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Question 99 (Partial): The Precepts of the Old (Testament's) Law

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Question 99: The Precepts of the Old Law

(The Precepts of the Old Testament's Law)

By Thomas Aquinas

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The Precepts of the Old (Testament's) Law

1. [OMITTED] Does the Old Law contain several precepts or only one?
2. [Does the Old Law contain any moral precepts?](#)
3. [Does it contain ceremonial precepts in addition to the moral precepts?](#)
4. [Besides these, does it contain judicial precepts?](#)
5. [Does it contain any others besides these?](#)
6. [OMITTED] How the Old Law induced men to keep its precepts

Article 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 ([Question 91, Articles 4 and 5](#); [Question 98, Article 5](#)). But the moral precepts belong to the law of nature. Therefore they do not belong to the Old Law.

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.

Objection 3. Further, the Old Law is said to be "the letter that killeth" (2 Corinthians 3:6). But the moral precepts do not kill, but quicken, according to Psalm 118:93: "Thy justifications I will never forget,

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for by them Thou hast given me life." Therefore the moral precepts do not belong to the Old Law.

On the contrary, It is written (Sirach 17:9): "Moreover, He gave them discipline [Douay-Rheims Translation: 'instructions'] and the law of life for an inheritance." Now discipline belongs to morals; for this gloss on Hebrews 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.

I answer that, The Old Law contained some moral precepts; as is evident from Exodus 20:13-15: "Thou shalt not kill, Thou shalt not steal." This was reasonable: because, just as the principal intention of human law is to create 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 Sirach 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 (Leviticus 19:2; 11:45): "You shall be holy, for I am holy." But the goodness of man is virtue, which "makes its possessor good" (Aristotle, [Nicomachean Ethics](#), 2.6). Therefore it was necessary for the Old Law to include precepts about acts of virtue: and these are the moral precepts of the Law.

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.

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 extent 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.

Reply to Objection 3. As Augustine proves ([De Spiritu et Littera](#) [*On the Spirit and the Letter*], 14), even the letter of the law is 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 fulfillment.

Article 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 ([Question 1, Article 3](#)). Therefore it seems that the Old Law given to men should not comprise other than moral precepts.

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 [Cicero] says ([De Inventione](#), 2.161) "offers worship and ceremony to the Godhead." Since, then, the moral precepts are about acts of virtue, as stated above (Article 2), it seems that the ceremonial precepts should not be distinct from the moral.

[Objection 3 omitted]

On the contrary, It is written (Deuteronomy 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

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shall do.” But the ten commandments of the Law are moral precepts. Therefore besides the moral precepts there are others which are ceremonial.

I answer that, As stated above ([Article 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 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 [[Factorum et Dictorum Memorabilium](#) (*Memorable Deeds and Sayings*), 1.1.10], 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.

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.

Reply to Objection 2. As stated above ([Question 91, Article 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. Consequently the ceremonial precepts are distinct from the moral precepts.

[Reply 3 omitted]

Article 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 Faustum \[Against Faustus\]](#), 6.2) 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.

Objection 2. Further, a gloss on Psalm 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.

Objection 3. Further, judgment seems to be an act of justice, according to Psalm 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.

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On the contrary, It is written (Deuteronomy 6:1): “These are the precepts and ceremonies, and judgments”: where “precepts” stands for “moral precepts” antonomastically. Therefore there are judicial precepts besides moral and ceremonial precepts.

I answer that, As stated above ([Articles 2 and 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 (Romans 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.

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.

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 why sometimes “judgments” comprise both judicial and moral precepts, as in Deuteronomy 5:1: “Hear, O Israel, the ceremonies and judgments”; and sometimes judicial and ceremonial precepts, as in Leviticus 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.

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.

[TO THE READER: The “commandments” (*mandata*) spoken of . . . in the body of the following article are not to be confused with the [Ten] Commandments (*praecepta*; “precepts”) in the ordinary acceptance of the word.]

Article 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 ([Question 60, Article 5](#)). Therefore besides the aforesaid precepts, the Old Law should comprise others.

[Objections 2 through 4 and On the contrary omitted]

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I answer that, Some things are included in the Law by way of precept; other things, as being ordained to the fulfillment of the precepts. Now the precepts refer to things which have to be done. . . .

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 [Aristotle] distinguishes a twofold just—moral and legal ([*Nicomachean Ethics*](#), 5.7).

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 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 Exodus 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 (Praefatio in Commentarium super Marcum [Preface to the Commentary on Mark’s Gospel]) 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.

. . .

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.

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 [Cicero] says ([*De Inventione*](#), 2.65). Wherefore the legal just cannot be anything foreign to the ceremonial and judicial precepts.

The Replies to the other Objections are clear from what has been said.

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