quem monuit omnino a vindicta abstinere. Circa odium vero inimicorum, removit falsum Pharisaeorum intellectum, nos monens ut persona odio non haberetur, sed culpa. Circa discretionem vero ciborum, quae caeremonialis erat, dominus non mandavit ut tunc non observaretur, sed ostendit quod nulli cibi secundum suam naturam erant immundi, sed solum secundum figuram, ut supra dictum est.

Reply to Objection 3: It was forbidden by the Law to touch a leper; because by doing so, man incurred a certain uncleanness of irregularity, as also by touching the dead, as stated above (Q[102], A[5], ad 4). But Our Lord, Who healed the leper, could not contract an uncleanness. By those things which He did on the sabbath, He did not break the sabbath in reality, as the Master Himself shows in the Gospel: both because He worked miracles by His Divine power, which is ever active among things; and because He worked miracles by His Divine power, which is ever active among things; and because His works were concerned with the salvation of man, while the Pharisees were concerned for the well-being of animals even on the sabbath; and again because on account of urgency He excused His disciples for gathering the ears of corn on the sabbath. But He did seem to break the sabbath according to the superstitious interpretation of the Pharisees, who thought that man ought to abstain from doing even works of kindness on the sabbath; which was contrary to the intention of the Law.

[38300] Iª-IIae q. 107 a. 2 ad 3 Ad tertium dicendum quod tactus leprosi erat prohibitus in lege, quia ex hoc incurrebat homo quandam irregularitatis immunditiam, sicut et ex tactu mortui, ut supra dictum est. Sed dominus, qui erat mundator leprosi, immunditiam incurrere non poterat. Per ea autem quae fecit in sabbato, sabbatum non solvit secundum rei veritatem, sicut ipse magister in Evangelio ostendit, tum quia operabatur miracula virtute divina, quae semper operatur in rebus; tum quia salutis humanae opera faciebat, cum Pharisaei etiam saluti animalium in die sabbati providerent; tum quia etiam ratione necessitatis discipulos excusavit in sabbato spicas colligentes. Sed videbatur solvere secundum superstitiosum intellectum Pharisaeorum, qui credebant etiam a salubribus operibus esse in die sabbati abstinendum, quod erat contra intentionem legis.

Reply to Objection 4: The reason why the ceremonial precepts of the Law are not mentioned in Mat. 5 is because, as stated above (ad 1), their observance was abolished by their fulfilment. But of the judicial precepts He mentioned that of retaliation: so that what He said about it should refer to all the others. With regard to this precept, He taught that the intention of the Law was that

[38301] Iª-IIae q. 107 a. 2 ad 4 Ad quartum dicendum quod caeremonialia praecepta legis non commemorantur Matth. V, quia eorum observantia totaliter excluditur per impletionem, ut dictum est. De iudicialibus vero praeceptis commemoravit praeceptum talionis, ut quod de hoc diceretur, de omnibus aliis esset intelligendum. In quo quidem praecepto docuit

retaliation should be sought out of love of justice, and not as a punishment out of revengeful spite, which He forbade, admonishing man to be ready to suffer yet greater insults; and this remains still in the New Law.

legis intentionem non esse ad hoc quod poena talionis quaereretur propter livorem vindictae, quem ipse excludit, monens quod homo debet esse paratus etiam maiores iniurias sufferre, sed solum propter amorem iustitiae. Quod adhuc in nova lege remanet.

Q. 107. A. 3. Whether the New Law is contained in the Old?

Objection 1: It would seem that the New Law is not contained in the Old. Because the New Law consists chiefly in faith: wherefore it is called the "law of faith" (Rom. 3:27). But many points of faith are set forth in the New Law, which are not contained in the Old. Therefore the New Law is not contained in the Old.

[38302] Iª-IIae q. 107 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod lex nova in lege veteri non contineatur. Lex enim nova praecipue in fide consistit, unde dicitur lex fidei, ut patet Rom. III. Sed multa credenda traduntur in nova lege quae in veteri non continentur. Ergo lex nova non continetur in veteri.

Objection 2: Further, a gloss says on Mat. 5:19, "He that shall break one of these least commandments," that the lesser commandments are those of the Law, and the greater commandments, those contained in the Gospel. Now the greater cannot be contained in the lesser. Therefore the New Law is not contained in the Old.

[38303] Iª-IIae q. 107 a. 3 arg. 2 Praeterea, quaedam Glossa dicit, Matth. V, super illud, qui solverit unum de mandatis istis minimis, quod mandata legis sunt minora, in Evangelio vero sunt mandata maiora. Maius autem non potest contineri in minori. Ergo lex nova non continetur in veteri.

Objection 3: Further, who holds the container holds the contents. If, therefore, the New Law is contained in the Old, it follows that whoever had the Old Law had the New: so that it was superfluous to give men a New Law when once they had the Old. Therefore the New Law is not contained in the Old.

[38304] Iª-IIae q. 107 a. 3 arg. 3 Praeterea, quod continetur in altero, simul habetur habito illo. Si igitur lex nova contineretur in veteri, sequeretur quod, habita veteri lege, habeatur et nova. Superfluum igitur fuit, habita veteri lege, iterum dari novam. Non ergo nova lex continetur in veteri.

On the contrary, As expressed in Ezech. 1:16, there was "a wheel in the midst of a wheel," i.e. "the New Testament within the Old," according to Gregory's exposition.

[38305] Iª-IIae q. 107 a. 3 s. c. Sed contra est quod, sicut dicitur Ezech. I, *rota erat in rota*, idest novum testamentum in veteri, ut Gregorius exponit.

I answer that, One thing may be contained in another in two ways. First, actually; as a located thing is in a place. Secondly, virtually; as an effect in its cause, or as the complement in that which is incomplete; thus a genus contains its species, and a seed contains the whole tree, virtually. It is in this way that the New Law is contained in the Old: for it has been stated (A[1]) that the New Law is compared to the Old as perfect to

[38306] Iª-IIae q. 107 a. 3 co. Respondeo dicendum quod aliquid continetur in alio dupliciter. Uno modo, in actu, sicut locatum in loco. Alio modo, virtute, sicut effectus in causa, vel complementum in incompleto, sicut genus continet species potestate, et sicut tota arbor continetur in semine. Et per hunc modum nova lex continetur in veteri, dictum est enim quod nova lex comparatur ad veterem sicut perfectum

imperfect. Hence Chrysostom, expounding Mk. 4:28, "The earth of itself bringeth forth fruit, first the blade, then the ear, afterwards the full corn in the ear," expresses himself as follows: "He brought forth first the blade, i.e. the Law of Nature; then the ear, i.e. the Law of Moses; lastly, the full corn, i.e. the Law of the Gospel." Hence then the New Law is in the Old as the corn in the ear.

ad imperfectum. Unde Chrysostomus exponens illud quod habetur Marc. IV, *ultro terra fructificat primum herbam, deinde spicam, deinde plenum frumentum in spica*, sic dicit, *primo herbam fructificat in lege naturae; postmodum spicas in lege Moysi; postea plenum frumentum, in Evangelio*. Sic igitur est lex nova in veteri sicut fructus in spica.

Reply to Objection 1: Whatsoever is set down in the New Testament explicitly and openly as a point of faith, is contained in the Old Testament as a matter of belief, but implicitly, under a figure. And accordingly, even as to those things which we are bound to believe, the New Law is contained in the Old.

[38307] Iª-IIae q. 107 a. 3 ad 1 Ad primum ergo dicendum quod omnia quae credenda traduntur in novo testamento explicite et aperte, traduntur credenda in veteri testamento, sed implicite sub figura. Et secundum hoc etiam quantum ad credenda lex nova continetur in veteri.

Reply to Objection 2: The precepts of the New Law are said to be greater than those of the Old Law, in the point of their being set forth explicitly. But as to the substance itself of the precepts of the New Testament, they are all contained in the Old. Hence Augustine says (Contra Faust. xix, 23,28) that "nearly all Our Lord's admonitions or precepts, where He expressed Himself by saying: 'But I say unto you,' are to be found also in those ancient books. Yet, since they thought that murder was only the slaying of the human body, Our Lord declared to them that every wicked impulse to hurt our brother is to be looked on as a kind of murder." And it is in the point of declarations of this kind that the precepts of the New Law are said to be greater than those of the Old. Nothing, however, prevents the greater from being contained in the lesser virtually; just as a tree is contained in the seed.

[38308] Iª-IIae q. 107 a. 3 ad 2 Ad secundum dicendum quod praecepta novae legis dicuntur esse maiora quam praecepta veteris legis, quantum ad explicitam manifestationem. Sed quantum ad ipsam substantiam praeceptorum novi testamenti, omnia continentur in veteri testamento. Unde Augustinus dicit, contra Faustum, quod *pene omnia quae monuit vel praecepit dominus, ubi adiungebat, ego autem dico vobis, inveniuntur etiam in illis veteribus libris. Sed quia non intelligebant homicidium nisi peremptionem corporis humani, aperuit dominus omnem iniquum motum ad nocendum fratri, in homicidii genere deputari*. Et quantum ad huiusmodi manifestationes, praecepta novae legis dicuntur maiora praeceptis veteris legis. Nihil tamen prohibet maius in minori virtute contineri, sicut arbor continetur in semine.

Reply to Objection 3: What is set forth implicitly needs to be declared explicitly. Hence after the publishing of the Old Law, a New Law also had to be given.

[38309] Iª-IIae q. 107 a. 3 ad 3 Ad tertium dicendum quod illud quod implicite datum est, oportet explicari. Et ideo post veterem legem latam, oportuit etiam novam legem dari.

