

QUESTION 107

The Relation between the Old Law and the New Law

Next we have to consider the relation of the New Law to the Old Law. And on this topic there are four questions: (1) Is the New Law a law different from the Old Law? (2) Does the New Law bring the Old Law to fulfillment? (3) Is the New Law contained within the Old Law? (4) Which is the more burdensome, the New Law or the Old Law?

Article 1

Is the New Law different from the Old Law?

It seems that the New Law is not different from the Old Law:

Objection 1: Both Laws are given to those who have faith in God, since, as Hebrews 11:6 says, “Without faith it is impossible to please God.” But the faith of the ancients is the same as the faith of the moderns, as a Gloss on Matthew 21:9 says. Therefore, the Laws are the same as well.

Objection 2: In *Contra Adimantum Manichaei Discipulum* Augustine says, “Briefly put, the difference between the Law and the Gospel is fear and love.” But the New Law and the Old Law cannot be differentiated with respect to fear and love. For precepts of charity are proposed even in the Old Law. Leviticus 19:18 says, “You shall love your neighbor,” and Deuteronomy 6:5 says, “You shall love the Lord your God.” Similarly, they cannot be differentiated by the other distinction that Augustine proposes in *Contra Faustum*: “The Old Covenant made temporal promises, the New Covenant makes spiritual and eternal promises.” For even in the New Covenant certain temporal things are promised—this according to Mark 10:30 (“You will receive a hundred times as much in this present age, houses and brothers ...”). Moreover, even in the Old Covenant hope was placed in spiritual and eternal promises—this according to Hebrews 11:16, which says of the ancient fathers: “But now they desire a country, i.e., a celestial country.” Therefore, it seems that the New Law is not different from the Old Law.

Objection 3: In Romans 3:27 the Apostle seems to be distinguishing the two Laws, calling the Old Law a ‘law of works’, while calling the New Law a ‘law of faith’. But the Old Law was likewise a law of faith—this according to Hebrews 11:39, which says of the fathers of the Old Covenant: “All were approved by the testimony of faith.” Similarly, the New Law is likewise a law of works; for Matthew 5:44 says, “Do good to those who hate you,” and Luke 22:19 says, “Do this in memory of me.” Therefore, the New Law does not differ from the Old Law.

But contrary to this: In Hebrews 7:12 the Apostle says, “When the priesthood is transformed, it is necessary for a transformation of the Law to be made.” But as the Apostle proves in the same place, the priesthood of the New Law is different from the priesthood of the Old Law. Therefore, the Laws are likewise different.

I respond: As was explained above (q. 91, a. 4), all law directs human interaction in relation to some end. Now there are two ways in which things that are ordered to an end can be differentiated with respect to the notion of an end. First, they can be differentiated by the fact that they are ordered to diverse ends, and this is a difference in species, especially if the end is a proximate one. Second, they can be differentiated by their closeness to or distance from the end itself. For instance, it is clear that two movements differ in species insofar as they are ordered to different termini; on the other hand, to the extent that one part of a given movement is closer to the terminus than another part, there is a difference within the movement with respect to the perfect and the imperfect.

So, then, two laws can be differentiated in two ways.

In one way, they are differentiated in the sense of being wholly diverse, insofar as they are ordered

toward diverse ends. In the case of cities, for instance, a law that was ordered toward rule by the common people (*populus*) would be different in species from a law that was ordered toward rule by the aristocrats (*optimates*) in the city.

In the second way, two laws can be differentiated by the fact that the one of them orders things more closely to the end, while the other orders things more remotely. For instance, in one and the same city, a law imposed on grown men (*virii perfecti*), who are capable of immediately doing what contributes to the common good, is different from a law meant to teach children, who have to be instructed in how to perform the acts of men later in life.

Therefore, one should reply that, according to the first way of differentiating laws, the New Law is not different from the Old Law, since both have the same end, viz., that men should submit to God, and there is just one God for both the New Covenant and the Old Covenant—this according to Romans 3:30 (“There is one God who justifies circumcision on the basis of faith and the lack of circumcision through faith”).

According to the second way of differentiating laws, the New Law is different from the Old Law. For the Old Law is, as it were, a teacher of children, as the Apostle says in Galatians 3:24, whereas the New Law is a law of perfection, since it is a law of charity. On this score, the Apostle says in Colossians 3:14 that the New Law is a “bond of perfection.”

Reply to objection 1: The oneness of faith in both covenants attests to the oneness of the end. For it was explained above (q. 62, a. 2) that the object of the theological virtues, one of which is faith, is the ultimate end. Still, though, faith had one status in the Old Covenant and another in the New Covenant. For they believed in what was to come, we believe in what has been accomplished.

