

A Critique of Thomas Aquinas' Three Percepts of the Old Testament Law

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Abstract

Aquinas' three-part classification of the Old Testament law has gained popularity and is proving to be useful in addressing challenging questions about the Old Testament law when presented to modern audiences. This qualitative study will examine Aquinas' thesis by examining it from the perspective of biblical writers. The hermeneutics approach will be used to investigate the three-part division of the Old Testament law in order to comprehend the division and its history as closely as possible to the author's original intention, as God commanded through him. This critique intends to acknowledge and appreciate the valuable contributions of Thomas Aquinas in assisting modern believers in comprehending the intricate biblical law. Furthermore, it aims to align the context of the law with a biblical worldview. To comprehend the Old Testament law accurately, it is necessary to have a profound understanding of moral and ethical principles that transcend time, along with approaching the Old Testament law with the proper heart attitude. Such an approach can enable contemporary believers to view the Old Testament law as a guide that remains pertinent and practical in daily life.

Keywords: Old Testament Law, Thomas Aquinas, Torah, Precept.

I. INTRODUCTION

It has not always been easy to understand the law of the Old Testament, much less for someone more than at least a few thousand years apart. To try and parse the law had been the monumental duty of the pious and devoted, to make comprehensible to the lay people what was starting to be convolute with richer nuances as the years passed by and trying to put them into practice in their earnest attempt to obey a God they revered. In a commendable effort to summarize the law, the Babylonian Talmud has enumerated it into 613 laws given to Moses in the Torah (Rabbi Simlai), to which David boiled down to 11 in Psalm 15 to capture the spirit of the law, then Isaiah to 6 (Isaiah 33:15- 16), to which Micah reduced it further to 3 (Micah 6:8), and finally Jesus reduced it into two in the Great Commandment.

In a more modern iteration, Thomas Aquinas attempted to parse the law into three categories in 1270, writing in his *Summa Theologica*:

We must therefore distinguish three kinds of precept in the Old Law; viz. 'moral' precepts, which are dictated by the natural law; 'ceremonial' precepts, which are determinations of the Divine worship; and 'judicial' precepts, which are determinations of the justice to be maintained among men (Aquinas, art 4).

Thomas Aquinas crystallized the three precepts as the moral, ceremonial, and judicial (or reiterated more famously by John Calvin later as 'civil') . Aquinas discovered textual evidence for his trifold classification in Deuteronomy 6:1, where the terms commandments (moral), statutes (ceremonial), and judgments (judicial) are mentioned. Similarly, in Romans 7:12, the law is described as holy (ceremonial), righteous (judicial), and good (moral) (Kloosterman, 186).

Owing to John Calvin picking it up from Aquinas, this threefold category of the law started to gain traction, especially among the Reformed circles. And due to modern views on things pertaining to all laws, it gets harder to grasp the Old Testament law and apply it to Christian walks. Most people cannot help but think of some of the 613 Old Testament laws as impractical today, hence should be obsolete. Therefore, the common question quickly evolved from the application of the law into the discernment of the laws that are still applicable from the ones that are superannuated. And it is in the latter, that Aquinas' threefold division of the precepts of the Old Testament law grew in popularity and on the surface, also appeared to return the advantage to apologetics when difficult questions on the Old Testament law are raised by contemporary audiences.

As a responsible student of Scripture, called to handle the truth of Scripture correctly as exhorted in 2 Timothy 2:15, one must return to the worldview of the biblical writers for that is the goal of hermeneutics, to understand it as closely as possible to what the author, and God through him, meant when he wrote what he wrote. Thus, the goal of the critique is not to undermine what Thomas Aquinas was commendably trying to do to help contemporary believers understand such a complex system of biblical law, but to recover the context of the law according to the biblical worldview.

II. METHODOLOGY

The method applied in writing this article is a qualitative research method with literature studies on some church history literature. The purpose of this criticism is not to undermine what Thomas Aquinas has done so admirably to help modern believers understand the complex system of biblical law, but rather to put the legal context in the biblical worldview. Overall, while Christians are not bound to follow the law in the same way as the ancient Israelites, the law remains relevant for believers in providing moral guidance, historical and theological context, and understanding the ethical teachings of the New Testament.