Q. 107. A. 4. Whether the New Law is more burdensome than the Old?

Objection 1: It would seem that the New Law is more burdensome than the Old. For Chrysostom (Opus Imp. in Matth., Hom. x [*The work of an unknown author]) say: "The commandments

[38310] Iª-IIae q. 107 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod lex nova sit gravior quam lex vetus. Matth. enim V, super illud, qui solverit unum de mandatis his minimis, dicit

given to Moses are easy to obey: Thou shalt not kill; Thou shalt not commit adultery: but the commandments of Christ are difficult to accomplish, for instance: Thou shalt not give way to anger, or to lust." Therefore the New Law is more burdensome than the Old.

Chrysostomus, *mandata Moysi in actu facilia sunt, non occides, non adulterabis. Mandata autem Christi, idest, non irascaris, non concupiscas, in actu difficilia sunt*. Ergo lex nova est gravior quam vetus.

Objection 2: Further, it is easier to make use of earthly prosperity than to suffer tribulations. But in the Old Testament observance of the Law was followed by temporal prosperity, as may be gathered from Dt. 28:1-14; whereas many kinds of trouble ensue to those who observe the New Law, as stated in 2 Cor. 6:4-10: "Let us exhibit ourselves as the ministers of God, in much patience, in tribulation, in necessities, in distresses," etc. Therefore the New Law is more burdensome than the Old.

[38311] Iª-IIae q. 107 a. 4 arg. 2 Praeterea, facilius est terrena prosperitate uti quam tribulationes perpeti. Sed in veteri testamento observationem veteris legis consequebatur prosperitas temporalis, ut patet Deut. XXVIII. Observatores autem novae legis consequitur multiplex adversitas, prout dicitur II ad Cor. VI, *exhibeamus nosmetipsos sicut Dei ministros in multa patientia, in tribulationibus, in necessitatibus, in angustiis,* et cetera. Ergo lex nova est gravior quam lex vetus.

Objection 3: The more one has to do, the more difficult it is. But the New Law is something added to the Old. For the Old Law forbade perjury, while the New Law proscribed even swearing: the Old Law forbade a man to cast off his wife without a bill of divorce, while the New Law forbade divorce altogether; as is clearly stated in Mat. 5:31, seqq., according to Augustine's expounding. Therefore the New Law is more burdensome than the Old.

[38312] Iª-IIae q. 107 a. 4 arg. 3 Praeterea, quod se habet ex additione ad alterum, videtur esse difficilius. Sed lex nova se habet ex additione ad veterem. Nam lex vetus prohibuit periurium, lex nova etiam iuramentum, lex vetus prohibuit discidium uxoris sine libello repudii, lex autem nova omnino discidium prohibuit, ut patet Matth. V, secundum expositionem Augustini. Ergo lex nova est gravior quam vetus.

On the contrary, It is written (Mat. 11:28): "Come to Me, all you that labor and are burdened": which words are expounded by Hilary thus: "He calls to Himself all those that labor under the difficulty of observing the Law, and are burdened with the sins of this world." And further on He says of the yoke of the Gospel: "For My yoke is sweet and My burden light." Therefore the New Law is a lighter burden than the Old.

[38313] Iª-IIae q. 107 a. 4 s. c. Sed contra est quod dicitur Matth. XI, *venite ad me omnes qui laboratis et onerati estis*. Quod exponens Hilarius dicit, *legis difficultatibus laborantes, et peccatis saeculi oneratos, ad se advocat*. Et postmodum de iugo Evangelii subdit, *iugum enim meum suave est, et onus meum leve*. Ergo lex nova est levior quam vetus.

I answer that, A twofold difficult may attach to works of virtue with which the precepts of the Law are concerned. One is on the part of the outward works, which of themselves are, in a way, difficult and burdensome. And in this respect the Old Law is a much heavier burden than the New: since the Old Law by its numerous ceremonies prescribed many more outward acts than the New Law, which, in the teaching of

[38314] Iª-IIae q. 107 a. 4 co. Respondeo dicendum quod circa opera virtutis, de quibus praecepta legis dantur, duplex difficultas attendi potest. Una quidem ex parte exteriorum operum, quae ex seipsis quandam difficultatem habent et gravitatem. Et quantum ad hoc, lex vetus est multo gravior quam nova, quia ad plures actus exteriores obligabat lex vetus in multiplicibus caeremoniis, quam lex nova, quae praeter

Christ and the apostles, added very few precepts to those of the natural law; although afterwards some were added, through being instituted by the holy Fathers. Even in these Augustine says that moderation should be observed, lest good conduct should become a burden to the faithful. For he says in reply to the queries of Januarius (Ep. lv) that, "whereas God in His mercy wished religion to be a free service rendered by the public solemnization of a small number of most manifest sacraments, certain persons make it a slave's burden; so much so that the state of the Jews who were subject to the sacraments of the Law, and not to the presumptuous devices of man, was more tolerable."

praecepta legis naturae, paucissima superaddidit in doctrina Christi et apostolorum; licet aliqua sint postmodum superaddita ex institutione sanctorum patrum. In quibus etiam Augustinus dicit esse moderationem attendendam, ne conversatio fidelium onerosa reddatur. Dicit enim, ad inquisitiones Ianuarii, de quibusdam, quod *ipsam religionem nostram, quam in manifestissimis et paucissimis celebrationum sacramentis Dei misericordia voluit esse liberam, servilibus premunt oneribus, adeo ut tolerabilior sit conditio Iudaeorum, qui legalibus sacramentis, non humanis praesumptionibus subiiciuntur*. Alia autem difficultas est circa opera virtutum in interioribus actibus, puta quod aliquis opus virtutis exerceat prompte et delectabiliter. Et circa hoc difficile est virtus, hoc enim non habenti virtutem est valde difficile; sed per virtutem redditur facile. Et quantum ad hoc, praecepta novae legis sunt graviora praeceptis veteris legis, quia in nova lege prohibentur interiores motus animi, qui expresse in veteri lege non prohibebantur in omnibus, etsi in aliquibus prohiberentur; in quibus tamen prohibendis poena non apponebatur. Hoc autem est difficillimum non habenti virtutem, sicut etiam philosophus dicit, in V Ethic., quod operari ea quae iustus operatur, facile est; sed operari ea eo modo quo iustus operatur, scilicet delectabiliter et prompte, est difficile non habenti iustitiam. Et sic etiam dicitur I Ioan. V, quod mandata eius gravia non sunt, quod exponens Augustinus dicit quod *non sunt gravia amanti, sed non amanti sunt gravia*.

The other difficulty attaches to works of virtue as to interior acts: for instance, that a virtuous deed be done with promptitude and pleasure. It is this difficulty that virtue solves: because to act thus is difficult for a man without virtue: but through virtue it becomes easy for him. In this respect the precepts of the New Law are more burdensome than those of the Old; because the New Law prohibits certain interior movements of the soul, which were not expressly forbidden in the Old Law in all cases, although they were forbidden in some, without, however, any punishment being attached to the prohibition. Now this is very difficult to a man without virtue: thus even the Philosopher states (Ethic. v, 9) that it is easy to do what a righteous man does; but that to do it in the same way, viz. with pleasure and promptitude, is difficult to a man who is not righteous. Accordingly we read also (1 Jn. 5:3) that "His commandments are not heavy": which words Augustine expounds by saying that "they are not heavy to the man that loveth; whereas they are a burden to him that loveth not."

Reply to Objection 1: The passage quoted speaks expressly of the difficulty of the New Law as to the deliberate curbing of interior movements.

[38315] Iª-IIae q. 107 a. 4 ad 1 Ad primum ergo dicendum quod auctoritas illa expresse loquitur de difficultate novae legis quantum ad expressam cohibitionem interiorum motuum.

Reply to Objection 2: The tribulations suffered by those who observe the New Law are not imposed by the Law itself. Moreover they are easily borne, on account of the love in which the same Law consists: since, as Augustine says (De

[38316] Iª-IIae q. 107 a. 4 ad 2 Ad secundum dicendum quod adversitates quas patiuntur observatores novae legis, non sunt ab ipsa lege impositae. Sed tamen propter amorem, in quo ipsa lex consistit, faciliter tollerantur, quia sicut

Verb. Dom., Serm. lxx), "love makes light and nothing of things that seem arduous and beyond our power."

Augustinus dicit, in libro de verbis domini, *omnia saeva et immania facilia et prope nulla efficit amor*.

Reply to Objection 3: The object of these additions to the precepts of the Old Law was to render it easier to do what it prescribed, as Augustine states [*De Serm. Dom. in Monte i, 17,21; xix, 23,26]. Accordingly this does not prove that the New Law is more burdensome, but rather that it is a lighter burden.

[38317] Iª-IIae q. 107 a. 4 ad 3 Ad tertium dicendum quod illae additiones ad praecepta veteris legis, ad hoc ordinantur ut facilius impleatur quod vetus lex mandabat, sicut Augustinus dicit. Et ideo per hoc non ostenditur quod lex nova sit gravior, sed magis quod sit facilior.

Q. 108. OF THOSE THINGS THAT ARE CONTAINED IN THE NEW LAW (FOUR ARTICLES)

We must now consider those things that are contained in the New Law: under which head there are four points of inquiry:

(1) Whether the New Law ought to prescribe or to forbid any outward works?

(2) Whether the New Law makes sufficient provision in prescribing and forbidding external acts?

(3) Whether in the matter of internal acts it directs man sufficiently?

(4) Whether it fittingly adds counsels to precepts?

[38318] Iª-IIae q. 108 pr. Deinde considerandum est de his quae continentur in lege nova. Et circa hoc quaeruntur quatuor. Primo, utrum lex nova debeat aliqua opera exteriora praecipere vel prohibere. Secundo, utrum sufficienter se habeat in exterioribus actibus praecipiendis vel prohibendis. Tertio, utrum convenienter instituat homines quantum ad actus interiores. Quarto, utrum convenienter superaddat consilia praeceptis.

