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On the Law in General

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Introduction

Christopher Burchill's assessment of Zanchi's place in history captures well Zanchi's contribution to Protestant theology: "Girolamo Zanchi (1516–1590) was a member of the influential though informally organized group of Italian refugees whose diaspora as a result of the activity of the Inquisition was to have a major impact on the development of Reformed theology in the decades following the death of John Calvin."¹ Unlike Burchill, however, modern historical theologians have been reluctant to praise Calvin's successors for their role in the development of Reformed theology. Calvin scholars, until quite recently, have tended to pit Calvin's doctrinal formulations over against those of his later Reformed successors.² The argument was that orthodoxy became too "scholastic" and "rationalistic" in contrast to the more exegetical and confessional character of Calvin's theology. As research into the period of Reformed orthodoxy has progressed over the last twenty years, the formerly

¹ Christopher J. Burchill, "Girolamo Zanchi: Portrait of A Reformed Theologian and His Work," *Sixteenth-Century Journal* 15, no. 2 (1984): 185.

² See Basil Hall, "Calvin Against the Calvinists," in *John Calvin*, ed. G. E. Duffield (Grand Rapids, Mich.: Eerdmans, 1966), 12–37; and Brian G. Armstrong, *Calvinism and the Amyraut Heresy: Protestant Scholasticism and Humanism in Seventeenth-Century France* (Madison: University of Wisconsin Press, 1969).

dismissive attitude toward it as “dead,” “arid,” “rigid,” and “abstract” has been overturned in the secondary literature.³

Richard Muller, one of the leading scholars in the development of Reformed theology during the post-Reformation era, holds that the term *scholasticism* used in reference to the theological systems of late sixteenth- and seventeenth-century Reformed orthodoxy describes a *method* employed to formulate doctrine, not a school of thought that predetermines doctrinal *content*. He defines scholasticism as “the technical and logical approach to theology as a discipline characteristic of theological systems from the late twelfth through the seventeenth century.... [that] is not necessarily allied to any particular philosophical perspective nor ... represent[ed by] a systematic attachment to or concentration upon any particular doctrine or concept as a key to theological system.”⁴ Moreover, scholars who distinguish scholasticism in this way have become increasingly more aware of the continuities—as well as the discontinuities—the Reformers and their successors maintained with the doctrinal and philosophical formulations of the patristic and medieval eras in Christian theology. This has certainly been true for those interested in Zanchi’s theology.

³ For an abbreviated list of seminal contributions to this growing body of knowledge, consult the following bibliography: Richard A. Muller, *Post-Reformation Reformed Dogmatics*, 2 vols. (Grand Rapids, Mich.: Baker Book House, 1987, 1993); “Calvin and the ‘Calvinists’: Assessing Continuities and Discontinuities Between the Reformation and Orthodoxy: Parts I and II,” *Calvin Theological Journal* 30, no. 2 (November 1995): 345–75 and 31, no. 1 (April 1996): 125–60; John Platt, *Reformed Thought and Scholasticism: The Arguments for the Existence of God in Dutch Theology, 1575–1650* (Leiden: E. J. Brill, 1982); Carl R. Trueman and R. S. Clark, eds., *Protestant Scholasticism: Essays in Reassessment* (Carlisle, U.K.: Paternoster Press, 1999); and Willem J. van Asselt and Eef Dekker, eds., *Reformation and Scholasticism: An Ecumenical Enterprise* (Grand Rapids, Mich.: Baker Book House, 2001).

⁴ Muller, *Post-Reformation Reformed Dogmatics*, 1, 18.

Due largely to the research of Otto Gründler⁵ and John Patrick Donnelly, S.J.,⁶ Zanchi is most remembered for his use of the scholastic method in the articulation and defense of Reformed doctrine. Donnelly, in particular, has called attention to the fact that the key, early figures in Reformed scholasticism were Theodore Beza (1519–1605), Peter Martyr Vermigli (1499–1562), and Girolamo Zanchi. While the use of Aristotelian logic and Thomistic philosophy are clearly discernible in each of the aforementioned theologians, Donnelly considers Zanchi to be the best example of what he calls “Calvinist Thomism,” meaning that Zanchi was a Calvinist in terms of theological content and a Thomist in terms of philosophy and methodology. To appreciate Zanchi’s contribution to the development of Reformed theology, it is necessary to provide a brief synopsis of his life and work.⁷

Zanchi was born on February 2, 1516, in the northern Italian city of Alzano near Bergamo. The death of his parents when he was fourteen occasioned his entrance into the local monastery of the Augustinian Order of Regular Canons. During his youth, he formed a close friendship with Massiliano Celso Martinengo (1515–1557), who would later flee Italy and become the minister to the Italian exile congregation in Geneva and in the spring of 1541 would transfer with Zanchi to the priory of San Frediano in Lucca. It was

⁵ “Thomism and Calvinism in the Theology of Girolamo Zanchi (1516–1590)” (Ph.D., diss., Princeton Theological Seminary, 1961); “The Influence of Thomas Aquinas upon the Theology of Girolamo Zanchi (1516–1590),” in *Studies in Medieval Culture*, ed. John R. Sommerfeldt (Kalamazoo, Mich.: Western Michigan University, 1964): 102–17; and *Die Gotteslehre Girolamo Zanchi und ihre Bedeutung für seine Lehre von der Prädestination* (Neukirchen-Vluyn: Neukirchener Verlag, 1965).

⁶ *Calvinism and Scholasticism in Vermigli’s Doctrine of Man and Grace* (Leiden: E. J. Brill, 1976); “Calvinist Thomism,” *Viator: Medieval and Renaissance Studies* 7 (1976): 441–55; and “Italian Influences on the Development of Calvinist Scholasticism,” *Sixteenth-Century Journal* 7, no. 1 (April 1976): 81–101.

⁷ Patrick J. O’Banion has developed a fine summary of Zanchi’s life and work, which I borrow from extensively in the following paragraphs. The full text of O’Banion’s summary is available at: www.geocities.com/jerome_zanchi/Zanchius_Life.html. For additional information on Zanchi’s biography, see Charles Schmidt, “Girolamo Zanchi,” *Studium und Kritiken* 32 (1859): 625–708; Joseph H. Tyenda, S.J., “Girolamo Zanchi and John Calvin: A Study in Discipleship As Seen Through Their Correspondence,” *Calvin Theological Journal* 10, no. 2 (November 1975): 101–41; and Burchill, “Girolamo Zanchi,” 185–207.

there that the two young men came under the influence of the new prior—Peter Martyr Vermigli—who would eventually become the most well-known and influential of the Italian Reformers.

Under Martyr's direction and mentorship, Zanchi engaged in daily exposition of the Scriptures and became acquainted with the works of such leading Reformation figures as Martin Bucer (1491–1551), Philip Melancthon (1497–1560), Heinrich Bullinger (1504–1575), and John Calvin (1509–1564). It was during this period, while he was still in residence at the San Frediano priory, that Zanchi produced a synopsis of John Calvin's *Institutes* under the title *Compendium praecipuorum capitum doctrinae Christianae*.

In 1542, only fifteen months after his arrival, Martyr fled Lucca to Geneva to escape the fires of the Inquisition. However, Zanchi and Martinengo stayed on at the priory as Nicodemites, or crypto-Calvinists, teaching theology and Greek, respectively. Finally, in 1551, nearly ten years after Martyr's sudden departure, Martinengo fled to Geneva and, in October of that year, Zanchi fled to Basel. After leaving Italy, Zanchi's travels brought him into contact with many of the key personalities of the Reformation. He visited Wolfgang Musculus in Basel, Pierre Viret in Lausanne, and John Calvin and Theodore Beza in Geneva. His goal was to work his way northward across the Channel to reunite with Martyr, who was now teaching at Oxford, but before being able to do so, he received a request from Jakob Sturm, the chief magistrate of Strasbourg, to become professor of Old Testament at the College of Saint Thomas under the rectorship of Johann Sturm.

Zanchi's experience in Strasbourg was anything but tranquil. Beginning the first night of his arrival he became engaged in dispute with Johann Marbach, the highly influential Lutheran preacher of the city. Thus, when Jakob Sturm passed away in 1553, the spirit of religious freedom that he had sought to cultivate also passed from the scene. Marbach made it his goal to shift the balance of power from the dominant Reformed direction of the city to Lutheranism. Therefore, in his capacity as head of the collegiate Chapter of Saint Thomas, he decided to require all professors to subscribe to the Lutheran *Augsburg Confession*. Zanchi, as might be expected, refused to sign.

Nevertheless, on October 30, 1553, Martyr was forced to flee England due to Mary's accession to the throne, at which time he returned to Strasbourg and was offered a position at the College on the condition that he sign the *Augsburg Confession*. In December, Martyr decided that he could do so in

good conscience but with the stipulation that the document needed to be “rightly and profitably understood.” Zanchi followed suit, signing reluctantly under similar pretenses. Understandably, Marbach was not satisfied; so, for the next three years he vigorously attempted to steer the city toward Lutheranism. In 1556, finding it impossible to continue there, Martyr left Strasbourg to succeed Conrad Pellican as professor of Hebrew in Zurich. In 1561, the unrest in Strasbourg came to a focal point for Zanchi: Marbach brought charges against him to Johann Sturm over the doctrines of the Lord’s Supper, predestination, and free will. Sturm eventually brought the matter before the magistrates of the city, but Zanchi was exonerated of any alleged heterodoxy. Yet, by 1563, the rift was so great between Zanchi and his colleagues that he accepted an offer to become the pastor of an Italian Protestant congregation in the Grisons in the city of Chiavenna.

Even in Chiavenna, however, Zanchi did not escape conflict. After ministering for only a few years, plague, anti-Trinitarian doctrine, and factionalism led him to accept Prince Frederick III’s invitation to become professor of theology at the University of Heidelberg. It was at this stage in his career (1568) that Zanchi began work on a massive Reformed theological system. In 1572 he published the first volume on the Trinity. In fairly quick succession there followed a second volume on the doctrine of God and a third on the doctrine of Creation. He began work on a fourth volume on the Fall, sin, and the law, but had not completed it when Frederick III passed away on October 26, 1576. Frederick was succeeded, as Prince Elector of the Palatinate, by his son, Ludwig IV, who sought to restore Lutheran dominance to Heidelberg in the wake of his father’s death. Zanchi abandoned his project and was forced to flee to Neustadt-an-der-Hardt, where Johann Casimir, Count Palatine and the second son of Frederick III, organized the Casimirianum as a safe haven for Reformed professors.

When Ludwig passed away in 1583, Frederick IV, whose theological sympathies were with the Reformed, succeeded him. An aged and weary Zanchi was invited to resume his duties at Heidelberg, but he refused the offer. He decided to remain at Neustadt, and Johann Casimir granted him an annual pension for his years of service. The last years of Zanchi’s life were marked by failing eyesight, which slowed his writing and editing. In 1585, at sixty-nine-years-of-age, he completed *De religione christiana fides*, an extended confession of faith for his nine children. Five years later, on November 19,

1590, the now quite blind Girolamo Zanchi passed away peacefully during a visit to Heidelberg. His body was interred there at the University Church.

Zanchi's contribution to the development of the Protestant natural-law tradition is immense, as will be seen from the sophistication with which he treats the various forms of law and the facility with which he employs the scholastic method. In the scholia translation, which is a single chapter drawn from the fourth volume of his *Theological Writings*,⁸ Zanchi presents the Protestant equivalent of Aquinas's *Treatise on Law*. To give some impression of Zanchi's relationship to Thomism, on the one hand, and to the scope of his theological system, on the other, Donnelly makes the following insightful observation:

Zanchi clearly planned a great Protestant "summa" modeled after the *Summa theologiae* of Saint Thomas. The first four volumes of the *Operum theologicorum*, which appeared under separate titles as Zanchi finished them at Heidelberg, cover the same material at twice the length as the *Pars prima* and the *Prima secundae* of Saint Thomas. Even though Zanchi was unable to finish his "summa" after he left Heidelberg, it remains without rival for thoroughness and synthetic power in sixteenth-century Calvinism.⁹

In reading the translation of Zanchi's chapter, one is immediately impressed not only by his frequent references to the Thomistic natural-law tradition, to Roman law, to canon law, to common law (i.e., natural law), and to the proper laws (i.e., customary laws) of nations, churches, and the polity of ancient Israel but also by the importance that he places upon law in general. In the fourth volume alone, he devotes just over eight hundred Latin folio pages (chapters 10–28) to an exposition of the law in all its parts, only the first thirty-six pages of which have been translated for this scholia installment.

Although the extent of the employment of natural law varies among Reformed theologians in Zanchi's era, it should be observed that Zanchi makes very extensive use of it. In fact, he assigns it equal authority with the Decalogue, possessing as it does the same essential content and being accessible by

⁸ The scholia is a translation of chapter 10. The full citation is: D. Hieronymi Zanchii, *Operum theologicorum*, tome 4, *De primi hominis lapsu, de peccato, and de legi Dei* (Genevae: Sumptibus Samuelis Crispini, 1617), Cap. X, "De lege in genere," fols. 185–221. In all, there are eight volumes in his *Theological Writings*.

⁹ "Calvinist Thomism," 444.

all persons. “Because the Decalogue defines and describes the same things that are called natural law, the Ten Commandments themselves are often called ‘natural law’.... It must be mentioned that just as Christ is the fulfillment of the entire Mosaic law, so, too, is he the fulfillment of natural law because, as human beings are convicted of sin through the law, they flee to Christ for forgiveness” (21).

While Zanchi’s debt to Aquinas is evident on nearly every page of the translation, the two theologians accent different points in their formulation of natural-law doctrine. One such difference is the stress that Zanchi places upon the divine will (versus Aquinas’s stress on the divine wisdom) as the ground of eternal law and the ultimate (but not necessarily proximate) origin and source of every good and just human law. But, like Aquinas, Zanchi affirms that “divine will is not separate from divine wisdom” (12). So, despite an apparent difference in accent, Zanchi concurs with the Augustinian tradition (as does Aquinas) that eternal law first “dwelt within God who is the most perfect embodiment of reason” and that reason was subsequently “imparted to human beings, and by it we rule our own activities, and from it flow out our laws” (5). Thus, Zanchi accepts the metaphysical and epistemological parameters of the realist natural-law tradition, but, as a Reformed moral theologian, he emphasizes the preservation of God’s glory as the telos for right living. This dual line of development is reflected, for example, in Zanchi’s definition of natural law (Thesis 8):

Natural law is the will of God, and consequently, the divine rule and principle for knowing what to do and what not to do. It, namely, the knowledge of what is good or bad, fair or unfair, upright or shameful, was inscribed upon the hearts of all people by God himself also after the Fall. For this reason, we are all universally taught what activities should be pursued and what should be avoided; that is, to do one thing and avoid another, and we know that we are obligated and pushed to act for the glory of God, our own good, and the welfare of our neighbor both in private and in public. In addition, we know that, if we do what should be avoided or avoid what we should do, we are condemned; but if we do the opposite, we are defended and absolved.

Contrary to the expectations of many contemporary Protestant theologians, Zanchi’s criticism of the Thomistic natural-law tradition does not stem from what Aquinas says about reason or nature but from Zanchi’s disagreement

with the tradition over the interpretation of Romans 2:14–15. When the apostle Paul declares in 2:15 that the moral law has been written on the heart, Zanchi contends that the passage is teaching that natural law originates “not from the corrupt nature of human beings but from God himself, who because of his own goodness, inscribed it anew in the minds and hearts of human beings after the Fall, enough to preserve the common good and to convict people of sin” (12–13). Thus, for Zanchi, natural law should not be identified with “a relic of the original image of God” or some “essential part of human nature” (14) but with the knowledge of morality that God has directly and universally “reinscribed” on the mind after the Fall.

Before concluding, it should be mentioned that Zanchi’s understanding of the types of law was particularly influential upon the Reformed political theorist and city attorney of Emden, Johannes Althusius (1557–1638). According to Frederick Carney, the translator of Althusius’s *Politica*, it was Zanchi’s extensive discussion of law that more than anything else contributed to “Althusius’ understanding of the relation of the Decalogue to natural law, and of both to the proper laws of various nations.”¹⁰ Althusius thought that magistrates should administer a commonwealth on the basis of prudence, which involves knowledge both of law and of the changing and contingent circumstances to which law is to be applied. “The discussion of law at this point,” observes Carney, “is an extended treatment of the relation of the Decalogue to natural law, and of the role of these two together as common law in the formulation of proper law for particular societies.”¹¹ Zanchi’s positive assessment and affirmation of natural law in his so-called *Treatise on Law* bore much fruit in the life and work of Althusius, who, in Carney’s judgment, “maintained a rather warm appreciation for a human’s natural knowledge of one’s duty to both God and neighbor.”¹²

—Stephen J. Grabill

¹⁰ Frederick S. Carney, “Translator’s Introduction,” in *Politica: An Abridged Translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*, trans. Frederick S. Carney (Indianapolis, Ind.: Liberty Fund, 1995), xxvii.

¹¹ *Ibid.*, xxii.

¹² *Ibid.*

On the Law in General

[185v] **On the Law Through Which Comes Knowledge of Sin**

To acquire a true and complete knowledge of the different types of sin it is of the utmost importance that my discussion of God’s law be precise. The apostle [Paul], in fact, writes in Romans, “For through the law comes knowledge of sin.”¹ For this reason, in a discussion about the law of God, contained and revealed to us as an outline in the Ten Commandments, I should say a few words about law itself, its classifications, and its functions.

Thesis 1

For all good laws, there are two chief functions: Teaching human beings what should be done or what should be avoided and prodding and obligating them to do what should be done and to avoid what should be avoided.

I said that there are “two chief functions.” Law does, in fact, have other uses—rewarding, punishing, et cetera.

¹ Rom. 3:20. Unless otherwise indicated, biblical references agree with NRSV.

This is all self-apparent, but it is also illustrated by the Hebrew and Italian words for “law.” Hebrew *torah*, in fact, means “teaching,” an especially appropriate term [186r] for the law of God that teaches what truly good, fair, and just things ought to be done and what truly evil things ought to be avoided.

Italians, however, call law *aligando* or “a binding obligation,” according to the opinion of some that human beings are bound by laws to do some things and to avoid others. They even require that their princes be obligated to these laws, and they argue that all societies are bound and restrained by established laws. Some even want the word *law* to be translated for the word *bonds*² with which the Lord says in Hosea 11, that he drew his people. Psalm 2, which reads: “Let us burst their bonds asunder and let us cast their cords from us,” is also understood with reference to divine law to which the wicked do not wish to be bound or yoked.³ If law, then, can rightly be called *aligando*, this interpretation points to its most important function. Law separates those things that are truly good, right, and just from those that are evil, shameful, and unjust, and teaches that we should do the one but avoid the other.

Therefore, there are these two chief and essential functions for any good law: teaching what should be done or what should be avoided, and commanding and obligating that these things are done or avoided. This is, in fact, almost essential to the concept of law itself. Every teaching makes something known to us, but it does not necessarily obligate anyone to do anything.

Thesis 2

The most important things that the law teaches and commands, however, are that all should get what they deserve and serve whom they should serve, both God and human beings.

This is, indeed, good, honest, just, and all that fairness demands. Justinian’s *Digest* defines justice, the basis of all laws, saying: “Justice is the constant and consistent desire to give fairly to all what they deserve.”⁴ God’s law simply requires in its first and second tablet that we render to God what is owed

² Hos. 11:4.

³ Ps. 2:3.