III. RESULTS AND DISCUSSION

There is an important question that is begging to be asked, that is "If the Old Testament law is to be neatly arranged into 3 divisions, who then can authoritatively define which specific article of the law belongs to which of the 3 categories?" There are many grey areas or overlapping aspects of each law, such as the gleaning laws found in Leviticus 19:9-10 and the prohibition to move the boundary stones in Deuteronomy 19:14.

"When you reap the harvest of your land, you shall not wholly reap the

corners of your field, nor shall you gather the gleanings of your harvest. And you shall not glean your vineyard, nor shall you gather every grape of your vineyard; you shall leave them for the poor and the stranger: I am the Lord your God.” (Leviticus 19:9-10, NKJV).

Is this gleaning law, which is meant to take care of the needy, an outright judicial law or is it also considered a moral obligation?

“You shall not remove your neighbor’s landmark, which the men of old have set, in your inheritance which you will inherit in the land that the Lord your God is giving you to possess.” (Deuteronomy 19:14, NKJV).

Is moving the boundary marker stones of our neighbor’s land just a simple judicial law or is it a transgression akin to that of stealing and cheating others of what is rightfully theirs? The point is clear that not all laws are simple and straightforward, though granted they may carry different moral weights, ceremonial importance, and judicial gravitas. Some laws, such as the Sabbath law are moral in certain respect and ceremonial in other respect, and one might even argue further that it is also judicial in nature because it had deeply embedded into the way the Jews planned their livelihood around it.

To give credit to Thomas Aquinas, he acknowledged the connection between the ceremonial and judicial precepts and their origin from the moral precepts. He explained that when God establishes moral precepts relating to human submission to Him, they are categorized as ceremonial precepts. However, if the moral precepts relate to human interaction with others, they are classified as judicial precepts (Thomas Aquinas, article 1).

However, upon closer examination, there are some lines that are ironically blurred when the division is defined. If moral precepts are virtues that one ought to uphold as men accountable to their maker, and transgression ultimately means offense to Him, then the same is true for judicial and ceremonial precepts. If a judicial precept is derived from how a man ought to live in relation to another man for the ultimate purpose that believers are to be different from the world, like Israel was meant to be a nation distinct from other nations and not to imitate them as stated in Deuteronomy 18:9, then the same can be said for the moral and ceremonial precepts. If ceremonial precepts are practices that were meant to consecrate, or set apart (as in the meaning of the sense of the word holy) to come before God in His pure holiness in divine worship, as Aquinas puts it, then could not the same argument be made for the moral and judicial precepts too?

Establishing the difficulty in parsing the law, it is also imperative to recognize the potential danger of dividing the law into different categories. If it is indeed true, as according to Thomas Aquinas, that unlike the moral precepts which are derived from reasons quickened by faith, both the binding force of the ceremonial and judicial precepts are in virtue of their institution, that was the ancient Israel⁵, then the natural questions to be raised are:

- a. “Do we retain only the moral laws, because we are still men governed by reasons?”
- b. “And are the ceremonial and judicial laws defunct and obsolete, because they are mostly impractical today for non-Israelite institutions?”
- c. “Are we then allowed to scrap, and if we may be so bold, to disconnect from the Old Testament?”
- d. “Why does the God that posits the Old Testament law seem different to the one that gave the New Testament law (if such a dichotomy is allowed)?”
- e. “Does God change His mind to repeal some of His own laws?”

One of the audacious teachings being widely circulated is that only those laws that get reiterated by Jesus and the Apostles in the New Testament still stand, whereas those that were not even mentioned anymore can be safely tucked away in irrelevance. These are the theological repercussions left in the wake of Thomas Aquinas', and later John Calvin's, thesis on the threefold divisions of the Old Testament law.

There is an overhanging notion that the old law had served its purpose, hence it is meant to be retired. Even though Paul did write in Galatians 3:24-25 that the law served as our tutor until Christ came, and thus we are no longer under a tutor, it does not mean that the law is utterly irrelevant. In Matthew 5:17, Jesus confirmed that He did not come to annul the law or the prophets but to complete them. He further stated in verses 18-19 that until the end of the world, not even the tiniest part of the law would disappear until everything was fulfilled, thus people are not to annul any of the commandments.

