

# Politics and Christian Civilization

## Judicial Precepts: Class Seven

For last three weeks have been studying the ceremonial precepts from the Book of Leviticus and Aquinas' Summa. Today we will begin to look at the judicial Precepts

**JUDICIAL PRECEPTS** Direct man to his neighbor

**CEREMONIAL PRECEPTS** Direct man to God

**MORAL PRECEPTS** = *Derive binding force by dictate of reason* as something that ought to be done or avoided

Judicial and Ceremonial precepts derive force not from reason as something to be done but because they have been instituted either by Divine or by human authority.

*" I answer that, As is evident from what we have stated above in every law, some precepts derive their binding force from the dictate of reason itself, because natural reason dictates that something ought to be done or to be avoided. These are called "moral" precepts: since human morals are based on reason.*

*At the same time there are other precepts which derive their binding force, not from the very dictate of reason (because, considered in themselves, they do not imply an obligation of something due or undue); but from some institution, Divine or human: and such are certain determinations of the moral precepts.*

*When therefore the moral precepts are fixed by Divine institution in matters relating to man's subordination to God, they are called "ceremonial" precepts: but when they refer to man's relations to other men, they are called "judicial" precepts.*

*Hence there are two conditions attached to the judicial precepts: viz. first, that they refer to man's relations to other men; secondly, that they derive their binding force not from reason alone, but in virtue of their institution." ( Aquinas Second part of first part, Q 104).*

Ceremonial and Judicial precepts thus have no binding force except by virtue of their institution.

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When they are no longer instituted = they are not binding whereas Moral Precepts are binding forever as long as reason stands. Not one dot or tittle or jittle of law will change = true of moral precepts why they are written in STONE

As priesthood was transferred from Aaron to Christ JESUS WAS NOT FROM TRIBE OF LEVI. Jesus abrogated the Levitical and instituted the priesthood of Melchidek. **(Heb 7:11-12)** so too was the old law and ceremonial and judicial precepts which no longer have any binding effect.

*"If then perfection was by the Levitical priesthood, (for under it the people received the law,) what further need was there that another priest should rise according to the order of Melchisedech, and not be called according to the order of Aaron? **For the priesthood being translated, it is necessary that a translation also be made of the law"***

Thus, the Judicial and Ceremonial precepts are replaced by those they prefigured, **but** these new precepts, like the old ones, are also drawn from moral precepts of the Decalogue but under the New Divine commandment to love as God loves; **AGAPE. It is no longer justice that binds but justice and love.**

Judicial precepts did not bind forever; they are dead. But, Aquinas says the ceremonial precepts are not only dead, they are also deadly to those who observe them since the coming of Christ. Part 1 Second Part, Q 104, Article 3

*“The judicial precepts did not bind for ever, but were annulled by the coming of Christ: yet not in the same way as the ceremonial precepts. **For the ceremonial precepts were annulled so far as to be not only "dead," but also deadly to those who observe them since the coming of Christ, especially since the promulgation of the Gospel.***

*On the other hand, the judicial precepts are dead indeed, because they have no binding force: but they are not deadly. For if a sovereign were to order these judicial precepts to be observed in his kingdom, he would not sin: unless perchance they were observed, or ordered to be observed, as though they derived their binding force through being institutions of the Old Law: for it would be a deadly sin to intend to observe them thus.”*

The obligation to observe justice is perpetual but its determinations are not. Same as obligation to worship God is perpetual but its determinations are not.

**"The reason for this difference (between ceremonial and judicial precept being dead and deadly) may be gathered from what has been said above For it has been stated that the ceremonial precepts are figurative primarily and in themselves, as being instituted chiefly for the purpose of foreshadowing the mysteries of Christ to come. On the other hand, the judicial precepts were not instituted that they might be figures, but that they might shape the state of that people who were directed to Christ. Consequently, when the state of that people changed with the coming of Christ, the judicial precepts lost their binding force: for the Law was a pedagogue, leading men to Christ, as stated in Gal. 3:24.**

If a state passes to another form of government = laws change

Q 104 Article 3:

*"The judicial precepts established by men retain their binding force for ever, so long as the state of government remains the same. **But if the state or nation pass to another form of government, the laws must needs be changed.** For democracy, which is government by the people, demands different laws from those of oligarchy, which is government by the rich, as the Philosopher shows (Polit. iv, 1).*

*Consequently **when the state of that people changed, the judicial precepts had to be changed also.** Those judicial precepts directed the people to justice and equity, in keeping with the demands of that state. But after the coming of Christ, there had to be a change in the state of that people, so that in Christ there was no distinction between Gentile and Jew, as there had been before. For this reason the judicial precepts needed to be changed also."*

We will begin looking at judicial precepts and their meaning by considering the type of government God provided for the Hebrews.