⁴ Justinian, *Digest*, 1.1.10.

to him alone and that we do not refuse to our neighbors what they deserve. Christ teaches this too. When he was asked what is or is not permitted by God's law about taxation, he responded: "Give therefore to the emperor the things that are the emperor's and to God the things that are God's."⁵ In other words, he says to give to people what they deserve. *This is the greatest of all laws.* For this reason, the Greeks call law, the "customary allotment"⁶ because it commands that whatever should be is returned to all people and because it defines for all people the roles and duties that apply to them. Some obligate princes to their subjects; and others obligate subjects to their prince; some subject parents to their children, and others subject children to their parents. This is the basis of all good laws—I mean, that what is good, just, and fair must be shown to each person. However, any action that rejects or contradicts this idea is sin.

Thesis 3

The goal of all good laws is first and foremost the glory of God, then the good of one's neighbor, privately and, most important, publicly.

This is, in fact, without a doubt, the opinion held by all religious and truly wise teachers and gains its strength from the foundation of law itself. If the basis for law is, in fact, fairness; namely, that all people get what they deserve, then nothing is more fair than that God receives all honor and glory in the highest and that our neighbors receive what benefits their health and happiness of mind and body. Logically, then, it would follow that the goal of every good and just law is the glory of God and the good of human beings, both in public, then in private. The apostle Paul remarked about this primary goal: "Whatever you do," (but we should do what the natural law and God himself have commanded) "do everything for the glory of God."⁷ This exhortation depends on a universal premise that everything we should and can do must be done for the glory of God. In addition, Christ said about all good works, "Let

⁵ Matt. 22:21.

⁶ "νομῶ ὥστε το νεμεῖν."

⁷ 1 Cor. 10:31.

your light shine before others so that they may see your good works and give glory to your Father in Heaven.”⁸

About the second goal, law itself speaks when it includes the promises of the present and future life to those who obey them. This benefit is part of obedience to the law. Also, when it commands first and foremost that we love our neighbor as we love ourselves, it teaches that whatever we do to our neighbor we ought to do in such a way that we benefit our neighbors and advance their well-being. If that is not possible, we should at least be concerned with the common good of the church and the human race. Magistrates, who take measures that the laws are observed, were set in place for this reason. Why? “So that,” as the Apostle says in 1 Timothy, “we may lead a quiet and peaceable life in all godliness and dignity,”⁹ and again in Romans 13, “for it is God’s servant for your good.”¹⁰ Now we know the underlying function, the foundation, [187v] and goal of all good laws.

Thesis 4

In the past, all good laws flowed out from a good and omnipotent God as its primary origin and source.

“All laws have flowed down from the eternal law of God.”¹¹ (Cicero concludes the same thing in his *On the Laws*.)

1. What, then, is a good law? The revealed will of God, which teaches and commands what should be done and what should be avoided.

2. We know that not just anyone can enact laws. Princes and magistrates do. From where, then, do magistrates receive this authority? From God.¹² Therefore, whoever opposes this authority, opposes the arrangement of God. When God gives the sword to them, he also imparts authority, the knowledge, and the wisdom for enacting laws.

⁸ Matt. 5:16.

⁹ 1 Tim. 2:2.

¹⁰ Rom. 13:4a.

¹¹ Augustine, *On Free Will*, 1.1 and 2.93.3.

¹² Rom. 13.

3. Now, in any typology the first item is the model for all those things that come after it. If human laws are simply the will of human beings established by reason and common sense, then the will of God is the source of all laws.

4. Also, if wisdom and all good things are lights from the Father above, then all good laws also come from him.

5. So, James rightly reads, “There is one lawgiver ... who is able to save and to destroy.”¹³ All other lawgivers derive from this one; thus, every law has its origin in God.

6. In fact, whose responsibility is it to manage all things for the common good? Does it not belong to the fount of every blessing, the ruler of all? I did mention the fact that the goal of law is God’s glory and the welfare of each person, the welfare of the church, and the entire human race.

7. Finally, if you admit that the earth is governed by Divine Providence, then you must agree that the just laws, by which every kingdom, province, home, and community is governed, come necessarily from God. Augustine and later, Aquinas, concluded that at first an eternal law dwelt in God who is the most perfect embodiment of reason, and by this reason, God rules the world and thus is the reason for all things that happen. Then, they argue, this reason was imparted to human beings and by it we rule our own activities, and from it flow out our laws.¹⁴

Thesis 5

The law is the divine and eternal revelation of God’s will, through which he teaches what he wishes human beings to do and avoid, and by which he warns that it be done or avoided for his own glory and for the good of the human race both in private and most of all in public.

Law was established as the eternal will and rule for what must be done or avoided for God’s glory and for the good of each individual privately and of the entire human race, that God has customarily revealed in various ways to people so that these things might be taught; namely, what people should and should not do and to what virtues they should be obligated and pushed.

¹³ James 4:12.

¹⁴ See Aquinas, *Summa Theologiae*, I-II, 91.

Thesis 6

In the past, God did not reveal his will at all times in the same way or to all people, and he does not do so today. Instead, he reveals to some people in their own particular fashion and to others in different ways. To some, he reveals his will without words; to others through words—some spoken, some written.

God has revealed his will to early human beings in a different way from the way in which he revealed it to their descendents, to his church, and to other human beings. He shall, however, inscribe his will on the hearts of all people in his own way, but he does not usually publish it by himself verbally at all times and among all people. To his church, at first, he made it known verbally himself as he did to Adam and the patriarchs; at other times he did so through others, whether angels, miracles, or through ordinary persons, as through Adam to his children or through the preaching of the prophets and apostles. Later he spoke in books and writings through Moses, the prophets, and the apostles. In fact, it was never his habit to speak to nations himself but only through outsiders or those within these nations who have been divinely inspired. Often, he stirs up scholars and teachers for this purpose as he did through the laws of Solon, Lycurgus, Romulus, and Numa, or through missionaries such as Jonah to the Ninevites, other prophets to other nations, and the apostles to the entire world.

Consider carefully the differences between people to whom God's will was revealed and the methods that God likes to use in revealing these things. [188r] The primary classification of law arises with it; that is, into the laws of nature, nations, and God, in other words, into natural law, human laws, and divine laws.

Thesis 7

Even if, in fact, all just laws come from God, and have been established by the eternal reason of his will and even if in this respect, they are all divine, still because of the variety of people and of methods by which they have been revealed and spread, they occur in three types: natural law, human laws, and divine laws.

In Gratian's *Decretum*,¹⁵ all laws are classified as either divine or human. My classification is better because it takes into account all peoples and every method by which the laws are transmitted. Natural law applies to all people. In fact, it is inscribed on every heart by God himself almost from birth. Divine laws look specifically to the church within which God has entrusted his Word. Human laws apply to the remaining peoples who derived their own ordinances from natural law for their own reasons. God's church also observes natural law alongside God's law and even human laws, at least, those that God wants it to follow, since God sometimes orders, sometimes allows, us not to obey our magistrates' wicked laws and customs.

Now we must examine each type of law to determine what it is exactly and to what extent we are subject to it; that is, how much we sin if we do not obey it. First, I will examine natural law.

On Natural Law

Just as the term *nature* is understood in different ways, so, too, natural law is defined differently by different people.

Civil lawyers see nature as the community of all animals not just human beings. Thus, they understand natural law, as they have defined it in Justinian's *Digest and Institutions*, in this way: "Natural law is what nature teaches to all animals."¹⁶ In particular, they mean mating, reproduction, and rearing young, since we can see that all animals are naturally bound by this law; that is, that they make babies.

¹⁵ Gratian, *Decretum*, 1.1.

¹⁶ *Digest*, 1.1.1.3; *Institutions*, 1.2.

Canon lawyers and theologians restrict natural law to human nature, defining it in this way: “Natural law is the law common to all nations and that is obeyed everywhere by natural instinct not by any statute.”¹⁷ Civil lawyers use this definition for the law of nations because all people employ these laws and are led by them. Examples include what is God, how he should be worshipped, or other things pertaining to religion, as well as how one should obey one’s parents or the State or even how one should ward off injury, violence, or anything that relates to the defense and protection of oneself, one’s family, and the State.

Therefore, what the civil lawyers include in the law of nations; that is, human affairs, theologians and canon lawyers classify as natural law. On the other hand, the apostle to the Romans, when he speaks about natural law, describes it only as far as it concerns human affairs: “Gentiles, who do not possess the law (i.e., Scripture), do instinctively what the law requires... They show that what the law requires is written on their hearts.”¹⁸ Surely, the requirements of divine law and Scripture have not been “written on the hearts” of the other animals. For this reason, Isidore defines natural law as this: “That which is common for all people.”¹⁹ The Apostle, moreover, in 1 Corinthians 11 restricts this idea even more to a particular people. In fact, he describes a time-honored custom among the Greeks that it is a shameful thing for a man to grow his hair but for a woman to cut it by appealing to natural law when he writes: “Does not nature itself teach you that...”²⁰ This Greek custom, in fact, had not been the custom of other peoples.

Thomas Aquinas also restricted the term *nature* to human beings in his discussion of natural law, but he still includes many things under the title “natural law” that are shared by other animals, too, and even of things that lack intellect. He, in fact, teaches that whatever we find commonly inside the human heart belongs to a part of natural law.²¹

¹⁷ Gratian, *Decretum*, 1.7.

¹⁸ Rom. 2:14–15.

¹⁹ Aquinas, *Summa Theologiae*, I-II, 94, 4.

²⁰ 1 Cor. 11:14–15.

²¹ Aquinas, *Summa Theologiae*, I-II, 94, 2.

Now, natural law has three levels, which I list below in order:

First, people can protect themselves against any violence or injury. This is a natural reaction for all things. Even trees and plants protect themselves from harm as much as they can. From this instinct comes the idea included in the laws of nations that it is permitted to repel force with force.

Second, human beings can protect not only themselves [189v] but also advance their race through the procreation and education of children. This we have also in common with the animals. Because of this impulse, civil lawyers include marriage, reproduction, and rearing children under natural law.

Third, an idea appropriate more for humans than for animals, human beings must recognize their inclination to God and worship him as they do good to those with whom they live, and they must know justice and honesty and turn to them naturally.

Aquinas argues further that every aspect of virtue, both virtue itself and every act of virtue, is natural. Here he quotes Damascene as well as Isidore, who write: "All that is contained in the law and the Gospels; that is, the lifestyle described there, particularly that people should treat their neighbors as they [themselves] want to be treated, belong to natural law." Then, he concludes, "All evil and sin is unnatural."²²

For this reason, any law that contradicts natural law, he continues, is in itself evil and should not be followed. Also, he writes, someone who follows natural law lives with all people in accordance with what is just and good.

Conversely, it should be mentioned that when people read these things in the writings of the church fathers and other God-fearing men, they should not be confused that these teachers do not assert these things about natural law as much as people do now in the treatises of wicked men who lack the Spirit of God. (Indeed, in these works, vices are natural, and virtues are unnatural.) Instead, the fathers write about what it was like before sin entered the world and also what it is like, in part, in the new birth.

Now, before there was sin in the world, natural law had been perfectly instilled in human beings. Divine will and the precepts for doing some things and avoiding others had been co-created with Adam when the image of God was breathed into him. Thus, before sin, this spark of reason had been perfectly placed inside human beings. After the Fall, however, natural law was almost

²² Aquinas, *Summa Theologiae*, I-II, 94, 3.

entirely blotted out as was any law that looks to God and the worship of him or to our neighbors and the just and fair relationship with them. The entire image of God that stands firm in justice and holiness was lost. People became completely blind in their minds, totally depraved in their hearts, and altogether corrupted, especially in those things that human beings share with animals, plants, and other substances. In particular, human beings warped this instinctual natural law: Every living thing knows that it is right and good to protect itself, but that in order to do so, people now rush to any injustice or violence.

Today, people do not know how to protect themselves without harming someone else nor can they. We cannot even eat or drink without some intemperance or vice. Thus, we can see that natural law is more natural in other creatures than it is in human beings. For example, there is an aspect of natural law that we share with the animals and that we naturally recognize to be good and just—second nature even: We maintain and expand the human race through our own efforts by marriage, procreation, and rearing children. Still, a human being does not know how to do what animals still do blamelessly without some vice or sin. Thus, the first and second levels of natural law (according to Thomas's division) have become extremely corrupt in human beings; the third was almost entirely destroyed after the Fall—so much so that if we should ever see a sliver of this aspect of natural law again in a human being, we must believe that it was written in that person's soul a second time in its entirety by God himself, as Paul says in Romans.²³ For, in the place of natural law, which pushes us to know and worship God and to live a just and amicable life with our neighbors, another law has crept into us from the Devil, the law of sin and separation.²⁴

This introduction is necessary to understand correctly the quotes by Damascene and Aquinas about natural law and its effects cited above, as well as by those found in Augustine and the other church fathers. It also is important to follow the next points that I make.

Some, then, define natural law in this way: *Natural law*, they say, *is a common principle; and, therefore, a distinct rule put into the hearts and minds of human beings by God himself, warning them what they should do and what they should avoid.*

²³ Rom. 2:15.

²⁴ Rom. 7:25.

Moreover, they define “common” as follows: *It is human beings' shared knowledge, judgment, and perception by which all people without distinction pondering their actions in their hearts either condemn or absolve themselves. This perception also comes from God when he speaks or inscribes his judgments in the hearts and minds of human beings.* These words are quite clear and illustrate this topic well.

Still, there are others who define natural law more briefly:

Natural law is a light—that underlying spark of reason by which [190r] we discern right from wrong.

Finally, a third definition is this: *Natural law is the shared opinion to which all people together agree and to which God inscribed onto each person's heart in order to establish the most beneficial customs.*

Using the classification that I have used above for law in general, and the differences between natural law and other laws, I define natural law as follows:

Thesis 8

Natural law is the will of God, and, consequently, the divine rule and principle for knowing what to do and what not to do. It is, namely, the knowledge of what is good or bad, fair or unfair, upright or shameful, that was inscribed upon the hearts of all people by God himself also after the Fall. For this reason, we are all universally taught what activities should be pursued and what should be avoided; that is, to do one thing and to avoid another, and we know that we are obligated and pushed to act for the glory of God, our own good, and the welfare of our neighbor both in private and in public. In addition, we know that if we do what should be avoided or avoid what we should do, we are condemned; but if we do the opposite, we are defended and absolved.

This is a lengthy but full and complete definition. Almost every part is derived from what I said previously about law in general. Therefore, it will suffice to run through it briefly.

I. I call natural law the *will of God* because it is the basis of all justice, and therefore the rule for all just actions.

Therefore, in order to explain this better, I have added another clause chosen from the second definition of law in general, when I write: “*and consequently the divine rule and principle for acting ... rightly.*” Indeed, divine will is not separate from divine wisdom; and, therefore, is rightly called the rule and principle for doing all things rightly. This is the entire definition under which all good laws are contained.

II. Next, I have applied two differences by which, natural law can be discerned from other laws. The first is that this law has been inscribed on the hearts of all people because it was done by God himself. I have described this.

In addition, I added that this law was *inscribed upon the hearts of ... people also after the Fall* to denote two things: One, it had also been inscribed before the Fall, maybe even co-created with Adam as was explained above; and two, that after the Fall, it was almost completely blotted out and extinguished because of sin, and if any part of it is afterward seen in the human heart, it does not come from the nature of a blind and depraved spirit. Instead, it has been inscribed and impressed in our hearts anew by God because of his goodness. Therefore, it is called “natural law” not so much because it is passed down to us from Adam naturally (we are, indeed, by nature blind and depraved toward true goodness, as I have said earlier) but because God has so impressed it into our very souls by inscribing some general, natural principles of worship, goodness, fairness, and honesty that they seem innate and natural to us.

Here are some proofs:

1. When the Apostle writes in Romans, “Gentiles ... though not having the law (that is, they do not have a law written down in books) are a law to themselves,”²⁵ no one would think that they naturally hold this law in their beings. Instead, someone would propose an explanation of how they themselves would be a law for themselves because, of course, “they show that what the law requires is written on their own hearts.”²⁶ This law was not innate or co-created but written on their hearts. By whom? By God, of course. It is, in fact, God’s prerogative alone to write upon our hearts as he promised in Jeremiah about the New Covenant he writes in the hearts of the elect.²⁷ This law, then, has its origin not from the corrupt nature of human beings but from

²⁵ Rom. 2:14.

²⁶ Rom. 2:15.

²⁷ Jer. 31:31.

God himself, who because of his own goodness, inscribed it anew in the minds and hearts of human beings after the Fall, enough to preserve the common good and to convict people of sin. In addition, it is part of natural law that God must be worshipped when someone comes to know him. Where do the nations get this? From God himself, as Paul writes in Romans 1:19, “God has shown it to them.”

2. Also, Scripture claims in many passages that, after the Fall, the human heart became totally evil, perverse, and carnal. Genesis 8 claims, “The inclination of the human heart is evil from youth.”²⁸ Jeremiah 17 says, “The heart is devious above all things.”²⁹ John 3 writes, “What is born from the flesh is flesh.”³⁰ Even the apostle Paul writes in 1 Corinthians 2, “Those who are natural do not receive the gifts of God’s Spirit,”³¹ and in Romans 7, he says it differently: “I know that nothing good dwells within me; that is, in my flesh.”³² Natural law, however, being a principle of reason, is a good, divine, and spiritual thing. Thus, it must come from somewhere besides nature; that is, it must, as I have demonstrated, come from God. [191v]

3. Next, if it came from nature, then it would exist equally in all people; for, those things that are shared by all people naturally exist equally in all people. However, we see among different peoples that some are wiser, more devoted to justice and honesty, and more zealous for God; but one would never find people who deny that God exists and who could not differentiate between right and wrong. Therefore, it is God’s gift that some come to him by the light of reason and justice so that they know that God exists and ought to be worshipped, that they must determine right from wrong, justice from injustice, and honesty from shame, and that in every way they should lean toward good and shy from evil, just as the philosophers recognized and Augustine demonstrated both in his treatise *Against Pelagius* and in the books of his *City of God*, in which he spoke about the justice and virtues of the Romans.

²⁸ Gen. 8:21.

²⁹ Jer. 17:9. Zanchi’s text reads, “The heart of man is devious,” substituting *hominis* for the Vulgates’ *omnium*.

³⁰ John 3:6.

³¹ 1 Cor. 2:14. Here Zanchi uses an alternate meaning for *animalis*, which, in the NRSV, is translated “unspiritual” with an alternate translation *natural*.

³² Rom. 7:18.

4. Also, consider what Thomas Aquinas and other more devout Scholastics say—that is, that free choice does not accomplish anything by its own power at all except in leading people to sin. However, human beings, even different races of people, are still moved by natural law to recognize, seek, and perform many good things both for God and their neighbors, as Paul teaches in Romans 2:14–15 and is confirmed by experience. Therefore, they believe that natural law does not arise from some natural instinct. *It is a gift from God.* Still, as I mentioned earlier, they call it natural law as the apostle Paul does because the principles of justice and honesty have been inscribed on our hearts by God and those little sparks of heavenly light (as Cicero calls them) appear inside of us as innate and natural.

If you should read in some misguided treatise that natural law is a relic of the original image of God, know for a fact that it is not a relic passed down through Adam but something restored by God because of his goodness and grafted anew in our hearts, for if the relic of that image were passed down from Adam, either it would be sinful, or it would be an essential part of human nature.

In fact, we do not inherit anything from Adam except those things necessary for the establishment of the human race—and evil; that is, sin and misery, because no matter how great we may be, we still are born the children of wrath.