Q. 108. A. 1. Whether the New Law ought to prescribe or prohibit any external acts?

Objection 1: It would seem that the New Law should not prescribe or prohibit any external acts. For the New Law is the Gospel of the kingdom, according to Mat. 24:14: "This Gospel of the kingdom shall be preached in the whole world." But the kingdom of God consists not in exterior, but only in interior acts, according to Lk. 17:21: "The kingdom of God is within you"; and Rom. 14:17: "The kingdom of God is not meat and drink; but justice and peace and joy in the Holy Ghost." Therefore the New Law should not prescribe or forbid any external acts.

[38319] Iª-IIae q. 108 a. 1 arg. 1 Ad primum sic proceditur. Videtur quod lex nova nullos exteriores actus debeat praecipere vel prohibere. Lex enim nova est Evangelium regni; secundum illud Matth. XXIV, *praedicabitur hoc Evangelium regni in universo orbe*. Sed regnum Dei non consistit in exterioribus actibus, sed solum in interioribus; secundum illud Luc. XVII, *regnum Dei intra vos est*; et Rom. XIV, *non est regnum Dei esca et potus, sed iustitia et pax et gaudium in spiritu sancto*. Ergo lex nova non debet praecipere vel prohibere aliquos exteriores actus.

Objection 2: Further, the New Law is "the law of the Spirit" (Rom. 8:2). But "where the Spirit of the Lord is, there is liberty" (2 Cor. 3:17). Now there is no liberty when man is bound to do or avoid certain external acts. Therefore the New Law does not prescribe or forbid any external acts.

[38320] Iª-IIae q. 108 a. 1 arg. 2 Praeterea, lex nova est lex spiritus, ut dicitur Rom. VIII. Sed ubi spiritus domini, ibi libertas, ut dicitur II ad Cor. III. Non est autem libertas ubi homo obligatur ad aliqua exteriora opera facienda vel vitanda. Ergo lex nova non continet aliqua praecepta vel prohibitiones exteriorum actuum.

Objection 3: Further, all external acts are understood as referable to the hand, just as interior acts belong to the mind. But this is assigned as the difference between the New and Old Laws that the "Old Law restrains the hand, whereas the New Law curbs the will" [*Peter Lombard, Sent. iii, D, 40]. Therefore the New Law should not contain prohibitions and commands about exterior deeds, but only about

[38321] Iª-IIae q. 108 a. 1 arg. 3 Praeterea, omnes exteriores actus pertinere intelliguntur ad manum, sicut interiores actus pertinent ad animum. Sed haec ponitur differentia inter novam legem et veterem, quod *vetus lex cohibet manum, sed lex nova cohibet animum*. Ergo in lege nova non debent poni prohibitiones et praecepta exteriorum actuum, sed solum interiorum.

interior acts.

On the contrary, Through the New Law, men are made "children of light": wherefore it is written (Jn. 12:36): "Believe in the light that you may be the children of light." Now it is becoming that children of the light should do deeds of light and cast aside deeds of darkness, according to Eph. 5:8: "You were heretofore darkness, but now light in the Lord. Walk . . . as children of the light." Therefore the New Law had to forbid certain external acts and prescribe others.

[38322] Iª-IIae q. 108 a. 1 s. c. Sed contra est quod per legem novam efficiuntur homines filii lucis, unde dicitur Ioan. XII, *credite in lucem, ut filii lucis sitis*. Sed filios lucis decet opera lucis facere, et opera tenebrarum abiicere; secundum illud Ephes. V, *eratis aliquando tenebrae, nunc autem lux in domino. Ut filii lucis ambulate*. Ergo lex nova quaedam exteriora opera debuit prohibere, et quaedam praecipere.

I answer that, As stated above (Q[106], AA[1],2), the New Law consists chiefly in the grace of the Holy Ghost, which is shown forth by faith that worketh through love. Now men become receivers of this grace through God's Son made man, Whose humanity grace filled first, and thence flowed forth to us. Hence it is written (Jn. 1:14): "The Word was made flesh," and afterwards: "full of grace and truth"; and further on: "Of His fulness we all have received, and grace for grace." Hence it is added that "grace and truth came by Jesus Christ." Consequently it was becoming that the grace flows from the incarnate Word should be given to us by means of certain external sensible objects; and that from this inward grace, whereby the flesh is subjected to the Spirit, certain external works should ensue.

Accordingly external acts may have a twofold connection with grace. In the first place, as leading in some way to grace. Such are the sacramental acts which are instituted in the New Law, e.g. Baptism, the Eucharist, and the like.

In the second place there are those external acts which ensue from the promptings of grace: and herein we must observe a difference. For there are some which are necessarily in keeping with, or in opposition to inward grace consisting in faith that worketh through love. Such external works are prescribed or forbidden in the New Law; thus confession of faith is prescribed, and denial of faith is forbidden; for it is written (Mat. 10:32,33) "(Every one) that shall confess Me before men, I will also confess him before My Father . . . But he that shall deny Me before men, I will also deny him before My Father." On the other hand, there are works which are not necessarily opposed to,

[38323] Iª-IIae q. 108 a. 1 co. Respondeo dicendum quod, sicut dictum est, principalitas legis novae est gratia spiritus sancti, quae manifestatur in fide per dilectionem operante. Hanc autem gratiam consequuntur homines per Dei filium hominem factum, cuius humanitatem primo replevit gratia, et exinde est ad nos derivata. Unde dicitur Ioan. I, *verbum caro factum est*; et postea subditur, *plenum gratiae et veritatis*; et infra, *de plenitudine eius nos omnes accepimus, et gratiam pro gratia*. Unde subditur quod gratia et veritas per Iesum Christum facta est. Et ideo convenit ut per aliqua exteriora sensibilia gratia a verbo incarnato profluens in nos deducatur; et ex hac interiori gratia, per quam caro spiritui subditur, exteriora quaedam opera sensibilia producantur. Sic igitur exteriora opera dupliciter ad gratiam pertinere possunt. Uno modo, sicut inducentia aliqualiter ad gratiam. Et talia sunt opera sacramentorum quae in lege nova sunt instituta, sicut Baptismus, Eucharistia, et alia huiusmodi. Alia vero sunt opera exteriora quae ex instinctu gratiae producuntur. Et in his est quaedam differentia attendenda. Quaedam enim habent necessariam convenientiam vel contrarietatem ad interiorem gratiam, quae in fide per dilectionem operante consistit. Et huiusmodi exteriora opera sunt praecepta vel prohibita in lege nova, sicut praecepta est confessio fidei, et prohibita negatio; dicitur enim Matth. X, *qui confitebitur me coram hominibus, confitebor et ego eum coram patre meo. Qui autem negaverit me coram hominibus, negabo et ego eum coram patre meo*. Alia vero sunt opera quae non habent necessariam contrarietatem vel convenientiam ad fidem per dilectionem operantem. Et talia opera non sunt in nova lege praecepta vel prohibita ex

or in keeping with faith that worketh through love. Such works are not prescribed or forbidden in the New Law, by virtue of its primitive institution; but have been left by the Lawgiver, i.e. Christ, to the discretion of each individual. And so to each one it is free to decide what he should do or avoid; and to each superior, to direct his subjects in such matters as regards what they must do or avoid. Wherefore also in this respect the Gospel is called the "law of liberty" [*Cf. Reply OBJ[2]]: since the Old Law decided many points and left few to man to decide as he chose.

ipsa prima legis institutione; sed relicta sunt a legislatore, scilicet Christo, unicuique, secundum quod aliquis curam gerere debet. Et sic unicuique liberum est circa talia determinare quid sibi expediat facere vel vitare; et cuicumque praesidenti, circa talia ordinare suis subditis quid sit in talibus faciendum vel vitandum. Unde etiam quantum ad hoc dicitur lex Evangelii lex libertatis, nam lex vetus multa determinabat, et pauca relinquebat hominum libertati determinanda.

Reply to Objection 1: The kingdom of God consists chiefly in internal acts: but as a consequence all things that are essential to internal acts belong also to the kingdom of God. Thus if the kingdom of God is internal righteousness, peace, and spiritual joy, all external acts that are incompatible with righteousness, peace, and spiritual joy, are in opposition to the kingdom of God; and consequently should be forbidden in the Gospel of the kingdom. On the other hand, those things that are indifferent as regards the aforesaid, for instance, to eat of this or that food, are not part of the kingdom of God; wherefore the Apostle says before the words quoted: "The kingdom of God is not meat and drink."

[38324] Iª-IIae q. 108 a. 1 ad 1 Ad primum ergo dicendum quod regnum Dei in interioribus actibus principaliter consistit, sed ex consequenti etiam ad regnum Dei pertinent omnia illa sine quibus interiores actus esse non possunt. Sicut si regnum Dei est interior iustitia et pax et gaudium spirituale, necesse est quod omnes exteriores actus qui repugnant iustitiae aut paci aut gaudio spirituali, repugnent regno Dei, et ideo sunt in Evangelio regni prohibendi. Illa vero quae indifferenter se habent respectu horum, puta comedere hos vel illos cibos, in his non est regnum Dei, unde apostolus praemittit, *non est regnum Dei esca et potus*.

Reply to Objection 2: According to the Philosopher (Metaph. i, 2), what is "free is cause of itself." Therefore he acts freely, who acts of his own accord. Now man does of his own accord that which he does from a habit that is suitable to his nature: since a habit inclines one as a second nature. If, however, a habit be in opposition to nature, man would not act according to his nature, but according to some corruption affecting that nature. Since then the grace of the Holy Ghost is like an interior habit bestowed on us and inclining us to act aright, it makes us do freely those things that are becoming to grace, and shun what is opposed to it.