In this regard, the Judicial Precepts are subdivided into 4 categories:

- 1 Those dealing with rulers
- 2 Those dealing with relationships between men in society
- 3 Matters relating to foreigners
- 4 Concerning domestic matters.

According to Aquinas Q 104, Art. 4

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*"I answer that, since **law is the art, as it were, of directing or ordering the life of man**, as in every art there is a distinct division in the rules of art, so, in every law, there must be a distinct division of precepts: else the law would be rendered useless by confusion. We must therefore say that the judicial precepts of the Old Law, whereby men were directed in their relations to one another, are subject to division according to the divers ways in which man is directed.*

*Now in every people a **fourfold order** is to be found: one, of **the people's sovereign to his subjects**; a **second** of **the subjects among themselves**; a **third**, of the **citizens to foreigners**; a **fourth**, of **members of the same household**, such as the order of the father to his son; of the wife to her husband; of the master to his servant: and according to these four orders we may distinguish different kinds of judicial precepts in the Old Law.*

*For certain precepts are laid down concerning the institution of the sovereign and relating to his office, and about the respect due to him: this is one part of the judicial precepts. Again, certain precepts are given in respect of a man to his fellow citizens: for instance, about buying and selling, judgments and penalties: this is the second part of the judicial precepts. Again, certain precepts are enjoined with regard to foreigners: for instance, about wars waged against their foes, and about the way to receive travelers and strangers: this is the third part of the judicial precepts. Lastly, certain precepts are given relating to home life: for instance, about servants, wives and children: this is the fourth part of the judicial precepts."*

- 1: Those dealing with rulers**
- 2: Those dealing with relationships between men in society**
- 3: Matters relating to foreigners**
- 4: Domestic matters.**

We will look at first judicial precepts dealing with rulers next time.

Ordering of people depends mostly on chief ruler. So we will look at this first:

## PRECEPTS DEALING WITH RULE/RULERS:

According to Aquinas, it takes more than **laws** to form a nation out of a people, need to preserve **order** among people as well. In this regard, two things are to be observed for right rule:

1. All should take some share in government = commended to all and protected by all (If not = constantly like children under pedagogue)
2. The way in which constitutions are established. The Lord did not set up a single authority with full power but gave them judges and governors to rule them.

God gave them a **“Theocratic Mixed Government”** with Himself as the King or monarchical element as the best structure in which all took or could take some part and the best form.

But they wanted to be like everyone else to have an **earthly king**. Remember, Aristotle demonstrated that a monarch devolves into tyrant and becomes the worst type of government. His government becomes too centralized and powerful versus subsidiarity of local princes and judges established in Old Testament.

## SAMUEL 1 KINGS 8: 1-22

*“And it came to pass when Samuel was old, that he appointed his sons to be judges over Israel... And his sons walked not in his ways... Then all the ancients of Israel being assembled, came to Samuel to Ramatha. And they said to him: Behold thou art old, and thy sons walk not in thy ways: make us a king, to judge us, as all nations have. And the word was displeasing in the eyes of Samuel, that they should say: Give us a king, to judge us. And Samuel prayed to the Lord. And the Lord said to Samuel: Hearken to the voice of the people in all that they say to thee. **For they have not rejected thee, but me**, that I should not reign over them. According to all their works, they have done from the day that I brought them out of Egypt until this day: as they have forsaken me, and served strange gods, so do they also unto thee. Now therefore hearken to their voice: but yet testify to them, and foretell them the right of the king, that shall reign over them.*

*“Then Samuel told all the words of the Lord to the people that had desired a king of him, And said: This will be the right of the king, that shall reign over you: He will take your sons, and put them in his chariots, and will make them his horsemen, and his running footmen to run before his chariots, And he will appoint of them to be his tribunes, and centurions, and to plough his fields, and to reap his corn, and to make him arms and chariots. Your daughters also he will take to make him ointments, and to be his cooks, and bakers. And he will take your fields, and your vineyards, and your best oliveyards, and give them to his servants. Moreover he will take the tenth of your corn, and of the revenues of your vineyards, to give his eunuchs and servants. Your servants also and handmaids, and your goodliest young men, and your asses he will take away, and put them to his work. Your flocks also he will tithe, and you shall be his servants.*

***And you shall cry out in that day from the face of the king, whom you have chosen to yourselves and the Lord will not hear you*** in that day, because you desired unto yourselves a king. But the people would not hear the voice of Samuel, and they said: Nay: but there shall be a king over us. And we also will be like all nations: and our king shall judge us, and go out before us, and tight our battles for us. And Samuel heard all the words of the people, and rehearsed them in the ears of the Lord. And the Lord said to Samuel: Harken to their voice, and make them a king. And Samuel said to the men of Israel: Let every man go to his city.”