Natural law itself is, of course, *not* evil. It is a very good thing—approving what is good, condemning what is evil, and agreeing with God’s written law. Nor is it an essential part of human nature, for even without natural law (since, of course, it looks to those things that pertain to God and to the preservation of justice and honesty among human beings) a person does not cease to be a human being.

III. There are three distinguishable functions for natural law.

First, it teaches us what is good, what is bad, what is just, what is unjust, what is upright, what is shameful, and therefore what should be pursued, what should be avoided. In short, natural law unites only those general principles of goodness and justice in our hearts.

Second, it not only teaches this but it also obligates and pushes us to do good, and it protects us from evil.

Third, logically, then, if we neglect our responsibilities, it convicts and condemns us, but it defends us if we do not forget them.

The Apostle provides these functions in Romans 2 clearly and succinctly. How often, then, do our hearts condemn us, as John says, and how often do the thoughts of our hearts convict or even defend us, as Paul says. It is God who does this, by whom the law was inscribed in our hearts, as the ancients rightly used to say: "The conscience is a thousand witnesses. There is nothing more accurate than it, because God speaks in it." The apostle Paul in 1 Timothy 1:19 commands: "[Have] a good conscience," because when we ignore it we make a ruin of the faith by which we trust in God. Indeed, sinning against our conscience is sinning against the God who teaches and advises us from within. Also, God hands over the hearts of the wicked little-by-little as he says about the Gentiles in Romans 1:21, 24 who "though they knew God, they did not honor him.... Therefore, God gave them up in the lusts of their hearts."

IV. Next, it is revealed that not everything to which we are driven by natural instinct is part of natural law.

The law teaches only what is good and prods us toward those things. We, however, are inclined toward evil from our birth. Therefore, our impulses to crime and sin come not from natural law but, rather, from that thing clinging to us that fights with natural law. What is this thing? The taint of evil, the corruption of nature, the hatred of the good; that is, our sinful desires. All these things were mentioned by the Apostle in one phrase; that is, as the law of members in Romans 7:23, "I see in my members another law at war with the law of my mind making me captive to the law of sin." Thus, he writes that neither sin nor death comes from the law, written in both our hearts and the Scriptures; that is, from God, but from the corruption that is in us. Therefore, [192r] it is right by nature that we protect ourselves against any violence, that we pursue the propagation of our species, and that we distinguish our species from the animals; but, if in these things we do sin, this comes not from natural law but from its corruption; that is, the law of members.

V. Finally, to this law we also attach a twofold purpose, a goal shared by the other laws: the glory of God and the good of human beings in both public and private.

These two purposes have already been explained. I will add only this point concerning our own good: It is a characteristic of each type of law that it makes people good (as Aristotle has shown in his *Ethics*) by teaching what is good and by obligating and inspiring people toward it. Still, if they turn more toward evil than good, namely, that through the law, sin is increased, as is

taught in Romans 7:10, this is an accident. The Apostle says this again about the written law and about the other laws he mentions in that passage: “The very commandment that promised life proved to be death to me.” Therefore, just as Aristotle says that laws were given so that people might become good, the Apostle wrote that the law was given for life; that is, so that through it we might live—but live as just and good people.

There are three things that I mentioned earlier, that are the highest goods to which natural law incites us:

1. A trait shared with all other living things that we protect and save ourselves. This includes eating, drinking, sleeping, resting, moving, using medicine, clothes, et cetera. This produces these laws: A healthy lifestyle is praised while an unhealthy one is rejected; it is permitted to drive off force with force, et cetera.
2. A trait shared with all animals, that we endeavor to propagate our species, that we take time for having and rearing children, and the other things related to it; that is, that we pay attention to domestic affairs.
3. A trait applying to all human beings, that we know and worship God and that we maintain a community among human beings.

The third aspect of natural law is usually divided into two headings, just as the Ten Commandments have also been handed down in two tablets: The first concerns the knowledge and worship of God, and the other concerns loving our neighbor.

The first heading is this: Love and Worship God. All nations are, in fact, granted some knowledge of God. (Romans 1:19: “What can be known about God is plain to them.”) How do they know? From their own efforts? By the power of nature? No, from God who imparts this knowledge into their hearts. Thus, Paul continues, “Because God has shown it to them.”³³ From where? From the book of nature: “Ever since the creation of the world his eternal power and divine nature, invisible though they are, have been understood and seen through the things he has made.”³⁴ In fact, from this initial principle, the

³³ Rom. 1:19.

Gentiles passed down many things about the knowledge and worship of God. The Apostle mentions this in his sermon on the Areopagus.³⁵ He also remarks: “If God is in our hearts, as the songs say, you must surely praise him with a pure heart.” Therefore, the Gentiles are rightly accused and condemned by the Apostle: “because for though they knew God, they did not honor him as God.”³⁶ Thus, it happened that among the Gentiles, that those who were touched by no religion were considered criminals.

The second heading or element of this third aspect of natural law is the following: “Maintain fellowship and goodwill among human beings; that is, do not do to another what you do not want done to you and vice versa.” Now, all nations realize that friendship with those who are alike, that is, with human beings must be cultivated as holy and that something should not be done to others that one would not also want done to himself. In fact, fellowships and friendships are broken up by nothing more than injuries, while spirits are reconciled by nothing more than loyalty and acts of kindness. For this reason, nature teaches that no one should be affected by injury, but instead, we all ought to be kind, loyal, and gentle, and that these are fitting virtues for a person, while it is a sin against nature to be unkind, quarrelsome, disloyal, and harmful. Christ himself confirmed this heading of natural law first when he reduced all of the commands of the second tablet to the love of one’s neighbor and then when he said, “Do, therefore, to others whatever you wish that people would do to you.” Thus, we see confirmed by Christ what God had written in the hearts of even the Gentiles. In fact, it had also been a law among the Gentiles—the words of Emperor Severus were heard and inscribed everywhere: “Do not do to another what you do not wish to be done to you.” From this second element of natural law, other laws are derived that are written in the hearts of nearly every human being: Live justly; do not hurt another person. Give to each person his due, stay loyal; and other similar laws that are listed in the works of other secular writers.

Now let me continue my discussion of the definition of natural law by adding some more theses. [193v]

³⁴ Rom. 1:20.

³⁵ Acts 17:22.

³⁶ Rom. 1:21.

Thesis 9

Even if natural law is inscribed on everyone's heart, still God usually inscribes it according to his own desire unequally; in some more deeply and profoundly, in others less deeply and profoundly.

He writes it more deeply in some because those two primary elements that I just now mentioned are not held equally by all people. Instead, some understand them better than others do. For example:

No race is so barbaric, no philosophy is so savage that this belief would not occupy their thoughts: God exists, and he ought to be worshipped. This belief is shared by all people. Still, how he should be worshipped has not been realized by all people in the same way. With some people, he should be worshipped in the spiritual realm, with the heart and without images, because God *is* spirit. Others think that he must be worshipped through idols and public rituals because they think that he is corporeal. Certainly, Cicero came closer to the truth than many other Romans did because he left the following words about the worship of God in his *On the Nature of the Gods*: “This worship of the gods is best and also most holy and most pure of piety that we always venerate the gods with pure, whole, untarnished heart and voice.”

Earlier Romans had also been taught by natural law that because God is spirit, he must not be represented or worshipped with idols, a belief that was continued for one hundred seventy years from the founding of Rome. Yet, natural law failed their descendents in this part, when they judged that God could not be truly worshipped at all without some likeness. Plutarch, in his *Life of Numa*, and Varro, as quoted in Augustine's *City of God*, record this.³⁷

Swearing an oath was also taboo for the Romans because, to them, the name of God was holy. Nevertheless, for many barbarians it was of no consequence to swear an oath because they did not realize that this is displeasing to God. This also derives from the first element.

Now, the other element revealed to all people by natural law is that the fellowship of human beings must be protected. However, all people do not know equally those things that necessarily follow from this principle. How many nations are there, in fact, that do not consider deception, thievery, and robbery

³⁷ Augustine, *City of God*, 6.4.

evil? In fact, among the Spartans, acts of thievery were considered fine and good, while Romans punished them very severely. Also, how many nations praise lying? Some people do condemn it as something unworthy of human beings. The Romans, in fact, used to give to a false witness a fall from the Tarpeian Rock. All people taught by natural law know that proper behavior must be maintained, especially in marriage, yet, how many people have been found who do not think that a relationship between a brother and sister, a grandparent and grandchild, a step-father and a step-daughter, or any other relative or kin is wrong? Surely the Canaanites would be in this number as can be seen in Leviticus 18.³⁸ Yet, knowledge of this type of behavior was given in a greater degree to the Romans. For this reason their laws about unlawful marriages were always honored very reverently by Christians so that whatever was lewd to the Romans had to be lewd to them, while whatever was not lewd to the Romans also was not condemned by the Christians as lewd.

Thus, it is clear that natural law has not been written in every person's heart equally, but more in some and less in others. Of course, all people know that good and proper behavior should be maintained. Still, for a man to grow out his hair, and for a woman to cut it, though it is not shameful for the Persians, for many other peoples—the Greeks most of all—it is. Therefore, the Apostle in 1 Corinthians 11:14–15 calls this “natural law.”

Also, it is clear that this law has been implanted and instilled more effectively in some and less effectively in others because many people still disdain it even though they know it. Others are so driven to keeping these things that they have brooded diligently in the pursuit of them and brood to this very day. This is clear in itself and the examples just mentioned abundantly confirm this. Therefore, this ninth thesis shows that natural law has not been inscribed equally on the hearts of all people nor is it today, though in the hearts of the elect, of course, it is always more fully and more effectively written as the Lord promised in Jeremiah.³⁹

From this it is clear that natural law is one and the same among all nations if we look at its presuppositions, not at its conclusions or applications.

³⁸ Lev. 18:24–30.

³⁹ Jer. 31:31–34.

Thesis 10

This law is so impressed on the human heart [194r] that it cannot be altered by anyone or completely blotted out from the heart.

The argument goes like this: God desires that the same law exist inside all people by which they are always convicted even to death if they act sinfully but are forgiven if they act justly. Here, the Apostle in Romans, after he had written that what the law requires had been written down among the nations by whose virtue they accused or defended themselves, argues that some trace of it survived when he said, “on the day of wrath, when God’s righteous judgment will be revealed.”⁴⁰ So Augustine also wrote in his *Confessions*: “Your law [has been] written on men’s hearts, which iniquity itself cannot blot out.”⁴¹ Remember that because of Adam’s sin, natural law had been destroyed and became an offense but that it is not one *now*. The initial principles of the law remain in order to prick the human conscience. I interpret the sense in the same way because it is written elsewhere that natural law does not change with time but is forever inalterable; that is, it holds fast to its initial precepts and with these precepts it rightly convicts human beings of sin. Still, with regard to the conclusions often derived from natural law, Scripture shows that they are sometimes blotted from human hearts when they are handed over to their sins, as Romans 1 proves. Still, it is necessary that the first principles remain unchangeable. From this comes the following.

Thesis 11

In the past, all human beings were so dependent upon natural law that anyone who acted against it was convicted of sin.

The Apostle accuses the Gentiles of this in Romans 1:21, which says, “For though they knew God (i.e., through natural law), they did not honor him as God,” and “the Gentiles who do not possess the law ... are a law to themselves.”⁴² At this point, the Apostle turns to other sins by which he accused

⁴⁰ Rom. 2:5.

⁴¹ Augustine, *Confessions*, 2.4.

⁴² Rom. 2:14.

and condemns the nations; namely, disobedience to parents, injustice, sexual immortality, dishonesty, greed, hatred, envy, et cetera.

Yet, because the Decalogue defines and describes the same things that are called natural law, the Ten Commandments themselves are often called “natural law.” Therefore, I will not here describe what sins against natural law are included because that same thing should be done in the explanation of the Decalogue.

Still, in closing, it must be mentioned that just as Christ is the fulfillment of the entire Mosaic law, so, too, is he the fulfillment of natural law because, as human beings are convicted of sin through the law, they flee to Christ for forgiveness—but enough about these things.

From natural law, then, we must turn to human laws. These, in fact, are derived from natural law through human reason, and, therefore, come through the special light of God.

On Human Laws

When preparing to speak about human laws, I really should say first what the term *human laws* means and then what types of laws fall under this term.

I consider human laws to be those laws that are conceived and promulgated not only through human beings but also by human beings and human ingenuity, whether conceived from divine law, natural law, or even their own heads.

They are divided into right and just laws and tyrannical laws.

On the one hand, right and just laws are those conceived by those who have authority, are derived from natural or divine law, and exist for the good and well-being of the State or the church. I also group good and right customs with these laws because they also have the force of laws.

Tyrannical laws, on the other hand, are those enacted by those who do not have the authority to make law, who, if they do have this authority, pursue them out of their own lusts, and who arrange them for their own good. These laws, also for this reason, are unworthy of the word *law*, as Aristotle writes. I also group sinful human traditions and customs with these laws.

Thesis 1

It is, therefore, useful and necessary for the human race to have many different laws besides natural law, which has been inscribed on the hearts of human beings by God. These are called "political laws"; they are handed down to people through wise and thoughtful individuals so that they might keep the people from evil and promote the good, well-being, and protection of the State. [195v]

There are two reasons for this. First, natural law, although it has been written on hearts, only remains in the aforementioned general principles, and not all people excel in ingenuity so that they can make particular conclusions and laws from these principles. Therefore, there is a need that wise and thoughtful people be stirred by God even within the nations themselves, who clearly explain their laws from natural law for the well-being and protection of their State.

Second, it is necessary that human beings be pushed to avoid evil and to do good by either a love for virtue, a hatred for vice, or a fear of punishment.

Natural law, however, has not been so effectively written on the hearts of all people that it alone is effective enough to protect people from evil or to push them to good. (In fact, it retained this effectiveness only in the born-again elect and even then only in part.) It only teaches, inclines, and accuses those things; it has no other external punishments.

For this reason, it was necessary that external laws be handed down and that external penalties be established for law-breakers. In this way, it was possible for people not moved by love of virtue to be protected from evil by fear of punishment and to be restrained by their responsibilities.

The Apostle uses this argument in Romans 13:4 where he says: "The authority ... bears the sword ... to execute wrath on the wrong-doer," and also in 1 Timothy where he writes: "The law is laid down not for the innocent but for the lawless and disobedient, et cetera."⁴³

This thought, Isidore also relates in Gratian's *Decretum*: "Laws, however, have been made so that human audacity might be restrained by the fear of them and so that there might be a safe innocence among human beings and

⁴³ 1 Tim. 1:9.

that among the wicked themselves, their audacity and facility for doing harm might be curbed by a powerful punishment.”⁴⁴

Thus, the practice of political laws is necessary for keeping people from evil, or else human society could not be saved.

From this it follows that, as Aristotle relates, “Just as a person, if he has grown complete in virtue, is the best of the animals, so, too, if he has fled from law and justice, is the worst of all beasts.”⁴⁵ Consequently, all political laws that have been ordained for this purpose agree with the Holy Scripture, the prophets, Christ, and the apostles in Romans 13 and 1 Peter 2.⁴⁶

Thesis 2

Moreover, all political laws have their origin, as far as their essence is concerned, in natural law.

“As far as their essence is concerned,” I said, because there are two in just laws: a commandment and a punishment that is brought against law-breakers.

The commandment is derived from some principle of natural law as a later conclusion. For example, it is a principle of natural law that no one should be affected by injury because one should not do to someone else what one does not want done to oneself. From this, wise law-makers have deduced the laws about not killing anyone, not lying, not sleeping with someone else’s wife, et cetera—that is, later conclusions.

Thus, on the one hand, we all can agree that all political laws have their origin in natural law as far as their essence is concerned.

On the other hand, concerning the severity of punishment, this argument does not continue in the same way. Instead, because natural law reveals itself only in general that someone who sins must be punished, wise individuals according to their own senses of justice and fairness apply and define what natural law teaches in general to the different forms of punishment according to the severity of the crime. Thus, it is appropriate, according to natural law, that sin be punished, but should one sin—murder perhaps—be punished by

⁴⁴ Gratian, *Decretum*, 4.1

⁴⁵ Aristotle, *Politics*, 1.

⁴⁶ 1 Pet. 2:13–17.

the sword, and another—petty theft perhaps—be punished by a decision of the law-makers? Still, even in these penalties some standard can be found that is commonly held by all peoples. Murder is commonly punished with execution. Consequently, this punishment, which comes from the law of nations, seems to have been derived from natural law.

Still, these penalties more often gain their strength more from human laws and from the wishes of the law-makers than from natural law. Thus, we see different types of punishments among the different peoples.

Thesis 3

Whenever human laws conflict with or contradict natural law, they are overturned and unworthy of the name of law.

The reason for this is clear. If natural law is indeed the measure for human laws, then it is also the rule for human actions. Therefore, just as every action that does not agree with natural law is sinful, [196r] so, too, is every human law, and there are many among the tyrants and especially in the papacy, such as the law about celibacy and other countless laws that are called “human traditions” (about which I will speak later).

For this reason, Augustine rightly, in his *On Free Will*, claimed that a law that is not just should not be called so, and it is not just if it does not agree with natural law.⁴⁷

Moreover, because natural law has been ordained by God for his glory and for the well-being of human beings, whatever laws are contrary to God’s honor or contrary to the welfare of human beings are sinful and tyrannical and should not be called “laws.”

The discussion in Gratian’s *Decretum* about the qualities of good laws applies here.⁴⁸

In the end, laws correspond with religion, agree with the faith, and improve safety; that is, they do not fight with the worship of God, good customs, nor do they hinder human safety and the public good.

⁴⁷ Augustine, *On Free Will*, 1.

⁴⁸ Gratian, *Decretum*, 4.2.

Thesis 4

Therefore, we are not less subject to fair political laws than we are to natural law as far as our conscience is concerned.

This is obvious. Political laws come from natural law, and they are very just. They do not contain less of God's will than do the other laws. Thus writes the Apostle in Romans 13:1: "Let every person be subject to the governing authorities." We have been subjected to powerful bonds when we are held and restrained by the laws of our magistrates. Christ also says this in Matthew 22:21: "Give to the emperor the things that are the emperor's," and 1 Peter 2:13 reads, "For the Lord's sake accept the authority of every human institution (or ordinances)." He then adds, "For it is God's will that by doing right, you should silence the ignorance of the foolish."⁴⁹

If this is the will of God that we be subject to governing authorities, then we cannot resist those things that do not oppose God's will. So says the apostle Paul elsewhere in Ephesians 6:5: "Slaves obey your earthly masters ... as slaves of Christ," and in Romans 13, he said first that the magistrates were those who had received the sword of God from him⁵⁰ and he later adds, "Therefore one must be subject, not only because of wrath but also because of conscience."⁵¹ Why because of conscience? Because the magistrates hold the law over our conscience? Not at all. James 4 reads, "There is, in fact, one law-maker." No, it is because the one who orders us to obey our magistrates is the law's author and conqueror. He holds the law over our conscience.

This is what Peter means when he says that we must be subjects for the Lord's sake.⁵²

Now it should be mentioned that political laws can be just or unjust. On the one hand, if they are just, they obligate our conscience not because they come from human beings, but in part because they come from natural law to which our conscience is already obligated; and in part because God by his express command has subjected us to them. On the other hand, there are two ways in which a law can be unjust.

⁴⁹ 1 Pet. 2:15.

⁵⁰ Rom. 13:2.

⁵¹ Rom. 13:5.