Accordingly the New Law is called the law of liberty in two respects. First, because it does not bind us to do or avoid certain things, except such as are of themselves necessary or opposed to salvation, and come under the prescription or

[38325] Iª-IIae q. 108 a. 1 ad 2 Ad secundum dicendum quod, secundum philosophum, in I Metaphys., *liber est qui sui causa est*. Ille ergo libere aliquid agit qui ex seipso agit. Quod autem homo agit ex habitu suae naturae convenienti, ex seipso agit, quia habitus inclinat in modum naturae. Si vero habitus esset naturae repugnans, homo non ageret secundum quod est ipse, sed secundum aliquam corruptionem sibi supervenientem. Quia igitur gratia spiritus sancti est sicut interior habitus nobis infusus inclinans nos ad recte operandum, facit nos libere operari ea quae conveniunt gratiae, et vitare ea quae gratiae repugnant. Sic igitur lex nova dicitur lex libertatis dupliciter. Uno modo, quia non arctat nos ad facienda vel vitanda aliqua, nisi quae de se sunt vel necessaria vel repugnantia saluti, quae cadunt sub praecepto vel prohibitione legis. Secundo, quia huiusmodi etiam praecepta vel prohibitiones facit nos libere implere, inquantum ex interiori

prohibition of the law. Secondly, because it also makes us comply freely with these precepts and prohibitions, inasmuch as we do so through the promptings of grace. It is for these two reasons that the New Law is called "the law of perfect liberty" (James 1:25).

instinctu gratiae ea implemus. Et propter haec duo lex nova dicitur lex perfectae libertatis, Iac. I.

Reply to Objection 3: The New Law, by restraining the mind from inordinate movements, must needs also restrain the hand from inordinate acts, which ensue from inward movements.

[38326] Iª-IIae q. 108 a. 1 ad 3 Ad tertium dicendum quod lex nova, cohibendo animum ab inordinatis motibus, oportet quod etiam cohibeat manum ab inordinatis actibus, qui sunt effectus interiorum motuum.

Q. 108. A. 2. Whether the New Law made sufficient ordinations about external acts?

Objection 1: It would seem that the New Law made insufficient ordinations about external acts. Because faith that worketh through charity seems chiefly to belong to the New Law, according to Gal. 5:6: "In Christ Jesus neither circumcision availeth anything, nor uncircumcision: but faith that worketh through charity." But the New Law declared explicitly certain points of faith which were not set forth explicitly in the Old Law; for instance, belief in the Trinity. Therefore it should also have added certain outward moral deeds, which were not fixed in the Old Law.

[38327] Iª-IIae q. 108 a. 2 arg. 1 Ad secundum sic proceditur. Videtur quod lex nova insufficienter exteriores actus ordinaverit. Ad legem enim novam praecipue pertinere videtur fides per dilectionem operans; secundum illud ad Gal. V, *in Christo Iesu neque circumcisio aliquid valet neque praeputium, sed fides quae per dilectionem operatur*. Sed lex nova explicavit quaedam credenda quae non erant in veteri lege explicita, sicut de fide Trinitatis. Ergo etiam debuit superaddere aliqua exteriora opera moralia, quae non erant in veteri lege determinata.

Objection 2: Further, in the Old Law not only were sacraments instituted, but also certain sacred things, as stated above (Q[101], A[4]; Q[102], A[4]). But in the New Law, although certain sacraments are instituted by Our Lord; for instance, pertaining either to the sanctification of a temple or of the vessels, or to the celebration of some particular feast. Therefore the New Law made insufficient ordinations about external matters.

[38328] Iª-IIae q. 108 a. 2 arg. 2 Praeterea, in veteri lege non solum instituta sunt sacramenta, sed etiam aliqua sacra, ut supra dictum est. Sed in nova lege, etsi sint instituta aliqua sacramenta, nulla tamen sacra instituta a domino videntur, puta quae pertineant vel ad sanctificationem alicuius templi aut vasorum, vel etiam ad aliquam solemnitatem celebrandam. Ergo lex nova insufficienter exteriora ordinavit.

Objection 3: Further, in the Old Law, just as there were certain observances pertaining to God's ministers, so also were there certain observances pertaining to the people: as was stated above when we were treating of the ceremonial of the Old Law (Q[101], A[4]; Q[102], A[6]). Now in the New Law certain observances seem to have been prescribed to the ministers of God; as may be gathered from Mat. 10:9: "Do not possess gold, nor silver, nor money in your purses," nor other

[38329] Iª-IIae q. 108 a. 2 arg. 3 Praeterea, in veteri lege, sicut erant quaedam observantiae pertinentes ad Dei ministros, ita etiam erant quaedam observantiae pertinentes ad populum; ut supra dictum est, cum de caeremonialibus veteris legis ageretur. Sed in nova lege videntur aliquae observantiae esse datae ministris Dei, ut patet Matth. X, *nolite possidere aurum neque argentum, neque pecuniam in zonis vestris*, et cetera quae ibi sequuntur, et quae dicuntur Luc.

things which are mentioned here and Lk. 9, 10. Therefore certain observances pertaining to the faithful should also have been instituted in the New Law.

IX et X. Ergo etiam debuerunt aliquae observantiae institui in nova lege ad populum fidelem pertinentes.

Objection 4: Further, in the Old Law, besides moral and ceremonial precepts, there were certain judicial precepts. But in the New Law there are no judicial precepts. Therefore the New Law made insufficient ordinations about external works.

[38330] Iª-IIae q. 108 a. 2 arg. 4 Praeterea, in veteri lege, praeter moralia et caeremonialia, fuerunt quaedam iudicialia praecepta. Sed in lege nova non traduntur aliqua iudicialia praecepta. Ergo lex nova insufficienter exteriora opera ordinavit.

On the contrary, Our Lord said (Mat. 7:24): "Every one . . . that heareth these My words, and doth them, shall be likened to a wise man that built his house upon a rock." But a wise builder leaves out nothing that is necessary to the building. Therefore Christ's words contain all things necessary for man's salvation.

[38331] Iª-IIae q. 108 a. 2 s. c. Sed contra est quod dominus dicit, Matth. VII, *omnis qui audit verba mea haec et facit ea, assimilabitur viro sapienti qui aedificavit domum suam supra petram*. Sed sapiens aedificator nihil omittit eorum quae sunt necessaria ad aedificium. Ergo in verbis Christi sufficienter sunt omnia posita quae pertinent ad salutem humanam.

I answer that, as stated above (A[1]), the New Law had to make such prescriptions or prohibitions alone as are essential for the reception or right use of grace. And since we cannot of ourselves obtain grace, but through Christ alone, hence Christ of Himself instituted the sacraments whereby we obtain grace: viz. Baptism, Eucharist, Orders of the ministers of the New Law, by the institution of the apostles and seventy-two disciples, Penance, and indissoluble Matrimony. He promised Confirmation through the sending of the Holy Ghost: and we read that by His institution the apostles healed the sick by anointing them with oil (Mk. 6:13). These are the sacraments of the New Law.

The right use of grace is by means of works of charity. These, in so far as they are essential to virtue, pertain to the moral precepts, which also formed part of the Old Law. Hence, in this respect, the New Law had nothing to add as regards external action. The determination of these works in their relation to the divine worship, belongs to the ceremonial precepts of the Law; and, in relation to our neighbor, to the judicial precepts, as stated above (Q[99], A[4]). And therefore, since these determinations are not in themselves necessarily connected with inward grace wherein the Law consists, they do not come

[38332] Iª-IIae q. 108 a. 2 co. Respondeo dicendum quod, sicut dictum est, lex nova in exterioribus illa solum praecipere debuit vel prohibere, per quae in gratiam introducimur, vel quae pertinent ad rectum gratiae usum ex necessitate. Et quia gratiam ex nobis consequi non possumus, sed per Christum solum, ideo sacramenta, per quae gratiam consequimur, ipse dominus instituit per seipsum, scilicet Baptismum, Eucharistiam, ordinem ministrorum novae legis, instituendo apostolos et septuaginta duos discipulos, et poenitentiam, et matrimonium indivisibile. Confirmationem etiam promisit per spiritus sancti missionem. Ex eius etiam institutione apostoli leguntur oleo infirmos ungendo sanasse, ut habetur Marc. VI. Quae sunt novae legis sacramenta. Rectus autem gratiae usus est per opera caritatis. Quae quidem secundum quod sunt de necessitate virtutis, pertinent ad praecepta moralia, quae etiam in veteri lege tradebantur. Unde quantum ad hoc, lex nova super veterem addere non debuit circa exteriora agenda. Determinatio autem praedictorum operum in ordine ad cultum Dei, pertinet ad praecepta caeremonialia legis; in ordine vero ad proximum, ad iudicialia; ut supra dictum est. Et ideo, quia istae determinationes non sunt secundum se de necessitate interioris gratiae, in qua lex consistit; idcirco non cadunt sub praecepto novae legis, sed

under a precept of the New Law, but are left to the decision of man; some relating to inferiors---as when a precept is given to an individual; others, relating to superiors, temporal or spiritual, referring, namely, to the common good.

Accordingly the New Law had no other external works to determine, by prescribing or forbidding, except the sacraments, and those moral precepts which have a necessary connection with virtue, for instance, that one must not kill, or steal, and so forth.

relinquuntur humano arbitrio; quaedam quidem quantum ad subditos, quae scilicet pertinent singillatim ad unumquemque; quaedam vero ad praelatos temporales vel spirituales, quae scilicet pertinent ad utilitatem communem. Sic igitur lex nova nulla alia exteriora opera determinare debuit praecipiendo vel prohibendo, nisi sacramenta, et moralia praecepta quae de se pertinent ad rationem virtutis, puta non esse occidendum, non esse furandum, et alia huiusmodi.

Reply to Objection 1: Matters of faith are above human reason, and so we cannot attain to them except through grace. Consequently, when grace came to be bestowed more abundantly, the result was an increase in the number of explicit points of faith. On the other hand, it is through human reason that we are directed to works of virtue, for it is the rule of human action, as stated above (Q[19], A[3]; Q[63], A[2]). Wherefore in such matters as these there was no need for any precepts to be given besides the moral precepts of the Law, which proceed from the dictate of reason.