Thus, they no longer have the best structure (Mixed Government) (**devolves as Aristotle reasoned**). They will also lose the form by focusing on being like other nations rather than acquiring the Spirit of wisdom contained in the Old Law; they will increasingly alter the law by their traditions to become more and more like other nations (example usury and jubilee years debt relief or idea of property being “korban”)

When loose the form, they loose that most important part that vivifies the body and was assured by the structure provided by God. **Form is superior to structure** as evidenced by rule of King David

If king, like David, dwelt on holiness and delighted in contemplating the law of God, **the spirit or form could be sustained**, David still listened to prophets (did not kill them as other kings would do).

**2 Kings, 12: 1-13:**

*“And the Lord sent Nathan to David: and when he was come to him, he said to him: There were two men in one city, the one rich, and the other poor. The rich man had exceeding many sheep and oxen. But the poor man had nothing at all but one little ewe lamb, which he had bought and nourished up, and which had grown up in his house together with his children, eating of his bread, and drinking of his cup, and sleeping in his bosom: and it was unto him as a daughter. And when a certain stranger was come to the rich man, he spared to take of his own sheep and oxen, to make a feast for that stranger, who was come to him, but took the poor man's ewe, and dressed it for the man that was come to him.*

*And David's anger being exceedingly kindled against that man, he said to Nathan: As the Lord liveth, the man that hath done this is a child of death. **He shall restore the ewe fourfold**, because he did this thing, and had no pity.*

***And Nathan said to David: Thou art the man.** Thus saith the Lord the God of Israel: I anointed thee king over Israel, and I delivered thee from the hand of Saul, And gave thee thy master's house and thy master's wives into thy bosom, and gave thee the house of Israel and Juda: and if these things be little, I shall add far greater things unto thee. Why therefore hast thou despised the word of the Lord, to do evil in my sight? Thou hast killed Urias the Hethite with the sword, and hast taken his wife to be thy wife, and hast slain him with the sword of the children of Ammon.*

*Therefore the sword shall never depart from thy house, because thou hast despised me, and hast taken the wife of Urias the Hethite to be thy wife. Thus saith the Lord: Behold, **I will raise up evil against thee out of thy own house**, and I will take thy wives before thy eyes and give them to thy neighbour, and he shall lie with thy wives in the sight of this sun. For thou didst it secretly: but I will do this thing in the sight of all Israel, and in the sight of the sun. **And David said to Nathan: I have sinned against the Lord.***

***And Nathan said to David: The Lord also hath taken away thy sin:** thou shalt not die. **Nevertheless**, because thou hast given occasion to the enemies of the Lord to blaspheme, for this thing, **the child that is born to thee, shall surely die.** And Nathan returned to his house. The Lord also struck the child which the wife of Urias had borne to David, and his life was despaired of.”*



Although monarchy not the preferred government, it can work if adhere to the form of law as revealed by David. David respected prophets and held Law of God above all things.

He mediated upon the Law day and night: Form is greater than structure

*“How blessed is the man who does not walk in the counsel of the wicked, Nor stand in the path of sinners, Nor sit in the seat of scoffers! But his delight is in the law of the LORD, **And in His law he meditates day and night**”* (Psalm 1:1)

*“**The law of the LORD is perfect**, converting the soul: the testimony of the LORD is sure, making wise the simple. The statutes of the LORD are right, rejoicing the heart: the Commandment of the LORD is pure, enlightening the eyes”* (Psalm 19).

*“My hands also will I lift up unto your Commandments, which I have loved; and I will meditate on your statutes”* (Psalm 119).

David was a man after God’s own heart:

*“The LORD has sought him **A MAN AFTER HIS OWN HEART**, and the LORD has commanded him to be captain over his people”* (1 Samuel: 13-14). (Samuel to Saul)

Thus, a king could work, if certain precepts followed about such a ruler as displayed in David, which we will explore further next time.