⁵² 1 Pet. 2:13.

First, a law is unjust if its promulgator does not have the authority to make such an order; if a person, who does have this authority, orders something that does not look to the public good but only for his own well-being or pleasure; or if what was ordered makes unfair demands that are beyond one's ability. I say that these laws are unjust under this first condition—and that it is appropriate to call them unjust even though they make no orders that are contrary to the glory of God and divine law. This is the first way by which human laws can be unjust.

Second, a law is unjust if such laws give commands that oppose God or the promulgation of his law.

Whichever way they become unjust, unjust laws do not obligate our consciences, because God does not bind our conscience to unjust laws.

Conversely, if they are unjust in the first context and it is right that they do not obligate our conscience, still it is up to us to decide whether to obey or not to obey them if it does not keep us from loving our neighbor or avoiding all crimes.

Christ says in Matthew 5:41: "If anyone forces you to go one mile, go also the second mile."

If, however, unjust laws are unjust in the second context, since they force us to do something contrary to God's glory or that opposes his law, not only are we not required to obey them but we are forced to resist them.

This is because our first obedience belongs to God, then to human beings, because of God. These are the words of the Apostle in Acts 5:29: "We must obey God rather than men."⁵³ Thomas Aquinas concludes similarly:

If laws are unjust [197v] through their contradiction to the divine good as are the laws of tyrants in leading people to idolatry or to anything else that is contrary to divine law, it is right to resist such laws in any way because this was said in Acts 5: It is better to obey God than man.⁵⁴

Nevertheless, the Apostle clearly orders every heart to be subject to the governing authorities, does he not?

⁵³ Alternative translation provided in the notes. The regular translation is, "We must obey God rather than any human authority."

⁵⁴ Aquinas, *Summa Theologiae*, I-II, 96, 5.

We must obey that authority because it is from God, but God does not want anything to be commanded by human beings contrary to his law. If, therefore, some authority gives a command contrary to God, then not only are we commanded not to obey this governing authority, but we are also required to fight against it.

Thus, we can see that there can be two ways for us to sin in this area: If we do not obey the just laws of our magistrates, and if we do not refrain from their unjust commands that contradict God's law.

But, how should, or even could, every heart be subject to human laws when the just have been freed from the law and the law is not profitable for the just?

The law has two functions: It teaches what should be done and avoided, and it is the rule for actions, obligating and urging those subject to it toward obedience.

It is, therefore, possible for someone to be subject to the law in two ways: by compulsion through force and obligation or voluntarily through the training and regulating of one's own actions. The wicked are subject to the law and the law is imposed upon them in the first way, but on the just in the second. In fact, those who of their own accord want to obey the law cannot be forced to love the law and run to it by themselves. Thus, we read in 1 Timothy 1:9: "The law is laid down not for the innocent but for the lawless." The innocent do what is included in the law, because they have it written on their hearts.

But, how should or could every heart also be subject to the governing authorities and their laws when kings are not subject to their own laws?

They are not subject to their own laws insofar as they are not compelled by them, nor do they have greater power than God does by whom they are ultimately judged. Still, they are not said to be greater than their own laws insofar as they can alter or enact their own laws by their own decision—as they see how to benefit the State.

Also it was written in Justinian's *Digest*: "A prince is released from the laws." Here the commentary says, "From the laws; that is, that were enacted or written by others under whose authority he does not live."⁵⁵

However, since the law is the rule for good actions, princes are not released from their own laws as far as the public good is concerned. Instead, they must

⁵⁵ Justinian, *Digest*, 1.3.31.

subject themselves to them by their own decision, and good princes ought to subject themselves willingly to them.

Here they look to what is written in Justinian's *Codex*: "Worthy is the news that a prince shows that he obeys the laws of those ruling with majesty," and later, "it shows greater power to submit to the laws of the land."⁵⁶ In Gratian's *Decretum* we read: "Whatever law someone enacts, that person ought to follow it." The authority of this wise author says, "Obey the law that you yourself enact," and "It is just that princes obey their own laws. Then, indeed, their law shows that it must be obeyed by all people because they also show reverence to it themselves."⁵⁷

It is also certain that princes, as far as God's judgment is concerned, are not released from just laws that are derived from natural law and ordained for the public good whether from a higher power or from the princes themselves, because they ought to promote the public good themselves.

Therefore, after our first examination of all good laws with God as their source, *we are all bound by conscience to obey just political laws.*

Thesis 5

It follows from this same argument that it is necessary to distinguish between the letter of the law from the aspect of natural law and the spirit of the law-giver that the law tries to address.

I said that it comes from this same argument; that is, that human laws derive from natural law and are ordained for the public good. If, then, it should happen that although one may want to adhere to the letter of the law, that law fails to the ruin of those people for whose sake it was enacted—consider the good of the society. There may be a time when the letter of the law should not be followed at all, but the purpose of the law and the spirit of the law-giver must be examined and followed. Consider the following example:

There is a law that in a besieged city no one is allowed to open the city gates.

⁵⁶ Justinian, *Codex*, 1.14.4.

⁵⁷ Gratian, *Decretum*, 9.2.

The aim of this law is the good of the citizens; namely, that a way into the city not be given to the enemy. Thus, we say that this derives from natural law, by which we are taught that people should protect themselves and their neighbors from violence and look to their own safety. Now it just so happens [198r] that if without the opening of the city gates, you cannot welcome inside your fellow-citizens and the soldiers who had been fighting against the enemy who were defeated and making their retreat, and, as a result, every single one of them is slaughtered and the city inevitably is captured anyway, because of the deaths of those whom you could have saved—who does not see that in such a case the city gates must be opened despite the letter of the law until our troops come inside? This, in fact, requires understanding of the purpose of this law and of natural law itself.

This confirms the words in Justinian’s *Codex*: “There is no doubt that someone who, clinging to the letter of a law, violates the spirit of the law—violates the law itself, nor will someone who excuses himself from the requirements of a law by a narrow reading of the law’s words, avoid the punishments mentioned in the law.”⁵⁸

The fathers and ecclesiastics also teach that we must obey the spirit of law.

Consequently, Saint Hilary in his book *On the Trinity* says, “To reach our intelligence, terms must be used applicable to our own nature: Thus, we do not understand communication except by word-of-mouth.”⁵⁹ Instead, even in divine law often times we must realize the same thing. Some law-followers have actually sinned against the will of God. For example, there was a law, “You should do nothing on the Sabbath.” What was the aim of this law? Above the others, there was this reason—just as there is now on the Lord’s Day—that we look to the well-being of others, that our slaves not be forced to labor all day without any respite ever. If, then, it should happen that a person were sick and if a doctor did not prepare medicine or minister to him, would you not have acted against the law, if by obeying the letter of the law, you ignored the person’s health? Christ, in this same way, defended himself against the accusations of the Pharisees because he had cured a man on the Sabbath day, claiming that he had not sinned against the law in any way but, instead, had acted

⁵⁸ Justinian, *Codex*, 1.14.5.

⁵⁹ Hilary, *On the Trinity*, 10.73.

according to the law when he said, “The Sabbath was made for humankind, and not humankind for the Sabbath.”⁶⁰ With this same argument, the Apostle defends someone who gathers his grain in order to support himself.⁶¹ Christ also says, “If your right eye causes you to sin, tear it out.”⁶² Do you have to follow the letter of this law, or should you examine the intention of the law-giver? Christ also orders us to eat his flesh and drink his blood. If one would adhere to these words and not instead look to the intention and will of Christ, would he not have commanded a criminal act? Thus, Augustine rightly teaches in his *On Christian Doctrine* that Christ’s words that, “unless you eat the flesh of the Son of man,” must be interpreted *figuratively*, because “it seems to enjoin a crime or vice.”⁶³ How surprising would it be if, in human laws, as well, sometimes there could be a way for one to act against law when desiring to obey the letter of the law and not the will of the law-giver?

The argument of this thesis is clear: Laws are enacted from natural law for the common good and for the welfare of human beings, and only for as long as they do so do they have the power to obligate. If, therefore, it should happen that by sticking to the letter of the law, we act against the welfare of human beings, we have acted more against the law than in accordance with it.

Still, this caveat must be added: It is not always in everyone’s power to interpret and understand the laws in this way; instead, the common people should yield this responsibility to the princes themselves, and they should be the interpreters of the law, at least when there is no danger in delay. When, however, they cannot be easily consulted and there is a danger in delay, and the case of the law is clear to each person, then it is appropriate for the person involved, to whom the responsibility falls, or on whom the burden of State is conferred, when the importance of the law is lost, to follow his own interpretation of the law, the will of the law-maker as in the aforementioned example above about not opening the city gates.

⁶⁰ Mark 2:27.

⁶¹ Mark 2:23–28.

⁶² Matt. 5:29.

⁶³ Augustine, *On Christian Doctrine*, 3.16.

Thesis 6

Even if human and political laws derive from natural law, there is still some difference between them.

This is because natural law is a natural, general heading that can be applied to particular laws, while political laws look toward the public good in such a way that they do not always agree with each other because of the circumstances of time, place, and personality.

1. The first difference is that natural law should never be changed, nor can it be. It is simply certain, general, eternal aspects of God's will, the revelation of the rule for doing and avoiding, written on the hearts of human beings.

Human laws, conversely, because they are enacted for circumstances of place, time, and personality, cannot be eternal and unchangeable because their circumstances can change.

For this reason, Augustine says in his *On Free Will*: "Temporary laws, even if they endure, can still be suspended for a time." [199v]

There are, then, two reasons why they can and should be changed. One, it is natural for human reason to ascend from an imperfect level to a more perfect one along certain stages. Therefore, just as in the sciences where the first philosophers handed down some imperfect ideas that were later corrected by others and became perfect, so, too, often happens with laws. Two, the same things are not always conducive to the same people, communities, or States. Therefore, the young establish certain laws, but when they mature, they enact different ones.

Augustine gives this as an example in his *On Free Will*: "If a people are governed well, the public welfare is diligently guarded, and the law is properly enforced, then it would be appropriate for this people to elect their own magistrates through whom the State might be administered. If, however, this same people gradually become depraved and corrupt, and if they should carry out so shameful an election that they are not afraid to entrust the rule of the State to criminals, then the earlier law must be changed and another one enacted by which the State can be better managed."⁶⁴

⁶⁴ Augustine, *On Free Will*, 1.

Now, what exists in political laws must also be done in church law. For this reason, whenever it is more useful for the church that ministers are chosen by the entire body, they should be chosen by it, just as the whole church chose two men whom they placed before the Lord so that he might speak through these men, and just as the entire church chose seven men as deacons in Acts 6:1–6. When, however, this is not feasible, they are chosen by fewer but more mature people as they are by the councils and synods where the method of choosing is also changed, just as we read in the book of Acts that there were some chosen by the apostles to become ministers but confirmed by the entire church.

Consequently, it is clear that those who want to maintain one policy are wrong and should not lead the church. These are the reasons why human laws, both political and ecclesiastical, should be changed.

However, remember that when human laws are derived from natural law, they are unchangeable. How, then, can they be changed when natural law cannot?

The response to this objection is quite simple: Anything that human laws retain from natural law cannot be changed, but anything that differs from it because of the particular circumstances and that impedes the public good more than it advances it must be changed. In addition, human laws by their own nature have their own individual circumstances. Thus, because circumstances change, it follows that the law can change entirely too. Still, natural law maintains its general principles without any particular circumstances. Thus, it remains immutable. This is the first difference between natural law and human law.

The second is that natural law prohibits all vices and crimes, in general, both internal and external ones. Indeed, by the general command “Know and worship God,” natural law regulates not only external worship but also internal worship because we worship, love, and fear God in our hearts. Similarly, in the command about neighbors that we hurt no one and not do to anyone what we would not want done to us, natural law prohibits not only external injury but also internal ones, such as hatred and envy, since we ourselves would not want to be hated by anyone. Love is commanded because we, ourselves, want to be loved.

Political laws, however, prohibit only external crimes and command only external duties. Consequently, they do not punish the desire of sin but the sinful external action itself. Why? These laws specifically look only to the common good and, by themselves; they look at the private good only accidentally.

In addition, human laws do not even prohibit every external evil but only those that can be avoided. If something cannot be avoided either because of human nature or a contrary custom that the people do not wish or allow to be changed by any means, even the wise do not usually enact laws against them because such laws would be in vain and fruitless—at least, not without a great harm to the State.

This is mentioned in Proverbs 30:33: “Pressing the nose produces blood.” This principle was also not foreign to Christ. In Matthew 9:17, he says that if new wine (that is, harsher and stronger ideas) is put into old wineskins (that is, put into rather unintelligent people who cannot tolerate them), “the old wineskins burst and the wine is spilt.” In other words, the ideas are disdained and given in vain, and the people fall from bad to worse and become more corrupt.

For this reason, among the other characteristics required for establishing political laws this one is definitely not the least important: It is essential that the laws be possible. By *possible* [200r] I mean, in accordance with both nature and the customs of the people—but enough about political laws and how much we are bound by them.

On the Traditions of the Church

Following these reasons are church laws and constitutions that are also often called the traditions of the church by the masses and παραδοσειω, by the apostle Paul in 1 Corinthians 11:2, and in other places.

By the Hebrews, however, they were called by the same term used for God’s law, *Torah*, since they had their own traditions as is shown in the Gospels (see Matthew 15:3: “You break the commandment of God for the sake of your tradition”).

Because of this difference, however, they called the law of God, the written law, and their own traditions, the oral law. At this point, in fact, a split arose in the church with the result that some of the traditions that we have from the

apostle are called *εγγραφή* while others are called *αγραφή*.⁶⁵ In addition, some that were called *αγραφή* at first are now called *εγγραφή*. In fact, the apostles later entrusted most of the laws originally laid out only orally to the church in their letters as we see in the Pauline epistles.

Thus, it happens that the term *παράδοσειω* is taken in two ways. First, it refers to those precepts or institutions that the apostles handed down from the very beginnings of the church, both those about doctrine and those about ecclesiastical rituals and customs. It also refers to those traditions included in the ancient Scriptures so that they were always present in the church, to all the traditions of this type that we find again in the writings of the apostles, and to those that did not have a place in Christ's church before the apostles, such as those traditions mentioned in 1 Corinthians 14; 2 Thessalonians 2:15; and 1 Timothy 2:1–2 about having public prayers even for wicked kings, and the other countless traditions that are listed in the New Testament. However, since these traditions were already written down and were listed in the canonical books, they should no longer be called "traditions." They should be called "God's law."

Second, we list under the word *παράδοσειω*, or ecclesiastical traditions, the individual constitutions of the churches from the death of the apostles all the way to the present time that either have indeed been handed down by the apostles and ordained in the church but are not contained in the canonical books, the decisions that later at different times were enacted by synods, both general and local, or even those practices that were introduced and established by individual bishops with the consent of their churches and that do not disagree with the Holy Scriptures but pertain to the operation, order, and edification of the church.

Let me make a couple of points about these conclusions to clarify how much we are obligated to these laws, for even in the violation, neglect, or contempt of these laws, it is possible not to sin at all. First, however, we will see what they are and then, from this definition, I can derive other conclusions.

⁶⁵ Both Greek terms can be translated, "register, registration." Literally, *εγγραφή* means "to write on," and *αγραφή* (short for *αναγραφή*) means "to write on top of."

Thesis 1

The traditions of the church are the rules concerning doctrine, customs, and rituals pertaining to righteousness, both those that were given through the apostles by the Holy Spirit and reside within the church outside of Scripture and those instituted through general and local councils or even through individual bishops with the consent of their churches. These traditions are found and established in God's Word and are received by the churches to assist in the governing of the faithful, the Holy Mysteries, the administration of discipline, and also those activities that pertain to the religion so that all things in the church might occur properly in order for its edification, the glory of God, and the protection of the faithful.

This definition exhibits all the arguments.

The primary initiator or source is the Holy Spirit, who inspired the apostles, leads bishops and the church, their spirits, and their tongues. The apostles are the next initiators primarily in those things that they left behind, and the holy bishops who made decisions in the synods; third, comes the church, which tests and receives their teaching.

The material in which they busy themselves is the teachings, customs, and rituals of the church. I say "teachings," not because they hand down new ones but because they reinforce the old teachings contained in the Holy Scriptures.

The form is the canons, which were conceived wisely and prudently outside of the Scriptures but not without the foundation of the Scriptures. [201v]

The goal is that all things in the church occur properly, in order, and for its edification, as the apostle Paul teaches must happen.

Those traditions, then, which were not mediated by the Holy Spirit, which do not derive from God's Word, which were not designed for righteousness, goodness, order, or edification even if they were instituted by universal synods and by all the bishops, still are not worthy of the name by which they are called—that is, traditions of the church. And those laws that are imposed upon the church unwillingly by one tyrant are much less worthy of this name.

Now, let me run through the definition.

Most important, I prefer to call these “canons” rather than “laws” because this was the term that the church fathers liked, so that this word would differentiate church laws from political ones. This reason is also in book 3 of Gratian’s *Decretum*. Still, there is another reason that I prefer this term and I believe that the fathers also saw this: It indicates that it does not obligate our consciences as the law of God does but passes down the precepts and rules by which each church should be taught how to live and how it should occupy itself in the worship of God. *Canon*, in fact, means *rule*.

Obviously the material around which these canons revolve is the teachings about the religions, customs, and rituals of the church; that is, the ceremonies in divine worship.

First, the canons about the teachings are those by which it was both defined and declared, through the apostles and apostolic men, which books are canonical and which are apocryphal; namely, the mark of the apostles, permanence in the church, acceptance with universal assent, and confirmation by the canons of the church.

They also include those rules by which it is taught how Scripture ought to be interpreted; that is, in such a way that the sense does not contradict the rule of faith, the mark of the apostles. This is the tradition that the fathers used to use against the heretics who would corrupt the Holy Scriptures by polluting the sense.

Furthermore, the canons about teachings were and are those canons by which the teaching of God’s Word was brought to bear against the Arian and Pelagian heretics and against other seducers who stood before the councils.

Second, the canons concerning customs are many: for example, the canons on marriage. What marriages are legitimate, illegitimate, or uncertain? How should they be first proclaimed in the church? How should weddings then be celebrated? There are also many other canons on customs by which it is taught how discipline should be administered so that the hateful, drunken, greedy, and other sinful people are not admitted into the presence of the Lord. Also, there are canons on the life and behavior of clerics and ministers, in particular—how much their lifestyle should agree with the Word of God.

Third, many canons on rituals have also been established that disagree in no way with the Scriptures; that is, those about the time for prayers, the Lord's Supper, and other rituals of this sort. Thus, it is clear that the material for all canons is the teaching, custom, discipline, and rituals of the church.

I mentioned that these are indeed the church canons, "*given through the Apostles by the Holy Spirit ... and reside within the church ... and those instituted through general and local councils or even through individual bishops.*"

Note that I did not say "from" but "through" the apostles and councils so that I might signify that they instituted nothing on their own but only from the Spirit and the Word of God as his instruments.

Now I do not doubt that some traditions in the church instituted and left through the apostles were not written down, although not all have survived to our time—some were certainly neglected by the church and others fell to the ravages of time, as Augustine himself mentions in his letter to Casulas.⁶⁶ Here, he writes about the Western churches and laments that many of them were not maintaining the traditions of the apostles.

Still, along with other learned men, I believe that the true apostolic tradition is the biblical canon, the mark of the apostles, the sanctification of the Lord's Day, and those other canons that best correspond with the written Word of God, because neither the institution nor the author of those traditions are revealed in the histories.