Reply to objection 2: All of the ascribed differences between the New Law and the Old Law are taken in a way corresponding to the perfect and the imperfect. For the precepts of any law are given concerning acts of virtue. But the imperfect, who do not yet have the habit of a virtue, are inclined toward doing the acts of virtue in a way different from those who have been perfected through the habit of the virtue.

Those who do not yet have the habit of a virtue are inclined toward doing the works of the virtue by some extrinsic cause, e.g., the threat of punishment or the promise of some extrinsic reward such as honor or wealth or something of this sort. And so the Old Law, which was given to the imperfect, i.e., to those who had not yet attained spiritual grace, was called a ‘law of fear’ insofar as it induced one to the observance of its precepts by threatening certain punishments. Again, it is said to contain certain temporal promises.

By contrast, those who have a virtue are inclined toward performing acts of that virtue out of love of virtue and not because of any extrinsic punishment or reward. And so the New Law, which consists principally in the spiritual grace poured into our hearts, is called a ‘law of love’. And it is said to contain spiritual and eternal promises, which are the objects of virtue, especially of charity. And thus the perfect are inclined *per se* toward those objects of virtue—not in the sense of being inclined toward something extrinsic, but in the sense of being inclined toward something that is their own.

Moreover, the reason why the Old Law is said to “restrain the hand and not the mind” is that someone who refrains from sinning out of a fear of punishment is such that his will does not abstain from sin absolutely speaking, as does the will of someone who abstains from sin out of a love of righteousness (*amore iustitiae*). And it is for this reason that the New Law, which is a law of love, is said to restrain the mind.

To be sure, there were some individuals in the status of the Old Law who, having charity and the grace of the Holy Spirit, looked toward spiritual and eternal promises. And to that extent, they belonged to the New Law. Similarly, even in the New Covenant there are some carnal men who have not yet attained the perfection of the New Law and who, even in the New Covenant, have to be induced to acts

of virtue through the fear of punishment and through certain temporal promises.

Moreover, even if the Old Law hands down precepts of charity, it is still the case that the Holy Spirit was not given *through* that Law—and, as Romans 5:5 says, it is through the Holy Spirit that “charity is diffused in our hearts.”

Reply to objection 3: As was explained above (q. 106, a. 1), the New Law is called a ‘law of faith’ insofar as it principally consists in the very grace which is given inwardly to those who have faith (*credentes*), and hence this grace is called the ‘grace of faith’. To be sure, the New Law secondarily contains certain moral and sacramental deeds, but the principal aspect of the New Law does not consist in these deeds, in the way that the principal aspect of the Old Law did consist in them.

Now someone who was acceptable to God through faith under the Old Covenant belonged in that respect to the New Covenant. For he received justification only through faith in Christ, who is the author of the New Covenant. Hence, in Hebrew 11:26 the Apostle says even of Moses that “he thought of the reproach of the Christ as greater riches than the treasures of the Egyptians.”

Article 2

Does the New Law bring the Old Law to fulfillment?

It seems that the New Law does not bring the Old Law to fulfillment:

Objection 1: *Being fulfilled (impletio)* is a contrary of *being made void (evacuatio)*. But the New Law makes void, or rules out, the observances of the Old Law; for in Galatians 5:2 the Apostle says, “If you get circumcised, Christ will profit you nothing.” Therefore, the New Law is not a fulfillment of the Old Law.

Objection 2: One contrary does not fulfill another. But in the New Law our Lord proposed certain precepts that are contrary to the precepts of the Old Law; for Matthew 5:31-33 says, “You have heard it said to the ancients, ‘Whoever dismisses his wife, let him give her a written decree of divorce.’ But I say to you, whoever divorces his wife makes her commit adultery.” And the same thing is clear with oaths, as well as with the prohibition of retaliation and with the hatred of enemies. Similarly, in Matthew 15:11 (“It is not what enters into the mouth that defiles a man ...”) our Lord also seems to have ruled out those precepts of the Old Law that have to do with the distinction among foods. Therefore, the New Law is not a fulfillment of the Old Law.

Objection 3: If anyone acts contrary to a law, he does not fulfill that law. But in certain cases Christ acted contrary to the Law. For instance, as Matthew 8:3 reports, He touched a leper—which was contrary to the Law. Again, He seems to have violated the Sabbath many times, and this is why the Jews said of Him in John 9:16, “This man is not from God, for He does not keep the Sabbath.” And so the New Law given by Christ is not a fulfillment of the Old Law.