After successive victories on the east of the Jordan river, and before entering to occupy the promised land, Moses took the time in Deuteronomy 4:5-8 to remind the people of Israel to obey the commandments of God. The emphases of what was relayed that day are in the words and phrases as follows: statutes and judgments; for this is your wisdom and your understanding; statutes and righteous judgments; law.

Moses, whom most scholars believed that he was the author of the Pentateuch (the first five books of the Bible), regarded the law as a collective whole (this body of laws). The law served as instruction for the Israelites for wisdom and understanding that will astound other nations, and set them apart so that they will glorify God.

Two things to be gleaned here are that first, they see the law as a whole. In fact, a thesis common among the ancients, for example, the Babylonian has the code of Hammurabi. This is very much different from the way modern readers see the law as an individual article of clauses to be observed and obeyed separately. This is why our rule books are usually very wordy and meticulous to cover every angle possible, yet people are always looking to exploit it, or as they say, finding a loophole in the system. In the gleaning law in Leviticus 19, they were casuistic law that only mentioned grain and grapes kind of harvest. It is not explicitly stated in the law that the gleaning law applies to non-grain and non-grape harvests or to non-farmers. A specific law needs to be stated or even a principle of providing for the needy needs to be applied extensively in wisdom to other endeavors. It is necessary to address the root cause of the many questions that are commonly asked in churches today, such as "Do I have to do this?" or "Are we allowed to do that?"

Secondly, the law is an instruction for wisdom. John Walton said that the objective of the Torah was to instruct the Israelites about the appropriate structure required to obtain God's blessings and presence within the framework of the covenant, promoting wisdom among them (Walton & Walton: 2019). Just as King David taught in Psalm 19:7.

Another common knowledge among the ancient Jews that the law is an instruction for wisdom can be found in one of the Apocrypha, which contains the writing of a Jewish scribe Ben Sira of Jerusalem on ethical teachings in approximately 200 to 175 BCE, the Book of Sirach 24:23 (GNT): *Wisdom is the Law, the Law which Moses commanded us to keep, the covenant of God Most High, the inheritance of the synagogues of Israel.*

Seeing like the ancient does concerning the biblical laws as a collective instruction for wisdom and living as the representative image of God, people will not fret about discerning or making decisions on matters that are not addressed in the Bible. It is important to sift the grains of wisdom to formulate wise judgment on complex situations that is unique to life. One of the examples is Solomon, the successor and son of King David, who requested a discerning heart to govern God's great people, as a relevant lesson (1 Kings 3:9). When presented with a rather curious case of two harlots arguing over a baby in 1 Kings 3:16-28, Solomon judges the case so brilliantly that "*And all Israel heard of the judgment which the king had rendered; and they feared the king, for they saw that the wisdom of God was in him to administer justice (NKJV)*". However, there was no such ruling on this case in the Torah. The most possible situation was that Solomon had to draw wisdom principles from the law to formulate such a wise judgment.

Moreover, there is a riveting encounter between the wisest of all who ever walked the face of the earth, Jesus, and a rich young ruler in Mark 10:17-22 NIV. The emphases are as follows: the commandments; you shall not defraud; one thing you lack. Notice when Jesus mentioned a list of commandments that a devoted Jew was expected to keep, an odd command "you shall not defraud" made up the list. The rest of the list can be found written explicitly in the 10 commandments, but there is no commandment about defrauding. However, the principle is found in Deuteronomy 25:13-16, which talks about having dishonest scales, with the motive to cheat others. Continuing on to what Jesus said to the rich man, "One thing you still lack" implying a commandment that the man failed to keep. There is no specific law in the Old Testament that stipulated selling everything to give to the poor. Jesus did not conjure a new law out of oblivion, but the fact that the man went away sad instead of protesting clues in on the fact that he knew he had fallen short of the law. What Jesus asked of the rich young man points to the first two articles of the 10 commandments, that there should not be other gods before God and they shall not make for themselves a carved image (Exodus 20:3-5). The man probably more than realized that Jesus just called him out on it.