[38333] Iª-IIae q. 108 a. 2 ad 1 Ad primum ergo dicendum quod ea quae sunt fidei, sunt supra rationem humanam, unde in ea non possumus pervenire nisi per gratiam. Et ideo, abundantiori gratia superveniente, oportuit plura credenda explicari. Sed ad opera virtutum dirigimur per rationem naturalem, quae est regula quaedam operationis humanae, ut supra dictum est. Et ideo in his non oportuit aliqua praecepta dari ultra moralia legis praecepta, quae sunt de dictamine rationis.

Reply to Objection 2: In the sacraments of the New Law grace is bestowed, which cannot be received except through Christ: consequently they had to be instituted by Him. But in the sacred things no grace is given: for instance, in the consecration of a temple, an altar or the like, or, again, in the celebration of feasts. Wherefore Our Lord left the institution of such things to the discretion of the faithful, since they have not of themselves any necessary connection with inward grace.

[38334] Iª-IIae q. 108 a. 2 ad 2 Ad secundum dicendum quod in sacramentis novae legis datur gratia, quae non est nisi a Christo, et ideo oportuit quod ab ipso institutionem haberent. Sed in sacris non datur aliqua gratia, puta in consecratione templi vel altaris vel aliorum huiusmodi, aut etiam in ipsa celebritate solemnitatum. Et ideo talia, quia secundum seipsa non pertinent ad necessitatem interioris gratiae, dominus fidelibus instituenda reliquit pro suo arbitrio.

Reply to Objection 3: Our Lord gave the apostles those precepts not as ceremonial observances, but as moral statutes: and they can be understood in two ways. First, following Augustine (De Consensu Evang. 30), as being not commands but permissions. For He permitted them to set forth to preach without scrip or stick, and so on, since they were empowered to accept their livelihood from those to whom they preached: wherefore He goes on to say: "For the laborer is worthy of his hire." Nor is it a sin, but a

[38335] Iª-IIae q. 108 a. 2 ad 3 Ad tertium dicendum quod illa praecepta dominus dedit apostolis non tanquam caeremoniales observantias, sed tanquam moralia instituta. Et possunt intelligi dupliciter. Uno modo, secundum Augustinum, in libro de consensu Evangelist., ut non sint praecepta, sed concessiones. Concessit enim eis ut possent pergere ad praedicationis officium sine pera et baculo et aliis huiusmodi, tanquam habentes potestatem necessaria vitae accipiendi ab illis quibus praedicabant, unde

work of supererogation for a preacher to take means of livelihood with him, without accepting supplies from those to whom he preaches; as Paul did (1 Cor. 9:4, seqq.).

Secondly, according to the explanation of other holy men, they may be considered as temporal commands laid upon the apostles for the time during which they were sent to preach in Judea before Christ's Passion. For the disciples, being yet as little children under Christ's care, needed to receive some special commands from Christ, such as all subjects receive from their superiors: and especially so, since they were to be accustomed little by little to renounce the care of temporalities, so as to become fitted for the preaching of the Gospel throughout the whole world. Nor must we wonder if He established certain fixed modes of life, as long as the state of the Old Law endured and the people had not as yet achieved the perfect liberty of the Spirit. These statutes He abolished shortly before His Passion, as though the disciples had by their means become sufficiently practiced. Hence He said (Lk. 22:35,36) "When I sent you without purse and scrip and shoes, did you want anything? But they said: Nothing. Then said He unto them: But now, he that hath a purse, let him take it, and likewise a scrip." Because the time of perfect liberty was already at hand, when they would be left entirely to their own judgment in matters not necessarily connected with virtue.

subdit, dignus enim est operarius cibo suo. Non autem peccat, sed supererogat, qui sua portat, ex quibus vivat in praedicationis officio, non accipiens sumptum ab his quibus Evangelium praedicat, sicut Paulus fecit. Alio modo possunt intelligi, secundum aliorum sanctorum expositionem, ut sint quaedam statuta temporalia apostolis data pro illo tempore quo mittebantur ad praedicandum in Iudaea ante Christi passionem. Indigebant enim discipuli, quasi adhuc parvuli sub Christi cura existentes, accipere aliqua specialia instituta a Christo, sicut et quilibet subditi a suis praelatis, et praecipue quia erant paulatim exercitandi ut temporalium sollicitudinem abdicarent, per quod reddebantur idonei ad hoc quod Evangelium per universum orbem praedicarent. Nec est mirum si, adhuc durante statu veteris legis, et nondum perfectam libertatem spiritus consecutis, quosdam determinatos modos vivendi instituit. Quae quidem statuta, imminente passione, removit, tanquam discipulis iam per ea sufficienter exercitatis. Unde Luc. XXII, dixit, *quando misi vos sine sacculo et pera et calceamentis, numquid aliquid defuit vobis? At illi dixerunt, nihil. Dixit ergo eis, sed nunc qui habet sacculum, tollat; similiter et peram*. Iam enim imminebat tempus perfectae libertatis, ut totaliter suo dimitterentur arbitrio in his quae secundum se non pertinent ad necessitatem virtutis.

Reply to Objection 4: Judicial precepts also, are not essential to virtue in respect of any particular determination, but only in regard to the common notion of justice. Consequently Our Lord left the judicial precepts to the discretion of those who were to have spiritual or temporal charge of others. But as regards the judicial precepts of the Old Law, some of them He explained, because they were misunderstood by the Pharisees, as we shall state later on (A[3], ad 2).

[38336] Iª-IIae q. 108 a. 2 ad 4 Ad quartum dicendum quod iudicialia etiam, secundum se considerata, non sunt de necessitate virtutis quantum ad talem determinationem sed solum quantum ad communem rationem iustitiae. Et ideo iudicialia praecepta reliquit dominus disponenda his qui curam aliorum erant habituri vel spiritualem vel temporalem. Sed circa iudicialia praecepta veteris legis quaedam explanavit, propter malum intellectum Pharisaeorum, ut infra dicetur.

Q. 108. A. 3. Whether the New Law directed man sufficiently as regards interior actions?

Objection 1: It would seem that the New Law directed man insufficiently as regards interior actions. For there are ten commandments of the decalogue directing man to God and his neighbor.

[38337] Iª-IIae q. 108 a. 3 arg. 1 Ad tertium sic proceditur. Videtur quod circa interiores actus lex nova insufficienter hominem ordinaverit. Sunt enim decem praecepta Decalogi ordinantia

But Our Lord partly fulfilled only three of them: as regards, namely, the prohibition of murder, of adultery, and of perjury. Therefore it seems that, by omitting to fulfil the other precepts, He directed man insufficiently.

hominem ad Deum et proximum. Sed dominus solum circa tria illorum aliquid adimplevit, scilicet circa prohibitionem homicidii, et circa prohibitionem adulterii, et circa prohibitionem periurii. Ergo videtur quod insufficienter hominem ordinaverit, adimpletionem aliorum praeceptorum praetermittens.

Objection 2: Further, as regards the judicial precepts, Our Lord ordained nothing in the Gospel, except in the matter of divorcing of wife, of punishment by retaliation, and of persecuting one's enemies. But there are many other judicial precepts of the Old Law, as stated above (Q[104], A[4]; Q[105]). Therefore, in this respect, He directed human life insufficiently.

[38338] Iª-IIae q. 108 a. 3 arg. 2 Praeterea, dominus nihil ordinavit in Evangelio de iudicialibus praeceptis nisi circa repudium uxoris, et circa poenam talionis, et circa persecutionem inimicorum. Sed multa sunt alia iudicialia praecepta veteris legis, ut supra dictum est. Ergo quantum ad hoc, insufficienter vitam hominum ordinavit.

Objection 3: Further, in the Old Law, besides moral and judicial, there were ceremonial precepts about which Our Lord made no ordination. Therefore it seems that He ordained insufficiently.

[38339] Iª-IIae q. 108 a. 3 arg. 3 Praeterea, in veteri lege, praeter praecepta moralia et iudicialia, erant quaedam caeremonialia. Circa quae dominus nihil ordinavit. Ergo videtur insufficienter ordinasse.

Objection 4: Further, in order that the mind be inwardly well disposed, man should do no good deed for any temporal whatever. But there are many other temporal goods besides the favor of man: and there are many other good works besides fasting, alms-deeds, and prayer. Therefore Our Lord unbecomingly taught that only in respect of these three works, and of no other earthly goods ought we to shun the glory of human favor.

[38340] Iª-IIae q. 108 a. 3 arg. 4 Praeterea, ad interiorem bonam mentis dispositionem pertinet ut nullum bonum opus homo faciat propter quemcumque temporalem finem. Sed multa sunt alia temporalia bona quam favor humanus, multa etiam alia sunt bona opera quam ieiunium, eleemosyna et oratio. Ergo inconveniens fuit quod dominus docuit solum circa haec tria opera gloriam favoris humani vitari, et nihil aliud terrenorum bonorum.

Objection 5: Further, solicitude for the necessary means of livelihood is by nature instilled into man, and this solicitude even other animals share with man: wherefore it is written (Prov. 6:6, 8): "Go to the ant, O sluggard, and consider her ways . . . she provideth her meat for herself in the summer, and gathereth her food in the harvest." But every command issued against the inclination of nature is an unjust command, forasmuch as it is contrary to the law of nature. Therefore it seems that Our Lord unbecomingly forbade solicitude about food and raiment.