Objection 4: As was explained above (q. 99, a. 4), the Old Law contained moral, ceremonial, and judicial precepts. But in Matthew 5, where He brought fulfillment to the Law in certain respects, he seems to make no mention of the judicial or ceremonial precepts. Therefore, it seems that the New Law does not completely fulfill the Old Law.

But contrary to this: In Matthew 5:17 our Lord says, “I have come not to destroy the Law, but to fulfill it.” And later on He adds, “Not one iota or one letter of the Law will pass away until each of them is fulfilled.”

I respond: As has been explained (a. 1), the New Law is related to the Old Law as the perfect to the imperfect. Now everything perfect supplies what the imperfect lacks. Accordingly, the New Law

brings the Old Law to fulfillment insofar as it supplies what the Old Law lacked.

Now there are two possible things to consider in the Old Law, viz., its *end* and the *precepts* contained in the Law:

As was explained above (q. 92, a. 1), the *end* of any type of law is that men should be made just and virtuous. Hence, the end of the Old Law was likewise men's becoming justified (*iustificatio hominum*). The Law was unable to accomplish this, but it prefigured it in certain ceremonial actions and promised it in words.

In this respect, the New Law brings the Old Law to fulfillment by conferring justification through the power of Christ's passion. This is what the Apostle is talking about in Romans 8:3-4: "What the Law could not do ... God, sending His own Son in the likeness of sinful flesh, has condemned sin in the flesh, in order that the justification of the Law might be fulfilled in us." In this respect, the New Law accomplishes what the Old Law had promised—this according to 2 Corinthians 1:20 ("All the promises of God are in Him," i.e., in Christ).

Again, the New Law likewise brings to completion what the Old Law was a figure of. Hence, Colossians 2:17 says of the ceremonial precepts that "they were shadows of things to come, but the body is Christ's," i.e., the reality (*veritas*) belongs to Christ. Hence, the New Law is called the 'law of reality' (*lex veritatis*), whereas the Old Law is called the 'law of shadows' or 'law of figures'.

On the other hand, Christ fulfilled the *precepts* of the Old Law both by His deeds and by His teaching.

He did this by His deeds in the sense that He willed to be circumcised and to observe all the legal regulations that were supposed to be observed at that time—this according to Galatians 4:4 ("... made under the Law").

Moreover, there were three ways in which He fulfilled the precepts of the Law by His teaching:

First, by expressing the true meaning of the Law. This is clear in the case of homicide and adultery, in the prohibition of which the Scribes and the Pharisees had understood only the prohibited exterior act. Hence, our Lord brought the Law to fulfillment by showing that interior acts of sin also fall under the prohibition.

Second, our Lord fulfilled the precepts of the Law by giving directions about how what the Law had prescribed might be more securely observed. For instance, the Old Law had prescribed that a man should not perjure himself, and this is more securely observed if he abstains from oaths altogether, except in the case of necessity.

Third, our Lord fulfilled the precepts of the Law by adding to them certain counsels of perfection, as is clear from Matthew 19:21, where our Lord, speaking to an individual who claims that he has observed the precepts of the Old Law, says, "One thing you are lacking. If you wish to be perfect, then go and sell all that you have."

Reply to objection 1: As was established above (q. 103, a. 3), the New Law does not make the observance of the Old Law void except with respect to the ceremonial precepts. But those precepts were figures of future realities. Hence, the ceremonial precepts are not to be observed any longer precisely because they have been fulfilled by the perfect things that they were figures of. For if they were observed, then something would still be signified as future and unfulfilled—just as there is no longer room for a promise of a future gift once the promise has already been fulfilled by the giving of the gift. And it is in this sense that the ceremonies of the Law are done away with when they are fulfilled.

Reply to objection 2: As Augustine explains in *Contra Faustum*, the cited precepts of our Lord are not contrary to the precepts of the Law: "For instance, what our Lord prescribed about not divorcing one's wife is not contrary to what the Law prescribed. For the Law does not say, 'If anyone wishes to, he may divorce his wife', the contrary of which would be 'Do not divorce your wife'. To the contrary, the Law did not want a wife to be divorced by her husband and proposed a delay in order that a mind bent on

divorce might desist when confronted with the writing of the bill of divorce. Hence, in order to emphasize that a wife is not to be easily divorced, He makes an exception only where the cause is fornication.”

The same thing should be said about the prohibition of oaths, as has been explained.

Again, the same thing is clear in the case of the prohibition of retaliation. For the Law set a limit to retribution by prescribing that a man should not pursue it to the point of immoderate revenge. But our Lord removed him more perfectly from immoderate revenge by warning him to refrain from retribution altogether.