The point is that it was not written explicitly, word-for-word, but the wisdom principle from the law as a collective whole stands tall. Another piece of evidence that the ancients see the law as a collective whole can be found written in James 2:10. They were never perceived as individual clauses to be observed in isolation from each other, but as an inter-related network of a whole that made up a unified larger picture. Much like an intricate contraption of gear works that powered a majestic, giant clock tower that serves the whole town, a piece of gear wheel that sprang out of place, can render the whole clock tower non-operational.

The Master Teacher re-calibrated the first-century Jews when He walked among them, in His teaching sermon on the mount found in Matthew 5. When Jesus quoted the "You shall not murder" commandment, He went beyond the law to teach His audience the essence of that particular law, that is not to harbor hatred for a brethren (verse 21-22). When they are offering gift to God, to come with a clean heart is not just relegated to the ceremonial observance only, but also the real matter of the heart that needs to be resolved with one another (verse 23-24). Again when He taught about adultery, looking at a woman lustfully is already committing adultery in the heart (verse 27-28). Then about making oaths, that all it needs is the integrity of the words, backing up what people say with their deeds

(verse 33-37). And skipping it all, to the end, when loving neighbors really includes enemies as well, to love all unreservedly. The purpose of Jesus in teaching about the essence of the law was not to extensively go through the lists of laws, but to help people understand the true meaning and purpose behind the laws. He emphasized the importance of not just being compliant for the sake of it, but truly understanding the heart of the law and living accordingly.

Lastly, Jesus wraps it up with the command in verse 48 to strive to “be perfect, as our heavenly Father is perfect”, implying that the observance of the heart of the law as a whole point to the perfect-ness of the character and the attributes of our heavenly Father. The good news is that the law was meant to point the believers to Christ (Galatians 3:23-25), therefore later in Galatians 6:2, Paul exhorted to bear one another’s burden, and thereby fulfilling the law of Christ. Since Christ is the fulfillment of the law (Matthew 5:17), it means that today people view the law in light of Christ, study the wisdom of the law and apply its principles in light of Jesus.

Agreeing with Aquinas’ analysis is feasible at this point. Aquinas believed that the Old Law served a dual purpose. Firstly, it was given to govern the nation of Israel properly in terms of creating a just political society through judicial law and regulating worship practices through ceremonial law. Secondly, it was given to prepare the people for the arrival of Christ in a spiritual sense. According to Aquinas, the Old Law was granted to the Jewish people to make them holy in anticipation of the birth of Christ from among them (Thomas Aquinas, article 5). The Old Law is therefore incomplete because it looks forward to the arrival of Christ and is insufficient in and of itself except for the information it provides about the Messiah.

Thomas Aquinas proposed a framework for understanding different types of laws, including divine, natural, and human laws. While Aquinas sought to simplify the comprehension of the law for laypeople, which division of the law to be chosen is a complex issue. Some argue that outdated or unjust laws should be discarded, while others believe that the authority of the law comes from a higher power and cannot be disregarded. This remains a subject of ongoing debate among scholars.

Considering the principle of wisdom in the law through the lens of Christ, it becomes apparent how even outdated laws such as the gleaning law, which was explained in detail above, can aid in understanding what Christ would require of people to assist the needy. Additionally, the practical application of this principle can be observed in our occupations or businesses, and in refraining from stealing or cheating others of their rights, as represented by the law concerning the moving of boundary stones. Furthermore, the dietary laws, as well as several other seemingly miscellaneous laws, served to distinguish the Israelites from their idolatrous neighbors as a community that was called to be different and not conformed to the ways of the world, as instructed in Romans 12:2. It is through the understanding of the Old Law per se, and applying its wisdom that people can learn and imitate the character of Christ and His standard, including what satisfies Him and what His love demands in all circumstances. This, in turn, distinguishes believers from the rest of the world and enables them to glorify the Father in heaven. Jesus signs off with how He regards the law as collective wisdom and summarizes the heart of it succinctly in Matthew 22:35-40.