If have A KING, GOD ESTABLISHED CERTAIN CRITERIA FOR ELECTION:

1. Wait on the lord's decision (Saul and David)
2. Not from another nation = take little interest in needs of people, other interests.
3. Should not accumulate great wealth. if not rich and office involved too much work and anxiety = would not tempt ambition of common people and or become an occasion for sedition
4. Continually read and ponder, fear and obey god's law.
5. Rulers chosen from people = not particular families.

These ideas will not be followed and will lead to a separation of church and state where prophets will be despised by kings and killed by them. Kings grow rich and blinded by pride and arrogance ultimately disdain precepts making selves sovereign over God's Law.

**“And King Solomon loved many strange women** besides the daughter of Pharaoh, and women of Moab, and of Ammon, and of Edom, and of Sidon, and of the Hethites: **Of the nations concerning which the Lord said to the children of Israel: You shall not go in unto them,** neither shall any of them come in to yours: for they will most certainly turn away your heart to follow their gods. And to these was Solomon joined with a most ardent love. And he had seven hundred wives as queens, and three hundred concubines: and **the women turned away his heart.** And when he was now old, his heart was turned away by women **to follow strange gods:** and his heart was not perfect with the Lord his God, as was the heart of David his father. But **Solomon worshipped Astarthe** the goddess of the Sidonians, and **Moloch** the idol of the ammonites.

**And Solomon did that which was not pleasing before the Lord, and did not fully follow the Lord, as David his father. Then Solomon built a temple for Chamos the idol of Moab,** on the hill that is over against Jerusalem, and for Moloch the idol of the children of Ammon. And he did in this manner for all his wives that were strangers, who burnt incense, and offered sacrifice to their gods. And the Lord was angry with Solomon, because his mind was turned away from the Lord the God of Israel, who had appeared to him twice, And had commanded him concerning this thing, that he should not follow strange gods: but he kept not the things which the Lord commanded him.

The Lord therefore said to Solomon: Because thou hast done this, and hast not kept my covenant, and my precepts, which I have commanded thee, I will divide and rend thy kingdom, and will give it to thy servant. Nevertheless in thy days I will not do it, for David thy father's sake: but I will rend it out of the hand of thy son. Neither will I take away the whole kingdom, but I will give one tribe to thy son for the sake of David my servant, and Jerusalem which I have chosen.”

## 2 Esdras 9: 24-27;

*“And the children came and possessed the land, and thou didst humble before them the inhabitants of the land, the Chanaanites, and gavest them into their hands, with their kings, and the people of the land, that they might do with them as it pleased them.<sup>25</sup>And they took strong cities and a fat land, and possessed houses full of all goods: cisterns made by others, vineyards, and oliveyards, and fruit trees in abundance: and they ate, and were filled, and became fat, and abounded with delight in thy great goodness.<sup>26</sup>But they provoked thee to wrath, and departed from thee, and threw thy law behind their backs: and they killed thy prophets, who admonished them earnestly to return to thee: and they were guilty of great blasphemies.<sup>27</sup>And thou gavest them into the hands of their enemies, and they afflicted them.*

By separation of church and state = introduced confusion in leadership and power over laws by profane leaders. Judges – Who were they? School of prophets, men called by God example might be lay monks or saintly laity called by God to life of holiness and of temporal service. Maybe even priests: **Moses was a son of Amram of Tribe of Levi.**

**Samuel of tribe of Levi was a Kohathites: Those who took care of the sacred objects in sanctuary such as Ark of Covenant, Table of Bread, Candles etc.**

**Samson of tribe of Dan but a Nazirite. Gideon, Tribe of Manessah, but Jews rejected rule by Judges under God’s Law**

Hence it is written (**Hosea 13:11**): *"I will give thee a king in My wrath"*; and (**Hosea 8:4**): *"They have reigned, but not by Me: they have been princes, and I knew not."* These kings led whole nation into sin and idolatry.

In conclusion God gave a mixed government led by prophets judges and holy men with laws derived from 10 commandments. They despised this government because they wanted to be like the other nations and called for a king, which God gave them as a punishment. Because the king turned into a tyrant.

**The Jewish government shows that the form, that is the laws and virtuous men, are more important than the structure since David ruled successfully**

After David, beginning with Solomon, both the structure and the form were disregarded. There was a separation of Divine Law from the state and Israel fell into a long period of decline which would not be healed until the regal and priestly powers were reunited in the person of Christ, high priest and king of the Jews. Who instituted new judicial precepts.

Next time we will continue looking at the other 3 forms of judicial precepts in Jewish law, those dealing with **social relationships, foreigners, and family life.**