[38341] Iª-IIae q. 108 a. 3 arg. 5 Praeterea, naturaliter homini inditum est ut sollicitetur circa ea quae sunt sibi necessaria ad vivendum, in qua etiam sollicitudine alia animalia cum homine conveniunt, unde dicitur Prov. VI, *vade ad formicam, o piger, et considera vias eius. Parat in aestate cibum sibi, et congregat in messe quod comedat*. Sed omne praeceptum quod datur contra inclinationem naturae, est iniquum, utpote contra legem naturalem existens. Ergo inconvenienter videtur dominus prohibuisse sollicitudinem victus et vestitus.

Objection 6: Further, no act of virtue should be

[38342] Iª-IIae q. 108 a. 3 arg. 6 Praeterea, nullus

the subject of a prohibition. Now judgment is an act of justice, according to Ps. 18:15: "Until justice be turned into judgment." Therefore it seems that Our Lord unbecomingly forbade judgment: and consequently that the New Law directed man insufficiently in the matter of interior acts.

actus virtutis est prohibendus. Sed iudicium est actus iustitiae; secundum illud Psalmi XCIII, *quousque iustitia convertatur in iudicium*. Ergo inconvenienter videtur dominus iudicium prohibuisse. Et ita videtur lex nova insufficienter hominem ordinasse circa interiores actus.

On the contrary, Augustine says (De Serm. Dom. in Monte i, 1): We should take note that, when He said: "'He that heareth these My words,' He indicates clearly that this sermon of the Lord is replete with all the precepts whereby a Christian's life is formed."

[38343] Iª-IIae q. 108 a. 3 s. c. Sed contra est quod Augustinus dicit, in libro de Serm. Dom. in monte, *considerandum est quia, cum dixit, qui audit verba mea haec, satis significat sermonem istum domini omnibus praeceptis quibus Christiana vita formatur, esse perfectum*.

I answer that, As is evident from Augustine's words just quoted, the sermon, contains the whole process of forming the life of a Christian. Therein man's interior movements are ordered. Because after declaring that his end is Beatitude; and after commending the authority of the apostles, through whom the teaching of the Gospel was to be promulgated, He orders man's interior movements, first in regard to man himself, secondly in regard to his neighbor.

This he does in regard to man himself, in two ways, corresponding to man's two interior movements in respect of any prospective action, viz. volition of what has to be done, and intention of the end. Wherefore, in the first place, He directs man's will in respect of the various precepts of the Law: by prescribing that man should refrain not merely from those external works that are evil in themselves, but also from internal acts, and from the occasions of evil deeds. In the second place He directs man's intention, by teaching that in our good works, we should seek neither human praise, nor worldly riches, which is to lay up treasures on earth.

Afterwards He directs man's interior movement in respect of his neighbor, by forbidding us, on the one hand, to judge him rashly, unjustly, or presumptuously; and, on the other, to entrust him too readily with sacred things if he be unworthy.

Lastly, He teaches us how to fulfil the teaching of the Gospel; viz. by imploring the help of God; by striving to enter by the narrow door of perfect virtue; and by being wary lest we be led astray by

[38344] Iª-IIae q. 108 a. 3 co. Respondeo dicendum quod, sicut ex inducta auctoritate Augustini apparet, sermo quem dominus in monte proposuit, totam informationem Christianae vitae continet. In quo perfecte interiores motus hominis ordinantur. Nam post declaratum beatitudinis finem; et commendata apostolica dignitate, per quos erat doctrina evangelica promulganda; ordinat interiores hominis motus, primo quidem quantum ad seipsum; et deinde quantum ad proximum. Quantum autem ad seipsum, dupliciter; secundum duos interiores hominis motus circa agenda, qui sunt voluntas de agendis, et intentio de fine. Unde primo ordinat hominis voluntatem secundum diversa legis praecepta, ut scilicet abstineat aliquis non solum ab exterioribus operibus quae sunt secundum se mala, sed etiam ab interioribus, et ab occasionibus malorum. Deinde ordinat intentionem hominis, docens quod in bonis quae agimus, neque quaeramus humanam gloriam, neque mundanas divitias, quod est thesaurizare in terra. Consequenter autem ordinat interiorem hominis motum quoad proximum, ut scilicet eum non temerarie aut iniuste iudicemus, aut praesumptuose; neque tamen sic simus apud proximum remissi, ut eis sacra committamus, si sint indigni. Ultimo autem docet modum adimplendi evangelicam doctrinam, scilicet implorando divinum auxilium; et conatum apponendo ad ingrediendum per angustam portam perfectae virtutis; et cautelam adhibendo ne a seductoribus corrumpamur. Et quod observatio mandatorum eius est necessaria ad virtutem, non autem sufficit sola confessio fidei, vel

evil influences. Moreover, He declares that we must observe His commandments, and that it is not enough to make profession of faith, or to work miracles, or merely to hear His words.

miraculorum operatio, vel solus auditus.

Reply to Objection 1: Our Lord explained the manner of fulfilling those precepts which the Scribes and Pharisees did not rightly understand: and this affected chiefly those precepts of the decalogue. For they thought that the prohibition of adultery and murder covered the external act only, and not the internal desire. And they held this opinion about murder and adultery rather than about theft and false witness, because the movement of anger tending to murder, and the movement of desire tending to adultery, seem to be in us from nature somewhat, but not the desire of stealing or bearing false witness. They held a false opinion about perjury, for they thought that perjury indeed was a sin; but that oaths were of themselves to be desired and to be taken frequently, since they seem to proceed from reverence to God. Hence Our Lord shows that an oath is not desirable as a good thing; and that it is better to speak without oaths, unless necessity forces us to have recourse to them.

[38345] Iª-IIae q. 108 a. 3 ad 1 Ad primum ergo dicendum quod dominus circa illa legis praecepta adimpletionem apposuit, in quibus Scribae et Pharisaei non rectum intellectum habebant. Et hoc contingebat praecipue circa tria praecepta Decalogi. Nam circa prohibitionem adulterii et homicidii, aestimabant solum exteriorem actum prohiberi, non autem interiorem appetitum. Quod magis credebant circa homicidium et adulterium quam circa furtum vel falsum testimonium, quia motus irae in homicidium tendens, et concupiscentiae motus tendens in adulterium, videntur aliqualiter nobis a natura inesse; non autem appetitus furandi, vel falsum testimonium dicendi. Circa periurium vero habebant falsum intellectum, credentes periurium quidem esse peccatum; iuramentum autem per se esse appetendum et frequentandum, quia videtur ad Dei reverentiam pertinere. Et ideo dominus ostendit iuramentum non esse appetendum tanquam bonum; sed melius esse absque iuramento loqui, nisi necessitas cogat.

Reply to Objection 2: The Scribes and Pharisees erred about the judicial precepts in two ways. First, because they considered certain matters contained in the Law of Moses by way of permission, to be right in themselves: namely, divorce of a wife, and the taking of usury from strangers. Wherefore Our Lord forbade a man to divorce his wife (Mat. 5:32); and to receive usury (Lk. 6:35), when He said: "Lend, hoping for nothing thereby."

In another way they erred by thinking that certain things which the Old Law commanded to be done for justice's sake, should be done out of desire for revenge, or out of lust for temporal goods, or out of hatred of one's enemies; and this in respect of three precepts. For they thought that desire for revenge was lawful, on account of the precept concerning punishment by retaliation: whereas this precept was given that justice might be safeguarded, not that man might seek revenge. Wherefore, in order to do away with this, Our

[38346] Iª-IIae q. 108 a. 3 ad 2 Ad secundum dicendum quod circa iudicialia praecepta dupliciter Scribae et Pharisaei errabant. Primo quidem, quia quaedam quae in lege Moysi erant tradita tanquam permissiones, aestimabant esse per se iusta, scilicet repudium uxoris, et usuras accipere ab extraneis. Et ideo dominus prohibuit uxoris repudium, Matth. V; et usurarum acceptionem, Luc. VI, dicens, *date mutuum nihil inde sperantes*. Alio modo errabant credentes quaedam quae lex vetus instituerat facienda propter iustitiam, esse exequenda ex appetitu vindictae; vel ex cupiditate temporalium rerum; vel ex odio inimicorum. Et hoc in tribus praeceptis. Appetitum enim vindictae credebant esse licitum, propter praeceptum datum de poena talionis. Quod quidem fuit datum ut iustitia servaretur, non ut homo vindictam quaereret. Et ideo dominus, ad hoc removendum, docet animum hominis sic debere esse praeparatum ut, si necesse sit, etiam paratus sit plura sustinere. Motum autem cupiditatis aestimabant esse

Lord teaches that man should be prepared in his mind to suffer yet more if necessary. They thought that movements of covetousness were lawful on account of those judicial precepts which prescribed restitution of what had been purloined, together with something added thereto, as stated above (Q[105], A[2], ad 9); whereas the Law commanded this to be done in order to safeguard justice, not to encourage covetousness. Wherefore Our Lord teaches that we should not demand our goods from motives of cupidity, and that we should be ready to give yet more if necessary. They thought that the movement of hatred was lawful, on account of the commandments of the Law about the slaying of one's enemies: whereas the Law ordered this for the fulfilment of justice, as stated above (Q[105], A[3], ad 4), not to satisfy hatred. Wherefore Our Lord teaches us that we ought to love our enemies, and to be ready to do good to them if necessary. For these precepts are to be taken as binding "the mind to be prepared to fulfil them," as Augustine says (De Serm. Dom. in Monte i, 19).

licitum, propter praecepta iudicialia in quibus mandabatur restitutio rei ablatae fieri etiam cum aliqua additione, ut supra dictum est. Et hoc quidem lex mandavit propter iustitiam observandam, non ut daret cupiditati locum. Et ideo dominus docet ut ex cupiditate nostra non repetamus, sed simus parati, si necesse fuerit, etiam ampliora dare. Motum vero odii credebant esse licitum, propter praecepta legis data de hostium interfectione. Quod quidem lex statuit propter iustitiam implendam, ut supra dictum est, non propter odia exsaturanda. Et ideo dominus docet ut ad inimicos dilectionem habeamus, et parati simus, si opus fuerit, etiam benefacere. Haec enim praecepta secundum praeparationem animi sunt accipienda, ut Augustinus exponit.