Again, as regards hatred of one’s enemies, He corrected the inaccurate understanding had by the Pharisees, warning us that it is the sin, and not the person, that should be held in contempt.

And as for the distinctions concerning food, which were ceremonial, our Lord did not prescribe that these distinctions should not be observed at that very time. Rather, as has been explained (q. 102, a. 6), He showed that food is unclean not by its nature, but only figuratively.

Reply to objection 3: As was explained above (q. 102, a. 5), touching a leper was forbidden under the Law because from it a man incurred a sort of uncleanness of irregularity, as was also the case with touching the dead. But our Lord, who was a cleanser of lepers, could not incur uncleanness.

Now by the things He did on the Sabbath He did not in reality break the Sabbath. The Master Himself showed this in the Gospel, by the fact that (a) He worked miracles by divine power, which is always active in things, and also by the fact that (b) He performed works that contributed to man’s health, given that the Pharisees provided for the health even of animals on the Sabbath day; and also by the fact that (c) by reason of necessity He excused the apostles when they were collecting grain on the Sabbath.

To be sure, He did seem to break the Sabbath according to the superstitious understanding of the Sabbath had by the Pharisees, who believed that one should abstain even from health-giving works on the Sabbath—a belief that was contrary to the intention of the Law.

Reply to objection 4: The ceremonial precepts were not mentioned in Matthew 5 because, as has been explained, the observance of those precepts is entirely ruled out by their fulfillment.

As for the judicial precepts, He did mention the precept of retaliation in order that what was said about this precept should be understood to apply to all the others. In the case of this precept, He taught that the Law’s intention was not that the penalty of retaliation should be sought for the sake of vengeful spite, which He forbade, warning that a man should be ready to suffer even grave injuries. Instead, the Law’s intention was that retaliation should be sought only out of a love for justice—something that still remains under the New Law.

Article 3

Is the New Law contained within the Old Law?

It seems that the New Law is not contained within the Old Law:

Objection 1: The New Law consists principally in faith, and this is why it is called a ‘law of faith’, as is clear from Romans 3:27. But there are many things proposed for belief in the New Law which are not contained in the Old Law. Therefore, the New Law is not contained within the Old Law.

Objection 2: A certain Gloss on Matthew 5:19 (“Whoever breaks one of the least of these commandments ...”) says that the commandments of the Law are lesser, whereas the commandments in the Gospel are greater. But what is greater cannot be contained within what is lesser. Therefore, the New Law is not contained within the Old Law.

Objection 3: Anything that is contained within another is such that it is had when the latter is had. Therefore, if the New Law were contained within the Old Law, then when the Old Law was had, the New Law would be had as well. Therefore, once the Old Law was had, it was redundant for the New Law to be given again. Therefore, it is not the case that the New Law is contained within the Old Law.

But contrary to this: As Ezechiel 1:16 says, “There was a wheel within a wheel”—that is, as Gregory explains, the New Covenant was contained within the Old Covenant.

I respond: There are two ways for one thing to be contained within another. In one way, it is *actually* contained, as in the case of something that is located in a place. In the second way, it is *virtually* contained, in the way that an effect is contained within its cause, or in the way that what is complete is contained within what is incomplete, as a genus contains its species in potentiality or as a whole tree is contained within its seed.

It is in this second way that the New Law is contained within the Old Law. For, as has been explained (a. 1), the New Law is related to the Old Law as the perfect to the imperfect. Hence, Chrysostom, in commenting on Mark 4:28 (“The earth for its part brings forth fruit: first, the blade, and then the ear, and then the full ear of corn”) says, “First, He brings forth the herb in the law of nature; then He brings forth the blade in the Law of Moses; and then He brings forth the full ear of corn in the Gospel.” So, then, the New Law is in the Old Law in the way that the full ear of corn is in the blade.

Reply to objection 1: Everything that is explicitly and openly proposed for belief in the New Covenant is proposed for belief in the Old Covenant, but implicitly through figures. And it is in this sense that the New Law is contained within the Old Law even with respect to what is proposed for belief.

Reply to objection 2: It is with respect to explicit manifestation that the precepts of the New Law are said to be greater than the precepts of the Old Law. But with respect to the very substance of the precepts of the New Covenant, all of them are contained within the Old Covenant. Hence, in *Contra Faustum* Augustine says, “Almost all the things our Lord warned about or commanded when He added the phrase, ‘But I say to you’, are found in those old books as well. But because they understood homicide to be nothing other than the slaying of the human body, our Lord disclosed that every evil impulse toward harming one’s brother is to be assigned to the genus of homicide.”