Because these are the most important canons, these cannot be ascribed to anyone but the apostles.

So writes Augustine in his *Against the Donatists*: "What the universal church holds and was not instituted by councils but was retained is not to be believed unless it was handed down by apostolic authority."⁶⁷

Those who have read the records of the councils and fathers know all about those traditions that were instituted by universal and local synods or even by bishops, and which are also called "papal decrees." [202r]

All those traditions that are found in God's Word; that is, in the general principles of God's Word and pertain to the edification of the church can truly be called "traditions of the church."

⁶⁶ Augustine, *Epistles*, 2.36.

⁶⁷ Augustine, *Against the Donatists*, 7.4.42.

Finally, their purpose is clear from the Apostle in 1 Corinthians 14 where a number of traditions are mentioned. He says, “Let all things be done for building up,”⁶⁸ and at the end of the chapter, “All things should be done decently and in order.”⁶⁹ So the insight and truth of my explanation is clear.

From this thesis, I can derive other shorter ones that are not unlike those that I made concerning political laws. Indeed, there is much similarity between church and political laws.

Thesis 2

In addition to the written Word of God, there are traditions that are useful to the church and those that are almost essential, which are not contained in the sacred writings.

How beneficial these traditions are is so evident on their own that the church can follow them without condemnation. Even if they are found in God’s Word, they have their own basis and, therefore, are extremely helpful. Simply put, I do not call these “necessary”—but almost-necessary—traditions so that I might differentiate between these and those expressed in the Word of God. In fact, they are, by themselves, only necessary for establishing churches as far as its health is concerned.

Still, if the same explanation of the importance of faith and distinction of canonical books from apocryphal and other similar things is necessary, it cannot be denied that many traditions can be called “necessary” because the church could not exist without them.

The argument for this thesis is not unimportant. It is essential that whatever is essential not only for the pursuit of well-being but also for the correct institution, governance, and conservation of the church come from Scripture, at least in general, because the same rituals are not always present and done for edification in all places at all times. Therefore, throughout the different places, situations, and peoples, it is logical that different institutions would arise concerning these things, such as what Augustine teaches in his letter to Januarius about the time of the Lord’s Supper.

⁶⁸ 1 Cor. 14:26.

⁶⁹ 1 Cor. 14:40.

Consequently, unless the practice cannot be condemned, those people who want all rituals to be performed in the same way in all the churches everywhere—as the Roman Pontiff Victor had done when he wanted Easter to be celebrated at the same time in both Asia and Rome and other popes did in similar rites—sin most seriously.

Thesis 3

Moreover, just as political laws have their origin in natural law, so, too, the traditions of the church have their origin both from the Holy Spirit (as in the case of the apostles) and from the written Word of God (as in the case of the holy bishops and synods).

If, in fact, they are not found in God’s Word and are not consistent with it, then, as I have said before, they are not worthy of the title traditions of the church.

There are, however, general rules in Scripture from which good and useful traditions can be found and instituted, as the so-called traditions of the church. Examples include the apostolic traditions that are mentioned in their writings and in the general apostolic rule in 1 Corinthians 14: “Let all things be done for building up . . . decently and in order.”

Thus, if they do not edify but, rather, hinder piety—if they do not work toward proper behavior but are, instead, rather silly and laughable—if they then do not work for order but, rather, for confusion, then they are more satanic than ecclesiastical or human.

Consequently, even the fathers when questions arose about church rituals, usually returned to the Holy Scriptures so that they might probe them, as is clear in the works of Cyprian. Read his letter to Pompeius against the letter of Stephanus, the Roman Pontiff, regarding the rebaptism of heretics. Even if he made mistakes in his doctrine, still his reasoning in general is sound.

Thesis 4

Therefore, as long as these traditions are either consistent with Scripture or at least not contradictory to it, they are truly the traditions of the church and must be accepted. And we ought to obey and honor them. [203v]

If they are consistent with God's Word, whoever rejects them rejects the Word of God. If they do not contradict it, whoever condemns them condemns the church. Contempt for the church, which is also ingratitude to God, is mentioned in a number of passages of Holy Scripture where the text praises the church—but most of all, in the gospel of Matthew in which Christ commands that someone who does not listen when the church teaches what is good and wise or corrects sin be considered a pagan or a tax-collector.⁷⁰

Thesis 5

Even if the traditions of the church are really found in God's Word, still they do not have authority equal to the Word revealed in the Scriptures.

First, although they are found in God's Word, they are not themselves the very words of God. The Word of God is what was inspired by the Holy Spirit and dictated to human beings, the substance, material, words, form, and what was recognized and received by the church as such. The traditions of the church do not meet all these criteria. They may be the material from the Word of God, but they are not the same form.

A second point follows this. The Word of God has an authority of its own, while church traditions have authority *because* of the Word of God. Also, as human traditions must be, so church traditions must be examined by God's Word—not God's Word by traditions of the church.

Thus, it was that when the church fathers would debate the heretics, they would first discuss with them the testimony of Scripture, then they would discuss the traditions of the church, if they could, as one can see in their writings. In the same way, the apostle Paul himself, when he would discuss his own tra-

⁷⁰ Matt. 18:17.

ditions, would support them either by the Word of God or by the justice, goodness, or usefulness of the traditions themselves. He would not do this when the Word of God was clear, because that would and does carry its own authority on its own.

Thesis 6

Still, all traditions are not of the same type or have the same authority. Some hold a place nearer to God's Word, some further away.

The proof of this thesis depends on the classification of the traditions of the church that I have already discussed in part, but it is quite obvious.

Some church traditions are apostolic, others are merely ecclesiastical. Of course, whatever clearly derives from the apostles has more authority than something that does not.

Also, some of the apostolic traditions were imparted upon the church for all eternity and are, thus, essential; others are not. The essential traditions are the mark of the apostles, the tradition of canonical and apocryphal books, traditions about the interpretation of Scripture for the reasoning of the faith, the sanctification of the Lord's Day. All of these hold a place close after the Word of God and, thus, cannot be ignored without serious sin.

Some traditions of the other type include those that are essential for a time or because of love (see Acts 15:19–21) such as those about abstaining from eating meat from blood, strangled animals, or that was offered to idols, as well as other traditions mentioned in 1 Corinthians 14 and elsewhere. Ecclesiastical traditions are all catholic; that is, they have been received and maintained at all times in all places. These have more authority than those that have been received and maintained in some places only in some times.

Therefore, it is possible also in these traditions to commit a sin, great or small.

Thesis 7

Moreover, four clear characteristics differentiate true traditions of the church from human ones and superstitions.

First, they have their basis in the Word of God and are derived from it. Thus, God's Word is missing if human traditions contradict it because true traditions of the church correspond very much to the Word of God.

Second, they are useful for maintaining and promoting piety and worship, both internal and external.

Now, even if they were useful at one time but now are a hindrance instead, Christ and his true church would not want them to be maintained. A clear example of this is in the tradition; [204r] that is, in Acts 15 on strangled animals.

Because it was, at one time, useful, it was good and was maintained; now, however, because it does not benefit us, it is not maintained except as an annoyance.

Third, they all work to maintain order and goodness in the church and for edification, according to the rule related earlier from Paul.

Fourth, there are no traditions as heavy and unbearable as those that the high priests and Pharisees imposed on the Jews, about which Christ said in Matthew 23:4: "They tie up heavy burdens, hard to bear, and lay them on the shoulders of others."

On Custom and Title

Custom and title are also linked to both political and church law because they both have the force of law, at least if the required conditions hold true. Not every custom or title has the force of law; only those that are just, agree with reason and the Word of God, and are approved by the will of the people.

I should now say a few words about these things to clarify how much one can or cannot violate laws of custom and title in political and ecclesiastical affairs. Politics has its own customs and titles; the church has its own, which we should never act against. Still, we should differentiate between the two types.

First, let me discuss title. It is, in fact, more general because both a short and a long time period are involved, but custom is established only over a long duration.

Thesis 1

Just titles, in both religious and political matters, gain the power of law. Thus, one should not violate them.

“Title” is called *παράγραφη* by the Greeks; that is, to write on the side or except.

It is now called by this term because it protects someone who possesses an item for a long time and in good faith when the owner tries to demand it back. “Title,” then, excepts the possession after a long time. This exception, if it is just, has the power of law; after a long time it is deemed a title just as one would say a “title,” an “exception,” or “objection” gained by possession of something for a long time.

In ancient times, civil lawyers used to use the term *ownership*⁷¹ for title, although Justinian later relegated that term to movable objects and “title” to immovable things.

So, he defines it in this way:

“Ownership (and so all title) is the acquisition and addition of wealth through the activity of ownership as defined by the law of the land.”⁷²

This definition is clear, but an illustration should be taken from the Scriptures.

In Judges, the Israelites take possession of the Ammonites’ land with the full force of the law because God had given it to them. When the Israelites had occupied this land for almost three hundred years, the king of Ammon sought that land from Israel as his own, but Jephthah sent ambassadors to him through whom he spoke in the name of the Israelites: “This land is ours because among other reasons we have already possessed it for almost three hundred years.”

⁷¹ *Usucapio* or ownership by long-term possession or use.

⁷² Justinian, *Digest*, 3.41.3.

This is the law of title, or of ownership. It was established to keep the public peace and so that established possessions might be retained. If the time period within which the things that were ours before but are now possessed by another with good faith, and title can be asked back is not firmly established, and if it would be permitted after that time to ask for these things back—then the ownership of all things would be uncertain and there would be perpetual conflict.

In the past, title was called “just” when one possessed a thing with good pretext, faith, and for the span of time that the laws prescribed.

A title is good if one possesses something and had purchased it in a good way, with a good account, such as by buying or inheriting it, receiving it as a gift, or through a just war, or other just and honorable ways by which it becomes one’s possession. If, however, the method by which one acquired it is sinful—that is, by theft or trickery—even if allowed to possess it for some time, still the duration of time means nothing because one lacks a good and just title. Therefore, this item cannot be truly possessed.

Good faith is also required, by which one knows for certain that he or she took possession of the item without any injury to another person in any way, and that no recriminations can be leveled against one. If one is a possessor with bad faith, [205v] no title would help him even for the longest time. This is best defined in canon law, “A possessor of bad faith will not gain a title after any amount of time.”⁷³

Finally, for the title to be just, one must possess the item for the right length of time; that is, as long as the laws prescribe. Different lengths of time are prescribed for the possession of movable and nonmovable property. On the one hand, if one should possess some movable property with a good title and good faith for a three-year period, civil law will not let it be demanded back even if the thing belonged to a different master and that person knew that it was possessed by another but never demanded it back. Princes, in fact, wanted to punish this sluggishness of previous owners. On the other hand, if the previous owners did not know that the property was with another and was in his or her possession, then the time for full-ownership is extended to thirty or forty years. In the possession of nonmovable property, however, more time is allotted, up

⁷³ Gratian, *Decretum*, 6.2.

to ten or twenty years, but with the conditions mentioned before, concerning the possession of movable property. That is, “If the owners do not know that the property was with you and in your possession and did not ask for it back.” This is what civil lawyers say about title or ownership.

However, as mentioned above, canon lawyers say something quite different from God’s Word. No matter how long you know that a thing was and has been possessed, if possessed in bad faith, it is not yours and can still be demanded back from you whether or not the proper owner knows that you have it. Possession in bad faith will not establish ownership after any length of time, and this is clear from the maxim: “Give to all their own.” Now, it could happen that a commoner learns that his property is possessed by his lord. That person would never dare to demand it back, because he fears the lord’s anger. Is not the prince, who knows full-well that he has taken possession with bad faith, obligated to return the property?

Enough about *title*; let us turn to *custom*.

Thesis 2

Ecclesiastical and political customs gain the power of law once they are established and reinforced. Thus, it is possible to sin against custom too.

This discussion has two main points. First, what custom really is, in general, and what things are included in it. Second, what customs are called “good”; what sort has the power of law and what do not? In other words, what are good and bad customs?

First, most people know what the term *custom* means and why it is used. In Gratian’s *Decretum*, we read that whatever is in common practice is called *custom*.⁷⁴ Therefore, if something is done frequently but is not accepted as common practice or if it is done by some but not all and does not have the community’s consent, then it does not deserve the label of “custom.” It must, then, come into practice and be accepted by all or at least a majority of the population. It is to be common practice. Still, because of these two conditions, a third arises naturally: Not only must it be in common practice, but it must

⁷⁴ Gratian, *Decretum*, 1.5.

also be approved by law and be maintained with pious legislation. We do, indeed, often do many necessary things by common consent that we do not want to be included in custom and held as law if it is possible that they be done differently.

For example, in the early church, Christians often met at night in different houses and crypts, and there they would call on God and perform the holy sacraments. Why did they do this? For a long time, it was not lawful for them to meet because of the tyrants. For this reason, they had this as a common practice, but they did not want it to be included as an ongoing custom, nor did they want it to be an established law that others should also follow. Thus, if we wanted to meet in the dark and at night, as they did, we would sin.

Also, at the time of Ambrose, Ambrose himself was appointed bishop when he was only a catechumen. This may have also occurred elsewhere at that time. Should this be held as a custom and, therefore, a law? Of course not. It did not last long and was done because of necessity. Learned and charismatic people who could stand up against the Arians could not be found.

Therefore, custom is rightly defined in Gratian's *Decretum*:

"Custom is a certain law, established by traditional practice, which is considered as a law when the law is deficient."

It continues, "That which is established by traditional practice" is custom. [206r]

In this respect, law differs from custom because law is written down, while custom is established by practice. In addition, the legality of human laws depends upon the open approval of the people, but the legality of custom depends upon the people's silent consent.

In the fourth place, it is required for the introduction and confirmation of custom that it be practiced for a legitimate amount of time. Custom is, indeed, not established after a few days or a short span of time but is practiced for the right amount of time. Thus, it is written in Gratian's *Decretum*: "It is necessary that custom, so that it has the force of a law, be in agreement with reason and practiced legitimately."⁷⁵ What is "practiced legitimately?": confirmed for the time prescribed by the laws. What, then, is "this time?"

⁷⁵ Gratian, *Decretum*, 4.

The time established by the civil laws for custom is ten or twenty years, but canon law does not recognize custom until thirty or forty years have passed.

In comparison, the most established custom is that which began in the unknown past, a time beyond human memory. I call this “the most established custom” only in the sense of referring to time. If a custom does not agree with reason or, as civil lawyers say, with nature and the common good or if it contradicts God’s Word, then even the most ancient customs cannot be practiced at all, as Christ teaches when he says to the Pharisees, “You break the commandment of God for the sake of your tradition.”⁷⁶

The customs and traditions of the Pharisees, moreover, were extremely ancient. Still, Christ teaches that they cannot prescribe anything, because they contradicted God’s Word. If, in fact, practices that were passed down are not opposed by the Word of God, the common good, or nature, they should be maintained (I will speak about this shortly and make it clear) because the custom is good and should be strong and observed. Up to this point, only the sorts of customs necessary for defining custom have been described.

I will not be troubled at this point to repeat what is added by Gratian’s *Decretum* about the two reasons by which customs are strengthened (by common use alone and by use with documentation, of course). The words of the canon are as follows:

“Custom is sometimes recorded in Scripture and sometimes preserved only by the habits of practice. What is recorded in Scripture is called *convention*; what is not, is described by the general term *custom*.”

Now, for the second part; that is, what customs are good and should be observed in the place of law:

Good customs are those that are not established against the Word of God and do not contradict nature or public law.

These, then, are good customs and have the force of law and should be observed much more so, in fact, if they agree with them.

When all laws are reduced to these three primary principles as the sources of all laws, it is quite evident that whatever customs agree with them are worthy of the title “good laws,” and so, cannot be ignored without crime. This is what Augustine says in his letter to Casulanus, in which he says that there

⁷⁶ Matt. 15:3.

should not be a fast on the Lord's Day because this had not been imposed in the title and customs of the church. "In these things," he says, "about which no certain customs have been established by the Holy Scriptures, the title of God's people or the institutions of the majority should be held in the place of law."⁷⁷ Also in *De Musica*, he says, "Do not act against the established custom unless something opposes reason."⁷⁸ At the end of his letter to Casulanus, he includes this from Ambrose's answer to a question about fasting and concludes that the customs of the church to which each person comes should be observed. Even Ambrose, when he was in Rome, fasted on the Sabbath, but when at Milan, he would not. This is why they say:

"When in Rome, do as the Romans do."

That is: In different circumstances follow local custom.

Similarly, in a letter to Januarius, he teaches that Christians ought to live as they see the church wherever they happen to be. He writes: "That which is not joined against the faith or good practices must be considered indifferently, and fellowship should be maintained with those who practice them."⁷⁹

Here he repeats the example of Ambrose, which he had included in the earlier letter, and concludes in the same way.

Again, in a letter to Januarius, he says that this principle should be observed and is most beneficial "when [customs] do not contradict either true doctrine or good morals in any way but contain some incentives to the better life; that is, wherever we see them observed, or know them to be established, and we not only refrain from finding fault with them but even recommend them by our approval and imitation, unless we are restrained by fear of doing greater harm than good by this course."⁸⁰ [207v]

Why must custom agree with God's Word? Surely, no sacrilege is greater than to act against such customs?

Augustine also says in *Against the Donatists*: "This is clearly true, since reason and truth are to be preferred to custom. But when truth supports custom, nothing should be more strongly maintained."⁸¹

⁷⁷ Augustine, *Epistles*, 36.1.

⁷⁸ Augustine, *De Musica*, 28.

⁷⁹ Augustine, *Epistles*, 69.

⁸⁰ Augustine, *Epistles*, 70.34.

⁸¹ Augustine, *Against the Donatists*, 7.4.5.

Tertullian also wrote much about customs that do not oppose truth and reason so that he argues strongly that young women should be veiled because this custom dates back to the early churches that the apostles or apostolic men instituted, as he writes in his treatise *On the Veiling of Virgins*: “We cannot contemptuously reject a custom (if, of course, we follow it) that we cannot condemn.”⁸² Elsewhere, in his book *On the Chaplet*, with the same argument, he writes against those who say: “Where in Scripture are we prohibited from wearing crowns?” He responds:

I can confirm that not one of the faithful has ever had a crown upon his head, except at a time of trial. That is the case with all, from catechumens to confessors and martyrs, or (as the case may be) deniers. Consider, then, where the custom that we are now discussing gained its authority.

But when the question is raised, Why is it observed? it is, of course, evident that it is actually observed. Therefore, this fact can neither be regarded as no offence, or an uncertain one, because it is perpetrated against a practice that is capable of defense, on the ground even of its repute, and is sufficiently ratified by the support of general acceptance.⁸³

The passage is clear: Do not act against a custom that does not contradict the Word of God and do not condemn it, either, without a sure and by no means slight offense.

However, if you should say, as those Christians against whom Tertullian was writing, questioned, “Why are we prohibited from wearing crowns?” I respond with Tertullian, “But where were you told to wear a crown?” Tertullian himself writes later:

For if it shall be said that it is lawful to be crowned for this reason; that is, that Scripture does not forbid it, one will rightly respond that for this reason alone is the crown unlawful; that is, because the Scripture does not suggest it. Should we accept both things as if neither were forbidden? Or should we refuse both as if neither were suggested? But “the thing which is not forbidden is freely permitted.” I would rather say that what has not been freely allowed is forbidden.⁸⁴

⁸² Tertullian, *On the Veiling of Virgins*, 2.

⁸³ Tertullian, *On the Chaplet*, 2.