Reply to Objection 3: The moral precepts necessarily retained their force under the New Law, because they are of themselves essential to virtue: whereas the judicial precepts did not necessarily continue to bind in exactly the same way as had been fixed by the Law: this was left to man to decide in one way or another. Hence Our Lord directed us becomingly with regard to these two kinds of precepts. On the other hand, the observance of the ceremonial precepts was totally abolished by the advent of the reality; wherefore in regard to these precepts He commanded nothing on this occasion when He was giving the general points of His doctrine. Elsewhere, however, He makes it clear that the entire bodily worship which was fixed by the Law, was to be changed into spiritual worship: as is evident from Jn. 4:21,23, where He says: "The hour cometh when you shall neither on this mountain, nor in Jerusalem adore the Father . . . but . . . the true adorers shall adore the Father in spirit and in truth."

[38347] Iª-IIae q. 108 a. 3 ad 3 Ad tertium dicendum quod praecepta moralia omnino in nova lege remanere debebant, quia secundum se pertinent ad rationem virtutis. Praecepta autem iudicialia non remanebant ex necessitate secundum modum quem lex determinavit; sed relinquebatur arbitrio hominum utrum sic vel aliter esset determinandum. Et ideo convenienter dominus circa haec duo genera praeceptorum nos ordinavit. Praeceptorum autem caeremonialium observatio totaliter per rei impletionem tollebatur. Et ideo circa huiusmodi praecepta, in illa communi doctrina, nihil ordinavit. Ostendit tamen alibi quod totus corporalis cultus qui erat determinatus in lege, erat in spiritualem commutandus; ut patet Ioan. IV, ubi dixit, *venit hora quando neque in monte hoc neque in Ierosolymis adorabitis patrem; sed veri adoratores adorabunt patrem in spiritu et veritate*.

Reply to Objection 4: All worldly goods may be reduced to three---honors, riches, and pleasures; according to 1 Jn. 2:16: "All that is in the world is

[38348] Iª-IIae q. 108 a. 3 ad 4 Ad quartum dicendum quod omnes res mundanae ad tria reducuntur, scilicet ad honores, divitias et

the concupiscence of the flesh," which refers to pleasures of the flesh, "and the concupiscence of the eyes," which refers to riches, "and the pride of life," which refers to ambition for renown and honor. Now the Law did not promise an abundance of carnal pleasures; on the contrary, it forbade them. But it did promise exalted honors and abundant riches; for it is written in reference to the former (Dt. 28:1): "If thou wilt hear the voice of the Lord thy God . . . He will make thee higher than all the nations"; and in reference to the latter, we read a little further on (Dt. 28:11): "He will make thee abound with all goods." But the Jews so distorted the true meaning of these promises, as to think that we ought to serve God, with these things as the end in view. Wherefore Our Lord set this aside by teaching, first of all, that works of virtue should not be done for human glory. And He mentions three works, to which all others may be reduced: since whatever a man does in order to curb his desires, comes under the head of fasting; and whatever a man does for the love of his neighbor, comes under the head of alms-deeds; and whatever a man does for the worship of God, comes under the head of prayer. And He mentions these three specifically, as they hold the principal place, and are most often used by men in order to gain glory. In the second place He taught us that we must not place our end in riches, when He said: "Lay not up to yourselves treasures on earth" (Mat. 6:19).

delicias; secundum illud I Ioan. II, omne quod est in mundo, concupiscentia carnis est, quod pertinet ad delicias carnis; et concupiscentia oculorum, quod pertinet ad divitias; et superbia vitae, quod pertinet ad ambitum gloriae et honoris. Superfluas autem carnis delicias lex non repromisit, sed magis prohibuit. Repromisit autem celsitudinem honoris, et abundantiam divitiarum, dicitur enim Deut. XXVIII, *si audieris vocem domini Dei tui, faciet te excelsiorem cunctis gentibus*, quantum ad primum; et post pauca subdit, *abundare te faciet omnibus bonis*, quantum ad secundum. Quae quidem promissa sic prave intelligebant Iudaei, ut propter ea esset Deo serviendum, sicut propter finem. Et ideo dominus hoc removit, docens primo, quod opera virtutis non sunt facienda propter humanam gloriam. Et ponit tria opera, ad quae omnia alia reducuntur, nam omnia quae aliquis facit ad refrenandum seipsum in suis concupiscentiis, reducuntur ad ieiunium; quaecumque vero fiunt propter dilectionem proximi, reducuntur ad eleemosynam; quaecumque vero propter cultum Dei fiunt, reducuntur ad orationem. Ponit autem haec tria specialiter quasi praecipua, et per quae homines maxime solent gloriam venari. Secundo, docuit quod non debemus finem constituere in divitiis, cum dixit, *nolite thesaurizare vobis thesauros in terra*.

Reply to Objection 5: Our Lord forbade, not necessary, but inordinate solicitude. Now there is a fourfold solicitude to be avoided in temporal matters. First, we must not place our end in them, nor serve God for the sake of the necessities of food and raiment. Wherefore He says: "Lay not up for yourselves," etc. Secondly, we must not be so anxious about temporal things, as to despair of God's help: wherefore Our Lord says (Mat. 6:32): "Your Father knoweth that you have need of all these things." Thirdly, we must not add presumption to our solicitude; in other words, we must not be confident of getting the necessaries of life by our own efforts without God's help: such solicitude Our Lord sets aside by saying that a man cannot add anything to his stature (Mat. 6:27). We must not anticipate the time for anxiety; namely, by being solicitous now, for the needs, not of the present, but of a future time: wherefore

[38349] Iª-IIae q. 108 a. 3 ad 5 Ad quintum dicendum quod dominus sollicitudinem necessariam non prohibuit, sed sollicitudinem inordinatam. Est autem quadruplex inordinatio sollicitudinis vitanda circa temporalia. Primo quidem, ut in eis finem non constituamus, neque Deo serviamus propter necessaria victus et vestitus. Unde dicit, *nolite thesaurizare vobis* et cetera. Secundo, ut non sic sollicitemur de temporalibus, cum desperatione divini auxilii. Unde dominus dicit, *scit pater vester quia his omnibus indigetis*. Tertio, ne sit sollicitudo praesumptuosa, ut scilicet homo confidat se necessaria vitae per suam sollicitudinem posse procurare, absque divino auxilio. Quod dominus removet per hoc quod *homo non potest aliquid adiicere ad staturam suam*. Quarto, per hoc quod homo sollicitudinis tempus praeoccupat, quia scilicet de hoc sollicitus est nunc, quod non

He says (Mat. 6:34): "Be not . . . solicitous for tomorrow."

pertinet ad curam praesentis temporis, sed ad curam futuri. Unde dicit, nolite solliciti esse in crastinum.

Reply to Objection 6: Our Lord did not forbid the judgment of justice, without which holy things could not be withdrawn from the unworthy. But he forbade inordinate judgment, as stated above.

[38350] Iª-IIae q. 108 a. 3 ad 6 Ad sextum dicendum quod dominus non prohibet iudicium iustitiae, sine quo non possent sancta subtrahi ab indignis. Sed prohibet iudicium inordinatum, ut dictum est.

Q. 108. A. 4. Whether certain definite counsels are fittingly proposed in the New Law?

Objection 1: It would seem that certain definite counsels are not fittingly proposed in the New Law. For counsels are given about that which is expedient for an end, as we stated above, when treating of counsel (Q[14] , A[2]). But the same things are not expedient for all. Therefore certain definite counsels should not be proposed to all.

[38351] Iª-IIae q. 108 a. 4 arg. 1 Ad quartum sic proceditur. Videtur quod inconvenienter in lege nova consilia quaedam determinata sint proposita. Consilia enim dantur de rebus expedientibus ad finem; ut supra dictum est, cum de consilio ageretur. Sed non eadem omnibus expediunt. Ergo non sunt aliqua consilia determinata omnibus proponenda.

Objection 2: Further, counsels regard a greater good. But there are no definite degrees to the greater good. Therefore definite counsels should not be given.

[38352] Iª-IIae q. 108 a. 4 arg. 2 Praeterea, consilia dantur de meliori bono. Sed non sunt determinati gradus melioris boni. Ergo non debent aliqua determinata consilia dari.

Objection 3: Further, counsels pertain to the life of perfection. But obedience pertains to the life of perfection. Therefore it was unfitting that no counsel of obedience should be contained in the Gospel.

[38353] Iª-IIae q. 108 a. 4 arg. 3 Praeterea, consilia pertinent ad perfectionem vitae. Sed obedientia pertinet ad perfectionem vitae. Ergo inconvenienter de ea consilium non datur in Evangelio.

Objection 4: Further, many matters pertaining to the life of perfection are found among the commandments, as, for instance, "Love your enemies" (Mat. 5:44), and those precepts which Our Lord gave His apostles (Mat. 10). Therefore the counsels are unfittingly given in the New Law: both because they are not all mentioned; and because they are not distinguished from the commandments.

[38354] Iª-IIae q. 108 a. 4 arg. 4 Praeterea, multa ad perfectionem vitae pertinentia inter praecepta ponuntur, sicut hoc quod dicitur, diligite inimicos vestros; et praecepta etiam quae dedit dominus apostolis, Matth. X. Ergo inconvenienter traduntur consilia in nova lege, tum quia non omnia ponuntur; tum etiam quia a praeceptis non distinguuntur.

On the contrary, The counsels of a wise friend are of great use, according to Prov. (27:9): "Ointment and perfumes rejoice the heart: and the good counsels of a friend rejoice the soul." But Christ is our wisest and greatest friend. Therefore His counsels are supremely useful and becoming.