It is in light of disclosures of this sort that the precepts of the New Law are said to be greater than the precepts of the Old Law. But nothing prevents the greater from being contained virtually within the lesser in the way that a tree is contained within a seed.

Reply to objection 3: That which was given implicitly had to be made explicit. And so after the Old Law was handed down, the New Law likewise had to be given.

Article 4

Is the New Law more burdensome than the Old Law?

It seems that the New Law is more burdensome (*gravior*) than the Old Law:

Objection 1: In commenting on Matthew 5:19 (“Whoever breaks one of the least of these commandments ...”) Chrysostom says, “The commandments of Moses are easy to enact: ‘You shall not kill’, ‘You shall not commit adultery’. By contrast, the commandments of Christ—i.e., ‘You shall not be angry’, ‘You shall not lust’—are very difficult to enact.” Therefore, the New Law is more burdensome than the Old Law.

Objection 2: It is easier to take advantage of earthly prosperity than to endure tribulations. But as

is clear from Deuteronomy 28, in the Old Covenant temporal prosperity followed upon the observance of the Old Law. By contrast, many adversities follow for those who observe the New Law—just as 2 Corinthians 4:6 says: “Let us show ourselves to be God’s ministers in great patience, in tribulations, in necessities, in distresses,” and so on. Therefore, the New Law is more burdensome than the Old Law.

Objection 3: What results from addition to something else seems to be more difficult. But the New Law results from addition to the Old Law. For as is clear from Matthew 5, following Augustine’s commentary, the Old Law prohibited bearing false witness (*perjurium*), whereas the New Law prohibited even the taking of oaths; the Old Law prohibited divorcing one’s wife without a written decree of divorce, whereas the New Law prohibited divorce altogether. Therefore, the New Law is more burdensome than the Old Law.

But contrary to this: Matthew 11:28 says, “Come to me all you who labor and are burdened.” In commenting on this passage, Hilary says, “He calls to Himself those who labor under the difficulties of the Law and all who are burdened with the sins of the world.” And later on, concerning the yoke of the Gospel, our Lord adds: “My yoke is easy and my burden is light.” Therefore, the New Law is a lighter burden than the Old Law.

I respond: It is with respect to works of virtue that precepts of law are given, and there are two types of difficulty that can attend works of virtue.

One sort of difficulty involves the *exterior works*, which are in a way difficult and burdensome in their own right. On this score, the Old Law is much more burdensome than the New Law, since the Old Law obligated one to many more exterior actions in the many ceremonies than does the New Law, which in the teaching of Christ and the apostles adds very little beyond the precepts of the law of nature—even though afterwards some additional things were instituted by the holy Fathers. Even with respect to these additions, Augustine says that moderation should be observed in order that the way of life of the faithful not be rendered onerous. For in *Ad Inquisitiones Januarii* he says of certain individuals, “Our religion, which God’s mercy wanted to be free, with very clear and very few sacramental celebrations, these people load up with servile burdens, to such an extent that the situation of the Jews is more tolerable, since they were subject to the sacraments of the Law and not to human presumption.”

The second sort of difficulty involves the works of virtue in *interior acts*, i.e., that one should perform a virtuous work promptly and with pleasure. And in this respect virtue is difficult, since for someone who does not have a virtue it is very difficult; however, it is made easy by the virtue. On this score, the precepts of the New Law are more burdensome than the precepts of the Old Law, since in the New Law there are prohibitions against interior movements of the mind that were not explicitly prohibited in the Old Law. (Even if they were prohibited in some cases, there was no penalty attached to what was prohibited.) But this is extremely difficult for one who does not have a virtue; hence, in *Ethics* 5 the Philosopher says that it is easy to do the things that the just man does, but to do them in the way in which the just man does them, viz., with pleasure and promptly, is difficult for one who is not just. So, too, 1 John 5:3 says, “His commandments are not burdensome”—which Augustine comments on by saying that they are not burdensome for one who has love, but that they are burdensome for one who does not have love.

Reply to objection 1: The passage in question is expressly talking about the difficulty of the New Law with respect to the explicit constraint on interior movements.

Reply to objection 2: The adversities suffered by those who observe the New Law are not imposed by the Law itself. However, it is because of love, which the New Law consists in, that they are borne easily. For as Augustine says in *De Verbis Domini*, “Love renders easy and almost null all the things that are harsh and frightful.”

Reply to objection 3: As Augustine says, the additions to the precepts of the Old Law are ordered

toward making what the Old Law commanded easier to fulfill. And so the objection shows not that the New Law is more burdensome, but rather that it is easier.