⁸⁴ Tertullian, *On the Chaplet*, 2.

There is no arguing against that.

If, then, a law is lawful because it is established by reason, then a custom that is also established by reason is also lawful.

Therefore, it is not less of a sin to violate a custom established by reason than it is to violate the whole law. This is true in political and ecclesiastical affairs. In political affairs, however, it seems that such custom is held in the place of law quite often in *Digest* 1.3, “On Law and Ancient Custom,” where we read: “Long-held custom usually is held in place of law and in those laws that do not derive from writing”; in line 34, “But also those things that are approved by ancient custom and have been observed for many years, as if by a tacit agreement of the State are legally observed no less than those that have been written down.” Also, in line 35, it reads: “This law is held in great authority because it is considered so important that it was not necessary to write it down.” Finally, in line 39, Moderstinus concludes: “Therefore, all laws that consent makes, necessity establishes, or custom reinforces.”

All the things that I have heretofore cited were said by the fathers about those customs that contradict neither nature, reason, or communal law, nor the Word of God and are lawful. On the one hand, all these things are good customs and, thus, should be observed even more if they agree with God’s Word.

On the other hand, those customs that oppose God’s Word that oppose nature or communal law, many of which exist in the Roman Church, these, I deem, are not good at all, should not be held in the place of laws and should not be observed. Instead, whoever observes them sins no less than someone who ignores the other type. Scripture, the fathers, and even civil lawyers teach this in full agreement. Let me list a few examples.

Leviticus 18:24–30: Among the people in the Land of Canaan there was a custom of contracting many marriages that were contrary to nature—brothers with sisters, grandfathers with grandchildren. This custom, although universally permitted among these peoples, continuous from ancient days, nevertheless, the Lord condemns by enacting a law in which all those incestuous marriages are prohibited. From this we learn that anything that contradicts nature, divine, or even good human laws [208v] must not be tolerated.

Everyone knows the many evil customs that the Jews had, even up to the time of Christ, and how fiercely Christ often went against them. Instead, listen to the fathers by whom the priests are most greatly supported.

Justin, in his *Apology* writes, “If, however, you do not act different, then the thoughtless mob, preferring custom to truth, do what you can.”⁸⁵

Those who prefer custom to truth are thoughtless.

Cyprian in his letter to Pompeius against the letter of Pope Stephen: His words are well-known for they are also recorded by Gratian’s *Decretum*: “Nor ought custom, which had crept in among some, to prevent the truth from prevailing and conquering; for custom without truth is the antiquity of error.”⁸⁶

Before Cyprian, Tertullian presented and affirmed this teaching. In his treatise *On the Veiling of Virgins*, he first proposes what should be approved; that is, that young women be veiled. Then he proceeds to approve this custom from Scripture, which he calls truth. He says the following:

This observance is exacted by truth, on which no one can impose a title—no space of times, no influence of persons, and no privilege of regions. For these, for the most part, are the sources from where, because of some ignorance or simplicity, custom finds its beginning; and then it is eventually confirmed into a practice, and thus, is maintained in opposition to truth, but our Lord Christ has called himself “Truth,” not “Custom.” If Christ is eternal and before all things, then truth is also an eternal and ancient thing. Let those, therefore, to whom that is new which is intrinsically old, look to themselves. It is not so much novelty as truth that convicts heresies. Whatever prefers opposition to truth will be heresy, even (if it be an) ancient custom.⁸⁷

Clement of Alexandria in his *Speech to the Nations* first teaches that the knowledge of the true God should be sought from the Word of God and that without the Word all is shadow.⁸⁸ Then he adds an exhortation that we flee evil customs even the most ancient ones. This is what the Gentiles objected to just as many popes do now, saying that they were born and reared in their religion. Clement says, “Therefore, we must flee custom. We should run from custom; we should fly from the hard rock, or portending carybdis, or fabled

⁸⁵ Justin, *Apology*, 2.

⁸⁶ Cyprian, *Epistles*, 128.9; Gratian, *Decretum*, 8.9.

⁸⁷ Tertullian, *On the Veiling of Virgins*, 1.

⁸⁸ Clement, *Speech to the Nations*, 41.

sirens. It chokes people, turns them from truth, and leads them from the path. It is a trap, a hole, a pit.”⁸⁹

Augustine, in *Against the Donatists*, writes: “Reason and truth must be put before custom.”⁹⁰ This is also cited in Gratian’s *Decretum*.⁹¹ Again, in *Against the Donatists*, Augustine’s words read: “By clear truth, custom yields to truth; clearly who doubts that custom yields to clear truth.” This is strengthened by his later words: “By clear truth, truth does not follow custom, because God did not say, ‘I am the custom,’ but ‘I am the truth.’”

Instead, even Pope Nicolaus to the Bishop Remenses is led to this conclusion when he writes: “A wicked custom is no less than a pernicious corruption that must be despised and rejected, because unless it is very quickly torn from daily practice it is assumed by the wicked as law. Soon lies and different beliefs begin to arise, and by the practice of this special law, custom begins to be venerated instead of the laws and [to be] celebrated forever.”

Do we not see much of this in the church pontiffs today? The forced celibacy of priests contradicts God’s Word in that it arose from violence; it also contradicts both natural law and the law of nations. Even the custom of dispensing the Eucharist without the cup contradicts the Word of God and the custom of the ancient fathers.

In addition, another thing that renders customs bad is if they are not tolerated; that is, if they are burdensome to the very people who follow them, not at all useful, or even dangerous to the church. In Gratian’s *Decretum* is the text of Pope Gregory I: “Customs by which grave injuries are rendered on the churches, we ought to abandon from our consideration.”⁹² Here, the commentary provides a rationale as to when such customs should be endured. It reads, “Because a custom ought to be rational and not contrary to the benefit of the church.” Are there not countless irrational and harmful customs in the papal church? By what line of reasoning is the custom of keeping images in churches supported? How useful to the church is the custom of speaking in Latin, in playing an organ, in carrying the bread in a procession, or in sending little girls to an abbey, or the other innumerable customs that churches follow? [209r]

⁸⁹ Clement, *Speech to the Nations*, 42.

⁹⁰ Augustine, *Against the Donatists*, 7.4.5.

⁹¹ Gratian, *Decretum*, 8.8.

⁹² Gratian, *Decretum*, 4.1.

Even Augustine lamented in his letter to Januarius, that in his time there were so many customs in the church that he was greatly troubled by it and that the condition of Christians was no in any way more bearable than it was at the time of the Jews. What would the good father say now if he could rise from the dead and see what we ourselves see?

In Justinian's *Digest* we read, "That which is not established by reason but is followed at first by error and then by custom, does not hold in other purposes."⁹³

Thomas Aquinas himself confirms all this when he writes: "Natural and divine law proceed from the divine will and therefore cannot be changed by custom that proceeds from the human will but can only be changed by divine authority. Thus, it is that no custom can have the force of law if it contradicts divine law or natural law. Isidore also says that. Let practice yield to authority; a wicked custom, to law and reason."⁹⁴

I think that I have stated clearly enough that good and approved customs ought to be held as laws and, therefore, must be obeyed and that wicked customs have no power of law. I have also made clear what makes a custom good or bad.

Let me add one short point.

Thesis 3

A good custom not only has the force of law, but it also annuls laws previously enacted. It also can and ought to be an interpreter of the law.

About the first point there is no doubt.

In fact, if a custom is introduced that contradicts a previously enacted law and if this custom has the force of the contradictory law, it logically annuls that law. In this way, many laws, even good ones, in states, schools, and churches are abolished because of contradictory customs. Why does this happen? Because those laws are no longer useful and are, thus, cancelled by the contradictory custom. For example:

⁹³ Justinian, *Digest*, 1.3.28.

⁹⁴ Aquinas, *Summa Theologiae*, I-II, 97, 3, 1.

There was a law enacted by the apostles for the Gentiles that they should abstain from meat with blood or when the animal had been suffocated. Why was this? Because at that time, this law was useful. Later, as time passed, it grew weak through disuse, and a different custom took the power of this contradictory law. Why? Because it lacked necessity and practice.

In addition, a new custom cannot establish anything that contradicts the teachings of the apostles, since they did not establish that rule except at the necessity of the situation.

In the same way, God seems to have, if not repealed—the law is, in fact, eternal—at least suspended and dispensed with his first law concerning marriage—that it is between two people only—during the time of the Jews because, at that time, it did not seem useful and because a contradictory custom had already grown in the church that God did not disapprove of or condemn—nor did any prophet preach against it. Therefore, even if the people were not able to repeal God’s law with a contradictory custom, still God himself, because of that custom that was then useful to the church, seemed to have suspended his law on monogamy by his silence and allowance for a time in some way. Surely, custom established many ancient laws concerning ecclesiastical poverty even in the Roman Church itself. The force of custom is especially powerful in those things that were instituted by human beings and by the church.

About the second point, that custom has been and should be the interpreter of law, the context is clear in *Digest* 1.3.36 where we read: “If there is a question concerning the interpretation of a law, one must first examine how the society has used a law of this kind in the past. The best interpreter of law is custom.” And the rescript by Severus in line 37 strengthens this law.

From all these points a definition for custom can be constructed and related.

Custom is practice in accordance with reason. It does not contradict God’s Word and is established by common practice, whose originator is unknown or at least is prescribed and established at an earlier time. It has the force of law; it cancels contradictory laws and is and ought to be the interpreter of law itself.

On Divine Laws

Thesis 1

Just as there were three ages of the church—Before Moses, After Moses, and After Christ—so, too, are there three types of divine laws handed down at different times to the church.

These different types of divine laws result not so much from various essences of the laws or differences of time periods as they do from the various methods by which they were promulgated by God and manifested in the church. Indeed, we rightly call them *divine laws*. [210v]

The first are those which, before and after the Fall and up to the time of Moses, were revealed by God only by his spoken Word directly to his church.

The second are those that were inscribed by God on stone tablets, shown and explained to Moses through angels, and through him to the Israelites, and endured to the time of Christ.

The third are the laws of the Spirit of life, the domain of the Christian Church, which are inscribed directly and effectively on the hearts of the elect through the work of the Holy Spirit and by which we show his life-giving power.

Now, what I am saying here—about the three ways in which divine laws have been revealed—must be understood correctly; namely, that they are revealed through the method that was proper and evident for each particular situation. In fact, I would not be surprised if, both before and under Moses, divine law had not been written in the hearts of many peoples. This way, however, is more appropriate for the New Testament and for the Christian Church, as we learn from Jeremiah 31:34 and from Paul. Christ, in turn, said that he would later write his words on the hearts of all his elect through the work of the Holy Spirit. The apostles later wrote down the same things in their books. Thus, the laws that were spoken before the time of Moses, written down by Moses and preached by Christ, were properly transmitted to us by the Spirit.

The first way was good because it was by the mouth of God himself, but the next was better. Anything written down is more certain than what is only transmitted by word-of-mouth. The third way is the best, however, because not only is anything that is inscribed on the heart by the Holy Spirit the most

certain, but also it is the most effective. Let me outline the first and third ways first so that I can more freely dwell upon the later discussion of written law.

The First Category of Divine Laws

Before law and before each particular commandment was enacted by a certain individual, God, through his spoken Word from the time of creation to the time of Moses, handed down and established certain laws that pertain to all human beings.

The first law is about the multiplication of the human race and about maintaining the role of human beings over all the things placed under them. Genesis 1:28: “God blessed them, and God said to them, ‘Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth.’”

Although, in fact, it is God’s blessing that is given to the human race in these words, there is no doubt that a law is also imposed on all people that they see to the conservation and reproduction of the human race; that is, as long as we make an exception for those whom the Lord has excepted.

Who are these? Two kinds of people: First, there are the impotent and the sterile; that is, those to whom he did not give the blessing of giving birth. Second, there are those to whom he gives the grace of self-control because he gives to them the privilege that if they wish, they might practice abstinence. Others are not freed from this general law and, therefore, violate it if they do not have the gift of self-control or are not eunuchs from nature or human action. In fact, Christ himself says that they do not “make an effort to legitimate child-bearing.”⁹⁵ In this respect, priests sin a great deal, as does the whole papal court.

Similarly, those people sin who, although they ought to rule over the animals and subject them to themselves, hand over the honor and responsibility given to them by God to the beasts as was done by the Gentiles and is still done today by some. Those who offer more honor to certain beasts than to human beings sin as well.

⁹⁵ Possibly a translation of Luke 12:58: “Make an effort to settle with him.” *Liberari*, “to settle” is easily confused with *liberi*, *-erorum*, “children.”

The second law concerns food. Genesis 1:29: “See, I have given you every plant ... for food.” There is a simple reason for this command: Basilius said that until the Flood, human beings were not to eat animals.

The third law, in Genesis 2:17, concerns not eating the fruit from the Tree of the Knowledge of Good and Evil. With this law, all humanity is joined with Adam. Therefore, when he violated this law, the entire human race did so, too.

The fourth law concerns marriage; in particular, that marriage involves not a union with one’s parents but with other legal representatives and therefore is about chastity and indivisibility, as Christ describes it in Matthew 19. Genesis 2:24: “Therefore, a man leaves his father and his mother and clings to his wife, and they (the two, as Christ explains it) become one flesh.” Later, this law was explained more fully. First, for those who get married, it is not right to marry just anyone. For this reason, people who pursue the multiplication of the human race but do not have a legitimate wife, sin; much more so do those who simply follow their wandering lusts. Second, they also sin who marry their parents or those who substitute for parents. Third, those who dissolve their marriage, or who do not cultivate love and harmony with their spouse, also sin. Finally, those who marry more than one wife at the same time, as Lamech does in Genesis 4:19, sin as well. [211v]

The fifth law concerns the duty of wives toward their husbands and the husband’s power and authority over her, lovingly and wisely enforced. Genesis 3:17: “Your desire shall be for your husband (i.e., you will be under the power of your husband), and he shall rule over you.” Wives sin against this when they are not willing to be submissive and do not obey their husbands but instead want to rule over them. Then again, husbands also sin if they ignore their authority over their wives, if they do not act as head over them, if they rule over them not wisely but tyrannically, or if they do not love but hate their wives and treat them poorly.

The sixth law concerns avoiding idleness and providing food for ourselves, our children, and our whole families by our labors. Genesis 3:19: “By the sweat of your face you shall eat bread.” Thus, the lazy, loan sharks, thieves, tyrants, oppressors, and con artists violate this command.

The seventh law concerns the dignity and authority of the elder son over the other children. Genesis 4:7: Speaking about Abel, God gives Cain primogeniture, “His desire is for you, but you must master him.”⁹⁶ It is possible to sin against this law in many ways: The eldest might be a tyrant over his brothers so that they are not truly overseen, or the eldest might be ruled by his brothers. In addition, this law makes clear that our responsibility is to Christ, the first-born of many brothers, and what authority he has over us. Our desire ought to be for him and he should master us.

The eighth law concerns not eating meat with blood. Genesis 9:3–4: After the Flood, God allowed the eating of meat but also warned against consuming blood with the meat. “You shall not eat flesh with ... its blood.” This was the law of the time as far as its letter is concerned, but as far as its spirit is concerned, it is eternal. The spirit is found in the following law.

The ninth law concerns homicide. Genesis 9:5–6: “Whoever sheds the blood of a human, by a human shall that person’s blood be shed.” Whoever not just kills but even brings about a small injury to a neighbor violates this law.

These are the commands of divine law given before or after the Fall up to the time of Moses by God’s spoken Word alone not with any Scripture, and which are still observed in God’s church. Enough about the first type.

On the Law of the Spirit

The third type include the laws of the Spirit and of life inside the Christian Church, which the Apostle sets against the law of sin and death in Romans 8:2: “The law of the Spirit of life has set you free from the law of sin and of death.”

Although natural law is said to have been inscribed on the hearts of human beings, as I previously stated, still it is not called the law of the Spirit because it was not inscribed through the sanctifying work of the Holy Spirit, as the law of the Spirit is, nor does it live in our hearts as the law of the Spirit does. Natural law teaches only what must be pursued, what must be avoided, and warns and pushes people to whatever that may be. Still, it does so in such a

⁹⁶ The NRSV substitutes the neuter pronoun for the masculine one, understanding the thing to be mastered as sin itself, a much better reading.

way that it does not exhibit the power to establish or implement itself; it simply allows us to see what is naturally better and to follow the approved and better path. The law of the Spirit, however, not only teaches but lives and effectively moves us to obedience to God.

Moreover, as far as its spirit is concerned, the law of the Spirit is simply the will of God, impressed on our hearts through the power of the Holy Spirit. Through it, we not only know the true God, reverence, and righteousness but also are impelled to fear, trust, love, worship, and obey him, to love and serve our neighbor, and to die to ourselves, persevere against all evil because of God's strength, and to be led to life only in Christ, as I have emphasized above.

God himself teaches this in Jeremiah 31:33: "I will put my law within them (i.e., in the heart as the Lord explains); and I will write it on their hearts." What law is this? Clearly, it is the one that he had given earlier on the two tablets, which is simply the eternal will of God.

Therefore, the spirit of this law does not differ from the spirit of the earlier law. In fact, it brings us back to the love of God and our neighbor. Still, since it was given in a different way from the other—that is, through the Holy Spirit—it differs in this way: It is effective; the other is not.

God mentioned this effectiveness through the prophet where he says: "And I will be their God (wholly and effectively), and they shall be my people. No longer shall they teach one another, or say to each other, 'Know the Lord,' for they shall all know me (with a true and effective understanding) from the least of them to the greatest."⁹⁷

Thus, because this law is inscribed on the hearts of the elect in a new way through the sanctifying and life-giving work of the Holy Spirit while the other law was only written on stone tablets, the earlier law was called the "written law," but this law was called the "law of the Spirit." The one is the law of death and dying because it lacked the power of the Spirit of life, but the other is the law of life and resurrection because of the power of the Holy Spirit.

For this reason, James also called this law the perfect law of liberty [2/2r] because it frees us from our sins and makes us truly free.⁹⁸

⁹⁷ Jer. 31:33b–34.

⁹⁸ James 1:25.

In 1 John 2:7, the commandment about love, which encompasses the whole law, is called “the new commandment” in Christ and in us because it was given to us by Christ in a new way as if to people for whom the law was inscribed perfectly in their hearts. As for us for whom the law was handed down through Christ in this new way, it is indeed inscribed on our hearts through the power of the Spirit. Therefore, it is the domain of the New Testament and the law of the Christian Church.

Now, is it possible to sin against this law? It could seem absurd that someone should do this when this is a law that (as Paul says) sets us free from sin and death.

However, this is, nevertheless, true as well: by us; that is, by the saints, the Holy Spirit dwelling inside of us is often saddened, as Paul says, when we instead obey the law of sin instead of the law of the Spirit.

Therefore, as long as the elect and born-again revert back to the flesh, violating the law of God written in their hearts, as long as they, under the power of their flesh, hinder and weaken the actions and promptings of the Holy Spirit, as long as they, by their own desires, hold back and snuff out the flames of this law burning within them, and as long as they, because of the taint of the flesh, poison the entire work of the Holy Spirit, they sin against this law.

Consequently, the enormity of the corrupting effects of our sinful nature appears so clearly because this law is the law of the Spirit of life inscribed by the sanctifying work of the Holy Spirit in our hearts, against which we should not sin. Thus, because of this, we realize how important Christ’s mercy actually is. Once all our sins are forgiven immediately by his grace, he condones each individual sin until we are set free from them once and for all in his heavenly kingdom.