[38355] Iª-IIae q. 108 a. 4 s. c. Sed contra, consilia sapientis amici magnam utilitatem afferunt; secundum illud Prov. XXVII, *unguento et variis odoribus delectatur cor, et bonis amici consiliis anima dulcoratur*. Sed Christus maxime est sapiens et amicus. Ergo eius consilia

maximam utilitatem continent, et convenientia sunt.

I answer that, The difference between a counsel and a commandment is that a commandment implies obligation, whereas a counsel is left to the option of the one to whom it is given. Consequently in the New Law, which is the law of liberty, counsels are added to the commandments, and not in the Old Law, which is the law of bondage. We must therefore understand the commandments of the New Law to have been given about matters that are necessary to gain the end of eternal bliss, to which end the New Law brings us forthwith: but that the counsels are about matters that render the gaining of this end more assured and expeditious.

Now man is placed between the things of this world, and spiritual goods wherein eternal happiness consists: so that the more he cleaves to the one, the more he withdraws from the other, and conversely. Wherefore he that cleaves wholly to the things of this world, so as to make them his end, and to look upon them as the reason and rule of all he does, falls away altogether from spiritual goods. Hence this disorder is removed by the commandments. Nevertheless, for man to gain the end aforesaid, he does not need to renounce the things of the world altogether: since he can, while using the things of this world, attain to eternal happiness, provided he does not place his end in them: but he will attain more speedily thereto by giving up the goods of this world entirely: wherefore the evangelical counsels are given for this purpose.

Now the goods of this world which come into use in human life, consist in three things: viz. in external wealth pertaining to the "concupiscence of the eyes"; carnal pleasures pertaining to the "concupiscence of the flesh"; and honors, which pertain to the "pride of life," according to 1 Jn. 2:16: and it is in renouncing these altogether, as far as possible, that the evangelical counsels consist. Moreover, every form of the religious life that professes the state of perfection is based on these three: since riches are renounced by poverty; carnal pleasures by perpetual chastity; and the pride of life by the bondage of obedience.

[38356] Iª-IIae q. 108 a. 4 co. Respondeo dicendum quod haec est differentia inter consilium et praeceptum, quod praeceptum importat necessitatem, consilium autem in optione ponitur eius cui datur. Et ideo convenienter in lege nova, quae est lex libertatis, supra praecepta sunt addita consilia, non autem in veteri lege, quae erat lex servitutis. Oportet igitur quod praecepta novae legis intelligantur esse data de his quae sunt necessaria ad consequendum finem aeternae beatitudinis, in quem lex nova immediate introducit. Consilia vero oportet esse de illis per quae melius et expeditius potest homo consequi finem praedictum. Est autem homo constitutus inter res mundi huius et spiritualia bona, in quibus beatitudo aeterna consistit, ita quod quanto plus inhaeret uni eorum, tanto plus recedit ab altero, et e converso. Qui ergo totaliter inhaeret rebus huius mundi, ut in eis finem constituat, habens eas quasi rationes et regulas suorum operum, totaliter excidit a spiritualibus bonis. Et ideo huiusmodi inordinatio tollitur per praecepta. Sed quod homo totaliter ea quae sunt mundi abiiciat, non est necessarium ad perveniendum in finem praedictum, quia potest homo utens rebus huius mundi, dummodo in eis finem non constituat, ad beatitudinem aeternam pervenire. Sed expeditius perveniet totaliter bona huius mundi abdicando. Et ideo de hoc dantur consilia Evangelii. Bona autem huius mundi, quae pertinent ad usum humanae vitae, in tribus consistunt, scilicet in divitiis exteriorum bonorum, quae pertinent ad concupiscentiam oculorum; in deliciis carnis, quae pertinent ad concupiscentiam carnis; et in honoribus, quae pertinent ad superbiam vitae; sicut patet I Ioan. II. Haec autem tria totaliter derelinquere, secundum quod possibile est, pertinet ad consilia evangelica. In quibus etiam tribus fundatur omnis religio, quae statum perfectionis profitetur, nam divitiae abdicantur per paupertatem; deliciae carnis per perpetuam castitatem; superbia vitae per obedientiae servitutem. Haec autem simpliciter observata pertinent ad consilia simpliciter proposita. Sed observatio uniuscuiusque eorum in aliquo speciali casu, pertinet ad consilium secundum quid, scilicet in casu illo. Puta cum homo dat aliquam eleemosynam pauperi quam dare non tenetur,

Now if a man observe these absolutely, this is in accordance with the counsels as they stand. But if a man observe any one of them in a particular case, this is taking that counsel in a restricted sense, namely, as applying to that particular case. For instance, when anyone gives an alms to a poor man, not being bound so to do, he follows the counsels in that particular case. In like manner, when a man for some fixed time refrains from carnal pleasures that he may give himself to prayer, he follows the counsel for that particular time. And again, when a man follows not his will as to some deed which he might do lawfully, he follows the counsel in that particular case: for instance, if he do good to his enemies when he is not bound to, or if he forgive an injury of which he might justly seek to be avenged. In this way, too, all particular counsels may be reduced to these three general and perfect counsels.

consilium sequitur quantum ad factum illud. Similiter etiam quando aliquo tempore determinato a delectationibus carnis abstinet ut orationibus vacet, consilium sequitur pro tempore illo. Similiter etiam quando aliquis non sequitur voluntatem suam in aliquo facto quod licite posset facere, consilium sequitur in casu illo, puta si benefaciat inimicis quando non tenetur, vel si offensam remittat cuius iuste posset exigere vindictam. Et sic etiam omnia consilia particularia ad illa tria generalia et perfecta reducuntur.

Reply to Objection 1: The aforesaid counsels, considered in themselves, are expedient to all; but owing to some people being ill-disposed, it happens that some of them are inexpedient, because their disposition is not inclined to such things. Hence Our Lord, in proposing the evangelical counsels, always makes mention of man's fitness for observing the counsels. For in giving the counsel of perpetual poverty (Mat. 19:21), He begins with the words: "If thou wilt be perfect," and then He adds: "Go, sell all [Vulg.: 'what'] thou hast." In like manner when He gave the counsel of perpetual chastity, saying (Mat. 19:12): "There are eunuchs who have made themselves eunuchs for the kingdom of heaven," He adds straightway: "He that can take, let him take it." And again, the Apostle (1 Cor. 7:35), after giving the counsel of virginity, says: "And this I speak for your profit; not to cast a snare upon you."

[38357] Iª-IIae q. 108 a. 4 ad 1 Ad primum ergo dicendum quod praedicta consilia, quantum est de se sunt omnibus expedientia, sed ex indispositione aliquorum contingit quod alicui expedientia non sunt, quia eorum affectus ad haec non inclinatur. Et ideo dominus, consilia evangelica proponens, semper facit mentionem de idoneitate hominum ad observantiam consiliorum. Dans enim consilium perpetuae paupertatis, Matth. XIX, praemittit, *si vis perfectus esse*; et postea subdit, *vade et vende omnia quae habes*. Similiter, dans consilium perpetuae castitatis, cum dixit, *sunt eunuchi qui castraverunt seipsos propter regnum caelorum*, statim subdit, *qui potest capere, capiat*. Et similiter apostolus, I ad Cor. VII, praemisso consilio virginitatis, dicit, *porro hoc ad utilitatem vestram dico, non ut laqueum vobis iniiciam*.

Reply to Objection 2: The greater goods are not definitely fixed in the individual; but those which are simply and absolutely the greater good in general are fixed: and to these all the above particular goods may be reduced, as stated above.

[38358] Iª-IIae q. 108 a. 4 ad 2 Ad secundum dicendum quod meliora bona particulariter in singulis sunt indeterminata. Sed illa quae sunt simpliciter et absolute meliora bona in universali, sunt determinata. Ad quae etiam omnia illa particularia reducuntur, ut dictum est.

Reply to Objection 3: Even the counsel of obedience is understood to have been given by

[38359] Iª-IIae q. 108 a. 4 ad 3 Ad tertium dicendum quod etiam consilium obedientiae

Our Lord in the words: "And [let him] follow Me." For we follow Him not only by imitating His works, but also by obeying His commandments, according to Jn. 10:27: "My sheep hear My voice . . . and they follow Me."

dominus intelligitur dedisse in hoc quod dixit, et sequatur me; quem sequimur non solum imitando opera, sed etiam obediendo mandatis ipsius; secundum illud Ioan. X. *Oves meae vocem meam audiunt, et sequuntur me*.

Reply to Objection 4: Those things which Our Lord prescribed about the true love of our enemies, and other similar sayings (Mat. 5; Lk. 6), may be referred to the preparation of the mind, and then they are necessary for salvation; for instance, that man be prepared to do good to his enemies, and other similar actions, when there is need. Hence these things are placed among the precepts. But that anyone should actually and promptly behave thus towards an enemy when there is no special need, is to be referred to the particular counsels, as stated above. As to those matters which are set down in Mat. 10 and Lk. 9 and 10, they were either disciplinary commands for that particular time, or concessions, as stated above (A[2], ad 3). Hence they are not set down among the counsels.

[38360] Iª-IIae q. 108 a. 4 ad 4 Ad quartum dicendum quod ea quae de vera dilectione inimicorum, et similibus, dominus dicit Matth. V et Luc. VI, si referantur ad praeparationem animi, sunt de necessitate salutis, ut scilicet homo sit paratus benefacere inimicis, et alia huiusmodi facere, cum necessitas hoc requirat. Et ideo inter praecepta ponuntur. Sed ut aliquis hoc inimicis exhibeat prompte in actu, ubi specialis necessitas non occurrit, pertinet ad consilia particularia, ut dictum est. Illa autem quae ponuntur Matth. X, et Luc. IX, et X, fuerunt quaedam praecepta disciplinae pro tempore illo, vel concessiones quaedam, ut supra dictum est. Et ideo non inducuntur tanquam consilia.