However, it is important to understand that the Old Testament law has been replaced by the teachings of Jesus Christ, which is the essence of the Bible. Instead of the law, believers now live based on Christ's love and forgiveness, which is known as the law of love or the law of Christ. In this context, it is important for believers to understand how the Old Testament law and the law of love can be applied wisely and appropriately in daily life. This requires a deep understanding of the teachings of Christ and a balanced understanding of how the moral and ethical principles contained in the Torah can be properly applied in modern life. It is important to correctly understand the context and principles contained therein and integrate it with Christ's teachings to live in love and forgiveness.

IV. CONCLUSION

According to Thomas Aquinas, the law was given to the Israelites by God as part of His plan to lead them to goodness and righteousness. He distinguished between the provisions of the Torah that apply universally and the provisions of the law that are specific to the Israelites at a certain time. Aquinas believed that the regulations of the law that have universal relevance are still valid in the present day, whereas the regulations that are unique to the nation of Israel were only applicable at a particular time in history and are now obsolete. Moreover, he believes that Jesus Christ strengthened the law by forbidding deeper moral truths and providing examples of living according to those moral values. Jesus Christ in his teaching did not abolish the Old Testament law but clarified and completed the meaning and purpose of the law. Aquinas saw the law as an important moral foundation in building a legal system that was just and beneficial to humans, even though some of the ritual regulations in the law are no longer relevant to today's Christians. Therefore, understanding the Old Testament law correctly requires a deep understanding of timeless moral and ethical principles, as well as applying the Old Testament law with the right attitude of the heart. This can help modern believers see the Old Testament law as a moral and ethical guideline that is relevant and applicable to everyday life.

REFERENCES

- Aquinas, St. Thomas. *The Summa Theologica*. Benziger Bros. Edition, 1947. (<https://www.ccel.org/a/aquinas/summa/home.html>).
- Balchin, John.et.al., *Intisari Alkitab Perjanjian Lama*. Jakarta: PPA, 2005.
- Casselli, Stephen J. "The Threefold Division of the Law in the Thought of Aquinas." *Westminster Theological Journal* 61:2 (Fall 1999): 175-207. https://medievalchurch.org.uk/article_aquinas_casselli.html. Accessed on November 20, 2021.
- Creech, Richard Robert. *Christology and Conflict: A Comparative Study of Two Central Themes in the Johannine*. Baylor University Proquest Dissertations Publishing, 1984.
- Kaiser, Jr., Walter C. *Toward an Old Testament Ethics*. Grand Rapids: Zondervan, 1995.
- Kloosterman, Nelson D. "The Old Testament, Ethics, and Preaching: Letting Confessional Light Dispel a Hermeneutical Shadow". *Living Waters from Ancient Springs*.

Essays in Honor of Cornelis Van Dam, Ed. Jason Van Vliet, Pickwick Publications, 2011, 186.

Leiter, Charles. The Law of Christ. Hannibal: Granted Ministries Press, 2012.

Packer, J.I., Merrill C. Tenney, William White, Jr. Ensiklopedi Fakta Alkitab. Malang: Gandum Mas, 2001.

Pilch, John J. Introducing the Cultural Context of the Old Testament. Hear the Word! Volume 1. Eugene: Wipf and Stock Publishers, 2007.

Terry, Milton Spenser and Edward D. Andrews. Biblical Hermeneutics: A Treatise on the Interpretation of the Old and New Testament. Eugene: Wipf and Stock Publishers, 1999.

Toward an Old Testament Theology. Grand Rapids: Zondervan, 1978.

Walton, John H and J. Harvey Walton. The Lost World of the Torah: Law as Covenant and Wisdom in Ancient Context. Downers Grove: IVP Academic, 2019.

Warfield, B. B. The Person and Work of Christ. Philadelphia: Presbyterian and Reformed, 1950.

Witte, John Jr. "The Three Uses of the Law: A Protestant Source of the Purposes of Criminal Punishment?" Journal of Law and Religion 10 (1994): 433-465 (with Thomas C. Arthur). Emory University. <https://www.johnwittejr.com/uploads/5/4/6/6/54662393/a32.pdf>. Accessed on November 20, 2021.

Wyat Abraham. John Calvin, Threefold Use of the Law. (<https://ca.thegospelcoalition.org/columns/detrinitate/john-calvin-the-third-use-of-the-law/>), 2021. Accessed on November 20, 2021.