Also, the assurance of this law of the Spirit applies to my discussion as long, that is, as I have said, that it is possible to sin against it.

This law is not the one about which the Apostle speaks when he says, “Through the law [comes] the knowledge of sin,”⁹⁹ for even if a person can come to know sin through natural law, human laws, the law of God that was passed down by word, or even the law of the Spirit, since we can sin against them (as I explained earlier), and we violated them every day, still the Apostle

⁹⁹ Rom. 3:20.

rightly says, that knowledge of sin comes through the law, which was set forth and collected through Moses. This law also is often called “the written law” for this reason.

Thus, I should now speak about this law.

On the Law of Moses

It is not necessary that I define this law. From the preceding general description of law that I have given, it is easy to provide a definition of this one as well. Too, it is also no problem to list the names by which it is referred to in Scripture. First, the most well-known term is *Torah*, which, first and foremost, means *teaching*; that is, the teaching that God gave concerning our responsibilities to God and our neighbor. Later, it is called *Mitzvah*, or *Pikad*; that is, rule, a proper term considering the rules it lays down. It is also called *Avot*, or witness, because it bears witness to God’s will very clearly through its written law. It is also referred to with such terms as God’s *commands*, *judgments*, *righteousness*, and *covenant* by Moses and the prophets as well as by David at the beginning of the Psalms. The terms are used with important reasons, but it is not my intention at this point to explain each and every one.

Still, Moses himself clearly answers the following questions in Exodus 19 and 20 and elsewhere: By whom, for whom, through whom, when, how, and where was this entire law set forth? Here are the main points:

In the third month after the Israelites had been brought out of Egypt, around the four hundred forty-first year after the second thousandth year after the creation of the world, after the entire population had made preparations to hear God for three days and was now standing at the foot of Mount Sinai, they had already heard once a heavenly blast resound deeply from the mountain—as often happens with laws that are to be handed down. Then, a messenger of the Lord, Jehovah, from his throng of angels descended upon the mountain peak, assuming human form as was his custom,¹⁰⁰ and with the greatest majesty and glory, as more than six thousand people listened, he read out his law, the Ten Commandments, with a great, booming voice, as Exodus 19 and 20 make quite clear.

¹⁰⁰ See Acts 7:38; Gal. 3:19; and Deut. 33:2 for evidence of this belief.

Then he added the following as a commentary on the Ten Commandments. First, he gave the *Mishkat*, or judicial law, which Moses related to the people after he heard it from the mouth of the Lord and wrote it down, as we read it in Exodus 21–25. Next, he gave the laws concerning ceremonies and rituals as are described in Exodus 25–32. Moses stayed with the Lord on the mountain for forty days and forty nights. He neither ate nor drank. At the end, the Lord, not content with enacting this law code only with his voice, [213v] also wrote down for Moses a summary of his law—that is, the Ten Commandments. These he inscribed with his own finger on two stone tablets and gave them to Moses to be obeyed. He did not do this just once, either.

We learn in Exodus 32–34 that he did this a second time to replace the earlier tablets that Moses had smashed. Moses faithfully recounts this to the people, in Exodus 35, and repeats this story in Deuteronomy 9 and 10, while mentioning in other passages that God had inscribed his law on these tablets and that the writing was God's own writing. Stephen in Acts 7:38 and Paul in Galatians 3:19 write that the [Ten] Commandments came through messengers into the hands of a mediator; that is, Moses.

I read it that the law comes through intermediaries and assistants of the Son of God; that is, through his ministers. Stephen also claimed that there was one preeminent messenger from whom Moses received the law. This was, of course, the Son of God himself.

This is the summary by which the author of the written law is made clear. It comes from the Lord through the person of his Son. To whom was it given? The Israelites. Through whom? Through the angels, the ministers of God's Son, to Moses and through Moses to the people. When? In the third month after their liberation from Egypt. Where? On Mount Sinai. How? This is clearly explained in Exodus 19, 32, and 34.

Moses explains this law in a number of books but most clearly in Deuteronomy. David later does so in the Psalms; Solomon in Proverbs, and all the prophets were its interpreters to the people, just as Christ and the apostles were, later.

Consequently, Carpocrates, who denied that God was the author of the law given through Moses to the Israelites, is disproved as Augustine teaches in the last chapter of the second book in his treatise *Against the Enemy of the Law and the Prophets*. Also refuted is the error of the Manicheans and Marcionites,

who condemn this law as wicked. How indeed could a law that is not good be given from the perfect God? Paul clearly says in Romans 7:12 that the law is holy and good.

What about the words of Ezekiel 20:25: “I gave them statutes that were not good?” Does this passage not reject the law? Not at all. Instead, it confirms that the law given by God is good. In the preceding verses, he talks about this. In this verse, he is talking about the laws regarding idolatry that the Gentiles had made. God had handed his people into their hands so that the people who had rejected the good God would have to obey these wicked laws. The same thing is said in Romans 1:24: “God gave them up in the lusts of their hearts.”

Remember that this law was given to the Jews alone—not to the Gentiles. Why, then, do the nations obey many of the things laid out in the Mosaic law? They learned them from natural law, although some also borrowed ideas from Mosaic law as Justin Martyr proved about Plato, and that Eusebius demonstrates concerning Caesariensis.

Why did God honor the Jews with this law and not the Gentiles? This was not done because of Jewish merit but because of divine grace. By grace he preferred the Jews to the Gentiles. Moses writes this in Deuteronomy 4:36–37: “You heard his words coming out of the fire ... because he loved your ancestors.” He explains this grace even more clearly in chapter 9. David also mentions this when he writes in Psalm 147:20: “He has not dealt thus with any other nation; they do not know his ordinances.”

From these passages, it is clear that the Gentiles were never bound to these laws; only the Jews were bound because this law was given not to the Gentiles but to the Jews. See Romans 2:14, “Gentiles, who do not possess the law (that is, the written Mosaic law), are a law to themselves,” and Romans 2:12: “All who have sinned apart from the law will also perish apart from the law.” Therefore, Paul does not accuse the Gentiles of violating the Mosaic law as he does the Jews. He, instead, condemns them for violating natural law. Why is this? Because a law speaks only to those who are under it.

Thus, the Jews at the time of the apostles sinned in two respects when they wanted to subject Gentiles who converted to Christ to the Mosaic law because the Gentiles had never been obligated by this law, and it did not apply to them at all, and because Christ himself had freed even the Jews from this law. How great is the iniquity, then, if Christians want to subject people today, Gentiles

and magistrates, to Judaic law? As long as those laws were handed down to the Israelites, they did not apply to the Gentiles. It is only when they coincide with natural law and were confirmed by Christ himself that they apply to all people.

This background begs the question of time, or why did God not give this law to his church earlier?

The answer for this is short: That was his will. There are, however, some reasons for this.

First, God and nature usually advance the law from a state of imperfection to one of perfection, especially after the Fall. There is a good reason for this: People are prepared for more perfect things through understanding imperfect things earlier. For this reason, God promised salvation and a savior before he sent one, sent Christ hidden in shadow before manifested in the flesh, made us see through a mirror into the mystery [214r] before we could see him face-to-face, made us born-again imperfectly before we are born-again perfectly in heaven. For this reason, also, he gave us natural law, by far a more imperfect law, and the written law before he gave us the law of the Spirit. This is the first reason.

Second, God wanted the earth and his people to be without this law. He wanted to allow all people to live in shadow, ignorant of every type of sin so that later they might understand that the law given to them was perfect, that this was not done because of their merit but only because of God's grace (as I cited earlier from Moses and David).

Third, this perfect law had been destined for God's people who would come from the descendents of Abraham because of Christ. This group could not be a few individuals but many. Therefore, even if their father Abraham and his many sons came before them, still they were not given the law until they had increased to such a number that they could rightly be called a "people." Before then, they were only households with a few general commandments. In Egypt, they were captives who could not be governed by their own laws, but there they grew in number according to the promise made to Abraham that his seed would be as great as the sands of the seashore. Finally, the Israelites were liberated from Egyptian slavery. Then, they finally became a people in their own right, under one leader—God. At last, they were given this beneficial law by which this people was ruled by themselves, separately from the Gentiles.

In other words, a new people had the need for a new law. Then, at last, the sons of Abraham became a people, having grown in number and having been freed from slavery.

So much on the timing of the law.

There is, however, a final reason. This one has a number of points. I will later speak more fully on it, but here it is in brief.

One point is that this people had the form of a state and a church. In this respect, it was different from the Gentiles. It was gathered under its one head, God, governed by itself in the true religion, and kept in righteousness and goodness. The people were compelled by the laws when the state was established, ruled, and distinguished from others.

Moses mentions this in his Song when he compares the law to a cord by which Israel was set apart from the other peoples as the heirs of God. The apostle Paul also, in Ephesians 2:14, compares law to a dividing wall by which Jews and Gentiles are separated.

A second point is that they would better know God, his will, what should be done or avoided; that is, what had been unclear before in natural law. For this reason, it is called “teaching,” showing the evidence of God’s wisdom. David says this, too, in Psalm 47:20 wherein he writes, “He has not dealt thus with any other nation; they do not know his ordinances.”

A third point closely follows this second one; that is, that by recognizing God’s will, which they could not have exhibited, they would better understand their sin than before and their inability to do good. They would then be humble before God and seek his help and mercy. Romans 3:20: “Through the law comes the knowledge of sin.”

A final point is that they had to find and faithfully accept a strict teacher before Christ came who would free them from their sins and save them. Paul recognized this in Galatians 3:24: “The law was our disciplinarian until Christ came.”

This is the general discussion about the second type of divine law; that is, written law, and about the general goal and application of this entire law. Now let me discuss the specific goals of each classification of this law and after that, each classification itself.

Thesis 2

There are three basic parts of the written law: commands, promises, and threats.

By *commands*, the Lord teaches what must be avoided, what must be done, and obligates us to both.

By *promises*, the just are moved to do what is good and pleasing to God.

By *threats*, they are protected from evil if they avoid what God forbids.

Commands are divided further, but at present I prefer to discuss the other two classifications so that I may be able to more freely contrast the other.

Thesis 3

Some promises of the law are clearly about heavenly or eternal matters. Others are about terrestrial and temporary things. Still underlying both spiritual things are understood and indicated.

Surely, Exodus 20:5–6 is to be taken spiritually: “I ... am a jealous God ... showing steadfast love to thousands of those who love me and keep [215v] my commandments.” So, too, is Leviticus 16: “I will walk among you and I will be your God and you will be my people.”

Paul in 2 Corinthians 6 should then be understood as talking about God’s indwelling in our hearts through his Holy Spirit.

Christ, however, proved this convincingly in that passage in which he says God is the God of anyone whose God is Jehovah, that that person will be raised to eternal life. In fact, Christ is understood to be talking about eternal life when he said to the young man: “If you want to enter into life, keep the commandments.”¹⁰¹ What life? The context shows that he is talking about life in *heaven*.

Therefore, this law includes promises of spiritual blessings and eternal life.

However, there are also countless temporal promises, as can be seen in Deuteronomy 28 concerning the fertility of the land, home, or anywhere, or in every way. He also promises the occupation of the land of Canaan and long life in it.

¹⁰¹ Matt. 19:17.

Still underlying these temporal blessings, the apostle to the Hebrews clearly shows that the promises are eternal. The apostle uses the example of the Land of Canaan, the land in which, he says, Abraham and the other patriarchs had lived as strangers and foreigners, awaiting some land of their own; that is, heavenly land. He says, “By faith, he stayed for a time in the land he had been promised as in a foreign land.... For he looked forward to the city that has foundations whose architect and builder is God.”¹⁰² He later adds about Abraham and the other heroes of faith: “All of these died in faith without having received the promises, but from a distance they saw and greeted them. They confessed that they were strangers and foreigners on the earth, for people who speak in this way make it clear that they are seeking a homeland.”¹⁰³ From this it is clear that God, when promising earthly blessings, also indicates and promises heavenly things.

Thesis 4

Of the threats or curses that the Lord pronounces against transgressors of his law, some were clearly spiritual and eternal; others were corporeal and temporary but which, also, include something eternal.

About a spiritual and eternal curse, see Deuteronomy 27:26: “Cursed be anyone who does not uphold the words of this law by observing them.”

Paul puts it differently, concerning threats. See Galatians 3:10. When, repeatedly, in Leviticus 20 and other places he threatens that he will throw the transgressors of his law from the Holy Land into the land of the Gentiles, that he will send them there to die—what else would he mean but that he would excommunicate them from the church and cause them to die unforgiven in their idolatry and be eternally damned?

Now, concerning temporary punishments through which, eternal things are still indicated, Scripture is full of examples—Leviticus 20, Deuteronomy 28, and others. For this reason, those who think that the people who lived during the Old Testament times gained nothing spiritual but that all they had was

¹⁰² Heb. 11:9–10.

¹⁰³ Heb. 11:13–14.

fleshly—a type or symbol of spiritual things—are truly mistaken. Thus, it does not follow that someone who dies with unresolved sin, dies an eternal death nor that someone who sleeps in true piety followed the heavenly life—because this contradicts all of Scripture and the very justice of God.

I have, then, discussed what the law promises and what punishments it hands out.

Now, let me write about the commands themselves. Some are law; others are the commands of law. These are a part of law, *not* the sum total of law itself.

Thesis 5

Some commands in divine laws are about behavior; that is, things common to all people—these are called the moral law. Others concern political and legal matters; these are called judicial laws. Still others are about religious rituals. These are called ceremonial laws.

Moral commands are about the general responsibility that we ought to exhibit to God and to our neighbor, that we avoid those things that act against either God’s glory or the welfare of our neighbor, and that we do those things that benefit both. For this reason, it is called the “moral law” for all people. *It is the basis and essence of all divine laws.*

Judicial laws are mentioned immediately after the moral law, by Moses in Exodus 21. These are, for the most part, about judges and what should occur for the governance of a people. They are derived, most of all, from the second tablet of the law. [216r]

Ceremonial laws are those that dictate the rites and rituals by which ecclesiastical matters should be administered. These derive from the first tablet of the law. Moses begins to list them in Exodus 25 although some such commands are also added to the commands of the second tablets, as we shall see below. This is the primary division of the [Ten] Commandments.

In the past, the moral law was divided into two parts in accordance with the two tablets. I will talk about this later. Judicial and ceremonial laws also have subdivisions into which they can be better organized. I will discuss first the important points of judicial laws, then those of ceremonial laws. Then I will give my explanation of the Decalogue.

Thesis 6

Just as there are four obvious categories of social relationships, so, too, the laws for governing a population are divided into four categories.

The first category of social relations is between the judges and magistrates and the ordinary citizens.

The second is between the citizens themselves.

The third takes places within a household between the different parts of the family; husbands and wives, parents and children, masters and servants.

The fourth is between citizens and foreigners and strangers.

With these four categories, every single population group or State is so classified that the whole population is included in these divisions. Therefore, if there should be effective government, it is necessary that certain laws exist concerning each category. In this way, all judicial commands concern the four categories by which the Lord wants the State to be established and ruled for its people.

I. In the first place, before everything else, we have laws about magistrates and judges, about their elections and their responsibilities to the citizens, and about the obedience and honor that citizens should show to their magistrates.

It is unnecessary to list each individual law that is included in these things and that relates to this category and to those laws that do not relate to my general discussion. Therefore, I will only make a few points.

On the Laws of the Jewish State

I am not listing all of these laws unless I believe that some law seems, in part, at least established well, prudently, and perfectly.

In the beginning, there were three types of government: monarchy, aristocracy, and democracy. The most perfect was monarchy, the rule of a king, not only because God had modeled it and ruled over it but also because he always wanted one person to stand for the people, as Moses did at first, then Joshua and the judges, then the kings, and then the leaders and chief priests after the Captivity.

God reserved the election of these people for himself so that he might show that he is the king who holds the care of all people. Therefore, Moses says in Numbers 27:16 in a discussion concerning succession: "Let the Lord, the God of the spirits of all flesh, appoint someone over the congregation," and in this way, Joshua was elected. This is also what we read about the individual judges. Judges 2:16 and elsewhere say, "Then the Lord raised up judges who delivered them ... and the spirit of God was upon them." For the same reason, he reserved the election of kings for himself. Thus, the law in Deuteronomy 17:15 reads: "You may indeed set over you a king whom the Lord your God will choose." So goes monarchy and kingship.

Another type of government was aristocracy, where seventy-two elders were chosen out of all the best and wisest people, who were there to govern the people. About these elders, Moses remarks in Deuteronomy 1:15: "So I took the leaders of your tribes, wise and reputable individuals, and installed them as leaders over you." This is an aristocracy.

There was also a democracy as long as all the best people were chosen from each tribe by each tribe and all the people, as Moses says in Deuteronomy 1:9, 13: "And I said, 'Choose wise ... men.'" Therefore, this was the best form of government.

As far as the laws are concerned, he chose the best ones about election, lifestyle, and the responsibilities of kings and judges.

The law in Deuteronomy 16:18 says, "You shall appoint judges and officials throughout your tribes, in all your towns that the Lord your God is giving you, and they shall render just decisions for the people."

Exodus 18:22 shows what these should be like. Exodus 23:23; Leviticus 19:15; and Deuteronomy 1:16–17 all describe their responsibility in making judgments. Deuteronomy 17, and following, concern the behavior of kings. In short, this law requires first that in the election of kings the people await the judgment of the Lord. [217v] It reads, "You may indeed set over you a king whom the Lord your God will choose."

Second, the law requires that they choose the king from the people themselves not from a foreign race.

Third, the law dictates the king's lifestyle. He must not amass chariots, horses, wives, or tremendous wealth. The reason for this is, that because of a lust for and an abundance of these things, the king might easily lean toward tyranny.

Fourth, the law makes provisions about his religion. He is to be devout, always reading God's law and meditating on it. He must always fear God and obey his commandments.

Fifth, he must recognize that the people subject to him are *all* his brothers and sisters. He cannot arrogantly disdain them, oppress them, or keep justice from them.

In order that they might not err in their judgments, God provided models for decisions and for all the laws deriving from them that are listed in Exodus 21 and 22 and elsewhere. Judges are taught by these laws how to act in each particular case.

In addition, the punishment for each individual crime is listed so that they cannot by severity or form of justice make a mistake in any way. He also wanted the level of punishment to agree with the severity of the crime, as in Deuteronomy 25.

In fact, all these punishments are very fair and just, of the greatest degree of prudence but based on his great mercy.

These punishments include those of a fine, as in the case of thieves who are forced to repay four or five times what they stole,¹⁰⁴ chains or bonds,¹⁰⁵ floggings and lashes,¹⁰⁶ embarrassment, as in the case of the man who had not been willing to accept the wife of his dead brother. (She was to spit in his face.) They also include the death penalty performed in a number of ways.¹⁰⁷ Thus, crimes could also be punished by the sword, stones, fire, or the cross. Exodus 21:22–25 mentions the law of retaliation. There are also punishments of slavery for someone who steals but cannot make restitution, and perpetual slavery for those who, although they could in the seventh year become free in accordance with the law, do not want this to happen. God did not, however, want his people to be punished with the penalty of exile because he was unwilling that as they might wander outside of the borders of Israel, they would be tempted by idolatry and the customs of the Gentiles.

¹⁰⁴ Ex. 22:1–4.

¹⁰⁵ Num. 15:34.

¹⁰⁶ Deut. 25:1–3.

¹⁰⁷ Lev. 20.

Also because he wanted magistrates to be the guardians of his people not only according to the second tablet but also the first; that is, in religious matters, he laid down the harshest penalties for violations of these laws. By these punishments—blasphemers, apostates, tempters, false prophets, sorcerers, magicians, numerologists, and those types of people are punished. Exodus 22:18: “You shall not permit a female sorcerer to live.” There is a law against mediums and the sorcerers.¹⁰⁸ Against heretics, schismatics, and apostates, he provides laws in Deuteronomy 13 and 18. Capital punishment is proscribed for blasphemers,¹⁰⁹ those who disrespect the Sabbath,¹¹⁰ children who disrespect their parents, the sacrilegious, and persecutors.¹¹¹ He was not willing that *any* be spared. “Whoever strikes father or mother ... [or] curses [them] shall be put to death.”¹¹² There is, then, no violation of a law that does not have its own specific punishment, as we will see later.

This, then, is what can be said about political laws in general; that is, about the elections of princes and magistrates and about their responsibilities to their people. This is just a summary. *Nothing that God did not prescribe at length in his laws can be desired in any magistrate.*

In the same way, the law is hardly deficient when it turns to the responsibility of the people to their magistrates or the honor and obedience that must be shown to them. See Exodus 22:28: “You shall not ... curse a leader of your people.” Deuteronomy 17:12 condemns to death those who disobey their leaders.

I have said more about laws of the first category than my argument perhaps demanded, but I did it so that from these words someone could deduce what should also be thought about the other categories; namely, that they are perfect, that no defect can be seen in them, and that in each and every level of human interaction God has provided very wisely for us, since such a large part of those laws are about those things that apply to magistrates and judges and are thus called judicial laws. I will be brief about the others.

¹⁰⁸ Lev. 20:6

¹⁰⁹ Lev. 24:13–16.

¹¹⁰ Num. 15:32–36.

¹¹¹ Ex. 21:17.

¹¹² Ex. 21:15, 17. See also Lev. 20.

The second category of judicial commands includes those that look to the relationships that exist between citizens. As long as a relationship is cultivated between them, fairness, justice, peace, and honesty should be maintained, and if by chance, any quarrels arise between them, they must be legally settled as soon as possible. These laws include those regarding the division of property, fields, and transferring possessions inherited from parents.¹¹³ There are also laws about buying and selling, borrowing, lending, returning a deposit,¹¹⁴ providing a loan without usury,¹¹⁵ and bearing the burden for brothers reduced to poverty so that they do not have to beg in the city.¹¹⁶ There are also laws for vendors concerned with just weights and measures.¹¹⁷ [218r] There is even a law about paying a workman and not delaying his wages until the next day.¹¹⁸ Laws for buying slaves work in this way.¹¹⁹ God, in this passage, also discusses the selling of a daughter into slavery. There are laws about paying and receiving fees and about how there can be restitutions and redemption between people.¹²⁰ There are laws condemning all types of fraud,¹²¹ about pledges and assurances which, once offered, become accepted debt and ought to be repaid and settled but are not.¹²² God also teaches in his written law how, if any quarrels should arise between citizens, they should be settled and judged, and how no accusation by anyone should have any weight unless it is confirmed by the testimony of one or two witnesses.¹²³ He also advises those who kill someone through recklessness.¹²⁴

¹¹³ Num. 31:33–34.

¹¹⁴ Lev. 25 and Ex. 22.

¹¹⁵ Deut. 23:19–20.

¹¹⁶ Deut. 15:12–17.

¹¹⁷ Lev. 19:35–37; Deut. 25.

¹¹⁸ Lev. 19:13.

¹¹⁹ Ex. 21:2–11.

¹²⁰ Ex. 21, 22; Lev. 24; Deut. 27.

¹²¹ Lev. 19:13; Deut. 19:14.

¹²² Ex. 22:25–27; Deut. 24:10–13.

¹²³ Deut. 19:15–21.

¹²⁴ Deut. 19:4–7.

Next come the laws about arranging marriages. They must not be arranged with idolatrous Gentiles¹²⁵ or with relatives and kin;¹²⁶ and then come laws about avoiding pollutions and every type of sexual immorality.¹²⁷ Finally, there are laws that people love each other and not hate another and that if they allow any offense against another, they warn and correct that person.¹²⁸ It is also decreed that they be on guard against liars and perjurers.¹²⁹

In short, whatever can move us to maintaining goodwill between our family and neighbors, to peace, honesty, and mercy, and whatever is necessary for keeping the religion in the church pure, all these things the Lord addressed with his judicial laws. All the laws that apply to this second category can be understood by the few that are given.

Therefore, let us, content with this discussion, turn to the third group.

The third category includes those laws that apply to households and each family member in them. Thus, it includes the commands about the duties of parents to their children and about children to their parents, of a husband to his wife and of a wife to her husband, of masters and mistresses to their man-servants and maid-servants and slaves to their masters,¹³⁰ and of brothers and sisters to each other. God commands parents to teach their children about the miracle of their redemption from Egypt, and of their salvation, that they impress upon them the words of the law whether they are at home, away, or lying down, and that they lead them in the true religion and in good habits. If the children should sin, the parents should discipline them and make sure to punish them as far as the law prescribes. "If someone has a stubborn and rebellious son who will not obey his father and mother, who does not heed them when they discipline him, then his father and mother shall ... bring him out to the elders of his town.... Then all the men of the town shall stone him to death."¹³¹

¹²⁵ Deut. 7:3–6.

¹²⁶ Lev. 18:6–8.

¹²⁷ Ex. 22; Lev. 19–20; Deut. 22–23.

¹²⁸ Lev. 19:17–18.

¹²⁹ Lev. 19:11–12; Deut. 22:13–20.

¹³⁰ Ex. 12.

¹³¹ Deut. 21:18.

Exodus 21:7–11 shows how great parental power is over a child when it claims that it is legal to sell a daughter in the case of overwhelming poverty, but God warns in his law that they cannot disinherit sons without cause.¹³² Similarly, Numbers 27:1–11 makes clear a law about keeping estates inside families and not transferring them heedlessly outside the family by granting that women can legally inherit over male descendants.

Many laws appear in the works of Moses that concern the duties of children to their parents that were offered at that time to explain the commandment about honoring parents. Most of all, God wants children to be so subject to their parents that he is not willing that even vows spoken by them without parental consent be legal¹³³ and that if anyone should curse a father or mother, that child should be punished with death.¹³⁴

The laws concerned with the duties of a husband to his wife and, in turn, of a wife to her husband command that they marry, love, cherish, and even, if they must, divorce their spouses. These are the most useful and just laws laid out. The Lord commands that no one marry anyone from outside his tribe so that the allotments of each tribe are not mixed together or so that inheritances from tribe to tribe are not transferred. This is so that families might be protected and the memory of their ancestors maintained. He also wants a brother or other relative to marry the wife of a deceased brother and to take in his sons.¹³⁵ Why does he forbid intermarriage? Because of the danger of temptation in another religion.¹³⁶ Why does he forbid marrying relatives? Because of the natural respect that is owed to them.¹³⁷ He does not want brides to be handed over and treated badly.¹³⁸ Thus, anyone who makes a false accusation against his wife is severely punished. In order that a greater love might bring union between husband and wife, God does not want anyone who has just been married to go to war or public office by which he is kept from being able

¹³² Num. 27:1–11.

¹³³ Num. 30:3–15.

¹³⁴ Exodus 21:17.

¹³⁵ Deut. 25:5–10.

¹³⁶ Deut. 7:3–4.

¹³⁷ Lev. 18:6–18.

¹³⁸ Deut. 22:13–21.

to enjoy his wife and to try to have children. Instead, he is to be free for one year from all public duties.¹³⁹

There is also a law about giving a certificate of divorce.¹⁴⁰ In this passage, God considers both the wife and the peace of the household. [219v] In the end, he prefers to yield to the husband's hard heart than to permit more serious evils.

The law also does not forget provisions involving slaves and masters. These are extremely just laws. Some are found in Exodus 21; others in Deuteronomy 5 and 15.

In sum, with his domestic laws the Lord looks at individual Israelite families so that they might live a happy and long life.

The fourth category contains the laws for the fourth societal relationship; that is, how the Israelites ought to treat strangers and foreigners. Citizens can have one of two types of contacts with foreigners—a friendly one or a hostile one, and there are very good political laws in the books of Moses for each contact. First, I will look at friendly relationships. Exodus 22:21: "You shall not wrong or oppress a resident alien." These are laws concerning those strangers who are either passing through Israelite territory, are wandering merchants, or who are coming to settle there. If they should want to be received into the State, God did not want this to be done in the same way for all people. There were Egyptians who were born and reared among the Israelites and Edomites, who were descendants of Esau, the brother of Jacob. God wanted them to be received into the full membership of the community if they would ask for this in the third generation. On the other hand, because the Ammonites and Moabites had acted hostilely against the Israelites, he did not want them to *ever* be received into the fellowship and membership of the community, as a curse for their earlier affront. Still, in extraordinary circumstances, Achor, the leader of the Ammonites,¹⁴¹ and Ruth the Moabite woman were accepted because of their outstanding virtues. As for the Amalekites, however, who were Israel's greatest enemies, God not only did not want them to be wel-

¹³⁹ Deut. 24:5.

¹⁴⁰ Deut. 24:1-4.

¹⁴¹ Judg. 14:10.

came in friendship, but he also ordered that they be considered enemies forever and that there be perpetual war between them.¹⁴²

Now, about those people with whom there are hostile relations, God established military laws.¹⁴³ At first, he does not want a war to be waged ever unless, first, the people try for peace. For this reason, he also decreed that they always have with them priests who would advise them on God's will. Then, once a war is started, he wants it to be fought bravely, with the weak and helpless protected. Finally, he declares that in victory they show moderation by sparing women and children, animals, and fruit-bearing trees.

When he gave an order that all the citizens of the villages be killed, he was giving a specific command that appears in context in Deuteronomy 20:16–18. It should still be observed because it excludes the people of no nation from the worship of the true God and from those requirements that salvation entails¹⁴⁴—for *God is also the God of the Gentiles*.

This is what needs to be said about the political laws of the Israelites by which God shows, in part, how good, holy, and wise is the government that he established.

What, then, is the purpose and application of these laws?

1. So that among the Israelites there would be some form of a state by which sin could be restrained and punished, virtue could be promoted, and the Israelites could live as a gathered people, not as animals.
2. So that they might know that God values public peace, honesty, justice, order, and the proper relationships between things but despises factionalism, anarchy, tyranny, barbarism, and the like.
3. So that in a well-established state, his church, and worship could also have a place. There is, in fact, no other form of government in which a religion could be established as easily or as well.
4. So that they might know that God punishes sin and disgrace.

¹⁴² Ex. 17:14–16.

¹⁴³ Deut. 20.

¹⁴⁴ Ex. 12:19.

It should also not be forgotten that these laws were given not to the Gentiles but to the Israelites and, so, are given to the Israelites alone. The Gentiles were not required to follow them, just as the Israelites were not allowed to live according to the laws of the Gentiles, as we read in Leviticus 18:24–29.

It is clear that these laws endured from the time of Moses all the way to the renewal of the church that was built after Christ out of both Jews and Gentiles. Then it was allowed for Gentiles to follow their own laws *and* Jewish law, and for Jews to follow both theirs *and* Gentile law. Thus, the Apostle to the Hebrews remarks that, therefore, with the priesthood changed, it is necessary for the laws also to be changed.¹⁴⁵ So much for judicial laws.

On the Ceremonial Laws

Thesis 7

Ceremonial law is also quite massive but is usually divided into four categories: [220r] sacramental, sacrificial, holy things, and legal ordinances.

It is well-known what sacramental and sacrificial laws are. All the details necessary for the external worship of God are included under the category of “holy things,” including holy places, occasions, utensils, and the instruments of the divine cult that scholars call the fourth “legal ordinances,” abusing this general term because they lack a specialized one, or precepts by which, particular holy and secular things are commanded—concerning food, clothes, and other things of the type by which individuals who worship God are distinguished from those who do not.

These four categories include all ceremonial laws; that is, holy rituals practiced in temples and churches. Let me discuss each briefly.

Sacramental laws are those by which the Israelites were either received into or marked in a covenant with God.

In addition, as there are now, there were, two, clear sacraments in the early church: circumcision, which baptism replaced, and Passover, which we call

¹⁴⁵ Heb. 8:1–7.

“communion.” In baptism, all people who live in the covenant are marked as the descendents of Abraham, and those who were not in it before are received into his covenant as are the Gentiles who wanted to become the people of God, or of his covenant. It was the sign of the covenant, and those who receive this sacrament wish to be distinguished from those who are not part of the covenant. Also, circumcision (as Christ himself says in John 7:22) was not instituted by Moses but by the patriarchs, who lived before Moses, as we read in Genesis 17. Later, however, it was confirmed by the law set forth through Moses and established among the people of God.

Those who, during Passover, celebrate the memory of the grace that the Israelites received in Egypt when the angel passed over the houses of the Israelites and spared them because of a lamb’s shed blood, are strengthened in their faith and grow in the fellowship as one body. With this foreshadow of Christ’s shedding his blood for the salvation of the world, this sacrament points to the assembly of the elect in the one body of the church.

First, then, under ceremonial laws are those commands concerned with the celebration of circumcision and Passover.

Second, are the sacrificial laws by which the people offer something to God and about which the majority of the book of Leviticus is written at God’s command. There are many types of sacrifices that were instituted by God through Moses, although all sacrifices were offered in the same place and in the same fire; that is, in the holy fire, not a foreign or common fire.

One type of sacrifice was the burnt offering. In this sacrifice, the entire victim is consumed by the fire. This is the law mentioned in Leviticus 1:13. These sacrifices include the following: There is so-called the “ever-burning sacrifice,” which burns continually all day, morning and evening, consuming one lamb in the morning and another at night.¹⁴⁶ In addition, there are the sacrifices of ordination that consecrate to God persons, priests, places, the tabernacle, the temple, or utensils made for the divine cult.¹⁴⁷

A second type comprises the food offerings, which are called *Minha*. Portions of grain and fruit were offered in varying amounts, as described in Leviticus. The second chapter is especially devoted to this type of sacrifice.

¹⁴⁶ Ex. 29:38–46; Lev. 6:8–13.

¹⁴⁷ Ex. 28 and 29; Lev. 8.

Some of the sacrifices included under this heading are the grain offerings,¹⁴⁸ and those of the first fruits and the tithes.¹⁴⁹

A third type of sacrifices includes those offered for sin, called “sin offerings” and “atonement sacrifices.”

Just as there are different crimes that are committed, so, too, are there different sacrifices required in order to forgive sins. Leviticus 4–7 covers these. There are quite a number of these, including sacrifices for universal and general sins that are offered in a formal ceremony every year as a sacrifice for the whole population.¹⁵⁰ There is also the sacrifice of the red heifer offered up by the high priest once every five years.¹⁵¹ These sacrifices also include those by which the different bodily impurities and pollutions from contact with different things are purified.¹⁵²

A fourth type were the guilt offerings, also known as sacrifices of restitution. These were offered to drive out evil and receive good, having been enacted by God’s grace.¹⁵³ [22/v] Here there are two subcategories: unintentional sin and votive sacrifices.¹⁵⁴ This is just an overview of sacrificial law, but they all fall under two general categories: sacrifices for purification and sacrifices for atonement; that is, guilt offerings.

A third category of ceremonial law are the laws concerned with the holy things; namely, places, occasions, utensils, and instruments dedicated and consecrated to holy worship.

A holy place is where sacrifices could be offered. There were two different places where this could happen. At first, the Israelites had the tabernacle; later they had a temple. Except for these two sites, they could not offer sacrifice according to God’s law.¹⁵⁵ Anyone who would offer sacrifices on the high places was condemned in the Scriptures.

¹⁴⁸ Lev. 6:14–18; Num. 28:26–31.

¹⁴⁹ Ex. 13, 23; Num. 18; Deut. 18.

¹⁵⁰ Lev. 16.

¹⁵¹ Num. 19:1–10.

¹⁵² Lev. 12–15.

¹⁵³ Lev. 3 and 7.

¹⁵⁴ Lev. 5:14–19.

¹⁵⁵ Lev. 17:8–9; Deut. 12.

The different holy occasions can also be subdivided. Most important was the Year of Jubilee;¹⁵⁶ next came the three annual festivals, Passover, Pentecost, and the Festival of Booths or Tabernacles.¹⁵⁷ There were also the New Moon Festivals¹⁵⁸ in memory of the light created by God. Then there were times of fasting in the fifth, seventh, and tenth months.¹⁵⁹ Finally, there is the Sabbath, which is often mentioned in Moses and the Prophets.

The holy utensils and instruments required for the cult include, first and foremost, the ark inside, which were the tablets of the Ten Commandments, an urn of manna, and Aaron's staff. A measure of gold overlaid it.¹⁶⁰ There were also the bread offerings and the golden lamp stands,¹⁶¹ the altar of fragrant incense,¹⁶² and the altar of burnt offering.¹⁶³ Finally, there was the bronze basin in which was contained the water by which the priests, the ministers of the Lord, would purify themselves.¹⁶⁴ Thus, holy things refer to anything used in the external cult besides the sacraments and sacrifices.

The final classification is the observation of those things that pertain to purification and sanctification of those who serve God so that they can be distinguished from idolaters.

There was a law by which the Israelites were commanded to abstain from certain foods, such as certain animals that were termed *unclean*,¹⁶⁵ blood and kids cooked in their mother's milk,¹⁶⁶ and the firstfruits and first-born of their animals. They were to offer these to God.

There are also laws concerning clothing: They were not to wear a cloak that was woven from two types of fabrics, such as wool and linen. A woman was not to wear a man's clothes nor vice versa. As I mentioned earlier, what more can I say when these laws are almost unlimited?

¹⁵⁶ Lev. 25.

¹⁵⁷ Lev. 23 and Deut. 16.

¹⁵⁸ Num. 10:10; 28:11–15.

¹⁵⁹ Zech. 7, 8.

¹⁶⁰ Ex. 25:11.

¹⁶¹ Ex. 25:31–40.

¹⁶² Lev. 4:7.

¹⁶³ Ex. 40:10.

¹⁶⁴ Ex. 30:17–21.

¹⁶⁵ Lev. 10:8–11.

¹⁶⁶ Ex. 23:18–19.

This is an overview of ceremonial laws. For what purpose were they given to the Israelites? Certainly not so that those who follow them could be justified. No, they were given, most importantly, so that Jews preoccupied by these laws might abstain from the cultic practices that Gentiles observed;¹⁶⁷ second, so that they might not devise a cult for themselves;¹⁶⁸ third, so that in these things they might contemplate upon the hope of the coming Christ, as Paul says when he writes about the whole law; that is, was our disciplinarian until Christ came.¹⁶⁹ In the end, God wanted to show that *he* was to be worshipped even outside the cult.

At first, an opinion in all the churches was harbored that these laws were no longer in effect. They thought that they were not given to the Gentiles, and for those Jews who come to Christ, these laws were also set aside in such a way that not only do those who are unwilling to follow them not sin but also those who argue that they ought to be obeyed are most gravely mistaken.

Thus, Aquinas wisely writes, “Some judicial commands are dead; ceremonial law, however, is deadly if anyone wanted to reinstitute it as a necessary thing because this would be nothing else than a denial of Christ.”¹⁷⁰

¹⁶⁷ Deut. 14, 16, 18.

¹⁶⁸ Deut. 12.

¹⁶⁹ Gal. 3:24.

¹⁷⁰ Aquinas, *Summa Theologiae*, III, 103, 3, 4.